

CITY OF OVILLA MINUTES

Monday, February 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 7:05 P.M. The following City Council Members were present:

Ralph Hall	Council Member Place 1
Larry Stevenson	Council Member Place 2
Doug Hunt	Council Member Place 4 (arrived at 7:06 p.m.)
Richard Dormier	Council Member Place 5/Mayor Pro-Tem

Absent: David Griffin Council Member Place 3

Mayor Leverentz noted present members, thus constituting a quorum. Various department-heads and staff were also present. Mayor asked that everyone keep the Griffin family in prayer due to the loss of PL3 Council Member David Griffin's mother.

PL2 Stevenson gave the Invocation

PL1 Hall led the recitation of the Pledge of Allegiance

COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS

◆ Citizens Comments / Citizens Forum:

1. Community Waste Disposal Representative Robert Medigovich presented Ovilla's Annual Review and gave a plaque made from recycled materials to the governing body.
2. Chief Mike Moon stated he would give his presentation on the Annual Tier One/Racial Profiling Report when he gave his monthly report.
3. Mr. Dick Demien stated he wished to speak to Council when Item 3 was addressed.

◆ Department Activity Reports / Discussion

- Police Department Chief M. Moon
 - Briefed Council on the Police Department monthly report reviewed the Annual Tier One/Racial Profiling Report.
- Fire Department Captain B. Kennedy
 - Briefed Council on the Fire Department monthly report
- Public Works Director B. Piland
 - Briefed Council on the Public Works Department monthly report.
- Finance Department City Accountant S. Jungman
 - Briefed Council on the monthly Municipal Court report.
- Administration Mayor ProTem R. Dormier
 - 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

PL1 Hall made the motion that Council approves the consent items 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: 4-0.

PUBLIC HEARING

Public Hearing & Discussion – Discuss and consider the proposed changes to the Comprehensive Zoning Ordinance:

Case No. PZ13-001: A request by The City of Ovilla, to amend Chapter 14, Section 53.1, of the Ovilla Comprehensive Zoning Ordinance No. 2010-013, by providing a revised definition of “Auto Sales, New and Used”, with the approval and recommendation of Ordinance 2013-005 to the Ovilla City Council.

Mayor Leverentz read Case PZ13-001 aloud and opened the public hearing at 7:29 p.m. The Mayor asked that those speaking in support of the proposed revision come forward: There was no one to speak.

The Mayor asked that those speaking against the proposed revision come forward: There was no one to speak.

Mayor Leverentz closed the public hearing at 7:31 p.m.

REGULAR AGENDA

ITEM 1. DISCUSSION/ACTION – Case No. PZ13-001: Consider a recommendation from the Planning and Zoning Commission to amend Chapter 14, Section 53.1, of the Ovilla Comprehensive Zoning Ordinance No. 2010-013, by providing a revised definition of “Auto Sales, New and Used”, with the approval and recommendation of Ordinance 2013-005 to the Ovilla City Council.

PL1 Hall made the motion that Council approve the proposed Ordinance 2013-005, Amending Chapter 14, Section 53.1, “Auto Sales, New and used” definition in Case PZ13-001 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: 4-0.

ITEM 2. DISCUSSION/ACTION – Consider proposed Ordinance 2013-003, repealing Chapter 4, Article 4.02, Section 4.02.001(C), amending Chapter 4, Article 4.02, Sections 4.02.001(A) and (B) of the Ovilla Code of Ordinances by the addition of Article 4.10 Providing Mobile Food Vending Regulations.

During review of Chapter 4, it was discovered that mobile food vendors needed to be defined. Legal Counsel drafted a proposed ordinance designed to ensure that mobile food vendors are sufficiently regulated. Council discussed the ordinance during the January 28 meeting, made revisions and asked staff to return it to Council for consideration.

Mayor Pro-Tem Dormier made the motion that Council approves and adopts Ordinance 2013-003, Amending Chapter 4 of the Ovilla Code of Ordinances by the addition of Article 4.10, Providing Mobile Food Vending Regulation 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: 4-0.

ITEM 3. DISCUSSION/ACTION – Consider a proposed contract extension with Community Waste Disposal (CWD) with the option to include a household hazardous waste disposal day as a modification to the contract.

Mayor Leverentz acknowledged Mr. Dick Demien. Mr. Demien identified himself as a representative from Progressive Waste Systems (formerly IESI) and asked that Council consider going out for bid (to allow his company to submit a proposal) before making the optional decision to remain with CWD.

Mayor ProTem Dormier advised that he met with CWD representative Robert Medigovich at the city offices as Mr. Medigovich wanted to share information about household hazardous waste pickups and thought that he would add that option in conjunction with the optional annual extension. However, Mr. Medigovich presented a 3 and/or 5 year extended contract. Mr. Medigovich advised that his crews were trained through OSHA for hazardous waste pickup. The rates were guaranteed for 12 months. PL1 Hall voiced concern of contracting with CWD for such a long term, not to mention his interpretation of the LGC 252.002. Council had the responsibility as stewards of taxpayers' dollars, therefore, competitive bidding should be done. PL4 Hunt concurred with PL1 Hall that competitive bidding is good, although CWD has collaborated well with Ovilla. PL2 Stevenson concurred.

PL1 Hall made a motion that Council take no action and direct staff to prepare for competitive bid. Mayor Pro Tem Dormier questioned if the motion was appropriate based that the agenda item does not reference RFP. PL2 Stevenson made the motion that Council denies the proposed contract extension with CWD as presented. There was no second.

Again, Mayor Pro Tem Dormier asked that Council clarify the motion and the intent as the agenda was strictly referenced to an extension (3 or 5 years) with the option to include household hazardous waste disposal day(s). Additionally, the City still had 2, 1-year extensions on the current contract. Did Council wish to go out for bid as the end of the contract neared? The actual item was whether to accept the contract extension to include a household hazardous waste disposal day.

Mayor ProTem Dormier made the motion that Council takes **no action**; seconded by PL1 Hall. *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: 4-0.

ITEM 4. 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.

Legal counsel reviewed the franchise ordinance and approved to form, however, Council voiced concern that the contractual obligation was termed 20-years. PL4 Hunt offered to contact ONCOR

representative Kenneth Govan and schedule an appointment at an upcoming Council meeting for better explanation. Additionally, staff should check with other cities regarding the length of their contracts.

No Action.

ITEM 5. DISCUSSION/ACTION – Review and consider approval of the Capital Improvement Projects Committee (CIP) list of recommended roads to be repaired in the FY2012-2013 program of work.

The CIP Committee met in December and updated the list of roads for repairs. Council suggested a revision to the CIP road repair list:

1. For 2013 – add Slippery Elm

PL4 Hunt made the motion Council approves the CIP list of recommended road repairs with the noted addition; 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: 4-0.

ITEM 6. DISCUSSION/ACTION – Council will consider proposals, authorize the expenditure of funds, and select a contractor to renovate the front lobby of city hall.

PL1 Hall made a motion that Council approves the renovation of the front lobby offices, authorizing the expenditure of funds and selects Handy Jack (Alan Jackson) as the contractor; seconded by Mayor ProTem Dormier. *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: 4-0.

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

Mayor Leverentz announced that Council would convene into Executive Session at 8:16 p.m., to deliberate the following item:

- ◆ Closed session pursuant to Texas Local Government Code section 551.074

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

Mayor Leverentz and Council reconvened into Open Session at 8:50 p.m.
No action taken on Item 7.

ADJOURNMENT

There being no further business, Mayor Leverentz adjourned the meeting at 8:55 p.m.

Tom Leverentz, Mayor

ATTEST:



Pamela Woodall, City Secretary

Approved March 11, 2013

** Certified Executive Agenda sealed and filed separately.

