

Lavon City Council Meeting Minutes



April 19, 2011

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 5, Charles Teske

Members Absent: Council Member Place 4, Aaron Heatley

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

Commission and Board Members: None

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

City Manager Jones 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.

Council Member Nabors told the Council and audience that Saturday, May 7th has been chosen for the Town Hall meeting. It will be at NeSmith Elementary School from 7:00 p.m. to 9:00 p.m.

V. PUBLIC RECOGNITION

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- A. Presentation by Bricen Gibbons of Eagle Project for Troop 422 to the Council.
(Kane)

Thirteen year old Bricen Gibbons addressed the Council. He is working on his Eagle Badge and the project he has chosen is building a 40x20 fence for the Wylie Animal Shelter. The fenced in area would be used by potential owners to see how a dog would respond to them in an outdoor setting. Bricen was seeking donations or volunteers to help with his project.

Council Member Nabors asked Bricen the cost of his project. Bricen told the Council that he figured the cost to be \$1,000. They already have \$440 in donations, but he would like to have more. Any amount left over would be donated to the animal shelter for treats or food for the animals.

He left his name, phone number and email for those who would like to be a part of this project. He thanked the Council for their time.

- VI. EXECUTIVE SESSION:** In accordance with Texas Government Code, Section 551.001, *et seq.*, the City Council will recess into Executive Session (closed meeting) to discuss the following:

In accordance with Texas Government Code, Section 551.071: Consultation with City 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 the Texas Open Meetings Act: to receive legal advice regarding city council and city employee complaints and related issues, city finances regarding legal fees and expenses, and attorney-client communications and confidentiality.

In accordance with Texas Government Code, Section 551.074: personnel matters - to deliberate the appointment, evaluation, reassignment, duties, discipline or dismissal of the public officers or employees including Finance Clerk, police department employees and complaints.

The City Council retired from the Council Chambers at 7:08 p.m. to the Conference Room.

- VII. 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:

In accordance with Texas Government Code, Section 551.071: Consultation with City Attorney on a matter in which the duty of the attorney to the governmental body under

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the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act: to receive legal advice regarding city council and city employee complaints and related issues, city finances regarding legal fees and expenses, and attorney-client communications and confidentiality.

In accordance with Texas Government Code, Section 551.074: personnel matters - to deliberate the appointment, evaluation, reassignment, duties, discipline or dismissal of the public officers or employees including Finance Clerk, police department employees and complaints.

The City Council reconvened into regular session at 8:09 p.m. Mayor Martin said there was discussion but no action was taken.

VIII. CONSENT AGENDA

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

1. March 15, 2011 City Council Meeting Minutes*

Motion: Council Member Nabors, "I move we approve the Consent Agenda."

Second: Council Member Teske

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

Opposed: None

Abstained: None

Motion: Passed

IX. 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 Scholz asked the Council about the pot holes on Moore Lane to Business 78. City Manager Jones told Mr. Scholz that he had emailed the Public Works Director today concerning tasks that needed to be done. This was one of the tasks he assigned Public Works to handle.

X. ITEMS FOR DISCUSSION

- A. City Council to discuss update of City Financials. (Kennemer)
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Administrative Supervisor Laura Kennemer passed out the report on the City financials. The City Council discussed the City Financials. Council Member Teske said that based on the monthly layout of \$16,000 per month, and with the building and permit fees and general fees being down, the City would be short \$32,000 by the end of the year. City Manager Jones said that typically the building permits are higher in the summer months. They also discussed the overage in gasoline and maintenance for the Police Department.

Mayor Pro-Tem Kane said that most of the budget items were running at 40% to 50% on schedule for the first six months. He asked about the payroll. He said it was running over 76%. He asked Administrative Supervisor Laura Kennemer if she knew what was driving that figure. She said that it could be taxes or comp-time paid out. Mayor Pro-Tem asked what that meant and was the City writing out checks for comp-time. City Manager Jones told Mayor Pro-Tem Kane that there is a limit on comp-time. It is overtime, and if an employee asks for their comp-time, you have to cash it out. Mayor Pro-Tem Kane asked if the City had paid out comp time several times this year and was it falling within the budget. City Manager Jones replied it was so far it, but he would bring it back to the Council if there were changes.

Council Member Teske asked to have a cut off after the end of the previous month before the report is made to the Council next month. Administrative Supervisor Laura Kennemer said that would be done.

B. City Council to discuss update of City audit conducted by Mike Oliver, CPA.
(Council)

City Manager Jones reminded the Council that at the first meeting in March the Council directed him to write a letter to the auditor to cease and desist and return all work products and material projects. Council Member Nabors was asked to help him with the letter. However, he has been so busy that they did not get the letter written until now. Mayor Martin has signed the letter and it was mailed.

C. City Council to discuss update of the HSRCPT project plan. (Nabors)

Council Member Nabors told the Council that the committee met and reviewed the initial project plan for restoration and upkeep of the old school building. They made a list of outstanding items that needed to be addressed.

Andy Wharton provided an AutoCAD floor plan of the old school building including room dimensions. Council Member Nabors told the Council that he had done an excellent job.

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Other items discussed were the removal of debris and other material from the building. Public Works will have a spring clean up day. The 20th of June, when the trash/sewer billing and newsletter are mailed, be on the lookout for information concerning the clean up date and times.

XI. ITEMS FOR CONSIDERATION AND ACTION

A. City Council to Consider and Act on approval of bank deposit agreement between the City of Lavon and Independent Bank. (Kennemer)

Administrative Supervisor Kennemer said the banking change had already been approved by the Council in a previous meeting.

Motion: Mayor Pro Tem Kane, "I move we approve the bank deposit agreement between the City of Lavon and Independent Bank."

Second: Council Member Meeks

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

Opposed: None

Motion: Passed

B. City Council to Consider and Act on ACH Agreement between the City of Lavon and Independent Bank." (Kennemer)

Administrative Supervisor Kennemer said this was another standard agreement that needed to be signed.

Motion: Mayor Pro Tem Kane, "I move we approve the ACH Agreement between the City of Lavon and Independent Bank."

Second: Council Member Nabors

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

Opposed: None

Motion: Passed

C. City Council to Consider and Act on changing residential property exemptions. (Jones)

City Manager Jones went over the CCAD Residential Property Exemptions chart with the Council. After discussing the impact on disabled veterans, over 65 exemptions, disabled persons and freeze limit, Mayor Pro-Tem Kane suggested the Council needed more information on what these exemptions would mean to the City and citizens.

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Motion: Council Member Nabors, "I move that we table this item and place it on the upcoming agenda to allow the City Manager an opportunity to get the information that has been requested."

Second: Council Member Teske

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

Opposed: None

Motion: Passed

- D. City Council to consider and act on payment Rutherford, Taylor & Company, P.C. invoice #00112941 in the amount of \$8,550.00. (Kennemer)

The City Manager asked the Council to table this item until the Council held an executive session with the attorney to discuss the impact of this action.

Motion: Mayor Pro-Tem Kane, "I so move."

Second: Council Member Nabors

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

Opposed: None

Abstained: None

Motion: Passed

- E. City Council to consider and act on City of Lavon obligations related to Sewer Reimbursement and the Sewage Termination Date as outlined in the Amended and Restated City/Developer Master Development Agreement dated 02/2-/2007. (Nabors)

Council Member Nabors read Section 3.03F of the Amended and Restated Master Development Agreement. The City has a deadline of January 1, 2012. The City does not have any construction scheduled for an interceptor line. The Council needs to agree upon a permanent solution, extend or amend the Developer Agreement to change the date, or the Sewer Reimbursement Fund goes away.

City Manager Jones told the Council that the developer has an obligation to pay all debts related to the sewer plant. They are able to recoup their money from the Reimbursement Fund. If the termination date occurs, not only does the City fund go away, but it may eliminate the developers obligation to pay for the sewer obligations.

After further discussion with City Attorney Andy Messer and Developer Alan Bain, City Manager Jones recommended the City wait until after the election. Council Members could change and the new member/members would have to be brought up to date

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concerning the agreement. The new Council is usually sworn in and seated during the first Council meeting in June. He suggested the second meeting in June to start the process.

Motion: Council Member Nabors, "I move we move this item to the second meeting in June."

Second: Mayor Pro-Tem Kane

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

Opposed: None

Abstained: None

Motion: Passed

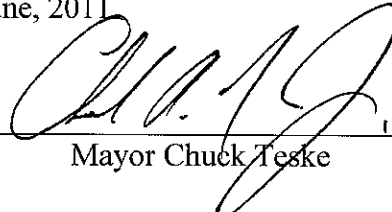
XII. Council Members and staff may request items to be placed on a future agenda or request a special meeting be called. Each request that passes by a majority vote will be placed on the schedule by the City Secretary.

None

XIII. MAYOR MARTIN TO ADJOURN CITY COUNCIL MEETING


Mayor Martin adjourned the City Council Meeting at 8:51 p.m.

Duly passed and approved on this 7th day of June, 2011



Mayor Chuck Teske

Attest:



Linda Ardis, City Secretary