

CITY OF OVILLA MINUTES

Monday November 09, 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 November 09, 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 (teleconference)

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

PL5 Myers gave the invocation and PL3 Griffin led the reciting of the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

ANNOUNCEMENTS, PROCLAMATIONS, PRESENTATIONS, COMMENTS

Proclamation – Municipal Court Clerk Week – Nov. 2 - 6

Proclamation - Veterans Day – Wednesday November 11

CITIZEN COMMENTS:

1. Alan Whittaker – 523 Johnson Lane – CWD Waste Disposal – poor service
2. Jimmy Wade – 606 Ovilla Oaks – Northwood street poor condition, funds for city, Main St. Parking

CONSENT AGENDA

1. Electric Reliability Council for Texas (ERCOT) Annual Membership renewal.
2. Annual Interlocal Agreement between the County of Ellis and City of Ovilla.
3. Regular Meeting Minutes 2020.10.13.

PL4 Hunt made the motion to approve the consent items as presented.
Seconded by PL2 Oberg.

No opposition/abstentions.

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

Recorded Vote:

PI1 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 an Interlocal Agreement to provide Emergency Services for Fire Protection and First Responder Services effective October 01, 2020 by and between Ellis County Emergency Services District No. 2 and the City of Ovilla, Texas, authorizing the Mayor to execute said Agreement.

City Manager Pam Woodall explained the agreement went to both city attorney and the ESD attorney's in order to clarify language with the identification clause. The other correction was regarding the bunker gear amount.

PL2 Oberg made the motion to approve the agreement as presented. Seconded by PL1 Huber.

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 2. DISCUSSION/ACTION – Consideration of and action on the purchase of bunker gear, a reimbursable expense through the ESD #2 Annual Contract.

Chief Kennedy explained to the council that the Fire Department is renting 16 sets of gear until April/May 2021 with waived rental fees for the last few months. At this time, they would also purchase 16 sets through the ESD and leaving four sets to be purchased through the city in the amount of \$3427.00.

PL2 Oberg made the motion to approve the purchase of bunker gear through the ESD#2. Seconded by PL5 Myers.

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 the purchase of medical equipment with total reimbursement through the CARES ACT FUND (CRF).

Chief Kennedy and Chief Windham have come up with an equipment list to utilize this fund.

- The Life Pack 15 that the Fire Department has is needing to be replaced. It will also replace the department's Life Pack 12 – no longer being manufactured
- The Lucas chest compression machine – utilized especially in COVID pandemic as far as limited to no exposure.
- AED – City Hall, Public Works Building, Police and Fire Department along with Police Cruisers. These machines coincide with the machines the Fire Department already have.

PL4 Hunt made the motion to approve the equipment purchase as presented. 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 carried unanimously: 5-0

ITEM 4. DISCUSSION/ACTION – Receive recommendation from the Ovilla Park Board Advisory Committee, to consider and act on Resolution R2020-21, and approving a revised Athletic Field Use and Maintenance Agreement by and between the City of Ovilla and the Ovilla Baseball Fields, Inc..

PL3 Griffin made the motion to approve the revised Athletic Field Use and Maintenance Agreement as presented. PL1 Huber seconded the motion.

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 carried unanimously: 5-0

ITEM 5. DISCUSSION/ACTION – Consideration of and action on an extension to the Agreement by and between Eddie Peacock, PLLC and the City of Ovilla to provide interim financial support services, authorizing the Mayor to execute said document(s).

PL2 Oberg made the motion to approve the extension to the Agreement by and between Eddie Peacock, PLLC and the City of Ovilla, as presented. PL1 Huber seconded the motion.

Recorded Vote:

PL1 Huber AYE

PL2 Oberg AYE

Mayor Pro Tem Griffin AYE

PL4 Hunt AYE

PL5 Myers AYE

No opposition/abstentions.

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

VOTE: The motion carried unanimously: 5-0

ITEM 6. DISCUSSION/ACTION – Consideration of and action on (Community Waste Disposal) CWD annual request for Residential & Commercial Market Adjustment, effective December 01, 2020 authorizing the Mayor to execute said document(s).

Topics of concern that were discussed:

- bulk pickup for a specific address/marked on property to assure pickup - still missed
- right for city to choose landfills that are cheaper for Ovilla
- the market increase index notification date and how it pertains to the contract
- council asked to deny the increase due to poor service – which was explained it could not be done per the contract with the city
- increase in fees to be passed to the residents – the city has absorbed increases over the past few years

The Mayor reiterated that the fees being passed on to the customer is not up for discussion.

PL3 Griffin approved CWD annual request for Residential & Commercial Market Adjustment, effective January 21 (01), 2021 authorizing the Mayor to execute said document and to direct staff to return with budget amendment and our Ordinance to increase fees. PL2 Oberg seconded.
(Motion was read as the 21st with the intent of the 1st)

It was questioned by Mr. Roemer with CWD, then discussed that the council is questioning the date of notification, and the information to be included with in the letter was not furnished. Mayor Dormier then called for a record vote:

Recorded Vote:

PL1 Huber NAY

PL2 Oberg AYE

Mayor Pro Tem Griffin AYE

PL4 Hunt NAY

PL5 Myers NAY

Three oppositions/abstentions.

VOTE: The motion FAILS: 3-2

PL2 Oberg approved CWD annual request for Residential & Commercial Market Adjustment, effective January 01, 2021 authorizing the Mayor to execute said document and to direct staff to return with budget amendment and our Ordinance to increase fees. PL4 Hunt seconded.

Recorded Vote:

PL1 Huber AYE

PL2 Oberg AYE

Mayor Pro Tem Griffin AYE

PL4 Hunt AYE

PL5 Myers NAY

One opposition/abstentions.

VOTE: The motion carried: 4-1

ITEM 7. DISCUSSION/ACTION – Consideration of and action on the selection date(s) for the City's annual household hazardous waste and brush clean-up day(s).

The dates have been discussed in advance with the City Manager/Public Works Director and CWD. The date of April 24, 2021 – 8 am to 12 pm - seemed to work best.

PL3 Griffin made the motion to approve Household Hazardous Waste date to be April 24, 2021 from 8 am to noon. PL1 Huber seconded.

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 carried unanimously: 5-0

ITEM 8. DISCUSSION/ACTION – Consideration of and action on the recommendation of the Finance Review Committee for the selection of the City's auditing firm, directed staff to begin negotiations and return with an agreement.

PL4 Hunt made the motion to approve the recommendation of the Finance Review Committee for the selection of the City's auditing firm, directing staff to begin negotiations and return with an agreement. PL2 Oberg seconded.

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 carried unanimously: 5-0

ITEM 9. DISCUSSION/ACTION – Consideration of and action regarding an accessibility route from new city parking lot to downtown businesses.

The Mayor explained that the city is trying to secure a more accessible route through the homeowners in the area and can not come up with a solution. The intent is to find the best way to connect the two parks the cheapest way possible.

Citizen Eric Newton @ 131 Claremont – wanted to address the 'blind spot' on the corner and maybe moving further down the road to make the crossing more visible.

Other topics discussed:

- PL3 Griffin to get with homeowner P. Koval to see if through her property would work.
- How much money is the Council willing to spend
- If the want is even present for this route to be constructed as of yet.
- ADA issues that may occur with new route
- Lighting for parking lot and trail
- 5 feet width at the most, and not to go onto the North Main Street
- Elevation Issues

PL2 Oberg made the motion to approve the route as presented in the plans with the contingency of moving the crosswalk closer to Cockrell Hill Road and adding the possibility of amended route going through Pickard Property. Seconded by PL4 Hunt.

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 carried unanimously: 5-0

ITEM 10. DISCUSSION – discuss the necessity to set regulations and restrictions for construction burning, directing staff as necessary.

This item was requested by PL4 Hunt due to Broadmoor Estates construction burn a few months prior. Discussion was to bring an Ordinance to disband any commercial site/contractor site burning, He explained that there was ash on his vehicle that carried in his neighborhood from burn site. PL3 Griffin did not want the rights of residents to burn in their own yards to be restricted. It was directed to staff to get with Legal Staff for draft to only restrict commercial/contractor property burns with in the City.

Discussion Only.

ITEM 11. DISCUSSION – Discuss and review staff's plans for the reopening of the city facilities.

Discussion was to leave City Hall/Administration Offices closed.

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

None

STAFF REORTS

• **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), 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. 8:54 PM

Closed meeting called pursuant to Texas Government Code Section §551.074 – Personnel Matters

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

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

B. Reconvene into Regular (Open) Session 9:49 PM – no announcement made

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

PL3 Griffin – passing on CWD rate increase to residents

ADJOURNMENT

PL4 Hunt moved to adjourn the meeting of November 09, 2020 seconded by PL2 Oberg. There being no further business, Mayor Dormier adjourned the meeting at 9:50 PM.

Recorded Vote:

PI1 Huber AYE


PL2 Oberg AYE

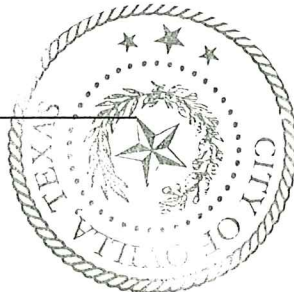
Mayor Pro Tem Griffin AYE


PL4 Hunt AYE

PL5 Myers AYE

ATTEST:


G Miller, City Secretary




Richard Dormier, Mayor

Approved December 14, 2020

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

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