

CITY OF OVILLA MINUTES
Monday, 24 January 2011
Regular City Council Meeting
105 S. Cockrell Hill Road, Ovilla, TX 75154

Mayor Vansyckle called the Regular Council Meeting of the Ovilla City Council to order at 7:00 P.M. The following City Council Members were present:

Tom Leverentz	Mayor Pro-Tem, Place 1
Michael Dickey	Council Member, Place 2
James Wade	Council Member, Place 3
Richard Dormier	Council Member, Place 5

Absent Doug Hunt Council Member, Place 4

Noted members were present, thus constituting a quorum.

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

Place 2 Dickey gave the Invocation.

Mayor Pro-Tem Leverentz led the Pledge of Allegiance.

COMMENTS, PRESENTATIONS, REPORTS AND APPOINTMENTS

- ◆ Capital Improvement Committee Report Mayor Pro-Tem Leverentz
Mayor Pro-Tem Leverentz gave a brief overview of the recent meeting. (January 24, 2011, 6:00 P.M.)

Citizen Comments

- ◆ Ms Jimmie Wade voiced her displeasure with the city's inability to help her with her request to lay sewer at her business of 711 W. Main Street.

Departmental Reports

- ◆ Finance Department City Accountant S. Jungman
 - Monthly Financials
 - Review Reserve Fund Calculations

City Accountant Sharon Jungman presented brief summations of the financials and reserve fund calculations.

CONSENT ITEMS

- ◆ Minutes of the January 10, 2011 Regular Council Meeting.
- ◆ Minutes of the January 19, 2011 Special Council Meeting.
- ◆ Quarterly Investment Report for quarter ending December 31, 2010.

Place 5 Dormier stated he wished to add a dissent letter to the minutes of January 10. Mayor Vansyckle pulled January 10, 2011 Council Minutes from the consent agenda for discussion, labeled Item 9. The remaining consent items were ready for a motion.

Place 5 Dormier made a motion to approve the remaining consent items present: Minutes of the January 19, 2011 Council Meeting and the Quarterly Investment Report for the quarter ending December 31, 2010 as presented.

Mayor Pro-Tem Leverentz seconded the motion.

Mayor Vansyckle asked for a record vote by announcement of "Aye" or "Nay" from Council. All announced Aye. No oppositions, no abstentions.

Place 4 Hunt absent.

VOTE: The motion carried 4-0.

INDIVIDUAL CONSIDERATION

ITEM 1. Discussion/Action – Consider a proposed **Resolution 2011-001** to Order a General Election to be held on May 14, 2011, and designate the early voting period dates. (TX Election Code Sections §3.004, §3.006, §85.004, §85.007)

*Considerepar la **Resolucion 2011-001**, autorizando la eleccion general que se llevara cabo el dia 14 de mayo del 2011 con el proposito de elejir un principal y dos posiciones para consejales 2 y 4 lugar y designar las fechas para las elecciones primarias.*

Mayor Pro-Tem Leverentz made a motion that Council approves Resolution 2011-001 authorizing the order of a General Election for May 14, 2011, designating the early voting period of May 02 through May 10, and posting notice for two days of 7AM to 7PM during early voting by personal appearance to be held on May 09 and May 10, 2011.

Place 5 Dormier seconded the motion.

Mayor Vansyckle asked for a record vote by announcement of "Aye" or "Nay" from Council. All announced Aye. No oppositions, no abstentions.

Place 4 Hunt absent.

VOTE: The motion carried 4-0.

ITEM 2. Discussion/Action – Consider acceptance of the Annual Financial Audit Report for the year ending September 30, 2010, prepared by Mr. Greer Yeldell, CPA, with Yeldell, Wilson and Company.

Danny Strunc, representative from Yeldell, Wilson & Company shared financial highlights with the Council:

- ◆ The liabilities of the City exceeded its assets at the close of the most recent fiscal year.
- ◆ The City's total net assets increased.
- ◆ 96 % of Ovilla's governmental funds reported combined ending fund balances were unreserved and available for use within the City's designation and policies.
- ◆ Unreserved fund balance for the general fund was \$1,120,662 or 51% of the total general fund expenditures.

Expenses for the 2009-2010 fiscal year were kept under budget in the General Fund resulting in an increase of undesignated fund balance by a total of \$292,195.

It was recommended by the firm that Council review and consider revising Ovilla's Resolution 07-001 that established a policy for the creation and maintenance of a General Fund Reserve. Mr. Strunc explained that the resolution does not specify if the reserve is to be maintained on hand at a financial institution or established as an item listed in the annual budget. Yeldell,

Wilson & Company recommended amending the policy to address these issues, including the identification of which annual budget it is to be included.

Mayor Pro-Tem Leverentz made a motion that Council accept the audit report for the fiscal year ending September 30, 2010.

Place 5 Dormier seconded the motion.

Mayor Vansyckle asked for a record vote by announcement of "Aye" or "Nay" from Council. All announced Aye. No oppositions, no abstentions.

Place 4 Hunt absent.

VOTE: The motion carried 4-0.

ITEM 3. Discussion/Action – Consider approval of a Municipal Finance Contract with Ford Motor Credit Company for three annual installments for one FY2010-2011 budget-approved police vehicle.

Council approved one new police vehicle in the FY2010-2011 Budget. Financing the vehicle required Council approval. Chief Moon presented two quotes from two vendors, each listing annual installments. Chief Moon recommended that Council approve a financial contract with Ford Motor Credit Co.

Place 2 Dickey made a motion that Council approve a Municipal Finance Contract with Ford Motor Credit Company for the purchase of one 2011 Crown Vic police car as presented.

Place 3 Wade seconded the motion.

Mayor Vansyckle asked for a record vote by announcement of "Aye" or "Nay" from Council. All announced Aye. No oppositions, no abstentions.

Place 4 Hunt absent.

VOTE: The motion carried 4-0.

ITEM 4. Discussion/Action – Consider a request from Grace Montagnard Fellowship Church to the Ovilla City Council for a suspension of Chapter 10 of the Ovilla Code of Ordinances, Subdivision Rules Division 5 Storm Drainage Sec. 10.02.134, as allowed in Division 10 Changes and Variations Sec. 10.02.301.

Grace Montagnard Fellowship Church submitted a permit request for a concrete parking lot. City Administrator Randy Whiteman contacted Ovilla's engineer John Birkhoff. Mr. Birkhoff stated that normal engineering practices dictates that when storm water is draining across or through a site from offsite areas, a storm water analysis be conducted. The church's engineers requested that the requirements for an offsite drainage area map and geotechnical report be waived since the project is small and consists of only a parking lot and that the parking lot would not affect the drainage to the neighboring homes. Representatives from Montagnard Church advised they expected to lay not more than 13,000 square ft of concrete. Additionally, screening would be installed; permitted at city offices at the appropriate time.

Place 5 Dormier made a motion that Council waive the requirements for an offsite drainage map and geotechnical report for the Grace Montagnard Fellowship Church.

Place 3 Wade seconded the motion.

Mayor Vansyckle asked for a record vote by announcement of "Aye" or "Nay" from Council. All announced Aye. No oppositions, no abstentions.

Place 4 Hunt absent.

VOTE: The motion carried 4-0.

ITEM 5. Discussion/Action – Consider notifications to the HOA (Home Owner Association) representatives of Ashburne Glen and Meadow Glen of non-renewal of the said agreement(s) and begin discussions for new modified agreement(s) to be in place prior to the current contract(s) expiration date of March 31, 2011.

Before discussion of this item, Council Members, Place 2 Dickey and Place 5 Dormier signed and presented the city secretary with an affidavit stating that they would both abstain from voting or participating on this item.

Renewals to the current agreements with Ashburne Glen and Meadow Glen take effect on April 1, 2011. Council expressed a desire to renew with negotiated modifications.

Mayor Pro-Tem Leverentz made a motion that Council authorize the City Administrator to notify the Ashburne Glen HOA representative and the Meadow Glen HOA representative of the City's intent to not renew the existing HOA agreements.

Place 3 Wade seconded the motion.

Mayor Vansyckle asked for a record vote by announcement of "Aye" or "Nay" from Council. All announced Aye. No oppositions, two abstentions - Place 2 Dickey & Place 5 Dormier.

Place 4 Hunt absent.

VOTE: The motion carried two in favor, two abstentions and one absent.

ITEM 6. Discussion/Action – Consider a **Resolution 2011-002** suspending the February 14, 2011 effective date of ONCOR Electric Delivery Company's requested rate change to permit the city time to study the request and to establish reasonable rates.

The city is authorized to suspend the rate change for 90 days after the date that the rate change would otherwise be effective. Ovilla, being a member of the 146-member Steering Committee of Cities served by Oncor, increases clout for the common purpose of all member cities.

Mayor Pro-Tem Leverentz made a motion that council approve Resolution 2011-002 suspending the February 14, 2011 effective date of ONCOR Electric Delivery Company's requested rate change as presented.

Place 5 Dormier seconded the motion.

Mayor Vansyckle asked for a record vote by announcement of "Aye" or "Nay" from Council. All announced Aye. No oppositions, no abstentions.

Place 4 Hunt absent.

VOTE: The motion carried 4-0.

ITEM 7. Discussion Only – Consider and review the City's ordinance(s) concerning, dogs, barking, noise, and kennels.

Residential complaints to staff (and during citizen comments at Council meetings) brought awareness to Council of a probable dog and/or kennel problem in Ovilla. Animal Control Officer Mike Dooly was present to advise Council that the best remedy for barking dogs was a complaint-based response through Municipal Court. A/C Officer Dooly told Council he felt the current A/C ordinance was adequate unless Council wanted to address a number of allowed dogs per household. Currently, Ovilla does not have a limit.

Mr. Lloyd Parker, 605 Georgetown, signed a citizen's forum sheet to speak during this item. Mayor Vansyckle called on Mr. Parker to speak. Mr. Parker advised Council that his family had continual sleep-deprivation with a neighbor's barking dogs and strongly believed that their neighbor was operating a dog boarding/breeding place, as there were numerous kennels and many dogs. A/C Officer Dooly assured Council and Mr. Parker that he would continue to monitor this particular resident/citizen owning these dogs. Council would review the ordinance.
DISCUSSION ONLY-NO ACTION.

ITEM 8. Discussion Only – Discuss potential revisions to Ovilla's sign ordinance.

Mayor Vansyckle opened discussion asking for Council review and input for possible revisions to the ordinance. Code Enforcement Officer Mike Dooly shared with Council that he had been dealing with repeat offenders regarding the "temporary signs" section of the ordinance. Council and Mayor agreed that a strict enforcement of "no repeat offenders" should be addressed. Council, Mayor and Code Enforcement Officer Mike Dooly decided to continue the review of the ordinance and come back with suggestions for a solution/revision.
DISCUSSION ONLY-NO ACTION.

ITEM 9. PULLED FROM THE CONSENT AGENDA FOR DISCUSSION:

- ◆ Minutes of the January 10, 2011 Regular Council Meeting.

Place 5 Dormier noted he did not have any deletions or corrections to the minutes, but asked to add his dissent in writing with regard to Item 5 of the minutes. *The Rules of Procedure for the Mayor and City Council of Ovilla*, page 16 (f), gives any Member the right to express dissent from or protest against any ordinance or resolution of the City Council and have the reason therefore entered upon in the minutes. Such dissent to protest shall be filed in writing and presented to the Council.

Place 5 Dormier made a motion to approve the January 10, 2011 Minutes with the addition of his letter of dissent to be placed with the minutes.

Place 3 Wade seconded the motion.

Mayor Vansyckle asked for a record vote by announcement of "Aye" or "Nay" from Council. All announced Aye. No oppositions, no abstentions.

Place 4 Hunt absent.

VOTE: The motion carried 4-0.

Council's Request for Consideration of Future Agenda Items

Place 5, Dormier:	None
Place 4, Hunt:	Absent
Place 3, Wade:	None
Mayor:	None
Place 2, Dickey:	None
Mayor Pro-Tem Leverentz:	None

Adjournment

Mayor Pro-Tem Leverentz made a motion to adjourn the meeting of January 24, 2011 at 9:15 P.M.

Place 3 Wade seconded the motion.

Mayor Vansyckle asked for a record vote by announcement of "Aye" or "Nay" from Council. All announced Aye. No oppositions, no abstentions.

Place 4 Hunt absent.

VOTE: The motion carried 4-0.

Bill Vansyckle, Mayor

ATTEST:

Pam Woodall Higgins, City Secretary

Attachment: Copy of the Letter of Dissent from Place 5 Dormier.

A Letter of dissent from Place 5 Dormier will be attached to the January 10, 2011 Minutes as well as the minutes of January 24, 2011.

Approved February 14, 2011