

CITY OF OVILLA MINUTES

Tuesday, October 15, 2019

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 6:30 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
Michael Myers	Council Member, Place 5

Absent:	David Griffin	Mayor Pro Tem, Place 3
	Doug Hunt	Council Member, Place 4

Mayor Dormier noted the presence of Council Members and the absence of Mayor Pro Tem Griffin and PL4 Hunt, thus constituting a quorum. City Secretary, 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

Presentations, Announcements:

Mayor Dormier read aloud a letter received from President Trump recognizing Ovilla's Annual Heritage Day.

Presentation:

1. Letter from the White House honoring Ovilla's Heritage Day Celebration

Presentation:

2. Atmos Presentation to Service League - Atmos representative presented a check to the Ovilla Service League in the amount of \$2,000.

Proclamations: Mayor read aloud each proclamation.

1. Veteran's Day
2. Breast Cancer Awareness Month
3. 2019 Fire Prevention Month

Citizen Comments:

1. MS Dani Muckleroy, 608 Green Pastures, voiced support for the bond election.

CONSENT AGENDA

- C1. Resolution R2019-21 updating the Council Rules of Governance (944)
- C2. Resolution R2019-22 revising the Ovilla Personnel Policies Manual. (944)
- C3. Interlocal Agreement with Ellis County on subdivision platting in the ETJ.
- C4. Electric Reliability Council of Texas (ERCOT) Membership renewal.
- C5. Asset Transfer FY2019 Local Projects Grant with NCTTRAC for QCPR Manikin
- C6. Ordinance 2019-21 updating the IBC, Fire, Mechanical, Fuel Gas, Residential and NEC Codes.
- C7. Annual Council schedule of meetings and holiday calendar
- C8. Minutes of the August 30, 2019 Special Council Meeting.

- C9. Minutes of the August 26, 2019 Special Council Meeting.
- C10. Minutes of the August 19, 2019 Special Council Meeting.
- C11. Minutes of the August 05, 2019 Special Council Meeting.
- C12. Minutes of the July 22, 2019 Special Council Meeting.

Mayor Dormier pulled Consent Item C3 for review and place it as Item 11 on the Regular Agenda. PL1 Huber moved to approve the remaining consent items as presented, seconded by PL2 Oberg. *No oppositions, no abstentions.*

VOTE: The motion to approve carried unanimously: 3-0.

REGULAR AGENDA

ITEM 1. DISCUSSION/ACTION – Case PZ19.09 Receive recommendation from the Planning and Zoning Commission to consider and act on a request from Mr. Clyde Hargrove for an exception to grant a second extension for Hidden Valley Estates Preliminary Plat.

APPLICANT’S PROPOSAL: Development of 149 lots to residential home sites, and 5 Common Area Lots. The total area in the subdivision is 117.578 acres in the city limits of Ovilla. The developer intentionally kept lots larger than required. Subdivision will have curb and gutter throughout.

PRELIMINARY PLAT REQUEST

SUBDIVISION NAME:	HIDDEN VALLEY ESTATES
AUTHORIZED AGENT OF RECORD:	Clyde Hargrove
ENGINEER:	Bannister Engineering.
APPLICATION DATE:	August 24, 2017
LOCATION:	Northwest corner of Red Oak Creek Rd. & Westmoreland Rd.
UTILITIES:	City Sewer / City Water
ZONING:	R15
PROPOSED LAND USE:	Residential Subdivision
MAJOR THOROUGHFARE:	Highway 664 Ovilla Road

In August 2018 the City received authority for the 12” Sanitary Sewer Main from Red Oak Creek to Ovilla Road to serve commercial and residential use to include Hidden Valley Estates. The Economic Development Corporation agreed to obligate funding of approximately \$64K to increase the size of the sewer line.

In September 2018 Mr. Hargrove requested an extension with the City:

1. Extend preliminary plat for Hidden Valley
2. Extend completion of the sewer line to December 2018.

These two items were considered by the Planning and Zoning Commission October 18, 2018 and approved.

The sewer line is now complete. Mr. Hargrove requested to be placed on the October 07, 2019 agenda of the Planning and Zoning Commission. He asked for a second extension for Hidden Valley Estates Preliminary Plat. The City’s Code allows one extension, however, the P&Z’s consensus was favorable for the Council to grant an exception, if Council so deemed the appropriateness.

Their motion stated:

I MOVE THAT THE P&Z, SUBJECT TO THE DETERMINATION OF THE APPROPRIATENESS OF SUCH AN EXTENSION, APPROVE AND FORWARD A RECOMMENDATION TO THE OVILLA CITY COUNCIL TO APPROVE AN EXTENSION OF THE PRELIMINARY PLAT FOR HIDDEN VALLEY ESTATES.

Staff had no objections to this request.

PL2 Oberg moved that an exception to Section 10.02.063 of the Ovilla Code of Ordinances be granted to Mr. Clyde Hargrove for a one-time - second extension of one year from this date, for the Preliminary Plat of Hidden Valley Estates, seconded by PL5 Myers.

No oppositions, no abstentions.

VOTE: The motion to approve carried unanimously: 3-0.

ITEM 2. DISCUSSION/ACTION – Case PZ19.10 Receive recommendation from the Planning and Zoning Commission to consider and act on a Preliminary Plat Application for Bryson Manor Subdivision Phase III filed by Massey Shaw.

PRELIMINARY PLAT REQUEST

SUBDIVISION NAME:	BRYSON MANOR PHASE III
AUTHORIZED AGENT OF RECORD:	Massey Shaw
ENGINEER:	Michael Westfall
APPLICATION DATE:	October 2, 2019
LOCATION:	Northeast corner of Shiloh Road and Bryson Road
UTILITIES:	City Sewer / Sardis Water
ZONING:	R15
PROPOSED LAND USE:	Residential Subdivision
MAJOR THOROUGHFARE:	Highway 664 Ovilla Road

APPLICANT’S PROPOSAL: Develop 113 lots – Being 111 residential home sites with 2 HOA lots. Total area in subdivision is 74.401 acres in the city limits of Ovilla.

Mr. Massey and his attorney, Mr. James Moon were present for questions. Eikon, the City’s engineering firm had previously reviewed the plat and approved. The Planning and Zoning Commission unanimously recommended approval.

PL2 Oberg moved that the Ovilla City Council approve the Preliminary Plat for Bryson Manor Subdivision Phase III filed by Massey Shaw, seconded by PL1 Huber.

No oppositions, no abstentions.

VOTE: The motion to approve carried unanimously: 3-0.

ITEM 3. DISCUSSION/ACTION – Discuss funding source and possible award of sanitary sewer bid for service to Founders Park, City Hall, Fire Station and Police Station.

Bids were received for the referenced Project Number 18138.13 on August 29, 2019. The bids are good for 60 days. The budget for this project was reported at \$150,000. The low bidder for the project was Dowager Construction in the amount of \$245,502. The low bidder agreed to extend the time to award the bid another 15-days which will extend the project award date to the November City Council meeting.

In order to award the project, a source of funding for the difference in the cost, and the budget needs to be identified. Staff will return with this item in November.

No Action.

ITEM 4 **DISCUSSION/ACTION** – Consideration of and action on a request by homeowners Harry and Patricia Borowczak at 7211 Judy Drive for Council's granting of an intrusion into the utility easement for the construction of a swimming pool.

Homeowners and applicants Harry and Patricia Borowczak requested that Council grant an intrusion into the 15' utility easement for the construction of their desired swimming pool. Survey and plans show the construction site is clear of any utilities.

PL2 Oberg moved to approve the request submitted by applicants, Harry and Patricia Borowczak, granting an intrusion into the utility easement for the construction of a swimming pool at their residence of 7211 Judy Drive, seconded by PL1 Huber.

No oppositions, no abstentions.

VOTE: The motion to approve carried unanimously: 3-0.

ITEM 5 **DISCUSSION/ACTION** – Consideration of and action on Ordinance 2019-22 of the City of Ovilla, Texas amending Chapter 1, Section 1.02.002 of the Code of Ordinances declaring an official city newspaper and declaring an effective date.

Chapter 1, Article 1, Section 1.02002 of the Ovilla Code of Ordinances and Section 52.004 of the Local Government Code states the municipality shall annually declare an official newspaper for required publications. The Waxahachie Daily Light is the city's current newspaper on file. They publish twice weekly.

PL5 Myers moved that the Ovilla City Council approve Ordinance 2019-22 of the City of Ovilla, Texas amending Chapter 1, Section 1.02002 of the Code of Ordinances declaring the official City newspaper as the Waxahachie Daily Light, effective immediately, seconded by PL2 Oberg.

No oppositions, no abstentions.

VOTE: The motion to approve carried unanimously: 3-0.

ITEM 6. **DISCUSSION/ACTION** – Consideration of and action to appoint a temporary committee to review the current Thoroughfare Plan.

This item was requested by PL4 Hunt (absent) and will return in November.

No Action.

ITEM 7. **DISCUSSION/ACTION** – Consideration of and action to set the date and time for the annual Christmas Tree Lighting event.

In years past, the City celebrated this event on the first Thursday evening in December and/or the first Saturday evening in December. Both days received good turnouts. The Park Board Advisory Committee as well as the Service League, city staff, Mayor Dormier and Council all take part and contribute to a successful event. This is a funded event.

PL2 Oberg moved that the Ovilla City Council set the date of Thursday, December 05, 2019 for the Annual Christmas Tree Lighting event to be held in Heritage Park, seconded by PL1 Huber.

No oppositions, no abstentions.

VOTE: The motion to approve carried unanimously: 3-0.

ITEM 8 *DISCUSSION/ACTION* – Consideration of and action on a volunteer board appointment to serve a term on the Park Board Advisory Committee and/or direct staff to continue solicitation for new applicants.

Place One seat on the Park Board has been vacant for months. Council Member Dean Oberg has asked to be appointed to serve on this advisory committee.

This item will return to the regular agenda at a later date.

No Action.

ITEM 9. *DISCUSSION* – Review and discuss Chapter 6, Section 6.05.008 screening of waste containers/dumpsters.

This item was requested by Mayor Pro Tem Griffin (absent) will return in November.

No Action.

ITEM 10. *DISCUSSION* – Receive report on the success of the 2019 Heritage Day celebration held on Saturday, September 28, 2019.

This item will return to the regular agenda at a later date.

No Action.

ITEM 11. *DISCUSSION/ACTION* – Consideration of any item(s) pulled from the Consent Agenda for individual consideration and action.

Consent Item C3 was pulled for clarification and consideration.

PL2 Oberg moved to approve the Interlocal Agreement with Ellis County on subdivision platting in the ETJ, seconded by PL1 Huber.

No oppositions, no abstentions.

VOTE: The motion to approve carried unanimously: 3-0.

IV. STAFF REPORTS

Staff was available for questions.

- **Department Activity Reports / Discussion**
 - Police Department Chief B. Windham
 - Fire Department Chief B. Kennedy
 - Public Works Public Works Director M. Collard
 - Finance Accountant L. Harding
 - Administration
 - 1. Monthly Code/Animal Control Reports Code/AC Officer M. Dooly
 - 2. Monthly Municipal Court Report City Secretary P. Woodall

EXECUTIVE SESSION

A. *Convene into Executive Session.* Mayor Dormier advised that Council and the city secretary would convene into Executive Session at 7:22 p.m.

Closed Meeting called pursuant to Texas Government Code §551.074 – Personnel Matters.

ITEM 1. *DISCUSSION/ACTION* – Deliberate the appointment, employment, evaluation, reassignment and/or duties of the City Secretary/Acting City Manager.

B. *Reconvene into Regular (Open) Session* – at 9:09 p.m.

Mayor Dormier advised no decisions occurred in Executive Session. None in open session either.

No Action.

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

Mayor Dormier	None
Mayor Pro Tem Griffin	Absent
PL1 Huber	None
PL2 Oberg	None
PL4 Hunt	Absent
PL5 Myers	City staff to research a TML Program – TEC Youth Advisory Commission and share information at the December 2019 meeting.

ADJOURNMENT

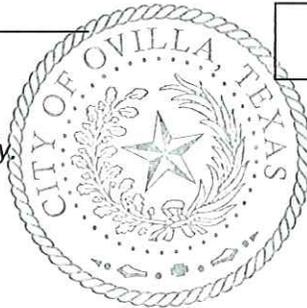
PL1 Huber moved to adjourn the meeting of October 15, 2019, seconded by PL5 Myers. There being no further business, Mayor Dormier adjourned the meeting at 9:11 p.m.

Richard Dormier, Mayor

ATTEST:

Pamela Woodall, City Secretary
Citizen forum sheets attached.

Executive Session filed separately.



Approved November 11, 2019

Mayor Richard Dormier
Place One Council, Rachel Huber
Place Two Council, Dean Oberg
Place Three Council/ Mayor Pro Tem, David Griffin



Place Four Council, Doug Hunt
Place Five Council, Michael Myers

WELCOME TO THE CITY OF OVILLA CITIZENS FORUM

The Ovilla City Council, Boards and City Staff welcome you to a meeting of the Ovilla City Council, or Boards. Ovilla Council/Board Meetings are open to the public and residents are encouraged to attend.

It is the policy of the City of Ovilla to give all individuals and lawful organizations an opportunity to formally address the Mayor and Council regarding any posted Agenda item or items not on the agenda. Each participant will be permitted to speak for a maximum of three minutes. Regarding non-agenda items, please be advised that the Mayor and Council cannot respond but may direct inquiries to staff for current policy or for later review.

The form must be complete.

DATE: 10-15-2019 PHONE: 972-217-5005

DO YOU RESIDE WITHIN THE CITY LIMITS OF OVILLA? YES NO

NAME: DANI MUCKLEBY

ORGANIZATION / DEPARTMENT: _____

ADDRESS: 608 GREEN MEADOWS LN

CITY / ZIP: OVILLA TX 75154

Persons wishing to address the Mayor, Council or Board concerning a posted agenda item must make a formal request by presenting a completed "Citizens Forum" form to the City Secretary at least 10 minutes prior to the beginning of the scheduled meeting. **The form must be complete.** At the discretion of the Mayor or Board Chair, those registered to speak may be called during the opening of the listed agenda item. Please check one of the three following options.

I wish to address the Council during the Citizens Forum.

AGENDA ITEM(S) NUMBER: _____

I wish to address the Council/Board on this agenda item(s).

I do not wish to address the Council/Board, but would like to register the following opinion.

(Circle one) FOR AGAINST

Comments: _____

Would you be interested in serving on an appointed board or commission of the City of Ovilla?

Yes No

The City Council convenes in regular session on the second Monday of each month at 6:00 P.M. unless otherwise noted. Special meetings may be called as deemed necessary to conduct business of the City.

"I authorize the city to release ALL information on this sheet to the public. (If no signature is provided, the City shall not release information that is protected under the Texas Public Information Act.) Signature _____"