

CITY OF OVILLA MINUTES

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

Absent: Dean Oberg Council Member, Place 2

Mayor Dormier noted the presence of Council Members and the absence of Place 2 Dean Oberg, thus constituting a quorum. City Secretary, department directors and various staff were also present.

CALL TO ORDER

PL4 Hunt gave the invocation. Mayor Pro Tem Griffin led the reciting of the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

PRESENTATIONS, ANNOUNCEMENTS & COMMENTS

Presentations, Announcements:

Citizen Comments:

1. No comments.

CONSENT AGENDA

- C1. ORD. 2019-23 updating Municipal Court Fees (Legislative updates)
- C2. Mayor's execution of an agreement with Ovilla's current provider Fusion, to improve and increase the city's internet service.
- C3. Purchase of Mini-Excavator (FY2019-2020 Budget approved)
- C4. Interlocal Cooperation Contract Between County of Ellis and City of Ovilla
- C5. Software subscription with Fund View for Ticket-Writers.
- C6. Minutes of the September 09, 2019 Regular Council Meeting
- C7. Minutes of the October 15, 2019 Regular Council Meeting.
- C8. Quarterly Investment Report
- C9. Committed Fund Balance

PL4 Hunt moved to approve all items on the consent agenda as presented, seconded by PL5 Myers
No oppositions, no abstentions. PL 2 Oberg absent.

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

REGULAR AGENDA

- ITEM 1. **DISCUSSION/ACTION** – Consideration of and action on the approval of Resolution R2019-23 canvassing the returns and declaring the results of a bond election and other matters in connection herewith.

City Secretary made the presentation:

In accordance with the election code, Resolution R2019-23 was presented to Council to canvass the returns of the bond election.

PROPOSITION A: IN THE AMOUNT OF \$2,940,000 FOR CITY HALL FACILITIES, AND THE LEVYING OF A TAX IN PAYMENT THEREOF, **FAILED**

PROPOSITION B: IF THE MAJORITY OF VOTERS APPROVE PROPOSITION A, IN THE AMOUNT OF \$130,000, FOR THE RENOVATION OF THE EXISTING CITY HALL FACILITIES AS A COMMUNITY CENTER, AND THE LEVYING OF A TAX IN PAYMENT THEREOF, **FAILED**

PROPOSITION C: IN THE AMOUNT OF \$2,220,000, FOR PUBLIC SAFETY FACILITIES, AND THE LEVYING OF A TAX IN PAYMENT THEREOF, **FAILED**

PROPOSITION D: IF THE MAJORITY OF VOTERS APPROVE PROPOSITION C, IN THE AMOUNT OF \$130,000, FOR THE RENOVATION OF THE EXISTING PUBLIC SAFETY FACILITIES AS PUBLIC WORKS FACILITIES, AND THE LEVYING OF A TAX IN PAYMENT THEREOF, **FAILED**

PROPOSITION E: IN THE AMOUNT OF \$680,000, FOR PARK, RECREATION, AND OPEN SPACE IMPROVEMENTS, AND THE LEVYING OF A TAX IN PAYMENT THEREOF, **FAILED**

PL5 Myers moved to approve Resolution 2019-23 canvassing the returns of the bond election, seconded by PL4 Hunt.

No oppositions, no abstentions. PL 2 Oberg absent.

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

ITEM 2. DISCUSSION/ACTION – Case PZ19.11 Receive recommendation from the Planning and Zoning Commission to consider and act on a site plan application submitted by MS Pamilee Koval for construction of a new residence at 103 Cockrell Hill Road, Ovilla, Ellis County, Texas 75154.

Staff reported:

In April 2019 (Case PZ19-02), MS Koval received approval from the Council to plat her property, having two separate lots for a possible future addition of another residence, which is permissible under RC Zoning. MS. Koval's permanent residence is at 121 Water Street, next to this vacant lot. This property is located in the Core Historic District.

Site Plan Information

OWNER:	Pamilee Koval
ARCHITECT:	Tim Jackson, TxRCS
APPLICATION DATE:	October 2019
LOCATION:	103 Cockrell Hill Rd
UTILITIES:	Ovilla water / septic (unknown at this exact time)
ZONING:	Commercial / Core Historic District
PROPOSED LAND USE:	Residential - lot size 0.6 acre
MAJOR THOROUGHFARE:	Highway 664 Ovilla Road
APPLICANT'S PROPOSAL:	To build a new home on her property.

ITEM 5. DISCUSSION/ACTION – Consideration of and action to award the Main Street Sanitary Sewer bid to Dowager Construction in the amount of \$245,502.

The low bidder for the project was Dowager Construction in the amount of \$245,502. At the October 15, Council meeting, the low bidder agreed to extend the time to award the bid for an additional 15-days which will extend the project award date to the current November City Council meeting. A source of funding for the difference in the cost was identified in Item 4, a necessary step to move forward with this project.

PL5 Myers moved to approve the award for the Main Street Sanitary Sewer Project to Dowager Construction in the amount of \$245,502 as presented, seconded by PL4 Hunt.

No oppositions, no abstentions. PL 2 Oberg absent.

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

ITEM 6. DISCUSSION/ACTION – Consideration of and action on the current contract with Community Waste Disposal (CWD) representatives to include consideration of a residential and commercial market adjustment, effective December 01, 2019.

CWD representative Jason Roemer and Council addressed the quality of service being provided by CWD and whether Council agreed with a market adjustment. Many CWD service-related concerns were already addressed at the May 2019 Council Meeting and it was clearly noted that the service level concerns would be addressed again. Service complaints have reduced since the May review. The residential increase would be approximately \$0.33 cents and the commercial increase \$.54 cents.

Mayor Pro Tem Griffin moved to allow the market adjustment increase of \$.33 cents per contract effective December 01, 2019, seconded by PL4 Hunt. There were questions regarding the motion designating a residential increase only.

Mayor Pro Tem Griffin amended his motion and moved to allow the market adjustment increase as requested effective December 01, 2019, seconded by PL4 Hunt.

PL1 Huber opposed, no abstentions. PL 2 Oberg absent.

VOTE: The motion to approve carried: 3 in favor-1 opposed.

ITEM 7. DISCUSSION/ACTION – Consideration of and action on Resolution R2019-24 for a vote cast to elect the fourth member to the Dallas Central Appraisal District Board of Directors for the years 2020-2021.

Staff reported that the Tax Code requires an election or appointment of members to the Board of Directors of the DCAD be conducted in odd-numbered years and to begin serving in even-numbered years – for a two- year term. Each of the incorporated cities and towns, except the City of Dallas, have the right to cast their vote by official resolution for one (1) candidate as the fourth member to the Board – submitted and received to DCAD by December 16, 2019.

Qualifications:

Must be resident of the DCAD for at least two years

May be an elected official of an agency represented by the DCAD

Cannot be an employee of any agency represented by the DCAD

The current member to the suburban cities is Michael Hurtt.

PL4 Hunt moved that Council approve Resolution R2019-24, casting a vote to elect Michael Hurtt as the fourth member to the Board of Directors of the Dallas Central Appraisal District for the years 2020-2021, seconded by PL1 Huber.

No oppositions, no abstentions. PL 2 Oberg absent.

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

ITEM 8. DISCUSSION/ACTION – Consideration of and action on Resolution R2019-25 for votes cast for candidate(s) to elect director(s) to the Ellis Appraisal District Board of Directors for the years 2020-2021.

Staff reported that the Tax Code requires that an election or appointment of members to the Board of Directors of the ECAD be conducted in odd-numbered years and to begin serving in even-numbered years – for a two-year term. The City may vote on a nominated candidate (by resolution) for each position to be filled on the Board of Directors or the City may cast all votes to one candidate and submit to the Chief Appraiser by December 15. A list of candidates was reviewed. Ovilla is allowed 33 votes that may be divided to more than one candidate or all votes may be placed on one candidate.

Mayor Pro Tem Griffin moved that Council approve Resolution R2019-25, casting all 33 votes for John Knight, a candidate to elect to the Board of Directors of the Ellis Appraisal District for the years 2020-2021, seconded by PL4 Hunt.

No oppositions, no abstentions. PL 2 Oberg absent.

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

ITEM 9. DISCUSSION/ACTION – Consideration of and action to appoint a temporary committee to review the current Thoroughfare Plan.

PL4 Hunt requested this item to review and possibly update the current Thoroughfare Plan. The last update to the Comprehensive Land Use Plan (Thoroughfares, Chapter 5) was done in 2016 and it is recommended to update the Comp Plan every 5-years. The last update to the Thoroughfare Standards occurred in 2014 with the adoption of Ordinance 2014-09, revising the pavement width requirements for residential streets from 28 feet to 30 feet.

In June 2017 a committee was formed but never met. Three members were appointed to serve, and two of those originally appointed members can no longer commit to serve on this temporary committee. PL4 is asking to reassign a new committee to review this Plan. MS Carol Lynch was on the original committee and still wishes to serve. Windy Zabochnik has volunteered to serve.

Council's consensus was to direct staff to place openings on the website and acquire a larger pool for Council appointment to review this Plan.

No Action.

ITEM 10. DISCUSSION/ACTION – Consideration of and action on a volunteer board appointment to serve a term on the Board of Adjustment and/or direct staff to continue solicitation for new applicants.

Staff reported that BOA member, Place 2 Cedric Goree, resigned last month, leaving his position on the BOA (term expires 2020) vacant. Ms. Halyard-King currently serves as Place 6 on the BOA, an alternate position to the Zoning Board of Adjustment. She asked for an appointment to serve a permanent position as Place 2 BOA member.

Mayor Pro Tem Griffin moved to approve the appointment of Patricia Halyard-King to serve the remaining term of Place 2 on the Zoning Board of Adjustment, seconded by PL4 Hunt.

No oppositions, no abstentions. PL 2 Oberg absent.

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

ITEM 11. DISCUSSION – Review and discuss Chapter 6, Section 6.05.008 screening of waste containers/dumpsters.

Mayor Pro Tem Griffin requested to review this section of the Ovilla Code of Ordinances. Council decided to postpone discussion of this item until possibly January 2020.

No discussion.

ITEM 12. DISCUSSION – Discuss and consider the inclusion and requirements of electronic water meters as part of a subdivision development.

Place 5 Myers requested this item for discussion to inquire the City's possibility of using smart meters. Having approximately 1300 meters, Interim Public Works Director Daniel Durham advised that it took about 3.5 days for his work crews to manually read all meters in town. PL5 Myers suggested that the City require all developers include smart meters in their plans. The interim director was asked to return with a report and recommendation of a good source vendor of smart meters with compatible software and costs in order to make a future plan for the use of these meters.

The consensus of all Council was favorable. The only concern was the cost.
Discussion only.

ITEM 13. DISCUSSION – Discuss optional methods of transparency to keep the public informed of the operations of municipal government.

Place 5 Myers requested this item for discussion with the hope to find a better way to keep the public informed of how the government works.

Staff reported that at one time the Council was assigned a section of the Town Topics with their own articles of importance they wished to share with the public. An idea would be to devote one newsletter to one department, introducing employees with pics and share how that specific department operates. Staff is happy to receive suggestions for topics to place in the newsletter.
Discussion only.

ITEM 14. DISCUSSION – Discuss and consider the placement of Amazon and UPS lock boxes at the City offices and police station.

Mayor Pro Tem Griffin inquired if the City (staff) could take on the task of using City premises as a drop-off and pick up location for Amazon and UPS lockboxes. Concerns were where to place a lockbox and who would be responsible. Staff will inquire with these businesses.
Discussion only.

ITEM 15. DISCUSSION – Receive report on the success of the 2019 Heritage Day celebration held on Saturday, September 28, 2019.

PL4 Hunt shared the success and outcome of the Annual Heritage Day Celebration. It was again, a great gathering and the Ovilla Public Works Department, Police Secretary Michelle Stockton, and staff worked diligently to aid in the event's success. Over \$22K in sponsorships was collected.

ITEM 16. **DISCUSSION/ACTION** – Consideration of any item(s) pulled from the Consent Agenda for individual consideration and action.

N/A

STAFF REPORTS were reviewed. Staff was available for questions.

- **Department Activity Reports / Discussion**
 - Police Department Chief B. Windham
 - Chief advised that Coffee W/Cop was scheduled for 12/10.
 - Fire Department Chief B. Kennedy
 - Public Works Interim PW Director D. Durham
 - 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

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).

- A. Mayor Dormier announced that Council and the city secretary would convene into Executive Session. Time: 8:25 pm.

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.

Closed Meeting called pursuant to Texas Government Code §551.071 – Consultation w/Attorney.

ITEM 2. **DISCUSSION/ACTION** – Consultation with the City Attorney regarding contemplated employment law litigation and settlement offer.

- B. Mayor Dormier, Council and city secretary reconvened into Regular (Open) Session at 9:32 pm.

Mayor Dormier advised no decisions occurred in Executive Session. No action was made in Open Session.

No Action.


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

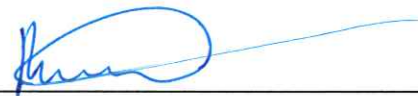
None.

ADJOURNMENT

PL1 Huber moved to adjourn the meeting of November 11, 2019, seconded by PL4 Hunt. There being no further business, Mayor Dormier adjourned the meeting at 9:33 p.m.

ATTEST:


Pamela Woodall, City Secretary
Executive Session filed separately.


Richard Dormier, Mayor

Approved January 13, 2020

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

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