

# CITY OF OVILLA MINUTES

*Tuesday, November 13, 2012*

*Regular City Council Meeting*

*105 S. Cockrell Hill Road, Ovilla, TX 75154*

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Mayor 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:

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.

PL3 Griffin gave the Invocation

PL4 Hunt led the recitation of the Pledge of Allegiance

## **COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS**

### ◆ **Mayor's Comments:**

- Announced the planning of the Annual Christmas Tree Lighting was underway, scheduled for December 6, 7:00 p.m., at Heritage Park.
- Announced the dedication to all Veterans and the placement of three pavers scheduled on November 17 at 10:00 a.m., at the Ovilla Veteran's Memorial.
- Announced Randy Whiteman's resignation effective November 14 and presented Randy with a clock/plaque. PL4 Hunt presented Randy with an "Ovilla" monogrammed blanket and coffee mug. Citizen Dale Helm presented Randy with one of his own hand-made personalized clocks. Each Council Member voiced their appreciation to Randy and his service to Ovilla and wished him luck.

### ◆ **Citizens Comments / Citizens Forum:**

1. Ms Dani Muckleroy: As a representative of the Salvation Army, Ms Muckleroy asked for volunteers to work the Wal-Mart in Red Oak during the holiday season. Contact information and business cards were left to schedule a block of hours for interested individuals.

### ◆ **Department Activity Reports / Discussion**

- Police Department Chief M. Moon
  - Chief Moon praised Randy for always supporting and "backing up" the employees.
  - Briefed Council on the Police Department monthly report.
- Fire Department Assistant Chief P. Brancato
  - Chief Brancato praised Randy for his support and guidance during the budget process and helping him acclimate to his new role as head of the department.
  - Briefed Council on the Fire Department monthly report.
- Public Works Director B. Piland
  - PW Director Brad Piland thanked Randy for hiring him and giving him the opportunity as department director.
  - Briefed Council on the Public Works Department monthly report. PL3 Griffin shared received compliments on the refurbishing of Red Oak Creek Road.
- Finance Department City Accountant S. Jungman

- City Accountant Sharon Jungman thanked Randy for his help and said she was glad his new position would have him working closer to home.
- Briefed Council on the monthly Court report.
- Administration City Administrator R. Whiteman
  - Code Enforcement Officer Mike Dooly was present and voiced his appreciation to Randy.
  - Mr. Dooly briefed Council on the monthly Code Enforcement and Animal Control reports.
- Committees/General Information – None.

Randy thanked everyone (Council, staff and citizens) for working with him the past four years and stated he has enjoyed Ovilla. Additionally, Randy said he was proud of his staff and will miss them.

### CONSENT ITEMS

- Financial transactions
- Minutes of the October 22, Regular Council Meeting
- Minutes of the October 29, 2012 Special Council Meeting

PL1 Hall asked that the Minutes of the October 29 Special Council Meeting be pulled from Consent for discussion prior to approval. Mayor pulled the noted minutes and designated the minutes as Item 8 on the agenda.

PL4 Hunt made a motion to approve the remaining consent items: Minutes of the October 22, 2012 Council Meeting and the financial transactions 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 director reappointments and/or approve solicitation for applications for the Municipal Development District.

Staff was instructed to solicit for interested applicants and return to Council.  
**There was no action.**

**ITEM 2. DISCUSSION/ACTION** – Consider Proposed Resolution 2012-013 adopting a Council Rules of Procedure, Placement and Order of Items on Agendas.

During the October 22, Council meeting, staff was instructed to return with revisions to a draft resolution provided by Ovilla's legal counsel. Staff submitted two optional resolutions for Council's review. Option 1, prepared by legal counsel included a few changes and Option 2 was a draft (suggestions only) by Mayor ProTem Dormier, prepared in resolution form. Members shared their thoughts on proper procedure for placement with differing opinions. After compromise, Council agreed to combine portions of both drafted options.

PL1 Hall made the motion to amend Option 1 with the following:

1. Under A. (1), add the word "only" to the end of the sentence to read: *The Mayor or any Council Member may place any subject matter on the agenda for discussion only.*
2. A. (2) shall read: *Two Council Members (not including the Mayor) can place an item on the agenda for action and will be heard within a month of the request.*
3. A. (3) shall read: *The City Administrator may place any subject matter on the agenda.*
4. A. (4) shall read: *All agenda items to be placed on the agenda must be submitted to the City Secretary in writing no later than 4:30 p.m., on the third day before the date of the agenda posting (e.g. agenda items due by 4:30 p.m., on Tuesday for posting of agenda on Friday).*
5. A. (5) shall read: *All requests for agenda placements must clearly state the nature and subject matter of the item to be considered and be accompanied by any applicable supporting data.*

The remaining wording under Option 1 shall be as presented. PL 2 Stevenson seconded the motion.

*Mayor Leverentz asked for a record vote by announcement of AYE or NAY.*

*Council Members, PL1 Hall, PL2 Stevenson, PL3 Griffin and Mayor ProTem Dormier announced AYE in favor. PL4 Hunt voted in opposition stating his desires for agenda/packets and postings to be earlier than the 72-hour deadline. No abstentions.*

**VOTE: The motion carried: 4-1.**

**ITEM 3. DISCUSSION/ACTION** – Consider appointment of Interim City Administrator and/or consultant, and approve compensation.

PL4 Hunt suggested allowing the Mayor to act as interim. PL3 Griffin stated that he believed that staff was capable and dependable enough to work temporarily without a City Administrator. Knowing that the Mayor is out of town often on business, appointing the Mayor Pro-Tem might be more feasible. Additionally, retaining Randy for \$1,000 a month for assistance would be a good idea. Council debated PL3 Griffin's suggestions. PL1 Hall agreed with an appointment of Mayor Pro-Tem Dormier as interim and believed Council could rely on the department heads until a new City Administrator was hired.

PL1 Hall made the motion that Council approves the appointment of Mayor Pro-Tem Dormier as interim City Administrator. PL2 Stevenson seconded the motion.

*Mayor Leverentz asked for a record vote by announcement of AYE or NAY.*

*Council Members PL1 Hall, PL2 Stevenson, PL3 Griffin and Mayor Pro-Tem Dormier announced AYE in favor. PL4 Hunt voted in opposition. No abstentions.*

**VOTE: The motion carried: 4-1.**

**ITEM 4. DISCUSSION/ACTION** – Consider an Inter-local Agreement between the City of Ovilla and the City of Oak Leaf for the Provision of Animal Control Services.

PL4 Hunt voiced concerns that Ovilla was not being compensated for animal control services adequately and suggested revising the costs for services.

PL2 Stevenson made the motion that Council approves the Interlocal Agreement between the City of Ovilla and the City of Oak Leaf for the Provision of Animal Control Services with the following amended fees to the contract:

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|-------------------------------|---------------|
| 1. (1) a. Animal Pick Up      | \$65 per hour |
| 2. (1) b. Animal Traps        | \$65 per trap |
| 3. (1) c. Dead Animal Pick up | \$40 per hour |

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|---|-------------------------|
| 4. (1) d. Called out but no animal found            | \$65 per hour           |
| 5. (1) e. Court appearance by A/C Officer           | \$25 per hour           |
| 6. (1) f. Reported Biting                           | \$40 per hour           |
| 7. (1) g. Delivery of animal to entity outside city | \$45 per hour           |
| 8. (1) h. Additional assistance required            | \$25 per hour / per man |

PL1 Hall 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 5. DISCUSSION ONLY** – Discussion related to the installation/replacement of utilities (sewer & water) lines for downtown Ovilla and continuing to City Hall.

PL1 Hall addressed the Council commenting that he could smell the City Hall septic system outside right now. It was not determined or discussed that it was the city's septic system and not some other system in the area. PL2 Stevenson said on more than one occasion he had been asked by citizens why the city was watering during a drought. When he explained that it was septic water spraying, they acted offended that "that type water" was being sprayed in the air. PL1 Hall also said that Ovilla was going to lose a business (the post office/cleaners) because they could not get adequate sewer to their location. He said it was time the city helped the downtown develop by extending the sewer through downtown, adding that City Hall needed sewer too. Staff pointed out that potential sewer lines to serve City Hall would be on Cockrell Hill Road, not West Main. Meaning, it would take two sewers to serve both areas. It was stated that until the sewer was extended up to the vacant land across from Ashburne Glen, the City would most likely stay on septic.

Several comments, including some from the audience discussed Mrs. Wade's (Main Street Cleaners/Post Office) attempts to get sewer to her building and it was determined that she had not met all the requirements set out by either the Council or the Economic Development Corporation (EDC) Board. Mayor Pro-Tem Dormier said there might be a way for Mrs. Wade to get sewer if the city granted her an easement to run a private force main to the sewer in front of the Medical Clinic. City Administrator Randy Whiteman stated that was contrary to city policy. Council asked Mayor Pro-Tem Dormier to check into the possibility with Mrs. Wade and let them know.

PL4 Hunt asked about the water line to serve Water Street. Mayor Leverentz explained that the Water Street waterline was never funded because the road would have to be rebuilt as well. Water Street was on this year's Capital Improvement Projects (CIP) list. Public Works Director Brad Piland explained that when and if the line was completed it would serve not only Water Street, but provide a necessary loop-feed to Ovilla Oaks and Cumberland Forest. He said even though the pressure was good for both areas, the lack of a secondary feed was cause for concern. Brad said he has had the City's engineer to redesign the line location and size to allow the line to utilize city property when possible and intersect with the highway - bore already in place in front of Mr. Ali Sharaf's home. The Council asked Mayor Pro-Tem Dormier to assist Brad in getting a quote on the project and possibly letting city crews do the job. Brad said he thought they could do everything but the creek crossing.

**Discussion Only. There was no action.**

**Mayor Leverentz called a break at 8:50 p.m.**

**Mayor Leverentz resumed the meeting at 9:00 p.m.**

**ITEM 6. DISCUSSION ONLY** – Discuss any updated negotiations and progress with Ovilla Auto.

Mayor Pro-Tem Dormier and Code Enforcement Officer Mike Dooly met to review the issues with Ovilla Auto and hoped to find a solution for Mr. Tennison's business to remain compliant with Ovilla's Code. Mr. Dooly developed a draft ordinance that would revise the existing ordinance to carve out an exception to cover auto repair and allow vehicles to remain on the premises for a reasonable time for mechanics lien. Council conferred and offered suggestions to the draft. Code Enforcement Officer Dooly would return with the changes.

**Discussion Only. There was no action.**

**ITEM 7. DISCUSSION/ACTION** – Consider nomination, appointment and/or solicitation for applications to fill vacancy on the Planning and Zoning Commission.

P & Z Member Emmett Fox submitted his resignation, leaving an unexpired term. Mayor Pro-Tem Dormier directed staff to check with two previous applicants that had not been appointed: Mr. Dean Oberg and Mr. Darrell Jungman, both currently serving on the Capital Improvements Projects Committee. It was also recommended that staff begin soliciting for voluntary board applicants.

**Discussion Only. There was no action.**

**ITEM 8. DISCUSSION/ACTION** – Consider approval of the minutes of the Special Council Meeting of October 29, 2012.

PL1 Hall asked that this be pulled from the Consent Agenda for discussion; particularly the City Administrator job posting attached to the minutes. During previous meetings, PL1 Hall thought it was consensual that long-range planning needed to be added to the City Administrator's job description. Randy Whiteman explained that what was attached to the minutes was the posting for the job, not the actual job description. Council could consider revising the job description at a later date.

PL1 Hall made the motion that Council approves minutes of the October 29, 2012 Special Council Meeting. PL3 Griffin seconded the motion.

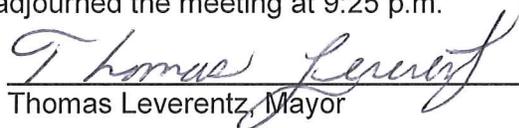
*Mayor Leverentz asked for a record vote by announcement of AYE or NAY.*

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

**VOTE: The motion carried unanimously: 5-0.**

**Adjournment**

There being no further business, Mayor Leverentz adjourned the meeting at 9:25 p.m.

  
Thomas Leverentz, Mayor

ATTEST:

  
Pamela Woodall, City Secretary

**Approved December 10, 2012**

Tom Leverentz, Mayor  
Ralph Hall, Place One  
Larry Stevenson, Place Two

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Doug Hunt, Place Four  
David Griffin, Place Three  
Richard Dormier, Place Five/Mayor ProTem