

# CITY OF OVILLA MINUTES

**Monday, December 12, 2022**

**Regular City Council Meeting**

**105 S. Cockrell Hill Road, Ovilla, TX 75154**

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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  
David Griffin  
Doug Hunt  
Brad Piland

Council Member, Place 1  
Council Member, Place 3  
Mayor Pro Tem, Place 4  
Council Member, Place 5

Mayor Dormier noted that the above members of the council were in attendance with Place 2 Dean Oberg being absent, 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 Case led the reciting of the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

## **ANNOUNCEMENTS, PROCLAMATIONS, PRESENTATIONS, COMMENTS:**

- Class 2A State Volleyball Champions Ovilla Christian School

## **CITIZEN COMMENTS:**

- Dani Muckleroy, 608 Green Meadows Lane, addressed the city council regarding concerns with CWD.
- Tana Jimenez, 109 Suburban Dr, addressed the council concerns regarding the placement of Loop 9.

## **CONSENT AGENDA:**

- C1.** Financial Transactions over \$5000
- C2.** Minutes of the Regular Council Meeting November 14, 2022
- C3.** Addendum No. 1 to the Municipal Solid Waste Collection, Transportation, and Disposal Contract

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: 4-0**

*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*

Mayor Dormier moved Executive Session to take place before the Regular Agenda.

**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. 6:44 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. Adjourn from the executive session and reconvene into the open meeting. 7:28 p.m.

**ANY ACTION NECESSARY OR APPROPRIATE AS A RESULT OF THE CLOSED EXECUTIVE SESSION:**

PL1 Case made a motion to confirm the recommendation of Mr. Edward Scott by the city manager and move forward with the hiring process.

Mayor Pro Tem Hunt seconded the motion.  
No oppositions, no abstentions.

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

**REGULAR AGENDA:**

**ITEM 1. DISCUSSION/ACTION** – Consideration of and action on Resolution No. R2022-11 a Resolution of the City Council of the City of Ovilla, Texas, amending Resolution R2019-22, establishing a policy on governance process and rules of procedure, providing for the form and content of city council agendas; providing a savings clause; providing a severability clause; and providing an effective date.

Mayor Dormier explained to the Council that the current rules of procedure state Departmental Reports/Discussion which can lead to confusion since discussion is not allowed for every item in the reports unless those items are listed specifically on the agenda. Mayor Dormier suggested that the

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Dean Oberg, Place Two

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Doug Hunt, Place Four  
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resolution be approved and noted that the department reports would still be sent with the agenda packet. Mayor Dormier advised the council that if they had any questions regarding the department reports to contact city staff to ask questions or to add a specific question to the agenda.

PL3 Griffin made a motion to approve Resolution No. R2022-11 a Resolution of the City Council of the City of Ovilla, Texas, amending Resolution R2019-22, establishing a policy on governance process and rules of procedure, providing for the form and content of city council agendas; providing a savings clause; providing a severability clause; and providing an effective date.

PL5 Piland seconded the motion.

No oppositions, no abstentions.

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

**ITEM 2. DISCUSSION** – Discussion on Short-Term Rental properties such as an AirBnb and other Short-Term Rental companies with staff as requested by Place 3 Griffin.

Loreen Silva, 103 Woodland Ct, addressed the council concerning Short-term rentals as an owner of four rental properties. Ms. Silva encouraged the council not to make the rental process more difficult for owners of these types of properties.

City Staff advised the council that they have been conversing with legal counsel regarding regulations on Short Term Rentals. City Manager Woodall stated that the council enacted Ordinance 2022-18 providing a definition for a Bed and Breakfast which set the application process and fees for those types of properties. Ms. Woodall added that legal counsel has advised that cities have been challenged in court regarding short-term rentals and restrictions that are placed on those properties by cities. Ms. Woodall stated that the courts have held that a city cannot restrict owners from leasing property to others and that the city is not allowed to use zoning to restrict short-term rental property.

Staff advised that Short-term Rentals are subject to the Hotel Occupancy Tax ordinance which was recently put into place by city council action. Ms. Woodall advised that city staff is staying abreast of the ongoing changes to the law regarding short-term rentals and will bring any information to the council for consideration once a clear understanding of the law and how the city can implement those laws and/or restrictions.

Discussion Only

**ITEM 3. DISCUSSION** – Discussion on and an update by staff regarding the purchase of the City of Ovilla marquee sign approved during the fiscal year 2022/2023 budget as requested by Place 1 Case.

City staff provided the governing body an update on the marquee/monument sign as requested by Place 1 Case.

Staff advised that during the May 2022 Council meeting, the governing body directed staff to research this planned upgrade to include that the sign is presented in a monument style to match the current monuments the city has erected in two areas of the city instead of using the current pole sign.

City Manager Woodall stated that during the FY2022-2023 budget presentations and process, staff requested that the EDC fund an update to the city marquee to include the council's requested monument-style option. The EDC agreed and motioned to fund \$50k for the update of an electronic sign in a monument display. The council approved. The Park Department acquired a reasonable quote for an electronic sign with an LED display that is managed from software inside the office building.

Ms. Woodall stated that staff followed through, and the park supervisor acquired the necessary proposals and ordered a monument sign through a state-approved procurement group, Smart Buy. The cost is within the approved funding through the Economic Development Corporation.

#### Discussion Only

**ITEM 4. DISCUSSION/ACTION** – Consideration of and action on Ordinance 2022-24 an Ordinance of the City of Ovilla, Texas, amending Appendix Article A5.000, Section A5.001, of the Code of Ordinances of the City of Ovilla; providing an annual permit fee for peddlers, solicitors, and canvassers; providing a savings clause; providing a severance clause; providing for incorporation into the code of ordinances; providing for publication; and providing an effective date.

Staff advised that the city council directed staff to bring back an ordinance relating to solicitors, peddlers, and canvassers to increase the fees so that the background checks and administrative staff costs are recouped when issuing a permit to peddlers.

Mayor Pro Tem Hunt made a motion to approve Ordinance 2022-24 an Ordinance of the City of Ovilla, Texas, amending Appendix Article A5.000, Section A5.001, of the Code of Ordinances of the City of Ovilla; providing an annual permit fee for peddlers, solicitors, and canvassers; providing a savings clause; providing a severance clause; providing for incorporation into the code of ordinances; providing for publication; and providing an effective date.

PL1 Case 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 Resolution R2022-12 A resolution of the City Council of the City of Ovilla, Texas, authorizing the filing of an application for financial assistance from the State Infrastructure Bank; authorizing the mayor to act on behalf of the City of Ovilla in all matters relating to the application; providing a savings clause; providing a severability clause; and providing an effective date.

City Manager Woodall advised that the governing body has been made aware that the relocation of the utilities along FM664 will be quite expensive. With the support of the mayor, staff is researching a TX Dot State Infrastructure Bank loan which requires a lengthy and detailed process. Staff has an internal review committee comprised of:

*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*

1. Sharon Jungman
2. Bobbie Jo Taylor
3. James Kuykendall
4. Cathy Gaeta
5. Pam Woodall

Ms. Woodall continued stating that at this stage, the staff is acquiring the required documents to prepare to file for this loan if Council so directs. One requirement is a resolution from the governing body authorizing and approving the mayor to direct staff to apply for financial assistance. Based on the initial review of the city's engineering firm, the city's cost for this mandated project is expected to be around \$4 million.

Ms. Woodall advised that staff inquired with our bond counsel who has advised that there may be other options available that could be cost-saving and tax-exempt. Ms. Woodall stated that the staff is currently working with bond counsel to explore other options at this time. Staff requested that the council approve the resolution so that if outside funding options are not available the city would be ready to begin the process of obtaining the funding through the TX Dot State Infrastructure Bank.

PL1 Case motioned to approve Resolution R2022-12 A resolution of the City Council of the City of Ovilla, Texas, authorizing the filing of an application for financial assistance from the State Infrastructure Bank; authorizing the mayor to act on behalf of the City of Ovilla in all matters relating to the application; providing a savings clause; providing a severability clause; 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 providing staff with a directive to solicit grant administration services for engineering services in relation to the TxDot FM 664 widening project requiring the relocation of city utilities.

Mayor Dormier explained that this item would allow for the city to solicit grant administration services from a grant administrator for the American Rescue Plan Grant. Mayor Dormier advised that currently, Chief Kennedy has been acting as the grant administrator for the city.

The council had concerns regarding the engineering cost being funded by the grant. Mayor Dormier advised that if the funding was to be used incorrectly the city would have no choice but to return the funds.

Chief Kennedy advised that engineering fees are not listed specifically in the uses of the grant. Chief Kennedy stated that the city has been doing the correct paperwork and administering the grant as of now.

The Council directed staff to research the funding options and bring back to the council along with Item #7 in January of 2023.

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

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

No Action

**ITEM 7. DISCUSSION/ACTION** – Consideration of and action on providing staff with a directive to prepare and publish a Request for Qualifications for engineering services in relation to the FM 664 widening project requiring the relocation of city utilities.

No Action

**ITEM 8. DISCUSSION/ACTION** – Consideration of any item(s) pulled from the Consent Agenda for individual consideration and action.

No items were pulled from the Consent Agenda.

**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
  - 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

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

PL5 Piland requested that Item #6 regarding grant administrative services and Item #7 regarding a request for qualifications for engineering services be brought back to the council at the next regular meeting.

**ADJOURNMENT:**

Mayor Pro Tem Hunt made a motion to adjourn.

PL5 Piland seconded the motion.

There being no further business, Mayor Dormier adjourned the meeting at 8:11 p.m.

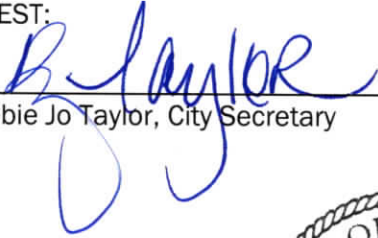
No oppositions, no abstentions.

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



Richard Dormier, Mayor

ATTEST:



Bobbie Jo Taylor, City Secretary

APPROVED: January 9, 2023

