

**Lavon City Council & Executive
Session Meeting Minutes**



March 16, 2010

I. MEETING CALLED TO ORDER AT 7:00 P.M. BY MAYOR MARTIN

Members Present: Mayor Norma Martin
Council Member Place 2, Deborah Nabors
Council Member Place 3, Gary Meeks
Council Member Place 4, Aaron Heatley

Members Late: Council Member Place 1, Chris Kane
arrived at 7:04 p.m.

Members Absent: Council Member, Place 5, Paul Slay, Mayor Pro-Tem

Staff Present: City Manager, Mike Jones
City Secretary, Linda Ardis
Clerical Supervisor, Laura Kennemer

Commission and
Board Members: P & Z Chairman, Trey Smith

**II. MAYOR MARTIN TO LEAD THE COUNCIL AND VISITORS IN THE
PLEDGE OF ALLEGIANCE.**

Mayor Martin led the City Council and visitors in the Pledge of Allegiance.

III. INVOCATION

Council Member Heatley led the invocation.

IV. ITEMS OF INTEREST/CITY COUNCIL COMMUNICATIONS

Members of City Council have the opportunity to notify others of community events, functions and other activities. There will also be an opportunity to briefly comment on City Council business, City operations, projects and other items coming before the City Council.

City Secretary Linda Ardis told the City Council that the following candidates will be running for the May 8th General Election.

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Place One: Incumbent Chris Kane
Candidate David Hawkins

Place Three: Unopposed/Incumbent Gary Meeks

Place Five: Candidate Charles Teske, Jr.
Candidate John Horton

Early voting will begin on Monday, April 26th and ends on Tuesday, May 4th. The early voting will be held at City Hall Annex Building "A". On Election Day, May 8th, the voting will be held in the City Council Chamber Annex "B".

Mayor Martin reminded the Council that Collin County Commissioner Jerry Hoagland will be in a run-off election with Cheryl Williams on April 13th. She encouraged everyone to be sure to come out and vote.

V. CONSENT AGENDA

A. City Council to Consider and Act on approval of the consent agenda:

1. February 16, 2010 City Council Meeting *

Motion: Council Member Nabors, "I move that we approve the February 16th consent agenda."

Second: Council Member Gary Meeks

In Favor: Council Member Kane, Council Member Nabors, Council Member Meeks and Council Member Heatley

Opposed: None

Abstained: None

Motion: Passed

VI. PUBLIC RECOGNITION

None

VII. CITIZENS' COMMENTS

Citizens, who wish to address the Council, may discuss matters not on the agenda and who have not previously expressed to the Council or City Hall a desire to

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discuss such matters. The only response from the Council can be to request these items to be placed on a future agenda for action.

None

VIII. PUBLIC HEARING

None

IX. ITEMS FOR DISCUSSION

A. City Council to discuss update of the website. (Mayor)

Mayor Martin asked Council Member Nabors for an update of the website. Council Member Nabors told the Mayor that she had been called out of town prior to the meeting. However, City Manager Mike Jones had met with Mr. Hunt's assistant, but the added verbiage was less than expected. Council Member Nabors told the Council she will be meeting with the website developer and hopes to have the web up and running within the next month or month and a half. Mayor Martin asked her to keep the Council informed.

B. City Council to discuss update on organizational systems. (Mayor)

Mayor Martin asked Council Member Nabors for an update on the organizational systems. Council Member Nabors asked if anyone had any comments or questions about the material already presented. After a brief discussion, it was decided that clear linkage for the school needed to be added as well as future transportation plans for the City. Council Member Kane asked about measurement sites and parks and recreational plans sites. Council Member Heatley found the parks and recreational site.

C. City Council to discuss ordinance review and codification. (Jones)

City Manager Jones told the Council that things were moving forward. He hoped within the next thirty to sixty days to have the first base code draft for submission for the Council to look at.

D. City Council to discuss update from Council Member Kane on logo contest plans for the City. (Mayor)

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The Mayor asked Council Member Kane for an update. Council Member Kane asked City Secretary Linda Ardis to explain the contest. City Secretary Linda Ardis told the Council that the March 18th edition of the Lavon Newsletter was the beginning date for the contest. The contest will run until April 15th. The logo will be used by the various City departments on letterheads and other appropriate places. It will not take the place of the City of Lavon seal. Drawings must be submitted on 8 ½ x 11 inch paper. The contestant can only use three colors and may turn their drawings into the City Hall or NeSmith Elementary School where they will be displayed. There is no age restrictions and all the citizens of Lavon are eligible to enter the contest. There will be a public viewing of all of the drawings on April 21st. Residents, City Staff and School Staff will select their top two favorites. On May 4th, the City Council will introduce the top favorites and select the winner.

Council Member Kane told the Council that this was an opportunity to bring the community together. The school and children are really excited, and we hope to have a great turnout.

E. City Council to discuss update on City Hall bond. (Jones)

City Manager Jones told the Council that there was not enough time to get the bond on the May 8th election. It might be possible to get it on the fall election. However, the Council will first want to invite First Southwest to come out and discuss the bond process as well as some possible revenue sources. Council Member Kane asked if there was a charge for this service and City Manager Jones said no.

Council Member Heatley asked for a process time frame. City Manager Jones said three months or more. He also told the Council that Lavon would also have to obtain a bond rating just to determine if the City was eligible for a bond.

City Manager Jones said he would contact First Southwest and see when they would be available to come out and talk with the Council.

F. P & Z Chairman to make recommendation for change to Ordinance 2004-09-05 Planned Development Ordinance # 1. (Smith)

P & Z Chairman Trey Smith handed out and read a letter of recommendation to the Council from the P & Z Commission. Paul Cheng of Revalen Development LLC and Grand Heritage requested Section 3.2.2 of the District Regulation of Ordinance 2004-09-05 of Planned Development # 1 be amended to include "age restricted multifamily for seniors age 55 and over" as a permitted residential use with a footnote restriction limiting the use to the West "D" residential planning area.

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The Commission decided that they did not want the amendment to be restricted only to the West "D" residential planning area. The Commission voted and approved an amended amendment that took the footnote restriction limiting the use to West "D" residential planning area and inserted "SUP" as a permitted residential use. Chairman Smith told the Council that the drawings of the development were excellent, but drawings do not always come to fruition. If Paul Cheng did not build the proposed facility, and another developer came in with a new development, it would allow the P & Z Commission to review and make recommendations to the Council.

Council Member Nabors asked Commissioner Smith to explain to the audience what a SUP was. He told them it was a Special Use Permit. Council Member Kane asked if this action would be added to the list of SUP's. City Manager Jones said that was exactly what it does and is consistent with the other SUP's which include adult day care facilities, assisted living facilities, child care and nursing home facilities. City Manager Jones concluded by saying he supported the action of the Planning & Zoning Commission.

X. ITEMS FOR CONSIDERATION AND ACTION

A. City Council to Consider and Act on amending the P & Z Commission Ordinance. (Nabors)

City Manager Jones told the Council that the P & Z Commission had been acting without a vice-chairman. The P & Z Commission decided they wanted to have a voice in electing the vice-chairman. They want the chairman to nominate the vice-chairman and then the body of Commissioners elect or approve this honorary position who functions only if the chairman is not present for a meeting. He said he approved their recommendation.

Council Member Kane said he did not see a time frame for the vice-chairman. City Manager Jones amended the ordinance at the words P & Z on "F" add a second sentence to read, "The term of the vice-chair shall be for one year or the duration of the commissioner's term which ever is shorter."

Council Member Nabors asked if the ordinance should also indicated when the appointment was to be made. City Manager Jones amended the added sentence to read, "The term of the vice-chair shall run concurrent with the chair for a period of one year or the duration of the chair's term which ever is shorter."

Motion: Council Member Nabors, "I move we accept the P & Z Commission ordinance with the amendments stated."

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Or do I say approve? Alright. I withdraw my motion.

Motion: Council Member Nabors, "I move we approve the amendment to the P & Z ordinance with the added amendment stated."

Council Member Kane replied, "no, you need to approve the amendment first."

Council Member Nabors asked, "in two different motions?" City Manager Jones gave this explanation to the Council. Since the Council changed the bill before them, the Council must first approve the change and then vote to approve or deny the bill.

Alright. I withdraw my last motion.

Motion: Council Member Nabors, "I move that we approve the amendments to the amendment of the P& Z Commission ordinance."

Second: Council Member Kane

In Favor: Council Member Kane, Council Member Nabors, Council Member Meeks and Council Member Heatley

Opposed: None

Abstained: None

Motion: Passed

Motion: Council Member Nabors, "I move that we approve the amendments to the P& Z Commission ordinance."

Second: Council Member Gary Meeks

In Favor: Council Member Kane, Council Member Nabors, Council Member Meeks and Council Member Heatley

Opposed: None

Abstained: None

Motion: Passed

B. City Council to Consider and Act on declaring P & Z Commission Seat One vacant. (Mayor)

The Mayor asked if there was a motion.

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Motion: Council Member Nabors, "I move we declare P & Z Commission Seat One vacant."

Second: Council Member Heatley

In Favor: Council Member Kane, Council Member Nabors, Council Member Meeks and Council Member Heatley and Mayor Pro-Tem Slay

Opposed: None

Abstained: None

Motion: Passed

C. City Council to Consider and Act on appointing P & Z Commission position Seat One whose term expires June, 2011. (Mayor)

Council Member Deborah Nabors said she had a person in mind but needed to confirm it with them first.

Motion: Council Member Nabors, "I move we table Item "C" under Consider and Action until the next meeting.:

Second: Council Member Heatley

In Favor: Council Member Kane, Council Member Nabors, Council Member Meeks and Council Member Heatley

Opposed: None

Abstained: None

Motion: Passed

D. City Council to Consider and Act on approving the list of ordinances for exclusion from codification process. (Jones)

Council Member Nabors asked the category of most of the exclusions. City Manager Jones told the Council the sub-division, annexed ordinances, administrative ordinances, yearly tax rates, agreements and contracts were excluded.

Motion: Council Member Kane, "I move we approve the list of ordinances for exclusion from the codification process."

Second: Council Member Heatley

In Favor: Council Member Kane, Council Member Nabors, Council Member Meeks and Council Member Heatley

Opposed: None

Abstained: None

Motion: Passed

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E. City Council to Consider and Act on approving the standard code piece approval ordinance structure. (Jones)

This is not going to be the exact style or exact method, but it is a general process to follow to adopt changes, amendments or additions. It is a quick process of how it will be done. I am not asking the Council to adopt this ordinance but approve the principle concept of the ordinance to move forward.

Motion: Council Member Nabors, "I move we approve the standard code piece approval ordinance structure."

Second: Council Member Kane

In Favor: Council Member Kane, Council Member Nabors, Council Member Meeks and Council Member Heatley

Opposed: None

Abstained: None

Motion: Passed

XI. EXECUTIVE SESSION: In accordance with Texas Code, Section 551.001, et seq., the City Council will recess into Executive Session to discuss the following:

- A. Pursuant to Texas Government Code § 551.074; to discuss personnel matters to include Finance Clerk.

The City Council adjourned to the conference room at 7:56 p.m.

XII. RECONVENE INTO REGULAR SESSION: In accordance with Texas Government Code, Section 551.001, et seq., The City Council will reconvene into Regular Session to take any action necessary regarding the following:

- A. Pursuant to Texas Government Code § 551.074; to discuss personnel matters to include the Finance Clerk.

The City Council reconvened in the Council Chambers at 8:57 p.m. The Council is not requesting any action at this time.

XIII. SETTING FUTURE MEETINGS AND AGENDAS

Council Members and staff may request items to be placed on a future agenda or request a special meeting be called. Each request that passes by a majority vote will be placed on the schedule by the City Secretary.

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City Secretary Ardis confirmed the following agenda items:

1. Dog ordinance
2. P & Z ordinance
3. Update on web site
4. Update on organizational systems
5. Public Hearing on 724 Main Street

XIV. MAYOR MARTIN TO ADJOURN THE LAVON CITY COUNCIL MEETING.

Mayor Martin adjourned the City Council Meeting at 9:02 p.m.

Duly passed and approved on this 6 day of April, 2010.


Mayor Norma Martin

Attest:


Linda Ardis, City Secretary