



# Lavon City Council Regular Meeting & Executive Session

## Minutes

August 7, 2012

---

### 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 Manager, Mike Jones  
Acting City Secretary/Treasurer, Laura Kennemer  
Police Chief Jason Rector  
Clerk Chris Wess

Commission and Board Members: P & Z Commissioner David Rosenquist  
Park & Rec. Board Member Mike Gulino  
Park & Rec. Board Member Joan Aquatero  
EDCB Chair Kay Wright

Visitors: 7

There was a quorum present.

### II. MAYOR TESKE LED THE COUNCIL AND VISITORS IN THE PLEDGE OF ALLEGIANCE.

### III. INVOCATION

Mayor Pro Tem Kane gave the invocation.

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

Council Member Nabors related that school will start on August 27<sup>th</sup>. She went on to state that on August 15<sup>th</sup> there would be a New Teacher Luncheon at CISD and that the Chamber of Commerce would be providing Welcome Bags to the new teachers. She invited anyone who wished to come to meet the new teachers. She added that on October 18<sup>th</sup>, there would be a Quad Chamber Legislative Briefing. Invitations will be going out and they will be posting more information in the newsletters. Mayor Teske added that the City would start spraying for mosquitoes from 10:00 p.m. to 2:00 a.m. the following night and that it would last for 5 more weeks. He also stated that the City was contracting to have spraying done and that he wanted Kevin Dudley to ride with the contractor. He also mentioned that the City has its first confirmed case of West Nile Virus.



# Lavon City Council Regular Meeting & Executive Session

## Minutes

August 7, 2012

---

### V. CONSENT AGENDA

- A. July 17, 2012 Meeting Minutes (Kennemer)\*
- B. City Council to Appoint David Barnhart to the Planning and Zoning Commission for Place 2 whose term expires June, 2014 (Nabors) \*
- C. City Council to Appoint Bill Bonney to the Planning and Zoning Commission for Place 4 whose term expires June, 2014 (Nabors)\*
- D. City Council to Appoint Trey Smith as Chairman of the Planning and Zoning Commission whose appointment expires June, 2014 (Nabors)\*

**Discussion:** Council Member Nabors asked for the word “generated” be changed to contingent on page 3 of 4, 5<sup>th</sup> line down. Chris Wess stated that Trey Smith’s appointment as Chairman should expire in 2013.

**Motion:** Council Member Nabors made a motion to approve the minutes of July 17, 2012 as amended.

**Second:** Council Member Meeks

Motion was withdrawn

**Motion:** Council Member Nabors made a motion to approve the amendment to the July 17, 2012 minutes.

**Second:** Council Member Meeks

**In Favor:** Mayor Pro Tem Kane, Council Members Nabors, Meeks, Bodwell and Hawkins

**Opposed:** None

**Motion:** Carries

**Motion:** Mayor Pro Tem Kane made a motion to amend item D to read 2013.

**Second:** Council Member Nabors

**In Favor:** Mayor Pro Tem Kane, Council Members Nabors, Meeks, Bodwell and Hawkins

**Opposed:** None

**Motion:** Carries

**Motion:** Mayor Pro Tem Kane made a motion to approve the consent agenda as amended.

**Second:** Council Member Nabors

**In Favor:** Mayor Pro Tem Kane, Council Members Nabors, Meeks, Bodwell and Hawkins

**Opposed:** None

**Motion:** Carries

### VI. CITIZENS' COMMENTS

It was reported that the Lavon Citizens' Police Alumni is raffling off an iPad at National Night Out.



# Lavon City Council Regular Meeting & Executive Session

## Minutes

August 7, 2012

---

### VII. PUBLIC HEARING

#### A. Public Hearing to receive Public Comment on an application for annexation from DPB Investments LP for property located on SH 78 west of SH 205 described as ABS AO121 W A S Bohannan Survey, Blk 3, Tract 96.

1. Mayor Teske opened the Public Hearing at 7:10 p.m.

2. Mayor Teske opened the floor to public comment.

Joan Aquatero asked if there was a reason that this individual wanted to come into the City. City Manager Jones replied that the individual wanted to put in a business but had no specific answer. Ms. Lord asked where the property was located.

3. Mayor Teske closed the floor to public comment.

4. Mayor Teske closed the Public Hearing at 7:13 p.m.

### VIII. ITEMS FOR DISCUSSION

#### A. City Council to Discuss EDCB proposed "Welcome to Lavon" sign (Kane)

Kay Wright addressed the Council about signs that the EDCB, the Developer and City Manager Jones had been negotiating to acquire property for. They were currently looking at 3 possible locations. She stated that these signs would not be lit. She was asked what kind of base the signs will have and if they would have piers. She said that she would find out.

#### B. City Council to Discuss the submission of an application for a grant to Collin County's Parks and Open Space Project Funding Assistance Program for the purpose of creating City Hall Park. (Bodwell)

Council Member Bodwell stated that the grant had been submitted and hoped to hear something by October. City Manager Jones stated that when the EDCB and the City's budgets are adopted that they would be forwarded to the selection committee. Council Member Bodwell wanted to publicly thank Brad Tiegs for his hard work for writing the grant.

### IX. ITEMS FOR CONSIDERATION AND ACTION

#### A. City Council to Consider and Act on approving EDCB Budget for Fiscal Year 2012-2013. (Kane)

Mayor Pro Tem Kane explained that this budget had been passed by the EDCB. Council Member Bodwell asked questions about the dues and fees, training, carryover and consulting firm. Mayor Pro Tem Kane answered that some of the expenses were the same as the City's and the consulting firm is Mundo and Assoc.

**Motion:** Council Member Nabors made a motion to approve the EDCB Fiscal Year 2012-2013 Budget.

**Second:** Council Member Hawkins

**In Favor:** Mayor Pro Tem Kane, Council Members Nabors, Meeks, Bodwell and Hawkins

**Opposed:** None



# Lavon City Council Regular Meeting & Executive Session

## Minutes

August 7, 2012

---

**Motion:** Carries

**B. City Council to Consider and Act on Order of Election for the Election to be held on November 6, 2012. (Kennemer)**

City Manager Jones asked if the Order of Election had to include the location of the election. He asked about pre-clearance for the location for early voting and voting.

**Motion:** Council Member Nabors made a motion to approve the Order of Election for November 6, 2012.

**Second:** Council Member Meeks

**In Favor:** Mayor Pro Tem Kane, Council Members Nabors, Meeks, Bodwell and Hawkins

**Opposed:** None

**Motion:** Carries

**C. City Council to Consider and Act on Ordinance 2012-08-01 An ordinance amending Ordinance 2008-02-01 adopting the Comprehensive Fee Schedule (Kennemer)**

**Motion:** Council Member Nabors made a motion to approve Ordinance 2012-08-01 amending Ord. 2008-02-01 adopting the Comprehensive Fee Schedule.

**Second:** Mayor Pro Tem Kane

**In Favor:** Mayor Pro Tem Kane, Council Members Nabors, Meeks, Bodwell and Hawkins

**Opposed:** None

**Motion:** Carries

**D. City Council to Consider and Act on Ordinance 2012-08-02 Budget Amendment #5 to provide for the spraying of mosquitoes in the City of Lavon. (Teske)**

It was explained the City had enough money to spray for mosquitoes for one week. T/ACS Kennemer was able to find areas in the budget where the City was coming under budget and the funds could be used for this expense. Board Member Aquatero asked about Collin County's spraying and if the County would spray the city. CM Jones explained that, typically, the County only worked on areas that were not incorporated.

**Motion:** Mayor Pro Tem Kane made a motion to approve item "D" on the Consideration and Action Agenda.

**Second:** Council Member Nabors

**In Favor:** Mayor Pro Tem Kane, Council Members Nabors, Meeks, Bodwell and Hawkins

**Opposed:** None

**Motion:** Carries



# Lavon City Council Regular Meeting & Executive Session

## Minutes

August 7, 2012

---

### X. EXECUTIVE SESSION

In accordance with Texas Government Code, Section 551.001, *et seq.*, the City Council will recess into Executive Session (closed meeting) to discuss the following:

- A. In accordance with the Texas Government Code, Section 551.074, personnel matters - to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee, the City Manager. (Teske)
- B. In accordance with the Texas Government Code, Section 551.074, personnel matters - to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee, specifically concerning the City Secretary. (Teske)
- C. In accordance with Texas Government Code, Section 551.071: Consultation with City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicting with the Texas Open Meetings Act: to receive legal advice regarding personnel matters. (Teske)

Mayor Teske read a letter from Andy Messer, City Attorney, stating that the executive session scheduled for this meeting was legal. Mayor Teske recessed the open meeting at 7:38 p.m. to open the executive session.

At 8:56, the Council briefly recessed the executive session and reconvened in open session.

**Motion:** Mayor Pro Tem Kane made a motion to extend the meeting until 10:00 p.m.

**Second:** Council Member Nabors

**In Favor:** Mayor Pro Tem Kane, Council Members Nabors, Meeks, Bodwell

**Opposed:** Council Member Hawkins

**Motion:** Carries

At 8:57 p.m., the Council recessed the open session and reconvened the executive session.

### XI. RECONVENE INTO REGULAR SESSION: In accordance with Texas Government Code, Section 551.001, *et seq.*, the City Council will reconvene into Regular Session to take any action necessary regarding the following:

- A. In accordance with the Texas Government Code, Section 551.074, personnel matters - to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee, the City Manager. (Teske)
- B. In accordance with the Texas Government Code, Section 551.074, personnel matters - to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee, specifically concerning the City Secretary. (Teske)



# Lavon City Council Regular Meeting & Executive Session

## Minutes

August 7, 2012

---

Mayor Teske reconvened into regular session at 9:55 p.m. There was no action taken.

### **XII. Items for Consider and Action**

**A. City Council to Consider and Act on placing one or more items on the next or future agenda of the City Council and directing the preparation of any necessary ordinance, resolution, order and/or directive regarding amending the structure and form of government of the City of Lavon, and/or pertaining and related to the City Manager, City Marshal, City Secretary positions and their employment, and/or regarding the Lavon Code of Regulations, and other related matters, including but not limited to the following:**

- to negotiate and/or enter into a new agreement and/or one or more amendments regarding the City Manager/City Marshal's employment, and/or the City Manager/City Marshal's employment Agreement with the City, and/or the City Secretary position, and any related resolution or ordinance
- regarding a resolution to effectuate one or more Involuntary Separation or Termination Events regarding the City Manager/City Marshal's employment Agreement with the City including one or more of the following:
  - a. to pursue an "Involuntary Separation"; or
  - b. a reduction in the City Manager's salary or benefits; and/or
  - c. to provide a formal suggestion for the City Manager/City Marshal to resign or other expression of no confidence or that his services are no longer wanted by a majority of the Council; and/or
- regarding an order, directive, ordinance, or resolution to place the City Manager on Administrative Leave
- regarding an ordinance to rescind or modify the City Manager – City Council form of government
- regarding an ordinance to suspend, rescind and/or amend the Lavon Code of Regulations regarding:
  - a. any and all procedural requirements established by the Lavon Code of Regulations regarding the conducting of City Council Meetings; and/or
  - b. the City Manager-City Council form of government

**Motion:** Mayor Pro Tem Kane made a motion that the following: Items 1, 2, 4 and 5 with A and B, be added to the next agenda.

**Second:** Council Member Meeks

**In Favor:** Mayor Pro Tem Kane, Council Members Nabors, Meeks, Bodwell and Hawkins

**Opposed:** None

**Motion:** Carries



# Lavon City Council Regular Meeting & Executive Session

## Minutes

August 7, 2012

---

**Motion:** Mayor Pro Tem Kane made a second motion that a committee of the Mayor and two of his designees from the Council be impaneled tomorrow (8/8/2012) to have a discussion associated with those items with the city manager and the city attorney and prepare any items necessary to support those items.

**Second:** Council Member Hawkins

**In Favor:** Mayor Pro Tem Kane, Council Members Nabors, Meeks, Bodwell and Hawkins

**Opposed:** None

**Motion:** Carries

#### XIV. MAYOR TESKE TO ADJOURN THE CITY COUNCIL MEETING

Mayor Teske adjourned the meeting at 10:00 P.M.

Duly passed and approved on this 21 day of August, 2012.

Mayor Chuck Teske

Attest:

Laura Kennemer

Acting City Secretary/Treasurer