

## CITY OF VAN ALSTYNE

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

**May 11, 2021  
6:35 P.M.**

Members present: Mayor Jim Atchison, Ryan Neal, Marla Butler, Bruce Dawsey, Lee Thomas and Katrina Arsenault.

Staff present: Lane Jones, Jennifer Gould, Robert Jaska and David Ritter.

#### AGENDA

1. Call to Order. *Mayor Atchison called the meeting to order at 6:41pm.*
2. Administer Oath of Office to newly elected officials. *Jennifer Gould administered the Statement of Officer and Oath of Office to Jim Atchison, Bruce Dawsey, Lee Thomas and Katrina Arsenault.*
3. Citizens Communications. *None.*
4. Presentation of a Proclamation for Mental Health Month, May 2021. *Mayor Atchison presented the Proclamation and declared May 2021 Mental Health Month.*

#### 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.*

7. Approval of minutes from the April 13, 2021 regular City Council meeting.
8. Approval of a revised Ad Valorem Tax Assessment and Collection Contract between Grayson County and The City of Van Alstyne.
9. Passage of a resolution to change the name of a portion of Cartwright Road to Collin McKinney Parkway and a portion of N. Cartwright Road to N. Collin McKinney Parkway.
10. Passage of a resolution setting a public hearing for June 8, 2021 at 6:30pm at Van Alstyne City Hall on the proposed annexation of a tract of land within the extraterritorial jurisdiction (ETJ) of the City of Van Alstyne, Grayson County, Texas and described as follows: being an approximately 14.964-acre tract of land situated in the Asbury Cartwright Survey, Abstract No. 251, Grayson County, Texas and generally located approximately 1,200 feet north of Cartwright Road and approximately 1,700 feet west of Cartwright Road. *(High School Tract Annexation)*
12. Passage of a resolution indicating the City of Van Alstyne's support for local match funding and authorizing the submittal of an application for funding through the Texas Transportation Alternative Set-Aside (TA) Program.
13. Approval of a proposal submitted by MVA Services for construction of the Water Distribution System Well Site and Disinfection Improvements project located at Well Site No. 1 in an amount not to exceed \$459,704.00 and authorize the Greater Texoma Utility Authority Board (GTUA) of Directors to approve a contract with MVA Services for construction of the improvements.

15. Approval of an ordinance canvassing the May 1, 2021 Special Election.

*Ryan Neal made a motion to approve items 7, 8, 9, 10, 12, 13 and 15 listed on the consent agenda. Bruce Dawsey seconded the motion and the motion passed unanimously*

#### PUBLIC HEARINGS / REGULAR AGENDA (NON-CONSENT)

16. Conduct a Public Hearing regarding the proposed annexation of certain property by the City of Van Alstyne, Texas, being a tract of land within the extraterritorial jurisdiction (ETJ) of the City of Van Alstyne, Grayson County, Texas, being an approximately 1.14-acre tract of land being a tract of land situated in the Thomas Paxton Survey, Abstract No. 953, Grayson County, Texas; the subject tract being conveyed by James Hall Jones and Betty Jo Milam Norwood to the City of Van Alstyne, recorded in Volume 3151, Page 140 of the Official Public Records, Grayson County, Texas. The subject property is generally located approximately 550 feet north of FM 121 (Van Alstyne Parkway) and approximately 1,600 feet west of US 75 (N Henry Hynds Expressway). (*Water Tower Annexation*) *The Public Hearing opened at 6:53pm. Lane Jones advised water well no. 5 is currently on the subject property. This will be the site of a second water tower. Mayor Atchison made three calls for comments and there being none, the hearing closed at 6:54pm.*
17. Consider and take action regarding adopting an ordinance annexing certain property by the City of Van Alstyne, Texas, being a tract of land within the extraterritorial jurisdiction (ETJ) of the City of Van Alstyne, Grayson County, Texas, being an approximately 1.14-acre tract of land being a tract of land situated in the Thomas Paxton Survey, Abstract No. 953, Grayson County, Texas; the subject tract being conveyed by James Hall Jones and Betty Jo Milam Norwood to the City of Van Alstyne, recorded in Volume 3151, Page 140 of the Official Public Records, Grayson County, Texas. The subject property is generally located approximately 550 feet north of FM 121 (Van Alstyne Parkway) and approximately 1,600 feet west of US 75 (N Henry Hynds Expressway). (*Water Tower Annexation*) *Katrina Arsenault made a motion to adopt the proposed ordinance annexing the subject property. Ryan Neal seconded the motion and the motion passed unanimously.*
18. Conduct a Public Hearing regarding the proposed annexation of certain property by the City of Van Alstyne, Texas, being a tract of land within the extraterritorial jurisdiction (ETJ) of the City of Van Alstyne, Grayson County, Texas; being an approximately 59.535-acre tract of land situated in the James McKinney Survey, Abstract No. 770, Grayson County, Texas; the subject tract being conveyed by the Estate of Ruth E. Spence to GOW Properties, LLC, recorded in Volume 6996, Page 194 of the Official Public Records, Grayson County, Texas; and generally located at the northwest corner of State Highway 5 (N. Waco Street) and Spence Road. (*Spence Tract Annexation*) *The Public Hearing opened at 6:55pm. Ryan Hayes detailed the request and plan for subdivision development. Mayor Atchison made three calls for comments and there being none, the hearing closed at 6:56pm.*
19. Consider and take action regarding adopting an ordinance annexing certain property by the City of Van Alstyne, Texas, being a tract of land within the extraterritorial jurisdiction (ETJ) of the City of Van Alstyne, Grayson County, Texas; being an approximately 59.535-acre tract of land situated in the James McKinney Survey, Abstract No. 770, Grayson County, Texas; the subject tract being conveyed by the Estate of Ruth E. Spence to GOW Properties, LLC, recorded in Volume 6996, Page 194 of the Official Public Records, Grayson County, Texas; and generally located at the northwest corner of State Highway 5 (N. Waco Street) and Spence Road. (*Spence Tract Annexation*) *Bruce Dawsey made a motion to adopt the proposed ordinance annexing the subject property. Lee Thomas seconded the motion and the motion passed unanimously.*
20. Conduct a Public Hearing regarding a request to rezone a 59.535-acre tract of land following annexation from an A, Agricultural zoning district to a PD, Planned Development zoning district

with underlying zoning classifications of SF-60 and SF-72, Single-Family Residential Zoning Districts, C-2, General Commercial Zoning District, and the Thoroughfare Overlay District. The subject property is situated in the James McKinney Survey, Abstract No. 770, Grayson County and generally located at the northwest corner of N. Highway 5 (N. Waco Street) and Spence Road. *(Spence Rezoning Request) The Public Hearing opened at 6:58pm. Ryan Hayes detailed the request and plan for subdivision development. Mayor Atchison made three calls for comments and there being none, the hearing closed at 7:03pm.*

21. Consider and take action regarding adopting an ordinance rezoning a 59.535-acre tract of land following annexation from an A, Agricultural zoning district to a PD, Planned Development zoning district with underlying zoning classifications of SF-60 and SF-72, Single-Family Residential Zoning Districts, C-2, General Commercial Zoning District, and the Thoroughfare Overlay District. The subject property is situated in the James McKinney Survey, Abstract No. 770, Grayson County and generally located at the northwest corner of N. Highway 5 (N. Waco Street) and Spence Road. *(Spence Rezoning Request) Discussion was held regarding lot sizes, ratio of proposed lot sizes, setbacks and thoroughfare. Ryan Hayes advised that residential and commercial property will be separated with a masonry wall. A traffic study is underway. Katrina Arsenault clarified that P&Z's request to keep fifty foot lots at or under thirty percent is met in the proposal. Mr. Hayes advised that phase one of the development will be on the west side with 100 lots. Ryan Neal made a motion to adopt the proposed ordinance. Lee Thomas seconded the motion and the motion passed with Ryan Neal, Lee Thomas, Marla Butler and Bruce Dawsey in favor and Katrina Arsenault opposed.*
22. Conduct a Public Hearing regarding a request to rezone a 0.4-acre tract of land from an O, Office Zoning District to a SF-60, Single-Family Residential Zoning District and the THOR-Thoroughfare Overlay District. The subject property is situated in the South Side Addition, Lot P3, and all of a 12-foot alley, more commonly known as 530 S. Waco Street, Van Alstyne, Texas and generally located on the west side of State Highway 5 (S. Waco Street) and approximately 500 feet north of San Antonio Street. *(Uselton Rezoning Request) The Public Hearing opened at 7:17pm. Mayor Atchison made three calls for comments and there being none, the hearing closed at 7:18pm.*
23. Consider and take action regarding adopting an ordinance rezoning a 0.4-acre tract of land from an O, Office Zoning District to a SF-60, Single-Family Residential Zoning District and the THOR-Thoroughfare Overlay District. The subject property is situated in the South Side Addition, Lot P3, and all of a 12-foot alley, more commonly known as 530 S. Waco Street, Van Alstyne, Texas and generally located on the west side of State Highway 5 (S. Waco Street) and approximately 500 feet north of San Antonio Street. *(Uselton Rezoning Request) Interim Planner Brooks Wilson detailed the request and advised that the southern end of Waco St, per Thoroughfare Overlay District regulations, should maintain residential character. Ryan Neal made a motion to adopt the proposed ordinance. Katrina Arsenault seconded the motion and the motion passed unanimously.*
24. Conduct a Public Hearing regarding a request to rezone a 55.003-acre tract of land from an A, Agricultural Zoning District to a PD, Planned Development Zoning District with underlying zoning classifications of SF- 72, Single-Family Residential Zoning Districts. The subject property is situated in the James McKinney Survey, Abstract No. 770, Grayson County, Texas, and is generally located at the southeast corner of East FM 121 (E. Jefferson Street) and the future extension of Lincoln Park Road. *(Harrell Tract Rezoning Request) Sylvia Phillips detailed the request advising that type one lots shown at P&Z were eliminated. The proposal includes ninety-nine type two lots, thirty-four premium lots and all land for Lincoln Park Rd extension will be donated. Mayor Atchison acknowledged receipt of twenty-nine e-mails expressing opposition to the request and one in support of the request. The following citizens spoke to the issue:  
Sharron Evans, 267 N Lincoln Park Rd, Van Alstyne, Texas, expressed opposition.  
David Kerr, 87 Greenview, Van Alstyne, Texas, expressed opposition.  
Maria Hickson-Grimmett, 245 W Van Alstyne Pkwy, Van Alstyne, Texas, expressed opposition.  
Doti Izzi, 211 Sunshine Trail, Van Alstyne, Texas, expressed opposition.*

*Randy Hansen, 137 Blackthorn Drive, Van Alstyne, Texas, expressed opposition.  
Debbie Hansen, 137 Blackthorn Drive, Van Alstyne, Texas, expressed opposition.  
Steven and Lanisha Weaver, 10367 FM 121, Van Alstyne, Texas, expressed opposition.  
Sherry Anderson, 396 Lakecrest Drive, Pottsboro, Texas, expressed opposition.  
Matthew Uppole, 374 Sunshine Trail, Van Alstyne, Texas, expressed opposition.  
Lanette Dyer, 46 Greenview Ln, Van Alstyne, Texas, expressed opposition.  
Michael Lasitter, 1266 McKinney Cir, Van Alstyne, Texas, expressed opposition.  
Sharon Brazeal, 1811 Sister Grove Rd, Van Alstyne, Texas, expressed opposition.  
Andrea Diehl, 211 Knob Hill Rd, Van Alstyne, Texas, expressed opposition.  
Ken Fischer, 809 Lincoln Park Rd, Van Alstyne, Texas, expressed opposition.  
Mark Meynig, 571 Lincoln Park Rd, Van Alstyne, Texas, expressed opposition.  
Mrs. Smither, 1173 E Jefferson St, Van Alstyne, Texas, expressed opposition.  
Karen Malone, Van Alstyne, Texas, expressed opposition.  
Garrison Moore, 1277 McKinney Cir, Van Alstyne, Texas, expressed opposition.*

*Mayor Atchison made three calls for further comments and there being none, the hearing closed at 7:50pm.*

25. Consider and take action regarding adopting an ordinance rezoning a 55.003-acre tract of land from an A, Agricultural Zoning District to a PD, Planned Development Zoning District with underlying zoning classifications of SF- 72, Single-Family Residential Zoning Districts. The subject property is situated in the James McKinney Survey, Abstract No. 770, Grayson County, Texas, and is generally located at the southeast corner of East FM 121 (E. Jefferson Street) and the future extension of Lincoln Park Road. *(Harrell Tract Rezoning Request) Ryan Neal made a motion to deny the requested zoning. Marla Butler seconded the motion and the motion passed unanimously.*
26. Conduct a Public Hearing regarding an ordinance amending Ordinance No. 752, Chapter 38, "Subdivision and Land Development", Section 38.202, "Amending Plats," to allow consideration and processing of amending plats in conformance with state law. *The Public Hearing opened at 8:15pm. Interim Planner Brooks Wilson detailed the proposed change. Mayor Atchison made three calls for comments and there being none, the hearing closed at 8:16pm.*
27. Consider and take action regarding adopting an ordinance amending Ordinance No. 752, Chapter 38, "Subdivision and Land Development", Section 38.202, "Amending Plats," to allow consideration and processing of amending plats in conformance with state law. *Ryan Neal made a motion to adopt the proposed ordinance. Bruce Dawsey seconded the motion and the motion passed unanimously.*

*Mayor Atchison recessed the City Council meeting from 8:17pm to 8:25pm.*

29. City Manager's Report. *Lane Jones detailed activities for the prior month, reported on increased permit activity and various projects underway.*

#### 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.*

5. 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) Texas Gov't Code Section 551.071 [Legal Advice] regarding: (i) future development; (ii) funding options for road improvements, park land and a municipal building; and (iii) home-rule charter process.

*City Council recessed into executive session at 8:32pm.*

*City Council reconvened into open session at 9:43pm.*

OPEN MEETING

6. Consider and take any action necessary regarding Executive Session items. *No action taken.*
11. Passage of a resolution directing publication of notice of intention to issue combination tax and revenue certificates of obligation, and resolving other matters related to the subject. *Ryan Neal made a motion to pass the resolution as presented. Bruce Dawsey seconded the motion and the motion passed unanimously.*
14. Passage of a resolution declaring the population of the City of Van Alstyne, Texas to be at least five thousand three hundred thirty-eight inhabitants. *Ryan Neal made a motion to pass the resolution declaring the population of the City of Van Alstyne, Texas to be at least five thousand two hundred eighty-six inhabitants. Marla Butler seconded the motion and the motion passed unanimously.*
28. Consider and take action regarding adopting an ordinance amending City of Van Alstyne Code of Ordinances, Chapter 32, "Signs and Other Advertising" as follows: revise Section 32-30, "Criteria for Permissible Signs," by adding Section 32-30(26), "Temporary Non-Profit Signs," Section 32-30(27), "Builder Program Signs," and Section 32-30(28), "Wayfaring Signs;" add new definitions to Section 32-29, "Definitions" to support these revisions; and direct the City Manager to enter into a contract with the selected sign company to provide Builder Program Signs and Wayfaring Signs to the City at no cost. *Interim Planner Brooks Wilson detailed the proposed changes. Discussion was held regarding requiring no permit for temporary non-profit signs. Ryan Neal made a motion to approve the proposed ordinance requiring no permit for temporary non-profit signs with the changes regarding builder signs effective July 1, 2021. Marla Butler seconded the motion and the motion passed unanimously.*
30. Mayor and Council Closing Comments. *None.*
31. Adjournment. *Bruce Dawsey made a motion to adjourn the meeting at 9:56pm. Katrina Arsenault seconded the motion and the motion passed unanimously.*

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Jim Atchison, Mayor

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Jennifer Gould, City Clerk