

CITY OF OVILLA MINUTES
Monday, 24 November 2008
Special City Council Meeting

Mayor Turner called a Special Council Meeting of the Ovilla City Council to order 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

City Administrator, City Attorney Matthew Wallis and various department-head staff members were also present.

Council Member Vansyckle gave the Invocation.
Council Member Wade led the Pledge of Allegiance.

COMMENTS, PRESENTATIONS, REPORTS AND APPOINTMENTS:

1. Ms Jimmie Wade spoke in favor of a reduced speed limit – stated that a reduced speed limit for all of Ovilla would be good.
2. Mr. Phil Lynch spoke on two items:
 - ❖ His opposition of a reduced speed limit on Cockrell Hill Road.
 - ❖ His opposition of the proposed budget amendment for the downtown sanitary sewer project, explaining that his understanding was in order to connect to city utilities the individual must pay for it themselves and do not have the ability to negotiate with the city.
3. Ms Jimmie Wade disagreed with Mr. Lynch regarding the sewer connection and financial negotiations with the city.
4. Mr. Morgan Crow offered his opinions regarding Council and community communication and his opposition of the speed limit reduction on Cockrell Hill Road.

DEPARTMENTAL REPORTS:

- Administration -
City Administrator, Randy Whiteman updated Council on the following:
 1. Community Waste Disposal residential and senior citizen rates.
 2. A Christmas Tree Lighting on December 4, at 7:00 P.M. at Heritage Park and Santa would be present.

CONSENT ITEMS:

- N/A

PUBLIC HEARINGS:

- N/A

INDIVIDUAL CONSIDERATION:

ITEM 1. Discussion/Action – Consideration of an Ordinance Adopting Speed Limits on Certain Roadways within the City of Ovilla, Texas; Directing the Erection of Signs; Providing that this Ordinance shall be Cumulative of all Ordinances; Providing a Severability Clause; Providing for a Penalty for Violation Hereof; Providing a Savings Clause; Providing for Publication in the Official Newspaper; and Providing and Effective Date. (Re: Cockrell Hill Road)

City Administrator Randy Whiteman spoke about the traffic study conducted in 2007. Council Member Vansyckle stated the need for the reduction was for the safety of homeowners living along Cockrell Hill Road. Council Member Vansyckle added that his belief was that Cockrell Hill Road was not a thoroughfare but a residential street and did not want to address this issue *after* someone was hit on the street. Mayor Pro-Tem Hall was in disagreement, stating posting a lower speed limit would not necessarily slow motorists down. Police enforcement slows motorists down and Cockrell Hill Road was not a safe road to make a traffic stop because the shoulder of the road was not wide enough. Police Chief Mike Moon said the police department would do whatever the Council decides. Chief commented that although the department may not always write citations, enforcement was performed. Chief told Council that he had conducted some research on the cost of radar trailers and that they were very expensive, even though the trailer did affect speeding motorists. Council Member Leverentz commented that Cockrell Hill Road had just been improved and he was in favor of lowering the speed limit but maybe not as low as 30 mph. Council Member Dormier said that 35 mph would be acceptable.

Council Member Vansyckle made a motion that Council approve the speed limit reduction to 35 mph on Cockrell Hill Road (north and southbound) from the intersection of Cockrell Hill Road and Ashburne Glen Street north to the city limits. Council Member Leverentz seconded the motion. Mayor Pro-Tem Hall voted in opposition of the ordinance.

VOTE: The motion carried 4 to 1.

Mayor Turner skipped Item 2 to return shortly and went to Item 3.

ITEM 3. Discussion/Action – Consideration to take items from the table.

Council Member Vansyckle made a motion to remove the tabled agenda item from the September 15, 2008 Council Meeting regarding the development of a developer's agreement with Dr. Trammell. Council Member Dormier seconded the motion.

VOTE: The motion carried unanimously.

Discussion/Action – Consider to Allow the City Administrator to Develop a Developer's Agreement with Dr. Trammel to extend a Sewer Main on Cockrell Hill Road. (Main Street)

City Administrator prepared a developer's agreement with reviews from Dr. Trammell and Ovilla City Attorney Matthew Wallis. The line increased from a 6" to a 12". Dr. Trammell had submitted a \$10,000 check for his portion to connect to sewer, that included a 20- foot utility easement and parking access for patrons of the city park for city sponsored events. (Outside of the Dr's

regular business hours). The actual sewer tap fee had already been paid. Council Member Dormier stated that paying for this out of Sewer Impact Fee Funds would require the City to reimburse a portion of the fees. The cost was approximately \$21K - \$22K to the first manhole and the city would bring the line to the property. Mayor Pro-Tem Hall voiced concerns of the city's expense. Following arousing discussion between Council, the City Administrator and unsolicited comments from citizens in attendance, a motion was made to fund the sewer line to a point necessary to allow connection by Dr. Trammell (including Dr. Trammell's \$10,000 portion).

Council Member Dormier made a motion that Council approve the Mayor to sign and enter into a developer's agreement with Dr. Trammell to extend a sewer main on Main Street to Station 1+84 and to amend the wording in the agreement as presented to identify the indexing for inflation to be consumer price index (CPI) for the metropolitan Dallas/Fort Worth area. Council Member Vansyckle seconded the motion.

VOTE: The motion carried unanimously.

Mayor Turner announced that before proceeding with the next item, he wanted to announce a special visitor in attendance for the evening. Council Member Vansyckle introduced his son Private Tim Vansyckle with the Armed Forces on leave from Fort Hood.

ITEM 2. Discussion/Action – Consideration of an Ordinance of the City of Ovilla, Texas Amending the Fiscal Year 2008-09 Water and Sewer Impact Fund Budget and Annual Program of Services for the City of Ovilla to Allow for an Adjustment of \$34,373 for the Expenditure for the Downtown Sanitary Sewer, Providing for Publication of this Ordinance and Providing an Effective Date.

City Administrator Mr. Whiteman explained the need to amend the budget to fund the downtown sanitary sewer project. This was a companion agenda item contingent to the developer's agreement as previously listed. Council Member Dormier questioned the use of the impact fees and also asked if there was an agenda item to award the contract. There was not a contract present or listed on the agenda for action. Council agreed to amend the budget for \$12,500, and return at the next meeting to award the contract.

Council Member Dormier made a motion that the Council approve the amendment to the FY2008-09 Water and Sewer Impact Fee to allow for an adjustment of \$12,500 for the expenditure for the downtown Main Street sanitary sewer. Council Member Vansyckle seconded the motion.

VOTE: The motion carried unanimously.

EXECUTIVE SESSION

The City Council adjourned into Executive Session at 8:30 P.M. to consider the following:

1. Consider pending contemplated litigation regarding The Castle Church of Ovilla located at 1908 S. Duncanville Road, Ovilla, TX. (Section 551.071(1) (A) Consultation with Attorney)

The City Council reconvened into Regular Session at 9:17 P.M.

Consider Action as a Result: No Action was taken and no decisions were made.

Adjournment

Mayor Pro-Tem Hall made a motion to adjourn the meeting of November 24, 2008. Council Member Vansyckle seconded the motion.

VOTE: The motion carried unanimously.

Council's Request for Future Agenda Items

- None

ATTEST:

William A. "Bill" Turner, MAYOR

Pamela Higgins, CITY SECRETARY