



**AGENDA
CITY COUNCIL
TUESDAY, JANUARY 8, 2019
1371 WEST FM 550 - MCLENDON-CHISHOLM, TEXAS 75032
6:30 PM**

Page

1. CALL TO ORDER

**2. INVOCATION AND PLEDGE OF ALLEGIANCE TO U.S. AND TEXAS
FLAGS**

3. RULES OF DECORUM

4. CITIZEN COMMENTS

5. APPROVAL OF MINUTES

- | | |
|---------|--|
| 5 - 25 | 5.1. November 13, 2018 Minutes |
| 26 - 41 | 5.2. November 26, 2018 Minutes |
| 42 - 51 | 5.3. December 11, 2018 Minutes |
| 52 - 55 | 5.4. December 20, 2019 Minutes |

6. COMMUNITY WASTE DISPOSAL (CWD) SERVICES

Discussion and action with CWD representative and staff regarding any trash/recycling transition related issues and set a date for annual Extreme Green Event. *(Requested by Council Member Balkum)*

7. INFORMATION TECHNOLOGY AWARD OF CONTRACT

- 7.1. Discussion and action regarding award of contract for Information Technology Services. *(Requested by Palomba)*

8. APPOINTMENTS

- 8.1. Discussion and action regarding appointments to the Economic Development Review Panel. *(Requested by Council Members Bloom and Herren)*

9. ICOMPASS AGENDA MANAGEMENT

- 56 9.1. Discussion and action regarding the current status and all iCompass related items such as implementation of the records management software agenda preparation utilized by administration and integration on the City website. *(Requested by Council Member Balkum)*
[Agenda Brief - iCompass](#)

10. CODE OF ORDINANCE UPDATES

- 57 - 139 10.1. Discussion and action regarding proposed updates for Chapters 1-3 of the Code of Ordinances. *(Requested by Council Member Balkum)*
[Chapter 1 \(Proposed Revisions\)](#)
[Chapter 2 \(Proposed Revisions\)](#)
[Chapter 3 \(Proposed Revisions\)](#)
[Larkin Revisions Chapters 1-3](#)
[McLendon Chisholm Code Review 2018](#)
[Turnbull Chapters 1-3 City Ord](#)

11. CITY SURVEY DIRECT MAIL NOTICE

- 11.1. Discussion and action regarding printing cost of the postal card for a combined list of registered voters and property owners. Council Member Balkum will give a print and survey production update to meet the January 15, 2019 drop date for distribution. *(Requested by Council Member Balkum)*

12. REQUEST FOR PROPOSALS FOR CITY ENGINEER, CITY PLANNER AND CITY ACCOUNTANT

- 140 12.1. Discussion and follow-up action regarding Requests for Proposals for City Engineer, City Planner, City Accountant including setting posting and filing deadlines. *(Requested by Mayor Pro Tem Turnbull)*
[Agenda Brief -RFP for Engineer, Planner & Accountant](#)

13. AGREEMENT FOR FIRE PROTECTION AND INTEGRATION

- 141 - 150 13.1. Discussion and follow-up regarding the Agreement for Fire Protection Services and Integration between the City and McLendon-Chisholm Volunteer Fire Department (MCVFD). *(Requested by Mayor Pro Tem Turnbull)*
[Integration Agreement](#)
[MCFR Update](#)

14. EXECUTIVE SESSION

- 14.1. Recess into Executive Session (Closed Meeting) in accordance with Texas Government Code 551:074: Personnel Matters, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: City Attorney, City Engineer, City Planner, City Accountant, Municipal Judge, City Secretary, Assistant to the City Secretary, Building Permit Technician and Fire Chief/Fire Marshal. *(Requested by Mayor Pro Tem Turnbull and Council Member Balkum)*

15. RECONVENE REGULAR MEETING

16. EXECUTIVE SESSION ACTION

17. REPORTS

- 151 - 161 17.1. [Financial Report for November 2018](#)
162 - 166 17.2. [Building Official Report for November 2018](#)
167 - 170 17.3. [Rockwall County Sheriff Activity for November 2018.](#)
171 - 173 17.4. [McLendon-Chisholm Fire Rescue Department and EMS Activity for November 2018](#)

18. UPDATES, DISCUSSION AND DIRECTION TO STAFF

- 174 - 175
- 18.1. McLendon-Chisholm Fire Rescue Report
 - 18.2. City Map Updates (City Limit/ETJ and Zoning)
[January 8, 2019 Updates and Reports](#)
 - 18.3. Veterans Memorial Brick Campaign Fundraiser
 - 18.4. Future Agenda Items

19. COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

- 19.1. Mayor's Announcements - Events, Area Happenings, and Information
- 19.2. Council Member Balkum - Communications and Community Engagement
- 19.3. Council Member Larkin - NCTCOG 9-1-1 Board and Related Items
- 19.4. Mayor Pro Tem Turnbull - Budget and Finance
- 19.5. Council Member Bloom - Economic Development
- 19.6. Council Member Herren - Roads and Transportation

As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session in order to see confidential legal advice from the City Attorney on any agenda item herein.

I, Lisa Palomba, do hereby certify that the above Notice of Meeting of the City Council of McLendon-Chisholm, Texas was posted or before 7:00 p.m., January 4, 2019 on the outside bulletin board at City Hall, a place convenient and readily accessible to the public at all times.



**CITY COUNCIL
City of McLendon-Chisholm, Texas
Meeting Minutes
November 13, 2018**

The City Council of the City of McLendon-Chisholm convened in Regular Session on Tuesday, November 13, 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 (Absent)
Scott Turnbull	Mayor Pro Tem
Jim Bloom	Council Member
James Herren	Council Member (Via Videoconference)

Staff Present:	David Butler	City Administrator
	Lisa Palomba	City Secretary
	Jim Simmons	Fire Chief/Fire Marshal

1. Call to Order.

Mayor Short called the meeting to order at 6:53 p.m.

Mayor Short asked for everyone to keep the firefighter that was involved in a serious accident yesterday in their prayers since he is still in the hospital.

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. Proclamation.

Mayor Short asked the Council and David Butler to join him at the front of the room. Mayor Short recited many of Mr. Butlers accomplishments and then recognized and thanked Mr. Butler for his many years of dedicated service to the City.

5. Citizen Comments.

Mark Kipphut, 31 Fireside Drive, commented regarding the City Survey. He would like to see a cost analysis of the last two surveys including the total amount of staff time spent on the survey. He noted that it may not be the best use of staff time.

No one else spoke during the comment period.

6. Approval of Minutes.

a. August 28, 2018

Mayor Short stated this still needs to be reviewed by Ms. Palomba and will be tabled till the next meeting.

Commissioner Balkum motioned to table the August 28th, 2018 approval of Minutes till the next meeting. Mayor Pro Tem Turnbull seconded the motion.

Mayor Short called for a vote on the Motion. A vote was cast and the motion to table carried with 4 in favor, 0 opposed (Larkin, absent).

b. September 5, 2018

Council Member Balkum moved to approve the September 5, 2018 Minutes as a draft only. Mayor Pro Tem Turnbull seconded the Motion.

Mayor Short opened the floor for discussion on the Motion and then called for a vote. A vote was cast and the motion to accept the minutes as a draft only carried with 4 in favor, 0 opposed (Larkin, Absent).

c. September 11, 2018

Council Member Balkum moved to accept the September 11, 2018 Minutes as a draft. Council Member Bloom seconded the Motion. Mayor Short asked for any discussion on the Motion and then called for a vote. A vote was cast and the motion to approve the minutes as a draft only was approved with 4 in favor, 0 opposed (Larkin, absent).

Technical difficulties arose and the Mayor recessed the meeting at 7:06 p.m. to regain the remote connection allowing Council Member Herren's participation in the meeting.

The meeting reconvened at 7:13 p.m. The Mayor confirmed Council Member Herren, who was participating in the meeting remotely, could hear and see what was taking place.

d. September 26, 2018.

e. October 3, 2018

Mayor Short announced that the September 26, 2018 and October 3 will be tabled until the next meeting.

7. Contract with Community Waste Disposal (CWD), LP for Collection of Solid Waste and Recyclable Materials.

Council Member Balkum motioned to review the Contract with Community Waste Disposal, LP for Collection of Solid Waste and Recyclable Materials. Mayor Pro Tem Turnbull seconded the Motion.

Jason Roemer representing CWD stated he was there to address any questions Council had about their service that may not have been answered earlier. He added that he had been asked about a possible service date change. He spoke with the company's operations about a service date change and was informed the City could be serviced on a Thursday or Friday.

Mayor Short commented that as long as the trash is being picked up he does not have a preference on the service date.

Council Member Balkum stated that some people may be concerned about having pick up on Friday with holidays. She clarified that moving the service date to a Monday or Thursday would put a business day the day after for their trash to be picked up on instead of a week-end.

Council Member Bloom stated he believed the options were only for Thursday and Friday.

Mayor Short commented that he feels Thursday would be a better day because there are more Mondays with holidays which will disrupt service more often.

Council Member Balkum asked if they could come back in January to switch the pick-up date if they find through the Citizen Survey that people would prefer service on Friday.

Mr. Roemer responded they certainly can.

Council Member Balkum commented she thought it would be helpful to know how difficult of a process it would be to make a pick-up date change.

Council Member Bloom stated that he is not particularly concerned either way but is fine selecting Thursday based on the fact that it has an extra business day after it for trash pick-up in case of a holiday.

Mayor Pro Tem Turnbull asked if each service day is pushed back a day on weeks with holidays.

Mr. Roemer replied that it would depend.

Mayor Pro Tem Turnbull asked if there was a holiday if service would be a day later.

Mr. Roemer responded that the only two days they do not do trash pick-up are Christmas Day and January 1st.

Mayor Pro Tem Turnbull clarified that the company cannot double up its service on a day to catch up during weeks there is a holiday, so everyone's service is pushed back on those weeks. For example, if they were serviced on a Thursday, but there was a holiday on Monday their service would still be pushed back that week even if the holiday does not fall on their service day.

Mr. Roemer responded that the service would be pushed back a day for them.

Mayor Pro Tem Turnbull clarified it does not matter which day of the week they choose since if there is a holiday prior to the City's service day on a particular week service will be pushed back.

Mr. Roemer responded that was correct.

Council Member Balkum stated it sounds like everyone agrees with Thursday and there is no real need to take a vote on the date.

Mayor Pro Tem Turnbull asked if Mr. Roemer is wanting to print brochures before they start service January 1, 2019.

Mr. Roemer replied that is correct.

Mayor Pro Tem Turnbull clarified they will not have an opportunity to get feedback about a preferred service day from the January survey beforehand. Or if they do ask about it on the survey still and get feedback it should be switched the City will have to pay for the information to be reprinted.

Council Member Balkum commented that is why she asked Mr. Roemer how difficult difficulty it would be to change the pick-up day.

Mayor Pro Tem Turnbull asked if they would still like to include a question about the trash service date on the Survey or if they should go with Thursday.

Council Member Bloom stated he feels they should pick a date.

Mayor Short commented that he likes Thursday since the day after is still a work day so if there is a holiday or an issue of some sort they have more business days left in the week after for potential trash pick-up. He added that he feels that is what is best for their citizens.

Council Member Balkum asked if there were any other recommendations as far as the day of service.

Mr. Roemer responded that Thursday is good.

Mayor Short asked Mr. Roemer if the company feels the date is good so they can satisfy what they need.

Mr. Roemer replied yes.

Council Member Bloom asked to confirm that the Recycle Poly Cart with a lid is the same size as the 95-gallon regular trash bins.

Mr. Roemer stated that it is the same size.

Council Member Bloom asked if both are collected weekly.

Mr. Roemer replied that they are both collected weekly.

Council Member Bloom asked for clarification on the definition of overflow and how that would affect them. For example, would they generally pick up something that was leaning against the trashcan.

Mr. Roemer stated that it depends and would be pertaining more to the large bulk items and how many yards of it they are putting outside the bin.

Council Member Bloom clarified that if it is excessive that would be a problem, but if it is one item they would not be concerned about that.

Mayor Pro Tem Turnbull asked what the size was if someone was bundling something.

Council Member Bloom stated it was four feet.

Council Member Balkum commented the size of a washing machine is how she remembers it.

Mayor Pro Tem Turnbull asked if it was that much each week or if it would be a fourth of that each week.

Mr. Roemer responded it would be one washing machine (size) each week.

Mayor Pro Tem Turnbull commented that he likes the idea of bulk pick up each week.

Mayor Pro Tem Turnbull asked if he would be charged extra if he had 40, 50-gallon bags he would be charged extra.

Mr. Roemer replied that would be considered excessive.

Council Member Balkum stated she has put out things like chairs and had those picked up.

Mayor Short commented that it is one thing if the citizens are not managing their garbage properly but another when stuff gets knocked out of container by those collecting trash and not picked up afterwards.

Mr. Roemer assure Council their employees are very conscience of not allowing trash to scatter on the streets during the collection process.

Council Member Balkum asked if they are all in agreement about having the pick-up date on Thursdays and having both every week.

Mayor Pro Tem Turnbull stated he would like to amend his motion to include Thursday Pick-up with bulk each week.

Council Member Balkum stated she believed she was the one who made the Motion.

Mayor Short asked if everyone would still like recycling every week.

Council Member Balkum stated that there are a lot of people that want recycling. She added that this company would hold a household hazardous waste disposal day event instead of them getting vouchers to drop it off like they have in the past.

Mr. Roemer stated there are two options for household hazardous waste disposal, one being door side where people would call into customer service and schedule to have it picked up. They also have the Extreme Green Event where they would come into the City and hold an event where people could dispose of those types of items.

Council Member Balkum asked if the document shredding they would do at that event would take place here or somewhere else.

Mr. Roemer responded it would be shredded on site.

Council Member Balkum stated that in the past they have had a lot of community response and she feels this could be a good opportunity for a community outreach event at City Hall. She suggested doing it in the spring time.

Council Member Balkum asked if they would be able to dispose of lawnmowers.

Roemer confirmed lawnmower were acceptable.

Council Member Balkum asked what people thought of doing the event.

Council Member Bloom stated that he likes the idea for the same reasons Ms. Balkum had mentioned earlier.

Mayor Pro Tem Turnbull asked if they have a citizen call and ask them to pick an item up on a day other than the event and were willing to pay for it if they would do that.

Mr. Roemer stated that they would.

Mayor Pro Tem Turnbull stated he does believe the event would be effective.

Council Member Balkum clarified that she feels the event only needs to take place once a year and she would suggest in the spring. However, she is open to other people's preferences for a different time of year.

Mayor Short asked if anyone felt it should happen twice a year.

Mayor Pro Tem Turnbull asked if the one-time event was included in the price.

Mr. Roemer replied that it would be an additional 88 cents per month, per home in addition to the regular trash pickup price.

Mayor Short commented that he feels once a year is good based off what he has seen in other cities.

Mayor Pro Tem Turnbull stated they could keep it at once a year until they get requests to have it more often.

Council Member Balkum stated that if they have any complaints or a problem, they have Mr. Roemer's cell phone number.

Council Member Balkum asked if anyone else on Council started getting the e-blasts. She added that whoever is doing it is doing a great job.

Mayor Short asked if there was any more discussion on it.

Council Member Balkum asked if Mr. Roemer had been around the City and specifically if he had been down Frontier Trail.

Mr. Roemer stated he has been down Frontier Trail and that Frontier Trail and Meadowpark have been excluded from the contract. Residents on those streets may use a private trash hauler.

Council Member Balkum asked if the company will go down League Road.

Mr. Roemer responded they would.

Council Member Balkum asked if a reason was given such as the weight of the truck.

Council Member Balkum stated this is her first-time hearing about the situation with Meadowpark. However, issues with Frontier Trail are not new since even the Post Office has had problems there.

Council Member Balkum stated that in the past they have had events where they have had to contact a contractor to bring out big bins. She asked if that would be the same type of situation.

Mr. Roemer stated that is correct.

Mayor Short asked if there was any other discussion on the motion and then called for a vote to approve the contract with Community Waste Disposal for Trash and Recycling services. A vote was cast and the motion passed with 4 in favor, 0 opposed (Larkin, absent)

Mayor Short comment that he forgot to mention earlier that Mr. Larkin is not present since he had a family issue come up.

8. Fall Newsletter.

Council Member Balkum stated that she revised the newsletter with changes she received from the last meeting. She will now add honoring Dave Butler as well as the updates on garbage pickup. She also received the updated image from Fire Chief Simmons which may change as well. On page four she is looking for contributions such as a quick facts about the Council that she can add in the yellow box otherwise she can leave it blank.

Council Member Balkum clarified that she could add another factoid or replace one of the factoids. Her plan was to get them printed tomorrow. She added that she looked up other quotes since it turned out to be more expensive than she originally thought but they are still getting the best deal at \$900 for 1500 of them. She has also gone through the data base and removed several duplicate addresses which will save them a couple hundred dollars on stamps.

Ms. Palomba asked which company is printing the newsletters.

Council Member Balkum responded UPrinting.com.

Council Member Balkum commented that it should be fine to use a credit card and it would ship here. She added that the shipping cost is about \$15.

Turnbull asked about the time period for mailing the newsletter

Council Member Balkum indicated that if she is able to turn it in before three tomorrow it will possibly arrive by Monday or Tuesday.

Council Member Bloom asked if it could be sent out with something like a water bill, so they can save on costs.

Palomba indicated that was not possible as the City does not send the utility bills and services are provided by private water companies.

Council Member Balkum commented that she found ways to reduce the stamps by getting rid of duplicate addresses.

She added the addressing would be done with the printer.

Council Member Balkum stated that the changes will include possibly the Fire Department's photo, information regarding the contract for trash/recycling services on page one, and if possibly far-left column on page four.

Mayor Short asked if there was any more discussion on the topic.

Council Member Balkum asked if they needed to vote on it.

Mayor Short responded that they did not since it was only a discussion.

Mayor Short moved to Item 9.

9. Code of Ordinance Updates.

Council Member Balkum motioned to review the Code Ordinance Updates with Mr. Ellis.

Mayor Pro Tem Turnbull seconded the motion. A vote was cast to discuss the Code Updates with 4 in favor, 0 opposed (Larkin, absent).

Mayor Short clarified that the motion is to open discussion with Mr. Ellis to speak on the Building Ordinance and the rest of the Ordinances they will table till the next City Council Meeting.

Mayor Short stated that he thinks they can still do their homework on the next chapters. Mayor Short then called for a vote.

A vote was cast and the motion carried with 4 in favor, 0 against (Larkin, absent).

Mayor Short began to ask questions of Mr. Ellis. Mayor Short asked how often the building codes change.

Mr. Ellis responded most of the time it is every four years.

Mayor Short asked if the code is about to change to a 2018 version but they will not see it till 2019.

Mr. Ellis stated there is not really a push to do it yet.

Council Member Balkum asked if these were separate memberships or manuals that you would have to pay licensing fees for.

Mr. Ellis responded that each one he mentioned is a sperate publication.

Council Member Balkum stated she remembers going back through the Fire Code and seeing how old some of the codes were and finding out that is relatively normal. She then asked if they needed to do an actual print version of it or if they could utilize an e-service.

Mr. Ellis commented that they could use an e-service.

Mayor Short commented that it would be nice to have but it would be very difficult for someone to put together.

Council Member Balkum stated she was thinking they could make a scan of it. She added that it would be nice if there was a way to search key words to find a code.

Ellis indicated it could be searched.

Council Member Balkum clarified they are not asking to do that. She then asked if there was an in-house PDF version they can have. She commented that would help them save on paper too.

Palomba indicated that since the Building Official duties are outsourced to a contractor, the City does not keep copies of Building Codes.

Mayor Short stated that over the years there are updates and things are taken out or added.

Council Member Balkum asked if that included all of these or if there are set individual prices for things like the Residential and non-residential.

Ellis indicated they were all included.

Mayor Short stated that certain individuals might have to reference a building code a lot more than the Council would have to.

Council Member Bloom commented that Council does not need to search it themselves especially if there are costs involved.

Council Member Balkum asked Mr. Ellis if they have the numbers or if those will be provided to the Board at the next meeting.

Ellis indicated he would research costs and bring back to Council.

Council Member Bloom asked if the numbers Ms. Balkum asked for were to buy it.

Council Member Balkum responded yes for us to have a license.

Council Member Bloom commented that he feels Council does not need it.

Council Member Balkum clarified that it would not be for the Council but for the secretary.

Council Member Bloom stated they do not need it at all.

Council Member Balkum stated the only other thing is Chief Simmons wants a hard copy.

Mayor Short clarified that Chief Simmons only wants the Fire Code.

Mayor Pro Tem Turnbull commented that Chief Simmons recently purchased that, so he will not need to renew it soon.

Palomba indicated she is unsure which version of the Fire Code the Chief purchased.

Council Member Balkum stated that was a discussion that took place about six months ago.

Mayor Short stated that unfortunately these things change so rapidly.

Mayor Pro Tem Turnbull stated that they should ask Ellis to provide them with pricing for access and put it on the next agenda for approval.

Mayor Short stated that if the Fire Chief needs a hard copy, he can give us the information on what that cost is going to be.

Ellis asked which for which codes should he seek pricing.

Mayor Short responded each one you recommend. He then stated they needed to move to the next item and that the next meeting will be Monday the 26th.

Council Member Balkum thanked Mr. Ellis for his time.

Mayor Pro Tem Turnbull asked if they took the appropriate action to table the rest of this.

Council Member Balkum responded yes.

10. Resolution Appointing a Council Member to the Initial 9-1-1 District Board as recommended by the North Central Texas Council of Governments.

Mayor Short introduced Agenda Item 10. He explained that this would be appointing Council Member Larkin to the 9-1-1 District Board. He added this needs to be done since Friday is the first meeting.

Mayor Short asked if there was a motion to appoint Mr. Larkin to the 9-1-1 District Board.

Council Member Bloom stated that he moved to do so. Council Member Balkum seconded the Motion.

Mayor Short asked if there was any questions or comments.

Council Member Herren stated that he feels Mr. Larkin is the right choice for the position.

Mayor Short called for a vote.

A vote was cast and the motion carried with 4 in favor, 0 opposed (Larkin, absent).

Mayor Short called for a recess at 8:15 p.m.

Mayor Short reconvened the meeting at 8:23 p.m.

11. City Survey.

Mayor Short introduced Item 11.

Council Member Balkum provided information relating to the process that would happen for the Survey to take place. It would start with her putting together all the questions Council would like included. She added that they have only one license for the survey program they will be using, which they pay \$899, and that will be given to Ms. Palomba the City Secretary. After Ms. Balkum has put the questions together Ms. Palomba will enter that information into the program and add response options.

Council Member Balkum continued stating that they will be cleaning up the list of who the survey will go out to since there are duplicates. Each person who the survey is sent out to will be associated with a random number which will act as their code to take the survey. After the survey is completed the City Secretary will take over and change the password and upload the information to a new database. She clarified that once the survey is taken and the password changed only the City Secretary will have access. For those that choose not to take the survey online they will come in and get a printout version which Ms. Palomba will later enter into the system herself. She added that she believed not many choose to do it that way.

Council Member Balkum stated that they have had good responses to the surveys in the past. She believes that a 20% response rate is considered good and last time they received a response rate that was closer to 30%. She would like to see them do even better in the future but clarified again that even a 20% response rate is good.

Ms. Balkum then motioned to have a subscription renewal. She added that the renewal needs to be done by November 21, 2018.

Mayor Pro Tem Turnbull asked for clarification on what the renewal is for.

Council Member Balkum stated that it is for \$899 for a subscription renewal.

Mayor Pro Tem Turnbull seconded the Motion.

Mayor Short asked for any discussion on the Motion.

Council Member Bloom stated that he does not feel they need a survey every year and he feels that the information would be academic at best but it will not help drive them forward. He added that he is not in favor of the \$900 expense as well.

Council Member Balkum responded that the cost is actually fairly cheap in comparison to having a consultant come out and do it which would have the City looking at a cost closer to \$10,000 possibly.

Council Member Bloom stated that he agrees with Mr. Kippit that they should look at previous surveys and see what the cost per response is, what actions came of those responses, and what the benefits are.

Council Member Balkum Stated that she felt they were helpful recently when they asked questions about the trash and fire services. She added that in the past she has thought the citizens felt differently than they did and was able to change her direction based on the survey responses and she feels this is a good way to be sure they are going in the direction the citizens want when making decisions.

Mayor Short stated that the Motion is on if they are going to renew the subscription or not and not what the benefit of a survey is.

Council Member Bloom stated they kind of go hand in hand.

Mayor Short responded that they do.

Council Member Bloom stated that he would have to say no to renewing the subscription.

Council Member Balkum responded that Mr. Bloom has the right to do that.

Mayor Short asked when the subscription ends.

Council Member Balkum stated it is the November 21, 2018. She added that they would be sending out two direct mail pieces which will be a post card and the cost was around \$150 not including shipping. The cards would be delivered to City Hall where they would print the addresses on them and then add a stamp.

Mayor Short asked if there were any more questions on the Motion.

Council Member Balkum commented it was about \$800 for stamps last time.

Council Member Balkum stated that she was not involved but she thought they had three postcards going out at the time.

Council Member Balkum responded that for printing cost alone for 2,000 is about \$150 not including shipping and stamps and last time they sent out 1,968. She added that they should spend more time making sure there are not duplicates on the mailing list.

Mayor Short asked for any more discussion. He then called for a vote.

A vote was cast and the motion carried with 3 in favor, 1 opposed (Bloom) (Larkin, absent).

Council Member Balkum stated that once they have the subscription renewed, she would like to have the Councils input on questions and categories. She would like to take time to do this well, so they can get good feedback from citizens to help them with their future deliberations.

12. Holiday Lighting Contest Sponsorship.

Council Member Balkum stated this is mainly an update. They have three vendors who are offering wonderful prizes in return for using their logo, mentioning what they donated in the fall newsletter as well as at the Holiday Lighting Event. She added that the prizes have already been added to the newsletter.

Mayor Short asked about the Holiday Lighting Event and when it was happening.

Council Member Balkum responded it will be on December 11th.

Council Member Bloom stated that it is on the 6th.

Council member Balkum suggested that maybe they were thinking of the judging of the lights. She clarified that the Tree lighting is on December 1st and December 11th is when they will give out the awards for the Holiday lighting contest.

Council Member Balkum stated that she is surprised by the response they got.

13. Request for Proposals for City Planner, City Engineer and City Accountant.

Mayor Short introduced Item 13.

Mayor Pro Tem Turnbull stated it is time for Council to start reaching out for request for proposals on these positions. Doing an RFP does not mean we are upset with the people they currently use, but it will allow them to see if they could get a better deal or not. He added that this does not need to be urgent, but he does feel they could have it posted by the first part of December and have the responses back for the first meeting in February.

Mayor Pro Tem Turnbull stated he would like it in time for them to review and discuss them at the first meeting in February. **He then motioned to issue RFP for the three positions City Planner, City Engineer and City Accountant with them going up in the first of December and being acted on by the first meeting in February of 2019.**

Council Member Bloom seconded the Motion.

Mayor Short asked if there was any discussion on the Motion.

Council Member Balkum asked if they are missing the Assistant position.

Mayor Pro Tem Turnbull replied that is different. He clarified that these are contracted positions.

Mayor Short stated that throwing the feelers out there does not mean they will make a change.

Mayor Pro Tem Turnbull stated this is the same thing they did with the Auditors. It is nothing personal and something that they probably should do more often. He added that if they get it started now, then everything will be in place by the next budget cycle.

Council Member Balkum asked if this is for January 2019.

Mayor Pro Tem Turnbull responded that it is not. It should be ready by the first meeting in February 2019.

Mayor Short asked if there was any more discussion on the Motion. He then called for a vote.

A vote was cast and the motioned carried with 4 in favor, 0 opposed (Larkin, absent).

14. Sonoma Verde PID Administration.

Palomba indicated staff has experienced some frustrations in dealing with the current PID Administrator and suggested it might be time to issue an RFP for a new provider.

Council Member Bloom motioned to send out an RFP based on Ms. Palomba's feedback and consider replacing the current vendor.

Mayor Pro Tem Turnbull seconded the Motion.

Mayor Short asked for any discussion on the Motion.

Mayor Pro Tem Turnbull stated that he agrees they should do the RFP and he thinks the RFP should be to start in the new fiscal year rather than starting right away. In the meantime, he thinks a large part of the problem is with the individual they are working with and maybe they should notify Municap that they wish for Josh to be their representative instead.

Palomba requested clarification.

Mayor Pro Tem Turnbull clarified that Municap needs to be notified that the City expects better service and for things to be done sooner. They should also notify Municap that the City would prefer to work with Josh until the end of year. He added that the person they have been working with is smart but can be confusing as well.

Mayor Short asked if Mr. Bloom was alright with the changes Mayor Pro Tem Turnbull wanted to make to the Motion.

Council Member Bloom stated he is. He added that they need to see improvement happen quickly.

Mayor Pro Tem Turnbull stated that Mr. Bloom's motion to do the RFP stands and if they have to accelerate it than they will.

Council Member Balkum emphasized that Josh should definitely be the representative.

Mayor Short asked if there was any further discussion.

A vote was cast and the motion carried with 4 in favor, 0 opposed.

15. Executive Session.

Mayor Short stated they do not have anything to move into Executive Session for so they will move on to item 18.

16. Executive Session was not convened.

17. Executive Session Action. No action occurred as there was no executive session.

18. Updates, Discussion and Direction to Staff.

Mayor Short asked if there was anything under Item 18 that needed to be discussed at this time.

a. McLendon-Chisholm Fire Rescue Report (integration, staffing and equipment status).

Mayor Short stated that Chief Simmons is not present, but he is moving along and keeping up with the deadlines that need to be met.

b. City Map Updates.

Palomba indicated she and the City Planner are in the process of reviewing the map updates.

Mayor Short asked if they are going to get a map for City Hall.

Council Member Balkum stated they would have to get a price on what it would cost, but she believes they were all were happy about the idea though.

Palomba indicated they were planning to replace the large maps at City Hall with updated maps but would also have some maps printed on foam board or similar material that could be moved from room to room or used away from City Hall if needed.

Council Member Balkum responded they have done that before.

Mayor Pro Tem Turnbull asked if they are also getting digital versions of them. He then commented that those would be easier to update.

Ms. Palomba stated they will have digital versions. She added that digital versions should be updated each time there is a change and she assumes that has been happening as changes to city limits/ETJ and zoning are approved.

Mayor Pro Tem Turnbull stated that within two weeks of a zoning change they should be able to have that updated on the digital version.

Council Member Bloom asked if surveyors are sent out each time changes are made.

Palomba indicated not necessarily and that a legal description is generally included in any application for change and that changes to the map can be made from that description.

Mayor Short stated more than likely that would be the case but sometimes they may have the survey done at that time.

Mayor Pro Tem Turnbull commented that sometimes they have to have a survey done if it is for something like rezoning.

c. Veterans Memorial Brick Campaign Fundraiser.

Council Member Balkum stated that she thought they had sold around 13 or 14 bricks.

Palomba thought the number was closer to 10 but admitted she has not checked recently.

Council Member Balkum stated that they have not hit their goal yet, but each time she has sent something out they have at least had one person make a purchase. She stated that she is not sure if the rest of the council is sharing the page or not.

Mayor Short stated that he has been sharing information on it. He added that he and some other veterans have shared some ideas of how to generate more participation. They also talked about purchasing bricks on behalf of the veterans that are buried in the McLendon-Chisholm Cemetery, but they are still working on that.

Mayor Pro Tem Turnbull asked if he had a list of who all those veterans would be.

Mayor Short responded that he did not have a list. However, he knows he can reach out to The Daughters of the American Revolution and the Girl Scouts had placed flags on those graves and they should have a list.

Council Member Balkum clarified that even with sharing he should be aware and explain to those he is working with the cost will still be \$150 since that is the cost for someone to come out and install the brick. She added that she has not investigated the idea much but would like to look into the possibility of putting some stone down and then replacing it with the bricks as they are purchased. She recognized that doing this may add additional fees or complexity to the design process.

Mayor Short commented that if only a few are done a time they may come out looking different than others.

Council Member Balkum added there could be problems with the shipping fees, time, and cost.

Mayor Pro Tem Turnbull asked if they know what the brick pattern will be around the memorial.

Council Member Balkum stated that she can ask the fundraising group.

Mayor Pro Tem Turnbull stated that his home town made a memorial and they put half bricks down to hold spots and then replaced them a certain number at a time as they were purchased. He realizes this may add some additional costs but feels having some sort of surface put down in the meantime would be best.

Council Member Balkum stated that essentially what she wanted to do was remind everyone to keep putting the word out there to have people purchase the bricks, since she does not have any hard information on the rest of the ideas they have discussed.

d. Christmas Tree Lighting Event.

Council Member Balkum stated that they do not have a Santa for the Tree Lighting and all of them have been booked, so if anyone knows someone that would volunteer to do that let her know.

Mayor Short stated that he might have someone who he could possibly talk into volunteering.

Council Member Balkum stated she knew that Ms. Palomba did a great job at creating a little treat station last time and all the kids had a good time. She then asked Ms. Palomba about her email update on decorating the tree.

Mayor Short asked if they have put anything out on the City website about citizens bringing an ornament to add to the Tree if they would like.

Council Member Balkum stated It will be in the newsletter and on the Facebook page.

Council Member Balkum stated that maybe they could ask someone to play a violin or a trumpet or something like that, since there are so many kids that participate in orchestras and musical groups. She then asked if anyone knows someone who might be willing to play a Christmas song at the event.

Mayor Short stated they could also contact the Church down the street about some music.

Council Member Balkum reminded them all to bring their own ornament as well. She added that she has also thought about sharing with the community instructions for how to make your own ornament. She added that the event is listed in the event pages.

e. Holiday Lighting Contest. No additional comments.

f. iCompass Agenda Software Implementation.

Palomba indicated she has had several training sessions with the company and implementation is moving forward.

g. Future Agenda Items.

Mayor Short congratulated Council on not been loaded down with too many agenda items and feels they are doing a great job getting through their agendas.

19. Council Member Reports and Announcements.

a. Mayor's Announcements – Events, Area Happenings, and Information.

Mayor Short stated that Saturday there was a Wreath Laying Event at the Veterans Monument at City hall. He stated his hat is off to Mr. Herren and Mr. Larkin, both veterans, who attended the service. It makes him very proud to stand next to his fellow veterans. He added that the Daughters of the American Revolution, the Girl Scouts, and the Sons of the American Revolution all did an excellent job putting it on. They also have the Christmas Tree lighting and the Lighting Contest coming up. He is glad the City is really stepping up and showing through these events that community is still important.

b. Council Member Balkum – Communications and Community Engagement.

Council Member Balkum stated that they had the food drive on Saturday as well that went well, but she will have to check with Chief Simmons to see exactly how many pounds of food they collected. She has also talked with the Firemen about being involved with more events in the future and is hoping they will do that. As for communication she has continued to have good responses to her e-blasts as well.

Mayor Short thanked Ms. Balkum on the good work she did on the food drive and stated it was a nice event.

c. Council Member Larkin –

Council Member Larkin was not present for comments.

d. Mayor Pro Tem Turnbull – Budget and Finance.

Mayor Pro Tem Turnbull stated he does not have anything new since he is still waiting to receive the October finances.

e. Council Member Bloom – Economic Development.

Bloom asked Palomba about the number of applicants. Palomba responded she believes she has five applications at this time.

f. Council Member Herren – Roads and Transportation.

Council Member Herren stated he went to the Roads Consortium Meeting and talked with Brenda from TxDOT. He has sent her an email now with about seven questions and is waiting to hear back from her. Some of the questions were about the situation with Hwy 205 and other problems they have seen in the City with congestion and adjusting the timing on lights to help with that. He will update everyone when he hears back from her on all that.

20. Adjourn.

Mayor Pro Tem Turnbull stated they have completed all of the items and asked if they could adjourn the meeting. No one objected.

Mayor short adjourned the meeting at 9:19 p.m.

ATTEST:

Lisa Palomba, City Secretary

APPROVED:

Keith Short, Mayor



CITY COUNCIL
City of McLendon-Chisholm, Texas
Meeting Minutes
November 26, 2018

The City Council of the City of McLendon-Chisholm convened in Regular Session on Tuesday, November 26, 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
Jim Herren	Council Member (absent)

Staff Present:	Lisa Palomba	City Secretary
	Jim Simmons	Fire Chief
	David Paschall	City Attorney

1. Call to Order

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

2. Council Member Larkin 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. No Citizens Comments

5. Approval of Minutes.

Mayor Short requested that the council consider the Minutes all together unless someone has an issue and then he will pull that one out.

Council Member Balkum suggested Council approve the Minutes from August 28, September 5, and September 11 meetings. Noting that September 5th and 11th minutes only have minor changes yet to be made that need to be sent to Ms. Palomba. September 17th has yet to be reviewed.

Mayor Short called for a motion to accept August 28th, September 5th, September 11th as is with minor changes to be sent to secretary. Bloom made the motion, seconded by Council Member Larkin.

A vote was cast and the motion carried with 4 in favor, 0 opposed (Herren, absent).

Mayor Short added that September 17th minutes to be moved to next meeting.

6. Ordinance Approving Release of Excess Capacity in Wastewater Line to Rockwall Independent School District (RISD).

Mayor Short introduced a discussion and action item regarding an Ordinance approving release of excess capacity, reserved to MC 550 Land Holdings, L.P., in the wastewater line between Sonoma Verde and Buffalo Creek Interceptor to Rockwall Independent School District for a planned school site on FM 550 in the City. Mr. Russell Phillips addressed the council.

Mr. Phillips stated that the Rockwall Independent School District (RISD) had approached Council in August regarding a request for the City to release excess capacity for a future middle school site. At that time, RISD was asked to give Council some time to work through the budget and work through things with the Fire Department in order to have the time to better understand and consider the request. Those items have been decided and now the RISD request is that the City Council consider their request for 65 units to be released to Rockwall Independent School District for a future middle school that is to be built right down the road from City Hall. We don't know timing on it, but we want to make sure they have the capacity to take that step whenever it is necessary. We have an Elementary School in Sonoma Verde, which is in McLendon-Chisholm, we now would have a middle school out here as well, so we're excited at the prospect of having an opportunity to take that step whenever is necessary. Russell introduced Chris Cuny the designer of the line, and James Watson from the Rockwall Independent School District. Mr. Watson has been heavily involved in making sure there is adequate capacity. These experts are happy to speak to you more about this request and take questions.

Mayor Short asked if Council Member Balkum had a question.

Council Member Balkum invited Mr. Watson to share some thoughts as it is his first time in attendance of a Council Meeting.

Mr. Watson reiterated that it is important to secure the land as a possible location for a future middle school site. The timing of when or if that will be built is depending on enrolment growth. However, it is a great time to secure the sewer service for that site. It will be a great benefit for us and for our kids.

Council Member Balkum asked Mr. Watson to clarify his role at the RISD.

Mr. Watson responded that his job title is Executive Director of Operations which encompasses transportation, child nutrition, maintenance, grounds, new construction, land development, and land acquisition.

Council Member Balkum brought up a meeting with the board a couple of months ago, and asks Mr. Watson to enlighten the council on what happened at that meeting. Specifically, regarding the next steps after the acquisition would take place with the waste water line.

Mr. Watson said that the meeting involved a quarterly review, analyzing and evaluating the demographic projections, so that they can have a better understanding of when development might occur. He reiterated that the aim was to acquire the infrastructure and then wait to see what growth does. Then with further consultation with the City Council, when the time comes, they would seek to agree on when the best time would be to develop the land into a school.

Council Member Larkin clarified that the RISD is asking to take 16% of the available future development allocation. There's a lot of things that can happen before a school is built. And, it may be true that we may have to expand those lines also for other development if we are lucky enough to have growing economic development. I certainly understand the necessity to put your reservation in and make sure that you have adequate resources before you move forward with the plans.

Council Member Bloom asked if the projected LUE's include some wiggle room. Requesting clarification that the estimate was generous, is it more than the RISD believes it will need?

Mr. Watson responded that because he is not a civil engineer he wanted to be cautious when answering. However, there is typically a safety factor there, and that the suggested capacity is likely one they will never reach. The RISD is an off-peak user they will likely never get near that.

Council Member Bloom clarified that he is asking if he thinks there would ever be cause to come back to the city council and ask for more.

Mr. Watson assured that the proposal is on the top end of what they would ever need.

Mayor Short asked Mr. Cuny about his request of 65 units since he has estimated that 55 is probably all that will ever be required.

Mayor Short reiterated Council Member Larkin's point, he agreed that it is his only concern. If we allocate this and it takes longer for the demographics to build, and you're not ready to build and we need it for somebody else. The council is asked what they think about asking RISD to enter into an agreement where they have right of first refusal for the last 65 units if you haven't already taken them. The Council would then allocate those to

the RISD but if they aren't ready to use them, the Council might need to come in and request they be reallocated.

Council Member Balkum invited Mr. Cuny to address the council.

Mr. Cuny introduced himself as a Civil Engineer and President of FC Cuny Corporation, he explained that he is also a member of the school board. The school board owns the property of 40 acres that's adjacent. He has a map of the location. They purchased it at a price that was reflective of not having sewer. After which the school district started working with Mr. Phillips and the development team to talk about buying that excess capacity. It's important to understand why the system was designed the way it and what it means to the city. As part of the development agreement, Sonoma Verde was first on the drawing board and we were outside the city limits and there was a desire for the city at the time to bring part of the ETJ property within the city, so the development agreement contained that Sonoma Verde would voluntarily annex into the city limits and that we would build a sewer system that would provide sewer for the Sonoma Verde development, the commercial development along highway 205 and that's a defined area, we've got a map that shows that area, and the elementary school site – that land was donated to the school district by the developer to create the first elementary school in the city, and with that, and the investment that it took to build the line, we also would like the ability to size the line for 400 additional residential units so that we could help defer the cost because that line is an 8-inch force main that starts at Sonoma Verde and goes all the way to Heath. It goes all the way to the point at Rabbit Ridge or McDonald Road and then it breaks gravity and ties into Buffalo Creek.

The reason that that line was sized as an 8-inch and sized for 1,095 the commercial, the elementary school and the 400 units, was at the time, the City Council, they didn't want to serve any other development, they didn't want to serve any other areas, they didn't want to open the city to higher density development, and so that was how that number was determined. The 400 units that are excess capacity are units that are owned by the developer to help defray the cost of that initial investment, and the uprights that are required down the road. The caveat is that the City Council has to approve the allocation of those taps. Mr. Watson will talk about the right of first refusal, but before the school district could do any future planning for a school, they must know that a sewer is there. It can't be a conditional thing. It can't be known when or if a middle school can be done or if it will ever be done, but there's a likelihood that at some point in time it will. The land committee, which I also am on, is trying to secure sites now as the district grows, and this is a great location as we look at where the other schools in the area are. Now the middle schools come well after the elementary school, but the important thing is that we would need know that is a definitive deal. I don't want to speak for Mr. Watson, but I don't think a right of first refusal would be an option acceptable to the district.

Mr. Watson expressed appreciation at the right of first refusal but urged the Council to understand that they need to be definitive in the amount of sewer they have available to them. He explained that one cannot make plans on "if" it might come down the road. He offered to the Council that currently they have an agreement where they split the fee. AS

an example, your fee of 65 units would be \$1,200 per tap times 65. What we are willing to do is we get 65% of the tap fees as they move forward and our agreement has been, over the life of the agreement, we split that to help offset our costs in the line. So, what I would recommend to you today is that we're willing to forgo our part of the split of that fee, allow you the ability to keep it. You'll set your fees for commercial usage in the future, but you'll get all of the fee as it relates to the school district. Therefore, it would probably be very close to what you were going to get before – I have no idea what that normal fee is, and you can look at that yourselves, but I want to offer that to you. We think it's imperative that we give the school district what they need to have, and they know it, without a shadow of a doubt, that they have the ability to. If the city wanted to have more sewer and have more lot sizes and what have you to drive that sewer, but that's not what McLendon-Chisholm is wanting. So right now, we need to be definitive in the plan, and I'm asking the council to really look at that, to take that into consideration, we're happy to give our fee over to you, regarding our splitting taps in order to make that happen. We would like to leave here tonight with something that's more definitive. They need that in order to make plans, anyone who owned that property would need to have that more definitive.

Mayor Short clarified that he wants them to have that definite answer. The only way that 65 would go to somebody else is if in 7 years when, if we need them for somebody else and the school district has decided they don't need to put the school there anymore. Then in the future if the city needs it I would like the city to be able to ask to redistribute them.

Mr. Watson clarified what he meant about the units. For example, if the school district does not move forward, then they still need to own those 65 units, because if they own them then they can be sold to another user. So, it could still be used down the road, so it won't be wasted units, that is something of value to the district.

Council Member Larkin observed that we need to give a definitive answer on the allocation – I understand that, and I support that. The reality of it is if our economic growth takes off and we start seeing all kinds of stuff happening and we get to a point when we need additional sewage, that's just going to have to be an embedded cost to the development. Where we're drawing a line is we're saying ok, we've got 400 units here, available for commercial development, you want to allocate 16% of that to RISD, and I think that a middle school would be an economic boom for this community. So, I understand where you're coming from 100%, if RISD decides not to build on that site they could then reallocate those 65 units, with the blessing of the council, so essentially those units belong to RISD until such a time as they may not need them anymore and they would sell them.

Mr. Watson affirmed that was correct.

Council Member Balkum clarified, there is 400 LUE's, and this would use only 65 of that, so the rest of that we would have to agree on where we could use the other.

Mr. Watson responded that as long as we develop them ourselves under the agreement, we're able to move forward and use those taps, obviously with approval of the council. If for some reason those units are not used by us, then we have to come, just like we are today, before this council and ask permission to give them to another project. So, the council still has control of what is to be built and what they are used for outside of what we are but even then, you still have that control because you only approve the plans and there's no guarantee of what size other than what you want as a city.

Council Member Balkum asked Mr. Watson to clarify if he is saying that the City Council may use them for other commercial possibilities on Hwy 205.

Mr. Watson clarified that none of the 400 LUE's are to be used for commercial, Mr. Cuny has already figured that in your usage. All of the commercial area at 205 and 550 is included already in the calculations for that. So, you do not have to lose any of the LUE's the 400 LUE's as it applies to the commercial area there, because we were designed already to be able to handle that

Mayor Short requested that the council is shown the maps as referred to earlier by Mr. Cuny.

Mr. Watson agreed to show the maps to the council. Council reviewed the maps provided.

Mayor Short said that seeing the maps made a big difference in his understanding of the development and that this fixes his concerns.

Mr. Watson reiterated that the City Council will not have to give up any commercial capacity at all.

Council Member Balkum raised the point that because the fire station on Hwy. 205 would be moving, they would need to confirm another location for a fire station on Hwy. 205 in the future that is closer to the city. If they choose a location here for Fire Station one, can they tie the waste line into the main line?

Mr. Watson affirmed that is correct. He clarifies that money-wise, if the Council were to put a fire station on that property, it's probably less expensive for them to do a small aerobic system, or just a residential unit, like what has been done for City Hall. However, I've talked to Mr. Cuny about this and had you developed out in the future, you would have been able to tie into the line along there as well.

Mr. Cuny clarified that on the first sheet shows the 27,000 feet, the red line that's on there shows the line that runs along FM 550 all the way down to the Buffalo Creek station. And that's just kind of an overview. The second sheet's really the most telling sheet it shows a little bit more detail, it's a little zoomed in and it shows the red line that starts on the other side of Highway 205, that red line is existing force main, it comes across as highway 205, it comes past Chisolm crossing and the yellow site that I have marked out that says RISD site is the 40 acres that the RISD has, and of course the force main continues on

down and that's the existing force main and the proposed lift station is shown, there's a little arrow that you can see in yellow that's in the corner that's where the proposed lift station based on where RISD's engineers told us they'd like to locate it. And then the next two sheets show the 40-acre boundary survey of the land that we own as RISD and then the next line shows the actual easement that's been prepared for that force main and the lift station. He reiterated that the initial design that they had basically says that the system was designed for 1,095 units at Sonoma Verde which is a build out and all the commercial property along 205.

Mayor Short asked when you say all the commercial property you're referring to that between the entrance to Sonoma Verde and FM 550 and the four corners at FM 550?

Mr. Cuny affirmed that was correct. He then expanded, we took it from the existing fire station at McLendon-Chisholm, all the way down to four corners.

Mayor Short clarified that this includes through the cemetery.

Mr. Cuny affirmed that was correct. He went on to add that the lines that we've sized and the lift station that's existing in Sonoma Verde will accommodate that commercial growth. And we brought a line up Via Toscana all the way to Hwy 205, it's a gravity line from that point. Now, some of that property will be able to gravity into that line but as you go on the other side of the creek you won't be able to gravity it, we couldn't get it that deep. So, there will have to be small package plants, lift station booster pumps that will get it to that point, or not, it depends on the grades and what they do but that's a cost that any developer would have on a commercial scenario regardless. But the lines that connect to and the lift station all the way to Heath, we're sized to accommodate that commercial growth.

Council Member Balkum clarified that technically still just one lift station and then you don't know until the results get back on the grading if you may need another lift station

Mr. Cuny responded that if more lift stations were required they would be smaller. And adds that RISD is talking to a developer that's at the four corners area and they're saying 'can we gravity' and they're just kind of working with it and they're seeing if they can get some participation. What would make sense is one small lift station. Commercial development doesn't use that much sewer when you really look at it because they're off peak, they don't generate 1,000 gallons a day per dwelling unit. People are there shopping, or at a restaurant - even restaurants don't have the same usage so that's why we designed it the way we did.

Council Member Balkum responded that this added information was helpful in understanding how it all works with off peak hours. She clarified that if people are getting ready for work in the mornings then morning would be the peak time for this.

Mr. Cuny affirmed that is correct. And the question was asked, if the fire station and the City Hall tie into this line, they can, but the best way to tie into it is when the second lift

station for the school district is built because then you gravity to that line and that lift station puts it into the line. It wouldn't be economically feasible for this small usage that you have, to build the pumps that you would need to get it into the line, because you're forcing it into a force main so you need to have a pretty good-sized pump because you don't want to back up. So, at the time the school district develops would be the time to review the public system. It's going to be dedicated, we want to hook into it, and it's just a small jog down the road to do that, and gravity will let you get there, we've checked the grades.

Council Member Balkum thanked Mr. Cuny for clarifying.

Mayor Short asked if there was any other discussion, he commented that the last bit of the discussion has been very enlightening.

Mayor Pro Tem Turnbull asked Mr. Phillips about some recent assignments from the ownership interests of Sonoma Verde relating to the property itself and the reimbursement agreement, but does MC550 still hold the ownership to the 400 LUE's we've been discussing?

Mr. Phillips affirmed that they do. All of the 400 units were retained by this entity, so all of the entity and the documents and everything we have are correct.

Mayor Short asked Mr. Phillips to repeat his offer.

Mr. Phillips reiterated that what he offered to do is that currently there's a 60/40 split on the tap fees on all the residential units which would have been the 400 units we're speaking of. **What we're willing to do is allow the city to have all of the revenue, so once you calculate what a future commercial tap will be, there won't be a split with us.** We're willing, if you make a motion and accept that you guys get all of the fee, whatever that is, and I realize that might take time to look outside and see what's fair, and how you want to have the fees done in the future. **So, we understand that, the school district understands they have to pay those fees as well, so we're willing to do that to where you guys get all of the tap fee and it's not split with us.** We're here to make this work for the school district, there's no doubt in my mind that you are too.

Mayor Short clarified that the question was whether the tap fee was the original meter running in.

Mr. Phillips answered that it is the meter that goes in, that is correct.

Mayor Short asked about revenue generated.

Mr. Phillips clarified that the City gets all the revenue from usage fees anyway.

Mayor Short called for a motion and requests suggestions on the exact nature of the motion.

Mayor Pro Tem Turnbull moved to approve Ordinance 2018-11, the waste water line agreement, as presented, modified to accept the offer that the city receive 100% of the tap fees, and authorize the Mayor to execute the revised agreement.

Council Member Balkum agreed that motion was appropriate.

Mr. Phillips assured Council that he believed everyone was on the same page. It is \$3000 for each of the taps, so that would be on a residential unit. You'll have to calculate what you want to be on a commercial level, and be able to do that, we're saying you keep all of that fee.

City Attorney Paschall remarked that he did work with Mr. Howell on this waste water line agreement, are we still ok with the form that it's in, subject to that one revision?

Mr. Phillips affirmed that subject to that one revision we are fine.

Mayor Short invited Council Member Bloom to ask a question.

Council Member Bloom asked if subject to that one elementary school, if that is the existing one?

Mr. Phillips affirmed that is correct. The school district has already purchased land in Sonoma Verde, so we have enough capacity for that, if you vote that way.

Council Member Bloom seconded the motion made by Mayor Pro Tem Turnbull. A vote was cast and the motion carried with 4 in favor, 0 opposed (Herren, absent)

City Attorney Paschall requested that Mr. Howell send him a revision over the holidays.

Mr. Phillips said that he would be happy to have it revised and sent to him.

7. Code of Ordinance Updates

Mayor Short requested that if there was no objection that this agenda item be moved to the next meeting. So that everyone can be present when they discuss it and so that Ms. Palomba can have a little more time to work on them.

Council Member Balkum agreed. There were no objections to postponing the item to a future meeting.

8. Copier Lease

Mayor Short explained that Ms. Palomba wanted a new lease on the current copier. Her attached document is very explanatory of the request. Does anybody have any questions?

Council Member Balkum pointed out that if it hasn't changed since last time she saw it she was surprised it went lower.

Palomba indicated the price was lower and this was for a three-year lease.

Mayor Pro Tem Turnbull pointed out that it is because the copier is now older.

Ms. Palomba commented that she looked at many options including upgrading the copier to a newer model but that the current copier meets their needs at this time but she felt a three year rather than five-year lease was appropriate. By then, the copier will have been in use for 8 years and it may be difficult to find parts to repair at that point and in another three years the usage may change and we may need something faster or with more features.

Mayor Short pointed out that Ms. Palomba had not put many pages through the copier either.

Ms. Palomba said that she believed it was efficient enough and served current needs.

Mayor Short raised the question that when she has to call a repair man out, if the city is charged for that or if that is included in the lease.

Ms. Palomba said that she believes that routine issues are covered. There is an additional smaller fee based on numbers of copies printed each quarter.

Mayor Short asked for any questions.

Council Member Balkum agreed that as long as the city was not buying a copier, it was appropriate. She commented that a copier should always be leased.

Council Member Bloom moved to approve entering into the copier lease agreement as presented by Ms. Palomba.

Mayor Short asks for a second.

Council Member Larkin seconded the motion.

A vote was cast and the motion carried with 4 in favor, 0 opposed (Herren, absent).

9. Appointments to Economic Development Review Panel

Council Member Bloom suggested that the council discuss the agenda item later when Council Member Herren is present.

Mayor Short agreed to that suggestion and added that the council move the item to the next meeting on December 13th.

10. Determine Prizes for Holiday Lighting Contest

Mayor Short asked if the council had a list of prizes.

Council Member Larkin clarified that the next council meeting was on December 11th. Mayor Short recalled that it was the November meeting that was on the 13th and that he must have gotten them mixed up. Council Member Larkin explained that he just wanted to make that clarification.

Mayor Short remarked that the prizes were Council Member Balkum's request.

Council Member Balkum asked for clarification that there was no objection to the way she had organized it. She explained that the first prize is for the Rossini weekend getaway and the second one was On Time Experts membership and the third one was CWD gift baskets.

Mayor Short asked what they were doing with the cash.

Council Member Balkum suggested that they do a split the money unevenly, higher for first, and then second and third. She asked if that sounded fair.

Mayor Short affirmed that it did.

Council Member Balkum asked if anyone had already requested their house be reviewed.

Council Member Balkum remarked that it was great that they had some interest this early. She suggested that if they get, by the end of the next week or two, if they start getting a whole bunch of houses on it, and they were good, she suggested adding a 4th or 5th. She said it depends and that they can make that decision later.

Council Member Larkin asked for a clarification on the judging date.

Council Member Balkum clarified that it was the 7th through the 9th. They had a situation last year when they didn't have the lights on so they came back the next day. So that could possibly happen.

Mayor Short asked if the council agreed on four prizes. The first one being the majority of the cash and then split part of the cash with the other three. Mayor Short remarked that there should be \$520 if everybody has contributed

Council Member Balkum added that she had yet to go to the ATM and contribute herself, and that they will have it by this weekend. She reiterated that they would split whatever the amount was.

Mayor Short asked if they could have Ms. Palomba split it up. That if it is \$500 they could have \$350 for 1st place and then 2nd, 3rd, and 4th, as she sees fit.

Council Member Larkin remarked that he felt that first place should be 50% of the money and then you can take the other 50% and divide it between 2nd, 3rd, and 4th. With small incremental changes, if something like that works. It's not ideal to go overboard for first, because it is good to encourage the competition such that people may feel that they can't compete so they won't do it.

Mayor Short said that he has personal experience that the donation by On Time Experts is worth about \$300

Council Member Balkum commented that she thought it was a pretty good deal when she was reading through all the stuff.

Mayor Short remarked that that is not a bad second place. He would hate if first place ended up actually being less than second place.

Council Member Larkin said that he had great trust that fairness would prevail if they would just delegate it.

Mayor Short clarified that they want to use cash as the first prize and how the rest is done can be up to Ms. Palomba.

Council Member Balkum clarified that they may have 4th place or they may not, and that it depends on how the things turn out.

Mayor Short asked if everybody understood what they were saying. He asked if they need to vote or if they can be informal about it. No vote was taken and there were no objections.

11. Executive Session

Mayor Short said that he would push the Executive Session to later. If that is alright with everybody.

Mayor Short moved to Item 14.

14. Reports

Mayor Short asked that all reports be accepted as presented unless somebody has an exception.

Council Member Balkum reminded about this weekend, December 1st.

Mayor Short clarified that this was 14 not 15.

Council Member Balkum noted that she had made an error and scrolled down too far.

15. Updates, Discussion and Direction to Staff

a. McLendon-Chisholm Fire Rescue Report

Mayor Short stated that Chief Simmons was not present at this time so the council will skip 15a. for now.

b. City Map Updates

Mayor Short asked for updates on City Maps.

Palomba commented that updates are moving forward and that P&Z will have a work session and then public hearing will be held prior to bringing forward for Council approval in January.

c. Veterans Memorial Brick Campaign Fundraiser

Mayor Short asked if there were any points to be made regarding the Veteran's Memorial.

Mayor Short said that he thinks it would look terrible if we have 50 bricks out there and there's room for 500. It's going to look bad until you get them all in.

Council Member Balkum raised another issue that she said she was talking about last week. That the council already had it designated for how much it was going to cost because it would have to be installed by someone. If they go this route – unless somebody wanted to donate their time and do a design on that kind of stuff that's a whole different matter – but we would have to consider if they were to replace the brick somebody has to come out and take that out and that's time for someone to do that, because it's not like one or two bricks that will happen.

Council Member Balkum pointed out that the cost of shipping the bricks was an issue and that's why they're trying to hit the goal of 50 so that they can maximize that shipping cost, because anything that's lower than that will be at an increased cost.

Mayor Short suggested that the council reach out to the company that donated the brick for the for the city hall.

Further discussion was held regarding ideas for placing unengraved bricks in place until enough engraved bricks are sold and installed. Palomba will do some research on options.

d. Christmas Tree Lighting Event

Mayor Short raised the topic of the Christmas Tree Lighting Event.

Council Member Balkum responded that on December 1st, 6pm-8 we're having our Christmas lighting and from my understanding the tree will be decorated before the event on Saturday. So, the council is encouraged to bring their families and have some pictures taken and the Mayor will be able to encourage the kids to switch on the light and have a little lighting ceremony, and we will have treats and that kind of thing.

Mayor Short asked if there were any questions.

e. Holiday Lighting Contest. No additional discussion.

f. iCompass Agenda Implementation

Mayor Short raised the topic of iCompass.

Ms. Palomba commented she continues to work with iCompass to move to the new agenda system.

g. City Survey

Mayor Short raised the topic of City Survey.

Council Member Balkum responded that the membership has already been purchased, and the process is now underway to get a layout of how the questions will look and then this will be a discussion point – how to prepare to ask questions and answers to hone in on the type of survey that we're going to have, and the login information and stuff will be taken care of in another week.

h. Future Agenda Items

16. Council Member Reports and Announcements.

a. Mayor's Announcements – Events, Area Happenings, and Information

Mayor Short said that he had nothing new to report and that because there are people absent, there will be no remarks on a, d, and f.

b. Council Member Balkum – Communications and Community Engagement

Council Member Balkum reported that last Tuesday the newsletter was prepared and sent out. The newsletter needs to be put onto the website, so she will make sure to send the updated version tomorrow.

c. Council Member Larkin – NCTCOG 9-1-1 Initial Board and Related Items

Mr. Larkin reported that he has nothing at this time as he has not attended the board meeting yet.

d. Mayor Pro Tem Turnbull – Budget and Finance

e. Council Member Bloom – Economic Development

Council Member Bloom reported that he went to a TML conference, made some good contacts and got a lot of helpful information. Will be following up with some companies that will do free surveys in hopes that you'll work with them someday, it's not a scam, some people have had good experiences with them. Looking forward to getting the committee off the ground.

f. Council Member Herren – Roads and Transportation

Mayor Short returned to Item 15a.

15a. McLendon-Chisholm Fire Rescue Report

Mayor Short asked if Chief Simmons would address the transition process, progress, station renovation, staffing and equipment status.

Chief Simmons reported that he had not transferred the title for Engine 41, a 1995 Pierce engine, because it is on the market to be sold. We didn't want to transfer the title and then somebody purchase it so we decided to wait, if it does not sell in the next month then we will discuss. Simmons then addressed desired renovations at the station. Simmons indicated he wanted to put in some counter tops, cabinets and some storage space to make it more livable. Council asked about costs. Simmons indicated he did not have a breakdown of costs at this time. Much of the materials will be discounted and the labor donated.

Mayor Short remarked that he would have liked to have seen pricing but suggests that Chief Simmons gives them to Palomba and if she says you spent too much, you're in trouble. Asks If everybody is good with that. There were no objections.

Mayor Short stated that he would like to see our roster of personnel so that people know who they are. Would that be appropriate? They are public employees so their information is public as far as their names and stuff.

Council Member Larkin remarked that is certainly true for the Officers and the people that are on staff, I believe when you get to the volunteers that may be a sensitive issue. He added that when he was with the MCVFD there were some sensitivity issues and they took everyone's picture and name off the websites. Mayor Short asked if it was because of harassment.

Council Member Larkin remarked that people can find out who someone is and target them, not even always harass them, but waste their time with unwanted solicitation or asking for favors.

Mayor Short reiterated that it would be something they would need to ask the volunteers if they had a problem with it, but believed it would be edifying to see the roster of everybody. He invited Chief Simmons to update the council on the firefighters

Council Member Balkum asked for an update on the command vehicle.

Chief Simmons replied that he requested an update again today and he was informed there is an oil leak.

Council Member Balkum asked for clarification that this was with the guys that work on the engines. Chief Simmons responded that is correct.

Council Member Balkum responded that she just wanted to make sure there was not a communication breakdown.

Mayor Short moved to Item 11.

11. Executive Session.

Mayor Short moved that the council adjourn into a recess into executive session at 7:38 p.m. in accordance with Texas Government Code section 551.074 personnel matters to deliberate the appointment employing the evaluation, reassignment, duties, discipline or dismissal of a public officer or employee, City Administrator Assistant, City Administrator, City Secretary/ Treasurer, Fire Chief, Fire Marshall, Administrative Assistant and Assistant to the City Secretary.

12. Mayor Short reconvened the meeting at 7:59 p.m.

13. Announce Executive Session Action.

Council Member Larkin, seconded by Council Member Bloom, moved to appoint Lisa Palomba as City Administrator. Palomba will also continue to serve as City Secretary. A vote was cast and the motion carried with 4 in favor, 0 against (Herren, absent).

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

ATTEST:

APPROVED:

Lisa Palomba, City Secretary

Keith Short, Mayor



CITY COUNCIL
City of McLendon-Chisholm, Texas
Meeting Minutes
December 11, 2018

The City Council of the City of McLendon-Chisholm convened in Regular Session on Tuesday, December 11, 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:	Lisa Palomba	City Administrator/City Secretary
	Jim Simmons	Fire Chief/Fire Marshal

1. Mayor Short called the meeting to order at 6:32 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 opened the meeting up for Citizen Comments.

Mr. Donegan, 2620 Ridgelake Lane, asked about the approval of minutes. He questioned why it took three months to get minutes approved. He said there were six meetings without approved minutes. He asked the council to please discuss why/how this happened and how to keep this from happening again. Donegan reminded the Council of his request to serve on the Economic Development Advisory committee. He says he is qualified, has the experience and a vision for how the committee can operate and assist the council. He hopes the council will inform him and others who have requested to be on committees whether they have been selected or not.

5. Announcement of Holiday Lighting Contest Winners

Mayor Short introduced item 5.

Council Member Balkum described the voting process, each councilmember would vote for first, second, third, fourth, fifth, and sixth place. Nominations are as follows: 14 Dancing Waters; 1436 Via Toscana; 1437 Via Toscana; 1212 Artesia Lane; 7 Green Hollow Lane; and 103 Chaney Place.

First Place was awarded to 1437 Via Toscana. First prize is a weekend getaway to Rossini Vineyards and \$200 cash.

Second Place was awarded to 1212 Artesia. Second place prize is a one-year membership with On-Time Experts and \$100 cash.

Third Place: was award to 1436 Via Toscana. Third place prize is a CW gift bad including a \$50 Amazon gift card and \$50 cash.

Fourth Place was awarded to 103 Cheney Place. Fourth place prize is a CW gift bag, including a \$50 Amazon gift card, \$20 cash.

Fifth Place was awarded to 4 Dancing Waters. Fifth place is awarded to 14 Dancing Waters. Fifth place prize is \$25 cash.

Sixth Place was awarded to 7 Green Hollow. Sixth place prize is \$25 cash.

Mayor Pro Tem Turnbull recommended driving by 104 Fireside to see their Christmas display. They were not nominated but the display is excellent.

6. Wellington Manor Final Plat Phase 1 consisting of 60 residential lots on 108.16 acres our of Abstract AO175, R. Peckham Survey, Tract 14 (191.475 acres), generally located south of W. FM 550 and west of Smith Road. Requested by Gregg McGriff representing Altura Homes on behalf of Oak National Holdings.

Council Member Bloom motioned to discuss Wellington Manor Final Plat.

Council Member Balkum seconded the motion.

Staff explained that City Planner Coker had a prior commitment this evening. However, Robert Rohde, Chairman of the Planning and Zoning Commission, addressed Council and explained that City Planner Coker's original recommendation was for denial as there are aspects of the subdivision that do not comply with the City's Subdivision Regulations. However, Coker indicated that after he spoke with the City Attorney, he believes there are requirements in the Subdivision Regulations such as minimum lot widths and landscaping requirements that could be challenged. This property is in the ETJ and county and the City cannot enforce zoning. Rohde continued and indicated that P&Z recommended approval of the Final Plat subject to the following conditions:

1. Provide a chart showing lot widths at the building line.
2. Lots must be a minimum of 150' at the building line.

3. For any lots that do not have 150' width at the building line, the Applicant is required to request a variance from Rockwall County Commissioner's Court or must be otherwise approved by the appropriate County authority.
4. Correct dead-end streets on Liberty Drive and Freedom Court as they both are longer than 150' and do not have a turn-around. Street design must meet Fire Code Requirements.
5. Comply with all City Engineer requirements including addressing drainage issues.

Rohde indicated the required conditions have been satisfied at this time.

Council Members asked where the barricade will be and expressed concern the barricade will interfere with the building line for lot 15.

Matt Atkins, with Engineering Concepts and representing Mr. McGriff, stated that lot 15 will not be built upon until phase two is built and Freedom Drive is extended. They have a future phase that loops all the homes together so there will be a turnaround.

Palomba indicated the applicants have gone through a long process in meeting both City and county requirements and noted that all requirements have all been satisfied. Palomba commented that the City Planner was satisfied with the solution with the dead-end streets.

Council Member asked if all fees were up to date.

Ms. Palomba replied yes.

Council Member Bloom motioned to approve Wellington Manor Final Plat Phase 1 consisting of 60 residential lots on 108.16 acres out of Abstract AO175, R. Peckham Survey, Tract 14 (191.475 acres), generally located south of W. FM 550 and west of Smith Road, subject to compliance with conditions listed.

Council Member Balkum seconded the motion.

A vote was cast and the motion carried unanimously.

7. Sonoma Verde Phases 1C and 2 Public Improvement District (PID) Financing.

Andre Ayala representing the City's Financial Advisor, Hilltop Securities presented on the evolution of the Sonoma Verde development. Originally there were several amendments to the project and in the end the project ended up in the city. The City decided to create a Public Improvement District and levy assessments and assist the developer with roads, water and sewer funding. In 2015 there was a levy for phase 1A and 1B. \$7.6 million in assessments were levied. In addition, the funding being requested is for phase 2 – \$7.5 million to be bonded.

Additional discussion was held indicating the funding is for the it is the same phase, phase 2. The developer is asking for a lump-sum reimbursement rather than needing to wait for the full assessment to be paid through taxes. The developer is asking the city to create a bond against the assessments in order to give the developer the lump-sum reimbursement. The first step was the assessment, the second step is asking the council for the lump through a bond. If the council entertains the request in this meeting, the developer would develop an offer and present it to council in February. If the Council accepts the offer, they would execute the transaction in March. At that time the council will approve the bond deal and the developer will be reimbursed.

Council Member Balkum asked if February and March were tentative dates to discuss the bond.

Mr. Ayala stated after the holidays they will work on documentation for February. Boyd London likes to have all the documents in front of the Council so they will know what will be used in the marketplace. In March the council may consider the issuance of the bonds.

Phillip Duncan stated that the project interest has been sold. The prior developer, Russell Phillips is still involved, but sold his interests to Taylor Duncan. Duncan said they have a lot of experience developing around the metroplex area. They will work together with the other company through the transition. Phase 2, currently under development, is owned by Taylor Duncan and they will own the future developments as well.

Council Members asked why we went down from 252 lots to 211 and requested a confirmation of the numbers in the handout.

Mr. Ayala indicated that the numbers on page 5 of the handout provided shows 252 lots will be bonded, but that will go down to 211. The estimated appraisal will go down from 15.3 mil to 12.5 million. That number can go up as time goes on. The amount of bonds will go down from \$7.575 million to \$6.195 million. The remainder will be a note from Joey Howell, the prior developer. That will be separate from the bonds so the number of houses bonded has gone down.

Mr. Ayala said he just wanted to make the Council aware and for them to informally give the finance committee the green light to put the team together.

Council Member Balkum suggested Mr. Joshua Ardent from Municap should be in the next meeting as well so everyone is on the same page.

Council Members asked if the Phase 2 had been platted.

Ms. Palomba replied yes.

Council Members asked if lots have been sold to builders or if the developer was carrying the tax cost.

Mr. Duncan indicated they have agreements with builders to buy, but they have not been sold yet so the developer is carrying the tax cost.

No formal vote was taken but Council indicated the finance team could move forward with their plans.

Mayor Short recessed the meeting at 7:13 p.m.

The meeting reconvened at 7:20 p.m.

8. Appoint City Attorney

Mayor Short said he is unprepared to provide an answer tonight regarding recommendations for a City Attorney appointment. He has narrowed it down to 2-3 possible candidates. He would like a special meeting next Monday or Tuesday to discuss items in question.

Council Member Balkum commented that she had questions she would like to ask the candidates.

Mayor Short stated the Council Members can give him questions to ask the candidates.

Council Member Balkum asked if Mayor Short will ask their questions of the attorney firms.

Mayor Short indicated he would pass along their questions.

Council discussed days they can get together to discuss the appointment of a City Attorney and determined to have a Special Council Meeting on Thursday, December 20 at 6:30 p.m.

Mayor Short indicated that he will take recommendations and consider opinions of the council.

Mayor Pro Tem Turnbull stated he couldn't find the name Halla on an internet search and that concerns him. His recommendation excludes Halla as he felt there is no way to verify his information. He wonders if there is another person working for him or if he works along. DuBois is too expensive and lacks municipal law experience. Any of the remaining candidates would be acceptable.

Council Member Bloom indicated that he has comments that he will send to Mayor Short.

Council Member Larkin sent his comments to the Mayor. The Mayor acknowledged his comments. He eliminated the larger firm because they were based too far away and didn't believe the City would be given enough support or be a priority. Another he eliminated

because one firm was going to utilize a second firm for support. He commented that is a firm cannot handle their work, that disqualifies them.

Mayor Short closed item 8.

9. Executive Session. Mayor Short recessed into Executive Session at 7:32 p.m. (Closed Meeting) in accordance with Texas Government Code: Section 551.074: Personnel Matters, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: City Attorney.

10. Mayor Short called the meeting back to order at 7:38 p.m.

11. Mayor Short announced no action was taken in Executive Session.

12. Citizen Survey 2018-2019.

Mayor Short introduced item 12.

Council Member Balkum stated they renewed their membership to the survey application system. She asked people to contribute questions/helpful ideas of things they would like to see in a survey. Some of the formatting is incomplete and needs to be cleaned up.

Council Member Balkum remarked that she is breaking down the questions into categories: demographics, residential information (what are citizens wants/needs), communications (how do citizens stay informed about City information?), transparency in government (are they aware of what we have passed?), opinion questions to help the Council better understand what the citizens want and how to promote the allure of the City. Questions include preferred lots sizes, the look of the frontage road, etc.

Council Member Balkum stated that this information will help the City when talking to businesses about their services – what services to add such as grocery delivery, what would do well, what would not, etc. Citizens who have ideas or other questions are encouraged to contribute to the survey questions.

Council Member Bloom asked if he could see the questions.

Council Member Balkum said the document needed to be cleaned up. She further stated that the 50-year anniversary of the town is coming up and she would like to organize a celebration. She would like to include questions about what they would like to see at the celebration.

Council Member Larkin cautioned the Council from asking the same questions as last year. He is in favor of a more concise survey with things that are actionable opposed to generalities. He said the town hasn't had a wide influx of people to have changed the overall opinion of the citizens. He does agree that a survey about the 50-year anniversary about what people would like to see, with actionable items would be good. He thinks this survey should be centered on economic development. He doesn't want the survey to be

the same every year. It needs to be focused, different than the generalities. He doesn't want it to be so repetitive that it turns people off.

Council Member Balkum agreed that the survey can be changed and used for whatever purpose the Council supports.

Mayor Pro Tem Turnbull suggested each councilmember should submit a category of interest and 3-5 questions that apply to that category and Council Member Balkum can compile them. That way the Council won't leave out something that someone wants to talk about and they won't include something that no one wants to talk about.

Council Member Balkum indicated she wants everyone on the Council to give input because everyone has expertise in different areas. She wants the survey to inform about the process of new school construction and let people know of the private school operating from Chisholm Baptist Church and about the school that will be built in the future. She wants to give everyone the opportunity to volunteer for committees.

13. Approval of Minutes

- a. September 17, 2018**
- b. September 24, 2018**
- c. September 26, 2018**
- d. October 3, 2018**
- e. October 9, 2018**
- f. October 23, 2018**

Mayor Short asks if anyone wants to exclude any of these dates for minute approval.

Mayor Pro Tem Turnbull, seconded by Council Member Larkin, moved to approve all minutes presented with correction of minor typographical errors. A vote was cast and the motion carried unanimously.

14. Updates, Discussion and Direction to Staff

- a. Fire Rescue Report. The station remodel is still going well. All deadlines related to the Integration Agreement between the City and MCVFD have been met at this time.

Mayor Pro Tem asked if the station remodel is just the dayroom/sleeping quarters. He had heard that it was under consideration to add a spot for another apparatus.

Mayor Short stated he had not heard that.

Mayor Pro Tem Turnbull indicated there was not enough land to expand the structure. The Council only approved money to improve the bunkhouse. He just

wants to make sure there is nothing more being added. Mayor Short said this is not happening as far as he knew – only the dayroom.

b. City Map Updates.

Ms. Palomba stated that the P&Z is having another workshop in December to review the maps. The meeting time may need to be changed now due to the Special Council Meeting. She will adjust and move forward. Once P&Z is satisfied with the revisions, public hearings will be scheduled for January.

c. Veterans Memorial Brick Campaign Fundraiser.

Council Member Balkum contacted Senator Ron Paul and he said he would support it. She created a flyer and shared it in multiple places.

Mayor Short asked the cost of the bricks and how the cost was determined and also asked about shipping, design and installation.

Council Member Balkum has heard of other cities offering bricks for sale for as little as \$35, but they can't get that price. She isn't sure how the price was originally determined.

d. Transition of Trash/Recycling Services.

Council Member Balkum stated there was an issue with Waste Connections billing and some people were charged for the upcoming quarter by mistake. She tried to make sure the people knew that they could get refunded if they were overcharged. Starting December 21st new cans will be delivered. There is a brochure that will come through the mail. Billing statements will be issued by the new company.

Ms. Palomba indicated the billing issue should automatically be corrected, but if not, residents can call Waste Connections and request a refund.

e. Future Agenda Items.

Ms. Palomba would like the deadline to be moved back in January for new agenda items. She would like them a week before they are to be published.

Council Member Balkum stated if there isn't a special meeting, they should be able to do that for her.

Council Member Balkum asked if Ms. Palomba needs assistance purchasing a video camera. Ms. Palomba is waiting on spending authority and suggestions for a suitable camera. Council reminded her she could proceed with the purchase.

Council Member Balkum suggested that she wants to amend the peddler ordinance for a possible clerical error.

City Survey visual aid will be provided next meeting by Council Member Balkum

15. Council Member Reports and Announcements.

a. Mayor's Announcements – Events, Area Happenings, and Information.

Mayor Short stated there are Christmas events going on all over the county. There are Toys for Tots locations all over. There are so many ways to give. He acknowledged the City Christmas Tree Lighting Event. Those who can watch or hear our Council meetings know that there are times when construction is prohibited. Citizens should reach out to the City if construction is going on at a time that is not allowed.

b. Council Member Balkum – Communications and Community Engagement.

There was good turnout for the Tree Lighting Event and some Council Members added ornaments. Facebook engagement is going well.

Mayor Short thanked the fire department present at the event.

c. Council Member Larkin –

Council Member Larkin stated he attended the first meeting of the North-Central 911 District. Their job is to coordinate the usage of 911 fees that everyone pays. These fees have not been utilized properly. They have been going to the state instead of the community. Now with this 911 district the funds will stay in the community. The group won't meet often. There will be a board of directors set up. Each county will have one representative except Collin County will have 6 representatives because of their size and volume. The bylaws state that Collin County can't make up a majority.

d. Mayor Pro Tem Turnbull – Budget and Finance.

Mayor Pro Tem Turnbull stated he does not have anything new.

e. Council Member Bloom – Economic Development.

Council Member Bloom agrees with Mr. Donegan that he needs to get with Council Member Herren and notify those they select and have their first meeting in January.

f. Council Member Herren – Roads and Transportation.

Council Member Herren mentioned he missed the last meeting but would update the Council soon with new information.

16. Mayor Short adjourned the meeting at 8:20 p.m.

ATTEST:

Lisa Palomba, City Secretary

APPROVED:

Keith Short, Mayor

DRAFT



**CITY COUNCIL
City of McLendon-Chisholm, Texas
Meeting Minutes
December 20, 2018**

The City Council of the City of McLendon-Chisholm convened in Special Session on Thursday, December 20, 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	Absent

Staff Present: Lisa Palomba City Secretary

1. Call to Order.

Mayor Short called the meeting to order.

2. Invocation and Pledge of Allegiance to U.S. and Texas Flags.

3. Rules of Decorum. Mayor Short announced the Rules of Decorum are in place and are to be observed throughout the meeting.

4. Citizen Comments.

Mayor Short said there were no citizen comment cards submitted.

5. Appoint City Attorney.

Mayor Short introduced item 5. He stated his job is to recommend a City Attorney for appointment and bring that recommendation to City Council for their approval. There were five individuals/firms that applied. After a discussion with the law firm, the Mayor selected the Halla Law Firm based on the City's size and needs. He asked for a motion to appoint the Halla Law Firm.

Council Member Larkin moved to appoint the Halla Law Firm as the City Attorney.

Council Member Bloom seconded the motion.

The Mayor opened the floor for discussion. He explained how he eliminated firms. One firm that applied said they would be the main law firm and appoint another law firm for other needs. The Mayor believes the law firm the City hires should not hire-out the City's needs. Another individual he eliminated had a good resume, but not enough experience. Another firm, after checking references, did not have favorable reviews. Another firm had a great resume but is very expensive. The price concerned the Mayor.

The individual the Mayor selected enjoys working with small cities. He is available on Tuesday nights for meetings. He said they did have a website at one time, but in 2010 he shut his website down as he did work with another firm. This individual had better pricing his references were positive as well.

Council Members discussed his pricing. Mayor Short said \$150/hour.

Council Member Bloom indicated he reached out to another council member from another city who spoke favorably of this individual. He liked the price structure as well.

Mayor Short stated that this individual has assisted in writing city ordinances as cities grow.

Council Member Larkin likes this firm is located close by and he also had two citizens recommend this law firm.

Mayor Pro Tem Turnbull commented and was hesitant to hire the Halla Law Firm because he could not find his website on an internet search. He is still concerned that he does not have staff to assist him. Mayor Short said Halla Law is teamed with his wife who is also a practicing attorney. Mayor Pro Tem Turnbull preferred the firm out of Austin for several reasons, but believed the firm was too pricey. He sent an email to the firm and they said with a retainer, they would knock their price down to 10%- 4% of the cost so they are no longer the priciest option. He asked if Halla Law billed quarter hours or in tenths of an hour.

Mayor Short stated that Halla Law billed quarter hours.

Mayor Pro Tem Turnbull then presented a chart showing how quarter-hour billing can be more expensive than tenth-hour billing. He wants the Council to be aware of how this can affect pricing. He indicated the Austin firm has a City Planner on staff with a lower rate than what the City is now spending. He asked how many years' experience Halla Law had.

Council Member Balkum asked the Mayor if he forwarded her questions to the remaining law firms.

The Mayor replied that he had not. He indicated that was his decision.

Council Member Balkum commented that she would have appreciated having her questions answered.

The Mayor reminded Council Member Balkum that it is his decision to call or not to call firms.

Council Member Bloom asked Mayor Pro Tem about the retainer fee for the Austin firm. Mayor Pro Tem Turnbull said it was \$25,000 prepayment, but the return was 7% or more than what they currently get.

After discussion the Mayor called for a final vote on the motion that was made to accept Halla Law Firm as the City's lawyer.

A vote was cast and the motion carried with 3 in favor (the Mayor voted to break the tie), and 2 against (Balkum, Turnbull) (Herren, absent)

Council Member Balkum requested an Executive Session. Mayor Short indicated there was no need for an Executive Session.

Mayor Short stated there is no need for an Executive Session.

Council Member Balkum would like to move into an Executive Session regarding the City Attorney.

6. Executive Session.

Executive Session was not held.

7. Reconvene Regular Meeting.

Executive Session was not held.

8. Executive Session Action.

Executive Session was not held. N action was taken.

9. Adjourn.

Council Member Bloom requested the Mayor adjourn the meeting.

Mayor Short adjourned the meeting at 6:50 p.m.

ATTEST:

APPROVED:

Lisa Palomba, City Secretary

Keith Short, Mayor



City of McLendon-Chisholm

Agenda Brief

Item 8 – iCompass Agenda Management Implementation

DATE:

January 8, 2019

BACKGROUND OF ISSUE:

The City entered into an agreement with iCompass for agenda management, records management and audio/video streaming of Council Meetings. The portal is now on the website and the public can view agendas and attachments. A camera was purchased for video streaming but now Axios Group, the company that installed the A/V equipment, is suggesting the camera purchased may not be compatible.

FINANCIAL IMPACT:

This is a budgeted item.

OPERATIONAL IMPACT:

Palomba continues to work the camera issue.

Not much information will be on the portal at this time. All previous agendas, resolutions, ordinances, etc. will need to be uploaded. Once more information is available, staff will create an improved link to draw attention to the portal. This will take time.

Although Council passed a resolution to have a 10:00 a.m. Thursday deadline for agenda items, Palomba needs agenda items to be submitted much earlier than the current deadline in order to have the packet ready for public viewing prior to posting deadlines. The new agenda process is great for transparency but there are a lot of steps in creating the agenda so it takes time to put together and then check to make sure all is presented as it should be presented. Staff must be careful to ensure that confidential information is not inadvertently posted as public information. It should get faster as staff gets accustomed to the new process.

RECOMMENDATION:

N/A

Lisa Palomba, City Administrator/City Secretary

CHAPTER 1

GENERAL PROVISIONS

(Suggested Revisions)

ARTICLE 1.01 ~~CODE~~CODE OF ORDINANCES^{*}

Sec. 1.01.001 Adoption

There is hereby adopted the ~~Code~~Code of Ordinances of the ~~City~~City of McLendon-Chisholm, Texas, as compiled, edited and published by Franklin Legal Publishing, Inc. (Ordinance adopting ~~Code~~Code)

Sec. 1.01.002 Designation and citation of ~~code~~code

The ordinances embraced in this chapter and the following chapters, articles and sections shall constitute and be designated the “~~Code~~Code of Ordinances, ~~City~~City of McLendon-Chisholm, Texas,” and may be so cited. (Ordinance adopting ~~Code~~Code)

Sec. 1.01.003 Catchlines of articles, divisions and sections

The catchlines of the several articles, divisions and sections of this ~~code~~code are intended as mere catchwords to indicate the contents of the article, division or section and shall not be deemed or taken to be titles of such articles, divisions and sections, nor as any part of the articles, divisions and sections, nor, unless expressly so provided, shall they be so deemed when any of such articles, divisions and sections, including the catchlines, are amended or reenacted. (Ordinance adopting ~~Code~~Code)

State law reference—Headings of statutes, V.T.C.A., Government ~~Code~~Code, sec. 311.024.

Sec. 1.01.004 Definitions and rules of construction

In the construction of this ~~code~~code and of all ordinances and resolutions passed by the ~~city~~City ~~council~~Council, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the ~~city~~City ~~council~~Council:

Generally. Words shall be construed in their common and usual significance unless the contrary is clearly indicated.

Boards, committees, commissions, officers, employees, departments. Any reference to ~~city~~City boards, committees, commissions, officers, employees, or departments shall be construed to mean the respective entities or personnel of the ~~City~~City of McLendon-Chisholm, Texas.

Bond. When a bond is required, an undertaking in writing is sufficient.

~~City~~City and town. Each means the ~~City~~City of McLendon-Chisholm, Texas. The words “the ~~city~~City” mean the body corporate created by the act of incorporation.

~~City~~City administrator~~Administrator~~, **~~city~~City manager**~~Manager~~, **~~city~~City secretary**~~Secretary~~, **~~chief~~Chief of police**~~Police~~ or other **~~city~~City officers**~~Officers~~. The term “~~city~~City administrator,” “~~city~~City manager,” “~~city~~City secretary,” “~~chief~~Chief of police~~Police~~” or other ~~city~~City ~~officer~~Officer or department shall be construed to mean the ~~city~~City ~~administrator~~Administrator, ~~city~~City ~~manager~~Manager, ~~city~~City ~~secretary~~Secretary, ~~chief~~Chief of ~~police~~Police or such other municipal officer or department, respectively, of the ~~City~~City of McLendon-Chisholm, Texas.

~~Code~~Code. The term “~~Code~~Code” means the ~~Code~~Code of Ordinances, ~~City~~City of McLendon-Chisholm, Texas, as designated in [section 1.01.002](#).

Computation of time. Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, in computing any period of time prescribed by this Code, the day of the act, event default or proceeding after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, legal holiday, in which even the period runs until the end of the next day which is not a Saturday, Sunday or legal holiday. Saturdays, Sundays and legal holidays shall not be counted for any purpose in any time period of five (five) days or less in this Code. the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday, or legal holiday, the

~~period is extended to include the next day that is not a Saturday, Sunday, or legal holiday. (ST w/DP)~~

State law reference—Computation of time, V.T.C.A., Government ~~CodeCode~~, sec. 311.014.

Corporation. The term “the corporation” shall mean the ~~cityCity~~ as above defined.

CouncilCouncil. Whenever the term “~~councilCouncil~~” or “~~cityCity councilCouncil~~” or “the ~~councilCouncil~~” is used, it shall mean the ~~cityCity councilCouncil~~ of the ~~CityCity~~ of McLendon-Chisholm, Texas.

State law reference—References to municipal governing body and to members of municipal governing body, V.T.C.A., Local Government ~~CodeCode~~, sec. 21.002.

County. The term “county” or “this county” shall mean the County of Rockwall, Texas.

Delegation of authority. Whenever a provision of this ~~CodeCode~~ of Ordinances requires or authorizes an officer or employee of the ~~cityCity~~ to do some act or perform some duty, it shall be construed to authorize such officer or employee to designate, delegate and authorize subordinates to perform the act or duty unless the terms of the provision specifically designate otherwise.

Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships, associations and corporations, as well as to males.

State law reference—“Gender” defined, V.T.C.A., Government ~~CodeCode~~, sec. 312.003(c).

Highway. The term “highway” includes any street, alley, highway, avenue, public place or square, bridge, viaduct, tunnel, underpass, overpass and causeway in the ~~cityCity~~, dedicated or devoted to public use.

Joint authority. Words purporting to give authority to three (3) or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise declared.

State law reference—Grants of authority, V.T.C.A., Government ~~CodeCode~~, sec. 312.004.

May. The word “may” is permissive.

State law reference—Construction of word “may,” V.T.C.A., Government ~~CodeCode~~, sec. 311.016.

Money. The word “money” shall include gold and silver coin, and bank notes or bills, duly authorized or issued by the federal or state government.

Month. The word “month” shall mean a calendar month.

State law reference—“Month” defined, V.T.C.A., Government ~~CodeCode~~, sec. 312.011.

Must and shall. Each is mandatory.

State law reference—Construction of words “must” and “shall,” V.T.C.A., Government ~~CodeCode~~, sec. 311.016.

Number. Any word importing the singular number shall include the plural, and any word importing the plural number shall include the singular.

State law reference—“Number,” V.T.C.A., Government ~~CodeCode~~, sec. 312.003(b).

Oath. The word “oath” shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words “swear” and “sworn” shall be equivalent to the words “affirm” and “affirmed.”

State law reference—“Oath,” “swear” and “sworn” defined, V.T.C.A., Government ~~CodeCode~~, sec. 312.011.

Official time standard. Whenever certain hours are named in this ~~codeCode~~, they shall mean standard time or ~~daylight saving~~~~daylight-saving~~ time, as may be in current use in the ~~cityCity~~.

State law reference—Standard time, V.T.C.A., Government ~~CodeCode~~, sec. 312.016.

Or, and. The word “or” may be read “and,” and the word “and” may be read “or,” as the sense requires it.

Owner. The word “owner,” applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of such building or land.

Person. The word “person” shall extend and be applied to associations, corporations, firms, partnerships, organizations, business trusts, estates, trusts, and bodies politic and corporate, as well as to individuals.

State law reference—“Person” defined, V.T.C.A., Government ~~CodeCode~~, sec. 311.005.

Personal property. The term “personal property” shall include every species of property except real property.

Place. Words descriptive of acts and duties of officers in general refer to such acts, duties, and officers within or of the ~~CityCity~~ of McLendon-Chisholm.

Preceding, following. The terms “preceding” and “following” mean next before and next after, respectively.

State law reference—“Preceding” defined, V.T.C.A., Government [CodeCode](#), sec. 312.011.

Property. The word “property” shall mean and include real and personal property.

State law reference—“Property” defined, V.T.C.A., Government [CodeCode](#), sec. 311.005.

Real property. The term “real property” shall mean and include lands, tenements and hereditaments.

Sidewalk. The word “sidewalk” shall mean that portion of a street between the curbline and the adjacent property line intended for the use of pedestrians.

Signature or subscription. A signature or subscription shall include a mark when a person cannot write.

State law reference—“Signature” and “subscribe” defined, V.T.C.A., Government [CodeCode](#), sec. 312.011.

State. The term “the state” or “this state” shall be construed to mean the State of Texas.

Street. The word “street” shall have its commonly accepted meaning and shall include highways, sidewalks, alleys, avenues, recessed parking areas and other public rights-of-way, including the entire right-of-way.

Tense. Words used in the past or present tense include the future, as well as the past and present.

State law reference—“Tense,” V.T.C.A., Government [CodeCode](#), sec. 312.003(a).

V.T.C.S., V.T.P.C., V.T.C.C.P., V.T.C.A. Such abbreviations refer to the divisions of Vernon’s Texas Statutes Annotated.

Written or in writing. The term “written” or “in writing” shall be construed to include any representation of words, letters, or figures, whether by printing or otherwise.

State law reference—“Written” or “in writing” defined, V.T.C.A., Government [CodeCode](#), sec. 312.011.

Year. The word “year” shall mean a calendar year.

State law reference—“Year” defined, V.T.C.A., Government [CodeCode](#), sec. 312.011.

(Ordinance 31-52, sec. 1, adopted 4/9/52; Ordinance adopting [CodeCode](#))

Sec. 1.01.005 Severability of parts of [codeCode](#)

It is hereby declared to be the intention of the [cityCity councilCouncil](#) that the sections, paragraphs, sentences, clauses and phrases of this [codeCode](#) are severable, and if any phrase, clause, sentence, paragraph or section of this [codeCode](#) shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this [codeCode](#), since the same would have been enacted by the [cityCity councilCouncil](#) without the incorporation in the [codeCode](#) of any such unconstitutional phrase, clause, sentence, paragraph or section. (Ordinance adopting [CodeCode](#))

State law reference—Severability of statutes, V.T.C.A., Government [CodeCode](#), sec. 312.013.

Sec. 1.01.006 Repeal of ordinances

The repeal of an ordinance or any portion thereof shall not repeal the repealing clause of an ordinance or revive any ordinance which has been previously repealed. (Ordinance adopting [CodeCode](#))

State law reference—Effect of repeal of statutes, V.T.C.A., Government [CodeCode](#), sec. 311.030.

Sec. 1.01.007 Amendments or additions to [codeCode](#)

All ordinances of a general and permanent nature, and amendments to such ordinances, hereafter enacted or presented to the [cityCity councilCouncil](#) for enactment, shall be drafted, so far as possible, as specific amendments of, or additions to, the [CodeCode](#) of Ordinances. Amendments to this [codeCode](#) shall be made by reference to the chapter and section of the [codeCode](#) which is to be amended, and additions shall bear an appropriate designation of chapter, article and section; provided, however, the failure to do so shall in no way affect the validity or enforceability of such ordinances. (Ordinance adopting [CodeCode](#))

Sec. 1.01.008 Supplementation of [codeCode](#)

(a) By contract or by [cityCity](#) personnel, supplements to this [codeCode](#) shall be prepared and printed whenever authorized or directed by the [cityCity councilCouncil](#). A supplement to the [codeCode](#) shall include all substantive permanent and general parts of ordinances passed by the [cityCity councilCouncil](#) and all changes made thereby in the [codeCode](#). The pages of a supplement shall be so numbered that they will fit properly into the [codeCode](#) and will, where necessary, replace pages that have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted,

the codeCode will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this codeCode, all portions of the codeCode which have been repealed shall be excluded from the codeCode by omission thereof from reprinted pages.

(c) When preparing a supplement to this codeCode, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified codeCode. For example, the codifier may:

(1) Organize the ordinance material into appropriate subdivisions;

(2) Provide appropriate catchlines, headings and titles for articles, sections and other subdivisions of the codeCode printed in the supplement and make changes in such catchlines, headings and titles;

(3) Assign appropriate numbers to articles, sections and other subdivisions to be inserted in the codeCode and, where necessary to accommodate new material, change existing article or section or other subdivision numbers;

(4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this section," "this subsection," etc., as the case may be; and

(5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance material inserted into the codeCode, but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the codeCode.

(Ordinance adopting CodeCode)

Sec. 1.01.009 General penalty for violations of codeCode; continuing violations (See Kirk Franklin's Notes) See Also Council Member Larkin's suggestions.

(a) Whenever in this codeCode or in any ordinance of the cityCity an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor or whenever in this codeCode or such ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this codeCode or any such ordinance shall be punished by a fine of not exceeding five hundred dollars (\$500.00).

(b) A fine or penalty for the violation of a rule, ordinance or police regulation that governs fire safety, zoning or public health and sanitation, including the dumping of refuse, may not exceed two thousand dollars (\$2,000.00).

(c) A person convicted of an offense under title 7, subtitle C, Transportation CodeCode (the Uniform Act Regulating Traffic on Highways) for which another penalty is not provided shall be punished by a fine of not less than one dollar (\$1.00) or more than two hundred dollars (\$200.00) plus such other penalties and costs as may be provided by such subtitle C.

(d) Unless otherwise specifically stated in this codeCode, any violation of this codeCode or of any ordinance that is punishable by a fine that does not exceed five hundred dollars (\$500.00) does not require a culpable mental state, and a culpable mental state is hereby not required to prove any such offense. Unless otherwise specifically stated in this codeCode, any violation of this codeCode or of any ordinance that is punishable by a fine that exceeds five hundred dollars (\$500.00) shall require a culpable mental state.

(e) No penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state.

(f) Unless otherwise stated in this codeCode or in any ordinance, each day any violation of this codeCode or of any ordinance shall continue shall constitute a separate offense.

(g) In the event that any such violation is designated as a nuisance under the provisions of this codeCode, such nuisance may be summarily abated by the cityCity. In addition to the penalty prescribed above, the cityCity may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

(Ordinance adopting CodeCode)

State law references—Penalties for violations, V.T.C.A., Local Government CodeCode, sec. 54.001; penalty for class C misdemeanor, V.T.C.A., Penal CodeCode, sec. 12.23; requirement of culpability, V.T.C.A., Penal CodeCode, sec. 6.02.

Sec. 1.01.010 Certain ordinances, rights, etc., not affected by ~~code~~Code

(a) Nothing in this ~~code~~Code, or the ordinance adopting this ~~code~~Code, shall affect:

- (1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of the ordinance adopting this ~~code~~Code;
 - (2) Any ordinance or resolution promising or guaranteeing the payment of money for the ~~city~~City, or authorizing the issuance of any bonds of the ~~city~~City or any evidence of the ~~city~~City's indebtedness, or any contract or obligations assumed by the ~~city~~City;
 - (3) The administrative ordinances or resolutions of the ~~city~~City not in conflict with the provisions of the ~~code~~Code;
 - (4) Any ordinance or resolution fixing salaries of officers or employees of the ~~city~~City, unless superseded;
 - (5) Any appropriation ordinance or resolution;
 - (6) Any right of franchise granted by the ~~council~~Council to any person, firm or corporation;
 - (7) Any ordinance or resolution dedicating, naming, establishing, locating, relocating, closing, opening, paving, widening, vacating, etc., any street or public way in the ~~city~~City;
 - (8) Any ordinance or resolution establishing and prescribing the street grades of any streets in the ~~city~~City;
 - (9) Any ordinance or resolution providing for local improvements or assessing taxes therefor, or adopting a capital improvement plan and imposing an impact fee;
 - (10) Any ordinance or resolution dedicating or accepting any plat or subdivision in the ~~city~~City, or providing regulations for the same;
 - (11) Any ordinance annexing property to the ~~city~~City;
 - (12) Any ordinances or amendments thereto concerning zoning, comprehensive plans, subdivisions, or land development;
 - (13) Any ordinance or resolution regulating the erection, alteration, repair, demolition, moving or removal of buildings or other structures;
 - (14) Ordinances or resolutions prescribing traffic regulations for specific locations, prescribing through streets, parking limitations, parking prohibitions, one-way traffic, limitations on loads of vehicles or loading zones, not inconsistent with this ~~code~~Code;
 - (15) Any ordinance or resolution fixing utility rates and charges, sewer crossing connection fees, or any valid comprehensive fee schedule;
 - (16) Any ordinance of agreement with another political subdivision;
 - (17) Any ordinance concerning issuance of tax anticipation notes;
 - (18) Any current ordinance concerning personnel benefits included, but not limited to, participation in the Texas Municipal Retirement System or the Texas Municipal League intergovernmental employee benefits pool;
 - (19) Any valid ordinance concerning establishment of a reinvestment zone pursuant to the Texas Tax ~~Code~~Code.
- (b) Any other ordinance or resolution, or part thereof, which is not of a general and permanent nature; or which is referred to elsewhere in this ~~code~~Code as continuing in effect; and all such ordinances and resolutions are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this ~~code~~Code. Such ordinances and resolutions are on file in the ~~city~~City secretary's office.

(2007 ~~Code~~Code, sec. 1-13)

ARTICLE 1.02 ADMINISTRATION

Division 1. Generally

Sec. 1.02.001 Form of government

- (a) It is hereby officially found, determined and declared that the cityCity presently has 600 or more inhabitants.
- (b) In accordance with the provisions of chapter 6, subchapter B, Texas Local Government CodeCode, as amended, the cityCity hereby changes to a type A general law municipality and shall be vested with all rights, powers, privileges, immunities and franchises of a type A general law municipality under the constitution and laws of the state.
- (c) The cityCity hereby officially finds, determines, and declares that all acts of the cityCity councilCouncil, and all officers and officials of the cityCity, prior to the date of this section, are ratified and confirmed.
- (d) This section shall be entered upon the journal of the proceedings of the cityCity councilCouncil, and a copy of the ordinance from which this section derives shall be signed by the mayorMayor and attested by the cityCity secretary-Secretary under the corporate seal of the cityCity and shall be filed and recorded in the office of the county clerk.

(Ordinance 2014-18 adopted 9/23/14)

Secs. 1.02.002–1.02.030 Reserved

Division 2. CityCity Attorney*

Sec. 1.02.031 Position established

There is hereby created the office of cityCity attorney, which shall be filled by some suitable person who possesses all of the qualifications provided by the cityCity councilCouncil. Said official shall be selected by the mayorMayor and approved by the cityCity council, andCouncil and shall hold office at the will of the cityCity councilCouncil. (Ordinance 78-4, sec. I, adopted 7/10/78; 2007 CodeCode, sec. 2-40; Ordinance 2014-04 adopted 2/11/14; Ordinance 2017-03 adopted 3/14/17)

Sec. 1.02.032 Duties

It shall be the duties of the cityCity attorney to advise the cityCity councilCouncil on the laws on federal, state, and local laws and ordinances, and to represent the cityCity in municipal court, and to perform such other duties as the cityCity councilCouncil may require. (Ordinance 78-4, sec. II, adopted 7/10/78; 2007 CodeCode, sec. 2-41)

Secs. 1.02.033–1.02.060 Reserved

Division 3. Secretary-Treasurer*

Sec. 1.02.061 Office created

There is hereby created the office of cityCity secretary-treasurer, which shall be filled by some suitable person who possesses all of the qualifications prescribed by the cityCity councilCouncil. Candidates for City Secretary shall be obtained by RFP, vetted and selected by a majority vote of the City Council ~~Said cityCity secretary-treasurer shall be selected by the mayorMayor and approved by the cityCity councilCouncil, and and~~ shall hold office at the will of the cityCity councilCouncil. (ST) (Ordinance 78-4, sec. I, adopted 7/10/78; 2007 CodeCode, sec. 2-71; Ordinance 2014-04 adopted 2/11/14; Ordinance 2017-03 adopted 3/14/17)

Sec. 1.02.062 Bond

The cityCity secretary-treasurer shall give bond in favor of the cityCity in such amount, and in such form, as the cityCity councilCouncil may require, with sufficient security to be approved by the cityCity councilCouncil, conditioned for the faithful discharge of his duties. He shall receive and securely keep all moneys belonging to the city, andCity and make all payments for the same upon the order of the mayorMayor, attested by himself under the seal of the cityCity. No order shall be paid unless the order shall show upon its face that the cityCity councilCouncil has directed its issuance and for what purpose. (Ordinance 78-4, sec. II, adopted 7/10/78; 2007 CodeCode, sec. 2-72)

Sec. 1.02.063 Duties

- (a) It shall be the duties of the cityCity secretary-treasurer to:

- (1) Attend every meeting of the ~~cityCity council~~Council and keep accurate minutes of the proceedings of the ~~cityCity council~~Council.
- (2) Engross and enroll all laws, resolutions, and ordinances of the ~~cityCity council~~Council.
- (3) Keep the corporate seal.
- (4) Take charge of and preserve all books, records, papers, documents, and files of the ~~cityCity~~.
- (5) Countersign all commissions issued to ~~cityCity~~ officers and licenses issued by the ~~mayor~~Mayor and keep a record and register thereof.
- (6) Draw all warrants on the ~~cityCity~~ accounts, and countersign the same, together with the ~~mayor~~Mayor, and keep an account thereof.
- (7) Be the general accountant of the ~~cityCity~~.
- (8) Keep in books regular accounts of the receipts and disbursements of the ~~cityCity~~.
- (9) Keep a register of all bonds and bills issued by the ~~cityCity~~.
- (10) Keep a record of all contracts of the ~~cityCity~~.
- (11) Countersign all bonds issued by the ~~cityCity~~.
- (12) Perform such other duties as the ~~cityCity council~~Council may require.
- (b) The ~~cityCity~~ secretary-treasurer shall also be the ex-officio clerk for the municipal ~~court, and~~court and shall keep minutes of the proceedings of said court, issue all process, and generally perform all of the duties of the clerk of a court as prescribed by law for a county clerk insofar as the same may be applicable.

(Ordinance 78-4, sec. III, adopted 7/10/78; 2007 ~~CodeCode~~, sec. 2-73)

Secs. 1.02.064–1.02.090 Reserved

Division 4. ~~CityCity~~ Administrator

Sec. 1.02.091 Creation of office

There is hereby created the office of ~~cityCity~~ administrator. The ~~cityCity~~ administrator shall serve as the chief administrative officer of the ~~cityCity~~, responsible to the ~~cityCity council~~Council for the administration of ~~cityCity~~ affairs. (Ordinance 2005-12, sec. 1, adopted 10/24/05; 2007 ~~CodeCode~~, sec. 2-85)

Sec. 1.02.092 Appointment

~~The cityCity administrator shall be selected by the mayorMayor and approved by a majority vote of the cityCity councilCouncil. Candidates for City Administrator shall be obtained by RFP, vetted and selected by a majority vote of the City Council. (ST)~~ The ~~cityCity~~ administrator shall be chosen on the basis of executive and administrative qualifications and abilities, with reference to actual experience in or knowledge of accepted practice in respect to the duties of the office established herein. At the time of appointment, the ~~cityCity~~ administrator need not be a resident within the ~~cityCity~~ or state, nor during the tenure of office be required to be a resident within the ~~cityCity~~. No member of the ~~cityCity council~~Council shall be appointed to such office during his or her ~~council~~Council term or within six months after the expiration of such term. (Ordinance 2005-12, sec. 2, adopted 10/24/05; 2007 ~~CodeCode~~, sec. 2-86; Ordinance 2017-03 adopted 3/14/17)

Sec. 1.02.093 Termination

The ~~cityCity~~ administrator shall serve at the pleasure of the ~~cityCity council~~Council and may be terminated at any time by simple majority vote, with or without cause. If requested with ten days of termination, the ~~cityCity council~~Council may grant a public hearing. Prior to said hearing, and following notice of termination, the ~~cityCity~~ administrator may be suspended from duty. In the event of termination, the ~~cityCity~~ administrator shall be paid any accumulated and unused vacation time. (Ordinance 2005-12, sec. 3, adopted 10/24/05; 2007 ~~CodeCode~~, sec. 2-87)

Sec. 1.02.094 Compensation; bond

The ~~cityCity~~ administrator shall receive such compensation and benefits as the ~~cityCity council~~Council may, from time to time, authorize and shall serve without bond. (Ordinance 2005-12, sec. 4, adopted 10/24/05; 2007 ~~CodeCode~~, sec. 2-88)

Sec. 1.02.095 Powers and duties

The cityCity administrator shall exercise all general management functions of the cityCity, serving as chief administrative officer of the cityCity. The cityCity administrator may head one or more departments of the cityCity and shall be responsible to the cityCity councilCouncil for the proper administration of all affairs to the cityCity. To that end, the cityCity administrator shall have the powers and shall be required to:

- (1) Recommend appointment, suspension or termination of any cityCity employee except for the ~~municipal-Municipal~~ judgeJudge, city-City secretarySecretary, Fire Chief, CityCity -attorneyAttorney, ~~bBuilding~~ eOfficial, cityCity-City eEngineer and city-City pPlanner. (ST)
- (2) Direct and supervise the administration of all departments, offices and agencies of the cityCity ~~excluding McLendon-Chisholm Fire Rescue.~~ (ST)
- (3) Maintain in proper order the cityCity's ordinances and ~~codes, and~~ Codes and recommend revisions necessary to keep them current with state law and the desire of the cityCity councilCouncil.
- (4) See that all state laws and cityCity ordinances are effectively enforced.
- (5) Assist the cityCity councilCouncil in applying for federal and state grants.
- (6) Attend all cityCity councilCouncil meetings and take part in ~~discussions, but~~ discussions but shall not vote.
- (7) Serve as ~~the-the~~ Emergency Management disaster-coordinator-Coordinator of the cityCity, charged with the preparation of the cityCity's disaster services plan. (ST w/DP) The City Administrator, with approval of the Mayor, may designate Emergency Management Coordinator duties to the Fire Chief, Police Chief or other qualified person employed or appointed by the City. The City Administrator will remain an advisor to the Emergency Management Coordinator. (LP)
- (8) Serve as the floodplain administrator.
- ~~(9) Prepare the proposed annual budget for the mayorMayor's approval and submission to the cityCity councilCouncil.~~
- ~~(10) Prepare and submit to the cityCity councilCouncil as of the end of the fiscal year a complete report on the finances and administrative activities in the cityCity for the proceeding year.~~
- ~~(11) Keep the cityCity councilCouncil advised as to the financial condition and future needs of the cityCity, and make such recommendations concerning the affairs of the cityCity as deemed desirable or necessary. (ST suggested/DP disagrees)~~
- (12) Work directly with outside consultants in developing solutions to identified local service needs.
- (13) Recommend to the cityCity councilCouncil from time to time the adoption of such measures as may be deemed necessary or expedient for the health, safety or welfare of the cityCity or for the improvement of administrative services of the cityCity to achieve greater cost effectiveness or program results.
- (14) Be responsible for the purchasing of day-to-day materials and needs through a purchase order system limited by the budget.
- (15) Enforce all personnel policies and rules and advise the cityCity councilCouncil on other personnel system improvements as needed.
- (16) Investigate the affairs of the cityCity or any department or division thereof. Investigate all complaints in relation to matters concerning the administration of the government of the cityCity and in regard to service maintained by the public utilities in the cityCity, and see that all franchises, permits and privileges granted by the cityCity are faithfully observed.
- (17) Perform such other duties as may be required by the cityCity councilCouncil, not inconsistent with the laws of the state, the United States, or ordinances of the cityCity.

(Ordinance 2005-12, sec. 5, adopted 10/24/05; 2007 ~~CodeCode~~, sec. 2-89)

Sec. 1.02.096 Authority to purchase

The cityCity councilCouncil hereby confers upon the cityCity administrator authority to contract for expenditures for the cityCity, without further approval from the cityCity councilCouncil, for all budgeted items, ~~not exceeding the sum of \$500.00.~~ (LP) In case of accident, disaster or other circumstances creating a public emergency, the cityCity administrator may award contracts and make purchases for the purpose of meeting said ~~emergency,~~ but emergency but shall file promptly with the cityCity councilCouncil a certificate showing such emergency and

the necessity for such action, together with an itemized account of all such expenditures. All expenditures made hereunder shall conform to the requirements of the laws of the state. (Ordinance 2005-12, sec. 6, adopted 10/24/05; 2007 ~~CodeCode~~, sec. 2-90)

Sec. 1.02.097 ~~CityCity councilCouncil~~ to deal with ~~cityCity~~ administrator

Except for the purpose of inquiry, the ~~cityCity councilCouncil~~ and its members shall deal with ~~cityCity~~ affairs through the ~~cityCity~~ administrator, and neither the ~~cityCity councilCouncil~~ nor any member thereof shall give orders to any subordinates of the ~~cityCity~~ administrator, either publicly or privately. (Ordinance 2005-12, sec. 7, adopted 10/24/05; 2007 ~~CodeCode~~, sec. 2-91)

Secs. 1.02.098–1.02.120 Reserved

Division 5. Municipal Judge, ~~CityCity~~ Planner and ~~CityCity~~ Engineer

Sec. 1.02.121 Appointment

(a) Municipal judge. There is hereby created the office of municipal judge, who shall be the presiding judge of the municipal court of the ~~cityCity~~, and who shall assume the powers and duties of municipal judges in the state. Candidates for Municipal Judge shall be obtained by RFP, vetted and selected by a majority vote of the City Council and shall hold office at the will of the Council. ~~The municipal judge shall be selected by the mayorMayor and approved by the cityCity councilCouncil and shall be some suitable person who possesses all of the qualifications provided by the cityCity councilCouncil. The mayorMayor Council may select and appoint, with cityCity councilCouncil approval, such associate or alternate judges to preside in the absence of the presiding judge or to assume responsibility for cases and matters pending in said court as may be necessary and appropriate. (ST) The judge of a municipal court serves for a term of office of two years and shall be appointed or reappointed within 90 days after the expiration of his or her term of office.~~

(b) CityCity planner. There is hereby created the office of ~~cityCity~~ planner, which shall be filled by some suitable person who possesses all of the qualifications provided by the ~~cityCity councilCouncil~~. Candidates for City Planner shall be obtained by RFP, vetted and selected by a majority vote of Said official shall be selected by the mayorMayor and approved by the cityCity councilCouncil, and Council and shall hold office at the will of the cityCity councilCouncil.

(c) CityCity engineer. There is hereby created the office of ~~cityCity~~ engineer, which shall be filled by some suitable person who possesses all of the qualifications provided by the ~~cityCity councilCouncil~~. Candidates for City Engineer shall be obtained by RFP, vetted and selected by a majority vote of City Council and Said official shall be selected by the mayorMayor and approved by the cityCity councilCouncil, and shall hold office at the will of the cityCity-City councilCouncilCouncil. (ST)

(d) City Accountant. There is hereby created the Office of City Accountant, which shall be filled by some suitable person who possess all of the qualifications provided by the City Council. Candidates for City Accountant shall be obtained by RFP, vetted and selected by a majority vote of Council and shall hold office at the will of the City Council. (ST)

(1) Duties of the City Account shall include:

(a) Prepare the proposed annual budget for the Mayor's approval and submission to the City Council.

(b) Prepare and submit to the City Council as of the end of the fiscal year a complete report on the finances and administrative activities in the City for the preceding year.

(c) Keep the City Council advised as to the financial condition and future needs of the City, and make such recommendations concerning the affairs of the City as deemed desirable or necessary. (ST)

(Ordinance 2014-04 adopted 2/11/14; Ordinance 2017-03 adopted 3/14/17)

Secs. 1.02.122–1.02.150 Reserved

Division 6. ~~Code~~Code of Ethics

Sec. 1.02.151 Purpose

It is hereby declared to be the policy of the ~~city~~City that the proper operation of democratic government requires that public officials be independent, impartial and responsible only to the people of the ~~city~~City; that no officer shall permit any interest, financial or otherwise, direct or indirect, or engagement in any business, transaction or professional activity to conflict with the proper discharge of such person's duties in the public interest; that public office not be used for personal gain; and that the ~~city~~City ~~council~~Council at all times shall be maintained as a nonpartisan body. To implement such a policy, the ~~city~~City ~~council~~Council deems it advisable to enact a ~~code~~Code of ethics for officials, as defined herein, whether elected or appointed, paid or unpaid, to serve not only as a guide for official conduct of the ~~city~~City's public servants, but also as a basis for discipline for those who refuse to abide by its terms, the overriding interest being that such officers of the ~~city~~City shall at all times strive to avoid even the appearance of impropriety. (Ordinance 2016-09, ex. 1, adopted 6/28/16)

Sec. 1.02.152 Title; application

- (a) This division and [sections 1.02.151–1.02.159](#) shall be known as the ~~code~~Code of ethics.
- (b) This ~~code~~Code of ethics shall apply to all officials as defined in herein, including all ~~city~~City boards, committees or commissions, but does not apply to employees, including those individuals employed on a fulltime, ~~parttime~~part-time or internship basis (including those employees who may serve on a ~~city~~City board, committee or commission) nor to independent contractors of the ~~city~~City.
- (c) This ~~code~~Code of ethics applies to the conduct or actions of public officers, as defined herein, which occurs in whole or in part after the date of adoption of this ~~code~~Code of ethics.
- (d) This ~~code~~Code of ethics applies to officers only while such persons hold such position or office.

(Ordinance 2016-09, ex. 1, adopted 6/28/16)

Sec. 1.02.153 Definitions

The following words, terms, and phrases, when used in this ~~code~~Code of ethics, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Benefit. Anything reasonably regarded as pecuniary or economic gain or pecuniary or economic advantage, including benefit to any other person in whose welfare the beneficiary has a direct and substantial interest.

Business entity. Any person, entity, corporation (whether for-profit or nonprofit), general or limited partnership, sole proprietorship, joint venture, unincorporated association or firm, institution, trust, foundation, holding company, joint-stock company, receivership, or other entity recognized by law, whether or not organized for profit, which has an economic interest, or seeking such, in conducting business with the ~~city~~City. Business entity also includes any business entity that represents a party conducting or seeking to conduct business with the ~~city~~City.

City~~City~~. The ~~City~~City of McLendon-Chisholm, Texas.

City council~~Council~~. The governing body of the ~~city~~City.

Confidential information. Any information to which an official has access in such person's official capacity ~~city~~City which may not be disclosed to the public except pursuant to state and/or federal law and which is not otherwise a matter of public record or public knowledge. Confidential information includes the following information, however transmitted:

- (1) Any information from a meeting closed to the public pursuant to the Texas Open Meetings Act or other law regardless of whether disclosure violates the Texas Open Meetings Act or Texas Public Information Act;
- (2) Any information protected by attorney-client, attorney work product, or other applicable legal privilege; and
- (3) Any information deemed confidential by law.

Contract. Any lease, claim, account or demand against or agreement with any entity or person, whether express or implied, executed or executory, oral or written.

Corporation. Any corporation that has a board of directors appointed in whole or in part by the ~~city~~City ~~council~~Council that is operating under the direct authority of or subject to the direct control of the ~~city~~City ~~council~~Council.

- | **Employee.** Any person employed by the ~~city~~City, including those individuals on a ~~parttime~~part-time or internship basis, but does not include independent contractors.
- | **Gift.** Anything of value, regardless of form, offered or given in the absence of adequate and lawful consideration. It does not include the receipt or acceptance of campaign contributions which are regulated by federal, state, and/or local laws or ordinances.
- | **Knowingly.** A person acts knowingly, or with knowledge, with respect to the nature of the person's conduct or to circumstances surrounding the conduct when the person is aware of the nature of the conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of the person's conduct whether the person is aware that the conduct is reasonably certain to cause the result.
- | **Officer or official.** Any member of the ~~city~~City ~~council~~Council and any appointed member of a ~~city~~City board, commission or committee established by ordinance, charter, state law or otherwise, on a temporary or permanent basis, operating either under the direct or indirect authority or subject to either the direct or indirect control of the ~~city~~City ~~council~~Council. Such term includes but is not limited to the members of the ~~city~~City planning and zoning commission and the zoning board of adjustment.
- | **Relative.** Any person related to an officer within the second degree by consanguinity or affinity. This relationship includes the spouse, parents, children, stepchildren, father and mother-in-law, or son and daughter-in-law, grandparents, grandchildren, sisters and brothers of the officer.
- | **Special privileges.** A right, advantage or favor of or for a particular person, occasion or purpose not otherwise available to others.
- | **Substantial interest.** (1) the ownership of ten (10) percent or more of the voting stock or shares of a business entity; (2) the ownership of ten (10) percent or more, or fifteen thousand dollars (\$15,000.00) or more of the fair market value of a business entity; or (3) funds received from the business entity exceed ten (10) percent of the person's gross income for the previous year, and action on the matter involving the business entity will have a special economic effect on the business entity that is distinguishable from the effect on the public. It is expressly provided herein that an investment or ownership in a publicly held company in an amount less than fifteen thousand dollars (\$15,000.00) does not constitute a substantial interest. Substantial interest in real property means the person has an interest in the real property that is equitable or legal ownership with a fair market value of two thousand five hundred dollars (\$2,500.00) or more; and it is reasonably foreseeable that an action on a matter involving the real property will have a special economic effect on the value of the real property distinguishable from its effect on the public. (Ownership includes any partnership, joint or corporate ownership or any equitable or beneficial interest as a beneficiary of a trust.) An officer is considered to have a substantial interest under this ~~code~~Code of ethics if a relative has a substantial interest under this ~~code~~Code of ethics.

(Ordinance 2016-09, ex. 1, adopted 6/28/16)

Sec. 1.02.154 Standards of conduct

No officer of the ~~city~~City shall:

- (1) Participate in a vote or decision on any matter in which the officer has a substantial interest.
- (2) Represent or appear in behalf of private interests of others before the ~~city~~City ~~council~~Council, or any agency, board, commission, corporation, or committee of the ~~city~~City, nor shall represent any private interests of others in any action or proceeding involving the ~~city~~City, nor voluntarily participate on behalf of others in any litigation to which the ~~city~~City is, or might be, an adverse party. The restrictions of this section do not prohibit an officer who is the president, vice-president or officer of a home owners association from appearing before the ~~city~~City ~~council~~Council, or any agency, board, commission, or committee of the ~~city~~City, to represent such homeowners association, except that no such officer or relative of such officer shall appear before the ~~city~~City ~~council~~Council or agency, board, commission or committee of the ~~city~~City of which such officer is a member.
- (3) Accept any gift from any person that might reasonably tend to influence such officer in the discharge of such person's official duties. The prohibition against gifts shall not apply to:
 - (A) A lawful campaign contribution;
 - (B) An honorarium in consideration for services unless the officer would not have been asked to provide the services but for the officer's position;
 - (C) Meals, lodging and transportation in connection with services rendered by the officer at a conference, seminar or similar event that is more than merely perfunctory;

- (D) Complimentary copies of trade publications and other related materials;
 - (E) Attendance at hospitality functions at local, regional, state or national association meetings and/or conferences;
 - (F) Any gift which would have been offered or given to the person if such person was not an officer or employee of the ~~city~~City;
 - (G) A noncash item with a value less than fifty dollars (\$50.00);
 - (H) Tee shirts, caps and other similar promotional material;
 - (I) Meals, transportation and lodging in connection with a seminar or conference at which the officer is providing services;
 - (J) Gifts on account of kinship or a personal, or professional, or business relationship independent of the officer's status;
 - (K) Complimentary attendance at political or charitable ~~fundraising~~fund-raising events; and
 - (L) Meals, lodging, transportation, or entertainment furnished in connection with public events, appearances or ceremonies related to official ~~city~~City business, if furnished by the sponsor of such public events.
- (4) Use such person's official position to secure special privileges or benefits for such person or others.
 - (5) Grant any special consideration, treatment or advantage to any citizen, individual, business organization or group beyond that which is normally available to every other citizen, individual, business organization or group.
 - (6) Disclose confidential information, including information related to the filing or processing of a complaint against an officer or employee except as required for the performance of official duties.
 - (7) Engage in any outside activities which will conflict with or will be incompatible with such person's official position or duties as an officer of the ~~city~~City.
 - (8) Use ~~city~~City supplies, personnel, property, equipment or facilities (whether tangible or intangible) for any purpose other than the conduct of official ~~city~~City business, unless otherwise provided for by law, ordinance or ~~city~~City policy.
 - (9) Act as a surety on any official bond required for any officer or employee of the ~~city~~City, or for a business that has a contract, work or business with the ~~city~~City.

(Ordinance 2016-09, ex. 1, adopted 6/28/16)

Sec. 1.02.155 Additional standards

- (a) No member of the ~~city~~City ~~council~~Council who is on the board of a nonprofit organization may vote on any funding request by that nonprofit organization, unless the nonprofit organization has a board of directors or trustees appointed in whole or in part by the ~~city~~City ~~council~~Council.
- (b) With the exception of those proceedings allowed under this ~~code~~Code of ethics, no member of the ~~city~~City ~~council~~Council shall personally appear in such member's own behalf before the ~~city~~City ~~council~~Council, or any ~~city~~City board, commission, corporation or committee but may designate and be represented by a person of such member's choice in any such personal matter.
- (c) No member of the ~~city~~City ~~council~~Council, the ~~city~~City planning and zoning commission, or zoning board of adjustment shall participate in, or vote on, any land use matter in which such officer has a substantial interest in any real property within two hundred (200) feet of the real property that is the subject of the land use matter. For purposes of this section "land use matter" shall mean zoning, plat approval, site plan or other development approvals or permits, variances or exceptions. The term "land use matter" does not include studies or similar matters that are for the benefit of the ~~city~~City and which are not unique to real property within two hundred (200) feet of the real property that is the subject of the land use matter, in which the officer has a substantial interest.

(Ordinance 2016-09, ex. 1, adopted 6/28/16)

Sec. 1.02.156 Disclosure of substantial interest

Any officer who has a substantial interest in any matter pending before the body, board, commission, corporation or committee of which the officer is a member, before a vote or decision on such matter, shall file an affidavit stating

the nature and extent of the substantial interest, and shall abstain from further participation in such matter. The affidavit shall be on a form provided by the cityCity and must be filed with the record keeper for such body, board, commission, corporation or committee. (Ordinance 2016-09, ex. 1, adopted 6/28/16)

Sec. 1.02.157 Complaints against officer

(a) All complaints or allegations of a violation of this codeCode of ethics against an officer shall be made in writing on a form provided by the cityCity, sworn to before a notary public, and filed of record with the cityCity secretary. Such complaint shall describe in detail the act or acts complained of and the specific section(s) of this codeCode of ethics alleged to have been violated. A general complaint lacking in detail shall not be sufficient to invoke the investigation procedures contained herein; and anonymous complaints shall not be considered. The cityCity secretary shall provide a copy of the complaint to the affected officer and the cityCity councilCouncil in executive session. The cityCity councilCouncil will make an initial determination as to validity of the complaint and make the decision whether to conduct an investigation. The cityCity councilCouncil shall provide a response, regardless of the initial determination, to the complainant and the affected public officer within five (5) business days of the decision. If an investigation is to proceed, the complaint may be referred to the cityCity attorney to conduct the investigation. The affected officer may file a written response to the complaint within seven (7) business days after the complaint is filed with the cityCity secretary, who shall forward the response, if any, to the cityCity attorney.

(b) The cityCity attorney shall submit a written report to the cityCity councilCouncil as soon as possible but not later than the second regular cityCity councilCouncil meeting after the receipt of the complaint, unless an extension is granted by a majority of the nonimplicated cityCity councilCouncil members. The cityCity attorney may contact the complainant, interview witnesses and examine any documents necessary for the report. The investigation report should explain in detail all facts, findings, and conclusions in support of the cityCity attorney's opinion as to whether or not a violation of this codeCode of ethics occurred. When the cityCity attorney receives a vague complaint or one lacking in detail, the cityCity attorney shall contact the complainant to request a written clarification. If the complainant fails to provide the cityCity attorney with written clarification, a written report to that effect shall be submitted to the cityCity councilCouncil. If the cityCity attorney determines that a criminal violation may exist, a written report to that effect shall also be submitted to the cityCity councilCouncil.

(c) The cityCity councilCouncil shall consider the complaint and the investigation report in executive session and shall determine whether the complaint against the affected officer requires further action. If no further action is required, the affected officer and the complainant will be notified. If the cityCity councilCouncil determines that further action is required, the affected officer may request that the complaint be considered in a public meeting. At such meeting, the cityCity attorney shall present a written report to the cityCity councilCouncil describing the nature of the complaint and the cityCity attorney's findings and conclusions as to a possible violation of this codeCode of ethics. The affected officer shall have the right to a full and complete hearing before the cityCity councilCouncil with the opportunity to call and cross-examine witnesses and present evidence in such person's behalf. The nonimplicated cityCity councilCouncil members in attendance shall conduct a hearing and review the complaint. The cityCity councilCouncil may reject the complaint or take action authorized under section 1.02.158, violations.

(d) If the cityCity councilCouncil determines, after a properly held executive session or after the public hearing described in subsection (c) above, that the affected officer has violated the provisions of this codeCode of ethics, such announcement must be made in a meeting which is open to the public. No action or decision to sustain the complaint shall be made except in a meeting which is open to the public.

(e) The cityCity councilCouncil may appoint outside legal ~~counsel, or~~ counsel or may direct the cityCity attorney to appoint outside legal counsel, or the cityCity attorney in the cityCity attorney's discretion, may appoint outside legal counsel, to perform the duties and responsibilities of the cityCity attorney under subsection (b) and (c) of this section.

(f) A complaint or allegation of a violation of this codeCode of ethics may only be made against an officer while such person holds such position or office. A complaint made against an officer pursuant to this codeCode of ethics shall be processed and resolved even if such person resigns from, or ceases to hold such position or office, prior to resolution of the complaint.

(Ordinance 2016-09, ex. 1, adopted 6/28/16)

Sec. 1.02.158 Violations

The cityCity councilCouncil may take any one or more of the following actions concerning a complaint:

- (1) Issue a statement finding the complaint is totally without merit, brought for the purpose of harassment, or brought in bad faith.
- (2) Issue a letter of notification when the violation is unintentional. A letter of notification shall advise the officer of any steps to be taken to avoid future violations.
- (3) Issue a letter of admonition when the violation is minor or may have been ~~unintentional, but unintentional but~~ calls for a more substantial response than a letter of notification.
- (4) Issue a reprimand when a violation has been committed knowingly or intentionally.
- (5) Remove from office a nonelected officer for a serious or repeated violation of this ~~code~~Code of ethics. Any such removal shall be, to the extent by and allowed, in compliance with any applicable state law and/or ~~city~~City ordinance.
- (6) Pass a resolution of censure or a recommendation of removal when the ~~city~~City ~~council~~Council finds that a serious or repeated violation of this ~~code~~Code of ethics has been committed intentionally by a member of the ~~city~~City ~~council~~Council.

(Ordinance 2016-09, ex. 1, adopted 6/28/16)

Sec. 1.02.159 Interpretation of content

Any officer may request and the ~~city~~City attorney shall issue a verbal or written opinion (as deemed appropriate) concerning the meaning or effect of any section, word, or requirement of this ~~code~~Code of ethics as it affects such person. (Ordinance 2016-09, ex. 1, adopted 6/28/16)

ARTICLE 1.03 BOARDS AND COMMISSIONS

Sec. 1.03.001 Attendance policy

All duly elected or appointed regular members of the ~~city~~City ~~council~~Council and of all ~~city~~City boards and commissions shall have a duty to attend all regular and specially called meetings of the ~~council~~Council, board or commission of which that person is a member. It shall be misconduct for any member to be absent from at least three consecutive regular meetings or more than 30 percent of all meetings over a period of at least six months of the ~~council~~Council, board or commission of which that person is a member, unless the absences are excused. (Ordinance 2001-3, sec. 1, adopted 6/4/01; 2007 ~~Code~~Code, sec. 2-105)

Sec. 1.03.002 Vacancies due to member misconduct

In the event that any regular member of the ~~council~~Council or any board or commission has engaged in the misconduct described in [section 1.03.001](#), such member may be censured or publicly reprimanded, after a public hearing, by majority vote of at least 75 percent of the remaining members. Upon censure or public reprimand, the position held by such offending member may, by majority vote of at least 75 percent of the remaining members and after a public hearing preceded by written charges, be declared vacant. In the event that the position is declared vacant, the vacancy shall be filled for the remainder of the unexpired term by the ~~city~~City ~~council~~Council. (Ordinance 2001-3, sec. 2, adopted 6/4/01; 2007 ~~Code~~Code, sec. 2-106)

ARTICLE 1.04 FINANCES

Division 1. Generally

Secs. 1.04.001–1.04.030 Reserved

Division 2. Investment Policy^{*}

Sec. 1.04.031 Adoption and designation of ~~investment~~Investment officer~~Officer~~

The ~~investment~~Investment ~~policy~~Policy of the ~~city~~City, a true and correct copy of which is published herein, be and is hereby adopted. The ~~city~~City ~~City administrator~~Administrator and ~~city~~City ~~City secretary~~Secretary, acting on behalf of the ~~city~~City ~~City council~~Council, are designated as the ~~investment~~Investment ~~officers~~Officers of the ~~city~~City ~~City~~ and are responsible for investment management decisions and activities. If the ~~city~~City ~~City~~ later contracts with another investing entity to invest funds, the ~~investment~~Investment ~~officer~~

Officer of the other investing entity shall be considered the ~~investment~~ Investment officer ~~Officer~~ of the cityCity City for purposes of the Public Funds Investment Act, chapter 2256 of the Texas Government CodeCode. (Ordinance 2017-17 adopted 9/26/17)

Sec. 1.04.032 Purpose

It is the objective of the cityCityCity to invest public funds in a manner which will provide maximum security and the best commensurate yield while meeting the daily cash flow demands of the cityCityCity and conforming to all federal, state, and local statutes, rules and regulations governing the investment of public funds. This policy serves to satisfy the statutory requirements of defining and adopting a formal investment policy. The policy and investment strategies shall be reviewed annually by the audit/finance committee and cityCityCity council Council who will formally approve any modifications. This investment policy, as approved, is in compliance with the provisions of the Public Funds Investment Act, Texas Government CodeCode chapter 2256. (Ordinance 2017-17 adopted 9/26/17)

Sec. 1.04.033 Scope

(a) This investment policy applies to the investment activities of the cityCityCity. All financial assets of all funds, including the general fund and any other accounts, unless explicitly excluded by this policy's guidelines, are included. These funds are accounted for in the cityCityCity's comprehensive annual financial report (CAFR). These funds, as well, as others that may be created from time to time, shall be administered in accordance with the provisions of this policy.

(b) In addition to this policy, the investment of bond proceeds and other bond funds (including debt service and reserve funds) shall be governed and controlled by their governing ordinance and by the provisions of the Tax Reform Act of 1986, including all regulations and rulings promulgated there under applicable to the issuance of tax-exempt obligations.

(1) Funds covered by this policy which may be managed as a pooled fund group:

- (A) General reserve fund.
- (B) Utility revenue fund.
- (C) Debt service fund.
- (D) Capital project fund.

(E) Any new fund created by the cityCityCity unless specifically exempted from this policy by the cityCity or by law.

This investment policy shall apply to all transactions involving the financial assets and related activity of all the foregoing funds.

(2) Funds covered by this policy and managed as separately invested assets:

(A) Bond funds. Funds established with the proceeds from specific bond issues when it is determined that segregating these funds from the pooled funds portfolio will result in maximum interest earning retention un [under] the provisions of the Tax Reform Act of 1986.

(B) Endowment funds. Funds given to the cityCity with the instructions that the principal is to remain intact, unless otherwise agreed to, and the income generated by the investments will be used for specified purposes.

(3) This policy shall not govern funds, which are managed under separate investment programs in accordance with the Texas Government CodeCode section 2256.004. Such programs currently include all funds related to employee retirement programs, other funds established by the cityCity for deferred employee compensation, and certain private donations. The cityCity shall and will maintain responsibility for these funds to the extent required by federal and state law and donor stipulations.

(4) This policy does not apply to the monies held in escrow to retire bonds which are subject to defeasance requirements stated under their respective bond ordinances.

(Ordinance 2017-17 adopted 9/26/17)

Sec. 1.04.034 Review and amendment

The cityCity council Council is required by state statute and by this investment policy to review this investment policy and investment strategies not less than annually and to adopt a resolution or an ordinance stating the review has been completed and recording any changes made to either the policy or strategy statements. (Ordinance 2017-

17 adopted 9/26/17)

Sec. 1.04.035 Public trust

All participants in the cityCity's investment process shall seek to act responsibly as custodians of the public trust. All investments shall be designed and managed in a manner responsive to the public trust and consistent with state and local law. (Ordinance 2017-17 adopted 9/26/17)

Sec. 1.04.036 Investment strategy

The cityCity will maintain portfolios which utilize investment strategy considerations designed to address the unique characteristics of the fund groups represented in the portfolios. Preservation and safety of principal shall be the foremost investment objective in each of the portfolios. Liquidity is the second objective. Liquidity's importance to each fund group is emphasized in the following subsections. Yield and diversification shall also be a consideration and shall be in compliance with the guidelines set forth in the investment policy.

- (1) Operating funds. Investment strategies for these funds have as their primary objective to assure that anticipated cash flows are matched with adequate investment liquidity. The secondary objective is to create a portfolio structure which will experience minimal volatility during economic cycles. This may be accomplished by purchasing high quality, short-to-medium term securities which will complement each other in a laddered or barbell maturity structure.
- (2) Debt service funds. Investment strategies for these funds shall have as the primary objective the assurance of investment liquidity adequate to cover the debt service obligation on the required payment date. If the annual debt service obligation is covered, the securities may be purchased that have a stated final maturity date which exceeds the debt service payment date.
- (3) Reserve funds. Investment strategies for these funds shall have as the primary objective the ability to generate a dependable revenue stream to the appropriate fund from securities with a low to moderate degree of volatility. Securities should be of high quality and, except as may be required by any bond ordinance specific to an individual issue, of intermediate to longer-term maturities.
- (4) Capital project funds. Investment strategies for these fund portfolios shall have as their primary objective to assure that anticipated cash flows are matched with adequate investment liquidity. These portfolios should include at least 10% in highly liquid securities to allow for flexibility and unanticipated project outlays.

(Ordinance 2017-17 adopted 9/26/17)

Sec. 1.04.037 Objectives

The cityCity shall manage and invest its cash with the objectives listed in priority order: safety; liquidity; marketability; diversification; yield and public trust. Safety of principal invested is always the primary objective.

- (1) Safety. The primary objective of the cityCity's investment activity is preservation of capital. Each investment transaction shall be conducted in a manner to avoid loss of capital.
- (2) Liquidity. The cityCity's investment portfolio shall remain sufficiently liquid to enable the cityCity to meet operating requirements that may be reasonably anticipated. To the extent possible, the cityCity will attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the cityCity will not directly invest in securities maturing more than three years from the date of purchase.
- (3) Marketability. Securities with active and efficient secondary markets are necessary in the event of an unanticipated cash requirement. Historical market "spreads" between the bid and ask prices of a particular security type of less than a quarter of a percentage point shall define an efficient secondary market.
- (4) Diversification. Investment maturities shall be staggered to provide cash flow based on the anticipated needs of the cityCity. Diversifying the appropriate maturity structure will reduce market cycle risk.
- (5) Yield. The investment portfolio shall be designed with the objective of regularly exceeding the average rate of return on a six-month U.S. Treasury Bill. The cityCity's investment risk constraints and cash flow needs shall be taken into consideration.

(Ordinance 2017-17 adopted 9/26/17)

Sec. 1.04.038 Management and internal controls

(a) Controls shall be designed to prevent losses of public funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by employees or ~~investment officer~~Investment Officers of the ~~city~~City.

(b) Controls and managerial emphasis deemed most important that shall be employed include the following, imperative controls:

(1) ACH and wire transfer controls:

(A) ACH and wire transfer are only allowed between financial institutions listed on exhibit A to Ordinance 2017-17.

(B) ACH and wire transfers must be approved by resolution/ordinance of ~~city~~City ~~council~~Council.

(C) Dispersal of ~~city~~City funds to entities not listed on exhibit A to Ordinance 2017-17 must be made by counter signed checks drawn on the ~~city~~City's operating account.

(D) Institutions listed on exhibit A to Ordinance 2017-17 will acknowledge in writing their receipt, understanding and willingness to comply with the ~~city~~City's controls.

(2) Custodian safekeeping confirmation notices records management.

(3) Documentation of investment bidding events.

(4) Written confirmation of telephone transactions.

(5) Reconcilements and comparisons of security confirmation notices with the investment records.

(6) Verification of all interest income and security purchase and sell computations.

(Ordinance 2017-17 adopted 9/26/17)

Sec. 1.04.039 Investment committee

(a) Members. The investment committee will consist of one ~~council~~Council member; ~~city~~City administrator; ~~city~~City secretary-treasurer and an outside investment advisor. The investment advisor is a nonvoting member. When needed, the ~~city~~City attorney will act as a legal advisor to the investment committee.

(b) Scope. The investment committee shall meet at least quarterly to determine general strategies, investment guidelines and to monitor results. Included in its deliberations will be such topics as: economic outlook, portfolio diversification, maturity structure, potential risk to the ~~city~~City's funds, authorized broker/dealers (if applicable) and depository institutions, as well as the target rate of return on the investment portfolio.

(c) Procedures. The investment committee shall provide meeting summations to all members. Any two members of the investment committee may request a special meeting. All three voting members must be present. The investment committee shall establish its own rules of procedures.

(Ordinance 2017-17 adopted 9/26/17)

Sec. 1.04.040 Delegation of authority and training

(a) Authority to manage the ~~city~~City's investment program is derived from a resolution of the ~~city~~City ~~council~~Council. The resolution designates the ~~city~~City administrator and the ~~city~~City secretary-treasurer as co-~~investment officer~~Investment Officers (C-IOs) for the ~~city~~City. Day to day activities may be delegated to a responsible individual(s) who has received the appropriate training required by state statute. The C-IOs shall be responsible for all transactions undertaken and shall establish a system of controls and compliance audit to regulate the activities of persons authorized to execute investment transactions.

(b) The ~~investment officer~~Investment Officers and persons authorized to execute investment transactions shall attend training sessions of at least 10 hours in compliance with section 2256.008 of the act within 12 months after taking office or assuming duties and at least 8 hours every two years thereafter. The training must include education in investment controls, security risks, strategy risks, market risks, and compliance with the Public Funds Investment Act. The investment training shall be sponsored, accredited or endorsed by the Government Treasurers Organization of Texas (GTOT), Center for Public Management at the University of North Texas (UNT), Government Finance Officers Association of Texas (GFOAT), Texas Municipal League (TML), North Central Texas ~~Council~~Council of Governments (NCTCOG), Association of Public Treasurers United States & Canada (APT US & C), and

Government Finance Officers' Association (GFOA).

(Ordinance 2017-17 adopted 9/26/17)

Sec. 1.04.041 Safekeeping and custody

The C-IOs shall establish written procedures for the operation of the investment program, consistent with this investment policy. Procedures shall include reference to safekeeping and reporting of the portfolio market value for securities held in safekeeping, banking service contracts and collateral. Securities and collateral will be held by a third-party custodian designated by the ~~city~~City or by the Federal Reserve Bank and held in the ~~city~~City's name as evidenced by safekeeping receipts of the institution with which the securities are deposited. The market value of the securities and collateral shall be reported at least monthly by the custodians. Any substitutions and/or releases of collateral must be approved by a C-IO or another person qualified to execute investment transactions designated by the C-IOs. All collateral must have a market value of 103% of the original purchase price of the investment (less FDIC or NCUSIF insurance) plus accrued interest. (Ordinance 2017-17 adopted 9/26/17)

Sec. 1.04.042 Prudent investor rule

- (a) The standard of prudence to be applied by the ~~investment officer~~Investment Officer shall be the "prudent investor" rule which states: "Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived."
- (b) In determining whether an ~~investment officer~~Investment Officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration:
 - (1) The investment of all funds, or funds under the entity's control, over which the officer had responsibility rather than a consideration as to the prudence of a single investment; and
 - (2) Whether the investment decision was consistent with the written investment policy of the entity.
- (c) Investment staff shall recognize that the investment portfolio is subject to public review and evaluation. The overall program shall be designed and managed with a degree of professionalism which is worthy of the public trust. Nevertheless, the ~~city~~City recognizes that in a marketable, diversified portfolio, occasional measured losses are inevitable and must be considered within the context of the overall portfolio's investment rate of return.

(Ordinance 2017-17 adopted 9/26/17)

Sec. 1.04.043 Ethics and conflicts of interest

~~City~~City staff involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair the ability to make impartial investment decisions. An ~~investment officer~~Investment Officer of the ~~city~~City, who has a personal business relationship and/or a relationship by blood or marriage within the second degree, as defined in the PFIA section 2256.005, with a financial organization seeking to sell an investment to the ~~city~~City shall file a disclosure statement with the state ethics commission, the ~~city~~City ~~council~~Council, and the ~~city~~City administrator. (Ordinance 2017-17 adopted 9/26/17)

Sec. 1.04.044 Liability

Investment and management staff acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for market price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sale of the securities are carried out in accordance with the terms of this policy. (Ordinance 2017-17 adopted 9/26/17)

Sec. 1.04.045 Investment safeguards

- (a) Cash flow. Investment staff of the ~~city~~City will maintain a cash flow analysis which identifies the present and future cash requirements. The investment portfolio (utilizing cash flow analysis) will be structured such that the selling of securities prior to maturity for the purpose of meeting daily cash needs would be on an exception basis only.
- (b) Separation of duties. Investment staff of the ~~city~~City will be responsible for maintaining the cash flow analysis, determining the amount eligible for investment, and all other administrative duties necessary in executing and tracking the investments. ~~Investment officer~~Investment Officers will be responsible for the actual investment decisions.

(c) Internal control. The C-IOs shall establish an annual process of independent review by the cityCity's ad hoc audit committee in conjunction with the annual audit. This review will provide internal control by assuring compliance with policies and procedures.

(Ordinance 2017-17 adopted 9/26/17)

Sec. 1.04.046 Risk and diversification

The cityCity recognizes that investment risks can result from issuer defaults, market price changes or various technical complications leading to temporary illiquidity. Risk is controlled through portfolio diversification which shall be achieved by the following general guidelines:

- (1) Risk of issuer default is controlled by limiting investments to those instruments allowed by the act, which are described herein.
- (2) Risk of market price changes shall be controlled by avoiding over-concentration of assets in a specific maturity sector, limitation of the weighted average maturity of operating funds investments to less than 18 months, and avoidance of over-concentration of assets in specific instruments other than U.S. Treasury Securities, and U.S. Agency Obligations or Securities and authorized investment pools.
- (3) Risk of illiquidity due to technical complications shall be controlled by the selection of securities dealers as described herein.
- (4) Concentration of credit risk is controlled by limiting the amount of investment with a single issuer to no more than 35% of the total portfolio with the exception of state approved investment pools and U.S. Government Securities and Agency Obligation.
- (5) Custodial credit risk is minimized by requiring pledged securities to be in the name of the cityCity.

(Ordinance 2017-17 adopted 9/26/17)

Sec. 1.04.047 Authorized investments

(a) Assets of the cityCity may be invested in the following instruments if deemed an authorized investment pursuant to the act, chapter 2256 Texas Government codeCode, as amended:

- (1) Obligations of the United States of America, its agencies and instrumentalities.
- (2) Direct obligations of the state or its agencies and instrumentalities.
- (3) Other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, the state or the United States or the respective agencies and instrumentalities, including obligations that are fully insured or guaranteed by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States.
- (4) Obligations of states, agencies, counties, cities and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent.
- (5) Certificates of deposit issued by a depository institution that has its main office or a branch office in the state, to include certificates of deposit purchased through the certificate of deposit account registry service (CDARS) program from a state bank. The certificate of deposit must be guaranteed or insured by the Federal Deposit Insurance Corporation (FDIC) or its successor or the National Credit Union Share Insurance Fund (NCUSIF) or its successor and secured by acceptable collateral securities in the name of or benefit of the cityCity and have a market value of at least 103% of the original purchase price (less FDIC or NCUSIF insurance) plus accrued interest.
- (6) Public funds investment pools in the state which follow practices allowed by the current law and whose investments may consist of CD's, U.S. Treasuries, U.S. Government Agency Securities, U.S. Government Sponsored Corporation's Instruments, commercial paper or other investment instruments permitted by law.
- (7) Commercial paper and banker's acceptances that have met all requirements of state law, including ratings, term and security.
- (8) The cityCity is not required to liquidate investments that were an authorized investment at the time of purchase.
- (9) If an authorized investment in the cityCity's portfolio is rated in a way that causes it to become an unauthorized investment, the investment committee shall review the investment to determine whether it

would be more prudent to hold the investment until its maturity, or to redeem the investment. The committee shall consider the time remaining until maturity of the investment, the quality of the investment, and the quality and amounts of collateral which may be securing the investment in determining the appropriate steps to take.

(10) The ~~city~~City requires that all ~~city~~City depository accounts have sufficient pledged collateral, valued at market, held by a third-party custodian designated by the ~~city~~City in the ~~city~~City's name, and secured at 103% of the ~~city~~City balances less the amount of FDIC or NCUSIF insurance at all times.

(b) The following is the maximum goal for various types of authorized deposits (shown as a percentage of total investments) for each type of investment. The percentages are based mainly on the safety and liquidity of the investment and to obtain the overall highest rate of return with appropriate risk for the ~~city~~City.

- (1) Collateralized certificates of deposits (CD's): 50%.
- (2) U.S. Treasury Obligations: 100%.
- (3) Municipal investment pool (MIP): 100%.
- (4) Commercial bank savings accounts: 15%.
- (5) U.S. Government Agency Securities - non-callable: 100%.
- (6) U.S. Government Agency Securities - callable: 50%.
- (7) U.S Government Sponsored Corporation's Instruments - non-callable: 75%.
- (8) U.S Government Sponsored Corporation's Instruments - callable: 50%.
- (9) State or local governmental obligations: 30%.
- (10) Local government investment pools (LGIP) 100%.

(Ordinance 2017-17 adopted 9/26/17)

Sec. 1.04.048 Term of investments

The maximum term of any investment may not exceed three (3) years. Purchases of securities with stated maturities greater than the maximum authorized term require prior ~~city~~City ~~council~~Council approval. (Ordinance 2017-17 adopted 9/26/17)

Sec. 1.04.049 Prohibited investments

This investment policy specifically prohibits investment in the types of securities listed below:

- (1) Obligations, whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal.
- (2) Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears on interest.
- (3) All collateralized mortgage obligations excluding those purchased by state authorized investment pools.
- (4) Reverse repurchase agreements.

(Ordinance 2017-17 adopted 9/26/17)

Sec. 1.04.050 Transaction bids

Transaction bids may be obtained orally, in writing, electronically, or in any combination of these methods. At least three competitive bids for individual security purchases are required, however this provision excludes transactions involving money market mutual funds, local government investment pools, securities issued and deemed to be made at prevailing market rates, or a reinvestment of funds from a called security with the original broker. (Ordinance 2017-17 adopted 9/26/17)

Sec. 1.04.051 Transaction settlements

The settlement of all transactions, except investment pool funds and mutual funds, shall be on a delivery versus payment basis. (Ordinance 2017-17 adopted 9/26/17)

Sec. 1.04.052 Reporting

The C-IOs shall submit a signed quarterly investment report to the ~~city~~City ~~council~~Council that contains the

information required by the ~~public~~ Public Funds Investment Act including but not limited to:

- (1) Describing in detail the investment position of the entity on the date of the report;
- (2) Stating the book value and market value of each separately invested asset at the beginning and end of the reporting period by the type of asset and fund type invested;
- (3) Stating the maturity date of each separately invested asset that has a maturity date; and
- (4) Stating the compliance of the investment portfolio of the cityCity as it relates to the investment strategy stated in the cityCity's investment policy.

(Ordinance 2017-17 adopted 9/26/17)

Sec. 1.04.053 Document retention

As recommended by the state library and archives commission, the guidelines of retaining records for five years from the applicable fiscal year end should be followed for investment funds other than bond proceeds. The C-IOs shall oversee the filing and/or storing of investment records. (Ordinance 2017-17 adopted 9/26/17)

Sec. 1.04.054 Selection of banks, brokers and security dealers

(a) Depository - cityCity councilCouncil shall, by ordinance, "select and designate one or more banking institutions as the depository for the monies and funds of the cityCity" in accordance with the requirement of Texas Local Government ~~CodeCode~~ chapter 105. At least every three (3) years a depository shall be selected through the cityCity's banking services procurement process as defined by the investment committee. This process shall include but is not limited to the following criteria:

- (1) Qualified as a depository for public funds in accordance with state and local laws.
- (2) Offered lowest net banking service cost, consistent with the ability to provide an appropriate level of service.
- (3) Met credit worthiness and financial standards.

(b) For brokers and dealers of government securities the cityCity may select only those dealers reporting to the market reports division of the Federal Reserve Board of New York also known as the "primary government security dealers." Investment officials shall not knowingly conduct business with any firm with whom public entities have sustained losses on investments. All securities dealers shall provide the cityCity with references from public entities which they are currently serving. The cityCity shall review the list of brokers on an annual basis pursuant to section 2256.025 of the Public Funds Investment Act.

(c) All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must supply the following as appropriate:

- (1) Audited financial statements.
- (2) Proof of National Association of Securities Dealers (NASD) certification.
- (3) Proof of state registration.
- (4) Certification of having read the cityCity's investment policy signed by a qualified representative of the organization.
- (5) Acknowledgement that the organization has implemented reasonable procedures and control in an effort to preclude investment activities not authorized by this policy arising out of investment transactions conducted between the cityCity and the organization.

(6) The list of brokers/dealers, financial institutions, banks and investment pools contained in exhibit A to Ordinance 2017-17 are authorized to conduct investment business with the cityCity.

(Ordinance 2017-17 adopted 9/26/17)

Sec. 1.04.055 Investment policy adoption

The cityCity's investment policy shall be adopted by ordinance of the cityCity councilCouncil. The cityCity councilCouncil shall review this investment policy and investment strategies annually and any modifications made thereto must be approved by the cityCity councilCouncil. (Ordinance 2017-17 adopted 9/26/17)

Secs. 1.04.056–1.04.060 Reserved

Division 3. Audit Committee

Sec. 1.04.061 Establishment and purpose

There is hereby created and established an audit committee for the cityCity consisting of five (5) members appointed by the cityCity councilCouncil. The purpose of the audit committee is to provide guidance to the cityCity councilCouncil with respect to oversight for financial reporting, internal controls and auditing activities. The audit committee may make recommendations to the cityCity councilCouncil, but its recommendations and actions are purely advisory and discretionary in nature. (Ordinance 2017-12 adopted 9/19/17)

Sec. 1.04.062 Member qualifications

Each member shall be a resident of the cityCity, registered voter, hold no other paid and incompatible position or elected office for the cityCity, and shall not be in arrears in payment of taxes or any liability due to Rockwall County or the cityCity. A former member of the cityCity councilCouncil may not be a member until after the expiration of four consecutive (4) years from the conclusion of the former cityCity councilCouncil member's term of office. (Ordinance 2017-12 adopted 9/19/17)

Sec. 1.04.063 Term, vacancy and removal

Initial appointments shall be made so that terms are staggered, with two (2) members to serve an initial term to expire on June 30, 2018 and three (3) members to serve an initial term to expire on June 30, 2019, determined after appointment by lottery. Thereafter, the term of office for members of the audit committee shall be for two years, beginning on the day after the expiration of the preceding full term. Two (2) members shall be appointed for two-year terms beginning on July 1st in even-numbered years and three (3) members shall be appointed for two-year terms beginning July 1st in odd-numbered years. In the event of any vacancy on the audit committee, the cityCity councilCouncil shall appoint new members to fill the vacant offices as soon as practicable to fill such vacancies for the remainder of the unexpired terms of office. Members of the audit committee may be removed from office by the cityCity councilCouncil, with or without cause, by majority vote. (Ordinance 2017-12 adopted 9/19/17)

Sec. 1.04.064 Recusal and abstention required

This provision applies only to a former cityCity councilCouncil member serving on the committee. In the event the committee considers and votes on a subject involving a matter of substance on which the cityCity councilCouncil member voted on as a cityCity councilCouncil member, then the former cityCity councilCouncil member shall recuse himself or herself from discussion of the matter and shall abstain from voting on the matter. Approval of the cityCity budget, selection of the cityCity auditor and approval of an audit shall not constitute a matter of substance for the purposes of this provision. (Ordinance 2017-12 adopted 9/19/17)

Sec. 1.04.065 Chair and vice-chair

At its first meeting, the audit committee shall select one of its members to serve as the chair, and one of its members to be vice-chair, to serve in the absence of the chairman. Excepting only these initial appointments of the chair and vice-chair made at its first meeting, no member shall be qualified to serve as chair or vice-chair unless that member has first served on the audit committee for a period of at least six months. The chair or a majority of the audit committee may call a meeting of the audit committee. The chair shall preside at meetings and perform other administrative duties. (Ordinance 2017-12 adopted 9/19/17)

Sec. 1.04.066 Meetings

A majority of five (5) members of the audit committee shall constitute a quorum to do business. Meetings of the audit committee shall be held as often as necessary to conduct its business at the call of the chairman and at such other times as the audit committee may determine. All meetings of the audit committee shall be public, unless otherwise authorized by law, and the audit committee shall keep minutes of the proceedings showing the vote of each member upon each question coming before the audit committee. The minutes of the audit committee shall be public record. (Ordinance 2017-12 adopted 9/19/17)

Sec. 1.04.067 Duties and charter

The audit committee shall perform the duties provided by its charter, along with any other appropriate duties that may be assigned to the audit committee by the cityCity councilCouncil. The charter may be amended only upon approval by the cityCity councilCouncil. (Ordinance 2017-12 adopted 9/19/17)

ARTICLE 1.05 EMERGENCY MANAGEMENT*

Sec. 1.05.001 ~~Mayor~~Mayor as emergency management director

(a) There exists the office of emergency management director of the ~~city~~City, which shall be held by the ~~mayor~~Mayor in accordance with state law.

(b) An emergency management coordinator may be appointed by and serve at the pleasure of the director.

(c) The director shall be responsible for conducting a program of comprehensive emergency management within the ~~city~~City and for carrying out the duties and responsibilities set forth in this article. He may delegate authority for execution of these duties to the coordinator, but ultimate responsibility for such execution shall remain with the director.

(Ordinance 84-4, sec. 1, adopted 4/12/93; 2007 ~~Code~~Code, sec. 30-1)

Sec. 1.05.002 Powers and duties of director

The powers and duties of the director shall include an ongoing survey of actual or potential major hazards which threaten life and property within the ~~city~~City; and an ongoing program of identifying and requiring or recommending the implementation of measures which would tend to prevent the occurrence or reduce the impact of such hazards if a disaster did occur. As part of his responsibility in hazard mitigation, the director shall supervise the development of an emergency management plan for the ~~city~~City ~~council~~Council along with any and all mutual aid plans and agreements which are deemed essential for the implementation of such emergency management plan. The powers of the director shall include the authority to declare a state of disaster, but such action may be subject to confirmation by the ~~city~~City ~~council~~Council at its next meeting. The duties of the director shall include the causing of a survey of the availability of existing personnel, equipment, supplies and services which could be used during a disaster, as provided for herein, as well as a continuing study of the need for amendments and improvements in the emergency management plan. (Ordinance 84-4, sec. 2, adopted 4/12/93; 2007 ~~Code~~Code, sec. 30-2)

Sec. 1.05.003 Interjurisdictional program

The ~~mayor~~Mayor is hereby authorized to join with the county judge and the ~~mayor~~Mayors of the other cities in the county in the formation of an emergency management ~~council~~Council for the county and shall have the authority to cooperate in the preparation of a joint emergency management plan and in the appointment of a joint emergency management coordinator, as well as all powers necessary to participate in a countywide program of emergency management insofar as said program may affect the ~~city~~City. (Ordinance 84-4, sec. 3, adopted 4/12/93; 2007 ~~Code~~Code, sec. 30-3)

Sec. 1.05.004 Duties of emergency management director

The duties and responsibilities of the emergency management director shall include the following:

(1) The direction and control of the actual disaster operations of the ~~city~~City emergency management organization as well as the training of emergency management personnel.

(2) The determination of all questions of authority and responsibility that may arise within the emergency management organization of the ~~city~~City.

(3) The maintenance of necessary liaison with other municipal, county district, state, regional, federal, or other emergency management organizations.

(4) The marshaling, after declaration of a disaster as provided for in [section 1.05.002](#), of all necessary personnel, equipment or supplies from any department of the ~~city~~City to aid in the carrying out of the provisions of the emergency management plan.

(5) The issuance of all necessary proclamations as to the existence of a disaster and the immediate operational effectiveness of the ~~city~~City emergency management plan.

(6) The issuance of reasonable rules, regulations or directives which are necessary for the protection of life and property in the ~~city~~City. Such rules and regulations shall be filed in the office of the ~~city~~City secretary and shall receive widespread publicity unless publicity would be of aid and comfort to the enemy.

(7) The supervision of the drafting and execution of mutual aid agreements, in cooperation with the representatives of the state and of other local political subdivisions of the state, and the drafting and execution, if deemed desirable, of an agreement with the county in which said ~~city~~City is located and with other municipalities within the county, for the countywide coordination of emergency management

efforts.

(8) The supervision of, and final authorization for, the procurement of all necessary supplies and equipment, including acceptance of private contributions which may be offered for the purpose of improving emergency management within the cityCity.

(9) The authorizing of agreements, after approval by the cityCity attorney, for use of private property for public shelter and other purposes.

(Ordinance 84-4, sec. 4, adopted 4/12/93; 2007 CodeCode, sec. 30-4)

Sec. 1.05.005 Composition of organization; functions and duties

The operational emergency management of the cityCity shall consist of the officers and employees of the cityCity so designated by the director in the emergency management plan, as well as all organized volunteer groups. The functions and duties of this organization shall be distributed among such officers and employees in accordance with the terms of the emergency management plan. Such plan shall set forth the form of the organization, establish and designate divisions and functions, assign tasks, duties and powers, and designate officers and employees to carry out the provisions of this article. Insofar as possible, the form of organization, titles and terminology shall conform to the recommendations of the state division of emergency management and of the federal government.

(Ordinance 84-4, sec. 5, adopted 4/12/93; 2007 CodeCode, sec. 30-5)

Sec. 1.05.006 Unauthorized operation or termination of warning devices

Any unauthorized person who shall operate a siren or other device so as to simulate a warning signal, or the termination of a warning, shall be deemed guilty of a violation of this article and shall be subject to the penalties imposed by this article. (Ordinance 84-4, sec. 6, adopted 4/12/93; 2007 CodeCode, sec. 30-6)

Sec. 1.05.007 Override

At all times when the orders, rules, and regulations made and promulgated pursuant to this article shall be in effect, they shall supersede and override all existing ordinances, orders, rules, and regulations insofar as the latter may be inconsistent therewith. (Ordinance 84-4, sec. 7, adopted 4/12/93; 2007 CodeCode, sec. 30-7)

Sec. 1.05.008 Conflicts

This article shall not be construed so as to conflict with any state or federal statute or with any military or naval order, rule, or regulation. (Ordinance 84-4, sec. 8, adopted 4/12/93; 2007 CodeCode, sec. 30-8)

Sec. 1.05.009 Liability

This article is an exercise by the cityCity of its governmental functions for the protection of the public peace, health, and safety and neither the cityCity agents and representatives of said cityCity, nor any individual, receiver, firm, partnership, corporation, association, or trustee, nor any of the agents thereof, in good faith carrying out, complying with or attempting to comply with, any order, rule, or regulation promulgated pursuant to the provisions of this article shall be liable for any damage sustained to persons as the result of said activity. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the cityCity a license of privilege, or otherwise permits the cityCity to inspect, designate and use the whole or any part of such real estate or premises for the purpose of sheltering persons during an actual, impending or practicing enemy attack shall not, together with his successors in interest, if any, be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege or their permission or for loss of, or damage to, the property of such person. (Ordinance 84-4, sec. 9, adopted 4/12/93; 2007 CodeCode, sec. 30-9)

Sec. 1.05.010 Expenditures; approval of contracts and agreements

No person shall have the right to expend any public funds of the cityCity in carrying out any emergency management activity authorized by this article without prior approval by the cityCity councilCouncil, nor shall any person have any right to bind the cityCity by contract, agreement or otherwise without prior and specific approval of the cityCity councilCouncil. (Ordinance 84-4, sec. 10, adopted 4/12/93; 2007 CodeCode, sec. 30-10)

Sec. 1.05.011 Interference; violations

It shall be unlawful for any person to willfully obstruct, hinder, or delay any member of the emergency management organization in the enforcement of any rule or regulation issued pursuant to this article, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this article. It shall likewise be unlawful for any person to wear, carry or display any emblem, insignia or any other means of identification as a member of the emergency management organization of the cityCity, unless authority to do so has been granted to such person by the proper officials. (Ordinance 84-4, sec. 11, adopted 4/12/93; 2007 CodeCode, sec. 30-11)

Sec. 1.05.012 Oath

Each employee or any individual that is assigned a function or responsibility shall solemnly swear or affirm to support and defend the Constitution of the United States, laws of the state and the ordinances of the cityCity. (Ordinance 84-4, sec. 12, adopted 4/12/93; 2007 CodeCode, sec. 30-12)

ARTICLE 1.06 ~~LICENSES AND PERMITS~~ VESTED RIGHTS (Kirk Franklin)

Sec. 1.06.001 Applicability

The provisions of this article shall apply only to the application of a law, regulation, rule or ordinance to a project which law, regulation, rule or ordinance becomes effective after the initial or first submittal of an application for a permit. Permits relating to the development or improvement of land or any part of land shall be subject to requirements of V.T.C.A., Local Government CodeCode, section 245.001 et seq., as amended. A permit means a license, certificate, approval, registration, consent, permit, or other form of authorization required by law, rule, regulation, order, or ordinance that a person must obtain to perform an action or initiate, continue, or complete a project for which the permit is sought. In determining the applicability of regulatory changes that are effective after a permit application is filed, an application shall be construed to be filed when an original application or plan for development or plat application is filed that gives the cityCity fair notice of the project and the nature of the permit sought. (Ordinance 2005-07, sec. 1, adopted 7/11/05; 2007 CodeCode, sec. 50-1)

Sec. 1.06.002 Permit application requirements

Permits shall be subject to the following requirements:

(1) Date filed. A permit application is deemed to be filed on the day that the application is received by the cityCity. If a permit application is made by certified mail, the application shall be deemed to be filed on the day the application is deposited with the United States Postal Service. A certified mail receipt obtained by the applicant at the time of deposit shall be prima facie evidence of the date of deposit.

(2) Expiration. A permit application that:

(A) Does not meet all criteria for approval;

(B) Is not accompanied by all required documentation, plans, drawings, studies, reports or other information; or

(C) Does not meet the cityCity's technical requirements as to the form and content of the permit application;

shall expire on the 45th day after the date that the application is filed.

(3) Application review; deficiency. The cityCity shall review and provide written comments within ten business days following the initial or first-timefirst-time submittal of any permit application that applies to any project or any land upon which any development or improvement of any form is proposed. The cityCity shall, within ten business days following the initial or first-timefirst-time submittal of any permit application, review the application and, if the application is deficient, shall send the applicant written notice that identifies:

(A) The necessary documents or other information; and

(B) The date the application will expire if the documents or other information is not provided.

(4) Failure to correct deficiency. If the applicant fails to provide the specified documents or other information within the time provided in the notice, the permit application shall expire and be void on the 45th day after its initial or first-timefirst-time submittal.

(5) Expiration date for filing a second, similar application. If an application for a permit that involves the same project or a related project is filed following the filing of the first application, the 45-day period shall commence on the date of the first application.

(Ordinance 2005-07, sec. 2, adopted 7/11/05; 2007 CodeCode, sec. 50-2)

Sec. 1.06.003 Conditions for expiration of permit

If, after approval of an individual permit, no progress has been made towards completion of the project within two years of the approval of the permit, the permit shall expire and become null and void. A project shall expire if, on the fifth anniversary of the date the first permit application was filed, no progress has been made towards completion of the project. Following the expiration of a permit or a project, any new permit application shall be a new submittal,

subject to any and all intervening changes in law, regulations, rules, and ordinances, and subject to the assessment of new fees. (Ordinance 2005-07, sec. 3, adopted 7/11/05; 2007 ~~CodeCode~~, sec. 50-3)

Sec. 1.06.004 Exceptions

This article shall not apply to:

- (1) A permit that is at least two years old, is issued for the construction of a building or structure intended for human occupancy or habitation, and is issued in accordance with the building, fire, electrical, plumbing, and mechanical ~~codeCodes~~ as adopted and amended by the ~~cityCity~~ solely to address imminent threats of destruction of property or injury to persons;
- (2) Zoning regulations that do not affect landscaping or tree preservation, open space or park dedication, property classification, lot size, lot dimensions, lot coverage, or building size or that do not change development permitted by a restrictive covenant required by the ~~cityCity~~;
- (3) Regulations for sexually oriented businesses;
- (4) Fees imposed in conjunction with development permits;
- (5) Regulations for annexation, that do not affect landscaping or tree preservation or open space or park dedication;
- (6) Regulations for utility connections;
- (7) Regulations to prevent imminent destruction of property or injury to persons from flooding that are effective only within FEMA-designated floodplains and enacted to prevent the flooding of buildings intended for public occupancy;
- (8) Construction standards for public works located on public lands or easements; or
- (9) Regulations to prevent the imminent destruction of property or injury to persons if the regulations do not affect landscaping or tree preservation, open space or park dedication, lot size, lot dimensions, lot coverage, building size, residential or commercial density, or the timing of a project.

(Ordinance 2005-07, sec. 4, adopted 7/11/05; 2007 ~~CodeCode~~, sec. 50-4)

Sec. 1.06.005 Conflicting ordinances

All provisions of the ordinances of the ~~cityCity~~ in conflict with the provisions of this article be and the same are hereby repealed. (Ordinance 2005-07, sec. 5, adopted 7/11/05; 2007 ~~CodeCode~~, sec. 50-5)

Sec. 106.006 EXPIRATIONS

(A) A permit issued by the City that is subject to Chapter 245, but does not expressly contain an expiration date, shall expire by operation of law two years after issuance. This subsection shall not apply to permits to which progress has been made toward completion of the project, as determined by Local Government Code Section 245.005(c), as may be amended.

(B) a project subject to Chapter 245 shall expitre by operation of law five years after a application was filed for the first permit necessary for the project. This subsection shall not apply to permit for which progress has been made toward the completion of the project.

ARTICLE 1.07 TREE PRESERVATION

Sec. 1.07.001 Scope and purpose

- (a) This article shall be effective within the geographical limits of the ~~cityCity~~, including any areas subsequently annexed by the ~~cityCity~~.
- (b) The purpose of this article is to encourage the preservation of mature trees that once removed can be replaced only after generations, to preserve protected trees during construction and to control the removal of protected trees when necessary. It is the intent of this article to achieve the following:
 - (1) Prohibit the indiscriminate clearing of property.
 - (2) Protect and increase the value of residential and commercial properties within the ~~cityCity~~.
 - (3) Maintain and enhance a positive image for the attraction of new business enterprises to the

~~city~~City.

(4) Protect healthy quality trees and promote the natural ecological environmental and aesthetic qualities of the ~~city~~City.

(5) Help provide needed shaded areas in order to provide relief from the heat by reducing the ambient temperature.

(6) Help prevent erosion.

(c) The ~~city~~City may issue a stop work order for any development or construction project or activity at any time if the tree preservation requirements of this article are not being met. Efforts will be made to allow a developer or builder to comply before the project is shut down.

(Ordinance 2005-04, sec. 1, adopted 5/9/05; 2007 ~~Code~~Code, sec. 34-109)

Sec. 1.07.002 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Caliper. The diameter of a tree trunk measured in inches at a height of 24 inches above natural grade. For a multi-trunk tree, the diameter shall be the total diameter of the largest trunk plus one-half of the diameters of each additional trunk.

Clearcutting. The ~~indiscriminant~~indiscriminate removal of protected trees from a site or tract.

Critical root zone. The area of native soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the dripline.

Mayor~~Mayor~~. The ~~mayor~~Mayor of the ~~city~~City and/or his designee.

Tree. Any self-supporting, woody perennial plant which at maturity will attain a trunk diameter of two inches or more when measured at a point 24 inches above natural ground level.

Tree, protected. Any tree having a caliper of six inches or more that is not one of the following:

~~mesquite~~Mesquite, ~~bois-Bois~~ d'arc, ~~thorny-Thorny~~ ~~honey-Honey~~ ~~locust~~Locust, ~~hackberry~~Hackberry, ~~cottonwood~~Cottonwood, ~~cedar-Cedar~~ and ~~china~~China-berry (common).

Tree, replacement. A tree as listed in the approved tree replacement list ([section 1.07.011](#), figure 1) that has a minimum caliper required by this article and a minimum height of seven feet, measured at ground level (natural grade) at the time of planting.

(Ordinance 2005-04, sec. 2, adopted 5/9/05; 2007 ~~Code~~Code, sec. 34-110)

Sec. 1.07.003 Applicability

The terms and provisions of this article apply to all property as follows:

(1) All vacant (without occupied structures), undeveloped land.

(2) All property to be redeveloped, including additions and alterations but excluding interior alterations.

(3) Street rights-of-way, parks, and any other public property under the jurisdiction of the ~~city~~City shall be governed by this article. (Easements on private property shall not be considered as rights-of-way or public property.)

(Ordinance 2005-04, sec. 3, adopted 5/9/05; 2007 ~~Code~~Code, sec. 34-111)

Sec. 1.07.004 Exemptions

(a) Single-family, duplex and single-family attached lots. This article does not apply to single-family, duplex and single-family attached lots (including any public right-of-way abutting said single-family, duplex, and single-family attached lots) less than 2-1/2 acres in size after initial development and final inspection of the dwelling, nor to any expansion, addition or alteration to any existing single-family, duplex and single-family attached dwelling on lots of less than 2-1/2 acres in size. This article does not apply to the redevelopment of single-family, duplex or single-family attached dwellings on a lot of less than 2-1/2 acres previously used for a single-family, duplex and single-family attached dwelling. However, the development of any new nonresidential or multifamily structure on a lot previously used or zoned for a single-family, duplex and single-family attached dwelling residential use shall not be exempt from the requirements of this article.

(b) Construction permits issued prior to effective date. Nothing herein contained shall require any

change in the plans, construction or designated use of any parcel of property, for which a permit for construction has been issued, as of the effective date of the ordinance from which this article is derived.

(c) Periods of emergency. During the period of an emergency, such as a tornado, storm, flood or other natural disaster, the requirements of this article may be waived as deemed necessary by the ~~mayor~~Mayor or his designee.

(1) In addition to rights granted by easement, utility service providers lawfully within the right-of-way may remove trees during the period of an emergency that are determined by the provider to be a danger to public safety and welfare by interfering with utility service.

(2) The ~~city~~City may clear streets and public rights-of-way of damaged or fallen trees, tree limbs, or other debris as needed as a result of a storm event.

(d) Utility service providers. In the pursuit of installation or maintenance of its facilities, utility service providers, including the ~~city~~City, or their contractors, agents, successors and assigns shall have the right to trim or remove trees so as to prevent any part of such trees from becoming a danger to public health, safety and welfare by interfering with utility service. Where possible, trimming shall be done in a manner such that the aesthetics and health of the trees are not destroyed. Existing trees already growing into utility lines shall be trimmed as necessary. The ~~city~~City may require boring under trees within the critical root zone area instead of trenching.

(e) Drainage improvements. In the pursuit of installation or maintenance of drainage facilities, creek channel lining, or erosion control measures, the ~~city~~City, or its contractors, agents, successors and assigns shall have the right to trim or remove trees so as to prevent any part of such trees from becoming a danger to public health, safety and welfare by interfering with said drainage improvements. The ~~city~~City may require boring under trees within the critical root zone area instead of trenching.

(f) Diseased or damaged trees. A diseased or damaged tree which is beyond the point of recovery or in danger of falling shall be exempt from the provisions of this article in terms of tree replacement and tree preservation plan. A tree removal permit, however, shall be required. In the case of ~~code~~Code enforcement action, the notice of violation and description of the action to be taken shall serve as the permit to commence work. The removal of a diseased tree may be required to reduce the chance of spreading the disease to adjacent, healthy trees.

(g) Plant nurseries. Plant nurseries shall be exempt from the provisions of this article only in relation to those trees planted and growing on the premises for sale, either retail or wholesale.

(h) Paved surfaces within critical root zones. Any paved surface within the critical root zone of a protected tree which is in existence on or before the effective date of the ordinance from which this article is derived may be replaced or maintained.

(Ordinance 2005-04, sec. 4, adopted 5/9/05; 2007 ~~Code~~Code, sec. 34-112)

Sec. 1.07.005 Tree preservation and protection

(a) No person, directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging, any protected tree regardless of whether the protected tree is on private property or the abutting public right-of-way, unless exempt under the provisions of this article.

(b) No clearcutting of land is allowed. Prior to the removal of any protected tree, regardless of construction or development schedule, a tree preservation plan must be submitted to and approved by the ~~city~~City.

(c) Prior to construction or development on a site that contains one or more trees, a tree preservation plan must be submitted to and approved by the ~~city~~City. If the site does not contain any protected trees, a letter, prepared by a registered surveyor, engineer, architect or landscape architect, shall be submitted to the ~~city~~City which verifies that protected trees are not on the subject site.

(d) The tree preservation plan submittal shall be accompanied by a site plan that includes, but is not limited to, the following:

(1) Delineation of site boundaries;

(2) Location of all existing or proposed structures and of all improvements such as streets, drives, alleys and easements; and

(3) A survey depicting the location, species and caliper of all protected trees to be preserved.

- (e) Protected trees which are not required to be removed or have been identified on the tree preservation plan to be preserved must be protected under the following conditions:
 - (1) No materials intended for use in construction or waste materials accumulated due to excavation or demolition shall be placed within the limits of the critical root zone.
 - (2) No equipment shall be cleaned or other foreign materials deposited or allowed to flow overland within the critical root zone of a protected tree. This includes, without limitation, paint, oil, solvents, asphalt, concrete, mortar or similar materials.
 - (3) No signs, wires or other objects, other than those of a protective nature, shall be attached to any protected tree. However, lighting of a decorative nature may be attached to a protected tree so long as the lighting is attached in a manner so as not to damage the protected tree.
 - (4) No vehicular and/or construction traffic or parking shall take place within the limits of the critical root zone of any protected tree other than on an existing paved surface. This restriction does not apply to access within the critical root zone for purposes of clearing underbrush, establishing the building pad and associated lot grading, vehicular traffic necessary for routine utility maintenance or emergency restoration of utility service or routine mowing operations.
 - (5) Grade changes shall be allowed within the limits of the critical root zone of any protected tree only upon approval by the [cityCity](#).
 - (6) No paving with asphalt, concrete or other impervious materials shall be placed within the critical root zone of a protected tree. However, paving may encroach up to three feet from the trunk upon approval by the [cityCity](#).
 - (7) No person, directly or indirectly, shall prune, cut down, destroy, remove or move, or effectively destroy through damaging, any protected tree on [cityCity](#)-owned property unless otherwise permitted by this article.
- (f) The [cityCity](#) shall have the right to plant, prune, and maintain any tree located on street rights-of-way, easements, public parkland or any other municipally owned property as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public properties. The [cityCity](#) may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, drainage improvements, regulatory signs, or other public improvements.

(Ordinance 2005-04, sec. 5, adopted 5/9/05; 2007 [CodeCode](#), sec. 34-113)

Sec. 1.07.006 Tree removal permit

- (a) Required. No person, directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging, any protected tree without first obtaining a tree removal permit unless otherwise specified in this article. Tree removal permits are required, whether development, redevelopment, or construction is pending or not. The application for a tree removal permit shall be submitted on a form provided by the [cityCity](#).
- (b) Verification of damaged or diseased trees. Tree removal permits may be issued with proper verification that the protected tree is damaged or diseased.
- (c) Application submittal and tree preservation plan. Tree removal permit applications may be submitted in conjunction with a tree preservation plan.
- (d) Items to be submitted with application. An application for a tree removal permit shall be submitted in conjunction with the following:
 - (1) An application for a final plat or replat including the development of new internal streets; or
 - (2) If the property is platted, an application for a tree removal permit shall be submitted in advance of or in conjunction with a permit application for new construction.
- (e) Site plan; information required. The application for a tree removal permit shall be accompanied by a site plan that includes, but is not limited to, the following:
 - (1) Delineation of site boundaries;
 - (2) Location of all existing or proposed structures in conjunction with a building permit application, or improvements or facilities such as streets, drives, alleys and easements in conjunction with a plat

application;

- (3) A survey depicting the location, species and caliper of all protected trees to be removed; and
- (4) The reason for the proposed tree removal shall be summarized on the legend form on the plan. The same summary shall also be submitted on a legible 8.5-inch by 11-inch document.
- (f) Approval or denial of application. Upon receipt of a valid application for a tree removal permit, the building official or his designee shall review and approve or deny all requests submitted in accordance with the requirements specified in this section.
- (g) Appeal to ~~cityCity council~~Council. Any decision of the building official or his designee may be appealed to the ~~cityCity council~~Council. Action by the ~~cityCity council~~Council shall be final.
- (h) Approval guidelines. Consideration for the approval of a tree removal permit shall be based upon the following guidelines:
 - (1) Whether the removal of the protected tree is permitted by this article and the exceptions enumerated herein;
 - (2) Whether or not a reasonable accommodation or alternative solution can be made to accomplish the desired activity without the removal of the protected tree;
 - (3) The effect of the removal of the protected tree on erosion, soil moisture, retention, flow of surface waters, and drainage systems;
 - (4) The need for buffering of residential areas from the noise, glare, and the visual effects of streets, highways and nonresidential uses;
 - (5) Whether the removal of the protected tree affects the public health, safety or welfare of the ~~cityCity~~; and
 - (6) Whether the application demonstrates the attempt to preserve existing trees on the site.
- (i) Expiration dates. An approved tree removal permit shall expire 180 days after the date of issue. However, permits issued in connection with a building permit or site plan shall expire at the same time as the building permit or site plan.

(Ordinance 2005-04, sec. 6, adopted 5/9/05; 2007 ~~Code~~Code, sec. 34-114)

Sec. 1.07.007 Tree replacement requirements

- (a) Replacement trees shall be required under the following conditions:
 - (1) To remove a protected tree as specified in this article;
 - (2) To replace a tree that was identified on a tree preservation and replacement plan but dies within one year of the date it was planted.
- (b) Replacement trees shall be planted in accordance with the provisions of this article per the following rates:

For Each Protected Tree to be Removed	Required Size and Number of New Replacement Trees
6" to 12" caliper	Minimum 3" caliper, equivalent to 100% of caliper removed
Greater than 12" to 30" caliper	Minimum 4" caliper, equivalent to 100% of caliper removed
Greater than 30" caliper	Minimum 6" caliper, equivalent to 100% of caliper removed

- (c) No more than 34 percent of the number of replacement trees shall be of the same species when 12 or more trees are required.
- (d) Acceptable types of replacement trees are designated in the approved tree replacement list, [section 1.07.011](#), figure 1.
- (e) The replacement trees shall be located on the subject site whenever possible. However, if there is not a suitable location for the replacement trees on the subject site, the ~~cityCity council~~Council may approve either of the following or a combination of the following:

- (1) The planting of the replacement trees within a public right-of-way, public parkland or any other municipally owned property;
- (2) The planting of the replacement trees within private open space (common ground areas); and
- (3) The payment of a fee into the tree restoration fund in the amount in accordance with a fee schedule provided by the ~~cityCity~~. The fee schedule shall be based on the current Texas A&M Extension Service Fact Sheet for Evaluation of Texas Shade Trees. The funds shall be used for the purpose of purchasing, installing and maintaining trees on public rights-of-way, public parkland or any other municipally owned property. The funds shall be spent within two years of the final action of the ~~cityCity council~~Council regarding a request for payment into the tree restoration fund.

(Ordinance 2005-04, sec. 7, adopted 5/9/05; 2007 ~~CodeCode~~, sec. 34-115)

Sec. 1.07.008 Miscellaneous provisions

- (a) No protected tree shall be pruned in a manner that significantly disfigures the tree or in a manner that would reasonably lead to the death of the tree. This section is not intended to require a tree removal permit for reasonable pruning performed or contracted to be performed by the owner of the tree.
- (b) Trees required to be placed by this article shall be planted in such a manner as not to constitute, at the time of planting and at the point of full maturity, any interference with the visibility triangles at intersections nor to interfere with the view of motor vehicles.
- (c) If any tree required to be retained or planted in accordance with the terms or provisions of this article dies within two years after completion of the associated construction activity or within two years after being planted, the owner of the property shall replace each tree within six months with an identical-sized tree from the approved replacement tree list.
- (d) The filling and reclamation of property and mitigation as delineated on a section 404 permit, issued by the U.S. Army Corps of Engineers, shall be permitted in lieu of the requirements of this article. The removal of any protected tree on the subject property shall be in accordance with a filling, reclamation, and mitigation plan approved and/or ordered by the Corps of Engineers incident to the filling and reclamation of wetlands and floodlands on such property. As soon as the reclamation and mitigation prescribed by the Corps of Engineers has been completed, and the property is no longer under the supervision and authority of the Corps of Engineers, this article shall immediately apply to such property thereafter.

(Ordinance 2005-04, sec. 8, adopted 5/9/05; 2007 ~~CodeCode~~, sec. 34-116)

Sec. 1.07.009 Exceptions

The ~~cityCity council~~Council shall hear appeals from decisions of ~~cityCity~~ staff and may approve a tree removal permit and approve an exception to all or a portion of the requirements to provide for replacement trees for the following:

- (1) A public or recreational use or structure but not including rights-of-way or easements;
- (2) A private use that usually requires large areas of open space (impervious surface); and
- (3) Development of heavily forested sites where the strict compliance of the requirements of this article will unreasonably burden the use of the property.

(Ordinance 2005-04, sec. 9, adopted 5/9/05; 2007 ~~CodeCode~~, sec. 34-117)

Sec. 1.07.010 Penalties

- (a) Any person violating any term or provision of this article shall be deemed guilty of a misdemeanor and subject to a penalty as provided for in this article, and upon conviction shall be punished by fine not to exceed the sum of \$500.00 for each offense, and each and every day such violation shall continue shall constitute a separate offense.
- (b) The remedies provided in this article shall be cumulative and the ~~cityCity~~'s pursuit of any one remedy shall not be construed as an election; the ~~cityCity~~ may pursue any and all remedies allowed by state law or the ordinances of the ~~cityCity~~.

(Ordinance 2005-04, sec. 10, adopted 5/9/05; 2007 ~~CodeCode~~, sec. 34-118)

Sec. 1.07.011 Approved replacement tree list

The approved replacement tree list is provided in the following table:

FIGURE 1 APPROVED REPLACEMENT TREE LIST

Large Trees	Ornamental Flowering Trees	Small Trees
*Afghan Pine	Aristocrat Pear	*Ashe Juniper
Bald Cypress	Bradford Pear	Carolina Buckthorn
Big Tooth Maple	Crepe Myrtle	*Desert Willow
*Black Hickory	Flowering Crabapple	*Eastern Redbud
Black Walnut	Japanese Maple	*Forest Pansy Redbud
*Bur Oak	*Mexican Plum	Golden Raintree
Caddo Maple	*Mountain Laurel	Japanese Black Pine
*Cedar Elm	Purple Plum	Little Gem Magnolia
*Chinese Pistachio	*Smoke Tree	*Oklahoma Redbud
*Chinquapin Oak	*Yaupon Holly	*Possumhaw
Deodor Cedar		*Texas Persimmon
*Honey Locust (Thornless)		*Yaupon Holly
*Lacebark Elm		
Pecan		
*Plateau Live Oak		
*Shumard Red Oak		
*Southern Live Oak		
Southern Magnolia		
*Sugarberry		
Sweetgum		
Sycamore		
*Texas Ash		
*Texas Red Oak		
*Western Soapberry		
White Ash		

Notes: * Plants preferred due to their lower water demand and high pest resistance.

(Ordinance 2005-04, sec. 1, adopted 5/9/05; 2007 ~~Code~~Code, sec. 34-119)

ARTICLE 1.08 RECORDS MANAGEMENT^{*}

Sec. 1.08.001 Definition of municipal records

All documents, papers, letters, books, maps, photographs, sound or video recordings, microfilm, magnetic tape, electronic media, or other information recording media, regardless of physical form or characteristic and regardless of whether public access to them is open or restricted under the laws of the state, created or received by the ~~city~~City or any of its officers or employees pursuant to law or in the transaction of public business are hereby declared to be the records of the ~~city~~City and shall be created, maintained, and disposed of in accordance with the provisions of this article or procedures authorized by it and in no other manner. (Ordinance 2013-07 adopted 7/23/13)

Sec. 1.08.002 Additional definitions

As used in this article, the following terms shall have the following meanings:

Department head. The officer who by ordinance or administrative policy is in charge of an office of the ~~city~~City that creates or receives records.

Essential record. Any record of the ~~city~~City necessary to the resumption or continuation of its operations in an emergency or disaster, to the re-creation of its legal and financial status, or to the protection and fulfillment of obligations to the people of the state.

Permanent record. Any record of the ~~city~~City for which the retention period on a records control schedule is given as permanent.

Records control schedule. A document prepared by or under the authority of the records management officer listing the records maintained by the ~~city~~City, their retention periods, and other records disposition information that the records management program may require.

Records management. The application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purposes of reducing the costs and improving the efficiency of recordkeeping. The term includes the development of records control schedules, the management of filing and information retrieval systems, the protection of essential and permanent records, the economical and space-effective storage of inactive records, control over the creation and distribution of forms, reports, and correspondence, and the management of micrographics and electronic and other records storage systems.

Records management officer. The person designated in [section 1.08.005](#) of this article.

Records management plan. The plan developed under [section 1.08.006](#) of this article.

Retention period. The minimum time that must pass after the creation, recording, or receipt of a record, or the fulfillment of certain actions associated with a record, before it is eligible for destruction.

(Ordinance 2013-07 adopted 7/23/13)

Sec. 1.08.003 Municipal records declared public property

All municipal records as defined in this article are hereby declared to be the property of the ~~city~~City. No municipal official or employee has, by virtue of his or her position, any personal or property right to such records even though he or she may have developed or compiled them. The unauthorized destruction, removal from files, or use of such records is prohibited. (Ordinance 2013-07 adopted 7/23/13)

Sec. 1.08.004 Policy

It is hereby declared to be the policy of the ~~city~~City to provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, and disposition of all municipal records through a comprehensive system of integrated procedures for their management from creation to ultimate disposition, consistent with the requirements of the Texas Local Government Records Act and accepted records management practice. (Ordinance 2013-07 adopted 7/23/13)

Sec. 1.08.005 Designation of records management officer

The ~~city~~City secretary, and the successive holders of said office, shall serve as records management officer for the ~~city~~City. As provided by state law, each successive holder of the office shall file his or her name with the director and librarian of the state library within thirty days of the initial designation or of taking up the office, as applicable. (Ordinance 2013-07 adopted 7/23/13)

Sec. 1.08.006 Records management plan to be developed; approval of plan; authority of plan

(a) The records management officer shall develop a records management plan for the ~~city~~City for submission to the ~~city~~City ~~council~~Council. The plan must contain policies and procedures designed to reduce the costs and improve the efficiency of recordkeeping, to adequately protect the essential records of the municipality, and to properly preserve those records of the municipality that are of historical value. The plan must be designed to enable the records management officer to carry out his or her duties prescribed by state law and this article effectively.

(b) Once approved by the ~~city~~City ~~council~~Council, the records management plan shall be binding on all offices, departments, divisions, programs, commissions, bureaus, boards, committees, or similar entities of the ~~city~~City and records shall be created, maintained, stored, microfilmed, or disposed of in accordance with the plan.

(c) State law relating to the duties, other responsibilities, or recordkeeping requirements of a department head do not exempt the department head or the records in the department head's care from the application of this article and the records management plan adopted under it and may not be used by the department head as a basis for refusal to participate in the records management program of the ~~city~~City.

(Ordinance 2013-07 adopted 7/23/13)

Sec. 1.08.007 Duties of records management officer

In addition to other duties assigned in this article, the records management officer shall:

(1) Administer the records management program and provide assistance to department heads in its implementation;

(2) Plan, formulate, and prescribe records disposition policies, systems, standards, and procedures;

(3) In cooperation with department heads identify essential records and establish a disaster plan for each municipal office and department to ensure maximum availability of the records in order to re-establish operations quickly and with minimum disruption and expense;

(4) Develop procedures to ensure the permanent preservation of the historically valuable records of the ~~city~~City;

(5) Establish standards for filing and storage equipment and for recordkeeping supplies;

(6) Study the feasibility of and, if appropriate, establish a uniform filing system and a forms design and control system for the ~~city~~City;

(7) Monitor records retention schedules and administrative rules issued by the state library and archives commission to determine if the records management program and the municipality's records control schedules are in compliance with state regulations;

(8) Disseminate to the ~~city~~City ~~council~~Council and department heads information concerning state laws and administrative rules relating to local government records;

(9) Ensure that the maintenance, preservation, microfilming, destruction, or other disposition of the records of the ~~city~~City are carried out in accordance with the policies and procedures of the records management program and the requirements of state law;

(10) Maintain records on the volume of records destroyed under approved records control schedules or through records destruction authorization requests, the volume of records microfilmed or stored electronically, and the estimated cost and space savings as the result of such disposal or disposition;

(11) Report annually to the ~~city~~City ~~council~~Council on the implementation of the records management plan in each department of the ~~city~~City, including summaries of the statistical and fiscal data compiled under subsection (10); and

(12) Bring to the attention of the ~~city~~City ~~council~~Council noncompliance by department heads or other municipal personnel with the policies and procedures of the records management program or the Local Government Records Act.

(Ordinance 2013-07 adopted 7/23/13)

Sec. 1.08.008 Duties and responsibilities of department heads

In addition to other duties assigned in this article, department heads shall:

(1) Cooperate with the records management officer in carrying out the policies and procedures established in the ~~city~~City for the efficient and economical management of records and in carrying out the requirements of this article;

(2) Adequately document the transaction of government business and the services, programs, and duties for which the department head and his or her staff are responsible; and

(3) Maintain the records in his or her care and carry out their preservation, microfilming, destruction, or other disposition only in accordance with the policies and procedures of the records management program of the ~~city~~City and the requirements of this article.

(Ordinance 2013-07 adopted 7/23/13)

Sec. 1.08.009 Records control schedules to be developed; approval; filing with state

(a) The records management officer, in cooperation with department heads, shall prepare records control schedules on a department by department basis listing all records series created or received by the department and the retention period for each series. Records control schedules shall also contain such other information regarding the disposition of municipal records as the records management plan may require.

(b) Each records control schedule shall be monitored and amended as needed by the records management officer on a regular basis to ensure that it is in compliance with records retention schedules issued by the state and that it continues to reflect the recordkeeping procedures and needs of the department and the records management program of the ~~city~~City.

(c) Before its adoption a records control schedule or amended schedule for a department must be approved by the department head and the ~~city~~City ~~council~~Council.

(d) Before its adoption a records control schedule must be submitted to and accepted for filing by the director and librarian as provided by state law. If a schedule is not accepted for filing, the schedule shall be amended to make it acceptable for filing. The records management officer shall submit the records control schedules to the director and librarian.

(Ordinance 2013-07 adopted 7/23/13)

Sec. 1.08.010 Implementation of records control schedules; destruction of records under schedule

(a) A records control schedule for a department that has been approved and adopted under [section 1.08.009](#) shall be implemented by department heads according to the policies and procedures of the records management plan.

(b) A record whose retention period has expired on a records control schedule shall be destroyed unless an open records request is pending on the record, the subject matter of the record is pertinent to a pending law suit, or the department head requests in writing to the records management officer that the record be retained for an additional period.

(c) Prior to the destruction of a record under an approved records control schedule, authorization for the destruction must be obtained by the records management officer from the ~~city~~City.

(Ordinance 2013-07 adopted 7/23/13)

Sec. 1.08.011 Destruction of unscheduled records

A record that has not yet been listed on an approved records control schedule may be destroyed if its destruction has been approved in the same manner as a record destroyed under an approved schedule and the records management officer has submitted to and received back from the director and librarian an approved destruction authorization request. (Ordinance 2013-07 adopted 7/23/13)

CHAPTER 2

ANIMAL CONTROL (Proposed Revisions)

ARTICLE 2.01 GENERAL PROVISIONS^{*}

See Kirk Franklin's notes regarding dangerous dog and dangerous wild animal ordinance suggestions. Franklin will provide appropriate language if Council wishes to include.

Sec. 2.01.001 Restraint and confinement

(a) It shall be unlawful for the owner of any animal to fail to keep such animal under restraint or to permit such animal to run at large upon the streets and public ways of the ~~city~~City, or upon the property of other persons without permission.

(b) Any dog, while on a street, sidewalk, public way or in any park, public square, or other public space, or upon any private property without the consent of the owner, shall be secured by a leash or chain of sufficient tensile strength, or electronic collar, (ST)-to restrain the particular dog, or shall be at heel and securely muzzled. A leash or chain may not be longer than feet in length. (ST)——

(c) Any person securing a dog by leash, chain or electronic collar must be of sufficient physical and mental strength to control the animal at all times while in a public space.

(~~ee~~) No owner or custodian of any animal shall fail to exercise proper care and control of such animal to prevent the same from becoming a public nuisance.

(~~ef~~) Every female dog or cat in heat shall be confined in a building or other enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

(2007 Code, sec. 14-1)

Sec. 2.01.002 Animal as nuisance

It shall be unlawful for any person to keep any animal on any property located within the corporate limits of the municipality when the keeping of such animal constitutes a public nuisance or menace to public health or safety. (2007 Code, sec. 14-2)

ARTICLE 2.02 LIVESTOCK CONTROL[†]

Sec. 2.02.001 Short title

This article shall be cited as the “Livestock Control Regulations.” (Ordinance 74-1, sec. 1, adopted 10/14/74; 2007 Code, sec. 14-23)

Sec. 2.02.002 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Livestock. Animals kept or raised for use and profit, including cattle, horses, sheep, goats, donkeys, hogs, and mules, and this definition specifically excludes domestic pets such as cats and dogs from the regulations.

Owner. A person, corporation, or partnership, in which is vested the dominion, control and title to livestock.

Straying. The act of wandering on ~~city~~City property by livestock with no one seeking or following them, so that it would appear that the said livestock are lost from the dominion and control of their owner.

(Ordinance 74-1, sec. 2, adopted 10/14/74; 2007 Code, sec. 14-24)

Sec. 2.02.003 Responsibility of owner

Any livestock straying on ~~city~~City property found by the law enforcement officer of the ~~city~~City shall be deemed

to be trespassing. It shall be the duty of the law enforcement officer of the cityCity to determine the ownership of the straying livestock. The owner of the straying livestock shall be deemed to have committed an offense against the cityCity as a result of the trespassing of the livestock. (Ordinance 74-1, sec. 3, adopted 10/14/74; 2007 Code, sec. 14-25)

Sec. 2.02.004 Complaint shall be filed by law enforcement officer

A law enforcement officer can make a positive determination of the owner of the straying livestock upon his oath, but if he cannot make such an identification, then he must summon a disinterested citizen who can make a positive determination of the livestock's owner, said determination to be made upon his oath. When the owner of the straying livestock has been identified, the law enforcement officer shall file a complaint for the offense of trespassing against the owner of the straying livestock on behalf of the cityCity before the cityCity judge. (Ordinance 74-1, sec. 4, adopted 10/14/74; 2007 Code, sec. 14-26)

Sec. 2.02.005 Offense a misdemeanor

The offense of trespassing shall be a misdemeanor and consists of one animal, within the livestock definition, found straying on cityCity property. The total number of offenses for which an owner of an animal shall be held responsible equals the number of animals found straying on cityCity property multiplied by the number of days that they have been found straying. (Ordinance 74-1, sec. 5, adopted 10/14/74; 2007 Code, sec. 14-27)

Sec. 2.02.006 Penalties

Upon conviction of the misdemeanor offense of trespassing, a fine shall be imposed on the owner by the cityCity judge. Each separate offense shall be punishable by a fine of not less than \$5.00, to be determined by the cityCity judge, but in no case shall the total exceed \$200.00. The cityCity judge shall have the power to impose whatever fine he deems fair and just, within the aforementioned limits, according to the circumstances of each individual case. For the first offense the constable or a deputy is hereby authorized to issue a warning. (Ordinance 74-1, sec. 6, adopted 10/14/74; 2007 Code, sec. 14-28)

CHAPTER 3

BUILDING REGULATIONS

ARTICLE 3.01 GENERAL PROVISIONS

Sec. 3.01.001 Fees

(a) Fee schedule adopted by reference. The fee schedule attached as exhibit A to the ordinance from which this section is derived, which exhibit is incorporated herein for all purposes as if fully set forth, be and is hereby adopted and shall replace prior fee schedules. The new fees set forth in exhibit A shall be effective, and shall be assessed from and after the effective date of the ordinance from which this section is derived. (Ordinance 2004-13, sec. 1, adopted 9/13/04; 2007 Code, sec. 18-81; Ordinance 2017-13 adopted 9/26/17; Ordinance 2018-03 adopted 5/29/18)

(b) Conflicting provisions. In the event of a conflict between a fee established in the ordinance from which this section is derived, and the provisions of any other cityCity ordinance, the provisions of the ordinance from which this section is derived shall prevail; however, the ordinance from which this section is derived is not intended to and shall not amend or change any fee heretofore established that is not yet listed in said ordinance or in the schedule attached thereto and such fees are continued in effect for all purposes. (Ordinance 2004-13, sec. 2, adopted 9/13/04; 2007 Code, sec. 18-82)

ARTICLE 3.02 TECHNICAL AND CONSTRUCTION CODES AND STANDARDS^{*}

Sec. 3.02.001 Codes adopted Consider adoption of 2015 Building and Fire Codes

(a) The cityCity hereby adopts the provisions of the International Building Code (2012 edition), the International Residential Code (2012 edition), the International Energy Conservation Code (2012 edition), the International Mechanical Code (2012 edition), the International Plumbing Code (2012 edition), the International Fuel Gas Code (2012 edition), the International Fire Code (2012 edition), the International Property Maintenance Code (2012 edition), and the National Electrical Code (2014 edition), as the codes for:

(1) Regulating the erection, construction, enlargement, alteration, repair, maintenance, fitness for use and occupancy, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the cityCity; and

(2) Providing for issuance of permits and collection of fees for such permits. All such fees, unless otherwise specified herein, shall be charged, assessed and collected in the amounts and rates set forth in the cityCity's master fee schedule.

(b) All the regulations, provisions, conditions and terms of such publications referenced in this section, all of which are on file in the offices of the cityCity secretary and building official, are referred to, adopted and made a part of this section as if fully set out in this section.

(c) The codes adopted herein are adopted with certain amendments, true and correct copies of which are attached to Ordinance 2015-09, and which amendments are incorporated as a part of each of the codes adopted by this section. The amendments adopted herein shall be maintained on file in the offices of the cityCity secretary and building official and shall be attached to each of the codes adopted by this section.

(Ordinance 2006-01, secs. 1--3, adopted 1/23/06; Ordinance 2008-18, adopted 11/25/08; Ordinance 2012-03, sec. 2, adopted 4/10/12; 2007 Code, sec. 18-16; Ordinance 2013-01 adopted 2/12/13; Ordinance 2015-09 adopted 5/26/15; Ordinance 2016-10, ex. 1, adopted 7/12/16)

Sec. 3.02.002 References to board of appeal

All references, in all of the codes adopted in section 3.02.001, to boards of appeal shall refer to the board of adjustment of the cityCity. (Ordinance 2006-01, sec. 4, adopted 1/23/06; 2007 Code, sec. 18-17)

Sec. 3.02.003 Violation; penalty

It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit such work to be done in violation of the codes adopted by [section 3.02.001](#). Any person violating any of the provisions or terms of [section 3.02.001](#) as amended hereby shall be deemed guilty of a misdemeanor and subject to a penalty as provided for in this section and, upon conviction, shall be punished by fine not to exceed the sum of \$2,000.00 for each offense, and each and every day such violation shall continue shall constitute a separate offense. (Ordinance 2006-01, sec. 5, adopted 1/23/06; 2007 Code, sec. 18-18)

ARTICLE 3.03 MANUFACTURED HOUSING^{*}

Sec. 3.03.001 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

HUD-code manufactured home. A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in traveling mode, is eight body feet or more in width or 40 body feet in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. This term does not include a recreational vehicle as that term is defined by 24 CFR 32-2.8(g).

Manufactured housing and manufactured home. A HUD-code manufactured home and collectively means and refers to both.

Mobile home. A structure that was constructed before June 15, 1976, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

(Ordinance 98-5, sec. 1, adopted 6/8/98; 2007 Code, sec. 54-1)

Sec. 3.03.002 Mobile homes prohibited

A municipality may prohibit the installation of a mobile home built before June 15, 1976, for use or occupancy as a residential dwelling within its corporate limits. (This does not apply to HUD-code manufactured homes.) (Ordinance 98-5, sec. 2, adopted 6/8/98; 2007 Code, sec. 54-2)

State law reference—Authority to prohibit installation of mobile homes used for residences, V.T.C.A., Occupations Code, sec. 1201.008.

Sec. 3.03.003 Manufactured housing permitted in certain districts

All HUD-code manufactured homes shall be permitted only in zoning districts designated for HUD-code manufactured homes, and shall not be allowed in single-family zoning districts. (Ordinance 98-5, sec. 3, adopted 6/8/98; 2007 Code, sec. 54-3)

Sec. 3.03.004 Application for installation of a HUD-code manufactured home

Upon application, the installation of HUD-code manufactured homes shall be permitted as residential dwellings in those areas determined appropriate by the [City](#) council, including subdivisions, planned unit developments, single lots, and rental communities and parks, and are subject to building requirements and inspections as set forth in the residential building code requirements and ordinances of the [City](#). An application to install a new HUD-code manufactured home for use and occupancy as a residential dwelling is deemed approved and granted unless the [City](#) denies the application in writing within 45 days from receipt of the application setting forth the reason. This section does not affect the validity of any deed restriction that is otherwise valid. (Ordinance 98-5, sec. 4, adopted 6/8/98; 2007 Code, sec. 54-4)

Sec. 3.03.005 HUD-code manufactured homes safety standards

Federal statute 42 USC 54.01 et seq. sets standards of manufactured home construction. The Federal Secretary of Housing and Urban Development is required to establish federal manufactured home construction and safety standards. (Ordinance 98-5, sec. 5, adopted 6/8/98; 2007 Code, sec. 54-5)

Sec. 3.03.006 Permit to be granted

[City](#) council may grant a permit to be issued to any citizen to park a ~~mobile~~-[HUD Code manufactured](#) home on his property when his permanent dwelling has been destroyed by fire, wind, tornado, hail or floodwaters. This

permit will be issued for a period of 60 days with an extension of 30 days if deemed necessary. (Ordinance 98-5, sec. 6, adopted 6/8/98; 2007 Code, sec. 54-6)

ARTICLE 3.04 FLOODS AND STORMWATER

Division 1. Generally

Secs. 3.04.001–3.04.030 Reserved

Division 2. Flood Damage Prevention^{*}

Part I. In General

Sec. 3.04.031 Statutory authorization

The legislature of the state has in V.T.C.A., Water Code, sections 16.315–16.318 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the ~~city~~City council does ordain as follows. (Ordinance 97-1, art. 1, sec. A, adopted 1/13/97; 2007 Code, sec. 42-1)

Sec. 3.04.032 Findings of fact

(a) The flood hazard areas of the ~~city~~City are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

(Ordinance 97-1, art. 1, sec. B, adopted 1/13/97; 2007 Code, sec. 42-2)

Sec. 3.04.033 Statement of purpose

It is the purpose of this division to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood-control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas; and
- (7) Ensure that potential buyers are notified that property is in a flood area.

(Ordinance 97-1, art. 1, sec. C, adopted 1/13/97; 2007 Code, sec. 42-3)

Sec. 3.04.034 Methods of reducing flood losses

The following methods are hereby adopted to reduce flood losses:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers,

which are involved in the accommodation of floodwaters;

(4) Control filling, grading, dredging and other development which may increase flood damage;

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(Ordinance 97-1, art. 1, sec. D, adopted 1/13/97; Ordinance 2008-11, art. I, adopted 9/9/08; 2007 Code, sec. 42-4)

Sec. 3.04.035 Definitions

Unless specifically defined below, words or phrases used in this division shall be interpreted to give them the meaning they have in common usage and to give this division its most reasonable application:

Alluvial fan flooding. Flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocityCity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

Apex. A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Appurtenant structure. A structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

Area of future conditions flood hazard. The land area that would be inundated by the one-percent-annual chance (100-year) flood based on future conditions hydrology.

Area of shallow flooding. A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's flood insurance rate map (FIRM) with a one-percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocityCity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard. Is the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, zone A usually is refined into zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

Base flood. The flood having a one-percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE). The elevation shown on the flood insurance rate map (FIRM) and found in the accompanying flood insurance study (FIS) for zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a one-percent chance of equaling or exceeding that level in any given year, also called the base flood.

Basement. Any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway wall. A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Critical feature. An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Development. Any manmade change to improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Elevated building. For insurance purposes, a nonbasement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Existing construction. For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood elevation study. An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood insurance rate map (FIRM). An official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood insurance study (FIS). See flood elevation study.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood protection system. Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodplain management. The operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood-control works and floodplain management regulations.

Floodplain management regulations. Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodplain or floodprone area. Any land area susceptible to being inundated by water from any source (see definition of flooding).

Floodproofing. Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway. See regulatory floodway.

Functionally dependent use. A use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure. Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (A) By an approved state program as determined by the Secretary of the Interior; or

(B) Directly by the Secretary of the Interior in states without approved programs.

Levee. A manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee system. A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirement of section 60.3 of the National Flood Insurance Program regulations.

Manufactured home. A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level. For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

New construction. For the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Recreational vehicle. A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special flood hazard area. See "area of special flood hazard."

Start of construction. For other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main

structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

Variance. A grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see section 60.6 of the National Flood Insurance Program regulations.)

Violation. The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in sections 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) [of the National Flood Insurance Program regulations], is presumed to be in violation until such time as that documentation is provided.

Water surface elevation. The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ordinance 97-1, art. 2, adopted 1/13/97; Ordinance 2008-11, art. 2, adopted 9/9/08; 2007 Code, sec. 42-5)

Sec. 3.04.036 Lands to which this division applies

This division shall apply to all areas of special flood hazard within the jurisdiction of the ~~city~~City. (Ordinance 97-1, art. 3, sec. A, adopted 1/13/97; Ordinance 2008-11, art. 3, sec. A, adopted 9/9/08; 2007 Code, sec. 42-6)

Sec. 3.04.037 Basis for establishing the areas of special flood hazard

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, “The Flood Insurance Study (FIS) for Rockwall County, Texas and Incorporated Areas,” dated September 26, 2008, with accompanying flood insurance rate maps (FIRM) dated September 26, 2008, “Kaufman County, Texas and Incorporated Areas,” dated July 3, 2012 with accompanying flood insurance rate maps (FIRM) dated July 3, 2012 and any revisions thereto are hereby adopted by reference and declared to be a part of this division. (Ordinance 97-1, art. 3, sec. B, adopted 1/13/97; Ordinance 2008-11, art. 3, sec. B, adopted 9/9/08; Ordinance 2012-07, sec. 1, adopted 6/26/12)

Sec. 3.04.038 Establishment of development permit

A floodplain development permit shall be required to ensure conformance with the provisions of this division. (Ordinance 97-1, art. 3, sec. C, adopted 1/13/97; Ordinance 2008-11, art. 3, sec. C, adopted 9/9/08; 2007 Code, sec. 42-8)

Sec. 3.04.039 Compliance

- (a) No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this division and other applicable regulations.
- (b) Violations of the provisions of this division by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this division or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 for each violation, and in addition, shall pay all costs and expense involved in the case. Nothing herein contained shall prevent

the ~~city~~City from taking such other lawful action as is necessary to prevent or remedy any violation. Each day a violation continues to exist will constitute a new and separate violation.

(Ordinance 97-1, art. 3, sec. D, adopted 1/13/97; Ordinance 2008-11, art. 3, sec. D, art. 5, sec. G, adopted 9/9/08; 2007 Code, sec. 42-9)

Sec. 3.04.040 Abrogation and greater restrictions

This division is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this division and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ordinance 97-1, art. 3, sec. E, adopted 1/13/97; Ordinance 2008-11, art. 3, sec. E, adopted 9/9/08; 2007 Code, sec. 42-10)

Sec. 3.04.041 Interpretation

In the interpretation and application of this division, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit, nor repeal any other powers granted under state statutes.

(Ordinance 97-1, art. 3, sec. F, adopted 1/13/97; 2007 Code, sec. 42-11)

Sec. 3.04.042 Warning and disclaimer of liability

The degree of flood protection required by this division is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This division does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This division shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this division or any administrative decision lawfully made thereunder. (Ordinance 97-1, art. 3, sec. G, adopted 1/13/97; 2007 Code, sec. 42-12)

Sec. 3.04.043 Designation of floodways

Floodways located within areas of special flood hazard established in [section 3.04.037](#), are areas designated as floodways. The following provisions shall apply:

- (1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (2) If subsection (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of [part III](#).
- (3) Under the provisions of 44 CFR chapter 1, section 65.12, of the National Flood Insurance Program Regulation, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by section 65.12.

(Ordinance 2008-11, art. 5, sec. E, adopted 9/9/08; 2007 Code, sec. 42-13)

Secs. 3.04.044–3.04.060 Reserved

Part II. Administration

Sec. 3.04.061 Designation of the floodplain administrator

The ~~city~~City administrator is hereby appointed the floodplain administrator to administer and implement the provisions of this division and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management. (Ordinance 97-1, art. 4, sec. A, adopted 1/13/97; Ordinance 2008-11, art. 4, sec. A, adopted 9/9/08; 2007 Code, sec. 42-43)

Sec. 3.04.062 Duties and responsibilities of the floodplain administrator

Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this

division.

(2) Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.

(3) Review, approve or deny all applications for development permits required by adoption of this division.

(4) Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

(5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation.

(6) Notify, in riverine situations, adjacent communities and the state coordinating agency which is the state water development board (TWDB), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(7) Assure that the flood-carrying capacityCity within the altered or relocated portion of any watercourse is maintained.

(8) When base flood elevation data has not been provided in accordance with [section 3.04.037](#), the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of [part III](#).

(9) When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(Ordinance 97-1, art. 4, sec. B, adopted 1/13/97; Ordinance 2008-11, art. 4, sec. B, adopted 9/9/08; 2007 Code, sec. 42-44)

Sec. 3.04.063 Permit procedures

Any application for a development permit in the floodplain must meet and/or satisfy the following prerequisites:

(1) Application for a floodplain development permit shall be presented to the floodplain administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

(A) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

(B) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

(C) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of [section 3.04.092\(2\)](#);

(D) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;

(E) Maintain a record of all such information in accordance with [section 3.04.062\(1\)](#).

(2) Approval or denial of a floodplain development permit by the floodplain administrator shall be based on all of the provisions of this division and the following relevant factors:

(A) The danger to life and property due to flooding or erosion damage;

(B) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(C) The danger that materials may be swept onto other lands to the injury of others;

- (D) The compatibility of the proposed use with existing and anticipated development;
- (E) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (F) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- (G) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
- (H) The necessity to the facility of a waterfront location, where applicable;
- (I) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

(Ordinance 97-1, art. 4, sec. C, adopted 1/13/97; Ordinance 2008-11, art. 4, sec. C, adopted 9/9/08; 2007 Code, sec. 42-45)

Sec. 3.04.064 Variance procedures

The procedures for acquiring a variance shall be as follows:

- (1) The appeal board, as established by the city council, shall hear and render judgment on requests for variances from the requirements of this division.
- (2) The appeal board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this division.
- (3) Any person or persons aggrieved by the decision of the appeal board may appeal such decision in the courts of competent jurisdiction.
- (4) The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- (5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this division.
- (6) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in [section 3.04.063\(2\)](#) of this division have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (7) Upon consideration of the factors noted above and the intent of this division, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this division ([section 3.04.033](#)).
- (8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (9) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (10) Prerequisites for granting variances:
 - (A) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (B) Variances shall only be issued upon:
 - (i) Showing a good and sufficient cause;
 - (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization

of the public, or conflict with existing local laws or ordinances.

(C) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(11) Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

(A) The criteria outlined in subsection (1) through (9) of this section are met; and

(B) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Ordinance 97-1, art. 4, sec. D, adopted 1/13/97; Ordinance 2008-11, art. 4, sec. D, adopted 9/9/08; 2007 Code, sec. 42-46)

Secs. 3.04.065–3.04.090 Reserved

Part III. Provisions for Flood Hazard Reduction

Sec. 3.04.091 General standards

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

(1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and

(7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(Ordinance 2008-11, art. 5, sec. A, adopted 9/9/08; 2007 Code, sec. 42-66)

Sec. 3.04.092 Specific standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in [section 3.04.037](#), [section 3.04.062](#)(8), or [section 3.04.093](#)(3), the following provisions are required:

(1) **Residential construction.** New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to two feet above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection as proposed in [section 3.04.063](#)(1)(A), is satisfied.

(2) **Nonresidential construction.** New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to two feet above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or

architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.

(3) Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(A) A minimum of two openings on separate walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(B) The bottom of all openings shall be no higher than one foot above grade.

(C) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) Manufactured homes.

(A) Require that all manufactured homes to be placed within zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

(B) Require that manufactured homes that are placed or substantially improved within zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to two feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(C) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of subsection (4) of this section be elevated so that either:

(i) The lowest floor of the manufactured home is two feet above the base flood elevation; or

(ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(5) Recreational vehicles. Require that recreational vehicles placed on sites within zones A1-30, AH, and AE on the community's FIRM either (A) be on the site for fewer than 180 consecutive days, or (B) be fully licensed and ready for highway use, or (C) meet the permit requirements of [section 3.04.063\(1\)](#), and the elevation and anchoring requirements for "manufactured homes" in subsection (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(Ordinance 97-1, art. 5, sec. A, adopted 1/13/97; Ordinance 2008-11, art. 5, sec. B, adopted 9/9/08; 2007 Code, sec. 42-67)

Sec. 3.04.093 Standards for subdivision proposals

The following standards shall apply to, and for, all subdivision proposals:

(1) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with [sections 3.04.031](#), [3.04.032](#), [3.04.033](#), and [3.04.034](#) of this division.

(2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet floodplain development permit requirements of [section 3.04.038](#), [section 3.04.063](#) and the provisions of [part III](#) of this division.

(3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or five acres, whichever is lesser, if not otherwise provided pursuant to [section 3.04.037](#) or [section 3.04.062](#)(8) of this division.

(4) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(5) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(Ordinance 97-1, art. 5, sec. B, adopted 1/13/97; Ordinance 2008-11, art. 5, sec. C, adopted 9/9/08; 2007 Code, sec. 42-68)

Sec. 3.04.094 Standards for areas of shallow flooding

The following standards shall apply to all areas of shallow flooding: located within the areas of special flood hazard established in [section 3.04.037](#), are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to two feet above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).

(2) All new construction and substantial improvements of nonresidential structures:

(A) Have the lowest floor (including basement) elevated to two feet above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or

(B) Together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO zone, or below the base flood elevation in an AH zone, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads or effects of buoyancy.

(3) A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section, as proposed in [section 3.04.063](#) are satisfied.

(4) Require within zones AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

(Ordinance 97-1, art. 5, sec. C, adopted 1/13/97; Ordinance 2008-11, art. 5, sec. D, adopted 9/9/08; 2007 Code, sec. 42-69)

Secs. 3.04.095–3.04.120 Reserved

Division 3. Storm Drainage and Flood-Control Standards and Specifications^{*}

Sec. 3.04.121 Comprehensive storm drainage and flood-control standards

There is hereby adopted by the [cityCity](#) rules and regulations for the design, construction, placement, and use of drainage facilities for the purpose of establishing design and construction criteria and standards of storm drainage and flood-control facilities to control stormwater drainage and flood control. The rules and regulations, to be termed "Comprehensive Storm Drainage and Flood-Control Standards of the [CityCity](#) of McLendon-Chisholm," are attached to the ordinance from which this division is derived as exhibit A (volume I), which exhibit is incorporated herein as if fully set forth. All development of land within the territorial limits and the extraterritorial jurisdiction of the [cityCity](#) shall consider and incorporate the drainage elements set forth therein and shall conform to the standards and requirements set forth in the comprehensive storm drainage and flood-control standards of the

cityCity. (Ordinance 2005-01, sec. 1, adopted 1/10/05; 2007 Code, sec. 42-95)

Sec. 3.04.122 Construction specifications for paving and drainage facilities

There is hereby adopted by the cityCity rules and regulations for the design, construction, placement, and use of paving and drainage facilities for the purpose of establishing design and construction criteria, standards and specifications for the design, construction, reconstruction, and installation of streets, roadways, and drainage facilities. The rules and regulations, to be termed "General Construction Specifications for Paving and Drainage Facilities of the CityCity of McLendon-Chisholm," are attached to the ordinance from which this division is derived as exhibit B (volume II) which exhibit is incorporated herein as if fully set forth. All development of land within the territorial limits and the extraterritorial jurisdiction of the cityCity shall consider and incorporate the design and construction elements set forth therein and shall conform to the standards and requirements set forth in the general construction specifications for paving and drainage facilities of the cityCity. (Ordinance 2005-01, sec. 2, adopted 1/10/05; 2007 Code, sec. 42-96)

Sec. 3.04.123 General design standards for paving, drainage and thoroughfare facilities

There is hereby adopted by the cityCity rules and regulations for the design, construction, placement, and use of paving, drainage and thoroughfare facilities for the purpose of establishing design and construction criteria, standards and specifications for the design, construction, reconstruction, and installation of streets, roadways, thoroughfares and drainage facilities. The rules and regulations, to be termed "General Design Standards for Paving, Drainage and Thoroughfare Facilities of the CityCity of McLendon-Chisholm," are attached to the ordinance from which this division is derived as exhibit C (volume III) which exhibit is incorporated herein as if fully set forth. All development of land within the territorial limits and the extraterritorial jurisdiction of the cityCity shall consider and incorporate the design and construction elements set forth therein and shall conform to the standards and requirements set forth in the general design standards for paving, drainage and thoroughfare facilities of the cityCity. (Ordinance 2005-01, sec. 3, adopted 1/10/05; 2007 Code, sec. 42-97)

Sec. 3.04.124 Copies to be kept

True and correct copies of the comprehensive storm drainage and flood-control standards (exhibit A, volume I), the general construction specifications for paving and drainage facilities (exhibit B, volume II), and the general design standards for paving, drainage and thoroughfare facilities (exhibit C, volume III), shall be kept and maintained in the office of the cityCity secretary. (Ordinance 2005-01, sec. 4, adopted 1/10/05; 2007 Code, sec. 42-98)

Sec. 3.04.125 Conflict

All ordinances of the cityCity in conflict with the provisions of this division are hereby repealed and all other ordinances of the cityCity not in conflict with the provisions of the article shall remain in full force and effect. (Ordinance 2005-01, sec. 5, adopted 1/10/05; 2007 Code, sec. 42-99)

ARTICLE 3.05 SIGNS^{*}

Sec. 3.05.001 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Advertising sign. A sign relating to a business, use or service not conducted on the premises upon which the sign is placed, or a product not sold, handled, produced or fabricated on the same premises upon which the sign is placed.

Agricultural sign. A sign in the agricultural district located on a lot, farm or ranch on which livestock or crops are raised, which signs identify the type of livestock or crop being raised on such lot, farm or ranch.

Apartment name sign. An accessory sign for the identification of an apartment building or complex of apartment buildings. An apartment name sign shall not exceed 40 square feet in area and shall not be of the flashing intermittently lighted type.

Building official. The officer or other person within the cityCity charged with the administration and enforcement of this section.

Commercial billboard. A structure directly attached to the land or a building, having one or more spaces used to display a sign or advertisement, is leased or rented, and does not advertise the principal business located on such premises.

Construction sign. A temporary accessory sign identifying the property owner, architect, contractor, engineer,

landscape architect, decorator or mortgagor engaged in the design, construction or improvement of the premises on which the sign is located. In a residential district, a construction sign shall not exceed 30 square feet in area.

General identification sign. Any sign erected to identify a retail or commercial complex or a single establishment.

Ground sign. Any sign which is erected on a vertical framework consisting of two or more uprights, permanently attached to and supported by the ground.

Illuminated sign. A sign lighted by or exposed to artificial lighting, either by lights on the sign or directed toward the sign.

Institutional sign. A sign:

- (1) Listing church services; or
- (2) A directory sign identifying the use of or listing the names, use and location of various services, offices or activities within a building or group of buildings of a public or semi-public use, a charitable use or a medical center.

Marquee sign. Any sign erected on a marquee or fixed awning.

Parapet wall sign. Any sign erected on the top surface of a parapet wall.

Person. Any person, firm, partnership, corporation, company or organization of any kind.

Personal property sale sign. A temporary sign advertising personal property for sale on the premises on which the sign is located.

Pole sign. Any sign supported by a single freestanding pole permanently attached, and having no guys or braces to the ground or to any structure other than the pole.

Political sign. A sign:

- (1) Relating to the election of a person to a public office;
- (2) Relating to a political party; or
- (3) Relating to a matter to be voted upon at an election called by a public body.

Portable sign. Any sign not permanently attached to the ground or to a building or structure.

Projecting sign. Any sign, which projects from a building and has one end attached to a building or other permanent structure.

Real estate directional sign. A temporary sign directing the public to homes for sale within the ~~city~~City, not exceeding four square feet in area.

Real estate sign. A temporary sign placed upon property advertising that particular property for sale, for rent, or for lease.

Roof sign. Any sign erected on a vertical framework supported by and located immediately and entirely over the roof of a building.

Sign. In addition to its usual definition, any structure erected for the purpose of advertising or attracting attention to any business or activity and shall include exterior neon tubing, window signs and outline lighting.

Temporary real estate sign. A sign not exceeding three square feet in area on which appears the name of the real estate company or home owner and a directional arrow, and necessary wording to identify purpose. A maximum of four signs for temporary real estate.

Wall sign. Any sign erected flat against a wall, supported by the wall and having the sign face parallel to and not more than 12 inches from the wall surface. Neon tubing attached directly to a wall surface shall be considered a wall sign.

Window signs and outline lighting. Any neon sign or tubing installed on the inside of a window, other than interior merchandising signs of the plug-in-type.

(Ordinance 2003-12, sec. 1, adopted 11/10/03; 2007 Code, sec. 62-1)

Sec. 3.05.002 Application

The provisions of this article shall apply and shall be enforceable within the territorial limits of the ~~city~~City and ~~the extraterritorial jurisdiction of the city, as such may now or hereafter exist~~ (Ordinance 2003-12, sec. 2, adopted 11/10/03; 2007 Code, sec. 62-2)

Sec. 3.05.003—Extraterritorial jurisdiction

~~All ordinances heretofore adopted by the city regulating the erection, structure, size location, and placement of all signs and advertisements shall be and are hereby made applicable to all properties and land within the extraterritorial jurisdiction of the city in addition to the corporate and territorial limits of the city to the extent that such regulations are applicable to outdoor signs, and the city does hereby extend the provisions of said outdoor sign regulatory ordinance to the city's area of extraterritorial jurisdiction. (Ordinance 2003-10, sec. 2, adopted 8/25/03; 2007 Code, sec. 18-36)~~

Sec. 3.05.004 Permit required; exceptions

No sign of any character other than those listed in this section shall be erected on the ground, or suspended from or attached to any building or structure, until a permit for such work has been issued by the building official or other person within the **cityCity** charged with the administration and enforcement of this article.

- (1) Real estate signs. Real estate signs; provided, however, that such signs are placed on the property being advertised for sale, rent or lease, such signs are not located or placed on any street right-of-way, and not more than two such signs shall be allowed of no more than 48 square feet.
- (2) Project signs. Realtors/developers/builders offering residential or business property in parcels or lots for sale are granted special permission to erect project signs, not exceeding 100 square feet in area, or 15 feet in height. One sign per 100 acres is authorized. All signs must be removed when 80 percent of the lots or parcels have been sold.
- (3) Construction signs. Permission is granted for temporary construction signs, not exceeding 36 square feet in area, no closer than 25 feet to any street right-of-way line, providing that such signs shall not be erected prior to the issuance of the building permit for the project the signs pertain to. Such sign may be erected only during the duration of the construction on the property.

(Ordinance 2003-12, sec. 3A, adopted 11/10/03; 2007 Code, sec. 62-3)

Sec. 3.05.005 Permits not required

A permit shall not be required for any of the following types of signs:

- (1) Temporary construction signs. Temporary construction signs designating the architect, engineer or contractor or other facts relating to the structure under construction no larger than eight square feet. A maximum of four signs per temporary construction.
- (2) Signs erected by municipal, state, or federal government. Signs erected by municipal, state, or federal government for the purpose of public instruction, street or highway designation, control of traffic and similar uses incidental to the public interests.
- (3) Personal property sale signs. Permission is granted as a special privilege for dwelling occupants for the erection of nonilluminated, personal property sale signs to be erected in the required front yard of dwellings, no closer than 15 feet to any street curbline; provided that only one such sign not exceeding three square feet may be erected on the dwelling premises, but shall be limited to display of such signs a maximum of seven days in any calendar year.
- (4) Temporary real estate signs/directional signs. Permission is granted as a special privilege to homebuilders and realtors to erect temporary, nonilluminated real estate/directional signs for weekend advertising. Signs shall not be placed earlier than 1:00 p.m. Friday and shall be removed no later than 1:00 p.m. on the following Monday. Such signs and their placement must be approved by the building official or **cityCity** secretary prior to placement, must not be located on or within a street right-of-way, and may not be clustered with other signs such that more than two such signs are located within 20 feet of another such sign. Maximum of four signs per development within the **cityCity** limits.
- (5) Political signs. Permission is granted as a special privilege to candidates for political office to erect temporary, nonilluminated political signs, not exceeding six square feet in area, on private property with consent of the property owner, no closer than ten feet to any street curb. Such signs must be removed within five days after the election.
- (6) Grand opening or special sales signs. Permission is granted as a special privilege to any business in a properly zoned area to display flags, banners, balloons, and portable signs for a period not exceeding four weeks in any calendar year in connection with the grand openings or special sales being conducted by said business. The building official must approve such signs and their placement. Such flags, banners, balloons, and portable signs may be erected and maintained only during such four-week

period.

(7) Political signs on vehicles. Permission is granted as a special privilege for the placement of political signs, as defined in [section 3.05.001](#), in or upon a motor vehicle if such sign does not exceed six square feet in area and does not project from the front, side or rear surfaces of such vehicles. Said signs shall not be illuminated and must be removed within five days after the election.

(Ordinance 2003-12, sec. 3B, adopted 11/10/03; 2007 Code, sec. 62-4)

Sec. 3.05.006 Permit to alter, enlarge, etc.

(a) No sign shall be altered, rebuilt, enlarged, extended, replaced or relocated, nor shall sign faces be renewed or neon tubing be rearranged when the value of such work exceeds \$50.00, except upon the issuance of a permit by the building official, and all work under such permit shall be in conformity with the requirements of this article.

(b) The changing of moveable parts of signs which are designed for changing, or the repainting of display matter, or the repairing of damaged neon tubing while a sign is in place shall not be deemed to be alterations.

(Ordinance 2003-12, sec. 4, adopted 11/10/03; 2007 Code, sec. 62-5)

Sec. 3.05.007 Illuminated signs

(a) All illuminated signs shall be wired in accordance with the requirements of the current electrical code.

(b) No sign shall be illuminated to an intensity to cause glare or brightness to a degree that could constitute a hazard or nuisance.

(Ordinance 2003-12, sec. 5, adopted 11/10/03; 2007 Code, sec. 62-6)

Sec. 3.05.008 Interference with traffic devices, signals prohibited

In order to obtain and secure reasonable traffic safety, it shall be unlawful for any person to erect or maintain any sign in such manner as to obstruct free or clear vision or at any location where by reason of position, shape, color, degree, manner or intensity of illumination, it may interfere with vehicular or pedestrian traffic. Pursuant to the foregoing, no sign shall be erected or maintained in such a manner as to be likely to interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. Accordingly, no sign shall make use of the words "Stop," "Go," "Look," "Slow," "Danger," or any other similar words, phrases, "Stop" or "Go" symbols or characters or employ any red, yellow, orange, green or other colored lamp or light in such a manner as to interfere with, mislead or confuse traffic. (Ordinance 2003-12, sec. 7, adopted 11/10/03; 2007 Code, sec. 62-7)

Sec. 3.05.009 Billboards prohibited

Billboards are prohibited in the ~~territorial and extraterritorial jurisdiction of the city~~City. (Ordinance 2003-12, sec. 7, adopted 11/10/03; 2007 Code, sec. 62-8)

Sec. 3.05.010 Plans to be submitted by permit applicant

The applicant for a permit under this section shall submit plans showing the sign location, size, type, height, construction materials, area and such other information as the building official shall require. When required by the building official, a registered professional engineer or architect shall prepare such plans. (Ordinance 2003-12, sec. 8, adopted 11/10/03; 2007 Code, sec. 62-9)

Sec. 3.05.011 Permit fees Sign permit fees according to current fee schedule.

~~(a) The fees for a sign permit shall be as follows:~~

~~(1) On site with building permit: \$0.00.~~

~~(2) On site without building permit: \$25.00.~~

~~(3) Off site sign: \$50.00.~~

~~(b) Permits shall be renewed on an annual basis, due on the anniversary of the issuance of the first permit.~~

(c) In case any work is started or proceeded with prior to obtaining a permit, the fee prescribed shall be doubled. The payment of such doubled fee shall not relieve any person from fully complying with the requirements of all laws and ordinances.

(Ordinance 2003-12, sec. 9, adopted 11/10/03; 2007 Code, sec. 62-10)

Sec. 3.05.012 Permit expiration

A permit for a sign shall expire if the work is not started within 60 days, or not completed within 120 days after work is commenced and a new permit shall be required before beginning or completing the work. (Ordinance 2003-12, sec. 10, adopted 11/10/03; 2007 Code, sec. 62-11)

Sec. 3.05.013 Void permits

Any permit issued under this sign code shall be void if it is issued for a sign which conflicts with any provision of this article. (Ordinance 2003-12, sec. 11, adopted 11/10/03; 2007 Code, sec. 62-12)

Sec. 3.05.014 Posting in specified areas prohibited, generally

No person shall post, or cause to be posted, attach or maintain any sign upon:

- (1) Any public right-of-way or public area unless specifically excepted herein;
- (2) Any tree, public or private utility pole or structure, or any fence post;
- (3) The outside of any fence, railing or wall, which is not a structure, except for a nameplate sign;
- (4) On sidewalk, curb, gutter, or street, except for house numbers.

(Ordinance 2003-12, sec. 12, adopted 11/10/03; 2007 Code, sec. 62-13)

Sec. 3.05.015 Portable signs

Portable signs shall be allowed in business districts only; provided that the structure is maintained in good repair and safe condition and that letters used to advertise services are not allowed to fall off, lean, or become unreadable, causing an unattractive appearance. Portable signs shall not have blinking or flashing lights, but may be illuminated from the inside. No portable signs shall be allowed in the central business district. Marquee signs, projecting signs, and wall signs shall be allowed in the central business district, as defined in the zoning ordinance of the ~~city~~[City](#), as provided in [exhibit A to chapter 14](#). (Ordinance 2003-12, sec. 13, adopted 11/10/03; 2007 Code, sec. 62-14)

Sec. 3.05.016 Inspection

The building inspector shall make inspection of all signs. (Ordinance 2003-12, sec. 14, adopted 11/10/03; 2007 Code, sec. 62-15)

Sec. 3.05.017 Ground signs generally

- (a) Ground signs, commonly known as painted bulletins or poster boards, shall not exceed a total of 50 feet above the nearest point of the natural grade immediately below the sign. All ground signs of any height shall be designed to withstand an assumed wind load of 20 pounds per square foot.
- (b) Painted bulletin or poster boards shall be located entirely inside the building line.
- (c) No ground sign shall be erected within six feet of any other structure on the same premises or on adjacent premises, nor within three feet of any adjoining property line, measured from any part of the sign in any direction.
- (d) Any electrical devices on a ground sign within reach of persons on public property or property open to the public shall be protected by wire glass, safety glass, locked box of metal or wood or other approved method.

(Ordinance 2003-12, sec. 15, adopted 11/10/03; 2007 Code, sec. 62-16)

Sec. 3.05.018 Pole signs

- (a) Poles shall be of sufficient strength to withstand wind pressure and other loads and shall be set in concrete.
- (b) The pole supporting any sign shall be erected on private property.

(Ordinance 2003-12, sec. 16, adopted 11/10/03; 2007 Code, sec. 62-17)

Sec. 3.05.019 Marquee signs

- (a) Signs erected on the faces of a marquee and built as an integral part of a marquee shall be constructed entirely of incombustible materials. Attraction boards having interchangeable letters and built as an integral part of a marquee shall not exceed seven feet in height nor 30 feet in length.
- (b) Marquee signs shall not project more than 12 inches beyond the face of the marquee nor within one foot back of any curb and shall be attached to the marquee so no water from the marquee roof may

fall to the sidewalk from openings between the sign and the marquee.

(Ordinance 2003-12, sec. 17, adopted 11/10/03; 2007 Code, sec. 62-18)

Sec. 3.05.020 Wall signs

(a) Wall signs shall be constructed entirely of incombustible materials except that nonilluminated wall signs may have frames, stiffeners, moldings and cut-out letters of wood when such letters have not less than two points of attachment.

(b) Neon tubing, when placed directly on the face of an exterior wall, shall not be less than nine feet above the grade immediately below.

(Ordinance 2003-12, sec. 18, adopted 11/10/03; 2007 Code, sec. 62-19)

Sec. 3.05.021 Window signs

The installation of any illuminated sign or neon tubing on the inside of any window shall conform to the requirements of the current ~~city~~City electrical code. (Ordinance 2003-12, sec. 19, adopted 11/10/03; 2007 Code, sec. 62-20)

Sec. 3.05.022 Removal of real estate signs

Real estate signs shall be removed within ten days after the property advertised is sold, leased, or rented. (Ordinance 2003-12, sec. 20, adopted 11/10/03; 2007 Code, sec. 62-21)

Sec. 3.05.023 Signs permitted

The following types of signs are permitted for single-family, two-family, or multifamily residential purposes according to the official zoning ordinance as provided in [exhibit A to chapter 14](#):

(1) Signs permitted in residential areas.

(A) Nameplates with a maximum area of two square feet and restricted to the name and address of the occupant only, one sign per address is permitted.

(B) Institutional signs not exceeding 32 square feet in area. Only one sign per street frontage. Maximum height shall not exceed 20 feet.

(C) Apartment signs are permitted in districts zoned for multifamily purposes only and the maximum area shall not exceed 40 square feet. One sign per street frontage will be permitted. All signs shall be fixed against the building.

(D) Real estate signs.

(E) Ranch, farm or residential signs which identify the name and/or address of the occupant, ranch or farm, which sign is located at above or near the primary entrance to the structure, not to exceed ten square feet in surface area, are permitted in districts zoned for residential or agricultural purposes.

(2) Signs permitted in business districts.

(A) Marquee flat wall, parapet, and general identification signs. In office districts all signs shall be limited to the marquee flat wall or parapet type, except that one general identification sign may be provided for separate office complex developments of one acre or more. The sign shall not exceed 50 square feet in area, or height of four feet from grade and must be located at least 15 feet from the curb or pavement edge.

(B) General business signs are permitted in local retail, commercial and industrial districts only. All signs must pertain to the business property at the location of the sign and only one sign per street frontage is permitted; provided, however, that all signs that are not affixed to the building must be separated by at least 50 feet. Maximum height of signs shall not exceed 20 feet in the retail district or 30 feet in commercial or industrial districts. Maximum area of signs shall not exceed 100 square feet except a major identification sign up to 400 square feet in area may be provided for a business center of six acres or more, providing that the sign must be set back from the property line a distance equal to the height of the sign.

(3) Signs permitted in agricultural districts. Agricultural signs, as defined in [section 3.05.001](#) are permissible in agricultural districts, provided that such signs do not exceed 32 square feet in surface area, do not obstruct the view of traffic or pedestrians, and are not constructed of cardboard. Such signs shall be limited in number to not more than two signs per lot, farm or ranch. However, if a lot, farm, or ranch is adjacent to more than one public street with a frontage on only one street of 300 feet or more,

then the number of permissible signs shall be not more than three, wherein only one sign shall be located on that portion of the lot, farm or ranch with less than 300 feet frontage. If a lot, farm or ranch is adjacent to more than one public street with a frontage of at least 300 feet on each street, then the number of permissible signs shall be not more than four, wherein no more than two signs may be located at each street frontage.

(Ordinance 2003-12, sec. 21, adopted 11/10/03; 2007 Code, sec. 62-22)

Sec. 3.05.024 Existing signs

(a) ~~Conformity to article. All non-conforming signs lawfully in existence prior to January 10, 2000, may continue to be used and repaired but not altered or moved unless they shall be made to conform with the provisions of this article (the changing of moveable parts of signs which are designed for changing or the repainting of display matter or the repairing of damaged neon tubing while a sign is in place shall not be deemed to be an alteration). If a nonconforming sign is removed or destroyed, any new sign or rebuilding of existing sign must conform to this article. January, 10, 2000 may continue to be used and repaired until such a time as the repair required is greater than 50% of the value of the sign at the time of permit application. Value shall be determined by the Building Official. (LP)~~

~~(b) Removal of nonconforming existing signs. Nonconforming existing signs erected prior to January 10, 2000, shall be removed in accordance with the following:~~

~~(1) Signs costing less than \$100.00 to move must be removed within 90 days of the date of written notice from the city.~~

~~(2) Signs costing more than \$100.00 to move must be removed within three months of the date of written notice from the building official.~~

(Ordinance 2003-12, sec. 22, adopted 11/10/03; 2007 Code, sec. 62-23)

Sec. 3.05.025 Maintenance of signs

The owner of any premises upon which a sign is located, or the owner of any sign, shall be responsible to maintain the sign at all times to comply with minimum structural requirements as contained herein for safety purposes. (Ordinance 2003-12, sec. 23, adopted 11/10/03; 2007 Code, sec. 62-24)

Sec. 3.05.026 Compliance with building codes

All sign structures shall comply with minimum standards established by the building code unless standards described herein are more restrictive, then provisions of this article shall apply. (Ordinance 2003-12, sec. 24, adopted 11/10/03; 2007 Code, sec. 62-25)

Sec. 3.05.027 Variance appeal

All appeals for variances under this article shall be made to the zoning board of adjustment. The zoning board of adjustment shall have the power to authorize upon appeal in specific cases such variances from the terms of this article as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this section will result in unnecessary hardship, and so that the spirit of this article shall be observed and substantial justice done. (Ordinance 2003-12, sec. 25, adopted 11/10/03; 2007 Code, sec. 62-26)

Sec. 3.05.028 Penalty

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed \$500.00 and a separate offense shall be deemed committed each day during which such violation occurs or continues. (Ordinance 2003-12, sec. 26, adopted 11/10/03; 2007 Code, sec. 62-27)

ARTICLE 3.06 BUILDING NUMBERING

Sec. 3.06.001 Uniform property numbering system established

There is hereby established a uniform system for numbering the property frontage on all streets, avenues, and public and private ways in the basing system of the ~~city~~City comprised of the incorporated ~~city~~City and a part of unincorporated Rockwall County. All houses and other buildings shall be numbered in accordance with the provisions of this article. (Ordinance 90-2, sec. 1, adopted 6/11/90; 2007 Code, sec. 18-50)

Sec. 3.06.002 Base lines for numbering

Highway 205 (Chisholm Trail Road) shall constitute the base line for numbering buildings along all streets

running northerly and southerly, and F.M. 550 (McLendon Drive) shall constitute the base line for numbering buildings along all streets running easterly and westerly.

- (1) Each building north of F.M. 550 and facing a street running in a northerly direction shall carry a number and address indicating its location north of said base street.
- (2) Each building south of F.M. 550 and facing a street running in a southerly direction shall carry a number and address indicating its location south of said base street.
- (3) Each building east of Highway 205 and facing a street running in an easterly direction shall carry a number and address indicating its location east of said base street.
- (4) Each building west of Highway 205 and facing a street running in a westerly direction shall carry a number and address indicating its location west of said base street.
- (5) All buildings on diagonal streets shall be numbered the same as buildings on northerly and southerly streets if the diagonal runs more from the north to the south, and the same rule shall apply on easterly and westerly streets if the diagonal runs more from the east to the west. All buildings on diagonal streets have a deviation of exactly 45 degrees, shall be numbered the same as buildings on northerly and southerly streets.

(Ordinance 90-2, sec. 2, adopted 6/11/90; 2007 Code, sec. 18-51)

Sec. 3.06.003 Numbering based upon block number

The numbering of buildings on each street shall be based on its block number. The block numbering for each street shall have begun at the base line. All numbers assigned to property and buildings shall be assigned on the basis of one for each 25 feet of street frontage. Where a lot of record is in excess of 25 feet of street frontage, with single building occupancy, the building shall be the nearest number within the sequence of 25-foot assignment. (Ordinance 90-2, sec. 3, adopted 6/11/90; 2007 Code, sec. 18-52)

Sec. 3.06.004 Numbering, odd and even

- (a) All buildings on the south and west sides of each street shall bear odd numbers. All buildings on the north and east side of each street shall bear even numbers.
- (b) Where any building has more than one entrance serving separate occupants, a separate number shall be assigned to each entrance serving a separate occupant provided said building occupies a lot, parcel, or tract having a frontage equal to 25 feet for each such entrance. If the building is not located on a lot, parcel, or tract which would permit the assignment of one number to each such entrance, numerals and letters shall be used, as set forth in [section 3.06.007](#).

(Ordinance 90-2, sec. 4, adopted 6/11/90; 2007 Code, sec. 18-53)

Sec. 3.06.005 Buildings facing streets, relative block numbers

All buildings facing streets not extending through to the base line shall be assigned the same relative block numbers derived from the block grid system as if the said street had extended to the said base line. (Ordinance 90-2, sec. 5, adopted 6/11/90; 2007 Code, sec. 18-54)

Sec. 3.06.006 Placement of numbers

- (a) The owner, occupant, or agent of the affected house or building shall place or cause to be placed upon each house or building, the numbers assigned under the address system as provided in this article.
- (b) Such numbers shall be placed on existing buildings within 60 days from the date of the letter of notification. The cost of the numbers shall be paid for by the property owner. The numbers used shall not be less than five inches in height for residential structures and shall not be less than 12 inches in height for nonresidential structures. The numbers shall be of a durable reflective material on a color contrasting background to promote enhanced visibility. If the proper number is not placed on an existing building within 60 days from the date of the letter of notification, it shall be the duty of the enforcement officer to install the proper numbers on said premises as hereinafter set forth, and to make a charge of \$50.00.
- (c) The numbers shall be conspicuously placed immediately above, on or at the side of the proper door of each building so that the numbers can be seen plainly from the street on which the number is based. Whenever any building is situated so that the numbers are not clearly discernible from the street line or vision of the building from the street is otherwise obscured, the numbers assigned shall be

placed near the walk, driveway or common entrance to such buildings, and affixed upon a gate post, fence, mail box, post, or other appropriate place so as to be easily discernible. Numbers painted or stenciled on the curb shall not be a lawful substitute for the display of address numbers prescribed by this article.

(Ordinance 90-2, sec. 6, adopted 6/11/90; 2007 Code, sec. 18-55)

Sec. 3.06.007 Suffixes rather than fractional numbers

(a) Where only one number can be assigned to any house or building; the owner, occupant, or agent of such house or building, who shall desire distinctive numbers for the upper and lower portion of any house or building, or for any part of any such house or building fronting on any street; such owner, occupant, or agent shall be assigned the suffix (A), (B), (C), etc., as may be required. Fractional numbers shall not be used as an alternative to alphabetical designations.

(b) Distinctive names such as 1st Place, Plaza One, or the like, may be used by owners to name business locations. However, businesses so named shall also display the correct assigned address numbers in accord with this article.

(Ordinance 90-2, sec. 7, adopted 6/11/90; 2007 Code, sec. 18-56)

Sec. 3.06.008 Plat book of roads and numbered structures

For the purpose of facilitating correct numbering, a plat book of all streets, avenues, and public ways within the [cityCity](#) and county service area showing the proper numbers of all houses or other buildings fronting upon all streets, avenues, public or private ways shall be kept on file in the office of the [cityCity](#) secretary. These plats shall be open to inspection of all persons during the office hours of the planning and zoning committee. Duplicate copies of such plats shall be furnished to the [cityCity](#) engineer, building inspector and other appropriate officers or persons of the [cityCity](#)'s office staff. (Ordinance 90-2, sec. 8, adopted 6/11/90; 2007 Code, sec. 18-57)

Sec. 3.06.009 Inspector to inform applicants seeking address numbers

It shall be the duty of the building inspector to inform any party applying for address numbers therefor of the numbers belonging to or embraced within the limits of any said lot or property as provided in this article. In case of conflict as to the proper number to be assigned to any building, the [cityCity](#) council shall determine the number of such building. (Ordinance 90-2, sec. 9, adopted 6/11/90; 2007 Code, sec. 18-58)

Sec. 3.06.010 Application for assignment of street number

(a) The owner or agent proposing to locate any house, building or structure in need of an address in the address service area of the [cityCity](#) shall apply to the building inspector for the assignment of the correct numbers.

(b) In building permit issuing area, no building permit shall be issued for structures in need of an address and no mail shall be delivered until the owner or agent has been assigned the correct address. The applicant is encouraged to post a temporary sign displaying the assigned address number at the construction site until such time the permanent number can be displayed.

(c) In those parts of the address service area where building permits are not issued, the owner or agent shall apply to the building inspector for the assignment of the correct address. The address must be known by the owner or agent before electrical service is extended to the proposed building site.

(d) Final approval of any structure erected, repaired or altered for occupancy after the effective date of the ordinance from which this article is derived shall be withheld by the building inspector and no mail shall be delivered until permanent and proper numbers have been affixed within 30 days to said structure or otherwise in accord with the procedures of this article.

(Ordinance 90-2, sec. 10, adopted 6/11/90; 2007 Code, sec. 18-59)

Sec. 3.06.011 Street-naming system

There is hereby established a uniform system of street naming in the address service area of the [cityCity](#) and all streets, avenues, and other public and private ways shall be named in accordance with the provisions of this article.

(1) A street or other public roadway running in the same direction and having an angular deviation of not more than 90 degrees for a distance of not more than 315 feet, shall carry the same name unless special circumstances make such a plan impracticable or not feasible.

(2) Street names shall not be duplicated within the address service area.

(3) That part of any street ending in a permanent dead-end, or cul-de-sac, shall not carry the designation street, avenue, or road but may carry the designation place, cove, etc.

(4) The [cityCity](#) may adopt further designations or any additional rules and regulations which may be required from time to time upon recommendations of the planning and zoning commission by amending this section.

(Ordinance 90-2, sec. 11, adopted 6/11/90; 2007 Code, sec. 18-60)

Sec. 3.06.012 Plan for street naming

For the purpose of clarifying and systematizing the present street naming pattern in the address service area and to implement the application of the matters set forth in [section 3.06.011](#), there is hereby adopted the following plan:

(1) The [cityCity](#) planning and zoning commission is hereby authorized to prepare and present to the [cityCity](#) a recommendation for the naming of all unnamed streets, avenues, and public and private ways within the address service area of the [cityCity](#) and to propose new names to eliminate duplications and sound-alike street names. The proposals for new names to eliminate duplications and sound-alike street names that occur in unincorporated parts of the address service area shall be reviewed with the director of county operations in accord with the letter-of-agreement.

(2) Guidelines for renaming existing streets may be used as criteria when considering the changing of a duplicate or sound-alike street name:

(A) A street has a historical reason for its name.

(B) A street has the least number of structures on it and thus would require the least number of address changes.

(C) A street has had its name for the longest period of time.

(D) Appropriate name and thoroughfare designation suffix according to other street names in the neighborhood.

(E) A street name is used for the longest distance or the most traveled section.

Priorities can be established by numerically weighing the importance of these items. Streets with the highest total number would be given priority for name retention.

(3) Developers of property are encouraged to propose street names on plats containing new streets under the guidelines of this article. All such names are subject to review by the planning commission for compliance with this article, the letter-of-agreement and the procedural manual.

(Ordinance 90-2, sec. 12, adopted 6/11/90; 2007 Code, sec. 18-61)

Sec. 3.06.013 Street names on subdivision plats

Every subdivision plat submitted to the [cityCity](#) for their approval after the effective date of the ordinance from which this article is derived shall bear upon its face, the report of the planning and zoning commission of the proper names of any and all streets, avenues, and public ways proposed for public use including private streets within the jurisdiction of the [cityCity](#). (Ordinance 90-2, sec. 13, adopted 6/11/90; 2007 Code, sec. 18-62)

Sec. 3.06.014 Change of street name

The [cityCity](#) by resolution may change, rename, or name an existing or newly established street within the limits of said basing system at any time after the adoption of the ordinance from which this article is derived upon recommendation of the planning and zoning commission. (Ordinance 90-2, sec. 14, adopted 6/11/90; 2007 Code, sec. 18-63)

Sec. 3.06.015 Erection of street name signs

Street name signs should be erected in urban areas at all street intersections regardless of other route marking that may be present, i.e., state and county route numbers. In rural parts of the addressing service area, street name markers should be installed to identify important roads and at the intersection of all streets created through plats of addition for nonagriculture, forestry or mining purposes.

(1) **Future streets.** The developers of property, when said property development is required to undergo the subdivision review process, shall erect at the developer's expense all street name signs at the intersection of any new streets and at the intersection of new streets with existing streets. The signs shall be in conformance with the specifications as administered by the [cityCity](#) engineer.

(2) Block numbers. In nonurban areas of the county and in instances when street names are changed to eliminate duplications, whether urban or rural, and all future streets it shall be appropriate to include the address block number on street name markers.

(Ordinance 90-2, sec. 15, adopted 6/11/90; 2007 Code, sec. 18-64)

ARTICLE 3.07 LIMITATION ON CONSTRUCTION TIMES

Sec. 3.07.001 Definitions

Construction. Any site preparation, assembly, erection, substantial repair, alteration or similar action, or demolition of buildings or structures.

Construction-related activities. Includes, but is not limited to:

- (1) The maintenance, servicing and fueling of construction equipment; and
- (2) The delivery or depositing of construction and building materials to a building site, including equipment.

(Ordinance 2017-02 adopted 3/14/17)

Sec. 3.07.002 Application and prohibition

(a) Construction and construction-related activities are permitted only between the hours of 7:00 a.m. and 7:00 p.m. on or during the weekdays of Monday through Saturday and excepting holidays identified herein. Construction and construction-related activities are prohibited during all other hours and on Sundays, July 4th, Thanksgiving Day, Christmas Day and New Year's Day.

(b) The following construction and construction-related activities shall be exempt from subsection (a):

- (1) Home remodeling and repair projects performed by the resident owner; and
- (2) Urgent and necessary construction performed in the interest of the public's health, safety or welfare.

(c) The following zoning districts, as defined in the cityCity's zoning ordinance, are exempt from this article and subsection (a): (1) A agricultural district; and (2) SF5 single-family residential district. All other zoning districts are subject to this article and subsection (a).

(Ordinance 2017-02 adopted 3/14/17)

Sec. 3.07.003 Enforcement

(a) The cityCity's building official shall have primary enforcement responsibility for the provisions of this article. In exigent circumstances, the building official may designate the cityCity's building inspector or code enforcement officer to assist in the enforcement of this article. The enforcement mechanisms provided herein are inclusive; one or more than one or all enforcement mechanisms may be pursued collectively or separately.

(b) At locations where voluntary compliance with this article is not being observed, the cityCity may issue written orders to stop work or further regulate construction working hours.

(c) Violations of this article by failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00) for each violation, and in addition, shall pay all costs and expense involved in the case. Nothing herein contained shall prevent the cityCity from taking such other lawful action as is necessary to prevent or remedy any violation. Each day a violation continues to exist will constitute a new and separate violation.

(d) In addition to other remedies herein, the cityCity may enforce the provisions hereof by injunctive relief through an appropriate court of competent jurisdiction.

(Ordinance 2017-02 adopted 3/14/17)

11/8/2018 Council Member Larkin Recommendations:

Chapter 1 - General Provisions

Penalties - I believe it would be prudent to add the following clause to each item where a penalty is established. "Remedy of the initial violation must occur within ?? days. Failure to comply will result in an additional violation per City Ordinance 1.01.009(f)." This will, I think, allow for escalation of fines for repeated offenses.

Chapter 2 - Animal Control

Dangerous Dogs - I recommend that we adopt the provisions identified by Franklin Legal in V>T>C>A>, Health and Safety Code, chapter 822.

Dangerous Animals - I recommend that we adopt the provisions identified by Franklin Legal in V>T>C>A>, Health and Safety Code, chapter 822.101.

Chapter 3 -Building Regulations

Sec 3.03.001 - The definition of a HUD-code manufactured home should include the wording "eight body feet or more in width or 40 body feet or more in length...."

Sec 3.03.002 - Mobile homes prohibited - This section should specifically prohibit mobile homes.

Sec 3.03.006 - This should authorize the placement of a HUD-code manufactured home and NOT A MOBILE HOME.

Sec 3.05.003 - Recommend deleting this section.

Sec 3.05.009 - I recommend that "billboards" and "commercial billboards" be classified together. I believe that our only "billboard" in in our ETJ and should be grandfathered.

Sec 3.05.011 - I agree with the annual renewal requirement for a sign permit. I believe that will aid in having out dated signs removed.

**CODE OF ORDINANCES OF THE
CITY OF MCLENDON-CHISHOLM
EDITORIAL & LEGAL REVIEW**

As prepared by



**2435 20th Street
Lubbock, Texas 79411
806.797.8281
www.franklinlegal.net**

CODE OF ORDINANCES OF THE CITY OF MCLENDON-CHISHOLM EDITORIAL & LEGAL REVIEW

Comments

GENERAL COMMENTS AND RECOMMENDATIONS

1. Pursuant to discussion at the January 9, 2018, meeting of the McLendon-Chisholm City Council, an editorial and legal review has been performed on the city's Code of Ordinances, current through Ordinance No. 2017-19 adopted October 24, 2017. This document outlines findings made, and, where appropriate, provides recommendation for rectifying problem areas located.

The city's current code is a recodification of a code originally prepared by another firm. When the recodification was done in 2017, the city opted out of the editorial and legal review. The code was reorganized and recodified into the current format based on the provisions contained in the prior code, with the more recent ordinances incorporated. New ordinances have since been incorporated through the preparation of 5 code supplements.

As noted above, the code as reviewed is current through Ordinance No. 2017-19 adopted October 24, 2017. Ordinances may have been adopted since that time that would have an effect on the items noted in the following review.

The code was reviewed not only from a legal standpoint, but also from an editorial standpoint. You will note that many of the items pointed out are matters where things were not clear, repetitive, unnecessary, etc.

It is important to note that this review may not include all items that the city wishes to revise. While some provisions may have been proper and appropriate from a general standpoint,

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the city may wish to revise or omit some provisions from the code. In our experience, we have found that often provisions need revision or omission simply because they are not in accordance with current practices of the city. For this reason, it is important that the city review not only this document, but the code itself prior to the meeting to discuss these matters.

A representative of Franklin Legal Publishing will meet with the council during a workshop session, if desired, or by teleconference, to discuss findings in this review and to take input from the city. Once this is completed and suggested provisions have been provided by the city, a summary of agreed-to revisions will be submitted for approval by the city. When this is approved, Franklin Legal will prepare an ordinance to revise the code accordingly, and will submit it to the city council for adoption. Those revisions will then be incorporated into the code as part of the regular code supplementation services Franklin Legal now provides.

Any and all findings, comments and/or recommendations made by Franklin Legal Publishing should be fully reviewed by an attorney appropriately designated to represent the city. Liability shall extend only to correction of problem areas pointed out herein and not to acts or occurrences resulting from any such errors.

2. Some of the code provisions are somewhat dated and are possibly obsolete. Though specific instances of this are pointed out in this review, it is recommended that all of the provisions included in this preliminary code draft be briefly reviewed to determine whether or not they are in accordance with the procedures currently being followed by the city. Of special relevance with respect to this are the fees that are to be charged for various city services.
3. Codification consists of the codification of all "general and permanent" ordinances, meaning the code does not include ordinances that are limited in time, only applicable to a certain property or person, etc. These other ordinances (listed as Not in Code, or NIC, in the disposition tables) are specifically

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saved from repeal, but are not codified. As a result, no review was performed on these ordinances, as this review was limited strictly to the city's code and ordinances affecting the code. Some examples of these types of ordinances include:

- ❑ Tax levies (ad valorem) for a specific fiscal year.
- ❑ Budget adoption (or appropriating funds) and amendments for specific fiscal year.
- ❑ Annexation, disannexations, or expanding extraterritorial jurisdiction.
- ❑ Bonds: issuance, certificate of obligation, bond elections.
- ❑ Maintenance, improvements, bids.
- ❑ Elections: Councilmembers, mayor, unopposed candidates, other elected officials. We do, however, publish charter elections and certain sales and use tax elections.
- ❑ Abandoning portions of streets, easements, rights-of-way, etc.
- ❑ Purchases, contracts, agreements if they are with a specific company.
- ❑ Franchises.
- ❑ Rezoning of a specific property. Look for boundary descriptions to help determine if the ordinance is a rezoning.

CHAPTER 1 GENERAL PROVISIONS

4. Penalties. Throughout the code, various penalties for violations are listed. Included in the code is Section 1.01.009, which is a general penalty provision. The penalties listed therein are in accordance with state law with regard to the maximum allowable amounts of fines. (See V.T.C.A., Local Government Code, sec. 54.001.) The city may wish to remove penalty amounts from the specific code sections, and simply reference this general penalty provision. Note: This action is not recommended in cases where the city wishes to specify a specific amount or where the penalty for violations is graduated based on the subsequent offenses.

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As an example, the following provide for a maximum penalty of \$200.00:

- ❑ Sec. 2.02.006: Trespassing by livestock
- ❑ Sec. 8.06.003(a)(3) and (b)(8): Junked vehicles

5. Article 1.02, Division 3, Secretary Treasurer.

- ❑ Does the city secretary still also serve as treasurer for the city?
- ❑ Is the bond requirement in section 1.02.062 still applicable for the city secretary-treasurer?

6. Sec. 1.02.096, Authority to purchase. This section authorizes the city administrator to contract for expenditures up to \$500.00. This was adopted in 2005, and the city may wish to consider increasing this allowable amount.

7. Article 1.06, Licenses and Permits.

- ❑ This article, deriving from Ordinance 2005-07 adopted 7/11/05, is intended to implement chapter 254 of the Texas Local Government Code. A more appropriate title might be "Vested Rights."
- ❑ Presumably, section 1.06.003, regarding expiration of permits, applies only to permits that do not have an expiration date otherwise specified. It is common for municipalities to include language as follows:

Sec. 3.XXX Expirations

(a) A permit issued by the city that is subject to Chapter 245, but does not expressly contain an expiration date, shall expire by operation of law two years after issuance. This subsection shall not apply to permits pursuant to which progress has been made

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toward the completion of the project, as determined by Local Government Code Section 245.005(c), as may be amended.

(b) A project subject to Chapter 245 shall expire by operation of law five years after an application was filed for the first permit necessary for the project. This subsection shall not apply to permits for which progress has been made toward the completion of the project.

- ❑ There are no provisions regarding the procedure for applying for establishment of vested rights.
- ❑ The following permits and approvals do not appear to have a specified expiration date:
 - Conceptual plan, development plan, or site plan for planned development district - zoning ordinance, section 5-1(D)
 - Site plan approval - zoning ordinance, section 6-1
 - Approval of variance - zoning ordinance, section 1-15(G)
 - Approval of special exception - zoning ordinance, section 1-15(H)
 - Fence permit - zoning ordinance, section 6-15(F) (but if considered a building permit would expire in six months)
 - Application for installation of a HUD-code manufactured home - section 3.03.004 (but if considered a building permit would expire in six months)

Note: The following permits and approvals *do* have a specified expiration date:

Comments

- Tree removal permit - section 1.07.006(i): expires 180 days after the date of issue, except if issued in connection with a building permit or site plan expires at the same time as the building permit or site plan
 - Sign permit - section 3.05.012: expires if work is not started within 60 days or not completed within 120 days
 - Preliminary plat - section 10.02.005(a)(4): expires six months after approval
 - Final plat - section 10.02.005(b)(4): expires one year after approval
 - Building permit - zoning ordinance section 1-12(D): expires six months from date of issuance if work has not begun
 - Specific use permit - zoning ordinance section 6-2(I): expires unless construction or use is substantially underway within one year of granting of permit
 - Section 1.06.002 establishes specific requirements as to when a permit application is deemed to be filed. Sections 10.02.005(a)(3) and (4) and (b)(3) and (4) of the subdivision ordinance contain provisions regarding when the preliminary plat and final plat “is considered to have been filed.” As drafted, it is unclear as to whether or not this is in conformance with section 1.06.002?
8. Sec. 1.07.011, Approved replacement tree list. The replacement tree list is somewhat different from the list of trees approved for landscaping at the end of section 6-10 of the zoning ordinance. Was this intentional?

CHAPTER 2 ANIMAL CONTROL

9. The city currently has no regulations regarding dangerous dogs. The 1992 Texas Legislature, in an effort to avoid the problems associated with regulating vicious animals while still allowing cities to do so, enacted laws for the regulation of dangerous dogs. (See V.T.C.A., Health and Safety Code, chapter 822.) These new provisions provide detailed definitions of what constitutes a "dangerous dog" and requires a license and insurance for the keeping of such a dog. Recommendation: Adopt these new dangerous dog provisions in accordance with state law. Franklin Legal Publishing can provide guidance with respect to this.

It should also be noted that in 2001 the Texas Legislature enacted provisions pertaining to dangerous wild animals (see V.T.C.A., Health and Safety Code section 822.101 et seq.) and has given the authority to municipalities to prohibit or regulate by ordinance or order the ownership, possession, confinement, or care of a dangerous wild animal (V.T.C.A., Health and Safety Code section 822).

CHAPTER 3 BUILDING REGULATIONS

10. Sec. 3.02.001, Codes adopted. This section provides for the adoption of the 2012 editions of the various International Codes (i.e., Building, Plumbing, Mechanical, etc.). It should be noted that more recent editions of these codes now exist. The city may wish to consider adopting the more recent edition, but only after full review of the code itself.
11. Sec. 3.03.002, Mobile homes prohibited. This section derives from Ordinance 98-5 adopted 6/8/98. This section does not actually prohibit mobile homes. The city may wish to revise this section to clarify this. It presently reads as follows: "A

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municipality may prohibit the installation of a mobile home built before June 15, 1976, for use or occupancy as a residential dwelling within its corporate limits."

Note: Under the permitted use table in section 3-1 of the zoning ordinance, "Dwelling, mobile home" is a prohibited use in all districts.

12. Sec. 3.03.006, Permit to be granted. This section authorizes permits for temporary use of a mobile home when the permanent dwelling has been destroyed by fire, wind, tornado, hail or floodwaters. Should this authorize a HUD-code manufactured home rather than a mobile home?
13. Sec. 3.04.064, Variance procedures. This section establishes the procedures for variances from the flood damage prevention regulations. Mention is there made of an "appeal board, as established by the community." This is the standard language in these model ordinances as provided by FEMA. It is recommended that revision be made to provide that a specific body (e.g., the zoning board of adjustment or the city council) will perform these functions.
14. Secs. 3.05.002 and 3.05.003 - Applicability of sign regulations in extraterritorial jurisdiction. Most of article 3.05 (Signs) derives from Ordinance 2003-12 adopted 11/10/03.

Sec. 3.05.002, Application, was adopted by Ordinance 2003-12. It provides that article 3.05 is applicable in the extraterritorial jurisdiction.

Sec. 3.05.003, Extraterritorial jurisdiction, was adopted by Ordinance 2003-10, 8/25/03, prior to the adoption of the new sign ordinance. It provides that all ordinances heretofore adopted by the city regulating signs and advertisements are hereby made applicable within the extraterritorial jurisdiction of the city.

Comments

Since “all ordinances heretofore adopted by the city regulating signs” are presumably superseded by article 3.05, is section 3.05.003 needed?

15. Sec. 3.05.009, Billboards prohibited. This derives from Ordinance 2003-12 adopted 11/10/03. This prohibits “billboards” in the city and the extraterritorial jurisdiction. There is a definition in section 3.05.001 for “commercial billboard” but not for “billboard.” Are these the same? While this addresses future placement of such billboards, billboards existing when this was adopted are not addressed. Are such billboards considered grandfathered in or would this be affected by Texas Local Government Code, section 216.003 et seq. regarding compensation to the sign owner? (See *also* Sec. 3.05.024, Existing signs.)
16. Sec. 3.05.011, Permit fees. This derives from Ordinance 2003-12 adopted 11/10/03. This states that sign permits must be renewed annually. Is this correct? Other provisions indicate that the sign permit is a construction permit. See, for example, sections 3.05.006 and 3.05.012.
17. Sec. 3.05.024, Existing signs. Subsections (a) and (b) appear to contradict one another. Subsection (a) reads:

“All signs lawfully in existence prior to January 10, 2000, may continue to be used and repaired ...”.

Subsection (b) requires removal of nonconforming existing signs erected prior to January 10, 2000. It is unclear what is meant by “nonconforming” in subsection (b).

This would appear to be affected by Texas Local Government Code, section 216.003 et seq. regarding compensation to the sign owner.
18. Article 3.07, Limitation on Construction Times. These provisions limit construction generally; however fail to limit

such activity for any demonstrable reason. Typically, such restrictions are included as part of, or with reference to, noise regulations in the city.

CHAPTER 4 BUSINESS REGULATIONS

19. Sec. 4.02.004, Lock box entry system. This may be now covered by the adopted fire code. Note also that this section was adopted as a section of this article, which otherwise relates to business permits, and would be more appropriately located in provisions pertaining to fire safety.
20. Article 4.04, Food Establishments. The references to the Texas Food Establishment Rules in sections listed below are outdated. Some of the food establishment rules are now in 25 TAC chapter 228.
 - ❑ Sec. 4.04.001, Adoption of state rules on food establishment sanitation
 - ❑ Sec. 4.04.002, Amendments to rules
 - ❑ Sec. 4.04.004(a) Certified food protection manager
 - ❑ Sec. 4.04.006(b) Inspections

It is questioned if the city actually performs the functions outlined in this article at all, as most cities rely on the county for such enforcement.

21. Sec. 4.05.033, Conditions for private clubs. The provisions of this section are no longer in compliance with state law requirements regarding distance requirements for the sale of alcoholic beverages (i.e., there are not provisions regarding daycare centers. Also, the measurement requirements are no longer current.) It is recommended that this be revised to simply reference the applicable portion of state law. (V.T.C.A., Alcoholic Beverage Code, sec. 109.33.)

**CHAPTER 8
OFFENSES AND NUISANCES**

22. Sec. 8.06.001, Definitions. This section, adopted in 1998, contains a definition of "junked vehicle." As of September 1, 2011, the state law definition of "junked vehicle" has been amended. It is recommended that this be revised to be consistent with state law.

**CHAPTER 10
SUBDIVISIONS**

23. The subdivision regulations of the city fail to provide for the state law requirements for certain vacation and replats. A replat without vacation of the preceding plat must conform to additional notice and public hearing requirements if the area to be replatted was assigned interim or permanent single family or duplex zoning or was restricted in the same manner by deed restrictions. (See V.T.C.A., Local Government Code, section 212.015.)
24. Street Specifications and Standards. All of the following contain street specifications and standards:
- ❑ Subdivision ordinance - section 10.02.006(a) (Streets) (Ordinance 2007-11 adopted 7/23/07)
 - ❑ Subdivision ordinance, appendix 1, section 8 (Street system) (Ordinance 2007-11 adopted 7/23/07)
 - ❑ Article 10.03, Standard Street Specifications and Construction Details in Subdivisions (Ordinance 91-1 adopted 1/13/92)

Article 10.03 was adopted in 1992. Article 10.03 should be reviewed in its entirety for possible conflicts and duplications with the new subdivision ordinance in article 10.02.

Comments

The following standards are referenced in article 3.04:

- (A) "Comprehensive Storm Drainage and Flood-Control Standards of the City of McLendon-Chisholm" (section 3.04.121)
- (B) "General Construction Specifications for Paving and Drainage Facilities of the City of McLendon-Chisholm" (section 3.04.122)
- (C) "General Design Standards for Paving, Drainage and Thoroughfare Facilities of the City of McLendon-Chisholm" (section 3.04.123)

Do the items listed in (A), (B) and (C) contain the city's current standards for streets? If so, the provisions in chapter 10 should be reviewed to determine if they are in conformance with those standards. If the standards listed in (A), (B) and (C) are the current standards, some or all street standards in chapter 10 could be replaced with a reference to the standards listed in (A), (B) and (C).

The following were noted as possibly in conflict. These are examples and not necessarily a complete list.

- ❑ Street curves
Sec. 10.02.006(a)(9) (Major street curves)
Appendix 1, section 8(c) (Horizontal curve limitations)
- ❑ Radius at intersections
Sec. 10.02.006(a)(13)(B) (Radius at acute corners)
Appendix 1, section 8(e) (Street intersections)
- ❑ Dead-end streets and cul-de-sacs
Sec. 10.02.006(a)(12)(A) (Turnarounds)
Appendix 1, section 8(g) (Dead-end streets, cul-de-sac)
Sec. 10.03.007(b) (Street arrangement)
- ❑ Subgrade
Appendix 1, section 8(a) (General)
Sec. 10.03.003 (Stabilization of the subgrade)

Comments

- ❑ Paving
Appendix 1, section 8(i) (Pavement design)
Sec. 10.03.002 (Street paving strength requirements)

25. Landscaping. The following contain landscaping standards. The city may wish to review these provisions for possible conflicts.

- ❑ Subdivision ordinance - Sec. 10.02.008, Landscape buffers
- ❑ Zoning ordinance - Sec. 6-10, Landscape requirements

The following appear to be in conflict:

- ❑ Section 10.02.008(g) (Lot coverage for nonresidential property): For nonresidential and multifamily property, at least 15 percent of the gross lot or tract (exclusive of rights-of-way) shall be maintained as a landscaped area.
- ❑ Zoning ordinance, sec. 6-10(D)(1) and (2) (Landscaping generally): A minimum of 20 percent of the total lot shall be landscaped.

CHAPTER 12 TRAFFIC AND VEHICLES

26. Sec. 12.01.003, Traffic-control signs. Traffic-control devices must now be installed in accordance with the manual and specifications adopted by the Texas Transportation Commission pursuant to V.T.C.A., Transportation Code, sec. 544.001. Therefore, it is suggested that be included herein to read as follows:

"All traffic-control devices including signs, signals and markings (pavement and/or curb) installed or used for the purpose of directing and controlling traffic within the city shall conform with the manual and specifications adopted by the

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state transportation commission as provided in V.T.C.A., Transportation Code, section 544.001. All signs, signals and markings erected or used by the city must conform to the manual and specifications adopted under V.T.C.A., Transportation Code, section 544.001. All existing traffic control devices and those erected in the future by the city being consistent with the manual and specifications, state law and this section shall be official traffic-control devices."

CHAPTER 13 UTILITIES

27. Sec. 13.01.002, Standards for septic tank systems. This adopts standards for septic tank systems as established in Ordinance 89-1. This is likely superseded by article 6.03, On-Site Sewage Disposal, which derives from Ordinance 2006-07 adopted 5/8/06.
28. Drainage Facilities. All of the following contain standards for drainage facilities:
- ❑ Article 3.04, Division 3, Storm Drainage and Flood-Control Standards and Specifications (Ordinance 2005-01 adopted 1/10/05)
 - ❑ Subdivision ordinance, section 10.02.010, Drainage requirements (Ordinance 2007-11 adopted 7/23/07)
 - ❑ Subdivision ordinance, appendix 1, section 9, Drainage and storm sewers (Ordinance 2007-11 adopted 7/23/07)
- Article 3.04 refers to and adopts the following (attached to Ordinance 2005-01):
- (A) "Comprehensive Storm Drainage and Flood-Control Standards of the City of McLendon-Chisholm" (section 3.04.121)

Comments

- (B) “General Construction Specifications for Paving and Drainage Facilities of the City of McLendon-Chisholm” (section 3.04.122)
- (C) “General Design Standards for Paving, Drainage and Thoroughfare Facilities of the City of McLendon-Chisholm” (section 3.04.123)

Are the standards listed in (A), (B) and (C) the city’s current standards? If so, the provisions in the subdivision ordinance should be reviewed to determine if they are in conformance with those standards. If the standards listed in (A), (B) and (C) are the current standards, some or all of the provisions in the subdivision ordinance could be replaced by a reference to standards listed in (A), (B) and (C).

FEES

29. The city's fee schedule is not included the code. Section 3.01.001 adopts a fee schedule by reference (as attached to Ordinance 2017-13).

In order to avoid possible future conflicts, the city may wish to consider deleting any specific amounts and replacing them with language such as “the fee currently adopted by the city.”

30. Sec. 4.04.003, Permit required; issuance; exceptions. Subsection (c) contains a list of permit fees. The adopted fee schedule also contains a list of food establishment permit fees. There are some differences between the list in section 4.04.003 and the list in the adopted fee schedule. Should this list in section 4.04.003 be replaced with a reference to the adopted fee schedule, or should these fees be revised to reflect the amounts from the city's fee schedule?
31. Sec. 4.04.006, Inspections. Subsection (a) mentions a food establishment permit renewal fee of \$250.00. This appears to conflict with the adopted fee schedule.

Comments

32. Sec. 13.04.013, Rates, fees and charges. This section lists various sewer service charges. The deposit amount is in conflict with the adopted fee schedule.
- ❑ (b) Deposit: \$125.00. The amount listed in the adopted fee schedule is \$135.00.
 - ❑ (c) Connection fee: \$3,000.00. Same as the adopted fee schedule.
 - ❑ (d) Monthly sewer charge: \$55.00. Same as the adopted fee schedule
 - ❑ (e) Late penalty fee: \$15.00. Not in the adopted fee schedule.
 - ❑ (f) Disconnection of service trip fee: \$55.00. Not in the adopted fee schedule.
 - ❑ (g) Reconnection of service trip fee: \$55.00. Not in the adopted fee schedule.
 - ❑ (h) Re-service fee: \$25.00. Not in the adopted fee schedule.

The following fees are not listed on the fee schedule adopted by Ordinance 2017-13:

- ❑ Sec. 3.05.011: Sign permit fees
- ❑ Sec. 3.06.006(b): Fee for placement of address number by city
- ❑ Sec. 4.04.004(b)(6): Registration as certified food protection manager
- ❑ Sec. 4.04.006(d): Additional inspections of food establishment
- ❑ Sec. 13.04.013(e)–(h): Sewer service fees, as noted above under section 13.03.013

Comments

- Zoning ordinance, section 6-5(B)(5): Clean-up deposit for temporary outdoor sales of Christmas trees

Chapters 1-3 Mayor Pro Tem Turnbull.

Section 1.01.004

Or, and. The word “or” may be read “and,” and the word “and” may be read “or,” as the sense requires it. Need clarification from Paschall

Computation of time. Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, (should this be “held”) the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday, or legal holiday.

Sec. 1.02.061 Office created

There is hereby created the office of city secretary-treasurer, which shall be filled by some suitable person who possesses all of the qualifications prescribed by the city council. ~~Said city secretary-treasurer shall be selected by the mayor and approved~~ **Candidates for City Secretary-Treasurer shall be obtained by RFP, vetted and selected by a majority vote of the city council, and shall hold office at the will of the city council.** (Ordinance 78-4, sec. I, adopted 7/10/78; 2007 Code, sec. 2-71; Ordinance 2014-04 adopted 2/11/14; Ordinance 2017-03 adopted 3/14/17)

Sec. 1.02.092 Appointment

~~The city administrator shall be selected by the mayor and approved by a majority vote of the city council.~~ **Candidates for City Administrator shall be obtained by RFP, vetted and selected by a majority vote of the city council, and shall hold office at the will of the city council.** The city administrator shall be chosen on the basis of executive and administrative qualifications and abilities, with reference to actual experience in or knowledge of accepted practice in respect to the duties of the office established herein. At the time of appointment, the city administrator need not be a resident within the city or state, nor during the tenure of office be required to be a resident within the city. No member of the city council shall be appointed to such office during his or her council term or within six months after the expiration of such term. (Ordinance 2005-12, sec. 2, adopted 10/24/05; 2007 Code, sec. 2-86; Ordinance 2017-03 adopted 3/14/17)

Sec. 1.02.095 Powers and duties

- (1) Recommend appointment, suspension or termination of any city employee except for the municipal judge, city secretary, **Fire Chief**, city attorney, building official, city engineer and city planner.
- (2) Direct and supervise the administration of all departments, offices and agencies of the city. **Excluding MCFR.**

(7) Serve as the disaster coordinator of the city, charged with the preparation of the city's disaster services plan. (does this conflict with the Mayor be head of emergency management?)

Items 9, 10, and 11 should be stricken and placed under the City Accountant position.

~~(9) Prepare the proposed annual budget for the mayor's approval and submission to the city council.~~

~~(10) Prepare and submit to the city council as of the end of the fiscal year a complete report on the finances and administrative activities in the city for the proceeding year.~~

~~(11) Keep the city council advised as to the financial condition and future needs of the city, and make such recommendations concerning the affairs of the city as deemed desirable or necessary.~~

Division 5. Municipal Judge, City Planner and City Engineer

Sec. 1.02.121 Appointment

(a) Municipal judge. There is hereby created the office of municipal judge, who shall be the presiding judge of the municipal court of the city, and who shall assume the powers and duties of municipal judges in the state. ~~The municipal judge shall be selected by the mayor and approved~~ Candidates for Municipal Judge shall be obtained by RFP, vetted and selected by a majority vote of by the city council and shall be some suitable person who possesses all of the qualifications provided by the city council. ~~The mayor may select,~~ City Council may select and appoint with city council approval, such associate or alternate judges to preside in the absence of the presiding judge or to assume responsibility for cases and matters pending in said court as may be necessary and appropriate. The judge of a municipal court serves for a term of office of two years and shall be appointed or reappointed within 90 days after the expiration of his or her term of office.

(b) City planner. There is hereby created the office of city planner, which shall be filled by some suitable person who possesses all of the qualifications provided by the city council. ~~Said official shall be selected by the mayor and approved by the city council, and~~ Candidates for City Planner shall be obtained by RFP, vetted and selected by a majority vote of shall hold office at the will of the city council.

(c) City engineer. There is hereby created the office of city engineer, which shall be filled by some suitable person who possesses all of the qualifications provided by the city council. ~~Said official shall be selected by the mayor and approved by the city council, and~~ s Candidates for City Engineer shall be obtained by RFP, vetted and selected by a majority vote of shall hold office at the will of the city council.

(Ordinance 2014-04 adopted 2/11/14; Ordinance 2017-03 adopted 3/14/17)

Job Description and requirements for City Accountant and City Auditor need to be added

Sec. 2.01.001 Restraint and confinement

(b) Any dog, while on a street, sidewalk, public way or in any park, public square, or other public space, or upon any private property without the consent of the owner, shall be secured by a leash or chain of sufficient tensile strength to restrain the particular dog, or shall be at heel and securely muzzled.

Questions for City Attorney –

- 1) Can the use of wireless electronic control collars be included?
- 2) Can wording be included to require the human on the other end of the leash or chain be of sufficient strength mental acuity to control the dog. (a 60 lb dog may be secured to a chain or leash meeting these requirements but if the chain or leash is held by a 60 lb child or elderly adult the dog is not properly restrained)
- 3) Can we restrict the length of the leash used when walking a dog in public areas? A 10 lb lap yapper at the end of a 25 or 50-foot retractable leash can easily wrap that leash around the legs of a child or elderly adult.



City of McLendon-Chisholm

Agenda Brief

Item 11 – Request for Proposals for City Engineer, City Planner and City Accountant

DATE:

January 8, 2019

BACKGROUND OF ISSUE:

Council previously voted to issue Requests for Proposals for City Engineer, City Planner and City Accountant.

FINANCIAL IMPACT:

Costs for advertising are the only associated costs at this time.

OPERATIONAL IMPACT:

It is customary for cities to issue RFPs from time to time to guarantee the City is getting maximum benefit for funds spent. However, staff reminds Council that many changes have been made in the past year with Palomba taking on role of Administrator, a new Fire Chief hired and MCFR created, a new trash provider, a new City Attorney and possibly a new IT provider (depending on tonight's outcome). Council also voted to issue an RFP for a new PID Administrator to begin service next fiscal year if the responses to an RFP warrant a change.

If any of the RFPs for City Engineer, Planner or Accountant support changing providers, staff wishes Council to consider how changing providers may impact day to day operations of the City. Current providers have valuable institutional knowledge of the City. Since it is more economically feasible to outsource for most services at this time, staff depends heavily upon the knowledge, skills and abilities of our contracted service providers to provide excellent services and sound advice to management and Council. Staff is concerned that too much change too soon has the potential to disrupt services to citizens. Management would prefer to wait another year before issuing RFPs for these positions or at least not issue RFPs for all positions at once.

RECOMMENDATION:

Staff recommends waiting until next year to issue RFPs for City Engineer, City Planner and/or City Accountant. However, if Council still wishes to move forward with all RFPs at this time, staff recommends the following schedule:

- 1) Advertising the RFPs on the website, TML and the local paper beginning February 1, 2019.
- 2) Proposals due no later than March 1, 2019
- 3) Council consideration of submitted proposals March 12, 2019



STATE OF TEXAS

COUNTY OF ROCKWALL

AGREEMENT FOR FIRE PROTECTION SERVICES AND INTEGRATION

THIS AGREEMENT is made between the City of McLendon-Chisholm, Texas ("City"), a Type-A general law municipality in the State of Texas, County of Rockwall, and the McLendon-Chisholm Volunteer Fire Department ("MCVFD"), a Texas non-profit corporation, to be effective on the date that the last party signs the Agreement (the "**Effective Date**") and for the purposes described herein.

W I T N E S S E T H :

WHEREAS, the City is authorized to undertake actions for the protection of the public health, safety and welfare of the citizens of the City including providing for fire protection services; and

WHEREAS, the MCVFD is a combination paid/volunteer fire department organized and operated for the purpose of providing fire protection services for the protection of persons and property from, and in the suppression and fighting of, fires in Rockwall County, Texas; and

WHEREAS, the provision of Fire Functions, defined below, is a governmental function that serves the public health and welfare, promotes efficiency and effectiveness of local governments, and is of mutual concern to the contracting parties; and

WHEREAS, MCVFD and City agree that integration of the MCVFD and the recently formed McLendon-Chisholm Fire Rescue Department ("MCFR") is in the best interests of the citizens of the City and Fire District 22, defined below; and

WHEREAS, MCVFD is authorized by the State of Texas to perform Fire Functions and the City is authorized to provide Fire Functions and the parties desire to enter into this Agreement regarding the performance of Fire Functions; and

WHEREAS, City and MCVFD have determined it necessary and appropriate to enter into this Agreement for the integration of MCVFD into MCFR and the provision of Fire Protection Services, as defined below.

NOW, THEREFORE, MCVFD and City, for and in consideration of the recitals set forth above and terms and conditions below, agree as follows:

Section 1. Recitals. The recitals set forth above are true and correct and incorporated herein.

Section 2. Definitions. The following words shall have the following meanings when used in this Agreement:

2.1 "Fire-fighting Activities", "Fire Protection Services", or "Fire Functions" shall mean any and all of the customary and usual activities of a fire department, including fire suppression, fire prevention, training, safety education, maintenance, communications, rescue and emergency medical services, photography, and administration.

2.2 "Fire District 22" shall mean the geographic area depicted on Exhibit 1 hereto, as amended by the authorized governmental entity.

Section 3. Term

This Agreement is effective on the date of signature and expires upon completion of the integration provided herein or at midnight on September 30, 2019, whichever occurs first.

Section 4. Fire Protection Services; Personnel

4.1. The parties agree that MCFR will provide Fire Protection Services within Fire District 22, including the City.

4.2. MCFR will respond to Rockwall County Sheriff 911 dispatch direction.

4.3 MCFR will honor and perform all existing Interlocal and Inter-Jurisdictional Agreements of the parties for mutual aid and response that were signed prior to the Effective Date.

4.4. MCVFD agrees to cooperate with MCFR in performing the foregoing obligations by, among other things:

a. encouraging MCVFD personnel to apply for firefighter positions with the City and MCFR; and

b. granting MCFR full and complete authority to operate and utilize all MCVFD buildings, land, apparatus and equipment including, but not limited to the following:

- i. 2014 Ferrara Commercial Pumper;
- ii. 2017 Ford 550 Brush Truck;
- iii. 1995 Pierce Saber Pumper;
- iv. 2009 Chevrolet 3500 Brush Truck;
- v. Hoses;
- vi. Nozzles;
- vii. Air Packs;
- viii. Air Bottles;
- ix. Cascade System;

- x. Rescue Tools;
- xi. Hand Tools;
- xii. Stations 1 and 2 and the real estate with them located at 1250 S SH 205, McLendon-Chisholm, TX and 10685 S FM 548, Royse City, TX;
- xiii. Ladders; and
- xiv. Administrative Equipment.

4.5 The City shall hire 6 full-time equivalent positions as employees of the City to be funded as provided by the Staffing for Adequate Fire and Emergency Repose (SAFER) Grant Award. All payment obligations and hiring requirements herein are subject to SAFER requirements, all Federal State and local hiring laws. Full-time Firefighters hired shall receive pay and benefits based on position and hours worked including but not limited to salary or hourly wages, insurance, workers compensation benefits, retirement benefits and any other benefit provided to other City employees that work similar hours.

4.6 City shall be responsible for all individual equipment utilized by each firefighter, regardless of employment status. The ownership of individual equipment personally used by MCVFD firefighters hired by MCFR shall be transferred to the City upon such firefighter's employment, at which time the City assumes all responsibility for serviceability, repair and/or replacement of all such equipment.

Section 5. Budget and Payments

5.1 On the effective date of this Agreement, MCFR shall be the primary provider of Fire Protection Services to Fire District 22 and the MCVFD will support MCFR operations as directed by the MCFR Fire Chief. Both entities shall cooperate to ensure fire and emergency services are provided to Fire District 22. MCVFD is solely responsible for any expense incurred by MCVFD that is not directly related to MCFR's day to day operations. The invoices shall be submitted and processed pursuant to City policies.

5.2 The City shall be responsible for maintaining, including paying all related costs, and insuring the MCVFD assets identified herein utilized by MCFR.

5.3 All parties shall cooperate to facilitate the integration. Each party is responsible for their legal fees.

Section 6. Integration

6.1 City and MCVFD agree and commit to engage in good faith efforts to fully integrate MCVFD, including all of its assets, into the City and MCFR beginning October 1, 2018, as provided herein. Beginning October 1, 2018, the parties, and as necessary their

attorneys, shall confer and agree on the most efficient means for accomplishing all transfers along with processing, executing and filing all documents necessary, as provided herein. To achieve this purpose and the objectives and goals provided herein, the parties agree as follows:

6.1.1 Within 45 days of the effective date of this Agreement, the MCVFD and MCVFR Fire Chiefs shall present to the City Council a written report that, at a minimum, includes the following information as of September 30, 2018 and any changes through the date of the report:

- a.** an inventory of all assets of MCVFD;
- b.** the value of all assets of MCVFD;
- c.** the location where the assets of MCVFD kept;
- d.** the identity (including address, telephone number and email address) of any person or entity having any interest in any MCVFD asset;
- e.** a listing, with detailed explanation, of all existing liabilities of MCVFD and liabilities to accrue prior to September 30, 2019 of MCVFD; and
- f.** a plan for transfer of assets of MCVFD to the City, means for the proposed transfers and actions that must occur to complete such transfers.

6.2. Before September 30, 2019, MCVFD will transfer all MCVFD assets to City. This is inclusive of each and every asset of MCVFD, excepting and excluding only the real property and improvements known as MCVFD Station 2, and not limited to the assets identified above for use by MCFR. The parties agree to cooperate and aggressively pursue completion of the transfer of MCVFD assets to the City at the earliest time that due diligence permits, but in no event later than September 29, 2019.

In pursuance of the foregoing, the parties identify the following goals and objectives for completing the transfer of assets by MCVFD to MCFR:

6.2.1 Transfer of (a) all individual firefighter equipment, including uniforms and firefighter protective apparel, individually issued tools, equipment and apparatus, excluding apparatus acquired by MCVFD, in whole or in part, with grant resources by November 30, 2018; and (b) all real property and improvements, excluding Station 2, by November 30, 2018 in order to allow remodeling of Station One;

6.2.2 Transfer of any and all remaining assets, including apparatus, tools and equipment by June 15, 2019.

6.2.3 The liabilities, if any, of MCVFD existing as of September 30, 2018 shall remain the liabilities of MCVFD and shall not be assumed by the City.

6.2.4 The MCFR Fire Chief shall have the authority to adjust the time lines required for transfer of any individual piece of equipment or asset if unusual and unforeseen conditions arise that were previously unknown to or are beyond the control of either party to this agreement.

6.2.5 Any sums paid to MCVFD by Rockwall County to provide fire protection services for any part of the fiscal year 2018-2019 in the unincorporated areas of Rockwall County shall be transferred to the City within five (5) business days after complete execution of this Agreement or receipt of such funds by MCVFD, whichever occurs later. The City shall use any such money to fulfill MCFR's obligations undertaken in section 4.3 above.

6.3. MCVFD will review and modify as necessary the MCVFD Articles of Incorporation to ensure proper and legal transfer of assets to City.

6.4 During the term of this Agreement, MCVFD, including but not limited to the MCVFD Fire Chief, shall engage with the MCFR Fire Chief for the purpose of transferring knowledge of all manner of MCVFD's operations to the MCFR Fire Chief.

Section 7. Insurance and Indemnification

7.1. To the extent allowed by law, City will indemnify, hold harmless, release and defend MCVFD from and against all third-party claims of liability and resulting damages, including claims for property damage or bodily injury, that directly or indirectly arise from performance of this Agreement by MCVFD, its agents, employees and subcontractors.

7.2. City will keep and maintain such insurance policies as may be necessary to cover all obligations assumed under this Insurance and Indemnification provision of this Agreement, insuring liability for injury or death of third parties, extended to include personal injury liability coverage, and for damage to property of third parties, with the following limits for each occurrence:

Injury or Death:	\$1,000,000
Property Damage:	\$1,000,000

City shall have MCVFD added as an additional insured to the foregoing insurance policies and shall, on request, provide certificates of insurance to the MCVFD.

7.3. To the extent allowed, City waives subrogation rights for loss or damages to the extent they are covered by insurance. Insurers shall have no right of recovery or subrogation against the MCVFD for the claims covered by this section, it being the intention that the insurance policies shall protect all parties to this Agreement and be the primary coverage for all losses covered by the policies. The insurance companies shall have no recourse against the MCVFD for payment of premiums or assessments for deductibles.

Section 8. Immunity

8.1 The fact that City and MCVFD accept certain responsibilities relating to the rendering of Fire Protection Services under this Agreement as part of their responsibility for providing protection for the public health makes it imperative that the performance of these vital services be recognized as a governmental function and that the doctrine of governmental immunity shall be, and it is hereby, invoked to the extent possible under the law. Neither City nor MCVFD waives any immunity or defense that would otherwise be available to it against claims arising from the exercise of governmental powers and functions.

8.2 It is expressly understood and agreed that by executing this Agreement, neither party waives, nor shall be deemed hereby to waive, any immunity or defense that would otherwise be available to it, against claims arising in the exercise of governmental powers and functions. By its execution of this Agreement, the City does not waive or surrender any of its governmental powers, immunities, or rights except as follows:

(a) The City waives its governmental immunity from suit as to any action brought by a party to this Agreement to pursue the remedies available under this Agreement, but only to the extent necessary to pursue such remedies. Nothing in this Section 8 shall waive any claims, defenses, or immunities that the City has with respect to suits against the City by persons or entities other than a party to this Agreement nor shall this Section 8 or Agreement be construed to waive any immunities, whether governmental, sovereign, legislative, official, qualified or otherwise, except as clearly set forth in this section.

(b) Nothing in this Agreement is intended to delegate or impair the performance by the City of its governmental functions.

Section 9 Other Agreements.

9.1. During the term of this Agreement:

9.1.1. MCVFD shall remain an independent Texas non-profit corporation and Internal Revenue Code 501(c)(4) tax exempt organization;

9.1.2. MCVFD shall operate under its Corporate Charter, 2017 Bylaws and governing Federal, State and Local laws; and

9.1.3. MCVFD shall not at any time, without the prior written consent of the City, collaterally assign, pledge, grant a lien or security interest in, or otherwise encumber, any of its rights, title or interest in any asset claimed by MCVFD.

9.2. MCVFD and MCFR shall take mutually agreed upon action necessary to repurpose MCVFD as an auxiliary organization in support of firefighters and any civilian support organization serving Fire District 22 effective upon termination of this Agreement.

Section 10 Default and Remedies

10.1 This Agreement may not be terminated without the written agreement of both parties.

10.2 If a party to this Agreement is in default, the aggrieved party may, at its option and without prejudice to any other right or remedy under this Agreement, seek any relief available at law or in equity, including, but not limited to, an action under the Uniform Declaratory Judgment Act, specific performance and injunctive relief. Notwithstanding the foregoing, however, no default under this Agreement shall entitle the aggrieved party to seek or recover monetary damages of any kind.

Section 11 Entire Agreement

This Agreement represents the entire and integrated agreement between City and MCVFD and supersedes all prior negotiations, representations, and/or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both parties.

Section 12 Venue

The laws of the State of Texas shall govern this Agreement and each of its terms and provisions, including but not limited to the rights and duties of the parties hereto, and exclusive venue shall be in Rockwall County, Texas.

Section 13 Severability

In the event that any portion of this Agreement shall be found to be contrary to law, it is the intent of the parties hereto that the remaining portions shall remain valid and in full force and effect to the extent possible. It is the intent and agreement of the parties to this Agreement that all legal provisions of law required to be inserted herein, shall be and are inserted herein. If through mistake or oversight, however, any such provision is not herein inserted or is not inserted in proper form, then upon application of either party, the Agreement shall be amended so as to strictly comply with the law and without prejudice to the rights of either party hereunder. The provisions of this Agreement are severable.

Section 14 Non-Waiver

All rights, remedies, and privileges permitted or available to either party under this Agreement or at law or equity shall be cumulative and not alternative, and election of any such right, remedy, or privilege shall not constitute a waiver or exclusive election of rights, remedies or privileges with respect to any other permitted or available right, remedy or privilege. Additionally, one instance of forbearance by the either party in the enforcement of any such right, remedy or privilege against the other party, shall not constitute a waiver of such right, remedy or privilege by the forbearing party. A default by either party under this Agreement shall not result in a forfeiture of any rights, remedies, or privileges under this Agreement by such defaulting party.

Section 15 Authority of Parties. The City represents and warrants that this Agreement has been duly adopted by official action of the City Council in accordance with all applicable public notice requirements (including, but not limited to, notices required by the Texas Open Meetings

Act) and that the individual executing this Agreement on behalf of the City has been duly authorized to do so. MCVFD represents and warrants that this Agreement has been approved by appropriate action of MCVFD and that the individual(s) executing this Agreement on behalf of MCVFD has or have been duly authorized to do so.

Section 16 No Third-Party Beneficiaries. This Agreement inures only to the benefit of, and may only be enforced by, the parties to this Agreement.

Section 17 Cooperation. Each party to this Agreement shall, upon request of another party, execute and deliver such further documents and perform such further acts as may reasonably be requested to effectuate the terms of this Agreement and achieve the intent of the parties to this Agreement.

Section 18 Assignment

This Agreement shall extend to and be binding upon the parties and their respective successors and assigns; provided, however, that this Agreement may not be assigned without the written consent of both parties.

Section 19 Notice. All notices required or contemplated by this Agreement (or otherwise given in connection with this Agreement) shall be in writing, shall be signed by or on behalf of the person or entity giving the notice, and shall be effective as follows: (a) on or after the third (3rd) business day after being deposited with the United States mail service, certified mail, return receipt requested; (b) on the day delivered by private courier, private delivery or private messenger service (including overnight mail services such as FedEx or UPS) as evidenced by a receipt signed by any person at the delivery address (whether or not such person is the person to whom the notice is addressed); or (c) otherwise on the day actually received by the person to whom the notice is addressed, including, but not limited to, delivery in person and delivery by regular mail. Notices given pursuant to this section shall be addressed as follows:

To the City:

Attn: City Administrator
City of McLendon-Chisholm
1371 West FM 550
McLendon-Chisholm, Texas 75032

and

Chief Jim Simmons
City of McLendon-Chisholm
1371 West FM 550
McLendon-Chisholm, Texas 75032

To the MCVFD:

Attn: Chief Patrick Murphy
McLendon-Chisholm Volunteer Fire Department
1250 State Highway 205
McLendon-Chisholm, Texas 75087

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed under authority of appropriate action taken by their respective governing bodies.

CITY OF McLENDON-CHISHOLM, TEXAS

Date: 10/4/18

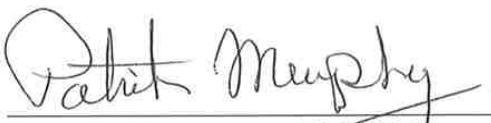

By: **Keith Short, Mayor**

ATTEST:


Lisa Palomba, City Secretary

**McLENDON-CHISHOLM VOLUNTEER
FIRE DEPARTMENT:**

Date: 10/9/2018


By: **Patrick Murphy, Fire Chief**



City of McLendon-Chisholm Fire Rescue

1371 West FM 550
McLendon-Chisholm, TX 75032

MCFD Update

10/9/2018 - Integration Agreement Signed by all parties

10/20/2018 - B-41, B-42 and Station 1

12/6/2017 - Started remodel of Duty Hut Phase I, II and III

Phase I (Bunkroom) and II (Day Room/Kitchen) as of today are complete minus a few minor touchups. Phase III (Bathroom) supplies ordered and begin 1/14/2019

12/4/2018 - Bill of Sale for all Inventory of minor tools and equipment, PPE, Misc. supplies, etc. Was received on 11/27/2018

December - New uniforms and Personal Protective Equipment ordered. Took delivery of Command Vehicle and Station Duty Hut Remodel

January 1st - went live with New ESO software for Incidents, Inspections, Inventory and Personnel. December was spent on webinar training and data entry.

Texas Forestry letter will be submitted on Friday January 11th for meeting in February.
(Transfer of E-42 to the City)

City of McLendon-Chisholm
Operating Fund Financial Summary
For the Second Month Ended November 30, 2018

	Current Period Revenue & Expenditures				Prior Period Revenue & Expenditures				
	Nov 2018 Actuals	Current YTD Actuals	% of Budget Current YTD	FY 2018-2019 Budget	Nov 2017 Actuals	Current YTD Actuals	Budget Current YTD	FY 2017-2018 Amended Budget	FY 2017-2018 Actual
Revenue									
301 · SpringFest	\$ -	-	- %	\$ -	\$ -	-	- %	\$ -	\$ -
302 · Franchise Income	2,965	12,954	8%	154,830	7,671	11,258	7%	154,839	159,914
303 · Development Income	10,800	10,800	37%	29,000	38,445	38,630	34%	114,314	96,764
304 · Building Permit Income	6,607	24,882	5%	492,419	25,459	52,684	10%	514,577	570,038
305 · Municipal Court Income		-	0%	300	-	-	0%	2,012	2,118
306 · Interest Income	1,086	2,222	- %	-	210	389	- %	-	10,445
307 · Sign Permit Income		-	- %	-	-	-	- %	-	-
308 · Septic Fees	500	500	3%	17,885	500	3,500	20%	17,885	19,900
309 · Food Enforcement	-	150	25%	600	-	600	70%	855	900
310 · Sales Tax Revenue	18,606	34,549	22%	154,603	12,817	23,738	15%	154,603	206,341
311 · PID Admin Expense Reimbursement	-	690	- %	4,750	-	-	0%	4,750	150
312 · Sewer Utility Admin Reimbursement	-	-	- %	-	-	-	- %	-	-
313 · Donations	-	1,449	290%	500		-	- %	-	210
314 · Copies Public Inf. Income	-	40	- %	-	-	-	- %	-	203
315 · Miscellaneous Income		-	- %	-	-	-	0%	1,763	69,928
317 · Ad Valorem Tax	11,103	19,384	6%	350,579	13,685	24,497	7%	341,183	346,822
318 · Tax Certifications	(0)	3	- %	-	-	5	- %	-	8
320 · NSF Fee Revenue		-	- %	-	-	-	- %	-	8
321 · Credit Card Fee Revenue	10	10	1%	1,501	71	150	11%	1,328	1,529
Total Revenue	\$ 51,677	\$ 107,632	9%	\$ 1,206,967	\$ 98,858	\$ 155,451	12%	\$ 1,308,109	\$ 1,485,277
Expenditures									
Operating Expenditures									
401 · Municipal Court	\$ -	\$ -	- %	\$ 1,515	\$ -	\$ -	0%	\$ 1,008	\$ 1,515
402 · Election Expense	-	-	- %	10,000	-	-	0%	11,000	8,580
404 · Citation Delivery	-	-	- %	-	-	-	0%	79	-
410 · Building Inspections	5,275	15,025	10%	155,818	9,275	12,775	7%	186,040	117,752
411 · Environment Regulation Expense	300	400	4%	10,465	650	1,250	12%	10,519	9,905
415 · Section 380 Grant Program		-		-	-	-	- %	-	1,931
416 · Bad Debt		-		-	-	-	- %	-	20,620
418 · Membership Fees	200	275	9%	3,000	800	900	33%	2,751	3,840
422 · Public Notice Expense	102	102	5%	2,243	169	251	27%	918	3,463

City of McLendon-Chisholm
Operating Fund Financial Summary
For the Second Month Ended November 30, 2018

	Current Period Revenue & Expenditures					Prior Period Revenue & Expenditures				
	Nov 2018 Actuals	Current YTD Actuals	% of Budget Current YTD	FY 2018-2019 Budget		Nov 2017 Actuals	Current YTD Actuals	Budget Current YTD	FY 2017-2018 Amended Budget	FY 2017-2018 Actual
423 · Community Functions	133	133	2%	5,464	-	-	0%	1,803	1,781	
426 · Appraisal District Collection		-	0%	5,883	1,471	1,471	24%	6,178	5,883	
430 · Public Safety	60,665	85,216	23%	375,211	231	1,943	2%	100,192	116,417	
Total 400 Operating Expenditures	66,675	101,151	18%	569,599	\$ 12,596	\$ 18,589	6%	\$ 320,488	\$ 291,687	
Occupancy Expenditures										
502 · Electricity	\$ 223	\$ 479	12%	\$ 3,915	\$ 308	\$ 705	15%	\$ 4,661	\$ 3,712	
506 · Water	268	709	8%	8,952	1,113	2,736	28%	9,928	8,892	
510 · Propane Gas		-	0%	788	-	-	0%	788	-	
514 · Building Maint/Improvements	250	3,067	57%	5,356	338	396	6%	6,907	6,145	
516 · Lawn Maintenance	685	1,370	17%	8,144	685	1,370	14%	10,131	8,829	
517 · Council Meeting Expenses	-	-	- %	-	-	-	- %	-	-	
518 · Janitorial	-	40	1%	4,181	496	1,032	18%	5,736	4,281	
520 · Telephone & Internet	513	1,086	14%	7,593	629	1,270	16%	7,902	7,444	
521 · iPad Data Plan	-	-	- %	-	-	-	- %	-	-	
522 · Website Expense	-	-	0%	1,202	-	167	73%	228	1,826	
Total 500 Occupancy Expenditures	\$ 1,939	6,751	17%	\$ 40,131	\$ 3,568	\$ 7,675	17%	\$ 46,281	\$ 41,130	
General & Administrative Expenditures										
601 · Architect Fee	\$ -	\$ -	- %	\$ -	\$ -	\$ -	- %	\$ -	\$ -	
602 · County Clerk Ordinance Filings	-	-	- %	-	-	-	- %	-	-	
603 · Citizen Recognition	-	-	0%	500	-	-	0%	500	-	
604 · Municipal Manuals, Books & Maps		-	0%	12,803	-	-	0%	1,073	1,022	
606 · Employee Costs	38,736	55,552	28%	199,218	16,888	33,710	13%	250,371	247,144	
618 · Liability Insurance	-	7,063	77%	9,227	400	6,705	94%	7,120	9,896	
619 · Software Subscriptions	1,298	14,478	97%	15,000	143	286	14%	2,081	7,757	
621 · IT Support	225	450	9%	5,000	590	630	21%	3,024	2,880	
622 · Office Supplies - City Hall	61	228	7%	3,124	126	420	10%	4,221	3,195	
623 · Office Equipment	698	887	33%	2,655	277	467	17%	2,735	2,654	
624 · Office Equip Maintenance	365	615	22%	2,798	210	210	8%	2,625	5,614	
625 · Printed Materials	623	869	58%	1,502	-	-	0%	2,732	2,192	
626 · Postage-City Hall	670	701	20%	3,491	31	101	2%	4,451	3,485	
627 · County Plat Expense		-				150	95%	158	150	

City of McLendon-Chisholm
Operating Fund Financial Summary
For the Second Month Ended November 30, 2018

	Current Period Revenue & Expenditures				Prior Period Revenue & Expenditures				
	Nov 2018 Actuals	Current YTD Actuals	% of Budget Current YTD	FY 2018-2019 Budget	Nov 2017 Actuals	Current YTD Actuals	Budget Current YTD	FY 2017-2018 Amended Budget	FY 2017-2018 Actual
Total 628 · Bank Fees	37	183	18%	1,010	90	143	8%	1,801	1,600
630 · Legal & Professional	17,619	32,513	15%	215,376	28,014	64,051	29%	218,433	230,091
633 · Penalties & Fees		-	- %		-	-	- %	-	-
634 · Storage		-	- %	-	-	-	0%	1,045	-
645 · Transcription Services	2,414	2,414	- %	-		-	0%	1,300	1,238
646 · Mileage Expense	66	132	13%	1,052	233	784	82%	961	950
647 · Council Meetings & Development		33	1%	3,996	77	232	16%	1,463	1,369
648 · Training		1,556	31%	5,000	532	3,002	82%	3,666	6,377
649 · Expense Account - City Administrator		-	0%	126	-	-	0%	126	-
650 · Expense Account - Mayor		-	0%	105	-	-	0%	105	-
652 · Staff Appreciation	593	593	297%	200	-	-	0%	105	29
655 · Code of Ordinance		-	0%	8,000	-	-	0%	14,100	1,375
699 · Miscellaneous Expense		-	0%	150	-	-	0%	103	98
Total G & A Expenditures	\$ 63,405	118,269	24%	\$ 490,333	\$ 47,613	\$ 110,890	21%	\$ 524,299	\$ 529,117
700 · Capital Expenditures - Public Safety	\$ -	\$ 68,453	114%	\$ 60,000			0%	\$ 223,950	\$ 250,341
700 · Capital Expenditures - Operating	\$ 9,900	\$ 9,900	31%	\$ 32,000	\$ 201	1,395	5%	\$ 27,000	\$ 17,166
Total Capital Expenditures	\$ 9,900	\$ 78,353	85%	\$ 92,000	\$ 201	\$ 1,395	1%	\$ 250,950	\$ 267,507
Total Expenditures	\$ 141,918	\$ 304,523	26%	\$ 1,192,063	\$ 63,978	\$ 138,549	12%	\$ 1,142,018	\$ 1,129,441
Surplus (Deficit)	\$ (90,242)	\$ (196,891)	-1321%	\$ 14,904	\$ 34,880	\$ 16,902	10%	\$ 166,091	\$ 355,836

City of McLendon-Chisholm
Utility Fund Financial Summary
For the Second Month Ended November 30, 2018

	Current Period Revenue & Expenditures				Prior Period Revenue & Expenditures			
	Nov 2018 Actuals	Current YTD Actuals	% of Budget Current YTD	FY 2017-2018 Budget	Nov 2017 Actuals	Current YTD Actuals	% of Budget Current YTD	FY 2017-2018 Amended Budget
Revenue								
306 · Interest Income	\$ 696	\$ 1,363	26%	\$ 5,206	\$ 212	\$ 416	9%	\$ 4,755
Sewer Utility Revenue						-		
32200 · Sewer Usage Fees	17,879	40,488	25%	159,653	14,611	25,507	16%	159,518
32201 · Sewer Tap Fees	3,000	9,000	5%	189,000	9,000	12,000	6%	189,000
32204 · Sewer Deposit Refunds	(55)	(330)	21%	(1,540)	(210)	(435)	29%	(1,525)
32206 · Sewer Warranty Reimbursements		-	- %	-		-	- %	-
Total Revenue	\$ 21,520	\$ 50,520	14%	\$ 352,319	\$ 23,613	\$ 37,488	11%	\$ 351,748
Expenditures								
Operation & Maintenance Expenditures								
Sewer Operation & Maintenance								
41304 · O&M Agreement	4,235	9,704	21%	\$ 47,094	3,922	6,435	14%	\$ 44,640
41308 · Electricity		-	0%	42	21	42	16%	258
41310 · Sewer Treatment		20,220	26%	78,000	9,485	18,626	54%	34,204
41312 · Tap Fee Developer Rebate	1,800	5,400	5%	113,400	5,400	7,200	6%	113,400
Total Operations Expenditures	\$ 6,035	\$ 35,324	15%	\$ 238,536	\$ 18,828	\$ 32,303	17%	\$ 192,502
600 · General & Administrative Exp	\$ 860	\$ 1,834	14%	\$ 13,260	\$ 1,842	\$ 2,669	20%	\$ 13,200
Total Expenditures	\$ 6,895	\$ 37,158	15%	\$ 251,796	\$ 20,669	\$ 34,972	17%	\$ 205,702
Surplus (Deficit)	\$ 14,625	\$ 13,362	13%	\$ 100,523	\$ 2,944	\$ 2,516	2%	\$ 146,046

City of McLendon-Chisholm
Detail Statement of Revenue Expenditures by Fund
For the Month of November, 2018

	Interest and Sinking Fund	Operating Fund	Public Safety Fund	Utilities Fund
Revenue				
302 · Franchise Income				
30204 · AT&T	0.00	720.99	0.00	0.00
30215 · Preferred Long Distance	0.00	10.78	0.00	0.00
30216 · Atmos Energy	0.00	1,481.53	0.00	0.00
30221 · CEBridge	0.00	602.29	0.00	0.00
30222 · Peoples	0.00	148.98	0.00	0.00
Total 302 · Franchise Income	0.00	2,964.57	0.00	0.00
303 · Development Income				
30304 · Plat Income	0.00	10,800.00	0.00	0.00
Total 303 · Development Income	0.00	10,800.00	0.00	0.00
304 · Building Permit Income				
30401 · Contractor Registration Fee Inc	0.00	300.00	0.00	0.00
30404 · Re-Inspection Income	0.00	1,050.00	0.00	0.00
30405 · Building Permit & Plan Review	0.00	5,257.02	0.00	0.00
Total 304 · Building Permit Income	0.00	6,607.02	0.00	0.00
306 · Interest Income				
30600 · Alliance Interest Income	0.00	169.64	0.00	309.94
30602 · Logic Interest Income	2.67	882.78	0.00	386.46
30603 · Tex Pool Interest Income	0.00	33.64	0.00	0.00
Total 306 · Interest Income	2.67	1,086.06	0.00	696.40
308 · Septic Fees				
30801 · OSSF Fee Income	0.00	500.00	0.00	0.00
Total 308 · Septic Fees	0.00	500.00	0.00	0.00
310 · Sales Tax Revenue	0.00	18,605.82	0.00	0.00
317 · Ad Valorem Tax				
31701 · Ad Valorem Tax - M&O	0.00	11,144.91	0.00	0.00
31702 · Ad Valorem Tax - City Hall	7,279.50	0.00	0.00	0.00
31703 · Ad Valorem Refunds - M&O	0.00	-64.72	0.00	0.00
31705 · Ad Valorem Tax - Prior Years	-43.57	14.35	0.00	0.00
31706 · Ad Valorem Tax - Penalty	0.00	1.72	0.00	0.00
31708 · Ad Valorem Refunds - City Hall	0.00	0.00	0.00	0.00
31709 · Ad Valorem Tax - Interest	0.00	6.60	0.00	0.00
31710 · Ad Valorem Tax - Misc Adj	0.00	0.00	0.00	0.00
31712 · Ad Valorem Business Property	0.00	0.56	0.00	0.00
Total 317 · Ad Valorem Tax	7,235.93	11,103.42	0.00	0.00
318 · Tax Certifications	0.00	-0.01	0.00	0.00
321 · Credit Card Fee Revenue	0.00	10.00	0.00	0.00
322 · Sewer Utility Revenue				
32200 · Sewer Usage Fees	0.00	0.00	0.00	17,878.77
32201 · Sewer Tap Fees	0.00	0.00	0.00	3,000.00
32204 · Sewer Deposit Refunds	0.00	0.00	0.00	-55.00
Total 322 · Sewer Utility Revenue	0.00	0.00	0.00	20,823.77
Total Income	7,238.60	51,676.88	0.00	21,520.17
	7,238.60	51,676.88	0.00	21,520.17

City of McLendon-Chisholm
Detail Statement of Revenue Expenditures by Fund
For the Month of November, 2018

	Interest and Sinking Fund	Operating Fund	Public Safety Fund	Utilities Fund
Expense				
400 · Operating Expenditures				
401 · Municipal Court				
40102 · Court Clerk Expense	0.00	0.00	39.00	0.00
Total 401 · Municipal Court	0.00	0.00	39.00	0.00
410 · Building Inspections				
41003 · Building Inspections		2,175.00		
41004 · Engineer Fees-Douphrate & Assoc	0.00	3,100.00	0.00	0.00
Total 410 · Building Inspections	0.00	5,275.00	0.00	0.00
411 · Environment Regulation Expense				
41101 · Septic Inspection Fee	0.00	300.00	0.00	0.00
Total 411 · Environment Regulation Expense	0.00	300.00	0.00	0.00
418 · Membership Fees	0.00	200.00	0.00	0.00
422 · Public Notice Expense	0.00	101.50	0.00	0.00
423 · Community Functions				
42302 · Christmas Tree Lighting	0.00	133.11	0.00	0.00
Total 423 · Community Functions	0.00	133.11	0.00	0.00
Total 400 · Operating Expenditures	0.00	3,834.61	39.00	0.00
413 · Sewer Operation & Maintenance				
41304 · O&M Agreement	0.00	0.00	0.00	4,235.47
41312 · Tap Fee Developer Rebate	0.00	0.00	0.00	1,800.00
Total 413 · Sewer Operation & Maintenance	0.00	0.00	0.00	6,035.47
430 · Public Safety				
43002 · Fuel	0.00	0.00	635.42	0.00
43003 · Maintenance & Repair - Vehicles	0.00	0.00	130.25	0.00
43004 · Maintenance & Repair - Station	0.00	0.00	200.00	0.00
43005 · Gear and Supplies	0.00	0.00	1,278.73	0.00
43035 · Street Lights	0.00	0.00	242.63	0.00
Total 430 · Public Safety	0.00	0.00	2,487.03	0.00
500 · Occupancy Expenditures				
502 · Electricity	0.00	223.28	203.60	0.00
506 · Water	0.00	267.73	21.36	0.00
514 · Building Maint/Improvements	0.00	250.00	0.00	0.00
516 · Lawn Maintenance	0.00	684.94	0.00	0.00
518 · Janitorial	0.00	0.00	252.05	0.00
520 · Telephone & Internet	0.00	512.94	177.50	0.00
Total 500 · Occupancy Expenditures	0.00	1,938.89	654.51	0.00
600 · General & Administrative Exp				
606 · Employee Costs				
60601 · Staff Salaries	0.00	12,567.81	46,324.81	0.00
60602 · Vacation Pay	0.00	10,611.58	0.00	0.00
60603 · Sick Pay	0.00	7,627.64	0.00	0.00
60604 · Holiday Pay	0.00	1,235.77	1,696.20	0.00
60609 · Payroll Tax Expense	0.00	2,451.26	3,673.62	0.00
60610 · Payroll Processing Fees	0.00	79.44	0.00	0.00
60611 · Employee Screening	0.00	810.00	0.00	0.00
60612 · Retirement Plan Contributions	0.00	1,078.00	3,874.50	0.00
60613 · Health Insurance Expense	0.00	2,274.58	789.86	0.00
Total 606 · Employee Costs	0.00	38,736.08	56,358.99	0.00

City of McLendon-Chisholm
Detail Statement of Revenue Expenditures by Fund
For the Month of November, 2018

	Interest and Sinking Fund	Operating Fund	Public Safety Fund	Utilities Fund
619 · Software Subscriptions	0.00	1,297.79	0.00	0.00
621 · IT Support	0.00	225.00	0.00	0.00
622 · Office Supplies - City Hall	0.00	60.55	38.97	0.00
623 · Office Equipment	0.00	697.97	162.36	0.00
624 · Office Equip Maintenance	0.00	364.99	0.00	0.00
625 · Printed Materials	0.00	622.62	0.00	0.00
626 · Postage-City Hall	0.00	670.39	0.00	0.00
628 · Bank Fees				
62801 · Service Charges	0.00	36.99	0.00	0.00
62804 · Fee - NSF Returned Check	0.00	0.00	0.00	101.00
Total 628 · Bank Fees	0.00	36.99	0.00	101.00
630 · Legal & Professional				
63001 · Accounting & Payroll Services	0.00	5,529.00	0.00	759.00
63003 · Legal	0.00	3,900.00	0.00	0.00
63005 · City Planner	0.00	8,190.00	924.00	0.00
Total 630 · Legal & Professional	0.00	17,619.00	924.00	759.00
645 · Transcription Services	0.00	2,413.75	0.00	0.00
646 · Mileage Expense	0.00	66.13	0.00	0.00
652 · Staff Appreciation	0.00	593.49	0.00	0.00
660 · Bond Interest Expense	4,988.50	0.00	0.00	0.00
Total 600 · General & Administrative Exp	4,988.50	63,404.75	57,484.32	860.00
700 · Capital Expenditures				
Capital Expenditures - Public Safety				
70001 · Road Repairs	0.00	9,900.00		0.00
Total 700 · Capital Expenditures	0.00	9,900.00		0.00
Total Expense	4,988.50	81,253.25	60,664.86	6,895.47
Net Ordinary Income	2,250.10	-29,576.37	-60,664.86	14,624.70
Other Income/Expense				
Other Expense				
802 · Bond Cost Amortization	242.66	0.00	0.00	0.00
803 · Bond Premium Amortization	-828.48	0.00	0.00	0.00
Total Other Expense	-585.82	0.00	0.00	0.00
Net Other Income	585.82	0.00	0.00	0.00
Surplus (Deficit)	2,835.92	-29,576.37	-60,664.86	14,624.70

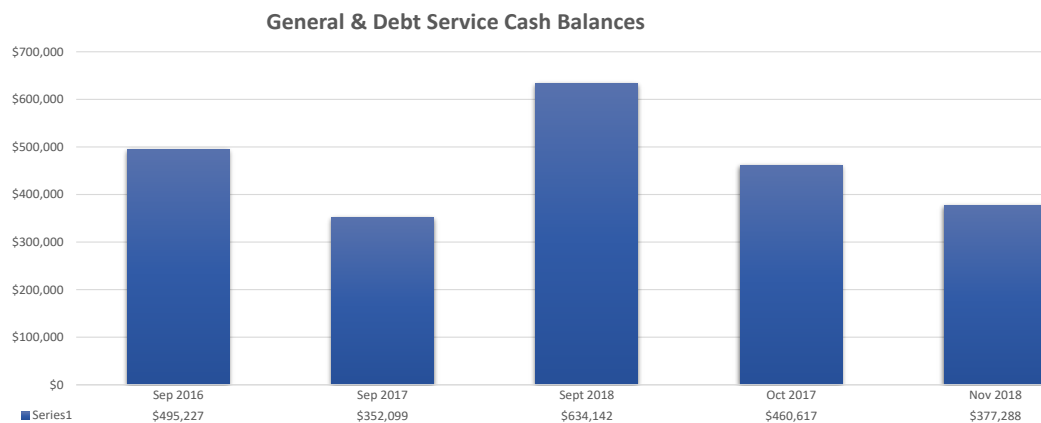
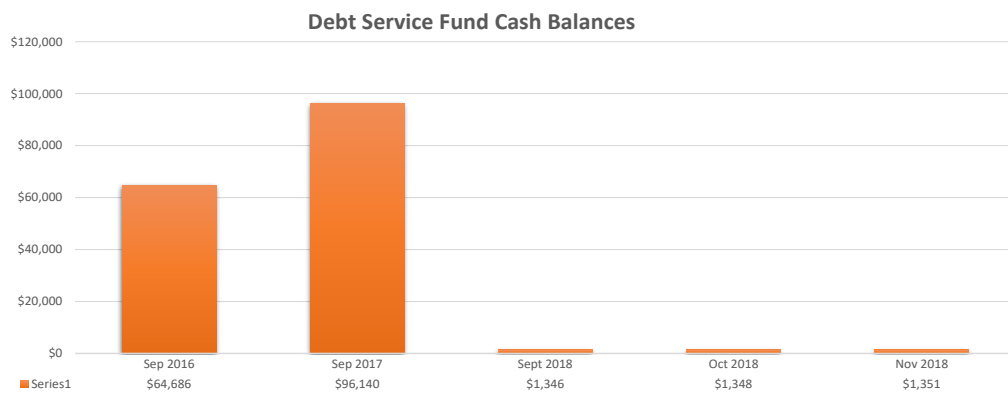
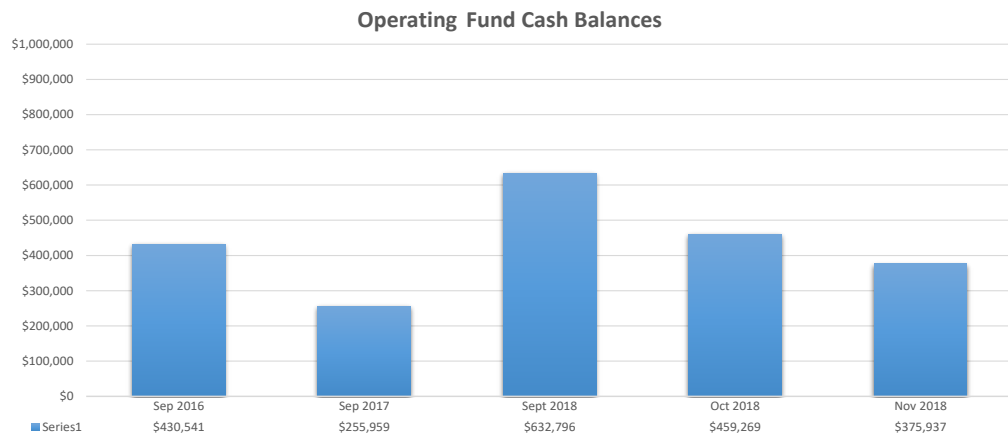
City of McLendon-Chisholm
Cash Account Balances
For the Second Month Ended November 30, 2018

Fund	Account	Sept 30,18	Oct 31,18	Nov 30,18
I&S	121 · 7002 - Alliance Sinking Fund	18	18	18
I&S	130 · 9003 Logic I&S Fund	1,328	1,330	1,333
I&S Total		1,346	1,348	1,351
Operating	100 · 3738 - Alliance Operating	186,087	55,746	21,632
Operating	103 · Texpool 300001	18,527	18,561	18,595
Operating	122 · 1587 - Alliance Money Market	64,235	-	-
Operating	125 · Logic - 9001 General Fund	78,706	78,862	29,005
Operating	127 · 9004 Logic Operating	285,487	286,053	286,619
Operating	128 · 9005 Logic Operating	20,007	20,047	20,087
Operating Total		653,049	459,269	375,937
Utility	106 · 5071 - Alliance Utility Fund	175,400	156,341	170,336
Utility	126 · Logic - 9002 Utility Fund	194,938	195,324	195,710
Utility Total		370,338	351,664	366,046
Grand Total		1,024,733	812,282	743,334

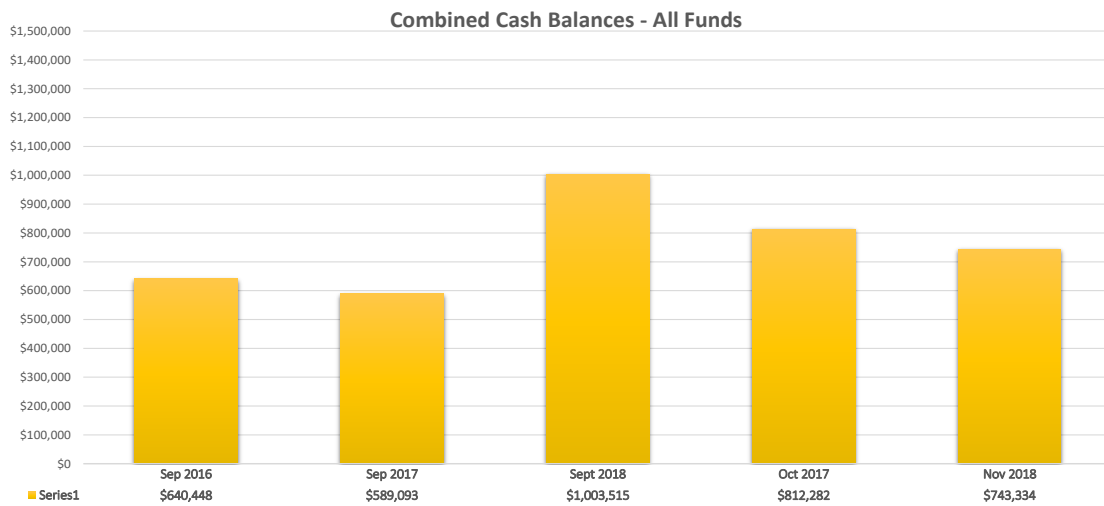
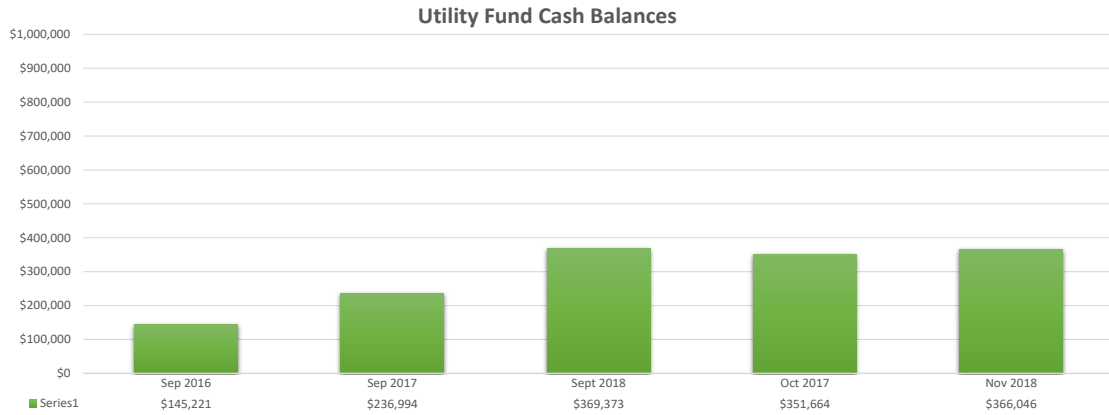
City of McLendon-Chisholm
Interest Sinking Fund Financial Summary
For the Second Month Ended November 30, 2018

	Current Period Revenue & Expenditures				Prior Period Revenue & Expenditures			
	Nov 2018 Actuals	Current YTD Actuals	% of Budget Current YTD	FY 2018-2019 Budget	Nov 2017 Actuals	Current YTD Actuals	% of Budget Current YTD	FY 2017-2018 Amended Budget
Revenue								
Ad Valorem Tax								
317 · Ad Valorem Tax	\$ 7,236	12,620	6%	\$ 228,985	\$ 8,046	15,588	7%	\$ 238,651
306 · Interest Income	3	5	- %	-	7	14	1%	1,586
Transfer from Excess Bond Proceeds	-	-	- %	-	-	-	0%	62,352
Transfer From 2017 Surplus	-	-	- %	-	-	-	0%	33,714
Total Revenue and Transfers In	\$ 7,239	\$ 12,626	6%	\$ 228,985	\$ 8,053	\$ 15,602	5%	\$ 336,303
Expenditures								
660 · Bond Interest Expense	\$ 4,989	9,977	17%	\$ 59,862	\$ 5,112	10,224	17%	\$ 61,562
802 · Bond Cost Amortization	243	485	- %	-	243	485	17%	2,914
803 · Bond Premium Amortization	(828)	(1,657)	- %	-	(842)	(1,685)	17%	(10,104)
Transfer To Bond Principal		-	0%	85,000	-	-	0%	85,000
Transfer to Early Redemption Sinking Fund		-	0%	78,512	-	-	0%	196,931
Total Expenditures and Transfers Out	\$ 4,403	\$ 8,805	4%	\$ 223,374	\$ 4,512	\$ 9,025	3%	\$ 336,303
Surplus (Deficit)	\$ 2,836	\$ 3,820	68%	\$ 5,611	\$ 3,541	\$ 6,577		\$ -

City of McLendon-Chisholm
Cash Balance Report
As of November 30, 2018



City of McLendon-Chisholm
Cash Balance Report
As of November 30, 2018



North East Texas Inspections

638 Chisholm Ranch Dr. Rockwall, Texas 75032, 972-998-3415

There was 1 new single family residential home permits issued in November, 2018. The attached addendum reflects the home address, valuation, square footage and name of the Builder.

There were 8 new accessory projects permitted including single trades, swimming pools, outdoor living, shop buildings and other accessory endeavors that are also attached.

Thank you for choosing North East Texas Inspections for your Building Services provider.

November 2018

David Ellis, Building Official

November 2018 New SFR	Valuation	Square ft.	Fee	Builder
1501 Pisa Crt.	\$ 353,238.00	3126	\$ 875.00	Bloomfield
attend Council Meeting			\$ 175.00	
			\$ 1,050.00	

Accessory permits November 2018	Project	Valuation	Fee
252 Quail Creek Dr.	water heater	\$ 3,500.00	\$75.00
861 Meadow Dr.	electric panel	\$1,500.00	\$75.00
291 Briar Glen	pole shed	\$8,000.00	\$150.00
1081 S. Hwy 205	HVAC	\$17,000.00	\$75.00
411 Tucker	plmbg	\$20,000.00	\$75.00
950 S. hwy 205	remodel	\$8,000.00	\$225.00
609 Stampede run	pool	\$40,000.00	\$375.00
1412 Artesia	pool	\$56,000.00	\$75.00
			\$1,125.00

NOVEMBER 2018 Onsite inspections actual

970 fm 1139	electric meter
630 klutts rd	frame mep
704 kensington	frame mep
1801 amalfi	gas & Electric meter
1174 livorno	gas & Electric meter
1460 via toscana	solar
285 partridge	mechanical
1618 amalfi	final c.o
1600 amalfi	final c.o
1354 arizzo	plmbg rough
1363 arizzo	plmbg rough
630 klutts rd	frame mep
1324 prato	plmbg rough
1324 prato	t-pole
861 meadow dr.	electric meter
630 klutts rd	frame mep
1354 arizzo	plmbg rough
1363 arizzo	plmbg rough
1600 amalfi	final c.o
1618 amalfi	final c.o
1324 prato	plmbg rough
111 oxford	frame mep
252 quail creek	water heater
1363 arizzo	plmbg rough
1354 arizzo	plmbg rough
1140 lucca	final c.o
1309 arizzo	final c.o
1357 arizzo	final c.o
1381 arizzo	final c.o
1234 livorno	frame mep
1324 prato	flatwork
1217 livorno	frame mep
787 kensington	final c.o
240briarglen	plmbg rough
1363 arizzo	foundation
1619 amalfi	gas & Electric meter
1217 livorno	frame mep
1234 livorno	frame mep
411 tucker	plmbg rough
1300 siena	frame mep
1354 arizzo	foundation
900 campton	gas & Electric meter
1777 amalfi	final c.o
1742 bertino	final c.o
1111 oxford	frame mep
1186 livorno	gas & Electric meter

240 briarglen	plmbg rough
900 compton	flatwork
1501 pisa crt	t-pole
1807 amalfi	gas & Electric meter
1431 siena ln	final c.o
828 abington	flatwork
1762 connie ln	flatwork
1111 oxford	insulation
1801 amalfi	final c.o
1760 amalfi	final c.o
1431 siena ln	final c.o
240 briarglen	plmbg rough
1318 arizzo	frame mep
1387 arizzo	frame mep
813 abington	gas & Electric meter
817 abington	flatwork
1717 bertino	t-pole

**ROCKWALL COUNTY SHERIFF
972 TL TOWNSEND ROCKWALL , TX 75087**

CC.IncDate Between '11/01/2018' And '11/30/2018' AND CC.District = '41' AND
IsNull(CC.Jurisdiction, 'Default') = 'Default'

**CFS History Search
Public Report**

CFS #	Create When	Location	Type Disposition
2018-035964	11/30/2018 10:27:46 PM	1600B W FM 550 MCLENDON CHISHOLM	ALARM ASSIGNMENT COMPLETE
2018-035896	11/30/2018 01:07:16 PM	1300B LIVORNO DR MCLENDON CHISHOLM	ALARM FALSE ALARM
2018-035876	11/30/2018 09:32:02 AM	600B STAMPEDE RUN MCLENDON CHISHOLM	ALARM ASSIGNMENT COMPLETE
2018-035868	11/30/2018 08:35:45 AM	2000B W FM 550 MCLENDON CHISHOLM	TRAFFIC HAZARD UTL
2018-035861	11/30/2018 07:20:57 AM	100B SERENE HAVEN MCLENDON CHISHOLM	ALARM FALSE ALARM
2018-035786	11/29/2018 02:27:17 PM	1600B FIRENZA CT MCLENDON CHISHOLM	MISCELLANEOUS ASSIGNMENT COMPL
2018-035765	11/29/2018 10:48:21 AM	100B STATE HIGHWAY 205 MCLENDON CHISHOLM	MEET COMPLAINANT ASSIGNMENT COM
2018-035520	11/27/2018 01:31:27 PM	1200B S STATE HIGHWAY 205 MCLENDON CHISHOLM	WELFARE CHECK ASSIGNMENT COMPL
2018-035498	11/27/2018 11:18:40 AM	1800B FM 1139 MCLENDON CHISHOLM	ANIMAL COMPLAINT ASSIGNMENT COM
2018-035417	11/26/2018 04:37:08 PM	200B HACKBERRY CREEK CIR MCLENDON CHISHOLM	THEFT ASSIGNMENT COMPLETE
2018-034886	11/21/2018 08:55:15 PM	300B CATTLEMANS TRL ROCKWALL COUNTY	SUSPICIOUS PERSON/VEHICLE UTL
2018-034860	11/21/2018 02:17:59 PM	1300B W FM 550 MCLENDON CHISHOLM	ALARM FALSE ALARM
2018-034831	11/21/2018 06:20:48 AM	AREZZO LN MCLENDON CHISHOLM	DISTURBANCE NOISE RSO REPORT TAI
2018-034787	11/20/2018 06:52:46 PM	PUBLIC SERVICE	MEET COMPLAINANT ASSIGNMENT COM
2018-034780	11/20/2018 05:08:14 PM	900B YORK HOUSE CT MCLENDON CHISHOLM	ALARM ASSIGNMENT COMPLETE
2018-034760	11/20/2018 12:10:23 PM	205/URBAN AIR	ACCIDENT MINOR ASSIGNMENT COMPL
2018-034746	11/20/2018 09:42:23 AM	400B BRIAR GLEN LN MCLENDON CHISHOLM	WELFARE CHECK ASSIGNMENT COMPL
2018-034667	11/19/2018 02:45:34 PM	LEAGUE RD / FRONTIER TRL	MOTORIST ASSIST ASSIGNMENT COMP
2018-034528	11/18/2018 02:16:52 AM	1300B S STATE HIGHWAY 205 MCLENDON CHISHOLM	ALARM FALSE ALARM
2018-034514	11/17/2018 11:34:53 PM	100B FIELD CIR MCLENDON CHISHOLM	BURGLARY VEHICLE ASSIGNMENT COM
2018-034359	11/16/2018 01:59:03 PM	1300B LIVORNO DR MCLENDON CHISHOLM	ALARM RESIDENTIAL FIRE ASSIGNMEN
2018-034128	11/14/2018 08:35:41 AM	800B ABINGTON WAY MCLENDON CHISHOLM	ALARM ASSIGNMENT COMPLETE

CAD Report 71

Page 1 Of 2

CFS #	Create When	Location	Type Disposition
2018-033751	11/9/2018 11:37:00 AM	205 SB 550 ROCKWALL COUNTY	RECKLESS DRIVER ASSIGNMENT COMF
2018-033736	11/9/2018 09:46:07 AM	0B WINDSOR DR MCLENDON CHISHOLM	ALARM ASSIGNMENT COMPLETE
2018-033593	11/7/2018 08:00:37 PM	S STATE HIGHWAY 205 / KLUTTS RD	MEDICAL CALL ASSIGNMENT COMPLET
2018-033584	11/7/2018 05:27:33 PM	N STATE HIGHWAY 205 / E FM 550	RECKLESS DRIVER UTL
2018-033531	11/7/2018 05:36:33 AM	S FM 548 / POETRY RD	ACCIDENT MAJOR RSO REPORT TAKEN
2018-033487	11/6/2018 07:19:55 PM	5700B STATE HIGHWAY 205 MCLENDON CHISHOLM	SUSPICIOUS PERSON/VEHICLE ASSIGN
2018-033475	11/6/2018 05:01:24 PM	S STATE HIGHWAY 205 / S FM 548	RECKLESS DRIVER ASSIGNMENT COMF
2018-033471	11/6/2018 03:05:08 PM	1400B ARTESIA LN MCLENDON CHISHOLM	ALARM ASSIGNMENT COMPLETE
2018-033384	11/5/2018 11:04:36 PM	5500B S STATE HIGHWAY 205 ROCKWALL COUNTY	ALARM ASSIGNMENT COMPLETE
2018-033275	11/4/2018 09:39:06 PM	200B TUCKER RD MCLENDON CHISHOLM	ALARM ASSIGNMENT COMPLETE
2018-033252	11/4/2018 07:15:46 PM	100B STATE HIGHWAY 205 MCLENDON CHISHOLM	SUSPICIOUS ACTIVITY ASSIGNMENT CC
2018-033147	11/3/2018 04:54:18 PM	100B STATE HIGHWAY 205 MCLENDON CHISHOLM	WELFARE CHECK ASSIGNMENT COMPL
2018-033136	11/3/2018 02:08:54 PM	CHAPEL HILL LN MCLENDON CHISHOLM	WELFARE CHECK ASSIGNMENT COMPL
Total:	35		

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McLendon Chisholm VFD

Fire and EMS Combined List by Incident Number

**Alarm Date Between {11/01/2018} And {11/30/2018}
and District = "CITY "**

Incident	Type	Date	Location	Description
18-0003172-0	FIRE	11/03/2018	236 Harvest Ridge DR	611 Dispatched & cancelled en rout
18-0033010-0	FIRE	11/02/2018	6046 S Hwy 205 HWY	321 EMS call, excluding vehicle ac
18-0033020-0	FIRE	11/02/2018	1736 Bertino WAY	321 EMS call, excluding vehicle ac
18-0033275-0	FIRE	11/04/2018	211 Tucker RD	745 Alarm system activation, no fi
18-0033569-0	FIRE	11/07/2018	S Hwy 205 HWY & Pullen RD	321 EMS call, excluding vehicle ac
18-0033593-0	FIRE	11/07/2018	S Hwy 205 HWY & Klutts DR	322 Motor vehicle accident with in
18-0034359-0	FIRE	11/16/2018	1330 Livorno DR	745 Alarm system activation, no fi
18-0034558-0	FIRE	11/18/2018	901 Hamilton CT	745 Alarm system activation, no fi
18-0034751-0	FIRE	11/20/2018	S Hwy 205 HWY & Kingsbridge LN	324 Motor Vehicle Accident with no
18-0034760-0	FIRE	11/20/2018	5757 S Hwy 205 HWY	324 Motor Vehicle Accident with no
18-0035960-0	FIRE	11/30/2018	1250 S Hwy 205 HWY	815 Severe weather or natural disa

EMS Incident Cnt: 0

Total Incident Count 11

Fire Incident Cnt: 11

McLendon Chisholm VFD

Fire and EMS Combined List by Incident Number

Alarm Date Between {11/01/2018} And {11/30/2018}
and District = "CNTY "

Incident	Type	Date	Location	Description
18-0033531-0	FIRE	11/07/2018	S FM 548 FM & Poetry RD	324 Motor Vehicle Accident with no
18-0033730-0	FIRE	11/09/2018	240 Cattlemans TRL	321 EMS call, excluding vehicle ac
18-0034063-0	FIRE	11/13/2018	873 eagle pass	321 EMS call, excluding vehicle ac
18-0034260-0	FIRE	11/15/2018	389 Stagecoach LN	321 EMS call, excluding vehicle ac
18-0034536-0	FIRE	11/18/2018	8098 S FM 548 FM	324 Motor Vehicle Accident with no
18-0034813-0	FIRE	11/21/2018	507 Santa Fe LN	321 EMS call, excluding vehicle ac
18-0034840-0	FIRE	11/21/2018	S FM 548 FM & S Hwy 205 HWY	324 Motor Vehicle Accident with no
18-0035009-0	FIRE	11/22/2018	The fire was in a field behind residence 1421 Bluebonnet, use of grass mixtu	
18-0035125-0	FIRE	11/23/2018	Lonestar DR & E FM 550 FM	143 Grass fire
18-0035223-0	FIRE	11/24/2018	13502 S FM 548 FM	321 EMS call, excluding vehicle ac
18-0035288-0	FIRE	11/25/2018	403 Dove LNDG	561 Unauthorized burning
18-0035351-0	FIRE	11/26/2018	200 Horseshoe Bend	320 Emergency medical service, Oth
18-0035367-0	FIRE	11/26/2018	2188 Bluebonnet DR	321 EMS call, excluding vehicle ac
18-0035754-0	FIRE	11/29/2018	2435 Wincrest DR	321 EMS call, excluding vehicle ac

EMS Incident Cnt: 0

Total Incident Count 14

Fire Incident Cnt: 14

McLendon Chisholm VFD

Fire and EMS Combined List by Incident Number

Alarm Date Between {11/01/2018} And {11/30/2018}

and District = "MUTI "

Incident	Type	Date	Location	Description
18-0034143-0	FIRE	11/14/2018	243 W Highline DR	111 Building fire
				EMS Incident Cnt: 0
Total Incident Count 1				Fire Incident Cnt: 1



January 8, 2019 Updates/Status Reports

a. McLendon-Chisholm Fire Rescue Report (Integration, staffing and equipment status.

Chief Simmons will deliver a status report.

b. City Map Updates

City Planner Mike Coker prepared updates to the City Limits Map and Zoning Map. Staff reviewed all of the zoning ordinances passed since the last map update and compared to Mr. Coker's map. This was a tedious process as the last map printed was in 2014 although there have been many zoning changes since that time. Moving forward, the City Secretary will keep a Zoning Map and City Limit Map in office and will keep up with map changes as they are approved by Council and note the dates on the map to make for an easier process next time.

The P&Z Commission met on November 27, 2018 for a workshop to review the maps. A second workshop was held on December 20, 2018. City Planner Coker advised Commissioners of the proposed revisions. Planning & Zoning Commissioners again reviewed the revised City maps. A public hearing is scheduled for the January 17, 2019 P&Z Meeting and January 22, 2019 Council Meeting at which time Council may choose to adopt the new maps if Council finds the maps acceptable.

c. Veterans Memorial Brick Campaign Fundraiser

The fundraiser is ongoing and information to purchase a brick is on the City's website and Facebook. 12 bricks have been sold to date at \$150 per brick. Blank bricks may be purchased from the fundraising company for \$5 each to fill in the area until enough engraved bricks are sold. Shipping for 100 blank bricks is \$160.

Another Option: The City does not have a contract with the Brick Fundraising Company. As the bricks are purchased, the money is deposited into the City's PayPal account and then transferred to the City's Operating Account. The City has the option of canceling the arrangement with the Fundraising Company. Palomba contacted several local brick retailers in the area but none carry the exact brick. The brick selected is manufactured in Ohio and is not common here. However, Palomba spoke with Jerry Packer and he indicated he can help the City obtain a similar brick at a cost of \$1 per brick and a Garland company will engrave up to three lines for \$20 per brick. Then City Engineer measured the circle surrounding the monument and he indicated that it will take approximately 1,155 bricks to complete the circle. The City will have to pay to have the bricks installed. Staff is in the process of trying to obtain some other sample bricks.

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

1) 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.

2) 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.

2) 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 sooner and replace the blanks as engraved bricks are sold.

d. Future Agenda Items

The next scheduled meeting is Tuesday, January 22, 2018.