

RESOLUTION R2015-010

A RESOLUTION OF THE CITY OF OVILLA, TEXAS, ADOPTING THE STORMWATER MANAGEMENT PLAN 2014 - 2019.

WHEREAS, the City Council of the City of Ovilla, Texas, adopted a Stormwater Management Plan ("SWMP") in 2008; and

WHEREAS, the 2008 SWMP was approved by the Texas Commission on Environmental Quality ("TCEQ") in 2008; and

WHEREAS, the TCEQ has issued a new Small MS4 General Permit, TDPES Permit No. TXR040000, which requires the City of Ovilla to update the SWMP; and

WHEREAS, the City of Ovilla retained the engineering services of Birkoff, Hendricks & Carter, L.L.P. to prepared an updated SWMP; and

WHEREAS, Birkoff, Hendricks & Carter, L.L.P. has prepared and presented to the City of Ovilla the *Stormwater Management Plan 2014 - 2019* (the "2014 - 2019 SWMP"), a copy of which is attached hereto as Exhibit "A" and incorporated herein for all purposes; and

WHEREAS, the City Council of the City of Ovilla, Texas, finds and determines that it is in the best interest of good governance and the citizens of the City of Ovilla to approve and adopt the 2014 - 2019 SWMP.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS:

SECTION 1. ADOPTION OF THE 2014 - 2019 SWMP

The City Council of the City of Ovilla, Texas, hereby approves and adopts the 2014 - 2019 SWMP as set forth in Exhibit "A" hereto.

SECTION 2. REPEAL OF INCONSISTENT RESOLUTIONS

All other Resolutions of the City Council of the City of Ovilla, Texas, that are inconsistent with the provisions of this Resolution are hereby repealed.

PASSED, APPROVED and ADOPTED by the City Council of the City of Ovilla, Texas, this ____ day of _____, 2014.

Richard Dormier, Mayor

ATTEST:

Pam Woodall, City Secretary



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Texas Pollutant Discharge Elimination System

Small Municipal Separate Storm Sewer System (MS4) General Permit

The Notice of Intent (NOI) for the Small MS4 listed below was received on May 28, 2014. The intent to discharge stormwater associated with the Small MS4 under the terms and conditions imposed by the Texas Pollutant Discharge Elimination System (TPDES) Small MS4 General Permit TXRo40000 is authorized. The MS4 Operator's TPDES Small MS4 general permit authorization number is:

TXRo40020

Coverage Effective: 6/2/2009

TCEQ's Small MS4 General Permit requires certain stormwater pollution prevention and control measures, possible monitoring and reporting, and periodic inspections. Among the conditions and requirements of this permit, you must have prepared and implemented a stormwater management program (SWMP) that is tailored to your MS4. As an MS4 authorized to discharge under the Small MS4 General Permit, all terms and conditions must be complied with to maintain coverage and avoid possible penalties.

Project/Site Information:
RN105478309
CITY OF OVILLA MS4
AREA WITHIN THE CITY OF OVILLA LIMITS THAT IS LOCATED
WITHIN THE DALLAS URBANIZED AREA IN ELLIS AND DALLAS
COUNTIES
OVILLA, TX 75154
ELLIS COUNTY

OPERATOR:
CN600632129
CITY OF OVILLA
105 COCKRELL HILL RD
OVILLA, TX 75154-1492

This permit authorization expires on December 13, 2018, unless otherwise amended. For additional information, see the TCEQ web site at <http://www.tceq.texas.gov> or contact the Stormwater & Pretreatment Team at swgp@tceq.texas.gov or by telephone at (512) 239-4671. A copy of this document should be kept with your storm water management program.

Issued Date: 3/20/2015

A handwritten signature in black ink, appearing to read "R. A. H.", followed by a horizontal line and the text "FOR THE COMMISSION".

FOR THE COMMISSION

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



Texas Commission on Environmental Quality
Protecting Texas by Reducing and Preventing Pollution

March 27, 2015

Dear Applicant:

Re: TPDES Small MS4 General Permit (TXRo40000)
Notice of Intent Authorization

Your Notice of Intent application for authorization under the general permit for discharge of stormwater associated with a small MS4 has been received. Pursuant to authorization from the Executive Director of the Texas Commission on Environmental Quality, the Division Director of the Water Quality Division has issued the enclosed Certificate.

Please refer to the attached certificate for the authorization number that was assigned to your small MS4, the coverage effective date, and the expiration date. Please use this authorization number to reference this MS4 for future communications with the Texas Commission on Environmental Quality (TCEQ).

Please note that the water quality annual fee is assessed for permits active September 1 each year. The billing statement will be mailed to the Operator in November and payment must be made within 30 days to avoid late fees. It is the responsibility of the Operator to notify the TCEQ by submitting a Notice of Change of any change in address supplied on the original Notice of Intent.

For questions related to the status or processing of your application, you may contact the Applications Review & Processing Team at (512) 239-4671. If you have any questions regarding coverage under this general permit or other technical issues, you may contact the stormwater technical staff at (512) 239-4671 or by email at swgp@tceq.texas.gov. Also, you may obtain information on the stormwater web site at www.tceq.texas.gov. Permit authorization and application status information can be found on the TCEQ web site at <http://www.tceq.texas.gov/goto/wq-dpa>.

Sincerely,

A handwritten signature in black ink that reads "David W Galindo".

David W. Galindo, Director
Water Quality Division
Texas Commission on Environmental Quality

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Protecting Texas by Reducing and Preventing Pollution

March 27, 2015

City of Ovilla
105 Cockrell Hill Road
Ovilla, Texas 75154-1492

RE: City of Ovilla
Permit No. TXRo40020

This letter is your notice that the Texas Commission on Environmental Quality (TCEQ) executive director (ED) has issued final approval of the above-named application. According to 30 Texas Administrative Code (TAC) Section 50.135 the approval became effective on the date the ED signed the permit or other approval. A copy of the final approval is enclosed and cites the effective date.

You may file a **motion to overturn** with the chief clerk. A motion to overturn is a request for the commission to review the TCEQ executive director's approval of the application. Any motion must explain why the commission should review the TCEQ executive director's action. According to 30 TAC Section 50.139 an action by the ED is not affected by a motion to overturn filed under this section unless expressly ordered by the commission.

A motion to overturn must be received by the chief clerk within 23 days after the date of this letter. An original and 7 copies of a motion must be filed with the chief clerk in person or by mail. The Chief Clerk's mailing address is Office of the Chief Clerk (MC 105), TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. On the same day the motion is transmitted to the chief clerk, please provide copies to Robert Martinez, Environmental Law Division Director (MC 173), and Vic McWherter, Public Interest Counsel (MC 103), both at the same TCEQ address listed above. If a motion is not acted on by the commission within 45 days after the date of this letter, then the motion shall be deemed overruled.

You may also request **judicial review** of the ED's approval. According to Texas Water Code Section 5.351 a person affected by the ED's approval must file a petition appealing the ED's approval in Travis County district court within 30 days after the effective date of the approval. Even if you request judicial review, you still must exhaust your administrative remedies, which includes filing a motion to overturn in accordance with the previous paragraphs.

Individual members of the public may seek further information by calling the TCEQ Public Education Program, toll free, at 1-800-687-4040.

Sincerely,

A handwritten signature in cursive script that reads "Bridget C. Bohac".

Bridget C. Bohac
Chief Clerk

BCB/ka

cc: Vic McWherter, TCEQ Public Interest Counsel (MC 103)

STORMWATER MANAGEMENT PLAN

2014 – 2019

TPDES General Permit No. TXR040000



"PRIDE IN OUR PAST . . . ENTHUSIASM FOR THE FUTURE"

Prepared By

BIRKHOFF, HENDRICKS & CARTER, L.L.P.
PROFESSIONAL ENGINEERS
DALLAS, TEXAS
Texas Firm F526

May 2014

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JOSEPH T. GRAJEWSKI, III, P.E.
DEREK B. CHANEY, P.E.
CRAIG M. KERKHOFF, P.E.

May 1, 2014

Mr. Brad Piland
City of Ovilla
105 S. Cockrell Hill Rd.
Ovilla, Texas 75154

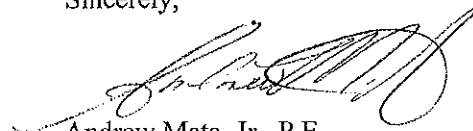
Re: Stormwater Management Plan
2014-2019

Dear Mr. Piland:

We are enclosing two (2) copies of the proposed City of Ovilla Stormwater Management Plan 2014-2019 (SWMP). Please review this report and notify us of any comments you may have and we will incorporate them into the final report. If the SWMP meets your approval, please have the Mayor sign Section 5 – Certification of the Notice of Intent (NOI) Form 20368, page No.7, with the General Permit Payment Submittal Form (TCEQ 20134) and payment. The Stormwater Management Plan is due June 11, 2014.

We are available at your convenience to discuss any questions you may have with the SWMP, its contents and the directions to submit it to the TCEQ.

Sincerely,



Andrew Mata, Jr., P.E.

Enclosure

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CITY OF OVILLA, TEXAS

STORMWATER MANAGEMENT PLAN

I. EXECUTIVE SUMMARY

The City of Ovilla, Texas currently has a Stormwater Management Plan (SWMP) that was adopted by the City and approved by the Texas Commission on Environmental Quality (TCEQ) back in 2008. The TCEQ has issued a new Small MS4 General Permit, TDPE Permit No. TXR040000, which requires the City of Ovilla to update the SWMP. The purpose of the SWMP is a five-year plan for the City to continue to reduce pollutants that enter into the rivers and stream from stormwater runoff and pollution discharges. The City's population is approximately 3,500 people, which classifies them as a Small MS4 Level 1 category with a population less than 10,000. The SMWP consists of five (5) of six (6) Minimal Control Measures (MCM). The sixth MCM is Industrial Stormwater Sources, which the City does not have Industrial Sources and therefore does not apply to the City. For each MCM, the SWMP illustrates Best Management Practices (BMP) the City will continue to implement throughout the timeframe of the five-year plan. These BMP's are detailed in the report and identified in the 5-year schedule for the City to prioritize problems, identify solutions, implement correction strategies, track schedule progress through annual reporting, and continue to reduce pollutants entering local creeks, streams, and rivers. The Public Works Department will serve as the department responsible for continuing to implement the MBP's and be in compliance with the SWMP. The department will also continue to provide annual reports to the TCEQ, adhering to the permit using measurable goals while trying to find new creative ways to reducing stormwater runoff.

II. GENERAL

The City of Ovilla has developed this Stormwater Management Plan in accordance with the General Permit No. TXR040000, General Permit To Discharge Under The Texas Pollutant Discharge Elimination System, from the Texas Commission of Environmental Quality. The Stormwater Management Plan (SWMP) is based on six minimum control measures:

MCM 1. Public Education, Outreach, and Public Involvement

MCM 2. Illicit Discharge Detection and Elimination

MCM 3. Construction Site Stormwater Runoff Control

MCM 4. Post-Construction Stormwater Management in New Development and Redevelopment

MCM 5. Pollution Prevention and Good Housekeeping for Municipal Operations

MCM 6. Industrial Stormwater Sources

These minimum control measures are items required in Part III of the General Permit To Discharge Under The Texas Pollutant Discharge Elimination System. Each minimum control measure has goals and a schedule to complete each goal.

This program is created with goals that are to be completed with City staff and City funds. The Public Works Department is responsible for implementing of the SWMP.

Annual reports will be submitted stating the evaluation of each measurable goal performed that year. Results of any information collected that year will be submitted with the annual report and revision to the measurable goals, if necessary. The annual report will also summarize the measurable goals planned for the following year.

The City of Ovilla is located in the "Dallas/Fort Worth Metroplex urbanized area. Figure No. 1 below illustrates the current city limits of Ovilla, the Dallas-Ellis County Line, and the water bodies receiving the stormwater from the MS4 Operator, being the City

Figure No. 1 - Location Map



MCM 1. PUBLIC EDUCATION, OUTREACH AND PUBLIC INVOLVEMENT

The General Permit To Discharge Under The Texas Pollutant Discharge Elimination System requires the following:

A. A public education program to distribute educational materials to the community or conduct equivalent outreach activities that will be used to inform the following groups within the Municipal Separate Storm Sewer System (MS4) area:

- 1) Residents;
- 2) Visitors;
- 3) Public Service Employees;
- 4) Businesses;
- 5) Commercial and Industrial Facilities; and
- 6) Construction Site Personnel.

The outreach must inform the public about the impacts polluted stormwater run-off can have on water quality, hazards associated with illegal discharges and improper disposal of waste, and ways they can minimize their impact on stormwater quality.

B. Via documentation, the MS4 operator must ensure that a reasonable attempt was made to reach all constituents within the MS4 area to meet this measure.

The tables on the next page state the best management practices (BMP) goals necessary to implement this minimum control measure, the City department responsible for implementation, and outlines the implementation schedule.

MCM 1. - PUBLIC EDUCATION AND OUTREACH

Best Management Practices	BMP Description	Personnel Responsible	Measurable Goals	Implementation Schedule
RESIDENTS				
BMP 1.1 Pamphlets	Develop educational material to residents. The pamphlets will include stormwater education in general per the TCEQ general permit guidelines. Pamphlets will also include information specifically relating to fertilizer, herbicide and pesticide usage, proper disposal of household hazardous waste and oils and other educational and participatory opportunities.	Director of Public Works	<ul style="list-style-type: none"> Review and determine if information in existing needs to be revised. Distribute pamphlets to developers to place in new homes. Place pamphlets on bulletin boards at City Hall. Continue to send pamphlet to Citizens once a year. Distribute pamphlets to developers to place in new homes. Place pamphlets on bulletin boards at City Hall. 	Year 1 Year 1 - 5 Year 1 - 5 Year 1 - 5 Year 1 - 5 Year 1 - 5
BMP 1.2 Web Site	Update a stormwater web page for the City. The web page will include stormwater education in general per the TCEQ general permit guidelines. The web site will include a stormwater hot line and links to other local, state and national stormwater web sites.	Director of Public Works	<ul style="list-style-type: none"> Update Web Page in Home Page. Feedback regarding stormwater program solicited via the web page. 	Year 1 - 5 Year 1 - 5
BMP 1.3 Stormwater Display	Create a stormwater display w/pamphlets created in BMP 1.1. The stormwater display will include stormwater education in general per the TCEQ general permit guidelines. The stormwater display will be displayed at City Hall.	Director of Public Works	<ul style="list-style-type: none"> Update Display Stormwater. Display at City Hall. Displays of Pamphlets and Handouts Displayed in Office. 	Year 1 - 5 Year 1 - 5 Year 1 - 5

Best Management Practices	BMP Description	Personnel Responsible	Measurable Goals	Implementation Schedule
BMP 1.4 Educational Curriculum	Discuss stormwater education to the Cities of Glenn Heights, Midlothian and Red Oak. Stormwater education will be based on the TCEQ General Permit Guidelines.	Director of Public Works	<ul style="list-style-type: none"> Continue to discuss City's Phase II stormwater educational goals with Cities of Glenn Heights, Midlothian and Red Oak. 	Year 1 - 5
			<ul style="list-style-type: none"> Continue the partnership with Cities of Glenn Heights, Midlothian and Red Oak to provide information on available stormwater educational material. 	Year 1 - 5
BMP 1.5 Public Service Announcement	Develop public service announcements to be printed on local media sources. The public service announcements will include stormwater education in general per the TCEQ general permit guidelines. The service announcements will have information specifically relating to Fertilizer, herbicide & pesticide usage, proper disposal of household hazardous waste and oils and other educational & participatory opportunities.	Director of Public Works	<ul style="list-style-type: none"> Work with NCTCOG to receive information and receive public interactions. "Keep Area Beautiful". 	Year 1 - 5
			<ul style="list-style-type: none"> Revise the Public Service Announcements if needed. 	Year 1 - 5
			<ul style="list-style-type: none"> Print Public Service Announcement once a year in the Ovilla Town Topics Mailing. 	Year 1 - 5
BMP 1.6 Storm Drain Markers	Place storm drain markers on local storm drains in an effort to increase awareness and to prevent dumping into the storm drain system.	Director of Public Works	<ul style="list-style-type: none"> Existing inlets have been marked. 	Year 1 - 5
			<ul style="list-style-type: none"> Mark new inlets as new improvements occurs. 	Year 1 - 5
			<ul style="list-style-type: none"> Continue implementation of the City's plan for installing storm drain markers, achieving the 100% marked goal by the end of the 5th year. 	Year 1 - 5
BMP 1.7 Bumper Stickers	Place at least one bumper sticker on all City vehicles. Bumper stickers will display messages stating not to dump into the storm drain system. The bumper stickers will increase awareness.	Director of Public Works	<ul style="list-style-type: none"> Update bumper sticker to be placed on City vehicles, and replace as needed. 	Year 1 - 5

Best Management Practices	BMP Description	Personnel Responsible	Measurable Goals	Implementation Schedule
BMP 1.8 Texas Smartscape	Purchase the Smartscape CD developed by NCTCOG	Director of Public Works	<ul style="list-style-type: none"> Continue to be an active member of Smartscape through website link. Update material on the website. 	Year 1 - 5 Year 1 - 5
PUBLIC SERVICE EMPLOYEES				
BMP 1.9 Education	Develop a program to have at least one employee or civic leader attend an educational conference once per year. Have that employee or civic leader teach other city employees and leaders what he or she learned. The purpose is to gather valuable training and teach others to further educate the City staff.	Director of Public Works	<ul style="list-style-type: none"> Continue education program. Have at least one person representing the City attend an educational conference annually. Have representative develop a workshop to teach other City employees & leaders. 	Year 1 - 5 Year 1 - 5 Year 1 - 5
COMMERCIAL AND INDUSTRIAL FACILITIES				
See BMP 1.1 Pamphlets				
BMP 1.10 Business Partnership	Develop a relationship with local businesses in MS4 area.	Director of Public Works	<ul style="list-style-type: none"> Continue to Contact Businesses. Discuss Overall Plan. Meet with Business annually to distribute information. 	Year 1 - 5 Year 1 - 5 Year 1 - 5
CONSTRUCTION SITE PERSONNEL				
See BMP 1.1 Pamphlets				
BMP 1.11 Stormwater Pollution Prevention Plan (SW3P) Details Page	Develop a standard details page that all construction personnel will adhere to. This will help eliminate confusions that may occur with erosion control.	Director of Public Works	<ul style="list-style-type: none"> Developed SW3P detail sheet to be inserted in all construction plans. Continue to have contractors include the SW3P detail sheet in their construction plans. 	Year 1 - 5 Year 1 - 5

- C. Identify and implement a public involvement and participation program. This must include provisions to allow opportunities for all constituents within the MS4 area to participate in the stormwater management program development and implementation.
- D. The MS4 operator must, at a minimum, comply with State and local public notice requirements when implementing a public involvement/participation program.
- E. The MS4 operator must, via documented efforts, ensure that sufficient opportunities were allotted to involve all constituents interested in participating in the program process to meet this measure. Correctional facilities will not be required to implement this MCM.

The tables on the next page state the best management practices (BMP) goals necessary to implement this minimum control measure, the City department responsible for implementation, and outlines the implementation schedule.

MCM 1. - PUBLIC INVOLVEMENT

Best Management Practices	BMP Description	Personnel Responsible	Measurable Goals	Implementation Schedule
BMP 1.1 Citizen Panel	Establish a citizen panel to help implement the stormwater management plan.	Director of Public Works	• Establish Citizen Panel.	Year 1 - 2
			• Review progress and input on program. Report progress to Council.	Year 1 - 2
			• Have Citizen Panel meet at least once a year to review the annual report. Make comments on the plan.	Year 3 - 5
BMP 1.2 Panel Groups	Develop a program for the Citizen Panel to meet with specific groups periodically to discuss the stormwater management plan and gather any comments the group may have.	Director of Public Works	• Develop a schedule to have Citizen Panel meet with specific groups in Ovilla.	Year 2 - 3
			• Have Citizen Panel meet a specific group in Ovilla (Community leaders, Business Leaders, Homeowners Association, etc.) at least once a year to discuss issues about the Stormwater Management Plan.	Year 4 - 5
BMP 1.3 Public Service Announcements	Develop a schedule to issue Public Service Announcements by Newsletter about meetings on the Stormwater Management Plan.	Director of Public Works	• Continue to issue public service announcements at least two weeks before the meeting.	Year 1 - 5
BMP 1.4 Storm Inlets Stencil	Develop program to have community groups place storm stencil or stick-ons at inlets.	Director of Public Works	• Continue to attempt to meet with Boy Scouts, Girl Scouts, schools, etc. Try to have 25% of inlets stenciled each year.	Year 1 - 5

Best Management Practices	BMP Description	Personnel Responsible	Measurable Goals	Implementation Schedule
BMP 1.5 Keep Ovilla Beautiful	Become an affiliate of "Keep Texas Beautiful" and develop program that meets goals.	Director of Public Works	• Continue to be an affiliate of "Keep Texas Beautiful" and informed through email updates.	Year 1 - 5
			• Continue to discuss goals of "Keep Ovilla Beautiful"	Year 1 - 5
			• Update "Keep Ovilla Beautiful" program that reaches the goals.	Year 1 - 5
			• Email updates with head of "Keep Ovilla Beautiful".	Year 1 - 5
			• Discuss program and revise the program as necessary.	Year 1 - 5
BMP 1.6 Stormwater Hotline	Establish a Stormwater Hotline that allows the community to report violations to the Stormwater Management Plan.	Director of Public Works	• Continue to provide access for stormwater hotline through website link and contacting City Hall.	Year 1 - 5

MCM 2. ILLICIT DISCHARGE DETECTION AND ELIMINATION

The General Permit To Discharge Under The Texas Pollutant Discharge Elimination System requires the following:

A. Illicit Discharges

This section of the SWMP establishes a program to detect and eliminate illicit discharges to the MS4 and includes the manner, ordinance or other regulatory mechanism, used to effectively prohibit illicit discharges.

1) Detection

The SWMP must list the techniques used for detecting illicit discharges.

2) Elimination

The SWMP must include appropriate enforcement procedures and actions for removing the source of an illicit discharge.

B. Non-Stormwater Discharges

This section of the SWMP establishes a program to detect and address non-stormwater discharges and illegal dumping to the MS4. All non-stormwater flows, including those listed in Part II. B and Part VII. B of the General Permit To Discharge Under The Texas Pollutant Discharge Elimination System will be evaluated by the permittee to determine if they are a significant contributor of pollutants to the MS4. All non-stormwater discharge that is determined to be a significant pollutant will be prohibited. The prohibition will be done through an ordinance or other regulatory mechanism. The ordinance or regulations must include appropriate enforcement procedures and actions.

Firefighting activities are excluded from being prohibited and only need to be addressed if they are determined to be a significant contributor of pollutants to the MS4.

C. Incidental Non-Stormwater Discharges

A list of occasional incidental non-stormwater discharges that will not be addressed as illicit discharges may also be developed. If developed, the listed discharges must not be reasonably expected to be significant sources of pollutants, because of either the nature of the discharge or the conditions that have been established for allowing these discharges to the MS4. Any local controls or conditions placed on these discharges must be documented in the SWMP. The SWMP must also include a provision prohibiting any individual non-stormwater discharge that is determined to be contributing significant amounts of pollutants to the MS4.

D. Storm Sewer Map

- 1) A map of the Storm Sewer System must be developed and must include the following:
 - a) The location of storm sewer pipes, ditches, and other conveyances owned by the permittee, or at a minimum, the drainage area for each outfall;
 - b) The location of all major outfalls; and
 - c) The names and locations of all waters of the U.S. that receive discharges from the outfalls.
- 2) The SWMP must include the source of information used to develop the storm sewer map, including how the outfalls were verified and how the map will be regularly updated.

The tables on the next page state the best management practices (BMP) goals necessary to implement this minimum control measure, the City department responsible for implementation, and outlines the implementation schedule.

MCM 2. - ILLICIT DISCHARGE DETECTION AND ELIMINATION

Best Management Practices	BMP Description	Personnel Responsible	Measurable Goals	Implementation Schedule
ILLICIT DISCHARGE DETECTION AND ELIMINATION				
BMP 2.1 Dry Weather Screening	Develop a program to screen City's Stormwater outfalls	Director of Public Works	<ul style="list-style-type: none"> Develop dry weather screening program and train appropriate personnel with purchase screening kits. Conduct visual dry weather screening of 25% of the City's Stormwater outfalls per year for all outfalls in target areas. Purchase screening test update. 	Year 1 - 5 Year 4 - 5
BMP 2.2 Illicit Discharges Detection	Conduct inspections of sites suspected of illicit discharge.	Director of Public Works	<ul style="list-style-type: none"> Train appropriate personnel on inspection of sites suspected of illegal discharge. Conduct inspections in accordance with inspection procedures for identified or suspected sources of illicit discharges or illegal dumping as identified from dry weather screening, smoke testing, and from tips received from the City's stormwater hotline. 	Year 1 - 5 Year 1 - 5
BMP 2.3 Sanitary Sewer Smoke Testing	Conduct smoke tests of public sanitary sewer lines to determine cross-connections with the City's storm sewer system.	Director of Public Works	<ul style="list-style-type: none"> Develop program on sanitary sewer smoke testing. Conduct sanitary sewer smoke testing of the City's sanitary sewer system per year. 25% of the system per year. 	Year 2 - 3 Year 4 - 5
BMP 2.4 Elimination of Illicit Connections	Develop a program to eliminate illicit connections found in the City's stormwater system	Director of Public Works	<ul style="list-style-type: none"> Update standard verification procedures, as necessary. Train appropriate personnel on program. Continue to require & verify the elimination of all identified illicit connections. 	Year 1 - 5 Year 1 - 5 Year 1 - 5

Best Management Practices	BMP Description	Personnel Responsible	Measurable Goals	Implementation Schedule
NON-STORM WATER DISCHARGES				
BMP 2.5 Non-Stormwater Discharge Program	Develop a program and ordinance that addresses non-stormwater discharge and methods to remedy the situation.	Director of Public Works	<ul style="list-style-type: none"> Continue to inspect all suspected sites and require property owners to eliminate the cause. Continue to train appropriate personnel on the program. 	Year 1 - 5 Year 1 - 5
STORM SEWER MAP				
BMP 2.6 Storm Sewer Map	Develop a map of the City's storm sewer system as required by the TCEQ's general permit	Director of Public Works	<ul style="list-style-type: none"> Update City's Storm Sewer System Map as development occurs. Develop 25 % of the map per year. 	Year 1 - 5

MCM 3. CONSTRUCTION SITE STORMWATER RUNOFF CONTROL

The General Permit To Discharge Under The Texas Pollutant Discharge Elimination System requires the following:

The MS4 operator must develop, implement, and enforce a program to reduce pollutants in any stormwater runoff to the MS4 from construction activities that result in a land disturbance greater than or equal to one acre or if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. The MS4 operator is not required to develop, implement, and/or enforce a program to reduce pollutant discharges from sites that the TCEQ has waived the permitting requirements for stormwater discharges associated with small construction activities.

- A. The program must include the development and implementation of, at a minimum, an ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State and local law.
- B. Requirements for construction site contractors to, at a minimum:
 - 1) Implement appropriate erosion and sediment control best management practices; and
 - 2) Control waste such as discarded building materials, concrete truck washout water, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
- C. The MS4 operator must develop procedures for:
 - 1) Site plan review which incorporate consideration of potential water quality impacts;
 - 2) Receipt and consideration of information submitted by the public; and
 - 3) Site inspection and enforcement of control measures

The tables on the next page state the best management practices (BMP) goals necessary to implement this minimum control measure, the City department responsible for implementation, and outlines the implementation schedule.

MCM 3. - CONSTRUCTION SITE STORMWATER RUNOFF CONTROL

Best Management Practices	BMP Description	Personnel Responsible	Measurable Goals	Implementation Schedule
BMP 3.1 Construction Site Stormwater Runoff Control	Develop and implement a program on controlling erosion at construction sites.	Director of Public Works	<ul style="list-style-type: none"> Continue to enforce erosion control at construction sites. Erosion control plans be submitted to City for review during construction phases of a project that are one acre or larger. Phases will include pre, during and post construction activities. Update methods as necessary for City to enforce erosion control plans during construction. 	Year 1 - 5
BMP 3.2 Details	Standard construction details.	Director of Public Works	<ul style="list-style-type: none"> Update as necessary the standard SW3P details page to be inserted in all construction plans by end of Year 2. 	Year 1 - 5
BMP 3.3 Inspections	Construction site inspections.	Director of Public Works	<ul style="list-style-type: none"> Implement site inspection procedures that will verify erosion control plans are being implemented and maintained as development occurs. In addition to erosion review site water that can impact water quality. Begin at end of Year 4. 	Year 1 - 5
BMP 3.4 Water Quality	Develop method to assess and recommend correction to potential water quality issues during site plan review.	Director of Public Works	<ul style="list-style-type: none"> Continue to implement site plan review recommendation to minimize impact on water quality concerns as development occurs. 	Year 1 - 5

Best Management Practices	BMP Description	Personnel Responsible	Measurable Goals	Implementation Schedule
BMP 3.5 New Construction & Land Disturbances	Develop a program to maintain new construction and land disturbances in the City in order to reduce the amounts of pollutants entering in the water.	Director of Public Works	<ul style="list-style-type: none"> Update the standard SW3P details page to be inserted in all construction plans by the end of 3rd year. 	Year 1 - 5
			<ul style="list-style-type: none"> Train inspectors in erosion control when City hires inspections. 	Year 1 - 5
			<ul style="list-style-type: none"> Continue to implement erosion control for all City Projects where the land disturbance is more than one-acre. 	Year 1 - 5
BMP 3.6 Response to Hotline Call-ins (BMP 2.6)	Determine how to pass hotline call-ins to Public Works Department.	Director of Public Works	<ul style="list-style-type: none"> Update procedure (email or call in to City Hall, as necessary) to get call-in information to Public Works. 	Year 1 - 5
			<ul style="list-style-type: none"> Update procedure, as necessary, to investigate information received from public. 	Year 1 - 5
BMP 3.7 Control of Site Waste	Determine what site waste would be, and determine effective way to minimize adverse effects on stormwater run-off.	Director of Public Works	<ul style="list-style-type: none"> Educate staff on what site waste would be and effects on stormwater at construction site. 	Year 1 - 5
			<ul style="list-style-type: none"> Checklist for staff to check on construction sites. 	Year 1 - 5

MCM 4. POST-CONSTRUCTION STORMWATER MANAGEMENT IN NEW DEVELOPMENT AND REDEVELOPMENT

The General Permit To Discharge Under The Texas Pollutant Discharge Elimination System requires the following:

The MS4 operator must develop, implement, and enforce a program to address stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development of sale that will result in disturbance of one or more acres, that discharge into the small MS4. The program must ensure that controls are in place that would prevent or minimize water quality impacts;

- A. Develop and implement strategies which include a combination of structural and/or non-structural BMPs appropriate for your community;
- B. Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State and local law; and
- C. Ensure adequate long-term operation and maintenance of BMPs.

The tables on the next page state the best management practices (BMP) goals necessary to implement this minimum control measure, the City department responsible for implementation, and outlines the implementation schedule.

**MCM 4. - POST-CONSTRUCTION STORMWATER MANAGEMENT
IN NEW DEVELOPMENT AND REDEVELOPMENT**

Best Management Practices	BMP Description	Personnel Responsible	Measurable Goals	Implementation Schedule
BMP 4.1 Post Construction Stormwater Management Ordinance	Update method of notification, method to fine and method to correct post construction runoff.	Director of Public Works	<ul style="list-style-type: none"> Ordinance adopted. 	In-Place
BMP 4.2 Implementation of Ordinance	Update program to inspect construction sites greater than one acre (new and re-development).	Director of Public Works	<ul style="list-style-type: none"> Update program as necessary to inspect completed projects at regular intervals to insure compliance with post construction requirements. 	Year 1 - 5
BMP 4.3 Review of Effectiveness of Post Construction BMP	Update program to assess post construction BMP on regular basis.	Director of Public Works	<ul style="list-style-type: none"> After each year of initial program have staff evaluate effectiveness of post construction BMPs, list of revisions, additions and deletions. Determine changes in standard details. 	Year 1 - 5

MCM 5. POLLUTION PREVENTION / GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS

The General Permit To Discharge Under The Texas Pollutant Discharge Elimination System requires the following:

A section within the SWMP must be developed to establish an operation and maintenance program. The operation and maintenance program must have the ultimate goal of identifying methods and practices for conducting municipal operations in a manner to prevent or reduce pollution in stormwater runoff.

A. Good Housekeeping and Best Management Practices

Controls must be used to reduce or eliminate the discharge of pollutants when runoff from municipal operations is determined to be a significant contributor of pollution to the MS4. Examples of municipal operations and municipally owned areas include, but are not limited to:

- 1) Park and open space maintenance;
- 2) Street, road, or highway maintenance;
- 3) Fleet and building maintenance;
- 4) Stormwater system maintenance;
- 5) New construction and land disturbances;
- 6) Municipal parking lots;
- 7) Vehicle and equipment maintenance and storage yards;
- 8) Sand storage locations.

B. Training

A training program must be developed for all employees responsible for municipal operations subject to the pollution prevention/good housekeeping program. The training program must include training materials directed at preventing and reducing stormwater pollution from municipal. Examples or descriptions of training materials being used must be included in the SWMP.

C. Structural Control Maintenance

If best management practices include structural controls, maintenance of the controls must be performed at a frequency determined by the MS4 operator and consistent with maintaining the effectiveness of the BMP. The SWMP must list all of the following:

- 1) Maintenance activities;
- 2) Maintenance schedules; and
- 3) Long-term inspection procedures for controls used to reduce floatable and other pollutants.

D. Disposal of Waste

Waste removed from the MS4, from structural controls, or collected as a result of municipal operations and maintenance activities must be properly disposed. A section within the SWMP must be developed to include procedures for the proper disposal of waste, including:

- 1) Dredge spoil;
- 2) Accumulated sediments; and
- 3) Floatable.

E. Municipal Operations and Industrial Activities

The SWMP must include a list of all:

- 1) Municipal operations that are subject to the operation, maintenance, or training program developed under the conditions of this section; and
- 2) Municipally owned or operated industrial activities that are subject to TPDES stormwater regulations.

The SWMP must include an individual permit number, general permit authorization number, or a copy of a signed NOI or NEC (no exposure certification form for TPDES General Permit TXR05000) for each industrial activity conducted by the MS4 and subject to TPDES stormwater regulations. If an NOI or NEC has been submitted, but an acknowledgment has not yet been received from the TCEQ, a copy of the submitted NOI or NEC Form may be made readily available.

Training

There is no current training program for the City of Ovilla. Development of the training program is scheduled to occur during the first year of the general permit (see BMP 4.10 on Page 21). The Stormwater Management Plan will be revised to include examples and descriptions of training materials after they are developed.

Structural Control Maintenance

There are no current structural controls identified under the current Stormwater Management Plan. Any structural controls implemented during this Stormwater Management Plan will be listed in the annual report. Maintenance activities, schedules and inspection procedures will be addressed at that time.

Disposal Of Waste

All dredge spoil, accumulated sediments and floatable collected from BMP 4.1 through BMP 4.13 will properly disposed of at a nearby landfill.

Municipal Operations and Industrial Activities

The municipal operations that are subject to the operation, maintenance or training program developed under the conditions of this section are listed in BMP 4.1 to BMP 4.9.

The tables on the next page state the best management practices (BMP) goals necessary to implement this minimum control measure, the City department responsible for implementation, and outlines the implementation schedule.

MCM 5. - POLLUTION PREVENTION / GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS

Best Management Practices	BMP Description	Personnel Responsible	Measurable Goals	Implementation Schedule
GOOD HOUSEKEEPING AND BEST MANAGEMENT PRACTICES				
BMP 5.1 Park and Open Space Maintenance	Develop a program to maintain the parks and open space in the City in order to reduce the amounts of pollutants entering in the water.	Director of Public Works	<ul style="list-style-type: none"> • Refer to Texas Smartscape website to Parks Department. • Implement program to prohibit direct discharge of chlorinated water from residential swimming pools. • Implement a standard SW3P details page to be inserted in all construction plans. • Train employees on erosion control practice. • Evaluate park irrigation system. Consider installing drip or trickle irrigation systems for future irrigation systems. • Install rain sensors at all park irrigation systems and inspect installed sensors annually. • Implement a herbicide and pesticide management program. 	<p>Year 1 - 5</p> <p>Year 1 - 5</p> <p>Year 1 - 5</p> <p>Year 1 - 5</p> <p>Year 1 - 5</p> <p>Year 1 - 5</p>
BMP 5.2 Street, Road and Highway Maintenance	Develop a program to maintain the streets, roads and highways in the City in order to reduce the amounts of pollutants entering in the water.	Director of Public Works	<ul style="list-style-type: none"> • Implement an annual street sweeping program. Sweep, curb, gutter and streets. 	Year 1 - 5

Best Management Practices	EMP Description	Personnel Responsible	Measurable Goals	Implementation Schedule
BMP 5.3 Fleet and Building Maintenance	Develop a program to maintain the fleet center in the City in order to reduce the amounts of pollutants entering in the water.	Director of Public Works	<ul style="list-style-type: none"> Continue assessment of existing fleet center operations and infrastructure. Make improvements based on the recommendations of the assessment, if necessary. 	Year 1 - 5
			<ul style="list-style-type: none"> Continue to implement stormwater management plan for the fleet center. 	Year 1 - 5
			<ul style="list-style-type: none"> Continue to implement spill response plan for the fleet center. 	Year 1 - 5
BMP 5.4 Stormwater System Maintenance	Develop a program to maintain the City's storm sewer system in order to reduce the amounts of pollutants entering in the water.	Director of Public Works	<ul style="list-style-type: none"> Implement the schedule and program for conducting visual inspections of the City's storm sewer inlets. Continue conducting visual inspections of the City's storm sewer. 	Year 1 - 5
			<ul style="list-style-type: none"> Continue to monitor and track storm sewer cleaning activities. 	Year 1 - 5
			<ul style="list-style-type: none"> Continue to schedule and track outfall cleaning. 	Year 1 - 5
BMP 5.5 New Construction & Land Disturbances	Develop a program to maintain new construction and land disturbances in the City in order to reduce the amounts of pollutants entering in the water.	Director of Public Works	<ul style="list-style-type: none"> Continue to implement program to track the amount of trash, sediment and other pollutants removed during cleaning. 	Year 1 - 5
			<ul style="list-style-type: none"> Update as necessary, the standard SW3P details page to be inserted in all construction plans. 	Year 1 - 5
			<ul style="list-style-type: none"> Continue to train inspectors in erosion control. 	Year 1 - 5
BMP 5.6 Municipal Parking Lots	Develop a program to maintain municipal parking lots in the City in order to reduce the amounts of pollutants entering in the water.	Director of Public Works	<ul style="list-style-type: none"> Continue to implement erosion control for all City Projects where the land disturbance is more than one-acre. 	Year 1 - 5
			<ul style="list-style-type: none"> Continue to clean and sweep City parking lots periodically. 	Year 1 - 5
			<ul style="list-style-type: none"> Continue to implement stormwater management plan for City parking lots. 	Year 1 - 5

Best Management Practices	BMP Description	Personnel Responsible	Measurable Goals	Implementation Schedule
BMP 5.7 Vehicle and Equipment Maintenance and Storage Yards	Develop a program to maintain vehicles, equipment and storage yards in the City in order to reduce the amounts of pollutants entering in the water.	Director of Public Works	• Continue to assessment of washdown and maintenance facilities & make improvements based on the recommendations.	Year 1 - 5
			• Continue to implement stormwater management plan for the washdown and maintenance facilities.	Year 1 - 5
			• Continue to implement a spill response plan for the washdown and maintenance facilities.	Year 1 - 5
			• Continue to implement inspection schedule for all equipment.	Year 1 - 5
BMP 5.8 Salt/Sand Storage Location	Develop a program to maintain the salt/sand storage locations in the City in order to reduce the amounts of pollutants entering in the water.	Director of Public Works	• Continue assessment of the sand storage locations and make improvements based on the recommendations (at pump station). • Update stormwater management plan for the sand storage locations.	Year 1 - 5 Year 1 - 5
TRAINING				
BMP 5.9 Good Housekeeping and Pollution Prevention Training	Develop a training program to train all City employees in good housekeeping and pollution prevention	Director of Public Works	• Continue training program, such as viewing SWAP DVD's	Year 1 - 5
			• Continue to implement the training program to all City employees.	Year 1 - 5
			• Continue to implement the training program to all new employees six months after they are hired.	Year 1 - 5

MCM 6. INDUSTRIAL STORMWATER SOURCES

MCM 6 - Industrial Stormwater Sources, applies to MS₄ operators categorized as Level 4, based on population served. The City of Ovilla is a Level 1 MS₄ operator and therefore, MCM 6 is not applicable to the City.

APPENDIX “A”

Stormwater Master Plan Implementation Schedule

BMP 1.1 Pamphlets

year 1	year 2	year 3	year 4	year 5
Review & determine if information in existing needs to be revised.				
Distribute pamphlets to developers to place in new homes.				
Place pamphlets on bulletin boards at City Hall.				
Continue to send pamphlet to Citizens once a year.				
Distribute pamphlets to developers to place in new homes.				
Place pamphlets on bulletin boards at City Hall.				

BMP 1.2 Website Link

year 1	year 2	year 3	year 4	year 5
Update Web Page in Home Page				
Feedback regarding stormwater program solicited via the web page.				

BMP 1.3 Storm Water Display

year 1	year 2	year 3	year 4	year 5
Update Display Stormwater.				
Display at City Hall.				
Displays of Pamphlets and Handouts Displayed in Office.				

BMP 1.4 Educational Curriculum

year 1	year 2	year 3	year 4	year 5
Continue to discuss City's Phase II stormwater educational goals with Cities of Glenn Heights, Midlothian and Red Oak.				
Continue the partnership with Cities of Glenn Heights, Midlothian and Red Oak to provide information on available stormwater educational material.				

BMP 1.5 Public Service Announcement

year 1	year 2	year 3	year 4	year 5
Work with NCTCOG to receive information and receive public interactions. "Keep Area Beautiful".				
Revise the Public Service Announcements if needed.				
Print Public Service Announcement once a year in the Ovilla Town Topics Mailing.				

BMP 1.6 Storm Drain Markers

year 1	year 2	year 3	year 4	year 5
Existing inlets have been marked.				
Mark new inlets as new improvements occurs.				
Continue implementation of the City's plan for installing storm drain markers, achieving the 100% marked goal by the end of the 5th year.				

BMP 1.7 Bumper Stickers

year 1	year 2	year 3	year 4	year 5
Update bumper sticker to be placed on City vehicles, and replace as needed.				

BMP 1.8 Texas Smartscape

year 1	year 2	year 3	year 4	year 5
Continue to be an active member of Smartscape through website link.				
Update material on the website.				

BMP 1.9 Education

year 1	year 2	year 3	year 4	year 5
Continue education program.				
Have at least one person representing the City attend an educational conference annually.				
Have representative develop a workshop to teach other City employees & leaders.				

BMP 1.10 Business Partnership

year 1	year 2	year 3	year 4	year 5
Continue to Contact Businesses.				
Discuss Overall Plan.				
Meet with Business annually to distribute information.				

BMP 1.11 SWPPP Details Page

year 1	year 2	year 3	year 4	year 5
Developed SW3P detail sheet to be inserted in all construction plans.				
Continue to have contractors include the SW3P detail sheet in their construction plans.				

BMP 1.1 Citizen Panel

year 1	year 2	year 3	year 4	year 5
Establish Citizen Panel.				
Review progress and input on program. Report progress to Council.				
Have Citizen Panel meet at least once a year to review the annual report. Make comments on the plan.				

BMP 1.2 Panel Groups

year 1	year 2	year 3	year 4	year 5
Develop a schedule to have Citizen Panel meet with specific groups in Ovilla.				
Have Citizen Panel meet a specific group in Ovilla (Community leaders, Business Leaders, Homeowners Association, etc.) at least once a year to discuss issues about the Stormwater Management Plan.				

BMP 1.3 Public Service Announcements

year 1	year 2	year 3	year 4	year 5
Continue to issue public service announcements at least two weeks before the meeting.				

BMP 1.4 Storm Inlets Stencil

year 1	year 2	year 3	year 4	year 5
Continue to attempt to meet with Boy Scouts, Girl Scouts, schools, etc. Try to have 25% of inlets stenciled each year.				

BMP 1.5 Keep Ovilla Beautiful

year 1	year 2	year 3	year 4	year 5
Continue to be an affiliate of "Keep Texas Beautiful" and informed through email updates.				
Continue to discuss goals of "Keep Ovilla Beautiful"				
Update "Keep Ovilla Beautiful" program that reaches the goals.				
Email updates with head of "Keep Ovilla Beautiful".				
Discuss program and revise the program as necessary.				

BMP 1.6 Storm Water Hotline

year 1	year 2	year 3	year 4	year 5
Continue to provide access for stormwater hotline through website link and contacting City Hall.				

BMP 2.1 Dry Weather Screening

year 1	year 2	year 3	year 4	year 5
Develop dry weather screening program and train appropriate personnel with purchase screening kits.				
Conduct visual dry weather screening of 25% of the City's Stormwater outfalls per year for all outfalls in target areas. Purchase screening test update.				

BMP 2.2 Illicit Discharges Detection

year 1	year 2	year 3	year 4	year 5
Train appropriate personnel on inspection of sites suspected of illegal discharge.				
Conduct inspections in accordance with inspection procedures for identified or suspected sources of illicit discharges or illegal dumping as identified from dry weather screening, smoke testing, and from tips received from the City's stormwater hotline.				

BMP 2.3 Sanitary Sewer Smoke Testing

year 1	year 2	year 3	year 4	year 5
Develop program on sanitary sewer smoke testing.				
Conduct sanitary sewer smoke testing of the City's sanitary sewer system per year. 25% of the system per year.				

BMP 2.4 Elimination of Illicit Connections

year 1	year 2	year 3	year 4	year 5
Update standard verification procedures, as necessary.				
Train appropriate personnel on program.				
Continue to require & verify the elimination of all identified illicit connections.				

BMP 2.5 Non-Storm Water Discharge Program

year 1	year 2	year 3	year 4	year 5
Continue to inspect all suspected sites and require property owners to eliminate the cause.				
Continue to train appropriate personnel on the program.				

BMP 2.6 Storm Sewer Map

year 1	year 2	year 3	year 4	year 5
Update City's Storm Sewer System Map as development occurs. Develop 25 % of the map per year.				

BMP 3.1 Construction Site Storm Water Runoff Control

year 1	year 2	year 3	year 4	year 5
Continue to enforce erosion control at construction sites. Erosion control plans be submitted to City for review during construction phases of a project that are one acre or larger. Phases will include pre, during and post construction activities. Update methods as necessary for City to enforce erosion control plans during construction.				

BMP 3.2 Details

year 1	year 2	year 3	year 4	year 5
Update as necessary the standard SW3P details page to be inserted in all construction plans by end of Year 2				

BMP 3.3 Inspections

year 1	year 2	year 3	year 4	year 5
Implement site inspection procedures that will verify erosion control plans are being implemented and maintained as development occurs. In addition to erosion review site water that can impact water quality. Begin at end of Year 4.				

BMP 3.4 Water Quality

year 1	year 2	year 3	year 4	year 5
Continue to implement site plan review recommendation to minimize impact on water quality concerns as development occurs.				

BMP 3.5 New Construction & Land Disturbances

year 1	year 2	year 3	year 4	year 5
Update the standard SW3P details page to be inserted in all construction plans by the end of 3 rd year.				
Train inspectors in erosion control when City hires inspections.				
Continue to implement erosion control for all City Projects where the land disturbance is more than one-acre.				

BMP 3.6 Response to Hotline Call-ins (BMP 2.6)

year 1	year 2	year 3	year 4	year 5
Update procedure (email or call in to City Hall, as necessary) to get call-in information to Public Works.				
Update procedure, as necessary, to investigate information received from public.				

BMP 3.7 Control of Site Waste

year 1	year 2	year 3	year 4	year 5
Educate staff on what site waste would be and effects on stormwater at construction site.				
Checklist for staff to check on construction sites.				

BMP 4.1 Post Construction Storm Water Management Ordinance

year 1	year 2	year 3	year 4	year 5
Ordinance adopted. (In-Place)				

BMP 4.2 Implementation of Ordinance

year 1	year 2	year 3	year 4	year 5
Update program as necessary to inspect completed projects at regular intervals to insure compliance with post construction requirements.				

BMP 4.3 Review of Effectiveness of Post Construction BMP

year 1	year 2	year 3	year 4	year 5
After each year of initial program have staff evaluate effectiveness of post construction BMPs, list of revisions, additions and deletions. Determine changes in standard details.				

BMP 5.1 Park and Open Space Maintenance

year 1	year 2	year 3	year 4	year 5
Refer to Texas Smartscape website to Parks Department.				
Implement program to prohibit direct discharge of chlorinated water from residential swimming pools.				
Implement a standard SW3P details page to be inserted in all construction plans.				
Train employees on erosion control practice.				
Evaluate park irrigation system. Consider installing drip or trickle irrigation systems for future irrigation systems.				
Install rain sensors at all park irrigation systems and inspect installed sensors annually.				
Implement a herbicide and pesticide management program.				

BMP 5.2 Street, Road and Highway Maintenance

year 1	year 2	year 3	year 4	year 5
Implement an annual street sweeping program. Sweep, curb, gutter and streets.				

BMP 5.3 Fleet and Building Maintenance

year 1	year 2	year 3	year 4	year 5
Continue assessment of existing fleet center operations and infrastructure. Make improvements based on the recommendations of the assessment, if necessary.				
Continue to implement stormwater management plan for the fleet center.				
Continue to implement spill response plan for the fleet center.				

BMP 5.4 Storm Water System Maintenance

year 1	year 2	year 3	year 4	year 5
Implement the schedule and program for conducting visual inspections of the City's storm sewer inlets. Continue conducting visual inspections of the City's storm sewer.				
Continue to monitor and track storm sewer cleaning activities.				
Continue to schedule and track outfall cleaning.				
Continue to implement program to track the amount of trash, sediment and other pollutants removed during cleaning.				

BMP 5.5 New Construction & Land Disturbances

year 1	year 2	year 3	year 4	year 5
Update as necessary, the standard SW3P details page to be inserted in all construction plans.				
Continue to train inspectors in erosion control.				
Continue to implement erosion control for all City Projects where the land disturbance is more than one-acre.				

BMP 5.6 Municipal Parking Lots

year 1	year 2	year 3	year 4	year 5
Continue to clean and sweep City parking lots periodically.				
Continue to implement stormwater management plan for City parking lots.				

APPENDIX “B”

TCEQ Notice of Intent (NOI)
Form #20368



Notice of Intent (NOI) for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) under the TPDES Phase II MS4 General Permit (TXRo40000)

IMPORTANT:

- Use the [INSTRUCTIONS](#) to fill out each question in this form.
- Use the [CHECKLIST](#) to make certain you filled out all required information. Incomplete applications WILL delay approval or result in automatic denial.
- Once processed your authorization can be viewed at:
http://www2.tceq.texas.gov/wq_dpa/index.cfm

APPLICATION FEE:

- You must pay the **\$100** Application Fee to TCEQ for the paper application to be complete.
- Payment and NOI must be mailed to separate addresses.
- Did you know you can pay on line?
 - Go to <https://www3.tceq.texas.gov/epay/index.cfm>
 - Select Fee Type: GENERAL PERMIT MS4 PHASE II STORM WATER DISCHARGE NOI APPLICATION
- **Provide your payment information below, for verification of payment:**
 - Mailed ☐ Check/Money Order No.: _____
Name Printed on Check: _____
 - EPAY ☐ Voucher No.: _____
Is the Payment Voucher copy attached? ☐ Yes

One (1) copy of the NOI and Stormwater Management Program (SWMP) with the completed SWMP Cover Sheet MUST be submitted with the original NOI and SWMP.

Is the copy attached? ☒ Yes

RENEWAL: Is this NOI a Renewal of an existing Phase II MS4 General Permit Authorization?

(Note: An authorization cannot be renewed after June 11, 2014.)

- ☒ Yes The existing authorization number is: TXRo4 0020
(If an authorization number is not provided, a new number will be assigned.)
- ☐ No

1) OPERATOR (Applicant)

- a. If the applicant is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity? You may search for your CN at:
<http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch>
CN 600632129
- b. What is the Legal Name of the entity (applicant) applying for this permit?
City of Ovilla
(The exact legal name must be provided.)
- c. What is the name and title of the person signing the application? The person must be an executive official meeting signatory requirements in 30 TAC 305.44(a).
Prefix (Mr. Ms. Miss): Mr.
First/Last Name: Richard Dormier Suffix: _____
Title: Mayor Credential: _____
- d. What is the contact information for the Operator Contact (Responsible Authority)? The mailing address must be recognized by the US Postal Service. You may verify the address at:
<https://tools.usps.com/go/ZipLookupAction!input.action>
Phone Number: (972) 617-7262 Ext: _____ Fax Number: (972) 515-3221
E-mail: bpiland@cityofovilla.org
Mailing Address: 105 S. Cockrell Hill Road
Internal Routing (Mail Code, Etc.): _____
City: Ovilla State: TX ZIP Code: 75154
If outside USA: Territory: _____ Country Code: _____ Postal Code: _____
- e. Indicate the type of Customer (The instructions will help determine your customer type):
☐ Federal Government ☐ State Government ☐ County Government
☒ City Government ☐ Other Government
- f. Number of Employees:
☐ 0-20; ☒ 21-100; ☐ 101-250; ☐ 251-500; or ☐ 501 or higher

2) BILLING ADDRESS

The Operator is responsible for paying the annual fee. The annual fee will be assessed to authorizations active on September 1 of each year. TCEQ will send a bill to the address provided in this section. The Operator is responsible for terminating the permit when it is no longer needed.

Is the billing address the same as the Operator Address?

☒ Yes, go to Section 3).

☐ No, complete section below

Phone Number: _____ Ext: _____ Fax Number: _____
E-mail: _____
Mailing Address: _____
Internal Routing (Mail Code, Etc.): _____
City: _____ State: _____ ZIP Code: _____
Mailing Information if outside USA:
Territory: _____ Country Code: _____ Postal Code: _____

3) REGULATED ENTITY (RE) INFORMATION

If the site of your business is part of a larger business site or if other businesses were located at this site before yours, a Regulated Entity Number (RN) may already be assigned for the larger site. Use the RN assigned for the larger site. Search TCEQ's Central Registry to see if the larger site may already be registered as a regulated site at:

<http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=regent.RNSearch>.

If the site is found, provide the assigned Regulated Entity Reference Number and provide the information for the site to be authorized through this application below. The site information for this authorization may vary from the larger site information.

- a. TCEQ issued RE Reference Number (RN): RN 105478309
- b. Name that is used to identify the small MS4 (Example: City of XXX MS4)
City of Ovilla MS4
- c. Provide a brief description of the regulated MS4 boundaries: (Example: Area within the City of XXXX limits that is located within the xxx (e.g. Dallas) urbanized area):

Area within the City of Ovilla limits located within the Dallas urbanized area in Ellis and Dallas counties.
- d. City where the largest residential population exists within the regulated MS4 boundaries:
Ovilla
- e. ZIP code where the largest residential population exists within the regulated MS4 boundaries:
75154
- f. County where the largest residential population exists within the regulated MS4 boundaries:
Ellis
- Is the MS4 located within additional counties?
☒ Yes – If Yes, what county (or counties)?
Dallas County
- ☐ No
- g. Latitude: 32.52866 N Longitude: 96.88886 W

4) GENERAL CHARACTERISTICS

- a. Is the project/site located on Indian Country Lands?
☐ Yes – If Yes, you must obtain authorization through EPA, Region 6.
☒ No
- b. What is applicant's Standard Industrial Classification (SIC) code?
SIC Code: 9111
- c. What is the category or level of the MS4 based on the population served?
☒ **Level 1:** Operators of traditional small MS4s that serve a population of less than 10,000 within an urbanized area (UA).

- ☐ **Level 2:** Operators of traditional small MS4s that serve a population of at least 10,000 but less than 40,000 within an UA.

This category also includes all non-traditional small MS4s such as counties, drainage districts, transpiration entities, military bases, universities, colleges, correctional institutions, municipal utility districts and other special districts regardless of population served within the UA, unless the non-traditional MS4 can demonstrate that it meets the criteria for a waiver from permit coverage based on the population served.

- ☐ **Level 3:** Operators of traditional small MS4s that serve a population of at least 40,000 but less than 100,000 within an UA.

- ☐ **Level 4:** Operators of traditional small MS4s that serve a population of 100,000 or more within an UA.

- d. Has TCEQ "designated" the small MS4 as needing coverage under this general permit?

☐ Yes

- ☒ No - If No and no portion of the small MS4 is located within an UA as determined by the 2000 or 2010 Decennial Census by the U.S Bureau of Census requiring a NOI be submitted, the operator is not eligible for coverage under this general permit through the NOI.

- e. What is your annual reporting year?

☐ Calendar year

☒ MS4 general permit year

☐ Fiscal year – If Fiscal year, what is the last day of the fiscal year? _____

- f. Stormwater Management Program (SWMP)

1. I certify that the SWMP submitted with this Notice of Intent has been developed according to the provisions of this general permit TXRo40000.

☒ Yes

☐ No – If No, the application is considered incomplete and may be returned.

2. I certify that the SWMP Cover Sheet is completed and attached to the front of the SWMP.

☒ Yes

☐ No – If No, the application is considered incomplete and may be returned.

3. Who is the person responsible for implementing or coordinating implementation of the SWMP? (Note: All contact information requested below is required.)

First/Last Name: Brad Piland

Title: Director of Public Works

Company: City of Ovilla

Phone Number: (972) 617-7262 Ext: _____ Fax Number: (972) 515-3221

E-mail: bpiland@cityofovilla.org

Mailing Address: 105 S. Cockrell Hill Road

Internal Routing (Mail Code, Etc.): _____

City: Ovilla

State: TX

ZIP Code: 75154

g. 7th Minimum Control Measure (MCM) for Municipal Construction Activities

1. Is the MCM for authorization to discharge stormwater from municipal construction activities included with the attached SWMP?

☐ Yes – If Yes, what are the boundaries within which those activities will occur?
(Note: If the boundaries are located outside of the urbanized area, then the entire SWMP must also incorporate the additional areas.)

☒ No

2. Is the discharge or potential discharge from regulated construction activities within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer?

☐ Yes – If Yes, please note that a copy of the agency approved Water Pollution Abatement Plan (WPAP) required by the Edward Aquifer Rule (30 TAC Chapter 213) must be either included or referenced in the construction stormwater pollution prevention plan(s).

☒ No

h. Discharge Information

1. What is the name of the water body (ies) receiving stormwater from the MS4?

Little Creek and Red Oak Creek

2. What is the classified segment number(s) that receives discharges, directly or indirectly, from the small MS4?

3. Are any of the surface water body (ies) receiving discharges from the small MS4 on the latest EPA-approved Clean Water Act (CWA) §303(d) list of impaired waters?

☐ Yes – If Yes:

What is the name of the impaired water body (ies) receiving the discharge from the small MS4?

What are the pollutants of concern?

☒ No

4. Is the discharge into any other MS4 prior to discharge into surface water in the state?

☐ Yes – If Yes, what is the name of the MS4 Operator?

☒ No

i. Edwards Aquifer

Is the discharge or potential discharge from the MS4 within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer?

☐ Yes - If Yes, complete certification below by checking "Yes".

☒ No

I certify that a copy of the TCEQ approved WPAP required by the Edwards Aquifer Rule (30 TAC Chapter 213) is either included or referenced in the SWMP.

☐ Yes

j. Public Participation Process

The Office of Chief Clerk will send the operator or person responsible for publishing, the notice of the executive director's preliminary determination of the NOI and SWMP, in a newspaper of general circulation in the county where the small MS4 is located. If multiple counties, notice must be published at least once in the newspaper of general circulation in the county containing the largest resident population.

The applicant must file with the Chief Clerk a copy of an affidavit of the publication within 60 days of receiving the written instructions from the Office of Chief Clerk.

1. I will comply with the Public Participation requirements described in Part II.E.12 of the general permit.

☒ Yes

☐ No – If No, coverage under this general permit is not obtainable.

2. Who is the person responsible for publishing notice of the executive director's preliminary determination on the NOI and SWMP? (Note: All contact information requested below is required.)

First/Last Name: Brad Piland

Title: Director of Public Works

Company: City of Ovilla

Phone Number: (972) 617-7262 Ext: _____ Fax Number: (972) 515-3221

E-mail: bpiland@cityofovilla.org

Mailing Address: 105 S. Cockrell Hill Road

Internal Routing (Mail Code, Etc.): _____

City: Ovilla

State: TX

ZIP Code: 75154

3. What is the name and location of the public location where copies of the NOI and SWMP, as well as the executive director's general permit and fact sheet, may be reviewed?

Name of Public Place:

City of Ovilla

Address of Public Place:

105 S. Cockrell Hill Road

Ovilla, TX 75154

County of Public Place:

Ellis County

5) CERTIFICATION

Check Yes to the certifications below. Failure to indicate Yes to **ALL** items may result in denial of coverage under the general permit.

- a. I certify that I have obtained a copy and understand the terms and conditions of the Phase II (Small) MS4 General Permit TXRo40000. ☒ Yes
- b. I certify that the small MS4 qualifies for coverage under the general permit TXRo40000. ☒ Yes
- c. I understand that a Notice of Termination (NOT) must be submitted when this authorization is no longer needed. ☒ Yes
- d. I understand that authorization active on September 1st of each year will be accessed an Annual Water Quality Fee. ☒ Yes

Operator Certification:

I, Richard Dormier Mayor
Typed or printed name *Title*

certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I further certify that I am authorized under **30 Texas Administrative Code §305.44** to sign and submit this document, and can provide documentation in proof of such authorization upon request.

Signature: _____ Date: _____
(Use blue ink)

NOTICE OF INTENT CHECKLIST (TXRo40000)

- Did you complete everything? Use this checklist to be sure!
- Are you ready to mail your form to TCEQ? Go to the General Information Section of the Instructions for mailing addresses.

This checklist is for use by the operator to ensure a complete application. Missing information may result in denial of coverage under the general permit. (See NOI process description in the Instructions)

Application Fee:

If paying by Check:

- ☒ Check was mailed **separately** to the TCEQs Cashier's Office. (See Instructions for Cashier's address and Application address.)
- ☒ Check number and name on check is provided in this application.

If using ePay:

- ☐ The voucher number is provided in this application or a copy of the voucher is attached.

AUTHORIZATION NUMBER:

- ☒ Authorization number provided – if this application is for renewal of an existing authorization.

OPERATOR INFORMATION - Confirm each item is complete:

- ☒ Customer Number (CN) issued by TCEQ Central Registry
- ☒ Legal name as filed to do business in Texas (Call TX SOS 512/463-5555)
- ☒ Name and title of responsible authority signing the application
- ☒ Mailing address is complete & verifiable with USPS. www.usps.com
- ☒ Phone numbers/e-mail address
- ☒ Type of operator (entity type)
- ☒ Number of employees
- ☒ Billing address is complete & verifiable with USPS. <http://www.usps.com>

REGULATED ENTITY (RE) INFORMATION ON PROJECT OR SITE - Confirm each item is complete:

- ☒ MS4/Regulated Entity Name
- ☒ Site description
- ☒ Latitude and longitude <http://www.tceq.texas.gov/gis/sqmaview.html>
- ☒ County
- ☒ Site/project physical address. Do not use a rural route or post office box.
- ☒ Business description

GENERAL CHARACTERISTICS - Confirm each item is complete:

- ☒ Indian Country Lands –the facility is not on Indian Country Lands
- ☒ Standard Industrial Classification (SIC) Code www.osha.gov/oshstats/sicser.html
- ☒ Level of MS4
- ☒ Qualifying TCEQ "Designated" small MS4
- ☒ Annual Reporting Year
- ☒ 7th Minimum Control Measurement (MCM) for Municipal Construction Activities
- ☒ Discharge information
- ☒ Edwards Aquifer rule
- ☒ Public participation information

CERTIFICATION

- ☒ Certification statements have been checked indicating "Yes"
- ☒ Signature meets 30 Texas Administrative Code (TAC) 305.44 and is original.
- ☒ Stormwater Management Program (SWMP), and completed SWMP Cover Sheet are attached to the NOI.

Notice of Intent (NOI) for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) under the TPDES Phase II MS4 General Permit (TXRo40000)

General Information and Instructions

GENERAL INFORMATION

Where to Send the Notice of Intent (NOI):

BY REGULAR U.S. MAIL:

Texas Commission on Environmental Quality
Applications Review and Processing Team
(MC-148)
P.O. Box 13087
Austin, Texas 78711-3087

BY OVERNIGHT/EXPRESS MAIL:

Texas Commission on Environmental Quality
Applications Review and Processing Team
(MC-148)
12100 Park 35 Circle
Austin, TX 78753

TCEQ Contact List:

Small Business and Local Government Assistance	800/447-2827
Application – status and form questions:	512/239-4671
Technical questions:	512/239-4671
Environmental Law Division:	512/239-0600
Records Management - obtain copies of forms:	512/239-0900
Reports from databases (as available):	512/239-DATA (3282)
Cashier's office:	512/239-0357 or 512/239-0187

Notice of Intent Process:

When your NOI and SWMP is received by the program, the form will be processed as follows:

- 1) **Administrative Review:** Each item on the form will be reviewed for a complete response. In addition, the operator's legal name must be verified with Texas Secretary of State as valid and active (if applicable). The address(s) on the form must be verified with the US Postal service as receiving regular mail delivery. Never give an overnight/express mailing address.

An application will not be declared administratively complete or approved if delinquent fees and/or penalties of \$25 or more are owed to the TCEQ. All such fees must be paid prior to approval of the NOI.

- 2) **Notice of Deficiency:** If an item is incomplete or not verifiable as indicated above, a notice of deficiency (NOD) will be mailed to the operator. The operator will have 30 days to respond to the NOD. The response will be reviewed for completeness.
- 3) **Technical Review of SWMP:** More information may be requested by phone or technical NOD letter mailed to the SWMP contact. The executive director's preliminary determination on the NOI and SWMP will be prepared and filed with the TCEQ Chief Clerk.
- 4) **Public Participation Process:** The TCEQ Chief Clerk will mail written instructions for publishing the executive director's preliminary determination on the NOI and SWMP at least once in the newspaper of general circulation in the county where the small MS4 is located. If applicable, a public meeting may be held.

- 5) **Acknowledgment of Coverage:** An Acknowledgment Certificate will be mailed to the operator. This certificate acknowledges coverage under the general permit.

-or-

Denial of Coverage: Coverage may be denied if the operator fails to respond to the NOD, the response is inadequate, or find the NOI and SWMP do not meet the requirements of this general permit. If coverage is denied, the operator will be notified.

General Permit

Coverage under the general permit begins upon approval of the NOI and the SWMP by TCEQ and after the public notice process has been completed. You should have a copy of the general permit when submitting your application. You may view and print the permit for which you are seeking coverage, on the TCEQ web site <http://www.tceq.texas.gov>. Search using key word TXRo40000.

General Permit Forms

The Notice of Intent (NOI), Notice of Termination (NOT), and Notice of Change (NOC) (including instructions) are available in Adobe Acrobat PDF format on the TCEQ web site <http://www.tceq.texas.gov>.

Change in Operator

An authorization under the general permit is not transferable. If the operator of the regulated entity changes, the present permittee must submit a Notice of Termination and the new operator must submit a Notice of Intent. The NOT and NOI must be submitted concurrently not more than ten (10) calendar days after the change occurs.

TCEQ Central Registry Core Data Form

The Core Data Form has been incorporated into this form. Do not send a Core Data Form to TCEQ. After final acknowledgment of coverage under the general permit, the program will assign a Customer Number and Regulated Entity Number.

You can find the information on the Central Registry web site at <http://www12.tceq.texas.gov/crpub/index.cfm>. You can search by the Regulated Entity (RN), Customer Number (CN) or Name (Permittee), or by your authorization number under the search field labeled *Additional ID*. Capitalize all letters in the authorization number.

The Customer (Permittee) is responsible for providing consistent information to the TCEQ, and for updating all CN and RN data for all authorizations as changes occur. For General Permits, a Notice of Change form must be submitted to the program area.

Fees associated with a General Permit

Payment of the fee may be made by check or money order, payable to TCEQ, or through EPAY (electronic payment through the web).

Application Fee: This fee is required to be paid at the time the NOI is submitted. Failure to submit payment at the time the application is filed will cause delays in acknowledgment or denial of coverage under the general permit.

Mailed Payments:

Payment must be mailed under separate cover at one of the addresses below using the attached Application Fee submittal form. (DO NOT SEND A COPY OF THE NOI WITH THE APPLICATION FEE SUBMITTAL FORM)

BY REGULAR U.S. MAIL
Texas Commission on Environmental Quality
Financial Administration Division
Cashier's Office, MC-214
P.O. Box 13088
Austin, TX 78711-3088

BY OVERNIGHT/EXPRESS MAIL
Texas Commission on Environmental Quality
Financial Administration Division
Cashier's Office, MC-214
12100 Park 35 Circles
Austin, TX 78753

ePAY Electronic Payment: <http://www.tceq.texas.gov/epay>

When making the payment you must select Water Quality, and then select the fee category "General Permit MS4 Phase II Stormwater Discharge NOI Application". You must include a copy of the payment voucher with your NOI. Your NOI will not be considered complete without the payment voucher.

Annual Water Quality Fee: This fee is assessed to permittees with an active authorization under the general permit on September 1 of each year. The designated billing contact will receive an invoice for payment of the annual fee in December of each year. The payment will be due 30 days from the invoice date. A 5% penalty will be assessed if the payment is received by TCEQ after the due date. Annual fee assessments cannot be waived as long as the authorization under the general permit is active on September 1.

It's important for the permittees to submit a Notice of Termination (NOT) when coverage under the general permit is no longer required. A NOT is effective on the postmarked date of mailing the form to TCEQ. It is recommended that the NOT be mailed using a method that documents the date mailed and received by TCEQ.

Mailed Payments:

You must return your payment with the billing coupon provided with the billing statement.

ePAY Electronic Payment: <http://www.tceq.texas.gov/epay>

You must enter your account number provided at the top portion of your billing statement.

Payment methods include American Express, MasterCard, Visa, and electronic check payment (ACH).

INSTRUCTIONS FOR FILLING OUT THE NOI FORM

Renewal of General Permit: Dischargers holding active authorizations under the expired General Permit are required to submit a NOI to continue coverage. The existing authorization number is required. If the authorization number is not provided or has been terminated, expired, or denied a new permit number will be issued.

1. Operator (Applicant)

a) Enter assigned Customer Number (CN)

TCEQ's Central Registry will assign each customer a number that begins with CN, followed by nine digits. **This is not an authorization number, registration number, or license number.**

If this customer has not been assigned a CN, leave the space for the CN blank. If this customer has already been assigned this number, enter the permittee's CN.

b) Legal Name

Provide the current legal name of the permittee.

c) Operator Mailing Address

Provide a complete mailing address for receiving mail from the TCEQ. The address must be verifiable with the US Postal Service at <http://www.usps.com> for regular mail delivery (not overnight express mail). If you find that the address is not verifiable using the USPS web search, please indicate the address is used by the USPS for regular mail delivery.

The area code and phone number should provide contact to the operator. Leave Extension blank if not applicable.

The fax number and e-mail address are optional and should correspond to the operator.

d) Type of Customer (Entity Type)

Check only one box that identifies the type of entity. Use the descriptions below to identify the appropriate entity type. Note that the selected entity type also indicates the name that must be provided as an applicant for a permit, registration or authorization.

Government

Federal, state, county, or city government (as appropriate)

The customer is either an agency of one of these levels of government or the governmental body itself. The government agency's 'legal name' must be provided as the applicant. A department name or other description of the organization should not be included as a part of the 'legal name' as applicant.

Other Government

A utility district, water district, tribal government, college district, council of governments, or river authority. Write in the specific type of government.

e) Number of Employees

Check one box to show the number of employees for this customer's entire company, at all locations. This is not necessarily the number of employees at the site named in the application.

2. BILLING ADDRESS

An annual fee is assessed to each operator holding an active authorization under the general permit on September 1 of each year. Provide the complete mailing address where the annual fee invoice should be mailed. Verify the address with the USPS. It must be an address for delivery of regular mail, not overnight express mail. Also, provide a phone number of the operator's representative responsible for payment of the invoice.

Country Mailing Information: If this address is outside the United States, enter the territory name, country code, and any non-ZIP mailing codes or other non-U.S. Postal Service features here. If this address is inside the United States, leave these spaces blank.

3. REGULATED ENTITY (RE) INFORMATION ON PROJECT OR SITE**a. Regulated Entity Reference Number (RN)**

A number issued by TCEQ's Central Registry to sites (a location where a regulated activity occurs) regulated by TCEQ. This is not an authorization number, registration number, or license number. If this regulated entity has not been assigned an RN, leave this space blank.

If the site of your business is part of a larger business site, a Regulated Entity Number (RN) may already be assigned for the larger site. Use the RN assigned for the larger site. Search TCEQ's Central Registry to see if the larger site may already be registered as a regulated site at: <http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=regent.RNSearch>

If the site is found, provide the assigned Regulated Entity Reference Number (RN) and provide the information for the site to be authorized through this application. The site information for this authorization may vary from the larger site information.

An example is a chemical plant where a unit is owned or operated by a separate corporation that is accessible by the same physical address of your unit or facility. Other examples include industrial parks identified by one common address but different corporations have control of defined areas within the site. In both cases, an RN would be assigned for the physical address location and the permitted sites would be identified separately under the same RN.

b. Site/Project Name/Regulated Entity

Provide the name of the site as known by the public in the area where the site is located. The name you provide on this application will be used in the TCEQ Central Registry as the Regulated Entity name.

c. Describe the boundaries of the regulated portion of the small MS4.

In your own words, briefly describe the boundaries of the regulated portion of the small MS4. Do not repeat the SIC Code description.

d. Provide the city where the largest residential population exists within the regulated MS4 boundaries. If there is no city within the boundaries of the MS4, provide the name of the nearest city.

e. Provide the ZIP code where the largest residential population exists within the regulated MS4 boundaries.

f. County

Identify the county or counties in which the regulated entity is located.

g. Latitude and Longitude

Enter the latitude and longitude of the site in degrees, minutes, and seconds or decimal form. For help obtaining the latitude and longitude, go to:

<http://www.tceq.texas.gov/gis/sqmapview.html> or <http://nationalmap.gov/ustopo>

4. GENERAL CHARACTERISTICS

a. Indian Country Lands

If your site is located on Indian Country Lands, the TCEQ does not have authority to process your application. You must obtain authorization through EPA, Region 6, Dallas. Do not submit this form to TCEQ.

Indian Country means (1) all land within the limits of any American Indian reservation under the jurisdiction of the U.S. government, notwithstanding the issuance of any patent, and including rights-of-way running throughout the reservation; (2) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or outside the limits of a State;

and (3) all Indian allotments, the Indian titles which have not been extinguished, including rights-of-way running through the same.

Indian Tribe means any Indian Tribe, band, nation, or community recognized by the Secretary of the Interior and exercising substantial governmental duties and powers.

b. Standard Industrial Classification (SIC) code

Provide the SIC code that best describes the operator's primary business. Common SIC Codes are provided below. For help with SIC codes, go to:

www.osha.gov/oshstats/sicser.html

9111 - Executive offices (such as for a city, county, ect.)
8221 - Colleges, Universities, and Professional Schools
8222 - Junior Colleges and Technical Institutes
9621 - Regulation and Administration of Transportation Programs
4111 - Local and Suburban Transit
4952 - Sewerage Systems
4971 - Irrigation Systems
9223 - Correctional Institutions
9511 - Air and Water Resource and Solid Waste Management (including flood control, drainage development, etc.)

c. Category or level of the MS4

The general permit defines MS4s by four different categories or levels, based on the population served within the 2010 UA. "Population served" means the residential population within the regulated portion of the small MS4 based on the 2010 Census, except for non-traditional small MS4s.

A reference map identifying the 2010 Census UAs can be found at

www.epa.gov/npdes/stormwater/urbanmaps

d. TCEQ "Designated" small MS4

A small MS4 that is outside of urbanized area that is "designated" by TCEQ is eligible for coverage under this general permit. The small MS4 Operator must obtain authorization under this general permit or apply for coverage under an individual TPDES stormwater permit within 180 days of notification of their designation.

Information about urbanized areas (UAs) and a link to the UA maps are found on the EPAs website at: <http://cfpub1.epa.gov/npdes/stormwater/urbanmaps.cfm>

e. Annual Reporting Year

The annual report must address the previous reporting year. The selected reporting year cannot be changed during the permit year.

1. The first reporting year begins on the permit effective date (December 13, 2013) and lasts for a period of one (1) year.
2. If the MS4 selects the fiscal year, the first reporting year will last until the end of the fiscal year following the end of the first permit year.

3. If the MS4 selects the calendar year then the first reporting year will last until December 31, 2014.

f. SWMP

1. The NOI must include the SWMP when submitted to TCEQ for processing, and the Operator is required to certify the SWMP has been developed according to the general permit. Also, the SWMP Cover Sheet must be completed and placed to the front of the SWMP. When completing the SWMP Cover Sheet, be sure to enter the page number and/or page range for each item under an MCM.
2. The general permit requires the name, address, phone number and fax number of the designated person responsible for implementing and coordinating implementation of the SWMP. All information is required with an exception of email, however, this information is desired.

Changes to the SWMP may require TCEQ approval. Changes must be submitted by Notice of Change to the same address as the NOI. Notice of Change will either be automatically approved or additional information may be request before approval.

g. 7th Minimum Control Measure (MCM)

1. Indicate if the municipality is seeking coverage under this general permit for municipal construction activities where the municipality meets the definition of "construction site operator".
2. If authorization for municipal construction activities is proposed in this NOI the developed MCM must be included with the SWMP and the NOI must include a description of the boundaries covered in the MCM. The area included for this MCM must include only the regulated MS4 area; or it may include additional areas of the MS4 if all other MCMs are implemented over the additional area as well.

This coverage may be obtained after the original NOI is approved. This may be accomplished by submitting a Notice of Change that includes the developed MCM and a description of the proposed municipal construction activity boundaries addressed in the MCM. If the MS4 operator proposes to include additional areas outside of the regulated MS4, then the Notice of Change must also indicate that the MS4 operator will implement the entire SWMP over the additional areas.

3. If the discharge or potential discharge from regulated construction activities is within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer, then additional requirements may exist under the Edwards Aquifer Protection Program (30 TAC Chapter 213). For construction activities that will be regulated under TXRo40000, the approved Contributing Zone Plan or Water Pollution Abatement Plan must be included or referenced as part of the construction site stormwater pollution prevention plan. For other activities regulated under 30 TAC Chapter 213, information must be included in the SWMP. Compliance with any Edwards Aquifer requirements is required in addition to the requirements of this general permit.

h. Discharge Information

1. The stormwater may be discharged directly to a receiving stream or through another MS4* from your MS4. It eventually reaches a receiving water body such as a local

stream or lake, possibly via a drainage ditch. You must provide the name of the surface water body that receives the discharge from the site (a local stream or lake). Please note that this general permit does not grant permission to use another MS4 as a conveyance of stormwater and certain non-storm water discharges along the discharge route.

2. Identify the classified segment number(s) receiving a discharge directly or indirectly. Go to the link below to find the segment number of the classified water body where wastewater would flow: www.tceq.texas.gov/publications/gi/gi-316
3. Identify any surface water bodies receiving discharges from the small MS4 that are on the latest EPA-approved CWA § 303(d) list of impaired waters.

EPA approved CWA 303d list of impaired waters can be found at:
http://www.tceq.texas.gov/waterquality/assessment/305_303.html

4. Identify the **MS4*** Operator name if the stormwater discharge is into an MS4.

***MS4 is an acronym for Municipal separate storm sewer system. MS4 is defined as** a separate storm sewer system owned or operated by a state, city, town, county, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, that discharges to water in the state.

For assistance, you may call the technical staff of the Water Quality Assessment & Standards Section at 512/239-4671.

i. Edwards Aquifer Rule

See maps on the TCEQ website to determine if the site is located within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer at <http://www.tceq.texas.gov/field/eapp/viewer.html>

If the discharge or potential discharge is within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer, then additional requirements may exist under the Edwards Aquifer Protection Program (30 TAC Chapter 213). For activities regulated under 30 TAC Chapter 213, any required plans must be included in the SWMP. Compliance with any Edwards Aquifer requirements is required in addition to the requirements of this general permit.

j. Public Participation

The applicant must indicate on the NOI that it will comply with the public participation requirements described in Part II.D.12 of the general permit. The person responsible for receiving the information from the TCEQ Chief Clerk for publishing in the newspaper must be identified and all contact information must be provided.

After review of the NOI and SWMP is completed, the Office of Chief Clerk will mail the Executive Director's preliminary determination to the contact provided in the NOI for publishing in the newspaper of largest circulation in the county of the small MS4.

The comment period begins on the first date the notice is published and ends 30 days later, unless a public meeting is held. If a public meeting is held it will end at the closing of the public meeting.

The applicant must file with the Chief Clerk a copy and an affidavit of the publication of notice(s) within 60 days of receiving the written instructions from the Office of Chief Clerk.

If significant public interest exists, the executive director will direct the applicant to publish notice of the meeting and to hold the public meeting. The applicant must publish the notice of public meeting at least 30 days prior to the public meeting and hold the meeting in the county where the MS4 is located.

5. CERTIFICATIONS

Failure to indicate **Yes** to ALL of the certification items may result in denial of coverage under the general permit.

Operator Certification:

The certification must bear an original signature of a person meeting the signatory requirements specified under 30 Texas Administrative Code (TAC) §305.44.

IF YOU ARE A CORPORATION:

The regulation that controls who may sign an NOI or similar form is 30 Texas Administrative Code §305.44(a)(1) (see below). According to this code provision, any corporate representative may sign an NOI or similar form so long as the authority to sign such a document has been delegated to that person in accordance with corporate procedures. By signing the NOI or similar form, you are certifying that such authority has been delegated to you. The TCEQ may request documentation evidencing such authority.

IF YOU ARE A MUNICIPALITY OR OTHER GOVERNMENT ENTITY:

The regulation that controls who may sign an NOI or similar form is 30 Texas Administrative Code §305.44(a)(3) (see below). According to this code provision, only a ranking elected official or principal executive officer may sign an NOI or similar form. Persons such as the City Mayor or County Commissioner will be considered ranking elected officials. In order to identify the principal executive officer of your government entity, it may be beneficial to consult your city charter, county or city ordinances, or the Texas statute(s) under which your government entity was formed. An NOI or similar document that is signed by a government official who is not a ranking elected official or principal executive officer does not conform to §305.44(a)(3). The signatory requirement may not be delegated to a government representative other than those identified in the regulation. By signing the NOI or similar form, you are certifying that you are either a ranking elected official or principal executive officer as required by the administrative code. Documentation demonstrating your position as a ranking elected official or principal executive officer may be requested by the TCEQ.

If you have any questions or need additional information concerning the signatory requirements discussed above, please contact the Texas Commission on Environmental Quality's Environmental Law Division at (512)239-0600.

30 Texas Administrative Code

§305.44. Signatories to Applications

(a) All applications shall be signed as follows.

(1) For a corporation, the application shall be signed by a responsible corporate officer. For purposes of this paragraph, a responsible corporate officer means a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. Corporate procedures governing authority to sign permit or post-closure order applications may provide for assignment or delegation to applicable corporate positions rather than to specific individuals.

(2) For a partnership or sole proprietorship, the application shall be signed by a general partner or the proprietor, respectively.

(3) For a municipality, state, federal, or other public agency, the application shall be signed by either a principal executive officer or a ranking elected official. For purposes of this paragraph, a principal executive officer of a federal agency includes the chief executive officer of the agency, or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., regional administrator of the EPA).

APPENDIX “C”

***TCEQ Stormwater Management Program
(SWMP) Cover Sheet
Form #20368***

STORMWATER MANAGEMENT PROGRAM (SWMP) COVER SHEET
Confirm Each Minimum Control Measure (MCM) Below is Included in the SWMP

This cover sheet **MUST** be completed by indicating the page number where the requested item will be found in the SWMP. Provide the page number to the left of each item.

This cover sheet **MUST** be attached to the front of the SWMP.

Operator:

Operator name on NOI: City of Ovilla

Assessment of program elements:

☒ Program elements that were described in the previous permit have been assessed and modified as necessary. New elements have been developed and implemented as necessary.

☐ N/A, If newly regulated MS4.

MCM 1: Public Education, Outreach, and Involvement

Page # (s) – Provide the page number (s) to the left of each item.

The SWMP includes the following required elements:

Requirements for all MS4s:

2-6

1. SWMP includes a stormwater education and outreach program to educate public employees, business, and the general public about hazards associated with the illegal discharges and improper disposal of waste and about the impacts stormwater can have on water quality, and steps they can take to reduce pollutants in stormwater.

2-6

2. Defines the goals and objectives of the program based on high-priority community-wide issues.

2-6

3. Identifies the target audiences.

2-6

4. Appropriate educational material is developed or used.

2-6

5. Education material is distributed.

2-6

SWMP Lists Best Management Practices (BMPs) used to fulfill this MCM. Examples of possible BMPs include, but are not limited to, the following:

- Classroom Education
- Use of media
- Education/Outreach for Commercial Activities
- Lawn and garden activities
- Promotional giveaways
- Water conservation practices for homeowners
- Outreach programs tailored to specific communities and children
- Stormwater educational materials
- Educational displays, pamphlets, booklets, and utility stuffers
- Webpage
- Storm drain stenciling
- Speakers to community groups
- Encouragement of proper lawn and garden care
- Encouragement of low impact development
- Support of pollution prevention for businesses

2-6	<ul style="list-style-type: none"> • Encouragement of water conservation practices • Encouragement of pet waste management • Stormwater hotlines
2-6	6. SWMP includes a program that complies with state and local public notice requirements.
7-9	7. May include using public input in the implementation of the program.
7-9	8. May include opportunities for citizen to participate in implementation of control measures.
7-9	9. Ensure the public easily can find information about the SWMP.
8-9	<p>SWMP Lists Best Management Practices (BMPs) used to fulfill this MCM. Examples of possible BMPs include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Stakeholder meetings • Community hotline • Coordination with school groups/scouting • Listserver • Stream cleanup and monitoring • Adopt-A-Stream programs • Incentives for businesses to participate, such as web links • Volunteer monitoring • Watershed Organization • Storm drain stenciling programs • Advisory/partner committees • Mailing list development and use • Reforestation programs • Wetland plantings • Coordinate volunteer programs.
7-9	SWMP includes measureable goals, and the method of measurement, for addressing stormwater quality
Appdx	SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from permit issuance date.

MCM 2: Illicit Discharge Detection and Elimination

Page # (s) – Provide the page number (s) to the left of each item.

The SWMP includes the following required elements:

Requirements for all MS4s:

10-13	1. Description of program that will be used to detect, investigate and eliminate illicit discharges
10-13	2. MS4 map: <ul style="list-style-type: none"> a. Location of all small MS4 outfalls operated by the MS4 and that discharge into waters of the U.S. b. Location and name of all surface waters receiving discharge from the MS4s outfalls. c. Priority areas, if applicable.
10-13	3. Methods for informing and training MS4 field staff.
10-13	4. Procedures for tracing the source of an illicit discharge.

10-13	5. Procedures for removing the source of the illicit discharge.
10-13	6. Facilitate public reporting of illicit discharges of water quality impacts associated with discharges into or from the small MS4.
10-13	7. Procedures for responding to illicit discharges and spills.
10-13	8. Inspections in response to complaints.
N/A	Additional Requirements for Level 2, 3, and 4 small MS4s: For Level 2, 3, and 4 small MS4, procedures to prevent and correct leaking on-site sewage disposal systems.

N/A	Additional Requirements for Level 3 and 4 small MS4s: Follow-up investigation after the illicit discharge has been eliminated.
-----	--

N/A	Additional Requirements for Level 4 small MS4s: 1. Procedures for identifying and creating a list of priority areas within the small MS4s likely to have illicit discharges. 2. Implement a dry weather field screening program to assist in detecting and eliminating illicit discharges to the small MS4.
-----	--

12-13	SWMP Lists Best Management Practices (BMPs) used to fulfill this MCM. Examples of possible BMPs may include the following: <ul style="list-style-type: none"> List of non-stormwater discharges that will not be considered illicit Procedures to address illegal dumping Hazardous materials disposal opportunities Industrial/Business connections Addressing wastewater connections to MS4 Addressing recreational sewage (boats/camping/etc.) System inspections Dye testing Recycling programs Informing public/employees/businesses of hazards associated with illicit discharges Identification of illicit discharges Used oil collection centers Public outreach and education programs regarding illicit discharges Publicize and facilitate public reporting
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10-13	SWMP includes measureable goals, and the method of measurement, for addressing stormwater quality.
-------	--

Appdx	SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from permit issuance date.
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MCM 3: Construction Site Stormwater Runoff Control	
Page # (s) – Provide the page number (s) to the left of each item.	
The SWMP includes the following required elements:	

14-16	Requirements for all MS4s:
14-16	1. Description of program that will be developed, implemented and enforced, to address stormwater runoff from construction once acre and greater (including larger common plan).
14-16	2. Ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under state and local law.
14-16	3. Program requires construction site operators to implement erosion and sediment control – BMPs to minimize the discharge of pollutants. <ul style="list-style-type: none"> a. Program requires soil stabilization measures, and implementation of BMPs to control pollutants from equipment and vehicle washing and other wash waters. b. Program requires operators to minimize exposure to stormwater of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials. c. Minimize the discharge of pollutants from spills and leaks. As an alternative, ensure that the construction site has developed a stormwater pollution prevention plan in accordance with the TPDES Construction General Permit TXR150000.
14-16	4. Program prohibits illicit discharges such as wash out wastewater, fuels, oils, soaps, solvents, and dewatering activities.
14-16	5. Procedures for construction site plan review to consider water quality impacts.
14-16	6. Procedures for construction site inspections and enforcement of control measures, to the extent allowable under state and local law.
14-16	7. Procedures for receipt and consideration of information submitted by the public.
14-16	8. Procedures for MS4 staff training.
N/A	Additional Requirements for Level 3, and 4 small MS4s:
	Includes an inventory of all permitted active construction sites greater than one acre or less than one acre if part of a larger common plan of development.
15-16	SWMP lists BMPs used to fulfill this MCM. Examples may include: <ul style="list-style-type: none"> • Requirement to comply with TPDES CGP • Notification to discharger of responsibilities under TPDES CGP • Hire staff to review construction site plans • Provide a web page for public input on construction activities • Require overall construction site waste management • Perform site inspections and enforcement • Provide education and training for construction site operators • Notify dischargers of requirement to obtain TPDES permit coverage • Mechanism to prohibit discharges into MS4 where necessary
14-16	SWMP includes measurable goals, and the method of measurement, for addressing stormwater quality.
Appdx	SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from permit issuance date.

MCM 4: Post-Construction Stormwater Management in New Development and Redevelopment

Page # (s) – Provide the page number (s) to the left of each item.

The SWMP includes the following required elements:

Requirements for all MS4s:

- | | |
|-------|---|
| 17-18 | 1. Description of program that will be developed, implemented and enforced, to address stormwater runoff from new development and redeveloped sites that discharge into the small MS4 that disturb one acre or more, including projects that disturb less than one acre that are part of a larger common plan of development or sale. |
| 17-18 | 2. Ordinance or other regulatory mechanism is in place or planned which will regulate discharges from new development and redevelopment projects. |
| 17-18 | 3. Establish, implement, and enforce a requirement that owners or operators of new development and redeveloped sites design, install, implement, and maintain a combination of structural and non-structural BMPs appropriate for the community and that protects water quality. |
| 17-18 | 4. Document and maintain records of enforcement actions. |
| 17-18 | 5. Long-term operation and maintenance of post construction stormwater control measures is addressed. |
| 17-18 | 6. Operation and maintenance is documented. |

Additional Requirements for Level 4 small MS4s:

- | | |
|-----|---|
| N/A | 1. Develop and implement an inspection program to ensure that all post construction stormwater control measures are operating correctly and are being maintained. |
| | 2. Inspections are documented. |

SWMP lists BMPs used to fulfill this MCM. Examples may include:

- | | |
|----|--|
| 18 | <ul style="list-style-type: none">• Local ordinance in place or planned• Guidance document for developers to utilize• Specific BMPs established for particular watersheds• List of appropriate BMPs provided to operators• Elimination of curbs and gutters is encouraged• Zoning takes into account stormwater issues• Incentives for use of permeable choices, such as porous pavement• Requirements for wet ponds or other BMPs for certain size sites• Xeriscaping |
|----|--|

17-18	SWMP includes measurable goals, and the method of measurement, for addressing stormwater quality.
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Appdx	SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from permit issuance date.
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MCM 5: Pollution Prevention and Good Housekeeping for Municipal Operations

Page # (s) – Provide the page number (s) to the left of each item.

The SWMP includes the following required elements:

Requirements for all MS4s:

- | | |
|-------|--|
| 19-24 | 1. An operation and maintenance (O&M) program, including an employee training component, in place or scheduled, to reduce/prevent pollution from municipal activities and municipally owned areas included but not limited to park and open space maintenance; street, road, or highway maintenance; fleet and building maintenance; stormwater system maintenance; new construction and land disturbances; municipal parking lots; vehicle and equipment maintenance and storage yards; waste transfer stations; and salt/sand storage locations. |
| 19-24 | 2. Develop and maintain an inventory of the MS4's facilities and stormwater controls. |
| 19-24 | 3. Inform or train staff involved in good housekeeping practices. |
| 19-24 | 4. Waste from the MS4 is removed and properly disposed. |
| 19-24 | 5. Contractors hired by the MS4 must be required to comply with operating procedures. |
| 19-24 | 6. MS4 evaluates O&M activities for their potential to discharge pollutants in stormwater for road and parking lot maintenance, bridge maintenance, cold weather operations, and right-of-way maintenance etc. |
| 19-24 | 7. MS4 maintains structural controls. |

Additional requirements for Level 3 and 4 small MS4s:

- | | |
|-----|--|
| N/A | 1. Storm sewer system O&M. |
| N/A | 2. Implement an O&M program to reduce discharge of pollutants from roads that might include a street sweeping and cleaning program, or inlet protection. The program includes an implementation schedule and a waste disposal procedure. |
| N/A | 3. MS4 map identify MS4 facilities and stormwater controls. |
| N/A | 4. MS4 assess its facilities for their potential to discharge pollutants into stormwater. |
| N/A | 5. The MS4 develops stormwater management Standard Operation Procedures for high priority facilities. |
| N/A | 6. The MS4 implements stormwater controls at high priority facilities that address: |

N/A	<ul style="list-style-type: none"> b. De-icing and anti-icing storage c. Fueling operations and vehicle maintenance d. Equipment and vehicle washing
N/A	7. The MS4 develops and implements an inspection program that includes high priority facilities.
N/A	<p>Additional requirements for Level 4 small MS4s:</p> <p>MS4 has an application and management program for pesticides, herbicides, and fertilizers that address:</p> <ul style="list-style-type: none"> a. Evaluating materials and activities used at public open spaces. b. Implementing the following practices to minimize generating pollutants related to landscaping. <ul style="list-style-type: none"> i. Education for applicators and distributors ii. Encouragement of non-chemical solutions for pest management c. Development of schedules that minimizes discharge of pollutants. d. Ensuring collection and proper disposal of unused pesticides, herbicides, and fertilizers.
22-24	<p>SWMP lists BMPs used to fulfill this MCM. Examples may include:</p> <ul style="list-style-type: none"> • BMPs which address fleet vehicle maintenance/washing • BMPs which address parking lot and street cleaning • Catch basin and storm drain system cleaning • Landscaping and lawn care (e.g. xeriscaping) • Waste materials management • Road salt application and storage practices • Used oil recycling • Pest management practices • Fire training facilities • BMPs which address roadway and bridge maintenance • Golf course maintenance/waste disposal • Disposal of cigarette butts • Park maintenance (e.g., providing trash bags)
19-24	SWMP includes measurable goals, and the method of measurement, for addressing stormwater quality.
Appdx	SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from permit issuance date.

MCM 6: Industrial Stormwater Sources

Page # (s) – Provide the page number (s) to the left of each item.

The SWMP includes the following required elements:

Requirements for Level 4 MS4 only:

25	<p>Program to identify and control industrial stormwater sources that at least includes:</p> <ul style="list-style-type: none"> a. MS4 landfills, other treatment, storage, or disposal facilities for municipal waste, hazardous waste treatment, storage, disposal and recovery facilities and facilities that are subject to Emergency Planning and Community Right-to-Know Act (EPCRA). b. Priorities and procedures for inspections and for implementing control measures for such discharges.
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Optional 7th MCM: Municipal Construction Activities (only available within the regulated area where the MS4 operator meets the definition of construction site operator)

Page # (s) – Provide the page number (s) to the left of each item.

If this MCM is applicable, the SWMP includes the following information:

N/A	1. Description of how construction activities will generally be conducted so as to take into consideration local conditions of weather, soils, and other site specific considerations.
N/A	2. Description of the area that this MCM will address and where the MS4 operator's construction activities are covered (e.g. within the boundary of the urbanized area, the corporate boundary, a special district boundary, an extra territorial jurisdiction, or other similar jurisdictional boundary).
N/A	3. If the area included in this MCM includes areas outside of the UA, then all MCMs will be implemented over those additional areas as well.
N/A	4. Description provided for one of the following: <ul style="list-style-type: none"> a. How contractor activities will be supervised or overseen to ensure that the Stormwater Pollution Prevention Plan (SWP3) requirements are properly implemented at the construction site(s); or b. How the MS4 operator will make certain that contractors have a separate authorization for stormwater discharges if needed.
N/A	5. General description of how a construction SWP3 will be developed for each construction site.
N/A	6. Records of municipal construction activities authorized under this optional MCM.

APPENDIX “D”

***TCEQ General Permit Payment Submittal
Form #20134***

Texas Commission on Environmental Quality General Permit Payment Submittal Form

Use this form to submit your Application Fee only if you are mailing your payment.

- Complete items 1 through 5 below:
- Staple your check in the space provided at the bottom of this document.
- Do not mail this form with your NOI form.
- Do not mail this form to the same address as your NOI.

Mail this form and your check to:

BY REGULAR U.S. MAIL

Texas Commission on Environmental
Quality
Financial Administration Division
Cashier's Office, MC-214
P.O. Box 13088
Austin, TX 78711-3088

BY OVERNIGHT/EXPRESS MAIL

Texas Commission on Environmental
Quality
Financial Administration Division
Cashier's Office, MC-214
12100 Park 35 Circle
Austin, TX 78753

Fee Code: GPA	General Permit:	TXR040000
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1. Check / Money Order No: _____
2. Amount of Check/Money Order: _____
3. Date of Check or Money Order: _____
4. Name on Check or Money Order: _____
5. NOI INFORMATION

If the check is for more than one NOI, list each Project/Site (RE) Name and Physical Address exactly as provided on the NOI. DO NOT SUBMIT A COPY OF THE NOI WITH THIS FORM AS IT COULD CAUSE DUPLICATE PERMIT ENTRIES.

See Attached List of Sites (If more space is needed, you may attach a list.)

Project/Site (RE) Name: City of Ovilla

Project/Site (RE) Physical Address:

105 S. Cockrell Hill Road
Ovilla, TX 75154

Staple Check in This Space



"PRIDE IN OUR PAST... ENTHUSIASM FOR THE FUTURE"

STORMWATER MANAGEMENT PLAN

2014 – 2019

TPDES General Permit No. TXR040000

BIRKHOFF, HENDRICKS & CARTER, L.L.P.
PROFESSIONAL ENGINEERS
DALLAS, TEXAS
Texas Firm F526

MAY 2014



**Official Consent and Ballot Form
for Election of Unaffiliated Director for the ERCOT Board of Directors and
Approval of Proposed ERCOT Bylaws Amendment**

	For	Against
The undersigned Corporate Member of ERCOT (Member) votes to elect Peter Cramton as an Unaffiliated Director, to be seated on the ERCOT Board of Directors (Board) as soon as possible, subject to Public Utility Commission of Texas (PUCT) approval, whose professional background information is provided in <i>Attachment 1</i> to the Notice of Special Meeting of Corporate Members (Notice) that accompanied this Official Consent and Ballot Form (Form).	<input type="checkbox"/>	<input type="checkbox"/>
The undersigned Member approves the proposed ERCOT Bylaws amendment approved and recommended by the Board, subject to PUCT approval, as reflected in <i>Attachment 2</i> to the Notice that accompanied this Form.	<input type="checkbox"/>	<input type="checkbox"/>

I hereby certify that:

1. I am a duly authorized representative of the Corporate Member of ERCOT listed below;
2. I consent to this action in writing in lieu of the Special Meeting of the Corporate Members currently scheduled for Wednesday, May 27, 2015; and
3. My votes on the election of Unaffiliated Director for the Board and approval of proposed ERCOT Bylaws Amendment are listed above.

Signature

Name:

Corporate Member (Organization or Company):

Date:

Please make every effort to return this Official Consent and Ballot Form (Ballot) no later than **5:00 p.m. on Friday, May 15, 2015**. The Ballot can be submitted via email (.pdf version) to membership@ercot.com, via facsimile to 512-225-7079, or via first class mail to ERCOT, Attention: Membership, 7620 Metro Center Drive, Austin, Texas 78744. If you have any questions, please contact Tisa Wilkins at membership@ercot.com.



April 24, 2015

ERCOT Corporate Member:

Your participation in voting matters is hereby requested.

Recommendations to the Corporate Members on Voting Items

Election of Unaffiliated Director

On April 13, 2015, the ERCOT Nominating Committee (Committee) of the ERCOT Board of Directors (Board) unanimously selected Peter Cramton for election as an Unaffiliated Director to serve on the Board, as soon as possible, subject to election by the ERCOT Corporate Members (Members) and approval by the Public Utility Commission of Texas (PUCT). Information regarding Mr. Cramton's professional experience is attached for your review and consideration as *Attachment 1*.

Bylaws Amendment on Sections 4.2 and 4.3

On February 10, 2015, the Board unanimously voted to approve and recommend a proposed amendment to the ERCOT Amended and Restated Bylaws (Bylaws) regarding Sections 4.2 and 4.3, subject to approval by the Members and the PUCT. Currently, Section 4.1 of the Bylaws provides for Segment Alternates for all of the Market Segments seats on the Board of Directors, except for the Consumer Subsegments. The proposed amendment would create Segment Alternates for both the Industrial and Large Commercial Consumer Subsegments. The language of the proposed amendment is attached for your review and consideration as *Attachment 2*. Additional information on this amendment may be found in the materials associated with Agenda Item 15.3 of the February 9-10, 2015 Board meeting, available at: <http://www.ercot.com/calendar/2015/2/9/51613-BOARD>, under "Key Documents."

Special Meeting of Corporate Members Called by the ERCOT Board

According to Sections 3.7(b) and (g) of the Bylaws, the Board may call a Special Meeting of the Corporate Members (Special Meeting) to seek approval without an in-person meeting. As provided in Section 3.7(g): "Unless otherwise provided by law, any action required or permitted to be taken at any meeting of the Corporate Members may be taken without a meeting, if a consent in writing, setting forth the action to be taken, is signed by a sufficient number of Corporate Members as would be necessary to take that action at a meeting at which all of the Corporate Members were present and voted."

On February 10, 2015 and April 14, 2015, the Board called a Special Meeting as soon as practicable to vote on the proposed Bylaws amendment and election of Unaffiliated Director, respectively. For efficiency, the Board requested one Special Meeting for these two voting items. Thus, on Wednesday, May 27, 2015, at 10:00 a.m. in Room 210A at 7620 Metro Center Drive, Austin, Texas 78744, a Meeting will be held for the purpose of voting on the above-mentioned election of the Unaffiliated Director and the proposed Bylaws amendment.

Request for Corporate Members to Submit Consent and Ballot Form in Lieu of Meeting

We are seeking Corporate Membership approval to have each vote in writing, in lieu of a Special Meeting. Please review the enclosed Official Consent and Ballot form. If you agree to take action on the election of the Unaffiliated Director and the proposed Bylaws amendment without a Special Meeting, please indicate your voting preference, sign the Consent and Ballot form and return it to ERCOT by 5:00 p.m. on Friday, May 15, 2015. After 5:00 p.m. on Friday, May 15, 2015, we will count Consent and



Ballot forms received to determine if we have sufficient number to allow a vote on the Unaffiliated Director and Bylaws amendment in lieu of the Special Meeting. We will post a notice of either a successful vote or of the need to have the May 27, 2015 Special Meeting on the ERCOT website at <http://www.ercot.com/calendar/2015/05/27/62557>, no later than Monday, May 18, 2015 at 12:00 p.m.

ACTION NEEDED: Submit Consent and Ballot Form by 5:00 p.m., Friday, May 15, 2015.

Please note that all of the requested votes require approval by the Members and the PUCT prior to becoming effective. So that the votes may be approved as soon as possible by the Members and the PUCT, please indicate your vote in favor or against each of the voting matters, sign the ballot, and make every effort to return it to ERCOT as noted in the Ballot no later than 5:00 p.m., Friday, May 15, 2015.

Sincerely,

Tisa Wilkins

Tisa Wilkins
Regulatory Legal Specialist
ERCOT

Attachment 1

Peter Cramton

Biography

Peter Cramton is Professor of Economics at the University of Maryland. Since 1983, he has conducted research on auction theory and practice. This research appears in the leading economics journals. The main focus is the design of auctions for many related items. Applications include spectrum, energy, and financial auctions. Since 1993, he has advised 12 governments and 36 bidders in spectrum auctions. He is a co-inventor of the spectrum auction design used in Canada, Australia, and many European countries to auction 4G spectrum. Since 2001, he has played a lead role in the design and implementation of electricity and gas auctions in North America, South America, and Europe. He has advised on the design of carbon auctions in Europe, Australia, and the United States, including conducting the world's first greenhouse-gas auction held in the UK in 2002. He received his B.S. in Engineering from Cornell University in 1980 and his Ph.D. in Business from Stanford University in 1984.

Academic Positions

Professor of Economics – Department of Economics, University of Maryland, August 1996 to present.

Affiliate, Agriculture and Resource Economics, 2008 to present.

Associate Professor of Economics – Department of Economics, University of Maryland, August 1993 to June 1996.

National Fellow – Hoover Institution, Stanford University, September 1992 to August 1993.

Associate Professor of Economics and Management – Yale School of Management, Yale University, July 1988 to August 1993.

Assistant Professor of Decision Theory – Yale School of Management, Yale University, July 1984 to June 1988.

Education

Stanford University, Doctor of Philosophy, June 1984, Graduate School of Business. Dissertation: *The Role of Time and Information in Bargaining*.

Cornell University, Bachelor of Science with distinction, May 1980, School of Operations Research and Industrial Engineering. Graduated first in class.

Attachment 2

Proposed Bylaws Amendment

Purpose for Amendment

Currently, Section 4.1 of the Bylaws provides for Segment Alternates for all of the Market Segments seats on the Board of Directors, except for the Consumer Subsegments. The proposed amendment would create Segment Alternates for both the Industrial and Large Commercial Consumer Subsegments.

Proposed Language

Upon approval by the Members and the PUCT, Sections 4.2 (entitled “The Board”) and 4.3 (entitled “Selection, Tenure, and Requirements of Directors and Segment Alternates”) of the *Amended and Restated Bylaws of Electric Reliability Council of Texas, Inc.*, approved on September 5, 2014 (Bylaws), would be replaced in their entirety by Sections 4.2 and 4.3 noted immediately below.

Amended and Restated Section 4.2

Section 4.2 The Board. The Board shall be composed of a total of sixteen (16) Directors as follows:

- (a) The Chair of the PUCT as an ex officio non-voting Director;
- (b) The Public Counsel of OPUC as an ex officio voting Director representing Residential Consumers and Small Commercial Consumers;
- (c) The CEO as an ex officio voting Director;
- (d) Six (6) voting Directors elected by their respective Segments as follows:
 - 1. One (1) Independent Generator and one (1) Segment Alternate;
 - 2. One (1) IOU and one (1) Segment Alternate;
 - 3. One (1) Independent Power Marketer and one (1) Segment Alternate;
 - 4. One (1) Independent REP and one (1) Segment Alternate;
 - 5. One (1) Municipal and one (1) Segment Alternate;
 - 6. One (1) Cooperative and one (1) Segment Alternate;
- (e) One (1) voting Director representing Industrial Consumers and one (1) Segment Alternate;
- (f) One (1) voting Director representing Large Commercial Consumers and one (1) Segment Alternate; and
- (g) Five (5) voting Directors selected as Unaffiliated Directors.



Amended and Restated Section 4.3

Section 4.3 Selection, Tenure, and Requirements of Directors and Segment Alternates.

(a) Selection of Market Segment Directors and Segment Alternates.

- (1) For Consumer Directors, the following shall apply: The Director and Segment Alternate from the Commercial Consumer subsegment shall be selected by the Large Commercial Consumer Corporate Members. If there are no Large Commercial Consumer Corporate Members eligible or willing to serve, then the current Large Commercial Consumer Director shall appoint the Large Commercial Consumer Director and Segment Alternate. The Industrial Consumer Director and Segment Alternate shall be elected by the Industrial Consumer Corporate Members.
- (2) Within each Market Segment represented on the Board (except for the Consumer Segment which follows the process described in Section 4.3(a)(1)), only Corporate Members of the respective Membership Segment for the available Board seat shall be allowed to elect a Director and a Segment Alternate for that seat.
- (3) The Board shall establish procedures for the election and appointment of new Directors, Segment Alternates and Representatives of TAC. A Segment may choose an alternate election procedure for the year by an affirmative vote of at least two-thirds of members of that Segment and may conduct elections as needed to fill any Director or Segment Alternate vacancies.
- (4) With regard to eligibility of Consumer Directors (other than the ex officio Consumer Director representing Residential and Small Commercial Consumers), Market Segment Directors and Segment Alternates, the following shall apply:
 - (i) Each Director and Segment Alternate respectively elected by the Industrial Consumer subsegment or the Independent Generator, Independent Power Marketer, Independent Retail Electric Provider, or Investor Owned Utility Market Segments must be an employee of:
 - a. a Corporate or Associate Member; or
 - b. an Affiliate of a Corporate or Associate Member of the respective Market Segment or subsegment which provides services through the Affiliate's employees to such Corporate or Associate Member.
 - (ii) Each Director and Segment Alternate respectively elected by the Large Commercial Consumer subsegment [as described in Section 4.3(a)(1)] or by the Cooperative or Municipal Market Segments must be an employee of a Corporate or Associate Member.
 - (iii) Unless otherwise provided in these Bylaws, if a Director or Segment Alternate is elected or appointed to serve on the Board, such person is only



eligible to serve in such capacity so long as he or she is an employee of the same Member or Affiliate as described in Section 4.3(a)(4)(i)(~~b~~) (as applicable), as he or she was at the time of such election or appointment. If the Member or Affiliate as described in Section 4.3(a)(4)(i)(b) (as applicable) is subject to a corporate restructure for tax or operational purposes which is not the result of a merger or acquisition, then such restructure shall not affect the eligibility of the Director or Segment Alternate.

CITY OF OVILLA MINUTES
Monday, April 29, 2015
Special City Council Meeting
105 S. Cockrell Hill Road, Ovilla, TX 75154

Mayor Dormier called the Special Council Meeting of the Ovilla City Council to order at 5:16 P.M. The following City Council Members were present:

Larry Stevenson	Council Member, Place 2
David Griffin	Mayor Pro Tem, Place 3
Doug Hunt	Council Member, Place 4
Dean Oberg	Council Member, Place 5

Absent: Rachel Huber Council Member, Place 1

Mayor Dormier announced present Council members, thus constituting a quorum. The Interim City Administrator and City Secretary were also present.

EXECUTIVE SESSION

Mayor read the caption and announced Council would meet in closed session at 5:21 p.m.

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).

Closed Meeting called pursuant to Texas Government Code § 551.074 - Personnel Matters.

ITEM 1. DISCUSSION/ACTION – Deliberate the appointment, employment, and evaluation of applicants for the position of City Administrator.

Mayor Dormier, Council and MS Lee adjourned the Executive Session at 6:44 p.m.

Council took an eight minute break and reconvened into Regular Session at 6:52 p.m.

Mayor announced that no action was taken in Executive Session. Any action taken would be reported in open session.

No Action.

ADDENDUM TO AGENDA

Regular Agenda:

The following items were added to the previously posted agenda for the Special City Council Meeting on Wednesday, April 29, 2015:

ITEM 2. DISCUSSION/ACTION – Consideration of and action on the proposed Development Agreement for the development of real property known as Bryson Manor Subdivision, by and between the City of Ovilla and Shaw Development, LLC, and authorizing the Mayor to execute same upon approval by City Council.

Interim City Administrator MS Lee advised that Ovilla's legal counsel prepared the Development Agreement and it had been reviewed by staff and Shaw Development representatives. Adding that the Agreement was consistent with City Code requirements and protects the interests of the City as related to public improvements, general development requirements, dedications, exactions, and waiver of claim. Both the

City's legal counsel, Ron MacFarlane and attorney representing Shaw Development, Mr. James Moon, were present and shared comments. It was explained to Council that the intricacies of the funding of the rough proportionality and how the revenue will be paid in phases and the allocation of those funds may result in a shortfall of approximately \$200,000. Estimated cost of the rough proportionality was \$615,000. The Development Agreement stipulates that upon acceptance by the City of the Bryson Manor Drive Improvements, the Developer will be credited toward the Rough Proportionality Payments, in an amount not to exceed \$165,000. In connection with infrastructure improvements constructed and installed by the Developer of any public street, roadway, wastewater or drainage improvement, the Developer is entitled to credits for inspection fees charged by the City, in accordance with the percentages stipulated in the Development Agreement. Additionally, the development of 185 lots and fair pricing on construction bid may help with any potential shortfall.

Mayor Pro Tem Griffin moved that Council approve the Development Agreement for the development of real property known as Bryson Manor Subdivision, by and between the City of Ovilla and Shaw Development, LLC, and authorize the Mayor to execute same upon approval by City Council, seconded by PL2 Stevenson. *No opposition, no abstentions.*

VOTE: Motion carried unanimously 4-0.

ITEM 3. *DISCUSSION/ACTION – Consideration* of and action on Bryson Manor Final Plat.

PL4 Hunt moved to approve the Bryson Manor Final Plat as presented, seconded by PL5 Oberg. *No opposition, no abstentions.*

VOTE: Motion carried unanimously 4-0.

ADJOURNMENT

There being no further business, Mayor Dormier adjourned the meeting at 7:23 p.m.

Richard Dormier, Mayor

ATTEST:

Approved May 11, 2015

Pamela Woodall, City Secretary

Executive Session sealed and filed separately.

CITY OF OVILLA MINUTES
Monday, April 20, 2015
Special City Council Meeting
105 S. Cockrell Hill Road, Ovilla, TX 75154

Mayor Dormier called the Special Council Meeting of the Ovilla City Council to order at 5:20 P.M. The following City Council Members were present:

Rachel Huber	Council Member, Place 1
Larry Stevenson	Council Member, Place 2
David Griffin	Mayor Pro Tem, Place 3
Doug Hunt	Council Member, Place 4

Absent: Dean Oberg Council Member, Place 5

Mayor Dormier announced present Council members, thus constituting a quorum. The Interim City Administrator and City Secretary were also present.

EXECUTIVE SESSION

Mayor read the caption and announced Council would meet in closed session at 5:21 p.m.

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).

Closed Meeting called pursuant to Texas Government Code § 551.074 - Personnel Matters.

ITEM 1. **DISCUSSION/ACTION** – Deliberate the appointment, employment, and evaluation of applicants for the position of City Administrator.

Mayor Dormier, Council and MS Lee reconvened into Regular Session at 7:01 p.m.

Mayor announced that no action was taken in Executive Session. Any action taken would be reported in open session.

No Action.

ADJOURNMENT

PL1 Huber moved to adjourn, seconded by PL3, Mayor Pro Tem Griffin. There being no further business, Mayor Dormier adjourned the meeting at 7:02 p.m.

ATTEST:

Richard Dormier, Mayor

Pamela Woodall, City Secretary

Approved May 11, 2015

Executive Session sealed and filed separately.

CITY OF OVILLA MINUTES

Monday, April 17, 2015

Special City Council Meeting

105 S. Cockrell Hill Road, Ovilla, TX 75154

Mayor Dormier called the Special Council Meeting of the Ovilla City Council to order at 5:10 P.M. The following City Council Members were present:

Rachel Huber	Council Member, Place 1
Larry Stevenson	Council Member, Place 2
David Griffin	Mayor Pro Tem, Place 3
Doug Hunt	Council Member, Place 4
Dean Oberg	Council Member, Place 5

Mayor Dormier announced present Council members, thus constituting a quorum. The Interim City Administrator and City Secretary were also present.

EXECUTIVE SESSION

Mayor read the caption and announced Council would meet in closed session at 5:11 p.m.

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).

Closed Meeting called pursuant to Texas Government Code § 551.074 - Personnel Matters.

ITEM 1. **DISCUSSION/ACTION** – Deliberate the appointment employment, and/or duties of the Interim City Administrator and/or permanent City Administrator.

Mayor Dormier, Council and MS Lee reconvened into Regular Session at 6:56 p.m.

Mayor announced that no action was taken in Executive Session. Any action taken would be reported in open session.

No Action.

ADJOURNMENT

There being no further business, Mayor Dormier adjourned the meeting at 6:57 p.m.

ATTEST:

Pamela Woodall, City Secretary

Richard Dormier, Mayor

Approved May 11, 2015

Executive Session sealed and filed separately.

CITY OF OVILLA MINUTES
Monday, April 13, 2015
City Council Briefing Session
105 S. Cockrell Hill Road, Ovilla, TX 75154

Mayor Dormier called the Council Briefing Session of the Ovilla City Council to order at 6:00 P.M. The following City Council Members were present:

Rachel Huber	Council Member, Place 1
Larry Stevenson	Council Member, Place 2 (arrived at 6:20 p.m.)
David Griffin	Mayor Pro Tem, Place 3
Doug Hunt	Council Member, Place 4
Dean Oberg	Council Member, Place 5

Mayor Dormier announced present Council members, thus constituting a quorum. Various department-heads and staff were also present. Staff presented Council with future agenda items and pending items still under staff review.

CONDUCT A BRIEFING SESSION to review and discuss future agenda items.

- a. "Music in the Park" event planned by the Parks Board and staff to occur June 06 – staff will continue planning and report to Council.
- b. Ordinance 2015-XXX Dumpster Ordinance, permitting and fee schedule revision – still pending.
- c. MISD Site Plans and Agreement (May 04 to P&Z and May 11 to Council)
- d. Revisions to Code of Ordinances (Sefko – May 11)
- e. Planned Development Ordinance - May 11
- f. Developer's Agreement for Bryson Manor – Staff conducted at meeting at Ovilla City Hall this date with MISD representatives.
- g. Bryson Manor Phase 1, Final Plat – hoping for a Special Meeting to consider on this item before the May 11. Regular Council meeting.
- h. Recommendation of Fire Chief Appointment – May 11 – Interim CA Jackie Lee conducted interviews; still conducted backgrounds and will bring recommendation to Council.
- i. Re-plat in the ETJ – May 11 – Will be presented to the Planning and Zoning Commission May 04 to replat acreage in Tangle Hollow Phase 11.
- j. Board renewals and appointments – City Secretary will prepare reports including Board member responses of interest to serve another term; present new applications.

PENDING AGENDA Items still under staff review

- k. Ordinance 2015- XXX Storm Water Management – Expect to have Ordinance/resolution to Council at the May 11 Council meeting.
- l. Ordinance implementing a 50/50 sidewalk maintenance program – still under review.
- m. Developer's Agreement/Planned Development
- n. Mid-year Budget Revisions
- o. Review of water rates increase – still under review.
- p. Comptroller's Transparency Award Update – pending 2013-2014 FY Audit approval

CONDUCT A BRIEFING SESSION to review and discuss agenda items for the 6:30 p.m. regular meeting.

Mayor Dormier and Council reviewed items listed on the 6:30 p.m. agenda that included the Public Hearing and Regular Meeting agenda items.

ADJOURNMENT

Mayor Dormier adjourned the Briefing Session of the Ovilla City Council at 6:20 p.m.

ATTEST:

Richard Dormier, Mayor

Pamela Woodall, City Secretary

Approved May 11, 2015

CITY OF OVILLA MINUTES
Monday, April 13, 2015
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 P.M. The following City Council Members were present:

Rachel Huber	Council Member, Place 1
Larry Stevenson	Council Member, Place 2
David Griffin	Mayor Pro Tem, Place 3
Doug Hunt	Council Member, Place 4
Dean Oberg	Council Member, Place 5

Mayor Dormier announced present Council members, thus constituting a quorum. Various department-heads and staff were also present.

Brian Treadaway, Vertical Church gave the Invocation and Mayor Dormier led the recitation of the Pledge of Allegiance.

COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS

Mayor Dormier gave reminder of Annual Clean-Up Day in Ovilla to be held on April 25, 8:00 a.m. – noon at the corner of Cockrell Hill and Westlawn Drive.

• ***Citizens Comments / Citizens Forum:***

1. Mr. Sid Clyburn, 116 Cumberland Drive – voiced unhappiness over his high utility bill (sewer bill).
2. Mr. Marc Dobson, 521 Savannah Drive – from the Episcopal Church voiced pleasure to be in Ovilla. He wanted to meet Council and ask that Council keep growth in Ovilla moving slowly.

• **Department Activity Reports / Discussion** – staff presented their reports.

- | | |
|--|--|
| • Police Department | Police Chief M. Moon |
| • Monthly Report | |
| • Mayor Pro-Tem asked that a plaque be made for retired Lieutenant Mollie Dox. | |
| • Fire Department | Fire Marshal Kevin Lindsey |
| • Monthly Report | |
| • Public Works | Public Works Director B. Piland |
| • Monthly Report | |
| • Finance Department | City Accountant L. Harding |
| • February 2015 Monthly Financials | |
| • Received 95% Property taxes. Sales tax is down about 10% | |
| • Administration | |
| • Activity Report | Interim CA MS Lee |
| • Monthly Municipal Court Report | City Secretary P. Woodall |
| • Monthly Code/Animal Control Reports | Code/AC Officer M. Dooley was unable to attend due to illness. |

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.

- C1. February 2015 Financial Transactions over \$5,000
- C2. ONCOR Resolution R2015-008 for continued membership and approved assessment
- C3. Minutes of the March 09, 2015 Briefing Session and Regular City Council Meeting

PL4 Hunt moved that Council approve the Consent Items as presented, seconded by PL1 Huber. *No oppositions, no abstentions.*

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

REGULAR AGENDA

1. **DISCUSSION/ACTION – Consider** acceptance of the Annual Fiscal Year Audit Report for the year ending September 30, 2014, prepared and presented by Yeldell, Wilson and Company, C.P.A., P.C.

Mr. Greer Yeldell, with Yeldell, Wilson & Co., C.P.A. presented a brief summary of the audit stating the following:

1. The General Fund was slightly under budget for the fiscal year holding a strong fund balance reserve of 216 days. (25% Fund Balance reserve is mandated according to Resolution 2013-002)
2. The Water & Sewer Fund was a little short on revenue but under budget on expenses, leaving the fund in the positive \$132,000.
3. The Budget Actual vs the Budget Account was in the positive \$476,160
4. A deficiency in internal control exists in that the firm prepares financial statements, however, not unusual for a municipality of Ovilla's size.
5. Four notes of potential benefit were given as effective controls in management policies.

Mayor Pro-Tem moved that Council approve the Annual Financial Audit Report for the year ending September 30, 2014, prepared by Yeldell, Wilson, and Company, seconded by PL5 Oberg. *No oppositions, no abstentions.*

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

2. **DISCUSSION/ACTION – Consideration** of and action on Resolution R2015-009 amending the Ovilla Employee Personnel Policies Handbook, Section 10.12, All Weapons Banned, authorizing the Animal Control Officer the permission and use of carrying a firearm (shotgun) in the course of Animal Control duties.

The City of Ovilla Employee Personnel Policies Handbook limits firearms in city vehicles to police officers only. The state allows Animal Control Officers to euthanize by shotgun in specific circumstances where an animal is gravely wounded or injured and no owner can be located, *and* the animal is in a location or can be transported to a location of complete safety to discharge a firearm. There is no license or certification required for anyone to carry a shotgun, only a level of training the Animal Control officer may require in operating a shotgun. The Ovilla Chief of Police and/or the weapons training officer of the Ovilla Police Department will determine proper and safe use of the shotgun according to standards set by the Ovilla Police Chief and the SOP's (Standard Operating Procedures) of the Animal Control Department that will be developed and implemented and approved by the City Administrator.

PL5 Oberg moved that Council approve Resolution R2015-009, amending the Ovilla Employee Personnel Policies Handbook, Section 10.12, All Weapons Banned, authorizing the Animal Control Officer the permission and use of carrying a firearm (shotgun) in the course of animal control duties, seconded by PL1 Huber. *No oppositions, no abstentions.*

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

Richard Dormier, Mayor
Rachel Huber, Place One
Larry Stevenson, Place Two

Doug Hunt, Place Four
David Griffin, Place Three
Dean Oberg, Place Five

3. **DISCUSSION/ACTION – Consideration** of and action on the necessity to update the 2010 Comprehensive Land Use Plan and direct staff as necessary for the preparation of a RFQ for qualified consultants, the creation of an Ovilla Comprehensive Land Use Plan (CLUP) Committee and solicitation for interested volunteer committee appointments.

Chapter 219 of the Local Government Code empowers cities to adopt a comprehensive plan for the long range development of the municipality. Section 211.004 of the TX Local Government Code, states zoning regulations must be adopted in accordance with a comprehensive plan. It is recommended that review and modifications to the Plan be completed every five years. Ovilla's current plan update occurred in 2010. The consensus of the Council was to direct staff to review components and prepare an update in-house.

NO ACTION.

EXECUTIVE SESSION

Mayor Dormier announced that Council and Interim City Administrator MS Jacqueline Lee adjourned into Executive under at 7:12 p.m., Section 551.074 Personnel matters.

4. **DISCUSSION/ACTION** – Deliberate the appointment employment, and/or duties of the Interim City Administrator and/or permanent City Administrator.

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).

COUNCIL WILL RECONVENE INTO OPEN SESSION, AND TAKE ACTION
NECESSARY PURSUANT TO EXECUTIVE SESSION, IF NEEDED.

Mayor, Council and MS Lee reconvened into regular session at 8:04 p.m. No decisions were made in Executive Session.

NO ACTION.

REQUESTS FOR FUTURE AGENDA ITEMS AND/OR ANNOUNCEMENTS

No ANNOUNCEMENTS.

- | | |
|------------------|---|
| 1. PL1 Huber | None |
| 2. PL2 Stevenson | None |
| 3. Mayor Pro Tem | Discuss Streets and paving |
| 4. PL4 Hunt | None |
| 5. PL5 Oberg | Review Ovilla's Code on roofing permits |

ADJOURNMENT

PL1 Huber moved to adjourn the meeting, seconded by PL4 Hunt. There being no further business, Mayor Dormier adjourned the meeting at 8:07 p.m.

ATTEST:

Richard Dormier, Mayor

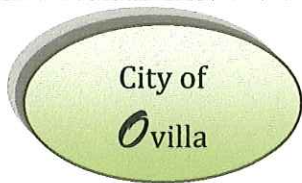
Pamela Woodall, City Secretary

Executive Agenda filed separately.

Richard Dormier, Mayor
Rachel Huber, Place One
Larry Stevenson, Place Two

Approved May 11, 2015

Doug Hunt, Place Four
David Griffin, Place Three
Dean Oberg, Place Five



Ovilla City Council

AGENDA ITEM REPORT

Item 1

Meeting Date: May 11, 2015

Department: Administration

☒ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: Staff

Amount: N/A

Reviewed By: ☒ City Administrator

☒ City Secretary

☐ City Attorney

☐ Accountant

☒ Other: Public Works Director

Attachments:

1. Application & proposed plat
2. P&Z Recommendation

Agenda Item / Topic:

1. **DISCUSSION/ACTION** – Case No. PZ15-03. Receive recommendation from the Planning and Zoning Commission regarding the request from Mr Robert Hill on his property of approximately 6.968 acres to replat to 6 individual residential lots 18A, 18B, 18C, 18D, 18E, 18F, ranging from approximately 1.147 – 1.186 acres, located in Tanglewood Hollow, Phase 11, in the City of Ovilla, Extraterritorial Jurisdiction (ETJ) and consider approval of the replat request.

Discussion / Justification:

Case No. PZ15.03. Receive presentation and citizen comments on a request by Mr. Robert Hill to replat his property at Tanglewood Hollow, Phase 11, approximately 6.968 acres replatting to 6 individual residential lots 18A, 18B, 18C, 18D, 18E, 18F, ranging from 1.147 – 1.186 acres, in the City of Ovilla, Extraterritorial Jurisdiction (ETJ).

a. **Presentation** of Request for replat, Mr. Robert Hill.

b. **PUBLIC HEARING** to receive comments from the public regarding the request.

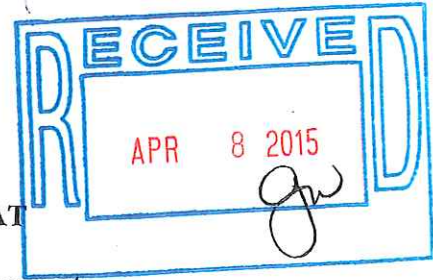
The Planning and Zoning Commission held their public hearing on Monday, May 04, 2015 and forward recommendation to approve the replat. According to the City of Ovilla Codes, all requirements for the replat have been met including legal notices. This property is located in the Ovilla ETJ. Staff is working with Ellis County representatives, as it will require their approval once forwarded by Ovilla staff.

Recommendation / Staff Comments:

Staff recommends forwarding to Ellis County for completion and final approval of replat.

Sample Motion(s):

I move that Council accept/deny the P&Z Commission's recommendation and approve/deny the replat request filed by Mr. Robert Hill to replat his property at Tanglewood Hollow, Phase 11, being approximately 6.968 acres, replatting to 6 individual residential lots: 18A, 18B, 18C, 18D, 18E, 18F, ranging from 1.147-1.186 acres in the City of Ovilla, Extraterritorial Jurisdiction (ETJ) and direct staff to forward City approval to Ellis County.



APPLICATION FOR RE-PLAT

Ellis County Department of Development
109 South Jackson Street, Waxahachie, TX 75165
972-825-5200/972-825-5205 fax

DEVELOPMENT INFORMATION

Plat Name: Tanglewood Hollow Phase II
Number of Lots: 6 Total Acres: 6.968

APPLICANT/OWNER INFORMATION

Main Contact: Robert Hill Phone: 972-567-0830
Owner Name: Robert Hill
Mailing Address: 114 Kimberly Hill Palmer Tx 75152
(Street No. & Street Name) (City, State) (Zip Code)
Daytime #: () Cell # (972) 567-0830

ENGINEER/SURVEYOR INFORMATION

Name: Jim McDill Company: Davis and McDill
Mailing Address: 1014 Ferris Ave Waxahachie Tx 75165
(Street No. & Street Name) (City, State) (Zip Code)
Daytime #: (972) 938-1185 Fax # ()

Flood plain on property? (circle one) Yes (No) Map #: _____
Water Company: Sardis Water Line Size: 8" Fire Hydrants: 2

I, Robert Hill, do hereby request Ellis County Commissioners Court to have a public hearing
on the request to re-plat lots 18, block _____ of Tanglewood Hollow PH II, a
subdivision in Ellis County.

Signature: Robert Hill Date: 4-6-15

Please give brief explanation of your reason for platting: Re-platting to 6 Lots

OFFICE USE ONLY: PROPERTY LOCATION IN ETJ? (YES) NO ENTITY: Durilla
VARIANCE REQUIRED? YES (NO) TYPE: _____

TAX CERTIFICATE



JOHN BRIDGES RTA, CTA, CSTA
ELLIS COUNTY TAX OFFICE TAX ASSESSOR - COLLECTOR
P.O. DRAWER 188 109 S. JACKSON RM T125
WAXAHACHIE, TX 75168

Issued To:

ROBERT A HILL
114 KIMBERLY HILL
PALMER, TX 75152

Legal Description

76 J BILLINGSLEY 12.5 ACRES

Fiduciary Number: 23851754

Parcel Address: HIGHLAND RD

Legal Acres: 12.5000

Account Number: 180114

Print Date: 04/06/2015

Certificate No: 223740460

Paid Date: 04/06/2015

Certificate Fee: \$10.00

Issue Date: 04/06/2015

Operator ID: MARILYNG

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2014. ALL TAXES ARE PAID IN FULL

Exemptions:

OPEN SPACE 1-D-1

Certified Owner:

RUYLE PATRICIA ETAL
% MICHELLE MC CRAW
612 E HIGHLAND RD
RED OAK, TX 75154-5506

Certified Tax Unit(s):

70 ELLIS COUNTY
170 LTRD
208 MIDLOTHIAN ISD
503 EC ESD #2 MID

2014 Value:	88,130
2014 Levy:	\$31.95
2014 Levy Balance:	\$0.00
Prior Year Levy Balance:	\$0.00
Total Levy Due:	\$0.00
P&I + Attorney Fee:	\$0.00
Total Amount Due:	\$0.00

DUE TO ITS ASSIGNED USAGE, THE ABOVE LEGAL PROPERTY MAY HAVE RECEIVED SPECIAL VALUATION, AND ADDITIONAL ROLLBACK TAXES MAY BECOME DUE BASED ON THE PROVISIONS OF THE SPECIAL VALUATION.

Reference (GF) No: N/A

Issued By:

JOHN BRIDGES RTA, CTA, CSTA

ELLIS COUNTY TAX OFFICE TAX ASSESSOR - COLLECTOR

CONVENANTS AND RESTRICTIONS

TANGLEWOOD HOLLOW PHASE II, LOT 18

THE STATE OF TEXAS
COUNTY OF ELLIS

KNOW ALL MEN BY THESE PRESENTS: That Patricia Ruyle, et al, being the owner of all land constituting Tanglewood Hollow Phase II, Ellis County, Texas, does hereby dedicate the streets and easements as shown thereon for utility installation and maintenance, and the undersigned does hereby restrict all lots in the Addition, as hereinafter set forth, which restrictions shall be binding upon the purchaser or purchasers of said lots, and his or their assigns and successors and administrators, to wit:

1. No dwelling less than 2,000 square feet of floor space shall be permitted on any residential lots. Floor space shall not include that space in porches, stoops, carports, and garages. Such square footage is meant to be only that amount of area contained in such dwelling space. A dwelling erected on any residential lot shall be 85% masonry on the exterior walls of the first floor.
2. No homes shall be moved in.
3. There shall be only one single family dwelling home per lot.
4. Building line must be 50 feet minimum from front of lot and 12 feet minimum from each side of lot.
5. Garages must not face street. Garages must be side or rear entry only.
6. Small barns shall be permitted, if neatly constructed and approved by Developer.
7. Houses must be finished in 180 days, unless otherwise approved in writing.
8. No noxious or offensive activity shall be carried on upon any residential lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood. No swine will be allowed.
9. No structure of a temporary character, trailer, tent, shack, garage, barn or other outbuilding shall be used on any residential lot at any time as a residence whether temporarily or permanently.
10. No lot shall be used or maintained as a dumping ground for rubbish. Garbage or other waste material shall not be kept except in sanitary containers and only automobiles with current license plates shall be allowed.
11. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of 30 years from the date these covenants are recorded, after which time, said covenants shall be automatically extended for successive periods of five years unless an instrument signed by the majority of the owners of the lots has been recorded, agreeing to change said covenants in whole or in part.
12. Enforcement shall be by proceeding at law or in equity against any person or persons violating or attempting to violate any covenant, either to restrain violation or to recover damages.
13. Invalidity of any one of the covenants by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

EXECUTED at Ellis County, Texas, this _____ day of _____ 2015.

Subscribed and sworn to before me
this 2nd day of March, 2015.

Kelli Janene Davis
Notary Public

Patricia Ruyle
Patricia Ruyle
Linda Reeder
Linda Reeder
Michelle McCraw
Michelle McCraw



CONTRACT OF SALE

THE STATE OF TEXAS
COUNTY OF ELLIS

By This Agreement and Contract

Patricia Ruyle, Linda Reeder and Michelle McCraw, Seller(s), hereby sells and agrees to convey to Robert Hill, Purchaser, the following described property lying and being situated in Ellis County, Texas, to wit:

Lot 18 containing 6.968 acres in the Tanglewood Hollow Phase II addition on East Highland Road, being part of the J. Billingsley Survey, Abstract 76, Ellis County, Texas

The purchase price is \$181,168.00 payable as follows: \$1,168.00 cash/check (of which purchaser has deposited with Linda Reeder as earnest money and part payment, the receipt of which is hereby acknowledged by said deposit holder) and the balance to be paid in full at closing.

Seller agrees to deliver a good and sufficient General Warranty Deed conveying said property to Purchaser and Purchaser agrees, when said Deed is tendered, to pay the balance due in full.

Purchaser agrees to any restrictions or conditions imposed in any addition or sub-division of which the herein described property is a part. See Attachment A, Covenants and Restrictions.

All property taxes as determined on the date of closing shall be prorated between Buyer and Seller as of the date of delivery of the Warranty Deed.

Closing must take place within ninety (90) days of this contract or said contract is null and void, unless both Seller and Purchaser agree to extend the contract. Should either fail to extend the contract, they shall be held harmless and no legal action may be taken.

Seller and Purchaser agree that this contract is subject to sub-division approval by The City of Ovilla and the County of Ellis, Texas.

Closing will be at Ellis County Abstract and Title, Waxahachie, Texas, date to be determined.

SELLER DATE
Patricia Ruyle 3-3-15
Patricia Ruyle

Linda Reeder 3-3-15
Linda Reeder

Michelle McCraw 3-3-15
Michelle McCraw

BUYER DATE
Robert Hill 3-03-15
Robert Hill

ITEM 2. Case No. PZI5-03. Consideration and recommendation to the Ovilla City Council a replat request on property of approximately 6.968 acres being all of Lot 18 in the Tanglewood Hollow Phase II, an addition to the ETJ (Extraterritorial Jurisdiction) of the City of Ovilla, in Ellis County, Texas.

PL 1 Jungman AYE
PL2 Yordy ABSENT
PL3 Lynch AYE
PL4 Whittaker AYE

PL5 Pearcy AYE
PL6 Hart AYE
PL7 Zimmermann ABSENT

✓ RECOMMEND

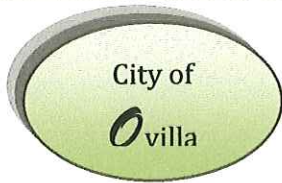
DO NOT RECOMMEND

ABSTAIN

Gmiller
Board Secretary

5.4.2015

Date



Ovilla City Council

AGENDA ITEM REPORT

Item 2

Meeting Date: May 11, 2015

Department: Administration

☒ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: J. Lee Interim CA

Amount: N/A

Reviewed By: ☒ Interim City Administrator ☒ City Secretary ☐ City Attorney

☐ Accountant ☒ Other: Public Works Director

Attachments:

1. Site Plan
2. P&Z Recommendation

Agenda Item / Topic:

2. **DISCUSSION/ACTION** – Case No. PZ15.004 Receive recommendation report from the Planning and Zoning Commission for the MISD Site Plan and consider approval of same.

Discussion / Justification:

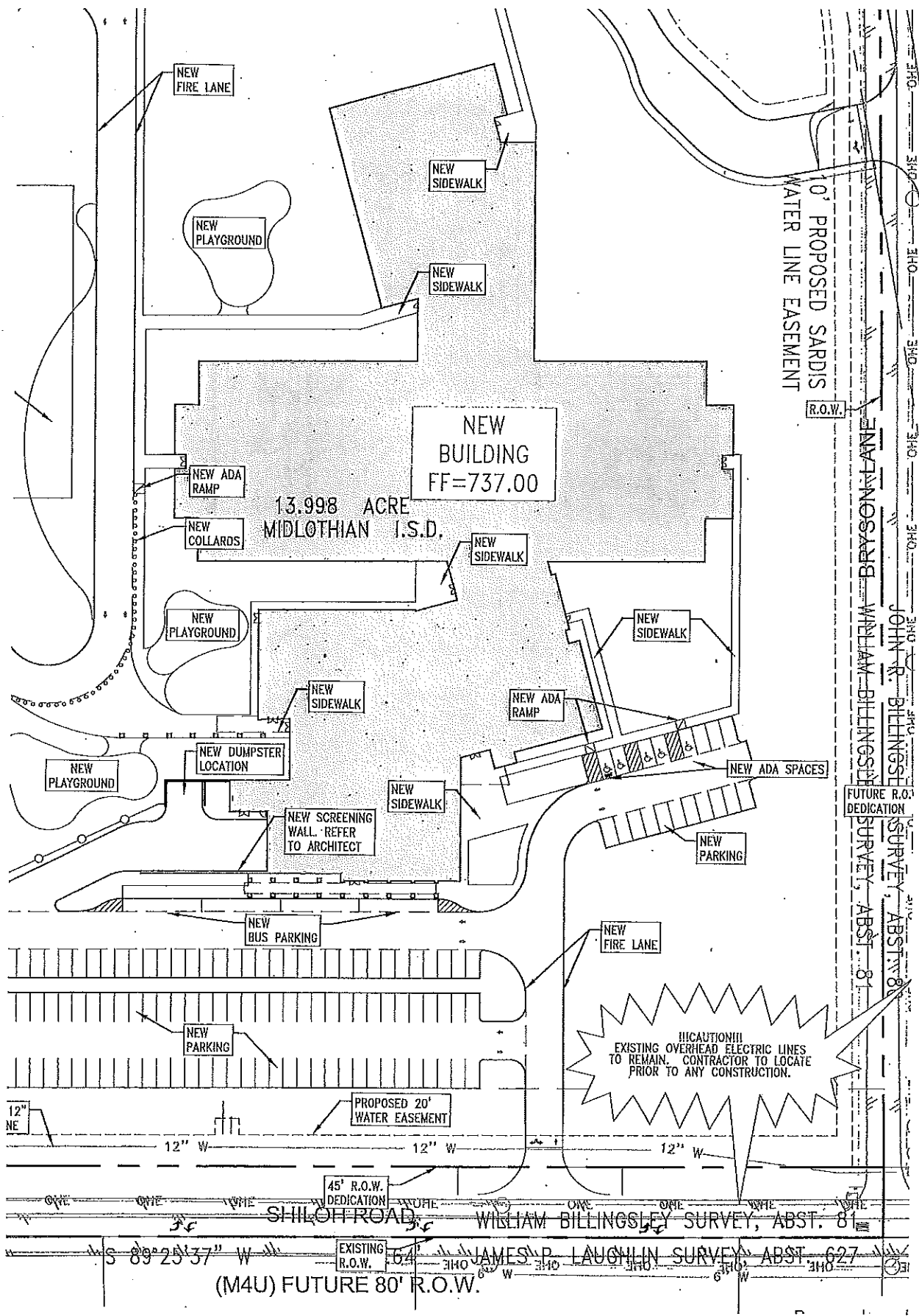
February 2015, Council approved the MISD Annexation and rezoning of a 13.998 acre tract generally located north of Shiloh Road and west of Bryson Lane to build a school. The MISD is moving forward with the submittal of a site plan. Section 26 of the Code sets forth site plan requirements. The Site Plan provided shows the MISD building presently proposed for construction. Documents have been reviewed by both the City Administrator and Public Works Director. All buildings, facilities, and improvements will still have to go through the review and construction process individually to ensure proper and accurate engineering requirements.

The Planning and Zoning Commission reviewed the Site Plan during their regular meeting, Monday, May 04. The Commission is forwarding recommendation of approval.

Recommendation / Staff Comments:

Sample Motion(s):

I move that Council approve/deny the MISD Site Plan as presented.




ITEM 1. Case No. PZI5-04. Consideration of and action on a Site Plan submitted by the Midlothian Independent School District and forward recommendation to the Ovilla City Council for consideration of same.

PL 1 Jungman AYE
PL2 Yordy ABSENT
PL3 Lynch AYE
PL4 Whittaker AYE

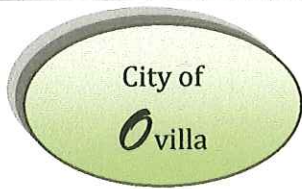
PL5 Pearcy AYE
PL6 Hart AYE
PL7 Zimmermann ABSENT

 ABSTAIN


Board Secretary

5.4.2015

Date



Ovilla City Council

AGENDA ITEM REPORT

Item: 3

Meeting Date: May 11, 2015

Department: Administration

☒ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: J. Lee Interim CA

Amount: N/A

Reviewed By: ☒ Interim City Administrator ☒ City Secretary ☒ City Attorney
☐ Accountant ☒ Other: Public Works Director

Attachments:

1. Ordinance 2015-011

Agenda Item / Topic:

3. **DISCUSSION/ACTION** – *Consideration* of and action on Ordinance 2015-011 for the amendment of the Zoning Ordinance of the City of Ovilla, Texas, that being Ordinance 2010.013, as heretofore amended, approving a Planned Development District being approximately 130.043 acres of land, consisting of 3 tracts of land situated in the Samuel Clerk Survey and each being part of a 107.8110 acre tract recorded in Volume 2115, page 2065 of the Deed Records of Ellis County, and 2 Tracts of land situated in the E. W. Branton Survey, Abstract 5 and both being part of a 22.232 acres tract of land described in Volume 2335, Page 1106 of the Deed Records of Ellis County; providing for regulations applicable to the Planned Development District; providing for an amendment of the official zoning map of the City of Ovilla to reflect the Planned Development District as the **Ovilla Retail Center-PD1**; providing for penalties; providing a savings clause, providing a severability clause; providing for publication and providing an effective date.

Discussion / Justification:

The presented Ordinance ratifies the Planned Development Concept Plan of the Hosford Tracts, submitted by the Developer, Mr. Clyde Hargrove, and approved by Council on February 09, 2015. This will amend the Zoning Ordinance of the City at the location of the senior community tract. There were no additional zoning changes.

Recommendation / Staff Comments:

Sample Motion(s):

I move that Council APPROVE/DENY Ordinance 2015-011 for the amendment of the Zoning Ordinance of the City of Ovilla, Texas, that being Ordinance 2010.013, as heretofore amended, approving a Planned Development District being approximately 130.043 acres of land, consisting of 3 tracts of land situated in the Samuel Clerk Survey and each being part of a 107.8110 acre tract recorded in Volume 2115, page 2065 of the Deed Records of Ellis County, and 2 Tracts of land situated in the E. W. Branton Survey, Abstract 5 and both being part of a 22.232 acres tract of land described in Volume 2335, Page 1106 of the Deed Records of Ellis County; providing for regulations applicable to the Planned Development District; providing for an amendment of the official zoning map of the City of Ovilla to reflect the Planned Development District as the **Ovilla Retail Center-PD1**; providing for penalties; providing a savings clause, providing a severability clause; providing for publication and providing an effective date.

ORDINANCE NO. 2015-011

AN ORDINANCE PROVIDING FOR THE AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF OVILLA, TEXAS, THAT BEING ORDINANCE 2010.013, AS HERETOFORE AMENDED, APPROVING A PLANNED DEVELOPMENT DISTRICT BEING APPROXIMATELY 130.043 ACRES OF LAND, CONSISTING OF 3 TRACTS OF LAND SITUATED IN THE SAMUEL CLARK SURVEY AND EACH BEING PART OF A 107.8110 ACRE TRACT RECORDED IN VOLUME 2115, PAGE 2065 OF THE DEED RECORDS OF ELLIS COUNTY, AND 2 TRACTS OF LAND SITUATED IN THE E.W. BRANTON SURVEY, ABSTRACT 5 AND BOTH BEING PART OF A 22.232 ACRE TRACT OF LAND DESCRIBED IN VOLUME 2335, PAGE 1106 OF THE DEED RECORDS OF ELLIS COUNTY; PROVIDING FOR REGULATIONS APPLICABLE TO THE PLANNED DEVELOPMENT DISTRICT; PROVIDING FOR AN AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF OVILLA TO REFLECT THE PLANNED DEVELOPMENT DISTRICT AS OVILLA RETAIL CENTER-PD1; PROVIDING FOR PENALTIES; PROVIDING A SAVINGS CLAUSE, PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Ovilla, Texas is a Type A general-law municipality located in Ellis and Dallas Counties, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City of Ovilla, Texas, previously adopted its comprehensive zoning ordinance, Ordinance No. 2010.013; and

WHEREAS, the owner of five tracts of land consisting of approximately 130.043 acres of land in the City of Ovilla has made application with the City for a planned development district;

WHEREAS, the Planning and Zoning Commission of the City of Ovilla and the City Council of the City of Ovilla have given the requisite notices, by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all interested property owners generally and to all persons interested in and situated in the affected area and the vicinity thereof; and

WHEREAS, the City Council, in the exercise of its legislative discretion, has concluded that Ovilla's zoning ordinance should be amended to provide for the planned development as set forth herein.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS, THAT:

SECTION 1. The legal descriptions of the properties zoned herein are described as follows:

Tract 1- A 58.399 acre tract of land situated in the Samuel Clark Survey, Abstract No. 212, Ellis County, Texas and being part of a 107.8110 acre tract of land described in the deed to SLJ Corner Stone II, Ltd., as recorded in Volume 2115, Page 2065, of the Deed Records of Ellis County, and being more particularly described by metes and bounds in Exhibit A attached hereto and incorporated herein for all purposes.

Tract 2 - A 29.907 acre tract of land situated in the Samuel Clark Survey, Abstract No. 212, Ellis County, Texas and being part of a 107.8110

ORDINANCE NO. 2015-011

acre tract of land described in the deed to SLJ Corner Stone II, Ltd., as recorded in Volume 2115, Page 2065, of the Deed Records of Ellis County, and being more particularly described by metes and bounds in Exhibit B attached hereto and incorporated herein for all purposes.

- Tract 3 - A 19.505 acre tract of land situated in the Samuel Clark Survey, Abstract No. 212, Ellis County, Texas and being part of a 107.8110 acre tract of land described in the deed to SLJ Corner Stone II, Ltd., as recorded in Volume 2115, Page 2065, of the Deed Records of Ellis County, and being more particularly described by metes and bounds in Exhibit C attached hereto and incorporated herein for all purposes.
- Tract 4 - A 21.130 acre tract of land situated in the E.W. Banton Survey, Abstract No. 51, Ellis County, Texas and being part of a 22.232 acre tract of land described in the deed to Clyde L. Hargrove as recorded in Volume 2335, Page 1106, of the Deed Records of Ellis County, and being more particularly described by metes and bounds in Exhibit D attached hereto and incorporated herein for all purposes.
- Tract 5 - A 1.102 acre tract of land situated in the E.W. Banton Survey, Abstract No. 51, Ellis County, Texas and being part of a 22.232 acre tract of land described in the deed to Clyde L. Hargrove as recorded in Volume 2335, Page 1106, of the Deed Records of Ellis County, and being more particularly described by metes and bounds in Exhibit E attached hereto and incorporated herein for all purposes.

SECTION 2.

1. Rezoning of Tract 1. The zoning classification of the above described Tract 1 is currently zoned "R-22" - Single Family Residential, as reflected on Exhibit F attached hereto and incorporated herein, and is hereby changed to "PD" – Planned Development.
2. Rezoning of Tract 2. The zoning classification of the above described Tract 2 currently consists of "C-G" – General Commercial and "R-22" – Single Family Residential zoning, as reflected on Exhibit F attached hereto and incorporated herein, and is hereby changed to "PD" – Planned Development.
3. Rezoning of Tract 3. The zoning classification of the above described Tract 3 is currently zoned "R-22" – Single Family Residential, as reflected on Exhibit F attached hereto and incorporated herein, and is hereby changed to "PD" – Planned Development.
4. Rezoning of Tract 4. The zoning classification of the above described Tract 4 currently consists of "R-C" – Single Family Residential, "C-R" – Restricted Commercial and "C-G" – General Commercial, as reflected on Exhibit F attached hereto and incorporated herein, and is hereby changed to "PD" – Planned Development.

ORDINANCE NO. 2015-011

5. Rezoning of Tract 5. The zoning classification of the above described Tract 5 is currently "C-G" – General Commercial, as reflected on Exhibit F attached hereto and incorporated herein, and is hereby changed to "PD" – Planned Development.

SECTION 3. The property described herein shall be used only in the manner and for the purposes provided for in the Zoning Ordinance of the City of Ovilla, as heretofore amended, and as amended herein by granting this zoning change, and as may be amended in the future, and subject to the following additional conditions:

1. That the Planned Development of Tract 1 shall be subject to the requirements and uses in the R-22 – Single Family Residential District and all uses, site and building plans shall comply with the requirements of as specified in Section 16 and Article 4 of the Zoning Ordinance of the City of Ovilla.
2. That the Planned Development of Tract 2 shall be subject to the requirements and uses in the "C-G" – General Commercial District and all uses, site and building plans shall comply with the requirements of Section 22 and Article 4 of the Zoning Ordinance of the City of Ovilla.
3. That the Planned Development of Tract 3 shall be subject to the requirements and base standards applicable to the "R-15" Single Family Residential District as set forth in Section 17 of the Zoning Ordinance of the City of Ovilla subject to the following additional regulations:
 - (a) Tract 3 shall be a "senior community" and all homes therein shall be designed for and explicitly restricted to owner occupants of ages 55 and older.
 - (b) Lot Area Regulations.
 - (i) Minimum lot size shall be 5,000 square feet
 - (ii) Minimum lot depth shall be 100 feet
 - (iii) Minimum lot width shall be 50 feet
 - (iv) Minimum Yards:
 - front yard – 10 feet
 - side yard – 5 feet (10 feet for corner lots)
 - rear yard – 20 feet
 - (c) Dwelling Areas. The minimum dwelling area of each main dwelling unit, excluding an attached garage, porch area, or other similar non-living area shall not be less than 1,500 square feet.
 - (d) Garages. All garages shall be two-car, front entry garages.
 - (e) Private Gated Community. This area shall be a gated community and shall be governed by its own homeowners association and managed by a separate management company. The homeowners association shall be responsible for maintaining all streets and street lights situated in the community. There shall be a six-foot brick wall constructed on the west and south boundaries of the community with landscaped entryways. The northern and eastern boundaries of the community shall be screened by a uniform stained cedar fence with steel

ORDINANCE NO. 2015-011

poles and shall be constructed at the same time the senior community is developed, unless preceded by the development of Tract 3 in which case it will be a requirement by this ordinance and the deed restrictions of Tract 3 that builders be required to construct the same uniform fence as described above. There shall be a clubhouse and open space park constructed as shown in the attached Exhibit G and shall be maintained by the homeowners association.

4. That the Planned Development of Tract 4 shall be subject to the requirements and uses in the "R-22" – Single Family Residential District and all uses, site and building plans shall comply with the requirements of Section 16 and Article 4 of the Zoning Ordinance of the City of Ovilla.
5. That the Planned Development of Tract 5 shall be subject to the requirements and uses in the "C-G" – General Commercial District and all uses, site and building plans shall comply with the requirements of Section 22 and Article 4 of the Zoning Ordinance of the City of Ovilla.

SECTION 4. The official zoning map of the City of Ovilla shall be amended to reflect the zoning changes described herein.

SECTION 5. Any person, firm, corporation or other entity which violates any provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined an amount not to exceed the sum of \$2,000 for each offence. Each and every day such an offense shall continue shall be deemed to constitute a separate, punishable offense.

SECTION 6. In the event that any other Ordinance of the City of Ovilla, Texas, heretofore enacted is found to conflict with the provisions of the Ordinance, this Ordinance shall prevail.

SECTION 7. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 8. Because of the nature of interest and safeguard sought to be protected by this Ordinance and in the interest of the citizens of the City of Ovilla, Texas, this Ordinance shall take effect immediately after passage, approval and publication, as required by law.

SECTION 9. The City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

ORDINANCE NO. 2015-011

PASSED, ADOPTED AND APPROVED by the City Council of Ovilla, Texas on this the _____ day of _____, 2015.

Richard Dormier, Mayor

ATTEST:

Pamela Woodall, City Secretary

APPROVED AS TO FORM:

Ron G. MacFarlane, Jr., City Attorney

TRACT 1
R-22 RESIDENTIAL ZONING
58.399 ACRES

LEGAL DESCRIPTION

BEING a 58.399 acre tract of land situated in the SAMUEL CLARK SURVEY, ABSTRACT NO. 212, Ellis County, Texas, and being part of a 107.8110 acre tract of land described in deed to SLJ Corner Stone II, Ltd., as recorded in Volume 2115, Page 2065, Deeds Records Ellis County, Texas, said 58.399 acre tract being more particular described as by metes and bounds follows:

BEGINNING at the easterly northeast corner of said 107.8110 acres tract, in the approximate center line of Westmoreland Road (a Public Road);

THENCE South 00 degrees 28 minutes 00 seconds East, along the southerly east line of the said 107.8110 acre tract and the approximate center line of Westmoreland Road a distance of 396.17 feet to a point for corner;

THENCE South 89 degrees 47 minutes 11 seconds West, a distance of 1351.62 feet to a point for corner;

THENCE North 00 degrees 02 minutes 00 seconds East, a distance of 180.00 feet to a point for corner;

THENCE North 89 degrees 47 minutes 11 seconds East, a distance of 32.48 feet to a point for a corner;

THENCE North 00 degrees 16 minutes 08 seconds West, a distance 694.16 feet to a point for corner.;

THENCE South 89 degrees 47 minutes 11 seconds West, a distance 1248.77 feet to a point for a corner in the approximate center line of Malloy Lane and the west line of said 107.8110 acre tract;

THENCE North 00 degrees 28 minutes 16 seconds West, along the approximate center line of Malloy Lane and the west line of said 107.8110 acre tract, a distance of 1111.66 feet to the northwest corner of said 107.8110 acre tract;

THENCE North 89 degrees 33 minutes 10 seconds East, along the north line of the said 107.811 acre tract, a distance of 1642.85 feet to the westerly line north east corner of said 107.8110 acre tract;



THENCE South 00 degrees 15 minutes 50 seconds East, along the westerly east line of said 107.8110 acre tract, a distance of 1596.35 feet an ell corner of said 107.8110 acre tract;

THENCE North 89 degrees 47 minutes 11 seconds East, along the easterly north line of said 107.8110 acre tract, a distance of 926.81 feet to the **POINT OF BEGINNING**, containing 58.399 acres of land.

This document was prepared under 22 TAC 663.21, it does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interest implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

**TRACT 2
COMMERCIAL ZONING
29.907 ACRES**

LEGAL DESCRIPTION

BEING a 29.907 acre tract of land situated in the SAMUEL CLARK SURVEY, ABSTRACT NO. 212, Ellis County, Texas, and being part of a 107.8110 acre tract of land described in deed to SLJ Corner Stone II, Ltd., as recorded in Volume 2115, Page 2065, Deeds Records, Ellis County, Texas said 29.907 acre tract being more particularly described as by metes and bounds follows:

BEGINNING the southeast corner of said 107.8110 acres tract and being in approximate centerline of Westmoreland Road and the north line of Ovilla Road (FM 664);

THENCE North 89 degrees 58 minutes 00 seconds West, along the south line of said 107.8110 acre tract and along the north line of FM 664, a distance of 1624.19 feet, to a point for corner;

THENCE South 87 degrees 10 minutes 00 seconds West, continuing along the of said 107.8110 acre tract and the north line of FM 664 a distance of 100.10 feet, to a point for corner;

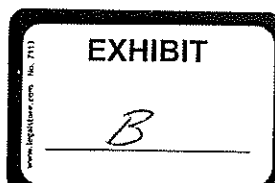
THENCE North 89 degrees 58 minutes 00 seconds West continuing along the south line of said 107.8110 acre tract and the north line of FM 664 a distance of 839.70 feet, to the southwest corner of said 107.8110 acre tract at the intersection of the approximate center line of Malloy Lane, (a public road), with the north line of FM. 664;

THENCE North 00 degrees 28 minutes 16 seconds West, along the approximate center line of Malloy Road and the west line of said 107.8110 acre tract, a distance of 608.49, to a point for corner;

THENCE North 89 degrees 46 minutes 53 seconds East, a distance of 1153.96 feet to a point for corner;

THENCE South 00 degrees 02 minutes 00 seconds West, a distance of 14.16 feet to a point for corner;

THENCE North 89 degrees 47 minutes 11 seconds East, a distance of 60.00 feet to a point for corner.



THENCE South 00 degrees 02 minutes 00 seconds West, a distance 180.00 feet to a point for corner.

THENCE North 89 degrees 47 minutes 11 seconds East, a distance 1351.62 feet to a point for corner in the east line of said 107.8110 acre tract and the approximate centerline of Westmoreland Road.

THENCE South 00 degrees 28 minutes 00 seconds East, along the east line of said 107.8110 acre tract and the approximate center line of Westmoreland Road a distance of 420.37 feet to the POINT OF BEGINNING AND CONTAINING and containing 29.907 acres of land.

This document was prepared under 22 TAC 663.21, it does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interest implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

TRACT 3
PD-1 (SENIOR COMMUNITY)
BASE ZONING OF R-15
(See details in attached PD Ordinance)
19.505 ACRES

LEGAL DESCRIPTION

BEING a 19.505 acre tract of land situated in the SAMUEL CLARK SURVEY, ABSTRACT NO. 212, Ellis County, Texas, and being part of a 107.8110 acre tract of land described in deed to SLJ Corner Stone II, Ltd., as recorded in Volume 2115, Page 2065, Deeds Records Ellis County, Texas said 19.505 acre tract being more particularly described as by metes and bounds follows:

BEGINNING at a point for corner in the west line of said 107.8110 acre tract and the approximate center line of Malloy Road, from which the southeast corner of said 107.8110 acre tract bears South 00 degrees 28 minutes 16 seconds East, a distance of 608.49 feet;

THENCE North 00 degrees 28 minutes 16 seconds West, along approximate center line of Malloy Lane and along the West line of said 107.8110 acre tract, a distance of 680.01 feet to a point for corner;

THENCE North 89 degrees 47 minutes 11 seconds East, a distance of 1248.77 feet to a point for corner;

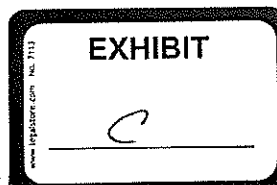
THENCE South 00 degrees 16 minutes 08 seconds East, a distance of 694.16 feet to a point for corner;

THENCE South 89 degrees 47 minutes 11 seconds West, a distance of 92.48 feet to a point for corner;

THENCE North 00 degrees 02 minutes 00 seconds East, a distance 14.16 feet to a point for corner;

THENCE South 89 degrees 47 minutes 11 seconds West, a distance 1153.96 feet to the **POINT OF BEGINNING**, containing 19.505 acres of land.

This document was prepared under 22 TAC 663.21, it does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interest implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.



TRACT 4
R-22 RESIDENTIAL ZONING
21.130 ACRES

LEGAL DESCRIPTION

BEING a 21.130 acre tract of land situated in the E.W. BANTON SURVEY, ABSTRACT 51, Ellis County, Texas, and being part of the 22.232 acre tract described in deed Clyde L. Hargrove as recorded in Volume 2335, page 1106, Deed to Records, Ellis County, Texas, said 21.130 acre tract being more particularly described by metes and bounds as follows:

BEGINNING the southwest corner of said 22.232 acre tract;

THENCE North 00 degrees 07 minutes 39 seconds East, along the west line of said 22.232 acre tract, a distance of 932.61 feet to the northwest corner of said 22.232 acre tract;

THENCE South 89 degrees 57 minutes 51 seconds East, along the north line of said 22.232 acre tract, a distance of 1079.23 feet to the northeast corner of said 22.232 acre tract corner, in the center of Malloy Lane;

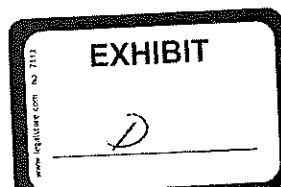
THENCE South 00 degrees 02 minutes 09 seconds West along the center line of Malloy Road and east line of said 22.232 acre tract, a distance of 678.36 feet to a point for corner;

THENCE North 89 degrees 57 minutes 51 seconds West, a distance of 269.99 feet to a point for corner;

THENCE South 00 degrees 02 minutes 07 seconds West, a distance 177.81 feet, to a point for corner in the south line of said 22.232 acre tract and the north right-of-way line of FM 664 (Ovilla Road);

THENCE North 89 degrees 58 minutes 00 seconds West along the north right-of-way line of Ovilla Road (FM 664) a distance of 38.00 feet to the beginning of a tangent curve to the left with a radius of 766.20 feet and a chord bearing of South 76 degrees 43 minutes 27 seconds West, a distance 352.77 feet;

THENCE Southwesterly, along said curve to the left, through a central angle of 26 degrees 37 minutes 06 seconds, an arc length 355.96 feet to the end of said curve;



THENCE North 89 degrees 55 minutes 11 seconds West, along the south line of said 22.232 acre tract, a distance of 412.14 feet to a point for corner;

THENCE North 75 degrees 29 minutes 26 seconds West, continuing along the south line of said 22.232 acre tract, a distance of 17.87 feet to the **POINT OF BEGINNING**, and containing 21.130 acres of land.

This document was prepared under 22 TAC 663.21, it does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interest implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

**TRACT 5
COMMERCIAL ZONING
1.102 ACRE**

LEGAL DESCRIPTION

BEING a 1.102 acre tract of the land situated in the E.W. BANTON SURVEY, ABSTRACT 51, Ellis County, Texas, and being part of a 22.232 acre tract of land described in deed to Clyde L Hargrove, as recorded in Volume 2335, page 1106, Deed Records, Ellis County, Texas, said 1.102 acre track being more particularly described by its metes and bounds as follows:

BEGINNING the southeast corner of said 22.232 acre tract at the intersection of the approximate center line of Malloy Road and the northerly right-of-way line of Ovilla Road (F.M. 664);

THENCE North 89 degrees 58 minutes 00 seconds West, along the south line of said 22.232 acre tract and the north right-of-way line of Ovilla Road (FM 664), a distance 269.99 feet to a point for corner;

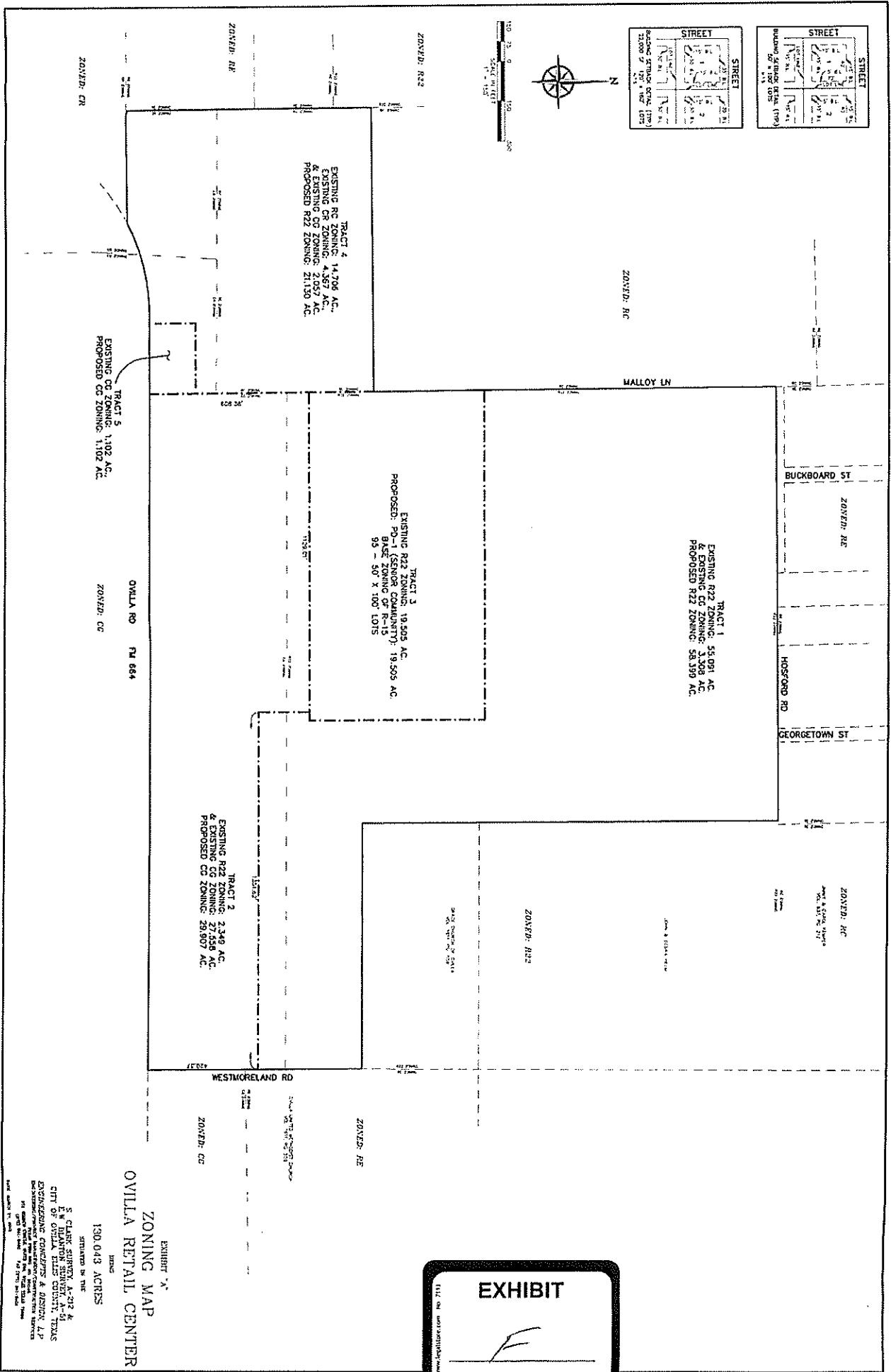
THENCE North 00 degrees 02 minutes 07 seconds East, a distance of 177.81 feet to a point for corner;

THENCE South 89 degrees 57 minutes 53 seconds East, a distance 269.99 feet, to a point of corner in the east line of said 22.232 acre tract and the approximate center line of Malloy Road;

THENCE South 00 degrees 02 minutes 09 seconds West, along the east line of said 22.232 acre tract and the approximate center line of Malloy Road a distance of 177.80 feet to the **POINT OF BEGINNING**, and containing 1.102 acre of land.

This document was prepared under 22 TAC 663.21, it does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interest implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.





EXHIBIT

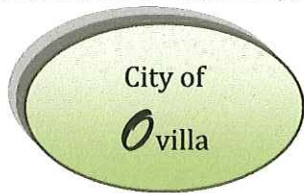
F

1117 No. 100
www.legislature.com

EXHIBIT "A"
ZONING MAP
OVILLA RETAIL CENTER
130.043 ACRES

PREPARED BY THE
CITY OF OVILLA, TEXAS
ENGINEERING CONCEPTS & DESIGN, L.P.
10000 W. 10TH ST., SUITE 100
FORT WORTH, TEXAS 76133

STREET	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	525	526	527	528	529	530	531	532	533	534	535	536	537	538	539	540	541	542	543	544	545	546	547	548	549	550	551	552	553	554	555	556	557	558	559	560	561	562	563	564	565	566	567	568	569	570	571	572	573	574	575	576	577	578	579	580	581	582	583	584	585	586	587	588	589	590	591	592	593	594	595	596	597	598	599	600	601	602	603	604	605	606	607	608	609	610	611	612	613	614	615	616	617	618	619	620	621	622	623	624	625	626	627	628	629	630	631	632	633	634	635	636	637	638	639	640	641	642	643	644	645	646	647	648	649	650	651	652	653	654	655	656	657	658	659	660	661	662	663	664	665	666	667	668	669	670	671	672	673	674	675	676	677	678	679	680	681	682	683	684	685	686	687	688	689	690	691	692	693	694	695	696	697	698	699	700	701	702	703	704	705	706	707	708	709	710	711	712	713	714	715	716	717	718	719	720	721	722	723	724	725	726	727	728	729	730	731	732	733	734	735	736	737	738	739	740	741	742	743	744	745	746	747	748	749	750	751	752	753	754	755	756	757	758	759	760	761	762	763	764	765	766	767	768	769	770	771	772	773	774	775	776	777	778	779	780	781	782	783	784	785	786	787	788	789	790	791	792	793	794	795	796	797	798	799	800	801	802	803	804	805	806	807	808	809	810	811	812	813	814	815	816	817	818	819	820	821	822	823	824	825	826	827	828	829	830	831	832	833	834	835	836	837	838	839	840	841	842	843	844	845	846	847	848	849	850	851	852	853	854	855	856	857	858	859	860	861	862	863	864	865	866	867	868	869	870	871	872	873	874	875	876	877	878	879	880	881	882	883	884	885	886	887	888	889	890	891	892	893	894	895	896	897	898	899	900	901	902	903	904	905	906	907	908	909	910	911	912	913	914	915	916	917	918	919	920	921	922	923	924	925	926	927	928	929	930	931	932	933	934	935	936	937	938	939	940	941	942	943	944	945	946	947	948	949	950	951	952	953	954	955	956	957	958	959	960	961	962	963	964	965	966	967	968	969	970	971	972	973	974	975	976	977	978	979	980	981	982	983	984	985	986	987	988	989	990	991	992	993	994	995	996	997	998	999	1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011	1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023	1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035	1036	1037	1038	1039	1040	1041	1042	1043	1044	1045	1046	1047	1048	1049	1050	1051	1052	1053	1054	1055	1056	1057	1058	1059	1060	1061	1062	1063	1064	1065	1066	1067	1068	1069	1070	1071	1072	1073	1074	1075	1076	1077	1078	1079	1080	1081	1082	1083	1084	1085	1086	1087	1088	1089	1090	1091	1092	1093	1094	1095	1096	1097	1098	1099	1100	1101	1102	1103	1104	1105	1106	1107	1108	1109	1110	1111	1112	1113	1114	1115	1116	1117	1118	1119	1120	1121	1122	1123	1124	1125	1126	1127	1128	1129	1130	1131	1132	1133	1134	1135	1136	1137	1138	1139	1140	1141	1142	1143	1144	1145	1146	1147	1148	1149	1150	1151	1152	1153	1154	1155	1156	1157	1158	1159	1160	1161	1162	1163	1164	1165	1166	1167	1168	1169	1170	1171	1172	1173	1174	1175	1176	1177	1178	1179	1180	1181	1182	1183	1184	1185	1186	1187	1188	1189	1190	1191	1192	1193	1194	1195	1196	1197	1198	1199	1200	1201	1202	1203	1204	1205	1206	1207	1208	1209	1210	1211	1212	1213	1214	1215	1216	1217	1218	1219	1220	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Ovilla City Council

AGENDA ITEM REPORT

Item 4

Meeting Date: May 11, 2015

Department: Administration

☒ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: J. Lee, Interim CA

Amount: \$ _____ Account: _____

Reviewed By: ☒ City Administrator

☒ City Secretary

☐ City Attorney

☒ Accountant

☐ Other: _____

Attachments:

1. Budget Calendar for Fiscal Year 2015-2016

Agenda Item / Topic:

4. **DISCUSSION/ACTION** – *Consideration* of and action for approval of a proposed Budget Calendar for FY2015-2016 budget preparations.

Discussion / Justification:

To assure staff and Council meet target dates in compliance with Truth-N-Taxation for the creation of budget and the tax rate, staff has prepared a proposed FY2015-2016 Budget Calendar for consideration.

Recommendation / Staff Comments:

Sample Motion(s):

I move to approve/deny the proposed Budget Calendar for FY2014-2015 budget preparations.

Budget Calendar for Fiscal Year 2015-2016

DAY/DATE	EVENT
Monday, May 11	Council considers mid-year budget adjustments and prioritizes objectives FY14-15. FY 2015-2016 Budget Kick-off. Calendar presented to Council. Estimates for Capital items are requested.
Mon-Fri 2 weeks June 15-26	City Administrator interviews department directors and reviews financial projections for FY 2015-16. Preparations begin for FY 2015-16 preliminary budget
Friday, June 26	*City Secretary post 72 Hour notice for Workshop #1 **
Tuesday, June 30	1st FY 2015-16 Budget Workshop with Council at 5PM, Review General Fund, Capital Improvements, Equipment Purchases, Streets Capital Improvement Plan
Wednesday –Monday, July 1-6	Staff makes revisions to proposed budget from Workshop #1
Thursday, July 2	City Secretary post 72-hour notice for City Council Preliminary Workshop Meeting #2
Tuesday, July 7th	2nd FY2015-2016 Budget Workshop with City Council 5PM. Review W&S Fund, Park Impact Fund, W&S Impact Fund, 4B EDC Fund, MDD, Fire Auxiliary, Police Special Fund and Debt Service. Review Water Rates, Review Sewer Rates, Review Health Benefit Rates
Wednesday – Friday, July 8-10	Staff makes revisions to proposed budget from Workshop #2 and prepares preliminary tax rate.
Monday, July 13	Draft of FY 2015-16 of Proposed budget delivered to department directors and Council.
Friday, July 24	Certified Taxable Values from Dallas County Appraisal District and Ellis County Appraisal will be received.
Monday, July 27	Certified Taxable Values will be sent to Ellis County for Tax Calculations.
Friday, July 31	City Secretary post 72-hour notice for City Council Preliminary Workshop Meeting #3
Tuesday, August 4	Budget Workshop #3 with City Council _5:30_ p.m. Review preliminary determination of tax rate (Dallas, Ellis) and revisions.

Budget Calendar for Fiscal Year 2015-2016

Thursday-Friday, August 6 or 7	City Secretary posts 72 hour Notice of City Council Meeting to discuss Tax Rate at August 10 th meeting Proposed budget Filed with City Secretary, Delivered to Council Members.
Friday, August 7	Newspaper publishes effective and rollback tax rates, schedules and fund balances. Deadline to provide newspaper with "Notice of Public Hearings on Tax Increase" is the first quarter-page in newspaper.
Monday, August 10	Regular Council Meeting Present Effective, Rollback Tax Rate, Schedules and Fund Balances to City Council. City Council to discuss Tax Rate. If proposed Tax Rate exceeds the Effective Rate or the Rollback Rate, take record vote and schedule required public hearing on proposed Tax Rate. A record vote is not required if the City Council keeps the Tax Rate at or below the zero effective rate.
Monday, August 24th	1st Hearing on Tax Rate, 5:30 PM, Providing there is Tax Increase Present Effective, Rollback Tax Rate, Schedules and Fund Balances to City Council. City Council to discuss Tax Rate. If proposed Tax Rate exceeds the Effective Rate or the Rollback Rate, take record vote and schedule required public hearing on proposed Tax Rate. A record vote is not required if the City Council keeps the Tax Rate at or below the zero effective rate.
Tuesday, September 1	2nd Hearing on Tax Rate. 5:30 PM *** Providing there is tax increase.
Friday, September 4	City Secretary post 72 hr notice for meeting at which City Council will adopt Tax Rate
Tuesday, September 8	Regular Council Meeting, Adopt FY 2015-16 Budget, Tax Rate, Tax Roll, Water Rate, Sewer Rate.
Wednesday, September 9	Staff to complete budget revision as directed by council
Tuesday, September 15	File adopted Budget with City Secretary if no hearings; City Secretary to file Budget with County Clerk.
	<ul style="list-style-type: none"> * Per Senate Bill 1510 (2013) attached ** Local Government Code 102.005, 102.0065, 102,0065(d) 140.010, 140.010(f) attached.

Sec. 26.06. NOTICE, HEARING, AND VOTE ON TAX INCREASE. (a) A public hearing required by Section 26.05 may not be held before the seventh day after the date the notice of the public hearing is given. The second hearing may not be held earlier than the third day after the date of the first hearing. Each hearing must be on a weekday that is not a public holiday. Each hearing must be held inside the boundaries of the unit in a publicly owned building or, if a suitable publicly owned building is not available, in a suitable building to which the public normally has access. At the hearings, the governing body must afford adequate opportunity for proponents and opponents of the tax increase to present their views.

(b) The notice of a public hearing may not be smaller than one-quarter page of a standard-size or a tabloid-size newspaper, and the headline on the notice must be in 24-point or larger type. The notice must contain a statement in the following form:

"NOTICE OF PUBLIC HEARING ON TAX INCREASE

"The (name of the taxing unit) will hold two public hearings on a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by (percentage by which proposed tax rate exceeds lower of rollback tax rate or effective tax rate calculated under this chapter) percent. Your individual taxes may increase at a greater or lesser rate, or even decrease, depending on the change in the taxable value of your property in relation to the change in taxable value of all other property and the tax rate that is adopted.

"The first public hearing will be held on (date and time) at (meeting place).

"The second public hearing will be held on (date and time) at (meeting place).

"(Names of all members of the governing body, showing how each voted on the proposal to consider the tax increase or, if one or more were absent, indicating the absences.)

"The average taxable value of a residence homestead in (name of taxing unit) last year was \$_____ (average taxable value of a residence homestead in the taxing unit for the preceding tax year, disregarding residence homestead exemptions available only to disabled persons or persons 65 years of age or older). Based on last year's tax rate of

\$_____ (preceding year's adopted tax rate) per \$100 of taxable value, the amount of taxes imposed last year on the average home was \$_____ (tax on average taxable value of a residence homestead in the taxing unit for the preceding tax year, disregarding residence homestead exemptions available only to disabled persons or persons 65 years of age or older).

"The average taxable value of a residence homestead in (name of taxing unit) this year is \$_____ (average taxable value of a residence homestead in the taxing unit for the current tax year, disregarding residence homestead exemptions available only to disabled persons or persons 65 years of age or older). If the governing body adopts the effective tax rate for this year of \$_____ (effective tax rate) per \$100 of taxable value, the amount of taxes imposed this year on the average home would be \$_____ (tax on average taxable value of a residence homestead in the taxing unit for the current tax year, disregarding residence homestead exemptions available only to disabled persons or persons 65 years of age or older).

"If the governing body adopts the proposed tax rate of \$_____ (proposed tax rate) per \$100 of taxable value, the amount of taxes imposed this year on the average home would be \$_____ (tax on the average taxable value of a residence in the taxing unit for the current year disregarding residence homestead exemptions available only to disabled persons or persons 65 years of age or older).

"Members of the public are encouraged to attend the hearings and express their views."

(c) The notice of a public hearing under this section may be delivered by mail to each property owner in the unit, or may be published in a newspaper. If the notice is published in a newspaper, it may not be in the part of the paper in which legal notices and classified advertisements appear. If the taxing unit operates an Internet website, the notice must be posted on the website from the date the notice is first published until the second public hearing is concluded.

(d) At the public hearings the governing body shall announce the date, time, and place of the meeting at which it will vote on the proposed tax rate. After each hearing the governing body shall give notice of the meeting at which it will vote on the proposed tax rate and the notice shall be in the same form as prescribed by Subsections

(b) and (c), except that it must state the following:

"NOTICE OF TAX REVENUE INCREASE

"The (name of the taxing unit) conducted public hearings on (date of first hearing) and (date of second hearing) on a proposal to increase the total tax revenues of the (name of the taxing unit) from properties on the tax roll in the preceding year by (percentage by which proposed tax rate exceeds lower of rollback tax rate or effective tax rate calculated under this chapter) percent.

"The total tax revenue proposed to be raised last year at last year's tax rate of (insert tax rate for the preceding year) for each \$100 of taxable value was (insert total amount of taxes imposed in the preceding year).

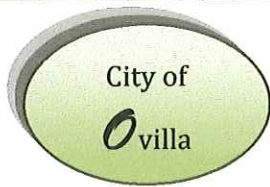
"The total tax revenue proposed to be raised this year at the proposed tax rate of (insert proposed tax rate) for each \$100 of taxable value, excluding tax revenue to be raised from new property added to the tax roll this year, is (insert amount computed by multiplying proposed tax rate by the difference between current total value and new property value).

"The total tax revenue proposed to be raised this year at the proposed tax rate of (insert proposed tax rate) for each \$100 of taxable value, including tax revenue to be raised from new property added to the tax roll this year, is (insert amount computed by multiplying proposed tax rate by current total value).

"The (governing body of the taxing unit) is scheduled to vote on the tax rate that will result in that tax increase at a public meeting to be held on (date of meeting) at (location of meeting, including mailing address) at (time of meeting)."

(e) The meeting to vote on the tax increase may not be earlier than the third day or later than the 14th day after the date of the second public hearing. The meeting must be held inside the boundaries of the taxing unit in a publicly owned building or, if a suitable publicly owned building is not available, in a suitable building to which the public normally has access. If the governing body does not adopt a tax rate that exceeds the lower of the rollback tax rate or the effective tax rate by the 14th day, it must give a new notice under Subsection (d) before it may adopt a rate that exceeds the lower of the rollback tax rate or the effective tax rate.

(f) Repealed by Acts 2005, 79th Leg., Ch. 1368, Sec. 6, eff.
June 18, 2005.



Ovilla City Council

AGENDA ITEM REPORT

Item 5

Meeting Date: May 11, 2015

Department: Administration

☒ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: J. Lee, Interim CA

Amount: N/A

Reviewed By: ☒ Interim City Administrator ☒ City Secretary ☐ City Attorney
☐ Accountant ☐ Other: Staff

Attachments:

1. Current list of members
2. Attendance Record and brief annual summary
3. Application

Agenda Item / Topic:

5. **DISCUSSION/ACTION** – *Consideration* of and action on volunteer board appointments and/or reappointments to the Board of Adjustment and direct staff as necessary.

Discussion / Justification:

The Board of Adjustment consists of a five-member board and two alternates. Each member and alternate member shall be appointed by the City Council for a two-year term. Current terms expiring in July are:

Patricia Rarick, PL1 – Does not desire reappointment

Barbara Betik, PL3 – Desires reappointment

Richard Ware, PL5 – Desires reappointment

Carol Richtsmeier (Alternate), PL 7 – Desires reappointment and has asked for a permanent position on the board.

This presents an open seat on this board. Staff has one applicant, MS Sandy Cawley that has voiced desire to serve.

Recommendation / Staff Comments:

N/A

Sample Motion(s):

"I move that Council APPOINT / REAPPOINT:

1. _____
2. _____
3. _____
4. _____

To the Volunteer Board of Board of Adjustment."

-And/or-

"I move that Council direct staff to solicit for applications for BOA appointment consideration."

Board of Adjustment Information Sheet

Last Update: 06-2014

Rarick, Patricia (Kenneth) (2015) PL1	Hilburn, Jamie (2016) – PL2
109 Oak Forest Lane	909 Slippery Elm
Ovilla, TX 75154	Ovilla, TX 75154
	Hn
Cell:	Cell:
E-Mail: 1	E-Mail: 1
Betik, Barbara (2015) – V-CHAIR PL3	Albright, Stephanie (2016) PL4
601 Buckboard Trail	206 Split Rock Terrace
Red Oak, TX 75154	Ovilla, TX 75154
Hr	Hm:
WK:	Wk:
E-Mail:	E-Mail: 1
Ware, Richard S. Jr. (2015) PL5	
116 Water Street	
Ovilla, TX 75154	
Hm:	
Cell:	
E-Mail: 1	
ALTERNATES	
Richtsmeier, Carol ((2015) PL7	Ham, Jeanne (2016) PL6
925 Red Oak Creek Dr.	106 Oak Forest Lane
Ovilla, TX 75154	Ovilla, TX 75154
Hr	Hr
Wk:	Wk:
Cell:	Ce
E-Mail: 1	E-Mail: 1

[illegible]



Pamela Woodall
City Secretary

DATE: May 11, 2015
TO: Honorable Mayor and Council Members
CC: Interim City Administrator Jacqueline Lee
FROM: Pamela Woodall
SUBJECT: Board of Adjustment – Annual Summary Report

During the Fiscal Year 2013-2014, **12** appeals were submitted to the Board of Adjustment for consideration.

Special Exceptions: 4

Fence; Building Line: **2** - **Approved**
Fence; Material: **1** – **Approved**
Fence; Post/Rails outside: **1** – **Approved**

Variances: 8

Acc. Bld'g.; Size: **2** - **1** Denied **1** **Approved**
Acc. Bld'g.; Material: **3** - **Denied**
Acc. Bld'g.; FF Doors: **1** - **Approved**
Acc. Bld'g. Detached Car Port: **1** - **Denied**
Front Facing Garage: **1** - **Denied**

Compared to **10** total appeals to the BOA during FY2012-2013

FY2014-2015 year-to-date – **6** appeals have been filed

DATE RECEIVED: 11-13-14



This Information is a Public Record
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To race, color, national origin, religion, sex or disability.

CITY OF OVILLA
BOARDS AND COMMISSIONS
INFORMATION STATEMENT AND APPLICATION

The City of Ovilla desires qualified, interested citizens to serve on city boards and/or commissions. We appreciate your interest in Ovilla's current needs and future. If you believe you meet the requirements and have the allowed time to serve on a board or commission, please complete the following.

Board and commission members must meet the required qualifications listed below:

- ❖ Be a resident of the city for at least 6 months prior to date of appointment;
- ❖ Be a qualified voter at the time of the appointment;
- ❖ Have no criminal record that is considered by the City Council to be so serious that it serves as a disqualification (i.e. felony conviction);
- ❖ Not be an adversary party to pending litigation or claim against the city (except for eminent domain proceedings);
- ❖ Not to be an employee or a business associate of either an adversary party or a representative of an adversary party;
- ❖ Not in arrears on city taxes, water service charges or other obligations owed to the city; and
- ❖ Have a creditable record of attendance and performance in any previous board service.

If you are interested in applying for more than one position, please indicate your top three choices in order of your preference by placing a number in the space to the left of the board/commission/committee for which you are applying (#1 being your 1st choice, #3 being your last choice)

BOARDS AND COMMISSIONS

- ☐ Planning and Zoning Commission
- ☒ Board of Adjustment
- ☐ Economic Development Corporation
- ☐ Municipal Development District
- ☐ Capital Improvement Projects
- ☐ Park Development & Improvement

MEETING INFORMATION

- 1ST Monday of each month – 7:00 PM
- 3rd Monday of each month – 7:00 PM
- Every 3rd Monday or as necessary – 6:00 PM
- As necessary
- As necessary
- As necessary

Municipal Services Advisory Committee

NAME Sandy Cawley

HOME ADDRESS 711 Buckboard St.

Ovilla

HOW LONG HAVE YOU LIVED IN OVILLA? 8 yrs EMAIL

HOME TELEPHONE BUSINESS TELEPHONE N/A

PROFESSION RETIRED

INTERESTS Community Service

1.) DO YOU HAVE EXPERIENCE THAT WOULD QUALIFY YOU FOR SERVING ON A PARTICULAR COMMITTEE? NO

2.) HAVE YOU SERVED AS A MEMBER OF ANY MUNICIPAL BOARD OR COMMISSION IN OVILLA? NO

3.) HAVE YOU SERVED AS A MEMBER OF ANY MUNICIPAL BOARD OR COMMISSION FOR ANOTHER MUNICIPALITY? NO

If yes to one or both, please list the municipality, committee and dates served:

4.) PLEASE LIST ANY CIVIC OR COMMUNITY ACTIVITIES IN WHICH YOU MAY HAVE PARTICIPATED.

- ❖ OSL
- ❖ _____
- ❖ _____

5.) DO YOU HAVE ANY RELATIVES THAT ARE CITY EMPLOYEES, MEMBER OF THE CITY COUNCIL OR SERVE ON ANY BOARD? (YES OR NO) If yes, please list:

6.) WHAT IS YOUR CURRENT PLACE OF EMPLOYMENT OR BUSINESS AFFILIATION? (Please indicate if you are self-employed, home-maker, retired) RETIRED

STATEMENT OF INTENT: If appointed, I agree to serve on the Board/Commission for which I have applied.

Sandra Cawley
SIGNATURE

11-13-14
DATE

SANDRA CAWLEY
PRINTED NAME OF APPLICANT

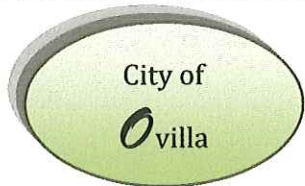


CITY OF OVILLA OFFICIAL USE ONLY

DATE APPOINTED _____ COMMITTEE APPOINTED TO _____

RETURN TO CITY HALL,
105 SOUTH COCKRELL HILL ROAD,
OVILLA, TX 75154
972-617-7262

ATTENTION: Pamela Woodall



Ovilla City Council

AGENDA ITEM REPORT

Item 6

Meeting Date: May 11, 2015

Department: Administration

☒ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: J. Lee, Interim CA

Amount: N/A

Reviewed By: ☒ Interim City Administrator

☒ City Secretary ☐ City Attorney

☐ Accountant

☐ Other: Staff

Attachments:

1. Current list of members
2. Attendance Record and brief annual summary
3. Application

Agenda Item / Topic:

6. **DISCUSSION/ACTION** – *Consideration* of and action on volunteer board appointments and/or reappointments to the Planning and Zoning Commission and direct staff as necessary.

Discussion / Justification:

The Planning & Zoning Commission consists of a seven-member volunteer board. Each member shall be appointed by the City Council for a two-year term. Current terms expiring are:

Darrell Jungman, PL1 (Desires reappointment to serve another term)
Carol Lynch, PL3 (Desires reappointment to serve another term)
Greg Percy, PL5 (Does not desire another term)
Bill Zimmermann, PL7 (Desires reappointment to serve another term)

This leaves one vacancy on the P&Z Commission. One applicant, Mr. Ron Sims checked desires to serve on various Boards with the P&Z being first choice.

Recommendation / Staff Comments:

N/A

Sample Motion(s):

"I move that Council APPOINT and/or REAPPOINT:

1. _____
2. _____
3. _____
4. _____

To the Volunteer Board of the Planning & Zoning Commission."

-And/or-

I move that Council direct staff to continue accepting applications for P&Z appointment consideration."

P & Z
Information Sheet
Personal – do not give out!
Effective 06.2014

MEMBERS:	
Jungman, Darrell (Sharon) 2015 PL 1 907 A. S. Cockrell Hill Road Ovilla, TX 75154	Yordy, Michael (Monna) 2016 PL 2 103 Copperfield Court Ovilla, TX 75154
E-Mail: _____ E-Mail: _____	
Lynch, Carol (Phil) 2015 PL 3 316 Shadowwood Trail Ovilla, TX 75154	Whittaker, Alan (Kathy) 2016 PL 4 523 Johnson Lane Ovilla, TX 75154 Hm: _____
Cell: _____ Cell: _____	
E-Mail: _____ E-Mail: _____	
Pearcy, Greg (Jennifer) 2015 PL 5 603 Cedar Ridge Court Ovilla, TX 75154	Hart, Fred 2016 PL 6 202 Lariat Trail Ovilla, TX 75154
Wk: _____	
Cell: _____ Cell: _____	
E-Mail: _____ E-Mail: _____	
Zimmermann, Bill (Kenda) 2015 PL 7 622 William Drive Ovilla, TX 75154	
E-Mail: _____	
Last update 06.2014	

June 2014 - thru- May2015 Planning Zoning Commission Attendance Record

	NO MTG	2014.07.07	2014.08.04	2014.09.02	NO MTG	2014.10.06	2014.11.03	NO MTG	2014.12.01	2015.01.05	2015.02.02	NO MTG	2015.03.02	2015.04.06	2015.05.04
P&Z	2014.06.02														
PL1 Jungman		Absent	Absent	x			x			Absent	x			Absent	x
PL2 Yordy- VC		x	x	Absent			x			x	x			x	Absent
PL3 Lynch- C		x	Absent	x			x			x	x			x	x
PL4 Whittaker		x	x	x			x			x	x			x	x
PL5 Pearcy		x	x	x			x			x	Absent			x	x
PL6 Hart		x	x	x			x			x	x			x	x
PL7 Zimmermann		x	x	Absent			x			x	x			x	Absent
CA		x								x				J. Lee	J. Lee
C-SEC		x		x			x			x	x			x	E. Voting
CODE ENF		x		x			x			x	x			x	x
Board Sec		x		x			x			Absent	x			x	x
Other														B. Piland	B. Piland

PL1, Commissioner Darrell Jungman
PL2, VICE CHAIR, Michael Yordy
PL3, CHAIR Carol Lynch
PL4 Commissioner Alan Whittaker

PL5, Commissioner Greg Percy
PL6, Commissioner Fred Hart
PL7, Commissioner Bill Zimmermann
Interim City Administrator, Jacqueline Lee

PLANNING & ZONING FY 2014-2015 **RECOMMENDATION REPORT**

Bryson Manor – Zoning Change – (applicant w/drew)

Ovilla Retail Center - Planned Development – Recommended to Council

MISD – Zoning Change – Recommended to Council

Bryson Manor – Final Plat – Recommended to Council

Tanglewood Hollow Phase II – Re-plat – Recommended to Council

MISD – Site Plan – Recommended to Council



DATE RECEIVED:



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CITY OF OVILLA
BOARDS AND COMMISSIONS
INFORMATION STATEMENT AND APPLICATION

The City of Ovilla desires qualified, interested citizens to serve on city boards and/or commissions. We appreciate your interest in Ovilla's current needs and future. If you believe you meet the requirements and have the allowed time to serve on a board or commission, please complete the following.

Board and commission members must meet the required qualifications listed below:

- ✓ Be a resident of the city for at least 6 months prior to date of appointment;
- ✓ Be a qualified voter at the time of the appointment;
- ✓ Have no criminal record that is considered by the City Council to be so serious that it serves as a disqualification (i.e. felony conviction);
- ✓ Not be an adversary party to pending litigation or claim against the city (except for eminent domain proceedings);
- ✓ Not to be an employee or a business associate of either an adversary party or a representative of an adversary party;
- ✓ Not in arrears on city taxes, water service charges or other obligations owed to the city; and
- ✓ Have a creditable record of attendance and performance in any previous board service.

If you are interested in applying for more than one position, please indicate your top three choices in order of your preference by placing a number in the space to the left of the board/commission/committee for which you are applying (#1 being your 1st choice, #3 being your last choice)

① Preference -

	BOARDS, COMMISSIONS, COMMITTEES	MEETING INFORMATION
②	<input checked="" type="checkbox"/> Planning and Zoning Commission	1 st Monday of each month or as necessary - 6:00 PM
	<input checked="" type="checkbox"/> Board of Adjustment	3 rd Monday of each month or as necessary - 7:00 PM
	<input checked="" type="checkbox"/> Economic Development Corporation	3 rd Monday of each month or as necessary - 6:00 PM
	<input checked="" type="checkbox"/> Municipal Development District	As necessary
	<input type="checkbox"/> Municipal Services Advisory Committee	As necessary
	<input type="checkbox"/> Park Development & Improvement	As necessary

NAME RONALD M. SIMS

HOME ADDRESS _____

OVILLA, TX. 75154

HOW LONG HAVE YOU LIVED IN OVILLA? 1 1/2 EMAIL _____

HOME TELEPHONE _____ BUSINESS TELEPHONE _____

PROFESSION RETIRED TELECOM

INTERESTS GOLF, CIVIC DEVELOPMENTS

1.) DO YOU HAVE EXPERIENCE THAT WOULD QUALIFY YOU FOR SERVING ON A PARTICULAR COMMITTEE?

PLANNING, ZONING, FINANCE & ENGINEERING.

2.) HAVE YOU SERVED AS A MEMBER OF ANY MUNICIPAL BOARD OR COMMISSION IN OVILLA?

NO

3.) HAVE YOU SERVED AS A MEMBER OF ANY MUNICIPAL BOARD OR COMMISSION FOR ANOTHER MUNICIPALITY?

If yes to one or both, please list the municipality, committee and dates served:

4.) PLEASE LIST ANY CIVIC OR COMMUNITY ACTIVITIES IN WHICH YOU MAY HAVE PARTICIPATED.

- ❖ US JAYCEES, CHULA VISTA, CA.
- ❖ _____
- ❖ _____

5.) DO YOU HAVE ANY RELATIVES THAT ARE CITY EMPLOYEES, MEMBER OF THE CITY COUNCIL OR SERVE ON ANY BOARD? (YES OR NO) If yes, please list:

6.) WHAT IS YOUR CURRENT PLACE OF EMPLOYMENT OR BUSINESS AFFILIATION? (Please indicate if you are self-employed, home-maker, retired) RETIRED

STATEMENT OF INTENT: If appointed, I agree to serve on the Board/Commission for which I have applied or to the Board/Commission to which I am needed.

Ronald M. Sims
SIGNATURE

2-25-2015
DATE

RONALD M. SIMS
PRINTED NAME OF APPLICANT

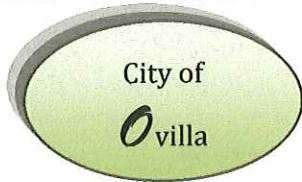


CITY OF OVILLA OFFICIAL USE ONLY

DATE APPOINTED _____ **COMMITTEE APPOINTED TO** _____

**RETURN TO CITY HALL,
105 SOUTH COCKRELL HILL ROAD,
OVILLA, TX 75154
972-617-7262**

ATTENTION: Pamela Woodall



Ovilla City Council

AGENDA ITEM REPORT

Item 7

Meeting Date: May 11, 2015

Department: Administration

☒ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: J. Lee, Interim CA

Amount: N/A

Reviewed By: ☒ Interim City Administrator ☒ City Secretary ☐ City Attorney

☐ Accountant

☐ Other: Staff

Attachments:

1. Current list of members
2. Attendance Record
3. Application

Agenda Item / Topic:

7. **DISCUSSION/ACTION** – *Consideration* of and action on volunteer board appointments and/or reappointments to the Economic Development Corporation (EDC) and direct staff as necessary.

Discussion / Justification:

The Economic Development Corporation consists of a seven-member board. EDC Bylaws state each member shall be appointed by the City Council for a two-year term. Current terms expiring in June are:

Emmett Fox, PL2 (Desires reappointment)

Gary Jones, PL4 (Desires reappointment)

Howard Goldstein, PL6 (Submitted a resignation, moved from Ovilla in May)

Staff has one application from a resident indicating interested in multiple boards, EDC being noted as number two preference.

Attendance was not documented for EDC. Staff has attempted to prepare an accurate record.

Recommendation / Staff Comments:

N/A

Sample Motion(s):

I move that Council REAPPOINT:

1. _____
2. _____

I move that Council APPOINT _____ PL6, to serve a term on the volunteer board of the Economic Development Corporation (EDC).

-And/or-

I move that Council direct staff to continue accepting applications for EDC appointment consideration.

Economic Development Corporation – 4B

Last Update: 06.2014

Ronald P. Kingsley 2016 – Place 1 211 Willow Creek Lane Ovilla, TX 75154 Hm: _____ WK _____ E-Mail: _____	W. Emmett Fox 2015 – Place 2 102 Slippery Rock Court Ovilla, TX 75154 Cell: _____ WK: _____ E-Mail: _____
David Staalsen 2016 – Place 3 302 Thorntree Ovilla, TX 75154 Hm: _____ Cell: 8 _____ E-Mail: _____	Gary Jones 2015 – Place 4 604 Green Meadows Lane Ovilla, TX 75154 Hm: _____ Cell: _____ E-Mail: _____
John Knight 2016 – Place 5 114 Nob Hill Lane Ovilla, TX 75154 Hm: _____ WK: _____ Cell: _____ E-Mail: _____	Howard Goldstein 2015 – Place 6 108 Ashburne Glen Lane Ovilla, TX 75154 Hm: _____ WK: _____ Cell: _____ E-Mail: _____
Barbara Turner 2016 – Place 7 406 Bluffcreek Ovilla, TX 75154 Hm: _____ Cell _____ E-Mail: _____	

	NO QUORUM	2014.07.21	2014.08.18	2014.09.16	2014.11.18	2014.12.16	2015.01.20	2015.02.17	2015.03.16	NO MTG	2015.04.20	2015.05.18
PL4 Jones	x	x	x	x		x	x	x	x			
PL1 Kingsley	Absent	Absent	x	x		x	x	Absent	Absent			
PL2 Fox	x	x	x	x		x	x	x	Absent			
PL3 Staalsen	x	x	x	x		x	x	x	Absent			
PL5 Knight	x	x	x	x		x	x	x	x			
PL6 Goldstein	x	x	x	x		Absent	Absent	x	x			
PL7 Turner	x	x	x	x		x	x	x	x			
CA	x	x	x	x		x	x	x	x			
C-SEC							x	x	x			
CODE ENF							x	X	x			
Other												



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CITY OF OVILLA
BOARDS AND COMMISSIONS
INFORMATION STATEMENT AND APPLICATION

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Board and commission members must meet the required qualifications listed below:

- ✓ Be a resident of the city for at least 6 months prior to date of appointment;
- ✓ Be a qualified voter at the time of the appointment;
- ✓ Have no criminal record that is considered by the City Council to be so serious that it serves as a disqualification (i.e. felony conviction);
- ✓ Not be an adversary party to pending litigation or claim against the city (except for eminent domain proceedings);
- ✓ Not to be an employee or a business associate of either an adversary party or a representative of an adversary party;
- ✓ Not in arrears on city taxes, water service charges or other obligations owed to the city; and
- ✓ Have a creditable record of attendance and performance in any previous board service.

If you are interested in applying for more than one position, please indicate your top three choices in order of your preference by placing a number in the space to the left of the board/commission/committee for which you are applying (#1 being your 1st choice, #3 being your last choice)

BOARDS, COMMISSIONS, COMMITTEES

MEETING INFORMATION

- | | | |
|---------------------------------|--|--|
| <p>① Reference -</p> <p>② -</p> | <p><input checked="" type="checkbox"/> Planning and Zoning Commission</p> <p><input type="checkbox"/> Board of Adjustment</p> <p><input checked="" type="checkbox"/> Economic Development Corporation</p> <p><input checked="" type="checkbox"/> Municipal Development District</p> <p><input type="checkbox"/> Municipal Services Advisory Committee</p> <p><input type="checkbox"/> Park Development & Improvement</p> | <p>1ST Monday of each month or as necessary – 6:00 PM</p> <p>3rd Monday of each month or as necessary – 7:00 PM</p> <p>3rd Monday of each month or as necessary – 6:00 PM</p> <p>As necessary</p> <p>As necessary</p> <p>As necessary</p> |
|---------------------------------|--|--|

NAME RONALD M. SIMS

HOME ADDRESS 707 HOSFORD ROAD
OVILLA, TX. 75154

HOW LONG HAVE YOU LIVED IN OVILLA? 1 1/2 EMAIL _____

HOME TELEPHC _____ BUSINESS TELEPHONE _____

PROFESSION RETIRED TELECOM

INTERESTS GOLF, CIVIC DEVELOPMENTS

1.) DO YOU HAVE EXPERIENCE THAT WOULD QUALIFY YOU FOR SERVING ON A PARTICULAR COMMITTEE?

PLANNING, ZONING, FINANCE & ENGINEERING.

2.) HAVE YOU SERVED AS A MEMBER OF ANY MUNICIPAL BOARD OR COMMISSION IN OVILLA?

NO

3.) HAVE YOU SERVED AS A MEMBER OF ANY MUNICIPAL BOARD OR COMMISSION FOR ANOTHER MUNICIPALITY?

If yes to one or both, please list the municipality, committee and dates served:

4.) PLEASE LIST ANY CIVIC OR COMMUNITY ACTIVITIES IN WHICH YOU MAY HAVE PARTICIPATED.

❖ US JAYCEES, CHULA VISTA, CA.

❖ _____

5.) DO YOU HAVE ANY RELATIVES THAT ARE CITY EMPLOYEES, MEMBER OF THE CITY COUNCIL OR SERVE ON ANY BOARD? (YES OR NO) If yes, please list:

6.) WHAT IS YOUR CURRENT PLACE OF EMPLOYMENT OR BUSINESS AFFILIATION? (Please indicate if you are self-employed, home-maker, retired) RETIRED

STATEMENT OF INTENT: If appointed, I agree to serve on the Board/Commission for which I have applied or to the Board/Commission to which I am needed.

Ronald M. Sims
SIGNATURE

2-25-2015
DATE

RONALD M. SIMS
PRINTED NAME OF APPLICANT

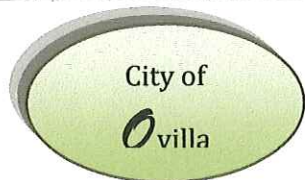


CITY OF OVILLA OFFICIAL USE ONLY

DATE APPOINTED _____ COMMITTEE APPOINTED TO _____

RETURN TO CITY HALL,
105 SOUTH COCKRELL HILL ROAD,
OVILLA, TX 75154
972-617-7262

ATTENTION: Pamela Woodall



Ovilla City Council

AGENDA ITEM REPORT Item 8

Meeting Date: May 11, 2015

Department: Animal Control / Streets

☒ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: J. Lee, Interim CA

Amount: N/A

Reviewed By: ☒ Interim City Administrator ☒ City Secretary ☐ City Attorney

☒ Accountant ☒ Other: Code Enforcement/ PW Director

Attachments:

1. Excerpt Ord. 2010 Policy and Procedure Guide to Purchasing Section 6. Disposal of Surplus Property
2. Declaration of Surplus Property
3. Information sheets on two vehicles

Agenda Item / Topic:

8. **DISCUSSION/ACTION** – Consideration of and action declaring two City vehicles that are no longer in use or operable as surplus property and authorize sale.

Discussion / Justification:

Staff has submitted a list of operable and possibly inoperable property (vehicles) for Council to consider declaring as surplus. Assets valued at over \$2,000.00 are to be disposed by a method approved by City Council. The attached sheets are two vehicles no longer in operation.

1. 2002 GMC ½ ton pickup – was assigned to Animal Control (no longer in use)
2. 1998 Ford Pro Patch Road Repair Diesel 3 ton Truck – Street Department (no longer in use)

Recommendation / Staff Comments:

Staff recommends the vehicles be declared surplus.

Sample Motion(s):

I move to APPROVE/DENY declaring the 2002 GMC ½ ton pickup (Animal Control) and the 1998 Ford Pro-Patch Road Repair Diesel 3 ton Truck (Street) that are no longer in use or operable, as surplus property and authorize sale as presented.

Policy and Procedure Guide to Purchasing

Ordinance 2010-020

Approved & adopted by Council on September 27, 2010

SECTION 6: DISPOSAL OF SURPLUS PROPERTY

There are multiple formats for the disposal process such as: sale, trade-in, and destruction. Surplus property is equipment owned by the City that is no longer needed.

If the property is on the fixed asset list and the department determines it is no longer needed, a Request for disposition must be completed, signed by the Department Head, and sent to City Administrator for review/processing.

- a. Departments should contact the City Administrator prior to disposal of any property.
- b. The City Administrator has the authorization to dispose of broken assets less than \$2,000.
- c. Any item that is still operable and has a potential value should be sold.
- d. Request for disposition should consist of a letter to the City Administrator explaining the need for disposition or sale of the surplus property.
- e. After approval by the City Administrator, equipment over \$2,000 should be stored until approval is obtained from City Council for disposal.
- f. The City Council should declare any asset over \$2,000 surplus property and recommend a disposal method.
- g. If asset over \$2,000 is to be sold using the bidding process, the City Council will make the final decision on disposal. The decision is based on a combination of price, value and adherence to bid specifications. The bid will be awarded to the highest responsible bidder, but the Council reserves the right to reject any or all bids and reopen the bidding process if it is in the best interest of the City.
- h. After approval by the City Administrator and City Council, Department Heads should dispose of the asset.

Request for Disposition or Sale of Surplus Property

Directions: complete the form in its entirety and forward to the City Administrator for consideration.

NOTE: Assets valued over \$2,000 must be declared surplus by Council action. Council recommends method of disposal of those assets: sale (by auction or formal bidding), trade-in, or destruction. Council will have final decision on assets over \$2,000 being sold using the formal bidding process (Section 6. g.)

Item/ Description

1. 2002 GMC ½ ton pickup – was assigned to Animal Control (no longer in use)
Mileage: 202318

2. 1998 Ford Pro Patch Road Repair Diesel 3 ton Truck – Street Department (no longer in use)
Mileage: 119542

Miki Dawg 5/6/2015

Recommending Department Head/Date

City Administrator Approval/Date

Council Approval Date/Mayor Signature

Surplus Vehicle(s) April 2015

City of Ovilla Property to be declared surplus

Public Works

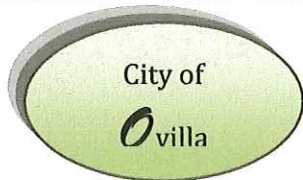
1 2002 GMC ½ Ton Pickup VIN # 1GTGC24U2Z227914 – Animal Control



Surplus Vehicle(s) April 2015

1-- 1998 Ford Pro Patch Road Repair Diesel 3 ton Truck VIN # 1FDXF80C2WVA25348 – Streets





Ovilla City Council

AGENDA ITEM REPORT Item 9

Meeting Date: May 11, 2015

Department: Animal Control / Streets

☒ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: J. Lee, Interim CA

Amount: N/A

Reviewed By: ☒ Interim City Administrator ☒ City Secretary ☐ City Attorney

☒ Accountant ☒ Other: Code Enforcement/ PW Director

Attachments:

1. Information sheets on two vehicles

Agenda Item / Topic:

9. **DISCUSSION/ACTION** – *Consideration* of and action authorizing the method of sale on City property declared as surplus under Item 9, with Rene Bates Auctioneers.

Discussion / Justification:

Staff is asking Council's consideration for the sale of the two trucks approved and declared as surplus property as listed under Item 8. If an asset over \$2,000.00 is to be sold using the formal bidding process, the City Council will make the final decision on disposal based on price, value, and adherence to bid specifications. The bid will be awarded to the highest responsible bidder and the Council reserves the right to reject any or all bids if it is in the best interest of the City. If the asset is sold by on-line auction, the City would accept the highest bid for the item on the on-line auction.

René Bates Auctioneers, Inc. specializes in online auctions for governmental entities, financial institutions, utility companies, regulatory agencies and others. René Bates is a licensed, full service auction company that has been in operation since 1966. The City has utilized René Bates on many occasions in the past for the sale and disposal of vehicles and miscellaneous equipment.

1. 2002 GMC ½ ton pickup – was assigned to Animal Control (no longer in use)
2. 1998 Ford Pro Patch Road Repair Diesel 3 ton Truck – Street Department (no longer in use)

Recommendation / Staff Comments:

Staff recommends the vehicles be sold and/or disposed of with Rene Bates Auctioneers.

Sample Motion(s):

I move to APPROVE/DENY the method of disposal of declared surplus items for sale by auction on the René Bates Auctioneers, Inc. on-line web site.



RENÉ BATES AUCTIONEERS, INC.

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Written category

All Categories

Search for

matching

all words

Go



[Lockheed Martin Missiles And Fire Control - Dallas, Texas](#)

Closes: May 8, 2015 Beginning at 9:00 AM CDT

Selling: TechniDrill 50 Series Spindle Horizontal Gun Drilling Machine



[Ector County - Texas \(Odessa\)](#)

Closes: May 8, 2015 Beginning at 10:00 AM CDT

Selling 82 Lots Including: 1 Pickup, 1 Automobile, 1 Impounded Pickup, 4 Impounded Automobiles, 2 Impounded Motorcycles, 1 Impounded Trailer, Appliances, Bicycles, Books, Computers and Related, Electronics and Related, Furniture and Home Furnishings, Generator, Jewelry and Costume Jewelry, Lighting and Fixtures, Musical Instrument, Office Furniture and Equipment, Tires, Tools and Shop Related Items, Water Fountain



[Azle Independent School District - Azle, Texas](#)

Closes: May 8, 2015 Beginning at 12:00 PM CDT

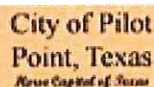
Selling 37 Lots Including: Pickup, Machinery, Tools & Shop Related Items, Mowers, School Furniture & Equipment, Restaurant & Kitchen Equipment



[Hurst Euleless Bedford Independent School District - Euleless, Texas](#)

Closes: May 8, 2015 Beginning at 2:00 PM CDT

Selling 108 Lots Including: 2001 John Deere 425 Mower, Air Flow Master, Appliances, Cafeteria Tables, Children's Toys, Computers & Related, Communication Broadcast, Driver's ED Items, Electronics & Related, Exercise Bike, Janitorial Equipment & Supplies, Office Furniture & Equipment, Restaurant Equipment, Rug, School Furniture & Equipment, Stadium Seats, Storage Containers, Tools & Shop Related Items, Water Pumps



[City Of Pilot Point, Texas](#)

Closes: May 11, 2015 Beginning at 9:00 AM CDT

Selling: 2006 Ford F350 Cab and Chassis Truck



[City Of Plano, Texas](#)

Closes: May 11, 2015 Beginning at 10:00 AM CDT

Selling 3 Lots Including: (3) 2000 American LaFrance General Pumper Fire Trucks



[Potter County, Texas \(Amarillo\)](#)

Surplus Vehicle(s) April 2015

City of Ovilla Property to be declared surplus

Public Works

1 2002 GMC ½ Ton Pickup VIN # 1GTGC24U2Z227914 – Animal Control



Surplus Vehicle(s) April 2015

1-- 1998 Ford Pro Patch Road Repair Diesel 3 ton Truck VIN # 1FDXF80C2WVA25348 – Streets





Ovilla City Council

AGENDA ITEM REPORT

Item 10

Meeting Date: May 11, 2015

Department: Fire Department

☒ Discussion ☒ Action

Revenue: ☐ YES ☐ NO ☒ N/A

Submitted By: J. Lee, Interim CA

Amount: \$N/A Account: _____

Reviewed By: ☒ Interim City Administrator

☒ City Secretary

☐ City Attorney

☒ Accountant

☒ Fire Chief

Attachments:

1. Proposed Resolution R2015-011
2. Current Resolution R2014-032
3. ESD #4 Contract
4. Actual vs Budget report

Agenda Item / Topic:

10. **DISCUSSION/ACTION** – *Consideration* of and action on Resolution R2015-011 of the City Council of the City of Ovilla, TX, amending the deadline of the ESD #4 contract to September 30, 2015, for the provision of Fire Services and First Responder Services by the Ovilla Fire Department to Emergency Services District #4, repealing Resolution R2014-032.

Discussion / Justification:

August 25, 2014, Council approved Resolution R2014-032, providing a deadline to terminate services with ESD #4 as of June 01, 2015, as the funding level does not cover the actual costs for said services.

Based on the results of the ESD #4 Tax Rate Election, staff is presenting this optional item for Council consideration. The City has received 33% of the contracted and agreed funds for the support of ESD #4. Establishing a new deadline date would ensure the continued obligated funds of approximately \$12,500, owed to the City by ESD #4 which may not provide an equitable share, but is necessary to meet this fiscal year's Fire Department Budget.

Recommendation / Staff Comments:

Staff recommends approval to continue services with ESD #4 through September 30, 2015.

Sample Motion(s):

I move that Council approves/denies Resolution R2015-011, amending the deadline of the ESD #4 contract to September 30, 2015, for the provision of Fire Services and First Responder Services by the Ovilla Fire Department to Emergency Services District #4, repealing Resolution R2014-032.

RESOLUTION R2015-011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS, REPEALING RESOLUTION R2014-032 IN ITS ENTIRETY AND ESTABLISHING A DEADLINE OF SEPTEMBER 30, 2015 FOR THE PROVISION OF FIRE SERVICES AND FIRST RESPONDER SERVICES BY THE OVILLA FIRE DEPARTMENT TO EMERGENCY SERVICES DISTRICT #4.

WHEREAS, the City of Ovilla (City) provides Fire Services and First Responder Services to the Emergency Services District #4 (ESD) in certain unincorporated areas in Ellis County, the City of Oak Leaf and the City of Pecan Hill; and,

WHEREAS, the City receives funding from ESD#4 for said services, but the funding level does not cover the actual costs for said services; and

WHEREAS, the Ovilla City taxpayers subsidize the deficit with their City property taxes and other revenues; and,

WHEREAS, the residents of ESD#4 benefit from the Ovilla Fire Department's Public Protection Rating (PPR) as determined by the Insurance Services Office's (ISO) evaluation of its overall effectiveness; and,

WHEREAS, the provision of said services does increase the demands on the resources of the Ovilla Fire Department which does reduce the availability of resources to respond to calls within the Ovilla Corporate Limits; and,

WHEREAS, the Ovilla City Council passed and approved Resolution R2014-032 on the 25th of August 2014, establishing a deadline of June 01, 2015; and,

WHEREAS, the Ovilla City Council finds it in the best interest of the City to extend the deadline to September 30, 2015.

THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OVILLA:

- Section 1. City Council has determined that the Ovilla Fire Department shall not continue Fire Services and First Responder Services to ESD #4 unless ESD #4 provides for the equitable share of the actual costs by executed Agreement or other binding legal commitment.
- Section 2. The Ovilla Fire Department shall terminate the current services to the areas of ESD #4 on September 30, 2015.
- Section 3. The City Administrator will notify the ESD #4 Board of Directors of the termination of Fire Services and First Responder Services by the Ovilla Fire Department.

PASSED, APPROVED, AND RESOLVED this 11th day of May 2015.

ATTEST:

APPROVED:

Pam Woodall, City Secretary

Richard A. Dormier, Mayor

RESOLUTION 2014-032

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS, ESTABLISHING A DEADLINE OF JUNE 01, 2015 FOR THE PROVISION OF FIRE SERVICES AND FIRST RESPONDER SERVICES BY THE OVILLA FIRE DEPARTMENT TO EMERGENCY SERVICES DISTRICT #4.

WHEREAS, the City of Ovilla (City) provides Fire Services and First Responder Services to the Emergency Services District #4 (ESD) in certain unincorporated areas in Ellis County, the City of Oak Leaf and the City of Pecan Hill; and,

WHEREAS, the City receives funding from ESD#4 for said services, but the funding level does not cover the actual costs for said services; and

WHEREAS, the Ovilla City taxpayers subsidize the deficit with their City property taxes and other revenues; and,

WHEREAS, the residents of ESD#4 benefit from the Ovilla Fire Department's Public Protection Rating (PPR) as determined by the Insurance Services Office's (ISO) evaluation of its overall effectiveness; and,

WHEREAS, the provision of said services does increase the demands on the resources of the Ovilla Fire Department which does reduce the availability of resources to respond to calls within the Ovilla Corporate Limits; and,

THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OVILLA:


Section 1. City Council has determined that the Ovilla Fire Department shall not continue Fire Services and First Responder Services to ESD #4 unless ESD #4 provides for the equitable share of the actual costs by executed Agreement or other binding legal commitment.

Section 2. The Ovilla Fire Department shall terminate the current services to the areas of ESD #4 on JUNE 01, 2015

Section 3. The City Administrator will notify the ESD #4 Board of Directors of the termination of Fire Services and First Responder Services by the Ovilla Fire Department.


PASSED, APPROVED, AND RESOLVED this 25th day of August 2014.

ATTEST:


Pam Woodall, City Secretary



APPROVED:


Richard A. Dormier, Mayor

RESOLUTION NO. R2014-031

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS APPROVING THE TERMS AND CONDITIONS OF THE INTERLOCAL COOPERATION AGREEMENT BY, BETWEEN, AND AMONG ELLIS COUNTY EMERGENCY SERVICES DISTRICT #4 AND THE CITY OF OVILLA FOR FIRE PROTECTION AND EMERGENCY MEDICAL FIRST RESPONDER SERVICES TO THE DISTRICT, WHICH AGREEMENT IS ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT A; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE OF OCTOBER 1, 2014.

WHEREAS, the City Council has been presented an Interlocal Cooperation Agreement by, between, and among Ellis County Emergency Service District #4 and the City of Ovilla to provide fire protection and emergency medical first responder services to the District, a copy of which is attached hereto and incorporated herein by reference; and

WHEREAS, upon full review and consideration of the Agreement, and all matters related thereto, the City Council is of the opinion and finds that the terms and conditions thereof should be approved, and that the Mayor should be authorized to execute the Agreement on behalf of the City of Ovilla, Texas.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS;

SECTION 1.

That the Interlocal Cooperation Agreement by, between, and among Ellis County Emergency Service District #4 and the City of Ovilla to provide fire protection and emergency medical first responder services to the District, which Agreement is attached hereto as Exhibit A, having been reviewed by the City Council of the City of Ovilla, Texas, is hereby, in all things approved; and, the Mayor is hereby authorized to execute the Agreement on behalf of the City of Ovilla, Ellis County, Texas.

SECTION 2.

That this Resolution shall take effect immediately from and after its adoption and it is so resolved.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS, this 25th day of August, 2014.

APPROVED:



Richard Dormier, Mayor

ATTEST:



Pamela Woodall, City Secretary



**INTERLOCAL COOPERATION AGREEMENT
FIRE PROTECTION AND FIRST RESPONDER SERVICES**

THIS AGREEMENT is made and entered into this 1 day of Oct., 2014, by and between Ellis County Emergency Services District #4, a political subdivision of the State of Texas, hereinafter referred to as "District" and the City of Ovilla, a municipal corporation located in Ellis County, Texas, hereinafter referred to as "City.";

WHEREAS, District is a duly organized political subdivision of the State of Texas engaged in the administration of the Ellis County Emergency Services district #4 and the provision of emergency services for the benefits of the residents of the District; and

WHEREAS, City is a municipal corporation, duly organized and operating under the laws of the State of Texas and is engaged in the provision of fire protection services and emergency medical first responder services for the benefit of the City of Ovilla; and

WHEREAS, city is the owner and operator of certain fire protection vehicles and other equipment designed for the extinguishing of fire and prevention of damage to property and injury to persons from fire and has in its employment and/or service trained personnel whose duties are related to the use of such vehicles and equipment as well as the provision of emergency medical services in the capacity of a first responder; and

WHEREAS, District and City mutually desire to be subject to and contract pursuant to provisions of the Government Code, Chapter 791, the Interlocal Cooperation Act, and Chapter 352 of the Local Government Code,

NOW, THEREFORE, District and City, for the mutual promises, covenants, agreements and consideration stated herein, agree as follows:

SECTION 1

TERM

The term of this Agreement shall be for the period of October 1, 2014 to and through September 30th, 2015.

SECTION 2

SERVICES PROVIDED

The services to be rendered in accordance with this Agreement by City are the fire protection and emergency medical first responder services normally rendered by City to citizens of Oak Leaf and to the areas determined by agreement with the Ovilla Fire Chief as stated in Exhibit A of this agreement.

SECTION 3
RESPONSE AREA AND DISPATCH PROCEDURES

The Fire Chief for the City of Ovilla will establish response criteria, response area, and dispatch procedures for all calls within the boundaries of the District as stated in Exhibit A of this agreement. Boundaries of ESD #4 may be identified by the ROISD boundaries. The cities of Oak Leaf and Pecan Hill are included in the boundaries of ESD #4. The city of Red Oak, Ovilla and Glenn Heights do not fall within the boundaries of the ESD #4.

SECTION 4
9-1-1 COORDINATOR

The Ellis County 9-1-1 Coordinator will be the 9-1-1 Coordinator for ESD #4.

SECTION 5
COMPENSATION

The fiscal year shall be the first day of October to the last day of September. The Fire Chief shall submit an annual budget request to the ESD Board for approval prior to the start of the fiscal year. Typically the Fire Chief will complete this process during the preparation of the city budget process.

The District agrees to pay the City from the budgeted available funds based on annual base of \$14,000.00 and \$4745.00 calculated on number of runs for the calendar year 2013 . This would currently provide the City with \$18745.00 of the projected revenue. Payments will be made in three (3) equal payments throughout the fiscal year. These payments will be made in January, May and September of the contract year. Payment is to be delivered to the Fire Chief, 105 S. Cockrell Hill Rd. The District will be solely liable for these payments from its revenues and the title to capital equipment purchase shall be vested in the City.

SECTION 6
DISTRICT'S OFFICE

The District will designate 547 N. Methodist, Central Fire Station, as the District's office as required by Section 775.036 (f) of the Texas Health and Safety Code. The District will also have use of a computer workstation in the Fire Station, computer server hard drive space for District's accounting software and documents, and area for a District filing cabinet. The Fire Chief will determine access to the Fire Station and use of a computer workstation by District Emergency Commissioners. The District may use the Fire Station training room for District meetings, or other events as agreed upon in advance by the Fire Chief.

SECTION 7 MONTHLY REPORTS

The City will provide the District monthly fire department fire and EMS response reports to responses in the District. The reports should include response times, incident types, and department activity in the District. The District will use these reports for District Fire/EMS service plan upgrades to meet State and National standards.

SECTION 8 TERMINATION

This Agreement may be terminated at any time, by either party giving sixty (60) days advance written notice to the other party. In the event of such termination by either party, City shall be compensated pro rata for all services performed to termination date, together with reimbursable expenses then due and as authorized by this Agreement.

SECTION 9 ENTIRE AGREEMENT

This Agreement represents the entire and integrated Agreement between District and City and supersedes all prior negotiations, representations, and/or Agreements, either written or oral. Except as otherwise specifically provided, any change in the terms of this contract shall be made by an amendment in writing and signed by both District and City.

SECTION 10 GOVERNMENTAL IMMUNITY

The fact that District and City accept certain responsibilities relating to the rendition of fire protection services and emergency medical services (first responder) under this Agreement as a part of their responsibility for providing protection for the public health, makes it imperative that the performance of these vital services be recognized as a governmental function and that the doctrine of governmental immunity shall be and it is hereby invoked to the extent possible under the law. Neither District nor City waives nor shall be deemed hereby to waive, any immunity or defense that would otherwise be available to it against claims arising from the exercise of government powers and functions.

**SECTION 11
INDEPENDENT CONTRACTOR**

It is understood and agreed that the services of the City are furnished by Ovilla as an independent contractor and City shall exercise independent discretion and judgment to determine the method, manner and means of performance of its contractual obligations. City agrees to hold the District harmless and indemnify it against any other claims that may be asserted by any third party occurring in connection with the services to be performed by the City under this agreement.

**SECTION 12
LEGAL AUTHORITY**

The City represents that it possesses the practical ability and legal authority to enter into this contract, receive and manage the funds authorized by this contract, and to perform the services the City is obligated to perform hereunder.

The person signing this contract on behalf of the City warrants that he has been duly authorized by the City to execute this agreement on behalf of the City and to bind the City to all terms herein set forth.

The person signing this contract on behalf of the District warrants that he has been duly authorized by the District to execute this agreement on behalf of the District and to bind the District to all terms herein set forth.

**SECTION 13
SEVERABILITY**

In the event that any portion of this Agreement shall be found to be contrary to law, it is the intent of the parties hereto that the remaining portions shall remain valid and in full force and effect to the extent possible.

**SECTION 14
EXHIBITS**

The exhibits identified below are a part of this agreement:

1. Exhibit A (Response Procedures).
2. Exhibit B (District Map).

**SECTION 15
ASSIGNMENT**

This Agreement may not be assigned by any party hereto without the prior written consent of the other party. No assignment, delegation of duties or subcontract under this Agreement shall be effective without the prior written consent of the other party hereto

**SECTION 16
GOVERING LAW**

This Agreement shall be governed by and construed in accordance with the laws of the State of Texas. Venue shall be in Ellis County, Texas.

**SECTION 17
MISCELLANEOUS**

The District will pursue to hold an election in May 2014 for the purpose of a tax rate increase to provide additional revenues for the District.

**SECTION 18
NOTICE TO PARTIES**

Any notice to be given hereunder by either party to the other shall be in writing and may be affected by personal delivery in writing or by certified mail, return receipt requested.

Notice to District:

Attn: Dub Nowell- ESD #4 Pres.
P.O. Box 2763
Red Oak, Texas 75154

Notice to City:

Attn: Fire Chief Phillip Brancato
Ovilla Fire Department

105 S. Cockrell Hill Rd,
Ovilla, Texas 75154

Signed this 25 day of Oct., 2014.


ELLIS COUNTY EMERGENCY SERVICES DISTRICT #4

By: _____

Its: _____



CITY OF OVILLA

By: 
Mayor 8/25/2014

Attest:



City Secretary 8/25/2014

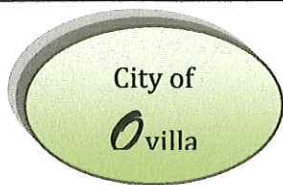
EXHIBIT A

Agreement of response area, response criteria, and dispatch procedures between Red Oak Fire Rescue (ROFR) and Ovilla Fire Department (OFD):

- A. All of the ESD has been divided into response areas known as Box Numbers. These Box Numbers stipulate which Station has the shortest run time to this area within the Box. Red Oak Box Numbers are 8000 and 9000 series. Ovilla Fire Department Box Numbers are 7000 series.
- B. ROFR response to ESD
 1. ROFR will provide a first responder company from the closest station to all EMS calls throughout the ESD.
 2. If no ROFR first responder is available, ROFR will notify ETEMS and make notification. ETEMS shall indicate if mutual aid is requested.
 3. If ROFR is unable to respond first responder service, ROFR will request first responder service from OFD.
 4. ROFR will respond to all Structure Fire calls throughout the ESD.
 5. ROFR will respond to all other calls in the ESD with the exception of those occurring in the 7000 series of Box Numbers.
 6. ROFR will respond to any other call in the 7000 series of Box Numbers if OFD is unavailable, or anytime requested by OFD.
- C. OFD Response to ESD
 1. OFD will provide first EMS to calls occurring in the 7000 series of Box Numbers.
 2. OFD will respond to all calls occurring within the 7000 series of Box Numbers.
 3. OFD will respond to any other fire or EMS call in the ESD if ROFR is unavailable, or anytime requested by ROFR.
- D. Simultaneous Response and Special Circumstances
 1. On all calls where both departments are dispatched simultaneously, the first arriving department shall advise the other department whether to continue to the scene, stage at the intermediate location, or return to their station.
 2. Special circumstances such as drought, severe weather, or equipment out-of-service may necessitate a response identical to Structure Fires on other types of incidents. The Chiefs of the ROFD and the OFD will mutually determine the types of calls and the time period of this variance.
- E. Dispatch Procedures
 1. The Northern Ellis Emergency Dispatch (NEED) Center (Dispatch) has been provided with a map that outlines the response areas (Box Numbers) as defined in this agreement.
 2. If Dispatch fails to tone-out either ROFD or OFD as specified above, the department not dispatched will immediately request the Dispatcher to transmit the proper tone-out and will initiate the correct response to the call.

City of Ovilla General Fund
Actual VS Budget
October 1, 2014 through May 5, 2015

	Oct 1, '14 - May 5, 15	Budget	\$ Over Budget	% of Budget
Income				
4000400 · Charges for Services				
4000330 · ESD #4	6,248.33	18,745.00	(12,496.67)	33.33%
Total 4000400 · Charges for Services	6,248.33	18,745.00	(12,496.67)	33.33%
 Total Income	 6,248.33	 18,745.00	 (12,496.67)	 33.33%



Ovilla City Council

AGENDA ITEM REPORT

Item 11

Meeting Date: May 11, 2015

Department: Administration

☒ Discussion ☒ Action

Budgeted Expense: ☒ YES ☐ NO ☐ N/A

Submitted By: J. Lee Interim CA

Amount: \$199.90

Reviewed By: ☒ Interim City Administrator

☒ City Secretary

☐ City Attorney

☐ Accountant

☐ Other: _____

Attachments:

1. Resolution R2015-012
2. Staff report on assessment resolution
3. 2014 Year in Review Report
4. List of ACSC member cities
5. Invoice – 2015 assessment fee

Agenda Item / Topic:

11. **DISCUSSION/ACTION** – *Consideration* of and action on Resolution R2015-012, authorizing continued participation with the ATMOS Cities Steering Committee; and authorizing the payment of five cents per capita to the ATMOS Cities Steering Committee to fund regulatory and related activities related to ATMOS Energy Corporation.

Discussion / Justification:

The ATMOS Cities Steering Committee (ACSC) held their quarterly meeting in December 2014 and approved the assessment ACSC membership. The 2015 assessment per capita fee is \$.05. (Same as previous years) ACSC protects the authority of municipalities over the monopoly natural gas provider and defends the interests of the residential and small commercial customers within the cities.

Recommendation / Staff Comments:

Sample Motion(s):

I move that Council approve/deny the Resolution R2015-012, authorizing continued participation with the ATMOS Cities Steering Committee; and authorizing the payment of five cents per capita to the ATMOS Cities Steering Committee to fund regulatory and related activities related to ATMOS Energy Corporation.

Resolution R2015-012

A RESOLUTION AUTHORIZING CONTINUED PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE; AND AUTHORIZING THE PAYMENT OF FIVE CENTS PER CAPITA TO THE ATMOS CITIES STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ATMOS ENERGY CORPORATION

WHEREAS, the City of Ovilla is a regulatory authority under the Gas Utility Regulatory Act (GURA) and has exclusive original jurisdiction over the rates and services of Atmos Energy Corporation, Mid-Tex Division (Atmos) within the municipal boundaries of the city; and

WHEREAS, the Atmos Cities Steering Committee (ACSC) has historically intervened in Atmos rate proceedings and gas utility related rulemakings to protect the interests of municipalities and gas customers residing within municipal boundaries; and

WHEREAS, ACSC is participating in Railroad Commission dockets and projects, as well as court proceedings and legislative activities, affecting gas utility rates; and

WHEREAS, the City is a member of ACSC; and

WHEREAS, in order for ACSC to continue its participation in these activities which affects the provision of gas utility service and the rates to be charged, it must assess its members for such costs; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS:

I.

That the City is authorized to continue its membership with the Atmos Cities Steering Committee to protect the interests of the City of Ovilla and protect the interests of the customers of Atmos Energy Corporation, Mid-Tex Division residing and conducting business within the City limits.

II.

The City is further authorized to pay its 2015 assessment to the ACSC in the amount of five cents (\$0.05) per capita.

III.

A copy of this Resolution and approved assessment fee payable to "Atmos Cities Steering Committee" shall be sent to:

David Barber
Atmos Cities Steering Committee
c/o Arlington City Attorney's Office, Mail Stop 63-0300
Post Office Box 90231
Arlington, Texas 76004-3231

Resolution R2015-012

PRESENTED AND PASSED on this the 11 day of May, 2015, by a vote of _____ ayes
and _____ nays at a regular meeting of the City Council of the City of
_____, Texas.

ATTEST:

Signature
Mayor

Signature
City Secretary

APPROVED AS TO FORM:
City Attorney

BY _____

STAFF REPORT ON ASSESSMENT RESOLUTION FOR ATMOS CITIES STEERING COMMITTEE

Purpose of the Resolution:

Most municipalities have retained original jurisdiction over gas utility rates and services within municipal limits. The Atmos Cities Steering Committee (“ACSC”) is composed of municipalities in the service area of Atmos Energy Corporation, Mid-Tex Division regardless of whether original jurisdiction has been retained. Atmos is a monopoly provider of natural gas. Because Atmos has no competitors, regulation of the rates that it charges its customers is the only way that cities can ensure that natural gas rates are fair. Working as a coalition to review the rates charged by Atmos allows cities to accomplish more collectively than each city could do acting alone. Cities have more than 100 years experience in regulating natural gas rates in Texas.

ACSC is the largest coalition of cities served by Atmos Mid-Tex. There are 165 ACSC member cities, which represent more than 60 percent of the total load served by Atmos-Mid Tex. ACSC protects the authority of municipalities over the monopoly natural gas provider and defends the interests of residential and small commercial customers within the cities. Although many of the activities undertaken by ACSC are connected to rate cases (and therefore expenses are reimbursed by the utility), ACSC also undertakes additional activities on behalf of municipalities for which it needs funding support from its members.

The ACSC Membership Assessment Supports Important Activities:

ACSC is actively involved in rate cases, appeals, rulemakings, and legislative efforts impacting the rates charged by Atmos within the City. These activities will continue throughout the calendar year. It is possible that additional efforts will be necessary on new issues that arise during the year, and it is important that ACSC be able to fund its participation on behalf of its member cities. A per capita assessment has historically been used, and is a fair method for the members to bear the burdens associated with the benefits received from that membership.

Explanation of Resolution Paragraphs:

- I. This paragraph authorizes the continuation of the City’s membership in ACSC.
- II. This paragraph authorizes payment of the City’s assessment to the ACSC in the amount of five cents (\$0.05) per capita.
- III. This paragraph requires notification that the City has adopted the Resolution.

Payment of Assessment

The assessment payment check should be made out to “*Atmos Cities Steering Committee*” and mailed to David Barber, Atmos Cities Steering Committee, c/o Arlington City Attorney’s Office, Mail Stop 63-0300, Post Office Box 90231, Arlington, Texas 76004-3231.

2014 Year In Review

Atmos Cities Steering Committee Membership:

This past year was a busy one for the Atmos Cities Steering Committee ("ACSC"), and with the Texas Legislature soon to be in session, things are only going to ramp up in 2015. This annual review highlights the significant events of 2014 that impacted ACSC and what's on the horizon this year.

On a more personal note, we would like to offer a sincere thank you to the recently retired Jay Doegey, who served as ACSC chair since the Committee's founding. Jay has been an immensely effective leader and much of the Committee's success is owed to his tireless efforts, for which we are truly grateful. ACSC will miss Jay and wishes him the best for a happy retirement.

Sincerely,

Odis Dolton & Jennifer Richie, ACSC Co-Chairs

2015 Officers

At the December meeting, ACSC members approved the budget and elected the following officers for 2015:

Co-Chairs — Odis Dolton (Abilene) &
Jennifer Richie (Waco)

Vice-Chair & Secretary — Joel Welch (Ennis)

Treasurer — David Barber (Arlington)

Congratulations to the 2015 ACSC officers!



Significant Events of 2014

ATMOS MID-TEX 2014 RRM

On February 28, 2014, Atmos Energy Corp.—Mid-Tex Division, filed a Rate Review Mechanism ("RRM") application with each of the ACSC members alleging a test year revenue deficiency of \$49 million for the Mid-Tex system. This would raise the average residential bill by roughly \$2 per month and the average business bill by about \$6 per month.

However, ACSC consultants reviewed and conducted discovery on Atmos' application and concluded that Atmos qualified for a significantly lower level of rate increase—only \$19 million. The sizeable discrepancy is due in part to competing conclusions on the allowable rate of return Atmos can earn on

infrastructure upgrades and the necessity of increased executive bonuses and employee benefits.

Unfortunately, negotiations to reduce the gap between the two sides were unsuccessful, causing over 130 city councils to deny the RRM tariff request. Atmos appealed the denials to the Railroad Commission ("RRC" or "Commission") on May 30, 2014 in GUD No. 10359. The RRC conducted a hearing on September 3, 2014 but has yet to issue a Proposal for Decision ("PFD"). The PFD is expected to be issued on January 7, 2015, following which parties will file exceptions in late January and replies in early February.

EARTHQUAKES

In 2014, state regulators finally got serious about earthquakes. In January, to respond to public concern that fracking is to blame for earthquake occurrences in North Texas, the Texas Legislature announced the formation of the House Energy Resources Subcommittee on Seismic Activity. The Subcommittee, chaired by Myra Crownover (R-Denton), is charged with investigating increased seismic activity occurring in areas close to oil and gas production and oil and gas disposal wells, including the possibility that increased exploration and disposal well activity could impact seismic activity.

Likewise, in March, the RRC announced that it hired its own staff seismologist, Dr. David Craig Pearson, a Ph.D. geophysicist from Southern Methodist University ("SMU"). According to the Commission, Dr. Pearson was hired specifically to help investigate claims that oil and gas extraction activities are linked to earthquakes occurring in North Texas, where the majority of seismic activity in Texas has occurred.

The Subcommittee held its first public hearing in May and heard invited testimony from the mayors of

both Azle and Reno, the two communities most impacted by the earthquakes, as well as researchers from SMU and the RRC. Researchers from

SMU testified that North Texas had only one reported earthquake of magnitude 2.0 or greater before 2008. There have been 70 since. According to the researchers, it is generally accepted that disposal wells and earthquakes are connected. Indeed, the region experienced 26 earthquakes in 2014, including eight in the month of December alone. Thankfully, none have caused serious damage.

Dr. Pearson reportedly hopes to know what's causing the earthquakes within the year.



MUNICIPAL PARTICIPATION RULES ADOPTED AT RAILROAD COMMISSION

At the December 9, 2014 Open Meeting, the RRC unanimously adopted rules that will severely impact cities' ability to participate in gas utility rate proceedings before the agency.

The Commission adopted new Texas Administrative Code §§ 1.86 and 1.87 requiring consolidation of all municipal intervenors and limiting discovery and amendments to § 7.5530 regarding cities' rate case expenses. Among other things, the rate case expense rule requires cities to pay their own rate case expense reimbursement prior to seeking reimbursement or to expressly obligate themselves by ordinance to pay irrespective of reimbursement.

ACSC maintains that the rules are designed to discourage municipal participation in gas utility rate cases by unfairly impairing cities' ability to participate while doing nothing to constrain utilities.

Ratepayers will ultimately suffer because without cities' involvement, utility applications will receive less scrutiny, which over time, could

lead to higher gas utility rates.

ACSC has vocally opposed the rules since their proposal, and has not been alone. In August, cities and legislators filed comments opposing the proposed rules. ACSC commented that the rules would establish punitive and unnecessary obstacles to cities performing their functions as local regulatory authorities. In September, the RRC held a hearing where officials representing more than 200 cities across the state testified that the rule changes could deter challenges and lead to inflated gas rates.

Again at the December 9th Open Meeting, the Commission took comments from legislators and city officials opposing the rules, including Representative Jim Keffer, chairman of the House Energy Resources Committee, who warned the Commission that adopting the rules would guarantee legislation. However, despite the widespread opposition, the Commission adopted the rules with little discussion. This may be because the Commission adopted the rules with a September 1, 2015 effective date, giving the legislature the opportunity to outlaw the rules in the upcoming session. ACSC is actively pursuing such legislative remedies and will continue these efforts into the session.



AMARILLO AND LUBBOCK APPEAL RRC DECISION TO MOVE TOWARDS SYSTEM-WIDE RATES

In April, a Travis County District Court heard oral argument in the appeal of GUD No. 10174, the 2012 Atmos West Texas Division rate case. On May 6, the District Court judge affirmed the RRC's Final Order approving the implementation of system-wide rates that, for the first time, eliminated the rate differentials



service area including Lubbock, Amarillo, Channing and Dalhart.

The cities appealed the district court's decision and filed their Initial Brief with the Eighth Court of Appeals on October 20, 2014. The Steering Committee of Cities Served by Atmos West Texas, filed a brief in support of the RRC Final Order in November. The appellate court has yet to set a hearing date.

What to Expect in 2015?

LEGISLATIVE AGENDA

By far the hottest topic of 2015 is the 84th Texas Legislative Session, which begins January 13, 2015 and runs through June 1, 2015. ACSC representatives have spent the past year actively preparing a full agenda and are hopeful the session will prove successful. As in the past, this session's agenda is primarily focused on defensive issues, however, the Steering Committee will also be advocating for city protective legislation, particularly in light of the newly adopted RRC rules.

As mentioned above, the new RRC rules effectively inhibit municipal participation in gas utility rate cases by limiting discovery and litigation expense recovery, which ACSC strongly opposes. In addition to advocating for legislation to block these rules, ACSC will pursue action to change the standard of review at the RRC from de novo to substantial evidence, to reduce litigation and costs and give greater deference to municipal decisions. ACSC will also push for transferring gas utility distribution ratemaking authority from the RRC to the Public Utility Commission, or transferring gas utility distribution ratemaking hearings to the State Office of

Administrative Hearings, so consumers can benefit from greater evaluation of gas utility issues. Additionally, cities support revising the Gas Reliability Infrastructure Program to allow for municipal contest and review in a manner similar to rate cases, as well as changing the name of the RRC to more accurately represent the Commission's current responsibilities.

Defensively, ACSC will oppose audit based rate-making proposals or other piecemeal ratemaking efforts to the extent that they reduce the ability of cities and the Commission to effectively fulfill their regulatory functions, any effort to reduce or eliminate cities' original jurisdiction in rate cases, legislation that would erode franchise fee payments, and legislation that would be detrimental to cities' position on utility relocations.

Please keep in mind that this is a working agenda and is subject to additional research and evaluation as the session progresses. If there are any other issues that you would like to see added to the agenda, please feel free to contact us at any point.



2015 ACSC MEETINGS SCHEDULE

Thursday, April 9

Thursday, September 10

Thursday, July 2

Thursday, December 10

Questions?

For questions or concerns regarding any ACSC matter or communication, please contact the following representatives, who will be happy to provide assistance:

Geoffrey Gay
512-322-5875
ggay@lglawfirm.com

Thomas Brocato
512-322-5857
tbrocato@lglawfirm.com

Lloyd Gosselink
ATTORNEYS AT LAW

Lloyd Gosselink Rochelle and Townsend, P.C.
816 Congress Avenue Suite 1900
Austin, Texas 78701

ACSC Cities (165 Total)

Abilene	Fairview	Oak Leaf
Addison	Farmers Branch	Ovilla
Allen	Farmersville	Palestine
Alvarado	Fate	Pantego
Angus	Flower Mound	Paris
Anna	Forest Hill	Parker
Argyle	Fort Worth	Pecan Hill
Arlington	Frisco	Petrolia
Aubrey	Frost	Plano
Bedford	Gainesville	Ponder
Bellmead	Garland	Pottsboro
Benbrook	Garrett	Prosper
Beverly Hills	Grand Prairie	Quitman
Blossom	Grapevine	Red Oak
Blue Ridge	Haltom City	Reno (Parker County)
Bowie	Harker Heights	Richardson
Boyd	Haskell	Richland
Bridgeport	Haslet	Richland Hills
Brownwood	Hewitt	River Oaks
Buffalo	Highland Park	Roanoke
Burkburnett	Highland Village	Robinson
Burleson	Honey Grove	Rockwall
Caddo Mills	Hurst	Roscoe
Canton	Hutto	Rowlett
Carrollton	Iowa Park	Royse City
Cedar Hill	Irving	Sachse
Celeste	Justin	Saginaw
Celina	Kaufman	Sansom Park
Centerville	Keene	Seagoville
Cisco	Keller	Sherman
Clarksville	Kemp	Snyder
Cleburne	Kennedale	Southlake
Clyde	Kerens	Springtown
College Station	Kerrville	Stamford
Colleyville	Killeen	Stephenville
Colorado City	Krum	Sulphur Springs
Comanche	Lakeside	Sweetwater
Commerce	Lake Worth	Temple
Coolidge	Lancaster	Terrell
Coppell	Lewisville	The Colony
Copperas Cove	Lincoln Park	Trophy Club
Corinth	Little Elm	Tyler
Corral City	Lorena	University Park
Crandall	Madisonville	Venus
Crowley	Malakoff	Vernon
Dalworthington Gardens	Mansfield	Waco
Denison	McKinney	Watauga
DeSoto	Melissa	Waxahachie
Duncanville	Mesquite	Westlake
Eastland	Midlothian	Westover Hills
Edgecliff Village	Murphy	Whitesboro
Emory	Newark	White Settlement
Ennis	Nocona	Wichita Falls
Eules	North Richland Hills	Woodway
Everman	Northlake	Wylie

City of Arlington, c/o Atmos Cities Steering Committee
Attn: David Barber, Asst City Attorney
101 S. Mesquite, 3rd Floor
Arlington, TX 76010

Invoice

Date	Invoice #
4/24/2015	15-115

Bill To
City of Ovilla

Item	Rate	Population	Amount
2015 Assessment	0.05	3,998	199.90
Total			\$199.90

Please make check payable to: Atmos Cities Steering Committee. Mail to ACSC, c/o David Barber, Asst City Attorney, 101 S. Mesquite, 3rd Floor, Arlington, TX 76010

CERTIFIED EXECUTIVE SESSION AGENDA

Date: 11 May 2015

I, Richard Dormier, Mayor of the City of Ovilla, Texas hereby convene into Executive Session at ____ p.m. on the 11 day of May 2015.

The following Council Members and staff attended:

Council Members

____ Mayor, Richard Dormier
____ Mayor Pro-Tem David Griffin
____ Place 1, Rachel Huber
____ Place 2, Larry Stevenson
____ Place 4, Doug Hunt
____ Place 5, Dean Oberg

Staff Members

____ Jackie Lee, Interim City Administrator
____ P. Woodall, City Secretary

Other

____ City Attorney, Ron MacFarlane
____ Other Legal Counsel

The following is an agenda of an Executive Session of the City of Ovilla, Texas, held pursuant to the Texas Open Meetings Act, Government Code Section:

____ 551.071 - Consultation w/Attorney	____ 551.072 - Real Property
____ 551.073 - Deliberations about Gift	<u> X </u> 551.074 - Personnel Matters
____ 551.076 - Security Personnel or Devices	____ 551.086 - Test item (SB 595)
____ 551.087 - Economic Development Negotiations (SB1851)	
____ 418.183 - Homeland Security	

Said Executive Session has been conducted in order to deliberate on the following matters:

Closed Meeting called pursuant to Texas Government Code § 551.074 - Personnel Matters.

12. DISCUSSION/ACTION – *Consideration* of and action on the appointment of the Fire Chief.

13. DISCUSSION/ACTION – *Deliberate* the appointment, employment, and evaluation of applicants for the position of City Administrator

COUNCIL WILL RECONVENE INTO OPEN SESSION, AND TAKE ACTION
NECESSARY PURSUANT TO EXECUTIVE SESSION, IF NEEDED.

I, Richard Dormier, Mayor, hereby adjourn the Executive Session at ____ p.m. on the 11 day of May 2015. No Action was taken in Executive Session. Any action, as a result of this Executive Session, will be taken and recorded in open session.

I certify that this agenda is a true and accurate record of the proceedings.

Richard Dormier, Mayor