



AGENDA
City Council Meeting
Tuesday, March 14, 2023
1371 West FM 550 – McLendon-Chisholm, Texas 75032
6:30 PM

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1. CALL TO ORDER	
2. INVOCATION AND PLEDGE OF ALLEGIANCE TO U.S. AND TEXAS FLAGS	
3. RULES OF DECORUM	
4. CITIZEN COMMENTS	
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7. UPDATES, DISCUSSION AND DIRECTION TO STAFF	

8. COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

The City Council will have an opportunity to address items of community interest including: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the City of McLendon-Chisholm; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the City of McLendon-Chisholm that was attended or is scheduled to be attended by a member of the City Council or an official or employee of the City of McLendon-Chisholm; and announcements involving an imminent threat to the public health and safety of people in the City of McLendon-Chisholm that has arisen after posting the agenda.

- 8.1. Mayor Keith Short
- 8.2. Mayor Pro Tem Trudy Woessner
- 8.3. Council Member Lorna Kipphut
- 8.4. Council Member Dan Tucker
- 8.5. Council Member Floyd McLendon, Jr.
- 8.6. Council Member Bryan McNeal

9. ADJOURN

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

I, Rochelle Green, do hereby certify that the above Notice of Meeting of the City Council of McLendon-Chisholm, Texas was posted or before 5:00 p.m., March 10, 2023, on the outside bulletin board at City Hall, a place convenient and readily accessible to the public at all times.



CITY COUNCIL MEETING
City of McLendon-Chisholm, Texas
Meeting Minutes
February 22, 2023

The City Council of the City of McLendon-Chisholm convened in Regular Session on Wednesday, February 22, 2023, at City Hall, 1371 West FM 550, McLendon-Chisholm, Texas, with the following members present:

ATTENDING:	Keith Short	Mayor
	Bryan McNeal	Council Member
	Daniel Tucker	Council Member
	Trudy Woessner	Mayor Pro Tem
	Floyd McLendon	Council Member (By Audio)

ABSENT:	Lorna Kipphut	Council Member
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Staff Present:	Konrad Hildebrandt	City Administrator
	Shelly Green	City Secretary
	Michael Halla	City Attorney
	Michael Coker	City Planner

1. CALL TO ORDER

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

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

Council Member Tucker delivered the invocation and Council Member McNeal led the pledge of allegiance to the 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

Daniela Swindoll, 321 Herron Cir, McLendon-Chisholm, 75032. Spoke regarding recording of the meeting last week. She feels the City should provide the citizens a chance to see the meetings every single week. She further stated that she expects today's meetings and other meetings to be recorded as well.

Adrienne Balkum, 1518 Firenza Ct., Rockwall 75032. Spoke regarding Item 6.4. and expressed her hope that they will all vote unanimously for it. It's in regard to a discussion and action on filing with the Public Utility Commission application transfer merger with retail public utility pursuing to Texas water code section 13.3 301 and 16 Texas administrative code section 2 4.239. There's been several indications that we need to be aware that of the public safety issue there's been, you know there's public hazards with making sure that we are aware that we can do certain things on most of the level but there has to be official filings to get that started it takes time. Back on September 14, 2021 there was a resolution that was signed by the passed by the City Council and it's a resolution of city council City in the City of McLendon-Chisholm directing the city administrator to file a complaint with the Public Utility Commission for various reprehensible actions by RCH Water Supply causing a danger to the health, safety, and welfare of the citizens in the City and providing an effective date. So, back in 2020 we had issues with the boiling water notice. There was an investigation that basically shared that there was some introduction information that showed that they have failed to do. They also are not compliant with a contract agreement with the City of Rockwall which is still active which is obviously they're still not doing anything about it. Also there was another investigation in 2021 with a backflow thing that wasn't done and billing issues constant problems and trying to get administrative documents whether it's logs and also attending board meetings is an interesting thing too. They are not being in compliance in a lot of areas. So at the end of the day I'm hoping that you would see the need to do this and also the fact that it takes so much time to get the step processed. Every single council meeting that I've come to I've expressed the time that it takes so this actual filing does not take like a day to do, it takes probably about two to three weeks to get through the process and this information that needs to be provided to the Public Utility Commission. So I'm asking that y'all will be in favor of this and that you will pass tonight. Thank you.

Misty Ventura, 9406 Biscayne Blvd, Dallas, TX 75218. Spoke on behalf of the Trilogy property owner, MC Trilogy. She respectfully requested that when they consider agenda item 5.2 regarding annexation of the ETJ property, that you approve it. The professional team, both Colin Huffines, Matt Atkins, the project engineer and I are here to the extent there are technical questions, we're available to answer those on behalf of you and the community. Thank you.

Henry Beck, 571 McDonald Rd., Rockwall, 75032. He stated he has spoken in the last couple of these and ask for an open forum with these members and discuss what's going on. Not a council meeting, independent of that. That's what I'd like so we can ask you questions and get answers. Can we do that? Mayor Short replied that they can't answer for what he's asking about, but he can make that request He stated they want questions answered about what's going on. Is that good? All right, am I down? City Administrator Hildebrandt responded he just needs to get his contact information. Mr. Beck stated he thinks all of these people want answers.

Robert Steinhagen, 304 Pheasant Hill Dr., Rockwall 75032. On January 6th City Attorney Michael Halla was charged with two counts of manslaughter. Not for being in a nighttime automobile accident as attorney for the Trilogy Development, Misty Ventura, claimed last meeting, but for driving his Ford Explorer recklessly at 6:05 P.M. where he killed 36-year-old husband and father of three, Edward Beltran, and his five-year-old son Ethan, who were pedestrians. Miss Ventura should know that people aren't charged with manslaughter for accidents but for acting with blatant disregard to the safety and welfare of others that results in

the death of another individual. That's just one example of what Miss Ventura does. She obfuscates facts. City Attorney Halla is as reckless with consulting this Council on the law as he is driving a motor vehicle. Take the September 14, 2021 council meeting when Mr. Halla guided the council to violate state law. It met with Trilogy Development representatives in executive session for more than an hour and a half. This act is one of the key exhibits of Mr. Halla's legal malpractice that is open council members who were present to criminal charges, not to mention the legal standing it provides to the City of Heath and the pending lawsuit against the City. Anyone who has ever served on a city council in Texas knows through the training that we are required to take that it is illegal for an outside party to join an executive session. Why on earth did the city attorney not know this. At the last council meeting, Miss Ventura made it sound like everything was so above board with the city council and that they worked hard to come to that agreement together. However, during the October 27, 2021 council meeting where the development agreement was approved, the city planner stated that the concept plan was the least detailed of any that he has ever seen. He went on to highlight the fact that the agreement says that the developer can change the concept plan at any time they want and the city has no recourse. That didn't sound like an agreement that supports our city, but one that gets Misty's boss what he wants most, development without real restraints. It's also notable that Mr. Halla gave Miss Ventura a platform to guide the entire city council which included Mayor Short and the current council members Kipphut, Woessner, and Tucker, through the entire contract as he sat idly by as Miss Ventura gave legal counsel much of which was to the sole benefit of her client and to the detriment of our city. As a matter of perspective, when I was Mayor and facing a MUD district on 4,000 acres, we hired an attorney who, like Miss Ventura, was board certified in real estate law and one who often ran up against Miss Ventura. That attorney gave us a sober warning that I will never forget, he reminded us that Miss Ventura is not a friend of the city or its citizens. Her legal opinions are just that, opinions that will always be prejudicial in favor of her client just as every attorney is sworn to do. It's important to remember that the best attorneys always interpret the law in favor of their client and argue vehemently that their opinion is sacrosanct. It's settled law. It has standing, even when it's not true because they're working to win. The city council was allowed to be guided by the developer's attorney because Mr. Halla, whose practice for most of his career was family law, is not competent to advise this council on real estate law. In fact, if you look at Mr. Halla on the State Bar of Texas website, real estate law is not included as part of his practice area which explains why, as the video from that October 27th meeting reveals, Mr. Halla affirmed and at times even parroted Miss Ventura's assertions and claims. Never once did he object to any rebuttal that she levied against the city planner or members of the city council. As I reviewed that video from that meeting, it was clear to me that Council Members Kipphut and Woessner acted in good faith on behalf of the citizens by questioning some of the detailed in the agreement. What became abundantly clear was that the answers they were given by Miss Ventura were intended not to provide clarity but confusion. No competent city attorney would ever advise a governing body to receive counsel from an attorney who was advocating on behalf of an opposing party, but Mr. Halla did. Mr. Halla is not competent to serve our city and it is time to find new representation. Thank you.

Britta Jo, 256 Stevens Rd., Rockwall, 75032. After the last city council meeting, I took some time this past month to really thing through what I witnessed there and realized it all comes down to these two questions, what is the purpose of a city council and what is the goal of a developer. First, what is the purpose of a city council? In the Texas Municipal League's handbook for becoming a city official they state, citizens look to the city council to exercise

authority to preserve and promote their health, safety, and welfare. The city council may enact ordinances and resolutions and use its governmental powers for public good. So, what is the goal of a developer? A developer is a private entity here to make as much money as possible. Not a problem there. That's business and it's well known that they commonly do that by packing in as many homes as they can. Anyone in the development sphere will tell you that developers use all the tricks that they can get to get what they want done. In fact that's exactly why we have city government to protect citizens' health, safety, and welfare from private entities that don't have that same goal. By all accounts then, we would not reasonably expect city council or a city's attorney to be in close collaboration with a developer's attorney based on the reality that their goals are in direct opposition to one another, especially in a city like McLendon-Chisholm whose own comprehensive plan lists the city's vision as being, quote, deeply passionate about rural heritage, green spaces, low density residential development and maintaining country feel. So what is going on then because here's the thing, I'm all for collaboration and working together, but when I'm sitting through a meeting listening to your residents speak about how upset they are about this development and then watching a city council member only applaud after Misty Ventura speaks, the developer's attorney, that doesn't sit well with me. When I'm watching a developer's private attorney defend a city council from its own residents and try to convince them that everything's above board, I'm naturally going to be suspicious. Misty should not have to be doing that if she wasn't somehow invested in protecting the city council which makes no sense at all if this is so above board and, in her words, last month, transparent. Members of the City Council, I implore you tonight to realize that Misty Ventura is not your friend. Misty Ventura is a shark. Make no mistake about it, she gets her clients results and who are her clients, developers. And what do developers want, to make money often at the expense of your citizens health, safety, and welfare. And I didn't fully understand the extent they will go to do that until last month when I found out that the man Huffines moved onto their development property right around the corner from my home is a convicted felon with a record of assault burglary and aggravated sexual assault of a child. Now it is personal. You are in league with people who are knowingly moving criminals into our neighborhood to get what they want done and I have kids. I moved here to get away from people like that. I felt safe in my home for the past eight years and now I'm spending thousands of dollars to install ring security systems all around my house out in the middle of the country because I don't trust the people who moved that man around the corner from me and those people are who Misty Ventura works for. Ergo, it's time to stop trusting Misty Ventura. Two of you and your city secretary are facing depositions in the next month in regards to the lawsuit. You will be under oath to speak the truth and I hope that you will because it is not worth lying to protect these people and for the rest of you on the city council, when you are in a team that's in direct opposition to the people it is supposed to represent, that's not a team you want to be on. It is time to stop trusting your fellow council members who are in the room working with Huffines and Misty Ventura when this development agreement was made and start speaking up in support of your citizens. Thank you.

David Black, 1419 Siena Ln., McLendon-Chisholm, 75032. I like the people who have spoken, they are a lot more spoken, I'm not. I have a hypothetical question, did the city council consider the comprehensive plan of 2021. Those of us who participate in that knew that the city spent some money to get a facility or management to do surveys of the citizenry, to educate the public of the issues, and a lot of time was spent on that. They came out with the comprehensive plan that is great but I'm not sure it's being followed or certainly the spirit is not because to annex land from the MSF group with their triumvirate development or whatever they want to call it. It

seems totally inconsistent with what the citizens want and that's in writing right and people testifying it's also inconsistent with what the people want. So I don't know if the city council that we elected to represent us represents our views was misled or what. I hope you guys can resolve it. Thanks you.

Holly Chaney, 3 Sheffield Court, Heath, 75032. I'm new to the area. This is my third meeting to attend. Just for the record, I'm completely against this development. We chose this area for the reasons that there were nice big lots, little elbow room, things weren't so cramped, it was a little bit of country. That's not why I'm speaking though tonight. I thought it was important to speak because I've had many positions in my past. I have four kids and on a lot of boards, been to a lot of meetings, a lot of PTAS especially, and professional meetings. The last meeting I attended was probably the most shocking. Again, I'm new so I don't know a lot of the nuances either. I know that this development is bringing a lot of emotion out in the community. There certainly seems to be a divide between those of you sitting in front of me and those of you sitting behind me. I'm stocked, frankly, that there was a board meeting who interrupted a speaker at the last meeting mid-sentence and she left in tears. As a woman, I don't like public speaking so I identified a little bit with her. It's hard to get up here and speak in front of everybody. That was a surprise and was very unprofessional. Another time I heard the current Mayor who was yelling apparently at the previous Mayor. I learned during that exchange he was very angry and completely cutting him off. This was very surprising, very intimidating as a new person to this community. While I'm very thankful I had an opportunity to talk with you at the end of the meeting and I'm very grateful that you did apologize at the end of the meeting, it made me feel much better. I just want to remind you board members that, please be respectful of those who are here speaking and especially new people. They don't know the whole story so any more information that you can give. It's really been hard to understand really frankly what's going on. It's also hard to really hear when you're sitting in the audience. I was trying to explain all this with my husband and my neighbors when I got home and then to find out that the meeting wasn't recorded. I was shocked. Again, I don't remember people's names. I didn't write it all down. These neighbors wanted to know, and I couldn't relay because I don't know. I don't really know anybody here, so I was really shocked that this was not even recorded. I'm not sure what happened but my two points are please be respectful to each other. We're a community. I just moved here. I want to get along. Please make sure that your audio and technical is working tonight because I think it's important for people to understand what's going on in these meetings. There's a lot of people from my neighborhood who cannot make it to these meetings so it was really difficult to explain after the last meeting what was going on when there's no video and no audio. I'm not really sure what happened. Thank you.

Mayor Short closed Citizen Comments at 7:00 p.m.

5. CONSENT AGENDA

- 5.1. Action regarding Minutes of January 24, 2023
- 5.2. Consider a Resolution accepting an Annexation Petition and Setting a Public Hearing for March 28, 2023 for the annexation of the following two tracts of land: an approximately 441.818 acre tract of land and an approximately 133.325 acre tract of land generally located north of FM 550 and east and west of Pullen Road and situated in the J. Simmons

Survey, Abstract No. 202, the W.W. Ford Survey, Abstract No. 80, and the A. Rodriguez Survey, Abstract No. 231, in Rockwall County, Texas, identified by County ID Numbers 115324 and 115325, and also being a portion of the property described in a deed to Hodges Ranch Partners, Ltd., as recorded in Volume 3828, Page 322 as Document Number 00319520 in the Official Public Records of Rockwall, Texas.

RESOLUTION NO. 2023-01A

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCLENDON-CHISHOLM, TEXAS, ACCEPTING A PETITION REQUESTING ANNEXATION BY THE LANDOWNER, MC TRILOGY TEXAS, LLC OF APPROXIMATELY 575.143 ACRES OF LAND SITUATED IN THE J. SIMMONS SURVEY, ABSTRACT NO. 202, THE W.W. FORD SURVEY, ABSTRACT NO. 80, AND THE A. RODRIGUEZ SURVEY, ABSTRACT NO. 231, IN ROCKWALL COUNTY, IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF MCLENDON-CHISHOLM; PROVIDING FOR THE INCORPORATION OF PREMISES; SETTING A PUBLIC HEARING ON THE ANNEXATION FOR MARCH 28, 2023; AUTHORIZING AND DIRECTING THE CITY SECRETARY TO HAVE NOTICE OF SUCH PUBLIC HEARING PUBLISHED, POSTED ON THE CITY'S WEBSITE AND MAILED AS REQUIRED BY LAW; AUTHORIZING CITY STAFF TO NEGOTIATE A WRITTEN SERVICES AGREEMENT WITH THE LANDOWNER; AND PROVIDING AN EFFECTIVE DATE.

- 5.3. Approval of a Resolution approving Central Bank's Electronic Lockbox Payment Services for City Customers

RESOLUTION NO. 2023-02

A RESOLUTION APPROVING CENTRAL BANK'S ELECTRONIC LOCKBOX PAYMENT SERVICES FOR CITY CUSTOMERS.

MOTION: CONSENT AGENDA AS PRESENTED

MADE BY: Council Member Tucker
SECONDED BY: Council Member Woessner
APPROVAL: Unanimous

6. ITEMS FOR CONSIDERATION AND ACTION

- 6.1. Consideration and approval of a site plan for the MFS Group, LLC., for a one and one-half acre tract of land located at the southwest corner of the intersection of FN 550 and SH 205.

City Planner Coker's report is included in the agenda packet.

APPLICANT: Cameron Slown

TNP, Inc.
825 Watters Creek Blvd, Suite M300
Allen, Texas 75013

PROPERTY OWNER: MFS Group, LLC
2357 Jupiter Road
Plano, Texas 75074

REPRESENTATIVE: Cameron Slown

LOCATION: South quadrant of the intersection of FM 550 and State Highway 205

CITY COUNCIL MEETING DATE: January 24, 2023

REQUEST:

The applicant is requesting approval of a Site Plan, landscape plan and elevations for a one and one-half acre tract of land located at the southeast corner of the intersection of FM 550 and SH 205.

PLANNING AND ZONING COMMISSION RECOMMENDATION: Approval subject to the conditions listed below.

STAFF RECOMMENDATION: Approval of the Site Plan, Landscape Plan and Elevations for the Retail Center and the Restaurant.

Conditions:

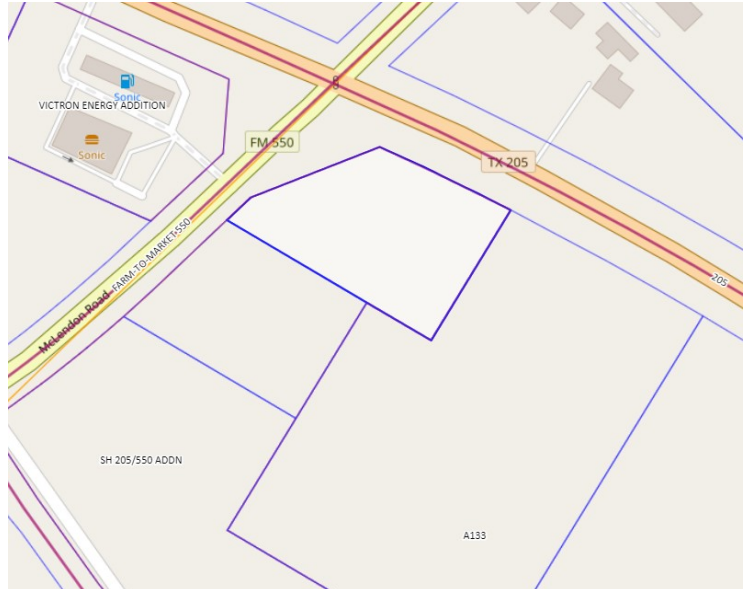
- TXDOT approval of driveway approaches from SH 205 and FM 550 must be provided to the City Administrator prior to filing the final plat.
- Place a note on the face of the landscape plan that specifies the percentage of landscaping proposed for the project.
- Apply for a specific use permit for the drive through restaurant [SUP required for drive-in/drive-thru restaurant] and obtain City Council consideration prior to submittal of the final plat.

[note: full sized copies of the Site Plan, Landscape plan and Elevations are available at City Hall for inspection]

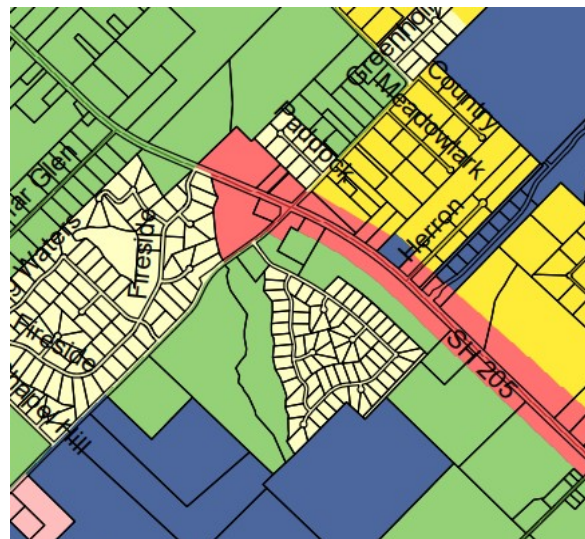
BACKGROUND INFORMATION:

The subject property is a 1.5-acre tract of land located at the south corner of the intersection of SH 205 and FM 550. [Rockwall CAD #101321]. It is being platted to create a building site for the development of a retail shopping facility with a detached drive-thru restaurant. An application for the preliminary plat has been submitted and precedes this application. A specific use permit will be required for the restaurant and should be considered by the Planning and Zoning Commission and the City Council prior to submittal of the final plat.

Rockwall CAD map showing property



City Zoning map for subject property [Red is General Business Zoning District]



This property fronts both SH 205 and FM 550. Property dedications for the upcoming widening of SH 205 and intersection improvements with FM 550 have been provided. There is an existing access easement providing access to the subject property from FM 550 that is being constructed coincident with the development of this project. Driveway permits from TXDOT are required for the construction of the drives on FM 550 and SH 205.

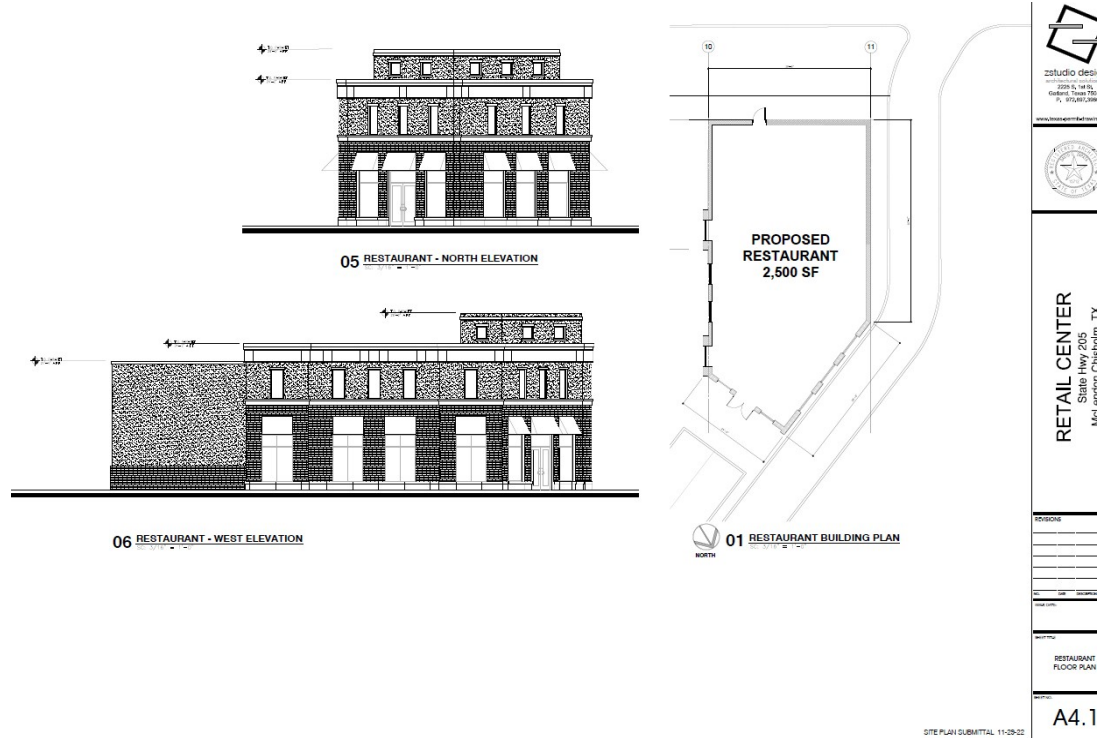
Applicant Site Plan



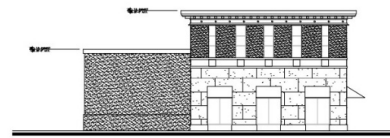
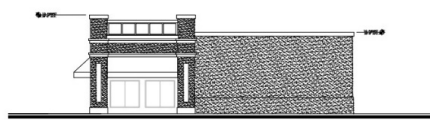
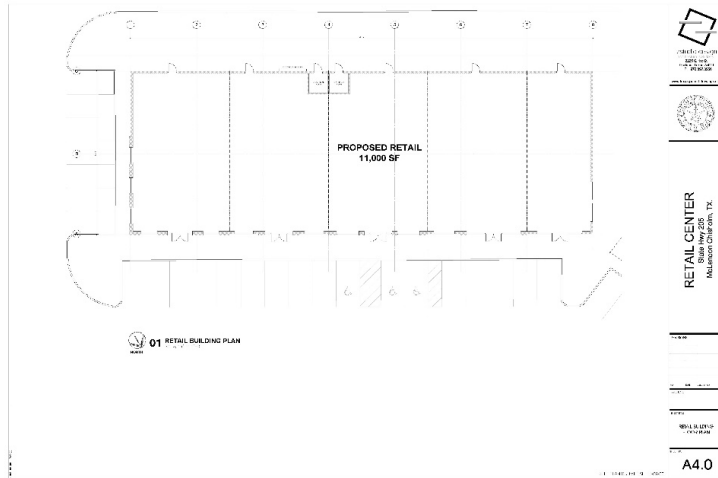
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ELEVATIONS

RESTAURANT



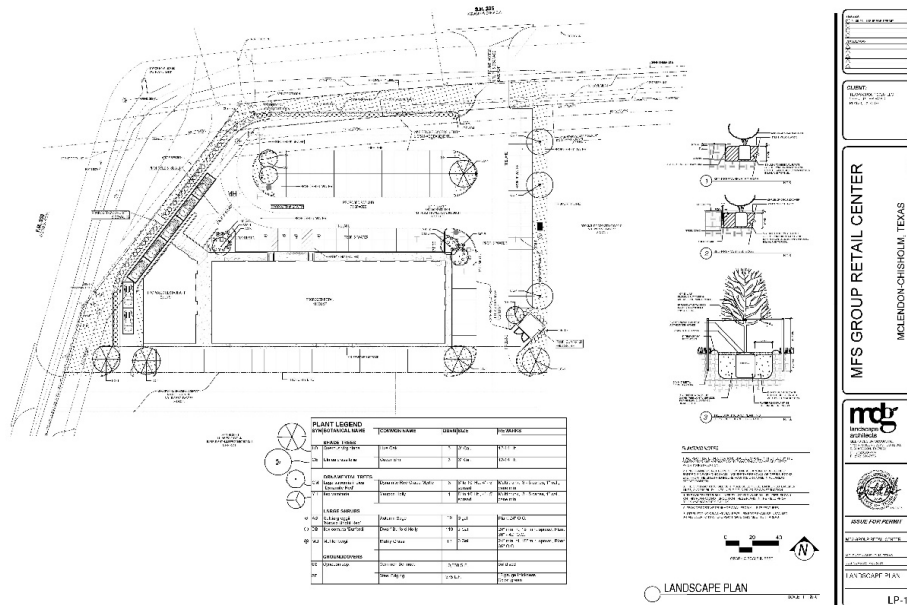
RETAIL CENTER




 zstudio design
 2225 S. 14th St.
 Carrollton, Texas 75006
 P: 972.387.3880
 www.zstudiodesign.com


 RETAIL CENTER
 State Hwy 205
 McLendon Chislem, TX

LANDSCAPE PLAN



Section 6-10 of the McLendon-Chisholm Zoning Ordinance provides the standards and requirements for landscaping. This application is consistent with the requirements of the Landscape Ordinance.

Mayor Short asked City Planner Coker a couple of questions. He stated there are questions as to whether or not the site plan that was presented was looked at by P&Z. It doesn't appear to be the one that we originally had looked at

City Planner Coker responded that the site plan has not been reviewed or looked at and it's not required to be looked at by the Planning & Zoning Commission. The answer to that would be because the planned development district that established Kingsbridge, the office one section, which is where this is specifically says that a site plan only needs to be approved by the City Council and I put that in the report. You can see it down in there. I put it on the Planning & Zoning Commission's meeting for yesterday so that they would know what was going on because I think keeping them in the information room is important. You may recall that the last time this was before you, the preliminary plat was approved and that's a different graphic than the site plan. You have two separate documents for two separate activities.

Mayor Pro Tem Woessner asked if they didn't have to look at anything like traffic flow or anything like that in the parking lot?

Planner Coker clarified if they were talking about the Polani project. Mayor Short confirmed they are. Mr. Coker confirmed that the Planning & Zoning Commission did look at the Polani site plan and recommended approval. He stated that they do require going to P&Z and they did

review it and they made a recommendation to the council based on their review of the site plan and the landscape plan.

Mayor Pro Tem Woessner clarified her question. She stated she has two different plans and they are completely different. They got one and then two weeks later City Council gets a completely different one. So, which one is the correct one because P&Z ok'd one and City Council gets a completely different one and expects us to say okay. If P&Z ok'd, why are we getting one that's different.

Planner Coker clarified that one has a heavy dark area, this is the preliminary plat. It was a separate thing. It's not the site plan. This one shows the geography, the boundary of the property, the easements, the fire lanes, and those kinds of things. Sewer line, water lines, underground stuff, that's the preliminary plat. P&Z recommended approval, Council approved that. Then, the second document is the site plan, the landscape plan and the elevations. Planning & Zoning Commission reviewed this and recommended approval. That's a different picture because it shows footprints of the buildings as well as the geography that sits on top of the preliminary plat. It has the drive-through and parking spaces. You can see it and that's why I put the reference in there because the PDFs that go into my report get reduced to such a small size that it's really tough to tell.

Mayor Pro Tem Woessner stated her problem with this is they don't want a drive through. We talked about that in the very beginning of even starting this, we said no drive through. We don't want a drive through and that's what keeps coming through to us stating that this is a drive-through. We keep saying no, but it keeps coming back to us as a drive-through. I'm going to say no until we get the correct one.

Planner Coker stated he went back and looked at the council meetings from 2020 about this. I wasn't here then. The issue was and I sent the council a memo that's attached to this report that talks about that. In April 2020 you all said you didn't want to have a drive-through because of traffic congestion. So what they have asked for now is not that kind of a drive-through. What they have asked for is a lane where you can pick up your stuff that you've order ahead through the internet or by phone. There's no reader board, there's no microphone, there's no menu, you can't order there and on top of that they've applied for a specific use permit for a restaurant. In our GB Zoning District, which is where this is located, requires an SUP, whether it has a drive-through, whether it serves alcohol or any of those things, it requires a SUP. They've made application that's coming through. The beauty of requiring an SUP is the council can make the condition that there shall be no reader board menu options, microphones, that kind of stuff. If you pass that, that becomes an ordinance and it runs with the land.

Planner Coker recommended that they approve this.

Mayor Pro Tem Woessner asked if they can make it where it has to be a one story – to two-story type thing.

Council Member Tucker asked if a future Council can come in and amend the SUP or put in for another SUP that would allow them to have a drive-through?

Planner Coker explained that the City Council has the final authority to make zoning decisions subject to the rules that exist. A future Council could amend the SUP.

City Attorney Hall explained that the Council can review the SUP at a future date and make a decision whether to renew or not.

Council Member McLendon expressed that this is a type of drive-through that he has never really had any experience with. He questioned why this particular type of drive-through which you're saying technically it isn't, it's just a pickup order, so why aren't the plans drawn up like a standard restaurant where you have a parking space where they can park and the food be delivered to them.

Planner Coker responded that they do this because they're going to deliver this through the window into the car, to the driver, so that they don't have to park, get out, and go in. There will be a time when they are supposed to show up so they can drive to the window and the delivery can be made. It minimizes the amount of time on the ground.

Council Member McLendon asked if they are saying they don't have a space for it. Response was made that the design was to be able to drive through and pick it up at a window versus what you're asking which is like you see with Chilis and all of them. They'll have signs at their site to go order parking spot.

Mayor Pro Tem stated she feels like this is a play on words. In her opinion it should not say drive through. It should say drive up window or pick up window. I think it would say carry out spot so that way it's carried out to your car. In my opinion, it's not a drive-through window, it's a drive-up window and that's what I would like it to state. In my opinion, for a drive-through wouldn't necessarily mean that you're ordering it at the place and then you're driving through to get it.

City Attorney Halla stated they can also make that a condition of the SUP. So the conditions on the SUP are very important because that one year, that's just not an unfettered one year to go as long as they want. However they want, they have to comply with the conditions. So if the conditions aren't complied with during that one year and it comes to the Council's attention and it comes back on the agenda and the conditions are not being met, you can revoke the SUP. You can require signs that say, and you can have specific wording.

Council Member McNeal stated that if hears lane, he is just going to think drive up. To me it's all the same. You have a lane, I'm driving up. Parking your car and walking up to a window is how it should be. That's what we should be saying – not a play on words as Trudy said because that's what I think it is, I think it's a play on words. If we said it at the beginning, that's how it should be.

Cameron Sloan, engineer for the project, stated he thinks the word drive-through was in the site information sheet but when we did submit the specific use permit, we updated that and added a pickup window, so it just says retail center restaurant with pickup window instead of drive-through. The intent of the lane is for pickup only.

Mayor Pro Tem Woessner stated she is concerned with the exit and entrance off of 550 was exactly the same as with Sonic's entrance and exit which is extremely close to the light.

Planner Coker stated that one of the conditions he recommended to the Planning & Zoning Commission and they they've recommended to you is that the applicant submit evidence from TxDOT that they have permission to have a driveway there on 205 where it's located on the site. 550 and 205 require permission from TxDOT to have driveways. Mr. Sloan confirmed that the driveways are not directly across from each other.

Mayor Short stated they have three options: 1) approve it like it is or as we said about the SUP; 2) you can approve it with conditions which are kind of what you're describing – no pickup window, no speaker, no menu board; 3) disapprove.

MOTION: APPROVE THE SITE PLAN FOR THE MFS GROUP, LLC., FOR A ONE AND ONE-HALF ACRE TRACT OF LAND LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF FM 550 AND SH 205 WITH CONDITIONS THAT THERE BE APPROVAL FROM TXDOT FOR THE EXIT ON 205, LANDSCAPING CONCERNS AND THEN SPECIFICALLY THEY HAVE TO APPLY FOR A SPECIFIC USE PERMIT, AND INCLUDE NO WINDOW FOR FOOD TO PASS THROUGH.

MADE BY: Council Member Tucker
SECONDED BY: Council Member Woessner
APPROVAL: Unanimous

6.2. Consider the site plan, landscape plan, and exterior elevations for a new building and development located at Kingsbridge Phase 2A Addition, Lot 12R, Block A consisting of 1.066 acres of land, generally located at the southeast corner of the intersection of SH 205 and Kingston Court, McLendon-Chisholm, Rockwall County, Texas.

City Planner Coker's report was included in the packet.

APPLICANT: Nicolas Ehringer
Cross Engineering Consultants
1720 W. Virginia Street
McKinney, Texas 75069

PROPERTY OWNER: Ben Klutts
1604 North Hill Drive
Rockwall, Texas 75087

REPRESENTATIVE: Nicolas Ehringer
Cross Engineering Consultants
1720 W. Virginia Street
McKinney, Texas 75069

LOCATION: Southeast corner of SH 205 and Kingston Court.

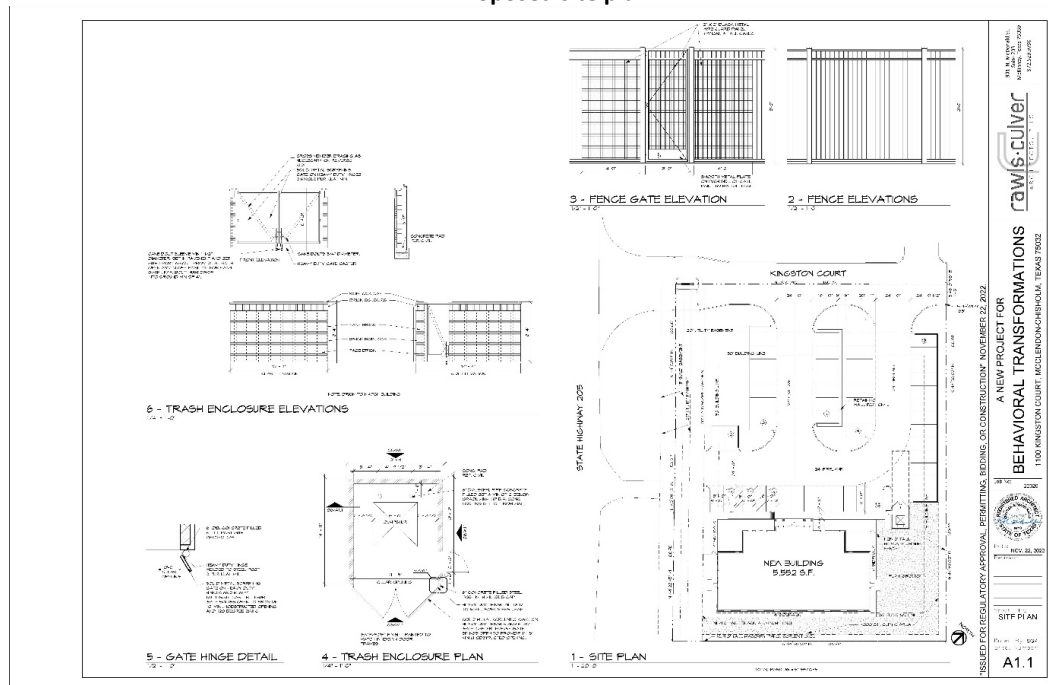
PLANNING AND ZONING COMMISSION MEETING DATE: February 21, 2023
CITY COUNCIL MEETING DATE: February 22, 2023

REQUEST:

The applicant is requesting approval of a Site Plan for a 1.066-acre tract of land located at the southeast corner of the intersection of Kingston Court and SH 205. The subject property is in the PD O1 area of the Kingsbridge Planned Development District.

STAFF RECOMMENDATION: Approval of the Site Plan for an office building for Behavioral Transformations, a therapy and counseling office facility.

Proposed site plan



[note: full sized copies of the Site Plan are available at City Hall for inspection]

BACKGROUND INFORMATION:

The subject property is located within the Kingsbridge Planned Development district and the PD -O1 subdistrict regulations govern development within this portion of the Planned Development District. The subject property is a 1.066-acre tract of land located at the southeast corner of the intersection of SH 205 and Kinston Court. [Rockwall CAD #83214]. To the north of the property are the Altura Homes and RCH Water District offices.

The property is a platted lot and has been recently replatted administratively to add fire lanes and on-site detention requirements. This land use is moving from the City of Rockwall to McLendon-Chisholm.

The site plan conforms to the requirements of the O-1 Zoning District.

Kingsbridge Planned Development District requirements:

- k. **Site plans.** A site plan shall be required to be approved by the City Council for any lot developed in the O1 Area prior to obtaining a building permit, but Planning and Zoning Commission consideration shall not be required and a public hearing shall not be required. Amendments to a site plan shall be required to be approved by the City Council as provided above, but minor amendments meeting the definition in Section 6.1 of these Regulations for minor amendments to a Development Plan may be approved by the City Manager, unless the City Council provides for a different designated representative from time to time.

3.1C Office (PD-O1) Regulations.

Buildings, structures and land within the O1 Area shall be developed in accordance with area and dimensional regulations as provided in the O1 District, with the following exceptions and/or variances:

- a. **Maximum Height:** 35 feet
- b. **Maximum Lot Coverage:** 50% of the lot area is the maximum area to be covered by buildings, parking spaces or other impervious materials.

Rockwall CAD map showing the subject property.



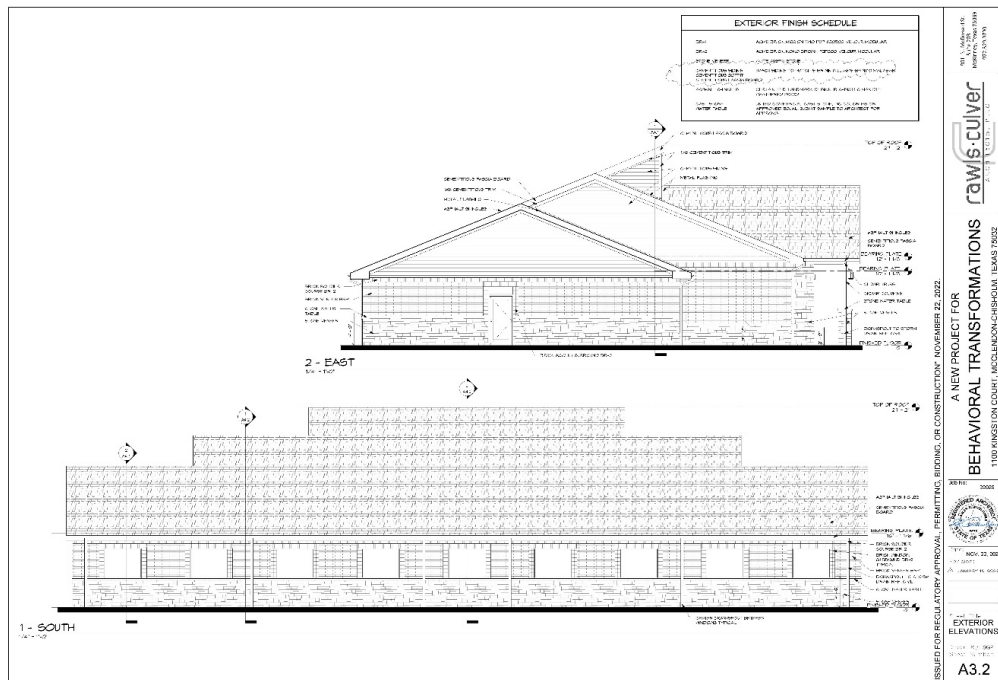
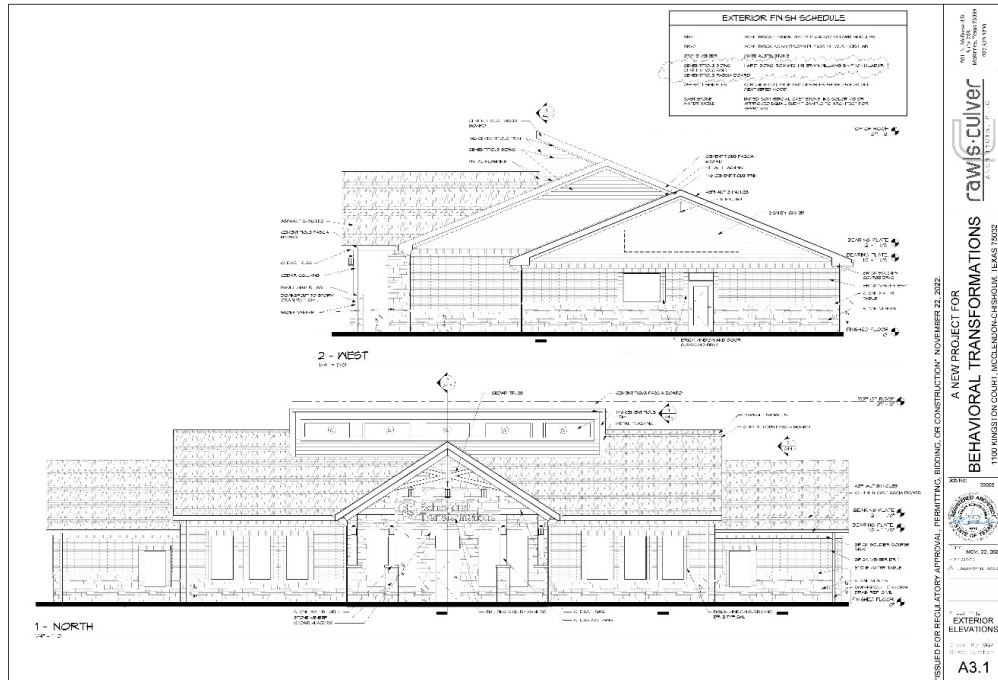
City Zoning map for subject property [Blue is the Kingsbridge PD Zoning District]



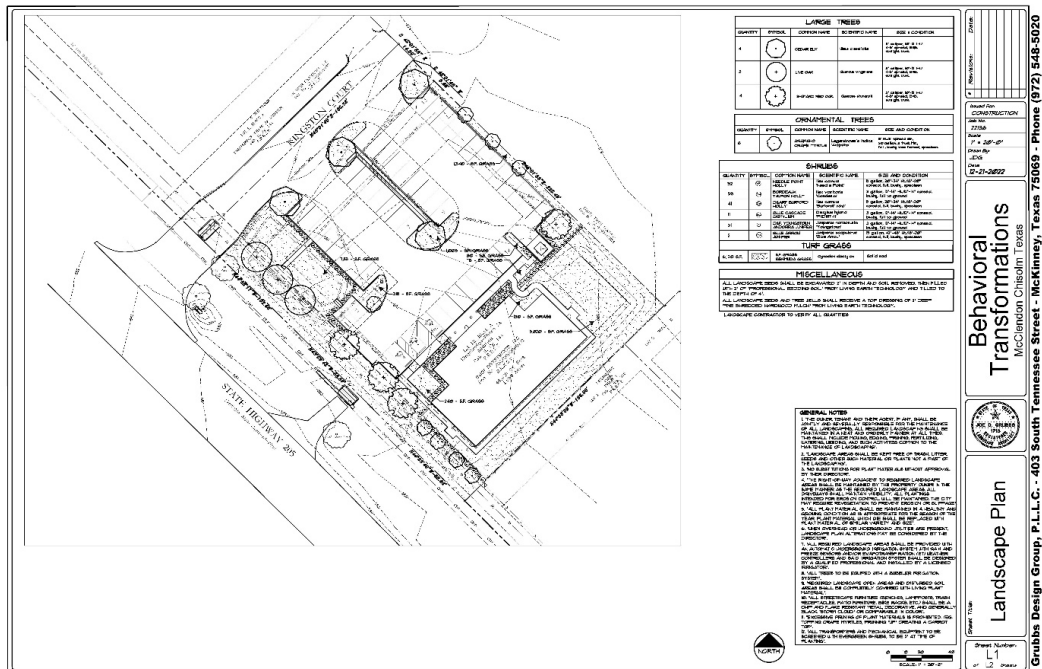
Thoroughfares/streets:

The subject property sides on SH 205 and has driveway access from Kingston Court. The State of Texas has obtained any necessary right way for the future expansion of SH 205.

ELEVATIONS



LANDSCAPE PLAN [the landscape plan conforms to the requirements of the Planned Development District]



Council Member Tucker inquired about the height of the building, if it is similar to the surrounding buildings.

Planner Coker answered they are roughly the same. It the same size one story with a pitched roof.

He added one condition. Our building official has reviewed the site plan and has found that they have two of their parking lot lights too close to the property.

Council Member Tucker asked what the square footage is.

Ben Klutz, property owner, addressed the questions regarding the building.

MOTION: APPROVE THE SITE PLAN FOR A 1.066 ACRE TRACT OF LAND LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF KINGSTON COURT AND SH 205. THE SUBJECT PROPERTY IS IN THE PD 01 AREA OF THE KINGSBRIDGE PLANNED DEVELOPMENT DISTRICT.

MADE BY: Mayor Pro Tem Woessner

SECONDED BY: Council Member McNeal

THE MOTION WAS AMENDED TO INCLUDE THE CONDITION THAT TWO PARKING LOT LIGHTS ARE TO BE MOVED.

APPROVAL: Unanimous

6.3. Building Inspection Process

City Administrator Hildebrandt presented this item:

Fiscal Impact: No added costs – utilize building inspection fees

Background:

The City of McLendon-Chisholm did not renew its long-term building inspector contract about 4 months ago. Multiple issues were the cause of this action.

The City immediately hired on an Emergency need basis, Texas Compliance Solution (TCS) to step in and provide our building inspection needs. All staff interaction with this firm have been positive. TCS has done a positive job in providing this needed service to our building community. Two complaints that have been prevalent from the building community include TCS only working on Tuesdays and Fridays and wanting quicker and more frequent inspections. The other issue is that TCS does not have a Texas-certified plumbing inspector. The City has contracted out with Burgess Inspections to provide this service.

I have mentioned to the development community, TCS and potential other Building Inspection providers that the city council will evaluate this area and will make a longer-term decision in January 2023.

I believe that your options include the following:

1. **Stay status quo** and keep CS and the current inspection services.
2. **Go out to bid** and evaluate additional building inspections companies – choose one.
3. **Bring the Building Inspection Process In-House**. Hire in house - A Chief Building Official – fully certified in all inspection areas. This would take an additional time period additional Building Inspection position needs to be added.
4. **Other – Hybrids** or other.

Any of the three recommendations can be fully paid for in the building inspections fees. No additional costs. Per prior year independent audit results – Calendar 2022 Expenses - \$223,575; FY 2023 Budget Expenses - \$195,000.

Council directed City Administrator to bring better numbers and an analysis of the position back to either the last meeting of February or the first meeting of March.

- 6.4. Discussion and action on filing with the Public Utility Commission Application, Transfer, or Merger of a Retail Public Utility. Pursuant to Texas Water Code Section 13.301 and 16 Texas Administrative Code Section 24.239.

Council directed City Administrator to start this process.

- 6.5. Discussion and consider City Administrator draft an official letter to the City of Rockwall of our current status with RCH Water Supply Corporation and our intent to have a new water purchase agreement drawn up with an understanding it will be temporary and request for a letter to be sent to NTMWD for when City of McLendon-Chisholm is ready to become a direct customer.

Council directed City Administrator to proceed with the draft of this letter as soon as possible.

- 6.6. Discussion and consider City Administrator draft an official letter to NTMWD Board the status and goal to become a direct customer.

Council directed City Administrator to proceed with the draft of this letter and bring back for Council approval.

Mayor Short called a brief recess and called the meeting back to order at 8:13 p.m.

- 6.7. Presentation and discussion with Blackland WSC, Velvin & Weeks Consulting and City Water Committee on operations, administration and interlocal agreement for the purpose of the City operating and maintaining water system.

This presentation, "City Operation and Maintaining a Water System", was presented by the City Water Committee. A copy of this presentation is available in the office of the City Secretary.

This was an introduction to the City Council addressing once we get passed a transfer of RCH WSC assets and customers that based on the evidence it would be best to consider a viable option of maintaining this system with an operator that would be a local asset to accommodate "the current customers".

Those making this presentation were:

Adrienne Balkum, City Water Committee Member
Tony Crawford, City Water Committee Member
Tyler Henderson, P.E, Velvin & Weeks Consulting Engineers
Rob Mayall, Project Manager of Blackland Water Supply
Jason McKinney, Board President, Blackland Water Supply
Scott Muckensturm, General Manager, Blackland Water Supply

Ms. Balkum explained the purpose of the City Water Committee – the committee started on November 4, 2022, and the committee will be a recommending body to the City Council and present findings for formal discussion and action to the entire City Council. With the creation of this committee, it will be able to do many things to keep the process moving and achieving the

overall goal of transparency communication to residents and ultimately have a great water system.

- 6.8. Update from the City Administrator regarding TxDOT correspondence regarding the Relocation of Water Lines S Hwy 205.

City Administrator Hildebrandt reported he has talked to Walter Carrick who is the field engineer and Lane Selman who is over the overall project for TxDOT. They stated they don't even know where the lines are specifically. They want to do a layover of it which could cause the cost of it to be more or less based on where TxDOT is running the new configuration of 205. They are anxious to get a layover and give instruction so RCH can look and say where we need to move it. That's where we are in that process.

Mr. Hildebrandt stressed he is in correspondence with TxDOT, and they know us, and we've discussed it. I've told these gentlemen if there are things that we can help out as a City to make this process work, please let us know and we'll definitely bring it to the Mayor and Council and have them evaluate and participate if they feel that they should or need to.

- 6.9. Discussion of *City of Heath v. City of McLendon-Chisholm, et al.*, Cause No. 1-22-1204, pending in the 382nd District Court of Rockwall County, Texas.

No Discussion

7. EXECUTIVE SESSION

- 7.1. Adjourn into Executive Session (Closed Meeting) Pursuant to Texas Gov't Code 551.071 and 551.071(2) – Consultation with Attorney – an Executive Session will be conducted to discuss and receive legal advice concerning pending litigation and/or settlement order, or on a matter in which the duty of the attorney to the Governmental Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter, related to the following: *City of Heath v. City of McLendon-Chisholm, et al.*, Cause No. 1-22-1204, pending in the 382nd District Court of Rockwall County, Texas.

Council adjourned into Executive Session at 9:09 p.m.

- 7.2. Reconvene Regular Meeting

The regular meeting was reconvened at 9:31 p.m.

- 7.3. Executive Session Action

No Action

8. UPDATES, DISCUSSION AND DIRECTION TO STAFF

None

9. COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

No Reports or Announcements

12. ADJOURN

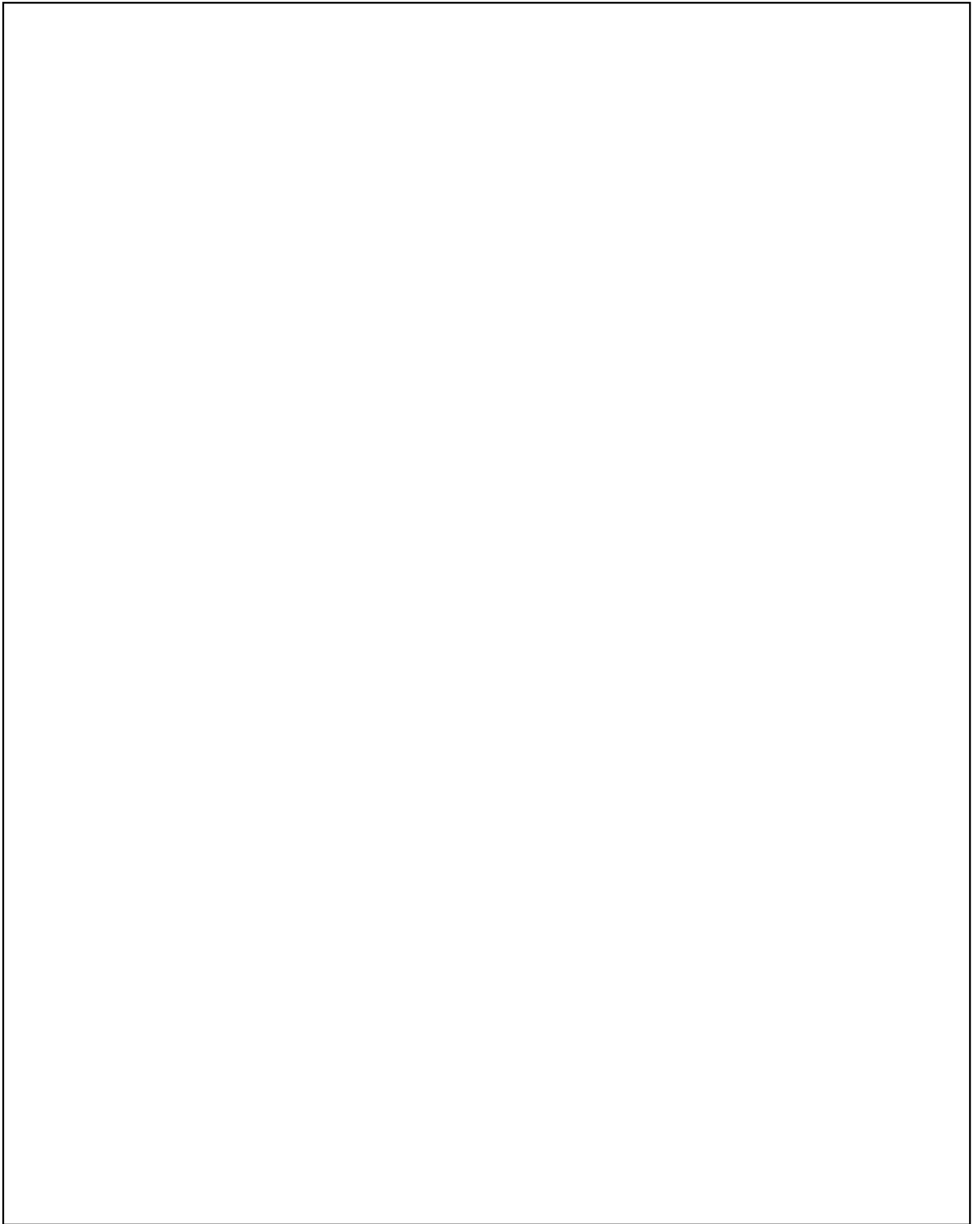
There being no further business to discuss, Mayor Short adjourned the meeting at 9:32 p.m.

APPROVED:

Keith Short, Mayor

ATTEST:

Rochelle Green, City Secretary





CITY COUNCIL MEETING
City of McLendon-Chisholm, Texas
Meeting Minutes as Amended
January 26, 2022

The City Council of the City of McLendon-Chisholm convened in Regular Session on Wednesday, January 26, 2022, at City Hall, 1371 West FM 550, McLendon-Chisholm, Texas, with the following members present:

ATTENDING:	Keith Short	Mayor
	Lorna Kipphut	Mayor Pro-Tem
	Trudy Woessner	Council Member
	Daniel Tucker	Council Member
	Brian Davis	Council Member

ABSENT:	Norman Willis	Council Member
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Staff Present:	Rick Crowley	Interim City Administrator
	Shelly Green	City Secretary

1. CALL TO ORDER

Mayor Short called the meeting to order at 6:31 p.m.

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

Council Member Tucker delivered the invocation and Mayor Short led the pledge of allegiance to the 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

No Citizen Comments

5. UPDATE ON FIRE STATION CONSTRUCTION

- 5.1. Sean Spyres, AGCM Project Manager, will provide an update regarding status of the Fire Station construction project.

MOVED TO FEBRUARY 5, 2022 MEETING

6. CONSENT AGENDA

- 6.1. Budget Report – December 2021
- 6.2. McLendon-Chisholm Fire Rescue Report – December 2021
- 6.3. Building Official Report – December 2021
- 6.4. Animal Control Report – December 2021
- 6.6. CWD Report – December 2021
- 6.7. Sheriff's Report – December 2021

MOTION: APPROVE THE CONSENT AGENDA AS PRESENTED.

MADE BY: Council Member Tucker
SECONDED BY: Council Member Woessner
APPROVAL: Unanimous by Members Present

7. ITEMS FOR CONSIDERATION

- 7.1. Order of General Election

MOTION: APPROVE THE ORDER OF GENERAL ELECTION FOR MAY 7, 2022

MADE BY: Mayor Pro Tem Kipphut
SECONDED BY: Council Member Davis
APPROVAL: Unanimous by Members Present

- 7.2. Resolution 2022-01 Approving Order of General Election

MOTION: APPROVE THE RESOLUTION APPROVING THE ORDER OF GENERAL ELECTION FOR MAY 7, 2022

MADE BY: Mayor Pro Tem Kipphut
SECONDED BY: Council Member Tucker
APPROVAL: Unanimous by Members Present

- 7.3. Order of Special Election

MOTION: APPROVE THE ORDER FOR A SPECIAL ELECTION FOR MAY 7, 2022

MADE BY: Mayor Pro Tem Kipphut
SECONDED BY: Council Member Davis
APPROVAL: Unanimous by Members Present

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7.4. Resolution 2022-02 Approving Order of Special Election

MOTION: APPROVE RESOLUTION 2022-02 APPROVING THE ORDER OR SPECIAL ELECTION FOR MAY 7, 2022

MADE BY: Council Member Davis
SECONDED BY: Council Member Tucker
APPROVED: Unanimous by Members Present

7.5. Report of Hwy 205 regarding such items as Art Scape, Landscape, Medium Openings, and City Monuments

Interim City Administrator Crowley and Mayor Pro Tem Kipphut led a discussion regarding plans for Hwy 205. Mayor Pro Tem Kipphut will set up a meeting with Dan Polster and Chief Simmons to talk about plans.

8. EXECUTIVE SESSION

- 8.1. Adjourn into Executive Session (Closed Meeting) in accordance with Texas Government Code: Section 551.071(2) Consultation with Attorney to deliberate a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter: Trilogy / Facilities Agreement

Council adjourned into Executive Session at 7:08 p.m.

7.4. Reconvene Regular Meeting

Council reconvened the regular meeting at 7:21 p.m.

7.5. Executive Session Action

No Action

8. UPDATES, DISCUSSION AND DIRECTION TO STAFF

No updates, discussion or direction to staff.

9. COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

None

10. ADJOURN

There being no further business to discuss, Mayor Short adjourned the meeting at 8:53 p.m.

APPROVED:

Keith Short, Mayor

ATTEST:

Rochelle Green, City Secretary

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City of McLendon-Chisholm Staff Report

Date:

March 14, 2023

Agenda Item:

Review/Action: Review and possible action on a First Reading of the City of McLendon Chisholm (MC)– City of Terrell, Texas Interlocal Agreement

Background:

The City of MC has worked over the past 3-4 years to develop ongoing and sustaining water sources for the long-term MC supply.

This agreement provides for over \$40 Million of water supply infrastructure connecting the North Texas Municipal Water District (NTMWD) water source through the City of Terrell to the City of MC.

Based on a couple of ongoing developments, the cost to the city of MC is very minimal.

The city of MC is requested to trade some ETJ property in return to the overwhelming benefit of receiving this high dollar water benefit.

This is a FIRST READING with a Second Reading Scheduled for our next City Council meeting.

Attorney Review:

YES, our city attorney has reviewed the Interlocal Agreement and has his changes already incorporated into the document.

State of Texas §
 §
County of Kaufman §

**INTERLOCAL AGREEMENT ESTABLISHING PERMANENT LINE DIVIDING
JURISDICTIONAL AUTHORITY**

This interlocal cooperation agreement (“Agreement”) is by and between the City of Terrell, Texas, a Texas home-rule municipality (“Terrell”), and the City of McLendon-Chisholm, Texas, a Texas general law municipality (“McLendon-Chisholm”) (sometimes collectively the “Parties” and singularly a “Party”).

WHEREAS, the Cities of Terrell, Texas and McLendon-Chisholm, Texas recognize that development growth in Kaufman and Rockwall Counties is inevitable, and that managing responsible and appropriate growth is a basic function of local government in Texas; and

WHEREAS, the two municipalities working cooperatively together will be much more efficient and effective in managing and guiding growth, especially in those areas generally located between the two cities; and

WHEREAS, the provision of water and wastewater utilities is crucial to managing and guiding development, its timing, its quality, and its locations; and

WHEREAS, the City of McLendon-Chisholm desires to create its own water utility system and become a retail seller within its corporate limits and portions of its extraterritorial jurisdiction; and

WHEREAS, the City of Terrell is willing to deliver and sell potable water to McLendon-Chisholm at wholesale rates defined in a negotiated wholesale water supply agreement, including the entire area currently within the Rockwall Chisholm Heath (RCH) Water Supply Corporation’s CCN, should any or a part of RCH be acquired by McLendon-Chisholm. Water provided must meet state and federal requirements including age of the water, residuals, etc. Following completion of all construction, water shall be made available per a twelve-month prior request by the City of McLendon-Chisholm; and

WHEREAS, McLendon-Chisholm and Terrell must secure a safe and reliable drinking water supply for those portions of its current and growing extraterritorial jurisdiction (ETJ) that will require future water service; and

WHEREAS, one of the purposes and material terms and reason for entering into this interlocal agreement for both Parties is to secure safe and reliable potable water for not just current residents, but also for future residents of both cities and their respective ETJs; and

WHEREAS, both Terrell and McLendon-Chisholm support the North Texas Municipal Water District's vision of service through unity in meeting the area's water needs now and in the future; and

WHEREAS, the Interlocal Cooperation Act ("Act"), Chapter 791 of the Texas Government Code, authorizes units of local government to contract with one or more other local governments to perform governmental functions and services under the terms of the Act; and

WHEREAS, Section 42.023 of the Texas Local Government Code authorizes a municipality to reduce its extraterritorial jurisdiction by resolution or ordinance adopted by the governing body of the municipality, and Sec. 42.022 (d) authorizes municipalities to allocate extraterritorial jurisdictions by agreement; and

WHEREAS, the municipalities of Terrell and McLendon-Chisholm, Texas, desire to establish with certainty their common borders and extraterritorial jurisdiction boundary line, consistent with relevant Texas statutes; and

WHEREAS, it is in the best interest and welfare of both Terrell and McLendon-Chisholm, Texas to establish by agreement their current and future common boundaries; and

WHEREAS, a majority of both municipalities' councils are in favor of this action to establish by mutual agreement the current and future common boundaries of Terrell and McLendon-Chisholm as described in Exhibit A, Map; and

WHEREAS, Terrell and McLendon-Chisholm find that it is in the public interest to enter into this Agreement;

NOW, THEREFORE, upon and for the mutual consideration stated herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

Section 1. Responsibilities of Terrell

1. Make reasonable commercial efforts to become the wholesale water supplier for all of McLendon-Chisholm, including evaluating the feasibility of providing treated water to McLendon-Chisholm, including the entire area currently within the Rockwall Chisholm Heath Water Supply Corporation's CCN, should all or any part of RCH be acquired by McLendon-Chisholm, managing the ongoing engineering analyses required to serve water to McLendon-Chisholm, and negotiating a wholesale water supply agreement that includes ~~a-rates~~ based on the results of a qualified third-party consultant's rate study, which shall comply with PUC rate rules and all statutory regulations. The cost of such study, which shall be periodically updated, is the sole responsibility of Terrell to that charged to other Terrell wholesale customers does not exceed the cost of the water for the city of Terrell plus a maximum of 3%.

2. Work directly with the North Texas Municipal Water District (NTMWD) and, to the extent possible, High Point WSC, to fully implement all plans and permits, including amending

the current wholesale purchase agreement with the District to develop the capacity to serve all of McLendon-Chisholm, and identifying an additional take-point to serve all portions of McLendon-Chisholm in an efficient manner.

3. Prepare a mutually agreed financing plan, that includes, but is not limited to, using Texas Water Development Board funds, direct and indirect contributions from McLendon-Chisholm, developer and landowner payments and donations/dedications, and city funds and in-kind services

4. Consider entering into development agreements with landowners and developers to ensure predicted water usage as well as repayment of infrastructure costs, and donations/dedications of utility and other required easements and rights-of-way. Copies of all such agreements shall be delivered to the City of McLendon Chisholm upon execution.

5. Manage actual final design of external improvements common to both cities, and manage construction of external improvements common to both cities.

Section 2. Responsibilities of McLendon-Chisholm.

1. Make all reasonable affirmative commercial actions to establish, and thereafter manage, the retail sale of safe, reliable drinking water by McLendon-Chisholm within its own city limits and portions of its ETJ.

2. Make all reasonable efforts to cooperate with and support Terrell in its dealings with other water providers, including any and all changes to Certificates of Convenience & Necessity (CCN), and with NTMWD. The city of Terrell shall make all reasonable efforts to cooperate with and support the City of McLendon-Chisholm in the same functions.

3. Undertake best commercial efforts to acquire the RCH CCN.

4. Pay for, or cause to be paid for, required storage facilities, wholesale metering, air lock, site improvements, and other necessary infrastructure costs at its new water take-point, which may be on the same pressure plane as Terrell and which may serve the residents of McLendon-Chisholm.

5. Consider entering into development agreements with landowners and developers to ensure predicted water usage as well as timely repayment of infrastructure costs and donations/dedications of utility and other required easements and rights-of-way, and manage purchase of easements and rights-of-way required to supply McLendon-Chisholm from Terrell.

6. Construct and maintain, and/or cause to be constructed and maintained, all necessary internal infrastructure to ensure timely and reliable delivery and metering of water.

7. Within its corporate boundaries and ETJ, make any necessary/required payments to special districts and/or others due to change(s) in CCN.

Section 3. General

1. The existing extraterritorial jurisdictional boundary between Terrell and McLendon-Chisholm is hereby adjusted to generally follow the boundaries of the Terrell ISD ("TISD") and

which is also the boundary between Rockwall and Kaufman Counties), with the following exceptions: 1) that portion of the Mann property (an approximately 1,081-acre tract north of and contiguous to FM 148, Calvert Road, Sherrie Lane, and Neal Road) within the TISD (and thereby Kaufman County) shall be in the McLendon-Chisholm ETJ; 2) the northern corner of the Seay property which is in the Rockwall ISD (and thereby Rockwall County) shall be in Terrell ETJ; 3) the High Meadow Subdivision shall be in McLendon-Chisholm ETJ; 4) all that portion of TISD north of the FM 548 ROW shall be in McLendon-Chisholm ETJ; and 5) the approximately 345-acre area immediately northeast of and contiguous to the northeastern boundary of the Seay property currently in the McLendon-Chisholm ETJ shall remain therein; all consistent with Exhibit A, Map.

2. The existing boundary line is hereby modified to remove the agreed upon properties from the jurisdictional authority of McLendon-Chisholm, and include said properties within the jurisdictional authority of Terrell. A description and drawing of the line dividing the jurisdictional authority of Terrell and McLendon-Chisholm as modified by this Agreement is attached hereto as Exhibit A.

3. McLendon-Chisholm hereby forever and fully releases any rights it may have had to provide any municipal services to the properties. Terrell hereby accepts responsibility for providing all municipal services to the properties required by law regardless of whether the properties are within Terrell's city limits or extraterritorial jurisdiction.

4. This Agreement may not be modified or rescinded by either party except by the mutual actions of Terrell and McLendon-Chisholm on such modification or rescission.

5. This Agreement shall be null and void if not approved and executed by Terrell and McLendon-Chisholm on or before March 18, 2023.

6. By resolution duly passed and adopted by the City Council of Terrell and resolution duly passed and adopted by the City Council of McLendon-Chisholm, the designated representative of each Party is authorized to execute this Agreement.

NOW, THEREFORE, BE IT RESOLVED that Exhibit A, attached hereto and made a part hereof is a true and accurate description of the agreed upon final boundary and extraterritorial jurisdiction boundary line between McLendon-Chisholm and Terrell.

City of Terrell, Texas

By: _____
Mayor

Pursuant to Resolution No. _____

Executed this _____ day of _____, 2023.

Attest:

Dawn Steil
City Secretary

City of McLendon-Chisholm, Texas

By: _____
Mayor

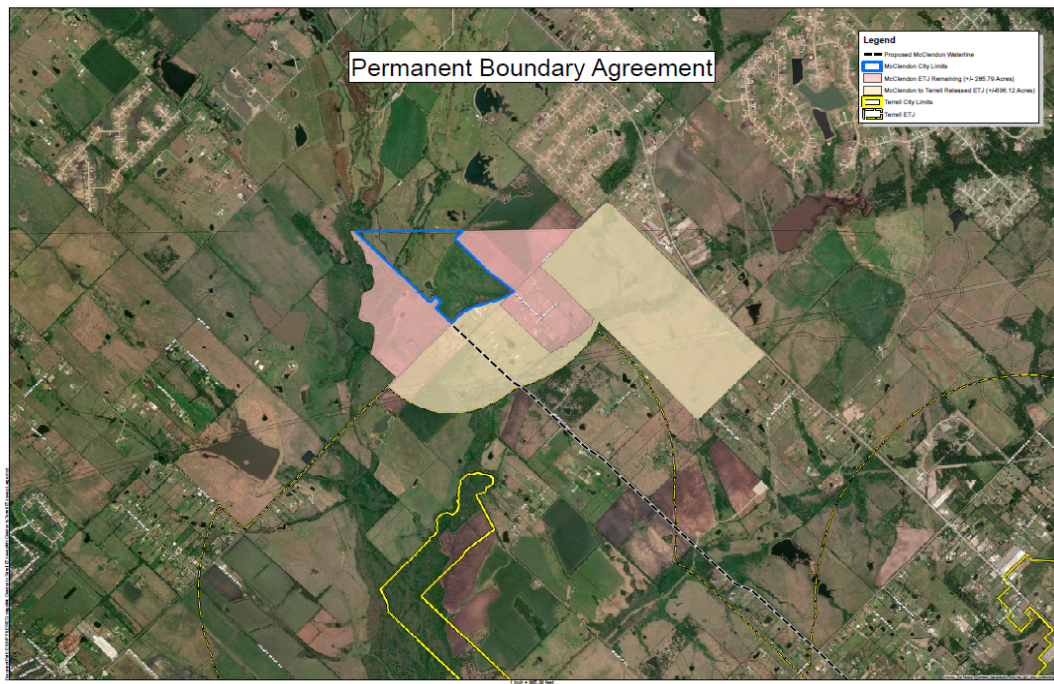
Pursuant to Resolution No. _____

Executed this _____ day of _____, 2023.

Attest:

Shelly Green
City Secretary

Exhibit A
Modified Line Dividing Jurisdictional Authority





City of McLendon-Chisholm Staff Report

Date:

March 14, 2023

Agenda Item:

Discuss/Action – Building Inspection – Long Term Solution

Fiscal Impact: No added costs – utilize building inspection fees

Background:

The City of McLendon-Chisholm did not renew its long-term building inspector contract about 4 months ago. Multiple issues were the cause of this action.

The city immediately hired on an Emergency need basis, Texas Compliance Solution (TCS) to step in and provide our building inspection needs. All staff interaction with this firm have been positive. TCS has done a positive job in providing this needed service to our building community. Two complaints that have been prevalent from the building community include TCS only working on Tuesdays and Fridays and wanting quicker and more frequent inspections. The other issue is that TCS does not have a Texas-certified plumbing inspector. The City has contracted out with Burgess Inspections to provide this service.

I have mentioned to the development community, TCS and potential other Building Inspection providers that the city council will evaluate this area and will make a longer term decision in January 2023.

I believe that your options include the following:

1. **Stay status quo** and keep TCS and the current inspection services.
2. **Go out to bid** and evaluate additional building inspection companies – choose one.
3. **Bring the Building Inspection Process In-House**. Hire in house – A Chief Building Official – fully certified in all inspection areas. This would take an additional time period to hire and the cost of a truck and additional supplies. I also feel as development continues, an additional Building Inspector position needs to be added.

4. **Other – Hybrids** or other

Any of the three recommendations can be fully paid for in the building inspection fees. No additional costs. Per prior year independent audit results – Calendar Year 2022 Expenses - \$223,575; FY 2023 Budgeted Expenses - \$195,000

A brief presentation will be completed on the requested fiscal impact of the decisions.

Proposed Motion:

I MOVE to utilize 'choose one of the options' to fulfill our long-term building inspection needs.

Staff Assigned: Konrad Hildebrandt, City Administrator



City of McLendon-Chisholm
Staff Report

Date:

March 14, 2023

Agenda Item:

Community Events Committee PRIOR report of upcoming events

Background:

UPCOMING EVENTS:

March 16, 2023	-City of McLendon Chisholm and Home & Heart present the Battle of the Badges Pickleball
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April 1, 2023	- City of McLendon Chisholm Egg Drop
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PRESENTATION: Ms. Sarah Naylor, Community Events Committee Chairperson



City of McLendon-Chisholm Staff Report

Date:

March 14, 2023

Agenda Item:

PRESENTATION – RCH/MC WSC TRANSFER UPDATE

Background:

In November 2022, the Rockwall,Chisholm, Heath (RCH) Water Service Company (WSC) indicated that they were ready and willing to transfer all assets including the overall Certificate of Convenience and Necessity (CCN) to the City Of McLendon Chisholm.

Based on the holiday season and various activities, the process has not moved too far.

Most importantly, RCH has indicated that the City of MC needs to wait until they hold an election of their members prior to receiving the green light to evaluate the overall internal and external system.

This presentation is to give an update on where the City of MC is currently on this transfer:

Questions submitted:

1. Receipt of a signed MOU or other from the RCH board on their intent to transfer all assets to the City of McLendon Chisholm.
2. When is the member election scheduled and when will the RCH Board Canvass the election?

3. What is the status of the City of McLendon Chisholm technical review of all water system assets? Is there an outside water engineering firm under contract?
4. Are city of RCH water permits still being issued for continued growth?
5. Has RCH hired a professional water engineer to work with the Texas Department of Transportation (TXDOT) in moving the RCH water lines in the way of the pending TXDOT SH 205 road widening project?
6. Have the letters gone out to the City of Rockwall, Texas, State of Texas Public Utilities Commission (PUC)and the North Texas Municipal Water District (NTMWD) based on a variety of City of MC needs and wants?
7. Has the City Water Committee identified and communicated with our residents' basic water conservation measures and the ongoing need for water preservation?
8. Has the City of MC identified the overall RCH transfer of assets implementation process and procedures?
9. Has the City of MC reviewed and understands the 'internal' processes of RCH including Billing Management, Financial Review and Management, Debt Service Management, Rate Structures, Service to out of City Residents, as well as the overall Infrastructure Status, Water quality, quantity, reliability, and redundancy requirements?