



**MINUTES  
SEPTEMBER 3, 2019  
LAVON CITY COUNCIL  
CITY HALL, 120 SCHOOL ROAD, LAVON, TEXAS  
WORK SESSION 6:00 P.M.  
REGULAR MEETING 7:00 PM**

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

1. **MAYOR SANSON CALLED THE MEETING TO ORDER AT 6:01 P.M. AND ANNOUNCED A QUORUM PRESENT.**
2. **MAYOR SANSON LED THE RECITATION OF THE PLEDGE OF ALLEGIANCE AND CHIEF MIKE JONES DELIVERED THE INVOCATION.**
3. **BUDGET WORK SESSION**

City Administrator Kim Dobbs announced that public hearings are scheduled for September 3, 2019 and September 10, 2019 and that a vote is scheduled for September 17, 2019. Ms. Dobbs explained that the proposed tax rate of 0.478957 represents a slight increase of 0.023257 per hundred dollars valuation and based on an average home value of \$250,000 and applying only the general homestead exemption the proposed tax rate would result in an increased tax bill of \$57 per year or \$4.75/month for residents of the city. The City Council and staff discussed the provisions in the budget. Mayor Sanson closed the work session and moved into the regular meeting. It was noted that public hearings would be deferred until at least 7:00 p.m.

4. **CITIZENS COMMENTS**

There were no citizens comments.

5. **ITEMS OF INTEREST/COMMUNICATIONS**

- September 7                      Envision Lavon at Lavon City Hall 1pm-5pm
- September 1-30                North Texas Food Bank Peanut Butter Drive
- October 1                        National Night Out
- October 26                       Fall Festival and Trick or Treat Street
- November 16                    LEDC Small Business Bazaar
- Sept 27-Oct 27                 Texas State Fair

6. **PROCLAMATION**

Mayor Sanson presented the Lavon Police Department and Lavon Volunteer Fire Department with a Proclamation recognizing September 2019 as National Preparedness Month.

7. **CONSENT AGENDA**

- A. **Approve the minutes of the August 17, 2019 meeting.**
- B. **Approve the minutes of the August 20, 2019 meeting.**
- C. **Approve the minutes of the August 22, 2019 meeting.**
- D. **Approve Ordinance No. 2019-09-01 adopting an exemption from ad valorem taxation of Freeport Goods that are used in assembly, storage, manufacturing or fabrication, as authorized**

by Article 8, Section 1-j of the Texas constitution and Texas Tax Code, Section 11.251(1); providing for severability, savings and repealing clauses; and providing for an effective date..

- E. Approve Resolution No. 2019-09-01 authorizing the Mayor to execute a Contract Amendment No. Thirteen (13) to Extend the Interlocal Agreement with Collin County for Animal Control and Animal Shelter Services for a one (1) year period from October 1,2019 to September 30, 2020; and providing for an effective date.
- F. Approve Resolution No. 2019-09-02 designating an official newspaper for fiscal year 2020.

**MOTION: APPROVE THE CONSENT AGENDA.**

MOTION MADE: WRIGHT

SECONDED: KELL

APPROVED: UNANIMOUS

## 8. ITEMS FOR CONSIDERATION

- D. Discussion and action regarding Resolution No. 2019-09-03 Declaring elected to the Offices of Mayor, City Council Place 2 and City Council Place 4 the Unopposed Candidates for Election to those Offices; Providing that such Election shall be Effective as of November 5, 2019, and that Such Candidates shall Take Office as Provided for by Law; Providing that the November 5, 2019, General Election Shall Not Be Held; Providing that a Copy of this Resolution Shall be Posted on Election Day at Each Polling Place that would have been used in the Election; Providing an Effective Date.

Ms. Dobbs reported that other than the incumbents no one filed to run for office and no one filed a declaration for write in candidacy. Consequently, the city secretary certified the candidates as unopposed.

**MOTION: APPROVE RESOLUTION NO. 2019-09-03 DECLARING ELECTED TO THE OFFICES OF MAYOR, CITY COUNCIL PLACE 2 AND CITY COUNCIL PLACE 4 THE UNOPPOSED CANDIDATES FOR ELECTION TO THOSE OFFICES; PROVIDING THAT SUCH ELECTION SHALL BE EFFECTIVE AS OF NOVEMBER 5, 2019, AND THAT SUCH CANDIDATES SHALL TAKE OFFICE AS PROVIDED FOR BY LAW; PROVIDING THAT THE NOVEMBER 5, 2019, GENERAL ELECTION SHALL NOT BE HELD; PROVIDING THAT A COPY OF THIS RESOLUTION SHALL BE POSTED ON ELECTION DAY AT EACH POLLING PLACE THAT WOULD HAVE BEEN USED IN THE ELECTION; PROVIDING AN EFFECTIVE DATE.**

MOTION MADE: SERKLAND

SECONDED: WRIGHT

APPROVED: UNANIMOUS

- F. Discussion and action regarding the submittal of nominations for the Collin Central Appraisal District for the Board of Directors.

The consensus of the Council was to not submit any nominations for the CCAD Board of Directors. No action was taken.

## 9. CITY COUNCIL TO SET FUTURE MEETING AND AGENDAS

- September 7, 2019 Envision Lavon! Engagement Day-public input and feedback 1 p.m.-5 p.m.
- September 10, 2019 Special City Council meeting and public hearing on the tax rate at 7 p.m.
- September 17, 2019 City Council Meeting – vote on the tax rate and budget
- October 1, 2019 National Night Out 6:30 p.m.-8:30 p.m.

Mayor Sanson recessed the meeting at 6:51 p.m. and reconvened the meeting at 7:04 p.m.

## 8. ITEMS FOR CONSIDERATION

**A. Public hearing and discussion regarding the Proposed Tax Rate of 0.478957 per \$100 valuation on all taxable property within the corporate limits of the City of Lavon for FY 2019-20. This is the first of two public hearings, the second of which is scheduled for September 10, 2019. Presentation regarding proposed tax rate.**

City staff provided information regarding the determination of the proposed tax rate and discussed the definitions of the effective tax rate and the rollback tax rate. The Mayor noted that tax rate and budget have been discussed on five separate occasions in work sessions in open meetings over the past few months. Ms. Dobbs noted that the public hearings were scheduled and properly noticed per state law.

**PUBLIC HEARING to receive comments regarding the proposed tax rate.**

Mayor Sanson opened the public hearing at 7:04 p.m. and invited comments in favor of or opposition to the proposed tax rate.

- Preston Held, 532 Avery Pt., wanted clarification on what capital improvement projects and repairs were planned. Ms. Dobbs explained the repairs and outlined the estimated costs.
- Rick Mann, 8311 PR 5397, asked when storm drains would be put in on the north side of Lake Rd. (CR 486). Ms. Dobbs explained that the plans were very preliminary and that enclosed storm drains were not being contemplated on Lake Road at this stage.
- Joshua Murray, 1762 Lake Rd., stated that line items on the budget can be amended during the fiscal year.
- Katrina Sobol, 536 Cottage Pl., questioned the need for the capital improvements listed and was concerned about the impact of the tax rate change. Ms. Dobbs provided a sample calculation based on an average house appraised at \$250,000 that would result in an increase of \$57 per year. Ms. Dobbs offered to pull Ms. Sobol's specific property information and follow up with her.
- Vern Meier, 1154 Rolling Meadow, inquired about drainage on Lake Rd.
- Joshua Murray, 1762 Lake Rd., questioned how the council was going to guarantee the proposed capital improvements would be done and who would be held accountable. He further stated that the budget can be amended by Council vote.

There being no further comments Mayor Sanson closed the public hearing at 7:22p.m.

**Discussion and action regarding the proposed tax rate.**

No action was taken. The Mayor reiterated that a second public hearing was scheduled for Tuesday, September 10, 2019 at 7:0 p.m. at City Hall to receive input on the proposed tax rate, the budget and the fee schedule and that a vote on the budget, tax rate and fee schedule is set for September 17, 2019.

**B. Public Hearing, discussion and action regarding the application of Daniel Wright for a conditional use permit (CUP) to construct a 750 square foot open awning to an existing 1500 square foot accessory structure at 665 Lakeridge Dr., Block D, Lot 4 Lakeridge Meadows (CCAD Property ID 2092108), Lavon, Collin County, Texas.**

Council Member Kay Wright announced that she had filed a Conflict of Interest Affidavit, recused herself and left the City Council chambers at 7:23 p.m.

**Presentation of request.**

Ms. Dobbs provided location exhibits and general information regarding the application provided by the applicant. Ms. Dobbs explained that a conditional use permit (CUP) was required because the open addition is considered a part of the overall square footage of the building and it would exceed the permitted size of the building. The requested addition could be permitted with a CUP. Raymond Dawson, for the applicant, noted that there are currently gutters on the building that would be extended to the awning and offered to answer any other questions.

**PUBLIC HEARING**

Mayor Sanson opened the Public Hearing at 7:28 p.m. and requested comments for or against the proposed CUP. There being no comments, the Public Hearing was closed at 7:28 p.m.

**Discussion and action regarding the request.**

Ms. Dobbs confirmed that the awning addition would extend over existing concrete and added there would be no addition to the footprint of the existing structure. Ms. Dobbs reported that the public hearing was published in the newspaper and on the website and that nine (9) notices were mailed to owners of property within 200 feet of the subject property and six (6) responses were received in favor of the request and none were received in opposition.

**MOTION: APPROVE ORDINANCE NO. 2019-09-02 AMENDING CHAPTER 9, ZONING ORDINANCE, OF THE CODE OF ORDINANCES, AS HERETOFORE AMENDED SO AS TO GRANT A CONDITIONAL USE PERMIT TO APPLICANTS DANIEL AND KAY WRIGHT FOR AN ACCESSORY BUILDING OF 2250 SQ. FT. IN AREA, ON LOT 4, BLOCK D OF THE LAKERIDGE MEADOWS ADDITION (665 LAKERIDGE DRIVE); PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2000.00) DOLLARS AND THAT A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY OF VIOLATION; PROVIDING SEVERABILITY AND CUMULATIVE CLAUSES; AND PROVIDING AN EFFECTIVE DATE.**

MOTION: SERKLAND  
SECONDED: DILL  
APPROVED: KELL, COOK, DILL, SERKLAND  
RECUSED: WRIGHT  
THIS MOTION PASSED 4-0

Ms. Wright re-entered the meeting at 7:31 p.m.

- C. Public hearing, discussion and action regarding the request of the owner of certain property to voluntarily annex property consisting of 59.273 acres described as Samuel M. Rainer Survey, Abstract No. 740, Tract 59 (CCAD Property I D 2152129), southwest of the intersection of SH 78 and FM 6, Collin County, Texas and the portion of Lake Road, also referred to as CR 486, and the right-of-way adjacent to and abutting the property into the City of Lavon.**

**Presentation of request.**

Ms. Dobbs provided location information and background on the petition for voluntary annexation to annex the portion of the property that is outside of the corporate limits so the entire property will be wholly situated within the corporate limits of the City of Lavon. The property owner's representative Connie Cooper, ION Design Group offered to answer any questions.

**PUBLIC HEARING to receive comments regarding the request.**

Mayor Sanson opened the public hearing at 7:33 p.m. and invited comments in favor of or opposition to the request.

- Holly Meier, 1154 Rolling Meadow Dr. addressed her question to the City Council and asked if anyone on the City Council had a conflict of interest in the annexation of the property. No one replied that there was a conflict.
- Joshua Murray, 1762 Lake Rd. expressed his desire to annex into the City and noted his disagreement with the determination that his property was not adjacent and with the City Attorney's opinion that because of the lack of adjacency the property would not be eligible for annexation.

There being no further comments, Mayor Sanson closed the public hearing at 7:35 p.m.

**Discussion and action regarding the request and accompanying Ordinance No. 2019-09-03.**

**MOTION: APPROVE ORDINANCE NO. 2019-09-03 ANNEXING THE HEREINAFTER DESCRIBED TERRITORY INTO THE CITY OF LAVON, COLLIN COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE THE**

DESCRIBED PROPERTY WITHIN THE CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF THE PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING THE INHABITANTS BY ALL OF THE ORDINANCES, RESOLUTIONS, ACTS AND REGULATIONS OF THE CITY; INCORPORATING AN EXECUTED MUNICIPAL SERVICES AGREEMENT; FINDING AND DETERMINING THAT ALL REQUIREMENTS FOR ANNEXATION INCLUDING A PUBLIC HEARING, NOTICES AND OPEN MEETINGS HAVE BEEN MET ACCORDING TO LAW; 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 MADE: SERKLAND  
SECONDED: KELL  
APPROVED: UNANIMOUS

**E. Discussion and action regarding Resolution No. 2019-09-04 approving a NEGOTIATED settlement between the Atmos Cities Steering Committee (“ACSC”) and ATMOS ENERGY CORP., Mid-Tex DIVISION regarding the company’s 2019 Rate Review Mechanism filings.**

Ms. Dobbs explained that the City of Lavon along with 171 other Mid-Texas cities served by Atmos Energy Corp., Mid-Tex Division is a member of the Atmos Cities Steering Committee (“ACSC”) and on or about April 1, 2019, the Company filed a rate request pursuant to the RRM Tariff adopted by ACSC members. Ms. Dobbs added that in conclusion the legislature’s GRIP process allowed gas utilities to receive annual rate increases associated with capital investments and the RRM process has proven to result in a more efficient and less costly ratemaking decisions. Michael Cox, Operations Supervisor, Atmos, was available to answer any questions.

**MOTION: APPROVE RESOLUTION NO. 2019-09-04 APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2019 RATE REVIEW MECHANISM FILINGS.**

MOTION MADE: WRIGHT  
SECONDED: SERKLAND  
APPROVED: UNANIMOUS

**9. MAYOR SANSON ADJOURNED THE CITY COUNCIL MEETING AT 7:38 P.M.**

**DULY PASSED and APPROVED** by the City Council of Lavon, Texas, on this 17<sup>th</sup> day of September 2019.

  
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Vicki Sanson  
Mayor

**ATTEST:**

  
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Kim Dobbs  
City Administrator/City Secretary

