

CITY OF VAN ALSTYNE

MINUTES

City Council Meeting

Van Alstyne Community Center
262 N. Preston Ave

Tuesday, January 8, 2013

6:30 P.M.

Members present: Mayor Kim DeMasters, Jim Smith, John Jennings and Kaaren Teuber.

Staff present: Frank Baker, Jennifer Gould, Tim Barnes, Steve White and Tracy Luscombe.

AGENDA.

1. Call to Order. Mayor DeMasters called the meeting to order at 6:31 p.m.
2. Invocation.
3. Pledges of Allegiance. (*US and Texas*)
4. Citizens Communications. Herb Reed addressed Council regarding trash cans. Mr. Reed advised that many people are leaving their trash cans at the curb rather than adhering to the time frames allowed by ordinance. This is concerning as the City originally said they would begin enforcing this rule with the new trash service.

PUBLIC HEARINGS.

5. None.

CONSENT AGENDA.

6. Approval of minutes from the December 11, 2012 regular meeting. Ms. Teuber advised of a necessary correction stating item number 18A should read, "Billy Plake made a motion to accept the City Manager Agreement with changes suggested through the Attorney to allow the City and the Mayor to negotiate the contract with Frank Baker for becoming the permanent City Manager. John Jennings seconded the motion. Jim Smith and Kaaren Teuber opposed the motion. Mayor DeMasters chose to vote in favor of the motion. The motion passed with Billy Plake, John Jennings and Mayor DeMasters in favor and Jim Smith and Kaaren Teuber opposed." Jim Smith made a motion to approve the minutes with the correction. John Jennings seconded the motion and the motion passed unanimously.

REGULAR AGENDA (NON-CONSENT).

7. Consider and take any action necessary regarding authorizing the City Manager to sign a professional services agreement with SC Tracking Solutions. Tony Santoro with SC Tracking Solutions made a presentation to Council introducing the company and identifying the services provided. Mr. Santoro advised the idea behind the company is to take the place of City staff necessary to manage backflow adding that their program and process is approved by TCEQ. SC Tracking Solutions will go to each business in the City and identify what devices are currently in place to develop a catalog wherein he will notify business owners when a test or inspection is due to ensure compliance with laws, rules and regulations. The only process of the system that will have to be the responsibility of the

City is the enforcement action. Mr. Santoro advised there is a one time inventory fee of \$995.00 that can be extended until October 1, 2013 and an annual fee of \$595.00 that is waived the first year. Mayor DeMasters asked if this introduces a cost to the business owner? Mr. Santoro advised SC Tracking Solutions accesses a fee of \$10.95 to the tester/inspector upon submission of the inspection. The fee is not directed at the business however it is assumed that the fee is passed along. Mr. Smith asked if their company performs any inspections and if this would also include the fire extinguisher tag, and if so what is the cost to submit this inspection report? Mr. Santoro answered that their company does not do any inspections they only catalog and notify when an inspection is due and confirm inspections. They would catalog fire extinguisher inspections and the cost to submit an inspection report is \$2.50 per extinguisher or \$1.95 per extinguisher if there are six or more. Mr. Jennings asked if there is a limit to the number of customers or devices at the fee presented and if this would include monitoring residential devices. Mr. Santoro advised the annual fee is a partnership fee and there is no limit to the number of devices or customers they will catalog, notify and verify. He added that they will monitor residential devices in accordance with City ordinances in place. Mr. Baker clarified the fees to be assessed under the agreement and when fees are due to which Mr. Santoro advised there is an annual fee of \$595.00 to be waived the first year and due each year that the agreement is in place along with an inventory fee of \$995.00 to become due at the beginning of the next fiscal year, October 1, 2013. Ms. Teuber asked if SC Tracking Solutions is the only company of its kind to which Mr. Santoro advised to the best of his knowledge they are. Other companies offer some of the services however he is not aware of any that offer all of the services SC Tracking Solutions does. Mr. Smith asked Steve White's opinion on the services to which Mr. White advised it is less costly than hiring personnel and backflow devices are the primary protection for the City's water supply. He added it is a good product. Mr. Smith asked Mr. Santoro if the business owner is left with the responsibility of finding the licensed tester/inspector to which he advised it is up to the business owner however a list of tester/inspectors already registered will be made available. Mr. Smith advised Mr. Santoro that he feels he cannot agree to pay money that is not budgeted. Council directed staff to possibly present to Council at a later date. The item was tabled with no action taken.

8. Consider and take any action necessary regarding ordering the May 11, 2013 General Election. Ms. Gould presented the General Election order for Council consideration. Ms. Teuber inquired about the status of the Department of Justice submission regarding paper ballots to which Ms. Gould advised staff is working with the City Attorney on the submission letter to be followed by a decision. Kaaren Teuber made a motion to order the May 11, 2013 General Election. Jim Smith seconded the motion and the motion passed unanimously.
9. Consider and take any action necessary regarding ordering the May 11, 2013 Special Election. Ms. Gould presented the Special Election order for Council consideration advising this would be a proposition to restructure the sales tax to allow for a portion to go toward street repair. Jim Smith made a motion to order the May 11, 2013 Special Election. Kaaren Teuber seconded the motion and the motion passed unanimously.
10. Consider and take any action necessary regarding passage of an ordinance amending Van Alstyne's Sign Regulation Ordinance No. 485. Ms. Gould introduced the amending ordinance and advised Council of the need to increase the fee for sign permitting in an effort to cover the cost of plan review and inspection done by Bureau Veritas. The fees set forth in ordinance number 485 end up costing the city a minimum of \$51.92. The proposed fee would be actual cost plus fifteen percent. Ms. Teuber asked why fifteen percent was chosen and if there would be an issue with a fee of actual cost plus ten percent. Ms. Gould advised the additional fifteen percent has been proposed as it will match the building permit fee and provide continuity. Mayor DeMasters advised she feels fifteen percent

would be advantageous. Kaaren Teuber made a motion to approve the proposed ordinance with a fee of actual cost plus ten percent. Jim Smith seconded the motion and the motion passed with Kaaren Teuber and Jim Smith in favor and John Jennings opposed.

11. Consider and take any action necessary regarding passage of an ordinance amending Van Alstyne's Noise Regulation Ordinance No. 439. Mr. Baker introduced the amending ordinance for Council consideration advising of the concerns from citizens regarding construction noise late in the evening. Mr. Baker added that staff considered several area municipalities noise regulations and those presented more closely represent those. Mayor DeMasters advised she brought this issue to the attention of the City Manager as she has heard several complaints of construction noise at seemingly unusual hours. Ms. Teuber advised that she disagrees with the time restrictions placed on construction noise as roofers specifically need the ability to set their work schedule to avoid the extreme heat. The times listed in the ordinance should be consistent, restricting noises from 10:00 p.m. until 6:00 a.m.. Mr. Baker clarified that the inconsistency is in Ordinance 439 and the consistency is introduced in the amending ordinance. Ms. Teuber agreed and advised she would like the entire ordinance re-written to add consistency. Ms. Teuber also spoke against no work being allowed on Sunday as many have Sabbath on Saturday and this restriction should not be part of this community's requirement. Mr. Jennings advised he is not supportive of the time restrictions suggested by Ms. Teuber and is in favor of a restriction on all noise from 9:00 p.m. until 7:00 a.m. with the exception of construction noise from 8:00 p.m. until 7:00 a.m. Kaaren Teuber made a motion to table the item for consideration until the entire ordinance can be re-written. Jim Smith seconded the motion and the motion passed with Kaaren Teuber and Jim Smith in favor and John Jennings opposed.

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.

OPEN MEETING.

Pursuant to Section 551.0415 of the Texas Government Code, the City Council may report on the following items: 1) expression of thanks, congratulation or condolences, 2) information about holiday schedules, 3) recognition of individual, 4) reminders about upcoming city events, 5) information about community events and 6) announcements involving an imminent threat to public health and safety.

12. Departmental Reports. Jennifer Gould advised of a new staff person at City Hall, Kristen Hamner and of planned attendance at the Election Law Seminar hosted by the Texas Municipal League. Steve White advised of plan to have orbit maintenance personnel at the sewer plant. Ms. Teuber asked if it would be possible to give notice when water is being turned off to which Mr. White advised he only had about ten minutes notice as the six inch main was leaking an estimated two thousand gallons per minute. Jim Smith asked if Code Red can be used to notify citizens of an interruption in service to which Mr. Baker advised he will have to check with Grayson County, however staff did notify businesses by phone and door-to-door. Tracy Luscombe reminded Council of the new media drop box at the Library and pointed out the front page article in the most recent edition of the Van Alstyne Leader.
13. City Manager's Report. Mr. Baker advised Council that the 2013 solid waste map and calendar is on the website. He added that staff met with Republic to discuss the inconsistency in service and were assured the City would get more attention in an effort to reduce the number of complaints and issues.

14. Mayor and Council Closing Comments. Ms. Teuber said each time a new law is passed either by the City State or Federal government, the power of the government grows and the individual becomes weaker. She would like to see us strengthen the individual in our City and the government become less powerful.

15. Adjournment. Jim Smith made a motion to adjourn the meeting at 7:48 p.m.. Kaaren Teuber seconded the motion and the motion passed unanimously.

Kim DeMasters, Mayor

ATTEST:

Jennifer Gould, City Clerk