



AGENDA
DECEMBER 7, 2021
LAVON CITY COUNCIL
CITY HALL, 120 SCHOOL ROAD, LAVON, TEXAS
REGULAR MEETING
7:00 PM

1. **PRESIDING OFFICER TO CALL THE MEETING TO ORDER AND ANNOUNCE THAT A QUORUM IS PRESENT**
2. **PLEDGE OF ALLEGIANCE AND INVOCATION**
3. **CITIZENS COMMENTS**
Citizens may provide comments (3-minute time limit/person). The City Council response regarding items that are not on the agenda may be to request items be placed on a future agenda or referred to city staff.
4. **ITEMS OF INTEREST/COMMUNICATIONS**
Members may identify community events, functions, and other activities.
5. **CONSENT AGENDA**
Consent items are considered routine or non-controversial and will be voted on in one motion unless a separate discussion is requested by a member.
 - A. Approve the minutes of the November 15, 2021 meeting.
 - B. Approve the minutes of the November 16, 2021 meeting.
 - C. Approve Resolution No. **2021-12-01** approving the purchase of approximately 0.750 acres of land located at 328 Forder Court and authorizing the City Administrator to execute all agreements and documents related to the purchase.
 - D. Approve Resolution No. **2021-12-02** approving and authorizing the Mayor to execute – Wylie Jail Services.
 - E. Approve Resolution No. **2021-12-03** approving a Workplace Safety Policy Statement - Texting and Cell Phone Operation While Driving.
6. **ITEMS FOR CONSIDERATION**
 - A. Public hearing, discussion, and action regarding an application for a special use permit to construct a Temporary Concrete Batch Plant in the Bear Creek Phase 4 Addition, on 29.468 acres described as a part of the D. Anglin Survey, Abstract No. 2, Tract 140, City of Lavon, Texas located south of the intersection of Winterwood Dr. and Alder Dr. in Bear Creek Phase 4 and 156 feet west of CR 483, Lavon, Collin County, Texas (CCAD Property ID 2630457) requested by Chris Harp Construction.
 - 1) Presentation of request.
 - 2) **PUBLIC HEARING** to receive comments regarding the request.
 - 3) Discussion and action regarding the request and accompanying Ordinance No. **2021-12-01**.
 - B. Public hearing, discussion, and action regarding an amendment to Article 9.03 ZONING ORDINANCE, Division 5. Regulations Applicable to Residential Districts by adding to each district section: **“Air Conditioning Units and Mechanical Equipment. Air conditioning units and similar mechanical equipment, such as heat pumps, solar collecting equipment, or pool equipment may be installed within the residential side yard setback but shall not be installed within three (3) feet of any side yard fencing, air conditioning unit/pad, or mechanical equipment of an adjacent home or structure”** as Sec.9.03.111(e)(4), Sec. 9.03.112(e)(4), Sec.9.03.113(e)(2) and Sec. 9.03.114(e)(2); and retitling and renumbering Sec. 9.03.113(e) to Sec. 9.03.113(e)(1); and Sec. 9.03.114(e) to Sec. 9.03.114(e)(1).

Lavon City Hall will provide reasonable accommodations for persons attending meetings. Please contact the City Secretary at 972-843-4220 no later than 48 hours prior to a meeting if you require special assistance | WiFi password: Guest2014

- 1) Presentation of request.
 - 2) **PUBLIC HEARING** to receive comments regarding the request.
 - 3) Discussion and action regarding the request and accompanying Ordinance No. **2021-12-02**.
- C. Discussion and action regarding the acceptance of the public infrastructure for the LakePointe, Phase 2A Addition.
- D. Discussion and action regarding acceptance of the public infrastructure for the RaceTrac Addition.
- E. Discussion and action regarding acceptance of the public infrastructure for the Elevon Phase 1 Offsite Sanitary Sewer Trunk Main project.
- F. Discussion and action regarding Resolution No. **2021-12-04** determining the costs of certain authorized improvements to be financed by the Elevon Public Improvement District; approving a Preliminary Service Plan and Assessment Plan, including proposed Assessment Rolls; calling a meeting and noticing a public hearing for January 4, 2022 to consider an ordinance levying assessments on property located within the Elevon Public Improvement District; directing the filing of the proposed Assessment Rolls with the City Secretary to make available for public inspection; directing city staff to publish and mail notice of said public hearing; and resolving other matters incident and related thereto.
- G. Presentation, discussion and action regarding the preliminary concepts and highlights of the Comprehensive Plan update.
- H. Discussion and action regarding orders and regulations, programming, city facilities and operations related to COVID-19.

7. CITY COUNCIL TO SET FUTURE MEETINGS AND AGENDA

Council Members and staff may request items be placed on a future agenda or request a special meeting.

December 21, 2021 – cancel meeting

January 4, 2022 – regular meeting

January 11, 2022 – special meeting

8. PRESIDING OFFICER TO ADJOURN THE CITY COUNCIL MEETING

1. Notice is hereby given that members of the City Council, Economic Development Corporation Board, Planning and Zoning Commission, and Parks and Recreation Board may attend the meeting.
2. The body reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, as authorized by the Texas Open Meetings Act, Texas Government Code, Chapter 551, including §551.071 (private consultation with the attorney for the City); §551.072 (discussing purchase, exchange, lease or value of real property); §551.074 (discussing personnel or to hear complaints against personnel); and §551.087 (discussing economic development negotiations). Any decision held on such matters will be taken or conducted in Open Session following the conclusion of the Executive Session.


A quorum of the City Council may attend a social gathering at 6:00 p.m. in the Community Room prior to the meeting at which no city business will be discussed or conducted.

This is to certify that this Agenda was duly posted on the City’s website at www.cityoflavon.com and at City Hall and on or before 6:00 PM on December 3, 2021.



 Rae Norton, City Secretary

City of Lavon Christmas Tree Lighting



Friday, December 3, 2021

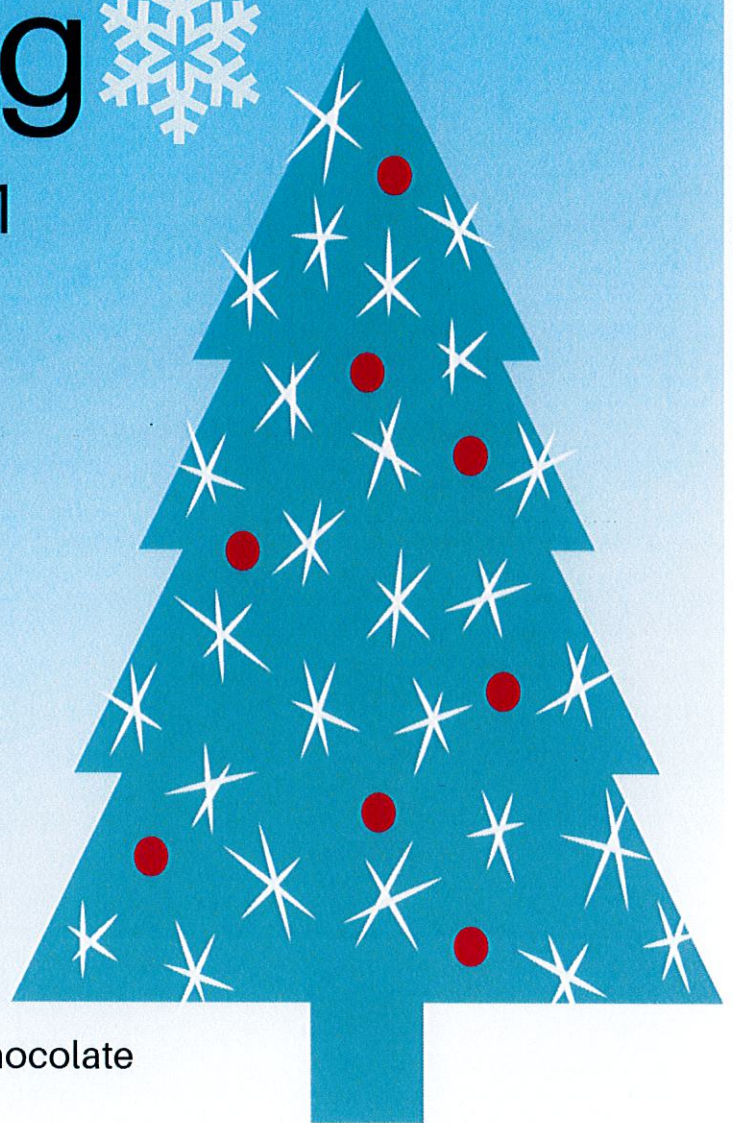
6pm at

Lavon City Hall

120 School Rd.

Join us as we celebrate
the lighting of City Hall for
the Holiday Season.
Listen to the sounds of the
CISD choirs sing your
favorite holiday songs.

Free:
Cookies & Hot Chocolate



Join us for the

2021 Holiday Grease Roundup

Recolección de Grasa de Festividades 2021

Don't pour your grease down the drain. Recycle it for free instead!

No tire los restos de grasa de la cocina por el desagüe! Recíclala gratis.

Cease the Grease



Nov. 22-Jan. 10 / nov. 22-ene. 10



DEFEND
★★★ YOUR ★★★
DRAINS

www.DefendYourDrainsNorthTexas.com

#HolidayGreaseRoundup

What Happens to the Grease?

(Qué ocurre con la grasa?)

We will use the collected cooking oil and grease to create biodiesel or turn it into biogas for energy production.

Vamos a utilizar el aceite de cocina recogido y grasa para crear biodiesel o convertido en biogas para la producción de energía.

This collection is for cooking oil and grease only. Motor oil and other automotive fluids are not accepted.

Este sitio solamente es para aceite y grasa de cocina. No se acepta aceite de motor u otros líquidos automotrices.



City Facilities for Recycling

Instalaciones de la Ciudad para reciclaje

120 School Road
Lavon, TX 75166

Collection Hours / Horario de Recolección

Monday-Friday 8 am to 5 pm

USE YELLOW BARRELS in NW PARKING LOT at CITY HALL !



**MINUTES
NOVEMBER 15, 2021
LAVON CITY COUNCIL
BOARD OF ADJUSTMENT
REGULAR MEETING
4:45 PM**

ATTENDING: VICKI SANSON, MAYOR
KAY WRIGHT, MAYOR PRO TEM, PLACE 3
ABSENT: JOHN KELL, PLACE 1
MIKE COOK, PLACE 2
TED DILL, PLACE 4
MINDI SERKLAND, PLACE 5

1. MAYOR SANSON CALLED THE MEETING TO ORDER AT 4:50 P.M. AND ANNOUNCED A QUORUM PRESENT.

Mayor Sanson noted that pursuant to Section 67.004 (a) of the Texas Election Code two members of the City Council, including the Mayor, constitute a quorum for purposes of canvassing an election.

2. CANVASS OF ELECTION.

Discussion and action regarding Resolution No. 2021-11-13 canvassing the returns, including the returns of early voting ballots cast in connection therewith, and declaring the results of the General Election of the City of Lavon held on November 2, 2021, for the purpose of electing the Mayor and the City Councilmembers for Place Nos. 2 and 4 for two-year terms; and providing an effective date.

Mayor Sanson read the canvassing report and election results.

Mayor	Votes Cast
John Kell	236
Vicki L. Sanson	324
Place Two (2)	Votes Cast
Mike Cook	425
Place Four (4)	Votes Cast
Ted Dill	410

MOTION MADE: APPROVE RESOLUTION NO. 2021-11-13 CANVASSING THE RETURNS, INCLUDING THE RETURNS OF EARLY VOTING BALLOTS CAST IN CONNECTION THEREWITH, AND DECLARING THE RESULTS OF THE GENERAL ELECTION OF THE CITY OF LAVON HELD ON NOVEMBER 2, 2021, FOR THE PURPOSE OF ELECTING THE MAYOR AND THE CITY COUNCILMEMBERS FOR PLACE NOS. 2 AND 4 FOR TWO-YEAR TERMS; AND PROVIDING AN EFFECTIVE DATE.

MOTION MADE: WRIGHT
SECONDED: SANSON
APPROVED: UNANIMOUS

3. MAYOR SANSON ADJOURNED THE CITY COUNCIL MEETING AT 4:51 P.M.

DULY PASSED and APPROVED by the City Council of Lavon, Texas, on this 7th day of December 2021.

ATTEST:

Vicki Sanson, Mayor

Rae Norton, City Secretary



**MINUTES
NOVEMBER 16, 2021
LAVON CITY COUNCIL
REGULAR MEETING
CITY HALL, 120 SCHOOL ROAD, LAVON, TEXAS
7:00 P.M.**

ATTENDING: VICKI SANSON, MAYOR
JOHN KELL, PLACE 1
MIKE COOK, PLACE 2
KAY WRIGHT, MAYOR PRO TEM, PLACE 3
TED DILL, PLACE 4
MINDI SERKLAND, PLACE 5

1. **MAYOR SANSON CALLED THE MEETING TO ORDER AT 7:00 P.M. AND ANNOUNCED A QUORUM PRESENT.**
2. **ISSUANCE OF OATH OF OFFICE TO THE NEWLY ELECTED MAYOR VICKI SANSON AND CITY COUNCIL MEMBER MIKE COOK, PLACE 2 AND TED DILL, PLACE 4.**
3. **MAYOR SANSON LED THE RECITATION OF THE PLEDGE OF ALLEGIANCE AND DELVERED THE INVOCATION.**

4. **PROCLAMATIONS**

John Jenkins, NTFB, Giving Specialist, presented Mayor Sanson with a "Certificate of Appreciation to the Citizens of Lavon" for earning 1st place by donating the most peanut butter per capita with 779 pounds of peanut butter donated.

Chief Jones presented a token of appreciation to Marci Bench, Independent Financial for the bank's support and contribution to the Lavon Police Department during "Breast Cancer Awareness" month.

5. **CITIZENS COMMENTS**

There were no citizens comments.

6. **ITEMS OF INTEREST/COMMUNICATIONS**

- NTCOG Grease Round Up at City Hall from November 22, 2021-January 10, 2022.
- Christmas Tree Lighting, December 3, 2021 at 6pm.

7. **EXECUTIVE SESSION**

No Executive Session

8. **RECONVENE INTO REGULAR SESSION**

9. **CONSENT AGENDA**

- A. **Approve the minutes of the November 2, 2021 meeting.**
- B. **Receive Quarterly Investment Report.**
- C. **Approve Resolution No. 2021-11-14 approving and authorizing the Mayor to execute a Project Management Support Services Contract with AG|CM, Inc., pursuant to Resolution No. 2021-05-06 and Task Order #2 for professional project management support services for the pre-construction and construction phases for the fire and public works facilities expansion project, not to exceed \$93,868.00.**

MOTION: APPROVE THE CONSENT AGENDA.

MOTION MADE: SERKLAND

SECONDED: DILL

APPROVED: UNANIMOUS

10. ITEMS FOR CONSIDERATION

A. Discussion, and action regarding acceptance of the public infrastructure for the Crestridge Meadows Phase 2 Addition.

City Administrator Kim Dobbs provided information regarding the recent completion of public infrastructure in the Crestridge Meadows, Phase 2 development. Mark Hill, City Engineer, recommended acceptance of the subdivision subject to certain conditions being satisfactorily completed.

MOTION: ACCEPT THE PUBLIC INFRASTRUCTURE FOR THE CRESTRIDGE MEADOWS PHASE 2 ADDITION SUBJECT TO CITY ENGINEER'S APPROVAL.

MOTION MADE: KELL
SECONDED: COOK
APPROVED: UNANIMOUS

Ms. Dobbs requested that items pertaining to the LakePointe Addition and Public Improvement District be deferred.

D. Discussion and action regarding Resolution No. 2021-11-16 selecting an engineer to assist the city in its application and implementation of funding from the U.S. Department of Treasury for the American Rescue Plan Act of 2021.

Ms. Dobbs provided information regarding the submittals and selection committee review and scoring and stated that Freeman-Millican Inc. scored highest among the submittals.

MOTION: APPROVE RESOLUTION NO. 2021-11-16 SELECTING FREEMAN MILLICAN, INC. TO ASSIST THE CITY IN ITS APPLICATION AND IMPLEMENTATION OF FUNDING FROM THE U.S. DEPARTMENT OF TREASURY FOR THE AMERICAN RESCUE PLAN ACT OF 2021.

MOTION MADE: SERKLAND
SECONDED: DILL
APPROVED: UNANIMOUS

E. Discussion, and action to nominate and appoint a Mayor Pro-Tempore for a term that expires in November 2022.

Mr. Kell and Ms. Wright nominated themselves respectively for the one-year term.

ACTION: APPOINT A MAYOR PRO-TEMPORE FOR A TERM THAT EXPIRES IN NOVEMBER 2022.

FOR JOHN KELL: KELL, DILL, SERKLAND
FOR KAY WRIGHT: COOK, WRIGHT
APPOINTED: JOHN KELL BY 3-2 VOTE

F. Discussion and action regarding the appointment of a Municipal Court Judge for a term that expires in November 2023.

MOTION: REAPPOINT MUNICIPAL COURT JUDGE ANDREW LEONIE FOR A TERM THAT EXPIRES IN NOVEMBER 2023.

MOTION MADE: KELL
SECONDED: DILL
APPROVED: UNANIMOUS

G. Discussion, and action regarding the appointment of an Associate Municipal Court Judge for a term that expires in November 2023.

MOTION: REAPPOINT ASSOCIATE MUNICIPAL COURT JUDGE KEITH WHEELER FOR A TERM THAT EXPIRES IN NOVEMBER 2023.

MOTION MADE: SERKLAND

SECONDED: COOK
APPROVED: UNANIMOUS

H. Discussion and action regarding orders and regulations, programming, city facilities and operations related to COVID-19.

Staff provided information regarding open facilities implementation, programming, and city programs. The City Council directed that staff briefing form is only necessary if new information or a change in operations, policy or procedure is to be provided.

B. Public hearing, discussion, and action regarding an ordinance of the City Council of the City of Lavon Accepting and approving an Amended and Restated Service and Assessment Plan for the Lakepointe Public Improvement District; making a finding of Special Benefit to the property in Improvement Area #2 of the District; Levying Special Assessments against Property within Improvement Area #2 of the District and establishing a lien on such Property; providing for payment of the assessments in accordance with Chapter 372, Texas Local Government Code, as amended; providing for the method of assessment and the payment of the assessments, providing penalties and interest on delinquent assessments, approving a reimbursement agreement, providing for severability, and providing an effective date.

Mary Petty, P3 Works, provided information regarding the amended service and assessment plan (SAP) for the Lakepointe Public Improvement District and levy for Improvement Area #2 of the District.

PUBLIC HEARING to receive comments regarding the request.

Mayor Sanson opened the public hearing at 7:58 p.m. and invited comments for or against the ordinance and levy. There being no comments, Mayor Sanson closed the public hearing at 7:58 p.m.

Discussion and action regarding the request and accompanying Ordinance.

Ms. Petty answered questions regarding the SAP and levy.

MOTION: APPROVE ORDINANCE NO. 2021-11-01 AMENDING AND RESTATING THE SERVICE AND ASSESSMENT PLAN FOR THE LAKEPOINTE PUBLIC IMPROVEMENT DISTRICT; MAKING A FINDING OF SPECIAL BENEFIT TO THE PROPERTY IN IMPROVEMENT AREA #2 OF THE DISTRICT; LEVYING SPECIAL ASSESSMENTS AGAINST PROPERTY WITHIN IMPROVEMENT AREA #2 OF THE DISTRICT AND ESTABLISHING A LIEN ON SUCH PROPERTY; PROVIDING FOR PAYMENT OF THE ASSESSMENTS IN ACCORDANCE WITH CHAPTER 372, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; PROVIDING FOR THE METHOD OF ASSESSMENT AND THE PAYMENT OF THE ASSESSMENTS, PROVIDING PENALTIES AND INTEREST ON DELINQUENT ASSESSMENTS, APPROVING A REIMBURSEMENT AGREEMENT, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

MOTION MADE: WRIGHT
SECONDED: SERKLAND
APPROVED: UNANIMOUS

C. Discussion, and action regarding acceptance of the public infrastructure for the LakePointe, Phase 2B Addition.

Ms. Dobbs provided information regarding the recent completion of public infrastructure in the LakePointe, Phase 2B Addition. Mark Hill, City Engineer, recommended acceptance of the subdivision subject to certain conditions being satisfactorily completed.

MOTION: ACCEPT THE PUBLIC INFRASTRUCTURE FOR THE LAKEPOINTE, PHASE 2B ADDITION SUBJECT TO THE CITY ENGINEER'S APPROVAL.

MOTION MADE: WRIGHT
SECONDED: SERKLAND
APPROVED: UNANIMOUS

11. STAFF REPORTS

- A. **Police Services** – Police Chief Mike Jones provided information and referenced the provided reports regarding traffic stops, calls for service and call breakout information. Officer Carissa Vargas reported on upcoming programs for the holiday season, including the Vacation Watch, “Stop, Lock and Take” program and the Police Volunteer Support program.
- B. **Fire Services** – Fire Chief Danny Anthony provided the LFD call report and upcoming special events for the holidays.
- C. **Public Works** – Director of Public Works David Carter provided general information regarding public works operations, CCG installation initiation, demolition of structures on Forder Court, City Hall minor remodel and repairs, street maintenance including mowing and trash collection. Mr. Carter expressed appreciation for the Fire Department’s assistance in preparing City Hall for the Tree Lighting.
- D. **Administration** – Ms. Dobbs referenced reports in the meeting packet regarding the Building Permits Report; CWD Services; Collin County Monthly Tax Collection Report; Sales Tax Report; Financial Reports and general staff reports.

11. CITY COUNCIL TO SET FUTURE MEETINGS AND AGENDAS.

- November 30, 2021 Cancel Special Meeting
- December 7, 2021 Regular Meeting
- December 21, 2021 Cancel Meeting

12. MAYOR SANSON ADJOURNED THE CITY COUNCIL MEETING AT 8:03 P.M.

DULY PASSED and APPROVED by the City Council of Lavon, Texas, on this 7th day of December 2021.

Vicki Sanson
Mayor

ATTEST:

Rae Norton
City Secretary



CITY OF LAVON Agenda Brief

MEETING: December 7, 2021

ITEM: 5 – C

Item:

CONSENT AGENDA

Approve Resolution No. 2021-12-01 approving the purchase of approximately 0.750 acres of land located at 328 Forder Court and authorizing the City Administrator to execute all agreements and documents related to the purchase.

Background:

The City has assembled approximately 20 acres adjacent to City Hall for park land and open space. An opportunity has been presented to acquire additional adjacent property.

The acquisition is consistent with the Capital Improvements Plan, the Strategic Plan and the City Council's stated goals.

Financial Implication:

Funding is available in the Capital Improvements Plan budget.

Staff Notes:

The City Attorney has reviewed the contract and approval is recommended.

CITY OF LAVON

RESOLUTION NO. 2021-12-01

Land acquisition - 328 Forder Ct.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, APPROVING THE PURCHASE OF APPROXIMATELY 0.750 ACRES OF LAND LOCATED ON FORDER COURT AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE ALL AGREEMENTS AND DOCUMENTS RELATED TO THE PURCHASE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Lavon, Texas, (“City Council”) desires to pursue the purchase of approximately 0.750 acres of real property located on Forder Court, City of Lavon, Collin County, Texas, (the “Property”), identified as Collin CAD ID 1890788, to be used for governmental uses, including but not limited to parks, playgrounds, government buildings, and any use conducted by a governmental entity, including without limitation the operation of utilities or provision of government services; and

WHEREAS, the City Council has negotiated with the owner to purchase the Property for \$26,825.00, and desires to enter into an Unimproved Property Contract to close on the purchase by December 31, 2021.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, THAT:

Section 1. The City Administrator is hereby authorized to prepare and execute all agreements and documents for the acquisition of the 0.750 acres of real property on Forder Court, possibly addressed as 328 Forder Court, identified as Collin CAD ID 1890788 and legally described in “Exhibit A,” attached hereto and incorporated for all purposes.

Section 2. This Resolution shall take effect on the date of its passage.

PASSED AND APPROVED on this 7th day of December 2021.

Vicki Sanson, Mayor

ATTEST:

Rae Norton, City Secretary

EXHIBIT
"A"

BEING situated in the State of Texas, County of Collin and in the SAMUEL M. RAINER SURVEY, ABSTRACT NO. 740, being a portion of the 35 acre premises described and conveyed by deed recorded in Volume 26, Page 365 of the Collin County Deed Record and to which reference is herein made for further description:

COMMENCING FOR REFERENCE on the South line of the St. Louis & Southwestern Railroad at a point which marks the northeast corner of said 35 acre premises;

THENCE with the east line of said premises and with the prolongation of the centerline of a gravel road, South 1 deg. 54 min. 15 sec. East, a distance of 146.59 feet to an iron rod set marking the PRINCIPAL PLACE OF BEGINNING for the herein described tract;

THENCE continuing with the East line of the aforementioned premises and centerline of gravel road, South 1 deg. 54 min. 15 sec. East, a distance of 225.44 feet to an iron rod set marking the southeast corner of a lot described and conveyed by deed recorded in Volume 1237, Page 413 of the Collin County Records;

THENCE with the south line of said lot, North 90 deg. 00 min. 00 sec. West, a distance of 145.00 feet to an iron rod found marking the Southwest corner of said lot;

THENCE with the west line of aforementioned lot, North 1 deg. 54 min. 15 sec. West, a distance of 225.44 feet to an iron rod set for corner;

THENCE South 90 deg. 00 min. 00 sec. East, a distance of 145.00 feet to the principal place of beginning and containing 32,670 square feet or 0.750 acre.



CITY OF LAVON

Agenda Brief

MEETING: December 7, 2021

ITEM: 5 - D

Item:

CONSENT AGENDA

Approve Resolution No. 2021-12-02 approving and authorizing the Mayor to execute an interlocal cooperation agreement with the City of Wylie, Texas for jail services; and providing an effective date.

Background:

Prior to the City Council's approval of the interlocal agreement (ILA) with the City of Wylie for jail services, the Lavon Police Department (LPD) had to take prisoners directly to Collin County Sheriff's Office (County) jail when they were arrested. The modified process has been extremely successful and significantly reduced the amount of time LPD officers are out of the City and out of service dealing with arrests.

LPD now has the option to take prisoners to the Wylie jail and book them in at that facility. If the prisoner has not been released (various release conditions are possible), Wylie jail personnel transport the prisoner to the County Jail the following day. Unlike the County, Wylie accepts all classifications of prisoners.

The City's ILA with Collin County remains in place. The proposed ILA is the essentially the same ILA that was approved in January with minor revisions, highlighted in yellow, and updates to the notice provisions.

Financial Implications:

When approved, the anticipated cost of implementation for the new process was estimated to be between \$12,500 and \$17,500. Since implementation in January 2021, the City has paid \$3,000.00 to the City of Wylie for jail services. The benefits of the ILA have far outweighed the costs in terms of dollars, convenience, and safety and are expected to continue to do so.

Staff Notes:

The City Attorney has reviewed the proposed ILA and approval is recommended.

Attachments: Proposed Resolution and Agreement

CITY OF LAVON, TEXAS
RESOLUTION NO. 2021-12-02

ILA City of Wylie for Jail Services

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT WITH THE CITY OF WYLIE, TEXAS FOR THE PROVISION OF JAIL SERVICES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code (the “Act”), provides the authority to political subdivisions for contracts by and between each other to facilitate the governmental functions and services of said political subdivisions under the terms of the Act, and

WHEREAS, the City of Lavon and the City of Wylie have the authority to enter into this Agreement under the Act; and

WHEREAS, the City of Lavon approved an Interlocal Cooperation Agreement with the City of Wylie for the provision of jail services in January 2021 and both cities desire to extend the Agreement; and

WHEREAS, upon full review and consideration of the Interlocal Cooperation Agreement and all matters related thereto, the City Council is of the opinion and finds all the terms and conditions thereof should be approved, and that the Mayor should be authorized to execute the Interlocal Cooperation Agreement on behalf of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, THAT:

SECTION 1. The Interlocal Cooperation Agreement by and between the City of Lavon and the City of Wylie attached hereto as Exhibit “A” is hereby approved, and the Mayor is hereby authorized to execute said Interlocal Cooperation Agreement and all documents related thereto.

SECTION 2. That this resolution shall take effect from and after the date of its passage.

DULY PASSED and APPROVED by the City Council of the City of Lavon, Texas, on the 4th day of December 2021.

Vicki Sanson
Mayor

ATTEST:

Rae Norton
City Secretary

CITY OF LAVON, TEXAS
RESOLUTION NO. 2021-12-02

EXHIBIT A

Interlocal Cooperation Agreement for Jail Services

Interlocal Cooperation Agreement for Jail Services

This Interlocal Cooperation Agreement ("Agreement") is entered into by and between the City of Lavon, Texas, a Type A General Law municipality ("Agency") and the City of Wylie, Texas, a home-rule municipality ("Wylie"). Wylie and Agency are at times each referred to herein as a "party" or collectively as the "parties."

RECITALS:

1. Wylie has established a detainee lockup or holding facility known as the Wylie Jail, located at 2000 North Highway 78, Wylie, TX 75098 ("Wylie Jail"), for the handling, processing, housing and detention of persons (detainees) arrested by authorized law enforcement agencies.
2. Agency desires to obtain jail services from Wylie at the Wylie Jail for the handling, processing, housing and detention of persons arrested by the Lavon Police Department, and Wylie has agreed to provide such services under the terms and conditions of this Agreement and pursuant to the provisions of Chapter 791 of the Texas Government Code (known as the Interlocal Cooperation Act), as amended.
3. The provision of jail services is a governmental function that serves the public health, safety and welfare and is of mutual concern to the parties.
4. The parties deem it to be in the best interest of both parties to enter into this Agreement.
5. Each party paying for the performance of governmental functions or services pursuant to this Agreement is making those payments from current revenues available to the paying party and all payments are in an amount that fairly compensates the performing party for the services or functions performed under this Agreement.

NOW, THEREFORE, in consideration of the foregoing and on the terms and conditions hereinafter set forth, and for other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

Section 1: Definitions

As used in this Agreement, the following terms have the meanings set forth in this section:

The term "Jail Services" means all services legally necessary to provide for the confinement in the Wylie Jail of persons (detainees) accused or convicted of an offense.

Section 2: Term

2.01 Term

The term of this Agreement shall begin on the Effective Date of this Agreement and end on September 30, 2022, unless terminated earlier by a party in accordance with the terms of this Agreement. **The term of this Agreement shall be extended for successive terms of one (1) year each on the same terms and conditions provided that a party has not provided to the other party a written notice of non-extension, which is ineffective unless received by the other party at least thirty (30) days before the end of the then-current term.**

2.02 Termination

Either party may terminate this Agreement at any time and for any reason by giving the other party at least thirty (30) days prior written notice thereof. Any fees due and owing under this Agreement as of the effective date of termination shall be paid by Agency to Wylie within thirty (30) calendar days after receipt of a final invoice for services rendered.

Section 3: Jail Fees

3.01

Agency shall pay to Wylie a fee for each detainee processed into the Wylie Jail and delivered by Agency regardless of the detainee's length of stay ("Detainee Fee"). The amount of the Detainee Fee shall be established by administrative order of the Wylie City Manager on an annual basis for each ensuing fiscal year based upon the projected costs of services; provided, however, the initial Detainee Fee shall be one hundred twenty-five dollars (\$125.00) per detainee per day or portion thereof until changed by administrative order of the Wylie City Manager as provided herein. Any increase or change in the amount of the Detainee Fee or other costs of services shall be effective on the forty-fifth (45th) day after Wylie provides written notice thereof to Agency ("Notice of Fee Increase"), unless Wylie receives written notice to terminate this Agreement from Agency prior to expiration of such forty-five (45) day period.

3.02

Wylie shall, not later than the tenth (10th) day of each calendar quarter, provide Agency with a written report containing the number and length of stay of each Agency detainee processed into the Wylie Jail during the immediately preceding calendar quarter and an invoice for the Detainee Fees and other cost of services assessed for such reporting period.

3.03

Agency shall not pay a Detainee Fee for any Agency detainee processed into the Wylie Jail who has outstanding warrants of arrest from only Wylie or the Collin County Sheriff's Office.

Section 4: Jail Services

4.01

Wylie agrees to the Jail Services, subject to the availability of space at the Wylie jail at the time the Agency requests Jail Services. Space will be unavailable when the Wylie Jail is filled to 100% of its capacity and unable to accept additional detainees. The Jail Manager is authorized to determine when the Wylie Jail is filled to 100% capacity and unable to accept additional detainees. **Agency shall be notified when space unavailability is imminent.**

4.02

The Wylie Jail shall provide the following Jail Services in accordance with the Wylie Jail policies and procedures, as they exist as of the Effective Date of this Agreement and as they are amended or modified from time to time in Wylie's sole discretion:

- (a) Intake of detainees brought to the Wylie Jail for Class C arrests if the detainee is presented by a Peace Officer with a valid and original warrant, a certified or facsimile copy of a valid arrest warrant, a teletype confirmation or an email confirmation of the warrant **or a Probable Cause affidavit.**
- (b) Intake of detainees brought to the Wylie Jail for Class B and above arrests if the detainee is presented by a Peace Officer with a valid CCSO Custody Sheet, Probable Cause Affidavit or warrant or TTY confirmation, Transfer of Custody Sheet, Bail Request Form, respective city custody sheet and any additional required documentation as per then-current Wylie Jail policy.
- (c) Intake of detainees brought to the Wylie Jail with a completed inventory and storage of Agency detainee property and/or monies. Acceptance of bulk property will be limited.
- (d) Intake of detainees brought to the Wylie Jail with a completed medical questionnaire and a Screening Form for Suicide and Medical/Mental/Developmental Impairments (EIMI Form).
- (e) Photograph and fingerprint each Agency detainee.
- (f) Feed and clothe each detainee according to the Wylie Jail's then-current policy.
- (g) Handle, process and detain each Agency detainee in the Wylie Jail until such detainee is transferred to another jail facility or released on bond or by other lawful means.

- (h) Operate and maintain the Wylie Jail in accordance with applicable federal, state and local laws.
- (i) Provide magistrate services according to the Wylie Jail's then-current policy.
- (j) Follow the Wylie Jail's release policy upon acceptance of the appropriate fines and/or bonds posted.
- (k) Facilitating the transport of Agency detainees to the appropriate, longer-term detention facility.

4.03

If an Agency's detainee arrives at the Wylie Jail with a medical or other emergency that requires the detainee to be transferred to the emergency room or other facility prior to booking in **Wylie Jail Staff's** sole discretion, Agency agrees that the arresting agency's officer will be responsible for accompanying the detainee to the emergency room or other facility.

4.04

Wylie reserves the right to refuse the intake or booking of Agency's detainee when, in the Wylie Detention Officer's sole discretion, such detainee poses a safety threat to himself/herself or others.

Section 5: Medical and Transport Services

5.01

Wylie may in its sole discretion refuse to accept for intake into the Wylie Jail any Agency detainee that appears in need of medical treatment or medical services.

5.02

Wylie shall provide medical, emergency and ambulance transport service for Agency detainees held in the Wylie Jail; provided, however, all costs incurred by Wylie for providing such services shall be charged to the Agency detainee, in accordance with the then-current Wylie policy and procedures. Agency detainees held in the Wylie Jail shall be responsible for their own medical bills and such medical, emergency and ambulance transport service charges.

5.03

Neither Wylie nor Agency may consent to medical treatment of a detainee nor admit or sign an Agency detainee into a hospital or medical facility or otherwise assume financial responsibility, therefore.

5.04

Agency detainees detained for class C misdemeanor offenses may be released from the Wylie Jail if the Agency cannot provide transport services for an Agency detainee under the following conditions:

- (a) Reactivation of the warrant(s) for which the detained is being held;
- (b) Charges are filed at large; or
- (c) Charges are not filed.

Agency shall be notified of any detainee released under Section 5.04.

5.05

Should the need arise for an in-custody transport for emergency medical treatment or other emergency services of an Agency detainee housed at the Wylie Jail, Wylie and Agency's agency field supervisors or Detention Manager will determine if releasing the detainee is the best possible alternative. If the Agency does not agree that the detainee should be released, Agency shall respond to the medical facility where the detainee is transported and take custody of the detainee. In the event in-custody transport is deemed necessary, the following shall apply:

- (a) Wylie will arrange for transport of all detainees to the appropriate facility.
- (b) Wylie will provide officers as needed for escort/transport to the facility for a maximum time of one (1) hour beginning at the initial dispatched time.
- (c) Agency will be notified within five (5) minutes of dispatching a detainee escort and will have the responsibility to provide a relief officer within one (1) hour of initial dispatched time or will arrange to release the inmate prior to that time.
- (d) Agency will make every effort to relieve Wylie Officers in the timeliest manner, regardless of the one (1) hour maximum time allowed for response.
- (e) If Wylie Police/Jail and the Agency agree that the detainee would be a public safety risk if released from custody and the Agency cannot take custody of the detainee in a reasonable time as provided in (c) above at the appropriate facility, the Agency will be responsible for the Wylie Police Department Officer's hourly rate or overtime rate, if applicable, until a transfer of custody from Wylie to Agency.

Section 6: Civil Liability

TO THE EXTENT PERMITTED BY LAW, AGENCY SHALL DEFEND, RELEASE, INDEMNIFY AND HOLD HARMLESS WYLIE AND ITS CITY COUNCIL, OFFICERS, AGENTS, SERVANTS, REPRESENTATIVES AND EMPLOYEES OF AND FROM ANY AND ALL CLAIMS, SUITS, ACTIONS, LEGAL PROCEEDINGS, DEMANDS, DAMAGES OR JUDGMENTS, INCLUDING ALL EXPENSES, ATTORNEY FEES, WITNESS FEES, COSTS, AND COSTS AND EXPENSES OF APPEALS THEREFROM, ARISING OUT OF WYLIE'S PERFORMANCE UNDER THIS AGREEMENT, EXCEPT WHEN THE SAME SHALL ARISE BECAUSE OF THE WILLFUL MISCONDUCT OR CULPABLE NEGLIGENCE OF WYLIE OR ITS CITY COUNCIL, OFFICERS, AGENTS, SERVANTS, REPRESENTATIVES OR EMPLOYEES, AND WYLIE OR ITS CITY COUNCIL, OFFICERS, AGENTS, SERVANTS, REPRESENTATIVES OR EMPLOYEES IS/ARE ADJUDGED TO BE GUILTY OF WILLFUL MISCONDUCT OR CULPABLE NEGLIGENCE BY A COURT OF COMPETENT JURISDICTION. THIS PARAGRAPH SHALL SURVIVE TERMINATION OF THIS AGREEMENT.

This Agreement does not create any form of personal liability on the part of any official, officer, employee, or agent who is an individual of the Agency or the Wylie. Neither party will sue or try to hold an official, officer, employee, or individual agent of the other party personally liable for any personal injuries or property damage.

It is expressly understood and agreed that, in the execution and performance of this Agreement, the parties have not waived, nor shall be deemed hereby to have waived, any immunity, governmental, sovereign and/or official, or defense that would otherwise be available to them against claims arising in the exercise of governmental powers and functions. By entering into this Agreement, the parties do not create any obligations, express or implied, other than those set forth herein. The parties do not intend to create or right for, or in favor of, a person who is not a party to this Agreement.

With regard to the provision of a defense under this paragraph, the parties shall cooperate with one another in defending a claim or suit, including providing reasonable access to, and copies of, documents, electronic or magnetic data, and access to witnesses or other persons with discoverable knowledge such as detention officers, employees, or other persons under the parties' supervision or control.

Section 7: Amendment

This agreement will not be amended or modified other than in a written agreement signed by the parties. No party will try to enforce a purported amendment that is not written and properly approved by each party's governing body under Section 791.011(d) of the Government Code.

Section 8: Controlling Law; Venue

This Agreement and any of its terms or provisions, as well as the rights and duties of the parties hereto, shall be governed by the laws of the State of Texas, and both parties agree that venue shall be in Collin County, Texas.

Section 9: Contingency Plan

In the event that the Wylie Jail is damaged due to a natural disaster or man-made disaster that renders it unusable, as determined by Wylie in its sole discretion, Wylie will notify Agency that Wylie can no longer receive detainees under this Agreement. If Agency has detainees in custody at the time of any natural or man-made disaster, Wylie will continue custody until authorization for release is received or such detainees are transferred to the Collin County Jail.

Section 10: Notices

10.01: Notice

(a) Any notice provided or permitted to be given under this Agreement must be in writing and may be served by depositing same in the United States mail, addressed to the party to be notified, postage pre-paid and registered or certified with return receipt requested, or be delivered the same in person to such party via a hand-delivery service, Federal Express or any courier service that provides a return receipt showing the date of actual delivery of same to the addressee thereof. Notice given in accordance herewith shall be effective upon receipt at the address of the addressee. For purposes of notification, the addresses of the parties shall be as follows:

if to Wylie:
_____, City Manager
Wylie Municipal Complex
300 Country Club Rd., Building 100, 1st floor
Wylie, TX 75098

with a copy to:
Chief Anthony Henderson
Wylie Police Department
2000 N. Hwy 78
Wylie, TX 75098

if the Agency, to:

Kim Dobbs, City Admin
City of Lavon
120 School Rd
Lavon, Texas 75166

with a copy to:

Chief Mike Jones
Lavon Police Department
120 School Rd
Lavon, Texas 75166

Section 11: Captions

The headings to the various sections of this Agreement have been inserted for convenient reference only and shall not modify, define, limit or expand the express provision of this

Agreement. This Agreement shall be deemed to have been drafted equally by all parties hereto. The language of all parts of this Agreement shall be constructed as a whole according to its fair and common meaning, and any presumption or principle that the language herein is to be construed against any party shall not apply.

Section 12: Counterparts

This Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes. An electronic mail and/or facsimile signature will also be deemed to constitute an original if properly executed and delivered to the other party.

Section 13: Obligations of Condition

All obligations of each party under this Agreement are conditions to further performance of the other party's continued performance of its obligation under this Agreement.

Section 14: Exclusive Right to Enforce this Agreement

Wylie and the Agency have the exclusive right to bring suit to enforce this Agreement, and no other party may bring suit, as a third-party beneficiary or otherwise, to enforce this Agreement. Waiver by either party of any breach of this Agreement, or the failure of either party to enforce any of the provisions of this Agreement, at any time, shall not in any way affect, limit or waive such party's right thereafter to enforce and compel strict compliance.

Section 15: Prior Agreements Superseded

This Agreement represents the entire and integrated agreement between the parties hereto and supersedes all prior negotiations, representations and/or agreements, either written or oral. This Agreement may be amended only by a written instrument signed by both parties. This Agreement is not assignable.

Section 16: No Partnership or Agency

The parties hereto have not created a partnership, and nothing contained in this Agreement shall in any manner whatsoever constitute any party the partner, agent or legal representative of the other party, nor create any fiduciary relationship between them for any purpose whatsoever. No party shall have any authority to act for, or to assume any obligations or responsibility on behalf of, the other party except as may be, from time to time, agreed upon in writing between the parties or as otherwise expressly provided in this Agreement.

Section 17: Severability

The provisions of this Agreement are severable. In the event that any paragraph, section, subdivision, sentence, clause or phrase of this Agreement shall be found to be contrary to the law, or contrary to any rule or regulation having the force and effect of the law, such decisions shall not affect the remaining portions of this Agreement. However, upon the occurrence of such

an event, either party may terminate this Agreement by giving the other party fifteen (15) days written notice of its intent to terminate.

IN WITNESS WHEREOF, the parties have executed this Agreement and caused this Agreement to be effective when all the parties have signed it. The date this Agreement is signed by the last party to sign it (as indicated by the date associated with that party's signature below) will be deemed the effective date of this Agreement ("Effective Date").

City of Wylie, Texas

By: _____
Print Name: _____
City Manager

Date: _____

Agency: City of Lavon

By: _____
Vicki Sanson, Mayor

Date: _____



CITY OF LAVON Agenda Brief

MEETING: December 7, 2021

ITEM: 5 – E

Item:

CONSENT AGENDA

Approve Resolution No. 2021-12-03 approving a Workplace Safety Policy Statement - Texting and Cell Phone Operation While Driving.

Background:

Cities commonly adopt policies addressing safety procedures and expected conduct for employees and volunteers who operate city-owned vehicles and private vehicles in the advancement of city business. Occasionally, state and federal guidelines mandate that these safety policies be in place as a requirement for eligibility for grant funding.

Due to the widespread application, the proposed policy is a policy statement and is not incorporated into the Human Resources Policies and Procedures. The Human Resources Policies and Procedures contain a section that more broadly addresses the safe operation of city-owned equipment.

Financial Implication:

There is none.

Staff Notes:

The Department Directors worked together to draft and review the proposed policy statement and approval is recommended.

CITY OF LAVON, TEXAS
RESOLUTION NO. 2021-12-03

Policy Statement – Texting and Cell Phone Operation While Driving

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON,
TEXAS APPROVING A POLICY STATEMENT REGARDING TEXTING
AND CELL PHONE OPERATION WHILE DRIVING.**

WHEREAS, the City Council of the City of Lavon, Texas (the “City Council”) has investigated and determined that it would be advantageous and beneficial to the citizens of the City of Lavon, Texas to provide guidance regarding a policy addressing texting and cell phone operation while driving; and

WHEREAS, the City Council has authority under state law to approve the policy herein; and

WHEREAS, the City Council finds that adopting the policy herein serves the best interest of the City and the public health, safety, and welfare of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, THAT:

SECTION 1. That the City Council does hereby approve the Texting and Cell Phone Operation While Driving Policy Statement, which is attached hereto and labeled “**Exhibit A**”;

SECTION 2. That this resolution shall take effect from and after the date of its passage.

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Texas on the 7th day of December 2021.

Vicki Sanson, Mayor

ATTEST:

Rae Norton
City Secretary

CITY OF LAVON, TEXAS
RESOLUTION NO. 2021-12-03

EXHIBIT A



CITY OF LAVON

Policy Statement

TEXTING AND CELL PHONE OPERATION WHILE DRIVING

POLICY

Distracted driving can lead to property loss and injury of our employees, citizens, and visitors. The purpose of this order is to establish clear rules regarding the use of cellphones while operating a motor vehicle for the City of Lavon.

PROCEDURE

Cellphone Use While Driving

Employees are prohibited from using any cell phone without the aid of a handsfree device while operating any City owned vehicle. Employees should, when practical, plan calls to allow placement of calls either prior to traveling or while the vehicle is stopped.

Texting While Driving

Employees are prohibited from sending or reading text messages while operating any City owned vehicle.

Employees are prohibited from sending or reading City of Lavon business text messages while operating privately owned vehicles.

Employees are prohibited from sending or reading text messages while operating privately owned vehicles while conducting City of Lavon business.

DISCLAIMER

This directive is for City use only and does not apply in any criminal or civil proceeding. The City policy should not be construed as a creation of higher legal standards of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for employee administrative sanctions.



CITY OF LAVON Agenda Brief

MEETING: December 7, 2021

ITEM: 6 - A

Item:

Public hearing, discussion, and action regarding an application for a special use permit to construct a Temporary Concrete Batch Plant in the Bear Creek Phase 4 Addition, on 29.468 acres described as a part of the D. Anglin Survey, Abstract No. 2, Tract 140, City of Lavon, Texas located south of the intersection of Winterwood Dr. and Alder Dr. in Bear Creek Phase 4 and 156 feet west of CR 483, Lavon, Collin County, Texas (CCAD Property ID 2630457) requested by Chris Harp Construction.

- 1) Presentation of request.
- 2) **PUBLIC HEARING** to receive comments regarding the request.
- 3) Discussion and action regarding the request and accompanying Ordinance No. **2012-12-01**.

Background:

In conjunction with the development of the Bear Creek, Phase 4 addition and in accordance with Ordinance No. **2004-09-05** (PD – Grand Heritage), Bryan Cottle, Chris Harp Construction submitted an application for a special use permit (SUP) for a temporary concrete batch plant for construction of the development's streets and infrastructure.

Requisite notice was published in the newspaper and on the website and two (2) notices were provided to the owners of property located within 200 feet of the proposed site and one (1) notice was returned in favor of the request.

The plant will be subject to code requirements for equipment operation as follows:

Code Excerpt

CITY OF LAVON – CODE OF ORDINANCES

Sec. 8.03.005 Times for operation of equipment restricted

Except as provided in [Section 8.03.007](#), it shall be unlawful for any person or business to operate, cause to be operated, or allow to be operated equipment or heavy equipment within five hundred feet (500') of an inhabited residential structure between the hours of eight (8) p.m. and seven (7) a.m.

Sec. 8.03.006 Times for performing construction activities restricted

(a) Except as provided in [Section 8.03.007](#), it shall be unlawful for any person or business to perform, cause to be performed, or allow to be performed any construction activity that causes loud noise within five hundred feet (500') of an inhabited residential structure between the hours of eight (8) p.m. and seven (7) a.m.

- (b) Construction activity that causes loud noise shall include but not be limited to:
- (1) Hammering;
 - (2) Sawing;
 - (3) Operation of backhoes, loaders, tractors or compressors; or
 - (4) Any other activity that would disturb the peace and tranquility of the community.

Violation of the above code has a penalty of \$2,000.00

Planning and Zoning Commission Report:

MOTION: RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO CONSTRUCT A TEMPORARY CONCRETE BATCH PLANT IN THE BEAR CREEK PHASE 4 ADDITION, ON 29.468 ACRES DESCRIBED AS A PART OF THE D. ANGLIN SURVEY, ABSTRACT NO. 2, TRACT 140, CITY OF LAVON, TEXAS LOCATED SOUTH OF THE INTERSECTION OF WINTERWOOD DR. AND ALDER DR. IN BEAR CREEK PHASE 4 AND 156 FEET WEST OF CR 483, LAVON, COLLIN COUNTY, TEXAS (CCAD PROPERTY ID 2630457) REQUESTED BY CHRIS HARP CONSTRUCTION.

MOTION MADE: NABORS
SECONDED: SMITH
APPROVED: UNANIMOUS (Absent: Bedell)

Staff Notes:

Approval is recommended.

- Attachments:**
1. Proposed Ordinance
 2. Application for Special Use Permit
 3. Location Exhibits
 4. TCEQ Authorization
 5. Neighbor Notices

CITY OF LAVON, TEXAS

ORDINANCE NO. 2021-12-01

Special Use Permit – Temporary Concrete Batch Plant

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, AMENDING THE CODE OF ORDINANCES TO GRANT A SPECIAL USE PERMIT FOR CONSTRUCTION OF A TEMPORARY CONCRETE BATCH PLANT; PROVIDING SEVERABILITY AND CUMULATIVE CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lavon recognizes the need for ongoing development of the City, and that because of such development, an amendment of the zoning ordinance may occasionally be required; and

WHEREAS, the City of Lavon has received an application from Chris Harp Construction for a special use permit (SUP) to construct a Temporary Concrete Batch Plant in Bear Creek Phase 4, on 29.468 acres described as a part of the D. Anglin Survey, Abstract No. 2, Tract 140, City of Lavon, Texas located south of the intersection of Winterwood Dr. and Alder Dr. in Bear Creek Phase 4 and 156 feet west of CR 483, Lavon, Collin County, Texas; and

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Lavon, Texas, in compliance with the laws of the State of Texas and the ordinances of the City of Lavon, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the City of Lavon Code of Ordinances be amended as follows:

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS THAT:

SECTION 1. Findings.

It is hereby officially determined that the findings and recitations contained above in the preamble of this ordinance are true and correct and are incorporated herein by reference.

SECTION 2. Authorization.

- A. The City of Lavon Code of Ordinances, Zoning Code, as heretofore amended, and the same is hereby amended so as grant a Special Use Permit on the property described herein to permit construction of a temporary concrete batch plant for the purpose of constructing infrastructure within the development and constructing, repairing, or reconstructing public infrastructure within the vicinity of the development as approved by the Director of Public Works.
- B. That the time period for the Special Use Permit shall be the earlier of eighteen (18) months from the effective date or the City's final acceptance of the improvements.
- C. That the applicant shall proactively maintain dust control related to batch plant operations at all times.
- D. That the plant hours of operations shall be limited to 7:00 a.m. to 8:00 p.m. seven days per week.

SECTION 3. Severability Clause.

It is hereby declared by the City Council that if any of the sections, paragraphs, sentences, clauses, phrases, words, or provisions of this ordinance should be declared unconstitutional or otherwise invalid for any reason, such event shall not affect any remaining sections, paragraphs, sentences, clauses, phrases, words, or provisions of this ordinance.

SECTION 4. Cumulative Clause.

This ordinance shall be cumulative of all provisions of ordinances of the City except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 5. Public Meeting.

It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

SECTION 6. Effective Date.

This ordinance shall be in full force and effect immediately upon its passage and approval by the City Council.

DULY PASSED and APPROVED by the City Council of the City of Lavon, Texas, on the 7th day of December 2021.

Vicki Sanson
Mayor

ATTEST:

Rae Norton
City Secretary



CITY OF LAVON

120 School Road, P.O. Box 340, Lavon, TX 75166
(972) 843-4220
cityhall@lavontx.gov

APPLICATION FOR CONDITIONAL USE PERMIT (CUP)

<u>Chris Harp Construction</u>	<u>10/18/2021</u>
Applicant Name	Date
<u>Brian Cottle</u>	<u>O. 469-344-7686</u>
	<u>C. 469-576-7814</u>

Representative, Agent or Owner	Phone
---------------------------------------	--------------

<u>Chris Harp Construction</u>	<u>brian@chrisharpconstruction.com</u>
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Company	Email address
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<u>17388 County Road 543</u>	<u>Nevada, TX 75173</u>
------------------------------	-------------------------

Street	City, State, Zip
---------------	-------------------------

New Subdivision - Bear Creek Phase 4

Address and Location of Property

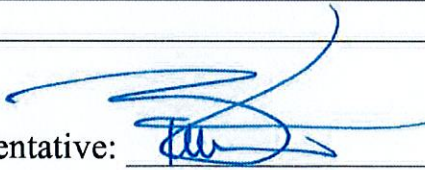
N/A

Legal Description of Property

Existing Zoning: N/A

REASON FOR REQUEST (Include the type of conditional use requested, dimensions, materials and elevations. Attach a separate sheet if necessary and include supporting documentation.)

Temporary Concrete Batch Plant

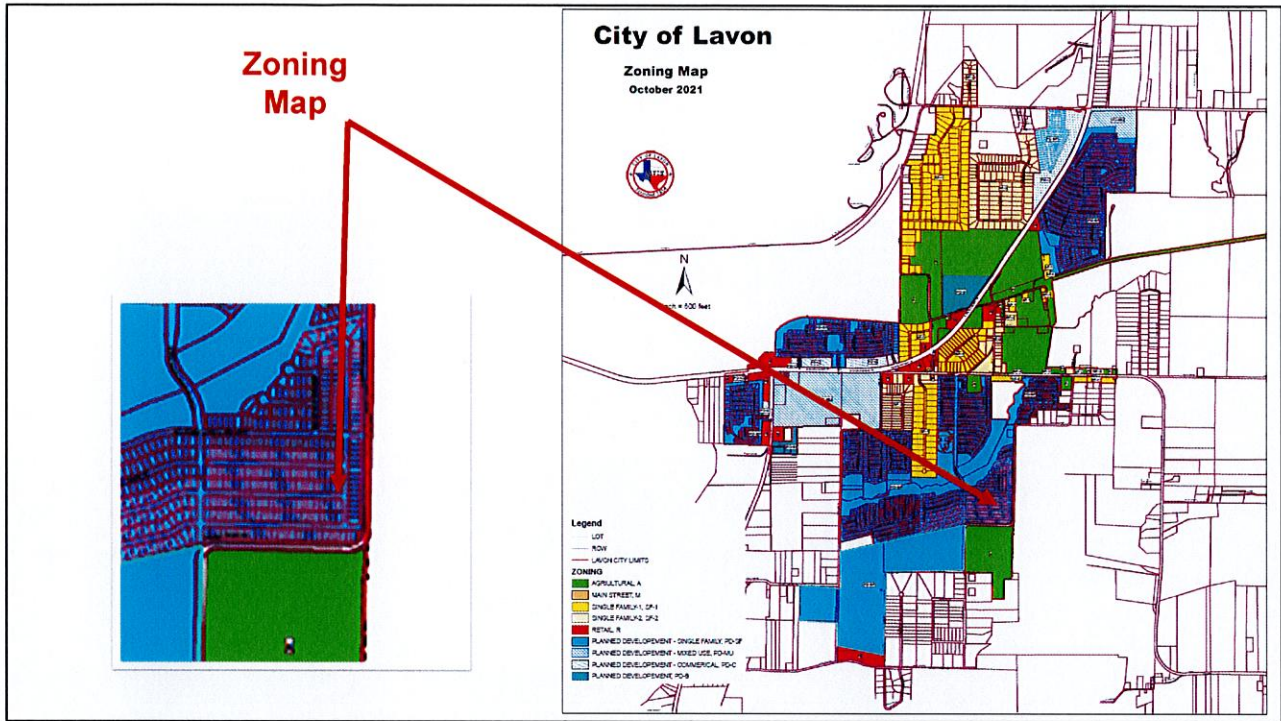
Signature of Applicant or Representative: 

For Office Use Only

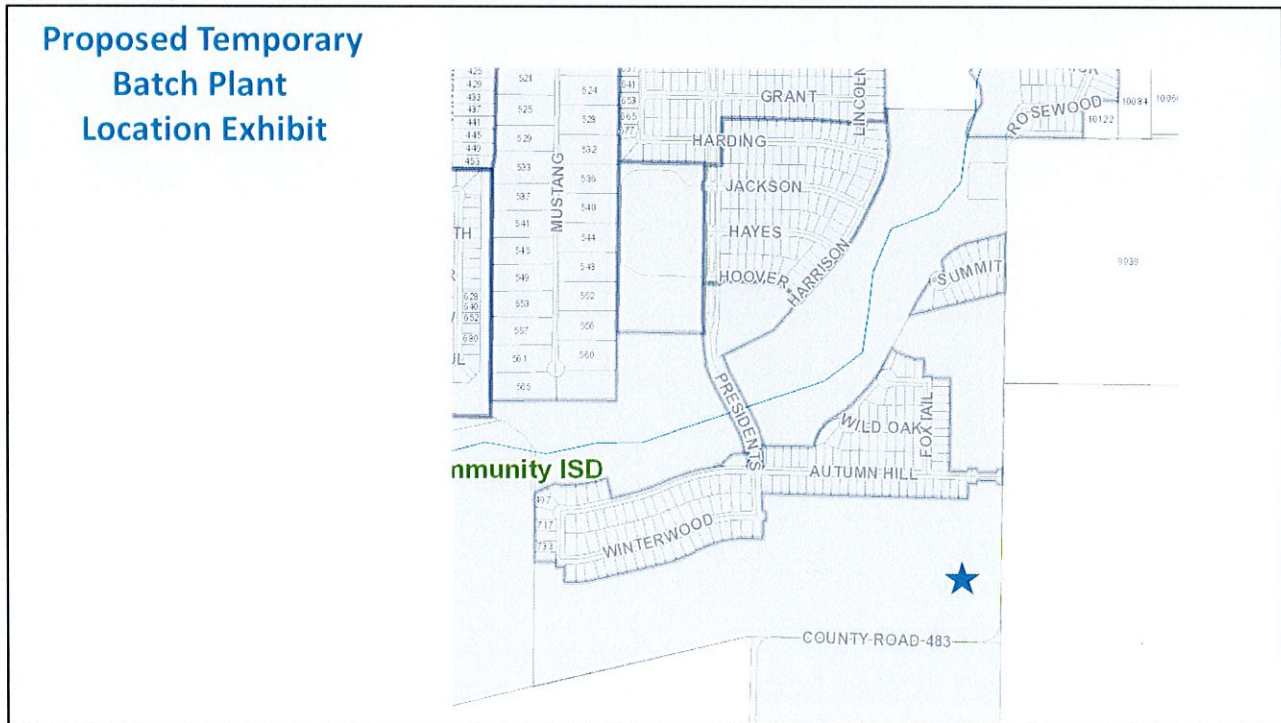
Date Received: _____ Date Paid: _____ Fee Paid: _____

Next P & Z Meeting: _____ Next City Council Meeting: _____





7



8

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 1, 2021

Mr. Brian Cottle, Chief Estimator
Chris Harp Construction LLC
17388 County Rd 543
Nevada, Texas 75173-8042

Re: Relocation Request for a Concrete Batch Plant; Standard Permit Registration No. 147393L001; 1780' southeast of the intersection of Hoover Ave and Harrison Ln, west of FM 483 (Bear Creek Ph 4), Lavon, Collin County, Texas; TCEQ ID Nos.: RN109829796; CN605125335

Dear Mr. Cottle:

This is in response to your relocation application concerning the proposed construction of the above listed concrete batch plant at the above listed location. Based on the information presented, the TCEQ DFW Regional Office Air Program has determined that the proposed authorization can be granted as of the date of this letter to construct and operate the concrete batch plant referenced above at the proposed site, since it is located in or contiguous to the right-of-way of a public works project or related project segments.

The TCEQ DFW Regional Office understands that the concrete batch plant will remain at this site until the completion of the project. This authorization is contingent upon continued compliance with the conditions listed in the Standard Permit for Concrete Batch Plants and with all representations made in your relocation request. Any changes to the representations must have prior written approval from a delegated representative of the executive director.

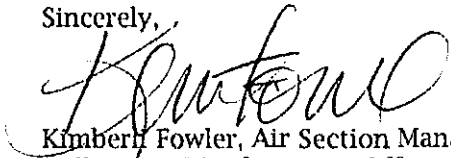
In addition, you are reminded that all future applications for relocation must be submitted at least 12 business days prior to your estimated move date as required by the Standard Permit for Concrete Batch Plants and written authorization must be obtained prior to locating onsite. Failure to do so may result in denial of your relocation request or formal enforcement action.

After completion of construction or modification, start-up notification is required in accordance with 30 TAC 116.115(b)(2)(B)(i). Enclosed is a notification form for you to complete and send in prior to your construction or site move.

Mr. Brian Cottle, Chief Estimator
Page 2
November 1, 2021

You are reminded that regardless of whether a permit is required, these facilities must be in compliance with all regulations of the TCEQ and the U.S. Environmental Protection Agency at all times. If you need further information or have any questions, please contact Ms. Archer Tate at 817-588-5839.

Sincerely,



Kimberli Fowler, Air Section Manager
Dallas-Fort Worth Region Office
Texas Commission on Environmental Quality

KSF/PXC/jxs

Enclosure: *Updated Information for the Movement of a Portable Facility*



RECEIVED
NOV 18 2021
CITY OF LAVON

**CITY OF LAVON, TEXAS
NOTICE OF PUBLIC HEARINGS BEFORE THE
PLANNING AND ZONING COMMISSION
AND THE CITY COUNCIL**

Notice is hereby given that the **Planning and Zoning Commission** will hold a public hearing at a special meeting starting at 7:00 PM on **November 30, 2021** at Lavon City Hall, 120 School Road, Lavon, Texas. Further notice is given that a second public hearing is scheduled where the request and the recommendation of the Planning and Zoning Commission will be considered by the **City Council** at a meeting starting at 7:00 PM on **December 7, 2021** at Lavon City Hall, 120 School Rd, Lavon, TX. In the event that the P&Z Commission or City Council will be unable to meet in person at City Hall, the City will post on its website, www.cityoflavon.com, information for persons to attend the meeting by telephone, teleconference or other electronic means.

Request: At such times and place, the Commission and the Council will receive testimony and consider an application for a special use permit to construct a Temporary Concrete Batch Plant in the Bear Creek Phase 4 Addition, on 29.468 acres described as a part of the D. Anglin Survey, Abstract No. 2, Tract 140, City of Lavon, Texas located south of the intersection of Winterwood Dr. and Alder Dr. in Bear Creek Phase 4 and 156 feet west of CR 483, (CCAD Property ID) requested by Chris Harp Construction.

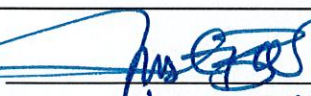
Property Description: Bear Creek Phase 4, Drury Anglin Survey, Abstract No. 2
CCAD Property ID 2630457, Lavon, Collin County, Texas

Information regarding the request may be obtained at cityhall@lavontx.gov or at 972-843-4220. You are receiving this notice because the subject property is located within 200 feet of your property. A public hearing may be continued should an applicant so request. Interested citizens are invited to attend the public hearing and participate in the same.

Optional: The following may be filled out and returned to Lavon City Hall before the hearing date.

Check one: I am in favor of the request. I am opposed to the request.

Reasons: (attach separate sheet(s) as needed)

Signature: 
Name (printed): JUSTIN BOND - MANAGER, LAVON 419 LAND LLC
Address: 3625 HALL ST, #700 DALLAS, TX 75219
Phone/Email Address (optional): _____

You may return this form to: City of Lavon via email CityHall@lavontx.gov
P.O. Box 340
Lavon, Texas 75166

PROPOSED LOCATION





CITY OF LAVON Agenda Brief

MEETING: December 7, 2021

ITEM: 6 - B

Item:

Public hearing, discussion, and action regarding an amendment to Article 9.03 ZONING ORDINANCE, Division 5. Regulations Applicable to Residential Districts by adding to each district section: **“Air Conditioning Units and Mechanical Equipment. Air conditioning units and similar mechanical equipment, such as heat pumps, solar collecting equipment, or pool equipment may be installed within the residential side yard setback but shall not be installed within three (3) feet of any side yard fencing, air conditioning unit/pad, or mechanical equipment of an adjacent home or structure”** as Sec.9.03.111(e)(4), Sec. 9.03.112(e)(4), Sec.9.03.113(e)(2) and Sec. 9.03.114(e)(2); and retitling and renumbering Sec. 9.03.113(e) to Sec. 9.03.113(e)(1); and Sec. 9.03.114(e) to Sec. 9.03.114(e)(1).

- 1) Presentation of request.
- 2) **PUBLIC HEARING** to receive comments regarding the request.
- 3) Discussion and action regarding the request and accompanying Ordinance No. **2021-12-02.**

Background

The owner of a new home in Lavon brought to the city staff’s attention a concern regarding the placement of HVAC units in the side yards in their neighborhood. Although the developer, working with the homebuilder was able to resolve that specific situation, the matter prompted the staff to work with the city attorney and development community to prepare an amendment to address possible future conflicts. When the side yard setback set out in the zoning district area requirements does not provide room for adjacent HVAC units or similar equipment to be placed, the proposed amendment provides for regulation to prevent circumstances that pose a potential threat to the public health, welfare, or safety.

PROPOSED AMENDMENT

CITY OF LAVON – ZONING ORDINANCE

1) Add: **“Air Conditioning Units and Mechanical Equipment. Air conditioning units and similar mechanical equipment, such as heat pumps, solar collecting equipment, or pool equipment may be installed within the residential side yard setback but shall not be installed within three (3) feet of any side yard fencing, air conditioning unit/pad, or mechanical equipment of an adjacent home or structure”**

to each zoning district as: Sec.9.03.111(e)(4)

Sec. 9.03.112(e)(4)

Sec.9.03.113(e)(2)

Sec. 9.03.114(e)(2)

2) Re-title and re-number: Sec. 9.03.113(e) to Sec. 9.03.113(e)(1)

Sec. 9.03.114(e) to Sec. 9.03.114(e)(1)

Example of side yard setback issues





Planning and Zoning Commission Report:

MOTION: RECOMMEND APPROVAL OF AN AMENDMENT TO ARTICLE 9.03 ZONING ORDINANCE, DIVISION 5. REGULATIONS APPLICABLE TO RESIDENTIAL DISTRICTS BY ADDING TO EACH DISTRICT SECTION: “AIR CONDITIONING UNITS AND MECHANICAL EQUIPMENT. AIR CONDITIONING UNITS AND SIMILAR MECHANICAL EQUIPMENT, SUCH AS HEAT PUMPS, SOLAR COLLECTING EQUIPMENT, OR POOL EQUIPMENT MAY BE INSTALLED WITHIN THE RESIDENTIAL SIDE YARD SETBACK BUT SHALL NOT BE INSTALLED WITHIN THREE (3) FEET OF ANY SIDE YARD FENCING, AIR CONDITIONING UNIT/PAD, OR MECHANICAL EQUIPMENT OF AN ADJACENT HOME OR STRUCTURE” AS SEC.9.03.111(E)(4), SEC. 9.03.112(E)(4), SEC.9.03.113(E)(2) AND SEC. 9.03.114(E)(2); AND RETITLING AND RENUMBERING SEC. 9.03.113(E) TO SEC. 9.03.113(E)(1); AND SEC. 9.03.114(E) TO SEC. 9.03.114(E)(1).

MOTION MADE: NABORS
SECONDED: SMITH
APPROVED: UNANIMOUS (Absent: Bedell)

Staff Notes:

The requisite public hearing notice was published in the newspaper. No inquires or feedback regarding the proposal have been received.

Approval is recommended.

Attachments: 1. Proposed Ordinance
2. Published Notice

CITY OF LAVON, TEXAS
ORDINANCE NO. 2021-12-02

Amend Zoning Ordinance – Placement of Air Conditioning Units

AN ORDINANCE OF THE CITY OF LAVON, TEXAS AMENDING ARTICLE 9.03 ZONING ORDINANCE, DIVISION 5. REGULATIONS APPLICABLE TO RESIDENTIAL DISTRICTS BY ADDING TO EACH DISTRICT SECTION: “AIR CONDITIONING UNITS AND MECHANICAL EQUIPMENT. AIR CONDITIONING UNITS AND SIMILAR MECHANICAL EQUIPMENT, SUCH AS HEAT PUMPS, SOLAR COLLECTING EQUIPMENT, OR POOL EQUIPMENT MAY BE INSTALLED WITHIN THE RESIDENTIAL SIDE YARD SETBACK BUT SHALL NOT BE INSTALLED WITHIN THREE (3) FEET OF ANY SIDE YARD FENCING, AIR CONDITIONING UNIT/PAD, OR MECHANICAL EQUIPMENT OF AN ADJACENT HOME OR STRUCTURE” AS SEC.9.03.111(E)(4), SEC. 9.03.112(E)(4), SEC.9.03.113(E)(2) AND SEC. 9.03.114(E)(2); AND RETITLING AND RENUMBERING SEC. 9.03.113(E) TO SEC. 9.03.113(E)(1); AND SEC. 9.03.114(E) TO SEC. 9.03.114(E)(1).; PROVIDING A SAVINGS CLAUSE; A CUMULATIVE REPEALER CLAUSE; A SEVERABILITY CLAUSE; A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article 9.03 ZONING ORDINANCE, Division 5. Regulations Applicable to Residential Districts provides for area requirements and specifies Minimum Side Yard Setbacks specific to each district; and

WHEREAS, the regulations as written may not provide for sufficient spacing and the placement of air conditioning units and similar mechanical equipment in the side yard to ensure adequate space for public safety access and appropriate property maintenance; and

WHEREAS, the Planning and Zoning Commission of the City of Lavon and the City Council of the City of Lavon, in compliance with the laws of the State of Texas, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested, and the City Council of the City of Lavon is of the opinion and finds that said changes should be granted and that the Comprehensive Zoning Ordinance should be amended.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, THAT:

SECTION 1. INCORPORATION OF PREMISES

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. AMENDMENT

Article 9.03 ZONING ORDINANCE, Division 5. Regulations Applicable to Residential Districts shall be amended by adding to each district section: **“Air Conditioning Units and Mechanical Equipment. Air conditioning units and similar mechanical equipment, such as heat pumps, solar collecting equipment, or pool equipment may be installed within the residential side yard setback but shall not be installed within three (3) feet of any side yard fencing, air conditioning unit/pad, or mechanical equipment of an adjacent home or structure”** as Sec.9.03.111(e)(4), Sec. 9.03.112(e)(4), Sec.9.03.113(e)(2) and Sec. 9.03.114(e)(2); and retitling and renumbering Sec. 9.03.113(e) to Sec. 9.03.113(e)(1); and Sec. 9.03.114(e) to Sec. 9.03.114(e)(1).

SECTION 3. SAVINGS

That all rights and remedies of the City of Lavon are expressly saved as to any and all violations of the provisions of any Ordinances regulating, affecting, or relating to zoning, land use and/or development which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 4. CUMULATIVE REPEALER

That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 5. SEVERABILITY

If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 6. PENALTY

It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not less than One Dollar (\$1.00) nor more than Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed each day or part of a day during or on which a violation occurs or continues. Further, if the governing body of the City of Lavon determines that a violation of this Ordinance creates a threat to the public safety, the City may bring suit in the District Court to enjoin such violation and may exercise all available remedies as allowed by law.

SECTION 7. PUBLICATION

The City Secretary of the City of Lavon is hereby directed to publish the Caption, Penalty and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code.

SECTION 8. EFFECTIVE DATE

That this Ordinance shall be in full force and effect from and after its date of passage, in accordance with law, and it is so ordained.

DULY PASSED and APPROVED by the City Council of the City of Lavon, Texas, on the 7th day of December 2021.

Vicki Sanson, Mayor

ATTEST:

Rae Norton, City Secretary



CITY OF LAVON, TEXAS NOTICE OF PUBLIC HEARINGS

Notice is hereby given that the Planning and Zoning Commission will hold public hearings at a special meeting starting at 7:00 PM on November 30, 2021 at Lavon City Hall, 120 School Road, Lavon, Texas. Further notice is given that the City Council will hold public hearings at a meeting starting at 7:00 PM on December 7, 2021 at Lavon City Hall. At such times and place, the Commission and the Council will receive testimony and consider:

- 1) an application for a special use permit to construct a Temporary Concrete Batch Plant in the Bear Creek Phase 4 Addition, on 29.468 acres described as a part of the D. Anglin Survey, Abstract No. 2, Tract 140, City of Lavon, Texas located south of the intersection of Winterwood Dr. and Alder Dr. in Bear Creek Phase 4 and 156 feet west of CR 483, (CCAD Property ID 2630457) requested by Chris Harp Construction; and
- 2) an amendment to Article 9.03 ZONING ORDINANCE, Division 5. Regulations Applicable to Residential Districts by adding to each district section: "**Air Conditioning Units and Mechanical Equipment. Air conditioning units and similar mechanical equipment, such as heat pumps, solar collecting equipment, or pool equipment may be installed within the residential side yard setback but shall not be installed within three (3) feet of any side yard fencing, air conditioning unit/pad, or mechanical equipment of an adjacent home or structure**" as Sec.9.03.111(e)(4), Sec. 9.03.112(e)(4), Sec.9.03.113(e)(2), and Sec. 9.03.114(e)(2); and retitling and renumbering Sec. 9.03.113(e) to Sec. 9.03.113(e)(1); and Sec. 9.03.114(e) to Sec. 9.03.114(e)(1).

In the event that the P&Z Commission or City Council will be unable to meet at City Hall, the City will post on its website www.cityoflavon.com information for persons to attend the meeting by telephone, teleconference or other electronic means. Information regarding the request may be obtained at cityhall@lavontx.gov or at 972-843-4220. A public hearing may be continued should an applicant so request. Interested citizens are invited to attend the public hearing and participate in the same.



CITY OF LAVON Agenda Brief

MEETING: December 7, 2021

ITEM: 6 – C

Item:

Discussion and action regarding acceptance of the public infrastructure for the LakePointe, Phase 2A Addition.

Background:

The developer of the LakePointe, Phase 2A Addition recently completed construction of the public infrastructure improvements. The Code of Ordinances provides that prior to recording a final plat the City Council will accept the dedication of the public infrastructure.

Code Excerpt

City of Lavon Code of Ordinances

Article 9.02 Subdivision Ordinance

Section 9.02.006 Record Drawings (as-built plans)

Prior to the acceptance of the subdivision and within thirty (30) days of the completion of the subdivision, the engineer for the developer shall submit to the City a complete set of reproducible construction drawings twenty-four by thirty-six inches (24" x 36") of the paving, drainage, water and sanitary sewer improvements with all changes made in the plans during construction and containing on each sheet and [an] "As Built" stamp bearing the signature of the engineer and the date.

Within ten (10) days of the receipt of the "record drawings," the City Engineer shall make a recommendation for acceptance or non-acceptance of the subdivision to the City Council and a determination of review cost and the receipt of the required maintenance bond.

No final acceptance of the subdivision will be made by the City Council until these requirements have been made to the satisfaction of the City.

The City Engineer has recommended acceptance of the subdivision infrastructure subject to provisions outlined in his November 13, 2021 letter.

Financial Implication:

There is none.

Staff Notes:

Acceptance of the dedication of infrastructure is recommended subject to City Engineer approval.

Attachments:

- 1) Final Plat
- 2) City Engineer Letter

November 23, 2021

Ms. Kim Dobbs
City of Lavon
120 School Road
Lavon, TX 75166

Re: LakePointe Phase 2A, 181 Lots, 5 tracts, 57.456 Acres
Final Acceptance

Dear Ms. Dobbs:

On Friday, November 19, 2021, a final walkthrough of the Development was conducted with representatives of the Developer, Contractor, Design Engineer, City Inspector and City Engineer. A "punch list" was created to identify items that required completion prior to final acceptance.

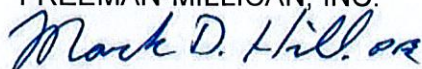
The "punch list" consisted of mostly cleaning and erosion control maintenance items. A small cracked pavement section is being replaced and the drop connections on 2 manholes is being modified to meet City Standards. Street lights have not been completed to date.

Record Drawings have been not provided. Hard copies and the electronic files (.pdf and .dwg) still need to be provided.

We recommend acceptance of LakePointe Phase 2A subject to completion of the street light installation, addressing the "punch list" items and receipt of the Record Drawings.

If there are any questions, please contact me at 214-503-0555 x115 or by email at mdhill@fmi-dallas.com.

Sincerely,
FREEMAN-MILLICAN, INC.



Mark D. Hill, P.E.
Consulting City Engineer

Cc: David Carter

F:\17024 - LAV General Servies\9 - Review\Lakepointe (Lenart)\Phase 2\Phase 2A\LakePointe 2A - Final Acceptance.docx



CITY OF LAVON Agenda Brief

MEETING: December 7, 2021

ITEM: 6 – D

Item:

Discussion and action regarding acceptance of the public infrastructure for RaceTrac Addition.

Background:

The developer of the RaceTrac Addition recently completed construction of the public infrastructure improvements. The Code of Ordinances provides that prior to recording a final plat the City Council will accept the dedication of the public infrastructure.

Code Excerpt

City of Lavon Code of Ordinances

Article 9.02 Subdivision Ordinance

Section 9.02.006 Record Drawings (as-built plans)

Prior to the acceptance of the subdivision and within thirty (30) days of the completion of the subdivision, the engineer for the developer shall submit to the City a complete set of reproducible construction drawings twenty-four by thirty-six inches (24" x 36") of the paving, drainage, water and sanitary sewer improvements with all changes made in the plans during construction and containing on each sheet and [an] "As Built" stamp bearing the signature of the engineer and the date.

Within ten (10) days of the receipt of the "record drawings," the City Engineer shall make a recommendation for acceptance or non-acceptance of the subdivision to the City Council and a determination of review cost and the receipt of the required maintenance bond.

No final acceptance of the subdivision will be made by the City Council until these requirements have been made to the satisfaction of the City.

The City Engineer has recommended acceptance of the subdivision infrastructure subject to provisions outlined in his December 2, 2021 letter.

Financial Implication:

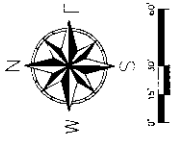
There is none.

Staff Notes:

Acceptance of the dedication of infrastructure is recommended subject to City Engineer approval.

Attachments:

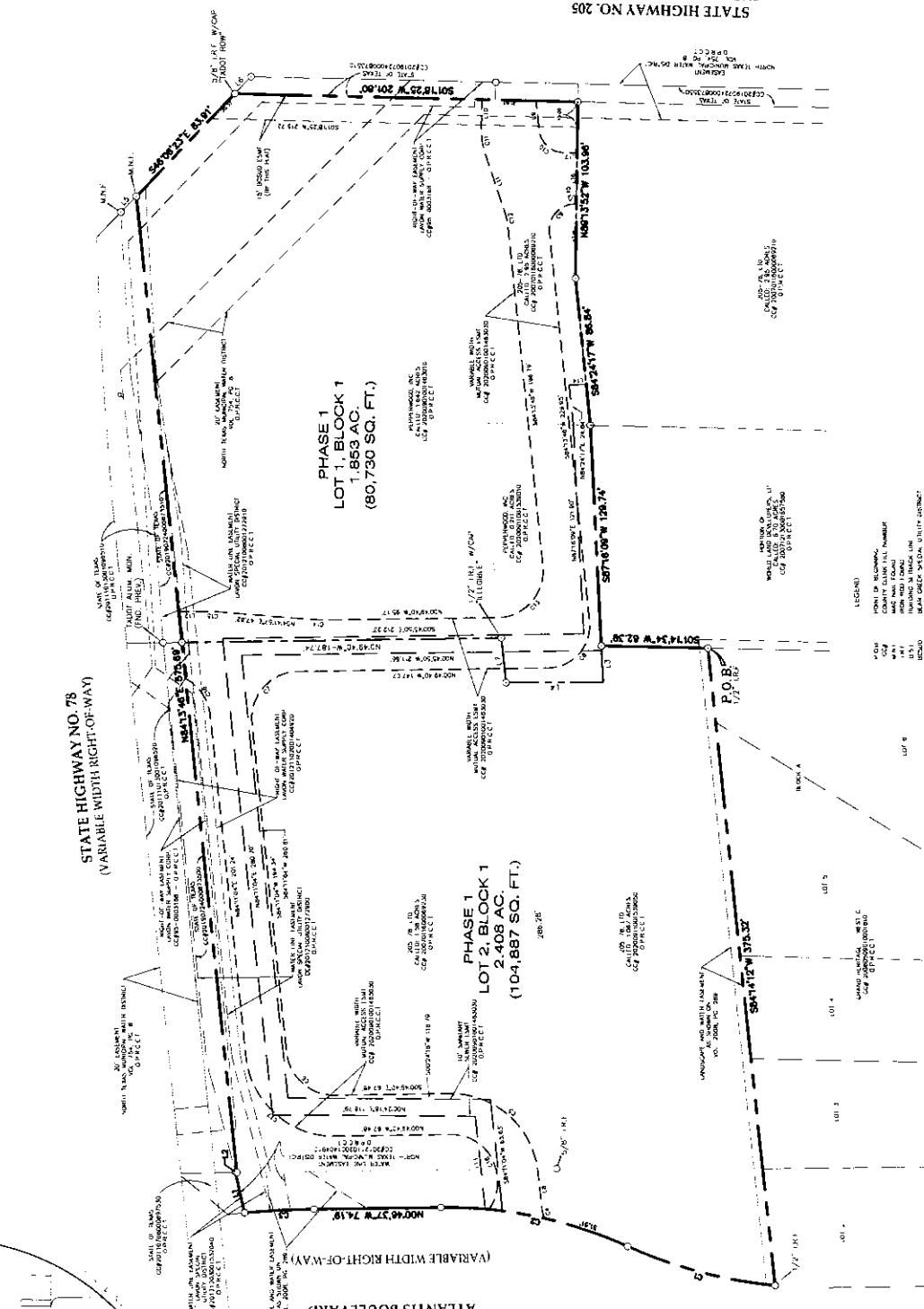
- 1) Final Plat
- 2) City Engineer Letter



STATE HIGHWAY NO. 78
(VARIABLE WIDTH RIGHT-OF-WAY)

ATLANTIS BOULEVARD
(VARIABLE WIDTH RIGHT-OF-WAY)

STATE HIGHWAY NO. 205
(VARIABLE WIDTH RIGHT-OF-WAY)



PHASE 1
LOT 1, BLOCK 1
1.853 AC.
(80,730 SQ. FT.)

PHASE 1
LOT 2, BLOCK 1
104,887 SQ. FT.

LEGEND

- PROPERTY BOUNDARY
- CENTER LINE
- RIGHT-OF-WAY BOUNDARY
- EASEMENT
- UTILITY
- CONCRETE
- ASPHALT
- GRAVEL
- SAND
- ROCK
- WATER
- SEWER
- GAS
- ELECTRIC
- TELEPHONE
- CABLE
- FENCE
- DRIVEWAY
- WALKWAY
- BIKEWAY
- TRAIL
- ROAD
- HIGHWAY
- AIRWAY
- CANAL
- DRAINAGE
- SWAMP
- WETLAND
- FLOODPLAIN
- COASTAL ZONE
- HISTORIC DISTRICT
- MONUMENT
- SURVEY POINT
- BENCHMARK
- ELEVATION
- DISTANCE
- BEARING
- ANGLE
- CURVE DATA
- AREA
- VOLUME
- WEIGHT
- LENGTH
- WIDTH
- HEIGHT
- DEPTH
- TEMPERATURE
- PRESSURE
- VELOCITY
- ACCELERATION
- ROTATION
- TRANSLATION
- DEFORMATION
- SETTLEMENT
- SLIP
- FAILURE
- COLLAPSE
- BURST
- LEAK
- CRACK
- SPALL
- DISINTEGRATION
- WEAR
- EROSION
- SCOUR
- DEPOSITION
- ACCRETION
- EMBANKMENT
- CUT
- FILL
- BRIDGE
- TUNNEL
- STRUCTURE
- FOUNDATION
- RETAINMENT
- WALL
- PILE
- ANCHOR
- NAIL
- SCREW
- BOLT
- WELD
- JOINT
- CONNECTION
- DETAIL
- SECTION
- ELEVATION
- DISTANCE
- BEARING
- ANGLE
- CURVE DATA
- AREA
- VOLUME
- WEIGHT
- LENGTH
- WIDTH
- HEIGHT
- DEPTH
- TEMPERATURE
- PRESSURE
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- ACCELERATION
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- EMBANKMENT
- CUT
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- STRUCTURE
- FOUNDATION
- RETAINMENT
- WALL
- PILE
- ANCHOR
- NAIL
- SCREW
- BOLT
- WELD
- JOINT
- CONNECTION

BEAR CREEK SPECIAL UTILITY DISTRICT
CAMILLE REAGAN, GENERAL MANAGER

FINAL PLAT
LOTS 1 & 2, BLOCK 1
RACETRAC ADDITION
4.281 ACRES OF LAND OUT OF THE
SECTION 121, TOWNSHIP 33S, RANGE 121E,
CITY OF LAVON, COLLIN COUNTY, TEXAS

SCALE: 1"=30' SEPTEMBER, 2020 SHEET 1 OF 2

DEVELOPER:
RACETRAC PEROLEUM, INC.
200 GALLERIA - HWY 30, STE. 900
ATLANTA, GEORGIA 30339
PHONE: 770-431-7600

ENGINEER:
URBAN STRUCTURE
8140 WALNUT HILL LANE, STE. 800
ATLANTA, GEORGIA 30339
PHONE: 214-285-5775

OWNER:
ZOD: 78, LTD.
1995 LBJ FRIEDEMANN DRIVE
DALLAS, TEXAS 75261

LINE	BEARING	DISTANCE	AREA	PERCENT	REMARKS
1	N 89° 50' 00" E	100.00	100.00	100.00	100.00
2	S 89° 50' 00" E	100.00	100.00	100.00	100.00
3	S 00° 00' 00" E	100.00	100.00	100.00	100.00
4	N 89° 50' 00" W	100.00	100.00	100.00	100.00
5	N 00° 00' 00" W	100.00	100.00	100.00	100.00
6	N 89° 50' 00" W	100.00	100.00	100.00	100.00
7	S 89° 50' 00" W	100.00	100.00	100.00	100.00
8	S 00° 00' 00" W	100.00	100.00	100.00	100.00
9	S 89° 50' 00" E	100.00	100.00	100.00	100.00
10	N 89° 50' 00" E	100.00	100.00	100.00	100.00

LINE	BEARING	DISTANCE	AREA	PERCENT	REMARKS
1	N 89° 50' 00" E	100.00	100.00	100.00	100.00
2	S 89° 50' 00" E	100.00	100.00	100.00	100.00
3	S 00° 00' 00" E	100.00	100.00	100.00	100.00
4	N 89° 50' 00" W	100.00	100.00	100.00	100.00
5	N 00° 00' 00" W	100.00	100.00	100.00	100.00
6	N 89° 50' 00" W	100.00	100.00	100.00	100.00
7	S 89° 50' 00" W	100.00	100.00	100.00	100.00
8	S 00° 00' 00" W	100.00	100.00	100.00	100.00
9	S 89° 50' 00" E	100.00	100.00	100.00	100.00
10	N 89° 50' 00" E	100.00	100.00	100.00	100.00

LINE	BEARING	DISTANCE	AREA	PERCENT	REMARKS
1	N 89° 50' 00" E	100.00	100.00	100.00	100.00
2	S 89° 50' 00" E	100.00	100.00	100.00	100.00
3	S 00° 00' 00" E	100.00	100.00	100.00	100.00
4	N 89° 50' 00" W	100.00	100.00	100.00	100.00
5	N 00° 00' 00" W	100.00	100.00	100.00	100.00
6	N 89° 50' 00" W	100.00	100.00	100.00	100.00
7	S 89° 50' 00" W	100.00	100.00	100.00	100.00
8	S 00° 00' 00" W	100.00	100.00	100.00	100.00
9	S 89° 50' 00" E	100.00	100.00	100.00	100.00
10	N 89° 50' 00" E	100.00	100.00	100.00	100.00

GENERAL NOTES:
1. THIS PLAT IS A PART OF A LARGER PLAT.
2. THE TOTAL AREA OF THIS PLAT IS 104,887 SQ. FT.
3. THE TOTAL AREA OF THE SECTION IS 104,887 SQ. FT.
4. THE TOTAL AREA OF THE TOWNSHIP IS 104,887 SQ. FT.
5. THE TOTAL AREA OF THE RANGE IS 104,887 SQ. FT.
6. THE TOTAL AREA OF THE COUNTY IS 104,887 SQ. FT.
7. THE TOTAL AREA OF THE STATE IS 104,887 SQ. FT.
8. THE TOTAL AREA OF THE COUNTRY IS 104,887 SQ. FT.
9. THE TOTAL AREA OF THE WORLD IS 104,887 SQ. FT.
10. THE TOTAL AREA OF THE UNIVERSE IS 104,887 SQ. FT.

O'NEAL SURVEYING CO.
10000 W. LBJ FRIEDEMANN DRIVE
DALLAS, TEXAS 75261
PHONE: 214-285-5775
WWW.ONEALSURVEYING.COM

December 2, 2021

Ms. Kim Dobbs
City of Lavon
120 School Road
Lavon, TX 75166

Re: RaceTrac Addition - 2 Lots, 4.261 Acres
Final Acceptance

Dear Ms. Dobbs:

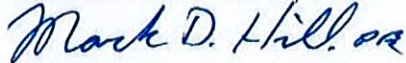
A final walkthrough of the Development was conducted with representatives of the Contractor, City Engineer and City Inspector. A "punch list" was created to identify items that required completion prior to final acceptance.

Record Drawings (.pdf) of the public improvements has been provided. Hard copies are to be delivered to the City.

We recommend acceptance of RaceTrac Addition subject to completion of the "punch list" items.

If there are any questions, please contact me at 214-503-0555 x115 or by email at mdhill@fmi-dallas.com.

Sincerely,
FREEMAN-MILLICAN, INC.



Mark D. Hill, P.E.
Consulting City Engineer

Cc: David Carter

F:\17024 - LAV General Servies\9 - ReviewRaceTrac\RaceTrac - Final Acceptance.docx



CITY OF LAVON Agenda Brief

MEETING: December 7, 2021

ITEM: 6 – E

Item:

Discussion and action regarding acceptance of the public infrastructure for Elevon Phase 1 Offsite Sanitary Sewer Trunk Main project.

Background:

The developer of the Elevon Addition recently completed construction of public infrastructure improvements for the Elevon Phase 1 Offsite Sanitary Sewer Trunk Main that are to be dedicated to the City of Lavon. The Code of Ordinances provides for the City Council to accept the dedication of the public infrastructure.

Financial Implication:

There is none.

Staff Notes:

The City Engineer has recommended acceptance of the infrastructure subject to completion of the debris pile removal and acceptance of Elevon, Section 1, Phases 1A and 1B. The warranty period will not begin until Elevon, Section 1, Phases 1A and 1B are accepted.

Attachments:

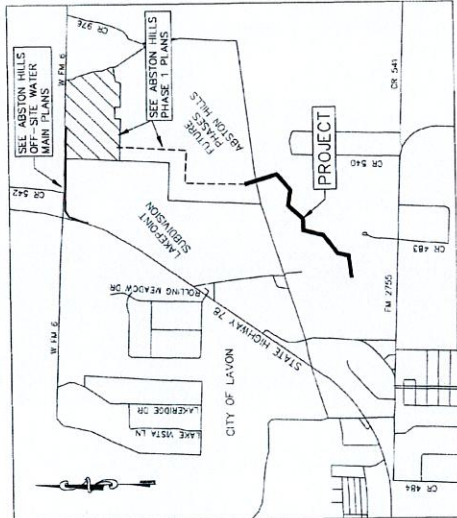
- 1) Plan Documents
- 2) City Engineer Letter

CAUTION!!
 EXISTING UNDERGROUND UTILITIES AND FACILITIES SHOWN
 ON THESE PLANS ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.
 CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES
 PRIOR TO CONSTRUCTION. CONTRACTOR SHALL BE RESPONSIBLE FOR
 PROTECTING ALL UTILITIES AND FACILITIES TO REMAIN. CONTRACTOR
 SHALL MAINTAIN ACCESS TO ALL UTILITIES AND FACILITIES TO REMAIN.
 CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY
 PERMITS AND APPROVALS FROM THE CITY OF LAYON AND COLLIN COUNTY.
 CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY
 PERMITS AND APPROVALS FROM THE CITY OF LAYON AND COLLIN COUNTY.
 CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY
 PERMITS AND APPROVALS FROM THE CITY OF LAYON AND COLLIN COUNTY.

ELEVON PHASE 1 OFFSITE SANITARY SEWER TRUNK MAIN COLLIN COUNTY, TEXAS

DEVELOPER:
 MA PARTNERS, LLC
 15443 KNOLL TRAIL, SUITE 130
 DALLAS, TEXAS 75248
 JOHN MARLIN
 972-715-6449

OWNER:
 PETRO HUNT, LLC
 2101 CEDAR SPRINGS ROAD, SUITE 600
 DALLAS, TEXAS 75201
 ALAN BAIN
 214-880-8595



VICINITY MAP
 N.T.S.

SHEET NO.	TITLE
1	COVER SHEET
2	GENERAL NOTES
3	EROSION CONTROL PLAN
4	EROSION CONTROL DETAILS
5	SANITARY SEWER PLAN
6	SANITARY SEWER PROFILE
7	SANITARY SEWER DETAILS
8	SANITARY SEWER DETAILS



- BENCHMARKS**
- "X" OUT IN WATER VALVE BASE ON NORTH SIDE OF MOORE LAKE, APPROXIMATELY 1050' WEST OF US78, ELEVATION 522.80
 - "X" OUT IN HEADWALL ON SOUTH SIDE OF FM 6, APPROXIMATELY 4.873' EAST OF US78, ELEVATION 535.49
 - "X" OUT IN HEADWALL ON SOUTH SIDE OF FM 6, APPROXIMATELY 17.16' EAST OF US78, ELEVATION 565.44



ENGINEER/SURVEYOR
USA PROFESSIONAL SERVICES GROUP, INC.
 CIVIL ENGINEERS-SURVEYORS-PLANNERS-LANDSCAPE ARCHITECTS
 TEXAS BOARD OF PROFESSIONAL ENGINEERS REGISTERED FIRM NO. E-11445
 TEXAS BOARD OF PROFESSIONAL LANDSCAPE ARCHITECTS REGISTERED FIRM NO. 101074-00
 1525 VICECREEK, DALLAS, TEXAS 75235
 OFFICE: (214) 634-3300
 WWW.USAENGINEERS.COM

MARCH 2021

RECORD DRAWING

ALL INFORMATION SHOWN ON THESE PLANS WAS FURNISHED BY THE CONTRACTOR. ALL RESPONSIBILITY FOR THE ACCURACY BELONGS TO THE CONTRACTOR.

CRAIG SMILEY
 USA PROFESSIONAL SERVICES GROUP, INC.
 DATE: _____ OCTOBER 12, 2021



Know what's below. Call before you dig.

GENERAL NOTES

1. ALL CONSTRUCTION, TESTING AND MATERIALS SHALL BE IN ACCORDANCE WITH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENT STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, LATEST EDITION, UNLESS OTHERWISE INCLUDED HEREIN. IN THE EVENT OF CONFLICT, THESE CITY OF LAVON STANDARD CONSTRUCTION DETAILS SHALL GOVERN.
2. THE CONTRACTOR'S RESPONSIBILITY TO VERIFY CONDITIONS AND DIMENSIONS OF EXISTING AND PROPOSED UTILITIES, GAS LINES, TELEPHONE LINES & CABLE TELEVISION, SHALL BE RESTORED AT HIS EXPENSE. ALL DIGGING WILL BE BY HAND, UNLESS UTILITY COMPANY REPRESENTATIVE PERMITS OTHER METHODS.
3. CONTRACTOR SHALL CONSTRUCT 1800 D-DITCHES AND THE OWNERS UTILITY DEPARTMENT FOR LOCATIONS AND DEPTHS OF EXISTING UTILITIES.
4. ALL WORK SHALL BE OF THE HIGHEST QUALITY AND SHALL BE SUBJECT TO APPROVAL OF THE CITY.
5. CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE LOCAL, STATE AND NATIONAL CODES AND ORDINANCES FOR NEW CONSTRUCTION AND DEMOLITION AS INTERPRETED BY THE CITY ENGINEER AND THE UTILITY DEPARTMENT.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO BEGINNING ANY CONSTRUCTION.
7. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO BEGINNING ANY CONSTRUCTION.
8. CONTRACTOR MUST KEEP AVAILABLE ON SITE, AT ALL TIMES, APPROVED CONSTRUCTION PLANS AND COPIES OF ANY REQUIRED PERMITS.
9. CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL SURVEY MARKERS INCLUDING BENCHMARKS, OR SURVEY BENCHMARKS WITHIN THE LIMITS OF THE PROJECT AND OUTSIDE FROM BEING DAMAGED OR DESTROYED DURING CONSTRUCTION. ANY DAMAGE TO UTILITIES SHALL BE REPAIRED BY THE CONTRACTOR AT HIS OWN COST TO THE CITY.
10. CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL SURVEY MARKERS INCLUDING BENCHMARKS, OR SURVEY BENCHMARKS WITHIN THE LIMITS OF THE PROJECT AND OUTSIDE FROM BEING DAMAGED OR DESTROYED DURING CONSTRUCTION. ANY DAMAGE TO UTILITIES SHALL BE REPAIRED BY THE CONTRACTOR AT HIS OWN COST TO THE CITY.
11. CONTRACTOR IS RESPONSIBLE FOR KEEPING STREETS AND DRIVEWAYS ADJACENT TO THE PROJECT FREE OF MUD AND DEBRIS AT ALL TIMES. CONTRACTOR SHALL CLEAN UP AND REMOVE ALL LOOSE MATERIAL, INCLUDING FLOW CONTROL OR OTHER MATERIALS, FROM THE PROJECT AREA DURING CONSTRUCTION. ANY REMOVAL OF DAMAGE TO EXISTING FACILITIES SHALL BE REPAIRED OR REPLACED TO ORIGINAL CONDITION BY THE CONTRACTOR.
12. CONTRACTOR SHALL NOT STORE MATERIALS, EQUIPMENT OR OTHER CONSTRUCTION ITEMS ON ADJACENT PROPERTIES OR RIGHT-OF-WAY WITHOUT THE PRIOR WRITTEN CONSENT OF THE PROPERTY OWNER AND THE CITY.
13. TEMPORARY FENCING SHALL BE INSTALLED PRIOR TO BEGINNING CONSTRUCTION. TEMPORARY FENCING SHALL BE REMOVED AFTER PROPOSED FENCING IS APPROVED BY THE CITY. ALL TEMPORARY AND PROPOSED FENCING LOCATIONS SHALL BE SUBJECT TO FIELD INSPECTIONS AS DIRECTED BY THE CITY.
14. TEMPORARY FENCING SHALL BE INSTALLED PRIOR TO BEGINNING CONSTRUCTION. TEMPORARY FENCING SHALL BE REMOVED AFTER PROPOSED FENCING IS APPROVED BY THE CITY. ALL TEMPORARY AND PROPOSED FENCING LOCATIONS SHALL BE SUBJECT TO FIELD INSPECTIONS AS DIRECTED BY THE CITY.
15. TEMPORARY FENCING SHALL BE INSTALLED PRIOR TO BEGINNING CONSTRUCTION. TEMPORARY FENCING SHALL BE REMOVED AFTER PROPOSED FENCING IS APPROVED BY THE CITY. ALL TEMPORARY AND PROPOSED FENCING LOCATIONS SHALL BE SUBJECT TO FIELD INSPECTIONS AS DIRECTED BY THE CITY.
16. IT IS THE CONTRACTOR'S RESPONSIBILITY TO MAINTAIN A NEAT AND ACCURATE RECORD OF CONSTRUCTION FOR THE CITY'S RECORDS.
17. CONTRACTOR SHALL REMOVE ALL TRASH AND DEBRIS FROM THE PROJECT SITE AT THE CONTRACTOR'S EXPENSE. DO NOT USE CITIES OR OTHER CONTRACTORS DUMPSTERS FOR TRASH.
18. CONTRACTOR SHALL APPLY FOR AND PAY FOR PERMITS REQUIRED FOR WORK.
19. CONTRACTOR TO MAINTAIN ROAD INTEGRITY DURING CONSTRUCTION TO ALLOW FOR PUBLIC ACCESS. UPON COMPLETION OF PROJECT, ROAD SHALL BE IN EQUAL, OR BETTER CONDITION TO ORIGINAL CONDITION.
20. ALL COSTS FOR REPAIR OF DAMAGE TO THE CITY'S UTILITIES, EQUIPMENT AND FACILITIES RESULTING FROM CONSTRUCTION SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
21. CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL REGULATIONS AND STANDARDS INCLUDING ALL RULES OF HANDLING AND DISPOSAL.
22. CONTRACTOR SHALL LOCATE MATERIAL STORAGE AREAS AWAY FROM STORMWATER CONVEYANCE SYSTEMS. PROVIDE PROTECTED STORAGE AREAS FOR FUEL, CHEMICALS, PAINTS, SOLVENTS, FERTILIZERS, AND OTHER POTENTIALLY TOXIC MATERIALS.
23. CONTRACTOR SHALL NOT STORE TOXIC MATERIALS, AND CONTAMINATED EXCAVATIONS IN A LEGALLY APPROVED MANNER.
24. THE CONTRACTOR SHALL DISPOSE OF FUELS, HAZARDOUS MATERIALS, AND CONTAMINATED EXCAVATIONS IN A LEGALLY APPROVED MANNER.
25. NO OPEN BURNING IS ALLOWED.
26. THE CONTRACTOR SHALL PROVIDE EROSION CONTROL IN CONSTRUCTION AREA AS REQUIRED.
27. ALL TRENCHES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 (OSHA) AND THE STANDARDS THEREIN AND APPLICABLE STATE AND LOCAL REGULATIONS.
28. CONSTRUCTION MAY NOT BEGIN EARLIER THAN 7:00 A.M. OR LATER THAN 6:00 P.M. WITHOUT PERMISSION FROM THE CITY OF LAVON. CONSTRUCTION ON SATURDAY MAY NOT BEGIN BEFORE 10:00 A.M. AND WORK ON SUNDAY IS PROHIBITED WITHOUT SPECIAL PERMISSION.
29. MATERIAL TESTING SHALL BE FURNISHED BY AN INDEPENDENT TESTING LABORATORY AND THE PROJECT OWNER. CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST OF ALL TESTING. TEMPORARY EROSION CONTROLS MAY INCLUDE BERMES, DIMPLES, SWALES, STRIPS OF UNDISTURBED VEGETATION, CHECK DAMS AND OTHER METHODS AS APPROVED BY THE CITY. STRAW MATS ARE NOT PERMITTED.
30. FINISHED SLOPES SHALL NOT BE STEEPER THAN 4:1 UNLESS OTHERWISE NOTED.
31. THE CONTRACTOR SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR THE JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING, BUT NOT LIMITED TO, THE PROTECTION OF EXISTING UTILITIES, STRUCTURES, SERVICES, AND OTHER PROPERTY. CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES, STRUCTURES, SERVICES, AND OTHER PROPERTY. CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES, STRUCTURES, SERVICES, AND OTHER PROPERTY.
32. CONTRACTOR SHALL SECURE EXCAVATION AT THE END OF EACH DAY.
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35. CONTRACTOR SHALL SECURE EXCAVATION AT THE END OF EACH DAY.

WASTEWATER GENERAL NOTES

1. ALL SANITARY SEWER PIPE, 4" TO 15", SHALL BE PVC, ASTM D3034, SDR 26.
1. ALL SANITARY SEWER PIPE, 18" - 24", SHALL BE PVC, ASTM F493, SDR 35.
3. ALL SANITARY SEWER PIPE, GREATER THAN 24", SHALL BE DETERMINED ON A CASE BY CASE BASIS.
4. ALL MANHOLES, CAST-IN-PLACE OR PRECAST, SHALL BE WATER TIGHT. PIPE PENETRATIONS SHALL HAVE WATER TIGHT CONNECTIONS AS SHOWN ON THE STANDARD DRAWINGS. ALL NEW CONCRETE MANHOLES AND WASTEWATER STRUCTURES SHALL BE CONSTRUCTED TO THE STANDARD SPECIFICATIONS FOR MANHOLES AND WASTEWATER STRUCTURES. LINING SHALL BE SPECIFICALLY MANUFACTURED AS LINED FOR MANHOLES AND WASTEWATER STRUCTURES. LINING SHALL BE MIN 725 MIL DFT.
5. USE OF POLYMER CONCRETE MANHOLES SHALL BE DETERMINED ON A CASE-BY-CASE BASIS.
6. ALL MANHOLES TO BE VACUUM TESTED IN ACCORDANCE WITH TCEQ REQUIREMENTS IS WORK COMPLETION AND BACKFILLING. ALL PIPELINES TO BE MANHOLED AND LOW PRESSURE ARE TESTED IN ACCORDANCE WITH TCEQ REQUIREMENTS.
7. ALL MANHOLES TO BE VACUUM TESTED IN ACCORDANCE WITH TCEQ REQUIREMENTS IS WORK COMPLETION AND BACKFILLING. ALL PIPELINES TO BE MANHOLED AND LOW PRESSURE ARE TESTED IN ACCORDANCE WITH TCEQ REQUIREMENTS.
8. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO BEGINNING ANY CONSTRUCTION.
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35. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO BEGINNING ANY CONSTRUCTION.

DRAINAGE GENERAL NOTES

1. ALL STORM SEWER SHALL BE MINIMUM CLASS II RCP.
2. HOPE STORM SEWER MAY BE ALLOWED ON A CASE BY CASE BASIS. HOPE STORM SEWER SHALL MEET ASTM F2308 REQUIREMENTS WITH WATER TIGHT JOINTS WITH SMOOTH WALL INTERIOR.
3. STORM SEWER PIPES SHALL BE MINIMUM 18" DIAMETER CLASS II RCP PIPE. DRIVEWAY CULVERTS STREETS SHALL HAVE SAFETY ENO TREATMENTS (SET) HEADWALLS PER THE STANDARD CONSTRUCTION DETAILS.
4. DRIVEWAY CULVERTS SHALL BE MINIMUM 18" DIAMETER. DRIVEWAY CULVERTS SHALL BE MINIMUM 18" DIAMETER. DRIVEWAY CULVERTS SHALL BE MINIMUM 18" DIAMETER. DRIVEWAY CULVERTS SHALL BE MINIMUM 18" DIAMETER.
5. ALL CAST-IN-PLACE CONCRETE SHALL BE MINIMUM 4000 PSI (28 DAY), 6.5 SACK, UNLESS OTHERWISE SPECIFIED.
6. CRIBBED CONCRETE IS NOT ALLOWED FOR EMBANKMENT OR BACKFILL FOR RCP PIPE. CRIBBED CONCRETE IS ACCEPTABLE FOR RCP.
7. FLOOD CHANNEL FOR COUNTY JAILS SHALL BE 3000 PSI CONCRETE @ 1700 WIND BARS @ 19" O.C.E.W.
8. 18" DIAMETER STORM SEWER SHALL BE INSTALLED ON ALL LOTS. THE MARKER SHALL BE A MINIMUM 4" DIAMETER, ALUMINUM MARKER.
9. 18" DIAMETER STORM SEWER SHALL BE INSTALLED ON ALL LOTS. THE MARKER SHALL BE A MINIMUM 4" DIAMETER, ALUMINUM MARKER.
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13. 18" DIAMETER STORM SEWER SHALL BE INSTALLED ON ALL LOTS. THE MARKER SHALL BE A MINIMUM 4" DIAMETER, ALUMINUM MARKER.
14. PRIOR TO ACCEPTANCE OF A DRAINAGE SYSTEM, ALL PIPELINES, STRUCTURES AND FITTINGS ARE TO BE CLEANED OF ALL DEBRIS, SILT, SEDIMENT, TRASH, ETC.

PAVING GENERAL NOTES

1. ALL PAVEMENT (STREET, PARKING, DRIVE) SHALL BE MINIMUM 3000 PSI (28 DAY), 6.5 SACK CONCRETE FOR MACHINE POUR AND 6.5 SACK FOR HAND POUR. ALL ALLEY PAVING TO BE MINIMUM 4000 PSI (28 DAY), 6.5 SACK CONCRETE.
2. ALL SIDEWALKS SHALL BE MINIMUM 3000 PSI (28 DAY) CONCRETE. SIDEWALKS SHALL BE A MINIMUM 4" THICK WITH BARS @ 24" O.C.E.W.
3. ALL NEW DRIVING STEEL SHALL BE TIED AND PLACED UPON PLASTIC CHAIRS. BARS SHALL BE A MINIMUM 30 DIAMETERS. STEEL PLACEMENT SHALL OCCUR AFTER ACCEPTANCE OF THE SURFACE PREPARATION.
4. ALL NEW PAVED DRIVEWAYS SHALL BE MINIMUM 4" THICK WITH BARS @ 24" O.C.E.W. ALL NEW PAVED DRIVEWAYS SHALL BE MINIMUM 4" THICK WITH BARS @ 24" O.C.E.W.
5. ALL NEW PAVED DRIVEWAYS SHALL BE MINIMUM 4" THICK WITH BARS @ 24" O.C.E.W. ALL NEW PAVED DRIVEWAYS SHALL BE MINIMUM 4" THICK WITH BARS @ 24" O.C.E.W.
6. ALL EXISTING PAVEMENT SHALL BE SAWCUT PRIOR TO CONNECTION TO NEW PAVEMENT (STREET, DRIVEWAYS, ETC).
7. TRAFFIC SHALL BE MAINTAINED AT ALL TIMES UNLESS PRIOR AUTHORIZATION FOR CLOSURE, DETOUR, ETC. IS RECEIVED FROM THE CITY.
8. CONTRACTOR IS RESPONSIBLE FOR ENSURING ALL SIDEWALKS MEET OR EXCEED THE CURRENT AMERICAN WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES (ADA) AND THE TEXAS ACCESSIBILITY STANDARDS (TAS). THE CONTRACTOR SHALL REMOVE AND REPAIR ANY CONSTRUCTION OR INSTALLED ITEMS NOT MEETING THE CURRENT ADA AND TAS ACCESSIBILITY STANDARDS (TAS).
9. A GEOTECHNICAL INVESTIGATION IS REQUIRED FOR ALL PAVEMENT AREAS. THE GEOTECHNICAL INVESTIGATION SHOULD INCLUDE, BUT NOT BE LIMITED TO, LIME STABILIZATION, SOIL MOISTURE REQUIREMENTS AND PAVEMENT SECTION RECOMMENDATION. LIME STABILIZATION, DENSITY AND MOISTURE LEVELS TO BE BASED UPON RESULTS OF GEOTECHNICAL INVESTIGATION. CITY STANDARDS SHOULD BE CONSIDERED A MINIMUM REQUIREMENT.
10. ALL PAVEMENT AREAS SHALL BE CONSTRUCTED TO THE MINIMUM PAVEMENT THICKNESS INDICATED ON THE GEOTECHNICAL INVESTIGATION REPORT. ANY ADDITIONAL THICKNESS SHALL BE NO LESS THAN 1".
11. PAVEMENT SURFAGE SHALL BE TESTED EVERY 300 LINEAL FEET OR 250 SQUARE YARDS OF PAVEMENT AREA AT LOCATIONS SPECIFIED BY THE CITY INSPECTOR. MORE FREQUENT TESTING MAY BE REQUIRED IF TESTING SHOWS SURFACE DOES NOT MEET SPECIFICATIONS. TESTING SHALL INCLUDE MOISTURE, THICKNESS, FIELD DENSITY AND GRADATION.
12. ALL TESTING SHALL BE WITNESSED BY CITY PERSONNEL.

EROSION CONTROL GENERAL NOTES

1. ALL EROSION CONTROL MEASURES TO REMAIN IN PLACE AND BE MAINTAINED UNTIL A MINIMUM OF 75% GRASS COVERAGE IS ACHIEVED.
2. EROSION CONTROL SHALL BE INSTALLED TO PREVENT SOIL FROM WASHING ONTO AND ACCUMULATING ON PAVED AREAS.
3. SWOPS IS THE RESPONSIBILITY OF THE CONTRACTOR. THIS INCLUDES ALL REPORTING AND MAINTENANCE OF THE EROSION CONTROL MEASURES.
4. MAINTENANCE SHALL INCLUDE:
 - 4.1. VEGETATION MANAGEMENT
 - 4.1.1. VEGETATION MANAGEMENT
 - 4.1.2. DEBRIS REMOVAL
 - 4.1.3. MECHANICAL EQUIPMENT CHECK
 - 4.1.4. MECHANICAL EQUIPMENT CHECK
 - 4.2.1. BANK STABILIZATION
 - 4.2.2. SEDIMENT REMOVAL
 - 4.2.3. STRUCTURAL REPAIR AND REPLACEMENT
 - 4.2.4. STRUCTURAL REPAIR AND REPLACEMENT
- 4.5. ALL SPECIFICATIONS AND MAINTENANCE REQUIREMENTS OF PROPRIETARY DEVICES.

NOTES FOR CONSTRUCTION WITHIN THE NORTH TEXAS MUNICIPAL WATER DISTRICT EASEMENT

1. All construction within the North Texas Municipal Water District Easement shall be in accordance with the standards and specifications of the North Texas Municipal Water District. The contractor shall be responsible for obtaining all necessary permits and approvals from the North Texas Municipal Water District.
2. The contractor shall be responsible for obtaining all necessary permits and approvals from the North Texas Municipal Water District.
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35. The contractor shall be responsible for obtaining all necessary permits and approvals from the North Texas Municipal Water District.



MARCH 31 2021

2 8

GENERAL NOTES

ELEVON PHASE 1

OFF-SITE SANITARY SEWER

COLLIN COUNTY, TEXAS

USA JOB NO. 2017019.00

RECORD DRAWING

ALL INFORMATION SHOWN ON THESE PLANS IS THE PROPERTY OF USA PROFESSIONAL SERVICES GROUP, INC. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND BELONGS TO THE CONTRACTOR.

CRAIG SMILEY
USA PROFESSIONAL SERVICES GROUP, INC.
DATE: OCTOBER 12, 2021





LEGEND
 --- PROPOSED SANITARY SEWER
 --- PROPOSED SILT FENCE

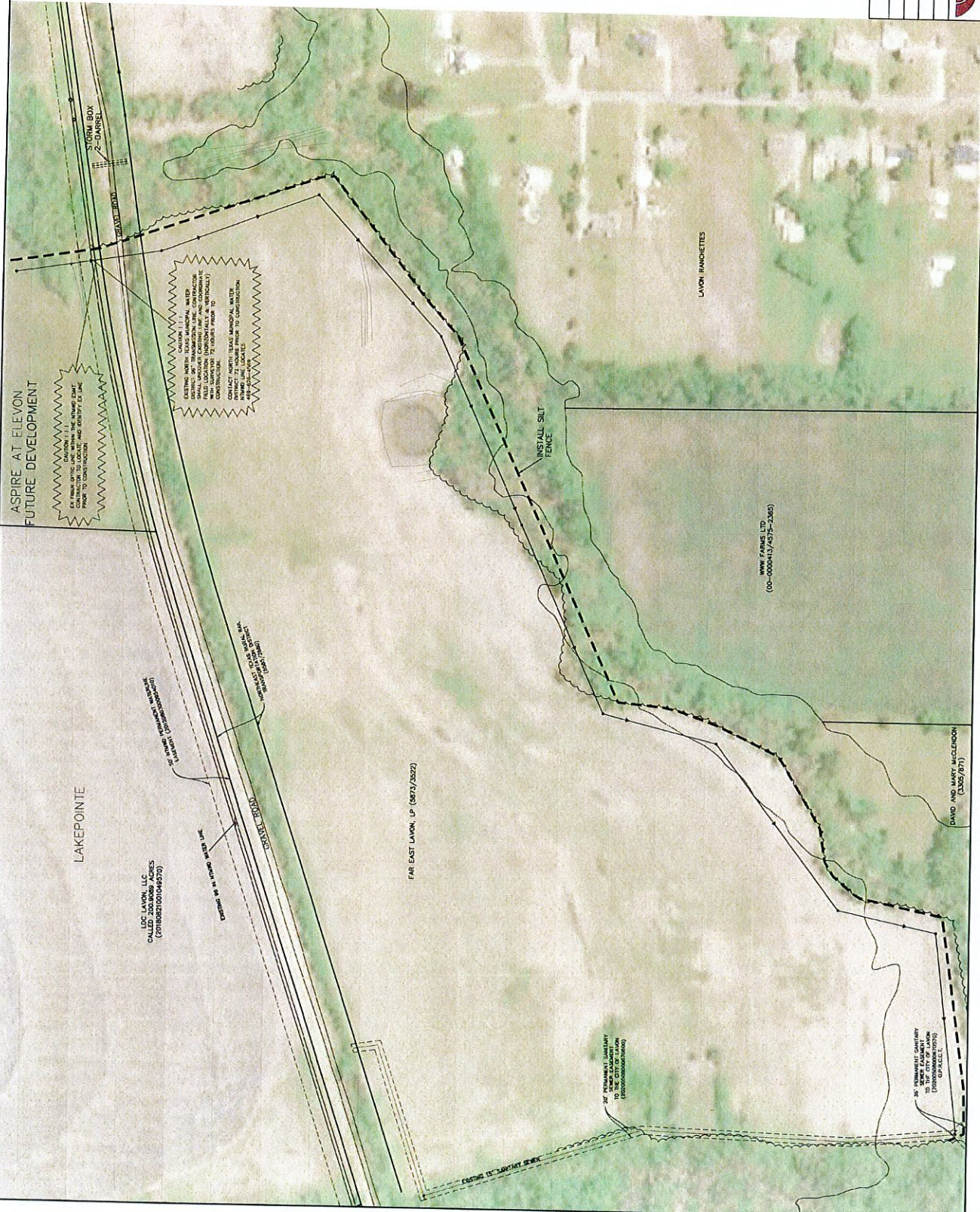
RECORD DRAWING
 ALL INFORMATION SHOWN ON THESE PLANS IS THE PROPERTY OF USA PROFESSIONAL SERVICES GROUP, INC. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCURACY BELONGS TO THE CONTRACTOR.
 CRAIG SMILEY
 USA PROFESSIONAL SERVICES GROUP, INC.
 OCTOBER 12, 2021
 DATE



3/8

MARCH 31, 2021

EROSION CONTROL PLAN	DATE
ELEVON PHASE 1	
OFF-SITE SANITARY SEWER	
COLLIN COUNTY, TEXAS	
USA JOB NO.	2017019.00



December 2, 2021

Ms. Kim Dobbs
City of Lavon
120 School Road
Lavon, TX 75166

Re: Elevon Phase 1A/1B Offsite Sewer
Final Acceptance

Dear Ms. Dobbs:

A final walkthrough of the Development was conducted with representatives of the Developer, Contractor, Design Engineer, and City Inspector. A "punch list" was created to identify items that required completion prior to final acceptance.


All punch list items, except for removal of debris piles, have been addressed. The sewer line will not be placed into service until completion of Phase 1A/1B.

Record Drawings (.pdf) have been provided. Hard copies are to be delivered to the City.

We recommend acceptance of Elevon Phase 1A/1B Offsite Sewer subject to completion of the debris pile removal and acceptance of Section 1, Phase 1A/1B.

If there are any questions, please contact me at 214-503-0555 x115 or by email at mdhill@fmi-dallas.com.

Sincerely,
FREEMAN-MILLICAN, INC.



Mark D. Hill, P.E.
Consulting City Engineer

Cc: David Carter

F:\17024 - LAV General Servies\9 - Review\Elevon\Offsite Sewer\Elevon Offsite Sewer - Final Acceptance.docx



CITY OF LAVON Agenda Brief

MEETING: December 7, 2021

ITEM: 6 – F

Item:

Discussion and action regarding Resolution No. **2021-12-04** determining the costs of certain authorized improvements to be financed by the Elevon Public Improvement District; approving a Preliminary Service Plan and Assessment Plan, including proposed Assessment Rolls; calling a meeting and noticing a public hearing for January 4, 2022 to consider an ordinance levying assessments on property located within the Elevon Public Improvement District; directing the filing of the proposed Assessment Rolls with the City Secretary to make available for public inspection; directing city staff to publish and mail notice of said public hearing; and resolving other matters incident and related thereto.

Background:

On November 2, 2021, the City Council approved a resolution creating the Elevon Public Improvement District (PID) to finance specific public improvements for the benefit of the property.

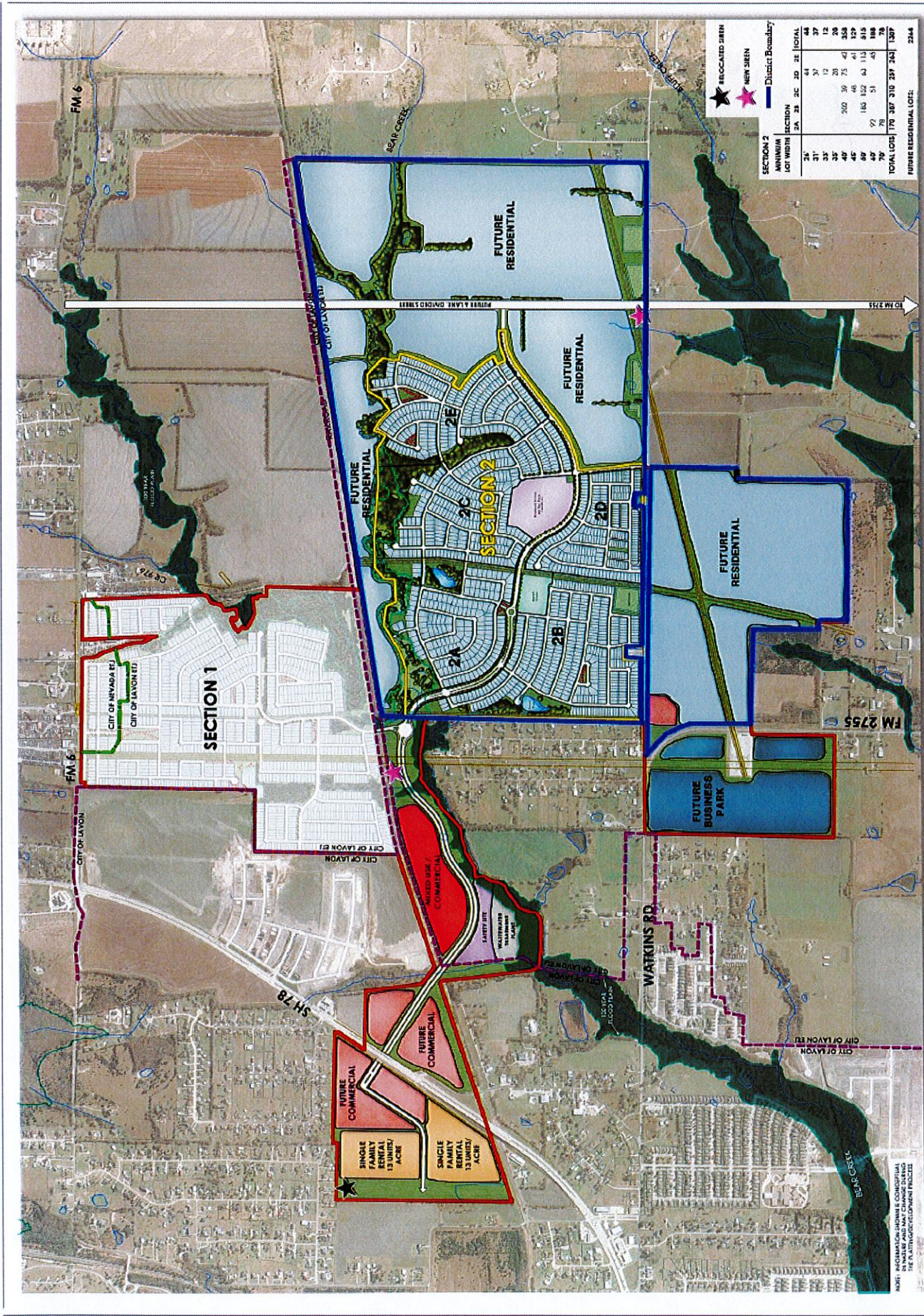
A Preliminary Service Plan and Assessment Plan has been prepared that sets forth the estimated total costs of the improvements, includes the proposed assessment rolls, and establishes the assessments to be levied against the property.

The Resolution sets a public hearing regarding the matters on January 4, 2022.

Staff Notes:

The developer and city's consulting teams have reviewed and approved the proposed resolution form. Approval is recommended.

Attachment: Proposed Resolution
Location Exhibit
Steps



SECTION 2		District Boundary									
MINIMUM LOT WIDTH	SECTION	2A	2B	2C	2D	2E	2F	2G	2H	2I	TOTAL
24'		54	54	54	54	54	54	54	54	54	54
31'		37	37	37	37	37	37	37	37	37	37
33'		12	12	12	12	12	12	12	12	12	12
35'		20	20	20	20	20	20	20	20	20	20
40'		300	30	75	42	358					
45'		66	66	66	66	66	66	66	66	66	66
46'		185	152	64	113	415					
48'		97	51	51	51	51	51	51	51	51	51
49'		78									
70'											
TOTAL LOTS		170	387	310	287	243					1307
FUTURE RESIDENTIAL LOTS:		2344									

CONCEPT PLAN **JBI**
LAYON/COLLIN COUNTY, TEXAS PARTNERS

ELEVON

MA PARTNERS

**Schedule of Events for the Creation of a Public Improvement District
and Levy of Assessments**
Chapter 372, Local Government Code (the "Act")

Creation:

1. Petition of Property Owners to create PID is filed with the City Secretary (petition may be initiated by City or property owners)
2. Verification by City Secretary that Petition meets requirements of the Act
3. City Council receives petition and calls public hearing
4. Notice of public hearing published (before the 15th day before the date of the hearing)
5. Notice of public hearing mailed to property owners (before the 15th day before the date of the hearing)
6. Public hearing on creation of PID⁽¹⁾
7. Resolution creating PID⁽¹⁾
8. Publication of Resolution (in its entirety) (20 day, from date of publication, referendum period before construction of PID funded improvements may begin)

Assessment:

9. Appraisal of benefits
10. Preparation of proposed assessment roll
11. Proposed assessment roll approved by City Council and filed with City Secretary
12. City Council calls public hearing on assessment roll⁽¹⁾
13. Notice of public hearing published (before the 10th day before the date of the hearing)
14. Notice of public hearing mailed to property owners by City Secretary upon filing of proposed assessment roll (before the 10th day before the date of the hearing)
15. Public hearing on proposed assessment roll⁽²⁾
16. Ordinance levying assessments⁽²⁾
17. Assessment ordinance filed in County real property records

(1) May be scheduled and occur at the same meeting.

(2) May be scheduled and occur at the same meeting.

CITY OF LAVON, TEXAS

RESOLUTION NO. 2021-12-04

Elevon PID – Cost Determination

A RESOLUTION OF THE CITY OF LAVON, TEXAS DETERMINING THE COSTS OF CERTAIN AUTHORIZED IMPROVEMENTS TO BE FINANCED BY THE ELEVON PUBLIC IMPROVEMENT DISTRICT; APPROVING A PRELIMINARY SERVICE PLAN AND ASSESSMENT PLAN, INCLUDING PROPOSED ASSESSMENT ROLLS; CALLING A REGULAR MEETING AND NOTICING A PUBLIC HEARING FOR *JANUARY 4, 2022* TO CONSIDER AN ORDINANCE LEVYING ASSESSMENTS ON PROPERTY LOCATED WITHIN THE ELEVON PUBLIC IMPROVEMENT DISTRICT; DIRECTING THE FILING OF THE PROPOSED ASSESSMENT ROLLS WITH THE CITY SECRETARY TO MAKE AVAILABLE FOR PUBLIC INSPECTION; DIRECTING CITY STAFF TO PUBLISH AND MAIL NOTICE OF SAID PUBLIC HEARING; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO.

RECITALS

WHEREAS, the Public Improvement District Assessment Act, Texas Local Government Code, Chapter 372, as amended (the "Act") authorizes the governing body (the "City Council") of the City of Lavon, Texas (the "City") to create a public improvement district in the City's extraterritorial jurisdiction; and

WHEREAS, on October 19, 2021, the City Council conducted a public hearing to consider a petition received by the City on September 20, 2021 titled "Petition for the Creation of a Public Improvement District within The Extraterritorial Jurisdiction of the City of Lavon, Texas, for the Elevon Public Improvement District" requesting the creation of a public improvement district and continued the public hearing to November 2, 2021; and

WHEREAS, on November 2, 2021, the City Council approved Resolution No. 2021-11-07 (the "Authorization Resolution"), authorizing, establishing and creating the Elevon Public Improvement District (the "District"); and

WHEREAS, the City authorized the creation of the District and the issuance of up to \$250,000,000.00 in bonds for the District to finance certain public improvements authorized by the Act for the benefit of the property within the District (the "Authorized Improvements"); and

WHEREAS, the City Council and the City staff have been presented a "Elevon Public Improvement District Preliminary Service and Assessment Plan", including the proposed assessment rolls attached thereto (the "Proposed Assessment Rolls") (collectively, the "Preliminary SAP"), a copy of which is attached hereto as **Exhibit A** and is incorporated herein for all purposes; and

WHEREAS, the Preliminary SAP sets forth the estimated total costs of certain Authorized Improvements to be financed by the District for the initial phase of development and the zone and offsite improvements allocable to Zone 1 in the District, and the Proposed Assessment Rolls state the assessments proposed to be levied against each parcel of land in the District as determined by the method of assessment and apportionment chosen by the City; and

WHEREAS, the Act requires that the Proposed Assessment Rolls be filed with the City Secretary of the City (the "City Secretary") and be subject to public inspection; and

WHEREAS, the Act requires that a public hearing (the "Assessment Hearing") be called to consider proposed assessments and requires the City Council to hear and pass on any objections to the proposed assessments at, or on the adjournment of, the Assessment Hearing; and

WHEREAS, the Act requires that notice of the Assessment Hearing be mailed to property owners liable for assessment and published in a newspaper of general circulation in the City and in the part of the extraterritorial jurisdiction of the City in which the District is located or in which the Authorized Improvements are to be undertaken before the tenth (10th) day before the date of the Assessment Hearing.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS AS FOLLOWS:

SECTION 1. THAT the recitals set forth above in this Resolution are true and correct and are hereby adopted as findings of the City Council and are incorporated into the body of this Resolution as if fully set forth herein.

SECTION 2. THAT the City Council does hereby accept the Preliminary SAP for the District, including the Proposed Assessment Rolls, a copy of which is attached hereto as **Exhibit A** and is incorporated herein for all purposes. All capitalized terms not otherwise defined herein shall have the meanings given to such terms in the Preliminary SAP.

SECTION 3. THAT the City Council hereby determines that the total costs of the Zone 1 Remainder Area Projects (as defined in the Preliminary SAP) to be financed by the District are as set forth in Exhibit B and the total costs of the Improvement Area #1 Projects (as defined in the Preliminary SAP) to be financed by the District are as set forth in Exhibit B of the Preliminary SAP, which costs include the payment of expenses incurred in the administration of the District or related to the issuance of any bonds.

SECTION 4. THAT the City Council's final determination and approval of the costs of the Zone 1 Remainder Area Projects and the Improvement Area #1 Projects, or any portion thereof, shall be subject to and contingent upon City Council approval of a final Service and Assessment Plan which will include final Assessment Rolls, after the properly noticed and held Assessment Hearing.

SECTION 5. THAT the Proposed Assessment Rolls state the assessment proposed to be levied against each parcel of land in the District as determined by the method of assessment chosen by the City in the Authorization Resolution and as more fully described in the Preliminary SAP.

SECTION 6. THAT the City Council expressly defers the levy of assessments against property within future phases for phase-specific improvements that will benefit only the property within each subsequent phase until such time as the costs of such phase-specific improvements can be determined with certainty as referenced in the Preliminary SAP.

SECTION 7. THAT the City Council hereby authorizes and directs the filing of the Proposed Assessment Rolls with the City Secretary and the same shall be available for public inspection.

SECTION 8. THAT the City Council hereby authorizes, and calls, a meeting and a public hearing (the Assessment Hearing as defined above) to be held on *January 4, 2022 at 7:00 p.m., in the City Council Chamber, at Lavon City Hall, 120 School Road, Lavon, Texas 75166* , or such other location as designated by the City and noticed pursuant to the Act, at which the City Council shall, among other actions, hear and pass on any objections to the proposed assessments; and, upon the adjournment of the Assessment Hearing, the City Council will consider an ordinance levying the assessments as special assessments on property within the District (which ordinance shall specify the method of payment of the assessments).

SECTION 9. THAT the City Council hereby authorizes and directs the City Secretary to publish notice of the Assessment Hearing to be held on *January 4, 2022*, in substantially the form attached hereto as **Exhibit B** and incorporated herein for all purposes; provided however, that the location is subject to change as designated by the City, in a newspaper of general circulation in the City and the extraterritorial jurisdiction of the City, on or before December 24, 2021, which is before the tenth (10th) day before the date of the Assessment Hearing, as required by Section 372.016(b) of the Act.

SECTION 10. THAT when the Proposed Assessment Rolls are filed with the City Secretary, the City Council hereby authorizes and directs the City Secretary to mail to owners of property liable for assessment notice of the Assessment Hearing to be held on *January 4, 2022*, on or before December 24, 2021, as required by Section 372.016(c) of the Act.

SECTION 11. THAT City staff is authorized and directed to take such other actions as are required (including, but not limited to, notice of the public hearing as required by the Texas Open Meetings Act) to place the public hearing on the agenda for the *January 4, 2022* meeting of the City Council.

SECTION 12. THAT this Resolution shall become effective from and after its date of passage in accordance with law.

PASSED AND APPROVED on this the 7th day of December, 2021.

ATTEST:

Vicki Sanson, Mayor

Rae Norton, City Secretary

EXHIBIT A

PRELIMINARY AMENDED SERVICE AND ASSESSMENT PLAN

The Preliminary Amended Service and Assessment Plan may be downloaded at www.cityoflavon.com, obtained from or inspected at the City Secretary's Office at 120 School Rd., Lavon, TX, by contacting cityhall@lavontx.gov or by calling 972-843-4220.

EXHIBIT B
CITY OF LAVON, TEXAS
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT a public hearing will be conducted by the City Council of Lavon, Texas on *January 4, 2022 at 7:00 p.m., in the City Council Chamber, at Lavon City Hall, 120 School Road, Lavon, Texas 75166*. The public hearing will be held to consider proposed assessments to be levied against the assessable property within the Elevon Public Improvement District (the "District") pursuant to the provisions of Chapter 372 of the Texas Local Government Code, as amended (the "Act").

The general nature of the proposed public improvements (collectively, the "Authorized Improvements") may include: (i) street and roadway improvements, including related sidewalks, drainage, utility relocation, signalization, landscaping, lighting, signage, off-street parking and right-of-way; (ii) establishment or improvement of parks and open space, together with the design, construction and maintenance of any ancillary structures, features or amenities such as trails, playgrounds, walkways, lighting and any similar items located therein; (iii) sidewalks and landscaping, including entry monuments and features, fountains, lighting and signage; (iv) acquisition, construction, and improvement of water, wastewater and drainage improvements and facilities; (v) projects similar to those listed in subsections (i) - (iv) above authorized by the Act, including similar off-site projects that provide a benefit to the property within the District; (vi) special supplemental services for improvement and promotion of the district; (vii) payment of costs associated with operating and maintaining the public improvements listed in subparagraphs (i) - (vi) above; and (viii) payment of costs associated with developing and financing the public improvements listed in subparagraphs (i) - (vi) above, and costs of establishing, administering and operating the District. These Authorized Improvements shall promote the interests of the City and confer a special benefit upon the Property.

The total costs of the Zone 1 Remainder Area Projects and the Improvement Area #1 Projects, including the costs of creating the District and issuing the bonds, is approximately \$55,715,395, of which \$49,298,000 is proposed to be levied. The total costs of Authorized Improvements to benefit future phases within the District cannot be determined with certainty at this time, but shall not exceed an additional \$200,702,000 in assessments levied.

The boundaries of the District include approximately *982.719 acres of land generally located east of Highway 78 and being wholly located within the extraterritorial jurisdiction of the City*, and as more particularly described by a metes and bounds description available at Lavon City Hall located at 120 School Road, Lavon, Texas 75166 and available for public inspection.

All written or oral objections on the proposed assessment within the District will be considered at the public hearing.

A copy of the Zone 1 Remainder Area Assessment Roll and the Improvement Area #1 Assessment Roll, (collectively, the "Assessment Rolls"), which Assessment Rolls include the assessments to be levied against each parcel in the District for the Improvement Area #1 Projects and the Zone 1 Remainder Area Projects, is available for public inspection at the office of the City Secretary, 120 School Road, Lavon, Texas 75166.



CITY OF LAVON Agenda Brief

MEETING: December 7, 2021

ITEM: 6 – G

Item:

Presentation, discussion and action regarding the preliminary concepts and highlights of the Comprehensive Plan update.

Background:

In November 2019, after substantial public participation, the City Council adopted a Community Vision Assessment (CVA), which included a Strategic Plan and Comprehensive Plan Foundations. The Comprehensive Plan Foundations contained updates of the Future Land Use Plan and Master Thoroughfare Plan, among other high-level assessments and strategies. The CVA was a preliminary step and bridge to a more detailed update of the full Comprehensive Plan adopted in 2013. The CVA process resulted in the collection of valuable input from residents and key stakeholders regarding their desires for the city and provided a strong starting point for the revision and update to the Comprehensive Plan.

The Strategic Plan identified several goals, one of which is to update the Comprehensive Plan.

Goal #5 of the 2019-2021 Two-Year Goals

Adopt an update(s) to the Comprehensive Plan

Excerpt: Texas Local Government Code

Section 213.003

Sec. 213.003. ADOPTION OR AMENDMENT OF COMPREHENSIVE PLAN. (a) A comprehensive plan may be adopted or amended by ordinance following:

- (1) a hearing at which the public is given the opportunity to give testimony and present written evidence; and
 - (2) review by the municipality's planning commission or department, if one exists.
- (b) A municipality may establish, in its charter or by ordinance, procedures for adopting and amending a comprehensive plan.

Goal #5 states: “Community input is important in updates and should be utilized in strategies for the Plan. Completing the update process will include:

- Finishing the Community Vision Assessment (this Document)
- Identifying Workflow and Resources to Complete the Comprehensive Plan
- Preparing Content for the Update(s)
- Reviewing & Approving the Update(s)”

The end result will be a full Comprehensive Plan that provides clear concise direction and a decision-making framework for development policy, City services, and projects including land use, transportation, public and private facilities (including streets and utilities), and parks and trails. A Comprehensive Plan typically provides direction for a 10 to 20-year period and should receive a considered review and possible update every three years during periods of growth.

Updating the Comprehensive Plan is a project in support of the 2020-2025 Capital Improvements Plan. Abra Nusser, AICP, with Peloton Land Solutions was engaged to provide professional planning services to guide the process and prepare the update. In January 2021, the City Council designated the Planning and Zoning Commission as the Comprehensive Plan Advisory Committee (CPAC) and the process to update the Comprehensive Plan was formally kicked off. Over the past year, the drafting of the Plan documents has been somewhat delayed in deference to various development projects in progress, most notably the Elevon project, as well as working with Collin County on our coordination for major future roadway improvements through our area. Our due diligence and coordination will ensure preparation of a relevant Plan that captures the most recent development and design considerations.

On the City’s website www.cityoflavon.com, on the Land Use and Development page, the 2013 Comprehensive Plan can be downloaded [here](#) and the 2019 Community Vision Assessment (CVA) can be downloaded [here](#). The project website for the Comprehensive Plan Update is www.PlanLavon.com, which is also being employed with the concurrent Parks and Recreation Master Plan effort.

The preliminary Comprehensive Plan concepts and highlights were presented to the CPAC on November 30, 2021. Ms. Nusser will lead this interactive presentation to obtain important feedback from the City Council.

Tentative Comprehensive Plan Update Timeline <i>subject to change as needed</i>	
Nov 30	Present Draft Concepts and Highlights to the CPAC
Nov 31-Dec 6	Revisions to Draft Concepts and Highlights incorporating CPAC feedback if applicable
Dec 7	Present Concepts and Highlights to the City Council
Dec 8-14	Revisions to Comprehensive Plan incorporating City Council feedback if applicable
Dec 15-Jan 1	On-Demand Community Forum – Virtual on PlanLavon.com
Jan 1-31	Incorporate public input from Virtual Forum if applicable
Feb 1-15	Post full draft Comprehensive Plan online for review and comment
Feb 22	Present Draft Comprehensive Plan and conduct public hearing at Planning & Zoning Commission
Mar 15	Present updated Draft Comprehensive Plan and conduct public hearing before City Council for adoption

If there are any questions, please contact City Staff.