

CITY OF OVILLA MINUTES
Monday, September 11, 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 6:06 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
Dean Oberg	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. Various department directors, and staff were also present.

CALL TO ORDER

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

Mayor Dormier, Council, and staff reviewed each item on the agenda. Specific agenda items were briefly discussed for clarification:

Consent Items 6 and 7 (Emergency Services Districts #2 & #4 Annual Agreements, respectively) received confirmation from staff that both agreements were reviewed by the city attorney and were the same agreements as the previous year.

ADJOURNMENT

Mayor Dormier adjourned the Briefing Session of the Ovilla City Council at 6:16 p.m.

ATTEST:


Pamela Woodall, City Secretary



Richard A. Dormier, Mayor

Approved October 10, 2017

CITY OF OVILLA MINUTES
Monday, September 11, 2017
Regular City Council Meeting
105 S. Cockrell Hill Road, Ovilla, TX 75154

Mayor Dormier called the Regular Council Meeting of the Ovilla City Council to order at 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
Dean Oberg	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 present Council members, thus constituting a quorum. City Manager John R. Dean, Jr., department directors and various staff were also present.

CALL TO ORDER

PL2 Oberg gave the Invocation. PL1 Huber led both recitations of the Pledge of Allegiance and the Pledge to the Texas Flag.

COMMENTS & PRESENTATIONS

1. Proclamations were read by Mayor Dormier and photos were taken.
 - a) National Society Daughters of the American Revolution (NSDAR) Constitution Week
 - b) Heritage Day Event
 - c) National Night Out/Ovilla Night Out
2. NSDAR recognized City Manager John R. Dean, Jr. for his military service.

Citizen Comments

1. Mr. Al Hernandez, Atmos Energy representative presented Ovilla with a \$1,000 donation check for the upcoming Heritage Day event. Photos were taken.

CONSENT AGENDA

- C1. July 2017 Financial Transactions over \$5,000
- C2. Minutes of the August 30, 2017 Special Council Meeting
- C3. Minutes of the August 21, 2017 Special Council Meeting
- C4. Minutes of the August 14, 2017 Briefing Session and Regular Meeting
- C5. Annual Calendar of Meetings and Approved Holidays
- C6. Consideration of and action on an Interlocal Agreement for providing emergency services effective October 1, 2017, by and between Ellis County Emergency Services District No. 2 and the City of Ovilla.
- C7. Consideration of and action on an Interlocal Agreement for providing emergency services effective October 1, 2017, by and between Ellis County Emergency Services District No. 4 and the City of Ovilla.

PL4 Hunt moved to pull Consent Items 6 and 7 for discussion and consideration. Mayor Dormier placed those consent items under Item 10 and moved the order of the agenda to address Item 10,

identifying Consent 6 as Item 10-A and Consent 7 as Item 10-B. Council discussed and received clarification regarding Consent Items 6 and 7.

PL4 Hunt moved to approve Consent Item 6 / Item 10-A as presented, seconded by PL5 Myers.

No oppositions, no abstentions.

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

PL4 Hunt moved to approve Consent Item 7 / Item 10-B as presented, seconded by PL2 Oberg.

No oppositions, no abstentions.

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

PL2 Oberg moved to approve the remaining Consent Items C1-C5 as presented, seconded by PL1 Huber.

No oppositions, no abstentions.

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

Mayor Dormier moved the order of the Agenda to address Item 9.

ITEM 9. DISCUSSION/ACTION – Consideration of and action on Resolution R2017-25 repealing Resolution R2017-19 and rescinding authorization and approval of the Red Oak Creek 12" Water Line Installation Project Agreement by and between the City of Ovilla and FM Utilities, and directing staff as necessary.

Staff gave background information that bids were received in May 2017. Bid was awarded to FM Utilities in August 2017. Following the bid awarding, staff learned that the awarded bid was received unsealed. City Attorney Ron MacFarlane was present to answer questions and offer advice.

PL2 Oberg moved to approve Resolution R2017-25 repealing Resolution R2017-19 and rescinding authorization and approval of the Red Oak Creek 12" Water Line Installation Project Agreement by and between the City of Ovilla and FM Utilities and directed staff to begin the bidding process again, seconded by PL5 Myers.

No oppositions, no abstentions.

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

Mayor Dormier returned to the regular order of the Agenda addressing the Public Hearing, and read aloud:

This budget will raise more revenue from property taxes than last year's budget by an amount of \$138,282, which is a 6.49% increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is \$70,686.

PUBLIC HEARING – Receive public comments on the Proposed Fiscal Year 2017-2018 Budget.

Mayor Dormier opened the Public Hearing at 7:03 p.m.

There was no one to speak during the Hearing.

Mayor Dormier closed the Public Hearing at 7:04 p.m.

ITEM 1. DISCUSSION/ACTION – Consideration of and action on Ordinance 2017-12 approving and adopting the Budget and making appropriations for the support of the City Government of the City of Ovilla, Texas for the Fiscal Year beginning October 01, 2017 and ending September 30, 2018; providing an effective date.

The proposed FY 2017-2018 Budget resulting from the Council budget workshops conducted was presented and Ordinance 2017-12 was also presented for adoption of the budget for the Fiscal Year October 1, 2017 – September 30, 2018.

Richard Dormier, Mayor
Rachel Huber, Place One
Dean Oberg, Place Two

2

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

The budget was based on the proposed tax rate of \$0.680399 per \$100 dollars of valuation, with a Maintenance and Operation rate of \$0.512399 and a debt rate of \$0.168000.

Mayor Pro Tem Griffin moved that the Ovilla City Council approve and adopt Ordinance 2017-12, approving and adopting the Budget and making appropriations for the support of the City Government of the City of Ovilla for the Fiscal Year beginning October 01, 2017 and ending September 30, 2018; providing an effective date, seconded by PL4 Hunt. Mayor Dormier called for a record vote.

RECORD VOTE:

Place 1 Huber	Aye
Place 2 Oberg	Aye
Mayor Pro Tem Griffin	Aye
Place 4 Hunt	Aye
Place 5 Myers	Nay

No abstentions, Place 5 Myers voted in opposition.

VOTE: The motion to approve carried: 4-1.

ITEM 2. DISCUSSION/ACTION – Consideration of and action on Ordinance 2017-13 levying, assessing and fixing the tax rate for the use and support of the municipal government of the City of Ovilla, Texas, and providing for the Debt Service Fund for Fiscal Year 2017-2018 and apportioning each levy for the specific purpose, and providing for collection of all annual taxes provided by state law; and providing an effective date.

During the August 03, 2017 Council Meeting and Budget Workshop, Council took a record vote on the proposed tax rate for Fiscal Year 2017-2018. Truth-in-Taxation Law requires that the governing body adopt the tax rate as an official action and set it out in a written ordinance or resolution. The Council's record vote on the proposed rate of \$0.680399 would be an increase in ad valorem revenue, therefore, two public hearings were required and conducted on August 21st and August 30th. Legal requirements have been met.

PROPOSED TAX RATE	\$0.680399 per \$100
PRECEDING YEAR'S TAX RATE	\$0.700000 per \$100
EFFECTIVE TAX RATE	\$0.575531 per \$100
ROLLBACK RATE	\$0.680400 per \$100

FINANCIAL IMPACT:

This budget will raise more total property taxes than last year's budget by 6.49 % and of that amount, \$70,686, is tax revenue to be raised from new property added to the roll this year.

Staff presented the ordinance for adoption.

M&O	\$ 0.512399 per \$100.00 of valuation
Debt Service	\$ 0.168000 per \$100.00 of valuation
Total	\$ 0.680399 per \$100.00 of valuation

Council made two motions for the approval of the tax rate:

First Motion & Record Vote:

PL4 Hunt moved that the Council hereby approve the 2017 property tax rate be a total of \$0.680399 per \$100 valuation with a Maintenance and Operation rate of \$0.512399 and a debt rate of \$0.168000, seconded by PL2 Oberg. Mayor Dormier called for a record vote.

RECORD VOTE:

Place 1 Huber Aye
 Place 2 Oberg Aye
 Mayor Pro Tem Griffin Aye
 Place 4 Hunt Aye
 Place 5 Myers Nay

No abstentions, Place 5 Myers voted in opposition.

VOTE: The motion to approve carried: 4-1.

Second Motion & Vote adopting Ordinance:

PL4 Hunt further moved that the Council hereby approve Ordinance 2017-13 levying, assessing and fixing the tax rate for the use and support of the municipal government of the City of Ovilla, Texas, and providing for the Debt Service Fund for Fiscal Year 2017-2018 and apportioning each levy for the specific purpose, and providing for collection of all annual taxes provided by state law; and providing an effective date, seconded by Mayor Pro Tem Griffin. Mayor Dormier called for a record vote.

RECORD VOTE:

Place 1 Huber Aye
 Place 2 Oberg Aye
 Mayor Pro Tem Griffin Aye
 Place 4 Hunt Aye
 Place 5 Myers Nay

No abstentions, Place 5 Myers voted in opposition.

VOTE: The motion to approve carried: 4-1.

- ITEM 3. DISCUSSION/ACTION** – Consideration of and action on Ordinance 2017-14 of the City of Ovilla, Texas, ratifying the budget for the 2017-2018 tax year that raised more revenue from property taxes than in the previous year.

Ordinance 2017-14, validates the approval of the Fiscal Year 2017-2018 Budget.

PL2 Oberg moved that Council approve and adopt Ordinance 2017-14 ratifying the budget for the Fiscal Year 2017-2018 that will raise more revenue from property taxes than in the previous year, seconded by PL1 Huber. Mayor Dormier called for a record vote.

RECORD VOTE:

Place 1 Huber Aye
 Place 2 Oberg Aye
 Mayor Pro Tem Griffin Aye
 Place 4 Hunt Aye
 Place 5 Myers Nay

No abstentions, Place 5 Myers voted in opposition.

VOTE: The motion to approve carried: 4-1.

- ITEM 4. DISCUSSION/ACTION** – Consideration of and action on Resolution R2017-22 of the City of Ovilla, Texas, implementing a records management policy for that purpose and to prescribe procedures consistent with the Local Government Records Act for efficient recordkeeping.

Staff reported that records management is an ongoing requirement and necessity for proper retention of city property and preservation of vital documents. The Local Government Code (LGC) states that each entity establishes an applicable management policy for their city. The presented resolution adopts an outlined policy to aid department directors (or their designated liaison) for efficient annual record-keeping for the City of Ovilla and to remain compliant with the LGC.

PL1 Huber moved that Council approve Resolution R2017-22 implementing a records management policy, effective immediately, seconded by PL4 Hunt.

No oppositions, no abstentions.

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

ITEM 5. DISCUSSION/ACTION – Consideration of and action on Resolution R2017-23 for candidate nominations for the Dallas Central Appraisal District Board of Directors for the years 2018-2019.

The Tax Code requires that an election or appointment of members to the Board of Directors of the Dallas Central Appraisal District (DCAD) be conducted in odd-numbered years and to begin serving in even-numbered years – for a two-year term. Each of the incorporated cities and towns, except the City of Dallas, shall have the right to nominate by official resolution one (1) candidate as the fourth member to the Board. Nominees for each entity shall be submitted to the Chief Appraiser by October 16. Current member to the suburban cities is Michael Hurtt who has voiced desire to serve again.

Mayor Pro Tem Griffin moved that Council approve Resolution R2017-23, nominating Michael Hurtt, a candidate, to be a member of the Board of Directors of the Dallas Central Appraisal District for the years 2018-2019, seconded by PL4 Hunt.

No oppositions, no abstentions.

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

ITEM 6. DISCUSSION/ACTION – Consideration of and action on Resolution R2017-24 for candidate nominations for the Ellis Appraisal District Board of Directors for the years 2018-2019.

The Tax Code requires that an election or appointment of members to the Board of Directors of the Ellis County Appraisal District (ECAD) be conducted in odd-numbered years and to begin serving in even-numbered years – for a two-year term. The City may nominate (by resolution) one candidate for each position to be filled on the Board of Directors, submitted to the Chief Appraiser by October 15.

PL2 Oberg moved that Council approve Resolution R2017-24, nominating Phillip Lynch, a candidate, to be a member of the Board of Directors of the Ellis Appraisal District for the years 2018-2019, seconded by PL1 Huber.

No oppositions, no abstentions.

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

ITEM 7. DISCUSSION – Discuss progress and receive updates on activities related to 2017 Heritage Day celebration, Saturday, September 23, 2017.

PL4 Hunt stated that preparations were coming along well and that sponsorship increased from last year's celebration. There are more food vendors expected and a new feature – a climbing wall. The Red Oak Opry and Vertical Church would be the day's entertainment.

DISCUSSION ONLY. NO ACTION.

ITEM 8. DISCUSSION – Discuss sewer averaging.

Mayor Dormier requested that staff review the method of how the sewer averages are established. City Manager John Dean looked at the sewer usage over the past year and noted various options in which the averaging could be done.

Currently, Ovilla averages three months (December - February) of usage to establish a maximum billing usage for each customer annually.

Other options were discussed:

1. Average 4 months (December – March) and drop the High month. Cedar Hill does this. Using this method would reduce most customers maximum billing usage. It would not increase any customers maximum rate for the period studied.
2. A straight 4-month average of December - March would result in a reduction of the maximum billing usage of approximately 74% of the customers.
3. A 6-month average (December – May) would result in a reduction of the maximum billing usage of approximately 20.5% of the customers.

DISCUSSION ONLY. NO ACTION.

Items 9 and 10 were previously addressed.

DEPARTMENT REPORTS

- Department Activity Reports were reviewed and discussed.
 - Police Department Police Chief B. Windham
 - Monthly Report
 - Fire Department Fire Chief B. Kennedy
 - Monthly Report
 - Public Works Public Works Director B. Piland
 - Monthly Report /Water loss report
 1. Monthly Park Maintenance Reports
 2. Street Maintenance Report
 - Finance Department Accountant L. Harding
 - July 2017 Financials
 - Bank Balances through September 06, 2017
 - Administration
 - City Manager Reports
 - Monthly Municipal Court Report City Secretary P. Woodall
 - Monthly Code/Animal Control Reports Code/AC Officer M. Dooly

EXECUTIVE SESSION

Mayor Dormier and Council convened into Executive Session at 8:04 p.m., on the following matter. City Manager John Dean and City Secretary Pam Woodall were called in at different intervals.

Closed session pursuant to Section §551.071 of the Texas Government Code

Consultation with city attorney on matters in which the duty of the attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflict with the Texas Open Meetings Act.

City Attorney Ron Macfarlane was present. This was placed on the agenda in the event there was a need to go into Executive Session to discuss Item 9. There was not.

N/A.

Closed session called pursuant to Texas Government Code §551.074 – Personnel Matters

ITEM 11. DISCUSSION/ACTION – Deliberate the appointment, employment, evaluation, reassignment and/or duties of the City Manager. (Three-month evaluation pursuant to the Employee Policies Manual)

Richard Dormier, Mayor
Rachel Huber, Place One
Dean Oberg, Place Two

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

ITEM 12. **DISCUSSION/ACTION** – Deliberate the appointment, employment, evaluation, reassignment and/or duties of the City Secretary. (Annual evaluation.)

Mayor Dormier and the Council reconvened into Regular Session at 9:31 p.m.
Mayor Dormier stated that no action occurred in the Executive Session.

No action was taken on Item 11.

Regarding Item 12:

PL2 Oberg moved that following the city secretary's annual evaluation, the salary would be increased to \$65,000, seconded by PL1 Huber.

No oppositions, no abstentions.

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

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

- | | |
|------------------|------|
| 1. Mayor Dormier | None |
| 2. PL1 Huber | None |
| 3. PL2 Oberg | None |
| 4. PL3 Griffin | None |
| 5. PL4 Hunt | None |
| 6. PL5 Myers | None |
| 7. City Manager | None |

ADJOURNMENT

PL4 Hunt moved to adjourn the meeting of September 11, 2017, seconded by PL2 Oberg.
There being no further business, Mayor Dormier adjourned the meeting at 9:33 p.m.

ATTEST:


Pamela Woodall, City Secretary


Richard Dormier, Mayor

Approved October 10, 2017

Citizens' forum form attached.
Executive Session Agenda filed separately.

