

# CITY OF OVILLA MINUTES

*Monday, February 25, 2013*

*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. 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 Leverentz announced the placement of another paver (Veteran's Memorial) scheduled this Saturday, 9 a.m., at Heritage Park.

Mayor Leverentz commended the Ovilla Service League's successful Annual Benefit Dinner, receiving tremendous help from PL4 Hunt with sponsorship and fund raising. Council acclaimed it was a great group effort.

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

1. None.

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

- Finance Department City Accountant S. Jungman
  - Briefed Council on the January 2013 monthly financials. In an effort to accommodate Council's request for more detailed accounting information, two separate reports were distributed. PL4 Hunt asked Ms Jungman to continue working on formatting and filtering, as he preferred one consolidated report.
- Administration Mayor ProTem R. Dormier
  - Update: FEMA – In process of updating the flood damage prevention ordinance & map.
  - Update: Solid Waste Contract – will bring optional contract extension(s) back to Council for consideration
  - Update: The EDC expects to bring a presentation regarding TIRZ/TIF in coming months for Council's consideration
  - Update: Engineering Design Standards – currently working with city engineer
  - Update: Residential Development – Sandarach Forest recently submitted a final (incorrect) plat but the preliminary plat had expired; the developer was required to resubmit/re-file.

## **CONSENT ITEMS**

- Minutes of the February 06, 2013 Special City Council Meeting
- Inter-local Cooperation Contract for the lease of voting machine(s) between Ellis County and the City of Ovilla.

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 acceptance of the Annual Financial Audit Report for the year ending September 30, 2012, prepared by Yeldell, Wilson and Company, C.P.A., P.C.

Ms Tracie Wood with Yeldell, Wilson & Company, C.P.A., P.C, briefly reviewed and answered Council questions to the FY2011-2012 audited financial statements. Ms Wood gave a synopsis of the Water & Sewer Fund and the General Fund, both under budget for FY2011-2012. The unassigned general fund balance currently held approximately 198-days. Two recommendations were matters of potential benefit, not significant deficiencies or weakness:

1. It was recommended that the City revise the current policy with new definitions and terminologies, and whether to first apply restricted, committed, assigned, or unassigned resources when an expenditure is incurred for which amounts in any of these restricted or unrestricted fund balance classifications could be used.
2. Additionally, it was recommended the City reconcile the utility customer deposit listing to the general ledger monthly or at a minimum at year-end.

PL4 Hunt detected an error on page 3 of the Management's Discussion and Analysis Letter, Financial Highlights. Ms Wood acknowledged the error and said a replacement page would be forthcoming.

PL1 Hall made the motion that Council accepts the audit report for the Fiscal Year ending September 30, 2012, 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 2. DISCUSSION/ACTION** – Receive update on material costs, city labor requirements and discuss possible development agreement with property owners along the proposed Main Street Sanitary Sewer.

Mayor ProTem Dormier and staff compiled an estimated cost of materials and labor to construct the proposed Main Street sewer. The list still lacked a solid or complete proposal, but provided a clear understanding the project would be costly for the city and property owners. Mayor Leverentz and Council debated concerns involving a costly investment for but a few property owners, yet, realizing the benefit it would be to the downtown area and those it *could* serve. PL4 Hunt presented his opposing view of the economic analysis impact this project would have on Ovilla by showing his own illustrated power point presentation. Mayor ProTem Dormier agreed to talk with the property owners again about the cost involved to see if they wanted to continue in the pursuit of the project.

**No Action.**

**ITEM 3. DISCUSSION/ACTION** – Consider authorizing proposed Resolution 2013-001 executing an optional one-year extension of the depository services contract between the City of Ovilla and Prosperity Bank.

The city's depository agreement with Prosperity Bank began in June 2010 for a period not to exceed 5-years. Following an initial term of 3-years, the agreement provides for two optional 1-year renewals.

*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*

This was the first 1-year optional renewal. Staff contacted Prosperity Bank and verified their intent to renew the existing contract.

PL1 Hall made the motion that Council accepts and approves Resolution 2013-001 executing the one-year extension of the depository agreement with Prosperity Bank as presented; 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 4.      *DISCUSSION*** – Review the Ovilla Code of Ordinances relating to Sections 33.8 & 33.9, Residential Off-Street Parking and Residential Parking Development Standards.

PL1 Hall asked that Council review the Code related to residential off-street parking violations, particularly on the front or side yards of unimproved surfaces in Ovilla. Code Enforcement Officer Mike Dooly was present and answered questions regarding clarification of the Code and its penalties. Council deliberated Section 33.8 Residential Off-Street Parking and Section 33.9 Residential Parking Development Standards of the Code of Ordinances. The Code allows parking on an improved surface or in the rear plane of a residence so as not to be visible. PL1 Hall identified specific homes in his neighborhood for Mr. Dooly to check. PL1 Hall stated his concerns for Ovilla's overall aesthetics and asked Mr. Dooly and the Police Department to increase enforcement by scouting the neighborhoods. Council recommended that Mr. Dooly help by developing a more restrictive ordinance with a better plan to define side and rear plane parking, unimproved surfaces and additional screening. It was also noted that gravel driveways/parking were grandfathered if in place before adoption of the Code. It was also commented that some differences were based on lot size. There were a few contradictions observed in the Code.

***Discussion Only. No Action.***

**ITEM 5.      *DISCUSSION*** – Consider entering into a contract with Texas First Group to provide interim city administrator services.

Mayor ProTem Dormier wanted Council to be aware of this option and what the contract would entail. PL1 Hall recommended this come back to Council for action to relieve Mayor ProTem Dormier from the daily workings at City Hall. (Interim city administrator) Mayor ProTem Dormier advised he was okay for now. Structure of the contract was acceptable.

***Discussion Only. No Action.***

**ITEM 6.      *DISCUSSION*** – Consider hiring an executive fee-based management firm to successfully identify and locate qualified applicants for the permanent city administrator's position.

A retained "head-hunter" firm would be paid a fixed fee between \$20K-\$30K, providing a guarantee that the new administrator would remain with the City for a minimum of 2-years. The positive standpoint is that the firm would present 5 qualified candidates. PL1 Hall was adamantly opposed to hiring a firm for that amount of money. Council continued discussion and felt that waiting until after May-June might bring in candidates that are better qualified.

***Discussion Only. No Action.***

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

**EXECUTIVE SESSION**

Mayor Leverentz called an Executive Session pursuant to Texas Local Government Code, Section 551.074, Personnel Matters at 8:35 p.m.

**ITEM 7. DISCUSSION/ACTION** – Deliberate the appointment employment, compensation 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.**

Mayor Leverentz and Council reconvened into Open Session at 9:01 p.m. No action was taken during the Executive Session.

**No Action.**

**Adjournment**

PL4 Hunt made the motion to adjourn, seconded by PL2 Stevenson.

There being no further business, Mayor Leverentz adjourned the meeting at 9:02 p.m.

  
Tom Leverentz, Mayor

ATTEST:

  
Pamela Woodall, City Secretary

**Approved: March 25, 2013**

*Certified Executive Agenda sealed and filed separately.*

