



**CITY COUNCIL**  
**City of McLendon-Chisholm, Texas**  
**May 13, 2017**  
**Minutes**

City Council Present:	Robert Steinhagen	Mayor
	Adriene Balkum	Council Member
	James Herren	Council Member
	Wayne Orchard	Mayor Pro Tem
	Patrick Short	Council Member
	Scott Turnbull	Council Member
City Council Absent:	Gary Lovell	Council Member
Staff Present:	David Butler	City Administrator
	Stephanie Galanides	City Secretary
	David Paschall	City Attorney

Mayor Steinhagen called the meeting to order at 9:00 a.m. The Mayor affirmed that a super majority of the City Council was in attendance as required for a special meeting. Pastor Joe McCormick delivered the invocation. Council Member Orchard led recitals of the Pledges of Allegiance to the United States and Texas flags.

#### **CITIZENS COMMENTS**

Several residents of the Chisholm Crossing Phase IV addition expressed concerns regarding a zoning change application by Altura to change the zoning from A (Agricultural) to O-1 (Office District) on a 3-acre parcel situated at the southwest corner of the intersection of FM 550 and Cattle Barron Drive. It was noted that the application was withdrawn. Concerns included promises by the developer that the subject area would remain green space, perceived deception by the developer, flood plain considerations, consistency with Comprehensive Plan and preservation of the neighborhood. The residents who provided input were:

- Jim Boelens, 509 Highwater Crossing;
- Sim Woodham, 502 Highwater Crossing;
- Thomas Wayne, 511 Highwater Crossing;
- Richard Rogers, 504 Highwater Crossing; and
- Bill McGrath, 506 Highwater Crossing.

Bev Stibbens, 279 Partridge Drive expressed appreciation to outgoing Council Members Gary Lovell and Patrick Short and congratulations to newly elected Council Members Adrienne Balkum, Jim Herren and Scott Turnbull. Stibbens provided background regarding past Citizen of the Year bestowals and stated that she was gratified to see that the Citizen of the Year Plaque was now hanging in the City Hall entry hall.

Robert Jones, Chief of the McLendon-Chisholm Volunteer Fire Department expressed concerns regarding the impact of future Texas Department of Transportation (TxDOT) plans to expand State Highway 205 on the Fire Department building; appreciation that the Citizen of the Year plaque was hanging in the entry hall; concern about rumors regarding possible negotiations pertaining to the City's extraterritorial jurisdiction (ETJ). Jones expressed his opinion that giving up ETJ would not save money and suggested that the City consider negotiating with developers rather than giving up ETJ.

The Mayor stated that rumors pertaining to the City's ETJ were untrue and that the issue would be addressed later in the meeting.

### **Issuance of Oath of Office to newly elected Council Members.**

Judge Mark Russo, Justice of the Peace for Precinct 3, issued the Oath of Office to Adrienne Balkum, Council Member Place 1, Scott Turnbull, Council Member Place 3 and Jim Herren Council Member Place 5. Council Member Orchard delivered a prayer of encouragement and support for the newly elected Council Members.

### **Recognition of Outgoing Council Member Patrick Short.**

The Mayor expressed appreciation to Council Member Patrick Short and presented him with a plaque commemorating his service to the City. Short expressed appreciation to his predecessor Jerry Moss and his widow, Judy Moss, to citizens, Council and staff, to Chief Jones and the McLendon-Chisholm Volunteer Fire Department, and to prior and current Council Members. Short stated that questions and debate, sometime fervent, of issues over the past year had been healthy and fair. He expressed sadness that some in the community refuse to listen to one another and to work together. Short encouraged Council and citizens to debate issues, to give each other the benefit of the doubt and to believe in one another. Short expressed confidence in the Mayor and Council Members and closed with the "Confederate Soldier's Prayer" attributed to an anonymous battle-weary soldier. Short was honored with a standing ovation.

Mayor Steinhagen called for a recess at 9:57 a.m. and reconvened the meeting at 10:17 a.m.

### **Election of Mayor Pro Tem: Receive nominations and vote.**

Herren nominated Orchard to be Mayor Pro Tem. Orchard accepted the nomination. There were no other nominations. Orchard was elected as Mayor Pro Tem by unanimous consent.

### **Procedural Discussion and Action.**

#### **Timing of current Special Meeting vs. May 9 Regular Meeting and May 16 Special Meeting.**

Mayor Steinhagen stated that State law requires that newly elected Council Member cannot take their seats on the Council prior to 5 days after the Election. A special meeting during which the election would have been canvassed, and oaths of office would have been administered, was scheduled for May 16. Steinhagen stated that after it was realized that there would not be a super majority (4 Council Members) as required by State law on May 16, the special meeting was rescheduled to Saturday, May 13.

#### **Rules of decorum**

Mayor Steinhagen welcomed attendees and reviewed rules of decorum for how he governs meetings, which are included in their entirety:

*On behalf of the Council, I'd like to acknowledge and officially welcome the citizens who are present, both here and online via Facebook live. I'd like to remind citizens that all meetings of the city council are public and anyone may record these sessions. The city has no right to inhibit recording and may only require that it be done in a manner that does not impede the meeting or unnecessarily distract other citizens from observing the proceedings. Therefore, if you would like to record, we would ask that you do so from the back of the meeting chamber.*

*For the benefit of all citizens present, some who may be new, and to help ensure that this morning's meeting, as well as all others, stay as uneventful as possible, I would like to review some of the rules & decorum.*

*It is first important to note that Council Meetings are meetings of the City Council. Except when meeting in Executive Session, all Council meetings are open to citizens of the City. Citizens who attend are not entitled*

*to participate in the deliberation and discussion of the Council and will only be allowed to do so if recognized by the presiding officer during the course of the meeting.*

*This meeting is governed by Roberts Rules of Order [RRO] and as such, there is decorum of order to the meeting. All matters that are before the Council will be addressed in order according to the meeting agenda and RRO.*

*Action on any matter that is not included in the agenda cannot, by rule, be taken by the Council at this meeting.*

*This Council serves as representatives of, not trustees for, you the citizens of McLendon-Chisholm. We recognize that your presence here this morning demonstrates a desire to stay informed and involved in the activities, proceedings, and decisions that we make.*

*Because of this, the Council may desire to invite the citizens present to engage with us as we consider the many issues that are before us. Therefore, there may be times during a meeting where we may suspend the rules during discussion and deliberation to accommodate your involvement.*

*It is important to understand that whenever the Council moves to suspend the rules to allow discussion and involvement by those present, the discussion must stay focused on the topic at hand and decorum is still in effect.*

*As a point of order, please wait to be recognized by the presiding officer before commenting. When you are first recognized, please, for the benefit of our secretary and other citizens present, state your first and last name and your street address before speaking. From then on you may simply state your name after being recognized to speak.*

*When someone is recognized, they have what is known as “the floor.” With the exception of the presiding officer, interjecting while someone else has the floor and without being recognized, is considered to be “out of order,” and the Chair will address such actions promptly.*

*Decorum dictates, and I will request that everyone present be respectful of the opinions, statements, and actions of the Council and other citizens who are present, especially when you may not agree with, or take exception to, the words or actions of others.*

*I will also ask that when speaking, you always address the Mayor, and not direct your comments to or toward another person in the room, even when you wish to speak to something that a particular citizen or council member may have said. You can do this by saying, “Mr. Mayor, I wish to challenge a point that Councilman Smith has made regarding...”*

*Because this is a meeting of the Council, only the Council may present motions. Therefore, a citizen who makes a motion of any kind is considered to be “out of order.”*

*However, if you believe that an action or ruling of the Chair is out of order, I will entertain your point of order, so long as it does not unduly disrupt the proceedings. I will also entertain points of information from those present, which are essentially clarifying questions to better understand the issues being addressed. Rules of decorum are still in effect, and while both a point of order and point of information are interruptible motions, I would ask that you wait to be recognized by stepping up to the podium and waiting. Remember, that is for points of order or points of information, ONLY. As stated previously, the only other time that a citizen will be recognized is when the council has agreed to suspend the rules.*

*While this meeting may be governed by RRO, the Chair recognizes that the vast majority of citizens and even Council are vaguely familiar with the structure. While the Chair will not be slave to the rigors of the rules regarding motions and Council discussion, anyone who interjects while another person has the floor, will be called out of order by me, which is your cue to wait to be recognized. The Chair will assist in the proper procedure as we go along to ensure that the actions of the Council are consistent with the rules.*

*The greatest benefit of using RRO is that it slows down discussion and debate. This forces both sides of an issue to listen to other supporting or opposing points of view.*

*Respecting decorum mitigates disagreements from escalating into arguments or worse. It can also help us to bring clarity to a point of view, rather than rushing to judge the motives of others.*

*As with any open meeting, all citizens present have the right to attend, but no citizen has the right to disrupt the proceedings. The Chair will make every effort to respectfully address anyone who violates decorum by moving or speaking out of order.*

*Should anyone continue to disregard the admonitions of the Chair to comply with decorum, that citizen will be asked to leave the proceedings, in accordance with Texas State law regarding open meetings by a governing body.*

*Adhering to rules of decorum is less about showing respect to the Council, but more about demonstrating respect for oneself and to all our citizens.*

*Also, for the sake of moving meetings along, where there is a motion on the table and the council is ready for the question and it is clear to the Chair that the vote will be unanimous, I will simply say, the motion passes by unanimous consent without objection. If the chair is incorrect in the impression of unanimous consent, then all a member must do is say, "I object," and we will immediately go to a formal vote.*

**Set date for next meeting (Regular or Special).**

There was discussion to set Thursday, May 25 at 6:30 p.m. as the date for the next special meeting.

**Discussion and action regarding the Minutes of April 25, 2017.**

**MOTION: APPROVE THE MINUTES OF APRIL 25, 2017 AS REVISED ON PAGE 1 TO CORRECT TURNBULL'S ADDRESS.**

MOTION MADE: TURNBULL  
SECONDED: HERREN  
APPROVED: UNANIMOUS (Vacant: Place 4)

**Discussion and potential action regarding vacancy in City Council Place 4 position:**

There was discussion regarding options pertaining to the vacancy in Place 4 on the City Council that included: 1.) Appointing a person to fill the vacancy; 2.) Ordering a Special Election to be held on Tuesday, November 7, 2017; and 3.) Leaving the seat vacant until the May 2018 General Election.

**MOTION: TAKE NO ACTION AND LEAVE THE COUNCIL MEMBER PLACE 4 SEAT ON THE CITY COUNCIL VACANT UNTIL THE MAY 5, 2018 GENERAL ELECTION.**

MOTION MADE: ORCHARD  
SECONDED: TURNBULL

Discussion regarding the options continued. Turnbull voiced opposition to appointing. Herren suggested that action be deferred in order to provide opportunity to receive citizen input. Steinhagen suggested Joe McCormick as a suitable appointee. Balkum stated that she would like to see applications and resumes of individuals who want to be considered for appointment.

MOTION WITHDRAWN by Orchard without objection.

The Mayor postponed the item to the next meeting without objection.

**Discussion and action regarding Budget Calendar for Fiscal Year 2017-2018.**

A special meeting for a budget work session was scheduled for Tuesday, June 7 at 6:30 p.m.

**Discussion and potential action to establish goals, assign directives, form ad hoc committees, schedule Workshops, Special Meetings and/or time during Regular Meetings to review and make recommendations for the following:**

- a) Zoning Ordinances and Comprehensive Plan,
- b) Code of Ordinances,

- c) Extraterritorial Jurisdiction (ETJ),
- d) City Hall,
- e) Communications.

It was clarified that subcommittees should be limited to either two Council Members or to the Mayor and one Council Member. The Mayor suggested a joint work session(s) with the Planning and Zoning Commission to review zoning and subdivision ordinances and the Comprehensive Plan. Steinhagen and Turnbull will work on City Hall issues. Steinhagen recommended that he and Balkum lead communications strategies and plans, however Turnbull stated his interest in being part of a communications subcommittee; Steinhagen postponed the decision to the next meeting.

Special meetings will be scheduled regarding 1.) Zoning regulations and the Comprehensive Plan, 2.) the Code of Ordinances, 3.) Extraterritorial jurisdiction and 4.) Communications. Council members were asked to check their schedule and communicate with the City Secretary regarding availability for specific purpose special meetings.

**Report regarding Rockwall County Emergency Services Corporation:**

Steinhagen and City Administrator Dave Butler provided an oral report regarding the April 26 meeting of the Rockwall County Emergency Services Corporation Board [ESCB], during which there was a vote to authorize contract negotiations with Rockwall County EMS. Steinhagen stated that despite a more than two-year process to comprehensively review companies, the vote came on the very first meeting that he ever attended, as he was appointed to the Board the night before the ESCB meeting, which put him at a dramatic disadvantage to make an informed vote on the matter, which is why he did not feel that he could vote against the majority decision, which ended up being unanimous. *Depending on population, each city inside the county gets one or two voting seats (M-C gets one seat) on the ESCB, and those seats are essentially filled by Mayors.*

**Discussion and action regarding Appointment of Representative to Rockwall County Planning Consortium.**

Orchard nominated Jim Herren to serve as the City's Representative to the Rockwall County Road Consortium. Herren accepted the nomination. There were no other nominations. The nomination was approved by unanimous consent.

The Mayor called for a recess at 11:25 a.m. and reconvened the meeting at 11:40 a.m.

**Planning and Zoning Commission discussion and potential action items:**

**a) Compliance agreement for members.**

There was discussion regarding drafting a compliance agreement for Planning and Zoning Commission (Commission) members to ensure support of the City's Comprehensive Plan and development standards and specifically of the City's minimum lot size requirements.

**MOTION: DEVELOP A COMPLIANCE AGREEMENT FOR PLANNING AND ZONING COMMISSION MEMBERS.**

MOTION MADE:       TURNBULL  
SECONDED:            ORCHARD

Turnbull stated that the agreement should explain the commission's authority and the guidelines they are required to follow. The city attorney will draft the agreement.

APPROVED BY UNANIMOUS CONSENT.

**b) Receive and vote on nominations to appoint a person or persons to fill vacancy/vacancies.**

The Mayor opened the floor for nominations to fill the vacancy on the Commission created by Turnbull's election to City Council. Turnbull nominated Sim Woodham. Balkum nominated Florencia Wilkinson. There was discussion regarding the nominations. It was noted that the longest tenured alternate, Robert Rohde would become a regular member and the new appointee would be an alternate. The Mayor called for votes on the nominees.

Sim Woodham: Turnbull  
Florencia Wilkinson: Balkum, Herren, Orchard

Florencia Wilkinson was appointed as an alternate to the Commission for an unexpired term that expires in January 2018.

**c) Proposed change to the annual scheduling of appointments.**

**d) Proposed change to the procedure of appointments.**

Steinhagen recommended that appointments to the Board of Adjustment and the Planning and Zoning commission be made in June rather than January. Steinhagen also recommended that each Council Member be authorized to nominate one member to the Commission, subject to approval by the Council. There was discussion regarding the recommendations. City Planner Mike Coker stated that the practices recommended by the Mayor were common among North Texas cities. There was discussion regarding the two proposed revisions to appointment procedures. The consensus of the Council was in support of making appointments in June after the General Elections.

**MOTION: APPROVE ORDINANCE 2017-06 AMENDING THE CITY'S ZONING ORDINANCE, ORDINANCE 2007-10, AS HERETOFORE AMENDED, BY AMENDING SUBSECTION 3 OF SECTION 1-5, "PLANNING AND ZONING COMMISSION," OF ARTICLE 1, "GENERAL PROVISIONS," OF EXHIBIT A OF THE ZONING ORDINANCE, RELATING TO APPOINTING AND COMMENCEMENT OF TERMS OF MEMBERS AND ALTERNATE MEMBERS OF THE COMMISSION AND SPECIFYING THE DATES OF TERMS BEGINS JULY 1 OF EACH YEAR.**

MOTION MADE: HERREN

SECONDED: TURNBULL

APPROVED BY UNANIMOUS CONSENT. (Vacant: Place 4)

Orchard and Turnbull expressed opinions that committee review of Board and Commission applicants was effective. Steinhagen expressed reservations regarding committee review and stated that he preferred nomination by each Council Member. Further discussion and action regarding the method of appointment was postponed to a future meeting.

**e) Meeting notification for Council and citizens who opted-in.**

The Mayor asked the Communications subcommittee to work on the method of citizen notifications. No action was taken by the Council.

**Discussion regarding upcoming Board of Adjustment and Planning and Zoning meetings.**

The Mayor reported that the Board of Adjustment was scheduled to meet on Monday, May 15 at 7:00 p.m. Steinhagen reported further that the zoning change request pertaining to a 3-acre parcel situated at the southwest corner of the intersection of FM 550 and Cattle Barron Drive previously scheduled for consideration at the June 1 meeting was withdrawn.

There was discussion regarding scheduling a joint work session with the Planning and Zoning Commission. The consensus was that the joint work session with the Commission should be after the next round of appointments.

**Discussion regarding upcoming "State of the City Address."**

The Mayor stated that he planned to issue a state of the City address within the next month or so.

### **Discussion and action regarding Citizen Survey 2017.**

There was discussion regarding drafting a citizen survey for distribution by August 1, 2017. Council Members were asked to submit questions they would like to see included on the survey.

### **EXECUTIVE SESSION**

The Mayor recessed the meeting to go into Executive Session (Closed Meeting) in accordance with §551.071: Consultation with Attorney, to conduct a private consultation with the City Attorney to seek advice about pending or contemplated litigation or on a matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act at 12:42 p.m. Steinhagen reconvened the meeting at 1:31 p.m. and stated that no action was taken in executive session.

### **Discussion and action regarding Resolution authorizing the Mayor to enter into negotiations with representatives of the City of Rockwall to amend existing boundary agreements or otherwise make boundary agreements for the purpose of establishing a new, common boundary.**

**MOTION: APPROVE RESOLUTION 2017-15R AUTHORIZING THE MAYOR TO ENTER INTO NEGOTIATIONS WITH REPRESENTATIVES OF THE CITY OF ROCKWALL TO AMEND EXISTING BOUNDARY AGREEMENTS OR OTHERWISE MAKE BOUNDARY AGREEMENTS FOR THE PURPOSE OF ESTABLISHING A NEW, COMMON BOUNDARY.**

MOTION MADE: ORCHARD  
SECONDED: TURNBULL

There was discussion regarding the motion. Council Members affirmed that the goal of negotiations was to preserve the rural lifestyle valued by the City's residents. It was noted that there were rumors with vastly inaccurate information being spread. The Council will work to disseminate accurate information to dispel inaccuracies being circulated.

VOTE ON THE MOTION:

FOR: BALKUM, HERREN, ORCHARD, TURNBULL  
OPPOSED: NONE  
APPROVED: UNANIMOUS (Vacant: Place 4)

### **Discussion and action regarding landscape of city hall (meeting to proceed outside and around the grounds of the city hall building).**

The meeting was moved outside and moved around the exterior of the building to review landscaping of City Hall. The Mayor highlighted the fact that the city invested \$61 thousand of taxpayer funds, which were spent in ways that were completely unnecessary and frivolous, highlighting the landscaping that was installed on all sides of the trash enclosure, when just one side was in view as well as the landscaping in the back of the building out of view from the public. He also focused on the inattention and encroachment and overgrowth of weeds that have destroyed some of the plant material and ruined the look of what was planted, where the mulch that was applied does not appear to have been sufficient not was any added to it, recommending that plant material that can be transplanted from areas out of view be moved to the front and that sod be planted in those out of sight areas. The Mayor calls the landscaping that was installed a boondoggle that the Council must now maintain to preserve the investment, highlighting that the focus of the landscaping was on installation and not long-term maintenance, which demonstrates the short-sighted nature of the city hall building in general, which he feels came at a cost that far exceeds what was reasonable. The mayor also pointed out four dead trees that the City Administrator says he had notified the general contractor well in advance of the one year warranty expiration, which

**Discussion and action regarding Resolution Providing for Authorized Signatories to the City's Accounts with Alliance Bank, Wilmington Trust, TexPool and Logic.**

**MOTION: APPROVE RESOLUTION 2017-14R PROVIDING THAT MAYOR STEINHAGEN, COUNCIL MEMBER BALKUM, COUNCIL MEMBER TURNBULL, CITY ADMINISTRATOR DAVID BUTLER AND CITY SECRETARY STEPHANIE GALANIDES BE DESIGNATED AS AUTHORIZED SIGNATORIES TO THE CITY'S ACCOUNTS WITH ALLIANCE BANK, WILMINGTON TRUST, TEXPOOL AND LOGIC.**

MOTION MADE: ORCHARD  
SECONDED: HERREN  
APPROVED BY UNANIMOUS CONSENT (Vacant: Place 4)

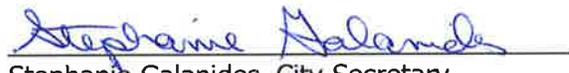
**MOTION: ADJOURN THE MEETING (1:59 P.M.).**

MOTION MADE: BALKUM  
SECONDED: ORCHARD  
APPROVED BY UNANIMOUS CONSENT (Vacant: Place 4)

APPROVED:

  
Robert Steinhagen, Mayor

ATTEST:

  
Stephanie Galanides, City Secretary

