

CITY OF OVILLA MINUTES

Monday, October 22, 2012

Regular City Council Meeting

105 S. Cockrell Hill Road, Ovilla, TX 75154

Mayor Leverentz called the Regular Council Meeting of the Ovilla City Council to order at 7:03 P.M. The following City Council Members were present:

Ralph Hall	Council Member Place 1
Larry Stevenson	Council Member Place 2
David Griffin	Council Member Place 3
Doug Hunt	Council Member Place 4
Richard Dormier	Council Member Place 5/Mayor Pro-Tem

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

PL2 Stevenson gave the Invocation

Mayor ProTem Dormier led the recitation of the Pledge of Allegiance

COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS

◆ **Mayor's Comments:** Mayor Leverentz reported on the NECCC (North Ellis County Coalition of Cities) recent meeting held on October 18 and hosted at the Ovilla City Hall Council Chamber Room. The focus of the evening pertained to the future expansion project of 664/Main Street.

◆ **Citizens Comments / Citizens Forum:**

1. Mr. Phil Lynch: Shared his personal views regarding City Administrator Randy Whiteman (recently submitted his resignation). Lynch commended Mr. Whiteman on his positive impact to the City of Ovilla with his knowledge and integrity and that Randy would be greatly missed. Mr. Lynch's remarks about Randy initiated in a standing applause.

◆ **Department Activity Reports / Discussion**

- Finance Department City Account Sharon Jungman
 - Briefed Council that the monthly financials were only preliminary year-end reports. General Fund Net Income: \$145,037 and Water/Sewer Net Income: \$182,344. The annual audit would begin soon.

CONSENT ITEMS

- Minutes of the September 24, 2012 Regular Council Meeting
- Minutes of the October 9, 2012 Regular Council Meeting
- Quarterly Investment Report for Quarter Ending 09-30-2012
- Fiscal Year Investment Report Ending 09-30-2012

PL1 Hall asked that the quarterly investment report be pulled for discussion prior to approval. Mayor Leverentz pulled the quarterly investment report and noted it would be labeled Item 7 on the agenda.

PL4 Hunt made a motion to approve the remaining consent items: Minutes of the September 24, 2012 Council Meeting, minutes of the October 9, 2012 Council Meeting and the Fiscal Year Investment Report Ending 09-30-2012 as presented. PL2 Stevenson seconded the motion.

Mayor 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: 5-0.

REGULAR AGENDA

ITEM 1. DISCUSSION/ACTION – Consider acceptance of the City Administrator’s resignation.

Mayor Leverentz and all Council Members shared sentiments about City Administrator Randy Whiteman. All Council Members echoed comments made earlier by Mr. Lynch and found it remarkable that Randy had endured the long drive (over 150 miles daily) for the past four years, but thanked Randy for his service to Ovilla. Council wished Randy luck.

PL4 Hunt made a motion that the Council accepts the resignation of Randy Whitman.

PL2 Stevenson seconded the motion.

Mayor 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: 5-0.

EXECUTIVE SESSION

The City Council of the City of Ovilla, Texas, reserves the right to meet in a closed session on any item listed on this Agenda should the need arise, pursuant to authorization by Texas Government Code, Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), 551.087 (economic development), 418.183 (homeland security).

Mayor Leverentz announced that Council would assemble into Executive Session for Items 2 & 3, pursuant to the TX Local Government Code, Section 551.074.

Council convened to Executive Session at 7:17 p.m.

ITEM 2. DISCUSSION/ACTION – Consider the qualifications for the city administrator position, set goals and authorize the advertisement of the vacancy.

ITEM 3. DISCUSSION/ACTION – Consider appointing an Interim City Administrator, set compensation.

Council reconvened to Regular Session at 8:07 p.m.

Mayor Leverentz announced that no action was taken during the Executive Session.

VOTE: There was no action on Items 2 or 3.

Mayor Leverentz addressed Item 3 again.

ITEM 3. DISCUSSION/ACTION – Consider appointing an Interim City Administrator, set compensation.

PL1 Hall suggestion that Council take no action on Item 3. The remaining governing body agreed.

VOTE: There was no action on Item 3.

ITEM 4. DISCUSSION/ACTION – Consider Proposed Resolution 2012-013 adopting a Council Rules of Procedure, Placement and Order of Items on Agendas, drafted by City Attorney Ron MacFarlane.

Council shared thoughts on proper procedure for placement and determined that the proposed resolution needed amendment. Mayor Pro-Tem Dormier submitted his own list of suggestions for a procedure, noting that any Council member could place an item on the agenda for discussion. At that time, Council would determine if the discussion item warranted further review for an action item. If three members made a concurrent request at any time, then that would meet the criteria to be listed as an action and/or discussion item. Additionally, dependent on how extensive the agenda might be, placement would be within the month of request. PL4 Hunt agreed with the Mayor ProTem's suggestions. PL3 admitted having a difficult time processing this, as he did not approve limiting Council's request for agenda item placement. As long as there was a guarantee for placement, he would concur. PL2 Stevenson felt the requirement for approval of three Council Members was excessive. PL2 proposed the request of two members, stating that should be sufficient. PL1 Hall shared a document he prepared with excerpts received from the TX Municipal League relating to the roles and responsibilities of officers in general law cities. In short, it stated that the decision-making is to be shared by the full council- meaning any council member should possess the right anytime to place/request an item on the agenda. Placement on the agenda would be contingent to the Council Member's submitted request and supporting documents by the designated deadline. Council debated their concerns of excessive agenda item requests.

PL1 Hall asked that the wording in the proposed resolution be amended to read that the Mayor and any Council Member may place any subject matter on the agenda for discussion and remove number 2 under Section A. The deadline hours (and date) on the resolution needed to coincide with Ovilla's working hours and Council's previous discussions of deadlines. PL1 Hall requested that staff make the discussed amendments to the proposed resolution and bring back for approval.

There was no action on this item.

ITEM 5. *DISCUSSION/ACTION* – Consider Adoption of Proposed Ordinance 2012-020 Approving the Official Boundaries & Extra Territorial Jurisdiction Map of the City of Ovilla.

City Administrator Randy Whiteman informed Council that this map was required by law and was part of the Extra Territorial Jurisdiction.

PL3 Griffin made the motion that Council approves Ordinance 2012-020 adopting the Official City Map of the City of Ovilla. PL2 Stevenson seconded the motion.

Mayor 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: 5-0.

ITEM 6. *DISCUSSION/ACTION* – Council will consider assignment of FY2012-13 performance goals for the City Secretary.

PL1 Hall submitted three goals; agreed by Council:

1. Have all City Council meeting minutes on-line within two weeks after Council's approval.
2. Work on the website to achieve the Gold Level Award in the TX Comptroller Leadership Circle by September 30, 2013. (Let Council know if help is needed)
3. Work with the City Council in reviewing all city resolutions and ordinances for necessary changes. (It was understood that this would include research with the City Administrator)

PL4 Hunt made the motion that Council approves the noted goals are set for the City Secretary, concurrent with her annual evaluation. PL2 Stevenson seconded the motion.
 Mayor 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: 5-0.

ITEM 7. DISCUSSION/ACTION – Council’s consideration of one pulled item requested by PL1 Hall from the Consent Agenda: Approval of the Quarterly Investment Report for Quarter Ending 09-30-2012.

PL1 Hall asked that the City Accountant look into TX Star and/or TX Pool for comparison interest earnings on the money market accounts at Prosperity Bank. PL1 Hall voiced concern that the Special Police Account was not making any interest. CA Whiteman said that it was a basic checking account. It could be placed in a money market account (gaining some interest) if check writing were limited.

PL1 Hall made the motion that Council approves the Quarterly Investment Report for the Quarter Ending 09-30-2012. PL4 Hunt seconded the motion.
 Mayor 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: 5-0.

Adjournment

PL4 Hunt made a motion to adjourn the meeting of October 22, 2012 at 8:45 p.m.
 PL2 Stevenson seconded the motion.
VOTE: The motion carried unanimously.


 Thomas Leverentz, Mayor

ATTEST:


 Pamela Woodall, City Secretary

Approved November 13, 2012

***Executive Agenda sealed and filed separately.**

Attachments: Document submitted by PL1 Hall (Agenda Item 4)
 Suggestions submitted by Mayor Pro-Tem Dormier (Agenda Item 4)

ATTACHMENT: 2012.10.22 OCC Meeting Minutes, Submitted by PL1 Ralph Hall

The mayor has the duty to see that the council agenda is prepared but the mayor has no more authority for placing items on the agenda than any other councilman. Most items placed on the council agenda would be by the city administrator.

Ovilla is a Type A General Law City operating under Council-Manager form of governance. "Most of the powers exercised by the mayor are created through ordinances and resolutions adopted by the city council. Very few mayoral powers are prescribe by the state law.

This is a quote from Texas Municipal League-Roles and Responsibilities of officers in General Law Cities "Under the council-manager plan the mayor has no administrative powers and will probably be in the city hall on a less frequent basis. The ordinances of most council-manager cities also make it clear that decision-making is to be shared by the full council, and that the mayor is to be considered the same as any other member of the governing body for policy purposes. This is accomplished by concentrating administrative powers in the hands of the city manager, who acts under the direction of the full council."

When I obtain my council packet I was amazed by agenda item 4. The council had agreed that it would require two members to have an item placed on the agenda. I sent the resolution to Ron Macfarlane, our city attorney, asking if this was the resolution he prepared. This is his response: [Yes, I drafted the Resolution you forwarded to me. My original draft required only two \(2\) council members to place an item on the agenda, which is fairly common, but there are many different rules for different cities. I was told by Randy Whiteman that the Mayor instructed me to revise it to require three \(3\) council members since that's the way it apparently was in the past.](#)

I believe you all agree that we want an open and transparent city and government and we should start with allowing any councilman to place items on the agenda without having to obtain permission from one or two additional council members.

If we determine that rules need to be put in place for placing items on the agenda we can do that at any time in the future.

From: Richard Dormier [mailto:rdormier@cityofthames.com]
Sent: Friday, October 12, 2012 12:28 PM
To: Randy Whiteman
Subject: Suggested Agenda Item Placement by Council

I have the following suggestion (which is a draft) regarding placement of agenda items by city council members:

If an item is requested by only one councilman and/or the Mayor, then it is a discussion only item and would be placed on an agenda within a month of the request. If it is requested by at least 3 councilmen (not including the Mayor), then it can be a discussion and action item and would also be placed on an agenda within a month. That way if there is enough interest and the item is important enough it can then be considered in one meeting. If discussion only, then the council can decide if it needs to go to an action item in the future.

The city administrator would be responsible for adding agenda items needed to run the day-to-day operations of the city and those would be discussion and/or action as determined by the administrator.

I would also want to have some type of limitation or understanding that if the Mayor or a councilman is requesting several items, that they be spread out over several meetings because if we each request several items it will be difficult to conduct the regular city business in a timely manner. I think the public does not necessarily want to sit through a 3 or 4 hour meeting either.

With an understanding that a requested item will be placed on an agenda within a month, I don't know that we need to have our requests read out loud at the end of a meeting but I did like it when we were able to do that.

Please forward to the Mayor and other council members for their consideration.

Thanks, Richard