

CITY OF OVILLA MINUTES
Monday, September 23, 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 7:00 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.

PL2 Hunt gave the Invocation

PL3 Griffin led the recitation of the Pledge of Allegiance

COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS

Mayor Dormier made a few announcements:

1. Proclamation Commemorating the Incorporation of Ovilla's 50-Year Anniversary
2. Scheduled public meeting regarding Loop 9, to be held at the Red Oak Intermediate School, on September 26, 6:30 p.m. – 7:00 p.m.
3. Ovilla will be celebrating National Night Out on Tuesday, October 1, behind City Hall beginning at 6:30 p.m.

◆ **Citizens Comments / Citizens Forum:**

1. None

◆ **Department Activity Reports / Discussion**

- Administration City Administrator Cyndy Powell
 - Bi-weekly update activity report(s) – no questions/no comments
 - PL3 Griffin complimented the Public Works Department for a good job of refurbishing Ovilla Oaks roadways.
 - Monthly Reports Code Enf./Animal Control Mike Dooly
 - No questions/no comments
- Finance City Accountant Sharon Jungman
 - Monthly Financials – no questions/no comments

CONSENT ITEMS

- Minutes of the September 09, 2013 Regular Council Meeting

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

VOTE: The motion carried unanimously: 5-0.

REGULAR AGENDA**ITEM 1. DISCUSSION/ACTION – Consider a Meritorious Exception** to the Ovilla Road Baptist Church to allow modification of the existing sign to a LED sign, at 3251 Ovilla Road.

The Ovilla Road Baptist Church (ORBC) filed a request for a meritorious exception to the City's sign ordinance to modify their existing permanent sign. The proposed sign included a LED screen. ORBC Representative Doug Connell was present to answer questions. Council questioned the exact dimensions, placement, base strength, and if sensors for the control of brightness were included.

PL4 Hunt made the motion that Council grants a Meritorious Exception to ORBC to modify their existing sign as presented, seconded by PL5 Oberg. Further discussion ensued regarding the height and the need to strengthen the base. PL4 Hunt amended the motion stating same, with the addition "to remove the existing pole sign when installing the new sign", seconded by PL5 Oberg. *Mayor Dormier asked for a vote by announcement of AYE or NAY. Council members Hunt and Oberg announced AYE in favor. Mayor Pro Tem Hall, PL2 Stevenson and PL3 Griffin announced NAY in opposition.*

VOTE: The motion failed 2 in favor, 3 in opposition.

PL2 Stevenson made comment that it would benefit ORBC to have their vendor provide better drawings and dimensions. Mayor Pro Tem Hall reiterated that if the presentation of professional drawings and better specifications were available, Council might reconsider if brought back.

ITEM 2. DISCUSSION/ACTION – Review and discuss the Solid Waste Collection/Disposal and Recycling proposal from Progressive Waste Solutions and take action as necessary to authorize the City Administrator to negotiate a Contract for Services.

Representatives from Progressive (Dick Diemen) and CWD (Robert Medigovich) were present and were allowed to speak on their company's behalf. The review committee (staff, Council Members Stevenson and Griffin) recommended Progressive Waste Solutions.

Mayor Pro Tem Hall made the motion to approve the recommendation as presented and authorize the City Administrator to negotiate the contract for services for Solid Waste Collection/Disposal and Recycling Services with Progressive Waste Solutions, seconded by PL3 Griffin. (Mayor Dormier inquired about shredding that was not included in the Progressive Waste contract. The service level will include what the customers are currently receiving and adding E-waste services and twice a month brush pickup.) *Mayor Dormier asked for a 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 3. DISCUSSION/ACTION – Review status of the City's progress in obtaining the Leadership Award through the State Comptroller's Office and take action if necessary.

Council assigned staff to begin procedures to achieve the point criteria on the city's website necessary to apply for the TX Comptroller Leadership Circle Gold Award. This award spotlights local governments that provide clear and dependable information of the budget, spending and auditing in user-friendly formats. To date, staff believes that the current level on the city's website and the Leadership Circle's score sheet would award Ovilla with the Silver Award. Council's expectation was that staff would be ready for the Gold application process by the beginning of the 2013-2014 Fiscal Year. Given a few months (possibly to December 2013) with Council's approval, staff could complete the necessary steps to acquire enough points to apply for the Gold Award. The Comptroller's office allows entities to submit their score sheet(s) annually to qualify/re-qualify for a Leadership Circle designation and then submit additional paperwork throughout the year to upgrade the award level or score. Any award is good for 1 year from the date the state office finalizes. The award cycle

begins at the calendar year. Council voiced pleasure that staff was at the Silver level and encouraged staff to prepare for the Gold in the next few months.

NO Action.

ITEM 4. DISCUSSION/ACTION – Review application(s) and consider nominations and one appointment to the Economic Development Corporation Board.

Three terms expired in July, with two reappointments. One term (Place Two) was still vacant. Staff received an application from Mr. John Sharp for Council's consideration. There were no other nominations or applications.

PL3 Griffin made the motion to appoint Mr. John Sharp to serve a term as Place Two on the Economic Development Corporation Board, seconded by PL5 Oberg. *Mayor Dormier asked for a 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 application(s) and consider nominations and appointment(s) to the Planning and Zoning Commission.

Four terms expired in July, with one reappointment and two new appointments. Additionally, PL5 Oberg, previously a P&Z member, was appointed to the City Council in July. This left Place Four (on P&Z) having 1 year left on the term and Place Five having a full term remaining vacant. Staff received two applications from Mr. George Favaron and Mr. Greg Percy for Council's consideration. There were no other nominations nor applications submitted.

PL4 Hunt made the motion that Council appoints Mr. George Favaron to serve the remaining term expiring in 2014 as PL4 on the Planning and Zoning Commission, seconded by PL2 Stevenson. *Mayor Dormier asked for a vote by announcement of AYE or NAY. Present Council announced AYE in favor. No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 5-0.

PL3 Griffin made the motion that Council appoint Mr. Greg Percy to serve the full term expiring in 2015 as PL5 on the Planning and Zoning Commission, seconded by PL5 Oberg. *Mayor Dormier asked for a 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 6. DISCUSSION/ACTION – Consider Resolution 2013-009, of candidate nomination(s) for the Dallas Appraisal District Board of Directors for the Years 2014-2015 and authorize submittal of said Resolution to the Chief Appraiser.

The Dallas Appraisal District advised staff that each of the incorporated cities and towns, except the City of Dallas, have the right to nominate by official resolution one (1) candidate as the fourth member to the Board.

Current member to the suburban cities:

Michael Hurtt

PL4 Hunt made the motion that Council submit Resolution 2013-009 naming Mr. Michael Hurtt as Ovilla's nominated candidate to the Board of Directors for the Dallas Appraisal District, seconded by PL3 Griffin. *Mayor Dormier asked for a 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 7. DISCUSSION/ACTION – Consider Resolution 2013-010, of candidate nomination(s) for the Ellis County Appraisal District Board of Directors for the Years 2014-2015 and authorize submittal of said Resolution to the Chief Appraiser.

The Ellis County Appraisal District advised staff that each of the incorporated cities and towns have the right to nominate by official resolution one (1) candidate for each of the five positions to be filled on the Board of Directors.

Current members are:

Chair: Phillip Lynch

V-Chair: Johnny Johnson (Not seeking another term)

Secretary: Ken Marks

Member: Tommy Hamilton

Member: Joe Pitts

PL4 Hunt made the motion that Council submit Resolution 2013-010 naming Mr. Phil Lynch as Ovilla's nominated candidate to the Board of Directors for the Ellis Appraisal District, seconded by PL5 Oberg. *Mayor Dormier asked for a 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 8. DISCUSSION/ACTION – Consideration and action on Ordinance 2013-027 amending Chapter 1, Division 3, Section 1.05.071, of the Ovilla Code of Ordinances, providing revised purchasing limits; providing a savings clause; providing a severance clause; providing for incorporation into the Ovilla Code of Ordinances; providing for immediate effect; and providing for publication.

Staff advised that Ordinance No. 2013-027 provided for the amendment of the Code of Ordinances, Chapter 1, Division 3, Section 1.05.071, authorization of expenditures; purchase limits, to reflect the purchasing authority of the City Administrator as prescribed in the 2010 Policy and Procedure Guide to Purchasing (Purchasing Guide). The Purchasing Guide established the City Administrator's purchasing limit not to exceed \$25,000 for budgeted expenditures. Purchases of \$25,000 or greater would require City Council approval. Staff recommended approval of Ordinance 2013-027 to remedy conflict in the Code of Ordinances with the Adopted Purchasing Guide.

Mayor Pro Tem Hall questioned certain language in specific sections of the ordinance and asked it be removed. Suggested modifications: remove the word "power" to read "authority" in Section 1.05.071(a) (b) and to add the Purchasing Guide as an attachment to the ordinance. Council concurred.

PL4 Hunt made the motion to approve Ordinance 2013-027 amending Chapter 1, Division 3, Section 1.05.071 of the Code of Ordinances, providing revised purchasing limits as amended:

1. Remove the words "exclusive power" and have it read "authority" in Section 1.05.071, (a) (b) and (c)
2. Remove "Mayor" from Section 1.05.071 (b) and begin paragraph with City Administrator
3. Add to the end of each paragraph in Section 1.05.071, (a) (b) and (c) to read, "...as adopted in the Policy and Procedure Guide to Purchasing."

The motion was seconded by PL5 Oberg. *Mayor Dormier asked for a 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 9. DISCUSSION/ACTION – Consideration and action on Ordinance 2013-028 amending Chapter 9, Division I, Section 9.03.034(9) of the Ovilla Code of Ordinances, providing revised purchasing authority of the City Administrator; providing a savings clause; providing a severance clause; providing for incorporation into the Ovilla Code of Ordinances; providing for immediate effect; and providing for publication.

Staff advised that Ordinance No. 2013-028 provided for the amendment of the Code of Ordinances, Chapter 9, Division I, Section 9.03.034(9) – Powers and duties, to reflect the purchasing authority of the City Administrator as prescribed in the 2010 Policy and Procedure Guide to Purchasing (Purchasing Guide). Staff recommended approval of Ordinance 2013-028 to remedy conflict in the Code of Ordinances with the Adopted Purchasing Guideline.

PL4 Hunt made the motion to approve Ordinance 2013-028 amending Chapter 9, Division I, Section 9.03.034(9) of the Ovilla Code of Ordinances, providing revised purchasing authority of the City Administrator, seconded by PL3 Griffin. *Mayor Dormier asked for a 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 10. DISCUSSION/ACTION – Review and discuss the Proposal from The Management Connection for the development of a Citywide Five-Year Strategic Plan and take action as necessary to execute the Proposal.

City Administrator Cyndy Powell advised Council that the Review Committee (Committee), comprised of Councilors David Griffin, Dean Oberg, and alternate Mayor Pro Tem Ralph Hall, along with Economic Development Corporation board members Gary Jones, John Knight, and alternate Dick Pettit was established to review and make a recommendation for a Citywide Five-Year Strategic Plan. The Committee met Thursday, August 15, 2013, evaluated responses from five firms, and ranked each firm. The top two firms were invited to make a presentation and answer questions from the Committee on Thursday, August 29, 2013. The Committee directed the City Administrator to negotiate an agreement with The Management Connection. The final Proposal from The Management Connection was \$20,000 with expenses not to exceed \$772.92. References were contacted. The Ovilla Economic Development Corporation considered the Proposal at their September 16, 2013 meeting and recommended approval. Staff also recommended approval of the Proposal and advised that the Economic Development Corporation would pay the cost.

Council concurred that The Management Connection was a reputable company, receiving positive feedback from background checks, however, there were concerns that pricing was listed from most all vendor responses and that this was supposed to have been a Request for Qualifications (RFQ). Additionally, staff was questioned on the ranking and the committee's consensus used. The City Administrator advised that a mathematical computation was not used. Council expected that the point system in the RFQ should be the decisive factor and questioned the conclusion of how The Management Connection was the chosen firm. Some Councilors stated that the criteria should have been reflective of the points listed in the RFQ and the final ranking sheet did not reveal that.

PL2 Stevenson made the motion to Table Item 10 until better clarification from staff on the use of the point system and ranking. The motion died for lack of a second.

Mayor Pro Tem Hall made the motion to approve the Proposal from The Management Connection as presented, authorizing the President of the Ovilla Economic Development Corporation to execute the Proposal, seconded by PL5 Oberg. *Mayor Dormier asked for a vote by announcement of AYE or NAY. Present Council announced AYE in favor. No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 5-0.

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

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

ITEM 11. DISCUSSION/ACTION – Consider approval of a Contract for Technical Services and Fee Schedule with Trinity River Authority of Texas and take action to authorize the Mayor to execute such Contract.

The City contracts with the Trinity River Authority for work related to the analysis of water and wastewater, industrial inspections, and sampling services for an annual fee not to exceed \$1,500 per year. The Contract is for two years, expiring September 30, 2015. Staff advised that the fees in this contract were related to water and wastewater sample testing only and recommended approval.

Mayor Pro Tem Hall made the motion to approve the contract for Technical Services and Fee Schedule with Trinity River Authority of TX as presented and authorize the Mayor to execute such Contract, seconded by PL2 Stevenson. *Mayor Dormier asked for a 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 12. DISCUSSION/ACTION – Consider approval of the Annual Interlocal Cooperation Agreement for Fire Protection and First Responder Services with Emergency Services District #2 and take action to authorize the Mayor to execute such Agreement.

Fire Chief Brancato advised that this was the same contract as the previous year.

PL4 Hunt requested additional information regarding calls in the ESD #2 area. Fire Chief Brancato and staff provided statistics covering a 5-year analysis pertaining to calls/responses.

(Calendar years: 09 – 233 calls, 2010 – 209 calls, 2011 – 203 calls, 2012 – 187, and 2013 to date - 125 calls.)

Mayor Pro Tem Hall made the motion to approve the Interlocal Cooperation Agreement for Fire Protection and First Responder Services with Emergency Services District #2 as presented and authorize the Mayor to execute such Agreement, seconded by PL2 Stevenson. *Mayor Dormier asked for a 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 13. DISCUSSION/ACTION – Review progress and various assignments to facilitate the success of the 2013 Heritage Day festivities.

PL4 Hunt stated that everything was pretty much in place for the September 28th event. He noted that Ovilla would receive a special guest appearance of Deon Pride, son of famous country singer Charlie Pride. Council members praised PL4 Hunt for accepting the task of coordinating and planning for this annual celebration.

NO Action.

EXECUTIVE SESSION

Mayor Dormier announced Council would convene into Executive Session at 9:10 p.m. concerning Items 14 and 15.

Mayor Dormier and Council reconvened to Regular Session at 10:25 p.m. and took action on the following items:

The City Council will meet in a closed session pursuant to Section 551.071 of the Texas Government Code to consult with, and seek advice from, the City Attorney on a matter in which the duty of the City Attorney to the City under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of the Texas Open Meetings Act.

ITEM 14. DISCUSSION/ACTION – Receive and discuss proposal from ESD#4 and take action as necessary to authorize the City Administrator to negotiate an Agreement with the Ellis County ESD#4.

Mayor Pro Tem Hall moved that the City Administrator meet with the City Manager of Red Oak to discuss the possibility of changes with the ESD#4, seconded by PL4 Hunt. Mayor Dormier asked for a vote by announcement of AYE or NAY. Present Council announced AYE in favor. No oppositions, no abstentions.

VOTE: The motion carried unanimously: 5-0.

The City Council will meet in a closed session pursuant to Section 551.074 of the Texas Government Code pertaining to personnel matters.

ITEM 15. DISCUSSION/ACTION –Deliberate the appointment, employment, and/or duties of the City Administrator and take action as necessary.

No Action.

REQUESTS FOR FUTURE AGENDA ITEMS

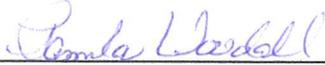
Mayor Pro Tem Hall	None
PL2 Stevenson	None
PL3 Griffin	None
PL4 Hunt	None
PL5 Oberg	None

ADJOURNMENT

There being no further business, Mayor Dormier adjourned the meeting at 10:26 p.m.


Richard Dormier, Mayor

ATTEST:


Pamela Woodall, City Secretary

Approved October 28, 2013

