

# CITY OF OVILLA MINUTES

**Monday, March 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 6:05 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.*

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, City Attorney Ron G. MacFarlane, Jr., 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. There was discussion and clarification on the following:

1. Item 1, Ordinance 2017-02, amending Nuisances.
2. Item 6, Resolution R2017-06, Agreement with TrafficPayment.com
3. Police monthly reports – suspicious vehicles.

## ADJOURNMENT

Mayor Dormier adjourned the Briefing Session of the Ovilla City Council at 6:15 p.m.



ATTEST:

Pamela Woodall, City Secretary

Richard A. Dormier, Mayor

**Approved April 10, 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, City Attorney Ron G. MacFarlane, Jr., various department directors and staff were also present.

## **CALL TO ORDER**

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

## **EXECUTIVE SESSION**

At 6:34 p.m., Mayor Dormier stated that City Attorney Ron G. MacFarlane, Jr. and the governing body (including the city manager and city secretary) would convene into a closed meeting called pursuant to Section 551.071(2) of the Texas Government Code for consultation with the City Attorney on a matter in which the duty of the attorney to the City under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of the Texas Open Meetings Act.

At 7:24 Mayor Dormier, City Attorney Ron G. MacFarlane, Jr., Council, City Manager Dennis Burn and City Secretary Pam Woodall reconvened into Regular Session. No action was taken in Executive Session. There was no motion, no action in Regular Session.

## **CONSENT AGENDA**

- C1. January 2017 Financial Transactions over \$5,000
- C2. Briefing Session and Minutes of the February 13, 2017 Regular Council Meeting
- C3. Resolution R2017-07 Supporting House Bill 1427, authorizing Mayor to execute.
- C4. Resolution R2017-08 Approval of the Interlocal Cooperation Contract for the Lease of a voting machine between Ellis County and the City of Ovilla, Texas, authorizing Mayor to execute.

PL1 Huber 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.***

## **REGULAR AGENDA**

ITEM 1. ***DISCUSSION/ACTION*** – Consideration of and action on adoption of Ordinance No. 2017-02, of the City of Ovilla, Texas, amending Chapter 8, Article 8.2 "Nuisances" of the Code of Ordinances of the City of Ovilla, Texas.

Mayor Dormier recognized Mr. Phil Lynch who had signed up to speak, allowing him to address the Council from the podium. Mr. Lynch advised Council that he was in favor of the presented ordinance and asked Council to consider using City Attorney Ron G. MacFarlane Jr. as Ovilla's prosecuting attorney, replacing Ovilla's current prosecutor.

The consensus of the Council of the new ordinance was favorable.

Mayor Pro Tem Griffin moved to approve the adoption of Ordinance No. 2017-02, of the City of Ovilla, Texas, amending Chapter 8, Article 8.2 "Nuisances" of the Code of Ordinances of the City of Ovilla, Texas, seconded by PL2 Stevenson.

*No oppositions, no abstentions.*

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

**ITEM 2. DISCUSSION/ACTION** – Receive recommendation from the Planning and Zoning Commission to consider and take action on the final plat application filed by Massey Shaw for the residential development of Bryson Manor Subdivision Phase 2 Final Plat located at the NE corner of Bryson Lane and Shiloh Road.

Staff presented information from the submitted application, including background of the subdivision:

**SUBDIVISION NAME:** Bryson Manor Subdivision Phase 2 (formerly Sandarach Forest)

**AUTHORIZED AGENT OF RECORD:** Shaw Development (Massey Shaw)

**ENGINEER/LAND PLANNER** Atlas Associates, Inc.

**ORIGINAL DATE FILED WITH CITY:** February 22, 2017

**LOCATION:** Northeast corner of Shiloh Road and Bryson Lane

**UTILITIES:** City Sewer / Sardis Water

**ZONING:** R15

**PROPOSED LAND USE:** Residential Subdivision

**NEAREST MAJOR THOROUGHFARE:** Highway 664 Ovilla Road

The applicant Mr. Shaw, proposed to receive approval for the development of Bryson Manor, Phase 2, consisting of 30 residential lots on 35.213 acres of residential home sites. The total area for this section in the subdivision is 14.602 acres in the city limits of Ovilla.

PL2 Stevenson moved that Council approve the final plat application filed by Massey Shaw for the residential development of Bryson Manor Subdivision Phase 2 Final Plat located at the NE corner of Bryson Lane and Shiloh Road as presented, seconded by PL4 Hunt.

*No oppositions, no abstentions.*

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

**ITEM 3. DISCUSSION/ACTION** – Receive a recommendation from the Planning and Zoning Commission Advisory Committee on the update of the Impact Fees and set a date for the public hearing for final consideration.

Water and Wastewater (Sewer) Impact Fees are an assessment imposed by a political subdivision against new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to new development. Texas Local Government Code Chapter 395.054 provides for the process to review and amend the Impact Fees adopted by City Council. The City Council authorized in June 2016, the Planning and Zoning Commission to act as the Advisory Committee and again in November 2016 for the replacement of an ad-hoc member. The Committee's purpose was to review and advise the governmental body of the need to update or revise the Impact Fees.

The City's engineering firm, Birkhoff, Hendricks, and Carter updated the eligible capital costs and calculated the 2017 Maximum Allowable Impact Fee for water and for wastewater. Based on the report prepared and submitted by Birkhoff, Hendricks and Carter, LLP, the Advisory Committee met on Monday, March 06, 2017 and moved to recommend that the City Council consider amending the total water and wastewater impact fees per service unit for a ¾-inch water meter.

PL4 Hunt moved to approve the setting of a public hearing date to be MAY 08, 2017 of the City Council to receive citizen comment for the update of the City of Ovilla Water and Wastewater Impact Fees as recommended by the Planning & Zoning Commission Advisory Committee, seconded by PL5 Myers. *No oppositions, no abstentions.*

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

**ITEM 4.** ***DISCUSSION*** – Receive presentation from Jack Thompson from Orasi and an Ovilla Economic Development Corporation representative to review and discuss the proposed Strategic Plan.

Since the adoption of the Strategic Guide in 2013, staff and the OEDC has been working to establish a Strategic Plan. During the January 17, 2017 OEDC Meeting, a draft Strategic Plan was presented; corrections and/or revisions were noted and was returned to the EDC for review at their February 21, 2017 meeting. The EDC was pleased with the plan and forwarded recommendation to the Council for review, approval and adoption.

Jack Thompson, representative with Orasi, was present, summarizing Orasi's intent to analyze Ovilla's resources and advised that Orasi made this a "Park Heavy" Plan. Because the Plan covered a considerable amount of information, staff presented it for discussion only and with Council direction, will return with this item for consideration and action. The consensus was to share the Plan with the Park Board prior to returning for approval and adoption.

*Discussion Only.*

**ITEM 5.** ***DISCUSSION/ACTION*** – Consideration of and Action on Ordinance No. 2017-03, of the City of Ovilla, Texas, amending Chapter 15, Article 15.02, Section 15.02.003, of the Ovilla Code of Ordinances; providing revised terms of office for members of the Park Board, 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 presented the ordinance with explanation that revising Park Board term renewals to coincide with other city boards would maintain uniformity and support the efficiency of proper record keeping. Under the current Code, Park Board term renewals are two years from the date of appointment for all members, which are currently five. The presented revision gave term renewals to read as follows:

*... After the expiration of a two-year term of office, a member shall serve until a successor is appointed. The terms of odd-numbered places shall expire the last day in June in the odd-numbered years, and the terms of even-numbered places shall expire the last day in June in the even-numbered years. Members may be re-appointed for additional terms. Vacancies shall be filled for unexpired terms by the City Council in the same manner that the original appointment was made. 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...*

PL4 Hunt moved that Council approve Ordinance No. 2017-03, of the City of Ovilla, Texas, amending Chapter 15, Article 15.02, Section 15.02.003, of the Ovilla Code of Ordinances; providing revised

terms of office for members of the Park Board, 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 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 Resolution R2017-06 of the City of Ovilla, Texas, to approve an agreement between “The Payment Group, LLC and its division, TRAFFICPAYMENT.COM, (TP) for the license of TP online citation payment services and authorize the Mayor to execute said agreement.

Staff advised Council that in an effort to minimize the City’s outstanding warrant balance and to be accommodating to those willing to pay their warrants or issued citations with online services, The Payment Group LLC and its division TRAFFICPAYMENT.COM (“TP”) would be a helpful solution. TP currently provides service to our surrounding communities: Cedar Hill, Lancaster, Desoto, Duncanville and many others, and is recommended by Judge Kurth.

At no cost to Ovilla, TP will provide online citation and warrant payment services from the Ovilla website and/or pay-by-phone bilingual operator telephone services. Other amenities:

- Full integration with *Incode* (Ovilla’s Municipal Court software)
- Able to make mobile payments
- TP manages merchant fees and costs, refunds, overpayments and IT assistance.
- Provides stickers that may be placed on the citation with helpful direction in paying online.

An additional service available through TP called CourtQuest was also presented to Council, which offers additional features for an individual that has received a citation and has asked for deferred adjudication or a driver safety course. These options require additional paperwork and handling. TP provides this service for \$100 per month. The consensus from Council was favorable.

PL4 Hunt moved that Council approve Resolution R2017-06 of the City of Ovilla, Texas, to approve an agreement between “The Payment Group, LLC and its division, TRAFFICPAYMENT.COM, (TP) for the license of TP online citation payment services and authorize the Mayor to execute said agreement. PL4 Hunt further moved that Council approve the additional service, CourtQuest for a 90-day trial period and return to Council at the end of that period to continue CourtQuest, seconded by PL2 Stevenson.

*No oppositions, no abstentions.*

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

**ITEM 7.** *DISCUSSION/ACTION* – Consideration of any item(s) pulled from the Consent Agenda above for individual consideration and action.

*Not applicable. No Action.*

#### **COMMENTS, PRESENTATIONS & REPORTS**

Mayor Dormier read the following Proclamations:

1. Meals on Wheels
2. North Texas Poison Control

Citizen Comments – Mr. Lynch signed up to speak during Item 1, already addressed.

## Department Activity Reports / Discussion

## Police Department

Monthly Report was reviewed.

Police Chief B. Windham

1. Coffee with the Chief will be held at the Ovilla Road Baptist Church, March 28, 6:30 pm.

## Fire Department

Monthly Report was reviewed.

Presented by Dennis Burn

## Public Works

Monthly Report was reviewed.

Public Works Director B. Piland

1. New Public Works truck is in service.
2. Preparing pad-site for Heritage Park restrooms
3. Monthly Park Maintenance sheets were reviewed.

## Finance Department reports were reviewed:

City Manager D. Burn

1. January 2017 Financials were reviewed.
2. Bank balances as of March 09, 2017 were reviewed.

## Administration

City Manager Reports were reviewed.

City Manager D. Burn

Monthly Municipal Court Report was reviewed.

City Secretary P. Woodall

1. Warrant round up was conducted with good results.

Monthly Code/Animal Control Reports were reviewed.

Code/AC Officer M. Dooly

1. Mosquito trapping to begin soon.

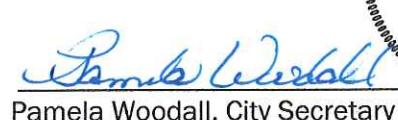
REQUESTS FOR FUTURE AGENDA ITEMS AND/OR ANNOUNCEMENTS BY COUNCIL AND STAFF

1. Mayor Dormier	None
2. PL1 Huber	None
3. PL2 Stevenson	Uniform speed limits for all neighborhoods to be 25 mph.
4. PL3 Griffin	None
5. PL4 Hunt	None
6. PL5 Myers	None
7. City Manager	None

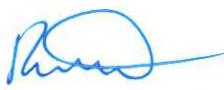
ADJOURNMENT

PL4 Hunt moved to adjourn the March 13, 2017 Council Meeting, seconded by PL1 Huber. There being no further business, Mayor Dormier adjourned the meeting at 8:40 p.m.

ATTEST:



Pamela Woodall, City Secretary

Richard Dormier, Mayor

Approved April 10, 2017

Executive Agenda filed separately.