

CITY OF OVILLA MINUTES
Monday, 28 April 2008
Regular City Council Meeting

A regular meeting of the Ovilla City Council was called to order at 7:02 P.M. with the following City Council Members present:

William A. "Bill" Turner	Mayor
Morgan Crow	Mayor Pro-tem
Floyd Elkins	Councilman
Richard Dormier	Councilman
Ralph Hall	Councilman
Larry Stevenson	Councilman

The Invocation was given by Mayor Pro-tem Crow.
The Pledge of Allegiance was led by Councilman Dormier.

CITIZENS COMMENTS:

- Mr. G. T. Mulholland spoke about the Texas Ethics Commission and Ovilla Town Topics
- Mr. Dick Allen complimented Ovilla's Public Safety (ambulance service) and Officer Reggie Carr.
- Mr. Marcus Smith offered his appreciation of Ovilla city officials and spoke in opposition of the dis-annexation of Ovilla Creek Estates.

DEPARTMENTAL REPORTS:

- Finance Department
 - Ms. Reeve gave the investment report.
 - Mr. McDonald commented that staff was making all attempts to maximize the investments – even with the economy and lower interest rates.
- Administration
 - City Administrator John McDonald discussed the problems and complaints with parking in the right-of-way on 664 and the possibility of drafting an ordinance to correct the issue.

CONSENT ITEMS:

- Minutes of the Regular Council Meeting on April 14, 2008.

Councilman Dormier stated a correction was required referencing his attendance (not present) of the interview process for general planning services.

Mayor Pro-tem Crow made a motion to approve all consent items as presented. Councilman Elkins seconded the motion.

VOTE: The motion carried unanimously.

William A. "Bill" Turner, Mayor
Floyd Elkins, Place One
Richard Dormier, Place Two

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Morgan L. Crow, Mayor Pro Tem
Ralph Hall, Place Four
Larry Stevenson, Place Five
John McDonald, City Administrator

INDIVIDUAL CONSIDERATION:

ITEM 1. Discussion/Action – Consideration of an Interlocal Agreement between the City of Ovilla and Ellis County for Road Reconstruction and Maintenance of Johnson Lane.

City Administrator and Council discussed the method of “chip and seal” for the reconstruction of Johnson Lane. The addition of Duncanville Road reconstruction was discussed and considered in the interlocal. The agreement required \$150,000 for Johnson Lane and an additional \$30,000 to reconstruct a portion of Duncanville Road. Payments would be divided over a three-year period. Public Works Director Jason Robinson was instructed to discuss amending the interlocal with Commissioner Ron Brown.

Councilman Elkins made a motion that Council approve this interlocal agreement with Ellis County for the reconstruction and maintenance of Johnson Lane (and Duncanville Road). Mayor Pro-tem Crow seconded the motion.

VOTE: The motion carried unanimously.

ITEM 2. Discussion/Action – Consideration of a Resolution of the City Council of the City of Ovilla, Texas Approving an Economic Development Program Agreement By and Between the City and the Ovilla Business Association; and Providing and Effective Date.

City Administrator briefed Council that staff and the Ovilla Business Association were working on an agreement to allow a market day to be held in Heritage Park on the fourth Saturday of the month, excluding September. Ovilla’s attorney gave an amended agreement that would require insurance and the establishment of Incorporation prior to begin use of the park. Representative, Ms. Graham was present and briefed council on the proposed intentions of the association, explaining the specific aspects, requirements and planned dates for the business association’s proposed market days. Ms. Graham also introduced the officers of the association. Thorough discussion regarding public resources for private purpose was considered.

Councilman Stevenson made a motion to table the item pending discussion with City Attorney at the end of the Council meeting. Councilman Hall seconded the motion.

VOTE: The motion carried unanimously.

ITEM 3. Discussion/Action – Consideration of an Ordinance Amending the Existing Gas Franchise Between the City of Ovilla and Atmos Energy Corporation.

The City is a member of the Atmos Steering Committee. As part of the last settlement agreement Atmos agreed to increase the franchise fee to five percent. The Ordinance would be effective May 1, 2008.

Councilman Hall made the motion that Council approve this Ordinance increasing the franchise fee to five percent. Mayor Pro-tem Crow seconded the motion.

VOTE: The motion carried unanimously.

At 7:55 P.M. Mayor Pro-Tem Crow made a motion to recess in order to allow the City Administrator to contact the City Attorney regarding clarification on Item 2. Councilman Stevenson seconded the motion.

VOTE: The motion carried unanimously.

Mayor Turner reconvened the meeting back in to order at 8:05 P.M. and proceeded with the next agenda item.

ITEM 4. Discussion/Action – Consideration of an Amendment to the Fiscal Year 2008 Budget.

Required by City Ordinance, staff prepared an amended draft budget with a few highlights:

1. Overall taxes increased \$4000
2. Reduction in licenses and permits due to reduce development activity.
3. Increase in fines and forfeitures.
4. Minimal changes to the Utility Fund
5. Debt Service Revenue increased due to collections of delinquent taxes, penalty and interest.
6. Fire Safety & Emergency Services changes in the revenue are due to the grant revenue received for the new generator.

Councilman Hall complimented the detail of the budget and noted the necessity of midyear revisions. Ms. Reeve told Council that the city was ahead of schedule on the fund balance reserve.

Councilman Hall made a motion that Council approve the Fiscal Year 2008 budget amendments as proposed. Councilman Stevenson seconded the motion.

VOTE: The motion carried unanimously.

ITEM 5. Discussion/Action – Consider Entering into a Lease Agreement with Ellis County Emergency Services District #2.

City Administrator stated that the City would lease the area behind the Fire Station to the Ellis County Emergency Services District so that they may construct the Larry C. Marlow Fire Annex. All necessary financing and documentation were discussed. An amendment was made to the lease to state the term of the lease to be 12 years.

Mayor Pro-tem Crow made a motion that Council approve the lease agreement with the term amendment with the ESD #2. Councilman Dormier seconded the motion.

VOTE: The motion carried unanimously.

ITEM 6. Discussion/Action – Consider Entering into a Sub-lease Agreement with Ellis County ESD #2.

City Administrator explained that with this agreement, the City would lease the Fire Annex from the Ellis County Emergency Services District #2 during the period in which the ESD will be paying off the obligations on the building. Once the debt has been retired, the building will become the property of the City.

Councilman Stevenson made a motion that Council approve this sublease agreement with ESD #2. Councilman Elkins seconded the motion.

VOTE: The motion carried unanimously.

Councilman Stevenson made a motion bringing Item #2 back to the table. Mayor Pro-Tem Crow seconded the motion.

VOTE: The motion carried unanimously.

ITEM 2. Discussion/Action – Consideration of a Resolution of the City Council of the City of Ovilla, Texas Approving an Economic Development Program Agreement By and Between the City and the Ovilla Business Association; and Providing and Effective Date.

Councilman Hall announced that Council had spoken with the attorney, and confirmed there would be an addendum related to Economic Development. The agreement is valid if the City derives an economic benefit from the event otherwise the event is taking public monies for a private purpose and the agreement is not legal. Two requirements: The association must present the city with their incorporation in place one week prior to May 24 (May 19) and a certification of insurance before the first day of the event. Financial reports and collections, submittals to the city, parking, electric use, cross walking from 664, entertainment and organizers for these events were all discussed.

Councilman Elkins made a motion to approve the resolution with all the noted changes. Mayor Pro-Tem Crow seconded the motion.

VOTE: The motion carried unanimously.

CITY COUNCIL COMMENTS AND ANNOUNCEMENTS:

Mayor Turner stated the April 26 cleanup day went well and staff did an outstanding job.

EXECUTIVE SESSION

Mayor Turner announced that the City Council would immediately move into Executive Session at 8:53 P.M. to consider the following:

1. Consider the appointment, employment, evaluation, reassignment, or duties of the following: (Section 551.074 Personnel Matters).
 - City Administrator
 - City Secretary
 - Police Chief
 - Fire Chief
 - City Accountant
 - Public Works Director
 - Municipal Judge

The City Council reconvened into Regular Session at 10:03 PM

2. Record of Action Taken as a Result of the Executive Session:
 - Annual Evaluations and salary increases
 1. 4% City Secretary
 2. 3.5% Police Chief
 3. 3% Fire Chief
 4. 3% City Accountant
 5. 3.5% Public Works Director
 6. 10% Municipal Judge

Mayor Pro-tem Crow made a motion that Council approve the annual evaluations and salary increases as listed and be effective May 10, 2008 pay-period. Councilman Elkins seconded the motion.

VOTE: The motion carried unanimously.

ADJOURNMENT:

Councilman Hall made a motion that Council adjourn the Regular Council Meeting of April 28, 2008. Councilman Stevenson seconded the motion.

VOTE: The motion carried unanimously.

ATTEST:

William A. "Bill" Turner
MAYOR

Pamela Higgins
CITY SECRETARY