



MINUTES
SEPTEMBER 5, 2023
LAVON CITY COUNCIL
CITY HALL, 120 SCHOOL ROAD, LAVON, TEXAS
REGULAR MEETING
6:30 PM

ATTENDING: VICKI SANSON, MAYOR
MIKE COOK, PLACE 2
KAY WRIGHT, PLACE 3, MAYOR PRO TEM
TED DILL, PLACE 4
LINDSEY HEDGE, PLACE 5

ABSENT: JOHN KELL, PLACE 1

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 MS. WRIGHT DELIVERED THE INVOCATION.

3. ITEMS OF INTEREST/COMMUNICATIONS

- NTFB Peanut Butter Drive September 1-30 with drop locations around the city and a virtual drive.
- National Night Out October 3, 2023, all done within individual neighborhoods.
- X-Treme Green October 14, 2023 - 8am-Noon
- Collin County Future Mobility Meeting at City Hall – October 19, 2023
- Fall Festival and Trick or Treat Street, October 21, 2023, 5pm-7pm at City Hall

4. CITIZENS COMMENTS

There were no citizen comments.

5. CONSENT AGENDA

- A. Approve the minutes of the August 15, 2023, meeting.**
- B. Approve Resolution No. 2023-09-01 approving a Negotiated Settlement between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division regarding the Company’s 2023 Rate Review Mechanism Filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the Negotiated Settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attachment establishing a benchmark for pensions and retiree medical benefits; requiring the Company to reimburse ACSC’s reasonable ratemaking expenses; determining that this Resolution was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this Resolution to the Company and the ACSC’s legal counsel.**
- C. Approve Resolution No. 2023-09-02 approving and authorizing the execution of Contract Amendment No. Seventeen (17) to extend the interlocal agreement with Collin County for animal control and animal shelter services for a one (1) year period from October 1, 2023 to September 30, 2024; and providing for an effective date.**
- D. Approve Resolution No. 2023-09-03 approving and authorizing the execution of sanitary sewer easements granted from Grand Heritage Homeowners Association and 78 Commercial East L.P. to the City of Lavon in the 78 Commercial East Addition east of Grand Heritage Boulevard; and providing an effective date.**

- E. Ratify interpretation of the definition of Fire Area as provided in Ordinance No. 2018-09-06, that adopted the 2018 International Fire Code, 2018 edition, Section 2 (c) Local Amendments, Chapter 2, Section 202 General Definitions allowing for the type of construction material, anticipated type of occupancy, and installation of plumbing fixtures for a project at 701 S. SH 78.
- F. Approve Ordinance No. 2023-09-01 amending Article 11.02.032 School Zones of the City of Lavon Code of Ordinances; providing for repealing, savings and severability clauses; providing for publication; and providing for an effective date.
- G. Approve Resolution No. 2023-09-04 approving and authorizing the execution of Change Orders to the construction contract with Mart, Inc. for the City of Lavon Fire Department and Public Works Facilities Expansion (CIP-9) Construction Project for Change Orders: No. 005 Roll Off Pad for \$484.00 and No. 006 Engineering Fees not to exceed \$1,841.26; and providing an effective date.
- H. Approve Resolution No. 2023-09-05 approving and authorizing execution of the First Amendment to the Interlocal Cooperation Agreement for Jail Services with the City of Wylie; and providing for an effective date.

MOTION: APPROVE THE CONSENT AGENDA.

MOTION MADE: WRIGHT

SECONDED: COOK

APPROVED: UNANIMOUS (Absent: Kell)

6. ITEMS FOR CONSIDERATION

- A. **Public Hearing to review the City's program performance including the actual use of Community Development Block Grant (CDBG) funds expended under Texas Department of Agriculture Contract CDV21-0092.**

City Manager Kim Dobbs presented information regarding the use of Community Development Block Grant funds and completion of the Forder Court Improvement Construction Project. Ms. Dobbs advised that the public hearing is a final step in the process and no action is necessary.

Mayor Sanson opened the public hearing at 6:42 p.m. and invited comments regarding program performance. There being no comments, Mayor Sanson closed the public hearing at 6:42 p.m.

- B. **Discussion, and action regarding the preliminary plat of the SMI Addition at 875 S. SH 78 consisting of 5.4545 acres out of the William H. Moore Survey, A-638, northeast of the intersection of SH 78 and Burleson Dr., Lavon, Collin County, TX (CCAD Property ID 2614354).**

Ms. Dobbs presented information regarding the preliminary plat and a report from the Planning and Zoning Commission recommending approval. . Will Stephens, AMD Engineering, detailed the preliminary plat and answered questions.

MOTION: APPROVE THE PRELIMINARY PLAT OF THE SMI ADDITION AT 875 S. SH 78 CONSISTING OF 5.4545 ACRES OUT OF THE WILLIAM H. MOORE SURVEY, A-638, NORTHEAST OF THE INTERSECTION OF SH 78 AND BURLESON DR., LAVON, COLLIN COUNTY, TX. SUBJECT TO CITY ENGINEER FINAL APPROVAL.

MOTION MADE: WRIGHT

SECONDED: HEDGE

APPROVED: UNANIMOUS (Absent: Kell)

- C. **Discussion, and action regarding the site plan and landscape plan for Starbucks on Lot 2, Block A of the SB Lavon Addition (also referred to as SMI Addition) on 0.895 acres of land, at 875 S. SH 78 generally northeast of the intersection of Burleson and SH 78, Lavon, Collin County, TX (CCAD Property ID 2614354).**

Ms. Dobbs provided information regarding the site plan and landscape plan for Starbucks and Will Stephens, AMD Engineering, presented the site and landscape plan and answered questions. Ms. Dobbs provided a report from the Planning and Zoning Commission recommending approval.

MOTION: APPROVE THE SITE PLAN AND LANDSCAPE PLAN FOR STARBUCKS ON LOT 2, BLOCK A OF THE SB LAVON ADDITION (ALSO REFERRED TO AS SMI ADDITION) ON 0.895 ACRES OF LAND, AT 875 S. SH 78 GENERALLY NORTHEAST OF THE INTERSECTION OF BURLESON AND SH 78, LAVON, COLLIN COUNTY, TX SUBJECT TO CITY ENGINEER AND PLANNER FINAL APPROVAL.

MOTION MADE: DILL
SECONDED: COOK
APPROVED: UNANIMOUS (Absent: Kell)

- D. Discussion, and action regarding the site plan and landscape plan for the Cottages at Elevon on Lot 1, Block B of the Elevon West Commercial Addition, Phase 2, on 22.8 acres of land, west of the intersection of Elevon Parkway and Villas Drive, south of Bently Farms and Lakeridge Meadows, Lavon, Collin County, TX (CCAD Property ID 2868715).**

Ms. Dobbs provided information regarding the site plan and landscape plan for the Cottage at Elevon and Preston Hickman, ONM Living, presented details and answered questions regarding the request. Ms. Dobbs provided a report from the Planning and Zoning Commission recommending approval.

MOTION: APPROVE THE SITE PLAN AND LANDSCAPE PLAN FOR THE COTTAGES AT ELEVON ON LOT 1, BLOCK B OF THE ELEVON WEST COMMERCIAL ADDITION, PHASE 2, ON 22.8 ACRES OF LAND, WEST OF THE INTERSECTION OF ELEVON PARKWAY AND VILLAS DRIVE, SOUTH OF BENTLY FARMS AND LAKERIDGE MEADOWS, LAVON, COLLIN COUNTY, TX. SUBJECT TO RESOLUTION OF ANY OUTSTANDING REVIEW COMMENTS AND APPROVAL OF REQUESTED ZONING AMENDMENTS.

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

- E. Discussion and action regarding the final plat of the Elevon Section 1, Phase 2C Addition consisting of 123 residential lots and 7 common area space tracts on 30.903 acres of land, situated in the Samuel M. Rainer Survey, A-740, north of the intersection of Dove Haven Way and Inspiration Grove in the extraterritorial jurisdiction of Lavon, Collin County, TX (CCAD Property ID 2855710).**

Ms. Dobbs provided information regarding the Elevon Section 1, Phase 2C Addition and a report from the Planning and Zoning Commission recommending approval. Daniel Dewey, JBI Partners, provided details. Ms. Dobbs noted that the final plat of the Elevon Section 1, Phase 2C addition conforms to all subdivision regulations.

MOTION: APPROVE THE FINAL PLAT OF THE ELEVON SECTION 1, PHASE 2C ADDITION CONSISTING OF 123 RESIDENTIAL LOTS AND 7 COMMON AREA SPACE TRACTS ON 30.903 ACRES OF LAND, SITUATED IN THE SAMUEL M. RAINER SURVEY, A-740, NORTH OF THE INTERSECTION OF DOVE HAVEN WAY AND INSPIRATION GROVE IN THE EXTRATERRITORIAL JURISDICTION OF LAVON, COLLIN COUNTY, TX SUBJECT TO THE CITY ENGINEER APPROVAL.

MOTION MADE: WRIGHT
SECONDED: HEDGE
APPROVED: UNANIMOUS (Absent: Kell)

- F. Discussion and action regarding the final plat of the Elevon, Section 1, Phase 3 Addition consisting of 175 residential lots, 1 school lot, and 8 open space lots on 79.184 acres of land situated in the Samuel M. Rainer Survey, A-740, east of the intersection of Inspiration Grove**

and Hart Leaf Lane in the extraterritorial jurisdiction of Lavon, Collin County, TX (CCAD Property ID 2829214).

Ms. Dobbs provided information regarding the final plat of the Elevon, Section 1, Phase 3 Addition, noted the final plat of the Elevon, Section 1, Phase 3 Addition conforms to all subdivision regulations, and provided a report from the Planning and Zoning Commission recommending approval.

MOTION: APPROVE THE FINAL PLAT OF THE ELEVON, SECTION 1, PHASE 3 ADDITION CONSISTING OF 175 RESIDENTIAL LOTS, 1 SCHOOL LOT, AND 8 OPEN SPACE LOTS ON 79.184 ACRES OF LAND SITUATED IN THE SAMUEL M. RAINER SURVEY, A-740, EAST OF THE INTERSECTION OF INSPIRATION GROVE AND HART LEAF LANE IN THE EXTRATERRITORIAL JURISDICTION OF LAVON, COLLIN COUNTY, TX. SUBJECT TO CITY ENGINEER APPROVAL.

MOTION MADE: DILL
SECONDED: HEDGE
APPROVED: UNANIMOUS (Absent: Kell)

- G. Discussion and action regarding the final plat of the Elevon, Section 2, Phase 2E Addition consisting of 263 residential lots and 4 open space lots on 56.659 acres of land situated in the Samuel M. Rainer Survey, A-740, northeast of the intersection of Elevon Parkway and Dewy Lake Place, Lavon, Collin County, TX (CCAD Property IDs 2850234 and 2850237).**

Ms. Dobbs provided information regarding the final plat of the Elevon, Section 2, Phase 2E Addition, noted that the final plat of the Elevon, Section 2, Phase 2E Addition conforms to all subdivision regulations, and provided a report from the Planning and Zoning Commission recommending approval.

MOTION: APPROVE THE FINAL PLAT OF THE ELEVON, SECTION 2, PHASE 2E ADDITION CONSISTING OF 263 RESIDENTIAL LOTS AND 4 OPEN SPACE LOTS ON 56.659 ACRES OF LAND SITUATED IN THE SAMUEL M. RAINER SURVEY, A-740, NORTHEAST OF THE INTERSECTION OF ELEVON PARKWAY AND DEWY LAKE PLACE, LAVON, COLLIN COUNTY, TX. SUBJECT TO CITY ENGINEER APPROVAL.

MOTION MADE: WRIGHT
SECONDED: COOK
APPROVED: UNANIMOUS (Absent: Kell)

- H. Discussion and action regarding acceptance of the public infrastructure for the Elevon, Section 2, Phase 2D Addition.**

Ms. Dobbs provided information regarding the request and Daniel Dewey, JBI Partners, detailed the walk through of the public infrastructure.

MOTION: ACCEPT THE PUBLIC INFRASTRUCTURE FOR THE ELEVON, SECTION 2, PHASE 2D ADDITION, SUBJECT TO THE CITY ENGINEER'S CORRESPONDENCE.

MOTION MADE: WRIGHT
SECONDED: COOK
APPROVED: UNANIMOUS (Absent: Kell)

- I. Discussion and action regarding Resolution No. 2023-09-06 approving and authorizing the execution of sanitary sewer easements, pedestrian access easements, and drainage easements granted from MA Land Holdings, L.L.C. and 78 Straddle L.P. to the City of Lavon related to Elevon Parkway, Elevon East Commercial area, and Elevon West Commercial Addition; and providing an effective date.**

Daniel Dewey, JBI Partners, provided information regarding the sanitary sewer, pedestrian access and drainage easements related to Elevon Parkway, Elevon East Commercial area and Elevon West Commercial addition.

MOTION: APPROVE RESOLUTION NO. 2023-09-06 APPROVING AND AUTHORIZING THE EXECUTION OF SANITARY SEWER EASEMENTS, PEDESTRIAN ACCESS

EASEMENTS, AND DRAINAGE EASEMENTS GRANTED FROM MA LAND HOLDINGS, L.L.C. AND 78 STRADDLE L.P. TO THE CITY OF LAVON RELATED TO ELEVON PARKWAY, ELEVON EAST COMMERCIAL AREA, AND ELEVON WEST COMMERCIAL ADDITION; AND PROVIDING AN EFFECTIVE DATE.

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

J. Discussion and action regarding acceptance of the public infrastructure for the Elevon Parkway Addition.

Ms. Dobbs provided information regarding the request and Daniel Dewey, JBI Partners, detailed the addition.

MOTION: ACCEPT THE PUBLIC INFRASTRUCTURE FOR THE ELEVON PARKWAY ADDITION.

MOTION MADE: WRIGHT
SECONDED: COOK
APPROVED: UNANIMOUS (Absent: Kell)

K. Discussion and Action regarding Resolution No. 2023-09-07 declaring that the City Council has completed an annual review of the Investment Policy of the City; adopting changes to the Investment Policy; providing a repealing clause; providing a severability clause; and providing for an effective date.

Ms. Dobbs provided information regarding the annual review of the Investment Policy for the city. Patty Parks, Parks Reconciliation Services was available for questions.

MOTION: APPROVE RESOLUTION NO. 2023-09-07 DECLARING THAT THE CITY COUNCIL HAS COMPLETED AN ANNUAL REVIEW OF THE INVESTMENT POLICY OF THE CITY; ADOPTING CHANGES TO THE INVESTMENT POLICY; PROVIDING A SAVINGS AND REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION MADE: COOK
SECONDED: DILL
APPROVED: UNANIMOUS (Absent: Kell)

L. Discussion and action regarding Ordinance No. 2023-09-02 establishing residency regulations for registered sex offenders; prohibiting sex offenders from residing within 1,500 feet of a child safety zone; providing a savings and repealer clause; providing a severability clause; providing a penalty clause, and an effective date.

Ms. Dobbs provided information regarding the proposed regulations.

MOTION: APPROVE ORDINANCE NO. 2023-09-02 ESTABLISHING RESIDENCY REGULATIONS FOR REGISTERED SEX OFFENDERS; PROHIBITING SEX OFFENDERS FROM RESIDING WITHIN 1,500 FEET OF A CHILD SAFETY ZONE; PROVIDING A SAVINGS AND REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE, AND AN EFFECTIVE DATE.

MOTION MADE: COOK
SECONDED: WRIGHT
APPROVED: UNANIMOUS (Absent: Kell)

M. Discussion and action regarding Ordinance No. 2023-09-03 amending Ordinance No. 2023-08-07 that approved and adopted a budget for the City for the fiscal year October 1, 2023, through September 30, 2024, to amend adopted revenues and expenditures of the Lavon Economic Development Corporation Fund budget; and declaring an effective date.

Ms. Dobbs provided information regarding the amendment to the LEDC budget.

MOTION: APPROVE ORDINANCE NO. 2023-09-03 AMENDING ORDINANCE NO. 2023-08-07 THAT APPROVED AND ADOPTED A BUDGET FOR THE CITY FOR THE FISCAL YEAR OCTOBER 1, 2023, THROUGH SEPTEMBER 30, 2024, TO AMEND ADOPTED REVENUES AND EXPENDITURES OF THE LAVON ECONOMIC DEVELOPMENT CORPORATION FUND BUDGET; AND DECLARING AN EFFECTIVE DATE.

MOTION MADE: HEDGE
SECONDED: DILL
APPROVED: UNANIMOUS (Absent: Kell)

7. EXECUTIVE SESSION

At 7:29 p.m. in accordance with Texas Government Code, Chapter 551, Subchapter D, the Mayor recessed into Executive Session (closed meeting) pursuant to Section 551.072 to deliberate the purchase, exchange, lease, or value of real property.

8. RECONVENE INTO REGULAR SESSION

In accordance with Texas Government Code, Section 551.001, et seq., Mayor Sanson reconvened the meeting at 8:01 p.m. and stated no action was taken.

MOTION AUTHORIZE A LAND PURCHASE CONTRACT TO BE EXECUTED PER DIRECTION PROVIDED IN EXECUTIVE SESSION SUBJECT TO FINAL LEGAL APPROVAL.

MOTION MADE: WRIGHT
SECONDED: COOK
APPROVED: UNANIMOUS (Absent: Kell)

9. SET FUTURE MEETINGS AND AGENDA

September 19, 2023 - Regular Meeting to start at 6:30 pm
October 3, 2023 – Cancel meeting for National Night Out

12. MAYOR SANSON ADJOURNED THE CITY COUNCIL MEETING AT 8:03 P.M.

DULY PASSED and APPROVED by the City Council of Lavon, Texas, on this 19th day of September 2023.



Vicki Sanson, Mayor

ATTEST:



Rae Norton, City Secretary

