

CITY OF OVILLA MINUTES
Monday, December 14, 2015
City Council Briefing Session
105 S. Cockrell Hill Road, Ovilla, TX 75154

Mayor Dormier called the Council Briefing Session of the Ovilla City Council to order at 6:04 p.m., with notice of the meeting duly posted. Mayor Dormier made the following public announcement: *Pursuant to section 30.06, penal code (trespass by holder of license to carry a concealed handgun), a person licensed under subchapter h, chapter 411, government code (concealed handgun law), may not enter this property with a concealed handgun.*

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.

CALL TO ORDER

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

City Manager Dennis Burn and Council reviewed each item on the 6:30 p.m. regular agenda. Clarification under the Consent Agenda was given by City Accountant Linda Harding stating that the net proceeds sale of the last fire truck totaling \$80,770, was separate from and not reflected in the \$278,000 General Fund Committed Fund Balance of the reserve accounts only.

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

- a. Consideration of and action on Ordinance 2016-XXX, revising Chapter 3, Article 3.05 FENCES and Chapter 14, Zoning Ordinance of the Ovilla Code of Ordinances. (This item is also on the Regular Agenda for staff direction) City Manager Dennis Burn gave a brief review and discussed with Council.
- b. Consideration of and action on Ordinance 2016-XXX to repeal of Chapter 8, Article 8.02 of the Ovilla Code of Ordinances and adopt a new Chapter 8, Article 8.02 related to nuisances and direct staff as necessary. (This item is also on the Regular Agenda for discussion and staff direction) City Manager Dennis Burn gave a brief review and discussed with Council.
- c. Consideration of an action on Ordinance 2016-XXX Chapter 3, Article 3.06 Division 1, Section 3.06.003(F), providing restrictions on the placement of signs; providing for exceptions to the restrictions on placement of signs and direct staff as necessary. (This item is also on the Regular Agenda for staff direction) City Manager Dennis Burn gave a brief review and discussed with Council.
- d. Calling the General Election.

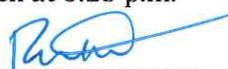
ADJOURNMENT

Mayor Dormier adjourned the Briefing Session of the Ovilla City Council at 6:23 p.m.

ATTEST:


Pamela Woodall, City Secretary




Richard A. Dormier, Mayor

Approved January 11, 2016

CITY OF OVILLA MINUTES
Monday, December 14, 2015
Regular City Council Meeting
105 S. Cockrell Hill Road, Ovilla, TX 75154

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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
Doug Hunt	Mayor Pro Tem, Place 4
Dean Oberg	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.

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

COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS

- Police Chief Windham gave an introduction of new Police Officers Denney and Geiser. Photos were taken of the new officers with Chief Windham and Mayor Dormier.
- City Manager Dennis Burn gave recognition of the Public Works Department for waterline installation with the following statements:
 1. The Ovilla Public Works Department installed a 12" waterline on Water Street from the existing stub-out at the elevated water storage tank west of Cindy Jones Park to a connection point in Heritage Park. The installation included approximately 1,800 linear feet of C900 PVC water main, fittings, valves and fire hydrants. All existing water services for the residences were transferred from the existing 1" water main to the new 12" water main. This project provides improved water pressure and flow to the residences along Water Street and tied in an existing 4" water main in Heritage Park, thus improving pressure and flow to those living to the east and south of Ovilla.
 2. The employees of the Public Works Department using City equipment and a rental trackhoe performed all work. This work effort saved the City approximately \$55,000.00 in that a private contractor would have cost the City that much more.
 3. The employees and citizens of Ovilla are proud of this accomplishment lead by the Public Works Director Brad Piland.
- **Citizen Comments**
 - MS Dani Muckleroy shared the following:
 - Voiced her appreciation to Police Chief Windham for slowing down speeders; thanked the Public Works Department for their continued diligent work and; asked for volunteers to work the collections and ringing of the bell for the Salvation Army.
 - Three additional individuals signed up to speak when Council addressed specific agenda item(s).
- **Department Activity Reports / Discussion** – staff presented their reports.
 - Police Department Police Chief B. Windham
 - Reported that response times were down.
 - Fire Department Fire Chief B. Kennedy

- Monthly Report reviewed and shared discussion with Council.
- Public Works Public Works Supervisor D. Durham
 - Monthly Report was reviewed and discussed. Council commended the Department on the tree lighting event.
- Finance Department Accountant L. Harding
 - October 2015 Financials reviewed. MS Harding advised that sales tax had increased \$7,000 from this time last year. Staff is preparing for audit.
- Administration City Manager D. Burn
 - Activity Report(s)
 - Discussed the necessity to have Progressive Waste Disposal trucks backup in the cul-de-sacs. City Manager will visit with company authorities.
 - Monthly Municipal Court Report reviewed. City Secretary P. Woodall
 - Collections slightly increased compared to this time last year. Eighteen warrants were cleared.
 - Monthly Code/Animal Control Reports reviewed. Code/AC Officer M. Dooly
 - Permits reviewed.

CONSENT AGENDA

- C1.** October 2015 Financial Transactions over \$5,000
- C2.** Committed Fund Balance General Fund Report for quarter ending 09/30/2015
- C3.** Minutes of the Council Briefing Session and Regular Meeting of November 09, 2015.
- C4.** Resolution R2015-029, City of Waxahachie Animal Shelter Agreement

Mayor Pro Tem 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.

REGULAR AGENDA

ITEM 1. DISCUSSION/ACTION – Receive opinion from the Planning and Zoning Commission to consider a Concept Plan submitted by Shaw Development Group, LLC for Bryson Manor Phase 2 and direct staff as necessary.

Planning and Zoning Chair Carol Lynch had signed up to speak to Council on this item, and shared that the consensus of the Planning and Zoning Commission was favorable for Phase 2 of Bryson Manor.

City Manager Dennis Burn reviewed/discussed specific excerpts (Sec. 10.02.124 and Section 10.02.129) from the Ovilla Code of Ordinance with Council and gave the following information: The developer of Bryson Manor Phase 2, Shaw Development Group, LLC, submitted a request for two variances to the Subdivision Ordinance. Those variances are (1) alleys for non-perimeter lots narrower than 130 feet wide and (2) maximum density of two lots per acre. Included with this agenda item are (1) Concept Plan for Bryson Manor Phase 2, (2) Typical lot Site Plan and (3) a variance request letter dated November 5, 2015. Also included were excerpts from the Zoning Ordinance regarding alleys and lot density.

The developer was seeking approval of the Concept Plan prior to the preparation of a preliminary plat as the preliminary plat requires much effort and they wanted a sense of how the Council feels about their Plan. This item was brought before the Planning and Zoning Commission (P & Z) for discussion on December 07, to receive their opinion also. The P & Z Commission's consensus was favorable for the Concept Plan. Council's consensus was also favorable for Bryson Manor to move forward with the filing of the preliminary plat as proposed.

No Action.

- ITEM 2. DISCUSSION/ACTION** – Receive recommendation from the Planning and Zoning Commission to consider and act upon a Site Plan for Curtis Garage at 707 West Main Street, located in the Ovilla Historic District, submitted by John Sims, First Cedar Hill LLP.

Owner, Mr. John Sims, filed a building permit and Site Plan application to restore his uncle's "Curtis Garage" located at 707 W. Main in the Core Historic District of downtown Ovilla. The owner requested to completely replace the entire shell with new corrugated metal (example was displayed as powder coated, commercial grade) and to finish out the inside of the building with business offices. An office for business/professional use is permitted in the Core Historic District, zoned Commercial Restricted, stated in Chapter 14, Section 11.3, as listed in the Code's land use table. Chapter 14, Section 24 encourages the preservation of the historic integrity of existing and future developments, specifically within the Historic District. City Manager Dennis Burn shared various excerpts (Chapter 14, Sections 24.1, 24.4, and 24.4 F & H) from the Ovilla Code of Ordinances, including the Land Use Table (Section 11.3).

Planning and Zoning Commission Chair MS Lynch spoke in favor of the request as it was a step into the revitalization of the downtown area and Curtis Garage carries historic value to Ovilla.

PL5 Oberg moved that Council approve the Site Plan for Curtis Garage at 707 West Main Street, located in the Ovilla Historic District, submitted by John Sims, First Cedar Hill LLP as presented, seconded by Mayor Pro Tem Hunt. *No oppositions, no abstentions.*

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

- ITEM 3. DISCUSSION/ACTION** – Consideration of and action on an Agreement for Street Lighting Services by and between the City of Ovilla, Texas and Oncor Electric Delivery Company LLC and authorize the Mayor to execute said agreement.

Mr. Kenneth Govan of Oncor delivered an Agreement to City Manager Dennis Burn, stating that even though the City had been paying the streetlight invoices, Ovilla had no agreement in place.

PL3 Griffin moved that Council approve an Agreement for Street Lighting Services by and between the City of Ovilla, Texas and Oncor Electric Delivery Company LLC and authorize the Mayor to execute said agreement, seconded by PL5 Oberg. *No oppositions, no abstentions.*

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

- ITEM 4. DISCUSSION/ACTION** – Consideration of and action on Ordinance 2015-025 of the City of Ovilla, Texas amending Chapter 1, Section 1.02.002 of the Code of Ordinances declaring an official city newspaper and declaring an effective date.

Chapter 1, Article 1, Section 1.02.002 of the Ovilla Code of Ordinances, in compliance with Section 52.004 of the Local Government Code states a municipality shall declare an official newspaper annually for required publications. The Waxahachie Daily Light is the city's current newspaper on file.

Mayor Pro Tem Hunt moved that Council approve Ordinance 2015-025 of the City of Ovilla, Texas amending Chapter 1, Section 1.02.002 of the Code of Ordinances declaring the Waxahachie Daily Light as the official city newspaper and declaring an effective date, seconded by PL1 Huber. *No oppositions, no abstentions.*

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

- ITEM 5. DISCUSSION/ACTION** – Consideration of and action to approve and adopt Resolution R2015-030, repealing a certain section of Section 9.13 Performance Appraisals (Employees) Performance Assessment Report Evaluation Form and Classifications, and replacing with a new Performance Assessment and Pay Plan Progression Process of the City of Ovilla Employee Policies Handbook and providing an effective date.

City Manager Dennis Burn presented (1) The Performance Assessment and Pay Plan Progression Process, (2) Annual and Part Time Salary Form and (3) Salary Survey for Council review and consideration. He explained that the new Assessment Plan was a document that all Department Directors will use to perform annual evaluations of their employees. City Manager Dennis Burn will also use this form to evaluate Department Directors on an annual basis. The Annual and Part Time Salary Form (which is now complete) will become part of the Assessment Plan. The Salary Survey information was collected from area municipalities and included survey information conducted by the Waters Group. Council opinion was divided on the presented information. Mayor Pro Tem Hunt wanted to see actual salaries and include years of experience from low to high.

PL2 Stevenson moved that Council approve Resolution R2015-030, repealing a certain section of Section 9.13 Performance Appraisals (Employees) Performance Assessment Report Evaluation Form and Classifications, and replacing with a new Performance Assessment and Pay Plan Progression Process of the City of Ovilla Employee Policies Handbook and providing an effective date, seconded by PL1 Huber. Mayor Pro Tem Hunt and PL5 Oberg voted in opposition.

VOTE: The motion to approve carried 3-2.

ITEM 6. DISCUSSION/ACTION – Review and deliberate update recommendation to Chapter 3, Article 3.05 FENCES and Chapter 14, Zoning Ordinance, of the Ovilla Code of Ordinances and direct staff as necessary.

MS Laura Beattie, 748 Cockrell Hill Road, spoke to Council regarding her personal unpleasant fence situation. Staff was instructed to visit with the City prosecutor.

City Manager Dennis Burn brought this agenda item to Council to review and recommend clarifications/revisions to the Ovilla Code of Ordinances (fences) with regard to various sections in Chapter 3 (graphic outline) and Chapter 14 Zoning Ordinance. Staff suggested that Council consider the following revisions to the fence ordinance:

Any future revision to the Zoning Ordinance will be placed on a Planning and Zoning Commission meeting for their review and recommendation to the City Council. Revisions recommended by staff were:

1. 35.3 C. Eliminate the words "...or side...". Currently fences are constructed to the side and rear property lines but not past the front building line. This change will clarify current practice.
2. 35.3 D. 1. Add the word "front" between the words "the" and "property" and remove the sentence from D and add to C.
3. 35.3 D. 1. Delete the second sentence. This is redundant and is already included in 35.3 A.
4. 35.3 D. 2. This becomes 35.3 D.1.
5. Add 35.3 E. Replacing Existing Fence. A new fence can be constructed at the location of an existing fence as long as the new fence is constructed to City Ordinances.

No Action.

ITEM 7. DISCUSSION – Review and discuss park safety compliance and direct staff as necessary.

City Manager Dennis Burn shared the current park improvements: At the Cindy Jones Park near the baseball fields we have raked the engineer wood fiber into more consolidated "piles", are ordering more fiber to supplement what is there now, have closed all "S" hooks to the prescribed 1/16" gap, have tightened all connections, are in the process of purchasing the border required to contain the fiber and are having a review of the facility performed by a certified park safety inspector. These items will be performed at the other parks soon. The Public Works Department is concentrating on the Cindy Jones Park, as it appears to have the greatest activity. PL5 Oberg asked that staff return in January with a completion date.

No Action.

- ITEM 8. DISCUSSION/ACTION** – Review and deliberate a proposed Ordinance to repeal Chapter 8, Article 8.02 of the Ovilla Code of Ordinances and adopt a new Chapter 8, Article 8.02 related to nuisances and direct staff as necessary.

Mayor Dormier allowed Mr. Phil Lynch to address Council. Mr. Lynch complimented Code Officer Mike Dooly with the arduous task in dealing with issues related to this item. Additionally, compliments were given to the City Manager and Ovilla's City Attorney in assisting with drafting a sample ordinance.

A proposed draft ordinance was presented to Council that focused to improve and maintain a standard of property maintenance and appearance so that our City continues to be a beautiful and desirable place to live. The agenda item was presented for Council review and comments. The consensus of the Council was positive with the presented ordinance. Staff was instructed to return next month with the ordinance in proper form for approval.

No Action.

- ITEM 9. DISCUSSION/ACTION** – Review and deliberate a proposed ordinance amending Chapter 3, Article 3.06 Division 1, Section 3.06.003(f), providing restrictions on the placement of signs; providing for exceptions to the restrictions on placement of signs and direct staff as necessary.

Mayor Dormier addressed this item stating that there were changes in the law with regard to the placement of political signs in/on public property. The City must allow political signs on public property during election periods and outside a certain distance from polling places. Ovilla's current ordinance (Section 3.06.003(f)) prohibits signs in public rights-of-way and vacant lots (without the owner's permission), with the exception of real estate directional signs, which may be posted on the weekends (noon Friday until noon Monday). The statute that allows for political signs during election periods only addresses signs on the premises of a public building being used as a polling place. In other words, we can prohibit political signs and all other signs on all public property, except for political signs on the premises of a public building being used as a polling place. There is no statutory provision that would allow control of the number of political signs that could be posted, but there can be other reasonable regulations concerning the time, manner and place of such signs. A proposed draft ordinance was presented with options from City Attorney Ron MacFarlane for additional restrictions. Mayor Dormier offered to compose a map as an exhibit for the placement of signs. Staff will return in January with the presented document in proper form for approval.

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).

- ITEM 10. DISCUSSION/ACTION** – Deliberate the appointment, employment, evaluation, reassignment and/or duties of the City Manager.

Mayor Dormier and Council convened into Executive Session pursuant to Section 551.074, Personnel Matters at 8:45 p.m. City Manager Dennis Burn was called into Executive Session approximately 45 minutes later.

Council reconvened into Open Session at 10:03 p.m. Mayor Dormier announced that no action had occurred during Executive Session.

PL3 Griffin to increase the salary of City Manager Dennis Burn by 7%, seconded by PL5 Oberg.
No oppositions, no abstentions.

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

REQUESTS FOR FUTURE AGENDA ITEMS AND/OR ANNOUNCEMENTS

- | | |
|-----------------------|---|
| 1. PL1 Huber | None |
| 2. PL2 Stevenson | Discuss the 50/50 sidewalk policy |
| 3. PL3 Griffin | Would like to see a fund balance update |
| 4. Mayor Pro Tem Hunt | None |
| 5. PL5 Oberg | Parks safety and completion date |
| 6. Mayor | None |

ADJOURNMENT

There being no further business, Mayor Dormier adjourned the meeting at 10:12 p.m.

ATTEST:



Pamela Woodall, City Secretary



Richard A. Dormier, Mayor

Approved January 11, 2016