

CITY COUNCIL REGULAR MEETING MINUTES

(Revised)

August 13 , 2024

BE IT REMEMBERED THAT the City Council of the City of Leonard, Fannin County, Texas, held a Regular Meeting in the Council Chambers of City Hall at 111 W Collin Street, Leonard, Texas, on August 13, 2024, at 6:30 P.M.

The meeting was broadcast live on the city's Facebook page. A video recording of the meeting is available to members of the public at <https://www.facebook.com/CityofLeonard>.

Members Present: Mayor Michael Pye, Mayor Pro Tem Al Stephens, Councilmembers Billy Wayne Martin, Peyton Webster, Leonard Phillips, and Bobby Hanson.

Staff present: City Administrator George Evanko, City Secretary Melissa Verde, Court and P&Z Secretary Kim Davis, Public Works Director Woody Patrick, and Officer Helms.

Registered Guest: Registered Guest were Justin Christ (S2 Land Development), Austin Wolfenberger (S2 Land Development), Mark Blackerby, Francisco Colin Arco, David Johnson, Arvis Buchanan, Terry Nicholas, Darian Nicholas, Judy Clark, Lorita Kirkland, Ben Minter, Sarah Wilkinson, Landon Johnson, Darren Williams, Edward Ritcher, Justin Henderson, Blake Miller, Patti Witcher, Darrell Gintz, Jane Norman, Cindy Bodter, Teresa Nixon, Noel Nixon, Leston Dhane, Morgan McGary, April Willington, Brandon Reedy, Carol Starling, Jerald Johnson, Rob Lyday, Steve Starling.

1. Call Meeting to Order, Verification of Quorum
Mayor Pye called the meeting to order at 6:30 PM after confirming a quorum was present.
2. Invocation, Pledges of Allegiance to the United States and Texas Flags
Mayor Pye led the invocation, and the group recited pledges of allegiance to the US and Texas flags.
3. Open Forum – Mayor Pye called for speakers; Mark Blackerby came forward and thanked all the volunteers and everyone for their efforts during the picnic.
4. Presentation, discussion, and possible action on department reports
 - a. Police Department no report this month.
 - b. Director Woody Patrick presented the Public Works report.
 - c. City Administrator George Evanko presented the administrative report.
 - d. Councilmember Webster motioned to move the financial report after agenda item #13, Mayor Pro Tem Al Stephens seconded, and the motion passed 5-0.

5. Consent Agenda

a. Approve previous meeting minutes- July 9, 2024, Regular Meeting	Approved
b. Approve <u>Resolution No. 240813-1</u> approving final pay application No.3 for Atkins Bros. Equipment Co. in the amount of \$13,049.70 <u>RESOLUTION No. 240813-1</u> A resolution of the city council of the City of Leonard, Fannin County, Texas, to approve final pay application No. 3 for Atkins Bros. Equipment Co. in the amount of \$13,049.70 associated with the Community Development Block Grant project No. CDV21-0040 for sewer line replacement.	Approved
c. Approve <u>application #PZ2024-007</u> for a replat of Property ID 82246 Legal Description A0924 J ROBERTS, ACRES .5001, also known as W Fannin, from one to two lots.	Approved
d. Approve <u>application #PZ2024-009</u> for a replat of Property ID 90104 Legal Description ORIG TOWN LEONARD, BLOCK 14, LOT 7-10, also known as 120 E Collin, from one to two lots, with a variance to minimum lot size requirement for Two-Family "TF" lot from 6,000 sf. minimum, to allow 4,569 sf. lot. Councilmember Webster motioned to approve consent agenda item A, B and C and to pull consent agenda item D out for further discussion, Councilmember Phillips seconded, and the motion passed 5-0. Councilmember Webster voiced his concern about no sewer easement based on the plat. George stated they had plans to move the sewer to the front of the lot. Councilmember Webster made a motion to approve consent agenda item D, Councilmember Phillips seconded, and the motion passed 5-0.	Approved

6. Discussion and possible approval of Resolution No. 240813-2 regarding applying for the CDBG 2025-2026 award year, for the purpose of a public streets improvement project

Resolution No. 240813-2

A resolution of the city council of Leonard, Fannin County, Texas, granting authorization to issue requests for proposal for administrative services (RFP) and requests for qualifications for engineering services (RFQ) for grant pre-application (Phase I), application (Phase II), and implementation services for the Texas Community Development Grant Program for 2025-2026 Community Development Fund (and all eligible activities per the application guidance) as administered by the Texas Department of Agriculture; and establishing the city administrator as the city official responsible for the application and administration of the grant, or his designated assignees.

George explained the reasoning for applying for the grant. Mayor Pro Tem Stephens made a motion to apply for the grant, Councilmember Hanson seconded, the motion passed 5-0.

7. Discussion and possible action regarding a variance request application for property located at 16660 S Hwy 78, legally described as Stanley Addition, Block A, Lot 5, Acres 5.1, requesting variance to wrought iron fence height in front yard, from four feet to six feet.

- i. George explained the details of the fence and gate, Rob Lyday stated he was fine with the fence. George explained it's the gate that needs variance. Councilmember Hanson asked if the gate blocked any view of traffic. Councilmember Webster made a motion to approve the request, Councilmember Hanson seconded, the motion passed 5-0.

8. Presentation, discussion, and possible action on Board and Commission activity reports/requests:

a. Parks & Recreation Board

No presentation this month. Minutes in the agenda instead of an update.

b. Leonard Community Development Corporation

No presentation this month. Minutes in the agenda instead of an update.

c. Planning & Zoning Commission (Darrell Grintz, Chairman)

- i. Councilmember Mayor Pro Tem Stephens moved to open the public hearing regarding application #PZ2024-008 for rezone of property IDs 80418 and 80419, Legal Descriptions A0781 M MOORE, ACRES 32.0 and A0781 M MOORE, ACRES 68, also known as W Locust and CR 5065, to change from Manufacturing/Industrial District-Light/Multifamily (M-1/MF) to Planned Development District-2 (PD-2) Councilmember Webster seconded, 5-0 motion passed. Public hearing was open at 6:52.
- ii. Justin Christ (S2 Land Development), Austin Wolfenberger (S2 Land Development) gave their presentation. Darrell Grintz presented the Planning and Zoning Commissions recommendation to deny the application based on the side yard setbacks. The following people spoke: Terry Nicholas, Steve Sterling, Jerald Johnson, Derrian Nicholas, Carol Starling, April Willington, Noel Nixon, Ben Minter, Patti Witcher, Brandon Reedy, Judith Clark, Rob Lyday, and Edward Ritcher. All voiced their concerns, and the majority were against the new development. Justin Christ addressed the questions and comments voiced by those who spoke. Councilman Webster explained what was being voted on tonight and the process going forward. Mayor Pro Tem Stephens made a motion to close public hearing, Councilman Webster seconded, motion passed 5-0. The public hearing was closed at 8:09.
- iii. City Administrator George Evanko asked if S2 was willing to increase the setbacks to 8 feet. Justin Christ said 8 foot was not on the table right now. Councilman Hanson made a motion to accept P&Z's recommendation of not changing the zone, with no seconded the motion died. Councilman Webster voiced his opinion and made comments on the development. Councilmember Webster made a motion to accept 44 feet by 120 feet lot size with 7-foot setbacks for PD2, seconded by Mayor Pro Tem Stephens, 3-2 motion passed.

9. Discussion and possible action regarding TWDB Project #62964: DWSRF Water Line Replacement.

- a. Councilmember Mayor Pro Tem Stephens made a motion to open a public hearing to discuss the proposed water line work that intersects the parkland and potential impacts to the park (Kiwanis Park and High School Baseball Field) Councilmember Hanson seconded 5-0 motion passed. The public hearing was opened at 8:36. Mark Blackerby wanted to know where the lines were going to run, David Perkins voiced the new lines would run close to the existing lines. David also explained the process that will go along with this project and the reasoning behind this project.
- b. Mayor Pro Tem made a motion to close public hearing, Councilmember Martin seconded the motion, the motion passed unanimously. The public hearing was closed at 8:39.
- c. Discussion and possible action adopting Resolution No. 240813-3

Resolution No. 240813-4

A resolution of the City of Leonard, Fannin County, Texas, regarding the construction of various wastewater line replacements funded utilizing the Texas Water Development Board Clean Water State Revolving Fund (CWSRF), TWDB Project No. 73925; portions of which will occur throughout the Kiwanis Park and the Leonard City Park, both located within the City of Leonard.

- a. Councilmember Webster made a motion to adopt Resolution No. 240813-3. Mayor Pro Tem seconded the motion, 5-0 the motion passed.

10. Discussion and possible action regarding TWDB Project #73925: CWSRF Wastewater Line Replacement.

- a. Mayor Pro Tem Stephens made a motion to open the public hearing to discuss the proposed wastewater line work that intersects the parkland and potential impacts to the park (Kiwanis Park and Leonard City Park) Councilmember Webster seconded, motion passed 5-0. The public hearing was open at 8:40. David Perkins explained the details and reasoning for the project, also spoke about the possibility of moving a manhole. Blackerby asked where the manhole would be moved, if needed to be moved. Noel Nixon asked if the tie in would be at the new part of the wastewater line at HWY 69, and asked if there was a planned schedule for the project. David explained the waterboard review time, after the review time they will be able to begin.
- b. Councilmember Webster made a motion to close public hearing, Councilmember Martin seconded, the motion passed unanimously. The public hearing closed at 8:45.
- c. Discussion and possible action adopting Resolution No. 240813-4.

Resolution No. 240813-4

A resolution of the City of Leonard, Fannin County, Texas, regarding the construction of various wastewater line replacements funded utilizing the Texas Water Development Board Clean Water State Revolving Fund (CWSRF), TWDB Project No. 73925; portions of which will occur throughout the Kiwanis Park and the Leonard City Park, both located within the City of Leonard.

- a. Councilmember Webster made a motion to approve the adoption of Resolution No. 240813-4, seconded by Councilmember Hanson, the motion passed unanimously.

11. Discussion and possible action amending the Grantworks Reservation System Participation (“RSP”) Agreement as allowed by the Texas Department of Housing and Community Affairs (“TDHCA”).

- a. City Administrator George Evanko explained the reasoning behind amending the agreement, due to the State changing the guidance, and how it was for the home program. Mayor Pro Tem Stephens made a motion to amend the agreement, Councilmember Hanson seconded, the motion passed 5-0.

12. Discussion and possible action regarding personnel and retention incentives for the 2023-2024 fiscal year.

- a. City Administrator George Evanko explained last time retention incentives were 1% and provided a spreadsheet on how the 1% was broken down. Mayor Pro Tem asked, with the retention incentives, they are still within budget. Councilmember Webster made a motion to approve the retention incentives based on 1%, Mayor Pro Tem Stephens seconded, the motion passed unanimously.

13. Discussion and possible action regarding the status of Leonard Crossing development and the filing of the final plat.

- a. City Administrator George Evanko stated that they are down a few things, such as the LOMR to adjust the floodplain. The paperwork is ready to be filed, David is waiting for final elevations to make sure they match the LOMR. Mitchell asked what does it takes for the LOMR to be approved? Mitchell asked to record the final plat, allow the builders to start building the homes, but to preclude anyone from getting a certificate of occupancy on any lot that has floodplain until the LOMR is approved. Councilmember Webster made a motion to approve the Leonard Crossing development and the filing of the final plat after we have written confirmation from Kimley-Horn that the as built are correct as they should be, Councilmember Phillips, the motion passed 5-0.

14. Financial report given by City Secretary Melissa Verde

15. NOTICE OF EXECUTIVE SESSION

- a. Councilman Martin made a motion to move into Executive Session (closed meeting) in accordance with Texas Government Code, Section 551.001, et seq., § 551.074: Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of public officer or employee, re: Michael Pye, Mayor, seconded by Councilman Webster, the motion passed 5-0. The Executive Session opened at 9:07.
- b. Councilman Webster made a motion reconvene into open session, seconded by Councilman Martin, the motion passed 5-0, and we reconvened into open session at 9:28.
- i. Councilman Webster moved to censure Mayor Michael Pye for conduct unbecoming of a City official, seconded by Councilman Hanson, the motion passed 5-0.

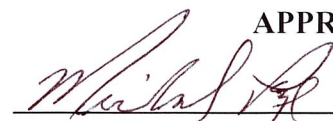
16. Next meeting was set for August 22, 2024, for Budget Meeting

17. Announcements Councilman Webster commended Public Works, the volunteers, and The Chamber for their efforts at the picnic.

18. Adjournment Councilmember Webster moved to adjourn the meeting. After being duly seconded by Mayor Pro Tem Stephens, the meeting was adjourned at 9:31.

CITY OF LEONARD, TEXAS

APPROVED:


Mayor Michael Pye

ATTEST:


Melissa Verde, City Secretary

