

CITY OF OVILLA MINUTES

Monday, March 11, 2019
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
Doug Hunt	Council Member, Place 4
Michael Myers	Council Member, Place 5
Absent	David Griffin
	Mayor Pro Tem, Place 3

Mayor Dormier announced that Mayor Pro Tem Griffin was ill and unable to attend. All remaining 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

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

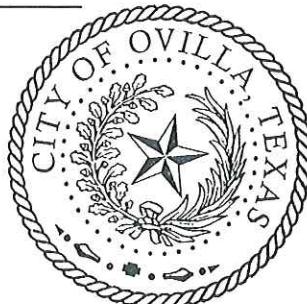
Mayor Dormier and City Manager John Dean gave a brief review of each item on the agenda. City Manager John Dean answered any questions.

ADJOURNMENT

Mayor Dormier adjourned the Briefing Session of the Ovilla City Council at 6:10 p.m.

ATTEST:


Pamela Woodall, City Secretary



Richard Dormier, Mayor

Approved April 08, 2019

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The following City Council Members were present:

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

Mayor Dormier noted that Mayor Pro Tem Griffin was absent and that all remaining 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 reciting of the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

PRESENTATIONS, ANNOUNCEMENTS & COMMENTS

Presentation: City Secretary delivered Certification of Unopposed Candidates.

Citizen Comments

1. MS Jimmie Wade, 606 Creekview Court: Voiced concern with condition of Ovilla roads and the recent purchase of city property on Main Street.
2. MS Pamilee Koval, 121 Water Street: Grateful for the painting of fire hydrants and new landscaping at the Fire Department. Would like to see new street signs in the Historic District.

CONSENT AGENDA

- C1. Authorize the City Manager to allow the early closing of City Offices on April 26, 2019 for Employee Customer Service Training for all employees.
- C2. Approve staff recommendation to declare surplus property.
- C3. Minutes of the February 11, 2019 Briefing Session and Regular Meeting.

PL5 Myers moved to approve the consent items as presented, seconded by PL4 Hunt.
No oppositions, no abstentions.

VOTE: *The motion to approve carried unanimously: 4-0.*

REGULAR AGENDA

ITEM 1. DISCUSSION/ACTION – Consideration of and action on Ordinance 2019-07 of the City of Ovilla, Texas, declaring unopposed candidates in the May 04, 2019 General City Election

elected to office; canceling the General Election; providing a savings clause; providing a severability clause; and providing an effective date.

DISCUSSION/ACTION – ORDENANZA DE LA CIUDAD DE OVILLA, TEXAS, DECLARANDO CANDIDATOS SIN OPOSICIÓN EN LA ELECCIÓN GENERAL DE LA CIUDAD DEL 04 DE MAYO DEL 2019; CANCELACIÓN DE LA ELECCIÓN; PROPORCIONANDO UNA CLÁUSULA DE SALVAGUARDA; PROPORCIONANDO UNA CLÁUSULA DE DIVISIBILIDAD; Y PROPORCIONANDO UNA FECHA DE ENTRADA EN VIGOR.

Texas Election Code, Chapter 2, Section 2.051-2.053 provides procedures that allow for the cancellation of the general election after the certificate of unopposed status is completed and delivered. The governing body must meet in open forum and vote to cancel the election and certify the unopposed candidates “elected.”

PL2 Oberg moved to approve Ordinance 2019-07 of the City of Ovilla, Texas, declaring unopposed candidates in the May 04, 2019 General City Election elected to office; canceling the General Election, seconded by PL4 Hunt.

No oppositions, no abstentions.

VOTE: The motion to approve carried unanimously: 4-0.

ITEM 2. **DISCUSSION/ACTION** – Consideration of and action on Resolution R2019-03 approving the filing of the Fire Department Safer Grant and authorize the City Manager to execute the application documents.

Staff addressed the grant request with Council during the December 2018 meeting, asking for permission to apply when the grant application period was open.

PL2 Oberg moved to approve Resolution R2019-03 approving the filing of the Fire Department Safer Grant and authorized the City Manager to execute the application documents, effective immediately, seconded by PL1 Huber.

No oppositions, no abstentions.

VOTE: The motion to approve carried unanimously: 4-0.

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. **FIRST 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.

Staff reported background information.

The OEDC has identified the project to be an authorized project and approved funding the project up to \$150,000. The OEDC recommended that the City Council conduct the required readings of the resolution and authorize the OEDC to move forward with the project.

Staff reported that 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.

City engineers estimate of probable cost of the project was reported at \$172,185. 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. Mayor Dormier gave the reading of Resolution R2019-04.

No Action.

ITEM 4. **DISCUSSION/ACTION** – Consideration of and action on volunteer board appointment to serve a term on the Planning and Zoning Commission and/or direct staff to continue solicitation for new applicants.

The Planning and Zoning Commission has one vacancy and is expecting another. Staff presented one received application for Council review. No decision was made. Council directed staff to return this item to the April 2019 Council meeting.

No Action.

ITEM 5. **DISCUSSION/ACTION** – Consideration of and action to approve a proposed Budget Calendar for Fiscal Year 2019-2020 budget preparations.

To assure staff and Council meet target dates in compliance with Truth-N-Taxation for the creation of budget and the tax rate, staff prepared and presented a proposed Fiscal Year 2019-2020 Budget Calendar for consideration. Key Dates were discussed:

Thursday, May 16 - (Special Meeting) – Budget Workshop #1 with City Council 5:00 p.m. Review General Fund, Capital Improvements, Equipment Purchases, Streets Capital Improvement Plan.

The May 16 date was moved to May 20.

Thursday, May 23 - (Special Meeting) - Budget Workshop #2 with City Council 5:00 p.m. Review Water & Sewer Fund, Park Impact Fund, W&S Impact Fund, 4B EDC Fund, MDD, Fire Auxiliary, Police Special Fund and Debt Service. Review Water Rates, Review Sewer Rates, Review Health Benefit Rates.

Thursday, June 20 – (Special Meeting) – Budget Workshop #3 at 5:00 p.m. Review revisions to proposed budget from Workshops #1 and #2.

Thursday, August 01- (Special Meeting) – Workshop #4, at 5:30 p.m. to review preliminary determination of tax rate (Dallas, Ellis) and revisions.

Monday, August 12 - (Regular Meeting) – Regular Council Meeting: Present Effective, Rollback Tax Rate, Schedules and Fund Balances. City Council to discuss Tax Rate. If proposed Tax Rate exceeds the Effective Rate or the Rollback Rate, take record vote and schedule required public hearings on proposed Tax Rate. A record vote is not required if the City Council keeps the Tax Rate at or below the zero-effective rate.

Monday, August 19 - (Special Meeting) - First public hearing at 5:30 p.m. on Tax Rate (if needed)

Monday, August 26 - (Special Meeting) - Second public hearing at 5:30 p.m., To adopt Tax Rate. (if needed)

Monday, Sept. 9th - (Regular Meeting) - Public Hearing on Budget; adopt Budget; adopt Tax Rate.

No Action.

ITEM 6. **DISCUSSION/ACTION** – Consideration of and action to allow the Garden Club to reserve Heritage Park for a one-time use.

Staff reported that 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 Ovilla had an ordinance allowing any

person or organization to RENT the park. The Garden Club could however use the park, just not exclusively. City Manager John Dean was directed to obtain more information from the Garden Club.
No Action.

ITEM 7. DISCUSSION/ACTION – Consideration of and action on Ordinance 2019-08, amending Appendix A “Fee Schedule,” Article A200 “Miscellaneous Fees,” of the Code of Ordinances of the City of Ovilla, Texas, providing a rental fee for use of the gazebo at Heritage Park; 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 Ordinance 2019-08 advising that a \$10 fee has been in place for several years but was never included in the fee schedule. Staff recommended that the fee be adopted by the City Council. Following much deliberation and opposing opinions, certain Council members suggested a revision to the gazebo rental/use fee amount to be \$50.

PL2 Oberg moved to approve Ordinance 2019-08, amending the fee schedule to include a Heritage Park gazebo rental fee at a cost of \$50, seconded by PL4 Hunt.

PL1 Huber and PL5 Myers voted in opposition. No abstentions.

Mayor Dormier broke the tie in favor of Ordinance 2019-08, revised, with the \$50 fee.

VOTE: The motion to approve Ordinance 2019-08 (revised) carried : 3-2.

ITEM 8. DISCUSSION/ACTION – Consideration of and action on entering into a merchant agreement with Worldpay, LLC and Government Payment Service, Inc. doing business as “GovPayNet” and to authorize the City Manager to execute the agreement.

Staff presented an agreement to allow a single credit card processing vendor that would also reduce the fees charged to Ovilla customers from 3% + to 2%. The City attorney reviewed the agreement and the company made several changes requested by the City Attorney. The City Attorney reviewed and approved the agreement with the changes.

PL4 Hunt moved to approve the Merchant Agreement with Worldpay, LLC, and Government Payment Service, Inc., doing business as “GovPayNet” and authorize the City Manager to execute the agreement, seconded by PL5 Myers.

No oppositions, no abstentions.

VOTE: The motion to approve carried unanimously: 4-0.

ITEM 9. DISCUSSION/ACTION – Consideration of and action on Resolution R2019-05 authorizing continued participation with the Atmos Cities Steering Committee; and authorizing the payment of five-cents per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation.

The presented resolution authorizes the City's continued participation with Atmos.

PL5 Myers moved to approve Resolution R2019-05 authorizing continued participation with the Atmos Cities Steering Committee and authorizing the payment of five-cents per capital to the ACSC, effective immediately, seconded by PL4 Hunt.

No oppositions, no abstentions.

VOTE: The motion to approve carried unanimously: 4-0.

ITEM 10. DISCUSSION/ACTION – Consideration of and action to amend certain sections of Chapter 3.05 Fences, and 35.3 Fences in Residential Districts, directing staff as necessary.

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

City officials and staff discussed various recommended changes to the section of the Code regarding fences. No decisions were made.

No Action.

ITEM 11. DISCUSSION – Discuss water variance report and customer notification process.

Staff shared what was currently used as a water variance report and advised that it was used to check for abnormalities on water accounts. However, notification to the customer if any were found on the customer's account, was already "after the fact," therefore delayed. The new system will assist in catching customer account issues earlier. Staff was directed to return this item at a later date for action.

No Action.

ITEM 12. DISCUSSION/ACTION – Consideration of any item(s) pulled from the Consent Agenda above for individual consideration and action.

N/A

DEPARTMENT REPORTS

- Department Activity Reports / Discussion
 - Police Department Chief B. Windham
 - 1. Monthly Report reviewed.
 - Fire Department Chief B. Kennedy
 - Monthly Report reviewed.
 - Public Works Director B. Piland
 - Monthly Report
 - 1. Monthly Park Maintenance Reports reviewed.
 - Finance Department Accountant L. Harding
 - January 2019 Financials and transactions reviewed.
 - Bank Balances through March 06, 2019 reviewed.
 - Administration
 - Monthly Code/Animal Control Reports Code/AC Officer M. Dooley
 - Monthly Municipal Court Report City Secretary P. Woodall
 - City Manager Report City Manager, John R. Dean, Jr.
 - 1. Will add repairs to streets.

EXECUTIVE SESSION - None

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

1. Mayor Dormier Consider eliminating the Briefing Sessions.
2. PL1 Huber None
3. PL2 Oberg None
4. PL3 Griffin Absent
5. PL4 Hunt Ovilla Auto compliance issues.
6. PL5 Myers Discuss contract with CWD and dependable limb pickup.
7. City Manager None

ADJOURNMENT

PL4 Hunt moved to adjourn the meeting of March 11, 2019, seconded by PL2 Oberg. There being no further business, Mayor Dormier adjourned the meeting at 8:27 p.m.



Richard Dormier, Mayor

ATTEST: 

Pamela Woodall, City Secretary

Approved April 08, 2019

Attachment: Citizens Forum sheet

