

**CITY OF VAN ALSTYNE**

**MINUTES**

**City Council Meeting**

Van Alstyne Community Center  
262 N. Preston Ave

**Tuesday, June 11, 2013  
6:30 P.M.**

Members present: Mayor Teddie Ann Salmon, John Jennings, Billy Plake, Russell Moore, Kaaren Teuber and Jim Smith.

Staff present: Frank Baker, Roxann Pais-Cotroneo, Jennifer Gould, Tim Barnes, Landon Smith, Adam Lambert and Tracy Luscombe.

**AGENDA.**

1. Call to Order. Mayor Salmon called the meeting to order at 6:33pm.
2. Invocation. Recited by Shannon Jackson, Pastor of the West Side Church of Christ, Van Alstyne.
3. Pledges of Allegiance. *(US and Texas)*
4. Citizens Communications. None.

**PUBLIC HEARINGS.**

5. None.

**CONSENT AGENDA.**

6. Approval of minutes from May 21, 2013 special called meetings. Jennifer Gould noted changes provided for Council consideration prior to the meeting. Mayor Salmon noted that Russell Moore should replace A.C. Mosby on the second meeting agenda as well as adding Jim Smith's name to the "Members present" portion of the agenda. Jim Smith made a motion to approve the minutes as amended. Billy Plake seconded the motion and the motion passed unanimously.

**REGULAR AGENDA (NON-CONSENT).**

7. Presentation of fund donation to Keep Van Alstyne Beautiful from Republic Services. Brenda Lalonde of Republic Services presented Vicki Cupit and Sandy Hill of Keep Van Alstyne Beautiful with an annual contribution of \$1,000.00. Mrs. Lalonde advised Council that recycle participation in the City is between seventy five and eighty five percent.
8. Consider and take any action necessary regarding appointment of Mayor Pro-Tem. Kaaren Teuber nominated Billy Plake. Jim Smith seconded the motion and the motion passed unanimously.

9. Consider and take any action necessary regarding authorizing the Mayor to sign a resolution adopting a rate review mechanism agreement with Atmos Energy. Terry Tombaugh of Atmos Energy discussed the rate review mechanism and advised Council that passage is a renewal of the process. Jim Smith asked if the concerns expressed in the prior meeting by John Jennings had been addressed to which Mr. Jennings advised his questions were addressed and the adoption of the RRM does not limit the purchase of third party gas. Jim Smith made a motion to authorize the Mayor to sign a resolution adopting a rate review mechanism agreement with Atmos Energy. Russell Moore seconded the motion and the motion passed unanimously.
10. Presentation by staff and discussion regarding City street repairs. Engineer Len McManus presented Council with the final street repairs planned. John Jennings asked if the streets listed are in order of scheduled repairs to which County Commissioner Jeff Whitmire advised the repairs will go before the Commissioners Court for approval and the project should be complete by early September 2013. Billy Plake asked if the City will still perform pothole repairs to which Frank Baker answered yes as the County has provided a quote to patch potholes. Mr. Baker added the streets listed are those that can be repaired without major infrastructure repair. Mr. Whitmire stated that the repair work is not just a patch job. Jim Smith asked if this will be funded by sales tax dollars to which Mr. Baker advised the project will be funded by currently budgeted funds.
11. Consider and take any action necessary regarding an ordinance repealing Ordinance No. 483 and adopting regulations relating to unsafe buildings. Attorney Roxann Pais-Cotroneo presented the proposed ordinance to Council and advised of the need. Kaaren Teuber expressed her objection to following International Codes as well as the length of the ordinance and referenced information provided by the City of Ft. Worth. Frank Baker advised the City is currently under the 2009 International Codes. Mrs. Pais-Cotroneo advised the information provided by Ft. Worth is a good piece of information but from a legal prospective the ordinance provided for consideration is standard. Billy Plake expressed concern for inhabited homes that may fall outside of the proposed ordinances requirements to which Mrs. Pais-Cotroneo advised many cities work with other entities to aid those inhabiting a home in poor condition to provide adequate housing. Russell Moore agreed with Ms. Teuber that simplification would be preferred however expressed understanding of the need. Mr. Moore added the definition is clear and very thorough. John Jennings asked why it is necessary to repeal Ordinance 483 rather than amend to which Mrs. Pais-Cotroneo advised repealing and replacing provides a clean slate for staff to reference. Jim Smith asked if funds to support the removal of unsafe buildings will be budgeted in fiscal year 14 budget to which Jennifer Gould advised this would be expensed from the administrative budget and staff will work to obtain quotes to properly budget. John Jennings asked if administrative action is action of the City Council as well as if the City is in compliance to which Mrs. Pais-Cotroneo answered administrative action is action of the City Council. Mr. Baker advised the definition is understood. Mr. Smith expressed a desire to wait to approve because the City is not currently able to enforce the provisions. Mrs. Pais-Cotroneo advised typically once a City begins enforcement action, owners' initiate repair. She added that there is a 90 day legal process therefore by the time the City gets to the point of expensing funds the new budget year will begin. Billy Plake made a motion to approve the ordinance as presented. Russell Moore seconded the motion and the motion passed with Billy Plake, Russell Moore and John Jennings in favor and Jim Smith and Kaaren Teuber opposed.

12. Consider and take any action necessary pursuant to an agenda request regarding the issue of Adam Wise's appointment to the Parks and Recreation Board by the City Council between August 2011 to July 2012. Adam Wise provided documentation to Council to support his belief that he was not formally appointed to the Parks and Recreation Board. Mr. Wise stated there are no City Council minutes identifying that he was appointed to the Board. Mayor Salmon read the documentation provided into record, "Regrettably, I am unable to locate information responsive to your requests. In an effort to provide the requested information I have supplied you with a copy of the signed and approved minutes from the October 18, 2011 City of Van Alstyne City Council Meeting. Agenda item "H" identifies that discussion and action was intended regarding appointments to the Parks and Recreation Board, however no minutes were recorded. Signed Jennifer Gould." Mr. Wise also provided minutes from the June 6, 2011 Parks and Recreation Board meeting identifying that "Adam" was present. It was identified the Adam referenced in the minutes is an employee of the City not Adam Wise. Kaaren Teuber addressed Council as a citizen expressing concern that Mr. Wise was removed by Council without proof of his appointment. Ms. Teuber added she pointed this out to the Council at the May 2013 meeting but was ignored adding the supporting documentation does not add up. Billy Plake provided a statement of the from a former Parks Board member who advised was informed by former City Secretary Tena Brown that Adam Wise was appointed to the Parks Board but understands that notification was not provided to Mr. Wise. Russell Moore expressed a desire to get the facts. His action at the May 2013 meeting was based on information provided at the time and extended his personal apology. Mayor Salmon advised she feels Council acted in good faith however it was inadequate information and should have been reviewed more extensively. Mayor Salmon advised she would like to make all boards consistent relating to appointment, notification and removal. John Jennings expressed his apologies as he acted based on the information provided that implied he was aware of his appointment. Jim Smith advised that Council was given the option to table the action but chose to vote. The improper removal could have been avoided. Mayor Salmon expressed her apologies to Mr. Wise on behalf of the City adding that this will not happen again.
13. Consider and take any action necessary regarding appointments to the Parks and Recreation Board. The application provided to Council was provided for Stacey Browning. Kaaren Teuber advised Ms. Browning is upstanding and will serve well. Kaaren Teuber made a motion to appoint Stacey Browning to the Parks and Recreation Board. Billy Plake seconded the motion and the motion passed unanimously.
14. Consider and take any action necessary regarding (1) establishing/determining/clarifying term lengths and places and (2) appointments to the Planning and Zoning Commission. Jennifer Gould addressed Council regarding the need to reappoint Jim Atchison, Bob Hendricks, David Barr and Herb Reed and appoint Jeff Webster to the expired term of outgoing member Bob Cavendar. Ms. Gould advised all members terms are currently expired and a place designation was not previously identified therefore a recommendation of place designation was provided as a recommendation. Jim Smith made a motion to appoint Jim Atchison to Place 1, Bob Hendricks to Place 5, David Barr to Place 2 and Herb Reed to Place 4 as recommended. John Jennings seconded the motion and the motion passed unanimously. Jim Smith made a motion to appoint Jeff Webster to Place 3 as

recommended. Kaaren Teuber seconded the motion and the motion passed unanimously.

15. Discussion pursuant to an agenda request regarding Ordinance No. 544 establishing a truck route and to determine if it is necessary or should be rescinded. Kaaren Teuber addressed Council regarding concerns about the established truck route as trucks are not currently following the designated routes. Ms. Teuber added that there is a lack of signage and there is unfair enforcement of the regulations therefore she recommended rescinding the ordinance until it can be re-written, corrected or completely discarded. Mayor Salmon requested Council table the discussion to allow for review and revision as well as be sure proper signage is in place. Chief Barnes advised Council there have been no fines assessed, only warnings. Chief Barnes added the route is primarily the responsibility of TxDOT and the City will have to communicate with them as they would need to manage the addition of signage in their right-of-way. Jim Smith made a motion to table the item. John Jennings seconded the motion. Russell Moore asked what the goal is in changing and possibly rescinding the ordinance to which Mayor Salmon advised the current ordinance would remain in effect for thirty days to review. Chief Barnes advised he and staff will review the route and communicate with TxDOT regarding signage. Billy Plake added Council needs to be sure there are appropriate amendments at the desire of the Council in what is returned. It was established that the original motion did not include a date to be returned however Mr. Smith asked for an update at the next regular meeting. The motion to table passed unanimously.
16. Discussion pursuant to an agenda request regarding a review of the Community Development Plan 2003-2023. Mayor Salmon agreed that the Community Development Plan is in need of review and would be a great topic for a fall workshop to include all City boards. Kaaren Teuber added that the current plan is antiquated and needs review.
17. Departmental Reports. Tim Barnes advised Council of new officers Nick Tredway, Colten Raper and Brandon Blair. Tracy Luscombe advised Council that the Library received a Dollar General Literacy Grant Award in the amount of \$1,000.00 and has cleared the first hurdle in the grant process for the addition of micro-film. Mrs. Luscombe added that the Library is busy with summer reading.
18. City Manager's Report. Frank Baker advised Council that the Museum downspout repair is complete. The downspout stops at the awning to eliminate a dead load on the awning until it can be evaluated for safety and support.
19. Mayor and Council Closing Comments.  
Mayor Salmon advised citizens she has a new laptop and cell phone and has attended an E3 Summit, FEMA training and the Grayson County Vision Meeting. She added that she plans to provide unity, a positive attitude and pride to the City. Mayor Salmon would like to move toward an open government with a well-informed public providing a newsletter to all who receive a utility bill. Kaaren Teuber advised she is pleased to see the museum repairs completed and added that she is still interested in informing citizens of what to do in case of emergencies. Ms. Teuber also inquired about the progress of posting the Fire Chief's position. Billy Plake expressed apologies to Adam Wise for removal from the Parks and Recreation Board.

#### 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.*

*At any time during the meeting, the City Council may meet in executive session for consultation concerning attorney-client matters under Chapter 551 of the Texas Government Code.*

Council convened into executive session at 8:30pm.

20. Convene into executive session pursuant to Section 551.087(1) and (2) [Economic Development Negotiations] to discuss Project Armadillo.

**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.*

Council reconvened into open session at 9:40pm.

21. Adjournment. Billy Plake made a motion to adjourn at 9:42 p.m. Russell Moore seconded the motion and the motion passed with Billy Plake, Russell Moore, Jim Smith and John Jennings in favor and Kaaren Teuber absent.

\_\_\_\_\_  
Teddie Ann Salmon, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer Gould, City Clerk