

CITY OF OVILLA MINUTES

Monday, February 10, 2014

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 7:03 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
Doug Hunt	Council Member Place 4
Dean Oberg	Council Member Place 5

Mayor Dormier announced all Councilmen present, thus constituting a quorum. 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

▪ **Citizens Comments / Citizens Forum:**

I. Three individuals signed up to speak regarding Items D and E posted under the Consent Agenda.

▪ **Department Activity Reports / Discussion**

- Police Department Police Chief M. Moon
 - Monthly Report
 - Introduced three new officers, Charles Matthews, Damien Snavelly, and Aaron Westmoreland.
- Fire Department Fire Chief P. Brancato
 - Monthly Report
- Public Works Public Works Director B. Piland
 - Monthly Report
- Finance Department Accountant S. Jungman
 - Monthly financials
- Administration City Administrator C. Powell
 - Bi-weekly update activity report
 - Monthly Municipal Court Report City Secretary P. Woodall
 - Briefed Council on monthly and annual reports and gave collections, warrants and violation comparisons from the previous year.
- Code Enforcement/Animal Control Code/A/C Officer M. Dooly
 - Monthly Reports

CONSENT ITEMS

Mayor Dormier allowed those that signed up to speak:

- Ms Marilyn Langenheder President of the Ovilla Service League voiced concerns and disapproval regarding Items D and E on the Consent Agenda.
- Ms Rachel Huber spoke on behalf of the Ovilla Service League stating disapproval of Items D and E on the Consent Agenda.
- Mr. Ron Langenheder submitted a letter of disapproval (including inquiries) to the Council regarding Items D and E on the Consent Agenda.

- A. Minutes of the January 13, 2014 Special Council Meeting & Workshop (with City Appointed Board and Commission Members)
- B. Minutes of the January 13, 2014 Council Meeting
- C. Financial Transactions
- D. Resolution R2014-003 Naming authorized signatures on the Fire Department – Voluntary Auxiliary Fund Bank Account
- E. Resolution R2014-004 Naming authorized signatures on the Police Department Special Fund Bank Account
- F. Authorize Mayor to execute a Debt Transparency Pledge to accompany the Platinum Award Application to the TX State Comptroller's office

PL3 Griffin pulled Items D and E from the Consent Agenda for further discussion:

Those items were labeled –

Item D, Resolution 2014-003 – 1A

Item E, Resolution 2014-004 – 1B

Council deliberated over both resolutions, stating that two signatures on each account was not intended to regulate expenses made by the two Chiefs, nor their judgment, but rather provide internal control and transparency. The governing body would continue permitting full discretion to the Chiefs.

PL3 Griffin moved that Council take no action on Resolutions R2014-003 and R2014-004, seconded by PL4 Hunt. Mayor Pro Tem Hall abstained.

VOTE: The motion carried 4 in favor of No Action, 1 abstention.

PL4 Hunt made the motion that Council approve the remaining consent items as presented, seconded by PL2 Stevenson. *No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 5-0.

I. REGULAR AGENDA

ITEM 1. DISCUSSION – Receive presentation on ESD #2's purchase of Lucas CPR Devices.

Fire Chief Brancato and Captain Jason Cates gave a demonstration of the new chest compression devices and voiced appreciation to the ESD #2 for providing them to the Ovilla Fire Department.

Discussion only.

ITEM 2. DISCUSSION – Receive feedback regarding the draft Strategic Guide from the citizens of Ovilla.

Staff received feedback from citizens on the Strategic Guide, categorized the comments and shared with Council and the facilitator. PL3 Griffin suggested a language revision of the mission statement.

Mayor Dormier acknowledged resident Mr. James Northum who gave comments and questions:

- 1) Map available?
- 2) Asked for clarification of the plan
- 3) How will taxes and increased living expenses be controlled?
- 4) Asked that more effort be made to solicit resident participation and knowledge

Council and Mayor Dormier explained that this presented document was merely a detailed outline of how to prepare the final Strategic Plan. The Plan depicted Ovilla's potential future build-out being approximately 10,000 and currently there are 2000 acres of undeveloped land in Ovilla city limits. It may prove beneficial to host another Town Hall Session.

Discussion only.

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

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

ITEM 3. DISCUSSION/ACTION – Consideration of and action on Resolution R2014-005 adopting the Citywide Five-Year Strategic Guide.

City Administrator relayed that once the plan was adopted, the consultant would work with staff and form committees with citizen participation. Council agreed to direct staff to meet again with the facilitator and plan another Town Hall Meeting to engage additional citizen participation and ensure that Ovilla citizens are invited to attend and aware of the meeting. EDC President Gary Jones was present and agreed with Council.

No Action.

ITEM 4. DISCUSSION/ACTION – Consideration of and action on Resolution R2014-006 authorizing the Mayor to execute an Interlocal Cooperation Agreement for Fire Protection and First Responder Services with Ellis County Emergency Services District #4 as revised.

In September 2013, the City began negotiations with Emergency Services District #4 (Board) to finalize the annual agreement to provide fire protection and first responder services to the District. A negotiated Agreement was approved by Council in October 2013 accepting a reduced payment in return for the ESD #4's commitment of a May 2014 tax rate election; a lump sum amount of \$18,531 paid in three installments and striking indemnification language. Additionally, Council approved Resolution R2013-013 that gave a September 30, 2014 deadline for the provision of services and first responder services to ESD #4.

During the ESD #4's November 04, 2013 meeting, the Board rejected Ovilla's striking of the indemnification clause and asked the City Council to reconsider reinstating the indemnification clause. At the December 09, 2013, Council meeting the City Council reinstated the indemnification language based on legal counsel's opinion that the language was voidable under Texas law. The Agreement was again considered by the ESD #4 Board at their February 03, 2014 meeting, which they revised Section 17 with the removal of the *May 2014* date for a future tax rate election and modified that section to read "The District, *in good faith*, will pursue to hold an election for the purpose of a tax rate increase to provide additional revenues for the District." Council considered the ESD's suggested modification to the Agreement.

Mayor Pro Tem Hall moved that Council approve Resolution R2014-006 authorizing the Mayor to execute an Interlocal Cooperation Agreement for Fire Protection and First Responder Services with Ellis County Emergency Services District #4 as revised, seconded by PL3 Griffin. PL4 Hunt voted in opposition. No abstentions.

VOTE: Motion carried 4-1 (4 in favor of approval, 1 opposed).

ITEM 5. DISCUSSION/ACTION – Consideration of and action on Resolution R2014-007, authorizing the Mayor to execute an Agreement with Birkhoff, Hendricks and Carter, LLP, Consulting Engineers, for a Storm Water Management Plan Study.

The Texas Commission on Environmental Quality (TCEQ) issued the Texas Pollutants Discharge Elimination System (TPDES) General Permit No. TXR040000 for discharges from small municipal separate storm sewer systems (MS4s) on August 16, 2013 that required amendment and reissuance of a General Storm Water Permit for Phase II MS4s. The engineering firm of Birkhoff, Hendricks and Carter, LLP, prepared the City's prior study for the SWMP and submitted a proposed Agreement to complete the 2014 Storm Water Management Plan Study in an amount not to exceed \$8,000.00. The item was not budgeted for fiscal year 2013-2014, therefore required the approval of Council.

PL4 Hunt moved that Council approve Resolution R2014-007 authorizing the Mayor to execute an Agreement with Birkhoff, Hendricks and Carter, LLP, for a Storm Water Management Plan Study as presented, seconded by PL5 Oberg.

VOTE: The motion carried unanimously: 5-0.

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

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

ITEM 6. DISCUSSION/ACTION – Consideration of and action on Ordinance 2014-003 of the City of Ovilla amending the Fiscal year 2013-2014 General Fund Budget and annual program of services for an adjustment of \$8,000 for an expenditure for the Storm Water Management Plan Study.

Based on Item 5, a budget amendment was made.

PL3 Griffin moved that Council approve Ordinance 2014-003 amending the Fiscal Year 2013-14 General Fund Budget and Annual Program of Services for the City of Ovilla to allow for an adjustment of \$8,000 for expenditures for professional engineering services for a 2014 Storm Water Management Plan Study in accordance with the TCEQ requirements, seconded by PL2 Stevenson.

VOTE: The motion carried unanimously: 5-0.

ITEM 7. DISCUSSION/ACTION – Consider two Council appointments including ex-officio Member Mayor Dormier, establishing a City Council Finance Committee and consider scheduling a date and time of the committee meeting.

The City contracts with the Trinity River Authority of Texas (TRA) to process wastewater for those residents on sanitary sewer through the Red Oak Creek Regional Wastewater System (ROC). TRA formally notified the City on January 31, 2014 of irregularities in the wastewater flow meter data versus the amount of wastewater TRA invoices the City. Once the Committee was formed, a meeting would be scheduled open to the public. The Committee would review and compare data from TRA and the City and make a recommendation to Council at a future meeting.

PL2 Stevenson moved to approve the establishment of a City Council Finance Committee and appoint Council Members Mayor Pro Tem Hall and PL4 Hunt to the Committee along with ex-officio Mayor Dormier, AND moved to schedule Thursday, February 20, 2014 at 6:00 pm at City Hall for the meeting, seconded by PL3 Griffin.

VOTE: The motion carried unanimously: 5-0.

ITEM 8. DISCUSSION/ACTION – Consideration of and action on Resolution R2014-008 authorizing the City Administrator to execute an optional one-year extension of the depository services contract between the City of Ovilla and Prosperity Bank.

The City's depository service agreement with Prosperity Bank began June 2010 for a period not to exceed 5-years. Following an initial contract term (3-years), the agreement provided for two optional, one-year renewals, awarded one-year at a time. The presented one-year renewal scheduled to expire in May 2015, represented the final of two optional extensions. The agreement would be automatically extended upon mutual agreement of the bank and the City. Prosperity Bank confirmed their intent and agreement to renew the existing contract for one more year.

PL4 Hunt moved that Council approve Resolution R2014-008 authorizing the City Administrator to execute a one-year extension of the depository service contract between the City of Ovilla and Prosperity Bank as presented, seconded by PL2 Stevenson.

VOTE: The motion carried unanimously: 5-0.

ITEM 9. DISCUSSION/ACTION – Consideration of and action on Ordinance 2014-004, in accordance with Chapter I, Section I.02.002 of the Ovilla Code of Ordinances, declaring an official city newspaper.

PL3 Griffin moved that Council approve the adoption of Ordinance 2014-004, declaring the Waxahachie Daily Light as the City's official newspaper for the calendar year, effective this date.

REQUESTS FOR FUTURE AGENDA ITEMS

- 1. Mayor Pro Tem Hall None
- 2. PL2 Stevenson None
- 3. PL3 Griffin None
- 4. PL4 Hunt None
- 5. PL5 Oberg None
- 6. Mayor Reminder that Monday, February 17 was a holiday (President's Day).

ADJOURNMENT

There being no further business, Mayor Dormier adjourned the meeting at 8:58 p.m.

ATTEST:



 Pamela Woodall, City Secretary





 Richard Dormier, Mayor

Approved February 24, 2014