

CITY OF VAN ALSTYNE

MINUTES City Council Meeting Van Alstyne City Hall 152 N Main Drive

**April 9, 2019
6:35 P.M.**

Members present: Mayor Steve Riley, Ryan Neal, Robert Jaska, Lee Thomas and Suzon Crowell.

Staff present: Lane Jones, Jennifer Gould and Tim Barnes.

AGENDA

1. Call to Order. *Mayor Riley called the meeting to order at 6:41pm.*
2. Presentation of Proclamation declaring the week of April 7-13, 2019 as National Library Week. *Mayor Riley presented the Proclamation to Library Director Judy Kimzey and library staff including Ashley Ramon, Benjamin George and Nickie Woodward.*
3. Citizens Communications. *Lynn Adams spoke regarding agenda item seventeen. Mrs. Adams advised there is no reason to amend the regulations as the current primary provider has always responded timely and met all expectations since 2010. In researching other cities, she has been unable to find a city who uses a rotation. Barbie Griffin, Chamber of Commerce President announced the Viva Van Alstyne event taking place on May 18, 2019.*

PUBLIC HEARINGS

4. Conduct a public hearing to consider a request by the owner/agent of a property to replat Lot B5 & Common Area A-1 of The Hills of Lone Star, Phase 7B/Northgate recorded in Vol. 2018, Pg. 305, CCMR and Lot C1 & TR-2 of The Hills of Lone Star, Phase 7C/Northgate recorded as Document No. 2019-8, PRGCT J.L. Terry Survey, A-906/J.W. Haynes Survey, A-455 Collin County, Texas, J.W. Haynes Survey, A-610/James Hefflefinger Survey, A-487 Grayson County, Texas, being a final plat of Lot B5R of The Hills of Lone Star Phase 7B/Northgate & Lot C1R of The Hills of Lone Star Phase 7C/Northgate being 6.998 acres, more or less. The subject property is located north of Collin County Rd. 179 and south of Burke. *The Public Hearing opened at 6:53pm. There being no public comment, the hearing closed at 6:53pm.*
5. Conduct a public hearing to consider a request by the owner/agent of an approximately 38.414-acre tract of land to change the zoning of the property from Agricultural District (A) to Planned Development (PD). A base zoning of Commercial District – Office, Light Retail and Neighborhood Services (C – 1) is requested for 2.422 acres. A base zoning of Commercial District - General (C - 2) is requested for 3.687 acres. Residential zoning is proposed for 32.304 acres. The property is described as being a tract of land situated in the W. Blundell Survey, Abstract No. 115, and the J. McKinney Survey, Abstract No. 770, City of Van Alstyne, Grayson County, Texas, being part of a tract conveyed to Benton Holdings, L.P. according to the deed recorded in Document No. 2009-00016366 of the Deed Records, Grayson County, Texas. The subject property is generally located east of US Hwy 75, west of Kelly Lane and north of County Line Road. *Kaleb Gilbert of Spiars Engineering detailed the request and changes made at the recommendation of the Planning and Zoning Commission. Mayor Riley questioned commercial zoning on Kelly Lane. Mr. Gilbert advised that the property just south of the proposed commercial site on Kelly Lane is currently*

zoned commercial, making it contiguous to other commercial zoning. The land area would not support residential. Suzon Crowell asked if the residential property would be managed by an HOA to which Mr. Gilbert answered yes. Jim DuBois expressed opposition in concern for added traffic on Kelly Lane as well as commercial zoning on Kelly Lane. There being no further public comment, the hearing closed at 7:05pm.

6. Conduct a public hearing regarding a voluntary annexation request by the owner/agent of an approximate 168.053 acre tract of land in Grayson County, Texas, legally described as a part of the William B. Blundell Survey, Abstract No. 116, a part of the W.C. Wilson Survey, Abstract Number 1330, a part of the David C. Wilson Survey, Abstract Number 1331, as described in deed to Laer Trams-Rolling Ridge Van Alstyne, LLC as recorded in Document Number 2017- 16388, Official Public Records of Grayson County, Texas, generally located south of Blythe Road, east of Jay Road, west of Hwy 5 (Waco St) and north of Redden Rd. *The Public Hearing opened at 7:06pm. There being no public comment, the hearing closed at 7:07pm.*
7. Conduct a public hearing to consider a request by the owner/agent of an approximately 82.116-acre tract of land to change the zoning of the property upon annexation, from Agricultural (AG) to Single Family Residential District – Estate (SF - E) and an approximately 85.937-acre tract of land to zone the property Single Family Residential District (SF – 72). The property is described as being a parcel of land located in Grayson County, Texas, a part of the William B. Blundell Survey, Abstract No. 116, a part of the W.C. Wilson Survey, Abstract Number 1330, a part of the David C. Wilson Survey, Abstract Number 1331, and also being all of that called 168.05 acre tract of land described in deed to Laer Trams-Rolling Ridge Van Alstyne, LLC as recorded in Document Number 2017-16388, Official Public Records of Grayson County, Texas. The subject property is generally located east of US Hwy 75, west of State Hwy 5 and north of Redden Road. *The Public Hearing opened at 7:08pm. Jerry Sylo detailed the developer's willingness to comply with requirements adding that SF-E development will move forward and SF-72 development is undetermined. Don Patterson questioned where the lift station and sewer lines will be placed, environmental concerns and roadway expansion. Rex Redden suggested SF-E zoning on the entire property to reduce traffic and congestion, maintaining the rural community environment and long-term sustainability. Lee Thomas spoke to the benefits of the property being inside city limits as development standards are greater than those in the county such as roadway improvements and drainage control. Jerry Sylo detailed lift station placement, planned sewer line placement and meeting city design criteria. Mayor Riley clarified that City Council is considering the request and opinions of neighbors keeping in mind what is best for everyone which is for the City to control how the property is developed. There being no further public comment, the hearing closed at 7:46pm.*
8. Conduct a public hearing regarding a voluntary annexation request by the owner/agent of an approximate 36.72 acre tract of land in Grayson County, Texas, legally described as being a part of William Blundell Survey, Abstract Number 115, and being a part of that called 36.72 acre tract of land described in deed to Laer Trams-37 Acre Hwy 75 Van Alstyne, LLC, as recorded in Volume 5962, Page 521, Official Public Records Grayson County, Texas. The subject property is generally located east of US Hwy 75, west of Kelly Lane and north of County Line Road. *The Public Hearing was not opened due to the requestor rescinding the voluntary annexation request.*
9. Conduct a public hearing to consider a request by the owner/agent of an approximately 36.72-acre tract of land to zone the property Planned Development (PD). A base zoning of Commercial District – Office, Light Retail and Neighborhood Services (C – 1) is requested for 8.158 acres. A base zoning of Multifamily Residential District (MF 2) is requested for 28.561 acres. The property is described as being a parcel of land located in Grayson County, Texas, being a part of William Blundell Survey, Abstract Number 115, and being a part of that called 36.72-acre tract of land described in deed to Laer Trams-37 Acre Hwy 75 Van Alstyne, LLC, as recorded in Volume 5962, Page 521, Official Public Records Grayson County, Texas. The subject property is generally located east of US Hwy 75, west of Kelly Lane and north of County Line Road. *The Public Hearing was not opened due to the requestor rescinding the zoning request.*

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.

10. Consider and take any action necessary regarding approval of minutes from the March 5, 2019 regular meeting.
11. Consider and take any action necessary regarding a final plat of Greywood Heights, Section 3B, a 21.636 acre, more or less, tract of land being a part of Greywood Heights Section 2, Volume 8, Page 70 plat records Grayson County, Texas and Greywood Heights Volume 7, Page 87 plat records Grayson County, Texas being part of the James McKinney Survey, Abstract No. 770, City of Van Alstyne, Grayson County, Texas.
12. Consider and take any action necessary regarding recommending award of \$614,000.00 for a state contract for the Clean Water State Revolving Fund project funded through the Greater Texoma Utility Authority for the Solids Dewatering System Improvements and authorize supplemental funding by the City of Van Alstyne in the amount of \$37,920.18.
13. Consider and take any action necessary regarding awarding a construction contract for the water and sewer line replacements along West Jefferson Street from Dallas Street to Douglas Street to JBI Pipeline in the amount of \$328,155.00.
14. Consider and take any action necessary regarding authorizing the City Manager to sign an electric service agreement with TXU Energy at a rate of \$0.0386144 for a sixty-month term.

Robert Jaska made a motion to approve all items listed on the consent agenda. Ryan Neal seconded the motion and the motion passed unanimously.

REGULAR AGENDA (NON-CONSENT)

15. Receive and discuss a presentation from Parks and Recreation Board Chairman Sue-Lynn Voigt regarding board progress. *Sue-Lynn Voigt recognized board members, advised of the number of meetings held since appointments were made and listed accomplishments of the board. Suzon Crowell asked if the Parks Master Plan prepared by Dunaway will come before City Council prior to implementation to which Lane Jones answered yes. The proposed plan will come before City Council in the near future. Mr. Jones expressed appreciation for the Parks Board and their work.*
16. Consider and take any action necessary regarding authorizing the Mayor to sign a resolution approving the Van Alstyne Economic Development Corporation revised bylaws dated March 5, 2019. *Trent Voigt advised that the city and EDC attorneys edited the bylaws to remove stifling language and allow for business to take place. All of the City Attorney's suggested changes were incorporated with the exception of the meeting location. Julie Fort confirmed review. Suzon Crowell expressed concern for board member descriptors being removed as there is no residency requirement or detail of who may serve. Ryan Neal made a motion to approve the EDC bylaws as presented. Lee Thomas seconded the motion and the motion passed with Ryan Neal and Lee Thomas in favor, Robert Jaska and Suzon Crowell opposed and Mayor Riley breaking the tie, voting in favor.*
17. Consider and take any action necessary regarding passage of an ordinance repealing and restating Chapter 10, Article V of the Van Alstyne Code of Ordinances regarding commercial vehicle towing businesses to establish a tow truck list for the rotating dispatch of wrecker services to nonconsent tows, restating regulations for said businesses and vehicle storage facilities, fees pertaining to nonconsent tows, storage, application and permitting and adopting procedures for requesting a towing fee study. *Lane Jones advised that the system in place today works and the current provider*

has done a good job. The proposed would establish a rotation. Suzon Crowell added the item to the agenda after being informed by someone wanting to do business, that they were unable to do so. Ryan Neal asked Chief Barnes if the current process is working to which he answered yes and detailed the current permit process and annual renewals. Mrs. Crowell expressed frustration in not receiving responses to earlier questions to clarify the application process and sought clarification on the current process as it seems to essentially give the primary provider exclusivity. The Code as it stands, was detailed to clarify the primary, secondary and tertiary nonrotation method. Robert Jaska recommended continuing with the process and ordinance already in place. Suzon Crowell made a motion to deny passage of the proposed ordinance. Mrs. Crowell rescinded her motion. No action taken.

18. Consider and take any action necessary regarding a request by the owner/agent of a property to replat Lot B5 & Common Area A-1 of The Hills of Lone Star, Phase 7B/Northgate recorded in Vol. 2018, Pg. 305, CCMR and Lot C1 & TR-2 of The Hills of Lone Star, Phase 7C/Northgate recorded as Document No. 2019-8, PRGCT J.L. Terry Survey, A-906/J.W. Haynes Survey, A-455 Collin County, Texas, J.W. Haynes Survey, A-610/James Hefflefinger Survey, A-487 Grayson County, Texas, being a final plat of Lot B5R of The Hills of Lone Star Phase 7B/Northgate & Lot C1R of The Hills of Lone Star Phase 7C/Northgate being 6.998 acres, more or less. The subject property is located north of Collin County Rd. 179 and south of Burke. *Lee Thomas made a motion to approve the proposed replat as presented. Suzon Crowell seconded the motion and the motion passed unanimously.*
19. Consider and take any action necessary regarding an ordinance rezoning an approximately 38.414-acre tract of land to change the zoning of the property from Agricultural District (A) to Planned Development (PD) based on a request by the owner/agent of said property. A base zoning of Commercial District – Office, Light Retail and Neighborhood Services (C – 1) is requested for 2.422 acres. A base zoning of Commercial District - General (C - 2) is requested for 3.687 acres. Residential zoning is proposed for 32.304 acres. The property is described as being a tract of land situated in the W. Blundell Survey, Abstract No. 115, and the J. McKinney Survey, Abstract No. 770, City of Van Alstyne, Grayson County, Texas, being part of a tract conveyed to Benton Holdings, L.P. according to the deed recorded in Document No. 2009-00016366 of the Deed Records, Grayson County, Texas. The subject property is generally located east of US Hwy 75, west of Kelly Lane and north of County Line Road. *Julie Fort clarified that agenda language is correct based on what was provided by the developer and commercial property on Kelly Lane is proposed to be C-1. Ryan Neal expressed concern for construction traffic on Kelly Lane and other interior city roads. Kaleb Gilbert suggested an agreement to disallow construction traffic on Kelly Lane. Suzon Crowell expressed disfavor for commercial zoning on Kelly Lane and five foot setbacks. Mr. Gilbert clarified that the side yard setback is five feet on each lot providing ten feet between homes. Discussion was held regarding commercial zoning on Kelly Lane and the zoning of contiguous property to the south. Zoning of said property could not be confirmed. Robert Jaska made a motion to table action to clarify the zoning of the neighboring property south of the proposed C-1 on Kelly Lane. Suzon Crowell seconded the motion and the motion passed with Robert Jaska, Suzon Crowell and Ryan Neal in favor and Lee Thomas opposed.*
20. Consider and take any action necessary regarding approval of an ordinance of the City Council of the City of Van Alstyne, Texas, annexing property into the City of Van Alstyne, Texas being described as an approximately 82.116 acre tract of land described as being a parcel of land located in Grayson County, Texas, a part of the William B. Blundell Survey, Abstract No. 116, a part of the W.C. Wilson Survey, Abstract Number 1330, a part of the David C. Wilson Survey, Abstract Number 1331, and also being all of that called 168.05 acre tract of land described in deed to Laer Trams-Rolling Ridge Van Alstyne, LLC as recorded in Document Number 2017-16388, Official Public Records of Grayson County, Texas generally located east of US Hwy 75, west of State Hwy 5 and north of Redden Road, extending the boundary limits of the City so as to include the described property, and adopting a Service Plan. *Robert Jaska reiterated from the Public Hearing that annexation is to the benefit of the city and neighbors. Ryan Neal made a motion to approve the proposed ordinance annexing Laer Trams-Rolling Ridge. Suzon Crowell seconded the motion and the motion passed unanimously.*

21. Consider and take any action necessary regarding an ordinance rezoning an approximately 82.116-acre tract of land to change the zoning of the property upon annexation, from Agricultural (AG) to Single Family Residential District – Estate (SF - E) and an approximately 85.937 acre tract of land to zone the property Single Family Residential District (SF – 72) based on a request by the owner/agent of said property. The property is described as being a parcel of land located in Grayson County, Texas, a part of the William B. Blundell Survey, Abstract No. 116, a part of the W.C. Wilson Survey, Abstract Number 1330, a part of the David C. Wilson Survey, Abstract Number 1331, and also being all of that called 168.05 acre tract of land described in deed to Laer Trams-Rolling Ridge Van Alstyne, LLC as recorded in Document Number 2017-16388, Official Public Records of Grayson County, Texas. The subject property is generally located east of US Hwy 75, west of State Hwy 5 and north of Redden Road. *Lee Thomas made a motion to approve the proposed ordinance rezoning Laer Trams-Rolling Ridge. Suzon Crowell seconded the motion and the motion passed unanimously.*
22. Consider and take any action necessary regarding approval of an ordinance of the City Council of the City of Van Alstyne, Texas, annexing property into the City of Van Alstyne, Texas being described as an approximately 36.72 acre tract of land described as being a parcel of land located in Grayson County, Texas, being a part of William Blundell Survey, Abstract Number 115, and being a part of that called 36.72 acre tract of land described in deed to Laer Trams-37 Acre Hwy 75 Van Alstyne, LLC, as recorded in Volume 5962, Page 521, Official Public Records Grayson County, Texas. The subject property is generally located east of US Hwy 75, west of Kelly Lane and north of County Line Road, extending the boundary limits of the City so as to include the described property, and adopting a Service Plan. *No action taken due to the requestor rescinding the annexation request.*
23. Consider and take any action necessary regarding an ordinance rezoning an approximately 36.72-acre tract of land to zone the property Planned Development (PD) based on a request by the owner/agent of said property. A base zoning of Commercial District – Office, Light Retail and Neighborhood Services (C – 1) is requested for 8.158 acres. A base zoning of Multifamily Residential District (MF 2) is requested for 28.561 acres. The property is described as being a parcel of land located in Grayson County, Texas, being a part of William Blundell Survey, Abstract Number 115, and being a part of that called 36.72-acre tract of land described in deed to **Laer Trams-37 Acre Hwy 75 Van Alstyne, LLC**, as recorded in Volume 5962, Page 521, Official Public Records Grayson County, Texas. The subject property is generally located east of US Hwy 75, west of Kelly Lane and north of County Line Road. *No action taken due to the requestor rescinding the zoning request.*
24. City Manager’s Report. *City Manager Lane Jones provided a report detailing activities during the prior month and advised that EDC finance migration to the city managed program and accounting is underway.*
25. Mayor and Council Closing Comments. *Ryan Neal thanked those in attendance for participation and input as well as staff. Suzon Crowell advised that TCOG is hosting a hazardous household waste collection event on April 20, 2019 at 9:00am at Grayson College’s Denison campus and encouraged everyone to watch the Planning and Zoning Commission if interested in growth. Lee Thomas thanked those in attendance and spoke to growth in Van Alstyne adding that City Council’s job is to care for the best interest of all citizens and neighbors. Robert Jaska thanked those in attendance and spoke to the action of City Council being done in good faith. Mayor Riley advised that he and City Council work to be mindful of surroundings and conscientious of neighbors.*

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.

26. 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] on contemplated litigation or on a matter in which the duty of the attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act regarding: (i) the Mantua Development, (ii) Trussel tract development, (iii) CCN service areas, and (iv) any and all items listed on the agenda for open session.
- b) Section 551.072: [Real Property] regarding the purchase of property for municipal facilities and parks.

City Council did not recess into executive session.

OPEN MEETING

27. Consider and take any action necessary as a result of each item listed in executive session. *No action taken.*

28. Adjournment. *Mayor Riley adjourned the meeting at 8:49pm.*

Steve Riley, Mayor

Jennifer Gould, City Clerk