



**AGENDA**  
**NOVEMBER 6, 2018**  
**LAVON CITY COUNCIL**  
**REGULAR MEETING – EXECUTIVE SESSION**  
**CITY HALL, 120 SCHOOL ROAD, LAVON, TEXAS**  
**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. CITIZENS COMMENTS**

*Citizens may comment on items that are not on the agenda (3-minute time limit/person). The only response can be to request the items to be placed on a future agenda for discussion and consideration.*

**4. ITEMS OF INTEREST/COMMUNICATIONS**

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

- November 24, 2018 – LEDC Small Business Bazaar 10am-3pm
- November 30, 2018 – Tree Lighting 6:30 pm

**5. CONSENT AGENDA**

*Consent items are considered to be 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 October 16, 2018 meeting.

**6. ITEMS FOR CONSIDERATION**

- A. Discussion and action regarding Resolution No. **2018-11-01** appointing a member to the initial 9-1-1 District Board and providing an effective date.
- B. Discussion and action regarding Resolution No. **2018-11-02** amending the Wastewater Facilities Installation Policy approved by Resolution **2017-10-03** and providing an effective date.
- C. Discussion and action regarding the selection of a firm to provide public improvement district administration and service and assessment plan consultant services and authorization for the city staff and city attorney to negotiate a contract for services.
- D. Report and discussion regarding investment reports.
- E. Discussion and action regarding Ordinance No. **2018-11-01** amending Chapter 2, Administration and Personnel of the City's Code of Ordinances to establish a City Council governance policy and rules of procedure for conducting City Council meetings and providing for an effective date, proper notice and meeting; severability clause and repealer clause.
- F. Discussion and action regarding board and commission appointments – Parks and Recreation Board.
- G. Update and discussion regarding public safety initiatives.

**7. EXECUTIVE SESSION**

The City Council may enter into executive session (closed meeting) pursuant to the Texas Government Code, Annotated, Subchapter 551, 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, to discuss: Franchise fee payments - Spectrum.

**8. RECONVENE FROM EXECUTIVE SESSION INTO REGULAR SESSION**

In accordance with Texas Government Code, Section 551.001, et seq., the City Council will reconvene into regular session to discuss and take any action necessary as a result of each item listed in executive session including: Franchise fee payments - Spectrum.

**9. CITY COUNCIL TO SET FUTURE MEETINGS AND AGENDAS**

*Council Members and staff may request items be placed on a future agenda or request a special meeting.*

- Special Meeting to canvass the election and administer oaths of office
- November 20 – Next Regular Meeting
- Cancel 2<sup>nd</sup> regular meeting in December (December 18)

**10. PRESIDING OFFICER TO ADJOURN THE CITY COUNCIL MEETING**

1. Notice is hereby given that members of the Lavon Economic Development Corporation Board, Lavon Planning and Zoning Commission, Parks and Recreation Board, and Reinvestment Zone #1 (TIF) Board of Directors may be in attendance at the Lavon City Council Meeting.
2. The Council may vote and/or act upon each of the items listed in this Agenda except for discussion items.
3. The Council 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 at City Hall and on the City’s website at [www.cityoflavon.com](http://www.cityoflavon.com) on or before 6:00 PM on November 2, 2018.



\_\_\_\_\_  
Kim Dobbs, City Administrator | City Secretary



**NEW COMMUNITY HIGH SCHOOL**



# **GROUND BREAKING**



**NOVEMBER 15, 2018  
2 - 3 PM**



**RSVP AT [COMMUNITYISD.ORG/BOND](http://COMMUNITYISD.ORG/BOND)**

# SMALL BUSINESS FALL BAZAAR

HOSTED BY LAVON EDC

**NOV. 24**  
**10AM - 3PM**



**SHOP! SHOP! SHOP! FUN TIME - GREAT FOOD!**



**SHOP THIS GREAT BAZAAR OF LOCAL FOODS & SERVICES**

**THIS IS A FREE FAMILY FUN EVENT THAT WILL TAKE PLACE AT  
120 SCHOOL RD. LAVON, TX 75166**

*The City of Lavon's  
Annual  
Christmas Tree Lighting*

*City Hall Park  
120 School Rd.*

*Friday November 30, 2018  
6:30pm*

Enjoy performances by  
NeSmith Elementary and  
Edge Middle School Students  
Hot Cocoa and Cookies provided  
by Lavon City Hall





**MINUTES  
OCTOBER 16, 2018  
LAVON CITY COUNCIL  
REGULAR MEETING – EXECUTIVE SESSION  
CITY HALL, 120 SCHOOL ROAD, LAVON, TEXAS  
7:00 P.M.**

---

ATTENDING: VICKI SANSON, MAYOR  
JOHN KELL, PLACE 1  
MIKE COOK, PLACE 2  
MINDI SERKLAND, PLACE 5

ABSENT: KAY WRIGHT, MAYOR PRO TEM, PLACE 3  
TIM DAVIS, PLACE 4

**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 JOHN KELL DELIVERED THE INVOCATION.**

**3. PUBLIC SAFETY EVENTS PRESENTATION**

A slide show of highlights from National Night Out, Emergency Operations Center (EOC) Ribbon-Cutting and Lavon Volunteer Fire Department (LVFD) was presented.

**4. PROCLAMATION**

Mayor Sanson read a proclamation designating October as Domestic Violence Awareness Month in the City of Lavon that was presented to Hope's Door New Beginning Center at the Lavon Area Chamber of Commerce meeting on October 6, 2018 to raise awareness for domestic violence. City Administrator Kim Dobbs noted that Hope's Door was holding a Candlelight Vigil on October 18.

**5. CITIZENS COMMENTS**

There were none.

**6. ITEMS OF INTEREST/COMMUNICATIONS**

- October 20, 2018 – Fall Festival 4-6 p.m. -- cancelled due to weather.
- November 24, 2018 – LEDC Small Business Bazaar 10am-3pm
- November 6, Election Day - Early voting starts Monday, October 22

**7. CONSENT AGENDA**

**A. Approve the minutes of the September 18, 2018 meeting.**

**B. Accept the Heritage Public Improvement District #1 Assessment Report Summary Dated 9/30/2018 and authorize the payment of funding for SH 78 widening project right-of-way acquisition and payment of invoices included therein.**

**C. Approve Resolution No. 2018-10-01 authorizing the Mayor to execute an amendment to the Interlocal Cooperation Agreement for Police Services with the City of Nevada to update the costs for services terms.**

A typographical error correction to the minutes was distributed.

**MOTION: APPROVE THE CONSENT AGENDA, AS AMENDED.**

MOTION MADE: SERKLAND

SECONDED: KELL

APPROVED: UNANIMOUS

ABSENT: WRIGHT AND DAVIS

## 8. STAFF REPORTS

- A. **Police Services** – Police Chief Mike Jones provided information and referred Council to the provided reports regarding traffic stops, calls for service and call breakout information. Mayor Sanson inquired about recent vehicle break-ins Chief Jones noted that there were a total of ten (10) reported break-ins and that surrounding cities experienced similar increases in vehicle break-ins. Officer Carissa Vargas reminded the council of the upcoming “Drug Take Back” on October 27, 2018 at the station.
- B. **Fire Services** – Chief Jones presented the report and stated that Mr. Scott recently represented the City of Lavon at the grand opening of the Collin College, Public Safety Training Center. Maria Peralta, LVFD presented and answered questions regarding the LVFD call/run report.
- C. **Public Works** – Director of Public Works Sonny Mancias provided a report regarding general public works and street maintenance including mowing and trash collection, sewer plant expansion, street flooding control and relocating the public works building. Mayor Sanson asked if recent rains had delayed the construction at the sewer plant and Mr. Mancias informed her that everything was still on schedule. Ms. Dobbs commended Mr. Mancias and the Public Works crew for their responsiveness to the high water/drainage issues related to recent storms.
- D. **Administration** – Ms. Dobbs directed the Council to reports provided in the meeting packet regarding the Financial Outlook, Building Permits Report, CWD Recycling and Customer Service Inquires Report, Collin County Monthly Tax Collection Report and Sales Tax Report.

## 9. ITEMS FOR CONSIDERATION

- A. **Discussion and action regarding the preliminary plat of the Bordeaux Addition on 4.91 acres of land situated in the S. M. Rainer Survey, Abstract No. 740, Sheet 2, Tract 38, (CCAD Property ID 2769732), north of the intersection of Lincoln and FM 2755, City of Lavon, Collin County, Texas.**

Ms. Dobbs provided location and background information and introduced applicant/developer Rudy Banuelos, 2707 Whispering Oaks, Rockwall. Mr. Banuelos explained the plan for the property. Mr. Banuelos stated two homes are planned in addition to the renovated existing home at 400 Main. Ms. Dobbs explained that because there were no known plans to reopen Gracy Ln., a turn-around facility is to be installed for emergency vehicles, trucks and busses using the road. Mr. David Rosenquist, Planning and Zoning Chairman presented the Commission’s report and recommended approval of the plat.

**MOTION: APPROVE THE PRELIMINARY PLAT OF THE BORDEAUX ADDITION ON 4.91 ACRES OF LAND SITUATED IN THE S.M. RANIER SURVEY, ABSTRACT NO. 740, SHEET 2, TRACT 38 (CCAD PROPERTY ID 2769732), NORTH OF THE INTERSECTION OF LINCOLN AND FM 2755, CITY OF LAVON, COLLIN COUNTY, TEXAS.**

MOTION MADE: SERKLAND  
SECONDED: COOK  
APPROVED: UNANIMOUS  
ABSENT: WRIGHT, DAVIS

- B. **Discussion and action regarding the final plat of the Bordeaux Addition on 4.91 acres of land situated in the S. M. Rainer Survey, Abstract No. 740, Sheet 2, Tract 38, (CCAD Property ID 2769732), north of the intersection of Lincoln and FM 2755, City of Lavon, Collin County, Texas.**

Ms. Dobbs reviewed the final plat notes and acknowledged that the Bordeaux Addition served as a good example of a potential “short-form” plat for future reference. Ms. Dobbs pointed out that a revision to the plat notes on the plat had been distributed and that the note would be added to the plat to restrict privacy fencing along Main St. Mr. Rosenquist presented the Planning and Zoning Commission report.

**MOTION: APPROVE THE FINAL PLAT OF THE BORDEAUX ADDITION ON 4.91 ACRES OF LAND SITUATED IN THE S. M. RANIER SURVEY, ABSTRACT NO. 740, SHEET 2, TRACT 38 (CCAD PROPERTY ID 2769732), NORTH OF THE INTERSECTION OF LINCOLN AND FM 2755, CITY OF LAVON, COLLIN COUNTY, TEXAS, SUBJECT TO THE ADDITION OF THE FENCE RESTRICTION NOTE PRESENTED.**

MOTION MADE: KELL  
SECONDED: COOK  
APPROVED: UNANIMOUS  
ABSENT: WRIGHT, DAVIS

- C. Public hearing, discussion and action regarding the replat of commercial Tract 2, located northeast of the intersection of SH 78 and Burnett on 0.889 acres into three (3) residential single-family lots, Grand Heritage Club Addition (CCAD Property ID 2612617) adjacent to and situated northeast of the intersection of Burnett Drive and SH 78, west of Lavonia Landing, Lavon, Collin County, TX.**

**1. Presentation of request.**

Ms. Dobbs advised that the property was originally zoned for commercial development in 2004 and platted in 2006 and that the property was re-zoned to residential in August 2018. Ms. Dobbs explained that the current proceeding was required by state law to increase the number of lots from one platted lot to three and acknowledged that the proposed replat conformed to the approved zoning concept plan. Twelve notices were mailed to the owners of property within 200 feet of which 2 were returned in opposition.

**2. PUBLIC HEARING to receive comments regarding the request.**

Mayor Sanson opened the public hearing at 7:44 p.m. and invited comments for or against the request. There being no comments, the hearing was closed at 7:45 p.m.

**3. Discussion and action regarding the request.**

Vincent Doyle, 319 Alamo Ct, asked who was responsible for maintenance of the property and Ms. Dobbs stated that would be the owner of the property. Mr. Rosenquist presented the report of the Planning and Zoning Commission stating approval was unanimously recommended. Mayor Sanson inquired about drainage and David Schnurbusch, P.E., USA Professional Services Group, explained that the drainage should be improved with the replat as the existing drainage facilities would be replaced with more effective structures. Ms. Dobbs noted that the developer complied with all city engineer and development review committee requirements.

**MOTION: APPROVE THE REPLAT OF GRAND HERITAGE ADDITION, COMMERCIAL TRACT 2 ON 0.889 ACRES INTO THREE (3) RESIDENTIAL SINGLE-FAMILY LOTS, GRAND HERITAGE CLUB ADDITION (CCAD PROPERTY ID 2612617) ADJACENT TO AND SITUATED NORTHEAST OF THE INTERSECTION OF BURNETT DRIVE AND SH 78, WEST OF LAVONIA LANDING, LAVON, COLLIN COUNTY, TX.**

MOTION MADE: SERKLAND  
SECONDED: COOK  
APPROVED: UNANIMOUS  
ABSENT: WRIGHT, DAVIS

- D. Discussion and action regarding Resolution No. 2018-10-02 approving the 2018 Annual Service Plan Updates for the Heritage Public Improvement District (PID) #1 (Residential).**

Josh Arendt, Municap, Inc., the City's PID Administrator of the Heritage PID #1 distributed and presented an executive summary and explained that Chapter 372 of the Local Government Code provides for annual reports to City Council for the Service and Assessment Plan (SAP) of the Heritage #1 PID.

**MOTION: APPROVE RESOLUTION NO. 2018-10-02 APPROVING THE 2018 ANNUAL SERVICE PLAN UPDATES FOR THE HERITAGE PUBLIC IMPROVEMENT DISTRICT #1 (RESIDENTIAL)**

MOTION MADE: KELL  
SECONDED: COOK  
APPROVED: UNANIMOUS  
ABSENT: WRIGHT, DAVIS

- E. Discussion and action regarding the Resolution No. 2018-10-01 approving the 2018 Tax Roll Summary for the City of Lavon, Texas; providing a severability clause; and providing for an effective date.**

Ms. Dobbs explained that state law requires the City Council to annually approve the Tax Roll and recommended approval.

**MOTION: APPROVE RESOLUTION NO. 2018-10-01 APPROVING THE 2018 TAX ROLL SUMMARY FOR THE CITY OF LAVON, TEXAS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

MOTION MADE: SERKLAND  
SECONDED: KELL  
APPROVED: UNANIMOUS  
ABSENT: WRIGHT, DAVIS

- F. Discussion and action regarding Resolution No. 2018-10-03 authorizing the Mayor to execute an Interlocal Dispatch Services Agreement with Collin County; and providing for an effective date.**

Chief Jones explained that despite increases in the costs, Collin County Dispatch is the most economical and reliable option for the city.

**MOTION: APPROVE RESOLUTION NO. 2018-10-03 AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL DISPATCH SERVICES AGREEMENT WITH COLLIN COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.**

MOTION MADE: COOK  
SECONDED: KELL  
APPROVED: UNANIMOUS  
ABSENT: WRIGHT, DAVIS

- G. Discussion and action regarding the selection of a firm to provide public improvement district administration (PID) and service and assessment plan (SAP) consultant services and authorization for the city staff and city attorney to negotiate a contract for services.**

Ms. Dobbs reviewed the City Council's July 17, 2018 direction to staff to prepare and request proposals from firms to provide PID administration and SAP consultant services. Ms. Dobbs informed the Council that four proposals from qualified firms had been received, considered and scored by the staff and financial advisor. Ms. Dobbs recommended that because of the competitiveness of the top two scoring proposals that interviews of the firms be conducted. The Council discussed the process and expressed consensus to appoint an interview committee and receive a recommendation prior to commencement of contract negotiation.

**MOTION: APPOINT A SUBCOMMITTEE CONSISTING OF MAYOR SANSON, MS. SERKLAND, THE CITY ADMINISTRATOR AND THE CITY'S FINANCIAL ADVISOR TO INTERVIEW P3 WORKS AND 30 THREE SIXTY PUBLIC FINANCE.**

MOTION MADE: KELL  
SECONDED: COOK  
APPROVED: UNANIMOUS  
ABSENT: WRIGHT, DAVIS

- H. Discussion and action regarding board and commission appointments- Parks and Recreation Board.**

Discussion and action were deferred to the next meeting.

**10. EXECUTIVE SESSION**

At 8:24 p.m., in accordance with the Texas Government Code, Annotated, Subchapter 551, Mayor Sanson recessed the meeting to go into executive session (closed meeting) to discuss the following items.

Section 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) 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.

**11. RECONVENE FROM EXECUTIVE SESSION INTO REGULAR SESSION**

In accordance with Texas Government Code, Section 551.001, et seq., Mayor Sanson reconvened the meeting at 8:42 p.m. and stated that no action was taken in executive session.

- A. **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.***

No action was taken.

**12. CITY COUNCIL TO SET FUTURE MEETINGS AND AGENDAS.**

- Next meeting – November 6 at 7 p.m.

**13. MAYOR SANSON ADJOURNED THE CITY COUNCIL MEETING AT 8:46 P.M.**

**DULY PASSED and APPROVED** by the City Council of Lavon, Texas, on this 6<sup>th</sup> day of November, 2018

\_\_\_\_\_  
Vicki Sanson, Mayor

**ATTEST:**

\_\_\_\_\_  
Kim Dobbs, City Administrator/City Secretary



# CITY OF LAVON CITY COUNCIL Agenda Brief

**MEETING: November 6, 2018**

**ITEM: 6-A**

---

**Item:**

Discussion and action regarding Resolution No. **2018-11-01** appointing a member to the initial 9-1-1 District Board and providing an effective date.

**Background:**

In November 2016, the City Council was one of many cities that adopted resolutions authorizing the creation of the North Central Texas Regional 9-1-1 Emergency Communications District (Resolution No. **2016-11-03**). The North Central Texas Council of Governments (NCTCOG) has advised that after a period of study and organization, the District will be created on December 3, 2018.

The initial board of the District will be comprised of elected officials appointed by their governing bodies through an official resolution. The initial board will meet on December 5, 2018 from 10:30 a.m. – 12:30 p.m. in Arlington, Texas to determine the size and qualification of the permanent board and conduct other business as necessary.

***The deadline to submit an appointment is November 16, 2018.***

- Attachments:**
- 1) Proposed Resolution
  - 2) NCTCOG correspondence regarding the initial board
  - 3) Resolution No. **2016-11-03**

October 30, 2018

**CITY OF LAVON, TEXAS**  
**RESOLUTION NO. 2018-11-01**

Appointing Member to Initial 9-1-1 District Board

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
LAVON, TEXAS APPOINTING A MEMBER TO THE INITIAL 9-1-1  
DISTRICT BOARD AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the North Central Texas Council of Governments (NCTCOG) is the regional planning commission for the 16-county North Central Texas region and provides 9-1-1 service under the contract with the Texas Commission on State Emergency Communications (CSEC); and,

**WHEREAS**, the jurisdictions receiving 9-1-1 services from NCTCOG have determined creating a regional emergency communication district pursuant to Texas Health & Safety Code Chapter 772.601 to locally administer such services is preferable; and,

**WHEREAS**, on November 15, 2016 the City Council of the City of Lavon, passed Resolution No. 2016-11-03 authorizing the district's creation; and,

**WHEREAS**, NCTCOG will serve as the fiscal and administrative agent for the district consistent with Texas Health & Safety Code Chapter 772.609; and,

**WHEREAS**, the district will be governed by a board of managers, with an initial board composed of primarily elected officials appointed by the governing bodies of participating counties and municipalities responsible for establishing the size of the board and the qualifications of board members; and,

**WHEREAS**, the City Council of the City of Lavon wishes to have an appointee serve on the initial board, count toward purposes of determining a quorum, and has identified a qualified individual to attend the initial board meeting anticipated to occur on December 5, 2018, in Arlington, Texas.

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

**SECTION 1.** That the City Council appoints [REDACTED] to serve on the initial North Central Texas 9-1-1 Emergency Communications District Board.

**SECTION 2.** That this resolution shall be transmitted to NCTCOG.

**SECTION 3.** This resolution shall be in effect immediately upon its adoption.

**DULY PASSED and APPROVED** by the City Council of the City of Lavon, Texas, on the 6<sup>th</sup> day of November 2018.

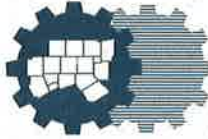
---

Vicki Sanson, Mayor

**ATTEST:**

---

Kim Dobbs, City Administrator | City Secretary



North Central Texas Council Of Governments

October 15, 2018

Vicki Sanson  
Mayor  
P. O. Box 340  
120 School Road  
Lavon, TX 75166

Dear Mayor Sanson:

The North Central Texas COG (NCTCOG) currently administers 9-1-1 services on your behalf under the direction of the Texas Commission on State Emergency Communications. To pay for the provision of these 9-1-1 services, state law provides for a \$.50 fee to be collected each month on individual and business telephone bills. These fees are collected by the State Comptroller's office and the State Legislature determines how much of the funds from these fees are returned to our region. At this time, the state is holding a large amount of the funds generated by these fees.

In the 84th Session of the Legislature, a law was passed (SB 1108) allowing councils of governments to form 9-1-1 Districts whereby all fees collected from citizens and businesses within these districts are remitted directly to the districts to be used solely for the provision of 9-1-1 services. It also called for these districts to be governed by local elected officials from member counties and cities.

During the past year, your jurisdiction passed a resolution supporting the formation of the 9-1-1 District within the NCTCOG region. This district will be created on December 3, 2018. State law stipulates that an initial board meeting be held to determine the size and qualification of a permanent board and to conduct other necessary business. The initial board will be comprised of elected officials appointed by their governing bodies through an official resolution. As an eligible jurisdiction, you are entitled to appoint said representative, but you are not required to do so. A sample resolution is enclosed for your convenience and is due no later than Friday, November 16, 2018.

If you decide to officially appoint a representative, please be certain that the person selected is committed to attend the initial board meeting as this will affect quorum requirements and meeting logistics.

Even if you do not officially appoint an initial board member, individuals from your jurisdiction are welcome to attend and observe the meeting. Please RSVP if you plan to have lunch with us.

The initial Board meeting will be held as follows:

**DATE:** December 5, 2018  
**TIME:** 10:30 am – 12:30 pm (lunch will be served)  
**LOCATION:** NCTCOG Transportation Council Room  
616 Six Flags Drive  
Arlington, TX 76011

Please mail or email your Resolutions and RSVP by no later than Friday, November 16, 2018 to:  
9-1-1 Projects, NCTCOG, PO Box 5888, Arlington, TX, 76005; or 911Projects@NCTCOG.org.

Should you have questions regarding the formation of the district or initial board meeting please contact me at (817) 695-9101.

Sincerely,



Mike Eastland  
Executive Director

cc: Christy Williams, Director of 9-1-1, NCTCOG

Enclosures: Sample Resolution

## RESOLUTION APPOINTING MEMBER TO INITIAL 9-1-1 DISTRICT BOARD

**WHEREAS**, the North Central Texas Council of Governments (NCTCOG) is the regional planning commission for the 16-county North Central Texas region and provides 9-1-1 service under contract with the Texas Commission on State Emergency Communications (CSEC); and,

**WHEREAS**, the jurisdictions receiving 9-1-1 services from NCTCOG have determined creating a regional emergency communication district pursuant to Texas Health & Safety Code Chapter 772.601 to locally administer such services is preferable; and,

**WHEREAS**, on INSERT DATE, JURISDICTION passed a resolution/ordinance approving the district's creation; and,

**WHEREAS**, NCTCOG will serve as the fiscal and administrative agent for the district consistent with Texas Health & Safety Code Chapter 772.609; and,

**WHEREAS**, the district will be governed by a board of managers, with an initial board composed of primarily elected officials appointed by the governing bodies of participating counties and municipalities responsible for establishing the size of the board and the qualifications of board members; and,

**WHEREAS**, JURISDICTION wishes to have an appointee serve on the initial board, count toward purposes of determining a quorum, and has identified a qualified individual to attend the initial board meeting anticipated to occur on December 5, 2018, in Arlington, Texas.

### **NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:**

**Section 1.** The JURISDICTION appoints INSERT NAME to serve on the initial North Central Texas 9-1-1 Emergency Communications District Board.

**Section 2.** This resolution shall be transmitted to NCTCOG.

**Section 3.** This resolution shall be in effect immediately upon its adoption.

**CITY OF LAVON, TEXAS**  
**RESOLUTION NO. 2016-11-03**

Creation of North Central Texas Regional 9-1-1 ECD

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON,  
TEXAS AUTHORIZING THE CREATION OF THE NORTH CENTRAL  
TEXAS REGIONAL 9-1-1 EMERGENCY COMMUNICATIONS DISTRICT.**

**WHEREAS**, Chapter 772, Subchapter H, of the Texas Health and Safety Code, cited as the Regional Emergency Communications District Act (the "Act"), provides the creation of a Regional Emergency Communications District: and

**WHEREAS**, the Act applies to a state planning region established under Chapter 391 of the Texas Local Government Code with a population of under 1.5 million, composed of counties and municipalities that operate a 9-1-1 system solely through a regional planning commission: and

**WHEREAS**, the Act requires that the governing bodies of each participating county and municipality in the region adopt a resolution approving the creation of the Regional Emergency Communications District (the "District"): and

**WHEREAS**, as of November 1, 2016, the City of Lavon exclusively receives 9-1-1 system services operated through the North Central Texas Council of Governments, a regional planning commission;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS THAT CREATION OF THE NORTH CENTRAL TEXAS REGIONAL 9-1-1 EMERGENCY COMMUNICATIONS DISTRICT IS HEREBY AUTHORIZED.**

**DULY PASSED AND APPROVED** this the 15th day of November, 2016 at a regularly scheduled Council Meeting of the City of Lavon, Texas,

  
\_\_\_\_\_  
Charles A. Teske, Jr., Mayor

ATTEST:   
\_\_\_\_\_  
Kim Dobbs  
City Administrator | City Secretary





**CITY OF LAVON  
CITY COUNCIL  
Agenda Brief**

**MEETING: November 6, 2018**

**ITEM: 6-B**

---

**Item:**

Discussion and action regarding Resolution No. 2018-11-02 amending the Wastewater Facilities Installation Policy approved by Resolution 2017-10-03 and providing an effective date.

**Background:**

In October 2017, the City Council adopted Resolution No. 2017-10-03 approving a Wastewater Facilities Installation Policy. The proposed amendment provides for the submittal of certain land use documents, steps and further provides that adjacent properties will annex to obtain service unless granted an exception by the City Council.

**Financial Impact:**

None

**Staff Notes:**

The city attorney and wastewater consulting engineer reviewed and approved the proposed amendment. City Council approval is recommended.

**Attachments:** 1) Proposed Resolution and amended policy  
2) Resolution No. 2017-10-03

November 2, 2018

**CITY OF LAVON, TEXAS**  
**RESOLUTION NO. 2018-11-02**

Wastewater Facilities Installation Policy - Amended

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
LAVON, TEXAS AMENDING THE WASTEWATER FACILITIES  
INSTALLATION POLICY; AND PROVIDING AN EFFECTIVE  
DATE.**

**WHEREAS**, the City Council approved Resolution No. 2017-10-03 approving a Wastewater Facilities Installation Policy; and

**WHEREAS**, the City Council has determined that is in the City's best interest to amend the policy with respect the provision of wastewater service outside of the corporate limits of the City.

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

**SECTION 1:** That the amended Wastewater Facilities Installation Policy approved by Resolution No. 2017-10-03 attached hereto as Exhibit "A" is hereby approved.

**SECTION 2:** That this Resolution shall become effective immediately upon its passage.

**DULY PASSED AND APPROVED** by the City Council of the City of Lavon, Texas on the 6<sup>th</sup> day of November, 2018.

---

Vicki Sanson, Mayor

ATTEST:

---

Kim Dobbs  
City Administrator | City Secretary

**CITY OF LAVON, TEXAS**  
**RESOLUTION NO. 2018-11-02**

**EXHIBIT A**

**WASTEWATER FACILITIES INSTALLATION POLICY**

**City of Lavon, Texas**  
**Water Quality Permit No. 14577-001**

**WASTEWATER FACILITIES INSTALLATION POLICY**

The following policy shall govern the installation of all wastewater facilities within the service area of the City of Lavon, Texas (City). Except as otherwise noted herein, City as used in this section shall mean the City of Lavon, its Extraterritorial Jurisdiction (ETJ) area, and its service area. This installation policy shall be cumulative of all provisions of prior ordinances for the City. Formal requests for wastewater service shall process concurrently with an official plat application with all the required attachments, filings and fees with the City of Lavon. Annexation of additional service areas adjacent to the City into the City of Lavon's corporate limits is required for the provision of wastewater service unless a prior exception has been granted. This extension policy is also severable and if any phrase, clause, sentence, paragraph, or section shall be declared unconstitutional, void, or invalid by the valid judgment or decree of any court of competent jurisdiction, such declaration shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections.

All Applicants shall recognize that the City must comply with local, state, and federal rules and regulations as promulgated from time to time, and by covenants of current indebtedness.

A. WASTEWATER FACILITIES – NEW DEVELOPMENT.

1. GENERAL REQUIREMENTS FOR NEW DEVELOPMENT.

(a) EXTENSIONS.

Except for property lying within the service area of a Certificate of Convenience and Necessity (CCN) owned by an entity other than the City, all lots of less than one (1) acre in area or tracts of less than one (1) acre in area that may be proposed for development shall have a City wastewater facility extended to it to provide service. The developer shall inform the City, in writing, of all lots and blocks within the subdivision/development to be served.

A CCN is issued by the Public Utility Commission of Texas and authorizes a utility to provide water and/or sewer to a specific area. All CCNs go through an application and review process before the CCN service areas (boundaries) are made official.

Requests for sanitary sewer extensions initiated by property owners of existing developed property will be considered on a case-by-case basis.

(b) DESIGN.

All wastewater systems shall be designed to meet the City of Lavon Design Standards.

To determine the wastewater facilities required to provide service to the proposed development and the surrounding properties, a comprehensive wastewater facilities study is required to evaluate the adequacy of the planned wastewater facilities for the present and future needs. The study shall include calculations and design parameters for average and peak

flow for the wastewater collection system, including any off-site facilities that could be impacted by the proposed development. The developer's engineer shall recommend in a sealed/signed document the size of on-site and approach sewer facilities. The City shall determine the final sizes of such facilities based upon the recommendation of the developer's engineer, review by the City's engineer, City design criteria, and other applicable criteria. If the forgoing determination requires extra-ordinary professional services by the City's consulting staff, the Developer, prior to the costs being incurred, will be notified of the estimated probable cost of the services and shall be required to reimburse the City for such costs.

(c) MATERIAL/CONSTRUCTION REQUIREMENTS.

All City wastewater systems shall be constructed utilizing materials and construction methods meeting City specifications.

(d) DEVELOPER'S AGREEMENT.

A developer's agreement (DA), together with the acceptable financial guarantee required therein, will be required for the construction of any City wastewater system. No building permit shall be issued, and no work shall be started for the installation of such wastewater facilities unless and until the developer has contracted with the City to provide for the installation of such improvements. Service lines shall not be connected to a wastewater facility until a DA has been executed and the wastewater facilities to which they connect have been completed and accepted by the City.

(e) APPROVAL.

All construction plans and specifications for the construction of City wastewater facilities shall be reviewed and approved by the City in writing.

2. STANDARD POLICY.

The developer shall cause to be constructed all wastewater facilities required to provide service to the development, subdivision or lot/tract. The division of costs of such construction shall be as follows:

(a) OFF AND ON-SITE FACILITIES.

(i) Standard Approach Wastewater Facilities.

The developer shall be responsible for one hundred percent (100%) of the cost of all standard wastewater facilities including off-site wastewater facilities sized in accordance with the City's design criteria and the adopted codes. The approach main and appurtenances must be capable of providing wastewater service to the development from a point in the existing wastewater system that has adequate capacity as determined by previous studies as required in this extension policy. Minimum wastewater pipe size shall be eight (8) inches.

(ii) Upsized Wastewater Facilities.

Should the City's Master Wastewater Plan, Capital Improvement Plan or the City approved developer's comprehensive wastewater facilities study indicate that wastewater

standard and/or approach facilities are required for ultimate growth considerations is larger than the wastewater approach facility required to provide service to the development, the developer shall be responsible for one hundred percent (100%) of the cost for wastewater approach facilities designed to provide service to the proposed development. Should the City elect to install approach facilities larger than those required by subsection (i) above, the facilities shall be installed by the developer and the additional cost of pipe and appurtenances shall be borne by the City, subject to the availability of funds. If appropriate, the developer and the City may enter into a pro rata agreement setting terms for reimbursement.

(iii) Service Connections.

The developer shall be responsible for one hundred percent (100%) of the cost of installation of wastewater service to each proposed or existing lot or tract within the development. All service connections shall be installed at the same time as the wastewater facilities are constructed.

(c) SPECIAL FACILITIES.

In those situations where the construction of wastewater collection main facilities are not economically feasible as determined by the City of Lavon City Council, the developer may petition the City to construct individual package wastewater treatment facilities or wastewater pumping facilities, and, subject to the approval of the City Council, construct same.

(i) Facilities for Single Customer Properties.

The City Council may authorize the construction of special facilities to serve single customer properties.

(ii) Developer Cost.

When the special facilities are designed to provide service exclusively to the development, the developer shall be responsible for one hundred percent (100%) of the cost of such facilities. In the event that the City requires larger facilities be constructed to provide service to other areas, the developer shall be responsible for that portion which represents the cost of constructing facilities to provide exclusive service to the proposed development and the City shall be responsible for the remainder of the cost, provided funds are available. If appropriate, the developer and the City may enter into a pro rata agreement setting terms for reimbursement.

(iii) Best Interest of City.

The special facilities statement of this policy shall not be construed as requiring the City to provide wastewater service to areas where normal service, as defined in this policy, is not immediately or economically available. Rather, it is intended to permit an equitable method of providing such wastewater service where the best interests of the City will be served by the use of such facilities.

(iv) Future Services

Until such time the City at the City's discretion assumes care, operation, and ownership of such facilities per the DA, the City is not liable or responsible for any wastewater

service to the development. It is the responsibility of the Developer to deed such facilities to the City at no cost to the City at such time or per any DAs.

(d) RELOCATION/REPLACEMENT OF EXISTING FACILITIES FOR NEW DEVELOPMENT.

(i) Developer Responsibilities.

Any replacement or relocation of an existing wastewater facility required by the developer to accommodate a contemplated or projected use of a property shall be the responsibility of the developer. In the event that the City requests that a larger line be substituted for the existing line, the City shall be responsible for the incremental installation cost calculated in accordance with the ordinance establishing unit prices for City participation in community facilities agreements or based upon unit prices contained within competitive bids. If the increase in size is necessary to properly serve the proposed development or to provide capacity at least equivalent to that of the existing wastewater facility to be replaced or relocated, the developer shall be responsible for 100% of the cost of such wastewater facility. The plans for such replacement or relocation shall be approved in writing by the City prior to initiation of construction.

(ii) Construction of Improvements Over Existing Facilities.

No permanent structures shall be constructed over an existing wastewater main or lateral or an existing water main. In the event that the developer desires to construct a permanent structure over an existing water or wastewater facility, the developer shall be responsible for the cost of relocating the existing facility.

(e) ON-SITE SANITARY SEWER FACILITIES – INDIVIDUAL OSSF

(i) New development that due to Special Facilities, as defined above, is proposed to be served by individual on-site sewer facilities (OSSF) shall provide all on-site easements necessary for the eventual extension of sanitary sewer service.

(ii) Any property situated within 300 lineal feet of an operable sanitary sewer main or interceptor line that is currently served by a septic system determined to be inoperable by the public regulating authority shall, at the owner’s expense, connect to the sanitary sewer main or interceptor line within 60 days or a date approved by the regulatory authority.

3. EASEMENT REQUIREMENTS.

The developer shall be responsible for the acquisition of the following easements:

(a) MINIMUM EASEMENT WIDTH.

Pipe Diameter	MINIMUM EASEMENT WIDTH			
	Depth from finished grade to flowline of pipe (Depth of pipe)			
	≤ 15 feet	≤ 15 feet	≤ 20 feet	≤ 25 feet
< 18”	10 feet	20 feet	35 feet	50 feet
18” to 24”	20 feet	30 feet	40 feet	50 feet
27” to 48”	25 feet	35 feet	50 feet	50 feet
> 54”	30 feet	40 feet	50 feet	50 feet

For all mains with depths: Depth of Pipe Times 2.0, plus the width of the pipe plus two feet, rounded up to the nearest 5 ft. width of easement shall not exceed 50 feet unless required by special circumstances.

(b) EASEMENTS WITHIN DEVELOPMENT.

Within the development the developer shall be responsible for providing the following easements:

- a. All easements required for wastewater facilities installed within the development.
- b. All easements that are required for larger wastewater mains that are not installed as part of the initial construction of the development.
- c. It is the developer's responsibility to maintain appropriate separation distance between wastewater facilities required by the design criteria and TCEQ standards.

(c) EASEMENTS FOR APPROACH MAINS.

- a. The developer shall be responsible for 100% of the cost to acquire easements for all off-site facilities sized solely to properly serve the proposed development (no over-sizing required).
- b. Where facilities are over-sized (greater than that which the developer needs to properly serve the proposed development) and where the City desires to acquire a larger easement for future facilities, the City shall acquire all easements for approach mains through negotiation and/or condemnation. The developer shall be responsible for the cost of that portion of the easement required to properly serve the proposed development and the City shall be responsible for that portion of the easement required for over-sizing, or for future facilities.
- c. The City shall not be responsible to the developer for any delays, costs, expenses, or damages of any kind or nature caused to the developer during the time that the City is in the process of acquiring any easements through negotiation and/or condemnation.
- d. In the event the developer desires to acquire the easements required above, the developer shall notify the City in writing. In such case, the developer shall be responsible for 100% of the cost of the entire easement.

(d) EASEMENTS REQUIRED FOR RELOCATION/REPLACEMENT.

The developer shall dedicate such easements or right-of-way within the development as may be required to permit construction of the relocation/replacement. Responsibility for the acquisition of easements outside of the development shall be as provided for easements for off-site facilities.

(e) FORMAT.

All easements instruments shall be in a standard City format and otherwise acceptable to the City and County for recordation. For each permanent easement submitted, a minimum of three easement instruments with original signature(s) of the property owner(s) and notary signature/seal are required. For each temporary construction easement submitted, a minimum of two easement instruments with original signature(s) of the property owner(s) and notary signature and seal are required.

4. SERVICE AVAILABILITY.

The existing single customer property shall not be connected for service until the appropriate extension costs along with any associated connection charges have been paid to the City, or arrangements have been completed for payment of such charges in a manner set forth herein.

B. OTHER REQUIREMENTS FOR WASTEWATER CONSTRUCTION.

1. SERVICE CONNECTIONS ACROSS STREETS.

Service connections to property adjacent to a street containing wastewater facilities will not be allowed in the following cases unless it is determined by the City to be in the best interest of the City:

(a) DIVIDED STREETS WITH A MEDIAN.

A service connection shall not be made to a wastewater facility located in the parkway on the opposite side from the property requesting service. In addition, a service connection shall not be made to a wastewater facility located under the street pavement on the opposite side of the median from the property requesting service.

(b) WIDE STREETS.

A service connection shall not be made to an existing wastewater facility located more than 54 feet from the nearest curb line to the property for which service has been requested.

(c) STREET CUTS.

In no case shall a street be excavated for wastewater service for more than 40 feet.

(d) EXTENSIONS.

In those cases where service connections are prohibited, the property owner shall install wastewater main extensions to a point behind the nearest curb line to the property to be served, where a service connection can be installed. In the case of a divided street or wide street, a developer owning property on both sides of the street shall be responsible for 100% of the cost of the required main along each side of the street.

C. OWNERSHIP AND MAINTENANCE.

1. TITLE TO ALL WASTEWATER MAINS.

Title to all wastewater mains constructed under this policy that have been completed and accepted by the City, except title to wastewater service connections, shall be vested in the City.

2. TITLE TO ALL WASTEWATER SERVICE CONNECTIONS.

(a) WASTEWATER SERVICE CONNECTIONS.

Upon completion and acceptance by the City, title to all wastewater service connections constructed under this policy by the developer or the City shall be vested in the developer or single customer property owner, and the City shall have no responsibility for the maintenance or operation of such service connections. The developer or single customer property owner shall be responsible for the operation and maintenance of the service connection to the wastewater main. If said main is under existing paving in City right-of-way, the City will work with the property owner to potentially share in any under paving work, as necessary.

D. VARIANCES.

1. REQUEST FOR VARIANCE.

All requests for variances must be in writing and submitted to the City and shall include all pertinent information on the facilities involved or to be involved. The request shall state specifically the portion of the policy for which a variance is sought and the grounds for which the variance is requested.

2. CRITERIA FOR GRANTING OF VARIANCE.

- (a) In order to grant a variance, the City shall determine that the failure to grant the variance will result in the exceptional hardship on the developer/single customer property owner. The burden of proof shall be on the developer/single property owner to show such hardship.
- (b) The developer/single property customer owner shall provide evidence that the granting of the variance will have no detrimental effect upon wastewater facilities for which the variance is requested.

3. ADDITIONAL REQUIREMENTS FOR APPROVAL OF VARIANCE.

In the event the City determines the variance should be granted, the City may also require:

- (a) The execution of an indemnity agreement by the developer/single customer property owner. The form of the indemnity agreement shall be determined by the City, and at a minimum, shall be recordable so as to run with the property;
- (b) A written agreement that the City will not be responsible for any damages arising out of the granting of the variance. The form of the agreement shall be determined by the City, and at a minimum, shall be recordable so as to run with the property; and
- (c) Such other documents; in the discretion of the City, deemed to be required.

**CITY OF LAVON, TEXAS**  
**RESOLUTION NO. 2017-10-03**

**Wastewater Facilities Installation Policy**

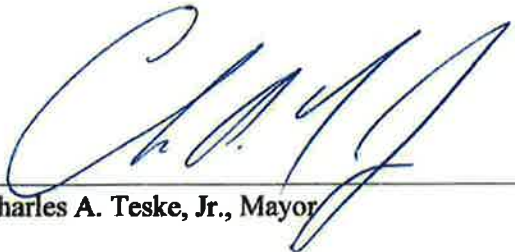
**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
LAVON, TEXAS APPROVING THE WASTEWATER FACILITIES  
INSTALLATION POLICY; AND PROVIDING AN EFFECTIVE  
DATE.**

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


**SECTION 1:** That the Wastewater Facilities Installation Policy as attached hereto as Exhibit "A" is hereby approved.

**SECTION 2:** That this Resolution shall become effective immediately upon its passage.

**DULY PASSED AND APPROVED** by the City Council of the City of Lavon, Texas on the 17<sup>th</sup> day of October, 2017.

  
\_\_\_\_\_  
Charles A. Teske, Jr., Mayor

ATTEST:

  
\_\_\_\_\_  
Kim Dobbs  
City Administrator | City Secretary



**CITY OF LAVON, TEXAS  
RESOLUTION NO. 2017-10-03**

**EXHIBIT A**

**WASTEWATER FACILITIES INSTALLATION POLICY**

**City of Lavon, Texas**  
**Water Quality Permit No. 14577-001**

**WASTEWATER FACILITIES INSTALLATION POLICY**

The following policy shall govern the installation of all wastewater facilities within the service area of the City of Lavon, Texas (City). Except as otherwise noted herein, City as used in this section shall mean the City of Lavon, its Extraterritorial Jurisdiction (ETJ) area, and its service area. This installation policy shall be cumulative of all provisions of prior ordinances for the City. This extension policy is also severable and if any phrase, clause, sentence, paragraph, or section shall be declared unconstitutional, void, or invalid by the valid judgment or decree of any court of competent jurisdiction, such declaration shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections.

All Applicants shall recognize that the City must comply with local, state, and federal rules and regulations as promulgated from time to time, and by covenants of current indebtedness.

**A. WASTEWATER FACILITIES – NEW DEVELOPMENT.**

**1. GENERAL REQUIREMENTS FOR NEW DEVELOPMENT.**

**(a) EXTENSIONS.**

Except for property lying within the service area of a Certificate of Convenience and Necessity (CCN) owned by an entity other than the City, all lots of less than one (1) acre in area or tracts of less than one (1) acre in area that may be proposed for development shall have a City wastewater facility extended to it to provide service. The developer shall inform the City, in writing, of all lots and blocks within the subdivision/development to be served.

A CCN is issued by the Public Utility Commission of Texas and authorizes a utility to provide water and/or sewer to a specific area. All CCNs go through an application and review process before the CCN service areas (boundaries) are made official.

Requests for sanitary sewer extensions initiated by property owners of existing developed property will be considered on a case-by-case basis.

**(b) DESIGN.**

All wastewater systems shall be designed to meet the City of Lavon Design Standards.

To determine the wastewater facilities required to provide service to the proposed development and the surrounding properties, a comprehensive wastewater facilities study is required to evaluate the adequacy of the planned wastewater facilities for the present and future needs. The study shall include calculations and design parameters for average and peak flow for the wastewater collection system, including any off-site facilities that could be impacted by the proposed development. The developer's engineer shall recommend in a sealed/signed document the size of on-site and approach sewer facilities. The City shall determine the final sizes of such facilities based upon the recommendation of the developer's

engineer, review by the City's engineer, City design criteria, and other applicable criteria. If the forgoing determination requires extra-ordinary professional services by the City's consulting staff, the Developer, prior to the costs being incurred, will be notified of the estimated probable cost of the services and shall be required to reimburse the City for such costs.

(c) MATERIAL/CONSTRUCTION REQUIREMENTS.

All City wastewater systems shall be constructed utilizing materials and construction methods meeting City specifications.

(d) DEVELOPER'S AGREEMENT.

A developer's agreement (DA), together with the acceptable financial guarantee required therein, will be required for the construction of any City wastewater system. No building permit shall be issued, and no work shall be started for the installation of such wastewater facilities unless and until the developer has contracted with the City to provide for the installation of such improvements. Service lines shall not be connected to a wastewater facility until a DA has been executed and the wastewater facilities to which they connect have been completed and accepted by the City.

(e) APPROVAL.

All construction plans and specifications for the construction of City wastewater facilities shall be reviewed and approved by the City in writing.

2. STANDARD POLICY.

The developer shall cause to be constructed all wastewater facilities required to provide service to the development, subdivision or lot/tract. The division of costs of such construction shall be as follows:

(a) OFF AND ON-SITE FACILITIES.

(i) Standard Approach Wastewater Facilities.

The developer shall be responsible for one hundred percent (100%) of the cost of all standard wastewater facilities including off-site wastewater facilities sized in accordance with the City's design criteria and the adopted codes. The approach main and appurtenances must be capable of providing wastewater service to the development from a point in the existing wastewater system that has adequate capacity as determined by previous studies as required in this extension policy. Minimum wastewater pipe size shall be eight (8) inches.

(ii) Upsized Wastewater Facilities.

Should the City's Master Wastewater Plan, Capital Improvement Plan or the City approved developer's comprehensive wastewater facilities study indicate that wastewater standard and/or approach facilities are required for ultimate growth considerations is larger than the wastewater approach facility required to provide service to the development, the developer shall be responsible for one hundred percent (100%) of the cost for wastewater approach facilities designed to provide service to the proposed

development. Should the City elect to install approach facilities larger than those required by subsection (i) above, the facilities shall be installed by the developer and the additional cost of pipe and appurtenances shall be borne by the City, subject to the availability of funds. If appropriate, the developer and the City may enter into a pro rata agreement setting terms for reimbursement.

(iii) Service Connections.

The developer shall be responsible for one hundred percent (100%) of the cost of installation of wastewater service to each proposed or existing lot or tract within the development. All service connections shall be installed at the same time as the wastewater facilities are constructed.

(c) SPECIAL FACILITIES.

In those situations where the construction of wastewater collection main facilities are not economically feasible as determined by the City of Lavon City Council, the developer may petition the City to construct individual package wastewater treatment facilities or wastewater pumping facilities, and, subject to the approval of the City Council, construct same.

(i) Facilities for Single Customer Properties.

The City Council may authorize the construction of special facilities to serve single customer properties.

(ii) Developer Cost.

When the special facilities are designed to provide service exclusively to the development, the developer shall be responsible for one hundred percent (100%) of the cost of such facilities. In the event that the City requires larger facilities be constructed to provide service to other areas, the developer shall be responsible for that portion which represents the cost of constructing facilities to provide exclusive service to the proposed development and the City shall be responsible for the remainder of the cost, provided funds are available. If appropriate, the developer and the City may enter into a pro rata agreement setting terms for reimbursement.

(iii) Best Interest of City.

The special facilities statement of this policy shall not be construed as requiring the City to provide wastewater service to areas where normal service, as defined in this policy, is not immediately or economically available. Rather, it is intended to permit an equitable method of providing such wastewater service where the best interests of the City will be served by the use of such facilities.

(iv) Future Services

Until such time the City at the City's discretion assumes care, operation, and ownership of such facilities per the DA, the City is not liable or responsible for any wastewater service to the development. It is the responsibility of the Developer to deed such facilities to the City at no cost to the City at such time or per any DAs.

**(d) RELOCATION/REPLACEMENT OF EXISTING FACILITIES FOR NEW DEVELOPMENT.**

**(i) Developer Responsibilities.**

Any replacement or relocation of an existing wastewater facility required by the developer to accommodate a contemplated or projected use of a property shall be the responsibility of the developer. In the event that the City requests that a larger line be substituted for the existing line, the City shall be responsible for the incremental installation cost calculated in accordance with the ordinance establishing unit prices for City participation in community facilities agreements or based upon unit prices contained within competitive bids. If the increase in size is necessary to properly serve the proposed development or to provide capacity at least equivalent to that of the existing wastewater facility to be replaced or relocated, the developer shall be responsible for 100% of the cost of such wastewater facility. The plans for such replacement or relocation shall be approved in writing by the City prior to initiation of construction.

**(ii) Construction of Improvements Over Existing Facilities.**

No permanent structures shall be constructed over an existing wastewater main or lateral or an existing water main. In the event that the developer desires to construct a permanent structure over an existing water or wastewater facility, the developer shall be responsible for the cost of relocating the existing facility.

**(e) ON-SITE SANITARY SEWER FACILITIES – INDIVIDUAL OSSF**

(i) New development that due to Special Facilities, as defined above, is proposed to be served by individual on-site sewer facilities (OSSF) shall provide all on-site easements necessary for the eventual extension of sanitary sewer service.

(ii) Any property situated within 300 lineal feet of an operable sanitary sewer main or interceptor line that is currently served by a septic system determined to be inoperable by the public regulating authority shall, at the owner's expense, connect to the sanitary sewer main or interceptor line within 60 days or a date approved by the regulatory authority.

**3. EASEMENT REQUIREMENTS.**

The developer shall be responsible for the acquisition of the following easements:

**(a) MINIMUM EASEMENT WIDTH.**

Pipe Diameter	MINIMUM EASEMENT WIDTH			
	Depth from finished grade to flowline of pipe (Depth of pipe)			
	≤ 15 feet	≤ 15 feet	≤ 20 feet	≤ 25 feet
< 18"	10 feet	20 feet	35 feet	50 feet
18" to 24"	20 feet	30 feet	40 feet	50 feet
27" to 48"	25 feet	35 feet	50 feet	50 feet
> 54"	30 feet	40 feet	50 feet	50 feet

For all mains with depths: Depth of Pipe Times 2.0, plus the width of the pipe plus two feet, rounded up to the nearest 5 ft. width of easement shall not exceed 50 feet unless required by special circumstances.

**(b) EASEMENTS WITHIN DEVELOPMENT.**

Within the development the developer shall be responsible for providing the following easements:

- a. All easements required for wastewater facilities installed within the development.
- b. All easements that are required for larger wastewater mains that are not installed as part of the initial construction of the development.
- c. It is the developer's responsibility to maintain appropriate separation distance between wastewater facilities required by the design criteria and TCEQ standards.

**(c) EASEMENTS FOR APPROACH MAINS.**

- a. The developer shall be responsible for 100% of the cost to acquire easements for all off-site facilities sized solely to properly serve the proposed development (no over-sizing required).
- b. Where facilities are over-sized (greater than that which the developer needs to properly serve the proposed development) and where the City desires to acquire a larger easement for future facilities, the City shall acquire all easements for approach mains through negotiation and/or condemnation. The developer shall be responsible for the cost of that portion of the easement required to properly serve the proposed development and the City shall be responsible for that portion of the easement required for over-sizing, or for future facilities.
- c. The City shall not be responsible to the developer for any delays, costs, expenses, or damages of any kind or nature caused to the developer during the time that the City is in the process of acquiring any easements through negotiation and/or condemnation.
- d. In the event the developer desires to acquire the easements required above, the developer shall notify the City in writing. In such case, the developer shall be responsible for 100% of the cost of the entire easement.

**(d) EASEMENTS REQUIRED FOR RELOCATION/REPLACEMENT.**

The developer shall dedicate such easements or right-of-way within the development as may be required to permit construction of the relocation/replacement. Responsibility for the acquisition of easements outside of the development shall be as provided for easements for off-site facilities.

(e) **FORMAT.**

All easements instruments shall be in a standard City format and otherwise acceptable to the City and County for recordation. For each permanent easement submitted, a minimum of three easement instruments with original signature(s) of the property owner(s) and notary signature/seal are required. For each temporary construction easement submitted, a minimum of two easement instruments with original signature(s) of the property owner(s) and notary signature and seal are required.

4. **SERVICE AVAILABILITY.**

The existing single customer property shall not be connected for service until the appropriate extension costs along with any associated connection charges have been paid to the City, or arrangements have been completed for payment of such charges in a manner set forth herein.

B. **OTHER REQUIREMENTS FOR WASTEWATER CONSTRUCTION.**

1. **SERVICE CONNECTIONS ACROSS STREETS.**

Service connections to property adjacent to a street containing wastewater facilities will not be allowed in the following cases unless it is determined by the City to be in the best interest of the City:

(a) **DIVIDED STREETS WITH A MEDIAN.**

A service connection shall not be made to a wastewater facility located in the parkway on the opposite side from the property requesting service. In addition, a service connection shall not be made to a wastewater facility located under the street pavement on the opposite side of the median from the property requesting service.

(b) **WIDE STREETS.**

A service connection shall not be made to an existing wastewater facility located more than 54 feet from the nearest curb line to the property for which service has been requested.

(c) **STREET CUTS.**

In no case shall a street be excavated for wastewater service for more than 40 feet.

(d) **EXTENSIONS.**

In those cases where service connections are prohibited, the property owner shall install wastewater main extensions to a point behind the nearest curb line to the property to be served, where a service connection can be installed. In the case of a divided street or wide street, a developer owning property on both sides of the street shall be responsible for 100% of the cost of the required main along each side of the street.

**C. OWNERSHIP AND MAINTENANCE.**

**1. TITLE TO ALL WASTEWATER MAINS.**

Title to all wastewater mains constructed under this policy that have been completed and accepted by the City, except title to wastewater service connections, shall be vested in the City.

**2. TITLE TO ALL WASTEWATER SERVICE CONNECTIONS.**

**(a) WASTEWATER SERVICE CONNECTIONS.**

Upon completion and acceptance by the City, title to all wastewater service connections constructed under this policy by the developer or the City shall be vested in the developer or single customer property owner, and the City shall have no responsibility for the maintenance or operation of such service connections. The developer or single customer property owner shall be responsible for the operation and maintenance of the service connection to the wastewater main. If said main is under existing paving in City right-of-way, the City will work with the property owner to potentially share in any under paving work, as necessary.

**D. VARIANCES.**

**1. REQUEST FOR VARIANCE.**

All requests for variances must be in writing and submitted to the City and shall include all pertinent information on the facilities involved or to be involved. The request shall state specifically the portion of the policy for which a variance is sought and the grounds for which the variance is requested.

**2. CRITERIA FOR GRANTING OF VARIANCE.**

- (a) In order to grant a variance, the City shall determine that the failure to grant the variance will result in the exceptional hardship on the developer/single customer property owner. The burden of proof shall be on the developer/single property owner to show such hardship.
- (b) The developer/single property customer owner shall provide evidence that the granting of the variance will have no detrimental effect upon wastewater facilities for which the variance is requested.

**3. ADDITIONAL REQUIREMENTS FOR APPROVAL OF VARIANCE.**

In the event the City determines the variance should be granted, the City may also require:

- (a) The execution of an indemnity agreement by the developer/single customer property owner. The form of the indemnity agreement shall be determined by the City, and at a minimum, shall be recordable so as to run with the property;
- (b) A written agreement that the City will not be responsible for any damages arising out of the granting of the variance. The form of the agreement shall be determined by the City, and at a minimum, shall be recordable so as to run with the property; and
- (c) Such other documents; in the discretion of the City, deemed to be required.



# CITY OF LAVON CITY COUNCIL Agenda Brief

**MEETING:** November 6, 2018

**ITEM:** 6-C

---

**Item:**

Discussion and action regarding the selection of a firm to provide public improvement district administration and service and assessment plan consultant services and authorization for the city staff and city attorney to negotiate a contract for services.

**Background:**

To proactively prepare for the anticipated requests for special districts it is considered a best practice to have a Public Improvement District (PID) Administrator on board at the outset or creation stage of the PID process. The City currently retains Municap as the PID Administrator of the existing Heritage PID #1 and it is not recommended the RFP process change that relationship.

On July 17, 2018 the City Council directed the city staff to work with the City's financial adviser to prepare and circulate a Request for Proposals (RFP) for PID Administration and Service and Assessment Plan Consulting Services.

On October 16, 2018, the City Council considered the staff report and assessment of the submittals and directed that interviews be conducted with the two top firms, P3 Works and 30 Three Sixty Public Finance. The City Council appointed Mayor Sanson and Council member Serkland to serve on an interview committee with City Administrator Kim Dobbs and Financial Advisor Jason Hughes.

The interview committee conducted interviews on October 31, 2018 and recommends that the City Council authorize the city staff and city attorney to negotiate a professional services agreement with P3Works,

Additional information regarding the firm and their services may be found on their website [www.P3-Works.com](http://www.P3-Works.com).

- Attachments:**
- 1) Information regarding P3Works, LLC.
  - 2) City of Lavon PID Policy, adopted June 5, 2018
  - 3) RFP - PID Administration Memo

November 2, 2018

## ORGANIZATIONAL PROFILE

MARY V. PETTY  
CO-FOUNDER & MANAGING PARTNER

JON SNYDER  
CO-FOUNDER & MANAGING PARTNER

COMPANY HEADQUARTERS  
P3WORKS, LLC  
350 RUFÉ SNOW DR.  
SUITE 200  
KELLER, TX 76248

(817) 393-0353  
(888) 417-7074

ADDITIONAL OFFICES  
P3WORKS, LLC  
3901 S. LAMAR BLVD.  
SUITE 440  
AUSTIN, TX 78704

EIN# 82-2014630  
[WWW.P3-WORKS.COM](http://WWW.P3-WORKS.COM)



## OVERVIEW OF THE FIRM

Mary Petty and Jon Snyder joined together to create P3Works, LLC, to assist cities, counties, and management districts with the creation and administration of their special districts. Special taxing districts such as PIDs, MMDs, and TIRZs are created to meet the unique needs of each city, county and management district. As such, each district is different and requires a wide range of skills to understand the impact to the residents. P3Works operates out of two offices located in Keller, TX, and Austin, TX, with principal and support staff at each location. Superior customer service by the principal and support staff goes beyond the City and onto the residents by providing dedicated information on their special district, the nature and sum of their assessments, and answering frequently asked questions.

Jon has over 15 years' experience in the fields of real estate and municipal finance. His areas of expertise include municipal finance programs for infrastructure and public facilities development, fiscal and economic impact analysis, and land development project feasibility studies. Jon has established, restructured, and administered public finance districts that have funded more than \$300 million in infrastructure. Financings on which Jon has consulted have included new issues, parity bonds, refundings, workouts, senior and subordinated bonds, and combined revenue bonds. In addition to implementing public financing districts to fund the construction of public improvements, Jon has also assisted in the formation and administration of districts to specifically fund public services. Prior to creating P3Works, Jon founded PIDWorks to provide municipal finance consulting services to cities in the Austin area. Jon holds a Bachelors of Science degree in mathematics and economics.

Mary has 22 years' experience in banking, management and public administration. Her experience and skills combine to provide expert support in forensic analysis, revenue and expenditure projections, assessment and reimbursement alternatives, as well as project negotiations and reporting. Many municipal clients have engaged P3Works Principals to provide development consulting and analysis to add value to their respective projects. Mary recently concluded negotiations and document preparation for high profile projects like the new Charles Schwab headquarters in Westlake and has just concluded a new TIRZ development for Weatherford and Ennis, and continues to quarterback various PID projects across

the Metroplex. She has become a sought-after resource for municipal clients – from bond underwriters to financial advisors and bond counsel – when evaluating project feasibility and financial viability. Mary is a graduate of UNT with a Bachelors in Business Administration, Finance.

## EXPERIENCE WITH PIDS AND/OR TIRZS

The principals of P3Works have implemented numerous districts, both statewide and nationally, ranging in size from \$2 million to \$102 million, and have consulted with cities on the following projects in the State of Texas:

- Town of Argyle, Waterbrook PID (Mixed-Use with TIRZ overlay)
- Town of Westlake, Entrada Mixed Use Development, Developer Agreement and PID
- City of Ennis, TIRZ #1 and TIRZ #2
- City of Mesquite, various Tax Increment Finance Districts
- City of Mesquite, Economic Development Incentive Analysis/PIDs
- City of Oak Point – Shahan Prairie PID
- City of Oak Point – PDI Property PID
- City of Oak Point – Wildridge PID, Capital and O&M PIDs
- The Crossings PID – Comal County
- City of Ferris PID #1 – City of Ferris
- City of Marble Falls – La Ventana PID
- Travis County – Bella Fortuna PID
- Travis County – Wildhorse PID
- Hays County – La Cima PID
- City of Justin – Timberbrook PID
- Town of Argyle – Highlands PID
- Wolfforth PID No. 2 – City of Wolfforth
- City of Haslet – Haslet PID Nos. 1, 2, 5, 6
- City of Royse City – Union Square
- City of Royse City – Waterscape
- Town of Ponder – Ponder PID No. 1
- Town of Hickory Creek – Hickory Creek PID #1 and #2
- Comal County – Grove Policy
- City of Manor, PID Policy
- City of Manor, Entrada Glen PID
- Travis County – Various PIDs
- City of Weatherford, TIRZ #1



## **EXPERIENCE WITH FIRST TIME PID DEBT ISSUERS/FIRST TIME TIRZ**

P3Works principals have developed a particular expertise in quarterbacking the negotiations and creation of PIDs as well as overseeing the TIRZ overlay of a PID, with experience both in PID assessment reduction and performance-based developer reimbursement protocols and related documentation. We believe that making the City fully aware of all the risks and responsibilities associated with a PID and/or TIRZ is essential so that the City understands the implication of giving up tax increment and how it relates to the cost of providing City services, as well as understanding the impact of continuing disclosures, both by the City and the developer. In addition, the City must have policies and procedures in place to ensure all bond covenants are fully complied with, that the PID/TIRZ is transparent to property owners, and new homebuyers are fully aware they are purchasing a home subject to a PID assessment.

Both Mary and Jon have worked with numerous first time PID issuers, ranging from communities with a population of less than 5,000 to some of the largest municipalities in the State, as well as Counties new to PID assessments. They have worked with the financial advisor and bond counsel to educate the city and set up policies and procedures to protect the City's interests.

A P3Works principal is involved from start to finish and continues to provide administrative support in every PID project. Our principals have years of experience with Financial Advisors and Bond Counsel throughout the state in managing risk and minimizing city exposure in TIF/PID transactions. P3Works is one of few, if not the only firm in the State that has developed a trademark process for projecting city expenses based on land use and projected revenue streams charted against TIRZ debt and/or reimbursement obligations in order to properly inform Cities of their actions.

## **EXPERIENCE WITH TEXAS TAXING ENTITIES AS IT RELATES TO COLLECTION OF PID ASSESSMENTS**

P3Works currently works with Denton County, Tarrant County, Rockwall County, Hays County, Comal County, Travis County, Lubbock County, and Williamson County to provide the setup and support for the PID assessment process.

## **POLICIES, PROCEDURES, PROCESSES AND REPORTS FOR CITY PIDS**

P3Works has created policies, procedures and processes to assist Cities in the PID creation and administration process, and works closely with the City and the City's advisors to compile the appropriate procedures to accurately establish and support the economic and financial goals of the City.

## **EXAMPLES OF POLICIES, PROCEDURES, PROCESSES AND REPORTS FOR SEC REPORTING**

During the PID Administration Process, P3Works will work closely with the developer to collect and compile quarterly and annual financial information and operating data related to the development and construction of public improvements within the PID. For annual reports, the PID Administrator will assist the City to ensure that this information is provided to the City and/or its designated agent ("dissemination agent"). The City is the Issuer of the PID bonds and will assert control of its securities with regard to continuing disclosures to EMMA. Sample Document can be provided as requested.



## PROPOSED SERVICES FOR CREATION/ADMINISTRATION AND PROPOSED FEES FOR SERVICES

Every PID, TIRZ and MMD is different, therefore PID. MMD and TRIZ creation is billed hourly and PID Administration, TIRZ Administration and MMD Administration is billed at a flat rate monthly, with some hourly billing.

Proposed fee schedule can be provided upon request.

## CITY AND COUNTY REFERENCES

**City of Oak Point**  
**100 Naylor Road**  
**Oak Point, TX**  
**75068**

Amy Bockes  
City Secretary/Human Resources Manager  
(972) 294-2312  
[abockes@oakpointtexas.com](mailto:abockes@oakpointtexas.com)

Dates of Contract Period: 3/2018 - Current  
Description of Services Provided: Due diligence on Existing PID documents, structure and assessment collection, PID Administration, Continuing Disclosure, Annual SAP Updates, Draw Reviews, Improvement Area Bond Issuance Support  
Contract Amounts: Combination of hourly at standard rates and fixed monthly administration fees.

**City of Royse City**  
**305 N. Arch St.**  
**Royse City, TX**  
**75189**

Shannon Raymond  
Director of Finance  
(972) 524-4820  
[sraymond@roysecity.com](mailto:sraymond@roysecity.com)

Dates of Contract Period: Continuous Until Terminated  
Description of Services Provided: PID Administration, Annual SAP Updates  
Contract Amounts: Combination of hourly at standard rates and fixed monthly administration fees.

**City of Justin**  
**PO Box 129**  
**Justin, TX**  
**76247**

Cori Reaume  
City Manager  
(940) 648-2541



[creaume@cityofjustin.com](mailto:creaume@cityofjustin.com)

Dates of Contract Period: Continuous Until Terminated

Description of Services Provided: PID Feasibility/Due Diligence, PID Formation, SAP preparation, PID Administration, Continuing Disclosure, Draw Reviews, Annual SAP Updates, Improvement Area Bond Issuance Support

Contract Amounts: Combination of hourly at standard rates and fixed monthly administration fees.

**Town of Argyle**  
**308 Denton St**  
**Argyle, TX**  
**76226**

Kim Collins  
Finance Director  
(940) 464-7273

[kcollins@argyletx.com](mailto:kcollins@argyletx.com)

Dates of Contract Period: Continuous Until Terminated

Description of Services Provided: PID Setup and Administration

Contract Amounts: Various; depends on the size and complexity of the PID (i.e. PID w/ TIRZ overlay in more expensive)

**Denton County**  
**1505 E. McKinney St.**  
**Denton, TX**  
**76209-4525**

Stacey Dvoracek  
Chief Deputy for Michelle French, Denton County Tax  
Assessor/Collector  
(940) 349-3523  
[Stacey.Dvoracek@dentoncounty.com](mailto:Stacey.Dvoracek@dentoncounty.com)

## CITY ATTORNEY REFERENCES

**Matthew Boyle**  
Boyle and Lowry, LLP  
4201 Wingren Drive, Suite 108  
Irving, TX 75062  
(972) 650-7104  
[Mboyle@boyle-lowry.com](mailto:Mboyle@boyle-lowry.com)

## BOND COUNSEL REFERENCES

**Robert D. Dransfield**  
Partner  
Norton Rose Fulbright  
2200 Ross Avenue  
Suite 3600  
Dallas, Texas 75201



(214) 855-8068  
[robert.dransfield@nortonrosefulbright.com](mailto:robert.dransfield@nortonrosefulbright.com)

**Julie K. Partain**

Counsel  
Bracewell, LLP  
1445 Ross Avenue  
Suite 3800  
Dallas, TX 75202-2724  
(214) 758-1606  
[Julie.partain@bracewell.com](mailto:Julie.partain@bracewell.com)

**UNDERWRITER & UNDERWRITER'S COUNSEL/BOND COUNSEL REFERENCES**

**R.R. "Tripp" Davenport, III**

Director  
FMSbonds, Inc.  
100 Crescent Court, Suite 700  
Dallas, Texas 75201  
(214) 418-1588  
[tdavenport@fmsbonds.com](mailto:tdavenport@fmsbonds.com)

**Julia R. "Julie" Houston**

Partner  
Orrick, Herrington & Sutcliffe  
LLP  
500 W. 2nd Street, Suite 1900  
Austin, Texas 78701  
(512) 575-6010  
[JHouston@orrick.com](mailto:JHouston@orrick.com)

**FINANCIAL ADVISOR REFERENCES**

**Nick Bulaich**

Managing Director  
First Southwest, A Division of Hilltop Securities  
777 Main Street, Suite 1200, Fort Worth, TX 76102  
(817) 332-9710  
[nick.bulaich@hilltopsecurities.com](mailto:nick.bulaich@hilltopsecurities.com)



**South Central Texas Regional Certification Agency  
of Bexar County, Texas hereby duly affirms that:**

**P3 Works, LLC**

has successfully met the established requirements of SCTRCA's Business Enterprise Certification Program to be certified as a

**\*Women Business Enterprise (WBE)**

Certified NAICS Codes:

NAICS 541611: ADMINISTRATIVE MANAGEMENT AND GENERAL MANAGEMENT CONSULTING SERVICES



Certification Number: 217112807  
Effective Date: November 3, 2017  
Expiration Date: November 30, 2019

Charles Johnson,  
Executive Director

Note: This certificate is the property of the South Central Texas Regional Certification Agency and may be revoked should the above named firm graduate from or fails to comply with SCTRCA's Business Enterprise Program. A Certification Renewal Application is required every two years.

**CITY OF LAVON, TEXAS**  
**RESOLUTION NO. 2018-06-03**

**Public Improvement Districts Policy**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON,  
TEXAS APPROVING A PUBLIC IMPROVEMENTS DISTRICT POLICY;  
AND PROVIDING FOR AN EFFECTIVE DATE.**

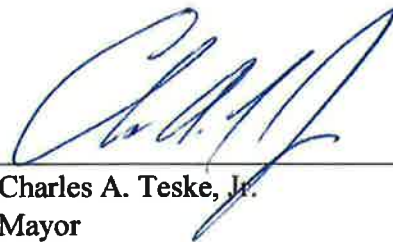
**WHEREAS**, the City Council desires to set forth guidelines for the consideration, implementation, utilization and administration of public improvement districts authorized by Chapter 372 of the Texas Local Government Code;

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


**SECTION 1.** The City Council has reviewed and approved the Public Improvement Districts Policy attached hereto 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 5<sup>th</sup> day of June, 2018.

  
\_\_\_\_\_  
Charles A. Teske, Jr.  
Mayor

ATTEST:

  
\_\_\_\_\_  
Kim Dobbs  
City Administrator | City Secretary



**CITY OF LAVON, TEXAS**  
**RESOLUTION NO. 2018-06-03**

**EXHIBIT A**

**Public Improvement Districts Policy**

# City of Lavon

## Policy for Public Improvement Districts

### OVERVIEW

This Policy sets forth guidelines pursuant to which the City of Lavon (the “City”) will consider, implement, utilize and administer the public improvement districts (“PIDs”). PIDs are development financing tools authorized pursuant to Chapter 372 of the Texas Local Government Code (the “Act”), which allow for the costs of certain public improvements and supplemental services in a designated area to be allocated to and paid by the owners of the parcels that actually benefit from such improvements and services. A PID can therefore provide a means to fund supplemental services and improvements to meet community needs which could not otherwise be constructed or provided by contribution from those citizens who most benefit from them.

The purpose of this Policy is to outline the considerations that will need to be addressed before the City Council can support the establishment and/or continuation of a PID. Such considerations include petition requirements, assessments, mandatory information disclosures to property owners in a potential PID, the content of a PID’s annual service and budget, and parameters in which the issuance of obligations secured by and payable from PID assessments will be considered. This Policy also addresses City PID administration requirements, which may be in addition to the requirements of the Act and other state laws.

**The City Council will not take any action to commence with the creation of a PID or other related development district prior to the approval of a final Development Agreement on the property in question. In addition, the City Council will not entertain any developer requests for a Municipal Utility District (“MUD”), Water Control & Improvement District (“WCID”) or any other taxing special district within the City’s boundaries or ETJ.**

This Policy has been prepared and approved to assist in the operations and management of a PID, and the guidelines set forth herein are not intended to be an all-inclusive list. In addition, while this Policy sets forth the generally expected parameters under which PIDs will be created, maintained, and administered; certain requirements contained herein may be waived by the City on a case-by-case basis as needed to provide the flexibility necessary to ensure the most favorable development opportunities for the City and its residents.

### I. ESTABLISHMENT

A PID is a defined area of properties, whose owners have petitioned the City to form a PID. City Council establishes a PID by adoption of a resolution after a public hearing. The public hearing is publicized and written notification of the hearing is mailed to all property owners in the proposed PID. By petition, the owners pledge to pay a special assessment in order to receive enhanced services and/or improvements within the PID. The PID must demonstrate that it confers a benefit, not only to the properties within the PID, but also to the “public” which includes the entire City.

### II. GENERAL

## **Policy for Public Improvement Districts**

---

1. All proposed PIDs must be located within the City limits or in the City's extraterritorial jurisdiction (the "ETJ").
2. The proposed PID must be financially self-sufficient and not be a cost to the City or increase the cost of any aspect of City service delivery.
3. The proposed PID must not impact the City's bond ratings, cost of capital or access to capital.
4. PIDs must be established carefully and only when related to a public purpose.
5. All persons selling land in a PID must include a "title encumbrance" which notifies any prospective property owner of the existence or proposal of special assessments on the property. All closing statements must specify who is responsible for payment of the PID assessment on a pro rata share thereof.
6. The PID's budget shall include sufficient funds to pay for all costs above and beyond the City's ordinary costs, including additional administrative, operational costs and additional maintenance costs resulting from operation of the PID.
7. The PID petitioner will be required to pay fees for administrative and operational costs incurred by the City. The payment of fees is not a guarantee that the City will approve the PID. The fees will pay for such costs as:
  - (a) Reviewing the PID petition.
  - (b) Publishing related notices.
  - (c) Reviewing the appraisal, the initial service and assessment plan, and the market feasibility study, including the costs of all services provided by City consultants, attorney, bond counsel and financial advisor.
  - (d) Bond issuance.
  - (e) Review and approval of plan for and inspection of construction of PID improvements.
  - (f) Procurement of contracts for PID administration and operation, collections of assessments, foreclosures, etc.
  - (g) The City's ongoing administrative and operational costs related to an approved PID, such as collection of PID assessments, review and approval of service and assessment plan updates, and other costs shall be reimbursed by PID assessments. The City's costs shall be determined on an annual basis.
  - (h) Administration and management of ongoing PID responsibilities, such as preparations and updating of the service and assessment plan, issuance of notices for annual City Council action on the service and assessment plan, operation and maintenance of PID improvements, and other related matters shall be paid by PID assessments and performed by a third party under contract with the City.
8. The City will use PID bond proceeds only to pay or to reimburse the cost of PID improvements that have been designed and constructed to the standards of, and accepted for maintenance or otherwise approved by, the governmental entity responsible for them.
9. In the event of default under the terms of the PID petition or any PID agreement, the City shall, after providing notice and an opportunity to cure, have the right to recapture reimbursements if the PID Financing Agreement established a Cash Flow PID.

### **III. PREFERENTIAL REQUIREMENTS**

## **Policy for Public Improvement Districts**

---

PIDs in which the cost of public improvements are financed without any City participation are preferred. Except for public improvements specifically approved in a City bond proposition, the City will not expend or pledge a tax increment, general fund revenue, general obligation or certificate of obligation bond proceeds, set to support the costs of PID improvements unless explicitly approved by the City Council as advancing a City purpose.

### **IV. PETITION REQUIREMENTS**

Petitions requesting establishment of a public improvement district must satisfy all statutory requirements under §372.004 of the Texas Local Government Code. In addition, all petitions submitted for establishment of a public improvement district shall include the following:

1. The basic terms and conditions for creation of the PID, including the provision of community benefits.
2. The petitioner's qualifications and previous experience with real estate development, financing of the development, prior PIDs, etc.
3. A legal description of the boundaries of the PID, a black and white map of the PID boundaries suitable for publication for the legal notices and a "commonly known" description of the area to be included in the District.
4. A current tax roll of the owners in the PID.
5. Any plan for phasing of both the real estate development supported by the PID and construction of public improvements in the PID.
6. Contain the signatures of one hundred percent (100%) of property owners.
7. Indication of the estimated costs of the proposed improvements (in dollars, \$)
8. Indication of the Maximum Assessment (in dollars, \$).
9. Maximum Bond Issuance (in dollars, \$).
10. Maximum Tax Equivalent Rate (in cents, \$).
11. A sunset clause, and a pre-executed petition to dissolve the PID by the landowner in case the project does not move forward within three (3) years.
12. Contingency plan to address the maintenance or disposition of PID improvements and or property that has not been dedicated to the public if a PID is dissolved.
13. Evidence that the petition's signatures meet the state law requirements or the petition will be accompanied by a reasonable fee to cover the city costs of signature verification.
14. If the proposed District is an expansion of an existing public improvement district, a petition for the new segment of the proposed District must identify each subdivision, or portion thereof, within the proposed boundaries of the new District, and each subdivision or portion thereof, that is not currently in an existing PID shall individually satisfy the requirements for a petition under §372.005 of the Texas Local Government Code. Subdivision has the meaning assigned by §232.021 of the Texas Local Government Code.
15. A section, which clearly identifies the benefit of the PID to the affected property owners (for use in benefit hearings) and to the city as a whole (i.e., public purpose).
16. Description of all city-owned land within the District as well as its proposed share of project costs.
17. Specified assurances to the City that the construction of improvements in the public right-of-way will be maintained by the PID and in no way obligates the City to future maintenance or operational costs, unless otherwise stated in a subsequent agreement.

## **Policy for Public Improvement Districts**

---

18. Statement that the petitioners understand that the annual budget for the District is subject to review by city staff with final approval by the City Council.
19. A certified check for the application fee will be paid by the applicant to reimburse the city for the cost of evaluating the petition. This application fee must be paid in full when the petition is submitted to the City for evaluation and review.
20. Application fees are intended to pay for all costs incurred by the City that are associated with establishing the PID including, but not limited to: salaries for City Staff, City Attorney, Financial Advisor, PID consultant fees, bond attorney fees, independent appraisal fees, engineering costs, and all other reasonable and appropriate expenses.
21. A Capital PID requesting bond financing must be owned by a single owner and their affiliated entities.
22. All estimated costs must be identified before a decision is reached on a request to establish a PID. Costs to be identified include costs related to establishing the District; costs for maintenance, operations and administration; and costs for later revision, repair or replacement of any improvements.

### **V. ASSESSMENTS**

1. By ordinance, the City annually levies the assessments on the properties in the District in accordance with the petition.
2. The City will contract with the County Tax Office for billing and collecting of PID assessments.
3. PID assessments for Capital PIDs with bond financing will be divided equally throughout the PID by acreage at a fair, logical and equitable process based on benefit commensurate with the bond repayment schedule and annual expenses.
4. The PID assessment is billed on each property owner's annual ad valorem tax statement.
5. Annual cash and tax equivalent assessments levy must be level or descending.

### **VI. BOND FINANCING FOR CAPITAL PIDS**

All Capital PIDs established by the City with an intent to fund improvements through bond financing shall be limited by the following restrictions and requirements:

1. The developer, all related parties and professionals must submit to full disclosure due diligence, and be approved by the City's bond counsel, city attorney, financial advisor, etc. prior to consideration of issuance of debt.
2. The developer must be compliant with all aspects of the development agreement, current on all taxes, fees, and assessments, not be involved in any disputes or lawsuits with the City or any overlapping jurisdiction.
3. The terms of repayment for any bonds issued for Capital PIDs shall specify a maturity date not longer than thirty (30) years from the date of issuance.
  - (a) The maturity date for any bond issued shall not exceed the useful life of any assets constructed.
  - (b) The maturity date for any bond issued shall not exceed the initial authorization term of the Capital PID.
  - (c) The annual debt service payments and corresponding assessments shall not increase over the life of the debt, but shall be level from year to year.
4. Repayment of any debt is limited to the pledge of revenue derived from the PID.

## **Policy for Public Improvement Districts**

---

5. One hundred percent (100%) of the project's major and internal public costs must be cash funded at closing - total public costs minus PID project fund = developer cash deposit.
6. The amount of interest that may be capitalized within the debt issuance shall be equal to no more than 2 years of interest payments.
7. Capitalized interest shall terminate at the end of the fiscal year before transfer of any property to 3<sup>rd</sup> parties.
8. Proceeds of Capital PID debt issuance, along with any required cash contribution to fully fund project costs, will be placed in a trust administered by a trust indenture.
9. Excess proceeds from a debt issuance must be applied to prepay outstanding bond principal outstanding debt payments.
10. A Debt Service Reserve Fund shall be established in an amount equal to 1.0 times the maximum annual debt service payment.
11. A draft Service and Assessment Plan for debt issuance must be submitted and approved by City Staff before consideration of debt financing.
12. Issuance of debt in arrears will only be considered if the following requirements are met:
  - (a) Developer will advance fund any cash necessary for the project;
  - (b) A Service and Assessment Plan and debt issuance structure must be completed;
  - (c) A trust indenture and trustee must be appointed; and
  - (d) A reimbursement resolution must be completed prior to incurring any expenses.
13. All costs incurred by the City that are associated with the administration of the PID shall be paid out of special assessment revenue levied against property within the PID. City administration costs shall include those associated with continuing disclosure, agent fees, staff time, regulatory reporting and legal and financial reporting requirements.
14. The City shall choose and utilize its own financing team including, but not limited to, bond counsel, financial advisor, assessment consultant, and underwriters related to bond financing proceedings.
15. The City shall choose and utilize its own continuing disclosure consultant and arbitrage rebate consultant. Any and all costs incurred by these activities will be included in City administration costs recouped from special assessments. The continuing disclosure will be divided into City disclosure and developer disclosure, and the City will not be responsible or liable for developer disclosure but the City's disclosures professional will be used for both disclosures.
16. The Owner agrees to provide periodic information and notices of material events regarding the Owner and the Owner's development within the PID in accordance with Securities and Exchange Commission Rule 15cc2-12.
17. Developers requesting establishment of a Capital PID with bond financing must participate in the City's continuing annual financial disclosures.
18. City Staff has been delegated authority from the Mayor and City Council to initiate foreclosure proceedings on any delinquent property for failure to pay the special assessment associated with the PID.
19. In the event of a default on bonds issued for Capital PIDs, all associated parties and their affiliates shall be barred indefinitely from submitting a petition to the City requesting establishment of any future PID.
20. The aggregate principal amount of PID Bonds issued and to be issued shall not exceed amounts sufficient to fund the Public Improvements.

## **Policy for Public Improvement Districts**

---

21. Each series of PID Bonds shall be in an amount estimated to be sufficient to fund the Public Improvements or portions thereof for which such PID Bonds are being issued.
22. Delivery by Owner to the City of a certification or other evidence from an independent appraiser or other professional confirming that the special benefits conferred on the properties being assessed for the Public Improvements increase the value of the property by an amount at least equal to the amount assessed against such property.
23. Approval by the Texas Attorney General of the PID Bonds and registration of the PID Bonds by the Comptroller of Public Accounts of the State of Texas.
24. Owner is current on all taxes, fees and obligations to the City.
25. Owner is not in default under this Agreement or the Development Agreement.
26. No related outstanding PID Bonds are in default and no reserve funds have been drawn upon that have not been replenished.
27. Review and approval by the City of the plats and construction plans for the Public Improvements.
28. The PID administrator has certified that the costs of the Public Improvements to be paid from the proceeds of the PID Bonds are eligible to be paid with the proceeds of such PID Bonds.
29. The Public Improvements to be financed by the PID Bonds have been or will be constructed according to the approved design specifications and construction standards imposed by the Development Agreement.
30. The City's evaluation and determination that there will be no negative impact on the City's creditworthiness, bond rating, access to or cost of capital, or potential for liability.
31. The City has determined that the PID assessment level, structure, terms, conditions and timing of the issuance of the PID Bonds are reasonable for the project costs to be financed and that there is sufficient security for the PID Bonds to be creditworthy.
32. The maximum maturity for PID Bonds shall not exceed 30 years from the date of delivery thereof.
33. Unless otherwise agreed to by the City, the PID Bonds shall be sold and may be transferred or assigned only in minimum denominations of \$100,000 or integral multiples of \$1,000 in excess thereof; provided that the limitation on transferability or assignment shall not apply (A) if the PID Bonds are assigned a rating of not less than rated "BBB" by Standard & Poor's Ratings Services, a division of The McGraw-Hill Companies, Inc., "Baa" by Moody's Investors Service, Inc., or an equivalent rating by a nationally recognized municipal securities rating service acceptable to the City, and upon compliance with applicable securities laws. The City agrees that if the PID Bonds have an investment grade rating, they may be sold in minimum denominations of \$5,000 or integral multiples of \$1,000 in excess thereof.
34. No information regarding the City, including without limitation financial information, shall be included in any offering document relating to PID Bonds without the consent of the City.
35. Owner shall simultaneously fund the Public Improvements to the extent that the Public Improvements have not already been completed and paid for by Owner or otherwise to the extent that the PID Bonds are insufficient to fund such Public Improvements.

### **VII. PID MANAGEMENT**

1. The City will choose and utilize a private PID consulting firm to manage the PID, subject to administrative oversight by City staff.

## **Policy for Public Improvement Districts**

---

2. The management company will coordinate development of the Budget and Five Year Service Plan with the City staff and City team members, with input from the Owner, which will then be submitted to the City Council for consideration following a public hearing conducted in accordance with State law.
3. The PID consulting firm will communicate to all property owners within the District, regarding special events, activities, or other pertinent news in the PID.
4. The PID consulting firm shall attend City staff working meetings and City Council meetings when PID items are on the agenda or to be discussed.

### **VIII. SERVICE PLAN**

State law specifically outlines the improvements and special supplemental services that may be adopted in the Five Year Service Plan and provided for in the PID's annual Budget.

1. The City utilizes PIDs for various operational and maintenance projects to include:
  - (a) Landscaping;
  - (b) Erection of fountains, distinctive lighting, and signs;
  - (c) Construction or improvement of sidewalks and streets;
  - (d) Construction or improvement of pedestrian trails;
  - (e) Acquisition and installation of pieces of art;
  - (f) Acquisition, construction, or improvement of libraries;
  - (g) Acquisition, construction, or improvement of off-street parking facilities;
  - (h) Acquisition, construction, or improvement of mass transportation facilities;
  - (i) Acquisition, construction, or improvement of water, wastewater, or drainage facilities;
  - (j) The establishment or improvement of parks;
  - (k) Acquisition, by purchase or otherwise, of real property in connection with an authorized improvement;
  - (l) Special supplemental services for improvement and promotion of the PID, including services relating to advertising, promotion, health and sanitation, public safety, security, business recruitment, development, recreation, and cultural enhancement; and
  - (m) Payment of expenses incurred in the establishment, administration, and operation of the PID.
2. Budgets shall be developed, and funds allocated so that all property owners within the PID benefit.
3. Annual budgets shall be supplemented by a detailed line item explanation of the various components and how the amount was derived.
4. Annual budgets may be altered by submitting a mid-year adjustment for approval by City Council.

**Jason Hughes**

Managing Director  
Public Finance

**Date:** October 19, 2018  
**To:** Kim Dobbs  
**Subject:** RFP for PID Administrator/SAP Consultant

---

The City has received four proposals for PID Administrator/SAP Consultant. Following are some typical questions and my responses related to the roles of a PID Administrator/SAP Consultant.

**What is a PID?**

A PID, or public improvement district, is a defined area within the City or the City's ETJ that is created by the City Council to promote higher quality developments and fund infrastructure within and/or connected to the PID. A PID has the ability to levy an assessment on a lot to pay for the infrastructure improvements. A PID may also levy an assessment to pay for maintenance within the PID. **A PID assessment is not a tax.** Unlike a tax, the assessment is structured to remain level throughout the life of the PID and does not change with the value of a home.

**What does a PID Administrator/SAP Consultant do?**

A PID Administrator is a third party that works on behalf of the City to manage day-to-day duties associated with a PID. These duties include determining the annual assessments due from each property within a PID, providing information and assistance to homeowners within a PID, and overseeing certain reporting items related to a bond issuance for the PID, among other things. The PID Administrator typically reports on these items at least annually to the City Council. The SAP Consultant, who is ideally the same entity as the PID Administrator, will create the SAP (Service and Assessment Plan). The SAP includes information on the PID boundaries, the infrastructure projects being constructed within the PID, provides the method in which benefit and therefore assessments are being allocated to property within the PID and contains the assessment roll. The SAP is updated on an annual basis.

**Why does the City need a PID Administrator/SAP Consultant?**

The administration of a PID, as well as the creation of an SAP, are highly specialized, detailed and time consuming undertakings. In addition, these processes carry a degree of liability. It is highly advisable that the City engage a third party that has expertise in these areas.

This communication is for information only, not an offer, solicitation or recommendation, nor an official confirmation of any financial transaction. It is not to be considered research. The information is considered to be reliable, but Hilltop Securities Inc. does not warrant its completeness or accuracy, prices and availability are subject to change without notice. Clients should consult their own advisors regarding any accounting, legal or tax aspects. Investors are instructed to read the entire Official Statement to obtain information essential to the making of an informed investment decision.

Hilltop Securities Inc.  
1201 Elm St.  
Suite 3500  
Dallas, Texas 75270-2180

jason.hughes@hilltopsecurities.com  
HilltopSecurities.com

**By engaging a PID Administrator/SAP Consultant now, does the City lock itself into a PID in the future?**

No. The City has full discretion over a number of action items related to a PID. Council has to approve 1) creation of a PID, 2) issuing debt for a PID and 3) levying assessments for a PID, among other responsibilities. Hiring a PID Administrator/SAP Consultant now does not obligate the City to create, finance or operate a PID now or in the future; it simply provides expertise that is readily available if the City decides to explore setting up a PID.

**How is a PID Administrator/SAP Consultant paid?**

The PID Administrator is paid from annual assessment revenues collected from the PID. The SAP Consultant is also paid from assessment revenues. In certain circumstances, a city will pay upfront or hourly fees to the PID Administrator and/or SAP Consultant, particularly during the initial phases of reviewing and creating a PID. However, these payments may be reimbursed to the City upon implementation of the PID.

Please review and let me know of any questions you may have or if you'd like to discuss in more detail.

This communication is for information only, not an offer, solicitation or recommendation, nor an official confirmation of any financial transaction. It is not to be considered research. The information is considered to be reliable, but Hilltop Securities Inc. does not warrant its completeness or accuracy, prices and availability are subject to change without notice. We may trade, have long or short positions, or act as a market maker in any financial instrument discussed herein. Clients should consult their own advisors regarding any accounting, legal or tax aspects. Investors are instructed to read the entire Official Statement to obtain information essential to the making of an informed investment decision.



**CITY OF LAVON  
CITY COUNCIL  
Agenda Brief**

**MEETING: November 6, 2018**

**ITEM: 6-D**

---

**Item:**

Report and discussion regarding investment reports.

**Background:**

The Public Funds Investment Act provides that regular investment reports shall be provided to the City Council.

**City of Lavon 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.

Reports will be provided for discussion at the meeting.

October 31, 2018



# CITY OF LAVON CITY COUNCIL Agenda Brief

MEETING: November 6, 2018

ITEM: 6-E

---

**Item:**

Discussion and action regarding Ordinance No. **2018-11-01** amending Chapter 2, Administration and Personnel of the City's Code of Ordinances to establish a City Council governance policy and rules of procedure for conducting City Council meetings and providing for an effective date, proper notice and meeting; severability clause and repealer clause.

**Background:**

During the codification process, specific areas of the City's code were identified for revision to better align the code with existing state law and best practices. One such area was Chapter 2.07, Administration and Personnel. Chapter 2.07 may be found online at:

<http://z2codes.franklinlegal.net/franklin/Z2Browser2.html?showset=lavonset>

The City Attorney was consulted and an ordinance has been prepared to replace Chapter 2.07 with a City Council Governance Policy and Rules of Procedure.

The proposed amendment repeals certain self-imposed requirements that could be perceived to be in conflict with state law. Additionally, the proposed ordinance expands social media guidelines and principles for council conduct. The proposed amendment follows modern and progressive governance standards and provides for an annual review by the City Council to maintain the code's applicability and relevance.

**Staff Notes:**

Approval is recommended.

**Attachments:** 1) Proposed Ordinance  
2) Texas Municipal League Article – Council Conduct

November 1, 2018

**ORDINANCE NO. 2018-11-01**

City Council Governance Policy and Rules of Procedure

**AN ORDINANCE OF THE CITY OF LAVON, TEXAS, AMENDING CHAPTER 2 OF THE CITY OF LAVON'S CODE OF ORDINANCES, TO ESTABLISH A CITY COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE FOR CONDUCTING CITY COUNCIL MEETINGS; AND PROVIDING FOR AN EFFECTIVE DATE, PROPER NOTICE AND MEETING; SEVERABILITY CLAUSE AND REPEALER CLAUSE.**

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

**SECTION 1. RECITALS**

The City Council hereby finds that the statements set forth in the recitals of this Ordinance are true and correct, and the City Council hereby incorporates such recitals as part of this Ordinance.

**SECTION 2. ADOPTION OF GOVERNANCE POLICY AND RULES OF PROCEDURE**

Chapter 2, Administration and Personnel, of the Code of Ordinances of the City of Lavon is hereby amended by replacing Article 2.07 Ethics and Rules of Procedure with Article 2.07 Governance Policy and Rules of Procedure attached hereto as Exhibit "A" and incorporated herein for all purposes is hereby enacted.

**SECTION 3. Effective Date**

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

**SECTION 4. Proper Notice and Meeting**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code and as required by Chapter 52 of the Texas Local Government Code.

**SECTION 5. Severability**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

**SECTION 6. Repealer**

The provisions of this Ordinance shall be cumulative of all other ordinances, or parts of ordinances, and resolutions, or parts of resolutions governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances, or parts of ordinances, or resolutions, or parts of resolutions, inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent.

**PASSED AND APPROVED** by the City Council of the City of Lavon, Texas this 6<sup>th</sup> day of November, 2018.

---

Vicki Sanson  
Mayor

ATTEST:

---

Kim Dobbs  
City Administrator/ City Secretary

APPROVED AS TO FORM:

---

City Attorney

Exhibit "A"

**CITY OF LAVON, TEXAS  
CITY COUNCIL GOVERNANCE POLICY  
AND RULES OF PROCEDURE**

**Table of Contents**

<b>Section</b>	<b>Title</b>
<u>1</u>	Introduction
<u>2</u>	Mission
<u>3</u>	Information
<u>4</u>	Roles
<u>5</u>	Meetings
<u>6</u>	Public Contact / News Media Relations
<u>7</u>	Social Media
<u>8</u>	Planning
<u>9</u>	Council / Staff Relations
<u>10</u>	Council Relations with the City Attorney
<u>11</u>	Council Relations with Boards, Commission and Committees

## **COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE**

### **SECTION 1. INTRODUCTION**

(a) The municipal government provided by the City of Lavon is a Type A General Law City. Pursuant to the City of Lavon's Code of Ordinances, and subject to by the State Constitution, the statutes of this state, all powers of the City of Lavon, hereinafter referred to as the "City", shall be vested in an elected council, hereinafter referred to as the "City Council" or "Council", which shall enact local legislation, adopt budgets, determine policies, and appoint City officials as noted in the City's Code of Ordinances or State law, including the City Administrator, who in turn, shall be held responsible to the City Council for the execution of the laws and the administration of the government of the City. All powers of the City shall be exercised in the manner prescribed by City ordinance, the State Constitution, or by the statutes of the State of Texas.

(b) The City Council is the governing body for the City. Therefore, it must bear the initial responsibility for the integrity of governance. The Council shall determine its own rules of order and business. The Council is responsible for its own development, its responsibilities, its own discipline, and its own performance. The development of this policy is designed to ensure effective and efficient governance.

(c) This policy addresses mayor and council relations, council and staff relations, council and city attorney, engineer and municipal judge relations, council and media relations, roles and meetings. By adopting this policy, we, as members of the city council, acknowledge our responsibility to each other, to our professional staff and to the public. This policy will be reviewed and adopted on an annual basis.

**COUNCIL GOVERNANCE POLICY  
AND RULES OF PROCEDURE**

**SECTION 2. MISSION**

(a) The City of Lavon will provide for the health, welfare and safety for our citizens, neighbors and employees with a commitment to communicate and serve all with respect, dignity and courtesy, focusing on superior customer service. We will listen to our citizens and guests; address their needs; and provide a safe and appealing place to work, play and call home.

(b) In order to ensure proper discharge of duties for the improvement of democratic local government, members of the City Council will display behavior that demonstrates independent, impartial review of all matters addressed by them, and be duly responsible to the citizens of Lavon and each other in their relationships.

DRAFT

## COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

### SECTION 3. INFORMATION

(a) On major policy issues, the city administrator shall provide briefing material to the Council in advance of council consideration of the policy alternatives.

(b) All Council members should have the same information with which to make decisions. When one Council member has an information request, the response will be shared with all members of the Council so that each member may be equally informed.

(c) *Staff should provide City Council with information on agenda items as far in advance of the meeting as possible. Staff should avoid giving information at the meeting on issues that will be considered during the meeting.* In order to provide the Council with timely information, city council members are encouraged to submit their questions on agenda items to the City Administrator as far in advance of the meeting as possible so that staff can be prepared to respond at the Council meeting.

(d) The City Administrator shall provide operational updates to the City Council informing them of the progress on projects, items of concern, city events, financial, and legal issues currently pending before the City.

## **COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE**

### **SECTION 4. ROLES**

- (a) The mayor shall preside at meetings of the Council, and shall be recognized as head of city government as provided in state law. The mayor may participate in the discussion of all matters coming before the Council. The mayor shall be entitled to vote as established by state law.
- (b) As established by state law, the Council shall elect from among the council members a mayor pro tempore who shall act as mayor during the absence or disability of the mayor.
- (c) As head of city government for ceremonial purposes, the mayor may issue and present proclamations and recognitions, and attend other ceremonial functions on behalf of the City. Council members may initiate, through the mayor or by a majority vote of the Council, similar items of recognition. Major community events sponsored by the City shall be a policy decision of the Council.
- (d) The mayor shall preserve order and decorum and shall require council members engaged in debate to limit discussion to the question under consideration.
- (e) The mayor is the spokesperson for the Council on all official positions taken unless absent, at which time the mayor pro tempore will assume the role.
- (f) The mayor will encourage all council members to participate in Council discussion and allow all positions to be adequately presented before an item is brought to vote.
- (g) The mayor may appoint a subcommittee made up council members and staff to evaluate policy alternatives and to recommend policy direction to the full Council. Council deliberation on the subcommittee recommendations shall occur at regular sessions.

## COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

### SECTION 5. MEETINGS

(a) **Regular Meetings** – The council shall meet regularly at such times as prescribed by Ordinance, but no less frequently than once each month unless postponed or canceled for valid reason(s). Regular meetings will be open to the public in accordance with the Texas Open Meetings Act.

(b) **Special Meetings** – Special meetings may be held on any day of the week to consider items that require action prior to the next regularly scheduled meeting and may be called upon the request of the mayor or city administrator. Special meetings will be open to the public in accordance with the Texas Open Meetings Act.

(c) **Work sessions** – Work sessions will be held as needed and used to allow the City Council to discuss policy or budgetary items. Work sessions will be open to the public in accordance with the Texas Open Meetings Act.

(d) **Executive Sessions** – The City Council may meet in executive session in compliance with the Texas Open Meetings Act. A final action, decision or vote on a matter deliberated in an executive session will be made in an open meeting for which proper notice is provided. All discussions in executive session shall remain confidential. Executive sessions are not open to the public in accordance with the Texas Open Meetings Act.

(e) **Public Notice** – The agenda for all regular meetings, special meetings, work sessions, and executive sessions and the notice listing items to be considered shall be posted in accordance with the Texas Open Meetings Act, at least 72 hours prior to the posted meeting.

(f) **Attendance** – Council members are expected to attend all meetings and stay in attendance during each meeting. No member shall leave a meeting without advising the presiding officer.

(g) **Punctuality and Recess** – Members of the City Council shall arrive at meetings at or before the scheduled time for the meeting to begin. At the beginning of each meeting, the chair shall announce those members absent and shall announce the arrival time of any member arriving after the beginning of any meeting. The chair may at any time, upon their own motion, or upon the request of a council member, declare a recess in the meeting. *The time limit of the recess shall be strictly followed.*

(h) **Conflict of Interest** – A Council member prevented from voting due to a conflict of interest shall leave the bench during the debate, shall not vote on the matter, and shall otherwise comply with the state law and the City ordinances concerning conflicts of interest. Any Council member filing a conflict of interest affidavit on an Executive

Session item shall not confer with staff, the city attorney, Council members or the mayor regarding that matter.

**(i) City Council Members -**

1) During City Council meetings and work sessions, Council members shall assist in preserving order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the rules of the City Council.

2) A Council member shall confine discussion to the question under debate, avoid the discussion of personalities and the use of inappropriate language, and refrain from personal attacks or from publicly criticizing a Council colleague, citizen, an individual employee or operational issue. Criticism is differentiated from questioning facts or the opinion of staff.

3) When there is more than one speaker from the floor on the same subject, Council members shall delay their comments until after all speakers on the subject have been heard.

4) The chair shall state all questions submitted for a vote and announce the result.

5). The professional staff is expected to provide its best recommendations on issues, provide information about alternatives to staff recommendations as appropriate, as well as pros and cons for recommendations and alternatives. Staff recognizes the role of Council as policy makers for the City and understands that Council must consider a variety of opinions and community values in their decision-making in addition to staff recommendations.

**(j) Administrative Staff -**

(1) Members of the administrative staff and employees of the City shall observe the same rules and decorum applicable to members of the City Council.

(2) Although the presiding officer has the authority to preserve decorum in meetings, the city administrator also is responsible for the orderly conduct and decorum of all city employees under the city administrator's direction and control.

(3) The city administrator shall take such disciplinary action as may be necessary to ensure that decorum is preserved at all times by city employees in meetings.

(4) All persons addressing the City Council, including the city administrator shall be recognized by the presiding officer and shall limit remarks to the matter under discussion.

(5) All remarks and questions addressed to the City Council shall be addressed to the City Council as a whole and not to any individual member.

**(k) Citizens and Visitors -**

(1) Citizens and visitors are welcome and encouraged to attend all public meetings of the City and will be admitted to the Chamber or meeting room up to the fire safety capacity of the room.

(2) Everyone attending the meeting will refrain from private conversations and silence mobile devices while the City Council is in session.

(3) Citizens and visitors attending City Council meetings and work sessions shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the meeting or work session, shall be removed from the room if so directed by the presiding officer. The person shall be barred from further audience before the City Council during that session. If the presiding officer fails to act, any member of the Council may move to require enforcement of the rules, and the affirmative vote of a majority of the council shall require the presiding officer to act.

(4) Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted by the presiding officer, who may direct the removal of offenders from the room. In case the presiding officer shall fail to act, any member of the council may move to require enforcement of the rules and the affirmative vote of the majority of the council shall require the presiding officer to act.

(5) No placards, banners, or signs will be permitted in the city council chamber or in any other room in which the Council is meeting. Exhibits, displays and visual aids used in connection with presentations, however, are permitted.

**(l) Agenda -**

(1) The mayor and/or city administrator shall set the agenda. Any council member may request an item be placed on a future agenda. The requested agenda item shall be included on an agenda no later than the second regularly scheduled meeting (approximately 30 days) after receiving the request unless otherwise agreed upon by the City Council.

(2) The "Consent Agenda" consists of operational items and previously discussed items that do not require deliberation by the Council.

(3) Any Council member may remove an item from the consent agenda for separate discussion and consideration of action.

(4) Any item may be deferred or postponed to a later date by the Mayor if there is no objection. If a member of City Council objects, a majority vote of Council is required to defer or postpone the item.

(5) The chair shall announce the removal of an item from the consent agenda prior to requesting a motion.

**(m) Speakers –**

(1) A person wishing to address the City Council must provide their name and residence address.

(2) Speakers must address their comments to the presiding officer rather than to individual council members or staff. Speakers may not address the audience collectively or individuals in the audience.

(3) If speaking on an agenda item, speakers must keep their remarks specific to the item being considered by the City Council.

(4) If the speaker is addressing the city council under the “*public comments*” section, the speaker may address any item not slated for discussion on the agenda.

(5) The presiding officer may provide deference to city residents in recognizing speakers and allowing comments.

(6) All speakers will be asked to keep comments to a reasonable amount of time as determined by the Chair, usually less than three (3) minutes, depending on the number of speakers waiting to address the City Council. A majority vote of City Council can force the Chair to end the speaker’s comments or allow additional time.

(7) For called public hearings, the applicant will be allowed *a specific amount of time* to make a presentation.

(8) In accordance with the Texas Open Meetings Act, the City Council will not discuss or consider any item addressed during the public comment section. Council members shall limit their response to public comment to a statement of specific factual information given in response to the inquiry or comment, a recitation of existing policy in response to the inquiry or comment. Any deliberation of or decision about the subject of the public inquiry or comment shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.

(9) Whenever it is necessary for a speaker to use an interpreter to translate comments to the City Council, the time required for the translation will not be counted against the designated time allotted for the speaker to address the city council.

**(n) Motions –**

(1) The City Council may discuss an Agenda item prior to a motion being made. This allows a motion to be crafted that will incorporate the issues discussed.

(2) A motion made and seconded will be considered the main motion. Any Council member may make a motion to amend a motion. The amendment must receive a second before it may be discussed and must be voted on prior to voting on the main motion.

(3) A motion may be withdrawn or modified by its mover without asking permission until the motion is voted upon. If the mover modified the motion, the Council member who seconded the motion may withdraw the second.

(4) A motion to reconsider any action of the City Council must be made no later than prior to the conclusion of the next regularly scheduled meeting of the City Council. Such a motion may only be made by a Council member who voted with the prevailing side. The motion to reconsider may be seconded by any member. No question shall be twice reconsidered except by unanimous vote of the City Council, except that action relating to any contract may be reconsidered at any time before the final execution thereof.

(i) If a motion to reconsider is made at the same meeting at which the matter was acted upon, the motion may be heard and voted upon and the original action on the matter is set aside. Deliberation may then resume on the matter at that same meeting.

(ii) If a motion to reconsider is made at the next meeting after the matter was acted upon, the motion to reconsider may be heard and voted upon and the original action on the matter is not set aside. Deliberation may not resume on the matter, but it shall be placed on the next available agenda for deliberation.

(iii) If a motion to reconsider a zoning ordinance is made after the closing of the public hearing and action on the ordinance, the motion to reconsider may be heard and voted upon and the original action on the matter is not set aside. Deliberation may not resume on the matter until proper notice of a public hearing in accordance with State Law is provided.

(5) If any two Council members request that discussion cease during a work session, the mayor shall poll the Council to obtain a consensus to continue or cease discussion.

(o) **Suspension of Rules** – Any provision of these rules not governed by the City Code, State or Federal law may be temporarily suspended by a majority vote of the members of the City Council present. The vote on any such suspension shall be taken by yeas and nays and entered upon the record.

(p) **Amendment of Rules** – These rules may be amended or new rules adopted, by a majority vote of the members of the City Council.

(q) **Failure to Comply** - A failure to comply with these rules does not invalidate any otherwise lawful act of the Council.

(r) **Tabling** – an item under consideration may be tabled until a later point in the meeting.

(s) **Postponement** – an item may be postponed until a future meeting, a specific future date, or until a specific outside action occurs. Items may also be postponed indefinitely, which means the item is dead and cannot be brought back before City Council unless there is a change.

DRAFT

**COUNCIL GOVERNANCE POLICY  
AND RULES OF PROCEDURE**

**SECTION 6. PUBLIC CONTACT / NEWS MEDIA RELATIONS**

(a) Representative government is only successful when the citizens are kept informed and educated about the issues facing their municipality; consequently, it is imperative that the media play an important role in the council- media relations. It is through an informed public that progress is ensured and good government remains sensitive to its constituents. These guidelines are designed to help ensure positive relationships with print, radio, and television reporters. The mayor, City council and the city administrator recognize that the news media provide an important link between the council and the public. It is the council's desire to establish a professional working relationship to help maintain a well-informed and educated citizenry.

- (a) The City Administrator or designee is the City's official representative to the media.
- (b) The mayor or city council by a majority vote may designate an alternative media representative.

## **COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE**

### **SECTION 7. SOCIAL MEDIA RELATIONS**

(a) To address the fast-changing landscape of the Internet and the way residents communicate and obtain information online, the City of Lavon may consider using social media tools to reach a broader audience. The City encourages the use of social media to further the goals of the City and the missions of its departments, where appropriate. The City of Lavon has an overriding interest and expectation in deciding what is "spoken" on behalf of the City on social media sites.

(b) Creation and Maintenance of City Social Media Sites. City Social Media Sites may contain information that represents, or may create the appearance of representing, the City's position on policy issues and/or the positions of its leadership. No City Council members or employee may create or maintain a Social Media Site that purports or appears to be a City Social Media Site without the approval of the Council or City Administrator respectively.

(c) Posting on Social Media Sites. City Council members and employees posting Social Media Content on Social Media Sites must at all times conduct themselves as representatives of the City of Lavon and will follow these guiding principles:

- i. Maintain transparency by using his/her given name and position title and clearly stating their role regarding the subject;
- ii. Use correct grammar and spelling;
- iii. Avoid jargon;
- iv. Write and post only about their area of expertise;
- v. Keep postings factual and accurate;
- vi. Reply to comments in a timely manner, when a response is appropriate. When disagreeing with others' opinions or providing comments, do so in a meaningful, respectful, and relevant manner;
- vii. Understand that postings are widely accessible, not retractable, and retained or referenced for a long period of time; all content should be carefully considered;
- viii. Ensure that Social Media Content does not violate another person's privacy interests;
- ix. Do not represent city policy positions without prior Council consensus.
- x. Refrain from posting Social Media Content that is proprietary, copyrighted, attorney-client privileged, subject to state or federal privacy laws, and information not subject to the Texas Public Information Act;
- xi. Never comment on anything related to legal matters, litigation or any parties with whom the City may be in litigation;
- xiii. Refrain from the expression of personal opinions or positions regarding:
  - (a) programs or practices of other public agencies, political organizations, private companies, or non-profit groups;
  - (b) political campaigns; or
  - (c) religion.

**COUNCIL GOVERNANCE POLICY  
AND RULES OF PROCEDURE**

**SECTION 8. PLANNING**

The mayor and council are responsible for establishing a vision for the City of Lavon and planning for its future.

(a) The Mayor, City Council and the city administrator shall strive to annually hold a planning session wherein they set priorities, goals and objectives. The goals and objectives shall address short term and long-term needs, including financial, of the City.

(b) Policy direction shall be consistent with the strategic goals and objectives. Sufficient time and consideration should be given to policy alternatives to ensure that decisions are made consistent with the long-term vision and budgetary measures.

DRAFT

## **COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE**

### **SECTION 9. COUNCIL / STAFF RELATIONS**

(a) The City Council's role is to establish City policies and priorities. The Council appoints a City Administrator to assist in implementing those policies and undertake the administration of the organization. The City Administrator is appointed by the City Council to enforce its laws, to direct the daily operations of city government, to prepare and monitor the annual budget, and to implement the policies and programs initiated by the City Council. The City Administrator is responsible to the City Council, rather than to individual Council Members, and directs and coordinates the various departments. The City Administrator is responsible for appointing all department directors, except as provided by City Ordinance, and authorizing all other personnel positions. The City Council authorizes positions through the budget process; based upon that authorization, the City Administrator makes the appointments. Because the primary role of the City Council is to set policy and direction for the city, the City Council members will allow the city staff to do their work and handle day-to-day operations accordingly.

(b) The City Council shall direct comments, correspondence and concerns about City operations to the city administrator's office. Citizens concerns, comments and correspondence regarding city operations received by Council members shall be forwarded to the city administrator for appropriate staff action and a timely response. Council members will consult and inform the city staff regarding requests relating to city services and will refrain from unilaterally making commitments involving financial or staff resources.

(c) The City Council may inquire of the city administrator about the conduct of any office, department or agency of the city and make investigations as to municipal affairs, per the state law. In no manner, either directly or indirectly, shall a Council Member become involved in, or attempt to influence, personnel matters that are under the direction of the City Administrator. Nor shall the City Council be involved in, or influence, the purchase of any supplies beyond the requirements of the City purchasing procedures. Notwithstanding the foregoing, any member of the City Council, may, prior to or during a meeting, make inquiry to a department head on an agenda item posted for the next council meeting. The council member will carbon copy (cc) the city administrator on any email communication to a staff member.

(d) Documents provided to one Council member shall also be distributed to all other members of the Council. The city administrator shall prepare and submit to the Council prior to the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year. The city administrator shall keep the Council advised of the financial condition and future needs of the City and make such recommendations that may seem desirable.

(e) In order to ensure proper presentation of agenda items by staff, questions arising from Council members after receiving their information packet should be, whenever possible, presented to the city administrator or the administrator's designated assistants for staff consideration prior to the Council meeting. This allows staff the time to address the council members' concerns and provide all Council members with the additional information.

(f) Seeking political support from staff is not appropriate. The City is a non-partisan local government. Neither the City Administrator nor any other person in the employ of the City shall take part in securing or contributing any money toward the nomination or election of any candidate for a municipal office. In addition, some professionals have professional codes of ethics, which preclude politically partisan activities or activities that give the appearance of political partisanship.

DRAFT

## **COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE**

### **SECTION 10. COUNCIL RELATIONS WITH THE CITY ATTORNEY**

(a) The city attorney is appointed by the City Council. The city attorney is the legal advisor for the Council, its committees, commissions and boards, the city administrator, and all City officers and employees with respect to any legal question involving an official duty or any legal matter pertaining to the affairs of the City.

(b) The general legal responsibilities of the City Attorney are to:

(i) provide legal assistance necessary for formulation and implementation of legislative policies and projects;

(ii) represent the City's interest, as determined by the City Council, in litigation, administrative hearings, negotiations, and similar proceedings;

(iii) prepare or approve as to form ordinances, resolutions, contracts, and other legal documents to best reflect and implement the purposes and intentions of the City Council; and

(iv) keep City Council and staff apprised of court rulings and legislation affecting the legal interest of the city.

(c) No Council member shall request or direct the city attorney to initiate any action or prepare any report that is significant in nature, or initiate any significant project or study without the consent of a majority of the Council. The city attorney shall determine whether or not a matter is significant. The city administrator shall be informed of any project, study, opinion or report prepared by the city attorney as requested by the City Council. The city administrator shall not prevent council members from communication with the city attorney.

(d) It is important to note that the city attorney does not represent individual members of the Council, boards, commissions or employees, but rather the City as a whole.

## **COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE**

### **SECTION 11. STAFF AND COUNCIL RELATIONS WITH BOARDS, COMMISSION AND COMMITTEES**

(a) Staff support and assistance may be provided to advisory boards, commissions, and committees. Advisory bodies, however, do not have supervisory authority over City employees. While staff may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and, ultimately, the city administrator. The members of the commissions, boards, or committees are responsible for the functions of the advisory body. The chairperson is responsible for committee compliance with the municipal code and/or bylaws. Staff members are to assist the advisory boards to ensure appropriate compliance with ordinances, state and local laws and regulations.

(b) Staff support includes: (1) preparation of an agenda; (2) preparation of reports providing a brief background of the issues, a list of alternatives, recommendations, and appropriate backup materials, if necessary; and (3) preparation of minutes of advisory body meetings. Advisory body members should have sufficient information to reach decisions based upon a clear explanation of the issues. It is important to note that city staff *seeks to* not influence boards, commissions and committees, but provide objective information to help the boards, commissions and committees in their decision making process. Staff should provide information on options considered along with a summary of pros and cons of each option. Any prior direction by City Council on a particular issue should be provided by staff to any board, commission or committee considering the issue.

(c) The role of the city's boards, commissions and committees is to perform the specific functions established in state statues, city ordinances, resolutions, or minute orders as applicable and to advise the City Council about the topics assigned.

(d) All instructions to boards, commissions and committees by the City Council shall be in writing.



# 30

TIPS FOR  
**NEWLY ELECTED  
MAYORS AND  
COUNCILMEMBERS**

1. Allot ample time to be effective in your public service role. Your most important responsibility as a mayor or councilmember is participation at council meetings, but attending meetings isn't enough. Research, study, and discuss the issues, and keep yourself informed.
2. Pace yourself. Prioritize the meetings you attend. Recognize the need to spend time with your family, and achieve a healthy work/life balance.
3. Deliver on your promises. Most major decisions and actions require approval of the governing body, which takes a majority vote.
4. Treat your colleagues, constituents, and city staff with fairness and respect. People come to you with issues that are important to them. Do what you can to resolve their issues, or suggest other resources that might be able to help.
5. Allow your city staff to do their work and handle operations. Your primary role is to set policy and direction for the city. For example, instead of spending time reviewing invoices, make sure you have a good purchasing practice in place for generating invoices.
6. Take your budget preparation role seriously. The budget is your policy development tool and road map. It determines what your city does or doesn't do in the coming year. When budget cutbacks are necessary, ensure adequate funding for activities that are vital to city operations.
7. Be aware of the little things. While the little things can go unnoticed, it's often those tiny details that require the most attention.
8. Establish policy statements. Written policy statements let the public and city staff know where they stand, and help the governing body govern. Written policy statements also provide a process to develop consensus.
9. Maintain the infrastructure. Make certain you are keeping up with what you have before taking on new projects. Deferring maintenance costs to the future burdens the next generation of leaders.
10. Be comfortable telling people that you don't know the answer to their question. It's better to tell constituents that you need to research an issue rather than provide inaccurate information.
11. Always keep the long-term interests of your city top of mind. Don't be hurried into action, or misled by the demands of special interest groups who want it done their way, right now.
12. Be open and honest with your colleagues. It's unwise to spring surprises on your fellow councilmembers or city staff, especially at formal meetings. If a matter is worth discussing, it should be placed on the agenda. Surprises often cause embarrassment, create distrust, and erode the team approach to governance.
13. Respect and don't bypass the system. If you have a city manager or other chief administrative official, follow policy and avoid personal involvement in day-to-day operations.
14. Don't let others bypass the system. Insist that people — such as bond dealers or equipment suppliers — work with your city staff first. If direct contact with councilmembers is necessary, ensure it happens with the council as a whole and not on a one-on-one basis.
15. Formalize your personnel rules and regulations. Make sure they're clear. For example, if you don't pay for unused sick leave when an employee is terminated, put it in writing. Once the rules are established, councilmembers should stay out of personnel matters.
16. Familiarize yourself with the Texas Open Meetings Act and the Public Information Act, and complete the state-mandated training in both. Respect the letter and intent of both acts.
17. Keep your constituents informed through social media, a regular editorial in the local newspaper, radio interviews, or news releases. Be friendly in your interactions with the news media. Effective communications keeps citizens engaged and fosters civic pride.
18. Keep your city staff informed, particularly those on the front line who have frequent contact with the public, or are in a decision-making role.
19. Appoint citizen advisory committees as needed and be prepared to follow their advice. Appointing your opposition to a desired committee helps them work for you, instead of against you.
20. Hire the best people you can, and give them as much responsibility as they can handle. Support and inspire them to succeed.

21. Encourage your employees to look for new ideas and better ways of doing things. Listen to what they have to say.
22. Have your city attorney attend your council meetings, but don't expect him or her to have all the answers. Give your attorney time to research key issues, and come back with an opinion.
23. Ask your city attorney "how can we legally accomplish this objective?" instead of simply asking whether or not you can do something.
24. Remember that if yours is a typical city, your city attorney will not be an expert on every issue. City government is too complex. You may occasionally need outside counsel which can be a good use of public funds.
25. Make sure your city has a solid financial accounting and reporting system in place. Some cities have had financial troubles because more money was spent than was available and it went unnoticed.
26. Remember that your city does not operate in a vacuum. You must work within the intergovernmental system to be effective. Keep in contact with school, county, state, and federal officials. Use the Texas Municipal League as a resource.
27. Sometimes, hiring a consultant can be a good way to get the expertise you are missing. However, it is important to maintain a leadership role with consultants, ensuring they stay on course, and act in your city's interest.
28. Keep your eye on state and federal legislation that can negatively affect your city through unfunded mandates or by eroding your ability to make decisions locally. Read the Legislative Update in the weekly *TML Exchange* for updates on key legislation and regulations.
29. Budget money for your officers and employees to attend TML workshops and conferences. TML provides excellent learning opportunities and personal contacts who can be valuable to you, your city staff, and elected officials.
30. Finally, know that you are in the public eye, and your words and actions affect your city and citizens. Follow your conscience, and act as a steward for your city's good governance. ★





# CITY OF LAVON CITY COUNCIL Agenda Brief

**MEETING:** November 6, 2018

**ITEM:** 6 – F

---

**Item:**

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

**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. Parks and Recreation Board members Chuck Teske and David Hawkins recently resigned their positions creating two vacancies: 1) a vacancy for a City Council Liaison and 2) an alternate member vacancy.

***Code Excerpt:***

**Lavon Code of Ordinances**

**Section 2.06.092 – Structure of board; membership**

- (a) The parks and recreation board shall consist of five (5) regular members and one (1) alternate member appointed by the city council.
  - (1) The regular board members shall be organized by numbered seats (1-5).
  - (2) The alternate member shall be designated as the first alternate.
- (b) The chair shall be selected as described in [section 2.06.095](#) and shall be authorized to vote.
- (c) The alternate board member shall be authorized to vote on any matter when the alternate member's presence forms the quorum.
- (d) The city council shall select from its membership a liaison to serve as regular member of the parks and recreation board.

The City Council can appoint one of its members to the liaison position. There are not currently any pending applications to present for consideration of the vacant alternate position. A worksheet listing the members of the boards and commissions is provided for the Council's convenience.

**Attachments:** Spreadsheet – Boards & Commissions

October 31, 2018

**City of Lavon Boards & Commissions**  
**October 2018**

Place	Elected / Appointed	Name	Term Expires	Appointment Notes
<b>City Council Members</b>				Elected
Mayor	6/19/2018	Vicki Sanson	11/2019	<i>replaced C. Teske - Spec Election 11/18</i>
Place One	6/19/2018	John Kell	11/2018	<i>replaced V. Sanson</i>
Place Two	11/7/2017	Mike Cook	11/2019	
Place Three	11/21/2016	Kay Wright	11/2018	
Place Four	11/7/2017	Tim Davis	11/2019	
Place Five	11/21/2016	Mindi Serkland	11/2018	

<b>Economic Development Corp Board of Directors</b>				7 members; 4 CC/staff; county resident
Place 1, Chair		Kay Wright	7/15/2020	
Place 2	7/17/2018	Manzelle Williams	7/15/2019	
Place 3	9/19/2017	Vicki Sanson	7/15/2020	
Place 4	5/1/2018	Larry Munson	7/15/2019	
Place 5	7/17/2018	Dustin Cowin	7/15/2020	
Place 6	7/18/2017	John Kell	7/15/2019	
Place 7		David Piekarski	7/15/2020	

<b>Planning &amp; Zoning Commission</b>				5 members, residency req
Seat 1	1/17/2017	Brad Tiegs	6/1/2019	
Seat 2	7/19/2016	Deborah Nabors	6/1/2020	
Seat 3	9/6/2016	Cynthia Coker	6/1/2019	
Seat 4	11/3/2015	Tom Ormsby	6/1/2020	
Seat 5, Chair		David Rosenquist	6/1/2019	
	ex officio	Vicki Sanson	6/1/2019	<i>Council Liaison</i>

<b>Parks &amp; Recreation Board</b>				5 members, CC liaison; residency req
Seat 1		Mike Gulino	1/1/2019	
Seat 2	1/16/2018	Kelly Turk	1/1/2020	
Seat 3	5/1/2018	Ashley Lambert	1/1/2019	
Seat 4, Chair		Bradley Tiegs	1/1/2020	
Seat 5 - Council			1/1/2019	<i>C. Teske resigned - Council Liaison</i>
Alternate			1/1/2020	<i>D. Hawkins resigned</i>

<b>TIF</b>				5 members, Mayor appt; Council consent
Seat 1	1/2/2009	David Hawkins	1/1/2020	
Seat 2	10/18/2016	Ryan Lisko	1/1/2019	
Seat 3, Chair	1/6/2015	Chris Kane	1/1/2020	
Seat 4	1/17/2017	Chuck Teske	1/1/2019	
Seat 5	1/2/2009	Darlene Hurth	1/1/2020	

**City of Lavon Boards & Commissions**  
**October 2018**

Place	Elected / Appointed	Name	Term Expires	Appointment Notes
<b>BUILDING BOARD OF APPEALS (IFC)</b>				8 members
Seat 1	9/18/2018	Joe Wetzel	9/1/2020	
Seat 2	9/18/2018	Tom Paroski	9/1/2019	
Seat 3	9/18/2018	Jeff Donaldson	9/1/2020	
Seat 4	9/18/2018	Paul Slay	9/1/2019	
Seat 5	9/18/2018	Derek Hanson	9/1/2020	
Seat 6	9/18/2018	Micki Hollien	9/1/2019	
Seat 7	9/18/2018	Richard Hollien	9/1/2020	
Seat 8, Chair	9/18/2018	Jon Scott	---	Fire Marshal - Ex Officio



**CITY OF LAVON  
CITY COUNCIL  
Agenda Brief**

**MEETING: November 6, 2018**

**ITEM: 6 – G**

---

**Item:**

Update and discussion regarding public safety initiatives.

**Background:**

The Police Department has been working on a couple of public safety initiatives and will provide a status report to the City Council. The staff will present information on these and other programs intended to enhance public safety in the City of Lavon.

Information will be presented specifically regarding:

- 1) Safe Exchange Zone
- 2) Community Camera Program

**Attachments:** Initiative Information

October 31, 2018



# CITY OF LAVON POLICE & FIRE



# SAFE EXCHANGE ZONE

Internet Purchases  
Child Custody Exchanges

In an emergency  
dial 911



**THIS AREA IS UNDER  
24 HOUR VIDEO  
SURVEILLANCE**

Video System by Spark Technologies

## Lavon Community Camera Program

In an effort to deter crime and improve investigations outcomes the Lavon Police Department has introduced the Lavon Community Camera Program. The Lavon Community Camera Program promotes citizen participation in our efforts to keep Lavon safe and crime free.

Video footage is increasingly becoming an invaluable asset in identifying suspects and establishing leads in criminal cases. We are asking you to join us in our mission to provide the highest level of service in our community.

## Join the Lavon Community Camera Program

There are many businesses and homeowners who have surveillance systems. These owners can privately register their homes and businesses with the Lavon Police Department. If a crime occurs near one of the registered homes or businesses, the footage could be voluntarily provided to the department in an attempt to aid in the apprehension and conviction of involved parties.

There are three easy steps:

1. **REGISTER:** Registration takes only a few minutes. You will provide basic information such as your address and where your camera(s) are located. There is no cost to you and **ALL LAVON COMMUNITY CAMERA information is kept confidential**. To register for Lavon Community Cam, click [here](#).
2. **VERIFICATION:** Once you have completed and submitted the [registration form](#), a member of the Lavon Police Department will follow up with you to confirm the registration.
3. **CALL TO ACTION:** In the event there is a criminal incident in the vicinity of the location you registered, a member of the Lavon Police Department will contact you. The member may request a copy of the video in an effort to assist with the investigation.

Registering your information **DOES NOT** provide the Lavon Police Department with direct access to your camera(s). You will only be contacted if it is believed your camera could contain evidence relevant to a criminal investigation. Your registration can be removed at any time by contacting the Lavon Police Department and requesting your information be deleted from the program. **All Lavon Community Camera information is kept confidential.**

### Disclaimer & Terms of Use

Information provided to the Lavon Police Department regarding your camera system will be utilized for official use only. Your personal information will remain confidential and not be distributed except as required by law or court order. All Lavon Community Cam users agree to the following terms and conditions:

1. Any footage containing or related to criminal activity may be collected by the Lavon Police Department for use as evidence during any stage of an investigation or criminal proceeding.
2. If necessary, a member of the Lavon Police Department will contact you directly, using the information provided on this site, to request the appropriate video surveillance footage.
3. Under no circumstance shall registrants construe they are acting as an agent and/or employee of the City of Lavon and/or the Lavon Police Department through the Lavon Community Cam program.
4. Under no circumstance shall the Lavon Police Department utilize any information obtained to view footage/feeds directly from cameras owned by registrants.