

CITY OF OVILLA MINUTES
Monday, October 28, 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	Mayor Pro Tem, Place 1
Larry Stevenson	Council Member Place 2
David Griffin	Council Member Place 3
Dean Oberg	Council Member Place 5

Absent Doug Hunt Council Member Place 4

Mayor Dormier noted present members, thus constituting a quorum. City Administrator Cyndy Powell was noted as absent. Various department-heads and staff were also present.

PL5 Oberg gave the Invocation and Mayor Dormier led the recitation of the Pledge of Allegiance.

COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS

Mayor Dormier read aloud and presented a Proclamation honoring Francis X. Washington for his achievement of the Eagle Scout Award. Photos were taken.

Mayor Dormier moved the order of the agenda and announced that Council would go into Executive Session at 7:05 p.m., to address Items 9 & 10. Mayor Dormier stated that Council would reconvene into Open Session and take action necessary, if needed.

The City Council of the City of Ovilla, Texas, reserves the right to meet in a closed session on any item listed on this Agenda should the need arise, pursuant to authorization by Texas Government Code, Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), 551.087 (economic development), 418.183 (homeland security).

ITEM 9. *DISCUSSION/ACTION* – 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 and attorney Terry Morgan on a matter in which the duty of the said attorneys 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 regarding the City's Comprehensive Plan and development regulations.

ITEM 10. *DISCUSSION/ACTION* – The City Council will meet in a closed session pursuant to Section 551.072 of the Texas Government Code to deliberate options for possible land purchase.

Council reconvened at 7:36 p.m. Mayor Dormier announced there was no action on either item. Mayor Dormier resumed the regular order of the agenda.

♦ **Citizens Comments / Citizens Forum:**

1. Mr. Phil Lynch signed up to speak when Council addressed Item 5.
2. Mt. Craig Wilson signed up to speak when Council addressed of Item 7.

◆ **Department Activity Reports / Discussion**

- Finance Department Accountant S. Jungman
 - Monthly Financials – there was no discussion.

CONSENT ITEMS

- Minutes of the September 23, 2013 Regular Council Meeting

Mayor Pro Tem Hall made the motion that Council approves the consent item as presented, seconded by PL2 Stevenson. *Mayor Dormier asked for an announcement of AYE or NAY from Council. Present Council announced AYE in favor. No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 4-0.

REGULAR AGENDA

ITEM 1. DISCUSSION/ACTION – Consider approval of the September 2013 Financial Transactions pulled for review from the October 15, 2013 Council Meeting/Agenda.

Mayor Pro Tem Hall questioned two expenditures during the October 15 Council Meeting and asked staff to return with clarification. It was determined that there was no intent of the department head or staff to circumvent procurement laws and that nothing illegal had occurred. There were no issues related to competitive bidding either as the radios were purchased through the DIR (Department of Information Resources) and state pricing. Mayor Pro Tem Hall gave noted suggestions for the future:

1. Keep purchasing policies in place
2. Assure there is budgeted funding
3. Check the volunteer fire department checking account and confirm the signature authorities are the same on all accounts, including the requirement of two signatures for every purchase.
4. Conduct training of city purchasing policy and procurement laws
5. City to establish an appropriate and typed purchase order form.

Mayor Pro Tem Hall moved that Council approves the September 2013 Financial Transactions as presented, seconded by PL5 Oberg. *Mayor Dormier asked for an announcement of AYE or NAY from Council. Present Council announced AYE in favor. No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 4-0.

ITEM 2. DISCUSSION/ACTION – Consideration of and action on cancellation of November 25 Regular meeting.

The November 25th meeting falls in the same week as the Thanksgiving Holiday.

Mayor Pro Tem Hall made the motion that Council approves the cancellation of the regularly scheduled November 25, 2013 Council meeting, seconded by PL3 Griffin. *Mayor Dormier asked for an announcement of AYE or NAY from Council. Present Council announced AYE in favor. No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 4-0.

ITEM 3. DISCUSSION/ACTION – Consider approval of the Mayor to execute a contractual agreement between the City of Ovilla and Progressive Waste Systems for a municipal solid waste collection, transportation, recyclable and disposal contract.

The proposal review committee consisting, of Councilors David Griffin and Larry Stevenson, and staff, reviewed two proposals received for Solid Waste Collection/Disposal and Recycling for residential and commercial customers. The committee recommended Progressive Waste Solutions to provide the services.

The service days of the week will change per Progressive representatives: customers that usually are collected on Wednesday will move to Thursday and the Saturday customers will move to Friday. The approximate pickup times will remain the same for each area and the recycle days will move to the new service day as well. Progressive will place an informational flyer on all newly delivered recycle carts. The bulky pickup will coincide with service days.

Mayor Pro Tem Hall made the motion that Council approves the Mayor to execute a Contractual Agreement between the City of Ovilla and Progressive Waste Systems for a municipal solid waste collection, transportation, recyclable and disposal contract as presented, seconded by PL3 Griffin. *Mayor Dormier asked for an announcement of AYE or NAY from Council. Present Council announced AYE in favor. No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 4-0.

ITEM 4. DISCUSSION/ACTION – Consider approval of Ordinance 2013-032 amending City Code Appendix A, Ovilla Fee Schedule Article A7.000, Section A7.001 Garbage Collections Fees; setting new charges for the provision of residential and commercial solid waste and recycling services; providing a severability clause and providing an effective date.

With the approval of the municipal solid waste contract, it is necessary to amend the fee schedule.

PL3 Griffin made the motion that Council approves Ordinance 2013-032 amending the fee schedule for the new solid waste, recycling and disposal fees for residential and commercial properties in Ovilla as presented, seconded by PL5 Oberg. *Mayor Dormier asked for an announcement of AYE or NAY from Council. Present Council announced AYE in favor. No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 4-0.

ITEM 5. DISCUSSION/ACTION – Consider approval of Resolution 2013-011 of votes cast to elect Directors for the Ellis Appraisal District for the years 2014-2015.

During the September 23 Council meeting, a resolution was approved for the nomination of one candidate, Mr. Phillip Lynch, to the Ellis Appraisal District Board of Directors for the years 2014-2015. The ballot entitles Ovilla to 33 votes for the nominee.

Mr. Phil Lynch was present and allowed to address Council. He gave appreciation to Ovilla for support throughout the years.

PL5 Oberg made the motion that Council approves Resolution 2013-011, casting all 33 votes for Mr. Phillip Lynch and submitting the official ballot to elect Mr. Lynch as a Director for the Ellis Appraisal District for the years 2014-2015, seconded by PL3 Griffin. *Mayor Dormier asked for an announcement of AYE or NAY from Council. Present Council announced AYE in favor. No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 4-0.

ITEM 6. DISCUSSION/ACTION – Consider approval of Resolution 2013-012 of the City of Ovilla to a mutual aid agreement between the City of Cedar Hill, The City of Desoto, the City of Duncanville, the City of Glenn Heights, the City of Ferris, the City of Lancaster, the City of Midlothian, the City of Red Oak and the City of Waxahachie, TX regarding the provision of

certain governmental functions and services in connection with the protection of life and property in the event of a disaster, civil disaster and/or emergency; and authorize the Mayor to execute the said first amendment.

Staff presented the proposed Resolution 2013-012. It is an Interjurisdictional Mutual Aid Agreement for the **Ellis, Dallas Unified Cooperative Team**, that provides certain governmental functions and services for one another, including assistance and cooperation in the event of a disaster, civil emergency and/or emergency.

Mayor Pro Tem Hall moved that Council approves Resolution 2013-012 for an Interjurisdictional Mutual Aid Agreement (including Attachment A) and authorizes the Mayor to execute such Agreement as presented, seconded by PL5 Oberg. *Mayor Dormier asked for an announcement of AYE or NAY from Council. Present Council announced AYE in favor. No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 4-0.

ITEM 7. DISCUSSION/ACTION – Consider approval to authorize the Mayor to execute an Interlocal Cooperation Agreement for Fire Protection and First Responder Services with Ellis County Emergency Services District #4.

Fire Chief Brancato and the City Administrator met with the ESD Board to negotiate the FY2013-2014 agreement and agreed to accept their offer of \$18,531 for services for this year if they agreed to commit to an election in May 2014 to increase the tax rate. City Administrator Ms Powell made several suggestions for revisions to the agreement:

1. Not agree to funding based on average runs, but to the lump sum of \$18,531
2. Strike last sentence of page 4, Section 11-requiring the City to indemnify and hold harmless the district
3. Page 5, Section 17 – acknowledge that the Board is committed to an election in May 2014

It was inquired how (or if) a denial of this contract would affect the City's ISO rating. PL3 Griffin stated that he had learned from a former council member that Ovilla may be in jeopardy of losing their ISO rating based on various grounds: Ovilla sold certain truck(s) that may be vital to the rating and that having only a part-time fire marshal and/or a part-time fire chief (as opposed to full-time) posed detrimental to the rating also. PL3 Griffin asked Chief Brancato to share factual information regarding Ovilla's ISO. Chief Brancato stated that staffing was in better shape now than ever. Ovilla's part-time fire marshal was certified which Ovilla did not have in the past, therefore, would increase credits. A full-time fire chief is not considered during the collective point system of ISO. Ovilla did sell a rehab vehicle that was declared as a back-up truck but because of current staffing, (and staffs' certifications) Ovilla could potentially acquire more credits than before.

Mr. Craig Wilson, Mayor of Oak Leaf signed up to speak and was invited to address Council. Mr. Wilson admitted that there was a tax rate inequity and asked that Council continue to serve ESD #4, and that he would do anything possible to assist in an election for a tax rate increase.

PL3 Griffin moved that Council approves the Mayor to execute an Interlocal Agreement for Fire Protection and First Responder Services with Ellis County Emergency Services District #4 with the noted revisions, seconded by PL2 Stevenson. *Mayor Dormier asked for an announcement of AYE or NAY from Council. Present Council announced AYE in favor. No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 4-0.

ITEM 8. DISCUSSION/ACTION – Consider approval of a Resolution 2013-013 of the City Council of the City of Ovilla, TX, establishing a deadline of September 30, 2014 for the provision of Fire Services and First Responder Services by the Ovilla Fire Department to Emergency Services District #4.

The Resolution is to support the ESD's initiative to obtain an increase in funding for the services provided by Ovilla (and Red Oak's) Fire Departments.

PL2 Stevenson made the motion that Council approves Resolution 2013-013, establishing a deadline of September 30, 2014 providing Fire Protection Services and First Responder Services by the Ovilla fire Department to Emergency Services District #4, seconded by PL3 Griffin. Mayor Dormier asked for an announcement of AYE or NAY from Council. Present Council announced AYE in favor. No oppositions, no abstentions. **VOTE: The motion carried unanimously: 4-0.**

REQUESTS FOR FUTURE AGENDA ITEMS

1. Mayor Pro Tem Hall - Joint workshop with Council and Boards regarding TX Open Meetings Act and each board member's duties in relation to their assigned membership.
2. PL2 Stevenson None
3. PL3 Griffin None
4. PL4 Hunt Absent
5. PL5 Oberg None
6. Mayor – Ask staff to disseminate a joint meeting inquiry to all boards.

ADJOURNMENT

PL2 Stevenson made the motion to adjourn the meeting. There being no further business, Mayor Dormier adjourned the meeting at 8:50 p.m.


Richard Dormier, Mayor

ATTEST:


Pamela Woodall, City Secretary

Approved December 09, 2013

