

CITY OF OVILLA MINUTES
Monday, November 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:

Kimberly Case
Dean Oberg
David Griffin
Doug Hunt

Council Member, Place 1
Council Member, Place 2
Council Member, Place 3
Mayor Pro Tem, Place 4

Mayor Dormier noted that the above members of the council were in attendance with Place 5 Piland being absent, 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 Dormier led the reciting of the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

ANNOUNCEMENTS, PROCLAMATIONS, PRESENTATIONS, COMMENTS

None

CITIZEN COMMENTS:8

- Sheila Domstead, 111 Meadowwood, requested that item C5 Annual renewal of an Interlocal Agreement between Ellis County and the City of Ovilla for road and street maintenance be removed from the consent agenda and added to the regular agenda for discussion.
- Eric Edelmann, 607 Creek View Circle, addressed concerns regarding his utility billing.

PUBLIC HEARING

- P1. To receive public comment on Ordinance No. 2022-18 amending Chapter 14 (Zoning) of the Code of Ordinances of the City of Ovilla; amending the Table of Land Uses to provide for bed and breakfast facilities; providing a definition of "Bed and Breakfast Facility", providing an amended definition of "Hotel/Motel".

City Manager Woodall presented the summarized Ordinance No. 2022-18 regulating Bed and Breakfast facilities in Ovilla, stating that there are no current regulations for these establishments and that this ordinance will allow the city to regulate the businesses and call for health and safety inspections yearly.

Richard Dormier, Mayor
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David Griffin, Place Three
Brad Piland, Place Five

Mayor Dormier opened the public hearing at 6:42 p.m.

No comments were made at this time.

Mayor Dormier closed the public hearing at 6:43 p.m.

CONSENT AGENDA –

- C1. Financial Transactions over \$5000
- C2. Minutes of the Regular Council Meeting October 11, 2022
- C3. Annual renewal of ESD #2 – Interlocal Services Agreement FY 2022-2023
- C4. Annual renewal of Interlocal Agreement between Dallas County and the City of Ovilla pertaining to road and bridge transportation-related improvements or maintenance on or about certain designated roadways situated within the territorial limits of the City of Ovilla.
- C5. Annual renewal of Interlocal Agreement between Ellis County and the City of Ovilla for road and street maintenance
- C6. Resolution No. 2022-10 A resolution of the City of Ovilla approving the sale of land to the Texas Department of Transportation (Tx-Dot)
- C7. Investment Report for July-September 2022

Mayor Pro Tem Hunt motioned to pull C5 Annual renewal of Interlocal Agreement between Ellis County and the City of Ovilla for road and street maintenance for discussion and consideration.

Seconded by PL1 Case

No opposition, no abstentions.

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

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: 4-0

REGULAR AGENDA

- ITEM 1. DISCUSSION –** Receive a presentation from Community Waste Disposal representative Jason Roemer on the annual review, proposed annual adjustment, and a proposed contract amendment to allow for compressed natural gas (CNG) vehicles.

CWD representative, Jason Roemer, presented the council with an annual review. Mr. Roemer stated that currently garbage is collected one time per week with recycling every other week. Mr. Roemer advised that 65 tons of brush was collected during a storm in July. Mr. Roemer also detailed the expansion of the central location of CWD and replacing the current diesel garbage trucks with trucks that are fueled by compressed natural gas.

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- ITEM 2. DISCUSSION/ACTION** – Consideration of and action on the annual Community Waste Disposal rate adjustment and direct staff to return with an amendment to Section 4 of the current contract, amending the system chart and converting to CNG models.

The council discussed with the staff the rate adjustment that is allowed in the contract annually. The council compared the rate adjustment of diesel trucks versus the CNG model trucks which would be a significantly smaller increase in the rate.

Mayor Pro Tem Hunt motioned to approve the annual market adjustment of 10.9% in accordance with the Municipal Solid Waste Collection, Transportation and Disposal Contract, and direct staff to return with an amendment to Section 4 of the current contract, amending the system chart and converting to CNG models.

PL1 Case seconded the motion.

No oppositions, no abstentions.

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

- ITEM 3. DISCUSSION/ACTION** – Consideration of and action on the financial impact to the city for the CWD Annual CPI rate adjustment.

City Manager Woodall explained that the council will need to direct staff in order to adjust the rate increase due to the annual rate adjustment of the garbage or allow for no increase to the customer which would result in a \$57,000 shortfall. Ms. Woodall stated that an increase of 10% would be sufficient.

PL3 Griffin made a motion to approve a 10% increase to the garbage rate for all customers of the City of Ovilla.

PL2 Oberg seconded the motion.

No oppositions, no abstentions.

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

- ITEM 4. DISCUSSION/ACTION** – Consideration of and action on the recommendation from the Planning and Zoning Commission on Ordinance No. 2022-18 amending Chapter 14 (Zoning) of the Code of Ordinances of the City of Ovilla; amending the Table of Land Uses to provide for bed and breakfast facilities; providing a definition of "Bed and Breakfast Facility", providing an amended definition of "Hotel/Motel", providing a savings clause; providing a severance clause; providing for publication; and providing an effective date.

City Manager Woodall discussed the ordinance with the Council. Ms. Woodall stated that the ordinance does include an application process and that those currently in existence will also have to begin to follow the application process and regulations set forth in the ordinance.

Mayor Pro Tem Hunt made a motion to approve Ordinance No. 2022-18 amending Chapter 14 (Zoning) of the Code of Ordinances of the City of Ovilla; amending the Table of Land Uses to provide for bed

and breakfast facilities; providing a definition of "Bed and Breakfast Facility"; providing an amended definition of "Hotel/Motel"; providing a savings clause; providing a severance clause; providing for publication; and providing an effective date.

PL3 Griffin seconded the motion.

No oppositions, no abstentions.

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

ITEM 5. DISCUSSION/ACTION – Consideration of and action on Ordinance No. 2022-21 an Ordinance of the City of Ovilla, Texas, amending Chapter 13, Article 13.03, Division 2, Section 13.03.045 and Appendix Article A7.000, of the Code of Ordinances of the City of Ovilla; providing penalties for damaging or tampering with water meters; providing water and wastewater tap fees; providing water meter fees; providing a savings clause; providing a severance clause; providing for incorporation into the Code of Ordinances; providing for publication; and providing an effective date.

City Manager Woodall explained to the council the updates to the ordinance which included tampering charges and boring fees for water and sewer services.

PL2 Oberg motioned to approve Ordinance No. 2022-21 an Ordinance of the City of Ovilla, Texas, amending Chapter 13, Article 13.03, Division 2, Section 13.03.045 and Appendix Article A7.000, of the Code of Ordinances of the City of Ovilla; providing penalties for damaging or tampering with water meters; providing water and wastewater tap fees; providing water meter fees; providing a savings clause; providing a severance clause; providing for incorporation into the Code of Ordinances; providing for publication; and providing an effective date.

Mayor Pro Tem Hunt seconded the motion.

No oppositions, no abstentions.

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

ITEM 6. DISCUSSION/ACTION – Consideration of and action on Ordinance No. 2022-22 an ordinance of the City of Ovilla, Texas, amending Appendix A (fee schedule), Article A4.000, Section A4.001(1)(D) of the Code of Ordinances of the City of Ovilla; providing a fee for HVAC installation inspections; providing a savings clause; providing a severance clause; providing for incorporation into the code of ordinances; providing for publication; and providing an effective date.

Mayor Dormier explained that the current city ordinance does not allow the city to recoup the fees that are being charged by a third party for inspection of HVAC inspections. Mayor Dormier stated that the city is currently charging a flat fee of \$125.00 and that most HVAC inspections are more than the amount the city is charging the customer.

PL2 Oberg made a motion to approve Ordinance No. 2022-22 an ordinance of the City of Ovilla, Texas, amending Appendix A (fee schedule), Article A4.000, Section A4.001(1)(D) of the Code of Ordinances of the City of Ovilla; providing a fee for HVAC installation inspections; providing a savings clause; providing a severance clause; providing for incorporation into the code of ordinances; providing for publication; and providing an effective date.

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Mayor Pro Tem Hunt seconded the motion.

No oppositions, no abstentions.

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

ITEM 7. DISCUSSION/ACTION – Consideration of and action on a recommendation from the Planning and Zoning Commission on a request from Developer Steve Choe and Engineer Glen Kistenmacher to grant an extension on the Forest Creek Estates Preliminary Plat.

City Manager Woodall stated that the city code allows for a one-time extension of a preliminary plat of one year.

PL3 Griffin motioned to approve a recommendation from the Planning and Zoning Commission on a request from Developer Steve Choe and Engineer Glen Kistenmacher to grant an extension on the Forest Creek Estates Preliminary Plat.

PL2 Oberg seconded the motion.

No oppositions, no abstentions.

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

ITEM 8. DISCUSSION – Discuss a possible amendment to the Code of Ordinances to provide additional regulations for peddlers within the City of Ovilla including but not limited to signage addressing peddlers in the city and a mandatory safety vest requirement for all peddlers, as requested by Place 4, Mayor Pro Tem Hunt.

Mayor Pro Tem Hunt addressed the council to discuss peddlers in the city and the need for them to be more clearly identified by the public. Mayor Pro Tem Hunt suggested that a vest be provided by the city as well as signage added to the neighborhoods advising peddlers of the need to register at City Hall.

The council consensus was that more education regarding peddlers to be placed on the website as well as in future Town Topics to be circulated by mail. The council directed staff to draft an ordinance to be brought to the next regularly scheduled meeting to increase the fees of the permit in order to cover staff administrative fees and the cost of background checks on the individuals who apply for the permits.

ITEM 9. DISCUSSION – Discuss the Annual Christmas Tree Lighting event to be held at Heritage Park on Thursday, December 1, 2022.

Staff provided an update to the council regarding the annual event advising of the date of the event and refreshments to be provided by the Service League. City Manager Woodall advised that an all-call would be placed to citizens and that signage would be placed around the city.

ITEM 10. DISCUSSION/ACTION – Consideration of and action on Ordinance No. 2022-23 of the City of Ovilla, Texas amending Appendix A, Article A7.000, Section A7.003 of the Code of Ordinances of the City of Ovilla; establishing monthly water and wastewater rates for residential and non-residential customers; providing a savings clause; providing a

Richard Dormier, Mayor
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David Griffin, Place Three
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severance clause; providing incorporation into the Ovilla Code of Ordinances; providing an effective date; and providing for publication.

City Manager Woodall explained to the council that this ordinance puts in place the rates that were approved during the fiscal year 2022-2023 budget cycle.

PL2 Oberg motioned to approve Ordinance No. 2022-23 of the City of Ovilla, Texas amending Appendix A, Article A7.000, Section A7.003 of the Code of Ordinances of the City of Ovilla; establishing monthly water and wastewater rates for residential and non-residential customers; providing a savings clause; providing a severance clause; providing incorporation into the Ovilla Code of Ordinances; providing an effective date; and providing for publication.

PL1 Case seconded the motion.

No oppositions, no abstentions.

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

ITEM 11. DISCUSSION/ACTION – Consideration of any item(s) pulled from the Consent Agenda for individual consideration and action.

Item C5 Annual renewal of Interlocal Agreement between Ellis County and the City of Ovilla for road and street maintenance.

Mayor Dormier advised that the city does not have any agreement with Red Oak ISD in place and that the city has advised the district that a rough proportionality assessment would need to be done prior to building a school on Westmoreland. Mayor Dormier stated that the city does not have any funding in the current budget to allow for the paving of existing roadways. Mayor Dormier advised that it is not the city's intention to bear the cost of completing a roadway for the school and that approval of this item is a standard agreement that is renewed each budget year.

PL3 Griffin motioned to approve an annual renewal of Interlocal Agreement between Ellis County and the City of Ovilla for road and street maintenance.

Mayor Pro Tem Hunt seconded the motion.

No oppositions, no abstentions.

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

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

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- 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.

A. *Convene into Executive Session. 7:45 p.m.*

ES ITEM 1. DISCUSSION/ACTION – 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.

Finance Director

City Manager

B. *Reconvene into Regular (Open) Session 8:39 p.m.*

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

None

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

Mayor Dormier requested that an action item be placed on the agenda to discuss how the department reports are listed and discussed during the council meetings.

PL3 Griffin requested that a discussion item be placed on the agenda regarding short-term rental property.

ADJOURNMENT

PL2 Oberg made a motion to adjourn.

PL1 Case seconded the motion.


There being no further business, Mayor Dormier adjourned the meeting at 8:44 p.m.

No oppositions, no abstentions.

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

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



Richard Dormier, Mayor

ATTEST:



Bobbie Jo Taylor, City Secretary

APPROVED: December 12, 2022

