

# AGENDA JULY 19, 2022 LAVON CITY COUNCIL CITY HALL, 120 SCHOOL ROAD, LAVON, TEXAS REGULAR MEETING 7:00 PM

- 1. PRESIDING OFFICER TO CALL THE MEETING TO ORDER AND ANNOUNCE THAT A QUORUM IS PRESENT
- 2. PLEDGE OF ALLEGIANCE AND INVOCATION
- 3. ITEMS OF INTEREST/COMMUNICATIONS

Members may identify community events, functions, and other activities.

#### 4. CITIZENS COMMENTS

Citizens may provide comments (3-minute time limit/person). The response regarding items that are not on the agenda may be to request items be placed on a future agenda or referred to city staff.

#### 5. CONSENT AGENDA

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

- **A.** Approve the minutes of the July 5, 2022, meeting.
- **B.** Approve Resolution No. <u>2022-07-01</u> approving and authorizing the Mayor to execute a Contract Amendment to the Interlocal Dispatch Services Agreement with Collin County for Dispatch Services for a one (1) year period from October 1, 2022 to September 30, 2023; and providing for an effective date.
- C. Approve Resolution No. <u>2022-07-02</u> declaring that the City Council has completed an annual review of the Investment Policy of the City; adopting changes to the Investment Policy; providing a repealing clause; providing a severability clause; and providing for an effective date.
- **D.** Approve Resolution No. <u>2022-07-03</u> approving and authorizing the Mayor to execute Assessment Collection Services Agreements with Collin County for the Elevon Public Improvement District Improvement Area #1 and Zone 1 Remainder Area; and providing for an effective date.

#### 6. ITEMS FOR CONSIDERATION

- A. Public hearing, discussion and action regarding proposed amendments to Article 9.03 Zoning Ordinance of the Code of Ordinances, to add definitions and standards for alcohol-related uses in Section 9.03.032 and Section 9.03.061; to provide for permitted and conditional alcohol-related uses in the Retail District (R) Section 9.03.131 (b) and (c), Main Street District (M) Section 9.03.132 (b) and (c), and Business Park District (B) Section 9.03.133 (c); to amend off-street parking and loading requirements and establish off-street parking and loading regulations for alcohol-related uses in Section 9.03.173 and Section 9.03.175 respectively, to add application requirements and standards of review for a conditional use permit for alcohol-related uses in Section 9.03.211, and to provide for a penalty of fine.
  - 1) Presentation of proposed amendments.
  - 2) **PUBLIC HEARING** to receive comments regarding the proposed amendments.
  - 3) Discussion and action regarding the proposed amendments and accompanying Ordinance No. **2022-07-02**.
- **B.** Discussion and action regarding Ordinance No. <u>2022-07-03</u> amending the fee schedule approved and adopted by Ordinance No. <u>2021-09-05</u> for the fiscal year October 1, 2021, through September 30, 2022, as amended to update the Mobile Food Unit permitting fees; and providing an effective date.

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- **C.** Discussion and action regarding Board and Commission appointments Lavon Economic Development Corporation.
- **D.** Discussion and action regarding the 2022 Collin County Call for City Projects for 2018 bond funding.
- E. Discussion and action regarding nominations for the Board of Trustees of the Texas Municipal League Intergovernmental Risk Pool.
- **F.** Discussion and action regarding orders and regulations, programming, city facilities and operations related to COVID-19.

#### 7. DEPARTMENT REPORTS

Members may receive and discuss the reports.

- **A.** Police Services Service, activity, programs, and administration report
- **B.** Fire Services Service, activity, programs, and administration report
- C. Public Works Services Utilities, capital projects, public works, and street maintenance report
- **D.** Administration Services Building Permits; CWD Service; Collin County Tax Collection; Sales Tax; Financial Report, TxDOT Projects Report; Home Rule Charter Commission progress report, and administration and staff reports

#### 8. BUDGET WORK SESSION

Discussion regarding the regulatory requirements, financial status for current fiscal year, budget calendar, anticipated commitments, departmental service levels, fee schedule, Capital Improvements Plan (CIP) updates, FY 2021-22 projections, and proposed revenues and expenditures for FY 2022-23.

#### 9. SET FUTURE MEETINGS AND AGENDA

Requests may be made for items to be placed on a future agenda or for a special meeting.

August 2, 2022 – Regular Meeting

August 16, 2022 - Regular Meeting

August 30, 2022 - Possible Special Meeting - Budget Work Session

#### 10. PRESIDING OFFICER TO ADJOURN THE MEETING

- 1. Notice is hereby given that members of the City Council, Economic Development Corporation Board, Planning and Zoning Commission, and Parks and Recreation Board may attend the meeting.
- 2. The body 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 on the City's website at <a href="www.cityoflavon.com">www.cityoflavon.com</a> and at City Hall and on or before 6:00 PM on July 15, 2022.

	Rae Norton	
Rae No	orton, City Secretary	

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# MINUTES JULY 5, 2022 LAVON CITY COUNCIL CITY HALL, 120 SCHOOL ROAD, LAVON, TEXAS REGULAR MEETING

7:00 PM

ATTENDING: VICKI SANSON, MAYOR

MIKE COOK, PLACE 2 KAY WRIGHT, PLACE 3 TED DILL, PLACE 4

Absent: JOHN KELL, MAYOR PRO TEM, PLACE 1

MINDI SERKLAND, PLACE 5

- 1. MAYOR SANSON CALLED THE MEETING TO ORDER AT 7:00 P.M. AND ANNOUNCED A QUORUM PRESENT.
- 2. MAYOR SANSON LED THE RECITATION OF THE PLEDGE OF ALLEGIANCE AND DELIVERED THE INVOCATION.
- 3. ITEMS OF INTEREST/COMMUNICATIONS

50th Anniversary and NNO Celebration-October 4, 2022, at Boyd Farm.

4. CITIZENS COMMENTS

There were none.

#### 5. CONSENT AGENDA

- A. Approve the minutes of the June 21, 2022, meeting.
- B. Approve Ordinance No. 2022-07-01, amending Chapter 1 "General Provisions", Article 1.04 "Taxation", Division 4 "Hotel Occupancy Tax", Section 1.04.094 "Collection of Tax by Hotel and Payment to City" and Section 1.04.097 "Reporting Requirements" of the City's Code of Ordinances to change the reporting and payment to city period from monthly to quarterly; providing a penalty; providing savings and severability clauses; finding and determining that the meeting at which this ordinance is adopted to be open to the public as required by law; and providing an effective date.

MOTION: APPROVE THE CONSENT AGENDA.

MOTION MADE: WRIGHT SECONDED: COOK

APPROVED: UNANIMOUS (Absent: Kell, Serkland)

#### 6. ITEMS FOR CONSIDERATION

A. Presentation, discussion, and action regarding the preliminary plat of the Community ISD Addition consisting of a single lot on 59 acres of land out of the Drury Anglin Survey, Abstract No. 2, located east of the intersection of Autumn Hill Bluff and CR 483, Collin County, Texas, requested by Community Independent School District, (CCAD Property ID 2835764).

Rae Norton, City Secretary, presented information regarding the plans for Elementary #4. City Engineer Mark Hill, Freeman Millican, Inc., provided details regarding the proposed preliminary plat and conceptual engineering plans. Tom Rutledge, Teague, Nall & Perkins, Inc. was available to answer questions.

MOTION: APPROVE THE PRELIMINARY PLAT OF THE COMMUNITY ISD ADDITION CONSISTING OF A SINGLE LOT ON 59 ACRES OF LAND OUT OF THE DRURY ANGLIN SURVEY, ABSTRACT NO. 2, LOCATED EAST OF THE INTERSECTION OF

## AUTUMN HILL BLUFF AND CR 483, COLLIN COUNTY, TEXAS, REQUESTED BY COMMUNITY INDEPENDENT SCHOOL DISTRICT.

MOTION MADE: WRIGHT SECONDED: DILL

APPROVED: UNANIMOUS (Absent: Kell, Serkland)

B. Discussion and action regarding the short-form final plat of the Afsar Addition consisting of two lots on 3.957 acres of land out of the Drury Anglin Survey, Abstract No. 2, located at 17411 FM 2755, Collin County, Texas, (CCAD Property ID 2120217).

Mr. Hill provided location information and detailed the request.

MOTION: APPROVE THE SHORT-FORM FINAL PLAT OF THE AFSAR ADDITION CONSISTING OF TWO LOTS ON 3.957 ACRES OF LAND OUT OF THE DRURY ANGLIN SURVEY, ABSTRACT NO. 2, LOCATED AT 17411 FM 2755, COLLIN COUNTY, TEXAS.

MOTION MADE: WRIGHT SECONDED: COOK

APPROVED: UNANIMOUS (Absent: Kell, Serkland)

C. Discussion and action regarding the final plat of the Elevon Addition, Section 2, Phase 2A consisting of 172 residential lots and 3 homeowner association open space lots on 65.135 acres of land out of the S. M. Rainer Survey, Abstract No. 740, located east of Lavon Ranchettes, north of CR 541 and future Elevon Parkway, and south of the NETEX right of way, Lavon, Collin County, Texas, (CCAD Property ID 2850230.

Mr. Hill provided details regarding the request and John Marlin, MA Partners, added information and answered questions regarding Elevon Parkway.

MOTION: APPROVE THE FINAL PLAT OF THE ELEVON ADDITION, SECTION 2, PHASE 2A CONSISTING OF 172 RESIDENTIAL LOTS AND 3 HOMEOWNER ASSOCIATION OPEN SPACE LOTS ON 65.135 ACRES OF LAND OUT OF THE S. M. RAINER SURVEY, ABSTRACT NO. 740, LOCATED EAST OF LAVON RANCHETTES, NORTH OF CR 541 AND FUTURE ELEVON PARKWAY, AND SOUTH OF THE NETEX RIGHT OF WAY, LAVON, COLLIN COUNTY, TEXAS, SUBJECT TO THE CITY ENGINEERS APPROVAL.

MOTION MADE: WRIGHT SECONDED: COOK

APPROVED: UNANIMOUS (Absent: Kell, Serkland)

D. Discussion, and action regarding the final plat of the Elevon Addition, Section 2, Phase 2B-1 consisting of 199 residential lots and 8 homeowner association open space lots on 50.126 acres of land out of the S. M. Rainer Survey, Abstract No. 740, located east of and adjacent to Lavon Ranchettes, north of CR 541 and south of future Elevon Parkway, in the vicinity of 17143 CR 541, Lavon, Collin County, Texas, (CCAD Property ID 2850231).

Mr. Hill provided information regarding the request and John Marlin, MA Partners, presented information regarding the addition of turn lanes as required by the Traffic Impact Analysis.

MOTION: APPROVE THE FINAL PLAT OF THE ELEVON ADDITION, SECTION 2, PHASE 2B-1 CONSISTING OF 199 RESIDENTIAL LOTS AND 8 HOMEOWNER ASSOCIATION OPEN SPACE LOTS ON 50.126 ACRES OF LAND OUT OF THE S. M. RAINER SURVEY, ABSTRACT NO. 740, LOCATED EAST OF AND ADJACENT TO LAVON RANCHETTES, NORTH OF CR 541 AND SOUTH OF FUTURE ELEVON PARKWAY, IN THE VICINITY OF 17143 CR 541, LAVON, COLLIN COUNTY, TEXAS, SUBJECT TO THE CITY ENGINEER'S APPROVAL AND TO THE DEVELOPER COMMITMENT TO CONSTRUCT LEFT AND RIGHT TURN LANES ON ELEVON PARKWAY AND WATKINS RD (CR 541) AS SPECIFIED BY THE UPDATED TRAFFIC IMPACT ANALYSIS.

MOTION MADE: WRIGHT SECONDED: COOK

APPROVED: UNANIMOUS (Absent: Kell, Serkland)

E. Discussion and action regarding the final plat of the Elevon Addition, Section 2, Phase 2C consisting of 310 residential lots and 8 homeowner association open space lots on 86.079 acres of land out of the S. M. Rainer Survey, Abstract No. 740, located east of and adjacent to Elevon Section 2, Phase 2A, north of CR 541 and future Elevon Parkway, and south of the NETEX right of way, Lavon, Collin County, Texas, (CCAD Property IDs 2850232 and 2850233).

Mr. Hill provided information regarding the request and John Marlin, MA Partners, was available to answer questions.

MOTION: APPROVE THE FINAL PLAT OF THE ELEVON ADDITION, SECTION 2, PHASE 2C CONSISTING OF 310 RESIDENTIAL LOTS AND 8 HOMEOWNER ASSOCIATION OPEN SPACE LOTS ON 86.079 ACRES OF LAND OUT OF THE S. M. RAINER SURVEY, ABSTRACT NO. 740, LOCATED EAST OF AND ADJACENT TO ELEVON SECTION 2, PHASE 2A, NORTH OF CR 541 AND FUTURE ELEVON PARKWAY, AND SOUTH OF THE NETEX RIGHT OF WAY, LAVON, COLLIN COUNTY, TEXAS SUBJECT TO THE CITY ENGINEER'S APPROVAL AND TO THE DEVELOPER COMMITMENT TO CONSTRUCT LEFT AND RIGHT TURN LANES ON ELEVON PARKWAY AND WATKINS RD (CR 541) AS SPECIFIED BY THE UPDATED TRAFFIC IMPACT ANALYSIS.

MOTION MADE: WRIGHT SECONDED: COOK

APPROVED: UNANIMOUS (Absent: Kell, Serkland)

F. Discussion, and action regarding the final plat of the Elevon Addition, Section 2, Phase 2D consisting of 259 residential lots and 7 homeowner association open space lots on 40.661 acres of land out of the S. M. Rainer Survey, Abstract No. 740, located east of and adjacent to Elevon Section 2, Phase 2B-2, north of CR 541, and south of future Elevon Parkway, in the vicinity of 17543 CR 541, Lavon, Collin County, Texas, (CCAD Property ID 2849357).

Mr. Hill provided information regarding the request and John Marlin, MA Partners, noted that the developer was committed to adding off-street parking in response to the Planning and Zoning Commissions expressed concerns.

MOTION: APPROVE THE FINAL PLAT OF THE ELEVON ADDITION, SECTION 2, PHASE 2D CONSISTING OF 259 RESIDENTIAL LOTS AND 7 HOMEOWNER ASSOCIATION OPEN SPACE LOTS ON 40.661 ACRES OF LAND OUT OF THE S. M. RAINER SURVEY, ABSTRACT NO. 740, LOCATED EAST OF AND ADJACENT TO ELEVON SECTION 2, PHASE 2B-2, NORTH OF CR 541, AND SOUTH OF FUTURE ELEVON PARKWAY, IN THE VICINITY OF 17543 CR 541, LAVON, COLLIN COUNTY, TEXAS SUBJECT TO THE CITY ENGINEER'S APPROVAL AND TO THE DEVELOPER COMMITMENT TO CONSTRUCT LEFT AND RIGHT TURN LANES ON ELEVON PARKWAY AND WATKINS RD (CR 541) AS SPECIFIED BY THE UPDATED TRAFFIC IMPACT ANALYSIS.

MOTION MADE: WRIGHT SECONDED: DILL

APPROVED: UNANIMOUS (Absent: Kell, Serkland)

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

Ms. Norton provided updates regarding COVID-19 cases.

	July19, 2022, Regular Meeting	
	August 2, 2022, Regular Meeting	
8.	MAYOR SANSON ADJOURNED	THE CITY COUNCIL MEETING AT 7:38 P.M.
DUI	LY PASSED and APPROVED by the	City Council of Lavon, Texas, on this 19th day of July 2022.
	ATTEST:	Vicki Sanson, Mayor
į	Rae Norton, City Secretary	_

SET FUTURE MEETINGS AND AGENDA.

7.



## CITY OF LAVON Agenda Brief

MEETING: <u>July 19, 2022</u> ITEM: <u>5 - B</u>

#### Item:

#### **CONSENT AGENDA**

Approve Resolution No. <u>2022-07-01</u> approving and authorizing the mayor to execute a Contract Amendment to the Interlocal Dispatch Services Agreement with Collin County for Dispatch Services for a one (1) year period from October 1, 2022 to September 30, 2023; and providing for an effective date.

#### **Background:**

The City of Lavon contracts annually with Collin County for dispatch services for police and fire calls for service. A comparison of alternate dispatch systems indicates that contracting with the County is the most economical dispatch service option available to the City of Lavon.

#### **Financial Consideration:**

The proposed FY 22-23 annual contract amount is \$70,792, which is an increase from the FY 21-22 contract amount of \$54,711. The fees are calculated based on the number of radios per agency for 13 agencies and the county. The proposed agreement represents dispatch costs for police radios only.

The fire department dispatch is provided at no charge because the fire department serves a fire district that includes unincorporated areas.

The City's annual budget includes funding for this contract.

#### Staff Notes:

The City Attorney has reviewed the agreement. Approval is recommended.

**Attachments:** Proposed Resolution and Agreement

#### CITY OF LAVON, TEXAS RESOLUTION NO. 2022-07-01

Interlocal Dispatch Services Agreement

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT AMENDMENT TO THE INTERLOCAL DISPATCH SERVICES AGREEMENT WITH COLLIN COUNTY FOR DISPATCH SERVICES FOR A ONE (1) YEAR PERIOD FROM OCTOBER 1, 2022 TO SEPTEMBER 30, 2023; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

**WHEREAS**, the City Council finds it is in the best interest of the residents of the City of Lavon and desires for Collin County to continue to provide dispatch services.

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

**SECTION 1**. That the City Council does hereby approve and authorize the Mayor to execute a Contract Amendment to the Interlocal Dispatch Services Agreement with Collin County, attached hereto and incorporated herein as "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 19<sup>th</sup> day of July 2022.

	Vicki Sanson, Mayor	
ATTEST:		
Rae Norton, City Secretary		

# CITY OF LAVON, TEXAS RESOLUTION NO. <u>2022-07-01</u>

#### **EXHIBIT A**

Contract Amendment - Interlocal Dispatch Services Agreement



#### **Contract Modification Document**

Office of the Purchasing Agent Collin County Administration Building 2300 Bloomdale Rd, Ste 3160 McKinney, TX 75071 972-548-4165

Vendor:	City of Lavon 120 School Rd. Lavon, TX 75166	Contract No. Contract:		ervices, City of Lavon
	YOU ARE DIRECTED TO MAKE TH	E FOLLOWING MODIF	ICATION TO	O THIS CONTRACT
Item #1	Renew contract for a twelve (12) month per through September 30, 2023.	iod at the same terms and o	conditions of th	he contract from October 1, 2022,
Item #2	Update Section 5.01 Compensation clause of	of the agreement to the follo	owing-	
	Payment for contract year October 1, 2022, quarterly installments of \$17,698. In additional an annual connection fee by Plano, Allen, W	on to the fee schedule, each	ı radio register	red on the system will be assessed
	From The dispatch service charges for FY2022 in installments of \$13,218.75 during the term Commissioners' Court on August 6, 2018 (C registered on the system will be assessed at (PAWM) operators for access to their system updated annually by PAWM.	hereof. The fees will be bas ourt Order No. 2018-628-0 n annual connection fee by	sed on the fee 8-06). In addit Plano, Allen, W	schedule formulas adopted by ion to the fee schedule, each radio Vylie, Murphy
•	rovided herein, all terms and conditions of ed by both parties.	the contract remain in fo	ıll force and	effect and may only be modified in
Amendment by Court Ord	No. 1 has been accepted and authorized der No effectiv	by authority of Collin Co e on 10/1/2022.	unty Commi	ssioners Court
ACCEPTED	BY:			
SIGNATURE	<u> </u>			RE harnoski, NIGP-CPP, CPPB
(Print Name)			(Print Name)	
TITLE:			TITLE:	Purchasing Agent

HISTORICAL INFORMATION					
		Awarded by Court Order No.	2021-481-05-24	_	
Amendment	No. 1	Court Order No.	Summary	Agreement extended and fees updated.	

#### ATTACHMENT A

#### Collin County External Law Enforcement and Fire Department Remote Connectivity Policy and Agreement Form

#### **Remote Access Agreement**

#### 1.0 Purpose

The purpose of this document is to provide the framework for granting REMOTE ACCESS to Collin County services/equipment through REMOTE ACCESS so that an Authorized Party of a law enforcement agency or a fire department external to Collin County government may access its justice data hosted on Collin County's network.

#### 2.0 Scope

This policy applies to all Law Enforcement and Fire Department personal external to Collin County government utilizing REMOTE ACCESS to access the Collin County network for justice data (such persons referred to herein as "Authorized Parties").

#### 3.0 Policy

Authorized parties may utilize the benefits of REMOTE ACCESS, which are a "user managed" service. This means that the Authorized party is responsible for selecting an Internet Service Provider (ISP), coordinating installation, installing any required software, and paying associated fees as may be required to access the REMOTE ACCESS.

#### Additionally,

- 1. It is the responsibility of the Authorized Party to ensure that unauthorized users are not allowed access to Collin County internal networks. User accounts and passwords are NOT to be shared with anyone.
- 2. Authorized Parties and the Collin County employees sponsoring the request for REMOTE ACCESS are responsible for defining what services/equipment/software the Authorized Parties need access to. Access will be restricted to only those defined objects. Attempting to connect or access any service/device not defined will be considered a violation of the Collin County REMOTE ACCESS policy and will be reported to the Authorized Party's agency
- 3. The Authorized Parties and the Collin County employees sponsoring the REMOTE ACCESS request are also responsible for defining the time scope that the REMOTE ACCESS account will be active. All accounts are setup with an expiration date not to exceed 6 months, unless otherwise authorized to be a longer timeframe or permanent by the County.
- 4. REMOTE ACCESS use is to be controlled using public/private key system with a strong pass phrase and a second factor such as a token device or a dynamically generated passcode.
- 5. REMOTE ACCESS gateways will be established and managed by Collin County Information Technology Department.
- 6. All computers connected to Collin County internal networks via REMOTE ACCESS or any other technology must use the most up-to-date anti-virus software from a reputable IT agency; this includes personal computers.
- 7. All Authorized Parties connecting to the Collin County internal networks via REMOTE ACCESS or any other technology must keep their systems up to date with the latest security patches for their operating system and applications installed on their connecting systems. All systems using REMOTE ACCESS connections to Collin County must comply with Microsoft's Product Lifecycle chart and use only currently supporting and fully patched operating systems.
- 8. Authorized Parties may be automatically disconnected from Collin County's network after sixty minutes of inactivity. The user must then logon again to reconnect to the network.
- 9. Only approved REMOTE ACCESS clients may be used.
- 10. Upon termination of a contract from Collin County, or at the request of the Collin County staff, the Authorized Party must uninstall the REMOTE ACCESS connection from the Authorized Party's computer.
- 11. Agency expressly agrees to notify the County of staffing changes involving an Authorized Party with access to

#### ATTACHMENT A

- the County's network within 24 hours or next business day.
- 12. After six months of expired inactivity, Active Directory and REMOTE ACCESS accounts of an Authorized Party will be permanently deleted, unless otherwise approved by the County.
- 13. Accounts will be locked out after a certain number of failed attempts.
- 14. Authorized Parties who have lost their password will have to contact their sponsoring agency to request a password reset. The sponsoring agency will then contact Collin County IT to reset the password for the REMOTE ACCESS user. The sponsoring agency is the Sheriff's Office.
- 15. It is the responsibility of the Authorized Party to install, configure, setup and support any issues with their systems to connect to Collin County based on the information provided to them.
- 16. Authorized Parties connect at their own risk and Collin County is not responsible for any damages that they may incur from connecting through the REMOTE ACCESS to Collin County
- 17. If the County migrates to a new network connection technology it is the responsibility of the Agency to budget and obtain any required technology upgrade in order to maintain their network connection to the County. The Agency will be provided advance notification for this change.
- 18. The Authorized Party must notify Collin County IT immediately upon learning of any compromise occurring through an anti-virus, malware, or other form of unauthorized access. Collin County will also inform the Authorized Parties of any breach or suspected breach occurring on the county network. REMOTE ACCESS may be restricted during such an event while corrective actions are undertaken.
- 19. The Authorized Party must notify Collin County IT immediately upon learning of any unauthorized access of county resources through the REMOTE ACCESS connection.

#### 4.0 Granting Access

To obtain access via REMOTE ACCESS, the Agency and Authorized Party must be sponsored by a party currently employed at Collin County and IT must agree this access is needed for the Collin County information systems. The Agency and Authorized Party must sign this form agreeing to protect the security of the Collin County network. For external Authorized Parties, the Request for REMOTE ACCESS must be signed and approved by the Manager who is responsible for the external Authorized Party's use. REMOTE ACCESS expiration will be based on the contract length unless further time is requested by Collin County Management. The initial setup and testing will be performed during normal operating hours, Monday – Friday, 8 am – 5 pm, and requires a minimal of two weeks' notice to schedule.

#### **5.0** Enforcement

Collin County Information Technology Department may actively monitor the REMOTE ACCESS concentrator for any suspicious and inappropriate activity. Any Authorized Party found to have violated any part of this policy may have their REMOTE ACCESS terminated immediately.

#### 6.0 Liability

Agency expressly agrees that they shall be liable for any and all damages, including but not limited to actual, consequential, or incidental damages, for disruptions caused by their negligence or intentional misconduct, including that caused by their Authorized Parties, to the County's services/equipment resulting from or related to Agency's connection to the County's networks.

Unauthorized access or use is prohibited and will be prosecuted to the fullest extent. Anyone using this system expressly consents to monitoring and is advised that if such monitoring reveals possible evidence of criminal activity system personnel may provide the evidence of such monitoring to law enforcement officials. Anyone using the system connects at their own risk and assumes all responsibilities for any possible damage to their own equipment.

### ATTACHMENT A

## 7.0 Definitions

Term	Definition				
REMOTE ACCESS	An extension of Collin County's i	nternal private network.			
REMOTE ACCESS Concentrator	Physical device that manages REM	MOTE ACCESS connectio	ns.		
REMOTE ACCESS Client	Remote computer with REMOTE ACCESS services.	ACCESS software utilizin	ng REMOTE		
Agency Management	Person in Agency company that cathis document.	Person in Agency company that can take responsibility for the liability clause of this document.			
User	Employee, Agency, contractor, consultant, temporaries, customers, government agencies, etc.				
Sponsoring Party	Collin County employee requesting access for a non-employee user to have access to Collin County services/equipment through the REMOTE ACCESS. The employee may be someone in IT.				
Agency Management	's Signature (if applicable)				
Printed Name:	Signatu	ıre:			
E-Mail Address:		Phone:	Date:		
Remote Access Users	Signature				
Printed Name:	Signatu	ıre:			
E-Mail Address:		Phone:	Date:		
Sponsoring Party's Si	gnature				
Printed Name:	Signatu	ıre:			
E-Mail Address:		Phone:	Date:		
Return form to:					
Caren Skipworth 2300 Bloomdale #319 McKinney, Texas 750					

#### ATTACHMENT B

#### MOTOROLA ASTRO 25 P25 RADIO SYSTEM

#### **TERMS OF USE**

- 1) All radios that use Collin County Radio System as their primary radio system are required to be equipped with and operate P25 Phase II Technology.
- Telephone Interconnect and Private Call features are not enabled on the Collin County Radio System.
- 3) The participating department will notify the Collin County Sheriff's Office Support Services Captain and the Communications Manager of any radio (Mobile or Portable) that is misplaced, stolen, or lost. The Radio ID will be de-activated immediately unless needed for administrative or investigative purpose.
- 4) All subscriber radios that roam between Collin County's simulcast cell and the Joint Radio System's simulcast system (PAWM) will be required to use long antennas on their portable radios.
- 5) The Collin County Radio System coverage is based on portable radios with long antennas. Use of short antennas is not allowed on the Collin County Radio System as it will affect coverage inside buildings and on the street in some locations. Digital radio systems DO NOT offer coverage if the signal falls below an acceptable level.
- 6) Radio programming is only authorized by specific radio programmers. Unauthorized programming on the Collin County Radio System will result in immediate removal of said radio(s) and in some cases criminal charges. Cloning of radios and ID's are not allowed.

AUTHORIZED PROGRAMMERS (This list may be modified at any time during this agreement)

- 1) Plano Radio Shop (City of Plano)
- 2) Frisco Radio Shop (City of Frisco)
- 3) McKinney Radio Shop (City of McKinney)
- 4) Crosspoint Communications
- 5) Fort Worth Radio Shop (City of Fort Worth)
- 6) Dallas Radio Shop (City of Dallas)
- 7) Harris Corp (Irving Shop only)
- 8) Garland Radio Shop (City of Garland)
- 7) Each department is required to keep an accurate inventory of their radios. Alias for each radio need to be provided to the Support Services Captain and the Communications Manager anytime a radio's assignment changes, or it is issued to another Officer. This information will be updated ASAP in the Dispatch Radio Consoles. Notifications will also include radio that is no longer used; these radio ID's will be shut off.
- 8) It is the department's responsibility to remove all programming from a radio that is sold or given to anyone outside of their department. The Support Services Captain and the Communications Manager must be notified before the radio changes ownership. If the department is unsure who to contact, contact Dispatch, which operates 24/7 to pass information to the designated person.

#### ATTACHMENT B

9)	Anytime an emergency button is accidentally activated, it is the responsibility of the officer to let Dispatch know that the activation was a mistake.

FY 2023 Radio Cost (excluding FD)

	PD Radios		PAWM	PAWM		Collin County	Grand
Outside Agency	as of 03/01/22	Fee	e per Radio	Cost	Ra	dio/Dispatch Fee	Total
Anna	47	\$	108	\$ 5,076	\$	167,154	\$ 172,230
Anna ISD	4	\$	108	\$ 432	\$	8,541	\$ 8,973
Celina	70	\$	108	\$ 7,560	\$	216,643	\$ 224,203
Celina ISD	12	\$	108	\$ 1,296	\$	24,052	\$ 25,348
Community ISD	6	\$	108	\$ 648	\$	12,298	\$ 12,946
Fairview	41	\$	108	\$ 4,428	\$	126,605	\$ 131,033
Farmersville	26	\$	108	\$ 2,808	\$	81,731	\$ 84,539
Farmersville ISD	7	\$	108	\$ 756	\$	15,017	\$ 15,773
Josephine	16	\$	108	\$ 1,728	\$	48,130	\$ 49,858
Lavon	27	\$	108	\$ 2,916	\$	70,792	\$ 73,708
Melissa	29	\$	108	\$ 3,132	\$	119,695	\$ 122,827
Melissa ISD	8	\$	108	\$ 864	\$	16,606	\$ 17,470
Princeton	57	\$	108	\$ 6,156	\$	201,471	\$ 207,627
Outside Agency							
Total	350	\$	108	\$ 37,800	\$	1,108,734	\$ 1,146,534
		-					
Collin County	1,016	\$	108	\$ 109,728	\$	2,513,564	\$ 2,623,292



### CITY OF LAVON Agenda Brief

MEETING: <u>July 19, 2022</u> ITEM: <u>5 - C</u>

#### Item:

#### CONSENT AGENDA

Approve Resolution No. <u>2022-07-02</u> declaring that the City Council has completed an annual review of the Investment Policy of the City; adopting changes to the Investment Policy; providing a repealing clause; providing a severability clause; and providing for an effective date.

#### **Background:**

A requirement of Chapter 2256 of the Texas Government Code, commonly known as the Public Funds Investment Act (PFIA), and of the City's Investment Policy is that the Investment Policy be presented annually to the governing body for review and adoption in a formal action. The City last reviewed and adopted the Investment Policy in July 2021.

#### Code Excerpt

#### TEXAS GOVERNMENT CODE Sec. 2256.005. INVESTMENT POLICIES; INVESTMENT STRATEGIES; INVESTMENT OFFICER.

(e) The governing body of an investing entity shall review its investment policy and investment strategies not less than annually. The governing body shall adopt a written instrument by rule, order, ordinance, or resolution stating that it has reviewed the investment policy and investment strategies and that the written instrument so adopted shall record any changes made to either the investment policy or investment strategies.

The Investment Policy sets out that the administration of the City's funds and the investment of those funds shall be handled as its highest public trust. The Investment Policy maintains the City's investment priorities, listed in order of priority:

- 1. Safety
- 2. Liquidity
- 3. Diversification
- 4. Yield

#### Staff Notes:

Approval is recommended.

**Attachments:** Proposed Resolution and Investment Policy

#### CITY OF LAVON, TEXAS RESOLUTION NO. 2022-07-02

Investment Policy - Annual Review

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS DECLARING THAT THE CITY COUNCIL HAS COMPLETED AN ANNUAL REVIEW OF THE INVESTMENT POLICY OF THE CITY; ADOPTING CHANGES TO THE INVESTMENT POLICY; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, in accordance with the Public Funds Investment Act, Chapter 2256, Texas Government Code, the City Council has adopted an Investment Policy; and

WHEREAS, Section 2256.005, Tex. Gov't Code requires the City Council to review the investment policies and investment strategies not less than annually and to adopt a resolution or order stating the review has been completed and recording any changes made to either the investment policies or investment strategies.

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

- **SECTION 1.** That the City Council of the City of Lavon has completed an annual review of the investment policies and investment strategies of the City.
- **SECTION 2.** That the City of Lavon Investment Policy attached hereto as Exhibit "A" and incorporated herein is hereby approved and adopted, as amended, to govern the investment of City funds.
- **SECTION 3.** That all previous versions of the Investment Policy of the City of Lavon are hereby repealed.
- **SECTION 4.** That the Qualified Broker/Dealers and Financial Institutions List as attached hereto as Exhibit "B" is hereby approved.
- **SECTION 5.** That the City Administrator and Accounting Administrator shall be designated as the Investment Officers and are authorized to engage in investment transactions, deposit, withdraw, wire funds for investments, transfer, and manager funds on behalf of the City.
- **SECTION 6.** That should any word, sentence, paragraph, subdivision, clause, phrase, or section of this Resolution or the Investment Policy adopted hereby be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Resolution and investment Policy which shall remain in full force and effect.
  - **SECTION 7.** That this Resolution shall become effective immediately from and after its passage.

•		
	Vicki Sanson Mayor	
TTEST:		
ae Norton	_	

## CITY OF LAVON, TEXAS RESOLUTION NO. 2022-07-02

# EXHIBIT A INVESTMENT POLICY

# CITY OF LAVON, TEXAS INVESTMENT POLICY

	Table of Contents	Page
I.	POLICY STATEMENT	3
II.	SCOPE	3
III.	OBJECTIVES AND STRATEGY	3
IV.	LEGAL LIMITATIONS, RESPONSIBILITIES AND AUTHORITY	4
V.	DELEGATION OF INVESTMENT AUTHORITY	4
VI.	PRUDENCE	5
VII.	ETHICS AND CONFLICTS OF INTEREST	5
VIII.	INTERNAL CONTROLS	5
IX.	AUTHORIZED INVESTMENTS	5
X.	AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS	6
XI.	DIVERSIFICATION AND MATURITY LIMITATIONS	6
XII.	SAFEKEEPING AND COLLATERALIZATION	7
XIII.	PERFORMANCE EVALUATION AND REPORTING	7
XIV.	DEPOSITORIES	7
XV.	INVESTMENT TRAINING	8
XVI.	INVESTMENT POLICY ADOPTION	8

### INVESTMENT POLICY CITY OF LAVON

#### I. POLICY STATEMENT

It is the policy of the City of Lavon (the "City") that the administration of its funds and the investment of those funds shall be handled as its highest public trust. Investments shall be made in a manner which will provide the maximum security of principal invested through limitations and diversification while meeting the daily cash flow needs of the City and conforming to the Public Funds Investment Act (the "Act") Texas Government Code 2256.

The receipt of a market rate of return will be secondary to the requirements for safety and liquidity. It is the intent of the City to be in complete compliance with local law and the Texas Public Funds Investment Act (the "Act"). The earnings from investment will be used in a manner that best serves the interests of the City.

#### II. SCOPE

This investment policy applies to all investment activities of the City. The City commingles its funds into pooled investment fund(s) for investment purposes for efficiency and maximum investment opportunity.

#### III. OBJECTIVES AND STRATEGY

It is the policy of the City that all funds shall be managed and invested with four primary objectives, listed in order of their priority: safety, liquidity, diversification, and yield. Investments are to be chosen in a manner which promotes diversity by market sector, credit, and maturity. The choice of high-grade government investments and high-grade, money market instruments is designed to assure the marketability of those investments should liquidity needs arise. To match anticipated cash flow requirements the maximum weighted average maturity of the overall portfolio may not exceed six months.

#### Safety of Principal

Safety of principal is the foremost objective of the City. Investments of the City shall be undertaken in a manner that seeks to insure the preservation of capital in the overall portfolio to mitigate credit risk and interest rate risk.

#### Liquidity

The City's investment portfolio will be based on a cash flow analysis of needs and will remain sufficiently liquid to enable it to meet all operating requirements which might be reasonable anticipated.

#### Diversification

Diversification of the portfolio will include diversification by maturity and market sector and will include the use of a number of broker/dealers for diversification and market coverage.

#### Yield

The investment portfolio shall be designed with the objective of attaining a market rate of return, taking into account the City's risk constraints and the cash flow needs of the portfolio. The City will use the average yield of the six-month U.S. Treasury Bill during the same period as its benchmark for risk.

Effective cash management is recognized as essential to good fiscal management. Cash management is defined as the process of managing monies in order to ensure maximum cash availability. The City shall maintain a comprehensive cash management program which includes collection of accounts receivable, prudent investment of its available cash, disbursement of payments in accordance with invoice terms and the management of banking services.

#### IV. LEGAL LIMITATIONS, RESPONSIBILITIES AND AUTHORITY

Direct specific investment parameters for the investment of public funds in Texas are found in the Public Funds Investment Act, Chapter 2256, Texas Government Code, (the "Act"). All investments will be made in accordance with this statue. The Public Funds Collateral Act, Chapter 2257, Texas Government Code, specifies collateral requirements for all public funds deposits.

#### V. DELEGATION OF INVESTMENT AUTHORITY

The City Administrator and Accounting Administrator, acting on behalf of the City Council, have been designated as the Investment Officers of the City and are responsible for investment management decisions and activities. The City Council retains ultimate fiduciary responsibility. The Investment Officers are responsible for considering the quality and capability of staff, investment advisors, and consultants involved in investment management and procedures.

The Investment Officers shall develop and maintain written administrative procedures for the operation of the investment program which are consistent with this Investment Policy. Procedures will include reference to safekeeping, wire transfer agreements, banking services contracts, and other investment related activities.

All participants in the investment process shall seek to act responsibly as custodians of the public trust. No officer or designee may engage in an investment transaction except as provided under the terms of this Policy and the procedures established.

#### **Authorization Resolution**

The Council resolution designating the Investment Officer(s) authorizes the Investment Officer(s) to engage in investment transactions, deposit, withdraw, wire funds for investments, transfer, and manager funds on behalf of the City.

#### <u>Limitation of Personal Liability</u>

An Investment Officer, when acting in accordance with the written procedures and this Policy and in accord with the Prudent Person Rule, shall be relieved of personal liability in the management of the portfolio provided that deviations from expectations for a specific security's credit risk or market price change or portfolio shifts are reported in a timely manner and that appropriate action is taken to control adverse market effects.

#### VI. PRUDENCE

The standard of prudence to be used in the investment function shall be the "prudent person" standard and shall be applied in the context of managing the overall portfolio. The standard of prudence states:

"Investments shall be made with judgment and care, under circumstance then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the expected income to be derived."

#### VII. ETHICS AND CONFLICTS OF INTEREST

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Employees and investment officials shall disclose to the Mayor or City Administrator any material financial interest in financial institutions that conduct business within this jurisdiction, and they shall further disclose any large personal financial/investment positions that could be related to the performance of the City, particularly with regard to the time of purchases and sales.

#### VIII. INTERNAL CONTROLS

The Investment Officer shall establish written internal controls to be reviewed annually with the independent auditor of the City. The controls shall be designed to prevent loss of public funds due to fraud, employee error, misrepresentation by third parties, unanticipated market changes, or imprudent actions.

#### Cash Flow Forecasting

Cash flow forecasting is designed to protect and sustain cash flow requirements of the City. Supplemental to the financial and budgetary systems, the Investment Officer will maintain a cash flow forecasting process designed to monitor and forecast cash positions for investment purposes.

#### IX. AUTHORIZED INVESTMENTS

Acceptable investments under this policy shall be limited to the instruments listed below and as further described by the Public Funds Investment Act. If additional types of securities are approved for investment by public funds by State statue, they will not be eligible for investment by the City until this policy has been amended and the amended version adopted by the City Council.

- A. Obligations of the United States Government, its agencies, and instrumentalities, not to exceed two years to stated maturity, excluding mortgage-backed securities;
- B. Fully insured or collateralized certificates of deposit from any bank doing business in the State of Texas and under the terms of a written depository agreement with that bank, not to exceed one year to stated maturity, to include certificates of deposit purchased the CDARS program with a Texas bank:
- C. Repurchase agreements as defined by the Act, not to exceed 180 days to stated maturity, provided an executed Master Repurchase Agreement is on file with the City and the counterparty bank or primary dealer as defined by the Federal Reserve. Flex repurchase agreements used specifically for capital projects may extend beyond two years but only to match the expenditure plan of the projects;

City of Lavon Investment Policy July 2022

- D. AAA-rated, no-load, SEC registered money market funds; and
- E. AAA-rated, constant dollar Texas Local Government Investment Pools as defined by the Public Funds Investment Act.
- F. Interest bearing bank deposits that are insured by the FDIC or the National Credit Union Share Insurance Fund.

#### Delivery versus Payment

All security transactions, including collateral for repurchase agreements, entered into by the City, shall be conducted on a delivery versus payment (DVP) basis assuring that no City funds are released before the security is received by the custodian.

#### X. AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS

All investments made by the City will be made through either the City's banking services bank or approved broker/dealer. The City Council will review the list of broker/dealers annually.

Securities broker/dealers must meet certain criteria determined by the Investment Officer. The following criteria must be met by those firms on the list:

- Proof of certification by the Financial Industry Regulatory Association (FINRA) and provision of FINRA CRD number
- An audited financial statement for the most recent period
- Proof of current registration with the Texas State Securities Commission.

Every broker/dealer and bank with which the City transacts business will be provided a copy of this Investment Policy for review to assure that they are familiar with the goals and objectives of the investment program. A representative of the firm will be required to return a signed certification stating that the Policy has been received and reviewed and that controls are in place to control that only authorized securities are sold to the City.

#### XI. DIVERSIFICATION AND MATURITY LIMITATIONS

It is the policy of the City to diversify its investment portfolio. Invested funds shall be diversified to minimize risk or loss resulting from the over-concentration of assets in a specific maturity, specific issuer, or specific class of securities. Diversification strategies shall be established and periodically reviewed.

The Investment Officer shall be required to diversify maturities. The Investment Officer, to the extent possible, will attempt to match investments with anticipated cash flow requirements. Matching maturities with cash flow dates will normally increase yield, will lock in higher yields, and reduce the need to see securities prior to maturity, this reducing market risk. Unless matched to a specific requirement, the Investment Officer may not invest more than 20% of the portfolio for a period greater than one (1) year. The Investment Officer may not invest any portion of the portfolio for a period greater than two (2) years except in a flex repurchase agreement tied to the expenditure schedule of a bond fund.

#### XII. SAFEKEEPING AND COLLATERALIZATION

#### Safekeeping of City Owned Securities

The laws of the State and this Policy require that all purchased securities be cleared to safekeeping on a delivery versus payment (DVP) basis and be held in safekeeping by an independent third-party financial institution, or the City's banking services depository.

All safekeeping arrangements shall be approved by the Investment Officer and an agreement of the terms executed in writing. The independent third-party custodian shall be required to issue safekeeping receipts to the City listing each specific security, rate, description, cusip number, and other pertinent information. Each safekeeping receipt will be clearly marked that the security is held for the City or pledged to the City.

#### Securities Pledged as Collateral to the City

All securities pledged to the City for all bank time or demand deposits shall be held by an independent third-party bank doing business in Texas. The safekeeping bank may not be within the same holding company as the bank from which the securities are pledged.

Collateralization is required on all time and demand deposits over the FDIC insurance coverage. In order to anticipate market changes and provide a level of additional security for all funds, the collateralization level required will be 102% of the market value of the principal and accrued interest. Collateral will be held by an independent third-party custodian. The custodian shall provide a written monthly report directly to the City listing all pledged collateral by description and par at a minimum.

#### **Authorized Collateral**

The only types of collateral authorized by the City are:

- Obligations of the US Government, its agencies and instrumentalities including mortgage-backed securities which pass the bank test.
- Obligations of a state or subdivision, city, county, school district of any state rated A or better by two nationally recognized rating agencies.

If the depository proposes a collateral pooling program, the Investment Officer will review and evaluate the program's risk and cost to the City for presentation to the Council. The pooling of collateral allows a bank to create a pool of securities for collateral purposes for multiple governments and will result in securities pledged directly/specifically to each government.

#### XIII. PERFORMANCE EVALUATION AND REPORTING

The Investment Officer shall submit a quarterly report to the City Council, at a minimum, containing sufficient information to permit an informed outside reader to evaluate the performance of the investment program and consistent and statutory requirements. All reports shall be in compliance with the Act.

Market prices for market evaluations will be obtained from an independent source.

#### XIV. DEPOSITORIES

The City will designate one banking institution through a competitive process as its central banking services provider. This bank will be used for normal banking services including disbursements, collections, and safekeeping of securities.

City of Lavon Investment Policy July 2022 Other banking institutions from which the City may purchase certificates of deposit will also be designated as a depository for collateral purposes and shall submit annual financial reports to the City.

#### XV. INVESTMENT TRAINING

The Investment Officer(s) shall complete training as required by the Act.

#### XVI. INVESTMENT POLICY ADOPTION

The City's Investment Policy shall be reviewed and adopted annually by Resolution of the City Council.

## CITY OF LAVON, TEXAS RESOLUTION NO. 2022-07-02

#### **EXHIBIT B**

#### QUALIFIED BROKER/DEALERS AND FINANCIAL INSTITUTIONS

#### **TEXSTAR**

TEXSTAR Participant Services
First Southwest Asset Management, Inc.
1201 Elm Street, Suite 3500
Dallas, Texas 75270
Phone 800-839-7827
www.texasstar.org

#### **LOGIC**

LOGIC Participant Services
First Southwest Asset Management, Inc.
1201 Elm Street, Suite 3500
Dallas, Texas 75270
Phone 800-895-6442
www.logic.org

#### **Independent Financial**

1009 North State Highway 78 Lavon, TX 75166 972-853-5808 www.independent-bank.com

#### **Bank of New York**

BNY Mellon Corporate Trust-Global Client Solutions 2001 Bryan Street 10th Floor Dallas, TX 75201 Phone: 214-580-1226 www.bnymellon.com

#### **Wilmington Trust**

Wilmington Trust, N.A. 15950 N. Dallas Parkway, Suite 550 Dallas, TX 75248 (972) 383-3154 www.wilmingtontrust.com

#### TEXAS PUBLIC FUNDS INVESTMENT ACT

#### ACKNOWLEDGEMENT AND CERTIFICATION

This Acknowledgment "Investing Entity" and	and Certification is executed on behalf of the City of Lavon, Te	exas the (the "Dealer")
• • —	vestment Act, Chapter 2256.005(k), Texas Government Code, is	
•	onducted between the City of Lavon, Texas and the Dealer.	in connection
The undersigned qualified repr	esentative of the Dealer hereby certifies on behalf of the Dealer	that:
, ·	ed Representative is duly authorized to execute this Acknowled half of the Dealer, and	gment and
ii) The Qualified Repr City of Lavon; and	resentative has received and reviewed the investment policy pro	vided by the
investment transact authorized by the C is dependent on an	plemented reasonable procedures and controls in an effort to pre- tions conducted between the City of Lavon and the Dealer that a City of Lavon's investment policy, except to the extent that this a analysis of the makeup of the entity's entire portfolio or require abjective investment standards.	are not authorization
	QUALIFIED REPRESENTATIVE	
	Signature	
	Print Name	
	Title	
	Date	



## CITY OF LAVON Agenda Brief

MEETING: <u>July 29, 2022</u> ITEM: <u>5 - D</u>

#### Item:

#### CONSENT AGENDA

Approve Resolution No. <u>2022-07-03</u> approving and authorizing the Mayor to execute Assessment Collection Services Agreements with Collin County for the Elevon Public Improvement District Improvement Area #1 and Zone 1 Remainder Area; and providing for an effective date.

#### **Background:**

When the City Council authorized the creation of the Elevon Public Improvement District (PID), Collin County was selected as the Assessor-Collector for the PID special assessments because the county offices are reasonably local and Collin County agreed to include the assessments on the annual property tax bills that the County sends out annually. Collin County already provides assessment and collection services for ad valorem taxes for the City. It is logical for Collin County to continue providing the services with the levy of assessments in each of the City's PIDs

#### **Financial Implications:**

The assessment and collection services are funded by the respective PIDs that are served. There is not a direct financial implication for the City. The convenience of paying the assessments with the property tax bills provides a higher level for service for the residents. The transition provides an easier path should a resident wish to escrow their PID assessments with their property taxes through their mortgage company.

#### Staff Notes:

The City Attorney has reviewed the proposed agreements. Approval is recommended.

**Attachments:** Proposed Resolution and Agreements

#### CITY OF LAVON, TEXAS RESOLUTION NO. 2022-07-03

Interlocal Agreement for Assessment Collection Services Collin County

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE ASSESSMENT COLLECTION SERVICES AGREEMENTS WITH COLLIN COUNTY FOR THE ELEVON PUBLIC IMPROVEMENT DISTRICT IMPROVEMENT AREA #1 AND ZONE 1 REMAINDER AREA; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code (the "Act"), provides the authority to political subdivisions for contracts by and between each other to facilitate the governmental functions and services of said political subdivisions under the terms of the Act, and

WHEREAS, the City of Lavon and Collin County have the authority to enter into these Agreements under the Act; and

WHEREAS, upon full review and consideration of the Assessment Collection Services Agreements for the Elevon Public Improvement District Improvement Area #1 and Zone 1 Remainder Area and all matters related thereto, the City Council is of the opinion and finds all the terms and conditions thereof should be approved, and that the Mayor should be authorized to execute the Assessment Collection Services Agreements on behalf of the City.

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

**SECTION 1**. That the City Council does hereby approve and authorize the Mayor to execute the Assessment Collection Services Agreements for the Elevon Public Improvement District Improvement Area #1 and Zone 1 Remainder Area, which are attached hereto, incorporated herein, and labeled respectively as "Exhibit A" and Exhibit "B";

**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 19<sup>th</sup> day of July 2022.

	Vicki Sanson, Mayor	_
ATTEST:		
Rae Norton, City Secretary		

#### **EXHIBIT A**

Assessment Collection Services Agreement

Elevon Public Improvement District Improvement Area #1

#### ASSESSMENT COLLECTION SERVICES AGREEMENT

THIS AGREEMENT is made and entered into this 1<sup>st</sup> day of August, 2022 by and between County of Collin (hereinafter called "County"), a political subdivision of the State of Texas, and the City of Lavon for Elevon Public Improvement District Improvement Area No. 1; (here-after called "Assessment Entity"), a duly organized and existing PID, under the laws of the State of Texas, each acting herein by and through its duly authorized officials.

#### **RECITALS**

- 1. The parties to this Agreement wish to consolidate the collection of the PID assessment into one agency, the Collin County Tax Assessor Collector.
- 2. The parties enter in this Agreement in order to eliminate the duplication of the system for collection of the PID assessment and to promote efficiency.
- 3. Therefore, under the authority of sections 6.23 and 6.24, Texas Property Tax Code and the Interlocal Cooperation Act, Texas Government Code Chapter 791 the parties agree as follows:

#### **SECTION 1 DEFINITIONS**

- 1.01 Assessment Collection Services. The term "Assessment Collection Services" shall include preparation and mailing of the PID Assessments, assessed by the Assessment Entity, correction of found clerical errors in assessments, collection of assessment liabilities, maintenance of a list of delinquent assessments, and issuance of refunds. Assessment Collection Services do not include appraisal of property.
- 1.02 Current Assessments. The term "Current Assessments" shall mean those assessments legally due and payable to the Assessment Entity without penalty and interest.
- 1.03 Delinquent Assessments. The term "Delinquent Assessments" shall mean the property assessments that have not been paid to the Assessment Entity on or before January 31<sup>st</sup> of any given year and on which penalty and interest are now due.

#### **SECTION 2** TERM

2.01 *Term.* The term of this Agreement shall commence on August 01, 2022 and shall continue in full force and effect until September 30, 2023. Thereafter,

this Agreement shall automatically renew annually for an additional one (1) year term without the necessity of any action by the 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 Performed. The County agrees to provide assessment collection services to the Assessment Entity. The Assessment Entity agrees that all collections, assessments, penalties, interest, and attorney fees are to be in accordance with the Texas State Property Tax Code, as amended. The county's delinquent tax attorney will represent the interests of the Assessment Entity.
- 3.02 Tax Bills. By August 31st of each year the Assessment Entity shall provide the County with the Assessment Roll and a copy of the Resolution/Ordinance adopting the annual fixed rate assessment for that year. Failure to supply the Assessment Roll for any given year by said date, will result in a late processing fee of Five Thousand Dollars (\$5,000.00) plus an additional per statement fee, equal to the costs of printing and mailing all statements. The County agrees to prepare consolidated tax and assessment bills for each taxpayer. The tax bill shall include taxes and assessments owed to all taxing units to which the taxpayer owes taxes and assessments, except those units which have not been contracted with the County for tax collection services. The County will mail such tax and assessment bills to the property located within the Assessment Entity by October 1st of each year, or as soon thereafter as practicable.

The Assessment Roll should be in the format as required by the Tax Assessor Collector. It shall be delivered to the Tax Assessor Collector and the Property Tax Collection Supervisor via e-mail. The annual Assessment Roll is to be accompanied by the Governing Body's Resolution/Ordinance for the assessment.

#### **SECTION 4 PAYMENTS**

4.01 Rate of Payment. The Assessment Entity shall pay the County for Assessment Collection Services at a rate of Five Hundred Dollars

(\$500.00) per year, and Three Dollars (\$3.00) per non-exempt parcel per year for parcels on the Assessment Entity's tax roll during the term of this Agreement plus any late processing fees and other required services, as indicated in Section 3.02 and section 7, If there is a fee from the property tax software provider for setting up the entity and loading the file in the first year of the contract, the fee would be paid by the Assessment Entity.

- 4.02 Method of Payment. The County shall withhold from the assessment collected under this Agreement the amount of money necessary to pay for assessment collection services at the rate indicated in Section 4.01 from the December collections. The Assessment Entity shall not be entitled to receive any assessments collected for a tax year until the County has withheld the total amount of compensation under Section 4.01 for that year.
- 4.03 Proration of Payment. If this Agreement is terminated during the original term or any annual term prior to the time that the County has withheld sufficient funds pursuant to Section 4.02 to aggregate the amount of payment set forth in Section 4.01, the County's compensation for assessment collection services for the original term or a renewed term shall equal the amount set forth in Section 4.01, if the tax statement, including the assessment for the year, has been printed.

# **SECTION 5 REMITTANCE OF COLLECTION**

The assessment collected by the County for the Assessment Entity shall be remitted to the Assessment Entity after the proper amount of payment, as set out in Section 4, and any taxpayer refunds have been withheld. Assessments collected shall be remitted to the Assessment Entity within seven (7) days from the date they are received by the County Tax Office.

# **SECTION 6** ADMINISTRATIVE PROVISIONS

6.01 Records. The Assessment Entity, or its representatives designated in writing, upon reasonable notice is authorized to examine the records to be kept by the County in the performance of this Agreement at mutually convenient times and intervals. Such books and records will be kept in the offices of the Collin County Tax Assessor Collector.

- 6.02 Assessment Entity Records. The Assessment Entity agrees to transfer to the possession and control of the County, without charge, copies of all records necessary for the performance of the duties and responsibilities of the County pursuant to this Agreement. These records shall include all assessment records, including assessment rolls or records available to the Assessment Entity, as required by the County Tax Assessor Collector.
- 6.03 Surety Bond. If the Assessment Entity requires the County to obtain a surety bond for the Tax Assessor Collector, the Assessment Entity agrees to pay the premium for such bond.
- 6.04 Audits. The County, upon reasonable notice, agrees to allow an audit of the assessment records at a mutually convenient time. A copy of the audit results shall be furnished to the County. The Assessment Entity will pay the cost of the audit.
- 6.05 Deposits of Assessments. The County agrees to deposit assessments collected under this Agreement into such depository as is designated by the Assessment Entity in writing.
- 6.06 Assessment Entity Contacts: The name, phone number, and e-mail address of a person who can answer taxpayer's questions about the Assessing Entity and assessments will be provided to the Collin County Tax Assessor-Collector within ten (10) business days from the execution of this Agreement. The name, phone number and e-mail address of a person who can answer the Tax Assessor Collector, or their staff, questions relating to the fund transfers, and other operational topics will be provided to the Collin County Tax Assessor-Collector within ten (10) business days from the execution of this Agreement.

# **SECTION 7 CORRECTED BILLING SERVICES**

In the event that the Assessment Entity's fixed rate assessment changes after the County begins collections for the Assessment Entity in any given year, the County will continue to act for the Assessment Entity in providing refunds to taxpayers or sending corrected billings. A change

in the Assessment Entity's fixed rate assessment will result in a late processing fee, that may be in addition to any applicable late processing fee pursuant to Section 3.02, of Five Thousand Dollars (\$5,000.00), plus an additional per statement fee, equal to the costs of printing and mailing all statements. The Assessment Entity will provide to the County, a corrected Ordinance approving any changes to the fixed rate assessment or assessment roll.

### **SECTION 8 REFUNDS**

Refunds to property owners authorized by the Assessment Entity will be made on the same check for all taxing units contracting for tax and assessment collection services. Circumstances on which refunds may be based include, but are not limited to; clerical errors, and overpayments. The amounts refunded by the County for the Assessment Entity shall be paid by the County from assessment collections on hand for the Assessment Entity after the County's compensation is withheld pursuant to Section 4 of this Agreement. If assessment collections for the Assessment Entity in the County's possession are insufficient to pay for a refund, the County shall notify the Assessment Entity of the deficiency, and the deficiency amount shall be paid by the Assessment Entity to the County within fourteen (14) days of notification of the amount due. The County shall not be obligated to pay a refund unless it has sufficient Assessment Entity assessment collections in its possession to pay the refund or the Assessment Entity has paid to the County sufficient funds to cover the deficiency. The Assessment Entity agrees that any payment(s) that it is required to make under this section shall be made out of the Assessment Entity's current revenues.

# **SECTION 9 MISCELLANEOUS PROVISIONS**

9.01 Liability. To the extent allowed by law, any civil liability relating to the furnishing of services under this Agreement shall be the responsibility of the Assessment Entity. The parties agree that the County shall be acting only as the agent for the Assessment Entity in performing the services contemplated by this Agreement.

THE ASSESSMENT ENTITY SHALL HOLD THE COUNTY FREE AND HARMLESS

FROM ANY OBLIGATION, COSTS, CLAIMS, JUDGMENTS, ATTORNEYS' FEES, AND OTHER SUCH LIABILITIES ARISING FROM OR GROWING OUT OF THE SERVICES RENDERED TO THE ASSESSMENT ENTITY 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 GROSS NEGLIGENCE OF THE COUNTY.

- 9.02 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. Exclusive venue for any action taken relative to this Agreement shall be in Collin County.
- 9.03 Sovereign Immunity. It is expressly understood and agreed that, in the execution of this Agreement, neither the County nor Assessment Entity waives or shall be deemed hereby to waive any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions.
- 9.04 *Amendments*. This Agreement shall not be amended or modified other than in a written Agreement signed by the parties.

### 9.05 Notices.

- (a) Except as otherwise provided in this Agreement all notices required or permitted herein shall be in writing and shall be deemed to be delivered when deposited in the United States mail, postage prepaid, registered or certified mail, return receipt requested, with proper postage prepaid or when delivered in person.
- (b) All communications provided for in this Agreement shall be addressed as follows:
  - (ii) if to the County, to:
    County Administrator
    Bill Bilyeu
    Collin County
    2300 Bloomdale Road, Suite 4192
    McKinney, Texas 75071

With a correspondence copy to the Tax Assessor Collector, 2300 Bloomdale Road, Suite, 2366, P.O. Box 8006, McKinney, Texas 75070-8006.

(ii) if to the Assessment Entity, to:
City Administrator
Kim Dobbs
City of Lavon
PO Box 340
Lavon, Texas, 75166

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 9.05.

- 9.06 *Parties Bound.* This Agreement may not be assigned and shall be binding upon the parties, their heirs, executors, legal representatives, and successors.
- 9.07 Copies. This Agreement is executed in multiple copies, any one of which, or a true copy thereof, shall have the same evidentiary value.
- 9.08 Integration. It is understood and agreed that the entire Agreement of the parties is contained herein and that this Agreement supersedes all oral Agreements and negotiations between the parties relating to the subject matter hereof as well as any previous Agreements presently in effect between the parties relating to the subject matter hereof.
- 9.09 Severability. The provisions of this Agreement are severable. If any paragraph, section, subdivision, sentence, clause or phrase of the Agreement is for any reason held to be contrary to law or contrary to any rule or regulation having the force and effect of law, such decision shall not affect the remaining portions of the Agreement. However, upon the occurrence of such event, either party may terminate this Agreement forthwith, upon the delivery of written notice of termination to the other party.

- 9.10 *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.
- 9.11 *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.
- 9.12 Exclusive Right to Enforce This Agreement. The County and the Assessment Entity 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.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY – SIGNATURES ON FOLLOWING PAGE]

**EXECUTED** at McKinney, Texas on the day and year first written above.

COLLIN COUNTY, TEXAS
Judge Chris Hill
By:
Title: County Judge of Collin County
Date:
Elevon Public Improvement District Improvement Area No. 1
Vicki Sanson
By:
Title: Mayor, City of Lavon
Date:
<u></u>
COLLIN COUNTY, TEXAS
Kenneth L. Maun, Tax Assessor Collector
By:
Title: Tax Assessor Collector of Collin County
Date:
Date:

# **EXHIBIT B**

Assessment Collection Services Agreement

Elevon Public Improvement District Zone 1 Remainder Area

# ASSESSMENT COLLECTION SERVICES AGREEMENT

THIS AGREEMENT is made and entered into this 1<sup>st</sup> day of August, 2022 by and between County of Collin (hereinafter called "County"), a political subdivision of the State of Texas, and the City of Lavon for Elevon Public Improvement District Zone 1 Remainder Area; (here-after called "Assessment Entity"), a duly organized and existing PID, under the laws of the State of Texas, each acting herein by and through its duly authorized officials.

# **RECITALS**

- 1. The parties to this Agreement wish to consolidate the collection of the PID assessment into one agency, the Collin County Tax Assessor Collector.
- 2. The parties enter in this Agreement in order to eliminate the duplication of the system for collection of the PID assessment and to promote efficiency.
- 3. Therefore, under the authority of sections 6.23 and 6.24, Texas Property Tax Code and the Interlocal Cooperation Act, Texas Government Code Chapter 791 the parties agree as follows:

# **SECTION 1 DEFINITIONS**

- 1.01 Assessment Collection Services. The term "Assessment Collection Services" shall include preparation and mailing of the PID Assessments, assessed by the Assessment Entity, correction of found clerical errors in assessments, collection of assessment liabilities, maintenance of a list of delinquent assessments, and issuance of refunds. Assessment Collection Services do not include appraisal of property.
- 1.02 Current Assessments. The term "Current Assessments" shall mean those assessments legally due and payable to the Assessment Entity without penalty and interest.
- 1.03 Delinquent Assessments. The term "Delinquent Assessments" shall mean the property assessments that have not been paid to the Assessment Entity on or before January 31<sup>st</sup> of any given year and on which penalty and interest are now due.

# **SECTION 2** TERM

2.01 *Term.* The term of this Agreement shall commence on August 01, 2022 and shall continue in full force and effect until September 30, 2023. Thereafter,

this Agreement shall automatically renew annually for an additional one (1) year term without the necessity of any action by the 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 Performed. The County agrees to provide assessment collection services to the Assessment Entity. The Assessment Entity agrees that all collections, assessments, penalties, interest, and attorney fees are to be in accordance with the Texas State Property Tax Code, as amended. The county's delinquent tax attorney will represent the interests of the Assessment Entity.
- 3.02 Tax Bills. By August 31st of each year the Assessment Entity shall provide the County with the Assessment Roll and a copy of the Resolution/Ordinance adopting the annual fixed rate assessment for that year. Failure to supply the Assessment Roll for any given year by said date, will result in a late processing fee of Five Thousand Dollars (\$5,000.00) plus an additional per statement fee, equal to the costs of printing and mailing all statements. The County agrees to prepare consolidated tax and assessment bills for each taxpayer. The tax bill shall include taxes and assessments owed to all taxing units to which the taxpayer owes taxes and assessments, except those units which have not been contracted with the County for tax collection services. The County will mail such tax and assessment bills to the property located within the Assessment Entity by October 1st of each year, or as soon thereafter as practicable.

The Assessment Roll should be in the format as required by the Tax Assessor Collector. It shall be delivered to the Tax Assessor Collector and the Property Tax Collection Supervisor via e-mail. The annual Assessment Roll is to be accompanied by the Governing Body's Resolution/Ordinance for the assessment.

### **SECTION 4 PAYMENTS**

4.01 Rate of Payment. The Assessment Entity shall pay the County for Assessment Collection Services at a rate of Five Hundred Dollars

(\$500.00) per year, and Three Dollars (\$3.00) per non-exempt parcel per year for parcels on the Assessment Entity's tax roll during the term of this Agreement plus any late processing fees and other required services, as indicated in Section 3.02 and section 7, If there is a fee from the property tax software provider for setting up the entity and loading the file in the first year of the contract, the fee would be paid by the Assessment Entity.

- 4.02 Method of Payment. The County shall withhold from the assessment collected under this Agreement the amount of money necessary to pay for assessment collection services at the rate indicated in Section 4.01 from the December collections. The Assessment Entity shall not be entitled to receive any assessments collected for a tax year until the County has withheld the total amount of compensation under Section 4.01 for that year.
- 4.03 Proration of Payment. If this Agreement is terminated during the original term or any annual term prior to the time that the County has withheld sufficient funds pursuant to Section 4.02 to aggregate the amount of payment set forth in Section 4.01, the County's compensation for assessment collection services for the original term or a renewed term shall equal the amount set forth in Section 4.01, if the tax statement, including the assessment for the year, has been printed.

# **SECTION 5 REMITTANCE OF COLLECTION**

The assessment collected by the County for the Assessment Entity shall be remitted to the Assessment Entity after the proper amount of payment, as set out in Section 4, and any taxpayer refunds have been withheld. Assessments collected shall be remitted to the Assessment Entity within seven (7) days from the date they are received by the County Tax Office.

# **SECTION 6** ADMINISTRATIVE PROVISIONS

6.01 Records. The Assessment Entity, or its representatives designated in writing, upon reasonable notice is authorized to examine the records to be kept by the County in the performance of this Agreement at mutually convenient times and intervals. Such books and records will be kept in the offices of the Collin County Tax Assessor Collector.

- 6.02 Assessment Entity Records. The Assessment Entity agrees to transfer to the possession and control of the County, without charge, copies of all records necessary for the performance of the duties and responsibilities of the County pursuant to this Agreement. These records shall include all assessment records, including assessment rolls or records available to the Assessment Entity, as required by the County Tax Assessor Collector.
- 6.03 Surety Bond. If the Assessment Entity requires the County to obtain a surety bond for the Tax Assessor Collector, the Assessment Entity agrees to pay the premium for such bond.
- 6.04 Audits. The County, upon reasonable notice, agrees to allow an audit of the assessment records at a mutually convenient time. A copy of the audit results shall be furnished to the County. The Assessment Entity will pay the cost of the audit.
- 6.05 Deposits of Assessments. The County agrees to deposit assessments collected under this Agreement into such depository as is designated by the Assessment Entity in writing.
- 6.06 Assessment Entity Contacts: The name, phone number, and e-mail address of a person who can answer taxpayer's questions about the Assessing Entity and assessments will be provided to the Collin County Tax Assessor-Collector within ten (10) business days from the execution of this Agreement. The name, phone number and e-mail address of a person who can answer the Tax Assessor Collector, or their staff, questions relating to the fund transfers, and other operational topics will be provided to the Collin County Tax Assessor-Collector within ten (10) business days from the execution of this Agreement.

# **SECTION 7 CORRECTED BILLING SERVICES**

In the event that the Assessment Entity's fixed rate assessment changes after the County begins collections for the Assessment Entity in any given year, the County will continue to act for the Assessment Entity in providing refunds to taxpayers or sending corrected billings. A change

in the Assessment Entity's fixed rate assessment will result in a late processing fee, that may be in addition to any applicable late processing fee pursuant to Section 3.02, of Five Thousand Dollars (\$5,000.00), plus an additional per statement fee, equal to the costs of printing and mailing all statements. The Assessment Entity will provide to the County, a corrected Ordinance approving any changes to the fixed rate assessment or assessment roll.

### **SECTION 8 REFUNDS**

Refunds to property owners authorized by the Assessment Entity will be made on the same check for all taxing units contracting for tax and assessment collection services. Circumstances on which refunds may be based include, but are not limited to; clerical errors, and overpayments. The amounts refunded by the County for the Assessment Entity shall be paid by the County from assessment collections on hand for the Assessment Entity after the County's compensation is withheld pursuant to Section 4 of this Agreement. If assessment collections for the Assessment Entity in the County's possession are insufficient to pay for a refund, the County shall notify the Assessment Entity of the deficiency, and the deficiency amount shall be paid by the Assessment Entity to the County within fourteen (14) days of notification of the amount due. The County shall not be obligated to pay a refund unless it has sufficient Assessment Entity assessment collections in its possession to pay the refund or the Assessment Entity has paid to the County sufficient funds to cover the deficiency. The Assessment Entity agrees that any payment(s) that it is required to make under this section shall be made out of the Assessment Entity's current revenues.

# **SECTION 9 MISCELLANEOUS PROVISIONS**

9.01 Liability. To the extent allowed by law, any civil liability relating to the furnishing of services under this Agreement shall be the responsibility of the Assessment Entity. The parties agree that the County shall be acting only as the agent for the Assessment Entity in performing the services contemplated by this Agreement.

THE ASSESSMENT ENTITY SHALL HOLD THE COUNTY FREE AND HARMLESS

FROM ANY OBLIGATION, COSTS, CLAIMS, JUDGMENTS, ATTORNEYS' FEES, AND OTHER SUCH LIABILITIES ARISING FROM OR GROWING OUT OF THE SERVICES RENDERED TO THE ASSESSMENT ENTITY 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 GROSS NEGLIGENCE OF THE COUNTY.

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- 9.04 *Amendments*. This Agreement shall not be amended or modified other than in a written Agreement signed by the parties.

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- (b) All communications provided for in this Agreement shall be addressed as follows:
  - (ii) if to the County, to:
    County Administrator
    Bill Bilyeu
    Collin County
    2300 Bloomdale Road, Suite 4192
    McKinney, Texas 75071

With a correspondence copy to the Tax Assessor Collector, 2300 Bloomdale Road, Suite, 2366, P.O. Box 8006, McKinney, Texas 75070-8006.

(ii) if to the Assessment Entity, to:
City Administrator
Kim Dobbs
City of Lavon
PO Box 340
Lavon, Texas, 75166

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 9.05.

- 9.06 *Parties Bound.* This Agreement may not be assigned and shall be binding upon the parties, their heirs, executors, legal representatives, and successors.
- 9.07 Copies. This Agreement is executed in multiple copies, any one of which, or a true copy thereof, shall have the same evidentiary value.
- 9.08 Integration. It is understood and agreed that the entire Agreement of the parties is contained herein and that this Agreement supersedes all oral Agreements and negotiations between the parties relating to the subject matter hereof as well as any previous Agreements presently in effect between the parties relating to the subject matter hereof.
- 9.09 Severability. The provisions of this Agreement are severable. If any paragraph, section, subdivision, sentence, clause or phrase of the Agreement is for any reason held to be contrary to law or contrary to any rule or regulation having the force and effect of law, such decision shall not affect the remaining portions of the Agreement. However, upon the occurrence of such event, either party may terminate this Agreement forthwith, upon the delivery of written notice of termination to the other party.

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[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY – SIGNATURES ON FOLLOWING PAGE]

**EXECUTED** at McKinney, Texas on the day and year first written above.

**COLLIN COUNTY, TEXAS** 

Judge Chris Hill	
By:	
Title: County Judge of Collin County	
Date:	
Elevon Public Improvement District Zone 1 Remainder Area	
Vicki Sanson	
By:	
Title: Mayor, City of Lavon	
Date:	
COLLIN COUNTY, TEXAS	
Kenneth L. Maun, Tax Assessor Collector	
By:	
Title: Tax Assessor Collector of Collin County	
Date:	



# CITY OF LAVON Agenda Brief

MEETING: <u>July 19, 2022</u> ITEM: <u>6 - A</u>

### Item:

Public hearing, discussion and action regarding proposed amendments to Article 9.03 Zoning Ordinance of the Code of Ordinances, to add definitions and standards for alcohol-related uses in Section 9.03.032 and Section 9.03.061; to provide for permitted and conditional alcohol-related uses in the Retail District (R) Section 9.03.131 (b) and (c), Main Street District (M) Section 9.03.132 (b) and (c), and Business Park District (B) Section 9.03.133 (c); to establish off-street parking and loading regulations for alcohol-related uses in Section 9.03.173 and Section 9.03.175 respectively, to add application requirements and standards of review for a conditional use permit for alcohol-related uses in Section 9.03.211, and to provide for a penalty of fine.

- 1) Presentation of proposed amendments.
- 2) **PUBLIC HEARING** to receive comments regarding the proposed amendments.
- 3) Discussion and action regarding the proposed amendments.

### **Background:**

With the voters' approval of the expansion of the local option on May 7, 2022, the review and update of the city's regulations relating to land use and alcoholic beverages have been conducted. The City obtained the professional services of Peloton Land Solutions to assist in the research and preparation of the draft regulations. The City Council approved an amendment of the City's business regulations on June 7, 2022, a copy of which is enclosed.

The Texas Constitution, Texas Local Government Code and the Texas Alcoholic Beverage Code (TABC) provide guidance for the local regulation of alcoholic beverages. A wide variety of regulations exist across Texas municipalities. In current form, the city's Zoning Ordinance provides regulations generally pertaining to alcohol sold in private clubs and to establishments that sell beer and wine for off-premise consumption.

# The proposed amendment:

- Provides for the creation and expansion of the uses and definitions for alcohol-related activities;
- Establishes permitted and conditional uses in the Retail (R), Main Street (M), and Business Park (B) Zoning Districts;
- Establishes related off-street parking requirements;
- Establishes off-street loading space requirements; and
- Establishes conditional use permit review criteria for alcohol-related uses

The proposed comprehensive amendment is consistent with and guided by the 2022 Comprehensive Plan.

# Planning and Zoning Commission Report:

MOTION: RECOMMEND APPROVAL OF AMENDMENTS TO ARTICLE 9.03 ZONING ORDINANCE OF THE CODE OF ORDINANCES, TO ADD DEFINITIONS AND STANDARDS FOR ALCOHOL-RELATED USES IN SECTION 9.03.032 AND SECTION 9.03.061; TO PROVIDE FOR PERMITTED AND CONDITIONAL ALCOHOL-RELATED USES IN THE RETAIL DISTRICT (R) SECTION 9.03.131 (B) AND (C), MAIN STREET DISTRICT (M) SECTION 9.03.132 (B) AND (C), AND BUSINESS PARK DISTRICT (B) SECTION 9.03.133 (C); TO ESTABLISH OFF-STREET PARKING AND LOADING REGULATIONS FOR ALCOHOL-RELATED USES IN SECTION 9.03.173 AND SECTION 9.03.175 RESPECTIVELY, TO ADD APPLICATION REQUIREMENTS AND STANDARDS OF REVIEW FOR A CONDITIONAL USE PERMIT FOR ALCOHOL-RELATED USES IN SECTION 9.03.211, AND TO PROVIDE FOR A PENALTY OF FINE.

MOTION MADE: NABORS SECONDED: COX

APPROVED: UNANIMOUS (Absent: Tiegs)

# Staff Notes:

With an invitation for review and input, the proposed regulations were shared with the City Council and the Lavon Economic Development Corporation President and Executive Director.

The City Attorney reviewed and participated in drafting the proposed amendments. Approval is recommended.

**Attachments**: 1) Public Hearing Notice

2) Proposed amendments to the zoning regulations

3) Updated alcohol-related business regulations

# CITY OF LAVON, TEXAS ORDINANCE NO. 2022-07-02

Amend Zoning Ordinance – Alcohol-related Uses

AN ORDINANCE OF THE CITY OF LAVON, TEXAS AMENDING THE CITY'S ZONING ORDINANCE BY ADDING DEFINITIONS AND STANDARDS FOR ALCOHOL-RELATED USES IN SECTION 9.03.032 AND SECTION 9.03.061; PROVIDING FOR PERMITTED AND CONDITIONAL ALCOHOL-RELATED USES IN THE RETAIL DISTRICT (R) SECTION 9.03.131 (B) AND (C), MAIN STREET DISTRICT (M) SECTION 9.03.132 (B) AND (C), AND BUSINESS PARK DISTRICT (B) SECTION 9.03.133 (C); AMENDING OFF-STREET PARKING AND LOADING REGULATIONS AND ESTABLISHING OFF-STREET PARKING AND LOADING REGULATIONS FOR ALCOHOL-RELATED USES IN SECTION 9.03.173 AND SECTION 9.03.175 RESPECTIVELY, ADDING APPLICATION REQUIREMENTS AND STANDARDS OF REVIEW FOR A CONDITIONAL USE PERMIT FOR ALCOHOL-RELATED USES IN SECTION 9.03.211; PROVIDING A SAVINGS CLAUSE; A CUMULATIVE REPEALER CLAUSE; A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lavon, Texas is a Type A general law municipality; and

WHEREAS, Subchapter A. "General Zoning Authority" of the Texas Local Government Code authorizes a city to adopt ordinances regulating the zoning of property within the city and Subchapter C. "Local Regulation of Alcoholic Beverages" of the Texas Alcoholic Beverage Code authorizes a city to adopt ordinances regulating the sale and consumption of alcoholic beverages; and

WHEREAS, the Planning and Zoning Commission of the City of Lavon and the City Council of the City of Lavon, in compliance with the laws of the State of Texas, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested, and the City Council of the City of Lavon is of the opinion and finds that said changes should be granted and that the Comprehensive Zoning Ordinance should be amended.

# NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, THAT:

### SECTION 1. INCORPORATION OF PREMISES

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

### SECTION 2. AMENDMENT

Article 9.03 "ZONING ORDINANCE" of the City of Lavon Code of Ordinances shall be amended as provided in Exhibit "A" with additions indicated by underline and deletions by strikethrough attached hereto and incorporated herein, as follows in:

1) Section 9.03.032 "Permitted Use Table" to provide definitions and standards for alcoholrelated uses:

- 2) Division 3 "Definitions" Section 9.03.061 "General" to provide definitions and standards for alcohol-related uses;
- 3) Section 9.03.131 "Retail District (R)" to provide for alcohol-related uses in (b) "Permitted Uses, and (c) "Conditional Uses";
- 4) Section 9.03.132 "Main Street District (M)" to provide for alcohol-related uses in (b) "Permitted Uses, and (c) "Conditional Uses";
- 5) Section 9.03.133 "Business Park District (B)" to provide for alcohol-related uses in (c) "Conditional Uses";
- 6) Section 9.03.173 "Off-street Parking Requirements" to amend off-street parking requirements;
- 7) Section 9.03.175 "Off-street Loading Space Requirements" to amend off-street parking and loading requirement regulations for alcohol-related uses; and
- 8) Section 9.03.211 "Conditional Use" to provide for application requirements and standards of review for a conditional use permit for alcohol-related uses.

#### SECTION 3. SAVINGS

That all rights and remedies of the City of Lavon are expressly saved as to any and all violations of the provisions of any Ordinances regulating, affecting, or relating to zoning, land use and/or development which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

### SECTION 4. CUMULATIVE REPEALER

That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

### SECTION 5. SEVERABILITY

If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

#### SECTION 6. PENALTY

It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not less than One

Dollar (\$1.00) nor more than Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed each day or part of a day during or on which a violation occurs or continues.

# SECTION 7. PUBLICATION

The City Secretary of the City of Lavon is hereby directed to publish the Caption, Penalty and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code.

# **SECTION 8. EFFECTIVE DATE**

That this Ordinance shall be in full force and effect from and after its date of passage, in accordance with law, and it is so ordained.

**DULY PASSED and APPROVED** by the City Council of the City of Lavon, Texas, on the 19<sup>th</sup> day of July 2022.

	Vicki Sanson, Mayor			
ATTEST:				

# CITY OF LAVON, TEXAS ORDINANCE NO. <u>2022-07-02</u>

EXHIBIT "A"

### **ARTICLE 9.03 ZONING ORDINANCE**

# **Division 2. Districts and Zoning District Map**

# Sec. 9.03.032 Permitted use table

The following table presents the zoning district classifications and a summary of the permitted and conditional uses within those classifications. Uses are listed as being permitted (P), permitted by conditional use permit (C), and not permitted (as signified by "--").

If a use is not listed in the zoning ordinance or on the table, the use is prohibited. An applicant may request an amendment to the zoning ordinance to request the addition of an unlisted use.

Figure 9.1.2.2
ZONING USE SUMMARY TABLE

		RESIDI DISTI	ENTIAL RICTS	-		TIAL & RICTS		
RESIDENTIAL USES	A	SF-1	SF-2	SF-4	R	М	В	PD
Single family (SF) detached dwelling	Р	Р	Р	P		Р		P
Home based business within a SF dwelling	Р	Р	Þ	Р		Р		Р
Single family - zero lot line								Р
Single family attached - townhomes								Р
Duplex								Р
Multi-family dwelling						С		С

Real estate model home		С	С	С				P
Vertically mixed use multifamily residential and retail						Р		
Bed and Breakfast	-			<u>-</u> -		С		
Manufactured home detached dwelling park	С							
Guest house, caretaker or security quarters for SF dwelling	Р	Р						
Accessory structure with restrictions	Р	Р	Р	Р		-		
SF parking garage	Ρ	Р	<u>n</u>	Ρ			-	
SF swimming pool	P	Р	<u>n</u>	Þ	<b>-</b> -			Р
SF hobby shed	P	Р	Q.	Œ.				
SF tennis court	Р	Р	P	P				Р

		RESIDENTIAL NONRESIDENTIAL & SPECIAL DISTRICTS						
RETAIL, COMMERCIAL, PERSONAL SERVICE USES	A	SF-1	SF-2	SF-4	R	M	В	PD
Alcohol: mixed beverage sales (on- premises consumption) 1	=	=	=	=	<u>P¹</u>	<u>P</u> 1	<u>P1</u>	<u>P</u> 1
Alcohol: wine and malt beverage sales (on-premises consumption) 1	==	=	=	=	<u>P</u> 1	<u>p1</u>	<u>P1</u>	<u>P</u> 1
Alcohol: mixed beverage package store (on- and/or off-premises consumption)	=	=	==	=	<u>C¹</u>	=	11	<u>C¹</u>
Alcohol: wine and malt beverage package store (on- and/or off-premises consumption)	=	=	Ξ	=	<u>C¹</u>	=	н	<u>0</u>
Amusement establishment					С	С		Р
Animal boarding, kennel or shelter	С							Р

Automobile fueling station			1		С			Р
Automobile service establishment					С		Þ	Р
Bakery/confectionery retail establishment			1		С	С		С
Building material sales					С			Р
Business service and sales			1		Р	Р		Р
Carwash			-		O			Р
Cash and retail lending service establishment			1	1	O		1	С
Commercial greenhouse or nursery	С		-					
Commercial stable	С	O			-			
Dry-cleaning retail establishment			-		O	O		Р
Establishments > 75% revenue from alcohol sales			ŀ		O	<del>-</del>	I	E
Exercise and sports establishment					С	С		Р
Financial institution					P	Р		Р
Home and residence services					Р	Р		Р
Hotel			-		C	<b></b>		Р
Insurance					Ρ	Р		P
Medical and state licensed health services					Р	Р		Р
Merchandise rental					С			Р
Nursery, garden, landscape material sales					С			Р
Outdoor or drive-thru sales or service					С	С		Р
Personal services					Р	Р		Р
Pet grooming and care services					С	С		С
The state of the s								

	· ·	· · · · · · · · · · · · · · · · · · ·						
Pharmacy					P	Р		Р
Private clubs and organizations (indoor)					С			С
Professional service and sales				1	Ρ	Ρ	;	Р
Recreational vehicle park	С			-	<del></del>		•	1
Real estate				11	<u>p</u>	Ρ	ľ	Ρ
Restaurant	1		ţ	-	Р	Р	-	P.
Retail sales			1		P	Р		Þ
Retail storage facilities					С			Р
Second-hand/used goods/pawn shop					С			С
Tattoo service and similar body artwork					С	<u></u>		С
Technical service and sales					Þ	Р		Р
Vapor smoking services					С	С		С
Vehicle display and sales		_						Р
Vehicle parking garage								Р
Vertically mixed use retail and multifamily residential						Р		
Veterinarian service, animal clinic	С				O	С		Р

	RESI	DENTIA	L DIST	RICTS			IDENTIAL & DISTRICTS		
INSTITUTIONAL & CIVIC USES	А	SF-1	SF-2	SF-4	R	М	В	PD	
Cemetery or mausoleum	Р	Р	Р						
Church or place of worship	Р	Р	Р	Р	С	С		Р	
Community recreational use		С	С	С					
Community swimming pool		С	С	С				Р	

			_					
Country club		С	С	С				Р
Day care and educational facility - privately-owned	С	С	С	С	Р	Р		Р
Educational facility - public	P	Р	Р	Р				Р
Federal, state or city owned or controlled facilities	P	Р	Р	Р	Р	Р	Р	Р
Franchise-holding facilities and utilities	С	С	С	С				Р
Golf course	-	С	C	С				Р
Municipal uses	Р	Р	₽	Р	Р	Р	Р	Р
Nursing home or assisted living facility								Р
Open Space Preserves	Р	Р	Р	Р	Р			Р
Public parks and playgrounds		Р	Р	Р	Р		Ρ	Р
Public recreational facilities		Р	Р	Р	Р			Р
Wind energy, utility or telecommunication tower			-					P

		RESIDI DISTI	ENTIAL RICTS	•		L & CTS		
AGRICULTURAL USES	Α	SF-1	SF-2	SF-4	R	M	В	PD
Animal husbandry, livestock	Р	Р						
Crop cultivation, forestry, farming	Р	Р						
Dairy farm	P							
Wholesale plant nursery	Р							
Horse stables, riding academies and equestrian boarding	P,	С						

	RESIC	ENTIA	L DIST	RICTS	NONRESIDENTIAL & SPECIAL DISTRICTS				
INDUSTRIAL USES	Α	SF-1	SF-2	SF-4	R	М	В	PD	
Alcohol: brewpub (on- and/or off- premises consumption) 1	==	=	11	11	<u>C</u> 1	=	<u>C</u> 1	<u>C</u> 1	
Alcohol: manufacturing and distribution (on- and/or off-premises consumption)	==	==	11	=			<u>C</u> 1	<u>C'</u>	
Auto, tool or equipment rental								Р	
Commercial cleaning or laundry plant								Р	
Data center and software design								Р	
Information assembly, broadcasting, carriers							Р		
Information data processing							Р	Р	
Information distribution, publication, production							Р		
Information telecommunication, sellers							Р		
Machinery, heavy equipment, truck sales and service								Р	

Manufacturing - appliance, instrument, controller	 			 	Р	
Manufacturing - device, parts, vehicle	 			 	Р	
Manufacturing - die, tooling, equipment, machinery	 			 	Р	₽
Materials bending, cutting, machining, molding, welding	 			 	Р	Р
Medical or scientific laboratory	 			 		Р
Open storage and open processing operations	 	-		 	С	
Outside sales and storage	 			 		Р
Packaging of parts and materials prev manufactured	 	-		 	Р	Þ
Parts assembly, materials sorting prev manufactured	 			 	Р	Р
Professional, scientific and technical services	 			 	Р	P
Storage of flammable liquids and materials	 			 	С	
Temporary concrete batch plant	 С	С	С	 		Р
Trade contractor office and dispatch	 			 		Р
Truck repairs and service	 			 	Р	
Warehousing and distribution facilities	 			 	Р	Р
Wholesale enterprises w/o materials storage and distrib	 			 	Р	
	 					•

1. Selling, storing, dispensing, or otherwise handling of alcoholic beverages for on-premises consumption shall be incidental and secondary to a use on the same premises (ex. hotel, restaurant, winery, etc.), which shall be construed to mean that at least 40 percent of the gross receipts of such business shall be from non-alcohol, food sales, or off-premises

consumption. Alcohol-related uses shall meet all requirements for distance as specified in Division 10 (Use Regulations).

The table does not supersede the zoning ordinance. There may be restrictions for permitted and conditional uses.

For uses listed in the PD District, consult property-specific PD ordinances.

Uses not identified as permitted or conditional are prohibited.

(Ordinance 2018-03-02, sec. 9.1.2.2, adopted 3/20/18)

(g) Before the fifteen<sup>th</sup> (15th) day before the date of the hearing, notice of the time and place of the public hearing shall be published in an official newspaper or a newspaper of general circulation in the city.

### **Division 3. Definitions**

#### Sec. 9.03.061 General

Alcohol: brewpub (on- and/or off-premises consumption). A business to brew, bottle, can, package, and/or label malt beverages with potential sale of the malt beverages it produces to ultimate consumers at the business for on- or off-premise consumption.

Alcohol: manufacturing and distribution (on- and/or off-premises consumption). A business relating to the manufacturing and/or distribution of alcohol beverages, also including storing, importing, transferring, selling, and/or distributing of malt beverages, wine, and/or distilled spirits for on- and/or off-premises consumption.

Alcohol: mixed beverage package store/retailer (on- and/or off-premises consumption). A business selling distilled spirits, wine, and/or malt beverages to consumers for on- and/or off-premises consumption, including the possible transportation of its inventory between its other licensed locations within the same county, transportation/delivery of alcoholic beverage orders to its end-consumer customers, conducting product tastings on the package store premises, and/or other related sales activity.

Alcohol: mixed beverage sales (on-premises consumption). A business including the incidental or secondary sale of malt beverages, wine, and/or distilled spirits for on-

# premises consumption.

Alcohol: wine and malt beverage package store/retailer (on- and/or off-premises consumption). A business selling wine and/or malt beverages (no distilled spirits) to consumers for on- and/or off-premises consumption, including the possible transportation of its inventory between its other licensed locations within the same county, transportation/delivery of alcoholic beverage orders to its end-consumer customers, conducting product tastings on the package store premises, and/or other related sales activity.

Alcohol: wine and malt beverage sales (on-premises consumption). A business including the incidental or secondary sale of malt beverages and/or wine (no distilled spirits) for on-premises consumption.

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<u>Distilled spirits.</u> A liquor or similar alcoholic beverage distilled from grains, fruits, or other fermentable ingredients. Much stronger than beer and wine, distilled spirits (ex. brandy, gin, rum, tequila, whiskey, vodka, bourbon, etc.) and various flavored liqueurs.

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# Division 6. Regulations Applicable to Mixed Use and Nonresidential Districts

# Sec. 9.03.131 Retail district (R)

- (b) <u>Permitted uses</u>. The following are permitted when such use is conducted entirely within the interior of a building. A permitted use does not include a use when it is identified as a conditional use herein.
  - (1) Business, professional and technical service and sales
  - (2) Financial institution, insurance, real estate
  - (3) Medical, pharmacy and state licensed health services
  - (4) Personal service, and service for home and residence
  - (5) Privately owned educational and day care facility
  - (6) Retail sales in individual buildings or in planned centers of retail users
  - (7) Restaurant

- (8) Federal, state or local governmental use
- (9) Alcohol: mixed beverage sales (on-premises consumption)\*
- (10) Alcohol: wine and malt beverage sales (on-premises consumption)\*

\* Selling, storing, dispensing, or otherwise handling of alcoholic beverages for onpremises consumption shall be incidental and secondary to a use on the same premises (ex. hotel, restaurant, winery, etc.), which shall be construed to mean that at least 40 percent of the gross receipts of such business shall be from non-alcohol, food sales, or off-premises consumption. Alcohol-related uses shall meet all requirements for distance as specified in Division 10 (Use Regulations).

# (c) Conditional uses.

- (1) Automobile fueling and gasoline filling station
- (2) Automobile service establishment
- (3) Car wash
- (4) Outdoor, drive-in or drive-through sales or service activity
- (5) Amusement, theater, exercise and sports establishment
- (6) Bakery/confectionery retail establishment
- (7) Building materials sales
- (8) Church or place of worship at free standing or individual sites
- (9) Dry-cleaning retail establishments with no processing on site
- (10) Hotel
- (11) Landscaping material sales
- (12) Merchandise rental
- (13) Pet grooming and care services
- (14) Veterinarian services
- (15) Vapor smoking services
- (16) Retail storage service facilities
- (17) Establishments that derive more than seventy-five (75) percent of its

revenue from the sale of alcoholic beverages

- (4817) Private clubs and organizations (indoor)
- (4918) Second hand/used goods/pawn shop provided the lot on which a similar establishment is located is more than one thousand (1,000) feet from the location of the proposed use; the one thousand (1,000) foot distance shall be measured between the lots and along the public street
- $(20\underline{19})$  Cash and retail lending service establishment provided the lot on which a similar establishment is located is more than one thousand (1,000) feet from the location of the proposed use; the one thousand (1,000) foot distance shall be measured between the lots and along the public street
- (2420) Tattoo service and similar body artwork establishment provided the lot on which a similar establishment is located is more than one thousand (1,000) feet from the location of the proposed use; the one thousand (1,000) foot distance shall be measured between the lots and along the public street
- (21) Alcohol: mixed beverage package store (on- and/or off-premises consumption)\*
- (22) Alcohol: wine and malt beverage package store (on- and/or off-premises consumption)\*
- (23) Alcohol: brewpub (on- and/or off-premises consumption)\*

\* Selling, storing, dispensing, or otherwise handling of alcoholic beverages for onpremises consumption shall be incidental and secondary to a use on the same
premises (ex. hotel, restaurant, winery, etc.), which shall be construed to mean that
at least 40 percent of the gross receipts of such business shall be from non-alcohol,
food sales, or off-premises consumption. Alcohol-related uses shall meet all
requirements for distance as specified in Division 10 (Use Regulations).

# Sec. 9.03.132 Main street district (M)

(b) <u>Permitted uses</u>. The following are permitted when such use is conducted entirely within the interior of a building, except when identified as conditional use herein.

- (1) Business, professional and technical service and sales
- (2) Financial institution, insurance, real estate
- (3) Medical, pharmacy and state licensed health services
- (4) Personal service and services for home and residence
- (5) Day care for child and adult and educational services
- (6) Retail sales as individual enterprises within individual and separate structures
- (7) Planned centers of more than one individual retail uses
- (8) Restaurant
- (9) Single family detached dwelling
- (10) Townhouse
- (11) Home based business within single family detached dwelling
- (12) Federal, state or local governmental use
- (13) Vertically mixed use retail and multi-family residential
- (14) Alcohol: mixed beverage sales (on-premises consumption)\*
- (15) Alcohol: wine and malt beverage sales (on-premises consumption)\*

\* Selling, storing, dispensing, or otherwise handling of alcoholic beverages for onpremises consumption shall be incidental and secondary to a use on the same
premises (ex. hotel, restaurant, winery, etc.), which shall be construed to mean that
at least 40 percent of the gross receipts of such business shall be from non-alcohol,
food sales, or off-premises consumption. Alcohol-related uses shall meet all
requirements for distance as specified in Division 10 (Use Regulations).

# Sec. 9.03.133 Business park district (B)

(c) <u>Conditional uses</u>. Conditional uses include the following uses when such uses are conducted entirely within the interior of a building. Equipment necessary to the manufacturing process outside of the building shall be screened from the public street and adjoining property. Building shall be minimum of fifteen thousand (15,000) square feet.

(1) Manufacturing processes that bake, blend, coat, dip, draw, distill, extract, extrude, heat, mill, refine, reclaim, recycle, roll and any process not identified, provided any such process is conducted entirely within a building and provided no emission or contaminants shall leave the property. Such process shall meet all permitting requirements of the U.S. Environmental Protection Agency, Texas Commission [on] Environmental Quality and similar regulating federal and state agencies. Waste handling, disposal and pretreatment studies and certifications shall be required for all products, by-products and waste materials produced.

The emission of particulate matter from all sources shall not exceed the level specified by the Texas Commission on Environmental Quality or regulations specified by the Texas Department of Health. Proof that emissions comply with applicable permitting requirements shall be provided to city.

- (2) Storage of all flammable liquids and materials.
- (3) Open storage and open processing operations, including on-site sand and gravel processing and storage, sand blasting or similar uses provided said particulate matter shall not leave the property nor be transported across the boundary property line of the tract on which the use is located.
- (4) Alcohol: manufacturing and distribution (on- and/or off-premises consumption).\*

\*Selling, storing, dispensing, or otherwise handling of alcoholic beverages for on-premises consumption shall be incidental and secondary to a use on the same premises (ex. hotel, restaurant, winery, etc.), which shall be construed to mean that at least 40 percent of the gross receipts of such business shall be from non-alcohol, food sales, or off-premises consumption. Alcohol-related uses shall meet all requirements for distance as specified in Division 10 (Use Regulations).

**Division 8. Off-Street Parking and Loading Regulations** 

Sec. 9.03.173 Off-street parking requirements

(a) In all zoning districts, off-street parking, also known as on-site parking, shall be provided for each of the uses identified herein-below at the ratios specified herein at the time any building or structure is (a) erected or (b) structurally altered, or at such other time when the use of an existing building is changed, except as otherwise specified by this chapter. The ratios specified herein shall be considered the minimum number of on-site vehicle parking spaces required by the city and these minimum ratios are not intended to be reflective of current market or industry trends.

### (b) Parking requirements:

Alcohol: brewpub (on- and/or off-premises consumption) - one (1) parking space for every two hundred (200) square feet of retail or event area for businesses including on-premises consumption, plus one (1) parking space per employee on the largest shift.

Alcohol: manufacturing and distribution (on- and/or off-premises consumption) - one (1) parking space for every two hundred (200) square feet of retail or event area for businesses including on-premises consumption, plus one (1) parking space per employee on the largest shift. Businesses within this use without on-premises consumption, one (1) parking space per employee and one (1) space for each five hundred (500) square feet of showroom space.

Alcohol: mixed beverage package store/retailer (on- and/or off-premises consumption) - one (1) parking space for every two hundred (200) square feet of building floor area.

Alcohol: mixed beverage sales (on-premises consumption) - one (1) parking space for every two hundred (200) square feet of building floor area.

Alcohol: wine and malt beverage package store/retailer (on- and/or off-premises consumption) - one (1) parking space for every two hundred (200) square feet of building floor area.

Alcohol: wine and malt beverage sales (on-premises consumption) - one (1) parking space for every two hundred (200) square feet of building floor area.

(a) -- Auditorium or similar gathering assembly - one (1) parking space for every four (4) seats.

- (b) Bank or Financial Institution one (1) parking space for every three hundred (300) square feet of floor area.
- (e) Cemetery or mausoleum cemetery parking requirement at a rate of 2.5 percent of the cemetery site dedicated to off street parking. For a cemetery gathering building, room or public structure the parking requirement shall be a minimum of one (1) parking space for each 300 (three hundred) square feet of building or structure space. The interior roadways (non-public streets and roadways) of the cemetery may act to meet the cemetery parking requirement except for the building parking space requirement which shall be at a rate of 300 per square feet.
- (d)—Church one (1) parking space for every three hundred (300) square feet of floor area, except that for assembly areas one (1) space shall be provided for every four (4) seats in an assembly area.
- (e) Civic center one (1) parking space for every three hundred (300) square feet of floor area, except that for assembly areas one (1) space shall be provided for every four (4) seats in an assembly area.
- (f) Educational facility one (1) parking space per each employee plus one (1) parking space for every four (4) classrooms for elementary levels, plus one (1) parking space for every four (4) students for secondary and higher levels of education.
- (g)—General office one (1) parking space for every three hundred (300) square feet of floor space.
- (h) Group home four (4) parking spaces.
- (i) Home based bed and breakfast business one (1) parking space for each sleeping room.
- (j)—Hospital or medical/health care facility one (1) parking [space] for every two (2) patient beds plus one (1) parking space for every one and one-half (1-1/2) employees.
- (k)—Hotels and motels: one (1) parking space for each sleeping room plus one (1) parking space for every three hundred (300) square feet of meeting or commercial assembly floor area.

- (1) Library one (1) parking space for every four hundred (400) square feet of floor area.
- (m)—Manufacturer home park development two (2) parking spaces per single residential unit and one (1) community parking space within a community parking area for every two (2) residential units.
- (n) Manufacturing and assembly one and one half (1-1/2) parking spaces for every one (1) employee for businesses with two (2) or more work shifts, one (1) parking space per employee for businesses with one (1) work shift.
- (o) Medical office or clinic one (1) parking space for every two hundred (200) square feet of floor area.

### (p) Multifamily dwellings.

- (1) One (1) parking space for each dwelling unit have two (2) or fewer bedrooms.
- (2) Two (2) parking spaces for each dwelling unit have more than two (2) bedrooms.
- (3) One (1) guest parking for every five (5) dwelling units.
- (4) Recreational vehicle and utility vehicle storage area of one (1) space for every five (5) dwelling units.
- (q)—Personal services including spas, beauty and barber shops, one (1) parking space for every two hundred (200) square feet of floor area.
- (r)—Recreational, amusement, health club, country clubs, and similar membership uses public or private:
  - (1) One (1) parking space for every two hundred (200) square feet of building floor area.
  - (2) Two (2) parking spaces for every outside or inside game court.
  - (3) One (1) parking space for each four (4) seats of outdoor assembly bleachers or indoor seating.
  - (4) Seventy (70) spaces for every playing field used for league play.
  - (5) Two (2) parking spaces for every golf course green or driving range tee.

- (6) Five (5) parking spaces for every bowling alley.
- (s)—Retail sales uses, including general merchandise and/or grocery store one (1) parking space for every two hundred and fifty (250) square feet of building floor area.
- (t) Restaurants one (1) parking space for every three (3) seats with a minimum of eight (8) parking spaces provided and one and one-half (1-1/2) parking spaces per employee.
- (u) Service providers to the general public other than listed in this division one (1) parking space for every three hundred (300) square feet of building floor area.
- (v)—Single dwelling unit including a manufactured home two (2) covered parking spaces for each dwelling unit located behind the front yard building line and not within the side yard.
- (w) Warehousing/distribution center one (1) parking space per each employee on one (1) shift and one and one half (1-1/2) parking spaces per employee for two (2) or more work shifts.
  - (1) Mini-warehouses, self-storage one (1) parking space per employee and one (1) parking space for each three hundred (300) square feet of office and showroom space.
  - (2) Retail showroom/warehouse one (1) parking space per employee and one (1) space for each five hundred (500) square feet of showroom space.
- (x)—Unclassified use for uses not included above, one (1) parking space for each three hundred (300) square feet of floor area.
- (c) Rules for computing number of parking spaces. In computing the number of parking spaces required for each of the above uses the following rules shall govern:
  - (1) The term "floor area" means the gross floor area of the specific use.
  - (2) Where fractional spaces result, the parking spaces required shall be constructed to be the next higher whole number.
  - (3) Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise, to create a need for an increase in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

Whenever any building is enlarged to the extent of 50 percent or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.

- (4) In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
- (5) In the case of potential conflicts between parking requirements in computation of requirements, the requirement resulting in the most required spaces shall apply.

### Sec. 9.03.175 Off-street loading space requirements

- (a) For alcohol-related uses:
  - (1) A minimum of one striped off-street loading space, not conflicting with fire lanes, drive aisles, or off-street parking, shall be required for alcohol-related uses as follows:
    - a. Alcohol: manufacturing and distribution without on-premises
       consumption 12 feet by 60 feet
    - b. All other Alcohol-related uses 12 feet by 35 feet.
  - (2) Distance from property lines shall be as follows:
    - a. Any loading dock or structure and its associated loading spaces shall be:
      - 1. Set back a minimum distance of 200 feet from any adjacent residential use or zoning district; and
      - 2. Set back a minimum distance of 75 feet from any public street or front property line; and
      - 3. Oriented away from the street frontage.
    - b. Any loading spaces not associated with a loading dock or structure shall be set back a minimum distance of 50 feet from any adjacent residential use or zoning district, and there shall be no minimum setback if the subject property abuts a non-residential use or lot line.

- c. In instances where a property has more than one street frontage, the bay doors shall be oriented away from the street frontage with the greatest width. If the streets are the same width, then the bay doors shall be oriented away from the property's front lot line.
- (3) Loading docks which customarily receives goods between the hours of 9:00 p.m. and 8:00 a.m. and are adjacent to a residential use or districts shall be designed and constructed to enclose the loading operation on three sides to reduce noise, with the open end directed away from residential property.

### **Division 10. Use Regulations**

### Sec. 9.03.211 Conditional use

- (d) A conditional use permit shall be required as stated in Division 2 (Districts and Zoning District Map) for each place of business for alcohol-related uses, regardless of property adjacency and/or ownership. Each conditional use permit for alcohol-related uses shall provide a clear location map and an exhibit with proposed physical features relating to the business.
- (de) <u>Conditional use permit application</u>. An application for a conditional use permit shall be submitted to the planning and zoning commission and shall include the following:
  - (1) A written description of the proposed use.
  - (2) A plan showing the location of the proposed use on the site.
  - (3) For alcohol-related uses, a statement describing the proximity to other similar alcohol-related uses and associated strategy and/or justification.
  - (34) Any additional information required by the zoning administrator.
- (ef) Review by the planning and zoning commission and the city council of a conditional use permit application.
  - (1) The planning and zoning commission shall hold a public hearing after proper advertisement and make a recommendation to the city council.
  - (2) The city council shall hold a public hearing and approve, approve with conditions, or deny the conditional use permit based on the review criteria

below[.]

(fg) <u>Conditional use permit review criteria</u>. In evaluating a conditional use permit application, the planning and zoning commission and the city council shall consider whether the proposed use:

### (1) For alcohol-related uses:

- a. Mitigates all potential parking, noise, lighting, and outdoor event/entertainment space from existing and future neighboring uses;
- b. Provides refined and high-quality design and theming of the exterior of the property and building that contributes to a family friendly, sophisticated, and lake-oriented city character (to include building materials, signage, architecture, lighting, colors, landscaping, and other features); —
- c. Positively blends into location along street corridor and/or area with compatible and tasteful siting, form, and -features; and
- d. Proximity to other similar alcohol-related uses (to prevent over-saturation of similar alcohol-related uses in one particular area, a certain corridor, or the city overall without associated strategy and/or justification).
- (2) Compliments or is compatible with the surrounding uses and community facilities;
- (23) Contributes to, enhances, or promotes the welfare of the area of request and adjacent properties;
- (34) Is not detrimental to the public health, safety, or general welfare;
- (45) Conforms in all other respects to all applicable zoning regulations and standards; and
- (56) Is in conformance with the comprehensive plan.
- (gh) Additional conditions on a conditional use permit.
  - (1) As a condition of approval, the planning and zoning commission and city council may impose reasonable conditions upon the conditional use permit consistent with the comprehensive plan, other stated development goals and

objectives of the city and the requirements of other city regulations.

(2) Such conditions may include, but are not limited to the location, health, safety, arrangement, operation, duration, traffic, parking, and type and manner of construction of any use for which a conditional use permit is requested.

### (hi) Effect of conditional use permit.

- (1) The granting of a conditional use permit has no effect on the uses permitted by right and does not waive the regulations of the underlying zoning district.
- (2) A conditional use permit runs with the land; therefore, a new owner is not required to reapply for a conditional use permit unless a time limit that has been established terminates.

### (ij) Conditional use permit and the zoning map.

- (1) When the city council authorizes granting of a conditional use permit, the zoning map shall be amended according to its legend to indicate that the affected area has conditional and limited uses.
- (2) The amendment is to indicate the appropriate zoning district for the approved use and shall be suffixed by a "C" designation.

### CITY OF LAVON, TEXAS

### ORDINANCE NO. 2022-06-03

Amendment to Article 5.04 "Alcoholic Beverages"

AN ORDINANCE OF THE CITY OF LAVON, TEXAS, ENACTING AN AMENDMENT TO THE CITY OF LAVON CODE OF ORDINANCES, CHAPTER 5 "BUSINESS REGULATIONS", ARTICLE 5.04 "ALCOHOLIC BEVERAGES", TO REVISE ARTICLE 5.04 "ALCOHOLIC BEVERAGES" IN ITS ENTIRETY; PROVIDING A CONFLICT CLAUSE; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Lavon, Texas is a Type A general law municipality; and

WHEREAS, Subchapter C. "Local Regulation of Alcoholic Beverages" of the Texas Alcoholic Beverage Code. authorizes a city to adopt ordinances regulating the sale and consumption of alcoholic beverages; and

WHEREAS, the City Council finds that this Ordinance substantially advances the public health, safety, and general welfare of the citizens of the City.

### NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS:

Section 1. <u>Incorporation of Recitals</u>. The foregoing recitals hereby are incorporated by reference and made a part hereof as if fully set forth.

Section 2. <u>Amendment</u>. Chapter 5 "Business Regulations", Article 5.04 "Alcoholic Beverages", is hereby revised and amended to read as follows

### **ARTICLE 5.04 ALCOHOLIC BEVERAGES**

#### Sec. 5.04.001 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

<u>Alcoholic beverage</u> means alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.

<u>Beer</u> means a malt beverage containing one-half of one percent or more of alcohol by volume and not more than four percent of alcohol by weight, and does not include a beverage designated by label or otherwise by a name other than beer.

<u>Child-care facility</u> means a facility licensed, certified, or registered by the department to provide assessment, care, training, education, custody, treatment, or supervision for a child who is not related by blood, marriage, or adoption to the owner or operator of the facility, for all or part of the 24-hour day, whether or not the facility is operated for profit or charges for the services it offers.

<u>Code of Ordinances</u> mean the Code of Ordinances of the City of Lavon, as amended.

<u>Day-care center</u> means a child-care facility that provides care for more than 12 children under 14 years of age for less than 24 hours a day.

<u>Dealer</u> means the same as that term is used in V.T.C.A., Alcoholic Beverage Code section 109.33, and shall include "person" as that term is defined in this section.

<u>Distance Modification</u> has the meaning described and set forth in Section 5.04.005(k).

Open container means a container that is no longer sealed.

<u>Person</u> means a natural person or association of natural persons, trustee, receiver, partnership, corporation, organization, or the manager, agent, servant, or employee of any of them.

<u>Private school</u> means a private school, including a parochial school that offers a course of instruction for students in one or more grades from kindergarten through grade 12 and has more than 100 students enrolled and attending courses at a single location.

All references to state or local laws shall mean as such presently exist or may subsequently be amended.

### Sec. 5.04.002 Temporary alcohol sales and consumption in conjunction with a special event permit

(a) The storage, possession, sale or serving of alcoholic beverages by anyone for the consumption, either on or off the premises, shall be prohibited unless on land zoned specifically for that purpose with a conditional use permit, as permitted in the governing zoning district in accordance with Chapter 9 (Planning Development Regulations) of the Lavon Code of Ordinances, or as otherwise permitted in association with a special event permit.

### Sec. 5.04.003 Permit requirements for alcohol-related uses, sales, consumption, and events

- (a) Any person applying for a permit or license issued by authority of the Texas Alcoholic Beverage Code or a renewal of such permit or license or to change the location of the place of business designated in such permit or license shall deliver to the city secretary, for filing, one copy of the appropriate forms prescribed by the Texas Alcoholic Beverage Commission, together with scale drawings showing the proposed location of the applicant's business in relation to streets, property lines and the nearest church, public school, or public hospital.
- (b) Such person shall also provide a statement of his name, current address, addresses for the previous ten years, age, all other city permits or licenses held, and the names and addresses of all persons with an interest in such business, which statement shall include an affidavit that the

information given is true and correct. The applicant shall give permission for his fingerprints, height, weight, race, and other description to be obtained by the police department.

### Sec. 5.04.004 Review of application by city secretary; certification as to zoning; objections to issuance

(a) The city secretary shall review the application as submitted by the applicant and verify zoning and approval of a conditional use permit by the city council. If, from the city secretary's examination, it appears that the applicant is disqualified, or that the applicant's place of business is inadequate, unsafe, unsanitary or does not comply with all the terms of the Code of Ordinances, the Texas Alcoholic Beverage Code and/or other applicable laws and regulations, or that any lawful reason exists why the permit or license should not be issued, it shall be the duty of the city secretary to not sign the Texas Alcoholic Beverage Commission form, file objections to the issuance of the permit or license with the Texas Alcoholic Beverage Commission or with the county judge, and/or pursue other remedies provided by law.

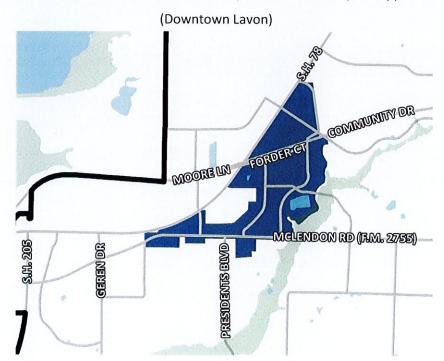
### Sec. 5.04.005 Location requirements for sale of alcoholic beverages

- (a) It shall be unlawful for any business or individual to sell alcoholic beverages unless properly authorized and licensed to do so by the Texas Alcoholic Beverage Commission and the city.
- (b) It shall be unlawful for any business or individual to sell alcoholic beverages from or at a place of business within this city within 300 feet of a church, public school, private school, or public hospital.
- (c) Subsection (b) does not apply to the holder of:
  - (1) A license or permit who also holds a food and beverage certificate covering premises that is located within 300 feet of a private school; or
  - (2) A license or permit covering premises where minors are prohibited from entering under V.T.C.A., Alcoholic Beverage Code section 109.53 and that is located within 300 feet of a private school.
  - (3) A license or permit who has been granted a Distance Modification to this section by city council if it determines that the enforcement of the regulation in a particular instance is not in the best interests of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on the applicant for a license or permit, does not serve its intended purpose, or is not effective or necessary, or for any other reason the city council determines, after consideration of the health, safety and welfare of the public and the equities of the situation, that the Distance Modification is in the best interest of the community and still complies with any applicable Texas Alcoholic Beverage Commission requirements.
- (d) The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections.
- (e) The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be:

- (1) In a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or
- (2) If the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.
- (f) It shall be unlawful for any alcohol-related use to sell alcoholic beverages from or at a place of business within the city limits within 300 feet of a day-care center or child-care facility that was located in an applicable area prior to the alcohol-related use permit.
- (g) Subsection (f) does not apply to a permit or license holder who sells alcoholic beverages if:
  - (1) The permit or license holder and the day-care center or child-care facility are located on different stories of a multistory building; or
  - (2) The permit or license holder and the day-care center or child-care facility are located in separate buildings and either the permit or license holder or the day-care center or child-care facility is located on the second story or higher of a multistory building.
- (h) Subsection (f) does not apply to a foster group home, foster family home, family home, agency group home, or agency home as those terms are defined by V.T.C.A., Human Resources Code section 42.002.
- (i) The measurement of the distance between the place of business where alcoholic beverages are sold and the day-care center or child-care facility shall be:
  - (1) In a direct line from the property line of the day-care center or child-care facility to the property line of the place of business, and in a direct line across intersections; or
  - (2) If the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the day-care center or child-care facility to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.
- (j) It shall be unlawful for any business or individual to sell alcoholic beverages in any areas within the city without approved zoning and permits.
- (k) Distance Modification for Alcohol Sales:
  - (1) The City Council may allow a Distance Modification to the regulations stated in subsection (b) above if it determines that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes a waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, or is not effective or necessary, or for any other reason it, after consideration of the health, safety and welfare of the public and the equities of the situation, determines is in the best interest of the community.
  - (2) The City Council may allow a Distance Modification to this section for any other reason the City Council determines, after consideration of the health, safety and welfare

of the public and the equities of the situation, that the Distance Modification is in the best interest of the community.

- (3) No Distance Modification may be granted under this subsection except after a public hearing for which notice has been given. Notice of a request for a Distance Modification to adjust the minimum distance requirements of this section shall be given to owners of property within 300 feet of the business. The notice area for a Distance Modification request relating to a church or public hospital shall be measured in a direct line from the front door of the place of business. The notice area for a Distance Modification request relating to a public or private school shall be measured in a direct line from the property line of the place of business. The notice shall be sent via regular United States mail not less than 10 days before the date set for public hearing, to all such owners who have rendered their property for city taxes as the ownership appears on the last approved city tax roll.
- (4) The City Council may assess a reasonable fee for the administrative costs associated with processing a Distance Modification request under this subsection.
- (I) This section does not apply to either:
  - (1) A place of business where alcoholic beverages are sold located with a postal address within the area depicted on the map indicated below (with approved zoning):



- (2) Within an area for a special event sponsored or hosted by the city;
- (3) Within an area for a special event for which the city is a partner;
- (4) Within an area for a permitted use (either by right, conditional use permit, or special use permit) whereby distances to nearby uses and potential impacts of the alcohol-related use were considered; or

(5) A sale within an area owned by the city or the Economic Development Corporation associated with a special event or permitted use.

### Sec. 5.04.006 Hours of sale and consumption of alcoholic beverages

- (a) The hours of sale and consumption shall be as required by the laws of the State of Texas, the Texas Alcoholic Beverage Commission and by any associated conditional use permit for an alcohol-related use.
- (b) The holder of a retail dealer's on-premises late hours license issued by the State of Texas may sell and offer to sell and serve beer and wine in a restaurant with a food and beverage certificate between the hours of 1:00 a.m. and 2:00 a.m. on Sunday and between 12:00 p.m. and 2:00 a.m. on any other day, provided that the holder complies with the Texas Alcoholic Beverage Code and with any standards established in an associated conditional use permit or planned development district. The holder of a mixed beverage late hours permit issued by the State of Texas may sell and offer for sale mixed beverages in a restaurant with a food and beverage certificate between the hours of midnight and 2:00 a.m. on any day, provided that the holder complies with the Texas Alcoholic Beverage Code and with any standards established in an associated conditional use permit or planned development district.

### Sec. 5.04.007 Temporary alcohol sales and consumption in conjunction with a special event permit

- (a) Provided all requirements of the Texas Alcoholic Beverage Commission requirements and permits are met and approved, the city council may permit the temporary sale of alcoholic beverages for on-premises consumption for a time period not to exceed the length of time approved for the event granted under the special event permit.
- (b) Temporary alcohol sales and consumption may only be granted in conjunction with a special event permit. The restrictions on alcohol sales within prescribed distances of public and private schools, churches, and public hospitals, as well as the compliance requirements with zoning provisions within Chapter 9 (Planning and Development Regulations), shall not apply to temporary alcohol sales and consumption permitted under this section.

#### Sec. 5.04.008 Permits for sale of alcoholic beverages required

- (a) A permit issued by the city is required for each location selling alcoholic beverages within the city. Unless state law exempts a permittee or licensee from payment of a fee established by this section, a permittee or licensee must pay the city:
  - (1) An administrative processing fee as established by the city's fee schedule; and
  - (2) An annual permit or license fee of one-half (1/2) the amount charged or taxed by the state pursuant to the Alcoholic Beverage Code for each type of business or occupation.
- (b) No permittee or licensee under this article shall engage in the business authorized by his permit or license without first having paid to the city the permit or license fee levied by this section. It shall be the duty of the city attorney, following approval by the City Council, to petition

the Texas Alcoholic Beverage Commission to cancel the permit or license of any permittee or licensee who engages in the business authorized by the permit or license of such person without first having paid the fees levied by this section.

- (c) An applicant shall pay the fees established under subsection (a) to the city no later than the 30th day after the date the applicant's payment of a state permit or license fee is due. No refund of a fee paid to the city under the terms of this article shall be made for any reason except when the permittee or licensee is prevented from continuing in business by reason of the result of a local option election or an amendment of the zoning regulations of the city concerning the property on which the place of business is situated.
- (d) A permittee and licensee who sells an alcoholic beverage at a business location before the applicant pays the fees established by this section commits a class C misdemeanor punishable by a fine in accordance with the general penalty provided in <u>section 1.01.009</u> of this code.
- (e) A separate license or permit, as required by this article, shall be obtained for every place of business where the business of alcoholic beverage manufacture, distribution, or sale is conducted, and fees for each such license or permit shall be paid.
- (f) The city secretary shall issue and deliver a receipt under this section to the permittee or licensee authorizing the sale of alcoholic beverages under this article and a state permit or license, if the permittee or licensee:
  - (1) Pays the fees established by subsection (a);
  - (2) Exhibits a valid permit(s) or license(s) issued by the state; and
  - (3) The requirements of the Code of Ordinances are satisfied.
- (g) Each permit shall contain the number, name, and expiration date of the state permit or license; the name of the permittee or licensee; the trade name of such permittee or licensee; the address of the business; and the date of issuance. The license or permit issued by the city secretary under this article shall be displayed at all times in a conspicuous place within the licensed or permitted place of business.
- (h) Prior to issuing a city permit to applicant for the proposed location, the city secretary shall certify whether the location is located in an area that is wet and that the sale of alcoholic beverages at this location is not prohibited by charter or ordinance. The city secretary shall keep a record of all permits and certificates issued under this article.

#### Sec. 5.04.009 Records

All persons operating establishments engaging in the sale of alcoholic beverages within the city shall comply with the reporting requirements of this section.

(a) During the first year of any license for on-premises alcoholic beverage consumption issued to a new license-holder, the owner, operator or person in control of an establishment licensed by the state for on-premises alcoholic beverage consumption shall, on a quarterly basis with the quarters ending March 31, June 30, September 30 and December 31, file with the city secretary an affidavit, on an officially approved form provided by the city secretary, that reflects gross sales for the preceding three months, indicating the sales of non-alcoholic items and alcoholic beverages. The quarterly reports for the previous three-month period shall be due on

or before the 25th day of April, July, October and January. In the event that no violation occurs during the first year, then the business will only be required to report on an annual basis, thereafter.

- (b) The party shall also file on a quarterly basis, at the same time the affidavit on sales is filed, a copy of the filing(s) supplied to the state for sales tax and alcoholic beverage tax purposes for the previous three-month period.
- (c) Such affidavit and copies of filing(s) supplied to the state for sales tax and alcoholic beverage tax purposes shall be reviewed by the city administrator or designee for compliance with the provisions of zoning regulations regarding the ratio of non-alcohol items to alcohol beverage sales.
- (d) If a quarterly report submitted indicates that the filing establishment does not comply with the percentage requirements of Chapter 9 (Planning and Development Regulations), the establishment shall have until the next due date of a quarterly report to bring the establishment into compliance with city ordinances. The licensee shall be notified by certified mail by the city secretary that a violation of this Section has occurred. Such notification shall specify the date by which the licensee must be in compliance with the percentage requirements. A report containing the same information as the quarterly report must be filed with the city secretary on or before the date required for compliance, as stated in the letter of notification of violation.
- (e) If a quarterly report is not submitted to the city secretary on or before the 25th day of April, July, October and January, the city secretary shall notify the licensee by certified mail that a quarterly report has not been submitted. The licensee shall have a period of 10 days after the date of delivery marked on the certified mail return receipt to file the quarterly report.
- (f) Failure to file a quarterly report or failure to bring the establishment into compliance by the next due date of a quarterly report shall constitute a violation of this section. The city attorney shall inform the Texas Alcoholic Beverage Commission that the establishment is no longer in compliance with the city ordinances as previously certified to by the city secretary and request that the Texas Alcoholic Beverage Commission take whatever action is available under the Texas Alcoholic Beverage Code to revoke the state license.
- (g) The person operating an establishment subject to the reporting requirements of this article shall permit the city administrator or her designee to view and copy the books, records and receipts relative to sales of non-alcohol items and alcoholic beverages at any time after 24 hours' notice. In the any event the city administrator finds a violation, then the business will be required to comply with quarterly reporting as stipulated in provision (a), within this Section above, for the succeeding 12 months.
- (h) The city shall have the right to request the establishment to provide a prior quarter's report in order to determine the business has remained in compliance. In the event the establishment fails to be in compliance then but gets back into compliance within the stated required timeframe, the business will be subject to the quarterly reporting requirements for another year.
- (i) No license or permit issued under this article shall be renewed for any location where the records required by this section indicate that gross receipts from non-alcohol sales are not in

compliance with the percentage requirements of Chapter 9 (Planning and Development Regulations). No new license or permit shall be granted for alcoholic beverage sales, manufacturing, distribution, consumption, or other alcohol-related use (temporary, conditional, or permanent) at such location for a period of at least six months.

### Sec. 5.04.010 Consumption of Alcoholic Beverages in a Public Place

### (a) Prohibited; enforcement.

- (1) It shall be unlawful for any person to consume any alcoholic beverage on any public street or alley in the city, except during permitted special events the city sponsors, organizes, or is a partner that specifically allow for the specified manner of consumption.
- (2) It shall be unlawful for any person to consume any alcoholic beverage on any public place adjacent to any street or alley in the city, except during permitted special events the city sponsors, organizes, or is a partner that specifically allow for the specified manner of consumption.
- (3) It shall be unlawful for any person to consume any alcoholic beverage in a city park except during permitted special events the city sponsors, organizes, or is a partner that specifically allow for the specified manner of consumption.

### (b) Penalty.

(1) Any person, firm or corporation violating any part of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed the sum of \$500.00 for each offense.

#### Sec. 5.04.012 Possession of Alcoholic Beverages in a Public Place

#### (a) Prohibited; enforcement.

(1) It shall be unlawful for any person to possess any alcoholic beverage in any city park, except during permitted special events sponsored and/or organized by the city.

### (b) Penalty.

(1) Any person, firm or corporation violating any part of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed the sum of \$500.00 for each offense.

Section 3. <u>Conflict Clause</u>. To the extent any provisions of the city's Subdivision Ordinance, codified as Article 9.02 of the city's Code of Ordinances, are in conflict with this Ordinance, this Ordinance shall control.

Section 4. <u>Penalty</u>. Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum in accordance with the general penalty provided in section 1.01.009 of the city's Code of Ordinances. Each time that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this division is a misdemeanor. The penalty provisions imposed under this Ordinance shall not preclude the city from filing suit to enjoin the violation. The city retains all legal rights and remedies to it pursuant to local, state and federal law.

Section 5. <u>Severability Clause</u>. It is hereby declared by the City Council that if any of the sections, paragraphs, sentences, clauses, phrases, words, or provisions of this ordinance should be declared

unconstitutional or otherwise invalid for any reason, such event shall not affect any remaining sections, paragraphs, sentences, clauses, phrases, words, or provisions of this Ordinance.

Section 6. Open Meeting. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given, all as required by Section 551.042, Texas Government Code.

Section 7. Effective Date. This Ordinance shall take effect immediately upon its passage.

**DULY PASSED AND APPROVED** by the City Council of the City of Lavon, Texas, this 7<sup>th</sup> day of June 2022.

Vicki Sanson, Mayor

ATTEST:

Rae Norton, City Secretary



MEETING: July 19, 2022 ITEM: 6-B

#### Item:

Discussion and action regarding Ordinance No. <u>2022-07-03</u> amending the fee schedule approved and adopted by Ordinance No. <u>2021-09-05</u> for the fiscal year October 1, 2021, through September 30, 2022, as amended to update the Mobile Food Unit permitting fees; and providing an effective date.

### **Background:**

With the popularity of Mobile Food Trucks (MFU) and the addition of special events venues the staff identified the need to update the fee schedule to more accurately reflect the market and industry standards.

Staff surveyed neighboring cities and determined that to be MFU-friendly, the city should update the cost of permitting in Lavon.

### **Financial Implications:**

The financial implication is neutral as the permit fee is anticipated to cover the cost associated with the permitting and health inspection.

### Staff Notes:

Approval is recommended.

**Attachments:** 1) Proposed Ordinance

2) Fee Schedule Amendment

### CITY OF LAVON, TEXAS ORDINANCE NO. 2022-07-03

Amending Fee Schedule – Mobile Food Units (MFU) Permits

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS AMENDING THE FEE SCHEDULE APPROVED AND ADOPTED BY ORDINANCE NO. <u>2021-09-02</u> FOR THE FISCAL YEAR OCTOBER 1, 2021, THROUGH SEPTEMBER 30, 2022, AS AMENDED TO UPDATE MOBILE FOOD UNIT PERMIT FEES; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City Council has authority to establish fees relating to City applications, permits and services; and

**WHEREAS**, the City Council finds it necessary to make changes to the fee schedule in order to better reflect the cost of certain services provided by the City.

### NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS:

**SECTION 1**. That the Fee Schedule for fiscal year October 1, 2021, through September 30, 2022, be amended, as shown in "Exhibit A".

**SECTION 2.** That this ordinance shall take effect immediately from and after its passage, as the law in such cases provides.

**DULY PASSED and APPROVED** by the City Council of the City of Lavon, Texas, on the 19<sup>th</sup> day of July 2022.

	Vicki Sanson Mayor	
ATTEST:		
Rae Norton		
City Secretary		

## CITY OF LAVON, TEXAS ORDINANCE NO. <u>2022-07-03</u>

### **EXHIBIT A**

### FEE SCHEDULE

### **HEALTH SERVICES**

	Current	Proposed
Mobile Food Unit (MFU) Health	\$300.00/year	\$200/year
Registration		



### CITY OF LAVON Agenda Brief

MEETING: <u>July 19, 2022</u> ITEM: <u>6 - C</u>

#### Item:

Discussion and action regarding Board and Commission appointments – Lavon Economic Development Corporation Board of Directors.

### **Background:**

In addition to the elected City Council, several appointed boards and commissions provide invaluable contributions to the city through their service. The members of these boards are appointed by the City Council for specific terms of service.

In July 2022, four Places on the Lavon Economic Development Corporation Board of Directors expire.

The current appointees have expressed a desire to be reappointed.

**Attachments:** Spreadsheet – Boards & Commissions

# City of Lavon Boards & Commissions July 2022

	Elected /		Т	
Dlage	Elected / Appointed	Nama	Term Expires	Annointment Notes
Place	Appointed	Name	Expires	Appointment Notes
City Council Mer	mbers			Elected
Mayor	6/19/2018	Vicki Sanson	11/2023	
Place One	6/19/2018	John Kell	11/2022	
Place Two	11/7/2017	Mike Cook	11/2023	
Place Three	11/21/2016	Kay Wright	11/2022	
Place Four	1/15/2019	Ted Dill	11/2023	
Place Five	11/21/2016	Mindi Serkland	11/2022	
F . D .	4 C P	l en m		7 1 4 6 6 7 6 9 11 1
		oard of Dir - Type B	7/15/2022	7 members; 4 CC/staff; county resident
Place 1, Chair	3/1/2009	Kay Wright	7/15/2022	
Place 2	7/17/2018	Manzelle Williams	7/15/2023	
Place 3	9/19/2017	Vicki Sanson	7/15/2022	
Place 4	7/16/2019	Rachel Dumas	7/15/2023	
Place 5	9/17/2019	Joe Serpette	7/15/2022	
Place 6	7/18/2017	John Kell	7/15/2023	
Place 7	5/4/2021	Jordan Williams	7/15/2022	
Di	Ciii		1	5hi.l
Planning & Zoni Seat 1	5/3/2022		6/1/2023	5 members, residency req
Seat 2	7/19/2016	Jeffrey Cox Deborah Nabors	6/1/2024	
Seat 3	6/1/2021		6/1/2023	
Seat 4	5/3/2022	Brad Tiegs Travis Jacob	6/1/2024	
Seat 5, Chair	8/16/2011	David Rosenquist	6/1/2023	
Seat 3, Chan	ex officio	Vicki Sanson	6/1/2023	
	ex officio	VICKI Salisoli	0/1/2023	
Parks & Recreat	ion Board			5 members; residency req
Seat 1	4/17/2012	Mike Gulino	1/1/2023	
Seat 2	6/1/2021	Lindsey Hedge	1/1/2024	
Seat 3	7/16/2019	Leon Marshall	1/1/2023	
Seat 4	3/17/2020	Jennifer White	1/1/2024	
Seat 5	2/2/2021	Joe Serpette	1/1/2023	
Alternate	5/3/2022	Mike Cook	1/1/2024	
		•		
LYED D	D*		T T	2
LVFD Board of I		Mindi Carleten 1	6/10/2024	3 members
Seat 1 Seat 2	6/19/2018	Mindi Serkland	6/19/2024 6/19/2023	
	6/19/2018	Mike Jones		
Seat 3	5/3/2022	Kay Wright	6/19/2024	
IFC Building Boa	ard of Anneals		1	6 members
Chairperson	3/1/2022	Mayor		o memoris
Seat 1	3/1/2022	City Council - Place 1		
Seat 2	3/1/2022	City Council - Place 2		
Seat 3	3/1/2022	City Council - Place 3		
Seat 4	3/1/2022	City Council - Place 4		
Seat 5	3/1/2022	City Council - Place 5		
25413	5/1/2022	City Council - I lace 3		



### CITY OF LAVON Agenda Brief

MEETING: <u>July 19, 2022</u> ITEM: <u>6 - D</u>

#### Item:

Discussion and action regarding the 2022 Collin County Call for City Projects for 2018 bond funding.

### **Background:**

Collin County cities have been invited to submit thoroughfare improvement projects for possible funding from Collin County's 2018 Bond Program. \$24 million is available from the Bond Program for distribution to cities. The application deadline us October 31, 2022.

Specific project criteria for maximum ranking include:

- Project on Collin County Thoroughfare Plan
- Safety and congestion
- City has adequate funding available for 20% match
- Appropriate approvals
- Widespread benefit beyond corporate limits
- Timeline with projected award by end of 2027
- City-County cooperative relationship

The city staff and engineer have reviewed projects and is seeking direction from the City Council prior to proceeding with preliminary conceptual and engineering planning.

**Attachments:** 1. Call for Projects – Information Packet

2. Collin County Thoroughfare Plan

### **2022 Collin County Call for City Projects**

Collin County cities are hereby invited to submit thoroughfare improvement projects for possible funding from Collin County's 2018 Bond Program. \$24 million is available from the Bond Program for distribution to cities. General information is below, as well as specific information about eligibility of cities and projects to receive funding and ranking of the projects. Submissions are due October 31, 2022 at the end of business. It is anticipated that rankings will be completed and funding will be available by April/May, 2023.

### **Eligibility**

- Thoroughfare must be on the Collin County Thoroughfare Plan. Collin County's definition of a "thoroughfare" is an ultimate 4-lane or 6-lane divided roadway with turn lanes and traffic signals.
- 2. City must have adequate funding with addition of County's contribution to totally fund the project. At least one-half of the City's share must come from City funds (developer participation and EDC funds are allowable); not grants from other agencies such as the North Central Texas Council of Governments, TxDOT, etc., nor from previously allocated bond funds from Collin County. A letter from the City Manager/Administrator/Mayor/Secretary must be included in the submittal that certifies that the funds are available for the City's share of the project.
- 3. City must have appropriate approvals to begin or advance the project through design, ROW, utility adjustment and construction immediately. Emphasis will be on projects that are close to being ready to go to construction. Documentation of City Council action approving/authorizing the project must be included in the submittal. If any other approvals were needed, documents verifying that the approvals have been obtained must also be included in the submittal.
- 4. Must have impact broader than just to the city.
- 5. Projects must have a projected award of a construction contract by the end of 2027.
- Cities must agree to cooperate in regional issues and priorities, such as freeways and improvement of roadways in their city that are to the benefit of the surrounding area and other cities.
- 7. City is not in litigation with County.

### **Submittal Process**

Submittals can be in a format of the City's choosing as long as it includes the following:

City

Project name and limits

Description of project

Estimated cost of project

Amount of funding requested by City.

Approvals:

Attach City Council Resolution or other Council action authorizing the project (if it was approved as part of a Capital Improvement Program or some other grouping of projects, that will suffice). Attach any other approvals obtained, such as permits from TxDOT, Corps of Engineers, etc.

It is the County's intent for the cities and the County to make decisions based on the most accurate information possible; therefore, cities are encouraged to contact the County Engineering Department to clarify any confusion about these instructions.

The request must be submitted by email to

Dawn Redwine
4690 Community Ave, Ste 200
McKinney, Texas 75071
dredwine@collincountytx.gov

### **Ranking Process**

Provide an explanation of the need for the proposed improvements and how this project will address that need. Examples of needs are

- "increased safety of intersection or curve that has serious crash history",
- "overcome congestion"/"additional capacity",
- "a critical segment of thoroughfare is missing",
- "restore traffic flow that has been reduced due to pavement condition",
- etc

This is not an exhaustive list; there may be other needs that a city can identify.

Projects submitted will first be reviewed for eligibility.

Eligible projects will then be ranked to determine the order of priority and the number of projects that will be able to be funded. Each city will be limited to funding for only one project, although more than one project may be submitted. It is possible, depending on the number and total amount of projects submitted, that the Commissioners Court may limit the total amount the County will approve for any one project. The City will be contacted in that case to determine whether or not the City has the capability to implement the project with that limit.

Landscaping, irrigation and street lighting will not be eligible for County funding (those elements must not be included in the cost of estimate of what is being requested from the County). However, the City's funds can be used to pay for these items.

Projects will be rated according to the criteria below. Most of the criteria will be rated up to 5 points. Criteria #7 will be rated up to 10 points. The maximum number of points is 45.

- 1. Safety Maximum points will be given if the city submits data that documents that the current condition of the thoroughfare includes a serious safety issue that can be solved with the proposed project. Rate 1, 3 or 5.
- 2. County-wide significance Rate 1, 3 or 5.
- 3. Congestion City must describe the level of congestion that exists on the thoroughfare. Rate 1, 3 or 5.
- 4. Requested funding amount Emphasis on smaller projects in order to distribute funds more widely. Rate 1 to 5, with \$10M or greater being rated as 1; and less than \$3M being rated as 5.
- 5. Projected start of construction Emphasis on projects that are closest to being ready to go to construction. Rate 1 to 5 with construction start by the end of 2023 being 5 and construction start by end of 2027 being 1. Ineligible if bidding after 2027.
- 6. Economic development Rate 1 (low impact), 3 (medium impact) or 5 (strongly encourages development).
- 7. Other current County-funded projects Rate either 0 or 10. Zero points will be given if City has a current County project funded by 2018 bonds. Ten points will be given if City currently has no other projects funded by the 2018 County bonds.
- 8. Priority of City If a City submits more than one project, city must prioritize projects with highest priority getting the highest number of points. If a City submits only one project, the maximum number of points will be given. Rate 1 to 5.

Ranking will be established by listing the rating of the projects in order of the highest to lowest rating. Projects will be selected for funding starting with the highest ranked project until \$24M is committed.

If for whatever reason the project assigned is unable to be implemented, the funds will go back to the County for the Court to decide usage.

#### Matching Percentages – cities are listed with January 1, 2022, NCTCOG estimates

Cities with populations equal to or greater than 100,000, city match will be 50% and County match will be 50%

Cities with populations equal to or greater than 10,000 but less than 100,000, the city match will be 30% and the County match will be 70%

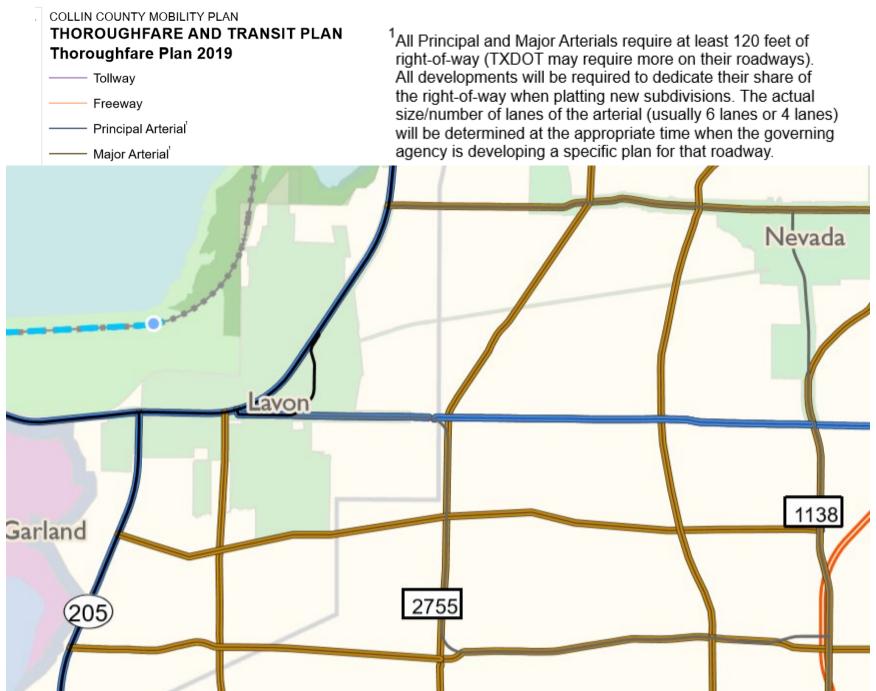
Cities with populations less than 10,000, the city match will be 20% and the County match will be 80%

### **Percentage Match of Cities**

### <u>Based on Population</u> <u>NCTCOG Estimates, January 1, 2022</u>

<u>City</u>	<u>Population</u>	City Match
Dallas	1,321,740	50%
Plano	290,850	
Garland	247,590	
McKinney	206,460	
Frisco	217,470	
Carrolton	135,110	
Richardson	122,570	
Allen	104,870	
Wylie	60,460	30%
Prosper	35,410	
Sachse	28,450	
Celina	25,240	
Princeton	21,760	
Murphy	21,200	
Anna	20,980	
Royse City	18,810	
Melissa	18,030	
Fairview	10,830	
Lucas	8,000	20%
Parker	5,730	
Lavon	5,710	
Farmersville	4,290	
Van Alstyne	4,153	
Lowry Crossing	1,720	
Josephine	1,690	
Nevada	1,490	
St. Paul	1,000	
Blue Ridge	<1,000	
New Hope	<1,000	
Weston	<1,000	

### **COLLIN COUNTY THOROUGHFARE PLAN 2019**





### CITY OF LAVON Agenda Brief

MEETING: <u>July 19, 2022</u> ITEM: <u>6 - E</u>

#### Item:

Discussion and action regarding nominations for the Board of Trustees of the Texas Municipal League Intergovernmental Risk Pool.

### **Background:**

The City of Lavon is a member of the Texas Municipal League Intergovernmental Risk Pool (TMLIRP) that provides automobile liability and physical damage, errors & omissions, general liability, cyber-security, mobile equipment, real & personal property and workers' compensation insurance for the City.

The pool is governed by a Board of Trustees elected from and by the members of the pool.

The City of Lavon may submit the names of qualified persons for nomination to be elected to the Board of Trustees for a three-year term.

**Attachments**: TML-IRP Board of Trustees Nomination Information



June 27, 2022

TO: All TML Intergovernmental Risk Pool Members

FROM: David Reagan – TMLIRP Board Secretary

RE: Nominations to the Board of Trustees of the Texas Municipal League

Intergovernmental Risk Pool

It's time for nominations to fill four positions on the TML Intergovernmental Risk Pool Board of Trustees. The Board is comprised of fifteen voting members, twelve of whom are elected by the Pool's membership to serve staggered, six-year terms.

- WHO/WHAT: Every even-numbered year, the term of office for one-third of the elected Trustees expires, and an election is held to fill those designated Places. Terms for Trustees in Places 6-9 expire October 1, 2022. (Place 10 is an appointed, rather than elected, public member.) Those places are currently held by the following individuals:
  - o Place 6 Mary Gauer, Executive Board, Central Texas Council of Governments
  - o Place 7 Mary M. Dennis, Mayor, Live Oak
  - o Place 8 Harlan Jefferson, Town Manager, Town of Prosper
  - o Place 9 Opal Mauldin-Jones, City Manager, Lancaster

The composition of the entire Board is on the back of this notice. Eligibility requirements for Places 6-9 are as follows:

- o Place 6 Elected official or employee of any Pool Member
- Place 7-9 Only elected officials or employees of a municipality that is a Pool Member
- WHEN: Nominations must be received by the Board Secretary at the address below by 11:59 p.m. on Friday, August 12, 2022.
- WHERE/HOW: Each Board member is elected to a designated Place on the Board, and all nominations must show WHICH of the Places 6, 7, 8, or 9 for which the nomination is made. (No residency or other requirement applies.) Nominations must be mailed to the Board Secretary, with a short biographical sketch of the nominee and showing the designated Place for which the nomination is made, to the following address:

Trustee Nomination Board Secretary P. O. Box 149194 Austin, Texas 78714-9194

The Board Secretary will distribute a ballot to each Pool Member by August 17, 2022. Questions? Contact David Reagan, Board Secretary, at 512-491-2300.

Current Texas Municipal League Intergovernmental Risk Pool Board of Trustee Members and the date their terms expire include:

<u>Place 11</u> (Oct. 1, 2024)

Randy Criswell, Chair City Manager, City of Wolfforth <u>Place 9</u> (Oct. 1, 2022)

Opal Mauldin-Jones

City Manager, City of Lancaster

Place 7 (Oct. 1, 2022)

Mary M. Dennis, Vice Chair Mayor, City of Live Oak <u>Place 10</u> (Oct. 1, 2022)

Carol Loughlin

Appointed Public Member

Former Executive Director, TMLIRP

<u>Place 1</u> (Oct. 1, 2026)

Noel Bernal City Manager, City of Brownsville Place 12 (Oct. 1, 2024)

Vacant

Place 2

J.W. (Buzz) Fullen Mayor, City of Henderson Place 13 (Oct. 1, 2024)

Byron Black

Chair, Central Appraisal District of Johnson County

Former Mayor, City of Burleson

<u>Place 3</u> (Oct. 1, 2026)

Jeffrey Snyder City Manager, City of Plainview Place 14 (Oct. 1, 2024)

David J. Harris

City Administrator, City of Balcones Heights

<u>Place 4</u> (Oct. 1, 2026)

Austin Bleess City Manager, City of Jersey Village Place 15 (Oct. 1, 2024)

Rickey Childers

Appointed Public Member

Former City Manager, City of Lancaster

<u>Place 5</u> (Oct. 1, 2026)

Bert Lumbreras

Appointed Public Member

TML Representative

Allison Heyward

Councilmember, City of Schertz

<u>Place 6</u> (Oct. 1, 2022)

Mary Gauer

Executive Board, Central Texas Council of Governments

Former Mayor, City of Harker Heights

TML Representative

Bennett Sandlin

Executive Director, Texas Municipal League

Place 8 (Oct. 1, 2022)

Harlan Jefferson

Town Manager, Town of Prosper

TML Health Benefits Pool Representative

Mike Smith

City Manager, City of Jacksboro



### CITY OF LAVON Agenda Brief

<b>MEETING:</b>	<u>July 19, 2022</u>	ITEM: _	7

### Item:

### **DEPARTMENT REPORTS**

Members may receive and discuss the reports.

- A. Police Services Service, activity, programs, and administration report
- **B.** Fire Services Service, activity, programs, and administration report
- C. Public Works Services Utilities, capital projects, public works, and street maintenance report
- **D.** Administration Services Building Permits; CWD Service; Collin County Tax Collection; Sales Tax; Financial Report, TxDOT Projects Report; Home Rule Charter Commission progress report, and administration and staff reports



### **LAVON POLICE**

501B Lincoln Ave P.O. Box 340 Lavon, Texas 75166 (972)-843-4219

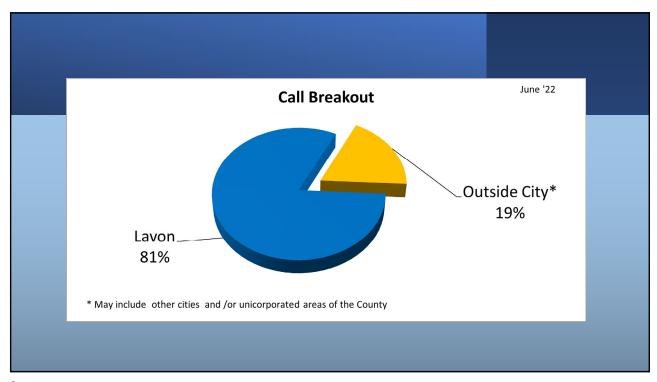


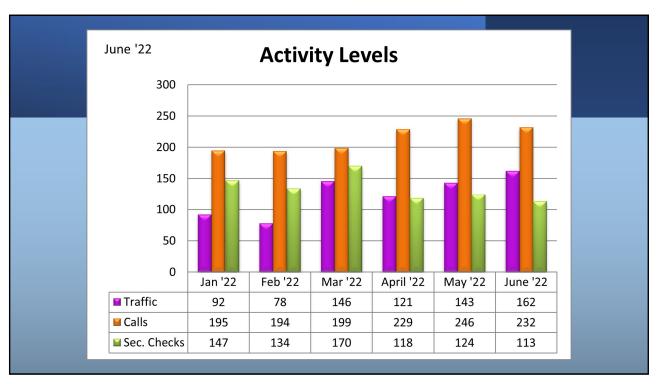
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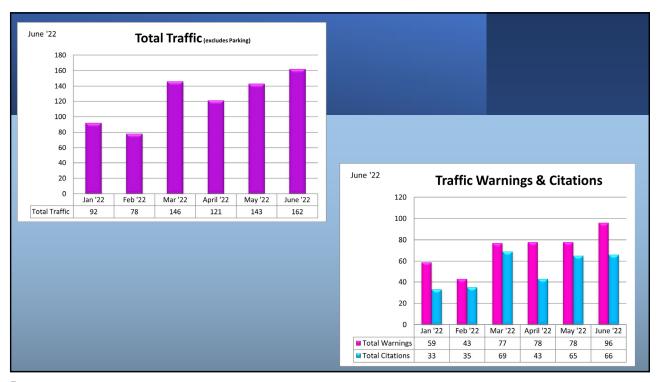
# CITY OF LAVON June 2022 Police Activity Report

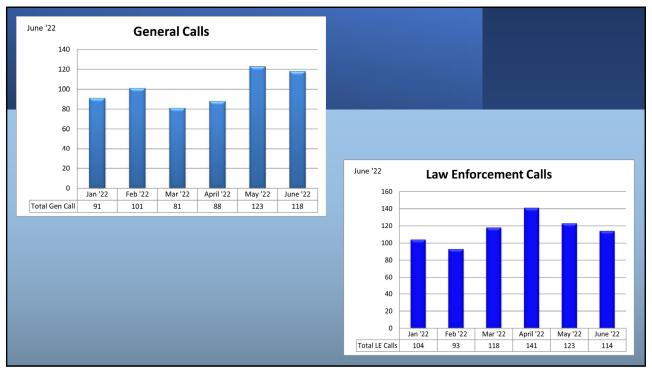
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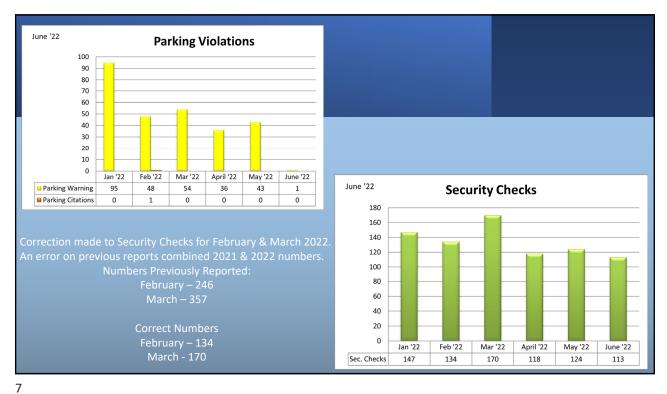
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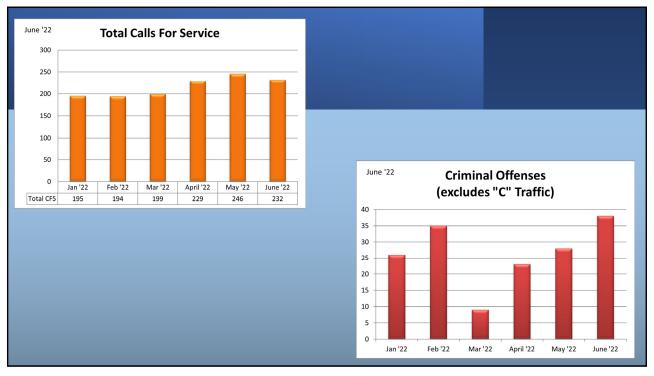












Total

12

9

13

9

# CITY OF LAVON BUILDING PERMITS CALENDAR YEAR 2021-2022

		Calendar Year	Permit Valuations		Calendar Year	
PERMITS	June - 22	June - 22 2022		June - 21	2021	Permit Valuations
	NUMBER	NUMBER	Permit Fee's	NUMBER	NUMBER	Permit Fee's
COMMERCIAL	5	32	\$775.00	5	17	\$20,759.00
SINGLE FAMILY	42	274	\$908,298.97	25	235	\$749,384.09
POOLS	1	6	\$2,400.00	1	1	\$400.00
OTHERS	82	457	\$53,945.98	72	367	\$43,322.00
TOTAL	130	769	\$965,419.95	103	620	\$813,865.09











## Community Waste Disposal Monthly Report to the City of Lavon

Nicole Roemer Municipal Director



June 2022



# Municipal Recycling Program















### Single Stream Recycling

Participation in the Residential Curbside Recycling Program continues to demonstrate that residents of the City of Lavon are dedicated to the preservation of the Texas environment for future generations.

The chart below details the statistics of the CWD Residential Curbside Recycling Program.

	Jun-2022	May-2022	Apr-2022	Mar-2022	Feb-2022	Jan-2022	Dec-2021	Nov-2021	Oct-2021	Sep-2021	Aug-2021	Jul-2021
Homes	1,970	1,970	1,922	1,910	1,901	1,873	1,840	1,840	1,814	1,790	1,751	1,720
Resi Rcy Tonnage	66.54	33.93	19.67	38.82	29.27	26.47	38.95	27.88	33.40	41.61	23.81	19.33
Pounds / Home / Month	67.55	34.45	20.47	40.65	30.79	28.26	42.34	30.30	36.82	46.49	27.20	22.48



# Municipal Service Inquiries















### Residential Solid Waste Services

The Solid Waste Industry has a standard service inquiry ratio of 1.0 inquiries per 1,000 service opportunities.

\*\* Service inquiries related to the three storm days in February, and potential subsequent collection days, were not recorded as grievances, as these were non-ordinary operating circumstances for CWD. \*\*

	Jun-2022	May-2022	Apr-2022	Mar-2022	Feb-2022	Jan-2022	Dec-2021	Nov-2021	Oct-2021	Sep-2021	Aug-2021	Jul-2021
<b>Service Opportunities</b>	17,060	17,060	16,644	16,540	16,462	16,220	15,934	15,934	15,709	15,501	15,163	14,895
Service Inquiries	17	11	15	11	6	5	18	2	8	9	13	25
Per 1,000 Service Opps	1.00	0.64	0.90	0.67	0.36	0.31	1.13	0.13	0.51	0.58	0.86	1.68



## Customer Service Inquiries - Detail













### Good Service is Good Business

CWD's Customer Service Community is available to provide solutions via phone or online. Our efficient team is here to support the City of Lavon and we continually strive for top-notch performance to ensure residents receive the most value out of their waste and recycling services.

#### City Account Grievances for the Period of 06/01/2022 - 06/30/2022

Date	Account	Address	Service Type	Service Code
06/15/2022	105627-841	243 ORBIT DR		
				Total: 1
06/01/2022 06/16/2022	105627-626 105627-842	791 DEVONSHIRE DR 248 BRAVES WAY	RESI-BULK RESI-BULK	RESI R/L BULK RESI R/L BULK
				Total RESI-BULK: 2
06/16/2022 06/27/2022	105627-312 105627-846	641 JOHNSON DR 225 OAK CREEEK DR	RESI-RECYCLE RESI-RECYCLE	SERVICE RCYCART NOTE

June 2022

				Total RESI-RECYCLE: 2
6/02/2022	105627-801	745 LAKERIDGE DR	RESI-TRASH	SERVICE TRASH CART
6/02/2022	105627-832	665 LAKERIDGE DR	RESI-TRASH	SERVICE TRASH CART
6/02/2022	105627-679	266 HOUSTON ST	RESI-TRASH	SERVICE TRASH CART
6/08/2022	105627-251	705 AUSTIN LN	RESI-TRASH	SERVICE TRASH CART
6/15/2022	105627-840	401 COYOTE CREEK RD	RESI-TRASH	SERVICE TRASH CART
6/20/2022	105627-251	705 AUSTIN LN	RESI-TRASH	SERVICE TRASH CART
6/23/2022	105627-845	913 AUSTIN LN	RESI-TRASH	SERVICE TRASH CART
6/23/2022	105627-846	225 OAK CREEEK DR	RESI-TRASH	SERVICE TRASH CART
6/24/2022	105627-842	248 BRAVES WAY	RESI-TRASH	SERVICE TRASH CART
6/29/2022	105627-853	559 SVENSON LN	RESI-TRASH	SERVICE TRASH CART
6/30/2022	105627-853	559 SVENSON LN	RESI-TRASH	SERVICE TRASH CART
				Total RESI-TRASH: 11
6/02/2022	105627-833	563 SVENSON LN	RESI-YARD	RESI YARD WASTE

Total Inquiries: 17

Kenneth L. Maun
Tax Assessor Collector
Collin County
2300 Bloomdale Rd
P.O. Box 8046
McKinney, Texas 75070
972- 547-5020
Metro 424-1460 Ext.5020
Fax 972-547-5040

July 11, 2022

Mayor Vicki Sanson City of Lavon P. O. Box 340 Lavon, Texas 75166

Dear Mayor Sanson,

Enclosed is the Monthly Collection Report for:
The City of Lavon tax collections for the month were:

June 2022 3,915.98

Sincerely,

Kenneth L. Maun
Tax Assessor Collector

**Attachment** 

cc:

Kim Dobbs, City Administrator/City Secretary

KM:jd

enneth L Maun  Ix Assessor/Collector  Illin County  O Box 8046  CKinney Tx 75070	Monthly Collec June 20			
O Box 8046				
		ion Status Report		
· ·				
	City of Lavon	#18		
1	Collecti	ons ·	Cumulative Total	%
ırrent Tax Year Collectio	Month of		10/1/21 thru 6/30/22	of Collections
inent rax real conection	) is			
Base M&O		2,020.78	1,217,217.97	100.70%
Base I&S			1,025,843.93	
	•	2.32	329,49	*
P&I M&O		103.19	1,280.22	
P&I I&S		86.67	1,073.38	
P&I I&S Bond		0.00	0.00	
Attorney Fee		5.82	26.80	
Other		0.00	0.00	
btotal		3,921.80	2,245,771.79	100.82%
	·			
linquent TaxYears Colle	ections			
Rase M&O	•	0.00	6 290 74	
	•			
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btotal		0.00	11,585.46	0.52%
; embined Current & Delin	quent:			
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Base M&O			1,223,508.71	
		1,703.02	1,030,256.91	
1 -		2.32	329.49	
P&I I&S		86.67	1,438.19	
tal Collections		3,921.80	2,257,357.25	101.34%
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iginal 2021 Tax Levy			2,227,547.65	100.00%
1				
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	Base M&O Base I&S Late Renditon Penalty P&I M&O P&I I&S P&I I&S Bond Attorney Fee Other ibtotal  Base M&O Base I&S Late Rendition Penalty P&I M&O P&I I&S P&I I&S Bond Attorney Fee Other  btotal  bmbined Current & Delin Base M&O Base I&S Late Rendition Penalty P&I M&O P&I I&S P&I I&S Bond Attorney Fee Other  btotal  bmbined Current & Delin Base M&O Base I&S Late Rendition Penalty P&I M&O P&I I&S Other  tal Collections	Base M&O Base I&S Late Renditon Penalty P&I M&O P&I I&S P&I I&S Bond Attorney Fee Other ibtotal  Base M&O Base I&S Late Rendition Penalty P&I M&O P&I I&S P&I I&S Bond Attorney Fee Other  btotal  btotal  btotal  btotal  btotal  btotal  btotal  cmbined Current & Delinquent:  Base M&O Base I&S Late Rendition Penalty P&I M&O P&I I&S P&I I&S P&I I&S P&I I&S Delinquent:  Base M&O Base I&S Late Rendition Penalty P&I M&O P&I I&S PI I	Base M&O 2,020.78 Base I&S 1,703.02 Late Renditon Penalty 2.32 P&I M&O 103.19 P&I I&S 86.67 P&I I&S Bond 0.00 Attorney Fee 5.82 Other 0.00 Ibitotal 3,921.80  Islinquent TaxYears Collections  Base M&O 0.00 Base I&S 0.00 Late Rendition Penalty 0.00 P&I I&S 0.00 P&I I&S 0.00 P&I I&S 0.00 P&I I&S 0.00 Other 0.00 Other 0.00 Other 0.00  Ibitotal 0.00  Ibi	Base M&O

Kenneth L Maun				Page 2
Tax Assessor/Collector Collin County				
P O Box 8046				
McKinney Tx 75070				
1	Cumulative Compa	rative Collection Status	Report	•
!		June 2022	·	
i	City of Lavon #1	8		
<u> </u>		•		
	Collections th June 2022	nru % Collections	Collections to June 2021	hru % Collection
Current Tax Year Collections	04110 Z0ZZ	, Concount	00/10 2021	70 00110011011
Base M&O	2,243,061.90	100.70%	1,872,059.98	99.59
•		100.7070		00.00
Late Renditon Penalty P&I M&O	329.49 2,353.60	•	75.35 2,909.62	•
·	2,000.00		2,303.02	•
Attorney Fee	26.80		293.37	
Other ·	0.00		0.00	
Subtotal	2,245,771.79	100.82%	1,875,338.32	99.77
Delinquent Tax Years Collections				
Base M&O	10,703.72		2,356.01	
Late Renditon Penalty	0.00		0.00	
P&I M&O	878.15		1,207.87	
Attorney Fee	3.59		817.31	
Other Fees	0.00		0.00	
Subtotal	11,585.46	0.52%	4,381.19	0.239
Combined Current & Delinquent:				
i (				•
Base M&O	2,253,765.62	,	1,874,415.99	
P&I M&O	3,231.75		4,117.49	
Late Rendition Penalty	329.49		75.35	
Attorney Fee	30.39	•	1,110.68	
Other	0.00		0.00	
Total Collections	2,257,357.25	101.34%	1,879,719.51	100.009
		•		
Adjusted 2020 Tax Levy			1,879,711.89	100.00%
	,		,	•
Original 2024 Tay I	0.007.547.55	400.0004		
Original 2021 Tax Levy	2,227,547.65	100.00%		
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			Page 3
Kenneth L Maun Tax Assessor/Collector Collin County P O Box 8046 McKinney Tx 75070	(		. 235 0
•	Levy Outstandi	ng Status Report	·
·.	City of Lavon	#18	
		Current Tax Year	Delinquent Tax Years
Current Month:			
	•		
Tax Levy Remaining as of 5/31/22		13,496.47	7,758.49
Base M&O Collections		3,723.80	0.00
Supplement/Adjustments		(126.42)	(71.84)
Write-Off		0.00	0.00
Remaining Levy as of 6/30/22		9,646.25	7,686.65
;			
			•
Cumulative (From 10/01/21 thru 6/30/22	o).		
Guinalauve (119111100112111111111111111111111111111	· <i>)</i>		
Original 2021 Tax Levy (as of 10/01/21)		2,227,547.65	7,178:10
Base M&O Collections		2,243,061.90	10,703.72
Supplement/Adjustments		25,160.50	11,212.27
Write-Off		0.00	0.00
Remaining Levy as of 6/30/22		9,646.25	7,686.65
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Kannoth I Mayo		Page 4
Kenneth L Maun Tax Assessor/Collector		
Collin County		
P O Box 8046 McKinney Tx 75070		
	,	
Monthly Di June 2022	istribution Report	
City of Lav	on #18 ·	
	Distribution Month of June	Distribution 10/1/21 thru 6/30/22
Weekly Remittances:		
4.		.•
Week Ending 6/3/22	316.92	168,398.21
Week Ending 6/10/22	2,905.13	298,564.50
Week Ending 6/17/22	664.66	1,350,165.54
Week Ending 6/24/22	0.00	141,826.85
Week Ending 6/30/22	29.15	298,187.65
Total Weekly Remittances	3,915.86	2,257,142.75
Overpayment from Prior Month	0.00	167.63
Excess Refund Remittance Repaid to Entity	0.00	0.00
Commission Paid Delinquent Attorney	5.82	30.39
Entity Collection Fee	0.00	0.00
Judgement Interest	0.00	0.00
5% CAD Rendition Penalty	0.12	16.48
1		
1		
Total Disbursements	3,921.80	2,257,357.25
1		
Carryover to Next Month	0.00 .	0.00
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#### 2833 - Lavon, City of (General Obligation Debt)

Report - Lavon, City of (General Obligation Debt) / Sales Tax Data

The charts below contain sales tax revenue allocated each month by the Texas State Comptroller. Please contact and search the Texas Comptroller's website if you notice an incorrect amount.

For example, the February allocations reflect December sales, collected in January and allocated in February.

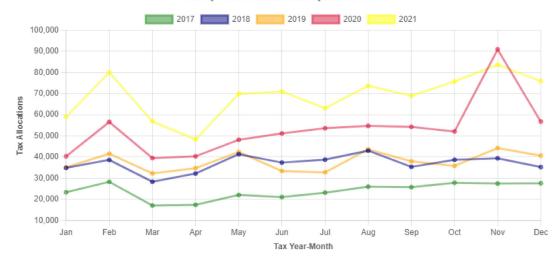
\*Excludes any sales tax retained by the municipality and not remitted to the Comptroller.

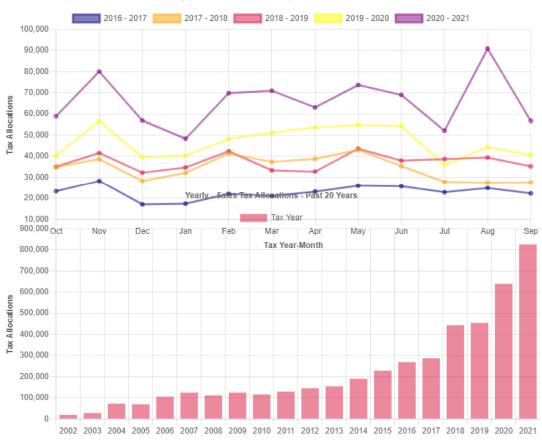
- View Grid Based on Fiscal Year
- View Grid With All Years

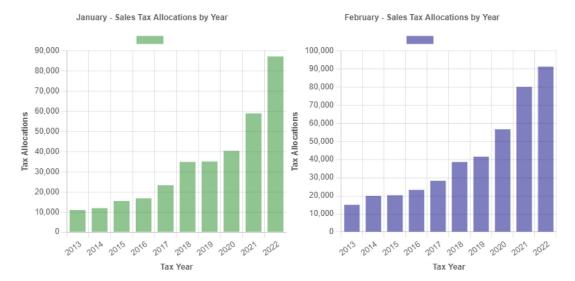
#### Download to Excel

Year	January	February	March	April	May	June	July	August	September	October	November	December	Total
2022	\$87,161	\$91,220	\$82,408	\$68,743	\$91,544	\$78,074	\$83,361	\$0	\$0	\$0	\$0	\$0	\$582,512
2021	\$58,898	\$80,039	\$56,878	\$48,350	\$69,834	\$70,944	\$63,068	\$73,676	\$68,987	\$75,699	\$83,649	\$75,926	\$825,948
2020	\$40,349	\$56,602	\$39,533	\$40,351	\$48,207	\$51,191	\$53,631	\$54,745	\$54,314	\$52,096	\$90,909	\$56,718	\$638,645
2019	\$35,116	\$41,596	\$32,296	\$34,749	\$42,410	\$33,403	\$32,771	\$43,642	\$37,975	\$35,846	\$44,260	\$40,667	\$454,732
2018	\$34,883	\$38,663	\$28,296	\$32,210	\$41,357	\$37,397	\$38,763	\$43,030	\$35,374	\$38,730	\$39,419	\$35,260	\$443,381
2017	\$23,334	\$28,270	\$17,054	\$17,410	\$22,051	\$21,074	\$23,146	\$25,990	\$25,733	\$27,837	\$27,458	\$27,603	\$286,962
2016	\$16,738	\$23,265	\$18,517	\$17,691	\$24,381	\$25,242	\$24,250	\$25,789	\$22,468	\$22,849	\$24,877	\$22,304	\$268,372
2015	\$15,458	\$20,264	\$16,418	\$15,845	\$20,890	\$16,999	\$18,497	\$23,514	\$20,100	\$18,554	\$24,151	\$17,624	\$228,313
2014	\$11,898	\$19,981	\$12,109	\$11,920	\$21,846	\$14,703	\$14,625	\$18,397	\$14,846	\$16,213	\$17,336	\$16,025	\$189,898
2013	\$10,998	\$14,996	\$8,945	\$11,649	\$14,195	\$13,186	\$13,097	\$14,801	\$13,139	\$12,032	\$14,975	\$11,935	\$153,947
2012	\$10,525	\$12,667	\$8,695	\$11,343	\$13,292	\$12,186	\$12,749	\$13,134	\$11,847	\$11,166	\$15,054	\$12,518	\$145,177
2011	\$8,568	\$12,089	\$7,877	\$8,777	\$13,275	\$11,177	\$9,920	\$13,226	\$10,718	\$9,075	\$15,224	\$9,414	\$129,340
2010	\$8,985	\$9,570	\$8,152	\$7,584	\$10,791	\$10,820	\$10,174	\$12,293	\$8,167	\$8,990	\$10,146	\$10,217	\$115,889
2009	\$7,074	\$12,022	\$7,044	\$7,416	\$13,001	\$9,537	\$9,769	\$10,693	\$13,639	\$11,983	\$12,813	\$9,335	\$124,325
2008	\$6,439	\$15,097	\$6,019	\$3,917	\$10,012	\$5,481	\$7,609	\$13,184	\$7,853	\$10,655	\$14,185	\$10,830	\$111,281
2007	\$6,567	\$11,434	\$7,902	\$8,989	\$13,114	\$8,797	\$7,037	\$16,120	\$10,821	\$9,001	\$13,869	\$10,505	\$124,155
2006	\$6,940	\$10,522	\$7,581	\$4,398	\$10,629	\$8,192	\$7,183	\$10,029	\$6,573	\$10,725	\$14,759	\$7,398	\$104,929
2005	\$3,686	\$4,729	\$3,046	\$3,680	\$5,722	\$5,214	\$3,911	\$6,051	\$7,280	\$8,371	\$10,348	\$7,185	\$69,223
2004	\$3,514	\$6,693	\$3,724	\$4,356	\$5,415	\$15,931	\$4,471	\$8,017	\$4,952	\$5,168	\$5,637	\$4,324	\$72,203
2003	\$1,278	\$2,106	\$1,441	\$918	\$2,203	\$1,877	\$1,825	\$3,033	\$2,150	\$3,584	\$3,394	\$3,786	\$27,596

#### Monthly - Sales Tax Allocations - By Calendar Year



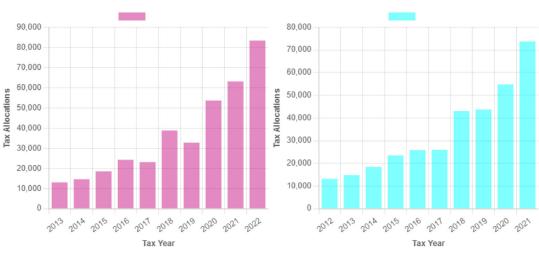






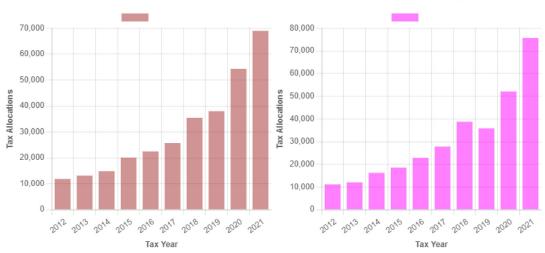
April - Sales Tax Allocations by Year





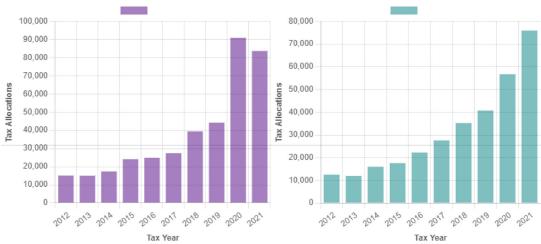
September - Sales Tax Allocations by Year

October - Sales Tax Allocations by Year





#### December - Sales Tax Allocations by Year



#### **CITY OF LAVON**

#### REVENUE AND EXPENSE REPORT AS OF JUNE 30, 2022

SEWER TAP FUND		ADOPTED/ AMENDED 2021-2022	YTD	REMAINING BUDGET	% OF BUDGET
E	Beginning Resources	697,411	1,081,286	(383,875)	155%
	Transfer In for Expansion/Maint	575,000	450,000	125,000	
SEWER TAP	FUND REVENUE				
22-00-4123	Sewer Tap Fees	900,000	1,271,850	(371,850)	141%
22-00-4125	Interest	500	7,471	-	1494%
22-34-4128	Sewer Service transfer from Utility	=	=	-	
22-34-4877	Bear Creek Trunk Cap Recovery	35,000	119,032	(84,032)	340%
Total Sewer	Tap Fund Revenue	935,500	1,398,353	(462,853)	149%
SEWER TAP	FUND EXPENDITURES				
22-34-5605	General Maint & Equip	40,000	6,892	33,108	17%
22-34-5608	Elevon WWTP Construction	-	267,575	(267,575)	
22-34-5609	System Expansion/Improvement	275,000	11,645	263,355	
22-34-5610	NTMWD - WWTP Operation	482,675	432,177	50,498	90%
22-34-5612	WWTP Ph 3 Expansion	300,000	-	300,000	
22-34-5614	Transfer to GF for I&S	500,000	375,000	125,000	75%
22-34-7000	Electric	64,000	46,856	17,144	73%
22-34-7950	Developer Reimbursement	20,000	46,394	(26,394)	
Total Sewer	Tap Fund Expenditures	1,681,675	1,186,539	495,136	71%





#### PERFORMANCE

As of June 30, 2022		June Averages		
Current Invested Balance	\$8,721,672,395.06	Average Invested Balance	\$ 8,753,756,837.39	
Weighted Average Maturity (1)	36 Days	Average Monthly Yield, on a simple basis	1.1797%	
Weighted Average Life (2)	68 Days	Average Weighted Maturity (1)	32 Days	
Net Asset Value	0.999361	Average Weighted Life (2)	64 Days	
Total Number of Participants	648	Definition of Weighted Average Maturity (1) & (2)		
Management Fee on Invested Balance	0.0975%*	(1) This weighted average maturity calculation uses the SEC Rule 2a-7 definition for stated maturity for any floating rate instrument held in the portfolio to determine the weighted average maturity for the pool. This Rule specifies that a variable rate instruction to be paid in 397 calendar days or less shall be deemed to have a maturity equal to the period remaining until the next readjustment of the interest rate.  (2) This weighted average maturity calculation uses the final maturity of any floating rate instruments		
Interest Distributed	\$ 9,183,691.59			
Management Fee Collected	\$ 701,491.13			
% of Portfolio Invested Beyond 1 Year	0.00%	held in the portfolio to calculate the weighted average maturity for th		
Standard & Poor's Current Rating	AAAm	The maximum management fee authorized for the LOGIC Cash Rese	*	
$Rates\ reflect\ historical\ information\ and\ are\ not\ an\ indication$	of future performance.	may be waved in full or in part in the discretion of the LOGIC co-administrators at any time as provided for in the LOGIC Information Statement.		

#### **NEW PARTICIPANTS**

We would like to welcome the following entities who joined the LOGIC program in June:

Ellis County Fresh Water Supply District No. 1 \* City of Josephine

#### **ECONOMIC COMMENTARY**

#### Market review

The end of the quarter brought growing fears of a recession to the market with economic data beginning to cool as the Federal Reserve (Fed) grappled with the highest inflation in 40 years. Persistent inflationary pressures caused the Fed to take aggressive action, leading to a surge in interest rates. Higher rates and Quantitative Tightening (QT) contributed to a significant tightening in financial conditions, as the dollar appreciated, mortgage rates jumped, and equity prices plummeted. Combined with falling consumer confidence and massive fiscal drag, the risk of a near-term recession increased. Higher mortgage rates led to a sixth monthly fall in the June homebuilder confidence and a -14% and -7% month-over-month (m/m) move down in May housing starts and permits. Business sentiment appeared to be eroding with a decline in the June Philadelphia Fed survey and a lower-than-expected decline in jobless claims. Lastly, higher inflation and lower confidence started to weigh on consumer spending with May retail sales -0.3% m/m (due to autos) and +0.1% ex-auto and gasoline (softest pace this year).

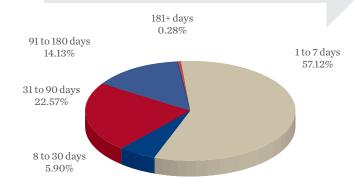
The May CPI report showed hotter-than-expected inflation, despite hopes for a moderation. Headline CPI rose 1.0% m/m and 8.6% year-over-year (y/y), while Core CPI jumped 0.6% m/m and 6.0% y/y. While surges in energy and food prices led to the upside in headline CPI, core inflation continued to accelerate as airfares, new vehicle prices and shelter costs rose solidly. The inflation surge doesn't appear to be cooling off just yet as higher costs for groceries, gasoline, and everyday goods and services continued to inflict pain on consumer wallets, pandemic savings, and wage gains. Supply chain woes have yet to ease. Even with a dip in sales, a chronic lack of auto inventory pushed prices higher for new and used vehicles, up 1% and 1.8%, respectively. Higher home prices continued to feed into owner's equivalent rent, with the index accelerating to 0.6% m/m, breaking out from its recent 0.4-0.5% pace.

Consumer sentiment weakened considerably with rapidly rising prices for food and energy likely playing a significant role. University of Michigan Consumer sentiment for June disappointed, at 50.2 versus 58.1 expected and 58.4 in May, plunging to its worst level in the history of the series going back to the 1970s.

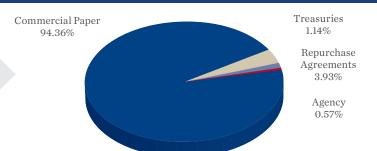
(continued page 4)

#### INFORMATION AT A GLANCE

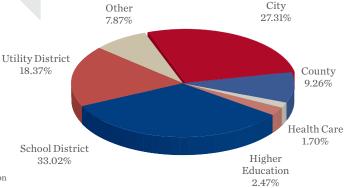




DISTRIBUTION OF PARTICIPANTS BY TYPE AS OF JUNE 30, 2022







(1) Portfolio by Maturity is calculated using WAM (1) definition for stated maturity. See page 1 for definition

#### HISTORICAL PROGRAM INFORMATION

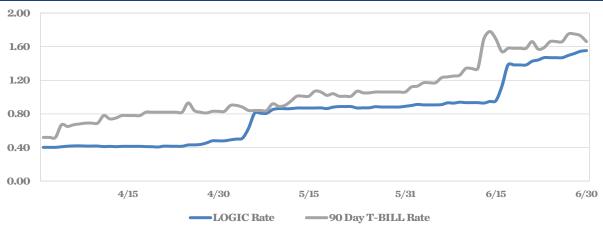
MONTH	AVERAGE RATE	BOOK VALUE	MARKET VALUE	NET ASSET VALUE	WAM (1)	WAL (2)	NUMBER OF PARTICIPANTS
Jun 22	1.1797%	\$8,721,672,395.06	\$8,716,103,357.27	0.999361	32	64	648
May 22	0.8113%	8,685,166,124.58	8,681,625,164.77	0.999592	33	71	646
Apr 22	0.4195%	8,897,334,914.79	8,892,557,915.08	0.999453	32	78	642
Mar 22	0.2493%	8,897,969,870.02	8,892,289,462.51	0.999361	33	85	642
Feb 22	0.1080%	9,035,128,918.52	9,032,526,039.85	0.999711	35	77	640
Jan 22	0.0875%	9,231,299,475.54	9,229,752,214.23	0.999832	46	69	640
Dec 21	0.0737%	8,385,049,075.34	8,384,214,271.06	0.999893	56	80	639
Nov 21	0.0391%	7,411,179,653.22	7,410,655,775.38	0.999929	58	85	639
Oct 21	0.0359%	7,626,140,578.49	7,626,031,479.47	0.999985	57	85	638
Sep 21	0.0364%	7,714,285,206.63	7,714,772,100.29	1.000063	55	84	638
Aug 21	0.0389%	7,988,170,930.55	7,988,635,509.33	1.000058	57	78	637
Jul 21	0.0518%	8,486,193,640.40	8,486,669,984.38	1.000052	56	70	634

#### PORTFOLIO ASSET SUMMARY AS OF JUNE 30, 2022

		BOOK VALUE		MARKET VALUE
Uninvested Balance	\$	(4,300.38)	\$	(4,300.38)
Accrual of Interest Income		2,793,173.08		2,793,173.08
Interest and Management Fees Payable		(9,205,413.31)		(9,205,413.31)
Payable for Investment Purchased		(27,500,000.00)		(27,500,00.00)
Repurchase Agreement		344,155,999.93		344,155,999.93
Commercial Paper		8,262,049,167.26		8,256,801,647.45
Government Securities		149,383,768.48		149,062,250.50
TOTAL.	4	8 721 672 305 06	•	8 716 103 357 97

 $Market \ value \ of collateral \ supporting \ the \ Repurchase \ Agreements \ is \ at \ least \ 102\% \ of \ the \ Book \ Value. The portfolio \ is \ managed \ by \ J.P. \ Morgan \ Chase \ \& \ Co. \ and \ the \ assets \ are \ safekept \ in \ a \ separate \ custodial \ account \ at \ the \ Federal \ Reserve \ Bank \ in \ the \ name \ of \ LOGIC. The \ only \ source \ of \ payment \ to \ the \ Participants \ are \ the \ assets \ of \ LOGIC. There \ is \ no \ secondary \ source \ of \ payment \ for \ the \ pool \ such \ as \ insurance \ or \ guarantee. Should \ payment \ for \ the \ portfolio, \ please \ contact \ LOGIC \ Participant \ Services.$ 

#### LOGIC VERSUS 90-DAY TREASURY BILL



This material is for information purposes only. This information does not represent an offer to buy or sell a security. The above rate information is obtained from sources that are believed to be reliable; however, its accuracy or completeness may be subject to change. The LOGIC management fee may be waived in full or in part at the discretion of the LOGIC co-administrators and the LOGIC rate for the period shown reflects waiver of fees. This table represents historical investment performance/return to the customer, net of fees, and is not an indication of future performance. An investment in the security is not insured or guaranteed by the Federal Deposit Insurance Corporation or any other government agency. Although the issuer seeks to preserve the value of an investment of \$1.00 per share, it is possible to lose money by investing in the security. Information about these and other program details are in the fund's Information Statement which should be read carefully before investing. The yield on the 90-Day Treasury Bill ("T-Bill Yield") is shown for comparative purposes only. When comparing the investment returns of the LOGIC pool to the T-Bill Yield, you should know that the LOGIC pool consists of allocations of specific diversified securities as detailed in the respective Information Statements. The T-Bill Yield is taken from Bloomberg Finance L.P. and represents the daily closing yield on the then current 90-Day T-Bill. The LOGIC yield is calculated in accordance with regulations governing the registration of open-end management investment companies under the Investment Company Act of 1940 as promulgated from time to time by the federal Securities and Exchange Commission.

#### DAILY SUMMARY FOR JUNE 2022

DATE	MNY MKT FUND EQUIV. [SEC Std.]	DAILY ALLOCATION FACTOR	INVESTED BALANCE	MARKET VALUE PER SHARE	WAM DAYS (1)	WAL DAYS (2)
6/1/2022	0.8998%	0.000024652	\$8,705,796,356.20	0.999570	32	66
6/2/2022	0.9122%	0.000024991	\$8,711,231,825.48	0.999566	32	67
6/3/2022	0.9068%	0.000024844	\$8,723,543,323.31	0.999559	31	65
6/4/2022	0.9068%	0.000024844	\$8,723,543,323.31	0.999559	31	65
6/5/2022	0.9068%	0.000024844	\$8,723,543,323.31	0.999559	31	65
6/6/2022	0.9104%	0.000024942	\$8,775,271,150.86	0.999614	31	65
6/7/2022	0.9312%	0.000025511	\$8,760,067,343.41	0.999606	32	67
6/8/2022	0.9277%	0.000025416	\$8,752,946,806.15	0.999600	32	66
6/9/2022	0.9387%	0.000025717	\$8,752,689,359.84	0.999587	32	67
6/10/2022	0.9335%	0.000025576	\$8,801,107,186.32	0.999540	31	64
6/11/2022	0.9335%	0.000025576	\$8,801,107,186.16	0.999540	31	64
6/12/2022	0.9335%	0.000025576	\$8,801,107,186.00	0.999540	31	64
6/13/2022	0.9285%	0.000025437	\$8,936,345,344.34	0.999515	30	61
6/14/2022	0.9478%	0.000025966	\$8,869,179,832.51	0.999364	30	61
6/15/2022	0.9572%	0.000026224	\$8,822,337,164.46	0.999318	31	62
6/16/2022	1.1305%	0.000030973	\$8,809,974,770.31	0.999271	31	62
6/17/2022	1.3824%	0.000037875	\$8,779,453,123.63	0.999202	33	63
6/18/2022	1.3824%	0.000037875	\$8,779,453,123.63	0.999202	33	63
6/19/2022	1.3824%	0.000037875	\$8,779,453,123.63	0.999202	33	63
6/20/2022	1.3824%	0.000037875	\$8,779,453,123.63	0.999202	33	63
6/21/2022	1.4262%	0.000039074	\$8,602,849,747.93	0.999320	33	64
6/22/2022	1.4415%	0.000039493	\$8,627,521,905.35	0.999323	32	63
6/23/2022	1.4697%	0.000040265	\$8,630,569,774.38	0.999318	35	56
6/24/2022	1.4689%	0.000040244	\$8,719,440,964.50	0.999269	33	63
6/25/2022	1.4689%	0.000040244	\$8,719,440,964.50	0.999269	33	63
6/26/2022	1.4689%	0.000040244	\$8,719,440,964.50	0.999269	33	63
6/27/2022	1.4957%	0.000040978	\$8,758,261,937.53	0.999353	35	64
6/28/2022	1.5183%	0.000041598	\$8,762,356,672.04	0.999366	35	63
6/29/2022	1.5448%	0.000042324	\$8,763,545,819.30	0.999373	37	67
6/30/2022	1.5533%	0.000042555	\$8,721,672,395.06	0.999361	36	68
Average	1.1797%	0.000032320	\$8,753,756,837.39 129		32	64



#### ECONOMIC COMMENTARY (cont.)

Driving the move was a large drop in the consumer views of their current personal financial situation as well as drops in current and expected business conditions. Consumer confidence as measured by the Conference Board survey also declined from 103.2 in May to 98.7 in June. Stubbornly high inflation pushed the Fed to accelerate its rate hiking schedule. After May's 40-year high inflation print and decade high University of Michigan inflation expectations, the Federal Open Market Committee (FOMC) raised rates by 75 basis points (bps) to 1.50%-1.75%. Guidance was hawkish, with the median FOMC "dot" forecast showing rates up another 175 bps by year-end to a restrictive 3.4% (and +33 bps next year to 3.8%). To bring down inflation, the Fed's economic projections showed a willingness to tolerate lower growth (1.7% 2022 & 2023) and slightly higher unemployment (4.1% 2024). These forecasts outline a "soft landing", but the Fed's willingness to overtighten has increased recessionary risks over the next year, pushing U.S. equities further into a bear market and Treasury yields higher.

Despite increasing growth concerns, strength in the labor market continued into May, with nonfarm payrolls rising by a robust 390K. The unemployment rate remained steady at 3.6% for the third consecutive month, while the labor force participation rate ticked up to 62.3% from 62.2%, and wage growth continued at its moderate pace of 0.3%. The Job Openings and Labor Turnover Survey (JOLTS) also pointed to continued strength with 11.254 million job openings reported for May, a very high reading by historical standards, although down from its peak. Similarly, the number of quits remained very high in May (4.270 million) despite cooling in both May (-1.3%) and April (-2.7%). Flexibility in labor supply is likely allowing job gains in areas most in need (construction, leisure and hospitality, and education) while shedding jobs with excess (retail). Volatility remained elevated during the month. The six-month Treasury bill yield saw the largest increase on the month, rising 92 bps to end at 2.49%, while the two-year Treasury note yield increased 87 bps at its peak mid-month of 3.43% before ending the month up 40 bps at 2.96%.

#### Outlook

This year, so far, has been a very difficult one for investors with heavy losses in both equity and fixed income markets. On the positive side, the impact of COVID-19 on the economy continues to fade. However, in its place, investors face new challenges, with Russia's brutal invasion of Ukraine and China's zero Covid policy both contributing to sustained high inflation. In response, the Federal Reserve has turned much more hawkish, raising interest rates by 0.75% in June and promising further tightening in the months ahead. In response to persistent inflation pressures, the Fed has embarked on an even more hawkish rate tightening path and the runway for an economic "soft landing" is getting narrower. High inflation and Fed tightening have, in turn, led to fast rising mortgage rates and this, in combination with fiscal drag, an over-valued dollar, record-low consumer sentiment and stock market losses, is rapidly undermining economic momentum. As we enter the second half of 2022, there is a growing danger that the U.S. economy could slip into recession. On the positive side, while real GDP shrank in the first quarter, monthly data suggests it lodged solid growth in the second as the Omicron wave subsided and spending picked up in pandemic-impacted areas such as travel, restaurants, leisure and entertainment.

However, as the third quarter begins, there are gathering forces slowing economic momentum. The most important is fiscal drag, with the federal budget deficit likely to fall from 12.4% of GDP last fiscal year to less than 4% of GDP this year, reflecting an end to stimulus checks, enhanced unemployment benefits, enhanced child tax credits and a host of other programs that were supporting the income and spending of lower and middle-income households. In addition, the housing sector is being battered by a more than 2.5% surge in 30-year mortgage rates while U.S. exports are being impeded by a more than 8% rise in the trade-weighted dollar since the start of the year. This, along with collapsing consumer confidence in the face of fast-rising food and energy prices and a slumping stock market, threatens to slow the economy in the second half of the year, with a rising risk that the U.S. economy could fall into recession. The labor market continues to be a bright spot in an otherwise gloomy environment, with the unemployment rate remaining at 3.6% in May 2022 for the third consecutive month, just 0.1% above its 50-year low set in 2019. Even with this, there is a massive excess demand for labor, with job openings still far exceeding those who are unemployed. This excess demand should fade somewhat over the next few months reflecting slowing economic momentum and diminished business confidence.







#### ECONOMIC COMMENTARY (cont.)

Inflation continues to run very hot with a May headline CPI showing an 8.6% year-over-year gain, well above market expectations. Today's high inflation largely reflects the impact of surging consumer spending, fueled by fiscal stimulus, colliding with supply shortages across major sectors of the economy. More recently, this has been amplified by a general recovery in airfares, hotel rates, and rents from their pandemic lows. The Russian invasion of Ukraine and China's attempts to maintain a "zero-COVID" policy are extending supply chain problems and year-over-year CPI inflation may not have peaked yet. By the end of 2022, we do expect some of the supply-chain issues to fade, allowing headline inflation to ease. However, the longer high inflation persists, the stickier it gets, and core consumption deflator inflation could remain above 3% year-over-year throughout 2022 and 2023. While longer term forces could cut inflation further by the middle of the decade, the potential persistence of inflation well above the Fed's 2% target over the next two years has major implications for monetary policy.

This information is an excerpt from an economic report dated June 2022 provided to LOGIC by JP Morgan Asset Management, Inc., the investment manager of the LOGIC pool.

#### LOGIC BOARD MEMBERS

Sandy Newby	Tarrant Regional Water District	Governing Board President
Greg Jordan	City of Grapevine	Governing Board Vice President
Erik Felthous	North Texas Municipal Water District	Governing Board Treasurer
Cindy Demers	North Texas Tollway Authority	Governing Board Asst Treasurer
Darla Moss	Arlington ISD	Governing Board Secretary
Rene Barajas	Northside ISD	Advisory Board Member
Eric Cannon	Qualified Non-Participant	Advisory Board Member

The material provided to LOGIC from J.P. Morgan Asset Management, Inc., the investment manager of the LOGIC pool, is for informational and educational purposes only, as of the date of writing and may change at any time based on market or other conditions and may not come to pass. While we believe the information presented is reliable, we cannot guarantee its accuracy. HilltopSecurities is a wholly owned subsidiary of Hilltop Holdings, Inc. (NYSE: HTH) located at 717 N. Hardwood Street, Suite 3400, Dallas, TX 75201, (214) 859-1800. Member NYSE/FINRA/SIPC. Past performance is no guarantee of future results. Investment Management Services are offered through J.P. Morgan Asset Management Inc. and/or its affiliates. Marketing and Enrollment duties are offered through HilltopSecurities and/or its affiliates. HilltopSecurities and J.P. Morgan Asset Management Inc. are separate entities.







Current Invested Balance
Weighted Average Maturity (1)
Weighted Average Life (2)

Total Number of Participants

Management Fee Collected

Management Fee on Invested Balance

Net Asset Value

Interest Distributed

2022



#### PERFORMANCE

Δc	of Inr	ıο 20	2022
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\$9,799,299,684.61	Average Invested Balance
35 Days	Average Monthly Yield, on a simp
51 Days	Average Weighted Maturity (1)
0.999363	Average Weighted Life (2)
989	Definition of Weighte
0.06%*	(1) This weighted average maturity calculation u
\$8,532,537.35	any floating rate instrument held in the portfol

% of Portfolio Invested Beyond 1 Year 2.50% Standard & Poor's Current Rating AAAm

Rates reflect historical information and are not an indication of future performance.

#### **June Averages**

Average Invested Balance	\$9,947,138,859.12
Average Monthly Yield, on a simple basis	0.9850%
Average Weighted Maturity (1)	42 Days
Average Weighted Life (2)	57 Days

Definition of Weighted Average Maturity (1) & (2)

(1) This weighted average maturity calculation uses the SEC Rule 2a-7 definition for stated maturity for any floating rate instrument held in the portfolio to determine the weighted average maturity for the pool. This Rule specifies that a variable rate instruction to be paid in 397 calendar days or less shall be deemed to have a maturity equal to the period remaining until the next readjustment of the interest rate. (2) This weighted average maturity calculation uses the final maturity of any floating rate instruments held in the portfolio to calculate the weighted average maturity for the pool.

The maximum management fee authorized for the TexSTAR Cash Reserve Fund is 12 basis points. This fee may be waved in full or in part in the discretion of the TexSTAR co-administrators at any time as provided for in the TexSTAR Information Statement.

#### **NEW PARTICIPANTS**

\$490,533.20

We would like to welcome the following entity who joined the TexSTAR program in June:

\* Waller County Municipal Utility District No. 33

#### **ECONOMIC COMMENTARY**

#### Market review

The end of the quarter brought growing fears of a recession to the market with economic data beginning to cool as the Federal Reserve (Fed) grappled with the highest inflation in 40 years. Persistent inflationary pressures caused the Fed to take aggressive action, leading to a surge in interest rates. Higher rates and Quantitative Tightening (QT) contributed to a significant tightening in financial conditions, as the dollar appreciated, mortgage rates jumped, and equity prices plummeted. Combined with falling consumer confidence and massive fiscal drag, the risk of a near-term recession increased. Higher mortgage rates led to a sixth monthly fall in the June homebuilder confidence and a -14% and -7% month-over-month (m/m) move down in May housing starts and permits. Business sentiment appeared to be eroding with a decline in the June Philadelphia Fed survey and a lower-than-expected decline in jobless claims. Lastly, higher inflation and lower confidence started to weigh on consumer spending with May retail sales -0.3% m/m (due to autos) and +0.1% ex-auto and gasoline (softest pace this year).

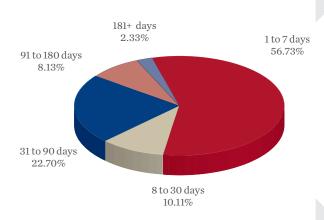
The May CPI report showed hotter-than-expected inflation, despite hopes for a moderation. Headline CPI rose 1.0% m/m and 8.6% year-over-year (y/y), while Core CPI jumped 0.6% m/m and 6.0% y/y. While surges in energy and food prices led to the upside in headline CPI, core inflation continued to accelerate as airfares, new vehicle prices and shelter costs rose solidly. The inflation surge doesn't appear to be cooling off just yet as higher costs for groceries, gasoline, and everyday goods and services continued to inflict pain on consumer wallets, pandemic savings, and wage gains. Supply chain woes have yet to ease. Even with a dip in sales, a chronic lack of auto inventory pushed prices higher for new and used vehicles, up 1% and 1.8%, respectively. Higher home prices continued to feed into owner's equivalent rent, with the index accelerating to 0.6% m/m, breaking out from its recent 0.4-0.5% pace.

Consumer sentiment weakened considerably with rapidly rising prices for food and energy likely playing a significant role. University of Michigan Consumer sentiment for June disappointed, at 50.2 versus 58.1 expected and 58.4 in May, plunging to its worst level in the history of the series going back to the 1970s.

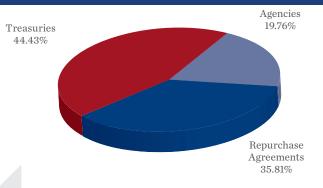
(continued page 4)

#### INFORMATION AT A GLANCE

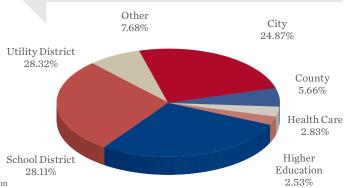




DISTRIBUTION OF PARTICIPANTS BY TYPE AS OF JUNE 30, 2022



# PORTFOLIO BY MATURITY AS OF JUNE 30, 2022(1)



(1) Portfolio by Maturity is calculated using WAM (1) definition for stated maturity. See page 1 for definition

#### HISTORICAL PROGRAM INFORMATION

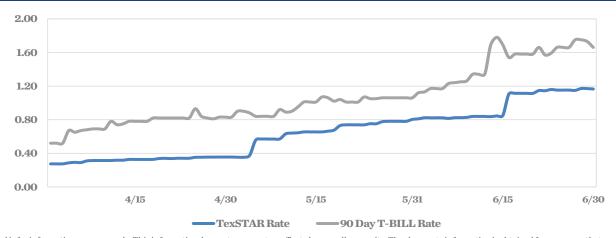
MONTH	AVERAGE RATE	BOOK VALUE	MARKET VALUE	NET ASSET VALUE	WAM (1)	WAL (2)	NUMBER OF PARTICIPANTS
Jun 22	0.9850%	\$9,799,299,684.61	\$9,793,062,348.93	0.999363	42	57	989
May 22	0.6459%	9,701,777,049.61	9,700,243,468.41	0.999841	43	61	988
Apr 22	0.3225%	8,985,925,505.16	8,984,338,322.90	0.999818	39	60	986
Mar 22	0.1070%	9,050,970,696.95	9,050,137,013.72	0.999907	27	38	981
Feb 22	0.0104%	9,779,113,455.23	9,778,353,196.78	0.999922	26	32	979
Jan 22	0.0100%	9,399,813,099.48	9,399,092,954.95	0.999923	31	38	977
Dec 21	0.0139%	8,763,539,414.27	8,763,577,847.71	1.000011	40	52	977
Nov 21	0.0102%	8,132,746,877.26	8,133,007,416.80	1.000032	47	62	965
Oct 21	0.0100%	8,641,191,692.82	8,641,540,291.95	1.000040	41	58	963
Sep 21	0.0100%	9,019,799,096.23	9,020,390,786.23	1.000065	43	62	958
Aug 21	0.0100%	8,945,411,473.29	8,945,978,474.21	1.000063	52	74	955
Jul 21	0.0100%	9,139,785,043.86	9,140,404,119.19	1.000071	41	68	949

#### PORTFOLIO ASSET SUMMARY AS OF JUNE 30, 2022

	BOOK VALUE	MARKET VALUE
Uninvested Balance	\$ 971.05	\$ 971.05
Accrual of Interest Income	2,205,692.85	2,205,692.85
Interest and Management Fees Payable	(8,535,141.93)	(8,535,141.93)
Payable for Investment Purchased	0.00	0.00
Repurchase Agreement	3,511,393,999.52	3,511,393,999.52
Government Securities	6,294,234,163.12	6,287,996,827.44
TOTAL	\$ 9,799,299,684.61	\$ 9,793,062,348.93

Market value of collateral supporting the Repurchase Agreements is at least 102% of the Book Value. The portfolio is managed by J.P. Morgan Chase & Co. and the assets are safekept in a separate custodial account at the Federal Reserve Bank in the name of TexSTAR. The only source of payment to the Participants are the assets of TexSTAR. There is no secondary source of payment for the pool such as insurance or guarantee. Paguld you require a copy of the portfolio, please contact TexSTAR Participant Services.

#### TEXSTAR VERSUS 90-DAY TREASURY BILL



This material is for information purposes only. This information does not represent an offer to buy or sell a security. The above rate information is obtained from sources that are believed to be reliable; however, its accuracy or completeness may be subject to change. The TexSTAR management fee may be waived in full or in part at the discretion of the TexSTAR co-administrators and the TexSTAR rate for the period shown reflects waiver of fees. This table represents historical investment performance/return to the customer, net of fees, and is not an indication of future performance. An investment in the security is not insured or guaranteed by the Federal Deposit Insurance Corporation or any other government agency. Although the issue seeks to preserve the value of an investment of \$1.00 per share, it is possible to lose money by investing in the security. Information about these and other program details are in the fund's Information Statement which should be read carefully before investing. The yield on the 90-Day Treatill Yield's is shown for comparative purposes only. When comparing the investment returns of the TexSTAR pool to the T-Bill Yield, you should know that the TexSTAR pool consists of allocations of specific diversified securities as detailed in the respective Information Statements. The T-Bill Yield is taken from Bloomberg Finance L.P. and represents the daily closing yield on the then current 90-Day T-Bill. The TexSTAR yield is calculated in accordance with regulations governing the registration of open-end management investment companies under the Investment Company Act of 1940 as promulgated from time to time by the federal Securities and Exchange Commission.

#### DAILY SUMMARY FOR JUNE 2022

DATE	MNY MKT FUND EQUIV. [SEC Std.]	DAILY ALLOCATION FACTOR	INVESTED BALANCE	MARKET VALUE PER SHARE	WAM DAYS (1)	WAL DAYS (2)
6/1/2022	0.8098%	0.000022186	\$9,841,202,274.35	0.999826	47	64
6/2/2022	0.8229%	0.000022545	\$9,792,626,546.20	0.999803	47	63
6/3/2022	0.8219%	0.000022517	\$9,704,552,414.57	0.999776	46	62
6/4/2022	0.8219%	0.000022517	\$9,704,552,414.57	0.999776	46	62
6/5/2022	0.8219%	0.000022517	\$9,704,552,414.57	0.999776	46	62
6/6/2022	0.8151%	0.000022332	\$10,082,211,781.77	0.999734	45	61
6/7/2022	0.8235%	0.000022561	\$10,127,223,608.67	0.999738	45	61
6/8/2022	0.8238%	0.000022570	\$10,117,200,647.02	0.999709	44	60
6/9/2022	0.8271%	0.000022659	\$10,164,207,273.43	0.999657	43	59
6/10/2022	0.8384%	0.000022970	\$10,273,819,639.62	0.999540	45	57
6/11/2022	0.8384%	0.000022970	\$10,273,819,639.62	0.999540	45	57
6/12/2022	0.8384%	0.000022970	\$10,273,819,639.62	0.999540	45	57
6/13/2022	0.8356%	0.000022894	\$10,278,933,419.80	0.999308	43	58
6/14/2022	0.8448%	0.000023144	\$10,137,293,711.33	0.999102	43	58
6/15/2022	0.8494%	0.000023272	\$10,060,318,482.15	0.999123	42	58
6/16/2022	1.1041%	0.000030250	\$9,900,183,551.47	0.999204	43	59
6/17/2022	1.1133%	0.000030501	\$9,867,287,390.97	0.999214	41	57
6/18/2022	1.1133%	0.000030501	\$9,867,287,390.97	0.999214	41	57
6/19/2022	1.1133%	0.000030501	\$9,867,287,390.97	0.999214	41	57
6/20/2022	1.1133%	0.000030501	\$9,867,287,390.97	0.999214	41	57
6/21/2022	1.1467%	0.000031416	\$9,997,329,417.85	0.999246	40	55
6/22/2022	1.1441%	0.000031345	\$9,904,580,094.64	0.999289	40	55
6/23/2022	1.1587%	0.000031746	\$9,865,902,166.71	0.999301	39	55
6/24/2022	1.1519%	0.000031560	\$9,842,680,751.47	0.999246	38	53
6/25/2022	1.1519%	0.000031560	\$9,842,680,751.47	0.999246	38	53
6/26/2022	1.1519%	0.000031560	\$9,842,680,751.47	0.999246	38	53
6/27/2022	1.1484%	0.000031464	\$9,735,396,796.33	0.999290	37	53
6/28/2022	1.1708%	0.000032078	\$9,865,025,593.44	0.999365	36	52
6/29/2022	1.1698%	0.000032049	\$9,812,922,742.89	0.999381	36	51
6/30/2022	1.1651%	0.000031920	\$9,799,299,684.61	0.999363	35	51
Average	0.9850%	0.000026986	\$9,947,138,859.12 134		42	57



#### ECONOMIC COMMENTARY (cont.)

Driving the move was a large drop in the consumer views of their current personal financial situation as well as drops in current and expected business conditions. Consumer confidence as measured by the Conference Board survey also declined from 103.2 in May to 98.7 in June. Stubbornly high inflation pushed the Fed to accelerate its rate hiking schedule. After May's 40-year high inflation print and decade high University of Michigan inflation expectations, the Federal Open Market Committee (FOMC) raised rates by 75 basis points (bps) to 1.50%-1.75%. Guidance was hawkish, with the median FOMC "dot" forecast showing rates up another 175 bps by year-end to a restrictive 3.4% (and +33 bps next year to 3.8%). To bring down inflation, the Fed's economic projections showed a willingness to tolerate lower growth (1.7% 2022 & 2023) and slightly higher unemployment (4.1% 2024). These forecasts outline a "soft landing", but the Fed's willingness to overtighten has increased recessionary risks over the next year, pushing U.S. equities further into a bear market and Treasury yields higher.

Despite increasing growth concerns, strength in the labor market continued into May, with nonfarm payrolls rising by a robust 390K. The unemployment rate remained steady at 3.6% for the third consecutive month, while the labor force participation rate ticked up to 62.3% from 62.2%, and wage growth continued at its moderate pace of 0.3%. The Job Openings and Labor Turnover Survey (JOLTS) also pointed to continued strength with 11.254 million job openings reported for May, a very high reading by historical standards, although down from its peak. Similarly, the number of quits remained very high in May (4.270 million) despite cooling in both May (-1.3%) and April (-2.7%). Flexibility in labor supply is likely allowing job gains in areas most in need (construction, leisure and hospitality, and education) while shedding jobs with excess (retail). Volatility remained elevated during the month. The six-month Treasury bill yield saw the largest increase on the month, rising 92 bps to end at 2.49%, while the two-year Treasury note yield increased 87 bps at its peak mid-month of 3.43% before ending the month up 40 bps at 2.96%.

#### Outlook

This year, so far, has been a very difficult one for investors with heavy losses in both equity and fixed income markets. On the positive side, the impact of COVID-19 on the economy continues to fade. However, in its place, investors face new challenges, with Russia's brutal invasion of Ukraine and China's zero Covid policy both contributing to sustained high inflation. In response, the Federal Reserve has turned much more hawkish, raising interest rates by 0.75% in June and promising further tightening in the months ahead. In response to persistent inflation pressures, the Fed has embarked on an even more hawkish rate tightening path and the runway for an economic "soft landing" is getting narrower. High inflation and Fed tightening have, in turn, led to fast rising mortgage rates and this, in combination with fiscal drag, an over-valued dollar, record-low consumer sentiment and stock market losses, is rapidly undermining economic momentum. As we enter the second half of 2022, there is a growing danger that the U.S. economy could slip into recession. On the positive side, while real GDP shrank in the first quarter, monthly data suggests it lodged solid growth in the second as the Omicron wave subsided and spending picked up in pandemic-impacted areas such as travel, restaurants, leisure and entertainment.

However, as the third quarter begins, there are gathering forces slowing economic momentum. The most important is fiscal drag, with the federal budget deficit likely to fall from 12.4% of GDP last fiscal year to less than 4% of GDP this year, reflecting an end to stimulus checks, enhanced unemployment benefits, enhanced child tax credits and a host of other programs that were supporting the income and spending of lower and middle-income households. In addition, the housing sector is being battered by a more than 2.5% surge in 30-year mortgage rates while U.S. exports are being impeded by a more than 8% rise in the trade-weighted dollar since the start of the year. This, along with collapsing consumer confidence in the face of fast-rising food and energy prices and a slumping stock market, threatens to slow the economy in the second half of the year, with a rising risk that the U.S. economy could fall into recession. The labor market continues to be a bright spot in an otherwise gloomy environment, with the unemployment rate remaining at 3.6% in May 2022 for the third consecutive month, just 0.1% above its 50-year low set in 2019. Even with this, there is a massive excess demand for labor, with job openings still far exceeding those who are unemployed. This excess demand should fade somewhat over the next few months reflecting slowing economic momentum and diminished business confidence.







#### ECONOMIC COMMENTARY (cont.)

Inflation continues to run very hot with a May headline CPI showing an 8.6% year-over-year gain, well above market expectations. Today's high inflation largely reflects the impact of surging consumer spending, fueled by fiscal stimulus, colliding with supply shortages across major sectors of the economy. More recently, this has been amplified by a general recovery in airfares, hotel rates, and rents from their pandemic lows. The Russian invasion of Ukraine and China's attempts to maintain a "zero-COVID" policy are extending supply chain problems and year-over-year CPI inflation may not have peaked yet. By the end of 2022, we do expect some of the supply-chain issues to fade, allowing headline inflation to ease. However, the longer high inflation persists, the stickier it gets, and core consumption deflator inflation could remain above 3% year-over-year throughout 2022 and 2023. While longer term forces could cut inflation further by the middle of the decade, the potential persistence of inflation well above the Fed's 2% target over the next two years has major implications for monetary policy.

This information is an excerpt from an economic report dated June 2022 provided to TexSTAR by JP Morgan Asset Management, Inc., the investment manager of the TexSTAR pool.

#### TEXSTAR BOARD MEMBERS

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Qualified Non-Participant

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Ron Whitehead



Advisory Board



### CITY OF LAVON Agenda Brief

<b>MEETING:</b>	<u>July 19, 2022</u>	ITEM:	8

#### Item:

#### **BUDGET WORK SESSION**

Discussion regarding the regulatory requirements, financial status for current fiscal year, budget calendar, anticipated commitments, departmental service levels, fee schedule, Capital Improvements Plan (CIP) updates, FY 2021-22 projections, and proposed revenues and expenditures for FY 2022-23.

**Attachments:** Materials to be distributed at the meeting:

Budget Worksheets Capital Improvements Plan (CIP) Worksheet