



**MINUTES**  
**MARCH 7, 2023**  
**LAVON CITY COUNCIL**  
**CITY HALL, 120 SCHOOL ROAD, LAVON, TEXAS**  
**REGULAR MEETING**  
**6:30 PM**

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ATTENDING: VICKI SANSON, MAYOR  
MIKE COOK, PLACE 2  
KAY WRIGHT, PLACE 3, MAYOR PRO TEM  
TED DILL, PLACE 4

ABSENT: JOHN KELL, PLACE 1  
LINDSEY HEDGE, PLACE 5

**1. MAYOR SANSON CALLED THE MEETING TO ORDER AT 6:30 P.M. AND ANNOUNCED A QUORUM PRESENT.**

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

**3. ITEMS OF INTEREST/COMMUNICATIONS**

- CISD Education Foundation Fundraiser and Steak Dinner - March 25, 2023.
- Bunny Street Vendor Fair and Breakfast with the Bunny – April 1, 2023
- Dunkin Donuts Grand Opening tentatively scheduled for March 13, 2023

**4. CITIZENS COMMENTS**

There were no citizen comments.

**5. PRESENTATION**

This item will be moved to a later agenda.

**6. WORK SESSION**

**A. Presentation, discussion, and action regarding capital improvement plan, infrastructure priorities and funding opportunities.**

**B. Presentation, discussion, and action regarding a Community Survey and an update of the City of Lavon Strategic Plan.**

Consultants Jason Hughes, Hilltop Securities, Mark Hill, Freeman Millican Inc., Abra Nusser, Madeleine Bonney, Pelaton Land Solutions, and City Manager, Kim Dobbs presented information regarding capital improvements and infrastructure priorities, financial opportunities and the City of Lavon Strategic plan update.

**7. CONSENT AGENDA**

**A. Approve the minutes of the February 21, 2023, meeting.**

**B. Receive the City of Lavon Police Department 2022 Racial Profiling Report.**

**C. Approve the second of two readings of Resolution No. 2023-02-07 authorizing the Lavon Economic Development Corporation to expend funds for the Business Improvement Loan/Grant Project, such project not to exceed \$30,000.00; and providing an effective date.**

**D. Approve Resolution No. 2023-03-01 approving and authorizing the execution of a Work Order with Pelaton Land Solutions for professional planning services related to a Community Survey and an update of the Strategic Plan in an amount not to exceed \$12,000.00.**

- E. Approve Resolution No. 2023-03-02 approving and authorizing the execution of Change Order No. 1 for the Construction Contract for Texas Department of Agriculture TXCDBG # CDV21-0092 Street Improvements with GRod Construction for zero dollars.

MOTION: APPROVE THE CONSENT AGENDA.

MOTION MADE: WRIGHT

SECONDED: DILL

APPROVED: UNANIMOUS (Absent: Kell, Hedge)

## 8. ITEMS FOR CONSIDERATION

- A. Public Hearing, discussion, and action regarding an application for a conditional use permit to construct a 1,290 square foot (sq ft) accessory structure that is 964 sq ft larger than permitted at 220 Forder Ct. on approximately 1 acre out of the S M Rainer Survey, Abstract 740 Sheet 2, Tract 26, City of Lavon, Collin County, Texas (CCAD Property ID 1291328).

Ms. Dobbs presented information regarding the application, including location and building details along with a recommendation of approval from the Planning & Zoning Commission. Mayor Sanson opened the public hearing at 7:44 p.m. Brad Patterson, 209 Main St., spoke in favor of the request. There being no further comments, Mayor Sanson closed the public hearing at 7:45 p.m.

**MOTION: APPROVE ORDINANCE NO. 2023-03-01 AN APPLICATION FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A 1,290 SQUARE FOOT (SQ FT) ACCESSORY STRUCTURE THAT IS 604 SQ FT LARGER THAN PERMITTED AT 220 FORDER CT. ON APPROXIMATELY 1 ACRE OUT OF THE S M RAINER SURVEY, ABSTRACT 740 SHEET 2, TRACT 26, CITY OF LAVON, COLLIN COUNTY, TEXAS.**

MOTION MADE: COOK

SECONDED: DILL

APPROVED: UNANIMOUS (Absent: Kell, Hedge)

- B. Public hearing, discussion, and action regarding an amendment of the Grand Heritage Planned Development (PD) District regulations established by Ordinance No. 2004-09-05, in Section 3.2.4 “Uses in Commercial Planning Areas”, and other related sections, to amend the permitted uses, conditional uses, off-street parking requirements, and off-street loading requirements relating to alcohol-related restrictions as adopted in Ordinance No. 2022-07-02, to apply to certain portions of the property described in Ordinance No. 2004-09-05, consisting of 1.24 acres west of 890 S.H. 78, Lavon, Texas.

Ms. Dobbs presented information regarding an amendment to the Grand Heritage Planned Development District regulations and a report from the Planning & Zoning Commission recommending approval. Mayor Sanson opened the public hearing at 7:50 p.m. There being no comments, Mayor Sanson closed the public hearing at 7:50 p.m.

**MOTION: APPROVE ORDINANCE NO. 2023-03-02 AMENDING THE GRAND HERITAGE PLANNED DEVELOPMENT (PD) DISTRICT REGULATIONS ESTABLISHED BY ORDINANCE NO. 2004-09-05, IN SECTION 3.2.4 “USES IN COMMERCIAL PLANNING AREAS”, AND OTHER RELATED SECTIONS, TO AMEND THE PERMITTED USES, CONDITIONAL USES, OFF-STREET PARKING REQUIREMENTS, AND OFF-STREET LOADING REQUIREMENTS RELATING TO ALCOHOL-RELATED RESTRICTIONS AS ADOPTED IN ORDINANCE NO. 2022-07-02, TO APPLY TO CERTAIN PORTIONS OF THE PROPERTY DESCRIBED IN ORDINANCE NO. 2004-09-05, CONSISTING OF 1.24 ACRES WEST OF 890 S.H. 78, LAVON, TEXAS.**

MOTION MADE: WRIGHT

SECONDED: COOK

APPROVED: UNANIMOUS (Absent: Kell, Hedge)

- C. Public hearing, discussion, and action regarding an amendment of Chapter 9 “Planning and Development Regulations”, article 9.03 “Zoning Ordinance” of the Code of Ordinances of the City of Lavon, to amend the city’s zoning regulations regarding Smoke, Tobacco, Vape, and

**CBD shops within the City by amending division 2 “Districts and Zoning District Map”, section 9.03.032 “Permitted Use Table”, Division 3 “Definitions”, section 9.03.061 “General”, and Division 4 “Regulations Applicable to all districts.”**

Ms. Dobbs provided information regarding the proposed amendment and a report from the Planning & Zoning Commission recommending approval. Mayor Sanson opened the public hearing at 7:53 p.m. There being no comments, Mayor Sanson closed the public hearing at 7:53 p.m.

**MOTION: APPROVE ORDINANCE NO. 2023-03-03 AMENDING CHAPTER 9 “PLANNING AND DEVELOPMENT REGULATIONS,” ARTICLE 9.03 “ZONING ORDINANCE” OF THE CODE OF ORDINANCES OF THE CITY OF LAVON, TO AMEND THE CITY’S ZONING REGULATIONS REGARDING SMOKE, TOBACCO, VAPE, AND CBD SHOPS WITHIN THE CITY BY AMENDING DIVISION 2 “DISTRICTS AND ZONING DISTRICT MAP”, SECTION 9.03.032 “PERMITTED USE TABLE”, DIVISION 3 “DEFINITIONS”, SECTION 9.03.061 “GENERAL”, AND DIVISION 4 “REGULATIONS APPLICABLE TO ALL DISTRICTS.”**

MOTION MADE: WRIGHT  
SECONDED: DILL  
APPROVED: UNANIMOUS (Absent: Kell, Hedge)

- D. Public Hearing, discussion, and action regarding an amendment of Chapter 9 “Planning and Development Regulations”, Article 9.03 “Zoning Ordinance” of the Code of Ordinances of the City of Lavon, to amend the City’s zoning regulations by amending Division 2 “Districts and Zoning District Map”, Division 6 “Regulations Applicable to Mixed Use and Nonresidential Districts”, and certain related sections of the Zoning Ordinance, to amend regulations for Planned Development (PD) Districts.**

Abra Nusser, Pelaton Land Solutions, presented information regarding the proposed amendments and noted changes in the original report Ms. Dobbs gave a report from the Planning & Zoning Commission recommending approval. Mayor Sanson opened the public hearing at 8:06 p.m. There being no comments, Mayor Sanson closed the public hearing at 8:07 p.m.

**MOTION: TO APPROVE ORDINANCE NO. 2023-03-04 AN AMENDMENT OF CHAPTER 9 “PLANNING AND DEVELOPMENT REGULATIONS”, ARTICLE 9.03 “ZONING ORDINANCE” OF THE CODE OF ORDINANCES OF THE CITY OF LAVON, TO AMEND THE CITY’S ZONING REGULATIONS BY AMENDING DIVISION 2 “DISTRICTS AND ZONING DISTRICT MAP”, DIVISION 6 “REGULATIONS APPLICABLE TO MIXED USE AND NONRESIDENTIAL DISTRICTS”, AND CERTAIN RELATED SECTIONS OF THE ZONING ORDINANCE, TO AMEND REGULATIONS FOR PLANNED DEVELOPMENT (PD) DISTRICTS INCLUDING UPDATED PROCEDURES.**

MOTION MADE: WRIGHT  
SECONDED: DILL  
APPROVED: UNANIMOUS (Absent: Kell, Hedge)

- E. Discussion and action regarding the final plat of the Trails of Lavon Addition, Phase 2B for 104 residential lots and 3 open space tracts on 28.54 acres of land, situated in the S.A. Roberts Survey, A-773 southwest of the intersection of CR 485 and CR 484, Lavon, Collin County, Texas (CCAD Property ID 1291872).**

Ms. Dobbs provided information regarding the Trails of Lavon plat and development project. Joseph Cerqueria, Kimley Horn, answered questions regarding the property.

**MOTION: APPROVE THE FINAL PLAT OF THE TRAILS OF LAVON ADDITION, PHASE 2B FOR 104 RESIDENTIAL LOTS AND 3 OPEN SPACE TRACTS ON 28.54 ACRES OF LAND, SITUATED IN THE S.A. ROBERTS SURVEY, A-773 SOUTHWEST OF THE INTERSECTION OF CR 485 AND CR 484, LAVON, COLLIN COUNTY, TEXAS, SUBJECT TO THE APPROVAL OF THE CITY ENGINEER.**

MOTION MADE: COOK

SECONDED: WRIGHT  
APPROVED: UNANIMOUS (Absent: Kell, Hedge)

- F. Discussion the replat of the Community ISD Elementary Addition recorded in 2008 consisting of one 12-acre lot developed for NeSmith Elementary School to adjust easements and access located at 801 Presidents Blvd., Lavon, Collin County, Texas (CCAD Property ID 2644232).

Ms. Dobbs provided information regarding the replat of the addition to NeSmith Elementary School.

**MOTION: TO APPROVE THE REPLAT OF THE COMMUNITY ISD ELEMENTARY ADDITION RECORDED IN 2008 CONSISTING OF ONE 12-ACRE LOT DEVELOPED FOR NESMITH ELEMENTARY SCHOOL TO ADJUST EASEMENTS AND ACCESS LOCATED AT 801 PRESIDENTS BLVD., LAVON, COLLIN COUNTY, TEXAS, SUBJECT TO THE CITY ENGINEERS APPROVAL.**

MOTION MADE: DILL  
SECONDED: WRIGHT  
APPROVED: UNANIMOUS (Absent: Kell, Hedge)

- G. Discussion and action regarding a revision of the approved preliminary plat of the Elevon, Section 1, Phase 3 and Phase 4 Addition consisting of 443 residential lots, 16 open spaces and a school site on 141.311 acres situated south of the Elevon Section 1, Phases 1 and 2 Additions and east of the LakePointe Addition in the extraterritorial jurisdiction of the City of Lavon, Collin County, Texas (CCAD Property ID 2829214).

Developer requested to defer item to a future agenda.

- H. Discussion and action regarding a request for a variance of Article 4.01 “General Provisions”, Chapter 4 “Building Regulations”, Section 4.01.002 “Minimum Construction Standards for Commercial Parking Lots, Driveways, and Exterior Walls”, (b) “Minimum Construction Standards, (1) “Commercial Parking Lots and Driveways” to permit a temporary gravel parking lot extension at 205 Main Street, requested by the First Baptist Church.

Ms. Dobbs provided information, Brad Patterson and Randy McCuiston representing FBC Lavon, were available for questions.

**MOTION: APPROVE THE REQUEST FOR A VARIANCE OF ARTICLE 4.01 “GENERAL PROVISIONS”, CHAPTER 4 “BUILDING REGULATIONS”, SECTION 4.01.002 “MINIMUM CONSTRUCTION STANDARDS FOR COMMERCIAL PARKING LOTS, DRIVEWAYS, AND EXTERIOR WALLS”, (B) “MINIMUM CONSTRUCTION STANDARDS, (1) “COMMERCIAL PARKING LOTS AND DRIVEWAYS” TO PERMIT A TEMPORARY (7YR) GRAVEL PARKING LOT EXTENSION AT 205 MAIN STREET, REQUESTED BY THE FIRST BAPTIST CHURCH. SUBJECT TO LEGAL REVIEW.**

MOTION MADE: WRIGHT  
SECONDED: DILL  
APPROVED: UNANIMOUS (Absent: Kell, Hedge)

- I. Discussion and action regarding Ordinance No. 2023-03-05 amending Chapter 6 “Fire Prevention and Protection”, Article 6.05 “Open Burning”, Section 6.05.005 “Prohibited Acts” and Section 6.05.006 “Authorized Fires” of the Code of Ordinances of the City of Lavon, to amend the scope and parameters of the regulations; providing a penalty of fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

Ms. Dobbs provided information and Chief Anthony answered questions regarding the ordinance.

This item was tabled to a future meeting.

- J. Discussion regarding the Public Utility Commission of Texas inquiry relating to the 2023 consumer price index (CPI) adjustment to municipal telecommunications right-of-way access lines rates.

Ms. Dobbs provided information regarding the adjustments.

No action was taken.

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

No new report.

**9. EXECUTIVE SESSION**

At 8:26 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 8:49 p.m. and stated that no action was taken in executive session.

**K. Discussion and action regarding a Fire and Emergency Services Agreement with the Elevon Municipal Utility District for the Elevon Addition, Section 1.**

City Manager, Kim Dobbs and City Attorney, Cameron Saenz, provided information regarding the details of the agreement.

**MOTION: APPROVE A FIRE AND EMERGENCY SERVICES AGREEMENT WITH THE ELEVON MUNICIPAL UTILITY DISTRICT FOR THE ELEVON ADDITION, SECTION 1.**

MOTION MADE: WRIGHT

SECONDED: DILL

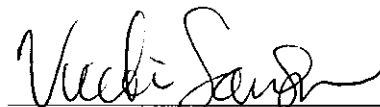
APPROVED: UNANIMOUS (Absent: Kell, Hedge)

**11. SET FUTURE MEETINGS AND AGENDA**

March 21, 2023- Regular Meeting to start at 6:30 pm

**12. MAYOR SANSON ADJOURNED THE CITY COUNCIL MEETING AT 8:51 P.M.**

**DULY PASSED and APPROVED** by the City Council of Lavon, Texas, on this 21<sup>st</sup> day of March 2023.

  
Vicki Sanson, Mayor

ATTEST:

  
Rae Norton, City Secretary

