



**MINUTES
AUGUST 21, 2018
LAVON CITY COUNCIL
BUDGET WORK SESSION
REGULAR MEETING – EXECUTIVE SESSION
CITY HALL, 120 SCHOOL ROAD, LAVON, TEXAS
6:00 P.M.**

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

1. MAYOR SANSON CALLED THE WORK SESSION TO ORDER AT 6:01 P.M. AND ANNOUNCED A QUORUM PRESENT.

2. WORK SESSION-BUDGET

City Administrator Kim Dobbs reviewed the budget and projections. Ms. Dobbs clarified that the Tornado Sirens budget line included maintenance. Ms. Dobbs informed the Council that as directed by the Council on August 7, the proposed budget includes salary adjustments, an additional Police Officer, demolition of 2 houses on Forder Ct. and new accounting software. The Council directed staff to maximize any value found in the houses on Forder Ct. prior to demolition. Ms. Dobbs advised that she had requested that the City Engineer prepare cost estimates for road repairs/reconstruction program for Moore Ln., Lake Rd., Wolf Run Ct., Mustang Ct. and Bently Farms Phase 1.

3. BOY SCOUT MILES SERKLAND LED THE RECITATION OF THE PLEDGE OF ALLEGIANCE AND MAYOR PRO TEM KAY WRIGHT DELIVERED THE INVOCATION.

4. CITIZENS COMMENTS

There were none.

5. ITEMS OF INTEREST/COMMUNICATIONS

- September 4, 2018 - Ribbon Cutting at the Emergency Operations Center (EOC) at 6pm
- October 2, 2018 – National Night Out
- October 20, 2018 – Fall Festival 4-6p.m.
- November 24, 2018 - Small Business Bazaar

Police Chief Mike Jones noted that school is back in session now and urged driver safety and caution.

6. CONSENT AGENDA

A. Approve the minutes of the August 7 , 2018 meeting

B. Accept the Heritage Public Improvement District #1 Assessment Report Summary Dated 7/31/2018 and authorize the payment of invoices included therein.

C. Approve Resolution No. 2018-08-04 authorizing the mayor to execute an amendment to the Development Facilities Agreement with Pacesetter homes, LLC for the Lavon Farms Addition to remove references to and provisions for performance and payment bonds.

A correction to the minutes was noted.

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

MOTION MADE: DAVIS

SECONDED: KELL

APPROVED: UNANIMOUS

7. ITEMS FOR CONSIDERATION

A. 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 landowner's request to voluntarily annex the property.

2. PUBLIC HEARING to receive comments regarding the request.

Mayor Sanson opened the public hearing at 6:41 p.m. and invited comments for or against the request. Jim Douglas, Douglas Properties, Inc., 2309 Ave. K, Plano, TX spoke in favor of the request. There being no further comments, Mayor Sanson closed the public hearing at 6:42 p.m.

3. Discussion and action regarding the request and accompanying Ordinance No. 2018-08-02.

Ms. Dobbs stated that this is the final of two public hearings that would be conducted. Ms. Wright noted the Service Plan provides for the Lavon Volunteer Fire Department to provide service in the future.

MOTION: APPROVE ORDINANCE NO. 2018-08-02 ANNEXING 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 ANNEXING THE ADJACENT COUNTY ROAD AND RIGHT-OF-WAY INTO THE CITY OF LAVON.

MOTION MADE: SERKLAND

SECONDED: DAVIS

APPROVED: UNANIMOUS

B. 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 6:44 p.m. and invited comments for or against the request. There being no comments, Mayor Sanson closed the public hearing at 6:45 p.m.

3. Discussion and action regarding the request.

Ms. Dobbs informed the Council this is the final public hearing that would be conducted.

MOTION: APPROVE ORDINANCE NO. 2018-08-03 ANNEXING 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 AND SOUTH OF WINDMILL ESTATES AND THE ANNEXATION OF THE ADJACENT COUNTY ROAD AND RIGHT-OF-WAY INTO THE CITY OF LAVON.

MOTION MADE: KELL

SECONDED: COOK

APPROVED: UNANIMOUS

- C. **Discussion and action 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 No. 2018-08-04.**

Ms. Dobbs explained that a public hearing on the application was conducted on August 7, 2018 and action on the zoning application was deferred until the annexation of the property was completed. Resident Roger Mazzaresse, 567 Avert Pt. asked if a property owner in the new development requested that the trees be removed in the buffer zone, would the developer do as requested. Property owner, Don Dykstra, President, Bloomfield Homes, 1050 E. Hwy 114, Southlake, Texas, offered that each instance would be handled on a case by case basis but that if a customer expressed a desire for fewer trees, the developer would likely suggest a lot with fewer trees since the lots with the trees are considered premium due to the trees and larger size. Mr. Dykstra added that if trees were potentially threatening to a structure on the lot, the developer would not rule out removing them. Mr. Kell advised that he had spoken with residents in the adjacent neighborhoods regarding the proposed concept plan and was pleased to see that all of the Traditions neighborhoods would be connected with the construction of this addition. Mr. Davis stated that he personally chose his lot because of the trees and it was his experience that customers generally preferred lots with trees.

MOTION: APPROVE THE 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 NO. 2018-08-04.

MOTION MADE: DAVIS
SECONDED: SERKLAND
APPROVED: UNANIMOUS

Mayor Sanson noted the time at 7:00 p.m. and asked if anyone present wished to provide comments regarding the requested annexations of the 57.075 acres and 30.485 acres respectively. William Evans, 587 Weston Way, was recognized and asked if the perimeter trees would be preserved. Ms. Dobbs clarified that the annexation public hearings were limited to input regarding the proposed change in the city boundaries by the annexation of the proposed tracts. No additional comments were offered regarding the voluntary annexation requests.

- D. **Discussion and action regarding Ordinance No. 2018-08-05 amending Ordinance No. 2016-05-01, Section 6 – Animal Nuisance to require a pet owner to clean up pet waste in publicly accessed areas; providing a repealer clause; providing a severability clause; providing for a penalty of fine not to exceed the sum of two thousand dollars (\$2,000.00).**

Ms. Dobbs provided background information on the Ordinance. Chief Jones explained the process for ticketing offenders and enforcement of the regulation. The Council expressed support for the measure.

MOTION: APPROVE ORDINANCE NO. 2018-08-05 AMENDING ORDINANCE NO. 2016-05-01, SECTION 6 – ANIMAL NUISANCE TO REQUIRE A PET OWNER TO CLEAN UP PET WASTE IN PUBLICALLY ACCESSED AREAS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENTALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2000.00).

MOTION MADE: SERKLAND
SECONDED: DAVIS
APPROVED: UNANIMOUS

- E. Discussion and action regarding Ordinance No. 2018-08-06 adopting and enacting a new Code of Ordinances; providing for the repeal of certain ordinances not included therein; providing a penalty for the violation thereof not exceeding \$500 generally or exceeding \$2,000 for violations relating to fire safety, zoning or public health and sanitation; providing for the amendment of such code; and providing when such code and this ordinance shall become effective.**

Ms. Dobbs informed the Council that the codification project had been completed and presented the Code of Ordinances book that will be maintained in the City Secretary's Office. Ms. Dobbs further advised that the codification will be available on line and via a link on the City's website. The Council expressed great support for the project.

MOTION: APPROVE ORDINANCE NO. 2018-08-06 ADOPTING AND ENACTING A NEW CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF NOT EXCEEDING \$500 GENERALLY OR EXCEEDING \$2,000 FOR VIOLATIONS RELATING TO FIRE SAFETY, ZONING OR PUBLIC HEALTH AND SANITATION; PROVIDING FOR THE AMENDMENT OF SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

MOTION MADE: WRIGHT
SECONDED: SERKLAND
APPROVED: UNANIMOUS

- F. Discussion and action regarding Resolution No. 2018-08-05 authorizing the Mayor to execute an Interlocal Dispatch Services Agreement with Collin County for the provision of dispatch services for the Lavon Volunteer Fire Department (LVFD).**

Ms. Dobbs advised that all related paperwork has been submitted and noted that the City Attorney had a few wording changes. LVFD Fire Chief Jon Scott explained that once the dispatch services agreement is approved by the County Commissioners and the corresponding changes processed, the LVFD will be operational and able to respond to calls. Chief Jones explained the updating process and how codes were changed and maintained on the radios.

MOTION: APPROVE RESOLUTION NO. 2018-08-05 AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL DISPATCH SERVICES AGREEMENT WITH COLLIN COUNTY FOR THE PROVISION OF DISPATCH SERVICES FOR THE LAVON VOLUNTEER FIRE DEPARTMENT SUBJECT TO CITY ADMINISTRATOR AND CITY ATTORNEY FINAL APPROVAL.

MOTION MADE: DAVIS
SECONDED: WRIGHT
APPROVED: UNANIMOUS

8. STAFF REPORTS

- A. Police Services** – Chief Jones provided information and referred Council to the reports regarding traffic stops, calls for service, and call breakout information.
- B. Fire Services** – Chief Scott provided a report regarding the fire station and engine repair and expects the SCBA gear to be back from testing in early September. Chief Scott expressed appreciation for the efforts of LVFD volunteer Brad Sanson for HIS work on repairs to the station and engine and of Jason Wynns, Project Manager, Bloomfield Homes, LP for the cabinets they donated. Chief Scott reported that twenty (20) firefighters attended the last meeting/training session. Chief Scott expressed his appreciation to the citizens and council members for the donations including white boards, dishes and other household items for the station and EOC. Chief Scott further reported that the paperwork for EMS Certification has been submitted and expressed thanks to LFVD Fire Captain Danny Anthony for his work on this project. Mayor Sanson expressed dismay regarding fuses that had been removed from the fire engine. Chiefs Scott and Jones advised that there had not been a determination that would explain the missing fuses. Mayor Sanson expressed gratitude for the

overwhelming support of the citizens and the many residents and volunteers who had come together to help with the LFVD and EOC.

C. Public Works Services – Director of Public Works Sonny Mancias provided a report regarding general public works and street maintenance including mowing and trash collection, TxDOT projects, the public works facility construction update and sanitary sewer system maintenance efforts. Mr. Mancias reported that the donkeys had been relocated to a new home and that work on the access to the new building would commence.

D. Administration Services – Ms. Dobbs directed the Council to reports provided in the meeting packet regarding the Financial Outlook, Building Permits Report, CWD Recycling Report, Collin County Monthly Tax Collection Report and Sales Tax Report.

9. EXECUTIVE SESSION

Pursuant to the following designated sections of Texas Government Code, Annotated, Subchapter 551, the City Council may enter 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 (NVFD) 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.

Ms. Dobbs advised that there was not anything new to report regarding the items listed, that the City had not received a response from NVFD regarding the counter-agreement proposed and submitted by the City to NVFD on July 18 or the revised counter-agreement subsequently submitted to NVFD on August 2, 2018 and consequently there was no need to go into Executive Session. The City Council did not recess into executive session.

10. CITY COUNCIL TO SET FUTURE MEETINGS AND AGENDAS.

- Next meeting – September 4, 2018 Emergency Operations Center (EOC) Ribbon Cutting, 6 p.m. and Meeting at 7 p.m. that will include a public hearing on the budget, fee schedule and tax rate.

11. MAYOR SANSON ADJOURNED THE CITY COUNCIL MEETING AT 7:44 P.M.

DULY PASSED and APPROVED by the City Council of Lavon, Texas, on this 4th day of September, 2018

Vicki Sanson, Mayor

ATTEST:

Kim Dobbs, City Administrator/City Secretary

