

**CITY OF OVILLA MINUTES**  
**Monday, November 09, 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 6:02 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

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.**

1. Mayor questioned Items C3 and C4 on the Consent Agenda.
2. PL1 Huber questioned Item 1 under the Regular Agenda and why this was not a managerial responsibility under the City Manager.
3. City Manager Dennis Burn advised Council that the Comprehensive Land Use Plan (CLUP) update was underway with a hold on the Strategic Plan until the CLUP was finished. CLUP Review Committee members were notified of meeting(s) with an outline of what will be addressed.
4. City Manager Dennis Burn went over Item 6 under the Regular Agenda.

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

- a. Employee Pay Plan – City Manager Dennis Burn advised that he expected the completed proposed plan and salary ranges would be presented on the December agenda.

**ADJOURNMENT**

Mayor Dormier adjourned the Briefing Session of the Ovilla City Council at 6:30 p.m.

ATTEST:

  
Pamela Woodall, City Secretary



  
Richard A. Dormier, Mayor

**Approved December 14, 2015**

**CITY OF OVILLA MINUTES**  
**Monday, November 09, 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 6:31 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

PL2 Stevenson gave the Invocation and PL3 Griffin 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**

Orasi gave a presentation on the Strategic Plan update  
Mayor Dormier read aloud a Veterans Day Proclamation 2015

**1. Citizens Comments / Citizens Forum:**

1. MS Dani Muckleroy, 608 Green Meadows Lane – Voiced appreciation for Council volunteering their time at the local Wal-Mart for the Salvation Army in years past and was seeking volunteers to ring the bell for 2-hour intervals again this year.
2. MS Lisa Ware, 116 Water Street – Solicited her Yoga, Health and Wellness business plan at her residence, open to the public and asked for direction of running a business at her home.
3. Two others signed up to speak: Mr. Ray Reed and MS Carol Lynch when Item 1 on the Regular Agenda was addressed.

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

- Police Department Police Chief B. Windham
  - Monthly Report reviewed and advised Council that a local warrant list was obtained from the Municipal Court and that officers would begin serving them when time allowed.
- Fire Department Fire Chief B. Kennedy
  - Monthly Report reviewed and shared discussion with Council about fire trucks, apparatuses and volunteer status.
- Public Works Public Works Director B. Piland
  - Monthly Report reviewed; replaced 22 water meters and performing minor road repairs to Cockrell Hill. Park safety compliance was discussed.
- Finance Department Accountant L. Harding
  - September 2015 Financials reviewed. Preparing for audit.
- Administration City Manager D. Burn
  - Activity Report(s)

- Updated Council on Comprehensive Land Use Plan outline and schedule of meetings. Advised Council that Vertical Church had approved the use of their building for a Town Hall Meeting in February.
- Monthly Municipal Court Report reviewed. City Secretary P. Woodall
- Monthly Code/Animal Control Reports reviewed. Code/AC Officer M. Dooly
  - Permits

### **CONSENT AGENDA**

- C1. Financial Transactions over \$5,000
- C2. Quarterly Investment Report for quarter ending 09/30/2015
- C3. Quarterly Fund Balance Report for quarter ending 09/30/2015
- C4. Committed Fund Balance Report for quarter ending 09/30/2015
- C5. Minutes of the Council Briefing Session and Regular Meeting of October 13, 2015

Mayor Pro Tem Hunt pulled C3 and C4 from the Consent Agenda for discussion and clarification, asking staff to return for consideration to approve at the next Council Meeting.

Mayor Pro Tem Hunt moved to approve the consent items C1, C2 and C5 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 approval of take home vehicles of specific department directors in the public safety field and on-call employees in the Public Works Department and direct staff as necessary.

Two Individuals signed up to speak:

1. MS Carol Lynch, 316 Shadowwood Trail – was in support of take home vehicles for public safety directors and the on-call employee in the Public Works Department.
2. Mr. Ray Reed, President of the ESD #2 – voiced disappointment that this was even an agenda item under consideration and spoke on behalf of the ESD #2, stating that they gave the Fire Chief their full support of a take home vehicle and that providing a vehicle was a vital component to conducting the proper line of duty.

City Manager Dennis Burn shared a detailed written justification for approval for all three departments, summarizing that a take home City-owned vehicle provides an overall faster and more efficient response to after-hour emergencies and routine work tasks. Adding that at no time will these vehicles be used for personal reasons or use.

PL2 Stevenson offered an apology to the ESD #2 representative, Ray Reed, for any misunderstanding or lack of communication regarding the take home vehicle in the Fire Department. Mayor Dormier and PL 3 reiterated the need to keep communication lines open between the ESD #2 and the City.

PL2 Stevenson moved to approve take home vehicles for Department Directors Kennedy and Windham and approve a take home vehicle for the on-call employee in the Public Works Department, seconded by PL1 Huber.

*No oppositions, no abstentions.*

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

**ITEM 2. DISCUSSION/ACTION** – Consideration of and action on the update of the Ellis County Emergency Basic Management Plan and authorize the Mayor to execute approval and implementation.

City Manager Dennis Burn advised that the Emergency Management Basic Plan for Ellis County is the newest edition for 2016. The Texas Department of Public Transportation requires that this document be updated at least every five years. The current plan expires in May 2016. This plan supersedes any previous versions once signed by all appropriate agencies and then approved by the State. Revisions to the plan are on page BP-2. Once the City Council approves the plan, the Mayor will execute the sheet entitled “Approval and Implementation”. The signature sheet will be forwarded to the Ellis County Emergency Management Office not later than November 13, 2015.

PL2 Stevenson moved that Council approve the update of the Ellis County Emergency Basic Management Plan and authorize the Mayor to execute approval and implementation as presented, seconded by PL3 Griffin.

*No oppositions, no abstentions.*

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

**ITEM 3. DISCUSSION/ACTION** – Consideration of and action on an Engineering Services Agreement by and between the City of Ovilla and Birkhoff, Hendricks and Carter, L.L.P., to complete an analysis of the Water and Wastewater Impact Fee Study update, authorizing payment of engineering services and authorizing the Mayor to execute said Agreement.

Ovilla’s City Engineer, Birkhoff, Hendricks and Carter, LLP, provided an agreement to prepare an analysis of the Water and Wastewater Impact Fee Update. The agreement includes a scope of services, completion schedule, payment schedule and information to be provided by the City. Their fee of \$23,600 is within the FY 2015-2016 budgeted amount of \$37,500. The agreement was reviewed and approved (as to legal form) by our attorney. City Manager Dennis Burn informed Birkhoff, Hendricks and Carter, LLP that their preparation of the update would be on hold until the completion of the Comprehensive Land Use Plan (CLUP) update, as it will provide a great deal of useful information.

PL2 Stevenson moved that Council approve the Engineering Services Agreement by and between the City of Ovilla and Birkhoff, Hendricks and Carter, L.L.P., to complete an analysis of the Water and Wastewater Impact Fee Study update, authorizing payment of engineering services and authorizing the Mayor to execute said Agreement as presented, seconded by PL5 Oberg.

*No oppositions, no abstentions.*

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

**ITEM 4. DISCUSSION/ACTION** – Consideration of and action on Resolution R2015-026, of votes cast to elect Directors for the Ellis County Appraisal District for the Years 2016-2017, authorizing the Mayor to execute said Resolution upon approval by City Council.

Resolution R2015-026, along with the official ballot, votes to elect Directors for the Ellis County Appraisal District for the Years 2016-2017. Ovilla is entitled to cast 32 votes for one candidate or distribute votes among any number of candidates listed on the ballot.

PL5 Oberg moved Council approve Resolution R2015-026, placing all 32 votes cast to elect Mr. Phillip Lynch as a Director for the Ellis County Appraisal District for the Years 2016-2017, authorizing the Mayor to execute said Resolution upon approval by City Council, seconded by PL2 Stevenson.

*No oppositions, no abstentions.*

**VOTE: The motion to approve 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 5. DISCUSSION/ACTION** – Consideration of and action on Resolution R2015-027, casting Ovilla’s one vote to elect Michael Hurtt as Director for the Dallas Appraisal District for the Years 2016-2017, authorizing the Mayor to execute said Resolution upon approval by City Council.

Staff presented Resolution R2015-027, along with the official ballot, to cast Ovilla’s one vote to elect Michael Hurtt as the fourth member of the Director for the Dallas County Appraisal District for the Years 2016-2017.

Mayor Pro Tem Hunt moved that Council approve Resolution R2015-027, casting Ovilla’s one entitled vote to elect Michael Hurtt as Director for the Dallas Appraisal District for the Years 2016-2017, authorizing the Mayor to execute said Resolution upon approval by City Council, seconded by PL2 Stevenson.

*No oppositions, no abstentions.*

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

- ITEM 6. DISCUSSION/ACTION** – Consideration of and action on an Interlocal Agreement between the Midlothian Independent School District and the City of Ovilla, Texas for cost sharing and construction of infrastructure, authorizing the City Manager to execute said agreement.

City Manager Dennis Burn explained the cost participation for wastewater system improvement for Ovilla with the distribution of payments from Rough Proportionality provisions for the construction of Bryson Lane and Shiloh Road set forth in the Interlocal Agreement between Midlothian Independent School District (MISD) and the City of Ovilla. The Ovilla City Attorney had reviewed and approved this agreement.

#### **Bryson Lane Improvements**

The total cost for Bryson Lane Improvements is \$476,625. MISD will contribute \$381,877 toward the cost of the improvements with the remainder, \$94,748, being the responsibility of Ovilla. The \$94,748 remainder will be paid by Ovilla to MISD from the rough proportionality payments received from Shaw Development.

#### **Shiloh Road Improvements**

Shiloh Road will be reconstructed at no cost to the City. Because the reconstruction involves hot mix asphaltic concrete pavement, and not reinforced concrete pavement as the City requires, it is a substandard City street and is therefore not eligible for reimbursement.

#### **Wastewater System Improvements**

Once the wastewater system improvements are completed and dedicated to the City for maintenance and repair, MISD will pay to the City, on behalf of Shaw Development, \$150,000. The City will credit Shaw Development for the pro-rata cost of any benefitted owner(s) when and if such payments are due.

PL3 Griffin moved that Council approve the Interlocal Agreement between the Midlothian Independent School District and the City of Ovilla, Texas for cost sharing and construction of infrastructure, authorizing the City Manager to execute said agreement, seconded by Mayor Pro Tem Hunt.

*No oppositions, no abstentions.*

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

- ITEM 7. DISCUSSION/ACTION** – Consideration of and action on Resolution R2015-028 to form a Regional Law Enforcement Mutual Aid Task Force Agreement with other area law enforcement agencies for the purpose of providing and receiving law enforcement assistance, authorizing the City Manager to execute said Agreement.

Chief Windham presented a written agreement explaining that the Ovilla Police Department and the law enforcement agencies in the greater Dallas-Ft. Worth area have recognized the necessity and desirability of entering into a "Regional Law Enforcement Interlocal Assistance Agreement." The proposed agreement establishes a regional mutual aid law enforcement assistance to cooperate in the delivery of public safety services to protect health, life and property. Statutory authority for such a mutual aid agreement is contained in Chapter 791 of the Texas Government Code and Section 362.002 of the Texas Local Government Code. Chief Windham advised he believed that this regional mutual assistance agreement would benefit the City of Ovilla. Ovilla will always be ready to respond to other jurisdictions with manpower and equipment, and occasionally we have received like responses from those other jurisdictions. The agreement clarified the responsibilities and details legal issues involved. There would not be any monetary exchanges between jurisdictions.

PL3 Griffin moved that Council approve Resolution R2015-028 to form a Regional Law Enforcement Mutual Aid Task Force Agreement with other area law enforcement agencies for the purpose of providing and receiving law enforcement assistance, authorizing the City Manager to execute said Agreement; seconded by PL5 Oberg.

*No oppositions, no abstentions.*

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

**ITEM 8.**        ***DISCUSSION/ACTION*** – Consideration of and action on the transfer of excess municipal revenue collected at the Annual Heritage Day 2015 Celebration to the Park Fund and direct staff as necessary.

Staff presented a single data sheet showing budgeted and actual revenue, and budgeted and actual expenses for Heritage Day. Actual revenue less actual expenses showed a surplus of \$8,656. The City Council had previously expressed an interest in placing any excess funds in the Park Board Fund. A budget amendment for this transfer of funds will be included during the annual Mid-Year Budget revisions.

PL5 Oberg moved that Council approve the transfer of excess municipal revenue collected at the Annual Heritage Day 2015 Celebration to the Park Fund, seconded by PL1 Huber.

*No oppositions, no abstentions.*

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

**ITEM 9.**        ***DISCUSSION/ACTION*** – Consideration of and action on the dismissal/removal of certain board members that have not complied with the completion of the Open Meetings Act training requirement and direct staff as necessary.

The Open Meetings Act ("Act") training is intended to help public officials comply with the law and avoid unintentional violations of the "Act" as well as help all Texans understand how the Open Meetings Act benefits them. Shortly after Council appoints a new board member, they are notified of their appointment and presented with new information about their assigned board and the statute regarding the Open Meetings Act Training. After repeated reminders, several Board members have yet to meet the mandatory course completion deadlines. Staff shared with Council an excerpt from the Local Government Code, Section 551.005, Open Meetings Act stating that elected or appointed public officials must complete a course of training on the Open Meetings Act not more than the 90<sup>th</sup> day after the date the member takes office. Staff recommended that Council allow them to work with these individuals through the holidays and return in January 2016 with a status. Council's consensus agreed.

***NO ACTION.***

**ITEM 10. DISCUSSION/ACTION** - Consideration of and action on the nominations and appointments/reappointments to serve on the Municipal Development District Board of Directors.

The Municipal Development District Board (MDD) is comprised of five (5) Directors, each whom shall be appointed by the City Council. Each of the Directors shall be a resident of either the City of Ovilla or its extraterritorial jurisdiction, serving a two-year term or until a successor is appointed. Members expressed their desire and agreement to serve another term. Those with expiring terms in November are:

- Place 1, Rachel Huber
- Place 3, Richard Dormier
- Place 5, Lisa Ware

Meetings conducted in 2015 were in April and July. Staff shared an attendance record of all Directors.

PL3 Griffin moved that Council approve the reappointments of the following to serve as Directors on MDD for a term: 1. Rachel Huber, Place 1; 2. Richard Dormier, Place 3; 3. Lisa Ware, Place 5, seconded by Mayor Pro Tem Hunt.

*No oppositions, no abstentions.*

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

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

- |                       |   |
|-----------------------|---|
| 1. PL1 Huber          | None  |
| 2. PL2 Stevenson      | None  |
| 3. PL3 Griffin        | Review and update fence replacement ordinance.              |
| 4. Mayor Pro Tem Hunt | None  |
| 5. PL5 Oberg          | Parks and safety compliance with completion date(s) report. |
| 6. Mayor              | Review and update the junk, nuisance ordinance.             |

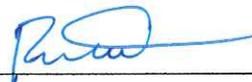
**ADJOURNMENT**

There being no further business, Mayor Dormier adjourned the meeting at 8:15 p.m.

ATTEST:

  
 Pamela Woodall, City Secretary



  
 Richard A. Dormier, Mayor

*Approved December 14, 2015*