

**CITY OF OVILLA MINUTES**  
**Monday, August 08, 2016**  
**City Council Briefing Session**  
**105 S. Cockrell Hill Road, Ovilla, TX 75154**

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Mayor Dormier called the Council Briefing Session of the Ovilla City Council to order at 6:02 p.m., with notice of the meeting duly posted. Mayor Dormier made the following public announcement asking all individuals to be cognizant of the two signs at the entrance to the Council Chamber room referencing Sections 30.06 and 30.07 of the *Penal Code, persons licensed under Subchapter H, Chapter 411, Government Code may not enter this property with a concealed handgun nor enter this property with a handgun that is carried openly.*

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The following City Council Members were present:

|                 |                                                             |
|-----------------|-------------------------------------------------------------|
| Rachel Huber    | Council Member, Place 1                                     |
| Larry Stevenson | Council Member, Place 2                                     |
| David Griffin   | Council Member, Place 3, Mayor Pro Tem (arrived at 6:15 pm) |
| Doug Hunt       | Council Member, Place 4                                     |
| Michael Myers   | Council Member, Place 5                                     |

Mayor Dormier announced present Council members, thus constituting a quorum. Various department directors and staff were also present. Staff presented Council with future agenda items and/or pending items still under staff review.

**CALL TO ORDER**

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

Council, Mr. Burn and staff reviewed each item on the agenda. Regarding the Consent Agenda, Council confirmed with staff that the committed fund balance was compliant at 25%.

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

1. *Presentation by Police Chief Windham on proposed and essential renovations to the police building.*

Chief Windham gave a PowerPoint presentation with photos of the current conditions inside the police building and the needs for various renovations that included security issues.

**ADJOURNMENT**

Mayor Dormier adjourned the Briefing Session of the Ovilla City Council at 6:38 p.m.

ATTEST:

  
Pamela Woodall, City Secretary



  
Richard A. Dormier, Mayor

**Approved October 11, 2016**

**CITY OF OVILLA MINUTES**  
**Monday, August 08, 2016**  
**Regular City Council Meeting**  
**105 S. Cockrell Hill Road, Ovilla, TX 75154**

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Mayor Dormier called the Regular Council Meeting of the Ovilla City Council to order at 6:30 p.m., with notice of the meeting duly posted. Mayor Dormier made the following public announcement asking all individuals to be cognizant of the two signs at the entrance to the Council Chamber room referencing Sections 30.06 and 30.07 of the Penal Code, *persons licensed under Subchapter H, Chapter 411, Government Code may not enter this property with a concealed handgun nor enter this property with a handgun that is carried openly.*

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The following City Council Members were present:

|                 |                         |
|-----------------|-------------------------|
| 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 |
| Michael Myers   | Council Member, Place 5 |

Mayor Dormier announced present Council members, thus constituting a quorum. City Manager Dennis Burn, various department directors and staff were also present.

Mayor Pro Tem Griffin gave the Invocation and Mayor Dormier led the recitation of the Pledge of Allegiance.

**COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS**

- Citizen Comments
  - None
- Department Activity Reports / Discussion
  - Police Department Police Chief B. Windham
    - Discussed Monthly Report
      - Announced the inaugural Citizens Police Academy coming in September.
      - Coffee with the Chief coming at the end of the month.
  - Fire Department Fire Marshal K. Lindsey
    - Discussed Monthly Report
  - Public Works Public Works Director B. Piland
    - Discussed Monthly Report
      - Monthly Park Maintenance
      - Garbage collection was behind due to garbage truck down.
      - Good report from TCEQ with two minor recommendations listed on the report; add one lock and modify sign.
  - Finance Department Accountant L. Harding
    - Reviewed June 2016 Financials
  - Administration City Manager D. Burn
    - City Manager Reports
      - Ms. Rachel Sackett gave a Cockrell Hill Road update; includes a 2-year warranty. Expected completion date of August 10 - ahead of schedule.
    - Monthly Municipal Court Report reviewed. City Secretary P. Woodall
    - Monthly Code/Animal Control Reports Code/AC Officer M. Dooly
      - Permits
      - City Manager advised that as of this date, 39 new home permit applications have been submitted.

- Golden Chick permit application was submitted and pending approval.

### CONSENT AGENDA

- C1. June 2016 Financial Transactions over \$5,000
- C2. Committed Fund Balance
- C3. Quarterly Investment Report ending June 30, 2016
- C4. Trinity River Authority of Texas Annual Contract for Services for FY 2017 (Fee schedules)
- C5. Council Minutes of the July 20, 2016 Special Budget Workshop meeting
- C6. Briefing Session and Regular Minutes of the July 11, 2016 Council Meeting
- C7. Council Minutes of the June 29, 2016 Special Budget Workshop meeting
- C8. Council Minutes of the June 27, 2016 Special Budget Workshop meeting

PL4 Hunt moved to approve the consent items as presented, seconded by PL2 Stevenson.

*No oppositions, no abstentions.*

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

### PUBLIC HEARING

Receive presentation, recommendation and citizen comments on an update of the 2010 Ovilla Comprehensive Land Use Plan.

- a. **PRESENTATION:** City Manager Dennis Burn and consultant Kim Dobbs both stated in a brief summary that the review began with a good Plan and projections were updated; such as population, land use tables, and demographics. Dennis Burn advised that one density exhibit was removed.
- b. **PUBLIC HEARING** to receive comments from the public regarding the update of the Comprehensive Land Use Plan.

Mayor Dormier opened the public hearing at 7:12 p.m.

There was no one to speak in favor or opposition of the Plan.

Mayor Dormier closed the public at 7:14 p.m.

- c. **RECEIVE** recommendation from the Comprehensive Land Use Plan (CLUP) Review Committee and the Planning and Zoning Commission to consider Ordinance 2016-12 adopting the 2016 Comprehensive Land Use Plan. Mr. John Knight, President of the Comprehensive Land Use Plan (CLUP) Review Committee and MS Carol Lynch, Chair of the P&Z and V-President of the CLUP Review Committee both commented on the Plan.

Mr. Knight stated that the CLUP Review Committee's overwhelming consensus was to update basic statistical information to the Plan rather than make many major changes. Ms. Lynch advised that the Planning and Zoning Commission unanimously approved recommendation to Council.

### REGULAR AGENDA

- ITEM 1. **DISCUSSION/ACTION** – Consideration of and action on Ordinance 2016-12, adopting a new Comprehensive Plan, known as the 2016 Ovilla Comprehensive Land Use Plan, and providing a mechanism for amendments to the Ovilla Comprehensive Land Use Plan; providing that this Ordinance shall be cumulative of all ordinances; providing a severability clause; and providing an effective date.

PL2 Stevenson moved to approve Ordinance 2016-12, adopting a new Comprehensive Plan, known as the 2016 Ovilla Comprehensive Land Use Plan, and providing a mechanism for amendments to the Ovilla Comprehensive



Land Use Plan; providing that this Ordinance shall be cumulative of all ordinances; providing a severability clause; and providing an effective date, seconded by PL1 Huber.

*No oppositions, no abstentions.*

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

**ITEM 2. DISCUSSION/ACTION – Case PZ16.04,** Receive recommendation from the Planning and Zoning Commission to consider and act upon a preliminary plat application for Hidden Valley Estates Subdivision, 117.758 acres James McNamarra Survey, Abstract No, 693, Westmoreland Road, to include approval of variances of no curb or gutters, no sidewalks, no enclosed storm sewer system and no concrete-lined open channels.

City Manager Dennis Burn advised the governing body that the Planning and Zoning Commission unanimously recommended approval of the preliminary plat application, reminding Council that this was strictly the preliminary plat and that a traffic study would be completed as well as a developer's agreement would be prepared prior to the filing of the final plat. Hidden Valley Estates representatives, Terry Jobe and Cody Brooks were present, answering questions regarding the drainage and storm water runoff. Although, it is zoned R-15 (15,000 square ft. lots) most of the home sites are  $\frac{3}{4}$  an acre. Mayor Dormier asked that staff be aware that it should be noted in the developer's agreement that if developer's change and the R-15 lot sizes are used, then the presented/current variances would be prohibited/void. Council's consensus was in agreement. City Manager Dennis Burn advised he would ensure that language was included in the developer's agreement to address that. There were two motions:

**1<sup>st</sup> MOTION:** Mayor Pro Tem Griffin moved to approve the variances to include no curb or gutters, no sidewalks, no enclosed storm sewer system and no concrete-lined open channels to the Hidden Valley Estates residential subdivision preliminary plat as presented, seconded by PL2 Stevenson.

*No oppositions, no abstentions.*

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

**2<sup>nd</sup> MOTION:** Mayor Pro Tem Griffin moved to approve the preliminary plat application for the Hidden Valley Estates residential subdivision on the northwest corner of Red Oak Creek Rd. and Westmoreland Rd. as presented, seconded by PL4 Hunt.

*No oppositions, no abstentions.*

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

Mayor Dormier moved the order of the agenda to address Item 6.

**ITEM 6. DISCUSSION/ACTION –** Consideration of and action on a Meritorious Exception, as permitted by Section 3.06.012 in the Ovilla Code of Ordinances, filed by the Midlothian Independent School District for a 12' 4 3/8" x 8' monument sign with an electronic reader board at the McClatchey Elementary School, 6631 Shiloh Road, Ovilla, TX 75154.

Applicant, Midlothian Independent School District (MISD), applied to place a monument sign with digital display at the new McClatchey Elementary School. Setback, placement and materials are compliant with Ovilla Code.

Sign description: 12' 4 3/8" X 8' monument sign

Materials: Brick and stone

Duration: This sign is for permanent placement.

Current Zoning: CG – General Commercial

Excerpts from Ovilla Code of Ordinances were shared and after further explanation and discussion with present MISD representatives, David Boswell and Dolores McClatchey Elementary School Principal Courtney Carpenter,



it was discovered that a meritorious exception was not necessary as the requested sign, a reader-board, was allowed by Ovilla Code. City Manager Dennis Burn advised he would approve the permit.

**No Action.**

Mayor Dormier returned to the regular order of the Agenda, addressing Item 3.

- ITEM 3. DISCUSSION** – Receive comments and discussion from Mr. James Finley regarding his desires to submit a zoning change application from “I” Industrial to “R15” Residential minimum 15,000 sq. ft. lots at his property of 19.34 acres of land, located at 1906 Bear Creek Road.

Representatives Shannon Thompson (employee of Mr. Finley) and Jamie White (Endeavor Wall Homes) advised that Mr. Finley was unable to attend. Both advised that Mr. Finley has been trying to sell his property and wanted to change the zoning to residential R-15, allowing Endeavor Wall Homes (which developed Bear Creek Crossing in Cedar Hill next to this property) to build a residential development. The water and sewer for this property would be within the City of Cedar Hill’s jurisdiction. Planning and Zoning Chair Carol Lynch spoke before Council as a resident that her primary concern was to keep industrial zoning in Ovilla. The consensus of the Council was that with the possibility of Loop 9 coming through that area, the current zoning of “I” Industrial was better suited.

**No Action.**

- ITEM 4. DISCUSSION/ACTION** – Consideration of and action on Ordinance 2016-13 of the City of Ovilla, Texas, amending Chapter 5 “Fire Prevention and Protection” of the Ovilla Code of Ordinances by the addition and adoption of Article 5.06, providing regulations for outdoor burning; providing for permits and fees; providing for penalties; providing for a savings clause; providing for a severance clause; providing for incorporation into the Ovilla Code of Ordinances; providing for immediate effect; and providing for publication.

Fire Marshal Kevin Lindsey was present for Council questions and explained that Chapter 3 of the International Fire Code (adopted by Council) requires the specifics outlined in the presented Ordinance. This ordinance merely complies with the required procedures for outdoor/open burning, combining it into one document to make it easier for the public to understand.

PL4 Hunt moved to deny Ordinance 2016-13 of the City of Ovilla, Texas, amending Chapter 5 “Fire Prevention and Protection” of the Ovilla Code of Ordinances by the addition and adoption of Article 5.06, providing regulations for outdoor burning; providing for permits and fees; providing for penalties; providing for a savings clause; providing for a severance clause; providing for incorporation into the Ovilla Code of Ordinances; providing for immediate effect; and providing for publication, seconded by Mayor Pro Tem Griffin.

PL2 Stevenson and PL5 Myers voted in *opposition, no abstentions*.

**VOTE: The motion to deny Ordinance 2016-13 carried: 3 in favor, 2 opposed.**

- ITEM 5. DISCUSSION/ACTION** – Receive recommendation from the Ovilla Park Board to consider and act on Resolution R2016-10 of the City Council of the City of Ovilla, Texas, adopting the publication of the United States Consumer Product Safety Commission entitled *Public Playground Safety Handbook* and providing an effective date.

Staff reported that the Loss Prevention Group of the Texas Municipal League (TML), Ovilla’s insurer, recommended that Ovilla use the “Public Playground Safety Handbook” published by the U.S. Consumer Product Safety Commission to evaluate our parks. A quote from the publication is “*Because many factors may affect playground safety, the U.S. Consumer Product Safety Commission (CPSC) staff believes that guidelines, rather than a mandatory rule, are appropriate*”. This Resolution would adopt the presented handbook and would be used by City staff to guide our efforts in maintaining safe parks. Legal counsel prepared the resolution. Council’s concerns were if adopted, was it mandatory to adhere to all guidelines in the Handbook?

**No Action.**



ITEM 6. Previously addressed.

ITEM 7. **DISCUSSION/ACTION** – Consideration of and action on a contract proposal with Ridgeline General Contractors for the renovation of the police department building, authorizing the city manager to execute said contract.

Staff advised that the Police Department entry needed remodeling for safety and security reasons. Three quotes were received. The contract received from Ridgeline General Contractors was the lowest price that provided all services that were needed. The price quoted (\$14,990.00) exceeded the budget line item in the Police Department budget. Staff transferred funds within the Police Department Budget to accommodate this additional expense, and remains within the department's fiscal year budget. (The Ovilla Policy and Procedure Guide to Purchasing allows the city manager to approve the transfer of funds within a department's line item account.)

PL2 Stevenson moved to approve the contract proposal with Ridgeline General Contractors for the renovation of the police department building as presented, authorizing the city manager to execute said contract, seconded by Mayor Pro Tem Griffin.

*No oppositions, no abstentions.*

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

ITEM 8. **DISCUSSION/ACTION** – Consideration of and action on Ordinance 2016-14 of the City of Ovilla, Texas, Amending the Fiscal Year 2015-2016 General Fund Budget and Annual Program of Services for the City of Ovilla to allow for an adjustment of \$5,000 appropriating funds for increased expenditures for the 2016 Annual Heritage Day Event, appropriating said funds from the General Fund Balance; providing that expenditures for FY 2015-2016 be made in accordance with said amended budget; providing a severability clause; providing an effective date.

The expenditures for Heritage Day 2015 was \$13,529. The budget for the 2016 Heritage Day is \$8,000. A budget increase of \$5,000 was requested to allow for the same line-item expenditure as the previous year. The General Fund budget will increase to \$3,666,049. The Heritage Day budget will increase to a total line item expenditure of \$13,000. Legal counsel has approved the language of the ordinance.

PI4 Hunt moved to approve Ordinance 2016-14 of the City of Ovilla, Texas, Amending the Fiscal Year 2015-2016 General Fund Budget and Annual Program of Services for the City of Ovilla to allow for an adjustment of \$5,000 appropriating funds for increased expenditures for the 2016 Annual Heritage Day Event, appropriating said funds from the General Fund Balance providing that expenditures for FY 2015-2016 be made in accordance with said amended budget; providing a severability clause; providing an effective date. Approval of this Ordinance will allow the city manager to execute the Budget Amendment Request, seconded by PL1 Huber.

*No oppositions, no abstentions.*

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

ITEM 9. **DISCUSSION/ACTION** – Consideration of and action on any budget revision(s) from the August 04, 2016 Special Budget Workshop Meeting.

*No Discussion. No Action.*

ITEM 10. **DISCUSSION/ACTION** – Consideration of any item(s) pulled from the Consent Agenda above for individual consideration and action.

*No Discussion. No Action.*

**EXECUTIVE SESSION**

The City Council of the City of Ovilla, Texas, reserves the right to meet in a closed session on any item listed on this Agenda should the need arise, pursuant to authorization by Texas Government Code, Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), 551.087 (economic development), 418.183 (homeland security).

Mayor Dormier announced that pursuant to Chapter 551.074 the governing body would convene into Executive Session at 9:02 p.m. to consider the following:

ITEM 11. **DISCUSSION/ACTION** – Deliberate the appointment, employment, evaluation, reassignment and/or duties of the City Secretary.

Mayor Dormier and Council reconvened into Open Session at 10:18 p.m. Mayor Dormier announced that no action was taken in Executive Session and that he would receive any motion at this time.

Mayor Pro Tem Griffin moved that the city secretary receive an annual salary of \$59,000 (8% increase), seconded by PL4 Hunt.

No oppositions, no abstentions.

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

**REQUESTS FOR FUTURE AGENDA ITEMS AND/OR ANNOUNCEMENTS**

- |                  |                                                          |
|------------------|----------------------------------------------------------|
| 1. Mayor Dormier | None                                                     |
| 2. PL1 Huber     | Re-visit the Park Resolution                             |
| 3. PL2 Stevenson | Examine permit process with regard to notifying the HOA. |
| 4. PL3 Griffin   | Review of the current Fire Ordinance vs. the Fire Code   |
| 5. PL4 Hunt      | None                                                     |
| 6. PL5 Myers     | None                                                     |
| 7. City Manager  | None                                                     |

**ADJOURNMENT**

PL2 Stevenson moved to adjourn the August 08, 2016 Council Meeting, seconded by PL4 Hunt. There being no further business, Mayor Dormier adjourned the meeting at 10:31 p.m.

ATTEST:



Pamela Woodall, City Secretary




Richard A. Dormier, Mayor

**Approved September 12, 2016**

Executive Session filed separately.

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

Doug Hunt, Place Four  
David Griffin, Place Three  
Michael Myers, Place Five