



Minutes
Lavon City Council Meeting
August 23, 2016

1. MAYOR TESKE CALLED THE MEETING TO ORDER AT 6:11 P.M. AND ANNOUNCED A QUORUM PRESENT.

Members Present: Mayor Chuck Teske
Council Member Place 1, Vicki Sanson
Council Member Place 2, Jason Kidd
Council Member Place 3, Jason Arnold
Mayor Pro Tem Place 4, Matt Childers
Council Member Place 5, Mindi Serkland

Staff Present: Public Works Director Sonny Mancias
Police Chief /COO Mike Jones
Director of Health and Life Safety Services Jon Scott
Municipal Court Clerk Sue Johnson
Interim City Secretary Kim Dobbs

Commission and Board Members: Kay Wright, EDC
Jorge Calderon, Parks & Recreation
Deborah Nabors, P&Z
Tom Ormsby, P&Z

2. MAYOR TESKE LED THE RECITATION OF THE PLEDGE OF ALLEGIANCE AND DELIVERED THE INVOCATION.

3. WORK SESSION

Mayor Teske opened a work session for discussion of the proposed budget and tax rate for Fiscal Year 2016-2017. The staff presented and answered questions regarding the budget and budget requests. The Council discussed the budget and provided direction pertaining to budget requests and proposed projects and programs. The City Council directed that the budget be prepared to keep the actual property tax rate of \$0.4557 per \$100 valuation the same as last year. The Mayor recessed the meeting at 7:00 p.m. and reconvened the meeting at 7:17 p.m.

4. CITIZENS COMMENTS

Kay Wright, President, Lavon Economic Development Corporation Board (LEDC) of Directors advised that the LEDC will be sponsoring a "Small Business Saturday" event on the Saturday following Thanksgiving (November 26) to encourage people to support local small businesses. Ms. Wright stated that promotional information will be provided as the event date nears.

5. PRESENTATION

Presentation of 2015 Financial Statements and Independent Audit Report – Conway, PLLC.

Susie Erickson, CPA, Audit Partner, Conway Company CPAs PC presented the City's annual financial statements and independent audit report for the fiscal year ending September 30, 2015. Ms. Erickson reported that the City received a clean unmodified opinion and that everything is in very good shape. Ms. Erickson noted that the financial position of the City improved from the prior year. Ms. Erickson noted two minor issues relating to the adoption of an investment policy



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and investment training and the adoption of a purchasing policy. Ms. Dobbs noted that the City Council adopted a Purchasing Directive in September 2015 and that an investment policy would be presented to the Council for consideration at the next meeting. Additionally, Ms. Dobbs advised that staff will complete the required investment training before the end of September.

6. ITEMS OF INTEREST/CITY COUNCIL COMMUNICATIONS

Mayor Teske noted that a flyer was included in the meeting packets regarding Lavon Lake Watershed Protection Kickoff Meetings on September 13, 2016 in McKinney, 6:00-7:30 pm and on September 20, 2016 in Wylie, 3:00-4:30 pm. Ms. Dobbs noted that the City's Fall Festival /Halloween event is scheduled for October 15, 2016 from 3:00-6:00 pm.

7. CONSENT AGENDA

- A. Approval of the Minutes of the August 2, 2016 Meeting.**
- B. Approval of the Minutes of the August 16, 2016 meeting**
- C. Acceptance of the Heritage Public Improvement District #1 Assessment Report Summary dated 07/31/16 and authorization to pay invoices included therein.**
- D. Approve Resolution 2016-08-07 Authorizing the Mayor to Execute a Contract with the Collin County Elections Administrator for Election Services Related to the November 8, 2016 General Election and authorize payment.**

MOTION: APPROVE THE CONSENT AGENDA AS PRESENTED.

MOTION MADE: SANSON

SECONDED: CHILDERS

APPROVED: UNANIMOUS

8. STAFF REPORTS

- A. Police Department –** Police Chief Jones reported that one of two vehicles had been received and delivery of the second vehicle is expected within 14 days. Chief Jones reported that he recently completed his Master's Degree in Criminology from Texas A&M University at Commerce, graduating with a 4.0 grade point average.
- B. Fire Department –** Director of Health and Life Safety Jon Scott reported that the company installing the storm warning system agreed to the terms proposed by the City Council and has been given a notice to proceed. Mr. Scott stated that installation should begin in about eight weeks when the poles are delivered. Mr. Scott advised that three firefighters recently completed a week-long Teex training at Texas A&M in College Station and that the roster for the volunteer fire department is full for the first time in 15 years. Director Scott concluded his report advising the City Council that he has been nominated as the President of the Collin County Fire Chiefs Association (CCFCA).
- C. Public Works Department –** Director of Public Works Sonny Mancias reported that Public Works fog sealed several roads, mowed and weed-eated around city, and inspected lift stations. Mr. Mancias explained that the Public Works Department had completed a concentrated effort to address inflow and infiltration (I&I) by attending training and a maintenance demonstration; the staff inspected the manholes along the Bear Creek main line



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and performed maintenance in the field to improve conditions. Mr. Mancias provided a status report on the installation of the new generator.

- D. Administration – Ms. Dobbs noted that the financial Outlook was included in the meeting packets. Mayor Teske noted that barring unforeseen issues, the fiscal year should end with surplus funds.

9. **DISCUSSION AND ACTION**

A. **Discussion and action regarding Ordinance No. 2016-08-06 to amend Ordinance No. 2001-12-11, Section 4. to remove the requirement that elections shall be held at city hall and use paper ballot system; providing a severability clause and providing an effective date.**

Ms. Dobbs explained that technological advances and expanded polling locations have occurred since the adoption of the 2001 ordinance and that the proposed amendment serves to increase voter access and accommodation.

MOTION: APPROVE ORDINANCE NO. 2016-08-06 AMENDING ORDINANCE NO. 2001-12-11, SECTION 4. TO REMOVE THE REQUIREMENT THAT ELECTIONS SHALL BE HELD AT CITY HALL AND USE PAPER BALLOT SYSTEM; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

MOTION MADE: KIDD

SECONDED: SERKLAND

APPROVED: UNANIMOUS

B. **Discussion and action regarding Ordinance No. 2016-08-07 adopting regulations for solid waste disposal; requiring service; establishing limits and prohibited activities; providing for adoption of solid waste collection rates; providing a cumulative clause; providing a severability clause; and providing for an effective date.**

MOTION: APPROVE ORDINANCE NO. 2016-08-07 ADOPTING REGULATIONS FOR SOLID WASTE DISPOSAL; REQUIRING SERVICE; ESTABLISHING LIMITS AND PROHIBITED ACTIVITIES; PROVIDING FOR ADOPTION OF SOLID WASTE COLLECTION RATES; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION MADE: MAYOR PRO TEM CHILDERS

SECONDED: COUNCIL MEMBER SANSON

APPROVED: UNANIMOUS

C. **Discussion and action regarding Resolution No. 2016-08-06, including (1) to reconsider Resolution No. 2016-08-06 and affirm the vote that approved Resolution No. 2016-08-06; or (2) to consider Resolution No. 2016-08-08 reconsidering the vote that approved Resolution No. 2016-08-06 and find that Resolution No. 2016-08-06 has no legal effect.**



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Mayor Teske referenced the state law provision for the reconsideration of Resolution No. 2016-08-06 and stated he objected to Resolution No. 2016-08-06 because he believed that sections of the resolution conflicted with the Lavon Code of Regulations (LCR), Sections 3.2.1.2 (Q), (R) and (S) and also conflicted with the Texas Local Government Code (LGC), Section 22.042 (b).

Mr. Messer opined that Resolution No. 2016-08-06 is not in conflict with the LCR and that the resolution clarifies, but does not attempt to change, the LCR. Mr. Messer stated that he was not certain if the LGC section has been interpreted to relate to civil or criminal matters and that detailed legal research would be necessary to discern if a conflict exists.

Council member Sanson asked about the purpose of the resolution and about the process of individual city council members incurring attorney fees without the Council's prior knowledge or approval and expressed concern about staying within budget limits.

Council member Arnold expressed concern about having unfettered ability to conduct a fact-finding mission and due diligence to perform his duties. Mr. Arnold also expressed concern that the Mayor gave a directive to employees regarding Council communications but that the Council was not informed about it.

Mayor Teske asked if members of the Council had been contacted by an employee(s) in regard to his verbal directive that employees not directly communicate with Council members.

Council member Serkland inquired about the grievance process and suggested that perhaps the matter should be tabled for further legal research.

Members of the public offered the following questions and comments:

- Deborah Nabors, 660 Lake Vista Ln. - expressed concern regarding the legal fees budget and encouraged Council coordination and to work together to resolve matters
- Josh Murray, 825 Fannin Dr. – inquired about an informal policy of contacting the TML legal department to contain costs for legal fees and expressed concern regarding a walking quorum.

MOTION: TABLE THE MATTER.

MOTION MADE: CHILDERS

SECONDED: SANSON

APPROVED: FOR: CHILDERS

KIDD

SANSON

SERKLAND

AGAINST: ARNOLD

D. Discussion and action regarding Board and Commission Appointments: Economic Development Corporation Board of Directors and Planning & Zoning Commission.

The Council reviewed volunteer applications recently submitted for appointment. Ms. Wright volunteered to contact a couple of the applicants to confirm their desired appointment preferences. The Council took no action and directed that the matter be returned on the September 6, 2016 agenda.



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10. DISCUSSION

A. Discussion regarding meeting attendance

Mayor Teske presented information pertaining to meeting attendance. Council member Kidd explained that during the past year, his job had required extensive travel but that he hoped that the travel would be reduced in the future. Mr. Kidd noted that he had researched the possibility of attending a meeting via computer conference when needed. City Attorney Andy Messer confirmed that a Council member can attend a meeting via computer conference subject to certain conditions being satisfied. Mr. Kidd advised that he is in the process of securing the provision of the technology/equipment necessary in order to accommodate this option.

11. EXECUTIVE SESSION

At 8:42 p.m., the Mayor recessed the meeting to go into Executive Session (Closed Meeting) pursuant to the provisions of Chapter 551, TEXAS GOVERNMENT CODE et seq., to discuss the following, in accordance with the authority contained in Section 551.074: Personnel matters: deliberation concerning the appointment, employment, duties of a public officer or employee: City Secretary and City Administrator.

12. RECONVENE INTO REGULAR SESSION

The Mayor reconvened the meeting at 9:15 p.m. and stated that no action was taken in executive session.

13. CITY COUNCIL TO SET FUTURE MEETINGS AND AGENDAS


The City Council scheduled a budget work session on September 6, 2016 at 6:00 p.m. and also noted that a public hearing on the proposed budget would be conducted at the same meeting.

Council member Serkland requested a copy of the contract with Collin County for Animal Control Services as well as statistics for the service provided.

14. PRESIDING OFFICER TO ADJOURN THE CITY COUNCIL MEETING

Mayor Teske adjourned the meeting at 9:16 p.m.

Duly passed and approved on this 6th day of September, 2016.



Charles A. Teske, Jr., Mayor

Attest:



Kim Dobbs, Interim City Secretary

