



**CITY COUNCIL**  
**City of McLendon-Chisholm, Texas**  
**Meeting Minutes**  
**June 5, 2018**

The City Council of the City of McLendon-Chisholm convened in Regular Session on Tuesday, June 5, 2018, at City Hall, 1371 West FM 550, McLendon-Chisholm, Texas, with the following members present:

Keith Short	Mayor
Adrienne Balkum	Council Member
Herman Larkin	Council Member
Scott Turnbull	Mayor Pro Tem
Jim Bloom	Council Member
James Herren	Council Member

Staff Present:	David Butler	City Administrator
	Lisa Palomba	City Secretary
	David Paschal	City Attorney
	Jim Simmons	Fire Chief

1. Mayor Short called the meeting to order at 6:33 p.m.
2. Council Member Herren delivered the Invocation and led the Pledge of Allegiance to the U.S. and Texas Flags.
3. Mayor Short announced the Rules of Decorum are in place and are to be observed throughout the meeting.
4. Citizen Comments. Mayor Short asked citizens interested in commenting on fire protection to please hold their comments until later in the meeting. Council Member Herren commented regarding the Code of Conduct does not allow contracted employees to address Council in uniform. Brief discussion was held regarding whether the Code of Conduct applies to MCVFD members as a contract is not currently in place. Mayor Short indicated the Code of Conduct does not apply to MCVFD at this time. The following Citizens spoke:

Chief Patrick Murphy, 1257 Livorno Lane, read a brief statement and indicated MCVFD is ready to reopen negotiations and enter into an agreement to join the City.

Robert Quinn, 1401 Corrada Drive, commented on the following: provided a quote from Joseph Goebbels, "A lie told once remains a lie but a lie told twice becomes truth"; do not act as Goebbels did; May election consequences; City must provide mutual aid if the City receives mutual aid; higher insurance renewals; could not find firefighter applications on City or other websites; questioned the City's hiring practices; fire protection items should be on the ballot; return to limited government; and Council Members should not have blogs on the website.

Jody Wright, 1513 Barrolo Drive, commented regarding Director of Communications position should not be elected official; website management; provided information regarding how neighboring cities manage their websites.

Michael Davis, 106 Chaney Place, questioned continued purpose of ad hoc Emergency Services Committee; originally a good idea; not needed now and should disband.

**5. Approval of Minutes.** Larkin, seconded by Bloom, move to approve the April 24, 2018 City Council Meeting Minutes. A vote was cast and the motion carried with 4 in favor, 1 opposed (Balkum). Balkum moved to approve the May 8, 2018 Minutes. Bloom provided a second to the motion. A vote was cast and the motion carried with 5 in favor, 0 opposed. Turnbull, seconded by Larkin, move to approve the April 17, 2018 Minutes. A vote was cast and the motion carried with 4 in favor, 1 opposed (Balkum). Larkin, seconded by Balkum moved to approve the May 15, 2018 Minutes. A vote was cast and the motion carried with 4 in favor, 0 opposed and 1 abstention (Turnbull).

**6. Rockwall County Commissioner Dennis Bailey addressed Council regarding the Rockwall Regional Public Safety Radio System to explain how changes in the contracts between Rockwall County and their service provider have necessitated modifications to the Radio Interlocal Agreement signed by Mayor Hodges in 2017.** Bailey commented on the following: maintenance agreement; number of radios and various equipment; dispatch services; current system outdated; distribution of radios among departments; installation costs; future upgrades; warranties; maintenance agreement and costs. Bailey indicated he needed the number of equipment desired; agreement to pay dispatch services; and commitment to respond in the unincorporated area of Fire District 22. Brief discussion was held between Commissioner Bailey and Council Members. Bailey indicated he will provide an amended Interlocal Agreement which will include the City's portion of maintenance fees; dispatch service fees; and commitment to respond to fire calls in the unincorporated area. The City will need to approve at the next Council meeting.

**7. Amendment to Rockwall Regional Public Safety Radio System Interlocal Agreement.** Turnbull, seconded by Larkin, moved to postpone Item 7 until June 19, 2018. A vote was cast and the motion carried with 5 in favor, 0 opposed.

Mayor Short recessed the meeting at 7:46 p.m.

Mayor Short reconvened the meeting at 8:00 p.m.

Mayor Short indicated he planned to move to Item 13. Turnbull moved to overrule the Chair, seconded by Balkum. Discussion was held. Larkin and Bloom commented that citizen input is needed prior to discussing fire protection items. Turnbull explained he wanted to get the City Attorney's input on necessary items and act later in the meeting. Larkin and Bloom consented.

Mayor Short moved to Item 8

**8. McLendon-Chisholm Fire Rescue Department Update.** Chief Simmons addressed Council indicating he intended to provide the same level of service as residents currently receive from MCVFD. He indicated he has been contacted by 11 individuals who either

wanted to work full-time, part-time or volunteer. He sent interested persons an application to complete. He is finishing up job descriptions and notices for the website. He described three vehicles he intends to purchase including a pre-owned engine, quick attack and command vehicle. The company providing the fire trucks indicated they could provide a reserve vehicle if needed. Simmons also ordered a variety of loose equipment and tools needed for the vehicles and firefighters. The municipal loan was discussed as a means of financing fire vehicles. A loan amount of \$325,000 was arranged as part of a lease purchase agreement with semiannual payments approximately \$36,500 for 5 years with the first payment due in December 2018. He is looking forward to Council approving the lease agreement so he can move forward with purchases. Discussion was held among Council Members and Simmons regarding hiring of personnel; hiring practices; costs of personnel including benefits; concerns regarding a temporary fire station; concerns regarding taking on debt for fire department; metal building; rising tax concerns; municipal lease agreement and budgeting for this year as well as FY 2018-19. **No action was taken.**

**9. Interim Public Safety Plan.** Council Member Bloom suggested the City do the responsible thing and pay MCVFD to continue coverage in the City. Larkin added that the City would save money and not need a temporary fire station in MCVFD was funded for 3.5 months and adder this does not mean the City owned fire department plans need to stop. Turnbull indicated he is not opposed to the Safety Plan and proposed to pay the same rate the County pays and there is no reason to extend service for 3.5 months. Short commented that 3.5 months of service buys the City time. Balkum expressed concern regarding MCVFD pay or no services threats and lack of accountability. Balkum indicated that Turnbull should be involved in negotiations. Short indicated that paying for 3.5 months of service is a decent idea and an opportunity for getting McLendon-Chisholm Fire Rescue operational. Balkum suggested the two Chiefs should discuss. Herren remarked that a contract is needed to enter into an agreement with MCVFD for continued service. **Turnbull moved to table Item 9 until after the upcoming Public Hearing on fire protection (Item 13). Bloom provide a second to the motion to table. A vote was cast and the motion to table carried with 5 in favor, 0 opposed.**

**10. Resolution Approving Master Equipment Lease Purchase Agreement.** Palomba provided some history regarding how the City arrived at this option including several companies offering municipal leasing were contacted for quotes. One company did not have a non-appropriations clause. Another company offered a considerably higher interest rate. Two companies, including Community Leasing offered very competitive rates and both included a non-appropriations clause. The City Attorney as well as Bond Council have reviewed the contract. The City attorney has suggested some revisions to the language within the contract. Community Leasing is currently reviewing those revisions but could not have in time for tonight's meeting. The City Attorney suggested three options for action regarding the contracts; 1) Approved as presented with no revisions; 2) Approve with all suggested revisions; and 3) Approve a Council Member or designee to finalize the contract that may address all or some of the proposed revisions. Brief discussion was held among Council Members regarding options for approving the lease agreement. **Turnbull, seconded by Bloom, moved to table the item until after the upcoming Public Hearing on fire protection (Item 13). A vote was cast and the motion carried with 5 in favor, 0 opposed.**

**11. Ordinance Creating Office of Fire Marshal.** Mayor Pro Tem Turnbull introduced the item. Chief Simmons provided a summary regarding why the ordinance is needed noting Fire Marshal is a separate position with different duties and authority than the Fire Chief position. Even though Simmons will perform both functions, a separate ordinance is required. Brief discussion was held among Council Members. Herren asked if Simmons could also perform code enforcement duties. Simmons indicated he could if he took the class. **Turnbull, seconded by Larkin, moved to table the item until after the Public Hearing on fire protection (Item 13). A vote was cast and the motion carried with 5 in favor, 0 opposed.**

**12. City Hall Plat.** Turnbull explained that platting is required prior to obtaining a building permit as related to the potential fire station site. Palomba provided information indicating a plat is similar to a very detailed survey and will include engineering that ensures the City is meeting its own subdivision requirements. **Turnbull, seconded by Bloom, moved to approve directing City staff to move forward with platting the portion of City Hall property. part of the K. Latham Survey, Tracts 64-01 ,64-2 and 64-03, also known as 1371 W. FM 550, McLendon-Chisholm, in preparation for a future fire station site. A vote was cast and the motion carried with 5 in favor, 0 opposed.**

Mayor Short recessed the meeting at 9:38 p.m.

The meeting reconvened at 9:48 p.m.

**14. Resolution Amending Resolution 2018-06.** Turnbull, seconded by Balkum, moved to approve amending Resolution 2018-06 related to the agenda preparation process to allow Council Members to send agenda items directly to the City Secretary without the requirement of notifying the Mayor; to allow the City Administrator, Fire Chief and City Secretary to add items to the agenda; and for the City Secretary to have discretion regarding placing or removing Agenda items as she deems appropriate even if passed the deadline for submitting items. Bloom suggested modifying the motion to have the Mayor copied on agenda items as they are submitted and to delete the portion allowing the City Secretary to have complete discretion on all Agenda items. Council held discussion regarding reasons for and against the item. It was noted that several agenda items were pulled from the last agenda due to the Mayor not being copied and because some were received after the deadline. Palomba indicated she was somewhat uncomfortable with the amended resolution. Further discussion as held. **A vote was cast and the motion failed with 2 in favor, 3 against (Herren, Larkin, Bloom).**

**15. Resolution Declaring a Director of Communications.** Turnbull indicated the position would report to the Council. **Turnbull, seconded by Balkum, moved to create the position of Communications Director and appoint Council Member Balkum to the position.** Brief discussion was held among members regarding potential issues with an elected official serving in such a position. Bloom indicated concerns regarding the position could be used as a political tool and some content has not been updated timely. Larkin agreed that a Council Member should not serve in the position. **After additional discussion a vote was cast. The motion failed with 2 in favor, 2 opposed (Larkin, Bloom) and 1 abstention (Herren).**

**16. City Website Updates.** Bloom requested the former Mayor and related content be removed from the website. Archiving of past Council Members and information was discussed. Balkum indicated it will take time to archive and update information, she understands the frustration but she does not want any deletions of documents or pages. Balkum indicated she would like Mayor Short to contribute a welcome message and that all Council Members could have a blog. Larkin commented that the website should just contain factual information, blogs should not be on the website or links can be created to link to blogs from the website. Balkum indicated there is no campaign information on the site. Bloom requested the former Mayor's blog be removed and inflammatory statements should not be tied to the Mayor's position. Short indicated he understood the desire to archive information and hoped it will include all past Councils and that he is not interested in blogging. Herren commented that Council Members come and go. Current employees lack the time and technical skills needed to maintain the website to current levels and recommended limited the scope of the website in consideration that someone else will take over the responsibility in the future. Short indicated he will work on updates regarding the portion of the website with Mayoral messages and work on Office of Emergency Management content. **No action was taken.**

**17. Resolution Amending the McLendon-Chisholm Code of Conduct.** Herren provided a summary of proposed revisions and noted the primary revision is to have the Code apply to elected officials as well as employees and vendors. Misconduct by elected officials could serve as a basis of removal of office. **Herren, seconded by Larkin, moved to approve Resolution No. 2018-20 adopting an amended Code of Conduct. A vote was cast and the motion carried with 5 in favor, 0 opposed.**

City Attorney Paschal was dismissed for the evening.

Mayor Short moved to Item 13.

**13. Public Hearing Regarding Fire Protection.** Mayor Short opened the Public Hearing at 10:50 p.m. The following citizens spoke:

Jim Boelens, 509 Highwater Crossing, wished to change his position reading his remarks from last week in consideration of positive remarks heard from the new MCVFD Chief; now wishes for MCVFD to integrate with the City; pay for MCVFD services; MCVFD should submit to 3<sup>rd</sup> party audit; tired of fighting in the City; the fire issue has been very divisive; Council should stand united to hold decorum; referred to video taping incident by citizen in parking lot baiting individuals with questions as not proper and bullying tactic; encouraged Council to condemn bad behavior; God should reflect into the community; wishes harmony; pay invoices if new MCVFD Chief brings MCVFD under City control.

Larry Reynolds, S Highway 205. agrees with Boelen's comments and the City needs harmony.

Gary Nickel, 612 Kentwood, placing this public hearing at the end of the agenda was a bad idea; need a meeting dedicated to fire protection subject; he is encouraged by the last few days; public hearing is just a lot of opinions; costs, schedules, etc. should be presented and then discussed.

Bob Herman, 1248 Wales, commented on how the City arrived at this point; election outcome indicates dissatisfaction; community must get its act together; why was there no arbitration; have citizens been asked if they want paid or volunteer department; too much fighting; City must change; and must develop a strategy.

Jennifer Heldreth, 601 Briar Glen, commented that she is a stay at home mom with 3 children; MCVFD assisted her twice; not enough details to support any other plan other than staying with MCVFD.

Brian Caldronia, 15 Fireside Drive, provided historical summary; Fire Chief paid too much; why create an identical fire department; too many political gestures in negotiations; does not want City leaders who will not admit they were wrong; recognize the last 8 months were a mistake; MCVFD has better equipment; MCVFD is willing to negotiate; and if Council Members admitted mistakes then citizens would rally around them.

Michael Davis, 106 Chaney Place, commented on the following: City is 10 days away from losing fire service; radios; no fire vehicles or staffing; mutual aid; City would replicate what already exists at a higher price; no tax increase; ISO rating would default to 9; must complete an ISO audit; insurance cost will increase 2-5 times per household; MCVFD leadership dynamic has changed; pursue all options including contracting or merger; need one service provider for City; and bringing staffing under Simmons makes sense.

Lance Agee, 1509 Via Toscana, government should be transparent; not Council's responsibility to stop citizens right to record video; no fire services after June 15; Council approved \$334,000 budget; City hired Simmons; make Simmons Fire Marshal and Code Officer and pay him \$50,000 per year and benefits; fund MCVFD; MCVFD gets to choose auditor; move money budgeted for legal expenses to fire department; Simmons needs a performance matrix; stop being jerks; no new taxes; no fire tent; bury the hatchet and TxDOT may build a fire station.

Christine Reich, 441 Briar Glen, commented that she is disappointed; no time to create a new fire department; MCVFD always professional and well organized; and fund MCVFD.

Daniel Lewis, 1233 FM 550, MCVFD does a great job; Patrick Murphy lives in Sonoma Verde; Murphy can get to station quickly; have not seen anything that would be less expensive option; TxDOT may not pay for fire station if a fire tent exists; have been relying on the goodness of MCVFD; pay MCVFD until Oct. 1 and come up with a plan; be open and put plan on the City website.

Paul Walden, 101 Chaney Place; commented regarding no plan is in place; government run v. private; what is the plan after June 15; and no transparency.

Mayor Short closed the Public Hearing at 11:26 p.m.

Mayor Short returned to Item 9.

**9. Interim Public Safety Plan** – Discussion and action regarding establishing a public safety plan to cover June 16, 2018-October 1, 2018 including a recommendation to pay McLendon-Chisholm Volunteer Fire Department for 3.5 months of service based on MCVFD's recently

submitted invoices. Larkin indicated that no one complained during the comment period regarding the rates MCVFD invoiced. **Larkin made a motion that the City enter into a contract with MCVFD for the remainder of the fiscal year and paying for those services at the current rate of approximately \$26,000 per month.** Short clarified the motion is to cover the expenses from June 16 through the end of the fiscal year. **Bloom provided a second to the motion.** Bloom commented that citizens have been clear and he is not fighting the idea of a City owned department but he is asking other Council Members to consider this carefully, noting they are asking for time and asks Council to pay the invoiced rate and not the County rate noting there are time constraints and he wants to move forward in a positive way.

Palomba interjected and provided information provided by the City Attorney related to the item. Palomba noted the following: **1) Identify how much will be paid and when it will be paid; 2) identify what the City receives in exchange for the payment; 3) the parties agree the City does not waive its immunity to any claims by MCVFD against the City and 4) agrees that any payment made by the City is not recognition by the City for liability for any past debts claimed by MCVFD including previous invoices presented by MCVFD.**

Herren commented that the City needs to have a contract in place to cover the City from June 16 forward but the City needs assurance that MCVFD will continue to provide service until the new contract is in place and then the City can pay in arrears. Balkum commented regarding negotiations between Fire Chiefs. Simmons mentioned he and Chief Murphy have agreed to meet Friday. Short clarified that no other representatives will be involved in discussions with the Chiefs. Herren clarified his remarks about payment from June 16 moving forward and there will be no payment for past services. Bloom suggested the City should pay the rate MCVFD requested and not try to lower the rate. Herren indicated his intent is to include a rate in the contract and that it should be a negotiated rate. Turnbull asked if the Council is turning over the negotiations to Chief Simmons to hammer out a contract for 3.5 months from June 16 to September 30 and the dollar amount is negotiable. Herren indicated that the contract needs to include City Attorney Pascall's suggested language. Herren indicated Council should determine who will represent the City in negotiating the contract. Turnbull remarked previous comments indicate that it would just be the two Fire Chiefs negotiating the contract. Balkum indicated she prefers Turnbull to be involved in negotiation efforts. Turnbull remarked the motion needs to be clarified and asked if it will include all the comments just made. Herren and Turnbull further discussed. Turnbull indicated wording needs to be put together. Bloom suggested looking at the previous contract for language. Herren commented there was nothing in the previous contract. Short summarized the question indicating Item 9 is about deciding to pay or not pay 3.5 months of service. Short mentioned that Simmons needs something for this Friday's meeting with Murphy. Balkum indicated prior to receiving the letter from MCVFD discontinuing services she was open to negotiating for services but the two parties need to sit down and discuss and then come back to Council. Turnbull discussed the approximate amount \$26,000 per month or approximately \$91,000 for 3.5 months. Balkum commented that she pulled Sheriff's records and said there were 134 calls, technically 150 calls, but only 55 were in the City and questioned if the amount is appropriate. Bloom remarked that as a recognition of previous services and to speed up the process the starting point should be to pay the invoices for 3.5 months to get this done quickly. It would not be ideal to try to negotiate something different since MCVFD provided service the last 6 months.

Palomba suggested Chief Simmons could be provided authority to contract for an Interim Public Safety Plan in an amount not to exceed 3.5 months of service without having to return to Council for approval in the interest of time. Balkum indicated the City could agree to pay MCVFD something but that amount needs to be determined. Turnbull remarked that if Council waives their ability to vote on the agreement then MCVFD needs to provide Chief Murphy that same authority to negotiate without going back to MCVFD members.

Short agreed with Turnbull that the MCVFD needs to provide Murphy the same authority to negotiate before the meeting on Friday. Turnbull questioned the timeframe for negotiations to be completed. Turnbull indicated that if negotiations failed we have lost several days. Bloom asked if Murphy could meet earlier than Friday. Butler indicated Murphy was in training this week and they are scheduled to meet Friday. Bloom asked if an earlier meeting could take place. Simmons indicated Murphy may try to meet earlier but if not, they will meet Friday. Herren indicated MCVFD should rescind the letter for discontinuation of services. Simmons indicated he understood directives associated with negotiations with Chief Murphy. Balkum commented that radios should be discussed during the meeting. Radios were briefly discussed among Council Members. Larkin offered a Point of Information noting that none of the portable radios have been delivered. **Larkin repeated his original motion to pay 3.5 months at the rate billed on invoices for services from June 16 to September 30 adding there is nothing about paying past invoices. Larkin modified his earlier motion to authorize Chief Simmons to negotiate with Chief Murphy a contract for interim services for 3.5 months including language provided by the City Attorney.** The amount of \$91,000 was discussed. Larkin commented that money could be saved by not having to have the temporary station. Balkum mentioned 2/3 of MCVFD services are provided to the County and only 1/3 provided to the City. Herren mentioned that MCVFD has been covering the City since January without payment so if the amount paid now is divided it would amount to approximately \$10,000 per month for service. **Turnbull requested Larkin modify his motion slightly to include Chief Simmons is granted authority to negotiate an Interim Public Safety Plan to cover June 16 – September 30, 2018, paid monthly, giving Simmons final authority for negotiations if Chief Murphy has the same authority. Larkin agreed to Turnbull's proposed amendment. Turnbull seconded the motion. A vote was cast and the motion carried with 5 in favor, 0 opposed.**

Short returned to Item 10 for action.

**10. Resolution No. 2018-21 Approving Master Equipment Lease Purchase Agreement. Turnbull, seconded by Bloom, moved to adopt Resolution No. 2018-21 authorizing Fire Chief Jim Simmons to negotiate the final and acceptable form of the Master Lease Purchase Agreement with Community First National Bank for the lease purchase of fire safety prevention equipment. A vote was cast and the motion carried with 5 in favor, 0 opposed.**

Mayor Short returned to Item 11 for action.

**11. Ordinance No. 2018-05 Creating the Office of Fire Marshal. Turnbull, seconded by Balkum, moved to approve Ordinance 2018-05 amending the Code of Ordinance in Chapter 5, Fire Prevention and Protection, by adding a new article 5.04, creating the**



Office of Fire Marshal. A vote was cast and the motion carried with 5 in favor, 0 opposed.

Mayor Short moved to Item 18.

**18. Council Member Reports and Announcements.**

Mayor Short – Mayor Short commented that McLendon-Chisholm is the gem of Rockwall County.

Turnbull – no comments

Herren – no comments

Bloom – no comments

Larkin – no comments

Balkum – commented regarding the City will have two years to comply with regulations regarding ISO and the City can alert the State Fire Marshal's Office aware when ready for inspection; there are no overnight regressions in ratings; there is a process; no automatic changes and they are aware of the City's situation.

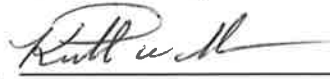
19. Mayor Pro Tem Turnbull, seconded by Larkin, moved to adjourn. A vote was cast and the motion to adjourn carried with 5 in favor, 0 opposed. The meeting adjourned on Wednesday, June 6, 12:21 a.m.

ATTEST:



Lisa Palomba, City Secretary

APPROVED:



Keith Short, Mayor

