



**AGENDA  
AUGUST 1, 2017  
LAVON CITY COUNCIL  
CITY HALL, 120 SCHOOL ROAD, LAVON, TEXAS  
REGULAR MEETING –PUBLIC HEARING  
WORK SESSION  
6:00 P.M.**

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**1. PRESIDING OFFICER TO CALL THE MEETING TO ORDER AND ANNOUNCE THAT A QUORUM IS PRESENT.**

**2. PLEDGE OF ALLEGIANCE AND INVOCATION**

**3. WORK SESSION – BUDGET**

Discussion of the current budget for Fiscal Year (FY) 2016-17, financial status update, budget calendar and proposed budget for FY 2017-18.

**4. CITIZENS COMMENTS**

Citizens, who wish to address the Council and who have not previously expressed to the Council or staff a desire to discuss such matters, may discuss matters not on the agenda. The Council response can only be to request the items to be placed on a future agenda for consideration.

**5. ITEMS OF INTEREST/COMMUNICATIONS**

*Members have the opportunity to notify others of community events, functions and other activities.*

**6. CONSENT AGENDA**

*Consent items are considered to be routine or non-controversial and will be voted on in one motion unless a separate discussion is requested.*

A. Approve the Minutes of the July 18, 2017 Meeting.

**7. PUBLIC HEARING**

**PUBLIC HEARING** to receive comments regarding the petition of the owner of certain property to voluntarily annex 41.8 acres in the Drury Anglin Survey, Abstract No. 2, (Collin County CAD ID #s 2653997, 2087762 and 2507840), generally located southwest of the intersection of FM 2755 and CR 483 and regarding the annexation of the adjacent county road and right-of-way into the City of Lavon.

**8. ITEMS FOR CONSIDERATION**

- A. Discussion and action regarding Resolution No. **2017-08-01** calling a General Election to be held on and administered by the Collin County Elections Administrator on Saturday, November 7, 2017 for the purpose of electing the Mayor and two (2) Council Members, one (1) for Place 2 and one (1) for Place 4 and providing for an Effective Date.
- B. Discussion and action regarding Resolution **2017-08-02** approving and authorizing the Mayor to execute an Interlocal Jail Services Agreement with Collin County for the provision of jail services and providing an effective date.
- C. Discussion and action regarding Ordinance **2017-08-01** amending the Code of Regulations to rename the Department of Health and Life Safety to the Fire Marshal's Office; providing severability and providing an effective date.

- D. Discussion and action regarding Ordinance 2017-08-02 amending the Code of Regulations to amend the outdoor burn regulations established By Ordinance 2016-08-05; providing for a penalty for the violation thereof; providing for repealing, savings, and severability clauses; and providing for an Effective Date.

## 9. ITEMS FOR DISCUSSION

- A. Garage Sale Regulations
- B. Parking and Junk Car Regulations

## 10. CITY COUNCIL TO SET FUTURE MEETINGS AND AGENDAS

Council Members and staff may request items be placed on a future agenda or request a special meeting be called.

## 11. PRESIDING OFFICER TO ADJOURN THE CITY COUNCIL MEETING

1. Notice is hereby given that members of the Lavon Economic Development Corporation Board, Lavon Planning and Zoning Commission, Parks and Recreation Board, and Reinvestment Zone #1 (TIF) Board of Directors may be in attendance at the Lavon City Council Meeting.
2. The Council may vote and/or act upon each of the items listed in this Agenda except for discussion items.
3. The Council reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, as authorized by the Texas Open Meetings Act, Texas Government Code, Chapter 551, including §551.071 (private consultation with the attorney for the City); §551.072 (discussing purchase, exchange, lease or value of real property); §551.074 (discussing personnel or to hear complaints against personnel); and §551.087 (discussing economic development negotiations). Any decision held on such matters will be taken or conducted in Open Session following the conclusion of the Executive Session.

This is to certify that this Agenda was duly posted at City Hall and on the City's website at [www.cityoflavon.com](http://www.cityoflavon.com) on or before 6:00 PM on July 28, 2017.



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Kim Dobbs, City Administrator | City Secretary



Minutes  
July 18, 2017  
City of Lavon City Council  
Lavon City Hall, 120 School Rd., Lavon, TX  
Regular Meeting-Public Hearing  
Work Session

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ATTENDING: CHUCK TESKE, MAYOR  
VICKI SANSON, PLACE 1  
DONNIE SPRADLIN, PLACE 2  
MATT CHILDERS, MAYOR PRO TEM, PLACE 4  
MINDI SERKLAND, PLACE 5

ABSENT: KAY WRIGHT, PLACE 3

1. **MAYOR TESKE CALLED THE MEETING TO ORDER AT 6:05 P.M. AND ANNOUNCED A QUORUM PRESENT.**
2. **MAYOR TESKE LED THE RECITATION OF THE PLEDGE OF ALLEGIANCE AND DELIVERED THE INVOCATION.**
3. **BUDGET WORK SESSION**

**Discussion of the current budget for Fiscal Year (FY) 2016-17, financial status update, budget calendar and proposed budget for FY 2017-18.**

Mayor Teske opened the work session. The City Council and staff reviewed and discussed budget projections and anticipated service levels for fiscal year (FY) 2017-18. City Administrator Kim Dobbs explained that the next work session will include a discussion of the tax rate. Ms. Dobbs detailed the reports including revenue and expenditures in the General Fund. She pointed out the tax rate comparison with other cities with similar services. The City Council went through the budget worksheet and Ms. Dobbs highlighted amended notes in each department.

Mr. Spradlin asked about the new radio purchases needed by the police and fire departments. Chief Jones and Health and Life Safety Director Scott explained the cost and process of purchasing new radios. Chief Jones informed the council he is in the process of getting grant applications filed. Director Scott reported that he has received confirmation of the type of radio's that can be used and County pricing for those items. Ms. Serkland inquired about the expected cost of animal control and shelter services. Ms. Dobbs reported that the information has been requested but not yet received from Collin County.

Mayor Teske concluded the work session and recessed the meeting at 62 p.m. The meeting was reconvened at 7:08 p.m.

4. **CITIZENS COMMENTS**

There were none.

5. **ITEMS OF INTEREST/CITY COUNCIL COMMUNICATIONS**

- Mr. Donnie Spradlin informed the Council of the upcoming Bently Farms Street Repair that will begin 7/19/2017 and continue until 7/22/2017.

6. **PRESENTATION**

**A. Presentation of 2016 Financial Statements and Independent Audit Report.**

Mike Conway, CPA of Conway Company CPAs, PC presented a report on the firm's audit of the City's FY 2016 financial records. Mr. Conway stated that the firm has provided a "clean unqualified opinion" with no issues. Mr. Conway further noted that the net position of the City improved in every aspect and that the City is in "good financial shape." Mr. Conway recognized the financial management practices that the City Council has adopted and that the staff has implemented. Mr. Conway concluded stating that the City of Lavon appears poised to continue improving its financial position and getting better. Ms. Dobbs commended Accounting Administrator Diane Cuellar for her work keeping the City's records maintained in good condition and providing the auditors with whatever information and assistance they requested. Ms. Dobbs noted that a copy of the Certified Annual Financial Report (CAFR) will be uploaded to the City's website.

**B. Camp "9-1-1" Presentation**

Camp "9-1-1" staff present a video highlighting the day's events. Mayor Teske thanked the staff as well as all First Responders involved in the camp.

**7. CONSENT AGENDA**

**A. Approve the Minutes of the June 20, 2017 Meeting.**

**B. Accept the Heritage Public Improvement District #1 Assessment Report Summary dated 06/30/2017 and authorize the payment of invoices included therein.**

**MOTION: APPROVE THE CONSENT AGENDA, AS PRESENTED.**

**MOTION MADE: CHILDERS**

**SECONDED: SPRADLIN**

**APPROVED: UNANIMOUS**

**Absent: WRIGHT**

**8. PUBLIC HEARING**

**PUBLIC HEARING to receive comments regarding the petition of the owner of certain property to voluntarily annex 41.8 acres in the Drury Anglin Survey, Abstract No. 2, (Collin County CAD ID #s 2653997, 2087762 and 2507840), generally located southwest of the intersection of FM 2755 and CR 483 and regarding the annexation of the adjacent county road and right-of-way into the City of Lavon.**

Ms. Dobbs provided background information on the petition for voluntary annexation submitted by the property owner and pointed out the draft annexation timeline and service plan provided for the Council's information. Ms. Dobbs noted that there is no action scheduled at this time as in accordance with state law, this is the first of two public hearings. The second public hearing is scheduled for August 1, 2017. Ms. Dobbs further explained that a special meeting would be scheduled during the week of August 22, 2017 for consideration and action regarding the petition.

Mayor Teske opened the public hearing at 7:28 p.m. and invited comments in favor of or in opposition to the proposed petition for voluntary annexation. Pat Atkins, Saddle Star L.L.C., 3076 Hays Lane, Rockwall, Texas spoke in favor of the petition. Mr. Atkins explained that he was the developer working with the property owner to annex and zone the property. There being no further comments, Mayor Teske closed the public hearing at 7:32 p.m.

**9. STAFF REPORTS**

**A. Police Department.** Police Chief Mike Jones provided a report regarding: 1) Police statistics through July 2017, 2) training updates: Chief Jones recently attended the FBI Command College in Arlington and 3) facilities updates: Chief Jones reported that the holding cells in the Police Department will be phased out to make space for interrogation rooms and storage.

**B. Fire Department.** Life and Health Safety Director Jon Scott provided a report regarding: 1) receiving the TX Commission Fire Inspection Certification, 2) 4<sup>th</sup> of July update: many calls came in for fireworks and Mr. Scott commended Officer Hubbard for his assistance in addressing calls; 3) the EMS call report and 4) Burn Ordinance update: possible changes to the ordinance were discussed.

- C. Public Works Department.** Director of Public Works Sonny Mancias provided a report regarding: 1) general public works and street maintenance including mowing and trash collection, 2) TXDOT will be laying steel and concrete at SH 205 and SH 78 at the end of August, 3) Bently Farms street repair begins Wednesday 7/19-Friday 7/21, 4) Routine lift station maintenance and 5) staff update that Patrick Bush resigned to accept another position and that there is already a candidate going through pre-employment verifications..
- D. Administration.** Ms. Dobbs provided a report regarding: 1) Financial Outlook, 2) Building Permits Report, 3) Recycling Services summary and 4) Monthly Tax Collection Report.

## **10. ITEMS FOR CONSIDERATION**

**A. Discussion and action regarding the Preliminary Plat of the Crestridge Meadows addition – submitted by Rockwall Retail Investors, LLC.**

Ms. Dobbs reviewed the agenda briefing notes provided to the City Council and introduced Russell Phillips and Craig Renfro, the developer representatives who presented the application to the Council.

**MOTION: APPROVE THE PRELIMINARY PLAT OF THE CRESTRIDGE MEADOWS ADDITION SUBMITTED BY ROCKWALL RETAIL INVESTORS, LLC.**

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

**B. Discussion and action regarding Resolution No. 2017-07-01 approving and authorizing the Mayor to execute a Right-of-Way License Agreement with Mobilitie LLC for a facility on Mustang Court.**

Lori Dunham, Mobilitie presented and answered questions regarding the proposed facility on Mustang Court.

**MOTION: APPROVE RESOLUTION NO. 2017-07-01 APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY LICENSE AGREEMENT WITH MOBILITIE LLC, FOR A FACILITY ON MUSTANG COURT.**

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

**C. Discussion and action regarding Resolution No. 2017-07-02 approving and authorizing the Mayor to enter into a Professional Services Agreement with Freeman-Millican, Inc. for general engineering consultation services.**

**MOTION: APPROVE RESOLUTION NO. 2017-07-02 APPROVING AND AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH FREEMAN-MILLICAN, INC. FOR GENERAL ENGINEERING CONSULTATION SERVICES.**

Ms. Dobbs provided background regarding the proposed agreement and introduced Mark Hill, P.E., Freeman Millican, Inc.

**MOTION MADE:** CHILDERS  
**SECONDED:** SPRADLIN  
**APPROVED:** UNANIMOUS  
Absent: WRIGHT

- D. Discussion and action regarding Resolution No. 2017-07-03 authorizing the Mayor to execute Task Order #1 pursuant to a Professional Services Agreement with Freeman-Millican, Inc. for services relating to the development of a Storm Sewer Map for an amount not to exceed \$4,200.00.**

**MOTION: APPROVE RESOLUTION NO. 2017-07-03 AUTHORIZING THE MAYOR TO EXECUTE TASK ORDER #1 PURSUANT TO A PROFESSIONAL SERVICES AGREEMENT WITH FREEMAN-MILLICAN, INC. FOR SERVICES RELATING TO THE DEVELOPMENT OF A STORM SEWER MAP FOR AN AMOUNT NOT TO EXCEED \$4200.00.**

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

- E. Discussion and action regarding Resolution No. 2017-07-04 approving and authorizing the Mayor to execute a Professional Services Agreement with Lee Roberts Inspection Services for plan review and building inspection services.**

Ms. Dobbs provided information relating to the current agreement and Mr. Robert's request to increase the amount of compensation or terminate the current agreement. Ms. Dobbs advised that other cities were consulted regarding their building inspection services and compensation and that the proposal appears to be comparable to other options.

**MOTION: APPROVE RESOLUTION NO. 2017-7-04 APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH LEE ROBERTS INSPECTION SERVICES FOR PLAN REVIEW AND BUILDING INSPECTION SERVICES.**

**MOTION MADE:** SPRADLIN  
**SECONDED:** SANSON  
**APPROVED:** FOR: SANSON, SPRADLIN, CHILDERS  
ABSTAINED: SERKLAND  
Absent: WRIGHT

- F. Discussion and action regarding Ordinance No. 2017-07-01 to amend Ordinance No. 2011-07-01 Code Of Regulations, Codified as Title 3, "Administration", Subtitle 5, "Ethics", Chapter 1, "Legislative Branch Rules of Order and Procedure", Section 3.5.1.13 "Notice of Meetings" to revise posting specifications; providing a cumulative, repealer and a severability clause; and providing an effective date.**

Ms. Dobbs provided information regarding the installation of an enclosed bulletin board at the southern entrance of City Hall and advised that agendas and notices will be posted in the new case and no longer taped to the glass front doors at City Hall. Ms. Dobbs noted that the proposed amendment is consistent with state law.

**MOTION: APPROVE ORDINANCE NO. 2017-07-01 TO AMEND ORDINANCE NO. 2011-07-01 CODE OF REGULATIONS, CODIFIED AS TITLE 3, "ADMINISTRATION", SUBTITLE 5, "ETHICS", CHAPTER 1, "LEGISLATIVE BRANCH RULES OF ORDER AND PROCEDURE", SECTION 3.5.1.13 "NOTICE OF MEETINGS" TO REVISE POSTING SPECIFICATIONS; PROVIDING A CUMULATIVE, REPEALER AND SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**MOTION MADE:** CHILDERS  
**SECONDED:** SPRADLIN  
**APPROVED:** UNANIMOUS  
Absent: WRIGHT

**G. Discussion and action regarding board and commission appointments – Lavon Economic Development Corporation (LEDC) Board of Directors and Reinvestment Zone #1 (TIF) Board of Directors.**

The Council reviewed and discussed the Boards and Commission spreadsheet and Volunteer Applications submitted.

**MOTION: REAPPOINT CHRIS KANE, PLACE 2 AND JIMMIE CATRAVAS, PLACE 4 TO THE LEDC BOARD OF DIRECTORS AND APPOINT JOHN KELL TO PLACE 6 ON THE LEDC BOARD OF DIRECTORS, WITH ALL TERMS TO EXPIRE JULY 1, 2019. AND FURTHER CLARIFY THE TERMS OF THE REINVESTMENT ZONE #1 BOARD OF DIRECTORS TO CORRESPOND TO THE ORDINANCE OF CREATION WITH ODD-NUMBERED SEATS EXPIRING IN EVEN-NUMBERED YEARS AND EVEN-NUMBERED SEATS EXPIRING IN ODD-NUMBERED YEARS.**

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

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

- Budget work session and regular meeting on August 1, 2017 beginning at 6pm
- Council member Serkland would like to discuss grease issues in the sanitary sewer system in Grand Heritage West.
- Mr. Scott to present outdoor burn ordinance update.
- Ms. Dobbs and Chief Jones will present an ordinance to rename the Director of Health and Life Safety Department in accordance with the recent certification.

**11. MAYOR TESKE ADJOURNED THE CITY COUNCIL MEETING AT 8:30 PM.**

**DULY PASSED and APPROVED** by the City Council of the City of Lavon, Texas, on this 1<sup>st</sup> day of August, 2017.

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Charles A. Teske, Jr.  
Mayor

**ATTEST:**

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Kim Dobbs  
City Administrator | City Secretary



## **CITY OF LAVON CITY COUNCIL Agenda Brief**

**MEETING: August 1, 2017**

**ITEM: 7**

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**Item:**

**PUBLIC HEARING** to receive comments regarding the petition of the owner of certain property to voluntarily annex 41.8 acres in the Drury Anglin Survey, Abstract No. 2, (Collin County CAD ID #s 2653997, 2087762 and 2507840), generally located southwest of the intersection of FM 2755 and CR 483 and regarding the annexation of the adjacent county road and right-of-way into the City of Lavon.

**Background:**

On May 8, 2017, the City received a Petition for Annexation from Belinda Collier for the voluntary annexation of 41.08 acres of land adjacent to the City. The property is presently vacant and undeveloped. Pursuant to Texas Local Government Code (LGC), Section 43.106, the City is required to annex the portion of the county road and the right-of-way adjacent to the proposed annexation area.

***Excerpt:***

**Texas Local Government Code**

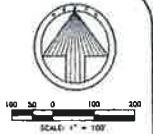
Sec. 43.063. ANNEXATION HEARING REQUIREMENTS. (a) Before a municipality may institute annexation proceedings, the governing body of the municipality must conduct two public hearings at which persons interested in the annexation are given the opportunity to be heard. The hearings must be conducted on or after the 40th day but before the 20th day before the date of the institution of the proceedings.

On June 20, 2017, the City Council approved Resolution No. 2017-06-01 and scheduled public hearings pursuant to state law on July 18, 2017 and August 1, 2017. This is the second of two public hearings.

**Attachments:**      Annexation Site Exhibit  
                         Annexation Petition  
                         Annexation Timeline  
                         Draft Service Plan

July 28, 2017





LOCATION MAP  
OF  
**LAVON FARMS**  
**41.80 ACRES**  
IN THE  
CITY OF LAVON, COLLIN COUNTY, TEXAS

Engineer:



Developer:

**SADDLE STAR**  
3078 HAYS LANE  
ROCKWALL, TEXAS 75087  
972-368-6383  
Contact: Pat Atkins

MAY 08, 2017

PETITION REQUESTING ANNEXATION BY AREA LANDOWNERS

TO THE MAYOR OF THE GOVERNING BODY OF THE CITY OF LAVON, TEXAS:

The undersigned owners of the hereinafter described tract of land, which is vacant and without residence, or on which fewer than three qualified voters reside, hereby waive the requirement to be offered a development agreement pursuant to Section 43.035 and petition your Honorables Body, to extend the present city limits so as to include as part of the City of Lavon, Texas, the following described territory, to wit:

**Attachment A**

Description of the territory covered by the petition by metas and bounds

We certify that the above described tract of land is contiguous and adjacent to the City of Lavon, Texas, is not more than one-half mile in width (only limited by Local Government Code Section 43.028), and that this petition is signed and duly acknowledged by each and every person, having an interest in said land.

Signed: [Signature]

Signed: \_\_\_\_\_

Signed: \_\_\_\_\_

THE STATE OF TEXAS

COUNTY OF Vin Zandt

BEFORE ME the undersigned authority, on this day personally appeared Belinda Collier known to me to be the persons whose names are subscribed to the foregoing instrument and each acknowledged to me that he executed the same for the purposes and consideration therein expressed.

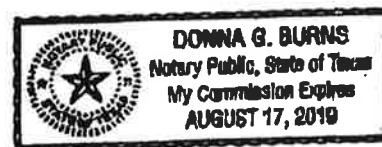
Given under my hand and seal of office this 24 day of April 20 17

Donna Burns  
Notary Public and for  
Vin Zandt County, Texas

THE STATE OF TEXAS

COUNTY OF Vin Zandt

BEFORE ME the undersigned authority, on this day personally appeared \_\_\_\_\_ known to me to be the persons whose names are subscribed to the foregoing instrument and each acknowledged to me that he executed the same for the purposes and consideration therein expressed.



RECEIVED  
MAY 08 2017  
CITY OF LAVON

Given under my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Notary Public and for  
\_\_\_\_\_ County, Texas.

THE STATE OF TEXAS

COUNTY OF \_\_\_\_\_

BEFORE ME the undersigned authority, on this \_\_\_\_\_ day personally appeared \_\_\_\_\_ who came to me to be the person whose name are subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public and for  
\_\_\_\_\_ County, Texas.

## **ANNEXATION LEGAL DESCRIPTION**

**BEING 41.801 acres of land situated in the D. Anglin Survey, Abstract No. 2, Collin County, Texas, and being a part of a called 38.42 acre tract of land described in deed to Belinda Collier, recorded as Instrument No. 20130605000772120, Deed Records, Collin County Texas, (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), and being more particularly described as follows:**

**BEGINNING at a point in the south line of F.M. Hwy 2755 (McClendon Road- a variable width right-of-way), at the northwest corner of said 38.42 and 4.74 acre tracts, common to the northeast corner of a called 22.04 acre tract of land described in deed to Gary Ronald Dean, SR. and Bobbie N. St. John, recorded in Volume 4059, Page 0236, (DRCCT);**

**THENCE Easterly along the south lines of said HWY and the common north lines of said 4.74 acre tract and said 38.42 acre tract, the following courses and distances:**

**South 89°10'16" East, a distance of 269.32 feet to a point for corner, from which a 1/2" iron rod found for reference bears North 11°31'14" West, a distance of 0.29 feet;**

**North 82°04'51" East, a distance of 101.47 feet to a 5/8" iron rod with a yellow plastic cap stamped "RPLS 3963" set for corner;**

**South 89°09'55" East, at 78.22 feet passing the northeast corner of said 4.74 acre tract and continuing with a north line of said 38.42 acre tract for a total distance of 1009.83 feet to a point for corner at an angle point;**

**South 44-18-06 East a distance of 41.83 to a point for corner at an angle point;**

**South 89°09'55" East a distance of 15.03 feet to a point for corner in the center of County Road 483 and east line of said 38.42 acre tract;**

**THENCE South 03°46'27" West, along the centerline of said road and the east line of said 38.42 acre tract,, a distance of 372.57 feet to a point for corner at the northeast corner of a called 1.25 acre tract of land described in deed to Jerold Carter, recorded as Instrument No. 20130617000834110, (DRCCT);**

**THENCE North 89°11'58" West, along the north line of said 1.25 acre tract a distance of 337.03 feet, to a point for corner at the northwest corner thereof;**

**THENCE South 00°51'58" West, with the west line of last mentioned tract for a distance of 163.74 feet to a point for corner at the southwest corner thereof and being in the north line of a called 2.11 acre tract of land described in deed to CR 483 Trust, Mazen Fatayri Trustee, recorded as Instrument No. 20110819000880540, (DRCCT), from which a 1/2" iron rod found for reference bears, North 72°06'52" East a distance of 0.30 feet;**

**THENCE North 89°10'06" West, along the north line of said 2.11 acre tract a distance of 88.19 feet, to a 1/2" iron rod found for corner at the northwest corner thereof;**

**THENCE South 00°51'29" West, along the west line of said 2.11 acre tract a distance of 223.83 feet to a 1" iron pipe found for corner at the southwest corner thereof;**

**THENCE South 89°15'31" East, along the south line of said 2.11 acre tract a distance of 406.13 feet to a point for corner at the southeast corner thereof, said point also being in the east line of said 38.42 acre tract, and in the centerline of County Road 483, , from which a 1" iron pipe found for reference bears North 89°09'51" West, a distance of 30.18 feet;**

**THENCE South 03°43'43" West, along the centerline of said road and the east line of said 38.42 acre tract,, a distance of 205.84 feet to a point for corner at an upper southeast corner of said 38.42 acre tract, common to the northeast corner of a called 2.111 acre tract of land described in deed to Jonathan David Greene and Brittany Greene, recorded as Instrument No. 20140701000672130, (DRCCT), from which a 1/2" iron rod found for reference bears North 89°15'41" West, a distance of 29.87 feet;**

**THENCE North 89°10'32" West, along a lower boundary of said 38.42 acre tract, and along the north lines of said 2.111 acre tract, a called 1.81 acre tract, and a called 2.190 acre tract recorded as Instrument No. 20160122000077250, (DRCCT) and Instrument No. 20160627000811300, (DRCCT), respectively, passing at a distance of 805.97 feet, an interior "ell" corner of said 38.42 acre tract, common to the northwest corner of said 2.190 acre tract, and the northeast corner of a called 2.20 acre tract of land described as Instrument No. 20161220001727400, (DRCCT) and continuing for a total distance of 1017.02 feet to a 1/2" iron rod found for corner at the northwest corner of said 2.20 acre tract;**

**THENCE South 00°48'52" West, along the west line of said 2.20 acre tract a distance of 226.96 feet to a point for corner at the northeast corner of a called 1.102 acre tract of land described in deed to Walter O. Silva and Judith J. Silva, recorded as Instrument No. 20131122001570900, (DRCCT), from which a steel fence post found for reference bears, North 03°29'32" West, a distance of 23.26 feet;**

**THENCE North 89°29'54" West, along the north line of said of said 1.102 acre tract a distance of 211.00 feet to the northwest corner thereof and being in a common line of said 10.00 acre and 38.42 acre tracts, from which a steel fence post found for reference bears, North 01°16'28" East, a distance of 49.48 feet;**

**THENCE South 00°49'28" West, along the common lines of last mentioned 3 tracts, a distance of 227.56 feet to a point at the common south corner thereof, and in the north line of a called 50.64 acre tract of land described in deed to Michael J. Box, recorded in Volume 5420, Page 487, (DRCCT), said point also being in the centerline of said County Road 483, from which a 1/2" iron rod found for reference bears North 00°36'50" East, a distance of 29.92 feet;**

**THENCE North 89°32'43" West, along the common lines of said 10.00 acre tract, said 50.64 acre tract, and a called 31.269 acre tract of land described in deed to The City of Lavon, recorded in Instrument No. 20060725001041390, (DRCCT), a distance of 700.95 feet to a point for corner in the centerline of a creek, at an interior "ell" corner of said 31.269 acre tract, from which a 1/2" iron rod found for reference bears, South 89°32'43 East, a distance of 50.34 feet;**

**THENCE along and near the centerline of said creek, partly with the east lines of said 31.269 acre tract, all of the east lines of said 22.04 acre tract and all of the west lines of said 10.00 acre, 38.42 acre, and 4.74 acre tracts, the following courses and distances:**

**North 11°43'37" East, a distance of 83.62 feet to a point for corner;**

**North 33°00'52" East, a distance of 141.23 feet to a point for corner;**

**North 04°26'02" West, a distance of 101.81 feet to a point for corner;**

**North 39°21'27" West, a distance of 103.75 feet to a point for corner;**

**North 24°43'50" East, a distance of 144.19 feet to a point for corner;**

**North 47°54'58" East, a distance of 190.14 feet to a point for corner;**

**North 07°24'23" East, a distance of 93.46 feet to a point for corner, from which a 5/8" iron rod with a cap found for reference bears South 54°51'31" East, a distance of 56.08 feet**

**North 16°37'32" West, a distance of 99.62 feet to a point for corner;**

**North 22°40'19" East, a distance of 103.68 feet to a point for corner;**

**North 74°03'24" East, a distance of 92.98 feet to a point for corner;**

**North 29°25'38" East, a distance of 66.80 feet to a point for corner;**

**North 43°00'29" East, a distance of 164.40 feet to a point for corner;**

**North 59°38'43" East, a distance of 61.65 feet to a point for corner;**

**North 13°31'58" East, a distance of 58.93 feet to a point for corner;**



**North 36°51'42" West, a distance of 177.74 feet to a point for corner;**

**North 64°25'48" East, a distance of 122.13 feet to a point for corner;**

**North 51°02'48 East, a distance of 31.21 feet to the PLACE OF BEGINNING and containing 41.801 acres or 1,820,862 square feet of land.**





**City of Lavon, Texas**  
**Collier Property**

**Annexation of Area Exempt  
from the Annexation Plan Requirement  
(including Annexation on Petition of Area Landowners or Voters)**

- May 8** Petition for Annexation submitted to the City
- Jun 6** Resolution of the City Council to accept the petition and schedule public hearings. July 18 and Aug 1
- Jun 30** Send notice to paper for publication on July 5 and July 19
- Jul 5** Publish notice of first hearing. §43.063. Obtain required affidavit of publication from newspaper.
- Post notice of first public hearing on Internet Web site, if city has an internet website. §43.063(c).
- Send written notice to each public school district in the area to be annexed. §43.905.
- Jul 14** Post notice of first public hearing under Open Meetings Act.
- Jul 18** Hold first public hearing. §43.063.
- Jul 19** Publish notice of second hearing. §43.053. Obtain required affidavit of publication from newspaper.
- Post notice of second public hearing on Internet Web site, if city has an internet website. §43.063(c).
- Jul 28** Post notice of second public hearing under Open Meetings Act.
- Aug 1** Hold second public hearing. §43.063.
- Aug 18** Post notice of annexation ordinance adoption under Open Meetings Act.
- Aug 22-25** ***Special meeting*** to adopt Annexation Ordinance (Institution of Proceedings—proceedings are instituted and completed at same time in city that only requires one reading).

**CITY OF LAVON  
ANNEXATION SERVICE PLAN**

**Case Name:** Lavon Farms – June 2017

**Description:**

1. Being 41.801 acres of land adjacent to and located within the extraterritorial jurisdiction of the City of Lavon, Texas and situated in the Drury Anglin Survey, Abstract No. 2, Collin County, Texas, and being described in deed to Belinda Collier, recorded as Instrument No. 20130605000772120, Instrument No. 20130605000772100 and Instrument No. 20130605000772130, Deed Records, Collin County Texas.

2. The land consisting of the portion of Collin County Road 483 and FM 2755 that abuts the above-described property and the right-of-way adjacent thereto.

**PUBLIC SAFETY SERVICES**

**FIRE SERVICES**

**Existing Services:** Nevada Volunteer Fire Department

**Services to be Provided:** Fire suppression will be available to the area upon annexation at the same or similar level as is provided to other areas of the City. Primary fire response will be provided by the Nevada Volunteer Fire Department (NVFD). Adequate fire suppression activities can be afforded to the annexed area within current budget appropriation. Fire prevention activities will be provided by the Fire Marshall's office as needed. The NVFD is party to several Mutual Aid Agreements with area volunteer departments that will provide back-up service as appropriate.

**POLICE SERVICES**

**Existing Services:** Currently, the area is under the jurisdiction of the Collin County Sheriff's Office.

**Services to be Provided:** Upon annexation, the City of Lavon Police Department will extend regular and routine patrol and police services to the area. It is anticipated that the implementation of police patrol activities can be effectively accommodated within the current budget and staff appropriation.

**EMERGENCY MEDICAL SERVICES**

**Existing Services:** None

**Services to be Provided:** Beginning on the effective date of the annexation ordinance, the area will become a part of the Southeast Collin County EMS/Ambulance Coalition and ambulance service will be provided pursuant to the City's contract for services. Services can be provided within the current budget appropriation.

**CODE ENFORCEMENT SERVICES**

**Existing Services:** None

**Services to be Provided:** Any inspection services now provided by the City (building, electrical, plumbing, gas, housing, health, etc.) will begin in the annexed area on the effective date of annexation. Services can be provided within the current budget appropriation.

## **MUNICIPAL SERVICES**

### **PLANNING & ZONING SERVICES**

**Existing Services:** None

**Services to be Provided:** The Planning and Zoning jurisdiction of the City will extend to the annexed area on the effective date of annexation. City planning will thereafter encompass the annexed area. Services can be provided within the current budget appropriation.

### **STORM DRAINAGE SERVICES**

**Existing Services:** None

**Services to be Provided:** Beginning on the effective date of the annexation ordinance, the City of Lavon will include the annexed area in its service area for drainage services at the same or similar level as is provided to other areas of the City, taking into account different characteristics of topography, land uses and population density. Services will include, but are not limited to: routine review and monitoring of culverts and storm sewers; flood plain design and assistance; and engineering review as the area relates to the City as a whole. Services can be provided within the current budget appropriation.

### **STREET SERVICES**

**Existing Services:** County Road Maintenance

**Services to be Provided:** Beginning on the effective date of the annexation ordinance, the City of Lavon will provide maintenance for streets in accordance with existing City ordinances, resolutions and regulations. Municipal services will include, but are not limited to: routine maintenance, street lighting, ice and snow monitoring of major thoroughfares, and assessment of street conditions for long-term maintenance scheduling. As streets are constructed in undeveloped portions of the annexed area, the appropriate City ordinances, resolutions and regulations of the City shall apply. Services can be provided within the current budget appropriation.

### **TRANSPORTATION AND TRAFFIC SERVICES**

**Existing Services:** None

**Services to be Provided:** Beginning on the effective date of the annexation ordinance, the City of Lavon will join Collin County and the State of Texas Department of Transportation in providing transportation-planning services to the annexed area. The annexed area will be included in the City of Lavon's Thoroughfare Plan and will receive an enhanced voice in the Transportation Planning Process through the City of Lavon's representation on regional planning teams. Services can be provided within the current budget appropriation.

### **PARKS SERVICES**

**Existing Services:** None

**Services to be Provided:** Beginning on the effective date of the annexation ordinance, all of the city's parks and recreation facilities shall be available for use by residents of the annexed area. The annexed area will be included in the park planning processes. Services can be provided within the current budget appropriation.

## **UTILITY SERVICES**

### **SOLID WASTE COLLECTION SERVICES**

**Existing Services:** None

**Services to be Provided:** Beginning on the effective date of the annexation ordinance, the City of Lavon will provide solid waste collection and recycling services. Service is provided in accordance with City regulations and is provided as a fee-based service per contract with a private provider. Service requests and billing are administered through the City. Service shall comply with existing City policies.

### **WATER SERVICES**

**Existing Services:** Bear Creek Special Utility District

**Services to be Provided:** Water service shall continue to be provided to the annexed area by a special utility district in accordance with existing State laws, City ordinances, resolutions, regulations and policies. Construction of water utility-related facilities will be built in accordance with the City of Lavon construction standards.

### **SANITARY SEWER SERVICES**

**Existing Services:** None

**Services to be Provided:** Sanitary sewer service will be provided in accordance with applicable codes and departmental policy. Upon completion of construction of sanitary sewer facilities, including off-site facilities, the City shall assume maintenance and service responsibilities for the sanitary sewer system in the annexed area in accordance with existing City ordinances, resolutions regulations and policies.

## **MISCELLANEOUS SERVICES**

All other applicable municipal services will be provided to the area in accordance with the City of Lavon's established policies governing extension of municipal services to newly annexed areas.



**CITY OF LAVON  
CITY COUNCIL  
Agenda Brief**

**MEETING: August 1, 2017**

**ITEM: 8-A**

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**Item:**

Discussion and action regarding Resolution No. **2017-08-01** calling a General Election to be held on and administered by the Collin County Elections Administrator on Saturday, November 7, 2017 for the purpose of electing the Mayor and two (2) Council Members, one (1) for Place 2 and one (1) for Place 4 and providing for an Effective Date

**Background:**

The General Election must be called no later than August 21, 2017.

**Financial Consideration:**

Funding for the election is included in the Annual Operating Budget for Fiscal Year 2017-2018 and will be conducted pursuant to a contract with the Collin County Elections Office.

**Attachments:** Resolution

July 28, 2017

**CITY OF LAVON, TEXAS**  
**RESOLUTION NO. 2017-08-01**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS CALLING A GENERAL ELECTION TO BE HELD JOINTLY WITH OTHER POLITICAL SUBDIVISIONS DESIGNATED BY THE COUNTY ELECTIONS ADMINISTRATOR AND ADMINISTERED BY THE COUNTY ELECTIONS ADMINISTRATOR ON TUESDAY, NOVEMBER 7, 2017, FOR THE PURPOSE OF ELECTING A MAYOR AND TWO (2) COUNCIL MEMBERS, ONE (1) FOR PLACE 2 AND ONE (1) FOR PLACE 4, FOR TWO (2) YEAR TERMS EACH FOR SAID CITY; PROVIDING FOR THE CONDUCT AND THE GIVING NOTICE OF THE ELECTION; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT.**

**WHEREAS**, the City of Lavon, Texas (“City”) is a Type A general-law municipality of the State of Texas; and

**WHEREAS**, the Texas Local Government Code provides a term of two years for elected officials of the City and that elections be held annually on an authorized uniform election date as provided by Chapter 41 of the Texas Election Code; and

**WHEREAS**, Chapter 41 of the Texas Election Code provides that the second Tuesday in November, being November 7, 2017, is an authorized uniform election date for municipal elections; and

**WHEREAS**, the Texas Election Code requires that the governing body of the City is responsible for ordering the general election of elected officials of the City; and

**WHEREAS**, by this Resolution, it is the intention of the City Council to call for said election to be held on said date, and establish and set forth procedures for conducting said election.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS:**

**Section 1.     Findings.** That the recitals set forth in the WHEREAS clauses of this Resolution are true and correct, constitute findings and determinations by the City Council acting in its legislative capacity and are incorporated herein.

**Section 2.     Election Ordered.** That a General Election is hereby ordered to be held jointly with other jurisdictions as possible in and throughout the City on Tuesday, November 7, 2017, for the purpose of electing persons to the office of Mayor and two (2) Council Members, one (1) for Place 2 and one (1) for Place 4 for two (2) year terms each and that notice be provided in accordance with the Code.

**Section 3.     Application for a Place on the Ballot.** That in accordance with Section 143.007 of the Code, any eligible and qualified person may have his/her name printed upon the official ballot as a candidate for the offices herein before set forth by filing his/her sworn application with the City Secretary not earlier than 8:00 am, July 22, 2017 and not later than 5:00 pm, August 21, 2017. Each



such application shall be on a form as prescribed by Section 141.031 of the Code. The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing by the City Secretary as provided by Section 52.094 of the Code. Notice of the time and place for such drawing shall be given in accordance with the Code.

**Section 4. Voting System; Ballots.** That in all respects said election shall be conducted in accordance with the Texas Election Code. Direct Recording Electronic (DRE) voting machines shall be used in this Election for early voting by personal appearance and Election Day voting. Optical-scan ballots shall be used for early voting by mail. The ballots shall be prepared in accordance with the applicable provisions of V.T.C.A. Election Code.

**Section 5. Election Administration.** That the City agrees to conduct a joint election with the political subdivisions designated by the County Elections Officer and the election will be conducted by the County pursuant to the terms of the election contract between the City and the County, with Election Day polling location(s) and times for the voters in the City to be determined by the County, along with all early voting matters, in accordance with the laws of the State of Texas..

**Section 6. Precincts and Polling Places.** That the election precincts and the polling place for each such precinct on Election Day, are set forth in Exhibit A attached hereto, which is incorporated herein by reference and made a part hereof for all purposes. The City Secretary is authorized to modify Exhibit A to amend Election Day polling places designated by the Elections Administrator and to conform to the Election Agreement and the Texas Election Code.

**Section 7. Early Voting.** That the Early Voting Polling Places for conducting early voting by personal appearance, and the addresses for early voting by mail, for said election only are set forth in Exhibit A attached hereto. The City Secretary is authorized to modify Exhibit A to amend early voting locations designated by the Elections Administrator and to conform to the Election Agreement and the Texas Election Code and that the early voting ballots shall be canvassed by the Early Voting Ballot Board, which shall be appointed and designated in accordance with the provisions of the Election Agreement.

**Section 8. Persons Qualified to Vote.** That all resident qualified electors of said City shall be permitted to vote in said election.

**Section 9. Effective Date.** That this Resolution shall become effective immediately upon its passage.

**DULY PASSED and APPROVED** by the City Council of the City of Lavon, Texas, on the 1<sup>st</sup> day of August 2017.

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Charles A. Teske, Jr., Mayor

**ATTEST:**

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Kim Dobbs, City Administrator | City Secretary

**CITY OF LAVON, TEXAS**  
**RESOLUTION NO. 2017-08-01**

**EXHIBIT A**

**CITY OF LAVON, TEXAS**  
**GENERAL ELECTION**  
**NOVEMBER 7, 2017**

**ELECTION DAY POLLING PLACES**  
**7:00 a.m. to 7:00 p.m.**

[Voters may vote at the following locations within the City and at any of the additional listed Election Day Vote Centers open under full contract services with the Collin County Elections Administration.]

<b>Polling Place</b>	<b>Address</b>	<b>City</b>
Aldridge Elementary School	720 Pleasant Valley	Richardson
Allen ISD Service Center	1451 North Watters	Allen
Allen Municipal Courts Facility	301 Century Parkway	Allen
Armstrong Middle School	3805 Timberline	Plano
Benton Staley Middle School	6927 Stadium Drive	Frisco
Blue Ridge ISD Administration Building	318 West School Street	Blue Ridge
Bowman Middle School	2501 Jupiter Road	Plano
Carpenter Middle School	3905 Rainier Road	Plano
Carpenter Park Recreation Center	6701 Coit Road	Plano
Celina ISD Administration Building	205 S. Colorado	Celina
Christ the Servant Lutheran Church	821 S. Greenville Ave.	Allen
Christ United Methodist Church	3101 Coit Road	Plano
Clark High School	523 Spring Creek	Plano
Collin College Central Park Campus	2200 University	McKinney
Collin College Higher Education Center	3452 Spur 399	McKinney
Collin College Preston Ridge Campus	9700 Wade Blvd.	Frisco
Collin College Spring Creek Campus	2800 Spring Creek Parkway	Plano
Collin County Elections Office	2010 Redbud Blvd, Ste. 102	McKinney
Community ISD Tech and Conf Center	611 FM 1138	Nevada
Davis Library	7501 Independence Parkway	Plano
Dowell Middle School	301 Ridge Road	McKinney
Dr. Pepper Star Center - Champions Café	6993 Stars Ave.	McKinney
Eldorado Country Club	2604 Country Club Drive	McKinney
Fairview Town Hall	372 Town Place	Fairview
1 <sup>st</sup> Baptist Church - Branch	7011 FM 546	Princeton
1 <sup>st</sup> Baptist Church Farmersville–Youth Bldg	201 Farmersville Pkwy.	Farmersville
1 <sup>st</sup> Baptist Church - Josephine	300 S. Main Street	Josephine
Ford Middle School	630 Park Place Drive	Allen
Fowler Middle School	3801 McDermott Road	Plano
Frisco Fire Station #5	14300 Eldorado Pkwy.	Frisco
Frisco Senior Center	6670 Moore Street	Frisco
Gay Library	6861 W. Eldorado Parkway	McKinney
George Bush Elementary School	2000 Eagle Aerie Lane	Wylie
Haggar Elementary School	17820 Campbell Road	Dallas
Harrington Library	1501 18th Street	Plano

<b>Polling Place</b>	<b>Address</b>	<b>City</b>
Heritage High School	14040 Eldorado Pkwy.	Frisco
Hunt Middle School	4900 Legendary Drive	Frisco
Islamic Association of Collin County	6401 Independence Pkwy.	Plano
John Q. Hammons Ctr - Courtyard Marriott	210 East Stacy Road	Allen
Lavon City Hall	120 School Road	Lavon
Liberty High School	15250 Rolater Road	Frisco
Lovejoy ISD Administration Bldg.	259 Country Club	Allen
Lowry Crossing City Hall	1405 S. Bridgefarmer Road	Lowry Crossing
Lucas Community Center	665 Country Club Road	Lucas
McKinney Fire Station #7	861 Independence Pkwy.	McKinney
McKinney Senior Recreation Center	1400 S. College	McKinney
Melissa City Hall	3411 Barker Ave.	Melissa
Methodist Richardson Medical Center	2831 E President George Bush Hwy	Richardson
Miller Elementary School	5651 Coventry Drive	Richardson
Mitchell Elementary School	4223 Briargrove	Dallas
Murphy Community Center	205 N. Murphy Road	Murphy
Old Settlers Recreation Center	1201 E. Louisiana	McKinney
Parker City Hall	5700 E. Parker Road	Parker
Parr Library	6200 Windhaven Pkwy.	Plano
Plano ISD Administration Center	2700 W. 15th Street	Plano
Plano Senior Center	401 W. 16th Street	Plano
Princeton City Hall	123 W. Princeton Drive	Princeton
Prosper ISD Administration Bldg.	605 E. Seventh Street	Prosper
Renner-Frankford Library	6400 Frankford Road	Dallas
Royse City ISD Mike McKinney Maint Fac	1420 FM 1777	Royse City
Seis Lagos Community Services Association	222 Seis Lago Trail	Wylie
Shepton High School	5505 Plano Pkwy.	Plano
Shiloh Missionary Baptist Church	1310 Avenue "I"	Plano
Smith Library	300 Country Club	Wylie
Stonebridge United Methodist Church	1800 S. Stonebridge Drive	McKinney
Suncreek United Methodist Church	1517 W. McDermott Drive	Allen
Texas Star Bank	402 W. White Street	Anna
Tom Muehlenbeck Recreation Center	5801 W. Parker Road	Plano
Toyota Stadium	9200 World Cup Way	Frisco
Weston Community Center	117 Main Street	Weston
Whitt Elementary School	7520 Woodcreek Way	Sachse
Woodcreek Church	3400 E. Renner Road	Richardson
Wylie ISD Educational Service Center	951 S. Ballard	Wylie

The Election Day Vote Centers for the election shall include all locations established by the Collin County Elections Department as Election Day Vote Centers.

### **EARLY VOTING POLLING PLACES**

Any voter residing in Collin County who is entitled to vote an early ballot by personal appearance may do so at any Early Voting Polling Place listed below. Early voting shall be conducted by personal appearance at the locations set forth below and during the period early voting is required or permitted by law, being October 23, 2017 through November 3, 2017, on the following dates and times:

October 23 through November 3, Monday - Friday 8:00 A.M. - 5:00 P.M. and expanded hours as established by the County Elections Administrator.

<b>Polling Place</b>	<b>Address</b>	<b>Street</b>
<b>Collin County Elections (Main Early Voting Location)</b>	2010 Redbud Blvd. St 102	McKinney
Allen ISD Service Center	1451 North Watters	Allen
Allen Municipal Courts Facility	301 Century Pkwy.	Allen
Carpenter Park Recreation Center	6701 Coit Road	Plano
Celina ISD Administration Building	205 S. Colorado	Celina
Christ United Methodist Church	3101 Coit Road	Plano
Collin College - Central Park Campus	2200 W. University Drive	McKinney
Collin College - Higher Education Center	3452 Spur 399	McKinney
Collin College - Preston Ridge Campus	9700 Wade Blvd.	Frisco
Collin College - Spring Creek Campus	2800 E. Spring Creek Pkwy.	Plano
Davis Library	7501 Independence	Plano
Frisco Fire Station #5	14300 Eldorado Pkwy	Frisco
Frisco Senior Center	6670 Moore Street	Frisco
Gay Library	6861 W. Eldorado	McKinney
Haggard Library	2501 Coit Road	Plano
Harrington Library	1501 18 <sup>th</sup> Street	Plano
Lavon City Hall	120 School Road	Lavon
Lovejoy ISD Administration Bldg.	259 Country Club	Allen
McKinney Fire Station #7	861 S. Independence Pkwy.	McKinney
Melissa City Hall	3411 Barker Ave.	Melissa
Methodist Richardson Medical Center	2831 E. Pres George Bush Hwy	Richardson
Murphy Community Center	205 North Murphy Road	Murphy
Old Settlers Recreation Center	1201 E. Louisiana	McKinney
Parker City Hall	5700 E. Parker Road	Parker
Parr Library	6200 Windhaven Pkwy.	Plano
Plano ISD Administration Center	2700 W. 15 <sup>th</sup> Street	Plano
Princeton City Hall	123 W. Princeton Drive	Princeton
Prosper Municipal Chambers	108 W. Broadway	Prosper
Renner-Frankford Library	6400 Frankford	Dallas
Smith Library	300 Country Club	Wylie
Texas Star Bank	402 W. White	Anna
Wylie ISD Educational Service Center	951 South Ballard	Wylie

The Early Voting Polling Places for the election shall include all locations established by the Collin County Elections Department as Early Voting Polling Places.

<b>Address for Applications for Early Voting by Mail – Collin County</b>	
<b>Mailing Address:</b> Collin County Early Voting Clerk Collin County Elections Administration Office 2010 Redbud Blvd., Suite 102 McKinney, Texas 75069 Facsimile: (972) 547-1914 E-mail: <a href="mailto:election@collincountytx.gov">election@collincountytx.gov</a>	<b>Last Day to Apply for Ballot by Mail:</b> October 27, 2017 (received, not postmarked)



**CITY OF LAVON  
CITY COUNCIL  
Agenda Brief**

**MEETING: August 1, 2017**

**ITEM: 8-B**

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**Item:**

Discussion and action regarding Resolution 2017-08-02 approving and authorizing the Mayor to execute an Interlocal Jail Services Agreement with Collin County for the provision of jail services and providing an effective date.

**Background:**

The City has contracted with Collin County for jail services since 2003. The proposed contract does not contain a rate increase.

**Financial Consideration:**

Funding for the services is included in the Annual Operating Budget for Fiscal Year 2017-18.

**Attachments:** Resolution and proposed Agreement

July 28, 2017

**CITY OF LAVON, TEXAS**  
**RESOLUTION NO. 2016-08-02**

Interlocal Jail Services Agreement – Collin County

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON,  
TEXAS AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL  
AGREEMENT WITH COLLIN COUNTY FOR THE PROVISION OF JAIL  
SERVICES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** the City Council entered into an Interlocal Agreement with Collin County for the provision of jail services in 2003; and

**WHEREAS,** the term of the original Agreement and of each subsequent amendment is one (1) year with a provision for renewal; and

**WHEREAS,** the City Council desires for Collin County to continue to provide jail services to insure the confinement of persons accused or convicted of an offense.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, THAT:**

**SECTION 1.** That the City Council does hereby authorize the Mayor to execute an Interlocal Jail Services Agreement with Collin County, which is attached hereto and labeled “Exhibit A”;

**SECTION 2.** That this resolution shall take effect from and after the date of its passage.

**DULY PASSED and APPROVED** by the City Council of the City of Lavon, Texas, on the 1<sup>st</sup> day of August 2017.

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Charles A. Teske, Jr., Mayor

**ATTEST:**

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Kim Dobbs  
City Administrator | City Secretary

**CITY OF LAVON, TEXAS**  
**RESOLUTION NO. 2016-08-02**

**EXHIBIT A**

Interlocal Jail Services Agreement – Collin County

# **Interlocal Jail Services Agreement**

This agreement is entered into on the \_\_\_\_\_ day of \_\_\_\_\_, 2017, by and between the City of Lavon ("City") and Collin County, a political subdivision of the State of Texas ("County").

## **Recitals**

1. The County operates the Collin County Jail in accordance with Chapter 351, Texas Local Government Code.
2. The County operates the County Jail for the confinement of persons accused or convicted of an offense.
3. The City desires to obtain certain jail services from the County to be performed for the City to insure the confinement of persons accused or convicted of an offense.

Therefore, under the authority of the Interlocal Cooperation Act., Chapter 791, Texas Government Code, the parties agree as follows:

## **Section 1. Definitions**

### **1.01 Jail Services**

The term "jail services" means all services legally necessary to provide for the confinement in the Collin County Jail of persons accused or convicted of an offense.

## **Section 2. Term**

### **2.01 Term**

The term of this Agreement shall be for a period of one (1) year ending September 30, 2018 and may be renewed for an additional one (1) year term as agreed in writing by both parties.

### **2.02 Termination**

Either party may terminate this Agreement by giving ninety (90) days written notice to the other party.

## **Section 3. Services**

### **3.01 Services to be Provided**

The County agrees to provide the City jail services necessary for the confinement of persons accused or convicted of an offense, subject to the availability of space at the County jail at the time the City requests jail services. For the purposes of this Agreement, space shall be deemed to be unavailable when the Collin County Jail is filled to 100% of its capacity.

### **3.02 Persons Accepted**

- (1) The Collin County Sheriff's Office Detention Facility will accept persons arrested via a Class C warrant, if the detainee is presented by a Peace Officer with the



original warrant, a certified or facsimile copy of a valid arrest warrant, or if a Teletype Confirmation of the warrant is received by the Collin County Sheriff's Office.

- (2) The Collin County Sheriff's Office Detention Facility will allow any Peace Officer to execute any Class C warrant on any detainee in our custody, if the warrant being executed by that officer is an original, certified, or facsimile copy, or Teletype Confirmation received by the jail staff.
- (3) The Collin County Sheriff's Office Detention Center will accept all on-view arrests of Class C violators.
- (4) When a defendant has been convicted of a Class C misdemeanor, a Judgment & Sentence is entered against them pursuant to Tex. Code Crim. Proc. Art. 45.041. If that defendant defaults in the discharge of the judgment, a Judge may order the defendant confined in a jail. The Collin County Sheriff's Office Detention Facility will accept such defendants on jail commitments if they are accompanied by a certified copy of the Judgment, Sentence and Order that complies with Tex. Cod Crim. Proc. Art. 45.046, stating in part:
  - a. "the defendant is not indigent and the defendant has failed in good faith to discharge the fines and costs" or
  - b. "the defendant is indigent and has failed to make a good faith effort to discharge the fines and costs under Article 45.049; and could have discharged the fines and costs under Article 45.049 without experiencing any undue hardship."

#### **Section 4. Non-Exclusivity of Service Provision**

The parties agree that the County may contract to perform services similar or identical to those specified in this Agreement for such additional governmental or public entities as the County, in its sole discretion, sees fit.

#### **Section 5. Compensation**

##### **5.01 Basic Charge**

The City shall pay the County a Basic Charge of \$69.79 per day or part of a day per inmate that the City requests be confined, and who is confined, in the County jail.

##### **5.02 Additional Charges**

In addition to the Basic Charge, the City shall pay County additional charges to reimburse County for expenses associated with providing jail services to inmates. These charges include, but are not limited to the following: charges for providing health care services, including medical, hospital and dental services to inmates.

##### **5.03 Billing**

The County shall bill the City monthly for jail services provided under this Agreement. The City agrees to pay the bills within thirty (30) days of the billing date.

#### **5.04 Cost of Additional Charges**

Charges billed to the City for services under Section 5.02 of this Agreement shall be at the cost to the County of providing those services to the inmates.

#### **5.05 Source of Payment**

The City agrees that payments it is required to make under this Agreement shall be made out of the City's current revenues.

### **Section 6. Lawful Arrest and Detention**

The parties agree that the City will comply with all federal, state and local laws regarding conditions precedent to arrest and detention including, but not limited to, determinations of probable cause and other requirements necessary for lawful arrest and detention. Further, the parties agree that the City is solely responsible for compliance with pre detention procedures and that the City will hold the County harmless from any liability, including, but not limited to, obligations, costs, claims, judgments, attorneys' fees, and attachments, caused by or flowing from failure by the City to comply with conditions precedent to lawful arrest and detention.

### **Section 7. Procedures**

#### **7.01 Delivery and Release of Inmates**

The City agrees to comply with all County rules and procedures regarding jail security in delivering inmates to the Collin County Jail and receiving inmates to be released.

#### **7.02 Removal on Termination**

The City agrees to remove all persons confined on the City's behalf in the Collin County Jail pursuant to this Agreement at least one (1) day prior to the date of termination of this Agreement.

### **Section 8. Civil Liability**

Any civil liability relating to the furnishing of services under this Agreement shall be the responsibility of the City. The parties agree that the County shall be acting as agent for the City in performing the services contemplated by this Agreement.

The City shall defend the County with respect to all claims arising out of the County's performance under this agreement. The City will also hold the County free and harmless from any obligation, costs, claims, judgments, attorneys' fees, attachments, and other such liabilities arising from or growing out of the services rendered to the City pursuant to the terms of this Agreement or in any way connected with the rendering of said services, except when the same shall arise because of the willful misconduct or culpable negligence of the County, and the County is adjudged to be guilty of willful misconduct or culpable negligence by a court of competent jurisdiction.

### **Section 9. Amendment**

This Agreement shall not be amended or modified other than in a written agreement signed by the parties.

## **Section 10. Controlling Law**

This Agreement shall be deemed to be made under, governed by, and construed in accordance with, the laws of the State of Texas.

## **Section 11. Notices**

### **11.01 Form of Notice**

Unless otherwise specified all communications provided for in this Agreement shall be in writing and shall be deemed delivered whether actually received or not forty-eight (48) hours after deposit in the United States mail, first class, registered or certified, return receipt requested, with proper postage prepaid or immediately when delivered in person.

### **11.02 Addresses**

All communications provided for in this Agreement shall be addressed as follows:

(a) if the County, to:

Keith Self, County Judge  
Collin County Administration Bldg  
2300 Bloomdale Road  
McKinney, Texas 75071

(b) if to the County, Copy to:

Sheriff Jim Skinner  
Collin County Sheriff's Office  
4300 Community Ave.  
McKinney, Texas 75071

(b) if the City, to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

or to such person at such other address as may from time to time be specified in a notice given as provided in this Section 11. In addition, notice of termination of this Agreement by the City shall be provided by the City to the County Judge of Collin County as follows:

The Honorable Keith Self  
Collin County Judge  
Collin County Administration Bldg.  
2300 Bloomdale Road  
McKinney, Texas 75071

## **Section 12. Resolution of Disputes**

Should a dispute arise out of this agreement, County and City shall first attempt to resolve it through direct discussions in a spirit of mutual cooperation. If the Parties' attempts to resolve their disagreements through negotiations fail, the disputes will be mediated by a mutually acceptable third party to be chosen by County and City within fifteen (15) days after written notice by one Party to the other demanding mediation under this section. The County and City shall share equally in the costs of the

**mediation. The purpose of this Section is to reasonably ensure that County and City shall in good faith utilize mediation or another non-binding dispute resolution process before pursuing litigation. A Party's participation in mediation or another non-binding dispute resolution process shall not be construed as a waiver by a Party of (1) any rights, privileges, defenses, remedies or immunities available to a Party; (2) a Party's termination rights; or (3) other termination provisions or expiration dates provided herein.**

### **Section 13. Captions**

The headings to the various sections of this Agreement have been inserted for convenient reference only and shall not modify, define, limit or expand the express provision of this Agreement.

### **Section 14. Counterparts**

This Agreement may be executed in counterparts, each of which, when taken separately, shall be deemed an original.

### **Section 15. Obligations of Condition**

All obligations of each party under this Agreement are conditions to further performance of the other party's continued performance of its obligation under the Agreement.

### **Section 16. Exclusive Right to Enforce this Agreement**

The County and the City have the exclusive right to bring suit to enforce this Agreement, and no other party may bring suit, as a third-party beneficiary or otherwise, to enforce this Agreement.

### **Section 17. Prior Agreements Superseded**

This Agreement constitutes the sole and only agreement of the parties hereto and supersedes any prior understanding or written oral agreements between the parties respecting the services to be provided under this Agreement.

In witness whereof, the parties hereto have executed this Agreement as of the day and year first above written.

"County"  
Collin County, Texas

By: \_\_\_\_\_  
Keith Self, County Judge

Date: \_\_\_\_\_

"City"  
City of \_\_\_\_\_, Texas

By: \_\_\_\_\_

Date: \_\_\_\_\_



# **CITY OF LAVON CITY COUNCIL Agenda Brief**

**MEETING:** August 1, 2017

**ITEM:** 8-C

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**Item:**

Discussion and action regarding Ordinance **2017-08-01** amending the Code of Regulations to rename the Department of Health and Life Safety to the Fire Marshal's Office; providing severability and providing an effective date.

**Background:**

To more accurately reflect the mission, purpose and function of the department presently known as Health and Life Safety, the staff recommends changing the name of the department to Fire Marshal's Office. This change will bring the City organization into line with similarly structured offices of peer cities and will be easier for those seeking services to identify. The title of the Director of Health and Life Safety would be changed to Fire Marshal.

**Financial Consideration:**

None.

**Attachments:**        Proposed Ordinance

July 28, 2017

# **CITY OF LAVON, COLLIN COUNTY TEXAS**

## **ORDINANCE NO: 2017-07-\_\_**

### **Amending the Code of Regulations Relating to the Fire Marshal's Office**

**AN ORDINANCE OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS AMENDING THE CITY OF LAVON CODE OF REGULATIONS RELATING TO RENAMING THE DEPARTMENT OF HEALTH LIFE SAFETY TO THE FIRE MARSHAL'S OFFICE; PROVIDING SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Lavon has previously adopted the City of Lavon Code of Regulations; and

**WHEREAS**, the City Council of the City of Lavon recognizes that the creation of the initial Code of Regulations is a monumental task and as such recognizes the need to approve each piece of the code as it is written; and

**WHEREAS**, the City Council has given due and diligent thought to this concern; and

**WHEREAS**, the City Council believes it is in the best interest for the City of Lavon, its citizens and visitors to amend the City of Lavon Code of Regulations relating to renaming the Department of Health Life Safety to the Fire Marshal's Office.

#### **NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS:**

#### ***SECTION 1. Amending the City of Lavon Code of Regulations***

1.1 The City Council of the City of Lavon does hereby adopt and approve the following amendments to the *City of Lavon Code of Regulations Title 3 Administration, Subtitle 1 City Structure, Chapter 1 Form of Government, Section 3.1.1.4 Organizational Structure of the City*:

1.1.1 Replace paragraph B(2)c(2) with the following:  
"2) the Fire Marshal's Office"

1.2 The City Council of the City of Lavon does hereby adopt and approve the following amendments to the *City of Lavon Code of Regulations Title 3 Administration, Subtitle 1 City Structure, Chapter 3 Executive Branch, Section 3.1.3.3 Executive Branch Structure*:

1.2.1 Replace paragraph A(3)b with the following:

“b) the Fire Marshal’s Office”

1.3 The City Council of the City of Lavon does hereby adopt and approve the following amendments to the City of Lavon Code of Regulations Title 3 Administration, Subtitle 4 Departments of the City, Chapter 1 Creation of Departments, Section 3.4.1.3 Departments:

1.3.1 Replace paragraph A(6) with the following:  
“6) the Fire Marshal’s Office”

1.4 The City Council of the City of Lavon does hereby adopt and approve the following amendments to the City of Lavon Code of Regulations Title 3 Administration, Subtitle 4 Departments of the City, Chapter 9 Operations Division, Section 3.4.9.1 General:

1.4.1 Replace paragraph C(2) with the following:  
“6) the Fire Marshal”

1.5 The City Council of the City of Lavon does hereby adopt and approve the following amendments to the City of Lavon Code of Regulations Title 3 Administration, Subtitle 4 Departments of the City, Chapter 9 Operations Division, Section 3.4.9.1 General:

1.5.1 Replace paragraph C(2) with the following:  
“B) The Director of the Division of Public Safety shall have the discretionary authority to supervise the Fire Marshal for the City of Lavon.”

1.5.1 Replace paragraph C(2) with the following:  
“Q) The Director of the Division of Public Safety shall have the responsibility to work closely with the Fire Marshal to ensure that employees of the Division of Public Safety, including members of the Fire Marshal’s Office, receive adequate opportunities for training to maintain and improve their job-related knowledge and skills and act as the approving authority for requests by Division of Public Safety employees to attend conferences, meetings, training schools, and the like, if funds have been budgeted for these activities.”

## **SECTION 2. Directing the City Secretary to Take Certain Actions**

2.1 The City Council of the City of Lavon does hereby direct the City Secretary to make the changes in the City of Lavon Code of Regulations by:

2.1.1 Submitting to the Mayor for their approval a change sheet to be inserted in the Code of Regulations; and



2.1.2 Making the Change in the Master Code of Regulations by inserting the approved change sheet; and

2.1.3 Recording the change information in the "Record of Amendments" appendix including the Ordinance authorizing the amendment; the date the Ordinance was approved; and the date the actual change was entered; and

2.1.4 Sending change sheets to each department of the City, to update their copy of the Code of Regulations; and

2.1.5 Cause the website to be updated to reflect the amendment; and

2.1.6 Ensure all future distributions of the Code of regulations include the amendments; and

2.1.7 Make available for purchase copies of the change sheet to interested parties.

### ***SECTION 3. Severability***

3.1 It is hereby declared by the City Council of the City of Lavon that if any of the sections, paragraphs, sentences, clauses or phrases of this ordinance shall be declared unconstitutional or otherwise illegal by the valid judgment or decree of any court of competent jurisdiction, such event shall not affect any remaining sections, paragraphs, sentences, clauses or phrases of this ordinance.

### ***SECTION 4. Effective Date***

4.1 This ordinance shall be in full force and effect from and after its passage and the publication of the caption, as the law in such cases provides.

**Passed and Approved by the City Council of the City of Lavon, Collin County, Texas on this 18<sup>th</sup> day of July, 2017.**

\_\_\_\_\_  
Charles A. Teske, Jr., Mayor

Attest:

\_\_\_\_\_  
Kim Dobbs, City Administrator | City Secretary



**CITY OF LAVON  
CITY COUNCIL  
Agenda Brief**

**MEETING: August 1, 2017**

**ITEM: 8-D**

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**Item:**

Discussion and action regarding Ordinance **2017-08-02** amending the Code of Regulations to amend the outdoor burn regulations established By Ordinance **2016-08-05**; providing for a penalty for the violation thereof; providing for repealing, savings, and severability clauses; and providing for an E f f e c t i v e Date.

**Background:**

The City regularly receives requests from residents for permission to conduct controlled outdoor burns to dispose of accumulated brush. The staff has researched the regulations of other cities in the area and found that many cities provide a limited exception to the absolute ban on outdoor burning. Approval of the limited exceptions is recommended.

**Financial Consideration:**

None.

**Attachments:**          Proposed Ordinance

July 28, 2017

**CITY OF LAVON, TEXAS**  
**ORDINANCE NO: 2016-08-02**

Revised Burn Ordinance

**AN ORDINANCE OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS AMENDING THE OUTDOOR BURN REGULATIONS ESTABLISHED BY ORDINANCE 2016-08-05; PROVIDING FOR A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR REPEALING, SAVINGS, AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Lavon ("City Council") seeks to protect the public safety, preserve the quality of life, promote health, welfare, convenience and enjoyment of the public in the City; and

**WHEREAS**, pursuant to Texas Local Government Code the City Council has the general authority to adopt and publish an ordinance or police regulation that is for the good government, peace or order of the municipality and is necessary or proper for the carrying out a power granted by law to the municipality; and

**WHEREAS**, City Council of the City of Lavon believes it is in the best interest of the citizens and visitors to the City, to regulate outdoor burning within the City of Lavon and Extraterritorial Jurisdiction (ETJ) where allowed by law.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS:**

**SECTION 1.**

1. That Section 4.1.1 be amended as follows:

4.1.1 It is unlawful for any person or entity to burn, cause to be burned, or allow any uncontrolled or nuisance burning of trash, or other debris within the incorporated municipal boundaries (i.e., "city limits"), and Extraterritorial Jurisdiction (ETJ) where allowed by law, except as authorized herein.

2. That Section 5.1.1 be amended as follows:

5.1.1 Outdoor burning shall be authorized for fires used solely for recreational or ceremonial purposes, or in the noncommercial preparation of food, or used exclusively for the purpose of supplying warmth during cold weather. Such burning shall be subject to the requirements of the Texas Commission on Environmental Quality (TCEQ) and shall not exceed three feet by three feet (3'x3') in size.

3. That Section 5.6 be added as follows:

5.6 Exception to Prohibition on Open Burning. Owners of single tracts of land or lots of record of minimum size of two (2) acres may burn natural vegetation harvested on site with prior review and approval from the Fire Marshal. The burn area shall not exceed ten feet by ten feet (10'x10') and must have a pre-approved water source on site.

## **SECTION 2. Penalty.**

Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in the sum of not more than \$500. Each continuing day's violation under this ordinance shall constitute a separate offense.

In addition to and accumulative of all other penalties, the city shall have the right to seek injunctive relief to abate any and all violations of this ordinance for repeat offenders.

## **SECTION 3. Savings and Repealing Clause**

All provisions of any ordinance in conflict with this Ordinance are hereby repealed, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinance shall remain in full force and effect. This ordinance repeals Ordinance 97-06-1 in its entirety.

## **SECTION 4. Severability**

It is hereby declared by the City Council of the City of Lavon that if any of the sections, paragraphs, sentences, clauses or phrases of this ordinance shall be declared unconstitutional or otherwise illegal by the valid judgment or decree of any court of competent jurisdiction, such event shall not affect any remaining the sections, paragraphs, sentences, clauses or phrases of this ordinance.

## **SECTION 5. Enforcement**

This ordinance shall be enforced by an authorized official of the City of Lavon, local fire official or peace officer, in accordance with the adopted fire code.

## **SECTION 11. Effective Date**

This ordinance shall be in full force and effect from and after its passage and publication and it is so ordained.

**DULY PASSED and APPROVED** by the City Council of the City of Lavon, Texas, on the 1<sup>st</sup> day of August 2017.

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Charles A. Teske, Jr., Mayor

**ATTEST:**

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Kim Dobbs  
City Administrator | City Secretary