

CITY OF OVILLA MINUTES

Monday, July 11, 2016

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 6:00 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
Larry Stevenson	Council Member, Place 2
David Griffin	Council Member, Place 3, Mayor Pro Tem
Doug Hunt	Council Member, Place 4
Michael Myers	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/or pending items still under staff review.

CALL TO ORDER

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

Mayor Dormier inquired if Item 4 had been addressed by Council previously and was the proposed placement of the sign in the exact place as requested before. Code Officer Mike Dooly responded to Mayor Dormier affirmatively. Council questioned if placement would impede traffic visibility.

Mayor Dormier advised that discussion under Item 8 was postponed for now.

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

1. *Budget Workshop(s)*

Mr. Burn reminded the governing body that the next budget workshop is July 20, at 5:00 p.m.

ADJOURNMENT

Mayor Dormier adjourned the Briefing Session of the Ovilla City Council at 6:17 p.m.

ATTEST:


Pamela Woodall, City Secretary




Richard A. Dormier, Mayor

Approved August 08, 2016

CITY OF OVILLA MINUTES

Monday, July 11, 2016

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
Larry Stevenson	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 announced present Council members, thus constituting a quorum. City Manager Dennis Burn, various department directors and staff were also present.

PL2 Stevenson gave the Invocation and PL1 Huber led the recitation of the Pledge of Allegiance.

COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS

• **Citizen Comments**

- None

• **Department Activity Reports and Discussion**

- Police Department Police Chief B. Windham
 - Monthly Report - responded to Council inquiry regarding alarm calls and response times.
- Fire Department Fire Chief B. Kennedy
 - Monthly Report - added information regarding response times.
 - Filed for a reimbursement grant for bunker gear.
 - Emergency Services District (ESD) #2 meeting at 6:00 p.m., on June 18, in Midlothian.
- Public Works Public Works Director B. Piland
 - Monthly Report
 - Continued cleaning culverts on Cockrell Hill Road.
 - Monthly Park Maintenance:
 - Installed EWF at the Ashburne Glen Park (Pritchett Park)
- Finance Department Accountant L. Harding
 - May 2016 Financials were reviewed.
- Administration City Manager D. Burn
 - City Manager Reports
 - Activity Reports
 - Gave update status on Hidden Valley Estates.
 - Monthly Municipal Court Report City Secretary P. Woodall
 - Monthly Code/Animal Control Reports Code/AC Officer M. Dooly
 - Permits - averaging one new residential home permit per day.
 -

CONSENT AGENDA

- C1. May 2016 Financial Transactions over \$5,000
- C2. Resolution R2016-05 approving authorized representative with TexPool
- C3. Resolution R2016-06 approving authorized representative with TexSTAR
- C4. Resolution R2016-07 approving ATMOS 2016 Assessment and Membership

PL2 Stevenson moved to approve the consent items as presented, seconded by PL4 Hunt.
No oppositions, no abstentions.

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

PUBLIC HEARING

Case PZ2016-07 Receive presentation and citizen comments on a request for a Specific Use Permit application filed by Yara Masri Management Company to open and operate a restaurant, Golden Chick, located at 2887 Ovilla Road, Ellis County, Ovilla, Texas 75154.

- a. **PRESENTATION** of request for a Specific Use Permit filed by representative of Yara Masri Management Company (owner).

Mr. Zack Masri addressed Council, advising that he had communicated with Glen Heights for the water service, TXDot on the right-of-way, and Dollar General (next door) regarding parking and everything was coming together with no issues. He thanked the governing body for their consideration.

Mayor Dormier opened the public hearing at 7:06 p.m.

- b. **PUBLIC HEARING** to receive comments from the public regarding the request.

There was no one to speak in favor or against of the Specific Use Permit for Golden Chick.
 Mayor Dormier closed the public hearing at 7:07 p.m.

REGULAR AGENDA

- ITEM 1. DISCUSSION/ACTION** – Receive recommendation from the Planning and Zoning Commission to consider and act upon a Specific Use Permit Application, PZ2016-07, filed by Yara Masri Management Company for the construction of a Golden Chick Restaurant located at 2887 Ovilla Road, Ovilla, Texas 75154.

City Manager Dennis Burn advised that the building plans were received.

NAME: GOLDEN CHICK

AUTHORIZED AGENT OF RECORD: Yara Masri Management Company

LOCATION: 2887 Ovilla Road, Ovilla

UTILITIES: Glenn Heights CCN

ZONING: CG General Commercial

PROPOSED LAND USE: Commercial

MAJOR THOROUGHFARE: Highway 664/Ovilla Road

APPLICANT’S PROPOSAL: Restaurant, Drive-thru

Mayor Pro Tem Griffin moved that Council approve a Specific Use Permit Application filed by Yara Masri Management Company for the construction of a Golden Chick Restaurant located at 2887 Ovilla Road, Ovilla, Texas 75154, seconded by PL1 Huber.

No oppositions, no abstentions.

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

ITEM 2. **DISCUSSION/ACTION** – Consideration of and Action on Resolution R2016-08 of the City Council of the City of Ovilla, Texas, granting a Specific Use Permit for an approximate 0.6134 acre tract of land located on Lot 4, Block A, within the City of Ovilla, Texas, and otherwise known and referred to as 2887 Ovilla Road, Ovilla, Ellis County, Texas; said tract being located within the general commercial zoning district; by permitting said property to be used for a restaurant; and making said permit subject to such certain conditions and restrictions as may be set forth herein.

Resolution R2016-08 was prepared by the city attorney and presented to Council for consideration.

PL4 Hunt moved that Council approve Resolution R2016-08 of the City Council of the City of Ovilla, Texas, granting a Specific Use Permit for an approximate 0.6134 acre tract of land located on Lot 4, Block A, within the City of Ovilla, Texas, and otherwise known and referred to as 2887 Ovilla Road, Ovilla, Ellis County, Texas; said tract being located within the general commercial (CG) zoning district; by permitting said property to be used for a restaurant; and making said permit subject to such certain conditions and restrictions as may be set forth herein, seconded by PL2 Stevenson.

No oppositions, no abstentions.

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

ITEM 3. **DISCUSSION/ACTION** – Receive recommendation from the Planning and Zoning Commission to consider and act upon a Final Plat Application, Case PZ2016-08, for the Dolores W. McClatchey Elementary School filed by representatives for the Midlothian Independent School District, located at the NW intersection of Bryson Lane and Shiloh Road (6631 Shiloh Rd.), Ovilla, Texas 75154.

Staff presented the following information:

NAME: MIDLOTHIAN INDEPENDENT SCHOOL DISTRICT

AUTHORIZED AGENT OF RECORD: Todd Hemphill

ENGINEER: MJ Thomas Engineering, LLC

APPLICATION DATE: August 2015

LOCATION: NW of intersection of Bryson Ln. and Shiloh Rd. (6631 Shiloh Rd)

UTILITIES: Atmos Energy (Electric), Sardis Lone Elm (Water), Ovilla (Sewer)

ZONING: CG General Commercial

PROPOSED LAND USE: Elementary School

MAJOR THOROUGHFARE: Shiloh Rd/Bryson Rd

APPLICANT'S PROPOSAL: Elementary School

Staff advised that a zoning change request filed by the Midlothian Independent School District (MISD), from residential to general commercial on this tract of land occurred in January 2015, with the approval of Ordinance 2015-006. The governing body approved the Midlothian School District's (MISD) initial site plan for the construction of the Dolores W. McClatchey Elementary School in May 2015. The orphaned piece of property was conveyed from Shaw Development LLC to MISD.

PL2 Stevenson moved that Council approve the Final Plat Application, Case PZ2016-08, for the Dolores W. McClatchey Elementary School filed by representatives for the Midlothian Independent School District, located

at the NW intersection of Bryson Lane and Shiloh Road (6631 Shiloh Rd.), Ovilla, Texas 75154, seconded by PL1 Huber.

No oppositions, no abstentions.

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

ITEM 4. DISCUSSION/ACTION – Consideration of and Action on a request filed by Dr. Margaret Shaw for a Meritorious Exception to place a permanent monument sign at her office building located at 105 Ovilla Creek Court, authorizing the City Manager to execute said permit.

Staff advised that applicant, Margaret Shaw DDS, applied to place a monument sign on the southwest corner of the office lot of 105 Ovilla Creek Court, Ovilla Creek Estates. Section 3.06 of the Ovilla Code of Ordinances requires the placement of monument signs with setback from the property line to be 10'. Applicant is asking Council to consider a 2' setback.

Sign description: 8' X 8' X 2' monument sign
 Materials: Brick and stone
 Duration: This sign is for permanent placement.
 Current Zoning: CG – General Commercial

Excerpts from Ovilla Code: Section 3.06.004

Sign Type	Permitted District	Permit Required?	Maximum Area (sq. ft.)	Height of Sign	Number of Signs	Setback	Spacing of Signs
Monument	All non-residential uses and zoning districts	Yes	100 sq. ft. in residential districts & RC;	8 feet	One sign for each premises, or for each street frontage	10' (any portion of the sign)	No restrictions
			200 sq. ft. in all other non-residential districts	12 feet			

Ellis County Appraisal District (ECAD) shows the listed owner of this property as Mr. Harrison. Dr. Shaw advised that Mr. Harrison had recently sold the property to her and he provided staff with an email authorizing Dr. Shaw's request until the transfer of paperwork on this sale of the office building was complete. Dr. Shaw and her spouse (a builder) were both present and stated that they saw no issues with traffic visibility regarding their request of this particular sign location.

PL2 Stevenson moved that Council **deny** the Meritorious Exception request filed by Margaret Shaw for the placement of a permanent monument sign at her office building located at 105 Ovilla Creek Court as presented, authorizing the City Manager to execute said permit as presented, seconded by PL5 Myers.

No oppositions, no abstentions.

VOTE: The motion to deny as presented carried unanimously: 5-0.

PL4 Hunt moved that Council approve a Meritorious Exception request filed by Margaret Shaw for the placement of a permanent monument sign at her office building located at 105 Ovilla Creek Court, moving said sign to the north side of the driveway, authorizing the City Manager to execute said permit, seconded by PL1 Huber.

No oppositions, no abstentions.

VOTE: The motion to approve moving said sign to the north side of driveway carried unanimously: 5-0.

ITEM 5. DISCUSSION/ACTION – Consideration of and action on Resolution R2016-09 of the City Council of the City of Ovilla, Texas, approving the Declaration of Covenants, Conditions and Restrictions of Bryson Manor and Bylaws of the Bryson Manor Homeowners Association.

Staff presented Council with Resolution R2016-09 for acceptance and approval of the Declaration of Covenants, Conditions, and Restrictions and the Bylaws of the Bryson Manor Homeowners Association, as required by the Ovilla Code of Ordinances. Ovilla's legal counsel has reviewed and approved the documents.

PL 4 Hunt moved that Council approve Resolution R2016-09 of the City Council of the City of Ovilla, Texas, approving the Declaration of Covenants, Conditions and Restrictions of Bryson Manor and the Bylaws of the Bryson Manor Homeowners Association, seconded by PL2 Stevenson.

No oppositions, no abstentions.

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

ITEM 6. DISCUSSION/ACTION – Consideration of and action on volunteer board appointment to serve a term on the Municipal Services Advisory Committee (MSAC) and direct staff as necessary.

The MSAC, established July 28, 2014, consists of three-resident members and two ex-officio members, Public Works Director and City Manager. This Committee serves to assess current and future development and capital improvement budget recommendations and works strictly as an advisory committee to the Council. Two members were recently appointed to other boards, still serving on MSAC until replaced. One new appointment, Mr. Bob Betik, was made during the June 13 regular Council meeting. Staff is returning with applications for Council consideration.

CURRENT MEMBERS:

CM Dennis Burn
PW Director Brad Piland
Bob Betik – New appointment

Still serving on the MSAC:

Ozzie Molina – Recently appointed to Place 6 Alternate position on the Board of Adjustment
Michael Myers – Council
Scott Surplus – Recently appointed to Place 1 on the Economic Development Corporation

Council's consensus was that Mr. Betik and Mr. Munoz would replace Mr. Surplus and Mr. Molina.

Mayor Pro Tem Griffin moved that Council appoint Juan Munoz to serve on the MSAC to serve a 2-year term, seconded by PL1 Huber.

No oppositions, no abstentions.

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

ITEM 7. DISCUSSION/ACTION – Consideration of and action on a volunteer alternate board appointment to fill the vacancy of an existing term, Place 7, on the Board of Adjustment (BOA) and direct staff as necessary.

The Board of Adjustment consists of a five-member board and two alternate positions. Over the past few regular Council meetings new appointments were been made by Council, leaving one unexpired term/vacancy on the Board.

Recent appointments:

- BOA Place 2 John Knight
- BOA Place 4 Sandra Cawley
- BOA Place 6 Ozzie Molina
- BOA Place 7 – unexpired term vacant (1-year left on this term)

As directed, staff posted notice for board applications. Two new applications were submitted for Council consideration.

PL5 Myers moved that Council approve the appointment of Stephanie Heimbuch to serve in the alternate position as Place 7, the unexpired term (1-year) on the BOA, seconded by PL2 Stevenson.

No oppositions, no abstentions.

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

ITEM 8. DISCUSSION – Discuss the handling of warrant procedures.

No discussion.

ITEM 9. DISCUSSION/ACTION – Consideration of any item(s) pulled from the Consent Agenda above for individual consideration and action.

Not applicable.

No discussion, no action.

EXECUTIVE SESSION

No discussion, no action.

REQUESTS FOR FUTURE AGENDA ITEMS AND/OR ANNOUNCEMENTS

- | | |
|------------------|----------------------------|
| 1. Mayor Dormier | None |
| 2. PL1 Huber | None |
| 3. PL2 Stevenson | None |
| 4. PL3 Griffin | None |
| 5. PL4 Hunt | Consider refinancing bonds |
| 6. PL5 Myers | None |
| 7. City Manager | None |

ADJOURNMENT

PL2 Stevenson moved to adjourn the July 11, 2016 Council Meeting, seconded by PL1 Huber. There being no further business, Mayor Dormier adjourned the meeting at 7:45 p.m.

ATTEST:


 Pamela Woodall, City Secretary




 Richard A. Dormier, Mayor

Approved August 08, 2016