

CITY OF VAN ALSTYNE

MINUTES

City Council Meeting

Van Alstyne Community Center
262 N. Preston Ave

September 12, 2017

6:30 P.M.

Members present: Mayor Larry Cooper, Brad Clough, Teddie Ann Salmon, Robert Jaska, Lee Thomas and Suzon Crowell (via skype).

Staff present: Frank Baker

AGENDA

1. Call to Order. *Mayor Cooper called the meeting to order at 6:31pm.*
2. Invocation. *Recited by Mayor Cooper.*
3. Pledge of Allegiance. *US and Texas.*
4. Citizens Communications. *Teddie Ann Salmon advised that her city e-mail is not working. Mrs. Salmon also presented Mayor Cooper with a timer with an alarm.*

PUBLIC HEARINGS

5. Conduct a Public Hearing regarding a request by the owner/agent to replat an approximately 0.132 acre tract of land described as a replat of Block 5, Lots 15 & 16 of the Original Town of Van Alstyne, in the James McKinney Survey, Abstract No 770, more commonly known as 212 E Marshall Dr. *The Public Hearing opened at 6:36pm. Mayor Cooper clarified the location of the subject property was clarified. The hearing closed at 6:39pm.*

CONSENT AGENDA

Items listed on the consent agenda allow the Council to approve all items together without discussion or individual motions. Items may be removed from the consent agenda on the request of any one member of the Council. Removed items will be discussed and action taken immediately after the consent agenda.

6. Consider and take any action necessary regarding minutes from the August 8, 2017 Budget Work Session Meeting, August 8, 2017 Zoning Board of Adjustments meeting, August 8, 2017 Regular meeting, August 8, 2017 Special Called meetings and the August 29, 2017 Special Called meeting.
7. Consider and take any action necessary regarding approval of a site plan the Bob and Lola Sanford Elementary campus located north of Blassingame Avenue, west of North Waco Street and south of Van Alstyne Middle School (1314 North Waco Street).
9. Consider and take any action necessary regarding passage of an ordinance amending the City of Van Alstyne's Code of Ordinances Section 2-183 regarding utility rates and charges.
10. Consider and take any action necessary regarding the resolution authorizing the City Manager to sign an agreement with Texoma Council of Governments (TCOG) for GIS (911) database maintenance and mapping.

11. Consider and take any action necessary regarding a resolution requesting FM 121 East closure authorization from TXDOT for the October 21, 2017 Fall-Der-All event.
12. Consider and take any action necessary regarding a resolution authorizing the closing of the S&N Enterprises Fund bank account.

Robert Jaska made a motion to approve items 6, 7, 9, 10, 11 and 12 on the consent agenda. Teddie Ann Salmon seconded the motion and the motion passed unanimously.

REGULAR AGENDA (NON-CONSENT)

8. Consider and take any action necessary regarding the reappointment of Jim Atchison, Bob Hendricks and Wayne Womack to the Planning and Zoning Commission. *Discussion was held regarding the appointment/reappointment process. Suzon Crowell expressed concern for a citizen serving on two boards that have a financial impact on the City. Suzon Crowell made a motion to reappoint Jim Atchison and Bob Hendricks to the Planning and Zoning Commission. Teddie Ann Salmon seconded the motion and the motion passed with Suzon Crowell, Teddie Ann Salmon and Robert Jaska in favor and Brad Clough and Lee Thomas opposed.*
13. Consider and take any action necessary regarding a request by the owner/agent to replat an approximate 0.132 acre tract of land described as a replat of Block 5, Lots 15 & 16 of the Original Town of Van Alstyne, in the James McKinney Survey, Abstract No 770, more commonly known as 212 E Marshall Dr. *Teddie Ann Salmon made a motion to grant the request to replat said tract of land. Brad Clough seconded the motion and the motion passed unanimously.*
14. Consider and take any action necessary regarding the reappointment of Rodney Williams and Robert Jaska to the Library Board. *Suzon Crowell advised that she would like to see the vacancies posted for the public to view. Suzon Crowell made a motion to reappoint Rodney Williams and Robert Jaska to the Library Board. Teddie Ann Salmon seconded the motion and the motion passed with Suzon Crowell, Teddie Ann Salmon, Brad Clough, and Lee Thomas in favor and Robert Jaska abstaining.*
15. Consider and take any action necessary regarding the approval of an ordinance to abandon an alleyway in Block 12 of the Original Town Plat at the south-east corner of S. John Douglas Rd and Shreveport. *Brad Clough made a motion to approve an ordinance to abandon said alleyway. Robert Jaska seconded the motion and the motion passed unanimously.*
16. Consider and take any action necessary regarding authorizing the Mayor to sign a Resolution to certify local funding and support of the Van Alstyne Shared Use Path Phase II. *Suzon Crowell advised she was not aware of the changing of this path until she received her Council packet adding that there is a lack of trust and communication to let people know what is going on. Citizens expressed concern that they were not noticed of the change in direction of the Path. Len McManus provided technical information regarding the TxDOT application, timeline of the project and how the are allocated. Suzon Crowell and Teddie Ann Salmon recommended obtaining letters pledging support from the City, Van Alstyne ISD and the CDC stating they promise to pay their portion of the project cost for Phase II. Mrs. Salmon also advised that she would like to require that there be a guarantee of the money and that the current path presented to Council would be what the City does with the path. If changes to this path are made the citizens will be notified via public notices. Kaaren Teuber stated there is already a resolution for this topic standing and the City should not move forward unless proper notifications have been made. Mrs. Salmon asked Julie Fort what the ramifications of the standing resolution are and what is required to move forward. Mrs. Fort advised that council can amend or repeal the previous resolution with the new proposed resolution.*

Mrs. Salmon advised that because Council has until October 1, 2017 to vote on the resolution, she would like to see a letter of financial support from CDC and the Van Alstyne ISD guaranteeing the contributions, a guarantee that the path will be as presented in writing and if changed, a Public Hearing will be called to inform the public as council can potentially repeal the original resolution dated May 9, 2017. Teddie Ann Salmon made a motion to table the item to a Special Called Council meeting scheduled for Monday, September 25, 2017 at 6:30pm at the Van Alstyne Community Center at which time the City should have letters of support from Van Alstyne ISD pledging \$51,311.00 and the CDC pledging \$30,000.00. Public Notice regarding the plan and where the path goes should be published, posted at City Hall and posted on the City's website. Suzon Crowell seconded this motion and the motion passed unanimously.

17. Consider and take any action necessary regarding process for City to release funds to VAEDC and nature/format of agreement between the City and the VAEDC regarding funding of Phase 1 Shared Use Path. *Suzon Crowell made a motion that all policies be updated to say that all tax revenue funding for EDC and CDC must be electronically dispersed within one business day of receipt. Robert Jaska seconded the motion. Mayor Cooper asked if one business day was okay with the City. Frank Baker advised thirty days should be reasonable, one day is not reasonable as the check process could take at least a week. Teddie Ann Salmon suggested five business days which Mrs. Crowell advised is unreasonable. Lee Thomas asked if it is possible to send funds electronically via ACH. Mr. Baker advised that staff can look in to this as the City has never electronically sent funds to EDC or CDC before. Jodi Carr, EDC Director, advised that the state Comptroller issues funds to the City before the second Friday of every month via direct deposit. The City should be able to ACH the EDC and CDC funds by the following Monday morning. Mrs. Carr explained that it took twenty-five days to receive their funds for the previous month. Teddie Ann Salmon stated that there was a motion that the policies should be updated. Mrs. Crowell amended her motion to require disbursement electronically within two business days of receipt. Mr. Thomas asked if it was possible to electronically transfer the funds to the EDC and CDC and if it had ever been done before. Mr. Baker advised that the City has never electronically transferred funds to the EDC or CDC but will investigate the possibility. Mr. Thomas asked if the City pays anything electronically currently to which Mr. Baker answered, yes. Mr. Baker advised that it took twenty-five days for the EDC to receive their funds because the EDC has not paid the City in regard to Phase I of the Shared Use Path. The City was exhausting resources to confirm that funds may not be withheld to make the City whole for Phase I and insure that the EDC had fulfilled its obligations and commitment to the City for the Path. Mrs. Salmon asked if the City can force a payment to be made by the EDC or withhold their funds for that reason. Mr. Baker answered that it up to the body, but the City was investigating exactly what the options were. Mrs. Crowell advised the City is not allowed to hold funds because they are two separate things. Mayor Cooper advised that the question was, is ACH possible and Mr. Baker advised that the possibility can be investigated. Robert Jaska advised that if the City has the capacity to receive funds electronically, then the City should have the capacity to send them as well. ACH may take a few days but the two day window would be reasonable where five to thirty days is not reasonable. Mrs. Salmon reminded Council there is a motion on the table. Robert Jaska seconded this motion and the motion passed unanimously. Suzon Crowell asked to put on the September 25, 2017 special called meeting agenda that the City pay the CDC electronically as well. Discussion was held regarding the availability of the current months check. Mrs. Crowell asked what sort of agreement between the City and the EDC is in place regarding funding of the Shared Use Path. Mr. Baker advised that the EDC Board agreed to fund the project in 2017 by approval of the 2017 EDC budget adding that the EDC has failed to pay invoices dating back to May. Mrs. Crowell clarified that the EDC budget was passed*

as a whole and council does not hold the EDC accountable for specific line items. Mrs. Crowell asked again if the City has a signed agreement other than the EDC budget. Mr. Baker answered, the City has a letter of support from the EDC, a budget approved by the EDC and by council, and that is the commitment. Mrs. Crowell asked Julie Fort if having something in a budget makes it a contractual commitment between the corporation and the City to which Mrs. Fort advised she does not believe so. Mrs. Crowell advised that if the EDC is not going to pay for it, the City needs to pay their portion because it all comes out of the same tax money adding that the City cannot continue to hold EDC funds hostage.

18. Consider and take any action necessary regarding adopting an ordinance levying taxes for the 2017 Tax Year. *[Vote must be a record vote] Lee Thomas made a motion adopt the proposed ordinance levying taxes for the 2017 Tax Year. Suzon Crowell seconded this motion and the motion passed unanimously by record vote with Lee Thomas, Suzon Crowell, Brad Clough, Teddie Ann Salmon and Robert Jaska in favor.*
19. Consider and take any action necessary regarding the review, upgrade and/or amendment of the City Attorney contract. *Teddie Ann Salmon made a motion to include the accounting summary of invoices reflecting the months services, breaking down the public information act requests into those submitted by the Police Department and those submitted by other departments into the service agreement list of duties/services. Robert Jaska seconded the motion and the motion passed unanimously. Suzon Crowell asked Julie Fort if she regularly attends the Planning and Zoning meetings to which Mrs. Fort advised that she only goes to Planning and Zoning meetings upon request. Mrs. Crowell asked Mrs. Fort if she provides services to other boards, commissions and corporations. Mrs. Fort advised that she only assists with legal questions in regard to the City. She has assisted in the past as requested from other entities. Mrs. Crowell clarified that City Council members cannot directly ask legal counsel questions. Mrs. Crowell made a motion to amend the contract to allow the Mayor and/or City Council members to directly ask legal counsel questions. Teddie Ann Salmon seconded the motion and the motion passed unanimously.*
20. Consider and take any action necessary regarding the review, upgrade and/or amendment of the City Manager agreement/contract. *Teddie Ann Salmon stated that the agreement cannot be updated or amended therefore the item is withdrawn. Suzon Crowell requested there be executive session discussion regarding this to occur at the next meeting.*
21. City Manager's Report. *Frank Baker provided statistics for the month of August 2017. Suzon Crowell asked why departmental reports were not on the agenda. Mr. Baker advised that they are not required to be at City Council meetings. Mrs. Crowell asked where the consistency is in the meetings to which Mayor Cooper advised that department heads are not required to be at meetings unless they have something to share with Council. Mrs. Crowell clarified that department heads will not attend meetings unless Council asks for them to attend to which Mr. Baker advised that department heads will attend if they have something specific to present. Mayor Cooper advised Mrs. Crowell that if she is requesting departmental reports for August, Mr. Baker can provide those. Teddie Ann Salmon asked when and where she needs to make recommendations regarding the parking in the downtown area. Mr. Baker advised this could be on the September 25, 2017 meeting agenda. Teddie Ann Salmon advised she would like to add this item to September 25, 2017 meeting so the Council can hear recommendations and input regarding the parking.*

22. Mayor and Council Closing Comments. *Suzon Crowell expressed appreciation for the inserts included in the September water bills mailed out. Lee Thomas wanted to thank all of the volunteers in the City on boards and committees. Robert Jaska thanks all the citizens and small business owners for coming to the City Council meetings, as well as all of the volunteer board members throughout the City. Robert Jaska also made an announcement of the Texoma Patriots meeting on Tuesday September 19, 2017 at 7:00pm at Bucksnot BBQ with guest speakers.*

23. Adjournment. *Teddie Ann Salmon made a motion to adjourn at 8:42pm. Brad Clough seconded this motion and the motion passed unanimously.*

Larry Cooper, Mayor

Jennifer Gould, City Clerk