



CITY COUNCIL
City of McLendon-Chisholm, Texas
Meeting Minutes
May 14, 2019

The City Council of the City of McLendon-Chisholm convened in Regular Session on Tuesday, May 14, 2019, at City Hall, 1371 West FM 550, McLendon-Chisholm, Texas, with the following members present:

ATTENDING:	Keith Short	Mayor
	Jim Bloom	Council Member
	Herman Larkin	Council Member
	Lorna Kipphut	Council Member
	William Dahl	Council Member
	Trudy Woessner	Council Member
Staff Present:	Lisa Palomba	City Administrator/City Secretary
	Jim Simmons	Fire Chief
	City Attorney	Michael Halla

1. Call to Order.

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

2. Mayor Short 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

Mike Donegan, 2620 Ridge Lake Lane, I'm here concerning agenda items 5.8 and 5.9. I would just ask the Council and the Planning & Zoning Commission, when you look at our Zoning Ordinance concerning specific use permits, all the items that are in our Zoning Ordinance, like a site plan, things such as description and use of the facility, long term use or masterplan future use of the property, a description of the applicants ability to obtain needed easements. All the different items that are underneath this. My concern is not the intent of the school or the value of the school, it is whether or not the facility matches the long-term masterplan of the school. Once we do a specific use permit, that becomes a permanent part of the zoning. So, I'm just asking the Council and the Planning & Zoning Commission to do due diligence upon the request of the school – to take a look at it to eventually getting over 200 to 300 children. I love that the kids are coming to school there and getting a good education. I'm just asking that the Council and Planning & Zoning do due diligence in this process. Thank you.

Adrienne Balkum, 1518 Firenza Court

As requested by Ms. Balkum, her statement, in its entirety, is printed below.

On April 9, 2019 four comments were made regarding statements that were allegedly made by me or Mayor Pro Tem Scott Turnbull. Besides the obvious that it was staged and influenced by Mark Kipphut, Mike Donegan and Council Member Herman Larkin.

There was a privilege email exchange that I had with the City Attorney. I cc'd the City Administrator and Council Member Herman Larkin. In that email I specifically said, **"Those who are in the military should be familiar about taking orders. And if one can't follow a simple resolution and honor it as well as any of our process then why in the world is a person a council member in the first place."**

Council Member Larkin violated Resolution 2019-03 that I established in January 2019 and it was passed by the City Council unanimously. It was not until March 11, 2019 did Council Member Larkin share that there were any activities taken place to the City Council.

All activities, such as 3 or 4 meetings from January to March to the purchases that were all done outside of the resolution agreement. Thank you to those who attended these meetings, but each of you were misled by Mark Kipphut and Council Member Larkin. The purpose of the brick campaign objective was to promote the original resolution that included the brick cost of \$150 because it was not to be a burden on the City's budget. This was supposed to be an opportunity for Citizens to show their patriotism to honor all those who served. We do not have a public works department. The cost of maintenance was a point of concern. In addition to paying for design and installation services. This was not a committee to run like an adhoc committee. This committee needed to be accountable to the City Council just like Planning & Zoning and other committees formed that involved monies/public events/city structures.

Any decisions, including approving purchases to give instructions for City Administration must be approved by the City Council. That would be government transparency at work. This was not an American Legion project nor were the Kipphuts the private citizens that donated monies to DAR.

The **Daughters of American Revolution (DAR)** never expressed their interest in promoting the Veterans Memorial Brick Campaign. Mayor Short only heard from Mark Kipphut and just parroted what to say at previous City Council Meetings.

Citizentry was to be informed through the Citizen Survey about the committee and to have the opportunity to volunteer to this committee as well as to MC50 and Keep MC Beautiful.

Council Member Larkin was aware of this and intentionally violated the people's trust in preventing citizens to participate in the Citizen Survey by not contributing input. His other unethical actions include sharing a draft version to FU MC group administration.

Along with the Mayor who on March 15, 2019 sent an email to the City Administrator to not send out the surveys. Even though the City Council had already approved and given direction to the City Administrator to label, stamp and deliver to the Post Office.

On average we had about 500 respondents in the previous surveys. This year we had approximately 205 respondents. I'm still waiting on information on costs from the City Administrator as well as other commentary. This is the second time via email that I'm having to ask about it. I'm concerned there was no second mailing that actually took place.

The City Council Meeting was cancelled for April 23, 2019 because the mayor wanted to prevent the City Council Agenda that was presented on April 18, 2019. Mayor Short failed as a CEO to schedule the meeting at another location. Such as Chisholm Baptist Church where meetings were mostly held in the past.

My hope for the City of McLendon-Chisholm is to be proactive in their local government by paying closer attention to each of the City Council's activities. To express themselves and to not be idle with the things that are coming. I do not foresee this City Council to be honorable men and women. I'm calling for the silent majority to rise up. The time is now or you will lose the rural atmosphere that we all came here to enjoy or for those who were raised here.

Gary L. Moody, 1406 S. Hwy 205, I am concerned about the public hearing tonight about the school on 205. I am in agreement with Mike, I don't have a problem with the school, but any other business that came in there would require a study. I live right there. I see the number of cars. I see the number of accidents. In the morning it strings toward Terrell a long way. But, I hope this is reviewed, forwards and backwards by Planning & Zoning. If not, I would hope that they would look at doing a study for the sake of those kids that are coming in there. It's close to 40,000 cars a day that come down 205. Having a TxDot study done might get them a cross-over for when the highway is expanded. Right now, there isn't a cross-over slated for anywhere along there. Thank you for your time.

David Day, 211 Tucker Road, I appreciate your desire to put the ranker behind us. We'll try to do that. We'll start off with an apology from Council Woman Kipphut. You owe me an apology. Maybe you think the end justifies the means, slander, liable, defamation. I don't take that lightly, nor should you. You make much of your military service. You talk about pride. You talk about service to your community yet you dishonor both by lying. Your facebook post says you met with veterans and told them I only ran against you because you were a veteran and I thought it would be fun. You went on to say, that's important because Mr. Day is also a veteran. Let's don't do that to each other. Let's stick together you said. Really, you understand the irony of that statement? You dishonored my status as a veteran. You have no right, you have no right. Dishonor yourself all you want, but you insinuate some wrong doing or poor character because I had the audacity to run against you? Who do you think you are? You see this – I wear this. I do a lot for veterans that you know nothing about. You know nothing about me. Every veteran remembers certain career officers, the ones for whom the political ends always justify the means. The ones who brown-nose their way up to where they almost got to command rank. But, that kind don't usually make it to command rank, do they? You took one word to characterize my reasons for running against you – the word "fun". A humorous side in

one press release. Fun as in a competition between the services. It's possible you don't get the humor Council Woman. Maybe you weren't smart enough to get the humor or you were lying. For that you owe me an apology. I never said anything about you that wasn't true. You are backed by realtors and developers. I always said I doubt your claim to favor open spaces. I was afraid you might be a liar and you have proven that you are. P&Z is set to move on Triple Creek this Friday. Quarter-acre lots, nearly 2,000 homes right out here. There aren't enough votes on the Council now to stop it – not anymore. Henry S. Miller already pitched the City numerous times. All your backers needed were the votes and you'd say anything to get them. I'm reminded of the old story that the devil's greatest trick was convincing us he wasn't real. I wish this town well.

5. Items for Consideration

5.1 Newly Elected City Council Members may be ceremoniously sworn into office.

Judge Russo issued the Oath of Office to all three newly elected City Council Members. Lorna Kipphut was sworn in with her husband, Mark, holding the Bible. William Dahl was sworn in with Chief Simmons holding the Bible, and Trudy Woessner was sworn in with her husband holding the Bible.

Judge Russo closed the ceremony in prayer.

5.2. Discussion and action regarding selection of a Mayor Pro Tem

MOTION: SELECT COUNCIL MEMBER BLOOM AS MAYOR PRO TEM.

**MOTION MADE: WOESSNER
SECONDED: LARKIN
APPROVED: PASSED UNANIMOUSLY**

5.3. Discussion and action regarding a Resolution approving authorized Signatories to the City's financial accounts with Alliance Bank, Wilmington Trust, TexPool and LOGIC

MOTION: A RESOLUTION NO. 2019-07 APPROVING COUNCIL MEMBERS BLOOM AND WOESSNER AS AUTHORIZED SIGNATORIES TO THE CITY'S FINANCIAL ACCOUNTS WITH ALLIANCE BANK, WILMINGTON TRUST, TEX-POOL AND LOGIC

**MOTION MADE: KIPPHUT
SECONDED: DAHL
APPROVED: PASSED UNANIMOUSLY**

5.4. Public Statement: Council Member Balkum will share draft results from the 2018-2019 Citizen Survey

No Discussion

5.5. Public Statement: Council Member Balkum will address some statements made at the April 9, 2019 City Council Meeting regarding the City's monument, purpose and scope of the Veteran's Memorial Committee and the American Legion Member

No Discussion

5.6. Public Statement: Council Member Balkum will give her final public statement of hope for the City of McLendon-Chisholm.

See Citizen Comments

5.7. Approval of Minutes of April 9, 2019 City Council Meeting Minutes

MOTION: APPROVE MINUTES OF APRIL 9, 2019 CITY COUNCIL MEETING AS PRESENTED.

**MOTION MADE: LARKIN
SECONDED: BLOOM
APPROVED: UNANIMOUSLY**

5.8. Council will hold a Public Hearing to consider the application of Jake Abbott requesting an amendment to an existing Specific Use Permit for Providence Academy to allow an enrollment of 200 children (Applicant now requesting to allow 300 children) for use by Kindergarten through twelfth grade and staff using the existing facilities at Chisholm Baptist Church, located at 1388 South State Highway 205, McLendon-Chisholm, also described as Lot 1, Block 1 of Chisholm Baptist Church currently zoned General Business

Mayor Short introduced the item and opened the public hearing at 6:52 p.m.

Jake Abbott presented the request and gave a brief overview of the school. He explained they are a Christian classified, University modeled private/homeschool facility. It is the best of both options for the students. They have 85 students enrolled now and 75% of them live in Rockwall County. The oldest child is in 8th grade and they feel there is a need for high school.

Mayor Pro Tem Bloom asked Mr. Abbott to confirm that the capacity of the building is 300.

Mr. Abbott confirmed this number.

Mayor Pro Tem Bloom asked what issues would be encountered if enrollment is 300 – then you would have teachers and possibly church staff.

Mr. Abbott answered it would not be an issue.

Mayor Pro Tem Bloom stated he is hesitant to approve something that could affect the fire marshal rules.

Council Member Kipphut stated that right now they only have two high schoolers, so that wouldn't be an issue. What would be their belief as far as high school goes?

Mr. Abbott stated that as McLendon Chisholm grows and the school grows, they might have to look for more space.

Council Member Kipphut asked how the 205 expansion might affect them.

Mr. Abbott stated that is hard to say. They knew about that when they came out here and will do whatever needs to happen.

Council Member Woessner asked what they do for lunch.

Mr. Abbott stated there are two buildings at Chisholm Baptist and there is an overhang where they set up picnic tables if the weather permits. If not, they set up in the foyer of the church.

Council Member Woessner asked who cleans up.

Mr. Abbott stated a few of their moms clean up.

Mike Donegan asked if the city engineer has reviewed the wastewater? He stated he wants to be sure the wastewater has been looked at.

Mayor Short closed the public hearing at 7:01 p.m.

5.9. Discussion and action to consider an Ordinance approving the application from Jake Abbott requesting an amendment to an existing Specific Use Permit for Providence Academy to allow an enrollment of 200 children (Applicant now requesting 300 children) for use by Kindergarten through twelfth grade students and staff using the existing facilities at Chisholm Baptist Church, located at 1388 South State Highway 205, McLendon-Chisholm, also described as Lot 1, Block 1, Chisholm Baptist Church Addition currently zoned General Business.

MOTION: DISCUSS THE AMENDMENT

**MOTION MADE: BLOOM
SECOND: WOESSNER**

Mayor Pro Tem Bloom stated he is really glad the school is in our town. However, based on the lack of urgency for this growth, and the questions that I think are relevant brought up by Mr. Moody and Mr. Donegan, I'm not prepared to approve the special use permit. There are some questions for the wastewater and the TxDot study. I feel like this one can wait.

Council Member Larkin agreed. He stated he thinks this is something we need to delay and look at a little further. He expressed concern about exceeding the fire capacity with students and teachers, but mostly he is concerned about the wastewater scenario. His recommendation would be that we delay action on this.

City Administrator Palomba offered a compromise, if the Council would consider it. They can approve less than what was requested. Right now, they have a maximum student enrollment of 125, maximum administrators and teachers at 20 and Kindergarten through 8th grade. One option might be, so they can keep functioning this next year, might be to expand on that current number, but not go all the way to 300. They are asking for Pre-K through 12th grade.

Council Member Woessner stated she thinks we should wait to find out what the sewer numbers are.

MOTION: APPROVE ORDINANCE 2019-01 TO INCREASE TO PRE-K THROUGH 12TH GRADE WITHOUT INCREASING THE NUMBER OF STUDENTS AND FACULTY.

**MOTION MADE: BLOOM
SECONDED: LARKIN
APPROVED: PASSED UNANIMOUSLY**

5.11. Discuss, consider and provide direction to staff regarding selection of a Public Improvement District (PID) Administrator. Representatives from Hill Securities may address Council regarding the need for a PID Administrator as related to the upcoming issuance of Sonoma Verde Phase II PID Bonds.

Andre Ayala, Hilltop Securities, presented a background and summary of in process Phase 2 PID Bond Issuance. He also talked about the role of the PID Administrator.

6. Executive Session

6.1. 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 ranking, negotiating and award of contract to consultants for Public Improvement District Administrators.

Council adjourned into Executive Session at 7:25 p.m.

Council reconvened into Regular Session at 7:47 p.m.

No Action Taken

5.10. Council will receive presentations by Public Improvement District (PID) Administrators

Council heard presentations from three Public Improvement District (PID) Administrators:

1. Three Sixty – Mitch Mosesman
2. P3 Works – Jon Snyder
3. Municap – Josh Ardent

The presenters fielded questions from the Council.

Mayor Short thanked the three presenters and explained the Council will rank each of them and then talk to the City Administrator before making a decision.

5.12. Discussion and action regarding recommendations of the Veterans Memorial Committee

Council Member Larkin presented the recommendations of the committee which consists of local veterans and citizens:

1. Focus first on bricking the earthen area around the existing MC Veterans memorial donated by the Daughters of the American Revolution.
2. Offer individual bricks for engraving (three lines each) honoring a living or deceased veteran for \$30.00 each.
3. Two bundles (972 total bricks total) of new 4x8" bricks in the 52-Majestic color at a cost of \$1.35/brick have been ordered and delivered from Packer Brick. Additionally, 40 8x8 pavers in the 53-Cimmerean color were ordered and delivered at a cost of \$3.25/paver. The total for the order and delivery will be \$1,492.20. We have not yet been billed and NO money has been disbursed.
4. A local vendor, Brick and Stone Graphics of Garland, has been identified who can engrave the bricks at a cost of \$20 per 4x8 brick and \$32 per 8x8 paver. Engraving is accomplished using a sand blasting technology. Our evaluation of the sand blasting versus laser engraving has shown that the sand blasting is extremely precise and results in a deeper engraving into the stone. The estimated time to engrave 100 bricks is two weeks once the bricks are supplied and the engraving text is approved.
5. The recommendation is to establish a suitable base of reinforced concrete to support the bricks which would be mortared in to ensure durability and stability. The initial estimate for site preparation/concrete foundation is \$2900 and an additional \$1550 for installation of the bricks. The Rockwall County Terry Fisher American Legion Post will conduct a fund raiser to prepare the site and install the bricks.

6. The committee recommends honoring the 33 veterans interned at the Chisholm Cemetery and pending Council approval, will seek to work with known families or citizens who want to honor these heroes. The Chisholm Cemetery contains veterans of each conflict in American history back to the War of 1812.
7. The committee recommends utilizing the 8x8 pavers to commemorate Campaigns/Wars our Country has been involved in beginning with the Revolutionary War.
8. Once Council approves moving forward, the committee will create an advertising campaign using traditional media and social media, while working with local organizations to solicit the first orders.
9. Those who previously donated will either have their donations refunded or can use the existing donation to acquire bricks using the new price.
10. The total start-up cost for the campaign is estimated to be around \$7500 to purchase, engrave, and install the bricks; however, utilizing the generous offer by the Terry Fisher Post #117 of the American Legion to offset installation and utilizing a \$30/brick price point, no public funds would be expended.
11. The project is expected to be complete by Veterans Day 2019.

MOTION: APPROVE THE RECOMMENDATIONS OF THE VETERANS MEMORIAL COMMITTEE.

**MOTION MADE: BLOOM
 SECOND: DAHL
 APPROVED: UNANIMOUSLY**

5.13. Discussion and action regarding Resolution 2019-13 amending Resolution No. 2019-03 related to costs and purchasing of bricks, size of bricks and engraving method for the Veterans Memorial Monument

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCLENDON-CHISHOLM, TEXAS AMENDING RESOLUTION 2019-3, SECTION 1.D. A RESOLUTION CREATING THE VETERANS MEMORIAL BRICK CAMPAIGN; CONTAINING A REPEALING CLAUSE FOR RESOLUTIONS IN CONFLICT; AND PROVIDING AN EFFECTIVE.

MOTION: APPROVE RESOLUTION 2019-13 AMENDING RESOLUTION 2019-03 RELATED TO COSTS AND PURCHASING BRICKS, SIZE OF BRICKS, AND ENGRAVING METHOD FOR THE VETERANS MEMORIAL MONUMENT.

**MOTION MADE: BLOOM
SECOND: WOESSNER
APPROVED: UNANIMOUSLY**

5.14. Discussion and Action Regarding a Resolution Repealing Resolution 2018-06 Adopting a Process for Providing Council Participation in Preparing a City Council Agenda

MOTION: APPROVE RESOLUTION 2019-08 OF THE CITY COUNCIL OF THE CITY OF MCLENDON-CHISHOLM, TEXAS REPEALING IN ITS ENTIRETY RESOLUTION 2018-06 ADOPTING A PROCESS FOR PROVIDING COUNCIL PARTICIPATION IN PREPARING A CITY COUNCIL AGENDA.

**MOTION MADE: LARKIN
SECOND: KIPPHUT
APPROVED: UNANIMOUSLY**

5.15. Discussion and action regarding repealing Resolution No. 2019-01 establishing MC50, an anniversary event adhoc committee and appointing a Council Member as Director of MC50.

MOTION: APPROVE RESOLUTION 2019-09 OF THE CITY COUNCIL OF THE CITY OF MCLENDON-CHISHOLM, TEXAS, REPEAING IN ITS ENTIRETY RESOLUTION NO. 2019-01 ESTABLISHING MC50 ANNIVERSARY EVENT COMMITTEE.

**MOTION MADE: KIPPHUT
SECOND: LARKIN
APPROVED: UNANIMOUSLY**

5.16. Discussion and action regarding a Resolution establishing MC50, a City 50th anniversary celebration event advisory committee for the City.

MOTION: APPROVE RESOLUTION 2019-10 OF THE CITY COUNCIL OF THE CITY OF MCLENDON-CHISHOLM, TEXAS, ESTABLISHING MC50, A CITY 50TH ANNIVERSARY CELEBRATION CITIZEN ADVISORY COMMITTEE.

**MOTION MADE: LARKIN
SECOND: DAHL
APPROVED: UNANIMOUSLY**

5.17. Discussion and action regarding a Resolution repealing Resolution No. 2019-02 establishing Keep M-C Beautiful Committee for the City and appointing a Council Member as Director of the Committee

MOTION: APPROVE RESOLUTION 2019-11 OF THE CITY COUNCIL OF THE CITY OF MCLENDON-CHISHOLM, TEXAS, REPEALING RESOLUTION NO. 2019-02 ESTABLISHING KEEP M-C BEAUTIFUL COMMITTEE FOR THE

CITY AND APPOINTING A COUNCIL MEMBER AS DIRECTOR OF THE COMMITTEE.

**MOTION MADE: DAHL
SECOND: LARKIN
APPROVED: UNANIMOUSLY**

5.18. Discussion and action regarding a Resolution establishing a Keep McLendon-Chisholm Beautiful Citizen Advisory Committee.

MOTION: APPROVE RESOLUTION 2019-12 OF THE CITY COUNCIL OF THE CITY OF MCLENDON-CHISHOLM, TEXAS, ERSTABLISHING A KEEP MCLENDON-CHISHOLM BEAUTIFUL CITIZEN ADVISORY COMMITTEE.

**MOTION MADE: DAHL
SECOND: WOESSNER
APPROVED: UNANIMOUSLY**

6. Executive Session

6.2. 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 possible fire station location sites and options for placement and methods of placement of said fire station in the city limits.

6.3. Recess into Executive Session (Closed Meeting) in accordance with Texas Government Code: Section 551.074(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 process for selection of a City Accountant.

Council adjourned into Executive Session at 7:58 p.m.

Council reconvened into Regular Session at 9:34 p.m.

No Action Taken

5.19. Discuss, consider and provide direction to staff regarding negotiation efforts with Judd Thomas accounting firm.

MOTION: DISCUSS, CONSIDER AND PROVIDE DIRECTION TO THE STAFF REGARDING NEGOTIATION EFFORTS WITH JUDD THOMAS ACCOUNTING FIRM.

MOTION MADE: BLOOM
SECOND: DAHL
APPROVED: UNANIMOUSLY

Mayor gave the City Administrator direction to cease negotiation efforts with Judd Thomas accounting firm.

9. REPORTS

9.1. McLendon-Chisholm Fire Rescue Activity Report March 2019

9.2. Financial Report March 2019

9.3. Sheriff's Report March 2019

9.4. Building Official Report March 2019

No Discussion on Reports

10. UPDATE, DISCUSSION AND DIRECTION TO STAFF

10.1. Scheduling Future Meetings and Agenda Items

Mayor Short reported the City Administrator has suggested the idea of a one-day retreat for the City Council. She will provide possible dates to the Council.

11. COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

11.1. Mayor's announcements including events, area happenings, and general information

Mayor Short reminded everyone that school is out next week and there will be lots more kids out and about and more teenage drivers. He cautioned everyone to be more alert.

Mayor Short also reminded everyone that Memorial Day is coming up and there will be lots of events around the County.

11.2. Council Member Larkin's announcements including Veterans Memorial Brick Campaign Committee

No Report

11.3. Mayor Pro Tem Bloom's announcements including Economic Development Advisory Panel and Emergency Services Corporation

Mayor Pro Tem Bloom stated that the Emergency Services Corp recently finalized the purchase of a LUCAS device for the Rockwall EMS supervisor vehicle. This device

delivers high-quality chest compressions, allowing a single medic to initiate other critical care while awaiting the arrival of the ambulance. These funds were from a fine assessed against REMS, and it was determined that reinvesting that money back into REMS to provide patient care was the best use of the funds.

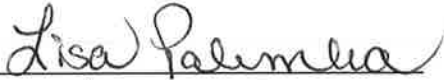
Mayor Pro-Tem Bloom also addressed the council to determine if there would be interest in considering regularly scheduled workshops and/or executive sessions starting 30 minutes prior to regularly scheduled council meetings. Mayor Short stated he was opposed to regularly scheduled workshops and/or executive sessions since some executive sessions are unplanned.

12. ADJOURN

There being no further business to discuss, Council Member Larkin moved to adjourn the meeting.

Mayor Short adjourned the meeting at 9:46 p.m.

ATTEST:


Lisa Palomba, City Secretary

APPROVED:


Keith Short, Mayor

