



**MINUTES  
FEBRUARY 5, 2019  
CITY OF LAVON  
CITY COUNCIL AND  
PLANNING AND ZONING COMMISSION  
SPECIAL MEETING - JOINT WORK SESSION  
CITY HALL, 120 SCHOOL ROAD, LAVON, TEXAS  
7:00 PM**

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**ATTENDING THE WORK SESSION**

CITY COUNCIL

VICKI SANSON, MAYOR  
KAY WRIGHT, MAYOR PRO TEM, PLACE 3  
TED DILL, PLACE 4  
MINDI SERKLAND, PLACE 5

ABSENT - MIKE COOK, PLACE 2  
JOHN KELL, PLACE 1

PLANNING AND ZONING COMMISSION

DAVID ROSENQUIST, CHAIRMAN, SEAT 5  
TOM ORMSBY, SEAT 4

ABSENT - BRAD TIEGS, SEAT 1  
DEBORAH NABORS, SEAT 2  
CYNTHIA COKER, SEAT 3

**ATTENDING THE CITY COUNCIL REGULAR MEETING**

VICKI SANSON, MAYOR  
KAY WRIGHT, MAYOR PRO TEM, PLACE 3  
TED DILL, PLACE 4  
MINDI SERKLAND, PLACE 5

1. **MAYOR SANSON CALLED THE JOINT WORKS SESSION OF THE CITY COUNCIL AND PLANNING AND ZONING COMMISSION TO ORDER AT 7:00 P.M. AND ANNOUNCED A QUORUM OF THE CITY COUNCIL WAS PRESENT AND THAT A QUORUM OF THE PLANNING AND ZONING COMMISSION WAS NOT PRESENT.**

*It was noted that a meeting of the Planning and Zoning Commission would not occur and no action would be considered; however, the Commission members present could participate in the work session.*

2. **MAYOR SANSON LED THE RECITATION OF THE PLEDGE OF ALLEGIANCE AND PLANNING AND ZONING CHAIRMAN DAVID ROSENQUIST DELIVERED AN INVOCATION.**

Mayor Sanson announced item 7.B. would be taken out of order as a courtesy to the applicant.

**7. ITEMS FOR CONSIDERATION**

- B. Discussion and action regarding an application for an appeal of Section 9.01.001 Public Works Construction of the Code of Ordinances that requires storm drain culverts to be installed with reinforced concrete pipe (RCP) to permit the application to install a tin or metal pipe at 436 Wolf Run Court, requested by Brandon Miller.**

City Administrator Kim Dobbs provided information regarding the request to the Council and introduced homeowner Brandon Miller. Mr. Miller stated that after calling several contractors he has been quoted more than \$4600 for a construction company to build the culvert to the specifications in the Code of Ordinances. He requested to use metal or tin piping instead. Council Member Serkland stated it was her experience that many cities require this and she knows it can be costly. Council Member Dill asked if concrete was required all the way through and Public Works Director Mancias stated it was. Council Member Wright observed that all of the driveways on Wolf Run had concrete drain culverts. Ms. Dobbs informed the Council that the updated Construction Standards were adopted within the last year.

**MOTION: DENY THE APPLICATION FOR APPEAL OF SECTION 9.01.001 PUBLIC WORKS CONSTRUCTION OF THE CODE OF ORDINANCES THAT REQUIRES STORM DRAIN CULVERTS TO BE INSTALLED WITH REINFORCED CONCRETE PIPE (RCP) TO PERMIT INSTALLATION OF TIN OR METAL PIPE AT 436 WOLF RUN.**

MOTION MADE: WRIGHT

SECONDED: DILL

APPROVED: UNANIMOUS

Absent: Kell, Cook

### **3. JOINT WORK SESSION**

**Receive presentation and discussion regarding a proposed 1500+acre development, located in the city limits and extraterritorial jurisdiction of the City, generally situated south of FM 6, southeast of SH 78 and north of FM 2755 with a portion also situated adjacent to both sides of SH 78 north of Moore Lane and east of Lake Road; the developers vision for the project and what the community values and desires for the City in relation to the proposed project known as Abston Hills; requested by John Marlin, MA Partners, LLC.**

Ms. Dobbs provided information regarding the purpose of the work session and the location of the proposed 1500 acre development, Abston Hills Development, presently located in the city limits and extraterritorial jurisdiction of the city and introduced developer John Marlin, MA Partners.

Mr. Marlin recounted that he last met in a joint work session with the City Council and Planning and Zoning Commission on June 26, 2018 regarding the development that would ultimately be annexed into the city. Mr. Marlin provided an update on the project including information regarding architectural features and requirements for the homes. Sharing information on his background and master planned developments he has built in Lake Tahoe, North Carolina and Austin, Mr. Marlin stated he will create a sense of place and a culture that sets the bar high. Jerry Silo, JBI Engineering spoke about the development's commitment to open spaces and amenities including pocket parks and trails.

Mayor Sanson opened the floor for questions and comments from the City Council and Planning and Zoning Commission.

Mr. Rosenquist asked if Mr. Marlin had spoken with the developers of the proposed LakePointe Development. Mr. Marlin confirmed that the developers are working together on transportation and sewer planning efforts. Mr. Ormsby stated that "Change is not painful; it's the resistance of change that is," and stated support for the project in general.

There being no further comments or questions from the Council and Commission, Mayor Sanson opened the floor to questions from the public.

Roger Mazzaresse, 567 Avery Pt. asked who would be responsible for the PID? Mr. Marlin explained the residents of Abston Hills would be responsible for the PID. Mr. Mazzaresse also asked about the multifamily uses in the development. Mr. Marlin answered they expect to have apartments and possibly townhomes in the development.

Michael Gulino, 263 Bently Dr. asked about the area marked as mixed use, north of Moore St. Mr. Marlin explained the plan for the area and also stated they expected to provide road improvements to Moore Ln.

Joshua Murray, 1762 Lake Rd. asked if each Phase have its own PID. Mr. Marlin explained that each phase will have its own PID. Mr. Marlin explained that the State law is very specific as to how PID funds can be used. Mr. Marlin estimated that the initial phase would cost \$50 million of which the PID would cover \$17 million.

There being no further questions or comments, Mayor Sanson expressed appreciation to all who attended and participated in the work session.

**MAYOR SANSON ADJOURNED THE WORK SESSION AT 8:30 P.M. AND CALLED THE CITY COUNCIL MEETING TO ORDER AT 8:37 P.M.**

#### 4. CITIZENS COMMENTS

There were no citizen comments.

#### 5. ITEMS OF INTEREST

- CISD Father Daughter Dance 2/9/2019
- Boy Scouts Pinewood Derby 2/10/2019
- GH HOA Sweet Heart Gala 2/16/2019
- EDC Spring Bazaar 4/13/2019
- Breakfast with the Bunny at City Hall 4/20/2019

#### 6. CONSENT AGENDA

- A. Approve the minutes of the January 15, 2019 meeting.
- B. Approve the minutes of the January 22, 2019 meeting.
- C. Receive City of Lavon Police Department 2018 Racial Profile Report.

**MOTION: APPROVE THE CONSENT AGENDA, AS PRESENTED.**

MOTION MADE: WRIGHT

SECONDED: SERKLAND

APPROVED: UNANIMOUS

Absent: Kell, Cook

#### 7. ITEMS FOR CONSIDERATION

- A. **Public Hearing, discussion and action regarding applications submitted by Von Custom Signs on behalf of owner O'Reilly Auto Enterprises, LLC for: (1) a variance to Section 4.05.008 (b)(3) "Approved signs and standards" of the Code of Ordinances, that provides for a wall sign of maximum 60 square feet to permit a wall sign of 69 square feet in area; and (2) a variance to Section 4.05.008 (b)(1)(A), "Approve signs and standards" of the Code of Ordinances that requires that a freestanding sign shall be a monument sign with a maximum height of 6 feet to permit a pole sign with a height of 24 feet at 890 South SH 78, Lavon, Texas.**

##### **Presentation of Request.**

Ms. Dobbs explained that the applicant is seeking two variances to Section 4.05.008 (b) of the Code of Ordinances, Signs and noted that the property is zoned for mixed use in the Grand Heritage Planned Development (PD). Ms. Dobbs detailed the Approved Signs and Standards and the details of the variances requested. John Von, Von Custom Signs presented the requests and explained the need for a larger wall sign due to the size of the building and further stated that for better visibility they would like a pole sign to make the location more noticeable. Mr. Von clarified that the variance application indicated a pole sign of 24' height, but that the elevations were submitted for a 20' height which was the desired height.

##### **PUBLIC HEARING to receive comments regarding the request.**

Mayor Sanson opened the public hearing at 8:46 p.m. and invited comments for or against the request. The following spoke in opposition to the request for a pole sign: Joshua Murray, 1762 Lake Rd.; David Rosenquist, 935 Lakeridge; and Rick Mann, 8311 Private Rd. 5397. There being no further comments Mayor Sanson closed the public hearing at 8:47 p.m.

##### **Discussion and action regarding the request.**

Ms. Serkland asked if and Mr. Von confirmed that the request for the extra 9 sq. ft provided for the standard O'Reilly logo sign. Mr. Dill asked if the Wylie O'Reilly's had a monument sign and Mr. Von stated yes and added that he felt it was difficult to see. Ms. Wright stated she was in favor of the sign variance for the wall sign, but would not support a pole sign. Mayor Sanson asked Mr. Von what height he would make a monument sign and he replied that a 6 ft. sign is difficult to see and would like to have it at least 8 ft. in height if he had to have a monument sign.

Ms. Dobbs explained that only the items before the Council for the wall sign and the pole sign could be considered and that a variance to the regulations pertaining to a monument sign would require a separate application and public hearing.

**MOTION: APPROVE A VARIANCE TO SECTION 4.05.008 (B)(3) "APPROVED SIGNS AND STANDARDS" OF THE CODE OF ORDINANCES, THAT PROVIDES FOR A WALL SIGN OF MAXIMUM 60 SQUARE FEET TO PERMIT A WALL SIGN OF 69 SQUARE FEET IN AREA; AND FURTHER DENY A VARIANCE TO SECTION 4.05.008 (B)(1)(A), "APPROVE SIGNS AND STANDARDS" OF THE CODE OF ORDINANCES THAT REQUIRES THAT A FREESTANDING SIGN SHALL BE A MONUMENT SIGN WITH A MAXIMUM HEIGHT OF 6 FEET TO PERMIT A POLE SIGN.**

MOTION MADE: WRIGHT  
SECONDED: DILL  
APPROVED: UNANIMOUS  
Absent: Kell, Cook

**C. Discussion and action regarding Ordinance No. 2019-02-01 amending Ordinance No. 2014-05-02 providing for a general homestead exemption in accordance with state law.**

Ms. Dobbs explained that in September 2018 Texas Attorney General Ken Paxton issued Opinion No. KP-0215 finding that a city cannot legally adopt a residential homestead exemption that provides for a minimum exemption amount greater than \$5000. Ms. Dobbs stated that the opinion is not binding and does not carry the force of law; however, it provides an interpretation of the law and what could likely happen if it were challenged. The city attorney and general counsel for the Collin County Appraisal District reviewed the city ordinance and KP-0215 and both advised that the City of Lavon should amend the current adopted homestead exemption to comply with the attorney general's interpretation of the state law. Ms. Dobbs clarified that the amendment would not affect current or prior taxes and would go into effect for the coming year.

**MOTION: APPROVE ORDINANCE NO. 2019-02-01 AMENDING ORDINANCE NO. 2014-05-02 PROVIDING FOR A GENERAL HOMESTEAD EXEMPTION IN ACCORDANCE WITH STATE LAW.**

MOTION MADE: SERKLAND  
SECONDED: WRIGHT  
APPROVED: UNANIMOUS  
Absent: Kell, Cook

**D. Discussion and action regarding Ordinance No. 2019-02-02 amending Article 2.04, "Departments of the City"; Article 6.02, "Volunteer Fire Department": of the Code of Ordinances; and Article VII "Officer and Member Qualifications" of the Bylaws of the Lavon Volunteer Fire Department, as amended to update the potential organizational structure of the department; providing a penalty; providing repealings, savings and severability clauses; providing for an effective date.**

Ms. Dobbs recapped information regarding the organization of the Lavon Volunteer Fire Department (LVFD) and recent staffing changes. Ms. Dobbs explained that proposed amendments to the Code of Ordinances and the Bylaws lay a foundation for the potential options for maximizing the city's resources for the greatest benefit with respect to fire services.

**MOTION: APPROVE ORDINANCE NO. 2019-02-02 AMENDING ARTICLE 2.04, "DEPARTMENTS OF THE CITY"; ARTICLE 6.02 "VOLUNTEER FIRE DEPARTMENTS": OF THE CODE OF ORDINANCES; AND ARTICLE VII "OFFICER AND MEMBER QUALIFICATIONS" OF THE BYLAWS OF THE LAVON VOLUNTEER FIRE DEPARTMENT, AS AMENDED TO UPDATE THE POTENTIAL ORGANIZATIONAL STRUCTURE OF THE DEPARTMENT; PROVIDING A PENALTY; PROVIDING REPEALINGS, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE.**

MOTION MADE: DILL  
SECONDED: WRIGHT  
APPROVED: UNANIMOUS  
Absent: Kell, Cook

**E. Discussion and action regarding Resolution No. 2019-02-01 authorizing the Mayor to execute an Interlocal Cooperation Agreement with Collin County for the fire inspection and fire plan review services for commercial buildings and subdivisions.**

Ms. Dobbs explained that with recent staffing changes, she and Chief Jones reviewed the Fire Marshal program and determined the most feasible option was to contract for the service. Ms. Dobbs stated that of four proposals considered, contracting with the Collin County Fire Marshal provides the highest level of service in the most cost effective manner and that expected costs for the contract service will be provided for within the current budget levels.

**MOTION: APPROVE RESOLUTION NO. 2019-02-01 AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT WITH COLLIN COUNTY FOR THE FIRE INSPECTION AND FIRE PLAN REVIEW SERVICES FOR COMMERCIAL BUILDINGS AND SUBDIVISIONS.**

MOTION MADE: SERKLAND  
SECONDED: DILL  
APPROVED: UNANIMOUS  
Absent: Kell, Cook

**F. Discussion and action regarding Resolution No. 2019-02-02 authorizing the Mayor to execute a Letter of Engagement between the City of Lavon and P3 Works, LLC for consulting services related to the City of Lavon Heritage Tax Increment Reinvestment Zone No. 1.**

Ms. Dobbs explained that due to the complexity of the transactions and various agreements, the city staff recommends that the City Council retain P3 Works, LLC to work with staff and assist in organizing the process and identifying and executing appropriate obligations.

**MOTION: APPROVE RESOLUTION NO. 2019-02-02 AUTHORIZING THE MAYOR TO EXECUTE A LETTER OF ENGAGEMENT BETWEEN THE CITY OF LAVON AND P3 WORKS, LLC FOR CONSULTING SERVICES RELATED TO THE CITY OF LAVON HERITAGE TAX INCREMENT REINVESTMENT ZONE NO. 1.**

MOTION MADE: WRIGHT  
SECONDED: SERKLAND  
APPROVED: UNANIMOUS  
Absent: Kell, Cook

**G. Discussion and action regarding Resolution No. 2019-02-03 authorizing the Mayor to execute a letter of Engagement between the City of Lavon and Mike Ward Accounting and Financial Consulting, PLLC for the audit and preparation of the city's financial statements for the fiscal year ending September 30, 2019.**

Ms. Dobbs advised that Texas Local Government Code requires that the City's financial statements shall be audited annually by an independent certified public accountant ("CPA"). Criteria typically used to identify and select an auditing firm proposal include: audit experience, quality of service, reliability and proposed cost. Mike Ward Accounting and Financial Consulting, PLLC confirmed the engagement will include an audit of the Lavon Economic Development Corporation, the Heritage Public Improvement District #1, the Tax Increment Reinvestment Zone (TIF) Fund and the Lavon Volunteer Fire Department. The annual audit is expected to be conducted in accordance with the governmental auditing standards and fulfill the requirements set out in the state law.

**MOTION: APPROVE RESOLUTION NO. 2019-02-03 AUTHORIZING THE MAYOR TO EXECUTE A LETTER OF ENGAGEMENT BETWEEN THE CITY OF LAVON AND MIKE WARD ACCOUNTING AND FINANCIAL CONSULTING, PLLC FOR THE AUDIT AND**

**PREPARATION OF THE CITY'S FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2019.**

MOTION MADE: SERKLAND  
SECONDED: WRIGHT  
APPROVED: UNANIMOUS  
Absent: Kell, Cook

**H. Discussion and action regarding Resolution No. 2019-02-04 authorizing the Mayor to execute a Professional Services Agreement with Freeman Millican, Inc. for design services for the Bear Creek Trunk Sewer Project in an amount not to exceed \$233,250.00.**

Mark Hill, Freeman Millican Inc. (FMI) described the complex process of studying the sanitary sewer system and proposed Bear Creek Trunk Sewer Alignment in relation to prospective developments. The City has maintained that they will be responsible for designing the trunk line and overseeing the process of connection to the future sanitary sewer system.

**MOTION: APPROVE RESOLUTION NO. 2019-02-04 AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH FREEMAN MILLICAN, INC. FOR DESIGN SERVICES FOR THE BEAR CREEK TRUNK SEWER PROJECT, IN AN AMOUNT NOT TO EXCEED \$233,250.00.**

MOTION MADE: DILL  
SECONDED: WRIGHT  
APPROVED: UNANIMOUS  
Absent: Kell, Cook

**8. CITY TO SET FUTURE MEETINGS AND AGENDAS**

- 2/19/19 Public Hearing - Creation of PID for Lakepointe Development
- Budget/Staffing for future public safety services - Serkland

**9. MAYOR SANSON ADJOURNED THE MEETING AT 9:33 P.M.**

**DULY PASSED AND APPROVED** by the City Council of the City of Lavon, Texas, on this 19<sup>th</sup> day of February, 2019.



Vicki Sanson, Mayor

Attest:



Kim Dobbs, City Administrator | City Secretary

