

CITY OF OVILLA MINUTES

Monday, May 11, 2015

City Council Briefing Session

105 S. Cockrell Hill Road, Ovilla, TX 75154

Mayor Dormier called the Council Briefing Session of the Ovilla City Council to order at 6:03 P.M. The following City Council Members were present:

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| Rachel Huber | Council Member, Place 1 |
| Larry Stevenson | Council Member, Place 2 |
| David Griffin | Mayor Pro Tem, Place 3 |
| Doug Hunt | Council Member, Place 4 |

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| Absent: Dean Oberg | Council Member, Place 5 |
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Mayor Dormier announced present Council members, thus constituting a quorum. Various department-heads and staff were also present. Staff presented Council with future agenda items and pending items still under staff review.

CONDUCT A BRIEFING SESSION to review and discuss future agenda items.

- a. "Music in the Park" event & flyer planned by the Parks Board and staff to occur June 06
- b. Revisions to Code of Ordinances (Sefko - developing a work plan)
- c. Advised results of ESD #4 Election results - Interim CA MS Lee advised that the tax increase for the ESD #4 passed: FOR 603 / AGAINST 33.
- d. An Ordinance amending the Fiscal Year 2014-2015 Annual budget annual program of services, in accordance with the mid-year budget review and amendment as part of the formal budget process, providing for publication of this ordinance and providing an effective dates. Staff is still evaluating current sewer rates. A reminder was shared that staff received a Settlement Invoice over \$20,000 from Trinity River Authority.

PENDING AGENDA Items still under staff review

- a. Ordinance implementing a 50/50 sidewalk maintenance program – Still under review
- b. Ordinance 2015-xxx for the regulation of dumpsters - Legal counsel is working on this.
- c. Parking of trucks (one-ton flatbed) on residential streets.

CONDUCT A BRIEFING SESSION to review and discuss agenda items for the 6:30 p.m. regular meeting.

Mayor Dormier and Council reviewed items listed on the 6:30 p.m. agenda that included a Public Hearing and Regular Meeting agenda items.

Regarding the two items from the Consent Items on the Agenda, Council shared a few suggestions:

C1 – March 2015 Financial Transactions – asked for energy contract information

C4 – Council expects dates of implementation regarding responses/changes resulting from Yeldell Management Letter.

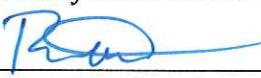
ADJOURNMENT

Mayor Dormier adjourned the Briefing Session of the Ovilla City Council at 6:24 p.m.

ATTEST:


Pamela Woodall, City Secretary




Richard Dormier, Mayor

Approved June 08, 2015

CITY OF OVILLA MINUTES

Monday, May 11, 2015

Regular City Council Meeting

105 S. Cockrell Hill Road, Ovilla, TX 75154

Mayor Dormier called the Regular Council Meeting of the Ovilla City Council to order at 6:31 P.M. The following City Council Members were present:

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| Rachel Huber | Council Member, Place 1 |
| Larry Stevenson | Council Member, Place 2 |
| David Griffin | Mayor Pro Tem, Place 3 |
| Doug Hunt | Council Member, Place 4 |
| Dean Oberg | Council Member, Place 5 (arrived at 7:00 p.m.) |

Mayor Dormier announced present Council members, thus constituting a quorum. Interim City Administrator Jacqueline Lee, various department directors and staff were also present.

Brian Treadaway, Vertical Church was unable to attend, therefore, Mayor Pro Tem Griffin gave the Invocation and Mayor Dormier led the recitation of the Pledge of Allegiance.

COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS

Mayor Dormier read aloud and presented two Proclamations:

1. Motorcycle Awareness – Photos were taken outside with motorcyclists
2. Police Office Memorial Week – Photo taken inside with Chief Moon

• *Citizens Comments / Citizens Forum:*

1. Mr. Jeff Thaxton – Building a home in Ovilla and voiced concerns with Ovilla's Building Code; asked Council to allow him to apply for a variance for a front facing garage.
2. MS Jimmie Wade – 606 Creek View Circle: spoke on various topics.
3. MS Barbara Betik – Signed up to speak on Item 3.

• *Department Activity Reports / Discussion* – staff presented their reports.

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|--|---|
| • Police Department | Police Chief M. Moon |
| • Monthly Report | |
| • Chief Moon requested to lower the flags on May 15 in honor of Police Officer Week. | |
| • Fire Department | Fire Marshal Kevin Lindsey |
| • Monthly Report | |
| • Public Works | Public Works Director B. Piland |
| • Monthly Report | |
| • Grateful for Progressive Waste Solution's assistance on Clean-Up Day. | |
| • Finance Department | City Accountant L. Harding |
| • February 2015 Monthly Financials | |
| • Administration | Interim CA MS Lee |
| • Activity Report | |
| • Chief Moon submitted his resignation from the Police Department. | |
| • Monthly Municipal Court Report | City Secretary P. Woodall |
| • Monthly Code/Animal Control Reports | Code/AC Officer M. Dooly was unable to attend due to illness. |

Council asked that staff begin sharing the monthly permits report, beginning the next meeting.

CONSENT AGENDA

The following items may be acted upon in one motion. No separate discussion or action is necessary unless requested by a Council Member, in which event those items will be pulled from the consent agenda for individual consideration.

- C1. March 2015 Financial Transactions over \$5,000
- C2. Committed Fund Balance
- C3. Quarterly Investment Report
- C4. Staff responses to Management Letter from Yeldell
- C5. Consideration of and action on Resolution R2015-010 of the City of Ovilla, Texas, adopting the Storm Water Management Plan 2014-2019.
- C6. Consider ERCOT Election of Unaffiliated Director and Bylaws Amendment
- C7. Minutes of the April 17, 20 and 29 Special Meetings
- C8. Minutes of the April 13, 2015 Briefing Session and Regular City Council Meeting

Council asked that staff return with implementation dates regarding Consent Item C4.

PL2 Stevenson moved that Council approve the Consent Items as presented, seconded by PL4 Hunt. *No oppositions, no abstentions.*

VOTE: The motion to approve carried unanimously: 4-0.

(Place 5 Oberg arrived following the motion.)

PUBLIC HEARING AND CONSIDERATION

Mayor Dormier read aloud: In accordance with the laws of the State of Texas, the City Council of the City of Ovilla conducts public hearings to receive public testimony and comments from all interested persons and parties of the properties described and announced Case PZ15.003.

- 1. Case No. PZ15.03. **Receive** presentation and citizen comments on a request by Mr. Robert Hill to replat his property at Tanglewood Hollow, Phase 2, approximately 6.968 acres, replatting to 6 individual residential lots 18A, 18B, 18C, 18D, 18E, 18F, ranging from 1.147 – 1.186 acres, in the City of Ovilla, Extraterritorial Jurisdiction (ETJ).
 - a. **Presentation** of Request for replat, Mr. Robert Hill. Applicant, Robert Hill, 104 Kimberly, Palmer, Texas: Advised that he wished to subdivide his property with intent to build custom homes.
 - b. **PUBLIC HEARING** to receive comments from the public regarding the request. **Mayor Dormier opened the Public Hearing at 7:04 p.m.**
 - *Those speaking in support of the request: None*
 - *Those speaking in opposition of the request: None***Mayor Dormier closed the Public Hearing at 7:05 p.m.**
 - c. **DISCUSSION/ACTION** – Case No. PZ15-03. Receive recommendation from the Planning and Zoning Commission regarding the request from Mr. Robert Hill on his property of approximately 6.968 acres to replat to 6 individual residential lots 18A, 18B, 18C, 18D, 18E, 18F, ranging from approximately 1.147 – 1.186 acres, located in Tanglewood Hollow, Phase 2, in the City of Ovilla, Extraterritorial Jurisdiction (ETJ) and consider approval of the replat request.

Public Works Director Brad Piland advised the Council that the replat request was in Ovilla's ETJ, therefore, staff was working with the County on this request and once approved by Council, the replat application would be forwarded to the County for their consideration. Piland reported that the replatting had met

Ovilla's requirements and would need to meet the replatting requirements of the County also; grading plan, fire hydrants, etc. Sardis Lone Elm would provide water service.

PL2 Stevenson moved that Council accept the P&Z Commission's recommendation and approve the replat request filed by Mr. Robert Hill to replat his property at Tanglewood Hollow, Phase 2, being approximately 6.968 acres, replatting to 6 individual residential lots: 18A, 18B, 18C, 18D, 18E, 18F, ranging from 1.147-1.186 acres in the City of Ovilla, Extraterritorial Jurisdiction (ETJ) and direct staff to forward City approval to Ellis County, seconded by PL1 Huber. *No oppositions, no abstentions.*

VOTE: The motion to approve carried unanimously: 5-0.

REGULAR AGENDA

2. ***DISCUSSION/ACTION*** - Case No. PZ15.004 ***Receive*** recommendation report from the Planning and Zoning Commission for the MISD Site Plan and consider approval of same.

February 2015, Council approved the MISD Annexation and rezoning of a 13.998 acre tract generally located north of Shiloh Road and west of Bryson Lane to build an elementary school. Section 26 of the Code sets forth site plan requirements. The Site Plan provided shows the MISD building presently proposed for construction. Documents were reviewed by both the Interim City Administrator and Public Works Director. All buildings, facilities, and improvements would still have to go through the review and construction process individually to ensure proper and accurate engineering requirements. Public Works Director Brad Piland advised that all site plan requirements had been met.

The Planning and Zoning Commission reviewed the Site Plan during their regular meeting, Monday, May 04. The Commission forwarded recommendation for approval by Council.

PL2 Stevenson moved that Council approve the MISD Site Plan as presented, seconded by PL4 Hunt. *No oppositions, no abstentions.*

VOTE: The motion to approve carried unanimously: 5-0.

3. ***DISCUSSION/ACTION – Consideration*** of and action on Ordinance 2015-011 providing for the amendment to the Zoning Ordinance of the City of Ovilla, Texas, that being Ordinance 2010-013, as heretofore amended, approving a Planned Development District being approximately 130.043 acres of land, consisting of 3 tracts of land situated in the Samuel Clark Survey and each being part of a 107.8110 acre tract recorded in volume 2115, page 2065 of the deed records of Ellis County, and 2 tracts of land situated in the E. W. Banton Survey, Abstract 5 and both being part of a 22.232 acre tract of land described in volume 2335, page 1106 of the deed records of Ellis County; providing for regulations applicable to the Planned Development District; providing for an amendment of the official zoning map of the City of Ovilla to reflect the Planned Development District as ***Ovilla Town Center - PD1***; providing for penalties; providing a savings clause; providing a severability clause; providing for publication and providing an effective date.

Mayor Dormier acknowledged and allowed an Ovilla resident that signed up to speak on this item: MS Barbara Betik, 601 Buckboard Trail voiced concerns on the Planned Development (PD), specifically the Senior Community and asked for Council's consideration to deny any further progression with the PD.

Mayor Dormier acknowledged the developer, Mr. Hargrove and asked him to clarify various questions from Council:

- Size of the clubhouse is unknown at this phase of the project.
- Age 55 and older – owner occupant **only** is listed in the ordinance and will be presented in the developer's agreement and deed restrictions.
- Exercise facility is expected to be at least 3,000 sq. ft.

PL4 Hunt moved that Council approve Ordinance 2015-011 providing for the amendment to the Zoning Ordinance of the City of Ovilla, Texas, that being Ordinance 2010-013, as heretofore amended, approving a Planned Development District being approximately 130.043 acres of land, consisting of 3 tracts of land situated in the Samuel Clark Survey and each being part of a 107.8110 acre tract recorded in volume 2115, page 2065 of the deed records of Ellis County, and 2 tracts of land situated in the E. W. Banton Survey, Abstract 5 and both being part of a 22.232 acre tract of land described in volume 2335, page 1106 of the deed records of Ellis County; providing for regulations applicable to the Planned Development District; providing for an amendment of the official zoning map of the City of Ovilla to reflect the Planned Development District as **Ovilla Town Center - PD1**; providing for penalties; providing a savings clause, providing a severability clause; providing for publication and providing an effective date, seconded by PL5 Oberg. *PL2 Stevenson opposed, no abstentions.*

VOTE: The motion to approve carried: 4-1.

4. DISCUSSION/ACTION – Consideration of and action for approval of a proposed Budget Calendar for FY2015-2016 budget preparations.

To assure staff and Council meet target dates in compliance with Truth-N-Taxation for the creation of the budget and the tax rate, staff prepared a proposed FY2015-2016 Budget Calendar for consideration. Council made a few revisions based on inability to attend certain proposed meeting dates.

PL2 Stevenson moved that Council approve the proposed Budget calendar for FY2015-16 budget preparations with the noted revisions, seconded by PL5 Oberg. *No oppositions, no abstentions.*

VOTE: The motion to approve carried unanimously: 5-0.

5. DISCUSSION/ACTION – Consideration of and action on volunteer board appointments and/or reappointments to the Board of Adjustment and direct staff as necessary.

The Ovilla Code of Ordinance states that Council review an annual report and consider appointments/reappointments to the Board of Adjustment on an annual basis. Staff presented the annual report and advised Council of expiring terms.

During the Fiscal Year 2013-2014, **12** appeals were submitted to the Board of Adjustment for consideration.

Special Exceptions: 4

Fence; Building Line: **2 - Approved**

Fence; Material: **1 - Approved**

Fence; Post/Rails outside: **1 - Approved**

Variances: 8

Accessory Building; Size: **2 - 1 Denied 1 Approved**

Accessory Building; Material: **3 - Denied**

Accessory Building; Front-facing Doors: **1 - Approved**

Accessory Building; Detached Car Port: **1 - Denied**

Front Facing Garage: **1 - Denied**

Compared to **10** total appeals to the BOA during FY2012-2013

FY2014-2015 year-to-date – **6** appeals have been filed

The Board of Adjustment consists of a five-member board and two alternates. Each member and alternate member shall be appointed by the City Council for a two-year term. Current terms expiring in July are:

Patricia Rarick, PL1 – Did not desire reappointment

Barbara Betik, PL3 – Desired reappointment

Richard Ware, PL5 – Desired reappointment

Carol Richtsmeier (Alternate), PL 7 – Desired reappointment to a permanent position on the board.

This presented an open seat on the board. Staff shared one interested volunteer applicant, MS Sandy Cawley, that voiced desire to serve.

Mayor Pro Tem Griffin moved to appoint MS Carol Richtsmeier to PL1 on the BOA and reappoint the following to their current places: MS Barbara Betik, PL3 and Mr. Richard Ware to PL5. – There was no second. Motion failed.

Mayor Pro Tem Griffin again moved to appoint MS Carol Richtsmeier to PL1 on the BOA and reappoint the following to their current places: MS Barbara Betik, PL3 and Mr. Richard Ware to PL5, and appoint MS Sandy Cawley to the vacant alternate position of PL7, seconded by PL2 Stevenson.

No oppositions, no abstentions.

VOTE: The motion to approve carried unanimously: 5-0.

6. DISCUSSION/ACTION – Consideration of and action on volunteer board appointments and/or reappointments to the Planning and Zoning Commission and direct staff as necessary.

The Planning & Zoning Commission consists of a seven-member volunteer board. Each member shall be appointed by the City Council for a two-year term. Current terms expiring are:

Darrell Jungman, PL1 (Desires reappointment to serve another term)

Carol Lynch, PL3 Desires reappointment to serve another term)

Greg Pearcy, PL5 (Does not desire another term)

Bill Zimmermann, PL7 (Desires reappointment to serve another term)

This left one vacancy on the P&Z Commission. One applicant checked desires to serve on various Boards. Council directed staff to solicit for volunteer board applications.

Mayor Pro Tem Griffin moved that Council reappoint Darrell Jungman to PL1, Carol Lynch to PL3 and Bill Zimmermann to PL7, each to serve new terms on the Planning and Zoning Commission and directed staff to solicit for volunteer board applications to fill one position, seconded by PL5 Oberg. *No oppositions, no abstentions.*

VOTE: The motion to approve carried unanimously: 5-0.

7. DISCUSSION/ACTION – Consideration of and action on volunteer board appointments and/or reappointments to the Economic Development Corporation (EDC) and direct staff as necessary.

The Economic Development Corporation consists of a seven-member board. EDC Bylaws state each member shall be appointed by the City Council for a two-year term. Current terms expiring in June are:

Emmett Fox, PL2 (Desires reappointment)

Gary Jones, PL4 (Desires reappointment)

Howard Goldstein, PL6 (Submitted a resignation, moved from Ovilla in May)

Staff received one application from a resident indicating interest to serve on multiple boards.

PL4 Hunt moved that Council reappoint Emmett Fox-PL2 and Gary Jones-PL4 to new terms on the EDC and appoint Ron Sims to serve as PL6 on the EDC, seconded by PL1 Huber. *No oppositions, no abstentions.*

VOTE: The motion to approve carried unanimously: 5-0.

8. DISCUSSION/ACTION – Consideration of and action declaring two City vehicles that are no longer in use or operable as surplus property and authorize sale.

Richard Dormier, Mayor

Rachel Huber, Place One

Larry Stevenson, Place Two

Staff prepared and submitted a list of operable and possibly inoperable property (vehicles) for Council to consider declaring as surplus. Assets valued at over \$2,000 were to be disposed by a method approved by City Council. Two vehicles no longer in operation were listed:

1. 2002 GMC ½ ton pickup – was assigned to Animal Control (no longer in use)
2. 1998 Ford Pro Patch Road Repair Diesel 3 ton Truck – Street Department (no longer in use)

PL2 Stevenson moved to approve the declaration of the 2002 GMC ½ ton pickup (Animal Control) and the 1998 Ford Pro-Patch Road Repair Diesel 3-ton Truck (Street) as surplus property and authorize sale as presented, seconded by PL5 Oberg. *No oppositions, no abstentions.*

VOTE: The motion to approve carried unanimously: 5-0.

9. ***DISCUSSION/ACTION – Consideration*** of and action authorizing the method of sale on City property declared as surplus under Item 9, with René Bates Auctioneers.

Following the approval to declare items listed under Item 8 as surplus, staff asked for Council consideration to list the two trucks for sale with René Bates Auctioneers, Inc., which is a licensed, full service auction company. If assets are sold by on-line auction, the City would accept the highest bid(s).

PL5 Oberg moved to approve the method of disposal of declared surplus items for sale by auction with René Bates Auctioneers, Inc., an on-line website, seconded by PL2 Stevenson. *No oppositions, no abstentions.*

VOTE: The motion to approve carried unanimously: 5-0.

10. ***DISCUSSION/ACTION – Consideration*** of and action on Resolution R2015-011 of the City Council of the City of Ovilla, TX, amending the deadline of the ESD #4 contract to September 30, 2015, for the provision of Fire Services and First Responder Services by the Ovilla Fire Department to Emergency Services District #4, repealing Resolution R2014-032.

August 25, 2014, Council approved Resolution R2014-032, providing a deadline to terminate services with ESD #4 as of June 01, 2015, as the funding level did not cover the actual costs for said services. However, based on the passing results of the ESD #4 Tax Rate Election, staff presented Resolution R2015-011 for Council consideration. To date, the City had received 33% of the contracted and agreed funds for the support of ESD #4. Establishing a new deadline date would ensure the continued obligated funds of approximately \$12,500, owed to the City by ESD #4 which may not provide an equitable share, but is necessary to meet the Fire Department FY Budget.

PL2 Stevenson moved that Council approve Resolution R2015-011, amending the deadline of the ESD #4 contract to September 30, 2015, for the provision of Fire Services and First Responder Services by the Ovilla Fire Department to Emergency Services District #4, repealing Resolution R2014-032, seconded by PL4 Hunt. *No oppositions, no abstentions.*

VOTE: The motion to approve carried unanimously: 5-0.

11. ***DISCUSSION/ACTION – Consideration*** of and action on Resolution R2015-012, authorizing continued participation with the ATMOS Cities Steering Committee; and authorizing the payment of five cents per capita to the ATMOS Cities Steering Committee to fund regulatory and related activities related to ATMOS Energy Corporation.

The ATMOS Cities Steering Committee (ACSC) held their quarterly meeting in December 2014 and approved the assessment ACSC membership. The 2015 assessment per capita fee was set at \$.05. (Same as

previous years) ACSC protects the authority of municipalities over the monopoly natural gas provider and defends the interests of the residential and small commercial customers within the cities.

PL4 Hunt moved that Council approve Resolution R2015-012, authorizing continued participation with the ATMOS Cities Steering Committee; and authorizing the payment of five cents per capita to the ATMOS Cities Steering Committee to fund regulatory and related activities related to ATMOS Energy Corporation, seconded by Mayor Pro Tem Griffin. *No oppositions, no abstentions.*

VOTE: The motion to approve carried unanimously: 5-0.

At 8:05 p.m., Mayor Dormier announced that the Council would meet in a closed session on the following two items pursuant to Section 551.074 (Personnel Matters) by authorization of the Texas Government Code.

EXECUTIVE SESSION

12. DISCUSSION/ACTION – *Consideration* of and action on the appointment of the Fire Chief.

13. DISCUSSION/ACTION – *Deliberate* the appointment, employment, and evaluation of applicants for the position of City Administrator.

COUNCIL WILL RECONVENE INTO OPEN SESSION, AND TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION, IF NEEDED.

Mayor, Council and MS Lee reconvened into regular session at 8:56 p.m. No decisions were made in Executive Session.

Under Item 12, PL5 Oberg moved that Council approve the appointment of Brandon Kennedy as Fire Chief, seconded by PL2 Stevenson. *No oppositions, no abstentions.*

VOTE: The motion to approve carried unanimously: 5-0.

Under Item 13, Mayor Pro Tem Griffin moved that Council direct Interim City Administrator MS Lee and staff to prepare a contract job offer with Mr. Dennis Burn, seconded by PL5 Oberg. *No oppositions, no abstentions.*

VOTE: The motion to approve carried unanimously: 5-0.

REQUESTS FOR FUTURE AGENDA ITEMS AND/OR ANNOUNCEMENTS

No ANNOUNCEMENTS.

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| 1. PL1 Huber | None |
| 2. PL2 Stevenson | None |
| 3. Mayor Pro Tem | None |
| 4. PL4 Hunt | None |
| 5. PL5 Oberg | None |

ADJOURNMENT

There being no further business, Mayor Dormier adjourned the meeting at 9:00 p.m.

ATTEST:



Pamela Woodall, City Secretary

Executive Agenda filed separately.

Richard Dormier, Mayor
Rachel Huber, Place One
Larry Stevenson, Place Two





Richard Dormier, Mayor

Approved June 08, 2015