

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

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A Regular Council Meeting of the Ovilla City Council was called to order by Mayor Turner at 7:15 P.M. with the following City Council Members present:

William A. "Bill" Turner	Mayor
Ralph Hall	Mayor Pro-Tem
Tom Leverentz	Council Member, Place 1
Richard Dormier	Council Member, Place 2
Bill Vansyckle	Council Member, Place 3
James Wade	Council Member, Place 5

The Invocation was given by Council Member Vansyckle.  
The Pledge of Allegiance was led by Council Member Wade.

**COMMENTS, PRESENTATIONS, REPORTS AND APPOINTMENTS:**

- Mr. G.T. Mulholland spoke regarding Ovilla's bond rating, road reconstruction and the Council's use of T.O.A.S.E.
- Mr. Don Beddingfield spoke about Ovilla's roads and the latest improvements.
- Ms Dani Muckleroy spoke regarding Ovilla's road repair, water quality and a building permit sign.
- Mr. Kyle Kutach spoke regarding the Home Owner's Association Fees and lack of communication from Council and city staff.
- Mr. Morgan Crow spoke regarding sewer fees.

**CONSENT ITEMS:**

- Minutes of the Special Council Meeting held on 7 July 2008.
- Minutes of the Regular Council Meeting held on 14 July 2008.

Mayor Pro-Tem Hall made a motion that Council approve the consent items as presented.  
Council Member Vansyckle seconded the motion.

**VOTE: The motion carried unanimously.**

**INDIVIDUAL CONSIDERATION:**

**ITEM 1. Discussion** – Public Hearing regarding the 2007 Annual Drinking Water Quality Report regulated by the Texas Commission on Environmental Quality.

Public Works Director Jason Robinson was not able to attend the meeting due to a water leak in the City. Council Member Dormier gave an overview of the report and TTHM levels, noting they are where they should be and that the City receives their water from Dallas Water Utilities.

**Mayor Tuner opened the Public Hearing at 7:31 PM –**

Mr. Mike Davis stood before Council and those present explaining that he was a registered sanitarian and offered explanations to the previous high levels of TTHM, specifically that Ovilla was at the end of the water line. Mr. Dale Helm commented about campaign literature that referenced “bad water” and asked what had been done to correct the problem. Mr. Morgan Crow referenced the same campaign literature. There were no other speakers during the Public Hearing.

**Mayor Turner closed the Public Hearing at 7:39 PM -**

**ITEM 2. Discussion/Action –** Consider approval of a Resolution Authorizing the Execution of the ATMOS Cities Steering Committee Participation Agreement and Authorizing the Payment of 5 cents per capita to the ATMOS Cities Steering Committee.

The ATMOS Steering Committee is a 154-Member (Cities) Committee, which requires annual participants to pay 5 cents per capita (\$192.90 for Ovilla) and provide a resolution/agreement. This committee defends the interests of the residential and small commercial customers served by ATMOS.

Council Member Vansyckle made a motion that Council approve a resolution authorizing the execution of the participation agreement and authorizing the 5 cents per capita to fund regulatory and related activities related to ATMOS Energy Corporation. Council Member Leverentz seconded the motion. **This Ballot Required Record Vote:**

Council Member Wade	Aye	Council Member Vansyckle	Aye
Mayor Pro-Tem Hall	Aye	Council Member Dormier	Aye
		Council Member Leverentz	Aye

**VOTE: The motion carried unanimously.**

**ITEM 3. Discussion/Action –** Consideration of an Ordinance Suspending the Assessment of a Fee Related to the Provision of Services for the Collection of Homeowner Association Dues by the City Pending Completion of Cost Recovery Determination and Determination of Other Necessary Safeguards; And Providing an Effective Date.

Council Member Leverentz offered to take the lead with the new City Administrator and schedule a meeting with the HOA representatives from each neighborhood affected in hopes to move toward a compromise for all. Council discussed the need to continue the suspension in hopes have the cost recovery determination and other issues with the HOA neighborhoods resolved by October 31, 2008.

Council Member Wade made a motion that Council approve an Ordinance suspending the assessment of a fee related to the provision of services for the collection of homeowner association dues pending the cost recovery determination until October 31, 2008. Mayor Pro-Tem Hall seconded the motion.

**VOTE: The motion carried unanimously.**

**City Council Announcements**

Council Member Wade mentioned the Heritage Day Parade. Vansyckle stated he had recently attended an Allied Waste presentation of a new and unique contract system for garbage collection and recycling services.

Council Member Dormier mentioned the recent budget workshop.  
Council Member Leverentz mentioned the upcoming budget workshop.  
Mayor Turner gave City Accountant Miykael Reeve a well-earned compliment for her hard work on the preparation of the proposed FY2009 Budget.  
Mayor Turner also reminded everyone of Heritage Day, scheduled for the 4<sup>th</sup> Saturday in September (September 27).

### **EXECUTIVE SESSION**

#### ***The City Council adjourned into Executive Session at 8:06 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
    - a. Consider Action as a Result of Discussion.
  
2. Receive and consider legal advice and settlement offer regarding *City of Ovilla v. Triumph Development*. (Section 551.071 Consultation with Attorney)
  - a. Consider Action as a Result of Discussion.

#### ***The City Council reconvened into Open Session at 9:12 P.M.***

1. Council Member Leverentz made a motion that Council appoint Mr. Randall Whiteman as City Administrator on the terms set forth in the letter agreement. Council Member Vansyckle seconded the motion. Council Member Wade abstained.  
**VOTE: The motion carried four votes with one abstention.**
  
2. There was no action taken.

### **Adjournment**

Council Member Vansyckle made a motion to adjourn the meeting of July 28, 2008. Council Member Dormier seconded the motion.  
**VOTE: The motion carried unanimously.**

ATTEST:

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William A. "Bill" Turner, MAYOR

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Pamela Higgins, CITY SECRETARY