



CITY COUNCIL
City of McLendon-Chisholm, Texas
Meeting Minutes
January 22, 2019

The City Council of the City of McLendon-Chisholm convened in Regular Session on Tuesday, January 22, 2019, at City Hall, 1371 West FM 550, McLendon-Chisholm, Texas, with the following members present:

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

Staff Present:	Lisa Palomba	City Administrator/City Secretary
	Jim Simmons	Fire Chief/Fire Marshal
	City Attorney	Michael Halla

1. Call to Order.

Mayor Short called the meeting to order at 6:30 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.

Jeff Smith, 729 Meadow Dr., commented that he lives in the Glen Acres subdivision. He mentioned there are 37 homes in the development. Most homes were built in the 1976-1985 era. Many residents are retired and live on fixed incomes. Over the years, residents have had the road repaired but it requires constant maintenance. The most recent bid to repair was over \$175,000. Banks will not loan without security. Homeowners do pay HOA fees. They will continue to work toward a solution for road repair.

Brian Naish, 320 Herron Circle, announced his neighborhood is aware of the poor condition of the road and residents intend to make improvements to Herron Circle.

Mike Donegan, 2620 Ridgelake Lane, suggested roads in poor condition could be serviced by a communal trash dumpster for those neighborhoods. He also commented

that he is happy to see that the MC50 Committee was recently formed and there are already many residents talking about the 50th anniversary celebration for the City and he would like to see those residents continue to work toward creating the 50th anniversary event.

12. Executive Session

Council recessed into Executive Session at 7:01 p.m. in accordance with Texas Government Code: Section 551.071(2): Legal advice regarding health and safety issues due to poor road conditions.

13. Reconvene

Council reconvened to regular meeting at 7:56 p.m.

14. Executive Session Action

Mayor Short reported the situation on private roads had been discussed in executive session. The City Attorney has advised the Council that under Texas State law, they are unable to do anything at this time.

City Attorney Halla reported that in Article 3, Section 52 of the Texas Constitution, it is very specifically laid out that no governmental entity taxing unit, such as a local municipality, can give, offer, or lend its credit, its money, financing of any type to any private person, any type private business, any type of private entity. So, in essence, his understanding is that the streets are owned by the HOAs, the private streets, and those would be private entities. It is very specific in the Texas Constitution that giving any money, or repairing those, would be in violation of the Texas Constitution. Also, the 1962 Texas Supreme Court Case, ex parte Conger, talks about private roads and the Texas Constitution giving money for that. It is well established that it's not permitted.

No Action Taken

10. Improvement of Private Roads

Discussed in Executive Session

11. Health and Safety Issues Due to Poor Road Conditions

Discussed in Executive Session

5. Approval of Minutes

- a. November 13, 2018**
- b. November 26, 2018**
- c. December 11, 2018**

d. December 20, 2018 (Revised)

Mayor Short introduced Item 5. He asked if there was a motion to approve all minutes.

Mayor Pro Tem Turnbull moved to approve the minutes as amended.

Council Member Balkum seconded the motion.

Mayor Short called a vote on approving all four sets of minutes.

A vote was cast and the motion carried unanimously.

6. Appointments to Economic Development Review Panel

Council Member Bloom reported there are six applicants for the Panel.

Mayor Short ask if there was a motion to make appointments to the Economic Development Review Panel.

Council Member Bloom made a motion to nominate all applicants to the Panel. Applicants include Mark Kipphut, Robert Quinn, David Day, Mike Donegan, Melody Osario, and Marti Thompson.

Council Member Larkin seconded the motion.

Mayor Short called for a vote on the motion to nominate all applicants to the Panel.

Motion carried with a vote of 4-0 with Council Member Balkum abstaining.

7. Resolution Rescheduling Regular City Council Meetings

Council Member Bloom requested this item be tabled.

Mayor Short tabled to next meeting.

8. Waste Service Transition Update

City Administrator Palomba presented the background of the issue. She explained that Community Waste Disposal was awarded a contract for waste disposal and recycling services effective January 1, 2019. The transition from the previous company, Waste Connections, was less than smooth. There appeared to be several factors at play regarding the difficulties with the transition including an incomplete customer list and confusion, especially near the City/ETJ limits as to which houses were in the City and which were in the ETJ. In some places, one side of a road may be in the City while the other is in the ETJ. Waste Connections, understandably, wants to continue servicing their

ETJ customers. Other service related issues included missing collections on some streets and old carts not collected and replaced on the original timetable.

The City Planner adjusted the City Limit Map to better reflect street names and provided to CWD. This helped with service issues. To staff's knowledge, these issues appear to be resolved at this time. Anyone in the City experiencing issues with carts, trash collection or billing are encouraged to call CWD customer service.

During the transition period, CWD's attempt to service Frontier, it became apparent that residents on Frontier Trail, Herron, and Serene Haven were going to have to use an alternate trash provider. County Recycle LLC had agreed to provide services to these streets and CWD is agreeable to allowing County Recycle to service those streets. There is a service level difference in that County Recycle does not actually provide recycling. Also, they will only offer bulk collection once per month and for an added cost of \$10.00.

Staff is working on amending the CWD contract to exclude Herron Circle and Serene Haven. Staff is also interested in amending the end date of the contract so that the City will not have a future transition around the Christmas and New Year's Day holidays. Staff is also working on a contract with County Recycle LLC. Both contracts are anticipated to be on the next agenda for consideration.

The new proposed contract with County Recycling, LLC will include a franchise agreement. The cost of basic monthly service for CWD is \$24.64 or \$73.92 quarterly. The cost for basic monthly service with County Recycle is \$25.25 per month and they bill monthly.

Due to an immediate need for service and concerns regarding health and sanitation, County Recycle has already begun servicing the agreed upon streets. Regarding commercial containers, CWD is subcontracting with Titan Waste to service small commercial bins.

9. Xtreme Green Event

Staff was given direction to see what dates are available. A first choice would be March 16 and second choice would be June 8.

10. Improvements of Private Roads

Addressed in Executive Session. No Action Taken

11. Health and Safety Issues Due to Poor Road Conditions

Addressed in Executive Session. No Action Taken

15. Resolution Establishing MC50

Mayor Short introduced a Resolution authorizing Council Member Balkum or other Council Members to take actions and approve establishing an event planning committee for the purpose of generating a plan, organizing, and executing a marvelous event to celebrate the City of McLendon-Chisholm's 50th Anniversary in October 2019. He explained that appointed citizens will help impart historical stories, honor long-time residents/businesses, plan commemorative activities and offer sponsorships.

Council Member Balkum provided the following comments: There are different types of committees. One can be advisory and then there is another type of committee that would involve open meetings with agendas and stuff. That's why I was making the suggestion of having someone to be running that and is responsible for the meetings and be responsible for putting everything on the plate as to what the discussions are. We are involving transactions in making decisions and actual work loads for an event that will take place at a certain time. I did check with TML just to confirm what this committee would be fulfilling. So, the purpose again is to have a celebration for 50 years in October 2019. I did not put a specific date because, again, I would like to be able to have applications with a starting point through the citizen survey so they would be aware that this is an opportunity to be involved with your city. I'm already excited because we already have several people who are interested in doing a celebration. I can see them being a part of this and mainly I have to set what the responsibilities are for this committee. Mainly, I just tried to lay out what the possibilities could be, and again, once we get the information back from the citizen survey, we can be able to incorporate these types of potential ideas that could be incorporated in our celebration for 50 years.

Council Member Balkum further explained that anytime they have to make any major decisions, obviously the money will pass into the city's bank account, and each time the committee makes a decision, the director will be responsible for bringing that before the Council. It is basically an accountability process.

Mayor Pro Tem Turnbull stated he was going to address one of the Mayor's concerns. Section 6 says the term is one year. Since we are holding this event sometime in October, wouldn't it be better to say until the event is held? There shouldn't be any need for this committee after the event.

Council Member Balkum ask how she could rewrite that. She stated her only concern is if the committee has to change the date, they need to have a little wiggle room.

Mayor Pro Tem Turnbull stated he would say termination one day after the event is held. Also, he asked if she could explain Section 7. Is that a typo?

Council Member Balkum responded yes.

Council Member Bloom recommended that the resolution not be specific to Council Member Balkum. He further commented: It's fine if you run it, but I think it should be

specific that a Council Member run this committee and the Council can vote for the leader of that committee. I just think it would not be wise, in a resolution, to designate a specific person.

Council Member Balkum stated that TML said this is basically the best way to do this.

Mayor Pro Tem Turnbull stated he thinks it gives a timeframe for the committee so everybody knows where we are starting.

Council Member Bloom stated that regarding the budget, he did not recall having an allocation for this and he doesn't know how much they are looking to spend.

Council Member Balkum stated the whole purpose of the committee is to figure out how to have an event and also encourage sponsorships or donations. She stated she would not like to spend money from the general fund to take care of this.

Mayor Short pointed out they will be having budget meetings prior to the event.

Council Member Balkum pointed out that they did allocate \$5,000 in the budget.

Council Member Larkin expressed his concerns that there are several items establishing committees that will ultimately cost more money. He, for one, is extremely concerned about the current year budget and what he believes is going to be a pretty large deficit by the end of the year.

Mayor Short asked if there is a motion to approve the resolution.

Mayor Pro Tem Turnbull moved to accept the resolution establishing MC50, an anniversary event ad hoc committee for the city and appointing a Council Member as director of MC50, with changes as advised by the City Attorney.

Council Member Herren seconded the motion.

Mayor Short called a vote on approving the Resolution. Motion carried by a vote of 3-2 (Larkin and Bloom voting against the motion)

16. Resolution Establishing Keep McLendon-Chisholm Beautiful

Mayor Short introduced a Resolution authorizing Council Member Balkum or other Council Member(s) to take action and approve establishing a beautification program. Appointed citizens will volunteer their time by executing realistic preservation programs to address beautification, litter prevention, waste reduction, recycling and other group activities.

Mayor Short again expressed his concern over the terms of appointment in these Resolutions.

Council Member Balkum explained there are grant programs out there and this is actually an extension of Keep Texas Beautiful and there are other cities who do it. Mainly the goal is to have members actually create programs that will be realistic for us to try to accomplish in our City and actually do the work to seek grant money for, like maybe a butterfly garden and some types of recycling and try to encourage beautification projects. This is not meant to have funding come from the general fund. Think of it like a garden club. It's just trying to involve the community in nature.

Council Member Bloom remarked he is a fan of this one. He thinks it goes hand-in-hand with economic development in the sense of making this City attractive both physically and financially for incoming businesses. He stated he is not completely comfortable or see the need for the two-year term, but he isn't concerned about that.

Council Member Bloom made a motion to approve the Resolution establishing Keep McLendon-Chisholm Beautiful, as is.

Mayor Pro Tem Turnbull seconded the motion.

Council Member Larkin stated he would like to see the citizens be in charge of this committee and not the City Council. He does think it is a great idea, but does think we need to get the citizens involved.

Council Member Herren commented, regarding this motion, along with the previous motion, he would rather have seen these come in as a motion to establish the committee first and then the Council can discuss how we want to fill that committee. He thanked Council Member Balkum because she is taking the initiative when no one else will. He stated we don't have a lot of our constituents who want to get involved. Based on the last citizen survey we had, 70% of our population doesn't ever attend our City Council meetings.

Mayor Pro Tem Turnbull agreed it would be nice to have citizen involvement and there is nothing about this that should somebody come in and want to spearhead the event that would prevent Ms. Balkum from appointing them the director of some activity and letting them run with it. I do think that since it's going to be city organized, it should have at least one member of the Council on the committee.

Council Member Balkum also pointed out there is also a part of the program for downtown revitalization.

Mayor Short called for a vote.

The motion carried unanimously.

17. Resolution Establishing a Veterans Memorial Committee

Mayor Short introduced the Resolution authorizing Council Member Balkum or other Council Member(s) to take actions and approve establishing a committee to promote and preserve lasting memories of military veterans. The City needs help in reaching a goal amount of 50 to 100 bricks to be ordered for the Veterans' Memorial at City Hall. Personalizing a 4x8 laser engraved brick is \$150. The cost includes installation of the brick around the monument. The City Council would like to host a celebration honoring veterans at the 2nd Annual Memorial Day event. Committee members will be informed about the preservation quality of bricks with the current vendor verses sandblasting bricks. Appointed volunteers will be able to assist in presenting a brick design layout and reviewing potential brick laying contractors to be approved by the City Council. Depending on the members involvement, members may volunteer to do the installation with approval by the City Council.

Mayor Short pointed out this is another resolution that has time frames on it appointing City Council members. We have two Council Members and the Mayor who sit on this City government who are veterans. We have many veterans in our community who would love to be a part of this. The American Legion has reached out to us offering their help to facilitate getting this done. We have veterans who want to do what they do best and that's help other veterans.

Council Member Balkum asked Mayor Short if he had read Resolution 2018-07. She explained that this is an amendment to that resolution which established fund raising for the memorial. She stated this just takes it a step further. I don't know what you guys have done on your end, but I have sent out information. We have had twelve purchases since I've been involved in this. She expressed her need for help. This would give the citizens the opportunity to volunteer their services and be involved.

Council Member Bloom thinks Council Member Larkin, whether as the director or the City Council representative, would make a lot of sense. He stated he will support the Resolution if it designated Mr. Larkin as director. He further stated that if we are going to designate a person with the resolution, he would like to see it be a veteran.

Council Member Larkin stated he would like to be the director.

Mayor Pro Tem Turnbull made to a motion to approve a Resolution amending Resolution 2018-07, Section 1.D.; a Resolution creating the Veterans Memorial Brick Campaign; containing a repealing clause for Resolutions in conflict; and providing an effective date; as amended in Section 2 to replace Council Member Adrienne Balkum with Council Member Hermann Larkin as director.

Council Member Bloom seconded the motion.

Mayor Short called for a vote.

The motion passed unanimously.

18. Resolution Establishing a Citizens Fire Academy

Mayor Short introduced a Resolution establishing a Citizens Fire Academy. He stated that right now the Fire Chief/Fire Marshall is tasked with meeting all the goals that were set down by Council in this integration, making sure that equipment is up to par, that the fire station is taken care of. One of the responsibilities of the Fire Chief/Fire Marshall is also to make sure those individuals are trained. They have ongoing training every week. There are a lot of tasks that the Fire Chief and Fire Marshall do. Setting up a Citizens Fire Academy is no small task. There are things that they have to meet as far as lesson plans, training locations, things like that. Right now, I don't think is a good time. It also costs money to provide a lot of that stuff. I don't think this is the right timing to put this on his plate because of the tasks he does have that he is trying to complete.

Council Member Balkum stated that, originally, she was very cavalier in setting some dates. Again, this is just establishing a Citizens Fire Academy. We first have to have a curriculum and it was assumed that Fire Chief Simmons would create a curriculum of what he wants to do. I suggested five to six weeks because that is what I have seen in some other cities.

Fire Chief Simmons added that it is more like eight to ten weeks.

Council Member Balkum stated that there are multiple things that could be a benefit to the City. It is an encouragement to the citizens to know they can enroll in something like this. There is no set date.

Fire Chief Simmons questioned the need for a resolution for establishing a training course. He gave information about what a fire academy really is. He is all for having one when they are ready, but right now he is busy establishing new policies and things like that. One day we will have one, but this is premature. I just don't understand the need for a resolution – this is no different than other training classes.

Council Member Balkum stated this is just establishing a Fire Academy.

Council Member Larkin stated he understands the purpose behind this. He also stated he thinks establishing a Citizens Fire Academy is a very large step for a small city. We certainly can use a Citizens emergency relief team. A fire academy requires a large training facility and we have a fire station now that is barely big enough to hold our own people. There are other established locations that our citizens could go to. I don't think this is the right time for us to do this. I do think it's the right time to bring awareness to the citizens of assisting the Fire Department as an emergency response team.

Council Member Herren recommended tabling this item for six months or just take a vote on it and vote it down. He doesn't think we're in a position right now where we need to do

this, maybe sometime in the future. We could still include a question of interest on the citizens survey.

Council Member Herren made a motion to table the Resolution establishing a citizens academy for the City until July 23, 2019.

Council Member Larkin seconded the motion.

Mayor Short called for a vote and the motion passed with a vote of 5-0.

19. Reports

a. Financial Reports for December 2018

No Discussion

b. Building Official Report December 2018

No Discussion

c. Sheriff Activity Report December 2018

Council Member Herren asked about the resolution of the incidents along 205.

Fire Chief Simmons stated he had talked to the Sheriff's department recently and they think they do have some very solid leads.

d. McLendon-Chisholm Fire Rescue Report December 2018

Mayor Pro Tem Turnbull ask about the calls. It shows 37 calls and normally they are split out between city calls and county calls.

20. Updates, Discussion and Direction to Staff

a. McLendon-Chisholm Fire Rescue Status Report

Chief Simmons gave a status report as requested by Council.

b. Subdivision, Zoning and City Map Updates

City Administrator Paloma reported that public hearings for proposed revisions to the Subdivision and Zoning Regulations, Zoning Map, and official City Limit/ETJ Map were scheduled for the January 17, 2019 P&Z and January 22, 2019 Council Meeting. However, the January 17th P&Z Meeting was cancelled that evening when a quorum did not arrive. P&Z must make a recommendation

prior to any Council action. Staff is in the process of rescheduling public hearings. They will be advertised again.

Council Member Balkum asked if she was correct that they spent \$1,800 with the Dallas Morning News for this. She asked if the City Administrator sees any issues with them not attending the meetings? She expressed her concern in spending \$1,800 with the Dallas Morning News and not having them show up. She asked if the Council would be in disagreement with encouraging applications for other alternates.

Mayor Short stated that should not be a problem. They should always be willing to take an application.

Mayor Pro Tem Turnbull stated we should have firm commitments before spending \$1,800 and them not showing up.

c. Veterans Memorial Brick Campaign Fundraiser

Staff met with Jerry Packer, representing Packer Brick, Inc. regarding an alternative brick for the Veterans Memorial. Mr. Packer indicated he is able to obtain bricks at a cost of \$1 per brick. Mr. Packer has provided samples if Council wishes to move forward in selecting another brick.

Brick and Stone Graphics would provide the engraving using a sandblasting method. The company will engrave up to three lines for \$20 per brick. The company representative indicated that blank bricks could be placed in the ground, removed when needed, engraved and then placed in the ground again.

The City Engineer measured the circle surrounding the monument and indicated that approximately 1,155 bricks are required to complete the circle. The City will have to pay to have the bricks installed, so Council may want to consider pricing the bricks to cover the costs.

As such, Council may wish to consider the following options:

- 1) Consider Council Member Balkum's proposed Resolution regarding the Veterans Memorial Committee and allow for their input and actions.
- 2) Continue using the Fundraising Brick company at \$150 per brick as currently arranged and wait until enough bricks are sold to install the engraved bricks.
- 3) Continue using the Fundraising Brick company at \$150 per engraved brick but purchase blank bricks at \$5 per brick to fill in the circle and replace the blanks with engraved bricks as they are sold and installed.

- 4) Cancel the current arrangement, decide on a new brick, a new price point for engraved bricks, offer a partial refund to those who already purchased a brick at the \$150 price and complete the circle with engraved and blank bricks and replace the blanks as engraved bricks are sold.

Mayor Short reported this item had been addressed in the previous Resolution.

d. iCompass Agenda Implementation

Staff has requested some formatting changes which should be effective for the next Agenda. Staff is arranging for an iCompass representative to provide a tutorial for Council Members to ensure Council is getting maximum benefit when using the agenda program. My Computer Guy has confirmed the internet connection will support the streaming. The next steps are to get Axios to City Hall to install the camera and then for Axios, Adfinity and staff to web conference with iCompass to arrange video setup and other hardware installation.

e. City Survey

Council Member Balkum reported she had missed her deadline and it has been pushed back. She is working on changes and appreciates the input from City Council Members.

Council Member Bloom stated he still had not received the questions.

f. Request for Proposals for City Attorney, City Accountant, City Planner and Information Technology (IT) Services

As requested by Council, Requests for City Engineer, City Accountant, City Planner and Information Technology Services have been issued and advertised in various media. The submittal date is February 18.

g. Future Agenda Items

Staff provided the items expected to be on the next scheduled meeting on Tuesday, February 12, 2019 and the future meeting on February 26, 2019.

21. Council Member Reports and Announcements

- a. Mayor's Announcements – Events, Area Happenings and Information**
- b. Council Member Balkum – Communications and Community Engagement**
- c. Council Member Larkin – NCTCOG 9-1-1 Initial Board and Related Items**
- d. Mayor Pro Tem Turnbull – Budget and Finance**

e. Council Member Bloom – Economic Development

f. Council Member Herren – Roads and Transportation

No Reports

22. ADJOURN

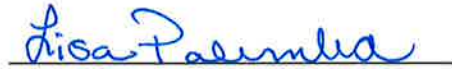
Council Member Larkin moved to adjourn the meeting.

Mayor Pro Tem Turnbull seconded the motion.

Motion carried by a 5-0 vote

The meeting adjourned at 9:34 p.m.

ATTEST:



Lisa Palomba, City Secretary

APPROVED:



Keith Short, Mayor

