

CITY OF VAN ALSTYNE

MINUTES

City Council Meeting

Van Alstyne Community Center
262 N. Preston Ave

NOVEMBER 14, 2017
6:30 P.M.

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

Staff present: Jennifer Gould, Tim Barnes, Judy Kimzey and Ryan Dockery.

AGENDA

1. Call to Order. *Mayor Cooper called the meeting to order at 6:30pm.*
2. Invocation. *Recited by Mayor Cooper.*
3. Pledges of Allegiance. *US and Texas.*
4. Citizens Communications. *David Hips spoke regarding the El Patio proposals listed on the agenda suggesting that City Council do whatever is needed to get the expansion done. Carolyn Beaty expressed no objection to the El Patio expansion but concern for the large rats now in her neighborhood that are damaging property. If rats can be controlled and trash contained Mrs. Beaty has no objection.*

PUBLIC HEARINGS

5. Conduct a Public Hearing regarding a request by the owner/agent of the property being described as an approximately 0.6176 acre tract of land to change the zoning from Single Family Residential District – 1 (SF – 1) and Commercial District – 1 (C – 1) to Planned Development (PD) with a base zoning of Commercial District – 1 (C – 1) with parking lot, automobile and single family dwelling - detached as allowed additional uses. Also, a waiver to the masonry screening wall requirement, Area, Setback, Height, and Coverage Regulations and concrete parking material in the expansion of the parking is desired. The property is described as DIVISIONS VAN ALSTYNE, BLOCK 3, LOT PT OF SD 10, more commonly known as 475 W Van Alstyne Pkwy and 495 W Van Alstyne Pkwy (formerly known as 315 W Van Alstyne Pkwy). *The Public Hearing opened at 6:37pm. Rodney Williams, CDC Director advised that the outcome of deliberations will potentially greatly impact the community adding that El Patio and Mr. Pacheco are great for the community and draw many visitors. Carolyn Beaty asked why the owner/agent believes there was a fence between the residential property and the apartment building to the east. Paul Nobles advised that the material on the parking lot is a concrete material. There being no further comments, the hearing closed at 6:43pm.*
6. Conduct a Public Hearing regarding a request by the owner/agent of the property being described as an approximately 32.8-acre tract of land from a Single Family Residential District – 1 (SF – 1) zoning to Planned Development zoning. The property is described as a tract of land situated in the J. McKinney Survey, Abstract No. 770, City of Van Alstyne, Grayson County, Texas, the subject tract being a portion of a tract conveyed to Felix Land Partners, L.P. according to the deed recorded in Document No. 2007-00029339 of the Official Public Records, Grayson County, Texas, and

being a portion of a tract conveyed to the Van Alstyne ISD, according to the deed recorded in Document No. 2016-17716, and being a portion of a tract conveyed to the Van Alstyne ISD, according to the deed recorded in Volume 1748, Page 251, Deed Records, Grayson County, Texas, and being a portion of a tract conveyed to the Van Alstyne ISD, according to the deed recorded in Volume 1071, Page 40, and being all of a tract conveyed to the Van Alstyne ISD, according to the deed recorded in Volume 1208, Page 799, generally located south of Van Alstyne Middle School (1314 N. Waco St), east of Greywood Drive, west of North Waco Street and north of Blassingame Avenue. *The Public Hearing opened at 6:43pm. Tim Spiars of Spiars Engineering described the project. There being no further comments, the hearing closed at 6:47pm.*

7. Conduct a Public Hearing regarding a request by the owner/agent of a property zoned Office District (O - 1) being described as SOUTH SIDE ADDN, LOT PT 3, & ALL OF 12 FT ALLEY, ACRES .4 more commonly known as 530 South Waco Street to allow the placement of a portable sign in accordance with Section 32-76 of the City of Van Alstyne Code of Ordinances. *The Public Hearing opened at 6:47pm. David Griffin of Lux Aesthetics advised of the history of the sign in question and other similar signs placed throughout the City. Barbie Griffin spoke to the difficulties of advertising and removal of the sign has hampered customers. Mayor Cooper asked where the sign would be placed if allowed to which Mr. Griffin advised it would be closer to the drive. There being no further comments, the hearing closed at 6:55pm.*
8. Conduct a Public Hearing regarding the Texas Commission on Environmental Quality Lead Copper Rule for Community Water Systems regarding the lead exceedance information provided to customers on October 31, 2017. *The Public Hearing opened at 6:56pm. Len McManus advised of the testing process and retests have been clear. The two houses having exceeded levels have participated in the testing for over 10 years and have not had an issue. Suzon Crowell asked how long the same homes have been used to which Mr. McManus answered, over 10 years. The homes required to be used for testing must have been constructed between 1981 and 1988. Mrs. Crowell advised that the tested homes need to be more random. There being no further comments, the hearing closed at 7:01pm.*
9. Conduct a Public Hearing regarding whether the structure(s) on the property being described as OTP VAN ALSTYNE ADDN, BLOCK 35, LOT S/2 1 2 3 & PT 4 more commonly known as 178 S. Waco Street are in violation of the minimum standards established for buildings established by the building codes and ordinances of the City of Van Alstyne pursuant to City of Van Alstyne Code of Ordinances, Chapter 8 Article 1 Section 8-1 thru 8-69 and Chapter 214 of the Texas Local Government Code. After the conclusion of the public hearing, the Council may issue an order authorized by Chapter 214 of the Texas Local Government Code, including but not limited to securing the buildings from entry, or the repair, vacation, removal or demolition of the structure(s), and may assess civil penalties. *The Public Hearing opened at 7:01pm. Jennifer Gould advised of the inspection and hazards that exist. Discussion was held regarding the multitude of demolition permits pulled on the subject property. Suzon Crowell suggested something being brought back to prevent multiple permits being pulled and issued to prevent the city from taking action. There being no further comments, the hearing closed at 7:07pm.*

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.

10. Consider and take any action necessary regarding approval of minutes from the October 10, 2017 regular meeting, October 10, 2017 Zoning Board of Adjustment meeting and the October 23, 2017 special called meeting.
11. Consider and take any action necessary regarding approval of an ordinance adopting nonconsent towing regulations and repealing Ordinances No. 777 and 781.

12. Consider and take any action necessary regarding a resolution authorizing the Mayor to sign an Interlocal Agreement for the sale of 22,592,100 gallons of minimum take or pay water capacity in the amount of \$34,339.33 to the City of Melissa.
13. Consider and take any action necessary regarding a resolution authorizing the Mayor to sign an Interlocal Agreement for the sale of 22,592,100 gallons of minimum take or pay water capacity in the amount of \$34,339.33 to the City of Anna.
14. Consider and take any action necessary regarding approval of the 2017 Certified Tax Roll Values.

Teddie Ann Salmon made a motion to approve items 10, 11, 12, 13 and 14 listed on the consent agenda. Suzon Crowell seconded the motion and the motion passed unanimously.

REGULAR AGENDA (NON-CONSENT)

15. Hear presentation by Michael Leirer of the American Red Cross. *Mayor Cooper advised that Mr. Leirer is ill and not able to make a presentation.*
16. Consider and take any action necessary regarding a request by the owner/agent of the property being described as an approximately 0.6176 acre tract of land from a Single Family Residential District – 1 (SF – 1) and Commercial District – 1 (C – 1) to Planned Development (PD) with a base zoning of Commercial District – 1 (C – 1) with parking lot, automobile and single family dwelling - detached as allowed additional uses. Also, a waiver to the masonry screening wall requirement, Area, Setback, Height, and Coverage Regulations and concrete parking material in the expansion of the parking is desired. The property is described as DIVISIONS VAN ALSTYNE, BLOCK 3, LOT PT OF SD 10, more commonly known as 475 W Van Alstyne Pkwy and 495 W Van Alstyne Pkwy (formerly known as 315 W Van Alstyne Pkwy). *Suzon Crowell advised that City Council is to make such decisions based on the ordinances and should apply them the same now and in the future. Such considerations and actions have nothing to do with the owner. Council forgoing ordinances because of the owners' community involvement should not be done. Mrs. Crowell expressed disfavor for creating planned development zoning classifications for everything as it sets a bad precedent. Teddie Ann Salmon expressed concern for the lack of buffer between the residential and commercial properties. The existing fence is owned and maintained by the residents to the south and not provided by the commercial operation. Mrs. Salmon added that a solid wooden fence, three feet inside the property line should be required as a sound and trash buffer. Overaccumulation of trash should not be allowed. Mrs. Crowell advised that a concrete aggregate does not constitute concrete. Tiffany Clum questioned Cooley Bay Winery's parking as it is not concrete adding that concrete is financially restrictive for a small existing business. Len McManus advised that the winery was approved before the concrete requirement was passed and approved by City Council however it took approximately eighteen months to complete. Mr. Pacheco's expansion occurred after the concrete requirement was passed and approved. Mrs. Crowell expressed a desire to insure requirements are enforced consistently and for everyone. Mrs. Crowell advised and Mr. Pacheco agreed that proper permitting was not obtained for the parking lot expansion performed here. Mayor Cooper added that no one has the right to create a nuisance for neighbors. Robert Jaska advised that the restaurant has been in the location for ten years and asked why the neighboring residents have not complained before. Carolyn Beaty advised that several neighbors have had issues with rats and trash over the years. Mr. Jaska added that adding a fence will defeat the purpose of parking lot expansion. There is a desire to aid existing and or small businesses and will grant the request if it helps keep existing businesses in Van Alstyne. Barbie Griffin suggested a citizen group of commercial business professionals in the City to provide information to aid in educated decision making. Mrs. Salmon advised that she has had a small business in Van Alstyne and does not believe that the fence she is suggesting is a great expense as a residential and commercial buffer is needed. Brad Clough asked Mr. Pacheco about his proposed plan to relocate the home on the subject property to which he advised that relocation and expansion is business driven. Teddie Ann Salmon made a motion to approve the request requiring a solid wood fence along the south side of the property, not a*

landscape buffer to be completed in six months. Lee Thomas seconded the motion and the motion passed with Teddie Ann Salmon, Lee Thomas, Brad Clough and Suzon Crowell in favor and Robert Jaska opposed.

17. Consider and take any action necessary regarding a request by the owner/agent of the property being described as an approximately 32.8-acre tract of land from a Single Family Residential District – 1 (SF – 1) zoning to Planned Development zoning. The property is described as a tract of land situated in the J. McKinney Survey, Abstract No. 770, City of Van Alstyne, Grayson County, Texas, the subject tract being a portion of a tract conveyed to Felix Land Partners, L.P. according to the deed recorded in Document No. 2007-00029339 of the Official Public Records, Grayson County, Texas, and being a portion of a tract conveyed to the Van Alstyne ISD, according to the deed recorded in Document No. 2016-17716, and being a portion of a tract conveyed to the Van Alstyne ISD, according to the deed recorded in Volume 1748, Page 251, Deed Records, Grayson County, Texas, and being a portion of a tract conveyed to the Van Alstyne ISD, according to the deed recorded in Volume 1071, Page 40, and being all of a tract conveyed to the Van Alstyne ISD, according to the deed recoded in Volume 1208, Page 799, generally located south of Van Alstyne Middle School (1314 N. Waco St), east of Greywood Drive, west of North Waco Street and north of Blassingame Avenue. *Brad Clough made a motion to approve the request. Suzon Crowell seconded the motion and the motion passed unanimously.*
18. Consider and take any action necessary regarding a proposed final plat for Sanford Park being a 32.8 acre tract of land situated in the J. McKinney Survey, Abstract No. 770, City of Van Alstyne, Grayson County, Texas, the subject tract being a portion of a tract conveyed to Felix Land Partners, L.P. according to the deed recorded in Document No. 2007-00029339 of the Official Public Records, Grayson County, Texas, and being a portion of a tract conveyed to the Van Alstyne ISD, according to the deed recorded in Document No. 2016-17716, and being a portion of a tract conveyed to the Van Alstyne ISD, according to the deed recorded in Volume 1748, Page 251, Deed Records, Grayson County, Texas, and being a portion of a tract conveyed to the Van Alstyne ISD, according to the deed recorded in Volume 1071, Page 40, and being all of a tract conveyed to the Van Alstyne ISD, according to the deed recoded in Volume 1208, Page 799, generally located south of Van Alstyne Middle School (1314 N. Waco St), east of Greywood Drive, west of North Waco Street and north of Blassingame Avenue. *Brad Clough made a motion to approve the request. Robert Jaska seconded the motion and the motion passed unanimously.*
19. Consider and take any action necessary regarding a request by the owner/agent of a property zoned Office District (O - 1) being described as SOUTH SIDE ADDN, LOT PT 3, & ALL OF 12 FT ALLEY, ACRES .4 more commonly known as 530 South Waco Street to allow the placement of a portable sign in accordance with Section 32-76 of the City of Van Alstyne Code of Ordinances. *Teddie Ann Salmon advised that one sign listing all businesses in the building is needed. Each business should not have its own sign. Discussion was held regarding similar signs placed throughout the City, the intended use of the sign in question and other signs located on the same subject property. The Griffins advised that they feel they have been targeted. Suzon Crowell clarified that the location is the issue as it is surrounded by residential properties which is unique to this sign. Suzon Crowell made a motion to deny the request. Teddie Ann Salmon seconded the motion. The motion failed with Suzon Crowell and Teddie Ann Salmon in favor and Brad Clough, Robert Jaska and Lee Thomas opposed. Brad Clough made a motion to approve the request. Lee Thomas seconded the motion and the motion passed with Brad Clough, Lee Thomas and Robert Jaska in favor and Suzon Crowell and Teddie Ann Salmon opposed.*
20. Consider and take any action necessary following a Public Hearing regarding whether the structure(s) on the property being described as OTP VAN ALSTYNE ADDN, BLOCK 35, LOT S/2 1 2 3 & PT 4 more commonly known as 178 S. Waco Street are in violation of the minimum standards established for buildings established by the building codes and ordinances of the City of Van Alstyne pursuant to City of Van Alstyne Code of Ordinances, Chapter 8 Article 1 Section 8-1 thru 8-69 and Chapter 214 of the Texas Local Government Code. After the conclusion of the public

hearing, the Council may issue an order authorized by Chapter 214 of the Texas Local Government Code, including but not limited to securing the buildings from entry, or the repair, vacation, removal or demolition of the structure(s), and may access civil penalties. *Suzon Crowell made a motion to require demolition within the minimum timeframe allowed of thirty days. Teddie Ann Salmon seconded the motion and the motion passed unanimously. Julie Fort clarified that a new permit must comply with the thirty day order.*

21. Consider and take any action necessary regarding appointment of an applicant to serve on the Planning and Zoning Commission, Place 3. *Robert Jaska made a motion to appoint Paul Nobles to serve on the Planning and Zoning Commission, Place 3. Teddie Ann Salmon seconded the motion and the motion passed unanimously.*
22. Consider and take any action necessary regarding authorizing the Mayor to sign a resolution casting votes to elect candidates to serve as members of the Grayson Central Appraisal District Board of Directors. *Suzon Crowell made a motion to authorize the Mayor or Mayor Pro Tem to sign a resolution casting all votes to elect Charles Williams. Teddie Ann Salmon seconded the motion and the motion passed unanimously.*
23. Consider and take any action necessary regarding authorizing the Parks and Recreation Board to seek funding from the Community Development Corporation for the replacement of pole lighting, benches and add new flag pole lighting at Dorothy Fielder Park. *Suzon Crowell made a motion to authorize the Parks and Recreation Board to seek funding from the CDC for the replacement of pole lighting, benches and add new flag pole lighting at Dorothy Fielder Park. Robert Jaska seconded the motion and the motion passed with Suzon Crowell, Robert Jaska, Lee Thomas and Brad Clough in favor and Teddie Ann Salmon abstaining.*
24. Consider and take any action necessary regarding reimbursement of funds in the amount of \$12,510.00 to the Van Alstyne Community Development Corporation due to overpayment on Phase I of the Shared Use Path. *Rodney Williams, CDC Director advised that upon review it was discovered that all invoices were paid but were over the anticipated budget. The board agreed to allocate the overage to Phase II but since it was not supported by City Council the anticipated overage cannot be reallocated. Teddie Ann Salmon made a motion to reimburse funds in the amount of \$12,510.00 to the CDC. Lee Thomas seconded the motion and the motion was passed with Teddie Ann Salmon, Lee Thomas and Brad Clough in favor, Suzon Crowell opposed and Robert Jaska abstaining.*
25. Consider and take any action necessary regarding executing an interlocal agreement with the Van Alstyne Economic Development Corporation regarding employee benefits. *Suzon Crowell made a motion to approve the interlocal agreement capitalizing and bolding the indemnification clause and taking a copy of the personnel file. Teddie Ann Salmon seconded the motion and the motion passed unanimously.*
26. Consider and take any action necessary regarding executing an interlocal agreement with the Van Alstyne Community Development Corporation regarding employee benefits. *Suzon Crowell made a motion to table the item for lack of minutes from the CDC Board. Motion died for lack of a second. Lee Thomas made a motion to approve the interlocal agreement. Brad Clough seconded the motion. The motion passed with Lee Thomas and Brad Clough in favor, Suzon Crowell and Teddie Ann Salmon opposed and Robert Jaska abstaining. Mayor Cooper voted in favor of the motion to break the tie vote.*
27. Consider and take any action necessary regarding approval and acceptance of the Van Alstyne Economic Development Corporation revised bylaws dated November 8, 2017. *Teddie Ann Salmon asked that the board provide minutes to the City Council. Kaaren Teuber advised that this will be done by a motion of the board.*

28. Consider and take any action necessary regarding authorizing a 3% maximum pay increase for city personnel based on merit to be decided by the various department heads. *Suzon Crowell clarified that she would like to see how the increases are applied and who will receive an increase by title and the percent of increase. Teddie Ann Salmon made a motion to table the item to the December meeting. Department heads will provide the requested detail prior to the meeting. Suzon Crowell seconded the motion and the motion passed with Teddie Ann Salmon, Suzon Crowell, Robert Jaska and Lee Thomas in favor and Brad Clough opposed.*
29. Discussion regarding a joint work session meeting with the Planning and Zoning Commission and Gateway Planning. *Teddie Ann Salmon advised of the need for the work session and made a motion to recommend the meeting be held January 8, 2018 at 6:30pm. Robert Jaska seconded the motion and the motion passed unanimously.*
30. Discussion regarding a financial overview of: (a) fiscal year 2017 budget items that varied from planned amount by \$2,500 or 10% or more, and (b) impact of eliminating shared use path expenditure and paying severance to fiscal year 2018 revenues and expenditures. *Discussion was held regarding the desired method of overview reporting. Teddie Ann Salmon made a motion to table the item and require detailed explanations be provided by December 1, 2017. Suzon Crowell seconded the motion and the motion passed unanimously.*
31. Discussion and give direction to City Clerk on scope of work and objectives to be described in a Request for Proposals to conduct an audit to provide to a new City Manager. *Teddie Ann Salmon made a motion to require the forensic audit RFP cover the period Frank Baker was City Manager and cover all funds. Suzon Crowell seconded the motion and the motion passed unanimously.*
32. 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, Chief Ryan Dockery 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.*
33. City Manager's Report. *None.*
34. Mayor and Council Closing Comments. *Mayor Cooper advised that CDC will be discussing downtown parking on a future agenda. Suzon Crowell thanked Kyrie's Coffee for providing coffee. Robert Jaska thanked small business owners and attendees and advised of an open house at the former hardware store as well as the Texoma Patriots meeting December 5th, Christmas Tree Lighting at Dorothy Fielder Park December 2nd, Christmas Parade and visit with Santa December 9th and McDonald's grand reopening. Brad Clough extended an invitation to apply to serve on the various city boards.*

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.

35. 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) Separation Agreement and Release for former employee; (ii) update to City Personnel Policy; (iii) Interim or regular city manager and applicant process, (iv) Interim fire chief duties, schedule and compensation; (v) third-party investigations of complaints made by Fire department employees; and (iv) standards of conduct for Board and Commission members and public disbursement of information.

- b) Section 551.074 [Personnel Matters to deliberate appointment, employment, evaluation, reassignment, duties, discipline, compensation, resignation or dismissal] of: (i) applicants for Interim city manager, and (ii) Interim fire chief duties, schedule and compensation.

Council recessed into closed session at 10:15pm.

Council reconvened into open session at 12:29am.

OPEN MEETING

- 36. Consider and take any action necessary as a result of each item listed in executive session, including but not limited to:
 - a) Separation Agreement and Release for former employee and authorize Mayor to sign. *No action taken.*
 - b) Resolution amending Personnel Policy. *Teddie Ann Salmon made a motion to approve a resolution amending the personnel policy with the Attorney's changes. Lee Thomas seconded the motion and the motion passed unanimously.*
 - c) Consider and take any action regarding a resolution establishing standards of conduct for Board and Commission members. *Lee Thomas made a motion to approve a resolution establishing standards of conduct for Board and Commission members. Teddie Ann Salmon seconded the motion and the motion passed unanimously.*
- 37. Adjournment. *Brad Clough made a motion to adjourn at 12:31am. Teddie Ann Salmon seconded the motion and the motion passed unanimously.*

Larry Cooper, Mayor

ATTEST:

Jennifer Gould, City Clerk