

# CITY OF OVILLA MINUTES

*Monday, April 08, 2013*

*Regular City Council Meeting*

*105 S. Cockrell Hill Road, Ovilla, TX 75154*

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Mayor Leverentz called the Regular Council Meeting of the Ovilla City Council to order at 7:00 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

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

PL2 Stevenson gave the Invocation

PL1 Hall led the recitation of the Pledge of Allegiance

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

Mayor Leverentz announced that for every individual that had a cell phone or computer, check out an informative application "Zilla Property Values" that shared property values and annual increases through the appraisal district(s). Mayor Leverentz said that for the neighboring cities, property values increased about 1% but for Ovilla the increase was 3%. In his opinion, that spoke volumes about Ovilla.

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

I. None

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

- Police Department Police Chief M. Moon
  - Briefed Council on the Police Department monthly report & stated that Ovilla experienced higher than normal traffic accidents in March.
  - Advised of a fraud report targeting the elderly for their credit cards/money by threatening to disconnect various utility services. This was limited to those with landlines.
- Fire Department Assistant Fire Chief P. Brancato
  - Briefed Council on the Fire Department monthly report.
  - Currently updating software for mapping to reduce response times.
- Public Works Director B. Piland
  - Briefed Council on the Public Works Department monthly report.
  - Shared a sample sign design, (uniform of city facility signs) for the Weldon O'Dell Field. PL1 Hall asked to remove scrolls on the sign.
  - Preliminary Plat for Bryson Manor Development, formerly named Sandarach Forest was filed. The 124-acre development has 175 lots.
- Finance Department City Accountant S. Jungman
  - Briefed Council on the monthly Municipal Court report. Council asked staff to return with a count and dollar amount of outstanding warrants.
  - Gave brief report of Heritage Day revenue collected under the coordinator, Doug Hunt.
- Administration Interim City Administrator J. Lee
  - Researching grant opportunities for city operations, speaking with department directors of past grants received and what revenue resources can be identified.

- Code Enforcement Code Enforcement Officer M. Dooly
  - Residential off-street parking, fences/maintenance of fences and hay baling were referred to the Planning and Zoning Commission for review on April 1.

### CONSENT ITEMS

- Financial Transactions

PL1 Hall made the motion that Council approves the consent item as presented, seconded by PL2 Stevenson. Mayor Leverentz 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.**

### PUBLIC HEARINGS

**Public Hearing & Discussion** – Discuss and consider the proposed zoning changes:

Mayor Leverentz read aloud Case PZ13-002 and opened the Public Hearing at 7:25 p.m.

**Case No. PZ13-002.** A request for a **Specific Use Permit** filed by Ms Karen Pickard (owner) and Bobby Hopkins (applicant) to open and operate a restaurant, "Smokin Hot" located in the Historic District, **705 W. Main Street, Ovilla, Texas.**

Mayor Leverentz asked those speaking in opposition of this case to come forward:  
There was no one.

Mayor Leverentz asked those speaking in favor of this case to come forward:

- I. Mr. Bobby Hopkins, applicant, voiced appreciation to Code Officer Mike Dooly for his direction and assistance with the application process and advised Council that staff had been very helpful.

There was no other speaker.

Mayor Leverentz closed the Public Hearing at 7:31 p.m.

Mayor Leverentz read aloud Case PZ13-003 and opened the Public Hearing at 7:32 p.m.

**Case No. PZ13-003.** A request by The City of Ovilla, for **change in zoning** from CG (General Commercial) to I (Industrial) on 19.348 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 196, Dallas County, Texas and more commonly known as **1906 Bear Creek, Ovilla, Texas.**

Mayor Leverentz asked those speaking in opposition of this classification change to come forward:

- I. Mr. Bob Wilson, 921 Cockrell Hill Road (except for PZ13-006, Mr. Wilson asked that his name be recorded as being against all zoning reclassifications)

Mayor Leverentz asked those speaking in favor of this classification change to come forward:  
There was no one.

Mayor Leverentz closed the Public Hearing at 7:35 p.m.

Mayor Leverentz read aloud Case PZ13-004 and opened the Public Hearing at 7:36 p.m.

**Case No. PZ13-004.** A request by The City of Ovilla, for **change in zoning** from RE (Residential - 1 Acre) to I (Industrial) on 0.881 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 196, Dallas County, Texas and more commonly known as **1902 Bear Creek, Ovilla, Texas.**

Mayor Leverentz asked those speaking in opposition of this classification change to come forward:

- I. Mr. Bob Wilson, 921 Cockrell Hill Road

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

2

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

2. Mr. Ron Cormier, 915 Cockrell Hill Road

Mayor Leverentz asked those speaking in favor of this classification change to come forward:

1. Ms Jean Wilson, 921 Cockrell Hill Road: Believed it wise that the P&Z recommended the rezoning of the smallest piece if it necessary to rezone.

Mayor Leverentz closed the Public Hearing at 7:40 p.m.

Mayor Leverentz read aloud Case PZ13-005 and opened the Public Hearing at 7:41 p.m.

**Case No. PZ13-005.** A request by The City of Ovilla, for **change in zoning** from RE (Residential - 1 Acre) to I (Industrial) on 0.1190 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 196, Dallas County, Texas and more commonly known as **1908 Bear Creek, Ovilla, Texas.**

Mayor Leverentz asked those speaking in opposition of this classification change to come forward:

1. Mr. Bob Wilson

Mayor Leverentz asked those speaking in favor of this classification change to come forward:

There was no one.

Mayor Leverentz closed the Public Hearing at 7:41 p.m.

Mayor Leverentz read aloud Case PZ13-006 and opened the Public Hearing at 7:41 p.m.

**Case No. PZ13-006.** A request by The City of Ovilla, for **change in zoning** from RE (Residential - 1 Acre) to MF (Multifamily Residential) on 3.90 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 195, Dallas County, Texas and more commonly known as **1900 Bear Creek, Ovilla, Texas.**

Mayor Leverentz asked those speaking in opposition of this classification change to come forward:

There was no one.

Mayor Leverentz asked those speaking in favor of this classification change to come forward:

1. Mr. Bob Wilson, 921 Cockrell Hill Road – does not mind the rezoning based on size of property.

Mayor Leverentz closed the Public Hearing at 7:42 p.m.

Mayor Leverentz read aloud Case PZ13-007 and opened the Public Hearing at 7:42 p.m.

**Case No. PZ13-007.** A request by The City of Ovilla, for **change in zoning** from RE (Residential - 1 Acre) to MF (Multifamily Residential) on 5.0236 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 195, Dallas County, Texas and more commonly known as **1800 Bear Creek, Ovilla, Texas.**

Mayor Leverentz asked those speaking in opposition of this classification change to come forward:

1. Ms Sharon Jungman, 907A Cockrell Hill Road – noise level, pollution, crime rate would increase. Neither she nor her neighbors want this in their backyards. Ms Jungman asked Council to work with the Boards, set goals for different areas of rezoning and change the Comprehensive Land Use Plan if necessary.
2. Mr. Bob Wilson

Mayor Leverentz asked those speaking in favor of this classification change to come forward:

There was no one.

Mayor Leverentz closed the Public Hearing at 7:44 p.m.

Mayor Leverentz read aloud Case PZ13-008 and opened the Public Hearing at 7:45 p.m.

**Case No. PZ13-008.** A request by The City of Ovilla, for **change in zoning** from RE (Residential - 1 Acre) to MF (Multifamily Residential) on 9.62 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 195, Dallas County, Texas and more commonly known as **1910 Bear Creek, Ovilla, Texas.**

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

Mayor Leverentz asked those speaking in opposition of this classification change to come forward:

1. Ms Jean Wilson
2. Mr. Bob Wilson

Mayor Leverentz asked those speaking in favor of this classification change to come forward:

There was no one.

Mayor Leverentz closed the Public Hearing at 7:45 p.m.

Mayor Leverentz read aloud Case PZ13-009 and opened the Public Hearing at 7:46 p.m.

**Case No. PZ13-009.** A request by The City of Ovilla, for **change in zoning** from RE (Residential - 1 Acre) to MF (Multifamily Residential) on 6.19 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 195, Dallas County, Texas and more commonly known as **2000 Bear Creek, Ovilla, Texas.**

Mayor Leverentz asked those speaking in opposition of this classification change to come forward:

1. Ms Cormier
2. Mr. Bob Wilson- has owned this property since 1996
3. Mr. Curtis Thomas-likes the peace, quiet and country feel – fears that will change with rezoning.

Mayor Leverentz asked those speaking in favor of this classification change to come forward:

There was no one.

Mayor Leverentz closed the Public Hearing at 7:50 p.m.

## **REGULAR AGENDA**

**ITEM 1. DISCUSSION/ACTION – Case No. PZ13-002.** Consider recommendation from the Planning & Zoning Commission to approve a **Specific Use Permit** to open and operate a restaurant, “Smokin Hot” located in the Historic District, **705 W. Main Street, Ovilla, Texas**, requested by Ms Karen Pickard (owner) and Mr. Bobby Hopkins, applicant.

PLI Hall questioned the observable modifications to the building prior to a permit approval. Code Enforcement Officer Mike Dooly explained that a member of the previous governing body misinformed the applicant that construction or repairs prior to permit approval was acceptable. Mr. Dooly explained the process and any additional repairs were put on hold. Council reviewed the recommendation to approve the permit from the Planning and Zoning Commission.

Mayor ProTem Dormier made the motion that Council approves the proposed Specific Use Permit outlined in Case PZ13-002 as presented, seconded by PL2 Stevenson. *Mayor Leverentz conducted 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 – Case No. PZ13-003.** Consider recommendation from the Planning & Zoning Commission for a **change in zoning** from CG (General Commercial) to I (Industrial) on 19.348 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 196, Dallas County, Texas and more commonly known as **1906 Bear Creek, Ovilla, Texas.**

The Planning and Zoning Commission recommended denial of reclassification. However, during the adoption of the Comprehensive Land Use Plan in 2010, this parcel was listed for the rezoning primarily because there was no property in Ovilla zoned Industrial.

PL4 Hunt made the motion that Council approves the proposed zoning change in Case PZ13-003 as presented, seconded by PL2 Stevenson. *Mayor Leverentz conducted 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 – Case No. PZ13-004.** Consider recommendation from the Planning & Zoning Commission for a **change in zoning** from RE (Residential - 1 Acre) to I (Industrial) on 0.881 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 196, Dallas County, Texas and more commonly known as **1902 Bear Creek, Ovilla, Texas.**

The Planning and Zoning Commission recommended denial of reclassification. However, during the adoption of the Comprehensive Land Use Plan in 2010, this parcel was listed for the Industrial rezoning.

PL2 Stevenson made the motion that Council approves the proposed zoning change in Case PZ13-004 as presented, seconded by PL4 Hunt. *Mayor Leverentz conducted 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 – Case No. PZ13-005.** Consider recommendation from the Planning & Zoning Commission for a **change in zoning** from RE (Residential - 1 Acre) to I (Industrial) on 0.1190 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 196, Dallas County, Texas and more commonly known as **1908 Bear Creek, Ovilla, Texas.**

The Planning and Zoning Commission recommended approval of this reclassification. According to the Comprehensive Land Use Plan in 2010, this parcel was listed for the rezoning to Industrial.

PL1 Hall made the motion that Council approves the proposed zoning change in Case PZ13-005 as presented, seconded by PL3 Griffin. *Mayor Leverentz conducted 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 – Case No. PZ13-006.** Consider recommendation from the Planning & Zoning Commission for a **change in zoning** from RE (Residential - 1 Acre) to MF (Multifamily Residential) on 3.90 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 195, Dallas County, Texas and more commonly known as **1900 Bear Creek, Ovilla, Texas.**

The Planning and Zoning Commission recommended approval of this reclassification. According to the Comprehensive Land Use Plan in 2010, this parcel was listed for the rezoning primarily because there was no property in Ovilla zoned Multifamily.

PL4 Hunt made the motion that Council approves the proposed zoning change in Case PZ13-006 as presented, seconded by PL1 Hall. *Mayor Leverentz conducted 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/ACTION – Case No. PZ13-007.** Consider recommendation from the Planning & Zoning Commission for a **change in zoning** from RE (Residential - 1 Acre) to MF

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

5

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

(Multifamily Residential) on 5.0236 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 195, Dallas County, Texas and more commonly known as **1800 Bear Creek, Ovilla, Texas.**

The Planning and Zoning Commission recommended denial of reclassification. According to the Comprehensive Land Use Plan in 2010, this parcel was listed for the rezoning primarily because there was no property in Ovilla zoned Multifamily.

Mayor ProTem Dormier made the motion that Council approves the proposed zoning change in Case PZ13-007 as presented, seconded by PL2 Stevenson. *Mayor Leverentz conducted 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 7. DISCUSSION/ACTION – Case No. PZ13-008.** Consider recommendation from the Planning & Zoning Commission for a **change in zoning** from RE (Residential - 1 Acre) to MF (Multifamily Residential) on 9.62 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 195, Dallas County, Texas and more commonly known as **1910 Bear Creek, Ovilla, Texas.**

The Planning and Zoning Commission recommended denial of reclassification. According to the Comprehensive Land Use Plan in 2010, this parcel was listed for the rezoning primarily because there was no property in Ovilla zoned Multifamily.

PL3 Griffin made the motion that Council approves the proposed zoning change in Case PZ13-008 as presented, seconded by PL1 Hall. *Mayor Leverentz conducted 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 8. DISCUSSION/ACTION – Case No. PZ13-009.** Consider recommendation from the Planning & Zoning Commission for a **change in zoning** from RE (Residential - 1 Acre) to MF (Multifamily Residential) on 6.19 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 195, Dallas County, Texas and more commonly known as **2000 Bear Creek, Ovilla, Texas.**

The Planning and Zoning Commission recommended denial of reclassification. According to the Comprehensive Land Use Plan in 2010, this parcel was listed for the rezoning primarily because there was no property in Ovilla zoned Multifamily.

PL2 Stevenson made the motion that Council approves the proposed zoning change in Case PZ13-009 as presented, seconded by PL1 Hall. *Mayor Leverentz conducted 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 9. DISCUSSION/ACTION –** Consider staff's response and effective revision(s) from suggestions contained in the management letter of Yeldell, Wilson and Co. P.C., received from the 2010-11 Fiscal Year Audit.

PL1 Hall asked staff to prepare a formal response 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. Council reviewed Ms Jungman's responses.

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

6

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

PLI Hall made the motion that Council approves the submitted staff responses from suggestions contained in the management letter from Yeldell, Wilson & Co, PC, received from the 2010-11 Fiscal Year Audit, seconded by Mayor ProTem Dormier. *Mayor Leverentz conducted 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 10. DISCUSSION/ACTION** – Consider staff's response and effective revision(s) from suggestions contained in the management letter of Yeldell, Wilson and Co. P.C., received from the 2011-12 Fiscal Year Audit.

PLI Hall asked staff to prepare a formal response 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. Council reviewed Ms Jungman's responses.

PLI Hall made the motion that Council approves the submitted staff responses from suggestions contained in the management letter from Yeldell, Wilson & Co, PC, received from the 2011-12 Fiscal Year Audit, seconded by PL2 Stevenson. *Mayor Leverentz conducted 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 11. DISCUSSION** – Review and consider revisions to Section 6.04.001 Weeds and Grass, Ovilla Code of Ordinances.

Code Enforcement Mike Dooly shared staff procedures for handling grass and/or weed problems including certain restrictions in the current ordinance:

1. Leave door hanger
2. Send certified and regular mail letters
3. Warning
4. Lien on property
5. Weed/grass limit 12"

PLI Hall asked staff to review and compare Ovilla's ordinance to the City of Arlington's and modify Ovilla's ordinance to model Arlington's, as this would strengthen enforcement. The consensus was to consider revising the maximum height from 12" to 9". Once the proposed ordinance was ready, it would be reviewed by the Planning and Zoning Commission for recommendation.

**DISCUSSION ONLY.**

### **EXECUTIVE SESSION**

Mayor Leverentz announced a Closed Meeting called at 8:25 p.m., pursuant to Texas Government Code as follows:

Closed Meeting called pursuant to Texas Government Code § 551.072 – Real Property

**ITEM 12. DISCUSSION/ACTION** – Discuss and review options for land purchase at 713 W. Main Street.

The City was approached by Ms Karen Pickard regarding land purchase of her property at 0 W. Main and 701 W. Main Street. (correct address) The City is currently (and has been allowed in the past) by the owner, to use the corner lot for occasional parking of fire apparatus and overflow employee vehicles.

Closed Meeting called pursuant to Texas Government Code § 551.071 – Consultation with Attorney  
**ITEM 13. DISCUSSION/ACTION** – Update City Council on research of 125 Flex Plan.

Staff discovered a possible inaccuracy in pre-tax calculations and alerted Yeldell, Wilson and Co., PC, for assistance in determining the proper course of action and corrections if necessary.

Closed Meeting called pursuant to Texas Government Code § 551.074 - Personnel Matters.  
**ITEM 14. DISCUSSION/ACTION** – Deliberate the appointment employment, and/or duties of the Interim City Administrator and/or permanent City Administrator.

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

Mayor Leverentz and Council reconvened into Open Session at 9:10 p.m., announcing that no decisions were made in Executive Session.

**ITEM 12.**  
**No Action was taken on Item 12.**

**ITEM 13.**  
**No Action was taken on Item 13.**

**ITEM 14.** PL1 Hall made the motion that the City Council authorizes the Acting City Administrator to issue a letter of understanding to the owner of the property at 0 W. Main & 701 W. Main (713 West Main Street) of the city's interest in the purchase of the property contingent to a certified appraisal, phase one environmental study and a survey, seconded by PL2 Stevenson. Mayor Leverentz conducted 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.**

**ADJOURNMENT**

PL3 Griffin made a motion to adjourn the meeting; seconded by PL2 Stevenson.  
There being no further business, Mayor Leverentz adjourned the meeting at 9:11 p.m.



ATTEST:

  
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Pamela Woodall, City Secretary

  
\_\_\_\_\_  
Tom Leverentz, Mayor

**Approved May 13, 2013**

*Certified Executive Agenda sealed and filed separately.*