

CITY OF OVILLA MINUTES
Tuesday, May 28, 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:

Larry Stevenson	Council Member Place 2
David Griffin	Council Member Place 3
Doug Hunt	Council Member Place 4
Richard Dormier (Mayor-Elect)	Council Member Place 5/Mayor Pro-Tem

Absent Ralph Hall Council Member Place 1

Mayor Leverentz noted present members, thus constituting a quorum. Various department-heads and staff were also present.

PL2 Stevenson gave the Invocation

PL3 Griffin led the recitation of the Pledge of Allegiance

COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS

Presiding Municipal Judge Scott Kurth administered Statements and Oaths of Office to the newly elected/unopposed Mayor Richard Dormier and Council Members: elected/unopposed Place 2-Larry Stevenson and, elected Place 4-Doug Hunt.

Mayor Leverentz offered his sincere appreciation for Council, Boards, staff and citizens' support during his tenure as a member of the governing body. Mayor Leverentz stepped down and new Mayor Dormier took the chair. PL2 Stevenson and PL4 Hunt took their respective seats.

◆ **Citizens Comments / Citizens Forum:**

- I. There were no comments.

◆ **Department Activity Reports / Discussion**

- Police Department Police Chief M. Moon
 - Update EOC Plan – Chief Moon shared progress on the new EOC Plan stating that each department would have a job specific and would undergo training and mock drills.
- Finance Department City Accountant S. Jungman
 - Monthly Financials were presented.

CONSENT ITEMS

- Minutes of the May 13, 2013 Regular Council Meeting

PL4 Hunt made the motion that Council approves the consent item as presented, seconded by PL2 Stevenson. Mayor 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: 3-0.

REGULAR AGENDA

- ITEM 1. DISCUSSION/ACTION** – Consider an Ordinance of the City of Ovilla, TX, declaring the end of office for the current Municipal Judge and providing for the reappointment of said Municipal Judge. (Mayor Dormier to give Judge the Oath & Statement)

The Ovilla Municipal Court is a Court of Record. Section 7.01.004 of the Ovilla Code of Ordinances designates that the office of the judge shall be for two years, at the expiration of the Mayor's term. Said judge must be a licensed attorney in good standing with the state with two or more years of experience in the practice of law in the state. Judge Kurth has been the City's Municipal Judge since 2007.

PL4 Hunt made the motion that Council approves the proposed Ordinance 2013-017, declaring the end of office for the current Municipal Judge Scott Kurth and for the reappointment of Judge Kurth for another 2-year term effective this date as presented; seconded by PL2 Stevenson. *Mayor 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: 3-0.

- ITEM 2. DISCUSSION/ACTION** – Consider proposed Resolution 2013-007 to accept nominations and make appointment to City Council Place 5; to complete the remainder of the term vacated by the May 2013 General Election of Mayor Dormier. (Mayor Dormier to give Oath and Statement)

One year remained on the term of Council Member Place 5 vacated by Mayor Dormier. Each Council Member submitted a name for nomination and consideration to the vacated seat:

PL4 Hunt: Mr. John Knight

PL3 Griffin: Ms Carol Lynch

PL2 Stevenson: Mr. Dean Oberg

No concurrence occurred. Mayor Dormier said this item would be addressed again at a future meeting.

NO ACTION.

- ITEM 3. DISCUSSION/ACTION** – Consider the appointment of Mayor Pro-Tem.

Section 22.037 of the LGC states this position is selected by the majority vote of the Council from among its own members. Each Council Member nominated himself for the position. No concurrence occurred. Mayor Dormier said this item would be addressed again at a future meeting.

NO ACTION.

EXECUTIVE SESSION

Mayor Dormier moved the order of the agenda and called an Executive Session at 7:27 p.m. to deliberate the following items:

Closed Meeting called pursuant to Texas Government Code § 551.074 - Personnel Matters.

- ITEM 13. DISCUSSION/ACTION** – Deliberate the appointment employment, and/or duties of the interim City Administrator and/or permanent City Administrator.

Closed Meeting called pursuant to Texas Government Code § 551.072 – Real Property.

- ITEM 14. DISCUSSION/ACTION** – Discuss and review options for land purchase at 0 W. Main and 701 W. Main Street.

COUNCIL RECONVENED INTO OPEN SESSION at 8:08 p.m.

Mayor Dormier announced that no action was taken during Executive Session and asked Council for any comments or motions on Items 13 or 14.

Council took Action pursuant to Executive Session on the following:

ITEM 13. DISCUSSION/ACTION – Deliberate the appointment employment, and/or duties of the interim City Administrator and/or permanent City Administrator.

NO ACTION WAS TAKEN ON ITEM 13.

ITEM 14. DISCUSSION/ACTION – Discuss and review options for land purchase at 0 W. Main and 701 W. Main Street.

PL2 Stevenson made the motion that Council approves the land purchase on Main Street as defined and presented; seconded by PL3 Griffin. *Mayor 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: 3-0.

Mayor Dormier returned to the regular order of the agenda.

ITEM 4. DISCUSSION/ACTION – Consider proposed Resolution 2013-008 authorizing and directing named city officers to access and manage all city banking accounts, investments and funds wherever located, designating the Mayor, Mayor ProTem, City Administrator and City Secretary as authorized signatures on all city banking and investment accounts of the City of Ovilla.

PL2 Stevenson made the motion that Council approves Resolution 2013-007 authorizing and directing specified city officers to access, manage, process and sign checks on all bank and investment accounts as presented; seconded by PL3 Griffin. *Mayor Dormier conducted a record vote by announcement of AYE or NAY. Present Council announced AYE in favor. No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 3-0.

ITEM 5. DISCUSSION/ACTION – Consider proposed staff change request to revise one part-time position to a full-time position in Administration.

The position was created to primarily assist the City Secretary with board duties, but also to provide the Code Enforcement Department with urgent needed assistance. PL4 Hunt commented that the City Secretary's office was in need of administrative support.

PL2 Stevenson made the motion that Council approves the proposed staffing status change in administration with the approval of an assistant to the City Secretary to be effective June 2; seconded by PL4 Hunt. *Mayor Dormier conducted a record vote by announcement of AYE or NAY. Present Council announced AYE in favor. No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 3-0.

ITEM 6. DISCUSSION/ACTION – Consider proposed Ordinance 2013-016 of the City of Ovilla, TX, amending the Fiscal Year 2012-2013 Annual Budget and Program of Services in accordance with the Mid-Year Budget Review and Amendment as part of the formal budget process.

PL3 Griffin made a motion to table Item 6, seconded by PL4 Hunt. *Mayor Dormier conducted a record vote by announcement of AYE or NAY. Present Council announced AYE in favor. No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 3-0. ITEM TABLED.

ITEM 7. DISCUSSION/ACTION – Consider proposed RFP for solid waste collection and disposal recycling materials collections and processing services for the City of Ovilla to include 6 alternate bid items. Council may direct staff to proceed with the proposal process.

Mayor Dormier confirmed that the base bid of the document was the service currently received throughout the City. Six alternate bid items were added:

1. Use of Compressed Natural Gas Trucks
2. Household hazardous waste collection day
3. E-waste collection processing day
4. Shredding collection day
5. Compost collections and processing
6. Extra bulky waste pick-up - twice monthly

The service contract with CWD expires in December 2013. Staff had prepared for legal advertisement as noted in the RFP document's calendar.

PL4 Hunt made the motion that Council approves the RFP for solid waste and recycling services for the City of Ovilla as presented; seconded by PL3 Griffin. *Mayor Dormier conducted a record vote by announcement of AYE or NAY. Present Council announced AYE in favor. No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 3-0.

ITEM 8. DISCUSSION/ACTION – Consider nominations and appointments/reappointments to the Board of Adjustment.

The BOA consists of five-members and two alternates. Each member and alternate member shall be appointed by the City Council for a two-year term. Staff contacted the members of expiring terms for interest in reappointment. PL3 Griffin commented that he served with these board members during his tenure on the BOA and spoke highly of them. BOA member terms expiring:

1. Patricia Rarick, PL1 (Desires reappointment)
2. Barbara Betik, PL3 (Desires reappointment)
3. Richard Ware, PL5 (Staff received no response to date)
4. Linda Edmiston, PL7 (Does not wish for Council's consideration for reappointment)

Staff reported that no applications were on file or had been recently submitted.

PL3 Griffin made the motion that Council reappoints Patricia Rarick, PL1 and Barbara Betik, PL3 to the Board of Adjustment and directs staff to continue soliciting for applications to the BOA; seconded by PL4 Hunt. *Mayor Dormier conducted a record vote by announcement of AYE or NAY. Present Council announced AYE in favor. No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 3-0.

ITEM 9. DISCUSSION/ACTION – Consider nominations and appointments/reappointments to the Economic Development Corporation.

The EDC Board consists of a seven-member board. Each member is appointed by the City Council for a two-year term. Staff contacted those with expiring terms for interest in reappointment. Expiring terms:

1. Deborah Kennedy, PL2 (Does not desire Council's consideration for reappointment)
2. Gary Jones, PL4 (Desires reappointment)
3. Howard Goldstein, PL6 (Desires reappointment)

PL3 Griffin made the motion that Council reappoints Gary Jones, PL4 and Howard Goldstein, PL6 to their respective seats on the Economic Development Corporation Board and directs staff to continue soliciting for

applications to fill the vacant seat (PL2 EDC); seconded by PL4 Hunt. *Mayor Dormier conducted a record vote by announcement of AYE or NAY. Present Council announced AYE in favor. No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 3-0.

ITEM 10. DISCUSSION/ACTION – Consider nominations and appointments/reappointments to the Planning and Zoning Commission.

The Planning and Zoning Commission consists of a seven-member board. Each member is appointed by the City Council for a two-year term. Staff contacted the members of expiring terms for interest in reappointment. One member voiced his wishes for reappointment. A member from the CIP (Capital Improvement Projects) Committee, Mr. Darrell Jungman, voiced interest in appointment to the Planning and Zoning Commission. His application was submitted. Expiring member terms:

1. Kenneth Rarick, PL1 (Does not desire Council's consideration for reappointment)
2. Loreen Silva, PL 3 (Does not desire Council's consideration for reappointment)
3. Richard Edmiston, PL5 (Does not desire Council's consideration for reappointment)
4. Bill Zimmermann, PL7 (Desires appointment to another term)

PL3 Griffin made the motion that Council reappoint Bill Zimmermann, PL7 to his respective seat on the Planning and Zoning Commission and directs staff to continue soliciting and accepting applications for remaining seats; seconded by PL2 Stevenson. *Mayor Dormier conducted a record vote by announcement of AYE or NAY. Present Council announced AYE in favor. No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 3-0.

ITEM 11. DISCUSSION/ACTION – Consider review of a preliminary RFP for the creation of a “parks and open space master plan” for future developments.

PL3 Griffin requested that Council take no action and place on the next agenda since PL1 Hall was absent. Council concurred.

NO ACTION.

ITEM 12. DISCUSSION/ACTION – Consider various maintenance options and quotes for the preservation and repairs of Cockrell Hill Road.

Public Works Director Brad Piland shared various options for repairs (with multiple vendors) to Cockrell Hill Road:

1. Patching
2. Chip-Seal
3. Total rebuild

Quotes provided did not include a \$5,500 cost for striping. Council deliberated at length over the necessity to keep the main city thoroughfare maintained and the expense to the city. In March of 2008 and again in January 2009, Cockrell Hill was overlaid with hot-mix asphalt totaling \$274,328 for those repairs. The consensus from Council was that the most cost effective way to keep Cockrell Hill Road maintained was a total rebuild using the equipment and maintenance crews provided by Ellis County Precinct #4.

PL3 Griffin made the motion that Council approves the total rebuild quote from Ellis County Precinct #4, for 2.4 miles of Cockrell Hill Road in the amount of \$228,953. PL3 Griffin added that the funding for this project would derive from the unassigned fund balance; seconded by PL4 Hunt. *Mayor Dormier conducted a record vote by announcement of AYE or NAY. Present Council announced AYE in favor. No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 3-0.

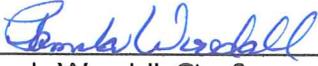
ADJOURNMENT

PL4 Hunt made a motion to adjourn the meeting; seconded by PL2 Stevenson.
There being no further business, Mayor Dormier adjourned the meeting at 8:56 p.m.



Richard Dormier, Mayor

ATTEST:



Pamela Woodall, City Secretary

Approved June 10, 2013

Certified Executive Agenda sealed and filed

