

**CITY OF OVILLA MINUTES**  
**Monday, March 12, 2018**  
**City Council Briefing Session**  
**105 S. Cockrell Hill Road, Ovilla, TX 75154**

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Mayor Dormier called the Council Briefing Session of the Ovilla City Council to order at 6:05 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.

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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 Council members were present, constituting a quorum. City Manager John R. Dean, Jr., including 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.**

City Manager John Dean gave a brief review of each item on the agenda.

1. Place 5 Myers asked for clarification on the use and cost of Consent Item C2. (Interlocal Agreement with Ellis County for lease of Auto-Mark Election equipment.)
2. Staff advised that Item 5 (Site Plan) was not ready.
3. Place 2 Oberg inquired about asbestos inspections in the old section of the Fire Department.


**ADJOURNMENT**

Mayor Dormier adjourned the Briefing Session of the Ovilla City Council at 6:17 p.m.

ATTEST:

  
Pamela Woodall, City Secretary



  
Richard Dormier, Mayor

*Approved April 09, 2018*

**CITY OF OVILLA MINUTES**  
**Monday, March 12, 2018**  
**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 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 that all Council members were present, thus constituting a quorum. City Manager John R. Dean, Jr., department directors and various staff were also present.

**CALL TO ORDER**

Mayor Pro Tem Griffin gave the Invocation. PL1 Huber led the recitation of the Pledge of Allegiance and the recitation of the Pledge to the Texas Flag.

**COMMENTS & PRESENTATIONS**

**Citizen Comments**

1. MS. Carol McCloud, 719 Westmoreland Road, voiced concerns about tree limbs, brush and trash in the ditch at her home and asked for help.

**Presentations**

1. Mayor Dormier read aloud the Meal on Wheels Proclamation.
2. The Service League presented the Fire Department a \$19,000 check resulting from the annual benefit dinner. Photos were taken.

**CONSENT AGENDA**

- C1. January 2018 Financial Transactions over \$5,000
- C2. Interlocal Cooperation Agreement with Ellis County Elections office for the lease of the Auto-Mark.
- C3. DPS Interlocal Contract
- C4. Minutes of the February 12, 2018 Briefing Session and Regular Council Meeting.

PL2 Oberg moved to approve the Consent Items as presented, seconded by PL5 Myers.

*No oppositions, no abstentions.*

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

**REGULAR AGENDA**

- ITEM 1. DISCUSSION/ACTION** – Consideration of and action on Resolution R2018-10 accepting the Annual Financial Audit Report prepared by Yeldell, Wilson, Wood and Reeve, P.C., for the year ended September 30, 2017.

Danny Strunc, with Yeldell, Wilson, Wood and Reeve, P.C., gave a brief review and answered questions on the Annual Financial Report for the City's fiscal year ended September 30, 2017. Mr. Strunc stated that the audit went without difficulty and the City is in good financial standing, having 182 days operating cash in the General Fund and 199 days in the Water and Sewer Fund. Both funds carrying double the reserves than required.

PL4 Hunt moved to approve Resolution R2018-10 accepting the Annual Financial Audit Report prepared by Yeldell, Wilson, Wood and Reeve, P.C., for the year ended September 30, 2017, seconded by PL2 Oberg.

*No oppositions, no abstentions.*

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

**ITEM 2. DISCUSSION/ACTION** – Consideration of and action on engaging Yeldell, Wilson, Wood and Reeve, P.C., to prepare the Annual Financial Audit Report for the fiscal year ending September 30, 2018 and authorizing the Mayor to execute said documents.

Staff advised that Council had the option under the current agreement to engage Yeldell, Wilson, Wood and Reeve, P.C., to prepare the Annual Financial Report for the City's fiscal year ending September 30, 2018.

PL4 Hunt moved that Council approve engaging Yeldell, Wilson, Wood and Reeve, P.C., to prepare the Annual Financial Audit Report for the fiscal year ending September 30, 2018 and authorizing the Mayor to execute said documents, seconded by Mayor Pro Tem Griffin.

*No oppositions, no abstentions.*

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

**ITEM 3. DISCUSSION/ACTION** – Consideration of and action on Ordinance 2018-04 of the City of Ovilla, Texas, approving a tariff authorizing an annual rate review mechanism (RRM) as a substitution for the annual interim rate adjustment process defined by Section 104.301 of the Texas Utilities Code, and as negotiated between ATMOS Energy Corp, Mid-tex Division and the Steering Committee of Cities served by ATMOS; requiring the company to reimburse cities' reasonable ratemaking expenses; providing a savings clause; providing a severance clause; providing an effective date; providing for publication; and requiring delivery of this ordinance to the Company and legal counsel for the Steering Committee.

PL2 Oberg moved that Council approve Ordinance 2018-04, of the City of Ovilla, Texas, approving a tariff authorizing an annual rate review mechanism (RRM) as a substitution for the annual interim rate adjustment process defined by Section 104.301 of the Texas Utilities Code, and as negotiated between ATMOS Energy Corp, Mid-tex Division and the Steering Committee of Cities served by ATMOS; requiring the company to reimburse cities' reasonable ratemaking expenses; providing a savings clause; providing a severance clause; providing an effective date; providing for publication; and requiring delivery of this ordinance to the Company and legal counsel for the Steering Committee, seconded by PL5 Myers.

*No oppositions, no abstentions.*

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

*Mayor Dormier moved the order of the agenda and addressed Items 5 through 9.*

**ITEM 5. DISCUSSION/ACTION** – Consideration of and action on a Site Plan Application submitted by Grace Church of Ovilla, 519 Westmoreland Road, Ovilla, Texas, for the construction of an educational building, authorizing the issuance of a building permit.



This item was not ready for consideration and will come back at the next Council meeting.  
**No Action.**

**ITEM 6. DISCUSSION/ACTION** – Consideration of and action on NetGenius Report of Findings and General Assessment of IT Infrastructure.

NetGenius representatives, Ben Singleton and Moeed Siddiqui, presented their findings and cost estimates regarding the IT Infrastructure of the City.

1. Failing equipment in Police and Fire Departments - \$10,000
2. Replace all desktop pc's – approximately \$12,800
3. Conduct further research to store video evidence.

Mayor Pro Tem Griffin moved to approve the necessary equipment replacements for Police and Fire Departments and replace all desktop pc's, not to exceed \$400 per pc, seconded by PL2 Oberg.

*No oppositions, no abstentions.*

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

**ITEM 7. DISCUSSION/ACTION** – Consideration of and action on Resolution R2018-11 approving a proposal from Ellis County Precinct #4 to reclaim/rehabilitate Ovilla Oaks authorizing the Mayor to execute said documents.

Included in the City of Ovilla's 10-year Capital Improvements Projects (CIP) for the current fiscal year is the road reclaim and rehabilitation of Ovilla Oaks. This was a budget discussion and is a funded project for this fiscal year. The budgeted amount for this project was \$270,000.00. Staff presented a proposal from the Ellis County Precinct #4 for Council consideration.

PL2 Oberg moved that Council approve Resolution R2018-11, approving a proposal from Ellis County Precinct #4 to reclaim/rehabilitate Ovilla Oaks authorizing the Mayor to execute said documents, seconded by PL1 Huber.

*No oppositions, no abstentions.*

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

**ITEM 8. DISCUSSION/ACTION** – Consideration of and action on Resolution R2018-12, approving a proposal from Ellis County Precinct #4 to reclaim/rehabilitate Suburban Drive authorizing the Mayor to execute said documents.

Included in the City of Ovilla's 10-year Capital Improvements Projects (CIP) for the current fiscal year is the road reclaim and rehabilitation of Suburban Drive. This was a budget discussion and expected to be a funded project for this fiscal year. Funds necessary to complete the project will be brought to Council during mid-year budget revisions. Staff presented a proposal from the Ellis County Precinct #4 for consideration. There is approximately \$44,000 remaining from the budgeted expense for Ovilla Oaks that can be applied to the Suburban Project. Approximately \$71,000 would need to be funded for this project at the mid-year budget revision.

PL2 Oberg moved that Council approve Resolution R2018-12, approving the presented proposal from Ellis County Precinct #4 to reclaim/rehabilitate Suburban Drive authorizing the Mayor to execute said documents, seconded by PL4 Hunt.

*No oppositions, no abstentions.*

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

**ITEM 9. DISCUSSION/ACTION** – Consideration of and action on Resolution R2018-13 of the City of Ovilla, Texas for a Master Interlocal Agreement made and entered into pursuant to the

Texas Interlocal Cooperation Act, Chapter 791, Texas Government Code, by and between the North Central Texas Council of Governments (NCTCOG) and the City of Ovilla to provide one or more governmental functions and services, authorizing the Mayor to execute said documents.

The City has the opportunity to enter into an Interlocal Agreement "SHARE Program" with the North Central Texas Council of Governments that could benefit the City with various services. The service prices in this agreement are good through FY 2019.

PL4 Hunt moved that Council approve Resolution R2018-13 of the City of Ovilla, Texas for a Master Interlocal Agreement made and entered into pursuant to the Texas Interlocal Cooperation Act, Chapter 791, Texas Government Code, by and between the North Central Texas Council of Governments (NCTCOG) and the City of Ovilla to provide one or more governmental functions and services, authorizing the Mayor to execute said documents, seconded by Mayor Pro Tem Griffin.

*No oppositions, no abstentions.*

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

*Mayor returned to the order of the agenda and addressed Item 4.*

**ITEM 4. DISCUSSION/ACTION** – Receive presentation from ONCOR representative, Mr. Kenneth Govan to consider and act on new lighting tariff LED Streetlights Maintenance Program offered through ONCOR Electric Delivery Company, LLC, authoring the city manager to execute said streetlight maintenance authorization for LED replacement documents.

ONCOR representative, Mr. Kenneth Govan was present to discuss the program and answer questions, advising that this was a no-cost change. It would also be an advantage in that the LED lights do not attract bugs.

PL4 Hunt moved that Council approve the streetlight maintenance authorization for LED replacements as presented, authorizing the city manager to execute said documents, seconded by PL2 Oberg.

*No oppositions, no abstentions.*

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

**ITEM 10. DISCUSSION/ACTION** – Consideration of and action on Ordinance 2018-05 of the City of Ovilla, Texas, to amend Chapter 13, Article 13.03, Section 13.03.123 of the Code of Ordinances of the City of Ovilla establishing a requirement for making billing adjustments for water leakage and; amend Chapter 13, Article 13.03.121 of the Code of Ordinances of the City of Ovilla establishing acceptable methods of payment of bills; repeal Chapter 13, Article 13.03, Section 13.03.115 of the Code of Ordinances of the City of Ovilla; and 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.

Staff advised that the presented amendment would accomplish three things:

1. Establish a written procedure for leak adjustments consistent with the current practice. The Code currently only allows for a billing adjustment if there is an error by the city or an issue with city equipment.
2. Establish acceptable forms of payment. This amendment would allow the City to accept payment methods consistent with current practice and the State.
3. Repeal a section of the Code concerning deposits. Currently the Code lists two separate deposit procedures. This amendment repeals the section of the Code that does not reflect current practice.



Mayor Pro Tem Griffin moved that Council approve Ordinance 2018-05 of the City of Ovilla, Texas, to amend Chapter 13, Article 13.03, Section 13.03.123 of the Code of Ordinances of the City of Ovilla establishing a requirement for making billing adjustments for water leakage and; amend Chapter 13, Article 13.03.121 of the Code of Ordinances of the City of Ovilla establishing acceptable methods of payment of bills; repeal Chapter 13, Article 13.03, Section 13.03.115 of the Code of Ordinances of the City of Ovilla; and 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, seconded by PL1 Huber.

*No oppositions, no abstentions.*

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

**ITEM 11. DISCUSSION/ACTION** – Discuss and consider to direct staff to prepare a Request for Qualifications (RFQ) for city engineering services and to solicit responses for council consideration.

Councilman Hunt requested that this item be placed on the agenda for consideration and to create a selection committee for the review of submissions. Mayor Dormier will work with staff on the RFQ.

PL4 Hunt moved that Council direct staff to prepare a Request for Qualifications (RFQ) for City engineering services and to solicit responses for council consideration, seconded by PL5 Myers.

*No oppositions, no abstentions.*

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

**ITEM 12. DISCUSSION/ACTION** – Consideration of and action on the need for a three-way stop (signs) at Johnson Lane and Duncanville Road, directing staff to return with an ordinance for execution.

Staff received a request for a three-way stop (signs) at Johnson Lane and Duncanville Road. Staff considered the request and the Police Chief stated he believed the request has merit. Following discussion, it was the consensus of the Council to take no action.

**No Action.**

**ITEM 13. DISCUSSION/ACTION** – Receive recommendation from the Planning on Zoning Commission to consider and take action on the amendment to the text of Article 6, Section 53.1 of the Ovilla Comprehensive Zoning Ordinance No. 2010.013, providing a definition of the term “Dwelling Guesthouse” and direct staff as necessary to prepare an ordinance and meet legal requirements for adoption.

Staff asked Council to consider a definition for the word “temporary” to better clarify or omit questions when used in the “guesthouse” definition. With confirmation from legal counsel staff recommended that when referring to “temporary” 90-days is reasonable. The issue would be enforcement and how important such enforcement is to the City. At the February 2018 Council meeting, staff was directed to send this item to the Planning and Zoning Commission for review and comment. Five members were present at their March 05, 2018 P & Z Meeting. Their recommendation to Council was to move forward with defining temporary. Staff also recommended that the term “guest” shall not include family within the first and second degree of either infinity or consanguinity. Council questioned the ability to enforce an ordinance as this. Council's consensus was to direct staff to rewrite an ordinance removing the term “temporary” completely.

**No Action.**

**ITEM 14. DISCUSSION/ACTION** – Consideration of and action on Resolution R2018-14, repealing Resolution R2012-006 in its entirety, which established a policy on Rules of Governance,

and adopting a new policy on the governing body's Governance Process and Rules of Procedure and providing an effective date.

During the February 12, 2018 Council Meeting, Council directed staff to make changes to the current Rules of Governance and return with a resolution to approve and adopt those revisions.

PL5 Myers moved to approve Resolution R2018-14, repealing Resolution R2012-006 in its entirety, which established a policy on Rules of Governance, and adopting a new policy on the governing body's Governance Process and Rules of Procedure and providing an effective date, seconded by PL4 Hunt. *No oppositions, no abstentions.*

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

**ITEM 15. DISCUSSION/ACTION** – Consideration of and action on a proposal for installation of fire alarm monitoring equipment.

As requested by Council, staff provided a quote for installation of fire monitoring of the City buildings which is currently not covered. Consensus of the Council was not in favor.

**No Action.**

**ITEM 16. DISCUSSION/ACTION** – Consideration of any item(s) pulled from the Consent Agenda above for individual consideration and action.

N/A

**No Action.**

#### **DEPARTMENT REPORTS**

- **Department Activity Reports / Discussion**
  - 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 – Council requested a better spreadsheet.
      1. Monthly Park Maintenance Reports
      2. Street Maintenance Report
  - Finance Department Accountant L. Harding
    - ~~December 2017~~ January 2018 Financials
    - Bank Balances through February 28, 2018
  - Administration
    - Monthly Code/Animal Control Reports Code/AC Officer M. Dooly
    - Monthly Municipal Court Report City Secretary P. Woodall
    - City Manager Reports
      1. Monthly Report

#### **VI. EXECUTIVE SESSION**

**None.**

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

- |                  |      |
|------------------|------|
| 1. Mayor Dormier | None |
| 2. PL1 Huber     | None |
| 3. PL2 Oberg     | None |

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


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

- |                         |   |
|-------------------------|---|
| 4. PL3 Griffin Council. | Westlawn Willowwood roadwork. Consider issuing laptops/ipads to |
| 5. PL4 Hunt             | None  |
| 6. PL5 Myers            | None  |
| 7. City Manager         | None  |

**ADJOURNMENT**

PL2 Oberg moved to adjourn the meeting of March 12, 2018, seconded by Mayor Pro Tem Griffin. There being no further business, Mayor Dormier adjourned the meeting at 9:13 p.m.

ATTEST:

  
Pamela Woodall, City Secretary



  
Richard Dormier, Mayor

*Approved April 09, 2018*