

CITY OF OVILLA MINUTES

Monday, March 14, 2016

City Council Briefing Session

105 S. Cockrell Hill Road, Ovilla, TX 75154

Mayor Dormier called the Council Briefing Session of the Ovilla City Council to order at 6:01 p.m., with notice of the meeting duly posted. Mayor Dormier made the following public announcements: **(1)** Pursuant to section 30.06, penal code (trespass by holder of license to carry a concealed handgun), a person licensed under subchapter h, chapter 411, government code (concealed handgun law), may not enter this property with a concealed handgun. **(2)** Pursuant to Section 30.07 Penal Code (Trespass by License Holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

The following City Council Members were present:

Rachel Huber	Council Member, Place 1
Larry Stevenson	Council Member, Place 2
David Griffin	Council Member, Place 3 (arrived at 6:12 p.m.)
Doug Hunt	Mayor Pro Tem, Place 4
Dean Oberg	Council Member, Place 5

Mayor Dormier announced present Council members, thus constituting a quorum. Various department directors and staff were also present. Staff presented Council with future agenda items and pending items still under staff review.

CALL TO ORDER

CONDUCT A BRIEFING SESSION to review and discuss agenda items on the 6:30 p.m. regular meeting.

City Manager Dennis Burn and Council reviewed each item on the 6:30 p.m. regular agenda sharing questions. Mr. Burn gave an explanation and short summary on Item 4.

CONDUCT A BRIEFING SESSION to review and discuss future agenda items.

Mr. Burn briefly reviewed each pending item.

1. Midlothian Independent School District – Shiloh Road Annexation
2. Midlothian Independent School District – Proposed Zoning Change from R-22 to General Commercial of an orphan piece of property being 0.6236 Acres, John Billingsley Survey
3. Midlothian Independent School District – Replat Approval
4. Endeavor Wall Homes LLC, agent representative of James D. Finley – Proposed Change in Zoning from Industrial to R-15 on 19.34 acres off of Bear Creek Road
5. Golden Chicken – Specific Use permit and Site Plan Approval
6. Bryson Manor Phase 2 – Preliminary Plat Approval
7. Hidden Valley Estates – Preliminary Plat Approval
8. Comprehensive Land Use Plan Public Hearing and Approval
9. Fiscal Year 2015-2016 Budget Amendment

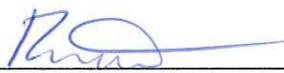
ADJOURNMENT

Mayor Dormier adjourned the Briefing Session of the Ovilla City Council at 6:21 p.m.

ATTEST:


Pamela Woodall, City Secretary




Richard A. Dormier, Mayor

Approved April 11, 2016

CITY OF OVILLA MINUTES

Monday, March 14, 2016

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 6:30 p.m., with notice of the meeting duly posted. Mayor Dormier made the following public announcements: **(1) Pursuant to section 30.06, penal code (trespass by holder of license to carry a concealed handgun), a person licensed under subchapter h, chapter 411, government code (concealed handgun law), may not enter this property with a concealed handgun. (2) Pursuant to Section 30.07 Penal Code (Trespass by License Holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.**

The following City Council Members were present:

Rachel Huber	Council Member, Place 1
Larry Stevenson	Council Member, Place 2
David Griffin	Council Member, Place 3
Doug Hunt	Mayor Pro Tem, Place 4
Dean Oberg	Council Member, Place 5

Mayor Dormier announced present Council members, thus constituting a quorum. City Manager Dennis Burn, various department directors and staff were also present.

PL2 Stevenson gave the Invocation and P1 Huber led the recitation of the Pledge of Allegiance.

COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS

1. Chief Windham announced the promotion of Sergeant Snavely and conducted the Oath of Office. Sergeant Snavely's wife pinned his sergeant's badge to his uniform. Photos were taken.
2. The Ovilla Service League reported the proceeds totaling \$16,000, resulting from the Annual Service League Benefit Spaghetti Dinner held on February 19, 2016. The profit is in support of the Ovilla Fire Department. Photos were taken.
3. The City Secretary presented to Council the Certification of Unopposed Candidates in the May 07, 2016 general election, naming Council elect positions:
 - Place One Council Position Unopposed - Rachel Huber
 - Place Three Council Position Unopposed - David Griffin
 - Place Five Council Position Unopposed - Michael Myers

• Citizen Comments

- MS Dani Muckleroy spoke on numerous items:
 - Thanked the Service League, staff and volunteers for their work resulting in another successful annual spaghetti dinner;
 - Recently attended a Park Board meeting;
 - Inquired if Ovilla had a need for a Bed and Breakfast in the downtown area and that Council should allow an upgrade to the esthetic look of downtown Ovilla;
 - Other topics touched: solar, chickens, restrictions on outside painting of buildings, send out reminders to residents before cleanup day, readdress items allowed for pickup with contracted refuse company; and
 - Offered thanks for Mike Dooly, Brad Piland and Chief Windham for their hard work and efforts.

• Department Activity Reports / Discussion – staff presented their reports.

- Police Department Police Chief B. Windham
 - Monthly Report was reviewed and discussed.
- Fire Department Fire Chief B. Kennedy

- Monthly Report was reviewed and discussed.
- Chief Kennedy thanked the Service League for another successful benefit dinner and financial help to the Fire Department.
- Shared photos of the upcoming new engine.
- Public Works Public Works Director B. Piland
 - Monthly Report was reviewed and discussed.
 - Director Piland advised the first 50/50 Sidewalk replacement program was underway.
 - Crews are still trimming trees throughout the City.
- Finance Department Accountant L. Harding
 - January 2016 Financials were reviewed.
 - Shared an updated committed fund balance report.
- Administration City Manager D. Burn
 - Reviewed Activity Report(s)
 - Updated Council on the February 25, 2016 Comprehensive Land Use Plan Review Committee's Town Hall meeting.
 - Briefed Council on development updates.
 - Briefed Council on Board activity updates.
 - Monthly Municipal Court Report City Secretary P. Woodall
 - Gave Council a March *Warrant Roundup* summary
 - Monthly Code/Animal Control Reports reviewed. Code/AC Officer M. Dooly
 - Advised that one minor dog bite occurred.
 - Monthly building permits were reviewed.

CONSENT AGENDA

- C1. January 2016 Financial Transactions over \$5,000
- C2. Minutes of the Special Meeting of February 22, 2016.
- C3. Minutes of the Council Briefing Session and Regular Meeting of February 08, 2016.

Mayor Pro Tem Hunt moved to approve the consent items as presented, seconded by PL5 Oberg.
No oppositions, no abstentions.

VOTE: The motion to approve carried unanimously: 5-0.

REGULAR AGENDA

ITEM 1. DISCUSSION/ACTION – Consideration of and Action on ORDINANCE 2016-04 of the City of Ovilla Texas, declaring unopposed candidates in the May 07, 2016 general city election elected to office; canceling the election; providing a savings clause; providing a severability clause; and providing an effective date.

Debate/Acción – Considerar una Acción sobre la ORDENANZA 2016-04 de la Ciudad de Ovilla Texas, que declara a los candidatos sin oposición en las elecciones generales del 07 de mayo de 2016 electos para el cargo; cancelar la elección; proporcionar una cláusula de salvaguardia; proporcionar una cláusula de separación; y proporcionar una fecha de entrada en vigor.

By authorization of the TX Election Code Sections 2.052 and 2.052, the City Secretary delivered to Council a certification that each candidate for office was unopposed. The City Secretary advised that a Type-A municipality requires the newly-elected governing body to meet at the usual meeting place to be installed on or after the fifth day after the election excluding Sunday, i.e., the sixth day after the election (Local Government Code, Section 22.036), meaning the earliest day to install officers would be 05/14/2016.

Richard Dormier, Mayor
Rachel Huber, Place One
Larry Stevenson, Place Two

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

Mayor Pro Tem Hunt moved that Council approve Ordinance 2016-04, declaring unopposed candidates in the May 07, 2016 General City Election elected to office; canceling the election; providing a savings clause; providing a severability clause; and providing an effective date, seconded by PL2 Stevenson.

No oppositions, no abstentions.

VOTE: The motion to approve carried unanimously: 5-0.

ITEM 2. *DISCUSSION/ACTION* – Consideration of and Action on a request filed by Massey Shaw for a Meritorious Exception to place a temporary pole sign on a corner lot (Shiloh Road and Bryson Manor) in the Bryson Manor Subdivision, authorizing the City Manager to execute.

Applicant, Massey Shaw applied to place a builder pole sign on lot 35 A, a corner lot (Shiloh Road and Bryson Lane) in Bryson Manor Subdivision. Section 3.06 of the Ovilla Code of Ordinances prohibits placement of pole signs.

Sign description: 8 X 8 Pole Sign

Materials: Wood

Duration: This sign is for temporary placement and expected to remain at this location until the subdivision is largely developed.

Sec. 3.06.012 of the Ovilla Code of Ordinances allows the granting of a meritorious exception by Council.

PL3 Griffin moved that Council approve a Meritorious Exception, a request filed by Massey Shaw for the placement of a wooden “builder” temporary pole sign on Lot 35 A, corner of Shiloh Road and Bryson Manor in the Bryson Manor Subdivision, authorizing the City Manager to execute, as presented, seconded by PL2 Stevenson.

No oppositions, no abstentions.

VOTE: The motion to approve carried unanimously: 5-0.

ITEM 3. *DISCUSSION/ACTION* – Consideration of and Action on the use of unrestricted fund balance for the repair and rehabilitation of Cockrell Hill Road, authorizing the City Manager to include in Mid-year Budget Amendment for Council consideration.

City Manager Dennis Burn presented Council a proposal from Oldcastle Pavement Solutions for paving improvements for Cockrell Hill Road and Main Street, from the bridge west of the intersection of FM 664 and Main Street to the Ellis/Dallas County line. Oldcastle Pavement Solutions is proposing: (1) reclaim existing pavement, (2) apply cement slurry to the reclaimed pavement and (3) install a 2” HMA overlay. This construction method is what was utilized for the street improvements recently completed in the Ovilla Oaks Subdivision. The price for 21,500 square yards at \$21.00 per square yards is \$451,500.00. This price is for paving only and does not include any ditch drainage work nor any culvert work. Permission to begin this project was not the intent at this time, but to merely inform Council now and ask them to consider this project during the upcoming mid-year budget amendment. PL5 Oberg commented that ditch cleanout needed to be done before any improvements to Cockrell Hill began. Oldcastle provides a two-year warranty. The work would be performed based on Ovilla’s Interlocal Agreement with Ellis County.

NO ACTION.

ITEM 4. *DISCUSSION/ACTION* – Consideration of and Action on a Records Retention Proposal between the City of Ovilla and RCI Records Consultants, Inc., for a Records Retention Program and Secure Document Destruction Services, in compliance with the Texas State Library and Archives Commission, authorizing the City Manager to execute.

The Local Government Code Section 441.158 (1989) mandates minimum retention periods for each type of local government, including a schedule for records retention. The designated authority, Texas State Library and Archives Commission (TSLAC), sets the retention schedules. The Records Management Officer (RMO-City Secretary) is responsible to see that annual processing and document destruction is carried out and compliant with TSLAC schedules.

December 2015, all staff liaisons from every department boxed and (colored coded) labeled records from their departments. This resulted in an overflow of records in the retention room.

The City Secretary reported that RCI is a professional company, assisting in the identification of filed retention records and protected permanent records. A team comes to the location and re-packs, sorts, classifies and inventories each box of contents to ensure they are labeled correctly, barcodes each box and separates any permanent documents, including reporting to TSLAC for the City. An electronic report will be provided to the RMO for safekeeping with the ability to query. Additionally, once TSLAC has approved the records control schedule, RCI will facilitate the destruction of records past their retention schedules.

RCI is a member of Texas Municipal League and the Texas Municipal Clerks Association, as well as BuyBoard. They visited Ovilla's retention areas and prepared a proposal to process inactive records according to TSLAC. Additionally, RCI shared valuable records retention and controlled storage standards and procedures with the RMO and staff.

A line-item budget of \$4,000.00 was the approved amount anticipated before the December boxing, which is now under estimated and not feasibly possible for the RMO to complete and file with TSLAC.

The turnkey project proposal cost is \$7,167.00, which will:

1. Assure Ovilla's compliance with TSLAC requirements
2. Removal of outdated records
3. Improved access to retained records
4. Reduced litigation exposure
5. Reduced storage related costs.

Once the initial program is underway, annual retention will be smoother, cleaner and less costly. Staff respectfully requested that Council approve this company's assistance with retention records and allow staff to include the increased expense of \$3167.00 to the mid-year budget amendment. The City Secretary added that with the cancelation of the election this year, the line-item expense under election will not be used - \$3,220.00, which would offset the added expense.

Mayor Pro Tem Hunt moved that Council approve the Records Retention Proposal between the City of Ovilla and RCI Records Consultants, Inc., for a Records Retention Program and Secure Document Destruction Services, in compliance with the Texas State Library and Archives Commission, authorizing the City Manager to execute, seconded by PL2 Stevenson.

No oppositions, no abstentions.

VOTE: The motion to approve carried unanimously: 5-0.

ITEM 5. *DISCUSSION/ACTION* – Consideration of and Action on ORDINANCE 2016-05 of the City of Ovilla, Texas, adopting the 2012 International Fire Code with 2012 North Central Texas Council of Governments ("COG") Amendments, 2012 International Building Code with 2012 COG Amendments, 2012 International HVAC/Mechanical Code with 2012 COG Amendments, 2012 International Residential Code with 2012 COG Amendments, 2012 International Plumbing Code with 2012 COG Amendments, 2012 Fuel Gas Code with 2012 COG Amendments, and 2011 National Electrical Code with 2011 COG Amendments;

providing for the modification of Code to incorporated local amendments; providing for recording of the Codes as a public record; providing that this Ordinance shall be cumulative of all ordinances; providing a severability clause; providing a savings clause; providing for a penalty for violations and providing an effective date.

Council and staff discussed the need to update all building codes with COG amendments – and to include Ovilla’s current local amendments. The City currently operates under 2009 Codes with the exception of the 2008 Electrical Code, all adopted by Ordinance 2014-034, November 10, 2014. Staff recommended that Council permit the update to the 2012 Codes with COG amendments and local amendments, with the exception of updating to the 2011 National Electrical Code (NEC) with COG amendments.

PL3 Griffin moved that Council approve ORDINANCE 2016-05 of the City of Ovilla, Texas, adopting the 2012 International Fire Code with 2012 North Central Texas Council of Governments (“COG”) Amendments, 2012 International Building Code with 2012 COG Amendments, 2012 International HVAC/Mechanical Code with 2012 COG Amendments, 2012 International Residential Code with 2012 COG Amendments, 2012 International Plumbing Code with 2012 COG Amendments, 2012 Fuel Gas Code with 2012 COG Amendments, and 2011 National Electrical Code with 2011 COG Amendments; providing for the modification of Code to incorporated local amendments; providing for recording of the Codes as a public record; providing that this Ordinance shall be cumulative of all ordinances; providing a severability clause; providing a savings clause; providing for a penalty for violations and providing an effective date, seconded by PL2 Stevenson.

No oppositions, no abstentions.

VOTE: The motion to approve carried unanimously: 5-0.

ITEM 6. DISCUSSION/ACTION – Consideration of any item(s) pulled from the Consent Agenda above for individual consideration and action.

NO ACTION.

EXECUTIVE SESSION

NONE

REQUESTS FOR FUTURE AGENDA ITEMS AND/OR ANNOUNCEMENTS

- 1. PL1 Huber Discuss downtown parking when repaving of Cockrell Hill Road begins.
- 2. PL2 Stevenson Post gun signs (Statutes 30.06 and 30.07) & updated speed limit signs throughout the City.
- 3. PL3 Griffin Bed and Breakfast in Ovilla’s Code?
- 4. Mayor Pro Tem Hunt Reminder: March 24 BSW Luncheon. City Secretary to send out email.
- 5. PL5 Oberg None
- 6. Mayor Heritage Day planning; Briefing Session a necessity; Update Code conflict resolution in May.
- 7. City Manager None

ADJOURNMENT

There being no further business, Mayor Dormier adjourned the meeting at 8:20 p.m.

ATTEST:


 Pamela Woodall, City Secretary
 Richard Dormier, Mayor
 Rachel Huber, Place One
 Larry Stevenson, Place Two




 Richard A. Dormier, Mayor

Approved April 11, 2016

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