



CITY COUNCIL MEETING
City of McLendon-Chisholm, Texas
Meeting Minutes
April 12, 2022

The City Council of the City of McLendon-Chisholm convened in Regular Session on Tuesday, April 12, 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
ABSENT:	Norman Willis	Council Member
	Brian Davis	Council Member
Staff Present:	Rick Crowley	Interim City Administrator
	Shelly Green	City Secretary

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 Mayor Pro Tem Kipphut 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

Clayton Multer, 201 E FM 550. Spoke regarding Item 6.1. Food Trucks.
Mike Hatcher, 271 Hwy. 205. Spoke regarding Item 6.1. Food Trucks.

Citizen Comments were closed at 6:35 p.m.

5. CONSENT AGENDA

5.1. Action regarding the Minutes of March 9, 2022

5.2. Action regarding the Minutes of March 23, 2022

5.3. Action regarding the Minutes of April 6, 2022

5.4. Ordinance No. 2022-01 Amending the SUP for Providence Academy

MOTION: APPROVE THE CONSENT AGENDA AS PRESENTED.

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

6. ITEMS FOR CONSIDERATION

6.1. Food Trucks

Interim City Administrator Crowley Officer, presented a memo he has prepared for this item:

There is currently no ordinance provision in the city of McLendon-Chisholm which allows or regulates food truck operation in the City. There have been numerous inquiries as to the prospect of operation of food trucks in the City over the course of the last several months. This item has been placed on the agenda so that the Mayor and Council can consider providing direction as to how the matter of food trucks should be handled.

The most basic question is whether the Mayor and Council are interested in allowing food trucks to operate in the City. If so, an Ordinance allowing food trucks will be required. There are two legitimate ways to accomplish this allowance by Ordinance. The Council could consider a **regulatory Ordinance**, or the Council could consider an **amendment to the Zoning Ordinance**. City Attorney Halla and City Planner Coker agree that either of these mechanisms could be legitimately used by the City if it is the desire to provide some allowance for food truck operation. I agree with them that, if food trucks are to be allowed, that the adoption of a regulatory ordinance is probably preferable – at least initially. Regardless of the mechanism chosen, if food trucks are to be allowed there should also be established certain stipulations related to their location and operation.

If food trucks are allowed by amendment to the Zoning Ordinance, such amendments require both publication of the proposed amendments to that Ordinance and public hearings before both the Planning and Zoning Commission and the City Council. As with zoning cases, a recommendation from the Planning and Zoning Commission would be required. Should, after adoption of the Zoning Ordinance amendment, the Council determine that changes need to be made to discontinue allowance of food trucks or change the conditions under which they can operate, the same process would be required to make those changes. This increases both the time and costs of making the changes that might be needed and actually might make it legally difficult to implement future Council-desired changes. Any food truck operating under the amended Zoning Ordinance might not be subject to those new amendments by that second Zoning Ordinance amendment because they might be considered to be operating as a “legal non-conforming use”.

If allowing of food trucks were to be accomplished by adoption of a regulatory Ordinance, future changes to the terms of under which food trucks operate (or a change to subsequently disallow them if it “just doesn’t work out”) can be more quickly accomplished without the creation of a “legally non-conforming use” status that would allow their continued operation based on the zoning regulations in effect at the time that each began operating. A regulatory Ordinance provides a better opportunity for the City to respond to the need for change should that need arise. Nothing would prohibit public

comment in Open Forum or in a posted public hearing before the Council if regulatory Ordinance is considered.

If the Council has an interest in providing an opportunity for food truck in the City under conditions established by a new ordinance, I agree with the assessment of the City Attorney and the City Planner that doing so by adoption of a regulator Ordinance is preferable. The basic question and the mechanism to be used, however, is a matter for the Mayor and Council to determine. We will proceed with either mechanism (or not at all) based on your decisions.

A few things for consideration as this matter is discussed by the Council as the matter is deliberated include:

1. There may be a need to consider an appropriate balance between what may be our residents' desires to have the option to purchase a wider variety of prepared food than is currently available and fairness to the current food service establishments that currently operate from "brick and mortar" buildings and thereby may pay more property taxes a food truck would likely pay.
2. Should food trucks be allowed, certain requirements related to allowed locations, adjacency to residential, parking details, location of an requirements for entrance to "food truck sites" from public streets and roadways, and compliance with health codes and inspections should be considered. If it is your desire to consider allowing food trucks, it would be appropriate to direct the staff to provide recommendations on these matters when an ordinance is brought back to the Mayor and Council for consideration.
3. A permit and inspections should be required, and the cost of the permit should be consistent with the City's associated costs.

Generally, the decisions that the Council may make on the matter of food trucks at the upcoming meeting are:

- **Is there an interest in allowing, with certain conditions to be agreed on, food trucks to operate in the City?**
- **If there is an interest, would the Mayor and Council direct that they be allowed through adoption of a regulatory Ordinance or by amendment to the Zoning Ordinance?**
- **Would the direction to staff include that the staff provide recommendations as to conditions under which food trucks would operate for your consideration when the matter is brought before the Council for adoption?**

Several details about the current status of food-truck (and similar) operation in and near the City may be provided at the meeting or, if finalized before the meeting, under separate cover prior to the meeting. If you have any questions, please do not hesitate to contact me.

It was determined that there is an interest in allowing, with certain conditions to be agreed on, food trucks to operate in the City.

Mayor and Council directed staff that food trucks would be allowed through adoption of a regulatory Ordinance.

Direction was given to the staff to provide recommendations as to conditions under which food trucks would operate for your consideration when the matter is brought before the Council for adoption.

6.2. Atmos Energy Corporation Mid-Tex 2022 Rate Review Mechanism Filing

The following correspondence was received from Atmos Energy:

To the Honorable Mayor and City Manager

Re: Atmos Energy Corporation Mid-Tex 2022 Rate Review Mechanism Filing

Through this correspondence, Atmos Energy Corporation, Mid-Tex Division's ("Atmos Energy" or "the Company") is submitting its fifth filing under the Rider RRM – Rate Review Mechanism Tariff. We have attached to the cover letter, and Executive Summary which highlights the details of the 2022 RRM Filing.

Like many of you, we continue to monitor COVID-19 and the effects it has on our employees and customers throughout the communities we serve. For all of us at Atmos Energy, our vision to be the safety provider of natural gas services means we have an important role in the over 500 communities we safely serve every day. Throughout the pandemic, we have continued to improve the safety and reliability of our natural gas system through pipeline replacement and system modernization, incorporating COVID-19 safety protocols in our daily operations.

The rates requested by the Company in its 2022 RRM filing do not require any action on the part of your City to become effective on October 1, 2022. I also wish to make clear that a decision to take no action on the proposed RRM rates will not prevent your City from receiving rates that are more favorable to customers within your city if such rates are agreed to as part of the RRM process. If more favorable rates are agreed to, the Company will implement those rates in your City.

In closing, I want to say again how much Atmos Energy appreciates your City's willingness to work with the Company in order to reach a mutual agreement that fairly balances the needs of the Company and the needs of the customer.

MOTION: DENY THE INCREASE SET FORTH IN THE ATMOS ENERGY CORPORATION MID-TEX 2022 RATE REVIEW MECHANISM FILING

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

7. EXECUTIVE SESSION

7.1. 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: Discuss Sonoma Verde PID

7.2. Adjourn into Executive Session (Closed Session) in accordance with Texas Government Code: Section 551.074(a)(1) Personnel Matters to deliberate the

appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee: City Administrator

Mayor Short adjourned the meeting into Executive Session at 6:57 p.m.

7.3. Reconvene Regular Meeting

The meeting reconvened into regular session at 7:15 p.m.

7.4. Executive Session Action

No Action

8. UPDATES, DISCUSSION AND DIRECTION TO STAFF

Mayor Short asked that "Contract Law Enforcement" be placed on the next agenda.

Mayor Pro Tem Kipphut asked that the Administration Section of the Code of Ordinances be placed on the next agenda.

10. COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

None

11. ADJOURN

There being no further business to discuss, Mayor Short adjourned the meeting at 7:20 p.m.

APPROVED:


Keith Short, Mayor

ATTEST:


Rochelle Green, City Secretary

