CITY OF OVILLA MINUTES
Monday, February 12, 2024
Regular City Council Meeting
105 S. Cockrell Hill Road, Ovilla, TX 75154

Mayor Dormier called the Regular 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       Mayor Pro Tem       Place 1
   Dean Oberg         Council Member       Place 2
   David Griffin       Council Member       Place 3
   Doug Hunt           Council Member       Place 4
   Brad Piland         Council Member       Place 5

The above-listed council members were in attendance constituting a quorum. The City Manager, City Secretary, City Attorney, department directors, and various staff were also present.

CALL TO ORDER:

Mayor Pro Tem Case led the invocation and Place 4 Hunt led the reciting of the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

COMMENTS, PRESENTATIONS, ANNOUNCEMENTS, PROCLAMATIONS

Mayor Dormier read a proclamation declaring February 2024 as Black History Month in the City of Ovilla.

City Manager David Henley updated the council on the following items:

- May 2024 Election Filing Period
- Annual Spaghetti Dinner – February 16, 2024, at 6:00 p.m.
- Annual Trash Off Event April 20th, 2024, and Hazardous Household Waste April 27th, 2024
- MDD Openings
- Annual Independent Financial Audit
- Water Meter Contract and Provider
- DCAD Runoff Election Results

CITIZEN COMMENTS:

Catherine Turturro, Unite Ellis, invited the city to send delegates to be a part of Unite Ellis.

Joseph White, 614 Meadow Lark Dr., requested that Red Oak ISD build a privacy fence while erecting the new middle school on Westmoreland.

Connie Moon, 615 Meadow Lark Dr., addressed concerns relating to children in the neighborhood when the new middle school is completed and electrical outages that may occur when the school is occupied.
CONSENT AGENDA:

C1. Financial Transactions over $5,000
C2. Minutes of the Regular Council Meeting January 8, 2024
C3. Minutes of the Special Council Meeting January 29, 2024
C4. Quarterly Investment Report October through December 2023
C5. Annual Policy and Strategy Review and Acceptance of the Investment Policy
C6. Accept the resignation of Matthew Edwards from the Municipal Development District
C7. First Amendment to the Agreement on Subdivision Platting in the Extraterritorial Jurisdiction (ETJ) between the City of Ovilla and Ellis County
C8. Revised Interlocal Cooperative Contract with the Texas Department of Public Safety for the Failure to Appear Program

PL4 Hunt motioned to approve all consent agenda items.

Mayor Pro Tem Case seconded the motion.
No oppositions, no abstentions.
VOTE: The motion to approve carried unanimously: 5-0

Mayor Dormier moved the Executive Session to take place prior to the Public Hearing

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).

Section 551.071. Consultation with Attorney: (1) to seek advice from the City attorney regarding: (A) pending or contemplated litigation; or (B) a settlement offer; or (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Board of Texas clearly conflicts the Texas Open Meetings Act; regarding:

1. ROISD Development Agreement - interlocal agreements - rights and duties
2. Blanchard Ranch MUD

Mayor Dormier adjourned the Council into executive session at 6:55 p.m.

Mayor Dormier adjourned the Council from the executive session at 8:48 p.m. stating that no action would be taken regarding matters deliberated in executive session.

Mayor Dormier moved Item #6 to take place following the Executive Session.

ITEM 6. DISCUSSION/ACTION - Consideration of and action on an Interlocal Development Agreement between the City of Ovilla and Red Oak Independent School District for the Middle School Project; authorizing the Mayor to execute necessary documents and providing an effective date.

Mayor Dormier allowed citizen comments regarding Item #6 at this time.
Brenda Sanford, Red Oak ISD, addressed the council stating that Red Oak ISD appreciates the forward movement by the City of Ovilla and addressed the need for the new middle school.

Tana Jimenez, 109 Suburban Dr., addressed the council regarding concerns related to the new school to be built in Ovilla.

Mike Myers, 115 Hummingbird Ln., addressed the council in support of the new middle school.

Bryan Bell, 919 Summer Hill, Red Oak, spoke in support of the new middle school.

Carol Richstmeier, 925 Red Oak Creek Dr., asked that the council listen to the residents of Ovilla when making decisions about the middle school.

Mayor Dormier closed citizen comments at this time.

Mayor Dormier opened the discussions with the City Council and city staff regarding the development agreement with Red Oak ISD. Mayor Dormier gave a quick overview of how rough proportionality is applied when new development comes into Ovilla.

The council advised that they would like to see the agreement address noise and light pollution, and that privacy slats be added to the screening element around the property.

PL 3 Griffin motioned to approve the Interlocal Development Agreement between the City of Ovilla and Red Oak Independent School District with an amendment to include an eight (8) foot slatted fence, and to allow City Manager David Henely to negotiate the noise, lights, and tree preservation on the property and to allow the Mayor to execute the agreement.

PL 2 Oberg seconded the motion.
No oppositions, no abstentions.

VOTE: The motion carried unanimously: 5-0

Mayor Dormier advised that the City Council would return to the regular agenda starting with the Public Hearing.

PUBLIC HEARINGS

P1. To receive public comment on Ordinance No. 010824-A, an ordinance of the City of Ovilla, Texas, amending the Code of Ordinances, City of Ovilla, Texas, Chapter 10, “Subdivision Regulation,” Article 10.02, “Subdivision Ordinance,” Division 1, “Generally.” Section 10.02.001, “Definitions” to add definitions pertaining to tree preservation and amending Division 5, “Design and Improvement Requirements,” Section 10.02.137 “Minimum Tree Preservation Requirements” to add regulations regarding tree preservation, tree removal permits, and tree replacement, tree reforestation fund, and authorize the City Manager to establish and maintain tree lists to apply in the city limits and extraterritorial jurisdiction; providing for the incorporation of premises; providing for amendments; providing a cumulative repealer/savings clause; providing a severability clause; providing a penalty not to exceed $500.00 per day for each offense; providing for engrossment and enrollment and incorporation into the Code of Ordinances; and providing an effective date.
a. PRESENTATION - Staff will make a presentation.
b. PUBLIC HEARING - Receive comments from those wishing to speak.

Mayor Dormier opened the public hearing for comment at 9:22 p.m.

City Manager, David Henley, gave an overview of the tree preservation ordinance.

John Jenkins, 106 Brookwood Court, spoke and asked the council if Broadmoor violated the current tree preservation ordinance.

Mayor Dormier closed the public hearing for comment at 9:27 p.m.

ITEM 1. DISCUSSION/ACTION - Consideration of and action on Ordinance No. 010824-A, an ordinance of the City of Ovilla, Texas, amending the Code of Ordinances, City of Ovilla, Texas, Chapter 10, “Subdivision Regulation,” Article 10.02, “Subdivision Ordinance,” Division 1, “Generally,” Section 10.02.001, “Definitions” to add definitions pertaining to tree preservation and amending Division 5, “Design and Improvement Requirements,” Section 10.02.137 “Minimum Tree Preservation Requirements” to add regulations regarding tree preservation, tree removal permits, and tree replacement, tree reforestation fund, and authorize the City Manager to establish and maintain tree lists to apply in the city limits and extraterritorial jurisdiction; providing for the incorporation of premises; providing for amendments; providing a cumulative repealer/savings clause; providing a severability clause; providing a penalty not to exceed $500.00 per day for each offense; providing for engrossment and enrollment and incorporation into the Code of Ordinances; and providing an effective date.

Mayor Pro Temp Case motioned to approve the tree preservation ordinance with the change to section F(1) to add language so that Section F(1) reads as follows:

No person, directly, or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging, any protected tree situated on property and or outside of the required 25% tree canopy regulated by this section without first obtaining a tree removal permit, and complying with the requirements of this section, unless otherwise specified in this section.

PL 5 Piland seconded the motion.
No oppositions, no abstentions.
VOTE: The motion carried unanimously: 5-0

ITEM 2. DISCUSSION – Discussion of the Texas Law Enforcement Agency (Ovilla) Racial Profiling Report submitted to TCOLE by Chief of Police Joey Bennett.
Chief of Police Joey Bennett presented the City Council with the Texas Law Enforcement Agency (Ovilla) Racial Profiling Report. Chief Bennett advised that no complaints of racial profiling were received during the reporting year.

ITEM 3. DISCUSSION/ACTION – Consideration of and action on City of Ovilla Ordinance No. 021224-A, an ordinance of the City Council of the City of Ovilla, Texas, authorizing a
general election to be held on May 4, 2024, for the purpose of electing three council members, (Places 1, 3 & 5) for expired terms by the qualified voters of Ovilla; establishing procedures for the election; providing for other matters incident and related to the election; providing for publication; providing a severability clause; and providing an effective date.

PL 4 Hunt motioned to approve Ordinance No. 021224-A, an ordinance of the City Council of the City of Ovilla, Texas, authorizing a general election to be held on May 4, 2024.

Mayor Pro Tem Case seconded the motion.
No oppositions, no abstentions.
VOTE: The motion carried unanimously: 5-0

ITEM 4. DISCUSSION/ACTION – Consideration of and action on authorizing the city manager to execute an engagement letter with the Law Firm of Nichols, Jackson for prosecution services and appointing their office to serve as Municipal Court Prosecutor.

PL 2 Oberg motioned to authorize the city manager to execute an engagement letter with the Law Firm of Nichols, Jackson for prosecution services and appointing their office to serve as Municipal Court Prosecutor.

PL 4 Hunt seconded the motion.
No oppositions, no abstentions.
VOTE: The motion carried unanimously: 5-0

ITEM 5. DISCUSSION/ACTION – Consideration of and action on entering into a professional services agreement with Michael R. Coker Company for planning services.

Mayor Pro Tem Case motioned to enter into a professional services agreement with Michael R. Coker Company for planning services.

PL 2 Oberg seconded the motion.
No oppositions, no abstentions.
VOTE: The motion carried unanimously: 5-0

ITEM 7. DISCUSSION/ACTION – Consideration of any item(s) pulled from the Consent Agenda for individual consideration and action.

None

RECEIVE DEPARTMENTAL REPORTS – NO ACTION OR DISCUSSION

- Departmental Reports
  - Police Department
  - Fire Department
  - Public Works Department
  - Finance Department

Police Chief J. Bennett
Fire Chief B. Kennedy
Public Works Director J. Kuykendall
Finance Director E. Scott

Richard Dormier, Mayor
Kimberly Case, Place One
Dean Oberg, Place Two
Doug Hunt, Place Four
David Griffin, Place Three
Brad Piland, Place Five
REQUESTS FOR FUTURE AGENDA ITEMS AND/OR ANNOUNCEMENTS BY COUNCIL AND STAFF:

Mayor Dormier reminded the council that the Annual Service League Spaghetti Dinner would take place at the Vertical Church on Friday the 16th of February.

PL 3 Griffin requested that a Wine Walk event be on the next agenda for discussion.

ADJOURNMENT:

PL 2 Oberg made a motion to adjourn.

PL 4 Hunt seconded the motion.

There being no further business, Mayor Dormier adjourned the meeting at 9:36 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: March 11, 2024