

# CITY OF OVILLA MINUTES

**Monday, July 08, 2019**

**Regular City Council Meeting**

**105 S. Cockrell Hill Road, Ovilla, TX 75154**

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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 noted the presence of all Council Members thus constituting a quorum. City Manager John R. Dean, Jr., department directors and various staff were also present.

## **CALL TO ORDER**

Mayor Pro Tem Griffin 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**

**Presentations, Announcements:** None

**Citizen Comments:** None

## **CONSENT AGENDA**

- C1. Resolution R2019-12 authorizing, adopting and establishing the annual Ovilla Heritage Day Sponsorship Program.
- C2. Ordinance 2019-14 adopting fees for Heritage Day booth rentals.
- C3. Minutes of the June 10, 2019 Regular Meeting.
- C4. Storm Water Pollution Prevention Plan (SWPPP)
- C5. Amend existing agreement with Bureau Veritas (State Law HB852 revision)

PL4 Hunt moved to approve the consent items as presented, seconded by PL5 Myers.

*No oppositions, no abstentions.*

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

Mayor Dormier moved the order of the Agenda and advised that Council and certain members of staff would meet in an executive session at 6:35 pm for the following:

Closed Session called pursuant to Section 551.071(2) of the Texas Government Code: Consultation with the city attorney on a matter in which the attorney's duty of confidentiality to the city clearly conflicts with the provisions of the Texas Open Meetings Act – Contract with Community Waste Disposal.

- A. *Reconvened into Regular (Open) Session occurred at 6:52 pm.*
- B. Consideration of and action on contract with Community Waste Disposal. No action was taken.

REGULAR AGENDA

ITEM 1. **DISCUSSION/ACTION** – Conduct a public hearing on the performance of waste collection services provided by Community Waste Disposal ("CWD") and consideration of, and voting on, whether the City should continue or terminate its contract with CWD.

Staff shared a brief background:

At the May 13, 2019 Council Meeting, CWD was on the agenda to address the quality of service being provided, allowing CWD representatives to brief Council on their failure to provide proper notice to TCEQ for hazardous waste collection during Ovilla Clean-Up Day.

During this briefing, a written complaint log was shared conveying the displeasure of residents regarding CWD's service. It was agreed that CWD would be allowed 2-months to improve their services.

There are notification processes outlined in the contract to hold a hearing on the services provided by the contractor. Staff followed those notification processes at the direction of the City Attorney. City Manager John Dean met with various members of CWD numerous times to address concerns with their service. As of June 30, Ovilla staff recorded 108 complaints from customers:

- 46 - regarding brush/limb collection.
- 8 - other bulk related issues.
- 36 - missed trash or recycle collection.
- 18 – various other complaints.

Mayor Dormier opened the public hearing at 6:53 pm., inviting anyone from the public to speak.

1. Kathy Dickey, 104 Robin Glen: Not happy with the current service of CWD and shared service comparisons from other cities.
2. Mary Cavanaugh, 108 Nob Hill: Not happy with the current service of CWD and asked city officials to do something to improve it.
3. Ozzie Molina, 224 Lariat Trail: Terrible service and stated that he witnessed CWD collectors combining and mixing the trash and recycle items into one container.
4. Dani Muckleroy, 608 Green Pastures: Not happy with current service of CWD; leaving cans in street, late pick up causes debris and neighbor's trash to blow in her yard.
5. Winfred Vinters, 102 Burtonwood: What happened to CWD as they used to be reputable?
6. Robert Halowec, 118 Nob Hill: Trees and limbs everywhere - concerns for fire hazards. He complies with trash service requirements, but they are late. Why do we allow this poor service? Accountability!

Mr. Greg Roemer and two additional representatives with CWD were present to address Council and the resident complaints. He first advised that addressing the customer needs was most important to CWD and that they valued a good working relationship with Ovilla. Issues from Ovilla's complaint log were countered as well as the brush collection complaints, advising that the residents were placing more brush out than allowed on a regular pick up schedule. Mr. Roemer agreed that CWD was out of compliance on some instances.

There was continued conversation between CWD representatives, Council and residents.

1. Patricia King, 103 Rimrock: Residents don't comply with brush pick up.
2. Robert Halowec, 118 Nob Hill: Why has CWD not communicated with City regarding brush pick up and complaints?

Mayor Dormier closed the public hearing at 7:36 pm.

Discussion between Council and CWD resulted in clear and admitted understanding that CWD needed

to and would increase and improve their service to Ovilla customers, as well as Ovilla would send out flyer to all residents of the 4-cubic yards (only) allowed for brush pickup on residents' scheduled day.

Council will revisit CWD service in September 2019.

*No Action.*

**ITEM 2. DISCUSSION/ACTION** – Consideration of and action on a volunteer board appointment to serve a remaining term, Place 2 on the Ovilla Board of Adjustment.

During the May 2019 re-appointments and appointments of current and new members, the BOA lost one member, leaving a vacancy at Place 2 BOA, expiring in 2020. Mr. Cedric Goree served recently as a volunteer member to the Ovilla Municipal Facilities Improvement Committee and wishes to serve an appointment on a permanent Board.

PL4 Hunt moved to appoint Cedric Goree to serve the remaining term as Place 2 on the Board of Adjustment, seconded by PL5 Myers.

*No oppositions, no abstentions.*

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

**ITEM 3. DISCUSSION/ACTION** – Consideration of and action on Ordinance No. 2019-15 amendment number 6, amending Ordinance No. 2018-17 Fiscal Year Budget.

Staff presented Ordinance 2019-15, Amendment 6, that will allow the order/purchase of the crack-sealer and the ordering of the two police vehicles (1 replacement vehicle and 1 new as budgeted 2019-2020)

PL5 Myers moved to approve Ordinance No. 2019-15 amendment number 6, amending Ordinance No. 2018-17 Fiscal Year Budget as presented, seconded by PL4 Hunt.

*No oppositions, no abstentions.*

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

**ITEM 4. DISCUSSION/ACTION** – Consideration of and action on an ordinance (ORD. 2019-16) amending Section 9.03.034, Powers and Duties of the City Manager of the Ovilla Code of Ordinances.

Two separate Ordinances were prepared for Council's consideration:

1. One giving the city manager full appointment and termination authority over department heads.
2. The other Ordinance named the department directors over which the City Manager only has recommendation authority on appointment and termination.

The consensus from Council was to go with the second option.

PL4 Hunt moved to approve Ordinance 2019-16, providing amended appointment and termination authority of the city manager, that he or she shall recommend to the mayor and city council the appointment of Chief of Police, Fire Chief, and Public Works Director (Department Directors).

*No oppositions, no abstentions.*

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

**ITEM 5. DISCUSSION** – Review and discuss the Ovilla Historic District Boundary areas. (HB2439)

HB 2439 only allows the City to regulate building materials in certain districts in place prior to April 1<sup>st</sup>, 2019. Staff stated their attempts to identify the actual boundary of our Historic District. Staff has searched the files and through all the storage areas in the city facilities to no avail. Former Mayor

*Richard Dormier, Mayor*

*Rachel Huber, Place One*

*Dean Oberg, Place Two*

Charlie Morton and former Historical District member Karen Pickard were both contacted for assistance. Current and old maps do not identify certain names of reference. Staff is unable to recreate the map because it lists two reference points of which the staff and even Mayor Morton are not aware of the locations. MS Pickard was present at the meeting and offered good information to aid in the recreation of the Historic District Map. Staff will return with a map for consideration.

*No Action.*

**ITEM 6. DISCUSSION** – Review and discuss the Employee Policies Handbook 2018, with regard to employee vacation leave.

PL 5 Council Member Myers requested to review Section 8 Employee Benefits, of the Ovilla Employee Policies Handbook 2018. Mr. Myers would like for the city to be able to provide vacation accrual to certain employees based on previous relevant work experience. He would also like to see the City provide in addition to vacation and sick time, Paid Time Off (PTO) to city employees. He has discussed with the city manager between 3-5 days per year for an employee to be able to use as they see fit.

Staff was instructed to draft a resolution and bring back for consideration.

*No Action.*

**ITEM 7. DISCUSSION/ACTION** – Discussion on Section 35.3.D.1. (Fences in Residential Districts) of the Ovilla Code of Ordinances and direct staff as necessary.

In May 2019, at the request of PL5 Council Member Myers, the current code regarding fences placed in front of the building line on certain large properties was discussed. Staff was directed to develop language regarding fences in front of the building line on large properties with an agricultural property tax reduction. Staff prepared language for review that addresses this issue. The consensus of most Council was to leave that section of the Code as it is.

*No Action.*

**ITEM 8. DISCUSSION/ACTION** – Review and consider Municipal Facility Improvements, directing staff as necessary.

A map to identify potential locations of municipal facilities was presented. Staff stressed that without established locations, it was difficult to get accurate cost estimates for construction projects. Council shared varied opinions of location but was unified on the need to improve city facilities. City Manager John Dean gave various locations with the possibility of the city offices and police possibly being one building or two buildings with a breezeway located at the north corner of Westlawn and Cockrell Hill Road. Other option locations for city offices were on Main Street and the police department on the corner of Cockrell Hill and Water Street. Mayor Dormier asked that trails to Heritage Park be included. Council asked for a cost to update facilities for the Public Works Department. The possibility of renovating the current city offices into a city community center was discussed. Staff would continue to research costs and return.

*No Action.*

**ITEM 9. DISCUSSION/ACTION** – Consideration of any item(s) pulled from the Consent Agenda above for individual consideration and action.

*N/A*

At 9:08 Mayor Dormer called a 5-minute recess.

At 9:15 Mayor Dormer called Council back into session.

#### DEPARTMENT REPORTS

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

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

- Department Activity Reports / Discussion  
All reports were reviewed with Council:
  - Police Department
    - 1. Monthly Report
  - Fire Department
    - 1. Monthly Report
  - Public Works
    - 1. Monthly Report
    - 2. Monthly Park Maintenance Reports
  - Finance Department
    - 1. May 2019 Financials and transactions
    - 2. Bank Balances through July 3, 2019
  - Administration
    - 1. Monthly Code/Animal Control Reports
    - 2. Monthly Municipal Court Report
    - 3. City Manager Reports

Chief B. Windham  
Deputy Chief K. Lindsey  
Interim Director D. Durham (absent)  
Accountant L. Harding  
Code/AC Officer M. Dooly  
City Secretary P. Woodall  
City Manager, John R. Dean, Jr.

### EXECUTIVE SESSION

Mayor Dormier called a closed executive session at 9:34 pm on the following matter:

Closed session called pursuant to Section 551.074 of the Texas Government Code to accept recommendation from the City Manager to offer conditional employment to fill the position of Public Works Director.

- A. *Reconvened into Regular (Open) Session occurred at 9:57 pm*
- B. Consideration of and action on the position of Public Works Director.

Mayor Pro Tem Griffin moved to accept the recommendation of City Manager John Dean for a contingent offer (following pre-employment background testing) of employment to Mike Collard with a tentative start date of July 22, 2019, seconded by PL2 Oberg.

*No oppositions, no abstentions.*

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

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

Mayor Dormier	None	Mayor Pro Tem Griffin	None
PL1 Huber	None	PL4 Hunt	None
PL2 Oberg	None	PL5 Myers	None

### ADJOURNMENT

PL2 Oberg moved to adjourn the meeting of July 08, 2019, seconded by PL1 Huber. There being no further business, Mayor Dormier adjourned the meeting at 9:58 p.m.



Richard Dormier, Mayor

ATTEST:



Pamela Woodall, City Secretary  
Executive Session sealed and filed separately

*Approved August 12, 2019*



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

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