



Minutes
June 5, 2018
City of Lavon City Council
Lavon City Hall, 120 School Rd., Lavon, TX
Regular Meeting-Executive Session
7:00 P.M.

ATTENDING: CHUCK TESKE, MAYOR,
VICKI SANSON, MAYOR PRO TEM, PLACE 1
KAY WRIGHT, PLACE 3
TIM DAVIS, PLACE 4
MINDI SERKLAND, PLACE 5

ABSENT: MIKE COOK, PLACE 2

1. **MAYOR TESKE CALLED THE MEETING TO ORDER AT 7:00 P.M. AND ANNOUNCED A QUORUM PRESENT.**
2. **MAYOR TESKE LED THE RECITATION OF THE PLEDGE OF ALLEGIANCE AND CHIEF MIKE JONES DELIVERED THE INVOCATION.**

3. **CITIZENS COMMENTS**

There were no citizen comments.

4. **ITEMS OF INTEREST/COMMUNICATIONS**

June 26, 2018 - Babysitter Training and CPR, Lavon PD

July 4, 2018 – July 4th Pancake Breakfast honoring John Abston

July 19, 2018 - Camp 911

5. **CONSENT AGENDA**

A. **Approve the Minutes of the May 15, 2018 Meeting.**

MOTION: APPROVE THE CONSENT AGENDA.

MOTION MADE: WRIGHT

SECONDED: DAVIS

APPROVED: UNANIMOUS

Absent: COOK

6. **ITEMS FOR CONSIDERATION**

- A. **Announcement that the applicant Bear Creek Commercial Property, LP has withdrawn their application for a zoning change to the Planned Development (PD) zoning district created by Ord. No. 2004-09-05 as amended, § 3.2.2 that allows “Specific Use Permit (SUP) Age-Restricted Multi-Family for Seniors Age 55 and Over” to “Multi-Family”, to remove the SUP and Age-Restriction requirements and provide for development standards on 114 acres in the area known as West Flex B in the W.A.S. Bohannon Survey, A-121 (CCAD tracts 10, 70 and 90, CCAD property ID’s 2614673, 2624070 and 2614352 respectively), bounded by SH 205, SH 78, and Geren Road, Lavon, Collin County, TX.**

Mayor Teske read aloud the announcement for those present. City Administrator Kim Dobbs stated that if the applicant revised and re-submitted the application, a new notice would be published in the newspaper, new notices would be sent to the owners of property in the notification area and signs would be posted on the property. There was no discussion or action regarding the withdrawn application.

- B. Public hearing, discussion and action regarding the application of Bear Creek Commercial Property, LP for a zoning change from Retail (R) to Planned Development (PD) zoning district created by Ordinance No. 2004-09-05 as amended for retail and residential uses on 3.06 acres in the W.A.S. Bohannon Survey, A-121 (CCAD tract 65, property ID 2110476); situated near the southeast corner of the intersection of SH 205 and SH 78, Lavon, Collin County, TX and accompanying ordinance.**

1. Presentation of request.

Ms. Dobbs provided information relating to the request and the corresponding zoning district classifications and noted that signs had been placed and notice of the hearing had been published, posted on the website and mailed to specific property owners. One comment card was returned in opposition to the request.

2. PUBLIC HEARING to receive comments regarding the request.

Mayor Teske opened the public hearing at 7:08 p.m. and invited comments for or against the request. There being no comments, the public hearing was closed at 7:08 p.m.

3. Discussion and action regarding the request.

Ms. Dobbs advised that the Council would consider a preliminary plat for the same property at this meeting and introduced Planning and Zoning (P&Z) Commission Chairman David Rosenquist who advised that the P&Z Commission voted unanimously to recommend approval of the request.

MOTION: APPROVE THE APPLICATION OF BEAR CREEK COMMERCIAL PROPERTY, LP FOR A ZONING CHANGE FROM RETAIL (R) TO PLANNED DEVELOPMENT (PD) ZOMING DISTRICT CREATED BY ORDINANCE NO. 2004-09-05 AS AMENDED FOR RETAIL AND RESIDENTIAL USES ON 3.06 ACRES IN THE W.A.S. BOHANNON SURVEY, A-121 (CCAD TRACT 65, PROPERTY ID 2110476); SITUATED NEAR THE SOUTHEAST CORNER OF THE INTERSECTION OF SH 205 AND 78, LAVON, COLLIN COUNTY, TX AND THE ACCOMPANYING ORDINANCE.

MOTION MADE: WRIGHT

SECONDED: SERKLAND

APPROVED: UNANIMOUS

Absent: COOK

- C. Public hearing, discussion and action regarding an amendment to the Zoning Map adopted by Ordinance No. 2018-03-02 to correct the classifications assigned to the Wolf Run and Lavon Highway Estates Subdivisions from Single Family-2 (SF-2) to Single Family-1 (SF-1) and accompanying ordinance.**

1. Presentation of request.

Ms. Dobbs provided background regarding the proposed correction to the recently approved updated Zoning Map with regard to platted subdivisions Wolf Run and Lavon Highway Estates and noted the proposed amendment was published in the newspaper and posted on the website.

2. PUBLIC HEARING to receive comments regarding the request.

Mayor Teske opened the public hearing at 7:13 p.m. and invited comments for or against the request. There being no comments, the public hearing was closed at 7:14 p.m.

3. Discussion and action regarding the request.

P&Z Commission Chairman David Rosenquist advised that the P&Z Commission voted unanimously to recommend approval of the request.

MOTION: APPROVE AN AMENDMENT TO THE ZONING MAP ADOPTED BY ORDINANCE NO. 2018-03-02 TO CORRECT THE CLASSIFICATIONS ASSIGNED TO THE WOLF RUN AND LAVON HIGHWAY ESTATES SUBDIVISIONS FROM SINGLE FAMILY-2 (SF-2) TO SINGLE FAMILY-1 (SF-1) AND THE ACCOMPANYING ORDINANCE.

MOTION MADE: SANSON
SECONDED: DAVIS
APPROVED: UNANIMOUS
Absent: COOK

- D. Discussion and action regarding the application of Alan Bain, Bear Creek Commercial Properties, LP, for a Preliminary Plat of a 73.268 acre tract of land situated in the W.A.S. Bohannon Survey, A-121 (CCAD tracts 10, 65 and 70, CCAD property ID's 2614673, 2110476 and 2624070 respectively), comprised of 13 commercial lots and 1 open space lot, bounded by and located southeast of the intersection of SH 205 and SH 78, such property generally referenced as Grand Heritage West Flex, Lavon, Collin County, TX.**

Ms. Dobbs provided location information about the proposed preliminary plat, advised that the proposal conforms to the zoning and comprehensive plan and introduced Bret Blankenship, P.E., JBI Partners, Inc. to present the proposed subdivision. Mr. Blankenship provided information and answered questions regarding ingress/egress, internal access, sanitary sewer service and fire lanes. Ms. Serkland asked about the developer's plans for the remainder lot to which Mr. Blankenship replied that he was informed that there are no specific plans for the property at this time. Ms. Wright clarified that the access easements would provide circulation through and about the subdivision.

MOTION: APPROVE THE APPLICATION OF ALAN BAIN, BEAR CREEK COMMERCIAL PROPERTIES, LP FOR A PRELIMINARY PLAT OF 73.268 ACRE TRACT OF LAND SITUATED IN THE W.A.S. BOHANNON SURVEY, A-121 (CCAD TRACTS 10, 65 AND 70, CCAD PROPERTY ID'S 2614673, 2110476 AND 262470 RESPECTIVELY), COMPRIMISED OF 13 COMMERCIAL LOTS AND 1 OPEN SPACE LOT, BOUNDED BY AND LOCATED SOUTHEAST OF THE INTERSECTION OF SH 205 AND SH 78, SUCH PROPERTY GENERALLY REFERENCED AS GRAND HERITAGE WEST FLEX, LAVON, COLLIN COUNTY, TX.

MOTION MADE: DAVIS
SECONDED: SANSON
APPROVED: UNANIMOUS
Absent: COOK

- E. Discussion and action regarding Ordinance No. 2018-06-03 amending Ordinance No. 2008-07-02 to clarify the duty to maintain property to the edge of paving of a public roadway in Section 2, Subsection 3; providing a repealer clause; providing a severability clause; providing for a penalty of fine not to exceed the sum of two hundred dollars (\$200.00); providing for publication of this caption; and providing an effective date.**

Ms. Dobbs explained that the first goal of code enforcement is voluntary compliance gained through communication with and education of property owners and that the clarification of this code is intended to improve enforcement efforts relating to property maintenance by removing ambiguity that could arise from the description in the existing code to more specific wording applicable city roads as well as state roadways throughout the city.

MOTION: APPROVE ORDINANCE NO. 2018-06-03 AMENDING ORDINANCE NO. 2008-07-02 TO CLARIFY THE DUTY TO MAINTAIN PROPERTY TO THE EDGE OF PAVING OF A PUBLIC ROADWAY IN SECTION 2, SUBSECTION 3; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00); PROVIDING FOR PUBLICATION OF THIS CAPTION; AND PROVIDING AN EFFECTIVE DATE.

MOTION MADE: SERKLAND
SECONDED: DAVIS
APPROVED: UNANIMOUS
Absent: COOK

- F. Discussion and action regarding Resolution No. 2018-06-01 approving and authorizing the Mayor to execute a Professional Services Agreement between the City of Lavon and Freeman-Millican Inc. replacing the Professional Services Agreement authorized by Resolution No. 2017-07-02 and providing for the provision of city engineering services; and providing an effective date.**

Ms. Dobbs reviewed the Request for Qualifications process for city engineering services and the Council determination to accept of the recommendation of the Selection Subcommittee for the award of a contract for city engineering services to Freeman-Millican, Inc. The proposed contract amends a contract for general services that the City had previously entered with Freeman-Millican. Ms. Dobbs noted that the City Attorney reviewed and approved the proposed contract.

MOTION: APPROVE RESOLUTION NO. 2018-06-01 APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF LAVON AND FREEMAN-MILLICAN INC. REPLACING THE PROFESSIONAL SERVICES AGREEMENT AUTHORIZED BY RESOLUTION NO. 2017-07-02 AND PROVIDING FOR THE PROVISION OF CITY ENGINEERING SERVICES; AND PROVIDING AN EFFECTIVE DATE.

MOTION MADE: WRIGHT
SECONDED: SANSON
APPROVED: UNANIMOUS
Absent: COOK

- G. Discussion and action regarding the award of the construction contract for the City of Lavon Bear Creek Wastewater Treatment Plant, Phase 3 Expansion and Resolution No. 2018-06-02 authorizing the Mayor to execute a construction contract with Heritage Constructors, Inc. for the amount of \$2,192,134.00; and providing an effective date.**

Ms. Dobbs provided background regarding the project and introduced City Engineer Mark Hill who stated that on May 24, 2018, the City opened bids from four bidders for the Bear Creek Wastewater Treatment Plant Expansion (Phase 3) project. Mr. Hill noted that the preliminary budget for the project was \$2,500,000 and the base bids came in under budget ranging from \$2,152,134 to \$2,428,000 with the apparent low bidder for the base bid being Heritage Constructors, Inc. Mr. Hill explained that the favorable bids enable the City to add an alternative item to improve the operations of the plant expansion for \$40,000. The City Engineer verified the bid documents, checked references and recommended that the City award the contract to Heritage Constructors, Inc. for the lump sum of \$2,192,134. Ms. Serkland inquired about and Mr. Hill confirmed that the contract provided for liquidated damages. Not as part of the contract but as a best practice, Mr. Hill recommended that the City set aside a project contingency of \$100,000. Ms. Dobbs noted funding is secured for the project.

MOTION: AWARD THE CONTRACT FOR CONSTRUCTION OF THE BEAR CREEK WASTEWATER TREATMENT PLANT, PHASE 3 EXPANSION AND APPROVE RESOLUTION NO. 2018-06-02 AUTHORIZING THE MAYOR TO EXECUTE A CONSTRUCTION CONTRACT WITH HERITAGE CONSTRUCTORS, INC. FOR THE AMOUNT OF \$2,192,134.00 AND PROVIDING FOR CONTINGENCY OF \$100,000; AND PROVIDING AN EFFECTIVE DATE.

MOTION MADE: SERKLAND
SECONDED: DAVIS
APPROVED: UNANIMOUS
Absent: COOK

- H. Discussion and action regarding Resolution No. 2018-06-03 approving a Policy for Public Improvement Districts.**

Ms. Dobbs presented the policy prepared by the City's financial advisor Jason Hughes, Managing Director, Hilltop Securities, Inc., Hilltop Securities, Inc.

MOTION: APPROVE RESOLUTION NO. 2018-06-03 APPROVING A POLICY FOR PUBLIC IMPROVEMENT DISTRICTS.

MOTION MADE: WRIGHT

SECONDED: SANSON

APPROVED: UNANIMOUS

Absent: COOK

I. Discussion and action regarding Resolution No. 2018-06-04 approving and authorizing the Mayor to execute a Professional Services Agreement between the City of Lavon and the Lenart Development Company, LLC.

Ms. Dobbs stated that it is common practice for a developer to agree to reimburse a City for the City's costs incurred with legal and engineering consultants retained by the City to provide professional services in relation to the developer's proposed development. The Lenart Development Company is working on a project adjacent to the City in the City's extraterritorial jurisdiction that is intended for annexation. City Attorney Will Trevino advised that his office was involved in the development of the agreement and recommended approval.

MOTION: APPROVE RESOLUTION NO. 2018-06-04 APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF LAVON AND THE LENART DEVELOPMENT COMPANY, LLC.

MOTION MADE: DAVIS

SECONDED: SERKLAND

APPROVED: UNANIMOUS

Absent: COOK

7. EXECUTIVE SESSION

At 7:48 p.m., in accordance with Texas Government Code, Chapter 551, Subchapter D, Mayor Teske recessed the meeting to go into executive session (closed meeting) to discuss the following items:

A. Sections 551.071 (2) and 551.071 (1) Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act and Consultation with Attorney regarding pending litigation or settlement offer:

- 1) Memorandum of Understanding and Proposed Agreement with the Nevada Volunteer Fire Department and options for fire rescue service, and
- 2) *Application of City of Lavon to Obtain a Sewer Certificate of Convenience and Necessity (CCN)*, Public Utility Commission SOAH Docket No. 473-17-4339.WS, PUC Docket No. 46993.

8. RECONVENE INTO REGULAR SESSION

In accordance with Texas Government Code, Section 551.001, Mayor Teske reconvened the meeting at 8:52 p.m. Mayor Teske stated that no action was taken in executive session and no action would be taken regarding the items listed in executive session.

9. CITY COUNCIL TO SET FUTURE MEETINGS AND AGENDAS

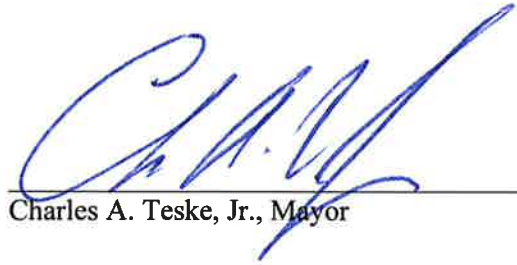
It was noted the next regular meeting of the Council is set for June 19, 2018.

Ms. Dobbs requested that the Council provide availability for the summer scheduled meetings to ensure quorums. The consensus of the Council was to discuss the possible cancellation of the July 3 meeting on June 19 and tentatively set a budget work session for July 17.

Ms. Dobbs reminded the Council of the June 26 joint work session with the Planning & Zoning Commission at 6:00 p.m.

10. MAYOR TESKE ADJOURNED THE CITY COUNCIL MEETING AT 8:55 P.M.

DULY PASSED and APPROVED by the City Council of the City of Lavon, Texas, on this 19th day of June, 2018.



Charles A. Teske, Jr., Mayor

ATTEST:



Kim Dobbs, City Administrator | City Secretary

