

CITY OF VAN ALSTYNE

MINUTES

City Council Meeting

Van Alstyne Community Center
262 N. Preston Ave

OCTOBER 10, 2017

6:35 P.M.

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

Staff present: Jennifer Gould, Tim Barnes, Judy Kimzey and Lt. Adam Huttash.

AGENDA

1. Call to Order. *Mayor Cooper called the meeting to order at 6:38pm.*
2. Citizens Communications. *Clint Murphy asked for donations to purchase uniforms for Fire Department personnel. Sue-Lynn Voight read a written complaint provided to members of City Council requesting removal of David Hips from the Economic Development Corporation Board of Directors. Mayor Cooper advised of a boil order issued by the Public Works Department. Brenda McDonald echoed Mrs. Voight's concerns. Bruce French of History Maker homes advised that he would be available to answer any questions regarding agenda item twelve.*

PUBLIC HEARINGS

3. Conduct a Public Hearing to consider testimony regarding a request for a Specific Use Permit for an approximately 8.26 acre tract of land to allow a "Public Primary School" use within the Single Family Residential District - 1 (SF - 1). The property is described as a portion of G-0770 MCKINNEY JAMES & HRS A-G0770, ACRES 24.47 generally located just south east of the Van Alstyne Middle School campus at 1314 N Waco St, north of Blassingame Avenue and east of Greywood Drive. *The Public Hearing opened at 6:50pm. Teddie Ann Salmon questioned the agenda wording as it says south east of Van Alstyne Middle School rather than west. Julie Fort advised that the location is substantially similar and the incorrect wording will not affect the possible action. There being no further comments the hearing closed at 6:52pm.*
4. Conduct a Public Hearing to consider testimony regarding a request to rezone an approximately 45.63-acre tract of land from a Single Family Residential District – 1 (SF – 1), Two Family (TF), Multi-Family (MF) and, upon annexation, Agricultural (AG) zoning to Planned Development zoning. The property is described as part of the James McKinney Survey, Abstract No. 770, Grayson County, Texas and being a part of Greywood Heights, an addition to Grayson County, Texas, as recorded in Volume 7, Page 87, Plat Records, Grayson County, Texas, and being a part of Greywood Heights, Section 2, to the City of Van Alstyne, Grayson County, Texas, as recorded in Volume 8, Page 70 and being part of the tract of land described in a deed to KERATEX, L.P. 11s recorded in County Clerk File Number 2010-21778, Real Property Records, Grayson County, Texas generally located south of Spence Road, east of Sanford Circle, west of Greywood Drive and north of Blassingame Avenue. *The Public Hearing opened at 6:52pm. After three calls for comments the hearing closed at 6:54pm.*
5. Conduct a Public Hearing to consider testimony regarding a request to replat a property situated in the City of Van Alstyne, Grayson County, Texas, being described as a portion of DIVISIONS VAN

ALSTYNE, BLOCK 3, LOT E 1/2 OF 7, 140X150 more commonly known as 278 N Dallas Avenue. The replat request will divide the single lot into two. *The Public Hearing opened at 6:54pm. After three calls for comments the hearing closed at 6:55pm.*

6. Conduct a Public Hearing to consider testimony regarding a request to rezone a property situated in the City of Van Alstyne, Grayson County, Texas, being described as a portion of DIVISIONS VAN ALSTYNE, BLOCK 3, LOT E 1/2 OF 7, 140X150 more commonly known as 278 N Dallas Avenue from Commercial District – 1 (C – 1) to Single Family Residential District – 60 (SF - 60). *The Public Hearing opened at 6:55pm. Jodi Carr asked what exactly is happening with the property in question. Mayor Cooper advised that the lot with two structures is being replatted to create two lots. Upon replat the northern most lot will be rezoned to residential. There being no further comments the hearing closed at 6:56pm.*

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.

8. Consider and take any action necessary regarding authorizing the Mayor to sign a resolution declaring the *Van Alstyne Leader* the official newspaper of record for fiscal year 2018.
9. Consider and take any action necessary regarding appointing Monica Herrera to the Van Alstyne Library Board.

Brad Clough made a motion to approve items 8 and 9 listed on the consent agenda. Teddie Ann Salmon seconded the motion and the motion passed unanimously.

REGULAR AGENDA (NON-CONSENT)

7. Consider and take any action necessary regarding minutes from the September 12, 2017 Regular meeting, September 25, 2017 Zoning Board of Adjustment meeting, September 25, 2017 Special Called meeting and the October 1, 2017 Special Called meeting. *Suzon Crowell asked for clarification on a comment made by Frank Baker regarding the number of days reasonable to process the EDC payment. Jennifer Gould advised that after review of the recording, the third sentence under agenda item 17 for the September 12, 2017 meeting minutes should be amended to say, "Frank Baker advised thirty days should be reasonable, one day is not reasonable as the check process could take at least a week." Suzon Crowell made a motion to approve the minutes as presented including Ms. Gould's amendment. Brad Clough seconded the motion and the motion passed unanimously.*
10. Consider and take any action necessary regarding approval of an ordinance repealing Ordinances No. 777 and 781 regarding nonconsent towing regulations. *Teddie Ann Salmon advised that a fee schedule should be included to identify the cost one will pay for tow services. Brad Clough asked when a nonconsent tow occurs. Chief Barnes answered, a nonconsent tow occurs when someone is under arrest or a vehicle is abandoned. The police are ordering the tow rather than the vehicle owner. Julie Fort clarified that the ordinance is only regulating nonconsent tow fees and is worded to follow what is allowed by the State of Texas. Brad Clough made a motion to approve the ordinance as presented. Motion died for lack of a second. Teddie Ann Salmon asked for the addition of more clarification on the fee schedule. Robert Jaska made a motion to table the item for the addition of clarification as requested by Mrs. Salmon. Teddie Ann Salmon seconded the motion and the motion passed with Robert Jaska, Teddie Ann Salmon, Suzon Crowell and Brad Clough in favor and Lee Thomas opposed.*

11. Consider and take any action necessary regarding a request for a Specific Use Permit for an approximately 8.26 acre tract of land to allow a “Public Primary School” use within the Single Family Residential District - 1 (SF - 1). The property is described as a portion of G-0770 MCKINNEY JAMES &HRS A-G0770, ACRES 24.47 generally located just south east of the Van Alstyne Middle School campus at 1314 N Waco St, north of Blassingame Avenue and east of Greywood Drive. *Brad Clough made a motion to approve the requested Specific Use Permit. Teddie Ann Salmon seconded the motion and the motion passed unanimously.*
12. Consider and take any action necessary regarding a request to rezone an approximately 45.63-acre tract of land from a Single Family Residential District – 1 (SF – 1), Two Family (TF), Multi-Family (MF) and, upon annexation, Agricultural (AG) zoning to Planned Development zoning. The property is described as part of the James McKinney Survey , Abstract No. 770, Grayson County, Texas and being a part of Greywood Heights, an addition to Grayson County, Texas, as recorded in Volume 7, Page 87, Plat Records, Grayson County, Texas, and being a part of Greywood Heights, Section 2, to the City of Van Alstyne, Grayson County, Texas, as recorded in Volume 8, Page 70 and being part of the tract of land described in a deed to KERATEX , L.P. 11s recorded in County Clerk File Number 2010-21778, Real Property Records, Grayson County, Texas generally located south of Spence Road, east of Sanford Circle, west of Greywood Drive and north of Blassingame Avenue. *Teddie Ann Salmon made a motion to approve the rezone request. Brad Clough seconded the motion and the motion passed unanimously.*
13. Consider and take any action necessary regarding a preliminary plat for Greywood Heights Phase Two being a 45.63 acre tract out of the James McKinney Survey, Abstract 770, City of Van Alstyne, Grayson County, Texas. This property is generally located east of Sanford Circle, west of Greywood Drive and south of Spence Road. *Brad Clough made a motion to approve the preliminary plat as presented. Robert Jaska seconded the motion and the motion passed unanimously.*
14. Consider and take any action necessary regarding a request to rezone a property situated in the City of Van Alstyne, Grayson County, Texas, being described as a portion of DIVISIONS VAN ALSTYNE, BLOCK 3, LOT E 1/2 OF 7, 140X150 more commonly known as 278 N Dallas Avenue from Commercial District – 1 (C – 1) to Single Family Residential District – 60 (SF - 60). *Brad Clough made a motion to approve the rezone request. Lee Thomas seconded the motion and the motion passed unanimously.*
15. Consider and take any action necessary regarding a request to replat a property situated in the City of Van Alstyne, Grayson County, Texas, being described as a portion of DIVISIONS VAN ALSTYNE, BLOCK 3, LOT E 1/2 OF 7, 140X150 more commonly known as 278 N Dallas Avenue. The replat request will divide the single lot into two. *Lee Thomas made a motion to approve the replat. Brad Clough seconded the motion. Robert Jaska advised that the request was reviewed and recommended for approval by the Planning and Zoning Commission. The motion passed unanimously.*
16. Consider and take any action necessary regarding a preliminary plat for Chapel Creek Farms at Van Alstyne, being an 89.974 acre tract out of the Ramon Rubio Survey Abstract No. 997, City of Van Alstyne, Grayson County, Texas. This property is generally located at the south-east corner of Old Highway 6 and Judd Road. *The location of the property was clarified. Teddie Ann Salmon made a motion to approve the preliminary plat. Robert Jaska seconded the motion and the motion passed unanimously.*
17. Consider and take any action necessary regarding amending the Van Alstyne Economic Development Corporation fiscal year 2018 budget in the amount of \$26,208.00 to cover the costs of repairing the rail spur and EDC’s participation in the City’s Comprehensive Plan. *Jennifer Gould advised that the agenda is misstated by eight dollors. The requested amendment is for \$26, 200.00. Jodi Carr advised that the expense was cut from the budget but the funds are available in*

EDC reserves. Teddie Ann Salmon made a motion to approve the requested budget amendment. Robert Jaska seconded the motion and the motion passed unanimously.

18. Consider and take any action necessary regarding authorizing the Mayor to sign a resolution nominating candidates to serve as members of the Grayson Central Appraisal District Board of Directors. *Teddie Ann Salmon made a motion to nominate Charlie Williams, Brett Graham, Lynn Mitchusson, Michael Baecht and Ryan Johnson. Brad Clough seconded the motion and the motion passed unanimously.*
19. Consider and take any action necessary regarding approval of a resolution authorizing publication of notice of intention to issue certificates of obligation in a principal amount not to exceed \$500,000.00 and authorizing certain other matters relating thereto to fund construction of a Public Works facility and relocation of approximately 1,000 feet of waterline. *Teddie Ann Salmon asked if the proposed waterline relocation is budgeted. Len McManus advised the funds are not included in the FY2018 budget. TxDOT will be widening drainage along FM 121 from Moody to Lincoln Park Rd and the city's waterline must be moved. Jennifer Gould advised of the effect of the proposed funding on the FY2018 budget and future budgets. Jake Lawrence of Government Capital advised of the proposed certificate of obligation issuance process. Chief Barnes asked if there is a penalty imposed for early payoff to which Mr. Lawrence advised that it is a callable bond. Early payoff is permissible without a penalty after an identified number of years. Mayor Cooper advised that the financial advisory agreement is not on the agenda so it will not be approved at this time. Teddie Ann Salmon made a motion to approve the proposed resolution. Lee Thomas seconded the motion and the motion passed unanimously.*
20. Departmental Reports. *Jennifer Gould provided the Administrative Department statistics for the prior month, Chief Tim Barnes provided Police Department statistics for the prior month, Judy Kimzey provided the Library Department statistics for the prior month, Lt. Adam Huttash provided Fire/EMS Department statistics for the prior month and Len McManus provided Public Works Department statistics for the prior month as well as an update on various projects.*
21. City Manager's Report. *None.*
22. Mayor and Council Closing Comments. *Mayor Cooper expressed appreciation for meeting attendance and support. Suzon Crowell thanked department heads, Lee Thomas expressed excitement for growth and Robert Jaska thanked attendees, employees and advised of various upcoming community events. Teddie Ann Salmon thanked attendees and advised that the museum will be closed for the season. Brad Clough thanked first responders for their attendance and participation at recent events at the elementary school and invited bottled water donations to the Fire Department.*

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.

23. 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 551.071 [Consultation with Attorney] regarding (i) procedures and standards for variances, (ii) City Manager's contract, (iii) procedures for filling vacancies created by City Manager resignation and (iv) removal and/or appointment of members for the Van Alstyne Economic Development Corporation Board of Directors.

- b) Section 551.074 [Personnel Matters to deliberate appointment, employment, evaluation, reassignment, duties, discipline, resignation or dismissal] of City Manager, Fire Chief and members for the Van Alstyne Economic Development Corporation Board of Directors.

Council recessed into closed session at 8:30pm.

Council reconvened into open session at 11:18pm.

OPEN MEETING

24. Consider and take any action necessary as a result of each item listed in executive session. *Lee Thomas made a motion to appoint Ryan Dockery to Interim Fire Chief. Brad Clough seconded the motion and the motion passed with Lee Thomas, Brad Clough, Robert Jaska and Suzon Crowell in favor and Teddie Ann Salmon abstaining.*
25. Adjournment. *Teddie Ann Salmon made a motion to adjourn at 11:20pm. Brad Clough seconded the motion and the motion passed unanimously.*

Larry Cooper, Mayor

ATTEST:

Jennifer Gould, City Clerk