

Lavon Called City Council Meeting, Executive Session Public Hearing & Budget Workshop Minutes



September 13, 2011

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 2, Deborah Nabors
Council Member Place 3, Gary Meeks
Council Member Place 4, David Hawkins
Council Member Place 5, Jenny Bodwell

Members Absent: None

Staff Present: City Secretary, Linda Ardis
Public Works Director, Kevin Dudley

Commission and Board Members: None

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

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

III. INVOCATION

Mayor Teske 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.

Mayor Pro-Tem Kane told the Council that this Friday was the varsity football teams home opener. Saturday will be the homecoming parade. At the end of the parade, they will have a pep rally in the stadium. The homecoming game will be the following Friday against Bonham.

Council Member Nabors told the Council that on Friday the 16th at 4:00 there will be a welcome reception for Dr. Cole McClendon, the new superintendent of C.I.S.D. All C.I.S.D. citizens are encouraged to attend.

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V. 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.

Citizen Chris Wess said she would like to wish the Mayor a happy birthday. She also wanted to go on record that at the last City Council meeting, the Police Chief spoke inappropriately to the City Council and the citizens. She does not agree with the Council allowing him to do that.

VI. PUBLIC HEARING

A. Public Hearing to receive Public Comment on the Proposed Tax Increase

1. Mayor Teske to open the Public Hearing
Mayor Teske opened the Public Hearing at 7:08 pm
2. Mayor Teske to open floor to Public Comment
Mayor Teske opened the floor to Public Comment at 7:08 pm

Citizens Chris Wess, Rian Lisko and Bruce Foith voiced their opinions to the Council. Some of the topics they brought to the Council were the increase in taxes, borrowing money and still not getting the City through the months of October, November and December, City roads and nationwide trend of government spending money they don't have.

3. Mayor Teske to close the floor to Public Comment
Mayor Teske closed the floor to Public Comment at 7:26 pm
4. Mayor Teske to close the Public Hearing
Mayor Teske closed the Public Hearing at 7:26 pm

VII. ITEMS FOR CONSIDERATION AND ACTION

A. City Council to Consider and Act on approving the 2011 Annual Service Plan including the collection of the 2011-12 Annual Installment for the Heritage Public Improvement District No. 1 Residential. (Ardis)

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City Secretary Ardis told the Council this was an annual review of the Service and Assessment plan for PID # 1, Residential. Essentially, it identifies the public improvements, reflects the cost of the public improvement and the indebtedness incurred and the manner of assessing the property in the PID. The only difference this year was that the developer had created a new Land Use Class by subdividing some of Land Use Class lots into two lots.

Motion: Council Member Nabors, "I move we table this item until such time as our attorney is present to walk us through the modifications of the document so we can have someone here to answer questions on the funding and the attached tables."

Second: Council Member Meeks

In Favor: Mayor Pro-Tem Kane, Council Member Nabors, Council Member Meeks, Council Member Hawkins and Council Member Bodwell

Opposed: None

Motion: Passed

B. City Council to Consider and Act on the failure of Lake Road repairs conducted by Collin County. (Nabors)

Council Member Nabors asked Public Works Director to give an update on the road. Kevin Dudley stated that after the original failure, the County had tried using an emulsion and recycle tire mix (TMRSS) to help stabilize the road. The County has stated that they are getting new equipment in November. If the County would approve the use of the equipment, they could do a full depth renovation from the entry of Lake Ridge Meadows to the first curve heading back towards town. Right now the County is doing a road study. They all agree it needs to be fixed, but they still have not determined how to fix the road.

Citizens Bruce Foith and Rian Lisko voiced their opinions to the Council. City Council Member Nabors told the Council that she did not believe we should have to pay for a road that was falling apart.

Mayor Teske asked for a monthly update from the Public Works Director as to what progress the County was making. There was no action taken on this item.

C. City Council to Consider and Act on Atmos Energy Notice of Revenue Neutral Modification to Atmos Energy Corp., Mid-Tex Division's Rider GCR. (Ardis)

Mayor Pro-Tem Kane told the Council he remembered Atmos coming out and talking to the Council. In the long run, it would cost the City more to appeal the modification rather than to accept it.

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Motion: Mayor Pro-Tem Kane, "I move no action be taken on this item."

Second: Council Member Nabors

In Favor: Mayor Pro-Tem Kane, Council Member Nabors, Council Member Meeks, Council Member Hawkins and Council Member Bodwell

Opposed: None

Motion: Passed

D. City Council to Consider and Act on matters incident and related to the issuance and sale of "City of Lavon, Texas, Tax Notes, Series 2011B", including the adoption of an ordinance authorizing the issuance of such tax notes. (Teske)

Mayor Teske told the Council that Jason Hughes of First Southwest was not able to complete the documents for the Series "B" Tax Notes.

Motion: Council Member Nabors, "I move we table this item until the September 20th agenda."

Second: Council Member Meeks

In Favor: Mayor Pro-Tem Kane, Council Member Nabors, Council Member Meeks, Council Member Hawkins and Council Member Bodwell

Opposed: None

Motion: Passed

VIII. CITY COUNCIL TO SET FUTURE MEETINGS AND AGENDAS

Council Members and staff may request items 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.

Items "A" and "D" under Consideration and Action need to be replaced on the next agenda. Also under Consideration and Action there needs to be an item for reviewing the EDCB lease agreement. Under Discussion, an item for a work party scheduled for the school renovation needs to be placed on the next agenda.

IX. MAYOR TESKE TO ADJOURN REGULAR PORTION OF THE CITY COUNCIL MEETING

Mayor Teske adjourned the regular portion of the City Council Meeting at 8:00 pm.

X. MAYOR TESKE TO CALL THE CITY OF LAVON BOARD OF ADJUSTMENTS TO ORDER AND ANNOUNCE THAT A SEVENTY-FIVE PERCENT OF MEMBERS ARE PRESENT THEREBY CONSTITUTING A QUORUM

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Mayor Teske called the City of Lavon Board of Adjustments to order at 8:00 pm and announced that a seventy-five percent of members were present constituting a quorum.

XI. ITEMS FOR CONSIDERATION AND ACTION

- A. The Board to Consider and Act on a set of rules regarding the intake, handling and processing of: Variance request, appeals, adjustments and other hearing matters to be brought before the Board. (Ardis)

The Council discussed the rules governing the Lavon Board of Adjustments. Citizen Chris Wess on page 2, # 4 under "Speakers at Hearings", noted that all citizens were affected by variances because variances set a precedent. The Council agreed and changed "citizens affected by the variance" to read "citizens of Lavon." She also pointed out that also on page 2 under "Decisions of the Board" that there is an appeal process according to state law for variances. The Council agreed and changed "all decisions of the board are final" to read are "all decisions of the board are subject to appeal according to state law."

This was a first draft of rules and procedures for the Lavon Board of Adjustments. They will be updated and added to or subtracted from as needed.

Motion: Mayor Pro-Tem Kane, "I move we approve the rules and procedures as amended."

Second: Council Member Nabors

In Favor: Mayor Pro-Tem Kane, Council Member Nabors, Council Member Meeks, Council Member Hawkins and Council Member Bodwell

Opposed: None

Motion: Passed

XII. BOARD HEARING

- A. The Board to hear a variance request for the residential property located at 840 Lakeridge Drive, related to side yard setback requirements contained in the Comprehensive Zoning Ordinance # 1997-12-08 as amended.

1. Property owner Mr. Uhlig to present his case in support of the variance request.

Mr. Uhlig presented his arguments in support of the variance request to the board. He felt that there had been a miscommunication between the Building Inspector and his contractor, who was also present and supported Mr. Uhlig.

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According to Mr. Uhlig, when he paid for the permit, there was a drawing of what he wanted to do.

2. Opportunity for representatives of the City Planning and Zoning Commission to comment on the request.

No members were present, however, City Council Member Nabors who is the City Council liaison for the board was present. She stated that the Planning & Zoning Commission had met with Mr. Uhlig and had agreed to recommend a variance be given, with the stipulation that Mr. Uhlig obtained a written statement from his neighbor about the building being too close to the property line and that they had no objections. Council Member Nabors said that Mr. Uhlig had complied with what the Commissioners asked him to do.

3. Opportunity for City staff members to comment on the request.

City Secretary Ardis presented copies of Mr. Uhlig's request and an inspection log that stated that the Permit Clerk had called Mr. Uhlig when they had received an inspection request for a frame inspection. Jennifer Wolfe informed Mr. Uhlig that the contractor had not submitted plans for a plan review. When the City Inspector went out to look at the property, the building was almost completed. Due to the City's Reduction in Force Plan and trying to save money, no one else was present.

4. Opportunity for citizens that may be affected by the variance to comment on the request.

There were no objections from citizens affected by the variance present.

5. The Board to deliberate the variance request.

The board deliberated on the request.

XIII. ITEMS FOR CONSIDERATION AND ACTION (cont.)

A. The Board to Consider and Act on the variance request for the residential property located at 840 Lakeridge Drive, related to side yard setback requirements contained in the Comprehensive Zoning Ordinance # 1997-12-08 as amended.

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Motion: Council Member Meeks, "I move we approve the variance request for the residential property located at 840 Lakeridge Drive."

Second: Council Member Nabors

In Favor: Council Member Nabors, Council Member Meeks, Council Member Hawkins and Council Member Bodwell

Opposed: None

Abstained: Mayor Pro-Tem Kane

Motion: Passed

XIV. ADJOURN BOARD OF ADJUSTMENTS

The Mayor adjourned the Board of Adjustments at 8:53 pm.

XV. MAYOR TESKE TO CALL THE LAVON CITY COUNCIL BUDGET WORKSHOP TO ORDER AND ANNOUNCE THAT A SUPER QUORUM IS PRESENT

Mayor Teske called the Budget Workshop to order at 9:11 pm and announced a super quorum was present.

A. City Council to Discuss the Proposed City Budget for FY 2011-21-012

The City Council discussed the Proposed City Budget. The following suggested reduction cuts were given by Mayor Pro-Tem Kane.

- Reduction of at least \$12,000 by having all employees go from a 2 to 1 match to a 1 to 1 match on their Retirement Fund
- Reduction of \$7,000 in utilities for Grand Heritage Lights last year in the median which is not owned by the City
- Reduction of \$7,000 in utilities for Grand Heritage Lights this year
- Reduction of \$6,000 in cell phone stipends leaving only the City Manager, Police Chief and City Secretary with cell phone stipends
- Reduction of \$3,000 for a computer to be used in the Police Department
- Reduction of \$14,000 in salaries at the Police Department

XVI. MAYOR TESKE TO ADJOURN THE CITY COUNCIL BUDGET WORKSHOP

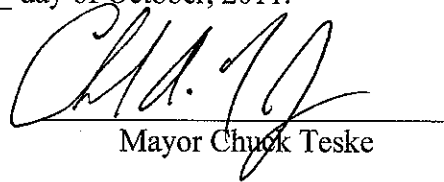
Council Member Teske adjourned the Budget Workshop at 10:15 pm.

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Duly passed and approved on this 19th day of October, 2011.


Mayor Chuck Teske

Attest:


Linda Ardis, City Secretary