

CITY OF OVILLA MINUTES

Monday, March 25, 2013

Regular City Council Meeting

105 S. Cockrell Hill Road, Ovilla, TX 75154

Mayor ProTem Dormier called the Regular Council Meeting of the Ovilla City Council to order at 7:01 P.M. The following City Council Members were present:

Ralph Hall	Council Member Place 1
Larry Stevenson	Council Member Place 2
David Griffin	Council Member Place 3
Doug Hunt	Council Member Place 4
Richard Dormier	Council Member Place 5/Mayor Pro-Tem

Absent: Tom Leverentz Mayor

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

PL3 Griffin gave the Invocation

Mayor ProTem Dormier led the recitation of the Pledge of Allegiance

COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS

Representative, Rachael Huber of the Ovilla Service League reported on the recent Spaghetti Benefit Dinner (to benefit the police department) and thanked Council for their support each year. Ms Huber shared that this year's event raised \$13,500.

◆ ***Citizens Comments / Citizens Forum:***

1. Ms Dani Muckleroy spoke on behalf of *Relay for Life* – American Cancer Society and invited all to attend this event on May 10, 2013, approximately 9pm, Civic Center in Waxahachie. This year's event would be in honor of former Fire Chief Donnie Pickard. Order forms for participation were distributed. Additional information would be on the city website.

◆ ***Department Activity Reports / Discussion***

- Finance Department City Accountant S. Jungman
 - Briefed Council on the monthly financials.
- Administration Mayor ProTem R. Dormier
 - Status on RFP for refuse and recycling services - staff was preparing the RFP and would present to Council in an upcoming meeting.
 - Pre-tax benefits - currently doing research on the 125 Flex-Plan related to payroll deductions.
 - Code Enforcement Officer Mike Dooly addressed the need to contemplate hay baling with the Planning & Zoning Commission.

CONSENT ITEMS

- Minutes of the February 25, 2013 Regular Council Meeting
- Minutes of the March 11, 2013 Regular Council Meeting
- Minutes of the March 18, 2013 Special Council Meeting
- Staff's response regarding audit firm's management letter on reconciling utility deposits.

PL1 Hall asked that the last bulleted item on the consent agenda be pulled for discussion.

PL4 Hunt made the motion that Council approves the remaining consent items as presented, seconded by PL3 Griffin. *Mayor ProTem Dormier asked for a record vote by announcement of AYE or NAY. Present Council announced AYE in favor. No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 5-0.

PL1 Hall asked that staff prepare formal responses on individual agenda items and return to Council regarding corrective action(s) or revisions taken from the auditor's suggestions and that staff adhere to this reporting process with every annual external audit. PL1 Hall asked that staff prepare responses for fiscal years ending in 2011 and 2012. ***There was no action on this last bulleted consent item.***

REGULAR AGENDA

ITEM 1. DISCUSSION/ACTION – Consider adoption of Resolution 2013-003 naming the main city baseball field **Weldon O'Dell Field**, after former Mayor Weldon O'Dell and authorize an expenditure for a sign not to exceed \$250.

In a previous meeting, Council discussed the naming of one of the baseball fields after former Mayor Weldon O'Dell. Mr. O'Dell was instrumental in the establishment of the ball field park behind city hall. Staff prepared a proposed resolution for approval. PL3 Griffin asked that staff work with the family to schedule an appropriate time for a dedication. Public Works Director Brad Piland said that when ordering the sign he would maintain Ovilla's current standard sign appearance.

PL3 Griffin made the motion that Council approves Resolution 2013-003 naming the main city baseball field the *Weldon O'Dell Field*, seconded by PL2 Stevenson. *Mayor ProTem Dormier asked for a record vote by announcement of AYE or NAY. Present Council announced AYE in favor. No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 5-0.

PL3 Griffin made the motion that Council authorizes designated staff to purchase a sign for the *Weldon O'Dell Field* not to exceed \$250, seconded by PL2 Stevenson. *Mayor ProTem Dormier asked for a record vote by announcement of AYE or NAY. Present Council announced AYE in favor. No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 5-0.

ITEM 2. DISCUSSION/ACTION – Consider Resolution 2013-004 authorizing continued participation with the ATMOS Cities Steering Committee; and authorizing the payment of five cents per capita to fund regulatory and related activities related to ATMOS Energy Corporation.

PL1 Hall made the motion that Council approves the proposed Resolution 2013-004, authorizing continued participation with ACSC, including the authorization of payment of five cents per capita to fund regulatory and related activities related to ATMOS Energy Corp., seconded by PL2 Stevenson. *Mayor ProTem Dormier asked for a record vote by announcement of AYE or NAY. Present Council announced AYE in favor. No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 5-0.

ITEM 3. DISCUSSION/ACTION – Consider termination of the "Letter of Understanding for Consulting Services" with Randall Whiteman effective April 1, 2013.

Tom Leverentz, Mayor
Ralph Hall, Place One
Larry Stevenson, Place Two

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Doug Hunt, Place Four
David Griffin, Place Three
Richard Dormier, Place Five/Mayor ProTem

With the recent hiring of TX First Group/Ms Jacqueline Lee, the former administrator's services were no longer required. Ms Lee made her introduction to Council.

PL1 Hall made the motion that Council approves the termination of consulting services as provided in the "Letter of Understanding" with Randy Whiteman, effective April 1, 2013, and directs staff to notify Mr. Whiteman, seconded by PL 2 Stevenson. *Mayor ProTem Dormier asked for a record vote by announcement of AYE or NAY. Present Council announced AYE in favor. No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 5-0.

ITEM 4. DISCUSSION/ACTION – Review the Ovilla Code of Ordinances relating to the Zoning Ordinance Sections 33.8 & 33.9, Residential Off-Street Parking and Residential Parking Development Standards.

Mayor ProTem Dormier acknowledged two residents that had signed up to speak on this item:

1. Mr. John Majors: Owns two acres and asked Council's understanding to allow an exception to park his RV on pavers at his home.
2. Mr. Phil Lynch: Stated he had conversed with members of the Council and shared his concerns that the city had lost its aesthetic appeal to junked vehicles and hoped that Council would consider strengthening Ovilla's current ordinance. Mr. Lynch provided a sample ordinance from the City of Arlington.

PL1 Hall concurred with Mr. Lynch and agreed to the language of Arlington's ordinance. He suggested that Council send comments and the sample ordinance to the Planning & Zoning Commission for review and revision of Ovilla's ordinance. Code Enforcement Officer Mike Dooly discussed definitions of "non-conforming" and "side-yard" with Council and added that modification would benefit enforcement, as there was conflicting language in Sections 33.8 & Section 33.9 in the parking ordinance. Additionally, parking in the rear (if requiring concrete) would pose arduous to many residents with septic systems. PL1 Hall asked that the Planning & Zoning Commission consider existing property damaged or expanded by a certain percentage (25%-50%), to require the homeowner to comply with the (new) ordinance and not allow the consideration of non-conforming.

Mayor ProTem Dormier made the motion that Council directs staff to recommend that the Planning and Zoning Commission examine the city's current residential off-street parking ordinance and consider the non-conforming status and how its impacted, and tighten it up – and to look at screening for parking in back of the residences; seconded by PL2 Stevenson. *Mayor ProTem Dormier asked for a record vote by announcement of AYE or NAY. Present Council announced AYE in favor. No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 5-0.

ITEM 5. DISCUSSION/ACTION – Review the Ovilla Code of Ordinances relating to Sections 3.05.11, Fences/existing fences.

Mayor ProTem Dormier acknowledged resident, Mr. Phil Lynch to speak on this item:

1. Mr. Lynch distributed a document containing the City of Arlington's ordinance compared to Ovilla's current ordinance regarding fences/existing fences. Mr. Lynch believed that making modifications similar to Arlington's wording would strengthen and reinforce Ovilla's ordinance and support enforcement of Ovilla's fence issues immensely.

Mayor ProTem Dormier, Council, Mr. Lynch and Code Enforcement Officer Mike Dooly discussed allowed construction materials, fence height and pro-active enforcement.

PL3 Griffin made the motion that Council directs staff to send the submitted document regarding Section 3.05.11 Fences/existing fences to the Planning & Zoning Commission for review, seconded by PL2 Stevenson. Mayor ProTem Dormier asked for a record vote by announcement of AYE or NAY. Present Council announced AYE in favor. No oppositions, no abstentions.

VOTE: The motion carried unanimously: 5-0.

ITEM 6. DISCUSSION – Discuss and review options for maintenance on Cockrell Hill Road.

Public Works Director Brad Piland advised Council that he was acquiring quotes from various companies for patchwork and complete overlay of Cockrell Hill. Specifically speaking with Ellis County who quoted approximately \$25,000 per mile for 1 course overlay. Roughly 6/10 of a mile is in Dallas County but Ellis County would take care of that portion too. Maintenance to Cockrell Hill is on this year's Capital Improvement Project list. Once all estimates were received they would be shared with Council.

Discussion Only. No Action.

ITEM 7. DISCUSSION/ACTION – Deliberate the appointment employment, and/or duties of the interim City Administrator and/or permanent City Administrator.

No Discussion, No Action.

EXECUTIVE SESSION

COUNCIL DID NOT CONVENE INTO EXECUTIVE SESSION.

Adjournment

PL2 Stevenson made the motion to adjourn, seconded by PL1 Hall.

There being no further business, Mayor ProTem Dormier adjourned the meeting at 8:35 p.m.



Richard Dormier, Mayor ProTem

ATTEST:



Pamela Woodall, City Secretary

APPROVED: APRIL 22, 2013



Tom Leverentz, Mayor
Ralph Hall, Place One
Larry Stevenson, Place Two

Doug Hunt, Place Four
David Griffin, Place Three
Richard Dormier, Place Five/Mayor ProTem