

CITY OF OVILLA MINUTES
Monday, 09 November 2009
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
Michael Dickey
Jo Ann Graham
Doug Hunt
James Wade

Mayor
Council Member, Place 2
Council Member, Place 3
Council Member, Place 4
Council Member, Place 5

Absent: Tom Leverentz

Mayor Pro-Tem, Place 1

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

Council Member Graham gave the Invocation.

Council Member Hunt led the Pledge of Allegiance.

COMMENTS, PRESENTATIONS, REPORTS, AND APPOINTMENTS:

▪ **Citizen Comments**

- Mr. Bo Tennison stated that he wanted to speak but would wait for Council to address Agenda Item 5.

DEPARTMENTAL REPORTS:

▪ **Fire Department**

Chief Donnie Pickard

- o The scheduled start-up date for the Midlothian, Red Oak & Ovilla shared dispatch is December 01, 2009.
- o The unofficial results of the elections regarding the ESD #2 & ESD #4 both failed with an approximate 11% turnout.
- o The scheduled date for the 2009 Fire Department Award Banquet is December 01, 2009.

▪ **Public Works**

Director Jason Robinson

- o Discussed potholes and repairs to various areas of the city. Mr. Robinson made note that Ovilla Oaks needed road repair work.
- o Informed Council that the completion of Cockrell Hill Road overlay was still unknown but hoped it would be soon.

▪ **Finance**

City Accountant Sharon Jungman

- o Presented Council a brief review of the Municipal Court Report.

▪ **Administration**

City Administrator Randy Whiteman

- o Informed Council that staff was still waiting on a response from Kimley-Horn for the completion of the Comprehensive Land Use Plan.

PUBLIC HEARINGS:

None

CONSENT ITEMS:

- Financial Transactions during October 2009
- Quarterly Investment Report

Council Member Graham made a motion that Council approve the consent items as presented. Council Member Dickey seconded the motion.

VOTE: The motion carried unanimously.

INDIVIDUAL CONSIDERATION:

Discussion/Action – Consider nominations and possible appointments for members to the Municipal Development District (MDD) Board.

With the passing of the Special Election (Official Canvass would occur during a Special meeting on November 12, 2009), the governing body discussed possible appointments to the new MDD Board.

Mayor Vansyckle suggested a membership list and Council agreed.

- | | |
|---------------------------|-----------------|
| • Mayor Pro-Tem Leverentz | 1 yr membership |
| • Council Member Dickey | 1 yr membership |
| • Mr. Charlie Daniels | 2 yr membership |
| • Mr. Lynn Shortnacy | 2 yr membership |

Council Member Hunt made a motion that Council appoints the recommended individuals as members to the MDD Board with the designated terms. Council Member Graham seconded the motion.

VOTE: The motion carried unanimously.

Discussion/Action – Consider authorization for an application for a municipal debit card with the City's depository, Prosperity Bank.

City Administrator explained that the city's commercial credit account was no longer going to be operative as the company (Home Depot MasterCard) was cancelling all commercial accounts. A new credit card application was pending for a State Procurement Card. A debit card from the city's depository account would serve as an alternative method for emergency purchases and/or training. Prosperity Bank representatives advised Ms Jungman that a resolution was not necessary and that a copy of the approved minutes would suffice for the issuance of the debit card.

Council Member Graham voiced concerns regarding controls, safety, and use of the cards by certain employees/departments and would not recommend a debit card without more defined controls. Council Member Wade stated he had no issues with the debit cards as Mr. Whiteman explained the use of the cards would be for emergency purchases and or training needs only and that internal controls and limitations with each department head would be established.

Council Member Dickey made a motion that Council authorize the City Administrator to complete an application process for a debit card from Prosperity Bank. Council Member Wade seconded the motion.

Council Members Graham and Hunt voted in opposition.
Mayor Vansyckle broke the tie by voting in favor of the debit card.
VOTE: The motion passed, three in favor, two in opposition.

Discussion/Action – Consider a proposed resolution of votes cast to elect director(s) for the Ellis County Appraisal District for the Years 2010-2011.

Each taxing unit of Ellis County has voting entitlements on the Ellis Appraisal District Board of Directors. The governing body determined its vote by resolution.

Council Member Graham made a motion that Council approve a resolution for votes cast (all 37 votes) to elect Mr. Phil Lynch as a director for the Ellis Appraisal District Board for the years 2010-2011. Council Member Hunt seconded the motion.

VOTE: The motion carried unanimously.

Discussion/Action – Consider a proposed resolution of the City of Ovilla, casting its vote for the fourth member of the Board of Directors of the Dallas Central Appraisal District for the Years 2010-2011.

Council Member Graham made a motion that Council approve a resolution casting its vote for the fourth member of the Board of Directors to be Mr. Michael Hurtt of the Dallas Central Appraisal District for the years 2010-2011. Council Member Hunt seconded the motion.

VOTE: The motion carried unanimously.

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

Council Member Hunt requested this item for discussion. Council Member Hunt had provided this information to Council on several occasions, expressing concerns of what he believed were code violations at the Ovilla Auto. Council Member Hunt voiced desire to improve the city's appearance – clean up the eyesore at Ovilla Auto.

Mayor Vansyckle allowed Mr. Tennison to speak:

Mr. Tennison stated he was the owner of Ovilla Auto, which had been in Ovilla many years. He advised Council that Council Member Hunt's complaints were not warranted and that he was conducting the same business practices as always at his establishment. He added that the type of work carried out at Ovilla Auto had not changed – not even with the previous owner many years ago. He explained his need to store vehicles, some not operable because they were disassembled for parts. Council Member Graham stated she understood his need and was appreciative of his successful business (and wished for it to remain successful) but that there had be a compromise with the business owner (Mr. Tennison) and Council to clean up the area. Mr. Tennison asked for direction and was open to suggestions but was unable to part with or make any immediate changes with what he currently had at his place of business. Council questioned his true offer of compromise and addressed parking on 664 (state right-of-way) as well as storing the vehicles out of sight.

Council Member Dickey summarized several concerns:

1. Parking violations on 664– refer to TXDot to handle that problem.
2. Junked vehicles not only posed a fire hazard but invited vandalism.

3. Regarding the code violations: check with our legal counsel pertaining to those that could possibly be listed under a grandfather clause.

Council Member Graham wanted resolve that provided a winning situation for both sides.

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-

Consider Action on Item.

TABLED ITEM FROM October 26, 2009

Discussion/Action – Consider a proposed Ordinance and recommendation from the Planning & Zoning Commission regarding property development on the installation and use of wind energy systems within the City of Ovilla.

Consider motion to remove item from table-

Consider Action on Item.

Consider motion to remove item from table-

Council Member Graham made a motion to remove the tabled item from the October 26, 2009 meeting regarding wind energy systems. Council Member Dickey seconded the motion.

Consider Action on Item.

Discussion/Action – Consider a proposed Ordinance and recommendation from the Planning & Zoning Commission regarding property development on the installation and use of wind energy systems within the City of Ovilla.

Mr. Whiteman explained that due to the upcoming expiration of the 90-day moratorium, the city needed to have an ordinance in place. Council Member Wade stated he was not satisfied with the ordinance. Mr. Whiteman explained the need for preparedness in the event an application was requested. Council Member Graham agreed with Council Member Wade that she, too, was not comfortable with the ordinance as it was written and felt it required some modification. Mayor Vansyckle disagreed and noted that he was pleased with the ordinance as it was written. Additionally, Mayor Vansyckle stated it needed to be approved before the moratorium expired. Council could always review the ordinance again and make amendments but that Ovilla needed one in place now.

Mayor Vansyckle asked for a motion...there was none.

Mayor Vansyckle made a motion that Council approve the ordinance regarding property development on the installation and use of wind energy systems within the City of Ovilla as presented. Council Member Dickey seconded the motion.

Mayor Vansyckle asked for a record vote:

Council Member Wade voted in opposition

Council Member Hunt voted in opposition

Council Member Graham voted in favor. (Reluctantly)

Council Member Dickey voted in favor.

Mayor Vansyckle broke the tie by voting in favor for approval of the ordinance.

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

EXECUTIVE SESSION

N/A

Council's Request for Consideration of Future Agenda Items

Place 5, Wade:	None
Place 4, Hunt:	Cost of complete plat books
Place 3, Graham:	Review current alarm system and revision of false alarms Make better use of the CTY system Status of excess vehicles
Mayor:	Amend Ordinance 07-014 – Regulation of Signs Continue discussion on Wind Energy Systems Council Policy
Place 2, Dickey	None

Adjournment

Council Member Wade made a motion to adjourn the meeting of November 09, 2009, at 9:00 PM. Council Member Hunt seconded the motion.

VOTE: The motion carried unanimously.

ATTEST:

Pamela Higgins, City Secretary

Bill Vansyckle, Mayor

***APPROVED:
11 January 2010***

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

*Doug Hunt, Place Four
Jo Ann Graham, Place Three
James Wade, Place Five*