

CITY OF OVILLA MINUTES
Monday, August 26, 2013
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 7:01 p.m. The following City Council Members were present:

Ralph Hall	Council Member Place 1/Mayor Pro Tem
Larry Stevenson	Council Member Place 2
David Griffin	Council Member Place 3
Doug Hunt	Council Member Place 4
Dean Oberg	Council Member Place 5

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

PL3 Griffin gave the Invocation

PL5 Oberg led the recitation of the Pledge of Allegiance

COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS

Mayor Dormier read a Proclamation declaring September 17-23 as Constitution Week, honoring the 226th anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention. The Proclamation was presented to Ms Patricia Thibodeau, representative for the Daughters of the American Revolution.

◆ **Citizens Comments / Citizens Forum:**

1. Mr. Morris Gresham signed up to speak when Items 6 & 7 were addressed.
2. Mr. Phil Lynch signed up to speak on Items 6 & 7 also.
3. Mr. Dale Helm, 204 Willow Creek, spoke of his concerns regarding Executive Sessions Items 6 & 7. He made Council aware of his strong support for Assistant Fire Chief Phillip Brancato.

◆ **Department Activity Reports / Discussion**

- Finance City Accountant Sharon Jungman
 - Monthly Financials – no questions
- Administration City Administrator Cyndy Powell
 - Bi-weekly update activity report(s) – no questions
 - Monthly Reports Code Enf./Animal Control Mike Dooly
 - PW Director Brad Piland took A/C & Code responsibilities while Mr. Dooly was on vacation.

CONSENT ITEMS

- August 12, 2013 Minutes of the Regular Council Meeting

PL4 Hunt made the motion that Council approves the consent item as presented, seconded by PL2 Stevenson. Mayor Dormier asked for a record vote by announcement of AYE or NAY. Present Council announced AYE in favor. No oppositions, no abstentions.

VOTE: The motion carried unanimously: 5-0.

Chief Mike Moon introduced new officers John Garcia and Erin Guerrero.

REGULAR AGENDA**ITEM 1. DISCUSSION** - Receive presentation from Mr. Lance Rust on behalf of Bobby Glass regarding the Bryson Manor Subdivision.

Mr. Rust briefed Council on two connecting tracts of land at Shiloh Road. One tract, 122 acres, listed in the city limits and another tract at 113 acres, in the county. Since meeting previously with staff over the rough proportionality study on the 122 acres, the developer (Mr. Bobby Glass) had contemplated withdrawing the development of Bryson Manor due to the \$600,000 plus additional costs from the study to maintain roads and install curbs and gutters. The City has the ability to offset some of those costs by the developer donating certain aspects to the area. Mr. Rust (on behalf of Mr. Glass) proposed to donate open/green space for parks development, dedicate the R-O-W and realign Bryson Road, and build a portion of Shiloh & Bryson sewer line from the creek to the future school site. Knowing that Bryson Manor to Water Street could become a minor thoroughfare, the developer additionally offered to increase the road to 37 ft. wide and increase Judy Drive to 31ft wide. Mr. Rust stated that based on these offers, the developer requested to waive any additional fees from the study and asked Council to waive the required gutters and curbs. Mayor Dormier commented to Mr. Rust and Mr. Tony Martin (real estate agent representing the 122-acre development) that in order to consider these requests, the Council and staff would need to see actual costs in writing of the updates proposed. Mayor Dormier added that he would like to see the 113-acre development annexed in Ovilla. It was noted by PL2 Stevenson that the development of Bryson Manor could trigger Ovilla to change from a general law city to home rule. Council's consensus was that they would like to see the development of Bryson Manor Subdivision but needed to review the proposed updates including costs associated before they could consider any compensation from the study.

Mr. Rust and Mr. Martin advised that they would return with costs of all updates proposed.

COUNCIL TOOK NO ACTION.

ITEM 2. DISCUSSION/ACTION – Receive presentation from TX First Group Consultant Ms Jacqueline Lee to consider approval of a draft Personnel Policies Handbook.

Ms Jackie Lee shared the beginning process and development of the handbook under review. Mayor Pro Tem Hall advised that he did not want the handbook going to legal until he was able to read it thoroughly and that would require more time. PL5 Oberg agreed. Mayor Pro Tem Hall considered scheduling a workshop for the review. The consensus from Council was to bring the handbook back for consideration after a complete review.

COUNCIL TOOK NO ACTION.

ITEM 3. DISCUSSION/ACTION – Consider a draft RFP for the development of an Employee Compensation and Classification Study for the City of Ovilla.

City Administrator advised Council she was ready to proceed with posting of legal notices and soliciting proposals. Mayor Pro Tem Hall made note of a few recommended changes:

1. Page 1, paragraph 2: remove the word “considerable” and replace with “some” & tone down the background information.
2. Add – tax base and budget information
3. Page 4, Project Deliverables, revise the bulleted item “Presentation to City Administrator, Department Heads, Employees and Elected Officials” and replace with “Presentation to Elected Officials and City Administrator”

Mayor Pro Tem Hall made the motion to approve the RFQ with the three noted corrections and move forward with the solicitation of proposals for the Employee Compensation and Classification Study, seconded by PL4 Hunt. *Mayor Dormier asked for a record vote by announcement of AYE or NAY. Present Council announced AYE in favor. No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 5-0.

ITEM 4. DISCUSSION/ACTION—Consider recommendations from the CIP Committee (Capital Improvement Projects) of roads recommended for repair/refurbishment included in the proposed Fiscal Year 2013-2014 Budget.

Public Works Director Piland reviewed the recommended list from the CIP Committee with Council. Mayor Pro Tem Hall questioned if roadwork was planned in the Meadow Glen Addition. Public Works Director Brad Piland advised affirmatively and that repair work for that subdivision would come out of the line item repairs account.

PL4 Hunt made the motion that Council approves the CIP Committee recommendations of roads for repair/refurbishment proposed in the FY 2013-2014 Budget, seconded by PL5 Oberg. *Mayor Dormier asked for a record vote by announcement of AYE or NAY. Present Council announced AYE in favor. No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 5-0.

ITEM 5. DISCUSSION/ACTION—Review progress and various assignments to facilitate the success of the 2013 Heritage Day festivities.

PL4 Hunt distributed a list documenting 45 sold spaces to date and advised preparations were underway for the parade. Mayor Pro Tem Hall would again assist with parking. Staff had notified food vendors of the TX Cottage Food Law. Newly created postcards were in the City Hall lobby and being mailed.

DISCUSSION ONLY.

EXECUTIVE SESSION

Mayor Dormier allowed those to speak that had signed up on the listed items:

1. ITEM 6 - Mr. Morris Gresham – 202 Brookwood Court, stated his concern that at the previous Council meeting it was stated by a Council Member to give the authority to the City Administrator to hire and fire employees without first seeking the support and approval of the Council. He voiced his opposition in allowing this much authority to the City Administrator alone.
2. ITEM 6 - Mr. Phil Lynch – 316 Shadowwood Trail, shared the same sentiments as Mr. Gresham, and advised that having a “*Council in charge is a Council that works best.*”
3. ITEM 7 – Mr. Morris Gresham – Voiced support for Assistant Fire Chief (AFC) Brancato, praising the expertise and knowledge he has brought to Ovilla. He believed AFC Brancato was a major factor in the previous year’s approval of the ESD contracts and added that the service and response times are better than ever. He asked Council to ignore the “malcontents” and “*If it ain’t broke, don’t fix it.*”
4. ITEM 7 – Mr. Phil Lynch – Voiced support for AFC Brancato and reminded Council that Donnie Pickard hired AFC Brancato. AFC Brancato is a person of huge character and maintains good relations with other fire departments.

Mayor Dormier announced that Council would go into Executive Session at 8:35 p.m. after reading each item heading.

ITEM 6. DISCUSSION/ACTION–The City Council will meet in closed session pursuant to Section 551.074 of the Texas Government Code for consultation and review of City Administrator duties.

City Administrator Cyndy Powell was brought into Executive Session for Item 6.

ITEM 7. DISCUSSION/ACTION–The City Council will meet in closed session pursuant to Section 551.074 of the Texas Government Code for consultation and review to consider naming Assistant Fire Chief Phillip Brancato as Interim Fire Chief.

Assistant Fire Chief Brancato was brought into Executive Session for Item 7.

ITEM 8. DISCUSSION/ACTION–Consultation with legal counsel pursuant to Section 551.071 of the Texas Government Code for consultation and review of pending litigation.

City Secretary Pam Woodall was brought into Executive Session for Item 8.

Mayor Dormier and Council reconvened into Open Session at 9:49 p.m. Mayor Dormier announced that no decisions were made in the Executive Session.

Mayor Dormier asked for a motion on Item 6.

COUNCIL TOOK NO ACTION.

Mayor Dormier asked for a motion on Item 7.

PL2 Stevenson made the motion that Council name Assistant Fire Chief Phillip Brancato as Fire Chief Brancato, seconded by PL5 Oberg. Mayor Dormier asked for a record vote by announcement of AYE or NAY. Mayor Pro Tem Hall and Council Members PL2 Stevenson, PL3 Griffin and PL5 Oberg announced AYE in favor. PL4 Hunt voted in opposition; no abstentions.

VOTE: The motion carried 4-1.

Mayor Dormier asked for a motion on Item 8.

COUNCIL TOOK NO ACTION.

REQUESTS FOR FUTURE AGENDA ITEMS

Mayor Pro Tem Hall	Status on entrance signs discussed about a year ago and the status on financial transparency.
PL2 Stevenson	Nothing
PL3 Griffin	Discussion on metal buildings
PL4 Hunt	Nothing
PL5 Oberg	Status on speed limits signs in Brookwood Addition

ADJOURNMENT

PL5 Oberg made a motion to adjourn the meeting; seconded by PL2 Stevenson. There being no further business, Mayor Dormier adjourned the meeting at 9:53 p.m.



ATTEST:

Pamela Woodall
Pamela Woodall, City Secretary

Richard Dormier

Richard Dormier, Mayor

Approved September 09, 2013

Richard Dormier, Mayor
Ralph Hall, Place One
Larry Stevenson, Place Two

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