



**Lavon City Council Regular Meeting  
Minutes  
May 21, 2013**

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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 2, Deborah Nabors  
Council Member Place 3, Melissa Kale  
Council Member Place 4, David Hawkins  
Council Member Place 5, Jenny Bodwell arrived at 7:50.

Members Absent: Mayor Pro-Tem Chris Kane

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

Legal Representative: none

Commission and Board Members: None

Visitors: 7  
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. CONSENT AGENDA**

- 1) Approve the PID #1 Assessment Report Summary for Month Ending 4/30/13 (Kennermer)\*

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

**Second:** Council Member Kale

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

**Opposed:** None

**Motion:** Carries



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#### V. CITIZENS' COMMENTS

None

#### VI. BOARD OF ADJUSTMENTS

City Council to Convene the Meeting as the Board of Adjustments 8:15

##### A. Public Hearing to receive Public Comment on:

Issuing a variance to Ordinance No. 2003-04-01 as requested by MJK Mart for monument sign 10' tall instead of the 6' restriction. (Teske)

1. Presiding Officer to open the Public Hearing 8:15 p.m.
2. Presiding Officer to open floor to Public Comment

There was a comment made if you approve one then a precedence will be put in place to approve other signs in the future. Police Chief Mike Jones stated for public safety he would like to know where the sign would be located and discussed how far off the road the sign needed to be. Mayor Teske relayed the plan for the sign has already been approved by the City Inspector. Council Member Nabors was concerned about the amount of light that would shine into the subdivision across the street and Mayor Teske said the height would not change the amount of light shining towards the houses. There was a question about the Exxon Sign and City Secretary Wess confirmed the sign was grandfathered in before the City created a sign Ordinance. She also said the original plan was for a 30 foot pole sign and when the application was submitted it was changed to a 20 foot pole sign. Then the plan changed to a Monument Sign. Mayor Teske went down a list of several questions about the property for the council to discuss. He wanted to make sure the new station is able to advertise and compete with Exxon with the proposal for the current sign. Mayor Teske asked for any other comments and closed the floor.

3. Presiding Officer to close floor to Public Comment
4. Presiding Officer to close the Public Hearing 8:30

**B.** City Council as the Board of Adjustments to Consider and Act on issuing a variance to Ordinance No. 2003-04-01 as requested by MJK Mart for a 10' monument sign. (Teske) Council Member Kale asked if she could be shown where on the plan the sign would be placed and Mike Shea also asked to look at the plan for safety.

**Motion:** Council Member Hawkins moved to accept the variance request.

**Second:** Council Member Kale

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

**Opposed:** None

**Motion:** Carries

**City Council to reconvene into the regular meeting at 8:35pm.**



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#### VII. STAFF REPORTS

- A. CITY SECRETARY WESS-** Outcome of the May 11<sup>th</sup> Election and the effects of the election and Upcoming term expirations of committee positions. City Secretary Wess stated to the Council that the election was May 11, and the Street Maintenance tax passed by 20 votes and this will be discussed later in the agenda. She also relayed the MDD tax did not pass by 9 votes and that this tax cannot be placed on another ballot for 1 year. She discussed that several committee places on the P and Z will expire on June 30<sup>th</sup>, place 1 Ernest Cody, place 3 Trey Smith, and place 5 David Rosenwist. She expressed that they needed to be notified to see if they would continue to serve on the committee. She said several other committee places will expire: EDC place 2 Chris Kane, place 4 Paul Crabtree, and place 6 Paul Lemon will expire on July 15<sup>th</sup>. The TIF board had several members expire in January, place 1 David Hawkins, place 3 Dale Nabors, and place 5 Darlene Hurth. The mayor was notified about the places expiring.
- B. City Treasurer Kennemer-** Monthly Financial Outlook Report. City Treasurer Laura Kennemer received more permits for April and May. The actual numbers are in and that money has been put in the bank. Council Member Melisa Kale had a question on page 3 about the significant increase in the office supply budget for the police department and City Treasurer Laura Kennemer stated they had to order warning books. Mayor Chuck Teske wanted the council to look at the bottom line of the budget which is \$50 thousand in the black and growing. City Treasurer Kennemer said she did cut down the numbers for property tax and franchise fees. She said the city got the large portion of franchise tax in for Verizon and it was \$10,000 less than last year.
- C. Police Chief Jones** to discuss reserve officers and the police training. Police Chief Jones confirmed that Officer Saxon, who was one of the reserve Officers, is now hired for full time and the new vest fits him so a new one will not have to be ordered. He also said the uniforms are the correct size for the Officer. He explained to the Council that there are basically 3 different types of reserve officers: the reserve looking for a job, the reserve that currently has a good job but would like to be in law enforcement, and the reserve that is the backside of law enforcement and usually retired but wants to stay active. Police Chief Jones said we currently have a reserve force of 4. He would like it to be 5 and in the future idealistically he would like to have 10, but he thinks that will probably not happen. Police Chief Jones would like to start some training and use the City Hall building for the training. He said one of his first classes he would like to do is court room demeanor.
- D. Public Works Director Dudley-** SH78 update, Park update and Facilities update. Public Works Dir. Dudley confirmed the city is building the first city park and the bid from Joe Nichols was accepted. He also stated the Council will discuss



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this at the next Monday meeting. He stated we received a bid for the gym ceiling which was very high, and he asked Joe Nichols to give us a bid on the ceiling. He also affirmed the lift station was put in for the restroom and the water still needs to be put in for the restrooms and the gym. He has not received a report on SH 78 but he will ask for a report from them.

### VIII. ITEMS OF INTEREST/CITY COUNCIL COMMUNICATIONS

Council Member Deborah Nabors stated that the Chamber Awards Banquet will be on May 30<sup>th</sup> at 6:30 in the CHS Cafeteria, tickets are \$15 dollars in advance and \$20 dollars at the door. She also stated that this year's entertainment will be the CHS jazz band, and the food will be provided by Dickies Bar B Que.

### IX. DISCUSSION

A. City Council to Discuss the location of the temporary concrete plant for Mario Sinicola and an update on the SH78 Widening Project. (Teske) Mayor Teske received some negative feedback on the original location and thought it would be a good idea to discuss this and look for other options. Robert Bentz from Mario Sinicola discussed the plans and location. Council Member Nabors asked about how they planned to keep the dust down. Robert Bentz stated they would try to control traffic and water the roads to keep the dust down.

B. City Council to Discuss the impact of Sales Tax for Street Repair and Maintenance and its possible uses and needs. (Teske) Mayor Teske wanted to discuss how we would use the money for road repairs. He also said any contract the city enters into must be paid before this Tax comes up on the election ballot. City Secretary Wess said the Sales Tax for Street Repair Maintenance is voted on every four years. Mayor Teske declared he would like to have Geren Road fixed in the next two years. He also confirmed we have an interloca agreement for Lake Road that should be paid off in the next budget year which would free up \$45,000. Mayor Teske also wanted to add that he was thankful that the citizens voted to pass this Sales Tax.

### X. CONSIDERATION AND ACTION

A. City Council to Consider and Act on approving the Grand Heritage PID reimbursement request. (Kennemer) City Treasurer Laura Kennemer confirmed this comes out the PID account.

**Motion:** Council Member Nabors moved to approve the Grand Heritage PID reimbursement request.

**Second:** Council Member Hawkins

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

**Opposed:** None

**Motion:** Carries



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- B. City Council to Consider and Act on approving Resolution 2013-05-01 Canvassing the Results of the May 11, 2013 Election. (Wess) Mayor Teske stated to the Council that the Resolution Canvassed the Election and would approve the results and asked for any discussion.

**Motion:** Council Member Hawkins motioned to approve election results.

**Second:** Council Member Nabors

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

**Opposed:** None

**Motion:** Carries

- C. City Council to Consider and Act on approving Ordinance 2013-05-04 creating a temporary suspension to the residency requirements to Ordinance 2005-02-04. (Nabors) Council Member Nabors declared this is to take care of the item discussed at the last meeting. She confirmed Trey Smith will be allowed to stay on P&Z Committee for 6 months or until the comprehensive plan can be finished or whichever comes first. Council Member Melisa Kale asked if this would only be a onetime occurrence. Council Member Nabors affirmed this is only for this special case and does not affect the Ordinance in place.

**Motion:** Council Member Kale moved to approve Ordinance 2013-05-04 creating a temporary suspension to the residency requirements to Ordinance 2005-002-04.

**Second:** Council Member Hawkins

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

**Opposed:** None

**Motion:** Carries

- D. City Council to Consider and Act on approving the Modification of Contractual Agreement for Ambulance Service – Southeast Collin County EMS Coalition. (Teske) Mayor Teske stated as a part of the deliberations of this item the City is extending one more month in the current coalition until we are able to join a new coalition. Representative for Ambulance Services Mike Shea relayed how much of difference there was between the old coalition and the new. He said the old coalition in 2010-2011 was \$25.56 per person and that is why the city should change to a new coalition which is \$14.40 per person. He affirmed that with projected population of 2987 as of November it will go up to \$15.91 per person. He also stated this is still in negotiation and could be a lower amount. He confirmed with this higher population the city's cost will go up, with this new coalition the city will get 4 ambulances instead of 3 ½ and also receive unlimited back up services. Mayor Teske stated to let the record show that Council Member Bodwell joined the meeting at 7:50pm. Mike Shea shared with the Council other bids the city has received and if they are cost effective. He also confirmed the coalition the city is currently in will cost \$9379.18 and the city will pay \$1,000.00 dollars for any back up ambulances. Council Member Hawkins affirmed that last



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year's cost was roughly \$34,000 and this year's cost would be \$47,000 which is a difference of \$13,000 dollars. Mayor Teske stated if the city agrees to this new coalition it will blow the budget. Mike Shea said to the Council that the city will not know how many back up ambulances are needed until the end of the year, therefore the city will not know the final cost until that time. City Treasurer Kennemer stated she has talked to Cheryl who is the Treasurer at the coalition the city is currently using and she said we do not have to pay for last year's back up calls if we choose to go with another coalition. Mike Shea confirmed he also talked to Cheryl Smith and she said the same thing to him. Mayor Teske stated the City should ask to stay in the current coalition for 12 months. Mike Shea said he needs an answer this evening to take back to the new and old coalition and wanted to let the council know the new coalition contract would be for 5 years. Council Member Hawkins was asked how the population was calculated and he stated it was 2.9 persons per dwelling. Mayor Teske confirmed we need to amend this agreement for 12 months in the current coalition and to draft a letter to the new coalition stating the city does not intend to participate in their program.

**Motion:** Council Member Kale motioned to amend the agreement to the South East Collin County EMS Coalition to 12 months and provide a letter to NNE Coalition of our intent not to participate.

**Second:** Council Member Nabors

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

**Opposed:** None

**Motion:** Carries

E. City Council to Consider and Act on approving the Residential Property Exemptions for Tax Year 2013. (Teske) Mayor Teske confirmed the city does not have a large population of residents in either classification therefore if a freeze was put into place it would not impact the budget by a large amount. He also said the budget impact would be less than \$3,000 dollars a year. Council Member Nabors believed the freeze would have a tremendously positive impact on retirees, and surviving spouses. She also stated that if the property tax were to increase by 10% as per Collin County figures the City would only lose \$3,000 dollars out the budget. City Treasurer Kennemer confirmed the figures she received are all of the exemptions Collin County had for the City of Lavon. Mayor Teske asked City Treasurer Kennemer that if the council approves the tax tonight if it will take effect the next year? The response to the question was this will be effective for the next tax year. It was also stated that if this passes, it would put a freeze on any residential tax on 65 and over and surviving spouses, but if they buy a new house they do not carry the freeze with them. Currently Collin County has no surviving spouse or disabled vets on the list. Mayor Teske asked if the Council was in agreement for over 65 tax exemption and if the City wanted to stay with a \$10,000 dollar exemption or change it to \$20,000. Council Member Hawkins said the State has its own Mandate for disabled vets, but the City of Lavon has a local option that can be mandated. The question was asked if a surviving spouse of a disabled vet would get the exemption, but by law the spouse



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would only get a freeze on property tax. Council member Hawkins suggested that we follow the state mandate for disabled vets. Mayor Teske asked the Council if the City should freeze the tax for disabled vets and it was agreed there should be a freeze. City Secretary Wess relayed to the Council what had been agreed upon; a freeze for 65 and older with a \$20,000 dollar exemption and the same for the surviving spouse, for the disabled persons a \$20,000 exemption and freeze on tax and a freeze only for the surviving spouse, and on disabled vets the City will follow the state mandate and do the freeze option. The question was asked how much the disabled vets get on the tax exemption and if disabled vets over 65 will get both exemptions. Mayor Teske stated to the council the City should follow the state mandate for exemptions to disabled vets. City Secretary Wess brought to the Councils attention that an Ordinance must be written to enact the changes to the tax.

**Motion:** Council Member Nabors moved to approve modifications to the Residential Property Tax Exemptions as discussed earlier and to authorize City Secretary Wess to draft an ordinance to reflect changes.

**Second:** Council Member Bodwell

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

**Opposed:** None

**Motion:** Carries

#### **Vote to extend the meeting at 8:58pm.**

**Motion:** At 8:59 p.m. Council Member Nabors moved to extend the meeting to 9:30p.m.

**Second:** Council Member Kale

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

**Opposed:** None

**Motion:** Carries

F. City Council to consider and act on approving a Memorandum of Understanding (MOU) for the City of Lavon and Community Independent School District to jointly fund a School Resource Officer for the City of Lavon. (Jones) Police Chief Jones stated the Mayor and the Fire Chief have been talking to the Community School District about getting a School Resource Officer for NeSmith Elementary School. He confirmed the purpose of this officer would be to protect the kids at the school. He informed the Council that if the MOU was approved the fiscal year starts in July. He has confirmed with the school that they would be responsible for half of the Resource Officer's pay and the City would match that amount. Council Member Hawkins stated that this officer would be used during the school year and in the summer the officer could be used for the city. Council Member Kale asked how many calls for service NeSmith made during the school year, and that she did not think the Officer would have enough to do for the eight hours of work. She also said the City should not have a knee jerk reaction to the Sandy Hook incident, and she stated the City does not have money in the budget for the



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Officer. Mayor Teske acknowledged there would be a lot of positives to this proposal and that the City would have a back up officer. A comment was made that School Resource Officers have been in several schools before this incident at Sandy Hook and thinks a Resource Officer would be a good thing.

**Motion:** Council Member Kale moved to approve the Memorandum of Understanding for the City of Lavon and Community Independent School District to jointly fund a School Resource Officer for the City of Lavon.

**Second:** Council Member Nabors

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

**Opposed:** None

**Motion:** Carries

**XI. BUDGET WORKSHOP**

Mayor Teske opened the Budget Workshop at 9:10pm. Mayor Teske and the council discussed various changes to the Budget.

Mayor Teske moved to reconvene into the Regular meeting.

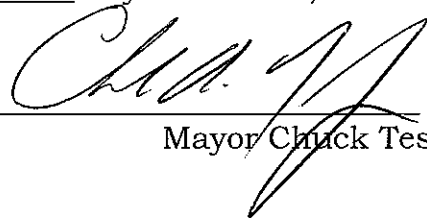
**XII. CITY COUNCIL TO SET FUTURE MEETINGS AND AGENDAS**

Council member Hawkins stated the Council needs to discuss the park, community center, and City Hall at a future meeting.

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

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

Duly passed and approved on this 15<sup>th</sup> day of October, 2013.

  
\_\_\_\_\_  
Mayor Chuck Teske

Attest:

  
\_\_\_\_\_  
Chris Wess, City Secretary