



MINUTES
SEPT 18, 2018
LAVON CITY COUNCIL
CITY HALL, 120 SCHOOL ROAD, LAVON, TEXAS
7:00 P.M. REGULAR MEETING – EXECUTIVE SESSION

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

ABSENT: 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 PASTOR MIKE POWELL, FIRST ASSEMBLY CHURCH LAVON DELIVERED THE INVOCATION.**

PROCLAMATIONS

- A. **National Night Out, October 2, 2018** Mayor Sanson presented Police Chief Mike Jones and first responders with a proclamation designating October 2, 2018 as National Night Out in the City of Lavon. (*Mr. Kell arrived at 7:05 p.m.*)
- B. **Fire Prevention Week, October 7-13, 2018** Mayor Sanson presented Fire Marshal Jon Scott and first responders with a proclamation designating October 7-13, 2018 as Fire Prevention Week in the City of Lavon.

Mayor Sanson announced that the Council would consider budget and tax rate items out of order.

7. ITEMS FOR CONSIDERATION

- A. **Discussion and Action regarding Ordinance No. 2018-09-01 amending Ordinance No. 2017-09-05 that approved and adopted a Budget for the City for the Fiscal Year October 1, 2017 through September 30, 2018, as amended, to amend revenues and expenditures of the Budget; and providing an effective date.**

City Administrator Kim Dobbs explained that an amendment to the budget was proposed to fund unanticipated expenditures and provide revenues received in excess of budgeted levels. Ms. Dobbs reviewed and answered questions regarding the specific amended account lines.

MOTION: APPROVE ORDINANCE NO. 2018-09-01 AMENDING ORDINANCE NO. 2017-09-05 THAT APPROVED AND ADOPTED A BUDGET FOR THE CITY FOR FISCAL YEAR OCTOBER 1, 2017 THROUGH SEPTEMBER 30, 2018, AS AMENDED, TO AMEND REVENUES AND EXPENDITURES OF THE BUDGET; AND PROVIDING AN EFFECTIVE DATE.

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

- B. **Discussion and action regarding Ordinance No. 2018-09-02 approving and adopting a Budget for the City for the Fiscal Year October 1, 2018 through September 30, 2019; providing that expenditures for said fiscal year shall be made in accordance with said Budget; and providing an effective date.**

Ms. Dobbs outlined the assumptions for the proposed FY 2018-19 included in the budget, noting specifically that the ad valorem tax rate, sanitary sewer utility rate and garbage utility rate were not changed. Ms. Dobbs provided information regarding the recent Collin County approval of funding of \$89,000 to pay the City's participation in the TxDOT SH 205 widening project. Ms. Dobbs informed the council that County Commissioner Cheryl Williams was a very strong advocate for the City's request for assistance. The consensus of the Council was to include funding of \$4600 in account 40-6207 to begin the LVFD stipend program earlier than originally anticipated and to remove the account item for the SH 205 widening participation. Mayor Sanson acknowledged the state law requirement for a record vote on the budget.

MOTION: APPROVE ORDINANCE NO. 2018-09-02 APPROVING AND ADOPTING A BUDGET FOR THE CITY FOR THE FISCAL YEAR OCTOBER 1, 2018 THROUGH SEPTEMBER 30, 2019; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET; AND PROVIDING AN EFFECTIVE DATE.

MOTION MADE: SERKLAND

SECONDED: COOK

The Mayor called roll for the vote:

PLACE 1-JOHN KELL	FOR
PLACE 2-MIKE COOK	FOR
PLACE 3-KAY WRIGHT	FOR
PLACE 4 TIM DAVIS	ABSENT
PLACE 5-MINDI SERKLAND	FOR

APPROVED: UNANIMOUS

Absent: DAVIS

- C. **Discussion and action regarding Ordinance No. 2018-09-03 levying the Ad Valorem Taxes for the Fiscal Year 2018-2019 at a rate of \$0.4557 per one hundred dollars (\$100.00) of assessed valuation of all taxable property within the corporate limits of the City as of January 1, 2019, to provide revenues for the payment of current expenses and all outstanding debts of the City; providing for due and delinquent dates together with penalties and interest; providing a severability clause and an effective date.**

Ms. Dobbs provided information relating to the ad valorem tax, effective tax rate and rollback tax rate and noted that the proposed ad valorem tax rate of 45.57 cents per hundred dollars valuation is comprised of 22.1741 cents for maintenance and operations (M&O) and 23.3959 cents for interest and sinking (I&S) for debt service on the 2018 tax note and 2013 tax note. It was stated that the sewer fund and Lavon Economic Development Corporation provide transfers to the general fund to off-set the I&S commitment.

MOTION: APPROVE ORDINANCE NO. 2018-09-03 LEVYING THE AD VALOREM TAXES FOR THE FISCAL YEAR 2018-2019 AT A RATE OF \$0.4557 PER ONE HUNDRED DOLLARS (\$100.00) OF ASSES VALUATION OF ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY AS OF JANUARY 1, 2019, TO PROVIDE REVENUES FOR THE PAYMENT OF CURRENT EXPENSES AND ALL OUTSTANDING DEBTS OF THE CITY; PROVIDING FOR DUE AND DELINQUENT DATES TOGETHER WITH PENALTIES AND INTEREST; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

MOTION MADE: SERKLAND

SECONDED: KELL

APPROVED: UNANIMOUS

Absent: DAVIS

- D. **Discussion and action regarding Ordinance No. 2018-09-04 approving and adopting a Fee Schedule for the Fiscal Year October 1, 2018 through September 30, 2019; and providing an effective date.**

Ms. Dobbs reviewed the changes in proposed fees for FY 2018-2019, noting rental rates will increase by \$5.00 for city facility rentals and the fee for checks returned for insufficient funds will increase to \$35. Additional proposed increases included setting a minimum commercial sanitary sewer rate equivalent to residential of \$45/month and the addition of fire inspection and permit fees.

MOTION: APPROVE ORDINANCE NO. 2018-09-04 APPROVING AND ADOPTING A FEE SCHEDULE FOR THE FISCAL YEAR OCTOBER 1, 2018 THROUGH SEPTEMBER 30, 2019; AND PROVIDING AN EFFECTIVE DATE.

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

Mayor Sanson announced that the agenda order would be resumed.

3. CITIZENS COMMENTS

There were none.

4. ITEMS OF INTEREST/COMMUNICATIONS

- September 22, 2018 – Community Open House-Lavon Fire Station and EOC 3-5pm.
- October 2, 2018 - National Night Out 6:30 pm
- October 20, 2018 - Fall Festival 4-6pm
- November 24, 2018 - LEDC Small Business Bazaar 10am-3pm

5. CONSENT AGENDA

- A. Approve the Minutes of the September 4, 2018 meeting.**
- B. Accept the Heritage Public Improvement District #1 Assessment Report Summary dated 8/31/2018 and authorize the payment of invoices included therein.**
- C. Approve Resolution No. 2018-09-07 authorizing the Mayor to execute a Cooperative Purchasing Agreement with the City of Grand Prairie, Texas, subject to City Administrator and City Attorney approval.**
- D. Approve the Seal of the Lavon Volunteer Fire Department (LVFD).**
- E. Approve Resolution No. 2018-09-08 authorizing the Mayor to execute an Amendment to the Interlocal Agreement for Animal Control and Animal Shelter Services with Collin County for a one (1) year period from October 1, 2018 to September 30, 2019; and providing for an effective date.**

MOTION: APPROVE THE CONSENT AGENDA AS PRESENTED.

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

6. STAFF REPORTS

- A. Police Services** – Police Chief Mike Jones provided reports regarding traffic stops, calls for service, call breakout information, monthly reserve participation and community relations. Ms. Serkland inquired about recent vehicle break-ins. Chief Jones reported that the investigation is in progress and that the department reinstated a program where officers increase patrol and leave notifications for unlocked vehicles and open garages with the response from residents being very positive. Officer Vargas-Flournoy provided information on National Night Out activities on October 2, 2018 including a canned food drive for the First Assembly Church food pantry.
- B. Fire Services** – Fire Marshal and LVFD Chief Jon Scott provided a report regarding the progression to the 2018 International Fire Code, the Emergency Operations Center expansion progress and LVFD

onset of first-response on September 14, 2018, meetings, training and volunteers. Mayor Sanson read a public service announcement regarding the LVFD response switchover.

- C. **Public Works Services** – Director of Public Works Sonny Mancias provided a report regarding general public works and street maintenance including mowing and trash collection, TxDOT projects, the public works facility construction update and sanitary sewer system maintenance efforts. Mr. Mancias noted that the expansion of the sanitary sewer treatment plant is on schedule and progressing well. Mr. Mancias informed the council that Bloomfield has begun clearing the trees on the Phase 2 Traditions property.
- D. **Administration Services** – Ms. Dobbs directed the Council to the reports provided in the meeting packet regarding the Financial Outlook, Building Permits Report, CWD Recycling Report, Collin County Monthly Tax Collection Report and Sales Tax Report.

7. ITEMS FOR CONSIDERATION

- E. **Public hearing, discussion and action regarding an application submitted by Mike Powell on behalf of owner First Assembly Church of Lavon for a variance to Section 4.05.008 (b)(3) of the Code of Ordinances, Signs that provides for one Wall Sign per building to permit an additional 32 sq. ft. Wall Sign on the main structure of 301 Main St.**

- 1. **Presentation of request.**

- Pastor Mike Powell provided information regarding the need for an additional sign on the property that will advertise the multilingual church services.

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

- Mayor Sanson opened the public hearing at 8:05 p.m. and invited comments for or against the request. There being no comments, Mayor Sanson closed the public hearing at 8:05 p.m.

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

- The Council reviewed the layout of the buildings, the road frontage and the orientation of the building faces to the street.

MOTION: APPROVE A VARIANCE TO SECTION 4.05.008 (b) (3) OF THE CODE OF ORDINANCES, SIGNS THAT PROVIDES FOR ONE WALL SIGN PER BUILDING TO PERMIT AN ADDITIONAL 32 SQ.FT. WALL SIGN ON THE MAIN STRUCTURE AT 301 MAIN ST.

MOTION MADE: WRIGHT

SECONDED: COOK

APPROVED: UNANIMOUS

Absent: DAVIS

- F. **Discussion and action regarding Ordinance No. 2018-09-05 to increase the rate of deposits to the Texas Municipal Retirement System by the employees of the City of Lavon.**

Ms. Dobbs recapped that during the budget process the City Council directed that the employee contribution to TMRS be increased to reduce the disparity between the City of Lavon and other area cities.

MOTION: APPROVE ORDINANCE NO. 2018-09-05 TO INCREASE THE RATE OF DEPOSITS TO THE TEXAS MUNICIPAL RETIREMENT SYSTEM BY THE EMPLOYEES OF THE CITY OF LAVON.

MOTION MADE: WRIGHT

SECONDED: COOK

APPROVED: UNANIMOUS

Absent: Davis

- G. **Discussion and action regarding Ordinance 2018-09-06, amending Article 6 of the Code of Ordinances by repealing § 6.03.001 (a); and providing for the adoption of the 2018 International Fire Code and local amendments to the 2018 International Fire Code; creating a Building Board**

of Appeals; providing for a penalty of a fine not to exceed the sum of \$2000; providing a severability clause; providing a repealer clause; and providing an effective date.

Mr. Scott provided information regarding the review advisory committee review process, proposed changes and transition from 2012 International Fire Code (IFC) to the 2018 IFC. Mr. Scott reviewed the proposed local amendments and discussed the requirement for the creation of an appeals board that is specialized in fire code appeals. Mr. Scott recommended that the Council consider appointing the members of the advisory committee to serve as the Building Appeals Board for Fire.

MOTION: APPROVE ORDINANCE 2018-09-06 AMENDING ARTICLE 6 OF THE CODE OF ORDINANCES BY REPEALING § 6.03.001 (a); AND PROVIDING FOR THE ADOPTION OF THE 2018 INTERNATIONAL FIRE CODE AND LOCAL AMENDMENTS TO THE 2018 INTERNATIONAL FIRE CODE; CREATING A BUILDING BOARD OF APPEALS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF \$2000; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

MOTION MADE: KELL
SECONDED: SERKLAND
APPROVED: UNANIMOUS
Absent: Davis

H. Discussion and action regarding Resolution No. 2018-09-09 authorizing the Mayor to execute an Interlocal Jail Services Agreement with Collin County.

Chief Jones provided information regarding the use of the County Jail Services. Ms. Dobbs provided background as to the rate increase and the impact to the City's budget.

MOTION MADE: APPROVE RESOLUTION NO. 2018-09-09 AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL JAIL SERVICES AGREEMENT WITH COLLIN COUNTY.

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

I. Discussion and action regarding Resolution No. 2018-09-10 authorizing the Mayor to execute an Agreement to contribute Right of Way Funds (Fixed Price) with the Texas Department of Transportation for the State Highway 205 Widening Project.

No action was taken.

J. Discussion and action regarding board and commission appointments- Building Board of Appeals (IFC) and Parks and Recreation Board.

Ms. Dobbs reiterated what Mr. Scott stated in regard to the appointment of a Building Board of Appeals to consider appeals of determinations relating to the Fire Code. Ms. Dobbs also provided information regarding the Park Board discussion to change the date of the regular meeting and the ordinance requirement that a Council Liaison be appointed as a voting member of the Park Board. The consensus of the Council was to table the discussion regarding the Park Board appointment to the next meeting.

MOTION: APPOINT THE MEMBERS OF THE BUILDING BOARD OF APPEALS (IFC) AS FOLLOWS:

Place	Name	Term Exp	Place	Name	Term Exp
Seat 1	Joe Wetzel	9/1/2020	Seat 5	Derek Hanson	9/1/2020
Seat 2	Tom Paroski	9/1/2019	Seat 6	Micki Hollien	9/1/2019
Seat 3	Jeff Donaldson	9/1/2020	Seat 7	Richard Hollien	9/1/2020
Seat 4	Paul Slay	9/1/2019	Seat 8	Chair - Jon Scott	ex officio

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

(Mr. Cook left the meeting at 8:28 p.m.)

8. EXECUTIVE SESSION

At 8:29 p.m., in accordance with Texas Government Code, Annotated, Subchapter 551, Mayor Sanson recessed the meeting to go into executive session (closed meeting) to discuss the following items:

Sections 551.071 (2) and 551.071 (1) Consultation with Attorney on a matter in which the duty of the Attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act and Consultation with Attorney regarding pending litigation or settlement offer:

- 1) *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.*

9. RECONVENE FROM EXECUTIVE SESSION INTO REGULAR SESSION

In accordance with Texas Government Code, Section 551.001, et seq., Mayor Sanson reconvened the meeting at 9:09 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.

10. CITY COUNCIL TO SET FUTURE MEETINGS AND AGENDAS.

- Next meeting will be October 16, 2018 at 7pm.
- Councilman Wright requested to revisit meeting start times.

11. MAYOR SANSON ADJOURNED THE CITY COUNCIL MEETING AT 9:20 P.M.

DULY PASSED and APPROVED by the City Council of Lavon, Texas, on this 16th day of October, 2018



Vicki Sanson, Mayor

ATTEST:



Kim Dobbs, City Administrator/City Secretary

