



Lavon City Council Regular Meeting

Minutes

May 7, 2013

I. MEETING CALLED TO ORDER AT 7:09 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 5, Jenny Bodwell

Members Absent: Council Member Melissa Kale
Council Member David Hawkins

Staff Present: City Secretary Chris Wess
Police Chief Mike Jones
Public Works Dir. Kevin Dudley
City Treasurer Laura Kennemer

Legal Representative: none

Commission and Board Members: Board member of EDC David Piekarski, Vice President EDC Paul Lemon

Visitors: 5
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 Nabors related that Lavon Area Chamber of Commerce is having an annual 2013 awards banquet to honor local persons and businesses on May 30, 2013 from 6:30-9:00. She stated that advance tickets are \$15 dollars and \$20 dollars at the door. Mayor Chuck Teske stated early voting ends this evening.

V. CONSENT AGENDA

- A. Approve the Minutes of the April 2, 2013 workshop. (Wess)*
- B. Approve the Minutes of the April 2, 2013 meeting. (Wess)*
- C. Approve the PID #1 Assessment Report Summary for the Month Ending 3/31/13 (Kennemer)*

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

Second: Council Member Bodwell

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

Opposed: None

Motion: Carries



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VI. CITIZENS' COMMENTS

Joey Chappell confirmed that he completed his Eagle project the prior to meeting on Saturday, and shared pictures with Council. Members relayed the work was appreciated and how the project helped with the safety and the aesthetics outside the building. Joey Chappell stated he was grateful for the opportunity.

VII. STAFF REPORTS

- A.** City Secretary Wess- Atmos Energy Report, Zoning of Day Care Center, May Election. City Secretary had the Council look at a letter from Atmos Energy to inform the city that we no longer have cast iron piping in the city. She also related there were two propositions on the ballot for sales tax: .25% for street maintenance repair, to be a dedicated fund only for street repair and maintenance, and .25% would be for the municipal development district, to be used for any public facility. She stated 7.75% tax is what we have currently, and .50% was not used and needs to stay in community. Mayor Pro-Tem Kane stated this will help take some of the burden off property taxes. City Secretary Chris Wess relayed that she could not find paperwork for zoning of the Daycare, and that she went to storage to try and find ordinance. City Secretary Chris Wess recommended the daycare be rezoned.
- B.** City Treasurer Kennemer- Monthly Financial Outlook Report, update on building permits/violations and training. City Treasurer Kennemer affirmed the income for the month was above anticipated amounts. She went on to explain in March new home permits \$7094.00, April was \$4428.00, and in May possibly \$18,000 dollars for Bloomfield a new builder in Grand Heritage. Two permits came in that are for \$5140.0, the builder Bloomfield has asked for calculations on other permits. Council Member Deborah Nabors had some question about violations and how we are notifying the citizens. City Treasurer Kennemer let Council know about training for Jennifer Wolfe in Code Enforcement and that she will be going to budget training.
- C.** Police Chief Jones to discuss the prescription "bring back" program, school resource officer and text message notification program. Police Chief Jones stated he was surprised by how successful this project was. There were 14lbs of prescription drugs turned in and it was turned over to the DA. He understood Lavon Police will be invited to participate in the fall "bring back" project. Police Chief Jones spoke with Cole McClendon and the school resource officer about funding for training of the officer for the school. Police Chief Jones said it was suggested that the school pay for half and the city pay for the other half. Police Chief Jones stated the Nixle text message program is a free base program that the Lavon Police have signed up for, but it is very difficult to use. It must be used from a computer and only small messages can be sent. Police Chief Jones said to sign up for Nixle go to Nixle.com and search for things close by and you must go to Lavon Police Department. Mayor Pro-Tem Kane questioned if there



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are any other programs to serve the community for inclement weather. Police Chief Jones is looking for other programs that may work better for the City.

- D.** Public Works Director Dudley- New hire update, Public Works Business Update to include Road Closure Status. SH78 project status, Inter-local Agreement w/County status. Public Works Director Dudley confirmed that he hired one month ago, Don Morgan from Farmersville and that he is doing a great job. The new hire has really freed up time for him to get other jobs done in the office. He understood that there will be road closures for Saturday on Lake Road, and road closures for the highway should be finished. He relayed TXDOT identified 70% failure of lane widening. The lane was then milled out and fixed but only 68% was fixed according to TXDOT. Public Works Dir. Dudley thinks the 2% will fail if not fixed correctly. Public He also declared the TXDOT Office that is handling the road construction is out of Mesquite and not out of McKinney. Police Chief Jones let TXDOT know any time they needed the Lavon Police Department to help with traffic to notify them. Public Works Dir. Dudley said they should have all the beams for the bridge completed within a month or two. Police Chief Jones relayed that TXDOT confirmed Lake Road will be closed until the south phase is complete. He asked them about Moore Lane and informed TXDOT they will be fixing that road. Public Works Dir. Kevin Dudley stated he talked to Bobby Robison about his storage buildings and how the storage buildings cannot be accessed. Dudley stated that he talked to Angel, who works for North Texas Municipal Water, and Angel verbally stated that they will fix all roads that have been damaged by the work. Public Works Dir. Dudley relayed that the city needs a new animal control ordinance. City Secretary Wess mentioned the speed limit change and Public Works Dir. Dudley relayed the speed limit will change May 9, 2013.

VIII. DISCUSSION ITEM

- A.** City Council to Discuss the location of the temporary concrete plant for Mario Sinacola and an update of the SH78 Widening Project. (Teske) Mayor Teske acknowledged that Robbie Bentz could not be here this evening to discuss this item. Mr. Bentz would like to come back on May 21st, to talk about these items. Mayor Teske tabled this item.
- B.** City Council to Discuss spraying for mosquitoes in the upcoming West Nile season. (Teske) Mayor Pro-Tem Kane brought to the Council's attention that he felt last year the city was reactive to the problem and that this year the city needs to be proactive. Mayor Teske relayed in June the Council will look at the budget and the options to fund the spraying. Mayor Pro-Tem Kane suggested the newsletter be used to educate the city.

IX. CONSIDERATION AND ACTION

- A.** City Council to Consider and Act on approving the Utilities Element of the Comprehensive Plan. (Nabors) Council member Nabors stated there are very few and very minor changes in previously approved elements. She said in the previous wording it appeared that Lavon was responsible for certain things that



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the City is not. This wording was changed to a more collaborated relationship between the Water Supply Corp. and North Texas Municipal Water District.

Motion: Mayor Pro-Tem Kane motion to approve the utilities element of the comprehensive plan.

Second: Council Member Bodwell

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

Opposed: None

Motion: Carries

- B.** City Council to Consider and Act on approving the Planning and Zoning Commission's Comprehensive Plan Presentation (Nabors) Council member Nabors declared this is the proposed presentation that the city would like to give to the public. The plan is currently bare bones with no pictures.

Motion: Mayor Pro-Tem Kane motioned to approve the comprehensive plan presentation.

Second: Council Member Bodwell

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

Opposed: None

Motion: Carries

- C.** City Council to Consider and Act on approving publishing, on the City Website, the Comprehensive Plan Elements for public comments. (Nabors) Council Member Nabors relayed that a link was sent out to Council on approved elements and what the presentation will look like. She is requesting this be put out for public to get opinions. She related that at the bottom of each page there will be a link for the public to submit comments. The Planning and Zoning Commission will go over the comments to see what they need to change.

Motion: Mayor Pro-Tem Kane made a motion to approve publishing Comprehensive Plan Elements to include accommodation for public opinion.

Second: Council Member Bodwell

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

Opposed: None

Motion: Carries

- D.** City Council to Consider and Act on allowing Trey Smith to maintain his Seat on the Planning and Zoning Commission and as Chairman of the Commission, for 6 months or until such period of time as the final Comprehensive Plan is adopted by the City Council, whichever comes first. (Nabors) Council Member Nabors declared that Trey Smith moved out of Lavon for whatever reasons. She stated that he has been intimately



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involved with the city for 10 years, and has been an important part of the comprehensive plan. She believes it would be a detriment to the comprehensive plan if he does not maintain his seat until the plan is completed. Mayor Pro-Tem Kane agrees that he needs to stay, but that the Council must look at the rules in place.

Motion: Mayor Pro-Tem Kane motioned to put aside the current rules and allow Trey Smith to remain Chairman of Planning and Zoning until city secretary can amend the rule.

Second: Council Member Nabors

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

Opposed: None

Motion: Carries

- E.** City Council to Consider and Act on approving the Project Plan for the City Hall Park Project. (Bodwell) Council member Bodwell stated that a few changes have been made to the plan, and that a sprinkler system must be put in by a licensed contractor. Mayor Pro-Tem Kane asked a question about the electrical work. Bodwell explained the need to have electricity to the pavilion and one pole for center of the park for security. Kane also questioned the type of lights we will use and if they will be LED. Council Member Bodwell is looking into different options for lighting. She also stated changes were needed things in the plan for the grant process; the sidewalk must be changed to a walking trail, as well as excluding some items from the proposal such as benches and trash cans. She said if the changes are made the city will be more likely to receive the grant.

Motion: Council Member Nabors made motion to approve amended project plan for the City Hall Park Project.

Second: Mayor Pro-Tem Kane

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

Opposed: None

Motion: Carries

- F.** City Council to Consider and Act on approving a bid and contractor for the City Hall Park. (Bodwell) Council Member Bodwell affirmed the Park and Rec. Board unanimously approved a recommendation to the City Council of Joe Nichols Construction. She said she wanted to discuss a couple things about the pre-bid package: the contractors had to be present at the pre bid conference; Joe Nichols, YRC, and Hunter Kneppshield were present. She also stated the board chose Joe Nichols because he is in our price range. The city has had previous dealings with Joe Nichols, and he is local.



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Motion: Mayor Pro-Tem Kane made a motion to approve recommendations of the Park and Rec. when references are called for Joe Nichols Constuction.

Second: Council Member Nabors

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

Opposed: None

Motion: Carries

G. City Council to Consider and Act on approving the Residential Property Exemptions for the Tax Year 2013 (Wess) Council Member Nabors is concerned the city does not have a freeze on taxes for 65 and older. She recommended we take no action at this meeting because all the information is not available at this time. Mayor Pro-Tem Kane thinks the council needs to take action on this issue. Currently the Council will not know the effects on the budget until the next year's tax rate. Mayor Teske declared this matter will be tabled with no action.

H. City Council to Consider and Act on approving Ordinance No. 2013-05-01 an ordinance amending the Code of Regulations and superseding previous ordinances. (Wess). Mayor Teske asked if the council had any questions on the Ordinance No. 2013-05-01

Motion: Council Member Nabors made motion to approve amending Ordinance 2013-05-01

Second: Council Member Bodwell

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

Opposed: None

Motion: Carries

I. City Council to Consider and Act on authorizing the Mayor to enter into a Bill of Sale for the abandoned cable plant to Northeast Texas Broadband, LLC (Teske). Mayor Teske let the Council know that the purpose of this proposal is to get permission from the Council to enter into a Bill of Sale for the abandoned cable plant to Northeast Texas Broadband. He related that Northeast Texas Broadband will be bringing internet services to the city. Mayor Teske asked NTB for a proposed plan on when the services would be available for the City. Mayor Pro-Tem Kane questioned if the services would be cable and fiber based and if they will have to run cable. Mayor Teske said it will only be internet and wireless services that the company will be providing. Vice President of the EDC Paul Lemon relayed the city is asking for 6-12 months for the services to be up and running. Mayor Pro-Tem Kane wanted to publicly acknowledge that Paul Lemon has done a great job on this project and that this project would not have happened without him. Paul Lemon also stated Phase 1 and Phase 2 is in



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ground coax, Phase 3 is Grand Heritage where some cable will be run. He also relayed that North Texas Broadband has asked us for no money.

Motion: Mayor Pro-Tem Kane made a motion to authorize Mayor to enter into Bill of Sale for the abandoned cable plant to the Northeast Texas Broadband, LLC

Second: Council Member Nabors

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

Opposed: None

Motion: Carried

A: Vote to extend the meeting to 8:55

Motion: Council member Nabors motioned to extend the meeting to 9:30

Second: Council Member Bodwell

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

Opposed: None

Motion: Carried

J. City Council to Consider and Act on approving Ordinance No. 2013-05-02 Amending the Comprehensive Zoning Ordinance related to Churches. (Wess) City Secretary Wess stated this Ordinance was passed by the Council in 2010, and public hearings were held. At that time it was considered a bill and was never processed. She said this was brought before the Council to be approved and finished.

Motion: Mayor Pro-Tem Kane moved to approve Ordinance No. 2013-05-02

Second: Council Member Bodwell

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

Opposed: None

Motion: Carries

K.

City Council to Consider and Act on approving Ordinance No. 2013-05-03 that adopts previously Rezoned tracts of land situated at the NE corner of SH78 and SH205. (Wess) City Secretary Wess confirmed that this is the tract of land between Sonic and the Bank. The owner applied twice for Business 2, and was denied. She stated the council voted and approved to change it to Retail 2 but no ordinance was written. She stated the Ordinance No. 2013-05-03 will correct the situation.

Motion: Mayor Pro-Tem Kane motioned to approve Ordinance No. 2013-05-03

Second: Council Member Nabors

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



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Opposed: None
Motion: Carries

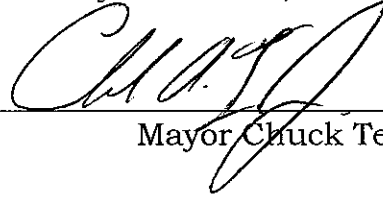
X. CITY COUNCIL TO SET FUTURE MEETINGS AND AGENDAS

Mayor Teske stated the Council needs to talk about the temporary concrete plant, the update on the SH78 widening, and tax deductions or the freeze on Residential property.

XI. PRESIDING OFFICER TO ADJOURN THE CITY COUNCIL MEETING

Mayor Teske adjourned the meeting at 9:22 p.m.

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



Mayor Chuck Teske

Attest:

Chris Wess
Chris Wess, City Secretary