



**MINUTES
AUGUST 3, 2021
LAVON CITY COUNCIL
REGULAR MEETING
CITY HALL, 120 SCHOOL ROAD, LAVON, TEXAS
6:00 P.M.**

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

1. **MAYOR SANSON CALLED THE MEETING TO ORDER AT 6:00 P.M. AND ANNOUNCED A QUORUM PRESENT.**
2. **MAYOR SANSON LED THE RECITATION OF THE PLEDGE OF ALLEGIANCE AND MR. DILL DELIVERED THE INVOCATION.**

ITEMS FOR CONSIDERATION

Mayor Sanson acknowledged a request that business relating to the Heritage Public Improvement District (PID) bonds be taken up first.

- 7G. Discussion and action regarding Ordinance No. 2021-08-06 considering all matters incident and related to the issuance, sale and delivery of "City of Lavon, Texas, Special Assessment Revenue Refunding Bonds, Series 2021 (Heritage Public Improvement District No. 1 (Residential) Zone 1)"; approving and authorizing an indenture of trust, a bond purchase agreement, an official statement, a continuing disclosure agreement, the 2021 annual update to the service and assessment plan for the Heritage Public Improvement District No. 1 (Residential) and other agreements and documents in connection therewith; making findings with respect to the issuance of such bonds; and providing an effective date.**

The City's Financial Advisor Jason Hughes, Hilltop Securities, Inc. provided detailed information and summarized the issuance of the refunding bonds and favorable savings to the City. City consulting professionals PID Administrator Mary Petty, P3 Works, Bond Counsel Greg Schaecher, McCall, Parkhurst & Horton, and Underwriter Tripp Davenport, FMS Bonds answered questions regarding the issuance and the benefit to owners of property in Zone 1. Ms. Petty presented information regarding the Updated Service and Assessment Plan. The City Council directed that the affected property owners be notified of the action and resulting reduction in assessments.

MOTION: APPROVE ORDINANCE NO. 2021-08-06 CONSIDERING ALL MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE AND DELIVERY OF "CITY OF LAVON, TEXAS, SPECIAL ASSESSMENT REVENUE REFUNDING BONDS, SERIES 2021 (HERITAGE PUBLIC IMPROVEMENT DISTRICT NO. 1 (RESIDENTIAL) ZONE 1)"; APPROVING AND AUTHORIZING AN INDENTURE OF TRUST, A BOND PURCHASE AGREEMENT, AN OFFICIAL STATEMENT, A CONTINUING DISCLOSURE AGREEMENT, THE 2021 ANNUAL UPDATE TO THE SERVICE AND ASSESSMENT PLAN FOR THE HERITAGE PUBLIC IMPROVEMENT DISTRICT NO. 1 (RESIDENTIAL) AND OTHER AGREEMENTS AND DOCUMENTS IN CONNECTION THEREWITH; MAKING FINDINGS WITH RESPECT TO THE ISSUANCE OF SUCH BONDS; AND PROVIDING AN EFFECTIVE DATE.

MOTION MADE: WRIGHT
SECONDED: KELL
APPROVED: UNANIMOUS (Absent: Cook, Serkland)

EXECUTIVE SESSION

At 6:14 p.m., in accordance with the Texas Government Code, Annotated, Subchapter 551, Subchapter D, Mayor Sanson recessed the meeting to go into executive session (closed meeting) to discuss the following items: (2) Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter including (i) for the provision of municipal services in an unincorporated area; and (ii) Elevon Development Agreement.

RECONVENE INTO REGULAR SESSION

In accordance with Texas Government Code, Section 551.001, et. Seq., Mayor Sanson reconvened the meeting at 6:34 p.m. and stated that no action was taken in Executive Session. No action was taken subsequent to the Executive Session.

ITEMS FOR CONSIDERATION

Mayor Sanson acknowledged a request that business relating to the LakePointe PID be taken up next.

7H. Discussion, and action regarding Resolution No. 2021-08-03 approving the 2021 Annual Service Plan Update for the LakePointe Public Improvement District.

Ms. Petty presented information regarding the Updated Annual Service Plan for LakePointe PID and provided a general status report on construction within the district and plans for the next phase of the PID.

MOTION: APPROVE RESOLUTION NO. 2021-08-03 APPROVING THE 2021 ANNUAL SERVICE PLAN UPDATE FOR THE LAKEPOINTE PUBLIC IMPROVEMENT DISTRICT.

MOTION MADE: KELL

SECONDED: DILL

APPROVED: UNANIMOUS (Absent: Cook, Serkland)

3. PRESENTATION-FINANCIAL STATEMENTS

Mike Ward, CPA, Accounting & Financial Consulting, PLLC presented the 2020 Financial Statements and Independent Audit Report. Mr. Ward stated that the audit resulted in an unmodified (“clean”) opinion indicating that the financial statements are presented fairly, in all material respects, in accordance with generally accepted accounting principles and added that this represents the best opinion possible. Mr. Ward reviewed the statements and acknowledged overall net growth in the City’s funds and financial position.

4. CITIZENS COMMENTS

There were none.

5. ITEMS OF INTEREST/COMMUNICATIONS

- Community ISD Back to School Bash-August 14, 2021 from 5:30pm-8:30pm.

- CISD first day of school is August 18, 2021 – City Administrator Kim Dobbs noted that a 4-way stop was being installed at NeSmith Elementary School to address traffic safety and circulation.

6. CONSENT AGENDA

- a. Approve the minutes of the July 20, 2021 meeting.**
- b. Approve Resolution No. 2021-08-01 calling a General Election for the purpose of electing the Mayor and two (2) Council Members, one (1) for Place 2, and one (1) for Place 4 to be held jointly with other political subdivisions and administered by the Collin County Elections Administrator on Tuesday, November 2, 2021 and providing for an effective date.**
- c. Approve Resolution No. 2021-08-02 approving and authorizing the Mayor to execute Contract Amendment No. Fifteen (15) to extend the Interlocal Agreement with Collin County for animal control and animal shelter services for a one (1) year period from October 1, 2021 to September 30, 2022; and providing for an effective date.**

MOTION: APPROVE THE CONSENT AGENDA.

MOTION MADE: DILL
SECONDED: WRIGHT
APPROVED: UNANIMOUS (Absent: Cook, Serkland)

7. ITEMS FOR CONSIDERATION

Mayor Sanson stated that the public hearing items would be deferred until 7:00 p.m., the published meeting starting time.

- F. Discussion and action regarding the preliminary plat of the Elevon Addition, Section 1- Phases 3 and 4 consisting of 472 single-family residential lots and 13 open space lots on 139.067 acres of land out of the Samuel M. Rainer Survey, Abstract No. 740, (CCAD Property ID 2829214), south of FM 6, east of LakePointe and north of the NETEX right of way in Abston Hills MUD 1-A, Collin County, Texas.**

Ms. Dobbs reviewed the preliminary plat and the Planning and Zoning Commission's report. The applicant's engineer Daniel Dewey, JBI Partners, provided information regarding the proposed preliminary plat.

MOTION: APPROVE THE PRELIMINARY PLAT OF THE ELEVON ADDITION, SECTION 1- PHASES 3 AND 4 CONSISTING OF 472 SINGLE-FAMILY RESIDENTIAL LOTS AND 13 OPEN SPACE LOTS ON 139.067 ACRES OF LAND OUT OF THE SAMUEL M. RAINER SURVEY, ABSTRACT NO. 740, (CCAD PROPERTY ID 2829214), SOUTH OF FM 6, EAST OF LAKEPOINTE AND NORTH OF THE NETEX RIGHT OF WAY IN ABSTON HILLS MUD 1-A, COLLIN COUNTY, TEXAS.

MOTION MADE: KELL
SECONDED: WRIGHT
APPROVED: UNANIMOUS (Absent: Cook, Serkland)

- A. Public hearing, discussion, and action regarding the property owner's petition for the voluntary annexation of 2.39 acres situated in the W.H. Moore Survey, A-0638, Tract 27 near 1009 S. SH 78, north and west of the intersection of SH 205 and SH 78, (CCAD Prop ID 2632625), and the portion of SH 78 right-of-way adjacent to and abutting the property, Collin County, Texas.**

Presentation of request.

Ms. Kim Dobbs provided information regarding proposed voluntary annexation requested by the property owner. Bill Burke, Collin County, spoke in favor of the petition.

PUBLIC HEARING to receive comments regarding the request.

Mayor Sanson opened the public hearing at 7:04 p.m. and invited comments for or against the proposed voluntary annexation. There being no comments, Mayor Sanson closed the hearing at 7:05 p.m.

Discussion and action regarding the request.

Mr. Burke provided information regarding the plans for and access points to the property.

MOTION: APPROVE ORDINANCE NO. 2021-08-01 ANNEXING 2.39 ACRES SITUATED IN THE W.H. MOORE SURVEY, A-0638, TRACT 27 NEAR 1009 S. SH 78, NORTH AND WEST OF THE INTERSECTION OF SH 205 AND SH 78, (CCAD PROP ID 2632625), AND THE PORTION OF SH 78 RIGHT-OF-WAY ADJACENT TO AND ABUTTING THE PROPERTY, COLLIN COUNTY, TEXAS.

MOTION MADE: WRIGHT
SECONDED: DILL
APPROVED: UNANIMOUS (Absent: Cook, Serkland)

- B. Public hearing, discussion, and action regarding the application to change the zoning district classification from temporary Agricultural (A) to Retail (R) on 2.39 acres proposed for annexation and situated in the W.H. Moore Survey, A-0638, Tract 27 near 1009 S. SH 78, north and west of the intersection of SH 205 and SH 78, (CCAD Prop ID 2632625), Lavon, Collin County, TX.**

Presentation of request.

Ms. Dobbs provided information regarding the request and the report of the Planning and Zoning Commission, noting that the request conforms to the Comprehensive Plan.

PUBLIC HEARING to receive comments regarding the request.

Mayor Sanson opened the public hearing at 7:10 p.m. and invited comments for or against the proposed zoning change. There being no comments, Mayor Sanson closed the hearing at 7:10 p.m.

Discussion and action regarding the request.

Mr. Burke, Collin County, provided information regarding the proposed development and use of the property. Ms. Dobbs noted that 10 neighbor notices were mailed, and none were returned in opposition to or in favor of the request.

MOTION: APPROVE ORDINANCE NO. 2021-08-03 APPROVING THE CHANGE TO THE ZONING DISTRICT CLASSIFICATION FROM TEMPORARY AGRICULTURAL (A) TO RETAIL (R) ON 2.39 ACRES PROPOSED FOR ANNEXATION AND SITUATED IN THE W.H. MOORE SURVEY, A-0638, TRACT 27 NEAR 1009 S. SH 78, NORTH AND WEST OF THE INTERSECTION OF SH 205 AND SH 78, (CCAD PROP ID 2632625), LAVON, COLLIN COUNTY, TX.

MOTION MADE: WRIGHT
SECONDED: KELL
APPROVED: UNANIMOUS (Absent: Cook, Serkland)

- C. Discussion, and action regarding Ordinance No. 2021-08-03 authorizing the sale of beer and wine for off-premise consumption pursuant to the authority of Texas Alcoholic Beverage Code, Section 251.725 on 2.39 acres situated in the W.H. Moore Survey, A-0638, Tract 27 near 1009 S. SH 78, north and west of the intersection of SH 205 and SH 78, (CCAD Prop ID 2632625); providing for a severability clause; providing for an effective date.**

Ms. Dobbs provided information regarding the extension of the local option for the sale of beer and wine for off-premise consumption. Mr. Burke, Collin County, provided information regarding providing for options for the frontage property, stating there are no immediate plans to subdivide or develop the front portion of the property.

MOTION: APPROVE THE ORDINANCE NO. 2021-08-03 APPROVING AND AUTHORIZING THE SALE OF BEER AND WINE FOR OFF-PREMISE CONSUMPTION PURSUANT TO THE AUTHORITY OF TEXAS ALCOHOLIC BEVERAGE CODE, SECTION 251.725 ON 2.39 ACRES SITUATED IN THE W.H. MOORE SURVEY, A-0638, TRACT 27 NEAR 1009 S. SH 78, NORTH AND WEST OF THE INTERSECTION OF SH 205 AND SH 78, (CCAD PROP ID 2632625); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

MOTION MADE: KELL
SECONDED: DILL
APPROVED: UNANIMOUS (Absent: Cook, Serkland)

- D. Public hearing, discussion, and action regarding the application to change the zoning district classification from Retail (R) to Main Street (M) zoning district for Block A, Lot 6R-1, Lavon Business Park, 0.627 acres situated at the northwest corner of the intersection of Bus. 78 (Main St.) and Lake Rd., (CCAD Property ID 2718718), Lavon, Collin County, TX.**

Presentation of request.

Ms. Dobbs provided information regarding the property, application and the report of the Planning and Zoning Commission, noting that the request is consistent with the Comprehensive Plan. Pam Mundo, Mundo & Assoc. on behalf of the Lavon Economic Development Corporation provided information regarding the plans for the development of the property. Ms. Dobbs noted that 13 notices were mailed to surrounding property owners and 2 notices were returned in favor of the application and none were returned in opposition.

PUBLIC HEARING to receive comments regarding the request.

Mayor Sanson opened the public hearing at 7:18 p.m. and invited comments for or against the proposed zoning change. There being no comments, Mayor Sanson closed the hearing at 7:18 p.m.

Discussion and action regarding request.

MOTION: APPROVE ORDINANCE NO. 2021-08-04 APPROVING THE APPLICATION TO CHANGE THE ZONING DISTRICT CLASSIFICATION FROM RETAIL (R) TO MAIN STREET (M) ZONING DISTRICT FOR BLOCK A, LOT 6R-1, LAVON BUSINESS PARK, 0.627 ACRES SITUATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF BUS. 78 (MAIN ST.) AND LAKE RD., (CCAD PROPERTY ID 2718718), LAVON, COLLIN COUNTY, TX.

MOTION MADE: DILL

SECONDED: WRIGHT

APPROVED: UNANIMOUS (Absent: Cook, Serkland)

- E. Public hearing, discussion, and action regarding an amendment to the City of Lavon Code of Ordinances, Article 9.02 Subdivision Ordinance, Section 9.02.003, (h) Design and Improvement Requirements, (2) Street Arrangement to specify a requirement for maximum street block length of 750 feet.**

Presentation of request.

Ms. Dobbs provided information regarding the proposed amendment and the report from the Planning and Zoning Commission.

PUBLIC HEARING to receive comments regarding the request.

Mayor Sanson opened the public hearing at 7:22 p.m. and invited comments for or against the proposed amendment to the Subdivision Ordinance. There being no comments, Mayor Sanson closed the hearing at 7:22 p.m.

Discussion and action regarding the request.

City Engineer Mark Hill clarified the requirement for maximum street length and noted the requirement would not affect existing development or pending submitted applications.

MOTION: APPROVE ORDINANCE NO. 2021-08-05 AMENDING THE CITY OF LAVON CODE OF ORDINANCES, ARTICLE 9.02 SUBDIVISION ORDINANCE, SECTION 9.02.003, (H) DESIGN AND IMPROVEMENT REQUIREMENTS, (2) STREET ARRANGEMENT TO SPECIFY A REQUIREMENT FOR MAXIMUM STREET BLOCK LENGTH OF 750 FEET.

MOTION MADE: WRIGHT

SECONDED: KELL

APPROVED: UNANIMOUS (Absent: Cook, Serkland)

- I. Discussion and action regarding recommendation of the Selection Review Committee to award by Resolution No. 2021-08-04 a grant writer/administrator to assist the City in its application and administration of funding from the U.S. Department of Treasury for the American Rescue Plan Act (ARPA) of 2021 to provide project administration and project-related management services, if awarded.**

Ms. Dobbs provided a report from the Selection Review Committee comprised of the Mayor, Mayor Pro Tem and City Administrator. Ms. Dobbs noted that highly competitive submittals were received from two qualified firms and offered to provide copies of the submittals and scoring sheets.

MOTION: APPROVE RESOLUTION NO. 2021-08-04 AWARDDING TRAYLOR & ASSOCIATES AS THE GRANT WRITER/ADMINISTRATOR TO ASSIST THE CITY IN ITS APPLICATION AND ADMINISTRATION OF FUNDING FROM THE U.S. DEPARTMENT OF TREASURY FOR THE AMERICAN RESCUE PLAN ACT (ARPA) OF 2021 TO PROVIDE PROJECT ADMINISTRATION AND PROJECT-RELATED MANAGEMENT SERVICES.

MOTION MADE: KELL
SECONDED: DILL
APPROVED: UNANIMOUS (Cook, Serkland)

J. Discussion, and action regarding proposed interim building improvements to the fire department not to exceed \$15,000.00.

Ms. Dobbs provided information regarding the proposal and AG|CM review and recommendations. Chief Anthony provided detailed information regarding the timeline, dimensions, and features of the improvements. Ms. Dobbs noted that funds were allocated in the general fund and in the CIP program.

MOTION: APPROVE THE REQUEST FOR THE INTERIM BUILDING IMPROVEMENTS TO THE FIRE DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$15,000.00.

MOTION MADE: WRIGHT
SECONDED: DILL
APPROVED: UNANIMOUS (Cook, Serkland)

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

Ms. Dobbs reviewed Governor Abbott's most recent executive order (GA -38) and the latest COVID-19 case, test and vaccination numbers.

The Mayor recessed the meeting for a brief break at 7:44 p.m. and reconvened the meeting at 7:50 p.m.

8. BUDGET AND CIP WORK SESSION

A. Discussion regarding the regulatory requirements, financial status for current fiscal year, budget calendar, anticipated commitments, departmental service levels, fee schedule, projections and proposed needs and the tax rate for FY 2021-22.

Ms. Dobbs provided information and led detailed discussion regarding budget items. The City Council reviewed the departmental service levels and requests and provided direction regarding the inclusion of the requests in the proposed budget. Ms. Dobbs noted that the City Council is scheduled to consider and take a record vote on setting the tax rate at the same level as the current year \$0.478956 which exceeds the no new revenue tax rate and is less than the voter approval tax rate.

B. Discussion regarding the Five-Year Capital Improvements Plan (CIP) for Fiscal Years 2021 to 2025.

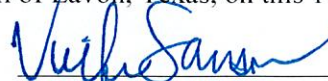
Mark Hill, Freeman Millican, LLC., reviewed CIP completions and provided information regarding upcoming projects.

11. CITY COUNCIL TO SET FUTURE MEETINGS AND AGENDAS.

August 17, 2021 - Regular Meeting to begin at 6:00 p.m.

12. MAYOR SANSON ADJOURNED THE MEETING AT 9:27: P.M.

DULY PASSED and APPROVED by the City Council of Lavon, Texas, on this 17th day of August 2021.


Vicki Sanson, Mayor

ATTEST: 
Rae Norton, City Secretary

