

CITY OF OVILLA MINUTES
Monday, 14 December 2009
Regular City Council Meeting
105 S. Cockrell Hill Road, Ovilla, TX 75154

Mayor Vansyckle called a Regular Council Meeting of the Ovilla City Council to order at 7:06 P.M. with the following City Council Members present:

| | |
|----------------|-------------------------|
| Bill Vansyckle | Mayor |
| Tom Leverentz | Mayor Pro-Tem, Place 1 |
| Michael Dickey | Council Member, Place 2 |
| Jo Ann Graham | Council Member, Place 3 |
| Doug Hunt | Council Member, Place 4 |
| James Wade | Council Member, Place 5 |

All members were present, thus constituting a quorum.

City Administrator Randy Whiteman and various department-head staff members were also present.

Guest, Dr. Quida Lee offered the invocation.

Council Member Dickey led the Pledge of Allegiance.

Comments, Presentations and Reports and Appointments

• **Presentation**

Church of the Disciples United Methodist Church: Dr. Lee gave a brief history of the church and invited all present to attend during advent season and all times. Dr. Lee thanked the Council for the opportunity to speak.

• **Citizen Comments**

1. Mr. Vernon Sansom asked to speak regarding Item 4 – when addressed by Council.
2. Mr. Jay Scivally said he needed to leave but would return to speak when Item 6 was addressed.
3. Mr. David Griffin asked Council to consider a proposal for a future action item. His father, now deceased, loved Ovilla and Mr. Griffin would like Council to consider allowing him to establish a scholarship fund in his father's name to aid the children or grandchildren of city employees. Mr. Griffin added his initial desire is to begin with \$1,000; Ovilla operating the depository account. Potential recipients would be required to write an essay to be reviewed by three teachers (of Council choosing) and recommendation prior to award.
4. Mr. Ray Pike, Publisher, and Vice-president of the Waxahachie Daily Light asking for continued association (newspaper of record) with the City of Ovilla.

DEPARTMENTAL REPORTS:

▪ **Police Department**

Chief Mike Moon

- o Chief Moon briefed Council on the SRRG Swat Team (Southern Regional Response Group).
- o Reviewed the false alarms with Council Member Hunt.
- o Advised that the Regional Dispatch room is open and running, although the new software is not operational yet.

- **Fire Department** Chief Donnie Pickard
 - Free pictures with Santa will be at the Fire Station on December 19^{from} 10:00 A.M. to 2:00 P.M.
- **Public Works** Director Jason Robinson
 - Briefed Council on sewer cleanouts/overflows and preventive maintenance.
 - Informed Council that the completion of Cockrell Hill Road overlay was still unknown but hoped it would be soon.
- **Finance** City Accountant Sharon Jungman
 - Briefed Council on the Municipal Court Report.
 - Gave Council an audit update.
- **Administration** City Administrator Randy Whiteman
 - Reviewed the Inquiry Log with Council, answered any questions.
 - Shared the results of the opinion poll on the website regarding the preferred time to conduct council meetings.
 - Discussed potential road and water projects.

PUBLIC HEARINGS:

None

CONSENT ITEMS:

- Minutes of the Regular Council Meeting of 26 October 2009.
- Minutes of the Special Council Meeting of 04 November 2009.
- Minutes of the Special Council Meeting of 12 November 2009.
- Minutes of the Regular Council Meeting of 23 November 2009
- Resolution amending authorized representatives with Jefferson Bank.
- Financial Transactions during November 2009

Council Member Graham made a motion that Council approve the consent items as presented. Council Member Hunt seconded the motion.

VOTE: The motion carried unanimously.

INDIVIDUAL CONSIDERATION:

Discussion/Action – Consider a report from engineers working with Birkhoff, Hendricks & Conway, L.L.P., regarding the condition of Shiloh Road Bridge and authorize the temporary closing of the bridge until repairs are made and the bridge is no longer a safety hazard to the public.

Shiloh Road Bridge was experiencing erosion that may be undermining the stability of the piers. Staff provided photos and reports from TXDOT, Mr. Ron Brown from the County and their consultant and the City’s engineers. Recommendations of a temporary bridge closing were differing. Mayor Vansyckle’s immediate concern was safety. Mayor Pro-Tem Leverentz agreed and felt the bridge closing should be implemented until further review, inspections and probable replacement could be determined. It was mentioned that the closing would delay emergency vehicles response times by about five minutes. Council Member Wade remarked that it was too early to make any determination and that the bridge should remain open until receipt of further testing and reports.

Council Member Wade made a motion that Council deny the temporary Shiloh Road Bridge closing. Council Member Hunt seconded the motion.

Mayor Pro-Tem Leverentz and Council Member Graham voted on opposition. Mayor Vansyckle called a record vote:

Those in favor to deny the temporary bridge closing at this time:

| | |
|-------------------------|------------|
| Council Member Wade | AYE |
| Council Member Hunt | AYE |
| Council Member Dickey | AYE |
| Mayor Pro-Tem Leverentz | NAY |
| Council Member Graham | NAY |

VOTE: The motion carried 3 to 2 to deny the temporary closing of Shiloh Road Bridge.

Discussion/Action – Consider authorizing the City Administrator to begin an engineering cost and analysis with Birkhoff, Hendricks & Conway, L.L.P., to assess and determine the necessary repairs and/or replacement of the Shiloh Road Bridge.

Pending further reports from the state, there was no action on this item.

VOTE: There was no action.

Discussion/Action – Consider a request filed by Ms Shannon Williams, *Firehouse Kids*, for a variance from the Ovilla Comprehensive Zoning Ordinance to allow a canopy sign greater than the maximum size allowed to be placed at 803 E. Main Street. (First Baptist Church of Ovilla)

Staff received one phone call and one letter, both of support for the canopy sign. No notices of opposition were received.

Council Member Graham made a motion that Council approve the applicant's requested variance for a canopy sign as presented at 803 E. Main Street. Council Member Hunt seconded the motion.

VOTE: The motion carried unanimously.

Discussion/Action – Consider an Ordinance amending Ordinance 07-014: Amending Exhibit A, Sign Regulations, Section 5-Schedule for Temporary Signs.

Citizen, Vernon Sansom was acknowledged by Mayor Vansyckle and allowed to voice his opinion regarding the proposed ordinance. He stated that he believed the sign regulations were too restrictive and hoped that this new proposed ordinance would include an amendment to allow churches to post more advertisements for special events.

Council reviewed the proposed ordinance. The ETJ (Extra Territorial Jurisdiction) was not included in the ordinance as Mayor Vansyckle felt it should be. Council agreed to allow staff to continue working on this proposed ordinance.

VOTE: There was no action.

Discussion Only – Review and discussion of HOA (Home Owners Associations) contracts as requested by Council Member Wade.

At the suggestion and judgment of Mayor Vansyckle, this item was not addressed.

VOTE: There was no discussion, no action.

Discussion Only – Review and discussion of possible code violations at the Ovilla Auto.

Mayor Vansyckle stated there was no new information regarding this item and was not ready to address it.

VOTE: There was no discussion, no action.

TABLED ITEM ON SEPTEMBER 14, 2009

Discussion/Action – Consider the authorization to allow the city administrator to enter into an agreement with Cbeyond for city email services.

Consider motion to remove item from table-

Consider Action on Item.

Tabled items were left on the table.

No discussion, no action.

EXECUTIVE SESSION

Council Member Wade made a motion to adjourn to executive session at 8:45 P.M. Mayor Pro-Tem Leverentz seconded the motion.

Discussion/ Action – *Council adjourned into Executive Session at 8:45 P.M., to consider the following:*

- Triumph Development Company v. City of Ovilla, Texas - Cause No. 73677 (Pursuant to authorization by the TX Government Code, Section 551.071, consultation with attorney).

The City Council reconvened into Open Session at 9:55 P.M.

- Consider Action as a Result of Discussion.

Council Member Graham made a motion that the Council authorize the City's Attorney to proceed with the action discussed during the executive session. Council Member Hunt seconded the motion.

VOTE: The motion carried unanimously.

Council's Request for Consideration of Future Agenda Items

N/A

Adjournment

Council Member Hunt made a motion to adjourn the meeting of December 14, 2009, at 10:10 PM. Council Member Graham seconded the motion.

VOTE: The motion carried unanimously.

Bill Vansyckle, Mayor

ATTEST:

Pamela Higgins, City Secretary

***APPROVED:
11 January 2010***

*Bill Vansyckle, Mayor
Tom Leverentz, Mayor Pro-Tem
Michael Dickey, Place Two*

*Doug Hunt, Place Four
Jo Ann Graham, Place Three
James Wade, Place Five*