



**MINUTES
MAY 5, 2020
LAVON CITY COUNCIL
REGULAR MEETING – EXECUTIVE SESSION
TELEPHONIC MEETING
CITY HALL, 120 SCHOOL ROAD, LAVON, TEXAS
7:00 P.M.**

The meeting was conducted telephonically in accordance with the orders of the Office of the Governor in order to advance the public health goal of limiting face-to-face meetings to slow the spread of the Coronavirus (COVID-19). The meeting agenda and packet were posted on the city website prior to the meeting.

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 7:00 P.M., TOOK ROLL AND CONFIRMED A QUORUM PRESENT.

2. MAYOR SANSON OBSERVED A MOMENT OF SILENCE

3. CITIZENS COMMENT

Stuart Bender, 626 Langdon St., commented on the safety of the tree line between his home and other homes and the new Traditions Phase II.

4. ITEMS OF INTEREST/COMMUNICATIONS

- Camp 911 and Babysitter Training are being rescheduled.

5. CONSENT AGENDA

A. Approve the minutes of the April 21, 2020 meeting.

B. Approve Resolution No. 2020-05-01 authorizing the Mayor to execute a Texas Department of Transportation Application for State Participation in the Relocation of Certain Publicly Owned Utility Facilities.

C. Approve Resolution No. 2020-05-02 authorizing the Mayor to execute an encroachment license agreement with the City of Garland doing business as Garland Power & Light (GP&L) for the installation of a trail within a portion of a GP&L easement in the vicinity of Traditions at Grand Heritage and Traditions at Grand Heritage, Phase 2.

MOTION: APPROVE THE CONSENT AGENDA.

MOTION MADE: KELL

SECONDED: DILL

APPROVED: UNANIMOUS

The Mayor called roll for the vote:

PLACE 1-JOHN KELL	FOR
PLACE 2-MIKE COOK	FOR
PLACE 3-KAY WRIGHT	FOR
PLACE 4-TED DILL	FOR
PLACE 5-MINDI SERKLAND	FOR

6. ITEMS FOR CONSIDERATION

A. Public hearing, discussion and action regarding the application for a conditional use permit requested by Dusty Leon Black to construct a 1200 sq ft accessory building, that is 208 sq ft greater than permitted at 1138 Meadow Hill, Block D, Lot 13, Bently Farms, Ph. 3, CCAD Property ID 2563639, Lavon, Collin County, Texas.

Presentation of request.

City Administrator Kim Dobbs provided information regarding exhibits included in the packet and the request in general. Mr. Black described the project. Ms. Dobbs reported that the Planning and Zoning Commission voted unanimously to recommend approval of the application. Ms. Wright asked if a concrete driveway would be installed to the building, and Mr. Black replied that there was not a driveway planned at this time.

PUBLIC HEARING to receive comments regarding the request and accompanying Ordinance.

Mayor Sanson opened the public hearing at 7:11 p.m. and invited comments regarding the application. Ms. Serkland stated that Mr. Black's building closely resembles other buildings in the neighborhood. There being no further comments, Mayor Sanson closed the public hearing at 7:13 p.m.

Discussion and action:

Ms. Dobbs stated that notice was published and that eight (8) notices were mailed and none were returned in favor of or opposition to the application.

MOTION: APPROVE ORDINANCE NO. 2020-05-01 APPROVING THE APPLICATION FOR A CONDITIONAL USE PERMIT REQUESTED BY DUSTY LEON BLACK TO CONSTRUCT A 1200 SQ FT ACCESSORY BUILDING THAT IS 208 SQ FT GREATER THAN PERMITTED AT 1138 MEADOW HILL, BLOCK D, LOT 13, BENTLY FARMS, PH. 3, CCAD PROPERTY ID 2563639, LAVON, COLLIN COUNTY, TEXAS.

MOTION MADE: DILL

SECONDED: SERKLAND

APPROVED: UNANIMOUS

The Mayor called roll for the vote:

PLACE 1-JOHN KELL	FOR
PLACE 2-MIKE COOK	FOR
PLACE 3-KAY WRIGHT	FOR
PLACE 4-TED DILL	FOR
PLACE 5-MINIDI SERKLAND	FOR

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

Ms. Dobbs provided a report regarding recent orders from Governor Abbott and related developments. Ms. Dobbs added that the city attorney advised that the City's Ordinance is not in conflict with the Governors orders and is not in need of revision. Ms. Dobbs advised that all restaurants with dining rooms within the city limits have been notified of the orders and provided a hand-delivered copy of the protocols. Mayor Sanson noted that two (2) of the positive COVID-19 cases in Lavon have been reported recovered. The Council discussed that city facilities would continue with the modified work assignments. No action taken.

C. Discussion and action regarding acceptance of the public infrastructure for the Traditions at Grand heritage, Phase 2 addition.

Ms. Dobbs provided information regarding the completion of infrastructure construction and the developer's commitment to complete the walking trail prior to an certificates of occupancy. Ms. Dobbs referenced the city engineer's letter recommending acceptance of the infrastructure. City Attorney Julie Fort recommended that in light of pending related agreements with the developer, acceptance should be postponed. Ms. Dobbs agreed that the City would entertain early release building permit applications prior to acceptance in light of the city attorney's recommendation.

MOTION: DEFER CONSIDERATION OF THE ACCEPTANCE OF INFRASTRUCTURE FOR TRADITIONS, PHASE 2 TO THE MAY 19, 2020 COUNCIL MEETING AND AUTHORIZE EARLY RELEASE BUILDING PERMITS FOR WHICH NO CERTIFICATES OF OCCUPANCY WILL BE ISSUED.

MOTION MADE: KELL
SECONDED: DILL
APPROVED: UNANIMOUS

The Mayor called roll for the vote:

PLACE 1-JOHN KELL	FOR
PLACE 2-MIKE COOK	FOR
PLACE 3-KAY WRIGHT	FOR
PLACE 4-TED DILL	FOR
PLACE 5-MINIDI SERKLAND	FOR

D. Discussion and action regarding Ordinance No. 2020-05-02 adopting the Project and Financing Plan for Reinvestment Zone Number One, City of Lavon, Texas, and providing an effective date.

Ms. Dobbs reviewed the Ordinance and reported that the TIRZ Board approved the Plan subject to the satisfaction of the city attorney. Mary Petty, P3Works, LLC., reviewed the Plan and answered questions.

MOTION: APPROVE ORDINANCE NO. 2020-05-02 ADOPTING THE PROJECT AND FINANCING PLAN FOR REINVESTMENT ZONE NUMBER ONE, CITY OF LAVON, TEXAS SUBJECT TO THE SATISFACTION AND APPROVAL OF THE CITY ATTORNEY, AND PROVIDING AN EFFECTIVE DATE.

MOTION MADE: WRIGHT
SECONDED: COOK
APPROVED: UNANIMOUS

The Mayor called roll for the vote:

PLACE 1-JOHN KELL	FOR
PLACE 2-MIKE COOK	FOR
PLACE 3-KAY WRIGHT	FOR
PLACE 4-TED DILL	FOR
PLACE 5-MINIDI SERKLAND	FOR

E. Public Hearing and consideration of testimony regarding the advisability of certain improvements and the costs thereof for property within Bear Creek Phases 3-5 located in the Heritage Public Improvement District No. 1 (Residential) within the City of Lavon, Texas.

Presentation of information.

Public Improvement District (PID) Administrator Mary Petty, P3Works provided information regarding the subject and stated that this item pertains to specifically Bear Creek Phases 3-5 and stated that this undeveloped area is Zone 4 on the included exhibit.

PUBLIC HEARING to receive comments regarding the matter.

Mayor Sanson opened the public hearing at 7:39 p.m. and invited comments.

- Michael Smith, 649 Weston Way, asked if this area will increase the assessments of the already established PID. Ms. Dobbs stated that this area will not affect previously levied existing assessments.

There being no further comment Mayor Sanson closed the public hearing at 7:41 p.m.

F. Discussion and action regarding Resolution No. 2020-05-03 declaring the advisability of certain authorized improvements and the costs thereof to be financed by Bear Creek Phases 3-5 located in the Heritage Public Improvement District No. 1 (Residential) within the City of Lavon pursuant to Chapter 372 Texas Local Government Code.

MOTION: APPROVE RESOLUTION NO. 2020-05-03 DECLARING THE ADVISABILITY OF CERTAIN AUTHORIZED IMPROVEMENTS AND THE COSTS THEREOF TO BE FINANCED BY BEAR CREEK PHASES 3-5 LOCATED IN THE HERITAGE PUBLIC IMPROVEMENT DISTRICT NO. 1 (RESIDENTIAL) WITHIN THE CITY OF LAVON PURSUANT TO CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE.

MOTION MADE: KELL
SECONDED: WRIGHT
APPROVED: UNANIMOUS

The Mayor called roll for the vote:

PLACE 1-JOHN KELL	FOR
PLACE 2-MIKE COOK	FOR
PLACE 3-KAY WRIGHT	FOR
PLACE 4-TED DILL	FOR
PLACE 5-MINIDI SERKLAND	FOR

- G. Discussion and action regarding Resolution No. 2020-05-04 determining the costs of certain authorized improvements to be financed by the heritage Public Improvement District No. 1 (Residential); approving a preliminary service plan and assessment plan, including a proposed assessment roll; calling and noticing a public hearing for May 19, 2020 to consider an ordinance levying assessments on certain property located within the Heritage Public Improvement District No. 1 (Residential); directing the filing of the proposed assessment roll with the City Secretary to make available for public inspection; directing City staff to publish and mail notice of said public hearing; and resolving other matters incident and related thereto.**

Ms. Petty presented the preliminary service plan and assessment and reviewed the affected areas.

MOTION: APPROVE RESOLUTION NO. 2020-05-04 DETERMINING THE COSTS OF CERTAIN AUTHORIZED IMPROVEMENTS TO BE FINANCED BY THE HERITAGE PUBLIC IMPROVEMENT DISTRICT NO. 1 (RESIDENTIAL); APPROVING A PRELIMINARY SERVICE PLAN AND ASSESSMENT PLAN, INCLUDING A PROPOSED ASSESSMENT ROLL; CALLING AND NOTICING A PUBLIC HEARING FOR MAY 19, 2020 TO CONSIDER AN ORDINANCE LEVYING ASSESSMENTS ON CERTAIN PROPERTY LOCATED WITHIN THE HERITAGE PUBLIC IMPROVEMENT DISTRICT NO. 1 (RESIDENTIAL); DIRECTING THE FILING OF THE PROPOSED ASSESSMENT ROLL WITH THE CITY SECRETARY TO MAKE AVAILABLE FOR PUBLIC INSPECTION; DIRECTING CITY STAFF TO PUBLISH AND MAIL NOTICE OF SAID PUBLIC HEARING; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO.

MOTION MADE: WRIGHT
SECONDED: DILL
APPROVED: UNANIMOUS

The Mayor called roll for the vote:

PLACE 1-JOHN KELL	FOR
PLACE 2-MIKE COOK	FOR
PLACE 3-KAY WRIGHT	FOR
PLACE 4-TED DILL	FOR
PLACE 5-MINIDI SERKLAND	FOR

- H. Conduct a public hearing and consideration of testimony regarding the advisability of the dissolution of the Heritage Public Improvement District No. 2 (Commercial) within the City of Lavon, Texas.**

Presentation of information.

Ms. Petty and Ms. Dobbs reviewed the location, impacted property owners and history regarding the commercial PID.

PUBLIC HEARING to receive comments regarding the matter.

Mayor Sanson opened the public hearing at 7:54 p.m. and invited comments regarding the request. There being no comments, Mayor Sanson closed the public hearing at 7:55 p.m.

I. Discussion and action regarding Resolution No. 2020-05-05 dissolving the Heritage Public Improvement District No. 2 (Commercial) in accordance with Chapter 372 of the Texas Local Government Code; providing for related matters; and providing an effective date.

MOTION: APPROVE RESOLUTION NO. 2020-05-05 DISSOLVING THE HERITAGE PUBLIC IMPROVEMENT DISTRICT NO. 2 (COMMERCIAL) IN ACCORDANCE WITH CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE.

MOTION MADE: WRIGHT
SECONDED: KELL
APPROVED: UNANIMOUS

The Mayor called roll for the vote:

PLACE 1-JOHN KELL	FOR
PLACE 2-MIKE COOK	FOR
PLACE 3-KAY WRIGHT	FOR
PLACE 4-TED DILL	FOR
PLACE 5-MINIDI SERKLAND	FOR

J. Discussion and action regarding Resolution No. 2020-05-06 authorizing the Mayor to execute a contract for legal services for the collection of delinquent taxes with Abernathy, Roeder, Boyd & Hullett, P.C.; and providing an effective date.

Ms. Dobbs provided information regarding the proposed agreement. Attorney Chad Timmons, Abernathy, Roeder, Boyd & Hullett, P.C. offered to answer questions.

MOTION: APPROVE RESOLUTION NO. 2020-05-06 AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR LEGAL SERVICES FOR THE COLLECTION OF DELINQUENT TAXES WITH ABERNATHY, ROEDER, BOYD & HULLETT, P.C.; AND PROVIDING AN EFFECTIVE DATE.

MOTION MADE: WRIGHT
SECONDED: DILL
APPROVED: UNANIMOUS

The Mayor called roll for the vote:

PLACE 1-JOHN KELL	FOR
PLACE 2-MIKE COOK	FOR
PLACE 3-KAY WRIGHT	FOR
PLACE 4-TED DILL	FOR
PLACE 5-MINIDI SERKLAND	FOR

K. Discussion and action regarding Resolution No. 2020-05-07 authorizing the Mayor to execute an agreement with the City of Nevada to adjust the extraterritorial jurisdiction boundary; and providing an effective date.

Ms. Dobbs reviewed prior city council discussions and subsequent conversations with the city attorney for the City of Nevada, who approved the boundary amendment as presented.

MOTION: APPROVE RESOLUTION NO. 2020-05-07 AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE CITY OF NEVADA TO ADJUST THE EXTRATERRITORIAL JURISDICTION BOUNDARY; AND PROVIDING AN EFFECTIVE DATE.

MOTION MADE: SERKLAND
SECONDED: WRIGHT
APPROVED: UNANIMOUS

The Mayor called roll for the vote:

PLACE 1-JOHN KELL	FOR
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PLACE 2-MIKE COOK FOR
PLACE 3-KAY WRIGHT FOR
PLACE 4-TED DILL FOR
PLACE 5-MINIDI SERKLAND FOR

7. EXECUTIVE SESSION

At 8:07p.m., in accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council may recess into Executive Session (closed meeting) to discuss the following items pursuant to Section 551.071; under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

- 1) Section 551.071 Consultation with Attorney regarding the (i) Abston Hills Development and (ii) Grand Heritage Development.

8. RECONVENE FROM EXECUTIVE SESSION

In accordance with Texas Government Code, Section 551.001, et seq., Mayor Sanson reconvened the meeting at 9:08 p.m. and stated that no action was taken in executive session.

9. CITY COUNCIL TO SET FUTURE MEETINGS AND AGENDAS.

- May 19, 2020 Regular City Council Meeting - Telephonic

10. MAYOR SANSON ADJOURNED THE CITY COUNCIL MEETING AT 9:10 P.M.

DULY PASSED and APPROVED by the City Council of Lavon, Texas, on this 19th day of May 2020.



Vicki Sanson
Mayor

ATTEST:



Kim Dobbs
City Administrator/City Secretary

