

CITY OF VAN ALSTYNE

MINUTES

City Council Meeting

Grayson College South Campus
1455 W Van Alstyne Pkwy

**Tuesday, February 11, 2014
6:30 P.M.**

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

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

AGENDA.

1. Call to Order. Mayor Salmon called the meeting to order at 6:35pm.
2. Invocation. Recited by Pastor Mark Bushor of the First Christian Church of Van Alstyne.
3. Pledges of Allegiance. (*U.S. and Texas*)
19. Introduction of Fire Chief Landon Smith. Frank Baker introduced Chief Smith advising Council and citizens of the interview process for the position adding that Smith, having served as Interim Chief for more than twelve months, was highly favored by three interview panels. Mr. Baker added that Chief Smith will continue to do a great job with the support of the community. Chief Smith addressed Council and citizens and expressed gratitude for the appointment adding that he looks forward to serving the citizens and the department to the best of his ability.
4. Citizens Communications. None.

PUBLIC HEARINGS.

5. None.

CONSENT AGENDA.

6. Approval of minutes from the January 7 and 21, 2014 Work Sessions, January 14, 2014 Zoning Board of Adjustment, January 14, 2014 Regular meetings. Kaaren Teuber advised of corrections mailed electronically to Jennifer Gould. Ms. Gould stated she will add Ms. Teuber's request for the debt per capita to the January 14, 2014 minutes as well as the residency age requirement to agenda item eight. Jim Smith made a motion to approve the minutes with Ms. Teuber's additions. Billy Plake seconded the motion and the motion passed unanimously.

REGULAR AGENDA (NON-CONSENT).

7. Consider and take any action necessary regarding recommendations from Water Committee relating to an extension policy, rate implementation policy and leak adjustment policy, State of Intent to Change Rate, rate and charges policy, name change policy, reading meter procedure. Recommend that all of the above be included in one ordinance, Ordinance #699, plus list price of charges and deposits. This would eliminate all previous ordinances regarding this in their entirety. Also include the utility rates. Mayor Salmon read all recommendations made by the Water Committee. Kaaren Teuber advised the meter rates other than the three quarter inch meter need to be considered. Jim Smith asked what the two inch meter rate is with the new rates. The rates were displayed for review. Discussion was held regarding comparison of the new two inch meter rate to the current two inch meter rate. Ms. Teuber advised that she understood the committee to want no sewer charge when a leak occurs because the excess does not go into the sewer system. Mr. Baker clarified that the committee recommended the sewer charge go back to the customer's historical average. Ms. Teuber expressed a desire to waive due fees until leaks are settled and credits are issued. Ms. Gould advised there is a section in Ordinance 446 that allows for a dispute that states all undisputed amounts are due timely. Ms. Teuber recommended wording for the statement of intent to change rates allowing for five percent of water customers with a utility account to petition for a change in the rate. Kaaren Teuber made a motion to adopt the statement of intent to change rates as stated. Jim Smith seconded the motion and the motion passed with Kaaren Teuber, Jim Smith and Robert Jaska in favor and Billy Plake and Russell Moore opposed. Ms. Teuber asked if yearly averaging could be done for water rates with year-end settlement to which Shae Loftice advised the billing software does not allow for this. Jenny Hampton spoke regarding the proposed rate changes. Discussion was held regarding the rates proposed by the Water Committee. Discussion was held regarding the refund proposed by the Water Committee that calls for a flat refund to customers based on meter size as well as the refund proposed by Robert Jaska based on a pro-rata portion per account. Jim Smith made a motion to accept Robert Jaska's refund proposal. Kaaren Teuber seconded the motion and the motion passed unanimously.
8. Consider and take any action necessary regarding utility rates established by Ordinance No. 699. Billy Plake made a motion to accept the rates proposed by the Water Committee to be effective with the March 1, 2014 billing for consumption from January 15, 2014 to February 15, 2014. Russell Moore seconded the motion and the motion passed with Billy Plake, Russell Moore and Kaaren Teuber in favor and Robert Jaska and Jim Smith opposed. Kaaren Teuber made a motion to approve an ordinance to include the proposed rate and policies recommended by the Water Committee. Jim Smith seconded the motion and the motion passed unanimously.
9. Consider and take any action necessary regarding a preliminary plat submitted by Van Arbor, LLC for Georgetown Village II, Phases 1 & 2. Frank Baker advised Council that the proposed plat was reviewed by the Planning and Zoning Commission Monday, February 10, 2014 with a unanimous recommendation to approve. Jennifer Gould stated the exact motion of the Commission was to recommend approval with three conditions being alignment of Caruth Drive, offsite utility tie ins and easements for said utility tie ins. Discussion was held regarding how the development will improve traffic flow for the elementary campus. Jim Smith made a motion to approve the preliminary plat with the three conditions as recommended by the Planning and Zoning Commission. Russell Moore seconded the motion and the motion passed unanimously.
10. Consider and take any action necessary regarding a resolution regarding filling the federal judicial vacancy in the Sherman Division. Mayor Salmon advised Council that she was contacted by the Sherman Bar Association to pass a resolution to promote a qualified

person from the area to the justice position. Kaaren Teuber made a motion to approve the resolution. Jim Smith seconded the motion and the motion passed unanimously.

11. 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 requested that Council add a sentence to give the property to one requestor rather than equal division. Jim Smith made a motion to approve the ordinance with the addition of the needed sentence. Billy Plake seconded the motion and the motion passed unanimously.
17. 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. Jim Smith made a motion to approve the request. Russell Moore seconded the motion and the motion passed unanimously.
12. Consider and take any action necessary regarding ordering the May 10, 2014 General Election. Jennifer Gould advised Council that voting on Election Day will take place at the Public Library. Kaaren Teuber asked if voting will be by paper ballot to which Ms. Gould answered yes. Jim Smith made a motion to approve the order of the May 10, 2014 General Election. Robert Jaska seconded the motion and the motion passed unanimously.
13. Consider and take any action necessary regarding authorizing the Mayor to sign a resolution of support for Palladium USA senior housing and approving a Chapter 380 agreement committing \$57,000.00 of taxpayer revenue to the project. Frank Baker introduced the Chapter 380 agreement prepared by Julie Fort. Mr. Baker pointed out in the agreement that the \$57,000 is not due until all requirements are met. Thomas Huth with Palladium USA advised that at the end of ten years the City will refund the amount back to Palladium. Jim Smith asked if the amount can be considered as a budgeted item each year for ten years so as not to have such a large sum of money due in the future with no planning. Mr. Baker answered yes. Jim Smith made a motion to approve the Chapter 380 agreement committing \$57,000.00 of taxpayer revenue to the Palladium USA project. Russell Moore seconded the motion and the motion passed unanimously.
14. Consider and take any action necessary regarding approval of an ordinance amending Ordinance No. 591 as it relates to the number of Parks and Recreation Board members. Kaaren Teuber pointed out an error in the Parks and Recreation Board minutes provided. Billy Plake made a motion to approve the amending ordinance as presented. Jim Smith seconded the motion and the motion passed unanimously.
15. Consider and take any action necessary regarding the reappointment of Vicky Cupit and appointment of Gary Evans to the Parks and Recreation Board. Jim Smith made a motion to reappoint Vicky Cupit and appoint Gary Evans to the Parks and Recreation Board. Kaaren Teuber seconded the motion and the motion passed unanimously.
21. Consider and take any action necessary regarding appointment of Jeff Skinner to the Van Alstyne Community Development Corporation Board of Directors. Jim Smith made a motion to appoint Jeff Skinner to the Van Alstyne Community Development Corporation Board of Directors. Billy Plake seconded the motion and the motion passed unanimously.
24. Consider and take any action necessary regarding passage of an ordinance establishing regulations for double fencing and fencing standards. Julie Fort clarified the differences in the two ordinances presented for consideration. Jim Smith suggested restricting the ordinance to the Georgetown subdivision. Mrs. Fort advised this would be an addition to the Planned Development (P.D.) ordinance which is a zoning ordinance and would require

a public hearing and consideration by the Planning and Zoning Commission. Billy Plake made a motion to approve the second ordinance which requires a permit for all fences. Russell Moore seconded the motion. The motion died for lack of a majority. Kaaren Teuber made a motion to approve the first ordinance which requires a permit for fences over six feet and restrict it to the P.D. Jim Smith seconded the motion. Ms. Teuber withdrew the motion as restricting the P.D. would require Planning and Zoning Commission consideration. Kaaren Teuber made a motion to present the first ordinance to the Planning and Zoning Commission for consideration to restrict to the P.D. Jim Smith seconded the motion and the motion pass with Kaaren Teuber, Jim Smith and Robert Jaska in favor and Billy Plake and Russell Moore opposed.

25. Discuss and take any action necessary pursuant to an agenda request submitted by Grant Poth regarding:

- a) Property tax audit
- b) Water money
- c) City asset amounts

Mayor Salmon advised Mr. Poth that the funds referred to as water money went into the Water Fund and the City asset amounts can be found in the Audited Financials and will be provided by the end of the week. Mayor Salmon also advised Mr. Poth of the procedure for requesting documents under the Public Information Act.

26. Consider and take any action necessary pursuant to an agenda request submitted by Pat Patterson regarding:

- a) Providing Mayor Salmon with full access to City Hall
- b) Providing Mayor Salmon with an office at City Hall
- c) Providing Mayor Salmon with administrative staff support

Pat Patterson addressed Council and advised that as the highest elected official the Mayor should have an office at City Hall to conduct City business. Robert Jaska asked Frank Baker if there is room in City Hall to provide an office to which Mr. Baker advised it can be worked out however there is no appropriate space and the building is in poor shape. Russell Moore advised that an office is not necessary as the Mayor has no authority over personnel or the City Manager and as no authority to make deals adding that the City Manager acts at the direction of the Council. Billy Plake asked Mayor Salmon if she needs an office and why. Mayor Salmon stated there is room in City Hall for an office and there needs to be an office to meet with business representatives and council members. Mayor Salmon also advised she in charge of the agenda and attends meetings outside of the City. The Mayor did not answer a direct question from Mr. Jaska on whether or not she actually wanted an office stating she is not going to demand an office at City Hall as it is a Council decision but advised the Mayor should have an office. Jim Smith advised that the Mayor is elected to represent the people and needs access to City Hall as well as respect. Kaaren Teuber stated that many citizens are appalled that the Mayor does not have an office adding that per TML there is only one City in Texas wherein the Mayor does not have an office. Ms. Teuber advised that the Mayor needs to be represented at City Hall with clerical help as well as an office and access to everything available. Julie Fort advised it is common for Mayors to have an office at City Hall as well as a key. Mr. Baker advised he would be concerned with Mayor Salmon being in City Hall alone after hours as staff works in pairs to prevent any issues. Kaaren Teuber made a motion to put an office for the Mayor at City Hall with all provisions on the agenda provided. Jim Smith seconded the motion and the motion passed with Kaaren Teuber, Jim Smith and Robert Jaska in favor and Billy Plake and Russell Moore opposed.

16. Consider and take any action necessary pursuant to an agenda request submitted by John Jennings regarding implementation of a policy for City Council agenda item submission.

*NOTE: an agenda request regarding implementation of a policy for City Council agenda item submission to be the last Friday of the preceding month, by 5 p.m. Requests be written and signed and date stamped by City staff. Any request not received by required time would be included in the following month except in an emergency.

Mayor Salmon requested the item be tabled. Jim Smith made a motion to table the item. Kaaren Teuber seconded the motion. The motion passed with Jim Smith, Kaaren Teuber and Robert Jaska in Favor and Billy Plake and Russell Moore opposed.

18. Presentation by the Chief of Police regarding the annual Racial Profiling Report. Chief Barnes presented the annual Racial Profiling Report to Council. Mayor Salmon asked what can be done with extra prescription medications to which Chief Barnes advised the DEA has an annual prescription drop and he as requested that Van Alstyne be a designated drop location. Kaaren Teuber asked for an explanation of “race/ethnicity known prior to stop” to which Chief Barnes advised it means the officer was aware of the individuals’ race at the time of stop or before interaction. Ms. Teuber asked what the reason is for a search as the report shows there are ninety six. Chief Barnes advised the reason for a search can be because narcotics are visible or are smelled, an individual tells the officer that drugs are in the vehicle or the officer has consent from the driver to search. Ms. Teuber advised she has received complaints of officers stalking, following or searching individuals continuously to which Chief Barnes advised those complainants need to be directed to the Police Department as they have a procedure to investigate such complaints. Chief Barnes also pointed out that traffic stops are video and audio recorded and recordings are kept for longer than required by the state.
20. Schedule date for regular meeting in March so as not to impede upon school closings for spring break. Mr. Baker recommended that in the interest of citizens, Council and staff that the meeting to rescheduled to either the first or third Tuesday in March. Ms. Gould added that the auditor has requested that it be rescheduled to the third week as she will not be able to meet the deadline and present the audit to Council the first Tuesday in March. Discussion was held regarding potential dates. Jim Smith made a motion to reschedule the March City Council meeting to March 17, 2014 at 7:00pm. Russell Moore 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.

22. All items below for Executive Session:

Convene into executive session pursuant to Section 551.087(1) and (2) [Economic Development Negotiations] to discuss Palladium USA senior housing.

No Executive Session.

OPEN MEETING.

23. Take any action necessary as a result of Executive Session. No action taken.
27. Departmental Reports. Chief Barnes recognized Ashley Kennedy for receiving the 2013 Executive Award from the North Texas Court Association. Tracy Luscombe advised Council that a local citizen will be launching her first published book and the library will be hosting the event March 22, 2014 at 2:00pm.

28. City Manager's Report. Frank Baker advised Council and citizens that he has received the notice of CPI increase from Allied Waste. The increase will be 1.01% moving the cost to the residential customer from \$13.32 monthly to \$13.45. Mr. Baker also advised that the engineers report regarding the Community Center, Police Department and Fire Department did not address all issues and staff is working with insurance to possibly change engineers.
29. Mayor and Council Closing Comments. Mayor Salmon advised of issues with agenda item sixteen and gave the history of the request advising she requested the item be tabled because there has been some discrepancy in the agenda wording. Mayor Salmon advised that when the agenda request was originally submitted by John Jennings she changed the agenda wording to be more explanatory. Following the agendas return to City Hall and prior to packets being distributed to Council she received mail electronically from Council members John Jennings, Billy Plake and Russell Moore requesting the agenda item wording be returned to what it was originally. Ultimately it was returned to its original wording with the addition of a note explaining in detail the potential changes. Mayor Salmon advised that Julie Fort advised it was legal for the three Council members to confer about the agenda as long as they do not discuss their thoughts or how they will vote, Mayor Salmon's interpretation had differed. Ms. Fort encouraged any potential violation be reported to the District Attorney's office. Mayor Salmon also advised she conferred with Council members Jim Smith and Kaaren Teuber if they were not made aware of the request. They were not. Mayor Salmon expressed concern for pettiness and encouraged Council and staff to work together with a positive outlook and open mind to serve the people. Mayor Salmon also added that the last day for an item to be placed on the ballot for May 2014 is February 28, 2014.
30. Adjournment. Jim Smith made a motion to adjourn at 9:45pm. Kaaren Teuber seconded the motion and the motion passed unanimously.

Teddie Ann Salmon, Mayor

ATTEST:

Jennifer Gould, City Clerk