



**MINUTES
MAY 2, 2023
LAVON CITY COUNCIL
CITY HALL, 120 SCHOOL ROAD, LAVON, TEXAS
REGULAR MEETING
6:30 PM**

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

ABSENT: LINDSEY HEDGE, PLACE 5

1. MAYOR SANSON CALLED THE MEETING TO ORDER AT 6:31 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

- Election day, May 6, 2023
- Camp 911 registration is open, and camp will be held on June 7, 2023
- Babysitter Training June 14 & 15.

4. CITIZENS COMMENTS

There were no citizen comments.

5. PROCLAMATIONS

Mayor Sanson and the City Council presented proclamations in honor of Economic Development Week and Public Works Week.

8. PRESENTATION-FINANCIAL STATEMENTS

Mike Ward, CPA, Accounting & Financial Consulting, PLLC presented the audited 2022 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 strong, stable financial position and introduced Patricia Parks, Parks Financial, who was available to answer questions.

6. CONSENT AGENDA

- A. Approve the minutes of the April 18, 2023, meeting.**
- B. Approve the minutes of the April 22, 2023, special meeting.**
- C. Approve Resolution No. 2023-05-01 approving and authorizing the city manager to sign an Agreement for Arbitrage Rebate Compliance Services with Hilltop Securities Asset Management, L.L.C.**
- D. Approve Resolution No. 2023-05-02 approving and authorizing the city manager to execute an Easement and Right of Way for Oncor Electric Delivery Company, L.L.C. on city-owned property at 112 School Road and a Discretionary Service Agreement and authorizing an**

expenditure of approximately \$12,500.00 for Oncor to relocate overhead primary facilities to serve city-owned property.

E. Receive Quarterly Investment Report.

MOTION: APPROVE THE CONSENT AGENDA.

MOTION MADE: KELL

SECONDED: WRIGHT

APPROVED: UNANIMOUS (Absent: Hedge)

7. ITEMS FOR CONSIDERATION

- A. Public hearing, discussion, and action regarding an application for a conditional use permit for an alcohol: mixed beverage package store (off-premise consumption) at 900 S. SH 78, on approximately 1.5 acres being a portion of Abstract A0121 W.A.S. Bohannan Survey, Sheet 3, Tract 10, Lavon, Collin County, TX (CCAD Property ID 2614673) located southwest of the intersection of SH 78 and Burleson Dr., requested by McClure Partners.**

PRESENTATION of the proposed application.

City Manager Kim Dobbs provided information regarding the proposed application and the report from the Planning and Zoning Commission recommending approval. John McClure, McClure Partners, 105 N. Jackson, Wylie, TX presented details regarding the project.

PUBLIC HEARING to receive comments regarding the proposed application.

Mayor Sanson opened the public hearing at 6:59 p.m. and invited comments for or against the proposed application.

Laura Ramos, 631 Crocket Dr.; Lauren Wedgeworth, 417 Wolf Run Ct.; Samantha Pena, 200 Main St.; Mary Jane Newton, 575 Weston Way; Leslie Van Cleve, 606 Lincoln Ave.; Anthony Mullin, 951 Crockett Dr. of Lavon, TX; and Elsa Neguse, Lavon Beer & Wine at 440 SH 78 Ste. 200 offered comments in opposition to the request. Stan Haddock, Spec's, 2405 Kathryn Dr., Heath, TX provided information regarding the proposed store and spoke in favor of the request.

There being no further comments, Mayor Sanson closed the public hearing at 7:12 p.m.

Discussion and action regarding the proposed application and accompanying Ordinance No. 2023-05-01.

Ms. Dobbs noted that the requisite public hearing notice was posted and published, and eight (8) neighbor notices were mailed to property owners within 200 feet of the proposed project with three (3) returned in favor of and none in opposition to the application.

MOTION: APPROVE ORDINANCE NO. 2023-05-01 APPROVING A CONDITIONAL USE PERMIT FOR AN ALCOHOL: MIXED BEVERAGE PACKAGE STORE (OFF-PREMISE CONSUMPTION) AT 900 S. SH 78, ON APPROXIMATELY 1.5 ACRES BEING A PORTION OF ABSTRACT A0121 W.A.S. BOHANNAN SURVEY, SHEET 3, TRACT 10, LAVON, COLLIN COUNTY, TX LOCATED SOUTHWEST OF THE INTERSECTION OF SH 78 AND BURLESON DR.

MOTION MADE: WRIGHT

SECONDED: COOK

APPROVED: 3-2 (Absent: Hedge)

FOR: COOK, WRIGHT, SANSON

AGAINST: KELL, DILL

- B. Public hearing, discussion, and action regarding an application for a conditional use permit as specified in Ordinance No. 2020-04-04 that established the Lake Breeze Planned Development (PD), Exhibit C Zoning Uses and Design Guidelines, Zoning Use Table for a car wash (single-bay, drive-thru) accompanying a gasoline fueling station at 955 N. SH 78, Lake Breeze Estates,**

on 2 acres, Blk E, Lot 25C, Lavon, Collin County, TX situated southwest of the intersection of SH 78 and Gage Road (formerly Lake Road), (CCAD Property ID 2864642).

PRESENTATION of proposed application.

Ms. Dobbs provided information regarding the proposed application for a conditional use permit for a car wash and the report from the Planning and Zoning Commission recommending approval. The applicant, Sat Singh, Gainesville, TX detailed plans for the site including the purchase of more land to help accommodate the drive-through for the potential restaurant and car wash.

PUBLIC HEARING to receive comments regarding the proposed application.

Mayor Sanson opened the public hearing at 7:44 p.m. and invited comments for or against the proposed application.

Mary Jane Newton, 575 Weston Way, Kamil Kell, 155 Cyprus Grove, Natasha Hampton, 510 Grant Ln., and Joan Sickler, 932 Crockett of Lavon, TX spoke against the request.

There being no further comments, Mayor Sanson closed the public hearing at 7:50 p.m.

Discussion and action regarding the proposed application and accompanying Ordinance No. 2023-05-02.

Ms. Dobbs noted that the requisite public hearing notice was posted and published and four (4) neighbor notices were mailed to property owners within 200 feet of the proposed project with one (1) notice returned in favor of and none in opposition to the application.

MOTION: APPROVE ORDINANCE NO. 2023-05-02 APPROVING A CONDITIONAL USE PERMIT AS SPECIFIED IN ORDINANCE NO. 2020-04-04 THAT ESTABLISHED THE LAKE BREEZE PLANNED DEVELOPMENT (PD), EXHIBIT C ZONING USES AND DESIGN GUIDELINES, ZONING USE TABLE FOR A CAR WASH (SINGLE-BAY, DRIVE-THRU) ACCOMPANYING A GASOLINE FUELING STATION AT 955 N. SH 78, LAKE BREEZE ESTATES, ON 2 ACRES, BLK E, LOT 25C, LAVON, COLLIN COUNTY, TX SITUATED SOUTHWEST OF THE INTERSECTION OF SH 78 AND GAGE ROAD (FORMERLY LAKE ROAD).

MOTION MADE: WRIGHT

SECONDED: COOK

APPROVED: UNANIMOUS (Absent: Hedge)

- C. Public hearing, discussion and action regarding an application for a conditional use permit as specified in Ordinance No. 2020-04-04 that established the Lake Breeze PD, Exhibit C Zoning Uses and Design Guidelines, Retail District Standards – Building Placement, Orientation and Site Design (1) for (a) a drive-thru lane and (b) a service canopy for a gasoline fueling station at 955 N. SH 78, Lake Breeze Estates, on 2 acres, Blk E, Lot 25C, Lavon, Collin County, TX situated southwest of the intersection of SH 78 and Gage Road (formerly Lake Road), (CCAD Property ID 2864642).**

PRESENTATION of proposed application.

Ms. Dobbs provided information regarding the proposed application and the applicant, Sat Singh, answered questions regarding the application. Ms. Dobbs noted that if approved, a site plan and landscape plan would be presented to show the precise location of the drive-thru lanes and service canopy.

PUBLIC HEARING to receive comments regarding the proposed application.

Mayor Sanson opened the public hearing at 7:59 p.m. and invited comments for or against the proposed amendment. There being no comments, Mayor Sanson closed the public hearing at 7:59 p.m.

Discussion and action regarding the proposed application and accompanying Ordinance No. 2023-05-03.

Ms. Dobbs noted that the requisite public hearing notice was posted and published and four (4) neighbor notices were mailed to property owners within 200 feet of the proposed project with one (1) notice returned in favor of and none in opposition to the application.

MOTION: APPROVE ORDINANCE NO. 2023-05-03 APPROVING A CONDITIONAL USE PERMIT AS SPECIFIED IN ORDINANCE NO. 2020-04-04 THAT ESTABLISHED THE LAKE BREEZE PD, EXHIBIT C ZONING USES AND DESIGN GUIDELINES, RETAIL DISTRICT STANDARDS – BUILDING PLACEMENT, ORIENTATION AND SITE DESIGN (1) FOR (A) A DRIVE-THRU LANE AND (B) A SERVICE CANOPY FOR A GASOLINE FUELING STATION AT 955 N. SH 78, LAKE BREEZE ESTATES, ON 2 ACRES, BLK E, LOT 25C, LAVON, COLLIN COUNTY, TX SITUATED SOUTHWEST OF THE INTERSECTION OF SH 78 AND GAGE ROAD (FORMERLY LAKE ROAD).

MOTION MADE: KELL
SECONDED: DILL
APPROVED: UNANIMOUS (Absent: Hedge)

- D. Public hearing, discussion, and action regarding an application for a site plan and landscape plan for the Scrubbies Car Wash project at 701 S. SH 78, on approximately 1.24 acres being a portion of 8.64 acres out of the William H. Moore Survey, A-638, Lavon, Collin County, TX, located northeast of the intersection of SH 78 and Grand Heritage Boulevard, City of Lavon, Collin County, Texas, (CCAD Parcel ID 2614649).**

PRESENTATION of proposed site plan and landscape plan.

Ms. Dobbs presented information regarding the site plan and landscape plan application and a report from the Planning and Zoning Commission recommending approval. Zach Sewell, Scrubbies, detailed the site plan. Ms. Dobbs explained that a car wash is a permitted use in the Grand Heritage Planned Development zoning approved in 2004 and the public hearing is for comments regarding the site plan. Ms. Dobbs advised that the city staff had requested and the applicant had agreed to install 1) an 8-foot masonry screening wall on the north side of the property that is two feet higher than required and 2) a landscaped screen with an ornamental iron fence on the west side of the property.

PUBLIC HEARING to receive comments regarding the proposed site plan.

Mayor Sanson opened the public hearing at 8:05 p.m. and invited comments for or against the site plan.

Fred Knauer, 340 Alamo Ct., Oscar Guevara, 943 Austin Ln., Natasha Hampton, 510 Grant Ln., Rebecca Salinas, 700 Austin Ln., Anthony Mullin, 951 Crockett Dr., Bill Evans, 587 Weston Way, Joe Serpette, 655 Quincy Ct., Jackie Doyle, 319 Alamo Ct., Jessica Ratliff, 890 Austin Ln., Laura Ramos, 631 Crockett Ln., Kamil Kell, 155 Cyprus Grove, and Brendon Godwin, 336 Forder Ct. of Lavon, TX spoke in opposition to the site plan.

There being no further comments, Mayor Sanson closed the public hearing at 8:24 p.m.

Discussion regarding the proposed site plan and landscape plan.

Zach Sewell, Scrubbies, 3121 Eagle Dr., Mt. Pleasant, TX addressed concerns expressed by the residents. Mr. Sewell explained that the car wash hours of operation would close at 6:00 pm in the winter and 7:00 pm in summer months. Mr. Sewell confirmed that the applicant would update the site plan with a screening barrier on the west side of the property.

MOTION: APPROVE THE SITE PLAN AND LANDSCAPE PLAN FOR THE SCRUBBIES CAR WASH PROJECT AT 701 S. SH 78, ON APPROXIMATELY 1.24 ACRES BEING A PORTION OF 8.64 ACRES OUT OF THE WILLIAM H. MOORE SURVEY, A-638, LAVON, COLLIN COUNTY, TX, LOCATED NORTHEAST OF THE INTERSECTION OF SH 78 AND GRAND HERITAGE BOULEVARD, CITY OF LAVON, COLLIN COUNTY, TEXAS SUBJECT TO ADDITION OF AN APPROVED SCREENING BARRIER.

MOTION MADE: WRIGHT
SECONDED: COOK

APPROVED: UNANIMOUS (Absent: Hedge)

- E. Discussion and action regarding an application for the preliminary plat of the 78 Commercial East Addition consisting of two commercial lots on 8.64 acres out of the William H. Moore Survey, A-638 in the vicinity of 701 S. SH 78, northeast of the intersection of SH 78 and Grand Heritage Boulevard, City of Lavon, Collin County, Texas, (CCAD Parcel ID 2614649).**

Ms. Dobbs presented information regarding the preliminary plat application and a report from the Planning and Zoning Commission recommending approval.

MOTION: APPROVE THE PRELIMINARY PLAT OF THE 78 COMMERCIAL EAST ADDITION CONSISTING OF TWO COMMERCIAL LOTS ON 8.64 ACRES OUT OF THE WILLIAM H. MOORE SURVEY, A-638 IN THE VICINITY OF 701 S. SH 78, NORTHEAST OF THE INTERSECTION OF SH 78 AND GRAND HERITAGE BOULEVARD, CITY OF LAVON, COLLIN COUNTY, TEXAS SUBJECT TO THE CITY ENGINEERS APPROVAL.

MOTION MADE: KELL

SECONDED: WRIGHT

APPROVED: UNANIMOUS (Absent: Hedge)

- F. Discussion and action regarding an application for the final plat of the Hillstead Subdivision Phase 1, consisting of 281 residential lots on 69.92 acres of land, being part of a 291.141-acre tract situated in the William Howard Survey, A-370, southwest of the intersection of CR 483 and CR 484, in the extraterritorial jurisdiction of the City of Lavon, Collin County MUD No. 5, Collin County, TX, (CCAD Property ID 2874750).**

Ms. Dobbs presented information regarding the final plat application and a report from the Planning and Zoning Commission recommending approval. Christian Songy, Southland Consulting Engineers, 10210 N. Central Expressway, Dallas, TX was available for questions.

MOTION: APPROVE THE FINAL PLAT OF THE HILLSTEAD SUBDIVISION PHASE 1, CONSISTING OF 281 RESIDENTIAL LOTS ON 69.92 ACRES OF LAND, BEING PART OF A 291.141-ACRE TRACT SITUATED IN THE WILLIAM HOWARD SURVEY, A-370, SOUTHWEST OF THE INTERSECTION OF CR 483 AND CR 484, IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF LAVON, COLLIN COUNTY MUD NO. 5, COLLIN COUNTY, TX SUBJECT TO THE CITY ENGINEERS APPROVAL.

MOTION MADE: WRIGHT

SECONDED: DILL

APPROVED: UNANIMOUS (Absent: Hedge)

- G. Discussion and action regarding acceptance of the public infrastructure for the LakePointe, Phase 3 Addition.**

Ms. Dobbs provided information regarding the development and Steve Lennart, Lennart Development, was available for questions.

MOTION: APPROVE AND ACCEPT THE PUBLIC INFRASTRUCTURE FOR THE LAKEPOINTE PHASE 3 ADDITION.

MOTION MADE: KELL

SECONDED: WRIGHT

APPROVED: UNANIMOUS (Absent: Hedge)

- H. Discussion and action regarding Ordinance No. 2023-05-04 amending the fee schedule approved and adopted by Ordinance No. 2022-08-09 for the fiscal year October 1, 2022, through September 30, 2023, to provide for civil site inspection fees and after-hours infrastructure inspection fees; and providing an effective date.**

Ms. Dobbs provided information regarding the proposed fees and amendment to the fee schedule.

MOTION: APPROVE ORDINANCE NO. 2023-05-04 AMENDING THE FEE SCHEDULE APPROVED AND ADOPTED BY ORDINANCE NO. 2022-08-09 FOR THE FISCAL YEAR

OCTOBER 1, 2022, THROUGH SEPTEMBER 30, 2023, TO PROVIDE FOR CIVIL SITE INSPECTION FEES AND AFTER-HOURS INFRASTRUCTURE INSPECTION FEES; AND PROVIDING AN EFFECTIVE DATE.

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

I. Discussion and action regarding Board and Commission appointments – Parks and Recreation Board.

MOTION: APPOINT TRACY FILO TO THE PARKS AND RECREATION BOARD FOR THE UNEXPIRED TERM OF SEAT 1.

MOTION MADE: WRIGHT
SECONDED: COOK
APPROVED: UNANIMOUS (Absent: Hedge)

9. SET FUTURE MEETINGS AND AGENDA

May 16, 2023 - Regular Meeting

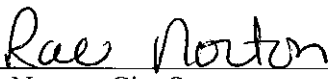
10. MAYOR SANSON ADJOURNED THE CITY COUNCIL MEETING AT 8:47 P.M.

DULY PASSED and APPROVED by the City Council of Lavon, Texas, on this 16th day of May 2023.



Vicki Sanson, Mayor

ATTEST:



Rae Norton, City Secretary