

# CITY OF OVILLA MINUTES

*Monday, December 09, 2013*

*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 7:13 P.M. The following City Council Members were present:

Ralph Hall	Mayor Pro Tem, Place 1
Larry Stevenson	Council Member Place 2
David Griffin	Council Member Place 3
Doug Hunt	Council Member Place 4
Dean Oberg	Council Member Place 5

Mayor Dormier noted present members, thus constituting a quorum. Various department-heads and staff were also present.

PL4 Hunt gave the Invocation and Mayor Pro Tem Hall led the recitation of the Pledge of Allegiance.

## **COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS**

### ◆ ***Citizens Comments / Citizens Forum:***

- I. Mr. Ed Wilson - inquired about the status of tornado shelters

### ◆ ***Department Activity Reports / Discussion***

- Police Department Police Chief M. Moon
  - Chief Moon briefed Council on the monthly Police Department report.
- Fire Department Fire Chief Brancato
  - Fire Chief Brancato briefed Council on the monthly Fire report.
- Public Works Director B. Piland
  - Briefed Council on the monthly Public Works Department report.
  - Still working on meter replacements
- Administration City Administrator C. Powell
  - Bi-weekly activity reports were reviewed.
  - Repaving/maintenance of Cockrell Hill Road
  - Staff is working on the status of storm shelters in Ovilla and expected to have documentation prepared for Council presentation at a future meeting.
- Municipal Court City Secretary P. Woodall
  - Briefed Council on monthly and annual reports and gave collections, warrants and violation comparisons from the previous year.
- Code Enforcement/Animal Control Code Enforcement/ACO M. Dooly
  - Code Officer and A/CO Mike Dooly briefed Council on the monthly reports.

## **CONSENT ITEMS**

- Financial Transactions
- Revised Quarterly Investment Report
- Revised Annual Investment Report
- Minutes of the October 28, 2013 Council Meeting

Mayor Pro Tem Hall requested the Revised Quarterly Investment Report be pulled from the consent for discussion.

PL4 Hunt made the motion that Council approves the remaining consent items as presented, seconded by Mayor Pro Tem Hall. *Mayor Dormier asked for an announcement of AYE or NAY from Council. Present Council announced AYE in favor. No oppositions, no abstentions.*

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

Because the City Accountant was not present at the meeting for reply, Mayor Pro Tem Hall directed the City Administrator to return with an explanation for the city's use of CNB for investments as opposed to using Prosperity.

Mayor Pro Tem Hall moved that Council approve the Revised Quarterly Investment Report, seconded by PL4 Hunt. *Mayor Dormier asked for an announcement of AYE or NAY from Council. Present Council announced AYE in favor. No oppositions, no abstentions.*

**VOTE: The motion carried unanimously: 5-0**

### **EXECUTIVE SESSION**

**Mayor Dormier moved the order of the agenda to address Item 8, Executive Session, at 7:36 p.m.**

The City Council will meet in a closed session pursuant to Section 551.071 of the Texas Government Code to consult with, and seek advice from, the City Attorney on a matter in which the duty of the City 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 regarding the Ellis County Emergency Services District #4.

**ITEM 8. DISCUSSION/ACTION** – Consideration of and action on the Interlocal Agreement for Fire Protection and First Responder Services with Ellis County Emergency Services District #4.

**Mayor Dormier and Council reconvened into Open Session at 7:47 p.m.**

PL3 Griffin made the motion that language "indemnify" be reinstated in Section II of the contract, move to approve and allow the Mayor to execute the Interlocal Agreement for Fire Protection and First Responder Services with Ellis Council Emergency Services District #4, seconded by PL2 Stevenson. *Mayor Dormier asked for an announcement of AYE or NAY from Council. Present Council announced AYE in favor. No oppositions, no abstentions.*

**VOTE: The motion carried unanimously: 5-0**

**Mayor Dormier returned to the regular order of the agenda.**

### **REGULAR AGENDA**

**ITEM 1. DISCUSSION/ACTION** – Consideration of and action on proposed Resolution 2013-015 adopting the Employee Policies Handbook.

The Handbook was still under review.

**No Action.**

**ITEM 2. DISCUSSION/ACTION** – Consideration of proposed Main Street Sewer Project and take action as necessary.

*Richard Dormier, Mayor  
Ralph Hall, Place One  
Larry Stevenson, Place Two*

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*Doug Hunt, Place Four  
David Griffin, Place Three  
Dean Oberg, Place Five*

Public Works Director Brad Piland updated Council summarizing an increased city expense for the installation of the proposed Main Street Sewer Project. The cost increased from the originally quoted \$5,000 to \$8,000-\$9,900. The financial obligation to the property owners were expected to remain the same. Comments were made that this would invite businesses to the downtown area including the idea of eventually bringing sewer to the city hall.

PL2 Stevenson moved that Council continue moving forward with the Main Street Sewer Project, not to exceed \$9,900, seconded by Mayor Pro Tem Hall. *Mayor Dormier asked for an announcement of AYE or NAY from Council. Council Members, Mayor Pro Tem Hall, PL2 Stevenson, PL3 Griffin and PL5 Oberg announced AYE in favor. Council Member PL4 Hunt voted in opposition, no abstentions.*

**VOTE: The motion carried: 4 in favor-1 in opposition.**

**ITEM 3. DISCUSSION/ACTION** – Consider recommendation to approve proposed Resolution 2013-016 for an Agreement with Coleman & Associates (C&A) to conduct an Employee Compensation and Classification Study and providing authorization for the Mayor to execute an Agreement, for and on behalf of the City for such study.

Four proposals were received on September 13, 2013 for the Employee Compensation and Classification Study. At the October 15, 2013 City Council meeting, Councilors Oberg and Hall were appointed to review the proposals with staff and make a recommendation to City Council. The Committee met on November 13, 2013 and recommended the City Administrator negotiate an Agreement with Coleman & Associates to conduct the Study.

The total cost of the Study was not to exceed \$14,850.00. Of the total, an option for a custom salary survey was included for a cost up to \$1,500.00 and would be authorized only if the City Administrator determined the published data was insufficient or non-existent. Included in the total cost were project expenses not to exceed \$1,350.00. The project would commence January 03, 2014 and take approximately three (3) months to complete.

**Citizens Comments – One citizen signed up to speak on this topic. Mayor Dormier allowed the speaker to address Council.**

I. Mr. Phil Lynch - spoke in opposition, disagreeing with the expense and shared examples of how compensation studies are done at the county level.

Mayor Pro Tem Hall supported Ms Powell in outsourcing a project as this. PL5 Oberg stated he could not agree to the expense, knowing of the city administrator's experience and ability to perform the study.

PL5 Oberg made the motion that Council denies Resolution 2013-016, authorizing the Mayor to execute an Agreement for the services of Coleman and Associates to conduct an Employee Compensation and Classification Study for the City of Ovilla, seconded by PL4 Hunt. *Mayor Dormier asked for an announcement of AYE or NAY from Council. Council Members PL2 Stevenson, PL3 Griffin, PL4 Hunt and PL5 Oberg announced AYE in favor of the denial. Mayor Pro Tem Hall voted in opposition, no abstentions.*

**VOTE: The motion to DENY carried: 4 in favor-1 in opposition.**

**ITEM 4. DISCUSSION/ACTION** – Consideration of and action on proposed Resolution 2013-017 authorizing the Mayor to execute a Contract with Perdue, Brandon, Fielder, Collins & Mott, L.L.P. for the collection of delinquent court fines, fees, and court costs.

The City currently contracts with Omnibase to administer the Failure to Appear Program that provides for collection and enforcement by restricting the violator's ability to renew their driver's license for outstanding violations.

Separately, the Texas Code of Criminal Procedure, Article 103.0031, permits municipalities to contract with a private firm for the collection of delinquent fines, fees, court costs, and other debts with the addition of a collection fee for such debt. Contracting for the collection of delinquent fines and fees with Perdue, Brandon, Fielder, Collins & Mott, L.L.P., would not conflict with the services provided by Omnibase. As of November 2013, the City has approximately \$95,000 in outstanding warrants, which would be eligible for collection. If approved, staff would implement in January 2014.

PL4 Hunt made the motion that Council approves Resolution 2013-017, authorizing the Mayor to execute a Contract with Perdue, Brandon, Fielder, Collins and Mott, L.L.P., for the collection of delinquent court fines, fees and court costs as permitted, seconded by PL5 Oberg. *Mayor Dormier asked for an announcement of AYE or NAY from Council. Present Council announced AYE in favor. No oppositions, no abstentions.*

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

**ITEM 5. DISCUSSION/ACTION** – Consider approval and action on proposed Ordinance 2013-033 providing for a fee to defray costs of collecting delinquent fines, fees, court costs, and other debts pursuant to Article 103.0031 of the Texas Code of Criminal Procedure.

PL3 Griffin made a motion to approve Ordinance 2013-033 providing for a fee to defray costs of collecting delinquent fines, fees, court costs, and other debts pursuant to Article 103.0031 of the TX Code of Criminal Procedure, seconded by PL2 Stevenson. *Mayor Dormier asked for an announcement of AYE or NAY from Council. Present Council announced AYE in favor. No oppositions, no abstentions.*

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

**ITEM 6. DISCUSSION/ACTION** – Consideration of and action on proposed Resolution 2013-018 providing for an Agreement of Services with the City of Waxahachie for Animal Control Services and providing for authorization for the Mayor to execute such Agreement.

The City of Ovilla has utilized certain animal control services through the City of Waxahachie Animal Shelter for many years. The City received notice of a cost increase to these services, outlined in the proposed agreement. The increase represented a 100% increase. Some of the fees will be the pet owners' financial obligation.

Mayor Pro Tem Hall made the motion that Council approves Resolution 2013-018 for an Agreement of Service with the City of Waxahachie for Animal Control Services and provides authorization for the Mayor to execute such agreement, seconded by PL2 Stevenson. *Mayor Dormier asked for an announcement of AYE or NAY from Council. Present Council announced AYE in favor. No oppositions, no abstentions.*

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

**ITEM 7. DISCUSSION** – Review of Code Enforcement procedures.

Council discussed the process in which Code Enforcement complaints are handled in the City.

**No Action.**

#### **REQUESTS FOR FUTURE AGENDA ITEMS**

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|-----------------------|--|
| 1. Mayor              | Six months review of the City Administrator would be upcoming. Reminded Council of a January 13, 2014 Workshop prior to the Regular Meeting. |
| 2. Mayor Pro Tem Hall | None   |

*Richard Dormier, Mayor  
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*Doug Hunt, Place Four  
David Griffin, Place Three  
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- 3. PL2 Stevenson           None
- 4. PL3 Griffin           None
- 5. PL4 Hunt           None
- 6. PL5 Oberg           None

City Administrator Ms Powell advised Council of an employee recognition luncheon on December 19, 2013.

**ADJOURNMENT**

There being no further business, Mayor Dormier adjourned the meeting at 9:00 p.m.

ATTEST:

  
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Pamela Woodall, City Secretary



  
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Richard Dormier, Mayor

*Approved January 27, 2014*

*Executive Session sealed and filed separately.*