

CITY OF OVILLA MINUTES

Monday, March 11, 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 ProTem Dormier gave the Invocation
PL4 Hunt led the recitation of the Pledge of Allegiance

COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS

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

1. Mr. Joseph Myers asked to hold his comments when Council addressed Item 7.

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

- Police Department Chief M. Moon
- Briefed Council on the Police Department monthly report.
- Fire Department Assistant Fire Chief P. Brancato
 - Briefed Council on the Fire Department monthly report and explained that 80%-85% of the calls were medical, not fire related.
- Public Works Director B. Piland
 - Briefed Council on the Public Works Department monthly report – busy month.
- Finance Department City Accountant S. Jungman
 - Briefed Council on the monthly Municipal Court report – fines are down. (Ms Jungman commended the Public Works Director and his crews for their work replacing the roof on the concession stand.)
- Administration Mayor ProTem R. Dormier
 - City Hall front lobby renovations are underway
 - New SPAM Filter has drastically reduced spam emails
 - Monthly Reports – Code Enforcement/Animal Control, Mike Dooly is dealing with skunks.

CONSENT ITEMS

- Financial transactions
- Minutes of the February 11, 2013 Regular Council Meeting

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.

EXECUTIVE SESSION

Mayor Leverentz announced a Closed Meeting called pursuant to Texas Government Code § 551.074 -Personnel Matters at 7:15 p.m.

ITEM 1. *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.**

Mayor Leverentz and Council reconvened into Open Session at 8:00 p.m. announcing that no decisions were made in Executive Session.

REGULAR AGENDA

Mayor Leverentz moved the order of the agenda to address Item 3 first.

ITEM 3. *DISCUSSION/ACTION* – Consider proposed Ordinance 2013-006 granting ONCOR Electric to use the present and future streets, alleys, highways, public utility easements for public ways and public property of the City of Ovilla and providing compensation thereof. ONCOR representative Mr. Kenneth Govan will be present.

Legal counsel reviewed the franchise ordinance and approved to form. Council voiced concerns regarding the duration of the contract (20 years). Mr. Kenneth Govan, representative from ONCOR was present and explained that this is an extension of the existing franchise contract. Twenty years is standard and mirrors all other TX cities' contracts. Council confirmed that in the development of a new subdivision, a 10ft-15ft easement behind the right-of-way was achievable. ONCOR representatives confirmed that facilities could most certainly be placed out of the right-of-way – that worked under this agreement.

PL4 Hunt made the motion that Council approves and adopts the proposed Ordinance 2013-006 granting authority to ONCOR Electric Delivery Company, LLC, an electric power franchise 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.

Mayor Leverentz moved the order of the agenda to address Item 1.

ITEM 1. *DISCUSSION/ACTION* – Deliberate the appointment employment, and/or duties of the interim City Administrator and/or permanent City Administrator.

No Discussion, no action.

ITEM 2. *DISCUSSION/ACTION* – Consider entering into a contract with Texas First Group to provide interim city administrator services.

PL4 Hunt made the motion that Council authorizes the Mayor to enter into an agreement with Texas First Group providing interim city administrator services; 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 – Review of Auditor's Letter to Management for 2010-11 Fiscal Year Audit and 2011-12 Fiscal Year Audit. Required response from staff/City Administrator to Council.

PL1 Hall asked Council to review the external audit management letters over the past two years (FY2010-2011 & FY2011-2012), noting that the past two years audit recommendations had not taken place, nor yet occurred. PL1 Hall expressed that it was prudent staff adhere to these suggestions from the auditor and advise Council each year that audit recommendations were handled and completed. It was determined that staff would respond to Council regarding the potential improvements noted in the January 31, 2013 auditor's letter to Council at the next meeting.

PL1 Hall made a motion that the city secretary work with the city accountant and return to Council at the next meeting with a recommendation of how they planned to address Item 2 noted the auditor's management letter from Jan.2013, Customer Utility Deposits; 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 5. DISCUSSION/ACTION – Consider a proposed Resolution 2013-002, updating and replacing Resolution 2011-021 in accordance with the recommendation of the external audit firm, Yeldell, Wilson & Company P.C., by establishing a Fund Balance Policy.

PL1 Hall advised that GASB54 (Governmental Accounting Standards Board) identified certain terminology and classifications within fund balances. Working with Ovilla's external auditor, PL1 Hall created an updated policy according to identified classifications provided through GASB and recommended by the City's audit firm. Additionally, the city accountant calculated approximately 25% of the current fund balance after contingencies, which is about 91.3 days in current reserve. Current unassigned fund balance is \$657,540. The proposed resolution states that the city administrator shall be responsible for monitoring and reporting the City's various fund balances and is directed to make recommendations to Council on the use of funds. Compliance of the provisions of the policy shall be reviewed and included in the annual audit.

PL1 Hall made a motion that Council approves Resolution 2013-002 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 – Review of City of Ovilla monthly financial reports, budget manager's authority for budget adjustments and change in format of monthly financial reports.

PL1 Hall reviewed various formats for an improved comprehension of the approved budget and working budget. Financial reports used now and reports used back in 2008 were compared. According to PL1 Hall's opinion, the 2008 financial reports were much better formatted. Ms Jungman advised Council that QuickBooks could not produce or export to Excel the same formatted reports used in 2008. The city accountant worked with Mayor ProTem Dormier and PL4 Hunt in creating a sample report that might work using QuickBooks software and distributed such to Council. PL1 Hall expressed that this report was a great improvement and thanked Ms Jungman for her efforts.

NO ACTION.

ITEM 7. DISCUSSION/ACTION – Consider a proposed agreement by and between the City of Ovilla and the HOA (Home Owner Association) of Ashburne Glen, both acting through their duly authorized officers and representatives to be effective April 1, 2013.

Mayor ProTem Dormier and PL2 Stevenson completed affidavits to recues themselves from participation on this item. The agreement renews annually. One revision was made on disbursement of association dues, from quarterly to monthly payments in the new agreement. Ms Jungman said she had a good working relationship with the association president and had no issues with reporting software. HOA dues remained the same and the association paid the city the same fee each year. PL1 Hall advised that under Section 10 of the Ovilla Code of Ordinances a Mandatory Homeowners' Association was in effect.

PL4 Hunt made a motion that Council approves the proposed HOA Agreement with Ashburne Glen to be effective April 1, 2013 as presented; seconded PL1 Hall. *Mayor Leverentz asked for a record vote by announcement of AYE or NAY. Council Members PL1 Hall, PL3 Griffin and PL4 Hunt announced AYE in favor. No oppositions, PL2 Stevenson and Mayor ProTem Dormier abstained.*

VOTE: The motion carried: 3 in favor with 2 abstentions.

ITEM 8. DISCUSSION/ACTION – Consider a proposed agreement by and between the City of Ovilla and the HOA (Home Owner Association) of Meadow Glen, both acting through their duly authorized officers and representatives to be effective April 1, 2013.

PL1 Hall completed an affidavit to recues himself from participation on this item. This agreement was the same as in Item 7 other than the annual fee to the city.

PL4 Hunt made a motion that Council approves the proposed HOA Agreement with Ashburne Glen to be effective April 1, 2013 as presented; seconded PL2 Stevenson. *Mayor Leverentz asked for a record vote by announcement of AYE or NAY. Council Members PL2 Stevenson, PL3 Griffin, PL4 Hunt and Mayor ProTem Dormier announced AYE in favor. No oppositions, PL1 Hall abstained.*

VOTE: The motion carried: 4 in favor with 1 abstention.

ITEM 9. DISCUSSION/ACTION – Direct staff to notify CWD that Ovilla will not be extending the 2 one-year optional extensions to the current contract. Also, direct staff to prepare RFP to include current services plus once-a-year household hazardous waste service day as an alternate bid item.

Council took "no action" during the February 11 meeting regarding the option to continue with a new additional 5-year service agreement with CWD. The current contract still provides for 2, 1-year

extensions. The consensus from Council was not to move forward with the current contract and direct staff to prepare for bid. This item would require two motions.

PL2 Stevenson made a motion that Council directs staff to notify Community Waste Disposal of the City's intent not to continue with the 2 one-year optional extensions to the current contract; 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.

PL1 Hall made a motion that Council directs staff to prepare RFP for a solid waste collection and disposal recyclable materials, collections and processing, including a once-a-year household hazardous waste services day as an alternate bid item; 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 10. DISCUSSION/ACTION – Consider a request from Mr. Jeff Byers to name a city baseball field after his grandfather and former Mayor, Mr. Weldon Odell, and direct staff to return with a resolution.

Mr. Jeff Byers addressed Council during the Citizens Forum at the January 28 meeting and asked for consideration in naming a baseball field after his grandfather. PL3 Griffin stated that he knows the former Mayor, Mr. O'Dell, adding that Mr. O'Dell was instrumental in establishing the ball fields. PL3 Griffin asked that staff research what parklands were currently named and come back with a resolution to name one, unnamed ball field after Mr. O'Dell. PL1 Hall brought a sample policy regarding the naming of parklands in Ovilla. He asked staff and Council to review the policy and possibly use it as a tool to create one suited for Ovilla at a later date.

NO ACTION.

ADJOURNMENT

PL4 Hunt made a motion to adjourn the meeting; seconded by Mayor ProTem Dormier. There being no further business, Mayor Leverentz adjourned the meeting at 8:55 p.m.



ATTEST:

Pamela Woodall

Pamela Woodall, City Secretary

Richard Dormier
Richard Dormier, Mayor ProTem

Approved March 25, 2013

Attachments: Three filed affidavits to abstain from voting. (PL1 Hall, PL2 Stevenson and Mayor ProTem Dormier)

Certified Executive Agenda sealed and filed separately.



AFFIDAVIT

STATE OF Texas)
)
COUNTY OF Ellis)

That on this 11 day of March, 2013, Richard Dormier personally came
and appeared before me at o'clock AM/PM, Ovilla City Hall, of Ovilla, Texas, known, and
known to me, who says:

Per the Local Government Code, Section 171, I am filing this affidavit stating that I
shall abstain from voting and participating in the City Council matter of

ITEM 7. DISCUSSION/ACTION - Consider a proposed agreement by and between the
City of Ovilla and the HOA (Home Owner Association) of Ashburne Glen, both
acting through their duly authorized officers and representatives to be effective
April 1, 2013.

The nature and extent of my interest in this matter is I am a member of the HOA

FURTHER AFFIANT SAYETH NOT.

[Handwritten signature]

(Signature)

PRINTED NAME: Richard Dormier

PRESENTED AND FILED with me on this day of March, 2013.

[Handwritten signature]

CITY CLERK





AFFIDAVIT

STATE OF Texas)
)
COUNTY OF Ellis)

That on this 11 day of March, 2013, _____ personally came and appeared before me at _____ o'clock AM/PM, Ovilla City Hall, of Ovilla, Texas, known, and known _____ to _____ me, _____ who _____ says:

Per the Local Government Code, Section 171, I am filing this affidavit stating that I shall abstain from voting and participating in the City Council matter of _____

ITEM 7. DISCUSSION/ACTION – Consider a proposed agreement by and between the City of Ovilla and the HOA (Home Owner Association) of Ashburne Glen, both acting through their duly authorized officers and representatives to be effective April 1, 2013.

The nature and extent of my interest in this matter is I live in
Ashburne Glen

FURTHER AFFIANT SAYETH NOT.
Larry Stevenson
(Signature)

PRINTED NAME: Larry Stevenson

PRESENTED AND FILED with me on this 11 day of March, 2013.

Samuel Dordall

CITY CLERK





AFFIDAVIT

STATE OF Texas)
)
COUNTY OF Ellis)

That on this 14 day of MARCH, 2013, RALPH G. HALL personally came and appeared before me at o'clock AM/PM, Ovilla City Hall, of Ovilla, Texas, known, and known to me, who says:

Per the Local Government Code, Section 171, I am filing this affidavit stating that I shall abstain from voting and participating in the City Council matter of

ITEM 8. DISCUSSION/ACTION – Consider a proposed agreement by and between the City of Ovilla and the HOA (Home Owner Association) of Meadow Glen, both acting through their duly authorized officers and representatives to be effective April 1, 2013.

The nature and extent of my interest in this matter is Chairman Meadow Glen HOA.

FURTHER AFFIANT SAYETH NOT.
Ralph G. Hall

(Signature)
PRINTED NAME: RALPH G. HALL

PRESENTED AND FILED with me on this 14 day of March, 2013.

Paula Woodell

CITY CLERK

