

CITY OF OVILLA MINUTES
Monday, 28 February 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 7:00 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
Michael Dickey	Council Member, Place 2

All members were present, thus constituting a quorum.

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

Place 2 Dickey gave the Invocation.

Place 5 Wade led the Pledge of Allegiance.

Comments, Presentations and Reports and Appointments

1. Mr. Robert Medigovich, representative from CWD (Community Waste Disposal) presented the city with an annual report including a recycled materials report. A recognition award made from recycled glass was presented to Ovilla.

CITIZENS COMMENTS / CITIZENS FORUM:

- ◆ Mr. Ralph Hall noted on his submitted Citizen's Forum sheet that he wished to refer to Item 2 when Council addressed that item.

DEPARTMENTAL REPORTS:

- ◆ Fire Department Chief Donnie Pickard
 - Reported the upcoming receipt of AF (Assistance to Firefighters Grant Award) from the US Department of Homeland Security Federal Emergency Management Agency for \$46,470.
- ◆ Finance Department Accountant Sharon Jungman
 - City Accountant gave a brief summary of the monthly financials. Place 4 Hunt questioned the low percentage of the Ad Valorem taxes received year-to-date.

CONSENT ITEMS:

- ◆ None

INDIVIDUAL CONSIDERATION:

ITEM 1. Discussion/Action – Consider a new proposed agreement by and between the City of Ovilla and the HOA (Home Owner Association) of Ashburne Glen, both acting through their duly authorized officers and representatives to be effective April 1, 2011.

Prior to any discussion on Item 1, Place 2 Dickey and Place 5 Dormier signed affidavits to abstain from participation as they both lived in the Ashburne Glen subdivision.

Place 3 Wade questioned whether the contract as written, allowed the city to recoup the city's expenses from the HOA. In addition, Place 3 Wade asked for clarification regarding the mowing of the right-of-way(s) and why it was not specifically addressed in the contract. Mayor Vansyckle explained that he (Mayor) and Mr. Kutach (President of the Ashburne Glen HOA) had come to an agreement that the city would mow the right-of-way(s) and the HOA would maintain the upkeep and surroundings of the park. Mayor Vansyckle stated that he (Mayor) and Mr. Kutach wrote the HOA agreement. Mayor Pro-Tem Leverentz gave a reminder that there was a clause in each contract to allow revisions. Place 3 Wade stated he wanted to ensure that Council represented all citizens equally and fairly.

Mayor Pro-Tem Leverentz made a motion that Council approves the proposed HOA Agreement with Ashburne Glen to be Effective April 01, 2011 as presented.

Place 4 Hunt seconded the motion.

Mayor Vansyckle asked for a record vote by announcement of "AYE" or "NAY" from Council.

Place 3 Wade voted in opposition.

Place 2 Dickey & Place 5 Dormier abstained.

VOTE: The motion carried 2-1, and 2 abstentions.

ITEM 2. Discussion/Action – Consider a new proposed agreement by and between the City of Ovilla and the HOA (Home Owner Association) of Meadow Glen, both acting through their duly authorized officers and representatives to be effective April 1, 2011.

Mr. Ralph Hall, representative for Meadow Glen stated the proposed agreement was acceptable. City Administrator Randy Whiteman advised Council that the renewal terms in Ashburne Glen were slightly different from Meadow Glen, stating he did not know if that was done intentionally but that it may be easier if both HOA's adhered to the same renewal terms. Mr. Hall affirmed he had no issues modifying Meadow Glen's lease/renewal terms to read the same as Ashburne Glen's contract.

Place 4 Hunt made a motion that Council approves the proposed HOA Agreement with Meadow Glen to be effective April 01, 2011; amending the lease/renewal term on the agreement to read the same as the HOA Agreement of Ashburne Glen.

Mayor Pro-Tem Leverentz seconded the motion.

Mayor Vansyckle asked for a record vote by announcement of "Aye" or "Nay" from Council.

Place 3 Wade voted in opposition.

VOTE: The motion carried 4-1.

ITEM 3. Discussion/Action – Consider a proposed ordinance of the City of Ovilla appointing Dana Huffman as a Substitute Judge of the Municipal Court of Record, effective February 28, 2011.

In the event of Judge Kurth's absence or inability to serve, a substitute judge was recommended by Judge Kurth. Ms Dana Huffman works with Judge Kurth. Place 5 Wade stated he would have preferred to view a background on Ms Huffman and questioned why there was not an agenda item for a substitute prosecutor as well. Mayor Vansyckle replied that he was going with Judge Kurth's recommendation and that Ovilla would continue their status as a Court of Record with the substitute judge.

Place 2 Dickey made a motion that Council approves the proposed ordinance appointing a substitute judge of the Municipal Court of Record and further determined that Dana Huffman is duly qualified and appointed to serve as substitute judge for the City of Ovilla.

Place 5 Dormier seconded the motion.

Mayor Vansyckle asked for a record vote by announcement of "Aye" or "Nay" from Council.

Place 3 Wade voted in opposition.

VOTE: The motion carried 4-1.

ITEM 4. Discussion Only – Discuss and review road rehabilitation reports, updates, projects, and consider the purchase of street equipment.

Mayor Pro-Tem shared the Capital Improvement Projects (CIP's) role in listing future road plans. Mayor Vansyckle stated there was no street equipment purchase documents ready for discussion at this time. City Administrator gave an update of the Shiloh Bridge project and that it was looking good. Additionally, various street equipment demos were "in the works" for review. If equipment were purchased, it would allow Ovilla's maintenance crews to perform some street repairs instead of relying on Ellis County.

THERE WAS NO ACTION. DISCUSSION ONLY.

ITEM 5. Discussion Only – Discussion and consideration for the use of excess funds identified in the FY2009-2010 Audit.

The FY2009-2010 Audit identified \$292,285 of undesignated funds. Mayor Pro-Tem Leverentz made suggestions to Council for positive ways to spend some of the funds: Pay off or pay down the balance owed to Ellis County for street repair and maintenance, including Red Oak Creek Road and pay off the balance on the police car. Mayor Vansyckle mentioned the purchase of road/street maintenance equipment. City Administrator asked Council to examine the allocation of debt - the possibility of refunding bonds and the issuance of new debt. The City Accountant suggested a 2% merit raise for employees and purchasing audio/visual equipment capabilities for use in the Council Chamber room. Chief Moon reminded Council of the rising cost of fuel. Place 5 Dormier noted Cockrell Hill would soon need resurfacing and that he would like to see actual backup documentation for each noted suggestion at the next Council meeting.

THERE WAS NO ACTION. DISCUSSION ONLY.

ITEM 6. Discussion/Action – Consider approval to accept a recommendation from the City Administrator to offer conditional employment to fill the position of Public Works Director.

The City Administrator advised Council that he had reviewed approximately 15 qualified applicants and interviewed 3. Many applicants required a larger salary than offered and only a few had the necessary licenses required for the position. The new director would assume the duties of the Storm Water Management Plan.

Mayor Vansyckle called an Executive Session at 8:11 P.M., pursuant to authorization by Texas Government Code, 551.074 (personnel matters), with the City Administrator and City Secretary also attending.

Mayor Vansyckle, Council, the City Administrator and City Secretary reconvened to Open Session at 8:32 P.M.

No Action was taken during the Executive Session.

Place 4 Hunt made a motion that Council accept the recommendation from the City Administrator to offer conditional employment to Brad Piland for the position of Public Works Director.

Mayor Pro-Tem Leverentz seconded the motion.

Mayor Vansyckle asked for a record vote by announcement of "Aye" or "Nay" from Council. All announced Aye. No oppositions, no abstentions.

VOTE: The motion carried 5-0.

Council's Request for Consideration of Future Agenda Items

Place 5, Dormier: None.
Place 4, Hunt: None.
Place 3, Wade: View a TML ordinance pertaining to the use of golf carts.
Mayor: Continue discussion on roads, equipment and excess funds.
Place 2, Dickey: None.
Mayor Pro-Tem Leverentz: None.

Adjournment

Place 3 Wade made a motion to adjourn the meeting of February 28, 2011; at 8:40 P.M. Mayor Pro-Tem Leverentz seconded the motion.

VOTE: The motion carried unanimously.

Bill Vansyckle, Mayor

ATTEST:

Pam Woodall Higgins, City Secretary

Approved: March 14, 2011