

**CITY OF OVILLA MINUTES**  
**Tuesday, October 15, 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 7:00 P.M. The following City Council Members were present:

Ralph Hall	Mayor Pro Tem, 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. City Administrator Cyndy Powell was noted as absent. Various department-heads and staff were also present.

Mayor Dormier gave the Invocation and led the recitation of the Pledge of Allegiance.

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

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

I. None

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

- Police Department Police Chief M. Moon
  - Chief Moon briefed Council on the Police Department monthly report.
- Fire Department Captain B. Kennedy
  - In the absence of Fire Chief Brancato, Captain Kennedy briefed Council on the Fire Department monthly report and answered specific questions relating to the Life Safety Program.
- Public Works Director B. Piland
  - Briefed Council on the Public Works Department monthly report.
- Administration
  - Bi-weekly activity report was reviewed.
  - Status on the pending security system installation at city hall was reviewed with staff.
- Municipal Court City Secretary P. Woodall
  - Briefed Council on monthly and annual reports and gave collections, warrants and violation comparisons from the previous year.
- Code Enforcement/Animal Control Code Enforcement/ACO M. Dooly
  - Reviewed monthly reports and answered questions.

**CONSENT ITEMS**

- Financial Transactions
- ATMOS Ordinance

Mayor Pro Tem Hall asked to pull the Financial Transactions from the consent. He asked staff to provide documentation related to two separate purchases of radios from American Communications and Azle Communications made by the Fire Department and return with explanation and verification that staff followed procurement laws.

PL4 Hunt made the motion that Council approves the remaining consent item (ATMOS) as presented and directed staff to return to the next Council meeting with documentation and explanation of the mentioned items listed in the Financial Transactions, seconded by PL2 Stevenson. *Mayor Dormier asked for an announcement of AYE or NAY from Council. Present Council announced AYE in favor. No oppositions, no abstentions.*

**VOTE: The motion carried unanimously: 5-0.**

### **PUBLIC HEARING**

**PUBLIC HEARING AND DISCUSSION 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 2013-029, repealing Chapter 14, Article 4, Sections 33.8 and 33.9 of the Ovilla Code of Ordinances and replacing same with new provisions pertaining to residential off-street parking and residential parking development standards.

Mayor Dormier read the caption and advised that Council did not receive a recommendation from the Planning and Zoning Commission regarding this item, therefore, Council had nothing to consider. The public hearing would not be opened, nor would Item 1 be addressed at this time.

### **REGULAR AGENDA**

**ITEM 1. DISCUSSION/ACTION – Case No. PZ13-011:** Consider proposed Ordinance 2013-029, repealing Chapter 14, Article 4, Sections 33.8 and 33.9 of the Ovilla Code of Ordinances, and replacing same with new provisions pertaining to residential off-street parking and residential parking development standards; providing for penalties; providing a savings clause; providing a severance clause; providing for incorporation into the Ovilla Code of Ordinances, providing for immediate effect; and providing for publication.

**No Action.**

**ITEM 2. DISCUSSION/ACTION** – Consideration of proposed Main Street Sewer Project and take action as necessary.

City representatives and the Mayor met with property owners in late September to discuss estimated costs for materials associated with the property owners' financial portion of the Main Street sewer line extension if approved. An estimated cost to the property owners for materials was \$10,700. In early October, the city received a written request from four of the downtown property owners asking Council to consider waiving connection fees (Base capital recovery fee is \$1250) The property owners would remain responsible for connection performed by the applicant's contractor (to City standards) including a plumbing inspection.

Public Works Director Brad Piland met with one contractor and was given an estimate of \$5,000 as the total cost to the City; however, he would be obtaining additional quotes. A developer's agreement would need to be drafted and approved prior to proceeding including a firm quote of the City's cost. PL4 Hunt shared his opinion that this was not the City's responsibility to improve the properties of individual citizens, but that the financial responsibility should be the burden of the property owner.

Mayor Pro Tem Hall made the motion that Council move forward with drafting a developer's agreement for those individuals affected in the downtown area and that the City would waive the \$1250 capital recovery fee, seconded by PL2 Stevenson. PL4 Hunt questioned what the City would gain from this. The property owners' purchased their properties knowing there was no sewer. What message does this give to builders and developers? PL4 Hunt stated he did not agree using taxpayers' dollars for just a few downtown property

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

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

owners. If the property owners were proposing to make substantial improvements to their properties, it might present some credibility and confer a desire help them. Mayor Pro Tem Hall responded that this would benefit the downtown area – which is a Historical District of the City and a benefit to the City. Mayor Pro Tem Hall added that this request had been on the agenda for a number of years and it is time to either approve it or drop it completely. PL3 Griffin said he appreciated PL4 Hunt's stance on this issue however, based on the cost of \$5,000 (which he had heard it to be much more costly in the past) this would benefit businesses in the downtown area and help the City. *Mayor Dormier asked for an announcement of AYE or NAY from Council. Council Members, Mayor Pro Tem Hall, PL2 Stevenson and PL3 Griffin announced AYE in favor. Council Members PL4 Hunt and PL5 Oberg voted in opposition, no abstentions.*

**VOTE: The motion carried: 3 in favor-2 in opposition.**

**ITEM 3. DISCUSSION/ACTION** – Consider request from Jason Dodson, General Manager, John Houston Custom Homes for change to the current Building Regulations to allow for a front-facing third car garage option in Phase 2 of Ovilla Parc.

Mr. Jason Dodson with John Houston Custom Homes was present and spoke on behalf of the builder desiring an exception to Ovilla's current Building Regulations that prohibits front-facing garages. Mr. Dodson stated that from a builder's standpoint, they desired to create the largest "amount" of house on a given lot. HOA restrictions in this particular neighborhood (Ovilla Parc) required homes in excess of \$3,000 sq. ft. to have a third garage. Placement of the extra (third) garage would take up the backyard and/or limit the use of the yard. A photo of an example of a wing-wall was included as well as other photos of front-facing garages. The current code does permit a process for an administrative variance of a twenty-degree variance and requests for over a twenty-degree variance are considered by the BOA. Council's consensus was to continue with current code and not consider revising the Building Regulations allowing front-facing garages. Mayor Dormier assured Mr. Dodson that the City was very pleased that John Houston Homes was in Ovilla even though they would not consider the request.

**No Action.**

**ITEM 4. DISCUSSION/ACTION** – Consider two Council appointments to a Review Committee for the Proposals for the Employee Compensation and Classification Study.

Four proposals were received on September 13, 2013 for the Employee Compensation and Classification Study. Two Council members, Mayor Pro Tem Hall and PL5 Oberg volunteered to serve on the Review Committee along with 2 staff members (City Administrator and City Secretary) to evaluate the four proposals and make a recommendation to Council at a future meeting.

PL4 Hunt made the motion that Council appoints PL5 Oberg and Mayor Pro Tem Hall to serve on the Review Committee for Proposals for the Employee Compensation and Classification Study, seconded by PL3 Griffin. *Mayor Dormier asked for an announcement of AYE or NAY from Council. Present Council announced AYE in favor. No oppositions, no abstentions.*

**VOTE: The motion carried unanimously: 5-0.**

**ITEM 5. DISCUSSION/ACTION** – Review summary report and results following the 2013 Heritage Day celebration.

PL4 Hunt began with the statement that the success of Heritage Day was truly a team effort from all Council and City staff. PL3 Griffin commended PL4 Hunt and staff for another successful event.

**No Action.**

**REQUESTS FOR FUTURE AGENDA ITEMS**

- 1. Mayor Confirmed that the Financial Transactions would return for approval.
- 2. Mayor Pro Tem Hall Joint workshop with Council and Boards regarding TX Open Meetings Act and each board members' duties in relation to their assigned membership. Mayor Pro Tem Hall recommended having the City's legal counsel in attendance. Also, schedule a workshop for review of the Employee Personnel Policies Handbook sometime in November.
- 3. PL2 Stevenson None
- 4. PL3 Griffin None
- 5. PL4 Hunt None
- 6. PL5 Oberg None

**ADJOURNMENT**

PL4 Hunt made the motion to adjourn the meeting, seconded by PL2 Stevenson. There being no further business, Mayor Dormier adjourned the meeting at 8:15 p.m.

Richard Dormier, Mayor

ATTEST:

Pamela Woodall, City Secretary

*Approved November 12, 2013*

