

CITY OF OVILLA MINUTES
Monday June 14, 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 June 14, 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 also permitted to attend in person however, also 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:

| | |
|---------------|-------------------------|
| Rachel Huber | Council Member, Place 1 |
| Dean Oberg | Council Member, Place 2 |
| Doug Hunt | Mayor Pro Tem, Place 4 |
| Michael Myers | Council Member, Place 5 |

Mayor Dormier noted the participating Council Members, thus constituting a quorum. PL3 Griffin was noted absent. City Secretary, department directors and various staff were also present and on the Zoom call.

CALL TO ORDER

PL2 Oberg gave the invocation and PL5 Myers led the reciting of the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

ANNOUNCEMENTS, PROCLAMATIONS, PRESENTATIONS, COMMENTS

PRESENTATIONS - Mayor Dormier presented Welcoming Plaque for our recent established business in Town - Cup of Alaska - 696 W. Main Street was present to accept the plaque. The other businesses that were unable to attend, were read allowed

Legacy Nutrition - 713 W. Main Street
Snow Place Like Home - 713 W. Main Street
Tiverton Bakery - 839 E. Main Street
Cup of Alaska - 696 W. Main Street
Bella Rose - 702 W. Main Street
Ovilla Barber Shop - 700 W. Main Street #2
Village Counseling and Consulting, PLLC - 700 W. Main Street

- Representative Ben Jarrett gave a presentation of the Smart Earth Technologies Radio Read System regarding water meters.

CITIZEN COMMENTS:

- None

CONSENT AGENDA

- C1. Financial Transactions over \$5000
- C2. Municipal buildings cleaning agreement (authorize CM to sign)
- C3. Emergency Repair to Bent Tree Aerial Sewer Line
- C4. Ellis County Emergency Management Plan update
- C5. Armstrong Forensic Laboratory, Inc. Agreement
- C6. Minutes of the Regular City Council Meeting April 12, 2021
- C7. Minutes of the Regular City Council Meeting May 10, 2021
- C8. Minutes of the Special Council Workshop May 27, 2021

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: 4-0

Recorded Vote:

PL1 Huber AYE

PL2 Oberg AYE

Mayor Pro Tem Hunt AYE

PL5 Myers AYE

PL3 Griffin noted absent.

REGULAR AGENDA

ITEM 1. DISCUSSION/ACTION – Consideration of and action on Resolution R2021-07 accepting the annual financial audit report for the year ended September 30, 2020, prepared by BKD CPAs and Advisors.

Presentation was made by BKD Advisors and the audit was accepted with the following motion:

PL4 Hunt made the motion to approve Resolution R2021-07 accepting the annual financial audit report for the year ending September 30, 2020, prepared by BKD CPSs and Advisors.

Seconded by PL2 Oberg

No opposition/abstentions.

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

Recorded Vote:

PL1 Huber AYE

PL2 Oberg AYE

Mayor Pro Tem Hunt AYE

PL5 Myers AYE

PL3 Griffin noted absent.

ITEM 2. DISCUSSION/ACTION – Receive recommendation from the Planning and Zoning Commission to consider and act on a site plan application submitted by Ovilla Road Baptist Church/Ovilla Christian School, located at 3251 Ovilla Road, Ovilla, Ellis County Texas.

On Monday June 7, 2021, the Planning and Zoning Commission met to discuss the need for the site plan application and its submittal. After presentation was given that the Ovilla Christian School has had enormous growth over the last year and expressing the need for classroom modular(s) to be added

to the church building/school building for more rooms for students, the P&Z recommended this to be considered by the City Council.

The motion was given by PL5 Myers to approve the site plan application submitted by Ovilla Road Baptist church/Ovilla Christian School, located at 3251 Ovilla Road, Ovilla, Ellis County Texas as presented, with an additional review by City Council in 5 years to consider possible extension. PL2 Oberg seconded the motion.

No opposition/abstentions.

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

Recorded Vote:

PL1 Huber AYE

PL2 Oberg AYE

Mayor Pro Tem Hunt AYE

PL5 Myers AYE

PL3 Griffin noted absent.

ITEM 3. DISCUSSION/ACTION – Consideration of and action on a Meritorious Exception, as permitted by Chapter 3, Section 3.06.012 in the Ovilla Code of Ordinances, filed by Cowtown Graphics & Signs, representative of the Ovilla Road Baptist Church 3251 Ovilla Road, Texas to place a new non-illuminated sign at the same location of 3251 Ovilla Road, Ovilla, TX., authorizing the City Manager to execute said permit.

Code Enforcement Officer Mike Dooly explained the placement of the sign and asked for any questions the Councilmembers may have. He explained it would be a non-illuminated sign for a specific entry to part of the building.

PL2 Oberg made the motion to approve the meritorious exception filed by Cowtown Graphics & Signs, representative of the Ovilla Road Baptist Church to place a new non-illuminated sign at the same location of 3251 Ovilla Road, Ovilla, TX authorizing the City Manager to execute said permit. Seconded by PL4 Hunt.

No opposition/abstentions.

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

Recorded Vote:

PL1 Huber AYE

PL2 Oberg AYE

Mayor Pro Tem Hunt AYE

PL5 Myers AYE

PL3 Griffin noted absent.

ITEM 4. DISCUSSION/ACTION – Consideration of and action on a request submitted by Dee A. and Mattie Raven to rotate the property front for the construction of a residential dwelling on Block 2, Lot 4, more commonly known as 106 Brookwood Court, Brookwood Estates, Ellis County, Ovilla, TX 75154 to face Cockrell Hill Road.

No Action was made – applicant withdrew request.

-AT THIS TIME MAYOR DORMIER CHANGED THE ORDER OF THE AGENDA IN ORDER FOR CITY COUNCIL TO GO INTO EXECUTIVE SESSION-

EXECUTIVE SESSION

Richard Dormier, Mayor

Rachel Huber, Place One

Dean Oberg, Place Two

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 8:12 PM*

ITEM 1. **DISCUSSION/ACTION** – Deliberate the appointment, employment, evaluation, reassignment and/or duties of the Chief of Police.

B. *Reconvene into Regular (Open) Session at 8:29 PM*

Mayor Dormier called for a motion:

PL2 Oberg made the motion to accept the separation agreement of the Chief of Police.
PL4 Hunt seconded the motion.

No opposition/abstentions.

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

Recorded Vote:

PL1 Huber AYE

PL2 Oberg AYE

Mayor Pro Tem Hunt AYE

PL5 Myers AYE

PL3 Griffin noted absent.

ITEM 5. **DISCUSSION/ACTION** – Consideration of and action on the authorization of payment to TCAP/GEXA Energy ancillary recovery fees from the February 2021 winter storm freeze disaster.

PL4 Hunt made the motion to accept payment *Option 1* and approve payment of the amount of \$24,445.39

PL1 Huber seconded the motion.

No opposition/abstentions.

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

Recorded Vote:

PL1 Huber AYE

PL2 Oberg AYE

Mayor Pro Tem Hunt AYE

PL5 Myers AYE

PL3 Griffin noted absent.

ITEM 6. **DISCUSSION/ACTION** – Consideration of and action on Ordinance No. 2021-11 of the City of Ovilla, Texas, amending Chapter 10 (subdivision regulation), Article 10.02, Division 3 (plat requirements and procedures); providing a requirement of plats prior to the issuance of permits and construction of improvements; providing a savings clause; providing a severance clause; providing for publication; and providing an effective date.

Pam Woodall addressed the Mayor and Councilmembers and explained the need for amendment to the current. With this new Ordinance, plats will be required before issuance of any permits. This has not been a requirement in the past.

PL4 Hunt made the motion approve Ordinance No. 2021-11 of the City of Ovilla, Texas, amending Chapter 10 (subdivision regulation), Article 10.02, Division 3 (plat requirements and procedures); providing a requirement of plats prior to the issuance of permits and construction of improvements; providing a savings clause; providing a severance clause; providing for publication as presented. PL2 Oberg seconded the motion.

No opposition/abstentions.

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

Recorded Vote:

PL1 Huber AYE

PL2 Oberg AYE

Mayor Pro Tem Hunt AYE

PL5 Myers AYE

PL3 Griffin noted absent.

ITEM 7. DISCUSSION/ACTION – Consideration of and action on Resolution R2021-08 for the full city opening and operations, and whether to continue virtual and/or teleconference public meetings after the opening of the city municipality.

Mayor Dormier clarified that the Resolution will give the municipality until September to see how the COVID-19 pandemic is developing at that time. He also stated that the State of Emergency Declaration is still in effect therefore giving the city time to decide to keep allowing meetings to be held via Zoom. Once the Declaration ends, it was explained that the city may have to continue Zoom from then on - at every meeting.

PL2 Oberg made the motion approve Resolution R2021-08 for the full city opening and operations, and whether to continue virtual and/or teleconference public meetings after the opening of the city municipality as presented.

PL2 Oberg seconded the motion.

No opposition/abstentions.

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

Recorded Vote:

PL1 Huber AYE

PL2 Oberg AYE

Mayor Pro Tem Hunt AYE

PL5 Myers AYE

PL3 Griffin noted absent.

ITEM 8. DISCUSSION/ACTION – Consideration of and action to approve a proposed Budget Calendar for Fiscal Year 2021-2022 budget preparations.

PL4 Hunt made the motion to approve a proposed Budget Calendar for Fiscal Year 2021-2022 budget preparations.

PL2 Oberg seconded the motion.

No opposition/abstentions.

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

Recorded Vote:

PL1 Huber AYE

PL2 Oberg AYE

Mayor Pro Tem Hunt AYE

PL5 Myers AYE

PL3 Griffin noted absent.

ITEM 9. DISCUSSION/ACTION – Consideration of and action on Ordinance No. 2021-12 of the City of Ovilla, Texas, repealing Chapter 1, Article 1.09, Division 4, of the Code of Ordinances of the City of Ovilla, dissolving the Park Board; providing a savings clause; providing a severance clause; providing for immediate effect; and providing for publication.

Mayor Dormier explained that we had a Park Board in the past and that was dissolved by the city. Recently it was reestablished, and the city is having a hard time keeping this Board complete with members.

PL2 Oberg made the motion to approve Ordinance No. 2021-12 of the City of Ovilla, Texas, repealing Chapter 1, Article 1.09, Division 4, of the Code of Ordinances of the City of Ovilla, dissolving the Park Board; providing a savings clause; providing a severance clause; providing for immediate effect; and providing for publication.

PL4 Hunt seconded the motion.

No opposition/abstentions.

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

Recorded Vote:

PL1 Huber AYE

PL2 Oberg AYE

Mayor Pro Tem Hunt AYE

PL5 Myers AYE

PL3 Griffin noted absent.

ITEM 10. DISCUSSION/ACTION – Receive staff and recommendation from the Board Review Committee to consider and act on a volunteer board appointment to fill a vacancy to serve an open term on the Municipal Development District (MDD) Board of Directors.

Pam Woodall, CM explained that 2 members of the Park Board had expressed their desire to serve on other boards if needed. Recommendation was to appoint Matthew Edwards to the MDD as place five.

PL1 Huber made the motion to appoint Matthew Edwards to serve as Place 5 on the MDD.

PL2 Oberg seconded the motion.

No opposition/abstentions.

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

Recorded Vote:

PL1 Huber AYE

PL2 Oberg AYE

Mayor Pro Tem Hunt AYE

PL5 Myers AYE

PL3 Griffin noted absent.

ITEM 11. **DISCUSSION/ACTION** – Receive recommendation from the Board Review Committee to consider and act on a volunteer board appointment to fill a vacancy to serve an open term on the Planning and Zoning Commission.

Pam Woodall, CM explained that 2 members of the Park Board had expressed their desire to serve on other boards if needed. Recommendation was to appoint Josh Lewis to the P&Z as place two.

PL2 Oberg made the motion to appoint Josh Lewis to serve as Place 2 on the P&Z.
PL5 Myers seconded the motion.

No opposition/abstentions.

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

Recorded Vote:

PL1 Huber AYE

PL2 Oberg AYE

Mayor Pro Tem Hunt AYE

PL5 Myers AYE

PL3 Griffin noted absent.

ITEM 12. **DISCUSSION/ACTION** – Consideration of and action to determine if Council is interested in the sale of and with any restrictions of .504-acre, Block 4, Lot 8, Brookwood Addition 2, "Water-Well lot", directing staff to work with legal counsel.

PL2 Oberg made the motion to approve the sale of .504 acre, Block 4, Lot 8, Brookwood Addition 2, 'water-well' lot with noted restriction(s) to work with legal counsel on the following: non-residential.
PL1 Huber seconded the motion.

No opposition/abstentions.

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

Recorded Vote:

PL1 Huber AYE

PL2 Oberg AYE

Mayor Pro Tem Hunt AYE

PL5 Myers AYE

PL3 Griffin noted absent.

ITEM 13. **DISCUSSION/ACTION** – Consideration of and action to authorize the city manager to approve a contract with a licensed real estate appraiser to obtain a formal fair market value on the City property of .504-acre, Block 4, Lot 8, Brookwood Addition 2, "Water-Well lot", Ovilla, Ellis County, Texas 75154.

Mayor Dormier explained that the reasoning behind this item is that the city needs an appraiser in order to advertise property for sale.

PL4 Hunt made the motion to approve the authorization of the city manager to approve a contract with a licensed real estate appraiser not to exceed the amount of \$2500, to obtain a formal fair market value On the sale of .504 acre, Block 4, Lot 8, Brookwood Addition 2, 'water-well' lot, Ovilla, Ellis County, Texas 75154.

PL2 Oberg seconded the motion.

No opposition/abstentions.

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

Recorded Vote:

PL1 Huber AYE

PL2 Oberg AYE

Mayor Pro Tem Hunt AYE

PL5 Myers AYE

PL3 Griffin noted absent

ITEM 14. DISCUSSION/ACTION – Consideration of and action to determine the use restrictions of 708 W. Main Street, directing staff to work with legal counsel for the preparation of sale.

No Action

staff directed to bring back in July after further research

ITEM 15. DISCUSSION/ACTION – Consideration of and action to authorize the city manager to approve a contract with a licensed real estate appraiser to obtain a formal fair market value on the City property of 708.W. Main Street, Ovilla, Ellis County, Texas 75154.

No Action

staff directed to bring back in July after further research

ITEM 16. DISCUSSION/ACTION – Consideration of and action on 2021 Heritage Day Committee appointments to facilitate plans of the 2021 Heritage Day Celebration and festivities.

The appointments to facilitate were as follows:

Coordinator: Doug Hunt

Managing Secretarial Assistant: Emily Starkey

Grounds: James Kuykendall

Financials: Sharon Jungman

No motion was needed

ITEM 17. 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
 - 1. Construction/Development
 - 2. Water/wastewater
 - 3. Streets
 - 4. Parks
 - 5. Monthly Code/Animal Control Reports
 - Administration
 - 1. Financials (non-reconciled)

Chief B. Windham
Chief B. Kennedy
Public Works Director J. Kuykendall

Finance Director Sharon Jungman

- a) Monthly Municipal Court Report
- b) UB Cut-Off May 2021
- 2. Administration Reports

City Manager P. Woodall
City Secretary G. Miller

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

None

The City Council Meeting was Adjourned at 9:31 pm.



Richard Dormier, Mayor

ATTEST:


G. Miller, City Secretary



Approved July 12, 2021