



**MINUTES
SEPTEMBER 1, 2020
LAVON CITY COUNCIL
REGULAR MEETING
TELEPHONIC MEETING
CITY HALL, 120 SCHOOL ROAD, LAVON, TEXAS
6:30 P.M.**

The meeting was conducted telephonically in accordance with the orders of the Office of the Governor in order to advance the public health goal of limiting face-to-face meetings to slow the spread of the Coronavirus (COVID-19). The meeting agenda and packet were posted on the city website prior to the meeting.

ATTENDING: VICKI SANSON, MAYOR
JOHN KELL, PLACE 1
MIKE COOK, PLACE 2
KAY WRIGHT, MAYOR PRO TEM, PLACE 3
MINDI SERKLAND, PLACE 5
ABSENT: TED DILL, PLACE 4

- 1. MAYOR SANSON CALLED THE MEETING TO ORDER AT 6:30 P.M., TOOK ROLL AND CONFIRMED A QUORUM PRESENT.**
- 2. MAYOR SANSON OBSERVED A MOMENT OF SILENCE.**
- 3. EXECUTIVE SESSION**

At 6:33 p.m., in accordance with the Texas Governmental Code, Annotated, Subchapter 551, Mayor Sanson recessed the meeting to go into executive session (closed meeting) to discuss the following items.

- a) Section 551.074 – Personnel matters to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee; or hear a complaint or charge against an officer or employee – City Administrator/ City Secretary.

RECONVENE FROM EXECUTIVE SESSION

In accordance with Texas Government Code, Section 551.001, et seq., Mayor Sanson reconvened the meeting at 7:10 p.m. and stated that no action was taken in executive session. Mayor Sanson noted that the City Council would reconvene into Executive Session after Agenda Item 10.

4. CITIZENS COMMENT

There were no citizen comments.

5. PROCLAMATION

Mayor Sanson presented a proclamation regarding National Preparedness Month – September 2020.

6. ITEMS OF INTEREST/COMMUNICATIONS

- X-treme Green Event-October 17, 2020
- City Hall will be a voting location for the special election - State Senate District 30. Early Voting begins on September 14, 2020
- Collin Cares Small Business Grant information was sent to all 31 businesses of Lavon by the Lavon EDC
- Mayor Sanson provided information about the North Texas Food Bank Peanut Butter Drive underway during the month of September.

7. CONSENT AGENDA

- A. Approve the minutes of the August 4, 2020 meeting.**
- B. Approve the minutes of the August 18, 2020 meeting.**

- C. Approve Resolution No. 2020-09-01 approving a tariff authorizing an annual rate review mechanism (“RRM”) as a substitution for the annual interim rate adjustment process defined by Section 104.301 of the Texas Utilities Code, and as negotiated between Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”) and the Steering Committee of cities served by Atmos; requiring the Company to reimburse cities’ reasonable ratemaking expenses; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Open Meetings Act; declaring an effective date; and requiring delivery of this ordinance to the Company and legal counsel for the Steering Committee.

City Administrator Kim Dobbs provided a correction of a typographical error in the August 4, 2020 minutes.

MOTION: APPROVE THE CONSENT AGENDA, AS AMENDED.

MOTION MADE: KELL

SECONDED: WRIGHT

APPROVED: UNANIMOUS (Absent: Dill)

8. ITEMS FOR CONSIDERATION

- A. Public hearing, discussion and action regarding the application of Aaron Story for a conditional use permit to construct a 400 sq ft accessory structure – pool cabana that is one more structure than permitted at 495 Meadow View Dr., Block A, Lot 1, Lakeridge Meadows, (CCAD Property ID 2092027), Lavon, TX.

Presentation of request.

Ms. Dobbs provided location information and application specifics and reviewed the code requirements necessitating a conditional use permit (CUP). Ms. Dobbs provided the Planning & Zoning Commission Report where the Commission unanimously voted to recommend approval of the request. Applicant Aaron Story answered questions regarding the request.

PUBLIC HEARING to receive comments regarding the request.

Mayor Sanson opened the public hearing at 7:26 p.m. and invited comments in favor or opposition of the request. Daniel Brown, 490 Meadow View spoke in favor of the application. The applicant answered questions from the City Council relating to drainage, vehicle parking and plans for the intended use of the accessory structures. There being no comments, Mayor Sanson closed the public hearing at 7:40 p.m.

Discussion and action regarding the request.

Ms. Dobbs reported that requisite public hearing notice was posted, published and six (6) neighbor notices were mailed to the owners of properties located within 200 feet of the applicant’s property. Three notices were returned in favor of the request and one notice was returned in opposition to the request.

In response to an inquiry there was a possibility of removing or adding onto one of the buildings, the applicant stated that he felt it would look worse to combine the buildings and further stated that the grading of the yard makes it difficult to make the buildings larger or combine them.

MOTION: APPROVE THE APPLICATION OF AARON STORY FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A 400 SQ FT ACCESSORY STRUCTURE – POOL CABANA THAT IS ONE MORE STRUCTURE THAN PERMITTED AT 495 MEADOW VIEW DR., BLOCK A, LOT 1, LAKERIDGE MEADOWS, (CCAD PROPERTY ID 2092027), LAVON, TX.

MOTION MADE: SERKLAND

SECONDED: COOK

FAILED: 3 - 2

FOR: COOK, SERKLAND

AGAINST: SANSON, KELL, WRIGHT (Absent: Dill)

Ms. Dobbs acknowledged that the application was not denied with prejudice.

- B. Discussion and action regarding Resolution No. 2020-09-02 declaring elected to the Offices of City Council Place 1, City Council Place 3 and City Council Place 5 the unopposed candidates for election to those offices; providing that such election shall be effective as of November 3, 2020, and that such candidates shall take office as provided for by law; providing that the November 3, 2020, General Election shall not be held; providing that a copy of this Resolution shall be posted on election day at each polling place that would have been used in the election; providing an effective date.**

MOTION: APPROVE RESOLUTION NO. 2020-09-02 DECLARING ELECTED TO THE OFFICES OF CITY COUNCIL PLACE 1, CITY COUNCIL PLACE 3 AND CITY COUNCIL PLACE 5 THE UNOPPOSED CANDIDATES FOR ELECTION TO THOSE OFFICES; PROVIDING THAT SUCH ELECTION SHALL BE EFFECTIVE AS OF NOVEMBER 3, 2020, AND THAT SUCH CANDIDATES SHALL TAKE OFFICE AS PROVIDED FOR BY LAW; PROVIDING THAT THE NOVEMBER 3, 2020, GENERAL ELECTION SHALL NOT BE HELD; PROVIDING THAT A COPY OF THIS RESOLUTION SHALL BE POSTED ON ELECTION DAY AT EACH POLLING PLACE THAT WOULD HAVE BEEN USED IN THE ELECTION; PROVIDING AN EFFECTIVE DATE.

MOTION MADE: WRIGHT
SECONDED: COOK
APPROVED: UNANIMOUS (Absent: Dill)

- C. Discussion and action Resolution No. 2020-09-03 approving and authorizing the Mayor to execute a Third Amendment to the Interlocal Cooperation Agreement for Police Service with the City of Nevada to update the cost of service and calculation methodology.**

Ms. Dobbs explained that subsequent to the last council meeting, she and Chief Jones worked with the City of Nevada to establish an amended method for calculation that closer met the proposed contract amount. Ms. Dobbs stated that the City of Nevada had expressed support for the proposed amendment.

MOTION: APPROVE RESOLUTION NO. 2020-09-03 APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A THIRD AMENDMENT TO THE INTERLOCAL COOPERATION AGREEMENT FOR POLICE SERVICE WITH THE CITY OF NEVADA TO UPDATE THE COST OF SERVICE AND CALCULATION METHODOLOGY.

MOTION MADE: KELL
SECONDED: COOK
APPROVED: UNANIMOUS (Absent: Dill)

- D. Discussion and action regarding the award of the construction contract for the City of Lavon Moore Lane Paving/Drainage Construction Project and Resolution No. 2020-09-04 approving and authorizing the Mayor to execute a construction contract with GRod Construction, LLC for the amount of \$403,486.00 and 75/90 days; and providing an effective date.**

City Engineer Mark Hill, Freeman Millican, LLC. Provided information regarding the project and the competitive bids that were received. Mr. Hill reviewed the bid alternates and reviewed why the concrete alternative was preferred. Mr. Hill recommended that the contract for the concrete alternative be awarded to GRod Construction who submitted the lowest and best qualified bid.

MOTION: APPROVE THE AWARD OF THE CONSTRUCTION CONTRACT FOR THE CITY OF LAVON MOORE LANE PAVING/DRAINAGE CONSTRUCTION PROJECT AND APPROVE RESOLUTION NO. 2020-09-04 APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A CONSTRUCTION CONTRACT WITH GROD CONSTRUCTION, LLC FOR THE AMOUNT OF \$403,486.00 AND 75/90 DAYS; AND PROVIDING AN EFFECTIVE DATE.

MOTION MADE: WRIGHT
SECONDED: SERKLAND

APPROVED: UNANIMOUS (Absent: Dill)

E. Discussion and action regarding acceptance of the Bear Creek Sewer Trunk Line construction project.

Ms. Dobbs provided background regarding the sewer trunk line project. Mr. Hill recommended acceptance of the public infrastructure.

MOTION: ACCEPT THE BEAR CREEK SEWER TRUNK LINE CONSTRUCTION PROJECT.

MOTION MADE: WRIGHT
SECONDED: SERKLAND
APPROVED: UNANIMOUS (Absent: Dill)

F. Public hearing, discussion and action regarding Ordinance No. 2020-09-01 amending the Code of Ordinances in Chapter 4, Building Regulations, Article 4.02 Construction Codes and Standards by providing for the adoption of the 2018 International Building Code, the 2018 International Residential Code, the 2018 International Plumbing Code, the 2017 National Electrical Code, the 2018 International Mechanical Code, the 2018 International Fuel Gas Code, the 2018 International Energy Conservation Code, and the 2018 International Property Maintenance Code with amendments thereto; providing clauses for severability, cumulative/repealer, a penalty not to exceed the sum of \$2000.00, savings and an effective date.

Presentation of the request.

Ms. Dobbs reviewed the rationale for updating the building codes. Ms. Dobbs noted that LeAnn McClendon notified every homebuilder currently working in the city about the proposed update and none expressed opposition. Wes Caperton, Building Inspector, stated that this is strictly a housekeeping item and added the most notable change is related to storm shelters being required in public schools.

PUBLIC HEARING to receive comments regarding the request.

Mayor Sanson opened the public hearing at 8:13p.m. and invited comments in favor or opposition of the request. There being no comments, Mayor Sanson closed the public hearing at 8:14 p.m.

Discussion and action regarding the request.

MOTION: APPROVE ORDINANCE NO. 2020-09-01 AMENDING THE CODE OF ORDINANCES IN CHAPTER 4, BUILDING REGULATIONS, ARTICLE 4.02 CONSTRUCTION CODES AND STANDARDS BY PROVIDING FOR THE ADOPTION OF THE 2018 INTERNATIONAL BUILDING CODE, THE 2018 INTERNATIONAL RESIDENTIAL CODE, THE 2018 INTERNATIONAL PLUMBING CODE, THE 2017 NATIONAL ELECTRICAL CODE, THE 2018 INTERNATIONAL MECHANICAL CODE, THE 2018 INTERNATIONAL FUEL GAS CODE, THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE, AND THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE WITH AMENDMENTS THERETO; PROVIDING CLAUSES FOR SEVERABILITY, CUMULATIVE/REPEALER, A PENALTY NOT TO EXCEED THE SUM OF \$2000.00, SAVINGS AND AN EFFECTIVE DATE.

MOTION MADE: KELL
SECONDED: COOK
APPROVED UNANIMOUS (Absent: Dill)

G. Discussion and action regarding the nomination of the Board of Trustees of the Texas Municipal League Intergovernmental Risk Pool.

Ms. Dobbs described the risk pool services and election procedures for the Board of Trustees.

MOTION: CAST BALLOTS FOR PLACE 1 - HERRERA, PLACE 2 - FULLEN, PLACE 3 - SNYDER, AND PLACE 4 - HAUK TO THE BOARD OF TRUSTEES OF THE TEXAS

MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL AND AUTHORIZE MAYOR SANSON TO SIGN AND SUBMIT THE OFFICIAL BALLOT.

MOTION MADE: WRIGHT
SECONDED: COOK
APPROVED: UNANIMOUS (Absent: Dill)

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

Ms. Dobbs reviewed the Collin Cares Grant Small Business Grant application program. Ms. Dobbs reviewed possible first-responder staff exposures and requested direction regarding three specific items:

- The City Council directed that the Fall Festival/Trick or Treat Street event should be cancelled.
- Ms. Dobbs recommended and the City Council directed staff to participate the Emergency Housing and Living Assistance (EHLA) program for the residents of Lavon. The program would involve the city participation a postcard promotion for all delinquent utility accounts to promote the Collin CARES grant assistance.
- Ms. Dobbs recommended and the City Council directed that the City not participate in deferring payroll taxes for employees because of the still undefined repayment terms.

9. WORK SESSION-BUDGET

A. Discussion regarding regulatory requirements, projections for the current fiscal year, budget calendar, departmental service levels and enhancement requests, fee schedule, and the tax rate.

Ms. Dobbs reviewed updated budget items, including the requests that the City Council supported and directed to be included in the budget on July 21, 2020. Ms. Dobbs added that the Planning and Zoning Commission, recognizing the Strategic Plan goal, recommended updating the City's Comprehensive Plan, reviewed a proposal for related professional services and acknowledged that the majority of the update could be funded from the Series 2020 Certificates of Obligation. The Council expressed support for the Commission's recommendation.

B. Public hearing, discussion and direction regarding the proposed annual budget, tax rate, fee schedule and other matters relating to the budget.

Presentation of proposed budget, tax rate and fee schedule.

Ms. Dobbs presented information regarding the proposed budget.

PUBLIC HEARING to receive comments regarding the proposed budget, tax rate, fee schedule and other matters related to the budget.

Mayor Sanson opened the public hearing at 9:03 p.m. and invited comments in favor or opposition of the request. There being no comments, Mayor Sanson closed the public hearing at 9:04 p.m.

Discussion and direction regarding the preparation of the proposed budget, tax rate, fee schedule and other matters related to the budget.

It was noted that public hearings will again be conducted on the budget and the tax rate on September 15, 2020 at 7:00 p.m. and that efforts will be made to conduct the meeting live at City Hall in the gymnasium.

10. CITY COUNCIL TO SET FUTURE MEETINGS AND AGENDAS.

- September 15, 2020 Regular City Council Meeting 7:00 p.m. – Public Hearing – Tax Rate

Ms. Serkland requested that an item be placed on a future agenda to discuss the condition of the streets in Bently Farms, Phases 1 and 2.

RECONVENE EXECUTIVE SESSION

At 9:12 p.m., in accordance with the Texas Governmental Code, Annotated, Subchapter 551, Mayor Sanson recessed the meeting to go into executive session (closed meeting) to discuss the following items.

- b) Section 551.074 – Personnel matters to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee; or hear a complaint or charge against an officer or employee – City Administrator/ City Secretary.

RECONVENE FROM EXECUTIVE SESSION

In accordance with Texas Government Code, Section 551.001, et seq., Mayor Sanson reconvened the meeting at 9:52 p.m. and stated that no action was taken in executive session.

11. MAYOR SANSON ADJOURNED THE CITY COUNCIL MEETING AT 9:54 P.M.

DULY PASSED and APPROVED by the City Council of Lavon, Texas, on this 15th day of September 2020.



Vicki Sanson
Mayor

ATTEST:



Kim Dobbs
City Administrator/City Secretary

