

CONSENT ITEMS:

- Minutes of the Regular Council Meeting of June 22, 2009.
- Financial Transactions during June 2009.

Council Member Wade made a motion that Council approve the consent items as presented. Council Member Hunt seconded the motion.

VOTE: The motion carried unanimously.

INDIVIDUAL CONSIDERATION:

ITEM 1. Discussion Only – Discussion with audit firm representative(s) of Witherspoon, Yeldell, and Wilson, P.C and allow them to suggest their recommended auditing procedures performed under the *Government Auditing Standards* for Ovilla.

Mr. Greer Yeldell addressed Council first informing them that he, too, was a resident of Ovilla and very pleased to partake in the audit as a representative of the firm hired by Ovilla. Mr. Yeldell explained that there were several levels of audit. His recommendation based on Ovilla's size and finances was a *General Acceptance Audit*, which met all the requirements of a Yellow Book Audit. This was the same audit conducted for Ovilla by Witherspoon, Yeldell, and Wilson, P.C., in years past.

Mayor Vansyckle called a recess at 8:00 P.M.

Mayor Vansyckle called Council back in to session at 8:16 P.M.

ITEM 2. Discussion/Action – Receive and review the final draft of the 2009 Ovilla Comprehensive Land Use Plan and map from Marc J. Kurbansade, AICP with Kimley-Horn and Associates and consider the approval of Resolution 09-010 adopting an update from City of Ovilla 2000 Comprehensive Land Use Plan, hereby naming the 2009 Comprehensive Land Use Plan and Map.

City Administrator Randy Whiteman advised Council that this had been a long process, beginning in January 2007, not considering that Kimley-Horn changed their representative late in the final stages. However, Marc Kurbansade, the new representative assigned to work with Ovilla's Comprehensive Land Use Plan Review Committee has performed well and Ovilla is now nearing the completion of the manual. Marc Kurbansade gave a Power-Point presentation depicting the modifications given during meetings and under the suggestions of the Comprehensive Land Use Plan Review Committee.

Council Member Graham stated that although she believed Mr. Kurbansade did a phenomenal job, she still felt revisions were needed in certain sections. Mayor Vansyckle agreed.

There was no action on this item.

ITEM 3. First Reading & Discussion – A proposed Ordinance declaring a 120-day moratorium on the installation and use of wind energy systems within the City of Ovilla.

Ovilla does not currently have an ordinance in place and needs to be prepared, therefore additional time is required to review and implement an ordinance applicable to Ovilla's needs. Staff and Council has followed the proper procedures required according to the Local Government Code, Section 212.134 to implement a moratorium.

There was no action on this item.

ITEM 4. First Reading & Discussion – A proposed Ordinance declaring a 120-day moratorium on the commencement of drilling or re-entering a well for the purposes of oil or gas within the City of Ovilla.

This holds the same requirements as the moratorium for wind energy systems. This moratorium is necessary until staff, Planning & Zoning and Council has had sufficient time to review and adequately study the regulations for permitting.

There was no action on this item.

ITEM 5. Discussion/Action – Consider the approval of Resolution 09-XXX for the creation and appointments of a temporary seven-member board of directors for the establishment of a budget and a crime control plan for the possible one-quarter of one-percent local sales and use tax election of a Crime Control and Prevention District.

Council is considering the possible one-quarter of one percent local sales and use tax election for a Crime Control and Prevention District (CCPD). Certain mandatory steps are required prior to calling an election. The creation of a seven-member temporary board was required for appointment and approval as directors to establish a CCPD budget and crime control plan prior to calling an election. Chapter 363 of the Local Government Code allows the appointment of the governing body as temporary board members as well as one resident.

Council Member Wade made a motion that Council appoint all members of the governing body and Mr. Charles Daniels, all as temporary Board of Directors to the creation and establishment of a Crime Control Budget and Crime Control Plan for a Crime Control and Prevention District. Mayor Pro-tem Leverentz seconded the motion.

VOTE: The motion carried unanimously.

ITEM 6. Discussion/Action – Consider approval to authorize the City Administrator to purchase playground equipment as allocated in the FY2008-09 approved financial budget.

Council allocated \$5,000 in the FY2008-09 Budget for playground equipment to be placed at Heritage Park. The dollar amount exceeded the City Administrator's authorized limit. It was determined that the City Administrator needed to negotiate the best pricing for the allocated funds. Council Member Wade inquired about public restrooms for the parks in addition to the playground equipment.

Council Member Graham made a motion that Council authorize the City Administrator to purchase playground equipment as allocated in the FY2008-09 approved budget. Council Member Dickey seconded the motion.

VOTE: The motion carried unanimously.

ITEM 7. Discussion/Action – Consider the decline of appointment from Billy Tate to the Economic Development Corporation (EDC) and designate an appointment to fill the unexpired term on the Ovilla 4-B EDC.

Mr. Tate notified Mayor Vansyckle of his impending move from Ovilla, making him ineligible to serve on the EDC. Mr. Tate had not yet been sworn-in, only appointed. Two applications for consideration were submitted to Council; Mr. Gary Jones (present) and Mr. Tom Rockwall.

Council Member Graham made a motion that Council appoint Mr. Gary Jones to serve an unexpired term on the Economic Development Corporation Board to fill the vacancy created by Mr. Tate. Mayor Pro-tem Leverentz seconded the motion.

VOTE: The motion carried unanimously.

TABLED ITEM FROM JUNE 08, 2009

Discussion/Action – Receive, review, and consider necessary and miscellaneous building renovations to City Hall, the police station and the old fire station.

Consider motion to remove item from table-

Mayor Pro-tem Leverentz made a motion to remove the tabled item from the table for consideration. Council Member Wade seconded the motion.

VOTE: The motion carried unanimously.

Council, City Administrator and Code Enforcement Officer Dooly reviewed and discussed the electrical bids submitted for new lighting for the exterior of the building. Code Enforcement Officer Dooly informed Council that the outside motion detectors are not working properly. Council Member Graham received clarification from Mr. Dooly that staff was not asking Council to appoint a contractor to complete all the work this evening, only addressing the electrical work to be done. Council Member Wade voiced concern for the necessity of some areas designating points of new lighting on the bids and ascertained why the public works maintenance crew could not perform some of the work. Mr. Dooly responded that Ovilla did not have an electrician on staff. Additionally, Council Member Wade questioned why public works maintenance crews could not complete the outside painting as well. City Administrator Randy Whiteman explained that scaffold equipment and height were factors. Painting the outside of the building on scaffolds was much different and considerably dangerous as opposed to painting the inside of the building. The City Administrator stated he believed professional painters should perform that task. Council Member Wade stated he wanted to address the purchase of scaffolds as a new agenda item at an upcoming meeting.

Mayor Pro-tem Leverentz made a motion that Council approve Brite Electric for commercial grade lighting repairs and installation at the old fire station and city hall. Council Member Hunt seconded the motion.

Before the motion could pass Council Member Dickey interceded and made a motion to place everything back on the table to allow continued discussion and the issue of possibly purchasing scaffolds. Council Member Wade seconded the motion to table the item.

Mayor Pro-Tem Leverentz and Council Member Hunt opposed.

VOTE: The motion carried 3-2. The agenda item was placed back on the table.

(Mayor Vansyckle advised those present that all renovations to the Council Chamber were from donated funds and not a part of this item under discussion.)

Council's Request for Consideration of Future Agenda Items

Council Member Wade complimented staff for working diligently.
Council Member Wade recommended an agenda item addressing the purchase of scaffolds.
Mayor Vansyckle reminded all present that donations were still being accepted for the renovation of the Council Chamber room.

Adjournment

Council Member Wade made a motion to adjourn the meeting of July 13, 2009, at 9:55 P.M.
Mayor Pro-Tem Leverentz seconded the motion.

VOTE: The motion carried unanimously.

ATTEST:

Bill Vansyckle, Mayor

Pamela Higgins, City Secretary

APPROVED _____