

# Lavon City Council Meeting Minutes



November 17, 2009

## I. MEETING CALLED TO ORDER AT 7:00 P.M. BY MAYOR MARTIN

Members Present: Mayor Norma Martin  
Council Member Place 1, Chris Kane  
Council Member Place 2, Deborah Nabors  
Council Member Place 4, Aaron Heatley  
Council Member Place 5, Paul Slay, Mayor Pro-Tem

Members Absent: Council Member Place 3, Gary Meeks

Staff Present: City Secretary, Linda Ardis  
Developmental Services Coordinator, Laura Kennemer  
Public Works Director, Kevin Dudley  
Chief of Police, Jason Rector  
City Fire Marshal, Rob Caldwell

Commission and Board Members: EDCB, David Piekarski

## 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 Aaron 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.**

None

## V. CONSENT AGENDA

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

### 1. November 3, 2009 City Council Meeting \*

City Secretary Ardis told the Council she had corrected the minutes to reflect Mayor Pro-Tem Slay officiating instead of Mayor Martin.

**Motion:** Council Member Heatley "I move that we approve the consent agenda as corrected."

**Second:** Council Member Nabors

**In Favor:** Council Member Kane, Council Member Nabors, 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.**

None

## VIII. PUBLIC HEARING

None

## IX. ITEMS FOR DISCUSSION

- ### A. Mayor Martin to discuss negotiations regarding a grocery store in Lavon. (Mayor)

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Mayor Martin told the Council there is still serious interest being shown regarding a grocery store in Lavon. However, usually the determining factor for a major store to come into a City is based on population. The City of Lavon's population is approximately 2,500 people which falls short of the desired population of a major store. The Mayor will continue to look for opportunities for Lavon.

**B. Mayor Martin to discuss selection of Ordinances to be reviewed by the Council.  
(Mayor)**

The Mayor requested that this item be tabled as the Agenda was long and it was not a top priority.

**Motion:** Mayor Pro-Tem Slay "I move we table Item IX-B."

**Second:** Council Member Kane

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

**Opposed:** None

**Abstained:** None

**C. City Council to discuss options for dealing with delinquent City Service Accounts. (Kennemer)**

Development Services Coordinator Laura Kennemer reminded the Council that this item had been discussed previously, and it was agreed that the City would rather do their own shut-offs and keep the fees in-house rather than give the fees to Lavon Water Supply. The Council had asked her to check on the legality of the City coming on the homeowner's property to do the shut-off. Laura told the Council that she had verified the legality of the matter and it was acceptable to come on the property just like the electric company would have to come on the property to shut off a customer's electricity.

The utility bills are sent out on the 20<sup>th</sup> of the month and due on the 10<sup>th</sup> of the next month. If a customer did not pay their bill, they would receive a cut off notice on the 20<sup>th</sup> of the next month and payment would have to be received by the 10<sup>th</sup> of the following month. That would allow a 2 month cycle before shut-offs would be initiated.

**D. City Council to discuss P & Z Ordinance. (Nabors)**

Council Member Nabors asked that this item be tabled as it included the Board of Adjustments which the City Manager was more familiar.

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**Motion:** Council Member Nabors "I move we table Item IX-D."

**Second:** Council Member Heatley

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

**Opposed:** None

**Abstained:** None

## **E. City Council to discuss street lights. (Kane)**

After suggestions from citizens of Bently Farms including retrofitting the tops of the lights to allow more light to shine down, replacing yellow bulbs with white bulbs to adding more light fixtures, it was decided that the Public Works Director would do a study to determine the cost and availability of these item replacements. Council Member Kane requested that this be discussed on the Agenda for the first meeting in December.

## **X. ITEMS FOR CONSIDERATION AND ACTION**

### **A. City Council to consider and act on approving a Speed Hump Ordinance. (Kane)**

Council Member Kane began by saying the Council had discussed a Speed Hump Ordinance a couple of months ago. However, the accident in Bently Farms was not speed related. Chief Rector said the Police Department did not support the idea because there are no sidewalks and speed humps force people to the side of the road. Fire Marshal Rob Caldwell said the Fire Department has this issue across the country. His objection is that it increases the response time of emergency vehicles, and the delay of time could cause a death. It is also hard on the equipment as well as school buses. Rob also said there is now an ADA violation against this issue. The Fire Marshal concluded by saying that children in the street is the parent's responsibility and we all need to be accountable. Chief Rector spoke up again and said that the City did not have the money to be "knee jerked" on this issue.

Council Member Heatley suggested adding a sign, "One Way In / One Way Out. Other citizens of Bently Farm said the speed humps would not work and there needed to be more suggestions. Other citizens spoke up and said speed humps could damage low-riding vehicles. Another citizen asked about putting up stop signs.

Mayor Martin suggested a committee be formed to bring solutions back to the Council. Becky Cooper said she would head up that committee. Other volunteers were Pat Birchall, Vickie Neeley, Laura Simpson, Andy Wharton, Joan Aquatera and Jeaneen Eli.

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Council Member Nabors listed some of the suggestions the citizens had listed in the discussion. They were: Newsletter article on safety and watching out for children in the neighborhood, signs saying "Watch Your Speed", "No Outlet" and "Kids At Play", reflective strips and the tracking of license plates numbers.

One of the citizens replied that the accident had been a "wake-up call". Bently Farms needs to be accountable for their neighbors as well as themselves.

The Mayor asked for a motion.

**Motion:** Council Member Kane "I move we move this item to the second City Council meeting in December.:

**Second:** Council Member Nabors

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

**Opposed:** None

**Abstained:** None

## **B. City Council to consider and act on a Resolution to pursue the Energy Efficiency and Conservation Block Grant. (Jones)**

Council Member Nabors told the Council that there was a deadline of November 22<sup>nd</sup> on pursuing the Energy Efficiency and Conservation Block Grant. The Mayor asked for a motion.

**Motion:** Council Member Nabors "I move we approve a Resolution to pursue the Energy Efficiency and Conservation Block Grant."

**Second:** Council Member Heatley

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

**Opposed:** None

**Abstained:** None

## **C. City Council to consider and act on an agreement for disconnection of water service due to nonpayment of City sewer charges. (Kennemer)**

Developmental Services Coordinator Laura Kennemer said the staff was for keeping this in house and not pursuing an agreement with Lavon Water Supply. The Mayor asked if there was a motion.

**Motion:** Council Member Heatley, "I move we take no action on an agreement for disconnection of water service due to nonpayment of City sewer charges.:

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**Second:** Council Member Nabors

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

**Opposed:** None

**Abstained:** None

**D. City Council to consider and act on adopting Ordinance for City to plug sewers due to nonpayment. (Kennemer)**

Developmental Services Coordinator told the Council the Staff recommended keeping this in house. The Mayor asked for a motion.

**Motion:** Council Member Nabors, "I move we adopt the Ordinance for the City to plug sewers due to nonpayment."

**Second:** Mayor Pro-Tem Slay

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

**Opposed:** None

**Abstained:** None

**E. City Council to consider and act on approving the 2009 Annual Service Plan including the collection of the 2009-10 Annual Installment for the Heritage Public Improvement District No.1 (Residential). (Jones)**

**F. City Council to consider and act on approving the 2009 Annual Service Plan including the collection of the 2009-10 Annual Installment for the Heritage Public Improvement District No.1 (Residential). (Jones)**

Development Services Coordinator Laura Kennemer asked that both Items "E" and "F" be tabled until the next agenda as they both belonged to the City Manager. The Mayor asked if there was a motion.

**Motion:** Council Member Nabors "I move at Mike's request we tabled Items "E" and "F" until the next agenda."

**Second:** Council Member Kane

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

**Opposed:** None

**Abstained:** None

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**G. City Council to consider and act on accepting credit card processing for annual installments for the Heritage Public Improvement District No. 1 (Residential) (Jones)**

City Secretary Ardis told the Council that it was a state law now that these payments could be paid by credit card. This is a process allowing the Heritage Public Improvement District No. 1 (Residential) collectors in Houston to get the credit card payments set up. The Mayor asked if there was a motion.

**Motion:** Council Member Nabors "I move we accept a credit card processing for annual installments for the Heritage Public Improvement District No. 1 (Residential)."

**Second:** Council Member Heatley

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

**Opposed:** None

**Abstained:** None

**H. City Council to consider and act on approving an increase of municipal contribution rates for TMRS. (Jones)**

Developmental Services Coordinator Kennemer told the Council that this was an item the Council had voted on in the Budget. This was just another step in that process. The Mayor asked for a motion.

**Motion:** Mayor Pro-Tem Slay "I move we approve an increase of municipal contribution rates for TMRS."

**Second:** Council Member Nabors

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

**Opposed:** None

**Abstained:** None

**I. City Council to consider and act on a proposed Ethics Ordinance. (Nabors)**

Council Member Nabors said a few changes had been made according to feed-back from City Attorney Andy Messer. The Ordinance does not include any employee grievance process. The Ethics Ordinance was the number one outstanding item on the "to do list" presented to the Council by Council Member Nabors. It is building a foundation upon which we can continue the performance management system.

The items to be changed were:

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- A. Page 3, Section IV.—3<sup>rd</sup> word typing error, change to “wishing”
- B. Page 4, Section V.—1<sup>st</sup> sentence word “all” deleted
- C. Page 6—last paragraph on page, sentence ends after word “action.”
- D. Page 7—1<sup>st</sup> paragraph, 4<sup>th</sup> word change to “may”

Council Member Heatley told the Council he felt the document was needed to keep the City Council accountable for their actions. He said the Ordinance was well written and Mayor Pro-Tem said he seconded the thought.

Mayor Martin asked for a motion.

**Motion:** Council Member Heatley “I move we accept the proposed Ethics Ordinance with changes as stipulated.”

**Second:** Mayor Pro-Tem Slay

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

**Opposed:** None

**Abstained:** None

## 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.**

The following items were requested to be placed on the next agenda:

- A. Mayor Martin asked the Council to appoint a park board on the second meeting of December. She told the Council grants were available for such projects. (Mayor)
- B. Discussion on street lights. (Kane)
- C. Discussion on update of organizational systems. (Nabors)

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



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Mayor Martin adjourned the City Council Meeting at 8:55 p.m.

Duly passed and approved on this 5 day of January, 2010.

  
Mayor Norma Martin

Attest:



Linda Ardis, City Secretary