

CITY OF OVILLA MINUTES

Monday, February 08, 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
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 and discussion on the Consent Agenda pertaining to items C4, C5 and C6.

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

1. None

ADJOURNMENT

Mayor Dormier adjourned the Briefing Session of the Ovilla City Council at 6:20 p.m.

ATTEST:


Pamela Woodall, City Secretary





Richard A. Dormier, Mayor

Approved March 14, 2016

CITY OF OVILLA MINUTES

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Regular City Council Meeting

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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.

PL3 Griffin gave the Invocation and PL2 Stevenson led the recitation of the Pledge of Allegiance.

COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS

Mayor Dormier read a proclamation honoring African American History Month.

• **Citizen Comments**

- Mr. Jackson H. Spiegel voiced his support for approval of Item 5 on the Regular Agenda.
- Mr. Richard Pettit asked to speak when Item 5 on the Regular Agenda was addressed.

• **Presentation:**

Mr. Danny Strunc, representative with Yeldell, Wilson, Wood and Reeve, P.C., gave a presentation of the annual audit for the year ended September 30, 2015, stating that the overall budget vs. actual resulted in the City being under budget for the fiscal year. No known deficiencies were noted in this year's audit other than the firm prepares Ovilla's Financial Statements. Ovilla currently had approximately 344-days of reserve, whereas the policy requires 25 percent of the unassigned fund balance, disclosing that Ovilla had about 1.5 million in unrestricted general fund cash. Overall, Mr. Strunc gave a positive fiscal year-end report. Mr. Strunc confirmed to Mayor Dormier that the Water and Sewer Impact Fund was in compliance.

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

- Police Department Police Chief B. Windham
 - Monthly Report was reviewed and discussed. Chief Windham added that the Police Department Facebook page alerted citizens that officers were working speed zones and traffic enforcement in certain areas of town.
 - Annual Racial Profiling Report was included in the packets for Council review.
- Fire Department Fire Chief B. Kennedy
 - Monthly Report was reviewed, no questions.
- Public Works Public Works Supervisor D. Durham
 - Monthly Report was reviewed and discussed. Director Piland advised that his crew had been conducting vast tree trimming and cleanup work.

- Finance Department Accountant L. Harding
 - December 2015 Financials were reviewed. MS Harding advised that budget expenditures were at about 33%.
- Administration City Manager D. Burn
 - Reviewed Activity Report(s)
 - Advised Council that all board members have completed Open Meetings training.
 - Shared results of the January 28, 2016, Comprehensive Land Use Review Committee meeting.
 - Monthly Municipal Court Report reviewed. City Secretary P. Woodall
 - 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. Approve services from Yeldell, Wilson, Wood & Reeve, P.C., to provide Audit of Financial Statements for the year ending September 30, 2016.
- C2. December 2015 Financial Transactions over \$5,000
- C3. Quarterly Investment Report
- C4. Approval of Field Training Officer (FTO) Compensation
- C5. Approve recommendation from the Ovilla Park Board for contract provided by FunFlicks Outdoor Movies, authorizing the City Manager to execute said contract and authorize payment.
- C6. Authorize payment of new Police vehicle.
- C7. Minutes of the Council Briefing Session and Regular Meeting of January 11, 2016.

PL3 Griffin asked to pull Item 6 from the Consent for discussion.

Mayor Pro Tem Hunt moved to approve the consent items (excluding C6) as presented, seconded by PL1 Huber. *No oppositions, no abstentions.*

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

Regarding Consent Item 6, Council inquired with the City Manager of the differences in the quote, line-item budget and the actual cost of the police vehicle, which was about \$6,600 over budget. City Manager responded that equipment to outfit the police vehicle was not included with the original budgeted item.

PL5 Oberg moved to approve Consent Item 6 as presented, seconded by PL2 Stevenson.

No oppositions, no abstentions.

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

REGULAR AGENDA

ITEM 1. DISCUSSION/ACTION – Consider acceptance of the Annual Financial Audit Report for the year ending September 30, 2015, prepared by Yeldell, Wilson, Wood and Reeve, P.C.

Mayor Pro Tem Hunt requested that the Finance Department provide an updated committed fund balance for the next meeting to confirm uncommitted reserves since September 30, 2015 reporting.

PL3 Griffin moved that Council accept the Annual Financial Audit Report for the year ending September 30, 2015, prepared by Yeldell, Wilson, Wood and Reeve, P.C., 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 Resolution R2016-01 of the City Council of the City of Ovilla, Texas, authorizing the Texas Coalition for Affordable Power, Inc. (TCAP) to negotiate an electric supply agreement for five years for deliveries of electricity, effective January 01, 2018; authorizing TCAP to act as an agent on behalf of the City of Ovilla to enter into a contract for electricity; authorizing the Mayor or City Manager or City Secretary to execute an electric supply agreement for deliveries of electricity, effective January 01, 2018, and committing to budget for energy purchases in 2018 through 2022 and to honor the energy purchases in 2018 through 2022 and to honor the City's commitments to purchase power for its electrical needs in 2018 through 2022 through TCAP.

TCAP representative Margaret Somereve was present to answer questions. Council's consensus was to hold action on this resolution pending the receipt of the contract and allowing Ovilla's legal counsel to review the contract. Council and staff would schedule a special meeting if necessary to address this item.
NO ACTION.

Mayor Dormier moved the order of the Agenda to address Item 5.

ITEM 5. DISCUSSION/ACTION – Consideration of and Action on a 50/50 Sidewalk Replacement Program, allowing the City Manager to make this program available as an Administrative Policy.

City Manager Dennis Burn reminded Council that at the January 11, 2016 City Council meeting a 50/50 Sidewalk Replacement Program was presented for review. He was instructed to return with this program for Council consideration. The program was neither in the form of a Resolution nor an Ordinance, and would become effective as an Administrative Policy. The program (with an application) would be available to any interested parties through the City Website.

Ovilla's legal counsel advised that the City could require property owners to participate in this program based on the following from Section 311.03 of the Texas Transportation Code:

§ 311.003. Additional Authority of Type A General-Law Municipality

The governing body of a Type A general-law municipality may:

- (1) prevent an encroachment or obstruction on a sidewalk in the municipality;
- (2) abate an encroachment or obstruction on a bridge, culvert, sidewalk, or crossway in the municipality;
- (3) construct, regulate, or maintain a bridge, culvert, sidewalk, or crossway in the municipality;
- (4) regulate the construction of a bridge, culvert, sewer, sidewalk, or crossway in the municipality;
- (5) require a person to keep weeds, unclean matter, or trash from the street, sidewalk, or gutter in front of the person's premises; or
- (6) require the owner of land to improve the sidewalk in front of the person's land.

Mayor Dormier recognized Ovilla resident Mr. Richard Pettit who voiced support in the program, although stating he believed the cost to the resident was a little steep.

Mayor Pro Tem Hunt moved that Council approve the 50/50 Sidewalk Replacement Program, allowing the City Manager to make this program available as an Administrative Policy, seconded by PL5 Oberg.
No oppositions, no abstentions.

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

Mayor Dormier returned to the regular order of the Agenda.

ITEM 3. DISCUSSION/ACTION – Consideration of and Action on an Amendment #1 to the Ellis County Emergency Services District #2 Annual Interlocal Agreement and authorize the Mayor to execute said Amendment.

The City of Ovilla and Ellis County Emergency Service District No. 2 (ESD #2) entered into an *Interlocal Agreement for Providing Emergency Services in September 2015*. The ESD #2 submitted Amendment No. 1 to that agreement. The amendment modifies the existing Interlocal Agreement by (1) defining “facilities”, (2) stating that the “facilities” are the sole ownership of ESD #2, (3) maintenance and use of the “facilities”, (4) stating that ESD #2 can use the “facilities”, and (5) that the City must insure the facilities. Amendment #1 was reviewed and approved by Ovilla’s legal counsel.

PL2 Stevenson moved that Council approve Amendment #1 to the Ellis County Emergency Services District #2 Annual Interlocal Agreement and authorize the Mayor to execute said Amendment, seconded by PL1 Huber.

No oppositions, no abstentions.

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

ITEM 4. DISCUSSION/ACTION – Consideration of and Action on a Lease Agreement by and between the City of Ovilla and the Ellis County Emergency Services District #2, authorizing the Mayor to execute said Agreement.

City Manager Dennis Burn shared background information advising Council that the City of Ovilla entered into a Lease Agreement and a Sub-Lease Agreement with Ellis County Emergency Services District No. 2 (ESD No. 2) in May 2008 and April 2008 respectively. The 2008 Lease Agreement was for all buildings and other improvements. The Sub-Lease Agreement was for the fire station annex building.

ESD #2 has forwarded a new Lease Agreement that will supersede the existing Lease Agreement and Sub-Lease Agreement. Significant items of the new lease agreement were noted: (1) The Annex is the sole property of ESD #2; (2) The Lease does not address the Annex itself but rather addresses the ground upon which the Annex sits, as well as any improvements added by the City; (3) The Lease term is 99 years; (4) the previous lease agreement and sublease agreement are terminated and; (5) in the event that all territory of ESD #2 is annexed by cities within the ESD #2 boundary, other than Ovilla territory, resulting in ESD #2 remaining territory lying wholly within the ETJ of Ovilla, then ESD #2 will transfer title to the Annex to Ovilla. Legal counsel has reviewed and approved the new lease agreement.

PL2 Stevenson moved that Council approve the Lease Agreement by and between the City of Ovilla and the Ellis County Emergency Services District #2, authorizing the Mayor to execute said Agreement, seconded by PL3 Griffin.

No oppositions, no abstentions.

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

ITEM 5 was previously considered.

ITEM 6. DISCUSSION/ACTION – Consideration of and Action on Ordinance 2016-03 of the City Council of the City of Ovilla, Texas, authorizing a general election to be held on May 07, 2016 for the purpose of electing three council members (Places 1, 3 and 5) for expired terms by the qualified voters of Ovilla; providing for the method of voting; providing for the appointment of the Early Voting Clerk; Presiding Election Judge, Early Voting Ballot Board; providing for the lease of election equipment and providing for publication, in accordance

with the Texas Election Code {EC §3.004, 3.006, 41001-008, 85.004, 85.007} and providing an effective date.

DISCUSIÓN/ACCIÓN – Consideración de una Acción a partir de la Ordenanza 2016-03 del Gobierno Municipal de la Ciudad de Ovilla, Texas, donde se autoriza la organización de elecciones generales para el día 07 de mayo de 2016 con el objeto de elegir tres miembros del gobierno municipal (cargos 1, 3 y 5) cuyo período ha expirado y por parte de votantes calificados de Ovilla; estipulando el método de votación; estipulando el nombramiento de la Secretaria de Votación Anticipada; el Juez de Elección Anticipada, el Consejo de Boletas de Votación Anticipada; estipulando el arriendo de equipamiento para elecciones y estipulando la publicación, en conformidad con el Código de Elecciones de Texas {EC §3.004, 3.006, 41001-008, 85.004, 85.007} y estipulando una fecha efectiva.

Staff advised that State Law required the City Council to authorize the Order of General Election. May 07, 2016 is uniform Election Day. The presented ordinance called for the election and outlined procedures consistent with the TX Election Code; designating the polling place for early voting and on Election Day, the method of voting, appointment of the early voting clerk, appointment of the Ballot Board and Presiding Election Judge and the lease of election equipment.

Law requires that two of those days during early voting by personal appearance have extended hours from 7:00 A.M. to 7:00 P.M., on designated dates. The recommended two days for 12-hour early voting for the May 07, 2016 General Election are Monday, May 02, 2016 and Tuesday, May 03, 2016.

Mayor Pro Tem Hunt moved that Council approve Ordinance 2016-03 of the City Council of the City of Ovilla, Texas, authorizing a general election to be held on May 07, 2016 for the purpose of electing three council members (Places 1, 3 and 5) for expired terms by the qualified voters of Ovilla; providing for the method of voting; providing for the appointment of the Early Voting Clerk; Presiding Election Judge, Early Voting Ballot Board; providing for the lease of election equipment and providing for publication, in accordance with the Texas Election Code {EC §3.004, 3.006, 41001-008, 85.004, 85.007} and providing an effective date, seconded by PL5 Oberg.

No oppositions, no abstentions.

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

ITEM 7. DISCUSSION/ACTION – Consideration of and Action on appointment of a City Council representative to the Board of Best Southwest Partnership.

Membership to the Best Southwest Partnership Board is important as well as having representation at their functions.

PL1 Huber moved to appoint Mayor Pro Tem Hunt to serve as the City Council representative to the Best Southwest Partnership Board, seconded by PL2 Stevenson.

No oppositions, no abstentions.

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

ITEM 8. DISCUSSION – Review status updates of the Strategic Guide.

City manager Dennis Burn reviewed the action list of the Strategic Guide with Council showing the many goals and objectives staff has met to date. All action steps on are target and within completion dates.

NO ACTION.

REQUESTS FOR FUTURE AGENDA ITEMS AND/OR ANNOUNCEMENTS

1. PL1 Huber Reminder: Service League Benefit Dinner for Fire Dept. 02/19
2. PL2 Stevenson Consider Park Board input on Heritage Day
3. PL3 Griffin Discuss uncommitted fund balance for possible paving on Cockrell Hill Road
4. Mayor Pro Tem Hunt Status of excess Heritage Day funds used for park equipment replacement
5. PL5 Oberg None
6. Mayor Water and Sewer CIP for Fire protection in neighborhoods.
7. City Manager None

ADJOURNMENT

There being no further business, Mayor Dormier adjourned the meeting at 8:40 p.m.

ATTEST:


Pamela Woodall, City Secretary




Richard A. Dormier, Mayor

Approved March 14, 2016