

CITY OF OVILLA MINUTES
Monday, November 14, 2016
City Council Briefing Session
105 S. Cockrell Hill Road, Ovilla, TX 75154

Mayor Dormier called the Council Briefing Session of the Ovilla City Council to order at 6:00 p.m., with notice of the meeting duly posted. Mayor Dormier made the following public announcement asking all individuals to be cognizant of the two signs at the entrance to the Council Chamber room referencing Sections 30.06 and 30.07 of the *Penal Code, persons licensed under Subchapter H, Chapter 411, Government Code may not enter this property with a concealed handgun nor enter this property with a handgun that is carried openly.*

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
Michael Myers	Council Member, Place 5

Mayor Dormier announced all Council members were present, thus constituting a quorum. Various department directors and staff were also present. Staff presented Council with future agenda items and/or pending items still under staff review.

CALL TO ORDER


CONDUCT A BRIEFING SESSION to review and discuss agenda items for the 6:30 p.m. regular meeting.

Council, Mr. Burn and staff reviewed each item on the agenda. Under the Consent Agenda, Council Member PL5 Myers made mention of a scrivener's error on the minutes – a correction was noted listed under Item 6 regarding the Council's vote.

ADJOURNMENT

Mayor Dormier adjourned the Briefing Session of the Ovilla City Council at 6:10 p.m.

ATTEST:


Pamela Woodall, City Secretary



Richard A. Dormier, Mayor

Approved January 09, 2017

CITY OF OVILLA MINUTES

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Regular City Council Meeting

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The following City Council Members were present:

Rachel Huber	Council Member, Place 1
Larry Stevenson	Council Member, Place 2
Doug Hunt	Council Member, Place 4
David Griffin	Mayor Pro Tem, Place 3
Michael Myers	Council Member, Place 5

Mayor Dormier announced all Council members were present, thus constituting a quorum. City Manager Dennis Burn, various department directors and staff were also present.

CALL TO ORDER

PL2 Stevenson gave the Invocation and PL1 Huber led the recitation of the Pledge of Allegiance.

COMMENTS, PRESENTATIONS & REPORTS

Presentations

1. Representatives from Farmers Insurance Group presented appreciation plaques to the Ovilla Police and Fire Departments and \$75 gift cards to each department for the Toys-for-Tots Christmas 2016.
2. Melissa Pace and David Crawford both with Perdue, Brandon, Fielder, Collins & Mott, LLP (Municipal Court collection agency for Ovilla) reviewed the current collection process for Ovilla.
3. Mayor Dormier presented and read the Municipal Court Week Proclamation.

Citizen Comments

1. Mr. Paul Garcia, representative with Lillian Homes, asked for Council's consideration to allow a variance for the continued construction of a home with a front-facing garage. Mr. Garcia left his phone number 214-680-9319 with the city manager.
2. Mr. Dean Oberg, 2014 Oakwood Lane, voiced concerns over a late assessment fee to his water bill and the delay of pulling from the drop-box to the city hall. Also, he questioned if daily bank deposits were made due to the lengthy time it took for his check to clear.
3. Ms. Dani Muckleroy, 608 Green Meadows, spoke on behalf of the Salvation Army. She thanked those that had volunteered to "ring the bell" in the past and asked everyone present to volunteer to work a shift at the Red Oak Walmart this holiday season.

Department Activity Reports / Discussion

Police Department

Police Chief B. Windham

Monthly Report was reviewed.

1. Chief Windham announced the promotion of Sgt. Seif. Additionally, he presented academy graduate, Officer Breedlove and the recent appointment of John Matthews, part-time Commander of the Police Department.

Fire Department

Fire Chief B. Kennedy

1. Monthly Report was reviewed.

Public Works

Public Works Director B. Piland

Monthly Report was reviewed.

1. Monthly Park Maintenance sheets were reviewed.
2. There was discussion of fire hydrant replacements and annually testing.

Finance Department

Accountant L. Harding

1. Expecting the annual audit report draft sometime in December 2016.

Administration

City Manager D. Burn

City Manager Reports were reviewed.

1. Advised he will continue to work on and send status reports on his Council assignment list.
2. Will address with staff the vegetation growing on Bryson Lane and Judy Drive.
3. Council voiced concerns regarding inspection errors made by Bureau Veritas and asked the city manager to review the contract for penalties.

Monthly Municipal Court Report was reviewed.

City Secretary P. Woodall

Monthly Code/Animal Control Reports were reviewed.

Code/AC Officer M. Dooly

CONSENT AGENDA

- C1. September 2016 Financial Transactions over \$5,000
- C2. Quarterly Investment Report ending September 30, 2016
- C3. Committed Fund Report ending September 30, 2016
- C4. Minutes of the October 28, 2016 Special Council Meeting
- C5. Briefing Session and Minutes of the October 11, 2016 Regular Council Meeting

PL5 Myers requested that Consent Items C3 and C5 be pulled for review prior to approval. Mayor Dormier placed the two pulled items under Item 11. Mayor Dormier labeled each item for review 11(A) and 11(B), respectively.

PL4 Hunt moved to approve Consent Items C1, C2, and C4 as presented, seconded by PL1 Huber.

No oppositions, no abstentions.

VOTE: The motion to approve carried unanimously: 5-0.

REGULAR AGENDA

ITEM 1. DISCUSSION/ACTION – Consideration of and action on an Ad-Hoc member replacement to the Planning and Zoning Commission Advisory Committee for the purpose of the Water and Wastewater Impact Fee Study and Update for the City of Ovilla.

Staff, along with Birkhoff, Hendricks & Cater, LLP began work on the update of the City's Five-Year Water and Waste Impact Fee Study following the Council's June 2016 appointment of ad-hoc member Mr. Bill Crouch to the Planning and Zoning Advisory Committee. Mr. Crouch recently advised staff that he was no longer able to serve on this committee.

Under Chapter 395 of the Local Government Code, the Ovilla City Council shall appoint an Advisory Committee for this update, which permits the City's Planning & Zoning Commission to act in the Advisory Committee capacity. This also requires at least one representative of the real estate, development, or building industry who is not an employee or an official of a political subdivision or government entity. Since no such representative is a member of the Planning and Zoning Commission and with the resignation of Mr. Crouch, then one individual may be appointed as an ad hoc voting member of the Planning and Zoning Commission when acting as the Advisory Committee. As a replacement, staff presented Ms. Karen Tucker, 303 Willow Creek Lane for Council consideration.

PL2 Stevenson moved that Council appoint Ms. Karen Tucker as the ad hoc member to the Planning and Zoning Commission Advisory Committee for the purpose of the Water and Wastewater Impact Fee Study Update for the City of Ovilla, seconded by PL4 Hunt. *No oppositions, no abstentions.*

VOTE: The motion to approve carried unanimously: 5-0.

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

Doug Hunt, Place Four
David Griffin, Place Three
Michael Myers, Place Five

ITEM 2. DISCUSSION/ACTION – Consideration of and action on Park Maintenance Guidelines, directing staff as necessary.

At the request of Council, staff returned this item for discussion and possible direction. Resolution 2016-10 was presented to Council during their August 08, 2016 meeting, for consideration to adopt the Public Safety Handbook to use as a guideline in an effort to maintain safe parks. At that time, Council did not approve the resolution, which would have adopted the handbook. The Loss Prevention Group of the Texas Municipal League (TML), Ovilla's insurer, recommended that Ovilla use the "Public Playground Safety Handbook" published by the U.S. Consumer Product Safety Commission to evaluate our parks. Mayor Pro Tem Griffin recommended that the adoption of the guideline be brought back for Council consideration and action at the next meeting.

PL2 Stevenson directed staff to return with a resolution to adopt the Public Safety Handbook at the next meeting, seconded by PL4 Hunt. *No oppositions, no abstentions.*

VOTE: The motion to approve carried unanimously: 5-0.

ITEM 3. DISCUSSION/ACTION – Consideration of and action on an appointment to fill a permanent member vacancy to serve the remaining term of Place 2, Board of Adjustment and directing staff as necessary to advertise for a Board pool.

Place 2 John Knight resigned from the BOA during the last BOA meeting of October 17. Alternate member Place 6 Ozzie Molina was present and filled the vacancy for the remaining of the meeting. He voiced his interest to serve in the permanent position if Council so allows.

Mayor Pro Tem Griffin moved that Council appoint Ozzie Molina to fill the permanent member vacancy to serve the remaining term of Place 2, Board of Adjustment and directed staff to advertise for a Board pool, seconded by PL2 Stevenson. *No oppositions, no abstentions.*

VOTE: The motion to approve carried unanimously: 5-0.

ITEM 4. DISCUSSION/ACTION – Consideration of and action on nominations and appointments/reappointment to serve volunteer terms on the Municipal Development District Board of Directors and direct staff as necessary to advertise for a Board pool.

The Municipal Development District Board (MDD) is comprised of five (5) volunteer Directors, each whom shall be appointed by the City Council. Each Director shall be a resident of either the City of Ovilla or its extraterritorial jurisdiction (ETJ), serving a two-year term or until a successor is appointed. Those with expiring terms in November are:

Place 2, James Scivally

Place 4, Vacant

Mr. Scivally is also the vice-president of the Economic Development Corporation Board – appointed by Council in June 2016. Place 4 was served by Mr. Ron Langenheder, who resigned and moved from the City and its ETJ, after the December 2015 tornado. Council's consensus was to relieve Mr. Scivally and not renew his MDD appointment since he is already serving on the Economic Development Corporation Board and direct staff to post notice for both positions.

PL2 Stevenson moved that Council direct staff to post notice accepting Board applications for a volunteer Board pool to fill vacancies on the MDD and bring this item back with applications for Council consideration, seconded by PL1 Huber.

No oppositions, no abstentions.

VOTE: The motion to approve carried unanimously: 5-0.

- ITEM 5. DISCUSSION/ACTION** – Consideration of and action on an engineering services agreement with Birkhoff, Hendricks and Carter, LLP, for the preparation of bid documents for Heritage Park restrooms and authorize the Mayor to execute said document.

City Manager Dennis Burn presented an Engineering Services Agreement between the City and Ovilla's City Engineer, Birkhoff, Hendricks & Carter, LLP. The agreement is for the preparation of specifications to be used by the City in advertising and receiving sealed bids for a precast, pre-engineered restroom facility to be installed in Heritage Park. Water and sewer service will be installed by the City. Electrical work will be provided by a third party. Funds for this agreement were budgeted. The city attorney has approved the agreement as to legal form. Mayor, Council and staff discussed specifics with staff answering certain questions with regard to the restroom having cold water only (no heat), insulated pipes, lighting and fans. Mayor Dormier noted recommended revisions to the agreement:

1. Exclude field notes but show cost.
2. Correct/revise completion schedule.

PL4 Hunt moved that Council approve an engineering services agreement with Birkhoff, Hendricks and Carter, LLP, for the preparation of bid documents for Heritage Park restrooms with the Mayor's noted revisions and authorize the Mayor to execute said document, seconded by PL1 Huber.

No oppositions, no abstentions.

VOTE: The motion to approve carried unanimously: 5-0.

- ITEM 6. DISCUSSION** – Review and discuss the requirements of a selected newspaper in a general law city and direct staff as necessary.

At the request of Council, staff brought this item for discussion. Chapter 1, Article 1, Section 1.02.002 of the Ovilla Code of Ordinances and Section 52.004 of the Local Government Code states the municipality shall declare an official newspaper annually for required publications. During the October 11, 2016 Regular Council Meeting, the Council approved and adopted Ordinance 2016-19 declaring the Waxahachie Daily Light as the City's official newspaper for the year. Several Council members affirmed their preference of the Red Oak Record, stating that it covered and published more information about Ovilla than did the Waxahachie Daily Light.

Staff also inquired about the service fees from the Red Oak Record and the Waxahachie Daily Light. Both were comparable. Staff was directed to return to the next Council meeting with an agenda item for action to consider changing the City's selected newspaper.

Discussion Only. No Action.

- ITEM 7. DISCUSSION** – Review and consider water meters in new subdivisions.

At the request of PL5 Myers, staff and Council discussed the future use of reading water meters with the capability of radio transmitted readings that are more accurate, instead of the time-consuming manual readings currently performed by the Ovilla's Public Works crews. PL5 Myers suggestion was to introduce and use this new, efficient, and yet, costly method with each new subdivision and eventually have all city-wide water meters utilizing this program. Meters currently installed by the Ovilla Public Works Department are capable of this conversion.

Discussion Only. No Action.

- ITEM 8. DISCUSSION** – Review and discuss the current fee schedule, Article A7.001 Garbage Collection Fees, and consider amending the time at which the fees shall be assessed for new residential properties.

PL4 Hunt shared concerns with regard to charging garbage collection fees while a new home is under construction and stated that his recommendation was to begin assessing the garbage collection fee when the new owner takes possession of the home. He suggested revising the ordinance.

City Manager Dennis Burn advised Council of the City's current process for garbage collection for new homes as follows:

1. Builder applies for a new home construction permit.
2. Builder is issued a permit after the application is approved and the fees are paid.
3. When the water meter is set, the account is set up for billing.
4. The City's contractor automatically picks up garbage in existing neighborhoods.
If it is a new neighborhood, then staff tells the contractor to pick up in that neighborhood.
5. Staff charges each residence for garbage collection. The funds that are collected by the City are then used to pay the contractor's invoice.
6. The City's contractor charges Ovilla based on the total meter count in the City regardless of what city/entity the meter belongs to.
7. On a monthly basis City staff provides the contractor a meter/house count.

Staff and Council reviewed excerpts of the Ovilla Code of Ordinances pertaining to the time at which these fees are assessed.

Discussion Only. No Action.

ITEM 9. DISCUSSION – Review and discuss the current and future maintenance plan for pavement, ditches and culverts.

Currently, the Public Works Department repairs potholes, clean ditches and culverts and repairs reported problems. Mayor Pro Tem Griffin voiced his concerns on delayed maintenance and asked staff to return with a long-range written plan of how, when and the method for maintaining ditches and culverts, as well as maintaining tools and equipment in the public works shop and storage areas. Also mentioned was to consider outsourcing the mowing to enable work crews additional time for other maintenance duties. Staff was asked to return with a plan at the January 2017 Council meeting.

Discussion Only. No Action.

ITEM 10. DISCUSSION – Review and discuss the success of Heritage Day 2016.

Heritage Day was again, another successful event. PL4 Hunt was commended for his coordination and overall involvement resulting in the success of Heritage Day. A detailed report of the expenses and revenue was reviewed disclosing that over \$13,000 was collected.

Discussion Only. No Action.

ITEM 11. DISCUSSION/ACTION – Consideration of any item(s) pulled from the Consent Agenda above for individual consideration and action.

Two items under consent (C3 and C5) were pulled for discussion, explanation and/or correction and labeled Items 11(A) and 11(B) by Mayor Dormer.

Consent Item C3. Committed Fund Report ending September 30, 2016.

Item 11(A):

Following review and discussion, PL4 Hunt moved to approve Consent Item C3 as presented, seconded by PL2 Stevenson.

No oppositions, no abstentions.

VOTE: The motion to approve carried unanimously: 5-0.

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

Consent Item C5. Briefing Session and Minutes of the October 11, 2016 Regular Council Meeting.
Item 11(B)
PL5 Myers noted a scrivener's error and the correction to the error completed under Consent Item C3.

Mayor Pro Tem Griffin moved to approve Consent Item C5 as corrected, seconded by PL1 Huber.
No oppositions, no abstentions.

VOTE: The motion to approve carried unanimously: 5-0.

EXECUTIVE SESSION

ITEM 12. DISCUSSION/ACTION – Closed session called pursuant to § 551.072 of the Texas Government Code to deliberate the purchase, exchange, lease, or value of real property.

Mayor Dormier announced that at 9:30 pm, Mayor, Council and City Manager Dennis Burn would meet in Executive Session as stated under Item 12, pursuant to Section § 551.072 of the Texas Government Code.

Council reconvened into open session at 10:06 pm.
No action was taken.

REQUESTS FOR FUTURE AGENDA ITEMS AND/OR ANNOUNCEMENTS

- | | |
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| 1. Mayor Dormier | None |
| 2. PL1 Huber | None |
| 3. PL2 Stevenson | Review of Bureau Veritas/search penalty clause in their contract with Ovilla |
| 4. PL3 Griffin | Review of Bureau Veritas/discuss another qualified company for inspections |
| 5. PL4 Hunt | None |
| 6. PL5 Myers | Staff to develop a financial briefing with overview of revenue and expenses |
| 7. City Manager | None |


ADJOURNMENT

PL Huber moved to adjourn the November 14, 2016 Council Meeting, seconded by PL2 Stevenson. There being no further business, Mayor Dormier adjourned the meeting at 10:09 p.m.

ATTEST:


Pamela Woodall, City Secretary




Richard Dormier, Mayor

Approved January 09, 2017

Executive Session filed separately.

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

Doug Hunt, Place Four
David Griffin, Place Three
Michael Myers, Place Five