

# CITY OF OVILLA MINUTES

Monday, July 13, 2015

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 6:00 P.M., with notice of the meeting duly posted. 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
Doug Hunt	Mayor Pro Tem, Place 4
Dean Oberg	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 pending items still under staff review.

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

- a. Receive update on project(s) assignment with Sherry Sefko, The Town Planner - Mayor Dormier stated the Comprehensive Land Use Plan was completed in 2010 and it was time to update. MS Sefko arrived a little late and asked for direction from Council to move forward with current ordinance review in comparison to the current plan. She confirmed that some ordinances would probably require revisions. City Administrator Dennis Burn advised Council that he would meet with MS Sefko, research current ordinances and come back with a more definitive answer and recommendation for Council.
- b. Status on Chief of Police search and assessment process - Mr. Burn explained the process was underway and 4 applicants would go before the oral review panel on July 22 and 23.
- c. East abutment of Shiloh Road Bridge - Mr. Burn shared photos recently taken acknowledging that the west side of the bridge received repairs a few years ago but that the east side was in need of repair. Mr. Burn assured Council that the bridge was not in danger of failing.
- d. Water seepage at 120 Meadow Glen - Mr. Burn and public works staff inspected the area, visited with property owners and recognized that there was a seepage issue. Mr. Burn met with a contractor and received an estimate of \$27,000 to repair the issue.
- e. ESD #2 purchase of new engine for Ovilla - ESD#2 will vote on a financing option next week. Value of the engine was stated at approximately \$603,000.
- f. EDC's selection of Orasi for future Strategic Plan - Mr. Burn advised that the EDC Board would meet July 20 to discuss the price proposal.
- g. Resignation and search for IT replacement - Staff advised the City had posted notice for applications for Information Technology professional services.

## **PENDING AGENDA Items still under staff review**

- a. Financial Transparency filed with TX Comptroller's Office - Staff filed an application for the second year and is waiting to hear from the State Comptroller's office.
- b. Abandonment of Bryson Lane - Pending
- c. Consideration of and action to appoint a committee to serve as members of the Comprehensive Land Use Plan Committee to update the Ovilla Comprehensive Use Plan. - Pending
- d. Implementation of 50/50 sidewalk maintenance program - Expect to include and implement a program in the FY2015-2016 Budget for Council's approval.

## **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.

No questions for the 6:30 p.m. Agenda.

**ADJOURNMENT**

Mayor Dormier adjourned the Briefing Session of the Ovilla City Council at 6:34 p.m.

ATTEST:

  
\_\_\_\_\_  
Pamela Woodall, City Secretary



  
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Richard Dormier, Mayor

**Approved August 10, 2015**

# CITY OF OVILLA MINUTES

*Monday, July 13, 2015*

*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 6:35 P.M., with notice of the meeting duly posted. 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
Doug Hunt	Mayor Pro Tem, Place 4
Dean Oberg	Council Member, Place 5

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

PL3 David Griffin gave the Invocation and Mayor Dormier led the recitation of the Pledge of Allegiance.

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

### **• Citizens Comments / Citizens Forum:**

1. Mr. Russell Dean, 120 Meadow Glen Lane – not in favor of sidewalk repair at 120 Meadow Glen Lane to correct water seepage.
2. MS Stacie Land, 122 Meadow Glen Lane – not in favor of sidewalk repair at 120 Meadow Glen Lane to correct water seepage.
3. Mr. Jimmy Prasifka, 119 Meadow Glen Lane – not in favor of sidewalk repair at 120 Meadow Glen Lane to correct water seepage.

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

- Police Department Lieutenant J. Bennett
  - Monthly Report-keeping up with a preventive maintenance program for police vehicles.
- Fire Department Fire Chief B. Kennedy
  - Monthly Report-12 volunteers, good response times
- Public Works Public Works Director B. Piland
  - Monthly Report
  - City Administrator Dennis Burn complimented the crews for landscaping clean up.
- Finance Department City Accountant L. Harding
  - May 2015 Monthly Financials
- Administration City Administrator Dennis Burn
  - Activity Report
  - Monthly Municipal Court Report City Secretary P. Woodall
  - Monthly Code/Animal Control Reports Code/AC Officer M. Dooly
    - Mosquito testing was being conducted throughout the city
    - Monthly Building Permits reviewed.

## **CONSENT AGENDA**

- C1.** May 2015 Financial Transactions over \$5,000
- C2.** Minutes of the June 08, 2015 Briefing Session and Regular City Council Meeting
- C3.** Minutes of the May 18, 2015 Special Council Meeting

Mayor Pro Tem Hunt moved to approve Consent Items C1 – C3 as presented, seconded by PL5 Oberg.  
*No oppositions, no abstentions.*

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

### **REGULAR AGENDA**

1. ***DISCUSSION/ACTION*** – Consideration of and action on Ordinance 2015-014 of the City of Ovilla, Texas, repealing Chapter 3, Article 3.01, Section 3.01.003 of the Ovilla Code of Ordinances and adopting new provisions in place thereof regulating placement of garage doors to attached residential garages; providing a penalty clause for violations of any provision of Article 3.01; 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.

It had been determined that there were conflicts in the City's Code with regard to Section 3, Building Regulations, residential and commercial garages. The City's Legal Counsel Ron MacFarlane was present and explained that Ovilla's Code detailed that a request exceeding a maximum twenty-degree variance from the requirement must go before the Board of Adjustment. Additionally, the Code states that front-facing garage doors are not permitted. Mr. MacFarlane added that the Board of Adjustment may only hear variance requests to the zoning code. It holds no authority to building regulations. The presented ordinance corrects any language conflicts to the Code and clearly states that front-facing garages are not permitted in Ovilla.

Mayor Pro Tem Hunt move that Council approve Ordinance 2015-014 of the City of Ovilla, Texas, repealing Chapter 3, Article 3.01, Section 3.01.003 of the Ovilla Code of Ordinances and adopting new provisions in place thereof regulating placement of garage doors to attached residential garages; providing a penalty clause for violations of any provision of Article 3.01; 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 PL2 Stevenson. *No oppositions, no abstentions.*

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

2. ***DISCUSSION/ACTION*** – Consideration of and action on Ordinance 2015-015 of the City of Ovilla, Texas, amending Chapter 6 "Health and Sanitation" of the Ovilla Code of Ordinances by the addition of Article 6.05 providing dumpster regulations; providing a penalty clause; 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.

Staff was directed to provide an amendment to the Ovilla Code of Ordinances for the regulation of dumpsters. City Attorney, Ron MacFarlane drafted a resolution for Council's consideration. The Council's consensus was to accept the ordinance with one revision to exclude temporary dumpsters for new residential construction.

PL5 Oberg moved that Council approve Ordinance 2015-015 of the City of Ovilla, Texas, amending Chapter 6 "Health and Sanitation" of the Ovilla Code of Ordinances by the addition of Article 6.05 providing dumpster regulations; providing a penalty clause; 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 and direct the city attorney to make the revision to exclude temporary dumpsters in new residential construction, seconded by PL3 Griffin. *No oppositions, no abstentions.*

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

3. **DISCUSSION/ACTION** – Consideration of and action on Ordinance 2015-016 of the City of Ovilla, Texas, amending Chapter 3, Article 3.02, Division 2, Section 3.02.052 “Building Permit Required,” and Appendix A, Article A4.000, Section A4.001 “Building Permit Fees” of the Code of Ordinances of the City of Ovilla, Texas; providing the requirement of a building permit for roofing repairs or replacements affecting fifty percent or more of the roof of any residential or commercial structure; establishing a building permit fee for roofing repairs or replacements; 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.

Staff was directed to research the need for an amendment to the Ovilla Code of Ordinances for the regulation of repairs and replacements of residential and commercial roofing. Staff determined that a roofing permit is consistent with the City’s current requirement; that there be a building permit required for all construction within the City. This will insure that all businesses and residences receive quality construction. City’s Legal Counsel, Ron Macfarlane drafted an ordinance for Council’s review. Included in the ordinance is a roofing permit fee of \$50.

PL2 Stevenson moved that Council approve Ordinance 2015-016 of the City of Ovilla, Texas, amending Chapter 3, Article 3.02, Division 2, Section 3.02.052 “Building Permit Required,” and Appendix A, Article A4.000, Section A4.001 “Building Permit Fees” of the Code of Ordinances of the City of Ovilla, Texas; providing the requirement of a building permit for roofing repairs or replacements affecting fifty percent or more of the roof of any residential or commercial structure; establishing a building permit fee for roofing repairs or replacements; 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 to approve carried unanimously: 5-0.**

4. **DISCUSSION/ACTION** – Consideration of and action on Ordinance 2015-017 of the City of Ovilla, Texas, amending Chapter 3, Article 3.02, of the Code of Ordinances of the City of Ovilla, Texas; providing for roofing contractor registration; providing for penalties; 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.

City Attorney Ron MacFarlane composed the presented ordinance, enforcing the registration of roofing contractors to ensure the safety of Ovilla residents and the quality of work received; imposing an initial registration fee of \$75 with an annual renewal of \$50.

PL5 Oberg moved that Council approve Ordinance 2015-017 of the City of Ovilla, Texas, amending Chapter 3, Article 3.02, of the Code of Ordinances of the City of Ovilla, Texas; providing for roofing contractor registration; providing for penalties; 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 PL2 Stevenson. *No oppositions, no abstentions.*

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

5. **DISCUSSION/ACTION** – Consideration of and action on an existing inter-local agreement with Ellis County for Old Castle roadwork on SE Cockrell Hill Road or Ovilla Oaks Subdivision.

At the June 8, 2015 City Council meeting, an agenda item was presented to the City Council regarding the reconstruction of Cockrell Hill Road. The City Council did not approve the reconstruction, and directed staff to provide specific roadway construction improvements with emphasis placed on the Ovilla Oaks Subdivision. City Administrator Dennis Burn prepared a detailed plan of repairs asking Council’s direction

on whether to address Cockrell Hill Road or Ovilla Oaks at this time. It was noted that Winding Way in Ovilla Oaks would be included in the reconstruction.

### **Paving Design Section**

The reconstruction of City roads, based on an Inter Local Agreement with Ellis County, will be performed by Oldcastle Pavement Solutions. The paving design section they will use will consist of:

1. Reclaim existing pavement 7" deep. This is the "grinding up" of the existing pavement surface and any underlying base course. This reclaimed material is left in place. Care is taken to not contaminate the pavement/base course material with any dirt subgrade.
2. The reclaimed material is then graded and compacted.
3. A cement slurry is applied to the reclaimed material at an application rate of 24 pounds per square yard.
4. The cement slurry is mixed into the reclaimed material.
5. The reclaimed material with the cement slurry mixture is graded to the final, finished surface.
6. 2-inch thick plant mix bituminous pavement (PMBP) is installed and then rolled to its final density.

### **Price**

The above described paving design section will be invoiced to the City at a price of \$21.00 per square yard.

### **Warranty**

Oldcastle Pavement Solutions will warranty their work for two years.

### **Options**

1. **Cockrell Hill Road**. Using the above described Paving Design Section, Cockrell Hill Road would be improved from the Ellis/Dallas County line to 1.1 miles south at an average width of 21 feet (13,522 square yards). The price for this work (based on a price of \$21.00 per square yard) would be \$272,580.00. This work will include a two year warranty. The work could be scheduled to commence the end of July, 2015. The work is estimated to take 4-5 weeks.
2. **Ovilla Oaks Subdivision**. Using the above described Paving Design Section, the following portions of the subdivision would be improved:
  - a. High View Court from Ovilla Road to and including the cul-de-sac.
  - b. Valley View Court from Ovilla Oaks Drive to and including the cul-de-sac.
  - c. Cedar Ridge Court from Ovilla Oaks Drive to and including the cul-de-sac.
  - d. Creek View Court from Ovilla Oaks Drive to and including the cul-de-sac.
  - e. Oak Ridge Court from Ovilla Oaks Drive to and including the cul-de-sac.
  - f. Rim Rock Court from Slippery Rock Court to and including the cul-de-sac.
  - g. Slippery Rock Court from Ovilla Oaks Drive to and including the cul-de-sac.
  - h. Ridge Way Gap from Ovilla Oaks Drive to and including the cul-de-sac.
  - i. Woodridge Court from Ovilla Oaks Drive to and including the cul-de-sac.
  - j. Slippery Elm Drive cul-de-sac only.

The price for this work (based on a price of \$21.00 per square yard for approximately 12,000 square yards) is \$252,000.00. This work will include a two year warranty. The work could be scheduled to commence the end of July, 2015. The work is estimated to take 5-6 weeks.

### **Funds**

Funds for either option are available in the amount of \$305,700.00 in the Streets Budget line item number 5507460 Infrastructure.

PL3 Griffin moved that the Council approve for Old Castle Pavement Solutions through the existing City inter local agreement with Ellis County perform paving improvements on Ovilla Oaks Subdivision, seconded by Mayor Pro Tem Hunt. *No oppositions, no abstentions.*

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

6. ***DISCUSSION*** – A Resolution of the Municipal Development District of the City of Ovilla, Texas, repealing the application of the exemption on telecommunications services, as provided by Section 321.210 of the Texas Tax Code; and providing an effective date.

Chapter 11, Section 11.03.04 of the City of Ovilla Code of Ordinances authorizes the collection of sales and use tax on all telecommunications services sold within the City. In 2009 Ovilla residents voted in an election to approve the Municipal Development District (MDD) which collects one-quarter of one percent sales and use tax in the City and the City's ETJ. Staff learned that Ovilla was not collecting the sales and use tax throughout the MDD's jurisdiction. The Texas Comptroller of Public Accounts office suggested staff seek a resolution for MDD consideration to repeal the exempt status of telecommunication companies in the MDD in order to collect those taxes. The Resolution R2015-019 was presented to the MDD for consideration (and approved) on this date during their regular meeting. This required no action by Council and was presented for informational purposes.

***NO ACTION.***

7. ***DISCUSSION/ACTION*** – Consideration of and action on Ordinance 2015-018 of the City of Ovilla, Texas, repealing Chapter 9, Article 9.03, Division 2, of the Code of Ordinances of the City of Ovilla, Texas, and adopting new provisions in place thereof establishing the Office of City Manager; 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.

Staff determined that the term "city manager" is consistent with the same title/position held in other area cities. This would eliminate any confusion about this position with the City of Ovilla staff organization. The city manager would continue to have the same powers and duties. City Attorney Ron MacFarlane drafted the presented ordinance and was present for any questions.

PL5 Oberg moved that the Council approve Ordinance 2015-018 of the City of Ovilla, Texas, repealing Chapter 9, Article 9.03, Division 2, of the Code of Ordinances of the City of Ovilla, Texas, and adopting new provisions in place thereof establishing the Office of City Manager; 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 PL2 Stevenson. *No oppositions, no abstentions.*

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

8. ***DISCUSSION/ACTION*** – Consideration of and action on appointment of Dennis Burn as City Manager.

Pending the approval of Item 7, staff asked for Council's consideration to appoint Dennis Burn as Ovilla City Manager.

PL5 Oberg moved that the Council approve the appointment of Dennis Burn as Ovilla City Manager, seconded by PL2 Stevenson. *No oppositions, no abstentions.*

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

9. **DISCUSSION/ACTION** – Consideration of and action on Amendment No. 1 to the City Administrator Employment Agreement to read City Manager Employment Agreement.

With the approval of Items 7 and 8, revising the title of City Administrator to City Manager, and the appointment of Dennis Burn as Ovilla City Manager, staff presented Amendment No. 1. for Council’s consideration to amend the City Administrator Employment Agreement. The Amendment enacted a title change with no other revisions to the Agreement.

Mayor Pro Tem Hunt moved that the Council approve Amendment No. 1 to the City Administrator Employment Agreement to read City Manager Employment Agreement. *No oppositions, no abstentions.*

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

10. **DISCUSSION/ACTION** – Consideration of and action on one volunteer board appointment 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. May 11, 2015 staff presented Council with expiring terms and those wishing for reappointment. Place 5 Percy on the P&Z did not wish for reappointment and that position has remained vacant pending receipt of applications. Staff presented two submitted applications for Council’s consideration.

PL2 Stevenson moved that Council appoint Bob Betik to serve a term as Place 5 on the Volunteer Board of the Planning & Zoning Commission. The motion died for a lack of second.

Mayor Pro Tem Hunt moved that the Council appoint John Zabojnik to serve a term as Place 5 on the Volunteer Board of the Planning & Zoning Commission, seconded by PL1 Huber. *PL2 Stevenson voted in opposition, no abstentions.* **VOTE: The motion to approve carried unanimously: 4-1.**

**EXECUTIVE SESSION**

None.

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

**No ANNOUNCEMENTS.**

- |                       |      |
|-----------------------|------|
| 1. PL1 Huber          | None |
| 2. PL2 Stevenson      | None |
| 3. PL3 Griffin        | None |
| 4. Mayor Pro Tem Hunt | None |
| 5. PL5 Oberg          | None |

**ADJOURNMENT**

PL2 Stevenson moved to adjourn the Council meeting, seconded by PL1 Huber. There being no further business, Mayor Dormier adjourned the meeting at 8:26 p.m.

ATTEST:

  
Pamela Woodall, City Secretary

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



  
Richard Dormier, Mayor

**Approved August 10, 2015**

Doug Hunt, Place Four  
David Griffin, Place Three  
Dean Oberg, Place Five