



CITY COUNCIL
City of McLendon-Chisholm, Texas
Meeting Minutes
March 11, 2019

The City Council of the City of McLendon-Chisholm convened in Regular Session on Monday, March 11, 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 (Absent)
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 6:31 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. Items for Individual Consideration

4.1. Discussion and Action Regarding Survey Questions for the 2018-2019 Citizen Survey

Mayor Short asked for a motion to discuss this item

Mayor Pro Tem Turnbull made a motion to open this item for discussion.

Council Member Balkum seconded the motion.

Mayor Pro Tem Turnbull stated that at the last meeting they discussed going through these one-by-one. He asked if everyone present still want to do that.

Council Member Larkin responded no.

Council Member Herren responded he didn't think it was necessary to go through them one-by-one.

Council Member Balkum stated she thought that was what they intended to do.

Council Member Herren stated that the reason he voted no the last time was to give more people the opportunity to be here because the other night with just the four us present, the impression was given to the community that it was a one-sided event that was being driven in a certain direction. Based on what has happened since the last City Council meeting, the fact that the citizen survey was provided out to a constituent, while maybe not illegal, was certainly unethical. Whoever did that, it was very unethical and it wasn't necessary because we hadn't approved anything, it hadn't gone out yet. What I intended was by everybody coming here tonight, they would have a say if we should have this citizen survey. I don't like to see things happen in the dark of night. But, I also don't like to see unethical behavior and people using that as a place to bash people, I think we should put it out for a vote and get it over with and move on to the next subject.

Mayor Pro Tem Turnbull stated he was going to disagree. The reason he is going to disagree is we have here in front of you two letters. One from Council Member Bloom and one from Council Member Larkin, who, to paraphrase, state that they dislike several, if not all of the questions. So, I think it would be best for openness to go through and if somebody has an item they want to discuss, then discuss it so that it doesn't come back that we just pushed it through without hearing people out. That would be my recommendation to the Council.

Mayor Short asked if there is a motion to go through the questions one-by-one.

Mayor Pro Tem Turnbull made the motion.

Council Member Herren seconded the motion.

The vote carried by a vote of 3-1 (Council Member Larkin voting Nay and Council Member Bloom Absent)

Mayor Short stated he has had a chance to go through them one-by-one and as they go through them he will give his perspective as well.

All survey questions were reviewed with comments and/or objections noted. Corrections and suggestions for wording changes were also noted.

Mayor Short called for a vote to approve the questions with the changes.

The vote was 3-1 (Council Member Larkin voted Nay and Council Member Bloom Absent)

Council Member Larkin stated that Council Member Bloom wanted his no vote noted. He also wanted to point out that the City Administrator had ask for input from the Council Members and he and Mr. Bloom were the only ones to submit anything.

Mayor Short also stated he is not in favor of the questions. He also asked if the Council would get an opportunity to see the questions after corrections were made before the survey goes out.

Council Member Balkum stated they could.

Council Member Herren suggested the questions be e-mailed to them.

4.2 Discussion and Direction to City Administrator Regarding Labeling and Distributing the 2018-2019 Citizen Survey Postcards

Mayor Pro Tem Turnbull made a motion to open discussion, seconded by Council Member Balkum.

Mayor Pro Tem Turnbull asked the City Administrator approximately how long she thought this would take.

City Administrator Palomba responded it could be done by Friday or Monday.

Mayor Pro Tem Turnbull stated that based on that, there should be time to make the corrections and there should be no worry about the cards going out before the questions are ready. He asked Council Member Balkum if this was correct.

Council Member Balkum stated yes, that is correct.

Mayor Short called for a vote regarding direction to the City Administrator regarding labeling and distributing the 2018-2019 Citizen Survey Postcards.

Mayor Pro Tem Turnbull made a motion to direct the City Administrator to label and distribute the 2018-2019 Citizen Survey Postcards.

Council Member Balkum seconded the motion.

The motion carried by a vote of 3-1 (Council Member Larkin voting Nay and Council Member Bloom Absent)

4.3. Updates to Code of Ordinances Chapter 4. Business Regulations

City Administrator Palomba gave an overview of the item.

In January 2018, Council instructed Franklin Legal to perform a legal review of the Code of Ordinances. Franklin provided a review and suggested revisions and/or marked areas that Council may wish to update. Chapters 1-3 have been reviewed by Council and Council proposed revisions to those chapters. In consideration of Franklin's review and suggestions and in consultation with City vendors, Staff proposes revisions as presented to Council. Most revisions are suggested to ensure the City code is not in conflict with state law or to remove antiquated items.

Staff recommended that the Council review the suggested revisions and direct staff to move forward with the suggested revisions or provide other suggestions for revisions.

Once all chapters of the code have been reviewed, Kirk Franklin will visit with Council regarding finalizing revisions and the process to adopt all the code changes.

City Administrator Palomba pointed out this is basically just general clean-up and making sure it is consistent with state regulations.

Mayor Short asked if the City Attorney had looked at this.

City Attorney Halla stated he had not.

City Administrator Palomba pointed out that one change will reflect using the "maximum penalty" rather than actual fines. Also, the fee schedule will reference the "current amount", not a set amount.

City Attorney Halla stated it is better to have a fee schedule.

Mayor Pro Tem Turnbull asked the reference to check the fee schedule in Chapter 4. He asked if it that is an issue.

City Administrator Palomba stated they will need to add that.

Mayor Short asked if there is a solicitation permit in this section.

City Administrator Palomba responded that she didn't think the City has one.

Mayor Short stated he knows they have had at least one complaint. He does understand scouts and fund raisers going door-to-door, but not businesses.

Council Member Balkum stated maybe this is something they can do in the future.

Mayor Short remarked they should consider this for the safety of their citizens.

City Administrator Palomba remarked that she will find the appropriate place to put it in the code.

Mayor Pro Tem Turnbull stated he thought they already had this.

Council Member Balkum stated it was discussed before Lisa came.

Mayor Short stated he thinks this is something they need to discuss.

Mayor Pro Tem Turnbull asked Lisa if there is anything in Franklin's review that they didn't modify or discuss.

City Administrator Palomba responded that she didn't think so.

Mayor Short asked Lisa to look into a solicitation permit and bring this back on a future date.

No Action

4.4. Discussion and Action Regarding Proposals Received for Contracted City Engineering Services

Council directed Staff to solicit proposals for Engineering Services. A Request for Qualifications was issued and advertised on the City website, Texas Municipal League website, the Dallas Morning News, and the Rockwall Herald Banner. Proposals were due February 18, 2019 at 2:00 p.m.

The following companies submitted proposals:

Douphrate & Associates, Inc.
Nathan D. Maier Consulting Engineers, Inc.
Birkhoff, Hendricks & Carter, LLP
Metropolitan Infrastructure, PLLC
EST Comprehensive Engineering Services
Kimley Horn
Freeman-Millican, Inc.
Sanchez & Associates

Cities are prohibited from using competitive bidding procedures to obtain the services of architects, engineers, certified public accountants, land surveyors, physicians, optometrists, landscape architects, geoscientists or state-certified real estate appraisers. Instead, for contracts involving architectural, engineering or land surveying services, a city must first select the most highly qualified provider and then attempt to negotiate a fair and reasonable price. If the city is unable to negotiate a contract with the most highly qualified provider, the city must then formally end negotiations with that provider. After negotiations have formally ended, the city must select the next most highly qualified provider and attempt to negotiate a contract with that provider. If necessary, the city must continue the process of formally ending negotiations with one provider and selecting another provider for negotiations until a contract is obtained.

McLendon-Chisholm is experiencing rapid growth and will require engineering services on a more frequent basis as that growth continues. Any Engineer hired will need to be well versed with storm water mapping, storm water management, design of water and wastewater collection systems, street design, street maintenance planning, and subdivision review and inspections.

Two firms have extensive experience working with small towns that have experienced tremendous growth in this area including Douphrate & Associates and Freeman-Millican, Inc.

Douphrate & Associates have provided engineering services to the City of M-C since 2006. Mr. Douphrate has extensive historical knowledge of the local area including M-C. He is familiar with the City's surrounding infrastructure and understands the City's challenges. He also served as City Engineer for the City of Rockwall for 10 years.

Freeman-Millican, Inc. specializes in providing engineering services to small and medium sized towns. Although still considered a small firm, they have several engineers on staff. The firm has provided services for the Cities of Heath and Forney and appears to be familiar with small town growth issues.

Sanchez & Associates is interesting in that they also provided proposals for accounting and planning services.

All firms appear to be well qualified and all have municipal experience.

Council Member Larkin asked about the price not being in the proposals.

City Administrator Palomba explained that you can't include a price as part of the proposal. That will have to be negotiated.

City Attorney Halla explained that engineers are solicited through the RFQ process. They need to be ranked and then a contract price can be negotiated.

Council Member Balkum asked for clarification that if a firm is ranked number one, and a price cannot be agreed upon, do you have to start all over.

City Attorney Halla responded yes.

Mayor Short recommended scoring the engineers.

City Administrator Palomba stated they will need to have criteria for scoring.

City Attorney Halla responded yes, that is the best way to proceed.

Mayor Pro Tem Turnbull asked Lisa how soon she can have a scoring sheet prepared.

City Administrator Palomba stated she can have it ready tomorrow.

Mayor Short suggested each Council Member rank the proposals. The scoring sheet will be ready on the 15th, results should be returned to Lisa by the 21st, and they can have presentations on the 26th.

Mayor Pro-Tem Turnbull made a motion to give direction to the City Administrator to develop a grading format for city engineer and planner as soon as possible and to table until the March 26th meeting. The top two or three will come in on the 26th to make presentations.

Council Member Balkum seconded the motion.

The motion carried unanimously (Council Member Bloom Absent).

4.5. Discussion and Action Regarding Proposals Received for Contracted City Planning Services

Council directed Staff to solicit proposals for Planning Services. A Request for Qualifications was issued and advertised on the City website, Texas Municipal League website, the Dallas Morning News, the Rockwall Herald Banner and the American Planning Association. Proposals were due February 18, 2019 at 2:00 p.m.

The following companies submitted proposals:

Firm Ground Planning
Ideation Planning
I-RAOS, Inc.
Michael R. Coker Company
Lynette Lawyer
Sanchez & Associates
Masterplan
Gregory Alesi

Firm Ground Planning is local based in Forney, Texas. Mr. Donnell has worked for municipalities, private companies and as a consultant. His proposed fees are by far the least expensive. Council may wish to question if he works alone or with any partners and confirm his availability for meetings. Council may also wish to ask about his available resources such as GIS and mapping technology. Firm Ground Planning proposes \$30 per hour for routine work performed and \$50 per hour for extraordinary work performed not to exceed \$60,000 annually.

Ideation Planning offers customized solutions for growing communities. The company provides visioning exercises with communities and are well versed in research, analysis and data evaluation. Ideation is not submitting a proposal for routine planning but would like the opportunity to provide the City long range planning and visioning services as needed. Quotes would be provided per project. This company has worked with the neighboring City of Heath.

I-RAOS, Inc. appears well qualified and proposes a fee of \$75 - \$120 per hour depending upon task level. The company is based out of Pearland, Texas which may present challenges in attending monthly meetings.

Michael R. Coker Company is the City's current provider. He has served the City since 2012 and is well qualified to continue providing services. As our current provider, he is familiar with the City's values of protecting a rural community as the City grows. He proposes \$75 - \$150 per hour depending upon personnel performing a task.

Lynette Lawyer's primary experience is in architecture although she does have experience involving planning projects. She proposes a fee of \$120 per hour. She is based locally.

Sanchez & Associates offers much experience and proposes an average rate for routine tasks of \$35 per hour and they are also interested in providing accounting and engineering services.

Masterplan is based in the Dallas area and has a broad range of experience and several employees. Their proposed fees are higher than other proposals at \$155 - \$175 per hour depending on task performed.

Gregory Alesi did not send a complete proposal. He only sent a resume and he is based in New Jersey.

Mayor Short gave direction to the City Administrator to have the top two or three come in for presentations on the 26th.

Mayor Pro Tem Turnbull made a motion to move this item to the 26th meeting.

Council Member Balkum seconded the motion.

Council Member Herren stated he would like to give them some type of scenario so they can all address the same questions in their presentations.

Council Member Balkum suggested they make a presentation to see how they would present in front of an audience such as an HOA group.

The motion carried unanimously (Council Member Bloom Absent).

4.6. Discussion and Action Regarding Proposals Received for Contracted Information Technology Services

Council directed Staff to solicit proposals for Information Technology (IT) services. A Request for Qualifications was issued and advertised on the City website, Texas Municipal League website, the Dallas Morning News, and the Rockwall Herald Banner. Additionally, staff sent the RFQ to several IT companies in Rockwall and surrounding area. Many Microsoft partners requested the RFQ but most did not actually submit proposals. Proposals were due February 18, 2019 at 2:00 p.m.

The following companies submitted proposals:

Cendien
Preferred Technology
My Computer Guy

Of the three firms, only two appear to have municipal experience including Cendien and My Computer Guy.

All three firms submitted a fee proposal. Cendien has experience with at least two large municipalities and has proposed a fee of \$12,000 per month. This proposal is not financially feasible for M-C.

Preferred Technology proposed a fee of \$600 per month for a 1-year contract or \$500 per month for a 3-year contract

My Computer Guy, the current provider, has proposed a fee of \$420 per month.

Preferred Technology lacks municipal experience. This is a concern for staff as there is a knowledge base of IT information specific to municipalities.

My Computer Guy has provided managed services for the City since December 2017 and time and materials support since February 2008. They have significant municipal experience, they are local, familiar with the City's existing network infrastructure and offer the most competitive rate.

Mayor Short asked for a motion to discuss this item.

Mayor Pro Tem Turnbull made a motion to discuss the proposals received for Information Technology Services.

Council Member Larkin seconded the motion.

Mayor Pro Tem Turnbull stated that one of the firms, Cendien, is totally cost prohibitive and can be eliminated.

Mayor Pro Tem Turnbull stated that My Computer Guy, the current service provider, has reasonable service prices. He does have some hesitations about him. Lisa has had some service problems. In addition, he tells the City we need to buy additional hardware. He would have to discuss that at a meeting to convince him. Maybe a short-term contract could be negotiated. Also, he has language in his contract that if the City lets anyone else on the network, or if the City doesn't follow his recommendations, he can pull his contract. That language would have to be removed.

Mayor Short agreed that the wording is not acceptable.

Mayor Pro Tem Turnbull made a motion for the City Administrator to negotiate a short-term contract ending September 30, 2019 to include the platinum package, backup, and no additional software/hardware. The language regarding pulling his contract will have to be removed.

Council Member Larkin seconded the motion.

Mayor Short reiterated that he is not comfortable with him being able to pull his contract.

Mayor Pro Tem Turnbull also pointed out that he should be responsible for obtaining all licenses, including government license.

The motion carried with a vote of 4-0 (Council Member Bloom Absent).

4.7. Discussion and Action Regarding Proposals Received for Contracted City Accounting Services

Council directed Staff to solicit proposals for City Accounting Services. A Request for Qualifications was issued and advertised on the City Website, Texas Municipal League website, the Dallas Morning News and the Rockwall Herald Banner. Proposals were due February 28, 2019 at 2:00 p.m.

The following companies submitted proposals:

Sanchez & Associates, LLC
Judd, Thomas, Smith and Company, P.C.
Ray Smith CPA PLCC

Under the Professional Services Procurement Act, cities are prohibited from using competitive bidding procedures to obtain services of Certified Public Accountants. Services are to be selected on the basis of demonstrated competence and qualifications.

The Request for Qualifications did ask for a fee proposal. However, many CPA firms are hesitant to provide fee proposals and would rather negotiate an agreed rate.

All three firms appear to be well qualified and all have municipal accounting experience.

Mayor Pro Tem Turnbull made a motion to discuss the accounting proposals.

Council Member Larking seconded.

Mayor Pro Tem Turnbull stated they had three submissions. One firm doesn't have a CPA on staff according to their submission. He asked Lisa to verify. One of the proposals is from the City's current CPA and the other is from a CPA firm located in Plano, Judd, Thomas. Both are qualified providers. Pricing on one is prohibitive, but if we can negotiate, what I actually like about Judd, Thomas is they have multiple people in house so another CPA can fill in should the normal personnel not be available. It would require negotiation.

Council Member Balkum questioned that she thought they had applications for this before.

Mayor Pro Tem Turnbull responded this is the first time.

Council Member Larkin stated the firm in Plano is overpriced in comparison. However, they can't really ask them for a negotiated price unless they are ranked first and they enter negotiations.

Council Member Balkum commented that you have to get a contract.

Council Member Larkin stated they can't just go back and say you were under-cut, can you give us another price. That's not competitively fair. He asked Mayor Pro Tem Turnbull if he was recommending Judd, Thomas.

Mayor Pro Tem Turnbull answered yes and no. Am I recommending them, if I was choosing them without knowing their price, the answer is yes. I do believe they offer things Ray's company doesn't. Also, Ray has been with us a long time. That's good, but it's also bad in some ways. In accounting practices, you don't keep the same people all the time, it leads to the possibilities of things being hidden, I'll put it that way. So, that would be my recommendation, Judd, Thomas. If they don't get the majority, it's mute. It's not based on their pricing.

Council Member Balkum asked if she had missed what the difference is between the two.

Mayor Pro Tem Turnbull answer that Judd, Thomas has more CPAs. So, if one of them isn't available, there are others to step in. He thinks they also have a larger staff.

Council Member Balkum asked about the PID. Do they have any experience with PIDs?

Mayor Pro Tem Turnbull answered that the senior partner does.

Mayor Short stated that they have two proposals, one that has more to offer than the other. As Mr. Halla said, if we open negotiations and we can't get them where we would like them to be for our City, then we can move to the second choice. If Council is in agreement, it's a matter of giving direction to the City Administrator to meet with them. If those are the top two decisions on City Accountant.

Mayor Pro Tem Turnbull stated he thinks they are in agreement that one is eliminated.

Mayor Short stated that if they do have a CPA on staff and failed to put it in their proposal, that's a pretty major mistake.

Mayor Pro Tem Turnbull remarked that everything in their proposal says they are urban planners.

The City Administrator gave a brief background on Sanchez & Associates.

Council Member Balkum stated she appreciates the City Administrator's input, but if they go with the current CPA, could the firm ranked number one come back on us?

Mayor Short stated no, because Ray put a proposal in. He applied for it just like they did and they would have no recourse against us.

Mayor Pro Tem Turnbull stated that if they don't stay with Ray, they could have his contract end September 30, 2019 and the new accountant start October 1. If we can't work out something with them, we would still have Ray.

City Administrator Palomba expressed concern over replacing the accountant at this time. Of all consultants, she depends on the accountant most often.

Council Member Larkin stated that keeping Ray is not a bad idea and they can revisit in a year.

City Administrator Palomba pointed out Ray has a set fee which is best for budgeting purposes.

Council Member Herren expressed that they need to take into consideration the travel time for Judd, Thomas. He thinks they should go with the City Administrator's recommendation.

Council Member Balkum asked about the process regarding qualifications.

Mayor Pro Tem Turnbull point out again that Judd, Thomas has more personnel and can get things done in a timelier manner. He feels the City is missing an opportunity to get better quality service.

Council Member Herren suggested the new accountant could start October 1.

Mayor Pro Tem Turnbull stated the accountant would need to be involved in budget for next year and a new firm would have to learn on their own time.

City Administrator Palomba stated she would like to do an apple-to-apple comparison.

Mayor Short pointed out that Ray has a cap and the other firm is hourly.

City Attorney Halla stated there is nothing wrong with price being considered.

City Administrator Paloma also pointed out that Ray hosts Quick Books and the other firm may not have it.

Mayor Short called a brief recess at 9:20.

Council was back in session at 9:28.

Mayor Short asked if there was a motion on hiring a new accountant.

Mayor Pro Tem Turnbull made a motion for the City Administrator to negotiate with Judd, Thomas for the City accountant position effective 10/1/2019.

Council Member Balkum seconded the motion.

The motion carried with a vote of 3-1. (Larkin voting Nay and Council Member Bloom Absent)

5. Executive Session

- 5.1 Recess into Executive Session (Closed Meeting) in accordance with Texas Government Code: Section 551:074(1) Personnel Matters to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee: City Administrator/City Secretary; Assistant to the City Secretary; Building Permit Technician; Fire Chief/Fire Marshal; Assistant Fire Chief and Firefighters.
- 5.2 Recess into Executive Session (Closed Meeting) in accordance with Texas Government Code: Section 551:071(2) Consultation with City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter regarding the transfer of Fire Department Assets.

NO EXECUTIVE SESSION HELD

6. Reconvene Regular Meeting

NO EXECUTIVE SESSION HELD

7. EXECUTIVE SESSION ACTION

NO EXECUTIVE SESSION HELD

8. STAFF REPORTS

8.1. 1st Quarter Investment Report

Mayor Pro Tem Turnbull asked if this was the balance before ad valorem taxes.

City Administrator Palomba stated it was.

8.2. Financial Reports for January 2019

No Discussion

8.3. McLendon-Chisholm Fire Rescue Run Reports January 2019

Council Member Larkin asked for clarification on the 600 series.

Mayor Pro-Tem Turnbull asked if the EMS report can be broken down.

Chief Simmons explained he is still working on the new reports with the new software. They are things he cannot change.

8.4. Building Official Report January 2019

No Discussion

9.5. Sheriff Report January 2019

No Discussion

9. UPDATES, DISCUSSION AND DIRECTION TO STAFF

9.1. McLendon-Chisholm Fire Rescue

Chief Simmons reported they are finishing Phase III of the remodel. He stated they will need to replace the roof, but they will do that themselves.

9.2. Subdivision and Zoning Regulations and City Map Updates

No Discussion

9.3. iCompass Streaming Implementation

Mayor Pro Tem Turnbull asked if he was right that they had a six-month money back guarantee on this product.

City Administrator Palomba stated that is correct

9.4. Upcoming Requests for Proposals and Qualifications

No Discussion

9.5. Future Agenda Items

10. COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

10.1. Mayor's Announcements including events, area happenings, and general information

Mayor Short reminded everyone that this is spring break week and everyone needs to watch for kids.

10.2. Council Member Balkum's announcements including Communications, Community Engagement, Keep McLendon-Chisholm Beautiful Committee, MC50 Committee, and Veterans Memorial Brick Campaign Committee.

No Report

10.3. Council Member Larkin's Announcements including NCTCOG 9-1-1 Board and Veterans Memorial Brick Campaign Committee

Council Member Larkin reported there has been a lot of activity with the Veterans Memorial. They have had three meetings. Council Member Balkum asked if agendas had been published, that she is a part of that committee and she did not know about the meetings.

10.3. Mayor Pro-Tem Turnbull's Announcements including Budget and Finance

No Report

10.5. Council Member Bloom's Announcements including Economic Development Advisory Panel and Emergency Services

No Report

10.6. Council Member Herren's Announcements including Roads and Transportation and Economic Development Advisory Panel


Council Member Herren reported the Economic Development Advisory Panel will have their second meeting tomorrow prior to the City Council Meeting. They will be discussing their vision and develop the objectives and goals of the panel.

11. ADJOURN

Mayor Pro Tem Turnbull moved to adjourn the meeting.

The meeting adjourned at 10:10 p.m.

ATTEST:



Lisa Palomba, City Secretary

APPROVED:



Keith Short, Mayor

