

# CITY OF OVILLA MINUTES

**Monday, June 10, 2019**

**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 6:30 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.*

The following City Council Members were present:

Rachel Huber	Council Member, Place 1
Dean Oberg	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 noted the presence of all Council Members thus constituting a quorum. City Manager John R. Dean, Jr., department directors and various staff were also present.

## **CALL TO ORDER**

PL4 Hunt gave the invocation. PL1 Huber led the reciting of the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

## **PRESENTATIONS, ANNOUNCEMENTS & COMMENTS**

Presentations, Announcements: None

Citizen Comments: None

## **CONSENT AGENDA**

- C1. Engagement letter with Yeldell, Wilson, Wood and Reeve, P.C. to conduct the City's audit ending September 30, 2019.
- C2 Minutes of the May 23, 2019 Budget Workshop Special Meeting
- C3 Minutes of the May 20, 2019 Budget Workshop Special Meeting
- C4 Minutes of the May 13, 2019 Regular Meeting.
- C5 Resolution R2019-11 authorizing the purchase of real property.
- C6 Set September 14, 2019 as the fall clean-up date and authorize the City Manager to execute the letter to TCEQ for the event.
- C7 Consideration of and action on Ordinance 2019-12 of the City of Ovilla, Texas, amending Chapter 3, Article 3.05, Section 3.05009 of the Code of Ordinances of the City of Ovilla; amending the authority for appeals regarding fence inspections; providing a savings clause; providing a severance clause; providing for incorporation into the Ovilla Code of Ordinances; providing for immediate effect; and providing for publication.

PL4 Hunt moved to approve the consent items as presented, seconded by PL5 Myers.

*No oppositions, no abstentions.*

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

## **REGULAR AGENDA**

- ITEM 1. **DISCUSSION/ACTION** – Receive recommendation from the Planning and Zoning Commission on Case PZ2019-03 to consider and act on a Preliminary Plat filed by owner applicant, Katrina Birdwell, to plat 11.165 acres out of the J. Billingsley Survey, Abstract

No 76, of the City of Ovilla, Ellis County, more commonly known as 655 E. Highland Road, Ovilla, TX 75154.

Staff gave a presentation:

NAME: KATRINA BIRDWELL  
 APPLICATION DATE: 05/20/2019  
 LOCATION: 655 E. Highland Road  
 UTILITIES: Not on City of Ovilla water/sewer  
 CURRENT ZONING: RE RESIDENTIAL 1-ACRE MINIMUM  
 PROPOSED LAND USE: RE RESIDENTIAL 1-ACRE MINIMUM  
 MAJOR THOROUGHFARE: FM 664

Staff advised that the Birdwell family currently resides on a small portion of their property (one-acre). Their desire is to plat their property of 11.165 acres, having two one-acre lots for residential use, whereas the remaining 9.165-acres remain unimproved. The plat and application documents were reviewed by staff and meets all requirements.

The Ovilla Planning and Zoning Commission met on Monday, June 03 to consider and act on the preliminary plat. They unanimously approved the preliminary plat with a 7-0 vote.

PL4 Hunt moved to approve Case PZ2019-03, a Preliminary Plat filed by owner applicant, Katrina Birdwell, to plat 11.165 acres out of the J. Billingsley Survey, Abstract No 76, of the City of Ovilla, Ellis County, more commonly known as 655 E. Highland Road, Ovilla, TX 75154 as presented, seconded by PL1 Huber.

*No oppositions, no abstentions.*

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

**ITEM 2. DISCUSSION/ACTION** – Receive recommendation from the Planning and Zoning Commission on Case PZ2019-04 to consider and act on a Final Plat filed by owner applicant, Katrina Birdwell, to plat 11.165 acres out of the J. Billingsley Survey, Abstract No 76, of the City of Ovilla, Ellis County, more commonly known as 655 E. Highland Road, Ovilla, TX 75154.

Staff presented the same information as listed under Item 1 with the only differences being the case number and that this item was considered the final plat. The Ovilla Planning and Zoning Commission met on Monday, June 03 to consider and act on the final plat. They unanimously approved the final plat with a 7-0 vote and forwarded recommendation of approval to the City Council.

PL4 Hunt moved to approve Case PZ2019-04, a Final Plat filed by owner applicant, Katrina Birdwell, to plat 11.165 acres out of the J. Billingsley Survey, Abstract No 76, of the City of Ovilla, Ellis County, more commonly known as 655 E. Highland Road, Ovilla, TX 75154 as presented, seconded by PL2 Oberg.

*No oppositions, no abstentions.*

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

**ITEM 3. DISCUSSION/ACTION** – Consideration of and action on Ordinance 2019-13 amending Appendix A, Article A4.000, section A4.001 “Building Permit Fees” and Section A4002, “Plan Review Fees,” of the Code of Ordinances of the City of Ovilla, Texas; providing revised building permit and inspection fees; providing revised plan review fees; providing a severance clause; providing for incorporation into the Ovilla Code of Ordinances; providing for immediate effect; and providing for publication. (HB852)



Staff advised that H.B. 852, went into effect on Tuesday May 21, 2019 and states that: (1) in determining the amount of a building permit or inspection fee required in connection with the construction or improvement of a residential dwelling, a city may not consider: (a) the value of the dwelling; or (b) the cost of constructing or improving the dwelling; and (2) a city may not require the disclosure of information related to the value of or cost of constructing or improving a residential dwelling as a condition of obtaining a building permit except as required by the Federal Emergency Management Agency for participation in the National Flood Insurance Program. The change would require amending the City's issuance of building permits for residential dwellings with the approval of Ordinance 2019-13 as presented.

PL5 Myers moved to approve Ordinance 2019-13 amending Appendix A, Article A4.000, Section A4.001 "Building Permit Fees" and Section A4002, "Plan Review Fees," of the Code of Ordinances of the City of Ovilla, Texas; providing revised building permit and inspection fees; providing revised plan review fees as presented, seconded by PL2 Oberg.

*No oppositions, no abstentions.*

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

**ITEM 4. DISCUSSION/ACTION** – Receive recommendation from the Municipal Facilities Improvement Committee to consider and act on Municipal Facility Improvements, directing staff as necessary.

During the March 25, 2019 Special Meeting, Council approved the creation of a new temporary Committee, Municipal Facilities Improvement Committee. The purpose of the Committee was to allow residents of Ovilla to have a voice, to meet, discuss, review and evaluate the current conditions and future needs of all municipal facilities and forward recommendation(s) to the Ovilla City Council of the Committees' overall assessment.

During the Regular Meeting of May 13, 2019, Council appointed 14-members to the Committee. The Committee met on May 21 (8 of the 14 in attendance). City Manager John Dean facilitated the meeting, beginning with a PowerPoint presentation, (same presentation shared with Council) followed by a complete tour of all municipal buildings.

The Committee returned with full support in recommending to the governing body a bond package in the amount of \$5 mil, to be separated and individually listed on the ballot as:

1. Founders Park Pavilion
2. Municipal Building
3. Police Building

The Committee did not make a recommendation on the prioritization of one project over the other but identified them all as needs. Council was receptive but voiced many questions. City Manager John Dean gave the Council the financial impact to the residential community. Council still voiced concerns regarding costs and asked staff to return with additional information. Council's opinions also differed with regard to locations of the proposed new facilities. Staff was directed to return with a concept plan and the cost of taking down the current municipal building.

***Discussion only. No action.***

**ITEM 5. DISCUSSION** – Review and discuss City Manager duties outlined in Sec. 9.03.034 (1) of the Ovilla Code of Ordinances.

PL2 Oberg asked to review this section of the Code with the opinion that the city manager should have authority to hire or terminate department directors, which currently Section 9.03.034 empowers the city manager to recommend termination to the Mayor and Council.

Council directed staff to return with an ordinance that defines all departments and gives the city manager hiring and termination authority.

**Discussion only. No action.**

**ITEM 6. DISCUSSION** – Review and discuss improvement options for parking in the Historic District of Ovilla.

This item was requested by Mayor Dormier. With the increased traffic to both existing and new businesses in the downtown area, the limited parking issue has become magnified. Staff was asked to bring back plans for expanded parking areas in hopes to create a solution for future parking.

**Discussion only. No action.**

**ITEM 7. DISCUSSION/ACTION** – Consideration of any item(s) pulled from the Consent Agenda above for individual consideration and action.

N/A

#### **V. DEPARTMENT REPORTS**

- **Department Activity Reports / Discussion**
  - Police Department Chief B. Windham
    1. Monthly Report reviewed.
    2. Advised of Officer Flores accident. Officer Flores is expected to recover.
  - Fire Department Chief B. Kennedy
    1. Monthly Report reviewed.
  - Public Works Interim Director D. Durham
    1. Monthly Report reviewed. Department has three open positions.
    2. Working on crack-sealing and drive approaches.
    3. Monthly Park Maintenance Reports reviewed.
  - Finance Department Accountant L. Harding
    1. April 2019 Financials and transactions reviewed.
    2. Bank Balances through June 04, 2019 reviewed.
  - Administration – all reports reviewed.
    - 1. Monthly Code/Animal Control Reports Code/AC Officer M. Dooly
    - 2. Monthly Municipal Court Report City Secretary P. Woodall
    - 3. City Manager Reports City Manager, John R. Dean, Jr.

#### **EXECUTIVE SESSION**

None.

#### **REQUESTS FOR FUTURE AGENDA ITEMS AND/OR ANNOUNCEMENTS BY COUNCIL AND STAFF**

Mayor Dormier	None
PL1 Huber	None
PL2 Oberg	None
Mayor Pro Tem Griffin	None
PL4 Hunt	None
PL5 Myers	Review city policy with regard to vacation leave for city employees.

**ADJOURNMENT**

PL2 Oberg moved to adjourn the meeting of June 10, 2019, seconded by PL4 Hunt. There being no further business, Mayor Dormier adjourned the meeting at 8:13 p.m.



Richard Dormier, Mayor

ATTEST:



Pamela Woodall, City Secretary

**Approved July 08 2019**

