

Joint Lavon City Council & Planning & Zoning Commission Meeting & Public Hearing Minutes



March 15, 2011

I. MEETING CALLED TO ORDER AT 7:00 P.M. BY MAYOR MARTIN

Members Present: Mayor Norma Martin
Council Member Place 1, Chris Kane, Mayor Pro-Tem
Council Member Place 2, Deborah Nabors
Council Member Place 3, Gary Meeks
Council Member Place 4, Aaron Heatley
Council Member Place 5, Charles Teske

Members Absent: None

Staff Present: City Manager, Mike Jones
City Secretary, Linda Ardis
City Services Coordinator, Jennifer Wolfe

Commission and Board Members: P & Z Chairman Trey Smith
P & Z Commissioner Ernest Cody
P & Z Commissioner David Barnhart

II. MAYOR MARTIN TO LEAD THE COUNCIL AND VISITORS IN THE PLEDGE OF ALLEGIANCE.

Mayor Martin led the City Council and visitors in the Pledge of Allegiance.

III. INVOCATION

City Council Member Charles Teske led the invocation.

IV. ITEMS OF INTEREST/CITY COUNCIL COMMUNICATIONS

Members of City Council have the opportunity to notify others of community events, functions and other activities. There will also be an opportunity to briefly comment on City Council business, City operations, projects and other items coming before the City Council.

City Council Member Aaron Heatley told the Council and audience that he highly recommended the Citizens Police Academy to everyone. He also invited people to attend an Open House at the Police Department and Fire Station from 10:00 a.m. until

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2:00 p.m. on Saturday, March 19th. On May 7th, a Craft Fair will be held by the Citizens Police Academy Alumni at the Assembly of God Church. Raffle tickets will be sold for \$1 for a homemade quilt. The drawing will be held July 2nd. Contact Jeaneen Eli or Becky Cooper for more information. Council Member Heatley said he had their numbers if anyone needed them. He also had raffle tickets for sale.

Mayor Martin told the Council that she will be going to Austin later this month with other Collin County Mayors and Commissioner Court representatives. They will be listening and testifying to David Dewhurst, the Lt. Governor, as they discuss redistricting. Changing boundaries could greatly affect Lavon because of our small size. Mayor Martin said she would give updates as soon as she knew what the outcome would be.

V. CONSENT AGENDA

A. City Council to Consider and Act on approval of the consent agenda:

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Motion: Council Member Heatley, "I move we pass the Consent Agenda."

Second: City Council Member Nabors

In Favor: Mayor Pro-Tem Kane, Council Member Nabors, Council Member Meeks, Council Member Heatley and Council Member Teske

Opposed: None

Abstained: None

Motion: Passed

VI. PUBLIC RECOGNITION

None

VII. CITIZENS' COMMENTS

Citizens, who wish to address the Council, may discuss matters not on the agenda and who have not previously expressed to the Council or City Hall a desire to discuss such matters. The only response from the Council can be to request these items to be placed on a future agenda for action.

None

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VIII. COMMISSIONER CHAIRMAN SMITH TO CALL PLANNING & ZONING COMMISSION TO ORDER

Chairman Smith called the Planning & Zoning Commission to order at 7:05 p.m.

IX. COMMISSIONER CHAIRMAN SMITH TO ANNOUNCE A QUORUM IS PRESENT

Chairman Smith announced that the P & Z Commission did not have a quorum present. The members present were Commissioners Barnhart, Cody and Smith. The members absent were Commissioners Bonney and Hacking.

A recess was called by the Mayor Martin at 7:06 to fix the microphone. The meeting was called back into session at 7:08 p.m.

X. PUBLIC HEARING

A. Public Hearing to receive public comment on a request to annex property consisting of 0.86 acres being the northern most part of 2.58 acres located in Block 2 Tracts 4 and 28, William H. Moore Survey and being located near the intersection of Hwy. 78/ Hwy. 205.

1. Mayor Martin to open Public Hearing

Mayor Martin opened the Public Hearing at 7:09 p.m.

2. Mayor Martin to open floor to public comment

Mayor Martin opened the floor to public comment at 7:09 p.m. Citizen Sabara Mason asked where the property was located. P & Z Commissioner Barnhart told the Council there were no comments made when the P & Z Commission held their Public Hearing on the annexation.

3. Mayor Martin to close floor to public comment

Mayor Martin closed the floor to public comment at 7:11 p.m.

4. Mayor Martin to close Public Hearing "A"

Mayor Martin closed Public Hearing "A" at 7:11 p.m.

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B. Public Hearing to receive public comment on a Request to 1) Rezone 1.72 acres of land from Retail to Business District 2; and 2) initially zone newly annexed property consisting of 0.86 acres as Business District 2 – each of these properties being part of 2.58 acres located in block 2 tracts 4 and 28, William H. Moore Survey and being located near the intersection of Hwy 78/ Hwy 205.

1. Mayor Martin to open Public Hearing

Mayor Martin opened the Public Hearing at 7:12 p.m.

2. Mayor Martin to open floor to public comment

Mayor Martin opened the floor to public comment at 7:12 p.m. Citizen Joan Aquatero asked about the difference between Retail and Business # 2 Zoning. Citizen Jim Albright asked who was requesting the rezoning. P & Z Commissioner Cody asked if there was a possibility that it could become a liquor package store.

3. Mayor Martin to close floor to public comment

Mayor Martin closed the floor to public comment at 7:17 p.m.

4. Mayor Martin to close Public Hearing “B”

Mayor Martin closed Public Hearing “B” at 7:17 p.m.

XI. PLANNING & ZONING COMMISSION TO CONSIDER AND ACT ON RECOMMENDATIONS TO CITY COUNCIL

- A. Planning & Zoning Commission to consider and act concerning annexation of property consisting of 0.86 acres being the northern most part of 2.58 acres located in Block 2 Tracts 4 and 28, William H. Moore Survey and being located near the intersection of Hwy. 78/ Hwy. 205. (Smith)
- B. Planning & Zoning Commission to consider and act to 1) Rezone 1.72 acres of land from Retail to Business District 2; and 2) initially zone newly annexed property consisting of 0.86 acres as Business District 2 – each of these properties being part of 2.58 acres located in block 2 tracts 4 and 28, William H. Moore Survey and being located near the intersection of Hwy 78/ Hwy 205. (Smith)

The P & Z Commission were not able to act on “A” or “B” due to lack of quorum.

XII. COMMISSIONER SMITH TO CLOSE PLANNING & ZONING MEETING

Commissioner Smith closed the Planning & Zoning Meeting at 7:20 p.m.

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XIII. ITEMS FOR DISCUSSION

- A. P & Z Commission Chairman to present the Commission's recommendation concerning changing Section 2.7.2 Amenities of Heritage "PD" Planned Development District, Lavon PD No. 1 District Regulations. (Smith)

Commission Chairman Smith told the Council that the P & Z voted and approved a recommendation of amending Section 2.7.2 Amenities of Heritage "PD" Planned Development District Lavon PD No.1 District Regulations to read from 250 to 350. Commissioner Barnhart asked that a notation be made to the City Council with the recommendation that the P & Z Commission was unable to obtain information from the developer that outlined precisely what we will end up with in the way of an Amenities Center.

The City Council discussed the matter. Citizens David Hancock, Joan Aquatero and Jacob Minjares offered comments to the Council regarding the recommendation.

- B. City Council to discuss previously approved trading of approximately 2 acres of real property owned by the City and located at or near the intersection State Highway 78 and Burnett Drive for approximately 5.1 acres owned by World Land Developers LP and located at or near 500 Main Street. (Kane)

The City Council discussed the previously approved trade. Citizens Sabara Mason, Melissa Kale, Don Mauzy, Joan Aguatero, Trey Smith and David Barnhart also commented on the approved trade.

Mike Jones requested a recess to change the tape. The Mayor called a recess at 8:17 p.m. The Mayor called the meeting back in session at 8:23 p.m.

XIV. ITEMS FOR CONSIDERATION AND ACTION

- A. City Council to consider and act on Ordinance 2011-03-02 concerning annexation of property consisting of 0.86 acres being the northern most part of 2.58 acres located in Block 2 Tracts 4 and 28, William H. Moore Survey and being located near the intersection of Hwy. 78/ Hwy. 205. (Smith)

Motion: Mayor Pro-Tem Kane, "I move we approve Ordinance 2011-03-02.

Second: Council Member Nabors

In Favor: Mayor Pro-Tem Kane, Council Member Nabors, Council Member Meeks, Council Member Heatley and Council Member Teske

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Opposed: None
Abstained: None
Motion: Passed

- B. City Council to consider and act on Ordinance 2011-03-03 to 1) Rezone 1.72 acres of land from Retail to Business District 2; and 2) initially zone newly annexed property consisting of 0.86 acres as Business District 2 – each of these properties being part of 2.58 acres located in block 2 tracts 4 and 28, William H. Moore Survey and being located near the intersection of Hwy 78/ Hwy 205. (Smith)

P & Z Commissioner Chairman Smith told the City Council the P & Z Commission did not have a quorum and could not reply as a group.

Mayor Pro-Tem Kane told the Council that if Ordinance 2011-03-03 was accepted, the City would lose control of what could be built on the property.

Motion: Mayor Pro-Tem Kane, “I move we deny Ordinance 2011-03-03.
Second: Council Member Nabors
In Favor: Mayor Pro-Tem Kane, Council Member Nabors, Council Member Meeks, Council Member Heatley and Council Member Teske
Opposed: None
Abstained: None
Motion: Passed

- C. City Council to consider and act on Ordinance 2011-03-04 concerning changing Section 2.7.2 Amenities of Heritage “PD” Planned Development District, Lavon PD No. 1 District Regulations. (Smith)

Motion: Council Member Heatley, “I move we deny Ordinance 2011-03-04 until further information is provided.”

Second: Mayor Pro-Tem Kane

In Favor: Mayor Pro-Tem Kane, Council Member Nabors, Council Member Meeks, Council Member Heatley and Council Member Teske

Opposed: None
Abstained: None
Motion: Passed

- D. City Council to consider and act on Ordinance 2011-03-05 amending the City Fiscal 2010-2011 Budget to create a Budget Line Item Number for the repayment to Collin County for \$8,176.98 charged for the Beer & Wine Election held in November. (Jones & Ardis)

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Mayor Pro-Tem Kane knew the City owed the money. However, he was not in favor of the money coming out of the Reserve Fund.

Motion: Council Member Heatley, "I move we pass Ordinance 2011-03-05.

Second: Council Member Meeks

In Favor: Council Member Nabors, Council Member Meeks, Council Member Heatley and Council Member Teske

Opposed: Mayor Pro-Tem Kane

Abstained: None

Motion: Passed 4 to 1

- E. City Council to consider and act on approving and authorizing the Mayor to sign deeds trading approximately 2 acres of real property owned by the City and located at or near the intersection of State Highway 78 and Burnett Drive for approximately 5.1 acres owned by World Land Developers LP and located at or near 500 Main Street. (Jones)

City Manager Jones told the Council that the only reason this had been originally placed on the agenda was because the developer had asked specifically who would be the authorized signer for the City.

Motion: Council Member Nabors, "I move we table this item to the next agenda so we have the opportunity to provide answers for the citizens who came in tonight to ask questions."

Second: Council Member Teske

In Favor: Mayor Pro-Tem Kane, Council Member Nabors and Council Member Teske

Opposed: Council Member Meeks and Council Member Heatley

Abstained: None

Motion: Passed 3 to 2

- F. City Council to consider and act on Interlocal Agreement between Collin County and the City of Lavon concerning the use of a portion of the World Land Developers, LP agreement Access Road Funds for right of way participation on SH 78 from SH 205 to FM 6. (Jones)

City Manager Jones told the Council that the engineer from Collin County had drafted the agreement. However, Lavon's City Attorney made changes. He handed out a redline edition. He suggested that may want to table the item.

Motion: Council Member Nabors, "I move we table this item to the next agenda to give us the opportunity to review the document."

Second: Mayor Pro-Tem Kane

In Favor: Mayor Pro-Tem Kane, Council Member Nabors, Council Member Meeks, Council Member Heatley and Council Member Teske

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Opposed: None
Abstained: None
Motion: Passed

- G. City Council to consider and act on a Resolution R-2011-03-01 adopting a Hazard Mitigation and Action Plan. (Jones)

Mayor Pro-Tem Kane said he had read a great portion of the 300 plus page document. He said he thought City Manager Jones and Public Works Director Dudley had done a great job.

Motion: Council Member Nabors, "I move we adopt Resolution R-2011-03-01."

Second: Mayor Pro-Tem Kane

In Favor: Mayor Pro-Tem Kane, Council Member Nabors, Council Member Meeks, Council Member Heatley and Council Member Teske

Opposed: None

Abstained: None

Motion: Passed

- H. City Council to consider and act on a Resolution R-2011-03-02 to encourage Community ISD to reconsider the decision to restructure NeSmith Elementary. (Heatley)

Council Member Heatley said he had many phone calls from citizens who had moved to this area because of the proximity to the school. Mayor Pro-Tem Kane and Council Member Nabors did not feel that the City Council had any rights to tell the school what to do.

Motion: Council Member Heatley, "I move we approve Resolution R-2011-0302."

Second: Council Member Meeks

In Favor: Council Member Meeks and Council Member Heatley

Opposed: Mayor Pro-Tem Kane, Council Member Nabors and Council Member Teske

Abstained: None

Motion: Failed 2 to 3

Citizens Michelle Parker and Jeremy Hudgeons addressed the Council concerning the School Board.

XVI. CITY COUNCIL TO SET FUTURE MEETINGS AND AGENDAS

Council Members and staff may request items be placed on a future agenda or request a special meeting be called. Each request that passes by a majority vote will be placed on the schedule by the City Secretary.

1. Items "E" and "F" were tabled and need to be placed on the next agenda

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2. Set workshop date for Organizational Goals so they can be incorporated into the budget process which begins in April


XVII. MAYOR MARTIN TO ADJOURN CITY COUNCIL MEETING

Mayor Martin adjourned the City Council Meeting at 9:04 p.m.

Duly passed and approved on this 15th day of April, 2011.


Mayor Martin

Attest:


Linda Ardis, City Secretary