

# City of OVILLA City Council

Rachel Huber, Place One  
Larry Stevenson, Place Two  
David Griffin, Place Three, Mayor Pro Tem

Richard Dormier, Mayor

Doug Hunt, Place Four  
Dean Oberg, Place Five  
Cyndy Powell, City Administrator

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Monday, July 14, 2014  
105 S. Cockrell Hill Road, Ovilla, TX 75154  
7:00 P.M.  
Council Chamber Room

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Pursuant to the provisions of Chapter 551 VTCA Government Code, NOTICE is hereby given of a Regular Meeting of the City Council of the City of Ovilla, to be held on Monday, July 14, 2014 at 7:00 P.M. in the City Hall Council Chamber Room, 105 S. Cockrell Hill Road, Ovilla, Texas, 75154, for the purpose of considering the following items.

**I. CALL TO ORDER**

- Invocation
- Pledge of Allegiance

**II. COMMENTS, PRESENTATIONS, ANNOUNCEMENTS & REPORTS**

▪ **Citizen Comments**

*The City Council welcomes comments from Citizens. Those wishing to speak must sign in before the meeting begins. Speakers may speak on any topic, whether on the agenda or not. The City Council cannot act upon, discuss issues raised, or make any decisions at this time. Speakers under citizen's comments must observe a three-minute time limit. Inquiries regarding matters not listed on the Agenda may be referred to Staff for research and possible future action.*

▪ **Department Activity Reports / Discussion**

- Police Department
  - Monthly Report
- Fire Department
  - Monthly ReportFire Chief P. Brancato
- Public Works
  - Monthly Report
  - 2013 Annual Quality Water ReportPublic Works Director B. Piland
- Administration
  - Weekly activity report(s)
  - Monthly Municipal Court ReportCity Administrator C. Powell
- Code Enforcement/Animal Control
  - Monthly ReportsCity Secretary P. Woodall  
Code/A/C Officer M. Dooly

**III. CONSENT AGENDA**

*The following items may be acted upon in one motion. No separate discussion or action is necessary unless requested by a Council Member, in which event those items will be pulled from the consent agenda for individual consideration.*

- A. Minutes of the May 27, 2014 Regular Council Meeting
- B. Minutes of the June 09, 2014 Regular Council Meeting

**IV. REGULAR AGENDA**

- ITEM 1. **DISCUSSION/ACTION** – *Consideration of and action on Ordinance 2014-011 amending Chapter 1, Article 1.05, Division 3, Section 1.05.072 of the Ovilla Code of Ordinances, providing revisions to the requirement to use competitive bidding procedures; providing a*

# City of *OVILLA* City Council

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savings clause; providing a severance clause; providing for incorporation into the Ovilla Code of Ordinances; providing for immediate effect; and providing for publication.

ITEM 2. **DISCUSSION/ACTION** – Consideration of and action on Ordinance 2014-012 of the City of Ovilla, TX, providing for the adoption of Chapter 15 to the Code of Ordinances of the City of Ovilla, TX, providing definitions; providing for the establishment of a Park board; providing Park Regulations and Procedures; providing for Park and Recreation facility use and fees; providing procedures for the naming of Parks; providing for penalties; providing a savings clause; providing a severance clause, providing for incorporation into the Code of Ordinances; providing an effective date and providing for publication.

ITEM 3. **DISCUSSION/ACTION** – Consideration of and action on nominations and appointments to the Parks Board.

ITEM 4. **DISCUSSION/ACTION** – Consideration of and action on Resolution R2014-025 amending the frequency of Council Meetings from two per month to once monthly.

## EXECUTIVE SESSION

*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).*

Closed Meeting called pursuant to Texas Government Code § 551.074 - Personnel Matters.

ITEM 5. **DISCUSSION/ACTION** – Deliberate the appointment, employment, evaluation, reassignment and/or duties of the City Administrator.

COUNCIL WILL RECONVENE INTO OPEN SESSION, AND TAKE ACTION  
NECESSARY PURSUANT TO EXECUTIVE SESSION, IF NEEDED.

## V. REQUESTS FOR FUTURE AGENDA ITEMS

## VI. ADJOURNMENT

THIS IS TO CERTIFY THAT A COPY OF THE NOTICE OF the July 14, 2014 Regular City Council Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, [www.cityofovilla.org](http://www.cityofovilla.org), on the 11th day of July 2014 prior to 6:00 p.m., in compliance with Chapter 551, Texas Government Code.



*Pamela Woodall*

Pamela Woodall, City Secretary

DATE OF POSTING: 7-11-2014 TIME: 10:00 am/pm  
DATE TAKEN DOWN: \_\_\_\_\_ TIME: \_\_\_\_\_ am/pm

**IF YOU OR YOUR REPRESENTATIVE HAVE A DISABILITY THAT REQUIRES SPECIAL ARRANGEMENTS AND YOU PLAN TO ATTEND THIS PUBLIC MEETING, PLEASE CALL THE CITY SECRETARY AT 972-617-7262 WITHIN 24 HOURS OF THE MEETING. REASONABLE ACCOMMODATIONS WILL BE MADE TO MEET YOUR NEEDS AT THE MEETING. PLEASE SILENCE ALL PAGERS, CELL PHONES & OTHER ELECTRONIC EQUIPMENT WHILE THE CITY COUNCIL MEETING IS IN SESSION.**

OVILLA POLICE DEPARTMENT  
 105 S Cockrell Hill Rd  
 Ovilla, TX 75154  
 (972) 617-7262

To: Mayor Richard Dormier  
 Ovilla City Council  
 Cyndy Powell

Subject: Police Department Monthly Activity Report

Calls For Service	June 2014	June 2014 YTD	June 2013	June 2013 YTD
Accident	2	18	1	15
Alarms	27	117	15	86
Arrest	1	13	4	20
Assault	1	1	1	2
Assists: Agency/Unit:32 EMS/Fire:6 Motorist:6	44	175	16	153
Building / House Security Check	1587	8617	1171	7888
Burgulary	3	6	1	1
Burgulary of Motor Vehicle	0	0	0	1
Criminal Mischief	0	5	1	4
Disturbance	12	40	15	36
Neighborhood Check	1661	8177	1528	10592
Other Calls for Service	131	620	76	760
Suspicious Person	7	40	2	26
Suspicious Vehicle	6	42	5	42
Theft	2	9	1	5
Traffic Assignment	7	55	6	147
<b>TOTAL CALLS FOR SERVICE</b>	<b>3491</b>	<b>17935</b>	<b>2843</b>	<b>19778</b>

Reserve Officer Hours	29.5	374.75	76.5	417.5
Average Response Time (Minutes)	4.1	4.20666667	3.5	3.891
Traffic Stop (Warnings)	49	234	19	189
Traffic Stop (Citations)	46	255	33	216
Total Citations & Warnings Combined	95	489	52	405
<b>PERCENT OF STOPS RECEIVING CITATIONS</b>	<b>48.4</b>	<b>52.1</b>	<b>63.5</b>	<b>53.3</b>

OVILLA PD VEHICLE MILEAGE

March-14		April-14		May-14		June-14		July-14		August-14		September-14		October-14		November-14		December-14	
Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending	Accrued
100	82172	82405	233	100	82405	83193	788												
102	79832	80697	865	102	80697	81761	1064												
103	89434	91162.8	1728.8	103	91162.8	92802	1639.2												
104	52173	53335.8	1162.8	104	53335.8	56126	2790.2												
105	33654	35239	1585	105	35239	36434	1195												
<b>May-14</b>																			
Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending	Accrued
100	83193	84792	1599	100	84792	85914	1122												
102	81761	82879	1118	102	82879	83546	667												
103	92802	94219.5	1417.5	103	94219.5	95219	999.5												
104	56126	57757.4	1631.4	104	57757.4	59339.5	1582.1												
105	36434	39339	2905	105	39339	41691	2352												
<b>July-14</b>																			
Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending	Accrued
100			0	100			0				0				0				0
102			0	102			0				0				0				0
103			0	103			0				0				0				0
104			0	104			0				0				0				0
105			0	105			0				0				0				0
<b>September-14</b>																			
Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending	Accrued
100			0	100			0				0				0				0
102			0	102			0				0				0				0
103			0	103			0				0				0				0
104			0	104			0				0				0				0
105			0	105			0				0				0				0
<b>October-14</b>																			
Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending	Accrued
100			0	100			0				0				0				0
102			0	102			0				0				0				0
103			0	103			0				0				0				0
104			0	104			0				0				0				0
105			0	105			0				0				0				0
<b>November-14</b>																			
Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending	Accrued
100			0	100			0				0				0				0
102			0	102			0				0				0				0
103			0	103			0				0				0				0
104			0	104			0				0				0				0
105			0	105			0				0				0				0
<b>December-14</b>																			
Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending	Accrued
100			0	100			0				0				0				0
102			0	102			0				0				0				0
103			0	103			0				0				0				0
104			0	104			0				0				0				0
105			0	105			0				0				0				0





Date July 2, 2014

**TO:** Honorable Mayor and City Council Members

**FROM:** Brad Piland, Public Works Director

**TOPIC:** Public Works Monthly Report for June

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- Repaired broken cleanout on 664
- Sewer Lift Station Repairs: pulled pump 1 at Highland Meadows lift station, removed pump 1 from Cumberland
- Read water meters; serviced disconnects and reconnects
- Repaired water leak: Buckboard, Silverwood
- Repaired and laid road base to Thorntree
- Updated marquee as needed
- Daily water maintenance residuals and pressure tests
- Tree & grass maintenance: Heritage Park, Silver Spur Park and Baseball fields and park area
- Laid asphalt: Main street sewer line
- Assisted Ellis County with repairs to Westmoreland Road
- Removed tree from Shiloh Creek and repaired guardrail.
- Trim trees Cockrell hill
- Remove trees from roadway
- Repaired air release valve at Highland meadows lift station
- Change out 4 meters Brookwood addition
- Road repairs Ovilla Oaks



❖ Jimmy Bryan -

- Serviced PD Units
- Serviced Ford Dump Truck
- Repaired Skid steer and sweeper

\*\*Flushed Hydrants

- Collected water samples for TCEQ reporting
- Water Maintenance – routine flushing of mains and hydrants
- Meter box repairs and replaced lids as needed

\*\*Watered plants at City Hall and park



## **City Administrator Activity Report**

Cyndy Powell

June 23, 2014 – July 04, 2014

**Weekly Leadership Team meetings** – reading John Maxwell's book Developing the Leader within You.

**Neighborhood road work –Thorntree** – Rain delayed the County's application of the first course chip seal until July 2nd. County crews have started work on Shiloh. City crews are addressing issues on Winding Way and Ridgeway Gap.

**Cockrell Hill Road Repairs** – The Master Agreement with Dallas County was approved; the County will be providing a project agreement for Council's consideration before Dallas County begins work on the northern portion of Cockrell Hill.

**Planning and Zoning Commission** – P&Z will meet July 07 to review the Boarding House ordinance and make appointments. Consideration of the petition to close Water Street and hold a public hearing has been postponed in order to consider the results of the assessment of Historic Downtown by the director of the Texas Downtown Association in August.

**BOA** – next meeting July 21 at 7:00 p.m.

**Five Year Staffing Plan** – The Committee (Mayor Dormier, Oberg, Stevenson) was provided job descriptions. I have retrieved preliminary salary data from the Waters Survey Navigator for the positions. My next step will be to retrieve benefit information for a complete comparison and then request a meeting.

**Strategic Guide** – Council was updated at the June 23, 2014 Council Meeting and staff received feedback on the guide.

**Economic Development Corporation** – Meeting July 21, 2014 to discuss budget and continue developing action plan for strategic guide.

**Municipal Development District** – pending appointments.

**ESD#4 Board Meeting** – next meeting is July 28, 2014 at 7:30 p.m.

**ESD#2 Board Meeting** – next meeting is Monday, July 21, 2014, at 7:00 p.m.

**Stonewood Lakes Estates (Cole Tracts 113 acres in the ETJ)** – staff continues to work with the developer, they have requested process for annexation and zoning. We are awaiting confirmation of developers and the product lines proposed for the development.

**Shiloh & Bryson 122 acres in the City Limits** – staff continues to work with the developer.

**MISD parcel** - staff continues to work with the developer.

**Mosquito Control** – information has been provided to residents in the newsletter and on the web site to educate citizens in their role in controlling the mosquito population. The city has been collecting mosquito samples since March and sending to Austin for testing. There have been no positive results.

**TRA- Red Oak Creek** – at the City's request, TRA installed a temporary meter to monitor inflow and infiltration (I&I) into the wastewater system. We received the first report on July 3, 2014 and it is being reviewed by the staff and the Mayor.

**Heritage Day Committee** – (Mayor, Hunt, Oberg) and staff met on Friday, May 30, 2014. Theme: Honoring Ovilla's Heritage. The invitation letter will be e-mailed/mailed as soon as all signatures are inked. The web page for Special Events-Heritage Day 2014 is live and the on-line payment option has been set up.

**Parks Board** – an agenda item will be presented to Council at a future meeting to reactivate the Parks Board to develop a master parks plan for Strategic Guide Goal II.

**Capital Improvements Plan Committee** – an agenda item will be presented to Council at a future meeting to formally establish a Capital Improvements Plan Committee to develop the CIP plan for Strategic Guide Goal III.

**Employee Wellness/Benefits Advisory Committee** – re-rates received from Blue Cross Blue Shield are a 29% increase; an RFP will be issued for bids for health insurance.

**Annual Water Quality Report** - submitted on time and mailed to water customers by July 1<sup>st</sup>.



## **City Administrator Activity Report**

Cyndy Powell

June 16, 2014 – June 20, 2014

**Weekly Leadership Team meetings** – reading John Maxwell's book Developing the Leader within You.

**Neighborhood road work –Thorntree** –The County will apply the first course chip seal the week of June 16 due to rain days and the second course chip seal the following week. **Ovilla Oaks Subdivision** –City crews addressed the areas of the roads that are failing, removing the failing areas, and adding base material over the next few weeks. The county will follow up with patching the roads and then return late summer to apply another chip seal to the roads. This process will address the failing portions of the road and allow for the road to be placed on the upcoming CIP list for a total rebuild in the next couple of years.

**Cockrell Hill Road Repairs** – The Master Agreement with Dallas County was approved; the County will be providing a project agreement for Council's consideration before Dallas County begins work on the northern portion of Cockrell Hill.

**Planning and Zoning Commission** – P&Z will not meet July 07. Consideration of the petition to close Water Street and hold a public hearing has been postponed in order to consider the results of the assessment of Historic Downtown by the director of the Texas Downtown Association in August.

**BOA** –No meeting in June.

**Five Year Staffing Plan** – The Committee (Mayor Dormier, Oberg, Stevenson) was provided job descriptions. I have retrieved preliminary salary data from the Waters Survey Navigator for the positions. My next step will be to retrieve benefit information for a complete comparison and then request a meeting.

**Strategic Guide** – Staff has selected goal assignments.

**Economic Development Corporation** – Met June 16, 2014.

**Municipal Development District** – pending appointments.

**ESD#4 Board Meeting** – next meeting is June 30, 2014 at 7:30 p.m.

**ESD#2 Board Meeting** – next meeting is Monday, July 21, 2014, at 7:00 p.m.

**Stonewood Lakes Estates (Cole Tracts 113 acres in the ETJ)** – staff continues to work with the developer, they have requested process for annexation and zoning. We are awaiting confirmation of developers and the product lines proposed for the development.

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**TRA- Red Oak Creek** – at the City's request, TRA installed a temporary meter to monitor inflow and infiltration (I&I) into the wastewater system.

**Heritage Day Committee** – (Mayor, Hunt, Oberg) and staff met on Friday, May 30, 2014. Theme: Honoring Ovilla's Heritage.

**Parks Board**–an agenda item will be presented to Council at a future meeting to reactivate the Parks Board to develop a master parks plan for Strategic Guide Goal II.

**Capital Improvements Plan Committee** – an agenda item will be presented to Council at a future meeting to formally establish a Capital Improvements Plan Committee to develop the CIP plan for Strategic Guide Goal 3.

**Sewer rates** –The letter informing sewer customers of the rate increase was mailed June 16, 2014.

**TxDOT** – Utility Information meeting, Wednesday, June 18, 2014 at 10:00 a.m. to review utilities relocation within the right of way that will be affected by the upcoming project on FM664. The Mayor and I will be meeting with Red Oak and other cities to review the ROW for FM664 expansion.

**Employee Wellness/Benefits Advisory Committee** – met with Insurance Agent Joe McFadin to learn about the RFP process for insurance bids and provide input in the benefits.



Jessica Foresman  
Court Clerk

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**DATE:** July 14, 2014  
**TO:** Honorable Mayor Dormier and City Council Members  
**FROM:** Jessica Foresman, Court Clerk  
**SUBJECT:** Monthly Staff Report

Court Report June 2014

Item	Number	2013	Total	2013
June 2014				
Traffic Cases Filed	37	37		
State Law Cases Filed	0	0		
Parking Cases Filed	1	0		
Penal Code Cases Filed	0	3		
City Ordinance Cases Filed	4	2		
4 Fail to Maintain Property Trials	0	0		
Total Revenue			\$8,572.60	\$8,571.15
Amount kept by City			\$4,755.44	\$5,056.42
Amount remitted to State			\$3,817.16	\$3,514.73
Warrants Issued	21	15		
Warrants Cleared	8		\$1,543.47	
Warrants Cleared from Omni/Collect	8		\$1,543.47	
5 warrants paid in full & 3 have payments scheduled				

## June 2014 Code Enforcement Report

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Complaints – Total 109 (36 – Grass, 15-Permit, 25 – Parking, 33- Nuisance)

Follow ups – Total 42(52- Grass, 27 Parking, 18-Permit, 45- Nuisance)

Door Notices – 67(Grass – 20, Parking – 21, Permit – 6, Nuisance – 22)

Mail Notices – 26 (Parking - 8 Trailer, 3 Auto, 3 Brush.9 Grass, Permit 1, 2- Bill for Nuisance Abatement)

Posted Property – 9 ( 8 Grass,1 Nuisance)

Court – 2 (1 – Grass Plea Guilty - \$196, 1- Grass – Postponed)

Citizen contacts - 133

Permits reviewed – 21      Permits issued - 15

Inspections – 23

Nuisance Abated By City - 3(1 Mosquito Abatement-Pool, 2 - Grass)

Nuisance- Signs – 28 (19 Garage sale, 9 Business)

Illegal Dumping – Brush – Johnson lane, Bags of lawn clipping-Johnson Lane

Board of Adjustment – No Quorum

## **June 2014**

### **Animal Control Report**

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Complaints- Total: 48 (Barking – 11, registration-27, at-large 10)

Follow ups – 51

Door Notices –Total: 27 (12 Barking, registration-10, at-large 5)

Impounded Animals – Total: 12 (4 dogs, 8 cats)

Animal Welfare Checks – 9

Impound Animal Results - 2 Returned to owner, 10 transports

Impound Fees Collected - \$70.00

Court – 0

Citizen contacts -32

Animal Registration Tags Issued – 11, Total \$125.00

Registration Reminders Mailed- 10

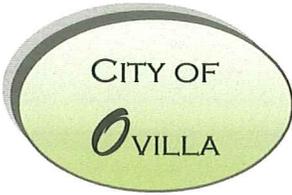
Nuisance Letters Mailed- 2

Animals Released – Total: 3 (1 Possum, 2 Raccoon)

Deceased animals removed – 26

Oak Leaf –7 (cats)

Traps checked out – 9



# Villa City Council

## CONSENT ITEMS A & B

Meeting Date: July 14, 2014

Department: Administration

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted by: Staff

Amount: N/A

### Attachments:

- A. Minutes of the May 27, 2014 Regular Council Meeting
- B. Minutes of the June 09, 2014 Regular Council Meeting

### Recommendation / Staff Comments:

Staff recommends approval.

### Sample Motion(s):

*I move to approve the consent items as presented.*

**CITY OF OVILLA MINUTES**  
**Tuesday, May 27, 2014**  
**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 7:00 P.M. The following City Council Members were present:

Larry Stevenson	Council Member, Place 2
David Griffin	Council Member, Place 3
Doug Hunt	Council Member, Place 4
Dean Oberg	Council Member, Place 5

Absent and departing Council Member	Ralph Hall	Mayor Pro Tem, Place 1
Present newly elected Council Member	Rachel Huber	Council Member, Place 1

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

Pastor Sansom gave the Invocation and Mayor Dormier led the recitation of the Pledge of Allegiance.

**COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS**

Ellis County District Judge Bob Carroll administered the Oath and Statement of Office to new Council Member Rachel Huber, Place 1. Mayor Dormier administered the Oaths and Statements of Office to incumbents and returning Council Members David Griffin, Place 3 and Dean Oberg, Place 5. Photos were taken and the new and returning Council Members took their respective seats at the dais.

▪ **Citizens Comments / Citizens Forum:**

I. There were no comments.

▪ **Department Activity Reports / Discussion**

- Administration City Administrator C. Powell
- Activity Report(s) were reviewed.

**CONSENT ITEMS**

- A. Resolution R2014-020 Updating authorized representatives for TexStar
- B. Resolution R2014-021 Updating authorized representatives for TexPool.
- C. April 28, 2014 Council Meeting Minutes

PL4 Hunt made the motion that Council approves Consent Items as presented, seconded by PL5 Oberg.

*No oppositions, no abstentions.*

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

**REGULAR AGENDA**

**ITEM 1. DISCUSSION/ACTION – Consideration** of and action on the nominations and appointment of Mayor Pro Tem.

PL5 Oberg made the nomination to appoint PL3 Griffin as Mayor Pro Tem. There were no other nominations.

PL5 Oberg moved that Council appoint PL3 Griffin to serve as Mayor Pro Tem for the City of Ovilla following the canvass of the May 2014 general election for the period for May 2014-May 2015, seconded by PL2 Stevenson. *No oppositions, no abstentions.*

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

**ITEM 2. DISCUSSION/ACTION – Consideration** of and action on Resolution R2014-022 adopting a Social Media Policy for the dissemination of information to the citizens of Ovilla and authorizing the Mayor to execute.

Staff and Council discussed a social media policy during the April 28<sup>th</sup> meeting. Staff was directed to return with a policy, establishing guidelines for promoting information to the public and a resolution for execution.

Mayor Pro Tem Griffin moved that Council approve Resolution R2014-022, adopting a Social Media Policy for the dissemination of information to the citizens of Ovilla and authorizing the Mayor to execute, seconded by PL2 Stevenson. *No oppositions, no abstentions.*

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

**ITEM 3. DISCUSSION/ACTION – Consideration** of and action on nominations and appointments or reappointments to the Board of Adjustment.

The Board of Adjustment consists of a five-member board and two alternates. Each member and alternate member shall be appointed by the City Council for a two-year term. Current terms expiring in July were:

Julia Cearley, PL2 (Desired term to expire)

Stephanie Albright, PL4 (Voiced desire for reappointment)

Alternate Jeanne Ham, PL6 (Voiced desire for reappointment)

During their terms, all members notified staff in advance on any noted absences. Staff presented Council with an annual activity summary and attendance record along with new applications from interested applicants.

Mayor Pro Tem Griffin moved that Council appoint Ms Jamie Hilburn to PL2 and reappoint Ms Stephanie Albright to PL4 and reappoint Ms Jeanne Ham to PL6 to serve 2-year terms on the Board of Adjustment, seconded by PL2 Stevenson. *No oppositions, no abstentions.*

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

**ITEM 4. DISCUSSION/ACTION – Consideration** of and action on nominations and appointments or reappointments to the Economic Development Corporation.

The Economic Development Corporation consists of a seven-member board. EDC Bylaws state each member shall be appointed by the City Council for a two-year term. The current expiring terms were:

Ronald Kingsley, PL1 (Voiced desire for reappointment)

VACANT, PL3

John Knight, PL5 (Voiced desire for reappointment)

Richard Pettit, PL7 (Desired term to expire)

Staff included new applications from interested applicants.

Mayor Pro Tem Griffin moved that Council reappoint Mr. Ron Kingsley as PL1 Director and Mr. John Knight as PL5 Director and designate new appointments for Mr. David Staalsen as PL3 Director and Ms Barbara Turner as PL7 Director; all to serve 2-year terms on the EDC, seconded by PL5 Oberg. *No oppositions, no abstentions.*

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

**ITEM 5. DISCUSSION/ACTION – Consideration** of and action on nominations and appointments or reappointments to the Planning and Zoning Commission.

The Planning & Zoning Commission consists of a seven-member board. Each member shall be appointed by the City Council for a two-year term. Current terms expiring are:

Michael Yordy, PL2 (Voiced desire for reappointment)

George Favron, PL4 (Desired term to expire)

Anita Lamar, PL6 (Desired term to expire)

During their terms, all members notified staff in advance on any noted absences. Staff presented Council with an annual activity summary and attendance record along with new applications from interested applicants.

Mayor Pro Tem Griffin moved that Council reappoint Michael Yordy as PL2 and designate new appointments to Mr. Alan Whittaker as PL4 and Mr. Fred Hart as PL6 to the Planning and Zoning Commission, seconded by PL2 Stevenson. *No oppositions, no abstentions.*

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

**ITEM 6. DISCUSSION/ACTION – Consideration** of and action on nominations and appointments or reappointments to the Capital Improvements Projects Committee.

Council concurred that staff bring back an ordinance establishing an official CIP Committee before designating appointments.

**No Action.**

**ITEM 7. DISCUSSION/ACTION – Consider** one Council appointment to fill the vacancy on the City Council Finance Committee.

The City Council Finance Committee (consisting of two Council Members and ex-officio Member Mayor Dormier) scheduled a meeting to discuss and rank proposals for Professional Auditing Services on Thursday, June 05, 2014 at 6:00 p.m. to meet the timeline for negotiating and executing a contract by July 01, 2014. Concluding the recent general election, the Finance Committee is absent one Council Member. Current members: Ex- officio Member Mayor Dormier and PL4 Hunt.

PL2 Stevenson moved that Council appoint Mayor Pro Tem Griffin to fill the vacancy on the City Council Finance Committee, seconded by PL5 Oberg. *No oppositions, no abstentions.*

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

**ITEM 8. DISCUSSION/ACTION – Consider** one Council appointment to fill the vacancy on the 5-Year Staffing Committee.

The 5-Year Staffing Committee (consisting of two Council Members and ex-officio Member Mayor Dormier) was formed to review the current and future personnel needs of the City. Concluding the recent general election, the Finance Committee was absent one Council Member. Current members are Ex- officio Member Mayor Dormier and PL5 Oberg. There are no pending committee meetings.

PL5 Oberg moved that Council appoint Mayor Pro Tem Griffin to fill the vacancy on the 5-year Staffing Committee, seconded by Mayor Pro Tem Griffin. *No oppositions, no abstentions.*

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

**REQUESTS FOR FUTURE AGENDA ITEMS**

- |                              |  |
|------------------------------|--|
| 1. PL1 Huber                 | None   |
| 2. PL2 Stevenson             | None   |
| 3. Mayor Pro Tem/PL3 Griffin | Consider one Council meeting per month, assure the sound system works properly |
| 4. PL4 Hunt                  | None   |
| 5. PL5 Oberg                 | Policies and Procedures on the Investment Policy and the Purchasing Guidelines |
| 6. Mayor Dormier             | Update on Downtown Sewer Project   |

**ADJOURNMENT**

There being no further business, Mayor Dormier adjourned the meeting at 7:39 p.m.

\_\_\_\_\_  
Richard Dormier, Mayor

ATTEST:

\_\_\_\_\_  
Pamela Woodall, City Secretary

*Approved July 14, 2014*

# CITY OF OVILLA MINUTES

*Monday, June 09, 2014*

*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 7:00 P.M. 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
Dean Oberg	Council Member, Place 5

Mayor Dormier announced all Councilmen present, thus constituting a quorum. Various department-heads and staff were also present.

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

## **COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS**

### ▪ **Citizens Comments / Citizens Forum:**

I. None

### ▪ **Department Activity Reports / Discussion**

Staff and Council shared discussion on the monthly reports.

- Police Department Police Chief M. Moon
  - Monthly Report
  - National Police Week-Mayor Dormier presented a proclamation.
- Fire Department Captain B. Kennedy
  - Monthly Report - Mayor Dormier advised he would like to see response times added to the format of the report.
- Public Works Public Works Director B. Piland
  - Monthly Report
    - Crews are working on road issues on Thorntree Drive resulting from the rain.
- Administration City Administrator C. Powell
  - Weekly activity report(s) – Conducting TRA meter monitoring
  - Monthly Municipal Court Report City Secretary P. Woodall
- Code Enforcement/Animal Control Code/A/C Officer M. Dooly
  - Monthly Reports

## **CONSENT ITEMS**

- A. Financial Transactions
- B. Sewer letter to resident customers on city sanitary sewer of a rate increase

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

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

**REGULAR AGENDA**

**ITEM 1. DISCUSSION/ACTION – Consideration** of and action on the Finance Committee’s recommendation of an Auditing Firm to perform annual Professional Auditing Services and prepare Financial Statements according to the Governmental Auditing Standards for the City of Ovilla, the Ovilla Economic Development Corporation and the Ovilla Municipal Development District for the fiscal years ending September 2015 through September 2019 and direct staff to negotiate an agreement.

Prior to the Council Meeting this date, the City Council Finance Committee met to review the proposals received in response to the Request for Qualifications for Professional Auditing Services, posted April 18, 2014. The City received eight responses by May 09, 2014. The Finance Committee evaluated the qualifications and made recommendation to City Council, scoring Yeldell, Wilson & Co., the highest. At Council’s direction, staff was directed to negotiate an Agreement with the selected auditing firm with an anticipated contract execution date of Monday, June 23, 2014.

PL4 Hunt moved that Council approve the Finance Committee’s recommendation to proceed with negotiations for an agreement with Yeldell, Wilson and Co., Auditing Firm to perform annual professional auditing services and prepare financial statements according the GAS for the City of Ovilla, the Ovilla Economic Development Corporation and the Ovilla Municipal Development District for the fiscal years ending September 2015 and September 2016, with three, 1-year optional extensions to end September 2019, seconded by PL2 Stevenson. *No oppositions, no abstentions.*

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

**ITEM 2. DISCUSSION/ACTION – Consideration** of and action on Ordinance 2014-010 of the City of Ovilla, TX, amending the Fiscal Year 2013-2014 Annual Budget and Program of Services in accordance with the Mid-Year Budget Review and Amendment as part of the formal budget process, providing for publication of this ordinance and providing an effective date.

City Administrator Cyndy Powell presented the annual mid-year review of revenues and expenditures for the current fiscal year as well as a review of estimated amounts for the remainder of the fiscal year. Budget amendments have been prepared based on the mid-year review. The budget amendments include the line item adjustments to the General Fund, Water & Sewer Fund, 4B Economic Development Corporation Fund, Water and Sewer Impact Fund, and Park Impact Fund. The mid-year revised budget will be available on the city’s website and filed according to state statute.

	Original	Amended
General Fund	2,611,074	2,679,168
Water & Sewer Fund	1,247,668	1,369,997
Debt Service Fund	572,925	572,925
Capital Projects Fund	256	256
Park Impact Fund	4,044	16,344
Police Special Fund	5,365	5,365
Fire Auxiliary Fund	8,000	8,000
4B EDC	90,785	90,785
Municipal Development District	25,135	25,135
W&S Impact Fund	1,239	4,239
	4,566,491	4,772,214

The adopted combined budget for Fiscal Year 2013-2014 was \$4,566,491 and the mid-year proposed Amended combined budget is \$4,772,214.

PLI Huber moved that Council approve Ordinance 2014-010 amending the City of Ovilla, TX, Fiscal Year 2013-2014 Annual Budget and Annual Program of Services, in accordance with the Mid-Year Budget Review and amendment as part of the formal budget process, providing for publication of this ordinance and providing an effective date, seconded by PL4 Hunt. *No oppositions, no abstentions.*

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

**ITEM 3. DISCUSSION/ACTION – Consideration** of and action for approval of a proposed Budget Calendar for FY2014-2015 budget preparations.

The City Administrator prepared the presented budget calendar for review and approval. Due to vacations, some revisions were made.

Mayor Pro Tem Griffin moved that Council approve the proposed Budget Calendar for FY2014-2015 budget preparations with the noted changes to the July 23 meeting – moved to July 28 and the September public hearing as early as statutorily possible, seconded by PL5 Oberg. *No oppositions, no abstentions.*

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

**ITEM 4. DISCUSSION – Review** and discuss the update of 2013-2014 priorities and take action as necessary to direct staff.

Objectives were recommended by the City Administrator last summer and priorities were established by the City Council. The City Administrator presented proposed items for consideration in the FY2014-2015 Budget to include in the continuing development of action plans for the Strategic Guide. Some items pertaining to employee recognition, and social media were either in the process of or already implemented. Mayor Dormier recommended that the 5-year Staffing Plan be completed before the FY2014-2015 Budget. Staff, along with the EDC, was looking into aesthetically pleasing gateway entry signs (7 each) for the city. The Comprehensive Land Use Plan would be up for review. PLI Huber and PL4 Hunt were both open to the possibility of a full-time fire chief.

**No Action.**

**ITEM 5. DISCUSSION/ACTION – Review** and discuss status of roadwork in the Ovilla Oaks subdivision and take action as necessary to direct staff.

Council voiced concerns of the road conditions in Ovilla Oaks and the additional detriment to the roads by the heavy refuse trucks. Public Works Director Piland advised that repairs to Ovilla Oaks were coming soon with the laying of new base material.

**No Action.**

**ITEM 6. DISCUSSION – Review** and discuss the Main Street Sewer Project and take action as necessary to direct staff.

With the completion of the Main Street Sewer Project, staff presented a summary of costs (minus the use of city equipment) incurred by the city which came in under budget. Mayor Dormier suggested refunding the savings of the developer's share back to the four developers. However, staff was directed to return with an updated project cost to the city once all costs associated with Main Street Sewer were assessed. The use of city equipment would need to be included with those totals and taken into consideration, per PL5 Oberg. Remaining members concurred.

**No Action.**

**ITEM 7. DISCUSSION – Review** and discuss the parking options for Water Street in response to the Petition to close the street and take action as necessary to direct staff.

At the May 12, 2014 Council Meeting, the abutting property owners of Water Street presented a petition to close Water Street and to provide additional parking, a safer environment for pedestrians, a safer vehicular traffic pattern, and support economic development through revitalization by the downtown landowners. PL2 Stevenson and staff presented two basic sketches to determine the feasibility of creating parking spaces, keeping in mind the safety and welfare of pedestrians and vehicular traffic, and report back at a future meeting with options for Council’s consideration. Three options were discussed:

Option 1 – close the portion of Water Street between the two buildings (properties) beginning at the front corner of the Crouch building and extending to the west 130 ft. This will allow for four (4) additional parking spaces at the front of the properties and eliminate the thoroughfare. This option will also allow access to the residents on Water Street from the west end.

Option 2 – change Water Street to a one-way road and allow parking parallel to the existing buildings on either side of the road. This option would allow for approximately eight (8) parking spaces and increase safety at the intersection of Water Street and Center Street. This option does not close the roadway, it only allows for additional parking and one-way access from the east.

Option 3 - close Water Street and transfer the rights to the abutting landowners proportionately; the City would retain the utility easement and the owners would determine use.

The consensus of the Council was to maintain control of the property (no transfer of rights) and take no action for further research pending consideration of the results of an assessment of the Historic Downtown.

**No Action.**

**ITEM 8. DISCUSSION – Review** and discuss the frequency of City Council meetings and take action as necessary to direct staff.

Mayor Pro Tem Griffin provided a list of nearby cities that their Councils’ met once monthly. Those of comparable size met once a month whereas the larger cities, except for Red Oak, met twice monthly. Mayor Pro Tem Griffin’s recommendation was to establish once-a-month meetings with workshops prior to the meetings on a trial basis beginning September or the first of the fiscal year. Council had varied opinions. Staff was directed to return with a resolution.

**No Action.**

**REQUESTS FOR FUTURE AGENDA ITEMS**

- |                  |      |
|------------------|------|
| 1. PL1 Huber     | None |
| 2. PL2 Stevenson | None |
| 3. PL3 Griffin   | None |
| 4. PL4 Hunt      | None |
| 5. PL5 Oberg     | None |
| 6. Mayor         | None |

**ADJOURNMENT**

There being no further business, Mayor Dormier adjourned the meeting at 9:17 p.m.

ATTEST:

Richard Dormier, Mayor

Pamela Woodall, City Secretary

*Approved July 14, 2014*

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

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



# Ovilla City Council

## AGENDA ITEM REPORT

Item(s): 1

Meeting Date: July 14, 2014

Department: Administration

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted By: Cyndy Powell, CA

Amount: N/A

Reviewed By:  City Administrator  City Secretary  City Attorney

Accountant  Other: Staff

### Attachments:

1. Ordinance 2014-011

### Agenda Item / Topic:

ITEM 1. **DISCUSSION/ACTION** – *Consideration* of and action on Ordinance 2014-011 amending Chapter 1, Article 1.05, Division 3, Section 1.05.072 of the Ovilla Code of Ordinances, providing revisions to the requirement to use competitive bidding procedures; 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.

### Discussion / Justification:

At the direction of Council at the April 14, 2014 meeting, staff has provided an Ordinance revising the City’s purchasing policies to provide City Council the discretion to invite competitive bids under the competitive bidding procedures set forth in Chapter 252 of the Texas Local Government Code (LGC) for the purchase of all goods and services with costs of \$25,000 to \$50,000; excluding those purchases for goods or services available from BuyBoard and or Texas Department of Information Resources’ (“DIR”) contracts, and purchases already exempt from the requirements of LGC.

Current policy provides for written quotes for purchases of \$25,000 and less as required by LGC. Council expressed a desire to utilize the formal bidding process for purchases of \$25,000 to \$50,000. The revision to the policy provides Council discretion to consider if the additional time and cost required by competitive bidding procedures under LGC is justified for the purchase under consideration.

### Recommendation / Staff Comments:

Staff recommends approval of Ordinance 2014-011 amending the purchasing policy.

### Sample Motion(s):

*I move to approve/deny* Ordinance 2014-011 amending Chapter 1, Article 1.05, Division 3, Section 1.05.072 of the Ovilla Code of Ordinances, providing revisions to the requirement to use competitive bidding procedures; 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.

ORDINANCE NO. 2014-011

AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, AMENDING CHAPTER 1, ARTICLE 1.05, DIVISION 3, SECTION 1.05.072 OF THE OVILLA CODE OF ORDINANCES, PROVIDING REVISIONS TO THE REQUIREMENT TO USE COMPETITIVE BIDDING PROCEDURES; 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.

**WHEREAS**, Chapter 252 of the Texas Local Government Code requires municipalities to utilize competitive bidding procedures for certain purchases in excess of \$50,000; and

**WHEREAS**, Chapter 1, Article 1.05, Division 3, Section 1.05.072 of the Code of Ordinances of the City of Ovilla, Texas, provides, in pertinent part, that the City of Ovilla will comply with the competitive bidding requirements of Chapter 252 of the Texas Local Government Code; and

**WHEREAS**, the City Council of the City of Ovilla, Texas, finds and determines that it is in the best interest of the citizens of the City of Ovilla, Texas, for the City to utilize the competitive bidding procedures set forth in Chapter 252 of the Texas Local Government Code for the purchase of goods and services with costs of \$25,000 to \$50,000, save and except for the purchase of goods or services available from BuyBoard, goods or services available through Texas Department of Information Resources' ("DIR") contracts, or for goods and services otherwise exempt from the requirements of Chapter 252 of the Texas Local Government Code.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS, THAT:**

**SECTION 1. AMENDMENT OF CHAPTER 1, ARTICLE 1.05, DIVISION 3, SECTION 1.05.072 OF THE OVILLA CODE OF ORDINANCES**

Chapter 1, Article 1.05, Division 3, Section 1.05.072 of the Code of Ordinances of the City of Ovilla, Texas is hereby amended to read as follows:

**Sec. 1.05.072 Bidding Generally**

The City may elect to invite competitive bids under the competitive bidding procedures set forth in Chapter 252 of the Texas Local Government Code for the purchase of all goods and services with costs of \$25,000 to \$50,000, save and except for the purchase of goods or services available from BuyBoard, goods or services available through Texas Department of Information Resources' ("DIR") contracts, and goods and services otherwise exempt from the requirements of Chapter 252 of the Texas Local Government Code. For purchases of goods or services in excess of \$50,000, the City shall follow and comply with the provisions of Chapter 252 of the Texas Local Government Code. Bids received in accordance with an advertisement for same shall be opened and read at the date set for receiving said bids, in the presence of the city administrator or duly authorized representative. A contract for the purchase of goods or services shall be awarded to the lowest, responsible bidder, quality considered; provided, however, that the city council may reject any and all bids received.

**SECTION 2. SAVINGS CLAUSE**

In the event that any other Ordinance of the City of Ovilla, Texas, heretofore enacted is found to conflict with the provisions of the Ordinance, this Ordinance shall prevail.

**ORDINANCE NO. 2014-011**

**SECTION 3. SEVERANCE CLAUSE**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 4. INCORPORATION INTO THE CODE OF ORDINANCES**

The provisions of this ordinance shall be included and incorporated in the City of Ovilla Code of Ordinances and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

**SECTION 5. EFFECTIVE DATE**

Because of the nature of interest and safeguard sought to be protected by this Ordinance and in the interest of the citizens of the City of Ovilla, Texas, this Ordinance shall take effect immediately after passage, approval and publication, as required by law.

**SECTION 6. PUBLICATION**

The City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

**PASSED, ADOPTED and APPROVED** by the City Council of Ovilla, Texas on this the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

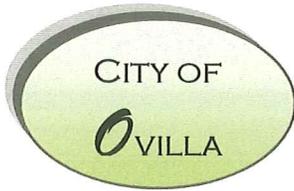
\_\_\_\_\_  
Richard Dormier, Mayor

**ATTEST:**

\_\_\_\_\_  
Pamela Woodall, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Ron G. MacFarlane, Jr., City Attorney



# Ovilla City Council

## AGENDA ITEM REPORT

Item(s): 2

Meeting Date: July 14, 2014

Department: Administration

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted By: Cyndy Powell, CA

Amount: N/A

Reviewed By:  City Administrator  City Secretary  City Attorney

Accountant  Other: Staff

### Attachments:

1. Ordinance 2014-012

### Agenda Item / Topic:

ITEM 2. **DISCUSSION/ACTION** – *Consideration of and action on Ordinance 2014-012 of the City of Ovilla, TX, providing for the adoption of Chapter 15 to the Code of Ordinances of the City of Ovilla, TX, providing definitions; providing for the establishment of a Park Board; providing Park Regulations and Procedures; providing for Park and Recreation facility use and fees; providing procedures for the naming of Parks; providing for penalties; providing a savings clause; providing a severance clause; providing for incorporation into the Code of Ordinances; providing an effective date and providing for publication.*

### Discussion / Justification:

Goal Statement 2 of the Strategic Guide 2013-2018 calls for the City to Create a Master Parks Plan that Connects the Community by December 2018. This item is provided to Council for consideration of reinstating the Ovilla Parks Board and directing staff to seek volunteers to serve in an advisory and voluntary capacity to work with staff to develop a master parks plan.

Concluding staff research of archives and minutes, it appears that the Ovilla Parks Board was created sometime in the early 1990's and ceased their meetings in the late 1990's. Records indicate the board during that time consisted of a six-member advisory committee.

Staff recommends the Ovilla Parks Board be reinstated and consist of a five-member advisory board serving two-year staggered terms, electing officers to serve as Chair and Vice-Chair for one-year terms each.

The first year seats 1, 3, 5 would serve one-year terms (renewing in odd-numbered years) and seats 2 & 4 would serve two year terms (renewing in even-numbered years). Following the first year, seats 1, 3, & 5 would serve two years. Seats renew in July or until a successor is appointed.

### Recommendation / Staff Comments:

Staff recommends approval of Ordinance 2014-012 establishing a Park Board.

### Sample Motion(s):

*I move to approve/deny Ordinance 2014-012, providing for the adoption of Chapter 15 to the Ovilla Code of Ordinances, providing definitions, providing for the establishment of a Park Board; providing Park Regulations and Procedures; providing for Park and Recreation facility use and fees; providing procedures for the naming of Parks; providing for penalties; providing a savings clause; providing a severance clause; providing for incorporation into the Code of Ordinances; providing an effective date and providing for publication.*

ORDINANCE NO. 2014-012

AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, PROVIDING FOR THE ADOPTION OF CHAPTER 15 TO THE CODE OF ORDINANCES OF THE CITY OF OVILLA, TEXAS, PROVIDING DEFINITIONS; PROVIDING FOR THE ESTABLISHMENT OF A PARK BOARD; PROVIDING PARK REGULATIONS AND PROCEDURES; PROVIDING FOR PARK AND RECREATION FACILITY USE AND FEES; PROVIDING PROCEDURES FOR THE NAMING OF PARKS;; PROVIDING FOR PENALTIES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERANCE CLAUSE, PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION.

**WHEREAS**, the City of Ovilla, Texas, is a Type-A General Law Municipality within the State of Texas; and

**WHEREAS**, the City Council of the City of Ovilla, Texas, finds and determines that the City is in need of a comprehensive Parks & Recreation Ordinance; and

**WHEREAS**, the City Council of the Ovilla, Texas, finds and determines that it is in the best interest of the public health, safety and general welfare of the citizens of Ovilla, Texas, to adopt a Parks and Recreation Ordinance.

**NOW, THEREFORE**, be it ordained by the City Council of the City of Ovilla, Texas, that:

**SECTION 1. ADOPTION OF PARKS AND RECREATION ORDINANCE AS CHAPTER 15 TO THE CODE OF ORDINANCES OF THE CITY OF OVILLA, TEXAS**

The City Council of the City of Ovilla, Texas, adopts the following title, terms and provisions as the Ovilla Parks and Recreation Ordinance, to be codified as Chapter 15 of the Code of Ordinances of the City of Ovilla, Texas:

**CHAPTER 15  
PARKS AND RECREATION**

**ARTICLE 15.01. DEFINITIONS.**

The following words, terms and phrases, when used in this chapter, shall have the following meanings, except where the context clearly indicates a different meaning:

*Alcoholic Beverage*: Any beverage containing more than one-half of one (1) percent of alcohol by volume.

*All Sports Association*: An association consisting of various sports associations within the City.

*Amplified Sound*: Music or speech projected or transmitted by artificial means including, but not limited to, amplifiers, loudspeakers or any similar devices.

*Applicant*: A Person who has filed a written application for use of a Park for a specific purpose.

*Assembly*: A group or gathering of Persons for the purpose of deliberations, legislations, worship or entertainment.

## ORDINANCE NO. 2014-012

*Board:* The Park Board.

*City:* The City of Ovilla, Texas

*Concession Stand:* A facility at a Park where food or drink is offered to the public.

*Department:* The City of Ovilla Public Works Department.

*Director:* The Director of the Ovilla Public Works Department or his/her authorized representative.

*Event:* An organized activity, gathering or parade that requires closure of a Park area to the general public, that effectively precludes normal use of a Park area, or that requires dedication of City resources beyond those normally associated with a Park area.

*Facility Use Agreement:* A written agreement between the City and one or more Persons allowing use of City parks or recreation facilities for specified purposes including, but not limited to, league games, practices and tournaments.

*Motor Vehicle:* Any wheeled device of conveyance propelled by motor or engine, including without limitation, any automobile, motorcycle, motor bike, or trailer of any kind, size, or description. The term does not include vehicles owned by the City or operated on the City's behalf.

*Parade:* The assembly of 30 or more Persons whose gathering is for the common design and purpose of traveling or marching in procession from one location to another location and whose route includes a portion of a Park.

*Park:* Any land held, used, owned, leased, maintained or acquired by the City for use as a public park, trail, recreation or playground area, and any building or facility thereon, whether or not such areas have been formally dedicated to such purpose.

*Parking Area:* Any portion of any Park or any Park road or drive designated by the Department for the parking of Motor Vehicles.

*Park Street:* A road that was designed to allow the travel of Motor Vehicles, was constructed entirely within the property lines of a Park, and that serves primarily the Park within which it is located.

*Permit:* Written permission from the Department to carry out a specified activity in a Park.

*Person:* Any individual, legal entity, partnership, association, corporation or other organization.

*Reimbursable Cost:* Any costs incurred by the City in the staging of an Event or activity, including, without limitation, the following:

- (1) Utility services provided to the Event, including all of the costs of installation, maintenance and connection;
- (2) Food services inspection;
- (3) Repair, maintenance and removal of facilities in the event of a failure by the Applicant;
- (4) Repair of streets, alleys, sidewalks, Parks, and other public property;

## ORDINANCE NO. 2014-012

- (5) Park staff support;
- (6) Police protection;
- (7) Fire protection;
- (8) Emergency medical service;
- (9) Garbage disposal and cleanup;
- (10) Traffic control;
- (11) Equipment, including but not limited to bleachers, sound equipment, tents, tables and chairs; and
- (12) Other direct City costs associated with an Event.

*Sidewalk:* That portion of a Park Street intended for the use of pedestrians that is located between the curb lines or lateral lines of a roadway and the adjacent property lines.

### ARTICLE 15.02. PARK BOARD

#### **Sec. 15.02.001. Creation of Park Board.**

There is hereby created a Park Board.

#### **Sec. 15.02.002. Members.**

Members of the Board shall be appointed by a majority of the City Council, and the Board shall consist of three (3) to seven (7) members. An individual must be a resident of the City in order to be eligible for appointment to the Board.

#### **Sec. 15.02.003. Term of members; removal.**

The term of office of members of the Board shall be two (2) years from the date of their appointment. Members may be re-appointed for additional terms. Each member shall serve on the Board until removed by the City Council or until expiration of the member's term, whichever occurs first. Members serve at the pleasure of the City Council and may be removed from the Board at any time by a majority vote of the City Council.

#### **Sec. 15.02.004. Officers and duties.**

(a) *Officers enumerated.* The Board shall elect annually the following officers:

- (1) Chairman; and
- (2) Vice-chairman.

(b) *Duties described.*

- (1) *Chairman:* The Chairman shall preside at all meetings, shall appoint standing committee members and shall perform all other duties as usually pertain to his/her office, or as may be instructed by the Board or City Council.
- (2) *Vice-chairman:* It shall be the duty of the Vice-chairman to perform the duties of the Chairman in his/her absence.

#### **Sec. 15.02.005. Compensation.**

Members of the Board shall serve without compensation.

#### **Sec. 15.02.006. Powers and Duties.**

The Board shall act in an advisory capacity to the City Council in matters pertaining to parks and recreation, and shall:

- (a) Become familiar with the location and current condition of the parks system;
- (b) Utilize a master plan for the purpose of recommending sites to be purchased and used as City parks; improvements to existing park property, structures, facilities,

## ORDINANCE NO. 2014-012

- athletic areas or other improvements on parks; and removal of Parks from the City's park system for purposes that protect the interest of the public;
- (c) Recommend rules and regulations governing the use of parks and recreation facilities, as necessary;
  - (d) Perform other duties as the City Council may prescribe; and
  - (e) Establish goals and standards for the Board's governance and for the performance of its duties, as necessary.

### **Sec. 15.02.007. Meetings.**

- (a) The Board will meet each month, as necessary, and at such other times as needed, or by written request sent to the Chairman or Vice-chairman by a majority of the Board or at the request of the City Council.
- (b) Notice of meetings shall be posted to the extent required by law, and shall be held at Ovilla City Hall unless otherwise specified.
- (c) A majority of the members shall constitute a quorum. The absence of any member from any meeting shall be noted in the minutes of the meeting. The Director shall submit to the City Council upon request information related to the Board.
- (d) The Director shall attend Board meetings, post notice of meetings and record minutes in accordance with state law.

### **Sec. 15.02.008. Subcommittees.**

- (a) The Board, by majority vote at any regular or special meeting, may appoint members to subcommittees to serve the purposes of the Board.
- (b) Subcommittees shall be terminated in the same manner as they are appointed.

## **ARTICLE 15.03. PARK REGULATIONS AND PROCEDURES**

### **Sec. 15.03.001. Park hours and Park closings.**

- (a) Parks shall be closed between the hours of [REDACTED] p.m. and [REDACTED] a.m. except as otherwise authorized by the Director.
- (b) The Director may temporarily close or limit the use of any section or part of any Park at any time if the Director finds it reasonably necessary to take such action for the purpose of hosting Events and activities; for the protection of public health and safety; or for Park maintenance. It shall be unlawful for any Person to use or be present in any closed area unless authorized by the Director.

### **Sec. 15.03.002. Fires.**

- (a) Unless authorized in writing by the Director and the Fire Department, no Person shall start or maintain in any Park any outdoor fire except for cooking fires, which shall be started and maintained only in a fire pit, outdoor fireplace, City installed barbecue pit or grill, or individually owned gas grills or portable camp stoves.[RGM1]
- (b) No Person starting or maintaining any fire in a Park shall leave the fire unattended.
- (c) Any Person who has started a fire within a Park shall not leave the premises without first completely extinguishing the fire.

### **Sec. 15.03.003. Motor Vehicle operation within a Park.**

- (a) The maximum lawful prima facie speed limit in all Parks shall be fifteen (15) miles per hour.
- (b) It shall be unlawful and an offense for any Person to:
  - 1. Drive or operate any Motor Vehicle within a Park except on Park Streets, roadways designated for traffic, or designated Parking Areas;

## ORDINANCE NO. 2014-012

2. Drive, use, operate, park or stop any Motor Vehicle at any place in a Park in such a manner or condition as to endanger or interfere with the lawful traffic or use of a Park Street or Parking Area; or
  3. Stop, stand or park any Motor Vehicle in a Park, except in designated Parking Areas; or to fail to park the entire Motor Vehicle within the limit lines of a designated parking stall, where such lines have been provided.
- (c) If a Motor Vehicle is parked or left in violation of this section, and the owner or operator of the Motor Vehicle cannot immediately be found to move such vehicle, the Police Department of the City may remove or impound the vehicle in accordance with applicable laws.
- (d) If a Motor Vehicle is found unattended or unoccupied in a Park in violation of any provision of this article, the fact that such vehicle is unattended or unoccupied by any Person shall be prima facie evidence that the owner unlawfully stopped, placed or parked such vehicle. The records of the State Highway Department or the County Highway License Department showing the name of the Person to whom state highway license plates were issued shall constitute prima facie evidence of ownership by the Person therein named.

### **Sec. 15.03.004. Permit required; exemptions.**

A Person wishing to hold an Event in a Park must first obtain a Permit from the Director.

A Person must also obtain a Permit from the Director in order to engage in any of the following activities in a Park:

- (1) An exhibit, music event, play, or motion picture;
- (2) Any assembly or parade;
- (3) Use of amplified sound equipment;
- (4) Sale of food, drinks or goods;
- (5) Park use between [redacted] p.m. and [redacted] a.m.; and
- (6) Cutting or removal of any trees.

The holder of a Permit issued pursuant to this section must keep a copy of the Permit in the area where the Event or activity is conducted, and must produce the Permit upon demand of any authorized representative of the City.

At the discretion of the Director, Persons who have entered into a Facility Use Agreement with the City may be exempted from the requirements of this section with respect to any Events or activities conducted pursuant to and in compliance with the terms of such Agreement.

The requirements of this section are in addition to the requirements of any other applicable law or ordinance.

### **Sec. 15.03.005. Additional prohibited acts.**

It shall be unlawful and an offense for any Person to do any of the following in a Park:

- a. Swim, wade, or use or operate a boat, in any lake, stream or pond located in any Park; except that model boats or radio-controlled sport boats which are incapable of carrying occupants may be used in water bodies located in Parks;
- b. Place or permit to be placed trash, garbage, debris or other waste materials not accumulated during the course of normal Park activities;
- c. Consume, sell or possess alcoholic beverages;
- d. Possess any animal, or allow any animal to enter or remain, in any area of a Park where posted signs state that such an animal is prohibited;

## ORDINANCE NO. 2014-012

- e. Cut, break, deface or in any way injure trees, shrubs, plants, grass, turf, fountains, seats, structures, improvements, ornaments, monuments or any other property of any kind;
- f. Construct or erect any building or structure of any kind, whether permanent or temporary, without the express, prior written consent of the Director; except that small, pop-up shade structures may be used in Parks without prior permission;
- g. Enter onto or remain in any Park with an unleashed or otherwise unrestrained dog. Without limitation, use of a leash or restraining device greater than 6'-0" long shall be considered a lack of restraint;
- h. Abandon or leave a domestic animal or pet unattended;
- i. Capture, attempt to capture, hunt, molest, injure, trap, or administer or set out any trap or harmful substance for, any wild or domesticated animal, or remove or possess the young, eggs or nest of any animal, without a permit from the Director; except that any Person is permitted to fish for and remove from the lakes, ponds and streams, any fish as allowed by state law (including all licensing requirements);[RGM2]
- j. Camp overnight except in a designated area with a Permit;
- k. Ride a horse or other animal except in areas or on paths or trails expressly designated as equestrian areas by posted Park signs, rules or regulations;
- l. Sell merchandise, food or beverages without a Permit from the Director;
- m. Cause unreasonably loud or raucous noise;
- n. Possess a glass container;
- o. Hit golf balls;
- p. Engage in any activity other than tennis on tennis courts, or enter a tennis court without wearing tennis shoes; or
- q. Explore, extract or conduct any other activity relating to exploitation of oil, gas or other minerals.

### **Sec. 15.03.006. Penalty for violation.**

Any Person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction in municipal court shall be subject to a fine of not more than two hundred dollars (\$500.00) for each offense. Each and every day a violation occurs or continues shall constitute a separate offense.

A Person who holds a Permit, but who fails to comply with any requirement or condition of that Permit, engages in activities that exceed the scope of the Permit, or damages City property or facilities while acting pursuant to the Permit, is guilty of a misdemeanor, and, in addition to being subject to the above penalty, shall make restitution to the City for all damages incurred by the City as a result of the Person's violation.

### **Sec. 15.03.007. Reward for information on vandalism in Parks.**

- (a) The City does hereby offer a reward in the amount of not less than two hundred fifty dollars (\$250.00) to any Person providing information which leads directly to the arrest and conviction of any Person found guilty of the crime of vandalism when such vandalism has occurred in a Park. Such reward shall be considered a standing offer to any Person providing such information and shall be paid from the general fund of the City.
- (b) Only one (1) reward shall be paid in connection with each conviction or group of related convictions, as determined by the Director in the exercise of his/her discretion, and such reward may be split among multiple informants.[RGM3]

## ORDINANCE NO. 2014-012

### **Sec. 15.03.008. Enforcement of article.**

The Department, as well as the City's Code Enforcement Department, Fire Department, and Police Department shall be responsible for the enforcement of all codes and ordinances regulating the conduct and use of Parks.

## **ARTICLE 15.04. PARKS AND RECREATION FACILITY USE, FEES AND CHARGES**

### **Sec. 15.04.001. Facility use; fees.**

- (a) The Director is authorized to set and charge fees for use of Park facilities and for Department programs. The Director may submit a proposed schedule of fees to the Park Board and City Council for input and approval as part of the City's annual budget process, and the City Council may require the Director to adjust facility use fees at any time. Such fees may be charged to help offset some or all of the maintenance and operational costs associated with the facilities and resources used. The Director may evaluate fees from time to time and revise them as necessary to reflect changes in costs and/or competition. Nonresidents may be required to pay a higher fee due to the fact that they are not assessed City ad valorem taxes.
- (b) The Director is authorized to add Department programs, increase participation numbers for existing programs, and omit programs as necessary in the Director's discretion to meet the needs of the community and maintain appropriate cost recovery.
- (c) The City may, at its discretion, sponsor, subsidize, or reduce or eliminate fees for special Events or activities that further the City's mission, including without limitation Events or activities that are highly attended by Ovilla residents or that promote tourism. Such financial support of special Events may be addressed during the permitting process and/or the City's budget process.
- (d) Non-sponsored Events or activities will be required to pay fees that cover all measurable Reimbursable Costs associated with them. The Department, utilizing normal and customary methods, will determine the amount of Reimbursable Costs associated with an Event or activity. The Director is authorized to charge additional fees for commercial and "for profit" Events. The amount of such additional fees may be determined as a percentage of gross revenues, as a rental amount, or by any other method deemed appropriate by the Director.

### **Sec. 15.04.002. Priority use.**

- (a) Subject to Permits granted by the Director, Facility Use Agreements entered by the City, and the provisions of this chapter, Park facilities shall be available to anyone on a first-come, first-served basis.
- (b) Residents of Ovilla may be given priority in the use of Parks, including through preferential treatment in fees and the permitting process.

## **ARTICLE 15.05. PERMITTING PROCESS**

### **Sec. 15.05.001. Application.**

A Person desiring to hold an Event or engage in activity for which a Permit is required by this chapter shall apply for an Event Permit by filing with the Department a written application. The Director may require that applications be submitted using a form developed by the City. Otherwise, an application must generally contain the following information, subject to appropriate adjustment by the Director depending on the nature of the proposed Event or activity:

**ORDINANCE NO. 2014-012**

- a. Name, home address and telephone number; office address and telephone number; date of birth; and driver's license number of the Applicant, the promoter, and of any other Persons responsible for the conduct of the Event or activity.
- b. Detailed plans related to the Event or activity should address each of the following items:
  - 1. Facilities - A set of plans and specifications relating to all temporary facilities to be constructed or utilized for the Event or activity;
  - 2. Fire protection - A plan for prevention of fires and for adequate protection of Persons and property in the event of a fire, including, without limitation, adequate exits, fire extinguishers, adequate access for fire trucks and emergency vehicles;
  - 3. Concessions - A plan to provide food and beverages, a health permit, and proof of insurance from the concession operator listing the City as an additional insured;
  - 4. Emergency medical service - A plan to provide adequate emergency medical services at the Event or activity;
  - 5. Parking – A plan to provide adequate parking for the Event or activity, including proof of consent by any private landowners whose property will be used for parking;
  - 6. Police protection - A plan providing for adequate safety, security, traffic and crowd control in connection with the Event or activity. All public safety services shall be provided by Ovilla Police and Fire personnel. Crowd management requires a minimum of two officers per 500 participants;
  - 7. Promotional - If applicable, a plan to promote, market and advertise the Event or activity;
  - 8. Sanitation plan - A plan to insure that the highest standards of cleanliness and sanitation are maintained at the Event or activity, including adequate restroom facilities, and a plan to clean and stock public restrooms, police and maintain litter-free grounds, empty refuse containers frequently so as to prevent overflow, contain all on-site waste, and provide proper containers for recycling if available;
  - 9. Estimated number of Persons participating;
  - 10. Estimated number of spectators;
  - 11. Proof of insurance with the City listed as an additional insured;
  - 12. Proof of vaccinations if Event includes use of animals; and
  - 13. Any other information reasonably requested by the Director.

An application must be filed at least 30 days in advance of the Event or activity for which a Permit is sought in order to be considered timely. Failure to timely file an application is sufficient grounds for denial of the application.

**Sec. 15.05.002. Approval, denial and revocation of Event Permit.**

City staff shall determine whether the application and plans meet City safety and other goals. Criteria used by the City for assessing applications may include, without limitation, the following:

- a. Any scheduling conflicts with City sponsored programs, events, or other Park uses;
- b. The extent to which the Event or other activity would restrict the public use of City owned or leased facilities;

## ORDINANCE NO. 2014-012

- c. The extent to which the Event or other activity would provide a positive public service and meet a legitimate public need;
- d. Any public safety issues created by the Event or activity; and
- e. Any involvement or endorsement of commercial enterprise(s).

The Director may require the Applicant to modify an application in order to assist the Director in reaching a decision on the application.

If the Director determines that issuance of a requested Permit is appropriate and in the best interest of the public, the Director may issue the Permit. If the Applicant fails to provide viable plans and sufficient assurances to satisfy the Director that the Event or activity will be carried out in a manner that is in the best interests of the public, the application may be denied. The decision to grant or deny a permit is at the discretion of the Director, subject to the appeal provisions herein.

The Director may require the Applicant to satisfy certain conditions before issuing a Permit, or the Director may issue a Permit subject to stated conditions. Appropriate conditions include, but are not limited to:

- a. Compliance with other applicable laws and ordinances;
- b. Advance payment of Reimbursable Costs and/or any applicable fees;
- c. For commercial or "for-profit" activities, payment of a percentage of gross revenues and/or rents as deemed appropriate by the Director;
- d. Execution of an indemnification agreement in favor of the City;
- e. Restrictions on fires, fireworks, Amplified Sound, dancing, sports, use of animals, equipment or Motor Vehicles, the number of Persons to be present, the location of any bandstand or stage, or any other use which appears likely to create a risk of unreasonable harm to the use and enjoyment of a Park;
- f. A requirement that the Applicant post a reasonable deposit or security for the repair of any damage to Park property or the cost of cleanup, or both in addition to any cost for City services paid in advance of the Event;
- g. A requirement that the Applicant furnish additional sanitary and refuse facilities that may be necessary, based on the use or activity for which the Permit is being sought; and
- h. Any other safeguard required for protection of the public interest.

If, after issuing a Permit, the Director becomes aware of new or additional information that demonstrates the Event or activity is not in the best interests of the public, the Director may revoke the Permit. Without limitation, the Director has authority to revoke a Permit upon a finding of violation of any rule, ordinance, or law, or upon the violation of any condition or restriction under which the Permit was issued. If the Director finds that an Applicant falsified any information related to a Permit application, the Director may revoke the Permit and deem any fees (including deposits and bonds) paid by the Applicant forfeited.

Permits are not transferable without written consent of the Director. An Applicant shall be bound by all Park rules and regulations and all applicable ordinances as fully as though the same were stated in the Permit. Issuance of a Permit pursuant to this Article does not waive the requirements of any other ordinance or law. The City, by issuing a Permit pursuant to this article, assumes no liability or responsibility whatsoever.

### **Sec. 15.05.003. Appeal of denial or revocation of Event Permit**

## ORDINANCE NO. 2014-012

If the Director denies a Permit application or revokes a Permit, the Director shall notify the Applicant in writing of the Director's decision and of the right to appeal. Any appeal must be made within three (3) days by written notice of appeal to the City Administrator. The City Administrator will present the appeal to the City Council at its next regular meeting, or, if appropriate, at a special meeting. The City Council shall consider all the available evidence in support of or against the action appealed and render a decision either sustaining or reversing the denial or revocation. The decision of the City Council shall be final.

### **Sec. 15.05.004. Interference with Permitted use of Park Areas.**

It is unlawful for any Person to interfere with the exclusive use of and access to Park facilities of any other Person who holds a Permit or Facility Use Agreement that entitles such Person to exclusive use of those Park facilities.

### **Sec. 15.05.005. Simple facility reservations.**

The Director may, at his/her discretion, waive any requirement of this Article except for the provisions relating to appeal. In particular, for any Event or other activity for which a Permit is required, but which, in the Director's judgment, imposes minimal burdens on the City and the public, the Director may grant a Permit utilizing any reasonable reservation process, without requiring compliance with the other provisions of this Article.

## ARTICLE 15.06. NAMING OF PARKS

### **Sec. 15.06.001. Naming of Parks.**

The Board will be responsible for recommending names for Parks.

- (a) The Board shall be responsible, with the assistance of the Department, for research, study and recommendation of a proposed name to the City Council.
- (b) The recommended name will be communicated to the City Council for its consideration and approval.
- (c) A Park name may be changed for cause at any time.

## **SECTION 2. PENALTY CLAUSE**

Any person, firm, partnership, association or corporation who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor which shall be punishable by a fine in an amount not to exceed Five Hundred Dollars (\$500). Each and every instance of the violation of this Ordinance constitutes a separate offense and shall be punishable by separate fine for each offense.

## **SECTION 3. SAVINGS CLAUSE**

In the event that any other Ordinance of the City of Ovilla, Texas, heretofore enacted is found to conflict with the provisions of the Ordinance, this Ordinance shall prevail.

## **SECTION 4. SEVERANCE CLAUSE**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**ORDINANCE NO. 2014-012**

**SECTION 5. INCORPORATION INTO THE CODE OF ORDINANCES**

The provisions of this ordinance shall be included and incorporated in the City of Ovilla Code of Ordinances and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

**SECTION 6. EFFECTIVE DATE**

Because of the nature of interest and safeguard sought to be protected by this Ordinance and in the interest of the citizens of the City of Ovilla, Texas, this Ordinance shall take effect immediately after passage, approval and publication, as required by law.

**SECTION 7. PUBLICATION**

The City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

**PASSED, ADOPTED AND APPROVED** by the City Council of Ovilla, Texas on this the 14<sup>th</sup> day of July, 2014.

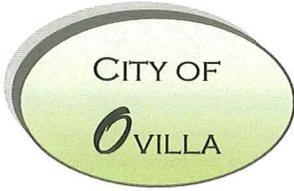
\_\_\_\_\_  
Richard Dormier, Mayor

**ATTEST:**

\_\_\_\_\_  
Pamela Woodall, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Ron G. MacFarlane, Jr., City Attorney



# Villa City Council

## AGENDA ITEM REPORT

Item(s): 3

Meeting Date: July 14, 2014

Department: Administration

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted By: Cyndy Powell, CA

Amount: N/A

Reviewed By:  City Administrator  City Secretary  City Attorney

Accountant  Other: Staff

<b>Attachments:</b>	
1. Application	
<b>Agenda Item / Topic:</b>	
ITEM 3.	<i>DISCUSSION/ACTION</i> - Consideration of and action on nominations and appointments to the Parks Board.
<b>Discussion / Justification:</b>	
With the approval of Item 2, one application is presented for Council's consideration.	
<b>Recommendation / Staff Comments:</b>	
<b>Sample Motion(s):</b>	
I move to approve/deny the appointment of:	
1.	_____
to the Parks Board.	

received  
6-25-14

DATE RECEIVED:



This Information is a Public Record  
Public Service opportunities are offered by the City Of Ovilla without regard  
To race, color, national origin, religion, sex or disability.

**CITY OF OVILLA  
BOARDS AND COMMISSIONS  
INFORMATION STATEMENT AND APPLICATION**

*The City of Ovilla desires qualified, interested citizens to serve on city boards and/or commissions. We appreciate your interest in Ovilla's current needs and future. If you believe you meet the requirements and have the allowed time to serve on a board or commission, please complete the following.*

**Board and commission members must meet the required qualifications listed below:**

- ❖ Be a resident of the city for at least 6 months prior to date of appointment;
- ❖ Be a qualified voter at the time of the appointment;
- ❖ Have no criminal record that is considered by the City Council to be so serious that it serves as a disqualification (i.e. felony conviction);
- ❖ Not be an adversary party to pending litigation or claim against the city (except for eminent domain proceedings);
- ❖ Not to be an employee or a business associate of either an adversary party or a representative of an adversary party;
- ❖ Not in arrears on city taxes, water service charges or other obligations owed to the city; and
- ❖ Have a creditable record of attendance and performance in any previous board service.

If you are interested in applying for more than one position, please indicate your top three choices in order of your preference by placing a number in the space to the left of the board/commission/committee for which you are applying (#1 being your 1<sup>st</sup> choice, #3 being your last choice)

**BOARDS AND COMMISSIONS**

- Planning and Zoning Commission
- Board of Adjustment
- Economic Development Corporation
- Municipal Development District
- Capital Improvement Projects
- Park Development & Improvement

**MEETING INFORMATION**

- 1<sup>ST</sup> Monday of each month – 7:00 PM
- 3<sup>rd</sup> Monday of each month – 7:00 PM
- Every 3<sup>rd</sup> Monday or as necessary – 6:00 PM
- As necessary
- As necessary
- As necessary

NAME TERESA M LINDSEY

HOME ADDRESS 703 BUCKBOARD ST

HOW LONG HAVE YOU LIVED IN OVILLA? 7 yrs EMAIL \_\_\_\_\_

HOME TELEPHONE \_\_\_\_\_ BUSINESS TELEPHONE NA

PROFESSION ANALYST

INTERESTS VOLUNTEER WORK, GARDENING / LANDSCAPING.

1.) DO YOU HAVE EXPERIENCE THAT WOULD QUALIFY YOU FOR SERVING ON A PARTICULAR COMMITTEE?

DALLAS CRUDE OIL ASSN - TREASURER (1989-1995)  
DUNCANVILLE SOCCER ASSN - SEC / TOURNAMENT DIR (2008-2010)

2.) HAVE YOU SERVED AS A MEMBER OF ANY MUNICIPAL BOARD OR COMMISSION IN OVILLA?

No

3.) HAVE YOU SERVED AS A MEMBER OF ANY MUNICIPAL BOARD OR COMMISSION FOR ANOTHER MUNICIPALITY? No

If yes to one or both, please list the municipality, committee and dates served:

[Empty box for listing municipalities and dates served]

4.) PLEASE LIST ANY CIVIC OR COMMUNITY ACTIVITIES IN WHICH YOU MAY HAVE PARTICIPATED.

- ❖ CITIZENS ON PATROL - DUNCANVILLE
- ❖ BEST SOUTHWEST CEPT
- ❖ DALLAS AREA HABITAT

5.) DO YOU HAVE ANY RELATIVES THAT ARE CITY EMPLOYEES, MEMBER OF THE CITY COUNCIL OR SERVE ON ANY BOARD? (YES OR (NO)) If yes, please list:

6.) WHAT IS YOUR CURRENT PLACE OF EMPLOYMENT OR BUSINESS AFFILIATION? (Please indicate if you are self-employed, home-maker, retired) PART TIME w/ HUSBAND'S BUSINESS - J L LINDSEY ENTERPRISES

STATEMENT OF INTENT: If appointed, I agree to serve on the Board/Commission for which I have applied.

Teresa Lindsey  
SIGNATURE

6/20/14  
DATE

TERESA LINDSEY  
PRINTED NAME OF APPLICANT



CITY OF OVILLA OFFICIAL USE ONLY

DATE APPOINTED \_\_\_\_\_ COMMITTEE APPOINTED TO \_\_\_\_\_

RETURN TO CITY HALL,  
105 SOUTH COCKRELL HILL ROAD,  
OVILLA, TX 75154  
972-617-7262

ATTENTION: Pamela Woodall



# Ovilla City Council

## AGENDA ITEM REPORT

Item(s): 4

Meeting Date: July 14, 2014

Department: Administration

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted By: Cyndy Powell, CA

Amount: N/A

Reviewed By:  City Administrator  City Secretary  City Attorney

Accountant  Other: Staff

<b>Attachments:</b>
1. Resolution R2014-025
<b>Agenda Item / Topic:</b>
ITEM 4. <b>DISCUSSION/ACTION</b> – Consideration of and action on Resolution R2014-025 moving the frequency of City Council meetings to once monthly.
<b>Discussion / Justification:</b>
During the June 09, 2014 Council Meeting, Mayor Pro Tem Griffin proposed changing the frequency of Council Meetings to once monthly. Staff prepared a Resolution for consideration. The meeting day of the month is left open/blank pending Council's direction.
<b>Recommendation / Staff Comments:</b>
<b>Sample Motion(s):</b>
<i>I move to approve/deny</i> Resolution R2014-025 of the City Council of the City of Ovilla, amending the frequency of Council meetings from two per month to once monthly, effective October 1, 2014 and will review this resolution annually _____. <i>Beginning each fiscal year /or during mid-year reviews</i>

RESOLUTION NO. R2014-025

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS, AMENDING THE FREQUENCY OF COUNCIL MEETINGS FROM TWO PER MONTH TO ONCE MONTHLY.

\* \* \* \* \*

WHEREAS, the City of Ovilla, Texas (the "City") deems it necessary and proper and in the best interest of its citizens and the employees to amend the frequency of City Council meetings of the City of Ovilla.

***NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OVILLA:***

**Section 1.** That the City Council of the City of Ovilla currently meets twice-a-month on the second and fourth Mondays; and

**Section 2.** That the City Council of the City of Ovilla will amend their meeting schedule to once monthly on the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, day of the week of each month to begin on October 1, 2014; and

**Section 3.** That all City Council Meetings of the City of Ovilla shall take official action at said meetings and continue compliance with all required postings and conducted in accordance with the Open Meetings Act, Chapter 551 of the Local Government Code; and

**Section 4.** That the meeting dates may be subject to revision, rescheduling or the call of a Special Meeting should the City Council of the City of Ovilla have the need; and

**Section 5.** That the City Council of the City of Ovilla will review this resolution annually at the beginning of each fiscal year/during mid-year reviews to determine if necessity deems subject to revision.

PASSED, APPROVED, AND RESOLVED this \_\_\_ day of \_\_\_\_\_ 2014.

ATTEST:

APPROVED:

\_\_\_\_\_  
Pam Woodall, CITY SECRETARY

\_\_\_\_\_  
Richard A. Dormier, MAYOR

# CERTIFIED EXECUTIVE SESSION AGENDA

Date: 14 July 2014

\*\*\*\*\*

I, Richard Dormier, Mayor of the City of Ovilla, Texas hereby convene into Executive Session at \_\_\_\_ p.m. on the 14 day of July 2014.

The following Council Members and staff attended:

Council Members

Staff Members

Others

- \_\_\_ Mayor, Richard Dormier
- \_\_\_ Place 1, Rachel Huber
- \_\_\_ Place 2, Larry Stevenson
- \_\_\_ Place 3, Mayor Pro Tem David Griffin
- \_\_\_ Place 4, Doug Hunt
- \_\_\_ Place 5, Dean Oberg

- \_\_\_ Cyndy Powell, City Administrator
- \_\_\_ P. Woodall, City Secretary

- \_\_\_ City Attorney, Ron MacFarlane
- \_\_\_ Other Legal Counsel

***The following is an agenda of an Executive Session of the City of Ovilla, Texas, held pursuant to the Texas Open Meetings Act, Government Code Section:***

- \_\_\_ 551.071 - Consultation w/Attorney
- \_\_\_ 551.072 - Real Property
- \_\_\_ 551.073 - Deliberations about Gift
- X 551.074 - Personnel Matters
- \_\_\_ 551.076 - Security Personnel or Devices
- \_\_\_ 551.086 - Test item (SB 595)
- \_\_\_ 551.087 - Economic Development Negotiations (SB1851)
- \_\_\_ 418.183 - Homeland Security

Said Executive Session has been conducted in order to deliberate on the following matters:

Closed Meeting called pursuant to Texas Government Code § 551.074 - Personnel Matters.  
ITEM 5. **DISCUSSION/ACTION** - Deliberate the appointment, employment, evaluation, reassignment and/or duties of the City Administrator.

COUNCIL WILL RECONVENE INTO OPEN SESSION, AND TAKE ACTION  
NECESSARY PURSUANT TO EXECUTIVE SESSION, IF NEEDED.

Discussion/Motions:

ITEM 5.

**I, Richard Dormier, Mayor, hereby adjourn the Executive Session at \_\_\_\_ p.m. on the 14 day of July 2014. No Action was taken in Executive Session. Any action, as a result of this Executive Session, will be taken and recorded in open session.**

I certify that this agenda is a true and accurate record of the proceedings.

\_\_\_\_\_  
Richard Dormier, Mayor