

CITY OF OVILLA MINUTES

Monday, May 12, 2014
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 7:03 P.M. The following City Council Members were present:

Ralph Hall	Mayor Pro Tem, Place 1
Larry Stevenson	Council Member Place 2
David Griffin	Council Member Place 3
Doug Hunt	Council Member Place 4
Dean Oberg	Council Member Place 5

Mayor Dormier announced all Councilmen present, thus constituting a quorum. Various department-heads and staff were also present.

PL4 Hunt gave the Invocation and Mayor Pro Tem Hall led the recitation of the Pledge of Allegiance.

COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS

▪ *Citizens Comments / Citizens Forum:*

1. Mr. Kyle Butler introduced himself and advised all present he was running for Ellis County Commissioner, Precinct 4 and would appreciate the support.
2. Ms Carol Lynch, Chair on the Ovilla P & Z Commission, spoke on behalf of the Commission with the request that Council direct staff and P & Z to research the necessity to zone an area for boarding facilities.
3. Mr. Crouch and Mr. Fiedler signed up to speak during Item 3.

▪ *Department Activity Reports / Discussion*

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|--|---------------------------------|
| • Police Department | Police Chief M. Moon |
| • Monthly Report | |
| • National Police Week-Mayor Dormier presented a proclamation. | |
| • Fire Department | Fire Chief P. Brancato |
| • Monthly Report | |
| • Public Works | Public Works Director B. Piland |
| • Monthly Report | |
| • Crews are working on road issues on Thorntree Drive resulting from the rain. | |
| • Administration | City Administrator C. Powell |
| • Weekly activity report(s) | |
| • Monthly Municipal Court Report | City Secretary P. Woodall |
| • Code Enforcement/Animal Control | Code/A/C Officer M. Dooly |
| • Monthly Reports | |

CONSENT ITEMS

- A. Minutes of the April 14, 2014 Regular Council Meeting
- B. Financial Transactions over \$5,000 for April 2014
- C. Resolution R2014-014, adopting an updated Storm Water Management Plan 2014-2019 prepared by Birkhoff, Hendricks and Carter, LLP, Consulting Engineers and authorizing the Mayor to

- execute the Notice of Intent Application to Texas Commission on Environmental Quality for a General Permit.
- D. Resolution R2014-015 for a Master Interlocal Agreement between Dallas County and the City of Ovilla, TX, pertaining to transportation-related maintenance on or about certain designated roadways situated within the territorial limits of the City of Ovilla.
 - E. Resolution R2014-016 to authorize the City's continued membership with the Steering Committee of Cities served by ONCOR and approve the annual assessment for Steering Committee membership.
 - F. Resolution R2014-017 denying the rate increase requested by ATMOS Energy Corp., Mid-Tex Division under the company's 2014 annual rate review mechanism filing in all cities exercising jurisdiction; requiring the Company to reimburse cities, reasonable ratemaking expenses pertaining to review of the RRM; authorizing the City's participation with ATMOS Cities Steering Commission of TX in any appeal filed at the Railroad Commission of TX by the Company.
 - G. One Member appointment and one alternate representative to the Red Oak Creek Regional Wastewater System Advisory Committee.

PL2 Stevenson moved that Council approve the consent items as presented, seconded by Mayor Pro Tem Hall. *No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 5-0.

PUBLIC HEARING

- ITEM 1.** ***Public Hearing & Discussion*** – Discuss and consider a replat application request submitted by Ms Mary Byers, Mr. David Byers and Ms Donna Byers on their properties located at 320-322 Willow Creek Estates, respectively.

Staff explained that the Byers' family was merely changing the lot-line between their properties, Lots 11R and 12R, Block B. The replatting did not require any appreciable alteration or improvement of utility installations, streets, alleys or building setback lines and met all the requirements for the subdivision. The property fell within the guidelines of the Comprehensive Land Use Plan.

Mayor Dormier opened the Public Hearing at 7:24 p.m.

There was no one to speak against the replat.

There was no one to speak in favor of the replat.

Mayor Dormier closed the Public Hearing at 7:25 p.m.

REGULAR AGENDA

- ITEM 1.** ***DISCUSSION/ACTION – Consideration*** of and action on a replat application request submitted by Ms Mary Byers, Mr. David Byers and Ms Donna Byers on their properties located at 320-322 Willow Creek Estates, respectively.

Mayor Pro Tem Hall moved that Council approve the replat application request submitted by Ms Mary Byers, Mr. David Byers and Ms Donna Byers on their properties located at 320-322 Willow Creek Estates, respectively, seconded by PL2 Stevenson. *No abstentions.*

VOTE: The motion carried unanimously: 5-0.

- ITEM 2.** ***DISCUSSION/ACTION – Consideration*** of and action on Case PZ13-010 – Consideration of and action on recommendation from the Planning and Zoning Commission to grant a one-year extension to the Preliminary Plat for the Bryson Manor Subdivision.

On behalf of Anew Properties, Inc., Tony Martin submitted a written request on April 28, 2014, to extend the preliminary plat for Bryson Manor Subdivision for twelve (12) months. The City's Code of Ordinances, Division 3, Plat Requirements, Section 10.02.063 (j) provides for a one-time written request for an extension of the preliminary plat application to be considered by the Planning and Zoning Commission (P&Z) for up to one year from the date of approval. City Council approved the preliminary plat application Case PZ13-010 for the Bryson Manor Subdivision on May 13, 2013.

The P&Z considered the April 28, 2014 request during their May 05, 2014 P&Z meeting and voted to recommend Council's approval for the extension of the preliminary plat for the Bryson Manor Subdivision for twelve months following this date. The former applicant/developer had paid preliminary plat fees of \$9,292.50, submitted with the initial application process before abandoning the project. The subdivision is 124.85 acres in the city limits and holds 175 residential lots. Council advised that the City was undergoing changes to the Thoroughfare Standards by widening the street width to 30 ft. Mr. Martin agreed that he would comply with Ovilla's current plat standards.

PL4 Hunt moved that Council approve a one-year extension to the Preliminary Plat for the Bryson Manor Subdivision, seconded by PL2 Stevenson. *No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 5-0.

ITEM 3. DISCUSSION/ACTION – Consideration of and action on petition to close Water Street and take action as necessary to direct staff.

Mayor Dormier allowed Mr. Crouch and Mr. Fiedler to speak. Both Mr. Crouch and Mr. Fiedler presented Council with a petition stating that as abutting property owners of Water Street, they formally requested that Council allow the closing of Water Street to provide additional parking spaces in the downtown area for safety and developmental reasons. Council voiced gratitude to all property owners that made payments of over \$25,000 for the placement of the sanitary sewer line on Water Street. The Council has the authority to close a street within the city limits, subject to certain procedural requirements. Council's consensus was to direct staff to continue research. (Public hearings, including who will own and maintain the street)

PL3 Griffin moved that Council direct staff to proceed with the procedures necessary to the closing of Water Street, beginning with contact and review with the P&Z, acquiring information for ownership of the road and following all requirements for public hearings, and report back to Council, seconded by PL5 Oberg. *No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 5-0.

ITEM 4. DISCUSSION/ACTION – Review and discuss the City's role in mowing designated right-of-ways and take action as necessary to direct staff.

The Public Works Director Brad Piland shared concerns brought forward regarding right-of-way mowing within the City. He shared certain roads he believed needed right-of-way maintenance. Council was adamant that staff mowed only city owned properties unless a safety issue occurred.

No Action.

ITEM 5. DISCUSSION/ACTION – Review and discuss status of roadwork on Thorntree Drive and take action as necessary to direct staff.

Residents on Thorntree Drive raised concern regarding the width of the road and the deterioration of the side of the roadway making it difficult for the mail carrier to access resident mailboxes. Public Works Director

Brad Piland said the County had been helpful with the recent 7/10 of a mile relay. Maintenance crews would expand the final width from the current 26 ft to approximately 29 ft.

No Action.

ITEM 6. **DISCUSSION/ACTION – Consideration** of and action on Resolution R2014-018 authorizing the Mayor to execute a Planning Consulting Services Agreement by and between the City of Ovilla and Sherry Sefko, The Town Planner, LLC., for planning consulting services.

A firm (Terry Morgan & Associates) the city had previously contracted with regarding interpretation of development regulations recommended Ms. Sefko to assist Ovilla with those regulations. Ms Sefko would assist Ovilla with development plan reviews for compliance with existing development regulations and to provide staff with planning guidance, review current platting and zoning practices and to check for conflicts in Ovilla's codification. Council discussed the expense since it was not budgeted.

Mayor Pro Tem Hall moved that Council approve Resolution R2014-018 authorizing the Mayor to execute a Planning Consulting Services Agreement by and between the City of Ovilla and Sherry Sefko, The Town Planner, L.L.C., for planning consulting services not to exceed \$10,000, seconded by PL2 Stevenson. No oppositions, no abstentions.

VOTE: The motion carried unanimously: 5-0.

ITEM 7. **DISCUSSION/ACTION – Consideration** of and action on projected increase to sewer rates in response to the Trinity River Authority wastewater flow data for City sewer customers.

Council considered a rate increase for city sewer customers due to the revised wastewater flow data presented by Trinity River Authority of Texas (TRA). The City's proportionate share of the Red Oak Creek Wastewater System (ROCWS), in 2014, was 3.52% of the \$6.134M required to maintain and operate the system. During the March 10, 2014 Council Meeting, staff presented comparisons of neighboring cities' residential sewer rates as well as rates of cities comparable in population to Ovilla. Following Council's direction, staff met with the City Council Finance Committee to review the revised sewer rates proposed to meet the increased financial obligations for FY2014 and projected financial obligation for FY2015.

The City Council Finance Committee directed staff to present to Council a rate option to be implemented with the June 01, 2014 customer's billing cycle – to be on the July billing. Sewer winter averaging determines the maximum charge. A monthly flat fee of \$30.00 per month and a base monthly rate per 1,000 gallons of \$8.22 will be the revised sewer customer rates. Because of the significant increase, Council directed staff to compose a letter to all customers on sewer and mail before the July billing goes out.

No Action.

ITEM 8. **DISCUSSION/ACTION – Consideration** of and action on Ordinance 2014-007 of the City of Ovilla, Texas, Amending Appendix A, Article A7.000, Section A7.003(B)(1)&(2) of the Code of Ordinances of the City of Ovilla; repealing certain sections and establishing a monthly flat fee and monthly rates for wastewater service to residential and non-residential customers; 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 that Council approve Ordinance 2014-007 amending Appendix A, Article A7.00, Section A7.003 (B), of the Ovilla Code of Ordinances, repealing certain sections and establishing a monthly flat fee and monthly rates for wastewater service to residential and non-residential customers as presented, seconded by PL5 Oberg. No oppositions, no abstentions.

VOTE: The motion carried unanimously: 5-0.

ITEM 9. DISCUSSION/ACTION – Consideration of and action on Ordinance 2014-009 amending the Thoroughfare Standards of the City of Ovilla; providing a change to the pavement width requirements for residential streets from 28 feet to 30 feet; providing a savings clause; providing a severance clause; providing for immediate effect; and providing for publication.

PL3 Griffin moved that Council approve Ordinance 2014-009 amending the Thoroughfare Standards of the City of Ovilla; providing a change to the pavement width requirements for residential streets from 28 feet to 30 feet; providing a savings clause; providing a severance clause; providing for immediate effect; and providing for publication as presented. *No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 5-0.

REQUESTS FOR FUTURE AGENDA ITEMS

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| 1. Mayor Pro Tem Hall | None |
| 2. PL2 Stevenson | None |
| 3. PL3 Griffin | Reappoint a member to the Council Finance and Compensation Committees |
| 4. PL4 Hunt | None |
| 5. PL5 Oberg | None |
| 6. Mayor | Thanked Mr. Ralph Hall for his years of service to Ovilla. |

ADJOURNMENT

There being no further business, Mayor Dormier adjourned the meeting at 8:56 p.m.



Richard Dormier, Mayor

ATTEST:


Pamela Woodall, City Secretary



Approved June 23, 2014