

**CITY OF VAN ALSTYNE**

**MINUTES**

**City Council Meeting**

Van Alstyne Community Center  
262 N. Preston Ave

**Tuesday, March 3, 2015  
6:30 P.M.**

Members present: Mayor Teddie Ann Salmon, Billy Plake, Timmerle Kelly, Robert Jaska, Russell Moore and Larry Cooper.

Staff present: Frank Baker, Julie Fort, Tim Barnes, Landon Smith and Judy Kimzey.

**AGENDA**

1. Call to Order. *Mayor Salmon called the meeting to order at 6:30p.m.*
2. Invocation. *Led by Russell Moore.*
3. Pledges of Allegiance. *(US and Texas)*
4. Citizens Communications. *None.*

**PUBLIC HEARINGS**

5. None.

**ITEMS FOR CONSIDERATION**

6. Approval of minutes from the February 10, 2015 Zoning Board of Adjustment meeting and the February 10, 2015 regular City Council meeting. *Larry Cooper made a motion to approve the minutes as presented. Timmerle Kelly seconded the motion and the motion passed unanimously.*
7. Presentation by the Chief of Police regarding the annual Racial Profiling Report. *Chief Barnes presented Council with the annual Racial Profiling Report as required by State Statute.*
8. Consider and take any action necessary regarding a request by Larry Nickell to sub-lease the property located at 601 Martin Duke Road to Ramon Contreras. *Larry Nickell advised that the Contreras are a father and son auto paint and body business wishing to operate in the property identified. Larry Cooper asked where the shop is or was prior to moving to Van Alstyne to which Mr. Contreras advised his previous location was in Wylie. Billy Plake made a motion to approve the sub-lease to Ramon Contreras as presented. Larry Cooper seconded the motion and the motion passed unanimously.*
9. Consider and take any action necessary regarding proclaiming March 15-21, 2015 as Poison Prevention Week in Van Alstyne. *Larry Cooper made a motion to proclaim the week of March 15 – 21, 2015 Poison Prevention Week in Van Alstyne. Timmerle Kelly seconded the motion and the motion passed unanimously.*
10. Consider and take any action necessary regarding authorizing the Mayor to sign a resolution requesting and supporting an amendment to the definition of “Municipality” in the Texas Local Government Code. *Billy Plake asked why the City should pass the proposed resolution to which Julie Fort advised that the City of Lakewood was involved in a case relating to its right to do*

*things with plats and permits within their ETJ. The trial court ruled in their favor however the court of appeals reversed that decision advising that parts of Chapter 212 that refer to a municipality, are referencing a home Rule municipality rather than a General Law municipality. The concern is that in the same code, municipality is expressly defined as both a Home Rule and a General Law municipality. The resolution proposed supports a legislative action that, if passed would overrule the court opinion. Larry Cooper asked if support for the resolution is regional or scattered throughout the state. Mrs. Fort advised that she is not fully aware of the entirety of the support by is personally aware of ten to twenty cities in the region that has passed it. Larry Cooper made a motion to authorize the Mayor to sign the proposed resolution. Timmerle Kelly seconded the motion and the motion passed unanimously.*

11. Consider and take any action necessary regarding accepting settlement agreement from TMLIRP related to claim for damage to Police Garage building and authorize execution of the settlement agreement. *Billy Plake if TMLIRP would provide additional funds after the repairs are made to which Frank Baker answered no. The lowest quote the City has received to replace the building is \$46,000.00 however there is a masonry requirement that will increase the replacement cost if the building is put back in the same location unless a variance is requested and granted. Larry Cooper advised that he would like to discuss expense of the funds in replacing the Police Garage in executive session at a future meeting. Billy Plake made a motion to accept and execute the settlement agreement from TMLIRP related to the claim for damage to the Police Garage. Robert Jaska seconded the motion and the motion passed unanimously.*
12. Discuss draft of subdivision regulations and design standards and give direction to staff and professional consultants for completing documents for Council consideration. *Len McManus addressed Council regarding the need for updated regulations, standards and design criteria. Discussion was held regarding the need for various regulations and standards that are not included in the current codes as well as the need to update fees. Currently the burden of funding development review to insure compliance with City regulations and standards is placed on existing citizens rather than requiring developers to share the expense as is most common. Discussion was held regarding giving the Planning and Zoning Commission final authority to pass and approve plats and development designs, City Manager approval of minor plats, the City's control over roadways in gated communities and homeowners associations as well as street design, lighting, utility, landscaping manuals and current issues to avoid in the future. Mayor Salmon suggested scheduling a workshop to discuss further.*
13. Departmental Reports. *Judy Kimzey provided February statistics for Library traffic, advised of the recent replacement of a heating unit, the February 20, 2015 gaming tournament, a presentation by Janice Tracy, author of "True Crime" scheduled for March 21, 2015 and of her recent attendance to a three day intensive training seminar in Whitesboro. Chief Barnes advised that staff has been busy with the recent ice storms but were grateful for the use of the hummers and attendance to mandatory chiefs school in Kerrville. Chief Smith advised that staff has been very busy with the recent ice storms and that the new fire engine should be ready for service by the end of March or beginning of April.*
14. City Manager's Report. *Frank Baker advised Mayor and Council of communications with Ken Mannka from the Dallas Garland Northeastern Railroad who advised that they will begin working to open the railroad crossings closed last year on March 4, 2015. Mr. Baker also spoke of communications with TxDot regarding damage to Hwy 5 and their plan to begin repairs in the near future as well as the ISD moving forward with campus improvements and his continued efforts to bring forth items for consideration regarding necessary City Hall repairs.*
15. Mayor and Council Closing Comments. *Billy Plake advised that there is a place open on the Planning and Zoning Commission and asked Mr. Baker if the signs on US Hwy 75 advising of the Van Alstyne exits can be replaced. Mayor Salmon advised that she would be willing to call the District Manager at the Paris office. Robert Jaska advised that the Van Alstyne High School*

*boys are in the playoffs and playing Tom Bean in Denison tonight and are ahead 49 to 26 at halftime. Timmerle Kelly advised that Keep Van Alstyne Beautiful is having a membership drive at the Community Center at 6:00pm on Monday, March 16, 2015.*

**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**

*16. Adjournment. Billy Plake made a motion to adjourn the meeting at 7:46p.m. Timmerle Kelly seconded the motion and the motion passed unanimously.*

---

Teddie Ann Salmon, Mayor

ATTEST:

---

Jennifer Gould, City Clerk