



**Lavon City Council Regular Meeting, Executive Session
& Budget Workshop
Minutes
September 18, 2012**

I. MEETING CALLED TO ORDER AT 7:03 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

Arriving Late: Council Member Place 5, Jenny Bodwell (arriving at
7:12p.m.)

Members Absent: Council Member Place 3, Gary Meeks

Staff Present: Acting City Secretary/Treasurer, Laura Kennemer
Chief of Operations Mike Jones
Public Works Director Kevin Dudley
Police Lieutenant Mike Curtis
Clerk Jennifer Wolfe
Clerk Chris Wess

Commission and
Board Members: Park & Rec. Board Members Mike Gulino and Joan Aquatero

Visitors: 25

There was a quorum present.

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

III. INVOCATION

Mayor Teske gave the invocation.

IV. ITEMS OF INTEREST/CITY COUNCIL COMMUNICATIONS

It was announced that Community School District would be having a meeting at NeSmith Elementary School to discuss the TRE election. Also, Superintendent Cole McClendon would be speaking at the next Chamber of Commerce meeting.

V. CONSENT AGENDA

- A. Minutes of the August 21, 2012 City Council Meeting.(Kennemer)*
- B. Minutes of the August 28, 2012 City Council Meeting.(Kennemer)*
- C. Minutes of the September 4, 2012 City Council Meeting.(Kennemer)*
- D. City Council to Ratify Ordinance No. 2012-08-07 Annexing 1.0952 Acres located near the southwest corner of SH 78 and SH 205 – second and final reading. (Kennemer)*



**Lavon City Council Regular Meeting, Executive Session
& Budget Workshop
Minutes
September 18, 2012**

Motion: Council Member Nabors made a motion to approve the consent agenda.

Second: Mayor Pro Tem Kane

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

Opposed: None

Motion: Carries

VI. CITIZENS' COMMENTS

Joan Aquatero stated that she had spoken to Michelle Brown from Grand Heritage and that Michelle confirmed that anyone who lived outside of Grand Heritage could not rent or use the facilities.

It was announced that National Night Out is to be a community event on Saturday, October 20, 2012 from 4:00 – 7:00 p.m. at NeSmith Elementary School. The details and events were also announced.

VII. STAFF REPORTS

A. Treasurer/Acting City Secretary Kennemer to present an update of the City Financials.

Treasurer Kennemer related that the September figures were a more accurate picture of the status of the City. She also stated that the City had received a building permit that was not included in those figures. Mayor Pro Tem Kane asked if she had projected payroll and normal expenses into the figures on the report. She replied that she had. It was asked if the \$64,000.00 was the balance remaining in the general fund and it was answered that it was.

Note: Council Member Bodwell arrives at 7:12 p.m. thereby creating a super quorum. Mayor Teske asked to take the agenda items out of order at this time.

VIII. ITEMS FOR CONSIDERATION AND ACTION

H. City Council to Consider and Act on approving Resolution No. 2012-09-02 ratifying the increase in collected Ad Valorem Taxes for Fiscal Year 2012-2013. (Teske)

Mayor Teske explained that the tax rate will remain the same but that the collective appraised value increased resulting in an increase in collected taxes.

Motion: Mayor Pro Tem Kane made a motion to approve Resolution No. 2012-09-02.

Second: Council Member Bodwell

In Favor: Mayor Pro Tem Kane, Council Members Nabors, Bodwell and Hawkins

Opposed: None

Motion: Carries

I. City Council to Consider and Act on approving Ordinance No. 2012-09-03 an ordinance adopting a budget for fiscal year 2012-2013 (Teske)



**Lavon City Council Regular Meeting, Executive Session
& Budget Workshop
Minutes
September 18, 2012**

Mayor Teske explained that the revenue bond was added to the budget that the Council had previously worked on. Also the fire department was asking for additional funding. Adjustments were made to accommodate these items. Council Member Nabors asked if the City Inspector item had been adjusted and it was replied that it was taken care of at the end of the previous meeting.

Motion: Mayor Pro Tem Kane made a motion to adjust the City budget to include the incoming and outgoing of the bond money as well as the movement of \$5000.00 of the carryover and, additionally, to the \$5000.00 to the fire department maintenance and operation expense.

Second: Council Member Nabors

In Favor: Mayor Pro Tem Kane, Council Members Nabors, Bodwell and Hawkins

Opposed: None

Motion: Carries

Motion: Mayor Pro Tem Kane made a motion to approve Ordinance No. 2012-09-03 an ordinance adopting a budget for fiscal year 2012-2013 as amended.

Second: Council Member Nabors

In Favor: Mayor Pro Tem Kane, Council Members Nabors, Bodwell and Hawkins

Opposed: None

Motion: Carries

J. City Council to Consider and Act on approving Ordinance No. 2012-09-04 an ordinance levying the Ad Valorem Tax rate of \$0.4557 per \$100.00 assessed valuation of all taxable property within corporate limits of the City. (Teske)

Motion: Council Member Nabors made a motion to approve Ordinance No. 2012-09-04.

Second: Mayor Pro Tem Kane

In Favor: Mayor Pro Tem Kane, Council Members Nabors, Bodwell and Hawkins

Opposed: None

Motion: Carries

Note: Council Member Bodwell left the meeting at 7:25 p.m. however there was still a quorum remaining.

Mayor Teske went back to the beginning of the Consideration and Action Agenda.

A. City Council to Consider and Act on approving Ordinance No. 2012-09-01 authorizing and allowing, under the act governing the Texas Municipal Retirement System, restricted prior service credit to employees who are members of the system. (Kennemer)



**Lavon City Council Regular Meeting, Executive Session
& Budget Workshop
Minutes
September 18, 2012**

Mayor Teske explained that this was a line item at a previous meeting that was tabled in order for the Council to receive more information. Mayor Pro Tem Kane felt that they had been provided with that information.

Motion: Mayor Pro Tem Kane made a motion to approve Ordinance No. 2012-09-01.

Second: Council Member Nabors

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

Opposed: None

Motion: Carries

B. City Council to Consider and Act on Ordinance No. 2012-09-02 changing the zoning from agricultural to Business-1 on a tract of land described as 1.0952 acres situated in the W.A.S. Bohannon Survey Abstract 121, Block 3, Tract 96, Collin County, Texas. (Kennemer)

Mr. Gerald Porter, representing the owner of the property, stated that he felt that this property would be a good tract of land to have commercial development on it. Mayor Pro Tem Kane made a motion to approve the above ordinance and then withdrew his motion in order for the letter from Trey Smith, Chair of the Planning and Zoning Commission, to be read. This letter expressed the Commission's non-approval of the original application of a Business-2 zoning but approval of the Business-1 zoning.

Motion: Mayor Pro Tem Kane made a motion to approve Item B on the Consider and Act agenda approving Ordinance 2012-09-023 changing the zoning on that tract of land.

Second: Council Member Nabors

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

Opposed: None

Motion: Carries

C. City Council to Consider and Act on approving July 2012 PID expenses. (Kennemer)

Motion: Mayor Pro Tem Kane made a motion to approve the July 2012 PID expenses.

Second: Council Member Nabors

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

Opposed: None

Motion: Carries



**Lavon City Council Regular Meeting, Executive Session
& Budget Workshop
Minutes
September 18, 2012**

- D. City Council to Consider and Act on approving the 2012 Annual Service Plan including the collection of the 2012-2013 Annual Installment for the Heritage Public Improvement District No. 1 Residential. (Kennemer)

There were questions about the figures and if they had changed from the prior year and if the approval was time sensitive. Chief of Operations Mike Jones suggested that the Council lay this item on the table until the prior year's report could be obtained and compared to this report.

Motion: Council Member Nabors made a motion to lay this item on the table.

Second: Mayor Pro Tem Kane

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

Opposed: None

Motion: Carries

- E. City Council to Consider and Act on selection of the City's choice of candidate in the election of Places 11 – 14 of the Board of Trustees for the Texas Municipal League Intergovernmental Risk Pool. (Kennemer)

After discussing the nominees' qualifications and experience, the Council came to a consensus on which the City should place its vote for. Council Member Nabors offered the following submissions for the offices: Place 11- Greg Ingham Place 12 – Pete Gonzalez Place 13 – Byron Black Place 14 - Pat Norris

Motion: Council Member Nabors made a motion to accept those.

Second: Mayor Pro Tem Kane

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

Opposed: None

Motion: Carries

- F. City Council to Consider and Act on selection of the City's choice of candidate in the election of the 2012 Board of Trustee Region 13 of the TML Intergovernmental Employee Benefits Pool. (Kennemer)

Council Member Hawkins offered that he preferred voting for a person who had been on the Board for awhile and had experience.

Motion: Council Member Nabors made a motion to approve the City's vote of Gale Sims

Second: Mayor Pro Tem Kane

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

Opposed: None

Motion: Carries



**Lavon City Council Regular Meeting, Executive Session
& Budget Workshop
Minutes
September 18, 2012**

- G. City Council to Consider and Act on ratifying the agreement for services with Lee Roberts Building Inspection Services. (Teske)

Council Member Nabors requested that there be some means of tracking the number of permits to make sure that we can tie this boost in pay in 2014 to the number of permits that we receive in 2013.

Motion: Council Member Nabors made a motion to ratify the agreement between the City of Lavon and Lee Roberts.
Additional discussion about what type of permits was covered in the agreement ensued.

Motion: Council Member Nabors made a motion to ratify the agreement for services with Lee Roberts contingent on the permits referenced in the letter being actual housing building permits.

After more discussion, it was discovered that the permits referenced in the letter were housing permits. Council Member Nabors withdrew all of her prior motions.

Motion: Council Member Nabors made a motion to ratify the agreement for services with Lee Roberts.

Second: Mayor Pro Tem Kane

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

Opposed: None

Motion: Carries

- K. City Council to Consider and Act on matters incident and related to the issuance and sale of "City of Lavon, Texas, Tax Notes, Series 2012", including the adoption of an ordinance authorizing the issuance of such tax notes. (Teske)

Mayor Teske related that First Southwest had contacted him and told him that Regions Bank did not have the paperwork completed in time for this meeting. He went on to explain that the Council would need to have a short meeting before Tuesday, September 25th in order to fund this loan in time. Discussion ensued on when the Council Members were available for this meeting. The general consensus of the Council was for the meeting to be on Saturday, September 22, 2012 at 9:00 a.m. There was no action taken.



**Lavon City Council Regular Meeting, Executive Session
& Budget Workshop
Minutes
September 18, 2012**

IX. 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:

A. In accordance with the Texas Government Code, Section 551.074, personnel matters - to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee, the City Secretary. (Teske)
At 7:53 p.m., Mayor Teske recessed the open meeting and opened the closed executive session.

X. 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. In accordance with the Texas Government Code, Section 551.074, personnel matters - to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee, the City Secretary. (Teske)

Mayor Teske reconvened into regular session at 8:57 p.m.

Motion: Mayor Pro Tem Kane made a motion to suspend the LCR rules in regards to not taking on new items after 9:00 p.m.

Second: Council Member Nabors

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

Opposed: None

Motion: Carries

Motion: At 8:58 p.m., Mayor Pro Tem Kane made a motion to extend the meeting until 9:15 p.m.

Second: Council Member Nabors

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

Opposed: None

Motion: Carries

Motion: Mayor Pro Tem Kane made a motion to appoint Chris Wess as our next City Secretary

Second: Council Member Nabors

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

Opposed: None

Motion: Carries



**Lavon City Council Regular Meeting, Executive Session
& Budget Workshop
Minutes
September 18, 2012**

Motion: Mayor Pro Tem Kane made a motion to lift from the table the item that they placed on it.

Second: Council Member Nabors

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

Opposed: None

Motion: Carries

D. City Council to Consider and Act on approving the 2011-2012 Annual Service Plan including the collection of the 2012-2013 Annual Installment for the Heritage Public Improvement District No. 1 Residential. (Kennemer)

Treasurer Kennemer presented the prior year's Service Plan report and stated that the changes were the same as on 2012 Plan.

Motion: Council Member Nabors made a motion to approve the 2012 Annual Service Plan including the collection of the 2012-2013 Annual Installment for the Heritage Public Improvement District No. 1 Residential.

Second: Council Member David Hawkins

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

Opposed: None

Motion: Carries

Motion: Mayor Pro Tem Kane made a motion to set the wage for the City Secretary at \$18.00 per hour beginning on Thursday September 20, 2012.

Second: Council Member Nabors

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

Opposed: None

Motion: Carries

XIII. CITY COUNCIL TO SET FUTURE MEETINGS AND AGENDAS

Motion: Mayor Pro Tem Kane made a motion to have the new City Secretary do research and have on the next agenda the establishment of a municipal development district.

Second: Council Member Nabors

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

Opposed: None

Motion: Carries

XIV. PRESIDING OFFICER TO ADJOURN THE CITY COUNCIL MEETING



**Lavon City Council Regular Meeting, Executive Session
& Budget Workshop
Minutes
September 18, 2012**

Mayor Teske adjourned the meeting at 9:05 p.m.

Duly passed and approved on this 2nd day of October, 2012.

Mayor Chuck Teske

Attest:

Chris Wess, City Secretary

