



**MINUTES
DECEMBER 19, 2023
LAVON CITY COUNCIL
CITY HALL, 120 SCHOOL ROAD, LAVON, TEXAS
REGULAR MEETING**

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

City Hall will be closed December 25 and 26, 2023, for Christmas and January 1, 2024, for New Years.

Garbage and Recycle pickup will be moved for the week of Christmas and New Years to Thursdays.

4. CITIZENS COMMENTS

There were no citizen comments.

5. PROCLAMATION

The Community Independent School District School Board was recognized for School Board Appreciation Month and a Proclamation was presented for Martin Luther King Jr. Day.

9. EXECUTIVE SESSION

At 6:38 p.m. in accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council may recess 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 pursuant to Section 551.072 deliberation regarding the purchase, exchange, lease, or value of real property.

10. RECONVENE INTO REGULAR SESSION

In accordance with the Texas Government Code, Section 551.001, et seq., Mayor Sanson reconvened the meeting at 8:07 p.m. and stated no action was taken in executive session.

6. CONSENT AGENDA

A. Approve the minutes of the December 5, 2023, meeting.

B. Approve Resolution No. 2023-12-02 approving and authorizing the execution of an Access Easement granted to the City of Lavon by Bear Creek Commercial Properties, L.P. for public access relating to the State Highway 205 Addition, Phase 2.

C. Approve Resolution No. 2023-12-03 approving and authorizing the execution of an encroachment license agreement with the City of Garland doing business as Garland Power & Light (GP&L) for the installation of a roadway, storm sewer, sanitary sewer, and related infrastructure within a portion of a GP&L easement adjacent to the Community ISD Addition north of the intersection of Trails of Lavon Parkway and Rosewood (formerly CR 483).

- D. Accept the City Secretary's verification of the Petition for Disannexation from the City of Lavon Extraterritorial Jurisdiction (ETJ) of approximately 219.944 acres situated out of the Drury Anglin Survey, Abstract No. 2, Sheet 4, Tract, 62 and the JAS Strickland Survey, Abstract No. 794, Sheet 3, Tract 26 and approve Ordinance No. 2023-12-04 disannexing the herein described territory from the ETJ of the City of Lavon, Collin County, Texas, and adjusting the boundary limits of said ETJ so as to exclude the described property from within the ETJ; providing instructions for filing this ordinance and for correcting the official map and boundaries of said city; providing severability and cumulative clauses; and providing an effective date.

MOTION: APPROVE THE CONSENT AGENDA.

MOTION MADE: DILL
SECONDED: HEDGE
APPROVED: UNANIMOUS

7. ITEMS FOR CONSIDERATION

- A. Discussion and action regarding the award of the construction contract for the City of Lavon North Wastewater Treatment Plant (WWTP) (CIP-38) and Resolution No. 2023-12-04 authorizing the negotiation and execution of a construction contract with Heritage General Contractor in the amount of \$8,458,000.00 with 480 calendar days to construct and providing an effective date.

Kim Dobbs, City Manager, Mark Hill, Freeman Millican, Inc., and Chris Connelly, Kimley-Horn provided information regarding the project, bids received, the recommendation of the award recommendation, and contract details.

ACTION: APPROVE RESOLUTION NO. 2023-12-04 AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CONSTRUCTION CONTRACT WITH HERITAGE GENERAL CONTRACTORS IN THE AMOUNT OF \$8,458,000.00 WITH 480 CALENDAR DAYS TO CONSTRUCT, AND PROVIDING AN EFFECTIVE DATE.

MOTION MADE: WRIGHT
SECONDED: COOK
APPROVED: UNANIMOUS

- B. Discussion, and action regarding the acceptance of the public infrastructure related to the expansion and remodel construction project at Phyliss NeSmith Elementary School on Lot 1, Block A, of the Community ISD Elementary Addition.

Ms. Dobbs provided information regarding the acceptance of the infrastructure and noted that the City Engineer recommended approval.

MOTION: ACCEPT THE PUBLIC INFRASTRUCTURE RELATED TO THE EXPANSION AND REMODEL CONSTRUCTION PROJECT AT PHYLISS NESMITH ELEMENTARY SCHOOL ON LOT 1, BLOCK A, OF THE COMMUNITY ISD ELEMENTARY ADDITION.

MOTION MADE: DILL
SECONDED: HEDGE
APPROVED: UNANIMOUS

- C. Discussion and action regarding Resolution No. 2023-12-05 approving and authorizing the execution of Change Order No. 5 to the construction contract with North Texas Contracting, Inc. for the City of Lavon Bently Farms, Phase 1 Paving and Storm Drain (CIP-24) Construction Project to close out and make the final cost adjustment for actual quantities installed in an amount not to exceed \$12,445.00; and providing an effective date.

Ms. Dobbs provided information and Mr. Hill detailed the project and proposed change order.

MOTION: APPROVE RESOLUTION NO. 2023-12-05 APPROVING AND AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 5 TO THE CONSTRUCTION CONTRACT WITH NORTH TEXAS CONTRACTING, INC. FOR THE CITY OF LAVON BENTLY

FARMS, PHASE 1 PAVING AND STORM DRAIN (CIP-24) CONSTRUCTION PROJECT TO CLOSE OUT AND MAKE THE FINAL COST ADJUSTMENT FOR ACTUAL QUANTITIES INSTALLED IN AN AMOUNT NOT TO EXCEED \$12,445.00; AND PROVIDING AN EFFECTIVE DATE.

MOTION MADE: WRIGHT
SECONDED: SHEPARD
APPROVED: UNANIMOUS

D. Discussion and action regarding acceptance of the Bently Farms Phase 1 Paving and Storm Drain (CIP-24) construction project improvements.

Ms. Dobbs provided information and Mr. Hill detailed the project and noted that the two (2) year warranty period begins at approval.

MOTION: ACCEPT THE BENTLY FARMS PHASE 1 PAVING AND STORM DRAIN (CIP-24) CONSTRUCTION PROJECT IMPROVEMENTS.

MOTION MADE: HEDGE
SECONDED: DILL
APPROVED: UNANIMOUS

E. Discussion, and action regarding Resolution No. 2023-12-06 approving and authorizing the execution of Change Order No. 3 to the construction contract with Mart, Inc. for the City of Lavon Fire Department and Public Works Facilities Expansion (CIP-9) Construction Project in an amount not to exceed \$47,823.60 for installation of additional flex base for Public Works and the Police Department; and providing an effective date.

Ms. Dobbs provided details regarding the change order with Mart, Inc. Chief Jones described the parking area conditions.

MOTION: APPROVE AND AUTHORIZE RESOLUTION NO. 2023-12-06 THE EXECUTION OF CHANGE ORDER NO. 3 TO THE CONSTRUCTION CONTRACT WITH MART, INC. FOR THE CITY OF LAVON FIRE DEPARTMENT AND PUBLIC WORKS FACILITIES EXPANSION (CIP-9) CONSTRUCTION PROJECT IN AN AMOUNT NOT TO EXCEED \$47,823.60 FOR INSTALLATION OF ADDITIONAL FLEX BASE FOR PUBLIC WORKS AND THE POLICE DEPARTMENT; AND PROVIDING AN EFFECTIVE DATE.

MOTION MADE: COOK
SECONDED: WRIGHT
APPROVED: UNANIMOUS

F. Discussion and action regarding Resolution No. 2023-12-07 approving and authorizing the execution of Change Orders No. 1 and No. 2 to the construction contract with Infra Construction, L.L.C. for the City of Lavon Bear Creek Trail Creek Crossing Connection (CIP-15) Construction Project for the installation of two additional construction exits at Harrison Ln and Rosewood (CR 483) in an amount not to exceed \$7,290.00 and an additional culvert under the new trail in an amount not to exceed \$13,740.00; and providing an effective date.

Ms. Dobbs provided information regarding the construction of the Bear Creek Trail Creek Crossing Connection. Mr. Hill was available for questions.

MOTION: APPROVE AND AUTHORIZE RESOLUTION NO. 2023-12-07 APPROVING AND AUTHORIZING THE EXECUTION OF CHANGE ORDERS NO. 1 AND NO. 2 TO THE CONSTRUCTION CONTRACT WITH INFRA CONSTRUCTION, L.L.C. FOR THE CITY OF LAVON BEAR CREEK TRAIL CREEK CROSSING CONNECTION (CIP-15) CONSTRUCTION PROJECT FOR THE INSTALLATION OF TWO ADDITIONAL CONSTRUCTION EXITS AT HARRISON LN AND ROSEWOOD (CR 483) IN AN AMOUNT NOT TO EXCEED \$7,290.00 AND AN ADDITIONAL CULVERT UNDER THE NEW TRAIL IN AN AMOUNT NOT TO EXCEED \$13,740.00; AND PROVIDING AN EFFECTIVE DATE.

MOTION MADE: WRIGHT
SECONDED: DILL
APPROVED: UNANIMOUS

- G. Discussion and action regarding Ordinance No. 2023-12-05 to amend the fee schedule adopted by Ordinance No. 2023-08-10 for the Fiscal Year October 1, 2023, through September 30, 2024, as amended, to remove the registration fee for mobile food unit certified food handler/manager and to add a permit fee for an underground fire main.**

Ms. Dobbs provided information regarding the fee schedule updates. Chief Anthony detailed the underground Fire Main Fee.

MOTION: APPROVE ORDINANCE NO. 2023-12-05 TO AMEND THE FEE SCHEDULE ADOPTED BY ORDINANCE NO. 2023-08-10 FOR THE FISCAL YEAR OCTOBER 1, 2023, THROUGH SEPTEMBER 30, 2024, AS AMENDED, TO REMOVE THE REGISTRATION FEE FOR MOBILE FOOD UNIT CERTIFIED FOOD HANDLER/MANAGER AND TO ADD A PERMIT FEE FOR AN UNDERGROUND FIRE MAIN.

MOTION MADE: SHEPARD
SECONDED: COOK
APPROVED: UNANIMOUS

8. DEPARTMENT REPORTS

- A. Police Services** – Police Chief Mike Jones provided information regarding the new interim office space and provided reports, detailed upcoming programs, and referenced information provided in the meeting packet.
- B. Fire Services** – Fire Chief Danny Anthony referenced the reports in the meeting packet and answered questions.
- C. Public Works** – Director of Public Works David Carter provided general information regarding the CIP and public works operations.
- D. Administration** – Ms. Dobbs referenced reports in the meeting packet and provided additional information.

10. RECONVENE FROM EXECUTIVE SESSION

- A. Discussion and action regarding a Fire and Emergency Services Agreement with the Elevation Municipal Utility District for the Collin County Municipal Utility District No. 5.**

No action taken.

- B. Discussion and action regarding a License Agreement with Community FC for use of a portion of the J. L. Rees Park area.**

Andre Morton, 7880 CR 542, Nevada, TX., Community FC Representative, provided information and answered questions.

MOTION: APPROVE A LICENSE AGREEMENT WITH COMMUNITY FC FOR USE OF A PORTION OF THE J. L. REES PARK AREA SUBJECT TO CITY ATTORNEY APPROVAL SUBJECT TO RECEIVING AND APPROVING FINANCIAL INFORMATION.

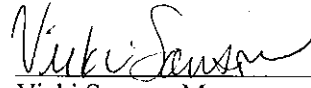
MOTION MADE: WRIGHT
SECONDED: DILL
APPROVED: UNANIMOUS

9. SET FUTURE MEETINGS AND AGENDA

January 2, 2024 – Regular Meeting – Cancel if appropriate
January 16, 2024 – Regular Meeting

12. MAYOR SANSON ADJOURNED THE CITY COUNCIL MEETING AT 9:02 P.M.

DULY PASSED and APPROVED by the City Council of Lavon, Texas, on this 16th day of January 2024.



Vicki Sanson, Mayor

ATTEST:



Rae Norton, City Secretary

