

CITY OF OVILLA MINUTES

Monday, July 08, 2013

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 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
Dean Oberg	Council Member Place 5

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

PL4 Hunt gave the Invocation

PL2 Stevenson led the recitation of the Pledge of Allegiance

COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS

◆ Citizens Comments / Citizens Forum:

- I. Mr. Phil Lynch asked to address Council when the Public Hearing(s) were opened.

◆ Department Activity Reports / Discussion

- Police Department Police Chief M. Moon
 - Chief Moon briefed Council on the Police Department monthly report.
- Fire Department Assistant Fire Chief P. Brancato
 - Assistant Fire Chief Brancato briefed Council on the Fire Department monthly report.
- Public Works Director B. Piland
 - Briefed Council on the Public Works Department monthly Report
 1. Briefly reviewed Ellis County's time line regarding road repairs on Cockrell Hill Road.
- Administration City Administrator Cyndy Powell
 - Ms Powell gave her Bi-weekly activity report that included:
 1. Updates on submitted RFP's for Solid Waste & Recycling
 2. Updates on status of RFQ for Employee Compensation Study
 3. Status Report on Bryson Manor Subdivision
 4. Strategic Plan RFQ review with EDC on July 15
- Municipal Court City Secretary P. Woodall
 - Briefed Council on the monthly Municipal Court report sharing that collections were up.
- Code Enforcement Code Enforcement Officer M. Dooly
 - Mr. Dooly briefed Council on the monthly Code Enforcement and Animal Control Reports.
 1. At the request of PL1 Hall, Mr. Dooly gave his working procedures of the complaint process beginning with door hangers and notices to the property owner(s) to the court summons.

CONSENT ITEMS

- Minutes of the June 10, 2013 Special Meeting/Official Naming of the O'Dell Ball Field
- Minutes of the June 10, 2013 Regular Council Meeting
- Minutes of the June 17, 2013 Special Council Meeting /Budget Workshop

- Minutes of the June 24, 2013 Regular Council Meeting
- Financial Transactions

PL4 Hunt made the motion that Council approves the consent items as presented, seconded by PL1 Hall. Mayor 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: 4-0.

REGULAR AGENDA

ITEM 1. DISCUSSION/ACTION – Consider proposed Resolution 2013-007 to accept nominations and make appointment to City Council Place 5; to complete the remainder of the term vacated by the May 2013 General Election of Mayor Dormier. (Mayor Dormier to give Oath and Statement)

Mayor Dormier entertained nominations from Council:

- | | |
|------------------|---------------------------|
| 1. PL1 Hall | None |
| 2. PL2 Stevenson | Nominated Mr. Dean Oberg |
| 3. PL3 Griffin | None |
| 4. PL4 Hunt | Nominated Mr. John Knight |

PL2 Stevenson made the motion that Council approves an appointment of Dean Oberg to serve as City Council Member Place 5, filling the one-year vacancy until the next general election, seconded by PL3 Griffin. Mayor Dormier asked for a record vote by announcement of AYE or NAY. Council Members PL1 Hall, PL2 Stevenson and PL3 Griffin announced AYE in favor. PL4 Hunt voted in opposition; no abstentions.

VOTE: The motion carried unanimously: 3-1.

Mayor Dormier conducted the Oath of Office and Statement of Office to Mr. Dean Oberg. Following the Oath, Mr. Oberg took his seat on the Council.

ITEM 2. DISCUSSION/ACTION – Consider the appointment of Mayor Pro Tem.

Mayor Dormier asked for nominations:

- | | |
|------------------|--|
| 1. PL1 Hall | None |
| 2. PL2 Stevenson | Nominated PL1 Hall to serve as Mayor Pro Tem |
| 3. PL3 Griffin | None |
| 4. PL4 Hunt | None |
| 5. PL5 Oberg | None |

PL2 Stevenson made the motion that Council appoints PL1 Hall as the Mayor Pro Tem for the City of Ovilla following the May 2013 election for the period ending in May 2014, seconded by PL5 Oberg. Mayor 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.

Mayor Dormier moved the order of the agenda to address the Public Hearings, beginning with the second PH listed on the agenda.

PUBLIC HEARINGS / Discussion and Action

Public Hearing & Discussion – Discuss and consider a replat request to combine two residential lots:

Case No. Replat No. 201213-001: A request filed by Mr. Mohamad Soueid for Council's consideration to replat his property; combining two lots (#2 and #3), Block H in the Ovilla Parc Phase 2 residential development.

Mayor Dormier opened the Public Hearing at 7:22 p.m.

Mayor Dormier asked anyone to speak in favor to please come forward.

1. Mr. Mohamad Soueid, owner of the two lots stated he wished to combine them and build a home in the center of the combined lots. He asked for Council's consideration.
2. There was no one else to speak.

Mayor Dormier asked anyone to speak in opposition to please come forward.

1. There was no one to speak.

As there were no other comments, Mayor Dormier closed the Public Hearing at 7:24 p.m.

DISCUSSION/ACTION – **Case No. Replat No. 201213-001:** A request filed by Mr. Mohamad Soueid for Council's consideration to replat his property; combining two lots (#2 and #3), Block H in the Ovilla Parc Phase 2 residential development.

PL2 Stevenson made the motion that Council approves the replat request filed by Mr. Mohamad Soueid as presented, seconded by PL1 Hall. *Mayor Dormier asked for a record vote by announcement of AYE or NAY. Present Council announced AYE in favor. No oppositions, no abstentions. Mayor Dormier conducted a record vote.*

VOTE: The motion carried unanimously: 5-0.

Public Hearing & Discussion – Discuss and consider the proposed change to Chapter 14 of the Ovilla Code of Ordinances:

Case No. PZ13-011: A request by The City of Ovilla: Receive recommendation from the Planning and Zoning Commission to consider and approve proposed Ordinance 2013-022, repealing Chapter 14, Article 4, Sections 33.8 and 33.9 of the Ovilla Code of Ordinances and adopting a new "Residential Parking Regulations and Development Standards" as Section 33.8.

Council asked Mr. Dooly to give clarification of the changes this new language will make to the current ordinance.

Mayor Dormier opened the Public Hearing at 7:38 p.m.

Mayor Dormier asked anyone to speak in favor to please come forward.

1. Mr. Phil Lynch shared a photo presentation of homes in Ovilla and how this ordinance would enforce the clean up of many residences.

Mayor Dormier asked anyone to speak in opposition to please come forward.

2. There was no one to speak.

As there were no final comments, Mayor Dormier closed the Public Hearing at 7:39 p.m.

DISCUSSION/ACTION – **Case No. PZ13-011:** Consideration of proposed Ordinance 2013-022, repealing Chapter 14, Article 4, Sections 33.8 and 33.9 of the Ovilla Code of Ordinances and adopting a new "Residential Parking Regulations and Development Standards" as Section 33.8.

PL4 Hunt voiced concerns with citing a limited length of RV's; PL5 Oberg was in favor of the limited length. PL1 Hall noted his opinion to add time restrictions to the last sentences of Section D – 1&2, and corrected language "as well as", to Section C – 3. It was made clear that there was no grandfathering in this ordinance.

PL3 Griffin made the motion that Council approves Ordinance 2013-022, Residential Parking Regulations and Development Standards to include the listed revisions:

1. Section C – 3: *On the rear yard of any single-family residence, duplex or townhouse, or upon and property zoned "R" **as well as** including commercial property used as a residence.*
2. Section D – 1 & 2: *Revise the last sentence to each stating a maximum of **48 hours**.*

The motion was seconded by PL5 Oberg. *Mayor Dormier asked for a record vote by announcement of AYE or NAY. Council Members PL1 Hall, PL2 Stevenson and PL3 Griffin announced AYE in favor. PL4 Hunt voted in opposition; no abstentions.*

VOTE: The motion carried unanimously: 4-1.

Mayor Dormier moved the order of the Agenda back to Item 3.

ITEM 3. DISCUSSION/ACTION – Consider nominations and appointments/reappointments to the Planning and Zoning Commission.

Council reappointed Mr. Bill Zimmermann (May 28th meeting) to serve another 2-year term. Places 1, 3 & 5 were still open, as well as the new vacancy of PL4 P&Z created by the appointment of PL5 Council Member Oberg this date.

Staff was notified that one member from the CIP (Darrell Jungman) wished to serve on the P&Z. Additionally, staff received one additional board application (Carol Lynch) for appointment. Both applications were included in Council's packet for review and consideration.

PL3 Griffin made the motion that Council appoints Mr. Darrell Jungman (PL1) and Ms Carol Lynch (PL3) to the Planning and Zoning Commission, seconded by PL5 Oberg. *Mayor 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 – Consider proposed Ordinance 2013-021, Repealing Chapter 3, Article 3.05, Section 3.05.006, "Types of Fence and Construction," of the Ovilla Code of Ordinances and adopting new provisions in place thereof.

During the June 10, 2013 Council Meeting, the governing body approved an ordinance that revised certain sections of Chapter 3 of the Ovilla Code of Ordinances pertaining to the maintenance of fences and inspections of existing fences, including approved fence materials. It was determined during discussion of the maintenance requirements for existing fences that there would be a conflict in acceptable materials for new fences, allowing for instance, particleboard and plywood fences for new construction. Staff was directed to return with a new ordinance for the construction of new fence materials consistent with existing fences and the maintenance of such.

PL3 Griffin made the motion that Council approves the proposed Ordinance 2013-021 repealing Chapter 3, Article 3.05, Section 3.05.006, Types of Fences and Construction of the Ovilla Code of Ordinances as presented, seconded by PL2 Stevenson. *Mayor 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 – Review and discuss options for proposed storm shelters.

An Ovilla resident addressed the Planning and Zoning Commission during their July 1, meeting and requested that storm shelters be allowed in Ovilla. Currently, the Code of Ordinances does not address storm shelters. Staff is researching underground shelters and aboveground safe-houses/safe-sheds.

*Richard Dormier, Mayor
Ralph Hall, Place One
Larry Stevenson, Place Two*

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

PL1 Hall directed staff to research the American Tornado Association and the Nation Storm Shelter Association, adding that materials used in the construction of underground shelters needed detailed study to ensure safety. Staff will return with more information.

Discussion Only.

ITEM 6. DISCUSSION – Orientation to review and discuss duties and protocols as a city council member.

Mayor Dormier distributed a typed document to offer orientation to PL5 Oberg and to remind the current Council of the *Council Rules of Governance and Code of Ethics* – listed in the back of each member’s packet book. Additionally, Mayor Dormier pointed out certain essentials to remember:

1. Council establishes the goals and objectives for the city and approves a budget.
2. Council members should deal directly with the City Administrator and City Secretary.
3. Individual city Council Members cannot spend money. Work through the City Administrator or City Secretary.
4. Check your city assigned emails regularly.
5. Refrain from micromanagement of staff. Contact the City Administrator or City Secretary with questions.
6. Exchanging ideas with staff is good but leave direction to their supervisor(s).

Discussion Only.

REQUESTS FOR FUTURE AGENDA ITEMS

- | | |
|------------------|--|
| 1. PL1 Hall | Nothing |
| 2. PL2 Stevenson | Nothing |
| 3. PL3 Griffin | Nothing |
| 4. PL4 Hunt | Discuss full-time fire chief during budget workshops |
| 5. PL5 Oberg | Nothing |

ADJOURNMENT

PL2 Stevenson made the motion to adjourn the meeting, seconded by PL5 Oberg. There being no further business, Mayor Dormier adjourned the meeting at 8:15 p.m.



ATTEST:

Pamela Woodall

Pamela Woodall, City Secretary

Richard Dormier

Richard Dormier, Mayor

Approved July 22, 2013

Attachment: Mayor Dormier’s document pertaining to Item 6.

City Council Agenda Item 6
7-8-13

City Council duties, responsibilities and protocol.

In our agenda book, go to the section marked Council Rules of Governance.

1. The first 7 pages are the Code of Ethics for the city council and city boards and commissions covering 5 Principles to Adhere To on page 1, Standards of Conduct on page 3, the method that complaints against elected and appointed officials are handled beginning on page 5.

The five principles are:

- i. a public official represents and works towards the public interest and not towards private or personal interests;
 - ii. a public official should accept and maintain the public trust to the degree that preserves and enhances the public's confidence in their public officials;
 - iii. a public official should exercise leadership in the form that consistently demonstrates behavior that reflects the public's trust;
 - iv. a public official should recognize the proper role of all government bodies and the relationships between various government bodies; and
 - v. a public official should always demonstrate respect for others and for other positions.
2. No page 8. Beginning with page 9 are the Rules of Procedure for the Mayor and City Council and citizens attending meetings describing how meetings are conducted.
 3. Resolution 2012-013 covers rules and procedures for placement of items on the Agenda.

We all need to review these documents and remain familiar with them.

Important things to remember based on what I have seen the last 12 years here in Ovilla:

1. The City Council establishes the goals and objectives for the city and approves a budget. The city staff implements the steps necessary to achieve the goals and objectives as best they can within the budget approved by the City Council.
2. City council members should deal directly with the City Administrator or City Secretary. They will delegate to the appropriate person and or vendor and report back to you or the council as a whole.
3. Individual city council members cannot spend money so please do not contact City vendors such as city attorney, city engineer, etc. directly as we will receive a bill. Work through the City Administrator or City Secretary with your request. They may be able to resolve without contacting a vendor.
4. Try to check your email regularly so that you can keep up with current events and any messages you might receive from the public.
5. Please refrain from micromanagement of staff. It is our job to make sure the goals and objectives are being carried out, but not necessarily to dictate how they are accomplished. If you have a question, contact the City Administrator or City Secretary and they will get back to you and update the whole council as well.
6. If you believe someone is doing a good job, be sure to let the City Administrator know.
7. Nothing in this says you cannot talk with and exchange ideas with staff but they should take their direction from their supervisor not city council.