

CITY OF OVILLA MINUTES
Monday 26 April 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
Jo Ann Graham	Council Member, Place 3
Doug Hunt	Council Member, Place 4
James Wade	Council Member, Place 5

All members were present, thus constituting a quorum.

City Administrator Randy Whiteman, City Attorney Matthew Wallis, and various department-head staff members were also present.

Council Member Graham gave the invocation.

Council Member Dickey led the Pledge of Allegiance.

Comments, Presentations and Reports and Appointments

• **Citizen Comments**

1. Mr. Ed Wilson asked Council to consider safety changes (striping road) to a dangerous curve coming out of his neighborhood in Brookwood.
2. Ms Juanita Porter asked for Council and code enforcement consideration regarding noise and dust created by motorcycles and 4-wheelers in her Brookwood neighborhood.
3. Mr. Phil Lynch, Chair of the Ellis County Appraisal District briefed Council on recent city appraisals.
4. Ms Jimmie Wade – said she wanted to address Council during Item 6.

DEPARTMENTAL REPORTS:

▪ Finance Department	Accountant Sharon Jungman
o Monthly Financials	
o Reserve Fund Balance	

Council Member Hunt asked Ms Jungman to amend the format presentation of the reports.

▪ Administration	CA Randy Whiteman
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CA Whiteman and Council discussed road issues and mid-year budget plans.

CONSENT ITEMS:

- Minutes of the Regular Council Meeting of March 22, 2010
- Quarterly Investment Report.

Mayor Pro-Tem Leverentz made a motion to approve the consent items as presented. Council Member Hunt seconded the motion.

VOTE: The motion carried unanimously.

INDIVIDUAL CONSIDERATION:

(Item 7 was pulled from the agenda and addressed first)

ITEM 7. **Discussion/Action** – Consider an ordinance amending Chapter 7, “Offenses and Nuisances” of the City of Ovilla, Texas, Code of Ordinances as amended, to add a new Section 8.00, “Unauthorized use of city name, seal, logo, slogan and other insignia within the city.”

Mayor Vansyckle pulled Item 7 from the order of the agenda to address first. At the request of Council Member Wade, City Attorney Matthew Wallis defined the need for this ordinance in stating that the ordinance protects the city's interest at the direction of the Council and prevents other affiliations. Council Member Wade argued that the ordinance violated the First Amendment. Mr. Wallis noted that an ordinance as this was not uncommon for cities.

Council Member Dickey made a motion that Council approve an ordinance amending Chapter 7, to add a new Section 8, Unauthorized use of city name, seal, logo, slogan and other insignia within the city. Council Member Graham seconded the motion.

Council Member Wade voted in opposition.

VOTE: *The motion carried 4 in favor, 1 opposed.*

(Mayor Vansyckle referred back to Item 1)

ITEM 1. **Discussion/Action** – Consider a resolution of the City Council of the City of Ovilla, TX, establishing a city policy to allow the City to consider the applications of Banks, Credit Unions, or Savings Associations not doing business within the Ovilla in awarding a city depository services contract for city funds.

Under the advice of City Attorney Matthew Wallis, a resolution was necessary to establish a policy allowing the city to seek and contract with an out of town bank, credit union or savings association for contractual services of a depository banking institution. Council Member Wade questioned the correctness of certain wording in the presented resolution. Ovilla does not currently have a bank in the city limits.

Council Member Graham made a motion that the City Council approve a resolution establishing a city policy to allow the City to consider the applications of banks, credit unions, or savings associations not doing business within Ovilla in awarding a city depository services contract for city funds. Mayor Pro-Tem Leverentz seconded the motion.

VOTE: *The motion carried unanimously.*

ITEM 2. **Discussion/Action** – Consider staff recommendation and assessment of the received RFP (Request for Proposals) for the city's depository banking institution and consider an ordinance amending Section 4.00 City Depository of Chapter 1, General Provisions, Ovilla City Code.

City staff had solicited and received proposals for the city depository. (The current depository was scheduled to expire May 30, 2010) Council Member Wade noted a scrivener's error in Section 4.00 of the ordinance. City Attorney Matthew Wallis stated it would be corrected.

Council Member Hunt made a motion that Council select and approve an ordinance amending Section 4.00, city depository of Chapter 1, General Provisions, Ovilla City Code, and designate

Prosperity Bank as the official depository of the City of Ovilla for a contractual term of 3-years with two, 1-year extension options – as amended in Section 4.

Mayor Pro-Tem Leverentz seconded the motion.

VOTE: The motion carried unanimously.

ITEM 3. Discussion/Action – Consider a resolution designating authorized signatures for the Municipal Development District Account at Prosperity Bank.

Authorized signatures would be the same as on all city bank accounts.

Council Member Hunt made a motion that Council approve a resolution designating authorized signatures for the Municipal Development District Account at Prosperity Bank.

Council Member Dickey seconded the motion.

Council Member Wade voted in opposition.

VOTE: The motion carried 4 in favor, 1 opposed.

ITEM 4. Discussion/Action – Receive nominations and consider appointment of a fifth member to the Municipal Development District (MDD) Board.

Following the Special Election in November 2009 of the MDD, four members were appointed to the Board. Mayor Vansyckle recommended adding a fifth member from the governing body to serve a one-year term on the board and asked for nominations. Council Member Wade disagreed with the appointment of an additional Council member and recommended that the nominations and appointment be selected from interested Ovilla residents.

Mayor Pro-Tem Leverentz made a motion that Council appoint Mayor Vansyckle as the fifth member to the Municipal Development District Board of Directors to serve a one-year term.

Council Member Graham seconded the motion.

Council Member Wade voted in opposition.

VOTE: The motion carried 4 in favor, 1 opposed.

ITEM 5. Discussion/Action – Consider and discuss proposed changes and updates to the Comprehensive Zoning Ordinance and direct staff to forward to the Planning & Zoning Commission for review and recommendation, initiating the legal requirements for adoption.

City Administrator Randy Whiteman explained that the current Comprehensive Zoning Ordinance that was adopted in February 2007 had many scrivener's errors and page flaws. City Attorney Matthew Wallis had reviewed and compiled the entire ordinance to give staff a good, working document.

Council Member Dickey made a motion that Council direct staff to proceed with the legal notices and requirements and forward the Comprehensive Zoning Ordinance to the Planning & Zoning Commission for review and recommendation.

Council Member Graham seconded the motion.

VOTE: The motion carried unanimously.

ITEM 6. Discussion/Action – Consider proposed amendments to Chapter 12, Exhibit A of the City Code, the Ovilla Comprehensive Zoning Ordinance, specifically amending Table 11.A—Permitted Use Table by adding the permitted use of single family detached dwelling in the CR Non-Residential zoning district, amending Section 19 MF Residential zoning district to permit the uses allowed in

and development standards of the R-E Single Family Residential zoning district, and amending Section 23 I Industrial zoning district to permit the uses allowed in and development standards of the CG Non-Residential zoning district and refer to the Planning and Zoning Commission for review and recommendation.

City Administrator Randy Whiteman stated that the ordinances would lay the ground work for Ovilla's rezoned areas regarding industrial and multi-family, including removing the non-conforming status from residences in the commercial restricted zoned district. City Attorney Matthew Wallis distributed three ordinances for Council review. Additionally, a petition was shared with Council emphasizing citizen appeal regarding the non-conforming status in the commercial zoned restricted district.

Ms Jimmie Wade gave her opinion regarding the "unnecessary changes" but was pleased for those living in the commercial zoned restricted district.

Mayor Pro-Tem Leverentz made a motion that Council direct staff to proceed with the proposed amendments/ordinances, initiating the legal requirements and forward the ordinances to the Planning & Zoning Commission for review and recommendation.

Council Member Graham seconded the motion.

VOTE: The motion carried unanimously.

ITEM 7. ITEM 7 WAS ALREADY ADDRESSED AT THE BEGINNING OF INDIVIDUAL ITEMS.

Mayor Vansyckle called a break at 8:45 P.M.

The Council reconvened at 9:00 P.M.

Mayor Vansyckle reopened Item 4:

ITEM 4. Discussion/Action – Receive nominations and consider appointment of a fifth member to the Municipal Development District (MDD) Board.

During the break, questions emerged that nominations should have also been opened to Ovilla residents as well as the governing body for a fifth member to the MDD Board.

Council Member Graham made a motion to reopen the consideration of nominations as a fifth member to the MDD Board.

Council Member Hunt seconded the motion.

Council Member Dickey nominated Mayor Vansyckle

Council Member Wade nominated Richard Dormier.

Council Member Wade also nominated Charlie Morton.

Council voted: Richard Dormier received 1 vote
 Charlie Morton received 0 votes
 Mayor Vansyckle received 4 votes

Council Member Dickey made a motion that Council appoint Mayor Vansyckle as the fifth member to the Municipal Development District Board of Directors to serve a one-year term.

Council Member Graham seconded the motion.

Council Member Wade voted in opposition.

VOTE: The motion carried 4 in favor, 1 opposed.

ITEM 8. Discussion Only – Review the needs assessment for additional staffing for a part-time secretary position to the Administration office.

Staff prepared a new job description and needs assessment for part-time administrative assistant/receptionist/clerk during the time that the Court Clerk would be out on maternity leave. This position would continue part-time status after the return of the Court Clerk. Full-time and part-time hourly wage comparisons were included for discussion. Council agreed for the need of the added position, but were not sure the budget could afford another employee.

DISCUSSION ONLY, NO MOTION.

ITEM 9. Discussion Only – Discuss and review road rehabilitation report updates and projects.

Council agreed to keep this discussion item on the agenda until they were able to achieve the financial feasibility to repair all the damaged roads. A priority list with cost estimates was distributed, however, staff was still working to update that list. Mayor Pro-Tem Leverentz questioned that the proposed cost (from the list) also needed to list the repair of Ovilla Oaks. Shiloh Bridge erosion was also discussed.

DISCUSSION ONLY, NO MOTION.

Council's Request for Consideration of Future Agenda Items

Council Member Wade: 1) Roads
2) Core Historic District.

Council Member Hunt: Continue discussion on the roads.

Mayor Vansyckle: 1) Schedule a mid-year budget workshop for May 12 and 19.
2) Blue Star Mother's Memorial, scheduled for May 15, 10:00 A.M.
3) Clean-up day is rescheduled for May 22.

Council Member Graham: Continue discussion on the roads.

Council Member Dickey: None

Mayor Pro-Tem Leverentz: None

Adjournment

Council Member Wade made a motion to adjourn the meeting of April 26, 2010, at 9:30 PM. Council Member Hunt seconded the motion.

VOTE: The motion carried unanimously.

Bill Vansyckle, Mayor

ATTEST:

Pamela Higgins, City Secretary

*Approved:
May 24, 2010*