



MINUTES
SEPTEMBER 4, 2018
LAVON CITY COUNCIL
501 LINCOLN DRIVE, LAVON, TEXAS
EMERGENCY OPERATIONS CENTER RIBBON CUTTING
CITY HALL, 120 SCHOOL ROAD, LAVON, TEXAS
REGULAR MEETING-BOARD OF ADJUSTMENT- EXECUTIVE SESSION

ATTENDING: VICKI SANSON, MAYOR
JOHN KELL, PLACE 1
KAY WRIGHT, PLACE 3
TIM DAVIS, PLACE 4
MINDI SERKLAND, PLACE 5

ABSENT: MIKE COOK, PLACE 2

1. RIBBON CUTTING - 501 LINCOLN DRIVE

At 6:00 p.m., a quorum of the City Council gathered for a ceremonial ribbon cutting for the Emergency Operations Center. Mayor Sanson welcomed guests and stated that the ribbon cutting represented an important milestone in the continuing development of the City of Lavon's public safety infrastructure. Mayor Sanson commented that the new emergency operations center is expected to enhance first responders' ability to safeguard the lives and property of Lavon residents and help facilitate lower emergency response times. Mayor Sanson expressed appreciation specifically to Bloomfield Homes as a generous and forward-thinking partner who shared in the vision to the benefit of current and future residents. Members of the Lavon Volunteer Fire Department (LVFD), President of Bloomfield Homes Don Dykstra and Vice President of Operations Tim Stewart were recognized and Mr. Dykstra addressed the gathering. Mayor Sanson then recognized city staff members and volunteers for their contribution to the process: Police Chief Mike Jones, Fire Marshal Jon Scott and City Administrator Kim Dobbs. Mayor Sanson concluded that former Mayor Teske also deserved recognition and appreciation for championing the project and for his unwavering determination to make the project a reality.

2. MAYOR SANSON CALLED THE MEETING TO ORDER AT 7:00 P.M. AND ANNOUNCED A QUORUM PRESENT.

3. MAYOR SANSON LED THE RECITATION OF THE PLEDGE OF ALLEGIANCE AND MR. KELL DELIVERED THE INVOCATION.

4. CITIZENS COMMENTS

Resident Vince Doyle, 319 Alamo Ct. suggested a photo shoot fundraiser for the Lavon Volunteer Fire Department.

5. ITEMS OF INTEREST/COMMUNICATIONS

- September 22, 2018- Fire Station and EOC-Community Open House! 3-5pm.
- October 2, 2018- National Night Out 7pm.
- October 20 2018 - Fall Festival 4-6pm.

6. PROCLAMATION

Mayor Sanson presented a Proclamation to Chief Jones and Fire Marshal Scott for National Preparedness Month-September 2018. *Disasters Happen. Prepare Now. Learn How!* www.ready.gov/september

7. CONSENT AGENDA

- a. **Approve the Minutes of the August 21, 2018 Meeting.**
- b. **Approve Task Order #2 with Freeman-Millican, Inc. for professional engineering services relating to the Bear Creek Trunk Alignment Study for sanitary sewer in an amount not to exceed \$7400.00.**

- c. **Approve Resolution No. 2018-09-01 authorizing the Mayor to execute a contract with the Collin County Elections Administrator for Elections Services related to the City's November 6, 2018 General Election and Special Election.**
- d. **Ratify and Amend Exhibit A of Resolution No. 2018-08-05 approving an updated Interlocal Dispatch Services agreement with Collin County for the provision of Dispatch services for the Lavon Volunteer Fire Department.**
- e. **Approve Resolution No. 2018-09-02 authorizing the Mayor and Mayor Pro Tem to execute an Equipment Lease Purchase Agreement with Community Leasing Partners for the purchase of a Fire Department Vehicle – Ford F450 for an amount not to exceed \$59,588.49.**
- f. **Approve Resolution No. 2018-09-03 authorizing the Mayor and Mayor Pro Tem to execute an Equipment Lease Purchase Agreement with Community Leasing Partners for the purchase of Fire Department Motorola Radios and Equipment for an amount not to exceed \$20,416.38.**

MOTION: APPROVE THE CONSENT AGENDA.

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

8. BUDGET WORK SESSION

Ms. Dobbs reported the financial status for the current Fiscal Year 2017-18, budget calendar, anticipated commitments, departmental service proposals, fee schedule and requests for the proposed 2018-19 budget. Ms. Dobbs reviewed the assumptions for the proposed FY 2018-19 budget to include tax rate of 0.4457 cents per \$100 valuation, adjust the M&O portion of the ad valorem tax rate and inter-fund transfers to adequately fund the debt service for the wastewater treatment plant expansion, adjust the budget to provide for the reduction in building permit revenue and growth that will result from the temporary shortage of available lots for new home construction and incorporate a new process for public infrastructure inspections. Also, add one Police Patrol Officer, provide cost of living adjustment of 1% and potential merit increases up to 2%, open and maintain the Emergency Operations Center, as well as train and equip the LVFD. Additionally, the city will replace two police vehicles, participate in the TxDOT project to widen SH 205 and provide funds for the increase in Collin County Dispatch fees. Mr. Kell asked about the Geren Rd. payoff and expressed his appreciation of the budget process being transparent. Ms. Wright pointed out that Lavon has a tax rate of 0.45577 cents per \$100 value and is the 4th lowest among cities with a paid police department in Collin County. Mr. Davis praised the staff's work on the budget. The Council approved budget enhancements of EOC Technology configuration, Fire Department SCBAs (2) to be paid out of the FY 17-18 budget year funds. Mayor Sanson and the Council discussed line by line the pending enhancements and directed the city staff on how to fund these items in the 2018-19 fiscal year.

9. ITEMS FOR CONSIDERATION

- A. Public hearing, discussion and action regarding the Proposed Annual Budget and Fee Schedule for the Fiscal Year that begins October 1, 2018 and ends September 30, 2019.**

Presentation of request.

Ms. Dobbs explained that a public hearing on the budget and tax rate are not required to be conducted but that the Council expressed a desire to provide the public with an opportunity to address the Council in open meeting. Ms. Dobbs noted that notice of the proposed tax rate and public hearing was published in the City's official newspaper. The council is scheduled to vote on September 18, 2018 on the proposed budget and tax rate. Ms. Dobbs concluded noting that the proposed tax rate would remain the same as the previous year and that the proposed tax rate is significantly less than the calculated effective tax rate or rollback rate.

PUBLIC HEARING to receive comments regarding the request.

Mayor Sanson opened the public hearing at 8:02 p.m. and invited comments regarding the proposed budget and fee schedule. There being no comments, the public hearing was closed at 8:03 p.m.

Discussion and action regarding the request.

The Council announced that there will be a record vote on the proposed budget scheduled for the September 18, 2018 Regular Council Meeting beginning at 7:00 p.m.

- B. Public Hearing, discussion and action regarding an application submitted by Barnett Signs on behalf of owner 7-Eleven for a variance to Section 4.05.008 of the Code of Ordinances, Signs that provides for a monument sign area of 18 square feet to permit a monument sign with an effective area of 49.89 square feet at 991 S. SH 78, northeast of the intersection of SH 205 and SH 78.**

Presentation of request.

Jacob Capetillo, Barnett Signs, 991 S. SH 78, 7-Eleven, described the low profile monument sign and illumination requirements associated with the proposed sign and requested variance. Mr. Capetillo explained that the request is for a variance to the size of the sign that is normally allowed for the road frontage space that the 7-Eleven store has. Mayor Sanson asked Chief Jones to explain the difference in a monument sign and a pole sign. Chief Jones advised that from a public safety stand point a sign at eye level is preferred.

PUBLIC HEARING to receive comments regarding the request.

Mayor Sanson opened the public hearing at 8:12 p.m. and invited comments regarding the proposed sign variance. There being no comments, the public hearing was closed at 8:12 p.m.

Discussion and action regarding the request.

The Council expressed support for the requested variance.

MOTION: APPROVE THE APPLICATION SUBMITTED BY BARNETT SIGNS ON BEHALF OF OWNER 7-ELEVEN FOR A VARIANCE TO SECTION 4.05.008 OF THE CODE OF ORDINANCES, SIGNS THAT PROVIDES FOR A MONUMENT SIGN AREA OF 18 SQUARE FEET TO PERMIT A MONUMENT SIGN WITH AN EFFECTIVE AREA OF 49.89 SQUARE FEET AT 991 S. SH. 78, NORTHEAST OF THE INTERSECTION OF SH 205 AND 78.

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

- C. Discussion and action regarding Resolution No. 2018-09-04 approving a NEGOTIATED settlement between the Atmos Cities Steering Committee ("ACSC") and ATMOS ENERGY CORP., Mid-Tex DIVISION regarding the company's 2018 Rate Review Mechanism filings.**

Ms. Dobbs provided information regarding the findings and recommendations of the Atmos Cities Steering Committee. Ms. Dobbs introduced Michael Cox, Atmos Energy Corporation who was available to answer questions.

MOTION: APPROVE RESOLUTION NO. 2018-09-04 APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2018 RATE REVIEW MECHANISM FILINGS.

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

D. Discussion and action regarding the Site Plan and Landscape Plan for Crown Label Products on Lot 4, Block A of the Lavon Business Park II Addition, located on south side of and in the vicinity of the 900 block Lavon Circle.

Ms. Dobbs presented information regarding the proposed site plan and landscape plan and regarding the Planning and Zoning Commission's unanimous recommendation for approval subject to the City Engineer's approval. Ms. Dobbs reviewed the location and access to the building and the proposed building materials.

MOTION: APPROVE THE SITE PLAN AND LANDSCAPE PLAN FOR CROWN LABEL PRODUCTS ON LOT 4, BLOCK A OF THE LAVON BUSINESS PARK II ADDITION, LOCATED ON SOUTH SIDE OF AND IN THE VICINITY OF THE 900 BLOCK LAVON CIRCLE, SUBJECT TO THE CITY ENGINEER APPROVAL.

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

E. Discussion and action regarding Resolution No. 2018-09-05 approving the City of Lavon Investment Policy for Public Funds.

Ms. Dobbs described the Texas Public Funds Investment Act requirement that a city's Investment Policy must be reviewed annually and noted there were no proposed changes to the policy.

MOTION: APPROVE RESOLUTION NO. 2018-09-05 APPROVING THE CITY OF LAVON INVESTMENT POLICY FOR PUBLIC FUNDS.

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

F. Discussion and action regarding the Resolution No. 2018-09-06 authorizing the Mayor to execute a professional services agreement with First Southwest Asset Management, an affiliate of Hilltop Securities for arbitrage rebate calculation and consultation services.

Ms. Dobbs provided information regarding the state and federal regulations pertaining to arbitrage rebate calculations required every five years and associated rebate payments and noted that this is the first calculation to be performed for the Heritage PID #1. Ms. Dobbs stated that competitive proposals were obtained from two consulting firms and that First Southwest Asset Management was recommended.

MOTION: APPROVE RESOLUTION NO. 2018-09-06 AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH FIRST SOUTHWEST ASSET MANAGEMENT, AN AFFILIATE OF HILLTOP SECURITIES FOR ARBITRAGE REBATE CALCULATIONS AND CONSULTATION SERVICES.

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

G. Discussion and action regarding the election of the Board of Trustees of the Texas Municipal League (TML) Intergovernmental Risk Pool.

Ms. Dobbs presented the ballot for the Board of Trustees for the TML Intergovernmental Risk Pool. The Council discussed the nominations.

MOTION: CAST VOTES FOR PLACE 11-RANDY CRISWELL, PLACE 12-BERT LUMBRERAS, PLACE 13- MIKE JONES AND PLACE 14-DAVID J. HARRIS.

MOTION MADE: WRIGHT

SECONDED: KELL
APPROVED: UNANIMOUS
Absent: COOK

H. Discussion and action regarding the election of the Board of Trustees of the Texas Municipal League (TML) Intergovernmental Employee Benefits Pool Board of Trustees.

Ms. Dobbs present the ballot for the TML Intergovernmental Employee Benefits Pool Board of Trustees.

MOTION: CAST A VOTE FOR JUDY GARZA FOR TML MULTISTATE INTERGOVERNMENTAL EMPLOYEE BENEFITS POOL BOARD OF TRUSTEES-REGION 13.

MOTION MADE: WRIGHT
SECONDED: SERKLAND
FOR: WRIGHT, DAVIS, SERKLAND
AGAINST: KELL
Absent: COOK

10. BOARD OF ADJUSTMENT

In accordance with the Texas Local Government Code, Section 211.008 (g) and Section 9.1.11.1 (C)(3) of Code of Ordinances, the Lavon City Council will act as the Board of Adjustment to consider and act on a request for a variance from the Zoning Code. The Mayor recessed the regular meeting to conduct the Board of Adjustment proceeding.

- A. Public Hearing, discussion and action regarding the application of Mohammad Frotan for a variance to the requirements of Section 9.1.6.1 €(12) of the Code of Ordinances, Zoning Ordinances, that provides for a masonry wall or dense landscaped screen to permit the construction of a fence consisting of existing masonry columns and wood or sheet metal at 411 South SH 78; Lot 8, Block B, Lavonia Landing, Lavon, Texas, situated northwest of the intersection of Lake Road and SH 78 .**

Presentation of request.

Ms. Dobbs provided information regarding the request for a variance and advised that the owners of affected property located within one-hundred feet of the site had been mailed a notice of the variance request and public hearing. Applicant Mike Frotan from Mo's Exxon described the condition of the current fence and showed the Council photos of the planned fence. The applicant expressed their preference to install a heavy duty metal fence material utilizing existing masonry columns.

PUBLIC HEARING to receive comments regarding the request.

Ms. Sanson opened the public hearing at 8:34 p.m. and invited comments in favor of or opposed to the proposed variance. The following people offered input regarding the application:

- Steve Coleman, 201 Lake Rd. – expressed opposition to the request and inquired about quality of proposed sheet metal, citing an example of another fence in the City. Mr. Coleman stated he felt a poor quality metal fence would decrease his property value.
- Kathy Coleman, 201 Lake Rd. – asked who would be responsible for the maintenance of the fence and voiced concern about the look of the proposed fence and the color choice.
- Mike Frotan, 411 S. SH 78 – spoke in favor of the request and stated they had not decided on a color and would be willing to work with the homeowner to come to an agreement on the color choice. Mr. Frotan presented a pamphlet showing the quality of the proposed fencing material. Mr. and Mrs. Coleman advised that they would support the metal fencing material proposed. Mr. Frotan and Mr. and Mrs. Coleman expressed they would work to find an acceptable color variation for the proposed metal fencing. There being no additional comments, Ms. Sanson closed the public hearing at 8:49 p.m.

Discussion and action regarding the request.

The Board discussed the request, options and potential hardship. Ms. Dobbs read into the record the standards for Board of Adjustment consideration and the Board affirmed the findings of fact.

MOTION: GRANT AN ORDER FOR A VARIANCE TO THE REQUIREMENTS OF THE CODE OF ORDINANCES, ZONING ORDINANCES, THAT PROVIDES FOR A MASONRY WALL OR DENCE LANCSCAPE SCREEN TO PERMIT THE CONSTRUCTION OF A FENCE CONSISTING OF EXISITING MASONRY COLUMNS AND SHEET METAL AT 411 SOUTH SH 78, SITUATED NORTHWEST OF THE INTERSECTION OF LAKE ROAD AND SH 78.

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

The City Council resumed the regular meeting.

11. EXECUTIVE SESSION

At 8:57 p.m. in accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council recessed into Executive Session (closed meeting) to discuss the following item pursuant to 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) *Proposed Agreement with the Nevada Volunteer Fire Department (NVFD) regarding Fire Protection Services*, and 2) *Application of City of Lavon to Obtain a Sewer Certificate of Convenience and Necessity (CCN)*, Public Utility Commission SOAH Docket No. 473-17-4339.WS, PUC Docket No. 46993 and Section 551.074 [Personnel Matters] for annual evaluation of the City Administrator/City Secretary.

12. RECONVENE INTO REGULAR SESSION

In accordance with Texas Government Code, Section 551.000, Mayor Sanson reconvened the meeting at 9:32 p.m. and stated that no action was taken.

13. CITY COUNCIL TO SET FUTURE MEETINGS AND AGENDAS

- The next regular meeting of the City Council will be September 18, 2018 at 7:00 p.m.
- October 2 National Night Out
- Ms. Wright suggested revisiting changing meeting times to begin at 6:00 p.m. or 6:30 p.m.

14. MAYOR SANSON ADJOURNED THE MEETING AT 9:36 P.M.

DULY PASSED and APPROVED by the City Council of the City of Lavon, Texas, on this 18th day of September, 2018.



Vicki Sanson
Mayor



ATTEST:



Kim Dobbs, City Administrator | City Secretary