



MINUTES
JANUARY 15, 2019
LAVON CITY COUNCIL
CITY HALL, 120 SCHOOL ROAD, LAVON, TEXAS
REGULAR MEETING-BOARD OF ADJUSTMENT- EXECUTIVE SESSION

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

VACANT: 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 CHIEF MIKE JONES DELIVERED THE INVOCATION.

3. CITIZENS COMMENTS

Joshua Murray, 1762 Lake Rd. requested the council to consider changing the Public Improvement District (PID) Policy and to update to the 2015 International Building Code (IBC) citing concern for the need for radiant barriers to be required for heating and cooling of homes.

4. ITEMS OF INTEREST/COMMUNICATIONS

January 28, 2019 Grand Heritage HOA meeting. City Administrator Kim Dobbs noted that PID Administrator Municap would provide an informational session for residents during the meeting.

5. CONSENT AGENDA

A. Approve the Minutes of the December 4, 2018 Meeting.

B. Accept the Heritage Public Improvement District #1 Assessment Report Summaries dated 11/30/2018 and 12/31/2018 and authorize the payment of invoices included therein.

C. Receive the Annual Report – Tax Increment Financing Reinvestment Zone Number One for the Fiscal Year Ended September 30, 2018.

D. Accept the resignation of Tim Davis, City Council Member, Place 4.

MOTION: APPROVE THE CONSENT AGENDA.

MOTION MADE: WRIGHT

SECONDED: COOK

APPROVED: UNANIMOUS

6. PRESENTATIONS

A. Recognition of Tim Davis for his dedicated service to the City of Lavon

Mayor Sanson read a proclamation and presented former Council member Tim Davis with a plaque of recognition for his service on the Lavon City Council.

B. Presentation of the Lavon Volunteer Fire Department (LVFD) - Chief's Award

LVFD Fire Chief Jon Scott presented the Lavon City Council with the Chief's Award for their support during the reorganization and implementation of Lavon Volunteer Fire Department.

C. Presentation of the 2018 Financial Statements and Independent Audit Report – Mike Ward Accounting & Financial Consulting, PLLC.

Mike Ward of Mike Ward Accounting & Financial Consulting, PLLC presented the audited financial statement and audit report to the City Council for the 2018 fiscal year. Mayor Sanson expressed appreciation that the audit was completed and the report was being presented several months earlier

than in past years. Mr. Ward and Ms. Dobbs commended Diane Cuellar and staff for the organization and management of the city's financial records. Mr. Ward stated the report was issued with an "unmodified, clean opinion", which is the best opinion possible. Ms. Serkland asked and Mr. Ward confirmed that the audit found no deficiencies in internal controls. Mr. Ward concluded stating he found no deficiencies and no compliance issues in any area. Mr. Ward recommended that the City Council consider acquiring accounting software designed specifically for cities. Ms. Dobbs noted that the City Council provided funds in the FY 2018-19 Budget for accounting software but that the software costs exceeded the allocation requested by staff and that in March, the staff intended to review the budget status and possibly request additional funding.

8. BOARD OF ADJUSTMENT

Mayor Sanson moved the Board of Adjustment up on the agenda to accommodate the public attending for the public hearing and recessed the regular meeting to conduct the Board of Adjustment proceeding at 7:28 p.m.

- A. Public Hearing, discussion and action regarding the application of Kathy and Phil Tarrant for a variance to the requirements of Section 9.1.4.3 of the Code of Ordinances, Zoning Ordinance, Accessory Structures: for (B)(2) Lot Coverage – that provides for an accessory structure of maximum size of 1821 square feet to permit a structure that is 2100 square feet; for (B)(4) Roof-(a) that provides for a minimum roof pitch of 3:12 to permit a roof pitch of 1:12; and (B) (5) – Exterior Walls that provides for exterior walls of masonry or masonry façade materials to permit prefinished and prefabricated metal with a baked-on enamel or vinyl finish of similar color to the main structure at 816 Corn Silk Drive, Bently Farms, Block C, Lot 169, Lavon, Texas.**

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 notice of the variance request and public hearing. Applicants Phil and Kathy Tarrant described the building and plans for landscaping and driveway materials.

PUBLIC HEARING to receive comments regarding the request.

Ms. Sanson opened the public hearing at 7:38 p.m. and invited comments in favor of or opposition to the proposed variance. Ms. Dobbs acknowledged nine notices were sent to affected property owners and one (1) was returned against and two (2) were returned in favor of the request. The following people offered input regarding the request:

- Al Vonstein, 213 Bently – spoke in favor of the application. Mr. Vonstein stated that the masonry requirement would make accessory buildings cost prohibitive and that he would like to see the requirement changed.
- Phil Tarrant, 816 Corn Silk – advised the council he would be adding landscape to screen the building as well as installing a concrete paved driveway.

There being no further comments in opposition to or in favor of the request, Mayor Sanson closed the public hearing at 7:49 p.m.

Discussion and action regarding the request.

The Board discussed the request, options and potential hardship. Ms. Serkland requested that the Planning and Zoning Commission review the requirements for accessory structures, specifically with respect to size and materials. 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, SECTION 9.1.4.3 OF THE CODE OF ORDINANCES, ZONING ORDINANCE, ACCESSORY STRUCTURES: FOR (B)(2) LOT COVERAGE – THAT PROVIDES FOR AN ACCESSORY STRUCTURE OF MAXIMUM SIZE OF 1821 SQUARE FEET TO PERMIT A STRUCTURE THAT IS 2100 SQUARE FEET TO PERMIT A

STRUCTURE THAT IS 2100 SQUARE FEET; FOR (B)(4) ROOF – (a) THAT PROVIDES FOR A MINIMUM ROOF PITCH OF 3:12 TO PERMIT A ROOF PITCH OF 1:12; AND (B)(5) – EXTERIOR WALLS THAT PROVIDES FOR EXTERIOR WALLS OF MASONRY OR MASONRY FAÇADE MATERIALS TO PERMIT PREFINISHED AND PREFABRICATED METAL WITH A BAKED-ON ENAMEL OR VINYL FINISH OF SIMILARY COLOR TO THE MAIN STRUCTURE AT 816 CORN SILK DRIVE, BENTLY FARMS, BLOCK C, LOT 16, LAVON, TEXAS.

MOTION MADE: KELL
SECONDED: SERKLAND
APPROVED: UNANIMOUS

Mayor Sanson adjourned the Board of Adjustment meeting and reconvened the City Council meeting at 7:44 p.m. Mayor Sanson moved agenda item 9.A. out of order.

9. ITEMS FOR CONSIDERATION

A. Discussion and action regarding the appointment of command Officer Positions for the Lavon Volunteer Fire Department (LVFD): Volunteer Assistant Chief – Danny Anthony and Volunteer Captain – Scott Beaudette.

Ms. Dobbs provided information about the nomination process and LVFD Chief Scott provided information regarding the proposed nominees' experience and qualifications. Police Chief Jones expressed support for their nomination. Mayor Sanson informed the council that she supported the nominations, acknowledged their leadership within the department and appreciated the time the men spent training the firefighters. Councilmember Serkland asked the candidates if they were willing take on the positions. Mr. Anthony and Mr. Beaudette confirmed their desire to accept the appointments.

MOTION: APPOINT DANNY ANTHONY TO SERVE LVFD AS VOLUNTEER ASSISTANT CHIEF AND SCOTT BEAUDETTE TO SERVE LVFD AS VOLUNTEER CAPTAIN.

MOTION MADE: SERKLAND
SECONDED: WRIGHT
APPROVED: UNANIMOUS

B. Discussion and action regarding an application for an appeal of Section 9.01.001 Public Works Construction of the Code of Ordinances that requires storm drain culverts be installed with reinforced concrete pipe (RCP) to permit the applicant to install a tin or metal pipe at 436 Wolf Run Court.

Ms. Dobbs explained that the applicant notified staff that he was unable to attend the meeting and requested the item be deferred to the next regular meeting. Mayor Sanson inquired if anyone present wished to speak regarding the request. There were no comments and there was no action taken. Mayor Sanson stated the item would be deferred to the February 5, 2019 meeting.

7. WORK SESSION

Presentation by Financial Advisor and discussion regarding Tax Increment Reinvestment Zones (TIRZ) and Public Improvement Districts (PID) policy considerations.

Ms. Dobbs introduced Financial Advisor Jason Hughes, Managing Director, Hilltop Securities and Mary Petty, Principal, P3 Works who provided information regarding public improvement districts and tax increment reinvestment zones. Ms. Dobbs referred to the City's PID Policy adopted in June 2018 and provided in the Council packet. Mr. Hughes provided a recap of the information, terms and concepts that he presented to the City Council last year to provide foundational information relating to special districts, policy decisions, benefits, detriments, and consequences. Mr. Hughes encouraged the Council to consider the policy aspects of control, shared vision and long-term planning and to define the City's long-term realistic goals. Ms. Petty and Mr. Hughes noted that if structured correctly and used properly, districts may help a City to achieve goals, manage growth and direct development with the key being a clear vision of the City's goals. No action was taken.

9. ITEMS FOR CONSIDERATION

- C. Discussion and action regarding Resolution No. 2019-01-01 authorizing the Mayor to execute an amendment to the professional services agreement with Lenart Development Company, LLC to provide for reimbursement for public improvement district administration and service and assessment plan consulting services; and providing for an effective date.**

Ms. Dobbs explained that the minor amendment provides for the developer to reimburse the city for PID consultation services and noted that the services were not specifically identified in the June agreement. Ms. Dobbs advised that the developer agreed to amend the PSA to include reimbursement for the service and that the City Attorney had reviewed and approved the agreement form.

MOTION: APPROVE RESOLUTION NO. 2019-01-01 AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH LENART DEVELOPMENT COMPANY, LLC TO PROVIDE FOR REIMBURSEMENT FOR PUBLIC IMPROVEMENT DISTRICT ADMINISTRATION AND SERVICE AND ASSESSMENT PLAN CONSULTING SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION MADE: KELL
SECONDED: WRIGHT
APPROVED: UNANIMOUS

- D. Discussion and action regarding Resolution No. 2019-01-02 authorizing the Mayor to execute an amendment to the professional services agreement with DFW Devco, LLC to provide for reimbursement for public improvement district administration and service and assessment plan consulting services; and providing for an effective date.**

Ms. Dobbs explained that the minor amendment provides for the developer to reimburse the city for PID consultation services and noted that the services were not specifically identified in the June agreement. Ms. Dobbs advised that the developer agreed to amend the PSA to include reimbursement for the service and that the City Attorney had reviewed and approved the agreement form.

MOTION: APPROVE RESOLUTION NO. 2019-01-02 AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH DFW DEVCO, LLC TO PROVIDE FOR REIMBURSEMENT FOR PUBLIC IMPROVEMENT DISTRICT ADMINISTRATION AND SERVICE AND ASSESSMENT PLAN CONSULTING SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION MADE: WRIGHT
SECONDED: SERKLAND
APPROVED: UNANIMOUS

- E. Discussion and action regarding Resolution No. 2019-01-03 accepting a petition to create a Public Improvement District, calling for a public hearing and directing the statutory notices to be given. The property, Lenart Lakepointe Development, is ±173.037 acres situated in the Samuel M. Ranier Survey, Abstract No. 470, Collin County, State of Texas and is generally located east of FM 78, south of FM 6 and North/northeast of Bois D'arc Road.**

Ms. Dobbs provided information regarding the location of the property and a recap of discussions with the owner regarding the development of the property. Ms. Dobbs pointed out the notice requirements relating to the public hearing for the proposed petition. Ms. Petty explained that the developer has expressed interest in annexing the property into the City and is willing to work with the City and its PID review and administration team. Ms. Petty described the steps that will be taken to hold a public hearing as well as the creation of the PID, noting that accepting the petition is not the same as approving a PID.

Josh Murray, 1762 Lake Rd. was recognized and asked if the City would consider changing the PID policy to limit the maximum term from thirty years to twenty years.

MOTION: APPROVE RESOLUTION NO. 2019-01-03 ACCEPTING A PETITION TO CREATE A PUBLIC IMPROVEMENT DISTRICT, CALLING FOR A PUBLIC HEARING ON FEBRUARY 19, 2019 AND DIRECTING THE STATUTORY NOTICES TO BE GIVEN.

MOTION MADE: SERKLAND
SECONDED: KELL
APPROVED: UNANIMOUS

F. Discussion and action regarding Resolution No. 2019-01-04 authorizing the Mayor to execute a Letter of Intent for Underwriting Services with FMSbonds, Inc.

Ms. Petty and Mr. Hughes provided information regarding the role and benefit of engaging an underwriter at the beginning of the process. Mr. Hughes and Ms. Petty both recommended FMSbonds, Inc. as the underwriting service to work for and represent the City in the process. Robert Rivera, FMSbonds, provided information regarding the company, the firm's qualifications, expertise and widespread involvement in this specialized area. Mr. Rivera noted that the underwriter is only compensated if PID bonds are issued and there would be no cost to the City for the services either way.

MOTION: APPROVE RESOLUTION NO. 2019-01-04 AUTHORIZING THE MAYOR TO EXECUTE A LETTER OF INTENT FOR UNDERWRITING SERVICES WITH FMSBONDS, INC.

MOTION MADE: SERKLAND
SECONDED: COOK
APPROVED: UNANIMOUS

G. Discussion and action regarding Resolution No. 2019-01-05 authorizing the transfer of 12 acres of real property located at 801 Presidents Boulevard, Community ISD Elementary Addition, Block A, Lot 1 to the Community Independent School District.

Ms. Dobbs advised that the subject property is the site where NeSmith Elementary School is sited and explained that in 2004 in conjunction with the development of the Grand Heritage development, the City and developer agreed that the developer would donate to the City a 12-acre parcel of land for the development of a school and that once the school district claimed the property and constructed the school, the property would be conveyed to the Community Independent School District (CISD). Ms. Dobbs explained that in 2007, a revised agreement was made between the City and developer that removed the requirement for the property to be conveyed. The consensus of the City Council was to donate the property to CISD as originally contemplated despite not being obligated to do so. Ms. Dobbs stated that the City Attorney had reviewed and approved the conveyance documents.

MOTION: APPROVE RESOLUTION NO. 2019-01-05 AUTHORIZING THE TRANSFER OF 12 ACRES OF REAL PROPERTY LOCATED AT 801 PRESIDENTS BOULEVARD, COMMUNITY ISD ELEMENTARY ADDITION, BLOCK A, LOT 1 TO THE COMMUNITY INDEPENDENT SCHOOL DISTRICT.

MOTION MADE: WRIGHT
SECONDED: COOK
APPROVED: UNANIMOUS

H. Discussion and action regarding a policy for the Lavon Volunteer Fire Department response to non-emergency lock out calls for service.

Chief Scott explained that non-emergency lock out calls consisted of when a person locks themselves out of a car or structure and an emergency does not otherwise exist. An emergency may exist if a vehicle is running posing an emergency or if a person or animal is locked inside a vehicle or structure and unable to provide access. Chief Scott provided information from the Collin County Sheriff's Office Dispatch regarding other agencies. Noting that many agencies no longer provide the service and due to liability for property damage and best practices for volunteer resources, Chief Scott recommended that LVFD no longer answer non-emergency lock out calls. Ms. Dobbs agreed and

added that she would like to keep the firefighters available for emergencies. Chief Jones stated that opening locked car doors in a non-emergency call could bring too much liability to the city and that the Police Department discontinued the practice many years ago. Staff reiterated that in events of an emergency, the LVFD would respond accordingly. The Council expressed support for Chief Scott's recommendation.

MOTION: APPROVE THE LAVON VOLUNTEER FIRE DEPARTMENT RESPONSE TO NON EMERGENCY LOCK OUTS POLICY.

MOTION MADE: WRIGHT
SECONDED: KELL
APPROVED: UNANIMOUS

I. DISCUSSION AND ACTION REGARDING A DRAFT SOCIAL MEDIA POLICY.

Ms. Dobbs distributed a draft policy and the Council directed that the item be placed on a future agenda. No action was taken.

J. Discussion and action regarding board and commission appointments – Parks and Recreation Board and Reinvestment Zone #1 (TIF) Board of Directors.

Ms. Dobbs reviewed the terms up for re-appointment and current vacancies. Volunteer applications received after packet distribution were shared with the City Council. Ms. Dobbs advised that with the exception of Mr. Lisko, the Parks and Recreation Board and TIF Board members up for reappointment had indicated a desire for reappointment.

MOTION: REAPPOINT MIKE GULINO, ASHLEY LAMBERT AND MINDI SERKLAND AND APPOINT MICHAEL J SMITH TO ALTERNATE TO THE PARKS AND RECREATION BOARD.

MOTION MADE: SANSON
SECONDED: WRIGHT
APPROVED: UNANIMOUS

MOTION: REAPPOINT CHUCK TESKE AND APPOINT TRACY FILO TO SEAT 2 TO THE TIF BOARD.

MOTION MADE: SANSON
SECONDED: WRIGHT
APPROVED: UNANIMOUS

10. STAFF REPORTS

- A. Police Services** – Police Chief Mike Jones introduced new hire Lavon Police Officer Justin Talley. Chief Jones provided information and referenced the provided reports regarding traffic stops, calls for service, call breakout information, monthly reserve participation and community relations/crime prevention. Ms. Dobbs provided information on the Don't Get Scammed postcard that was mailed to all senior homeowners in Lavon.
- B. Fire Services** – Fire Marshal and Volunteer Fire Chief Jon Scott provided a fire marshal report, EMS run report and LVFD update and reports. Chief Scott detailed the work being done on the recently acquired vehicle from the Police Department.
- C. Public Works** – Director of Public Works Sonny Mancias provided a report regarding general public works and street maintenance including mowing, trash collection and sewer plant expansion. Mr. Mancias informed the council of the clean up on the 5 acres (Public Works Facility) and the recent installment of a gate on the property.
- D. Administration** – Ms. Dobbs directed the Council to reports provided in the meeting packet regarding the Financial Outlooks; Building Permits Reports; CWD Recycling Reports; Collin County Monthly Tax Collection Reports; Monthly Tax Collection Report, Sales Tax Report, TexSTAR Newsletter and Atmos Energy correspondence regarding a customer rate reduction and refund.

11. EXECUTIVE SESSION

At 9:18 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 551.074 (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) Personnel matters to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee; or hear a complaint or charge against an officer or employee regarding Mayor and City Council appointments in the event of resignations and vacancies.

12. RECONVENE INTO REGULAR SESSION

In accordance with Texas Government Code, Section 551.000, Mayor Sanson reconvened the meeting at 9:31 p.m.

A. Discussion and action regarding an appointment for the unexpired term of City Council Member Place Four (4) that will expire in November 2019.

Ms. Serkland asked if and Mr. Dill confirmed that he desired to serve on the City Council.

MOTION: APPOINT TED DILL, 532 ARTHUR DR, TO THE UNEXPIRED TERM OF CITY COUNCIL PLACE 4 THAT WILL EXPIRE IN NOVEMBER 2019.

MOTION MADE: WRIGHT
SECONDED: COOK
APPROVED: UNANIMOUS

13. CITY COUNCIL TO SET FUTURE MEETINGS AND AGENDAS

- LakePointe Development - joint work session with Planning and Zoning Commission - January 22, 2019.
- The next regular meeting of the City Council will be February 5, 2019 at 7:00 p.m.

14. MAYOR SANSON ADJOURNED THE MEETING AT 9:37 P.M.

DULY PASSED and APPROVED by the City Council of the City of Lavon, Texas, on this 5th day of February, 2019.



Vicki Sanson
Mayor



ATTEST:



Kim Dobbs,
City Administrator | City Secretary