

CITY OF OVILLA MINUTES

Monday, August 14, 2023

Regular City Council Meeting

105 S. Cockrell Hill Road, Ovilla, TX 75154

Mayor Dormier called the 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 |

All council members were in attendance thus constituting a quorum. The City Manager, City Secretary, department directors, and various staff were also present.

CALL TO ORDER:

Mayor Pro Tem Case led the invocation and PL 3 Griffin led the reciting of the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

ANNOUNCEMENTS, PROCLAMATIONS, PRESENTATIONS, COMMENTS:

City Manager, David Henley, gave an update on the following items:

- Heritage Day Announcement
- Employee Evaluations
- Conference Room

CITIZEN COMMENTS:

Tana Jimenez, 109 Suburban Dr., addressed the council and urged the council to enact an ordinance to prohibit the sale of CBD and to enact policies that would not allow smoke shops.

John Jimenez, 109 Suburban Dr., requested that the council reconsider adding a position in the proposed 2023-2024 budget and to not hire an EDC Coordinator.

CONSENT AGENDA:

- C1. Financial Transactions over \$5,000
- C2. Minutes of the Regular Council Meeting July 10, 2023
- C3. Minutes of the Special Council Meeting and Budget Workshop July 18, 2023
- C4. Minutes of the Special Council Meeting and Budget Workshops July 19, 2023
- C5. Minutes of the Special Council Meeting and Budget Workshop July 24, 2023
- C6. Investment Report for October through June 2023

PL 4 Hunt motioned to approve all consent agenda items.

Mayor Pro Tem Case seconded the motion.

No oppositions, no abstentions.

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

REGULAR AGENDA:

ITEM 1. DISCUSSION –Discuss a proposed traffic calming device policy.

Citizen Comments regarding item #7:

Carol Richtsmeier, 925 Red Oak Creek Dr., spoke against the proposed traffic calming device policy.

Joe Richtsmeier, 925 Red Oak Creek Dr., spoke against the proposed traffic calming device policy.

Cheryl Jacobs, 910 Red Oak Creek Dr., spoke against the proposed traffic calming device policy.

Terry Guerra, 908 Red Oak Creek Dr., spoke against the proposed traffic calming device policy.

Annette Guerra, 908 Red Oak Creek Dr., spoke against the proposed traffic calming device policy.

Jennifer Ferranti, 603 Cedar Ridge Ct., spoke against the proposed traffic calming device policy.

Dallas Tillman II, 924 Red Oak Creek Dr., spoke against the proposed traffic calming device policy.

City Manager David Henley presented a draft traffic calming device policy to the City Council. Mr. Henley advised that the draft was composed using cities that would be comparable in size to Ovilla.

The City Council and Mayor Dormier discussed the effects that the policy would have on the citizens of Ovilla, specifically the financial impact on the residents if the policy were to move forward. The Council advised that they were not in favor of charging residents if a traffic device is needed due to the dangerous conditions of the roadway.

The City Council requested a discussion/action item be placed on the next agenda to move forward with a policy that would address the concerns of the council and the citizens' needs.

Mayor Dormier moved Item #7 to be acted on prior to Item #2

ITEM 7. DISCUSSION/ACTION – Receive, discuss, and consider a recommendation from City Staff regarding the apparent low bid and best service provider for Solid Waste Disposal services in the City of Ovilla to include a directive to begin negotiations with the selected vendor for City Council consideration.

The Council discussed the six (6) proposals that were received by the city during the advertising and publication of the Solid Waste Request for Proposals. Mayor Dormier allowed each company in attendance the opportunity to speak to the Council regarding the services that they could provide Ovilla if the Council were to move forward with contract negotiations with their company. The following companies addressed the Council.

Community Waste Disposal
Frontier Waste Solutions
Republic Services
Blackjack Disposal

After listening to the representatives, the Council continued discussions at length including discussions relating to cost, equipment, customer services, and value.

PL2 Oberg motioned to authorize the city manager to enter contract negotiations with Community Waste Disposal.

PL5 Piland seconded the motion.

No oppositions, no abstentions.

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

ITEM 2. DISCUSSION/ACTION –Review the proposed Fiscal Year 2023-2024 Budget, discuss the preliminary determination of the tax rate, and direct staff as necessary.

City Manager David Henley reviewed the proposed Fiscal year 2023-2024 Budget with the Council. Mr. Henley advised that the staff is recommending keeping the tax rate of \$0.626213 for the upcoming fiscal year. Mr. Henley explained that at this rate the proposed M&O tax would be at the rate of \$0.501374 and the I&S rate would be \$0.124839. Mr. Henley explained to the Council that the proposed 2023-2024 Budget provides to build the City of Ovilla reserve funds, pays down debt in the amount of \$833,304, and includes a major SCADA update among many other projects that the Council had previously directed Mr. Henley to include.

The City Council directed Mr. Henley to add in the cost of funding possible street humps to be placed in the Red Oak Creek Neighborhood, a merit increase of up to 3% for employees, and a cost-of-living adjustment of 1%.

ITEM 3. DISCUSSION/ACTION – Consideration of and action on setting the proposed tax rate for the Fiscal Year 2023-2024 Budget and take a record vote.

City Manager David Henley presented the Council with a tax rate of \$0.626213 which Mr. Henley advised would best serve the needs of the City of Ovilla. Mr. Henley advised that the Council will hold a public meeting on September 11, 2023 and will consider action on adopting the tax rate at that time.

Mayor Dormier advised the Council that action on this item would require a record vote.

PL4 Hunt motioned to set the proposed tax rate at \$0.626213.

Mayor Pro Tem Case seconded the motion.

The motion to set the proposed tax rate at \$0.626213 carried with the following record vote:

Place 1 Case Aye

Place 2 Oberg Aye

Place 3 Griffin Aye

Place 4 Hunt Aye

Place 5 Piland Aye

ITEM 4. DISCUSSION/ACTION – Consideration of and action on setting a Public Hearing to be held on Monday, September 11, 2023 at 6:30 p.m. for the purpose of allowing public comments on the adoption of the 2023/2024 Fiscal Year Budget and the 2023/2024 Tax Rate.

Mayor Pro Tem Case motioned to set a Public Hearing to be held on Monday, September 11, 2023, at 6:30 p.m. for the purpose of allowing public comments on the adoption of the 2023-2024 Fiscal Year Budget and the 2023-2024 Tax Rate.

PL3 Griffin seconded the motion.
No oppositions, no abstentions.

VOTE: The motion carried unanimously: 5-0

ITEM 5. DISCUSSION/ACTION – Consideration of and action on Resolution No. R2023-13 a Resolution of the City of Ovilla, Texas finding that Oncor Electric Delivery Company LLC’s application to amend its distribution cost recovery factor and update generation riders to increase distribution rates within the city should be denied; authorizing participation with the steering committee of cities served by Oncor; authorizing hiring of legal counsel; finding that the city’s reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel.

PL3 Griffin motioned to approve Resolution No. R2023-13 a Resolution of the City of Ovilla, Texas finding that Oncor Electric Delivery Company LLC’s application to amend its distribution cost recovery factor and update generation riders to increase distribution rates within the city should be denied; authorizing participation with the steering committee of cities served by Oncor; authorizing the hiring of legal counsel; finding that the city’s reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel.

PL4 Hunt seconded the motion.
No oppositions, no abstentions.

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

ITEM 6. DISCUSSION/ACTION – Consideration of and action on Ordinance No. 2023-14 an Ordinance of the City Council of the City of Ovilla, Texas, approving a negotiated settlement between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex division regarding the company’s 2023 rate review mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attachment establishing a benchmark for pensions and retiree medical benefits; requiring the company to reimburse ACSC’S reasonable ratemaking expenses; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this ordinance to the company and the ACSC’S legal counsel.

PL4 Hunt motioned to approve Ordinance No. 2023-14 an Ordinance of the City Council of the City of Ovilla, Texas, approving a negotiated settlement between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex division regarding the company’s 2023 rate review mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached

settlement tariffs to be just and reasonable and in the public interest; approving an attachment establishing a benchmark for pensions and retiree medical benefits; requiring the company to reimburse ACSC'S reasonable ratemaking expenses; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this ordinance to the company and the ACSC'S legal counsel.

PL5 Piland seconded the motion.

No oppositions, no abstentions.

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

Mayor Dormier advised that he had moved Item #7 to be discussed prior to Item #2. Mayor Dormier stated that the council would move to Item #8 at this time.

ITEM 8. DISCUSSION/ACTION – Consideration of and action on Ordinance No. 2023-15 An ordinance of the City Council of the City of Ovilla, Texas, creating article 8.06 “sex offender regulations” to establish residency restrictions for sex offenders that prohibit residency of a registered sex offender within one thousand (1,000) feet of a child safety zone; providing definitions; providing residence location restrictions; prohibiting solicitation of trick-or-treaters; adopting procedures to apply for exemptions from the ordinance and providing a scope of exemption; providing for the incorporation of premises; providing a cumulative repealer clause; providing a savings clause; providing a severability clause; providing for a penalty of a fine in an amount not to exceed five hundred dollars (\$500) for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues; providing for publication and providing for an effective date.

The Council discussed the proposed ordinance with Police Chief Joey Bennett. Chief Bennett advised that the residency portion of the ordinance would apply to any sex offender currently living in Ovilla who is residing within one thousand (1,000) feet of a child safety zone. Chief Bennett stated that those persons would have to apply for an exemption from the city to continue to inhabit a dwelling within the area.

PL2 Oberg motioned to approve Ordinance No. 2023-15 An ordinance of the City Council of the City of Ovilla, Texas, creating article 8.06 “sex offender regulations” to establish residency restrictions for sex offenders that prohibit residency of a registered sex offender within one thousand (1,000) feet of a child safety zone; providing definitions; providing residence location restrictions; prohibiting solicitation of trick-or-treaters; adopting procedures to apply for exemptions from the ordinance and providing a scope of exemption; providing for the incorporation of premises; providing a cumulative repealer clause; providing a savings clause; providing a severability clause; providing for a penalty of a fine in an amount not to exceed five hundred dollars (\$500) for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues; providing for publication and providing for an effective date.

Mayor Pro Tem Case seconded the motion.

No oppositions, no abstentions.

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

Richard Dormier, Mayor
Kimberly Case, Place One
Dean Oberg, Place Two

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Doug Hunt, Place Four
David Griffin, Place Three
Brad Piland, Place Five

ITEM 9. DISCUSSION – Discuss progress and receive updates on activities related to the 2023 Heritage Day Celebration, on Saturday, September 23, 2023.

PL4 Hunt updated the Council on the upcoming 2023 Heritage Day Event. Mr. Hunt advised that he has sent out well over two hundred (200) emails to vendors to be a part of the event. Mr. Hunt and the Council discussed the Service League being the Grand Marshal for the event and that a lineup for the parade would be provided.

ITEM 10. 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.

RECEIVE DEPARTMENTAL REPORTS – NO ACTION OR DISCUSSION

- **Departmental Reports**
 - Police Department Police Chief J. Bennett
 - Fire Department Fire Chief B. Kennedy
 - Public Works Department Public Works Director J. Kuykendall
 - Finance Department Finance Director E. Scott
 - City Secretary City Secretary B. Taylor

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).

§551.074: to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, or to hear a complaint or charge against an officer or employee: (i) City Manager

Mayor Dormier adjourned into executive session at 9:12 pm

RECONVENE INTO OPEN SESSION - In accordance with Texas Government Code, Chapter 551, the City Council will reconvene into Open Session to consider action, if any, on matters discussed in Executive Session.

Reconvene Time: 9:35 pm

No action was taken as a result of the executive session.

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

- Mayor Pro Tem Case requested that the traffic calming policy as well as the concrete and lights for the downtown area be placed on the next agenda.
- PL4 Hunt requested the fireworks ordinance be added to the next agenda.

*Richard Dormier, Mayor
Kimberly Case, Place One
Dean Oberg, Place Two*

*Doug Hunt, Place Four
David Griffin, Place Three
Brad Piland, Place Five*

- PL5 Piland requested discussion regarding a three-way stop at Red Oak Creek and Hollingsworth be discussed at the next agenda.

ADJOURNMENT:

PL2 Oberg made a motion to adjourn.

PL5 Piland seconded the motion.

There being no further business, Mayor Dormier adjourned the meeting at 9:38 p.m.

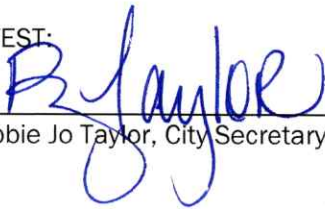
No oppositions, no abstentions.

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



Richard Dormier, Mayor

ATTEST:



Bobbie Jo Taylor, City Secretary

APPROVED: September 11, 2023

