

CITY OF OVILLA MINUTES

Monday, January 12, 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 6:32 P.M. 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
Dean Oberg	Council Member, Place 5

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

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

COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS

▪ Citizens Comments / Citizens Forum:

- **Presentation:** Recognition to Pam Woodall as recipient of the 2014 TMCA Yellow Rose Chapter Clerk of the Year. The City Secretary was presented yellow roses, personalized vase and certificate from Yellow Rose Chapter President Vicki Collins, City Secretary, Mansfield, along with city secretaries from neighboring cities.

Mayor Dormier changed the order of the agenda and moved to the Public Hearings, addressing Item 1, reading the caption and opened the Public Hearing at 6:44 pm.

1. Receive presentation and citizen comments on annexation request by Midlothian Independent School District: Proposed annexation proceedings to enlarge and extend the corporate boundary limits of the City. General Description of the Property: Approximately 14 acres, known as the Midlothian School District Tract generally located north of Shiloh Road and west of Bryson Lane in the City of Ovilla Extraterritorial Jurisdiction (ETJ).

Mr. David Boswell, MISD, Mr. Ross Rivers, VLK Architects, and Mr. Mickey Thomas, MJ Thomas Engineering firm, were all present, representing the MISD. Mr. Rivers addressed the podium giving a presentation. The intentional use of the proposed annexed property would be the construction of an elementary school, housing approximately 750 students. Additionally, the MISD will be requesting a change in zoning from RE Residential to CG Commercial.

There were no comments in opposition or approval of the annexation but inquiries made by the following citizens:

1. Bob Betik, 601 Buckboard – How does this benefit Ovilla?
2. Jimmie Wade, 606 Creekview Circle – what impact on Ovilla students in MISD?
3. Ron Cox, 310 Shiloh Trail – why commercial?

Mayor Dormier advised that a second public hearing regarding the proposed annexation will be held on Monday, January 19, 2015, at 6:30 PM, in the Council Chamber of City Hall, located at 105 S. Cockrell Hill Road, Ovilla, Texas. Mayor Dormier closed the public hearing at 6:46 p.m.

Mayor Dormier read Item 2 caption and opened the Public Hearing at 6:50 p.m.

2. A replat request, filed by Mr. Mohamad Soueid, in the Ovilla Parc Phase 2 Addition, Lot 2R, Block H, Ovilla, TX 75154, proposing to divide one lot being 1.112 acres into two lots: Lot 2R1 and Lot 2R2, Block H, 22,137 sq. ft. and 26,312 sq. ft. respectively. If approved, both lots will meet the R-15 (Residential-15,000 sq. ft. lots) zoned requirements for Ovilla Parc.

Staff gave a presentation. Mr. Soueid was not present. There were no comments in favor or opposition regarding the replat. **Mayor Dormier closed the Public Hearing at 6:51 p.m.**

DISCUSSION/ACTION – Consideration of and action on the replat request filed by Mr. Mohamad Soueid to divide Lot 2R, Block H, Ovilla Parc Phase 2 Addition, into two lots: Lot 2R1 and Lot 2R2, Block H, as presented.

PL4 Hunt moved that Council approve the replat request filed by Mr. Mohamad Soueid to replat his property; dividing Lot 2R, Block H, 1.1122 acres in the Ovilla Parc Phase 2 Residential Subdivision into two lots, being Lot 2R1 22,137 sq. ft., and Lot 2R2, 26,312 sq. ft., as presented, seconded by PL2 Stevenson. *No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 5-0.

Mayor Dormier read Item 3 caption and opened the Public Hearing at 6:55 p.m.

3. Receive presentation and citizen comments on Planned Development Application submitted by Clyde Hargrove: Consideration for a Planned Development, *Ovilla Retail Center*, being 129.043 acres, situated in the S. Clark Survey, A-212 & E. W. Blanton Survey, A-51, more commonly known to be a tract of land bordered by Ovilla Road 664, Malloy, Hosford and Westmoreland Roads. Zoning districts defined are: General Commercial-28.49 acres, RE Residential-10.20 acres, R15 Residential-66.74 acres, Senior Community-20.69 acres, Park area-3.87 acres.

Mr. Clyde Hargrove, developer of the property, approached the podium, advising Council of his wishes to postpone consideration of the Planned Development until the February 09, 2015 Council Meeting to allow time to revise the plan based on comments received from citizens at the Planning and Zoning Commission Public Hearing conducted the previous week. Having conducted a public hearing on January 05, 2015, on this Planned Development, *Ovilla Retail Center*, the Planning and Zoning Commission had forwarded a recommendation (5-1 vote) to deny the Planned Development.

Mayor Dormier announced that staff received a written request from Mr. Clyde Hargrove to postpone Council's consideration of the Planned Development listed under Item 3 and advised that Council was going to consider the requested extension, but would still continue to allow speakers. However, Mayor Dormier emphasized that it would be best if citizens waited to see the revisions Mr. Hargrove presents at the February 09, 2015 meeting.

There was no one to speak in favor of the Planned Development. Those speaking in opposition of the Planned Development were:

1. Mr. Lloyd Parker, 605 Georgetown
2. MS Jimmie Wade, 606 Creekview Ct.
3. Mr. Archie Croom, 801 Hosford
4. Mr. Jeff Lindsey, 703 Buckboard
5. Mr. Bob Acker, 700 Buckboard

Mayor Dormier closed the Public Hearing at 7:04 p.m.

DISCUSSION/ACTION – Receive recommendation report from the Planning and Zoning Commission for the consideration of and action of a Planned Development *Ovilla Retail Center*, being 129.043 acres, situated in the S. Clark Survey, A-212 & E. W. Blanton Survey, A-51, more commonly known to be a tract of land bordered by Ovilla Road 664, Malloy, Hosford and Westmoreland Roads.

PL1 Huber moved that Council extend the Public Hearing of the Planned Development *Ovilla Retail Center*, being 129.043 acres, situated in the S. Clark Survey, A-212 & E. W. Blanton Survey, A-51, more commonly known to be a tract of land bordered by Ovilla Road 664, Malloy, Hosford and Westmoreland Roads until the February 09, 2015 Council Meeting, seconded by PL5 Oberg. *No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 5-0.

Mayor Dormier called a recess at 7:05 pm and reconvened Regular Session at 7:10 pm.

Mayor Dormier returned to the regular order of the agenda.

COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS

- Citizen Comments:
 1. Mr. Everett Spencer: He conveyed his support of and included on behalf of the Ovilla Fire Department, his desires that Council back the City Administrator's appointment of Interim Fire Chief Brandon Kennedy and that Council name him as Fire Chief. Additionally, Mr. Spencer thanked the Ovilla Fire Department for their help, support and donations in the recent loss of his home from fire.
 2. Michael Myers: Asked Council to consider reviewing and revising the residential parking ordinance related to vehicles, specifically commercial vehicles one-ton and under.

- **Department Activity Reports / Discussion**

Staff and Council shared discussion on the monthly reports.

- Police Department Police Chief M. Moon
 - Monthly Report
 - Gave conditional offer for part-time position
- Fire Department Interim Fire Chief B. Kennedy
 - Monthly Report
 - With support and recommendation from Council and the Fire Department, former Fire Chief Brancato will be recognized at the February 09, 2015 Council Meeting for his years of service to Ovilla.
 - Council congratulated Interim Chief Kennedy on the birth of his son this past week.
- Public Works Public Works Director B. Piland
 - Monthly Report
 - PW Director Piland responded to Council's inquiry that the new PW truck was on order.
 - Advised that Dallas County has not completed road work on Cockrell Hill.
 - Council advised that the 664 shoulder was washing away. Public Works Director Piland advised that TxDOT had been notified. Also, Winding Way needed road repair work.
- Finance Department City Accountant L. Harding
 - November 2014 Monthly Financials & Financial Transactions over \$5,000
 - Advised that the only "hic-ups" this month were the Home Owner's Association (HOA) and RevTrac (water billing software) reporting issues.
- Administration City Administrator C. Powell
 - Weekly activity report(s)
 - Shared the recent activities of the Parks Board meetings and plans.

- Monthly Municipal Court Report City Secretary P. Woodall
 - Advised of an upcoming multi-city “warrant roundup” with letters being mailed from the collection agency.
- Code Enforcement/Animal Control Code/A/C Officer M. Dooly

CONSENT ITEMS

- C1. Minutes of the December 08, 2014 Briefing Session and Regular City Council Meeting
 - Mayor Dormier moved to pull the Briefing Session minutes from the consent. Item (b) contained a scrivener’s error. (Minutes currently read EDC and needed correction to ESD)
- C2. Quarterly update of the Strategic Guide

PL4 Hunt moved that Council approve the Consent Items with the scrivener’s error correction as noted, seconded by PL2 Stevenson. *No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 5-0.

REGULAR AGENDA

- 4. **DISCUSSION/ACTION – Consideration** of and action on Ordinance 2015-001 of the City of Ovilla, Texas, authorizing a general election to be held on May 9, 2015 for the purpose of electing Mayor and two Council Members, (places 2 & 4) for expired terms by the qualified voters of Ovilla; providing for the method of voting; providing for the appointment of the Early Voting Clerk, presiding Election Judge, Early Voting Ballot Board; providing for the lease of election equipment and providing for publication , in accordance with the Texas Election Code {EC §3.004, 3006, 4.001-008, 85.004, 85--.007} and providing an effective date.

DISCUSIÓN/ACCIÓN – Consideración de una acción sobre la Ordenanza 2015-001 de la Ciudad de Ovilla, Texas, que autoriza la realización de elecciones generales para el 9 de mayo de 2015 con el objeto de elegir Alcalde y dos Concejales (plazas 2 y 4), para los períodos concluidos y por parte de los votantes calificados de Ovilla; que estipula el método de votación; que estipula el nombramiento del Secretario Municipal para Voto Por Adelantado, del Juez de Elecciones que preside, de la Junta de Votación para Voto Por Adelantado; que estipula el arriendo de equipo para elecciones y establece la publicación, en conformidad con el Código de Elecciones de Texas {EC §3.004, 3006, 4.001-008, 85.004, 85--.007} y establece una fecha efectiva.

City Secretary advised the following: State Law requires the City Council to authorize the Order of General Election. May 09, 2015 is uniform Election Day. Early Voting begins on April 27, 2015, through May 05, 2015 at the Ovilla Municipal Building. State Law also requires that two of those days during early voting by personal appearance have extended hours from 7:00 A.M. to 7:00 P.M., on designated dates. The recommended two days for 12-hour early voting for the May 09, 2015 General Election are Monday, May 04, 2015 and Tuesday, May 05, 2015.

Mayor Pro Tem Griffin moved that Council approve Ordinance 2015-001 authorizing the Order of General Election for May 09, 2015 as presented, seconded by PL1 Huber. *No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 5-0.

- 5. **DISCUSSION/ACTION – Consideration** of and action on Ordinance 2015-002 of the City of Ovilla, Texas, calling for a Special Election to be held on May 9, 2015 to determine whether the voters desire the continuation to impose a sales and use tax at the rate of one quarter of one percent (1/4%) to provide revenue for the maintenance and repair of existing municipal

streets; establishing procedures for the election; providing a severability clause; and providing an effective date.

Discusión/Acción – Considera una Ordenanza propuesto para Ordenar 2015-002 que una Elección Especial para la Ciudad de Ovilla para ser aguantada el 9 de mayo de 2015 para el propósito de la *reauthorization del impuesto local de ventas y uso en la ciudad de Ovilla a razon de la cuarta parte de un por ciento, para continuar y proporcionar renta para el mantenimiento y la reparacion de calles municipals.*

In compliance with Section 327 of the Tax Code, an election is required every four years to allow voters to reauthorize the sales tax. An election must be held on a uniform election day and called by ordinance. November 2007, Ovilla citizens first voted to approve a Local Sales and Use Tax at the rate of one-fourth of one percent for the maintenance and repair of municipal streets, canvassed by Resolution 08-005. In May 2011, Ovilla residents voted again, in a Special Election to reauthorize the Local Sales and Use Tax at one quarter of one percent (1/4%) to provide revenue for the maintenance and repair of existing municipal streets. Ovilla's adoption of the Local Sales and Use Tax for Street Maintenance and Repair expires May 2015.

PL5 Oberg moved that Council approve Ordinance 2015-002 of the City of Ovilla, Texas, calling for a Special Election to be held on May 9, 2015 to determine whether the voters desire the continuation to impose a Local Sales and Use Tax at the rate of one quarter of one percent (1/4%) to provide revenue for the maintenance and repair for existing municipal streets; establishing procedure for the election, providing a severability clause and providing an effective date as presented, seconded by PL2 Stevenson. *No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 5-0.

6. **DISCUSSION/ACTION – Consideration** of and action on Ordinance 2015-003 of the City of Ovilla, Texas, amending Chapter 13, Article 13.04 of the Code of Ordinances of the City of Ovilla, Texas, by updating Land Use Assumptions and Capital Improvement Plans; providing for the assessment and collection of Impact Fees; 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.

Following the December 08, 2014 Council adoption of Resolution R2014-040 approving an amendment to the current water and wastewater impact fees, the City's engineering firm, Birkhoff, Hendricks, and Carter amended the *Five Year Water & Wastewater Impact Fee Review*.

PL4 Hunt moved that Council approve Ordinance 2015-003 of the City of Ovilla, Texas, amending Chapter 13, Article 13.04 of the Code of Ordinances of the City of Ovilla, Texas, by updating Land Use Assumptions and Capital Improvement Plans; providing for the assessment and collection of Impact Fees; 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, seconded by PL5 Oberg. *No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 5-0.

7. **DISCUSSION/ACTION – Consideration** of and action on Ordinance 2015-004 of the City of Ovilla, Texas, amending Appendix A "Fee Schedule," Section A7.009 "Impact Fees," of the City of Ovilla Code of Ordinances, providing amended water and wastewater impact fees; 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.

Mayor Pro Tem Griffin moved that Council approve Ordinance 2015-004 of the City of Ovilla, Texas, amending Appendix A "Fee Schedule," Section A7.009 "Impact Fees," of the City of Ovilla Code of Ordinances, providing amended water and wastewater impact fees; 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, seconded by PL1 Huber. *No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 5-0.

8. **DISCUSSION/ACTION – Consideration** of and action on Ordinance 2015-005 of the City of Ovilla, Texas, amending Appendix A "Fee Schedule," Section A4.001 "Building Permit Fees," of the City of Ovilla Code of Ordinances, providing a Fill-dirt/Grading Permit Fee; 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.

Pursuant to the approval of Ordinance 2014-034, adopting the national and international building codes, that included the 2009 International Building Code and local amendments, Council asked staff to add an additional local amendment for the requirement of a fill-dirt/grading plan and the issuance of a fill-dirt/grading permit.

PL5 Oberg moved that Council approve Ordinance 2015-005 of the City of Ovilla, Texas amending Appendix A "Fee Schedule," Section A4.001 "Building Permit Fees," of the City of Ovilla Code of Ordinances, providing a Fill-dirt/Grading Permit Fee; provide a savings clause; providing a severance clause; providing for incorporation into the Ovilla Code of Ordinances; providing for immediate effect; and providing for publication, seconded by PL5 Stevenson. *No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 5-0.

9. **DISCUSSION/ACTION – Consideration** of and action for Council appointments to the Municipal Development District.

The MDD By-Laws state the Board shall consist of five directors, each of whom shall be appointed by Council and must be a resident of either the City of Ovilla or its Extra Territorial Jurisdiction (ETJ). Each member shall be appointed to serve two years with a place number to coincide with even/odd years. Not less than two directors shall be persons who are not employees, officers of the City, or members of the Council.

Mayor Pro Tem Griffin moved to appoint the following to the MDD Board:

PL1 Rachel Huber

PL2 James Scivally (reappointment)

PL3 Richard Dormier

PL4 Ron Langenheder

PL5 Lisa Ware

Motion seconded by PL1 Huber. *No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 5-0.

10. **DISCUSSION/ACTION – Consideration** of and action approving publication of the Request for Proposal for Bank Depository Services and setting a date and time for the City Council Finance Committee to review the qualifying proposals.

Staff recommended the Request for Proposals for Banking Depository Services be approved for publication and distribution on Wednesday, January 14, 2015. Proposal deadline is Friday, January 30, 2015 by 4:00 p.m. City Council will consider the Finance Committee's recommendation of the banking institution that

provides the best value and service to the City at the March 09, 2015, Regular Meeting. The City Council Finance Committee (Mayor Dormier, Mayor Pro Tem Griffin and PL4 Hunt) scheduled a meeting to review the qualifying proposals on February 19, 2015 at 5:00 pm.

PL2 Stevenson moved that Council approve publication of the Request for Proposal for Bank Depository Services and setting a date and time for the City Council Finance Committee to review the qualifying proposals on Thursday, February 19, 2015 at 5 o'clock p.m., seconded by PL1 Huber. *No oppositions, no abstentions. VOTE: The motion carried unanimously: 5-0.*

- 11. DISCUSSION/ACTION – Consideration** of and action on revising the Fire Chief position from part-time to a full-time classification and consider whether to post position externally.

Mayor Dormier acknowledged citizens that signed up to speak on this item.

1. Morris Gresham, 202 Brookwood Court: Supported the Interim Fire Chief and the continuation of keeping the position part-time. We have great service. *"It is time we stop letting previous citizens pull the strings of our City Council."*
2. Carol Lynch, 316 Shadowwood Trail: Supported keeping the position part-time.

PL4 Hunt commented that Ovilla was a growing city and personally saw a need for a full-time position, but acknowledged that Interim Fire Chief Kennedy was doing a great job. He stated that he did not understand the rationale of having a full-time police chief and a part-time fire chief. PL5 Oberg agreed with PL4 Hunt, but not at this time – in future years as new developments come in and the population grows. Service is impeccable now. PL4 Hunt questioned grant-writing and how a part-time position could secure one. Staff had previously visited with a resource for grant writing. City Administrator revised the job description for Council's review. PL2 commented that the Ovilla Fire Department was the best it has ever been right now and deserves Council's support.

PL5 Oberg moved to deny the revising the Fire Chief position from part-time to a full-time classification, seconded by PL2 Stevenson. PL4 Hunt voted in opposition. *No abstentions.*

VOTE: The motion carried: 4-1.

PL5 Oberg moved to deny posting the Fire Chief position externally, seconded by PL1 Huber. *No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 5-0.

EXECUTIVE SESSION

- 12. DISCUSSION/ACTION** – The City Council will meet in closed session pursuant to Section 551.074 of the Texas Government Code for consultation and review pertaining to the appointment, employment, evaluation, reassignment or duties of the City Administrator.

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

Mayor Dormier acknowledged one citizen that signed up to speak on this item:

1. Morris Gresham, 202 Brookwood Court: Reminded Council that lot of unanswered questions regarding the city's finances and the budget process had occurred.

Mayor Dormier announced that Council would adjourn into Executive Session – time: 8:24 p.m.
Council reconvened into Regular Session at 9:32 p.m.

Mayor announced that no action was taken in Executive Session. Any action taken would be reported in open session.

No Action.

REQUESTS FOR FUTURE AGENDA ITEMS AND/OR ANNOUNCEMENTS

ANNOUNCEMENT:

Interim Fire Chief B. Kennedy announced the complete loss of the Spencer home from fire. A fund has been set up to assist the family.

FUTURE ITEMS:

1. PL1 Huber None
2. PL2 Stevenson None
3. PL3 Griffin Review parking ordinance
4. PL4 Hunt Friday, February 20, 6:00 p.m. – Ovilla Service League Annual Benefit
Spaghetti Dinner at Ovilla Road Baptist Church.
5. PL5 Oberg Special meeting on January 19 at 6:30 p.m.
6. Mayor None

ADJOURNMENT

PL4 Hunt moved to adjourn, seconded by PL5 Oberg. There being no further business, Mayor Dormier adjourned the meeting at 9:36 p.m.



Richard Dormier, Mayor

Approved February 09, 2015

ATTEST:

Pamela Woodall, City Secretary

Executive Session sealed and filed separately.