

CITY OF OVILLA MINUTES
Monday 09 August 2010
Regular City Council Meeting
105 S. Cockrell Hill Road, Ovilla, TX 75154

Mayor Vansyckle called the Regular Council Meeting of the Ovilla City Council to order at 7:00 P.M. The following City Council Members were present:

Tom Leverentz	Mayor Pro-Tem, Place 1
James Wade	Council Member, Place 3
Doug Hunt	Council Member, Place 4
Richard Dormier	Council Member, Place 5

Absent: Michael Dickey Council Member, Place 2

Noted members were present, thus constituting a quorum.

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

Mayor Vansyckle gave the Invocation.

Mayor Pro-Tem Leverentz led the Pledge of Allegiance.

Comments, Presentations and Reports and Appointments

Mayor Vansyckle announced committee appointments:

1. Capital Improvement Projects Committee.
 - a. Mayor Pro-Tem Leverentz
 - b. Place 2 Dickey
 - c. Place 5 Dormier
2. Advertisement Committee.
 - a. Place 4 Hunt

CITIZEN COMMENTS:

1. Ms Jimmie Wade: Still trying to obtain sewer service at her business property of 711 Main Street and would like to schedule a meeting with Mayor Vansyckle.
2. Mr. David Griffin: Suggested a moneymaking idea for Heritage Day and the City by selling raffle tickets at \$20 per ticket. Mr. Griffin said he would help. City Administrator stated the City would discuss this with the city's legal counsel to see if a raffle were feasible.

DEPARTMENTAL REPORTS:

- ◆ Police Department Chief Mike Moon
 - Shared a commendation of Office Mario Ortegon regarding a major arrest.
- ◆ Fire Department Chief Donnie Pickard
- ◆ Public Works Department CA Randy Whiteman
 - Supervisor Mark Haase was providing the monthly reports for the Public Works Department during the vacancy of a Public Works Director.
- ◆ Finance Department Accountant Sharon Jungman
 - Municipal Court Report
 - The year-to-date collections increased from last year.

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

Doug Hunt, Place Four
James Wade, Place Three
Richard Dormier, Place Five

CONSENT ITEMS:

- ◆ Monthly Financial Transactions during June 2010

Place 4 Hunt made a motion to approve the consent item as presented. Mayor Pro-Tem Leverentz seconded the motion.

VOTE: The motion carried unanimously.

INDIVIDUAL CONSIDERATION:

ITEM 1. PUBLIC HEARING AND DISCUSSION – An Ordinance amending and updating the Ovilla Zoning Ordinance of the City of Ovilla, TX by amending Article 6, Section 53, “Definitions” by adding a new definition for Movable Storage Units and by amending Article 4, Section 30, Accessory and Residential Accessory Building, by adding a Section 30.10, Movable Storage Units.

Mayor Vansyckle opened the Public Hearing at 7:19 P.M.

City Administrator stated that staff had recently realized PODS were not addressed in the Zoning Manual due to a recent request for placement of one. It now became necessary to include/create a section.

The Planning and Zoning Commission previously met on August 02, 2010 at 7:00 P.M., in public forum and held a public hearing and discussion after legal the requirement of newspaper notifications had been made. The Planning and Zoning Commission voted unanimously in favor for the recommendation.

Mayor Vansyckle asked those speaking in favor to please come to the podium.

1. Ms Jimmie Wade was in favor
2. Mr. Morris Gresham had an inquiry but stated he did not care.

Mayor Vansyckle asked those speaking in opposition to please come to the podium.

1. There was none.

Mayor Vansyckle closed the Public Hearing at 7:24 P.M.

Discussion/Action – Consider a recommendation from the Ovilla Planning and Zoning Commission: AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF OVILLA, TX, BY AMENDING SECTION 53, “DEFINITIONS” OF ARTICLE 6, DEFINITIONS BY ADDING A NEW DEFINITION FOR MOVABLE STORAGE UNITS AND BY AMENDING SECTION 30, ACCESSORY BUILDINGS, OF ARTICLE 4, SUPPLEMENTARY REGULATIONS, BY ADDING A NEW SECTION 30.10, MOVABLE STORAGE UNITS.

Mayor Pro-Tem Leverentz made a motion that the Council approve an ordinance adopting and approving an amendment to the Comprehensive Zoning Ordinance by amending Section 53, “Definitions” and by amending Section 30, Article 4 Supplementary Regulations, by adding a new Section 30.10 Movable Storage Units. Place 4 Hunt seconded the motion. Place 3 Wade voted in opposition.

VOTE: The motion carried three in favor and one opposed.

ITEM 2. PUBLIC HEARING AND DISCUSSION – An Ordinance amending the Comprehensive Zoning Ordinance of the City of Ovilla, TX, by amending Article 4, Section 35.3 to permit a maximum fence height of eight feet.

Mayor Vansyckle opened the Public Hearing at 7:30 P.M.

Mayor Vansyckle read the documented background provided by staff. It noted the Board of Adjustment had recommended this change for various reasons; safety, privacy, swimming pools, etc.

The Planning & Zoning Commission previously met on August 02, 2010 at 7:00 P.M., in public forum and held a public hearing and discussion after the legal requirement of newspaper notifications had been made. The Planning & Zoning Commission recommended approval of said ordinance.

Mayor Vansyckle asked those speaking in favor to please come to the podium.

1. Mr. David Griffin, Chair of the Board of Adjustment voiced his support.
2. Ms. Patricia Rarick, Member of the Board of Adjustment voiced her support.

Mayor Vansyckle asked those speaking in opposition to please come to the podium.

1. There was none.

Mayor Vansyckle closed the Public Hearing at 7:32 P.M.

Discussion/Action – Consider a recommendation from the Ovilla Planning and Zoning Commission: AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF OVILLA, TX, BY AMENDING SECTION 35.3, “FENCES IN RESIDENTIAL DISTRICTS” OF ARTICLE 4 SUPPLEMENTARY REGULATIONS, TO PERMIT A MAXIMUM FENCE HEIGHT OF EIGHT FEET.

Mayor Pro-Tem Leverentz made a motion that the Council approve an ordinance amending the Comprehensive Zoning Ordinance of the City of Ovilla, TX, by amending Section 35.3, “Fences in Residential Districts”, of Article 4, Supplementary Regulations, to permit a maximum fence height of eight feet. Place 5 Dormier seconded the motion.

VOTE: The motion carried unanimously.

ITEM 3. PUBLIC HEARING AND DISCUSSION – An Ordinance amending the Comprehensive Zoning Ordinance of the City of Ovilla, TX, by amending Article 5, Section 47.3, “Terms of Office” for the Planning and Zoning Commission Places.

Mayor Vansyckle opened the Public Hearing at 7:37 P.M.

Mayor Vansyckle read the staff’s presentation stating that the current ordinance was written in error regarding the terms of office for the Planning & Zoning Commission. With seven members, there can only be three even-numbered places renewed or appointed during even-numbers years and four odd-numbered places renewed or appointed during odd-numbered years. The current ordinance was written contradictory. Additionally, the new proposed ordinance added a sentence stating that a member shall serve until a successor is appointed.

The Planning & Zoning Commission previously met on August 02, 2010 at 7:00 P.M., in public forum and held a public hearing and discussion after the legal requirement of newspaper notifications had been made. The Planning & Zoning Commission recommended approval of said ordinance.

Mayor Vansyckle asked those speaking in favor to please come to the podium.

1. Mr. Ken Rarick, Member of the Planning & Zoning Commission voiced his support.

Mayor Vansyckle asked those speaking in opposition to please come to the podium.

1. There was none.

Mayor Vansyckle closed the Public Hearing at 7:38 P.M.

Discussion/Action – Consider a recommendation from the Ovilla Planning and Zoning Commission: AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF OVILLA, TX, BY AMENDING SECTION 47.3 “TERMS OF OFFICE” OF ARTICLE 5, “ADMINISTRATION” TO CORRECTLY REFLECT THAT FOUR ODD-NUMBERED PLANNING AND ZONING PLACES EXPIRE IN ODD-NUMBERED YEARS AND THAT THREE EVEN-NUMBERED PLANNING AND ZONING PLACES EXPIRE IN EVEN-NUMBERED YEARS.

Mayor Pro-Tem Leverentz made a motion that the Council approve an ordinance amending the Comprehensive Zoning Ordinance of the City of Ovilla, TX, by amending Section 47.3, “Terms of Office” of Article 5, “Administration” to correctly reflect that four odd-numbered Planning & Zoning places expire in odd-numbered years and that three even-numbered Planning & Zoning places expire in even-numbered years; and that a member shall serve until a successor is appointed, as presented. Place 4 Hunt seconded the motion.

VOTE: The motion carried unanimously.

ITEM 4. Discussion/Action – Consider Resolution 2010-012 authorizing continued participation with the Atmos Cities Steering Committee and authorizing the payment of 2 cents per capita to the Atmos Cities Steering Committee.

City Administrator Randy Whiteman explained that this was an annual renewal for membership to the Atmos Cities Steering Committee, which regulates the rates Atmos charges its customers to ensure that the natural gas rates are fair.

Place 4 Hunt made a motion that Council pass and approve Resolution 2010-012 authorizing the continued participation with the Atmos Cities Steering Committee and authorize the payment of .02 cents per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation. Place 5 Dormier seconded the motion.

This item required a record vote:

Mayor Pro-Tem Leverentz	Aye
Place 2 Dickey	Absent
Place 3 Wade	Nay
Place 4 Hunt	Aye
Place 5 Dormier	Aye

VOTE: The motion carried three in favor, one in opposition.

ITEM 5. Discussion Only – Workshop and review of the proposed Fiscal Year 2010-2011 Budget.

There were no changes since the previous budget workshops.

VOTE: Discussion Only. There was no action on this item.

ITEM 6. TABLED ITEM – July 28, 2010 Council Meeting:
Discussion/Action – Consideration of a proposed tax rate for the Fiscal Year 2010-2011 and take a record vote.

Consider motion to remove item from table-

Place 4 Hunt made a motion to remove the item from the table for discussion. Place 5 Dormier seconded the motion.

VOTE: The motion carried unanimously.

Consider Action on Item.

Mayor Pro-Tem Leverentz made a motion that Council propose the 2010-2011 property tax rate to be the effective tax rate of .6746, with the Maintenance and Operation Rate of .4429 and a Debt Rate of .2317. Place 5 Dormier seconded the motion.

Mayor Vansyckle called a record vote:

Mayor Pro-Tem Leverentz	Aye
Place 2 Dickey	Absent
Place 3 Wade	Nay
Place 4 Hunt	Aye
Place 5 Dormier	Aye

VOTE: The motion carried three in favor, one in opposition.

ITEM 7. Discussion/Action – Consider and Schedule Dates for Two Public Hearings on the Proposed Tax Rate for Fiscal Year 2010-2011.

Place 5 Dormier suggested that Council holding hearings even though they were not required. This would allow Ovilla residents an opportunity to voice their opinions.

Place 5 Dormier made a motion that Council hereby approve the following public hearing schedules and final vote on the proposed tax rate for the fiscal year 2011:

- **The first Public Hearing will be held on Monday, August 23, 2010 at 105 S. Cockrell Hill Road at 7:00 PM –**
- **The second Public Hearing will be held on Monday, August 30, 2010 at 105 S. Cockrell Hill Road at 7:00 PM –**
- **The final vote on the proposed tax rate for the Fiscal Year 2011 will be held on Monday, September 13, 2010, at 105 S. Cockrell Hill Road at 7:00 PM. ”**

Mayor Pro-Tem Leverentz seconded the motion.

VOTE: The motion carried unanimously.

ITEM 8. Discussion/Action – Consider a proposed road agreement with Ellis County to repair Westmoreland, Hosford and Red Oak Creek Roads.

City Administrator Randy Whiteman modified the original agreement to include 2195 ft. of Red Oak Creek Road and placement of three culverts on Westmoreland.

Place 5 Dormier made a motion to accept the modified road agreement as presented for \$140,842. Place 4 Hunt seconded the motion.

VOTE: The motion carried unanimously.

ITEM 9. Discussion Only – Review and discuss upcoming Heritage Day and Council progress reports regarding their assignments to aid in the success of Heritage Day.

Council discussed various options for this year's Heritage Day:

- ◆ Start the festivities earlier and end around 2:00 P.M.
- ◆ Select Carol Bush as the Grand Marshal.
- ◆ Judges to volunteer for the parade; Charlie Morton, Ms Wade.
- ◆ Banner and signs need to be hung and set out.

VOTE: Discussion Only. There was no action on this item.

TABLED ITEM – May 24, 2010

Discussion/Action – Consider letter of proposal from Schrickel, Rollins & Associates to conduct a feasibility study for the proposed Public Works Facility.

Consider motion to remove item from table-

Place 5 Dormier made a motion to remove the item from the table for consideration/discussion. Place 3 Wade seconded the motion.

VOTE: The motion carried unanimously.

Consider Action on Item.

VOTE: There was no action on this item.

Council's Request for Consideration of Future Agenda Items

Place 5 Dormier:	W/S Impact Fees / Shiloh Road Bridge
Place 4 Hunt:	None.
Place 3 Wade:	Main Street property owners for sewer.
Mayor:	Just wanted to share the success of the Ali Sharaf home tours. Seventy-two boxes of canned food were collected.
Place 2 Dickey:	Absent.
Mayor Pro-Tem Leverentz:	Complete the Employee Handbook.

Adjournment

Place 3 Wade made a motion to adjourn the meeting of August 09, 2010, at 8:48 PM. Mayor Pro-Tem Leverentz seconded the motion.

VOTE: The motion carried unanimously.

ATTEST:

Pamela Higgins, City Secretary

Bill Vansyckle, Mayor

Approved: November 08, 2010

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

*Doug Hunt, Place Four
James Wade, Place Three
Richard Dormier, Place Five*