

CITY OF OVILLA MINUTES

Monday, March 14, 2022
Regular City Council Meeting
105 S. Cockrell Hill Road, Ovilla, TX 75154

Mayor Dormier called the Council Meeting of the Ovilla City Council to order at 6:30 PM, in the Ovilla Council Chamber Room, 105 S. Cockrell Hill Road Ovilla TX 75154, 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
David Griffin	Council Member, Place 3
Doug Hunt	Mayor Pro Tem, Place 4
Michael Myers	Council Member, Place 5

Mayor Dormier noted that all members of the Council were in attendance, thus constituting a quorum. The city manager, city secretary, department directors, and various staff were also present.

CALL TO ORDER

Mayor Dormier 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

- Proclamation declaring March 2022 as March for Meals Month
- Introduction of new Utility Crew Chief Eddie Wickware

CITIZEN COMMENTS:

- Jimmie Wade, 606 Creekview Circle, addressed the Council with concerns regarding adding a fee to the utility bills to support Police and Fire Departments, supporting sidewalks in downtown instead of walking trails, the possibility of using a city owned building on Main St. as a Senior Center, and the impact of traffic on FM 664.
- Jimmy Case, 120 Hummingbird Lane, addressed the Council requesting that the Council not sell the property located at 708 W. Main and using the property as a possible mobile food court.

PUBLIC HEARINGS

P1. Ordinance No. 2022-02 of The City of Ovilla adopting a new comprehensive plan, known as The Ovilla 2022 Comprehensive Land Use Plan, and providing a mechanism for amendments to The Ovilla Comprehensive Land Use Plan; providing that this ordinance shall be cumulative of all ordinances; providing a severability clause; and providing an effective date.

A. Presentation by staff

City Manager Woodall presented the Council with an update of the Comprehensive Land Use Plan.

B. Public Comment

Carol Lynch addressed the Council as the representative of the Planning and Zoning Commission and advised the Commission took no action on the plan as it was not complete at the time in which the plan was considered by the Commission.

Jimmie Wade, 606 Creekview Circle, spoke about the need for sidewalks in Ovilla.

Dani Muckleroy, 608 Green Meadows, spoke regarding the need for the city to follow plans that have been set out by the Citizens of Ovilla.

P2 Ordinance No. 2022-03 of the City of Ovilla, Texas, enacting amendments to The City's Subdivision Ordinance; providing for compliance with new state legislation affecting procedures for approving plats, replats, and related site plans; providing a conflict clause; providing a severance clause; and setting an effective date.

A. Presentation by staff

City Secretary Taylor presented the ordinance to the Council and addressed the state legislation that affects the approval procedures of plats and site plans.

B. Public Comment

No comments were made.

P3 Ordinance No. 2022-04 of the City of Ovilla, Texas, enacting amendments to the city's zoning ordinance and building code regulations to provide for compliance with new state laws affecting materials used in the construction or renovation of residential and commercial buildings; providing for appeals; providing a conflict clause; providing a severance clause providing a savings clause; and setting an effective date.

A. Presentation by staff

City Secretary Taylor presented the ordinance to the Council and addressed the state laws that affect building materials used in the construction or renovation of buildings in Ovilla.

B. Public Comment

Carol Lynch, 316 Shawdowood, stated that while she understands that the ordinance brings the city into compliance with state law she disagrees.

Michael Mohon, 307 Covington Lane, asked and received the definition of a development agreement. Mr. Mohon asked if an HOA could regulate the building materials. Mayor Dormier stated that an HOA could regulate the materials.

CONSENT AGENDA –

- C1. Financial Transactions over \$5000
- C2. Minutes of the Regular Council Meeting of February 14, 2022
- C3. The second amendment to the Water Tower Lease Agreement, between the City of Ovilla, Texas, and Skybeam, LLC d/b/a Rise Broadband
- C4. Verizon Wireless Customer Agreement
- C5. Ellis County Joint Election Contract May 7, 2022

PL4 Mayor Pro Tem Hunt motioned to remove item C3: The second amendment to the Water Tower Lease Agreement, between the City of Ovilla, Texas, and Skybeam, LLC d/b/a Rise Broadband.

Seconded by PL3 Griffin

No oppositions, no abstentions.

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

PL4 Mayor Pro Tem Hunt motioned to approve all other consent agenda items.

Seconded by PL2 Oberg

No oppositions, no abstentions.

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

REGULAR AGENDA

ITEM 1. **DISCUSSION/ACTION-** Consideration of and action on an Ordinance No. 2022-03 of the City of Ovilla, Texas, enacting amendments to the city's subdivision ordinance; providing for compliance with new state legislation affecting procedures for approving plats, replats, and related site plans; providing a conflict clause; providing a severance clause; and setting an effective date.

PL5 Myers made a motion to approve Ordinance No. 2022-03 of the City of Ovilla, Texas, enacting amendments to the city's subdivision ordinance; providing for compliance with new state legislation affecting procedures for approving plats, replats, and related site plans; providing a conflict clause; providing a severance clause; and setting an effective date.

Seconded by PL4 Mayor Pro Tem Hunt

No oppositions, no abstentions.

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

ITEM 2. **DISCUSSION/ACTION-** Consideration of and action on an Ordinance No. 2022-04 of the City of Ovilla, Texas, enacting amendments to the city's zoning ordinance and building code regulations to provide for compliance with new state laws affecting materials used in the construction or renovation of residential and commercial buildings; providing for appeals; providing a conflict clause; providing a severance clause providing a savings clause; and setting an effective date.

PL4 Mayor Pro Tem Hunt motioned to approve Ordinance No. 2022-04 of the City of Ovilla, Texas, enacting amendments to the city's zoning ordinance and building code regulations to provide for compliance with new state laws affecting materials used in the construction or renovation of residential and commercial buildings; providing for appeals; providing a conflict clause; providing a severance clause providing a savings clause; and setting an effective date.

Seconded by PL5 Myers

No oppositions, No abstentions.

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

ITEM 3. DISCUSSION/ACTION- Consideration of and action on deed restrictions for 708 W. Main St. and 0.46 acres of landlocked property behind 708 W. Main St. known as the Switzer Property, which shall be platted as one parcel; both properties are owned by the City of Ovilla.

No action was taken regarding the deed restrictions for 708 W. Main St. and 0.46 acres of landlocked property behind 708 W. Main St. Mayor Dormier requested a broader discussion and action item be placed on the next agenda so that the Council could speak regarding options for the property.

ITEM 4. DISCUSSION/ACTION – Consideration of and action on an Ordinance 2022-05 of the City of Ovilla, Texas, Repealing Chapter 13, Article 13.04, Section 13.040.35 of the Code of Ordinances of the City of Ovilla; Providing a Savings Clause; Providing a Severance Clause; Providing an Effective Date; and Providing for Publication.

City Manager Woodall explained that Ordinance 2022-05 provides for an update to the Code of Ordinances to remove a conflicting dollar amount in the schedule of fees.

PL2 Oberg motioned to approve Ordinance 2022-05 of the City of Ovilla, Texas, Repealing Chapter 13, Article 13.04, Section 13.040.35 of the Code of Ordinances of the City of Ovilla; Providing a Savings Clause; Providing a Severance Clause; Providing an Effective Date.

Seconded by PL1 Huber

No oppositions, No abstentions.

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

ITEM 5. DISCUSSION/ACTION – Consideration of and Action on a proposal of a brush truck in the amount of \$178,103.00 which exceeds the current budget amount of \$125,000.00 and directing staff to include the difference during the mid-year budget amendments.

Fire Chief Brandon Kennedy requested that the Council approve an expenditure more than the budgeted amount for the purchase of a brush truck. Chief Kennedy stated that ESD had committed to pay \$12,000.00 of the unbudgeted amount and the Service League had pledged the same amount leaving the city with an unbudgeted amount of \$16,603.00.

PL5 Myers motioned to approve a proposal of a brush truck in the amount of \$178,103.00 which exceeds the current budget amount of \$125,000.00 and directing staff to include the difference during the mid-year budget amendments.

Motion died due to a lack of a second.

PL4 Mayor Pro Tem Hunt motioned to approve the proposal of a brush truck in the amount of \$178,103.00 which exceeds the current budget amount of \$125,000.00 and directing staff to include the difference during the mid-year budget amendments.

PL 5 Myers seconded the motion.

No oppositions, No abstentions.

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

ITEM 6. DISCUSSION – Discuss reallocation of funding from the current budget year street/roadway projects to begin resurfacing Cockrell Hill Rd.

Public Works Director James Kuykendall explained that the funding for the roadway projects had been budgeted for the current budget year and that no changes could be made at this time. Mr. Kuykendall explained that the resurfacing of Cockrell Hill Rd. could be placed in the next budget year.

No action.

ITEM 7. DISCUSSION/ACTION – Consideration and action on a quote from Ellis County Precinct 4 in the total amount of \$461,015.00 for rehabilitation of Elmwood, Northwood, Oakwood, Willow Creek Ct., and Shiloh Rd.

PL3 Griffin motioned to approve a quote from Ellis County Precinct 4 in the total amount of \$461,015.00 for rehabilitation of Elmwood, Northwood, Oakwood, Willow Creek Ct., and Shiloh Rd. PL4 Mayor Pro Tem Hunt seconded the motion.

No oppositions, No abstentions.

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

ITEM 8. DISCUSSION/ACTION – Consideration and action on an Ordinance No. 2022-06 of the City of Ovilla, Texas, amending chapter 3, article 3.01, section 3.01.003 of the code of ordinances of the City of Ovilla; providing regulations for residential attached garages; providing a savings clause; providing a severance clause; providing an effective date; and providing for publication.

The Council discussed Ordinance No. 2022.06 which allows a front-facing garage if attached to the residence and behind a porte-cochere.

PL4 Mayor Pro Tem Hunt motioned to approve Ordinance No. 2022-06 of the City of Ovilla, Texas, amending chapter 3, article 3.01, section 3.01.003 of the code of ordinances of the City of Ovilla;

providing regulations for residential attached garages; providing a savings clause; providing a severance clause; providing an effective date; and providing for publication. PL2 Oberg seconded the motion.

No oppositions, No abstentions.

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

ITEM 9. DISCUSSION/ACTION – Consideration of any item(s) pulled from the Consent Agenda for individual consideration and action.

Item C3. The second amendment to the Water Tower Lease Agreement, between the City of Ovilla, Texas, and Skybeam, LLC d/b/a Rise Broadband had been pulled from the Consent Agenda by PL4 Mayor Pro Tem Hunt for discussion.

City Manager Woodall explained that the agreement allowed Rise Broadband to replace existing equipment with new equipment and that the lease payment would increase.

PL4 Mayor Pro Tem Hunt motioned to approve the second amendment to the Water Tower Lease Agreement, between the City of Ovilla, Texas, and Skybeam, LLC d/b/a Rise. PL1 Huber seconded the motion.

No oppositions, No abstentions.

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

STAFF REPORTS

• Police Department	Police Chief J. Bennett
➤ Police Activity and Staffing Updates	
➤ Police Department Renovation Update	
• Fire Department	Fire Chief B. Kennedy
➤ Fire Activity and Staffing Updates	
• Public Works Department	Public Works Director J. Kuykendall
➤ Public Works Activity and Staffing Updates	
➤ Pavilion Construction Update	
➤ Park Restroom Update	
• Finance Department	Finance Director S. Jungman
➤ Finance Activity and Staffing Updates	
• Administration	City Manager P. Woodall
➤ Administration Activity and Staffing Updates	
➤ City Hall Renovation Update	
➤ Inaccurate or Unreliable Water Meters Ordinance	
	City Secretary B. Taylor

the council discussed the pavilion construction update with staff. City Manager Woodall explained that the pavilion is currently on schedule to be completed in mid to late April.

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. 7:49 p.m.*

ES ITEM 1. DISCUSSION – Closed Session - Called pursuant to Section §551.074 (1) of the Texas Government Code: Personnel Matters; to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

City Manager, Pam Woodall

ES ITEM 2. DISCUSSION/ACTION –Any action necessary or appropriate as a result of the closed executive session.

None

B. *Reconvene into Regular (Open) Session. 7:58 p.m.*

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

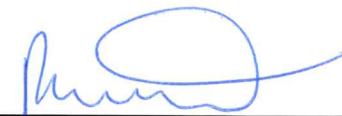
PL3 Griffin requested a discussion be placed on the next agenda regarding the pavilion to include but not be limited to a general discussion regarding naming rights, an update on the construction, and the possibility of selling memorial trees around the pavilion.

ADJOURNMENT

PL2 Oberg made a motion to adjourn. PL4 Mayor Pro Tem Hunt seconded the motion. There being no further business, Mayor Dormier adjourned the meeting at 8:00 p.m.

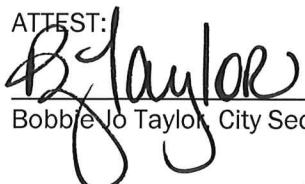
No oppositions, no abstentions.

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



Richard Dormier, Mayor

ATTEST:



Bobbie Jo Taylor, City Secretary

APPROVED: April 11, 2022



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

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