

CITY OF OVILLA MINUTES
Monday, September 12, 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

PL1 Case gave the invocation and PL3 Griffin led the reciting of the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

ANNOUNCEMENTS, PROCLAMATIONS, PRESENTATIONS, COMMENTS

Mayor Dormier read and presented the following proclamations:

- Proclamation: DAR Constitution Week
- Proclamation: Heritage Day 2022
- Proclamation: In Honor of Mr. Charlie Morton

CITIZEN COMMENTS:

- Boy Scouts of American Troop 533 addressed the council by introducing themselves as Jason Edwards, Justin Homuth, and Lilah Homuth. The Troop advised the council that they were in attendance to observe the meeting to earn a merit badge for "Citizenship in the Community".
- Glen Domstead, 111 Meadowwood, addressed the council opposing the proposed tax rate.
- Brian Holmes, 112 Hummingbird, advised the council that his ministry has been working at Curtis Garage and is encouraging togetherness in the community by offering mentoring, bible study, and seminars.

PUBLIC HEARING

- P1. To receive public comment on the fiscal Year 2022-2023 City of Ovilla Budget

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

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

Finance Director, Sharon Jungman, presented the fiscal year 2022-2023 City of Ovilla Budget to the council and the public. Ms. Jungman advised that the tax rate proposed this fiscal year is \$.03 less than the previous year's rate. Ms. Jungman continued by stating that the staff had worked to cut back on expenses to obtain a balanced budget without spending any funding from the fund balance.

Mayor Dormier explained the need for the increased tax rate and explained that the city has used fund balance in the past to balance the budget. Mayor Dormier stated that all capital projects had been removed from the budget, no paving of street, and other cuts were made in order to balance the budget with the smallest increase possible to the tax rate.

Mayor Dormier opened the public hearing at 6:55 p.m.

Phil Lynch, 316 Shadowwood Trail, addressed the council by endorsing the proposed tax rate which includes a De Minimums Tax Rate in order to balance the budget.

No other comments were made at this time.

Mayor Dormier closed the public hearing at 7:03 p.m.

- P2.** To receive public comment on a tax rate of \$0.626213 per \$100 valuation proposed by the governing body of the City of Ovilla, with a maintenance and operation rate of \$0.418178, a de minimis rate of \$0.116997, and a debt rate of \$0.091038

A. Public Comment

<i>PROPOSED TAX RATE</i>	<i>\$0.626213 PER \$100</i>
<i>PRECEDING YEAR'S TAX RATE</i>	<i>\$0.660000 PER \$100</i>
<i>NO-NEW TAX RATE</i>	<i>\$0.519776 PER \$100</i>
<i>VOTER APPROVAL TAX RATE</i>	<i>\$0.551387 PER \$100</i>
<i>DE MINIMIS RATE</i>	<i>\$0.116997 PER \$100</i>

Mayor Dormier opened the public hearing at 7:04 p.m.

Dani Muckleroy, 608 Green Meadows, addressed the council in support of the tax rate.

No other comments were made at this time.

Mayor Dormier closed the public hearing at 7:06 p.m.

CONSENT AGENDA –

- C1.** Financial Transactions over \$5000
- C2.** Investment Report for April-July 2022
- C3.** Minutes of the Special Council Meeting and Workshop August 3, 2022
- C4.** Minutes of the Regular Council Meeting August 8, 2022
- C5.** Minutes of the Board of Adjustment August 18, 2022

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Dean Oberg, Place Two

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

- C6. Minutes of the Special Council Meeting August 18, 2022
- C7. Fiscal Year 2022-2023 Scheduled Council Meetings and Annual Holidays
- C8. Contract for Assessment and Collection between the Ellis County Tax Assessor-Collector and the City of Ovilla for ad valorem property taxes

PL2 Oberg motioned to approve all consent agenda items.

Seconded by Mayor Pro Tem Hunt

No oppositions, no abstentions.

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

REGULAR AGENDA

- ITEM 1. DISCUSSION/ACTION** – Consideration of and action on a request by homeowner Jon Grimes at 7030 Judy Drive for the City Council to allow an intrusion into the utility easement for the construction of concrete flatwork.

Director of Public Works, James Kuykendall, advised the council that the applicant has requested a permit for flat work to consist of 4-inch-thick concrete to surround a pool as well as a 4 inch concrete sports court and driveway. The permit has been denied due to 13 foot of concrete pavers and the concrete slab intruding into the easement.

The applicant, Mr. Jon Grimes, requested that the city council grant permission to intrude into the easement. Mr. Grimes stated that there are no current utilities in the easement.

Staff advised that they had requested the applicant obtain a letter from utility providers stating that there are no immediate plans to place any utilities in the easement and that the utility providers agree to allow the intrusion into the easement. Staff advised that they had not received a statement from any utility company as of September 9, 2022.

After some deliberation, Council felt that the 13.5 ft was a little extreme. Staff history showed one other intrusion in this neighborhood, but it was only 1.5 ft into the utility easement. Line locates confirmed nothing was in the utility easement per applicant. The applicant stated to the council that he CLEARLY UNDERSTOOD (state law), that if any franchise utilities came in and dug up or destroyed his concrete/decking the owner of the home was completely responsible to repair/replace that area. The applicant advised the council he was willing to take that risk. Council consensus was favorable based on the applicant's clear understanding.

PL 5 Piland voiced concerns about drainage if all residents asked for such an intrusion/encroachment into the back utility easements.

PL 2 Oberg moved to approve the request by homeowner Jon Grimes at 7030 Judy Drive for the City Council to allow a 13.5 ft intrusion into the utility easement for the construction of concrete flatwork. The applicant understands the approval of this permit and is clear that current and future owners are responsible for adhering to the final plat (meaning any disruption to the concrete flatwork proposed from a future utility company will be the responsibility of the owner).

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

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

Seconded by PL 1 Case.

No oppositions, no abstentions.

VOTE: The motion carried unanimously: 5-0.

ITEM 2. DISCUSSION/ACTION – Consideration of and action on Ordinance 2022-15 an Ordinance approving and adopting the budget and making appropriations for the support of the city government of the City of Ovilla for the fiscal year beginning October 01, 2022 and ending September 30, 2023; and providing an effective date.

The council received a balanced budget prepared by city staff following prior budget workshops.

Staff explained that the presented budget is based on the proposed tax rate of \$0.626213 PER \$100. During the Council meeting of August 08, 2022.

The council discussed adopting the budget for the fiscal year 2022/2023. The council stated they recognized the challenge that city staff had while preparing the budget and thanked the staff for their hard work and dedication.

Mayor Pro Tem Hunt motioned to approve Ordinance 2022-15 approving and adopting the Budget and making appropriations for the support of the City Government of the City of Ovilla, Texas for the Fiscal Year beginning October 01, 2022, and ending September 30, 2023: providing an effective date.

PL2 Piland seconded the motion.

No oppositions, no abstentions.

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 3. DISCUSSION/ACTION – Consideration of and action on Ordinance 2022-16 an Ordinance levying, assessing, and fixing the tax rate for the use and support of the municipal government of the City of Ovilla, Texas, and providing for the debt service fund for the fiscal year 2022-2023 and apportioning each levy for the specific purpose, and providing for collection of all annual taxes provided by state law; and providing an effective date.

PL3 Griffin motioned to approve the 2022-2023 property tax rate be a total of \$0.626213 per \$100 valuation with a Maintenance and Operation rate of \$0.418178, a Debt rate of \$0.091038 and a De Minimis rate of \$0.116997.

PL5 Piland seconded the motion.

No oppositions, no abstentions.

VOTE: The motion to approve carried unanimously: 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

Recorded Vote:

PL1 Case AYE
 PL2 Oberg AYE
 PL3 Griffin AYE
 PL4 Hunt AYE
 PL5 Piland AYE

PL1 Case motioned to approve Ordinance 2022-16 levying, assessing and fixing the tax rate for the use and support of the municipal government of the City of Ovilla, Texas, and providing for the Debt Service Fund for Fiscal Year 2022-2023 and apportioning each levy for the specific purpose, and providing for collection of all annual taxes provided by state law: and providing an effective date.

PL2 Oberg seconded the motion.

No oppositions, no abstentions.

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 4. DISCUSSION/ACTION – Consideration of and action on Ordinance 2022-17 the City of Ovilla, Texas, ratifying the budget for the 2022-2023 tax year that raised more revenue from property taxes than in the previous year.

PL2 Oberg moved that council approves and adopts Ordinance 2022-17 ratifying the budget for the Fiscal Year 2021-2022 that will raise more revenue from property taxes than in the previous year.

Mayor Pro Tem Hunt seconded the motion.

No oppositions, no abstentions.

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 5. DISCUSSION/ACTION – Consideration of and action on Resolution R2022-09 a Resolution adopting a revised organizational chart, establishing a chain of command, and lines of communication, in accordance with the Fiscal Year 2022-2023 Budget Ordinance 2022-15 of the City of Ovilla.

Staff explained the organizational chart by advising that the chart is approved along with the budget ordinance however the city takes action on a resolution each year in the event that updates need to occur throughout the year.

Mayor Pro Tem Hunt motioned to approve Resolution R2022-09 a Resolution adopting a revised organizational chart, establishing a chain of command, and lines of communication, in accordance with the Fiscal Year 2022-2023 Budget Ordinance 2022-15 of the City of Ovilla.

PL1 Case seconded the motion.

No oppositions, no abstentions.

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

ITEM 6. DISCUSSION – Discuss progress and receive updates on activities related to the 2022 Heritage Day celebration, Saturday, September 24, 2022.

Mayor Pro Tem Hunt advised the council on the status of the upcoming Heritage Day celebration. The council discussed the parade and other activities that are to be held. Mayor Pro Tem Hunt stated that the parade will begin to line up at 7:30 am.

ITEM 7. DISCUSSION/ACTION – Consideration of and action on casting official ballots for Places 6,7,8 and 9 of the Texas Municipal League Intergovernmental Risk Pool Board of Trustees.

Mayor Pro Tem Hunt motioned to cast official ballots for the following:

Place 6	Kimberly Meismer
Place 7	James Hotopp
Place 8	Brett Haney
Place 9	Opal Mauldin-Jones

PL3 Griffin seconded the motion.

No oppositions, no abstentions.

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

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 Activity and Staffing Updates
 1. National Night Out
- Fire Department
 - Fire Activity and Staffing Updates
- Public Works Department

Police Chief J. Bennett

Fire Chief B. Kennedy

Public Works Director J. Kuykendall

Richard Dormier, Mayor
Kimberly Case, Place One
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- 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 City Secretary B. Taylor

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).

A. *Convene into Executive Session. 6:45 pm*

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 (annual evaluation)

City Secretary, Bobbie Jo Taylor (annual evaluation)

B. *Reconvene into Regular (Open) Session 8:38 pm*

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

Mayor Pro Tem Hunt motioned to increase the salary of the City Manager and the City Secretary by the amount allotted in the adopted budget.

PL2 Oberg seconded the motion.

No oppositions, no abstentions.

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

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

None

ADJOURNMENT

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

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

PL2 Oberg made a motion to adjourn.

PL 3 Griffin seconded the motion.

No oppositions, no abstentions.

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

There being no further business, Mayor Dormier adjourned the meeting at 8:39 p.m.



Richard Dormier, Mayor

ATTEST:


Bobbie Jo Taylor, City Secretary

APPROVED: October 11, 2022

