

CITY OF OVILLA MINUTES
Monday, 14 September 2009
Regular City Council Meeting
105 S. Cockrell Hill Road, Ovilla, TX 75154

Mayor Vansyckle called a Regular Council Meeting of the Ovilla City Council to order at 7:04 P.M. with the following City Council Members present:

Bill Vansyckle	Mayor
Tom Leverentz	Mayor Pro-Tem, Place 1
Michael Dickey	Council Member, Place 2
Jo Ann Graham	Council Member, Place 3
Doug Hunt	Council Member, Place 4
James Wade	Council Member, Place 5

City Administrator Randy Whiteman and various department-head staff members were also present.

Council Member Graham gave the Invocation.
Council Member Dickey led the Pledge of Allegiance.

COMMENTS, PRESENTATIONS, REPORTS, AND APPOINTMENTS:

- Father Terry Reisner, St. Paul Episcopal Church had planned to give the invocation and speak about his church, but cancelled due to illness.
- Ms Dani Muckleroy spoke to Council about the Salvation Army Boys and Girls Club, a fund raiser and annual burger dinner, asking for participation.

DEPARTMENTAL REPORTS:

- **Police Department** Police Chief Mike Moon
 - **Regional Dispatch Update:** Chief Moon advised Council of a regional dispatch center development in the near future, stating he had viewed the center that will be located in Midlothian. The dispatch center will provide for police, fire, and public works. Cities participating are Red Oak, Midlothian, and Ovilla.
 - **August Report:** Chief Moon responded to Council regarding a few inquiries about his monthly report. Council Member Graham asked how an officer determines when to give a citation as opposed to a warning. Chief Moon advised that it was up to officer discretion. Additionally, Chief Moon advised Council Member Dickey that once the regional dispatch center was up and running with the new software, the Council's monthly police report could be amended with response times. The regional dispatch unit should be active in early 2010.
 - **National Night Out:** The first Tuesday in October (Oct. 6) behind city hall. Police and Fire participate. Activities begin at 7:00 P.M.
- **Fire Department** Fire Chief Donnie Pickard
 - **H1N1 Flu Season:** Chief Pickard encouraged everyone to take their flu shots. The H1N1 would be given to certain groups in the public safety sector before being available to the public.

- o **Ovilla's Rehab 755 (Featured in national publication)** - Ovilla's rehab truck was on the front cover of the IAFC (International Association of Fire Chiefs) publication.
- **Public Works** Public Works Director Jason Robinson
 - o **Various Road Repairs:** Director Robinson stated that the road repairs to the downtown (including striping) would be forthcoming.
 - o **August Report:** Director Robinson responded to Council Member Graham's inquiry regarding the status of the "No Thru" truck signs on Cockrell Hill Road, stating that Ovilla had been in contact with Cedar Hill and was waiting a response before installing the signs. Director Robinson said he would contact Cedar Hill again.
 - o Additionally, Council Member Graham suggested Ovilla prepare and put into operation a formal maintenance policy for the fleet.
 - o Council Member Dickey inquired about the trees hanging over the street on Cockrell Hill near the Ashburne Glen Addition. Mr. Robinson responded that he could get a crew out to work on them.
- **Finance Department** City Accountant Sharon Jungman
 - o **Municipal Court Report:** Ms Jungman stated that 2009 August collections had a 2% increase compared to 2008 August collections.
- **Administration** City Administrator Randy Whiteman
 - o **Updates to AVR (Utility Billing):** Mr. Whiteman advised Council that utility billing had received the validating machine and the updated software necessary for accurate HOA (Home Owner's Association) reporting and billing.

PUBLIC HEARINGS:

None

CONSENT ITEMS:

- Minutes of the Regular Council Meeting of 27 July 2009.
- Minutes of the Regular Council Meeting of 10 August 2009.
- Financial Transactions during August 2009.

Council inquired about the codification currently in progress. Mr. Whiteman advised that it would be months before completion. Council also asked the number of checks written weekly. Ms. Jungman stated 35-50 checks weekly, which does not include payroll.

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

VOTE: The motion carried unanimously.

INDIVIDUAL CONSIDERATION:

Mayor Vansyckle advised that Council would address Item 5 first and then go back to Item 1 and the remaining items on the agenda this evening.

ITEM 5. Discussion/Action – Consider a proposed developer's agreement for the extension of the downtown sanitary sewer project.

Mayor Vansyckle stated that he had been working with a collection of Main Street business owners to extend the City's sewer main. The business owners have collectively prepared a

Developer's Agreement to be considered by Council. Mayor Vansyckle informed Council that in the proposal, the city would assume the financial obligation for the extension and provide the manhole. The money would derive from the impact fees. The business owners would pay for their connections: Capitol Recovery Fee @ \$1250 for each sewer connection. Mayor Vansyckle asked Council to waive the fee provided that the properties will be enhanced within a 2-year period. Owners that do not enhance the value of their property within the 2-year period would be obligated to pay the City the Capitol Recovery Fee.

Mayor called a recess at 8:04 P.M.

Council reconvened at 8:09 P.M.

Mayor Pro-Tem Leverentz voiced concern over the city not having an agreement with each property owner, inquiring what would happen if the properties changed ownership. The 2-year period would begin all over again. Additionally Mayor Pro-Tem stated to pay close attention to the word "enhancement" and that it should be equal to the value of the Capitol Recovery Fee. City Administrator stated that the meaning of enhancement would be revealed in the property owners' tax statements. That would be the manner in which the city would recoup the money—by increasing values. Council Member Hunt commented that he believed the property owners should pay the money initially. Council Member Graham agreed that this was a wonderful idea—an asset for the city, yet, there was nothing in the listed agreement that would financially protect the city. Mayor Vansyckle stated that is why he was asking for Council's consideration to send this agreement to the city attorney and city engineer for review and modification. Council Member Hunt reiterated that he believed the property owners should pay for the line and connections. Council Member Dickey noted that the verbiage regarding the \$1250 fee needed counsel guidance and recommendation.

Council Member Graham made a motion that Council accept the proposal for the developer's agreement as presented and submit to the City's attorney and City's engineer for formalization and review.

Council Member Dickey seconded the motion.

Council Member Wade Abstained.

VOTE: The motion passed four in favor, one abstention.

ITEM 1. Discussion Only – Review and discuss upcoming Heritage Day and Council progress reports regarding their assignments to aid in the success of Heritage Day.

Council Member Graham addressed this item. She acknowledged the great jobs Council Members Hunt and Dickey were doing in soliciting for a wide variety of door prizes and donations. There has been more interest in the parade and many more booth rentals. The Scout Master and Boy Scouts will manage a fire pit with the assistance of Fire Chief Pickard.

This was not an action item - discussion only.

ITEM 2. Discussion/Action – Consider approval of Ordinance 09-013 authorizing a budget amendment in the amount of \$3,000 for additional expenses for Heritage Day Celebration.

After further review, it was determined that \$1,500 was needed for the amendment and not \$3,000 as previously thought.

Council Member Hunt made a motion that Council pass and approve Ordinance 09.013 amending the FY2008-09 General Fund Budget, using funds from the contingency line item to offset an amount of \$1,500 to compensate the additional expenditures of Heritage Day festivities and celebration.

Mayor Pro-Tem Leverentz seconded the motion.

Council Member Wade voted against the motion.

VOTE: The motion passed four in favor – 1 against

ITEM 3. Discussion/Action – Receive the resignation of Planning and Zoning Commission Chair Loyce Milam and consider the vacancy/replacement to the Planning and Zoning Commission.

Council Member Wade made a motion that Council direct staff to solicit and accept applications for appointment to fill the vacancy to the Planning & Zoning Commission created by the resignation of Loyce Milam and return those applications to Council for review at the next regularly scheduled Council meeting.

Council Member Graham seconded the motion.

VOTE: The motion carried unanimously.

***Mayor Vansyckle read aloud a Proclamation celebrating the
Annual Heritage Day set for September 26, 2009.***

ITEM 4. Discussion Only – Discussion and consider policy and procedure of the Ovilla City Council.

Mayor Vansyckle asked for a discussion item to address topics to be included in the Council's procedure manual that is currently under development. Council reviewed an article published by TML's (TX Municipal League) legal staff with reference to the Open Meetings Act. Council communications will continue to be logged through the city secretary's office.

This was not an action item - discussion only.

Item 5 was previously addressed.

ITEM 6. Discussion/Action – Consider a proposal for professional planning services with Kimley-Horn and Associates, Inc. in an amount \$5,500 completing the updating of two chapters of the existing Comprehensive Land Use Plan.

When the City contracted with Kimley-Horn and Associates, Inc. to update the CLUP (Comprehensive Land Use Plan), the initial contract did not include all chapters within the plan. This contract will complete the update of remaining additional chapters. The proposed contract was reviewed by Council.

Council Member Wade made a motion that Council authorize the Mayor to contract with Kimley-Horn and Associates, Inc. in an amount of \$5,500 for consulting services to complete the updated Comprehensive Land Use Plan.

Council Member Graham seconded the motion.

VOTE: The motion carried unanimously.

ITEM 7. Discussion/Action – Consider the authorization to allow the city administrator to enter into an agreement with Cbeyond for city email services.

Cbeyond is the City's provider for unlimited Outlook basic email. In an effort to continue services with Ovilla, Cbeyond is offering a service proposal package for a three-year term at \$845 monthly. This package offers the same basic email, firewall, backups, and storage Ovilla is currently receiving and paying for at \$895 monthly. This agreement would be a \$50 monthly savings - \$600 annually. Council Member Graham suggested that staff solicit similar packages from other providers to ensure Ovilla receives the best services for the funds.

Council Member Wade made a motion that Council table this item to allow staff time to seek additional service providers and bring back to Council for review.

Council Member Graham seconded the motion.

VOTE: The motion carried unanimously.

ITEM 8. Discussion/Action – Consider, review, and discuss FY2009 Year End and FY2010 Proposed Annual Budget, noting any final changes prior to a public hearing and adoption on September 28, 2009, Regular Council Meeting.

City Administrator Randy Whiteman and City Accountant Sharon Jungman highlighted and made known specific line items for Council attention for Fiscal Year-End 2008-09.

1. The City's legal counsel statement was revised – lowered; however, this was through May only, therefore, the projected year-end for legal services was adjusted to \$35,000.
2. The water/sewer rates showed a loss. A professional engineer's study will be on a future agenda item. Council Member Graham commented to Council that a formal proposal needed to be presented and believed Council should direct Randy to begin measures for that in the new fiscal year.
3. Ms Jungman reviewed the summary page for the FY2009-2010 proposed budget indicating changes made from the last workshop.
4. Council Member Wade stated he did not believe employees needed raises this year. Ms Jungman offered her opinion, differing from the statement of Council Member Wade. Ms Jungman stated that salaries are not comparable to other neighboring cities and believed raises were a necessary incentive for employees. The proposed total amount for employee raises did not negatively affect the proposed budget in any area. Additionally, Ms Jungman said that the tax rate did not increase, directed expenditure cuts were made, and staff was still able to bring a proposed budget to Council with minimal raises. Council Member Graham and Mayor Pro-Tem Leverentz added that they had no problem leaving the raises in the proposed FY2009-2010 Budget. Council Member Hunt added that any raise was based on employee review.

VOTE: There was no action on this item.

Council's Request for Consideration of Future Agenda Items

Council Member Wade had none.

Council Member Hunt had no requests, but wanted to comment on a commendation he had received from a resident regarding the Fire Department.

Council Member Graham requested a continued update for Heritage Day.

Council Member Dickey had none.

Mayor Pro-Tem Leverentz reminded and directed staff to complete the revised ordinances regarding Wind Energy Systems and Gas & Oil Well Drilling. Mayor Pro-tem added a Tree Preservation ordinance. He asked staff to forward all three to the Planning and Zoning Commission. The moratoriums would be expiring soon on two of them.

Mayor Vansyckle discussed the progress of the renovated Council Chamber Room, reiterating that none of the renovation was at taxpayer's expense.

Adjournment

Council Member Wade made a motion to adjourn the meeting of September 14, 2009.

Council Member Hunt seconded the motion.

VOTE: The motion carried unanimously.

Bill Vansyckle, Mayor

ATTEST:

Pamela Higgins, City Secretary

APPROVED

*Bill Vansyckle, Mayor
Tom Leverenz, Mayor Pro-Tem
Michael Dickey, Place Two*

*Doug Hunt, Place Four
Jo Ann Graham, Place Three
James Wade, Place Five*