

CITY OF OVILLA MINUTES

Monday, July 11, 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
Brad Piland

Council Member, Place 1
Council Member, Place 2
Council Member, Place 3
Mayor Pro Tem, Place 4
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 Pro Tem Hunt 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 reminded the Council of the upcoming budget meetings to be held on the 19th, 20th, and 25th of July 2022.

CITIZEN COMMENTS:

- No citizen comments were made at this time.

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. 6:33 p.m.

ES ITEM 1. DISCUSSION - Closed Session called pursuant to Section §551.071 of the Texas Government Code. Consultation with City Attorney — Consultation with the city attorney on the following matters in which the attorney's duty of confidentiality under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with

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the requirements of the Texas Open Meetings Act.

Junk Vehicles

ES ITEM 2. 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

B. Reconvene into Regular (Open) Session 7:16 p.m.

ES ITEM 3. DISCUSSION/ACTION –Any action necessary or appropriate as a result of the closed executive session.

None

PUBLIC HEARING

P1. Ordinance No. 2022-11 An Ordinance of the City of Ovilla, Texas, repealing and replacing chapter 14 (zoning), article 5 (administration), section 45 (zoning board of adjustment) of the Code of Ordinances of the City of Ovilla; providing for the City Council to serve as the Board of Adjustment.

- A. Presentation by staff
- B. Public Comment

Mayor Dormier opened the public hearing at 7:19 p.m.

City Secretary, Bobbie Jo Taylor, advised the council that staff is requesting that the Board of Adjustments be replaced by the council only until enough members of the board can be sought and the board reestablished. Staff stated that there are not currently enough active members on the board to constitute a quorum.

Mayor Dormier read a letter into the record from the Chair of the Board of Adjustment, Carol Richtsmeier, opposing the ordinance.

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

Phil Lynch, 316 Shadow Wood, addressed the council in support of the ordinance.

Mayor Dormier closed the public hearing at 7:35 p.m.

CONSENT AGENDA –

- C1.** Financial Transactions over \$5000
- C2.** Minutes of the Regular Council Meeting of June 13, 2022
- C3.** Minutes of the Special Council Meeting of June 17, 2022

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- C4.** Resolution No. 2022-07 Suspending August 1, 2022, the effective date of Oncor Electric Delivery Company's requested rate change to permit the city time to study, request and establish reasonable rates.

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

- ITEM 1. DISCUSSION** – Discuss an update by staff regarding code concerns on Lariat Trail.

Director of Public Works, James Kuykendall, gave a brief update to the City Council advising that code enforcement has not found violations that have been able to be addressed according to the current city ordinances.

- ITEM 2. DISCUSSION/ACTION** – Consideration of and action on Ordinance No. 2022-11 an ordinance of the City of Ovilla, Texas, repealing and replacing Chapter 14 (zoning), Article 5 (administration), Section 45 (zoning board of adjustment) of the Code of Ordinances of the City of Ovilla; providing for the City Council to serve as the Board of Adjustment; providing a savings clause; providing a severance clause providing a savings clause; and setting an effective date.

Carol Lynch, 316 Shadow Wood addressed the council as the President of the Planning and Zoning Commission. Ms. Lynch stated that the Planning and Zoning Commission recommends that the council serve as the Board of Adjustment. Ms. Lynch stated that the consensus of the Planning and Zoning Commission, however, was that the council only replace the board on a temporary basis until a new board could be established.

Mayor Pro Tem Hunt stated he would like to be able to reappoint a board as soon as possible if the ordinance were to pass.

PL3 Griffin advised that the council should not perform the duties of a BOA as elected officials. Mr. Griffin showed favor of appointing a new board as soon as possible. Mr. Griffin also stated that when a new board is established that training will be a necessity.

Mayor Pro Tem Hunt motioned to approve Ordinance No. 2022-11 an ordinance of the City of Ovilla, Texas, repealing and replacing Chapter 14 (zoning), Article 5 (administration), Section 45 (zoning board of adjustment) of the Code of Ordinances of the City of Ovilla; providing for the City Council to serve as the Board of Adjustment

Seconded by Kimberly Case

PL 5 Brad Piland opposed, no abstentions.

VOTE: The motion to approve carried: 4-1

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MAYOR DORMIER MOVED ITEM 4 ON THE AGENDA ABOVE ITEM 3

ITEM 4. DISCUSSION/ACTION – Consideration of and action on an offer for the acquisition of property located at 625 W. Main St., Ovilla, TX, Parcel ID: P00054255 by The Texas Department of Transportation and presented by McCarthy Partners, LLC.

Jacob Hair with McCarthy Partners, LLC presented an offer for the acquisition of the property listed at 625 W. Main St. Mr. Hair advised the portion of the property in question is along the right of way of Main St. and did not include the Ovilla monument sign. Mr. Hair stated that he would work with the city if the city indicated in writing that we would like to make a counteroffer on the property.

Mayor Dormier advised that the city had utility lines in the right of way that would need to be relocated and asked if TxDot would be responsible for covering the cost of the relocation.

PL5 Piland advised that if the utility lines are in the right of way belonging to Ovilla then TxDot is responsible.

Mr. Hair stated that the city will need to seek a minimum of three bids for the relocation of the utility lines and sales comparisons for the area when sending the counteroffer to TxDot. Mr. Hair also advised that he would contact TxDot regarding the relocation of the utility lines to see if TxDot would be responsible for the cost of relocation.

No action was taken.

ITEM 3. DISCUSSION/ACTION – Consideration of and Action on Ordinance No. 2022-12 an ordinance of the City of Ovilla, Texas, amending Chapter 11 (taxation) of the Code of the City's ordinances; providing for a hotel/motel occupancy tax of seven percent (7%) on the price paid for a room in a hotel/motel located within the city limits and the city's extraterritorial jurisdiction; defining terms; providing for a tax levy; providing for the disposition of revenue; providing for collection, providing for reports, payments, and fees; providing rules and regulations; providing for penalties; providing a savings clause; providing a severance clause; providing an effective date; and providing for publication.

City Manager, Pam Woodall, advised the council that the city has become aware of a few areas of town that may have short-term rentals or bed and breakfasts. Ms. Woodall asked that the council approve the ordinance. Ms. Woodall indicated that per legal counsel the city would be updating the land use tables as well to be more specific when speaking of hotels or motels.

PL3 Griffin motioned to approve Ordinance No. 2022-12 an ordinance of the City of Ovilla, Texas, amending Chapter 11 (taxation) of the Code of the City's ordinances; providing for a hotel/motel occupancy tax of seven percent (7%) on the price paid for a room in a hotel/motel located within the city limits and the city's extraterritorial jurisdiction; defining terms; providing for a tax levy; providing for the disposition of revenue; providing for collection, providing for reports, payments, and fees.

Seconded by Mayor Pro Tem Hunt

No oppositions, no abstentions.

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

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- ITEM 5. DISCUSSION/ACTION** – Consideration of and action Ordinance No. 2022-13 an ordinance of the City of Ovilla, Texas, amending Chapter 8, Article 8.05, (abandoned and junked vehicles), Divisions 1 and 3, of the Code of Ordinances of the City of Ovilla; providing definitions of “junked vehicle” and “junked trailer” a savings clause; providing amended regulations for junked vehicles and junked trailers; 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 that this ordinance brings the city into compliance with the state statutes and has been recommended by legal counsel.

PL1 Case asked for clarification if anyone would be grandfathered. Ms. Woodall explained no grandfathering would exist.

Mayor Pro Tem Hunt motion to approve Ordinance No. 2022-13 an ordinance of the City of Ovilla, Texas, amending Chapter 8, Article 8.05, (abandoned and junked vehicles), Divisions 1 and 3, of the Code of Ordinances of the City of Ovilla; providing definitions of “junked vehicle” and “junked trailer” a savings clause; providing amended regulations for junked vehicles and junked trailers.

Seconded by PL2 Oberg

No oppositions, no abstentions.

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

- ITEM 6. 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
 - Cumberland Forrest Drainage in Creek
 - 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
 - Cockrell Hill Fence

Public Works Director, James Kuykendall, advised the council that he has accessed the drainage situation in Cumberland Forrest and while it is not an emergency, he will be requesting funding during the budget process to have the drainage corrected in the creek.

City Manager Woodall advised that she has been working with code enforcement and legal counsel and will have the abatement for the fencing on Cockrell Hill on the August agenda.

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

None

ADJOURNMENT

PL2 Oberg made a motion to adjourn.

PL1 Case seconded the motion.

There being no further business, Mayor Dormier adjourned the meeting at 9:08 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: August 8, 2022



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