

CITY OF OVILLA MINUTES
Monday December 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 December 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 (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

PL2 Oberg gave the invocation and PL1 Huber led the reciting of the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

ANNOUNCEMENTS, PROCLAMATIONS, PRESENTATIONS, COMMENTS

Public Works Director James Kuykendall gave acknowledgement of the passing of Public Works employee Dwight Gaines. Announced a plaque and picture of Mr. Gaines.

Mayor Dormier commented on the Annual Christmas Tree Lighting

Police Chief Windham introduced new employees:

Peter Hartin – police officer

Emily Starkey – police administration assistant

CITIZEN COMMENTS:

1. None

CONSENT AGENDA

1. Regular Meeting Minutes 2020.09.14 Revised
2. Regular Meeting Minutes 2020.11.09

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

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

PUBLIC HEARING AGENDA

Receive presentation and citizen comments on the recommended amendment to Chapter 5 "Thoroughfares" of the 2016 Comprehensive Plan ("The Plan"), reclassifying Red Oak Creek Road from collector four lane undivided ("C4U") to collector two lane undivided (C2U).

PRESENTATION was given by City Manager Pam Woodall – Review Chapter 5 "Thoroughfares" of the Comprehensive Land Use Plan, as well as explained the received recommendations from the Thoroughfare Committee and Planning and Zoning Commission to reclassify Red Oak Creek Road and make revision to the Thoroughfare Plan.

PUBLIC HEARING to receive comments from those wishing to speak on the reclassification of Red Oak Creek Road.

PUBLIC HEARING: OPENED 6:45 PM

There were no Citizens on the Zoom teleconference line to speak for or against this item

PUBLIC HEARING: OPENED 6:46 PM

REGULAR AGENDA

ITEM 1. **DISCUSSION/ACTION** – Consideration of and action on an Ordinance No. 2020-15 of the City of Ovilla, Texas, amending Chapter 5 "thoroughfares" of the 2016 Comprehensive Plan (The 'Plan') reclassifying Red Oak Creek Road from collector four lane undivided (C4U) to collector two lane undivided (C2U) revising the section entitled 'collector streets' on page 5-5 of The Plan by removing the reference to Red Oak Creek Road's classification as C4U; revising the Thoroughfare plan map on page 5-6 to reflect the said reclassification and adoption.

PL2 Oberg made the motion to approve Ordinance No. 2020-15 amending Chapter 5 "thoroughfares" of the 2016 Comprehensive Plan reclassifying Red Oak Creek Road from collector four lane undivided (C4U) to collector two lane undivided (C2U) revising the section 'collector streets' 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 Ordinance No. 2020-16 of the City of Ovilla, Texas, amending Appendix "A" (fee schedule), Section A7.001 (garbage collection fees), of the City of Ovilla Code of Ordinances, providing amended residential and commercial garbage collection fees; providing a savings clause; providing a severance clause; providing for incorporation into the Ovilla Code of Ordinances; providing for immediate effect; and providing for publication.

At the November Council meeting, staff presented Council with notice received from CWD of their intentions to increase garbage/refuse collection rates. Per the contract agreement, one CPI increase is permitted this action annually with a 60-day advanced notice. Council approved the increase to be effective on the January 01, 2021 billing cycle.

With the financial impact, staff asked legal counsel to prepare an ordinance if Council decided to pass the increase on to the customer. The City absorbed the last CPI increase issued in 2019. The increase to the residential customer is a .0214 percent increase – about a \$ 0.33 cent increase to their base rate of \$15.52, bringing the new rate to \$15.85 per residential household.

Ovilla's senior rate is currently \$14.28. This increase would bring their new rate to \$14.59. The only way to avoid an increase impacting the senior residents is if the average of both the senior rate and regular customer rate is at the least equal to the base rate charged to the City by CWD. (\$14.93)

After discussion PL2 Oberg made the motion to approve Ordinance No. 2020-16 "Option 1". 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 Resolution R2020-22, of the City Council of the City of Ovilla, Texas approving the terms, conditions, and engagement letter by, between, and among BKD, Certified Public Accountants and Advisors and the City of Ovilla, which engagement letter is attached hereto and incorporated herein as exhibit "A"; authorizing the Mayor to execute said Resolution and engagement letter; and providing an effective date.

The financial review committee made up of Sharon Jungman City Accountant, Pam Woodall City Manager, PL4 Councilmember Hunt, and Mayor Dormier, met to go over the two proposals. The CM and City Accountant spoke to BKD to go over the contract. Representative David Coleman was on the Zoom teleconference line and answered any additional questions regarding the terms.

PL4 Hunt made the motion to approve Resolution R2020-22 as presented. Seconded by PL2 Oberg.

Recorded Vote:

PL1 Huber AYE

PL2 Oberg AYE

Richard Dormier, Mayor

Rachel Huber, Place One

Dean Oberg, Place Two

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 – Consideration of and action to approve April 17, 2021 for the brush and trash collection day as part of the Annual Citywide Clean-Up.

It has been discussed that the Citywide Clean-up would need to be split due to the turnout from the city. CWD has agreed to split-up the collection days with no further fees due.

PL4 Hunt made the motion to approve the brush and trash day be April 17, 2021 8 am to 12 noon as presented. PL2 Oberg 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 TCAP Ballot for the election of nine members to the TCAP Board of Directors for the 2021-2022 term of office.

PL4 Hunt made the motion to approve the following nominees to be selected on the ballot:

Steve Harris

Chris Steubing

George Rivera

Carey D. Neal

Gabriel Gonzalez

Richard Summerlin

Gary Allsup

Gary Broz

Clayton Fulton

PL5 Myers 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 6. **DISCUSSION/ACTION** – Consideration of and action on recommended revisions to Chapter 13, Section 13.03.043 of the Ovilla Code of Ordinances, directing staff as necessary.

Topics of discussion:

- late fee should be a percentage – not flat fee
- 1 annual late fee
- 5% penalty
- 1 time payment plan (annually)

No Motion/Action was made, direction to bring back ordinance

ITEM 7. **DISCUSSION** – Discuss resuming cut-offs and late payment assessment fees, including Appendix A, Section A7.003 of the Ovilla Code of Ordinances regarding miscellaneous charges for utility services.

No Action

ITEM 8. **DISCUSSION** – Discuss options for setting regulations and restrictions for construction burning, directing staff as necessary.

No Action

ITEM 9. **DISCUSSION** – Discuss and review staff's recommendations for the safe reopening of the city facilities.

No Action

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
 - Fire Department
 - Public Works Departments
 - Administration
 1. Financials (non-reconciled)
 - a) Monthly Municipal Court Report
 2. Monthly Code/Animal Control Reports
 3. Administration Reports

Chief B. Windham
Chief B. Kennedy
J. Kuykendall
Finance Director Sharon Jungman
Code/AC Officer M. Dooly
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. 8:22 pm*

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

ES ITEM 1. DISCUSSION/ACTION – Closed session pursuant to Section §551.071 of the Texas Government Code – Consultation with Attorney to deliberate pending or contemplated litigation.

Closed session pursuant to Section §551.072 of the Texas Government Code

ES ITEM 2. DISCUSSION/ACTION – Closed session pursuant to Section §551.072 of the Texas Government Code to deliberate the purchase, Exchange, lease, or value of real property.

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

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

ES ITEM 4. DISCUSSION/ACTION – Deliberate the appointment, employment, evaluation, reassignment and/or duties of the Police Chief.

ES ITEM 5. DISCUSSION/ACTION – Consideration of an action on Resolution R2020-23 of the City Council of the City of Ovilla, Texas, appointing a deputy city secretary and providing an effective date.

B. Reconvene into Regular Session. 9:50 pm

The following motions for each of the items on Executive Session:

Item ES1: No motion

Item ES2: No motion

Item ES3: No motion

Item ES4: *PL2 Oberg made the motion Chief Windham receive \$10,000, and the PD budget to receive \$5,000 back to their budget, Chief car will be kept. Two-month severance will be due upon termination of employment. The old contract will be torn up and Chief Windham will receive a letter of understanding upon signature of approval. 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 carried unanimously: 5-0

Item ES5: *PL1 Oberg made the motion to put Cathy Gaeta on 90- day probation, \$2 reduction in hourly pay rate as Deputy City Secretary. 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

There being no requests for Future Agenda Items, the City Council Meeting was Adjourned at 9:53 pm.



Richard Dormier, Mayor

ATTEST:


G Miller, City Secretary



Approved January 11, 2021