



Lavon City Council Meeting

Minutes

August 2, 2016

I. MAYOR TESKE CALLED THE MEETING CALLED TO ORDER AT 6:13 P.M. AND ANNOUNCED A QUORUM PRESENT.

Members Present:	Mayor Chuck Teske Council Member Place 1, Vicki Sanson Council Member Place 3, Jason Arnold Mayor Pro Tem Place 4, Matt Childers Council Member Place 5, Mindi Serkland Council Member Place 2, Jason Kidd
Members Absent:	
Staff Present:	Public Works Director Sonny Mancias Police Chief Mike Jones Director of Health and Life Safety Services Jon Scott Municipal Court Clerk Sue Johnson Interim City Secretary Kim Dobbs Members of the Lavon Police Department
Legal Counsel	Andy Messer, Messer, Rockefeller & Fort
Commission and Board Members:	Kay Wright, EDC Jorge Calderon, Parks & Recreation

II. WORK SESSION

Mayor Teske opened a work session for discussion of the proposed General Fund Budget for Fiscal Year 2016-2017. The staff presented and answered questions regarding the budget. The Council discussed the budget and provided direction with respect to budget requests and programs. The Mayor recessed the meeting at 7:02 p.m.

III. MAYOR TESKE RECONVENED THE MEETING AT 7:13 P.M. AND ANNOUNCED A QUORUM PRESENT.

IV. MAYOR TESKE LED THE PLEDGE OF ALLEGIANCE AND GAVE THE INVOCATION.

VI. PROCLAMATION

The Mayor postponed the item to later as requested by Chief Jones.

VII. CITIZEN COMMENTS

Mayor Teske invited comments. There were none.

VIII. ITEMS OF INTEREST/CITY COUNCIL COMMUNICATIONS

- Mayor Teske recognized that the filing period for the November 8, 2016 election of City Council Places 1, 3 and 5 is open until August 22, 2016.
- Interim City Secretary Kim Dobbs reported that the Fall Festival is scheduled for October 15 and plans tentatively include the historical marker presentation for the City Hall.



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- Councilmember Sanson informed the Council that Collin County Commissioner Cheryl Williams is scheduled to attend the September 20, 2016 City Council meeting to make a presentation relating to transportation planning.

IX. CONSENT AGENDA

- A. Approve the Minutes of the July 19, 2016 Meeting.
- B. Accept the Heritage Public Improvement District #1 Assessment Report Summary dated 05/31/16 and authorize payment of invoices included therein.
- C. Accept the Heritage Public Improvement District #1 Assessment Report Summary dated 06/30/16 and authorize payment of invoices included therein.
- D. Approve Resolution No. 2016-08-01 authorizing the Mayor to execute a Memorandum of Understanding with Community ISD regarding the provision of a School Resource Officer.
- E. Approve Resolution No. 2016-08-02 calling a General Election to be held on and administered by the Collin County Elections Administrator on Saturday, November 8, 2016 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 and providing for an Effective Date.
- F. Approve Resolution 2016-08-03 authorizing the Mayor to execute an Interlocal Participation Agreement between the City of Lavon and The Local Government Purchasing Cooperative to facilitate compliance with state procurement requirements.
- G. Approve Resolution 2016-08-04 authorizing the Mayor to execute an Application for Eligibility for the Texas Facilities Commission in order to receive federal surplus property.

MOTION: APPROVE THE CONSENT AGENDA AS PRESENTED.

MOTION MADE: COUNCIL MEMBER SANSON

SECONDED: MAYOR PRO TEM CHILDERS

APPROVED: UNANIMOUS (Absent: Council Member Kidd)

X. PUBLIC HEARING

- A. In accordance with the Texas Local Government Code, Section 211.008 (g) and City of Lavon Ordinance No. 2011-08-01, the Lavon City Council will act as the Board of Adjustment to consider and act on the Application for a variance to the area requirements of Ordinance No. 97-12-08 Zoning, Article VII, Section 4.3 that provides for installation of a dedicated alley or private drive and a rear yard setback of 20' to waive the requirement for a dedicated alley or private drive and allow a rear yard setback of ten feet (10') on Lot 6R-3, Block A in the Lavon Business Park Addition (Collin CAD# 2718720) generally located southeast of the intersection of Highway 78 and Lake Road.
- B. Teen Curfew Ordinance – receive input regarding the continuation and amendment of the juvenile (teen) curfew ordinance.



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Mayor Teske opened the public hearing at 7:21 p.m. and invited comments pertaining to the Board of Adjustment application and to the proposed amendment to the Teen Curfew Ordinance.

Regarding the Board of Adjustment application, Heng Li, Applicant, presented and spoke in favor of the application for variances for the property located southeast of the intersection of Lake Road and Highway 78. Li described his plans to develop a commercial building on the property and distributed a site plan to the Council to illustrate the setbacks and depth of the property. Fire Marshal Jon Scott stated that he had no objection to the variance requests as presented.

Mayor Teske invited additional comments in regard to the variance requests and the teen curfew ordinance. There being no further comments, Mayor Teske closed the public hearing at 7:28 p.m.

XI. CONSIDERATION AND ACTION

A. Discussion and action, as the Board of Adjustment, regarding the Application for a variance to the area requirements of Ordinance No. 97-12-08 Zoning, Article VII, Section 4.3 that provide for installation of a dedicated alley or private drive and a rear yard setback of 20' to waive the requirement for a dedicated alley or private drive and allow a rear yard setback of ten feet (10') on Lot 6R-3, Block A in the Lavon Business Park Addition (Collin CAD# 2718720) generally located southeast of the intersection of Highway 78 and Lake Road, requested by Heng Li.

The City Council discussed the proposed project and requested variances. Mayor Teske reviewed specific findings of fact that: there are special circumstances or conditions peculiar to the property involved; the strict application of the terms of the Ordinance will impose upon the applicant unusual and practical difficulties or particular hardship; literal interpretation of the Ordinance will deprive the applicant of rights commonly enjoyed by other properties in the same district under the Ordinance; the proposed variance is in harmony with the Ordinance's general purpose and intent; the granting of the variance will not merely serve as a convenience to the applicant; the granting of the variance will alleviate some demonstrable and unusual hardship or difficulty for the applicant; granting the variance will no confer upon the applicant any special privilege that is denied by the Ordinance to other similarly-situated properties in the same district; the variance is in the public interest and will ensure that public substantial justice will be done; the surrounding property will be properly protected; and remaining regulations are adequate to govern the project.

MOTION: AFFIRM THE FINDINGS OF FACT AND GRANT A VARIANCE TO THE AREA REQUIREMENTS OF ORDINANCE NO. 97-12-08 ZONING, ARTICLE VII, SECTION 4.3 THAT PROVIDE FOR INSTALLATION OF A DEDICATED ALLEY OR PRIVATE DRIVE AND A REAR YARD SETBACK OF 20' TO WAIVE THE REQUIREMENT FOR A DEDICATED ALLEY OR PRIVATE DRIVE AND ALLOW A REAR YARD SETBACK OF TEN FEET (10') ON LOT 6R-3, BLOCK A IN THE LAVON BUSINESS PARK ADDITION (COLLIN CAD# 2718720) GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF HIGHWAY 78 AND LAKE ROAD.

MOTION MADE: COUNCIL MEMBER SERKLAND
SECONDED: COUNCIL MEMBER SANSON
APPROVED: UNANIMOUS (Absent: Council Member Kidd)



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VI. PROCLAMATION

Discussion and Action Regarding a Proclamation to Honor Law Enforcement Officers

MOTION: APPROVE THE PROCLAMATION.

MOTION MADE: MAYOR PRO TEM CHILDERS

SECONDED: COUNCIL MEMBER SANSON

APPROVED: UNANIMOUS (Absent: Council Member Kidd)

Mayor Teske read aloud the proclamation honoring law enforcement officers and presented the proclamation to Police Chief Mike Jones and Police Officers Bryce Hubbard, Dan Porter and Matthew Wassmer.

XI. CONSIDERATION AND ACTION

B. Discussion and action regarding Ordinance No. 2016-08-01 establishing a curfew for minors and parental responsibility; setting the hours of curfew for minors; providing for affirmative defenses to prosecution; providing a penalty not to exceed five hundred dollars (\$500.00) for each offense; providing severability and providing an effective date.

Council Member Serkland observed that the proposed Ordinance increased the penalty previously established by Ordinance No. 2015-11-01 from \$200 to \$500. Chief Jones confirmed there were no other changes and that the review / renewal period for the curfew would be reset to occur in three years in accordance with state law.

MOTION: APPROVE ORDINANCE NO. 2016-08-01 ESTABLISHING A CURFEW FOR MINORS AND PARENTAL RESPONSIBILITY; SETTING THE HOURS OF CURFEW FOR MINORS; PROVIDING FOR AFFIRMATIVE DEFENSES TO PROSECUTION; PROVIDING A PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; PROVIDING SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

MOTION MADE: COUNCIL MEMBER SERKLAND

SECONDED: COUNCIL MEMBER SANSON

APPROVED: UNANIMOUS (Absent: Council Member Kidd)

C. Discussion and action regarding Ordinance No. 2016-08-02 providing regulations for the disposal of sewage and the use of public sewers, regulating the discharge of industrial wastes into the sanitary sewer of the city, regulating sewer and miscellaneous discharges, and providing for a permit system with denial, suspension, revocation and an appeals process; providing for a penalty not to exceed \$2000 per day for each offense; and providing a savings clause, a severability clause a repealer clause and an effective date.

Chief Jones explained that the proposed pre-treatment ordinance is presented in relation to a business development prospect as well as in response to direction provided by the North Texas Municipal Water District (NTMWD), the operator of the City's wastewater treatment plant.

MOTION: APPROVE ORDINANCE NO. 2016-08-02 PROVIDING REGULATIONS FOR THE DISPOSAL OF SEWAGE AND THE USE OF PUBLIC SEWERS, REGULATING THE DISCHARGE OF INDUSTRIAL WASTES INTO THE SANITARY SEWER OF THE



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CITY, REGULATING SEWER AND MISCELLANEOUS DISCHARGES, AND PROVIDING FOR A PERMIT SYSTEM WITH DENIAL, SUSPENSION, REVOCATION AND AN APPEALS PROCESS; PROVIDING FOR A PENALTY NOT TO EXCEED \$2000 PER DAY FOR EACH OFFENSE; AND PROVIDING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE A REPEALER CLAUSE AND AN EFFECTIVE DATE.

MOTION MADE: MAYOR PRO TEM CHILDERS

SECONDED: COUNCIL MEMBER ARNOLD

APPROVED: UNANIMOUS (Absent: Council Member Kidd)

D. Discussion and action regarding Ordinance No. 2016-08-03 establishing guidelines for commercial filming in the City of Lavon, Texas; establishing a commercial filming application and permit; providing for a penalty for the violation thereof; providing a cumulative clause; providing a severability clause and providing for an effective date.

Former member of the Lavon Economic Development Corporation (LEDC) Board of Directors, Charlie Allen provided background and information regarding the proposed Ordinance, the Texas Film Commission and the potential economic impact to be realized relating to commercial filming activity in the City. Mr. Allen provided additional information about filming guidelines and a permit application form and advised that he would work with LEDC to follow up to obtain certification of the City of Lavon as a "Film Friendly" City.

MOTION: APPROVE ORDINANCE NO. 2016-08-03 ESTABLISHING GUIDELINES FOR COMMERCIAL FILMING IN THE CITY OF LAVON, TEXAS; ESTABLISHING A COMMERCIAL FILMING APPLICATION AND PERMIT; PROVIDING FOR A PENALTY FOR THE VIOLATION THEREOF; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION MADE: COUNCIL MEMBER SERKLAND

SECONDED: COUNCIL MEMBER SANSON

APPROVED: UNANIMOUS (Absent: Council Member Kidd)

E. Discussion and action regarding Ordinance No. 2016-08-04 setting commercial filming fees; providing a severability clause and providing an effective date.

MOTION: APPROVE ORDINANCE NO. 2016-08-04 SETTING COMMERCIAL FILMING FEES; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

MOTION MADE: COUNCIL MEMBER SERKLAND

SECONDED: COUNCIL MEMBER ARNOLD

APPROVED: UNANIMOUS (Absent: Council Member Kidd)

F. Discussion and action regarding Ordinance No. 2016-08-05 establishing the outdoor burn regulations; providing for a penalty for the violation thereof; providing for repealing, savings, and severability clauses and providing for an effective date.



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Director of Health and Life Safety Services Jon Scott answered questions regarding the proposed ordinance. Scott stated that the proposed regulations essentially follow the regulations established by Collin County.

MOTION: APPROVE ORDINANCE NO. 2016-08-05 ESTABLISHING OUTDOOR BURN REGULATIONS; PROVIDING FOR A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR REPEALING, SAVINGS, AND SEVERABILITY CLAUSES AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION MADE: MAYOR PRO TEM CHILDERS

SECONDED: COUNCIL MEMBER SANSON

APPROVED: UNANIMOUS (Absent: Council Member Kidd)

G. Discussion and action regarding Resolution 2016-08-05 authorizing the Mayor to execute a Purchase Agreement with SafetyCom, Inc., for the purchase and installation of an outdoor warning system and providing an effective date.

Director Scott presented the standard purchase agreement that was provided to him by the vendor with the proposed addition of the early payment discount.

MOTION: APPROVE RESOLUTION 2016-08-05 AUTHORIZING THE MAYOR TO EXECUTE A PURCHASE AGREEMENT WITH SAFETYCOM, INC., SUBJECT TO THE CITY ATTORNEY'S APPROVAL, FOR THE PURCHASE AND INSTALLATION OF AN OUTDOOR WARNING SYSTEM AND PROVIDING AN EFFECTIVE DATE.

MOTION MADE: MAYOR PRO TEM CHILDERS

SECONDED: COUNCIL MEMBER SERKLAND

APPROVED: UNANIMOUS (Absent: Council Member Kidd)

XII. EXECUTIVE SESSION

At 8:01 p.m., the Mayor recessed the meeting to go into Executive Session (Closed Meeting) pursuant to the provisions of Chapter 551, TEXAS GOVERNMENT CODE et seq., to discuss the following, in accordance with the authority contained in:

A. Section 551.071 – to seek legal advice 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 in regard to roles of mayor and city council, and city council agendas.

B. Section 551.074 – 1. personnel matters: to deliberate the appointment, employment, evaluation, reassignment, and duties of the Municipal Court Clerks, City Services Coordinator, Accounting Clerk, Administrative Assistant, Director of Health and Life Safety Services, Chief of Police/Chief Operating Officer, Police Lieutenant, Police Corporal, Police Officers, Director of Public Works and Public Works Operators and 2. personnel matters: deliberation concerning the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: City Secretary and City Administrator.

XIII. RECONVENE INTO REGULAR SESSION



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The Mayor reconvened the meeting at 9:34 p.m. and stated that no action was taken in executive session.

XIV. CONSIDERATION AND ACTION

A. Discussion and action regarding Resolution No. **2016-08-06** clarifying the role and responsibilities of the Mayor.

MOTION: APPROVE RESOLUTION NO. 2016-08-06 CLARIFYING THE ROLE AND RESPONSIBILITIES OF THE MAYOR, AS REVISED.

MOTION MADE: COUNCIL MEMBER ARNOLD

SECONDED: MAYOR PRO TEM CHILDERS

APPROVED: FOR: COUNCIL MEMBER ARNOLD
COUNCIL MEMBER SERKLAND

AGAINST: COUNCIL MEMBER SANSON

ABSTAINED: MAYOR PRO TEM CHILDERS

(Absent: Council Member Kidd)

XV. CITY COUNCIL TO SET FUTURE MEETINGS AND AGENDAS

The City Council scheduled a budget work session on August 16, 2016 at 6:00 p.m. and directed that business normally scheduled for the second regular meeting of the month be postponed to a special meeting scheduled on August 23, 2016.

XVI. PRESIDING OFFICER TO ADJOURN THE CITY COUNCIL MEETING

Mayor Teske adjourned the meeting at 9:38 p.m.

Duly passed and approved on this 23rd day of August, 2016.

Charles Teske, Mayor

Attest:

Kim Dobbs, Interim City Secretary

Kim Dobbs, Interim City Secretary

