

CITY OF VAN ALSTYNE

MINUTES

City Council Meeting

Van Alstyne Community Center

262 N. Preston Ave

Tuesday, November 12, 2013

6:30 P.M.

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

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

AGENDA.

1. Call to Order. Mayor Salmon called the meeting to order at 7:08pm.
2. Citizens Communications. Pat Patterson addressed Council and advised that Mr. Jennings should not be on the Council adding that the Mayor has the power to ask him to leave. Mr. Patterson addressed Julie Fort and advised that she is wrong and if Mr. Jennings does not step down he will prove that she is wrong.

PUBLIC HEARINGS.

3. Conduct a Public Hearing regarding a request by the owner/agent to replat property situated in the City of Van Alstyne, County of Grayson, State of Texas, being described as SOUTH SIDE ADDN, BLOCK PT 3 118 X 127 of Van Alstyne, Texas being 0.344 acres of land located in the 500 block of S. Dallas Ave. Mayor Salmon opened the Public Hearing at 7:12pm. There being no comments from the public the Hearing was closed at 7:13pm.

CONSENT AGENDA.

4. Approval of minutes from the October 8, 2013 Zoning Board of Adjustment and October 8, 2013 Regular meetings. Billy Plake made a motion to approve the minutes from the October 8, 2013 Zoning Board of Adjustments meeting. Kaaren Teuber seconded the motion and the motion passed unanimously. In regards to the October 8, 2013 regular meeting minutes Ms. Teuber named the following corrections: item 12 discuss should be discussion, item 13 should read "presented requested", item 14 correct the spelling of excellent and should read "asked if function", item 17 should be rewritten to exclude John Jennings from abstaining as he was not eligible to vote in any way on any of the motions made. Kaaren Teuber made a motion to table approval until the minutes are rewritten and reviewed. Jim Smith seconded the motion and the motion failed with Kaaren Teuber and Jim Smith in favor and Russell Moore, Billy Plake and John Jennings opposed. Billy Plake made a motion to accept the minutes with the discussed corrections. Russell Moore seconded the motion and the motion passed with Billy Plake, Russell Moore and John Jennings in favor and Kaaren Teuber and Jim Smith opposed.

REGULAR AGENDA (NON-CONSENT).

5. Consider and take action regarding approval of a request by the owner/agent to replat property situated in the City of Van Alstyne, County of Grayson, State of Texas, being described as SOUTH SIDE ADDN, BLOCK PT 3 118 X 127 of Van Alstyne, Texas being 0.344 acres of land located in the 500 block of S. Dallas Ave. Billy Plake made a motion to approve the request to replat. Russell Moore seconded the motion and the motion passed unanimously.

7. Discuss and take any action necessary pursuant to an agenda request regarding:
 - a. Repeal of City of Van Alstyne Ordinance No. 699 passed on the 23rd of September 2013. Grant Poth addressed Council expressing concern about the City's water quality and water source pointing to page 11 of the brochure offered at City Hall as it states the City takes water from Lake Lavon which he believes to be false. Justin Johnson addressed Council expressing the need for new water lines. Jenni Hampton, Manager of Hackberry Park Apartments, addressed Council expressing concern as her water bill doubled adding if the billing practice continues it will harm businesses. Kaaren Teuber addressed Council as a citizen and Council member advising that the purpose of the Council is not to inflict pain or hardship on citizens adding that they are outraged because the rate was charged retroactively. Ms. Teuber read a letter provided by Dr. John Spies of Van Alstyne ISD. John Jennings pointed to water rate and consumption information provided and asked that it be reviewed. Mayor Salmon advised that the information is not listed on the agenda. Billy Plake advised that the rates were studied thoroughly, the public was invited and additional collections are needed to fix things left in poor shape. Russell Moore advised that a great deal of time was spent on the rate and a solution is needed to fix infrastructure. Mr. Jennings added that the City cannot continue to ignore issues. Jim Smith advised that Ordinance 699 needs to be repealed and should not have been retroactive. Jim Smith made a motion to repeal Ordinance 699. Kaaren Teuber seconded the motion and the motion failed with Jim Smith and Kaaren Teuber in favor and John Jennings, Billy Plake and Russell Moore opposed.
 - b. Reinstate water rates in City of Van Alstyne Ordinance Nos. 680, 685 and 688. Mayor Salmon advised action cannot be taken as Ordinance 699 was not repealed.
 - c. Refund of excess money collected from the 1 October billing onward. Julie Fort advised Council that the effective date of the Ordinance can be amended however the agenda item does not allow for a motion to amend the effective date.
 - d. Establishing a policy that gives citizens who suffer a hardship the ability and right to extend payment without penalty or disconnection of service. Jim Smith made a motion to direct legal to draft a policy. Kaaren Teuber seconded the motion and the motion passed unanimously.

8. Consider and take any action necessary regarding Ordinance No. 699 as it relates to water/wastewater rates. Billy Plake made a motion to hold a workshop to discuss the water and wastewater rates. Jim Smith seconded the motion and the motion passed unanimously.

6. Discuss and take any action necessary pursuant to an agenda request regarding:
 - a. Water rates to be put on a ballot for vote. Sherri Steffens addressed Council with the suggestion to put a twenty-five member committee together to include the citizens and stay with the rates adopted last year. Mrs. Steffens suggested that the committee develop three propositions to be placed on a ballot to be voted on by citizens in an effort to provide a resolution to the rate issue.

- b. Acceptance of petitions for repeal of water rates.
Sherri Steffens presented the petition to repeal the water rates which was accepted by Mayor Salmon.

9. Consider and take any action necessary regarding a presentation regarding the West Nile Situation Report provided by the Grayson County Health Department. John Teel addressed Council regarding West Nile findings in the City. Mr. Teel advised that while there have been positive test results within the City the most recent mosquitoes tested are negative.

10. Consider and take any action necessary regarding appointing a person to fill the vacancy on City Council Place 3 resulting from John Jennings resignation or ordering a special election to fill vacancy created by John Jennings resignation. Billy Plake and Russell Moore expressed favor for calling a Special Election to fill the vacancy on City Council Place 3. Jim Smith expressed a desire to consider those who have applied for the position. Kaaren Teuber agreed with Mr. Smith adding that the person serving should reside in the City. Kaaren Teuber made a motion to appoint someone to fill the vacancy. Jim Smith seconded the motion and the motion failed with Russell Moore and Billy Plake abstaining. John Jennings was present and not voting as required by Local Government Code Section 22.010(a). Billy Plake made a motion to order a Special Election to fill the vacancy on City Council Place 3. Russell Moore seconded the motion and the motion failed with Billy Plake and Russell Moore in favor and Kaaren Teuber, Jim Smith and John Jennings abstaining. Kaaren Teuber made a motion to table the item until next month until the Attorney can provide legal direction. Jim Smith seconded the motion and the motion passed with Kaaren Teuber, Jim Smith and Russell Moore in favor and Billy Plake opposed.

Mayor Salmon announced that the water billing effective January 2013 will begin arriving as two trifold papers that will include a Mayor's Newsletter.

11. Consider and vote on nominee for the Greater Texoma Utility Authority Board. Kaaren Teuber made a motion to not accept Jeanie Anderson as the nominee. Jim Smith seconded the motion. Billy Plake asked why to which Ms. Teuber advised she is not the best representative that the City could put forward. Mr. Jennings asked who is represented by Mrs. Anderson to which Mr. Baker advised he believed she would represent all small cities. The motion failed with Kaaren Teuber and Jim Smith in favor, Russell Moore opposed and Billy Plake and John Jennings abstaining. Mayor Salmon requested staff obtain answers to the following questions: Does one person serve all of the general law member cities? If the Council nominates someone does one nomination count or would other cities have to nominate as well?

14. Consider and take any action necessary regarding a request to abandon an alleyway in Block 15 of the Original Town Plat at the intersection of E. Jefferson St (FM 121) and Sherman St. Jennifer Gould provided Council with an updated map identifying the portions of the alleyway being abandoned pursuant to the request. Steve White advised there are water and wastewater mains through the alleyway. Julie Fort advised that the ordinance proposed in item 15 on the agenda allows the City to retain any right-of-way. Jim Smith made a motion to accept the request. Billy Plake seconded the motion and the motion passed unanimously.

15. Consider and take any action necessary regarding approval of an ordinance to abandon an alleyway in Block 15 of the Original Town Plat at the intersection of E. Jefferson St (FM 121) and Sherman St. Julie Fort suggested striking "water" from section 4 of the proposed ordinance and identifying the actual property to be abandoned in the exhibit to the

ordinance. Jim Smith made a motion to accept the ordinance with section 4 reading “public utilities” and including the updated map as the exhibit to the ordinance. Billy Plake seconded the motion and the motion passed unanimously.

12. Presentation regarding update on Transportation by Bill Benton. Bill Benton addressed Council to discuss future plans of the Metropolitan Planning Organization as it relates to state highways in the region.
13. Consider and take any action necessary regarding passage of an ordinance establishing regulations for double fencing and fencing standards. Kaaren Teuber asked why the ordinance is so comprehensive adding that the penalties are unnecessary. Billy Plake asked about the metal posts required in 2.5 (d) to which Frank Baker advised this was recommended by Bureau Veritas to prolong the life of the fence. Mr. Plake asked if this would be required when replacing or repairing an existing fence with a wooden post to which Julie Fort advised maintenance is discussed in section 2.8. Billy Plake asked if the ordinance can be rewritten to only include section 2.4 (f) and section 2.10 to which Mrs. Fort answered yes. Mrs. Fort added that sections 1, 2.4 (f), 2.10, 3, 4 and 5 will need to stay. Kaaren Teuber questioned if these changes can be added to a current code as a local amendment to which Mrs. Fort advised she can look into the question. Kaaren Teuber made a motion to table until questions can be answered by the City Attorney and written acceptance by Bureau Veritas can be provided. Jim Smith seconded the motion and the motion passed unanimously.
16. Authorize the Mayor to sign an Interlocal Agreement with the City of Howe to provide EMS service. Billy Plake made a motion to authorize the Mayor to sign an interlocal agreement with the City of Howe to provide EMS service. Russell Moore seconded the motion and the motion passed unanimously.
17. Consider and take any action necessary regarding authorizing the Mayor to sign the Grayson County Library Services agreement for fiscal year 2014. Jim Smith made a motion to authorize the Mayor to sign the Grayson County Library Services Agreement. Kaaren Teuber seconded the motion and the motion passed unanimously.
18. Consider and take any action necessary regarding authorizing the City Manager to sign an electric service agreement. John Jennings asked what the City Manager’s recommendation is in regard to the term length. Frank Baker advised Council that staff has received several proposals up until meeting time adding that the City is currently paying a rate of \$0.6130 per kilowatt hour. If the rate is the bottom line the Ameripower quote provided by TruEnergy appears to be the best. Neal Hendrix with Reliant Energy advised Council that longer terms are relatively flat. Mr. Baker advised if it is the feeling of Council that energy rates are volatile, the sixty month rate provided by Reliant is favorable. Mr. Jennings expressed that the utility market is so volatile that he suggests a forty-eight month contract as a minimum. John Jennings made a motion to authorize the City Manager to sign an electric service agreement with Reliant Energy for sixty months at the \$0.4896 per kilowatt rate quoted. Jim Smith seconded the motion and the motion passed unanimously.
19. Discussion and give direction to staff regarding proposed changes to the Comprehensive Zoning Ordinance as it relates to a “crematorium”. Jim Smith advised of the need to define “mortuary or funeral home” as recommended by the Planning and Zoning Commission to allow for mortuaries or funeral homes to offer cremation services. Kaaren Teuber made a motion to direct legal to draft a definition. Jim Smith seconded the motion and the motion passed unanimously.

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.

20. Departmental Reports. Tracy Luscombe informed Council of the book signing to be hosted at the library.
21. City Manager's Report. Frank Baker advised there is nothing to report at this time.
22. Mayor and Council Closing Comments. Billy Plake asked if the book signing could be filmed to which Mrs. Luscombe advised she is unsure but will look into the idea. Jim Smith advised that Bucksnot BBQ will be open for Thanksgiving from 11:00am – 3:00pm. Mayor Salmon recommended adding a signature line for agenda request so it is more clear who submitted the form as well as adding signature line signifying it was accepted at City Hall. Mayor Salmon also suggested that City Manager Baker encourage boards to meet regularly.
23. Adjournment. Kaaren Teuber made a motion to adjourn the meeting at 10:50pm. Jim Smith seconded the motion and the motion passed unanimously.

Teddie Ann Salmon, Mayor

ATTEST:

Jennifer Gould, City Clerk