

**CITY OF OVILLA MINUTES**  
**Monday, September 14, 2015**  
**City Council Briefing Session**  
**105 S. Cockrell Hill Road, Ovilla, TX 75154**

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Mayor Dormier called the Council Briefing Session of the Ovilla City Council to order at 6:03 p.m., with notice of the meeting duly posted. Mayor Dormier made the following public announcement: *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.*

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 (Noted absent)

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.

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

- a. Legal Counsel Presentation regarding new legislation about Concealed Carry/Open Carry Handgun Laws (Item 6, Resolution R2015-021).

Ron MacFarlane gave a power point presentation of new laws pertaining to handguns, effective September 01, 2015 and what changes will be effective January 01, 2016.

Mayor Dormier and Council reviewed items listed on the 6:30 p.m. agenda. There were no additional questions pertaining to the Regular Council meeting agenda items.

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

- a. Complaint Policy will be coming to Council for consideration in the future months.

**PENDING AGENDA Items still under staff review**

N/A

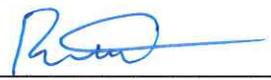
**ADJOURNMENT**

Mayor Dormier adjourned the Briefing Session of the Ovilla City Council at 6:27 p.m.

ATTEST:

  
Pamela Woodall, City Secretary



  
Richard Dormier, Mayor

**Approved October 13, 2015**

**CITY OF OVILLA MINUTES**  
**Monday, September 14, 2015**  
**Regular City Council Meeting**  
**105 S. Cockrell Hill Road, Ovilla, TX 75154**

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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. 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 - Absent

Pastor Vernon Sansom gave the Invocation and Mayor Dormier led the recitation of the Pledge of Allegiance. Mayor Dormier announced present Council members, thus constituting a quorum. City Manager Dennis Burn, various department directors and staff were also present. Mayor Dormier made the following public announcement: *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.*

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

- Mayor Dormier conducted the Oath of Office to Police Chief Brian Windham.
- Mayor Dormier read two Proclamations: Ovilla Night Out and Heritage Day
- Police Chief Windham introduced new officer William Lowden.
  
- **Citizens Comments / Citizens Forum:**
  1. MS Laura Beattie, 748 Cockrell Hill - voiced concerns of a fence permit pulled by her neighbor and that the fence installation encroached on her property.
  
- **Department Activity Reports / Discussion** – staff presented their reports.
  - Police Department Police Chief B. Windham
    - Plans to order new vehicle on October 01.
  - Fire Department Fire Chief B. Kennedy
    - Hired two new firefighter volunteers.
  - Public Works Public Works Director B. Piland
    - Finished installation of waterline on Water Street.
  - Finance Department City Accountant L. Harding
    - Reviewed July 2015 Monthly Financials.
  - Administration City Administrator Dennis Burn
    - Reviewed Activity Reports.
    - MS Rachel Sackett with Oldcastle Paving Solutions updated the plans for paving improvements in the Ovilla Oaks Subdivision. Oldcastle plans to begin the second week of October.
    - City Manager is obtaining proposals to remove and replace concrete around City Hall.
    - Gave monthly Municipal Court Report. City Secretary P. Woodall
      - Revenue was up in August 2015.
    - Gave monthly Code/Animal Control Reports Code/AC Officer M. Dooly
      - Reviewed monthly reports.

**CONSENT AGENDA**

- C1. July 2015 Financial Transactions over \$5,000
- C2. Quarterly Investment Report – Update information
- C3. 2015-2016 Annual City Calendar and scheduled meetings of the Ovilla City Council.

PL1 Huber moved to approve the consent items as presented, seconded by PL2 Stevenson.

*No oppositions, no abstentions.*

***VOTE: The motion to approve carried unanimously: 4-0.***

**PUBLIC HEARING**

***PUBLIC HEARING AND DISCUSSION*** – Receive public comments on the Proposed Fiscal Year 2015-2016 Budget.

Mayor Dormier opened the Public Hearing at 7:16 p.m.

There were no comments, in favor or opposition.

Mayor Dormier closed the Public Hearing at 7:17 p.m.

**REGULAR AGENDA**

**ITEM 1. DISCUSSION/ACTION** – Consideration of and action on Ordinance 2015-021 approving and adopting the Budget and making appropriations for the support of the City Government of the City of Ovilla, Texas for the Fiscal Year beginning October 01, 2015 and ending September 30, 2016; providing an effective date.

Ordinance 2015-021 was presented for adoption of the budget for the Fiscal Year October 1, 2015 through September 30, 2016. The budget was based on the proposed tax rate of \$0.7000 per \$100 dollars of valuation, with a Maintenance and Operation rate of \$0.5320 and a debt rate of \$0.1680. This proposed tax rate would increase total taxes in Ovilla by 4.18% (by which it exceeds the current total tax rate) as proposed by record vote from Council during the August 10, 2015, Council Meeting and Budget Workshop.

PL3 Griffin moved that the Council approve & adopt Ordinance 2015-021, approving and adopting the Budget and making appropriations for the support of the City Government of the City of Ovilla for the Fiscal Year beginning October 01, 2015 and ending September 30, 2016; providing an effective date, seconded by PL2 Stevenson.

Mayor Dormier called a record vote.

MAYOR PRO-TEM Hunt	AYE	PLACE 1 Huber	AYE
PLACE 2 Stevenson	AYE	PLACE 3 Griffin	AYE
PLACE 5 Oberg	Absent		

*No oppositions, no abstentions.*

***VOTE: The motion to approve carried unanimously: 4-0.***

**ITEM 2. DISCUSSION/ACTION** – Consideration of and action on Ordinance 2015-022 levying, assessing and fixing the tax rate for the use and support of the municipal government of the City of Ovilla, Texas, and providing for the Debt Service Fund for Fiscal Year 2015-2016 and apportioning each levy for the specific purpose, and providing for collection of all annual taxes provided by state law; and providing an effective date.

During the August 10, 2015 Council Meeting and Budget Workshop, Council took a record vote on the proposed tax rate for Fiscal Year 2015-2016. The Law requires that the governing body adopt the tax rate

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

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

as an official action and set it out in a written ordinance or resolution. Because Council took a record vote for the proposed increased rate, which is an increase in ad valorem revenue for 2015, public hearings were conducted on August 24 and September 3. Ordinance 2015-022 will adopt the tax rate for FY 2015-2016 as proposed.

M&O	\$0.5320 per \$100.00 of valuation
Debt Service	\$0.1680 per \$100.00 of valuation
<b>Total</b>	<b>\$0.7000 per \$100.00 of valuation</b>

**FINANCIAL IMPACT:**

This budget will raise more total property taxes than last year’s budget by \$228,157 (4.18%) and of that amount, \$101,925 is tax revenue to be raised from new property added to the roll this year.

PL2 Stevenson moved that the Council hereby approve the 2015 property tax rate be a total of \$0.7000 per \$100 valuation with a Maintenance and Operation rate of \$0.5320 and a debt rate of \$0.1680, seconded by Mayor Pro Tem Hunt.

Mayor Dormier called a record vote.

MAYOR PRO-TEM Hunt	AYE	PLACE 1 Huber	AYE
PLACE 2 Stevenson	AYE	PLACE 3 Griffin	AYE
PLACE 5 Oberg	Absent		

No oppositions, no abstentions.

**VOTE: The motion to approve carried unanimously: 4-0.**

**Second Motion & Vote adopting Ordinance:**

PL2 Stevenson further moved that the Council hereby approve Ordinance 2015-022 levying, assessing and fixing the tax rate for the use and support of the municipal government of the City of Ovilla, Texas, and providing for the Debt Service Fund for Fiscal Year 2015-2016 and apportioning each levy for the specific purpose, and providing for collection of all annual taxes provided by state law; and providing an effective date, seconded by Mayor Pro Tem Hunt.

No oppositions, no abstentions.

**VOTE: The motion to approve carried unanimously: 4-0.**

**ITEM 3. DISCUSSION/ACTION** – Consideration of and action on Ordinance 2015-023 of the City of Ovilla, Texas, ratifying the budget for the 2015-2016 tax year that raised more revenue from property taxes than in the previous year.

The presented ordinance endorses and validates the approval of Ordinance 2015-023, Fiscal Year 2015-2016 Budget.

Mayor Pro Tem Hunt moved that Council approve & adopt Ordinance 2015-023 ratifying the budget for the Fiscal Year 2015-2016 that will raise more revenue from property taxes than in the previous year.

Mayor Dormier called a record vote.

MAYOR PRO-TEM Hunt	AYE	PLACE 1 Huber	AYE
PLACE 2 Stevenson	AYE	PLACE 3 Griffin	AYE
PLACE 5 Oberg	Absent		

No oppositions, no abstentions.

**VOTE: The motion to approve carried unanimously: 4-0.**

**ITEM 4. DISCUSSION/ACTION** – Consideration of and action on Ordinance 2015-024 of the City of Ovilla, Texas, amending Appendix A, Article A7.000, Section A7.003 (B) (1) & (2) of the Code of Ordinances of the City of Ovilla; establishing a monthly flat fee and monthly rates for wastewater service to residential and nonresidential customers; providing a savings clause;

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

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

providing a severance clause; providing for incorporation into the Ovilla Code of Ordinances; and providing for publication.

PL2 Stevenson moved that Council approve & adopt Ordinance 2015-024 of the City of Ovilla, Texas, amending Appendix A, Article A7.000, Section A7.003 (B) (1) & (2) of the Code of Ordinances of the City of Ovilla; establishing a monthly flat fee and monthly rates for wastewater service to residential and nonresidential customers; providing a savings clause; providing a severance clause; providing for incorporation into the Ovilla Code of Ordinances; and providing for publication, seconded by PL3 Griffin.

*No oppositions, no abstentions.*

***VOTE: The motion to approve carried unanimously: 4-0.***

**ITEM 5. DISCUSSION/ACTION** – Consideration of and action on Resolution R2015-020 amending Section 7.2 of the City of Ovilla Employee Policies Handbook and providing an effective date.

During a Legislative Update Conference, staff and legal counsel learned that Texas H.B. 786, effective September 1, 2015, amends Subtitle A, Title 6, of the Texas Government Code by the addition of Chapter 619, entitled “Right to Express Breast Milk in the Workplace”. Currently, Section 7.2 of the Personnel Employee Policies Handbook addresses the allowance of the right to express breast milk, however, with the legislative update, this section requires slight revision to read:

***Breastfeeding:*** *requires a public employer, including a city, to: (1) develop policies for its employees that encourage and accommodate breastfeeding; (2) provide breaks and a private room for breastfeeding; and (3) avoid discriminating against an individual based on the employee’s exercise of her right to breastfeed in the workplace. (Effective September 1, 2015.)*

PL2 Stevenson moved that Council approve Resolution R2015-020 of the City of Ovilla, Texas, amending Section 7.2 of the City of Ovilla Employee Policies Handbook and providing an effective date, seconded by PL1 Huber.

*No oppositions, no abstentions.*

***VOTE: The motion to approve carried unanimously: 4-0.***

**ITEM 6. DISCUSSION/ACTION** – Consideration of and action on Resolution R2015-021 of the City Council of the City of Ovilla, Texas amending the weapons ban and violence prevention policy set forth in Section 10.12 of the City of Ovilla Employee Policies Handbook; providing authorization for licensed concealed carrying of handguns by employees and providing an effective date.

Pursuant to the legislative update, City Attorney, Ron MacFarlane prepared a resolution for Council’s consideration regarding handguns effective September 1, 2015. The presented resolution will update the Employee Policies Handbook, to allow employees with a valid CHL to conceal carry a handgun on City property. All employees with a valid CHL, who desire to conceal carry a handgun, will present their CHL to the City Manager and a photocopy made and kept in their individual personnel file. The CHL must be kept on the employees person at all times while on City property.

City Manager Dennis Burn shared information that will effective in January 1, 2016:

1. Open carry takes effect.
2. We cannot prohibit someone with a CHL from coming into a municipal building with a concealed and/or open carry handgun.

Regarding Municipal Court, no notice of any kind is required regarding handguns. It is prohibited for anyone to have a handgun during court (no warning required). The exception to the prohibition is the Judge and Prosecuting Attorney, who are both allowed to carry a handgun.

Mayor Pro Tem Hunt moved that Council approve Resolution R2015-021 of the City Council of the City of Ovilla, Texas amending the weapons ban and violence prevention policy set forth in Section 10.12 of the City of Ovilla Employee Policies Handbook; providing authorization for licensed concealed carrying of handguns by employees and providing an effective date, seconded by PL2 Stevenson.

No oppositions, no abstentions.

***VOTE: The motion to approve carried unanimously: 4-0.***

**ITEM 7.        *DISCUSSION/ACTION*** – Consideration of and action on Resolution R2015-022 of the City of Ovilla, Texas amending and confirming an apportionment agreement with the City of Midlothian, Texas; providing and declaring existing and future common city limit line and common boundary line with the City of Midlothian in Ellis County, Texas; accepting into and as part of the City of Ovilla property relinquished by the City of Midlothian as described herein; repealing inconsistent ordinances and providing for immediate effect.

In 2007, the cities of Ovilla and Midlothian passed resolutions whereby a common boundary line was established. In the area of the new elementary school (the northwest corner of Bryson Lane and Shiloh Road), this boundary line is the centerline of Shiloh Road. In order for the City of Ovilla to annex Shiloh Road (from the east property line to the west property line of the elementary school) both cities must re-establish this common boundary line. The Resolution before the City Council establishes this line at the south right-of-way line of Shiloh Road. The City of Midlothian will pass a similar resolution.

PL2 Stevenson moved that Council approve Resolution R2015-022 of the City of Ovilla, Texas amending and confirming an apportionment agreement with the City of Midlothian, Texas; providing and declaring existing and future common city limit line and common boundary line with the City of Midlothian in Ellis County, Texas; accepting into and as part of the City of Ovilla property relinquished by the City of Midlothian as described herein; repealing inconsistent ordinances and providing for immediate effect, seconded by PL1 Huber.

No oppositions, no abstentions.

***VOTE: The motion to approve carried unanimously: 4-0.***

**ITEM 8.        *DISCUSSION/ACTION*** – Consideration of and action on an Interlocal Agreement for providing emergency services effective October 1, 2015, by and between Ellis County Emergency Services District No. 2 and the City of Ovilla.

Staff presented the proposed Interlocal Agreement by and between the City of Ovilla and Emergency Services District (ESD) #2 that provides funding to support part-time fire fighters in Ovilla for fire protection and emergency responder services on a 24-hour per-day, seven days per week basis. Total funding provided by ESD #2 for the services is \$160,000, same as the previous year and as noted in the presented agreement. During a duly posted meeting of the ESD #2 on August 17, 2015, this agreement was presented and approved by the ESD #2 Board.

PL3 Griffin moved that Council approve the Interlocal Agreement for providing emergency services effective October 1, 2015, by and between Ellis County Emergency Services District No. 2 and the City of Ovilla, seconded by PL2 Stevenson.

No oppositions, no abstentions.

***VOTE: The motion to approve carried unanimously: 4-0.***

**ITEM 9. DISCUSSION/ACTION** – Consideration of and action on an Interlocal Agreement for providing emergency services effective October 1, 2015, by and between Ellis County Emergency Services District No. 4 and the City of Ovilla.

Staff presented the proposed Interlocal Agreement by and between the City of Ovilla and Emergency Services District (ESD) #4 to provide funding to support part-time fire fighters in Ovilla for fire protection and emergency responder services. During a duly posted meeting of the ESD #4 on September 08, 2015, this agreement was presented and approved by the ESD #4 Board. Following the election held by the ESD #4 in May 2015, voters passed the tax rate increase. The ESD #4 Budget increased funding to Ovilla that was calculated on the number of runs for the calendar year of 2014. Total funding provided by ESD #4 for fire and emergency responder services is \$55,628.70, as presented in the agreement.

Mayor Pro Tem Hunt moved that Council approve the Interlocal Agreement for providing emergency services effective October 1, 2015, by and between Ellis County Emergency Services District No. 4 and the City of Ovilla, seconded by PL3 Griffin.

No oppositions, no abstentions.

**VOTE: The motion to approve carried unanimously: 4-0.**

**ITEM 10. DISCUSSION/ACTION** – Consideration of and action on the creation of a Comprehensive Land Use Plan Review Committee to review and update the City of Ovilla Comprehensive Land Use Plan (CLUP).

Staff reported that the Comprehensive Land Use Plan is an important tool in the process of land use and development. The purpose of a Comprehensive Land Use Plan is to give direction to future development in order to avoid the creation of incompatible physical impacts. Although nothing will insure that all land will develop exactly as it should, directed planning will enable City leaders to address many potential problems before they become permanent and undesirable landmarks. The Comprehensive Land Use Plan covers the entire jurisdiction of the municipality and has a long-term horizon. It is recommended that a revision of the Plan be completed once every five years. The Ovilla Comprehensive Land Use Plan was prepared in February 2010. It is time to review and update our plan.

PL1 Huber moved that Council approve the creation of a Comprehensive Land Use Plan Review Committee to review and update the City of Ovilla Comprehensive Land Use Plan, seconded by PL2 Stevenson.

No oppositions, no abstentions.

**VOTE: The motion to approve carried unanimously: 4-0.**

**ITEM 11. DISCUSSION/ACTION** – Consider committee member appointments to the Comprehensive Land Use Plan Review Committee.

Staff posted notice for interested individuals to serve on the Comprehensive Land Use Plan (CLUP) Review Committee. Several applications were submitted and were presented to Council for consideration as well as Ovilla Boards member sheets.

PL3 Griffin moved that Council appoint the noted volunteer Board Members and applicants to serve on the Comprehensive Land Use Plan (CLUP) Review Committee for the update of the 2010 Comprehensive Land Use Plan, seconded by Mayor Pro Tem Hunt. The motion died for a lack of action by the entire Council.

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|--------------------------|----------------------------|
| 1. Mark Clark            | 8. Carol Richtsmeier (BOA) |
| 2. Billy Ray Dickey      | 9. Sandy Cawley (BOA)      |
| 3. Morris Gresham        | 10. Windy Zabochnik (Park) |
| 4. William Hamilton, Sr. | 11. Carol Lynch (P&Z)      |

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

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

- |                   |                          |
|-------------------|--------------------------|
| 5. Charlie Morton | 12. Scott Surplus (MSAC) |
| 6. Dani Muckleroy | 13. John Knight (EDC)    |
| 7. William Turner |                          |

PL3 Griffin moved that Council appoint the noted volunteer Board Members and applicants to serve on the Comprehensive Land Use Plan (CLUP) Review Committee for the update of the 2010 Comprehensive Land Use Plan, seconded by PL2 Stevenson.

- |                          |                            |
|--------------------------|----------------------------|
| 1. Mark Clark            | 8. Carol Richtsmeier (BOA) |
| 2. Billy Ray Dickey      | 9. Sandy Cawley (BOA)      |
| 3. Morris Gresham        | 10. Windy Zabochnik (Park) |
| 4. William Hamilton, Sr. | 11. Carol Lynch (P&Z)      |
| 5. Charlie Morton        | 12. Scott Surplus (MSAC)   |
| 6. Dani Muckleroy        | 13. John Knight (EDC)      |
| 7. William Turner        | 14. Joseph M. Myers        |

No oppositions, no abstentions.

**VOTE: The motion to approve carried unanimously: 4-0.**

**ITEM 12. DISCUSSION** – Discuss progress and receive updates on activities related to 2015 Heritage Day celebration, Saturday, September 26, 2015.

TX Dot Engineers approved the event’s road closure. Booths reserved to date were 44. Blue ribbons will be hung and *Back the Blue* wristbands will be sold.

**No Action Taken.**

**EXECUTIVE SESSION**

*The City Council of the City of Ovilla, Texas, reserves the right to meet in a closed session on any item listed on this Agenda should the need arise, pursuant to authorization by Texas Government Code, Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), 551.087 (economic development), 418.183 (homeland security).*

Mayor Dormier announced that Council would move into Executive Session at 8:03 p.m. to discuss the following item:

**ITEM 13. DISCUSSION/ACTION** – Deliberate the appointment, employment, evaluation, reassignment and/or duties of the City Secretary.

Mayor Dormier and Council returned to Open Session at 8:46 p.m., and announced that no decisions were made in Executive Session.

PL3 Griffin moved to increase the city secretary’s salary 4% and will re-evaluate the salary within 6 months, based on a salary survey and pay plan that will be submitted by the city manager in the next few months, seconded by PL2 Stevenson.

No oppositions, no abstentions.

**VOTE: The motion to approve carried unanimously: 4-0.**

**REQUESTS FOR FUTURE AGENDA ITEMS AND/OR ANNOUNCEMENTS**

City Manager Dennis Burn advised Council that he would be out of the office beginning Thursday, September 17, through Monday, September 21.

- |                  |   |
|------------------|---|
| 1. PL1 Huber     | None  |
| 2. PL2 Stevenson | Review Waste contract and would like a representative from Progressive Waste at the next meeting. |

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

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

- 3. PL3 Griffin Consider using any surplus/profit funds from Heritage Day to be given to the Park Board.
- 4. Mayor Pro Tem Hunt None
- 5. PL5 Oberg Absent
- 6. Mayor Thanked the City Manager for his good work on the Budget.

**ADJOURNMENT**

There being no further business, Mayor Dormier adjourned the meeting at 8:52 p.m.

Richard Dormier, Mayor

ATTEST:

Pamela Woodall, City Secretary

*Approved October 13, 2015*

*Executive Session sealed and file separately.*

