

CITY OF OVILLA MINUTES
Monday, August 8, 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:

| | |
|---------------|-------------------------|
| Kimberly Case | Council Member, Place 1 |
| Dean Oberg | Council Member, Place 2 |
| David Griffin | Council Member, Place 3 |
| Doug Hunt | Mayor Pro Tem, Place 4 |
| Brad Piland | 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

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

ANNOUNCEMENTS, PROCLAMATIONS, PRESENTATIONS, COMMENTS

- Fire Chief Brandon Kennedy introduced Deputy Fire Chief/Fire Marshal Kevin Mooney
- Mayor Dormier recognized City Accountant Chris Reeves for receiving his master's degree

CITIZEN COMMENTS:

- Brenda Sanford, 504 Shawnee Rd, Red Oak Superintendent thanking the council for their support of Red Oak ISD and for serving the community.
- Jimmie Wade, 606 Creekview Cir, complaint regarding the cargo container on Dusty Oaks.
- Dani Muckleroy, 608 Green Meadows Ln, 2022-2023 fiscal year budget, and tax rate suggestions.

PUBLIC HEARING

- P1. On a code violation abatement at the property described as Newton C. Laughlin Abstract 764, Page 425, Tract 8, consisting of 12.47 acres, in Ovilla, Texas, and otherwise known and referred to as 838 Cockrell Hill Road, Ovilla, TX 75154. The hearing is in reference to "Nuisance Enumerated" under Section 8.02 of the Code of Ordinances of the City of Ovilla, Texas.

- A. Presentation by staff
B. Public Comment

Richard Dormier, Mayor
Kimberly Case, Place One
Dean Oberg, Place Two

Doug Hunt, Place Four
David Griffin, Place Three
Brad Piland, Place Five

Mayor Dormier opened the public hearing at 6:39 p.m.

City Manager, Pam Woodall, stated that the legal process for abatement was started on July 15th for the dilapidated fence on 838 Cockrell Hill.

The owner of the property, Mr. Abuga, advised the council that he had trouble securing a contractor to bring the fence into compliance however Mr. Abuba stated that the property has been painted and brought into compliance as of August 8, 2022.

Mayor Dormier closed the public hearing at 6:41 p.m.

CONSENT AGENDA –

- C1. Financial Transactions over \$5000
- C2. Minutes of the Regular Council Meeting of July 11, 2022
- C3. Minutes of the Special Council Meeting of July 19, 2022
- C4. Minutes of the Special Joint Workshop with the EDC July 20, 2022
- C5. Minutes of the Special Joint Workshop with the MDD July 20, 2022
- C6. Minutes of the Special Council Meeting of July 20, 2022
- C7. FORVIS.LLP contract for Audit Services for the year ending September 30, 2022

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

Seconded by PL1 Case

No oppositions, no abstentions.

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

REGULAR AGENDA

Mayor Dormier moved Item 2 to the beginning of the regular agenda.

ITEM 2. DISCUSSION/ACTION – Consideration of and action on a code violation abatement at the property described as Newton C. Laughlin Abstract 764, Page 425, Tract 8, consisting of 12.47 acres, in Ovilla, Texas, and otherwise known and referred to as 838 Cockrell Hill Road, Ovilla, TX 75154. The hearing is in reference to “Nuisance Enumerated” under Section 8.02 of the Code of Ordinances of the City of Ovilla, Texas.

City Manager, Pam Woodall, and Director of Public Works, James Kuykendall, verified the property has been brought into compliance with the city ordinances.

Mayor Pro Tem Hunt motioned to not declare 838 Cockrell Hill Road a public nuisance.

Seconded by PL2 Dean Oberg.

VOTE: The motion to approve carried: 5-0

*Richard Dormier, Mayor
Kimberly Case, Place One
Dean Oberg, Place Two*

*Doug Hunt, Place Four
David Griffin, Place Three
Brad Piland, Place Five*

- ITEM 1. DISCUSSION** – Discussion with Ms. Jimmie Wade regarding a potential planned development project on property owned by Ms. Wade located on FM 664.

Ms. Wade presented the council with a concept plan of development that she is interested in building on her property on FM 664.

The consensus of the council was positive however, Ms. Wade was advised that she would need to file the proper paperwork for a planned development at city hall and have the project engineered prior to moving forward.

No action was taken at this time.

- ITEM 3. DISCUSSION/ACTION** – Consideration of and action on Resolution 2022-08 A Resolution of the City Council of the City of Ovilla, Texas, approving a negotiated settlement between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division regarding the company’s 2022 rate review mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attachment establishing a benchmark for pensions and retiree medical benefits; requiring the company to reimburse ACSC’S reasonable rate making expenses; determining that this resolution was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date, and requiring delivery of this resolution to the company and the ACSC’S legal counsel.

Mayor Pro Tem Hunt motioned to approve Resolution 2022-08 A Resolution of the City Council of the City of Ovilla, Texas, approving a negotiated settlement between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division regarding the company’s 2022 rate review mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attachment establishing a benchmark for pensions and retiree medical benefits; requiring the company to reimburse ACSC’S reasonable rate making expenses.

Seconded by PL2 Oberg

No oppositions, no abstentions.

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

- ITEM 4. DISCUSSION/ACTION** – Consideration of and action on Ordinance No. 2022-14 An ordinance of the City of Ovilla, Texas, amending Appendix “A”, Section A2.000 (miscellaneous fees), of the Code of Ordinances of the City of Ovilla; providing amended booth rental fees; providing parade entry fees and car show 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.

The council discussed the need to raise fees to support Heritage Day. The consensus of the council was that after the passage of this ordinance fees should not be raised for the next few years.

*Richard Dormier, Mayor
Kimberly Case, Place One
Dean Oberg, Place Two*

*Doug Hunt, Place Four
David Griffin, Place Three
Brad Piland, Place Five*

Mayor Pro Tem Hunt motioned to approve Ordinance No. 2022-14 An ordinance of the City of Ovilla, Texas, amending Appendix "A", Section A2.000 (miscellaneous fees), of the Code of Ordinances of the City of Ovilla; providing amended booth rental fees; providing parade entry fees and car show fees.

Seconded by PL1 Case

PL5 Piland opposed, no abstentions.

VOTE: The motion to approve carried unanimously: 4-1

ITEM 5. DISCUSSION/ACTION – Review the proposed Fiscal Year 2022-2023 Budget, discuss the preliminary determination of the tax rate, and direct staff as necessary.

City Manager, Pam Woodall, presented a balanced budget after many meetings and budget cuts. Ms. Woodall advised that in an effort to be extra conservative this year the following highlights are noted:

1. All proposed capital projects were removed from the general fund.
2. Three vacant positions are frozen and will not be funded until mid-year.
3. Three percent raise funded for eligible employees.
4. Base pay increase for entry-level police officers.
5. Health insurance coverage has no increased premiums.
6. TMRS – Increased from 10.38% to 10.83%

Capital Expenditures GENERAL FUND

- Fire - \$178,000 Brush Truck (approved and committed in FY2021-2022)

Capital Expenditures MUNICIPAL DEVELOPMENT DISTRICT

- Admin - \$80,000 Conference room renovation

Capital Expenditures ECONOMIC DEVELOPMENT CORPORATION

- Park Department – \$30, 000 Land Improvements (walkways)
- Park Department - \$30,000 Monument Sign

Capital Expenditures STREET IMPROVEMENT FUND

- Street/Drainage - \$55,000 Shiloh Bridge engineering and repairs

Capital Expenditures WATER/WW FUND

- None

Debt Service – Current Bond

PL4 Griffin motioned to approve the proposed the Fiscal Year 2022-2023 Budget.

Seconded by PL1 Case.

No oppositions, no abstentions.

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

ITEM 6. DISCUSSION/ACTION – Consideration and action on a proposed tax rate for the Fiscal Year 2022-2023 Budget and take a record vote.

The council discussed the following preliminary tax rate as presented by city staff:

Richard Dormier, Mayor
Kimberly Case, Place One
Dean Oberg, Place Two

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Doug Hunt, Place Four
David Griffin, Place Three
Brad Piland, Place Five

| <u>Options</u> | <u>Rates</u> | <u>Revenue Generated</u> |
|---------------------------|--------------|--------------------------|
| Current Rate | \$0.6600 | \$2,404,000.00 |
| No-New Revenue Rate | \$0.519776 | \$2,381,445.00 |
| Voter Approval Rate | \$0.551387 | \$2,557,029.00 |
| Below Voter Approval Rate | \$0.551398 | \$2,556,979.00 |
| De minimis Rate | \$0.626213 | \$2,822,785.00 |

Mayor Pro Tem Hunt motioned that the Council hereby propose the 2022 Increased Tax Rate of 0.626213 with a Maintenance and Operation rate of 0.418178 and a debt rate of 0.091038 per \$100 and a de minimis rate of 0.116997 per 100 of assessed valuation.

PL2 Oberg seconded the motion.

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

Recorded Vote:

PL1 Case AYE

PL2 Oberg AYE

PL3 Griffin AYE

PL4 Hunt AYE

PL5 Piland AYE

ITEM 7. DISCUSSION – Discuss progress and receive updates on activities related to the 2022 Heritage Day celebration, Saturday, September 24, 2022.

Mayor Pro Tem Hunt stated that the celebration would also be a dedication of the pavilion in Founder's Park. Mayor Pro Tem Hunt advised that he has collected over \$28,000 in sponsorships and that the event will include a car show, flyover, and many other exciting activities. Along with this, he stated Charlie Morton, Ovilla's oldest resident, will be the Grand Marshal for the event.

ITEM 8. 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

Police Chief J. Bennett

- Police Activity and Staffing Updates

- 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

- Public Works Activity and Staffing Updates

- Finance Department Finance Director S. Jungman
 - Finance Activity and Staffing Updates
- Administration City Manager P. Woodall
 - Administration Activity and Staffing Updates
 - a) TxDot Acquisition of Right of Way on FM 664 Update

City Manager Woodall advised that staff has been working with TxDot and legal counsel on a counteroffer to be sent to TxDot.

III. **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).

None

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

PL1 Case requested an ordinance update pertaining to waiving any fees relating to Heritage Day.
PL5 Griffin requested an update on the TX DOT proposals.

ADJOURNMENT

PL2 Oberg made a motion to adjourn.

Mayor Pro Tem Hunt seconded the motion.

There being no further business, Mayor Dormier adjourned the meeting at 7:28 p.m.

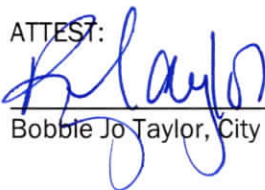
No oppositions, no abstentions.

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



Richard Dormier, Mayor

ATTEST:



Bobbie Jo Taylor, City Secretary

APPROVED: September 12, 2022

Richard Dormier, Mayor
Kimberly Case, Place One
Dean Oberg, Place Two

Doug Hunt, Place Four
David Griffin, Place Three
Brad Piland, Place Five