

CITY OF OVILLA MINUTES
Monday, August 11, 2014
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 7:15 P.M. The following City Council Members were present:

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

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

PL5 Oberg gave the Invocation and Mayor Dormier led the recitation of the Pledge of Allegiance.

COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS

Mayor Dormier read aloud a Proclamation honoring Constitution Week and made presentation to representative, Mrs. Hart, from the Old Chisholm Trail Chapter, NSDAR. In return, Mayor Dormier was presented with a Citizenship Award.

▪ **Citizens Comments / Citizens Forum:**

I. None

▪ **Department Activity Reports / Discussion**

Staff and Council shared discussion on the monthly reports.

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|---|---------------------------------|
| • Police Department | Police Chief M. Moon |
| • Monthly Report | |
| • Fire Department | Captain B. Kennedy |
| • Monthly Report | |
| • Public Works | Public Works Director B. Piland |
| • Monthly Report | |
| • Road repair concerns in Ovilla Oaks were discussed | |
| • Still waiting on Dallas County agreement for Cockrell Hill Road repair | |
| • Administration | City Administrator C. Powell |
| • Weekly activity report(s) – TRA meter monitoring was inconclusive, still researching. | |
| • Monthly Municipal Court Report | City Secretary P. Woodall |
| • Code Enforcement/Animal Control | Code/A/C Officer M. Dooly |
| • Monthly Reports | |

Mayor Dormier move the order of the Agenda to address Item I under the Regular Agenda Items.

REGULAR AGENDA

ITEM I. **DISCUSSION/ACTION – Consideration** of and action on the Proposed Interlocal Cooperation Agreement for Fire Protection and First Responder Services and take action as necessary to direct staff.

Mr. Dub Nowell from the ESD#4 was present to answer any questions from the governing body and assured them that the ESD#4 was planning for a May 2015 election for a tax increase. Council's consensus was to forward the new agreement to Ovilla's legal counsel to review and for staff to bring back.

No Action.

Mayor Dormier returned to the regular order of the agenda.

CONSENT ITEMS

- C1. Resolution R2014-027 authorizing the Mayor to execute an Interlocal Agreement by and Between the City of Ovilla, Texas and the City of Midlothian, Texas for emergency medical transport services.
- C2. Minutes of the June 23, 2014 Regular Council Meeting
- C3. Minutes of the July 09, 2014 Special Council Meeting
- C4. Minutes of the July 14, 2014 Regular Council Meeting

PL4 Hunt moved to pulled C1 for discussion. C1 was numbered Item 20 under the Regular Agenda and to be addressed later. Mayor Pro Tem Griffin moved that Council approve Consent Items C2, C3, and C4, seconded by PL2 Stevenson.

No oppositions, no abstentions.

VOTE: The motion carried unanimously: 5-0.

PUBLIC HEARING

Case PZ14-02 was pulled due to a scrivener's error.

Mayor Dormier opened the Public Hearing at 7:57 p.m.

Mayor Dormier read aloud Cases PZ2014-03 through PZ2014-05 asking for public comment. There was no one to speak on those cases.

Public Hearing & Discussion – Discuss and consider recommended zoning changes:

Case No. PZ14-02. A request by the City of Ovilla, for a change in zoning from RC (Single Family Residential District 5 Acre Minimum) to RE (Single Family Residential District 1 Acre Minimum) on 5.61 acres of land, more or less, out of the Westmoreland Estates I, Lots 25A & 26A, Ellis County, Texas and more commonly known as 754 Westmoreland Road, Ovilla, Texas. (Item pulled, scrivener error)

Case No. PZ14-03. A request by the City of Ovilla, for a change in zoning from RC (Single Family Residential District 5 Acre Minimum) to RE (Single Family Residential District 1 Acre Minimum) on 4.6 acres of land, more or less, out of the Westmoreland Estates I, Lot 27A, Ellis County, Texas and more commonly known as 743 Westmoreland Road, Ovilla, Texas. **No Comments.**

Case No. PZ14-04. A request by the City of Ovilla, for a change in zoning from RC (Single Family Residential District 5 Acre Minimum) to RE (Single Family Residential District 1 Acre Minimum) on 3.65 acres of land, more or less, out of the Westmoreland Estates I, Lot 28A, Ellis County, Texas and more commonly known as 739 Westmoreland Road, Ovilla, Texas. **No Comments.**

Case No. PZ14-05. A request by the City of Ovilla, for a change in zoning from RC (Single Family Residential District 5 Acre Minimum) to RE (Single Family Residential District 1 Acre Minimum) on 1.88 acres of land, more or less, out of the Westmoreland Estates I, Lot 29A, Ellis County, Texas and more commonly known as Lot 29A Westmoreland Road, Ovilla, Texas. **No Comments.**

Mayor Dormier read aloud Case PZ2104-06 and asked for any public comment.

Case No. PZ14-06. A request by the City of Ovilla, for a change in zoning from RC (Single Family Residential District 5 Acre Minimum) to RE (Single Family Residential District 1 Acre Minimum) on 2.02 acres of land, more or less, out of the Westmoreland Estates 2 Lot 30A, Ellis County, Texas and more commonly known as 735 Westmoreland Road, Ovilla, Texas.

- I. Mr. Billy Rogers of 735 Westmoreland Road voiced approval of the zoning change. There was no one else to speak.

Mayor Dormier continued the readings of the P & Z Rezoning Cases individually. There was no one to speak on the remaining Cases from PZ14-07 through PZ14-14.

Case No. PZ14-07. A request by the City of Ovilla, for a change in zoning from RC (Single Family Residential District 5 Acre Minimum) to RE (Single Family Residential District 1 Acre Minimum) on 2.05 acres of land, more or less, out of the Westmoreland Estates 2, Lot 31A, Ellis County, Texas and more commonly known as 733 Westmoreland Road, Ovilla, Texas. **No Comments.**

Case No. PZ14-08. A request by the City of Ovilla, for a change in zoning from RC (Single Family Residential District 5 Acre Minimum) to RE (Single Family Residential District 1 Acre Minimum) on 4.83 acres of land, more or less, out of the 210 J. Chapman Survey, Ellis County, Texas and more commonly known as 725 Westmoreland Road, Ovilla, Texas. **No Comments.**

Case No. PZ14-09. A request by the City of Ovilla, for a change in zoning from RC (Single Family Residential District 5 Acre Minimum) to RE (Single Family Residential District 1 Acre Minimum) on 3.865 acres of land, more or less, out of the Broadnax Addition, Lot 1, Ellis County, Texas and more commonly known as 721 Westmoreland Road, Ovilla, Texas. **No Comments.**

Case No. PZ14-10. A request by the City of Ovilla, for a change in zoning from RC (Single Family Residential District 5 Acre Minimum) to RE (Single Family Residential District 1 Acre Minimum) on 4 acres of land, more or less, out of the 210 J. Chapman Survey, Ellis County, Texas and more commonly known as 719 Westmoreland Road, Ovilla, Texas. **No Comments.**

Case No. PZ14-11 A request by the City of Ovilla, for change in zoning from RC(Single Family Residential District 5 Acre Minimum) to RE (Single Family Residential District 1 acre Minimum) on 4 acres of land, more or less, out of the 210 J. Chapman Survey, Ellis County, Texas and more commonly known as 717 Westmoreland Road, Ovilla, Texas. **No Comments.**

Case No. PZ14-12 A request by the City of Ovilla, for change in zoning from RC(Single Family Residential District 5 Acre Minimum) to RE (Single Family Residential District 1 acre Minimum) on 4 acres of land, more or less, out of the 210 J. Chapman Survey, Ellis County, Texas and more commonly known as 713 Westmoreland Road, Ovilla, Texas. **No Comments.**

Case No. PZ14-13 A request by the City of Ovilla, for change in zoning from RC(Single Family Residential District 5 Acre Minimum) to RE (Single Family Residential District 1 acre Minimum) on 3.11 acres of land, more or less, out of the 210 J. Chapman Survey, Ellis County, Texas and more commonly known as 707 Westmoreland Road, Ovilla, Texas. **No Comments.**

Case No. PZ14-14 A request by the City of Ovilla, for change in zoning from RC(Single Family Residential District 5 Acre Minimum) to RE (Single Family Residential District 1 acre Minimum) on 3.11 acres of land, more or less, out of the 210 J. Chapman Survey, Ellis County, Texas and more commonly known as 801 Hosford Road, Ovilla, Texas. **No Comments.**

There being no one to speak on the rezoning cases, Mayor Dormier closed the Public Hearing at 8:10 p.m.

REGULAR AGENDA

- ITEM 1. **DISCUSSION/ACTION – Consideration** of and action on the Proposed Interlocal Cooperation Agreement for Fire Protection and First Responder Services and take action as necessary to direct staff. **Item 1 was previously discussed.**
- ITEM 2. **DISCUSSION/ACTION –** Case No. PZ14-03. **Receive** recommendation from the Planning and Zoning Commission for consideration of and action on Ordinance 2014-013, Providing for the Amendment to the Zoning Ordinance of the City of Ovilla, TX, that being Ordinance 2010-013, as heretofore amended; Providing a Zoning Classification change from “RC, Single Family Residential District, 5-acre Minimum” to “RE, Single Family Residential District, 1-acre Minimum” on land specifically described herein located with Ellis County Appraisal District and identifies as 27A Westmoreland Road, Estates I, of the deed records of Ellis County; and providing for immediate effect and otherwise known and referred to as 743 Westmoreland Road in the City of Ovilla, TX.

The Planning and Zoning Commission upon roll-call vote during their August 7 public hearing and meeting, recommended Council approve the zoning change to PZ14-03.

Mayor Pro Tem Griffin moved that Council approve Ordinance 2014-013 for a change in zoning from RC (Single Family residential District 5-acre minimum) to RE (Single Family Residential District 1-acre minimum) CASE PZ14-03, more commonly known as 743 Westmoreland Road, seconded by PL5 Oberg.

No oppositions, no abstentions.

VOTE: The motion carried unanimously: 5-0.

- ITEM 3. **DISCUSSION/ACTION –** Case No. PZ14-04 **Receive** recommendation from the Planning and Zoning Commission for consideration of and action on Ordinance 2014-014, Providing for the Amendment to the Zoning Ordinance of the City of Ovilla, TX, that being Ordinance 2010-013, as heretofore amended; Providing a Zoning Classification change from “RC, Single Family Residential District, 5-acre Minimum” to “RE, Single Family Residential District, 1-acre Minimum” on land specifically described herein located with Ellis County Appraisal District and identifies as 28A Westmoreland Road, Estates I, of the Deed Records of Ellis County; and providing for immediate effect and otherwise known and referred as 739 Westmoreland Road, Ovilla, Texas.

The Planning and Zoning Commission upon roll-call vote during their August 7 public hearing and meeting, recommended Council approve the zoning change to PZ14-04.

PL4 Hunt moved that Council approve Ordinance 2014-014 for a change in zoning from RC (Single Family residential District 5-acre minimum) to RE (Single Family Residential District 1-acre minimum) CASE PZ14-04, more commonly known as 739 Westmoreland Road, seconded by PL2 Stevenson.

No oppositions, no abstentions.

VOTE: The motion carried unanimously: 5-0.

- ITEM 4. **DISCUSSION/ACTION –** Case No. PZ14-05. **Receive** recommendation from the Planning and Zoning Commission for consideration of and action on Ordinance 2014-015, Providing for the Amendment to the Zoning Ordinance of the City of Ovilla, TX, that being Ordinance 2010-013, as heretofore amended; Providing a Zoning Classification change from “RC, Single

Family Residential District, 5-acre Minimum” to “RE, Single Family Residential District, 1-acre Minimum” on land specifically described herein located with Ellis County Appraisal District and identifies as 29A Westmoreland Road, Estates 1, of the Deed Records of Ellis County; and providing for immediate effect and otherwise known and referred as 29A Westmoreland Road Estates 1, Ovilla, Texas.

The Planning and Zoning Commission upon roll-call vote during their August 7 public hearing and meeting, recommended Council approve the zoning change to PZ14-05.

PL5 Oberg moved that Council approve Ordinance 2014-015 for a change in zoning from RC (Single Family residential District 5-acre minimum) to RE (Single Family Residential District 1-acre minimum) CASE PZ14-05, more commonly known as lot 29A Westmoreland Road, seconded by PL2 Stevenson.

No oppositions, no abstentions.

VOTE: The motion carried unanimously: 5-0.

ITEM 5. **DISCUSSION/ACTION** – Case No. PZ14-06. **Receive** recommendation from the Planning and Zoning Commission for consideration of and action on Ordinance 2014-016, Providing for the Amendment to the Zoning Ordinance of the City of Ovilla, TX, that being Ordinance 2010-013, as heretofore amended; Providing a Zoning Classification change from “RC, Single Family Residential District, 5-acre Minimum” to “RE, Single Family Residential District, 1-acre Minimum” on land specifically described herein located with Ellis County Appraisal District and identifies as 30A Westmoreland Road, Estates 2, of the Deed Records of Ellis County; and providing for immediate effect and otherwise known and referred as 735 Westmoreland Road, Ovilla, Texas.

The Planning and Zoning Commission upon roll-call vote during their August 7 public hearing and meeting, recommended Council approve the zoning change to PZ14-06.

PL1 Huber moved that Council approve Ordinance 2014-016 for a change in zoning from RC (Single Family residential District 5-acre minimum) to RE (Single Family Residential District 1-acre minimum) CASE PZ14-06, more commonly known as 735 Westmoreland Road, seconded by PL5 Oberg.

No oppositions, no abstentions.

VOTE: The motion carried unanimously: 5-0.

ITEM 6. **DISCUSSION/ACTION** – Case No. PZ14-07. **Receive** recommendation from the Planning and Zoning Commission for consideration of and action on Ordinance 2014-017, Providing for the Amendment to the Zoning Ordinance of the City of Ovilla, TX, that being Ordinance 2010-013, as heretofore amended; Providing a Zoning Classification change from “RC, Single Family Residential District, 5-acre Minimum” to “RE, Single Family Residential District, 1-acre Minimum” on land specifically described herein located with Ellis County Appraisal District and identifies as 31A Westmoreland Road, Estates 2, of the Deed Records of Ellis County; and providing for immediate effect and otherwise known and referred as 733 Westmoreland Road, Ovilla, Texas.

The Planning and Zoning Commission upon roll-call vote during their August 7 public hearing and meeting, recommended Council approve the zoning change to PZ14-07.

PL2 Stevenson moved that Council approve Ordinance 2014-017 for a change in zoning from RC (Single Family residential District 5-acre minimum) to RE (Single Family Residential District 1-acre minimum) CASE PZ14-07, more commonly known as 733 Westmoreland Road, seconded by Mayor Pro Tem Griffin.

No oppositions, no abstentions.

VOTE: The motion carried unanimously: 5-0.

*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*

ITEM 7. **DISCUSSION/ACTION** – Case No. PZ14-08. **Receive** recommendation from the Planning and Zoning Commission for consideration of and action on Ordinance 2014-018, Providing for the Amendment to the Zoning Ordinance of the City of Ovilla, TX, that being Ordinance 2010-013, as heretofore amended; Providing a Zoning Classification change from “RC, Single Family Residential District, 5-acre Minimum” to “RE, Single Family Residential District, 1-acre Minimum” on land specifically described herein located with Ellis County Appraisal District and identifies as 210 J. Chapman Survey of the Deed Records of Ellis County; and providing for immediate effect and otherwise known and referred as 725 Westmoreland Road, Ovilla, Texas.

The Planning and Zoning Commission upon roll-call vote during their August 7 public hearing and meeting, recommended Council deny of the zoning change to PZ14-08.

Mayor Pro Tem Griffin moved that Council deny Ordinance 2014-018 for a change in zoning from RC (Single Family residential District 5-acre minimum) to RE (Single Family Residential District 1-acre minimum) CASE PZ14-08, more commonly known as 725 Westmoreland Road. The motion failed. Council discussed the motion and property and made another motion.

Mayor Pro Tem Griffin moved that Council approve Ordinance 2014-018 for a change in zoning from RC (Single Family residential District 5-acre minimum) to RE (Single Family Residential District 1-acre minimum) CASE PZ14-08, more commonly known as 725 Westmoreland Road, seconded by PLI Huber.

No oppositions, no abstentions.

VOTE: The motion carried unanimously: 5-0.

ITEM 8. **DISCUSSION/ACTION** – Case No. PZ14-09. **Receive** recommendation from the Planning and Zoning Commission for consideration of and action on Ordinance 2014-019, Providing for the Amendment to the Zoning Ordinance of the City of Ovilla, TX, that being Ordinance 2010-013, as heretofore amended; Providing a Zoning Classification change from “RC, Single Family Residential District, 5-acre Minimum” to “RE, Single Family Residential District, 1-acre Minimum” on land specifically described herein located with Ellis County Appraisal District and identifies as Lot 1, Broadnax Addition, of the Deed Records of Ellis County; and providing for immediate effect and otherwise known and referred as 721 Westmoreland Road, Ovilla, Texas.

The Planning and Zoning Commission upon roll-call vote during their August 7 public hearing and meeting, recommended Council deny of the zoning change to PZ14-09.

Mayor Pro Tem Griffin moved that Council approve Ordinance 2014-019 for a change in zoning from RC (Single Family residential District 5-acre minimum) to RE (Single Family Residential District 1-acre minimum) CASE PZ14-09, more commonly known as 721 Westmoreland Road, seconded by PL5 Oberg.

No oppositions, no abstentions.

VOTE: The motion carried unanimously: 5-0.

ITEM 9. **DISCUSSION/ACTION** – Case No. PZ14-10. **Receive** recommendation from the Planning and Zoning Commission for consideration of and action on Ordinance 2014-020, Providing for the Amendment to the Zoning Ordinance of the City of Ovilla, TX, that being Ordinance 2010-013, as heretofore amended; Providing a Zoning Classification change from “RC, Single Family Residential District, 5-acre Minimum” to “RE, Single Family Residential District, 1-acre Minimum” on land specifically described herein located with Ellis County Appraisal District and identifies as 210 J. Chapman Survey, of the Deed Records of Ellis County; and providing for immediate effect and otherwise known and referred as 719 Westmoreland Road, Ovilla, Texas.

The Planning and Zoning Commission upon roll-call vote during their August 7 public hearing and meeting, recommended Council deny of the zoning change to PZ14-10.

Mayor Pro Tem Griffin moved that Council approve Ordinance 2014-020 for a change in zoning from RC (Single Family residential District 5-acre minimum) to RE (Single Family Residential District 1-acre minimum) CASE PZ14-10, more commonly known as 719 Westmoreland Road, seconded by PL5 Oberg.

No oppositions, no abstentions.

VOTE: The motion carried unanimously: 5-0.

ITEM 10. **DISCUSSION/ACTION** – Case No. PZ14-11. **Receive** recommendation from the Planning and Zoning Commission for consideration of and action on Ordinance 2014-021, Providing for the Amendment to the Zoning Ordinance of the City of Ovilla, TX, that being Ordinance 2010-013, as heretofore amended; Providing a Zoning Classification change from “RC, Single Family Residential District, 5-acre Minimum” to “RE, Single Family Residential District, 1-acre Minimum” on land specifically described herein located with Ellis County Appraisal District and identifies as 210 J. Chapman Survey, of the Deed Records of Ellis County; and providing for immediate effect and otherwise known and referred as 717 Westmoreland Road, Ovilla, Texas.

The Planning and Zoning Commission upon roll-call vote during their August 7 public hearing and meeting, recommended Council deny of the zoning change to PZ14-11.

Mayor Pro Tem Griffin moved that Council approve Ordinance 2014-021 for a change in zoning from RC (Single Family residential District 5-acre minimum) to RE (Single Family Residential District 1-acre minimum) CASE PZ14-11, more commonly known as 717 Westmoreland Road, seconded by PL5 Oberg.

No oppositions, no abstentions.

VOTE: The motion carried unanimously: 5-0.

ITEM 11. **DISCUSSION/ACTION** - Case No. PZ14-12. **Receive** recommendation from the Planning and Zoning Commission for consideration of and action on Ordinance 2014-022, Providing for the Amendment to the Zoning Ordinance of the City of Ovilla, TX, that being Ordinance 2010-013, as heretofore amended; Providing a Zoning Classification change from “RC, Single Family Residential District, 5-acre Minimum” to “RE, Single Family Residential District, 1-acre Minimum” on land specifically described herein located with Ellis County Appraisal District and identifies as 210 J. Chapman Survey, of the Deed Records of Ellis County; and providing for immediate effect and otherwise known and referred as 713 Westmoreland Road, Ovilla, Texas.

The Planning and Zoning Commission upon roll-call vote during their August 7 public hearing and meeting, recommended Council deny of the zoning change to PZ14-12.

Mayor Pro Tem Griffin moved that Council approve Ordinance 2014-022 for a change in zoning from RC (Single Family residential District 5-acre minimum) to RE (Single Family Residential District 1-acre minimum) CASE PZ14-12, more commonly known as 713 Westmoreland Road, seconded by PL5 Oberg.

No oppositions, no abstentions.

VOTE: The motion carried unanimously: 5-0.

ITEM 12. **DISCUSSION/ACTION** - Case No. PZ14-13. **Receive** recommendation from the Planning and Zoning Commission for consideration of and action on Ordinance 2014-023, Providing for the Amendment to the Zoning Ordinance of the City of Ovilla, TX, that being Ordinance 2010-013, as heretofore amended; Providing a Zoning Classification change from “RC, Single Family Residential District, 5-acre Minimum” to “RE, Single Family Residential District, 1-acre Minimum”

on land specifically described herein located with Ellis County Appraisal District and identifies as 210 J. Chapman Survey, of the Deed Records of Ellis County; and providing for immediate effect and otherwise known and referred as 707 Westmoreland Road, Ovilla, Texas.

The Planning and Zoning Commission upon roll-call vote during their August 7 public hearing and meeting, recommended Council deny of the zoning change to PZ14-13.

Mayor Pro Tem Griffin moved that Council approve Ordinance 2014-023 for a change in zoning from RC (Single Family residential District 5-acre minimum) to RE (Single Family Residential District 1-acre minimum) CASE PZ14-13, more commonly known as 707 Westmoreland Road, seconded by PL5 Oberg.

No oppositions, no abstentions.

VOTE: The motion carried unanimously: 5-0.

ITEM 13. **DISCUSSION/ACTION** - Case No. PZ14-14. **Receive** recommendation from the Planning and Zoning Commission for consideration of and action on Ordinance 2014-024, Providing for the Amendment to the Zoning Ordinance of the City of Ovilla, TX, that being Ordinance 2010-013, as heretofore amended; Providing a Zoning Classification change from "RC, Single Family Residential District, 5-acre Minimum" to "RE, Single Family Residential District, 1-acre Minimum" on land specifically described herein located with Ellis County Appraisal District and identifies as 210 J. Chapman Survey, of the Deed Records of Ellis County; and providing for immediate effect and otherwise known and referred as 801 Hosford Road, Ovilla, Texas.

The Planning and Zoning Commission upon roll-call vote during their August 7 public hearing and meeting, recommended Council deny of the zoning change to PZ14-14.

Mayor Pro Tem Griffin moved that Council approve Ordinance 2014-024 for a change in zoning from RC (Single Family residential District 5-acre minimum) to RE (Single Family Residential District 1-acre minimum) CASE PZ14-14, more commonly known as 801 Hosford Road, seconded by PL5 Oberg.

No oppositions, no abstentions.

VOTE: The motion carried unanimously: 5-0.

ITEM 14. **DISCUSSION/ACTION** – **Receive** recommendation from the Planning and Zoning Commission for consideration and action on Ordinance 2014-025 amending Chapter 4 "Business Regulations" of the Code of Ordinances of the City of Ovilla, Providing Article 4.11, entitled "Regulation of Boarding Home Facilities" requiring permits and payment of fees; adopting standards regarding construction and remodeling of Board Homes; Adopting Standards for Sanitary and Related Conditions; Requiring the Reporting and Investigation of Injuries, Incidents, and Unusual Accidents and the Establishment of Policies and Procedures to Ensure Resident Health and Safety; Setting Forth Procedures for Assistance with Self-Administration of Medication; Requiring In-Service Education of Boarding Home Facility Staff; Requiring Criminal History Record Checks; Requiring Assessment and Periodic Monitoring to Ensure that a Resident does not Require Personal Care, nursing or other services and is capable of self-administering medication; providing for penalties, revocation of permit, and an appeals process, providing a savings clause, providing a severability clause, providing and effective date, providing for incorporation into the Code of Ordinances; and providing for publication.

Staff reported that the Planning and Zoning Commission carefully reviewed each section of the proposed ordinance during their July 7th meeting and again during their August 4th meeting. Red-lined recommended revisions were presented to Council for adoption. Council's consensus agreed with the P&Z recommendations with one additional correction to the Ordinance: throughout the entire ordinance where language stated "building inspector" a replacement with "building official" would be completed.

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

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

Mayor Pro Tem Griffin moved that Council approve Ordinance 2014-025, amending Chapter 4 "Business Regulations" of the Code of Ordinances of the City of Ovilla, TX, providing Article 4.11, entitled "Regulation of Boarding Home Facilities" as revised with the Planning and Zoning recommendations and the revision made by Council and providing for incorporation into the Code of Ordinances, seconded by PL5 Oberg.

No oppositions, no abstentions.

VOTE: The motion carried unanimously: 5-0.

Mayor moved the order of the agenda, addressing Agenda Item 20, which was originally listed under Consent, C1.

Regarding Consent Item C1, Council questioned if the cost was within reason and what other similar sized cities paid for such services. There was a 90-day termination clause in the agreement.

PL2 Stevenson moved that Council approve Consent Item C1, seconded by Mayor Pro Tem Griffin.

No oppositions, no abstentions.

VOTE: The motion carried unanimously: 5-0.

Mayor Dormier returned to the regular order of the Agenda.

ITEM 15. **DISCUSSION/ACTION – Consideration** of and action on Ordinance 2014-026 of the City of Ovilla, TX, amending the Fiscal Year 2013-14 Water and Sewer Fund Budget and Annual Program of Services for the City of Ovilla to allow for an adjustment of \$2,000, appropriating funds for increased expenditures for the emergency replacement of a sewer pump and; appropriating said funds from the Unassigned Fund Balance, providing that expenditures for FY2013-14 be made in accordance with said amended budget; providing a severability clause; providing and effective date.

The sewer pump located at the Highland Meadows Lift Station underwent repairs already this year and went down again; this time not repairable. The installation of the new sewer pump was scheduled for August 11, 2014. The total cost of the Myers Grinder Pump was \$5,972.85. The W&S budget contained \$4,000.00 for capital assets for machinery and equipment. Staff requested that the deficit be made up from a transfer of \$2,000 from the Water & Sewer Unassigned Fund Balance.

Mayor Pro Tem Griffin moved that Council approve Ordinance 2014-026, amending the Fiscal Year 2013-14 Water and Sewer Fund and Annual Program of Services for the City of Ovilla to allow for an Adjustment of \$2,000, appropriating Funds for Increased Expenditures for the Emergency Replacement of a Sewer Pump and Appropriating Funds from Unassigned Fund Balance, seconded by PL2 Stevenson. *No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 5-0.

ITEM 16. **DISCUSSION/ACTION – Discussion** regarding the City's policy requiring a permit for fill dirt and review of the 2007 Building Code requirements and take action as necessary to direct staff.

There had been question if fill dirt required a permit. Staff was asked to research Ovilla's adopted International Building Code (IBC) and if Appendix J of the IBC was specifically included. Staff was to survey other cities.

No Action.

ITEM 17. **DISCUSSION/ACTION – Discussion** regarding the City's Policy and Procedure Guide to Purchasing revised July 14, 2014 and adopted by Ordinance 2014-011 and take action as necessary to direct staff.

This item was requested by PL4 Hunt regarding the staff's \$500 level of purchasing and the requirement of quotes over that amount. Council discussed the option to increase the limit to \$1500 and asked the City Administrator to return with an amendment to the Policy and Procedure Guide to Purchasing.

No Action.

ITEM 18. **DISCUSSION/ACTION - Consideration** of and action on the appointment of an ad hoc member to the Planning and Zoning Commission for the purpose of reviewing the impact fees and making a recommendation to City Council for consideration.

In order for the City to begin review of their Impact Fees, the Texas Local Government Code Chapter 395.054 provides for the process for review and amendment to those fees, last adopted by the City Council in Ordinance 2011-022, September 2011. The City Council could appoint the Planning and Zoning Commission to act as an Advisory Committee and review the current Impact Fees and provide comments to the public during a Public Hearing. The first step would be for City Council to appoint an ad hoc member to the Planning and Zoning Commission from the real estate or development community. This resident member may live in the City Limits or in the City's Extra Territorial Jurisdiction (ETJ).

Mayor Pro Tem Griffin moved that Council appoint Bill Crouch to serve as an ad hoc member to the Planning and Zoning Commission for the purpose of reviewing the impact fees and making recommendation to City Council for consideration, seconded by PL2 Stevenson. *No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 5-0.

Following the motion on Item 18, Mayor Dormier asked that staff return with an agenda item to appoint the Planning and Zoning Commission as the Advisory Committee.

ITEM 19. **DISCUSSION/ACTION - Review** and discuss the Main Street Sewer Project and take action as necessary to direct staff.

It was determined that staff would return with additional information.

No Action.

EXECUTIVE SESSION

There was no Executive Session.

REQUESTS FOR FUTURE AGENDA ITEMS

- | | |
|------------------|------|
| 1. PL1 Huber | None |
| 2. PL2 Stevenson | None |
| 3. PL3 Griffin | None |
| 4. PL4 Hunt | None |
| 5. PL5 Oberg | None |
| 6. Mayor | None |

City Administrator reminded those present of the upcoming Heritage Day Committee meetings.

ADJOURNMENT

There being no further business, Mayor Dormier adjourned the meeting at 9:53 p.m.

ATTEST:

Pamela Woodall

Pamela Woodall, City Secretary

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

Richard Dormier
 Richard Dormier, Mayor



Approved September 22, 2014

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