

CITY OF OVILLA MINUTES

Monday, February 12, 2018

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
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 and discussed Consent items C3 and C5.

ADJOURNMENT

Mayor Dormier adjourned the Briefing Session of the Ovilla City Council at 6:20 p.m.

ATTEST:


Pamela Woodall, City Secretary



Richard Dormier, Mayor

Approved March 12, 2018

CITY OF OVILLA MINUTES

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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 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

PL2 Oberg 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. Dani Muckleroy, 608 Green Meadows Lane: Inquired about a recent police report listed in the Monthly Police Report; Commented that the Annual Service League Spaghetti Dinner Benefit should be posted on the City's website; thanked Council members that participated the annual Salvation Army Christmas "ring bell" event, that helped raise over \$8k. Additionally, Ms. Muckleroy offered her personal view to Item 1 – her vote is no.
2. Pamilee Koval, owner of the new Pickard's House advised the building refurbishment was complete and invited Council to visit.

CONSENT AGENDA

- C1. December 2017 Financial Transactions over \$5,000
- C2. Quarterly Investment Report through December 2017
- C3. Committed Fund Balance through December 2017
- C4. Approve April 21 as official City Clean-up Day.
- C5. Approve *Movie Night in the Park* event
- C6. Minutes of the January 08, 2018 Briefing Session and Regular Council Meeting.

PL1 Huber moved to approve the Consent Items as presented, seconded by PL2 Oberg.
No oppositions, no abstentions.

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

PUBLIC HEARING

A public hearing was conducted regarding an appeal filed by Mr. Danny Giron on the denial of a solicitor's permit.

Mayor Dormier opened the hearing 6:38 pm

There was no one to speak.

Mayor Dormier closed the hearing at 6:39 pm.

REGULAR AGENDA

ITEM 1. **DISCUSSION/ACTION** – Consideration of and action on an appeal filed by Mr. Danny Giron to the City Council on the denial of a solicitor's permit as provided in Section 4.02.034 of the Ovilla Code of Ordinances.

Staff received a completed solicitor's application from Mr. Danny Giron, Inca Roofing Company, on January 26, 2018. Following the standard background investigation and finding inconsistencies with the application and background information, staff contacted police personnel to review the documents. Following review with Ovilla Police Chief Windham and Lt. Bennett, it was recommended and determined that the permit be denied based on unsatisfactory results. Mr. Giron was notified in person on February 01, 2018 by the city secretary, at which time Mr. Giron inquired about his options. He chose to appeal. Mr. Giron was notified by letter on February 05, 2018 of his appeal hearing and was present at the Council meeting, advising Council that the grounds for the appeal were that he misunderstood a specific question on the application. Chief Windham also informed Council that Mr. Giron had been stopped twice by Ovilla PD for soliciting without a permit.

PL4 Hunt moved to support staff's denial of the solicitor's permit application to Mr. Danny Giron based on Section 4.02.033 and 4.02.038 of the Ovilla Code, 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 Ordinance 2018-03 of the City of Ovilla, amending Appendix "A" (Fee Schedule), Section A7.001 (Garbage Collection Fees) of the City of Ovilla Code of Ordinances, providing amended residential garbage collection fees; 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.

City Manager reviewed and found that the City's refuse company, Waste Connections, Inc., charges the City \$13.68 monthly per customer for solid waste service. The City charges its residents \$14.92 except Seniors. The senior rate has been \$12.22 since at least 2013. The City Attorney advised that the City cannot charge a customer less than what the City is charged for a service, therefore, the fee schedule requires amendment.

PL4 Hunt moved to approve Ordinance 2018-03 of the City of Ovilla, amending Appendix "A" (Fee Schedule), Section A7.001 (Garbage Collection Fees) of the City of Ovilla Code of Ordinances, providing amended residential garbage collection fees; 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 PL5 Myers.

No oppositions, no abstentions.

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

ITEM 3. **DISCUSSION/ACTION** – Consideration of and action to amend 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 for review, action and recommendation from the Planning and Zoning Commission and to return to Council for consideration.

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

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

Staff asked for Council direction regarding the addition of 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 discussed was enforcement and how important such enforcement is to the City. Staff was directed to take this item to the Planning & Zoning Commission for review and to return with recommendation. No Action.

ITEM 4. *DISCUSSION/ACTION* – Consideration of and action on the review and revision to Chapter 10, Article 10, Section 10.02.423 of the Code of Ordinances regarding maintaining rights-of-way and direct staff as necessary.

Council and staff discussed the options to consider mowing the rights of way. The consensus was to make an amendment to the Code and bring an ordinance to Council for consideration.

No Action.

ITEM 5. *DISCUSSION/ACTION* – Consideration of and action on Resolution R2018-07 approving a First Amendment to the Water Tower Lease Agreement with Rise Broadband, authorizing the Mayor to execute said Agreement.

A representative from Rise Broadband was present to answer questions about the current lease and equipment on the City water tower as well as the proposed amendment. Upon staff review, it was discovered that the company has had multiple name changes since the initial agreement. Staff requested an amendment be prepared to specifically identify the current name of the company.

- The changes were reviewed by the PW Director.
- The amendment was reviewed by the City Attorney.
- These changes will amount to an increase in revenue by \$17,013 annually.

PL2 Oberg moved to approve Resolution R2018-07 approving a First Amendment to the Water Tower Lease Agreement with Rise Broadband, authorizing the Mayor to execute said Agreement, seconded by PL1 Huber.

No oppositions, no abstentions.

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

ITEM 6. *DISCUSSION/ACTION* – Consideration of and action on Resolution R2018-08 for the selection of and approval of an Agreement by and between the City of Ovilla and Fund Accounting Solutions Technologies, Inc. (FAST) to provide the City's Enterprise Resource Planning Software, authorizing the Mayor to execute said Agreement.

Staff solicited proposals for an integrated software system to consolidate the City's financial and other operations into a single system. The City currently uses multiple systems. Fund Accounting Solutions Technologies, Inc. (FAST) gives the ability to merge these and several of our other systems into one platform. NetGenius (City's IT) and FAST staff have discussed the system and the City's capability to run it, including the security of the system. NetGenius had no issues or concerns with moving to this system. The annual maintenance cost is \$24,625.00. This would require a budget amendment at mid-year.

PL2 Oberg moved to approve Resolution R2018-08, for the selection of and approval of an Agreement by and between the City of Ovilla and Fund Accounting Solutions Technologies, Inc. (FAST) to provide the City's Enterprise Resource Planning Software, authorizing the Mayor to execute said Agreement documents, seconded by PL5 Myers.

No oppositions, no abstentions.

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

ITEM 7. **DISCUSSION/ACTION** – Consideration of and action on Resolution R2018-09 of the City Council of the City of Ovilla, Texas, repealing Resolution R09-009, and providing an effective date.

Mayor Pro Tem Griffin moved to approve Resolution R2018-09 of the City Council of the City of Ovilla, Texas, repealing Resolution R09-009, and providing an effective date, seconded by PL2 Oberg.
No oppositions, no abstentions.

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

ITEM 8. **DISCUSSION/ACTION** – Consideration of and action on review and revision of the Council Rules of Governance and direct staff to return with an amended Council Rules of Governance and resolution for adoption.

Staff conducted a review of the rules of Governance and found several items in need of consideration for change.

- The rules list multiple monthly regular meetings. City Council only meets regularly once a month.
- The rules define that the Mayor “prepares” the agenda. Currently the City Secretary prepares the agenda with direction from the City Manager and review/approval of the Mayor.
- There are a few grammatical errors such as a wrong word used.
- Administrator instead of Manager is used several places regarding the City Manager.
- The rules specify that regular City Council meetings will be held at the specific City hall address. I believe this should be the norm, but it does not allow for flexibility if something happens and the building cannot be used for a regularly scheduled meeting.

Additionally, certain language used to be included that pertained to the placement of agenda items as well as a timeline for those items. Staff was directed to make the corrections noted, and to include specific guidelines for agenda placement.

No Action.

ITEM 9. **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 – reviewed.
 - Texas Law Enforcement Agency (Ovilla) Racial Profiling Report Submitted to TCOLE
 - Fire Department Fire Chief B. Kennedy
 - Monthly Report - reviewed.
 - Public Works Public Works Director B. Piland
 - Monthly Report – reviewed.
 - 1. Monthly Park Maintenance Reports
 - 2. Street Maintenance Report
 - Finance Department Accountant L. Harding
 - December 2017 Financials – reviewed.
 - Bank Balances through February 07, 2018
 - Administration
 - City Manager Reports - reviewed.
 - 1. Monthly Report

2. Bridge Inspection Report

- Monthly Municipal Court Report - reviewed
- Monthly Code/Animal Control Reports - reviewed

City Secretary P. Woodall
Code/AC Officer M. Dooly

VI. EXECUTIVE SESSION

The City Council of the City of Ovilla, Texas, reserves the right to meet in a closed session on any item listed on this Agenda should the need arise, pursuant to authorization by Texas Government Code, Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), 551.087 (economic development), 418.183 (homeland security).

None.

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

1. Mayor Dormier	Reminder: Spaghetti Benefit dinner 02/16/2018 at 6 pm.
2. PL1 Huber	None
3. PL2 Oberg	None
4. PL3 Griffin	None
5. PL4 Hunt	Review other engineering firms
6. PL5 Myers	Research contract for special rates for residents to use landfill
7. City Manager	None

ADJOURNMENT

PL2 Oberg moved to adjourn the meeting of February 12, 2018, seconded by PL1 Huber. There being no further business, Mayor Dormier adjourned the meeting at 8:34 p.m.

ATTEST:


Pamela Woodall, City Secretary




Richard Dormier, Mayor


Approved March 12, 2018