

CITY OF OVILLA MINUTES
Monday, 11 January 2010
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 7:04 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.

Council Member Graham gave the invocation.
Mayor Pro-Tem Leverentz led the Pledge of Allegiance.

Comments, Presentations and Reports and Appointments

- **Citizen Comments**
 1. Ms McFarland, Advertising Director of the Waxahachie Daily Light asked for Council consideration for continued association (newspaper of record, a *Tabled Item*) with the City of Ovilla.
 2. Mr. Steve Fiedler stated he wanted to voice his support on Item 2, and to offer support to the Ovilla Service League.
 3. Mr. Charlie Morton gave Council an update on the Veterans Memorial.

DEPARTMENTAL REPORTS:

- **Police Department** Chief Mike Moon
 - Chief Moon read Council a letter received from the Mulholland Family, praising the Ovilla Police and Fire Departments for their support and presented a \$500 donation to each department.
 - The department was the recipient of a government grant for new radio equipment valued in excess of \$30,000, at no cost to the city.
- **Fire Department** Chief Donnie Pickard
 - Chief Pickard referred to a recent incident where it was difficult to locate a home to which fire personnel responded to a call, and asked Council to consider updating an ordinance depicting more clearly marked home addressing.
- **Public Works** Director Jason Robinson
 - Director Robinson advised Council that the recent TCEQ annual inspection disclosed no violations – a great report.
 - Director Robinson wanted Council to be aware of a Christmas Day water emergency. His staff began working at 2:30 a.m. that special day. It was an extremely cold day. Mr. Robinson wanted to recognize his employees for the dedication and hard work: Mike Dooly, Johnny Cruz, Aaron Davis, and Blake

Oglesby. In addition, Mr. Robinson acknowledged and thanked Mayor Vansyckle for bringing the workers hot chocolate on Christmas Day.

- **Finance** City Accountant Sharon Jungman
 - Briefed Council on the Municipal Court Report.
- **Administration** City Administrator Randy Whiteman
 - Reviewed the Inquiry Log with Council.
 - Reviewed the updated report of potential road and water projects.

PUBLIC HEARINGS:

None

CONSENT ITEMS:

- Minutes of the Regular Council Meeting of 09 November 2009.
- Minutes of the Regular Council Meeting of 14 December 2009.
- Minutes of the Special Council Meeting of 28 December 2009.
- Resolution authorizing CRIMES grant application.
- Continued annual Inter-local Cooperation Agreement Fire Protection & First Responder Services.
- Financial Transactions during December 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:

ITEM 1. Discussion/Action – Consider and reaffirm the public purpose of the HOA (Home Owners Associations) contracts and call for a record vote as requested by Council Member Wade.

Council Member Wade was instructed by the TX Attorney General's office that as a sitting Council Member he could ask for a vote to reaffirm whether the *Public Purpose* expressed in the HOA contract is valid. Mayor Vansyckle allowed those citizens desiring to speak:

1. Mr. Kyle Kutach read his letter to Council and all present, countering Council Member Wade's allegations regarding the *Public Purpose*.
2. Mr. Ralph Hall offered background of the HOA, noting that the flowers, trees, and grass at the entrance are maintained, and adamantly reaffirmed the *Public Purpose*.

Council Member Wade read the definition of the *Public Purpose* and countered comments made by Mr. Kutach. Council Member Graham opposed Council Member Wade's arguments regarding the *Public Purpose*. Council Member Dickey thanked Mr. Kutach and Mr. Hall for their comments.

Council Member Graham made a motion that Council affirm that the *Public Purpose* in the current HOA contract is valid. Mayor Pro-Tem Leverentz seconded the motion.

Mayor Vansyckle called a record vote affirming the *Public Purpose*:

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

VOTE: The motion reaffirming the Public Purpose carried four in favor, one opposed.

ITEM 2. Discussion/Action – Consider an agreement with the Main Street property owners represented by Ms Jimmie Wade, for the City to be the repository of the engineering fees which, when the total amount necessary is received will be forwarded to the city’s engineer to design the proposed sewer line.

The City received a breakdown from the city’s engineer on the various engineering charges associated with construction of a new sewer line on Main St. The Main Street property owners had asked to break the expenses into increments, beginning with the design and asked to allow the city to be the repository of the fees. Ms. Jimmie Wade distributed a contract for Council consideration and was allowed to speak as the property owners’ representative. Ms Wade stated that she had been conversing with city officials for the past 4-5 years, striving to get sewer on Main Street, and asked Council if the City would contribute to the cost for the sewer line. Council Member Hunt advised that being a business owner himself, he had been completely responsible for all costs of water/sewer line installations and could not see how the governing body could offer special treatment to the Main Street property owners. Council Member Graham suggested that because Council Member Wade was personally affected, he should abstain from voting. Additionally, Council Member Graham stated that she was not comfortable with the presented agreement as it had scrivener’s errors and blank spaces.

Mayor Vansyckle stated that continued research and planning needed to go into this project and that no action would be taken on this agenda item this evening.

VOTE: No Action.

ITEM 3. Discussion/Action – Consider a response from TXDOT regarding the re-inspection of 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.

CA Randy Whiteman brought this item to Council (a second time) to share a recent email received from TXDOT. City staff had requested TXDOT to perform another inspection of the bridge and expected to have a second report for Council’s review and consideration. However, TXDOT responded with an email to the CA and stated that the bridge would not be re-inspected. The initial results and previous recommendations would not alter. Council Member Wade suggested that signs be placed at the bridge to restrict access for passenger vehicles only – for safety precautions. Mayor Vansyckle believed the bridge needed another inspection by city engineers. Council Member Graham stated that closing the bridge would significantly impact Ovilla citizens in a negative way, including affect access of emergency vehicles and school bus routes.

Mayor Vansyckle allowed citizen, Charlie Morton to speak: Mr. Morton asked if city staff had contacted the Ellis County area engineer or been in touch with the County Commissioner. Mr. Morton also suggested looking into grants to help defer the cost. CA Mr. Whiteman confirmed both.

Council Member Graham made a motion that the Council directs the City Administrator as a high priority item, to immediately pursue methods for inspection and repair for the Shiloh Bridge, and determine funding mechanisms at all levels, and to provide a progress report to Council on January 25. Council Member Hunt seconded the motion.

VOTE: The motion carried unanimously.

Mayor Pro-Tem Leverentz made a motion that Council denies the temporary closing of Shiloh Road Bridge. Council Member Wade seconded the motion.

VOTE: The motion carried unanimously.

ITEM 4. Discussion Only – Review and discussion of possible code violations at the Ovilla Auto.

Mayor announced that several individuals signed up to speak regarding this item:

1. Charlie Morton – Asked Council to help Mr. Tennison (owner of Ovilla Auto) meet code requirements and make every effort to work together.
2. Ms Cook – Stated that Mr. Tennison is honest and hardworking. He had helped her on many occasions over the past 10 years. Please work with Mr. Tennison.
3. Mr. Tennison – Since the last meeting approximately 13-15 vehicles had been removed and advised Council that he will do his best to continue the clean-up at his business.
4. Ms Jimmie Wade – Stated that she is not bothered by Mr. Tennison's business.
5. Mr. Fielder – Stated that Mr. Tennison is under a lot of pressure and asked Council to work with him and not put Mr. Tennison out of business.

Photos of Ovilla Auto were available for review. Mr. Tennison inquired as to who took the photos. Council Member Hunt declared that he took the pictures of Ovilla Auto and that the intentions of the Council were NOT to put Ovilla Auto out of business, although not allow the business to look like a junk yard.

Council Member Graham stated that this was an informal power-point presentation. Council Member Graham began with the presentation and stated that the goal for the Council is to clean-up the problems that exist at Ovilla Auto, and reiterated Council Member Hunt's sentiments. Council was asking Ovilla Auto to comply with city ordinances that have been in existence since before the current Council. Additionally, a Certificate of Occupancy had not been applied for to date and could not be issued under the current conditions of Ovilla Auto.

Mr. Ray Rogowicz stated that he had remained quiet during this entire discussion and presentation; however, he was also a business owner – having property directly next to Mr. Tennison's Ovilla Auto. Mr. Rogowicz stated he had complied with every code requirement and restriction of the city and could not perceive any reason why Mr. Tennison could not compromise and do the same. Mr. Rogowicz had attempted to work with Mr. Tennison to no avail. Mr. Tennison's clutter falls down onto Mr. Rogowicz's property and Mr. Rogowicz is forced to clean up the mess. Mr. Rogowicz clearly stated – *It is all about compromise. Admit there is an issue and began working on it.* Mr. Tennison agreed.

Council Member Dickey stated that the first priority to begin compliance would be applying for a Certificate of Occupancy. Additionally, Mr. Tennison needed to schedule a meeting with city staff to work on code compliance. Council stated their pleasure with Mr. Tennison's efforts but also noted that there was still much to be accomplished in order to avoid city code violations. Mayor Pro-Tem Leverentz agreed and reiterated the governing body's desire to work with Mr. Tennison to keep his business going and see it prosper.

There was no action on this item. Discussion only.

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-

Mayor Pro-Tem Leverentz made a motion to remove the item from the table for consideration. Council Member Graham seconded the motion.

Consider Action on Item.

At the request of Council to undertake additional research, staff solicited assistance from the city's IT Tech, Denny Lassetter. Mr. Lassetter advised Council that he had conducted a cost analysis and that the city had three viable options to reduce the cost of email services, currently provided by Cbeyond. AT&T is the only other service provider for small business and offered three tiers. Mr. Lassetter recommended Option 3, which would save the city a considerable amount of money, allow for backup, and allow the city to host its own email on the server.

Mayor Pro-Tem Leverentz made a motion that Council take no action in this agenda item with Cbeyond for city email services and bring the recommendations with AT&T back to Council for an action item on January 25. Council Member Hunt seconded the motion.

There was no action on this item.

TABLED ITEM: NOVEMBER 23, 2009

Discussion/Action – Consider an ordinance for an amendment to Chapter 1, Section 7 of the Ovilla Code of Ordinances declaring an official city newspaper and declaring an effective date.

Mayor Pro-Tem Leverentz made a motion to remove the item from the table for discussion. Council Member Dickey seconded the motion.

Consider Action on Item.

Council Member Graham stated her desire to continue with the Waxahachie Daily Light, adding that they always had a representative present during meetings. The distribution of other papers was not as widespread. Additionally, Council Member Graham felt Council could depend on the Daily Light for better accuracy as compared with the smaller papers. The Daily Light was a well-known newspaper and had done a good job for the city for a long time. Council Member Wade questioned whether staff had compared pricing. CA Randy Whiteman stated that municipalities should use the newspaper that provides the most circulation in the county and the Daily Light does.

Citizen, Charlie Morton spoke on behalf of the Waxahachie Daily Light. Ovilla is 90% Ellis County. Only small portions of voters are located in Dallas County.

Council Member Graham made a motion that Council approve an ordinance declaring the Waxahachie Daily Light as the official city newspaper of record. Mayor Pro-Tem Leverentz seconded the motion.

Council Member Hunt voted in opposition.

VOTE: The motion carried four in favor, one opposed.

EXECUTIVE SESSION

N/A

Council's Request for Consideration of Future Agenda Items

Council Member Wade: Review of the proposed employee manual and Council Rules of Procedure updates and place on the next agenda.

Mayor Pro-Tem Leverentz: Work on the revision of Ordinance 244 with Chief Moon and Chief Pickard, pertaining to visible addresses on homes.

Council Member Graham: Work with city staff on the current ordinance and updating it with regard to enforcing prohibited parking in the state right-of-way.

Council Member Wade stated he was sadly relinquishing his seat, effective immediately and left the Council Chamber Room.

Adjournment

Council Member Hunt made a motion to adjourn the meeting of January 11, 2010, at 10:11 PM. Council Member Graham seconded the motion.

VOTE: The motion carried unanimously.

Bill Vansyckle, Mayor

ATTEST:

Pamela Higgins, City Secretary

***APPROVED:
25 January 2010***