

# CITY OF OVILLA MINUTES

*Monday, September 12, 2016*

*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 asking all individuals to be cognizant of the two signs at the entrance to the Council Chamber room referencing Sections 30.06 and 30.07 of the *Penal Code, persons licensed under Subchapter H, Chapter 411, Government Code may not enter this property with a concealed handgun nor enter this property with a handgun that is carried openly.*

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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	Council Member, Place 4 (arrived at 6:04 p.m.)
Michael Myers	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/or pending items still under staff review.

## **CALL TO ORDER**

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

Council, Mr. Burn and staff reviewed each item on the agenda.

## **ADJOURNMENT**

Mayor Dormier adjourned the Briefing Session of the Ovilla City Council at 6:13 p.m.

ATTEST:

  
Pamela Woodall, City Secretary





Richard A. Dormier, Mayor

**Approved October 11, 2016**

**CITY OF OVILLA MINUTES**  
**Monday, September 12, 2016**  
**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. Mayor Dormier made the following public announcement asking all individuals to be cognizant of the two signs at the entrance to the Council Chamber room referencing Sections 30.06 and 30.07 of the *Penal Code, persons licensed under Subchapter H, Chapter 411, Government Code may not enter this property with a concealed handgun nor enter this property with a handgun that is carried openly.*

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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	Mayor Pro Tem, Place 3
Doug Hunt	Council Member, Place 4
Michael Myers	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.

Mayor Pro Tem Griffin gave the Invocation and PL1 Huber led the recitation of the Pledge of Allegiance.

Mayor Dormier moved the order of the agenda to read aloud and present a proclamation to Ms. Pat Thibodeau honoring NSDAR Constitution Week. Photos were taken.

At 6:36 p.m., Mayor Dormier announced that the Mayor, Council, City Attorney Ron G. MacFarlane, Jr., City Manager Dennis Burn and City Secretary Pam Woodall would adjourn into Executive Session pursuant to Section 551.071 of the Texas Government Code.

**EXECUTIVE SESSION**

**ITEM 1.** Closed session pursuant to Sec. 551.071 of the Texas Government Code: Consultation with city attorney on matters in which the duty of the attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflict with the Texas Open Meetings Act.

Mayor Dormier, Council, City Attorney Ron G. MacFarlane, Jr., City Manager Dennis Burn and City Secretary Pam Woodall reconvened into regular session at 7:57 p.m. Mayor Dormier announced that no action was taken in the Executive Session.

**COMMENTS, PRESENTATIONS**

- **Citizen Comments**
  1. Mr. Mark Gibbons, 302 Ovilla Oaks, spoke about revisiting the burn-permitting ordinance and the police department equipment needs.
- **Presentations**
  - City Attorney Ron G. Macfarlane, Jr. was scheduled to give a presentation on the Open Meetings Act. The presentation was postponed for a future meeting.
- **Proclamations**
  - NSDAR, Constitution Week – occurred prior to the Executive Session
  - Heritage Day Event – Mayor Dormier read aloud
  - National Night Out/Ovilla Night Out – Mayor Dormier read aloud

**CONSENT AGENDA**

- C1. July 2016 Financial Transactions over \$5,000
- C2. Annual calendar of Council meetings and approved holidays.

- C3. Consideration of and action on an Interlocal Agreement for providing emergency services effective October 1, 2016, by and between Ellis County Emergency Services District No. 2 and the City of Ovilla.
- C4. Consideration of and action on an Interlocal Agreement for providing emergency services effective October 1, 2016, by and between Ellis County Emergency Services District No. 4 and the City of Ovilla.
- C5. Council Minutes of the September 01, 2016 Special Meeting, Tax Rate PH/Budget Workshop.
- C6. Council Minutes of the August 22, 2016 Special Meeting, Tax Rate PH/Budget Workshop.
- C7. Briefing Session and Regular Minutes of the August 08, 2016 Council Meeting.
- C8. Council Minutes of the August 04, 2016 Special Budget Workshop meeting.

PL2 Stevenson moved to approve consent items C1, C2, C5, C6, C7, and C8, pulling C3, and C4 for consideration and to be addressed under Item 10, seconded by PL1 Huber.

*No oppositions, no abstentions.*

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

### PUBLIC HEARING

**PUBLIC HEARING AND DISCUSSION** – Receive public comments on the Proposed Fiscal Year 2016-2017 Budget.

- City Manager Dennis Burn gave a brief presentation.

Mayor Dormier opened the public hearing at 8:08 p.m.

There was no one to speak in favor or opposition of the budget. There were no comments.

Mayor Dormier closed the public hearing at 8:09 p.m.

### REGULAR AGENDA

**ITEM 2. DISCUSSION/ACTION** – Consideration of and action on Ordinance 2016-15 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, 2016 and ending September 30, 2017; providing an effective date.

City Manager Dennis Burn advised that Ordinance 2016-15 was presented for adoption of the budget for the Fiscal Year October 1, 2016 – September 30, 2017. The budget is 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 tax rate was proposed by record vote from Council during the August 04 2016, Council Meeting and Budget Workshop.

Highlights of the Budget included:

#### *Capital Expenditures*

1. Replace one police vehicle
2. Add one crew-cab truck in Public Works
3. Command Vehicle in Fire Department
4. Upgrade restroom facilities in municipal building
5. Design and construction for the Heritage Park Impact line
6. Rehab Lariat Trail and overlay Water Street
7. Installation of public restrooms in Heritage Park
8. Monument signs
9. Radio upgrades and infrastructure
10. Three solar-battery powered outdoor sirens
11. Installation of new waterline for FM 664 widening project.

*Personnel*

1. Added 1 new position in front city offices
2. Increased funding to meet staffing needs in the Fire Department to include an agreed amount from the Emergency Services District #2.
3. \$1 per hour increase to all police and public works personnel

*This budget will raise more revenue from property taxes than last year's budget by an amount of \$181,353, which is a 9.30% increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is \$101,751.*

Mayor Pro Tem Griffin moved that the Ovilla City Council approve Ordinance 2016-15, 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, 2016 and ending September 30, 2017; providing an effective date, seconded by PL2 Stevenson.

**RECORD VOTE:**

MAYOR PRO-TEM Griffin - Aye      PLACE 1 Huber – Aye  
 PLACE 2 Stevenson – Aye      PLACE 4 Hunt – Aye  
 PLACE 5 Myers - Aye

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

**ITEM 3. DISCUSSION/ACTION – Consideration** of and action on Ordinance 2016-16 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 2016-2017 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 04, 2016 Council Meeting and Budget Workshop, Council took a record vote for the proposed rate for Fiscal Year 2016-2017. Staff presented an ordinance to adopt the tax rate for FY 2016-2017 as proposed.

A **TAX RATE of \$0.700000** per \$100 valuation proposed by the governing body of the City of Ovilla, with a Maintenance and Operation Rate of 0.5320 and a debt rate of 0.1680.

PROPOSED TAX RATE	\$0.700000 per \$100
PRECEDING YEAR'S TAX RATE	\$0.700000 per \$100
EFFECTIVE TAX RATE	\$0.665890 per \$100
ROLLBACK RATE	\$0.758867 per \$100

Truth-n-Taxation Law requires that the governing body adopt the tax rate as an official action and set it out in a written ordinance or resolution. The Council's record vote on the proposed rate (same rate of \$0.7000) is an increase in ad valorem revenue for 2016. Therefore, two public hearings were required and conducted on August 22 and September 1. Legal requirements were met. Staff presented the ordinance for adoption.

This year's proposed tax rate of \$0.7000 is the recommended rate.

**FINANCIAL IMPACT:**

*This budget will raise more total property taxes than last year's budget by 9.30 % and of that amount, \$101,751, is tax revenue to be raised from new property added to the roll this year.*

August 04, 2016, Council took a record vote on a proposed/recommended Tax Rate of \$0.7000 :

**First Motion & Record Vote:**

PL4 Hunt moved that the Council hereby approve the 2016 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 PL2 Stevenson.

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

**Doug Hunt, Place Four**  
**David Griffin, Place Three**  
**Michael Myers, Place Five**

**RECORD VOTE:**

MAYOR PRO-TEM Griffin - Aye      PLACE 1 Huber – Aye  
 PLACE 2 Stevenson – Aye      PLACE 4 Hunt – Aye  
 PLACE 5 Myers – Aye

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

**Second Motion & Vote adopting Ordinance:**

PL2 Stevenson further moved that the Council hereby approve Ordinance 2016-16 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 2016-2017 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 PL1 Huber.

**RECORD VOTE:**

MAYOR PRO-TEM Griffin - Aye      PLACE 1 Huber – Aye  
 PLACE 2 Stevenson – Aye      PLACE 4 Hunt – Aye  
 PLACE 5 Myers – Aye

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

**ITEM 4.      *DISCUSSION/ACTION*** – Consideration of and action on Ordinance 2016-17 of the City of Ovilla, Texas, ratifying the budget for the 2016-2017 tax year that raised more revenue from property taxes than in the previous year.

PL1 Huber moved that Council approve and adopt Ordinance 2016-17 ratifying the budget for the Fiscal Year 2016-2017 that will raise more revenue from property taxes than in the previous year, seconded by PL2 Stevenson.

**RECORD VOTE:**

MAYOR PRO-TEM Griffin - Aye      PLACE 1 Huber – Aye  
 PLACE 2 Stevenson – Aye      PLACE 4 Hunt – Aye  
 PLACE 5 Myers – Aye

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

**ITEM 5.      *DISCUSSION/ACTION*** – Consideration of and action on Resolution R2016-11, adopting the 2016 Social Media Policy of the City of Ovilla, Texas.

The Ovilla Park Board voiced interest and raised ideas to reach a larger group of the community and believed they could accomplish their efforts through social media. A request was made through staff to acquire permission from Council to operate a social media account, which raised some security and operational questions. Legal counsel was consulted and drafted a resolution to amend the City's current social media policy.

PL2 Stevenson moved that Council approve Resolution R2016-11, adopting the 2016 Social Media Policy of the City of Ovilla, Texas, seconded by Mayor Pro Tem Griffin.

*No oppositions, no abstentions.*

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

**ITEM 6.      *DISCUSSION/ACTION*** – Consideration of and action on Ordinance 2016-18 adopting new Standard Construction Details dated September 2016; providing a savings clause; providing a severance clause; providing for immediate effect; and providing for publication.

Staff presented an Ordinance updating the City's Standard Construction Details. The current Standard Construction Details were dated December 2003. The presented document included details representing current construction practices along with conformance to North Central Texas Council of Governments and Texas Commission on Environmental Quality standards. Sanitary Sewer details were updated to help minimize

inflow and infiltration. City staff and the City Engineer have reviewed these updated details. Staff recommended approval of the ordinance and adoption of the updated Standard Construction Details.

PL4 Hunt moved to approve Ordinance 2016-18 adopting new Standard Construction Details dated September 2016; providing a savings clause; providing a severance clause; providing for immediate effect; and providing for publication, seconded by PL2 Stevenson.

*No oppositions, no abstentions.*

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

**ITEM 7. DISCUSSION/ACTION** – Consideration of and action on an Official Ballot of the Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election, Places 6-9 to serve 6-year terms, authorizing the Mayor to execute said Official Ballot upon approval by City Council.

As Texas Municipal League Intergovernmental Risk Pool (TMLIRP) members, Ovilla is entitled to vote for Board of Trustees members. Places 6-9 have candidates listed on the ballot to serve six-year terms.

PL4 Hunt moved that Ovilla submit an official ballot of the Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election, for Places 6-9 to serve 6-year terms as listed, authorizing the Mayor to execute said Official Ballot upon approval by City Council, seconded by PL1 Huber.

Place 6 - Mary Gauer

Place 7 - C. J. Wax

Place 8 - Larry Melton

Place 9 - Andres Garza

*No oppositions, no abstentions.*

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

**ITEM 8. DISCUSSION** – Discuss progress and receive updates on activities related to 2016 Heritage Day celebration, Saturday, September 24, 2016.

As coordinator to the event, PL4 Hunt shared a brief summary of the planning for the event. Michelle Carter, Gold Medal Olympian in the shot put is a resident of Ovilla and has committed to ride in the parade and stay for the event. Mayor Dormier will present her with a proclamation. Sponsorships were documented at \$22,500. PL4 Hunt asked for help with handicap parking and assisting those with limited mobility, using golf carts.

**NO ACTION.**

**ITEM 9. DISCUSSION** – Review Home Owner Association (HOA) Rules with regard and consideration to the City permitting process.

Council voiced an interest for a means to document the City's residential building permit application for various projects, ensuring that these projects were reviewed and approved by the applicant's Home Owners Association (HOA). Whereas, it is understood that the HOA does not govern City Code, it could prove beneficial and a positive step to avoid conflict, as well as open communication for the applicant, the HOA and the City. Staff modified the City of Ovilla Residential Permit Application, with a highlighted field, and attached for Council review and will ask the city attorney to review.

**NO ACTION.**

**ITEM 10. DISCUSSION/ACTION** – Consideration of any item(s) pulled from the Consent Agenda above for individual consideration and action.

The listed consent items were pulled for discussion and consideration.

- C3. Consideration of and action on an Interlocal Agreement for providing emergency services effective October 1, 2016, by and between Ellis County Emergency Services District No. 2 and the City of Ovilla.
- C4. Consideration of and action on an Interlocal Agreement for providing emergency services effective October 1, 2016, by and between Ellis County Emergency Services District No. 4 and the City of Ovilla.

Council's consensus was to take no action at this time on Consent Item 3 asking staff to return with clarity to certain sections in the Agreement with regard to insurance coverage and responsibility within the agreement.

PL4 Hunt moved to approve Consent Item C4, Interlocal Agreement for providing emergency services effective October 1, 2016, by and between Ellis County Emergency Services District No. 4 and the City of Ovilla as presented, seconded by PL1 Huber.

No oppositions, no abstentions.

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

**DEPARTMENT REPORTS**

- Department Activity Reports / Discussion

- 1. Police Department Police Chief B. Windham
  - Monthly Report was reviewed.
- 1. Fire Department Fire Chief B. Kennedy
  - Monthly Report was reviewed.
    - 1. Fire personnel were commended for responding to a heart attack victim.
- 2. Public Works Public Works Director B. Piland
  - Monthly Report was reviewed.
    - 1. Monthly Park Maintenance
- 1. Finance Department Accountant L. Harding
  - July 2016 Financials – questioned if the water sales budget would be met.
- 1. Administration City Manager D. Burn
  - City Manager Reports – as of this date, 48 housing permits were processed.
    - 1. Culverts need debris removed.
  - Monthly Municipal Court Report was reviewed City Secretary P. Woodall
  - Monthly Code/Animal Control Reports Code/AC Officer M. Dooly
    - 1. Permits
    - 2. Mosquito testing resulted in negative outcome.

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

- 1. Mayor Dormier None
- 2. PL1 Huber None
- 3. PL2 Stevenson None
- 4. PL3 Griffin None
- 5. PL4 Hunt None
- 6. PL5 Myers None
- 7. City Manager None

**ADJOURNMENT**

PL2 Stevenson moved to adjourn the September 12, 2016 Council Meeting, seconded by PL4 Hunt. There being no further business, Mayor Dormier adjourned the meeting at 9:40 p.m.

ATTEST:

  
Pamela Woodall, City Secretary



  
Richard A. Dormier, Mayor

*Approved October 11, 2016*

*Executive Session filed separately.*