

**CITY OF OVILLA MINUTES**  
**Monday September 14, 2020**  
**Regular City Council Meeting**  
**105 S. Cockrell Hill Road, Ovilla, TX 75154**

In accordance with order of the Office of the Governor issued March 16, 2020, the CITY COUNCIL of the CITY OF OVILLA conducted a meeting at 6:30 PM, Monday, September 14, 2020 in person as well as telephone conference in order to advance the public health goal of limiting face-to-face meetings (also called "social distancing") to slow the spread of the Coronavirus (COVID-19).

The public was permitted to offer public comments telephonically or in person as provided by the agenda and as permitted by the presiding officer during the meeting.

Mayor Dormier called the Council Meeting of the Ovilla City Council to order at 6:30 PM, with notice of the meeting duly posted.

The following City Council Members were present or on teleconference call:

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 participating Council Members, thus constituting a quorum. City Secretary, department directors and various staff were also present and on the teleconference call.

**CALL TO ORDER**

PL4 Hunt gave the invocation and PL1 Huber led the reciting of the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

**ANNOUNCEMENTS, PRESENTATIONS, COMMENTS**

None

**CITIZEN COMMENTS:**

1. Tyler Homuth – Eagle Scout update on the Flag Project – Fundraiser @ \$919, Goal is \$1000

**CONSENT AGENDA**

1. Fiscal Year Scheduled Council Meetings and annual holidays.
2. Proposal from Fargo Consultants to conduct testing on the Main Street Parking Lot project.
3. Resolution No. R2020-15 Atmos rate increase denial settlement
4. TxDot contractor TNP Request for Temporary ROW @ Parcel 147 – 625 W. Main St.
5. Special Budget Meeting Minutes 2020.08.17

PL5 Myers made the motion to approve the consent items as presented. Seconded by PL4 Hunt.

No opposition/abstentions.

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

**Recorded Vote:**

PL1 Huber AYE

PL2 Oberg AYE

Mayor Pro Tem Griffin AYE

PL4 Hunt AYE

PL5 Myers AYE

### REGULAR AGENDA

- ITEM 1. **DISCUSSION/ACTION** – Consideration of and action on Resolution R2020-16 accepting the Annual Financial Audit Report prepared by Yeldell, Wilson, Wood and Reeve, P.C., for the year ended September 30, 2019.

Audit was not ready, could not be addressed.

**No Action**

- ITEM 2. **DISCUSSION/ACTION** – Consideration of and action on Resolution R2020-17 of the City Council of the City of Ovilla, Texas, authorizing the mayor to award and execute Main Street Parking Lot Expansion project by and between the City of Ovilla and Leland Bradlee Construction, Inc.

Mayor Dormier explained currently there is a 10 foot trail that extends from parking lot to the Police Department in the plans, he announced his request of authorization of a change order to extend the 10 foot trail from the sidewalk from Police Department and storage area to the entrance of the park. The cost estimate would be around \$5000 based on the bids given. He reiterated that the award goes to the second lowest bidder.

PL4 Hunt made the motion to approve Resolution R2020-17 of the City Council of the City of Ovilla, Texas, authorizing the mayor to award and execute Main Street Parking Lot Expansion project including a 10 foot wide concrete trail that extends from the Police Department to the entrance to the park and not to exceed \$5000. Seconded by PL2 Oberg.

**Recorded Vote:**

PL1 Huber AYE

PL2 Oberg AYE

Mayor Pro Tem Griffin AYE

PL4 Hunt AYE

PL5 Myers AYE

*No opposition/abstentions.*

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

- ITEM 3. **DISCUSSION/ACTION** – Consideration of and action on a variance for a building line encroachment requested by the property owners, Larry and Loretta Causey, at 605 Clinton Street, being Lot 3, Block A, in the Highland Meadow Subdivision.

There was discussion on the liability the City may have in the future if garage was allowed in the utility easement.

PL4 Hunt made the motion to **DENY** the variance for a building line encroachment requested @ 605 Clinton Street, as presented in the Highland Meadow Subdivision. Seconded by PL5 Myers.

**Recorded Vote:**

PL1 Huber AYE

PL2 Oberg AYE

Mayor Pro Tem Griffin AYE

PL4 Hunt AYE

*Richard Dormier, Mayor*

*Rachel Huber, Place One*

*Dean Oberg, Place Two*

PL5 Myers AYE

No opposition/abstentions.

**VOTE: The motion to DENY carried unanimously: 5-0**

**ITEM 4. DISCUSSION/ACTION** – Consideration of and action on a Meritorious Exception, Chapter 3, Section 3.06.012 Granting of Exceptions of the Ovilla Code of Ordinances, filed by Mary Cavanaugh, representative and President of the Ashburne Glen Homeowners Association to place two 18"X 24" informational pole signs for entryways to the subdivision at Cockrell Hill Road and Ashburne Glen Lane, and Cockrell Hill Road and Nob Hill, Ovilla, Ellis County, Texas.

PL5 Mike Myers and Mayor Richard Dormier recused themselves due to living in the subdivision. CM Pam Woodall explained they are pole signs that have been placed to welcome citizens to the subdivision.

PL4 Hunt made the motion to approve the Meritorious Exception as presented. PL2 Oberg seconded the motion.

**Recorded Vote:**

PL1 Huber AGAINST

PL2 Oberg AGAINST

Mayor Pro Tem Griffin AGAINST

PL4 Hunt AYE

PL5 Myers RECUSED

Three in opposition/abstentions.

**VOTE: The motion FAILED :3-1**

**ITEM 5. DISCUSSION/ACTION** – Consideration of and action on TML Ballot for the TML Risk Board of Trustees.

Suggestions were made by PL4 Hunt:

Place One – Herrera

Place Two – Incumbent - Fuller

Place Three – Hyde

Place Four – Martin

After discussion, it was recommended to select:

Place One – Herrera

Place Two – Incumbent - Fuller

Place Three – Hyde

Place Four – Robert Hauk

PL4 Hunt made the motion to go with the recommendations of PL1 Herrera, PL2 Fuller, PL3 Hyde, and PL4 Hauk. Seconded by PL2 Oberg.

**Recorded Vote:**

PL1 Huber AYE

PL2 Oberg AYE

Mayor Pro Tem Griffin AYE

PL4 Hunt AYE

*Richard Dormier, Mayor*

*Rachel Huber, Place One*

*Dean Oberg, Place Two*

PL5 Myers **AYE**

No opposition/abstentions.

**VOTE: The motion carried unanimously: 5-0**

**ITEM 6. DISCUSSION** – Discuss and review staff's plans for the reopening of the city facilities.

Recommendation was to bring back monthly for discussion.

**ITEM 7. DISCUSSION** – Discuss and review status and condition of 101 Oakwood Lane.

Discussion was to continue to work with owner on removing the furniture that does not belong outside. Vehicles were addressed at this time as well.

**ITEM 8. DISCUSSION** – Discuss and review status and condition of 705 West Main Street.

Topics discussed:

- Some of the area was picked up
- Firewood was addressed and the need to be covered
- Grease trap
- Outdoor nuisance - storage

**ITEM 9. DISCUSSION** – Discuss and consider the planning for the Annual Christmas Tree Lighting event.

Topics discussed:

- Music & Tree Lighting
- No Santa
- No Food
- Mayor would have to authorize music & lighting

**ITEM 10. DISCUSSION/ACTION** – Consideration of any item(s) pulled from the Consent Agenda for individual consideration and action.

None

#### **STAFF REPORTS**

##### **• Department Activity Reports / Discussion**

- |  |                                 |
|--|---------------------------------|
| • Police Department                    | Chief B. Windham                |
| • Fire Department                      | Chief B. Kennedy                |
| • Public Works Departments             | J. Kuykendall                   |
| • Administration                       |                                 |
| 1. Financials (non-reconciled)         | Finance Director Sharon Jungman |
| a) Monthly Municipal Court Report      |                                 |
| 2. Monthly Code/Animal Control Reports | Code/AC Officer M. Dooly        |
| 3. Administration Reports              | City Manager P. Woodall         |
|  | City Secretary G. Miller        |

#### **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),*

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

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

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. Convene into Executive Session. 8:20 PM

**Closed session pursuant to Section §551.071 of the Texas Government Code**

ES Item 1. Consultation with the City Attorney on a matter in which the City Attorney's duty of confidentiality to the City, pursuant to the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, clearly conflicts with the provisions of the Texas Open Meetings Act.

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

ES ITEM 2. DISCUSSION/ACTION – Deliberate the appointment, employment, evaluation, reassignment and/or duties of the City Manager.

ES ITEM 3. DISCUSSION/ACTION – Deliberate the appointment, employment, evaluation, reassignment and/or duties of the City Secretary.

B. Reconvene into Regular (Open) Session 9:55 PM

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

PL5 Myers – Discussion on meters for subdivisions

**ADJOURNMENT**

PL2 Oberg moved to adjourn the meeting of September 14, 2020 seconded by PL1 Huber. There being no further business, Mayor Dormier adjourned the meeting at 9:56 PM.

**Recorded Vote:**

PI1 Huber AYE

PL2 Oberg AYE

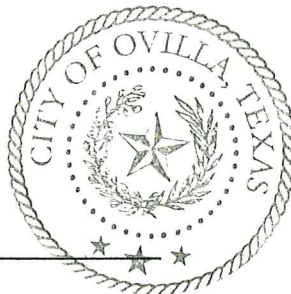
Mayor Pro Tem Griffin AYE

PL4 Hunt AYE

PL5 Myers AYE

ATTEST:

  
G Miller, City Secretary



  
Richard Dormier, Mayor

**Approved October 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