



MINUTES
AUGUST 7, 2018
LAVON CITY COUNCIL
CITY HALL, 120 SCHOOL ROAD, LAVON, TEXAS
5:40 TOUR - LAVON FIRE STATION
6:00 P.M. BUDGET WORK SESSION
7:00 P.M. REGULAR MEETING – EXECUTIVE SESSION

ATTENDING: VICKI SANSON, MAYOR
JOHN KELL, PLACE 1
MIKE COOK, PLACE 2
KAY WRIGHT, MAYOR PRO TEM, PLACE 3
TIM DAVIS, PLACE 4
MINDI SERKLAND, PLACE 5 (arrived at 6:17 P.M.)

At 5:40 p.m., the City Council, absent Ms. Serkland, gathered at the Fire Station at 501A Lincoln Avenue for a brief tour of the station. No business was discussed and no action was taken.

1. MAYOR SANSON CALLED THE WORK SESSION TO ORDER AT 6:07 P.M. AND ANNOUNCED A QUORUM PRESENT.

2. WORK SESSION-BUDGET

City Administrator Kim Dobbs reviewed and discussed the budget and projections. Ms. Dobbs clarified current permits and those developments expected to begin in the next fiscal year. Ms. Dobbs provided information regarding the requested items not yet included in the proposed budget. The Council directed City Administration to include salary adjustments, additional Police Officer, demolition of 2 houses on Forder Ct. and new accounting software in the proposed budget. Mayor Sanson concluded the work session and recessed the meeting at 7:02 p.m. The meeting reconvened at 7:10 p.m.

3. BOY SCOUT SETH MORROW LED THE RECITATION OF THE PLEDGE OF ALLEGIANCE AND POLICE CHIEF MIKE JONES DELIVERED THE INVOCATION.

4. PRESENTATION – Chief Jones introduced the presentation of fallen Dallas Officer Jamie Givens' ceremonial last radio call.

5. CITIZENS COMMENTS

There were none.

6. ITEMS OF INTEREST/COMMUNICATIONS

- August 11, 2018 Community Independent School District Back to School Bash
- September 4, 2018 Ribbon Cutting at the Emergency Operations Center at 6pm

7. CONSENT AGENDA

A. Approve the minutes of the July 17, 2018 meeting

B. Amend the minutes of the June 5, 2018 meeting to correct ordinance reference number 2018-06-04.

C. Approve Resolution No. 2018-08-01 calling a Special Election for the purpose of electing the Mayor and calling a General Election for the purpose of electing three (3) Council Members, one (1) for Place 1, one (1) for Place 3 and one (1) for Place 5 to be held jointly with other political subdivisions and administered by the Collin County Elections Administrator on Saturday, November 6, 2018 and providing for an Effective Date.

D. Authorize the placement of orders for the lease purchase of radios and brush truck for the Lavon Volunteer Fire Department (LVFD) in an amount not to exceed \$75,000.

Ms. Wright asked that the minutes be amended to include "John Marlin" on page 9. Ms. Dobbs asked that item E. be considered separately.

MOTION: APPROVE THE CONSENT AGENDA ITEMS A, B, C AND D AS AMENDED.

MOTION MADE: WRIGHT

SECONDED: KELL

APPROVED: UNANIMOUS

E. Authorize JoAnn Ramos with Utility Tax Service LLC to close Heritage PID #1 Tax Account #6195210825 and to open a Tax Account with Central Bank effective July 13, 2018 and authorize that the Mayor, City Administrator and Administrative Assistant be signatories on the Central Bank account.

Ms. Dobbs provided information regarding the depository agreement that accompanied the signature cards and confirmed that the City Attorney had reviewed and approved the proposed agreement.

MOTION: APPROVE SIGNATORIES ON THE UTILITY TAX SERVICE LLC, TAX ACCOUNT WITH CENTRAL BANK AND APPROVE THE ACCOMPANYING DEPOSITORY AGREEMENT.

MOTION MADE: SERKLAND

SECONDED: WRIGHT

APPROVED: UNANIMOUS

8. ITEMS FOR CONSIDERATION

A. Discussion and action regarding LVFD progress, transition and implementation.

Volunteer Fire Chief Jon Scott updated the council on the EOC and the progress of the organization and equipping of the LVFD. Chief Scott detailed what was essential to have the Fire Department fully functional and provided a list of local agencies that have helped the LVFD in this regard. Chief Scott advised of the anticipated grant/equipment to be obtained from the Texas A&M Forest Service Helping Hands Program and noted that Danny Anthony is updating the EMS certifications and training/meetings are held on the second (2nd) and fourth (4th) Tuesday of the month.

Mayor Sanson thanked those who helped with cleaning and preparing the station. Mayor Sanson further expressed appreciation for the many donations to the Fire Station and Emergency Operations Center (EOC). Members of the City Council generally expressed disappointment regarding recent actions of the Nevada Volunteer Fire Department at the Lavon Fire Station. Ms. Dobbs advised that most of the items belonging to the City that had been removed had been subsequently returned and that repairs were scheduled. The Council expressed a desire to start fresh, look forward to the future and focus on the development of a highly- skilled, trained and professional volunteer fire department.

B. Discussion and action regarding LVFD appointments for the position of Assistant Chief and Captain.

Chief Scott introduced Steve Gammons and Danny Anthony citing the extensive firefighting experience and leadership qualities of both volunteer firefighters. Ms. Dobbs recommended approval of the nomination and appointment of Steve Gammons as Assistant Chief and Danny Anthony as Captain. Ms. Wright thanked the men for their service during the transition with the LVFD.

MOTION: APPOINT STEVE GAMMONS AS ASSISTANT FIRE CHIEF AND DANNY ANTHONY AS CAPTAIN OF THE LAVON VOLUNTEER FIRE DEPARTMENT.

MOTION MADE: SERKLAND

SECONDED: COOK

APPROVED: UNANIMOUS

- C. Discussion and action regarding Resolution No. 2018-08-02 authorizing the Mayor to execute a professional services agreement with Caperton Construction Inspections for building inspection and plan review services.**

Ms. Dobbs introduced Wes Caperton to the Council and provided information regarding the proposed agreement.

MOTION: APPROVE RESOLUTION NO. 2018-08-02 AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH CAPERTON CONSTRUCTION INSPECTIONS FOR BUILDING INSPECTIONS AND PLAN REVIEW SERVICES.

MOTION: DAVIS
SECONDED: KELL
APPROVED: UNANIMOUS

- D. Public hearing, discussion regarding the request of the owner of certain property to voluntarily annex 57.075 acres in the Drury Anglin Survey, Abstract No. 2, Sheet 3. Tr 73 (Collin County CAD ID #1249973), Collin County generally located south of the Bear Creek Addition and east of CR 483 and the annexation of the adjacent county road and right-of-way into the City of Lavon.**

1. Presentation of request.

Ms. Dobbs provided information regarding the request to voluntarily annex the property.

2. PUBLIC HEARING to receive comments regarding the request.

Mayor Sanson opened the public hearing at 7:45 p.m. and invited comments for or against the request. Representing the land owner, Don Dykstra, President, Bloomfield Homes spoke in favor of the request. There being no further comments, Mayor Sanson closed the public hearing at 7:45 p.m.

3. Discussion and action regarding the request.

Ms. Dobbs informed the Council the second of two public hearing would be conducted on August 21, 2018 after which the Council could act on the request. No action was taken.

- E. Public hearing, discussion regarding the request of the owner of certain property to voluntarily annex 30.485 acres in the Drury Anglin Survey, Abstract No. 2, Sheet 3. Tr 84 (Collin County CAD ID #1250096), Collin County generally located west of Traditions at Grand Heritage, east of Traditions at Grand Heritage West and south of Windmill Estates and the annexation of the adjacent road and right-of-way into the City of Lavon**

1. Presentation of request.

Ms. Dobbs provided information regarding the request to voluntarily annex the property.

2. PUBLIC HEARING to receive comments regarding the request.

Mayor Sanson opened the public hearing at 7:47 p.m. and invited comments for or against the request. There being no comments, Mayor Sanson closed the public hearing at 7:48 p.m.

3. Discussion and action regarding the request.

Ms. Dobbs informed the Council the second of two public hearing would be conducted on August 21, 2018 after which the Council could act on the request. No action was taken.

- F. Public hearing, discussion regarding the application of Bloomfield Homes, LP for a zoning change from Temporary Agricultural (A) to Planned Development-Single Family (PD-SF) zoning district for 111 lots on 30.485 acres situated in the Drury Anglin Survey, Abstract No. 2 described as Cape Cod Bank and Trust Company in Deed recorded in Vol. 2651, pg. 27, Collin County, TX, (CCAD ID #1250096) situated west of Traditions at Grand Heritage, east of Traditions at Grand Heritage West, and south of Windmill Estates, Lavon, TX and accompanying ordinance.**

1. Presentation of request.

Ms. Dobbs provided information regarding the proposed zoning of the property, noting that the property would not be zoned until annexation had been completed. The owner of the property requested the zoning and annexation to run concurrently. Ms. Dobbs noted that the public hearing notice had been published in the newspaper and on the website, zoning change signs had been placed and that seventy-two (72) neighbor notices were mailed with five (5) notices returned in opposition. Ms. Dobbs further advised that the proposed planned development zoning is consistent with the Comprehensive Plan.

2. PUBLIC HEARING to receive comments regarding the request.

Mayor Sanson opened the public hearing at 7:53 p.m. and invited comments for or against the request. Tracy Garcia, future resident at 563 Weston, inquired as to how much of the tree line will be maintained. Mr. Davis expressed that the developer had advised him they intended to keep as many trees as possible. Ms. Dobbs advised that the developer had been granted a preliminary clearing permit to allow them to access the property for surveying and engineering design. There being no further comments, Mayor Sanson closed the public hearing at 7:56 p.m.

3. Discussion and action regarding the request.

Planning and Zoning (P&Z) Commission Chairman David Rosenquist reported that the Commission voted unanimously to recommend approval of the request. Ms. Dobbs advised that the developer had complied with the development review committee (DRC) comments. City Engineer Mark Hill expressed satisfaction with the concept plan as revised and with changes to the entrance of this subdivision. Ms. Serkland clarified that the request is to change zoning from Agriculture (A) assigned temporarily at annexation to Planned Development (PD-SF).

Ms. Dobbs reiterated that no action could be taken with respect to the zoning application until after the annexation has been finalized and that an item for action would be included on the August 21, 2018 agenda.

G. Public hearing, discussion and action regarding the application of Bloomfield Homes, LP for zoning change from Commercial Planned Development (PD) zoning district created by Ordinance No. 2004-09-05 to Planned Development-Single Family (PD-SF) zoning district for a "Model Home Park" consisting of 4 lots on 0.889 acres being Commercial Tract No. 2, Grand Heritage Club Addition (CCAD Property ID 261617) adjacent to and situated northeast of the intersection of Burnett Drive and SH 78, west of Lavonia Landing, Lavon, Collin County, TX and accompanying ordinance.

1. Presentation of request.

Ms. Dobbs explained that the original zoning application requested four (4) lots, but after DRC comments, the developer scaled the request back to three (3) lots to be used initially for model homes and ultimately for single-family residences. Ms. Dobbs noted that the public hearing notice had been published in the newspaper and on the website, zoning change signs had been placed and that twelve (12) neighbor notices were mailed with one (1) notice returned in favor of the request and one (1) notice returned in opposition to the request. Ms. Dobbs further advised that the proposed planned development zoning is not inconsistent with the Comprehensive Plan and would appear to provide a buffer from the residential property to the east. Mr. Rosenquist informed the council that the Planning & Zoning Commission voted to recommend approval of the request.

2. PUBLIC HEARING to receive comments regarding this request.

Mayor Sanson opened the public hearing at 8:04 p.m. There being no comments, Mayor Sanson closed the floor at 8:04 p.m.

3. Discussion and action regarding the request.

Police Chief Mike Jones noted that on-street parking would not be permitted near the intersection of Burnet and SH 78. Don Dykstra, President, Bloomfield Homes explained that they are planning for off -street parking and will eventually remove the parking area and

replace with sod when the model homes are no longer used as model homes. Mr. Kell expressed concern about the homes facing potential businesses. Mr. Davis recognized the value in the model homes being located with visibility and easy access. Ms. Wright expressed support for the request and appreciation for the investment Bloomfield has made in the city.

MOTION: APPROVE A ZONING CHANGE FROM COMMERCIAL PLANNED DEVELOPMENT (PD-C) ZONING DISTRICT CREATED BY ORDINANCE NO. 2004-09-05 TO PLANNED DEVELOPMENT-SINGLE FAMILY (PD-SF) ZONING DISTRICT CONSISTING OF 3 LOTS ON 0.889 ACRES BEING COMMERCIAL TRACT NO. 2, GRAND HERITAGE CLUB ADDITION (CCAD PROPERTY ID 261617) ADJACENT TO AND SITUATED NORTHEAST OF THE INTERSECTION OF BURNETT DRIVE AND SH 78, WEST OF LAVONIA LANDING, COLLIN COUNTY, TX AND THE ACCOMPANYING ORDINANCE NO. 2018-08-01.

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

H. Discussion and action regarding the Final Plat of the Bear Creek Amenity Center and Bridge addition, a 6.133 acre tract of land situated in the Drury Anglin Survey, Abstract No. 2, comprised of 2 non-residential lots south of Hoover Avenue and extending President's Boulevard, Grand Heritage – East A2, City of Lavon, Collin County, Texas.

Ms. Dobbs provided information about the background of the proposed plat. Kevin Kessler, Jacobs Engineering advised that the project is slated for completion by year end 2019. Mr. Hill noted easements to be dedicated to the city and recommended approval.

MOTION MADE: APPROVE THE FINAL PLAT OF THE BEAR CREEK AMENITY CENTER AND BRIDGE ADDITION, A 6.133 ACRE TRACT OF LAND SITUATED IN THE DRURY ANGLIN SURVEY, ABSTRACT NO. 2, COMPRISED OF 2 NON-RESIDENTIAL LOTS SOUTH OF HOOVER AVENUE AND EXTENDING PRESIDENT'S BOULEVARD, GRAND HERITAGE – EAST A2, CITY OF LAVON, COLLIN COUNTY, TEXAS.

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

I. Discussion and action regarding the Preliminary Plat of the Bear Creek Addition, Phases 3, 4 & 5 for 454 lots on 90.98 acres of land situated in the D. Anglin Survey, Abstract No. 2, Sheet 3, Tract 140 (Collin CAD# 2630457), located south of Bear Creek Phase 2 and west of CR 483, City of Lavon, Collin County, Texas.

Ms. Dobbs provided background information regarding the proposed plat and noted that the plat conforms to the zoning. Mr. Hill advised the Council that certain cul-de-sac in the original plat needed to be larger for emergency vehicles and that the developer had agreed to comply. Don Dykstra, President, Bloomfield Homes LLP presented a map of the walking trail system planned to be constructed in accordance with city standards to connect the Traditions neighborhoods to the elementary school. Residents Derek Lowe, 256 Armstrong Lane, and Preston Held, 532 Avery Pointe, asked question regarding the walking trail.

MOTION MADE: APPROVE THE PRELIMINARY PLAT OF THE BEAR CREEK ADDITION, PHASES 3, 4 & 5 FOR 454 LOTS ON 90.98 ACRES OF LAND SITUATED IN THE D. ANGLIN SURVEY, ABSTRACT NO. 2, SHEET 3, TRACT 140, (COLLIN CAD #26304577), LOCATED SOUTH OF BEAR CREEK PHASE 2 AND WEST OF CR 483, CITY OF LAVON, COLLIN COUNTY, TEXAS.

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

J. Discussion and action regarding Resolution No. 2018-08-03 authorizing the Mayor to execute a Development Facilities Agreement with Pacesetter Homes, LLC for the Lavon Farms Addition.

Ms. Dobbs informed the Council that Pacesetter Homes LLC had acquired and would develop the property. Ms. Wright asked when the capital recovery fees would be paid and Ms. Dobbs explained that the fees would be due with the building permit application. Ms. Dobbs noted that the City Attorney had been involved in the preparation of and approved the agreement. Mr. Hill confirmed he had reviewed the agreement and recommended approval.

MOTION: APPROVE RESOLUTION NO. 2018-08-03 AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT FACILITIES AGREEMENT WITH PACESETTER HOMES, LLC FOR THE LAVON FARMS ADDITION.

MOTION MADE: DAVIS
SECONDED: COOK
APPROVED: UNANIMOUS

K. Discussion and action regarding the Final Plat of the Lavon Farms addition on 38.62 acres of land situated in the Drury Anglin Survey, Abstract No. 2, City of Lavon, Collin County, (CCAD ID #s 2653997, 2087762 and 257840), generally located southwest of the intersection of FM 2755 and CR 483, City of Lavon, Collin County, Texas.

Ms. Dobbs informed the Council that developer had complied with the comments of the DRC and City Engineer and recommended approval. Bob Tesch and Ryan Joyce, Pacesetter Homes offered to answer questions. Mr. Joyce noted that one street name had been rejected by the post office and that the street named Bear Creek would be changed to White Water Drive.

MOTION: APPROVE FINAL PLAT OF THE LAVON FARMS ADDITION ON 38.62 ACRES OF LAND SITUATED IN THE DRURY ANGLIN SURVEY, ABSTRACT NO. 2, CITY OF LAVON, COLLIN COUNTY, (CCAD ID #2653997, 2087762 AND 257840), GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF FM 2755 AND CR 483, CITY OF LAVON, COLLIN COUNTY, TEXAS.

MOTION MADE: SERKLAND
SECONDED: DAVIS
APPROVED: UNANIMOUS

L. Discussion and action regarding nomination of candidates for the Texas Municipal League Multistate Intergovernmental Employee benefits Pool Board of Trustees.

The consensus of the Council was to not submit nominations. No action was taken.

M. Discussion and action regarding board and commission appointments – Parks and Recreation Board.

Ms. Dobbs noted there were presently two vacancies and that no volunteer applications had been received. No action was taken.

9. EXECUTIVE SESSION

At 8:42 p.m., in accordance with Texas Government Code, Annotated, Subchapter 551, Mayor Sanson recessed the meeting to go into executive session (closed meeting) to discuss the following items:

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) Proposed Agreement with the Nevada Volunteer Fire Department regarding Fire Protection Services, 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.

10. RECONVENE FROM EXECUTIVE SESSION INTO REGULAR SESSION

In accordance with Texas Government Code, Section 551.001, et seq., Mayor Sanson reconvened the meeting at 9:14 p.m. and stated that no action was taken in executive session.

A. Discussion and action regarding an Agreement for Fire Protection Services with Nevada Volunteer Fire Department.

No action was taken.

B. Discussion and action regarding *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.

MOTION: DIRECT THE CITY ADMINISTRATOR AND CITY'S ATTORNEY (SPECIAL COUNSEL) TO FILE A MOTION FOR REHEARING WITH THE PUC WITH LEGAL FEES NOT TO EXCEED \$10,000.

MOTION MADE: SANSON

SECONDED: COOK

APPROVED: UNANIMOUS

11. CITY COUNCIL TO SET FUTURE MEETINGS AND AGENDAS.

- Next meeting - August 21, 2018 with a Budget Work Session to be held at 6 p.m.
- LVFD meetings August 14, 2018 and August 28, 2018
- John Kell invited the Council to attend a block party in Traditions on August 25.

12. MAYOR SANSON ADJOURNED THE CITY COUNCIL MEETING AT 9:18 P.M.

DULY PASSED and APPROVED by the City Council of Lavon, Texas, on this 21th day of August, 2018



Vicki Sanson, Mayor

ATTEST:



Kim Dobbs, City Administrator-City Secretary

