

Lavon City Council Meeting Minutes



June 1, 2010

I. MEETING CALLED TO ORDER AT 7:04 P.M. BY MAYOR MARTIN

Members Present: Mayor Norma Martin
Council Member Place 1, Chris Kane
Council Member Place 2, Deborah Nabors
Council Member Place 3, Gary Meeks
Council Member Place 4, Aaron Heatley
Council Member Place 5, Paul Slay, Mayor Pro-Tem

Members Absent: City Manager, Mike Jones

Staff Present: City Secretary, Linda Ardis
Administrative Supervisor, Laura Kennemer

Commission and
Board Members: EDCB President, David Piekarski

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

Mayor Pro-Tem Slay 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 Council Member Chris Kane reminded the Council that Thursday was the last day of school. The children will be out and playing in the neighborhoods on Friday. Be watching for them while you are driving around Lavon.

V. CONSENT AGENDA

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

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1. May 18, 2010 City Council Meeting *

There was no discussion.

Motion: Council Member Heatley, "I move we approve the May 18, 2010 consent agenda."

Second: Council Member Nabors

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

Opposed: None

Abstained: None

Motion: Passed

VI. PUBLIC RECOGNITION

A. City Council to recognize retiring Alderman Paul Slay.

After presenting Paul Slay with a plaque and cake, the meeting recessed from 7:08 p.m. until 7:20 p.m. for refreshments and taking pictures.

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 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. OATH OF OFFICE

A. Mayor Martin to administer Oath of Office to newly elected Council Members:

- 1) Place One, Chris Kane
- 2) Place Three, Gary Meeks
- 3) Place Five, Charles Teske Jr.

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Mayor Martin asked the newly elected members to step forward and she issued the Oath of Office to them.

X. NEWLY ELECTED CITY COUNCIL MEMBERS TO TAKE THEIR SEAT

A. Mayor Martin to welcome the newly elected Council Members.

Mayor Martin welcomed the new Council Members and asked them to take their seats.

XI. ITEMS FOR DISCUSSION

A. City Council to discuss the City Website. (Nabors)

Council Member Nabors reported that she will be working with the Police Department to complete their part of the website beginning next week. She is waiting on some information on our housing developments from Lynn Alston in Herbert Hunt's office. Council Member Nabors hopes to have the website up and running very soon.

B. City Council to discuss the American Recovery and Reinvestment Acts Grant. (Jones)

City Manager Jones reminded the Council that months ago the City had applied for an Energy Conservation Grant. The grant was to be used to install solar panels on top of the Police Department to reduce power grid consumption. Last week, he was notified that the City had received a \$23,000, 100% non-matching grant. Longhorn Solar will be doing the work at the Police Department as soon as they can place the City on their schedule.

XII. ITEMS FOR CONSIDERATION AND ACTION

A. City Council to Consider and Act on electing a Mayor Pro-Tem. (Martin)

Mayor Martin nominated Aaron Heatley. Council Member Teske nominated Chris Kane. Mayor Martin called for a vote of the Members. Council Member Heatley received two votes and Council Member Kane received three votes. The City's new Mayor Pro-Tem is Chris Kane.

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B. City Council to consider and Act on Approving an Interlocal Jail Service Agreement with Collin County. (Ardis)

City Secretary Ardis told the Council this is only an amendment to the Collin County Agreement for FY 2010-2011 with no increase in cost. She recommended the Council accept the Interlocal Jail Service Agreement with Collin County.

Motion: Council Member Nabors, "I move that we approve the Interlocal Jail Service Agreement with Collin County."

Second: Council Member Meeks

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

Opposed: None

Abstained: None

Motion: Passed

C. City Council to Consider and Act on sending an On-Site Sewage Facilities Ordinance to TCEQ for pre-approval. (Kennemer)

After discussing and going back over the Ordinance, the following changes were made:

1. Section 9. Amendments, C, 3, last sentence add the words "within one calendar year" after the word "failure"
2. Same sentence, after the word "inspections" add "for a period of twelve consecutive months"
3. Next page, under G, second paragraph, after last word "provider" add for a period of twelve consecutive months"

Motion: Mayor Pro-Tem Kane, "I move that we make two adjustments: Section 9, Sub-section C 3—On a second or subsequent failure (add within one calendar year) the property owner/resident will lose the right to perform self inspections (add for a period of twelve consecutive months)...and then the continued verbiage. Then the second paragraph after G to maintain consistency should read the property/owner resident who fails to submit required inspection reports to the City shall relinquish authority to self-maintain his/her OSSF system and will be required to obtain a contract for maintenance of their system by a registered/licensed maintenance provider (add for a period of twelve consecutive months."

Second: Council Member Nabors

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

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Opposed: None
Abstained: None
Motion: Passed

Mayor Pro-Tem Kane continued by saying that we had just approved the amendments and the Council still needed to pass the pre-approval.

Motion: Mayor Pro-Tem Kane, "I move that we pass the On-Site Sewage Facilities Ordinance to TCEQ for pre-approval as amended."

Second: Council Member Nabors

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

Opposed: None
Abstained: None
Motion: Passed

D. City Council to Consider and Act on a thirty day extension of the solid waste service agreement between the City and IESI. (Jones)

City Manager Jones told the Council that IESI and the City had not completely finalized the contract negotiations. Because he wanted to have time for the Council to review the agreement, he requested a thirty day extension. This also serves as a means to continue trash service collection from IESI for the City during this time period.

Motion: Council Member Nabors, "I move that we approve the thirty day extension of the solid waste service agreement between the City and IESI."

Second: Council Member Meeks

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

Opposed: None
Abstained: None
Motion: Passed

E City Council to Consider and Act on selecting a Certified Public Accounting firm. (Jones)

City Manager Jones told the Council that he and Administrative Supervisor Laura Kennemer had interviewed and talked with various accountants as directed by the Council. The CPA firms in the Council Packets were their choice to bring before the Council for their consideration. City Manager Jones said he recommended Mike Oliver. Council Member Nabors said after reading the packet, she agreed.

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Mayor Pro-Tem Kane said he knew this was on the Agenda as a Consideration and Action item. However, the City now has an auditor who dealt with bookkeeping problems in the past. He felt the Council needed to interview at least two of the CPA's. The Mayor said that this had already been assigned and completed by the City Manager. Mayor Pro-Tem Kane said he did not want to compound the City's mistakes especially now when the City has an accountant on the Council who has a background in audits and examining fraud cases.

Council Member Teske asked the City Manager if he had called the references listed under Conway Company CPA's. City Manager Jones told him he had not had the time. Council Member Teske said that he had taken the liberty of calling some of Conway Company CPA's references. He talked to the City Administrator of one City and the Staff Accountant of another City who thought they were very good. City Manager Jones said that ultimately it was the Council's decision.

Motion: Council Member Nabors, "I move that we table this item until the next meeting and allow our own new Council Member to perhaps provide some assistance and input into contacting references for every one of these companies before we make a decision."

Second: Mayor Pro-Tem Kane

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

Opposed: None

Abstained: None

Motion: Passed

F. City Council to Consider and Act on a Bill of Ordinance amending the Lavon Code of Regulations pertaining to use of Electronic Media Devices. (Jones)

City Manager Jones said he had written the Ordinance after the Mayor requested him to produce a set of rules in line with the information the Council had received to protect the City from problems arising from the use of personal computers.

Council Member Nabors said she thought the document was well written and well thought out. However, the requirements would force the Council to make a decision prior to discussion. For instance, on page 2, 3.3.3.6 , B, # 5 which states, "no information whatsoever is stored or saved to any device, hard drive, external drive, cloud drive, thumb drive, virtual drive or any other electronic media storage device". Council Member Nabors continued by saying the only way to save anything the Council or boards were working on would be to come up to the City and use one of their computers. City Manager Jones told her that was correct. Council Member Nabors replied that she felt that was forcing the Council's hand on the next item on the Agenda.

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Council Member Heatley said that was what the attorney advised in his letter and should be implemented by a set of rules. It is a means to protect the City. Whether we adopt the next item or not, this has to be done.

Mayor Pro-Tem Kane said what he was looking at in the document was that it was a Class C Misdemeanor violation. Council Member Nabors said she did understand that the rules have to have a punishment. Mayor Pro-Tem Kane said that the Council had just looked at \$47,000 billed on the light side for a CPA. We were then looking at \$800 for computers times 15 or 18 for the number needed. He felt if this was passed, then the next item had to be passed also. He asked where the money was coming from. He said there was some money in reserve, but we cannot print money when that runs out.

Council Member Heatley said he felt it was necessary to listen to the attorney. He said it would be foolish if the Council did not. Council Member Nabors said she read the letter from the attorney and she did not feel he was directing the City to do this as much as he was listing the risks associated with using personal computers.

City Manager Jones said he had heard two Council Members say they were being forced to accept the next Agenda item if they passed this one. He said he felt that if they felt that way, he had completely failed in writing the document.

There was no more discussion and the Mayor called for a vote.

Motion: Council Member Nabors, "I move that we table Item "F" until such time the City Manager can incorporate a "hold harmless" type of clause into the Bill of Ordinance."

Second: Council Member Meeks

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

Opposed: None

Abstained: None

Motion: Passed

Mayor Martin recessed the meeting at 7:37 p.m. and convened again at 7:38 p.m.

G. City Council to Consider and Act on directing the City Secretary to purchase Legislative Branch Computers. (Heatley)

Council Member Heatley said that he was for following the attorney's advice, but was happy to listen to what the other Members wanted to do. Mayor Martin had a suggestion of buying computers for the Mayor, one for Trey Smith of the P & Z Commissions and two extras that could be checked out or used at City Hall by others.

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Mayor Pro-Tem Kane suggested Netbook which runs around \$250 to \$300 as an alternative to spending \$720 for a single computer. City Manager Jones said that was a possibility as long as Netbook had the ability to do Word Processing.

Council Member Nabors said she understood the Mayor's position, but that each of the P & Z Commissioners were working on the City's Comprehensive Plan and needed one. She continued by saying whatever the City decided to go with, it should be the least expensive solution at this time.

Council Member Deborah Nabors made the following motion.

Motion: Council Member Nabors, "I move that we direct the City Manager to look into the cost of Netbook but also insure that they have the ability to get on the network, which I know they do, and that they have some kind of word processing and not necessarily an Excel equipment but some kind of spreadsheet ability that can be used. Let's look at that particular option."

Second: Mayor Pro Tem Kane

Council Member Teske said that before the Council voted, he felt some members probably needed a better machine. He asked that a price of a "bare bone" Dell be put along side Netbook and compared.

Council Member Nabors said she withdrew her motion and asked the Council to consider the other discussion. EDCB President David Piekarski informed that Council that Microsoft was known to provide Microsoft Software at very low costs for students and perhaps government licensed entities. It would be worth checking out with Microsoft directly.

Motion: Mayor Pro-Tem Kane, "I move that we table the item until research is done."

Second: Council Member Nabors

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

Opposed: None

Abstained: None

Motion: Passed

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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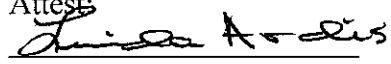
Mayor Martin said that everything that was tabled needed to be put back on the next Agenda.

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

Mayor Martin adjourned the City Council Meeting at 8:30 p.m.

Duly passed and approved on this 6th day of ~~June~~ ^{July} 2010.


Mayor Norma Martin

Attest:

Linda Ardis, City Secretary