

Lavon City Council Meeting Minutes & Executive Session



October 18, 2011

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

Members Present: Mayor Chuck Teske
Council Member Place 1, Chris Kane, Mayor Pro-Tem
Council Member Place 2, Deborah Nabors
Council Member Place 4, David Hawkins

Members Absent: Council Member Place 3, Gary Meeks
Council Member Place 5, Jenny Bodwell

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

Commission and Board Members: EDCB President, David Piekarski

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

Mayor Teske 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.

City Manager Jones reminded the Council that he will be on vacation for two weeks beginning October 21st. His first day back to work will be November 8th.

V. CONSENT AGENDA

- A. July 5, 2011 City Council Meeting Minutes*
- B. August 2, 2011 City Council Meeting Minutes*
- C. August 11, 2011 City Council Meeting Minutes*
- D. August 16, 2011 City Council Meeting Minutes*

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- E. August 27, 2011 City Council Meeting Minutes*
- F. August 30, 2011 City Council Meeting Minutes*
- G. September 8, 2011 City Council Meeting Minutes*
- H. September 13, 2011 City Council Meeting Minutes*
- I. September 20, 2011 City Council Meeting Minutes*

Council Member Nabors found the following mistakes on the August 2nd Minutes: “D” on page 3 of 8—misspelled the word “litter” and “F” on page 5 of 8—change wording to future agenda.

Council Member Nabors said that on the September 13th Minutes: the 4th paragraph from the bottom on page 3 of 8—should read “she did not believe we should have to pay for a road that was falling apart.”

Motion: Council Member Nabors, “I move we accept the modifications just outlined.”

Second: Mayor Pro-Tem Kane

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

Opposed: None

Motion: Passed

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

Second: Council Member Hawkins

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

Opposed: None

Motion: Passed

VI. 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

VII. ITEMS FOR DISCUSSION

Item “C” was taken out of order

- C. City Council to Discuss sending cards and letters to service men and women serving overseas. (Kane)

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Mayor Pro-Tem Kane introduced Maureen Steele who told about her son who was serving in Iraq and needed her help. There were men and women in his unit who were not getting any mail during the Holidays. He asked her to start a Christmas Card Campaign so that these men and women would have a Christmas card to read and know that someone, somewhere cares.

Would you be willing to sign your name and write a personal message on a Christmas card to the men and women serving overseas who will not receive any mail during the holiday season? Folks can also support the troops by making donations for the purchase of cards and postage. If you are uncomfortable with a cash donation, you can purchase the cards or make them yourself.

Cards can be picked up or dropped off at City Hall. The deadline is November 30th to ensure the troops will receive them by Christmas. Churches, Schools, Civic Groups and Scouts are all encouraged to help. Our troops need to know just how much we appreciate them for putting their lives on the line for us daily.

A. City Council to Discuss Update of City Financials. (Kennemer)

The Council asked Financial Clerk Laura Kennemer questions concerning the financials. Mayor Pro-Tem Kane stated that he had more questions than answers because of discrepancies in reporting line items and income. If a line item goes over budget, he said he felt it should be brought before the Council. The Council should determine where the money comes from to amend the budget. The Council requested that the financials be presented in a different format for clarity at the next update.

B. City Council to Discuss Update from Public Works Director Kevin Dudley concerning the progress the County is making on the Lake Road Repairs. (Mayor)

Public Works Director Kevin Dudley passed out copies of an email that he received from Jon Kleinheksel of Collin County saying Collin County would not warranty the work done on Lake Rd. by Reynolds Asphalt. However, they would be happy to reconstruct the work done on the 1,850 feet segment for \$27,500.00. Council Member Nabors suggested contacting the Corp of Engineers for their response to Lake Rd.

VIII. ITEMS FOR CONSIDERATION AND ACTION

A. City Council to Consider and Act on a proposal by Attorney Tim Green to represent the City as Bond Council for the issuance of PID Bonds. (Mayor)

Attorney Tim Green was present to answer questions. The attorneys for the PID Bonds started working in 2006-2007. The Attorney General had some questions and concerns and the project

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stopped. Until the issues were cleaned up, World Land Developers could not go forward. A validating statute was issued that determined every action by the City was correct from the creation of the PID, the levying of assessments and selection of projects. World Land Developers is now ready to go forward.

Mayor Pro-Tem Kane asked the developer why he wanted to issue bonds at this particular time. World Land Developer Alan Bain told the Council that they could do it now since the legal issues were concluded in late summer, the interest rates are low, the market is good and the principal rate would be higher.

Mayor Pro-Tem Kane said the Developer's Agreement was not available to him, and he just wanted to make sure that what the City was doing everything to satisfy the agreement.

Motion: Council Member Nabors, "I move we table this item to the next agenda to allow an opportunity for all of the questions raised tonight to be addressed."

Second: Mayor Pro-Tem Kane

In Favor: Mayor Pro-Tem Kane, Council Member Nabors and Council Member Hawkins.

Opposed: None

Motion: Passed

B. City Council to Consider and Act on approving the City of Lavon Economic Development Corporation Board Lease Agreement. (Piekarski)

President David Piekarski presented the agreement to the City. Essentially the EDC Board would be contracting with the City to provide them service and space.

Motion: Council Member Hawkins, "I move we approve the lease from the EDC."

Second: Council Member Nabors

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

Opposed: None

Motion: Passed

C. City Council to Consider and Act on approving ONCOR'S Retrospective Franchise Fees. (City Manager)

Cindy Tayem from ONCOR addressed the Council regarding Retrospective Franchise Fees. Rather than accepting ONCOR'S check representing the difference between franchise fee payments that had actually been paid and the amount that would have been made if the appealed rate had remained in effect during the period from September 19, 2009 to June 30, 2011, the City opted to wait and see if the appeal went through. If the City took the money now and the appeal was not granted, the City would have to pay the money back.

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Motion: Council Member Nabors, "I move no action be taken."

Second: Council Member Hawkins

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

Opposed: None

Motion: Passed

The Council adjourned at 8:45pm for a short break and came back into session at 8:52pm.

D. City Council to Consider and Act on approving the "Back to School Project Plan."
(Hawkins)

Council Member Nabors began by stating that the goal of the document had changed. She told the Council that she felt they needed to have a Master Plan with the scope of work done by contractors clearly defined. She continued by saying there was no total budget for the project or a time line. She felt there needed to be a plan for each work step along with requirements for the contractors. Council Member Hawkins said that he felt this would only delay the City getting out of the leased City Hall offices and Council Chamber trailer and add more cost to the project.

Motion: Council Member Nabors, "I move we table this item."

Second: Mayor Pro-Tem Kane

In Favor: Mayor Pro-Tem Kane, Council Member Nabors, Council Member Hawkins

Opposed: None

Motion: Passed

Motion: Council Member Nabors, "I move we extend the meeting until 9:30."

Second: Mayor Pro-Tem Kane

In Favor: Mayor Pro-Tem Kane, Council Member Nabors, Council Member Hawkins

Opposed: None

Motion: Passed

E. City Council to Consider and Act on Ordinance No. 2011-10-01 on Amending the Comprehensive Zoning Related Retail Districts. (Nabors)

Motion: Mayor Pro-Tem Kane, "I move we table items "E" and "F".

Second: Council Member Nabors

In Favor: Mayor Pro-Tem Kane, Council Member Nabors, Council Member Hawkins

Opposed: None

Motion: Passed

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F. City Council to reconsider zoning application to B-1 or B-2 of the 2.58 acres located in Block 2, Tracts 4 and 28, William H. Moore Survey and being located at the intersection of Highway 78 and Highway 205. (Mayor)

The item was tabled.

G. City Council to Consider and Act on the Employee Personnel Manual in particular relating to Comp Time, Vacation Time and Utilization of City Vehicles. (Kane)

The Council discussed the Employee Personnel Manual in regards to comp time and vacation time.

Motion: Mayor Pro-Tem Kane, "I move we extend the meeting to 10:00."

Second: Council Member Nabors

In Favor: Mayor Pro-Tem Kane, Council Member Nabors, Council Member Hawkins

Opposed: None

Motion: Passed

Various options were considered. Police Chief Jason Rector offered suggestions to the Council. Citizens Chris Wess and Jeanene Eli voiced their opinions to the Council.

Motion: Council Member Nabors, "I move we table this item until the second meeting in November."

Second: Council Member Hawkins

In Favor: Mayor Pro-Tem Kane, Council Member Nabors, Council Member Hawkins

Opposed: None

Motion: Passed

No attorneys for the Executive Session were present. The Executive Session was tabled.

IX. EXECUTIVE SESSION

The City Council of the City of Lavon will recess into Executive Session (closed meeting) pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code to discuss the following:

A. In accordance with Texas Government Code, Section 551.087, to discuss or deliberate regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the territory of the City of Lavon and with which the City is conducting economic development negotiations; and to

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deliberate the offer of a financial or other incentive to the business prospect: Grand Heritage Development.

X. COUNCIL TO RECONVENE INTO OPEN SESSION AND TAKE ANY ACTION NECESSARY AS A RESULT OF THE EXECUTIVE SESSION

The City Council of the City of Lavon will reconvene into Regular Session pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding the following items discussed in Executive Session:

A. In accordance with Texas Government Code, Section 551.087, to discuss or deliberate regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the territory of the City of Lavon and with which the City is conducting economic development negotiations; and to deliberate the offer of a financial or other incentive to the business prospect: Grand Heritage Development.

XI. CITY COUNCIL TO SET FUTURE MEETINGS AND AGENDAS

Council Members and staff may request items 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.

Motion: Mayor Pro-Tem Kane, "I move we place Discussion Item "B" concerning Lake Road Repairs on a Consider and Action Item on the next agenda."

Second: Council Member Nabors

In Favor: Mayor Pro-Tem Kane, Council Member Nabors, Council Member Hawkins

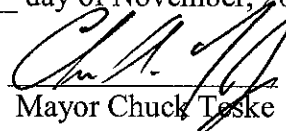
Opposed: None

Motion: Passed

XII. MAYOR TESKE TO ADJOURN CITY COUNCIL MEETING

Council Member Teske adjourned the meeting at 10:10 pm.

Duly passed and approved on this 15th day of November, 2011.


Mayor Chuck Teske

Attest:

Linda Ardis, City Secretary