

CITY OF OVILLA MINUTES

Monday, December 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 6:04 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 answered any questions.

ADJOURNMENT

Mayor Dormier adjourned the Briefing Session of the Ovilla City Council at 6:13 p.m.

ATTEST:



Pamela Woodall, City Secretary



Richard Dormier, Mayor

Approved January 08, 2018

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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 that all Council members were present and 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

1. There were no presentations.

Citizen Comments

1. Richard and Lisa Ware, 116 Water Street: Wished to conduct Yoga studio business operations out of their home. Assured Council that there would not be parking or noise issues.
2. Gary Jones, 604 Green Meadows: Wanted to clarify his intent regarding traffic concerns from the November 2017 Council Meeting when speaking under Citizen Comments.

CONSENT AGENDA

- C1. October 2017 Financial Transactions over \$5,000
- C2. Minutes of the November 13, 2017 Briefing Session and Regular Meeting.
- C3. DALLAS COUNTY INCIDENT MODULE SOFTWARE ("DCIM")

PL2 Oberg moved to approve the Consent Items as presented, seconded by PL4 Hunt.
No oppositions, no abstentions.

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

REGULAR AGENDA

ITEM 1. DISCUSSION/ACTION – Consider authorizing proposed Resolution R2017-28 executing an optional one-year extension of the depository services agreement between the City of Ovilla and Prosperity Bank.

The City's depository agreement with Prosperity Bank began June 2015 for a period not to exceed 5-years. Following an initial contract term (3-years), the agreement provides for two optional, one-year renewals, awarded one-year at a time. This one-year renewal to May 2018 represents the first of two

optional extensions. The agreement is automatically extended upon mutual agreement between the City and Prosperity Bank. The conditions in the optional extension(s) remain the same as the contract. Prosperity Bank verified their desired intent in renewing the existing contract.

PL2 Oberg moved to approve Resolution R2017-28 executing a one-year extension of the Depository Agreement between the City of Ovilla and Prosperity Bank as presented, seconded by PL1 Huber.

No oppositions, no abstentions.

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

ITEM 2. *DISCUSSION/ACTION* – Consideration of and action on Ordinance 2017-19 of the City of Ovilla, Texas, to amend specific sections of Chapter 6, Article 6, Section 6.05.008; Chapter 19, Section 19.12C; Chapter 14, Section 35.2D; and Chapter 14, Section 38.5F of the Code of Ordinance of the City of Ovilla; establishing requirements for permanent dumpsters; 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.

The City Council directed staff during the November Council to prepare an ordinance amending the Code of Ordinances regarding dumpster screening. The Ordinance presented keeps dumpster screening requirements consistent throughout the Code. Council's consensus was to amend sections referring to shrubs and asked staff to return with a revised ordinance in January.

No action.

ITEM 3. *DISCUSSION/ACTION* – Consideration of and action on Ordinance 2017-20 of the City of Ovilla, Texas, repealing Chapter 1, Article 1.02, Section 1.02.008 of the Code of Ordinances of the City of Ovilla, Texas, 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.

Two citizens signed up to speak on this Item:

1. Joe Steiger, 623 Edgewood Lane – Understands the law but wished that Council could figure a way to continue the HOA collections.
2. Jimmy Prasifica, 119 Meadow Glenn – Asked that the City find a way to continue HOA collections. If not, a refund for software report writing fees will be requested.

Council empathized with the residents but advised that they must comply with legal direction. The City Attorney, TML Legal Staff, and the Texas Attorney General have all issued opinions that the City cannot collect HOA fees for the associations. Staff presented an ordinance prepared by the city attorney repealing the section of the Code that covered the established practice.

PL4 Hunt moved to approve Ordinance 2017-20 of the City of Ovilla, Texas, repealing Chapter 1, Article 1.02, Section 1.02.008 of the Code of Ordinances of the City of Ovilla, Texas, 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.

PL2 Oberg voted in opposition.

One opposition by PL2, no abstentions.

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

ITEM 4. *DISCUSSION/ACTION* – Consideration of and action on Ordinance 2017-21, amending Appendix A, Article A2.000 of the Code of Ordinances of the City of Ovilla, Texas; establishing fees for credit card and bank draft transactions accepted by the City; 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.

The City has agreements that set fees for credit card transactions and “payment by electronic means”. These fees require approval, set forth by Ordinance through Council action. The \$1 fee for “payment by electronic means” is a pass-through fee with no percentage limit set by the state. This fee needs to reasonable and necessary to cover direct costs.

The credit card processing fee has a maximum percentage of 5% set by the state. Ovilla’s current agreement(s) set the base fees at \$3 for charges less than \$100 and at 3% for charges greater than \$100. The \$3 fee exceeds the allowable percentage set by the state for any charge less than \$60. Charges and fees are amended in the presented Ordinance.

PL2 Oberg moved to approve Ordinance 2017-21, amending Appendix A, Article A2.000 of the Code of Ordinances of the City of Ovilla, Texas; establishing fees for credit card and bank draft transactions accepted by the City; 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 5. DISCUSSION/ACTION – Consideration of and action on a revised Strategic Plan as reviewed and recommended by the Economic Development Corporation and Park Boards and direct staff as necessary.

The Park Board and EDC held a joint meeting July 17, 2017, each Board revising sections of the Strategic Plan as suggested by Council. During the Park Board’s November 06 meeting, revisions were confirmed and ready for Council consideration.

Staff received the word document to the Strategic Plan from ORASI and will implement those changes upon recommendation by Council. The revised sections are specific to the Park Board and have already been reviewed by Council during the November Council meeting.

- Remove 1.1 Pop-Up-Park
- Postpone 1.3 Creating a downtown design
- Remove 1.7 Ballfields
- Remove 1.8 Creek walk
- Remove Goal 2

The EDC reviewed the Plan again in November and determined that a revised timeline was needed and planned to consider a revised timeline at the December EDC meeting. Additionally, the EDC discussed priorities, stating the top priority was purchase and placement of monument signs. Continued discussion will occur in December. Council asked for a cost estimate before the Plan is implemented.

PL2 Oberg moved to approve the presented revisions to the Strategic Plan, directing staff to return to the EDC to set priorities and establish a timeline, and return with a finished Plan for adoption, 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 the selection of a proposal for a Parks Master Plan.

City Manager John Dean contacted numerous planning groups to solicit proposals for a Parks Master Plan. Staff received two submitted proposals for a Parks Master Plan. The Ovilla Economic Development Corporation gave their commitment to pay for this Plan.

1. GrantWorks
2. MHS, LLC

The EDC and Park Board both considered the two proposals, and both recommend that GrantWorks be selected to prepare a Parks Master Plan. The cost of the GrantWorks Plan is \$6,000. The City Manager advised that he had previous experience with this same plan development with GrantWorks. With the adoption of a Parks Master Plan, it would enable Ovilla to apply for a grant for Park improvements.

PL4 Hunt moved to select GrantWorks to develop a Parks Master Plan as presented and directed staff to return with a resolution to execute a contract as specified in the proposal, 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 a fire alarm monitoring agreement with Action Fire Pros.

The Fire Department is currently using a monitoring company called Urban for fire alarm safety and monitoring. Additionally, a company named Eagle services all of the fire extinguishers as well as our fire alarm system. The Fire Department recommended Action Fire Pros, a company out of Waxahachie that could manage these needs previously mentioned, and consolidate into one bill.

Reasons for changing to Action Fire Pros:

1. Streamline bill paying to one company
2. Annual monitoring cost will decrease from \$420.00 to \$360.00
3. Action Fire Pros is located in Waxahachie - Urban is in Mesquite

Council asked staff to inquire if Action Fire Pros could manage all municipal buildings and to allow legal counsel to review the agreement and bring back for consideration.

No action.

ITEM 8. DISCUSSION/ACTION – Consideration of any item(s) pulled from the Consent Agenda above for individual consideration and action.

None.

No action.

DEPARTMENT REPORTS

- Department Activity Reports / Discussion
 - Police Department Police Chief B. Windham
 - Reviewed Monthly Report
 1. Coffee with the Chief is scheduled for December 13.
 2. Shared Police Department's Christmas card that was created following an artwork contest.
 3. The toy drive is soon to be over.
 - Fire Department Fire Chief B. Kennedy
 - Reviewed Monthly Report
 1. Advised the Commissioner's Court enacted a burn ban.

- 2. Advised of slow process on getting bids for the building repairs.
- 3. New radios are working well.
- Public Works Public Works Director B. Piland
 - Monthly Report
 - Discussed monthly flushing and residuals.
 - 1. Reviewed Monthly Park Maintenance Reports
 - 2. Reviewed the Street Maintenance Report
- Finance Department Accountant L. Harding
 - Reviewed October 2017 Financials
 - Reviewed Bank Balances through December 06, 2017
- Administration
 - Reviewed City Manager Reports
 - 1. New software, GovPilot, is in use and staff is acclimating.
 - Reviewed Monthly Municipal Court Report City Secretary P. Woodall
 - Reviewed Monthly Code/Animal Control Reports 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).

Time was 8:20 p.m. Mayor Dormier announced that Council, City Manager and City Secretary would convene in a closed Meeting called pursuant to the following:

Item 9: Texas Government Code §551.071 – Consultation with Attorney.

Item 10: Texas Government Code §551.074 – Personnel Matters

City Secretary returned to the Council Chamber room following executive discussion on Item 9. Council and the City Manager remained in Executive Session on the following Item:

Mayor Dormier, Council and the City Manager return to Regular Session at 9:28 p.m. Mayor Dormier announced that no action was taken on either Items 9 or 10 during Executive Session.

ITEM 9. DISCUSSION/ACTION – Closed session pursuant to Section §551.071 of the Texas Government Code: Consultation with city attorney regarding contemplated litigation.

No action.

ITEM 10. DISCUSSION/ACTION – Deliberate the appointment, employment, evaluation, reassignment and/or duties of the City Manager. (Six-month evaluation)

PL2 Oberg moved that following the City Manager's six-month evaluation, his annual salary be increased to \$105,000, seconded by PL1 Huber, effective immediately.

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

PL2 Oberg moved to adjourn the meeting of December 11, 2017, seconded by PL5 Myers. There being no further business, Mayor Dormier adjourned the meeting at 9:29 p.m.

ATTEST:


Pamela Woodall, City Secretary




Richard Dormier, Mayor

Approved January 08, 2018