



# Lavon City Council Regular Meeting & Public Hearing

## Minutes

### October 16, 2012

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#### **I. MEETING CALLED TO ORDER AT 7:03 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 4, David Hawkins

Members Absent: Council Member Place 3, Gary Meeks  
Council Member Place 5, Jenny Bodwell

Staff Present: City Secretary Chris Wess  
Chief of Operations Mike Jones  
Sgt. Roger Myers

Legal Representative: City Attorney Andy Messer  
PID Bond Attorney Tim Green

Commission and Board Members: Park & Rec. Board Member Joan Aquatero

Visitors: 13

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. ITEMS OF INTEREST/CITY COUNCIL COMMUNICATIONS**

Mayor Pro Tem Kane announced that the Community ISD TRE passed at 69% for and 31% against. He also stated that the City had received the Collin County grant for the playground and pavilion and that it was \$69,000 in matching funds. Council Member Hawkins related that the plan was to start the pavilion right after the first of December.

#### **V. CONSENT AGENDA**

Minutes of the September 22, 2012 City Council Meeting. (Wess)

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

**Second:** Mayor Pro Tem Kane

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

**Opposed:** None

**Motion:** Carries



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### VI. PUBLIC RECOGNITION

City Council to recognize the 13 years of service that Chief Rob Caldwell has served the City of Lavon as part of the Nevada Fire Department.

Mayor Teske thanked Chief Caldwell for his years of service and presented him with a certificate. At 7:07 p.m., Mayor Teske briefly recessed the meeting for a reception in Chief Caldwell's honor. At 7:28 p.m., Mayor Teske reconvened the meeting.

### VII. CITIZENS' COMMENTS

None

### VIII. PUBLIC HEARING

Public Hearings to receive Public Comment on the following issues: (Hawkins/Teske)

A. Mayor Teske opened the Public Hearings at 7:28 p.m.

B. Mayor Teske opened floor to Public Comment

1. To receive comments limiting the access to Gracy Lane.

Will Morrow told the Council that all of the neighbors had signed the petition to limit the access to Gracy Lane. He related the origins of the road and how it was never intended to be used for vehicles to go between McClendon to Main St. He felt that the south entrance could be closed inexpensively with a guardrail. He offered to donate the guardrail. There was additional discussion about fewer repairs needed for the street if access was limited and the need for signage warning of the closing.

2. To receive comments on renewing an ordinance to set a curfew for minors.

Melissa Kale stated that she felt the City needed a curfew for minors but questioned if it had been enforced. COO Jones questioned whether the ordinance before the Council could be adopted as it was not the original ordinance. He did state that the action item was to adopt the actual ordinance in question. Ms. Kale asked if the current ordinance was being enforced and Council Member Nabors asked what prompted the need for this action. Mayor Teske explained that the current ordinance expires and would need to be renewed. There was additional discussion about renewing or modifying the current ordinance. City Atty. Messer explained that there was a way to modify the current ordinance. CS Wess explained that the only difference in the current ordinance and the proposed ordinance was additional definitions and a little language clean-up and that all fines and time restraints were the same.

C. Mayor Teske closed the floor to Public Comment

D. Mayor Teske closed the Public Hearings at 7:48 p.m.

### VIII. ITEMS FOR DISCUSSION

A. City Council to discuss the use of City Hall/Community Center. (Hawkins)

This item was tabled until such a time that all of the members could be at the meeting.



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B. City Council to discuss the amenity center for Grand Heritage East. (Teske)

Mayor Teske explained that he wanted the Council to have more detail about the amenity center than was previously supplied. Council Member Hawkins expressed concerns about there not being any parking or restrooms. Mayor Pro Tem Kane felt that the only safety issue that the Council could address would be the lack of parking especially with small children in the area. He felt that the restroom issue was a concern between the residents and the developer. Melissa Kale asked if the amenity center was only going to be available to the Grand Heritage residents and that was answered affirmatively. She also questioned if any City funds would be used for the upkeep of the center and Mayor Teske stated that the HOA would be maintaining the center. COO Jones explained that sidewalks were added to the plans as well as a ramp to make it ADA accessible. Council Member Nabors restated that parking was an issue that needed to be addressed for safety purposes. Mayor Pro Tem Kane added that there needed to be a fence between the city park and the amenity center to keep the rest of the citizens out of the amenity center. COO Jones explained that without proper signage, the City wouldn't be able to enforce trespassing laws. Council Member Nabors reported that the City didn't want to create any animosity between Grand Heritage residents and the rest of the citizens. COO Jones said he would check into the parking issue.

**X. CONSIDERATION AND ACTION**

A. City Council to Consider and Act on approving Ordinance No. 2012-10-02 an ordinance limiting the access of Gracy Lane at the south entrance on FM2755 (McClendon Rd.) (Hawkins)

**Motion:** Council Member Hawkins stated me so move.

**Second:** Council Member Nabors

Mayor Pro Tem Kane asked that there be interim signs warning that the street will be closed and stated that it may take time to order and put those signs up.

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

**Opposed:** None

**Motion:** Carries

B. City Council to Consider and Act on approving the Economic Development Corp.'s amended budget for fiscal year 2012-2013. (Kane)

Mayor Pro Tem Kane explained that the EDC moved money around to accommodate a change to auditor funds; consulting funds and marketing materials as well as he noted the funds for the entry way signs and the park funds.

**Motion:** Council Member Nabors made a motion to approve the Economic Development Corp's amended budget for fiscal year 2012-2013.

**Second:** Mayor Pro Tem Kane

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



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**Opposed:** None

**Motion:** Carries

- C. City Council to Consider and Act on Resolution No. 2012-10-01 Accepting the Proposed Amended Service and Assessment Plan for the Heritage Public Improvement District No. 1 (Residential); Setting a Date for a Public Hearing; Authorizing the Publication of Notice; and Enacting Other Provisions Relating Thereto. (Teske)

PID Atty. Tim Green explained that this amended the original Service and Assessment Plan and that this Plan reflected the changes that were previously discussed. He related that he was working with the City Secretary to get out the public hearing notice and resident letters.

**Motion:** Council Member Nabors made a motion to approve Resolution No. 2012-10-01 Accepting the Proposed Amended Service and Assessment Plan for the Heritage Public Improvement District No.1 (Residential); Setting a Date for a Public Hearing; Authorizing the Publication of Notice; and Enacting Other Provisions Relating Thereto.

**Second:** Mayor Pro Tem Kane

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

**Opposed:** None

**Motion:** Carries

- D. City Council to Consider and Act on approving an Agreement Employing RBC Capital Markets, LLC as the PID#1 Bond Underwriter. (Teske)

Council Member Nabors pointed out a typographical error on the agreement under the Scope of Service #7: binds should be bonds. Mayor Pro Tem Kane emphasized that the bonds would not affect the citizens outside of Grand Heritage; that the bonds would be paid solely by taxes paid by property owners in Grand Heritage.

**Motion:** Mayor Pro Tem Kane made a motion to approve Item D on the Consider and Act agenda.

**Second:** Council Member Nabors

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

**Opposed:** None

**Motion:** Carries

- E. City Council to Consider and Act on approving an interim Fire Marshal. (Teske)

Mayor Teske explained that with Rob Caldwell's retirement the City would need a new Fire Marshal. The City has a candidate who is in the process of getting permission from his bosses at Murphy Fire and Police Departments. He went on to say that Joe Wetzel had received permission from the Fire Chief and was waiting on the Police Chief. Mayor Teske was asking for the Council to approve Joe Wetzel as an Interim Fire Marshal contingent upon the approval of his superiors.



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**Motion** Council Member Nabors made a motion to approve as Interim Fire Marshal, Joe Wetzel, contingent upon approval of all the appropriate bosses that he has, allowing him to do so.

**Second:** Council Member Hawkins

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

**Opposed:** None

**Motion:** Carries

- F. City Council to Consider and Act on approving the Planning and Zoning Commission's submission of the Land Use & Urban Design Element and the Parks, Trails, Recreation, Open Space Element of Comprehensive Plan. (Nabors)

Council Member Nabors explained that these were the last two elements to be approved. She went on to explain that the next step for the Comprehensive Plan would be to hold a Public Hearing. Mayor Pro Tem Kane offered that a map would be helpful when presenting the Plan to the public.

**Motion:** Mayor Pro Tem Kane made a motion to approve Item F on the Consider and Act Agenda.

**Second:** Council Member Nabors

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

**Opposed:** None

**Motion:** Carries

- G. City Council to Consider and Act on approving the September 30, 2012 PID expenses. (Kennemer)  
Mayor Pro Tem Kane questioned the type of bills that the City is seeing every month.

**Motion:** Mayor Pro Tem Kane made a motion to approve Item G on the Consider and Act Agenda.

**Second:** Council Member Nabors

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

**Opposed:** None

**Motion:** Carries

**XI.** Public Hearings to receive Public Comment on the following issues: (Teske)

- A. Mayor Teske opened the Public Hearing at 8:25 p.m.
- B. Mayor Teske opened the floor to Public Comment on renewing an ordinance to set a curfew for minors.  
Melissa Kale expressed that she was completely for having a curfew for minors.
- C. Mayor Teske closed the floor to Public Comment
- D. Mayor Teske closed the Public Hearing at 8:27 p.m.



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### XII. CONSIDERATION AND ACTION

City Council to Consider and Act on approving Ordinance No. 2012-10-03 an ordinance establishing a curfew for minors and parental responsibility, setting the hours of curfew for minors, providing for affirmative defenses to prosecution and providing for a penalty.

**Motion:** Council Member Nabors made a motion to approve Ordinance No. 2012-10-03 which modifies a previous ordinance, establishing a curfew for minors and parental responsibility, setting the hours of curfew for minors, providing for affirmative defenses to prosecution and providing for a penalty.

**Second:** Mayor Pro Tem Kane

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

**Opposed:** None

**Motion:** Carries

### XIII. CITY COUNCIL TO SET FUTURE MEETINGS AND AGENDAS

Mayor Teske explained that the November elections are scheduled on the 6<sup>th</sup> (1<sup>st</sup> regular meeting) and the 2<sup>nd</sup> regular meeting (November 20<sup>th</sup>) would be scheduled during the Thanksgiving week; the Council would only have one meeting in November. He stated that this meeting would be scheduled on November 13<sup>th</sup> and held at NeSmith Elementary School to accommodate the Public Hearing for the PID assessment. Council Member Hawkins cautioned that the Interlocal Agreement with the County would need to be approved at that meeting for the Park Grant.

### XIV. PRESIDING OFFICER TO ADJOURN THE CITY COUNCIL MEETING

Mayor Teske adjourned the meeting at 8:31 p.m.

Duly passed and approved on this 13<sup>th</sup> day of November, 2012.

Mayor Charles A. Teske

Attest:

Chris Wess  
Chris Wess, City Secretary