

**CITY OF VAN ALSTYNE**

**MINUTES**

**Special Called City Council Meeting**

Van Alstyne Community Center

262 N. Preston Ave

**NOVEMBER 29, 2016**

**6:30 P.M.**

Members present: Mayor Larry Cooper, Billy Plake, Robert Jaska, Russell Moore and Brad Clough.

Staff present: Frank Baker, Jennifer Gould, Tim Barnes, Ashley McSwain, Adam Huttash, Steve White, Judy Kimzey and Jodi Carr.

**AGENDA**

1. Call to Order. *Mayor Cooper called the meeting to order at 6:30pm.*
2. Invocation. *Recited by Mayor Cooper.*
3. Pledges of Allegiance. *US and Texas.*
4. Citizens Communications. *None.*

**PUBLIC HEARINGS**

5. Conduct a Public Hearing regarding a request by the owner/agent to replat property situated in the City of Van Alstyne, Grayson County, Texas, being described as a replat of all of Lots 3 – 7 and part of Lots 2, 8 & 9, Block 11 and the alley between said lots of the revised original town plat of Van Alstyne, previously recorded in Volume 37, Page 642 & 643, being 1.020 acres out of the James McKinney Survey, Abst. 770, approximately located on the south side of Austin Street between John Douglas Road and Sherman Street. *The Public Hearing opened at 6:32pm. After three calls for comments the Public Hearing closed at 6:33pm.*
6. Conduct a Public Hearing regarding a request by the owner/agent of the property being described as SOUTH SIDE ADDN, LOT PT 3, & ALL OF 12 FT ALLEY, ACRES .4, more commonly known as 530 S. Waco St., to change the current zoning of Single Family Residential District - 1 (SF – 1) to Office District (O – 1). *The Public Hearing opened at 6:33pm. Kimberly Uselton advised of the intended commercial office use. There being no further public comments the hearing closed at 6:35pm.*
7. Conduct a Public Hearing regarding a request by the owner/agent of the property being described as OTP VAN ALSTYNE ADDN, BLOCK 26, LOT 11 & 12, more commonly known as 120 East Marshall Drive, to allow a Specific Use Permit (SUP) for a Single Family Dwelling – Detached use within the Central Business District (CBD). *The Public Hearing opened at 6:35pm. After three calls for comments the Public Hearing closed at 6:36pm.*
8. Conduct a Public Hearing regarding an ordinance of the City Council of the City of Van Alstyne, Texas, amending the Code of Ordinances at Chapter 46 “Zoning”, Article I, “In General”, Section 46-2 “Definitions”, Subsection 46.2.2.5 “Office, Retail and Service Type Uses” to add and or revise certain terms; amending Article III “Specific, Special and Nonconforming Uses”, Section 46-66 “Use of Land and Buildings” to amend tables 5A & 5B– Office, Retail, Commercial, and Service

Type Uses and Tables 6A & 6B—Manufacturing, Storage, and Warehousing Uses and affecting the uses, including but not limited to: cabinetmaking, furniture making, furniture repair, furniture restoration and refinishing, furniture upholstery, drapery and other impacted uses. *The Public Hearing opened at 6:36pm. After three calls for comments the Public Hearing closed at 6:37pm.*

#### CONSENT AGENDA

*Items listed on the consent agenda allow the Council to approve all items together without discussion or individual motions. Items may be removed from the consent agenda on the request of any one member of the Council. Removed items will be discussed and action taken immediately after the consent agenda.*

9. Consider and take any action necessary regarding approval of minutes from the October 11, 2016 regular meeting.
10. Consider and take any action necessary regarding the appointment of Chris Dorak to the Van Alstyne Community Development Corporation Board of Directors.
11. Consider and take any action necessary regarding the appointment of Debra Wyatt to the Van Alstyne Library Board of Directors.
12. Consider and take any action necessary regarding reappointment of Jim Atchison, Lesley Thorpe, Herb Reed and Bob Hendricks to the Van Alstyne Planning and Zoning Commission.
14. Consider and take any action necessary regarding a preliminary plat for Washington Estates Phase II, Lots 8 – 14, Block A being 43.470 acres of land situated in the James Huffelinger Survey, Abstract No. 366, an addition to the Extra-Territorial Jurisdiction of Van Alstyne, Collin County, Texas located near the northeast corner of County Road 222 and Farm to Market 3356.
16. Consider and take any action necessary regarding authorizing the Mayor to sign an interlocal agreement with Grayson County for road repairs on South Dallas Ave and Water Well No. 5.
17. Consider and take any action necessary regarding a final plat for Wild/Davis Acres, Lots 1 – 3, Block 1 being 14.737 acres of land situated in the W.P. Womack Survey, Abstract No. 191, an addition to the Extra-Territorial Jurisdiction of Van Alstyne, Grayson County, Texas located near the northwest corner of Joe Davis Road and Wild Road.
18. Consider and take any action necessary regarding authorizing the Mayor to sign an interlocal agreement with Grayson County for Library Services for Fiscal Year 2017.

*Billy Plake made a motion to approve agenda items 9, 10, 11, 12, 14, 16, 17 and 18 on the consent agenda. Robert Jaska seconded the motion and the motion passed unanimously.*

#### REGULAR AGENDA (NON-CONSENT)

13. Consider and take any action necessary regarding sending Notice of Termination to Republic Waste and authorizing advertisement of a solid waste services request for proposal. *Frank Baker addressed Council recommending termination of the current solid waste contract and requesting proposals for the service. The current contract terminates in February 2017 and automatically renews for five years if ninety-day notice is not provided. Termination of the contract does not exempt Republic Waste from submitting a bid for future service. Russell Moore made a motion to provide notice of termination to Republic Waste and authorize advertisement of a solid waste services request for proposal. Brad Clough seconded the motion and the motion passed unanimously.*
15. Consider and take any action necessary on waiving the plat fee for a property that submitted a plat in 2010 being 0.84 acres, part of G-0851 McKinney Ashley A-G0851 more commonly known as 249 Cobb Ave. *Frank Baker addressed Council and advised that the requestor submitted a plat in*

2010, followed the required process and paid the necessary fees. The plat was approved by Council on December 14, 2010. The City failed to timely file the plat. The requestor has now gone back through the plat process and is requesting a waiver of the fee since the error in the process is not hers. Robert Jaska made a motion to approve the request to waive the plat fee for the property in question. Russell Moore seconded the motion and the motion passed unanimously.

19. Consider and take any action necessary regarding a request by the owner/agent to replat property situated in the City of Van Alstyne, Grayson County, Texas, being described as a replat of all of Lots 3 – 7 and part of Lots 2, 8 & 9, Block 11 and the alley between said lots of the revised original town plat of Van Alstyne, previously recorded in Volume 37, Page 642 & 643, being 1.020 acres out of the James McKinney Survey, Abst. 770, approximately located on the south side of Austin Street between John Douglas Road and Sherman Street. Robert Jaska made a motion to approve the requested replat. Russell Moore seconded the motion and the motion passed unanimously.
20. Consider and take any action necessary regarding an ordinance requested by the owner/agent of the property being described as SOUTH SIDE ADDN, LOT PT 3, & ALL OF 12 FT ALLEY, ACRES .4, more commonly known as 530 S. Waco St., to change the current zoning of Single Family Residential District - 1 (SF – 1) to Office District (O – 1). Robert Jaska made a motion to approve the requested zone change. Brad Clough seconded the motion and the motion passed unanimously.
21. Consider and take any action necessary regarding an ordinance and request for reasonable accommodation by the owner/agent of the property being described as OTP VAN ALSTYNE ADDN, BLOCK 26, LOT 11 & 12, more commonly known as 120 East Marshall Drive, to allow a Specific Use Permit (SUP) for a Single Family Dwelling – Detached use within the Central Business District (CBD) and setting forth SUP requirements. Robert Jaska made a motion to accept the applicant’s withdrawal of the application. Russell Moore seconded the motion and the motion passed unanimously.
22. Consider and take any action necessary regarding an ordinance of the City Council of the City of Van Alstyne, Texas, amending the Code of Ordinances at Chapter 46 “Zoning”, Article I, “In General”, Section 46-2 “Definitions”, Subsection 46.2.2.5 “Office, Retail and Service Type Uses” to add and or revise certain terms; amending Article III “Specific, Special and Nonconforming Uses”, Section 46-66 “Use of Land and Buildings” to amend tables 5A & 5B– Office, Retail, Commercial, and Service Type Uses and Tables 6A & 6B—Manufacturing, Storage, and Warehousing Uses and affecting the uses, including but not limited to: cabinetmaking, furniture making, furniture repair, furniture restoration and refinishing, furniture upholstery, drapery and other impacted uses. Robert Jaska made a motion to approve the proposed ordinance as recommended by the Planning and Zoning Commission. Billy Plake seconded the motion and the motion passed unanimously.
23. Consider and take any action necessary regarding a request from the Parks and Recreation Board to amend the City’s Code of Ordinances, Section 30-34 to change the number of members required to constitute a quorum, and providing direction to staff on preparation of an ordinance amendment. Billy Plake made a motion to direct staff to bring an amending ordinance before Council for consideration. Brad Clough seconded the motion and the motion passed unanimously.
24. First reading and consideration of Resolution authorizing Van Alstyne Community Development Corporation funding of project for professional assembly of new playground equipment and canopy at Forrest Moore Park by APC\*Play. Mayor Cooper read the caption of the proposed resolution caption into record.
25. Second reading, consider and take any action necessary on Resolution authorizing Van Alstyne Community Development Corporation funding of project for professional assembly of new playground equipment and canopy at Forrest Moore Park by APC\*Play. Mayor Cooper read the caption of the proposed resolution caption into record. Robert Jaska clarified that volunteers were

unable to assemble the equipment and canopy as it was more than they could handle. Russell Moore made a motion to approve the resolution authorizing the EDC to fund professional assembly of new playground equipment and canopy at Forrest Moore Park by APC\*Play. Robert Jaska seconded the motion and the motion passed with Russell Moore, Robert Jaska and Billy Plake in favor and Brad Clough abstaining.

26. Departmental Reports. Jodi Carr introduced herself as the EDC Director. Judy Kimzey provided the Library Department statistics for the prior month, Steve White provided an update on various Public Works Department projects, Lt. Adam Huttash provided Fire Department statistics for the prior month, Chief Tim Barnes provided Police Department statistics for the prior month and Jennifer Gould provided the Administrative Department statistics for the prior month.
27. City Manager's Report. Frank Baker advised Council of the FM 121 West closure west of Farmington Road, Atmos Energy's planned gas line work between Van Alstyne and Howe, and that Jalapeno's Mexican Grill will be adding a location at Wilson N. Jones Plaza next to Pizza Hut.
28. Mayor and Council Closing Comments. Mayor Cooper thanked board volunteers for their service.

#### 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.*

29. All items below for Executive Session:

Pursuant to the following designated sections of Texas Government Code, Annotated, Subchapter 551, the Council will enter into executive session to discuss the following items:

- a) Section 551.071 [Consultation with Attorney] regarding (i) enforcement of Zoning Ordinance and the Code of Ordinances, and (ii) dilapidated structures.

*Council recessed into executive session at 7:26pm.*

*Council convened into open session at 8:34pm.*

#### OPEN MEETING

30. Consider and take any action necessary as a result of executive session. *No action taken.*
31. Adjournment. *Mayor Cooper adjourned the meeting at 8:34pm.*

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Larry Cooper, Mayor

ATTEST:

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Jennifer Gould, City Clerk