

# Lavon City Council Meeting Minutes



May 18, 2010

## I. MEETING CALLED TO ORDER AT 7:06 P.M. BY MAYOR MARTIN

Members Present: Mayor Norma Martin  
Council Member Place 1, Chris Kane  
Council Member Place 4, Aaron Heatley  
Council Member Place 5, Paul Slay, Mayor Pro-Tem

Members Absent: Council Member Place 2, Deborah Nabors  
Council Member Place 3, Gary Meeks

Staff Present: City Manager, Mike Jones  
City Secretary, Linda Ardis  
Administrative Supervisor, Laura Kennemer

Commission and Board Members: EDCB Member, David Piekarski  
EDCB Member, Paul Lemon

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

Mayor Martin led the City Council and visitors in the Pledge of Allegiance.

## III. INVOCATION

Council Member Heatley 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. There will also be an opportunity to briefly comment on City Council business, City operations, projects and other items coming before the City Council.**

## V. CONSENT AGENDA

### A. City Council to Consider and Act on approval of the consent agenda:

1. May 18, 2010 City Council Meeting \*

# Lavon City Council Meeting Minutes



May 18, 2010

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There was no discussion. The Mayor asked for a motion.

**Motion:** Council Member Heatley, "I move we approve the Consent Agenda."

**Second:** Council Member Kane

**In Favor:** Council Member Kane, Council Member Heatley and Mayor Pro-Tem Slay

**Opposed:** None

**Abstained:** None

**Motion:** Passed

## VI. PUBLIC RECOGNITION

None

## VII. 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.**

Mayor Martin recognized Josh Bray of Sanitation Solutions. Mr. Bray told the Council his company had been in the trash service business for the last 5 years. He currently services 19 municipalities throughout the East Texas area. Sanitation Solution's growth is attributed to 2 things: the best customer service in the industry and the best prices for these services. Mr. Bray left a folder with the Council and asked them to consider letting the trash service go out for RFP.

The Mayor thanked him for coming before the Council and said after reviewing his folder, the Council would get back with him.

## VIII. PUBLIC HEARING

None

## IX. ITEMS FOR DISCUSSION

**A. City Council to discuss the Website. (Nabors)**

# Lavon City Council Meeting Minutes



May 18, 2010

City Manager Jones told the Council that Council Member Nabors was ill. Mayor Martin said the item would be tabled until the next meeting.

**B. City Council to discuss the use of privately owned computers for City business.  
(Jones)**

City Manager Jones reported that he had spoken to both TML, Assistant City Attorney Ben Wyse and City Attorney Andy Messer as the Council had requested. Their response on the issue of using privately owned computers for City business was forwarded to each Council Member.

Regardless of how the Council votes on the issue, City Manager Jones said it was his goal to give the Council the best information to allow them to know the risk and cost of their decision. There was no further discussion by the Council.

**X. ITEMS FOR CONSIDERATION AND ACTION**

**A. City Council to Consider and Act on appointing P & Z Commission Position Seat One whose term expires June, 2011. (Nabors)**

Mayor Martin tabled the motion until the next meeting because Council Member Nabors was absent from the meeting.

**B. City Council to Consider and Act on approving a reimbursement request from World Land Development for authorized expenditures from the Heritage Public Improvement District # 1. (Jones)**

City Manager Jones told the Council in 2003/2004, the City negotiated an assessment to pay back the Developer. The current amount requested to be reimbursed to the Developer is \$8,672,342.00. However, at no time does the City owe more than it has collected. At this time based on what has been collected for West "A" and East "A1", the PID Administrator advises the City has available for reimbursement to World Land Development \$1,164,979.59. This item is approving the application for reimbursement.

**Motion:** Mayor Pro-Tem Slay, "I make a motion to approve the reimbursement request from World Land Development for authorized expenditures from the Heritage Public Improvement District # 1. "

**Second:** Council Member Kane

**In Favor:**, Council Member Kane, Council Member Heatley and Mayor Pro-Tem Slay

**Opposed:** None

**Abstained:** None

# Lavon City Council Meeting Minutes



May 18, 2010

**Motion:** Passed

**C City Council to Consider and Act on directing the City Secretary to pay World Land Development from available funds of Heritage Public Improvement District # 1 for approved expenditures and to make a record of the unpaid balance for payment when funds are available. (Jones)**

The City Manager said that he was requesting the City to authorize and direct the City Secretary to prepare a check in the amount of \$1,164,979.59 from available funds in the Heritage Public Improvement District checking account.

**Motion:** Council Member Kane, "I so move."

**Second:** Mayor Pro Tem Slay

**In Favor:** Council Member Kane, Council Member Heatley and Mayor Pro-Tem Slay

**Opposed:** None

**Abstained:** None

**Motion:** Passed

**D.City Council to consider and act on receiving the official Canvass of Election Returns for the May 8, 2010 Election. (Ardis)**

City Secretary Ardis read the official Canvass of Election Returns from the May 8, 2010 Election.

**Motion:** Council Member Heatley, "I move that we receive the official Canvass of Election Returns for the May 8, 2010 Election.:"

**Second:** Council Member Kane

**In Favor:** Council Member Kane, Council Member Heatley and Mayor Pro-Tem Slay

**Opposed:** None

**Abstained:** None

**Motion:** Passed

**E.City Council to consider and act on Resolution No. 2010-05-01 declaring the results of the official Canvass of Election for the May 8, 2010 Election. (Ardis)**

The City Secretary read Resolution No. 2010-05-01 declaring the results of the official Canvass of Election for the May 8, 2010 Election.

**Motion:** Council Member Heatley, "I move that we accept Resolution 2010-05-01 declaring the results of the official Canvass of Election for the May 8, 2010 Election."

**Second:** Council Member Kane

**Favor:** Council Member Kane, Council Member Heatley and Mayor Pro-Tem Slay

# Lavon City Council Meeting Minutes



May 18, 2010

**Opposed:** None  
**Abstained:** None  
**Motion:** Passed

## **F. City Council to consider and act on directing the City Secretary to purchase Legislature Branch Computers. (Heatley)**

After discussion, Council Member Heatley said in the interest of getting things done and protecting the Council and the City, this seemed like a logical step. Mayor Martin said that she would really like to hold off deciding the matter until all of the Council could be there to help decide. Mayor Pro-Tem Slay said he agreed with Mayor Martin.

**Motion:** Council Member Heatley, "I move that we table this item until the next meeting so we have more Members to participate in the decision."

**Second:** Council Member Kane

**Favor:** Council Member Kane, Council Member Heatley and Mayor Pro-Tem Slay

**Opposed:** None

**Abstained:** None

**Motion:** Passed

## **G. City Council to consider and act on sending an On-Site Sewage Facilities Ordinance to TCEQ for pre-approval. (Slay)**

Mayor Pro-Tem Slay told the Council several months ago, some homeowners were complaining about the service contracts the State requires where a DR comes out and inspects your septic system and tells you what is wrong. The homeowner is still responsible for having the repair work done. If a homeowner has the responsibility to maintain his home, should they not be allowed to maintain their own septic system.

The City proposes to send the Public Works Director to school to become a DR inspector. Kevin Dudley would then start a certification class for the homeowners so they could inspect their own systems. The City would require the homeowner to turn in paper work every 3 months to the City.

City Manager Jones explained that this Ordinance has to be sent to TCEQ for their approval. Changes will be made by TCEQ and sent back to the City for their approval. This is just the first step in the process.

After reviewing the Ordinance, there were some additions and clarifications that needed to be made. City Manager Jones recommended that the item be tabled until further study could be made on 30TAC, Chapters 30 and 285 or other administrative rules.

# Lavon City Council Meeting Minutes



May 18, 2010

**Motion:** Mayor Pro Tem Slay, "I move that we table Item "G" until the first meeting in June."

**Second:** Council Member Kane

**Favor:** Council Member Kane, Council Member Heatley and Mayor Pro-Tem Slay

**Opposed:** None

**Abstained:** None

**Motion:** Passed

## XI. SETTING FUTURE MEETINGS AND AGENDAS

**Council Members and staff may request items to 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.**

City Secretary Ardis confirmed the following agenda items:

1. Consider and act on appointing P & Z Commission Position Seat One who term expires June, 2011. (Nabors)
2. Discussion on Website. (Nabors)
3. Consider and act on directing City Secretary to purchase Legislative Branch Computers. (Heatley)
4. Consider and act on sending an On-Site Sewage Facilities Ordinance to TCEQ for pre-approval. (Slay)

## XII. MAYOR MARTIN TO ADJOURN THE LAVON CITY COUNCIL MEETING.

Mayor Martin adjourned the City Council Meeting at 7:52 p.m.

Duly passed and approved on this 1 day of <sup>June</sup>~~May~~, 2010.

  
Mayor Norma Martin

Attest:

  
Linda Ardis, City Secretary