

CITY OF OVILLA MINUTES
Tuesday, November 12, 2013
Regular City Council Meeting
105 S. Cockrell Hill Road, Ovilla, TX 75154

Mayor Pro Tem Hall (as acting Chair) 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 was noted absent and all Councilmen were noted present, thus constituting a quorum. Various department-heads and staff were also present.

PL2 Stevenson gave the Invocation and PL3 Griffin 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 related to the Life Safety Program.
- Public Works Director B. Piland
 - Briefed Council on the Public Works Department monthly report.
- Administration City Administrator C. Powell
 - Bi-weekly activity reports were reviewed with discussion of alternative road maintenance plans for Cockrell Hill Road.
- 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
 - Code Officer and A/CO Mike Dooly briefed Council on monthly reports.

CONSENT ITEMS

- Financial Transactions
- Quarterly Investment Report
- Annual Investment Report
- Minutes of the October 15, 2013 Council Meeting

PL4 Hunt made the motion that Council approves the consent items as presented, seconded by PL2 Stevenson. *Mayor Pro Tem Hall 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.

REGULAR AGENDA

ITEM 1. DISCUSSION/ACTION – Consideration of a Meritorious Exception to Ovilla Road Baptist Church for a sign permit.

Council considered and denied this request during the September 23, 2013 meeting. Applicant was encouraged to return with an improved diagram. Chapter 3, Section 3.06.012 of the Ovilla Code of Ordinances does allow for the granting of exceptions for signage based on Council decision. Mr. Doug Connell from the Ovilla Road Baptist Church was present for explanations and answers to Council questions.

PL3 Griffin made the motion that that Council approves a Meritorious Exception to Ovilla Road Baptist Church for a sign permit as presented in the diagram, contingent to the removal of an existing pole sign, seconded by PL5 Oberg. *Mayor Pro Tem Hall 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 2. DISCUSSION/ACTION – Receive recommendation from the Planning & Zoning Commission to consider proposed Ordinance 2013-030, amending Chapter 6, Article 6.04.001 of the Ovilla Code of Ordinances providing exceptions to the regulation on the maximum height of weeds, grass and other objectionable material.

The Planning and Zoning Commission reviewed Ordinance 2013-030 during their October and November monthly meetings, sharing varied suggestions and revisions. Staff shared certain sections modified by the P&Z for Council review and approval: Sections 6.04.001 (c) to allow an exception for cultivated crops that included hay baling, privately owned gardens, flowerbeds and pastureland for livestock, and 6.04.001(d), and include the word “residence” to the 100-ft distance. Planning and Zoning Chair Carol Lynch was present to answer questions to the P&Z’s intent. Council advised staff modify Section 6.04.001(c) adding verbiage of “2 acres or more” to that section.

PL4 Hunt moved that Council approve presented Ordinance 2013-030, Amending Chapter 6, Article 6.04.001 of the Ovilla Code of Ordinances providing exceptions to the regulation on the maximum height of weeds, grass and other objectionable material to include adding verbiage of “2 acres or more” to Section 6.04.001(c), seconded by PL5 Oberg. *Mayor Pro Tem Hall 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 3. DISCUSSION/ACTION – Consider an extension of the contract up to 10 hours with Texas First Group, retaining the services of Ms Jacqueline Lee, to provide consultation services to all areas related to Human Resources.

Approved funds from the First Extension Agreement had been exhausted. This second extension would allow the City Administrator to approve payment to First TX Group not to exceed ten hours and would allow Ms Lee to be available to Council for the completion and approval of the Employee Policies Handbook. Council voiced differing opinions for the necessity to expend additional money or the need of Ms Lee’s presence for finalization of the Handbook.

PL4 Hunt made the motion that Council approve a second extension for the contract for up to 10 hours with Texas First Group, retaining the services of Ms Jacqueline Lee to provide consultation services to all areas related to Human Resources, seconded by PL2 Stevenson. *Mayor Pro Tem Hall asked for an announcement of AYE or NAY from Council. Councilors Hall, Stevenson and Hunt announced AYE in favor. Councilors Oberg and Griffin voted in opposition, no abstentions.*

VOTE: The motion carried: 3 in favor – 2 opposed.

ITEM 4. DISCUSSION/ACTION – Consider scheduling a workshop on December 09, 2013, 6:00 p.m. to review the proposed revisions to Ovilla Employee Personnel Policies Handbook.

A proposed one-hour session will allow staff and Council to review revisions and answer questions with Ms Lee and Legal Counsel Ron MacFarlane pertaining to the completion of the Employee Policies Handbook. Council had a regularly scheduled meeting that same date at 7:00 p.m.

PL4 Hunt made the motion that Council approve a workshop date of December 09, 2013 at 6:00 p.m., to review proposed revisions to the Ovilla Employee Personnel Policies Handbook, seconded by PL2 Stevenson. *Mayor Pro Tem Hall 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 – Consider scheduling a workshop on January 13, 2014 at 6:00 p.m., for Council and City boards to receive training on the TX Open Meetings Act from City's Legal Counsel Ron MacFarlane.

Council appointed numerous new members to various City boards (Board of Adjustment, Planning and Zoning, Economic Development Corporation Board) in recent months. To assure proper municipal meeting protocol is followed, staff was directed to schedule a workshop date with the City's Attorney, the City Council and all City boards for a training session on the TX Open Meetings Act and understanding the roles and responsibilities of each member assigned to their prospective Board. All but a few appointees have completed the Open Meetings Act training. Because January 13 is a regularly scheduled Council meeting, staff considered this date convenient for Council. Legal Counsel Ron MacFarlane agreed to the date.

PL4 Hunt moved that Council approve setting the date of January 13, 2014 at 6:00 p.m., for Council and City Boards to received training on the TX Open Meetings Act and their roles and responsibilities from City's Legal Counsel, seconded by PL5 Oberg. *Mayor Pro Tem Hall 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 6. DISCUSSION/ACTION – Consider approval of Resolution 2013-014 of the City of Ovilla, (Dallas County), casting its vote for the fourth member of the Board of Directors of the Dallas Central Appraisal District.

During the September 23, 2013 Council Meeting, a resolution was approved and submitted, nominating Mr. Michael Hurtt as Ovilla's candidate to serve on the Dallas Central Appraisal District Board of Directors. This resolution would cast the official ballot for Ovilla's vote.

PL3 Griffin moved that Council approve Resolution 2013-014 of the City of Ovilla, casting its vote for Michael Hurtt as the fourth member of the Board of Directors of the Dallas Central Appraisal District as presented, seconded by PL2 Stevenson. *Mayor Pro Tem Hall asked for an announcement of AYE or NAY from Council. Present Council announced AYE in favor. No oppositions, no abstentions.*

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

3

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

VOTE: The motion carried unanimously: 5-0.

ITEM 7. DISCUSSION/ACTION – Consider appointments/reappointments to the Municipal Development District.

The terms of office for the Municipal Development District are set at two-years, staggered by place number. Places 1, 3 and 5 expire in November (or until a successor is appointed).

Expiring terms:

Place 1, Sandra Fitzgerald

Place 3, Charles Daniels

Place 5, John Sawyers

Place 4 was vacated by former Mayor Tom Leverentz. One member has since passed away and another is no longer interested in serving. Staff has received two applications but the applicants' interests to serve were not checked for the MDD Board. Staff has inquired if either applicant would be interested to serve on the MDD. Both applicants responded that they would be happy to serve on any board and/or any committee. MDD Director Charles Daniels voiced desire to remain on the Board.

PL3 Griffin moved that Council approve the reappointment of Mr. Charles Daniels to the MDD Board for another term, seconded by PL2 Stevenson. Additionally, PL3 Griffin moved that Council appoint Mr. Scivally to the fill the vacancy of Director PL4 to the MDD for the remaining term, seconded by PL2 Stevenson. *Mayor Pro Tem Hall 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 8. DISCUSSION/ACTION – Consider an appointment to the Board of Adjustment to fill an alternate member vacancy.

The Board of Adjustment consists of a five-member board and two alternates. One alternate position, Place 7 remains vacant. Staff received two board applications. (Same applicants as noted above in Item 7).

PL5 Oberg moved that Council approve the appointment of Ms Carol Richtsmeier to serve a term as PL7 on the Board of Adjustment as an alternate member, seconded by PL3 Griffin. *Mayor Pro Tem Hall 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 9. DISCUSSION/ACTION – Discuss and consider interpretation of the City's Letter of Understanding with the City Administrator pertaining to vacation and take action as necessary.

It was the City Administrator's understanding that the intent of Item 4 listed in her Letter of Understanding negotiated for her employment with the City of Ovilla was to provide for two weeks paid vacation in October of 2013. The two weeks paid vacation was not discussed to be "in lieu of earned vacation" and therefore the City Administrator believed she would continue to accrue vacation at the same rate as other employees each pay period. City Accountant Sharon Jungman deleted the vacation hours accrued under the direction of the Mayor regarding his interpretation of the Letter. City Administrator Ms Powell asked Council to approve the restoration of the vacation earned/accrued at 3.08 hours per pay period since June 24, 2013. Mayor Pro Tem Hall stated his belief was that the interpretation of the letter allowed and approved Ms Powell an "advance" for vacation, concurred by PL2 Stevenson. Ms Powell commented that her understanding was to allow accrual of vacation time in lieu of her low salary.

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

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

Council took No Action.

Mayor Pro Tem Hall read aloud Item 10 and announced that Council would convene into Executive Session at 8:18 p.m.

ITEM 10. DISCUSSION/ACTION – The City Council will meet in a closed session pursuant to Section 551.071 of the Texas Government Code to consult with, and seek advice from, the City Attorney on a matter in which the duty of the attorney to the City under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of the Texas Open Meetings Act regarding variances to the City’s Building Standards Ordinance.

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

Mayor Pro Tem Hall and Councilors convened into Open Session at 8:34 p.m., and announced that no action was taken in the Executive Session. Mayor Pro Tem Hall asked if Council had any motion.
Council took No Action.

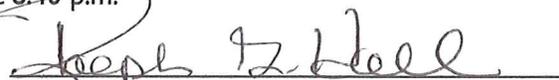
REQUESTS FOR FUTURE AGENDA ITEMS

- | | |
|-----------------------|---|
| 1. Mayor Pro Tem Hall | Discuss Code Enforcement Officer duties |
| 2. PL2 Stevenson | None |
| 3. PL3 Griffin | None |
| 4. PL4 Hunt | None |
| 5. PL5 Oberg | None |

Mayor Pro Tem Hall also noted that there would not be a second Council meeting in November as it fell near Thanksgiving. The next meeting would be on December 09, 2013.

ADJOURNMENT

PL5 Oberg made the motion to adjourn the meeting, seconded by PL2 Stevenson. There being no further business, Mayor Pro Tem Hall adjourned the meeting at 8:40 p.m.


 Ralph Hall, Mayor Pro Tem

ATTEST:


 Pamela Woodall, City Secretary

Approved January 13, 2014

Executive Agenda sealed and filed separately

