

CITY OF OVILLA MINUTES

Monday, April 09, 2018
City Council Briefing Session
105 S. Cockrell Hill Road, Ovilla, TX 75154

Mayor Dormier called the Council Briefing Session of the Ovilla City Council to order at 6:00 p.m., with notice of the meeting duly posted. Mayor Dormier made the following public announcement asking all individuals to be cognizant of the two signs at the entrance to the Council Chamber room referencing Sections 30.06 and 30.07 of the *Penal Code, persons licensed under Subchapter H, Chapter 411, Government Code may not enter this property with a concealed handgun nor enter this property with a handgun that is carried openly.*

The following City Council Members were present:

Rachel Huber	Council Member, Place 1
Dean Oberg	Council Member, Place 2
David Griffin	Mayor Pro Tem, Place 3
Doug Hunt	Council Member, Place 4
Michael Myers	Council Member, Place 5

Mayor Dormier announced all Council members were present, constituting a quorum. City Manager John R. Dean, Jr., including department directors, and staff were also present.

CALL TO ORDER

CONDUCT A BRIEFING SESSION to review and discuss agenda items for the 6:30 p.m. regular meeting.

City Manager John Dean gave a brief review of each item on the agenda.

1. City Manager Dean advised that the initial exhibit under Item 4 had been revised and was distributed.
2. Staff responded to questions under Item 12.

ADJOURNMENT

Mayor Dormier adjourned the Briefing Session of the Ovilla City Council at 6:27 p.m.

ATTEST:


Pamela Woodall, City Secretary




Richard Dormier, Mayor

Approved May 14, 2018

CITY OF OVILLA MINUTES

Monday, April 09, 2018

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 6:31 p.m., with notice of the meeting duly posted. Mayor Dormier made the following public announcement asking all individuals to be cognizant of the two signs at the entrance to the Council Chamber room referencing Sections 30.06 and 30.07 of the *Penal Code, persons licensed under Subchapter H, Chapter 411, Government Code may not enter this property with a concealed handgun nor enter this property with a handgun that is carried openly.*

The following City Council Members were present:

Rachel Huber	Council Member, Place 1
Dean Oberg	Council Member, Place 2
David Griffin	Mayor Pro Tem, Place 3
Doug Hunt	Council Member, Place 4
Michael Myers	Council Member, Place 5

Mayor Dormier announced that all Council members were present, thus constituting a quorum. City Manager John R. Dean, Jr., department directors and various staff were also present.

CALL TO ORDER

PL5 Myers gave the Invocation. PL1 Huber led the recitation of the Pledge of Allegiance and the recitation of the Pledge to the Texas Flag.

COMMENTS & PRESENTATIONS

Presentations

1. Mayor Dormier read aloud the following proclamations:
 - a. Motorcycle Awareness. Photos were taken with representatives.
 - b. National Telecommunications Week (no representatives)

Citizen Comments

1. Mr. Jerry Hawkins, 4020 Ovilla Road, Waxahachie. Mr. Hawkins voiced concern regarding his recent accident with an Ovilla police officer.
2. Dani Muckleroy – wished to hold her comments for Item 6 on the Agenda.
3. Mr. Carl Sherman – introduced himself as a run-off candidate for State Representative, District 109.

CONSENT AGENDA

- C1. February 2018 Financial Transactions over \$5,000
- C2. Minutes of the March 12, 2018 Briefing Session and Regular Council Meeting.

PL4 Hunt moved to approve the Consent Items as presented, seconded by PL2 Oberg.

No oppositions, no abstentions.

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

PUBLIC HEARING

Case PZ2018-01 Receive presentation and citizen comments on a request for a change in zoning. PRESENTATION was given by staff on the request for change in zoning filed by Teodoro Ibanez, explaining that the property is located on a 1.5-acre tract, but zoned 5-acre. Based on building regulations and the narrow lot, the applicant is requesting to change the zoning to 1-acre.

Mayor Dormier opened the public hearing at 6:52 pm.

PUBLIC HEARING to receive comments from the public regarding the request.

- No comments were made in favor of the change in zoning.
- No comments were made in opposition of the change in zoning.

DELIBERATION and questions with applicant and/or staff were conducted.

Mayor Dormier closed the public hearing at 6:53 pm.

III. REGULAR AGENDA

ITEM 1. **DISCUSSION/ACTION** – Receive recommendation report from the Planning and Zoning Commission to consider and act on Case PZ2018-01, an application request for a change in zoning filed by Teodoro Ibanez, from RC (Single Family Residential District 5-Acre Minimum) to RE (Single Family Residential District 1-Acre Minimum) on a 1.5 acre tract of land, out of the 1338 W C BILLINGSLEY 1.502 ACRES, Property ID 194924, Map ID 12-2, Ellis County, Texas, and more commonly known as 677 JOHNSON LANE, Ovilla, Texas, 75154.

PL2 Oberg moved to accept the recommendation of the Planning and Zoning Commission to approve Case PZ2018-01, an application request for a change in zoning filed by Teodoro Ibanez (owner), from RC (Single Family Residential District 5-Acre Minimum) to RE (Single Family Residential District 1-Acre Minimum) on a 1.5 acre tract of land, out of the 1338 W C BILLINGSLEY 1.502 ACRES, Property ID 194924, Map ID 12-2, Ellis County, Texas, and more commonly known as 677 JOHNSON LANE, Ovilla, Texas, 75154, seconded by PL1 Huber. (Ordinance for this rezoning would be presented to Council at their May 14, 2018 meeting)

No oppositions, no abstentions.

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

ITEM 2. **DISCUSSION/ACTION** – Consideration of and action on a Site Plan Application submitted by Grace Church of Ovilla, 519 Westmoreland Road, Ovilla, Texas, for the construction of an educational building, authorizing the issuance of a building permit.

Staff presented the following application information:

NAME:	GRACE CHURCH OF OVILLE
AUTHORIZED AGENT OF RECORD:	Barry Maners
SURVEYOR/ENGINEER:	Cotter Associates, LLC
APPLICATION DATE:	February 12, 2018
LOCATION:	519 Westmoreland Drive / 9.656 acres
UTILITIES:	Ovilla water / septic system
ZONING:	R-22
PROPOSED LAND USE:	Educational use
MAJOR THOROUGHFARE:	Highway 664 Ovilla Road
APPLICANT'S PROPOSAL:	A request to construct an educational building as part of Grace Church. Construction and site plans have been reviewed and approved by the city engineer.

PL5 Myers moved that Council approve the presented Site Plan Application submitted by Grace Church of Ovilla, 519 Westmoreland Road, Ovilla, Texas, for the construction of an educational building, authorizing the issuance of a building permit, seconded by Mayor Pro Tem Griffin.

No oppositions, no abstentions.

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

ITEM 3. **DISCUSSION/ACTION** – Consideration of and action on an application submitted by RealSearch of Texas LLC, on behalf of the property owner, Mr. F.E. Parrent, to replat 4.603- acres into two lots being Block A, Lot 27R 1.001-acres and Block A, Lot 27R-1, 3.592-acres, Volume 3, Page 34, Plat Records, Ellis County, Texas, being Westmoreland Road Estates #1.

Staff presented the application information:

PROPOSED NAME: WESTMORELAND ROAD ESTATES #1
AUTHORIZED AGENT OF RECORD: Jeremy Deal (On behalf of Mr. Parrent)
SURVEYOR/ENGINEER: RealSearch of Texas LLC
APPLICATION DATE: March 23, 2018
LOCATION: 743 Westmoreland Road
UTILITIES: Ovilla water / septic system
ZONING: RE-1-acre
PROPOSED LAND USE: Residential
MAJOR THOROUGHFARE: Highway 664 Ovilla Road

APPLICANT'S PROPOSAL: A replat request to divide property into two lots.

PL Oberg moved that Council approve the replat application submitted by RealSearch of Texas LLC, on behalf of the property owner, Mr. F.E. Parrent, to replat 4.603- acres into two lots being Block A, Lot 27R 1.001-acres and Block A, Lot 27R-1, 3.592-acres, Volume 3, Page 34, Plat Records, Ellis County, Texas, being Westmoreland Road Estates #1, as presented, seconded by PL4 Hunt.

No oppositions, no abstentions.

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

Mayor Dormier moved the order of the agenda to address Item 14.

ITEM 14. **DISCUSSION/ACTION** – Consideration of and action on Resolution R2018-18, approving a proposal submitted by Ellis County Precinct #4 to chip lock/seal East Highland and authorize the Mayor to execute said documents.

City Manager John Dean advised that Ovilla had an opportunity to seal East Highland in the same manner that Ellis County will seal the rest of Highland Road. Ellis County Precinct 4 Commissioner Kyle Butler was present and advised Council he was unable to offer a specific timeline to begin this project. Mr. Butler added that the County was introducing a new product that serves as an aggregate-type finish that does really well. The County provided a quote of \$11,037.00. Staff advised that with this project not being budgeted, funds necessary to complete the project would be brought to Council during mid-year budget revisions if approved.

Mayor Pro Tem Griffin moved that Council approve Resolution R2018-18, approving a proposal submitted by Ellis County Precinct #4 to chip lock/seal East Highland and authorized the Mayor to execute said documents as presented, seconded by PL5 Myers.

No oppositions, no abstentions.

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

Mayor Dormier returned to the regular order of the Agenda.

ITEM 4. **DISCUSSION/ACTION** – Consideration of and action on a Professional Engineering Services Agreement by and between the City of Ovilla and Birkhoff, Hendricks and Carter, LLP for the engineering design and surveying services for the City Hall Lift Station Easements, authorizing the Mayor to execute said agreement.

Approval is required for the easements to be completed to move forward with putting the City facilities on the City wastewater system. This project is funded in the current budget year. The project is less than anticipated and within the budgeted at \$25,000 and this amount would not cause the project to exceed the budgeted amount.

PL4 Hunt moved to approve a Professional Engineering Services Agreement with Birkhoff, Hendricks & Carter, L.L.P., to engage the services of the Engineer to complete engineering design and provide surveying services for the City Hall Lift Station Easements, seconded by PL1 Huber.

No oppositions, no abstentions.

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

ITEM 5. DISCUSSION/ACTION – Consideration of and action on Resolution R2018-15 authorizing continued participation with the Steering Committee of cities served by ONCOR; and authorizing the payment of 11-cents per capita to the Steering Committee to fund regulatory and legal proceedings and activities related to ONCOR electric Delivery Company, LLC.

The City of Ovilla is a member of a 162-member city coalition known as the Steering Committee of Cities Served by Oncor. The resolution approves the assessment of an eleven cent (\$0.11) per capita fee to fund the activities of the Steering Committee. The Steering Committee undertakes activities on behalf of municipalities for which it needs funding support from its members. Municipalities have original jurisdiction over the electric distribution rates and services within the city. The Steering Committee is actively involved in rate cases, appeals, rulemakings, and legislative efforts impacting the rates charged by Oncor Electric Delivery Company, LLC within the City. Steering Committee representation is also strong at ERCOT. It is possible that additional efforts will be necessary on new issues that arise during the year, and it is important that the Steering Committee be able to fund its participation on behalf of its member cities. A per capita assessment has historically been used and is a fair method for the members to bear the burdens associated with the benefits received from that membership.

PL2 Oberg moves that Council approve Resolution R2018-15 authorizing continued participation with the Steering Committee of cities served by ONCOR; and authorizing the payment of 11-cents per capita to the Steering Committee to fund regulatory and legal proceedings and activities related to ONCOR electric Delivery Company, LLC., seconded by PL5 Myers.

No oppositions, no abstentions.

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

ITEM 6. DISCUSSION/ACTION – Consideration of and action on Resolution R2018-16 authorizing continued participation with the ATMOS Cities Steering Committee; and authorizing the payment of two cents per capita to the ATMOS Cities Steering Committee to fund regulatory and related activities related to ATMOS Energy Corporation.

Ms. Muckleroy, Ovilla resident signed up to speak on this item.

Mayor Dormier allowed Ms. Dani Muckleroy to ask questions: How many does this affect? How old?

The Atmos Cities Steering Committee ("ACSC") is composed of municipalities in the service area of Atmos Energy Corporation, Mid-Tex Division regardless of whether original jurisdiction has been retained. Atmos is a monopoly provider of natural gas. Working as a coalition to review the rates charged by Atmos allows cities to accomplish more collectively than each city could do acting alone.

ACSC is the largest coalition of cities served by Atmos Mid-Tex. There are 174 ACSC member cities, which represent more than 60 percent of the total load served by Atmos-Mid Tex. ACSC protects the authority of municipalities over the monopoly natural gas provider and defends the interests of residential and small commercial customers within the cities.

PL4 Hunt moved that Council approve Resolution R2018-16 authorizing continued participation with the ATMOS Cities Steering Committee; and authorizing the payment of two cents per capita to the ATMOS Cities Steering Committee to fund regulatory and related activities related to ATMOS Energy Corporation, seconded by Mayor Pro Tem Griffin.

No oppositions, no abstentions.

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

ITEM 7. DISCUSSION/ACTION – Consideration of and action authorizing the purchase of an Animal Control Truck with box.

The animal control vehicle and box were budgeted items at \$31,400.00. The prices have increased since acquiring estimates for budgeting purposes last year. PL2 Oberg shared cost-saving suggestions. Following review of presented documentation and discussion of all necessities for the truck (including back-up camera), Council directed staff to include a lift in the purchase package. Delivery would run about 90 – 120 days.

PL2 Oberg moved to approve the purchase of an Animal Control Truck from Sam Pack Ford – drop shipped to Deerskin, to include a lift, for the amount of \$37,833, authorizing the City Manager to execute all associated documents, seconded by PL1 Huber.

No oppositions, no abstentions.

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

ITEM 8. DISCUSSION/ACTION – Consideration of and action to accept two Council volunteers and the Mayor, creating the BSW Student Scholarship Committee 2018.

Annually the Best Southwest Partnership offers student college scholarships to participating Cities and allows those supporting entities to make the scholarship presentations to the students at an Education Luncheon. It is necessary to create a Council (and Mayor) committee to review the applications for recommendation to the BSW.

Mayor Pro Tem Griffin moved that Council approve the Student Scholarship Committee 2018 creation with the volunteer appointments of the Mayor and two Council persons.

1. PL4 Doug Hunt
2. PL2 Rachel Huber

The motion was seconded by PL2 Oberg.

No oppositions, no abstentions.

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

ITEM 9. DISCUSSION/ACTION – Consideration of and action on Ordinance 2018-06 of the City of Ovilla, Texas, amending Chapter 6, Article 6.04, Section 6.04.001(a) of the Ovilla Code of Ordinances, providing new provisions pertaining to weeds and grass and other objectionable material; 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.

PL5 Myers moved to approve Ordinance 2018-06 amending the text of Chapter 6, Article 6.04, Section 6.04.001(a) of the Ovilla Code of Ordinances, providing new provisions pertaining to weeds and grass and other objectionable material; 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, seconded by PL4 Hunt.

No oppositions, no abstentions.

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

ITEM 10. DISCUSSION/ACTION – Consideration of and action on Ordinance 2018-07 of the City of Ovilla, Texas, amending Chapter 8, Article 8.02, Section 8.02.005 (5) and (7) of the Ovilla Code of Ordinances; providing new provisions pertaining to nuisances; 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.

Staff presented an Ordinance to amend the Code requiring that property owners maintain the rights-of-way regarding trees and grass.

PL4 Hunt moved to approve Ordinance 2018-07 of the City of Ovilla, Texas, amending Chapter 8, Article 8.02, Section 8.02.005 (5) and (7) of the Ovilla Code of Ordinances; providing new provisions pertaining to nuisances; 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, seconded by PL2 Oberg.

No oppositions, no abstentions.

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

ITEM 11. DISCUSSION/ACTION – Consideration of and action to approve the purchase of laptops/tablets for Council use.

Ovilla's IT contractor, NetGenius recommended laptops for City Council use and both NetGenius representatives Ben Singleton and Moeed Siddiqui were present to discuss recommendations. The presentation did not include equipment for staff. If included, the cost would be about \$6300. Executive Sessions would continue with paper copies.

Laptops - \$4,703.94

iPads - \$1,974.00

PL4 Hunt moved to approve the proposal with NetGenius to purchase laptop computers for City Council use and to include the City Manager and City Secretary in the purchase (although not included in the quote), seconded by PL5 Myers.

No oppositions, no abstentions.

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

ITEM 12. DISCUSSION/ACTION – Consideration of and action on a Memorandum of Understanding (MOU) between the City of Ovilla, by and through its Police Department (Ovilla) and the City of Midlothian, by and through its Police Department (Midlothian), outlining jurisdictional police responsibilities regarding Dolores W. McClatchey Elementary School, located at 6631 Shiloh Road, Ovilla, TX.

Staff has worked with the Midlothian ISD and Midlothian Police Department for several months to create this Memorandum of Understanding. Staff shared the belief that it was imperative to have the jurisdictional responsibilities identified. This MOU outlines those jurisdictional responsibilities.

PL5 Myers moved to approve a Memorandum of Understanding (MOU) between the City of Ovilla, by and through its Police Department (Ovilla) and the City of Midlothian, by and through its Police Department (Midlothian), outlining jurisdictional police responsibilities regarding Dolores W. McClatchey Elementary School, located at 6631 Shiloh Road, Ovilla, TX, seconded by PL1 Huber.
No oppositions, no abstentions.

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

ITEM 13. DISCUSSION/ACTION – Consideration of and action on Resolution R2018-17, approving a proposal from Ellis County Precinct #4 to reclaim/rehabilitate Westlawn Drive, Willowwood Lane, and Greenwood Drive, Ovilla, TX, authorizing the Mayor to execute said documents.

Funds necessary to complete the project will be brought to Council during mid-year budget revisions. Staff is presenting a proposal from the Ellis County Precinct #4 for consideration. The consensus was to hold this project until the ditches, driveways and culverts were cleaned, drained and repaired.

No Action.

ITEM 14 was previously addressed.

ITEM 15. DISCUSSION/ACTION - Consideration of and action on Resolution R2018-19, approving a proposal submitted by Ellis County Precinct #4 to overlay Highview Court and authorize the Mayor to execute said documents.

This request was made by Mayor Pro-Tem Griffin as this roadwork was supposed to have been included with the Ovilla Oaks cul-de-sac rehab. Funds necessary to complete the project will be brought to Council during mid-year budget revisions.

PL4 Hunt moved that Council approve Resolution R2018-19, approving a proposal submitted by Ellis County Precinct #4 to overlay Highview Court and authorize the Mayor to execute said documents, seconded by PL2 Oberg.

No oppositions, no abstentions.

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

ITEM 16. DISCUSSION/ACTION – Consideration of and action on a Council appointment to serve the remaining term as Director Place 5 on the Economic Development Corporation Board.

An EDC Director Place 5 position has been open for some time. When the EDC was created certain Council persons served as members to help in keeping open communication with the Council. PL5 Mike Myers volunteered to serve.

Mayor Pro Tem Griffin moved to approve Council appointment being PL5 Mike Myers to serve the remaining term as EDC Director Place 5 on the Economic Development Corporation Board, seconded by PL4 Hunt.

No oppositions, no abstentions.

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

ITEM 17. DISCUSSION/ACTION – Consideration of and action on a Council appointment to serve as a member of the Engineering RFQ Review Committee.

The RFQ identifies that one Council member will serve on the Engineering RFQ Review Committee.

Mayor Pro Tem Griffin moved to approve the Council appointment of PL4 Hunt to serve on the Engineering RFQ Review Committee, seconded by PL5 Myers.

No oppositions, no abstentions.

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

ITEM 18. DISCUSSION/ACTION – Consideration of any item(s) pulled from the Consent Agenda above for individual consideration and action.

N/A

Mayor Dormier called a 5-minute recess at 8:20 pm.

Mayor Dormier and Council reconvened the meeting at 8:26 pm.

III. DEPARTMENT REPORTS

- Department Activity Reports / Discussion
 - Police Department
 - Reviewed the Monthly Report
 - Fire Department
 - Reviewed the Monthly Report
 - Public Works
 - Reviewed the Monthly Report
 - 1. Monthly Park Maintenance Reports
 - 2. Street Maintenance Report
 - Finance Department
 - February 2018 Financials – preparing the mid-year budget revisions. Staff is learning new software.
 - Bank Balances through April 04, 2018
 - Administration
 - Monthly Code/Animal Control Reports
 - Monthly Municipal Court Report
 - City Manager Reports
 - 1. Monthly Report – Reported on Parks Master Plan survey: 697 responses with 174 of those responses actually within the city limits.

Lieutenant J. Bennett

Fire Chief B. Kennedy

Public Works Director B. Piland

Accountant L. Harding

Code/AC Officer M. Dooly

City Secretary P. Woodall

VI. EXECUTIVE SESSION

Mayor Dormier announced that Council, the City Manager and City Secretary would convene into Executive Session at 8:50 pm on the following:

Closed session pursuant to Section §551.071 of the Texas Government Code

Item 1. Consultation with the City Attorney on a matter in which the City Attorney's duty of confidentiality to the City, pursuant to the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, clearly conflicts with the provisions of the Texas Open Meetings Act.

- Council will convene into open session and take action, if any.

Mayor, Council, City Manager and City Secretary reconvened into open session at 9:05 pm. Mayor Dormier advised that no decisions were made in Executive Session.

No Action.

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

1. Mayor Dormier None
2. PL1 Huber Report on ditch work
3. PL2 Oberg Would like to see asbestos reports on the building.
4. PL3 Griffin None

*Richard Dormier, Mayor
Rachel Huber, Place One
Dean Oberg, Place Two*

*Doug Hunt, Place Four
David Griffin, Place Three
Michael Myers, Place Five*

5. PL4 Hunt	None
6. PL5 Myers	None
7. City Manager	None

ADJOURNMENT

PL2 Oberg moved to adjourn the meeting of April 09, 2018, seconded by PL4 Hunt. There being no further business, Mayor Dormier adjourned the meeting at 9:05 p.m.

ATTEST:


Pamela Woodall, City Secretary




Richard Dormier, Mayor


Approved May 14, 2018