



**MINUTES
SEPTEMBER 7, 2021
LAVON CITY COUNCIL
BOARD OF ADJUSTMENT
REGULAR MEETING
6:00 PM**

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 6:00 P.M. AND ANNOUNCED A QUORUM PRESENT.**
2. **MAYOR SANSON LED THE RECITATION OF THE PLEDGE OF ALLEGIANCE AND KAY WRIGHT DELIVERED THE INVOCATION.**
3. **CITIZENS COMMENTS**

There were none.

4. **ITEMS OF INTEREST/COMMUNICATIONS**

Councilmember Wright presented a \$300 donation from Southwest Door and Window for the City of Lavon Peanut Butter Drive benefitting the North Texas Food Bank.

5. **CONSENT AGENDA**

- A. **Approve the minutes of the August 17, 2021 meeting.**
- B. **Cast an affirmative vote for election of Joni Clark to the Board of Trustees of the Texas Municipal League Intergovernmental Risk Pool and authorize the Mayor to submit the Official Ballot.**
- C. **Approve Resolution No. 2021-09-01 approving and authorizing the Mayor to execute a Contract Amendment to the Fire Department Interlocal Dispatch Services Agreement with Collin County for Dispatch Services for a one (1) year period from October 1, 2021 to September 30, 2022; and providing for an effective date.**

MOTION: APPROVE THE CONSENT AGENDA.

MOTION MADE: KELL

SECONDED: WRIGHT

APPROVED: UNANIMOUS (Absent, Serkland)

Mayor Sanson acknowledged that public hearings will be deferred to 7:00 p.m. as noticed.

8. **ITEMS FOR CONSIDERATION**

- A. **Discussion and action regarding the extension of the effective date of the preliminary plat of the Bear Creek Addition.**

City Administrator Kim Dobbs provided background information regarding the preliminary plat and effective date and recommended approval.

MOTION: APPROVE THE EXTENSION OF THE EFFECTIVE DATE OF THE PRELIMINARY PLAT OF THE BEAR CREEK ADDITION.

MOTION MADE: WRIGHT

SECONDED: DILL

APPROVED: UNANIMOUS (Absent, Serkland)

- B. Discussion, and action regarding the final plat of the Bear Creek Phase 4 Addition consisting of 147 residential lots and 3 non-residential lots on 29.468 acres of land out of the D. Anglin Survey, Abstract No. 2, City of Lavon, Collin County, Texas located south of Bear Creek Phase 3, east of Crestridge Meadows, and west of CR 483, (CCAD Property ID 2630457).**

Ms. Dobbs provided a report from the Planning & Zoning Commission and Jim Douglas, Douglas Properties provided information regarding the final plat of the Bear Creek Phase 4 Addition.

MOTION: APPROVE THE FINAL PLAT OF THE BEAR CREEK PHASE 4 ADDITION CONSISTING OF 147 RESIDENTIAL LOTS AND 3 NON-RESIDENTIAL LOTS ON 29.468 ACRES OF LAND OUT OF THE D. ANGLIN SURVEY, ABSTRACT NO. 2, CITY OF LAVON, COLLIN COUNTY, TEXAS LOCATED SOUTH OF BEAR CREEK PHASE 3, EAST OF CRESTRIDGE MEADOWS, AND WEST OF CR 483, (CCAD PROPERTY ID 2630457) SUBJECT TO CITY ENGINEERS APPROVAL.

MOTION MADE: WRIGHT

SECONDED: COOK

APPROVED: UNANIMOUS (Absent, Serkland)

- C. Discussion, and action regarding the preliminary plat of the Elevon Addition, Section 2, Phases 2A-2E consisting of 1,389 residential lots and 37 HOA open space lots on 377.258 acres of land out of the Samuel M. Rainer Survey, Abstract No. 740, extraterritorial jurisdiction of the City of Lavon, Collin County, Texas, located north of CR 541, east of Lavon Ranchettes, and south of the NETEX right of way in the Abston Hills MUD 1-B and 1-D, (CCAD Property IDs 1290178, 1290169, 1290203, 1290132, 2032794, 1290150).**

Ms. Dobbs provided a report from the Planning & Zoning Commission and information regarding the preliminary plat. Daniel Dewey, JBI Partners, detailed the phasing and infrastructure plans.

MOTION: APPROVE THE PRELIMINARY PLAT OF THE ELEVON ADDITION, SECTION 2, PHASES 2A-2E CONSISTING OF 1,389 RESIDENTIAL LOTS AND 37 HOA OPEN SPACE LOTS ON 377.258 ACRES OF LAND OUT OF THE SAMUEL M. RAINER SURVEY, ABSTRACT NO. 740, EXTRATERRITORIAL JURISDICTION OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS, LOCATED NORTH OF CR 541, EAST OF LAVON RANCHETTES, AND SOUTH OF THE NETEX RIGHT OF WAY IN THE ABSTON HILLS MUD 1-B AND 1-D, (CCAD PROPERTY IDS 1290178, 1290169, 1290203, 1290132, 2032794, 1290150).

MOTION MADE: KELL

SECONDED: DILL

APPROVED: UNANIMOUS (Absent, Serkland)

- D. Discussion and action regarding Resolution No. 2021-09-03 responding to the Petition for Consent to Include Additional Land into Abston Hills Municipal Utility District No. 1-A in the Extraterritorial Jurisdiction of the City of Lavon, to annex 15.704 acres in the vicinity of Elevon Section 1, Phase 2A, requested by MA Lavon 292, LLC.**

Ms. Dobbs provided information regarding the petition. John Marlin, MA Partners, provided history of the MUD and development plans.

MOTION: APPROVE RESOLUTION NO. 2021-09-03 RESPONDING TO THE PETITION AND PROVIDING CONSENT TO INCLUDE ADDITIONAL LAND INTO ABSTON HILLS MUNICIPAL UTILITY DISTRICT NO. 1-A IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF LAVON, TO ANNEX 15.704 ACRES IN THE VICINITY OF ELEVON SECTION 1, PHASE 2A, REQUESTED BY MA LAVON 292, LLC.

MOTION MADE: DILL

SECONDED: WRIGHT

APPROVED: UNANIMOUS (Absent, Serkland)

- E. Discussion and action regarding Resolution No. 2021-09-04 responding to the Petition for Consent to Creation of Political Subdivision in the Extraterritorial Jurisdiction of the City of Lavon, Municipal Utility District (MUD) No. 6 on 516.96 acres in the vicinity of CR 483 and CR 485, requested by Astra Investments I, LLC.**

Ms. Dobbs provided information regarding the request, property location and negotiations with the developer. The consensus of the Council was to withhold consent.

MOTION: APPROVE RESOLUTION NO. 2021-09-04 RESPONDING TO THE PETITION AND WITHHOLDING CONSENT TO CREATION OF POLITICAL SUBDIVISION IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF LAVON, MUNICIPAL UTILITY DISTRICT (MUD) NO. 6 ON 516.96 ACRES IN THE VICINITY OF CR 483 AND CR 485, REQUESTED BY ASTRA INVESTMENTS I, LLC.

MOTION MADE: WRIGHT
SECONDED: COOK
APPROVED: UNANIMOUS (Absent, Serkland)

- F. Discussion and action regarding the extraterritorial jurisdiction (ETJ) boundary with the City of Rockwall established pursuant to a 2009 Interlocal Boundary and ETJ Contract.**

Ms. Dobbs provided background information regarding the history of the ETJ boundary.

MOTION: DIRECT THE STAFF TO WORK WITH THE CITY OF ROCKWALL TO PREPARE A BOUNDARY ADJUSTMENT AGREEMENT.

MOTION MADE: KELL
SECONDED: DILL
APPROVED: UNANIMOUS (Absent, Serkland)

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

City Secretary Rae Norton provided an update regarding the American Rescue Plan Act (ARPA) and anticipated stimulus funds for the City; reviewed Collin County case information.

7. BUDGET AND TAX RATE ITEMS FOR CONSIDERATION

F. Presentation of the proposed Capital Improvements Plan.

City Engineer Mark Hill presented and answered questions regarding the proposed Capital Improvement Plan (CIP).

Mayor Sanson recessed the meeting at 6:53 p.m. and reconvened the meeting at 7:01 p.m. Mayor Sanson recessed the regular meeting and seated the Council as the Board of Adjustment at 7:01 p.m.

6. BOARD OF ADJUSTMENT

In accordance with the Texas Local Government Code, Section 211.008 (g) and Section 9.03.231 of the Lavon Code of Ordinances, the City Council will act as the Board of Adjustment to consider and act on a request for a variance from the Zoning Ordinance

Public hearing, discussion, and action regarding the application of David Williams, L&D Automotive, for a variance to Section 9.03.131 (e)(1) Retail District of the Zoning Ordinance of the Code of Ordinances to allow the service doors for auto or similar service of a new building addition to face S.H. 78 at 940 S. S.H. 78, WAS Bohannon Survey, A0121, Tract 11, (CCAD# 2666119), Lavon, TX.

Presentation of request.

Ms. Dobbs provided background information regarding the zoning ordinance requirements, the request and the process for consideration relating to the request for a variance. Applicant Jordan Williams described the proposed building plans and need for the variance to allow front facing garage doors.

PUBLIC HEARING, to receive comments regarding the request.

Mayor Sanson opened the public hearing at 7:09 p.m. and invited comments for or against the application. There being no further comments, Mayor Sanson closed the public hearing at 7:10 p.m.

Discussion and action regarding the request.

Ms. Dobbs noted a change in state law regarding the finding of a hardship and explained that the changes had been incorporated into the Board's standard Findings of Fact Form. Ms. Dobbs read aloud and the City Council affirmed the Findings of Fact for a Variance.

MOTION: GRANT A VARIANCE TO SECTION 9.03.131 (E)(1) RETAIL DISTRICT OF THE ZONING ORDINANCE OF THE CODE OF ORDINANCES TO ALLOW THE SERVICE DOORS FOR AUTO OR SIMILAR SERVICE OF A NEW BUILDING ADDITION TO FACE S.H. 78 AT 940 S. S.H. 78, WAS BOHANNAN SURVEY, A0121, TRACT 11, (CCAD# 2666119), LAVON, TX.

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

7. BUDGET AND TAX RATE ITEMS FOR CONSIDERATION

- A. Discussion and action regarding Ordinance No. 2021-09-01 amending Ordinance No. 2020-09-02, as amended, that approved and adopted a Budget for the city for the fiscal year October 1, 2020 through September 30, 2021 to amend adopted revenues and expenditures of the budget; and declaring an effective date.**

Ms. Dobbs provided details regarding the budget amendment noting a net positive ending.

MOTION: APPROVE ORDINANCE NO. 2021-09-01 AMENDING ORDINANCE NO. 2020-09-02, AS AMENDED, THAT APPROVED AND ADOPTED A BUDGET FOR THE CITY FOR THE FISCAL YEAR OCTOBER 1, 2020 THROUGH SEPTEMBER 30, 2021 TO AMEND ADOPTED REVENUES AND EXPENDITURES OF THE BUDGET; AND DECLARING AN EFFECTIVE DATE.

MOTION MADE: KELL
SECONDED: COOK
APPROVED: UNANIMOUS (Absent, Serkland)

- B. Public hearing, discussion, and action regarding the proposed 2021-22 Annual Budget.**

Presentation of request.

Ms. Dobbs recapped budget work sessions and assumptions for the proposed FY 2021-22 budget. Mayor Sanson acknowledged the state law provision for a record vote on the budget.

PUBLIC HEARING, to receive comments regarding the request.

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

Discussion and action regarding the request and accompanying Ordinance.

Ms. Dobbs reviewed the budget highlights and tax rate information.

MOTION: TO APPROVE THE PROPOSED 2021-22 ANNUAL BUDGET AND ACCOMPANYING ORDINANCE NO. 2021-09-02 APPROVING AND ADOPTING A BUDGET FOR THE CITY FOR THE FISCAL YEAR OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2022; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET; AND PROVIDING AN EFFECTIVE DATE.

MOTION MADE: WRIGHT
SECONDED: COOK
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	ABSENT

APPROVED: UNANIMOUS

C. Discussion and action regarding Ordinance No. 2021-09-03 to ratify the property tax increase that is reflected in the 2021-22 Annual Budget.

Ms. Dobbs reported that the Collin County Tax Assessor Collector’s Office determined that the proposed tax rate of 0.478956 will raise more taxes for maintenance and operations than last year’s tax rate and explained that Section 102.007 of the Texas Local Government Code requires a separate vote of the City Council to ratify the property tax increase reflected in the budget.

MOTION: APPROVE ORDINANCE NO. 2021-09-03 TO RATIFY THE PROPERTY TAX INCREASE THAT IS REFLECTED IN THE 2021-22 ANNUAL BUDGET.

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

D. Public hearing, discussion, and action regarding the 2021 proposed tax rate of 0.478956 per \$100 valuation, which represents an increase in the property tax rate which is effectively a 3.24% increase.

Presentation of the tax rate.

Ms. Dobbs noted that the Fiscal Year 21-22 Annual Budget had been prepared using a tax rate of \$0.478956 per hundred dollars appraised valuation, that is greater than the no new revenue tax rate and less than the voter approval tax rate. The total tax rate is comprised of \$0.259910 cents for maintenance and operations (M&O) and \$0.219046 cents for interest and sinking (I&S) for debt service.

PUBLIC HEARING to receive comments regarding the tax rate.

Mayor Sanson opened the public hearing at 7:37 p.m. and invited comments in favor or opposition of the request. There being no comments, Mayor Sanson closed the public hearing at 7:37 p.m.

Discussion and action regarding the proposed tax rate and accompanying Ordinance No. 2021-09-04.

Ms. Dobbs acknowledged the many work sessions, published and website notice for the public hearings to receive input on the budget and tax rate, and reviewed the statutory language required in the motion to approve the proposed tax rate.

MOTION: I MOVE THAT THE PROPERTY TAX RATE BE INCREASED BY THE ADOPTION OF A TAX RATE OF 0.478956, WHICH IS EFFECTIVELY A 3.24 PERCENT INCREASE IN THE TAX RATE AND FURTHER THAT THE CITY COUNCIL APPROVE ORDINANCE 2021-09-04 SETTING THE TAX RATE FOR THE 2021 TAX YEAR AT TOTAL RATE OF \$0.478956 PER \$100 OF PROPERTY VALUATION; LEVYING TAXES FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022 ON ALL PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF LAVON, TEXAS; PROVIDING A SINKING FUND FOR THE RETIREMENT OF THE BONDED OBLIGATIONS OF THE CITY; APPORTIONING EACH LEVY FOR THE SPECIFIC PURPOSE AND PROVIDING FOR COLLECTION OF ALL ANNUAL TAXES PROVIDED BY STATE LAW; PROVIDING FOR DUE AND DELINQUENT DATES TOGETHER WITH PENALTIES AND INTEREST; AND PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

MOTION MADE: WRIGHT

SECONDED: KELL
 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 ABSENT
 APPROVED: UNANIMOUS

E. Public hearing, discussion, and action regarding a Fee Schedule for Fiscal Year 2021-2022.

Presentation of the request.

Ms. Dobbs provided information regarding proposed Fee Schedule, stating it contained no proposed increases or decreases to the fees for the upcoming Fiscal Year October 1, 2021 through September 30, 2022.

PUBLIC HEARING to receive comments regarding the Fee Schedule.

Mayor Sanson opened the public hearing at 7:42 p.m. and invited comments in favor or opposition of the request. There being no comments, Mayor Sanson closed the public hearing at 7:43 p.m.

Discussion and action regarding the request.

MOTION: APPROVE ORDINANCE NO. 2021-09-05 APPROVING AND ADOPTING A FEE SCHEDULE FOR THE FISCAL YEAR OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2022; AND PROVIDING AN EFFECTIVE DATE.

MOTION MADE: DILL
 SECONDED: COOK
 APPROVED: UNANIMOUS (Absent, Serkland)

F. Public hearing, discussion, and action regarding a Five-Year Capital Improvements Plan (CIP) for Fiscal Years 2022-2026.

Presentation of CIP.

Mark Hill, Freeman Millican, Inc., presented the CIP and provided details regarding the proposed plan, priorities and projects.

PUBLIC HEARING to receive comments regarding the plan.

Mayor Sanson opened the public hearing at 7:44 p.m. and invited comments in favor or opposition of the request. There being no comments, Mayor Sanson closed the public hearing at 7:44 p.m.

Discussion and action regarding the request.

MOTION: APPROVE RESOLUTION NO. 2021-09-02 APPROVING A FIVE-YEAR CAPITAL IMPROVEMENTS PLAN FOR FISCAL YEARS 2022 TO 2026.

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

9. CITY COUNCIL TO SET FUTURE MEETINGS AND AGENDAS.

September 21, 2021	Regular Meeting at 6:00 p.m.
October 5, 2021	Cancel Meeting – National Night Out
October 9, 2021	X-Treme Green Event

10. MAYOR SANSON ADJOURNED THE CITY COUNCIL MEETING AT 7:51 P.M.

DULY PASSED and APPROVED by the City Council of Lavon, Texas, on this 21ST day of September 2021.



Vicki Sanson, Mayor

ATTEST:



Rae Norton, City Secretary

