

CITY OF OVILLA MINUTES
Monday, 13 December 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
Michael Dickey	Council Member, Place 2
James Wade	Council Member, Place 3
Doug Hunt	Council Member, Place 4
Richard Dormier	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.

Place 5, Dormier gave the Invocation.

Place 2, Dickey led the Pledge of Allegiance.

Comments, Presentations and Reports and Appointments

1. Presentation by Ovilla Service League: The Ovilla Service League was not prepared and asked to be placed on the January 2011 agenda.
2. Mayor Vansyckle shared updated information from the November 17, 2010 meeting of the North Ellis County Coalition of Cities, noting that Ovilla's roads were a number one priority.

• **Citizen Comments**

1. Mr. Charlie Morton shared his appreciation for Council's permission to place a Veteran's Memorial Monument in Heritage Park.
2. Ms Dani Muckleroy reported that the Salvation Army collections were down approximately \$10,000 from last year. As a Salvation Army collections representative responsible for the Red Oak Brookshires Store, she was soliciting volunteers to work 2-hour shifts "ringing the bell" in front of the store.
3. Ms Peggy Perez of the Ovilla Grocery Market asked for Council's consideration in updating the city's sign ordinance to aid her downtown business.

DEPARTMENTAL REPORTS:

- ◆ Police Department: Chief Mike Moon was absent but his monthly report was presented for review.
- ◆ Fire Department Chief Donnie Pickard
 - Gave report of recent structure fire.
 - Working on improving ISO (Insurance Services Offices) ratings.
 - Tested 3500 ft. of hose.
- ◆ Public Works CA Randy Whiteman
 - Reported debris was cleaned out at Cumberland (lift station).
 - Reported that the Public Works Crew was beginning a meter replacement program. "Smart-meters" would begin replacement in Brookwood Addition.

- ◆ Finance Department Accountant Sharon Jungman
 - City Accountant reported Municipal Court comparisons showing a YTD 49% increase from last year.

CONSENT ITEMS:

- ◆ Financial Transactions
- ◆ Minutes of the September 13, 2010 Regular Council Meeting.
- ◆ Minutes of the September 27, 2010 Regular Council Meeting.
- ◆ Minutes of the October 04, 2010 Special Council Meeting.
- ◆ Minutes of the October 12, 2010 Regular Council Meeting.
- ◆ Minutes of the October 25, 2010 Regular Council Meeting.
- ◆ Annual software maintenance with AVR, Inc. (Utility Billing Software)
- ◆ Solicit RFQ's for IT Support.

Place 3 Wade questioned specifics on the Financial Transactions.

Place 4 Hunt made a motion to approve the consent items as presented with the exclusion of the Financial Transactions to be pulled and discussed. Place 5, Dormier seconded the motion.

VOTE: The motion carried unanimously.

Place 3 Wade inquired about the attorney fees. Once he reviewed his inquiries with the City Accountant, Place 3 Wade was satisfied.

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

VOTE: The motion carried unanimously.

INDIVIDUAL CONSIDERATION:

ITEM 1. Discussion/Action – Consider Shiloh Bridge status; receive and review *Requests for Proposals* for headwall repair, and consider any action to replace the retaining wall.

Three bids were solicited to repair the west side of the bridge, with each vendor presenting a different project approach. The three vendors were Earthlock, Bolton, & Neyland.

Mayor Pro-Tem Leverentz made a motion that Council award the bid to James R. Bolton Construction Company for \$17,850 to remove and replace the west side retaining wall at the Shiloh Bridge, contingent to submitting the complete drawing information - and bring back to Council for review prior to beginning construction. Place 5 Dormier seconded the motion.

VOTE: The motion carried unanimously.

ITEM 2. Discussion/Action – Consider an Ordinance adopting and enacting a new Ovilla Code of Ordinances.

The codification of the Code of Ordinances was complete and updated through August 2010 by Franklin Legal Publishing Co. One book was presented. The remaining books would be provided pending Council approval.

Place 3 Wade made a motion that Council approve and adopt an ordinance enacting a new Code of Ordinances. Place 5 Dormier seconded the motion.

VOTE: The motion carried unanimously.

ITEM 3. Discussion/Action – Consider a request from Fire Chief Pickard to approve and adopt the 2006 International Codes with 2006 COG Amendments, updating Chapter 3 of the Ovilla Code of Ordinances; Public Works Construction Standards, Building & Residential Code, Plumbing Code, Fuel Gas Code, and Energy Conservation Code.

Most all of Ovilla's codes are dated 2000 to 2004. Fire Chief Pickard met with a DFW Southwest representative from Bureau VERITAS that is familiar with Ovilla's current code and offered recommendations to Chief Pickard to update all fire and building codes to 2006 including COG amendments with the exclusion of the Electrical Code – updating it to 2005 with COG amendments. Ovilla held certain local amendments and Chief Pickard recommended keeping those specifics with the new updates.

Place 5 Dormier made a motion that Council adopt the 2006 International Codes with 2006 COG Amendments, updating Chapter 3 of the Ovilla Code of Ordinances; Public Works Construction Standards, Building and Residential Code, Plumbing Code, Fuel Gas Code & Energy Conservation Code and direct staff to proceed with the appropriate ordinance preparation and return to Council.

Mayor Pro-Tem Leverentz seconded the motion.

Mayor Vansyckle asked for a record vote by show of hands from Council. All were unanimous.

VOTE: The motion carried unanimously.

ITEM 4. Discussion/Action – Consider a request from Fire Chief Pickard to approve and adopt the 2006 International Fire Code including 2006 COG Amendments, updating the Ovilla Code of Ordinances, Chapter 5, with Ovilla's exceptions to 903.1- 903.2 of the current Fire Code.

Ovilla placed local regulations/amendments on the Fire Code and Chief Pickard recommended keeping those local amendments in place with the updates.

Mayor Pro-Tem Leverentz made a motion that Council adopt the 2006 International Fire Code with 2006 COG Amendments, updating Chapter 5 of the Ovilla Code of Ordinances, with Ovilla's exceptions to 903.1 through 903.2 of the current code and direct staff to proceed with the appropriate ordinance preparation.

Place 4 Hunt seconded the motion.

Mayor Vansyckle asked for a record vote by show of hands from Council. All were unanimous.

VOTE: The motion carried unanimously.

ITEM 5. Discussion/Action – Consider a request from Fire Chief Pickard to approve and adopt the 2006 International Mechanical Code including 2006 COG Amendments, updating the Ovilla Code of Ordinances, Chapter 3, with Ovilla's exception to Section 3.02.273 of the current Mechanical Code.

Ovilla place certain local regulations on the Mechanical Code that Chief Pickard recommends keeping in place with the updates. The local regulation mandates the use of hard duct.

Place 4 Hunt disagreed and made a motion that Council adopt the 2006 International Mechanical Code with 2006 COG Amendments, updating Chapter 3 of the Ovilla Code of Ordinances with no exceptions (remove hard duct requirements). Place 2 Dickey seconded the motion.

Mayor Vansyckle asked for a record vote by show of hands from Council.

In Favor: Place 2 Dickey
 Place 4 Hunt

In Opposition: Mayor Pro-Tem Leverentz
 Place 3 Wade
 Place 5 Dormier

VOTE: The motion failed, two in favor, three in opposition.

Mayor Pro-Tem Leverentz made a new motion that Council adopt the 2006 International Mechanical Code with 2006 COG Amendments, updating Chapter 3 of the Ovilla Code of Ordinances with Ovilla's exception to section 3.02.273 of the current mechanical code and direct staff to proceed with the appropriate ordinance preparation.

Place 5 Dormier seconded the motion.

Mayor Vansyckle asked for a record vote by show of hands from Council.

In Favor: Mayor Pro-Tem Leverentz
 Place 3 Wade
 Place 5 Dormier

In Opposition: Place 2 Dickey
 Place 4 Hunt

VOTE: The motion passed, three in favor, two in opposition.

ITEM 6. Discussion/Action – Consider a request from Fire Chief Pickard to approve and adopt the 2005 Electrical Code including 2005 COG Amendments, updating Chapter 3 of the Ovilla Code of Ordinances.

Chief Donnie Pickard supported the recommendation from the Bureau VERITAS representative to adopt the 2005 Electrical Code with 2005 COG Amendments.

Place 5 Dormier made a motion that Council adopt the 2005 International Electrical Code with 2005 COG Amendments and direct staff to proceed with the appropriate ordinance preparation. Mayor Pro-Tem Leverentz seconded the motion.

Mayor Vansyckle asked for a record vote by show of hands from Council. All were unanimous.

VOTE: The motion carried unanimously.

ITEM 7. Discussion/Action – Consider authorizing payment to Ellis County Precinct 4 for recent road projects of resurfacing.

The Council had elected to payout the 2010 roadwork performed by Ellis County, which allowed the city to make three payments. The original amount due was \$140,842. The City made the first payment last fiscal year (\$39,742) leaving a balance of \$101,100.

Place 4 Hunt made a motion that Council authorizes a payment to Ellis County for \$50,000 as the second payment for road repairs completed in FY2009-2010. Place 5 Dormier seconded the motion.

VOTE: The motion carried unanimously.

ITEM 8. Discussion Only – Discuss and share update information of a recent meeting with Mr. Ron Brown, Ellis County Road Precinct 4, for future roadwork and equipment availability.

Mayor Pro-tem Leverentz, a member of the CIP (Capital Improvement Projects) Committee recommended the approved road(s) repair list to be submitted to Ellis County for future roadwork. Precinct 4 Commissioner Brown submitted a proposal of \$107,036 for the cost of the repairs from that list (E. University, Cardinal, Meadowlark, 300 block of Willow Creek, including culverts) and asked for Council's review. Mayor Vansyckle suggested in order to save money, the city could possibly purchase a patching truck to perform small projects instead of paying the County. City Administrator Randy Whiteman stated that the county's pothole repair cost was comparable and fair. In order for Ovilla's maintenance crew to do the work it would require additional personnel not to mention the cost of a patching truck.

Discussion Only. There was no action on this item.

ITEM 9. Discussion/Action – Consider and evaluate submitted proposals to select a background investigation and drug testing company.

Chief Pickard was asked to solicit proposals from professional firms that would provide the necessary information for potential employee background checks and investigations, and post accident drug testing. Three proposals were submitted for Council consideration. City Accountant Sharon Jungman advised Council that staff had not budgeted for these screens.

Mayor Pro-Tem Leverentz made a motion that Council authorizes the City Administrator to negotiate a contract with First Check Applicant Screening for employment pre-screening and drug testing. Place 4 Hunt seconded the motion.

VOTE: The motion carried unanimously.

Council's Request for Consideration of Future Agenda Items

Place 5, Dormier: Monthly updates of all boards. Update of the Impact Fee study.
Place 4, Hunt: None.
Place 3, Wade: None.
Mayor: Roads.
Place 2, Dickey: None.
Mayor Pro-Tem Leverentz: Nothing other than to say Happy Holiday to all.

Adjournment

Place 3, Wade made a motion to adjourn the meeting of December 13, 2010; at 9:50 P.M. Mayor Pro-Tem Leverentz seconded the motion.

VOTE: The motion carried unanimously.

Bill Vansyckle, Mayor

ATTEST:

Pamela Woodall-Higgins, City Secretary

Approved: January 10, 2011

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

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