

City of OVILLA, Texas

City Council

Rachel Huber, Place One
Dean Oberg, Place Two
David Griffin, Place Three, Mayor Pro Tem

Richard Dormier, Mayor

Doug Hunt, Place Four
Michael Myers, Place Five
John R. Dean, Jr. City Manager

Monday, March 25, 2019 105 S. Cockrell Hill Road, Ovilla, TX 75154
5:30 P.M.

Council Chamber Room

AGENDA City Council Special Meeting

NOTICE is hereby given of a **Special Meeting** of the City Council of the City of Ovilla, to be held on **Monday, March 25, 2019 at 5:30 P.M.** in the Ovilla Municipal Building, Council Chamber Room, 105 S. Cockrell Hill Road, Ovilla, Texas, 75154, for the purpose of considering the following items.

I. CALL TO ORDER

- Invocation
- Pledge of Allegiance

II. COMMENTS/PRESENTATIONS/ ANNOUNCEMENTS

III. REGULAR AGENDA

ITEM 1. **DISCUSSION** – Receive recommendation from the Economic Development Corporation for funding not to exceed \$150,000, for the construction of a wastewater line to serve Founders Park and adjacent properties located in the City of Ovilla.

- a. **SECOND READING** – Pursuant to § 505.158 of the Local Government Code, conduct the second reading of Resolution R2019-04 to consider an infrastructure project funded by the Ovilla Economic Development Corporation (OEDC) for the construction of a wastewater line to serve Founders Park and adjacent properties located in the City of Ovilla.

ITEM 2. **DISCUSSION/ACTION** – Consideration of and action on Resolution R2019-04, authorizing the Ovilla Economic Development Corporation to fund a wastewater line project in an amount not to exceed \$150,000 to the vicinity of Founders Park to serve the Park and adjacent properties.

ITEM 3. **DISCUSSION/ACTION** – Consideration of and action to allow the Garden Club to reserve Heritage Park for a one-time use.

ITEM 4. **DISCUSSION/ACTION** – Workshop to review the immediate and future infrastructure and facility needs of the city.

IV. 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).

V. ADJOURNMENT

THIS IS TO CERTIFY THAT A COPY OF THE NOTICE OF the March 25, 2109 Special City Council Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, www.cityofovilla.org, on the 22nd day of March 2019 prior to 5:30 p.m., in compliance with Chapter 551, Texas Government Code.

City of OVILLA, Texas

City Council

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Pamela Woodall, City Secretary

DATE OF POSTING: 3.22.2019 TIME: 10:00 am/pm
DATE TAKEN DOWN: _____ TIME: _____ am/pm

This facility is ADA compliant. If you plan to attend this public meeting and have a disability that requires special arrangements, please call 972-617-7262 at least 48 hours in advance. Reasonable accommodation will be made to assist your needs. PLEASE SILENCE ALL PAGERS, CELL PHONES & OTHER ELECTRONIC EQUIPMENT WHILE THE CITY COUNCIL MEETING IS IN SESSION.





Ovilla City Council

AGENDA ITEM REPORT

Item 1

Meeting Date: March 25, 2019

Department: Administration

☒ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: John R. Dean, Jr., CM

AMOUNT:

Reviewed By: ☒ City Manager

☒ City Secretary

☒ City Attorney

☒ Accountant

☒ Other: PW Director B. Piland

Attachments:

1. Engineers opinion of probable construction cost
2. Legal notice

Agenda Item / Topic:

ITEM 3. DISCUSSION – Receive recommendation from the Economic Development Corporation for funding not to exceed \$150,000, for the construction of a wastewater line to serve Founders Park and adjacent properties located in the City of Ovilla.

- a. **SECOND READING** – Pursuant to § 505.158 of the Local Government Code, conduct the first reading of Resolution R2019-04 to consider an infrastructure project funded by the Ovilla Economic Development Corporation (OEDC) for the construction of a wastewater line to serve Founders Park and adjacent properties located in the city of Ovilla.

Discussion / Justification:

Conduct the second reading of the resolution. The first reading was conducted during the Regular March 11 Council meeting. The OEDC has identified the project to be an authorized project and approved funding the project up to \$150,000. The OEDC recommends that the City Council conduct the required readings of the resolution and authorize the OEDC to move forward with the project.

Legal notice of the public hearing was posted on the City website, Waxahachie Daily Light and the City bulletin board. No one appeared at the OEDC public hearing to speak either for or against the project. The wastewater line project provides the ability to enhance Founders Park by removing the city facilities from an aerobic septic system to increase the land available for use at Founders Park. The engineers estimate of probable cost of the project is \$172,185. The City will absorb the remaining difference.

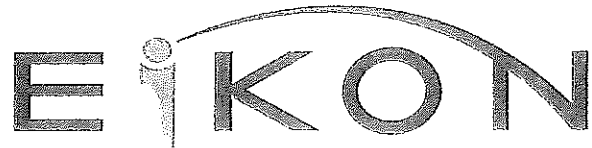
Because the expense of the project is greater than \$10,000 the City Council must adopt a resolution authorizing the project after having at least two separate readings of the resolution for the project to proceed.

Recommendation / Staff Comments:

Staff recommends approval.

Sample Motion(s):

NO MOTION.



DESIGNING CONFIDENCE

ENGINEERS OPINION OF PROBABLE CONSTRUCTION COST
FOR PUBLIC IMPROVEMENTS
MAIN STREET SANITARY SEWER ALIGNMENT 'B' (18138)
CITY OF OVILLA, TX
March 11, 2019

ITEM	DESCRIPTION	UNIT	UNIT PRICE	QNTY	TOTAL
1.00 - SANITARY SEWER					
1.01	8" ASTM D3034 SDR35 PVC Sewer, with Trenching & Backfill (5'-15' Depth)	LF	\$ 40	1160	\$ 46,400
1.02	4' Diam. Sanitary Sewer Manhole (6-ft Height)	EA	\$ 3,500	7	\$ 24,500
1.03	Additional Depth for Manholes	VF	\$ 100	24	\$ 2,400
1.04	ConShield for Manholes	EA	\$ 1,000	7	\$ 7,000
1.05	Infi-Shield Gator Wrap	EA	\$ 500	7	\$ 3,500
1.06	4" Service Tap	EA	\$ 500	7	\$ 3,500
1.07	HMAC Removal and Replacement	SY	\$ 70	645	\$ 45,150
SUB-TOTAL:					\$ 132,450
ENGINEERING, SURVEY, AND CMT FEE (15%):					\$ 19,868
CONTINGENCY (15%):					\$ 19,868
TOTAL:					\$ 172,185
					GRAND TOTAL

* Note this Engineers Opinion of Probable Construction Cost was created following the alignment from 2008 Construction Plans, "Main Street Sanitary Sewer From F.M. 664 to City Hall," prepared by Birkhoff, Hendricks & Conway Consulting Engineers.

* Assumes no utility relocations are required within R.O.W. & no rock excavation.

*Please note that the engineer has no control over contractor workload, material supply availability, weather, project timing, or other variables which may affect project costs between now and construction. During construction, additional variables may become apparent which will result in an increase or decrease in cost.

NOTICE OF PUBLIC HEARING OF THE ECONOMIC DEVELOPMENT BOARD

In accordance with the Development Corporation Act, Sections 505.159 and 505.160 of the Texas Local Government Code, a public hearing will be held by the Ovilla Economic Development Corporation, a Type B economic development corporation, on February 19, 2019 at 6:00 pm, at the Ovilla City Hall located at 105 South Cockrell Hill Road, Ovilla, Texas, to solicit input prior to expending funds in support of the following project: to provide funding not to exceed \$150,000 for economic development purposes towards the design and construction of a wastewater line to serve Founders Park and adjacent properties located in the City of Ovilla. It is requested that you make your views known, either in person or by writing to the Ovilla Economic Development Corporation.

Notice posted at the Ovilla City Hall, February 8, 2019.

CITY Website
Bulletin Board
Newspaper

Feb. 8. 2019



Ovilla City Council

AGENDA ITEM REPORT Item 2

Meeting Date: March 25, 2019

Department: Administration

☒ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: John R. Dean, Jr., CM

AMOUNT:

Reviewed By: ☒ City Manager

☒ City Secretary

☒ City Attorney

☒ Accountant

☒ Other: PW Director B. Piland

Attachments:

1. Resolution R2019-04

Agenda Item / Topic:

ITEM 2. **DISCUSSION/ACTION** – Consideration of and action on Resolution R2019-04, authorizing the Ovilla Economic Development Corporation to fund a wastewater line project in an amount not to exceed \$150,000 to the vicinity of Founders Park to serve the Park and adjacent properties.

Discussion / Justification:

Legal requirements have been met to move forward with the funding for this project.

Recommendation / Staff Comments:

Staff recommends approval

Sample Motion(s):

I move to approve/deny Resolution R2019-04 authorizing the Ovilla Economic Development Corporation to fund a wastewater line project in an amount not to exceed \$150,000 to the vicinity of Founders Park to serve the Park and adjacent properties.

RESOLUTION NO. R2019-04

A RESOLUTION AUTHORIZING THE OVILLA ECONOMIC DEVELOPMENT CORPORATION TO FUND A WASTEWATER LINE PROJECT IN AN AMOUNT NOT TO EXCEED \$150,000.00 TO THE VICINITY OF FOUNDERS PARK TO SERVE THE PARK AND ADJACENT PROPERTIES.

WHEREAS, the City of Ovilla, Texas is a Type A general-law municipality located in Ellis and Dallas Counties, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Ovilla Economic Development Corporation is a Type-B corporation created in accordance with the provisions of Chapter 505 of the Texas local Government Code; and

WHEREAS, the Ovilla Economic Development Corporation has determined that the wastewater line project is an acceptable project in accordance with Section 505.152 of the Texas Local Government Code; and

WHEREAS, the Ovilla Economic Development Corporation posted legal notice of the public hearing on the City website, Waxahachie Daily Light and the City bulletin board; and

WHEREAS, the Ovilla Economic Development Corporation held a public hearing in accordance with Section 505.159 of the Texas Local Government Code on February 19, 2019 to receive public comment on the project; and

WHEREAS, the Ovilla City Council is required to adopt a resolution authorizing a Type B corporation expenditure of more than \$10,000.00 after giving the resolution at least two separate readings in accordance with Section 505.158 of the Texas Local Government Code.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS:

SECTION 1.

That the City Council hereby authorizes the "Wastewater Line Project" by the Ovilla Economic Development Corporation in an amount not to exceed \$150,000.00.

SECTION 2.

That this Resolution shall take effect immediately and it is so Resolved.

PASSED AND APPROVED on this 25th day of March 2019.

Richard A. Dormier, MAYOR

ATTEST:

Pamela Woodall, CITY SECRETARY



Ovilla City Council

AGENDA ITEM REPORT Item 3

Meeting Date: March 25, 2019

Department: Administration

☒ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: Staff

Reviewed By: ☒ City Manager

☒ City Secretary

☒ City Attorney

☐ Accountant

☒ Other: Staff

Attachments:

1. Excerpt from TX Constitution

Agenda Item / Topic:

ITEM 3. **DISCUSSION/ACTION** – Consideration of and action to allow the Garden Club to reserve Heritage Park for a one-time use.

Discussion / Justification:

Continued discussion and follow-up from the March 11 Council Mtg.
The City would most likely face an unconstitutional grant under Article III, Sec. 52 of the Texas Constitution. The only way around it would be if we had an ordinance allowing any person or organization to RENT the park.

The Garden Club could however use the park, just not exclusively.
Staff has made attempts to contact the Garden Club president and vice-president for a clear understanding of the Club's need and intent.

Recommendation / Staff Comments:

Staff does not recommend approval.

Sample Motion(s):

I move to approve/deny the Garden Club to reserve Heritage Park for a one-time use.

ARTICLE III TX CONSTITUTION

Sec. 52. RESTRICTIONS ON LENDING CREDIT OR MAKING GRANTS BY POLITICAL CORPORATIONS OR POLITICAL SUBDIVISIONS; AUTHORIZED BONDS; INVESTMENT OF FUNDS. (a) Except as otherwise provided by this section, the Legislature shall have no power to authorize any county, city, town or other political corporation or subdivision of the State to lend its credit or to grant public money or thing of value in aid of, or to any individual, association or corporation whatsoever, or to become a stockholder in such corporation, association or company. However, this section does not prohibit the use of public funds or credit for the payment of premiums on nonassessable property and casualty, life, health, or accident insurance policies and annuity contracts issued by a mutual insurance company authorized to do business in this State.

(b) Under Legislative provision, any county, political subdivision of a county, number of adjoining counties, political subdivision of the State, or defined district now or hereafter to be described and defined within the State of Texas, and which may or may not include, towns, villages or municipal corporations, upon a vote of two-thirds majority of the voting qualified voters of such district or territory to be affected thereby, may issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the assessed valuation of the real property of such district or territory, except that the total bonded indebtedness of any city or town shall never exceed the limits imposed by other provisions of this Constitution, and levy and collect taxes to pay the interest thereon and provide a sinking fund for the redemption thereof, as the Legislature may authorize, and in such manner as it may authorize the same, for the following purposes to wit:

(1) The improvement of rivers, creeks, and streams to prevent overflows, and to permit of navigation thereof, or irrigation thereof, or in aid of such purposes.

(2) The construction and maintenance of pools, lakes, reservoirs, dams, canals and waterways for the purposes of irrigation, drainage or navigation, or in aid thereof.

ARTICLE III TX CONSTITUTION

(3) The construction, maintenance and operation of macadamized, graveled or paved roads and turnpikes, or in aid thereof.

(c) Notwithstanding the provisions of Subsection (b) of this Section, bonds may be issued by any county in an amount not to exceed one-fourth of the assessed valuation of the real property in the county, for the construction, maintenance, and operation of macadamized, graveled, or paved roads and turnpikes, or in aid thereof, upon a vote of a majority of the voting qualified voters of the county, and without the necessity of further or amendatory legislation. The county may levy and collect taxes to pay the interest on the bonds as it becomes due and to provide a sinking fund for redemption of the bonds.

(d) Any defined district created under this section that is authorized to issue bonds or otherwise lend its credit for the purposes stated in Subdivisions (1) and (2) of Subsection (b) of this section may engage in fire-fighting activities and may issue bonds or otherwise lend its credit for fire-fighting purposes as provided by law and this constitution.

(e) A county, city, town, or other political corporation or subdivision of the state may invest its funds as authorized by law.

(Amended Nov. 8, 1904; Subsecs. (a) and (b) amended and (c) added Nov. 3, 1970; Subsec. (d) added Nov. 7, 1978; Subsec. (a) amended Nov. 4, 1986; Subsec. (e) added Nov. 7, 1989; Subsecs. (a), (b), and (c) amended Nov. 2, 1999.) (TEMPORARY TRANSITION PROVISIONS for Sec. 52: See Appendix, Note 1.)

Sec. 52-a. PROGRAMS AND LOANS OR GRANTS OF PUBLIC MONEY FOR ECONOMIC DEVELOPMENT. Notwithstanding any other provision of this constitution, the legislature may provide for the creation of programs and the making of loans and grants of public money, other than money otherwise dedicated by this constitution to use for a different purpose, for the public purposes of development and diversification of the economy of

ARTICLE III TX CONSTITUTION

the state, the elimination of unemployment or underemployment in the state, the stimulation of agricultural innovation, the fostering of the growth of enterprises based on agriculture, or the development or expansion of transportation or commerce in the state. Any bonds or other obligations of a county, municipality, or other political subdivision of the state that are issued for the purpose of making loans or grants in connection with a program authorized by the legislature under this section and that are payable from ad valorem taxes must be approved by a vote of the majority of the registered voters of the county, municipality, or political subdivision voting on the issue. A program created or a loan or grant made as provided by this section that is not secured by a pledge of ad valorem taxes or financed by the issuance of any bonds or other obligations payable from ad valorem taxes of the political subdivision does not constitute or create a debt for the purpose of any provision of this constitution. An enabling law enacted by the legislature in anticipation of the adoption of this amendment is not void because of its anticipatory character.

(Added Nov. 3, 1987; amended Nov. 8, 2005.)

Sec. 52-b. LOAN OF STATE'S CREDIT, GRANT OF PUBLIC MONEY, OR ASSUMPTION OF DEBT FOR TOLL ROAD PURPOSES. The Legislature shall have no power or authority to in any manner lend the credit of the State or grant any public money to, or assume any indebtedness, present or future, bonded or otherwise, of any individual, person, firm, partnership, association, corporation, public corporation, public agency, or political subdivision of the State, or anyone else, which is now or hereafter authorized to construct, maintain or operate toll roads and turnpikes within this State except that the Legislature may authorize the Texas Department of Transportation to expend, grant, or loan money, from any source available, for the acquisition, construction, maintenance, or operation of turnpikes, toll roads, and toll bridges.

ARTICLE III TX CONSTITUTION

(Added Nov. 2, 1954; amended Nov. 5, 1991, and Nov. 6, 2001.)

Sec. 52-c. (Blank.)

Sec. 52d. COUNTY OR ROAD DISTRICT TAX FOR ROAD AND BRIDGE PURPOSES IN HARRIS COUNTY. (a) Upon the vote of a majority of the qualified voters so authorizing, a county or road district may collect an annual tax for a period not exceeding five (5) years to create a fund for constructing lasting and permanent roads and bridges or both. No contract involving the expenditure of any of such fund shall be valid unless, when it is made, money shall be on hand in such fund.

(b) At such election, the Commissioners' Court shall submit for adoption a road plan and designate the amount of special tax to be levied; the number of years said tax is to be levied; the location, description, and character of the roads and bridges; and the estimated cost thereof. The funds raised by such taxes shall not be used for purposes other than those specified in the plan submitted to the voters. Elections may be held from time to time to extend or discontinue said plan or to increase or diminish said tax. The Legislature shall enact laws prescribing the procedure hereunder.

(c) The provisions of this section shall apply only to Harris County and road districts therein.

(Added Aug. 23, 1937; amended Nov. 2, 1999.) (TEMPORARY TRANSITION PROVISIONS for Sec. 52d: See Appendix, Note 1.)

Sec. 52e. COUNTY PAYMENT OF MEDICAL EXPENSES OF LAW ENFORCEMENT OFFICIALS. Each county in the State of Texas is hereby authorized to pay all medical expenses, all doctor bills and all hospital bills for Sheriffs, Deputy Sheriffs, Constables, Deputy Constables and other county and precinct law enforcement officials who are injured in the course of their official duties; providing that while said Sheriff, Deputy

ARTICLE III TX CONSTITUTION

Sheriff, Constable, Deputy Constable or other county or precinct law enforcement official is hospitalized or incapacitated that the county shall continue to pay his maximum salary; providing, however, that said payment of salary shall cease on the expiration of the term of office to which such official was elected or appointed. Provided, however, that no provision contained herein shall be construed to amend, modify, repeal or nullify Article 16, Section [31](#), of the Constitution of the State of Texas.

(Added Nov. 11, 1967.)

Sec. 52f. PRIVATE ROAD WORK BY COUNTIES WITH POPULATION OF 7,500 OR LESS. A county with a population of 7,500 or less, according to the most recent federal census, may construct and maintain private roads if it imposes a reasonable charge for the work. The Legislature by general law may limit this authority. Revenue received from private road work may be used only for the construction, including right-of-way acquisition, or maintenance of public roads.

(Added Nov. 4, 1980; amended Nov. 3, 2015.)

Sec. 52g. DALLAS COUNTY BOND ISSUES FOR ROADS AND TURNPIKES. Bonds to be issued by Dallas County under Section [52](#)(b)(3) of Article III of this Constitution may, without the necessity of further or amendatory legislation, be issued upon a vote of a majority of the voting qualified voters of said county, and bonds heretofore or hereafter issued under Subsections (a) and (b) of said Section 52 shall not be included in determining the debt limit prescribed in said Section.

(Added Nov. 5, 1968; amended Nov. 4, 1997, and Nov. 2, 1999.)

(TEMPORARY TRANSITION PROVISIONS for Sec. 52g: See Appendix, Note 1.)

ARTICLE III TX CONSTITUTION

Sec. 52h. DONATIONS BY MUNICIPALITIES OF OUTDATED OR SURPLUS FIRE FIGHTING EQUIPMENT TO UNDERDEVELOPED COUNTRIES. A municipality may donate to an underdeveloped country outdated or surplus equipment, supplies, or other materials used in fighting fires.

(Added Nov. 6, 2001.)

Sec. 52i. DONATIONS BY MUNICIPALITIES OF SURPLUS FIRE FIGHTING EQUIPMENT FOR RURAL FIRE PROTECTION. (a) A municipality may donate surplus equipment, supplies, or other materials used in fighting fires to the Texas Forest Service or to a successor agency authorized to cooperate in the development of rural fire protection plans.

(b) The Texas Forest Service or the successor agency may, based on need, redistribute to rural volunteer fire departments the equipment, supplies, or materials donated under Subsection (a).

(Added Sept. 13, 2003.)

Sec. 52j. SALE OF REAL PROPERTY ACQUIRED THROUGH EMINENT DOMAIN. A governmental entity may sell real property acquired through eminent domain to the person who owned the real property interest immediately before the governmental entity acquired the property interest, or to the person's heirs, successors, or assigns, at the price the entity paid at the time of acquisition if:

- (1) the public use for which the property was acquired through eminent domain is canceled;
- (2) no actual progress is made toward the public use during a prescribed period of time; or
- (3) the property is unnecessary for the public use.

(Added Nov. 6, 2007.)

ARTICLE III TX CONSTITUTION

Sec. 52k. COUNTY OR MUNICIPAL BONDS OR NOTES TO ACQUIRE LAND ADJACENT TO MILITARY INSTALLATIONS. The legislature by general law may authorize a municipality or county to issue bonds or notes to finance the acquisition of buffer areas or open spaces adjacent to a military installation for the prevention of encroachment or for the construction of roadways, utilities, or other infrastructure to protect or promote the mission of the military installation. The municipality or county may pledge increases in ad valorem tax revenues imposed in the area by the municipality, county, or other political subdivisions for repayment of the bonds or notes.



AGENDA ITEM REPORT

Item 4

Meeting Date: March 25, 2019

Department: Administration

☒ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: Staff

Reviewed By: ☒ City Manager

☒ City Secretary

☒ City Attorney

☒ Accountant

☒ Other: Staff

Attachments:

1. To be presented at meeting

Agenda Item / Topic:

ITEM 4. **DISCUSSION/ACTION** – Workshop to review the immediate and future infrastructure and facility needs of the city.

Discussion / Justification:

Workshop held at the direction of the City Council.

Staff has done research and each department will present the facility needs that each has identified.

Hilltop Securities has provided information on bonding capacity of the City.

Current I&S Debt Balance: \$4,638,285

Current Total Debt Balance: \$5,730,900

Current I&S Rate: \$0.1266

Current Total Tax Rate: \$0.6600

Eikon has provided cost information on Shiloh Road, Westmoreland Road, Police, Fire, and City Hall facilities. The provided facility cost numbers are based on recent projects.

Current Building Space:

Police Department - approximately 1,800 sf.

Public Works – 1,800 sf.

City Hall & Public Works – 3,410 sf.

Recommendation / Staff Comments:

Act as the Council deems necessary.

Sample Motion(s):