

CITY OF OVILLA MINUTES
Monday, May 8, 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	Council Member, Place 1
Dean Oberg	Council Member, Place 2
David Griffin	Council Member, Place 3
Doug Hunt	Mayor Pro Tem, Place 4
Brad Piland	Council Member, Place 5

Mayor Dormier noted that 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:

Place 3 Griffin led the invocation and Place 5 Piland led the reciting of the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

ANNOUNCEMENTS, PROCLAMATIONS, PRESENTATIONS, COMMENTS:

Mayor Dormier made the following announcements and presented proclamations to the Police Department and Public Works Department.

- Canvassing City of Ovilla Election Results May 16, 2023, 5:30 p.m.
- National Public Works Week May 21st through May 27th, 2023
- National Police Week May 14th through May 21st, 2023

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

- City of Ovilla Trash-Off Annual Clean Up Day April 22 and Green Event April 29
- SIB Loan Application
- May 6, 2023, Elections
- Meeting with new City Attorney
- ARP Fund Projects

CITIZEN COMMENTS:

Carol Richtsmeier, 925 Red Oak Creek Dr. addressed the council requesting that an item be added to the next agenda to address the possibility of placing traffic calming devices (speed bumps) along Red Oak Creek Rd., and for the council to discuss a plan for traffic to remain safe in the neighborhood.

BJ Tucker, 704 Georgetown, requested that the council step-up the enforcement of code violations in the City of Ovilla.

CONSENT AGENDA:

- C1.** Financial Transactions over \$5,000
- C2.** Minutes of the Regular Council Meeting April 10, 2023
- C3.** Investment Report for January through March 2023

Mayor Pro Tem Hunt motioned to approve all consent agenda items.

PL5 Piland seconded the motion.

No oppositions, no abstentions.

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

REGULAR AGENDA:

ITEM 1. DISCUSSION – Receive updates from staff and hold discussions regarding code enforcement areas of concern in the City of Ovilla as requested by Mayor Pro Tem Hunt.

City Manager, David Henley, addressed the City Council stating that code enforcement has been active in the areas that were concerning to the council at the last regular city council meeting. Mr. Henley advised that contact has been made with the property located at University and Red Oak Creek Rd. and that the area is coming into compliance with city ordinances. Mr. Henley continued his update advising that code enforcement has sent letters to Ovilla Auto and the home on Lariat Tr. regarding accessing the property. Mr. Henley closed his update advising that code enforcement is not legally allowed to write a ticket as our officer is not a TCOLE-certified Police Officer however, Officer Dooley is giving notices of violations that include a summons to the municipal court where a fine could be assessed by the Judge.

ITEM 2. DISCUSSION – Discuss City of Ovilla Code of Ordinances Section 3.06.005 Schedule of Temporary Signs relating to banner signs on commercial property as requested by Place 1 Case.

Pamilee Koval, 121 Water St., requested that the council allow more banners to be placed on commercial property.

The council discussed many options to update the city ordinance. The consensus of the council was to direct staff to draft an updated city ordinance that would allow two (2) banner signs per property.

ITEM 3. DISCUSSION/ACTION – Consideration of and action on Ordinance No. 2023-08 an Ordinance of the City of Ovilla, Texas, repealing and replacing appendix “A”, Article A2.000, Section A2.009, of the Code of Ordinances of the City of Ovilla; removing the damage deposit for baseball and softball fields; 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.

PL 1 Case motioned to approve Ordinance No. 2023-08 an Ordinance of the City of Ovilla, Texas, repealing and replacing appendix “A”, Article A2.000, Section A2.009, of the Code of Ordinances of the City of Ovilla; removing the damage deposit for baseball and softball fields; 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.

Place 2 Oberg seconded the motion.
Place 5 Piland opposed, no abstentions.

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

ITEM 4. DISCUSSION/ACTION – Consideration of and action on a possible amendment to the City of Ovilla Code of Ordinances Section 3.06.003 (f) and related sections, regarding the placement of political signs, potentially implementing stronger regulations on political signs placed on city property as requested by Mayor Dormier.

Randy Bellomy, 409 Shadowwood Tr., spoke to the council regarding implementing stronger regulations on political signs, which in his opinion, could be seen as a violation of Freedom of Speech.

Terry Todd, 109 Lariat Tr., echoed Mr. Bellomy's statements and questioned why the council is considering stronger regulations since the signs were only placed at the location for a short time frame.

Jimmie Case, 120 Hummingbird Lane, stated that he too believed that it could be seen as interference with political freedoms.

Mayor Dormier stated that he had requested this item be placed on the agenda after receiving a complaint during the previous council meeting regarding the way the property looked during elections.

The council discussed options to consider regarding stronger regulations of political signs and declined to act at this time.

ITEM 5. DISCUSSION/ACTION – Consideration of and action to order a public hearing to take place on Monday, July 10, 2023, at 6:30 p.m., during the regularly scheduled City Council meeting to receive public comment on the Land Use Assumptions, Capital Improvement Plan, and Water and Sewer Impact Fee Updates.

PL3 Griffin motioned to order a public hearing to take place on Monday, July 10, 2023, at 6:30 p.m., during the regularly scheduled City Council meeting to receive public comment on the Land Use Assumptions, Capital Improvement Plan, and Water and Sewer Impact Fee Updates.

Mayor Pro Tem 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 Resolution No. R2023-09, a Resolution by the City Council of the City of Ovilla declaring miscellaneous equipment to be surplus property and authorizing the city manager to dispose of the property pursuant to State law and in a manner that is beneficial to the City of Ovilla.

PL2 Oberg motioned to place Item 6 on the agenda for June 12, 2023, to allow time to add additional equipment to the surplus list including the recently purchased Utility Task Vehicle (Utility Side by Side).

Mayor Pro Tem Hunt seconded the motion.
PL1 Case, PL3 Griffin, and PL5 Piland opposed, no abstentions.

VOTE: The motion to move Item 6 to the agenda for June 12, 2023, failed: 2-3

The council discussed the equipment included in the surplus listing as well as equipment not included in the listing. PL2 Oberg stated that the Utility Side by Side vehicle should be placed into surplus as he did not agree with the way the previous administration purchased the vehicle.

Mayor Pro Tem Hunt wished to exclude the JCB Tractor/Backhoe and to obtain a quote to have repairs done that would bring the equipment back to operational. Public Works Director, James Kuykendall, advised that the equipment would be more costly to repair than the value of the equipment.

City Manager Henley advised that he understood why the council may be in opposition to keeping the Utility Side by Side but advised at this time selling the vehicle would lead to a loss. Mr. Henley relayed to the council the many uses that the city could potentially use the vehicle for.

PL1 Case motioned to approve Resolution No. R2023-09, a Resolution by the City Council of the City of Ovilla declaring miscellaneous equipment to be surplus property and authorizing the city manager to dispose of the property pursuant to State law and in a manner that is beneficial to the City of Ovilla.

PL5 Piland seconded the motion.

PL2 Oberg and Mayor Pro Tem Hunt opposed, no abstentions.

VOTE: The motion to approve passed: 3-2

ITEM 7. DISCUSSION/ACTION – Consideration of and action on Ordinance No. 2023-09, an ordinance of the City Council of the City of Ovilla, Texas, amending Ordinance No. 2022-15; providing for budget amendments to the Fiscal Year 2022-2023 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 the council with the mid-year budget amendments for the 2022/2023 Budget Year.

Mayor Pro Tem Hunt made a motion to approve Ordinance No. 2023-09, an ordinance of the City Council of the City of Ovilla, Texas, amending Ordinance No. 2022-15; providing for budget amendments to the Fiscal Year 2022-2023 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.

Place 2 Oberg seconded the motion.

No oppositions, no abstentions.

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

ITEM 8. 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 S. Jungman
 - Administration 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).

- A.** *In accordance with Texas Government Code, Section 551.001. et seq., the City Council will recess into Executive Session (closed meeting) to discuss the following: 7:55 P.M.*

Section 551.071 (1) and (2), of the Texas Government Code: Consultation with Attorney: Consultation with the City’s Attorney to seek the advice of its attorney about pending or contemplated litigation or a settlement offer, or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act: Complaints and Claims Management

Section 551.074 (1) of the Texas Government Code: Personnel Matters: To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

City Manager David Henley (90-Day Evaluation)

- B.** *Adjourn from the executive session and reconvene into the open meeting. 8:42 P.M.*

ANY ACTION NECESSARY OR APPROPRIATE AS A RESULT OF THE CLOSED EXECUTIVE SESSION.

None

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

- Mayor Dormier requested items to address concerns for future traffic regarding the new Jr. High School to be built on Westmoreland Rd., and code enforcement violations complaints.
- PL1 Case requested that the council discuss designating the City of Ovilla as a Sanctuary City for the Unborn.

ADJOURNMENT:

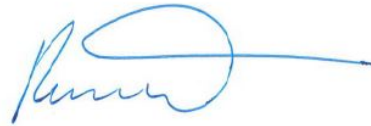
PL2 Oberg made a motion to adjourn.

Mayor Pro Tem Hunt seconded the motion.

There being no further business, Mayor Dormier adjourned the meeting at 8:45 p.m.

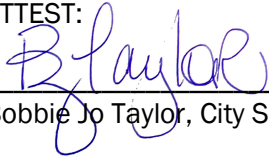
No oppositions, no abstentions.

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



Richard Dormier, Mayor

ATTEST:



Bobbie Jo Taylor, City Secretary

APPROVED: June 12, 2023

