

CITY OF OVILLA MINUTES
Monday, 27 October 2008
Regular City Council Meeting

Mayor Turner called a Regular Council Meeting of the Ovilla City Council to order at 7:00 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, City Attorney Matthew Wallis and various department-head staff members were also present.

Council Member Vansyckle gave the Invocation.
Council Member Wade led the Pledge of Allegiance.

COMMENTS, PRESENTATIONS, REPORTS AND APPOINTMENTS:

1. Mr. Lloyd Parker, 605 Georgetown spoke about neighbors with barking dogs and the need to amend Ovilla's ordinances limiting dogs and kennels in Ovilla.
2. Ms Norma Epstein commented that she understood the dog problem.
3. Ms Deborah E. Walker, 1908 S. Duncanville Road spoke regarding the Castle Church she and her husband operate.

DEPARTMENTAL REPORTS:

- Finance Department
Miykael Reeve, Accountant gave the listed quarterly reports:
 - Credit Card Report
 - Investment Report

CONSENT ITEMS:

- Minutes of the Regular Council Meeting held on 14 October 2008.

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

VOTE: The motion carried unanimously.

INDIVIDUAL CONSIDERATION:

ITEM 1. Discussion/Action – Kickoff Meeting Presentation on the Comprehensive Land Use Plan and Consideration of the Timeline with a Representative from Kimley-Horn.

Chantal Kirkland distributed notebooks of Ovilla’s current Comprehensive Land Use Plan, including a summary of changes made by the Comprehensive Land Use Plan Review Committee. Ms Kirkland gave a timeline of meetings and target date for completion.

There was no action on this item, discussion only.

ITEM 2. Discussion/Action – Consider the Approval of the 4B Bylaws.

The Economic Development Board adopted Bylaws at their August 25 meeting. They have been reviewed by Ovilla’s city attorney and are ready for Council approval.

Council Member Vansyckle made a motion that Council approve the Bylaws of the Ovilla 4B Economic Development Corporation. Mayor Pro-Tem Hall seconded the motion.

VOTE: The motion carried unanimously.

ITEM 3. Discussion/Action – Consider Ratification of a Contract Agreement between the Economic Development Corporation and Miracle Development Services Company.

EDC approved this contract at their meeting this date.

Council Member Leverentz made a motion that Council ratify the contract agreement between the Economic Development Corporation and Miracle Development Services Company. Council Member Dormier seconded the motion.

VOTE: The motion carried unanimously.

ITEM 4. Discussion/Action – Consider Appointment of a Council Representative to the Firefighters Pension Committee.

City Administrator stated that Mike Davis was the Council representative during his tenure as Council Member, however no replacement had been appointed since his leaving.

Mayor Pro-Tem Hall made a motion that Council appoint Council Member Wade as representative to the Firefighters Pension Committee. Council Member Dormier seconded the motion.

VOTE: The motion carried unanimously.

ITEM 5. Discussion/Action – Consideration of an Ordinance to Adopt the State Guidelines for Purchasing.

City Administrator advised that Ovilla’s city attorney had prepared an ordinance that followed the purchasing guidelines currently in place/adopted by the State of Texas. This change would increase the competitive bid cap from \$25,000 to \$50,000. Mayor Pro-Tem Hall questioned the necessity of the increased cap for Ovilla and whether this gave the City Administrator too much authority. He preferred to keep Ovilla’s purchasing more restrictive. Certain exceptions

regarding the current ordinance were discussed with the City Attorney, specifically emergencies and public calamities.

Council Member Dormier made a motion that Council approve and adopt an ordinance amending the City of Ovilla's purchasing guidelines to follow those adopted by the State of Texas, striking Section 1 and Section 2 as amended. Council Member Vansyckle seconded the motion.

VOTE: The motion carried unanimously.

ITEM 6. Discussion/Action – Consideration to Authorize the City Administrator for the Advertisement and Solicitation of Bids for the Downtown Sanitary Sewer Project.

Randy Whiteman stated that not knowing the exact cost, it was necessary to advertise for bids. Mayor Pro-Tem Hall agreed. The engineering firm's plans adopted from the original CIP (for the downtown sewer) were in the packets for Council's review. Council Member Dormier revealed the need to list an alternate size of the waterline with the engineering firm's current plan. Council continued a lengthy discussion including the exact location of the line and the right-of-way.

Council Member Vansyckle made a motion that Council authorize the City Administrator to advertise and solicit for bids for the Downtown Main Street Sanitary Sewer Project, starting at our line 0.00 at the park and ending 3+52.91, *and* including an alternate bid for a 12" line. Mayor Pro-Tem Hall seconded the motion.

VOTE: The motion carried unanimously.

ITEM 7. Discussion/Action –Consider to take items from the table.

- Council Member Vansyckle made a motion to take the listed tabled item dated October 14, 2008 from the table for consideration. Council Member Dormier seconded the motion to take the listed item from the table.

Discussion/Action – Receive and consider an agreement by and between CWD and the City of Ovilla for Solid Waste Collection and Disposal Recyclable Materials Collection and Processing.

City Administrator negotiated with the preferred provider, CWD and had submitted a revised contract, reviewed and amended by Ovilla's city attorney as requested.

Council Member Vansyckle made a motion that Council authorize the Mayor to enter into a five-year contract (with two, one-year renewal options) for solid waste and recycling with Community Waste Disposal, deleting section 3.06 as recommended by Council. Council Member Dormier seconded the motion.

VOTE: The motion carried unanimously.

- Council Member Leverentz made a motion to take the listed tabled item dated September 22, 2008 from the table for consideration. Council Member Vansyckle seconded the motion to take the listed item from the table.

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

EXECUTIVE SESSION

- ❖ *With the listed item back for consideration, Mayor Turner announced that the City Council, City Attorney and City Administrator adjourned into an Executive Session. Time was 8:32 P.M. (Section 551.071 Consultation with Attorney)*
- ❖ *At 9:10 P.M., the Council reconvened into Regular Session.*

Discussion ensued regarding the assurance of having proper insurance to protect the city's interest and the right-of-way beautification. The City Administrator addressed the necessary software purchase in order to effectively, professionally and accurately account for the billing of dues. Mayor Pro-Tem Hall noted that the city would be outgrowing the existing software very soon.

Council Member Leverentz made a motion that Council direct the city attorney to draft and complete an agreement between the City and the Architectural Control Committee and two Homeowner's Association(s) to allow the City to Collect Association Dues. Council Member Vansyckle seconded the motion. Council Member Wade opposed the motion.

VOTE: The motion passed 4-to-1.

City Council Announcements and Council's Request for Future Agenda Items

Matthew Wallis offered his background information at the request of Mayor Turner. Mr. Wallis advised Council regarding the A.G.'s opinion and guidelines of allowed discussions, posted notices and specific reporting during Council meetings. Mayor Turner stated that on the advice of Matthew Wallis, the "City Council Announcements" would not be listed as had been in the past, but the "Request for Future Agenda Items" would be on the posted agendas. Mayor Pro-Tem Hall verified with the city attorney that based on the A.G.'s opinion, "off-the-cuff" comments were inappropriate.

Council Member Vansyckle stated that he requested an agenda item for discussion/action during the future November 10th Council meeting as follows: To amend Chapter 10, of the Traffic Control, Section 8.02, to set the posted speed limit on Cockrell Hill Road from the intersection of Ashburne Glen Street to the end of the city limits to 30 mph. The current speed is 40 mph.

Adjournment

Mayor Pro-Tem Hall made a motion to adjourn the meeting of October 27, 2008. Council Member Dormier seconded the motion.

VOTE: The motion carried unanimously.

ATTEST:

William A. "Bill" Turner, MAYOR

Pamela Higgins, CITY SECRETARY