

CITY OF VAN ALSTYNE

MINUTES

City Council Special Called Meeting

Van Alstyne Community Center

262 N. Preston Ave

September 25, 2017

6:35 P.M.

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

Staff present: Frank Baker

AGENDA

1. Call to Order. *Mayor Cooper called the meeting to order at 6:45pm*

PUBLIC HEARINGS

2. Conduct a Public Hearing regarding certify local funding and support of the Van Alstyne Shared Use Path Phase II. *The Public Hearing opened at 6:46pm. Teddie Ann Salmon advised that the Public Hearing notice was in the Van Alstyne Leader on Friday September 22, 2017. A financial pledge letter of \$51,311.00 was received from Van Alstyne ISD, as well as a letter of financial support from the CDC for \$30,000.00. The City still has to pay \$13,000.00 annually for maintenance, in addition to the City's contribution toward construction. Mrs. Salmon advised that the total participation is \$98,146.00 requiring the City to pay \$38,146.00 which is made up of \$26,909.00 for construction costs and \$11,236.00 for TxDOT administrative costs. In the Van Alstyne Leader on September 15, 2017, the City Manager stated that phase II does appeal to parents and the school district and the appeal is the ease of dropping students off at the new school. Mrs. Salmon stated that she could not see that connection. Len McManus advised that the school district has the responsibility of the sidewalk. Mrs. Salmon advised that the proposed sidewalk is 5 feet wide on one side of the street and a 12-foot-wide path on the other side of the street, and in the application it says it is an unknown street. Mrs. Salmon advised this is not an "unknown street" in fact this street is Williams Avenue. In the Mayor's August 23rd newsletter, it states that the will extend north on Blessingame to the new elementary school and to Palladium; however, Palladium is not mentioned in any of the plans received at by council. A statement signed by 136 residents stating, "We the undersigned citizens of Van Alstyne, Texas do hereby request the City, Council, Mayor and City Manager to please suspend any current plans for the proposed Van Alstyne Shared Use Path until such time as the City necessities have been met." Mrs. Salmon advised that on the 2017 Nomination Form on pages 2 and 3, states that the Shared Use Path is fully supported by citizens, which is incorrect given the petition. Mrs. Salmon added that the path has changed so many times and questioned whether the plan will stay as presented if a favorable vote is made and continued pointing out errors in the application. Mayor Cooper addressed the engineer, confirming that the project will be done phase by phase. Darin Clum advised that the last time he heard about the path, council voted it down adding that it has been changed twice since council voted it down, without one public hearing. Mr. Clum expressed concern for what seems to be a lack of protocol for getting items through. Council is asking citizens to trust them and the council is asking citizens to trust the management yet from his perspective, the Mayor and city personnel willfully disobeyed the council's request, which was to not move forward. Mr. Clum advised that he is not against the path but against having no trust in council or the City to do what the citizens ask. Clint Murphy expressed concern for the lack of discussion about a new City Hall or the Public Works building*

being moved out to the sewer plant. Discussion is largely about development on the east side of Highway 75 and there is concern for room to grow there. Kaaren Teuber advised that she is against the phase II of the path and against paying for further phases and has a letter signed by several citizens stating they have told council repeatedly that they do not want to spend their sales tax money on the Shared Use Path. Citizens have requested that council suspend any current plans, have attending council meetings and spoken out against the path. Citizens feel as if their voices have been ignored by City staff and the Mayor. Citizens do not think this path serves the best interest of all and would like the council to withdraw from the current revised plan and any further plans for building a path through Van Alstyne. Mrs. Teuber advised that within the fiscal year 2014-2015 TAP Unified Planning Work program, it stated that the bike and pedestrian path was to focus on two core cities, Denison and Sherman, nothing regarding Van Alstyne. Phase II of the plan was rejected to go down Dallas Street and without notification to the citizens or council members, the City revised the plan. There were no notices posted, no public hearings as required, no letters of support from citizens or citizen organizations, in fact the council did not even get a copy of the application at the last meeting, all the council received was a map and a resolution that council was expected to approve. Mrs. Teuber advised that she believes the revised plan is a place holder and it is just a matter of time until council is asked to sign another resolution for future phases of the path. The citizens again request council defund it, void it and stop it. Donnie Neill suggested council should write down the vision for the citizens so the community can understand it more clearly. Mr. Neill advised that the City still does not have the money for the path and expressed concern for how things are being managed. Mr. Neill expressed concern regarding a rumor that Mr. Baker turned in almost ninety hours of overtime for his trip down to help with the hurricane. Mr. Baker advised that the number of overtime hours is probably accurate. Mr. Neill asked if Mr. Baker is a salaried employee. Mr. Baker answered that he is a salaried employee, as a City employee but as a state asset it is different. Mr. Neill asked how many thousands of dollars were paid to Mr. Baker and expressed concern for balancing the budget. Mr. Baker advised that it is fully reimbursed by the state, whatever the numbers are, it is true and correct and is what everyone deployed as a state asset is supposed to turn in. Pat Patterson expressed concern for funding this and future phases. Lee Thomas advised there is no set cost of the path. Darin Clum expressed concern regarding the application for the path. The Public Hearing closed at 7:20pm.

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.

REGULAR AGENDA (NON-CONSENT)

3. Consider and take any action necessary regarding an ordinance amending Code of Ordinances, Chapter 2, Administration, Article III, Officers and Employees, Division 3, City Clerk, Section 2-99, Duties and Authority, paragraph (b) to clarify/amend the duties of the City Clerk. Suzon Crowell made a motion to amend as the City Attorney has put together for Council. Mrs. Crowell advised that it is very unfortunate that they had to waste time to have this job description amended that was fully expected for the City Clerk to do. Teddie Ann Salmon seconded the motion. Brad Clough clarified that the amended job duties states that the City Clerk shall attend all meetings, however there in confusion in the event of an emergency. Mrs. Salmon stated that in an emergency she could designate a representative. Brad Clough suggested this should be specific as there might be an instance several years down the road and articulating this will help with accountability. Teddie Ann Salmon made a secondary motion that in an emergency the City Clerk/City Secretary may delegate her duties to a deputy clerk with the approval of the City Manager, but only in an emergency. Robert Jaska seconded the secondary motion made by Teddie Ann Salmon. Mrs. Julie Fort stated that the proposed says all meetings, not just regular meetings, and if there are circumstances that come up such as the City Clerk already having a vacation day approved using the process under the personnel manual, and a special meeting is called, would the City Council expect that planned vacation day to be revoked? Mrs. Fort added that if Council says emergency

only, it implies that maybe other sick or vacation time would not be allowed, versus stating “the Clerk’s designee” and leave it silent. This makes it generally understood that she is expected to attend. Mrs. Salmon asked that council change the wording to “in an emergency, except under special approved circumstances”. Mrs. Salmon asked if this wording would work, if the special approved circumstantial absence was approved by the City Manager for vacation, sick leave and emergencies. Julie Fort answered, yes. Robert Jaska seconded the motion. Lee Thomas advised to amend the motion, because there is no secondary motion. Mayor Cooper advised there is a motion and a second on a secondary motion, and called for a vote. The motion passed unanimously. After discussion and clarification, Brad Clough motion to approve Mrs. Crowell’s initial motion in addition to Mrs. Salmon’ motion regarding special approved circumstances. The motion passed unanimously. Mrs. Crowell asked who is taking minutes at meeting, as well as who took minutes at the last meeting, since council was denied the City Clerk. Mr. Baker advised that there is a video camera and he and Julie Fort are both taking notes. Suzon Crowell advised that the video did not start until more than half way through the last meeting. Mr. Baker advised that the video started 10 minutes before the meeting, stopped and somehow restarted. Mrs. Crowell advised that the video did not start until after agenda item 16, and again questioned who took notes. Mr. Baker advised that the video camera, Julie Fort and he were taking notes.

4. 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. *Teddie Ann Salmon made a motion to not authorize the Mayor to sign the resolution to certify the funds for the Van Alstyne Shared Use Path and withdraw from the program. Suzon Crowell seconded the motion. Robert Jaska advised that issues discussed are valid, information was not presented correctly and there has been no clarification on the actual cost involved. Mr. Jaska added that what has been presented is a good plan and it is good that Van Alstyne ISD is contributing. The confusion now is related to future plans. Mr. Jaska advised that funding of phase II will not occur in fiscal year 2017 or 2018, the earliest would be 2019 and does not want to delegate to the future council. Mayor Cooper advised that a motion made was to deny authorization to sign the resolution, and there was a second as well. The motion passed with Teddie Ann Salmon, Suzon Crowell and Robert Jaska in favor and Brad Clough and Lee Thomas opposed.*
5. Consider and take any action necessary regarding the process for the City to release funds to VACDC. *Brad Clough asked if this was going to be the same process set up for the EDC and Robert Jaska answered, yes. Teddie Ann Salmon asked what the process is, so all of council is on the same page. Suzon Crowell asked who has ownership of this agenda item. Mr. Clough advised that the item was brought back by himself and Mrs. Crowell because the previous agenda item read only for the EDC. Mr. Clough stated that there is an outline of a paying timeframe and authorized the City to pay via ACH. Now they are wanting to implement the EDC procedures for the CDC as well. Teddie Ann Salmon made a motion to adopt the same procedures for the CDC funds to be electronically dispersed and it should be the same procedure as the EDC. Suzon Crowell advised that she believed last meetings vote was to have the funds dispersed electronically within two business days of receipt of the funds. Brad Clough seconded the motion and the motion passed unanimously.*
6. Consider and take any action necessary regarding downtown parking. *Teddie Ann Salmon expressed concern for the availability of handicap and regular parking in the downtown area. Local business owners advised there are not enough spots for their customers to park close to their businesses. Suzon Crowell advised this should be included in the City’s Comprehensive Plan and suggested that someone speak with the Chamber of Commerce regarding their parking lot and if customers can use it to visit local businesses in the area. Robert Jaska offered to speak with the CDC and Chamber of Commerce regarding parking. Jim Smith advised that Public Works has a striping machine that was purchased years ago. No action taken.*
7. Consider and take any action necessary regarding an agenda request from Lynn Adams to repeal Ordinance No. 781 and eliminate the rotation list for wrecker services. *Lynn Adams addressed*

council regarding the agenda request. Discussion regarding the difference in Ordinance 636 and 781 was held. Teddie Ann Salmon made a motion to amend Ordinance 781, eliminate the rotation process and replace it with a primary and secondary business. The ordinance shall have the list of fees it references attached with the ordinance including the maximum amount of fees. Teddie Ann Salmon advised these corrections/amendments shall be implemented and come back to the council for review at the next council meeting. Robert Jaska seconded the motion. The motion passed with Teddie Ann Salmon, Robert Jaska, Brad Clough and Suzon Crowell in favor and Lee Thomas opposed. Teddie Ann Salmon advised she was aware there was not a council comments section of this meeting; however, she wanted to give thanks to the Planning and Zoning Commission for the open position being posted.

EXECUTIVE SESSION

In accordance with Chapter 551 of the Texas Government Code (Open Meetings Law), the City Council may meet in a closed Executive Session pursuant to applicable laws.

8. All items below for Executive Session:

Pursuant to the following designated sections of Texas Government Code, Annotated, Subchapter 551, the Council will enter into executive session to discuss the following items:

- a) Section 551.074 [Personnel Matters to deliberate appointment, employment, evaluation, reassignment, duties, discipline or dismissal] for providing directives to the City Manager based on results of 2017 annual evaluation.
- b) Section 551.071 [Consultation with Attorney on a matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflict with the Open Meetings Act] regarding (i) providing directives to the City Manager based on results of 2017 annual evaluation, and (ii) City Manager's contract and performance.

Council recessed into executive session at 8:30pm.

Council reconvened into open session at 11:01pm.

OPEN MEETING

9. Consider and take any action necessary as a result of each item listed in executive session, including; (i) providing directives to the City Manager based on results of 2017 annual evaluation, and (ii) City Manager's contract and performance. *No action was taken.*
10. Adjournment. *Brad Clough made a motion to adjourn at 11:01pm. Teddie Ann Salmon seconded the motion and the motion passed unanimously.*

Larry Cooper, Mayor

Jennifer Gould, City Clerk