

CITY OF OVILLA MINUTES

Monday, January 14, 2013

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 7:00 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. Various department-heads and staff were also present.

Mayor Pro-Tem Dormier gave the Invocation
PL3 Griffin led the recitation of the Pledge of Allegiance

COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS

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

1. Mr. Jeff Byers-currently lives in Coppell but is also a property owner on Water Street in Ovilla where his parents and grandparents resided. Grandfather Weldon Odell was instrumental in building the baseball field behind the City Hall building and asked Council's consideration in naming the ball field park after his grandfather.
2. Mr. Richard Pettit-signed up to speak but passed.
3. Mr. James Wade-signed up to speak when Item 1 was addressed.
4. Mr. Steve Fiedler-signed up to speak when Item 1 was addressed.
5. Ms Lisa Stewart-signed up to speak when Item 6 was addressed.

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

- Police Department Chief M. Moon
 - Briefed Council on the Police Department monthly report and the annual UCR Stats.
- Fire Department Assistant Fire Chief P. Brancato
 - Briefed Council on the Fire Department monthly report.
 - Advised of the resignation of Kevin Lucia as Ovilla's Fire Marshal
- Public Works Director B. Piland
 - Briefed Council on the Public Works Department monthly report.
 - Advised Council that the valve box at the pump station was under renovation/repair.
- Finance Department City Accountant S. Jungman
 - Briefed Council on two months (October & November 2012) of monthly financials.
 - Briefed Council on the monthly Municipal Court report.
- Administration Mayor ProTem R. Dormier
 - Updated Council on the recent pre-construction meeting with Ovilla Parc representatives (second phase to begin soon)
 - Reviewed reports-Code Enforcement/Animal Control, Mike Dooly

CONSENT ITEMS

- Financial transactions
- Minutes of the December 10, 2012 Regular Council Meeting
- Minutes of the December 20, 2012 Special Council Meeting
- Ordinance 2013-001, Amending Chapter 9, Section 9. City Administrator Duties

PL4 Hunt made the motion that Council approves the consent items as presented, seconded by PL2 Stevenson. *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 letter of request from property owners regarding Main Street Sanitary Sewer.

Mayor Leverentz allowed those that signed up to speak on this item to address Council:

1. Mr. Steve Fiedler-spoke favorably and encouraged Council to moved forward with the placement of sewer in the downtown area. Property owners in the downtown agreed to share in the cost for materials in conjunction with the city laying the lines.
2. Mr. James Wade concurred with Mr. Fiedler.

Mayor ProTem Dormier visited with the property owners of the downtown area. The property owner of 707 W. Main Street provided a letter offering to share in the cost of materials for the sewer installation. The letter was endorsed by three additional signatures; owners of 709 and 711 W. Main. If the City chose to participate, the funds to pay for the project would have to come from the sewer budget or the reserve fund. If Council were interested in pursuing this project, they had a few options: 1) install the sanitary sewer along Main Street using Public Works crews, or 2) bid the project and have the property owners pay the City for the cost of the materials.

Place 4 Hunt inquired about the possibility of the Economic Development Corporation's (EDC) input and financial support of the line. He also questioned how sewer would help without other improvements to the properties, including parking issues.

Council solicited input from Mr. Richard Pettit, the EDC Vice-President. Mr. Pettit stated that a request would first need to be submitted to the EDC for consideration. Other factors that would need to be addressed were: 1) would this create jobs/revenue for Ovilla? 2) What would the economic benefit to the city be for expending such funds? PL3 Griffin stated that Council/staff should begin with "Step 1" and continue the research to help move this project forward. PL2 Stevenson concurred that he wanted to see sewer installed, but included his desire to see sewer all the way to the City Hall building too. Ovilla could not promote businesses/restaurants without restrooms.

PL1 Hall asked the Mayor Pro-Tem to find out the cost of materials.

Mayor Leverentz voiced concern that the taxpayers' money should be spent wisely.

NO ACTION ON THIS ITEM.

ITEM 2. *DISCUSSION/ACTION* – Consider the declaration of surplus property and authorize its sale.

Assistant Fire Chief Brancato checked inventory and identified retired and obsolete equipment. The surplus materials were placed in assorted lots and submitted to Council for review. A-Chief Brancato asked Council to permit him to offer/sell to smaller departments and dispose of what was worthless. Some of the equipment no longer met Texas standards.

PL1 Hall made the motion that Council declares the presented list of items as surplus and authorizes the sale of those items; seconded by PL2 Stevenson. *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 3. DISCUSSION/ACTION – Consider and authorize an alternate method of sale and/or disposal of surplus property declared under Item 2.

PL1 Hall agreed from discussion on Item 2 that A-Chief Brancato donate or throw away the scrap items.

PL3 Griffin made the motion that Council authorizes the donation and/or disposal of the scrap materials declared under Item 2, that A-Chief Brancato is authorized to contact area departments to donate these items and to document/itemize each piece; seconded by PL2 Stevenson. *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 4. DISCUSSION/ACTION – Consider proposed Ordinance 2013-002, in accordance with Chapter 1, Section 1.02.002 of the Ovilla Code of Ordinances, declaring an official city newspaper.

Staff reported that the Waxahachie Daily Light had maintained a consistent, reliable and professional working relationship with Ovilla, as well as having representation attend most Council meetings.

PL1 Hall made the motion that Council approves and adopts Ordinance 2013-002, declaring the Waxahachie Daily Light as the City's official newspaper; seconded by PL3 Griffin. *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/ACTION – Consider approval of a Five-Year Contractual Agreement with ACS, Inc. for Firehouse software.

A-Chief Brancato advised Council that the Ovilla Fire Department has used Firehouse Software since 1999. It works with CAD interface and has inter-operability with the Ellis County Fire Marshal's office and other county departments. Firehouse is a complete package and the annual cost over the 5-year agreement would remain the same.

PL1 Hall made the motion that Council approves the five-year contractual agreement with ACS, Inc. as presented; seconded by PL4 Hunt. *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 – Consider and review a draft nonexclusive menu of options providing for the regulation of mobile food vendors.

Mayor Leverentz allowed those that signed up to speak on this item to address Council:

1. Ms Lisa Stewart-stated that she believed that this agenda item was retaliation from her voicing concerns regarding her hotdog stand and that this originated from staff's rude and unprofessional behavior toward her. Code interpretations and personal agendas are rampant. Ms Stewart added that this item would jeopardize her income and livelihood and that is was in her opinion against state law to discuss this item in Executive Session, that it should be discussed in Open Forum.

NO DISCUSSION.NO ACTION.

ITEM 7. DISCUSSION/ACTION – Deliberate the appointment employment and/or duties of the interim City Administrator and/or permanent City Administrator.

NO DISCUSSION.NO ACTION.

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 convene into Executive Session at 8:00 p.m., to deliberate the following items: (Vocal objection/challenge by Ms Lisa Stewart and male individual from the audience)

ITEM 6. ♦ Closed session pursuant to Texas Local Government Code section 551.071
DISCUSSION/ACTION – Consider and review a draft nonexclusive menu of options providing for the regulation of mobile food vendors.

ITEM 7. ♦ Closed session pursuant to Texas Local Government Code section 551.074
DISCUSSION/ACTION – Deliberate the appointment employment and/or duties of the interim City Administrator and/or permanent City Administrator.

COUNCIL WILL RECONVENE INTO OPEN SESSION, AND TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION, IF NEEDED.

- ♦ Consider action as a result of discussion on each item.

Mayor Leverentz and Council convened to Open Session at 8:45 p.m.
No action was taken on Items 6 or 7.

Adjournment

PL2 Stevenson made the motion to adjourn, seconded by PL4 Hunt.
There being no further business, Mayor Leverentz adjourned the meeting at 8:45 p.m.



Tom Leverentz, Mayor

ATTEST:



Pamela Woodall, City Secretary

Approved February 11, 2013

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

