



# Lavon City Council Regular Meeting Minutes December 4, 2012

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## I. MEETING CALLED TO ORDER AT 7:02 P.M. BY MAYOR TESKE

Members Present: Mayor Chuck Teske  
Council Member Place 1, Chris Kane, Mayor Pro-Tem  
Council Member Place 3, Gary Meeks  
Council Member Place 4, David Hawkins  
Council Member Place 5, Jenny Bodwell

Members Absent: Council Member Place 2, Deborah Nabors

Staff Present: City Secretary Chris Wess  
Chief of Operations Mike Jones  
Public Works Director Kevin Dudley

Legal Representative: City Attorney Ben Wyse, Tim Green

Commission and  
Board Members: none

Visitors: 11

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

Council Member Bodwell announced that Annette Walker was battling her second round of cancer and that a donation account has been set up at Independent Bank. She further related that Mrs. Walker was a bus driver for Community ISD and could no longer drive a bus due to her condition. Council Member Bodwell explained that Mrs. Walker had lost her job 3 weeks before Christmas.

## V. CONSIDERATION AND ACTION

City Council to Consider and Act on Resolution No. 2012-12-02 that declares the result of the canvas held on November 15<sup>th</sup> of the election returns of the November 6, 2012 General Election.

Mayor Teske read Resolution No. 2012-12-02 aloud.

**Motion:** Council Member Hawkins made a motion to accept the Resolution for the election.

**Second:** Council Member Bodwell

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

**Opposed:** None



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**Motion:** Carries

**VI. PUBLIC RECOGNITION**

A. Presiding Officer to recognize Gary Meek's 6 years of outstanding service to the City and its Citizens.

Mayor Teske spoke of Gary Meek's 6 years of service, his calm demeanor, one-liners, and ability to assist the Council in difficult situations. Mayor Teske presented Mr. Meeks with a Certificate of Appreciation for his service.

Mayor Teske swore in the Council Members in the following order.

- D. Presiding Officer to swear in Jenny Bodwell to Council Seat Place Five.
- C. Presiding Officer to swear in Melissa Kale to Council Seat Place Three.
- B. Presiding Officer to swear in Chris Kane to Council Seat Place One.

Mayor Teske briefly recessed the meeting to wish Gary Meeks well at 7:15 p.m. The meeting was reconvened at 7:18 p.m.

**VII. CITIZENS' COMMENTS**

None

**VIII. ITEMS FOR DISCUSSION**

A. City Council to discuss a resolution presented by Public Werks, Inc. to support the development of a private toll road extending from Lavon to Greenville, TX (Teske) Mr. Neal Barker and Steve McCullough of Public Werks, Inc. discussed a private toll road that would connect SH 78 in Lavon to I30 in Greenville that would allow drivers to reach Greenville in 15 to 20 minutes. They related that the toll road would follow in the right of way of the Texas Rural Rail Transportation District. Council Member Bodwell asked about sound walls. Council Member Kale asked if the City would be asked to contribute any funds. The reply was that as it stands today the City would not be asked for funds. It was also asked what the toll rate would be and it was answered that it would be the same as NTTA rates.

B. City Council to discuss revisions to the Lavon Code of Regulations (Teske)  
Mayor Teske tabled this item.

**IX. CONSIDERATION AND ACTION**

D. City Council to Consider and Act on appointing a Mayor Pro Tem to serve for one year. (Teske)

**Motion:** Council Member Bodwell made a motion to nominate Chris Kane

**Second:** Council Member Kale

**In Favor:** Council Members Kale, Hawkins and Bodwell

**Opposed:** None

**Abstain:** Council Member Kane

**Motion Carries.**



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- A. City Council to Consider and Act on approving Ordinance No. 2012-12-01 an ordinance accepting and approving an Amended Service and Assessment Plan and Assessment Roll for Heritage Public Improvement District No. 1 (Residential) (Teske)

Tim Green explained changes that were made to the original ordinance. He further explained that his associate altered what the Council had looked at on October 10<sup>th</sup>. He was presenting the October 10<sup>th</sup> Ordinance with one change that he had made to it. COO Jones explained that the Lavon Code of Regulations required the ordinance to be passed needed to be posted on the website. City Secretary Wess agreed with COO Jones.

**Motion:** Mayor Pro Tem Kane made a motion to table this item until the next meeting.

**Second:** Council Member Bodwell

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

**Opposed:** None

**Motion Carries.**

- B. City Council to Consider and Act on changing S.E. Collin County EMS Coalition to N.E. Collin County EMS Coalition. Mike Shea to discuss November 29, 2012 meeting. (Teske)

Mike Shea explained that our 5 year contract with the S.E. Collin County EMS Coalition was about to expire. He presented material on the pros and cons of belonging to the Coalition. He explained that it costs approximately \$86.00 each time ETMC ran a call and \$1,008.00 each time Wylie ran back-up for ETMC. His recommendation would be to switch to N.E. Collin County EMS Coalition. He stated that there would be no back-up fees with this Coalition. City Attorney Wyse was asked if a resolution could be approved without being posted on the website first and then later ratified. He acknowledged that it could. City Attorney Wyse explained that he felt that the Council needed a motion to approve the change to reflect in the minutes and then approve the resolution. Mayor Teske temporarily laid this item on the table until COO Jones and Mike Shea could write a resolution.

- C. City Council to Consider and Act on Resolution No. 2012-12-01, requesting TXDoT reduce certain speed limits along SH78 during the construction along the highway. (Jones)

Council Member Kale related seeing a semi that was doing the posted speed limit almost hit a construction worker and how dangerous she felt the highway was. Council Member Hawkins felt that the suggested 40 MPH was not slow enough. City Secretary Wess stated that the speed limit was being lowered by the maximum allowable amount.

**Motion:** Mayor Pro Tem Kane made a motion to approve this recommendation.

**Second:** Council Member Bodwell

Mayor Pro Tem Kane withdrew his motion.



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**Motion:** Mayor Pro Tem Kane made a motion to approve this resolution.

**Second:** Council Member Bodwell

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

**Opposed:** None

**Motion Carries.**

- E. City Council to Consider and Act on approving a Council Liaison for the Park and Recreation Board. (Teske)

**Motion:** Council Member Kale made a motion to approve Jenny Bodwell as the Council Liaison for the Park and Recreation Board.

**Second:** Mayor Pro Tem Kane

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

**Opposed:** None

**Abstain:** Council Member Bodwell

**Motion Carries**

- G. City Council to Consider and Act on approving Resolution 2012-12-03, a resolution authorizing the Mayor to execute a letter to the State Comptroller of Public Account, on behalf of the City, detailing the City's legal authority to exercise the power of eminent domain (Wess)

City Attorney Wyse explained that any governmental entity that wishes to exercise the power of eminent domain must send a letter to the State Comptroller.

**Motion:** Mayor Pro Tem Kane made a motion to approve Resolution 2012-12-03.

**Second:** Council Member Hawkins

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

**Opposed:** None

**Motion Carries**

- I. City Council to Consider and Act on approving the contract with Gay, McCall, Isaacks, Gordon & Roberts. (Teske)

City Secretary Wess explained that the reason we did not have a contract to compare past costs was that Kenneth Maun's office never had the contracts signed and passed out. She related that the city had been using this firm for a long time and that Mr. McCall stated that there were no changes to the rates.

**Motion:** Council Member Bodwell made a motion to approve the contract with Gay, McCall, Isaacks, Gordon & Roberts.

**Second:** Council Member Kale

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

**Opposed:** None



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## Motion Carries

- F. City Council to Consider and Act on authorizing the Mayor to Implement the Attorneys' recommendations concerning salary and hourly employees. (Teske)  
Mayor Teske explained that he would like to move the City Treasurer to salary based on the decisions that she has to make. He added that he would also like to make the Police Lieutenant to hourly due to his duties mainly being clerical. City Attorney Wyse explained that the City needed accurate job descriptions to determine if employees should be salary exempt. He stated that there were three categories of duties: professional (higher learning degree, for example lawyer or accountant), executive (management of departments or entity, directs the work of 2 or more employees) or administrative (what is the kind of office work being done and what kind of independent judgment or discretion is involved).

**Motion:** At 8:53 p.m., Mayor Pro Tem Kane made a motion to extend the meeting to 9:15 p.m.

**Second:** Council Member Bodwell

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

**Opposed:** None

**Motion Carries**

**Motion:** Mayor Pro Tem Kane made a motion to accept the recommendation from Messer Law and move the Lieutenant position back to hourly as well as ask, by the next meeting in January, for firm documentation of all the other roles described by this document are completed and reviewed by our attorney.

**Second:** Council Member Hawkins

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

**Opposed:** None

**Motion Carries**

- B. City Council to Consider and Act on changing S.E. Collin County EMS Coalition to N.E. Collin County EMS Coalition. Mike Shea to discuss November 29, 2012 meeting. (Teske)

Mayor Teske went back to the above agenda item as COO Jones and Mike Shea had a resolution to present to the Council. Mayor Teske read the resolution aloud.

After two attempts, Council Member Bodwell withdrew her motions.

**Motion:** Mayor Pro Tem Kane made a motion to change from the S.E. Collin County EMS Coalition to the N.E. Collin County EMS Coalition.

**Second:** Council Member Kale

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

**Opposed:** None

**Motion Carries**



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**Motion:** Mayor Pro Tem Kane made a motion to approve Resolution 2012-12-02.

**Second:** Council Member Hawkins

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

**Opposed:** None

**Motion Carries**

**XIII. CITY COUNCIL TO SET FUTURE MEETINGS AND AGENDAS**

None

**XIV. PRESIDING OFFICER TO ADJOURN THE CITY COUNCIL MEETING**

Mayor Teske adjourned the meeting at 9:00 p.m.

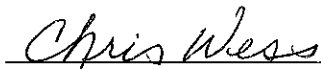
Duly passed and approved on this 15 day of January, 2013.



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Mayor Chuck Teske

Attest:



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Chris Wess, City Secretary