

CITY OF OVILLA MINUTES

Monday, December 10, 2012

Regular City Council Meeting

105 S. Cockrell Hill Road, Ovilla, TX 75154

Mayor ProTem Dormier 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

Absent: Tom Leverentz Mayor

Mayor ProTem Dormier served as chair to the meeting and noted present members, thus constituting a quorum. Various department-heads and staff were also present.

PL4 Hunt gave the Invocation

PL3 Griffin led the recitation of the Pledge of Allegiance

COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS

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

1. No one signed up to speak.

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

- Police Department Chief M. Moon
 - PL2 Stevenson inquired about a few police reports filed during the month.
 - Briefed Council on the monthly Police report.
- Fire Department Captain B. Kennedy
 - PL2 Stevenson praised the Fire Department for doing a superb job.
 - Briefed Council on the Fire Department monthly report.
 - Captain Kennedy brief Council on a new volunteer.
- Public Works Director B. Piland
 - Briefed Council on the Public Works Department monthly report.
 - Advised Council of a Capital Improvements Project Committee meeting on this date. PW Director and two new members reviewed the CIP road rehabilitation list. Some of the streets scheduled for refurbishing in 2012 were moved to the 2013 CIP list, as Ellis County was unable to fulfill their obligations due to inoperable machinery. PL1 Hall asked that crews examine roads in the Meadow Glenn Addition needing attention.
- Finance Department City Accountant S. Jungman
 - Briefed Council on the monthly Court report.
- Administration Mayor ProTem R. Dormier
 - Update status on Ovilla Road Baptist Church.
 - Mayor ProTem Dormier met with representatives and all left with a clear understanding of what needed to be submitted for review.
 - Update status of Ovilla Parc
 - Mayor ProTem Dormier met with developers – expecting development to begin sometime in January 2013.
 - General Information
 - Reminded Council to access their city assigned emails often.

- Red Oak City Hall will host a public meeting for the TX Department of Public Safety from 5-7 pm, Tuesday, December 11, regarding the expansion of 664.
- Monthly Reports – Code Enforcement/Animal Control, Mike Dooly
 - Council reviewed the reports. Code Enforcement Officer Dooly was on-call.
- Committees
 - Sharon Jungman (City Accountant) praised the Public Works Department and the Ovilla Service League for an outstanding event at the Christmas Tree Lighting.

CONSENT ITEMS

- Financial transactions
- Minutes of the November 13, 2012 Regular Council Meeting
- Minutes of the November 17, 2012 Special Council Meeting

PL4 Hunt made the motion that Council approves the consent items as presented, seconded by PL2 Stevenson. *Mayor ProTem Dormier 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 appointments and/or approve solicitation for applications for the Municipal Development District.

PL3 Griffin made the motion that Council authorizes staff to continue solicitation for board applications and return to Council for review, consideration and appointment; seconded by PL2 Stevenson. *Mayor ProTem Dormier 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.

*Mayor ProTem Dormier moved the order of the agenda and addressed Item 3.

ITEM 3. DISCUSSION/ACTION – Consider appointment and/or solicitation for applications to fill vacancy on the Planning and Zoning Commission.

With the resignation of P&Z Member Fox, Council considered Mr. Dean Oberg who was a former member on P&Z and a current member on the CIP Committee.

PL4 Hunt made the motion that Council appoints Mr. Dean Oberg to serve as Place 4 on the Planning & Zoning Commission for the remainder of the term to expire in 2014; seconded by PL 3 Griffin. *Mayor ProTem Dormier 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.

*Mayor ProTem Dormier returned to the regular order of the agenda.

ITEM 2. DISCUSSION/ACTION – Consider member appointments and/or approve solicitation for applications for the Capital Improvements Projects Committee.

PL4 Hunt made the motion that Council appoints Ms Barbara Byrum-Key to serve on the CIP Board, seconded by PL2 Stevenson. *Mayor ProTem Dormier 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 changes Chapter 8, Offenses and Nuisances, Section 8.05.001, junked vehicles, and direct staff to forward approved changes to legal counsel for ordinance preparation.

Council noted a few grammatical corrections to the presented text amendment discussed in previous Council meetings. The definition as corrected shall read:

Auto Sales / New and Used. An open area or lot used for the display or sale of automobiles or trucks, and vans. Sale of automobiles by auto garage owner(s) is permitted to sell vehicles obtained by a mechanics lien or received in lieu of payment for services rendered. Such vehicles are allowed for sale on premises 90 days after title has been received by the garage owner.

PL2 Stevenson made the motion that Council approves the presented changes (with corrections) and directed staff to forward to legal counsel for ordinance preparation; seconded by PL3 Griffin. *Mayor ProTem Dormier 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 and review the City's process for utility billing and consider alternatives.

Staff received notice that the city's contractual software provider for utility billing statements (AVR, Inc.) would no longer support the use of postcards. The change would be effective January 1, 2013, giving the city little notice or time to solicit for a new software provider. Council acknowledged no alternatives with such short notification.

There was no action.

ITEM 6. DISCUSSION/ACTION – Consider approving a contract with AVR, Inc., for utility billing.

AVR, Inc. provided staff with a cost-comparison to either out-source the utility statements or keep them in-house. Out-sourcing would require an initial upfront \$2890, in addition to the \$3400 software maintenance agreement. Council considered both options and concurred that there was no alternative but to remain with AVR. Although, it was a larger financial impact on the City, Council chose to keep the billing in-house with the rationalization that the equipment necessary for lease or purchase (folder, stuffer & sealer) would benefit the city long-term. Accountant Sharon Jungman offered to contact Utility Billing/Permit Clerk Tammy McCoy to answer postcard / barcode software questions but it was not necessary. Ms Jungman was instructed to count blank billing postcards to ensure there was an adequate quantity for the December 2012 statements.

Mayor ProTem Dormier called a break from Open Session at 8:26 pm
 Mayor ProTem Dormier resumed the meeting at 8:38 pm

*Mayor ProTem Dormier placed Item 6 in abeyance and moved the order of the agenda, addressing Items 7, 8 and 9 while Ms Jungman counted utility billing postcards.

ITEM 7. DISCUSSION/ACTION – Consider Ordinance 2012-021 amending the FY2012-2013 Water Fund Budget and Annual Program of Services for the City of Ovilla to allow for an Adjustment in the Water Fund to offset an increase for expenditures for contractual services with AVR, Inc.

PL1 Hall recommended staff prepare one proposed ordinance amending the budget during Mid-Year Budget Review. Council voiced concurrence.

There was no action.

ITEM 8. DISCUSSION/ACTION – Consider amending the Code of Ordinances, Section 9; City Administrator duties to include long-range planning and direct staff to prepare in ordinance form.

PL1 Hall questioned the necessity of the City Administrator's job description being listed in the Code of Ordinances; however, if there is something important to the job duties, then the major components should be specified. PL1 Hall had recommended adding long-range planning in previous meetings.

PL1 Hall suggested adding as a separate bullet (number 13) to the city administrator's description in the Code and made the motion that Council approves for the addition to read as follows:

...Responsible for the development of a 5-year plan with input from staff, City Council, and citizens by conducting a Town Hall Meeting. The plan will be updated and approved by the council annually in June of each year. Staff was directed to prepare in ordinance form and return for approval.

PL2 Stevenson seconded the motion.

Mayor ProTem Dormier 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 9. DISCUSSION/ACTION – Consider approval of the Annual Interlocal Cooperation Contract between County of Ellis and the City of Ovilla.

PL2 Stevenson made the motion that Council approves the Annual Interlocal Cooperation Contract between the County of Ellis and the City of Ovilla as presented, seconded by PL1 Hall. *Mayor ProTem Dormier 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.

*Mayor ProTem Dormier moved the order of the agenda to address Item 6.

ITEM 6. DISCUSSION/ACTION – Consider approving a contract with AVR, Inc., for utility billing.

Accountant Sharon Jungman confirmed that there were enough postcards for the December statements.

PL2 Stevenson made the motion that Council directs staff to proceed with in-house processing for utility bills and directs staff to request a letter of agreement from AVR for such, seconded by PL4 Hunt. *Mayor ProTem Dormier 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.

*Mayor ProTem Dormier returned to the regular order of the agenda.

ITEM 10. DISCUSSION/ACTION – Deliberate the appointment employment and/or duties of the interim City Administrator and/or permanent City Administrator.

Mayor ProTem Dormier convened Council into closed session pursuant to Texas Local Government Code section 551.074 at 8:50 p.m.

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

Mayor ProTem Dormier adjourned the Executive Session and returned to Open Session at 10:04 p.m., stating that no action was taken in Executive Session. Mayor ProTem Dormier asked for any discussion or motion.

PL4 Hunt made the motion that Council directs the City Secretary to the following:

1. Contact the short list of applicants and schedule interviews
2. Revise the posting for the City Administrator's position.
3. Prepare an agenda for a Special Meeting to be held on Thursday, December 20, at 3:00 p.m.

PL2 Stevenson seconded the motion. *Mayor ProTem Dormier 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

PL1 Hall made the motion to adjourn, seconded by PL2 Stevenson.

There being no further business, Mayor Pro-Tem Dormier adjourned the meeting at 10.12 p.m.



Richard A. Dormier, Mayor ProTem

ATTEST:



Pamela Woodall, City Secretary

Approved January 14, 2013

** Certified Executive Agenda sealed and filed separately.