



CITY COUNCIL
City of McLendon-Chisholm, Texas
Meeting Minutes
February 27, 2018

The City Council of the City of McLendon-Chisholm convened in Regular Session on Tuesday, February 27, 2018, at City Hall, 1371 West FM 550, McLendon-Chisholm, Texas, with the following members present:

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| Robert Steinhagen | Mayor |
| Adrienne Balkum | Council Member |
| James Herren | Council Member |
| Wayne Orchard | Mayor Pro Tem |
| Sim Woodham | Council Member |
| Scott Turnbull | Council Member |

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| Staff Present: | David Butler | City Administrator |
| | Lisa Palomba | City Secretary |

1. Mayor Steinhagen called the meeting to order at 6:36 p.m.
2. Mayor Steinhagen delivered the Invocation and then led the Pledge of Allegiance to the U.S. and Texas Flags.
3. Steinhagen read the Rules of Decorum and remarked they are to be observed throughout the meeting.
4. Citizens Comments. The following citizens spoke:

Larry Reynolds, 851 S. SH 205, commented that he appreciates Council's recent efforts for improved communications with citizens including email and coffee chats; traffic on SH 205; widening plans for SH 205; need for safe zones for left turns rather than medians and remarked he has been rear ended three times on SH 205.

5. State of the City Address. Mayor Steinhagen announced this item is postponed to a future meeting.

6. March Madness Award. Mayor Steinhagen awarded Joselito Baulista the March Madness Award for 2017. Steinhagen remarked that Baulista is an honor student and attends Cain Middle School; enrolled in Pre-AP classes; Avid Program; plays football and baseball; and is a member of the National Honor Society. Steinhagen further noted that participation in March Madness is a great community event and encouraged McLendon-Chisholm citizens to participate in 2018.

7. City Audited Financial Statements. Kyle Caperton, CPA representing Murray, Paschall & Caperton, P.C. delivered the FY 2016-2017 Audited Financial Statements. Caperton noted that he met last week with Council Member Turnbull and Ray Smith, the City's CPA, and reviewed the City's Audit findings. Caperton highlighted items including: current assets; long-term debt; liabilities; revenue sources; expenses; infrastructure; public safety and utilities.

8. Sonoma Verde Public Improvement District (PID) Audited Financial Statements. Kyle Caperton, CPA representing Murray, Paschall & Caperton, P.C. delivered the FY 2016-2017 Sonoma Verde Audited Financial Statements. Caperton highlighted items including: assessment fees; debt payments; balance sheet; income statements; PID assets transferred to the City; and noted each phase of development will have dedicated reserves. Abdi Yassin representing MuniCap also spoke regarding the PID Audit. Yassin discussed assessment fees and maintenance and operation assessment and possible adjustments.

Brief discussion was held among Council Members regarding the City and Sonoma Verde Audited Financial Statements. Turnbull noted that since some assets have been transferred to the City, the expectation is that reserve funds collected for future improvements for those same assets will also be transferred to City accounts. **Turnbull, seconded by Orchard, moved to accept both the City and Sonoma Verde PID FY 2016-2017 Audited Financial Statements. The motion carried by unanimous consent.**

Mayor Steinhagen recessed the meeting at 7:26 p.m.

The meeting reconvened at 7:37 p.m.

9. Frontier Trail. Council Member Balkum presented information and addressed ongoing complaints from residents regarding deteriorating road conditions on Frontier Trail. Balkum asked Frontier residents present this evening how they learned of tonight's meeting. Most indicated they were notified of the meeting by the letter they received from the City. Balkum stressed that as a Council Member, she recognizes the need for improvements on Frontier Trail and that she is listening to residents and hopes tonight's meeting will help bring Frontier residents together to find a solution for road repairs. Balkum's presentation addressed the following: why the City has not repaired Frontier Trail; options to reactivate an HOA to resolve private road repair; alternate mail solutions such as a cluster mail boxes or informed delivery; deed restrictions; trash service complaints; forming a public improvement district; forming an ad hoc committee; Kentwood case study; Transportation Code requirements; consequences of failure to repair the road including emergency and safety concerns, impact on property values and health and welfare concerns. The following citizens spoke regarding the matter:

Linda Alexander, 900 Frontier Trail, commented regarding she is a 24-year resident and she was informed the street would be a public street when they purchased the property.

Balkum mentioned the HOA reference in the deed restrictions noting an assessment should have been collected over the years for road maintenance. Steinhagen referenced his own HOA and powers granted by property owners. Balkum further commented regarding the original developers and noted that two out of three are confirmed deceased. The status of the third developer is unknown. Benefits of Frontier Trail residents consulting with an attorney was briefly discussed.

Emmanuel Arias, 681 Frontier Trail, discussed the City's growing pains; road did not have proper drainage; poor soil quality; the road should be designed properly and not fixed with a temporary solution.

Adrian Stefan, 941 Frontier Trail, commented regarding he just finished building his home; friends can't visit; four children in school and concerns regarding transportation to school; costs of maintaining vehicles due to road issues; does not like HOAs but would consider forming to repair the road. The audience was asked if anyone is opposed to forming an HOA. No one responded negatively. Additional discussion included the City Hall community room is available as a meeting space; banks may be able to loan funds to an HOA for road repair; home values would improve once repairs complete; service providers; and possible contractors.

Gary Nickel, 612 Kentwood Drive, current President of Kentwood HOA, commented that his neighborhood received bids from three contractors for road repair to his neighborhood streets. Nickel shared insightful information on Kensington's experience of repairing 3,000 plus feet of road. Balkum noted that Kentwood information is in the packet provided to Frontier residents. Nickel gave many pros and cons regarding repairing the private road and discussed finances and shared some lessons learned.

Letitia Sorensen, 1061 Frontier Trail, commented regarding road conditions and concern over who is the responsible party for repairs.

Lee Nichols, 700 Frontier Trail, provided history including Planning and Zoning Commission was started due to this development and need for a mechanism to make people pay for needed repairs. Nichols also discussed permits and engineering inspection standards.

Gary Nickel, 612 Kentwood Drive, discussed soil conditions and road cracking after just one year and the likely need for an ongoing assessment for repairs.

Jesse Cuellor, 641 Frontier Trail, commented regarding traffic from Sonoma Verde Phase II possibly impacting the road.

Emanuel Arias, 681 Frontier, additionally discussed once the HOA is established it may need to be maintained longer than the time required for the initial road repair to address future maintenance issues to avoid this situation again.

Steinhagen suggested the neighborhood may want to appoint a point person to coordinate efforts among residents.

Melody Osorio, 651 Frontier, commented that Frontier Meadows includes one-half of League Road.

Council moved to Item 15.

15. Executive Session – Mayor Steinhagen recessed into Executive Session (Closed Meeting) at 8:38 p.m. in accordance with Government Code:

a. Section 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, regarding Communications Tower Group LLC v. City of McLendon-Chisholm, et al and City of McLendon-Chisholm Board of Adjustment, Case No. 3:17-cv-02658-B, N.D. Tex.

b. Section 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, regarding fire protection services and related matters.

c Section 551.074: Personnel Matters, to deliberate the appointment, employment, evaluation, reassignment and duties of a public officer or employee: City Administrator and City Secretary/Administrative Assistant.

16. The Regular Meeting reconvened at 10:10 p.m.

17. Steinhagen announced that no action was taken in Executive Session.

Steinhagen moved to Item 10.

10. Resolution Approving a Letter of Intent with MCVFD. Mayor Pro Tem Orchard moved to approve Resolution No. 2018-06 approving a Letter of Intent between the City and McLendon-Chisholm Volunteer Fire Department regarding fire protection services. Turnbull provided a second to the motion. A friendly amendment was offered authorizing negotiations. Mayor Pro Tem Orchard indicated this would allow a transition from a volunteer fire department to a municipal fire department to begin immediately. There were no objections to the amendment. A vote was cast and the motion carried unanimously.

11. Resolution authorizing actions for establishing City of McLendon-Chisholm Fire Department. Turnbull, seconded by Orchard, moved to approve Resolution No. 2018-07 authorizing actions for establishing City of McLendon-Chisholm Fire

Department and to take any necessary actions and approve all filings necessary for establishing a City owned and operation McLendon-Chisholm Fire Department to be regulated by the Texas Commission on Fire Protection. A vote was cast and the motion carried unanimously.

12. Council Member Reports and Announcements

a. Mayor's Report and Announcements. Mayor Steinhagen provided a summary of his State of the City address remarks made recently at the Rockwall Chamber of Commerce Luncheon and noted he would be providing a State of the City address and presenting survey data at an upcoming meeting. Steinhagen further remarked his fellow McLendon-Chisholm Council Members are extraordinary people who provide meaningful presentations well thought and organized. He also noted Council Member Woodham is not running for election but has been a great asset to Council.

b. Mayor Pro Tem Orchard – Fire Protection Services. No additional comments.

c. Council Member Turnbull – Budget, Finance and Investment. No comments provided.

d. Council Member Herren – Roads and Transportation. Council Member Herren provided a brief update regarding the latest Roads Consortium update.

e. Council Member Woodham – Code of Ordinance Update. Council Member Woodham provided a brief update regarding Kirk Franklin has finished his legal review of the Code of Ordinances and has made recommendations for updates. Palomba suggested the City Planner and City Engineer also provide comments regarding updates related to technical characteristics of zoning, subdivision and engineering updates needed and suggested it may be time to consider updating the Building Codes. Palomba will develop a timeline for adoption of 2015 Building Codes as well as coordinate efforts with the City Engineer and City Planner for technical review of the Code of Ordinances related to their individual areas of expertise.

f. Council Member Balkum – Communications and Community Engagement. Council Member Balkum mentioned no new Coffee Chats scheduled at this time. She also mentioned upcoming social media policy as a discussion and action item and the possibility of hosting a business networking brunch event. Appointments will be made to the Emergency Services Citizen Committee at the next meeting.

13. Reports

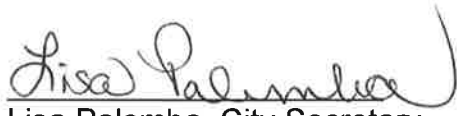
- a. Financial Reports for January 2018
- b. Building Official Report for January 2018
- c. Rockwall County Sherriff Activity for January 2018
- d. McLendon-Chisholm Volunteer Fire Department and EMS Activity for January 2018

No comments were made regarding provided reposts.

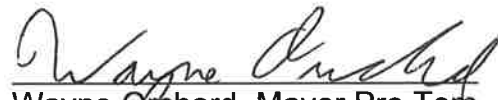
14. Approval of Minutes – Steinhagen noted typos on January 23, 2018 Minutes. Palomba acknowledged the typos and indicated she would correct. **Orchard, seconded by Turnbull, moved to approve Minutes from the January 23 and February 13, 2018 Regular City Council Meeting Minutes and February 22, 2018 Special City Council Meeting Minutes. The motion carried by unanimous consent.**

18. Council Member Turnbull, seconded by Mayor Pro Tem Orchard, moved to adjourn the meeting. The motion was approved by unanimous consent. The meeting adjourned at 10:30 p.m.

ATTEST:


Lisa Palomba, City Secretary

APPROVED:


Wayne Orchard, Mayor Pro Tem

