

CITY OF OVILLA MINUTES

Monday April 12, 2021

Regular City Council Meeting

105 S. Cockrell Hill Road, Ovilla, TX 75154

In accordance with order of the Office of the Governor the CITY COUNCIL of the CITY OF OVILLA conducted a meeting at 6:30 PM, Monday April 12, 2021, via Zoom 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 via Zoom 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 Zoom Meeting:

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 (joined 6:41 pm)
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 Zoom call.

CALL TO ORDER

PL3 Griffin gave the invocation and PL4 Hunt led the reciting of the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

ANNOUNCEMENTS, PROCLAMATIONS, PRESENTATIONS, COMMENTS

- Proclamation – Telecommunications Month as well as Child Abuse Prevention Months – were presented by Mayor Dormier

CITIZEN COMMENTS:

- Mary Cavanaugh – 108 Nob Hill – spoke about no soliciting signs at the entrance to subdivisions and why it is not allowed.

CONSENT AGENDA

1. Financial Transactions over \$5,000 (October 1, 2020 thru January 31, 2021)
2. Regular Meeting Minutes 2021.03.08

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

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 at 6:42 PM

ITEM 1. DISCUSSION/ACTION – Called pursuant to Section 551.071 of the Texas Government Code. Consultation with the city attorney on a matter in which the attorney's legal duty of confidentiality to the City clearly conflicts with the open meeting requirements of the Texas Open meeting Act.

B. Reconvene into Regular (Open) Session at 7:08 PM

No motion was made.

PUBLIC HEARING

Mayor Dormier opened the Public Hearing at 7:13 PM.

Case PZ21.03 - Receive staff presentation and citizen comments on an amendment to Chapter 10, Article 10.02, Division 5, Section 10.02.132 "Utility Easements" of the Ovilla Code of Ordinances, requiring Utility Easements of not less than ten feet (10') shall be provided along and adjacent to both sides of alleyways and rights-of-way.

- a. PRESENTATION* – Mayor Dormier reviewed Ordinance 2021-08 amending Utility Easements in the Ovilla Code.
- b. RECOMMENDATION* – Recommendation was received from the Planning & Zoning Commission regarding easements.

PUBLIC HEARING there being none that wanted to address this item, the Public Hearing was closed at 7:16 PM.

REGULAR AGENDA

ITEM 1. DISCUSSION – Receive recommendation from the planning and Zoning Commission to consider an act on Ordinance 2021-08 of the City of Ovilla Texas amending Chapter 10 Article 10.02, Division 5, Section 10.02.132 "Utility Easements" of the Ovilla Code of Ordinances; requiring Utility Easements of not less than ten feet (10') shall be provided along and adjacent to both sides of alleyways and rights-of-way.

There was no discussion on this Item therefore the mayor called for a motion:

PL5 Myers made the motion to approve the Ordinance 2021-08 of the City Council of the City of Ovilla, Texas, amending chapter 10 Article 10.02, Division 5, Section 10.02.132 "Utility Easements" of the Ovilla Code of Ordinances; requiring Utility Easements of not less than ten feet (10') shall be provided along and adjacent to both sides of alleyways and rights-of-way.
Seconded by PL2 Oberg.

No opposition/abstentions.

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

Recorded Vote:PI1 Huber AYEPL2 Oberg AYEMayor Pro Tem Griffin AYEPL4 Hunt AYEPL5 Myers AYE

ITEM 2. **DISCUSSION** – Review and discuss information requested by Place 5 Myers from the Police Chief regarding traffic enforcement and police activity management data for the past four years.

Place 5 Myers inquired with Chief Windham to prepare the following information for discussion:

Police Chief Windham presented charts with the following information included to see a history of police activity in Ovilla for the past four years. It was laid out differently on charts and graphs to get a historical view of police department activity and whether it is increasing or decreasing.

It was explained that most if not all of this data is contained in the monthly reports submitted to the council. Topics discussed:

1. Calls for service by month for the past 48 months.
2. Number of full-time sworn and part time sworn officers by month for the past 48 months.
3. Total of traffic stops made by month for the past 48 months.
4. Total of warnings by month for traffic stops for the past 48 months.
5. Total citations issued for traffic violations by month for the past 48 months.
6. Percentage of stops vs citations issued by month for the past 48 months.
7. The Ticket Writers books – only one left.
8. The education on citizens not to speed.

A best guess projection was discussed of the additional needs of the PD for the next budget cycle.

Discussion Only

ITEM 3. **DISCUSSION/ACTION** – Consideration of and action on a breach of contract with Community Waste Disposal, directing staff as necessary.

Staff and Council both received (or witnessed) complaints in the past that the City's contracted refuse vendor, Community Waste Disposal (CWD) had placed trash collections in the recycle truck. On March 25, 2021, photos were taken of this occurring and the resident addressed this issue via email to CWD's Municipal Coordinator, Jason Roemer. His email confirmed the issue.

Based on Section 5 Contractor Services, 5.8 Recycling Service, CWD is in breach of contract, which is cause for termination. Staff is not recommending termination at this time but possibly a letter from legal counsel to be placed in the contract file as notice to avoid this incident again.

Staff was advised that a letter would be appropriate to send.

No Action.

ITEM 4. DISCUSSION/ACTION – Consideration of and action on a request to provide utility services to a potential new residential subdivision in the city's ETJ, Windsor Development.

Pam Woodall, CM explained that city staff received an email from Mr. Ernest Martinek inquiring about 35-acres purchased by Windsor Development, LLC, located at the southwest corner of Westmoreland and Red Oak Creek Road. Mr. Martinek advised that the intent is to develop a high-end subdivision with (22) 1-1.5 ac lots.

Upon research, this particular piece of land is not listed in any CCN. *(A Certificate of Convenience and Necessity (CCN) grants a CCN holder the exclusive right to provide retail water and/or sewer utility service to an identified geographic area. Chapter 13 of the Texas Water Code requires a CCN holder to provide continuous and adequate service to the area within its CCN boundary.)*

After speaking with Mr. Moon, attorney for Mr. Martinek, it was clear that Windsor Development representatives preferred to remain in the County, whereas city personnel advised that extending services outside the city limits would require consideration by the Council.

After discussion a motion the mayor called for a motion:

PL4 Hunt made the motion to proceed with discussions on Windsor Development concerning water delivery to Windsor Development and discussions for future annexation to the City of Ovilla.

Seconded by PL5 Myers.

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

ITEM 5. DISCUSSION/ACTION – Receive recommendation from the review committee to consider and act on the selection of Birkhoff, Hendricks and Carter, LLP to provide the City with professional engineering services and approve a contract for those services.

PL4 Hunt made the motion to approve the selection of Birkhoff, Hendricks and Carter, LLP to provide the City with professional engineering services and have the City Attorney to write up the contract.

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

ITEM 6. DISCUSSION/ACTION – Consideration of and action on committee member appointments to the Comprehensive Land Use Plan Review Committee.

Council members instructed Pam Woodall, CM to begin the steps of running the Comprehensive Land Use Plan Committee. They instructed contacting the chair of the Planning & Zoning Commission to see if she would participate in the CLUP.

Council members appointed the following:

1. Gary Jones
2. Karl Kouns
3. Michael Mohon
4. Alan Whittaker
5. David Hinson
6. Dani Muckleroy
7. Kenneth Rarick

PL3 Griffin made the motion to accept the of committee members to the Comprehensive Land Use Plan. 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

ITEM 7. DISCUSSION/ACTION – Receive recommendation from the Municipal Development District for consideration of and action on a budget amendment to approve signage, lighting, fencing and other miscellaneous additional expenses for the completion of the Main Street Parking Lot.

The Council accepted the recommendation from the MDD. The MDD also recommends the amount of \$28,000.

PL2 Oberg made the motion to accept the recommendation of the Municipal Development District for the consideration of and action on a budget amendment to approve signage, lighting, fencing and other miscellaneous additional expenses for the completion of the Main Street Parking Lot. Seconded PL1 Huber.

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

ITEM 8. DISCUSSION/ACTION – Receive recommendation from the Municipal Development District for consideration of an action on a budget amendment to approve renovations to the Ovilla Police Department Building.

PL4 Hunt made the motion to accept the recommendation of the Municipal Development District for the consideration of and action on a budget amendment to approve renovations to the Ovilla Police Department Building. Seconded PL5 Myers.

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

ITEM 9. DISCUSSION/ACTION – Consideration of and action on staff's recommendations for the safe reopening of the city facilities.

Discussion on the topic of re-opening City Hall for public entry at this point from the Emergency Management Team, is to stay closed. Chief Kennedy spoke of the number of cases that may occur after the Spring Break Vacation for travelers – as it did from over the Thanksgiving and Christmas holidays. The consensus was to stay closed at this time, and revisit at next month's Council Meeting.

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 Chief B. Windham
 - Fire Department Chief B. Kennedy
 - Public Works Departments Public Works Director J. Kuykendall
 - 1. Construction/Development
 - 2. Water/wastewater
 - 3. Streets
 - 4. Monthly Code/Animal Control Reports
 - Administration Finance Director Sharon Jungman
 - 1. Financials (non-reconciled) City Manager P. Woodall
 - a) Monthly Municipal Court Report City Secretary G. Miller
 - 2. Administration Reports

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

Mayor Dormier – Speed control devices in Ovilla

PL1 Huber – Heritage Day

The City Council Meeting was Adjourned at 9:27 pm.



Richard Dormier, Mayor

ATTEST:



G Miller, City Secretary



Approved June 14, 2021