

# Lavon City Council Meeting Minutes



September 7, 2010

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

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

Members Late: Council Member Place 5, Charles Teske 7:07 p.m.

Staff Present: City Manager, Mike Jones  
City Secretary, Linda Ardis  
Administrative Supervisor, Laura Kennemer  
Chief of Police, Jason Rector

Commission and Board Members: EDCB Member David Piekarski  
EDCB Member Paul Lemmon

## 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 Kane 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.**

Mayor Martin thanked the staff for their hard work in moving City Hall. She said the new offices looked great.

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Mayor Martin also reminded the Council that Friday, September 8<sup>th</sup>, is Community High School Home Coming. She encouraged everyone to come out at 6:00 p.m. and help celebrate.

## V. CONSENT AGENDA

None

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

Citizen Ron Shultz asked the Council what date the City would celebrate Halloween. City Manager Jones told Mr. Shultz that the City never designated a special night other than observing the day whenever it falls on calendar.

Citizen Shultz also wanted to talk about the money in the budget for the Marshal's Office. City Manager said the item was already on the agenda and would be discussed at the appropriate time.

## VIII. PUBLIC HEARING

None

## IX. ITEMS FOR DISCUSSION

A. Alan Bain to discuss trading five acres on FM 2755 for two acres on Hwy. 78. (Jones)

City Manager Jones introduced Alan Bain of World Land Developers. Mr. Bain showed a plat of the two pieces of property. The two acres on Hwy. 78 are commercial lots that have been deed restricted for government use. As far as Mr. Bain knew, there are no deed restrictions on the five acres. However, part of the land is in the City Limits of Lavon and part of the land is not. City Manager Jones asked Mr. Bain if he was proposing a straight trade of land for land. Mr. Bain replied that was the proposal.

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Mayor Pro-Tem Kane asked if the pool, house, barns, septic tank and damaged trees on the 5 acre property would be removed. Mr. Bain said the pool had already been removed and filled in by a contractor. Nothing else had been done.

Council Member Nabors asked if anyone knew the estimated cost for the remainder of the work to be completed. Mr. Bain said World Land had received a bid of \$20,000. Mr. Bain said that World Land would designate a lot south of the project as a street for an entrance and exit to the property.

Citizen Bruce Foith asked Mr. Bain if there was any hazardous material that needed to be removed. Mr. Bain replied no. Council Member Nabors said the house had been a residence. Council Member Meeks said the house had also been used at one time as a day care.

Council Member Teske asked about tree removal and clearing the land. City Manager Jones told the Council that these were things that could be discussed in the Executive Session that would follow the discussion.

**X. 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 § 551.072; A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

1. The City Council to discuss trading approximately 2 acres of real property owned by the City and located at or near the intersection of State Highway 78 and Burnett Drive for approximately 5.1 acres owned by World Land Developers LP and located at or near 500 Main Street. (Jones)

The City Council retired into Executive Session at 7:17 p.m.

**XI. 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 § 551.102; A final action, decision, or vote on a matter deliberated in a closed meeting under this chapter may only be made in an open meeting that is held in compliance with the notice provisions of this chapter.

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1. The City Council to consider and act on trading approximately 2 acres of real property owned by the City and located at or near the intersection of State Highway 78 and Burnett Drive for approximately 5.1 acres owned by World Land Developers LP and located at or near 500 Main Street. (Jones)

The Council reconvened into regular session at 8:25 p.m. The Mayor asked if there was a motion.

**Motion:** City Council Member Nabors, "I move we accept the offer made by World Land Developers with the following stipulations:

1. Include 5.1 acres plus additional lot in East "A" for secondary access
2. Building removal including house, 2 barns and septic system
3. Remove up to 10 trees
4. Trim all other existing trees up to 7 to 10 feet from ground level after grading
5. Remove all trash, fencing and inorganic materials selected by the City
6. Level the lot to drain
7. Cut grass, weeds and brush to meet City regulations
8. Extend existing sewer service line on East "A" lot to 300 ft. inside the 5.1 acre lot
9. Agree to a tax deductible donation of \$20,000 to the City Park and Playground fund
10. City will support the removal of deed restrictions from the 2 acre site
11. Counter offer expires October 7, 2010 at 5 p.m.

**Second:** Council Member Meeks

**Motion:** City Council Member Nabors, "I move to correct my motion. It is a counter offer not an acceptance of your offer."

**Second:** Council Member Heatley

**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

Mayor Martin continued, "We are now voting on the original motion as amended."

**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

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## XII. ITEMS FOR DISCUSSION (continued)

B. Lavon City Hall Location, Design and Construction Committee to update the City Council.

City Manager Jones told the Council the Committee had been formed and met twice to discuss topics related to location and general thoughts about the function of the building. However, they decided what they needed was feedback from the Council. He continued by saying Council Member Nabors, the Committee Secretary, had written down a series of questions that she would like to ask the Council.

Council Member Nabors said she had left the questions at home. She made the following motion:

**Motion:** City Council Member Nabors, "I move we table this item until our next meeting."

**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. The use of Annex "B" building and location for future meetings.

City Manager Jones told the Council in an attempt to save the City money and because Annex "B" was rapidly deteriorating, he had asked Administrative Supervisor, Laura Kennemer, to assist him in presenting some location options to the Council for meetings.

Mrs. Kennemer told the Council that she had contacted Bud Nauyokis, Superintendent of Community ISD. He agreed to let the City hold its Council Meetings, EDCB Meetings, Planning & Zoning Meetings and Court at NeSmith Elementary School. NeSmith would only charge a minimum fee of \$15 an hour for electricity. She said Grand Heritage had also said the City could use one of their rooms for meetings.

Council Member Nabors spoke up and said she was not comfortable using the school for Court. City Manager Jones agreed. He said a larger space for Court would require more than just the Deputy Marshal, who serves as the bailiff, and whose job it is to protect the judge and court clerk and one Reserve Deputy Marshal to handle. The City Manager was also concerned about damage to the school property if someone got upset at one of the Court officers or over a fine.

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Mayor Pro-Tem Kane said his concern was the time. How long would the school be willing to allow the Court to meet there? Mr. Kane said he wished the City could come up with a better option for the Court.

City Manager Jones said his opinion was the EDCB Board and the Planning & Zoning Commission could meet in the current City Hall. But that still left the Council and Court needing a meeting place. Mayor Pro-Tem Kane asked if Court had to meet in Lavon. If not, he asked if we could look to Wylie to do a co-op for a short period of time.

EDCB President, David Piekarski suggested using the Fire Department. Some felt that the Fire Department was not large enough. Council Member Teske suggested one of the Church buildings might be a possibility.

## XIII. ITEMS FOR CONSIDERATION AND ACTION

A. City Council to Consider and Act on the Fiscal Year 2010-2011 Budget. (Mayor)

Mayor Martin asked if we needed to put the item off until the next meeting. City Manager Jones said he had been working on documents to bring more clarity to the items. Council Member Heatley asked about the deadlines. City Manager Jones told the Council that the County Tax Assessor/Collector set the deadline of the 22<sup>nd</sup> for the Tax Rate.

The Mayor asked if the Council wanted to stay and complete the agenda or did the Council have a motion.

**Motion:** City Council Member Nabors, "I move we table this item and conduct a Special City Council Meeting on the 14<sup>th</sup> to discuss it."

**Second:** Council Member Heatley

The Mayor recognized the City Secretary who reminded the Council that the Planning & Zoning Commission was meeting at that time. The Council discussed other conflicts and an alternate date.

**Motion:** City Council Member Nabors, "I rescind my motion and move to table this item until the next meeting. We can determine when the next meeting is in the next area.

**Second:** Council Member Heatley

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

**Opposed:** None

**Abstained:** None

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**Motion:** Passed

B. City Council to Consider and Act on adopting a Fiscal Year 2010-2011 Tax Rate.  
(Mayor)

The Mayor asked for a motion.

**Motion:** City Council Member Nabors, "I move we table Item "B" until the next City Council Meeting."

**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

## XIV. 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.**

The following motion was made:

**Motion:** City Council Member Nabors, "I move we conduct a special meeting on September 16<sup>th</sup> to discuss the 2010 Budget and 2010 Tax Rate."

**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

City Manager Jones asked for clarity by asking Council Member Nabors if she meant Consider and Act rather than Discuss. She agreed it was Consider and Act.

The Mayor asked if there was anything that needed to be added to the regular meeting on September 21<sup>st</sup>. Council Member Nabors said there needed to be an update from the Design and Construction Committee.

**MAYOR MARTIN TO ADJOURN CITY COUNCIL MEETING**

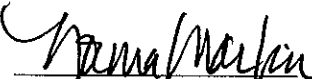
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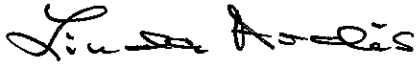
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Mayor Martin adjourned the City Council Meeting at 9:02 p.m.

Duly passed and approved on this 19 day of October, 2010.

  
\_\_\_\_\_  
Mayor Martin

Attest:

  
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Linda Ardis, City Secretary