

CITY OF OVILLA MINUTES
Monday, 10 January 2011
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 7:01 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.

Place 4 Hunt gave the Invocation.

Mayor Pro-Tem Leverentz led the Pledge of Allegiance.

Comments, Presentations and Reports and Appointments

1. Presentation by Ovilla Service League: The Ovilla Service League presented Chief Mike Moon with a check to aid with his expenses during his training at the FBI Academy in Quantico, VA.
2. Ovilla Board(s) news and updates were shared:
 - a. Best Southwest Place 4 Hunt
 - b. Board of Adjustment City Secretary
 - c. CIP (Capital Improvement Projects) Mayor Pro-Tem Leverentz
 - d. EDC (Economic Development Corp.) Place 4 Hunt
 - e. MDD (Municipal Development District) Mayor Vansyckle
 - f. NECCC (North Ellis Co. Coalition Cities) Mayor Vansyckle
 - g. Planning & Zoning Commission City Administrator
3. Posting Notice of Election/Filing period City Secretary

CITIZEN COMMENTS

1. Ms Jimmie Wade asked for EDC's (Economic Development Corp.) financial assistance to lay sewer at her business of 711 W. Main Street. She expressed her displeasure with the EDC's response during their last meeting she attended.
2. Ms Amber Parker shared a sample "barking dog & nuisance" website document and implored Council's help with enforcement of this problem in Ovilla.
3. Mr. Kyle Kutach asked to speak to Council regarding Item 11.

DEPARTMENTAL REPORTS:

- ◆ Police Department Chief Mike Moon
 - Chief Moon reviewed procedure regarding security checks with Mayor Pro-Tem Leverentz. Additionally, Chief Moon informed Council of the three December 2010 burglaries in Ovilla.

- ◆ Fire Department Chief Donnie Pickard
 - Reported he was pleased with the new First Check Employment Screening Company. To date, eight potential applicants had been checked.
 - ISO (Insurance Services Offices) inspector had been in office last week. Chief Pickard felt confident that Ovilla would receive a rating of three.
 - Met with Ovilla Christian School to review plans for future expansion.
- ◆ Public Works CA Randy Whiteman
 - Place 4 Hunt asked the City Administrator if Council could view a report from TRA (Trinity River Authority) at the next meeting.
 - Place 3 Wade asked that the maintenance crew place all messages on both sides of the marquee.
- ◆ Finance Department Accountant Sharon Jungman
 - City Accountant shared monthly financials through November 2010 and the Municipal Court report. Place 4 Hunt asked that the revenue from Heritage Day 2010 be reflected in the previous fiscal year.
 - Ms Jungman advised Council that the FY2009-2010 Audit could be ready and presented at the January 24 Council Meeting.

CONSENT ITEMS:

- ◆ Financial Transactions
- ◆ Minutes of the November 08, 2010 Regular Council Meeting.
- ◆ Minutes of the December 13, 2010 Regular Council Meeting.

Mayor Pro-Tem Leverentz made a motion to approve the consent items present: Financial Transactions, minutes of the November 08, 2010 Council Meeting and minutes of the December 13, 2010 Council Meeting as presented.

Place 4 Hunt seconded the motion. Place 2 Dickey was absent.

VOTE: The motion carried unanimously.

INDIVIDUAL CONSIDERATION:

ITEM 1. Discussion/Action – Consider a proposed **Ordinance** for an amendment to Chapter 1, Section 1.02.002 of the Ovilla Code of Ordinances declaring an official city newspaper and declaring an effective date.

Mayor Pro-Tem Leverentz made a motion that Council approves an ordinance declaring the Waxahachie Daily Light as the official city newspaper.

Place 5 Dormier seconded the motion. Place 2 Dickey was absent.

VOTE: The motion carried unanimously.

ITEM 2. Discussion/Action – Consider an Ad-Hoc membership appointment to the Planning & Zoning Commission.

Mayor Vansyckle solicited board applications to bring in a representative from the real estate, developer / development or- building industries to aid the Planning & Zoning Commission, which would also serve as the Capital Improvements Advisory Committee to study Impact Fees. This Ad-Hoc appointment is necessary as the P & Z have no such member related to those specific industries and it is mandatory for at least one member to have that background.

Place 4 Hunt made a motion that Council appoints Jere Shaw as an Ad-Hoc voting member of the Planning & Zoning Commission when it acts as the Capital Improvements Advisory Committee. Place 5 Dormier seconded the motion. Place 2 Dickey was absent.

VOTE: The motion carried unanimously.

ITEM 3. Discussion/Action – Consider appointing the Planning & Zoning Commission as the Capital Improvements Advisory Committee for the City of Ovilla to conduct an Impact Fee Study in conjunction with Birkhoff, Hendricks & Carter, L.L.P.

The City's current Impact Fee study had expired and a Capital Improvements Advisory Committee needed to review and advise Council if an update was needed. The Planning & Zoning Commission could act as the Advisory Committee.

Place 5 Dormier made a motion that Council appoints the Planning & Zoning Commission to act as the Capital Improvements Advisory Committee.

Place 4 Hunt seconded the motion. Place 2 Dickey was absent.

VOTE: The motion carried unanimously.

ITEM 4. Discussion/Action – Consider a proposed **Ordinance** adopting the 2006 International Fire Code with 2006 COG Amendments, 2006 International Building Code with 2006 COG Amendments, 2006 International HVAC/Mechanical Code with 2006 COG Amendments, 2006 International Residential Code with 2006 COG Amendments, 2006 International Plumbing Code with 2006 COG Amendments, 2006 Fuel Gas Code with 2006 COG Amendments, and the 2005 International Electrical Code with 2005 COG Amendments; Providing for the modification of Code to incorporate local amendments; Providing for the recording of the Codes as a public record; Providing that this Ordinance shall be cumulative of all ordinances.

During the last Council Meeting, Council approved staff to prepare an ordinance updating all international codes with the COG amendments to 2006 with the exception of the Electrical Code, adopting the 2005 codes.

Place 5 Dormier made a motion that Council adopt an ordinance adopting the 2006 International Fire Code with 2006 COG Amendments, 2006 International Building Code with 2006 COG Amendments, 2006 International HVAC/Mechanical Code with 2006 COG Amendments, 2006 International Residential Code with 2006 COG Amendments, 2006 International Plumbing Code with 2006 COG Amendments, 2006 Fuel Gas Code with 2006 COG Amendments, and the 2005 International Electrical Code with 2005 COG Amendments; Providing for the modification of Code to incorporate local amendments; Providing for the recording of the Codes as a public record; Providing that this Ordinance shall be cumulative of all ordinances. Mayor Pro-Tem Leverentz seconded the motion.

Place 3 Wade and Place 4 Hunt voted in opposition. Place 2 Dickey was absent.

Mayor Vansyckle broke the tie, voting in favor to adopt the ordinance.

VOTE: The motion carried three in favor and two in opposition.

ITEM 5. Discussion/Action – Consider a Meritorious Exception provided under the Ovilla Code of Ordinances, Chapter 3 Building Regulations, Section 3.03.012 (C)

Granting of Exceptions, to approve a sign permit to Ovilla Grocery Market located at 705 W. Main Street.

Code Enforcement denied a permit application for a sign based on several code violations. Mayor Vansyckle asked for Council's review and consideration to vote for a *Meritorious Exception* to aid this business. Place 5 Dormier questioned what was actually "meritorious" about this particular sign application.

Place 4 Hunt made a motion that Council grant a *Meritorious Exception* for the sign permit as presented for Ovilla Grocery Market. Mayor Pro-Tem Leverentz seconded the motion. Place 3 Wade and Place 5 Dormier voted in opposition. Place 2 Dickey was absent. Mayor Vansyckle broke the tie, voting in favor to grant the *Meritorious Exception*.

VOTE: The motion carried three in favor and two in opposition.

ITEM 6. Discussion/Action – Consider approval of a proposed lease agreement between the City of Ovilla and Air Canopy Internet Services, LLC dba Skybeam to lease tower space on the overhead storage tank.

City Administrator advised Council that the lease terms had changed from a three, five-year lease to a five, three-year lease with an increased rental rate to \$18,000 annually.

Place 4 Hunt made a motion that Council approves a lease agreement with Aircanopy Internet Services, LLC DBA Skybeam, to lease tower space on the overhead storage tank subject to the City of Ovilla being named as insurer on their policy.

Mayor Pro-Tem Leverentz seconded the motion. Place 2 Dickey was absent.

VOTE: The motion carried unanimously.

ITEM 7. Discussion/Action – Consider an Inter-local Cooperation Agreement by and between Ellis County Emergency Services District #2 and the City of Ovilla for Fire Protection and First Responder Services.

This was a re-occurring annual agreement between two entities. Council Member Wade questioned Chief Pickard on the number of "calls for service" responses outside the city and that Ovilla should receive/require more money from the ESD to relieve the taxpayers' burden. Mayor Pro-Tem Leverentz noted that many Ovilla fire engines/trucks and the new Larry Marlow Fire Annex (used for many city related meetings – not only the Fire department) were provided by the ESD.

Mayor Pro-Tem Leverentz made a motion that Council approves an Interlocal Agreement by and between Ellis County Emergency Services District #2 and the City of Ovilla for Fire Protection and First Responder Services. Place 4 Hunt seconded the motion.

Place 3 Wade voted in opposition. Place 2 Dickey was absent.

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

ITEM 8. Discussion/Action – Consider Shiloh Bridge status; receive and review construction diagrams from the awarded Construction Co. of James R. Bolton.

City Administrator Randy Whiteman and Place 5 Dormier conversed over the attachment of diagrams provided by the construction company. Place 5 Dormier felt certain that the contract

included detailed tasks for the repair but asked the City Administrator to confirm that these specifics were included in the project:

- Weep holes at the bottom concrete walls.
- Floating brackets across the bridge.

Place 3 Wade inquired who would be inspecting the work. Place 4 Hunt questioned the payment schedule. Place 5 Dormier stated that in his opinion, the payment schedule was not out of the ordinary, however, he agreed with Place 3 Wade regarding the inspection of the project. Council advised the City Administrator to ensure the project is inspected before payment.

Place 5 Dormier made a motion that Council approve the contract with James R. Bolton and proceed to erect the erosion protection as diagramed in this proposal noting three contingent issues:

1. Install weep-holes at bottom concrete walls
2. Weld floating brackets across the bridge
3. Final payment to be held until after a final inspection by the city.

Mayor Pro-Tem Leverentz seconded the motion. Place 2 Dickey was absent.

VOTE: The motion carried unanimously.

ITEM 9. Discussion Only – Discuss potential purchase of roadwork equipment.

Mayor Vansyckle stated he hoped that Ovilla at some time could purchase their own equipment to prevent Ovilla from being dependent on the County or other businesses for all roadwork. Knowing that most equipment would be very expensive, maybe Council could review this possibility during the mid-year budget review. City Administrator Randy Whiteman would need to conduct additional research and bring back cost estimates for various road maintenance equipment. Place 3 Wade stated that the Public Works Department could purchase less expensive tools/equipment and keep up some form of road maintenance. Place 5 Dormier questioned if staff could operate the equipment or if the Public Works Department even had the manpower to run the equipment – if it were purchased. Mayor Pro-Tem Leverentz suggested that Council should allow the Public Works staff to inform them what tools/equipment would be most valuable and make recommendations during the mid-year budget revision.

City Administrator shared that Ellis County would be installing culverts on Willow Creek and Red Oak Creek (with guardrails) within the next few weeks. Additionally, Ellis County would be in the process of additional road maintenance soon.

THERE WAS NO ACTION ON THIS ITEM. DISCUSSION ONLY.

ITEM 10. Discussion Only – Discuss potential revisions to Ovilla’s sign ordinance.

Mayor Vansyckle ask that the sign ordinance be reviewed for possible revisions, particularly mentioning Section 3.06.008 (2), pertaining to signs on vehicles. Also, review the timeframe for temporary signs. Council agreed to review the entire ordinance and have further discussion.

ADDENDUM TO AGENDA

- 11. Discussion** – Council will review the HOA Agreements with Ashburne Glen and Meadow Glen at least 60 days prior to the expiration and subsequent renewal April 1, 2011.

Mr. Kyle Kutach, representative from Ashburne Glen, completed a “citizen’s forum form” to speak during this agenda item. Mayor Vansyckle called on Mr. Kutach to offer his comments. Mr. Kutach gave background and an overview of the past and current HOA relationship with the City and hoped that the HOA agreement would be renewed in April 2011.

Mayor Vansyckle explained that if any changes to the agreements were to occur, Council needed to be considering them now, as the agreements required a 60-day notice. Mayor Vansyckle recommended updating Section 3 regarding reimbursement/payment dates. Ralph Hall, representative from Meadow Glen HOA was present also.

THERE WAS NO ACTION ON THIS ITEM. DISCUSSION ONLY.

Council’s Request for Consideration of Future Agenda Items

- Place 5, Dormier:** Check procedures; maybe add a new ordinance regarding barking dogs.
Place 4, Hunt: Check procedures; maybe add a new ordinance regarding dog kennels.
Place 3, Wade: None.
Mayor: Equipment information and input from Public Works Department.
Place 2, Dickey: Absent
Mayor Pro-Tem Leverentz: Schedule a CIP Meeting in the next few weeks.
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Adjournment

Mayor Pro-Tem Leverentz made a motion to adjourn the meeting of January 10, 2011; at 9:15 P.M. Place 5 Dormier seconded the motion.

VOTE: The motion carried unanimously.

Bill Vansyckle, Mayor

ATTEST:

Pamela Woodall-Higgins, City Secretary

Approved: January 24, 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*