



Minutes
December 5, 2017
City of Lavon City Council
Lavon City Hall, 120 School Rd., Lavon, TX
Regular Meeting – Public Hearing
Executive Session
7:00 P.M.

ATTENDING: CHUCK TESKE, MAYOR
VICKI SANSON, MAYOR PRO TEM, PLACE 1
MIKE COOK, PLACE 2
KAY WRIGHT, PLACE 3
TIM DAVIS, PLACE 4, at 7:05 p.m.
MINDI SERKLAND, PLACE 5

1. **MAYOR TESKE CALLED THE MEETING TO ORDER AT 7:02 P.M. AND ANNOUNCED A QUORUM PRESENT.**
2. **MAYOR TESKE LED THE RECITATION OF THE PLEDGE OF ALLEGIANCE AND DELIVERED THE INVOCATION.**
3. **ISSUANCE OF OATH OF OFFICE TO NEWLY ELECTED COUNCIL MEMBERS**

Mayor Teske administered the Oath of Office to newly elected council members Mike Cook and Tim Davis, who joined the City Council at their places at 7:05 p.m.

4. **PRESENTATIONS**

Mayor Teske read a proclamation in honor of and presented outgoing Place 4 City Council member Matt Childers with a plaque of appreciation. Former Council member Donnie Spradlin was unable to attend the meeting and will be recognized at a future date.

5. **CITIZENS COMMENTS**

There were no citizen comments.

6. **ITEMS OF INTEREST/COMMUNICATIONS**

- City Administrator Kim Dobbs stated the Christmas Tree Lighting was a success and thanked the staff responsible who worked on presenting the event.

7. **CONSENT AGENDA**

- A. **Approve the Minutes of the November 7, 2017 Meeting.**
- B. **Approve the Minutes of the November 21, 2017 Meeting.**
- C. **Accept the Heritage Public Improvement District #1 Assessment Report Summary dated 10/31/2017 and authorize the payment of invoices included therein.**

MOTION: APPROVE THE CONSENT AGENDA AS PRESENTED.

MOTION MADE: WRIGHT
SECONDED: SERKLAND
APPROVED: UNANIMOUS

8. **STAFF REPORTS**

- A. **Police Department – Police Chief Mike Jones provided a report regarding: 1) Police Department statistics October 2017, 2) an update on new radios, 3) Police Services in Nevada and 4) Exchange Zone**

update. Chief Jones commended the initiative and efforts of Fire Marshal Jon Scott for his work on the radio program.

- B. Fire Marshal's Office – Fire Marshal Jon Scott provided a report regarding: 1) EMS response report, 2) Fire Marshal Facebook page – Protect and Prevent, 3) Verizon/ FirstNet, and 4) EMS Tactical Bag/ ETMC donations.
- C. Public Works Department – Ms. Dobbs reviewed Director of Public Works Sonny Mancias' report regarding: 1) General public works and street maintenance report including mowing and trash collection, 2) TxDOT projects report, 3) code enforcement activities, 4) public works facility report and 5) sanitary sewer system maintenance report.
- D. Administration – Ms. Dobbs provided a report regarding: 1) Financial Outlook, 2) Building Permits report, 3) September 2017 and October 2017 Recycling Services reports, 4) Sales Tax report and 5) Monthly Tax Collection report.

9. ITEMS FOR CONSIDERATION

A. Discussion and action regarding the election of a Mayor Pro Tem for the 2017-2018 term.

Mayor Teske described the duties of the Mayor Pro Tem. Ms. Serkland nominated Ms. Sanson to serve as Mayor Pro Tem for the one-year term.

MOTION: ELECT VICKI SANSON AS MAYOR PRO TEM FOR THE 2017-2018 TERM.

MOTION MADE: SERKLAND

SECONDED: WRIGHT

APPROVED: UNANIMOUS

B. Discussion and action regarding the appointment of the Municipal Court Judge.

Ms. Dobbs reviewed the state law provisions relating to the appointment of the Municipal Court Judge and noted that Judge Andrew Leonie has served as the City of Lavon's Municipal Court for twenty years.

MOTION: REAPPOINT JUDGE ANDREW LEONIE AS THE CITY OF LAVON'S MUNICIPAL COURT JUDGE.

MOTION MADE: WRIGHT

SECONDED: DAVIS

APPROVED: UNANIMOUS

C. Discussion and action regarding the appointment of an Associate Municipal Court Judge.

Ms. Dobbs reviewed Judge Leonie's recommendation of and the qualifications of John Browning for the Council's consideration for appointment to Associate Judge.

MOTION: APPOINT JOHN G. BROWNING AS THE CITY OF LAVON'S ASSOCIATE MUNICIPAL COURT JUDGE.

MOTION MADE: WRIGHT

SECONDED: SANSON

APPROVED: UNANIMOUS

- D. Discussion and action regarding the application of Pat Atkins, K.P.A. Consulting, Inc., for a Preliminary Plat of a 38.62 acre tract of land situated in the Drury Anglin Survey, Abstract No. 2, City of Lavon, Collin County Texas, and being: a part of a called 38.42 acre tract land described in deed to Belinda Collier, recorded as Instrument No. 20130605000772120 (DRCCT); all of a called 4.74 acre tract of land (out of said 38.42 acres) described in deed to Belinda Collier recorded as Instrument No. 20130605000772100 (DRCCT) and all of a called 10.00 acre tract of land described in deed to Belinda Collier, recorded as Instrument No. 20130605000772130 (DRCCT), generally located southwest of the intersection of FM 2755 and CR 483, such property generally referenced as Lavon Farms.

Ms. Dobbs reviewed the proposed preliminary plat and identified minor changes in the concept plan approved on September 5, 2017 and the layout for the preliminary plat, noting that the changes were made in response to city staff comments. Ms. Dobbs introduced Planning and Zoning Commission Chair David Rosenquist who provided a report of the Commission action including the Commission's unanimous vote to approve the preliminary plat. Ms. Dobbs provided information relating to public infrastructure and the conceptual plans reviewed and stated that the applicant had satisfied the staff and City Engineer comments. Mr. Atkins confirmed that the City's consulting engineer is performing a calculation of the financial participation that the developer will be committed to pay for connection to the sanitary sewer system. Mr. Atkins also confirmed and reiterated the developer commitment made during the zoning process for the future residents to pay with their building permit a one-time fee for road improvements for CR 483. Ms. Dobbs stated that the infrastructure commitments will be outlined in a Facilities Agreement that will be considered when the final plat is submitted.

MOTION: APPROVE THE PRELIMINARY PLAT OF 38.62 ACRE TRACT OF LAND SITUATED IN THE DRURY ANGLIN SURVEY, ABSTRACT NO. 2, CITY OF LAVON, COLLIN COUNTY TEXAS, AND BEING: A PART OF A CALLED 38.42 ACRE TRACT LAND DESCRIBED IN DEED TO BELINDA COLLIER, RECORDED AS INSTRUMENT NO. 20130605000772120 (DRCCT); AND ALL OF A CALLED 10.00 ACRE TRACT OF LAND DESCRIBED IN DEED TO BELINDA COLLIER, RECORDED AS INSTRUMENT NO. 20130605000772130 (DRCCT), GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF FM 2775 AND CR 483, SUCH PROPERTY GENERALLY REFERENCED AS LAVON FARMS.

**MOTION MADE: SERKLAND
SECONDED: WRIGHT
APPROVED: UNANIMOUS**

- E. Discussion and action regarding Resolution No. 2017-12-01 designating Independent Bank as the City's Depository for a period beginning January 15, 2018 and ending January 14, 2023 in compliance with the City's Investment Policy; and authorizing the City Administrator to act as the Executive Officer and Authorized Representative of the City in all matters pertaining to said contract agreement.**

Ms. Dobbs reviewed the City's request for proposals for banking services and recommended that the City Council designate Independent Bank as the City's depository. Ms. Dobbs introduced Marcey Bench, Assistant Vice President and Area Banking Manager for Independent Bank. Ms. Bench offered to answer any questions and pointed out service enhancements in the proposal.

MOTION: APPROVE RESOLUTION NO. 2017-12-01 DESIGNATING INDEPENDENT BANK AS THE CITY'S DEPOSITORY FOR A PERIOD BEGINNING JANUARY 15, 2018 AND ENDING JANUARY 14, 2023 AND AUTHORIZE THE CITY ADMINISTRATOR TO EXECUTE RELATED DOCUMENTS.

**MOTION MADE: SANSON
SECONDED: COOK
APPROVED: UNANIMOUS**

- F. Discussion and action regarding Resolution No. 2017-12-02 approving the 2017 Annual Service Plan Updates – Part 2 of the Heritage Public Improvement District #1 (Residential).**

Josh Arendt, Municap, Inc. reviewed the proposed Plan update. Mayor Teske provided and Mr. Arendt confirmed general information relating to the public improvement district.

MOTION: APPROVE RESOLUTION NO. 2017-12-02 APPROVING THE 2017 ANNUAL SERVICE PLAN UPDATES - PART 2 OF THE HERITAGE PUBLIC IMPROVEMENT DISTRICT#1 (RESIDENTIAL).

**MOTION MADE: WRIGHT
SECONDED: SERKLAND
APPROVED: UNANIMOUS**

G. Discussion and action regarding an application submitted by Fred Finch, Chandler Signs on behalf of owner Jonathan Kuipers, NGREHC, LLC, for a variance to Ordinance No. 2003-04-01, Sign Ordinance, Section 17 Prohibited Signs, to permit an “Illuminated Sign” at 410 SH 78, Lavon, Texas near the intersection of SH 78 and Lake Road.

Ms. Dobbs recapped the applicant’s submittal, the October 17, 2017 public hearing conducted by the City Council and continued to November 7, 2017 and returned for consideration on December 5, 2017. The property owner’s representative, James Stafford, Scheef & Stone, LLP, provided information in support of the request. Mr. Stafford offered to employ non-glare illumination lower than the standard level although he indicated he was not sure what the standard level is and what level would be proposed specifically. Mr. Stafford offered to limit the changing of the static message to once every five minutes. Applicant Fred Finch, Chandler Signs, played a video of the type of requested sign in place at the dentist/property owner’s office in Garland. Mr. Finch confirmed that the illuminated sign face would be roughly 4’x 8’ in area on each side of the sign.

The Council discussed the characteristics of the site including the sign location and the standards considered for a variance. City Attorney Andy Messer answered Council questions regarding precedent. Concerns related to the proposed sign’s potential distraction and detrimental effect on public safety were discussed.

MOTION: APPROVE A VARIANCE TO ORDINANCE NO. 2003-04-01, SIGN ORDINANCE, SECTION 17 PROHIBITED SIGNS, TO PERMIT AN “ILLUMINATED SIGN”, AN ELECTRONIC VARIABLE MESSAGE SIGN, AT 410 SH 78, LAVON TEXAS AS REQUESTED BY FRED FINCH, CHANDLER SIGNS ON BEHALF OF OWNER JONATHAN KUIPERS, NGREHC, LLC, WITH CONDITIONS THAT THE NON-GLARE ILLUMINATION WOULD BE LESS THAN THE STANDARD LEVEL AND THAT THE STATIC MESSAGE COULD CHANGE NO MORE THAN ONCE EVERY FIVE MINUTES WITHOUT TRANSITION EFFECTS.

**MOTION MADE: SERKLAND
SECONDED: DAVIS
FAILED: FOR: DAVIS, SERKLAND
AGAINST: SANSON, COOK, WRIGHT**

H. PUBLIC HEARING, discussion and action regarding an application submitted by Ricky Bates, on behalf of owner Heng Li, Exint, Inc. / Domino’s Pizza for a variance to Ordinance No. 2003-04-01, Sign Ordinance, Section 16 Sign Standards to permit a second Wall Sign at 100 S. Lake Rd., Suite 100, Lavon, Texas on the northeast corner of the intersection of SH 78 and Lake Road.

Ms. Dobbs provided general information about the requested variance. Mayor Teske opened the public hearing at 8:14 p.m. and invited the applicant to present the application. Ricky Bates, The Sign Machine, on behalf of owner Heng Li, provided a presentation of the request citing the unique location and orientation of the building that the applicant believes necessitates and justifies the variance for a second sign on the side of the building. Mayor Teske invited comments in favor of or opposition to the request. There being none, Mayor Teske closed the public hearing at 8:20 p.m. Heng Li confirmed that there would be no signs requested on the back of the building facing north towards Wolf Run.

MOTION: APPROVE A VARIANCE TO ORDINANCE NO. 2003-04-01, SIGN ORDINANCE, SECTION 16 SIGN STANDARDS TO PERMIT A SECOND WALL SIGN AT 100 S. LAKE RD., SUITE 100, LAVON, TEXAS ON THE NORTHEAST CORNER OF THE INTERSECTION OF SH 78 AND LAKE ROAD.

**MOTION MADE: DAVIS
SECONDED: SERKLAND
APPROVED: UNANIMOUS**

I. PUBLIC HEARING, discussion and action regarding an application submitted by Beth Whitus, on behalf of owner Casey Draper, for a variance to Ordinance No. 2003-04-01, Sign Ordinance, Section 16 Sign Standards to permit a second Wall Sign at 440 SH 78, Lavon, Texas west of the intersection of SH 78 and Lake Road.

Ms. Dobbs provided general information about the requested variance. Mayor Teske opened the public hearing at 8:22 p.m. and invited the applicant to present the application. Beth Whitus, Lavon Family Dental, on behalf of owner Casey Draper, provided information about the request and cited the unique location and orientation of the building and the size of the office suite that she believed necessitates and justifies the variance for a second sign on the side of the building. Mayor Teske invited additional comments in favor of or opposition to the request. There being none, Mayor Teske closed the public hearing at 8:25 p.m.

MOTION: APPROVE A VARIANCE TO ORDINANCE NO. 2003-04-01, SIGN ORDINANCE, SECTION 16 SIGN STANDARDS TO PERMIT A SECOND WALL SIGN AT 440 SH 78, LAVON, TEXAS WEST OF THE INTERSECTION OF SH 78 AND LAKE ROAD.

**MOTION MADE: DAVIS
SECONDED: WRIGHT
APPROVED: UNANIMOUS**

J. Discussion and action regarding acceptance of the public infrastructure for the Domino's Pizza development, Lot 6R-3, Block A, Lavon Business Park, Lavon, Texas.

Ms. Dobbs described the installation and dedication of public sanitary sewer infrastructure constructed in conjunction with the development of the Domino's Pizza commercial building.

MOTION: ACCEPT THE PUBLIC INFRASTRUCTURE FOR THE DOMINO'S PIZZA DEVELOPMENT, LOT 6R-3, BLOCK A, LAVON BUSINESS PARK, LAVON, TEXAS.

**MOTION MADE: WRIGHT
SECONDED: SANSON
APPROVED: UNANIMOUS**

K. Discussion and action regarding Ordinance No. 2017-12-01 adopting the North Central Texas Council of Governments Public Works Construction Standards North Central Texas, Fifth Edition; providing a Repealer Clause; providing a Savings Clause; providing a Severability Clause; providing for a Penalty of Fine not to exceed the sum of two thousand dollars (\$2,000.00); and providing for an Effective Date.

Ms. Dobbs reviewed the use of the NCTCOG Public Works Construction Standards and the recent update.

MOTION: APPROVE ORDINANCE NO. 2017-12-01 ADOPTING THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS PUBLIC WORKS CONSTRUCTION STANDARDS NORTH CENTRAL TEXAS, FIFTH EDITION; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION MADE: WRIGHT
SECONDED: COOK
APPROVED: UNANIMOUS**

L. Discussion and action regarding Resolution No. 2017-12-03 casting two (2) votes for the Collin Central Appraisal District Board of Directors.

MOTION: APPROVE RESOLUTION NO. 2017-12-03 CASTING TWO (2) VOTES FOR THE COLLIN CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS AS FOLLOWS: ONE (1) VOTE FOR ED STANDRIDGE AND ONE (1) VOTE FOR WAYNE MAYO.

**MOTION MADE: WRIGHT
SECONDED: SERKLAND
APPROVED: UNANIMOUS**

M. Discussion and action regarding designation of the Local Government Records Management Officer.

Ms. Dobbs reviewed the Texas Local Government Code provisions that the City Council designate a Records Management Officer. Ms. Dobbs noted that the duties are frequently delegated but that typically the City Secretary is the responsible position. Ms. Dobbs commended Rae Norton for her work organizing and managing the City's records.

MOTION: DESIGNATE THE CITY SECRETARY AS THE LOCAL GOVERNMENT RECORDS MANAGEMENT OFFICER FOR THE CITY OF LAVON.

MOTION MADE: SANSON
SECONDED: DAVIS
APPROVED: UNANIMOUS

N. Discussion and action regarding participation on the Community Independent School District Bond Advisory Council.

Mayor Teske provided information relating to Community Independent School District (CISD) Superintendent Dr. Roosevelt Nivens' invitation for the Mayor or a designee to serve on the CISD Bond Advisory Council. Mayor Teske asked for a volunteer to represent the City on the school committee. Ms. Serkland offered to serve.

MOTION: DESIGNATE COUNCIL MEMBER MINDI SERKLAND TO REPRESENT THE CITY OF LAVON ON THE CISD BOND ADVISORY COUNCIL.

MOTION MADE: WRIGHT
SECONDED: SANSON
APPROVED: UNANIMOUS

10. EXECUTIVE SESSION

At 8:40 p.m., in accordance with Texas Government Code, Chapter 551, Subchapter D, Mayor Teske recessed the meeting to go into Executive Session (closed meeting) to discuss the following item pursuant to Section 551.071 (2) and 551.071 (1): Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act and Consultation with Attorney regarding pending litigation or settlement offer: *Application of City of Lavon to Obtain a Sewer Certificate of Convenience and Necessity (CCN)*, Public Utility Commission SOAH Docket No. 473-17-4339.WS, PUC Docket No. 46993.

11. RECONVENE INTO REGULAR SESSION

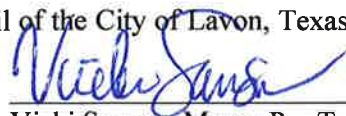
In accordance with Texas Government Code, Section 551.001, Mayor Teske reconvened the meeting at 9:11 p.m. and advised that no action was taken in executive session.

12. CITY COUNCIL TO SET FUTURE MEETINGS AND AGENDAS

The regular meetings scheduled for December 19, 2017 will be cancelled. The annual Christmas Gathering for Council, Boards and staff will be held on December 19, 2017 at 6:30 p.m. The next regular meeting of the City Council is scheduled for January 2, 2018. Ms. Wright suggested that an item be placed on a future agenda to discuss updating the City's sign ordinance sometime within the first quarter of 2018.

13. MAYOR TESKE ADJOURNED THE CITY COUNCIL MEETING AT 9:13 PM.

DULY PASSED and APPROVED by the City Council of the City of Lavon, Texas, on this 2nd day of January, 2018.



Vicki Sanson, Mayor Pro Tem

ATTEST:



Kim Dobbs, City Administrator | City Secretary

