

CITY OF OVILLA MINUTES
Monday, 14 May 2012
Regular City Council Meeting
105 S. Cockrell Hill Road, Ovilla, TX 75154

Mayor Pro-Tem Leverentz 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
James Wade	Council Member, Place 3
Doug Hunt	Council Member, Place 4
Richard Dormier	Council Member, Place 5

Vacant: Place 2
Mayor

Mayor Pro-Tem Leverentz noted present members thus constituting a quorum. City Administrator Randy Whiteman and various department-head staff members were also present.

Mayor Pro-Tem Leverentz gave the Invocation & led the Pledge of Allegiance.

Comments, Presentations and Reports and Appointments

Mayor Pro-Tem announced the results of the Ovilla Municipal Election held on May 12, 2012 and congratulated each new member elect: Place 1- Ralph Hall, Place 2- Larry Stevenson, Place 3- David Griffin, Place 5- Richard Dormier, and Mayor- Tom Leverentz. Mayor Elect Leverentz added that the canvassing of the Municipal Election would be held on Wednesday, May 16, 2012 at 2:00 pm.

A crepe myrtle and a Veteran's memorial would both be placed at Heritage Park on Saturday, May 19, 10:00 a.m., honoring Mike Dickey.

CITIZENS COMMENTS / CITIZENS FORUM:

1. None

◆ **Department Activity Reports / Discussion**

- Police Department Chief M. Moon
 - Shared the Monthly Report and advised Council of the annual Peace Officer Memorial Day scheduled on Tuesday, May 15.
- Finance Department Accountant S. Jungman
 - Shared the Monthly Financials
 - Shared Monthly Municipal Court Report
- Administration City Administrator R. Whiteman
 - Shared Monthly Reports – Public Works/Code Enforcement/Animal Control and Fire Department. PL 5 Dormier inquired the status of the road patching on Cockrell Hill Road. CA Whiteman said he would check with the Public Works Director.
 - Advised Council of rezoning issue – CA Whiteman explained that staff needed to conduct a few changes in the notifications and that two zoning issues had not been addressed. The rezoning would be sent back to the Planning & Zoning Commission to allow all four rezoning matters to be addressed at once.

◆ **CONSENT ITEMS:**

- Minutes of the April 23, 2012 Regular Council Meeting.
- Financial transactions

PL4 Hunt made a motion to approve the consent items as presented.

PL5 Dormier seconded the motion.

Mayor Pro-Tem Leverentz asked for a record vote by announcement of AYE or NAY.

Present Council announced AYE in favor. No oppositions, no abstentions.

VOTE: The motion carried unanimously: 4-0.

PUBLIC HEARING AND CONSIDERATION

- **Public Hearing & Discussion** – Discuss and consider a proposed replat request from applicant Barry McCoy to subdivide his property (McCoy Addition) at 914 Slippery Elm into two lots.

Mayor Pro-Tem read aloud the item and opened the public hearing at 7:11 p.m., allowing the City Administrator Randy Whiteman to explain. Mr. Whiteman stated that Mr. McCoy proposed to divide his property into two lots. Because there was no infrastructure issues and no changes to the property other than to subdivide, a short form application was acceptable for Council consideration.

The Mayor Pro-Tem asked the applicant, Mr. Barry McCoy if he had anything to add to CA Whiteman's statement. Mr. McCoy reiterated Mr. Whiteman's statements and provided Council a diagram of his intentions.

The Mayor Pro-Tem asked that those speaking in support come forward:

1. Ms Norma Crisp stated she was not in favor or against the subdivision but had questions regarding the impact this may have to the ingress and egress to her property. Mr. McCoy assured Ms Crisp that subdividing his property would have absolutely no effect on the roadway to her property.

The Mayor Pro-Tem asked that those speaking in opposition come forward:

No one spoke.

Final Comments:

Mr. McCoy repeated that this would have no consequence to any of his neighbors.

The Chair closed the Public Hearing at 7:28 p.m.

The Mayor Pro-Tem asked if anyone else had any final comments or questions.

No one spoke.

The Mayor Pro-Tem closed the Public Hearing at 7:18 p.m.

Discussion/Action – Council to consider the proposed replat for the McCoy Addition.

- Presented by the City Administrator

PL5 Dormier stated that there needed to be a 60ft ROW on the plat as opposed to 40ft indicated and that the plat/description needed to reveal if the property were in the city limits.

PL5 Dormier made a motion that Council approves the proposed short form plat for the McCoy Addition with the following prerequisites: 60ft ROW and indicate the city limits on the plat.

PL4Hunt seconded the motion.

Mayor Pro-Tem Leverentz asked for a record vote by announcement of AYE or NAY.

Present Council announced AYE in favor. No oppositions, no abstentions.

VOTE: The motion carried unanimously: 4-0.

VACANT, Mayor
Tom Leverentz, Place One/ Mayor Pro-Tem
VACANT, Place Two

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Doug Hunt, Place Four
James Wade, Place Three
Richard Dormier, Place Five

REGULAR AGENDA

- ITEM 1. Discussion/Action** – Consider Resolution 2012-006 repealing Resolution 2010-013 in its entirety, which established a policy on Council Governance Process and Rules of Procedure, to include the Procedures on the Hearing of Complaints for the City of Ovilla City Council.
- Presented by the City Administrator

Council had made comments about revising their Governance Process & Rules of Procedure. It was suggested by the City's legal counsel and the City Administrator to completely repeal the entire document and create a new governance, relying on Chapters 26, 36, 145, 171 & 176 of the Penal Code until then. PL5 Dormier voiced concerns on handling a complaint in the event one was filed by a citizen, because the Penal Code covered criminal complaints, not ethical. How long would it take counsel to create a new one tailored for a general law city? Mayor Pro-Tem Leverentz acknowledged the current governance had been pieced together from several municipalities and that the procedures were awkward. PL3 Wade commented that the current governance worked effectively under the previous Mayor.

Mayor Pro-Tem Leverentz made a motion that Council approves Resolution 2012-0106, repealing Resolution 2010-013, Council Governance Process and rules of Procedure & Procedures on Hearing of Complaints in its entirety.
There was no second – the Motion died.

PL3 Wade made a motion that Council leaves the current policy in place until a new one is established.
There was no second – the Motion died.

PL4 Hunt made a motion that Council **table the item** until the next meeting to address with the new Council Members taking seat May 29.

PL5 Dormier seconded the motion.

Mayor Pro-Tem Leverentz asked for a record vote by announcement of AYE or NAY.

Mayor Pro-Tem Leverentz, PL4 Hunt & PL5 Dormier Council announced AYE in favor.

No abstentions.

PL3 Wade voted in opposition.

VOTE: The motion carried 3-1. Item 1 Tabled.

Mayor Pro-Tem moved the order of the Items and addressed Item 4 on the agenda.

- ITEM 4. Discussion/Action** – Consider Resolution 2012-007 Denying Atmos Energy Corporation Mid-Tex Division requested rate change.
- Presented by staff

City Administrator Randy Whiteman explained that the denial resolution would prevent the Company's proposed rate increase from automatically taking effect on June 11, 2012, and allow more time to engage in settlement discussions.

PL4 Hunt made a motion that Council denies the resolution.
There was no second – the Motion died. (Confusion on the motion)

PL4 Hunt made a motion that Council approves Resolution 2012-007 denying Atmos Energy Corporation Mid-Tex Division requested rate change.

Mayor Pro-Tem Leverentz seconded the motion.

(PL5 Dormier asked for explanation – CA Randy Whiteman explained that the approval of the Resolution would deny the rate change.)

Mayor Pro-Tem Leverentz asked for a record vote by announcement of AYE or NAY.

Present Council announced AYE in favor. No oppositions, no abstentions.

VOTE: The motion carried unanimously: 4-0.

PL3 Wade announced he had other business to attend and left the building at 7:44 p.m.

Mayor Pro-Tem resumed the regular order of the agenda.

ITEM 2. Discussion/Action – Consider an Ordinance of the City of Ovilla, TX, amending the Fiscal Year 2011-2012 Annual Budget and Annual Program of Services in accordance with the Mid-Year Budget Review and Amendment as part of the formal budget process.

- Presented by the City Administrator

City Accountant Sharon Jungman presented Council with a balanced annual mid-year budget. General Fund Revenues increased approximately \$65,000 bolstered by increased Sales Tax projections. The GF increased revenues and subsequent budget cuts offset the increased \$71,000 in salary expenses in the Fire Dept. The additional 24-hour paid firefighter was approved for only 6 months in the original budget. These additional increases would allow funding for the remainder of the year. All specifics were highlighted for Council's review.

Regarding the Enterprise Fund, additional wholesale water expenses were offset by projected additional water sales. The water use during the exceptionally mild winter accounted for the increased projections.

PL4 Hunt made a motion that Council approves Ordinance 2012-002 accepting and approving an amended Fiscal Year 2011-2012 Annual Budget and Annual Program of Services in accordance with the Mid-year Budget Review as presented.

PL5 Dormier seconded the motion.

PL3 Wade was absent.

Mayor Pro-Tem Leverentz asked for a record vote by announcement of AYE or NAY.

Present Council announced AYE in favor. No oppositions, no abstentions.

VOTE: The motion carried unanimously: 3-0.

ITEM 3. Discussion/Action – Consider conducting only one regular meeting for the months of June and July, meeting on June 25 and July 23 at 7:00 o'clock p.m.

- Presented by the Mayor Pro-Tem

Mayor Pro-Tem recommended that with vacations of residents, staff and Council during the summer months, it would benefit most to meet only once monthly in June and July. Council voiced concerns regarding the need to schedule budget meetings in July Ms Jungman asked for guidance from Council regarding next year's budget, which would influence the need for additional meetings. PL5 Dormier advised that any budget questions for FY2012-2013 should be presented to the newly elected Council on May 29. Current Council agreed to address the need for additional meetings later.

Mayor Pro-Tem Leverentz made a motion that Council approves the change of meeting dates for the months of June 2012 and July 2012 to be only one per month as proposed.

PL5 Dormer seconded the motion.

PL3 Wade was absent.

Mayor Pro-Tem Leverentz asked for a record vote by announcement of AYE or NAY.

Present Council announced AYE in favor. No oppositions, no abstentions.

VOTE: The motion carried unanimously: 3-0.

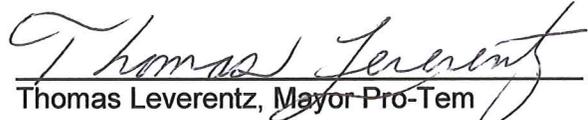
Mayor Pro-Tem announced that the Statements and Oaths of new Council would be conducted on May 29.

Adjournment

PL4 Hunt made a motion to adjourn the meeting of May 14, 2012 at 8:08 p.m.

PL5 Dormer seconded the motion.

VOTE: The motion carried unanimously.


Thomas Leverentz, Mayor-Pro-Tem

ATTEST:


Pamela Woodall, City Secretary

Approved May 29, 2012