

CITY OF VAN ALSTYNE

MINUTES

City Council Meeting

Van Alstyne Community Center

262 N. Preston Ave

Tuesday, August 13, 2013

6:30 P.M.

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

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

AGENDA.

1. Call to Order. Mayor Salmon called the meeting to order at 6:33pm.
2. Invocation. Recited by John Wade, Interim Pastor of Canon Baptist Church, Van Alstyne.
3. Pledges of Allegiance. (*US and Texas*)
4. Citizens Communications. None.

PUBLIC HEARINGS.

5. Public hearing to amend Ordinance NO. 557, Zoning Ordinance, which may include but is not limited to, changing the Schedule of Uses, adding Farmers Market as a use and amending procedures for appointments. Mayor Salmon opened the Public Hearing at 6:36pm. There being no comments from the public Mayor Salmon closed the Public Hearing at 6:37pm.

CONSENT AGENDA.

6. Approval of minutes from the July 09, 2013 regular meeting. Jim Smith made a motion to approve the minutes as presented. Kaaren Teuber seconded the motion and the motion passed unanimously.
7. Authorize the Mayor to sign an Interlocal Agreement with the City of Tom Bean to provide EMS service. Jim Smith made a motion to authorize the Mayor to sign an Interlocal Agreement with the City of Tom Bean to provide EMS service. John Jennings seconded the motion and the motion passed unanimously.
8. Authorize the Mayor to sign an Interlocal Agreement with the City of Gunter to provide EMS service. Jim Smith made a motion to authorize the Mayor to sign an Interlocal Agreement with the City of Gunter to provide EMS service. John Jennings seconded the motion and the motion passed unanimously.

REGULAR AGENDA (NON-CONSENT).

17. Consider and take any action necessary to accept Drainage and Utility Easement on County Line Road from Paul Billingsly Interests, Inc. Len McManus addressed Council regarding the need for the County Line Road easement as it is the last needed so that Collin County can begin road repairs. Jim Smith asked if the funds were budgeted to which Mr. Baker advised it was not but will come out of streets. Russell Moore made a motion to accept the Drainage and Utility Easement on County Line Road from Paul Billingsly, Inc. Jim Smith seconded the motion and the motion passed unanimously.
18. Consider and take any action necessary approving a resolution requesting designation as a Designated Management Agency under the Federal Water Pollution Control Act. Jerry Chapman of GTUA addressed Council regarding the resolution advising it states that the City has the authority to make decisions for the system. John Jennings asked what the loan repayment time was and what determines the period to which Mr. Chapman advised it is generally a twenty year plan unless the City directs otherwise. Mr. Chapman confirmed that the interest rate is fixed. Jim Smith asked if approving the resolution is a commitment to the debt to which Mr. Chapman answered no. John Jennings made a motion to approve the resolution. Russell Moore seconded the motion and the motion passed unanimously.
19. Consider and take any action necessary regarding authorizing the City Manager to award contracts for: (a) Bond Counsel, (b) Engineering Firm and (c) Financial Advisor for construction improvements to the Van Alstyne Wastewater Treatment Plant and Wastewater System, if Texas Water Development Board financing is received for the projects. Jerry Chapman addressed Council regarding the authorization to award contracts advising that the necessary notices were done and the Authority only received one bid for engineering services. Mr. Chapman advised that generally the Authority makes selections for Bond Counsel and Financial Advisor therefore the City Manager will only be determining the Engineering Firm. John Jennings asked if the City will incur any expenses prior to the loan authorization to which Mr. Chapman advised fees will all come out of the loan unless the City wants to pay for them up front. To date the Authority has not incurred any cost to be passed on to the City. Mr. Jennings asked McManus & Johnson if there will be an expense prior to the loan award to which Mr. McManus answered no. Mr. Smith confirmed that the City is not incurring any expense by authorizing the award. John Jennings made a motion to authorize the City Manager to award a contract for engineering services for construction improvements to the Wastewater Treatment Plant and Wastewater System if TWDB financing is received. Jim Smith seconded the motion and the motion passed unanimously.
20. Consider and take any action necessary regarding acceptance of the donation of Main Street property by Don Depree. Don Depree addressed Council regarding the donation. Discussion was held regarding right-of-ways to be granted. John Jennings asked Mr. Depree who he purchased the property from to which Mr. Depree advised it was purchased from Mike Hamill. Mr. Jennings also clarified the railroad right-of-way. Jim Smith identified that the survey and associated costs would be approximately \$5,500.00 and asked staff where the money will come from to which Mr. Baker advised it was not budgeted but assured Mr. Smith the City does have the money. Mr. Jennings suggested tabling the item to verify railroad easements to which the surveyor advised he is unaware of any easement the railroad still has. Kaaren Teuber expressed gratitude toward Mr. Depree for the donation. Billy Plake made a motion to accept the donation of Main Street property by Don Depree and authorize the City Manager to expense the \$5,550.00 necessary. Kaaren Teuber seconded the motion and the motion passed with Billy Plake, Kaaren Teuber and Russell Moore in favor and John Jennings and Jim Smith opposed.
9. Consider and take any action necessary regarding passage of an ordinance amending Ordinance No. 376 as it relates to the Atmos Energy franchise agreement. Terry

Tombaugh with Atmos Energy addressed Council regarding the proposed ordinance. Billy Plake asked if the fees for service would be affected by the passage of the proposed ordinance to which Mr. Tombaugh answered no. Jim Smith asked John Jennings if he was satisfied with answers to prior questions to which Mr. Jennings answered yes. Billy Plake made a motion to approve the proposed ordinance as presented. Jim Smith seconded the motion and the motion passed unanimously.

10. Consider and take any action necessary regarding passage of an ordinance amending Ordinance No. 557, Zoning Ordinance, as it relates to the Schedule of Uses. Staff presented the proposed changes to Council. Discussion was held regarding the various changes requested. Julie Fort advised Council that a Sexually Oriented Business shall be allowed by right in at least one zoning classification. Billy Plake inquired as to the zoning classification of the Georgetown subdivision to which Jennifer Gould advised it is zoned PD-1. Mrs. Fort added that PD-1 has separate regulations. Ms. Gould advised Council that the majority of the amendments were suggested by Jim Atchison and reviewed by the Planning and Zoning Commission. Jim Smith made a motion to approve the ordinance as presented allowing for a S.O.B. as required by law and adding an "S" to allow for a "feed and seed and/or fertilizer sales/ storage (inside) in the CBD zoning classification. Billy Plake seconded the motion and the motion passed unanimously.
11. Consider and take any action necessary regarding passage of an ordinance amending Ordinance No. 557, Zoning Ordinance, as it relates to the addition of Farmers Market as a use. Julie Fort clarified that the proposed ordinance is adding a definition of a Farmers Market to the zoning ordinance. Kaaren Teuber clarified that the definition does not include the sale of arts and crafts. Ms. Gould advised Council that the Planning and Zoning Commission recommended deletion of the last sentence of the definition. Mrs. Fort recommended deletion of "not" to keep clarification that arts and crafts are included. Discussion was held regarding restricting arts and crafts to handmade products. Jim Smith made a motion to approve the ordinance as presented changing the last sentence to all for the sale of non-commercially produced arts and crafts and removing the word "not". Kaaren Teuber seconded the motion and the motion passed unanimously.
12. Consider and take any action necessary regarding passage of an ordinance amending Ordinance No. 557, Zoning Ordinance, as it relates to amending procedures for appointment and removal of Commission members. Discussion was held regarding the proposed changes. John Jennings suggested changing the removal process to allow for Council review before final dismissal. Kaaren Teuber suggested that a due process hearing be allowed. Billy Plake advised that the ordinance should be left as is as there has only been one issue arise and this does not merit change. Mr. Jennings agreed with Mr. Plake's assessment. Ms. Teuber expressed a need for all City board and commissions to have the same process. John Jennings made a motion to deny passage of the proposed ordinance. Russell Moore seconded the motion and the motion passed with John Jennings, Russell Moore and Billy Plake in favor and Kaaren Teuber and Jim Smith opposed.
13. Consider and take any action necessary regarding passage of an ordinance amending Ordinance No. 670, establishing the Library Board, as it relates to amending procedures for appointment and removal of Board members. Billy Plake made a motion to deny passage of the proposed ordinance. John Jennings seconded the motion and the motion passed with John Jennings, Russell Moore and Billy Plake in favor and Kaaren Teuber and Jim Smith opposed.
14. Consider and take any action necessary regarding passage of an ordinance amending Ordinance No. 591, establishing the Parks and Recreation Board, as it relates to amending procedures for appointment and removal of Board members. Kaaren Teuber made a motion

to approve the ordinance as presented. Jim Smith seconded the motion and the motion failed with Kaaren Teuber and Jim Smith in favor and Billy Plake, John Jennings and Russell Moore opposed. Billy Plake made a motion to deny passage of the proposed ordinance. John Jennings seconded the motion and the motion passed with John Jennings, Russell Moore and Billy Plake in favor and Kaaren Teuber and Jim Smith opposed.

15. Consider and take any action necessary regarding amending the Economic Development Corporation bylaws as it relates to procedures for appointment and removal of Directors. EDC Director Timmerle Kelly addressed Council and expressed disagreement with the amendments proposed. Ms. Kelly recommended Council retain the current wording. Billy Plake made a motion to let EDC retain the procedure they currently use. Russell Moore seconded the motion and the motion passed with Billy Plake, Russell Moore, Kaaren Teuber and John Jennings in favor and Jim Smith opposed.
16. Consider and take any action necessary regarding amending the Community Development Corporation bylaws as it relates to procedures for appointment and removal of Directors. CDC Director Dr. Paul Westmoreland addressed Council and expressed disagreement with the amendments proposed. CDC Director Judy Womack addressed Council and recommended denial of the proposed changes and requested future changes be brought to the Board prior to Council taking consideration. John Jennings expressed gratitude to those who serve on the boards. Billy Plake made a motion to leave the bylaws as they are presently. John Jennings seconded the motion and the motion passed with Billy Plake, John Jennings and Russell Moore in favor and Kaaren Teuber and Jim Smith opposed.
21. Presentation by City Attorney regarding Open Meetings Act and form of government training. City Attorney Julie Fort addressed Council regarding the Open Meetings Act and the City Manager form of government. John Jennings clarified that items not on the agenda are limited to factual information and inquired about sealed certified agendas. Mrs. Fort confirmed that certified agendas confirm the topic of an executive session however there are no minutes. Mr. Jennings asked if the City Manager takes direction from the Council as a whole rather than individually to which Mrs. Fort answered yes. The City Manager takes direction from the body. Jim Smith asked if an executive session topic is discussed in the Public if it is permissible to discuss with the general public. Mrs. Fort advised that it can be discussed but one shall not discuss information obtained or comments made in the executive session as the substance of the conversation is restricted.
22. Departmental Reports. Chief Barnes recognized Court Clerk and Dispatch Supervisor Ashley Kennedy as she has been invited to teach municipal court procedure statewide which is a great honor. Interim Chief Smith advised Council that he is working on grant applications. Tracy Luscombe advised Council that the Library has been awarded the Texas State Library and Archives Commission Grant.
23. City Manager's Report. None.
24. Mayor and Council Closing Comments. Billy Plake and Russell Moore thanked the citizens for their attendance. Mayor Salmon also expressed thanks to the citizens for their attendance and support and announced that the annual Fall-Der-All event is scheduled for October 19, 2013.

*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.*

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.

Council convened into executive session at 8:55pm.

25. All items below for Executive Session:

- a. Convene into executive session pursuant to Section 551.087(1) and (2) [Economic Development Negotiations] to discuss Project Armadillo.
- b. Convene into executive session pursuant to Section 551.074 [Personnel Matters] for evaluation of the City Manager.

Council reconvened into regular session at 10:51pm.

OPEN MEETING.

26. Adjournment. Jim Smith made a motion to adjourn at 10:51pm. John Jennings seconded the motion and the motion passed unanimously.

Teddie Ann Salmon, Mayor

ATTEST:

Jennifer Gould, City Clerk