



**MINUTES
AUGUST 16, 2022
LAVON CITY COUNCIL
REGULAR MEETING
CITY HALL, 120 SCHOOL ROAD, LAVON, TEXAS
7:00 P.M.**

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

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 MS. WRIGHT DELIVERED THE INVOCATION.**

3. **ITEMS OF INTEREST/COMMUNICATIONS**

- September 1-30, 2022, NTFB Peanut Butter Drive. Drop off location at City Hall, 120 School Rd.
- October 4, 2022, City of Lavon 50-year Incorporation Celebration and National Night Out at Boyd Farm.

4. **CITIZENS COMMENTS**

There were no citizens comments.

5. **PROCLAMATION**

Mayor Sanson presented a proclamation for Hunger Action Month to kick off the North Texas Food Bank Peanut Butter Drive for 2022.

6. **CONSENT AGENDA**

A. **Approve the minutes of the August 2, 2022, meeting.**

B. **Approve Ordinance No. 2022-08-01 calling a General Election for the purpose of electing three (3) Council Members, one (1) for Place 1, one (1) for Place 3 and one (1) for Place 5 to be held jointly with other political subdivisions and administered by the Collin County Elections Administrator on Tuesday, November 8, 2022, and providing for an Effective Date.**

C. **Approve Resolution No. 2022-08-03 approving and authorizing the Mayor to execute Contract Amendment No. Sixteen (16) to extend the interlocal agreement with Collin County for animal control and animal shelter services for a one (1) year period from October 1, 2022 to September 30, 2023; and providing for an effective date.**

D. **Approve Resolution No. 2022-08-04 approving and authorizing the Mayor to execute Task Order No. 12 with Freeman-Millican, Inc. for professional engineering services associated with the Phase 1 -Planning relating to a gravity sanitary sewer collection system to serve properties located in the vicinity of the intersection of Lake Rd. and SH 78 for an amount not to exceed \$3,700.00.**

E. **Approve Resolution No. 2022-08-05 designating The Wylie News as the official newspaper for Fiscal Year 2022-23.**

MOTION: APPROVE THE CONSENT AGENDA AS PRESENTED.

MOTION MADE: COOK

SECONDED: SERKLAND

APPROVED: UNANIMOUS

7. ITEMS FOR CONSIDERATION

- A. Discussion and action regarding Ordinance No. 2022-08-02 amending Ordinance No. 2018-09-06 adopting the 2018 International Fire Code with local amendments requested by Community Independent School District to permit the temporary installation of a 7,200 square foot portable building without an automatic sprinkler system that is 1,200 square foot greater in area than is permitted by the amendment of Section 903 Automatic Sprinkler Systems, Section 903.2.3 Group E. that requires an automatic sprinkler system shall be provided for E occupancies where the floor area exceeds 6,000 square feet of fire area at 801 Presidents Blvd.; providing conflict, severability, and repealing clauses; finding and determining that the meeting at which this ordinance is adopted to be open to the public as required by law; providing for a penalty; and setting an effective date.**

City Administrator Kim Dobbs presented information regarding the request of Community Independent School District to permit the temporary installation of a 7,200 sq ft portable building without an automatic sprinkler system. Superintendent Dr. Tonya Knowlton presented additional information regarding the timeframe of October to May and projected attendance. Dr. Knowlton advised that additional fire extinguishers and smoke detectors had been added to the portable building.

MOTION: APPROVE ORDINANCE NO. 2022-08-02 AMENDING ORDINANCE NO. 2018-09-06 ADOPTING THE 2018 INTERNATIONAL FIRE CODE WITH LOCAL AMENDMENTS REQUESTED BY COMMUNITY INDEPENDENT SCHOOL DISTRICT TO PERMIT THE TEMPORARY INSTALLATION OF A 7,200 SQUARE FOOT PORTABLE BUILDING WITHOUT AN AUTOMATIC SPRINKLER SYSTEM THAT IS 1,200 SQUARE FOOT GREATER IN AREA THAN IS PERMITTED BY THE AMENDMENT OF SECTION 903 AUTOMATIC SPRINKLER SYSTEMS, SECTION 903.2.3 GROUP E. THAT REQUIRES AN AUTOMATIC SPRINKLER SYSTEM SHALL BE PROVIDED FOR E OCCUPANCIES WHERE THE FLOOR AREA EXCEEDS 6,000 SQUARE FEET OF FIRE AREA AT 801 PRESIDENTS BLVD. FOR A TIME NOT LONGER THAN 10 MONTHS; PROVIDING CONFLICT, SEVERABILITY, AND REPEALING CLAUSES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR A PENALTY; AND SETTING AN EFFECTIVE DATE.

MOTION MADE: KELL
SECONDED: SERKLAND
APPROVED: UNANIMOUS

- B. Discussion and action regarding the Home Rule Charter Commission submittal of a draft home rule charter and Ordinance No. 2022-08-03 ordering a special election to be held on November 8, 2022, for the purpose of submitting to the qualified voters of the City of Lavon the following issue: establishing a home rule charter; designating locations and hours of polling; ordering notices of election to be given as prescribed by law in connection with such election; authorizing the mayor and city secretary to take all actions necessary to comply with applicable election laws; providing a severability clause and providing an effective date.**

Ms. Dobbs and City Attorney Cameron Saenz provided information regarding the proposed Home Rule Charter process, highlighted impacts in operations, and calling of an election. Charter Commission members in attendance and available to answer questions included Chair Deborah Nabors, Kamil Kell and David Rosenquist.

MOTION: ACCEPT AND APPROVE THE DRAFT HOME RULE CHARTER SUBJECT TO THE CITY ATTORNEY'S FINAL LEGAL REVIEW INCLUDING GENERAL GRAMMAR AND EDITING.

MOTION MADE: WRIGHT
SECONDED: SERKLAND
APPROVED: UNANIMOUS

MOTION: APPROVE ORDINANCE NO. 2022-08-03 ORDERING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 8, 2022, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF LAVON THE FOLLOWING ISSUE: ESTABLISHING A HOME RULE CHARTER; DESIGNATING LOCATIONS AND HOURS OF POLLING; ORDERING NOTICES OF ELECTION TO BE GIVEN AS PRESCRIBED BY LAW IN CONNECTION WITH SUCH ELECTION; AUTHORIZING THE MAYOR AND CITY SECRETARY TO TAKE ALL ACTIONS NECESSARY TO COMPLY WITH APPLICABLE ELECTION LAWS; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

MOTION MADE: DILL
SECONDED: COOK
APPROVED: UNANIMOUS

EXECUTIVE SESSION

At 7:56 p.m., in accordance with the Texas Government Code, Chapter 551, Subchapter D, the City Council recessed into Executive Session (closed meeting) pursuant to Section 551.071 (2) 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 this chapter regarding the LakePointe Development Agreement.

RECONVENE INTO REGULAR SESSION

In accordance with Texas Government Code, Section 551.001, et. Seq., Mayor Sanson reconvened the meeting at 8:35 p.m. and stated that no action was taken in Executive Session.

- C. Discussion, and action regarding Ordinance No. 2022-08-04 approving the 2022 Annual Service Plan Update and Assessment Rolls for public improvements for the Heritage Public Improvement District No. 1 (Residential) in accordance with Chapter 372, Texas Local Government Code, as amended; making various findings and provisions related to the subject; and providing for an effective date.**

Public Improvement District (PID) Administrator Mary Petty, P3, Works, provided information regarding the annual service and assessment plan.

MOTION: APPROVE ORDINANCE NO. 2022-08-04 APPROVING THE 2022 ANNUAL SERVICE PLAN UPDATE AND ASSESSMENT ROLLS FOR PUBLIC IMPROVEMENTS FOR THE HERITAGE PUBLIC IMPROVEMENT DISTRICT NO. 1 (RESIDENTIAL) IN ACCORDANCE WITH CHAPTER 372, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION MADE: WRIGHT
SECONDED: KELL
APPROVED: UNANIMOUS

- D. Discussion and action regarding Resolution No. 2022-08-06 determining the costs of certain authorized improvements to be financed by the LakePointe Public Improvement District; approving a preliminary amended Service Plan and Assessment Plan, including Proposed Improvement Area #3 Assessment Roll; calling a meeting and noticing a public hearing for September 6, 2022 to consider an ordinance levying assessments on property located within the LakePointe Public Improvement District; directing the filing of the proposed Improvement Area #3 Assessment Roll with the city secretary to make available for public inspection; directing city staff to publish and mail notice of said public hearing; and resolving other matters incident and related thereto.**

Ms. Petty provided information regarding the Plan for Improvement Area #3 and the proposed levy.

MOTION: APPROVE RESOLUTION NO. 2022-08-06 DETERMINING THE COSTS OF CERTAIN AUTHORIZED IMPROVEMENTS TO BE FINANCED BY THE LAKEPOINTE PUBLIC IMPROVEMENT DISTRICT; APPROVING A PRELIMINARY AMENDED SERVICE PLAN AND ASSESSMENT PLAN, INCLUDING PROPOSED IMPROVEMENT AREA #3 ASSESSMENT ROLL; CALLING A MEETING AND NOTICING A PUBLIC HEARING FOR SEPTEMBER 6, 2022 TO CONSIDER AN ORDINANCE LEVYING ASSESSMENTS ON PROPERTY LOCATED WITHIN THE LAKEPOINTE PUBLIC IMPROVEMENT DISTRICT; DIRECTING THE FILING OF THE PROPOSED IMPROVEMENT AREA #3 ASSESSMENT ROLL WITH THE CITY SECRETARY TO MAKE AVAILABLE FOR PUBLIC INSPECTION; DIRECTING CITY STAFF TO PUBLISH AND MAIL NOTICE OF SAID PUBLIC HEARING; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO.

MOTION MADE: WRIGHT
SECONDED: COOK
APPROVED: UNANIMOUS

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

Staff reported on updated CDC guidelines and no action was taken.

8. DEPARTMENT REPORTS

- A. Police Services** – Police Chief Mike Jones provided updates and referenced reports in the meeting packet. Police Officer Carissa Vargas added that recent tactical training at CISD included multiple agencies was very successful.
- B. Fire Services** – Fire Chief Danny Anthony referenced the report in the meeting packet. Ms. Serkland relayed a commendation of the department’s professional response from a neighbor who recently received emergency assistance.
- C. Public Works** – Director of Public Works David Carter provided general information regarding public works operations.
- D. Administration** – Ms. Dobbs referenced reports in the meeting packet regarding the Building Permits; CWD Service; Collin County Tax Collection; Sales Tax; Financial Report, TxDOT Projects Report, and administration and staff reports.

9. BUDGET WORK SESSION

Ms. Dobbs reviewed previous work session direction, financial status for current fiscal year, budget calendar, anticipated commitments, departmental service levels, fee schedule, and projected needs for FY 2022-23. Ms. Dobbs confirmed that the City Council directives regarding budget enhancements, improvements in service delivery, staff compensation, and vehicle and equipment additions have been incorporated accordingly into the proposed FY 2022-23 budget.

10. BUDGET AND TAX RATE ITEMS FOR CONSIDERATION

A. Public hearing and discussion regarding the proposed Fiscal Year 2022-23 Annual Budget, Capital Improvements Plan, and Fee Schedule.

Ms. Dobbs presented information regarding the proposed Budget and Fee Schedule and Mark Hill, Freeman Millican, Inc., presented the CIP and provided details regarding the proposed plan.

PUBLIC HEARING to receive comments regarding proposed Annual Budget, Capital Improvements Plan, and Fee Schedule.

Mayor Sanson opened the public hearing at 9:20 p.m. and invited comments in favor or opposition of the request. There being no comments, Mayor Sanson closed the public hearing at 9:20 p.m.

Discussion and action regarding the request.

No action was taken. Ms. Dobbs reported that in order to meet statutory time requirements a mandatory public hearing regarding the proposed budget would be scheduled for a special meeting on Monday, August 29, 2022 at 7:00 p.m. Ms. Dobbs noted that additional public hearings for the fee schedule and CIP would also be scheduled to gather feedback.

B. Discussion and action regarding Ordinance No. 2022-08-05 amending Ordinance No. 2021-09-02 that approved and adopted a Budget for the city for the fiscal year October 1, 2021, through September 30, 2022, as amended, to amend adopted revenues and expenditures of the budget; and declaring an effective date.

Ms. Dobbs presented information regarding the proposed budget and amendments.

MOTION: APPROVE ORDINANCE NO. 2022-08-05 AMENDING ORDINANCE NO. 2021-09-02 THAT APPROVED AND ADOPTED A BUDGET FOR THE CITY FOR THE FISCAL YEAR OCTOBER 1, 2021, THROUGH SEPTEMBER 30, 2022, AS AMENDED, TO AMEND ADOPTED REVENUES AND EXPENDITURES OF THE BUDGET; AND DECLARING AN EFFECTIVE DATE.

MOTION MADE: KELL
SECONDED: COOK
APPROVED: UNANIMOUS

C. Discuss the proposed tax rate and conduct a record vote to call a public hearing for Monday, August 29, 2022, at 7:00 p.m.

The City Council discussed the general fund, interest and sinking fund and utility fund, and no-new-revenue, voter-approval and de minimis tax rates. The City Council discussed that the proposed tax rate of 0.430000 per \$100 valuation is greater than the no-new-revenue tax rate and the voter-approval tax rate and less than the de minimis tax rate.

Ms. Dobbs noted that the proposed 2022 tax rate of \$0.430000/100 represents a 10.22% reduction in the 2021 tax rate of \$0.478956/100. Ms. Dobbs further noted that while the proposed tax rate will provide revenue needed to greatly expand services, in most cases homeowners will experience a reduction in the amount of taxes due in 2022 compared to 2021.

The City Council confirmed their understanding that the proposed tax rate would not require an automatic election, but that an election could be petitioned in accordance with state law. Ms. Dobbs advised that required notices in a form prescribed by law will be published in the newspaper and on the City's website.

MOTION: I MOVE THAT THE PROPOSED MAXIMUM TAX RATE FOR FISCAL YEAR 2022-23 BE SET AT 0.430000 PER \$100 VALUATION AND THAT A PUBLIC HEARING TO RECEIVE INPUT REGARDING THE TAX RATE BE SCHEDULED FOR MONDAY, AUGUST 29, 2023 AT 7:00 P.M., WITH APPROPRIATE NOTICE OF SUCH HEARING TO BE PUBLISHED.

MOTION MADE: SERKLAND
SECONDED: WRIGHT
As required by state law, a record vote was taken:
PLACE 1-JOHN KELL FOR
PLACE 2-MIKE COOK FOR
PLACE 3-KAY WRIGHT FOR
PLACE 4-TED DILL FOR
PLACE 5-MINIDI SERKLAND FOR
APPROVED: UNANIMOUS

11. CITY COUNCIL TO SET FUTURE MEETINGS AND AGENDAS.

- August 29, 2022 – Special Meeting- Tax Rate and Budget public hearings and consideration
- September 6, 2022 – Regular Meeting
- October 4, 2022 – Celebrating the City of Lavon's 50th Year of Incorporation and National Night Out

12. MAYOR SANSON ADJOURNED THE CITY COUNCIL MEETING AT 9:32 P.M.

DULY PASSED and APPROVED by the City Council of Lavon, Texas, on this 6th day of September 2022.



Vicki Sanson
Mayor

ATTEST:



Rae Norton
City Secretary

