

CITY OF OVILLA MINUTES

Monday, May 13, 2013

Regular City Council Meeting

105 S. Cockrell Hill Road, Ovilla, TX 75154

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 elect)

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

PL3 Griffin gave the Invocation

PL4 Hunt led the recitation of the Pledge of Allegiance

COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS

Mayor Leverentz gave thanks to Presiding Election Judge Charlie Morton for his handling of Ovilla's May 11, 2013 General Election. Additionally, Mayor Leverentz shared his sincere appreciation to the Council and residents for supporting him as an Ovilla governing body representative the past 5-years.

◆ **Citizens Comments / Citizens Forum:**

1. Presiding Judge Charlie Morton reported on an extremely low voter turnout and gave the unofficial results of the Saturday, May 11 General Election:

Mayor Elect	Richard Dormier
Place 2 Council Member (Incumbent)	Larry Stevenson
Place 4 Council Member (Incumbent)	Doug Hunt
2. Ms Jimmie Wade – referenced face book comments by PL4 Hunt that were offensive to her.
3. Mr. Lance Rust asked to hold his comments (if any) for Item #4.

◆ **Department Activity Reports / Discussion**

- Police Department Police Chief M. Moon
 - Briefed Council on the Police Department monthly report
 - Police Officer Memorial Day is May 15
 - Working on a new EOC plan with Assistant Fire Chief P. Brancato
- Fire Department Assistant Fire Chief P. Brancato
 - Briefed Council on the Fire Department monthly report
- Public Works Director B. Piland
 - Briefed Council on the Public Works Department monthly Report
 - Planning & Zoning had approved the preliminary plat of Bryson Manor Development
 - Cockrell Hill Road construction was still in the planning stages
 - Annual Ovilla Clean-Up Day was successful
- Finance Department City Accountant S. Jungman
 - Briefed Council on the monthly Municipal Court report to include a report of 329 active warrants totaling \$86,883
 - The City Secretary reported on Omni an FTA (Failure to Appear) Program set up through the Department of Public Safety to assist cities and counties in the collection of fines by restricting

the renewal of a violator's TX Driver license. Council asked staff to return with the Omni Base/FTA Program agreement & documentation as an agenda item for discussion/action.

- Administration Interim City Administrator J. Lee
 - Ms Lee gave her Bi-weekly activity report
 - Attended a TX Department of Transportation Public Hearing regarding Loop 9
 - Staff is preparing an Appreciation Reception for Mayor Leverentz
- Code Enforcement Code Enforcement Officer M. Dooly
 - Mr. Dooly gave Council updates on the following, advising that all issues were in the review stage with the Planning and Zoning Commission:
 - Residential off-street parking
 - Fences/maintenance of fences
 - Hay baling
 - High grass and weeds
 - National Day of Prayer was held on May 9 at Heritage Park
 - O'Dell Ball Field Dedication will be scheduled soon

CONSENT ITEMS

- Minutes of the April 08, 2013 Regular Council Meeting
- Minutes of the April 22, 2013 Regular Council Meeting
- Financial Transactions
- Ordinances 2013-008 through 2013-014 approved during the April 08, 2013 Council meeting regarding zoning changes on Bear Creek Road.

PL4 Hunt made the motion that Council approves the consent items as presented, seconded by PL1 Hall. 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.

Mayor Leverentz moved the order of the agenda:

Mayor Leverentz announced that Council would convene into EXECUTIVE SESSION at 7:38 p.m. for the following matters:

Closed Meeting called pursuant to Texas Government Code § 551.074 - Personnel Matters.

ITEM 6. DISCUSSION/ACTION – Deliberate the appointment employment, and/or duties of the interim City Administrator and/or permanent City Administrator/City Secretary.

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

ITEM 7. DISCUSSION/ACTION – Discuss and review options for land purchase at 713 W. Main (address correction noted 0 W. Main and 701 W. Main)

COUNCIL RECONVENED INTO OPEN SESSION AT 9:13 p.m.

Mayor Leverentz announced that no action was taken in Executive Session and returned to the regular order of the agenda.

REGULAR AGENDA

ITEM 1. DISCUSSION/ACTION – Consider Meritorious Exception to First Graphic Services to allow an 8 x 8 entrance sign (no electrical) to the Ovilla Parc Subdivision at Claremont & Shiloh Road.

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

Chapter 3, Section 3.06.012 of the Ovilla Code of Ordinances allows for the granting of exceptions for signage based on Council decision and with the ability to pose conditions with an exception. Council deliberated the proposed sign and proposed location.

Mayor ProTem Dormier made the motion that Council approves a meritorious exception to First Graphic Services to allow an 8 x 8 entrance sign to the Ovilla Parc Subdivision at Claremont & Shiloh for a period of two years; seconded by PLI 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 2. DISCUSSION/ACTION – Consider proposed Ordinance 2013-007, Amending the Code of Ordinances, Chapter 3, Building Regulations, Article 3.04.001 Flood Damage Prevention Regulations.

FEMA completed the floodway maps and required all cities to adopt the new maps along with their language of the new rules that pertain the 100-year floodplain, flood insurance requirements and future developments. Officials at the federal level approved the proposed ordinance. Because this ordinance repealed Ovilla's current ordinance in its entirety and FEMA's ordinance was not effective until June 3, 2013, it was necessary to enact the date of this ordinance on June 3. (Council reminded staff to include the FEMA map with the presented ordinance in the official city files.)

PL3 Griffin made the motion that Council approves the proposed Ordinance 2013-007 as presented to be effective on June 3, 2013, seconded by PLI 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 3. DISCUSSION/ACTION – Consider proposed Ordinance 2013-015 adopting RATE SCHEDULE "RRM – RATE REVIEW MECHANISM" for ATMOS energy corporation, Mid-Tex Division to be in force in the city for a period of time as specified in the rate schedule Amending the Code of Ordinances.

It was the recommendation of the ACSC Executive Committee and the ACSC legal counsel that the member cities adopt the new rate review mechanism (RRM) tariff for Atmos.

Mayor Pro-Tem Dormier made the motion that Council approves the proposed Ordinance 2013-015 adopting the rate schedule "RRM" for Atmos Energy Corporation Mid-Tex Division 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 4. DISCUSSION/ACTION – Case PZ13-010 - Review and consider approval of a preliminary plat application for Bryson Manor Subdivision.

The Planning and Zoning Commission voted during their May 06, 2013 meeting to recommend approval to Council for the Bryson Manor preliminary plat application. PLI Hall questioned if a moratorium should be placed for future development until parkland/open (green) space is addressed and revised in the Comprehensive Land Use Plan and eventually adopted. He asked that "parkland/open space master plan" be placed on the agenda for discussion at the May 28 Council meeting. (Mr. Lance Rust, representative for Bryson Manor Subdivision did not ask to speak.)

PL4 Hunt made the motion that Council approves the Bryson Manor preliminary plat 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 – Consider proposed Ordinance 2013-016 of the City of Ovilla, TX, amending the Fiscal Year 2012-2013 Annual Budget and Program of Services in accordance with the Mid-Year Budget Review and Amendment as part of the formal budget process.

PL1 Hall commented that due to the delay in delivery of packets, Council had not received enough time to review, therefore, asked that this agenda item come back at the next meeting for review and action. The remaining governing body concurred.

NO ACTION.

ITEM 6. DISCUSSION/ACTION – Deliberate the appointment employment, and/or duties of the interim City Administrator and/or permanent City Administrator/City Secretary.

PL4 Hunt made the motion that Council approves a 6.25% salary increase to the city secretary; 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 7. DISCUSSION/ACTION – Discuss and review options for land purchase at 713 W. Main Street. (Corrected address 0 W. Main and 701 W. Main)

Mayor Pro-Tem Dormier made the motion that Council directs the Interim City Administrator to continue city negotiations & proceedings to purchase the land at 0 W. Main and 701 W. Main Street, 2 lots #187633 & 20983; 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.

ADJOURNMENT

PL2 Stevenson made a motion to adjourn the meeting; seconded by PL4 Hunt.

There being no further business, Mayor Leverentz adjourned the meeting at 9:35 p.m.



Pamela Woodall, City Secretary

Tom Leverentz, Mayor

Approved May 28, 2013

Certified Executive Agenda sealed and filed separately.