



**MINUTES
OCTOBER 18, 2022
LAVON CITY COUNCIL
REGULAR MEETING
CITY HALL, 120 SCHOOL ROAD, LAVON, TEXAS
7:00 P.M.**

ATTENDING: VICKI SANSON, MAYOR
JOHN KELL, MAYOR PRO TEM, PLACE 1
KAY WRIGHT, PLACE 3
MINDI SERKLAND, PLACE 5

ABSENT: MIKE COOK, PLACE 2
TED DILL, PLACE 4

1. MAYOR SANSON CALLED THE MEETING TO ORDER AT 7:00 P.M. AND ANNOUNCED A QUORUM PRESENT.

2. MAYOR SANSON LED THE RECITATION OF THE PLEDGE OF ALLEGIANCE AND JOHN KELL DELIVERED THE INVOCATION.

3. ITEMS OF INTEREST/COMMUNICATIONS

- October 22, 2022, Fall Festival
- LEDC Coupon Program November 8-December 16, 2022
- NCTCOG Holiday Grease Round Up November 14 -January 9 at City Hall.
- Elections will begin on Monday, October 24. Lavon City Hall will be a polling place.

4. CITIZENS COMMENTS

There were no citizens comments.

5. PROCLAMATION

Mayor Sanson presented a proclamation in recognition of Breast Cancer Awareness Month - October 2022.

6. CONSENT AGENDA

A. Approve the minutes of the September 20, 2022, meeting.

B. Approve the construction documents for the Renovation/Expansion of Fire Department and Public Works facility as submitted by EIKON and approved by committee and authorization to allow AG|CM to proceed with the Competitive Sealed Proposal – Request For Proposal for General Contractors to submit proposals.

Sean Spyres, AG|CM provided information regarding the plans and process.

MOTION: APPROVE THE CONSENT AGENDA AS PRESENTED.

MOTION MADE: KELL

SECONDED: SERKLAND

APPROVED: UNANIMOUS (Absent: Cook, Dill)

7. ITEMS FOR CONSIDERATION

A. Public Hearing, discussion and action regarding the Site Plan and Landscape Plan for Taco Bell Lavon on Lot 1, Block A of the SMI Addition. Phase 1 at 891 S. SH 78, northeast of the intersection of SH 78 and Burleson Dr., Lavon, Collin County, Texas (CCAD Property ID 2614354).

Presentation of application

City Administrator Kim Dobbs provided information regarding the application and a report from the Planning and Zoning Commission. Mike Stansberry, Valley Bell Enterprises, 101 E. Cherokee St., Jacksonville TX., presented details and answered questions regarding the proposed business development.

PUBLIC HEARING to receive comments regarding the application

Mayor Sanson opened the public hearing 7:15 p.m. and invited comments for or against the proposed site plan. There being no comments, Mayor Sanson closed the public hearing at 7:16 p.m.

Discussion and action regarding the proposed request.

MOTION: APPROVE THE SITE PLAN AND LANDSCAPE PLAN FOR TACO BELL LAVON ON LOT 1, BLOCK A OF THE SMI ADDITION. PHASE 1 AT 891 S. SH 78, NORTHEAST OF THE INTERSECTION OF SH 78 AND BURLESON DR., LAVON, COLLIN COUNTY, TEXAS SUBJECT TO THE CITY ENGINEER'S APPROVAL OF THE CIVIL PLANS.

MOTION MADE: WRIGHT
SECONDED: SERKLAND
APPROVED: UNANIMOUS (Absent: Cook, Dill)

B. Discussion regarding the preliminary plat for Taco Bell Lavon on Lot 1, Block A of the SMI Addition at 891 S. SH 78, northeast of the intersection of SH 78 and Burleson Dr., Lavon, Collin County, Texas (CCAD Property ID 2614354).

Ms. Dobbs provided information regarding the preliminary plat and a report from the Planning and Zoning Commission. Mr. Stansberry answered questions. Ms. Dobbs noted that the preliminary plat for the Grand Heritage Club Addition covered a portion but not all of the property.

MOTION: APPROVE THE PRELIMINARY PLAT OF THE SMI ADDITION AT 891 S. SH 78, NORTHEAST OF THE INTERSECTION OF SH 78 AND BURLESON DR., LAVON, COLLIN COUNTY, TEXAS.

MOTION MADE: SERKLAND
SECONDED: KELL
APPROVED: UNANIMOUS (Absent: Cook, Dill)

C. Discussion, and action regarding the final plat of the SMI Addition, Phase 1 at 891 S. SH 78, northeast of the intersection of SH 78 and Burleson Dr., Lavon, Collin County, Texas (CCAD Property ID 2614354).

Ms. Dobbs provided information regarding the final plat for SMI Addition, Phase 1 and a report from the Planning and Zoning Commission. City Engineer Mark Hill, FMI Dallas advised that all review notes had been satisfied. Mr. Stansberry was available for questions.

MOTION: APPROVE THE FINAL PLAT FOR TACO BELL LAVON ON LOT 1, BLOCK A OF THE SMI ADDITION, PHASE 1 AT 891 S. SH 78, NORTHEAST OF THE INTERSECTION OF SH 78 AND BURLESON DR., LAVON, COLLIN COUNTY, TEXAS.

MOTION MADE: SERKLAND
SECONDED: KELL
APPROVED: UNANIMOUS (Absent: Cook, Dill)

D. Discussion and action regarding the final plat of the Community ISD Addition consisting of a single lot on 59.119 acres of land out of the Drury Anglin Survey, Abstract No. 2, at 10851 CR 483, located east of the intersection of Autumn Hill Bluff and CR 483, Collin County, Texas, requested by Community Independent School District (CCAD Property ID 2855610).

Ms. Dobbs provided information regarding the final plat and a report from the Planning and Zoning Commission. Applicant Philip Varughese Teague, Nall & Perkins, was available to answer questions. CISD Superintendent Dr. Tonya Knowlton provided additional information regarding timing and future school sites.

MOTION: APPROVE THE FINAL PLAT OF THE COMMUNITY ISD ADDITION CONSISTING OF A SINGLE LOT ON 59.119 ACRES OF LAND OUT OF THE DRURY ANGLIN SURVEY, ABSTRACT NO. 2, AT 10851 CR 483, LOCATED EAST OF THE INTERSECTION OF AUTUMN HILL BLUFF AND CR 483, COLLIN COUNTY, TEXAS, REQUESTED BY COMMUNITY INDEPENDENT SCHOOL DISTRICT (CCAD PROPERTY ID 2855610), SUBJECT TO SUBMITTAL AND CITY ENGINEER'S REVIEW OF THE TRAFFIC IMPACT ANALYSIS.

MOTION MADE: WRIGHT
SECONDED: SERKLAND
APPROVED: UNANIMOUS (Absent: Cook, Dill)

- E. Public hearing, discussion, and action regarding an application for a conditional use permit to construct an on-site temporary concrete batch plant in the Trails of Lavon Addition, on approximately 1.1 acres out of the D. Anglin Survey, Abstract No. 2, Tract 58, City of Lavon, Texas located northeast of the intersection of CR 485 and CR 484, (CCAD Property ID 1249928) requested by Chris Harp Construction.**

PRESENTATION of application.

Ms. Dobbs provided information regarding the request. Applicant Aaron Harp, Chris Harp Construction, was available for questions regarding proposed site and batch plant.

PUBLIC HEARING to receive comments regarding the application.

Mayor Sanson opened the public hearing at 7:29 p.m. and invited comments for or against the proposed conditional use permit. There being no comments, Mayor Sanson closed the public hearing at 7:30 p.m.

Discussion and action regarding the application and accompanying Ordinance No. 2022-10-01.

Ms. Dobbs provided a report from the Planning and Zoning Commission and stated the requisite public hearing notice was published in the newspaper and posted on the website, zoning change signs were placed on the property, and three neighbor notices were mailed to the owners of property located within 200 feet of the applicant's property with no notices returned in favor and two in opposition to the proposed zoning change.

MOTION: APPROVE ORDINANCE NO. 2022-10-01 APPROVING A CONDITIONAL USE PERMIT TO CONSTRUCT AN ON-SITE TEMPORARY CONCRETE BATCH PLANT IN THE TRAILS OF LAVON ADDITION, ON APPROXIMATELY 1.1 ACRES OUT OF THE D. ANGLIN SURVEY, ABSTRACT NO. 2, TRACT 58, CITY OF LAVON, TEXAS LOCATED NORTHEAST OF THE INTERSECTION OF CR 485 AND CR 484.

MOTION MADE: KELL
SECONDED: SERKLAND
APPROVED: UNANIMOUS (Absent: Cook, Dill)

- F. Public hearing, discussion and action regarding an application to change the zoning district classification from temporary Agricultural (A) District assigned at annexation to a Planned Development (PD) for a special event venue and lodging, consisting of a single commercial lot out of the W. A. S. Bohannon Survey, Abstract No. 121, 40.5461 acres of land generally located at 10350 State Highway 205, Lavon, Collin County, Texas, located south of Grand Heritage West (CCAD Property ID 2657300), requested by Boyd Farm.**

Presentation of the application.

Ms. Dobbs provided information regarding the proposed zoning district classification.

PUBLIC HEARING to receive comments regarding the application.

Mayor Sanson opened the public hearing at 7:35 p.m. and invited comments for or against the proposed zoning change. Brad Tiegs, 803 Crockett, voiced concern for the possibility of elevated noise. There being no further comments, Mayor Sanson closed the public hearing at 7:37 p.m.

Discussion and action regarding the application and accompanying Ordinance No. 2022-10-02.

Ms. Dobbs noted that the requisite public hearing notice was published in the newspaper and posted on the website and seventeen neighbor notices were mailed with seven returned in favor and none in opposition to the request.

MOTION: APPROVE ORDINANCE NO. 2022-10-02 APPROVING A CHANGE IN THE ZONING DISTRICT CLASSIFICATION FROM TEMPORARY AGRICULTURAL (A) DISTRICT ASSIGNED AT ANNEXATION TO A PLANNED DEVELOPMENT (PD) FOR A SPECIAL EVENT VENUE AND LODGING, CONSISTING OF A SINGLE COMMERCIAL LOT OUT OF THE W. A. S. BOHANNAN SURVEY, ABSTRACT NO. 121, 40.5461 ACRES OF LAND GENERALLY LOCATED AT 10350 STATE HIGHWAY 205, LAVON, COLLIN COUNTY, TEXAS, LOCATED SOUTH OF GRAND HERITAGE WEST.

MOTION MADE: WRIGHT

SECONDED: SERKLAND

APPROVED: UNANIMOUS (Absent: Cook, Dill)

- G. Public hearing, discussion and action regarding an application to change the zoning district classification from Agricultural (A) and temporary Agricultural (A) District assigned at annexation to a Planned Development (PD) for commercial, business park, and mixed uses on approximately 243 acres of land consisting of nine sections in the Elevon Addition, out of the Samuel M. Rainer Survey, Abstract No. 740, in the vicinity of the intersections of SH 78 and Main St., Forder Ct. and Bois D' Arc, and FM 2755 and CR 541 Lavon, Collin County, Texas, requested by MA Partners.**

PRESENTATION of application.

Ms. Dobbs provided information and a report from the Planning and Zoning Commission regarding the zoning change request. John Marlin, MA Partners, 2121 Midway Rd., Carrollton, presented detailed information regarding the request.

PUBLIC HEARING to receive comments regarding the application.

Mayor Sanson opened the public hearing at 7:48 p.m. and invited comments for or against the proposed zoning change. Mindi Serkland, 965 Rolling Meadow, Lee George, 971 Corn Silk, Zandrea Gorsuch, 17312 FM 2755, requested clarification on screening wall/materials and the type of projects that will be on the property.

There being no further comments, Mayor Sanson closed the public hearing at 7:52 p.m.

Discussion and action regarding the proposed application and accompanying Ordinance No. 2022-10-03.

John Marlin addressed questions regarding site planning, setbacks, screening, and buffers for the property. Ms. Dobbs reported that the requisite public hearing notice was published in the newspaper and posted on the website, zoning change signs were placed on the property, and ninety neighbor notices were mailed to the owners of property located within 200 feet of the applicant's property with no notices returned in favor of and twelve notices returned in opposition to the proposed zoning change.

MOTION: APPROVE ORDINANCE NO. 2022-10-03 APPROVING A CHANGE IN THE ZONING DISTRICT CLASSIFICATION FROM AGRICULTURAL (A) AND TEMPORARY AGRICULTURAL (A) DISTRICT ASSIGNED AT ANNEXATION TO A PLANNED DEVELOPMENT (PD) FOR COMMERCIAL AND MIXED USES ON APPROXIMATELY 243 ACRES OF LAND CONSISTING OF NINE SECTIONS IN THE ELEVON ADDITION, OUT OF THE SAMUEL M. RAINER SURVEY, ABSTRACT NO. 740, IN THE VICINITY OF THE INTERSECTIONS OF SH 78 AND MAIN ST., FORDER CT. AND BOIS D' ARC, AND FM 2755 AND CR 541 LAVON, COLLIN COUNTY, TEXAS, REQUESTED BY MA ELEVON 429 LLC.

MOTION MADE: KELL

SECONDED: WRIGHT
APPROVED: UNANIMOUS (Absent: Cook, Dill)

H. Public hearing, discussion, and action regarding amendment to Article 9.03 “Zoning Ordinance”, Division 4 “Regulations Applicable to all Districts”, Section 9.03.083 to add Swimming Pool and Decking Requirements for all Districts.

PRESENTATION of amendment.

Ms. Dobbs provided information regarding the amendment.

PUBLIC HEARING to receive comments regarding the amendment.

Mayor Sanson opened the public hearing at 7:56 p.m. and invited comments for or against the proposed conditional use permit. There being no comments, Mayor Sanson closed the public hearing at 7:57 p.m.

Discussion and action regarding the amendment and accompanying Ordinance No. 2022-10-04.

MOTION: APPROVE ORDINANCE NO. 2022-10-04 AN AMENDMENT TO ARTICLE 9.03 “ZONING ORDINANCE”, DIVISION 4 “REGULATIONS APPLICABLE TO ALL DISTRICTS”, SECTION 9.03.083 TO ADD SWIMMING POOL AND DECKING REQUIREMENTS FOR ALL DISTRICTS.

MOTION MADE: SERKLAND
SECONDED: WRIGHT
APPROVED: UNANIMOUS (Absent: Cook, Dill)

I. Public hearing, discussion, and action regarding the application of Accent Graphics for variances to Article 4.05 SIGNS of the Code of Ordinances to Section 4.05.008 Approved Signs and Standards (b)(3) Wall Signs to 1) permit three wall signs which is two signs more than permitted and to 2) allow approximately 65 square feet in total wall sign area that is greater than the permitted 36 square feet for Dunkin’, 905 S. SH 78, Suite A, Victory Shops at Lavon, Lot 1, Block 1, 1.517 acres, Lavon, Collin County, Texas (CCAD Prop ID 2614364).

PRESENTATION of application.

Ms. Dobbs provided information regarding the proposed variances.

PUBLIC HEARING to receive comments regarding the application.

Mayor Sanson opened the public hearing at 8:01 p.m. and invited comments for or against the proposed conditional use permit. Brad Tiegs, 803 Crocket, stated concerns regarding the number of signs. There being no further comments, Mayor Sanson closed the public hearing at 8:02 p.m.

Discussion and action regarding the application.

MOTION: APPROVE VARIANCES TO ARTICLE 4.05 SIGNS OF THE CODE OF ORDINANCES TO SECTION 4.05.008 APPROVED SIGNS AND STANDARDS (B)(3) WALL SIGNS TO 1) PERMIT THREE WALL SIGNS WHICH IS TWO SIGNS MORE THAN PERMITTED AND TO 2) ALLOW APPROXIMATELY 65 SQUARE FEET IN TOTAL WALL SIGN AREA THAT IS GREATER THAN THE PERMITTED 36 SQUARE FEET FOR DUNKIN’, 905 S. SH 78, SUITE A, VICTORY SHOPS AT LAVON, LOT 1, BLOCK 1, 1.517 ACRES, LAVON, COLLIN COUNTY, TEXAS.

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

J. Public hearing, discussion and action regarding an ordinance changing street names and assigning new street names along portions of CR 483 and CR 484 as provided herein; providing for the posting of signs; and providing an effective date.

PRESENTATION of proposal.

Ms. Dobbs provided information regarding the proposed changes and process.

PUBLIC HEARING to receive comments regarding the proposal.

Mayor Sanson opened the public hearing at 8:12 p.m. and invited comments for or against the proposed name changes. There being no comments, Mayor Sanson closed the public hearing at 8:12p.m.

Discussion and action regarding the proposal and accompanying Ordinance No. 2022-10-05.

MOTION: APPROVE ORDINANCE NO. 2022-10-05 CHANGING STREET NAMES AND ASSIGNING NEW STREET NAMES ALONG PORTIONS OF CR 483 AND CR 484 AS PROVIDED HEREIN; PROVIDING FOR THE POSTING OF SIGNS; AND PROVIDING AN EFFECTIVE DATE.

MOTION MADE: KELL
SECONDED: SERKLAND
APPROVED: UNANIMOUS (Absent: Cook, Dill)

- K. Discussion and action regarding Resolution No. 2022-10-02 approving and authorizing a project, designating certain officials as being responsible for, acting for, and on behalf of the city in making application to and for the purpose of participating in the 2022 Collin County Call for City Projects for funding assistance from the Collin County 2018 Road Bond Program, certifying that the city is eligible to receive program assistance; certifying that the city matching share is readily available; and certifying that the proposed project meets program criteria.**

Ms. Dobbs provided information regarding the proposed application.

MOTION: APPROVE RESOLUTION NO. 2022-10-02 APPROVING AND AUTHORIZING A PROJECT, DESIGNATING CERTAIN OFFICIALS AS BEING RESPONSIBLE FOR, ACTING FOR, AND ON BEHALF OF THE CITY IN MAKING APPLICATION TO AND FOR THE PURPOSE OF PARTICIPATING IN THE 2022 COLLIN COUNTY CALL FOR CITY PROJECTS FOR FUNDING ASSISTANCE FROM THE COLLIN COUNTY 2018 ROAD BOND PROGRAM, CERTIFYING THAT THE CITY IS ELIGIBLE TO RECEIVE PROGRAM ASSISTANCE; CERTIFYING THAT THE CITY MATCHING SHARE IS READILY AVAILABLE; AND CERTIFYING THAT THE PROPOSED PROJECT MEETS PROGRAM CRITERIA.

MOTION MADE: SERKLAND
SECONDED: WRIGHT
APPROVED: UNANIMOUS (Absent: Cook, Dill)

- L. Discussion and action regarding the award of the construction contract for the City of Lavon North Lift Station (CIP-38) Construction Project and Resolution No. 2022-10-03 approving and authorizing the Mayor to execute a construction contract with Summit Solutions, Inc. in the amount of \$1,965,000.00 with 365 calendar days to construct; and providing an effective date.**

Ms. Dobbs provided information and Mark Hill, Freeman Millican, Inc., detailed the CIP project.

MOTION: AWARD THE CONSTRUCTION CONTRACT FOR THE CITY OF LAVON NORTH LIFT STATION (CIP-38) AND APPROVE RESOLUTION NO. 2022-10-03 AUTHORIZING THE MAYOR TO EXECUTE A CONSTRUCTION CONTRACT WITH SUMMIT SOLUTIONS, INC. IN THE AMOUNT OF \$1,965,000.00 WITH 365 CALENDAR DAYS TO CONSTRUCT; AND PROVIDING AN EFFECTIVE DATE.

MOTION MADE: SERKLAND
SECONDED: KELL
APPROVED: UNANIMOUS (Absent: Cook, Dill)

- M. Discussion and action regarding Ordinance No. 2022-10-07 of the City of Lavon, Texas, adopting rules and regulations for regulating on-street parking by amending Chapter 11 "Traffic and Vehicles", Article 11.03 "Parking", Section 11.03.002 "Definitions" and Section**

11.03.003 “Parking” of the City’s Code of Ordinances; providing for publication and an effective date; providing severability, repealer and savings clauses; and finding and determining that the meeting at which this ordinance is adopted to be open to the public as required by law.

Chief Jones detailed information regarding the parking amendment and request from CISD to restrict parking along Presidents Boulevard.

MOTION: APPROVE ORDINANCE NO. 2022-10-07 ADOPTING RULES AND REGULATIONS FOR REGULATING ON-STREET PARKING BY AMENDING CHAPTER 11 “TRAFFIC AND VEHICLES”, ARTICLE 11.03 “PARKING”, SECTION 11.03.002 “DEFINITIONS” AND SECTION 11.03.003 “PARKING” OF THE CITY’S CODE OF ORDINANCES; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE; PROVIDING SEVERABILITY, REPEALER AND SAVINGS CLAUSES; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

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

Ms. Dobbs noted that the second tranche of ARPA funding through the Coronavirus Local Fiscal Recovery Fund (CLFRF) is in progress and has not yet been received.

8. DEPARTMENT REPORTS

- A. Police Services** – Police Chief Mike Jones Officer Vargas provided updates and referenced reports in the meeting packet.
- B. Fire Services** – Fire Chief Danny Anthony referenced the report in the meeting packet. Ms. Dobbs and Chief Anthony reported that the notification of the improvement of the PPC rating was received and will be effective in February 2023.
- C. Public Works** – Director of Public Works David Carter provided general information regarding public works operations.
- D. Administration** – Ms. Dobbs referenced reports in the meeting packet regarding the Building Permits; CWD Service; Collin County Tax Collection; Sales Tax; TxDOT Projects Report, Home Rule Charter-Special Election and administration and staff reports.

9. EXECUTIVE SESSION

At 8:52 p.m. in accordance with Texas Government Code, Chapter 551, Subchapter D, the Mayor recessed into Executive Session (closed meeting) pursuant to Section 551.071 (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 for the provision of municipal services in an unincorporated area.

10. RECONVENE INTO REGULAR SESSION

In accordance with Texas Government Code, Section 551.001, et seq., Mayor Sanson reconvened the meeting at 9:31 p.m. and stated that no action was taken in executive session.

11. CITY COUNCIL TO SET FUTURE MEETINGS AND AGENDAS.

- November 1, 2022, Regular City Council Meeting

12. MAYOR SANSON ADJOURNED THE CITY COUNCIL MEETING AT 9:32 P.M.

DULY PASSED and APPROVED by the City Council of Lavon, Texas, on this 1st day of November 2022.



Vicki Sanson
Mayor

ATTEST:



Rae Norton
City Secretary

