

**CITY OF VAN ALSTYNE**

**MINUTES**

**City Council Meeting**

Grayson College South Campus  
1455 W Van Alstyne Pkwy

**Tuesday, April 8, 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 and Steve White.

**AGENDA.**

1. Call to Order. Mayor Salmon called the meeting to order at 6:30p.
2. Invocation. Recited by Mark Fletcher of Elmont Baptist Church.
3. Pledges of Allegiance. (*U.S. and Texas*)
4. Citizens Communications. None.

**PUBLIC HEARINGS.**

5. None.

**CONSENT AGENDA.**

6. Approval of minutes from the March 17, 2014 special called meeting. Mayor Salmon requested changing item number seven to read "Mayor Salmon and Frank Baker presented a plaque to John Jennings in appreciation of his contribution to the city of Van Alstyne while he served as a city councilman", item number nine, fifth line down to read "in the City's fields are protected", item number ten, seventh line down list the number of four-by-four vehicles to be purchased and item number fifteen, fourth line from the bottom should read "would like to do as Mayor Salmon suggested." Kaaren Teuber made a motion to approve the minutes with the suggested changes. Jim Smith seconded the motion and the motion passed unanimously.

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

7. Consider and take any action necessary regarding appointing the Election Judge and Alternate Judge and designating the Election Judge, Alternate Judge and workers as the Early Voting Ballot Board for the May 10, 2014 General Election. Jennifer Gould advised Council that Ashley Ramon is not currently a qualified voter and should be excluded from consideration. Kaaren Teuber recommended appointment of Lawana Merriman as Election Judge and Vicky Cupit as Alternate Election Judge. Kaaren Teuber made a motion to

appoint as recommended. Jim Smith seconded the motion and the motion passed unanimously.

8. Consider and take any action necessary awarding a bid and authorizing City Manager to execute a contract to purchase of \$973,083.20 in vehicles and equipment for the Public Works Department from Government Capital Corporation. Mayor Salmon read the list of items to be purchased with the financing. Frank Baker advised the interest rate is identified on the contract documents at 3.115% for vehicles and 3.185% for equipment adding that the items to be purchased are as discussed during the fiscal year 2014 budget process and the loan payment is included in the budget. Robert Jaska questioned if all of the equipment is needed and if it will suffice or if more will be needed in years to come. Steve White advised that the equipment is needed as Public Works has had to spend excess monies to rent equipment. Mr. Baker advised that the requested equipment is what is needed now and should last for several years however as the City grows and needs change and increase more may be requested. Jim Smith advised that it is dangerous to spend so much money on equipment at one time and suggested that it be done in segments with proper maintenance spending not more than \$375,000.00 at a time. Mr. White advised that approximately \$519,000.00 of the funds requested are for a well monitoring system to replace the current one which is failing, well maintenance, and several necessary improvements at the Wastewater Treatment Plant. Kaaren Teuber advised that with less than thirty days capital in the Water Fund the City should not borrow this amount of money and suggested looking into equipment rental. Ms. Teuber suggested spending not more than \$250,000.00 incrementally. Mr. Baker expressed understanding that a large amount of equipment is being purchased but advised that a replacement program has not been in place for the department for years. Ms. Teuber asked if some of the equipment purchases can be postponed to which Mr. White advised all is necessary. Ms. Teuber suggested the city talk to TCOG before purchasing all this equipment since TCOG is looking into a program to do equipment sharing between smaller municipalities so each does not have to purchase all this equipment individually. Mr. Jaska asked if the equipment and projects being funded will get the City into or keep the City in compliance with TCEQ to which Mr. White answered yes as maintaining compliance is the purpose for purchasing. Billy Plake made a motion to award a bid and authorizing the City Manager to execute a contract to purchase \$973,083.20 in vehicles and equipment for the Public Works Department from Government Capital Corporation. Russell Moore seconded the motion and the motion passed with Billy Plake, Russell Moore and Robert Jaska in favor and Jim Smith and Kaaren Teuber opposed.
9. Consider and take any action necessary regarding adopting resolutions to enter into financing agreements for the acquisition of vehicles and equipment for the Public Works Department. Billy Plake made a motion to adopt resolutions to enter into financing agreements for the acquisition of vehicles and equipment for the Public Works Department. Russell Moore seconded the motion and the motion passed with Billy Plake, Russell Moore and Robert Jaska in favor and Jim Smith and Kaaren Teuber opposed.
10. Consider and take any action necessary awarding a bid and authorizing City Manager to execute a contract to purchase of \$675,000.00 for a fire engine, ambulance, command vehicle and equipment for the Fire Department from Government Capital Corporation. Billy Plake asked how many ambulances the purchase will put in operation and what kind of vehicle will be used for command. Landon Smith advised that three ambulances will be operational and identified the command vehicle to be a dodge four door truck. Russell Moore asked why the current equipment needs to be replaced. L. Smith advised that the current equipment does not meet requirements and regulations putting the I.S.O. rating, citizens and employees at risk. L. Smith also advised that the needed repairs to the current engine are greater than its value adding that the maintenance budget for the Fire Department is well over because the ambulances are in disrepair. Robert Jaska asked if the

purchase of new ambulances will improve revenue generation to which L. Smith advised that it should as the department has had to turn down many calls and will have to begin reestablishing relationships with facilities to get transfer calls back up. Jim Smith asked if equipment was bad to start with or is the current state of equipment a result of lack of maintenance to which L. Smith advised that engine one was a floor model and never intended to fight fire as it is lacking key functions. Kaaren Teuber questioned the life of a fire truck to which L. Smith advised that the life expectancy is dependent upon the use. A front line vehicle should last up to ten years. L. Smith advised that the engine to be purchased will also be built as a trauma unit to respond to fires and accidents. Billy Plake made a motion to authorize the City Manager to execute a contract to purchase \$675,000.00 for a fire engine, ambulance, command vehicle and equipment for the Fire Department. Russell Moore seconded the motion and the motion passed with Billy Plake, Russell Moore and Robert Jaska in favor and Jim Smith and Kaaren Teuber opposed.

11. Consider and take any action necessary regarding adopting resolutions to enter into financing agreements for the acquisition for a fire engine, ambulance, command vehicle and equipment for the Fire Department. Billy Plake made a motion to adopt resolutions to enter into financing agreements for the acquisition of a fire engine, ambulance, command vehicle and equipment for the Fire Department. Russell Moore seconded the motion and the motion passed with Billy Plake, Russell Moore and Robert Jaska in favor and Jim Smith and Kaaren Teuber opposed.
12. Consider and take any action necessary regarding passage of an Ordinance repealing Ordinance No. 707 in order to amend the amounts of credits to utility bills. Robert Jaska identified that the 2013/2014 refund proposal identifies the true comparison of the October 2013 bill at the new rate and the old rate. Kaaren Teuber asked what each of the other three plans represent to which Mr. Jaska advised the refund labeled “Jaska” is the original proposal approved. The refund labeled “committee” is the recommendation of the committee appointed by Council. The refund labeled “hybrid” is the proposal discussed in March that considers the delta in the charge but also takes into consideration consumption. Billy Plake made a motion to adopt an ordinance to accept the refund identified as “2013/2014”. Robert Jaska seconded the motion and the motion passed unanimously.
13. Consider and take any action necessary regarding a request by Frank Walker, Juan Fraga and Ted Haggblade to abandon an alleyway in Block 15 of the Original Town Plat at the intersection of E. Jefferson St (FM 121) and Sherman St. Robert Jaska clarified the area to be abandoned. Julie Fort advised Council that if the right-of-way to be abandoned contains any utilities the proposed ordinance does allow for a utility easement to remain. Russell Moore made a motion to accept the request to abandon the portion of alleyway requested. Jim Smith seconded the motion and the motion passed unanimously.
14. 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 requested by Frank Walker, Juan Fraga and Ted Haggblade. Jim Smith made a motion to approve an ordinance to abandon the portion of alleyway requested. Robert Jaska seconded the motion and the motion passed unanimously.
15. Discussion regarding facility usage fees proposed by the Parks and Recreation Board. Vicky Cupit addressed Council representing Board President April Butler. Mrs. Cupit advised Council that the Parks and Recreation Board intends to have a proposal for review at its next meeting and will forward to staff for Council review and approval at the regularly scheduled May meeting.

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 advised that the agenda item was requested by John Jennings previously and appears on the agenda because it was tabled and it is required to come back before Council. Mayor Salmon called for a motion. No action taken.

17. Consider and take any action necessary pursuant to an agenda request submitted by Billy Plake regarding implementation of a procedure for City Council Meeting agenda items and distribution of review packets

\*NOTE: an agenda request regarding implementation of a policy for City Council agenda items that would require agenda requests to be due 5 days earlier and would result in a better agenda with more thorough information.

Billy Plake advised that he would like a procedure in place to put items on the agenda to allow Mayor and staff more time for review and preparation. Russell Moore agreed that more time to review and prepare would be beneficial. Robert Jaska agreed that additional time would be beneficial but expressed concern that the proposed procedure could introduce a forty-five day wait for a requestor to be heard. Jim Smith advised that the proposed restriction makes the City less responsive to citizens. Kaaren Teuber advised that there is no need to change the current procedure. Mayor Salmon advised that the issue with agenda preparation is a management problem adding that items need to be more explicit to allow readers to be more aware of what is to be discussed. Mayor Salmon advised that staff needs to enforce what we have in place currently. Kaaren Teuber made a motion to not accept the proposed procedure. 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.

18. Consider and take any action necessary regarding passage of an ordinance establishing regulations for double fencing and fencing standards. Billy Plake expressed a desire to pass the proposed ordinance to require a permit to build a fence over eight feet to keep dual fences from being constructed in the future, possibly with a no fee. This in an effort to keep those building fencing aware of requirements. Julie Fort provided clarification regarding the ability to restrict double fencing requirements to the Planned Development or a particular area of town. Mrs. Fort advised that the restrictions can be placed on the Planned Development only after amending the zoning ordinance which requires publication of a notice of public hearing, mailing of the notice to all property owners within 200 feet and public hearings by both the Planning and Zoning Commission and the City Council. Ms. Fort identified that amending the current Planned Development will not hold future planned developments to the fencing requirement. Rather it will need to be included in any new residential planned developments. Jim Smith expressed favor for amending the current Planned Development. Discussion was held regarding the definition of a fence and the height that identifies when a permit becomes necessary in Section 2.1. Kaaren Teuber suggested a height of "more than six feet". Mayor Salmon pointed to Section 2.5 as it says a fence that "shall exist" is in violation of the ordinance and recommended striking "or shall exist" to prevent currently existing fences from being subject to penalty. Billy Plake made a motion to accept the ordinance for fencing with a definition of "more than 72 inches" and striking "or shall exist" from the penalty. Frank

Baker advised that a fence at or under 72 inches will not prevent double fencing from continuing as the requirement for 36 inches between fences will only apply to those fences that are taller than 72 inches. Mr. Plake withdrew the motion. Billy Plake made a motion to approve the document as written striking "or shall exist" and move forward with an amendment to the Planned Development. Motion failed due to lack of a second. Jim Smith made a motion to direct staff to initiate an amendment to the Planned Development. Kaaren Teuber 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.*

19. All items below for Executive Session:

- a) Convene into executive session pursuant to Section 551.074[Personnel Matters] for evaluation and discipline of the City Manager.

Council recessed into executive session at 9:21pm.

Council reconvened into open session at 10:17pm.

#### OPEN MEETING.

20. Take any action necessary as a result of Executive Session. No action taken.
21. Departmental Reports. Landon Smith invited Mayor, Council and citizens to attend the Fire Department's Annual Fore Fire Golf Tournament April 26, 2014. Steve White advised that Public Works will be repairing a water leak late in the evening of April 8, 2014 adding that there may be reduced pressure but the leak should be repaired within two hours.
22. City Manager's Report. Frank Baker advised Mayor and Council that contractors have begun working in the Community Center to correct damage caused by the December 2013 ice storm, raise the ceiling four to six inches and making budgeted improvements. The insurance company has agreed to replace the Fire Department barracks but there is a good deal of push back on the barn as far as repairing the roof. He stated that street repairs and pothole patching are contracted through Grayson County and staff is waiting for better weather to obtain a quote and initiate repairs. Mr. Baker made Council aware that a preliminary plat for the north end of the Georgetown subdivision has been received and is with the City's contract engineers for review. Mr. Baker also advised that Land Use Assumption, Capital Improvement Plan and Impact Fee Committee meeting had taken place and a recommendation has been issued. The recommendation will be available at City Hall until it goes before Council for consideration in May 2014.
23. Mayor and Council Closing Comments. Robert Jaska advised of the Chamber breakfast at El Patio Escondido at 8:00am, April 9, 2014 as well as the Meet the Candidate event to be held April 14, 2014 and April 28, 2014. Russell Moore expressed thanks to staff for their hard work. Billy Plake expressed thanks to all Fire and Police Department staff involved in welcoming Riley Sprowl home. Mayor Salmon invited everyone to the Fire Department's Golf Tournament April 26, 2014 and to vote on Election Day, May 10, 2014.

*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.

24. Adjournment. Jim Smith made a motion to adjourn at 10:32pm. Billy Plake seconded the motion and the motion passed unanimously.

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Teddie Ann Salmon, Mayor

ATTEST:

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Jennifer Gould, City Clerk