

**CITY OF VAN ALSTYNE**

**MINUTES**

**City Council Meeting**

Van Alstyne Community Center  
262 N. Preston Ave

**FEBRUARY 13, 2018**

**6:30 P.M.**

Members present: Mayor Larry Cooper (*departed after item 4*), Brad Clough, Mayor Pro Tem Teddie Ann Salmon, Robert Jaska, Lee Thomas and Suzon Crowell.

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

**AGENDA**

1. Call to Order. *Mayor Cooper called the meeting to order at 6:31pm.*
2. Invocation. *Recited by Mayor Cooper.*
3. Pledges of Allegiance. *US and Texas.*
4. Consider and take any action regarding resignation of the Mayor. *Suzon Crowell made a motion to accept and have Mayor Pro Tem Salmon take over the meeting. Robert Jaska seconded the motion and the motion passed unanimously.*
5. Citizens Communications. *None.*
25. Consider and take any action necessary regarding authorizing execution of an interlocal agreement for \$262,214.45 with Grayson County to perform proposed 2018 street repairs. *Commissioner Jeff Whitmire advised that street repairs are set to begin in early March. Suzon Crowell made a motion to authorize execution of the interlocal agreement. Brad Clough seconded the motion and the motion passed with Suzon Crowell, Brad Clough, Robert Jaska and Lee Thomas in favor and Teddie Ann Salmon abstaining.*
7. Consider and take any action necessary regarding contracting with Vail & Associates, P.C. to conduct a forensic or other audit. *Mike Vail discussed an internal control audit and advised of the costs for the Administrative Department (\$10,500.00) and Public Works Department (\$17,000.00). Teddie Ann Salmon asked how far back the internal control audit will go to which Mr. Vail advised that audit will look back one year, review the procedures and make recommendations to move forward and strengthen controls. The scope of the audit can be modified to a forensic audit if the need arises. Suzon Crowell made a motion to table the item until an interim City Manager is in place. The motion died for lack of a second. Lee Thomas made a motion to contract with Vail & Associates, P.C. for an internal control audit to begin with the hiring of an interim City Manager. Suzon Crowell seconded the motion and the motion passed with Lee Thomas, Suzon Crowell and Teddie and Salmon in favor and Brad Clough and Robert Jaska opposed. Robert Jaska made a motion to have Vail & Associates, P.C. perform the internal control audit on the Administrative Department and the Public Works Department. Lee Thomas seconded the motion and the motion passed with Robert Jaska, Lee Thomas, Suzon Crowell and Teddie Ann Salmon in favor and Brad Clough abstaining.*

8. Presentation regarding plan of finance for City of Van Alstyne, Texas Tax Note, Series 2017 as an informational item. *Jim Sabonis presented the land acquisition project plan of finance.*
9. Consider and take any action necessary regarding approval of plan of finance for City of Van Alstyne, Texas Tax Note, Series 2018 and direct staff to move forward with plan. *Jim Sabonis advised that without a City Manager, a designee is needed for administrative contact. Robert Jaska explained that the rate is attractive, the City has the capacity to handle the debt and detailed the history of municipal complex discussions and why this purchase is a prudent decision. Suzon Crowell made a motion to approve the plan of finance. Robert Jaska seconded the motion and the motion passed with Suzon Crowell, Robert Jaska, Lee Thomas and Teddie Ann Salmon in favor and Brad Clough opposed. Teddie Ann Salmon made a motion to designate Robert Jaska as the administrative contact. Suzon Crowell seconded the motion and the motion passed with Teddie Ann Salmon, Suzon Crowell and Lee Thomas in favor and Robert Jaska and Brad Clough abstaining.*
6. Consider and take any action necessary regarding authorizing execution of an Interlocal Agreement with the Van Alstyne Independent School District regarding a School Resource Officer. *Chief Barnes addressed City Council regarding the need for a School Resource Officer and the terms of the proposed agreement. Teddie Ann Salmon clarified that the employee will be paid by the City and all expenses reimbursed by the ISD. Discussion was held regarding the need for dollar figures in the agreement. Suzon Crowell made a motion to authorize execution of the proposed Interlocal Agreement modifying the dollar amount to be flexible and without specificity. Brad Clough seconded the motion and the motion passed unanimously.*

#### PUBLIC HEARINGS

10. Conduct a Public Hearing regarding a request by the owner/agent for a replat of the **Reid Addition** Lots 2R and 3R, Block A as recorded in Volume 2016, Page 354 of the Collin County Map Records William Creager Survey, Abstract No. 164, City of Van Alstyne, Collin County, Texas being 3.485 acres. This property is generally located south of County Road 377 and east of State Highway 5. *The Public Hearing opened at 7:58pm. After three calls for public comments and there being none, the hearing closed at 8:00pm.*
11. Conduct a Public Hearing regarding a request by the owner/agent for a Specific Use Permit for an approximately 0.0287-acre tract of land to allow a “Flea Market” use which will be an auction establishment within the Central Business District (CBD). The property is described as OTP VAN ALSTYNE ADDN, BLOCK 5, LOT PT 15 & 16, ACRES 0.0287 more commonly known as **155 S Preston Ave.** *The Public Hearing opened at 8:00pm. Jim DeBois asked if outside sales will occur. Owner/agent Dean Wolfe advised that the facility will primarily be used for online or live boutique auctions. Discussion was held regarding the lack of ADA compliant restrooms. Paul Nobles spoke regarding the definition of “Flea Market”. There being no further comments, the hearing closed at 8:18pm.*
12. Conduct a Public Hearing regarding a request by the owner/agent for a change in zoning of an approximately 0.2066-acre tract of land from a Single Family Residential District – 2 (SF – 2) to Two Family Residential (Duplex) District (TF). The property is described as COLLEGE ADDN, BLOCK 15, LOT 6 & S/7 more commonly known as **380 Texana St** and formerly known as 380 Columbia College St located at the northeast corner of Texana St and Gilcrease St. *The Public Hearing opened at 8:19pm. Diana Thornhill spoke in favor of the requested zone change advising there is a great need for rental property in Van Alstyne. Donnie Neill agreed with the need for rental property. Randall Morgan suggested City Council have consistency in what is approved. There being no further comments, the hearing closed at 8:27pm.*

13. Conduct a Public Hearing regarding a request by the owner/agent for a change in zoning of an approximately 0.2066-acre tract of land from a Single Family Residential District – 2 (SF – 2) to Two Family Residential (Duplex) District (TF). The property is described as COLLEGE ADDN, BLOCK 16, LOT 3 & S 1/2 OF 2 more commonly known as **556 Gilcrease St.** *The Public Hearing opened at 8:27pm. After three calls for public comments and there being none, the hearing closed at 8:28pm.*

#### 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.*

14. Consider and take any action necessary regarding approval of minutes from the January 6, 2018 work session meeting, January 8, 2018 joint work session meeting, January 9, 2018 regular meeting, January 22, 2018 special called meeting and the January 29, 2018 special called meeting.
15. Consider and take any action necessary regarding ordering the May 5, 2018 General and Special Election.
16. Consider and take any action necessary regarding authorizing advertisement for bids for construction of Greywood Drive and Blassingame Road.
17. Consider and take any action necessary regarding approval of an ordinance amending Ordinance 804 adopting the fiscal year 2017 – 2018 budget.

*Brad Clough requested consideration of the January 6, 2018 minutes separately. Lee Thomas made a motion to approve items 14, 15, 16 and 17 listed on the consent agenda with the exception of the January 6, 2018 work session meeting minutes. Suzon Crowell seconded the motion and the motion passed unanimously. Lee Thomas made a motion to approve the January 6, 2018 work session meeting minutes. Suzon Crowell seconded the motion and the motion passed with Lee Thomas, Suzon Crowell, Teddie Ann Salmon and Robert Jaska in favor and Brad Clough abstaining.*

#### REGULAR AGENDA (NON-CONSENT)

18. Consider and take any action necessary regarding a request by the owner/agent for a replat of the **Reid Addition** Lots 2R and 3R, Block A as recorded in Volume 2016, Page 354 of the Collin County Map Records William Creager Survey, Abstract No. 164, City of Van Alstyne, Collin County, Texas being 3.485 acres. This property is generally located south of County Road 377 and east of State Highway 5. *Suzon Crowell clarified that the only change being made to the plat is the changing of the rear building line from 75 feet to 25 feet. Brad Clough made a motion to approve the replat as presented. Lee Thomas seconded the motion and the motion passed unanimously.*
19. Consider and take any action necessary regarding a request by the owner/agent for a Specific Use Permit for an approximately 0.0287-acre tract of land to allow a “Flea Market” use which will be an auction establishment within the Central Business District (CBD). The property is described as OTP VAN ALSTYNE ADDN, BLOCK 5, LOT PT 15 & 16, ACRES 0.0287 more commonly known as **155 S Preston Ave.** *Suzon Crowell made a motion to approve the Specific Use Permit as presented. Robert Jaska seconded the motion and the motion passed unanimously.*
20. Consider and take any action necessary regarding a request by the owner/agent for a change in zoning of an approximately 0.2066-acre tract of land from a Single Family Residential District – 2 (SF – 2) to Two Family Residential (Duplex) District (TF). The property is described as COLLEGE ADDN, BLOCK 15, LOT 6 & S/7 more commonly known as **380 Texana St** and formerly known as 380 Columbia College St located at the northeast corner of Texana St and Gilcrease St. *Suzon Crowell made a motion to approve the zone change as requested. Robert Jaska seconded the motion and the motion passed unanimously.*

21. Consider and take any action necessary regarding a request by the owner/agent for a change in zoning of an approximately 0.2066-acre tract of land from a Single Family Residential District – 2 (SF – 2) to Two Family Residential (Duplex) District (TF). The property is described as COLLEGE ADDN, BLOCK 16, LOT 3 & S 1/2 OF 2 more commonly known as **556 Gilcrease St.** *Robert Jaska made a motion to approve the zone change as requested. Suzon Crowell seconded the motion and the motion passed unanimously.*
22. Consider and take any action necessary regarding an agreement with Dallas Garland and Northeastern Railroad, Inc. (DGNO) for the rail spur that assigns all obligations to the Economic Development Corporation and releases the City from any liability. *Executive Director Jodi Carr advised of the need to have EDC as the contact for the rail spur. Suzon Crowell made a motion to approve the agreement as presented. Lee Thomas seconded the motion and the motion passed unanimously.*
23. Consider and take any action necessary regarding an amendment to the Interlocal Agreement with Van Alstyne Economic Development Corporation and include payroll services. *Lee Thomas made a motion to approve the amendment to the Interlocal Agreement. Robert Jaska seconded the motion and the motion passed unanimously.*
24. Presentation by the Chief of Police regarding the annual Racial Profiling Report. *Chief Barnes presented the annual Racial Profiling Report.*
26. Consider and take any action necessary regarding award of a contract for the Van Alstyne Shared Use Path – Phase 1 in the amount of \$742,308.65 to Accelerated Critical Path, Inc. (ACP). *Len McManus detailed Phase 1 of the path starting from the south drive of the high school and ending at the south end of the property formerly owned by GCEC. Discussion was held regarding where the planned end of the trail is located. Lee Thomas made a motion to award the contract for the Van Alstyne Shared Use Path – Phase 1 in the amount of \$742,308.65 to Accelerated Critical Path, Inc. Brad Clough seconded the motion and the motion passed with Lee Thomas, Brad Clough, Teddie Ann Salmon and Robert Jaska in favor and Suzon Crowell opposed.*
27. Consider and take any action necessary regarding the task force created to make recommendations on comprehensive planning for Van Alstyne. *Discussion was held regarding the proposed informal task force made up of two members of City Council, EDC, CDC and Planning and Zoning. Julie Fort advised that this is not a City board so no action is needed.*
28. Consider and take any action necessary regarding approval of Community Center rental policies and procedures and creation of Community Center Coordinator position. *Discussion was held regarding the proposed policies and procedures. It was suggested that members with specific change suggestion provide them to the City Clerk directly. Suzon Crowell made a motion to authorize the creation, advertisement and hiring of a Community Center Coordinator. Robert Jaska seconded the motion and the motion passed unanimously.*
29. Consider and take any action necessary regarding approval of an ordinance amending Section 2-183 of the Code of Ordinances amending water meter installation fees and adding Community Center deposit and rental fees. *Lee Thomas made a motion to approve the ordinance as presented. Robert Jaska seconded the motion and the motion passed unanimously.*
30. Schedule date for regular meeting in March so as not to impede upon school closings for spring break. *No action taken.*
31. 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 Steve White provided Public Works Department statistics for the prior month and Len McManus provided an update on various projects.*

32. City Manager's Report. *None.*

33. Mayor and Council Closing Comments. *Suzon Crowell discussed library participation and gave kudos to Judy Kimzey for her work and suggested that those interested in serving file to run for City Council. Lee Thomas thanked City employees for their service and Chief Barnes for representing Van Alstyne at Richardson Police Officer Sheppard's funeral service. Robert Jaska thanked small business owners and board volunteers and advised of upcoming community events. Brad Clough thanked School Board and ISD members for their attendance.*

#### 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.*

34. 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, compensation, resignation or dismissal] regarding interim city manager candidate(s) and contract.
- b) Section 551.071 [Consultation with Attorney] regarding (i) contract for the Interim City Manager, (ii) updates to personnel policies and (iii) vacancy in the office of the Mayor.
- c) Section 551.072 [Deliberation Regarding Real Property] regarding purchase of property by the Economic Development Corporation.

*Council recessed into closed session at 9:31pm.*

*Council reconvened into open session at 11:15pm.*

#### OPEN MEETING

35. Consider and take any action necessary as a result of each item listed in executive session, including but not limited to:

- a. Authorizing a city representative to negotiate or offer contract and/or approve proposed contract and authorize execution. *No action taken.*
- b. Consider and take any action necessary regarding approval of updated personnel policies. *No action taken.*
- c. Consider and take any action necessary regarding filling the vacancy in the office of the Mayor to serve until May 5, 2018 election. *No action taken.*

36. Adjournment. *Robert Jaska made a motion to adjourn at 11:18pm. Brad Clough seconded the motion and the motion passed unanimously.*

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Teddie Ann Salmon, Mayor Pro Tem

ATTEST:

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Jennifer Gould, City Clerk