



**MINUTES  
JULY 7, 2020  
LAVON CITY COUNCIL  
REGULAR MEETING  
TELEPHONIC MEETING  
CITY HALL, 120 SCHOOL ROAD, LAVON, TEXAS  
7:00 P.M.**

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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

ABSENT: 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**

There were no citizen comments.

**4. ITEMS OF INTEREST/COMMUNICATIONS**

- July 15, 2020 Shop Lavon LEDC coupons will expire.
- First Assembly and First Baptist Churches have Vacation Bible School this week.
- 405 people signed up for agenda notification

**5. CONSENT AGENDA**

**A. Approve the minutes of the June 16, 2020 meeting.**

**B. Approve Resolution No. 2020-07-01 authorizing the Mayor to execute an Interlocal Jail Services Agreement with Collin County for jail services for a one (1) year period from October 1, 2020 to September 30, 2021; and providing for an effective date.**

**C. Approve Resolution No. 2020-07-02 confirming the authorization of the submission of a grant application for the Police Department NIBRS upgrade; and providing an effective date.**

**MOTION: APPROVE THE CONSENT AGENDA.**

MOTION MADE: KELL

SECONDED: WRIGHT

APPROVED: UNANIMOUS (Absent: Serkland)

**6. ITEMS FOR CONSIDERATION**

**A. Public hearing, discussion and action regarding the application of Kody Harris for a conditional use permit (CUP) to construct a Temporary Concrete Batch Plant in Bear Creek Phase 3, on 34.105 acres described as a part of A0002 Drury Anglin Survey, (CCAD Property ID 2630457), northwest of the intersection of Autumn Hill Bluff and CR 483, Lavon, TX.**

**Presentation of request.**

City Administrator Kim Dobbs provided information about the application and reviewed the code requirements necessitating a conditional use permit (CUP). Ms. Dobbs introduced Jim Douglas, and Kody Harris, L.H. Lacy Company, who were available for questions.

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

Mayor Sanson opened the public hearing at 7:09 p.m. and invited comments regarding the application. Mayor Sanson asked Mr. Douglas the hours of operation and Mr. Harris that the hours of operation would generally be from 7a.m.- 5 p.m. There being no further comments, Mayor Sanson closed the public hearing at 7:11 p.m.

**Discussion and action:**

Mr. Kell clarified the times that trucks would be entering and leaving the subdivision during the regulated hours of operation.

**MOTION: APPROVE THE APPLICATION OF KODY HARRIS FOR A CONDITIONAL USE PERMIT (CUP) TO CONSTRUCT A TEMPORARY CONCRETE BATCH PLANT IN BEAR CREEK PHASE 3, ON 34.105 ACRES DESCRIBED AS A PART OF A0002 DRURY ANGLIN SURVEY, (CCAD PROPERTY ID 2630457), NORTHWEST OF THE INTERSECTION OF AUTUMN HILL BLUFF AND CR 483, LAVON, TX AND THE ACCOMPANYING ORDINANCE NO. 2020-07-01.**

MOTION MADE: WRIGHT

SECONDED: COOK

APPROVED: UNANIMOUS (Absent: Serkland)

- B. Discussion and action regarding the award of the construction contract for the City of Lavon Endeavour Blvd. Force Main Lowering and Resolution No. 2020-07-03 authorizing the Mayor to execute a construction contract with Hayes Construction, LLC for the amount of \$83,885.25 and 45 calendar days; and providing an effective date.**

Ms. Dobbs introduced Mark Hill, City Engineer, who explained that the sewer force main needed to be lowered due to the widening of State Highway 205. Mr. Hill stated that four (4) bids were received and second lowest qualified bidder Hayes Construction, LLC., in the amount of \$83,885.25, is recommended because the lowest bidder exceeded the allowed time to construct.

**MOTION: AWARD THE CONSTRUCTION CONTRACT FOR THE CITY OF LAVON ENDEAVOUR BLVD. FORCE MAIN LOWERING AND RESOLUTION NO. 2020-07-03 AUTHORIZING THE MAYOR TO EXECUTE A CONSTRUCTION CONTRACT WITH HAYES CONSTRUCTION, LLC FOR THE AMOUNT OF \$83,885.25 AND 45 CALENDAR DAYS; AND PROVIDING AN EFFECTIVE DATE.**

MOTION MADE: KELL

SECONDED: COOK

APPROVED: UNANIMOUS (Absent: Serkland)

- C. Public Hearing, discussion and action regarding an application submitted by Andrew Malzer on behalf of owner RaceTrac Petroleum, Inc. for variances to Section 4.05.008 SIGNS – *Approved signs and standards*, Section (b) *Approved permanent signs* for: 1. Section (1) *Freestanding signs* that provides for a maximum height for monument signs of 6’ to permit a maximum height of 8’; 2. Section (3) *Wall signs* that provides for one sign per building to permit three signs; 3. Section (7) *Canopy signs* that provides for a maximum area of 25 sq. ft. to permit 55 sq. ft.; and 4. (11) *General business signs* that provides for a minimum setback of 8’ to permit 2’ at 1000 SH 78, RaceTrac Addition, Lot 1, Block 1, Lavon, Texas.**

**Presentation of request.**

Ms. Dobbs provided information regarding the four variances to the sign ordinance and introduced Andrew Malzer, RaceTrac Petroleum. Mr. Malzer presented information regarding the requested variances a answered questions.

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

Mayor Sanson opened the public hearing at 7:30 p.m. and invited comments regarding the application. There being no comments, Mayor Sanson closed the public hearing at 7:31 p.m.

**Discussion and action.**

Ms. Wright stated that the signage seems appropriate for the site given the approach on SH 78. Mr. Kell agreed that the information in the presentation was helpful.

**MOTION: APPROVE AN APPLICATION SUBMITTED BY ANDREW MALZER ON BEHALF OF OWNER RACETRAC PETROLEUM, INC. FOR VARIANCES TO SECTION 4.05.008 SIGNS – APPROVED SIGNS AND STANDARDS, SECTION (B) APPROVED PERMANENT SIGNS FOR: 1. SECTION (1) FREESTANDING SIGNS THAT PROVIDES FOR A MAXIMUM HEIGHT FOR MONUMENT SIGNS OF 6’ TO PERMIT A MAXIMUM HEIGHT OF 8’; 2. SECTION (3) WALL SIGNS THAT PROVIDES FOR ONE SIGN PER BUILDING TO PERMIT THREE SIGNS; 3. SECTION (7) CANOPY SIGNS THAT PROVIDES FOR A MAXIMUM AREA OF 25 SQ. FT. TO PERMIT 55 SQ. FT.; AND 4. (11) GENERAL BUSINESS SIGNS THAT PROVIDES FOR A MINIMUM SETBACK OF 8’ TO PERMIT 2’ AT 1000 SH 78, RACETRAC ADDITION, LOT 1, BLOCK 1, LAVON, TEXAS.**

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

- D. Discussion and action regarding Resolution No. 2020-07-04 authorizing the Mayor to execute a contingent fee contract with Abernathy, Roeder, Boyd & Hullett, PC pursuant to Texas Tax Code, Section 6.30 and Government Code 2254.1036, said contract being for the collection of delinquent government receivables owed to the City of Lavon and replacing the contract approved by Resolution No. 2020-05-06; providing for an effective date.**

Ms. Dobbs provided background, stated that the item replaces Resolution No. 2020-05-06 and the associated contract, and introduced Chad Timmons who reviewed the proposed contract and notice provisions.

**MOTION: APPROVE RESOLUTION NO. 2020-07-04 AUTHORIZING THE MAYOR TO EXECUTE A CONTINGENT FEE CONTRACT WITH ABERNATHY, ROEDER, BOYD & HULLETT, PC PURSUANT TO TEXAS TAX CODE, SECTION 6.30 AND GOVERNMENT CODE 2254.1036, SAID CONTRACT BEING FOR THE COLLECTION OF DELINQUENT GOVERNMENT RECEIVABLES OWED TO THE CITY OF LAVON AND REPLACING THE CONTRACT APPROVED BY RESOLUTION NO. 2020-05-06; PROVIDING FOR AN EFFECTIVE DATE.**

MOTION MADE: KELL  
SECONDED: WRIGHT  
APPROVED: UNANIMOUS (Absent: Serkland)

- E. Discussion and action regarding Ordinance No. 2020-07-02 authorizing the sale of beer and wine for off-premise consumption pursuant to the authority of Texas Alcoholic Beverage Code, Section 251.725 to 27 acres of commercially-zoned property in the LakePointe Addition; providing for a severability clause; providing for an effective date.**

Ms. Dobbs provided background information and explained that the state law provides authority for the City Council to extend the local option by ordinance.

**MOTION: APPROVE ORDINANCE NO. 2020-07-02 AUTHORIZING THE SALE OF BEER AND WINE FOR OFF-PREMISE CONSUMPTION PURSUANT TO THE AUTHORITY OF TEXAS ALCOHOLIC BEVERAGE CODE, SECTION 251.725 TO 27 ACRES OF COMMERCIALY-ZONED PROPERTY IN THE LAKEPOINTE ADDITION; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

MOTION MADE: WRIGHT  
SECONDED: KELL  
APPROVED: UNANIMOUS (Absent: Serkland)

- F. Discussion and action regarding Ordinance No. 2020-07-03 authorizing the sale of beer and wine for off-premise consumption pursuant to the authority of Texas Alcoholic Beverage Code, Section 251.725 to 2 acres of commercially-zoned property in the Lake Breeze Addition; providing for a severability clause; providing for an effective date.**

Ms. Dobbs provided background information and explained that the state law provides authority for the City Council to extend the local option by ordinance.

**MOTION: APPROVE ORDINANCE NO. 2020-07-03 AUTHORIZING THE SALE OF BEER AND WINE FOR OFF-PREMISE CONSUMPTION PURSUANT TO THE AUTHORITY OF TEXAS ALCOHOLIC BEVERAGE CODE, SECTION 251.725 TO 2 ACRES OF COMMERCIALY-ZONED PROPERTY IN THE LAKE BREEZE ADDITION; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

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

- G. Discussion and action regarding the nominations of the Board of Trustees of the Texas Municipal League Intergovernmental Risk Pool (TMLIRP).**

No action was taken.

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

Ms. Dobbs provided information regarding Governor Abbott's recent Orders and Proclamations. Ms. Dobbs further noted that city operations have continued smoothly with the lobbies closed to the public at City Hall and the Police Department. Mayor Sanson updated the council on current COVID cases and recoveries. Fire Chief Danny Anthony, Police Chief Mike Jones, and Director of Public Works David Carter provided reports regarding operations in relation to COVID-19 and operating adjustments. Ms. Dobbs reviewed the Collin CARES program for housing, utilities and food assistance. The City Council directed to continue operations as presently structured, keep the City buildings closed to the public and continue telephonic meetings until further notice.

**7. CITY COUNCIL TO SET FUTURE MEETINGS AND AGENDAS.**

- July 21, 2020 Regular City Council Meeting 6:00 or 6:30 p.m. - Telephonic

**8. MAYOR SANSON ADJOURNED THE CITY COUNCIL MEETING AT 8:11 P.M.**

**DULY PASSED and APPROVED** by the City Council of Lavon, Texas, on this 21<sup>st</sup> day of July 2020.

  
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Vicki Sanson  
Mayor

**ATTEST:**

  
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Kim Dobbs  
City Administrator/City Secretary

