

**CITY OF OVILLA MINUTES**  
***Monday, 22 September 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 7:03 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

City Administrator, various department-head staff members and the City Attorney Ms Debra Drayovitch were also present.

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

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

Mayor Turner read aloud a Proclamation proclaiming October 5-11, 2008 as *Fire Prevention Week*.

1. Ms. Kathleen Wilson residing at 1921 S. Duncanville Road voiced her concerns about "The Castle at Ovilla" operating in her neighborhood.
2. Mr. Dennis Wilson residing at 1921 S. Duncanville Road voiced his concerns about the group seeking to operate a residence as a church. (The Castle at Ovilla)
3. Ms Jessica Fiorillo, 915 Slippery Elm Drive, showed her support for garbage and recycling by presenting the Council with a citywide petition.
4. Ms Dani Muckelroy, 608 Green Meadows Ln. spoke regarding her support for a garbage/recycling program.
5. Mr. Phil Lynch, 316 Shadowwood Tr., offered his views regarding Item #10 on the Agenda addressing the allowance of City Council Members to be city volunteers.
6. Mr. Tom Sheehy, 830 S. Longbranch voiced his opposition regarding Item #10.
7. Ms Audrey Reed, 438 Johnson Lane, voiced her concern about a commercial business that is within walking distance of her home. (The Castle at Ovilla)

**DEPARTMENTAL REPORTS:**

- Administration  
City Administrator, Randy Whiteman briefed Council on the downtown sewer proposal to cost \$16,500-\$18,500 with the existing plans. Council and the City Administrator discussed the need to form a developer's agreement.

**CONSENT ITEMS:**

- Minutes of the Regular Council Meeting held on 08 September 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/Action – Consider Approval of FY2007-08 Budget Amendments.**

City Administrator allowed City Accountant Miykael Reeve to brief and review highlights of the changes within the General Fund and Water/Sewer Fund.

Mayor Pro-Tem Hall made a motion that Council approve the Fiscal Year 2008 Budget Amendments as proposed. Council Member Dormier seconded the motion.

**VOTE: The motion carried unanimously.**

**ITEM 2. Discussion/Action – Consider the Adoption of Ordinance 08-021 Adopting and Approving the Proposed Budget for the Fiscal year 2009.**

City Administrator stated that the presented proposed budget was based on the proposed tax rate of 0.667997 per \$100 dollars of valuation as proposed by Council. Mayor Pro-Tem Hall commented that Council spent a lot of time working on this budget and noted the detail of the budget. Council Member Vansyckle voiced his appreciation to all department heads for their compliance and hard work during the budget process.

Mayor Pro-Tem Hall made a motion that Council adopt Ordinance 08-021 setting the budget and making appropriations for the Fiscal Year 2009. Council Member Vansyckle seconded the motion.

**VOTE: The motion carried unanimously.**

**ITEM 3. Discussion/Action – Consider Adoption of Ordinance 08-022 Approving the Fiscal Year 2009 Tax Rate.**

City Administrator stated:

- ❖ M & O as 48.0153 cents per \$100 of valuation
- ❖ Debt Service at 18.7844 cents per \$100 of valuation
- ❖ TOTAL TAX RATE OF **66.7997** CENTS PER \$100 VALUATION

Council Member Vansyckle made a motion that property taxes be increased by the adoption of **48.0153** cents per \$100 of valuation for Maintenance and Operations – and **18.7844** cents per \$100 of valuation for Debt Service, for a **total tax rate** of **66.7997** cents per \$100 of valuation by the approval and adoption of Ordinance 08-022. Mayor Pro-Tem Hall seconded the motion.

**THIS ACTION REQUIRED A RECORD VOTE:**

Council Member Wade	<u>AYE</u>
Mayor Pro-Tem Hall	<u>AYE</u>
Council Member Vansyckle	<u>AYE</u>
Council Member Dormier	<u>AYE</u>
Council Member Leverentz	<u>AYE</u>

**VOTE: The motion carried unanimously.**

**ITEM 4. Discussion/Action – Consideration of Ratification of the Tax Increase.**

City Administrator stated that as required by law, if the Council adopts a budget that raises more revenue from property taxes than in the preceding year, Council is required to have a separate vote to ratify the property tax increase reflected in the budget.

Mayor Turner praised the City Accountant, City Administrator and City Secretary for the long hours and hard work.

Mayor Pro-Tem Hall made a motion that Council ratify the property tax increase of \$69,803.53 or 1.80% from the preceding year, for the Fiscal Year 2009. Council Member Dormier seconded the motion

**VOTE: The motion carried unanimously.**

**ITEM 5. Discussion/Action – Consider Approval of the Fiscal Year 2009 Calendar of Dates.**

City Administrator used this concept during his tenure at previous cities and always appreciated the advanced knowledge for meetings and approved holidays. Randy proposed to move one Council Meeting from October 13 (Columbus Day) to October 14. Other dates during Christmas season and Memorial Day might present conflict to Council meeting dates. City Administrator said those dates would be addressed at the next regularly scheduled meeting. Council Member Leverentz verified that the proposed City Council Meetings Calendar and the proposed City of Ovilla Employee Holiday Calendar were both being presented for approval. City Administrator confirmed.

Council Member Vansyckle made a motion that Council approve the Fiscal Year 2009 Calendar of Dates to include changing the October 13, 2008 Council Meeting to October 14, 2008. Council Member Leverentz seconded the motion.

**VOTE: The motion carried unanimously.**

**ITEM 6. Discussion/Action – Receive and Consider Recommendations from the Solid Waste Review Committee (“Committee”) for Solid Waste Collection and Disposal Recyclable Materials Collections and Processing. Allow the Committee to Enter Into an Agreement with the Preferred Provider, CWD.**

City Administrator reviewed Council with cost and service comparisons from the providers that submitted proposals. CWD General Manager, Mr. Michael Barrett was present for questions and discussion with Council.

City Administrator Randy Whiteman complimented Allied Waste for their years of service to Ovilla.

Council Member Vansyckle made a motion to allow the City Administrator Randy Whiteman to enter into an agreement with the preferred provider, CWD, for solid waste collection and disposal recyclable materials collection and processing. If Randy Whiteman fails to negotiate with the preferred provider, then Randy Whiteman may consider negotiations with other respondents and bring the final contract to Council for approval. Mayor Pro-Tem Hall seconded the motion.

**VOTE: The motion carried unanimously.**

**ITEM 7. Discussion/Action –Consider** the Approval of an Agreement Between the Homeowner’s Associations(s) and the City and Consider Approval of a Resolution to Allow the City to Collect the Associations’ Dues.

City Administrator Randy Whiteman, along with Council Member Tom Leverentz met with HOA Representatives to discuss the proper wording for a collection agreement and cost recovery for the city. Mr. Whiteman forwarded the information to the city attorney to draft an agreement. City Attorney Debra Drayovitch was present for discussion. Council recommended that the City Administrator meet with HOA Representatives again, present and discuss the agreement. Once all involved parties had an opportunity to review the agreement, it would be brought back to Council for approval.

Council Member Leverentz made a motion to table Item 7 to allow all representatives to review the agreement and bring it back to a Council meeting. Council Member Dormier seconded the motion.

**VOTE: The motion carried unanimously.**

**ITEM 8. Discussion/Action –Consider** a Proposal with AVR to Upgrade the Utility Billing Software Contingent to the Home Owners’ Associations(s) Agreement.

Council Member Leverentz made a motion to table Item 8 until Item 7 is brought back to Council for discussion/action. Council Member Vansyckle seconded the motion.

**VOTE: The motion carried unanimously.**

**ITEM 9. Discussion/Action –Consider** Approval of an Ordinance Amending Section 1.1, Paragraph (G) of Chapter 7 of the Code of Ordinances by Adding Definitions of “Inoperable, Discarded and Wrecked”.

Council and City Attorney Debra Drayovitch discussed the need to expound on the definition.

### **EXECUTIVE SESSION**

- ❖ ***At 9:15 P.M., Mayor Turner announced that the City Council, City Attorney and Public Works Director adjourned into an Executive Session. (Section 551.071 Consultation with Attorney)***
- ❖ ***At 9:45 P.M., the Council reconvened into Regular Session.***

Mayor Turner announced that no action was taken.

Council Member Vansyckle made a motion to Table Item 9 indefinitely. Council Member Leverentz seconded the motion.

**VOTE: The motion carried unanimously.**

**ITEM 10. Discussion/Action –Consider** a Resolution Authorizing the Mayor and Member of the City Council to Serve as Volunteers of the City in Various Capacities.

City Attorney Debra Drayovitch stated that the Local Government Code, Section 23.001 allows elected officials to serve as volunteers. Council further discussed the many advantages and disadvantages of this proposed resolution. Debra Drayovitch told Council that limitations could be set.

**EXECUTIVE SESSION**

- ❖ ***At 10:10 P.M., Mayor Turner announced that the City Council, City Attorney adjourned into an Executive Session. (Section 551.071 Consultation with Attorney)***
- ❖ ***At 10:50 P.M., the Council reconvened into Regular Session.***

Mayor Turner announced that no decisions were made. Council continued discussion.

Mayor Pro-Tem Hall made a motion that Council approve a Resolution authorizing the Mayor and Members of the City Council to serve as volunteers of the City in various capacities subject to the following exceptions:

- No Compensation
- No Vote (as a volunteer within the Department)
- No Code Enforcement Authority
- No Rank or Supervisory Authority
- No Retirement Benefits
- No Reimbursements

- And, this Resolution shall be reviewed by the City Council in 60 days.

Council Member Vansyckle seconded the motion.

***A Record Vote was Taken:***

Council Member Wade	<b><u>AYE</u></b>
Mayor Pro-Tem Hall	<b><u>AYE</u></b>
Council Member Vansyckle	<b><u>AYE</u></b>
Council Member Dormier	<b><u>AYE</u></b>
Council Member Leverentz	<b><u>AYE</u></b>

**VOTE: The motion carried unanimously.**

**City Council Announcements**

Mayor Pro-Tem Hall suggested that Council Member Vansyckle try to understand that some tasks (Main Street Sanitary Sewer) take time and to understand that.

Council Member Wade asked that the Department Heads better define their reports and keep Council (and citizens) better informed.

Council Member Vansyckle applauded the opening of Council Member Wade's post office. Vansyckle also commented that he is passionate about certain issues and tends to get in a hurry for resolve.

Mayor Turner reminded all about the 23<sup>rd</sup> Annual Heritage Day.

### **EXECUTIVE SESSION**

***The City Council adjourned into Executive Session at 11:07 P.M. to consider the following:***

1. Consider the duties of the City Administrator and the Mayor and Member of the City Council. (Section 551.074 Personnel Matters)

***The City Council reconvened into Regular Session at 11:33 P.M.***

No Action was taken.

### **Adjournment**

Mayor Pro-Tem Hall made a motion to adjourn the meeting of September 22, 2008. Council Member Vansyckle 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