

CITY OF OVILLA MINUTES

Monday, January 27, 2014

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 7:05 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 (Arrived at 7:13 pm)
Dean Oberg	Council Member Place 5

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

PL3 Griffin gave the Invocation and PL5 Oberg led the recitation of the Pledge of Allegiance.

COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS

▪ **Citizens Comments / Citizens Forum:**

I. None

▪ **Department Activity Reports / Discussion**

- Finance Department Accountant S. Jungman
 - December 2013 financials – reviewed
- Administration City Administrator C. Powell
 - Bi-weekly update activity reports - reviewed

CONSENT ITEMS

- A. Minutes of the December 09, 2013 Council Meeting
- B. Minutes of the December 11, 2013 Special Council Workshop Meeting
- C. Quarterly Investment Report
- D. Committed Fund Balance Calculation for quarter ending 12-31-2013
- E. Tier 2 / Racial Profiling Report and Annual UCR stats
- F. Joint Election Agreement Between the Midlothian ISD and the City of Ovilla

PL5 Oberg made the motion that Council approves the consent items as presented, seconded by Mayor Pro Tem Hall. *No oppositions, no abstentions. (Place 4 Hunt had not yet arrived)*

VOTE: The motion carried unanimously: 4-0.

ITEM 1. DISCUSSION/ACTION – Consideration of and action on the nomination and appointment of one trustee selected by the governing body to represent the City on the City of Ovilla Fire Department Retirement Board.

PL3 Griffin moved to appoint Fire Chief Brancato as trustee to serve a two-year term on the City of Ovilla Fire Department Retirement Board, seconded by PL2 Stevenson. *No oppositions, no abstentions. (Place 4 Hunt was present)*

VOTE: The motion carried unanimously: 5-0.

ITEM 2. DISCUSSION – Review status of City’s progress in obtaining the Leadership Award through the State Comptroller’s Office.

Staff updated Council on the progress for the Leadership Award. A new enhanced program with added criteria (debt) and a new level (Platinum) was posted on the State Comptroller’s website in late January. Staff advised they were in the process of preparing the application for 2014 and would submit it as soon as the audited financials were presented to Council and approved. – The target date of the audit presentation (from auditors) was February. Mayor Pro Tem Hall advised staff of his desires for Ovilla to apply for the Platinum level – adding the criteria for debt. PL3 Griffin voiced disappointment that the Gold level had not already been achieved.

No Action.

ITEM 3. DISCUSSION/ACTION – Consider scheduling a date in February for officials and department heads to receive training on the National Incident Management System (NIMS).

PL3 Griffin moved that Council set February 6, 2014 at 6:00 p.m., for the G0402 Incident Command System (NIMS) training for officials and department heads, seconded by PL5 Oberg. *No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 5-0.

ITEM 4. DISCUSSION/ACTION – Consideration of and action on a request to reconsider Council action on Ordinance 2014-002 and take action as necessary.

Pursuant to the Rules of Procedure, PL3 Griffin requested Council reconsider action taken (a denial) at the Regular meeting on January 13, 2014 regarding Ordinance 2014-002. PL3 Griffin voted with the Majority and made a timely request. Item 5 on the Agenda was provided for City Council to reconsider Ordinance 2014-002.

PL3 Griffin moved to reconsider Council action on Ordinance 2014-002, Repealing Chapter 14, Article 4, Sections 33.8 and 33.9, adopting new Residential Parking Regulations and Development Standards, seconded by PL5 Oberg. *No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 5-0.

ITEM 5. DISCUSSION/ACTION – Case No. PZ14-001: Reconsideration of and action on Ordinance 2014-002, repealing Chapter 14, Article 4, Sections 33.8 and 33.9 of the Ovilla Code of Ordinances, and replacing same with new provisions pertaining to residential off-street parking and residential parking development standards; providing for penalties; 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.

Council deliberated sharing differing opinions.

PL5 Oberg moved that Council approve proposed Ordinance 2014-002, repealing Chapter 14, Article 4, Sections 33.8 and 33.9m adopting new Residential Parking Regulations and Development Standards as presented, seconded by PL2 Stevenson. Mayor Pro Tem Hall and PL4 Hunt voted in opposition. No abstentions.

VOTE: The motion carried 3 in favor of approval, 2 opposed.

ITEM 6. DISCUSSION/ACTION – Consideration of and action on scheduling a Special Joint Workshop meeting with the Planning and Zoning Commission on February 3, 7:00 p.m., for

the purpose of modifying the existing residential off-street parking and residential parking development standards in Chapter 14.

Based on the action of Item 5, Item 6 was not addressed.

No Action.

ITEM 7. DISCUSSION/ACTION – Consideration of and action declaring certain City equipment and/or property that are no longer needed as surplus property and determining method of disposal.

Staff submitted a list of operable property to be declared surplus and recommended disposal through sale by on-line auction. Staff submitted a worksheet with recommendations to dispose of all surplus items by on-line auction.

PL4 Hunt moved to approve declaring certain City equipment and/or property that are no longer needed as surplus property, seconded by PL5 Oberg. *No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 5-0.

PL4 Hunt moved that Council approve the method of disposal of declared surplus items for sale by auction on the Rene Bates Auctioneers, Inc., on-line web site, seconded by PL5 Oberg. *No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 5-0.

Mayor Dormier and Council convened into Executive Session at 8:13 p.m.

Mayor Dormier and Council reconvened into Regular Session at 9:37 p.m.

Mayor Dormier announced that no decisions were made in Executive Session.

ITEM 8. DISCUSSION/ACTION – The City Council will meet in closed session for consultation with legal counsel pursuant to Section 551.071 of the Texas Government Code for consultation and review of litigation, Cause 87776, in the 40th Judicial District Court for Ellis County, TX, styled Penny Goetz v. City of Ovilla. Council may consider and take action authorizing the Mayor to execute a Settlement Agreement and Release.

PL5 Oberg moved that Council authorize the Mayor to execute the presented Settlement Agreement and Release of Litigation, Cause 87776, in the 40th Judicial District Court of Ellis County, TX, styled Penny Goetz vs. City of Ovilla, seconded by PL2 Stevenson. *No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 5-0.

ITEM 9. DISCUSSION/ACTION – The City Council will meet in closed session pursuant to Section 551.074 of the Texas Government Code for consultation and review pertaining to the appointment, employment, evaluation, reassignment or duties of the City Administrator.

Mayor Pro Tem Hall moved that pursuant to the six-month employment evaluation Council approve a 3% salary increase to the City Administrator effective February 1, 2014, seconded by PL2 Stevenson. *No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 5-0.

REQUESTS FOR FUTURE AGENDA ITEMS

- 1. Mayor Pro Tem Hall None
- 2. PL2 Stevenson None
- 3. PL3 Griffin None

- 4. PL4 Hunt None
- 5. PL5 Oberg Status of storm shelters
- 6. Mayor Dormier Reminded elected officials and department heads of the February 06, 6:00 p.m., NIMS training in the Fire Department Training Room.

ADJOURNMENT

There being no further business, Mayor Dormier adjourned the meeting at 9:39 p.m.

ATTEST:


Pamela Woodall, City Secretary




Richard Dormier, Mayor

Approved February 24, 2014

Executive Session Agenda filed and sealed separately.