

# CITY OF OVILLA MINUTES

**Monday, February 13, 2017**

***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**

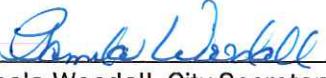
**CONDUCT A BRIEFING SESSION to review and discuss agenda items for the 6:30 p.m. regular meeting.**

1. Council, Mr. Burn and staff reviewed each item on the agenda. There was discussion and clarification on the following:
  - a. Consent: Was the committed fund balance up to date?
  - b. Item 3: Confirmed the options for placement of restrooms in Heritage Park.
  - c. Item 6: Not the maintenance schedule expected. Staff to return in March with this item.
  - d. Item 7: Not the representation expected. PL5 Myers will bring information to March meeting.
  - e. Item 10: April 29 is the only available day for Ovilla's Annual Clean-up.

## **ADJOURNMENT**

Mayor Dormier adjourned the Briefing Session of the Ovilla City Council at 6:27 p.m.

ATTEST:

  
Pamela Woodall, City Secretary



Richard A. Dormier, Mayor

***Approved March 13, 2017***

# CITY OF OVILLA MINUTES

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**Regular City Council Meeting**

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Mayor Dormier called the Regular Council Meeting of the Ovilla City Council to order at 6:30 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 that 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

**Presentation:** Mayor Dormier read a Proclamation in honor of African American Month

### **Citizen Comments**

1. Ms. Jimmie Wade, 606 Creekview: Spoke on various topics.
  - a) Street repairs and culverts
  - b) Asked that Mr. Burn speak with her when she comes to the city offices.
  - c) Voiced appreciation to PL2 Stevenson and the Police Department for their support.

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

#### **Police Department**

Monthly Report was reviewed.

Police Chief B. Windham

#### **Fire Department**

Monthly Report was reviewed.

Fire Asst. Chief K. Lindsey

1. Assistant Fire Chief Lindsey reported that new fire department volunteers were being appointed.

#### **Public Works**

Monthly Report was reviewed.

Public Works Director B. Piland

1. PW Director Piland advised that he added water purchases and losses to his monthly report.
2. Sixty-four work orders were issued in January 2017.
3. All city parks needed new bedding – It was an ongoing and continued necessity.
4. Fire hydrant replacement in Brookwood was discussed.
5. Monthly Park Maintenance sheets were reviewed.

#### **Finance Department reports were reviewed:**

City Manager D. Burn

1. December 2016 Financials.
2. Bank balances as of February 09, 2017 were reviewed.

#### **Administration**

City Manager D. Burn

City Manager Reports were reviewed.

City Secretary P. Woodall

Monthly Municipal Court Report was reviewed.

Code/AC Officer M. Dooly

Monthly Code/Animal Control Reports were reviewed.

**CONSENT AGENDA**

- C1. December 2016 Financial Transactions over \$5,000
- C2. Investment Report for quarter ending December 31, 2016
- C3. Committed Fund Balance Report for quarter ending December 31, 2016
- C4. Briefing Session and Minutes of the January 09, 2017 Regular Council Meeting

PL4 Hunt moved to approve the consent items as presented, seconded by PL2 Stevenson.

*No oppositions, no abstentions.*

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

**PUBLIC HEARING**

Council received presentation, recommendation and public comments on review of Land Use Assumptions and Capital Improvements Plan for the City's updated Water and Wastewater Impact Fee Service Area, based on a recommendation from the Capital Improvement and Impact Fee Advisory Committee. (Also referred to as the Planning and Zoning Advisory Committee)

Mayor Dormier opened the Public Hearing at 7:15 p.m.

Andrew Mata with Birkhoff, Hendricks and Carter, LLP gave a brief presentation of the need to update and adopt land use assumptions, capital improvements for the water and wastewater impact fees which is based on projected growth and the City's Comprehensive Land Use Plan.

There was no one to speak.

Mayor Dormier closed the Public Hearing at 7:22 p.m.

**REGULAR AGENDA**

**ITEM 1. *DISCUSSION/ACTION*** – Consideration of and Action on Resolution R2017-02 of the City of Ovilla, Texas, approving the Land Use Assumptions and Capital Improvements Plan for the City's proposed Water and Wastewater Impact Fee Service Area; based on recommendation from the Capital Improvement and Impact Fee Advisory Committee and declaring an effective date.

Texas Local Government Code Chapter 395.054 provides for the process to review and amend the Land Assumptions, CIP and Impact Fees. Water and Wastewater (Sewer) Impact Fees are an assessment imposed by a political subdivision for new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to the new development. Any developer seeking a building permit for a new development (residential or commercial) that will generate additional use of utility resources will be responsible for paying Impact Fees. As it pertains to Impact Fees, the "developer" shall mean any person, company, agency, or entity that is undertaking a project. This includes non-profit entities, churches, and individuals subdividing land for family members as well as those whose primary business is developing land or constructing homes or businesses for profit. School districts are exempt from water and wastewater impact fees.

The current impact fees were established/amended in 2014. The allowable maximum water impact fee is \$3,311 and the allowable maximum wastewater impact fee is \$1,441. Both fees are per new living unit.

The Planning and Zoning Commission Advisory Committee (Capital Improvement and Impact Fee Advisory Committee) forwarded recommendation to approve the Land Use Assumptions and Capital Improvements Plan for the proposed Water and Wastewater Impact Fee update. The Impact Fee update will be brought before Council for review and consideration in the coming months.

PL4 Hunt moved to approve Resolution R2017-02 of the City of Ovilla, Texas, approving the Land Use Assumptions and Capital Improvements Plan for the City's proposed updated Water and Wastewater Impact Fee Service Area; based on recommendation from the Capital Improvement and Impact Fee Advisory Committee, effective this 13<sup>th</sup> day of February 2017, seconded by Mayor Pro Tem Griffin.

*No oppositions, no abstentions.*

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

**ITEM 2. DISCUSSION/ACTION** – Consideration of and Action on Resolution R2017-03 accepting the Annual Financial Audit Report for the year ended September 30, 2016, prepared by Yeldell, Wilson, Wood and Reeve, P.C.

Danny Strunc, with Yeldell, Wilson, Wood and Reeve, P.C., was present to review the highlights of the audit and answer questions on the Annual Financial Report for the City's fiscal year ended September 30, 2016. The Firm's Management Letter and comparative sections were explained and confirmed that the City was at approximately 179-days operational committed fund balance, whereas, the City's resolution required 90-days of committed fund balance. Mayor Dormier noted a considerable water loss, however.

PL2 Stevenson moved that Council accept the Annual Financial Audit Report for the year ended September 30, 2016, prepared by Yeldell, Wilson, Wood and Reeve, P.C., seconded by PL1 Huber.

*No oppositions, no abstentions.*

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

**ITEM 3. DISCUSSION/ACTION** – Consideration of and Action to review and approve the placement site of the Heritage Park Restroom Facility.

City Manager Dennis Burn presented Council with a map and two options for placement locations in Heritage Park for the restrooms, sharing pros and cons for each option. Council's consensus was Option 2:

Option 2.

Pros: (1) Does not block view of Heritage Park.  
(2) Located near water/sewer/electricity  
(3) Does not take up parking spaces.

Option 2.

Cons: (1) Difficult to unload and place.  
(2) Hard to view and inspect.  
(3) Easy to vandalize.

Mayor Pro Tem Griffin moved to approve Option 2 for the site location of the Heritage Park Restroom Facility, seconded by PL2 Stevenson.

*No oppositions, no abstentions.*

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

**ITEM 4. DISCUSSION** – Discuss and consider the designation of the Ovilla Police Station as a safe zone.

Mayor Dormier commented that this would not only be considered a safe zone but in actuality an "exchange" zone. The use of the internet for purchasing and trading goods is becoming increasingly popular. There are, however, inherent dangers in using the internet to set up meetings with total strangers. Individuals have fallen victim to various crimes ranging from murder to robbery to simple theft when meeting strangers for an exchange. To help combat this issue, the police department has a proposal to establish an internet exchange zone in an effort to set up an area covered by video surveillance. The proposal presented has two components, phase one to include cameras around the police department and phase two to include cameras around city hall focusing on city hall, the fire department and public works assets. The two phases have also been combined for a lower price due to on-site costs. The Council's consensus was to direct staff to move forward with this concept and to obtain additional quotes for cameras and return for consideration.

*Discussion only.*

**ITEM 5. DISCUSSION/ACTION** – Consideration of and Action on Resolution R2017-04 enacting a City of Ovilla Citizens on Patrol Program and adopting an operating procedure for the program.

Chief Windham addressed a desire to implement a Citizens on Patrol Program (COP) with Council during their January meeting. Returning with this item, the Police Department prepared their own COP Operating Procedure Manual and agreement form and would like to begin a Citizens on Patrol Program (COP). This Program involves citizens taking some responsibility for their community and working with the police to make it a better, safer place. Staff confirmed that the City's insured, TMLIRP covers qualified volunteers on this program.

Some of the basic services a team of COP's can provide:

- Patrolling in a city police vehicle with the appropriate Citizens on Patrol signage.
- Reporting suspicious behavior to the on-duty police officers.
- Conducting vacation house checks
- Assisting with traffic direction/control at accident scenes and road closures such as Heritage Day.
- Providing assistance at events such as Lords Acre.
- Providing PR assistance at local events.
- Providing code enforcement assistance in identification of violations.

PL2 Stevenson moved to approve Resolution R2017-04 enacting a City of Ovilla Citizens on Patrol Program and adopting an operating procedure for the program, seconded by Mayor Pro Tem Griffin.

*No oppositions, no abstentions.*

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

**ITEM 6. DISCUSSION/ACTION** – Consideration of and Action on a draft Road Maintenance and Operations Manual and direct staff as necessary.

Staff presented a draft Road Maintenance and Operations Manual. The draft manual was addressed during the Council Briefing Session with suggestions from the governing body. Staff will return with a revised draft at the March Council meeting.

**NO ACTION.**

**ITEM 7. DISCUSSION/ACTION** – Consideration of and Action to direct staff as necessary for continued research of a plan for the use and installation of Smart Water Meters.

PL5 Myers advised that the information provided was not to his expectation and asked that staff return with the same agenda item for the March meeting. PL5 would make the presentation at that time.

**NO ACTION.**

**ITEM 8. DISCUSSION/ACTION** – Consideration of and Action on Resolution R2017-05 of the City of Ovilla, Texas, for and on behalf of the City of Ovilla, Texas an Agreement Letter, by and between the City of Ovilla and Lee Engineering, LLC for the preparation of a Rough Proportionality Study for Hidden Valley Residential Development, authorizing the Mayor to execute said document.

City Manager Dennis Burn shared background information on this residential development:

Alluvium Development Inc. is no longer pursuing the development of Hidden Valley Estates. The City Council at their August 8, 2016 meeting approved the preliminary plat and approved various variances. The City Council at their October 11, 2016 meeting denied a variance request for the first floor/second floor minimum square footage requirements.

Current status: A new/different developer is interested in purchasing the 117.758-acre property. Prior to the purchase, the new potential developer wants to know the proportionality cost of the development. Should the City Council approve this agreement: (1) the developer will pay the City the \$3,500.00 cost to prepare the study,

(2) the City will forward to Lee Engineering this contract plus the approved preliminary plat and the traffic plan prepared by Alluvium, (3) Lee Engineering will prepare and forward the proportionality study to the City, (4) the City will in turn forward the study to the developer, and (5) the City will pay Lee Engineering. As stated in the proposal, the study should take five days to complete. The City Engineer will be involved with Lee Engineering in the preparation of the study.

Mayor Pro Tem Griffin moved to approve Resolution R2017-05 of the City of Ovilla, Texas, for and on behalf of the City of Ovilla, Texas an Agreement Letter, by and between the City of Ovilla and Lee Engineering, LLC for the preparation of a Rough Proportionality Study for Hidden Valley Residential Development, authorizing the Mayor to execute said document, seconded by PL1 Huber.

*No oppositions, no abstentions.*

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

**ITEM 9. DISCUSSION/ACTION** – Consideration of and Action on the status of the Municipal Services Advisory Committee (MSAC) and the need for additional members.

The MSAC consists of a five-member board; three resident members and two ex-officio members being the City Manager and the Public Works Director. Staff has posted notice seeking board applications for quite some time. No applications have been pending, however, one application (Mike Bira) was submitted just prior to the Council meeting.

PL2 Stevenson moved to appoint Mike Bira to serve as a member to the Municipal Services Advisory Committee (MSAC), seconded by PL5 Myers.

*No oppositions, no abstentions.*

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

**ITEM 10. DISCUSSION/ACTION** – Consideration of and Action on establishing and setting the annual Clean-Up date for the City of Ovilla.

Based on the only date available by the City's contracted refuse company, April 29 is the selected date.

**NO ACTION.**

**ITEM 11. DISCUSSION** – Discussion and review of City Code of Ethics and Procedures on Hearing Ethics Complaints.

Mayor Dormier gave a review and reminder of the Code of Ethics and read principles from the Rules of Procedures.

**DISCUSSION ONLY. NO ACTION.**

**ITEM 12. DISCUSSION/ACTION** – Consideration of any item(s) pulled from the Consent Agenda above for individual consideration and action.

**N/A. NO ACTION.**

#### **EXECUTIVE SESSION**

Mayor Dormier announced that Council would convene into Executive Session at 8:43 p.m. to consider the following:

**ITEM 13. 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 and Council reconvened into Regular Session at 8:59 p.m. Mayor Dormier announced that no decisions were made in Executive Session.

**NO ACTION.**

**REQUESTS FOR FUTURE AGENDA ITEMS AND/OR ANNOUNCEMENTS BY COUNCIL AND STAFF**

1. Mayor Dormier	None
2. PL1 Huber	Reminder of Ovilla Service League Spaghetti Dinner 02/17.
3. PL2 Stevenson	None
4. PL3 Griffin	None
5. PL4 Hunt	None
6. PL5 Myers	Staff to verify to Council that all daily collections were placed in the safe at night. Verify to Council that all water payments are processed daily. Consider on-line deposits.
7. City Manager	None

**ADJOURNMENT**

PL4 Hunt moved to adjourn the February 13, 2017 Council Meeting, seconded by Mayor Pro Tem Griffin. There being no further business, Mayor Dormier adjourned the meeting at 9:05 p.m.

ATTEST:

  
Pamela Woodall, City Secretary



Richard Dormier, Mayor

  
Approved March 13, 2017

Executive Agenda filed separately.