



CITY COUNCIL MEETING
City of McLendon-Chisholm, Texas
Meeting Minutes
May 17, 2023

The City Council of the City of McLendon-Chisholm convened in Regular Session on Wednesday, May 17, 2023, at City Hall, 1371 West FM 550, McLendon-Chisholm, Texas, with the following members present:

ATTENDING:	Keith Short	Mayor
	Trudy Woessner	Mayor Pro Tem
	Lorna Kipphut	Council Member
	Daniel Tucker	Council Member
	Floyd McLendon	Council Member
	Bryan McNeal	Council Member
Staff Present:	Konrad Hildebrandt	City Administrator
	Shelly Green	City Secretary
	Michael Halla	City Attorney

1. CALL TO ORDER

Mayor Short called the meeting to order at 6:34 p.m.

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

Council Member Tucker delivered the invocation and Council Member 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

Bev Stibbens, 279 Partridge Dr., 75032. Speaking on Item 6.5. City-Wide Solid Waste and Recycling Outside Procurement Assistance Request. This item confuses me. Why in the world would our city spend \$30,000.00 to issue and RFPs and get new proposals for this service. Prosper, who is noted in the staff report, has over 30,000 residents. Might make sense for them to use it, they're six times our size. Maybe it's needed for them, but it's not needed for us. I was part of the Council that hired the initial trash service for the City. It cost me an election, but I did it and I'm proud of it. I know Ms. Balkum was part of the process in contracting CWD. I'd be very happy to

assist in reviewing proposals which come back for a new service. If I miss read this and it's not going to cost \$30,000 for somebody to get us a new trash service, I apologize, but I think staff is more than capable of doing this. Thank you.

David Black, 1419 Siena Dr., 75032. Addressed Items 6.4, 6.6, and 6.7. 6.4.-It's my understanding that the update on the city-wide maps, it's my understanding you're going to modify the comprehensive plan to reflect the latest status of annexations and zoning, and I was just wondering if there's anything else that's going to happen on that. 6.6.-Consider the process for our city to become home rule charter as opposed to Texas local government law. It's not required. You know we met the threshold of 5,000 people. It's not required to switch to home charter. You could stay, some places stay with local for a little while. But the wording in the staff report seems to say sort of like we're doing it. So I guess my question would be, is that what we're doing. Has there been analysis of the difference between the two and all that kind of stuff. Or will you know, maybe you can consider informing the citizenry with objective analysis much of which has already been created by experts. You can look up the papers and things such as pros and cons, capabilities, and limitations, real world comparative analysis of cities making the switch and those not picking the switch. There are good case studies and I hope at least the process elements of those studies will show up in the admins presentation tonight and also that there'll be a best effort be made to justify why at this time in MC Chisholm development it is necessary to switch. But, if it's in our overwhelming interest, we should do it. In case you aren't familiar, home rule permits cities to make laws beyond those permitted by the local rule. The idea I think for the local role was to help the inexperienced cities or maybe their staff by setting boundaries of what they can and cannot do. But no well-represented government's going to try to hurt its citizens but poor judgments can be made and that's invisible. 6.7. City-Wide Communication Cloud-based Texting Software Purchase – Texas My Gov. I hadn't heard about this, maybe it's come up before. It's one piece of software that you're focused on so I'm wondering if the staff report had other packages. What was the in comparative analysis and do we understand the interfaces required and are the interfaces standardized or proprietary. Also, how is this different than using the Rockwall Emergency Management System. For instance, I subscribe to this free service and receive critical weather, traffic incidents and other emergency messages. Perhaps there's an interface for you guys to put in special things like water breaks, water line breaks and valve shut-offs. You know, stuff we need to know and just be part of that system that already exists. The non-agenda thing had to do with the comprehensive plan short-term action items. There are actually 33 of those. Short term is defined as anything that can be implemented within three years from the publication of the comprehensive plan. On page 67 is where the table starts that has short-term, medium-term, and long-term. We're a little more than halfway to that term for short and so I'm wondering if any of those 33 action items have been done and if we will be able to see what you guys came up with. I figured there might be some that are already done. The planned and controlled development category, there are five short. You know, four of the five action items are short-term and we're doing a lot of that short of stuff right now. So, I was wondering if there's anything on that done.

5. CONSENT AGENDA

- 5.1. Action regarding the minutes of the April 11, 2023 City Council Meeting
- 5.2. Action regarding the Minutes of April 19, 2023 City Council Meeting

- 5.3. Confidentiality Agreement requested by RCH Water Systems for technical, fiscal, administrative and overall review of the entire RCH water system by the City of McLendon-Chisholm.

Council Member Kipphut requested that the Confidentiality Agreement be removed from the Consent Agenda.

MOTION: REMOVE THE CONFIDENTIALITY AGREEMENT FROM THE CONSENT AGENDA

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

MOTION: APPROVE ITEMS 5.1 AND 5.2, THE MINUTES OF APRIL 11, 2023 CITY COUNCIL MEETING AND THE MINUTES OF APRIL 19, 2023 CITY COUNCIL MEETING AS PRESENTED.

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

6. ITEMS FOR CONSIDERTION AND ACTION

- 6.1. Discussion and action regarding a Resolution canvassing the returns of the General and Special Elections held on May 6, 2023 for the purpose of electing three Council Members (Places 1, 3, and 5) to serve two year terms and canvassing the returns of the Special Election to elect one Council Member to fill the one year unexpired term of Place 4.

Council Member Kipphut presented the following election certifications:

“I, Christopher J. Lynch, the undersigned Elections Administrator of Rockwall County, do hereby certify that I have made the actual check and comparison of all the ballots tabulated as voted with Return Sheets, and the unused ballots as recorded on the Register of Official Ballots. I, therefore make the following finding from the May 6th, 2023 Election that was held in Rockwall County, Texas.

I, hereby certify the results to be full, true and correct tabulation, audit and count of the votes cast in the said election.

Witnessed, by my hand on this May 12th, 2023.”

Results were as follows:

Jennifer Hoffman, City Council Place 1	435 votes
Floyd McLendon, City Council Place 3	437 votes
Dan Tucker, City Council Place 5	299 votes
Bob Steinhagen, City Council Place 5	219 votes
Adrienne Balkum, City Council Place 4 Unexpired term	411 votes

MOTION: APPROVE RESOLUTION NO. 2023-04 CANVASSING THE ELECTION RETURNS AND DECLARING ELECTION RESULTS IN THE GENERAL ELECTION HELD IN THE CITY OF MCLENDON-CHISHOLM ON MAY 6, 2023 FOR THE PURPOSE OF ELECTING THREE COUNCIL MEMBERS FOR PLACES 1, 3, AND 5 FOR A TERM OF TWO YEARS; AND, APPROVE RESOLUTION NO. 2023-05 CANVASSING THE ELECTION RETURNS AND DECLARING ELECTION RESULTS IN THE SPECIAL ELECTION HELD IN THE CITY OF MCLENDON-CHISHOLM ON MAY 6, 2023 FOR THE PURPOSE OF ELECTING ONE COUNCIL MEMBER FOR PLACE 4 FOR A TERM OF ONE YEAR.

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

6.2. Swear in Newly Elected Council Members for Places 1, 3, 4, and 5.

Mayor Keith Short swore in Floyd McLendon to Place 3 and Judge Mark Russo swore in Jennifer Hoffman to Place 1, Daniel Tucker to Place 5, and Adrienne Balkum to Place 4.

6.3. Discuss and vote to appoint a Mayor Pro Tem in accordance with 22.07(b) of the Texas Local Government Code.

MOTION: Elect Council Member Dan Tucker as Mayor Pro Tem

MADE BY: Council Member McNeal
SECONDED BY: Council Member Tucker
APPROVAL: Ayes: 2; Noes: 3 – Motion Failed

MOTION: Elect Council Member Adrienne Balkum as Mayor Pro Tem

MADE BY: Council Member McLendon
SECONDED BY: Council Member Hoffman
APPROVAL: Ayes: 4
Nays: 1

Mayor Short moved back to 5.3 which was removed from the Consent Agenda.

5.3. Confidentiality Agreement requested by RCH Water Systems for technical, fiscal, administrative and overall review of the entire RCH Water system by the City of McLendon-Chisholm, Texas.

City Administrator Hildebrandt presented a staff report on this item:

Background:

The City of McLendon-Chisholm has for the past 6 months worked toward completing requirements for the acquisition/transfer of the RCH Water Certificate of Convenience and Necessity (CCN) to the City of McLendon-Chisholm.

Through negotiations, the RCH Board of Directors has indicated that they are amenable to allow our contract professional water engineers and professional staff (Teague, Nall and Perkins, Inframark and our City Contract Finance Director) into RCH to do a complete evaluation of the RCH system.

One of the major components to this approval is for the city to provide RCH a Confidentiality Agreement to protect and safeguard the integrity and operations of the RCH water system.

City Administrator Hildebrandt explained this has gone to the attorneys for their review and comments. It was passed to the RCH board president for his review.

MOTION: APPROVE THE CONFIDENTIALITY AGREEMENT REQUESTED BY RCH WATER SYSTEMS FOR TECHNICAL, FISCAL, ADMINISTRATIVE AND OVERALL REVIEW OF THE ENTIRE RCH WATER SYSTEM BY THE CITY OF MCLENDON-CHISHOLM, TEXAS.

MADE BY: Council Member Tucker
SECONDED BY: Council Member McNeal

Council Member Tucker stated it was his understanding that we are ready to move forward with this. It has been looked at by our lawyer, Mr. Halla, and the folks at RCH and they're in compliance with this or they have an understanding that this is what they want.

Mayor Pro Tem Balkum asked the City Attorney if there was anything he wanted to add. He replied no. She further stated that as mentioned by our city administrator that the RCH president was the one that added the item in blue. This item, I believe that we need to have further discussion with our water attorney. She personally has not spoken with our water attorney. She would like to spend some time discussing that with her as well as other issues that may be concerning. Plus, there's also a few more meetings that will be taking place very soon in regard to RCH, so she believes that we need to wait a little bit to get through those meetings first just to be sure.

APPROVAL: AYES – 1
 NOES – 4
 Motion Failed

6.4. Update City-Wide Maps – ETJ and City Boundaries

City Administrator Hildebrandt presented this item:

Fiscal Impact: Estimated \$3,000 – included in the current year's budget

Background:

The City of McLendon-Chisholm has recently completed an annexation (Trilogy Development); and, has qualified for the next population tier in the Extraterritorial Jurisdiction State of Texas requirements (current population 5,388 – February 6, 2023). These two actions necessitate the need to update our city boundaries map and our ETJ map.

The ETJ will be widened from the current ½ mile allowance to a 1-mile allowance.

The City Council needs to decide if you want to include the 4,000 acres to the North and East of Edwards Road, that previously was relinquished to the City of Rockwall and subsequently dropped by Rockwall. Do you want to re-claim this area? Direction is requested.

City Administrator Hildebrandt will move forward with this update.

6.5. City-Wide Solid Waste and Recycling Outside Procurement Assistance Request

City Administrator Hildebrandt presented this item:

Background:

The City Council has shown interest in receiving outside bids for the city-wide solid waste and recycling pickup and removal. Based on the increased technical nature of this State of Texas required procurement process, staff requests utilizing the services of Burns and McDonnell, Inc. to complete the overall procurement process. Burns and McDonnell have completed these types of procurement for multiple citizens throughout the Metroplex and the State of Texas and other States. Currently, they are finalizing the solid waste/recycling procurement process for the City of Prosper, Texas. Through this professional assistance, we are assured that everything is done correctly and that hopefully the cost of procurement is more than received in the solid waste/recycling returns. Projected cost is \$30,000.

City Administrator Hildebrandt pointed out that this is a very technical nature. This type of bid procurement and the amount of money that's involved over a five year period is substantial. These guys are professional and have done multiple cities. The cost that was mentioned earlier is something that this company puts on as a rider in the bid package that says the successful bidder will reimburse the city for all costs that it uses for going through this process. So virtually the cost is zero to the city and the successful bidder will pay us.

Mayor Short asked if we were to agree to this thirty-thousand-dollar cost, I get the reimbursement side of it. But, if we put it out for bids and nobody responds, we're still out thirty thousand dollars, right?

Hildebrandt: No, because we'll give notice to CWD that we're closing out their bid package and we want them to bid again and if they're the apparent low bidder and who we selected, they will have to pay that.

Mayor Short: If that's in there and they end up getting the contract again, there's the potential that thirty thousand dollars will be passed along to our citizens in an increase. I am concerned about that.

Mayor Pro Tem Balkum gave a brief overview of the City's experience with the last procurement process for a waste disposal company.

Mayor Short stated that he doesn't get a vote in this unless there's a tie and I don't know that there will be a tie. As the Mayor, even though it may be money put out and money reimbursed, my concern is the pass-through the cost to the citizens. I'm speaking as a citizen at this point, having trash service within our city, I've watched the costs increase but I've also seen the service level diminish off and on throughout the whole time and that's a concern with me. The level of service and where we're going to potentially pass off a thirty-thousand-dollar cost to the folks out there.

Council Member McNeal ask if we did the \$30,000 and CWD took it, they would still have to come give us a presentation for us to look at if they were going to increase a rate or do something. Wouldn't they have to present us that package and we would be able to say yea or nay. My concern is the same as the Mayor's. Does the company just say we're going to raise the rate per customer.

Hildebrandt: We can ask each bidder to give us the price per can and guarantee it for "x" amount a year. The council can say what you want in the bid package.

Council Member McNeal: I'm only bringing it up because I understand exactly what the Mayor's saying, to protect the citizens. To make sure that they don't get the cost passed on to them. But if we, as a city council, can be the roadblock against that, would it benefit us. I guess what I'm trying to get at, I don't know that answer and I'm just trying to find out.

Mayor Short: The cost is going to get passed on, we all know that. It's whether or not we, as the Council, want to take and do the RFQ like we did before and then we review them to make the decision and when we review them or whoever bring in to discuss who we decide on, we can set those parameters.

Council Member McNeal: And that would be with anybody, right?

Hildebrandt: Every concern you may have, you'll be able to have that part of the bid package.

Council Member McNeal: I agree with the Mayor. I just want to make sure that we protect the citizens of not taking on any cost at all because we decided to, as a council, to spend \$30,000 to

go find somebody new, and if they did it before on our own, it kind of seems like keep the 30 grand. Like you said, thirty thousand is thirty thousand. Keep the thirty-thousand and then if there's a way, we can figure out how to go and get those bids out. I mean we saved that \$30,000.

Council Member Tucker: I think I'm hearing that \$30,000 is a large outlay for a process that I think we're certainly capable of performing ourselves. I mean between three or four of us I think we could sit down and analyze and put this together. I just don't see the justification for the \$30,000 especially with the threat of legal action. That's the last resort that I would consider. So I would be in alignment with you.

Mayor Short had two questions: (1) what is our timeframe before they roll over?

Hildebrandt: Six months. The end of our contract with CWD is December 31st of this year.

Mayor Short's second question is roughly, right now, how many households within McLendon-Chisholm is CWD serving?

Hildebrandt: The list Shelly just used to send out something for the commissions to all the residents was 1,300 plus.

Mayor Short asked Konrad to find out if there are any other companies that do that work for less than thirty thousand.

With Council approval, Mayor Short told Mr. Hildebrandt that he would like him to bring back additional information and we'll readdress it in one of the next couple of upcoming Council meetings since we have just a little bit of time and make a decision at that point. We've got other more pressing issues such as water and things associated with water for our citizens that are a little more pressing right now even though we do have concerns over waste management.

Hildebrandt: So what I'm understanding is you want me to go and find out if there are other providers for a cheaper cost and bring it back to the next one or two city council meetings.

Council agreed.

- 6.6. Discuss and consider the process for the City of McLendon-Chisholm to adopt a home rule charter in accordance with Chapter 9 of the Texas Local Government Code.

City Administrator Hildebrandt introduced this item:

Background:

The City of McLendon-Chisholm has recently passed the 5,000 inhabitant (person) threshold (5,388 per February 6, 2023). Per State of Texas Local Government Code (Section 9), the city is eligible to become a 'home rule city' and create our own charter government.

Council approval is requested to start moving toward a final city-side election for charter government approval.

City Council, if amenable, shall give direction on the selection of a 15-member charter commission.

Additional process requirements will be presented at the city council meeting.

Overview of the law is also included in your City Council packet.

City Attorney Halla: This all falls under 9.0 to the local government code. Local government code lays out the process. The main difference between home rule and a type A general law, which we are, is that home rule cities can do anything they want to do unless the law says you can't do that. Whereas a general law city can't do anything unless the law specifically says.

Mayor Pro Tem Balkum: One of the things I think that we should tackle is like you need to learn what are the benefits. The second thing is I think we kind of need to lay out visually what you just got through talking about. I know we have some workshops coming up this summer, so maybe we can take some time now and I know we're going to have you come to one of the meetings and maybe we can kind of just go through, you know sharing a little bit more in depth like what are the pros and cons. I think that was brought up by one of the citizens earlier and just really understanding what this is all about. I don't know if you're familiar with other cities, but to my understanding anytime we make changes to the Charter it has to go on the election ballot. So every time we have an election, it cost about 10 or 12 thousand dollars just in general and then whatever that item is. So we need to bring back staff, especially Michael Holla, to share at one of our workshops.

Mayor Short indicated they need more of what the pros and cons are of doing it; how it truly benefits our city. Maybe more visuals so that they can understand a lot more what our pros are as well as cons.

Council Member Tucker stated that to get to that point, we individually need to start looking into this. It's a serious issue that we need to look at.

Council Member McLendon asked about the method of determining the required population. City Administrator Hildebrandt explained the method he used.

6.7. City-Wide Communication Cloud-based Texting Software Purchase – Text My Gov

City Administrator Hildebrandt presented a staff report on this item:

Text My Gov is a unique and proactive texting software (cloud-based) that will allow the City of McLendon-Chisholm to communicate with all of our residents on an immediate and as needed basis. Some of the possible uses will include: Emergencies; Notification of weather events; Notification of City Events including special city council meetings and changes; Water line breaks and valve shut offs; etc. Polygons can be initiated to drill down to the smallest area and or neighborhood.

Fiscal Impact: \$3,500 set up cost and \$3,500 annually – currently available in this year's budget.

City Administrator Hildebrandt explained the many options available for using this system. He stated it's something we can go and research and look for others, but this is a great price and a great ability to go and communicate. I think the most underserved area, in my opinion, in local government and probably all of government is communications with its residents.

Mayor Short expressed that he feels they are going to have more questions and in the past we've asked people to sign up on stuff on the website to get notifications which brings me to a question which none of us I think can really answer without talking to our IT provider as to if we've had the ability for people to sign up for certain things if I'm providing a number or an email address. He asked if there is a capability to do that if they provide us a number for texting service. I think we need to have some more questions answered before we make a decision on this.

City Administrator Hildebrandt stated we can get a list of questions, sort of the pros and cons again. There is definitely, as I mentioned, an opt-in opt-out.

Council requested a presentation

7. UPDATES, DISCUSSION AND DIRECTION TO STAFF

None

8. COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

- 8.1. Mayor Short – Reminded everyone, please pay careful attention to your driving habits. Something's not so important that you need to whip around people at high rates of speed and endanger yourself, them, and others. I, unfortunately, had that experience this week on that nice, beautiful, straightaway we have at the entrance to Sonoma Verde. You know there's a speed limit sign, it says 30. I was going a little faster than 30, I can admit that. The car that passed me blew my doors off and as I watched him, they did what we call the old California stop. They bumped the brakes and just peeled out on to 205. Had there been traffic coming, he might not have survived that situation. There's nothing so important. That's not acceptable. I value each and every one of you as a human being, not only as citizens of our community. Your life is too precious to make the mistake like that and get yourself or somebody else hurt. Let's please remember that.
- 8.2. Mayor Pro Tem Balkum – None
- 8.3. Council Member Hoffman – None
- 8.4. Council Member McLendon – For Memorial Day, we're having a remembrance in honor of our brothers and sisters who made the ultimate sacrifice. It's going to be May 27th at 11:30 here at City Hall.
- 8.5. Council Member Tucker – None
- 8.6. Council Member McNeal – None

9. ADJOURN

There being no further business to discuss, Mayor Short adjourned the meeting at 8:02 p.m.

APPROVED:



Mayor Short

ATTEST:


Rochelle Green, City Secretary