

CITY OF OVILLA MINUTES
Monday, 09 June 2008
Regular City Council Meeting

A Regular meeting of the Ovilla City Council was called to order by Mayor Turner at 7:00 P.M. with the following City Council Members present:

William A. "Bill" Turner	Mayor
Ralph Hall	Mayor Pro-tem
Tom Leverentz	Council Member, Place 1
Richard Dormier	Council Member, Place 2
Bill Vansyckle	Council Member, Place 3
James Wade	Council Member, Place 5

The Invocation was given by Council Member Dormier.
The Pledge of Allegiance was led by Council Member Leverentz.

COMMENTS, PRESENTATION, REPORTS AND APPOINTMENTS:

- Mr. Phil Lynch spoke on various items: Cockrell Hill Road rehabilitation, keeping Ovilla Creek Estates in the city.
- Mr. Marcus Smith spoke in opposition of the possible dis-annexation of Ovilla Creek Estates and keeping his city services.
- Mr. Ed Harrison spoke regarding Ovilla Creek Estates, the city services to that subdivision and the litigation of Triumph Development vs. City of Ovilla.
- Mr. David Griffin spoke in favor to continue with the appeal regarding Triumph Development vs. City of Ovilla and to vote in support of the ordinance on this evening's agenda referencing Legal Defense.
- Mr. Charles Morton spoke in support of the ordinance for Legal Defense.

DEPARTMENTAL REPORTS:

- Police Department Chief Moon
 - Monthly report was present and he was available for questions or comments.
Officer Bounds received a commendation.
Chief Moon recently attended a mandatory Chief's training.
Chief Moon reminded all citizens present to keep their homes and vehicles secure – to help avoid summer-time vandalism.
- Fire Department A-Chief Brancato
 - Monthly report was present and he was available for questions or comments.
A-Chief Brancato stated that Chief Pickard was out of town and A-Chief was standing in until Chief Pickard's return.
A-Chief Brancato read a "thank you" letter from the City of Midlothian to Ovilla for the fire department's assistance to Midlothian in combating a fire.

- Public Works Jason Robinson
 - Monthly report was present and he was available for questions or comments. Mr. Mike Dooly recently obtained his Class C water license. Street striping on the new portion of Cockrell Hill Rd will begin in the next week. TTHM levels (water) look good.
- Finance Miykael Reeve
 - Monthly report was present and she was available for questions or comments. Ms Reeve stated she was working on the FY2009 budget. Ms Reeve gave an update on the new municipal court software. Staff was working on the city's waste management needs and preparing bid specifications.

CONSENT ITEMS:

- Minutes of the Regular Council Meeting held on May 12, 2008.
- Minutes of the Regular Council Meeting held on May 15, 2008
- Minutes of the Regular Council Meeting held on May 22, 2008.
- Financial Transactions for the month ending May 2008.

Council Member Vansyckle made a motion that Council approve the consent items with one amendment to the minutes of May 22, 2008, clarifying prior council actions as opposed to the current council. Council Member Dormier seconded the motion.

VOTE: The motion carried unanimously.

INDIVIDUAL CONSIDERATION:

ITEM 1. Discussion / Action – Consider action regarding Triumph Development vs. the City of Ovilla.

Ovilla city attorneys were present, giving a brief overview, issues and procedures to be decided upon regarding the appeal action that needed to be addressed by June 12, 2008. Apart from the water and sewer services, the annexation service plan provided to Ovilla Creek Estates homeowners by the City of Ovilla was identified as being all public safety services, road maintenance, street lighting and refuse services. Ovilla City Attorney agreed that the service plan provided to Ovilla Creek Estates would be the critical document of interpretation by the Court of Appeals. Attorney fees were discussed and a 10-year wait for annexation (if dis-annexation occurred) of Ovilla Creek Estates if the city lost the appeal.

Council Member Vansyckle made a motion that Council hereby give consent to the city attorney to give notice of appeal regarding the suit styled Triumph Development vs. City of Ovilla with the following limits that prior to any additional deadlines for perfecting the appeal the City Council meet and approve each step taken by the attorney representing this city.

Council Member Vansyckle, the city attorneys, Mayor and members of the Council continued discussion regarding the motion and appeal deadlines. The attorney suggested setting a specific timeline/date for Council to bring back on an agenda for discussion, including scheduling a Special Council Meeting if necessary. Council Member Vansyckle asked for an additional thirty days.

Council Member Vansyckle explained that the new council members had been given a short period of time (approximately 6 days) to review all documents involved in this case and the full impact to any decision made. This case has been on the books for over two years. This action would allow Council to study all avenues for settlement or funding or impact on the city.

Council Member Vansyckle again made the motion that Council hereby give consent to the city attorney to give notice of appeal regarding the suit styled Triumph Development vs. City of Ovilla with the following limits that prior to any additional deadlines for perfecting the appeal the City Council meet and approve each step taken by the attorney representing this city.

Council Member Vansyckle added the statement to his motion: *and place on the agenda for consideration no later than July 14, 2008.*

Mayor Pro-tem Hall seconded the motion.

VOTE: The motion carried unanimously.

ITEM 2. Discussion / Action – Consideration for official consent and ballot vote approval of an unaffiliated director for the ERCOT Board.

The mission of the Electric Reliability Council of Texas (ERCOT) is to direct and ensure reliable and cost-effective operation of the electric grid and to enable fair and efficient market-driven solutions to meet customer's electric service needs. The ERCOT Board includes five unaffiliated directors and had one vacancy. ERCOT requested approval for Alton D. "A.D." Patton to serve as an unaffiliated direction to the Board of Directors.

Council Member Wade made a motion that the Council hereby give official consent and approval of Alton D. "A.D." Patton to serve as an unaffiliated board member to the ERCOT Board of Directors. Mayor Pro-tem Hall seconded the motion.

This Resolution required a Record Vote:

5 Ayes

0 Nays

VOTE: The motion carried unanimously.

ITEM 3. Discussion / Action – Consideration of an Ordinance Amending Chapter 10 of the Code of Ordinances of the City of Ovilla, TX, by adding Section 9.03 thereto, providing for a three-way stop sign as a traffic control device at the intersection of certain streets.

The City received a letter from the Ellis County Commissioner's office regarding assistance at the potentially dangerous intersection located near the Joe Wilson Bridge in the city's ETJ. The nearby intersection of Johnson Lane and Joe Wilson Road are in Ovilla. Chief Mike Moon stated that the area was hazardous and motorists often drove too fast. Calls for service from Ovilla Fire Department numbered 15 calls in the past year and three from the Ovilla Police Department since 2007. Posting a three-way stop sign at this intersection would deter or slow reckless and fast moving motorists. County money would be offered to pay for the cost of the signs. Warning signs advising traveling motorists of new the signs would be posted.

Council Member Vansyckle made a motion that Council approve an Ordinance to erect three-way stop signs at the intersection of Johnson Lane (west bound) and Joe Wilson Road (north & south bound). Council Member Dormier seconded the motion.

VOTE: The motion carried unanimously.

ITEM 4. Discussion / Action – Consider appointment of an alternate member to the Board of Adjustment.

A vacancy was created with the resignation of member Marc Gaddis in January 2008. Alternate member Richard Ware moved to full member status, leaving his alternate seat vacant. Mayor Turner recommended Cheritta Johnson, who had recently submitted an application to serve on the 4B Board but was not selected. Mayor Turner spoke with Ms Johnson and she was eager to serve on the Board of Adjustment, however not present at the meeting due to family issues.

Council Member Wade made a motion that the Council table the appointment of Ms. Johnson until the Council could meet her. Mayor Pro-tem Hall seconded the motion. Council Members Dormier, Vansyckle and Leverentz opposed the motion. The motion did not pass.

Council Member Vansyckle made a motion to appoint Ms. Johnson as an alternate member to the Board of Adjustment. Council Member Dormier seconded the motion.

VOTE: The motion carried unanimously.

ITEM 5. Discussion / Action – Consideration of an Ordinance providing for a Legal Defense of Certain Actions Against Officers, Employees and Volunteers of the City.

Mayor Pro-tem Hall and Council Member Leverentz agreed and stated their support that this was a simple ordinance of protection. Council Member Vansyckle explored a need to amend the ordinance under certain circumstances regarding to “claims due to or arising out of acts undertaken in good faith and within the scope of the duties of the officials” and discussed the need to amend the wording for an act that may be illegal and require the reimbursement of the individual. Council Member Vansyckle stated he was in favor of the ordinance, but had questions regarding the current litigation issues and what was best for the city’s behalf. Council Member Vansyckle questioned the city attorney if the motion could be amended requiring reimbursement if an individual were found guilty regarding the current issue. Council Member Leverentz stated he believed the ordinance should cover everyone, because his intent would always be to make decisions that were in good faith, regardless if he were wrong or made a mistake and would want/expect the indemnification. Mayor Pro-tem Hall agreed.

Mayor Pro-tem Hall made a motion that Council approve the Ordinance providing for legal defense of certain actions against officers, employees, and volunteers of the City. Council Member Dormier seconded the motion. Council Members Leverentz and Wade voted in support with an aye. Council Member Vansyckle abstained.

VOTE: The motion passed four votes Aye and one Abstained.

ITEM 6. Discussion - Main Street Sanitary Sewer from FM664 to City Hall.

Council Member Vansyckle suggested the need for a downtown sewer project and the fact it would enhance the current businesses and attract future business including the use of the land behind the police department. Financial obligations could be worked with Dr. Trammel as his business expands. Further discussion continued regarding impact fees, the new fire annex septic system, the land behind the police station and the cost of putting in sewer lines. Mayor Pro-tem Hall stated the cost factor was the reason the main street sewer was put on hold in 2007. Pro-rata fees, the size of the sewer lines, connection, resizing head pumps and the actual location of sewer lines were discussed. Council Member Dormier stated that staff would need to review the TRA contract and that he would gladly review the plans. Council agreed to

address this sewer project again, as the financial feasibility and required equipment/specifications had been reviewed again with the city engineer.

CITY COUNCIL COMMENTS AND ANNOUNCEMENTS:

Council Member Wade stated he was planning a post office to be installed at his business soon. Council Member Vansyckle appreciated the opportunity to give input. Council Member Dormier praised staff for their hard work while operating without a City Administrator and pleased to see so many citizens in attendance at the meeting. Council Member Leverentz echoed Council Member Dormier and noted the presence of his (Leverentz) grandson at the meeting this evening. Mayor Turner stated that the Ovilla Business Association had an Ovilla market day coming again on Saturday, June 28, 2008. In addition, Heritage Day was upcoming and Council assistance with the parade was desired. Mayor Pro-tem and Council Member Dormier will share with the public parking again. Council Member Vansyckle commented that his wife would be happy to assist with the parade. Council Member Wade offered his assistance. Mayor Turner announced that he would be out of town June 16-21 and that Mayor Pro-tem Hall would oversee staff needs and operation of the City.

ADJOURN:

Council Member Vansyckle made a motion that Council adjourn the Regular Council Meeting of June 09, 2008. Council Member Dormier seconded the motion.

VOTE: The motion carried unanimously.

ATTEST:

William A. "Bill" Turner, MAYOR

Pamela Higgins, CITY SECRETARY