CITY OF Ovilla Minutes
Monday, May 13, 2024
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 PM, in the Ovilla Council Chamber Room, 105 S. Cockrell Hill Road Ovilla, TX 75154, with notice of the meeting duly posted.

The following City Council Members were present:

Kimberly Case  Mayor Pro Tem  Place 1
Dean Oberg      Council Member  Place 2
David Griffin   Council Member  Place 3
Doug Hunt       Council Member  Place 4
Brad Piland     Council Member  Place 5
Sharon Jungman  In-Coming Council Member  Place 5

All Council Members were in attendance constituting a quorum. The City Manager, Police Chief, Interim Fire Chief, Public Works Director, Finance Clerk, and Community/EDC Director were also present.

CALL TO ORDER:

Place 2 Oberg led the invocation and Place 3 Griffin led the reciting of the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

COMMENTS, PRESENTATIONS, ANNOUNCEMENTS, PROCLAMATIONS

Mayor Dormier presented a certificate of recognition to PL 5 outgoing Council Member Piland for his years of service to the city.

City Manager David Henley updated the council on the following items:

- Introduced Michelle Lilley, Customer Service Representative / Utility Billing Clerk

- A joint City Council and Type B EDC Meeting, Monday, May 20, 2024, at 6:00 p.m., will be held to strategically plan the direction and focus of the EDC for the upcoming FY 2024-2024 budget.

- The Annual Bulk/Brush Cleanup Day and X-Treme Green Event was held on Saturday, April 27, 2024, and was a successful event. There were fewer participants than in past years, however, it was likely due to the weather.

- Army Donation Anti-Tank Gun – The newly painted and restored anti-tank gun was displayed outside of City Hall prior to the Council meeting for everyone to see. A picture of the anti-tank gun was presented to the audience showing what it looked like prior to being sandblasted and painted. Public Works prepared a concrete pad for the display at Heritage Park.

- May 4, 2024, Election Unofficial Results ESD No. 2 Sales Tax Proposition – One of the primary goals of the ESD No. 2 is to fund an ambulance service within Ovilla. Currently, the city’s ambulance service runs through Midlothian, which can sometimes take longer to get here. This proposition will fund an ambulance and backup ambulance to be stationed at the Ovilla Fire Department, as well as additional firefighters and paramedics to staff the ambulance service. The results of the election were 356 or 51.59% FOR the proposition and 334 or 48% AGAINST
the proposition, so the proposition was passed. Staff and Council will be working with the ESD to prepare for the upcoming budget for FY 2024-2025.

- Safe Baby/Baby Moses Law – Mayor Pro Tem Case approached City Manager Henley about the Safe Haven / Baby Moses Law in Texas. City Manager Henley described how the Safe Haven / Baby Moses Law allows for a parent of a child who is 60 days old or younger, who is unable to care for the child, to anonymously surrender the child to a safe place and leave them with an employee of a hospital, fire station, or emergency medical services (EMS) station in Texas where the child will receive medical care. City Manager Henley reported that he discussed this with Interim Fire Chief Mooney and that currently the fire station did not have signage indicating that this was Safe Haven location, however, they would be working to get one posted in the near future.

**CITIZEN COMMENTS:**

None

**CONSENT AGENDA:**

C1. Minutes of the Regular Council Meeting April 8, 2024
C2. Minutes of the Special Called Meeting April 29, 2024
C3. Financial Transactions over $5,000
C4. Quarterly Investment Report through March 2024

City Manager Henley shared with the Council that under the Consent Agenda Item C3, there appeared to be two transactions for the same item and that one of the transactions was voided. Also, on Consent Agenda Item C4, the report is typically quarterly, however, this report reflects year-to-date numbers.

PL 4 Hunt motioned to approve all consent agenda items as presented. Mayor Pro Tem Case seconded the motion.

No oppositions, no abstentions.

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

**REGULAR AGENDA:**

**ITEM 1.** Administer the Statement of Elected Officer and Oath of Office to Kimberly Case Council Member Place 1, David Griffin, Council Member Place 3; and Sharon Jungman, Council Member Place 5, and issue them a certificate of election.

Mayor Dormier administered the Statement of Elected Officer and Oath of Office to PL 1 Case, PL 3 Griffin, and PL 5 Jungman. No further action was taken.

**ITEM 2. DISCUSSION/ACTION** – Consideration of and action on nominations and an appointment of Mayor Pro Tem for a one-year term.

Mayor Dormier recommended the appointment of PL 1 Case to be Mayor Pro Tem for a one-year term and that next year the Mayor Pro Tem be rotated to another Council Member.

PL 4 Hunt motioned to appoint PL 1 Case as the Mayor Pro Tem for a one-year term.
PL 3 Griffin seconded the motion.

No oppositions, no abstentions.  
**VOTE: The motion carried unanimously: 5-0**

**ITEM 3. DISCUSSION/ACTION** – Consideration of and action on Resolution No. R051324-A, a resolution of the City Council of the City of Ovilla, Texas accepting the Annual Financial Audit report for the year ended September 30, 2023, prepared and presented by Forvis, LLP.

City Manager Henley shared that the independent audit had been completed and the auditors were there to present their findings. Rachel Ormsby, Partner with Forvis, LLP, presented the annual financial audit report to the Council. Ms. Ormsby shared that the City of Ovilla was receiving a clean, unmodified opinion for FY 2023, which means essentially an “A” on your report card. Also, she pointed out that the city is up-to-date and compliant with all Governmental Accounting Standards Board (GASB) requirements. Ms. Ormsby explained to the Council that last year’s General Fund unassigned fund balance at the end of the fiscal year in September 2022 was around 6%, which would be considered really low and an area that would need some attention in the future, as Government Finance Officers Association (GFOA) recommends around 16%. Ms. Ormsby reported that management had taken this suggestion to heart and that she was happy to report that at the end of September 2023, the General Fund unassigned fund balance was around 23%, which is excellent. Also, every fund within the city maintained a positive fund balance at the end of FY 2023.

Mayor Pro Tem Case extended her thanks to City Manager Henley for making sure everything was addressed from a financial perspective. Ms. Ormsby shared that City Manager Henley had been very attentive on the financial statements and has a really good grasp on the numbers, has a good team in place, and has worked really hard on the improvements.

Mayor Pro Tem Case motioned to approve Resolution No. R051324-A as presented.

PL 2 Oberg seconded the motion.

No oppositions, no abstentions.  
**VOTE: The motion carried unanimously: 5-0**

**ITEM 4. DISCUSSION/ACTION** – Discuss mid-year budget review and consideration of and action on Ordinance No. 051324-A, an ordinance of the City Council of the City of Ovilla, Texas, amending Ordinance No. 2023-18; providing for budget amendments to the Fiscal year 2023-2024 annual budget and program of services in accordance with Chapter 1, Article 1.05, Section 1.05.038 Mid-year Budget Review and Amendment, of the City of Ovilla; providing for budget amendments to the general fund and the water and utilities fund; providing for incorporation of premises; providing a cumulative repealer clause, providing for severability; providing a savings clause; providing for engrossment and enrollment, providing a publication clause; and providing an effective date.

City Manager Henley presented revenue and expense reports related to the mid-year budget amendment requests and explained how some of the line items exceeded expenditures, however, there were additional revenues that offset the expenditures.

PL 4 Hunt motioned to approve Ordinance No.051324-A, as presented.  
PL 3 Griffin seconded the motion.
No oppositions, no abstentions.

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

**ITEM 5.** DISCUSSION/ACTION – Consideration of and action on extending our Depository Services Contract with Prosperity Bank for an additional year from June 1, 2024, through May 31, 2025, and give the City Manager the authority to execute the agreement.

City Manager Henley explained that this would be the last time the Depository Services Agreement could be extended with Prosperity Bank with the same rate structure. Moving forward, the Depository Services Agreement will need to be bid out in the future.

PL 3 Griffin motioned to extend the Depository Services Contract with Prosperity Bank for an additional year and give the City Manager the authority to execute the agreement.

Mayor Pro Temp Case seconded the motion.

No oppositions, no abstentions.

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

**ITEM 6.** DISCUSSION/ACTION – Consideration of and action on a Network as a Service Agreement with Fenix USA, LLC. and give the City Manager the authority to execute the agreement.

City Manager Henley shared how Smart Earth Technologies (SET), the city’s water metering software provider, had recently gone bankrupt leaving the city without many options. SET did give some notice so that staff could reach out and research additional opportunities to manage the metering for the city. Public Works Director James Kuykendall worked with Fenix USA, LLC representatives to try to get the same type of cost structure that the city previously had with SET. Public Works Director Kuykendall shared that some of the metering endpoints were defective or were not functional and would need to be replaced by Fenix USA, LLC. This will allow the city to move forward with a new metering software company and result in significant cost savings compared to other vendors. The city’s payments to Fenix USA, LLC will be placed in an escrow fund to help mitigate risk involved with the new company.

PL 4 Hunt motioned to approve the Network as a Service Agreement with Fenix USA, LLC. and give the City Manager authority to execute the agreement.

PL 5 Jungman seconded the motion.

No oppositions, no abstentions.

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

**ITEM 7.** DISCUSSION/ACTION – Consideration of and action on a Third Amendment to the Tower Lease Agreement with T-Mobile West, LLC and give the City Manager the authority to execute the agreement.

City Manager Henley shared that he had been working on this agreement since approximately March 2023, however, the negotiations that had taken place had to be restarted due to several staff members from T-Mobile no longer working with the company. Because T-Mobile has removed a significant portion of their equipment from the water tower, they have requested a reduced rate in the lease agreement for their equipment on the tower. After additional negotiations and consultation with
the city attorney, the new agreement will provide approximately $60,000 annually which allows T-Mobile to place their equipment on the tower.

PL 5 Jungman motioned to approve the third amendment to the lease agreement with T-Mobile West, LLC and give the City Manager authority to execute the agreement.

PL 4 Hunt seconded the motion.

No oppositions, no abstentions.

\textit{VOTE: The motion carried unanimously: 5-0}

\textbf{ITEM 8. \hspace{0.5cm} DISCUSSION/ACTION} – Consideration of and action on appointing a standing committee to review and interview (if needed) and make a recommendation to the City Council for annual appointments to serve on City Boards and/or Commissions.

City Manager Henley shared this item had previously been presented in March and at that time the committee included the Mayor, City Manager, and City Secretary. At this time, it is recommended to change the committee to include the Director of Community and Economic Development to the committee given that the Community/EDC Director has interaction and works with each of the Boards and Commissions where the appointments will be made.

PL 3 Griffin motioned to approve appointing a standing committee composed of the Mayor, City Manager, and Director of Community and Economic Development to review applications and interview applicants to make recommendations for appointments to the City of Ovilla City Council for all Ovilla Boards, Committees and Commissions.

Mayor Pro Tem Case seconded the motion.

No oppositions, no abstentions.

\textit{VOTE: The motion carried unanimously: 5-0}

\textbf{ITEM 9. \hspace{0.5cm} DISCUSSION/ACTION} – Consideration of and action on awarding a Façade Improvement Program matching funds grant reimbursement to Pamilee Koval, Pickards House, at 713 W. Main Street, Ovilla, TX 75154 in an amount up to $5,000.

Community/EDC Director Burton Barr provided background information about the Façade Improvement Program and shared how the program funding had shifted from the EDC to the MDD beginning in FY 2023-2024. Community/EDC Director Barr also shared a presentation detailing the specifics of the Pickards House application for the program and shared before and after photos of the project. Ms. Pamilee Koval, the applicant, was in attendance to answer any questions that the Council might have.

PL 3 Griffin asked if the amount of funding will go back up to $25,000 at the end of the year. City Manager Henley shared that it is a budgetary consideration each year on what amount of funding will be allocated to the program. He also shared that the program recently added ADA improvements, such as handrails, as a reimbursable project within the program.

Community/EDC Director Barr shared that at a previous EDC meeting, before the Board realized that the funding had been shifted to the MDD, one of the Directors suggested changing the reimbursable amount up to $10,000 to keep up with rising material and construction costs.
PL 3 Griffin wanted to know if a downtown business were to decide to put in sidewalks, benches, and/or old-fashioned streetlights, would that business be eligible to request funds under this program. City Manager Henley stated that those expenses would not be eligible under the current program guidelines and that the current program only provides for façade improvements.

Mayor Pro Tem Case motioned to approve the Pickards House application for the Façade Improvement Program in the amount of $5,000.00.

PL 4 Hunt seconded the motion.

No oppositions, no abstentions.

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

**ITEM 10.** **DISCUSSION/ACTION - Case 24.03** – Consideration of and action on a minor plat request filed by Linda Reeder, being a 4.591-acre tract of land out of the Jonathan Billingsley Survey, Abstract No. 76, Ellis County, Texas, also known as Three Sisters, Lots 1 & 2, an addition to the City of Ovilla, Texas.

Community/EDC Director Barr presented information to the Council related to the minor plat application with aerial photos and the proposed changes to the existing lot lines for each parcel.

PL 4 Hunt motioned to approve the minor plat application as presented.
Mayor Pro Tem Case seconded the motion.

No oppositions, no abstentions.

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

**ITEM 11.** **DISCUSSION/ACTION** – Consideration of any item(s) pulled from the Consent Agenda for individual consideration and action.

No items were pulled from the Consent Agenda; No further action was taken.

**RECESS INTO 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).

Section 551.072. Deliberation Regarding Real Property. To deliberate the purchase, exchange, lease, or value of real property if deliberations in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person regarding: potential land purchase for future development. – Downtown propery

Mayor Dormier read the provisions for Section 551.072 of the Texas Local Government Code and recessed the Council into Executive Session at 7:52 p.m.

**RECONVENE INTO REGULAR SESSION**
Reconvene into regular session pursuant to the provisions of Chapter 551 of the Texas Government Code to take any action necessary regarding matters deliberated in executive session.
The City Council reconvened into regular session at 8:27 p.m. and took no action relative to matters discussed in executive session.

**RECEIVE DEPARTMENTAL REPORTS – NO ACTION OR DISCUSSION**

- **Departmental Reports**
  - Police Department
  - Fire Department
  - Public Works Department
  - Finance Department
  - Municipal Court
  - Development/EDC

Police Chief J. Bennett
Interim Fire Chief K. Mooney
Public Works Director J. Kuykendall
Finance Director E. Scott
Municipal Court Clerk, J. Foresman
Director B. Barr / Chelsea Ellis

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

Mayor Dormier requested an update related to all engineering projects, status, and timeframes for each project since we have two different engineering firms doing work for us.

PL 4 Hunt requested that staff look at the guidelines for Façade Improvement Programs in surrounding communities such as DeSoto and Duncanville to compare them to Ovilla’s current guidelines.

**ADJOURNMENT:**

PL 2 Oberg made a motion to adjourn.
Mayor Pro Tem Case seconded the motion.

No oppositions, no abstentions.
There being no further business, Mayor Dormier adjourned the meeting at 8:28 p.m.

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

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**ATTEST:**

Richard Dormier, Mayor

David D. Henley, City Manager

**APPROVED: June 10, 2024**