

# City of **OVILLA** City Council

Dean Oberg, Place Two  
David Griffin, Place Three

Richard Dormier, Mayor  
Kimberly Case, Place One, Mayor Pro Tem

Doug Hunt, Place Four  
Brad Piland, Place Five

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Monday, February 12, 2024      105 S. Cockrell Hill Road, Ovilla, TX 75154      6:30 P.M.      Council Chamber Room

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## **AGENDA**

NOTICE is hereby given of a Regular Meeting of the City Council of the City of Ovilla, to be held on **Monday, February 12, 2024**, at **6:30 P.M.** in the Ovilla Municipal Building, Council Chamber Room, 105 S. Cockrell Hill Road, Ovilla, Texas, 75154, to consider the following items:

**I. CALL TO ORDER**

- Invocation – led by Mayor Pro Tem Case
- U.S. Pledge of Allegiance and TX Pledge - led by Place 4 Hunt

**II. COMMENTS, PRESENTATIONS, ANNOUNCEMENTS, PROCLAMATIONS**

**PROCLAMATIONS:**

- Declaring February 2024 as Black History Month

**CITY MANAGER UPDATE:**

Receive an update and hold a discussion regarding the following:

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

**III. CITIZEN'S COMMENTS**

The City Council welcomes comments from Citizens. Those wishing to speak must sign in before the meeting begins. Speakers may speak on any topic, whether on the agenda or not. The City Council cannot act upon, discuss issues raised or make any decisions at this time. Speakers under citizens' comments must observe a three-minute time limit. Inquiries regarding matters not listed on the agenda may be referred to Staff for research and possible future action.

**IV. CONSENT AGENDA**

The following items may be acted upon in one motion. No separate discussion or action is necessary unless requested by a Council Member, in which event those items will be pulled from the consent agenda for individual consideration on the regular agenda during this meeting.

- 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

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- C8. Revised Interlocal Cooperative Contract with the Texas Department of Public Safety for the Failure to Appear Program

## V. 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.

## VI. REGULAR AGENDA

- 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.
- ITEM 2. **DISCUSSION** – Discussion of the Texas Law Enforcement Agency (Ovilla) Racial Profiling Report submitted to TCOLE by Chief of Police Joey Bennett.
- 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.
- 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.

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

**VII. 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

**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.

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

**VIII. RECEIVE DEPARTMENTAL REPORTS – NO ACTION OR DISCUSSION**

• **Departmental Reports**

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|---------------------------|-------------------------------------|
| • Police Department       | Police Chief J. Bennett             |
| • Fire Department         | Fire Chief B. Kennedy               |
| • Public Works Department | Public Works Director J. Kuykendall |
| • Finance Department      | Finance Director E. Scott           |
| • City Secretary          | City Secretary B. Taylor            |
| • Development/EDC         | Director Burton Barr                |

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

**X. ADJOURNMENT**

THIS IS TO CERTIFY THAT A COPY OF THE NOTICE OF February 12, 2024, Regular City Council Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City’s website, [www.cityofovilla.org](http://www.cityofovilla.org), on the 9th day of February 2024, prior to 6:30 p.m., in compliance with Chapter 551, Texas Government Code. A quorum of the governmental body will be physically present at the location noticed above. Pursuant to Tex. Gov’t Code 551.127, one or more members of the governing body may appear via videoconference call.

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*David D. Henley*  
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David Henley, City Manager

A quorum of The Ovilla Planning and Zoning Commission, Board of Adjustment, Economic Development Corporation, or Municipal Development District may be present. No action will be taken by the above-listed boards.

This facility is ADA-compliant. If you plan to attend this public meeting and have a disability that requires special arrangements, please call 972-617-7262 at least 48 hours in advance. Reasonable accommodation will be made to assist your needs. **PLEASE SILENCE ALL CELL PHONES AND OTHER ELECTRONIC EQUIPMENT WHILE THE CITY COUNCIL MEETING IS IN SESSION.**

*PURSUANT TO SECTION 30.06, PENAL CODE (TRESPASS BY LICENSE HOLDER WITH A CONCEALED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A CONCEALED HANDGUN.*

*CONFORME A LA SECCIÓN 30.06 DEL CÓDIGO PENAL (ENTRADA SIN AUTORIZACIÓN POR TITULAR DE LICENCIA CON UNA PISTOLA OCULTA), UNA PERSONA CON LICENCIA BAJO EL SUBCAPÍTULO H, CAPÍTULO 411 DEL CÓDIGO DE GOBIERNO (LEY DE LICENCIAS DE PISTOLAS), NO PUEDE ENTRAR EN ESTA PROPIEDAD CON UNA PISTOLA OCULTA.*

*PURSUANT TO SECTION 30.07, PENAL CODE (TRESPASS BY LICENSE HOLDER WITH AN OPENLY CARRIED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A HANDGUN THAT IS CARRIED OPENLY.*

*CONFORME A LA SECCIÓN 30.07 DEL CÓDIGO PENAL (ENTRADA SIN AUTORIZACIÓN POR TITULAR DE LICENCIA CON UNA PISTOLA VISIBLE), UNA PERSONA CON LICENCIA BAJO EL SUBCAPÍTULO H, CAPÍTULO 411 DEL CÓDIGO DE GOBIERNO (LEY DE LICENCIAS DE PISTOLAS), NO PUEDE ENTRAR EN ESTA PROPIEDAD CON UNA PISTOLA VISIBLE.*