



**Lavon City Council Regular Meeting
Minutes
January 15, 2013**

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 3, Melissa Kale
Council Member Place 4, David Hawkins
Council Member Place 5, Jenny Bodwell

Members Absent: None

Staff Present: City Secretary Chris Wess
Chief of Operations Mike Jones
Police Chief Jason Rector
Court Clerk Sue Johnson

Legal Representative: City Attorney Ben Wyse

Commission and
Board Members: TIF Chairman Dale Nabors

Visitors: 19
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 Kale related that the Lavon Volunteer Fire Department and the Nevada Volunteer Fire Department were looking for sponsors for their Car Show to be held in April between Sonic and the Bank and also need sponsors for their "Back to School Bash" held in August at McClendon Elementary School.

V. CONSENT AGENDA

- A. Approve the Minutes of the November 13, 2012 meeting. (Wess)*
- B. Approve the Minutes of the November 15, 2012 meeting. (Wess)*
- C. Approve the Minutes of the December 4, 2012 meeting. (Wess)*
- D. Ratify Resolution 2012-12-04 A Resolution joining the Northern and Eastern Coalitions of Collin County. (Wess)*
- E. Approve the November 30, 2012 PID Assessment Report (Kennemer)*

Motion: Mayor Pro Tem Kane made a motion to approve the consent agenda.

Second: Council Member Bodwell



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

Opposed: None

Motion: Carries

VI. CITIZENS' COMMENTS

None

VII. STAFF REPORTS

City Treasurer to present the December 31, 2012 Financial Report. (Kennemer)
Due to the bad weather, Laura Kennemer was not at the meeting to go over the Financial Report. Mayor Teske explained that the outlook for the building permits had been reduced to reflect the Regional Housing Permit Report showing a diminishing number of permits in recent years. Mayor Teske went on to explain increases in certain expenses such as the emergency services facility having substantial work done as in insulation, concrete work, gutters and leveling. Council Member Kale asked about the heavy equipment maintenance expense and was told that was for one tractor tire. She also asked about the billing for the tractor and Mayor Teske explained that it was based on the actual billing cycle. Mayor Pro Tem commented that the outlook was within \$1000.00 of the income to expense. He asked if anyone had talked to the builder about how many permits he would expect to need for the coming year. Mayor Teske noted that the utilities were over-forecasted for expenses.

VIII. DISCUSSION ITEM

City Council to discuss a Municipal Development District (MDD) and Street Repair Sales Tax (Kane)

Mayor Teske asked City Secretary Wess to explain the Street Repair Sales Tax. She noted that the City had adopted this tax in 2002 and allowed this tax to lapse. This tax would be .25% of the available sales tax allowed to be collected. The City has to adopt this tax by election every four years. She stated that City Treasurer Kennemer had tallied the amount that could have been collected since July 2010 had the City been collecting the tax and that amount would have been \$56,081.77. Mayor Pro Tem Kane explained that the down side to this tax would be that an election would need to be held every three and a half years in order to continue to collect the tax. Mayor Pro Tem Kane explained the Municipal Development District and that it could be used for many projects to advance the City. He felt that this tax could alleviate the pressure on property taxes and on the need for permits. He felt that this would provide an alternative source of revenue. City Attorney Ben Wyse explained the different types of projects that the MDD could fund. It was also explained that both taxes could be collected as long as the total tax was equal to 0.5%.

IX. CONSIDERATION AND ACTION

- A.** City Council to Consider and Act on approving Ordinance No. 2013-01-01 an ordinance accepting and approving an Amended Service and Assessment Plan



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and Assessment Roll for Heritage Public Improvement District No. 1 (Residential) (Teske)

Motion: Council Member Nabors made a motion to approve Ordinance No. 2013-01-01.

Second: Council Member Kale

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

Opposed: None

Motion: Carries

- B.** City Council to Consider and Act on approving the Collin County Fire and Arson Task Force Interlocal Agreement. (Teske)

Motion: Council Member Nabors made a motion to approve the Collin County Fire and Arson Task Force Interlocal Agreement.

Second: Council Member Bodwell

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

Opposed: None

Motion: Carries

- C.** City Council to Consider and Act on Resolution No. 2013-01-01 a resolution supporting the development of a private toll road extending from Lavon to Greenville. (Teske)

Mayor Teske explained the resolution and asked Neal Barker to further explain the project. He stated that Public Werks, Inc had been working with NETEX and TXDoT concerning the toll road. He further commented that they had received support from many surrounding cities but others wanted to have time to further think about the project. Council Member Nabors expressed her concerns that the project would abut 2 housing developments with the possibility of owners losing their homes to eminent domain. She also felt that there was no plan for an off-ramp in the City for the toll road and that there was a lack of benefit to the City. Mayor Pro Tem Kane stated that this only concerned this phase that only goes from SH78 to Greenville. There were many comments from concerned citizens.

Motion: Mayor Pro Tem Kane made a motion to table this item for 30 days to give the Council time to talk to residents.

Second: Council Member Kale

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

Opposed: None

Motion: Carries



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- D.** City Council to Consider and Act on approving the revised Personnel Manual. (Kane)

Mayor Pro Tem Kane explained the changes that he and the City Secretary had made to the vacation time to reflect the change previously made to awarding the time at the beginning of the calendar year. He stated that this created a potential a liability for the City if the employee left the City before he/she had actually earned the time. He also explained that it changed the City Manager to Mayor or City Council. Council Member Hawkins wanted to see the Council study the vacation/sick leave in executive session to explore different directions for time off. He wanted to see that employees would be able to accumulate sick leave.

Motion: Council Member Kale made a motion to approve item D the revised Personnel Manual.

Second: Council Member Bodwell

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

Opposed: None

Motion: Carries

X. EXECUTIVE SESSION

In accordance with 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; or to hear a complaint or charge against an officer or employee. Various positions of the City including: Chief of Operations, Police Chief, Police Lieutenant, Police Sergeant, Patrol Officers, Court Clerks, Public Works Director, Public Works Operator, City Secretary, City Treasurer, and City Services Coordinator. (Teske)

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 personnel matters. (Teske)

Mayor Teske read a letter from Andy Messer of Messer Law that determined the executive session was legal.

Mayor Teske convened into executive session at 8:43 p.m.

At 8:50 p.m., the City Council reconvened into regular session

Motion: Council Member Hawkins made a motion to extend the meeting until 9:30 p.m.

Second: Council Member Bodwell



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Opposed: None

Motion: Carries

The City Council went back into Executive Session at 8:51 p.m. to discuss the above criteria.

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:

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At 9:27 p.m., the City Council reconvened into open session. Mayor Teske announced that there would be no action taken.

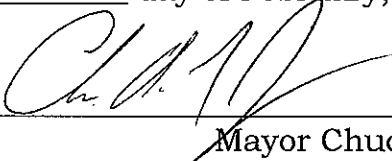
XII. CITY COUNCIL TO SET FUTURE MEETINGS AND AGENDAS

Council Member Kale stated that she would like to add a discussion item to the next agenda concerning an all City phone text alert system. Mayor Pro Tem Kane seconded the idea.

XIII. PRESIDING OFFICER TO ADJOURN THE CITY COUNCIL MEETING

Mayor Teske adjourned the meeting at 9:30 p.m.

Duly passed and approved on this 5th day of February, 2013.



Mayor Chuck Teske

Attest:



Chris Wess, City Secretary