

## *City of O'VILLA City Council*

*Rachel Huber, Place One  
Dean Oberg, Place Two  
David Griffin, Place Three*

*Richard Dormier, Mayor*

*Doug Hunt, Place Four  
Michael Myers, Place Five  
John R. Dean, Jr. City Manager*

**NOTICE OF CITY COUNCIL BRIEFING SESSION  
105 S. Cockrell Hill Road, Ovilla, TX 75154**

Monday, August 13, 2018

6:00 P.M.

## **Council Chamber Room**

## AGENDA

- I. CALL TO ORDER
  - II. CONDUCT A BRIEFING SESSION to review and discuss agenda items for the 6:30 p.m. regular meeting.
  - III. ADJOURNMENT

THIS IS TO CERTIFY THAT A COPY OF THE NOTICE OF the August 13, 2018 Briefing Session Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, [www.cityofvilla.org](http://www.cityofvilla.org), on the 10<sup>th</sup> day of August 2018 prior to 6:00 p.m., in compliance with Chapter 551, Texas Government Code.



Pantaleon Bell

**Pamela Woodall, City Secretary**

DATE OF POSTING: 8.10.2018 TIME: 10:00 am/pm  
DATE TAKEN DOWN:  TIME:  am/pm

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

# *City of Ovilla City Council*

*Rachel Huber, Place One*

*Dean Oberg, Place Two*

*David Griffin, Place Three, Mayor Pro Tem*

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*Michael Myers, Place Five*

*John R. Dean, Jr. City Manager*

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

*Monday, August 13, 2018*

*6:30 P.M.*

*Council Chamber Room*

## **AGENDA**

NOTICE is hereby given of a Regular Meeting of the City Council of the City of Ovilla, to be held on **Monday, August 13, 2018** at **6:30 P.M.** in the Ovilla Municipal Building, Council Chamber Room, 105 S. Cockrell Hill Road, Ovilla, Texas, 75154, for the purpose of considering the following items:

### **I. CALL TO ORDER**

- Invocation
- US. Pledge of Allegiance and TX Pledge

### **II. COMMENTS, PRESENTATIONS**

#### **■ Citizen Comments**

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

#### **■ Presentations**

1. 2018 Proclamation, DAR, Constitution Week
2. Receive presentation from Mr. Perry Kaemmerling at 907 Slippery Elm to discuss the use of golf carts in the city.

### **III. CONSENT AGENDA**

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

- C1. June 2018 Financial Transactions over \$5,000
- C2. Committed Fund Balance
- C3. Investment Report for Quarter ended June 30, 2018.
- C4. Trinity River Authority Technical Services Fee Annual Agreement
- C5. Ordinance 2018-13 Granting ATMOS Energy Corporation a franchise.
- C6. Ordinance 2018-14 Budget amendment for police vehicle purchase.
- C7. Resolution R2018-27 approving take home vehicles.
- C8. Resolution R2018-28 amending Police equipment purchase.
- C9. ESD #4 Annual Agreement
- C10. Ordinance 2018-16 - Modify Sanitary Sewer System Engineering Design Standard Details
- C11. Minutes of the August 02, 2018 Special Budget Workshop Meeting.
- C12. Minutes of the July 09, 2018 Briefing Session and Regular Council Meeting.
- C13. Minutes of the July 05, 2018 Special Budget Workshop Meeting.

### **IV. PUBLIC HEARING**

Receive presentation, recommendation and citizen comments on Ordinance 2018-15, amending Chapter 14, Article 5, Section 45.2 and 45.3, Terms of Office, meeting dates and procedure of the Board of Adjustment, providing an effective date.

- a. **PRESENTATION** made by staff.
- b. **PUBLIC HEARING** to receive comments from the public regarding Ordinance 2018-15.

# *City of OVILLE City Council*

*Rachel Huber, Place One*

*Dean Oberg, Place Two*

*David Griffin, Place Three, Mayor Pro Tem*

*Richard Dormier, Mayor*

*Doug Hunt, Place Four*

*Michael Myers, Place Five*

*John R. Dean, Jr. City Manager*

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- c. RECEIVE recommendation from the Planning and Zoning Commission regarding Ordinance 2018-15
  - d. COUNCIL DELIBERATION.

## **V. REGULAR AGENDA**

- ITEM 1.** *DISCUSSION/ACTION* – Receive recommendation report from the Planning and Zoning Commission to consider and act on Ordinance 2018-15, amending the text of the Comprehensive Zoning Ordinance No. 2010-013, as amended; providing for amendments to Section 45 Zoning Board of Adjustment to correct names and references, to amend terms of office, to amend meeting dates and to amend hearing and decision procedures; providing a savings clause; providing a severability clause; providing an effective date; and providing for publication.
- ITEM 2.** *DISCUSSION/ACTION* – Receive recommendation from the Planning and Zoning Commission to consider and act on a screening wall along Shiloh Road for Bryson Manor Phase II.
- ITEM 3.** *DISCUSSION/ACTION* – Consideration of and action on a concept plan submitted by Mr. John Matthews for the creation and installation of Cassaro Winery, located at 704 W. Main Street, Ovilla, Texas.
- ITEM 4.** *DISCUSSION/ACTION* – Consideration of and action on Resolution R2018-29 approving the City of Ovilla Master Park Plan, providing an effective date.
- ITEM 5.** *DISCUSSION* – Receive presentation from the Park Board Chair on a Founders Park Concept Plan.
- ITEM 6.** *DISCUSSION* – Discuss possible Lariat Trail improvements (sidewalks and speed control devices) and direct staff as necessary.
- ITEM 7.** *DISCUSSION/ACTION* – Consideration of and action on a request for a Meritorious Exception filed by Barnett Signs as authorized by Dollar General Store, located at 2885 Ovilla Road, Ovilla, TX, to install an illuminated commercial pole sign, placed in the right-of-way, pursuant to Chapter 3, Section 3.06.012 Nonconforming Uses, of the Ovilla Code of Ordinances, authorizing the city manager to approve a permit.
- ITEM 8.** *DISCUSSION/ACTION* – Receive recommendation report from the Planning and Zoning Commission to consider and act on a request filed by Pamilee Koval as authorized by Thomas Waites, owner of property located at 713 W. Main Street, Ovilla, TX, for a Specific Use Permit to add a detached gazebo to the existing framed storage building known as *Snow Place Like Home*, authorizing the city manager to approve a permit.
- ITEM 9.** *DISCUSSION/ACTION* – Consideration of and action on requests for Meritorious Exceptions filed by Pamilee Koval as authorized by Thomas Waites, owner of property located at 713 W. Main Street, Ovilla, TX, to place a commercial banner-pole sign and a framed-board sign, both placed in the right-of-way, pursuant to Chapter 3 Building Regulations, Article 3.06 Signs, Section 3.06.012, of the Ovilla Code of Ordinances, authorizing the city manager to approve permits.
- ITEM 10.** *DISCUSSION/ACTION* – Consideration of and action on requests for a Meritorious Exceptions filed by James Wade as authorized by Jimmie Wade, owner of property located at 711 W. Main Street, Ovilla, TX, to place multiple commercial signs, pursuant to Chapter 3 Building Regulations, Article 3.06 Signs, Section 3.06.012, of the Ovilla Code of Ordinances, authorizing the city manager to approve permits.

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- ITEM 11. *DISCUSSION/ACTION* – Consideration of and action on Resolution R2018-30 approving the City of Ovilla Authorized Staffing for FY 2019, providing an effective date.
  - ITEM 12. *DISCUSSION* – Discuss progress and receive updates on activities related to 2018 Heritage Day celebration, Saturday, September 22, 2018.
  - ITEM 13. *DISCUSSION* – Discuss budgeted annual merit raises.
  - ITEM 14. *DISCUSSION/ACTION* – Consideration of any item(s) pulled from the Consent Agenda above for individual consideration and action.

## VI. DEPARTMENT REPORTS

- **Department Activity Reports / Discussion**
    - Police Department  
2. Monthly Report
    - Fire Department  
3. Monthly Report
    - Public Works  
4. Monthly Report
      - 1. Monthly Park Maintenance Reports
    - Finance Department  
5. June 2018 Financials  
6. Bank Balances through August 06, 2018
    - Administration  
7. Monthly Code/Animal Control Reports  
8. Monthly Municipal Court Report  
9. City Manager Reports

## VI. EXECUTIVE SESSION

The City Council of the City of Ovilla, Texas, reserves the right to meet in a closed session on any item listed on this Agenda should the need arise, pursuant to authorization by Texas Government Code, Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), 551.087 (economic development), 418.183 (homeland security).

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

## VIII. *ADJOURNMENT*

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Pamela Woodall, City Secretary



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# PROCLAMATION

**WHEREAS:** September 17, 2018, marks the two hundred thirty-first anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

**WHEREAS:** It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

**WHEREAS:** Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

**NOW, THEREFORE,** I Richard A. Dormier, by virtue of the authority vested in me as Mayor of Ovilla, Texas, do hereby proclaim the week of September 17 through 23 as

## CONSTITUTION WEEK

**AND** ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

**IN WITNESS WHEREOF,** I have hereunto set my hand and caused the Seal of the City of Ovilla, Texas, to be affixed this 13 day of August in the year of our Lord two thousand eighteen.

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Richard A. Dormier  
Mayor of Ovilla

Attest

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Pamela Woodall  
City Secretary

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

## CONSENT ITEMS C1 – C13

Meeting Date: August 13, 2018

Department: Administration/Finance

Discussion Action

YES NO N/A

Submitted by: Staff

Amount: N/A

### Attachments:

- C1. June 2018 Financial Transactions over \$5,000
- C2. Committed Fund Balance
- C3. Investment Report for Quarter ended June 30, 2018.
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- C13. Minutes of the July 05, 2018 Special Budget Workshop Meeting.

### Discussion / Justification:

### Recommendation / Staff Comments:

Staff recommends approval.

Sample Motion(s):

I move to approve the consent items as presented.



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DATE: August 13, 2018

TO: Honorable Mayor and Council Members

FROM:  
Linda Harding, Accountant

SUBJECT: Transactions Over \$5,000 For June 2018

**City of Ovilla Expenditures Over \$5,000  
for the Month of JUNE 2018**

		General Fund		
Date	Check#	Payee	Description	Amount
** Now in Alphabetical Order				
6/22/2018	47840	Birkhoff, Hendricks & Carter	Engineering	\$ 5,446.36
06/29/2018	47886	GrantWorks	Parks & Rec. Study	6,000.00
06/08/2018	47811	NetGenius Inc	Laptops	10,394.91
06/22/2018	47847	NetGenius Inc	Desktops	9,199.77
06/08/2018	47818	Progressive Waste Solutions of TX, Inc.	Solid Waste	20,320.52
06/14/2018	Draft	QuickBooks Payroll Service	Created by Payroll Service on 06/01/2018	51,109.55
06/28/2018	Draft	QuickBooks Payroll Service	Created by Payroll Service on 06/15/2018	53,547.16
06/15/2018	47831	Russell Byrum Signs	Monument Signs	12,000.00
06/08/2018	47815	Siddons Martin	Annual Service	9,641.65
06/04/2018	47706	T. M. R. S.	Retirement	16,250.03
06/11/2018	47819	United Health Care	Health	7,887.64
06/26/2018	47865	United Health Care	Health	11,850.67
06/01/2018	47777	United States Treasury	PR Tax 5 26 18	7,887.64
06/15/2018	47821	United States Treasury	PR Tax 6 9 18	8,587.42
06/29/2018	47862	United States Treasury	PR TAX 6 23 18	8,654.60

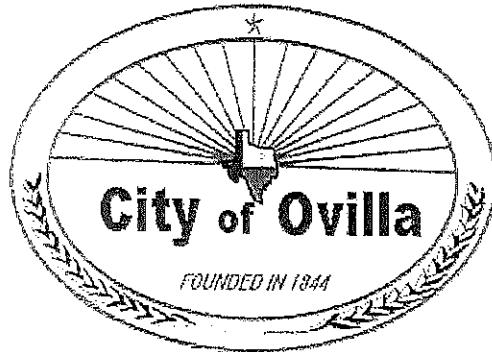
Total General Fund Transactions \$5,000 and Over

\$ 238,777.92

		Water & Sewer Fund		
Date	Check#	Payee	Description	Amount
06/15/2018	17230	City of Dallas	Water	42,838.06
06/01/2018	17213	City of Ovilla General Fund	PR 6 1 18	10,398.91
06/15/2018	17226	City of Ovilla General Fund	PR 6 15 18	10,868.90
06/29/2018	17246	City of Ovilla General Fund	PR 6 29 18	12,216.19
06/19/2018	17231	City of Ovilla General Fund	Garbage transfer	25,380.27
05/18/2018	17200	Trinity River Authority of Texas	Sewer	20,400.00

Total Water & Sewer Fund Transactions \$5,000 and Over

\$ 122,102.33



DATE: August 13, 2018

TO: Honorable Mayor and Council Members

FROM:  
Linda Harding, Accountant

SUBJECT: Committed Fund Balance Report as of June 30, 2018

**Committed Fund Balance Report  
for General Fund for FY 2017-2018 JUNE 30 2018**

	Account Number	General Fund 2017-2018 Budget
FY 2017-2018 Budget MID YEAR AS PRESENTED.		3,827,749
<b>CAPITAL ASSETS and RESERVE ACCOUNTS:</b>		
Machinery and Equipment	5106440	(1,000)
Furniture	5106465	(1,000)
Audio and Visual Equipment	5106470	0
Buildings	5107420	(31,640)
Machinery and Equipment	5107440	0
Reserve for Contingency	5109001	0
Reserve for PD and FD Radios	5109015	(93,770)
Machinery and Equipment	5206440	(9,734)
Personal Protective Equipment	5206445	(2,600)
Capital Outlay - Vehicles	5206450	(57,350)
Machinery and Equipment	5306440	(10,300)
Personal Protective Equipment	5306445	(20,247)
Capital Outlay - Vehicles	5307450	0
Machinery and Equipment	5406440	(1,000)
Capital Outlay - Vehicles	5407450	37,833
Machinery and Equipment	5506440	(2,500)
Personal Protective Equipment	5506445	(300)
Machinery and Equipment	5507440	(10,000)
Machinery and Equipment	5606440	(2,000)
4B EDC Monument Signs	5607415	(30,000)
Machinery and Equipment	5607440	(6,000)
Total 2016-2017 Budget Less Capital Assets and Reserve		3,586,141
<b>Resolution Number 2013-002</b>		25%
<b>REQUIRED UNASSIGNED FUND BALANCE IN GENERAL FUND</b>		<b>\$ 896,535.25</b>

<b>ALL G/F BANK ACCOUNT BALANCES AS OF 6/30/2018</b>	
Prosperity Bank (Operating Acct 9437)	1012500 \$ 1,461,436.96
Prosperity Money Market (Acct #9307605)	1012520 \$ 231,293.31
TexStar Reserves ( Acct. #07017-1110)	1012525 \$ 3,804.59
TexStar Money Market (Acct 1112)	1011525 \$ 348.35
Prosperity Money Market Reserve (Acct. #9307583)	1012250 \$ 128,612.85
Prosperity CD (Acct. #670010694)	1012260 \$ 248,972.25
Prosperity Bank CD (Acct. #670010608)	1012290 \$ 56,421.13
<b>ALL BANK ACCOUNTS Total Unassigned Fund Balance in General Fund</b>	<b>\$ 2,130,889.44</b>
<b>REQUIRED UNASSIGNED FUND BALANCE IN GENERAL FUND</b>	<b>\$ 896,535.25</b>
<b>Excess in Unassigned Fund Balance in ALL ACCOUNTS</b>	<b>\$ 1,234,354.19</b>
\$11,037 - East Highland PLUS \$15,545. - Highview Court PLUS \$114,752 - Reclaim/rehab Suburban Drive PLUS \$86,062-Willowwood, Greenwood PLUS CHANGE- \$225,984.00 Ovilla Oaks Drive 1.2 miles, existing road width and Testing.	\$ 453,380.00
SALE OF ASSET: FIRE RESCUE PUMP AND TANK \$91,000, LESS BROKER FEE OF \$6,370 AND POSTAGE FEE OF \$7.10	\$ (84,622.90)
SALE OF ASSET: FIRE BRUSH TRUCK 4/2016 \$14,000 LESS 10% BROKER FEE \$1,400	\$ (12,600.00)
SALE OF ASSET: FIRE TRUCK 11/2016 \$5,500 LESS 10% BROKER FEE \$450	\$ (5,050.00)
SALE OF ASSET: 1990 PUMP TRUCK 1/1817 \$9,600 LESS 10% BROKER FEE \$960	\$ (8,640.00)
FIRE DEPARTMENT EQUIPMENT PURCHASE - 2016 COMMAND VEHICLE equipment contribution	\$ 55,000.00
FIRE AND POLICE DEPARTMENT RADIO EQUIPMENT PURCHASE GRAND TOTAL \$187,539.20 city equip acct 40,000,	\$ 40,000.00
<b>BALANCE AVAILABLE FROM SALE OF EQUIPMENT</b>	<b>\$ (15,912.90)</b>
<b>BALANCE: EXCLL OF UNASSIGNED FUND BALANCE LESS STREET/EQUIP.</b>	<b>\$ 765,061.29</b>



DATE: August 13, 2018

TO: Honorable Mayor and Council Members

FROM:  
Linda Harding, Accountant

SUBJECT: Investment Report for Quarter Ending June 30, 2018

**City of Ovilla  
Investment Report  
For Quarter Ending JUNE 30, 2018**

Fund	Bank	Investment Type	Description	Bank Account Number	Quick Books Account #	Inception Date	Maturity Date	Rate	Beginning Market Value 3-31-2018	Activity During Quarter	Ending Market Value 6/30/2018	Book Value 6/30/2018	Difference
<b>GENERAL FUND</b>													
GF	Prosperity Bank	Operating	General	6602109437	1012500	N/A	N/A	0.4000%	\$ 1,616,975.04	Interest Earned	\$ 1,580.56		
										Net Deposit	\$ 709,912.64		
										Net Withdrawals	\$ 867,031.28		
										Ending Balance	\$ 1,461,436.96	\$1,461,436.96	\$0.00
GF	Texstar Investment	Pool		70171110	1012525	N/A	N/A	0.999991%	\$ 3,788.20	Interest Earned	\$ 16.39		
										Withdrawal	\$ -		
										Ending Balance	\$ 3,804.59	\$3,804.59	(\$0.00)
GF	Prosperity Bank	Money Market		9307605	1012520	3/2/11	N/A	0.5500%	\$231,003.64	Interest Earned	\$ 289.67		
										Withdrawal	\$ -		
										Ending Balance	\$231,293.31	\$231,293.31	\$0.00
GF	Texstar Investment	Pool		701711120	1011525	N/A	N/A	0.999991%	\$ 944.30	Interest Earned	\$ 4.05	\$948.35	\$948.35
													(\$0.00)
GF	Prosperity Bank	Money Market		9307583	1012250	N/A	N/A	0.5500%	\$ 128,451.78	Interest Earned	\$ 161.07		
										Net Deposit	\$ -		
										Net Withdrawals	\$ -		
										Ending Balance	\$ 128,612.85	\$128,612.85	\$0.00
GF	Prosperity Bank	Lease			1012510	N/A	N/A	0.0000%	\$ 1,601.79	Interest Earned			
										Net Deposit	\$ -	\$ 1,601.79	\$1,601.79
										Net Withdrawal	\$ -		\$0.00
GF	Prosperity Bank	CD		670010694	1012260	2/25/14	2/25/15	0.9000%	\$ 248,427.07	Interest Earned	\$ 545.18		
										Net Deposit	\$ -		
										Net Withdrawals	\$ -		
										Ending Balance	\$ 248,972.25	\$248,972.25	\$0.00
GF	Prosperity Bank	CD		670010608	1012290	10/17/12	10/17/13	0.6500%	\$ 56,330.85	Interest Earned	\$ 90.28	\$56,421.13	\$56,421.13
													\$0.00
GF	Prosperity Bank	Bryson Manor		216188662	1012295	6/25/15	n/a	0.4900%	\$ 298,616.44	Interest Earned	\$ 297.90		
										Net Deposit	\$ -	\$ 298,914.34	\$298,914.34
										Total General Fund Balance	\$2,432,005.57	\$2,432,005.57	\$0.00
<b>DEBT SERVICE</b>													
		Savings Account											
Debt	Prosperity Bank	Sinking Fund		6606020291	1010000	N/A	N/A	0.4100%	\$ 505,355.13	Interest Earned	\$ 710.20		
										Deposits	\$ 19,677.65		
										Deductions	\$ -		
										Ending Balance	\$525,742.98	\$525,742.98	\$0.00
<b>Water &amp; Sewer Utility Fund</b>													
		Operating											
W&S	Prosperity Bank	Utility		6602109445	1021500	N/A	N/A	0.4000%	\$ 578,879.11	Interest Earned	\$ 606.79		

**City of Ovilla  
Investment Report  
For Quarter Ending JUNE 30, 2018**

Fund	Bank	Investment Type	Description	Bank Account Number	Quick Books Account #	Inception Date	Maturity Date	Rate	Beginning Market Value 3-31-2018	Activity During Quarter		Ending Market Value 6/30/2018	Book Value 6/30/2018	Difference
										Net Deposit	\$ 488,419.29			
										Net Withdrawals	\$ 448,394.25			
												\$619,510.94	\$619,510.94	\$0.0
W&S	Texstar Investment	Pool	701705350	1021525	N/A	N/A	0.999991%	\$ 1,163.18	Interest Earned	\$ 5.02				
										Net Deposit	\$ -			
										Withdrawals	\$ -			
										Ending Balance		\$1,168.20	\$1,168.20	\$0.00
W&S	Prosperity Bank	Utility	4547531	1021800	N/A	N/A	0.4400%	\$ 139.85	Interest Earned	\$ 0.15				
										Net Deposit	\$ -			
										Net Withdrawals	\$ -		\$140.00	\$140.00
W&S	Prosperity Bank	Money Mkt.	18004323	1020500	N/A	N/A	0.5500%	\$ 189,650.49	Interest Earned	\$ 237.81				
										Net Deposit	\$ -			
										Net Withdrawals	\$ -		\$189,888.30	\$189,888.30
Total W&S Utility Fund										Total W&S Fund		\$810,707.44	\$810,707.44	\$0.0
CAPITAL PROJECTS														
		Construction Funds												
CP	Texpool Investment	Pool	78761 11878	1023000	N/A	N/A	0.0000%	\$ 311.97	Interest Earned	\$ 1.17				
										Deposits				
										Withdrawals	\$ -			
										Ending Balance		\$313.14	\$313.14	\$0.00
CP	Texstar Investment	Pool	701705340	1023500	N/A	N/A	0.999991%	\$ 1,418.67	Interest Earned	\$ 6.10				
										Deposits	\$ -			
										Withdrawals	\$ -			
										Ending Balance		\$1,424.77	\$1,424.77	\$0.00
CP	Prosperity Bank	Money Market	9307648	1024000	N/A	N/A	0.5500%	\$130,903.85	Interest Earned	\$ 164.15				
										Deposits	\$ -			
										Withdrawals	\$ -			
										Ending Balance		\$131,068.00	\$131,068.00	\$0.00
Total Capital Projects												\$132,805.91	\$132,805.91	\$0.00
W&S IMPACT FEE														
W&S Impact	Prosperity Bank	Water Impact	6604032322	8510100	N/A	N/A	0.4100%	\$ 51,003.17	Interest Earned	\$ 23.96				
		Money Market								Net Deposit	\$ -			
										Net Withdrawals	\$ 50,545.50			
										Ending Balance		\$ 481.63	\$481.63	(\$0.00)
W&S Impact	Texstar Investment	Sewer Impact	701713540	8520155	N/A	N/A	0.999991%	\$ 3,205.35	Interest Earned	\$ 13.85				
										Net Deposits	\$ -			
										Net Withdrawals	\$ -			
										Ending Balance		\$3,219.20	\$3,219.20	\$0.00
W&S Impact	Prosperity Bank	Sewer Impact	301668699	8520160	N/A	N/A	0.3500%	\$96,884.65	Interest Earned	\$ 84.84				
		Money Market								Net Deposit	\$ 18,158.98			
										Net Withdrawals	\$ -			
										Ending Balance		\$115,128.47	\$115,128.47	(\$0.00)
Total W&S Impact Fund												\$118,829.30	\$118,829.30	\$0.00

**City of Ovilla  
Investment Report  
For Quarter Ending JUNE 30, 2018**

# Trinity River Authority of Texas



## Central Regional Wastewater System

3826.500.050.100

July 11, 2018

Ms. Pam Woodall Higgins  
City Secretary  
City of Ovilla  
105 South Cockrell Hill Road  
Ovilla, Texas 75154

Dear Ms. Higgins:

Subject: Contract for Services - Fiscal Year 2019  
Revised Technical Services Fee Schedule  
Central Regional Wastewater System

The Trinity River Authority Board of Directors, in Board Action June 2018, approved the Technical Services Fee Schedule for Fiscal Year 2019 which is in connection with all contracting work relating to the analysis of water and wastewater, industrial inspections, and/or sampling services. According to our records, your current contract expired September 30, 2018. As in past years we propose to continue performing associated services to all Authority Contributing Parties under the provisions of a contract for services. Enclosed please find two (2) copies of the Trinity River Authority Contract for Services and Fee Schedules for Fiscal Year 2019 attached for your review and official authorization. Upon the City's approval for requested services between the City and Trinity River Authority, please return both notarized or sealed copies with Attachment A - Technical Services Fee Schedules for final execution to this office. After execution by the Authority's General Manager, one (1) original Contract for Services will be returned for your files unless otherwise noted by the City.

Please address and refer the correspondence regarding this matter to:

Trinity River Authority  
Central Regional Wastewater System  
6500 West Singleton Blvd.  
Dallas, Texas 75212  
Attention: Wm. B. Cyrus, Manager, Technical Services

6500 W. Singleton Blvd.  
Dallas, Texas 75212  
Metro (972) 263-2251  
Admin Fax (972) 975-4412  
Lab Fax (972) 975-4414



July 11, 2018  
FY-2019 Contract for Services  
Page 2

To coordinate our efforts accordingly, the Authority requests the approval of the contract to begin on October 1, 2018, and terminate on date specified by the contracting party in Section VI. Please note that the contract may now be greater than one (1) year at the contracting party's preference.

Also enclosed are additional copies of our Board Approved Fiscal Year 2019 Services Fee Schedule for your use and files. The service fees are effective December 1, 2018 through November 30, 2019. Historically the fee schedule for these services is derived annually from the direct costs of performing each test, including manpower, materials, supplies, and equipment costs. Additionally, the cost associated with maintaining quality assurance is included in the cost of the test.

Should you have any questions concerning this contract or changes in fee schedule, please contact this office at your convenience.

Sincerely,



WM. B. CYRUS  
Manager, Technical Services

BC/mlt

Enclosures

# EXHIBIT B

## CONTRACT FOR TECHNICAL SERVICES

### I. CONTRACTING PARTIES

The Receiving Agency: City of \_\_\_\_\_, whose authorized address is \_\_\_\_\_.

The Performing Agency: Trinity River Authority of Texas, whose authorized address is 5300 South Collins, P. O. Box 240, Arlington, Texas 76004-0240, Attention: J. Kevin Ward, General Manager (or his designated representative).

### II. STATEMENT OF SERVICES TO BE PERFORMED

In order to discharge the responsibilities associated with the enforcement of Federal, State, and municipal regulations, the Receiving Agency requires services of a laboratory qualified to perform water and wastewater analysis, and of personnel to conduct industrial inspection and/or sampling services, such services detailed in Section A, Subsection(s) \_\_\_\_\_, below.

#### A. PERFORMANCE OF SERVICES

##### 1. Non-Significant Industrial User Inspection and Classification Services:

The Receiving Agency employs the Performing Agency and the Performing Agency agrees to perform industrial user survey services and inspections for non-significant industrial users within the parameters listed on the attached schedule sheet and in accordance with the Receiving Agency's Industrial Waste Ordinances and Sewer Ordinances Numbers \_\_\_\_\_.

The Performing Agency shall perform all industrial user survey activities including organization of users to be surveyed utilizing the Texas Manufacturing Guide, notification to industrial users that require completion of the Receiving Agency's Industrial User Survey Form, industrial user inspections as needed, and proper classification and documentation of industrial users' discharge practices. Performing Agency will provide on behalf of the Receiving Agency updates to the Texas Commission on Environmental Quality (TCEQ) when required. Industrial user survey procedures are established by the Trinity River Authority to meet industrial discharge notification requirements found in the Texas Pollutant Discharge Elimination System Permits issued to the Trinity River Authority and in accordance with 40 CFR § 403.8. Documentation associated with the industrial user survey shall be maintained as required by EPA General Pretreatment Regulations, 40 CFR § 403.12.

##### 2. Significant Industrial User Permit and Inspection Services:

The Receiving Agency employs the Performing Agency and the Performing Agency agrees to perform permitting and industrial inspection services for significant industrial users within the parameters listed on the attached schedule sheet.

The Performing Agency shall perform all Industrial Pretreatment Inspections, review permit applications and prepare for submittal Permits to Discharge Industrial Wastes to the Sanitary Sewer in accordance with procedures established by the Trinity River Authority of Texas in accordance with 40 CFR Part 403.8. Industrial Pretreatment Inspections, Application reviews and permit preparations and submittals shall be in

compliance with the Receiving Agency's Industrial Waste Ordinances, Sewer Ordinance Numbers \_\_\_\_\_, and EPA General Pretreatment Regulations for Existing and New Sources. Records of Inspections, Applications and Permits shall be maintained as required by EPA General Pretreatment Regulations, 40 CFR § 403.12.

3. Industrial User Sampling Services:

The Receiving Agency employs the Performing Agency and the Performing Agency agrees to perform industrial user sampling services within the parameters listed on the attached schedule sheet and in accordance with the Receiving Agency's Industrial Waste Ordinances and Sewer Ordinance Numbers \_\_\_\_\_.

The Performing Agency shall perform all sample collections, sample preservation, and maintenance of chain-of-custody records in accordance to the approved procedures set forth in Test Methods for Evaluating Solid Waste, EPA Manual SW-846, Methods for Chemical Analysis of Water and Wastes, EPA Manual EPA-600/4-79-020, and the Handbook for Sampling and Sample Preservation of Water and Wastewater, EPA Manual EPA-600/4-82-029. The samples shall be properly collected, preserved and delivered by the Performing Agency to the Performing Agency's laboratory located at 6500 West Singleton Blvd., Dallas, Texas. When feasible, the Performing Agency will conduct flow or time composited sampling. When composited sampling is not feasible, grab sampling will be performed.

4. Analytical Services:

The Receiving Agency employs the Performing Agency and the Performing Agency agrees to perform analytical services within the parameters listed on the attached schedule sheet.

The Receiving Agency will collect samples and deliver them to the laboratory for analysis. It is understood that these samples will be properly collected and preserved in accordance with applicable sections of A Practical Guide to Water Quality Studies of Streams, Federal Water Pollution Control Administration publication and Methods for Chemical Analysis for Water and Wastes, EPA manual, as well as the latest edition of Standard Methods for the Examination of Water and Wastewater. Additionally, requirements set by the National Environmental Laboratory Accreditation Conference will be followed as mandated by the Texas Commission on Environmental Quality for state accreditation. A chain-of-custody procedure shall be maintained in the field and the laboratory in accordance with procedures to be established by the Receiving Agency. The Receiving Agency will furnish chain-of-custody.

The Performing Agency will perform all analyses according to the approved procedures set forth in Standard Methods for the Examination of Water and Wastewater, current edition or the latest edition of Methods for Chemical Analysis of Water and Wastes, EPA manual. Additionally, requirements set by the National Environmental Laboratory Accreditation Conference will be followed as mandated by the Texas Commission on Environmental Quality for state accreditation. Samples will be analyzed by these methods on the production basis, to include appropriate analytical quality assurance procedures. Records will be kept for documentation of the Performing Agency's quality assurance program and copies will be available to the Receiving Agency upon request. Unusual interferences and problems will be reported to the Receiving Agency at its authorized address noted above. Research into specific techniques to overcome these difficulties will be undertaken when practical, and by mutual agreement. The chain-of-custody sheet submitted with each sample will designate the particular analysis or analyses to be made of each sample submitted.

The laboratory will be operated in such a manner as to ensure the legal sufficiency of the sample handling; analytical and reporting procedures; and to remedy defects in the procedures should such be discovered.

The various laboratory personnel shall be directed upon receipt of written notice from the Receiving Agency 72 hours in advance, to appear and testify in enforcement actions. In such event, travel and per diem expenses for such employees shall be paid by the Receiving Agency. Travel and per diem for court appearances hereunder shall be based on current Texas law.

Receiving Agency may deliver to Performing Agency samples for analyses separate and apart from those samples collected by the Performing Agency. When the Receiving Agency delivers samples to the Performing Agency for analyses, the Receiving Agency shall indicate the nature and extent of the analysis it desires to be conducted. Performing Agency shall not be responsible for the manner of collection or chain-of-custody or sheets which are matters entirely outside Performing Agency's control. Performing Agency shall receive, log and perform such analyses of samples in accordance with that part of the chain-of-custody procedures identified as Transfer of Custody and Storage attached hereto.

Samples analyzed to maintain the normal quality assurance program which the Performing Agency presently maintains in its laboratory will be charged to the Receiving Agency at the same rate as submitted samples.

#### B. TERMINATION

Either party to this Contract may terminate the Contract by giving the other party thirty days' notice in writing at their authorized address as noted previously. Upon delivery of such notice by either party to the other and before expiration of the thirty-day period, the Performing Agency will proceed promptly to cancel all existing orders, contracts, and obligations which are chargeable to this Contract. As soon as practicable after notice of termination is given, the Performing Agency will furnish Receiving Agency an invoice for work performed under this Contract through its termination. The Receiving Agency will pay the Performing Agency for the work performed less all prior payments. Copies of all completed or partially completed reports, documents, and studies prepared under this Contract will be delivered by the Performing Agency to the Receiving Agency when and if this Contract is terminated prior to the completion of the prescribed work.

#### C. AMENDING THE CONTRACT

The parties hereto may alter or amend this Contract upon advance written agreement of both parties to exclude work being performed or to include additional work to be performed and to adjust the consideration to be paid hereunder by virtue of alterations or amendments.

### III. BASIS FOR CALCULATING REIMBURSABLE COSTS

The financial basis for calculating reimbursable costs shall be as stated in Attachment A, said Attachment A shall be revised and updated annually. Any revisions will be incorporated by reference herein. A cost analysis shall be prepared each year by the Trinity River Authority of Texas and shall be approved by the Trinity River Authority of Texas Board of Directors prior to effective date of said revision.

The expenditures by the Trinity River Authority of Texas of funds paid to it under this Contract shall be subject to such State or Federal audit procedures as may be required by law and by

accepted practices of the State or Federal auditor, or both, if requested. The Trinity River Authority of Texas shall be responsible for maintaining books of account that clearly, accurately and currently reflect financial transactions. The financial records must include all documents supporting entries on the account records which substantiate costs. The Trinity River Authority of Texas must keep the records readily available for examination for a period of three years after the close of the last expenditure.

IV. CONTRACT AMOUNT

The total costs charged by the Authority to the Receiving Agency shall not exceed dollars (\$\_\_\_\_\_) per annum during the term of this Contract, unless mutually agreed by the parties hereto.

V. PAYMENT FOR SERVICES

The Performing Agency shall bill the Receiving Agency monthly for services performed. Charges for these services shall be based on the attached cost schedules.

The Receiving Agency shall pay the monthly billings of the Performing Agency within thirty days of their receipt.

VI. TERM OF CONTRACT

This Contract is to begin \_\_\_\_\_, 20\_\_\_\_ and shall terminate \_\_\_\_\_, 20\_\_\_\_, subject to Section II, paragraph B of this contract.

VII. INTERLOCAL AGREEMENT

Inasmuch as the Receiving Agency and the Performing Agency are political subdivisions of this state, and inasmuch as the testing of water and wastewater are critical to the maintenance of public health and such testing is therefore, a governmental function and service, this contract is entered into pursuant to the Interlocal Cooperation Act, Chapter 791, Texas Government Code.

Receiving Agency:

CITY OF \_\_\_\_\_

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

Performing Agency:

TRINITY RIVER AUTHORITY OF TEXAS

BY: \_\_\_\_\_

GENERAL MANAGER

DATE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
(SEAL)

ATTEST: \_\_\_\_\_  
(SEAL)

## CHAIN-OF-CUSTODY PROCEDURES

### Sample Collection and Shipment

1. To the maximum extent achievable, as few people as possible should handle a sample.
2. Stream and effluent samples should be obtained using standard field sampling techniques and preservation procedures.
3. Chain-of-Custody sheets should be attached to each sample at the time it is collected. Sample containers must be appropriate for requested testing with appropriate preservation and legibly labeled. The tag or sheet contains basically laboratory (requested parameters) information; however, certain identifying items including City, City Code, Contact Name and Phone Number, Type Sample Matrix, Material Sampled, and Method of Preservation must be completed by the field personnel collecting the sample. In completing the Chain-of-Custody tag or sheet, care should be utilized to insure that all necessary information is correctly and legibly entered onto the form. A black ballpoint with water proof ink should be used at all times.
4. During shipment, samples should be appropriately cooled. TRA lab receiving technician will check temperature.

### Transfer of Custody and Storage

1. All samples should be handled by the minimum possible number of persons.
2. All incoming samples shall be received by the laboratory technician or his alternate, and logged into a database. Information to be entered into the database shall include the client sample number, date received, source, time(s) sampled, date(s) sampled, and analyses requested and comments from the Chain of Custody.
3. Promptly after logging, the custodian technician will distribute the sample to an analyst or place the sample in the secure sample vault, which will be locked at all times except when samples are removed or returned by analysts. The sample will be tracked internally in the lab.
4. Samples shall be kept in the sample storage security area at all times when not actually being used by analysts, such as during overnight absences. The technician shall ensure that heat-sensitive samples, or other sample materials having unusual physical characteristics, or requiring special handling, are properly stored and maintained.
5. A log of sample removal and replacement will be kept in the secure sample vault and be retained as a permanent record of the laboratory.
6. The original Chain of Custody and a Sample Evaluation/Variance record shall be sent by the laboratory to the appropriate Receiving Agency control point as part of the final data report.

# **EXHIBIT A**

**TECHNICAL SERVICES FEE SCHEDULE**

**FOR**

**LABORATORY ANALYSES,**

**INDUSTRIAL INSPECTIONS**

**AND**

**INDUSTRIAL SAMPLING**

**FISCAL YEAR 2019**

**December 1, 2018 through November 30, 2019**

**NELAP CERTIFICATE T104704287-10-TX**

## CHEMICAL ANALYSES

### Liquid Samples

Alkalinity:		Phosphorus:	
Total (*)(**)	\$16.25	Ortho (*)	\$16.85
		Total (*)	\$24.25
Biochemical Oxygen Demand:		Solids Testing (Gravimetric):	
5-Day (*)	\$35.65	Total (TS)	\$16.00
5-Day Carbonaceous (*)	\$33.70	Total Dissolved (TDS) (*)	\$24.70
5-Day Filtered (Dissolved)	\$40.50	Total Suspended (TSS) (*)	\$19.70
7-Day	\$37.75	Volatile Suspended (VSS (*)	\$11.80
Extra Dilution (Each)	\$ 2.50	(after TSS)	
		Percent Solids, Total and Volatile	\$21.40
Chlorophyll "a"	\$24.20	Sulfate (*)	\$16.25
Chlorophyll "a" and Pheophytin	\$36.00	Turbidity (*) (**)	\$13.30
Chemical Oxygen Demand (*)	\$24.50	UV254	\$23.00
Chloride (*)	\$16.25		
Conductance, Specific (*) (**)	\$13.75	Mercury (*) (**)	\$34.40
Cyanide:			
Total (*)	\$39.50		
Amenable to Chlorination (*)	\$55.80		
Fluoride, Total (*)	\$16.25	Metals (EPA 200.8) (*) (**) (***):	\$19.90 ea
Glycols	\$21.70	Aluminum	Lead
Hardness (*) (**)	\$26.00	Arsenic	Manganese
Nitrogen:		Antimony	Molybdenum
Ammonia (*)	\$22.80	Barium	Nickel
Ammonia by Distillation (*)	\$28.25	Beryllium	Selenium
Kjeldahl, Total (*)	\$30.50	Boron	Silver
Nitrate (*)	\$16.25	Cadmium	Thallium
Nitrite (*)	\$16.25	Chromium	TIn
Total	\$39.65	Cobalt	Vanadium
Oil and Grease (*)	\$56.20	Copper	Zinc
		Iron	
Organic Carbon:		Minerals (*):	\$19.90 ea.
Dissolved	\$27.70	Calcium	
Total (*) (**)	\$23.70	Magnesium	
pH (*)	\$14.80	Potassium (***)	
		Silica	
		Sodium	

### Solid Samples

Ammonia (***)	\$28.25
Chemical Oxygen Demand	\$41.50
Nitrogen, Kjeldahl, Total	\$33.95
Phosphorus, Total (***)	\$44.03
pH (***)	\$21.60
Mercury (***)	\$66.50
Metals Preparation	\$32.10

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## **MICROBIOLOGICAL ANALYSES**

**Drinking Water:**

Total Coliform (MMO/MUG) (**)	\$23.80	Coliform, Fecal (Membrane Filter (*))	\$20.60
Heterotrophic Plate Count	\$21.90	Coliform, Fecal (MPN (**))	\$51.00
		Coliform, Total (MPN-Q Tray)	\$21.35
		E. Coli (MPN-Q Tray) (*)	\$21.35
		Streptococcus, Fecal (Membrane. Filter) (*)	\$21.20
		Heterotrophic Plate Count	\$21.90
		Microscopic General Examination	\$25.00

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## **TRACE ORGANIC (GC-GC/MS) ANALYSES**

**EPA 624 (\*):**

3-Day (unpreserved)	\$148.90
BTEX (only)	\$155.25
Trip Blanks	\$103.60
Geosmin/MIB	\$ 98.00
EPA 625 (*):	
Total Semi-Volatiles	\$211.00
Semi-Volatile Trip Blank	\$181.00

**Pesticides/PCB**

EPA 608 (*):	
Full List	\$279.45
Chlorinated Pesticides (only)	\$187.10
PCB (aqueous and solid)	\$187.10
EPA 8082:	
Polychlorinated Biphenyls (PCB)	\$210.30

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## **BY QUOTE**

Chromium Hexavalent  
Oil and Grease (solids)  
Organophosphate Pesticide  
Phenols  
TCLP Metals  
TCLP Organic Compounds  
Total Petroleum Hydrocarbons (solids and liquids)

## INDUSTRIAL PRETREATMENT SERVICES

### SAMPLING

Composite Sample	\$ 210.00
Additional Composite Sample	\$ 105.00
Grab Sample	\$ 83.00
Additional Grab Sample	\$ 25.00
pH only	\$ 83.00
Field pH	\$ 17.00
Field Measurement	\$ 45.00
Sampling Event Cost for a Failed Sample	\$ 112.00
Industry Split Sample	\$ 25.00
Boat Fee	\$ 97.00
QA/QC Fee	\$ 18.00

### PRETREATMENT ASSISTANCE

Inspection (permitted users)	\$ 910.00
Inspection (unpermitted users)	\$ 100.00
Permit Preparation (5yr permit)	\$2,000.00
Field Surveillance Event	\$ 675.00
Industrial User Survey Fee	Formula

#### Industrial User Survey Fee Formula:

(No. of Survey Entities<sup>1</sup> X \$3.75) + (No. of identified industrial users<sup>2</sup> X \$15.00)

#### Formula Footnotes:

<sup>1</sup> Users from the Texas Manufactures Guide List for Contracting Party's jurisdiction.

<sup>2</sup> Users that require further manufacturing process and discharge classification

### PRETREATMENT SERVICES INCLUDE

- Grab Sampling
- Installation of Automatic Composite Samplers
- Field Testing Available
- Proper Field QA/QC
- Industry Split Sampling
- Sample Preservation
- Proper Chain of Custody
- Delivery to TRA Laboratory
- Sample Data Review with Report Summaries
- Appropriate Industrial User Pretreatment Classification
- Verification of Permit Application Data
- Chemical Inventory Review
- Permit Drafting
- Semiannual Report Review
- Appropriate Inspection Documentation
- Enforcement Guidance
- Consultation with Industries on Industrial Pretreatment

## **GENERAL SERVICE INFORMATION**

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1. Effective Date: December 1, 2018. All prices listed are per sample and subject to review.
2. All analyses are performed in accordance with "Standard Methods for the Examination of Water and Wastewater," 20<sup>th</sup> Edition, 1998 or most recent approved and/or EPA "Manual of Methods for Chemical Analysis of Water and Wastes," 1983 and the "3<sup>rd</sup> Edition of Solid Waste Manual SW 846."
3. Prices include a 10 percent charge added to the analyses cost to maintain the normal quality assurance program.
4. Standard turn-around time is considered 15 business days for most testing. Priority is half of the standard time. Customer requiring PRIORITY turn-around time will be billed at one and one-half (1 ½) times the routine rate. Customer requiring RUSH turn-around time, run immediately on the next or a special run, will be billed at two times the normal rate. It is recommended to call in advance of sample submission or inquire at the time of submission for estimated turn-around time.
5. The Laboratory will follow instructions as stated on the Chain-of-Custody submitted with samples. The Customer may be contacted by the lab representative on any variance issues and written instruction may be requested concerning the variance.
6. For EPA624 VOC 3 day analysis, do not lower the pH of the sample.
7. Sampling supplies will be provided upon request at a reasonable charge. Bacteriological sampling supplies are included in the cost of analyses.
8. Samples other than bacteriological samples should be delivered to the laboratory before 4:00 p.m. on weekdays. Samples cannot be accepted on weekends or holidays unless special arrangements are made in advance. Bacteriological samples should be delivered prior to 2:00 p.m. unless special arrangements are made in advance. For after-hour samples, please call and arrange for leaving in cold storage vault with analyses request form.
9. A monthly invoice for completed analyses is mailed the following month.
10. Laboratory hours are weekdays 7:00 a.m. to 4:30 p.m. To contact the lab about emergency samples use the number below.
11. Environmental Field, Engineering Field and Pretreatment Services office hours are Monday through Friday, 8:00 a.m. to 5:00 p.m. For after-hour emergencies, leave message with computer operator.
12. Environmental Field and Engineering Field Services are requested to be scheduled a minimum of 72 hours in advance.
13. Laboratory Certificate Number T104704287-10-2.

**FOR MORE INFORMATION, CONTACT:**

**METRO: (972) 263-2251**

**FAX: (972) 975-4414**

**WILLIAM B. CYRUS**  
Manager  
Technical Services

**JOHN DURBIN**  
Manager  
Collection System Group

**CRAIG HARVEY**  
Laboratory Division  
Chief

**JENNIFER MOORE**  
Environmental Service  
Coordinator

**JAMES MCDONALD**  
Technical Services Engineer

**CATHY SIEGER**  
Quality Assurance  
Coordinator

**CRAIG CROWDER**  
Technical Services Engineer

# **EXHIBIT A**

**TECHNICAL SERVICES FEE SCHEDULE**

**FOR**

**LABORATORY ANALYSES,**

**INDUSTRIAL INSPECTIONS**

**AND**

**INDUSTRIAL SAMPLING**

**FISCAL YEAR 2019**

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## CHEMICAL ANALYSES

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5-Day Carbonaceous (*)	\$33.70	Total Dissolved (TDS) (*)	\$24.70
5-Day Filtered (Dissolved)	\$40.50	Total Suspended (TSS) (*)	\$19.70
7-Day	\$37.75	Volatile Suspended (VSS (*)	\$11.80
Extra Dilution (Each)	\$ 2.50	(after TSS)	
		Percent Solids, Total and Volatile	\$21.40
Chlorophyll "a"	\$24.20	Sulfate (*)	\$16.25
Chlorophyll "a" and Pheophytin	\$36.00	Turbidity (*) (**)	\$13.30
Chemical Oxygen Demand (*)	\$24.50	UV254	\$23.00
Chloride (*)	\$16.25		
Conductance, Specific (*) (**)	\$13.75	Mercury (*) (**)	\$34.40
Cyanide:			
Total (*)	\$39.50	Metals (EPA 200.8) (*) (**) (***):	\$19.90 ea
Amenable to Chlorination (*)	\$55.80	Aluminum	Lead
Fluoride, Total (**)	\$16.25	Arsenic	Manganese
Glycols	\$21.70	Antimony	Molybdenum
Hardness (*) (**)	\$26.00	Barium	Nickel
Nitrogen:		Beryllium	Selenium
Ammonia (*)	\$22.80	Boron	Silver
Ammonia by Distillation (*)	\$28.25	Cadmium	Thallium
Kjeldahl, Total (*)	\$30.50	Chromium	TIn
Nitrate (*)	\$16.25	Cobalt	Vanadium
Nitrite (*)	\$16.25	Copper	Zinc
Total	\$39.65	Iron	
Oil and Grease (*)	\$56.20		
Organic Carbon:		Minerals (*):	\$19.90 ea.
Dissolved	\$27.70	Calcium	
Total (*) (**)	\$23.70	Magnesium	
pH (*)	\$14.80	Potassium (***)	
		Silica	
		Sodium	

### Solid Samples

Ammonia (***)	\$28.25
Chemical Oxygen Demand	\$41.50
Nitrogen, Kjeldahl, Total	\$33.95
Phosphorus, Total (***)	\$44.03
pH (***)	\$21.60
Mercury (***)	\$66.50
Metals Preparation	\$32.10

NELAC Accreditation

\*Non-Potable Water

\*\*Drinking Water

\*\*\* Solids

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## **MICROBIOLOGICAL ANALYSES**

**Drinking Water:**

Total Coliform (MMO/MUG) (**)	\$23.80	Coliform, Fecal (Membrane Filter (*))	\$20.60
Heterotrophic Plate Count	\$21.90	Coliform, Fecal (MPN (**))	\$51.00
		Coliform, Total (MPN-Q Tray)	\$21.35
		E. Coli (MPN-Q Tray) (*)	\$21.35
		Streptococcus, Fecal (Membrane. Filter) (*)	\$21.20
		Heterotrophic Plate Count	\$21.90
		Microscopic General Examination	\$25.00

---

## **TRACE ORGANIC (GC-GC/MS) ANALYSES**

EPA 624 (*):		<b>Pesticides/PCB</b>	
3-Day (unpreserved)	\$148.90	EPA 608 (*):	
BTEX (only)	\$155.25	Full List	\$279.45
Trip Blanks	\$103.60	Chlorinated Pesticides (only)	\$187.10
Geosmin/MIB	\$ 98.00	PCB (aqueous and solid)	\$187.10
EPA 625 (*):		EPA 8082:	
Total Semi-Volatiles	\$211.00	Polychlorinated Biphenyls (PCB)	\$210.30
Semi-Volatile Trip Blank	\$181.00		

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## **BY QUOTE**

Chromium Hexavalent  
Oil and Grease (solids)  
Organophosphate Pesticide  
Phenols  
TCLP Metals  
TCLP Organic Compounds  
Total Petroleum Hydrocarbons (solids and liquids)

## **INDUSTRIAL PRETREATMENT SERVICES**

---

### **SAMPLING**

Composite Sample	\$ 210.00
Additional Composite Sample	\$ 105.00
Grab Sample	\$ 83.00
Additional Grab Sample	\$ 25.00
pH only	\$ 83.00
Field pH	\$ 17.00
Field Measurement	\$ 45.00
Sampling Event Cost for a Failed Sample	\$ 112.00
Industry Split Sample	\$ 25.00
Boat Fee	\$ 97.00
QA/QC Fee	\$ 18.00

### **PRETREATMENT ASSISTANCE**

Inspection (permitted users)	\$ 910.00
Inspection (unpermitted users)	\$ 100.00
Permit Preparation (5yr permit)	\$2,000.00
Field Surveillance Event	\$ 675.00
Industrial User Survey Fee	Formula

#### Industrial User Survey Fee Formula:

(No. of Survey Entities<sup>1</sup> X \$3.75) + (No. of identified industrial users<sup>2</sup> X \$15.00)

#### Formula Footnotes:

<sup>1</sup> Users from the Texas Manufactures Guide List for Contracting Party's jurisdiction.

<sup>2</sup> Users that require further manufacturing process and discharge classification

### **PRETREATMENT SERVICES INCLUDE**

- Grab Sampling
- Installation of Automatic Composite Samplers
- Field Testing Available
- Proper Field QA/QC
- Industry Split Sampling
- Sample Preservation
- Proper Chain of Custody
- Delivery to TRA Laboratory
- Sample Data Review with Report Summaries
- Appropriate Industrial User Pretreatment Classification
- Verification of Permit Application Data
- Chemical Inventory Review
- Permit Drafting
- Semiannual Report Review
- Appropriate Inspection Documentation
- Enforcement Guidance
- Consultation with Industries on Industrial Pretreatment

## **GENERAL SERVICE INFORMATION**

1. Effective Date: December 1, 2018. All prices listed are per sample and subject to review.
2. All analyses are performed in accordance with "Standard Methods for the Examination of Water and Wastewater," 20<sup>th</sup> Edition, 1998 or most recent approved and/or EPA "Manual of Methods for Chemical Analysis of Water and Wastes," 1983 and the "3<sup>rd</sup> Edition of Solid Waste Manual SW 846."
3. Prices include a 10 percent charge added to the analyses cost to maintain the normal quality assurance program.
4. Standard turn-around time is considered 15 business days for most testing. Priority is half of the standard time. Customer requiring PRIORITY turn-around time will be billed at one and one-half (1 1/2) times the routine rate. Customer requiring RUSH turn-around time, run immediately on the next or a special run, will be billed at two times the normal rate. It is recommended to call in advance of sample submission or inquire at the time of submission for estimated turn-around time.
5. The Laboratory will follow instructions as stated on the Chain-of-Custody submitted with samples. The Customer may be contacted by the lab representative on any variance issues and written instruction may be requested concerning the variance.
6. For EPA624 VOC 3 day analysis, do not lower the pH of the sample.
7. Sampling supplies will be provided upon request at a reasonable charge. Bacteriological sampling supplies are included in the cost of analyses.
8. Samples other than bacteriological samples should be delivered to the laboratory before 4:00 p.m. on weekdays. Samples cannot be accepted on weekends or holidays unless special arrangements are made in advance. Bacteriological samples should be delivered prior to 2:00 p.m. unless special arrangements are made in advance. For after-hour samples, please call and arrange for leaving in cold storage vault with analyses request form.
9. A monthly invoice for completed analyses is mailed the following month.
10. Laboratory hours are weekdays 7:00 a.m. to 4:30 p.m. To contact the lab about emergency samples use the number below.
11. Environmental Field, Engineering Field and Pretreatment Services office hours are Monday through Friday, 8:00 a.m. to 5:00 p.m. For after-hour emergencies, leave message with computer operator.
12. Environmental Field and Engineering Field Services are requested to be scheduled a minimum of 72 hours in advance.
13. Laboratory Certificate Number T104704287-10-2.

### **FOR MORE INFORMATION, CONTACT:**

**METRO: (972) 263-2251**

**FAX: (972) 975-4414**

**WILLIAM B. CYRUS**  
Manager  
Technical Services

**JOHN DURBIN**  
Manager  
Collection System Group

**CRAIG HARVEY**  
Laboratory Division  
Chief

**JENNIFER MOORE**  
Environmental Service  
Coordinator

**JAMES MCDONALD**  
Technical Services Engineer

**CATHY SIEGER**  
Quality Assurance  
Coordinator

**CRAIG CROWDER**  
Technical Services Engineer

ORDINANCE NO: 2018-13

AN ORDINANCE GRANTING TO ATMOS ENERGY CORPORATION, A TEXAS AND VIRGINIA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE PIPELINES AND EQUIPMENT IN THE CITY OF OVILLA, DALLAS AND ELLIS COUNTIES, TEXAS, FOR THE TRANSPORTATION, DELIVERY, SALE, AND DISTRIBUTION OF GAS IN, OUT OF, AND THROUGH SAID CITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE PUBLIC RIGHTS-OF-WAYS; AND PROVIDING THAT SUCH FEE SHALL BE IN LIEU OF OTHER FEES AND CHARGES, EXCEPTING AD VALOREM TAXES; AND REPEALING ALL PREVIOUS GAS FRANCHISE ORDINANCES.

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

SECTION 1. GRANT OF AUTHORITY: Subject to the reasonable and timely compliance by

Atmos Energy Corporation, Mid-Tex Division, hereinafter called "Atmos Energy," with the provisions contained herein. The the City of Ovilla, Texas, hereinafter called "City," hereby grants to Atmos Energy Corporation, Mid-Tex Division, hereinafter called "Atmos Energy," its successors and assigns, consent to use and occupy the present and future streets, alleys, highways, public utility easements, public ways and other public places ("Public Rights-of-Way"), for the purpose of laying, maintaining, constructing, protecting, operating, and replacing therein and thereon pipelines and all other appurtenant equipment (the "System") to deliver, transport, and distribute gas in, out of, and through City for persons, firms, and corporations, including all the general public, and to sell gas to persons, firms, and corporations, including all the general public, within the City corporate limits, as such limits may be amended from time to time during the term of this franchise, said consent being granted for a term ending December 31, 2044.

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SECTION 2. CONSTRUCTION, MAINTENANCE, OPERATION & RELOCATION OF ATMOS ENERGY FACILITIES:

A. Atmos Energy shall lay, maintain, construct, operate, and replace its pipes, mains, laterals, and other equipment to minimize interference with traffic, place or cause to be placed appropriate barriers to mark excavations or obstructions, and restore to approximate original condition all Public Rights-of-Way that it may disturb. All activities of Atmos Energy in the public rights-of-way shall conform with all the applicable City codes and ordinances, as amended, with City infrastructure standards for design, construction and repair, as amended, and with all other City regulatory requirements as such may be adopted and amended from time to time, including but not limited to requirements regarding the acquisition of permits and the payment of fees. In determining the location of the facilities of the City and other users of Public Right-of-Way within City, City

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shall minimize interference with then existing facilities of Atmos Energy and shall require other users of Public Rights-of-Way to minimize interference with existing facilities of Atmos Energy. In the event of a conflict between the location of the proposed facilities of Atmos Energy and the location of the existing facilities of City or other users of Public Rights-of-Way within Public Rights-of-Way that cannot otherwise be resolved, City or an authorized agent of City shall resolve the conflict and determine the location of the respective facilities within the Public Rights-of-Way.

~~Atmos Energy or contractors working on behalf of Atmos Energy shall not be required to pay for street cutting, street excavation or other special permits related to excavations in Public Rights-of-Way in connection with Atmos Energy's operations in Public Rights-of-Way. City shall provide Atmos Energy with its annual capital improvements plan as well as any updates or changes as soon as the plan, update, or change becomes available. City shall notify Atmos Energy as soon as reasonably possible of any projects that will affect Atmos Energy's facilities located in the Public Rights-of-Way. When required by City to remove or relocate its mains, laterals, and/or other facilities lying within Public Rights-of-Way, Atmos Energy shall do so as soon as practically possible with respect to the scope of the project. In no event shall Atmos Energy be required to remove or relocate its facilities in less than thirty (30) days from the time notice is given to Atmos Energy by City.~~

~~Except in emergencies, before Atmos Energy shall be authorized or required to extend, repair, or relay its existing gas mains or street service lines, it shall file with the City a written statement showing the nature and character of the extensions to be made, obtain a permit for such work, and pay the required permit fees; provided however, Atmos Energy may make emergency repairs and replacements without prior filing with the City but it shall file a written statement promptly thereafter. In addition, Atmos Energy shall assess and report on the impact of its proposed construction on the City environment. Such plans and reports may be reviewed by the City to ensure that, among other items, (i) aesthetic and good planning principles have been given due consideration, (ii) adverse impact on the environment has been minimized, and (iii) that all applicable laws, including building and zoning codes, as applicable and air and water pollution regulations, are complied with. Reasonable changes suggested by the City shall be incorporated into the Company's plans.~~

- B. ~~The Company shall, upon the written request of the City, relocate its facilities situated within any streets, sidewalks, drainage ways, alleys, and/or trails, at no expense to the City, where reasonable and necessary to accommodate the construction, widening, or other modification of any streets, sidewalks,~~

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drainage ways, alleys, trails and/or other City improvement projects. When the Company is required by City to remove or relocate its mains, laterals, and other facilities to accommodate construction, widening or other modification of streets, sidewalks, drainage ways, alleys, trails and/or other improvements by City, and Company is eligible under federal, state, county, local or other programs for reimbursement of costs and expenses incurred by Company as a result of such removal or relocation, and such reimbursement is required to be handled through City. Company costs and expenses shall be included in any application by City for reimbursement, if Company submits its cost and expense documentation to City prior to the filing of the application. City shall provide reasonable notice to Company of the deadline for Company to submit documentation of the costs and expenses of such relocation to City. If the Company is required by City to remove or relocate its mains, laterals, or other facilities for any reason other than the construction of streets, alleys, drainage ways, and public infrastructure associated therewith by City, Company shall be entitled to reimbursement from others of the cost and expense of such removal or relocation.

If City, in constructing its sewers, drainage, water lines, streets, or utilities, should request that Atmos Energy remove or relocate its mains, laterals, and other facilities lying within Public Rights-of-Way, Atmos Energy shall do so at its own expense for facilities that are in conflict, unless such work is for the primary purpose of beautification or to accommodate a private developer. Facilities are deemed to be in conflict to the extent that the proposed City facilities are determined by Atmos Energy to be inconsistent with gas distribution industry standard safe operating practices for existing facilities. Atmos Energy shall not be required to relocate facilities to a depth of greater than four (4) feet unless prior agreement is obtained from Atmos Energy.

When Atmos Energy is required by City to remove or relocate its mains, laterals, and other facilities lying within Public Rights-of-Way to accommodate a request by City, and costs of utility removals or relocations are eligible under federal, state, county, local or other programs for reimbursement of costs and expenses incurred by Atmos Energy as a result of such removal or relocation, and such reimbursement is required to be handled through City, Atmos Energy costs and expenses shall be included in any application by City for reimbursement if Atmos Energy submits its cost and expense documentation to City prior to the filing of the application. City shall provide reasonable written notice to Atmos Energy of the deadline for Atmos Energy to submit documentation of the costs and expenses of such relocation to City. In the event that the City does not provide sufficient written notice to Atmos Energy as set forth in this paragraph, the City shall be responsible for fifty percent (50%) of the cost of the removal or relocation of Atmos Energy's facilities.

If Atmos Energy is required by City to remove or relocate its mains, laterals, or other facilities lying within Public Rights of Way for any reason other than the construction or reconstruction of sewers, drainage, water lines, streets or utilities by City, Atmos Energy shall be entitled to reimbursement from City or others of the cost and expense of such removal or relocation.

C. When Atmos Energy is required to remove or relocate its mains, laterals or other facilities to accommodate construction by City without reimbursement from City, Atmos Energy shall have the right to seek recovery of relocation costs as provided for in applicable state and/or federal law. Nothing herein shall be construed to prohibit, alter, or modify in any way the right of Atmos Energy to seek or recover a surcharge from customers for the cost of relocation pursuant to applicable state and/or federal law. City shall not oppose recovery of relocation costs when Company is required by City to perform relocation. City shall not require that Company document request for reimbursement as a pre-condition to recovery of such relocation costs.

D. If City abandons any Public Rights-of-Way in which Atmos Energy has facilities, such abandonment shall be conditioned on when feasible Atmos Energy's shall have the right to maintain its use of the former Public Right-of-Way and on the obligation of the party to whom the Public Right-of-Way is abandoned to reimburse Atmos Energy for all removal or relocation expenses if Atmos Energy agrees to the removal or relocation of its facilities following abandonment of the Public Right-of-Way. If the party to whom the Public Right-of-Way is abandoned requests Atmos Energy to remove or relocate its facilities and Atmos Energy agrees to such removal or relocation, such removal or relocation shall be done within a reasonable time at the expense of the party requesting the removal or relocation. If relocation cannot practically be made to another Public Right-of-Way, the expense of any right-of-way acquisition shall be considered a relocation expense to be reimbursed by the party requesting the relocation.

E. Atmos Energy shall at all times keep on file with the City a current map or set of maps of Atmos Energy's facilities within the City. Such maps shall indicate subdivision locations and locations of Atmos Energy's customers. As extensions or modifications of facilities are made from time to time, Atmos Energy shall file with the City maps or plans showing those extensions or modifications so that the City will at all times have current and accurate maps and plans of Atmos Energy's facilities. In addition to showing the location of Atmos Energy's facilities and customers, such maps shall also identify the depth and size of any buried facilities, as well as the type of cover overlaying those facilities. Atmos Energy shall furnish the City "as built" drawings not later than sixty (60) days after construction has been completed. Drawings shall be drawn to a scale of one inch (1") equals

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one hundred feet (100') using the standard format adopted by the City. State plane coordinates shall be shown for benchmarks, curb lines, and structures. The Company shall provide one (1) set of blue or black line "as built" drawings to the City and one (1) set of the maps on computer diskettes with G.I.S. data in an electronic/digital format designated by the City.

- E. Atmos Energy shall provide, on a quarterly basis and at the same time that the quarterly payments and reports required in Section 5 are submitted, a comprehensive listing of its customers on a subdivision basis. The location information shall also be shown on either a map or a subdivision plat and may be combined with the maps required in paragraph E above. Atmos Energy shall further cooperate with City in determining the correct jurisdictional coding of all of Atmos Energy's customers in the City and its environs.
- G. Atmos Energy agrees to provide, at its cost, information requested by the City to assist in a determination of any changes in conditions, practices, or services provided by Atmos Energy through the use of the public rights-of-way.

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**SECTION 3. INDEMNITY & INSURANCE:** In the event of injury to any person or damage to any property by reason of Atmos Energy's construction, operation, maintenance, or replacement of Atmos Energy's pipeline system within Public Rights-of-Way, Atmos Energy shall indemnify and keep harmless City from any and all liability in connection therewith, except to the extent such injury or damage is attributable to the fault of the City, including, without limitation, the City's negligent or intentional acts or omissions. Atmos Energy's insurance of its obligations and risks undertaken pursuant to this franchise may be in the form of self-insurance to the extent permitted by applicable law, under an Atmos Energy plan of self-insurance maintained in accordance with sound accounting and risk-management practices.

**SECTION 4. NON-EXCLUSIVE FRANCHISE:** The rights, privileges, and franchises granted by this ordinance are not to be considered exclusive, and City hereby expressly reserves the right to grant, at any time, like privileges, rights, and franchises as it may see fit to any other person or corporation for the purpose of transporting, delivering, distributing, or selling gas to and for City and the inhabitants thereof.

**SECTION 5. PAYMENTS TO CITY:**

- A. In consideration of the right granted by City to Atmos Energy to use and occupy the rights-of-way in the City for the conduct of its business, Atmos Energy, its successors and assigns, agrees to pay to the City franchise fees in the amount and manner described herein. Such payments shall be made

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on a quarterly basis, on or before the twentieth (20th) day following the end of each calendar quarter. The franchise fee shall be a sum of money which shall be equivalent to five percent (5%) of Atmos Energy's quarterly gross revenues.

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A.B. Atmos Energy, its successors and assigns, agrees to pay and City agrees to accept, on or before the 1<sup>st</sup> day of April 2019, and on or before the same day of each succeeding year during the term of this franchise the last payment being made on the 1<sup>st</sup> day of April 2044, a sum of money which shall be equivalent to five percent (5%) of the Gross Revenues, as defined in 5.B below, received by Atmos Energy during the preceding calendar year.

B.C. "Gross Revenues" shall mean:

- (1) all revenues received by Atmos Energy from the sale of gas to all classes of customers (excluding gas sold to another gas utility in the City for resale to its customers within City) within the City;
- (2) all revenues received by Atmos Energy from the transportation of gas through the System of Atmos Energy within the City to customers located within the City (excluding any gas transported to another gas utility in City for resale to its customers within City);
- (3) the value of gas transported by Atmos Energy for Transport Customers through the System of Atmos Energy within the City ("Third Party Sales") (excluding the value of any gas transported to another gas utility in City for resale to its customers within City), with the value of such gas to be established by utilizing Atmos Energy's monthly Weighted Average Cost of Gas charged to industrial customers in the Mid-Tex division, as reasonably near the time as the transportation service is performed; and
- (4) "Gross Revenues" shall also include fees collected pursuant to this agreement and the following "miscellaneous charges:" charges to connect, disconnect, or reconnect gas and charges to handle returned checks from consumers within the City.
- (5) "Gross Revenues" shall not include:
  - (a) revenues billed but not ultimately collected or received by Atmos Energy;
  - (b) contributions in aid of construction;

- (c) the revenue of any affiliate or subsidiary of Atmos Energy;
- (d) sales tax paid to the City;
- (e) interest or investment income earned by Atmos Energy; and
- (f) monies received from the lease or sale of real or personal property, provided, however, that this exclusion does not apply to the lease of facilities within the City's right of way.

The initial payment for the rights and privileges herein provided shall be for the privilege period January 1 through December 31, 2019, and each succeeding payment shall be for the privilege period of the calendar year in which the payment is made. At the time of each quarterly payment, Atmos Energy shall also submit to the City a sworn statement showing: (i) its gross revenues for the preceding calendar quarter upon which franchise fees are calculated, including the amount of revenues received by Atmos Energy for the transportation of gas; (ii) the coded identity of Atmos Energy's transport customers during the preceding calendar quarter; and (iii) the cost, volume, and transport fee of gas transported during the preceding calendar quarter for such transport customers. Upon request, City shall have access at Atmos Energy's office to the actual identity of Atmos Energy's transport customers and their suppliers as long as such information shall remain confidential, and no copies of such information may be made.

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C.

It is also expressly agreed that the aforesaid payments shall be in lieu of any and all other and additional occupation taxes, easement, franchise taxes or charges (whether levied as an ad valorem, special, or other character of tax or charge), municipal license, permit, and inspection fees, bonds, street taxes, and street or alley rentals or charges, and all other and additional municipal taxes, charges, levies, fees, and rentals of whatsoever kind and character that City may now impose or hereafter levy and collect from Atmos Energy or Atmos Energy's agents, excepting only the usual general or special ad valorem taxes that City is authorized to levy and impose upon real and personal property. If the City does not have the legal power to agree that the payment of the foregoing sums of money shall be in lieu of taxes, licenses, fees, street or alley rentals or charges, easement or franchise taxes or charges aforesaid, then City agrees that it will apply so much of said sums of money paid as may be necessary to satisfy Atmos Energy's obligations, if any, to pay any such taxes, licenses, charges, fees, rentals, easement or franchise taxes or charges aforesaid.

D. Effect of Other Municipal Franchise Fees Accepted and Paid by Atmos Energy

If Atmos Energy should at any time after the effective date of this Ordinance agree to a new municipal franchise ordinance, or renew an existing municipal franchise ordinance, with another municipality in Atmos Energy's Mid-Tex Division, which municipal franchise ordinance determines the franchise fee owed to that municipality for the use of its public rights-of-way in a manner that, if applied to the City, would result in a franchise fee greater than the amount otherwise due City under this Ordinance, then the franchise fee to be paid by Atmos Energy to City pursuant to this Ordinance may, at the election of the City, be increased so that the amount due and to be paid is equal to the amount that would be due and payable to City were the franchise fee provisions of that other franchise ordinance applied to City. The City acknowledges that the exercise of this right is conditioned upon the City's acceptance of all terms and conditions of the other municipal franchise *in toto*. The City may request waiver of certain terms and Company may grant, in its sole reasonable discretion, such waiver.

E. Atmos Energy Franchise Fee Recovery Tariff

- (1) Atmos Energy may file with the City a tariff or tariff amendment(s) to provide for the recovery of the franchise fees under this agreement.
- (2) City agrees that (i) as regulatory authority, it will adopt and approve the ordinance, rates or tariff which provide for 100% recovery of such franchise fees as part of Atmos Energy's rates; (ii) if the City intervenes in any regulatory proceeding before a federal or state agency in which the recovery of Atmos Energy's franchise fees is an issue, the City will take an affirmative position supporting 100% recovery of such franchise fees by Atmos Energy and; (iii) in the event of an appeal of any such regulatory proceeding in which the City has intervened, the City will take an affirmative position in any such appeals in support of the 100% recovery of such franchise fees by Atmos Energy.
- (3) City agrees that it will take no action, nor cause any other person or entity to take any action, to prohibit the recovery of such franchise fees by Atmos Energy.

F. Lease of Facilities Within City's Rights-of-Way. Subject to the City's prior written approval, Atmos Energy shall have the right to lease, license or otherwise grant to a party other than Atmos Energy the use of its facilities within the City's public rights-of-way provided: (i) Atmos Energy first notifies the City of the name of the lessee, licensee or user; the type of service(s) intended to

be provided through the facilities; and the name and telephone number of a contact person associated with such lessee, licensee or user and (ii) Atmos Energy makes the franchise fee payment due on the revenues from such lease pursuant to Section 5 of this Ordinance. This authority to Lease Facilities within City's Rights-of-Way shall not affect any such lessee, licensee or user's obligation, if any, to pay franchise fees.

#### SECTION 6. ACCOUNTING; AUDIT; INSPECTION

(a) Atmos Energy, shall maintain, at its local office or principal place of business within the state, adequate books and records relating to the performance of its obligations under this franchise. Atmos Energy, shall maintain separate records in a form sufficient to identify its investment, revenues, and expenses related to its performance under this franchise, intending thereby to separate the accounting records of its system in the City from its other systems. The records of Atmos Energy, applicable to its performance under this franchise shall be made available for inspection by the City at any time during normal working hours.

(b) City may cause, upon reasonable notice, an audit to be made of the books and records of Atmos Energy, relating to its performance under this franchise or any portion of any of its other operations that may be allocated or charged to its operations in the City. The omission by the City to exercise its rights to any audit at any time shall not constitute a waiver of such right. In the event City elects to exercise its right of audit, City shall provide to Atmos Energy, written notice of such election at least forty-eight (48) hours in advance of the time of such audit. City shall retain an independent auditor of its selection to perform the audit. Atmos Energy, shall make available to the auditor such personnel and records as the City may in its reasonable discretion request in order to complete such audit, and shall make no charge to the City therefor. Atmos Energy, shall assist the City during any audit conducted under this franchise, including answering questions and providing any requested records or information within five (5) working days of having received a written request therefor. The cost of an audit pursuant to this provision shall be borne by the City, unless the audit reveals an underpayment of fees paid during the audit period in excess of three (3) percent, in which case Atmos Energy, shall pay for the audit. In the event any overpayment is discovered, such overpayment will credit toward current and/or future payments owed, without interest.

(c) Upon request by the City, but no less often than annually, Atmos Energy, will prepare a statement of its estimate of its gross revenues by revenue account for the period covered by the statement signed by an authorized representative of Atmos Energy, in such reasonable form and detail as City may from time to time prescribe, sufficient to show the source and method of calculation of Atmos Energy's gross revenues. The acceptance of any statement or payment shall not estop the City from asserting

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its rights and powers under or by virtue of present or future ordinances of the City, and it is expressly provided that nothing herein shall impair the right of the City to fix, within constitutional and statutory limits, a reasonable price to be charged for natural gas, or to provide and fix a scale of prices for natural gas, and other charges, to be charged by Atmos Energy to residential consumers, commercial consumers, industrial consumers, or to any combination of such consumers, within the territorial limits of the City as same now exist or as such limits may be extended from time to time hereafter.

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#### SECTION 8. TERMINATION

- (a) In addition to any rights set out elsewhere in this ordinance, the City reserves the right to terminate the franchise and all rights and privileges pertaining thereto, in the event that Atmos Energy violates any material provision of the franchise or Atmos Energy becomes insolvent, or is adjudged as bankrupt.
- (b) Upon failure of Atmos Energy to comply with the material terms of the franchise, the City may by ordinance terminate the franchise in accordance with the procedures set forth in this section. Upon termination, all rights of Atmos Energy shall immediately be divested without further act upon the part of the City. If the City requires Atmos Energy to remove its facilities from the public rights-of-way, then Atmos Energy shall forthwith remove its structures or property from the public rights-of-way and restore it to the approximate original condition. Upon failure to do so, the City may perform the work and collect the cost thereof from Atmos Energy. The cost thereof shall be a lien upon all facilities and property of Atmos Energy.

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- (c) Procedures for termination.

- (i) The City shall give written notice to Atmos Energy of the existence of a material violation or failure to comply with the franchise. Atmos Energy shall have a period of thirty (30) days after receipt of such notice from the City in which to cease such violation and comply with the terms and provisions hereof. In the event Atmos Energy fails to cease such violation or to otherwise comply with the terms hereof, then Atmos Energy's franchise is subject to termination under the following provisions. Provided, however, that, if Atmos Energy commences work or other efforts to cure such violations within thirty (30) days after receipt of written notice and shall thereafter prosecute such curative work with reasonable diligence until such curative work is completed, then such violations shall cease to exist, and the franchise will not be terminated.

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- (ii) Termination shall be declared only by a written decision of the City Council after an appropriate public proceeding whereby Atmos Energy is afforded the full opportunity to be heard and to respond to any such notice of violation or failure to comply. Atmos Energy shall be provided at least ten (10) days prior written notice of any public hearing concerning the termination of the franchise. In addition, ten (10) day notice by publication shall be given of the date, time and place

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of any public hearing to interested members of the public, which notice shall be paid for by Atmos Energy.

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(iii) The City, after full public hearing, and upon finding a material violation or failure to comply, may in its discretion terminate the franchise or excuse the violation or failure to comply upon a showing by Atmos Energy of mitigating circumstances or upon a showing of good cause of said violation or failure to comply as may be determined by the City Council. The failure of Atmos Energy to comply with the terms of this franchise after due notice and hearing and the providing of adequate time for Atmos Energy to comply with said terms, shall entitle the City to compel compliance by suit in any court of competent jurisdiction and upon culmination of the suit, if Atmos Energy still fails to comply with the terms of the franchise, the City may compel compliance upon penalty of forfeiture thereof, with the City having an option to purchase Atmos Energy's property located in the City at a reasonable fair value should forfeiture occur.

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(d) In the event the City purchases Atmos Energy's property under penalty of forfeiture and the City and Atmos Energy cannot agree upon the reasonable fair value of the property, then the reasonable fair value of Atmos Energy's property shall be established by a majority vote of three appraisers with one appraiser selected by Atmos Energy, one appraiser selected by City, and one appraiser selected by the other two appraisers. If the two appraisers are unable to agree upon the third appraiser, then the third appraiser shall be selected by order of a court of competent jurisdiction. Atmos Energy further agrees that if for any reason it fails to pay the franchise fee as provided in this franchise within thirty (30) days following written notice from the City that Atmos Energy has failed to make such payment, such failure shall be sufficient to permit the City to forfeit the franchise without court action.

SECTION 96. ACCEPTANCE OF FRANCHISE: In order to accept this franchise, Atmos Energy must file with the City Secretary its written acceptance of this franchise ordinance within sixty (60) days after its final passage and approval by City. If such written acceptance of this franchise ordinance is not filed by Atmos Energy, the franchise ordinance shall be rendered null and void.

When this franchise ordinance becomes effective, all previous ordinances of City granting franchises for gas delivery purposes that were held by Atmos Energy shall be automatically canceled and annulled, and shall be of no further force and effect.

SECTION 710. PARAGRAPH HEADINGS. CONSTRUCTION: The paragraph headings contained in this ordinance are for convenience only and shall in no way enlarge or limit the scope or

meaning of the various and several paragraphs hereof. Both parties have participated in the preparation of this ordinance and this ordinance shall not be construed either more or less strongly against or for either party.

SECTION 811. EFFECTIVE DATE: If Atmos Energy accepts this ordinance, it becomes effective as of April 27, 2018.

PASSED AND APPROVED on this the \_\_\_\_\_ day of \_\_\_\_\_ 2018.

ATTEST:

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City Secretary

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Mayor  
City of Ovilla, Texas

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_  
CITY OF OVILLA

I, \_\_\_\_\_, City Secretary of the City of Ovilla, Dallas and Ellis Counties, Texas, do hereby certify that the above and foregoing is a true and correct copy of an ordinance passed by the City Council of the City of Ovilla, Texas, at a \_\_\_\_\_ session, held on the \_\_\_\_\_ day of \_\_\_\_\_ 2018, as it appears of record in the Minutes in Book \_\_\_\_\_, page \_\_\_\_\_.

WITNESS MY HAND AND SEAL OF SAID CITY, this the \_\_\_\_\_ day of \_\_\_\_\_,  
2018.

City Secretary  
City of Ovilla, Texas

ORDINANCE NO: 2018-13

AN ORDINANCE GRANTING TO ATMOS ENERGY CORPORATION, A TEXAS AND VIRGINIA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE PIPELINES AND EQUIPMENT IN THE CITY OF OVILLA, DALLAS AND ELLIS COUNTIES, TEXAS, FOR THE TRANSPORTATION, DELIVERY, SALE, AND DISTRIBUTION OF GAS IN, OUT OF, AND THROUGH SAID CITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE PUBLIC RIGHTS-OF-WAYS; AND PROVIDING THAT SUCH FEE SHALL BE IN LIEU OF OTHER FEES AND CHARGES, EXCEPTING AD VALOREM TAXES; AND REPEALING ALL PREVIOUS GAS FRANCHISE ORDINANCES.

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

SECTION 1. GRANT OF AUTHORITY: Subject to the reasonable and timely compliance by Atmos Energy Corporation, Mid-Tex Division, hereinafter called "Atmos Energy," with the provisions contained herein, the City of Ovilla, Texas, hereinafter called "City," hereby grants to Atmos Energy Corporation, Mid-Tex Division, hereinafter called "Atmos Energy," its successors and assigns, consent to use and occupy the present and future streets, alleys, highways, public utility easements, public ways and other public places ("Public Rights-of-Way"), for the purpose of laying, maintaining, constructing, protecting, operating, and replacing therein and thereon pipelines and all other appurtenant equipment (the "System") to deliver, transport, and distribute gas in, out of, and through City for persons, firms, and corporations, including all the general public, and to sell gas to persons, firms, and corporations, including all the general public, within the City corporate limits, as such limits may be amended from time to time during the term of this franchise, said consent being granted for a term ending December 31, 2044.

SECTION 2. CONSTRUCTION, MAINTENANCE, OPERATION & RELOCATION OF ATMOS ENERGY FACILITIES:

A. Atmos Energy shall lay, maintain, construct, operate, and replace its pipes, mains, laterals, and other equipment to minimize interference with traffic, place or cause to be placed appropriate barriers to mark excavations or obstructions, and restore to approximate original condition all Public Rights-of-Way that it may disturb. All activities of Atmos Energy in the public rights-of-way shall conform with all the applicable City codes and ordinances, as amended, with City infrastructure standards for design, construction and repair, as amended, and with all other City regulatory requirements as such may be adopted and amended from time to time, including but not limited to requirements regarding the acquisition of permits and the payment of fees. In determining the location of the facilities of the City and other users of Public Right-of-Way within City, City

shall minimize interference with then existing facilities of Atmos Energy and shall require other users of Public Rights-of-Way to minimize interference with existing facilities of Atmos Energy. In the event of a conflict between the location of the proposed facilities of Atmos Energy and the location of the existing facilities of City or other users of Public Rights-of-Way within Public Rights-of-Way that cannot otherwise be resolved, City or an authorized agent of City shall resolve the conflict and determine the location of the respective facilities within the Public Rights-of-Way.

Except in emergencies, before Atmos Energy shall be authorized or required to extend, repair, or relay its existing gas mains or street service lines, it shall file with the City a written statement showing the nature and character of the extensions to be made, obtain a permit for such work, and pay the required permit fees; provided however, Atmos Energy may make emergency repairs and replacements without prior filing with the City but it shall file a written statement promptly thereafter. In addition, Atmos Energy shall assess and report on the impact of its proposed construction on the City environment. Such plans and reports may be reviewed by the City to ensure that, among other items, (i) aesthetic and good planning principles have been given due consideration, (ii) adverse impact on the environment has been minimized, and (iii) that all applicable laws, including building and zoning codes, as applicable and air and water pollution regulations, are complied with. Reasonable changes suggested by the City shall be incorporated into the Company's plans.

- B. The Company shall, upon the written request of the City, relocate its facilities situated within any streets, sidewalks, drainage ways, alleys, and/or trails, at no expense to the City, where reasonable and necessary to accommodate the construction, widening, or other modification of any streets, sidewalks, drainage ways, alleys, trails and/or other City improvement projects. When the Company is required by City to remove or relocate its mains, laterals, and other facilities to accommodate construction, widening or other modification of streets, sidewalks, drainage ways, alleys, trails and/or other improvements by City, and Company is eligible under federal, state, county, local or other programs for reimbursement of costs and expenses incurred by Company as a result of such removal or relocation, and such reimbursement is required to be handled through City, Company costs and expenses shall be included in any application by City for reimbursement, if Company submits its cost and expense documentation to City prior to the filing of the application. City shall provide reasonable notice to Company of the deadline for Company to submit documentation of the costs and expenses of such relocation to City. If the Company is required by City to remove or relocate its mains, laterals, or other facilities for any reason other than the construction of streets, alleys, drainage ways, and public

infrastructure associated therewith by City, Company shall be entitled to reimbursement from others of the cost and expense of such removal or relocation.

- C. When Atmos Energy is required to remove or relocate its mains, laterals or other facilities to accommodate construction by City without reimbursement from City, Atmos Energy shall have the right to seek recovery of relocation costs as provided for in applicable state and/or federal law. Nothing herein shall be construed to prohibit, alter, or modify in any way the right of Atmos Energy to seek or recover a surcharge from customers for the cost of relocation pursuant to applicable state and/or federal law. City shall not oppose recovery of relocation costs when Company is required by City to perform relocation. City shall not require that Company document request for reimbursement as a pre-condition to recovery of such relocation costs.
- D. If City abandons any Public Rights-of-Way in which Atmos Energy has facilities, when feasible Atmos Energy's shall have the right to maintain its use of the former Public Right-of-Way and on the obligation of the party to whom the Public Right-of-Way is abandoned to reimburse Atmos Energy for all removal or relocation expenses if Atmos Energy agrees to the removal or relocation of its facilities following abandonment of the Public Right-of-Way. If the party to whom the Public Right-of-Way is abandoned requests Atmos Energy to remove or relocate its facilities and Atmos Energy agrees to such removal or relocation, such removal or relocation shall be done within a reasonable time at the expense of the party requesting the removal or relocation. If relocation cannot practically be made to another Public Right-of-Way, the expense of any right-of-way acquisition shall be considered a relocation expense to be reimbursed by the party requesting the relocation.
- E. Atmos Energy shall at all times keep on file with the City a current map or set of maps of Atmos Energy's facilities within the City. Such maps shall indicate subdivision locations and locations of Atmos Energy's customers. As extensions or modifications of facilities are made from time to time, Atmos Energy shall file with the City maps or plans showing those extensions or modifications so that the City will at all times have current and accurate maps and plans of Atmos Energy's facilities. In addition to showing the location of Atmos Energy's facilities and customers, such maps shall also identify the depth and size of any buried facilities, as well as the type of cover overlaying those facilities. Atmos Energy shall furnish the City "as built" drawings not later than sixty (60) days after construction has been completed. Drawings shall be drawn to a scale of one inch (1") equals one hundred feet (100') using the standard format adopted by the City. State plane coordinates shall

be shown for benchmarks, curb lines, and structures. The Company shall provide one (1) set of blue or black line "as built" drawings to the City and one (1) set of the maps on computer diskettes with G.I.S. data in an electronic/digital format designated by the City.

- F. Atmos Energy shall provide, on a quarterly basis and at the same time that the quarterly payments and reports required in Section 5 are submitted, a comprehensive listing of its customers on a subdivision basis. The location information shall also be shown on either a map or a subdivision plat and may be combined with the maps required in paragraph E above. Atmos Energy shall further cooperate with City in determining the correct jurisdictional coding of all of Atmos Energy's customers in the City and its environs.
- G. Atmos Energy agrees to provide, at its cost, information requested by the City to assist in a determination of any changes in conditions, practices, or services provided by Atmos Energy through the use of the public rights-of-way.

**SECTION 3. INDEMNITY & INSURANCE:** In the event of injury to any person or damage to any property by reason of Atmos Energy's construction, operation, maintenance, or replacement of Atmos Energy's pipeline system within Public Rights-of-Way, Atmos Energy shall indemnify and keep harmless City from any and all liability in connection therewith, except to the extent such injury or damage is attributable to the fault of the City, including, without limitation, the City's negligent or intentional acts or omissions. Atmos Energy's insurance of its obligations and risks undertaken pursuant to this franchise may be in the form of self-insurance to the extent permitted by applicable law, under an Atmos Energy plan of self-insurance maintained in accordance with sound accounting and risk-management practices.

**SECTION 4. NON-EXCLUSIVE FRANCHISE:** The rights, privileges, and franchises granted by this ordinance are not to be considered exclusive, and City hereby expressly reserves the right to grant, at any time, like privileges, rights, and franchises as it may see fit to any other person or corporation for the purpose of transporting, delivering, distributing, or selling gas to and for City and the inhabitants thereof.

**SECTION 5. PAYMENTS TO CITY:**

- A. In consideration of the right granted by City to Atmos Energy to use and occupy the rights-of-way in the City for the conduct of its business, Atmos Energy, its successors and assigns, agrees to pay to the City franchise fees in the amount and manner described herein. Such payments shall be made on a quarterly basis, on or before the twentieth (20th) day following the end of each calendar

quarter. The franchise fee shall be a sum of money which shall be equivalent to five percent (5%) of Atmos Energy's quarterly gross revenues.

B.

C. "Gross Revenues" shall mean:

- (1) all revenues received by Atmos Energy from the sale of gas to all classes of customers (excluding gas sold to another gas utility in the City for resale to its customers within City) within the City;
- (2) all revenues received by Atmos Energy from the transportation of gas through the System of Atmos Energy within the City to customers located within the City (excluding any gas transported to another gas utility in City for resale to its customers within City);
- (3) the value of gas transported by Atmos Energy for Transport Customers through the System of Atmos Energy within the City ("Third Party Sales") (excluding the value of any gas transported to another gas utility in City for resale to its customers within City), with the value of such gas to be established by utilizing Atmos Energy's monthly Weighted Average Cost of Gas charged to industrial customers in the Mid-Tex division, as reasonably near the time as the transportation service is performed; and
- (4) "Gross Revenues" shall also include fees collected pursuant to this agreement and the following "miscellaneous charges." charges to connect, disconnect, or reconnect gas and charges to handle returned checks from consumers within the City.
- (5) "Gross Revenues" shall not include:
  - (a) revenues billed but not ultimately collected or received by Atmos Energy;
  - (b) contributions in aid of construction;
  - (c) the revenue of any affiliate or subsidiary of Atmos Energy;
  - (d) sales tax paid to the City;
  - (e) interest or investment income earned by Atmos Energy; and
  - (f) monies received from the lease or sale of real or personal property, provided, however, that this exclusion does not apply to the lease of

facilities within the City's right of way.

At the time of each quarterly payment, Atmos Energy shall also submit to the City a sworn statement showing: (i) its gross revenues for the preceding calendar quarter upon which franchise fees are calculated, including the amount of revenues received by Atmos Energy for the transportation of gas; (ii) the coded identity of Atmos Energy's transport customers during the preceding calendar quarter; and (iii) the cost, volume, and transport fee of gas transported during the preceding calendar quarter for such transport customers. Upon request, City shall have access at Atmos Energy's office to the actual identity of Atmos Energy's transport customers and their suppliers as long as such information shall remain confidential, and no copies of such information may be made.

It is also expressly agreed that the aforesaid payments shall be in lieu of any and all other and additional occupation taxes, easement, franchise taxes or charges (whether levied as an ad valorem, special, or other character of tax or charge), municipal license, permit, and inspection fees, bonds, street taxes, and street or alley rentals or charges, and all other and additional municipal taxes, charges, levies, fees, and rentals of whatsoever kind and character that City may now impose or hereafter levy and collect from Atmos Energy or Atmos Energy's agents, excepting only the usual general or special ad valorem taxes that City is authorized to levy and impose upon real and personal property. If the City does not have the legal power to agree that the payment of the foregoing sums of money shall be in lieu of taxes, licenses, fees, street or alley rentals or charges, easement or franchise taxes or charges aforesaid, then City agrees that it will apply so much of said sums of money paid as may be necessary to satisfy Atmos Energy's obligations, if any, to pay any such taxes, licenses, charges, fees, rentals, easement or franchise taxes or charges aforesaid.

#### D. Effect of Other Municipal Franchise Ordinance Fees Accepted and Paid by Atmos Energy

If Atmos Energy should at any time after the effective date of this Ordinance agree to a new municipal franchise ordinance, or renew an existing municipal franchise ordinance, with another municipality in Atmos Energy's Mid-Tex Division, which municipal franchise ordinance determines the franchise fee owed to that municipality for the use of its public rights-of-way in a manner that, if applied to the City, would result in a franchise fee greater than the amount otherwise due City under this Ordinance, then the franchise fee to be paid by Atmos Energy to City pursuant to this Ordinance may, at the election of the City, be increased so that the amount due and to be paid is equal to the amount that would be due and payable to City were the franchise fee provisions of that other franchise ordinance applied to City. The City acknowledges that the exercise of this

right is conditioned upon the City's acceptance of all terms and conditions of the other municipal franchise *in toto*. The City may request waiver of certain terms and Company may grant, in its sole reasonable discretion, such waiver.

E. Atmos Energy Franchise Fee Recovery Tariff

- (1) Atmos Energy may file with the City a tariff or tariff amendment(s) to provide for the recovery of the franchise fees under this agreement.
- (2) City agrees that (i) as regulatory authority, it will adopt and approve the ordinance, rates or tariff which provide for 100% recovery of such franchise fees as part of Atmos Energy's rates; (ii) if the City intervenes in any regulatory proceeding before a federal or state agency in which the recovery of Atmos Energy's franchise fees is an issue, the City will take an affirmative position supporting 100% recovery of such franchise fees by Atmos Energy and; (iii) in the event of an appeal of any such regulatory proceeding in which the City has intervened, the City will take an affirmative position in any such appeals in support of the 100% recovery of such franchise fees by Atmos Energy.
- (3) City agrees that it will take no action, nor cause any other person or entity to take any action, to prohibit the recovery of such franchise fees by Atmos Energy.

F. Lease of Facilities Within City's Rights-of-Way. Subject to the City's prior written approval, Atmos Energy shall have the right to lease, license or otherwise grant to a party other than Atmos Energy the use of its facilities within the City's public rights-of-way provided: (i) Atmos Energy first notifies the City of the name of the lessee, licensee or user; the type of service(s) intended to be provided through the facilities; and the name and telephone number of a contact person associated with such lessee, licensee or user and (ii) Atmos Energy makes the franchise fee payment due on the revenues from such lease pursuant to Section 5 of this Ordinance. This authority to Lease Facilities within City's Rights-of-Way shall not affect any such lessee, licensee or user's obligation, if any, to pay franchise fees.

**SECTION 6. ACCOUNTING; AUDIT; INSPECTION**

- (a) Atmos Energy shall maintain, at its local office or principal place of business within the state, adequate books and records relating to the performance of its obligations under this franchise. Atmos Energy shall maintain separate records in a form sufficient to identify its investment, revenues, and expenses related to its performance under this franchise, intending thereby to separate the accounting records of

its system in the City from its other systems. The records of Atmos Energy applicable to its performance under this franchise shall be made available for inspection by the City at any time during normal working hours.

- (b) City may cause, upon reasonable notice, an audit to be made of the books and records of Atmos Energy relating to its performance under this franchise or any portion of any of its other operations that may be allocated or charged to its operations in the City. The omission by the City to exercise its rights to any audit at any time shall not constitute a waiver of such right. In the event City elects to exercise its right of audit, City shall provide to Atmos Energy written notice of such election at least forty-eight (48) hours in advance of the time of such audit. City shall retain an independent auditor of its selection to perform the audit. Atmos Energy shall make available to the auditor such personnel and records as the City may in its reasonable discretion request in order to complete such audit, and shall make no charge to the City therefor. Atmos Energy shall assist the City during any audit conducted under this franchise, including answering questions and providing any requested records or information within five (5) working days of having received a written request therefor. The cost of an audit pursuant to this provision shall be borne by the City, unless the audit reveals an underpayment of fees paid during the audit period in excess of three (3) percent, in which case Atmos Energy shall pay for the audit. In the event any overpayment is discovered, such overpayment will credit toward current and/or future payments owed, without interest.
- (c) Upon request by the City, but no less often than annually, Atmos Energy will prepare a statement of its estimate of its gross revenues by revenue account for the period covered by the statement signed by an authorized representative of Atmos Energy, in such reasonable form and detail as City may from time to time prescribe, sufficient to show the source and method of calculation of Atmos Energy's gross revenues. The acceptance of any statement or payment shall not estop the City from asserting that the amount paid is not the amount due or from recovering any deficit, including interest, by any lawful proceeding.
- (d) Upon completion of the audit, the City shall make the audit report available to Atmos Energy and provide an opportunity to respond to the audit findings. If requested by either party, the City and Atmos Energy shall meet and attempt in good faith to resolve any disputed issues arising out of the audit report. In the event Atmos Energy shall be determined to have under-remitted the fee required by this franchise, Atmos Energy shall pay, in addition to the underpayments, interest on the underpayments at the rate of ten percent (10%) per annum from the time of the underpayment until payment is made. Underpayment of fees by Atmos Energy may also subject Atmos Energy to penalties for noncompliance with this franchise. After reviewing Atmos Energy's response to the audit findings, the

City shall make an initial determination as to whether Atmos Energy shall also be required to pay a penalty for noncompliance. The amount of the penalty, if any, shall not exceed ten percent (10%) of the total underpayment. The City council shall make the final determination of whether a penalty shall be required, and the amount of same.

- (e) If any of the records to be provided by Atmos Energy or to be made available by Atmos Energy are considered by Atmos Energy to be proprietary in nature or if such records are confidential under federal, state or local law, upon request by Atmos Energy such information shall be treated by the City as confidential, and shall be made available only to those persons who must have access to perform their duties on behalf of the City, including but not limited to the City Manager, the City Attorney, Mayor and and the City Council Members. City shall promptly notify Atmos Energy of any requests for public disclosure of such records under Chapter 552, Texas Government Code, and Atmos Energy shall have the sole responsibility to assert its claims regarding the proprietary or confidential nature of such records.

## SECTION 7. RESERVATION OF RIGHTS

- (a) The City reserves to itself the right and power at all times to exercise, in the interest of the public and in accordance with state law, regulation and control of Atmos Energy's rates and services to ensure the rendering of efficient public service at reasonable rates, and the maintenance of Atmos Energy's property in good repair throughout the term of this franchise. Atmos Energy shall maintain on file with the City copies of its current tariffs, schedules of rates and charges, customer service provisions, and line extension policies. Atmos Energy shall notify the City of the identity of any customer of Atmos Energy that changes from a tariffed rate to a contract rate within forty-five (45) days of such change.
- (b) In granting this franchise, the City does not in any manner waive its regulatory or other rights and powers under and by virtue of the laws of the State of Texas as the same may be amended, nor any of its rights and powers under or by virtue of present or future ordinances of the City, and it is expressly provided that nothing herein shall impair the right of the City to fix, within constitutional and statutory limits, a reasonable price to be charged for natural gas, or to provide and fix a scale of prices for natural gas, and other charges, to be charged by Atmos Energy to residential consumers, commercial consumers, industrial consumers, or to any combination of such consumers, within the territorial limits of the City as same now exist or as such limits may be extended from time to time hereafter.

## SECTION 8. TERMINATION

- (a) In addition to any rights set out elsewhere in this ordinance, the City reserves the right to terminate the franchise and all rights and privileges pertaining thereto, in the event that Atmos Energy violates any material provision of the franchise or Atmos Energy becomes insolvent, or is adjudged as bankrupt.

- (b) Upon failure of Atmos Energy to comply with the material terms of the franchise, the City may by ordinance terminate the franchise in accordance with the procedures set forth in this section. Upon termination, all rights of Atmos Energy shall immediately be divested without further act upon the part of the City. If the City requires Atmos Energy to remove its facilities from the public rights-of-way, then Atmos Energy shall forthwith remove its structures or property from the public rights-of-way and restore it to the approximate original condition. Upon failure to do so, the City may perform the work and collect the cost thereof from Atmos Energy. The cost thereof shall be a lien upon all facilities and property of Atmos Energy.
- (c) Procedures for termination.
- (i) The City shall give written notice to Atmos Energy of the existence of a material violation or failure to comply with the franchise. Atmos Energy shall have a period of thirty (30) days after receipt of such notice from the City in which to cease such violation and comply with the terms and provisions hereof. In the event Atmos Energy fails to cease such violation or to otherwise comply with the terms hereof, then Atmos Energy's franchise is subject to termination under the following provisions. Provided, however, that, if Atmos Energy commences work or other efforts to cure such violations within thirty (30) days after receipt of written notice and shall thereafter prosecute such curative work with reasonable diligence until such curative work is completed, then such violations shall cease to exist, and the franchise will not be terminated.
  - (ii) Termination shall be declared only by a written decision of the City Council after an appropriate public proceeding whereby Atmos Energy is afforded the full opportunity to be heard and to respond to any such notice of violation or failure to comply. Atmos Energy shall be provided at least ten (10) days prior written notice of any public hearing concerning the termination of the franchise. In addition, ten (10) day notice by publication shall be given of the date, time and place of any public hearing to interested members of the public, which notice shall be paid for by Atmos Energy.
  - (iii) The City, after full public hearing, and upon finding a material violation or failure to comply, may in its discretion terminate the franchise or excuse the violation or failure to comply upon a showing by Atmos Energy of mitigating circumstances or upon a showing of good cause of said violation or failure to comply as may be determined by the City Council. The failure of Atmos Energy to comply with the terms of this franchise after due notice and hearing and the providing of adequate time for Atmos Energy to comply with said terms, shall entitle the City to compel compliance by suit in any court of competent jurisdiction and upon culmination of the suit, if Atmos Energy still fails to comply with the terms of the franchise, the City may compel

compliance upon penalty of forfeiture thereof, with the City having an option to purchase Atmos Energy's property located in the City at a reasonable fair value should forfeiture occur.

- (d) In the event the City purchases Atmos Energy's property under penalty of forfeiture and the City and Atmos Energy cannot agree upon the reasonable fair value of the property, then the reasonable fair value of Atmos Energy's property shall be established by a majority vote of three appraisers with one appraiser selected by Atmos Energy, one appraiser selected by City, and one appraiser selected by the other two appraisers. If the two appraisers are unable to agree upon the third appraiser, then the third appraiser shall be selected by order of a court of competent jurisdiction. Atmos Energy further agrees that if for any reason it fails to pay the franchise fee as provided in this franchise within thirty (30) days following written notice from the City that Atmos Energy has failed to make such payment, such failure shall be sufficient to permit the City to forfeit the franchise without court action.

**SECTION 9. ACCEPTANCE OF FRANCHISE:** In order to accept this franchise, Atmos Energy must file with the City Secretary its written acceptance of this franchise ordinance within sixty (60) days after its final passage and approval by City. If such written acceptance of this franchise ordinance is not filed by Atmos Energy, the franchise ordinance shall be rendered null and void.

When this franchise ordinance becomes effective, all previous ordinances of City granting franchises for gas delivery purposes that were held by Atmos Energy shall be automatically canceled and annulled, and shall be of no further force and effect.

**SECTION 10. PARAGRAPH HEADINGS. CONSTRUCTION:** The paragraph headings contained in this ordinance are for convenience only and shall in no way enlarge or limit the scope or meaning of the various and several paragraphs hereof. Both parties have participated in the preparation of this ordinance and this ordinance shall not be construed either more or less strongly against or for either party.

**SECTION 11. EFFECTIVE DATE:** If Atmos Energy accepts this ordinance, it becomes effective as of April 27, 2018.

PASSED AND APPROVED on this the \_\_\_\_\_ day of \_\_\_\_\_ 2018.

ATTEST:

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City Secretary

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Mayor  
City of Ovilla, Texas

STATE OF TEXAS §  
COUNTY OF \_\_\_\_\_ §  
CITY OF OVILLA §

I, \_\_\_\_\_, City Secretary of the City of Ovilla, Dallas and Ellis Counties, Texas, do hereby certify that the above and foregoing is a true and correct copy of an ordinance passed by the City Council of the City of Ovilla, Texas, at a \_\_\_\_\_ session, held on the \_\_\_\_\_ day of \_\_\_\_\_ 2018, as it appears of record in the Minutes in Book \_\_\_\_\_, page \_\_\_\_\_.

WITNESS MY HAND AND SEAL OF SAID CITY, this the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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City Secretary  
City of Ovilla, Texas

08.13.2018

## Consent C6

To  
Honorable Mayor  
and Council

From  
Chief Windham

CC  
John Dean, CM  
Linda Harding, Finance  
Department

Re  
Police vehicle purchase

**Comments:**

**BACKGROUND AND JUSTIFICATION:**

**Background/History:** The Police Department needs a replacement police vehicle. The vehicle to be replaced is unit #104 which is a 2011 Ford Crown Victoria with 120,000+ miles. Unit 104 needs repair and is scheduled to be replaced in the 2018-2019 budget. At the July council meeting, the council suggested the purchase of the vehicle and a quote was obtained.

**Findings/Current Activity:** A replacement vehicle, fully equipped, to match the fleet purchased from Defender Supply is quoted at \$53,200.00

**Financial Impact:** \$53,200.00

**STAFF RECOMMENDATION:**

**Options/Recommendation:** Staff recommends the purchase of the replacement vehicle from Defender Supply.

**Attachment:** Quote and Ordinance 2018-14 authorizing a budget amendment.

**City of Ovilla**

Tel 972-617-7262

105 S. Cockrell Hill Road  
Ovilla, Texas 75154

[www.cityofovilla.org](http://www.cityofovilla.org)  
dburn@cityofovilla.org



## ORDINANCE NO. 2018-14

AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, AMENDING THE FISCAL YEAR 2017-18 GENERAL FUND BUDGET OF THE CITY OF OVILLA TO ALLOW FOR AN ADJUSTMENT OF \$53,200 FOR THE PURCHASE OF THE 219 FORD INTERCEPTOR POLICE VEHICLE; PROVIDING FOR PUBLICATION OF THIS ORDINANCE AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, pursuant to Ordinance No. 2017-12, the City Council of the City of Ovilla, Texas approved the Fiscal Year 2017-18 Operating Budget and Annual Program of Services (the Budget);

**WHEREAS**, the City Council of the City of Ovilla in accordance with Ordinance 448, Mid-Year Budget Revisions, approved Ordinance No. 2018-10 thereby amending the 2017-2018 Annual Budget of the City.

**WHEREAS**, the City Council of the City of Ovilla desires to amend Ordinance 2018-10, thereby amending the 2017-2018 Annual Budget of the City.

**WHEREAS**, the City Council approved the General Fund 2017-18 Operating Budget and a Reduction in Fund Balance will be used to off-set an additional \$53,200 for the purchase of a new police vehicle.

**WHEREAS**, the City Council finds that this budget amendment also serves an important municipal purpose, consistent with §102.010 of the Texas Local Government Code;

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

### SECTION ONE

The FY 2017-18 General Fund Budget findings set forth in the above preamble to this ordinance are true and correct, and hereby adopted.

### SECTION TWO

The amounts listed on the attached Budget Revision Requests are hereby appropriated out of their respective and designated funds and attached hereto as Exhibit A.

### SECTION THREE

The General Fund 2017-2018 Budget is hereby amended by the City Council to allow for the additional Reduction of Fund Balance of \$53,200 to use for the purchase of a police vehicle.

**PASSED AND APPROVED ON THIS 13 DAY OF August 2018.**

---

Richard Dormier, MAYOR

Attest:

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Pamela Woodall, CITY SECRETARY

**PURCHASE ORDER**

**CITY OF OVILLA**  
**105 S. Cockrell Hill Road**  
**Ovilla, TX 75154**  
**972-617-7262**



Tarrant County Cooperative Contract #2016-006

P.O. Date	07/10/2018	P.O. Number	1802	Date Required	
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Department	POLICE	Requisition No.		Account	
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Vendor Name	Defender Supply	Phone Number	903-564-5641
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Street Address	845 West FM 407	Fax Number	
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City	Argyle	State	TX	Zip Code	76226
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E-mail address	george@defendersupply.com	Web site	www.defendersupply.com
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**Shipping Information to City of Ovilla unless otherwise noted**

Contact Name	Lt. J. Bennett	Phone Number	972-617-7262
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Street Address	105 S. Cockrell Hill Road	Fax Number	972-515-8342
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City	Ovilla	State	TX	Zip Code	75154
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Quantity Ordered	Quantity Received	Part Number and Description	Unit Price	Total Cost
1		2019 Ford Interceptor Utility SUV, Marked	\$53,200.00	\$53,200.00


TERMS: Delivery is F.O.B. Destination, Net 30, unless otherwise noted. All purchases are tax exempt. **TOTAL** **\$53,200.00**

Department Head:		Date:	
------------------	--	-------	--

City Accountant:		Date:	
------------------	--	-------	--

City Administrator:		Date:	
---------------------	--	-------	--

Approvals are required prior to purchase of budgeted items. Purchases of less than \$3,000.00 require a check request form and department head (DH) approval. Purchases of \$3,000.00 to \$25,000.00 require a purchase order with three (3) quotes attached, DH approval, accountant approval, and CA approval. Purchases of \$3,000.00 to \$25,000 also require two quotes from a HUB – use HUB form. (ORD2014-033). Purchases of \$25,001.00 to less than \$50,000.00 require purchase order with three (3) written quotes, DH approval, accountant approval, CA approval and City Council review before purchase. City Council has discretion to bid purchases of \$25,000.00. (ORD 2014-011) Purchases of \$50,000.00 or more require Formal Bidding Process; sealed bids, purchase orders and or contract, with DH approval, accountant approval, CA approval, City Council approval.



## DEFENDER SUPPLY

845 West FM 407  
Argyle, TX 76226

Date	7/10/2018
Estimate By	George Severe
	george@defendersupply.com
	(903) 564-5641



Bill To
Ovilla TX PD Lieutenant J. Bennett 105 Cockrell Hill Road Ovilla, Texas 75154 972-617-7262

Customer Contact	Brian Windham
Customer Phone	972-617-7262 then 2 t
Customer E-mail	jbennett@cityofvilla...
Estimate #	22244

2019 Ford Interceptor Utility	
Vehicle Base Color - Black	

Description	Location
<p>2019 Ford Interceptor Utility 3.7L TI-VCT V6 FFV Engine, AWD, Dual Exhaust System, 6-Speed Auto Trans, Heavy Duty 78-AMP Battery, 220 AMP Alternator, Battery Saver Feature, 4 Wheel Disc Police Brakes, ABS &amp; Traction Control, 255R18 A/S Police Tires, 18" HD Steel Wheels, Full Size 18" Spare Tire, Heavy Duty Suspension, Power Steering w/EPAS, Engine Oil Cooler, Transmission Oil Cooler, Power Windows / Door Locks, 1-Touch Down Driver Window, Power Pedals, AM/FM Single CD/MP3 Stereo Six Speaker Stereo, Front Cloth / 60/40 Rear Vinyl Seats, Power Driver's Seat/6-Way/M Lumbar, A/C w/ Manual Climate Control, Certified Speedometer, Engine Hour / Idle Meter, Easy Fuel Capless Filler, Red/White Dome Lamp, Black Vinyl Floor Covering, Halogen Headlamps, Dual Power Mirrors, Heated Side Mirrors, Front License Plate Bracket, Front Bumper Auxiliary Warning Lights, Front Headlamp Housing Only, Driver's Side Spotlight, Rear Taillight Housing Only, Global Lock /Unlock Feature, Key FOB Keyless Entry, Aux Rear Air Conditioning, Dark Car Feature, Remappable Steering Wheel, Grill Light/Siren Pre-Wire &amp; Noise Suppression Bonds (Purchased Through Holiday Ford).</p> <p>Vin # Ford Order #</p> <p>Customer PO #</p> <p>Absolute Black Exterior G1</p> <p>Options:</p> <p>549 Heated Side View Mirrors 153 Front License Plate Bracket 21L Front Warning Aux Light 86P Front Headlight Police Interceptor Housing 51Y Driver's Side Spotlight 86T Taillight Housing Only 18D Global Lock / Unlock Feature 595 Remote Keyless Key FOB 17A Aux Air 43D Dark Car Feature 61R Remappable Steering Wheel 60A Grill Light Pre-Wire 60R Noise Suppression Bonds</p>	Vehicle Description

### Vehicle and Emergency Equipment Total

Quantity Ordered 1

**Total Vehicle Order Cost \$53,200.00**

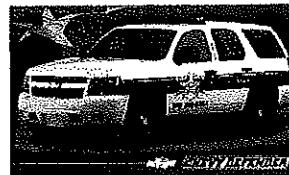
Final sale amount may be subject to state and local sales tax. PLEASE NOTE: Once this estimate has been approved, either by signature on this form, written approval referencing the estimate number or the issuance of purchase order, any changes or cancellations of parts made by the customer are subject to a 25% restocking fee. Any additional customer-requested parts/services will be added to the total amount of the sale.



# DEFENDER SUPPLY

845 West FM 407  
Argyle, TX 76226

Date	7/10/2018
Estimate By	George Severe
	george@defendersupply.com
	(903) 564-5641



Bill To
Ovilla TX PD Lieutenant J. Bennett 105 Cockrell Hill Road Ovilla, Texas 75154 972-617-7262

Customer Contact	Brian Windham
Customer Phone	972-617-7262 then 21
Customer E-mail	jbennett@cityofvilla....
Estimate #	22244

## 2019 Ford Interceptor Utility

Vehicle Base Color - Black

Description	Location
Title Vehicle As: City of Ovilla 105 Cockrell Hill Road Ovilla, Texas 75154	
2 Year State Inspection Certificate	
Defender Supply custom contoured console for the PI SUV. Includes 18.5" inches of mounting space, cup holder, arm rest, (2) mic clips and factory USB/12V/audio relocation.	
Gamber Johnson Mongoose 9" locking slide arm with 360 degree clevis Gamber-Johnson faceplate for a Whelen Cencom Gamber Johnson Mic Clip Gamber Johnson NotePad V Universal Computer Cradle 3 Additional 12 Volt DC Heavy Duty Electrical Power Socket w/moisture cover Streamlight SL-20L LED Flashlight GlobalSat BU-353 Waterproof USB GPS Receiver	
Make & Model of Customer Supplied Police Radio - Motorola APX6500 Is Customer Supplied Police Radio a One or Two Piece Unit - One What is the Frequency of Customer Supplied Police Radio - 800MHz	
Make & Model of Customer Supplied Laptop - Dell E7450 Ultra Book Does the Customer Supplied Laptop have Docking Capabilities - No Is the Customer Supplied Laptop a No RF, Single RF or Dual RF - N/A Does the Customer Supplied Laptop have a built-in power supply - No If not do you have the power supply or do you need to purchase one - No - Customer will provide power cord	
Two Way 800 MHZ Radio Antenna & Coax Cable	
Whelen Legacy 54" Light Bar Package with Siren, Siren Speaker, Speaker Bracket & Strap Kits. Light Bar includes Take Downs, Alleys and R/W/B/W Front Configuration with Red/Amber/Blue/Amber Rear Configuration with Siren Mounted Behind the Grill.	

### Vehicle and Emergency Equipment Total

Quantity Ordered

**Total Vehicle Order Cost**

Final sale amount may be subject to state and local sales tax. PLEASE NOTE: Once this estimate has been approved, either by signature on this form, written approval referencing the estimate number or the issuance of purchase order, any changes or cancellations of parts made by the customer are subject to a 25% restocking fee. Any additional customer-requested parts/services will be added to the total amount of the sale.



## DEFENDER SUPPLY

845 West FM 407  
Argyle, TX 76226

Date	7/10/2018
Estimate By	George Severe
	george@defendersupply.com
	(903) 564-5641



Bill To
Ovilla TX PD Lieutenant J. Bennett 105 Cockrell Hill Road Ovilla, Texas 75154 972.617.7260

Customer Contact	Brian Windham
Customer Phone	972-617-7262 then 2 t
Customer E-mail	jbennett@cityofovilla...
Estimate #	22244

### 2019 Ford Interceptor Utility

Vehicle Base Color - Black

Description	Location
Whelen Low Frequency Howler Siren System & Bracket for the 2016+ Ford Interceptor Utility SUV programmed to run 60 seconds	
Whelen Solid State Head Light Flasher for 2016+ Ford Interceptor Utility SUV Whelen Universal Solid State Tail Light Flasher	
Go Industries brush guard for 2016+ P.I. SUV	
2 Whelen M4 Lightheads (1 Red, 1 Blue) Mounted on Push Bumper or Brush Guard w/Brackets	
Whelen Surface Mount ION light - Red/Blue Split Head LED's - Mounted on Sides of Push Bumper Whelen ION LED IONK1B with Swivel Bracket in Black - Mounted on Sides of Push Bumper	
Whelen Vertex LED Light - White - Mounted in Front Headlamps Housing	
Whelen Micron, Red/Blue Split, Surface Mount - Mounted in Front Headlamps	
Whelen Ford Interceptor Utility Police Mirror Beams with Two Split Red/Blue Lightheads	
Whelen Dominator 2 in Red & Blue - Mounted in Rear Side Glass Whelen Dominator 4" Brackets - Mounted in Rear Side Glass	
Whelen TAD8RB Traffic Advisor & Mounting Bracket in Red/Amber/Blue with On/Off Override Kill Switch	
Whelen Outer Edge for P.I. SUV/Explorer	
Whelen ION (1) Red & (1) ION Blue Mounted on Rear License Plate Bracket at Rear License Plate	
Whelen Vertex Hide-away LED, Red/Blue Split - Mounted in Reverse Lights	
Pro-Gard Prisoner Partition with Recessed Panel and Lower Kick Panel - Ford Utility Police Interceptor	
Pro-Gard Standard Rear Grey Molded Transport Seat with Poly Window Cargo Barrier & Outboard Seat Belts for 2013+ Ford Interceptor Utility SUV	
Dual Weapon Lock, T-Rail, with Timer & Key	

### Vehicle and Emergency Equipment Total

Quantity Ordered 1

**Total Vehicle Order Cost \$53,200.00**

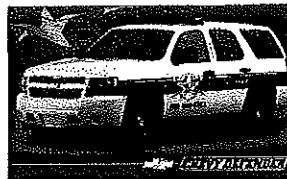
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## DEFENDER SUPPLY

845 West FM 407  
Argyle, TX 76226

Date	7/10/2018
Estimate By	George Severe
	george@defendersupply.com
	(903) 564-5641



Bill To
Ovilla TX PD Lieutenant J. Bennett 105 Cockrell Hill Road Ovilla, Texas 75154 972-617-7262

Customer Contact	Brian Windham
Customer Phone	972-617-7262 then 2 t
Customer E-mail	jbennett@cityofvilla...
Estimate #	22244

### 2019 Ford Interceptor Utility

Vehicle Base Color - Black

Description	Location
Pro Gard Window Bars, Interceptor SUV (DO NOT SELL UNLESS SELLING DOOR PANELS)	
Pro-Gard Door Panels, Interceptor SUV	
Compartment Light, Split Red/White - Mounted on Rear Liftgate	
Stalker Patrol II - "K" Band - Front & Rear Radar Unit	
WatchGuard 4RE Digital Camera System without Wireless Kit - Console Mount - With ELX Thumb Drive, Separate Front Zero Site Line Camera & Separate Rear Seat Camera - Console Mount	
WatchGuard Radar Interface Cable - Stalker Radar	
Driver side Angel Armor Ballistics panel for the PI SUV	
Passenger side Angel Armor ballistics panel for the PI SUV	
Grafix Shoppe - ULT-2004 Scheme - Ovilla PD	
Professional Installation of Graphics by Defender Supply	
Defender Supply Wiring Harness, Power Distribution Block and Battery Management System	
Dealer Prep	
Misc. Shop Supplies	
Shipping of Above Emergency Parts for Upfit	
Installation of Above Equipment plus Customer Supplied Police Radio, Police Speaker, Radio Wiring Harness & Computer Docking Station.	
Customer to Pick Up Vehicle	
QR642 Active DBA City Of Ovilla Police Dept 105 S Cockrell Hill Rd Ste 3 Ovilla TX 76154	
TX 27-Police Interceptor Utility K8A- Utility AWD 34008159/6/201714680J Local N/A	

### Vehicle and Emergency Equipment Total

Quantity Ordered

**Total Vehicle Order Cost**

Final sale amount may be subject to state and local sales tax. PLEASE NOTE: Once this estimate has been approved, either by signature on this form, written approval referencing the estimate number or the issuance of purchase order, any changes or cancellations of parts made by the customer are subject to a 25% restocking fee. Any additional customer-requested parts/services will be added to the total amount of the sale.



## DEFENDER SUPPLY

845 West FM 407  
Argyle, TX 76226

Date	7/10/2018
Estimate By	George Severe
	george@defendersupply.com
	(903) 564-5641



Bill To
Ovilla TX PD Lieutenant J. Bennett 105 Cockrell Hill Road Ovilla, Texas 75154 972-617-7262

Customer Contact	Brian Windham
Customer Phone	972-617-7262 then 2 t
Customer E-mail	jbennett@cityofovilla...
Estimate #	22244

### 2019 Ford Interceptor Utility

Vehicle Base Color - Black

Description	Location
TX 27-Police Interceptor Utility K8A- Utility AWD 34008159/6/201714680J Local N/A	

**Vehicle and Emergency Equipment Total** **\$53,200.00**

Quantity Ordered **1**

**Total Vehicle Order Cost** **\$53,200.00**

Final sale amount may be subject to state and local sales tax. PLEASE NOTE: Once this estimate has been approved, either by signature on this form, written approval referencing the estimate number or the issuance of purchase order, any changes or cancellations of parts made by the customer are subject to a 25% restocking fee. Any additional customer-requested parts/services will be added to the total amount of the sale.

## RESOLUTION NO. R2018-27

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS, AUTHORIZING CERTAIN POSITIONS AND DUTIES THE USE OF A TAKE HOME VEHICLE 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 Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the City Council has determined that to preserve the health, safety, and welfare of Ovilla that certain positions of the City of Ovilla require the use of a take home vehicle to most efficiently perform certain duties; and

**WHEREAS**, the City Council has reviewed the needs of take home vehicles and determined that by allowing certain positions a take home vehicle they more adequately serve the needs of the City of Ovilla.

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

#### **SECTION 1.**

That the City Council hereby approves that the Chief of Police, Fire Chief, Deputy Fire Chief/Fire Marshal, and Public Works on-call personnel are authorized to take a City vehicle home for use in an official capacity for the City of Ovilla.

#### **SECTION 2.**

This Resolution shall supersede and repeal any previous ordinance, resolution, and/or motion of the City Council regarding take home vehicles, to the extent there is any conflict.

#### **SECTION 3.**

This resolution shall be in force and effect immediately upon passage and approval.

**RESOLVED, PASSED and APPROVED**, this 13 day of AUGUST 2018.

**CITY OF OVILLA, TEXAS**

---

Richard Dormier, Mayor

ATTEST:

---

Pamela Woodall, City Secretary

## RESOLUTION NO. R2018-28

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS,  
AMENDING SECTION 9 EMPLOYEE RELATIONS OF THE CITY OF OVILLA  
PERSONNEL POLICIES HANDBOOK, SECTION 9.15 POLICE EMPLOYEE  
EQUIPMENT PURCHASE/PAYBACK PROGRAM, OF THE CITY OF OVILLA  
EMPLOYEE POLICIES HANDBOOK 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 Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the City Council has determined that the personnel policies for employees of the City of Ovilla required revision in order to conform more fully with current laws and policies; and

**WHEREAS**, the City Council has reviewed the revised Sections to the Employee Policies Handbook, as attached, and determined that it more adequately meets the needs of the City of Ovilla.

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

### **SECTION 1.**

That the City Council hereby approves and adopts the revisions to Section 9.15 of "Employee Policies Handbook".

### **SECTION 2.**

That the City Council hereby approves the revisions to 9.15 Police Employee Equipment Purchase/Payback Program of the "Employee Policies Handbook" which is attached hereto, marked Exhibit "A" and made a part hereof by reference.

This Resolution shall supersede and repeal any previous ordinance and/or resolution including Resolution R2014-002 of the City Council regarding an employee handbook, to the extent there is any conflict.

### **SECTION 3.**

The City Manager is hereby directed to distribute a copy of the Employee Policies Handbook revisions to each employee of the City of Ovilla.

**RESOLUTION NO. R2018-28**

**SECTION 4.**

This resolution shall be in force and effect immediately upon passage and approval.

**RESOLVED, PASSED and APPROVED**, this 13 day of AUGUST 2018.

**CITY OF OVILLA, TEXAS**

---

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 13<sup>th</sup>, day of August 2018, 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 1st, 2018 to and through September 30, 2019.

**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 Ovilla 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 \$14,000.00 base rate and \$56,426.63 for number of responses in the ESD. This would result in an average run cost of \$705.33 and would currently provide OFD with \$70,426.63 of the projected revenue. The District will have an additional 90 days from the beginning of the Agreement to finalize total run averages based on the information provided from the Fire Chief. Payments will be made in three (3) equal payments of \$23,475.54 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 Road. The ESD 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 Dept. 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.

**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  
GOVERNING 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  
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: Ray Brindle  
ESD#4  
547 N. Methodist Street  
Red Oak, Texas 75154

Notice to City:      Attn: Brandon Kennedy, Fire Chief  
City of Ovilla Fire Department  
105 S. Cockrell Hill Road  
Ovilla, Texas 75154

With copy to:      The MacFarlane Firm, PC  
Attorneys & Counselors at Law  
Dallas Communications Complex  
400 E. Royal Lane, Suite 290  
Irving, Texas 75039  
Telephone: 972-725-9341  
Facsimile: 888-453-8006

Signed this 13<sup>th</sup>, day of August 2018.

ELLIS COUNTY EMERGENCY SERVICES DISTRICT #4

By: \_\_\_\_\_

Its: \_\_\_\_\_

CITY OF OVILLA

By: \_\_\_\_\_  
Mayor

Attest:

---

City Secretary

## 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.
- A. 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.
- A. 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.
- A. 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.

08.13.2018

## Consent C10

To  
Honorable Mayor  
and Council

Comments:

From  
John R. Dean, CM

### BACKGROUND AND JUSTIFICATION:

**Background/History:** The Mayor has recommended that the you modify Sanitary Sewer System Engineering Design Standard Details and Notes to include the following:

CC  
Brad Piland, PW  
Director

1. All sanitary sewer manholes shall be protected from sulfides and groundwater infiltration. One of the following methods or approved equal may be used:

1. ConShield mixed with concrete used in the manholes;
2. Raven 405 Coat; or
3. SpectraShield.

Gator Wrap or approved equal shall be included on all manhole construction joints.

Re  
Modify Sanitary  
Sewer System  
Engineering  
Design Standard  
Details and Notes

When connecting to an existing substandard manhole the existing manhole will be upgraded with an interior coating.

**Findings/Current Activity:** Our standards currently do not address these items.

**Financial Impact:** N/A

### STAFF RECOMMENDATION:

**Options/Recommendation:** Staff recommends adopting these design standards.

**City of Ovilla**

Tel 972-617-7262

105 S. Cockrell Hill Road  
Ovilla, Texas 75154

[www.cityofovilla.org](http://www.cityofovilla.org)  
dburn@cityofovilla.org



## ORDINANCE NO. 2018-16

AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, AMENDING STANDARD CONSTRUCTION DETAILS DATED SEPTEMBER 2016; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERANCE CLAUSE; PROVIDING FOR IMMEDIATE EFFECT; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council of the City of Ovilla, Texas, adopted standard construction details, dated September 2016, to provide standard construction design details relative to, among other things, paving, drainage, water, sewer, screening walls and erosion control, to ensure proper development within the City of Ovilla and its extra-territorial jurisdiction; and

WHEREAS, the City Council finds and determines that it is in the best interest of the health, safety and welfare of the citizens of the City of Ovilla to amend standard construction details set forth in the *City of Ovilla, Texas Standard Construction Details* dated September 2016.

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

### **SECTION 1. ADOPTION OF STANDARD CONSTRUCTION DETAILS**

The City Council of the City of Ovilla hereby amends the *City of Ovilla, Texas Standard Construction Details* dated September 2016 to include the following:

1. All sanitary sewer manholes shall be protected from sulfides and groundwater infiltration by one of the following methods or approved equal may be used:
  - A. ConShield mixed with concrete used in the manholes;
  - B. Raven 405 Coat; or
  - C. SpectraShield.
2. Gator Wrap or approved equal (in a minimum of 9-inch strips) shall be included on all manhole construction joints.
3. When connecting to an existing substandard manhole the existing manhole will be upgraded with an interior coating.

### **SECTION 2. SAVINGS CLAUSE**

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 3. SEVERANCE CLAUSE**

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 4. EFFECTIVE DATE**

## ORDINANCE NO. 2018-16

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 5. PUBLICATION

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.

**PASSED, ADOPTED AND APPROVED** by the City Council of Ovilla, Texas on this the

13 day of August 2018.

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Richard Dormier, Mayor

ATTEST:

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Pamela Woodall, City Secretary

# CITY OF OVILLA MINUTES

*Thursday, August 02, 2018*

*Special City Council Meeting/Budget Workshop  
105 S. Cockrell Hill Road, Ovilla, TX 75154*

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Mayor Dormier called the Special Council Meeting of the Ovilla City Council to order at 5:38 p.m., with notice of the meeting duly posted. Mayor Dormier made the following public announcement asking all individuals to be cognizant of the two signs at the entrance to the Council Chamber room referencing Sections 30.06 and 30.07 of the *Penal Code, persons licensed under Subchapter H, Chapter 411, Government Code may not enter this property with a concealed handgun nor enter this property with a handgun that is carried openly.*

The following City Council Members were present:

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

Mayor Dormier announced all Council members present, thus, constituting a quorum. City Manager John R. Dean, Jr., department directors and various staff were also present.

## CALL TO ORDER

Mayor Pro Tem Griffin gave the Invocation and PL1 Huber led the recitation of the Pledge of Allegiance.

## COMMENTS/PRESENTATIONS/MAYOR ANNOUNCEMENTS

None.

## REGULAR AGENDA

ITEM 1. **DISCUSSION/ACTION** – Consideration of and action on an agreement between the City of Ovilla and Eikon Consulting Group, LLC to serve as the City Engineer.

Following the RFP's and interviews and bringing the engineer selection to Council, the city manager was directed to negotiate the agreement with Eikon Consulting Group. City Manager John Dean and Eikon representatives have negotiated an agreement where the rates are comparable to the current provider. We have changed to an hourly rate as directed. The mileage rate has been set at the IRS rate and there is no additional cost added for subcontracting or other items. The agreement has been reviewed by the City Attorney.

PL5 Myers moved to approve the presented agreement between the City of Ovilla and Eikon Consulting Group, LLC to serve as the City Engineer, seconded by PL4 Hunt.

*No oppositions, no abstentions.*

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

ITEM 2. **DISCUSSION/ACTION** – Consideration of and action on an Incentive Agreement by and between the Ovilla Economic Development Corporation, a Texas Non-Profit Corporation and WP Legacy, Ltd, a Texas limited partnership.

The EDC has approved the incentive agreement which will fund the Cities portion of the sewer line extension. This agreement was developed by the City Attorney. The City Attorney has affirmed that this project meets with all applicable laws and it is a legal and legitimate EDC project. The developer

and the city manager have reviewed the agreement and established a reasonable project timeline that is outlined within the agreement.

PL1 Huber moved to approve the Incentive Agreement by and between the Ovilla Economic Development Corporation and WP Legacy as presented, seconded by PL2 Oberg.

No oppositions, no abstentions.

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

**ITEM 3. DISCUSSION/ACTION** – Review of the proposed Fiscal Year 2018-2019 Budget, discuss the preliminary determination of the tax rate, and direct staff as necessary.

During the Special Council Meeting Budget Workshops City Manager John Dean and City Accountant Linda Harding presented a proposed budget using the proposed rate of \$0.640000 per \$100 valuation. The Municipal Services Advisory Committee met and presented their recommendations to Council. Staff received direction from Council to proceed with the following highlights:

*Capital Expenditures*

- Replace one police vehicle
- Fire department bay maintenance
- Pavilion
- Street Improvement, Westlawn, Dusty Trail, Holly Lane, Slippery Elm
- Funds Created
  - Equipment Replacement Fund
  - Street Sales Tax Fund
  - Court Technology
  - Court Security

*Personnel*

- Add part time community service position
- Changed one position from water to park
- Changed part time fire captain to full time
- Changed part time driver/firefighters to full time

City Manager John Dean added that employee health insurance premiums decreased 2%. Regarding the Public Works, Trinity River Authority waste water fees increased while Ovilla will receive a slight decrease from Dallas Water Utilities. Council directed staff to remove funding for a full-time fire department. Council deliberated over the presented \$0.64000 per \$100 valuation tax rate and contemplated a higher rate.

**No Action.**

**ITEM 4. DISCUSSION/ACTION** – Consideration of and action on a proposed tax rate for the Fiscal Year 2018-2019 Budget and take a record vote.

Staff presented the following:

**FINANCIAL IMPACT:**

1. If Council proposes the Effective Tax Rate, (0.621776) Ad Valorem Revenue will increase by \$65,652., as compared to prior year at \$0.680399.
2. If Council proposes the Rollback Rate, (0.662271) Ad Valorem Revenue will increase by \$219,764., as compared to current rate of \$0.680399.
3. If Council proposes the Proposed Rate, (0.640000) Ad Valorem Revenue will increase by \$135,007.30, as compared to current rate of \$0.680399.

Mayor Pro Tem Griffin moved that the Council hereby propose the 2018 Rate of (0.660000) with Maintenance and Operation rate of 0.533417 and a debt rate of 0.126583, seconded by PL4 Hunt. Mayor Dormier called for a record vote:

**RECORD VOTE:**

PLACE 1/HUBER AYE

PLACE 4/HUNT AYE

PLACE 2/OBERG AYE

PLACE 5/MYERS AYE

PLACE 3/GRIFFIN AYE

No oppositions, no abstentions.

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

**ITEM 5. DISCUSSION/ACTION** – Consider and schedule dates for two public hearings on the proposed Tax Rate for Fiscal Year 2018-2019.

Section 26.05 of the Tax Code requires that the governing body hold two public hearings, if the entity is proposing a tax increase or proposal to increase total tax revenue.

Mayor Pro Tem Griffin moved that Council schedule the listed dates and times for two Public Hearings on the Proposed Tax Rate for Fiscal Year 2018-2019 and direct staff to follow Tax Code Laws accordingly for Notice Requirements:

The First Public Hearing will be held on Monday, August 20 at 5:30 p.m. at the Ovilla City Hall Council Chamber Room. 105 Cockrell Hill Rd, Ovilla, TX

The Second Public Hearing will be held on Wednesday, August 29 at 5:30 p.m. at the Ovilla City Hall Council Chamber Room. 105 Cockrell Hill Rd, Ovilla, TX.

Motion was seconded by PL1 Huber.

No oppositions, no abstentions.

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

**EXECUTIVE SESSION**

Mayor Dormier, Council, City Manager John Dean and the certain staff went into Executive Session at 7:19 pm pursuant to Section 552.072 of the TX Government Code to review the following:

**Closed session pursuant to Section 551.072 of the Texas Government Code**

**ITEM 1. DISCUSSION/ACTION** – Consideration of and action on real property lease with AT&T.

No Action will be taken in Executive Session. Action taken (if any) will occur in open session.

Mayor Dormier, Council, City Manager John Dean and staff to Regular Session at 7:23 pm. No action was taken in open session.

PL2 Oberg moved to accept the proposal of \$550K for a 35-year period, authorizing either the Mayor or the City Manager to execute the agreement, seconded by PL4 Hunt.

No oppositions, no abstentions.

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

**ADJOURNMENT**

PL1 Huber moved to adjourn the meeting, seconded by PL4 Hunt. There being no further business, Mayor Dormier adjourned the meeting at 7:26 p.m.

ATTEST:

Richard Dormier, Mayor

Pamela Woodall, City Secretary

*Approved August 13, 2018*

# CITY OF OVILLA MINUTES

**Monday, July 09, 2018**

**City Council Briefing Session**

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

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Mayor Dormier called the Council Briefing Session of the Ovilla City Council to order at 6:08 p.m., with notice of the meeting duly posted. Mayor Dormier made the following public announcement asking all individuals to be cognizant of the two signs at the entrance to the Council Chamber room referencing Sections 30.06 and 30.07 of the *Penal Code, persons licensed under Subchapter H, Chapter 411, Government Code may not enter this property with a concealed handgun nor enter this property with a handgun that is carried openly.*

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The following City Council Members were present:

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

Mayor Dormier announced Council that all members were present, thus constituting a quorum. City Manager John R. Dean, Jr., department directors, and staff were also present.

## **CALL TO ORDER**

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

Mayor Dormier and City Manager John Dean gave a brief review of each item on the agenda. Questions on Items 2, 3, 4, and 5 were briefly discussed and clarified. There were no other questions.

## **ADJOURNMENT**

Mayor Dormier adjourned the Briefing Session of the Ovilla City Council at 6:21 p.m.

ATTEST:

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Richard Dormier, Mayor

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Pamela Woodall, City Secretary

***Approved August 13, 2018***

# CITY OF OVILLA MINUTES

**Monday, July 09, 2018**

**Regular City Council Meeting**

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

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Mayor Dormier called the Regular Council Meeting of the Ovilla City Council to order at 6:30 p.m., with notice of the meeting duly posted. Mayor Dormier made the following public announcement asking all individuals to be cognizant of the two signs at the entrance to the Council Chamber room referencing Sections 30:06 and 30.07 of the *Penal Code*, *persons licensed under Subchapter H, Chapter 411, Government Code may not enter this property with a concealed handgun nor enter this property with a handgun that is carried openly*.

The following City Council Members were present:

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

Mayor Dormier announced Council all members were present, thus constituting a quorum. City Manager John R. Dean, Jr., department directors and various staff were also present.

## **CALL TO ORDER**

PL5 Myers gave the Invocation. PL1 Huber led the recitation of the Pledge of Allegiance and the recitation of the Pledge to the Texas Flag.

## **COMMENTS & PRESENTATIONS**

### **Citizen Comments**

1. Mr. Ozzie Molina, 224 Lariat Trail, asked for consideration to install sidewalks and speed bumps in his neighborhood. (His second request from Council) He stated that he noticed there was not an agenda item to discuss his request, nor any funds listed in the budget.

### **Presentation:**

1. Mayor Pro Tem Griffin asked Police Chief Windham to share his recent honored Professional Achievement Award received from the state:

Chief Brian Windham, Ovilla Police Department Chief Windham was hired to his position in September 2015. Since then, he has transformed the department, as described by the Ovilla City Manager, into a "proactive, competent, and relevant law enforcement agency serving the citizens of Ovilla." He has implemented new priorities and accountability measures, sought out quality officers, and instituted a culture of "Integrity, Service, Community, and Honor." Chief Windham has made many efforts to connect with the community, including bi-monthly Coffee with Cops and a significant social media presence. The community has seen improved response times to calls for service, an increase in patrol activity, and an increased number of arrests under Chief Windham's command.

Council acknowledged Chief's accomplishment and commended him with applause.

## **CONSENT AGENDA**

- C1. May 2018 Financial Transactions over \$5,000
- C2. North Central Texas Council of Governments Annual Voting Member
- C3. J & N Wrecker Service Contract Renewal
- C4. Minutes of the June 11, 2018 Briefing Session and Regular Council Meeting.
- C5. Minutes of the June 28, 2018 Special Budget Workshop Meeting.

PL1 Huber moved to approve the consent items as presented, seconded by PL2 Oberg.  
 No oppositions, no abstentions.

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

**REGULAR AGENDA**

**ITEM 1.** *DISCUSSION*– Review and consider the use of city property at 701 W. Main Street.

Mayor Dormier allowed MS Pamilee Koval to address the Council on this item. MS Koval inquired the intended use of the city's property on Main Street, expecting and hoping the city would put in a parking lot. She advised she was preparing for a coffee shop next to the city's property and wanted to use it for parking.

Staff was directed to research cost estimates for a parking lot, including water management.  
*No Action.*

**ITEM 2.** *DISCUSSION/ACTION* – Consideration of and action on an agreement between the City of Ovilla and Eikon Consulting Group, LLC to serve as the City Engineer.

City Manager John Dean will return to Council with a revised agreement.  
*No Action.*

**ITEM 3.** *DISCUSSION/ACTION* – Consideration of and action on Ordinance 2018-11, of the City of Ovilla, Texas amending Chapter 1, Article 1.09, Division 4, “Park Board”, Section 1.09.122 “Members” of the Code of Ordinances of the City of Ovilla, Texas; providing for the appointment and number of Park Board Members; providing a savings clause; providing a severance clause; providing for incorporation into the Ovilla Code of Ordinances; providing for immediate effect; and providing for publication.

Staff advised that the current Code reads that the Park Board shall consist of 3-7 members. Since creation, the Park Board has consisted on 5 members. This ordinance brings the city consistent with practice.

PL4 Hunt moved to approve Ordinance 2018-11, of the City of Ovilla, Texas, amending Chapter 1, Article 1.09, Division 4, “Park Board”, Section 1.09.122 “Members” of the Code of Ordinances of the City of Ovilla, Texas; providing for the appointment and number of Park Board Members, seconded by PL5 Myers.

No oppositions, no abstentions.

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

**ITEM 4.** *DISCUSSION/ACTION* – Consideration of and action on Ordinance 2018-12, amending Chapter 9, Article 9.03, Division 2, “City Manager,” Section 9.03.04(9), of the City of Ovilla Code of Ordinances, providing amended purchasing and contracting authority of the City Manager, providing a savings clause; providing a severance clause; providing for incorporation into the Ovilla Code of Ordinances; providing for immediate effect; and providing for publication.

City Manager John Dean advised that the current Code conflicts with authorized purchasing powers of the city manager. The way the city manager powers and duties section of code is adopted the city manager does not have the power to approve contracts or agreements within the scope of the purchasing section of the Code. This ordinance would allow the city manager the authority to approve

contracts and agreements within the scope of the city manager's authority as is currently authorized in the purchasing section of the Code.

PL4 Hunt moved to approve Ordinance 2018-12, amending Chapter 9, Article 9.03, Division 2, "City Manager," Section 9.03.04(9), of the City of Ovilla Code of Ordinances, providing amended purchasing and contracting authority of the City Manager, seconded by PL1 Huber.

*No oppositions, no abstentions.*

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

**ITEM 5. DISCUSSION/ACTION** – Discuss and consider a Request for Proposals (RFP) and direct staff to solicit proposals for solid waste services.

The solid waste collection contract between the City and Waste Connections expires December 1, 2018. Staff prepared and presented the RFP for Council review and consideration to move forward with the process to solicit for proposals. Based on considerable price increases, staff recommends NOT to use the 1-year extension agreement allowed with Waste Connections. The City Manager revised the RFP calendar.

Mayor Pro Tem Griffin moved that Council approve staff to solicit Proposals for solid waste services, seconded by PL2 Oberg.

*No oppositions, no abstentions.*

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

**ITEM 6. DISCUSSION/ACTION** – Consideration of and action on a volunteer board appointment to serve a term on the Board of Adjustment.

During the May 14, 2018 Council Meeting, BOA Places 2 (Molina) and 4 (Cawley) were reappointed, still leaving a vacancy to Place 6. Staff received an application from an interested Ovilla resident, Patricia Halyard-King, willing to serve a term.

PL4 Hunt moved to appoint Patricia Halyard-King to serve a term as Place 6 on the Board of Adjustment, seconded by PL1 Huber.

*No oppositions, no abstentions.*

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

**ITEM 7. DISCUSSION/ACTION** – Consideration of and action on a volunteer board appointment to serve a term on the Economic Development Corporation.

Council took no action during the May 2018 Council Meeting for the reappointment of EDC members. Staff has received a resignation from Place 4 Director Gary Jones and has been informed that Place 1 Director Scott Surplus will be moving from Ovilla soon. This leaves the EDC with 1 current opening and 1 pending vacancy.

Pursuant to the By-Laws of the Economic Development Corporation, the Board of Directors consists of a seven-member board and states that each member shall be appointed by the City Council for a two-year term. Current terms expiring in June are:

1. Scott Surplus, Place 1 – Moving
2. Greg Huntington, Place 3 – desires reappointment
3. Gary Jones, Place 4 - resigned
4. Michael Myers, Place 5 –
5. Barbara Turner, Place 7 - desires reappointment

Staff received an application from Mr. John Knight who had served several terms on the EDC. A notice is still on the website asking for volunteers to serve.

PL4 Hunt moved that Council REAPPOINT the following to serve a term on the volunteer board of the Economic Development Corporation (EDC), noting that Mike Myers will serve temporarily until replaced and APPOINT John Knight as a new member to serve a term on the volunteer board of the EDC, seconded by PL2 Oberg.

1. PL3 Greg Huntington (reappointment)
2. PL4 John Knight (new appointment)
3. PL5 Michael Myers (reappointment)
4. PL7 Barbara Turner (reappointment)

*No oppositions, no abstentions.*

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

**ITEM 8. DISCUSSION/ACTION** – Receive recommendation from the Economic Development Corporation to consider and act on Resolution R2018-26, authorizing the Mayor to execute, for and on behalf of the City of Ovilla, Texas, establishing Economic Development Incentives; providing for a program of Economic Development Incentives pursuant to the Title 12 Chapter 380, Texas Local Government Code.

The Strategic Guide directs the establishment of an Incentive Program. The EDC reviewed this item during their June 2018 meeting and forward recommendation for adoption. City Manager John Dean prepared a program that has been reviewed by the City Attorney and is similar to programs around Texas for your review and consideration.

PL5 Myers moved that Council approve Resolution R2018-26 with the modification to drop any ETJ (Extraterritorial Jurisdiction) reference, authorizing the Mayor to execute, for and on behalf of the City of Ovilla, Texas, establishing Economic Development Incentives; providing for a program of Economic Development Incentives pursuant to the Title 12 Chapter 380, Texas Local Government Code, seconded by Mayor Pro Tem Griffin.

*No oppositions, no abstentions.*

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

**ITEM 9. DISCUSSION/ACTION** – Receive recommendation from the Economic Development Corporation to Consider of and act on an Ovilla Economic Development Corporation Matching Funds Reimbursement Grant Program.

City Manager John Dean advised that the Strategic Guide directs the establishment of an EDC Grant Program. He prepared a program that was reviewed by the City Attorney and is similar to programs around Texas. At the June meeting the EDC reviewed and approved this item, recommending Council approval of this program. Again, any reference of the ETJ will be removed.

PL4 Hunt moved to approve the Matching Funds Reimbursement Grant Program, seconded by PL2 Oberg.

*No oppositions, no abstentions.*

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

**ITEM 10 DISCUSSION/ACTION** – Consideration of any item(s) pulled from the Consent Agenda above for individual consideration and action.

*None. N/A.*

**III. DEPARTMENT REPORTS**

- Department Activity Reports / Discussion
  - Police Department Chief B. Windham
    - Gave Monthly Report – reviewing new officer applicants.
  - Fire Department Captain Cates
    - Gave Monthly Report
  - Public Works Director B. Piland
    - Gave Monthly Report – ongoing road construction
      - 1. Monthly Park Maintenance Reports
      - 2. Street Maintenance Report
  - Finance Department CM, John R. Dean, Jr.
    - May 2018 Financials
    - Bank Balances through July 5, 2018
  - Administration
    - Monthly Code/Animal Control Reports Code/AC Officer M. Dooly
      - 1. Still undergoing mosquito testing
    - Monthly Municipal Court Report City Secretary P. Woodall
    - City Manager Reports CM, John R. Dean, Jr.
      - 1. Monthly Report – Working with Hidden Valley developer.

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

1. Mayor Dormier None
2. PL1 Huber None
3. PL2 Oberg None
4. PL3 Griffin Discuss speedbumps and sidewalks on Lariat Trail
5. PL4 Hunt None
6. PL5 Myers Mid-year adjustments and weapons purchase in Police Dept.
7. City Manager None

**ADJOURNMENT**

PL4 Hunt moved to adjourn the meeting of July 09, 2018, seconded by Mayor Pro Tem Griffin. There being no further business, Mayor Dormier adjourned the meeting at 8:04 p.m.

ATTEST:

Richard Dormier, Mayor

Pamela Woodall, City Secretary

*Approved August 13, 2018*

Attachments: Citizens Forum sheet

**Richard Dormier, Mayor**  
**Rachel Huber, Place One**  
**Dean Oberg, Place Two**

**Doug Hunt, Place Four**  
**David Griffin, Place Three**  
**Michael Myers, Place Five**

Mayor Richard Dormier  
Place One Council, Rachel Huber  
Place Two Council, Dean Oberg  
Place Three Council/ Mayor Pro Tem, David Griffin



Place Four Council, Doug Hunt  
Place Five Council, Michael Myers  
City Manager, John R. Dean, Jr.

## WELCOME TO THE CITY OF OVILLA CITIZENS FORUM

The Ovilla City Council and City Staff welcome you to a meeting of the Ovilla City Council. Ovilla Council Meetings are open to the public and residents are encouraged to attend.

It is the policy of the City of Ovilla to give all individuals and lawful organizations an opportunity to formally address the Mayor and Council regarding any posted Agenda item or items not on the agenda. Each participant will be permitted to speak for a maximum of three minutes. Regarding non-agenda items, please be advised that the Mayor and Council cannot respond but may direct inquiries to staff for current policy or for later review.

The form must be complete.

DATE: 7-10-2017

PHONE: 469-3372503

DO YOU RESIDE WITHIN THE CITY LIMITS OF OVILLA?        YES        NO

NAME: OSWALDO MOLINA

ORGANIZATION / DEPARTMENT:       

ADDRESS: 224 - LARIA T- TR

CITY / ZIP: OVILLA - TX 75154

Persons wishing to address the Mayor and Council concerning a posted agenda item must make a formal request by presenting a completed "Citizens Forum" form to the City Secretary at least 10 minutes prior to the beginning of the scheduled meeting. The form must be complete. At the discretion of the Mayor, those registered to speak may be called during the opening of the listed agenda item. Please check one of the three following options.

I wish to address the Council during the Citizens Forum.

AGENDA ITEM(S) NUMBER:       

I wish to address the Council on this agenda item(s).

I do not wish to address the Council, but would like to register the following opinion.

(Circle one) FOR      AGAINST

Comments:       

Would you be interested in serving on an appointed board or commission of the City of Ovilla?

Yes  No

The City Council convenes in regular session on the second Monday of each month at 6:00 P.M. unless otherwise noted. Special meetings may be called as deemed necessary to conduct business of the City.

"I authorize the city to release ALL information on this sheet to the public. (If no signature is provided, the City shall not release information that is protected under the Texas Public Information Act.) Signature Oswaldo Molina"

# CITY OF OVILLA MINUTES

**Thursday, July 05, 2018**

**Special City Council Meeting/Budget Workshop**  
**105 S. Cockrell Hill Road, Ovilla, TX 75154**

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Mayor Dormier called the Special Council Meeting of the Ovilla City Council to order at 5:04 p.m., with notice of the meeting duly posted. Mayor Dormier made the following public announcement asking all individuals to be cognizant of the two signs at the entrance to the Council Chamber room referencing Sections 30.06 and 30.07 of the *Penal Code, persons licensed under Subchapter H, Chapter 411, Government Code may not enter this property with a concealed handgun nor enter this property with a handgun that is carried openly.*

The following City Council Members were present:

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

Mayor Dormier announced all Council members present, thus, constituting a quorum. City Manager John R. Dean, Jr., department directors and various staff were also present.

## **CALL TO ORDER**

Mayor Pro Tem Griffin gave the Invocation and PL1 Huber led the recitation of the Pledge of Allegiance.

## **COMMENTS/PRESENTATIONS/MAYOR ANNOUNCEMENTS**

None.

## **EXECUTIVE SESSION**

Mayor Dormier, Council, City Manager John Dean and the city secretary went into Executive Session at 5:06 pm pursuant to Section 552.072 of the TX Government Code to review the following:

**Closed session pursuant to Section §551.072 of the Texas Government Code**

**ITEM 1. DISCUSSION/ACTION** – Consideration of and action on real property lease with AT&T.  
No Action will be taken in Executive Session. Action taken (if any) will occur in open session.

Mayor Dormier, Council, City Manager John Dean and the city secretary returned to Regular Session at 5:25 pm. No action was taken in open session.

## **REGULAR AGENDA**

**ITEM 1. DISCUSSION/ACTION** – Consideration of and action on real property lease with AT&T.  
**No Action.**

**ITEM 2. DISCUSSION/ACTION** – Workshop and review of the preliminary Fiscal Year 2018-2019 Budget and direct staff as necessary.

Council directed revisions from the June 28 meeting were presented. Items of discussion:

1. The benefit and cost for one additional staff member to assist with Code Enforcement and Animal Control was discussed with Code/A/C Officer Mike Dooly with mixed opinions of where help is most needed and what area will be served.

2. Dallas Water Utilities and Trinity River Authority both verbally advised Ovilla staff of predicted increased water and sewer fees. Written confirmation is forthcoming. The increased fees will most likely be passed on to the customer.
3. Police needs were reviewed with Chief Windham that included discussion of the COPS Program, part-time officers and the new vehicle request.
4. The General Fund revenue reflects expectations from both the ESD #2 (an additional \$50k) and ESD #4 (an additional \$14,900). Confirmations from both districts will be forthcoming when they approve their budgets. The ESD #2's increased funding is based solely and contingent on Council's approval of proposed full-time staffing in the Fire Department.
5. City Manager and Accountant Linda Harding created a new fund – Equipment Fund for the replacement of all city equipment needs.
6. Minor discussion of the tax rate with staff advising that the certified taxable values were expected the week of July 23.
7. Estimated fuel expenses were expected to increase.
8. Public Works Director Brad Piland gave reviews of his departments with no proposed large expenses requested.
9. The initial 10-year CIP for streets was listed based on need and severity of street condition. Reorganization of street refurbishment was regrouped to keep within the neighborhoods and area of town – and need, which included the year of last repair to the street(s).
10. There was preliminary discussion for the need of a new police/administration building; moving the Public Works office to the current police station. (Bond election)

*No Action.*

**ADJOURNMENT**

There being no further business, Mayor Dormier adjourned the meeting at 7:45 p.m.

ATTEST:

Richard Dormier, Mayor

Pamela Woodall, City Secretary

*Approved August 13, 2018*

## AGENDA ITEM REPORT PUBLIC HEARING AND ITEM 1 CONSIDERATION

Meeting Date: August 13, 2018

Department: Administration

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted By: John R. Dean, Jr., CM

Amount: \$ N/A

Reviewed By:  City Manager  City Secretary  City Attorney

Accountant

Deputy City Secretary

### Attachments:

1. Planning and Zoning Recommendation report
2. Ordinance 2018-15.
3. Excerpt from the Code of Ordinances

### Agenda Item / Topic:

There are certain sections of the Board of Adjustment that need amendment:  
(Meeting dates and time)

Receive presentation, recommendation and citizen comments on Ordinance 2018-15, amending Chapter 14, Article 5, Section 45.2 and 45.3, Terms of Office and procedure of the Board of Adjustment, providing an effective date.

- a. **PRESENTATION** made by staff.
- b. **PUBLIC HEARING** to receive comments from the public regarding Ordinance 2018-15.
- c. **RECEIVE** recommendation from the Planning and Zoning Commission regarding Ordinance 2018-15
- d. **COUNCIL DELIBERATION.**

**ITEM 1.** **DISCUSSION/ACTION** – Receive recommendation report from the Planning and Zoning Commission to consider and act on Ordinance 2018-15, amending the text of the Comprehensive Zoning Ordinance No. 2010-013, as amended; providing for amendments to Section 45 Zoning Board of Adjustment to correct names and references, to amend terms of office, to amend meeting dates and to amend hearing and decision procedures; providing a savings clause; providing a severability clause; providing an effective date; and providing for publication.

### Discussion / Justification:

Staff recommends approval of Ordinance 2018-15.

### Sample Motion(s):

I move to approve/deny Ordinance 2018-15, amending the text of the Comprehensive Zoning Ordinance No. 2010-013, as amended; providing for amendments to Section 45 Zoning Board of Adjustment to correct names and references, to amend terms of office, to amend meeting dates and to amend hearing and decision procedures; providing a savings clause; providing a severability clause; providing an effective date; and providing for publication.



## City of OVILLA Planning & Zoning Commission Recommendation

**ITEM I.** **DISCUSSION/ACTION – PZ18.05** – To forward recommendation of approval to the City Council, for a request for an ORDINANCE (Ord. 2018-15) of the City of Ovilla, Texas, amending the text of the Comprehensive Zoning Ordinance No. 2010.013 as amended; providing for amendments to section 45 "Zoning Board of Adjustment" to correct names and references, to amend terms of office, to amend meeting dates, and to amend hearing and decision procedures; providing a savings clause; providing a severability clause; providing an effective date and providing for publication.

\*\*\*\*\*

**PLANNING AND ZONING Members present, and upon a record vote of:**

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

PL5 VACANT  
PL6 Hart AYE  
PL7 Zimmermann AYE

4 **FOR**  
0 **AGAINST**  
0 **ABSTAIN**

\*\*\*\*\*  
Michael K. Yordy  
Presiding Officer of P&Z

8/7/2018  
Date

Miller  
Board Secretary

AUGUST 7, 2018  
Date

ORDINANCE NO. 2018-15

AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, AMENDING THE TEXT OF THE COMPREHENSIVE ZONING ORDINANCE NO. 2010-013, AS AMENDED; PROVIDING FOR AMENDMENTS TO SECTION 45 "ZONING BOARD OF ADJUSTMENT" TO CORRECT NAMES AND REFERENCES, TO AMEND TERMS OF OFFICE, TO AMEND MEETING DATES, AND TO AMEND HEARING AND DECISION PROCEDURES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION.

**WHEREAS**, the City Council adopted Ordinance No. 2010-013 establishing comprehensive zoning regulations for the City of Ovilla on June 14, 2010 (the "Zoning Ordinance"); and

**WHEREAS**, Section 45 of the Zoning Ordinance establishes and provides procedures for the Zoning Board of Adjustment; and

**WHEREAS**, a review of Section 45 by City Staff and the City Attorney revealed that text amendments are required to correct names and references throughout Section 45, to amend terms of office for the Zoning Board of Adjustment; to amend meeting dates of the Zoning Board of Adjustment, and to amend hearing and decision procedures of the Zoning Board of Adjustment; and

**WHEREAS**, the City Council has determined that it is necessary and in the best interests of the health, safety and welfare of the citizens of Ovilla to amend Section 45 of the Zoning Code based on the review and recommendations of City Staff and the City Attorney; and

**WHEREAS**, due notice of a public hearing before the Planning and Zoning Commission and City Council was published in the City's official newspaper, which included the time and place of the public hearings on this Ordinance; and

**WHEREAS**, on AUGUST 06, 2018, the City's Planning and Zoning Commission held a public hearing regarding this Ordinance; and

**WHEREAS**, following the public hearing, the Planning and Zoning Commission considered this Ordinance and rendered its recommendation which was conveyed to the City Council; and

**WHEREAS**, on AUGUST 13, 2018, the City Council held a public hearing and accepted comments from the public regarding this Ordinance; and

**WHEREAS**, after due consideration, the City Council found and determined that the recommended amendments to Section 45 as set forth herein are in the best interest the health, safety and welfare of the citizens of Ovilla.

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

**SECTION 1. AMENDMENTS TO SECTIONS 45 "ZONING BOARD OF ADJUSTMENT" OF THE CITY OF OVILLA'S COMPREHENSIVE ZONING ORDINANCE NO. 2010-013**

Subjection 45.1(B) is hereby amended to read as follows:

Removal. Members of the Zoning Board of Adjustment may be removed from office by the City Council for cause upon written charges and after public hearing. Vacancies shall be filled by appointment of the City Council for the unexpired term of the member affected.

Subsection 45.2(A) is hereby amended to read as follows:

Terms. Each member shall serve a term of office of two years. After the expiration of a two-year term of office, a member shall serve until a successor is appointed. The terms of three of the members shall expire on the third Monday in June of each odd-numbered year, and the terms of two of the members shall expire on the third Monday in June of each even-numbered year.

Subsection 45.3(A) and (B) are hereby amended to read as follows:

A. Meetings.

1. The Board shall hold an organizational meeting on the third Monday in July of each year and shall elect a chair and a vice-chair from among its members before proceeding to any other matters of business.
2. Meetings shall be held as needed at the call of the chairman and at such other times as the Board may determine.
3. All meetings shall be open to the public, except as permitted by the Texas Open Meetings Act.

B. Minutes. The Zoning Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record and be immediately filed in the office of the Board, and which shall not become effective unless the Board has furnished a copy of the rules to the City Manager.

The opening paragraph of Subsection 45.5 is hereby amended to read as follows:

The Zoning Board of Adjustment shall have the powers and exercise the duties of a Zoning Board of Adjustment in accordance with Section 211.009 of the Texas Local Government Code. The Board's jurisdiction shall extend to and include the hearing and deciding of the following types of appeals and applications, and to that end shall have the necessary authority to ensure continuing compliance with its decision. The Zoning Board of Adjustment shall have the following powers and duties:

\* \* \*

Subsection 45.7(B)(3) is hereby amended to read as follows:

3. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the administrative official, or to

decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to authorize a variance from these regulations.

Subsection 45.8(A) is hereby amended to read as follows:

A. Approval of Request. In approving any request, the Zoning Board of Adjustment may impose such conditions in connection therewith in order to secure substantially the objectives of the regulations or provisions to which such variance is granted and to provide adequately for the maintenance of the integrity and character of the zone in which such permit is granted. In exercising its powers, the Board may modify, in whole or in part, any order, requirements, decision or determination as ought to be made. To that end, the Board shall have the powers of the administrative official, from whom the appeal is taken.

When necessary, the Zoning Board of Adjustment may require guarantees, in such form as it deems proper, to ensure that conditions designated in connection therewith are being or will be complied with.

Subsection 45.10 is hereby amended to read as follows:

The following privately owned or privately-operated uses may be permitted as special exceptions by the Zoning Board of Adjustment in the districts indicated below, subject to full and complete compliance with any and all conditions listed, together with such other conditions as the Board may impose for protection of the public health or safety:

\* \* \*

Subsection 45.11 is hereby amended to read as follows:

There shall be a fee assessed for each request for a variance or special exception appeal submitted to the Board to this ordinance, in accordance with the City's Fee Schedule.

## **SECTION 2. SAVINGS**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances for the City of Ovilla, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event, conflicting provisions of such ordinances and Code are hereby superseded by the provision of this Ordinance.

## **SECTION 3. SEVERABILITY**

The terms and provisions of this ordinance shall be deemed severable and if the validity of any section, subsection, sentence, clause, or phrase of this ordinance should be declared invalid, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this Ordinance.

## **SECTION 4. EFFECTIVE DATE**

Because of the nature of the interests sought to be protected and of the safeguards sought to be provided by this Ordinance, and in the interest of the health, safety, and welfare of the citizens of Ovilla, Texas, this Ordinance shall take effect immediately after its passage, approval, and publication as required by law.

**SECTION 5. PUBLICATION**

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.

**PASSED, APPROVED and ADOPTED** by the City Council of the City of Ovilla, Texas, on this the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

---

Richard Dormier, Mayor

ATTEST:

---

Pamela Woodall, City Secretary

APPROVED AS TO FORM:

---

Ron G. MacFarlane, Jr., City Attorney

## CHAPTER 14

### ZONING

#### Section 45 - Zoning Board of Adjustment

##### 45.1 ESTABLISHMENT

A. Composition. A Zoning Board of Adjustment is hereby established and shall consist of five regular members and two alternate members to be appointed by the City Council. Each member shall be appointed for a term of two years by the City Council. Alternate members shall serve in the absence of regular member(s) in keeping with rules and procedures adopted by the Zoning Board of Adjustment.

B. Removal. Members of the Zoning Board of Adjustment may be removed from office by the city council for cause upon written charges and after public hearing. Vacancies shall be filled by appointment of the city council for the unexpired term of the member affected.

C. Quorum. All cases to be heard by the Zoning Board of Adjustment must be heard by a minimum number of four members.

D. Cause for Removal. Cause for removal shall include missing more than two consecutive meetings or three meetings in any one twelve (12) month period or such other misconduct as the City Council may establish by resolution.

##### 45.2 TERMS OF OFFICE

A. Terms. Each member shall serve a term of office of two years. After the expiration of a two year term of office, a member shall serve until a successor is appointed. The terms of three of the members shall expire on the first Monday in June of each odd-numbered year, and the terms of two of the members shall expire on the first Monday in June of each even-numbered year.

B. Places. The members of the Board shall be identified by place numbers one through five. The odd-numbered places shall expire in the odd-numbered years; the even-numbered places shall expire in the even-numbered years.

##### 45.3 PROCEDURE

###### A. Meetings.

1. The Board shall hold an organizational meeting on the first Monday in July of each year and shall elect a chair and a vice-chair from among its members before proceeding to any other matters of business.

2. Meetings shall be held at the call of the chairman and at such other times as the Board may determine.

3. All meetings shall be open to the public, except as permitted by the Texas Open Meetings Act.

## CHAPTER 14

### ZONING

B. Minutes. The Zoning Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record and be immediately filed in the office of the Board, and which shall not become effective unless the Board has furnished a copy of the rules to the City Administrator.

C. Rules. The Zoning Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance and state statutes.

D. Quorum. A quorum for the conduct of business shall consist of four members of the Board.

E. Misconduct. The members of the Board shall regularly attend meetings and public hearings of the commission and shall serve without compensation. Three consecutive unexcused absences or such other misconduct as the Council may specify by resolution shall constitute grounds for dismissal.

#### 45.4 OFFICERS

A. Duties. Duties of the officers shall be as follows:

1. The chair shall preside at all meetings and may administer oaths and compel the attendance of witnesses, and shall have the same subpoena powers as the municipal court.
2. The vice-chair shall assist the chair in directing the affairs of the Board and act in the absence of the chair.

B. Term. Officers will serve for a term of one year or until a successor is appointed.

#### 45.5 POWERS OF THE BOARD

The Zoning Board of Adjustment shall have the powers and exercise the duties of a Zoning Board of Adjustment in accordance with Section 211.008 of the Texas Local Government Code. The Board's jurisdiction shall extend to and include the hearing and deciding of the following types of appeals and applications, and to that end shall have the necessary authority to ensure continuing compliance with its decision. The Zoning Board of Adjustment shall have the following powers and duties:

A. Interpretation. To render an interpretation of the zoning regulations or the manner of their application where it is alleged there is error in any order, requirement, decision, or determination made by the administrative official in the administration of this ordinance. In reaching its decisions, the Board shall establish guidelines for future administrative action on like matters.

B. Special exceptions. To hear and decide upon those applications for special exceptions when the same is authorized under this ordinance subject to Board approval. A special exception shall not be granted by the Zoning Board of Adjustment unless it finds:

## CHAPTER 14

### ZONING

1. That the use is specifically permitted under the ordinance and the requirements for such use are met; and

2. That the locations of proposed activities and improvements are clearly defined on the site plan filed by the applicant; and

3. That the exception will be wholly compatible with the use and permitted development of adjacent properties.

C. Variances. To authorize upon appeal in specific cases such variance from the height, yard area, coverage, and parking regulations set forth in this ordinance as may be necessary to secure appropriate development of a parcel of land which differs from other parcels in the district by being of such restricted area, shape, or slope that it cannot be appropriately developed without such modification. A variance from the terms of this ordinance shall not be granted by the Zoning Board of Adjustment unless and until it finds that:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;

2. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;

3. That the special conditions and circumstances do not result from the actions of the applicant;

4. The Board shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure; and

5. The Zoning Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

D. Variance Uses. Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

E. Nonconforming Uses.

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### ZONING

1. The Board may permit the reconstruction, extension, or enlargement of a building occupied by a nonconforming use on the lot or tract occupied by the building, and the addition of off-street parking or off-street loading to a nonconforming use.
2. The Board may require the discontinuance of nonconforming uses of land or buildings under any plan whereby the full value of the buildings and facilities can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity of all property to conform to the regulations of this ordinance. All actions to discontinue a nonconforming use of land or structure shall be taken with due regard to the property rights of the persons affected, when considered in light of the public welfare and the character of the area surrounding the designated nonconforming use and the conservation and preservation of the property.
3. The Board shall, from time to time, on its own motion or upon cause presented by interested property owners, inquire into the existence, continuation, or maintenance of any nonconforming use within the city.

#### **45.6 APPEALS TO THE BOARD OF ADJUSTMENT**

A. Interpretation. Appeals to the Zoning Board of Adjustment concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by any officer, agency, department or commission of the city affected by any decision of the administrative official. Such appeals shall be taken within ten (10) business days of the date the decision has been rendered by filing with the administrative official from whom the appeal is taken, and with the Zoning Board of Adjustment a notice of appeal specifying the grounds for appeal. The administrative official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

B. Stay of proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official from whom the appeal is taken certifies to the Zoning Board of Adjustment after the notice of appeal is filed with him that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Adjustment or by a court of record on application, and on due cause shown.

C. Special Exception Application. An application for a special exception to use or develop property as specifically authorized in district use regulations or in this section may be filed by any person owning the affected property or by any tenant upon written authorization of the owner. Such application shall be filed with the Board, and a copy thereof with the administrative official.

D. Form of Appeal or Application. The appeal or application shall be in such form and contain such information as the Board may require under its rules of procedure. An incomplete appeal or application shall be deemed only to give notice of intent to appeal or apply to the Board, and shall not be reviewed or scheduled for hearing until brought to completion.

## CHAPTER 14

### ZONING

E. Notice of Hearing. Official written notice of public hearing on every application for a variance or special exception or for an interpretation of regulations applying solely to an individual property shall be sent to all owners of property, or to the person rendering the same for city taxes, affected by such application, located within 200 feet of any property affected thereby, within not less than 10 days before such hearing is held. Such notice shall be served by using the last known address as listed on the town tax roll and depositing the notice, postage paid, in the United States mail. Notice of hearings on requests for interpretation of regulations applying to more than one property and ownership shall be given by means of a general notice as provided below. In addition, a list of items on the agenda to be heard by the Board shall be posted at a public place in City Hall at least 72 hours before the hearing on said items, and a list of agenda items shall be published in a newspaper of general circulation in the City at least twenty-four 24 hours before the hearing at which action will be considered.

#### 45.7 HEARING AND DECISION

A. Generally. The Board shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney. Evidence supporting the grant or denial of an appeal shall be submitted only through the administrative official or to the Board in public meeting. An appeal or application may be withdrawn upon written notice of the administrative official, but no appeal shall be withdrawn after posting of hearing notice and prior to Board action thereon without formal consent of the Board.

B. Decision and Voting. Every decision of the Board shall be based upon findings of fact and every finding of fact shall be supported in the record of proceedings. The enumerated conditions required to exist on any matter upon which the Board is authorized to pass under this ordinance shall be construed as limitations on the power of the Board to act.

1. Nothing herein contained shall be construed to empower the Board to change the terms of this ordinance, or to effect changes in the zoning districts. The powers of the Board shall be so applied that the terms of this ordinance will be strictly enforced.

2. In exercising its powers, the Board, so long as such action is in conformity with the provisions of Section 211.008 Board of Adjustment through Section 211.013 Conflict with Other Laws. Exceptions of the Texas Local Government Code, may modify in whole or in part any order, requirement, decision or determination appealed from and may make such order, requirements, decision or determination as ought to be made, and to that end shall have the powers of the administrative official from whom the appeal is taken.

3. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in the application of this ordinance.

C. Disqualification from voting.

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### ZONING

1. A member shall disqualify himself from voting whenever he finds that he has a personal or monetary interest in the property under appeal, or that he will be directly affected by the decision of the Board; or as otherwise required by the Texas Local Government Code.

2. A member may disqualify himself from voting whenever any applicant, or his agent, has sought to influence the vote of the member on the appeal, other than in the public hearing.

#### 45.8 DECISION

A. Approval of Request. In approving any request, the Zoning Board of Adjustment may impose such conditions in connection therewith in order to secure substantially the objectives of the regulations or provisions to which such variance is granted and to provide adequately for the maintenance of the integrity and character of the zone in which such permit is granted. In exercising its powers, the Board may modify, in whole or in part, any order, requirements, decision or determination as ought to be made. To that end, the Board shall have the powers of the administrative official, from whom the appeal is taken.

When necessary, the Zoning Board of Adjustment may require guarantees, in such form as it deems proper, to insure that conditions designated in connection therewith are being or will be complied with.

B. Expiration of Relief. Unless a building permit or certificate of occupancy is obtained, an appeal shall expire 60 days after the Board's decision unless a greater time is requested in the application and is authorized by the Board. Any approval may be granted one emergency extension of 60 days on written request filed with the Board before expiration of the original approval.

C. Denial of Request. No appeal or application that has been denied shall be further considered by the Board under a subsequent request obtained by filing new plans and obtaining of a new decision from the administrative official unless:

1. The new plans materially change the nature of the request; or
2. The permitted development of other nearby property in the same zone has been substantially altered or changed by a ruling of the Board, so as to support an allegation of changed conditions.

D. Withdrawal of Request. An application withdrawn at or before the Board meeting may be resubmitted at any time for hearing before the Board, provided that another application fee is paid.

#### 45.9 APPEALS OF ZONING BOARD OF ADJUSTMENT ACTION

Any person or persons, or any board, taxpayer, department, commission or agency of the city aggrieved by any decision of the Zoning Board of Adjustment may seek review by a court of record a petition duly certified, setting forth that such decision is illegal in whole or in part, specifying the grounds of such illegality. Shall petition shall be presented to the court within ten days after the filing of the decision complained of in the office of the Zoning Board of Adjustment, and not thereafter.

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### ZONING

#### 45.10 AUTHORIZED SPECIAL EXCEPTIONS

The following privately owned or privately operated uses may be permitted as special exceptions by the Zoning Board of Adjustment in the districts indicated below, subject to full and complete compliance with any and all conditions listed, together with such other conditions as the Board may impose for protection of the public health or safety:

Table 45.A

Special Exception	District Where Permitted
Shared use of the same off-street parking areas by two or more uses as follows:	CR, CG, I
a. When two or more uses, according to such approved plan, share the same off-street parking area, each may be considered as having provided such shared space individually.	
b. The land uses and common parking facility must be located in close proximity to one another.	
c. The land uses must be located not farther from the shared parking than a distance of 300 feet, measured by a straight line from the nearest point of the land on which the use is served is located to the nearest point of the separated off-street parking space.	
Off-site parking when the following applies:	CR, CG, I
a. Must be located not farther from the use served than a distance of 300 feet, measured by a straight line from the nearest point of the land on which the use is served is located to the nearest point of the separated off-street parking space.	
b. A written agreement shall be drawn to the satisfaction of the city attorney and executed by all parties concerned assuring the continued availability of the off-site parking facilities for the use they are intended to service.	
Additional Height for Parking Lot Light Poles	All Districts
Exceed Illumination of 20 foot-candle for Public and Semi-Public Facilities	All Districts

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### ZONING

Permit Laser Source Lights, Searchlights, Floodlights, Up-lighting of displays and bldgs, and Mercury Vapor lights	All Districts
Reduction (between 1% and 15%) of required parking	CR, CG, I
Antenna facilities which do not meet the requirements of <a href="#">Section 37</a> Wireless communication Facilities	See <a href="#">Section 37</a> ,
Additional height over the maximum permitted requirement	CR, CG, I

#### 45.11 FEES

There shall be a fee assessed for each request for a variance or special exception appeal submitted to the Board to this ordinance, in accordance with the City fee schedule.

## AGENDA ITEM REPORT

### Item 2

Meeting Date: August 13, 2018

Department: Administration/Public Works

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted By: John R. Dean, Jr., CM

Amount: \$ N/A

Reviewed By:  City Manager  City Secretary  City Attorney  
 Accountant  B. Piland

#### Attachments:

1. Planning and Zoning recommendation report
2. Site plan drawing
3. Third amendment to Declaration of Covenants, Conditions and Restrictions/Bryson Manor Subdivision.

#### Agenda Item / Topic:

ITEM 2. **DISCUSSION/ACTION** – Receive recommendation from the Planning and Zoning Commission to consider and act on a screening wall along Shiloh Road for Bryson Manor Phase II.

#### Discussion / Justification:

Screening or perimeter fence/walls are required by code for subdivisions greater than two lots along major thoroughfares identified in the thoroughfare plan. The only major thoroughfare identified along Bryson Manor is Shiloh Road. Therefore, the developer has requested the approval of the wall along Shiloh Road so that phase II of the subdivision can begin selling lots and building homes. The developer has requested a design to be approved that is very similar to the one along Cumberland Forest. The HOA will be responsible for the maintenance of the wall. The wall was recommended to be approved by the Planning and Zoning Commission contingent on the HOA putting in the Charter that the HOA will be responsible for the maintenance of the fence/wall.

#### Sample Motion(s):

I move to approve/deny the addition to the Bryson Manor Phase II Final Plat for a residential subdivision screening wall to be constructed around the perimeter of Bryson Manor Phase II Subdivision with contingency of HOA (Home Owners Association) Covenants to be revised to accept responsibility for all maintenance of the perimeter fence specified in said amendment and acceptance of the remaining amendment as presented.



## City of OVILLA Planning & Zoning Commission Recommendation

ITEM 3. **DISCUSSION/ACTION PZ2018.06** – Consideration of a request to the City of Ovilla for an addition to a Final Plat for Residential Subdivision screening wall to be constructed around perimeter of Bryson Manor Subdivision.

**MOTION:** **I MOVE THAT THE PLANNING & ZONING FORWARD RECOMMENDATION TO THE OVILLA CITY COUNCIL THE REQUEST FOR ADDITION TO THE FINAL PLAT FOR RESIDENTIAL SUBDIVISION SCREENING WALL TO BE CONSTRUCTED AROUND PERIMETER OF BRYSON MANOR SUBDIVISION WITH CONTINGENCY OF H.O.A. (HOME OWNERS ASSOCIATION) CHARTER TO BE REVISED TO ACCEPT RESPONSIBILITY FOR ALL MAINTENANCE OF THE PERIMETER FENCE SPECIFIED IN AMENDMENT AND ACCEPTANCE OF THE REMAINING AMENDMENT AS PRESENTED IN CASE NO. PZ2018.06.**

\*\*\*\*\*

**PLANNING AND ZONING** Members present, and upon a record vote of:

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

PL5 VACANT  
PL6 Hart AYE  
PL7 Zimmermann AYE

4 FOR

0 AGAINST

0 ABSTAIN

\*\*\*\*\*  
  
Michael K. Yordy  
Presiding Officer of P&Z  
  
Jennifer Muller  
Board Secretary

\*\*\*\*\*  
  
8/7/2018  
Date  
  
August 7, 2018  
Date

Plan Conflict, Ownership and Liability

**NOTES.**

1. Land should be easily within the International Residential Code.
2. Building should be located in all three zones and vegetation.
3. Construction is encouraged to be low profile and a "Tin Can" exterior.
4. Construction should be built in layers (stone, insulation and plastering).

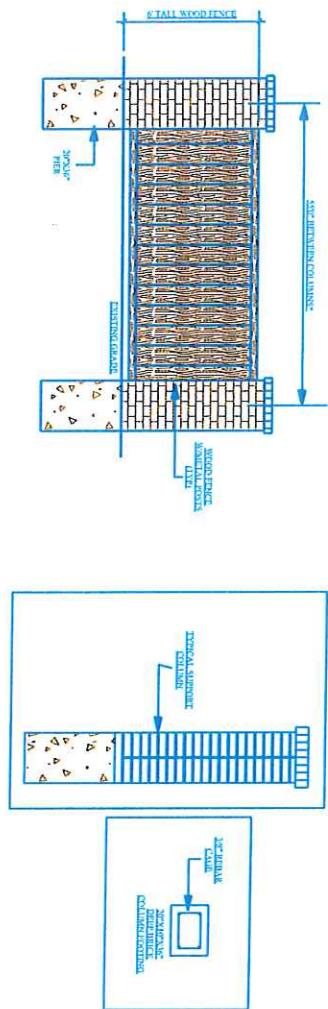
Architectural elevation drawing showing the exterior dimensions and features of a building. The main structure has a total width of 140.00'. An attached garage extends the total width to 140.00'. The drawing includes labels for 'BRICK COLUMNS (TYP)', 'WOOD FENCE W/METAL POSTS (TYP)', and 'PROPERTY LINE (TYP)'. Dimensions are indicated in feet and inches.

Section	Width	Height
Main Building	140.00'	132.41'
Attached Garage	140.00'	140.00'
Total Width	140.00'	140.00'

Key dimensions and labels:

- BRICK COLUMNS (TYP): 45'-10"
- WOOD FENCE W/METAL POSTS (TYP): 201.71'
- PROPERTY LINE (TYP): 110.00'
- Vertical dimensions: 55'-0", 55'-4", 55'-8", 55'-10", 55'-11"

## SCREENING WALL TYPICAL SECTION N.T.S.



**SITE PLAN**  
SCALE: 1" = 40'-0"

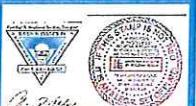


130 CHIEFTAIN DRIVE  
SUITE 101  
WAXAHACHIE, TX 75165  
OFFICE# (972)935-9710  
WWW.PIAN-MASTER.COM



JULY 6TH, 2018  
BRYSON MANOR  
MIDLOTHIAN, TX

MASSEY SHAW  
CELL #214-803-4939



THIRD AMENDMENT TO DECLARATION OF  
COVENANTS, CONDITIONS, AND RESTRICTIONS

FOR

BRYSON MANOR,  
An Addition to the City of Ovilla, Texas

THIS THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR BRYSON MANOR, an Addition to the City of Ovilla, Texas ("Second Amendment") is made effective on the \_\_\_\_ day of July, 2018 (the "Effective Date"), by SHAW DEVELOPMENT GROUP, LLC, a Texas Limited Liability Company ("Declarant"), as follows:

**WITNESSETH**

WHEREAS, Declarant is the owner and developer of certain real property located in the City of Ovilla, Ellis County, Texas (the "City"), as more particularly described in Exhibit "A" (the "Property"), and being more commonly known as Bryson Manor, an addition to the City of Ovilla, Ellis County, Texas (hereafter the "Subdivision"), consisting of an estimated Two Hundred Ten (210) single family residential lots;

WHEREAS, on or about August 5, 2015, Developer filed the Declaration of Covenants, Conditions, and Restrictions for Bryson Manor at Instrument No. 1518470 (the "Original Declaration") in the Official Public Records of Ellis County, Texas ("OPRECT"); and

WHEREAS, on or about May 19, 2017, Developer filed the First Amendment to Declaration of Covenants, Conditions, and Restrictions for Bryson Manor at Instrument No. 1713839 (the "First Amendment") (the Original Declaration and First Amendment being hereafter referred to collectively as the "Declaration") in the OPRECT; and

WHEREAS, on or about September 13, 2017, Developer filed the Second Amendment to Declaration of Covenants, Conditions, and Restrictions for Bryson Manor at Instrument No. 1726144 (the "Third Amendment") (the Original Declaration, First Amendment, and Second Amendment being hereafter referred to collectively as the "Declaration") in the OPRECT; and

WHEREAS, Declarant now desires to make certain corrections, amendments, and modifications to certain provisions of the Declaration to correct, clarify, modify, and

amend provisions relating to various matters, including, without limitation, (a) the construction, care, maintenance, and upkeep of the perimeter screening wall for the Subdivision along Shiloh Road and (b) builder and permit requirements for the construction of retaining walls on Lots 37 and 38 of Block A.

NOW THEREFORE, pursuant to Section 11.02(a) of the Declaration, Declarant hereby makes the following amendments, modifications, corrections, revisions, additions, deletions, and changes to the Declaration:

#### Amendments to Article V

1. Subsection (f) of Section 5.08 of Article VII of the Declaration is hereby deleted in its entirety and the following new Subsection (f) is hereby substituted in its place:

(f) **Fences; Perimeter Screening.**

(1) **General.** Except for the perimeter screening wall described in subsection (2) below, all fences shall be constructed of materials approved by the City Ordinances. Any wooden fence shall be a minimum of six (6) feet in height and shall be constructed utilizing steel posts on the inside (i.e., yard-side) of such fence.

(2) **Perimeter Screening Wall.** In accordance with the requirements of the City Code, a perimeter screening wall (the "Perimeter Wall") shall be constructed along the property lines of Lots 35, 36, 37, 38, and 39 of Block A on Shiloh Road from the west side of Bryson Manor Drive to the corner of Shiloh Road and Bryson Lane. Such Perimeter Wall shall be built and constructed in accordance with the design and specifications approved by the City. No certificates of occupancy for Lots 35, 36, 37, 38, and 39 of Block A shall be issued until the completion of the construction of such Perimeter Wall. The respective owners of Lots 35, 36, 37, 38, and 39 of Block A shall be responsible for the care maintenance and upkeep of the portion of the Perimeter Wall located on their particular lot.

2. Section 5.08 of Article VII of the Declaration is hereby amended by the addition of the following new subsection (j) regarding the requirements for retaining

walls for Lots 37 and 38 of Block A in Phase 2 of the Subdivision:

- (j) Retaining Wall – Lots 37 and 38, Block A. The Owner(s) and/or Builder(s), as applicable, Lots 37 and 38 of Block A, shall be required to construct and install a retaining wall on the east side of their respective Lot in accordance with the requirements of the City Code and the Phase 2 Construction Plans approved for Phase 2 of the Subdivision by the City. Any construction plans submitted by a Builder or Owner with any building permit for the construction of a residence on Lots 37 and 38 shall include the design and construction of such retaining wall.

3. All other terms, conditions, and provisions of the Declaration which are not specifically amended or modified by this Second Amendment shall remain in full force and effect.

4. In the event of any conflict between the terms and provisions of this Second Amendment and the terms and provisions of the Declaration, the terms and provisions of this Second Amendment shall govern and control.

*[Signature Page and Acknowledgment follows on next page.]*

IN WITNESS WHEREOF, Declarant executes this Second Amendment to Declaration of Covenants, Conditions, and Restrictions, effective as of the Effective Date.

**SHAW DEVELOPMENT GROUP, LLC,  
a Texas Limited Liability Company**

By: MASSOUD SHAHKARAMI  
A/K/A MASSEY SHAW, Manager

## ACKNOWLEDGMENT

STATE OF TEXAS  
COUNTY OF ELLIS

BEFORE ME the undersigned authority, this Second Amendment was acknowledged before me by MASSOUD SHAHKARAMI A/K/A MASSEY SHAW, the Manager and duly-authorized representative of SHAW DEVELOPMENT GROUP, LLC., a Texas Limited Liability Company, on behalf of said company, on the \_\_\_\_\_ day of July, 2018.

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**Notary Public – State of Texas**

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My Commission expires:

UPON RECORDING, RETURN TO:

**PREPARED IN THE OFFICES OF:**

Bryson Manor Homeowners Association  
c/o Blue Dome Residential Management, LLC  
P.O. Box 2692  
Red Oak, Texas 75154

James P. Moon  
Kaplan & Moon, PLLC  
P. O. Box 2206  
Red Oak, Texas 75154

THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR BRYSON MANOR - Page 4 of 4

# CHAPTER 10

## SUBDIVISION REGULATION

### Division 15. Perimeter Screen

**Sec. 10.02.451 Purpose** This division is intended to provide for visual screening along perimeter roadways and thoroughfares and to establish requirements for the installation and maintenance of screening devices to enhance the community's aesthetic qualities and provide sound barriers for residences which abut thoroughfares. (1989 Code, ch. 9, sec. 15.01)

**Sec. 10.02.452 Requirements** (a) All residential subdivisions adjacent to major thoroughfares, as identified on the Ovilla thoroughfare standards design manual, shall be screened from the street. This includes all lots backing or siding on a thoroughfare. A screening wall is also required where an alley is parallel to and adjacent to a public street. (b) Where the sides of lots in a residential subdivision abut on a major thoroughfare, a combination of masonry and wrought iron design may be considered if the non-masonry material does not exceed twenty-five percent (25%) of the surface of the screening wall. If using a combination of wrought iron and masonry, evergreen shrubs, six-foot in height at the time of planting, shall be planted on the interior side of the wrought iron portion of the wall. (1989 Code, ch. 9, sec. 15.02)

**Sec. 10.02.453 Screening wall articulation**

Screening walls adjacent to thoroughfares or collector streets shall be constructed to the following standards:

- (1) Offsets shall be provided every 100 feet or less;
- (2) Offsets shall be designed to be located at lot line intersections;
- (3) Offsets shall be a minimum of three feet in depth and eight feet in length;
- (4) Live plant materials shall be incorporated in the design of the offsets;
- (5) Offset sections of the screening wall may be constructed of alternate non-masonry materials such as ornamental iron;
- (6) A five-foot perimeter screening wall and landscape easement shall be dedicated for the perimeter improvements; and
- (7) Variations in the screening wall design may be approved to preserve existing vegetation and trees. (1989 Code, ch. 9, sec. 15.03; Ordinance adopting Code)

**Sec. 10.02.454 Approval**

(a) The subdivider must submit plans for the screening wall including a section of the wall, elevation of the wall, foundation design, type of materials, color, style and landscape plantings to be installed adjacent to the wall. The design of the perimeter screening wall must be approved by the city council, after review and recommendation from the planning and zoning commission, in conjunction with the final plat approval.

(b) Construction and location details of the required screening wall shall be shown as part of the final plat construction plans for all residential subdivisions containing two or more lots.

(c) The required screening wall shall be constructed prior to any building permits being issued for residential subdivisions.

(1989 Code, ch. 9, sec. 15.04)

## AGENDA ITEM REPORT Item 3

Meeting Date: August 13, 2018

Department: Administration

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted By: John R. Dean, Jr., CM

Amount: \$ N/A

Reviewed By:  City Manager  City Secretary  City Attorney  
 Accountant  Code Enforcement

### Attachments:

1. Cassaro Winery Concept Plan and drawings
2. Excerpt from Ovilla Land Use Table
3. Excerpt from the TEX Alcoholic Code

### Agenda Item / Topic:

ITEM 3. **DISCUSSION/ACTION** – Consideration of and action on a concept plan submitted by Mr. John Matthews for the creation and installation of Cassaro Winery, located at 704 W. Main Street, Ovilla, Texas.

### Discussion / Justification:

Mr. John Matthews contacted staff regarding his purchase of 704 W. Main Street and his plans to convert the existing house on the property into a winery. At a later date, he plans to hopefully build a residence to the back of the property, behind the winery.

Texas cities lost almost all ability to regulate alcohol after June 11, 1987. It does not really matter whether a winery is a listed use in our zoning code since it was adopted after June 11, 1987; only ordinances and zoning regulations adopted before that date can still be enforced. Ovilla cannot prohibit a winery, so it may be wise to go ahead and list it as a use at a later date.

Additionally, wineries are allowed in dry areas and the activities of the winery are defined by statute (TABC Ch. 16). Attached is a highlighted copy of Chapter 16 for reference.

### Sample Motion(s):

I move to approve/deny the concept plan submitted by Mr. John Matthews for the creation and installation of Cassaro Winery, located at 704 W. Main Street, Ovilla, TX.

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## Cassaro Winery Concept Plan

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John and Jill Matthews, the owners of Cassaro Winery and Vineyardshave been enamored with beautiful wineries for years visiting wineries in Italy and throughout the United States. After a trip to Napa Valley a few years back they decided to try their hand at growing grapes in Texas, establishing a vineyard with European varietals just outside of the Ovilla city limits. Over the years the vineyard has grown to nearly two thousand vines and features excellent wine-making grapes such as Tempranillo from Spain, Alvarhino from Portugal and Sangiovese from Italy. When the vineyard matures it will produce about 7.5 tons of grapes which will be made into wine.

John and Jill are members of the Texas Wine Industry and Grape Growers Association and John and his son, Michael are currently enrolled in viticulture and entomology course at Grayson College, one of the most well-respected winery programs in the state.

John has a BBA and MBA from the University of North Texas, owns a nationally recognized public safety consulting firm, provides law enforcement analysis for CNN, FOX News and Good Morning America and serves the Ovilla community as a Commander with the Ovilla Police Department recently assisting the department with state grant money to provide bullet resistant vests for all officers.

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## The Winery

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The winery will be housed in a structure originally built in 1910 and that will be renovated in a manner to enhance its architectural character while providing the space necessary to conduct thriving business operations. Decorated on the interior in a traditional Italian-style the house will contain paintings and artifacts brought back by the family from Italy. The house and adjoining buildings will contain a tasting room, retail space and the actual winery where wine will be fermented, bottled and stored for sale to customers from through the metroplex and across the state. The structure will also house multiple restrooms, a kitchen which may be eventually utilized for meat and cheese boards and office and storage space for the wine and tasting room operation. Adjacent to the building will be pergolas with tables and chairs where visitors can sit on the patio and enjoy their drinks in an open-air environment. Visitors will be able to taste of variety of wines made specifically under the Cassaro label including red, white, blush and sweet wines.

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## The Property

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Cassaro Winery will be located on nearly 2.5 acres of land in the historical district of downtown Ovilla. Bordering on Ovilla Creek this beautiful property has well established pecan trees, persimmons and even fig trees which add to the location's esthetics. John and Jill also plan to add a garden, olive trees and a miniature vineyard to showcase their grapes and enhance the ambiance of their Italian inspired village. The property is as important as the winery itself as visitors will have an opportunity to stroll the grounds, sit outside under pergolas, picnic at tables and even tell stories around a firepit. During special events the winery will provide live music and visitors will be able to sit outside and enjoy the picturesque scenery. Parking will be built to accommodate individuals who visit on the weekends and also wish to stroll the Ovilla downtown area enjoying some of the best BBQ around eating snow cones and patronizing the downtown district.

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## The Future

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In the future John hopes to add another structure to serve as a residence for his parents who have been to Italy many times visiting friends and staying on properties where thriving vineyards and wineries are operated. John hopes to give his parents a little bit of that Old World charm as they have an opportunity to share their wine adventures with visitors and promote Ovilla's home-grown products.

As the business expands John hopes to add other structures such as a covered pavilion where visitors can sit outside and enjoy wine and meals while taking in the natural beauty of the property.

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## The Investment

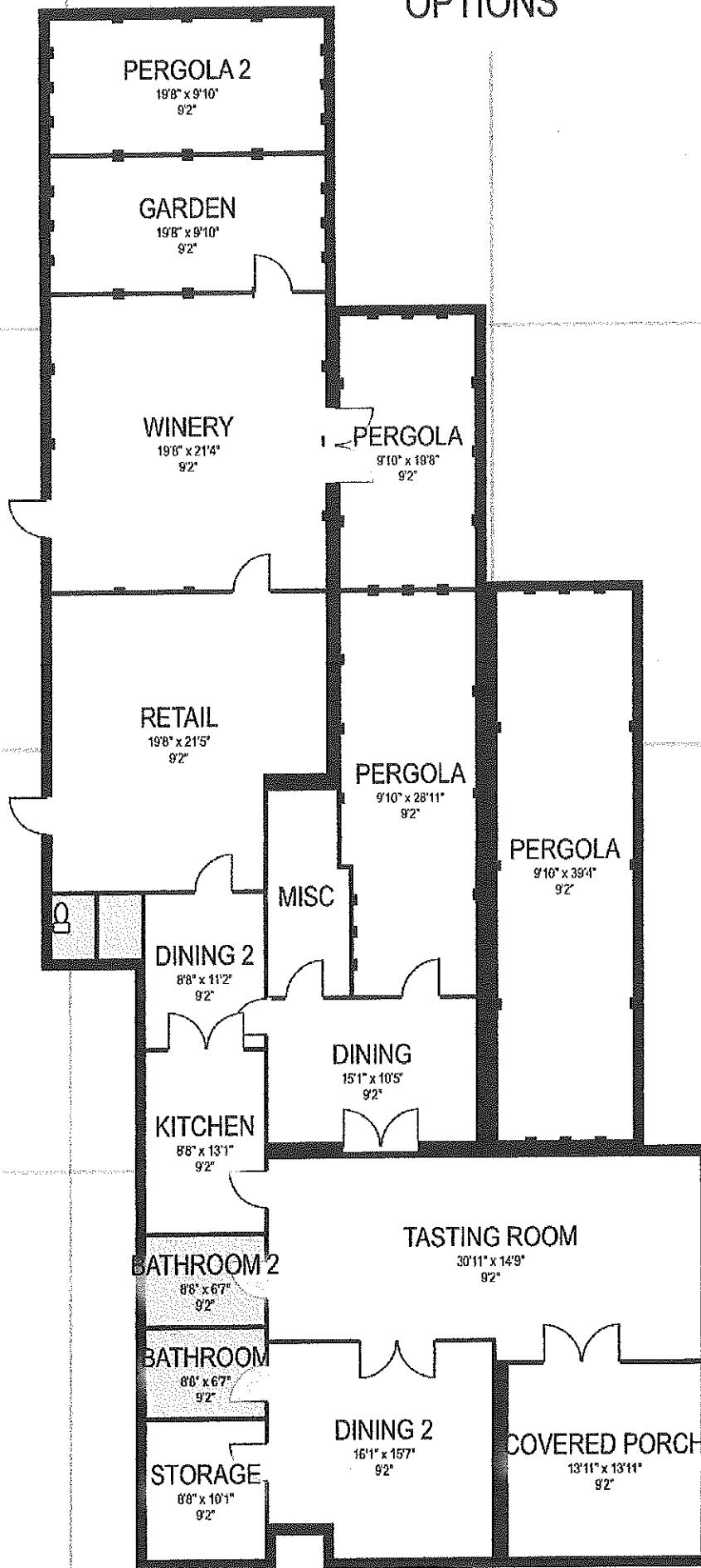
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Cassaro Corporation, John and Jill Matthews and Cassaro Winery and Vineyards is making a substantial investment in downtown Ovilla. Land purchase, renovation to existing buildings, new structures, a concrete parking lots, lighting and outdoor accoutrements will grow the Matthews' investment into the hundreds of thousands of dollars as they hope to spur economic development and future growth in the area. John hopes to work with city leaders and the community to establish more parking, sidewalks, lighting and other downtown features to promote the community and grow business in historic downtown Ovilla.

SAVE

OPTIONS

SUPPORT

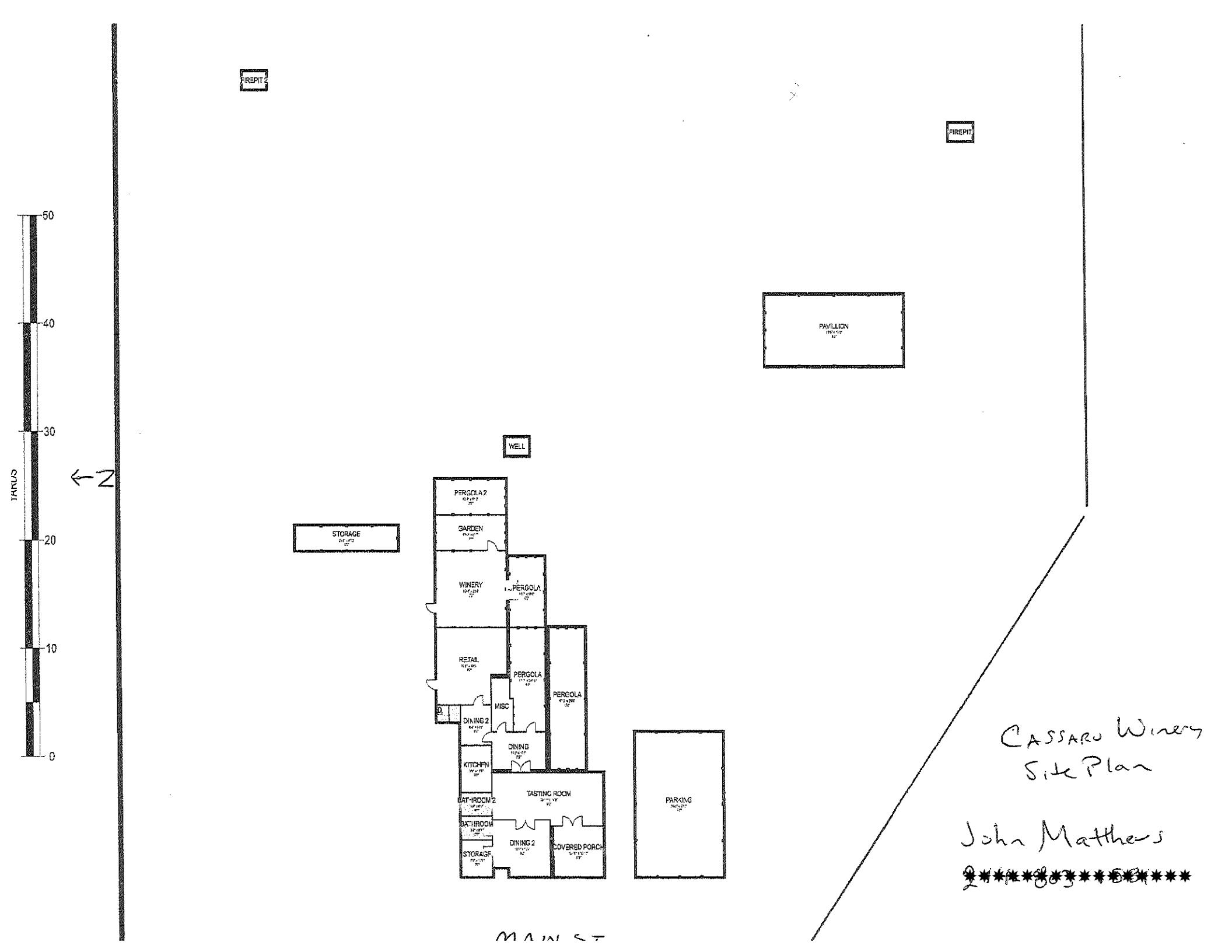


FLOOR 1

ROOMS

FITOUT

FREEDRAW



## LAND USE TABLE

P = Permitted Use, S = Specific Use Permit, Blank = Prohibited Use

Table 11.A											
City of Ovilla Land Use Table											
Residential							Land Use Descriptions		Nonresidential		Conditions
R-C	R-E	R-22	R-15	R-D	MF	MH			CR	CG	I
<b>Residential Uses</b>											
P	P						Agricultural Use	S	S	S	b, h
				P			Apartment		S		d, g
				P			Boarding House	P	P		a
P	P	S	S	S			Caretaker, Guard or Servant Residence or Garage Apartment	S	S	P	b, p
P	P	S	S	S			Dwelling, Guesthouse				
	P				P		Convent, Rectory, Monastery	P	P		
					P		Dwelling, Assisted Living Facility		P		a
					P		Dwelling, HUD-Code Manufactured Home				
P	P	P	P	P	P	P	Dwelling, Industrialized Housing				
							Dwelling, Mobile Home				
					P		Dwelling, Multifamily				a, g
				P	P	P	Dwelling, Single Family Attached				
P	P	P	P	P		P	Dwelling, Single Family Detached	P			
				P	P		Dwelling, Two Family				
	S	S	S	P	P	P	Group Home for the Disabled or Disadvantaged				
					P		Manufactured Housing Park or Subdivision				

## 24.4 REGULATIONS AND REQUIREMENTS

The following regulations and requirements shall apply in the Historical Overlay district. The regulations for the underlying zoning districts shall apply unless otherwise revised herein or in the motion approving the site plan.

- A. Massing. A building should be of appropriate human-scale, with mass and size similar to those in the adjacent blockface or within the historic overlay district.
- B. Height. The height of finished floor from grade should be similar to traditional houses in the vicinity, and should be sufficient to suggest a traditional pier-and-beam foundation.
- C. Roof Height. The height of the cornice and the roof ridge(s) should also fit within the range of dimensions of traditional or historic residences in the district.
- D. Roof Form. Roof forms should be sloping, either hipped or gabled, with an eave overhang dimension that reflects traditional roof conditions.
- E. Building Materials. Exterior building materials shall reflect the traditional materials of similar buildings in Ovilla: wood siding (horizontal lap or novelty siding); limestone or field stone in traditional dimensions and tooling, or brick in traditional dimensions.
- F. Design. New buildings should be designed so that the façade's organization closely relates to surrounding or similar buildings.
- G. Windows. Spacing and size of window and door openings should be similar to their historic counterparts, as should the proportion of window to wall space.
- H. Historic Style. New designs should draw upon the traditions of historic styles and designs in the community, but should be seen as products of their own time while being compatible with the historic environment of the neighborhood or community.

## 25.10 SITE PLAN REQUIREMENT

and shall process the same as a request to amend the entire district, and send notices to all property owners within 200 feet of the District.

#### **25.13 OTHER APPLICABLE REGULATIONS**

If not otherwise specified in the ordinance establishing the planned development district, the height, setback, area, floor space, and other development regulations for permissible uses in a planned development district shall conform to the development regulations which would be applicable to such uses if the same were situated in the most restrictive district in which such uses are permitted.

#### **25.14 NO VARIANCE**

The Zoning Board of Adjustment is not authorized to grant a variance from the requirements of an ordinance establishing a Planned Development District.

TEX. ALCOHOLIC BEVERAGE CODE

§ 16.01. Authorized Activities

(a) Except as provided by Section 16.011, the holder of a winery permit may:

(1) manufacture, bottle, label, and package wine containing not more than 24 percent alcohol by volume;

(2) manufacture fruit brandy and:

(A) use that brandy on the winery permit holder's permitted premises for fortifying purposes only; or

(B) sell that brandy to other winery permit holders;

(3) import or buy fruit brandy from a permit holder authorized to manufacture fruit brandy and use that brandy on the winery permit holder's permitted premises for fortifying purposes only;

(4) sell wine in this state to or buy wine from permit holders authorized to purchase and sell wine, including holders of wholesaler's permits, winery permits, and wine bottler's permits;

(5) sell wine to ultimate consumers:

(A) for consumption on the winery premises; or

(B) in unbroken packages for off-premises consumption in an amount not to exceed

35,000 gallons annually;

(6) sell the wine outside this state to qualified persons;

(7) blend wines;

(8) dispense free wine for consumption on the winery premises; and

(9) purchase and import wine from the holder of a nonresident seller's permit.

(b) The holder of a winery permit may manufacture and label wine for an adult in an amount not to exceed 50 gallons annually for the personal use of the adult. Any amount of wine produced under this subsection is included in the annual total amount that may be sold by the holder under Subsection (a)(5). An adult for whom wine is manufactured and labeled under this subsection is not required to hold a license or permit issued under this code.

(c) The holder of a winery permit may conduct wine samplings, including wine tastings at a retailer's premises. A winery employee may open, touch, or pour wine, make a presentation, or answer questions at a wine sampling.

(d)[As amended by Acts 2003, 78th Leg., ch. 1051, Sec. 1]The holder of a winery permit may sell wine to ultimate consumers for consumption on or off winery premises and dispense free wine for consumption on or off the winery premises.

(d)[Repealed by Acts 2003, 78th Leg., ch. 1119, Sec. 3]

(e) The holder of a winery permit may dispense wine for consumption on the premises of the winery under Section 16.07.

§ 16.011. Premises In Dry Area

A winery permit may be issued for premises in an area in which the sale of wine has not been authorized by a local option election. A holder of a permit under this section may engage in any activity authorized under Section 16.01 except that the permit holder may sell or dispense wine under that section only if the wine is:

(1) bottled in this state; and

(2) at least 75 percent by volume fermented juice of grapes or other fruit grown in this state or a lesser percentage established by the commissioner of agriculture under Section 12.039, Agriculture Code.

**§ 16.02. Fee**

The annual state fee for a winery permit is \$75.

**§ 16.03. Importation For Blending**

The holder of a winery permit may, for blending purposes, import wines or grape brandy. The wine or grape brandy may be purchased only from the holders of nonresident seller's permits. The state tax on wines imported for blending purposes does not accrue until the wine has been used for blending purposes and the resultant product placed in containers for sale.

**§ 16.04. Federal Permit Required**

A winery permit may be granted only on presentation of a winemaker's and blender's basic permit of the federal alcohol tax unit.

**§ 16.05. Operating Agreements Between Permit Holders**

(a) The holder of a winery permit may engage in any activity authorized by that permit on the permitted premises of another winery permit holder under an agreement between the permit holders that is approved by the commission and that describes with specificity the nature, duration, and extent of the activities authorized by the agreement.

(b) The commission shall adopt rules regulating the shared use of winery premises under this section to ensure administrative accountability of each permit holder and a strict separation between the businesses and operations of the permit holders.

**§ 16.06. Participation In Certain Off-Premises Wine Evaluation Activities**

(a) For the purpose of participating in an organized wine tasting, wine evaluation, wine competition, or literary review, the holder of a winery permit may deliver wine produced and manufactured by the holder to locations that are not licensed under this code for the purpose of submitting the wine to an evaluation at an organized wine tasting competition attended primarily by unlicensed persons or by a wine reviewer whose reviews are published if:

- (1) no charge of any kind is made for the wine, delivery, or attendance at the event; and
- (2) the commission consents in writing to the delivery.

(b) In connection with events authorized by Subsection (a) of this section, the holder of the winery permit may dispense wine to individuals attending the event and discuss with them the manufacture and characteristics of the wine.

**§ 16.07. Wine Sampling**

(a) The holder of a winery permit may conduct wine samplings, including wine tastings, on the permitted premises. The holder of the permit may collect a fee for the wine sampling.

(b) A sampling event authorized by this section may not be advertised except by on-site communication or by direct mail.

(c) A person other than the holder of a permit or the holder's agent or employee may not dispense or participate in the dispensing of wine under this section.

(d) A person authorized to dispense wine under this section:

- (1) may serve a person more than one sample; and
- (2) may not serve a sample to a minor or to an obviously intoxicated person.

(e) A person who receives a sample may not remove the sample from the permitted premises.

(f) For the purposes of this code and any other law of this state or a political subdivision of this state, the holder of a permit, during the sampling of wine under this section, is:

(1) not the holder of a permit authorizing the sale of alcoholic beverages for on-premises consumption; and

(2) not considered to have received any revenue from the on-premises sale of alcoholic beverages.

#### § 16.08. Wine Festivals

(a) At an event that is approved by the commission, organized to celebrate and promote the wine industry in this state, and held in whole or in part on the premises of the holder of a winery permit, the permit holder may:

(1) sell wine to consumers for consumption on or off the holder's premises; and

(2) dispense wine without charge for consumption on or off the holder's premises.

(b) The holder of a winery permit may sell wine to the holder of a temporary permit issued under Chapter 27, 30, or 33 for an event that is approved by the commission and organized to celebrate and promote the wine industry in this state.

(c) Repealed by Acts 2005, 79th Leg., Ch. 878, Sec. 10(1), eff. June 17, 2005.

#### § 16.09. Direct Shipment To Consumers

(a) The holder of a winery permit may ship wine to the ultimate consumer, including ultimate consumers located in dry areas. Delivery must be by the holder of a carrier permit.

(b) All wine shipped to an ultimate consumer by the holder of a winery permit must be in a package that is clearly and conspicuously labeled showing that:

(1) the package contains wine; and

(2) the package may be delivered only to a person described in Subsection (c).

(c) Wine shipped by the holder of a winery permit may not be delivered to any person other than:

(1) the person who purchased the wine;

(2) a recipient designated in advance by such purchaser; or

(3) a person at the delivery address who is age 21 or over.

(d) Wine may be delivered only to a person who is age 21 or over after the person accepting the package:

(1) presents valid proof of identity and age; and

(2) personally signs a receipt acknowledging delivery of the package.

(e) The holder of a winery permit may not:

(1) sell or ship wine to a minor;

(2) deliver wine to a consumer using a carrier that does not hold a carrier's permit under this code; or

(3) deliver to the same consumer in this state more than nine gallons of wine within any calendar month or more than 36 gallons of wine within any 12-month period.

## AGENDA ITEM REPORT

### Item 4

Meeting Date: August 13, 2018

Department: Administration/Police

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted By: John R. Dean, Jr., CM

Amount: \$ N/A

Reviewed By:  City Manager  City Secretary  City Attorney  
 Accountant  B. Piland

#### Attachments:

1. Resolution R2018-29
2. Parks Master Plan

#### Agenda Item / Topic:

ITEM 4. **DISCUSSION/ACTION** – Consideration of and action on Resolution R2018-29 approving the City of Ovilla Master Park Plan, providing an effective date.

#### Discussion / Justification:

The Parks Board and the EDC have been working a Master Park plan for the past several months with assistance from GrantWorks. On July 16, 2018, the Joint Economic Development Corporation and Park Board approved a plan to recommend to the City Council for adoption. The City Council was provided the board recommended plan for individual review on July 17<sup>th</sup>, 2018. I have received no Councilmember comments on the plan.

The plan meets the master plan needs to apply for future park grants.

It does not identify specific years for specific improvements to be made. It leaves flexibility for the Council to choose which priorities will be completed in what order. The plan does spell out needs identified by GrantWorks and from survey respondents. Although we did receive survey responses from those outside of the city, only resident data was used to evaluate the responses.

#### Additional Top 10 Facilities by Survey Importance:

1. Sidewalks
2. Trails
3. Playground
4. Covered Picnic Area
5. Outdoor Picnic Area
6. Pavilion
7. Recreation Center
8. Basketball Courts
9. Softball/baseball Filed
10. Public Garden

#### Sample Motion(s):

I move to approve/deny Resolution R2018-29 approving the City of Ovilla Master Park Plan, providing an effective date.

RESOLUTION 2018-29

ADOPTING A MASTER PLAN  
FOR PARKS, RECREATIONAL FACILITIES AND OPEN SPACE

A RESOLUTION OF THE CITY OF OVILLA, TEXAS, ESTABLISHING GOALS, OBJECTIVES AND PRIORITIES OF PARKS, RECREATIONAL FACILITIES AND OPEN SPACE; AND ADOPTING A TIMELINE FOR IMPLEMENTING A MASTER PLAN FOR THE DEVELOPMENT, OPERATION AND MAINTENANCE OF PARKS, RECREATIONAL FACILITIES AND OPEN SPACE.

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 Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City of Ovilla realizes the necessity of having access to suitable recreational opportunities to ensure the mental and physical well-being of its citizens; and

WHEREAS, the City of Ovilla desires to provide the most aesthetically appealing environment for its citizens to pursue a variety of leisure-time pursuits;

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OVILLA:**

1. That the City establish specific goals, objectives and priorities that provide for parks, recreational facilities and open space utilization; and
2. That the City adopt a timeline for implementing a master plan for the development, operation, improvement and maintenance of parks, recreational facilities and open space.
3. That the Parks Master Plan is attached hereto as Exhibit A.

**RESOLVED, PASSED and APPROVED**, this 13 day of AUGUST 2018.

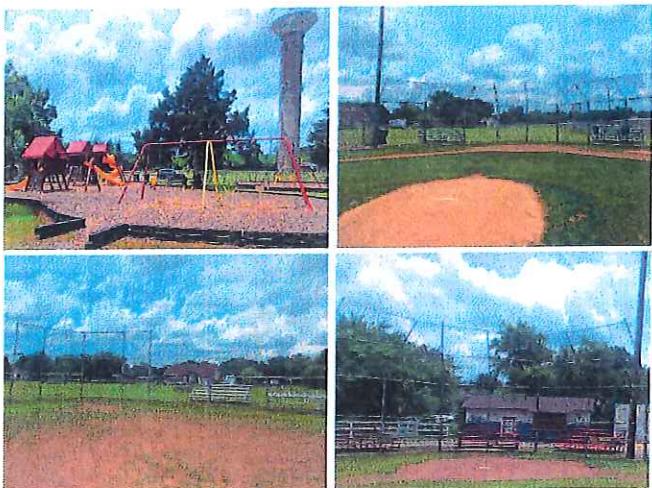
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MAYOR Richard A. Dormier

ATTEST:

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CITY SECRETARY Pamela Woodall

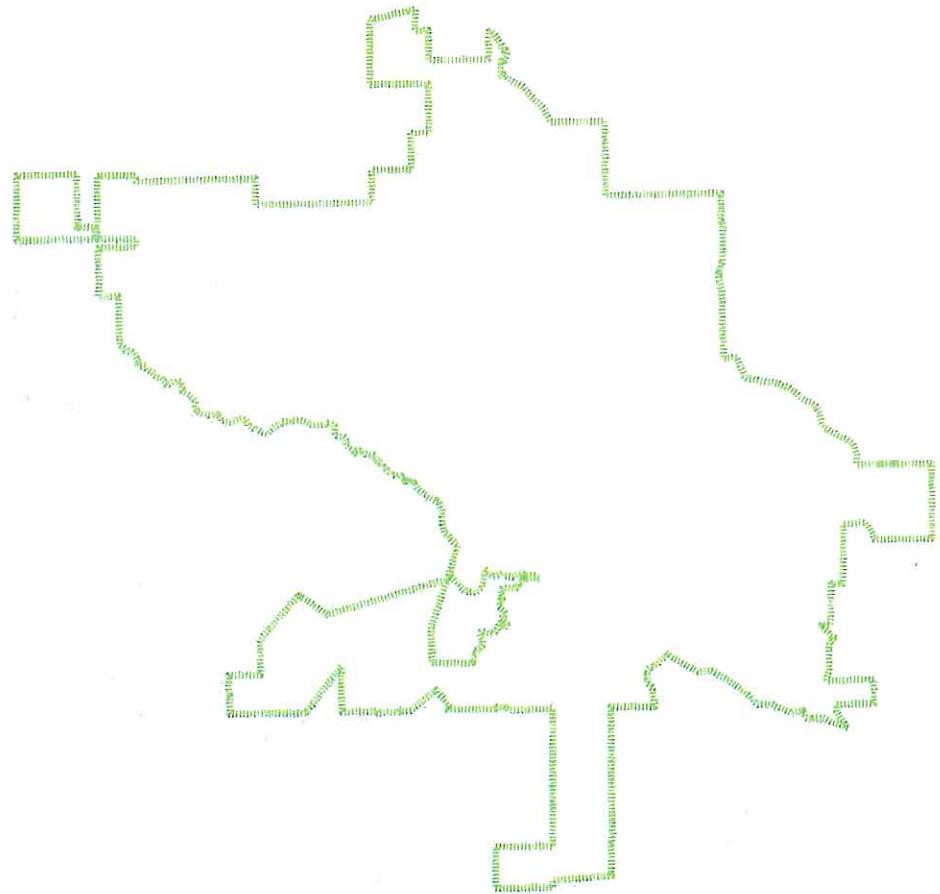


# City of Ovilla

## Parks & Recreation Master Plan 2018-2028



# City of Ovilla



**Parks & Recreation Master Plan  
2018-2028**

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# PARKS & RECREATION MASTER PLAN

## INTRODUCTION

The city of Ovilla is located in northwestern Ellis County, approximately 25 miles southwest of Dallas. A portion of the city extends over the boundary with Dallas County to the north. Incorporated in 1960, Ovilla is a Type A General Law City with the council-manager form of government. The city council appoints a city manager to oversee the day-to-day management of the city. Ovilla is in the North Central Texas Council of Governments (NCTCOG).

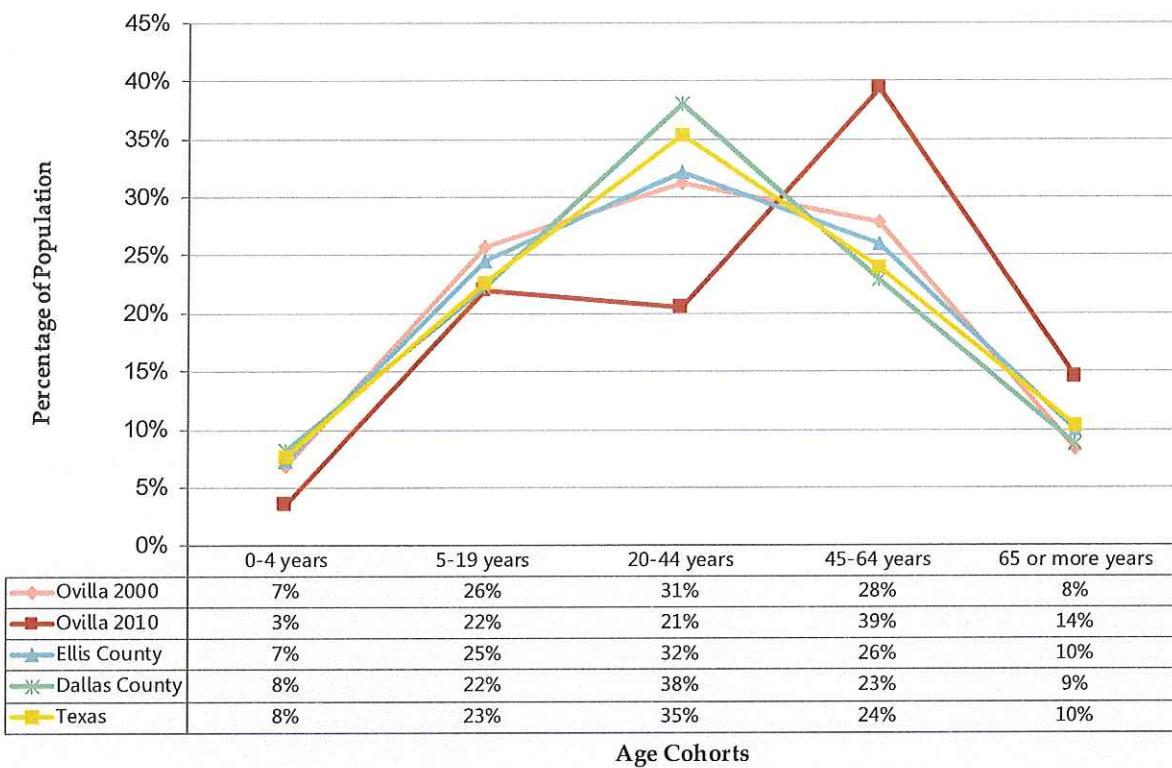
In small communities like Ovilla, recreational areas play a key role not only in the health of the individual, but also in the health of the community as a whole. Parks and recreational areas provide pleasant places for family reunions, friendly competition, exercise, and socializing. To encourage healthy living, every city has the responsibility of providing adequate parks and open space. However, limited funds for these public uses generally require foresight in planning for future development and expansion of parks and open spaces.

To adequately plan for the future, it is important to understand the community's historical background and demographic profile. Several demographic and cultural factors contribute to the increasing demand for parks and recreational facilities in many Texas towns including the city of Ovilla: the increase in life expectancy coupled with earlier retirement ages for many people, the spread of competitive sporting programs to the youngest and oldest age groups, and the understanding that a healthy diet and regular exercise are good for mental and physical well-being.

The oldest town in Ellis county, Ovilla began as an unnamed, fortified settlement during the mid-19th century. The community was eventually named by Mrs. M. M. Molley as a play on the Spanish word *villa*. A thriving farming community developed and, by the early 20th century, a small commercial center. Unlike many Texas communities, the city was not developed along a rail line; both railroads and major highways bypassed Ovilla. Coupled with two fires that destroyed much of the existing downtown in 1918 and 1921, this fact kept Ovilla a smaller community through the 1960s. Ovilla's population began to notably increase in the later 20<sup>th</sup> century as previous residents of Dallas sought suburban, residential communities. The city's population more than tripled during the 1970s and, though to a lesser extent, continued to increase throughout the 1980s and 1990s (90% and 68% population increase, respectively). The city of Ovilla remains a predominantly suburban, residential community.

Ovilla's population also increased over the last decade, but population growth was less than previous decades; the city's population increased by 3% between 2000 and 2010. The city's population gained middle-aged (44-64) and senior residents (65+) and lost many adult residents (20-44). Comparison of the expected and actual 2010 population by age group indicates that changes in Ovilla's age distribution resulted primarily from a decrease in the number of residents in their 20s and early 30s, as well as natural population change (aging). The City of Ovilla wants to provide recreational activities for all segments of the population regardless of age.

Chart 1: Population by Age Group (2000, 2010)



Source: 2000 and 2010 Census of Population and Housing, Summary Population and Housing

Ovilla has a smaller minority population than both Ellis County and Dallas County. Hispanic/Latino residents comprise 8% of the population, and non-White residents comprise 13% of the population. Students of all races who attend the following schools were invited to complete a survey about park needs (further discussed below): McCowan Middle School, Perementer Middle School, Red Oak Middle School, Red Oak High School, Walnut Grove Middle School, Ovilla Christian School, and Midlothian Heritage High School.

Table 1: Population by Race & Ethnicity (2000, 2010)

Characteristic	Ovilla				Ellis County		Dallas County	
	2000		2010		2010		2010	
	Number	%	Number	Number	%	%	%	%
<b>Total Population</b>	<b>3,405</b>	<b>100%</b>	<b>3,492</b>	<b>100%</b>	<b>149,610</b>	<b>100%</b>	<b>2,368,139</b>	<b>100%</b>
<b>Race</b>								
White	3,130	92%	3,024	87%	117,662	79%	1,267,861	54%
Black or African American	166	5%	303	9%	13,482	9%	528,200	22%
American Indian, Alaskan Native	12	0%	16	0%	893	1%	17,133	1%
Asian	24	1%	21	1%	851	1%	119,250	5%
Native Hawaiian / Other Pacific Islander	1	0%	1	0%	95	0%	1,222	0%
Other	24	1%	73	2%	13,344	9%	367,610	16%
Two or More Races	48	1%	54	2%	3,283	2%	66,863	3%
<b>Ethnicity</b>								
Hispanic or Latino	114	3%	282	8%	35,161	24%	905,940	38%
Not Hispanic or Latino	3,291	97%	3,210	92%	114,449	76%	1,462,199	62%

*Note: figures may be rounded to next whole number*

*Source: U.S. Census Bureau.*

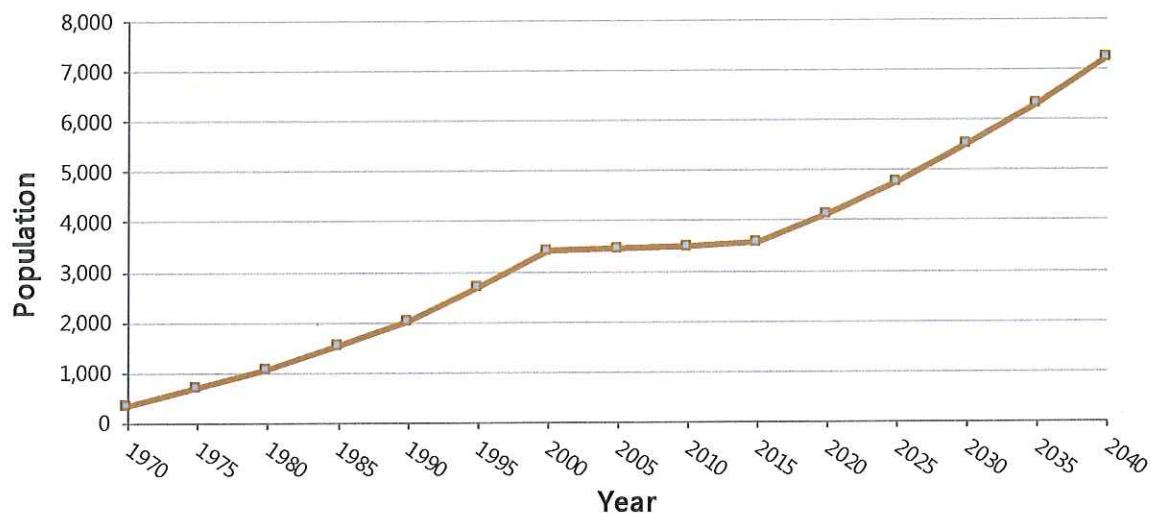
The North Central Texas Council of Governments (NCTCOG) estimates Ovilla's 2018 population to be **4,040 residents**.<sup>1</sup> Based on this population estimate, Ovilla's population increased by 16% over the last eight years.

<sup>1</sup> The NCTCOG produces annual population estimates for all cities and counties in the 16-county region. The NCTCOG derives estimates using a symptomatic method based on the number and types of housing units. Units are assigned differing household sizes and occupancy rates based on housing type (single-family, multifamily, group quarters, etc.) Populations estimates are calculated first by housing type and then combined into a total estimate for each city/county. The population estimates rely heavily on data provided by local governments. For more information see "2018 Population Estimates," North Central Texas Council of Governments, [rdc.nctcog.org](http://rdc.nctcog.org)



Ovilla's population is expected to increase by 1,190 residents over the next 10 years, reaching approximately 5,230 residents by 2028.<sup>2</sup>

Chart 2: Population (1970 – 2040)



Source: Texas Demographic Center State Population Estimates and data from NCTCOG 2018 population estimate

An estimated 3.7% of Ovilla's residents are below the poverty level.<sup>3</sup> The unemployment rate in Ellis County is lower than the total unemployment rate in Texas (11.0% and 16.7%, respectively). However, average weekly wages in the county (\$813) are lower than the state average (\$1,037).<sup>4</sup> Conversely, the unemployment rate in Dallas County (18.6%) is higher than the total unemployment rate in Texas but average weekly wages are also higher than the state average (\$1,219). Based on these measures, the City of Ovilla could fund recreation facilities through increased taxes, bond issues, or user fees.

In addition to the city's demographic and economic conditions, this plan examines parks and recreation facility gaps in Ovilla from two perspectives: a standards-based analysis and a demand-based analysis. Although existing parks in Ovilla include a good amount of equipment and amenities (detailed in *Inventory & Assessment of Existing Resources*), residents do not have access to the variety of recreational opportunities that allow for quality leisure time pursuits or activities which lead to a healthy lifestyle.

<sup>2</sup> The projected population is based the city of Ovilla's historical share of Ellis County's population, updated with the NCTCOG 2018 population estimate, and applied to the Texas Demographic Center TDC 1.0 Growth Scenario population projection for Ellis County. For more information on TDC's projection methods visit <http://txsdc.utsa.edu/Data/TPEPP/Projections/>.

<sup>3</sup> From the American Community Survey 5-year estimates, Table DP03, Poverty level of "All people", accessible from <http://factfinder2.census.gov/main.html>

<sup>4</sup> From the Texas Workforce Commission at <http://www.tracer2.com/>

According to the standards-based analysis, residents do not have access to a sufficient number of general use / soccer fields, multiuse paths, light activity areas, or picnic tables/areas. Additionally, existing park and recreation areas lack pedestrian and/or bicycle connections. By the end of the planning period, Ovilla will also require several sport court facilities including a basketball court, a tennis court, and a volleyball court.

The demand-based analysis, based on surveys collected from 198 Ovilla residents, closely matches the standards-based analysis. With few exceptions, the parks and recreation improvements that Ovilla residents want are in line with the standards-based recommendations.

Based on the current Level of Service and expected population growth, the City of Ovilla should move to begin expanding its parks network as soon as possible.

## GOALS & OBJECTIVES

Ovilla's Parks & Recreation Master Plan provides a foundation for development of future park and recreation facilities and guidance for maintenance of existing facilities in the city of Ovilla. To realize this vision for the future, actions suggested in this plan relate to specific goals that the residents of Ovilla hope to accomplish.

The goals and the objectives presented here that will lead to implementation were determined through review of existing documents that establish aspirations for recreational facilities in Ovilla, an online survey of residents, and input from City staff. [In addition, at a joint meeting, the Ovilla Parks Board and the Ovilla Economic Development Corporation reviewed and provided comments on a draft plan.](#)

The following goals reflect a continued yet expanded commitment to the original aims of the City's previous administrations.

Table 2: City of Ovilla Recreation & Open Space Goals & Objectives (2018-2028)

Goals & Objectives	Activity Year(s)			Lead Organization	Cost Estimate	Funding Sources
	2018- 2021	2022- 2025	2026- 2028			
<b><i>Goal 10.1 Maintain existing recreational facilities in good condition.</i></b>						
Budget sufficient funds for park maintenance and for future facility development.	X	X	X	City	\$45,000+ [1]	GEN
Establish "community work day" at parks to accomplish a portion of park development using volunteer labor. Tasks can include site preparation, clean-up, and preliminary construction	X	X	X	City	< \$1,000	GEN; Local

tasks. Seek volunteers from local citizens, City staff, community service workers, schools, local institutions, and civic groups.

Develop a shared-resources plan with local institutions to ensure all available area facilities can be utilized year-round.

X

City

< \$1,000  
(legal)

GEN; Local

Conduct biennial review of shared-resources plan with local institutions to ensure all available area facilities can be utilized year-round.

X

X

X

City

< \$1,000  
(legal)

GEN; Local

Establish a voluntary park donation fund for maintenance, repair, and upgrade of City parks. Solicitation could be added to City utility bill.

X

City

< \$1,000

GEN

### ***Goal 10.2 Construct new facilities that fulfill residents' expressed needs and bring the city up to standard.***

Develop a sidewalk network to connect parks, central Ovilla, and nearby neighborhoods.

X

X

X

City

Variable

GEN; TDA-  
DRP; TxDOT-  
TA

Establish Community Park Development and Trail System Development as key subjects for further review, study, and recommendation by the Parks Board.

X

City

Staff

GEN

[Apply in summer/fall 2019 to TPWD Non-urban Outdoor Recreation Program or to Small Community Recreation Program to further develop Cindy Jones Park.](#)

Revise Park Development Fee standards to ensure sufficient park land serves new subdivisions, given anticipated increased in development and population.

X

City

< \$1,000  
(legal)

GEN

Develop policy to educate public regarding benefits of private donation of land to be used for parks, greenbelts, and open space.

X

City

Staff

GEN

[Begin negotiations with owner of vacant land adjacent to Heritage Park to acquire land and expand park.](#)

X

City

Staff

GEN

<u>Further develop Cindy Jones Park.</u> Current facility needs include: two (2) general soccer fields; one (1) basketball court; (1) volleyball court; (1) tennis court; group picnic areas; and a multi-use pavilion/outdoor event venue with cooking facilities.	X	City	<u>Up to \$1,000,000</u>	GEN; EDC; TPWD (City contribution would be 50% match)
<u>Install inclusive play activities (such as "scent or sensory garden" and inclusive play equipment that can be enjoyed by children with physical disabilities.</u>	X	City	<u>\$2,000</u>	GEN; Ellis County MGA
<u>Develop activities pursued by elderly residents such as horseshoes, shuffleboard, or domino/card game tables where none currently exist and as needed.</u>	X	City	<u>\$2,000</u>	GEN
Apply to TPWD Small Community Recreation Program in summer/fall 2022 to expand and improve Heritage Park.	X	City	Variable	GEN
Acquire land and construct improvements at Heritage Park including: a repaved/extended walking path; a light activity area; and picnic tables and park benches as appropriate.	X	City	Up to \$150,000	GEN; EDC; TPWD (City contribution would be up to \$75,000 as 50% match)
<u>Apply to TPWD Recreational Trails Fund (January 2025) and/or Tx-DOT Transportation Alternatives Program to install a nature trail on donated land near Red Oak Creek.</u>	X	City	Variable	GEN
<u>Develop exhibits at park facilities to foster nature appreciation and to educate visitors about local flora, fauna, and geology. This can include community gardens and/or xeriscaped gardens.</u>	X	City	<u>\$2,000</u>	GEN; KTB; Local
<u>Develop native grass and garden areas along Red Oak Creek and/or Little Creek to preserve habitat and encourage wildlife viewing.</u>	X	City	<u>\$2,000</u>	GEN; Ellis County MGA; Local
Encourage development of indoor activities typically operated by private businesses such as a movie theater, bowling alley, roller-skating rink, gymnastics/twirling center, etc.	X	City	Staff	GEN; EDC; Local

Encourage development of other outdoor activities typically operated by private businesses such as a skate park, equestrian facilities, miniature golf, bicycle-motocross, etc.	X	City	Staff	GEN; EDC; Local
<u>Work with TPWD/Tx-DOT to install a nature trail on donated land near Red Oak Creek.</u>	X	City	<u>Up to \$240,000 + TxDOT Funds (variable)</u>	<u>GEN; EDC; TPWD (City contribution would be up to \$40,000 as 20% match); TXDOT-TA (20% match required)</u>
<b>Goal 10.3 Continue ongoing maintenance and improvements to open spaces, highway rights-of-way, and commercial areas to demonstrate local pride and attract visitors, investors; and new residents.</b>				
Continue programming and festivals at public parks like movie night and the Heritage Festival. <i>Festivals and events provide diverse activities not normally available in the park and enhance the usefulness of the facilities. These events can also highlight the community's cultural diversity or offer special events such as kite-flying contests or bike-a-thons.</i> Earmark any proceeds from activities for use in park improvement projects.	X	X	X	City \$5,000- \$10,000 GEN; EDC; Local
Schedule biennial review of Parks & Recreation Master Plan and update priority list and public input as needed.	X	X	X	City < \$1,000 GEN; Local
Schedule creation of new Parks & Recreation Master Plan for 2028.		X	City	\$10,000 GEN; CDBG

[1] Budget based on median operating expenditures per acre park and non-park sites for parks and recreation agencies servicing a population between 500 to 1,500 residents per square mile from the 2018 National Parks and Recreation Agency Performance Review <https://www.nrpa.org/siteassets/nrpa-agency-performance-review.pdf> Per acre spending is \$5,846. Total developed park acres in Ovilla in 2018 is 7.7 acres.

GEN = City of Ovilla municipal funds; EDC = Ovilla Economic Development Corporation; Ellis County MGA = Ellis County Master Gardner Club; KTB = Keep Texas Beautiful grants; Local = donation from private citizens, organizations, and local businesses; OYBA = Ovilla Youth Baseball Association; Staff = City of Ovilla staff time; TDA-DRP = Texas Department of Agriculture Downtown Revitalization Program grants; TPWD = Texas Parks & Wildlife Department grants; TxDOT-TA = Texas Department of Transportation – Transportation Alternatives Program grants

## PLAN DEVELOPMENT PROCESS

### Previous Studies

The City of Ovilla has two existing documents with recommendations for its parks and recreation strategy: [The first, The City of Ovilla Comprehensive Land Use Plan, was adopted in 2000 and updated in 2010 by Kimley Horn and Associates, Inc. The City of Ovilla Comprehensive Land Use Plan Review Committee updated the plan in 2016. The Committee is comprised of residents and representatives from the Economic Development Corporation Board of Directors, Planning & Zoning Commission, Board of Adjustment, Park Board, and Municipal Services Advisory Committee. Ovilla residents were invited to participate in the plan update process through a series of open meetings completed over several months.](#)

[As updated in 2016, the Ovilla Comprehensive Plan includes the following parks and recreation goals and objectives:](#)

1. Promote the preservation of natural vegetation and open spaces that maintain the attractive rural atmosphere of the City of Ovilla. [In addition to the policies and procedures, promotion may be accomplished through the proactive communication via channels available to the City.](#)
  - a. Incorporate into the overall parks and open space system areas with large trees, substantial vegetation, creeks, and floodways.
  - b. Discourage development that could be hazardous or noxious to the city residents, mitigating damages to natural areas through perpetual preservation.
  - c. Encourage preservation and expansion of greenbelt areas, especially along creeks throughout the city.
  - d. Encourage the preservation and planting of native trees and vegetation.
2. Develop a variety of parks, open spaces, and recreational facilities compatible with the environment and designed to serve both the active and passive recreational needs of the citizens.
  - a. Encourage the dedication of property for the City's park system by development.
3. Develop a cost-effective system of parks and open space network in a manner which promotes optimum utilization of the system in a safe, clean, and orderly atmosphere by the citizens of Ovilla.

The comprehensive plan also includes the following relevant recommendations to improve bike and pedestrian circulation in the thoroughfares study:

Bikeways and sidewalks will become more important in the future, not only as the marker of quality urban development, but as an alternative mode of transportation. The City of Ovilla should consider developing a bikeway plan that would coordinate the development of a greenbelt hike and bike trail system with a comprehensive system of bikeways throughout the city. Key elements of the bikeway plan should include methods to provide bikeways with right-of-way on major streets as well as separate bikeway facilities, and to encourage developers to provide bike facilities in new developments.

To accommodate pedestrians, the City should require sidewalks in new developments and redevelopments. Specifically, the City should consider the following:

- Require sidewalks along both sides of arterial and collector streets;
- Require sidewalks in residential areas on all streets;
- Encourage the connection of sidewalks in residential areas and to commercial and recreational areas by working with developers as projects are planned;
- Provide pedestrian pathways in public recreation areas;
- Implement a low cost, shared resident/public program to replace older, substandard sidewalks. This could be done in conjunction with the street improvement program; and
- Consider including projects that retrofit older developed areas that do not have sidewalks into a Capital Improvements Program (CIP) for arterial and collector streets.

The second document addressing topics relevant to Ovilla's Parks & Recreation Plan is the City's *Strategic Guide 2013-2018*, [as updated May 14, 2018](#). The Strategic Guide was produced by The Management Connection Inc. based on a Needs Assessment completed with the Ovilla City Council in October 2013, a Strategic Planning Conference with approximately 33 members of the community in November 2013, and a Vision/Mission Workshop with the mayor and City Council members in December 2013.

The Guide includes the following goal statement and related actions steps/tasks:

GOAL STATEMENT II: Create a Master Parks Plan that connects the community by December 2018.

Action Step 1: Develop current Master Parks Plan

1. Evaluated the needs of Heritage Park and develop improvement plan and budget.
2. Hold Music in the Park summer concert event.
3. Movie in the Park
4. Heritage Park (install restroom facilities)

Action Step 2: Create satellite recreation areas around town

1. Consider Developer's Dedication of Parkland and fit with the Strategic Guide
2. Evaluate needs of existing satellite parks and develop improvement plan and budget

Action Step 3: Work with ORCS to develop park plan (Ovilla Road Christian School)

Action Step 4: Establish ordinance that promote park/recreation areas in new developments.

1. Establish Parks Board Ordinance ORD.2014-012
2. Review and Revise Parkland Dedication Fee
3. Revise Parks Ordinance ORD.2015-008

Action Step 5: Develop City Park Maintenance Plan

1. Revisit Existing Maintenance Plan
2. Playground Equipment
3. Began using Public Playground Safety Handbook – Recommended by TML

Action Step 6: Explore developing partnership with other community entities for parks and recreation opportunities (churches)

Values of accomplishing this goal:

- Attracts families to the community.
- Encourages the citizens to participate in different activities.
- It supports the characteristics of Ovilla.

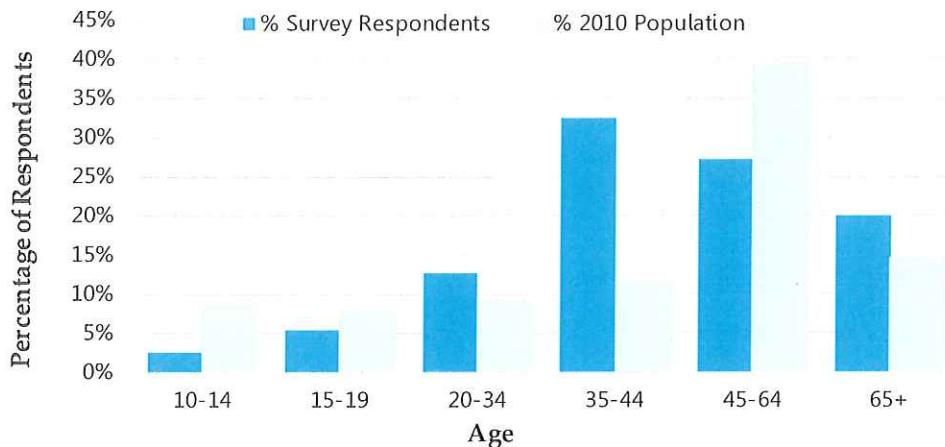
## ***2018-2028 Plan***

The development process for this plan began when the City of Ovilla hired a professional planning firm, GrantWorks Inc. of Austin, to create a Parks & Recreation Master Plan. To begin judging the level of interest in park needs, planners consulted with City staff, City officials, and residents of all ages. An online survey was made available to Ovilla residents via posting on the City website and on Nextdoor. The survey was open to all community members. The online survey was also sent to local schools to collect input from students as this group tends to be frequent park and recreational facility users. Most children from Ovilla attend a school outside of the city limits. Therefore, the survey was sent to both local schools within and several schools near to the city of Ovilla. The following schools were invited to participate in the survey: McCowan Middle School, Permenter Middle School, Red Oak Middle School, Red Oak High School, Walnut Grove Middle School, Ovilla Christian School, and Midlothian Heritage High School. Survey responses included students from Midlothian Heritage Highschool, Permenter Middle School, Red Oak Middle School, and Red Oak High School.

Because the survey was available to both Ovilla residents and non-residents, the survey asked respondents to indicate where they live. Seven hundred twenty (720) surveys were completed. One hundred ninety-eight (198) of the respondents reported living in the city of Ovilla. This plan exclusively considers the responses of Ovilla residents as indicated in the survey.

The Ovilla resident respondents represent approximately 4.9% of the city's population based on the estimated 2018 population of 4,040 residents. *Chart 3 (next page)* illustrates the age distribution of the selected survey respondents (respondents from Ovilla). As the chart shows, most of the respondents are adults, and are primarily between the ages of 35 and 44. *Chart 3* also includes the distribution for the same age groups from the 2010 US Census. Compared with Census figures, survey responses overrepresent adults between 20 and 44. However, this may be a key stakeholder group as recent changes in Ovilla's age distribution appear to have resulted in part from a notable decrease in the number of residents in their 20s and early 30s.

Chart 3: Survey Respondent Age Distribution



Survey respondents indicated that trails for hiking/jogging/biking and playground facilities were the most desired improvements. Additional top desired recreational facilities include a recreation center, a swimming pool, and sidewalks.<sup>5</sup> These results are discussed in the *Needs Assessment & Identification* section of this plan. A copy of the survey form is included at the end of this plan in the *Appendix*.

In addition to community input, this plan evaluates the Ovilla's recreation resources in relation to its existing and projected population and an inventory of existing facilities, a method called Standards-Based Assessment.<sup>6</sup> The analysis is used to develop a logical and cost-efficient strategy to address the identified needs over a 10-year planning period.

Following adoption of this plan by the City Council, the City's ongoing responsibility will be: to maintain and improve City-managed facilities; to identify funding resources; and to engage in cooperative projects with local volunteer groups and local schools.

Texas Parks and Wildlife recommends that parks and recreation plans be updated every five years to reflect changing realities in recreation trends, participation, area population, and funding. An update would include: revised goals and objectives that raise items of lower priority to higher priority as higher priority items are accomplished; a new facility inventory; and a new survey. In 2028, a new plan will be required.

<sup>5</sup> Top desired recreational facilities are those facilities receiving a weighted score or equal to 80% of the highest weighted score.

<sup>6</sup> The Standards-Based Assessment starts on page 28 of the plan.

## AREA & FACILITY CONCEPTS & STANDARDS

There are basic principles that guide successful development of parks and recreation opportunities in communities of all sizes and types. These standards and guidelines provide direction to community leaders who know generally what their community's needs are but require more specific information to guide the planning process.

The City's standards for needed recreation and open-space include facility type, facility size, facility service area, and need equipment at the facility. The criteria are based on nationwide standards developed by the National Recreation and Park Association (NRPA)<sup>7</sup> and small-community standards developed by the State of Colorado.<sup>8</sup> The standards were tailored to the city of Ovilla based on knowledge about financial capacity, popular sports, community activities, and which facilities would provide participation opportunities to the broadest segments of residents.

The City of Ovilla's standards are as follows:

### *General Standards for all Facility Development*

- Residents should have access to a minimum of 5 acres and an ideal 15 acres of developed park land per 1,000 residents.
- When possible, active recreation areas should be separated according to the users' ages, primarily to protect younger children from injury. Some areas should be designated for use by all ages so entire families can enjoy being together.
- Residents of all age groups should have access to recreational facilities.
- Recreational areas should be accessible to the age group they are designed to serve. For example, neighborhood playgrounds usually serve an area with a radius of one-half mile, which is a reasonable distance for a child to walk. Safe pedestrian routes should provide access to those facilities.
- All City park facilities will be made accessible to physically challenged and special needs populations when required by applicable laws. The items mentioned as needed for other categories apply equally to special needs populations. Additional special needs facilities may be developed as warranted by local demand.

<sup>7</sup> NRPA-suggested classification system (Berke, Kaiser, Godschalk and Rodriguez, *Urban Land Use Planning*, University of Illinois Press, Fifth Edition.)

<sup>8</sup> State of Colorado Small Community Park & Recreation Planning Standards (2003). RPI Consulting, Inc. and Colorado Heritage Planning Grant program, Office of Smart Growth, Colorado Department of Local Affairs. (Page 16). Accessed at [www.dola.state.co.us/osg/docs/Park%20Standards%20Report.pdf](http://www.dola.state.co.us/osg/docs/Park%20Standards%20Report.pdf)

- All facility construction is required to meet the minimums found in the International Building Code.
- Combined municipal and school recreational facilities are recommended. Lack of coordination often leads to the construction of redundant facilities. When possible, school recreational areas, including parking areas, drinking fountains, and restrooms, should remain open on weekends and during the summer months.
- Greenbelts, hike and bike trails, parkways, or paths should be provided to connect large recreational areas to improve access to facilities, scenic views, and recreational opportunities. Vehicular routes should be encouraged only when recreational areas are separated by more than one mile.
- Ideally, each recreation area should include public access to restrooms and water fountains and should be equipped with lighting and trash cans.



## ***Standards for Service Area & Park Types***

Table 3 describes the size and service area standards for types of park and recreation areas already located in Ovilla or considered possible as future City recreation areas.

Table 3: Types of Parks: Size & Service Area Standards

<b><u>Park Type</u></b>	<b><u>Use</u></b>	<b><u>Service Area</u></b>	<b><u>Desirable Size</u></b>	<b><u>Desirable Site Characteristics</u></b>
Minipark	Specialized facilities that serve a concentrated or limited population or specific group such as tots or senior citizens	< 1/4-mile radius	≤ 1 acre	Within neighborhoods and close to apartment complexes, townhouses, housing for the elderly or Central Business District.
Neighborhood Park/ playground	Area for intense recreational activities such as field games, court games, crafts, skating, and picnicking; also for wading pool and playground apparatus area	1/4- to 1/2-mile radius to serve a population up to 5,000.	1 to 15+ acres	Suited for intense development; easily accessible to neighborhoods; geographically centered with safe walking and bike access; may be developed as a school-park facility
Community Park	Includes areas suited for intense recreational facilities, such as athletic complexes, large swimming pools; may be an area of natural quality for outdoor recreation, such as walking viewing, sitting, picnicking.	Several neighborhoods 1- to 2-mile radius	15 to 25+ acres	May include natural features, such as water bodies, and areas suited for intense development; easily accessible to neighborhoods
Linear Park	Area developed for one or more mode of recreational travel, such as hiking, biking, canoeing, horseback riding. May include active play areas.	N/A	Sufficient width to protect the resources and provide maximum use	Built on corridors, such as utility right of way, bluff lines, vegetation patterns, or roads that link other components of the recreation system or community facilities such as schools and libraries.
Special Use	Areas for single-purpose recreational activities such as golf courses, nature centers, zoos, conservatories, gardens, outdoor theaters. Also, plazas or squares in or near commercial centers, boulevards, and parkways	N/A	Variable	Within city limits
Conservancy	Protection and management of the natural or cultural environment with recreational use as a secondary objective	N/A	Sufficient to protect the resource	Variable, depending on the resource being protected.



## Facility Standards

Table 4 presents recommended standards for Ovilla's park equipment and sports fields/courts. The activities and facilities listed are based on existing facilities and feedback from the Parks & Recreation Survey. The service radius and space requirements come from both the National Recreation and Park Association standards and Colorado's small-town standards. In the future, as standards are changed or upgraded, part of the Parks & Recreation Master Plan review process should address any discrepancies. The City's standards should conform to nationally-recognized organizations' most recent standards.

Table 4: Facility Standards

Activity/ Facility	Service Radius	Space Requirements <i>SF = Square feet; Min. = Minimum</i>	Suggested #/ Population	Characteristics	
				Team Sport Courts & Fields	
General Use / Soccer Field	1- to 2-miles	1.7-to-2.0 acres	1 per 2,000	Usually in school, recreation complex, or neighborhood/community park.	
Softball/ Little League Field	¼- to ½-mile	1.5-to-2.0 acres	1 per 1,500	Slight difference in dimensions for 16" slow pitch. May also be used for youth baseball.	
Basketball Court	¼- to ½-mile	7,000 SF/ 0.16 acres	1 per 3,000	Usually in school, recreation complex, or church. Safe walking or bike access. Outdoor courts in neighborhoods and community parks.	
Adult Baseball	¼- to ½-mile	3.0-to-3.85 acres	1 per 6,000	Part of neighborhood park. Lighted field part of community park.	
Tennis Court	¼- to ½-mile	Min. 7,200 SF per court (0.17 acres)	1 per 5,000	Best in batteries of 2-4. Located in community or neighborhood park or near schools.	
Soccer (dedicated)	1- to 2-miles	1.7-to-2.2 acres	1 per 6,000	Part of neighborhood park. Lighted field part of community park.	
Softball (dedicated)	¼- to ½-mile	1.5-to-2.0 acres	1 per 6,000	Slight difference in dimensions for 16" slow pitch	
Little League (dedicated)	¼- to ½-mile	1.2 acres	1 per 6,000	Part of neighborhood park. Lighted field part of community park.	
Volleyball Court	¼- to ½-mile	Min. 3,000 SF	1 per 5,000	Usually in school, recreation, or church facility. Safe walking or bike access. Outdoor courts in neighborhoods and community parks.	
Football	¼- to ½-hour travel time	2 acres	1 per 20,000	Usually part of a sports or school complex	



Activity/ Facility	Service Radius	Space Requirements	Suggested #/ Population	Characteristics
<b>Individual &amp; Specialty Use</b>				
Small Skate Park	¼-hour travel time	7,000 SF / 0.16 acres	1 per 6,300	Part of neighborhood park.
¼-mile Running Track	¼-hour travel time	4.3 acres	1 per 20,000	Usually part of a high school or in community park complex.
Dirt/Gravel Multiuse Trail (per mile)	N/A	N/A	Per mile: Unpaved: 430; Paved: 960	Capacity: rural trail – 40 hikers per day per mile; urban trail – 90 hikers per day per mile.
Paved Multiuse Trail (per mile)	N/A	N/A	Per mile: Unpaved: 430; Paved: 960	Capacity: rural trail – 40 hikers per day per mile; urban trail – 90 hikers per day per mile.
Swimming Pool	¼- to ½-hour travel time	Varies with size of pool and amenities. Usually 1/3-to-2-acres	1 per 14,000	Pools for general community use should be planned for teaching, competitive, and recreational purposes with enough depth (3.4m) to accommodate 1m and 3m diving boards. Located in community parks or school sites.
Racquetball/Handball	15-30-minute travel time	800 SF for 4-wall; 1,000 SF for 3-wall	1 per 20,000	4-wall usually indoor as part of multi-purpose facility. 3-wall usually outdoor in park or school setting
Golf (9-hole)	½- to 1-hour travel time	50 acres min.	1 per 25,000	Accommodates 350 people/ day.
Golf (18-hole)	½- to 1-hour travel time	90 acres min.	1 per 50,000	Accommodates 500-550 people/ day.
<b>Group &amp; Passive Recreation</b>				
Playground	¼- to ½-mile	3,200 SF	1 per 1,500	Part of neighborhood park.
Family Picnic Area/ Picnic Table	¼- to ½-mile	435 SF	1 per 160	1 garbage can within 150 ft. of every 4 picnic tables; 40 ft. between uncovered picnic tables; Picnic tables within 400 ft. of parking
Group Picnic Area (Covered)	¼- to ½-mile	2 acres	1 per 1,300	
Light Activity Area	¼- to ½-mile	Estimated 500 SF	1 per 2,000	Could include facilities for horseshoe pit, shuffleboard, chess, meditation, gardening, or similar activity



## INVENTORY & ASSESSMENT OF EXISTING RESOURCES

This section provides information on the availability of recreation facilities to Ovilla's residents and existing organizations that are involved in recreation and open space activities and development. Existing resources are assessed as they relate to opportunities for improvements to each recreation area, Ovilla's demographics, and organizations available to pursue recreation and open space improvements in Ovilla.

### *Local Outdoor Recreation Areas – Public*

#### **Cindy Jones Park (Neighborhood Park)**

Cindy Jones Park is Ovilla's largest park (approximately 10 acres). Located behind City Hall off South Cockrell Hill Road between Westlawn Drive and Water Street, the park is primarily a baseball and softball facility. The park contains three fields – one baseball field, one softball field, and one teeball field – as well as two batting cages. All fields must be reserved prior to use by calling the City. The Ovilla Youth Baseball Association regularly reserves the fields for team practice. Additional facilities include a playground with a playscape and several swings, as well as two picnic tables. The City hosts the annual Heritage Day Festival at Cindy Jones Park, which can bring several thousand attendees.

#### *Cindy Jones Improvements*

The facilities at Cindy Jones Park are in generally good condition. However, the wood benches, bleachers, and one picnic table are worn and should ideally be replaced. Shaded dugouts could also be added to the teeball field. The park bathrooms are in fair condition but may be insufficient to meet the demand created by users; two portable toilets are located near the playground area. As funds are available, the City should consider replacing/expanding the bathroom facilities.

A large portion of the park remains undeveloped and could be used to develop additional recreational facilities. However, because the area is used as an aerobic spray field for the City buildings fronting South Cockrell Hill Road, the open area in Cindy Jones Park will have to remain undeveloped until the City buildings are added to the wastewater system.

If/when additional land is available for development, Cindy Jones Park may be an appropriate location for construction of a local sports complex. Depending on organization and parking requirements, the land could accommodate several additional sports courts/fields such as a general use/soccer field and/or basketball, volleyball, or tennis courts. The City should also consider adding a large pavilion for group picnics and events as space allows.



Figure 1: Cindy Jones Park

### Heritage Park (Neighborhood Park)

Located near the intersection of FM 664 and West Main Street, Heritage Park is the city's central public space. The former site of Ovilla Cotton Gin, the park land was donated to the city in 1996 by the Ovilla Gin Cooperative Association. Park facilities have also been built and maintained primarily from donations. Visitors can access Heritage Park from FM 664 by crossing a custom arch bridge, or through a parking lot off Main Street, and walk or run around the park's perimeter on a lighted, quarter-mile asphalt path. The park also provides opportunities for passive recreation and reflection. Park facilities include benches and picnic tables, as well as a large gazebo with lighting and electrical outlets. The park also includes several memorials, the largest being a Veteran's Memorial in the park's center. The City recently completed construction of restroom facilities at Heritage Park. The City hosts an annual Christmas in the Park event at Heritage Park. The City also hosts one or more movie nights in the park each year.

#### *Heritage Park Improvements*

Most of the facilities at Heritage Park are in good condition. However, the asphalt path is cracked and deteriorated in several locations. The park's wooden and concrete picnic tables also have some slight damage and may need to be replaced over the planning period.



Figure 3: Heritage Park

At this point the City should consider making at least two improvements to Heritage Park. The city should repave the asphalt path around the park and extend the path as needed to make connections with other areas, such as the gazebo, to ensure that park facilities are accessible for residents of diverse physical abilities. The City should also expand Heritage Park by purchasing vacant, adjacent land. Particularly if expanded, Heritage Park would be appropriate for additional passive recreation facilities such as additional picnic tables and/or light activity area(s).

#### **Ken & Sara Pritchett Park (Minipark)**

Dedicated in 2009, Ken & Sara Pritchett Park is located on small, interior lot in the Ashburne Glen neighborhood. Pedestrian access to the park is available from Ashburne Glen and Forest Edge Lane. The park is available for all city of Ovilla residents but is primarily utilized by Ashburne Glen residents. Park facilities include a playscape playground, as well as a picnic area with two tables, six barbecue grills, and a memorial bench.

#### *Pritchett Park Improvements*

Pritchett Park facilities are all in good condition. However, the park's location in subdivision behind existing single-family houses makes it hard to identify as a public space. In addition, the park signs are set far back from the street and do not identify the park as a public space.

The City should install new signs, closer to the street that identify Pritchett Park as a public park. The City should also consider adding wayfinding signs to help less familiar residents navigate to the park from the city center.

Due to the park's size, additional facilities development opportunities are limited. As needed, park improvements should focus on enhancing existing uses such as installing a shade cover for the current picnic area or additional play/picnic facilities.



Figure 4: Pritchett Park

#### Silver Spur Park (Minipark)

Silver Spur Park is located on the north side of Silver Spur Lane between Buckboard Street and Georgetown Road. The park is located on a small lot within the established Westmoreland Road Estates neighborhood. Park facilities include a playground with low-level play equipment (playscape, spring rider, and concrete crawl pipes) as well as a small basketball court/hoop, and a covered picnic/seating area.

#### *Silver Spur Park Improvements*

The facilities at Silver Spur Park are in fair condition. The City should consider replacing the spring rider and the wooden picnic table, which both show wear. In addition, the park's location on a small lot between single-family houses makes it hard to identify as a public space.

The City should install a sign that identifies Silver Spur Park as a public park and include the park on the Ovilla City Parks page of the City of Ovilla website.

Due to the park's size, additional facilities development opportunities are limited. As needed, park improvements should focus on enhancing existing uses such as installing additional low-level and accessible play equipment and/or installing additional picnic facilities.



Figure 5: Silver Spur Park

#### ***Local Outdoor Recreation Areas – Private***

There are several privately-maintained outdoor facilities associated with local churches. The majority of these facilities are playgrounds and nearly all facilities are fenced. Creating public access to these facilities would go a long way toward satisfying local parks and recreation needs. The City and the appropriate representatives of the privately-maintained facilities should work together to increase public access. An agreement could address hours of availability, shared maintenance costs, and budgeting for upgrades. Negotiating additional access to these facilities should be designed to benefit both parties and eliminate facility redundancy.

## Inventory

Table 5: Recreation Facility Inventory

AMENITIES	Total	OPERATION / MAINTENANCE			
		Cindy Jones	Heritage	Pritchett	Silver Spur
<b>TEAM SPORT COURTS &amp; FIELDS</b>					
Softball / Little League Field	3	3	-	-	-
Basketball Court	0.5	-	-	-	0.5
<b>COURT/FIELD SUPPORTING</b>					
Batting Cage	2	2	-	-	-
Bleachers	6	6	-	-	-
Dugouts	4	4	-	-	-
Flagpole	1	1	-	-	-
Lights	15	15	-	-	-
Scoreboard	2	2	-	-	-
Trashcans	9	9	-	-	-
Uncovered Team Benches	2	2	-	-	-
<b>PLAYGROUND</b>					
Playground	3	1	-	1	1
Playscapes [1]	4	2	-	1	1
See-Saws	3	3	-	-	-
Spring Riders	1	1	-	-	-
Concrete Pipes	2	-	-	-	2
<b>PASSIVE</b>					
Picnic Tables – Uncovered	9	2	5	2	-
Picnic Tables – Covered	1	-	-	-	1
BBQ Grills / Smokers	6	-	-	6	1
Park Bench	13	4	7	1	1
Gazebo	1	-	1	-	-
Pavilion	1	-	-	-	1
<b>ADDITIONAL AMENITIES</b>					
Paved Multiuse Trail (miles)	0.25	-	0.25	-	-
Bike Rack	1	1	-	-	-
Restrooms	2.5	2.5 [2]	-	-	-
Trashcans	7	3	2	1	1
Drinking Fountain [3]	3	1	1.5	-	0.5

**Notes:** [GEN] Only those facilities that are open to the public on a full or limited basis are included in the City's recreation facility inventory. [1] Playscapes include an average of three swings. [2] The park includes two permanent restrooms and two portable restrooms. [3] 0.5 scores indicate incomplete facility, i.e. a water spigot but not a complete fountain.

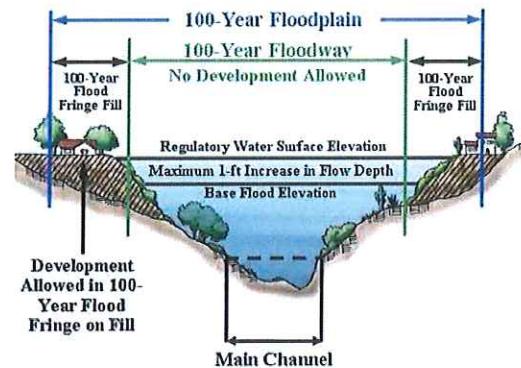
Source: GrantWorks Field Survey, 2018

## ***Additional Local Areas Used for Outdoor Activities***

### **Open Space**

A city's park system often includes dedicated open spaces to provide opportunities for passive recreation, to provide habitat for local flora and fauna, to preserve landmarks or vistas, or to ensure no development occurs in areas where potential hazards exists, such as flooding (e.g. land within a FEMA 100-year Floodplain). The city of Ovilla has no dedicated open space areas at this time.

Approximately 134 acres of land within the city limits is located in the FEMA 100-year floodplain. Approximately 53 acres of this land is located in floodway. Although it is rarely practical to entirely prohibit construction in the FEMA 100-year floodplain, it is the policy of the City of Ovilla to discourage floodplain development by educating residents about floodplain locations and the costs of floodplain development. The City participates in the National Flood Insurance Program and has adopted a Flood Hazard Prevention Ordinance that regulates new construction and substantial improvement in the floodplain within the city limits.



Source: <https://www.floodpartners.com1>

### **Cemeteries**

There are two cemeteries within Ovilla's city limits: Ovilla Cemetery and Shiloh Cemetery. In the 1800s, cemeteries served as areas for relaxation and walking before the institution of public parks in cities. While communities no longer rely on cemeteries to serve that purpose, they are still considered valuable open spaces for walking and for passive activities like reflection and meditation.

## ***Regional Recreation Areas***

Survey respondents provided 24 different parks and recreation facilities they frequent, in addition to the 14 suggested in the survey. Other facilities listed by respondents include public parks/recreation centers in nearby cities, large area parks/preserves with trail networks, and area country clubs/other private facilities. The following is a selection of the recreational facilities outside of Ovilla patronized by residents.

### **Joe Pool Lake**

Joe Pool Lake is a fresh water reservoir approximately 12 miles northwest of Ovilla. The area includes several parks: Britton Park, Lloyd Park, Lynn Creek Park, and Cedar Hill State Park. Park facilities include boat ramps, campsites and cabins, hike/bike trails, a swimming beach, picnic sites, sand volleyball courts, and an amphitheater. The area also includes a public marina (Lynn Creek Marina) and a restaurant. Cedar Hill State Park, off the lake's eastern bank is the closest park to the city of Ovilla.

### Dogwood Canyon Audubon Center

Located approximately 11 miles northwest of Ovilla, Dogwood Canyon Audubon Center is an open space preserve that includes over 200 acres of “nearly pristine wildlife” in Dogwood Canyon. Owned and managed by Audubon, the center includes over two miles of trails and is a popular spot for birding.

### Bear Creek Nature Park

Bear Creek Nature Park, located approximately 10 miles northwest of Ovilla, includes a butterfly garden, a climbing rock, equestrian trail, fishing pier and pond, hiking and walking trails, a pavilion, tables, and a grill.

### City of Waxahachie

The City of Waxahachie, approximately 12 miles south of Ovilla, manages 18 recreational areas spread across the city. Amenities include hike and bike trails; Lake Waxahachie swimming, fishing, and boat access; playgrounds, pavilions, benches, and picnic areas; and paved pathway connections. Recreational facilities also include fields for soccer, softball, baseball, and football, as well as an updated rodeo complex. Descriptions of public parks and other public recreational facilities are available through the City of Waxahachie’s website ([www.waxahachie.com](http://www.waxahachie.com)).

### City of Midlothian

Located approximately 10 miles southwest of Ovilla, the City of Midlothian owns and manages 13 recreational areas. Amenities include shaded and landscaped walking paths; hiking trails; playgrounds; pavilions, benches, and picnic areas; a butterfly garden; and a native grass area with bluebird nest boxes. Recreational facilities also include multipurpose fields; fields for soccer, baseball, and football; courts for tennis, basketball, and sand volleyball; and a quarter-mile track. Descriptions of public parks and other public recreational facilities are available through the City of Midlothian’s website ([www.midlothian.tx.us](http://www.midlothian.tx.us)).

### Privately Owned Recreational Facilities

Thorton Tree Country Club, located approximately eight miles north of Ovilla off West Wintergreen Road in Desoto, has an 18-hole golf course, tennis facilities, a swimming pool, and multiple dining opportunities. Membership is open to the public.

Waxahachie Country Club, located approximately 10 miles south of Ovilla off I35 and BUS287 in Waxahachie, has semi-private 18-hole golf course.

## NEEDS ASSESSMENT & IDENTIFICATION

This section outlines local recreational needs using a standards-based assessment and a demand-based assessment.

### ***Standards-Based Assessment***

The standards-based assessment uses three criteria to determine the city's recreational needs: the current and future population; acreage devoted to parks and open space; and the number households within/outside of a recreational facility service area. The standards-based assessment does not consider residents' desires or a community's capacity to maintain facilities

According to a standards-based assessment, Ovilla needs 2 general use/soccer fields, 15 picnic tables, 3 (covered) group picnic areas, 18 benches, 2 light activity areas, and 4-to-9 miles of multiuse trails. In addition, by the end of the planning period, Ovilla will likely require several sports court facilities including a basketball court, a tennis court, and a volleyball court, as well as an outdoor event venue or multi-use pavilion that can be used for large group gatherings.

Ovilla's facilities include opportunities for several age groups. Several parks include playground equipment for both children and toddlers and seniors can walk and enjoy passive recreation at Heritage Park and watch local ball sports at Cindy Jones Park. However, the city would benefit from developing additional facilities for teenagers and young adults.

### **Detailed Standards-Based Assessment Data**

#### Facility Needs by Population Size

*Table 6* identifies the Ovilla's existing and future needs based upon the population projection and standards for facilities described earlier in the chapter.

Table 6: Facilities Standards & Existing Facilities Comparison

<u>Facility</u>	<u>2018</u>		<u>Additional Facilities Needed</u>	
	<i>Existing within service area</i>	<i>Suggested (#/population)</i>	<i>Currently needed</i>	<i>Total needed by 2028</i>
<i>Facilities needed locally (within 2 miles)</i>				
General-Use / Soccer Field	0	1 per 2,000	2	2-3
Softball / Little League Field	3	1 per 1,500	-	-
Basketball Court	0.5	1 per 3,000	-	1
Adult Baseball	0	1 per 6,000	-	0-1
Tennis Court	0	1 per 5,000	-	1
Soccer Field (dedicated)	0	1 per 6,000	-	0-1

Little League (dedicated)	0	1 per 6,000	-	0-1
Softball (dedicated)	0	1 per 6,000	-	0-1
Volleyball Court	0	1 per 5,000	-	1
Small Skate Park	0	1 per 6,000	-	0-1
1/4-mile Running Track	0	1 per 20,000	-	-
Playground	3	1 per 1,500	-	-
Picnic Tables	10	1 per 160	15	23
Group Picnic Area (Covered)	0	1 per 1,300	3	4
Benches	13	1 per 130	18	27
Light Activity Area	0	1 per 2,000	2	2-3
<b>Multiuse Paths/Trails</b>	<b>Actual Mileage</b>	<b>Pop Per Mile</b>		
Multiuse Trails (Dirt/Gravel)	0	430	9	12
Multiuse Trails (Paved)	0.25	960	4	5
<i>Facilities needed within region (&lt; 30 min. drive time; golf and hike/bike trail &lt; 1hr.)</i>				
Football	0	1 per 20,000	-	-
Swimming Pool [1]	1	1 per 14,000	-	-
Racquetball/Handball	0	1 per 20,000	-	-
Golf (9-hole)	0	1 per 25,000	-	-
Golf (18-hole) [2]	2	1 per 50,000	-	-
Hike / Bike Trails [3]	Numerous	1 system per region	0	0

Notes: [1]: Closest public swimming pool in Waxahachie; [2]: Waxahachie County golf club is semi-private; [3] Hike/bike trails available at Joe Pool Lake (and associated parks), Bear Creek Nature Park, and at public parks in the city of Waxahachie and the city of Midlothian.

#### Acreage Needs by Population Size

Level of Service (LOS) is the term used to describe the park system's role in the community. The LOS for parks and open space is based on useable space per 1,000 residents; therefore, undeveloped parkland is not included. As expressed in the City's facility standards, Ovilla's residents should have access to a minimum of 5 acres and an ideal 15 acres of developed park land per 1,000 residents. Due to policies restricting the availability of use by the general public, the acreage of private recreational facilities and areas of school campuses not open to the public or open only on a limited basis are not included. ***The city of Ovilla has a LOS of 1.9 acres of developed parkland per 1,000 residents, which does not meet the standard for acres per person.***

Table 7: Existing Parks, Level of Service

Facility	Park Type	Desirable Acreage	Total Acres	Developed Acres	Service Area (Miles)
Cindy Jones Park	Neighborhood Park	1 – 15	10.14	3.43	1/4 - 1/2
Heritage Park	Neighborhood Park	1 – 15	3.30	3.30	1/4 - 1/2
Silver Spur Park	Minipark	< 1 acre	0.76	0.76	1/4 mile
Ken & Sara Pritchett Park	Minipark	< 1 acre	0.23	0.23	1/4 mile
<b>Total Acreage</b>			<b>14.4</b>	<b>7.7</b>	
<b>Population – 4,040 (est. 2018); 5,230 (est. 2028)</b>					
<i>Level of Service 2018</i>			<b>3.6</b>	<b>1.9</b>	
<i>Level of Service 2028</i>			<b>2.8</b>	<b>1.5</b>	

Source: GrantWorks Field Survey, 2018

#### Acreage Needs by Park Location

The standards-based assessment also determines recreation needs based on park service areas. Service area refers to the area formed by a predetermined radius extending out from the park that would typically serve the surrounding population. The service area of existing parks is described in *Table 7* above and in *Figure 6* below.

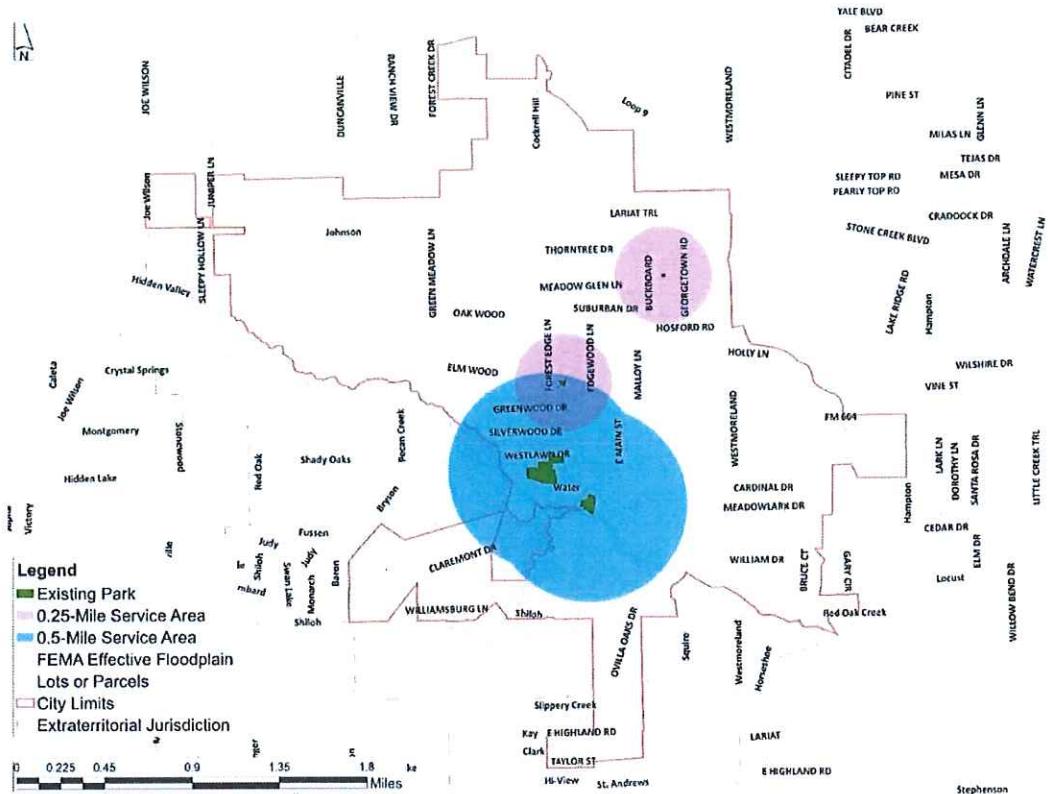


Figure 6: Park Service Areas

Most of Ovilla's residents are not served by at least one outdoor recreational facility *Figure 7* further illustrates areas not currently served by a park.

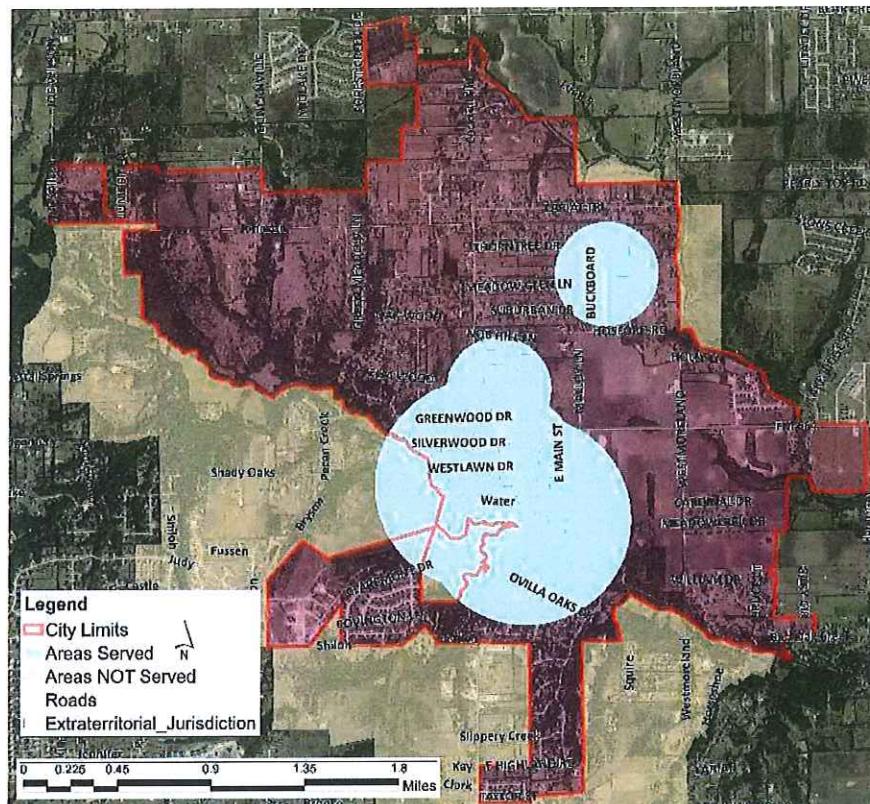


Figure 7: Areas Not Served by Existing Outdoor Parks & Recreation Facilities

#### Reaching Five Acres of Outdoor Recreation Space Per 1,000 Residents

The city of Ovilla needs 12 to 13 additional acres of park land to meet the recommended minimum LOS standard of 5 acres per 1,000 residents. The fastest and simplest step to increase developed park acreage is working out an agreement with local institutions to open those existing recreational facilities to public use. Private recreational facilities in Ovilla include several small playgrounds and a basketball court. Opening the existing outdoor facilities for public use would increase the LOS in Ovilla but would not achieve the minimum standard. In addition, many residents would still live outside of a park service area. Therefore, in addition to pursuing agreements with local institutions, the City will need to develop additional park land.

The City could increase its LOS by further developing existing park land at Cindy Jones Park. Approximately seven acres of the park remains undeveloped. However, the area requires significant investment before recreational development can begin. The land currently serves as an aerobic spray field for the City buildings fronting South Cockrell Hill Road, and will have to remain undeveloped until the City buildings no longer require a septic system. Developing the additional acreage at Cindy Jones Park would notably improve the LOS in Ovilla. Unfortunately, even with interlocal agreements, the LOS would still remain below the minimum standard and many residents would still live outside of a park service area (see *Figure 7*).

The City will need to develop a new park to meet the current LOS and to maintain it over the planning period. Ovilla has approximately 870 semi-developed or open space acres that are located adjacent to or near existing public rights-of-way and may be appropriate for use as park land. *Figures 8 below* illustrates the general location of several potential parks and associated service areas that would improve park service in Ovilla. As the figure shows, minipark (blue) and neighborhood park (purple) development would increase park service areas with some slight gaps.

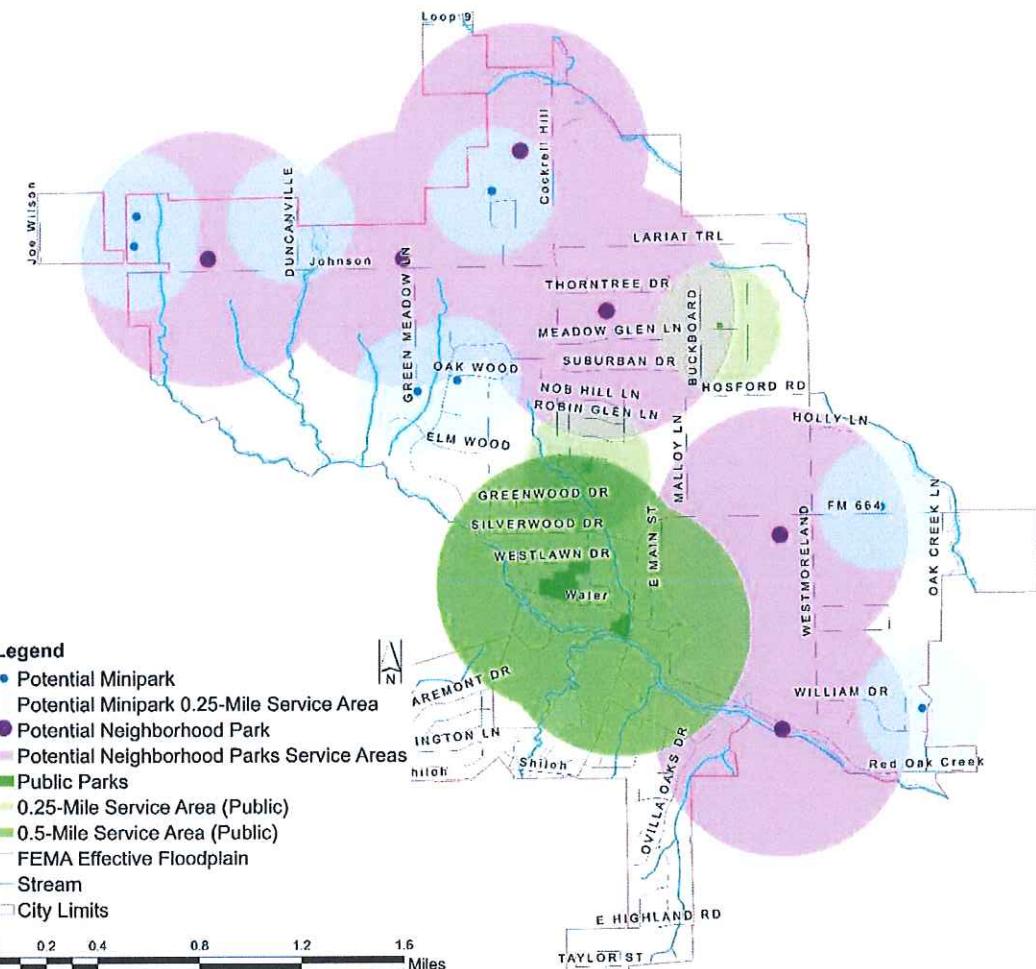


Figure 8: Potential Mini/Neighborhood Park Locations

Alternatively, one centrally placed community park would provide service to the entire city. *Figure 9* illustrates several potential community park locations and associated service areas.

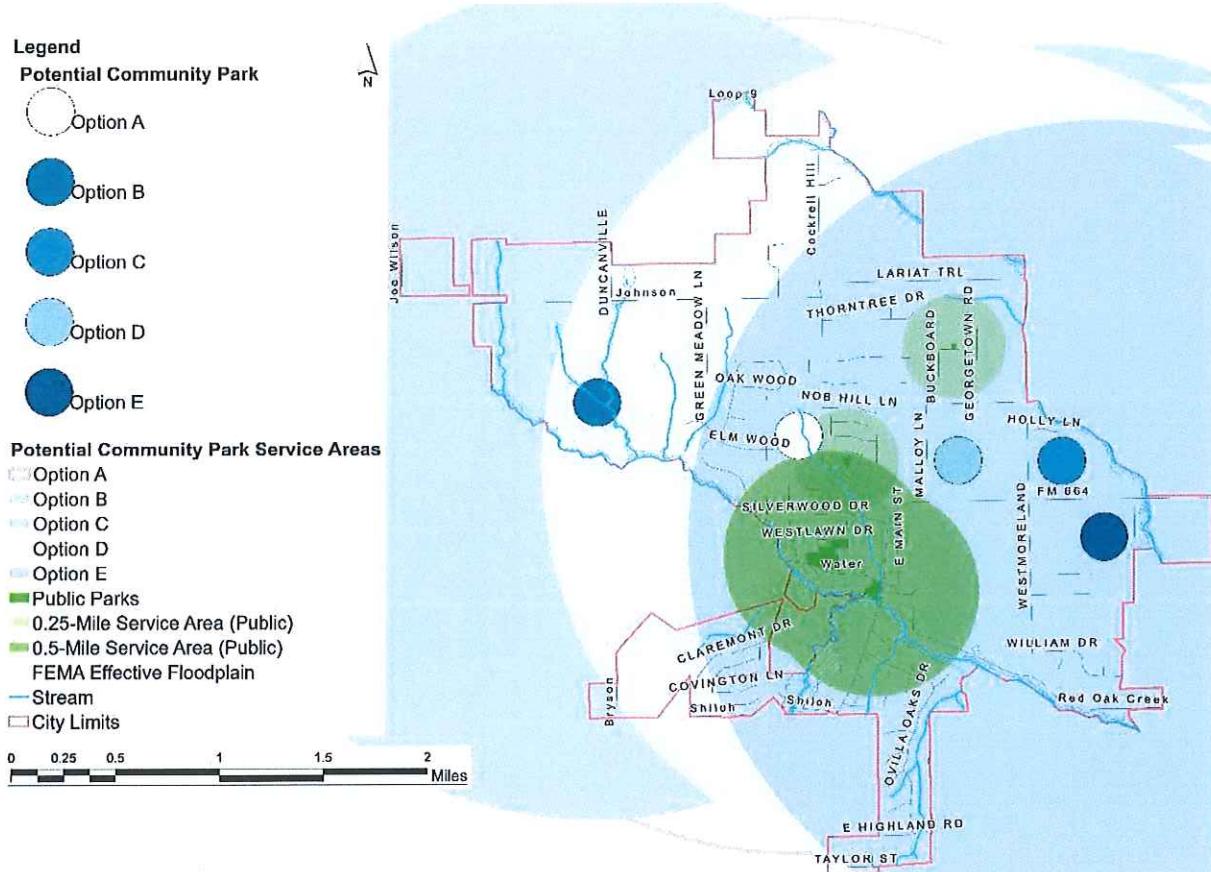


Figure 9: Potential Community Park Locations

All potential park land in Ovilla is privately owned. According to recent real estate sales, Ovilla should expect to spend roughly \$0.46 to \$0.92 per square foot or between \$20,000 – \$49,916 per acre to acquire new park land. Depending on future interlocal agreements between the City and local institutions, the City will need to add at least 18 acres of park land between now and 2028. The estimated expected cost to acquire future park land is between \$360,000 – \$898,488.

The City may be able to reduce acquisition costs by targeting floodplain land. Approximately 134 acres of land within the Ovilla city limits are located within the FEMA 100-year floodplain. Land in the floodplain should ideally remain as natural open space to ensure its proper function. However, particularly in areas experiencing development pressure, promoting other low intensity uses such as recreational areas, playgrounds, gardens, etc. may be a positive way to ensure limited impact on the floodplain and its functions.

Over the long term, constructing a new community park and connecting residents to the park via pedestrian and bicycle infrastructure would likely be the most efficient approach to addressing Ovilla's park acreage and service area needs. However, due to acquisition costs, developing a new community park may not be feasible during the current planning period (see *Maintaining a Sufficient Level of Service*). While acquisition and construction may not be feasible during the current planning period, the City can take important steps begin the process including identifying and selecting a preferred location and initiating negotiations.

Until a community park can be developed, the City should focus on expanding existing parks and developing at least one additional neighborhood park. Significant public investment in new miniparks is not recommended at this time as these areas provide less opportunity for amenity development and are relatively expensive to maintain in terms of cost per user. For example, sending a crew to maintain smaller parks across the city may not be justified by the relatively low level of use.

#### **Maintaining a Sufficient Level of Service**

As the city grows, desire for access to quality parks and recreation facilities will too. Survey responses demonstrate that many residents already visit municipal parks in the surrounding area to fulfill their parks and recreation needs (see *Demand-based Assessment*). Existing and future residents may eventually be drawn to live in nearby cities, if they feel like their recreation needs cannot be met in Ovilla.

In recognition of the importance of park land for resident health, safety, and welfare and of the additional demand placed on existing park facilities by population growth, many cities in Texas have adopted park land dedication requirements for new development. The requirements mandate that a developer of a new subdivision provide land for a park (usually public) and/or pay a fee-in-lieu to be used for public park acquisition/development. Dedication requirements are often included as part of a subdivision ordinance or developed in an individual ordinance.

To be constitutional, park land dedication requirements must be proportionate to the need created by the new development. Cities are required to prove the proportionality, usually through a specified formula. Importantly, dedication requirements are intended only to address new demand created by new development; park land dedication requirements must not be used to address existing demand/deficiency. For this reason, the requirements for new development/residents should not exceed the current standards for existing residents. In the case of fees, a time limit for using said fees should be established.

Article 1.09, Division 3 of the Ovilla Municipal Code establishes a park development fee. Many of the standards meet the general legal requirements. However, the standards were last updated 1989. As a result, requirements likely no longer sufficiently account for the impact(s) of new development and may include some legal weakness.

The City of Ovilla should review and update its park development fee requirements. In particular, the City should consider the following aspects:

Consider Park Land Dedication Requirement. The City of Ovilla does not have a park land dedication requirement. Developers must pay a park development fee or, at the City's discretion, a developer may dedicate park land and/or construct park facilities in exchange for a reimbursement against development fees. Relying on fees for park acquisition/development may present several challenges. Depending on the requirements and rapidity of new development, the City may not have access to adequate park land by the time sufficient funds are available or, where sufficient land is available, increasing land prices may make acquisition expensive or too expensive. Based on the projected population growth from 2018 to 2028, Ovilla will need at least two acres of park land to accommodate new residents at the *current* LOS. Ovilla will need approximately six acres of park land to accommodate meet the *minimum* LOS standard of five acres per 1,000 residents.

#### Consider Reimbursement Clause (for the City)

Many cities avoid some of the challenges associated with fee-based park development by including a reimbursement clause. In principal, this clause enables a City to acquire and construct parks prior to development and to reimburse itself later from the fees-in-lieu (proportional to demand on the park created by new development in the same area). It allows the city to set park development priorities at its own pace, negotiate with land owners, take advantage of lower costs and/or ideal land, etc. City-led park development with reimbursement from fees can also increases a city's options for park dedication/fee requirements. As a city develops more public park land, the current standard increases and as the current standard increases, the city has a justification for requiring increased dedication/fees. Without larger dedications/fees from developers, providing sufficient park land/facilities for new residents would likely require funding through public bond approval.

Clarify Fee, Ensure Empirical Basis. Ovilla's standards establish a basis for park development fee calculation, but the empirical basis for fees is out of date or is no longer clear in the absence of previous supporting documents associated with the 2000 Comprehensive Plan (the benefit area map and the park improvement plans). In addition, the fee calculation standards are somewhat complicated and may be interpreted to contradict. For example, §1.09.084(c) establishes that the "development fee" is based in part on the number of proposed lots in a building permit application but also establishes that the "park development fee" is based in part on the expected number of households to be served. The definitions do not distinguish between a development fee and a park development fee, so the language suggests two different methods of calculating the same fee in the same provision. Multiple demand indicators (lots or households) is an important problem because requirements could differ depending on the method. For example, a single lot could potentially accommodate multiple households. The set fee of \$334.52 per dwelling unit (until changed by council) established in §1.09.091 adds further potential confusion.

Professor John Crompton's study "Parkland Dedication Ordinances in Texas: A Missed Opportunity?" is an excellent resource for Texas communities considering draft/updating a park land dedication ordinance. Published by the Texas A&M AgriLife Extension Service, the study includes specific examples and identifies best practices related to fee type, calculation, and use; ordinance maintenance; and criteria for park land acceptance. The report is available online at <http://rpts.tamu.edu/wp-content/uploads/sites/21/2015/05/Parkland-Dedication-Ordinances-in-Texas-A-Missed-Opportunity.pdf>

### **Demand-Based Assessment**

An online survey was made available to Ovilla residents via posting on the City website and on Nextdoor.com. The survey was open to all community members. The online survey was also sent to local schools to collect input from students as this group tends to be frequent park and recreational facility users. Most children from Ovilla attend a school outside of the city limits. Therefore, the survey was sent to both local schools within and several schools near to the city of Ovilla. Because the survey was available to both Ovilla residents and non-residents, the survey asked respondents to indicate where they live. This demand-based assessment exclusively considers the responses of Ovilla residents as indicated in the survey.

Ovilla residents completed one hundred ninety-eight (198) surveys. Data gathered from the surveys identified common recreational activities of adults and children; favorite parks and needed improvements; and desired additional recreational facilities. The summary results of the assessment are as follows:

Table 8: Top Four: Activities, Residents' Facility Desires, Activity Locations

<b>Top 4:</b>	<b>Children's Activities</b>	<b>Adults' Activities</b>	<b>Resident Priority Facilities</b>	<b>Locations for Activities</b>
1.	Walking	Walking	Hike / Jogging / Bike Trail	Home/Friend's Home
2.	Swimming	Swimming	Playground	Other Cities
3.	Basketball	Fishing	Recreation Center	Around Neighborhood
4.	Fishing	Hiking	Swimming Pool	School / Church

Survey respondents indicated that Hike/Jogging/Bike Trail and playground facilities were the most desired improvements. Additional top desired recreational facilities include a recreation center, a swimming pool, and sidewalks.<sup>9</sup>

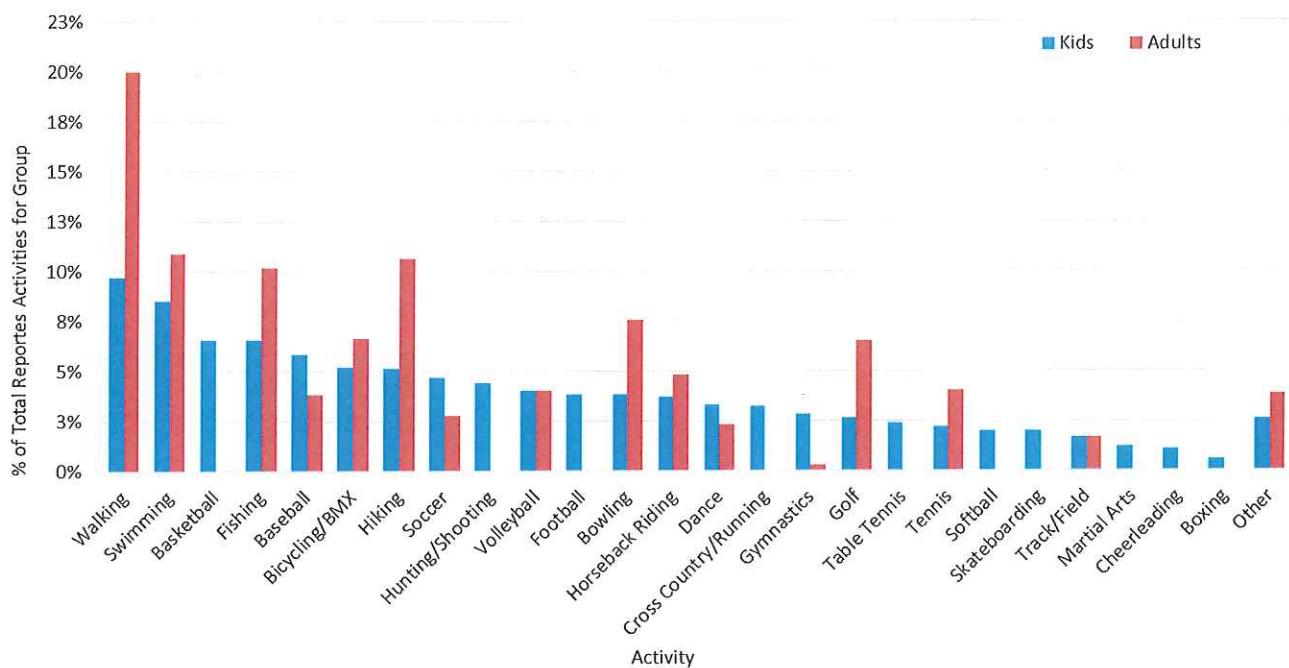
<sup>9</sup> Top desired recreational facilities are those facilities receiving a weighted score above or equal to 80% of the highest weighted score.

## Detailed Demand-Based Assessment Data

### Resident Activities & Activity Locations

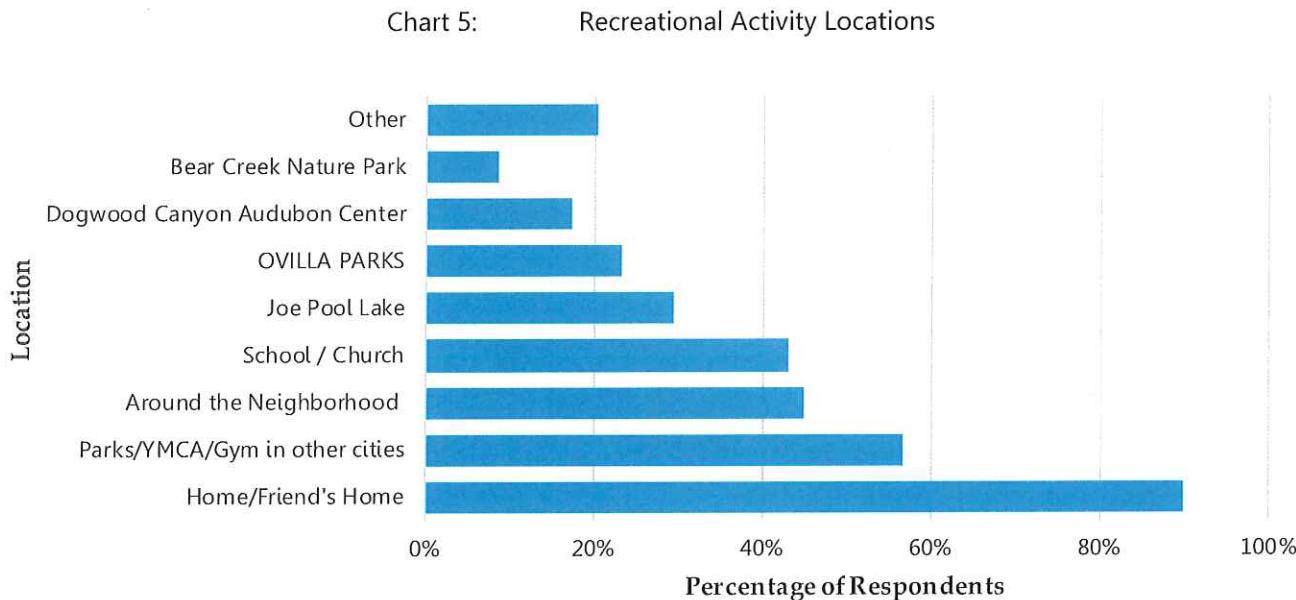
The survey asked respondents to share the recreational activities of children and adults in household and where those activities take place. As *Chart 4: Top Activities for Children & Adults* show, walking, swimming, basketball, and fishing are the most popular recreational activities among Ovilla youth. Walking, swimming, fishing, and hiking are the most popular adult activities. The most popular youth team sports are basketball, baseball, soccer, and volleyball.

Chart 4: Top Activities for Children & Adults



Source: GrantWorks Parks & Recreation Survey, 2018

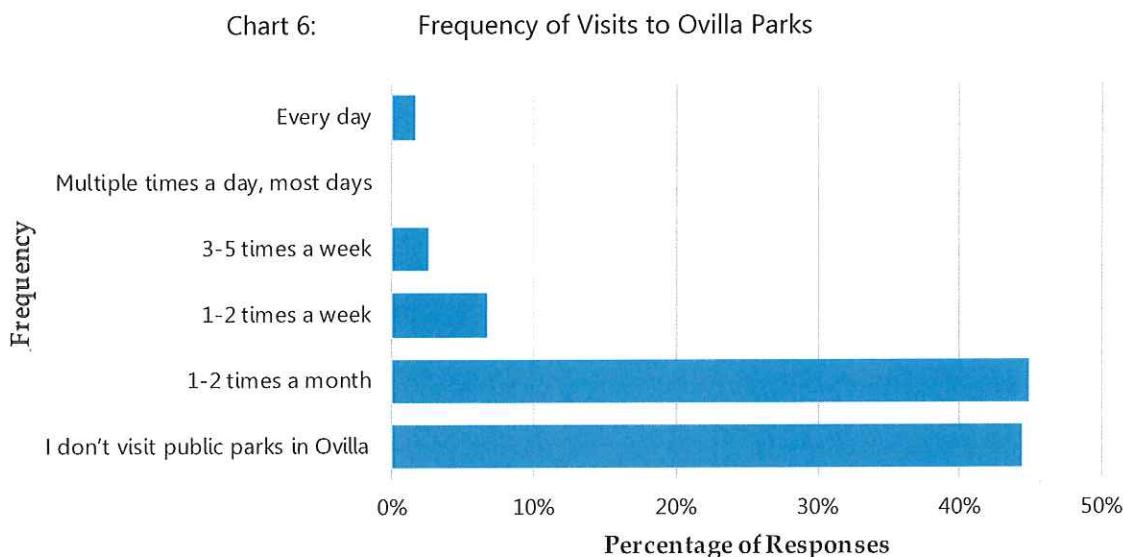
As *Chart 5: Recreational Activity Locations* show, most of the activities that children and adults participate in are based at home, at facilities in other cities, or around their neighborhood. Approximately 23% of respondents report visiting an Ovilla city park for recreation.



**Note:** Percentage indicates percent of total respondents that report going to the location for sports/other activities.

*Source: GrantWorks Parks & Recreation Survey, 2018*

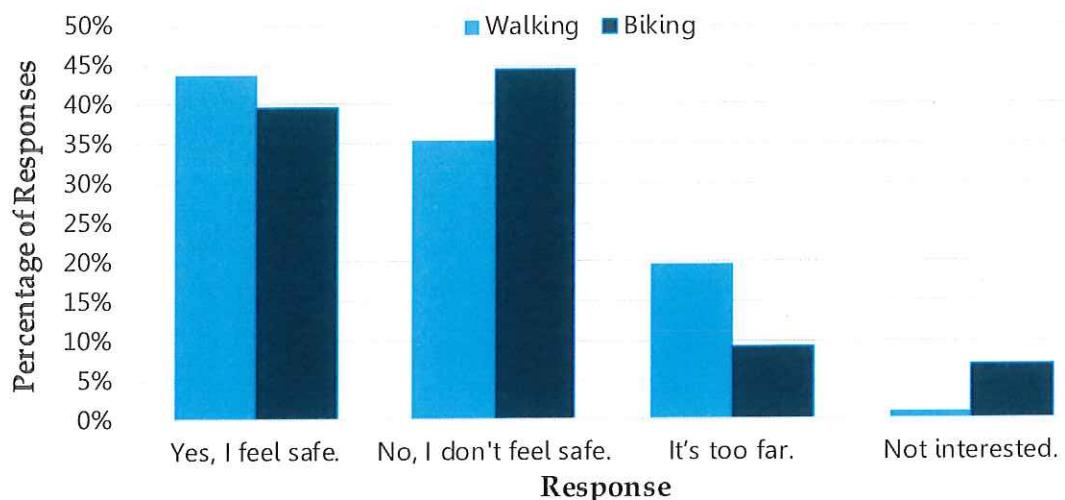
Of the respondents who report visiting a public Ovilla park, most visit once or twice a month. Approximately 11% of respondents visit public park in Ovilla one or more times a week (see *Chart 6*).



*Source: GrantWorks Parks & Recreation Survey, 2018*

Park proximity and perceived safety of non-motorized access to parks likely plays a role in the lesser frequency of visits to Ovilla's public parks. As *Chart 7* shows, over one-third of respondents do not feel safe walking to the nearest public park and another 20% indicated that a walk to the nearest park is too far. Even fewer respondents feel safe riding a bike; 44% of respondents do not feel safe riding a bike to the nearest park.

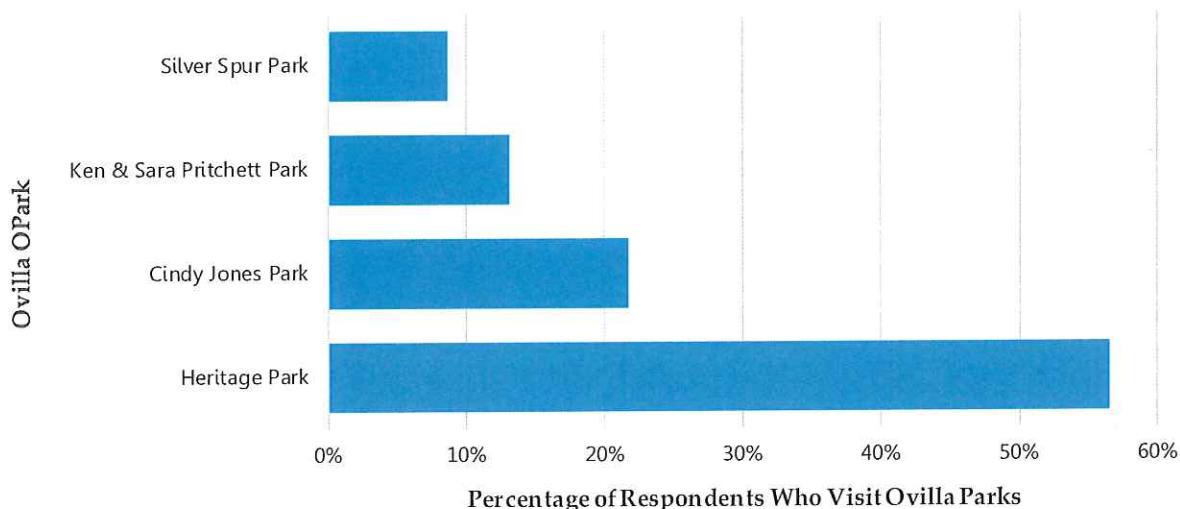
. Chart 7: Do you feel that you can safely walk or bike to nearest park in Ovilla?



Source: *GrantWorks Parks & Recreation Survey, 2018*

Heritage Park is the most commonly visited Ovilla park among survey respondents (see *Chart 8*).

Chart 8: Visitors to Ovilla Parks



Source: *GrantWorks Parks & Recreation Survey, 2018*

## Park Improvements

The survey also asked respondents to consider whether existing parks in Ovilla should be updated. As *Table 9* shows, the majority of survey respondents (69%) agree that existing park facilities in Ovilla need to be upgraded; just over one-quarter of survey respondents indicated that they were not sure.

Table 9: In your opinion, should existing parks/recreation spaces in Ovilla be updated?

Yes	No	Not Sure
69% (135)	4% (8)	27% (52)

Source: *GrantWorks Parks & Recreation Survey, 2018*

The survey also asked respondents to consider what, if anything, would lead them to visit a public park in Ovilla more often. *Table 10* summarizes the comments according to common themes. Themes may be related such as a larger playground and expanded parks. As *Table 10* shows, trails and paths are a major theme in the comments.

Table 10: What would lead you to visit a public park in Ovilla more often?

<u>Improvement</u>	<u>% of write-in comments</u>	<u>Sample of Comments</u>
Trails-Paths / Sidewalks	44%	"Walking trail and kids park in the same area"; "walking trails connecting the city's parks would be super"; "some type of nature trail"; "I would love nice, safe, and fun walking, running, and bicycle trails"; "hiking trails would be awesome"; "bicycling paths and walking paths to parks"; "a hiking trail (with) workout stations along the path"; "extensive hiking/walking/running trails"; "nature trail longer than 200 ft"; "designated areas for walking, running, cycling"; "walking track"
Activities-Amenities / Events	25%	"Sidewalks down Water St that would provide access to both the baseball park playground and to Heritage.... Cars go entirely too fast and there is little to no shoulder to walk on to get safely to the parks"; "sidewalks to make access to parks safer"
Pool / Water Feature	13%	"more things for adults/teens to do"; "more things to do at the park"; "more activities"; "different activities available"; "provide multiple types of activity"; "variety"

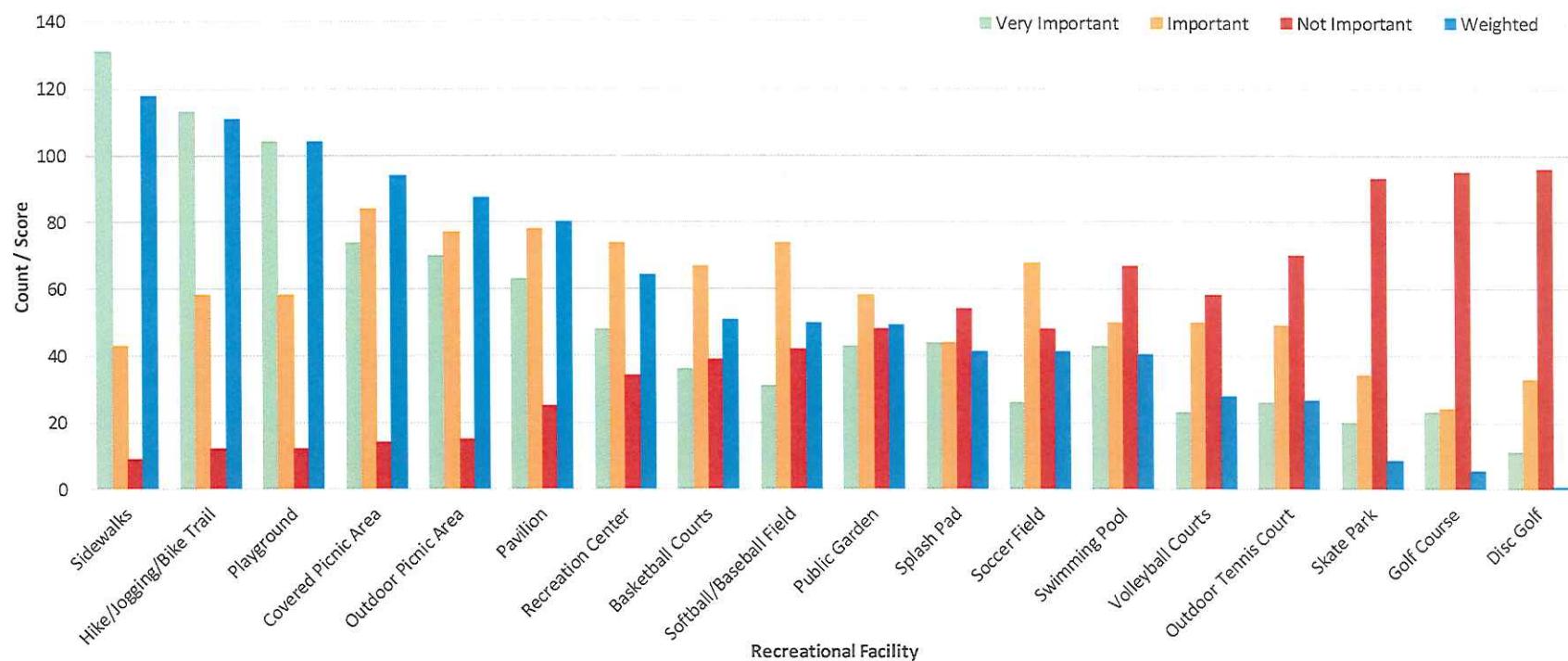
New Playground / Improvements	11%	"more for kids to play on"; "better play (meaning) more diverse playground equipment than what currently exists; "a larger playground"; "more stuff on the playground"; "those spider web climbing structures for kids"; "a merry go round & monkey bars ... (these are my 7yr old girl's suggestions"
Sport Court/Field	9%	"basketball courts to give older children something to do besides the playground"; "a basketball court or volleyball court"; "tennis and basketball courts"; "well-lit and safe place to play tennis in the evenings"; "pickleball court"; "racquetball"
Maintenance / Safety	9%	"Safety" and shade in the summer"; "no stickers in the grass"; "clean playground equipment"; "cleanliness, safety"; "clean, well-lit bathroom facilities"
Passive Recreation / Landscaping	8%	"picnic tables"; "trees and flowers"; "pavilion to sit under and hold family events"; "better scenery"; "shaded areas to sit"
Expand Parks / Better Proximity	7%	"larger"; "bigger"; "something close to home"; "it's a shame we don't have bigger parks planned for our future. We need a place where kids can go to after school to have fun and be safe. We need to get our kids active in their home town"
Restrooms / Water Fountains	6%	"Water fountains would be nice"; "restroom facilities with handwashing stations"; "bathrooms"
Other New Facilities	7%	"dog park"; "skateboard area"; "workout stations";
Misc.	7%	"senior fitness"; "advertising"; "Tai chi"; "; "more focused activity areas"; "if my kids wanted to do go"; "If I could bring my dog"; "cooler weather"; "parking"

Source: GrantWorks Parks & Recreation Survey, 2018

## Additional Facilities Wanted

Final questions in the survey asked respondents to identify and rank additional recreational facilities in terms of important and priority. Question 12 asked respondents to review a list of potential new facilities and specify its perceived importance: "very important", "somewhat important", or "not important." The responses were weighted; "very important" facilities received three points, "somewhat important" facilities received two points, and "not important" facilities received minus one point. *Chart 8* shows the resulting scores.

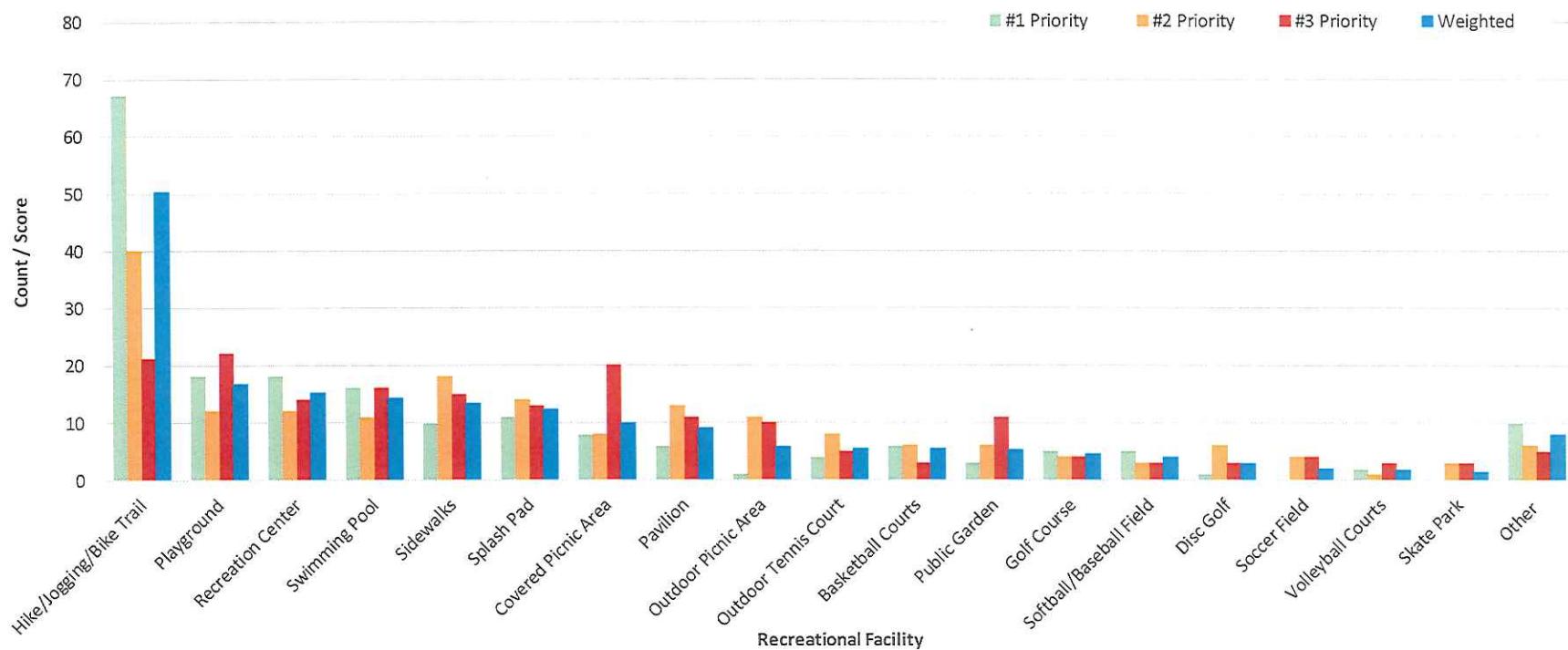
Chart 8: Additional Facilities by Importance & Weighted



Source: *GrantWorks Parks & Recreation Survey, 2018*

Questions 13-15 asked respondents to specify their #1, #2, and #3 priority for an additional recreational facility in Ovilla. Respondents could select from a list of the facilities in questions 11 or write in a new facility. The responses were weighted; #1-rated facilities received three points, #2-rated facilities received two points, and #3-rated facilities received one point. *Chart 9* shows the resulting scores.

Chart 9: Additional Facilities by Priority & Weighted



Source: GrantWorks Parks & Recreation Survey, 2018

## PRIORITIZATION OF NEEDS

A review of public comments, survey results, and established standards clearly indicates the need for the City of Ovilla to expand existing facilities and develop new outdoor and indoor facilities.

Park planners realize that establishing priorities based solely on the public's numerical ranking of activities may not give appropriate consideration to the most logical and efficient use of limited available cash, and it may not provide the widest range of activities to the broadest possible target audience.

For example, development of a swimming pool and a recreational center were top weighted priorities. However, it is unrealistic for the City to spend limited available cash to develop and maintain a pool and/or recreation center when other desired facilities can provide activities to a broader range of residents at a lower cost. Therefore, Ovilla will consider development of a pool and/or recreation facilities at a later date if funding becomes available and interest remains high.

Playgrounds are also highly desired. The City already meets the recommended playground standard. However, there is clearly a demand that is not being met. At this time, it does not make financial sense for the City to develop additional playgrounds. As the City grows, it may make sense to once again close public access to private facilities. For the time being, however, an interlocal agreement is the best possible use of local resources.

The public comments made in the survey mentioned the need for various amenities and facilities that can feasibly be created/started during the planning period with existing resources, grants, and coordination with local institutions and land owners. These facilities include sidewalks; hike/jogging/bike trail; and picnics areas. To jumpstart the process, the City should consider formal interlocal agreements with local churches to ensure public access to recreational facilities.

### *Sidewalks*

Sidewalks may be the most important component of the effort to successfully expand the City's parks network. Based on weighted survey responses, residents selected sidewalks as the most important desired recreational facility (question 12) and ranked it fifth on the priority scale (questions 13-15).

Sidewalks offer unparalleled recreation opportunities in terms of serving the broadest range of Ovilla residents and function in multiple capacities. With a little creativity, the sidewalk network can be an amenity itself by serving as a walking/jogging/biking path while also providing safe routes between parks, central Ovilla, and nearby neighborhoods.

However, to ensure proper design, prioritization, and implementation, the City will likely need to develop a standalone sidewalk plan. The sidewalk plan will need to consider several factors. In particular, if the goal is to link the parks network, the sidewalk plan will need to be designed around planned park expansions. Additionally, the plan will need to consider how new sidewalks may be able to capitalize on and link to existing sidewalks. There will likely need to be a traffic study to ensure that sidewalks are built along the safest routes possible. Finally, the sidewalk plan will need to consider available local and grant funding to help bring the project to fruition. Locating sufficient funding will be challenging because constructing the sidewalks in Ovilla will likely involve more than just constructing sidewalks.

The location of existing drainage ditches and swales makes constructing sidewalks in Ovilla especially tough. The City's options for relocating its drainage infrastructure are limited. The City can consider installing an underground drainage system, or it can work on purchasing easements to build sidewalks adjacent to existing drainage infrastructure. At this time, neither is an easily implementable solution.

The City will also need to consider anticipated improvements to FM 664. The Texas Department of Transportation (TxDOT) plans to widen FM 664 from a 2-4 Lane Rural Roadway to a 6 Lane Urban Roadway. Construction of a portion of the roadway in Ovilla is supposed to begin soon, and construction of the remaining portion in Ovilla should begin in the next 5 to 10 years. More information about the project is available at <https://www.txdot.gov/inside-txdot/projects/project-tracker.html>.

### **Trails**

Like sidewalks, a trail system can be an important component of the effort to successfully expand the City's parks network and serve a broad range of residents. Based on weighted survey responses, residents selected a hike/jogging/bike trail as the second most important desired recreational facility (question 12) and ranked it first on the priority scale (questions 13-15)

Trail systems are attractive amenities for both residents and visitors but, if properly planned, trail systems can also become an integral part of a City's transportation, recreation, and open space systems. The Trail de Paris in Paris, TX<sup>10</sup>, is an excellent example of what is possible. Based on planned expansions, the Trail de Paris will link many of the areas schools, parks, and sports complexes. In addition to connecting local facilities and amenities, the trail also functions as a critical link in the North East Texas Trail that runs between Farmersville and New Boston.

The City of Ovilla's Future Land Use Plan illustrates a large trail network in the floodplain land surrounding Red Oak Creek and Little Creek (see *Previous Studies*). However, establishing a trail system is almost always a piecemeal process. Successful development requires extensive long-term planning for acquisition and construction. To ensure proper design, prioritization, and implementation, the City will likely need to develop a standalone trails plan.

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<sup>10</sup> <http://www.traildeparis.org/>

Before building a trail, the City and community members should specify a vision and goals for the overall trail system and for individual trails. The visions and goals should address questions such as what is purpose of the system/trail? Is the trail itself a destination or is it primarily intended to quickly lead from one place to another? How will the trail be used? Should it be developed for single-use (e.g. for pedestrians) or multiuse (e.g. for pedestrians, bicyclists, wheelchairs)? What is the anticipated intensity of use? How many anticipated users? When/how often will it be used (e.g. year-round, seasonally, day and nighttime use)?

The City will also need to study potential trail lands to understand design limitations and opportunities. Factors like natural contours and soil drainage/durability will impact trail construction and maintenance. For example, pooling water on the trail caused by poorly draining soil or rapidly rushing water caused by steep trail slopes will lead to erosion and result in more frequent and expensive maintenance. Trail design should also consider potential adverse impacts on wildlife and plants.

The natural characteristics of the land and the community's vision and goals of the system/trail should inform trail design standards. Trail design standards include aspects like trail configuration and length; tread surface and width; clearing width and height; grade; water crossing; and any special requirements. Other factors to consider when planning for a trails system include: potential connections with existing trails (local and/or regional); priority routes; financial viability and funding sources; management and maintenance plans.

The envisioned trails system along Red Oak Creek and Little Creek is a good start for considering trail development in Ovilla. As previously mentioned, recreational development on land in the floodplain may be less cost prohibitive to acquire and, when properly constructed, can ensure a reduced impact on the floodplain and its functions. In addition, Texas Parks & Wildlife Department offers specified funding for recreational trails development (more information available at <https://tpwd.texas.gov/business/grants/recreation-grants/recreational-trails-grants>).

At the time of plan production, a property owner was considering donating land located around Red Oak Creek to the City. Developing a nature trail on this land would support the need/demand for additional recreational space and for trails/path opportunities in Ovilla and provide an opportunity for the City to start engaging with trail development.

*Figure 10 (next page) illustrates how Ovilla's sidewalk network might be expanded to link parks, central Ovilla, and how trail development could connect with and further enhance the network.*

[The Ovilla Parks Board and the Ovilla Economic Development Corporation discussed prioritizing development of a sidewalk/trail path surrounding and connecting Cindy Jones Park and Heritage Park, and illuminated by decorative lighting.](#)

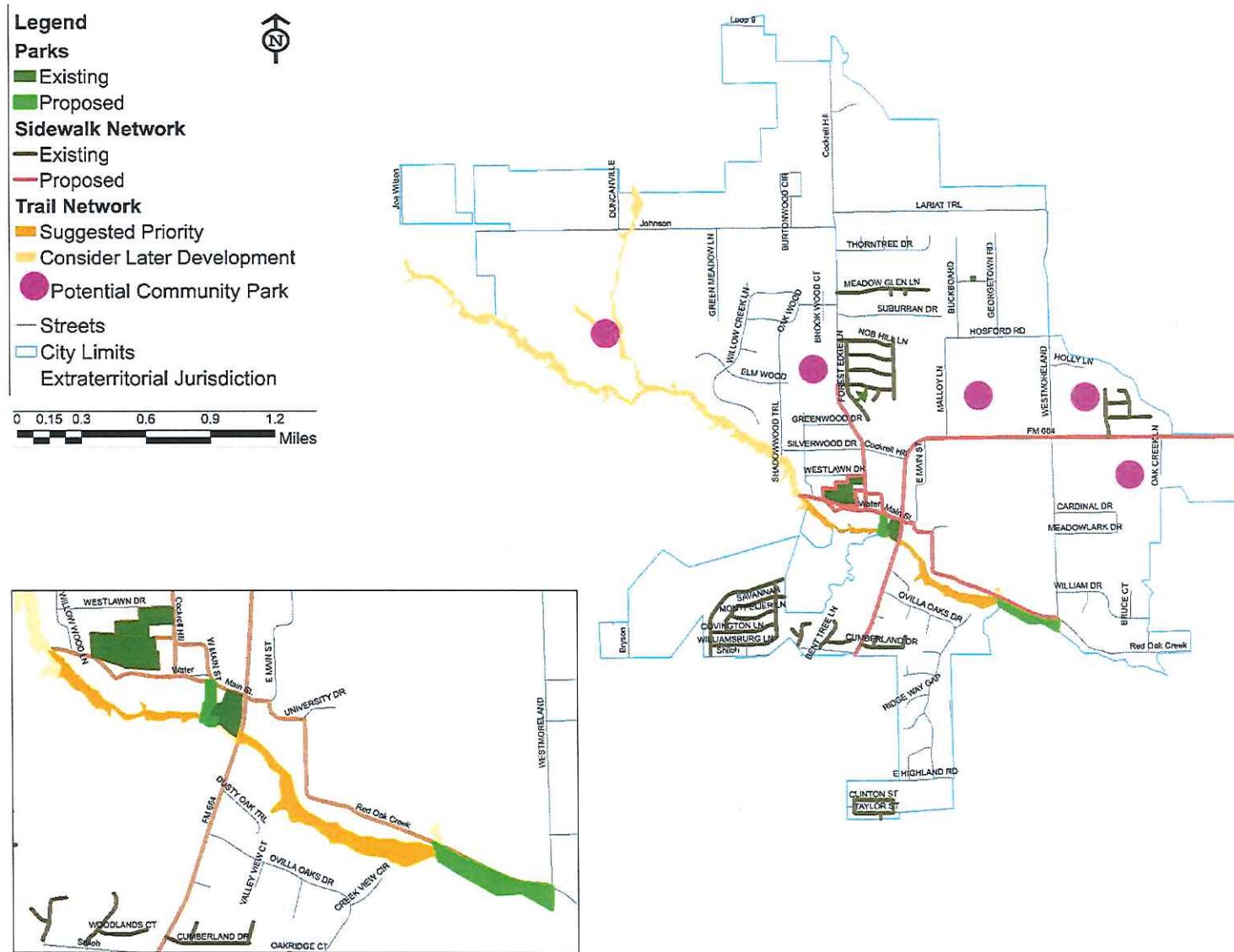


Figure 10: Proposed Sidewalk-Trail Network

## **Park Priorities by Type**

The City of Ovilla has established the following development priorities:

*Outdoor construction-related priorities (OC):*

Priority 1:	Acquire/develop at least 12 acres of additional park land to meet current minimum Level of Service standard.
Priority 2:	Begin developing a sidewalk network to connect parks, central Ovilla, and nearby neighborhoods.
Priority 3:	<a href="#"><u>Add public buildings to City water/wastewater systems and further develop Cindy Jones Park.</u></a>
Priority 4:	Work with TPWD to develop a nature trail on donated land along Red Oak Creek.
Priority 5a:	Expand Heritage Park.
Priority 5b:	Repave path around Heritage Park and extend to ensure accessibility to all park features.
Priority 6:	Develop exhibits at park facilities to foster nature appreciation and to educate visitors about local flora, fauna, and geology. This can include community gardens and/or xeriscaped gardens.
Priority 7:	Develop native grass and garden areas along Red Oak Creek and/or Little Creek to preserve habitat and encourage wildlife viewing.
Priority 8:	Construct at least two (2) general use/soccer fields by 2028.
Priority 9:	Construct one (1) basketball court and appurtenances by 2028.
Priority 10:	Construct one (1) volleyball court and appurtenances by 2028.
Priority 11:	Construct one (1) tennis court and appurtenances by 2028.
Priority 12:	Install at least two (2) light activity areas by 2028.
Priority 13:	Construct at least three (3) covered group picnic areas at area parks by 2028.
Priority 14:	Install an additional 23 picnic tables at area parks.
Priority 15:	Install an additional 48 benches, including in areas downtown.
Priority 16:	Develop activities pursued by elderly residents such as horseshoes, shuffleboard, or domino/cards game tables where none currently exist and as needed.
Priority 17:	Install inclusive play activities (such as "sent or sensory garden") and inclusive playground equipment that can be enjoyed by children with physical disabilities.
Priority 18:	Remove deteriorated equipment from all park areas; replace as needed.
Priority 19:	Provide and maintain additional water fountains and restrooms at City parks.
Priority 20:	Develop a multi-use pavilion or outdoor event venue that can be used for large group gatherings as needed. Include community-cooking facilities.
Priority 21:	Encourage development of other outdoor activities typically operated by private businesses such as a skate park, equestrian facilities, miniature golf, bicycle motor-cross, etc.

*Indoor construction-related priorities (IC):*

Priority 1:	Encourage development of indoor activities typically operated by private businesses such as a movie theater, bowling alley, roller-skating rink, gymnastics/twirling center, etc.
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*Ongoing non-construction priorities (NC):*

Action Item 1:	Develop a shared-resources plan with local institutions to ensure all available area facilities can be utilized year-round.
Action Item 2:	Continue to budget sufficient funds for on-going facility development.
Action Item 3:	Continue to budget sufficient funds for park maintenance.
Action Item 4:	Establish Community Park Development and Trail System Development as key subjects for further review, study, and recommendation by the Parks Board.
Action Item 5:	Revise Park Development Fee standards to ensure sufficient park land serves new subdivisions, given anticipated increase in development and population; review standards every five (5) years.
Action Item 6:	Develop policy to educate public regarding benefits of private donation of land to be used for parks, greenbelts, and open space.
Action Item 7:	Establish a voluntary park donation fund to maintain, repair, and upgrade City parks. Solicitation could be added to City utility bill.
Action Item 8:	Establish "community work day" at parks to accomplish a portion of park development using volunteer labor. Tasks can include site preparation, clean-up, and preliminary construction tasks. Seek volunteers from local citizens, City staff, community service workers, schools, local institutions, and civic groups.
Action Item 9:	Continue programming and festivals at public parks like movie night and the Heritage Festival. <i>Festivals and events provide diverse activities not normally available in the park and enhance the usefulness of the facilities. These events can also highlight the community's cultural diversity or offer special events such as kite-flying contests or bike-a-thons. Earmark any proceeds from activities for use in park improvement projects.</i>
Action Item 10:	Schedule biennial reviews of Parks & Recreation Master Plan to update inventory and priority needs lists. Solicit new public input every five years.
Action Item 11:	Schedule creation of new Parks & Recreation Master Plan.

## RECREATION & OPEN SPACE PLAN

This plan is designed to be implemented during a 10-year period between 2018 – 2028. The plan addresses the full spectrum of the City's new construction, maintenance, and operation needs to ensure that the highest quality park, recreation, and open space opportunities are available.

The following implementation plan sets forth the most reasonable development timeline assuming funding resources are available. The items are identified as Construction (C) priorities or as non-construction (NC) action items. Outdoor activities are identified as OC. Indoor activities are identified as IC.

Potential methods of funding for these projects are identified. These potential sources include:

- Local general funds;
- General obligation bonds;
- Certificates of obligation (CO's);
- Sales tax revenue;
- Local in-kind labor;
- Donations of land, cash, materials, and labor from private individuals; and
- Grants from Texas Parks & Wildlife Department (TPWD) through the outdoor, indoor, trails, and small community programs, and the TPWD Community Outdoor Outreach Program (COOP).

The following plan outlines projects the City should strive to achieve on a short-term basis within the first five years of the planning period and on a long-term basis. The plan derives from the above analyses: the inventory of existing conditions, including physical and social resources; the standards-based assessment; and the demand-based assessment.

Table 11: Recreation & Open Space Implementation Plan

FY 2018 (10/1/17 to 9/30/18)			
Implementation Item	Action Item	Estimated Cost	Funding Source(s)
Develop a shared-resources plan with local churches to ensure all available area facilities can be utilized year-round.	NC 1	< \$1,000 (legal)	GEN; Local
Establish Community Park Development and Trail System Development as key subjects for further review, study, and recommendation by the Parks Board.	NC 4	Staff	GEN
<b>Annual:</b> Continue programming and festivals at public parks like movie night and the Heritage Festival. <i>Festivals and events provide diverse activities not normally available in the park and enhance the usefulness of the facilities. These events can also highlight the community's cultural diversity or offer special events such as kite-flying contests or bike-a-thons.</i> Earmark any proceeds from activities for use in park improvement projects.	NC 9	\$5,000-\$10,000	GEN; EDC; Local
<b>[1] Annual:</b> Continue to budget sufficient funds for park maintenance and for future facility development.	NC 2 NC3	\$45,000 ±	GEN

[1] Budget based on median operating expenditures per acre park and non-park sites for parks and recreation agencies servicing a population between 500 to 1,500 residents per square mile from the 2018 National Parks and Recreation Agency Performance Review <https://www.nrpa.org/siteassets/nrpa-agency-performance-review.pdf> Per acre spending is \$5,846. Total developed park acres in Ovilla in 2018 is 7.7 acres.

**GEN** = City of Ovilla municipal funds; **EDC** = Ovilla Economic Development Corporation; **Ellis County MGA** = Ellis County Master Gardner Club; **KTB** = Keep Texas Beautiful grants; **Local** = donation from private citizens, organizations, and local businesses; **OYBA** = Ovilla Youth Baseball Association; **Staff** = City of Ovilla staff time; **TDA-DRP** = Texas Department of Agriculture Downtown Revitalization Program grants; **TPWD** = Texas Parks & Wildlife Department grants; **TxDOT-TA** = Texas Department of Transportation – Transportation Alternatives Program grants

**FY 2019 (10/1/18 to 9/30/19)**

Implementation Item	Action Item	Estimated Cost	Funding Source
<a href="#"><u>Apply in to TPWD Non-urban Outdoor Recreation Program or to TPWD Small Community Recreation Program in summer/fall 2019 to further develop Cindy Jones Park.</u></a>	<a href="#"><u>OC 1</u></a> <a href="#"><u>OC 7-14</u></a> <a href="#"><u>OC 17-19</u></a>	<a href="#"><u>Variable</u></a>	<a href="#"><u>GEN</u></a>
Revise Park Development Fee standards to ensure sufficient park land serves new subdivisions, given anticipated increased in development and population.	NC 5	< \$1,000 (legal)	GEN
Develop policy to educate public regarding benefits of private donation of land to be used for parks, greenbelts, and open space.	NC 6	< \$1,000	GEN
Establish a voluntary park donation fund to maintain, repair, and upgrade City parks. Solicitation could be added to City utility bill.	NC 7	< \$1,000	GEN
<b>Annual:</b> Continue programming and festivals at public parks like movie night and the Heritage Festival. Earmark any proceeds from activities for use in park improvement projects.	NC 9	\$5,000-\$10,000	GEN; EDC; Local
<b>Annual:</b> Continue to budget sufficient funds for park maintenance and for future facility development.	NC 2 NC 3	\$45,000 ±	GEN

GEN = City of Ovilla municipal funds; EDC = Ovilla Economic Development Corporation; **Ellis County MGA** = Ellis County Master Gardner Club; KTB = Keep Texas Beautiful grants; Local = donation from private citizens, organizations, and local businesses; OYBA = Ovilla Youth Baseball Association; Staff = City of Ovilla staff time; TDA-DRP = Texas Department of Agriculture Downtown Revitalization Program grants; TPWD = Texas Parks & Wildlife Department grants; TxDOT-TA = Texas Department of Transportation – Transportation Alternatives Program grants

**FY 2020 (10/1/19 to 9/30/20)**

Implementation Item	Action Item	Estimated Cost	Funding Source
Conduct biennial review of shared-resources plan with local institutions to ensure all available area facilities can be utilized year-round.	NC 10	< \$1,000 (legal)	GEN; Local
Begin developing a sidewalk network to connect parks, central Ovilla, and nearby neighborhoods.	OC 1	Up to \$1,000,000	GEN; TxDOT; TDA-DRP; TxDOT-TA
Begin negotiations with owner of vacant land adjacent to Heritage Park to acquire land and expand park.	OC 1 OC 4	Staff	GEN
Conduct biennial review of Parks & Recreation Master Plan to update inventory and priority needs lists.	NC 10	< \$1,000	GEN
<b>Annual:</b> Continue programming and festivals at public parks like movie night and the Heritage Festival. Earmark any proceeds from activities for use in park improvement projects.	NC 9	\$5,000- \$10,000	GEN; EDC; Local
<b>Annual:</b> Continue to budget sufficient funds for park maintenance and for future facility development.	NC 2 NC 3	\$45,000 ±	GEN

**GEN** = City of Ovilla municipal funds; **EDC** = Ovilla Economic Development Corporation; **Ellis County MGA** = Ellis County Master Gardner Club; **KTB** = Keep Texas Beautiful grants; **Local** = donation from private citizens, organizations, and local businesses; **OYBA** = Ovilla Youth Baseball Association; **Staff** = City of Ovilla staff time; **TDA-DRP** = Texas Department of Agriculture Downtown Revitalization Program grants; **TPWD** = Texas Parks & Wildlife Department grants; **TxDOT-TA** = Texas Department of Transportation – Transportation Alternatives Program grants

**FY 2021 (10/1/20 to 9/30/21)**

Implementation Item	Action Item	Estimated Cost	Funding Source
<a href="#"><u>Further develop Cindy Jones Park. Current facility needs include: two (2) general soccer fields; one (1) basketball court; (1) volleyball court; (1) tennis court; group picnic areas; and a multi-use pavilion/outdoor event venue with cooking facilities.</u></a>	<a href="#"><u>OC 1</u></a> <a href="#"><u>OC 7-14</u></a> <a href="#"><u>OC 17-19</u></a>	<a href="#"><u>Up to \$1,000,000</u></a>	<a href="#"><u>GEN; EDC; TPWD (City contribution would be 50% match)</u></a>
Establish "community work day" at parks to accomplish a portion of park development using volunteer labor. Tasks can include site preparation, clean-up, and preliminary construction tasks. Seek volunteers from local citizens, City staff, community service workers, schools, local institutions, and civic groups.	NC 8	< \$1,000	GEN; Local
<b>Annual:</b> Continue programming and festivals at public parks like movie night and the Heritage Festival. Earmark any proceeds from activities for use in park improvement projects.	NC 9	\$5,000-\$10,000	GEN; EDC; Local
<b>Annual:</b> Continue to budget sufficient funds for park maintenance and for future facility development.	NC 2 NC 3	\$45,000 $\pm$	GEN

GEN = City of Ovilla municipal funds; EDC = Ovilla Economic Development Corporation; Ellis County MGA = Ellis County Master Gardner Club; KTB = Keep Texas Beautiful grants; Local = donation from private citizens, organizations, and local businesses; OYBA = Ovilla Youth Baseball Association; Staff = City of Ovilla staff time; TDA-DRP = Texas Department of Agriculture Downtown Revitalization Program grants; TPWD = Texas Parks & Wildlife Department grants; TxDOT-TA = Texas Department of Transportation – Transportation Alternatives Program grants

**FY 2022 (10/1/21 to 9/30/22)**

Implementation Item	Action Item	Estimated Cost	Funding Source
Apply to TPWD Small Community Recreation Program in summer/fall 2022 to expand and improve Heritage Park.	OC1 OC 4 OC 11-14 OC 17	Variable	GEN
Conduct biennial review of shared-resources plan with local institutions to ensure all available area facilities can be utilized year-round.	NC 10	< \$1,000 (legal)	GEN; Local
Conduct biennial review of Parks & Recreation Master Plan to update inventory and priority needs lists.	NC 10	< \$1,000	GEN
<u>Install inclusive play activities (such as "scent or sensory garden") and inclusive play equipment that can be enjoyed by children with physical disabilities.</u>	<u>OC 16</u>	<u>\$2,000</u>	<u>GEN; Ellis County MGA</u>
<u>Develop activities pursued by elderly residents such as horseshoes, shuffleboard, or domino/card game tables where none currently exist and as needed.</u>	<u>OC 15</u>	<u>\$2,000</u>	<u>GEN</u>
<b>Annual:</b> Continue "community work day" at parks to accomplish a portion of development using volunteer labor. Remove debris and dilapidated equipment from all park areas.	NC 8	< \$1,000	GEN; Local
<b>Annual:</b> Continue programming and festivals at public parks like movie night and the Heritage Festival. Earmark any proceeds from activities for use in park improvement projects.	NC 9	\$5,000-\$10,000	GEN; EDC; Local
<b>Annual:</b> Continue to budget sufficient funds for park maintenance and for future facility development.	NC 2 NC3	\$45,000 ±	GEN

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**FY 2023 (10/1/22 to 9/30/23)**

Implementation Item	Action Item	Estimated Cost	Funding Source
<b>Annual:</b> Continue "community work day" at parks to accomplish a portion of development using volunteer labor. Remove debris and dilapidated equipment from all park areas.	NC 8	< \$1,000	GEN; Local
<b>Annual:</b> Continue programming and festivals at public parks like movie night and the Heritage Festival. Earmark any proceeds from activities for use in park improvement projects.	NC 9	\$5,000- \$10,000	GEN; EDC; Local
<b>Annual:</b> Continue to budget sufficient funds for park maintenance and for future facility development.	NC 2 NC 3	\$45,000 ±	GEN

**GEN** = City of Ovilla municipal funds; **EDC** = Ovilla Economic Development Corporation; **Ellis County MGA** = Ellis County Master Gardner Club; **KTB** = Keep Texas Beautiful grants; **Local** = donation from private citizens, organizations, and local businesses; **OYBA** = Ovilla Youth Baseball Association; **Staff** = City of Ovilla staff time; **TDA-DRP** = Texas Department of Agriculture Downtown Revitalization Program grants; **TPWD** = Texas Parks & Wildlife Department grants; **TxDOT-TA** = Texas Department of Transportation – Transportation Alternatives Program grants

**FY 2024 (10/1/23 to 9/30/24)**

Implementation Item	Action Item	Estimated Cost	Funding Source
<a href="#"><u>Acquire land and construct improvements at Heritage Park including: a repaved/extended walking path; a light activity area; and picnic tables and park benches as appropriate.</u></a>	<a href="#"><u>OC 1</u></a> <a href="#"><u>OC 4</u></a> <a href="#"><u>OC 11-14</u></a> <a href="#"><u>OC 17</u></a>	<a href="#"><u>Up to \$150,000</u></a>	<a href="#"><u>GEN; EDC; TPWD (City contribution would be \$75,000 as 50% match)</u></a>
Conduct biennial review of shared-resources plan with local institutions to ensure all available area facilities can be utilized year-round.	NC 10	< \$1,000 (legal)	GEN; Local
Review Park Development Fee standards ensure sufficient park land serves new subdivisions, given anticipated increased in development and population.	NC 5	< \$1,000	GEN
Review Parks & Recreation Master Plan, solicit new public input, update inventory and priority needs lists.	NC 10	< \$1,000	GEN
<b>Annual:</b> Continue "community work day" at parks to accomplish a portion of development using volunteer labor. Remove debris and dilapidated equipment from all park areas.	NC 8	< \$1,000	GEN; Local
<b>Annual:</b> Continue programming and festivals at public parks like movie night and the Heritage Festival. Earmark any proceeds from activities for use in park improvement projects.	NC 9	\$5,000- \$10,000	GEN; EDC; Local
<b>Annual:</b> Continue to budget sufficient funds for park maintenance and for future facility development.	NC 2 NC 3	\$45,000 ±	GEN

**GEN** = City of Ovilla municipal funds; **EDC** = Ovilla Economic Development Corporation; **Ellis County MGA** = Ellis County Master Gardner Club; **KTB** = Keep Texas Beautiful grants; **Local** = donation from private citizens, organizations, and local businesses; **OYBA** = Ovilla Youth Baseball Association; **Staff** = City of Ovilla staff time; **TDA-DRP** = Texas Department of Agriculture Downtown Revitalization Program grants; **TPWD** = Texas Parks & Wildlife Department grants; **TxDOT-TA** = Texas Department of Transportation – Transportation Alternatives Program grants

FY 2025 (10/1/24 to 9/30/25)

Implementation Item	Action Item	Estimated Cost	Funding Source
<a href="#"><u>Apply to TPWD Recreational Trails Fund (January 2025) and/or Tx-DOT-Transportation Alternatives Program to install a nature trail on donated land near Red Oak Creek.</u></a>	<a href="#"><u>OC 1</u></a> <a href="#"><u>OC 3</u></a>	<a href="#"><u>Variable</u></a>	<a href="#"><u>GEN</u></a>
<a href="#"><u>Develop exhibits at park facilities to foster nature appreciation and to educate visitors about local flora, fauna, and geology. This can include community gardens and/or xeriscaped gardens.</u></a>	<a href="#"><u>OC 5</u></a>	<a href="#"><u>\$2,000</u></a>	<a href="#"><u>GEN; KTB; Local</u></a>
<a href="#"><u>Develop native grass and garden areas along Red Oak Creek and/or Little Creek to preserve habitat and encourage wildlife viewing.</u></a>	<a href="#"><u>OC6</u></a>	<a href="#"><u>\$2,000</u></a>	<a href="#"><u>GEN; Ellis County MGA; Local</u></a>
<b>Annual:</b> Continue "community work day" at parks to accomplish a portion of development using volunteer labor. Remove debris and dilapidated equipment from all park areas.	NC 8	< \$1,000	GEN; Local
<b>Annual:</b> Continue programming and festivals at public parks like movie night and the Heritage Festival. Earmark any proceeds from activities for use in park improvement projects.	NC 9	\$5,000- \$10,000	GEN; EDC; Local
<b>Annual:</b> Continue to budget sufficient funds for park maintenance and for future facility development.	NC 2 NC 3	\$45,000 ±	GEN

GEN = City of Ovilla municipal funds; EDC = Ovilla Economic Development Corporation; **Ellis County MGA** = Ellis County Master Gardner Club; KTB = Keep Texas Beautiful grants; **Local** = donation from private citizens, organizations, and local businesses; OYBA = Ovilla Youth Baseball Association; **Staff** = City of Ovilla staff time; TDA-DRP = Texas Department of Agriculture Downtown Revitalization Program grants; **TPWD** = Texas Parks & Wildlife Department grants; TxDOT-TA = Texas Department of Transportation – Transportation Alternatives Program grants

**FY 2026 (10/1/25 to 9/30/26)**

Implementation Item	Action Item	Estimated Cost	Funding Source
Conduct biennial review of shared-resources plan with local institutions to ensure all available area facilities can be utilized year-round.	NC 10	< \$1,000 (legal)	GEN; Local
Conduct biennial review of Parks & Recreation Master Plan to update inventory and priority needs lists.	NC 10	< \$1,000	GEN
Encourage development of indoor activities typically operated by private businesses such as a movie theater, bowling alley, roller-skating rink, gymnastics/twirling center, etc.	IC 1	Staff	GEN; EDC; Local
Encourage development of other outdoor activities typically operated by private businesses such as a skate park, equestrian facilities, miniature golf, bicycle-motocross, etc.	OC 20	Staff	GEN; EDC; Local
<b>Annual:</b> Continue "community work day" at parks to accomplish a portion of development using volunteer labor. Remove debris and dilapidated equipment from all park areas.	NC 8	< \$1,000	GEN; Local
<b>Annual:</b> Continue programming and festivals at public parks like movie night and the Heritage Festival. Earmark any proceeds from activities for use in park improvement projects.	NC 9	\$5,000-\$10,000	GEN; EDC; Local
<b>Annual:</b> Continue to budget sufficient funds for park maintenance and for future facility development.	NC 2 NC 3	\$45,000 ±	GEN

GEN = City of Ovilla municipal funds; EDC = Ovilla Economic Development Corporation; Ellis County MGA = Ellis County Master Gardner Club; KTB = Keep Texas Beautiful grants; Local = donation from private citizens, organizations, and local businesses; OYBA = Ovilla Youth Baseball Association; Staff = City of Ovilla staff time; TDA-DRP = Texas Department of Agriculture Downtown Revitalization Program grants; TPWD = Texas Parks & Wildlife Department grants; TxDOT-TA = Texas Department of Transportation – Transportation Alternatives Program grants

**FY 2027 (10/1/26 to 9/30/27)**

Implementation Item	Action Item	Estimated Cost	Funding Source
<u>Work with TPWD/Tx-DOT to install a nature trail on donated land near Red Oak Creek.</u>	OC 1 OC 3	<u>Up to \$240,000 + TxDOT Funds (variable)</u>	<u>GEN; EDC; TPWD (City contribution would be up to \$40,000 as 20% match); TXDOT-TA (20% match required)</u>
<b>Annual:</b> Continue “community work day” at parks to accomplish a portion of development using volunteer labor. Remove debris and dilapidated equipment from all park areas.	NC 8	< \$1,000	GEN; Local
<b>Annual:</b> Continue programming and festivals at public parks like movie night and the Heritage Festival. Earmark any proceeds from activities for use in park improvement projects.	NC 9	\$5,000-\$10,000	GEN; EDC; Local
<b>Annual:</b> Continue to budget sufficient funds for park maintenance and for future facility development.	NC 2 NC 3	\$45,000 ±	GEN

GEN = City of Ovilla municipal funds; EDC = Ovilla Economic Development Corporation; Ellis County MGA = Ellis County Master Gardner Club; KTB = Keep Texas Beautiful grants; Local = donation from private citizens, organizations, and local businesses; OYBA = Ovilla Youth Baseball Association; Staff = City of Ovilla staff time; TDA-DRP = Texas Department of Agriculture Downtown Revitalization Program grants; TPWD = Texas Parks & Wildlife Department grants; TxDOT-TA = Texas Department of Transportation – Transportation Alternatives Program grants

**FY 2028 (10/1/27 to 9/30/28)**

Implementation Item	Action Item	Estimated Cost	Funding Source
Conduct biennial review of shared-resources plan with local institutions to ensure all available area facilities can be utilized year-round.	NC 10	< \$1,000 (legal)	GEN; Local
Schedule creation of new Parks & Recreation Master Plan.	NC 11	\$10,000	GEN; CDBG
<b>Annual:</b> Continue "community work day" at parks to accomplish a portion of development using volunteer labor. Remove debris and dilapidated equipment from all park areas.	NC 8	< \$1,000	GEN; Local
<b>Annual:</b> Continue programming and festivals at public parks like movie night and the Heritage Festival. Earmark any proceeds from activities for use in park improvement projects.	NC 9	\$5,000- \$10,000	GEN; EDC; Local
<b>Annual:</b> Continue to budget sufficient funds for park maintenance and for future facility development.	NC 2 NC 3	\$45,000 $\pm$	GEN

**GEN** = City of Ovilla municipal funds; **EDC** = Ovilla Economic Development Corporation; **Ellis County MGA** = Ellis County Master Gardner Club; **KTB** = Keep Texas Beautiful grants; **Local** = donation from private citizens, organizations, and local businesses; **OYBA** = Ovilla Youth Baseball Association; **Staff** = City of Ovilla staff time; **TDA-DRP** = Texas Department of Agriculture Downtown Revitalization Program grants; **TPWD** = Texas Parks & Wildlife Department grants; **TxDOT-TA** = Texas Department of Transportation – Transportation Alternatives Program grants

## APPENDIX

City of Ovilla - Parks Survey (2018)

This survey is intended to gather information from residents for consideration in the development of a "Parks Master Plan" for the City of Ovilla. The Plan will form part of the City's 2018-2028 Comprehensive Plan.

1. Where do you live?

The City of Ovilla  
 Ellis County  
 Dallas County  
 Other (please specify city and state)

2. How many people in your home are in the following age groups, including you?

4 years & younger   
5-12 years-old   
13-18 years-old   
19-50 years-old   
51-65 years-old   
66+ years-old

3. Please indicate your age

4. Do you attend school? If so, which school do you attend?

5. What types of activities do the children in your family like to do? Select all that apply)

- Basketball
- Cross Country/Running
- Table Tennis
- Hunting/Shooting
- Football
- Swimming
- Martial Arts
- Baseball
- Tennis
- Boxing
- Soccer
- Golf
- Horseback Riding
- Softball
- Skateboarding
- Hiking
- Volleyball
- Gymnastics
- Walking
- Cheerleading
- Dance
- Bowling
- Track/Field
- Bicycling/BMX
- Fishing
- Other (Please describe):

6. What types of activities do the adults in your family like to do? Check the boxes for all that apply.

- Basketball
- Cross Country/Running
- Table Tennis
- Hunting/Shooting
- Aerobic Workouts
- Football
- Swimming
- Martial Arts
- Weight Lifting
- Baseball
- Tennis
- Boxing
- Soccer
- Golf
- Horseback Riding
- Softball
- Skateboarding
- Hiking
- Volleyball
- Gymnastics
- Walking
- Cheerleading
- Dance
- Bowling
- Track/Field
- Bicycling/BMX
- Fishing
- Other (Please describe):

7. Where do you and your family participate in sports and other recreational activities? (Select all that apply)

- |   |  |
|---|--|
| <input type="checkbox"/> Home   | <input type="checkbox"/> Ken & Sara Pritchett Park     |
| <input type="checkbox"/> Friend's Home  | <input type="checkbox"/> Silver Spur Park              |
| <input type="checkbox"/> School (fields/playgrounds)  | <input type="checkbox"/> Parks in other cities         |
| <input type="checkbox"/> Church / Temple / Mosque   | <input type="checkbox"/> YMCA/Gym in other cities      |
| <input type="checkbox"/> Around the neighborhood  | <input type="checkbox"/> Joe Pool Lake                 |
| <input type="checkbox"/> Heritage Park  | <input type="checkbox"/> Dogwood Canyon Audubon Center |
| <input type="checkbox"/> Cindy Jones Park   | <input type="checkbox"/> Bear Creek Nature Park        |
| <input type="checkbox"/> Other (Please describe any other parks in the region that you visit):<br><div style="border: 1px solid black; height: 20px; width: 100%;"></div> |  |

8. How often do you visit a park in Ovilla?

9. What, if anything, would lead you to visit a public park in Ovilla more often?

10. Do you feel that you can safely walk or ride a bike to the nearest park in Ovilla?

Walking

Biking

11. In your opinion, should existing parks/recreation spaces in Ovilla be updated?

- Yes  
 No  
 Not sure

If you answered 'Yes', what kind of improvements are needed?

12. What additional recreational facilities would you like to have in Ovilla? Please rate each facility according to how important you think it is (very, somewhat, or not important).

	Very important	Important	Not important	No opinion
Recreation Center	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Hike/Jogging/Bike Trail	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Disc Golf	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Splash Pad	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Swimming Pool	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Pavilion	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Outdoor Tennis Court	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Softball/Baseball Field	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Soccer Field	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Covered Picnic Area	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Outdoor Picnic Area	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Golf Course	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Playground	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Basketball Courts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Volleyball Courts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sidewalks	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Skate Park	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Public Garden	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

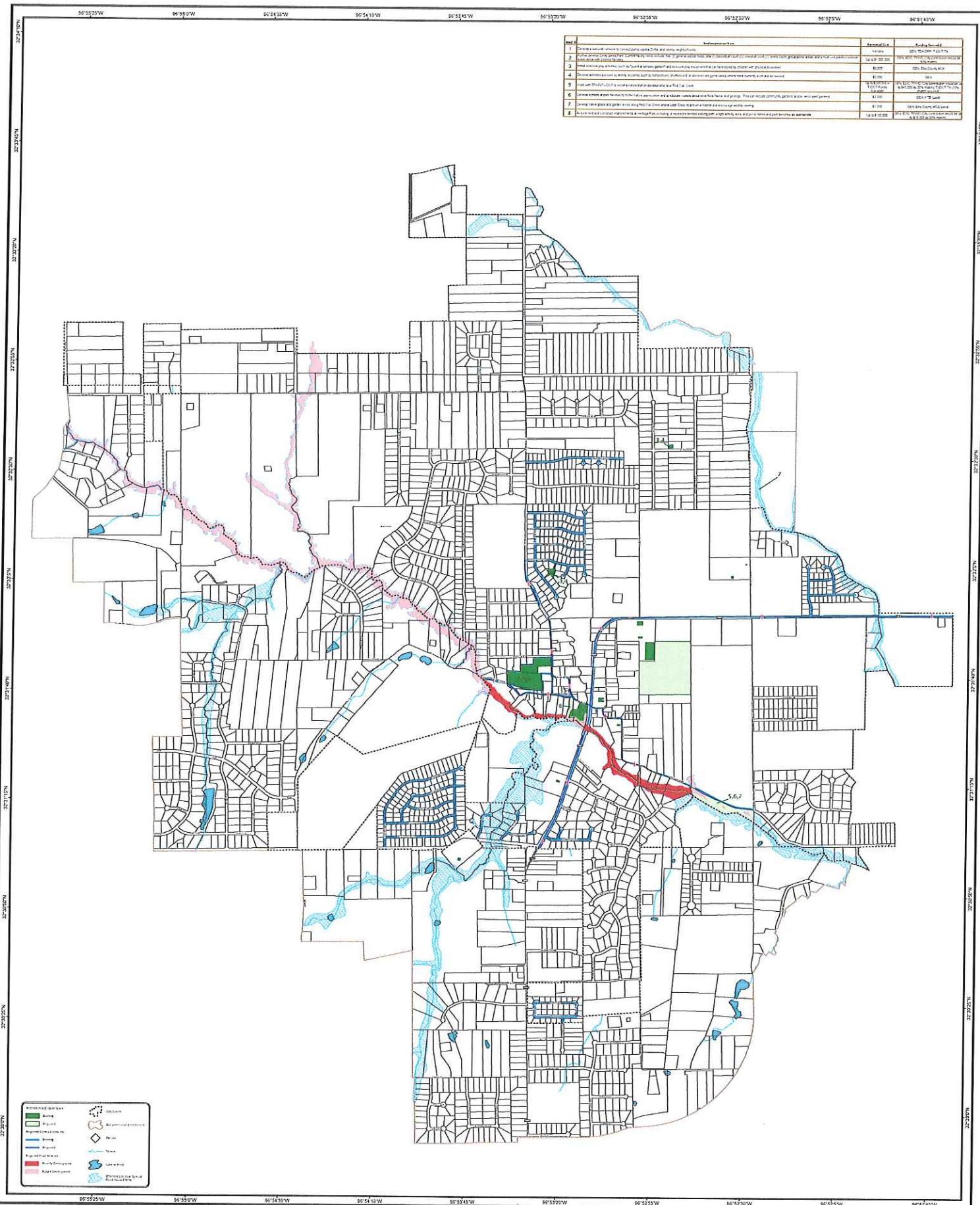
Please describe any other recreational facilities that you feel are very important:

13. What is your #1 priority for an additional recreation facility in Ovilla? If your priority is not listed, please select "Other" and list it in the comment box.

▼

14. What is your #2 priority for an additional recreation facility in Ovilla? If your priority is not listed, please select "Other" and list it in the comment box.

15. What is your #3 priority for an additional recreation facility in Ovilla? If your priority is not listed, please select "Other" and list it in the comment box.



2231 Northland Drive, Austin, TX 78755  
Phone (512) 420-0303 Fax (512) 420-0302

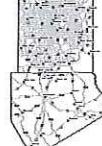
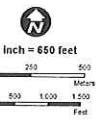
A map of the state of Texas, divided into county boundaries. A specific area within Tarrant County is highlighted with a pink rectangular box.

Texas StatePlane Zone 2  
North Central  
Projection: Lambert Conformal Conic  
GCS North American 1983  
Datum: NAD83

## **City of Ovilla**

## Parks & Recreation

June 2018



**Disclaimer**  
The views and conclusions contained in this document are those of the author(s) and should not be interpreted as representing the official policies, either expressed or implied, of the California Department of Education or the California State Board of Education. The document is intended to provide guidance and support for local educational agencies in the implementation of the California English Language Arts Framework. The document is not intended to be prescriptive, nor does it provide a detailed description of how local educational agencies should implement the Framework. The document is intended to be a resource for local educational agencies to use in developing their own local English Language Arts curriculum and instructional materials. The document is not intended to be a substitute for the English Language Arts Framework, which is the primary document for the implementation of the English Language Arts standards.

## AGENDA ITEM REPORT Item 5

Meeting Date: August 13, 2018

Department: Administration/Public Works

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted By: John R. Dean, Jr., CM

Amount: \$ N/A

Reviewed By:  City Manager  City Secretary  City Attorney

Accountant

B. Piland

### Attachments:

1. Downtown Founders Park Concept.

### Agenda Item / Topic:

ITEM 5. *DISCUSSION* – Receive presentation from the Park Board Chair on a Founders Park Concept Plan.

### Discussion / Justification:

During the June 18 Joint meeting between the Economic Development Corporation and the Park Board, three members volunteered to work on ideas for improvements to the downtown area. Park Board Chair Treadaway will lead the discussion.

If this is a plan the Council wishes to move further on, staff can return with a resolution to move forward with the naming of the downtown area and future plans. This concept follows the City's Strategic Plan, as well as the Parks Master Plan.

### Sample Motion(s):

Discussion only.

Westlawn Dr

Westlawn Dr

Westlawn Dr

Parking

S Cockrell Hill Rd

S Cockrell Hill Rd  
Smo Cus

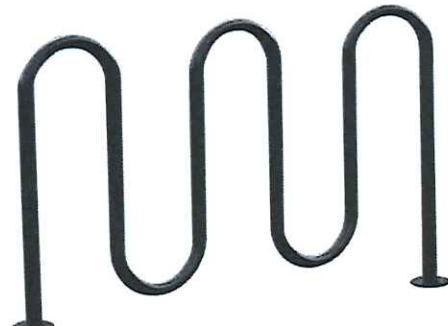
# Downtown "Founders Park" Concept





Connected Sidewalk Trail between  
“Founders Park” & Heritage Park

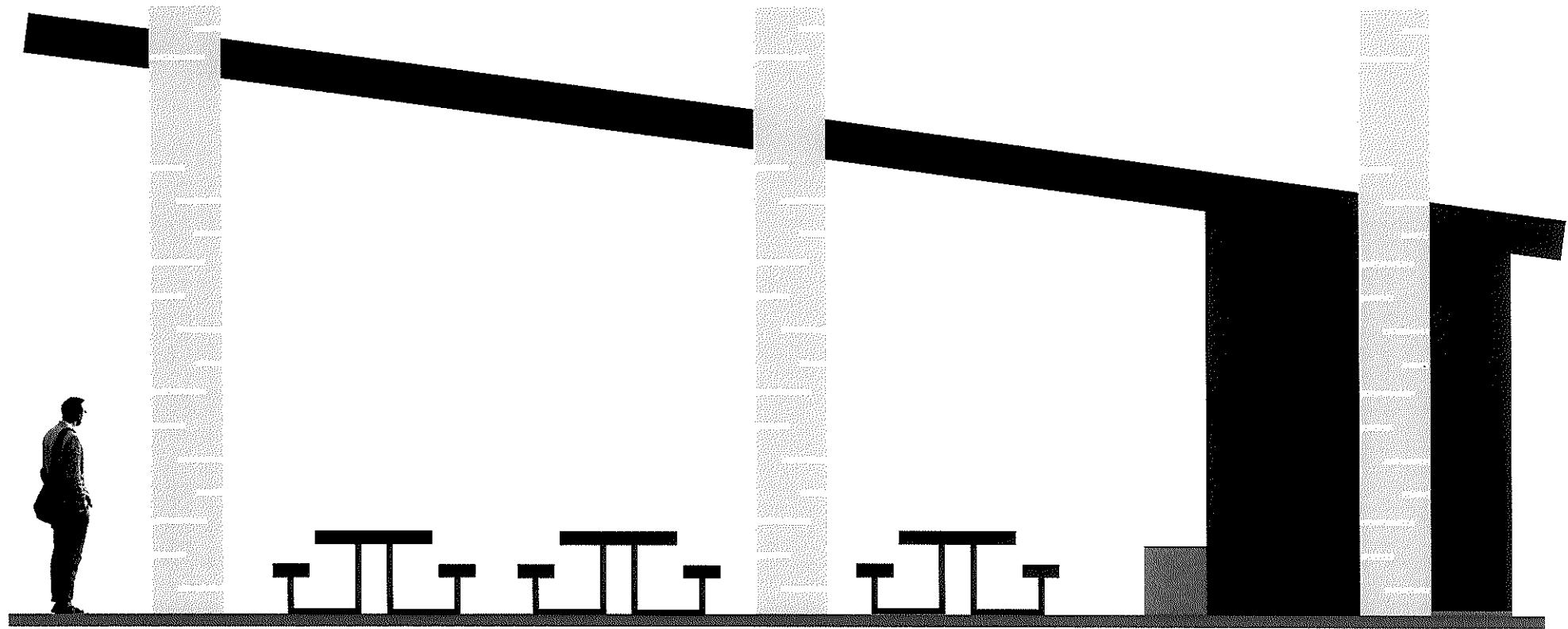
# Founders Park Equipment



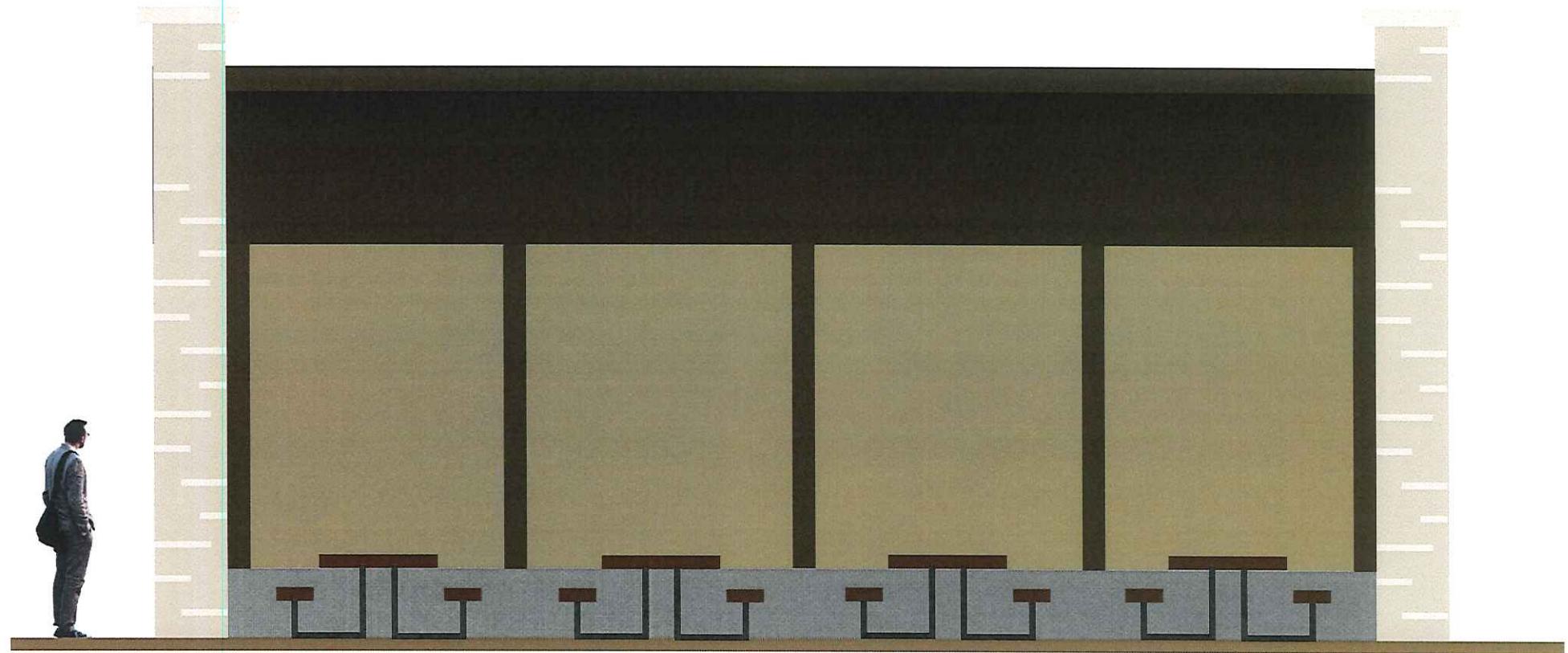


FOUNDERS PARK

# Founders Park Pavilion



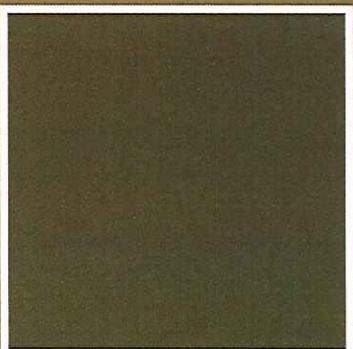
# Founders Park Pavilion



# Founders Park Historic Sign

## FOUNDED WITH FAITH

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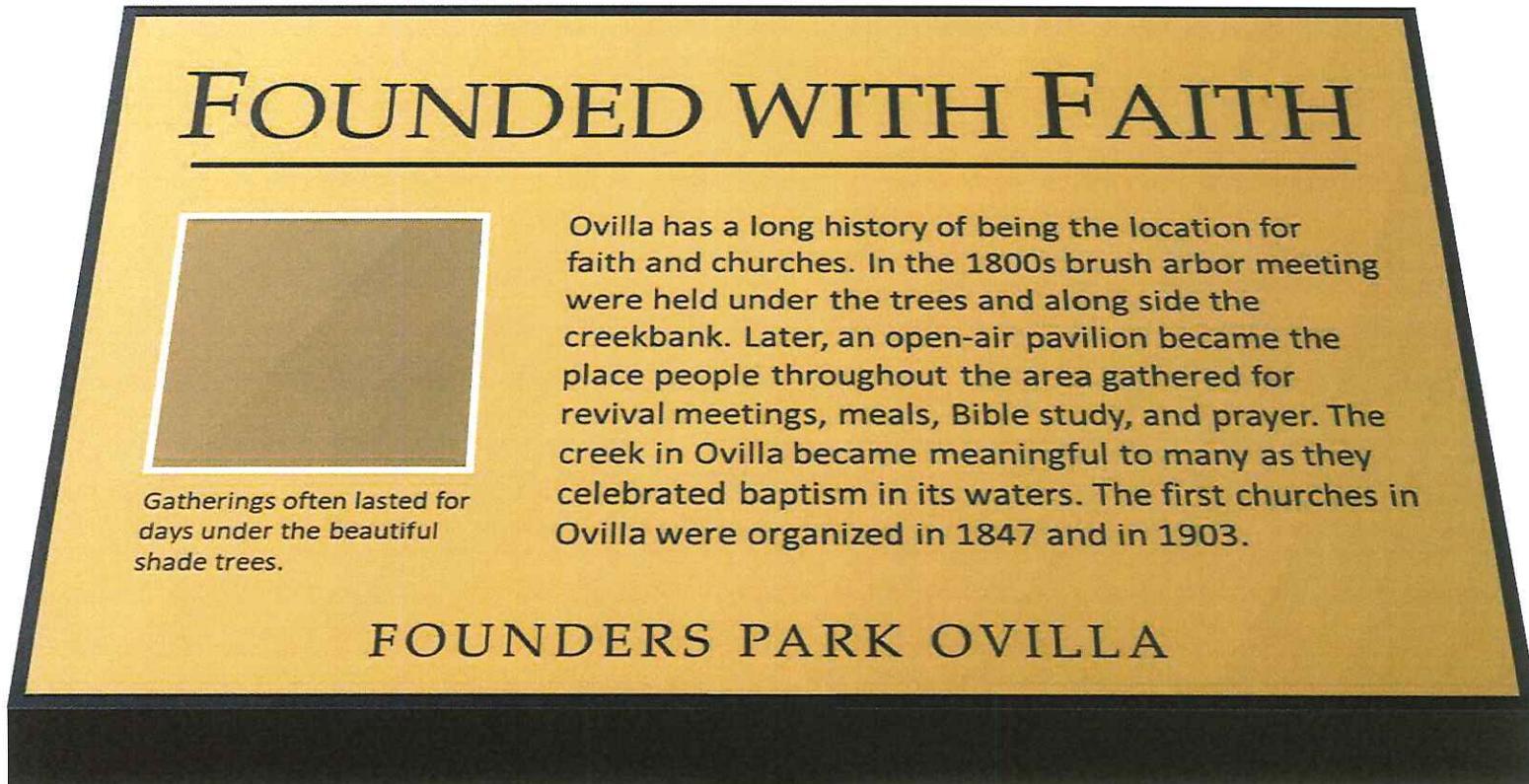


Gatherings often lasted for days under the beautiful shade trees.

Ovilla has a long history of being the location for faith and churches. In the 1800s brush arbor meetings were held under the trees and along side the creekbank. Later, an open-air pavilion became the place people throughout the area gathered for revival meetings, meals, Bible study, and prayer. The creek in Ovilla became meaningful to many as they celebrated baptism in its waters. The first churches in Ovilla were organized in 1847 and in 1903.

FOUNDERS PARK OVILLA

# Founders Park Historic Sign



## AGENDA ITEM REPORT Item 6

Meeting Date: August 13, 2018

Department: Administration/Public Works

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted By: John R. Dean, Jr., CM

Amount: \$ N/A

Reviewed By:  City Manager  City Secretary  City Attorney  
 Accountant  B. Piland

### Attachments:

None

### Agenda Item / Topic:

ITEM 6. *DISCUSSION* – Discuss possible Lariat Trail improvements (sidewalks and speed control devices) and direct staff as necessary.

### Discussion / Justification:

Staff was directed to research a possible sidewalk and speed control device options for Lariat Trail at the last regular City Council meeting.

Since that time, we have increased police presence on this street. The research we have done reveals the following:

Speed bumps are not an acceptable traffic control measure for this road. Speed humps are a better option. They are wider and lower than speed bumps. Estimates on speed humps are around \$7,000 each.

The City Attorney holds that there is no liability if signage is posted warning of speed bumps or humps. However, we do live in a litigious society and there are many cities that have been held liable for damage caused by these types of devices.

Research also indicates a complaint that arises from speed bumps and speed humps is the noise created when vehicles pass over them. The noise is a nuisance for those living near the bumps or humps.

To construct a sidewalk 5 feet wide for the length of Lariat would cost approximately \$175,000.

We do have a matching sidewalk grant program in which the City pays 50% of sidewalk improvements. We do not have funds allocated to this type of project in either the current or proposed budget.

### Sample Motion(s):

Direct staff as necessary.

## AGENDA ITEM REPORT

### Item 7

Meeting Date: August 13, 2018

Department: Administration/Code

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted By: John R. Dean, Jr., City Manager Amount: \$ N/A

Reviewed By:  City Manager  City Secretary  City Attorney  
 Accountant  Other: M. Dooly

#### Attachments:

1. Request and denied permit application
2. Sign description, size and placement diagrams
3. Excerpt from the Code, Chapter 3, Section 3.06.003 & 3.06.010

#### Agenda Item / Topic:

ITEM 7. **DISCUSSION/ACTION** – Consideration of and action on a request for a Meritorious Exception filed by Barnett Signs as authorized by Dollar General Store, located at 2885 Ovilla Road, Ovilla, TX, to install an illuminated commercial pole sign, placed in the right-of-way, pursuant to Chapter 3, Section 3.06.012 Nonconforming Uses, of the Ovilla Code of Ordinances, authorizing the city manager to approve a permit.

#### Discussion / Justification:

Applicant representative Jacob Capetillo with Barnett Signs, Inc. requests to replace a commercial illuminated pole sign on behalf of Dollar General Store, located at 2885 Ovilla Road.

Applicant proposes to place the sign in the right-of-way and use materials not allowed by Code.

Proposed Sign description: 10' W x 5' H (Height at 20')

Proposed Material: steel bars

Proposed placement: Right-of-way – 10' set back (Dollar Store entrance)

Duration: This sign is for permanent placement.

Current Zoning: Commercial

#### Excerpts from Ovilla Code: Section 3.06.003

##### **Sec. 3.06.003 Placement of Signs**

Restrictions. No person, firm, corporation or other entity shall erect, place or cause to be erected or place any sign on public property, including but not limited to, signs attached to any public utility pole or structure, streetlight, tree, fence fire hydrant, bridge, curb, sidewalk, park bench, in a public right-of-way...

##### **Sec. 3.06.012 Granting of exceptions**

(a) Generally. It is not the intention of these criteria to discourage innovation. It is entirely conceivable that signage proposals could be made that, while clearly nonconforming to this article and thus not allowable under these criteria, have obvious merit in not only being appropriate to the particular site or location, but also in making a positive contribution to the visual environment.

(b) Request for exception. Upon request of an interested party, the city council, upon recommendation by the administrative official, shall hear and shall seriously and fairly consider a request for a meritorious exception under this section.

**Recommendation / Staff Comments:**

**Sample Motion(s):**

I move that Council approve/deny a Meritorious Exception, as permitted by Section 3.06.012 of the Ovilla Code of Ordinances, filed by the Barrett Signs, Inc. as authorized agent to Dollar General Store, to construct a 10' x 5' illuminated pole sign at 10' set back at 2885 Ovilla Road, Ovilla, TX, authorizing the city manager to execute said permit.



Friday, July 06, 2018

Dollar General  
100 Mission Ridge  
Goodlettsville, TN 37072

To Whom It May Concern:

Dollar General is seeking a Meritorious Exception to install a pole sign at the address of 2885 Ovilla Road, Ovilla, Texas. We authorize Barnett Signs as the acting agent/representative.

Thanks,

*Francine Fort*

Francine Fort  
Construction Operations Specialist  
Dollar General Corporation  
(615) 855-4637

Save time. Save money. Every day!

## Pam Woodall

---

**From:** Mike Dooly  
**Sent:** Thursday, May 31, 2018 9:07 AM  
**To:** Amanda@barnettsigns.com  
**Cc:** Pam Woodall  
**Subject:** Meritorious Exception Sign

LP Texovilla – Permit #2017-6030 for 2885 Ovilla Road Dollar General has been denied, Pole signs are not allowed within the City of Ovilla unless a Meritorious Exception from the City of Ovilla City Council has been obtained. Please make a request for a Meritorious Exception for your sign to City Secretary Pam Woodall. You can do this by sending an email or a written request. This Exemption is required before permit can be issued. The ordinance is listed below.

### Sec. 3.06.011 Nonconforming uses

- (a) Generally. A sign lawfully existing or under construction on the effective date of this article which does not conform to one or more of the provisions of this article may be continued in operation and maintained as a legal nonconforming sign. A nonconforming sign shall be allowed to remain until such time as:
- (1) The sign is abandoned;
  - (2) The property owner or tenant changes or alters the sign in any manner other than by normal maintenance to the configuration existing at the time of enactment of this article; or
  - (3) It is determined by the administrative official that the sign is a threat to health, safety, or welfare of the citizens and/or is a public nuisance.
- (b) Repair of sign. A nonconforming sign which has been blown down or otherwise destroyed by wind, fire or damages from any other source may be repaired, if the sign is not abandoned, provided that the cost of repairing the sign is 60 percent of the cost of erecting a new sign of the same type at the same location, or less. If the cost of repairing the sign is more than 60 percent of the cost of erecting a new sign of the same type at the same location, the sign may not be altered, reconstructed, repaired or replaced, and the owner shall remove the sign or bring it into compliance with this article.
- (c) Maintenance. Normal maintenance operations may be performed on the sign. If a sign is dismantled for any purpose other than an alteration or maintenance operation permitted hereunder, the sign may not be altered, reconstructed, repaired or replaced, and the owner shall remove the sign or bring it into compliance with this article.



*Commercial Sign*  
~~Residential Building Permit~~  
**Application**  
**City of Ovilla**

105 S. Cockrell Hill Rd., Ovilla, TX 75154  
Phone: (972) 617-7262 | Fax: (972) 515-3221

Building Permit #	2018-6164	Valuation:	\$8,500.00	
Zoning:		Valuation w/	\$75,000.00	
Project Address:	2885 OVILLA RD	Land:		
Lot:	1	Block:	A	Subdivision:
<b>Project Description:</b>				
New SFR	No	Flatwork		
Plumbing/Electrical	No	Accessory Building		
Swimming Pool	No	Sprinkler		
SFR Remodel/Addition		Fence		
Other		Specify Other:		
Proposed Use:	Site identification			
Description of Work:	Install illuminated pole sign at 10' setback			
<b>Area Square Feet:</b>				
Living:		Garage:	Covered Porch:	
Total:	0.00			
# of Stories:				

**Homeowner Details**

Name: LP TEXOVILLA  
Address: 7245 ROXANNE LN, ROHNERT PARK, CA 94928  
Phone # Email:

**Applicant Details**

Applicant Type: Agent  
Name: Jacob Capetillo  
Address: 4250 Action DR Mesquite, TX 75150  
Phone # (972) 681-8800 Email: jacob@barnettsigns.com



# Building Permit

## City of Ovilla

---

P.O. BOX 5047, Ovilla, TX 75154  
Phone: (972) 617-7262 | Fax: (972) 515-3221

Permit No. 2018-6164

**Location:** 2885 OVILLA RD

**Description:** Install illuminated pole sign at 10' setback

**Owner:** LP TEXOVILLA

**Date Issued:**

**Building Inspector:** \_\_\_\_\_

**This Permit To Be Posted In Conspicuous Place On Site**

**General Contractor Details**

License # 16034

Name: Jacob Capetillo

Phone # (972) 681-8800 Email: jacob@barnettsigns.com

**Mechanical Contractor Details**

License #

Name:

Phone # Email:

**Electrical Contractor Details**

License # 16034

Name: Barry Barnett

Phone # (972) 681-8800 Email: jacob@barnettsigns.com

**Plumber/Irrigator Details:**

License #

Name:

Phone # Email:

---

Applicant's Signature

***Office Use Only:***

Approved By :		Date approved:	
City Manager:		Date Approved:	

Plan Review Fee: \$0.00

Total Fees: \$0.00

Building Permit Fee: \$0.00

Issued Date:

Park Impact Fee: \$0.00

Expiry Date:

Capital Recovery Fee: \$0.00

Issued By:

Fire Meter: \$0.00

BV Project #

Water Meter Cost: \$0.00

Water Impact: \$0.00

Sewer Connection Fee: \$0.00

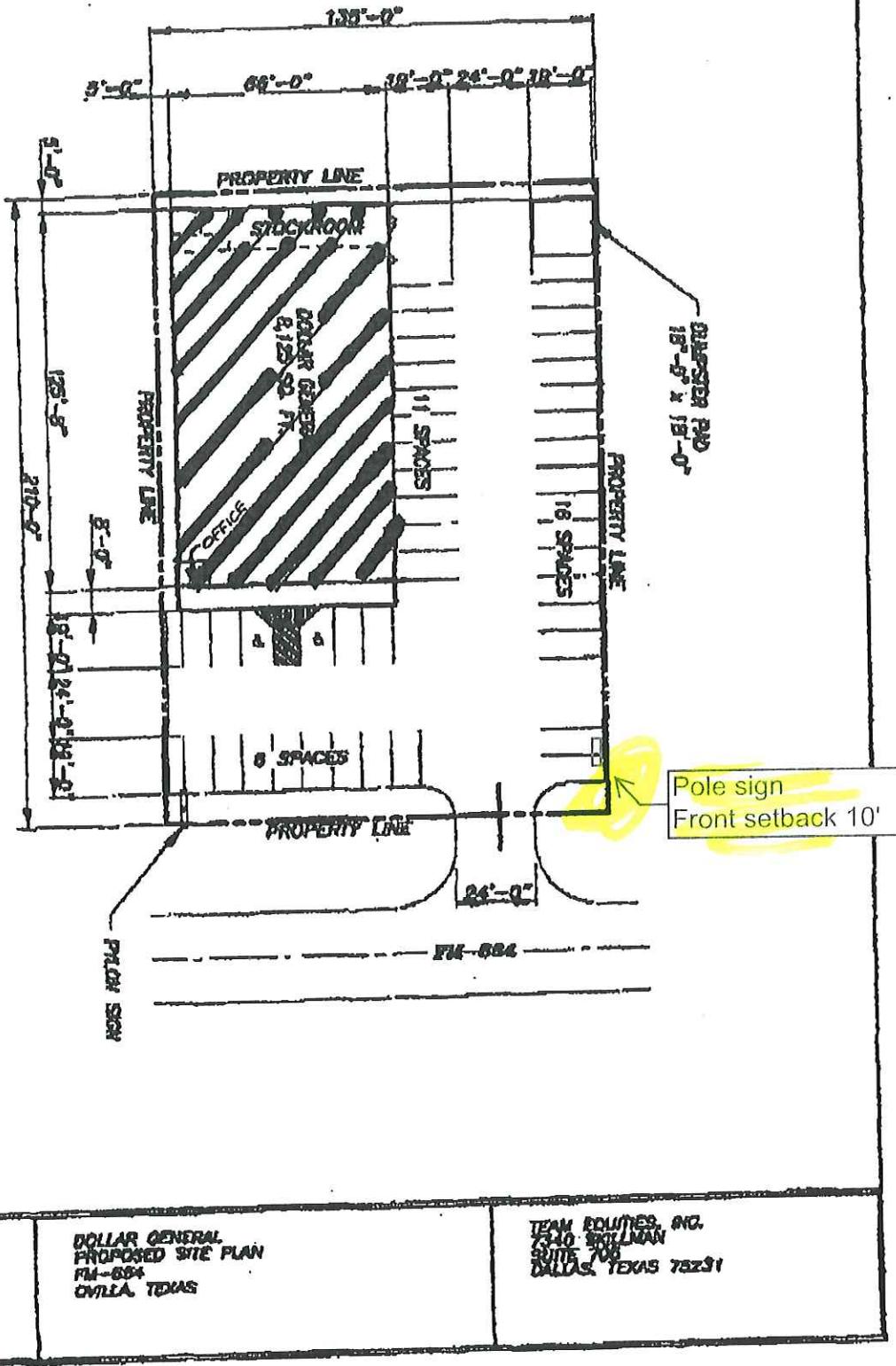
Sewer Impact: \$0.00

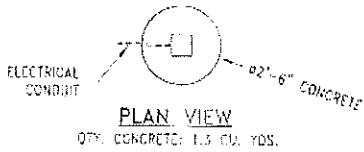
Exhibit "B"

OVILLA, TX  
OK 10/20/03  
West W. Naples  
3 Bts Psp(6) 8.125 R. 1/4



SITE PLAN FOR THIS PROPERTY IS BASED  
ON INFORMATION PROVIDED BY THE PURCHASER  
OF SAID PROPERTY. PLAN ACCURACY DEPENDS  
ENTIRELY UPON INFORMATION PROVIDED AND IS  
MADE WITHOUT BENEFIT OF TOP SURVEY.  
IMPOSED BUILDING SET-BACK AND UNTILY EASEMENTS  
INCLUDES ANY OTHER TYPE OF EASEMENT  
THAT AFFECTS THE PROPERTY UTILIZATION  
AND ANY COSTING UTILITIES (CITY WATER, SEWER, ETC.)





10'-0 1/2" SIGN



HSS 4" x 2" x 1/4" ASTM A-500 Gr. B

JUNCTION BOX

HSS 8" x 8" x 3/16" ASTM A-500 Gr. B  
EMBEDDED IN FOOTING TO WITHIN 6" OF  
BOTTOM TO CREATE CONCRETE COVER  
UNDER POLE

GRADE

PER  
LOCAL CODE  
ELECTRICAL  
CONDUIT

6" CLEAR

ELEVATION VIEW

**SIGN MOUNTING PLATE DETAIL**  
3/4" ASTM A-36 STEEL

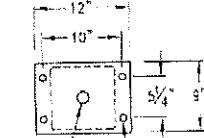


3/4" x 5" (2) GUSSETS  
1/2" ASTM A-36 STEEL

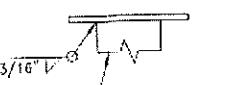
27/8" (4) FOR #3/4"  
ASTM A-325 BOLTS,  
NUTS & WASHERS

HSS 4" x 2" x 1/4"  
POLE PLATE GUSSETS

12" 10" 5 1/4" 8"



27/8" (4) FOR #3/4"  
ASTM A-325 BOLTS,  
NUTS & WASHERS



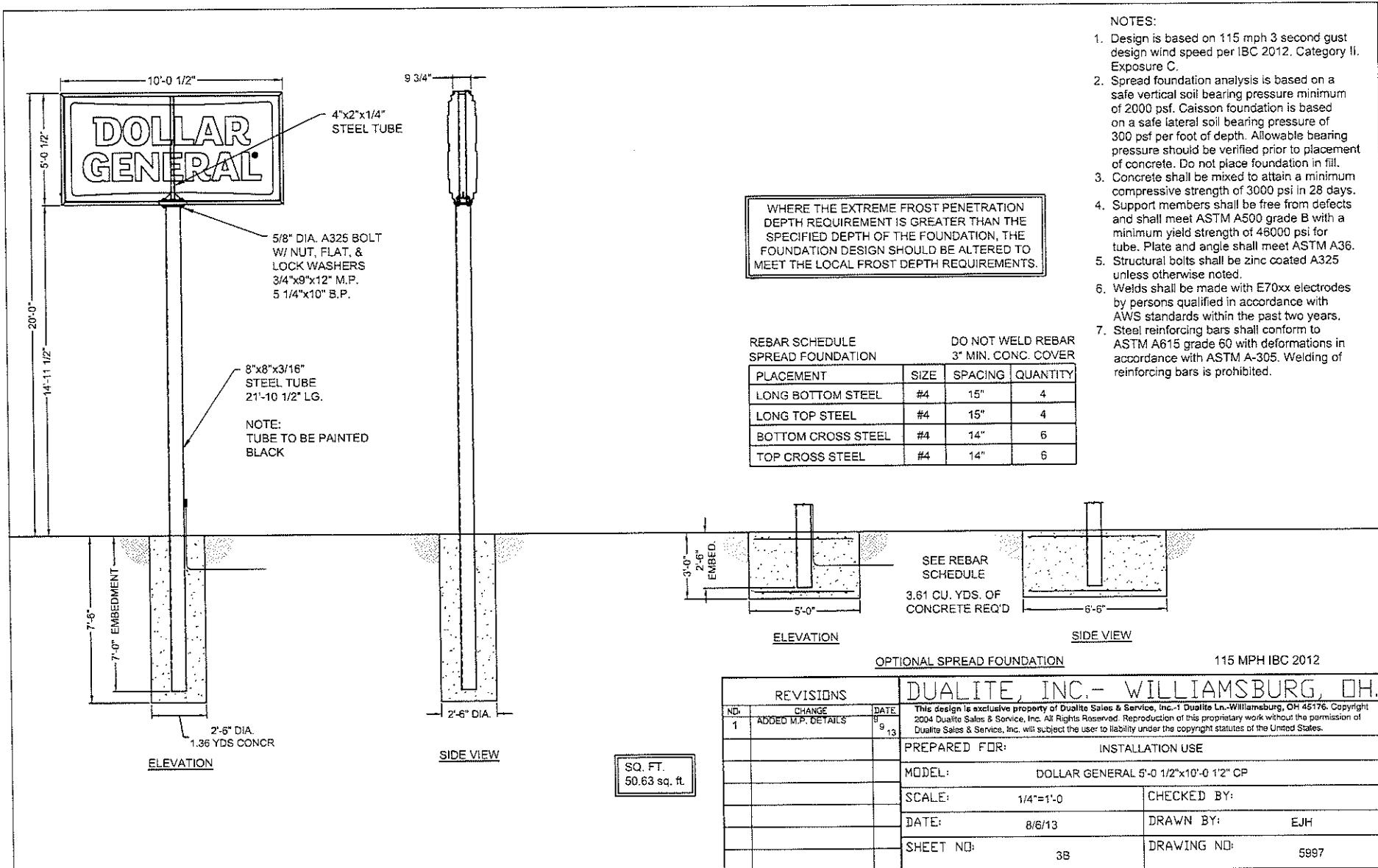
3/16" HSS 8" x 8" x 3/16"  
POLE TOP PLATE DETAIL  
3/4" ASTM A-36 STEEL



**SITE:**  
Dollar General  
Location No. 06298  
2885 Ovilla Road  
Ovilla, Texas 75154

4/04/2017	RELEASED FOR PERMITTING	J. HORN
REV. DATE	CLERK	APPROVED

**FOUNDATION DESIGN NOTES:**  
1. Concrete shall have a minimum compressive strength of 3000 PSI at 28 days.  
2. Footings designed using soil bearing forces of 2000 PSF Static, 2500 PSF Dynamic, and 250 PSF per foot lateral. If these soil conditions do not exist, it is the Erector's responsibility to have a new base designed for the existing.



## AGENDA ITEM REPORT

### Item 8

Meeting Date: August 13, 2018

Department: Administration/Code

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted By: John R. Dean, Jr., CM

Amount: \$ N/A

Reviewed By:  City Manager  City Secretary  City Attorney  
 Accountant  M. Dooly

#### Attachments:

1. SUP application documents.
2. Planning and Zoning Commission recommendation report.

#### Agenda Item / Topic:

ITEM 8. **DISCUSSION/ACTION** – Receive recommendation report from the Planning and Zoning Commission to consider and act on a request filed by Pamilee Koval as authorized by Thomas Waites, owner of property located at 713 W. Main Street, Ovilla, TX, for a Specific Use Permit to add a detached gazebo to the existing framed storage building known as *Snow Place Like Home*, authorizing the city manager to approve a permit.

#### Discussion / Justification:

Applicant has added a detached gazebo next to the existing framed-storage building, permitted to sell snow-cones.

Section 27.2 of the Code does not allow building or structure to be erected without a SUP and/or permit.

Section 24 – H of the Historic District specifies certain materials in the Historical Overlay District for exterior buildings:

1. Traditional materials of similar buildings in Ovilla
2. Wood, limestone, field stone, brick
3. New designs should be of historic styles and designs.

The Planning and Zoning Commission considered this item during their August 06 Regular meeting and provided a recommendation report for approval.

#### Sample Motion(s):

I move to approve/deny the request filed by Pamilee Koval as authorized by Thomas Waites, owner of property located at 713 W. Main Street, Ovilla, TX, for a Specific Use Permit to add the already constructed detached gazebo to the existing framed storage building known as *Snow Place Like Home*, authorizing the city manager to approve a permit.

**REQUEST FOR AN APPEARANCE / PUBLIC HEARING**  
**THE CITY OF OVILLA, TEXAS \*\* CITY COUNCIL**  
**- REQUEST FOR SPECIFIC USE PERMIT -**



**SPECIFIC USE PERMIT CHECK LIST COVER SHEET**

*Please provide the following information/items as part of your submittal packet:*

CURRENT SURVEY / SITE PLAN ATTACHED

PROPERTY OWNER'S NAME, MAILING ADDRESS AND CONTACT INFORMATION

Name:	<u>Ramiree Karel</u>
Address:	<u>713 w. Main, Ovilla</u>
Contact Info.:	<u>469.323.1407</u>
Email:	<u>Karelram@yahoo.com</u>

RECEIPT SHOWING ALL PROPERTY TAXES PAID – ATTACHED.

EXISTING ZONING Commercial

TITLE BLOCK LISTING OF / COMPLETE LEGAL DESCRIPTION OF PROPERTY  
OF PROPOSED SPECIFIC USE PERMIT.

PROPOSED USE OF PROPERTY (if other than current use).

SIZE OF PROPERTY 1.06 ACRES

PAID RECEIPT ATTACHED - # \_\_\_\_\_

DATE RECEIVED AT CITY HALL OFFICE: 7-2-18 RECEIVED BY: JF

Mayor Richard Dormier DAVID GRIFFIN  
Mayor Pro-Tem Doug Hunt DOUG HUNT  
Council Members – Rachel Huber\*Dean Oberg\*David Griffin\*Michael Myers DOUG HUNT  
City Manager John R. Dean, Jr.

INSTRUCTIONS AND REGULATIONS  
FOR COMPLETING THE  
APPLICATION PROCEDURE FOR



**SPECIFIC USE PERMIT**

The instruction pages are provided for your information and aid in filling out this **SPECIFIC USE PERMIT** request. It is not to be considered legal advice. City employees are not permitted to give legal advice in this matter.

**DEFINITION** from the Ovilla Code of Ordinances: The use of any building, structure, or land not specifically allowed by district regulations, but permitted as a specific use in accordance with Chapter 14 Specific Use Permits.

No special use shall be erected, used, altered, occupied nor shall any person convert any land, building or structure to such a use unless a **Specific Use Permit** has been issued by the City Council. The granting of a **Specific Use Permit** shall be done in accordance with the provision for amendment of the Ovilla Comprehensive Zoning Ordinance.

An application for a **Specific Use Permit** shall be filed with the administrative official on city application forms. The application shall be accompanied with the following:

1. A completed application form signed by the property owner;
2. An application fee as established by the city's latest adopted schedule of fees;
3. A certificate stating that all city and school taxes have been paid to date;
4. A property description of the area where the **Specific Use Permit** is proposed to apply;
5. A site plan complying with the requirements stated in this section which will become a part of the **Specific Use Permit**, if approved; and
  - a. A site plan shall contain, at a minimum the following information:
    - i. The boundary lines and dimensions of the property, existing subdivision lots, available utilities, easements, roadways, sidewalks, emergency access easements, and public rights-of-way.
    - ii. Topography of the property proposed for development in contours of not more than two feet, apart with any proposed grade elevations, if different from

*Mayor Richard Dormier \* Mayor Pro-Tem Doug Hunt*

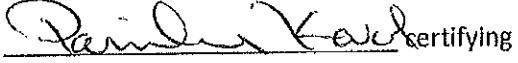
*Council Members – Rachel Huber \* Dean Oberg \* David Griffin \* Michael Myers*

existing elevations. (Note: If the natural contour of the land is to be altered or changed in any location on the property more than four (4) feet, the site plan must provide detailed information on the proposed grading plan. This information shall include the correlation of the proposed grading plan to the surrounding properties and the use of those surrounding properties and shall include information indicating the drainage and the line of sight effect the proposed grading plan will have on the surrounding properties.

- iii. One-hundred year flood plains, water courses, marshes, drainage areas, and other significant environmental features including, but not limited to, rock outcroppings and major tree groupings. Topographic and drainage map information provisions may be waived by the reviewing body when the inclusion of such data would not materially contribute to the necessary evaluation of the project petition.
- iv. The location of existing trees with indication as to those to be preserved.
- v. The location and proposed uses of all existing and proposed buildings or structures, including all refuse storage areas, and the minimum distance between buildings. Where building complexes are proposed, the location of each building and the minimum distances between buildings, and between buildings and the property line, street line, and/or alley shall be submitted. For buildings more than one (1) story in height, elevations and/or perspective drawings shall be required in order that the relationship of the buildings to adjacent property, open spaces, and to other features of the development plan may be determined. Such drawings need to indicate the square footage, the height, number of floors and exposures for access, light, and air. A designation of the maximum building coverage of the site shall be indicated on the site plan.
- vi. Total number, location, and arrangement of off-street parking and loading spaces, where required. The plan should include a table of the required and proposed off-street parking and off-street loading spaces with the building area. The number, layout, and design of all handicapped accessible parking spaces shall comply with the current requirements of the Americans with Disabilities Act (ADA) and the Texas Accessibility Standards (TAS).
- vii. All points of vehicular ingress, egress, and circulation within the property and all special traffic regulation facilities proposed or required to assure the safe function of the circulation plan.
- viii. Setbacks, lot coverage, and when relevant, the relationship of the setbacks provided and the height of any existing or proposed building or structure.
- ix. The location, size, and arrangement of all outdoor signs, exterior auditory speakers, and lighting.
- x. The type, location, and quantity of all plant material used for landscaping, and the type, location, and height of fences or screening and the plantings around

*Mayor Richard Dormier \* Mayor Pro-Tem Doug Hunt*

*Council Members – Rachel Huber \* Dean Oberg \* David Griffin \* Michael Myers*

- them. When necessary to protect the public health, safety, or welfare, the City Council or the Planning and Zoning Commission may require landscaping and screening requirements to be in place prior to the start of construction pursuant to an approved site plan.
- xi. Where multiple types of land uses are proposed, a delineation of the specific areas to be devoted to various land uses.
  - xii. Vicinity map, north point, scale, name of development, name of owner, name of planner, total acreage of project, and street address or common description of the property.
  - xiii. Current land uses and zoning district of the property and current land uses and zoning districts of contiguous properties and buildings on the exterior of the site and within twenty-five (25) feet of all property lines.
  - xiv. Existing buildings on the exterior of the site and within one-hundred (100) feet of all property lines.
  - xv. The location and size of existing and proposed surface and subsurface drainage facilities, including culverts, drains, and detention ponds, showing size and direction of flow.
  - xvi. The number of square feet of the property after construction which will constitute impervious area or impervious surface and vegetated areas.
  - xvii. Roadway speeds and distances of adjacent driveways from all proposed driveways and streets.
  - xviii. Architectural drawings, such as elevations, concept sketches or renderings depicting building types and other significant proposed improvements including the treatment and use of open spaces, etc. where the submission of such drawings would more clearly portray the nature and character of the applicant's land use and development proposals.
  - xix. Legal description of the total site area proposed for rezoning, development or specific use permit.
  - xx. Signature and title of the applicant,  certifying the information presented in the plans, and supporting documents reflect a reasonably accurate portrayal of the nature and character of the applicant's proposals.
6. Any other material and/or information as may be required by the Planning and Zoning Commission, the City Council or the administrative official to fulfill the purpose the subsection of Ovilla's Comprehensive Zoning Ordinance and to ensure that the application is in compliance with the ordinances of the City.

7. TIME LIMIT:

A **Specific Use Permit** shall become null and void unless construction or use is substantially underway within one year of the granting of the permit, unless an extension of time is approved by the City Council.

*Mayor Richard Dormier \* Mayor Pro-Tem Doug Hunt*

*Council Members ~ Rachel Huber \* Dean Oberg \* David Griffin \* Michael Myers*

DATE: 7-2-18

Case No. PZ 201718.07

## REQUIRED FORMS FOR A **SPECIFIC USE PERMIT**

To the

**OVILLA PLANNING & ZONING COMMISSION / OVILLA CITY COUNCIL**

**CITY OF OVILLA**

§

**COUNTY OF ELLIS**

**STATE OF TEXAS**

§

**TO THE HONORABLE PLANNING & ZONING COMMISSION / CITY COUNCIL**

Property description (Attach field notes if necessary):

Lot No. \_\_\_\_\_

Property Address 713 W. Main

Block No. \_\_\_\_\_

Ovilla Tx 75154

Property Zoned \_\_\_\_\_

OWNER OF PROPERTY

Thomas Waits

APPLICANT

Pamilee Kase

SPECIFIC USE PERMIT

Awnings -



Case No. PZ18.07

The Applicant/Owner, Pamilee Kavel, of Ellis County, requests that the Ovilla Planning & Zoning Commission grant the following SPECIFIC USE to Chapter           , Section 27., Paragraph 2 of the Ovilla City Code. Please state in detail what type of SPECIFIC USE you are seeking, attach additional sheets if necessary.

Covering from Sun and rain.  
for "Snow Place like Home".

Has a previous appeal been filed on this property? YES / NO

If YES, when was the previous appeal filed? \_\_\_\_\_



## CONDITIONS NECESSARY FOR GRANTING A **SPECIFIC USE PERMIT**

Please state in detail how the conditions necessary for the granting of a **SPECIFIC USE** have been met in this case. Attach additional sheets if necessary or place N/A if not applicable to your request.

**CONDITION 1:** The proposed use complies with all of the requirements of the zoning district in which the property is located.

yes

**CONDITION 2:** The benefits that the city gains from the proposed use outweigh the loss of or damage to any homes, businesses, natural resources, agricultural lands, historical or cultural landmarks or sites, wildlife habitats, parks or natural, scenic or historical features of significance, and outweigh the personal and economic cost of any disruption to the lives, businesses and property of individuals affected by the proposed use.

yes

**CONDITION 3:** Adequate utilities, road access, drainage and other necessary supporting facilities have been or shall be provided.

yes

**CONDITION 4:** The design, location and arrangement of all public and private streets, driveways, parking spaces, entrances and exits shall provide for a safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments.

yes

**CONDITION 5:** The issuance of the *Specific Use Permit* does not impede the normal and orderly development and improvement of neighboring vacant property.

Yes

**CONDITION 6:** The location, nature and height of buildings, structures, walls and fences are not out of scale with the neighborhood.

Y ok

**CONDITION 7:** The proposed use will be compatible with and not injurious to the use and enjoyment of neighboring property, not significantly diminish or impair property values within the vicinity.

Yes

**CONDITION 8:** Adequate nuisance prevention measures have been or shall be taken to prevent or control offensive odors, fumes, dust, noise, vibration and visual blight.

Yes

**CONDITION 9:** Sufficient on-site lighting is provided for adequate safety of patrons, employees and property, and such lighting is adequately shielded or directed so as not to disturb or adversely affect neighboring properties.

Yes

**CONDITION 10:** There is sufficient landscaping and screening to ensure harmony and compatibility with adjacent properties.

Yes

Case No. PZ18.07

**CONDITION 11:** The proposed operation is consistent with the applicant's submitted plans, master plans, projections, or, where inconsistencies exist, the benefits to the community outweigh the costs.

yes

**CONDITION 12:** The proposed use is in accordance with the Comprehensive Land Use Plan.

yes

**ADDITIONAL CONDITIONS:**

In authorizing a **Specific Use Permit**, the Planning and Zoning Commission may recommend, and the City Council may impose additional reasonable conditions necessary to protect the public interest and the welfare of the community. The City Council may provide that the **Specific Use Permit** will only be valid for certain duration.

*All conditions are required to be met in order for the Planning & Zoning Commission recommend your **SPECIFIC USE** to the City Council. Failure to state how your **SPECIFIC USE** request meets these conditions in your application will result in its return without being submitted to the Planning & Zoning Commission.*



## Section 24 - "H" Historical Overlay District

- A. Massing. A building should be of appropriate human-scale, with mass and size similar to those in the adjacent blockface or within the historic overlay district.
- B. Height. The height of finished floor from grade should be similar to traditional houses in the vicinity, and should be sufficient to suggest a traditional pier-and-beam foundation.
- C. Roof Height. The height of the cornice and the roof ridge(s) should also fit within the range of dimensions of traditional or historic residences in the district.
- D. Roof Form. Roof forms should be sloping, either hipped or gabled, with an eave overhang dimension that reflects traditional roof conditions.
- E. Building Materials. Exterior building materials shall reflect the traditional materials of similar buildings in Ovilla: wood siding (horizontal lap or novelty siding); limestone or field stone in traditional dimensions and tooling, or brick in traditional dimensions.
- F. Design. New buildings should be designed so that the façade's organization closely relates to surrounding or similar buildings.
- G. Windows. Spacing and size of window and door openings should be similar to their historic counterparts, as should the proportion of window to wall space.
- H. Historic Style. New designs should draw upon the traditions of historic styles and designs in the community, but should be seen as products of their own time while being compatible with the historic environment of the neighborhood or community.

### 24.5 SITE PLAN REQUIREMENTS

A site plan shall be required for any building construction located within the Core Historical Area. A building permit shall not be issued for any such construction until the site plan and a specific use permit has been approved by the City Council upon recommendation by the Planning and Zoning Commission. Building permits for non-substantive construction and improvements, as determined by the City Administrator, may be approved administratively.

Certain land uses, because of their nature and location, are not appropriate for categorizing into installations, such as colleges and universities, institutions, community facilities, zoos, cemeteries, country clubs, show grounds, drive-in theaters and other unusual land uses not specifically provided for in this chapter. To provide for the proper handling and location of such specific uses, provision is made for amending this Ordinance to grant a permit for a specific use in a specific location. This procedure for approval of a specific use permit includes a public hearing. The ordinance granting a specific use permit may provide for certain restrictions and standards for operation. The indication that it is possible to grant a specific use permit as noted elsewhere in this ordinance does not constitute a grant of privilege for such use, nor is there any obligation to approve a specific use permit unless it is the finding of the Planning and Zoning Commission and City Council that such a special use is compatible with adjacent property uses and consistent with the character of the neighborhood.

## 27.2 PERMIT REQUIRED

No special use shall be erected, used, altered, occupied nor shall any person convert any land, building or structure to such a use unless a specific use permit has been issued by the City Council. The granting of a specific use permit shall be done in accordance with the provisions for amendment of this zoning ordinance.

## 27.3 APPLICATION PROCEDURE

An application for a specific use permit shall be filed with the administrative official on a form prepared by the city. The application shall be accompanied by the following:

- A. Execution. A completed application form signed by the property owner;
- B. Fee. An application fee as established by the city's latest adopted schedule of fees;
- C. Tax Certificate. A certificate stating that all city and school taxes have been paid to date;
- D. Property Description. A property description of the area where the specific use permit is proposed to apply;
- E. Site Plan. A site plan complying with the requirements stated in this section which will become a part of the specific use permit, if approved; and
- F. Additional Requirements. Any other material and/or information as may be required by the Planning and Zoning Commission, the City Council or the administrative official to fulfill the purpose of this subsection and to ensure that the application is in compliance with the ordinances of the city.





6.8.2018 17:05

S 00°52'31" E 210.74'

ASPHALT PAVEMENT

CRAGEL DRIVE

GARAGE

1.0172 ACRES  
(VOL. 544, PG. 305 DRECT)

ONE STORY  
FRAME  
713 MAIN  
STREET

FRAME STORAGE  
BUILDING

CHAIN LINK FENCE

awning.

FND 1/2" S.R.

13.34'

47.88'

T  
2"  
R

115.48'

33.40'

711 MAIN  
100F LODGE  
VOL 469 pg

DR

Deed records, Ellis County, Texas,  
0.482 acre Tract B of land descr  
Public Records, Ellis County, Texas:  
contiguous and hereinafter consid  
particularly described as follows:

BEGINNING at a PK Nail set in the  
) for the northeast corner of this  
acre Tract B, and said point also  
1.0172 acres tract as described in

THENCE S 00°52'31" E, 210.74' feet  
west line of this tract and along ti  
for a 1/2" steel rod set for the so  
said 0.482 acre Tract B, said p  
said 1.0172 acres tract, and also t  
0.796 acres tract as described by  
DRECT;

THENCE N 88°43'07" W (Deed - We  
this tract, and along the same for  
northwest line of said 0.796 acre tr  
found for a southerly corner of this  
southwest corner of said 0.428 acre  
southeast corner of said 0.428 acre  
northerly corner of said 0.796 acre t

THENCE S 89°00'52" W (Deed - West  
tract and along the south line of said  
north line of said 0.796 acre tract,  
found for a point on the south line c  
to a 1/2" steel rod found in the east  
southwest corner of this tract, and be  
Tract A;

THENCE N 00°54'26" W, 210.21' feet (   
west line of this tract and along the w  
to a PK Nail found in Cockrell Hill road  
tract, and being the same for the said

THENCE EAST, 199.74' feet (Deed - Ea  
to the POINT OF BEGINNING and contain  
land.

100 ft



## City of OVILLA Planning & Zoning Commission Recommendation

- ITEM 2. **DISCUSSION/ACTION - PZ18.07** Review and consideration on presentation and citizen comments of an application for a Specific Use Permit filed by Pamilee Koval, on behalf of owner Thomas Waits, to add an gazebo on to refreshment stand located at 713 West Main Street, Ovilla, Ellis County, Texas.

\*\*\*\*\*

**PLANNING AND ZONING** Members present, and upon a record vote of:

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

PL5 VACANT  
PL6 Hart AYE  
PL7 Zimmermann AYE

4 **FOR**  
0 **AGAINST**  
0 **ABSTAIN**

\*\*\*\*\*  
Michael L. Yordy  
Presiding Officer of P&Z

8/7/2018  
Date

J. Miller  
Board Secretary

AUGUST 7, 2018  
Date

## AGENDA ITEM REPORT

### Item 9

Meeting Date: August 13, 2018

Department: Administration/Code

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted By: John R. Dean, Jr., City Manager Amount: \$ N/A

Reviewed By:  City Manager  City Secretary  City Attorney  
 Accountant  Other: M. Dooly

#### Attachments:

1. Two Meritorious requests and denied permit applications
2. Photo showing descriptions of signs, size and placement diagrams.
3. Excerpts included on item sheet from the Code, Chapter 3, Section 3.06.003, 3.06.007 and 3.06.012.
4. Excerpt from Code of schedules for signs

#### Agenda Item / Topic:

ITEM 9. **DISCUSSION/ACTION** – Consideration of and action on requests for Meritorious Exceptions filed by Pamilee Koval as authorized by Thomas Waites, owner of property located at 713 W. Main Street, Ovilla, TX, to place a commercial banner-pole sign and a framed-board sign, both placed in the right-of-way, pursuant to Chapter 3 Building Regulations, Article 3.06 Signs, Section 3.06.012, of the Ovilla Code of Ordinances, authorizing the city manager to approve permits.

#### Discussion / Justification:

Applicant and authorized representative Pamilee Koval, requests to place two commercial signs in the right-of-way on the property of 713 W. Main Street:

1. Banner-flag sign on a steel pole -
  - a. Unknown size description
  - b. On a metal/steel pole
2. Framed board sign
  - a. Unknown size description
  - Unknown material (particle board or wood on chalkboard)

Duration: unknown if all signs are for permanent placement.

Current Zoning: Commercial

#### Excerpts from Ovilla Code: Section 3.06.003

##### **Sec. 3.06.003 Placement of Signs**

Restrictions. No person, firm, corporation or other entity shall erect, place or cause to be erected or place any sign on public property, including but not limited to, signs attached to any public utility pole or structure, streetlight, tree, fence fire hydrant, bridge, curb, sidewalk, park bench, in a public right-of-way...

##### **Sec. 3.06.007 Prohibited signs**

A person commits an offense if the person installs, constructs, repairs, alters, or relocates a sign described below, except as otherwise permitted in this article:

- |   |
|---|
| (1) "A" frame or sandwich board, and sidewalk or curb signs, except as temporary signs. |
| (2) A balloon, or inflatable sign.  |
| ...   |
| ...   |
| (7) A pole or pylon sign.   |
| (8) A billboard.  |
| (9) Any other type of sign not permitted by this article.                               |

**Sec. 3.06.012 Granting of exceptions**

(a) Generally. It is not the intention of these criteria to discourage innovation. It is entirely conceivable that signage proposals could be made that, while clearly nonconforming to this article and thus not allowable under these criteria, have obvious merit in not only being appropriate to the particular site or location, but also in making a positive contribution to the visual environment.

(b) Request for exception. Upon request of an interested party, the city council, upon recommendation by the administrative official, shall hear and shall seriously and fairly consider a request for a meritorious exception under this section.

**Recommendation / Staff Comments:**

**Sample Motion(s):**

I move that Council approve/deny the Meritorious Exceptions filed by Pamilee Koval as authorized by Thomas Waites, owner of property located at 713 W. Main Street, Ovilla, TX, to place a commercial banner-pole sign and a framed-board sign, both placed in the right-of-way, pursuant to Chapter 3 Building Regulations, Article 3.06 Signs, Section 3.06.012, of the Ovilla Code of Ordinances, authorizing the city manager to approve permits.

### Sec. 3.06.004 Schedule for permanent signs

A person commits an offense if that person erects, places, displays or locates a permanent or temporary sign that does not meet the requirements of this article or tables included within.

Sign Type	Permitted District	Permit Required?	Maximum Area (sq. ft.)	Height of Sign	Number of Signs	Setback	Spacing of Signs
Wall	All non-residential uses and zoning districts	Yes	25% of wall facing the street	Attached to structure and not to exceed the roof line	One sign for each business or tenant, for each street frontage	-	-
Pole and pylon	None	NA	NA	NA	NA	NA	NA
Monument	All non-residential uses and zoning districts	Yes	100 sq. ft. in residential districts & RC;	8 feet	One sign for each premises, or for each street frontage	10' (any portion of the sign)	No restrictions
			200 sq. ft. in all other non-residential districts	12 feet			
Sign Type	Permitted District	Permit Required?	Maximum Area (sq. ft.)	Height of Sign	Number of Signs	Setback	Spacing of Signs
Canopy, marquee, or projection	All non-residential uses and zoning districts	Yes	9 square feet	Shall not exceed the height of the main structure	One sign for each main structure, or tenant for each street frontage	-	-

(Ordinance 07-014, ex. A, sec. 4, adopted 8/13/07)



### Sec. 3.06.005 Schedule for temporary signs

A person commits an offense if that person erects, places, displays or locates a permanent or temporary sign that does not meet the requirements of this article or tables included within.

Sign Type	Permitted District	Permit Required?	Maximum Area (sq. ft.)	Height of Sign	Number of Signs	Setback	Spacing of Signs	Time Limitation
Real estate	All districts	No	Res. = 6 s.f. each face & 12 s.f. total surface Nonres. = 75 s.f. each face & 150 s.f. total surface	Res. = 5 ft. Nonres. = 15 ft. (measured from greater of base of sign or street grade)	1 sign per premises & for lots abutting 2 or more streets, 1 sign for each street of orientation	On premises 10 ft. from curb or improved surface & 15 ft. from any driveway	No restriction	Must be removed within 7 days of sale, lease, or rental
Balloon or inflatable	Non-residential districts	Yes	Greater than 10 cubic ft.	Not to exceed 100 ft. of tethered line	Maximum of 2 located on premises	Secured on premises	-	14 days per period with 60 days between occurrences
Searchlight	Non-residential districts	Yes	-	-	Maximum of three lights located on the premises	On premises	-	One period for 7 days annually
Non-commercial banner	Residential districts and uses	No	No restriction	Not to exceed the height of	One banner per premises	On premises	No restriction	One period for 7 days annually

				the main structure				
Commercial banner	Non-residential districts and uses	Yes	No restriction	Not to exceed the height of the main structure	One banner per premises	On premises	No restriction	14 days per period with 60 days between occurrences
Political	All districts	No	Greater than 36 s.f.	8 feet	No restrictions	On premises 10 ft. from curb or improved surface & 15 ft. from any driveway	No restriction	3 months prior to and 7 days following election
Sign Type	Permitted District	Permit Required?	Maximum Area (sq. ft.)	Height of Sign	Number of Signs	Setback	Spacing of Signs	Time Limitation
Portable	Non-residential districts (churches and schools excepted)	Yes	25 s.f. each face & 50 s.f. total surface	15 ft. measured from sign base or street grade, whichever is greater	1 sign per premises	On premises 10 ft. from curb or improved surface & 15 ft. from any driveway	20 ft. in any direction from any other portable sign	7 days per period with 60 days between occurrences
Construction	All districts	No	Res. = 6 s.f. each face and 12 sq. ft. total surface  Nonres. = 75 s.f. each face and 150 s.f. total surface	Res. = 5 ft.;  Nonres. = 15 ft. measured from sign base or street grade, whichever is greater	1 sign per premises & lots abutting 2 or more streets, 1 sign for each street orientation	On premises 10 ft. from curb or improved surface & 15 ft. from any driveway	No restriction	Duration of construction to 10 days following occupancy
Garage sale	All districts	No (required garage sale permit provides for sign usage)	308 sq. in. for one face	No restriction	1 sign per premises. 2 signs off premises with permission of property owner.	On premises 10 ft. from curb or improved surface & 15 ft. from any driveway	No restriction	3 days
Yard	All districts	No	Res. = 6 s.f. each face & 12 s.f. total surface  Nonres. = 15 s.f. each face & 30 s.f. total surface	Res. = 5 ft. Nonres. = 8 ft. (measured from greater of base of sign or street grade)	1 sign per premises & lots abutting 2 or more streets, 1 sign for each street orientation	On premises 10 ft. from curb or improved surface & 15 ft. from any driveway	No restriction	60 days but not to exceed 7 days after completion
Real estate directional	All districts	Annual permit for	6 s.f. each face & 12	5 ft.	4 signs off premises with	10 ft. from curb or improved	No restriction	Permit renewed annually

		off premises	s.f. total surface		permission of property owner	surface & 15 ft. from any driveway		(See <a href="#">section 3.06.003(f)</a> )
--	--	--------------	--------------------	--	------------------------------	------------------------------------	--	--

(Ordinance 07-014, ex. A, sec. 5, adopted 8/13/07; Ordinance 08-006, secs. 2, 3, adopted 11/12/07)

# City of Ovilla

Phone: (972) 617-7262  
Fax: (972) 515-3221

105 S. Cockrell Hill Rd.  
Ovilla, Texas 75154

## Residential Building Permit Application

Building Permit Number:	Valuation:		
Zoning:	Valuation w/land:		
Project Address:	713 W. Main		
Lot: <u>N/A</u>	Subdivision: <u>N/A</u>		
Project Description:	<input type="checkbox"/> NEW SFR	<input type="checkbox"/> SFR REMODEL/ADDITION	<input type="checkbox"/> SPECIFY OTHER: <u>Sign</u>
PLUMBING/ELECTRICAL	<input type="checkbox"/>	<input type="checkbox"/> FLATWORK	<input type="checkbox"/> SPRINKLER
SWIMMING POOL	<input type="checkbox"/>	<input type="checkbox"/> ACCESSORY BUILDING	<input type="checkbox"/> FENCE
Proposed Use:			
Description of Work:	<u>Sign - Flag</u>		
Area Square Feet:	Covered	Porch:	Total: _____ Number of stories: _____
Living: _____	Garage: _____		

Homeowner's name:	<u>Thomas Waits / Pamilee Kaval</u>		
Address:	<u>121 Water Street</u>		
Contact Number:	<u>469-323-1407</u>	Email:	<u>Kavalpam@yahoo.com</u>

General Contractor	Contact Person <u>Pamilee Kaval</u>	Phone Number <u>469-323-1407</u>	Contractor License Number
Mechanical Contractor	Contact Person	Phone Number	Contractor License Number
Electrical Contractor	Contact Person	Phone Number	Contractor License Number
Plumber/Irrigator	Contact Person	Phone Number	Contractor License Number

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

\*\*NOTE \*\* While your project may be approved and permitted by the City, you should check your deed restrictions and HOA requirements before applying for a permit. Obtaining a permit from the City does not ensure your right to commence a project. The City does not reference or enforce HOA restrictions and/or requirements.

Signature of Applicant: Pamilee Kaval Date: 7-13-18

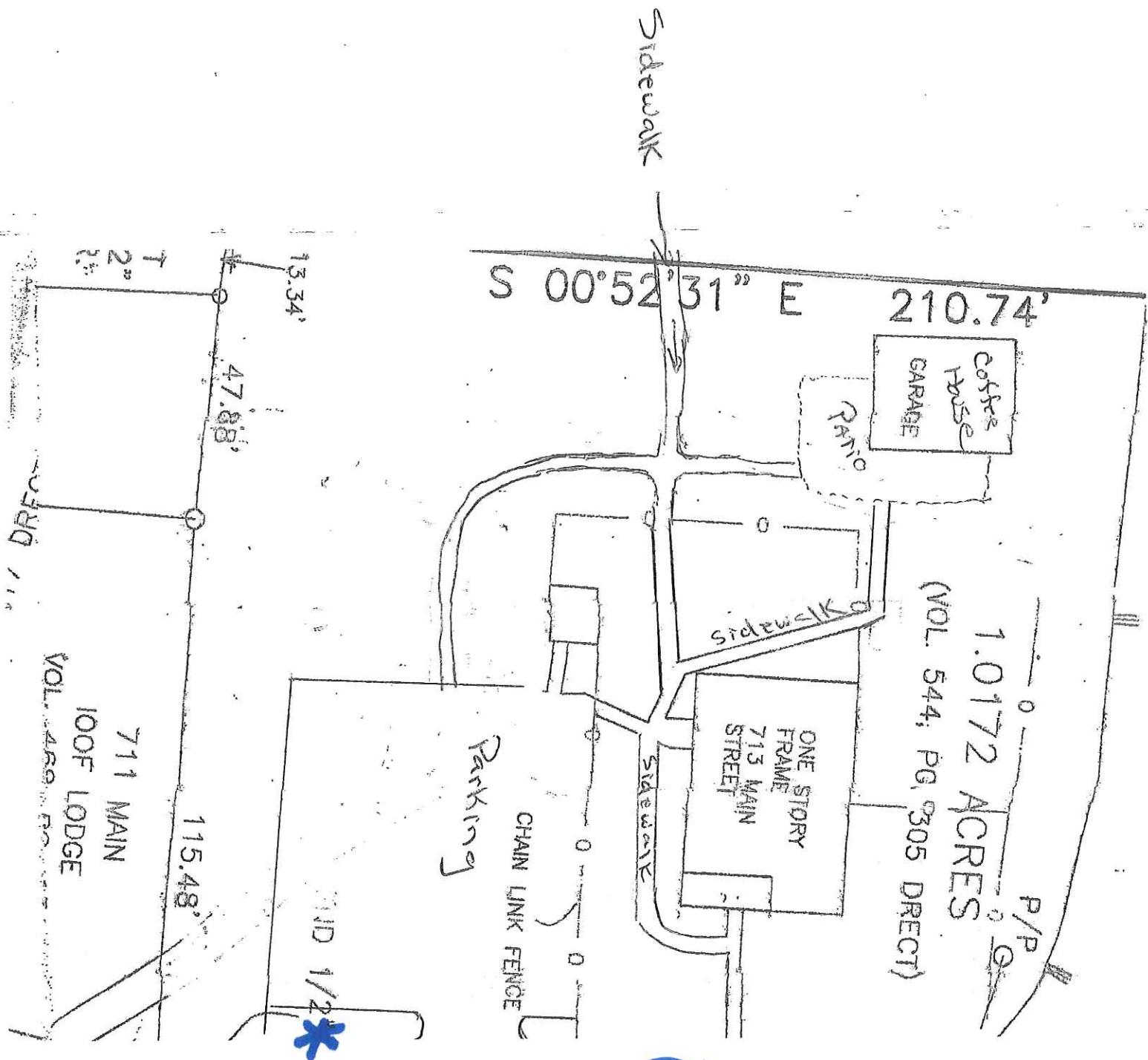
### OFFICE USE ONLY:

Approved by:		Date approved:	
City Manager:		Date approved:	

Plan Review Fee:	Receipt #	Total Fees:
Building Permit Fee:		
Park Impact Fee:	<u>Denied -</u>	Issued Date:
Capital Recovery Fee:	<u>Location</u>	Expires: <u>180 Days</u>
Fire Meter:		Issued By:
Water Meter Cost:	<u>Pole sign</u>	
Water Impact:		
Sewer Connection Fee:		BV Project #
Sewer Impact:		



Pamilee Koval



Placement  
Signs w. Main  
713 Ft  
Ovilla

# City of Ovilla

Phone: (972) 617-7262  
Fax: (972) 515-3221

105 S. Cockrell Hill Rd.  
Ovilla, Texas 75154

## Residential Building Permit Application

Building Permit Number:	Valuation:		
Zoning:	Valuation w/land:		
Project Address:	713 W. Main St. Ovilla Tx 75154		
Lot: <u>N/A</u>	Subdivision: <u>N/A</u>		
Project Description:	<input type="checkbox"/> NEW SFR <input type="checkbox"/> PLUMBING/ELECTRICAL <input type="checkbox"/> SWIMMING POOL	<input type="checkbox"/> SFR REMODEL/ADDITION <input type="checkbox"/> FLATWORK <input type="checkbox"/> ACCESSORY BUILDING	<input type="checkbox"/> SPECIFY OTHER: <u>Sign</u> <input type="checkbox"/> SPRINKLER <input type="checkbox"/> FENCE
Proposed Use:			
Description of Work:	<u>Signs</u>		
Area Square Feet:	Covered Garage: _____	Porch: _____	Total: _____ Number of stories: _____
Living: _____			

Homeowner's name:	<u>Thomas Waits / Panilee Koval</u>		
Address:	<u>121 Water St. Ovilla Tx 75154</u>		
Contact Number:	<u>469-323-1401</u>	Email:	<u>Kovalpan@yahoo.com</u>

General Contractor	Contact Person	Phone Number	Contractor License Number
Mechanical Contractor	Contact Person	Phone Number	Contractor License Number
Electrical Contractor	Contact Person	Phone Number	Contractor License Number
Plumber/Irrigator	Contact Person	Phone Number	Contractor License Number

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

\*\*NOTE \*\* While your project may be approved and permitted by the City, you should check your deed restrictions and HOA requirements before applying for a permit. Obtaining a permit from the City does not ensure your right to commence a project. The City does not reference or enforce HOA restrictions and/or requirements.

Signature of Applicant: Panilee Koval

Date: 7-13-18

### OFFICE USE ONLY:

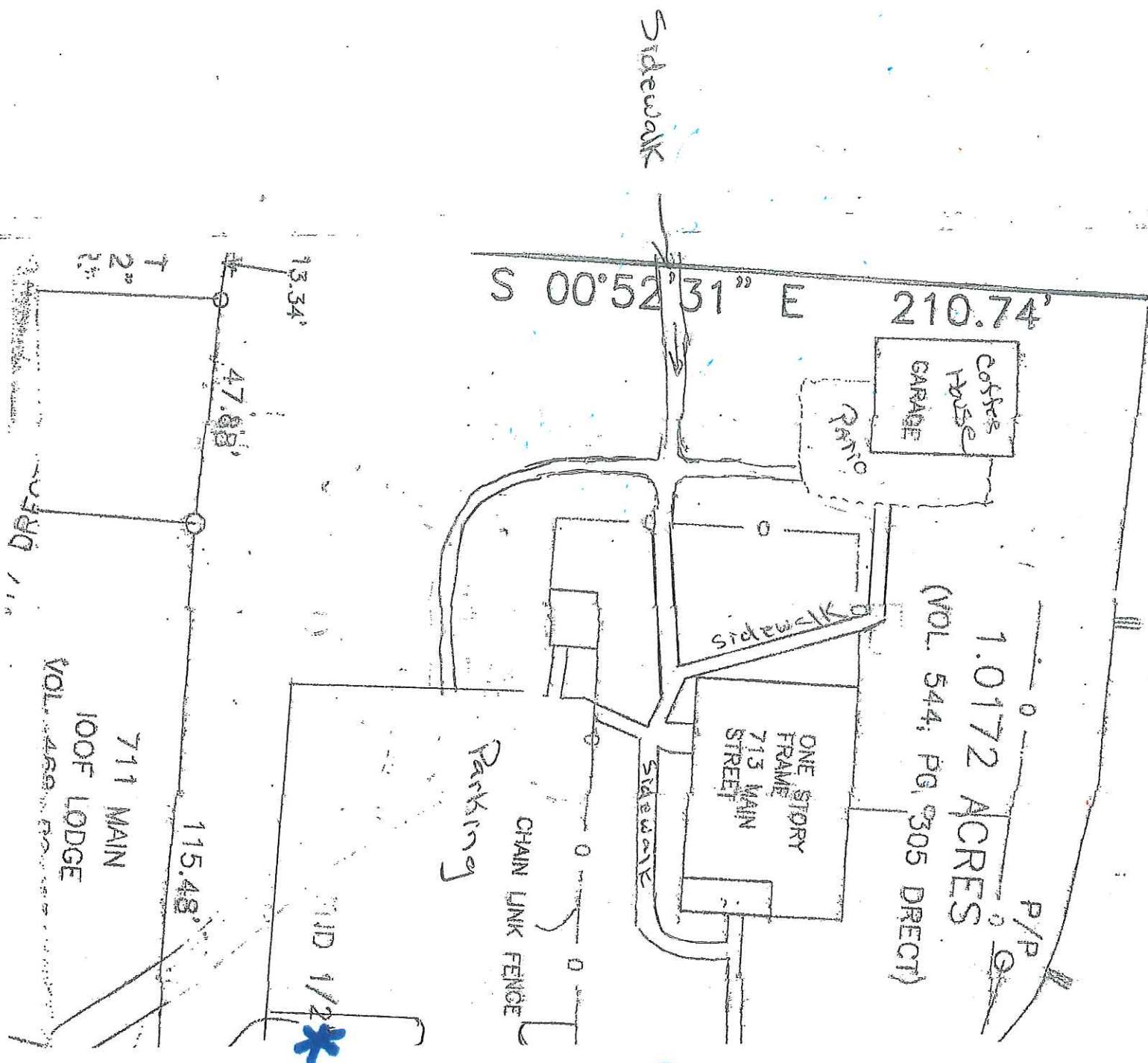
Approved by:		Date approved:	
City Manager:		Date approved:	

Plan Review Fee: _____	Receipt # _____	Total Fees: _____
Building Permit Fee: _____		Issued Date: _____
Park Impact Fee: _____		Expires: <u>180 Days</u>
Capital Recovery Fee: _____		Issued By: _____
Fire Meter: _____		
Water Meter Cost: _____		
Water Impact: _____		
Sewer Connection Fee: _____		
Sewer Impact: _____		

*Denied - Location*  
*A frame / sandwich board sign*

BV Project # \_\_\_\_\_

Pamilee Kaval



Place ment  
sign w. Main  
713 w. Tx  
Ovilla



Meritorious Exception required -

1. Sec. 3.06.007 Prohibited signs

A person commits an offense if the person installs, constructs, repairs, alters, or relocates a sign described below, except as otherwise permitted in this article:

- (1) "A" frame or sandwich board, and sidewalk or curb signs, except as temporary signs.
- (2) A balloon, or inflatable sign.
- (3) A moving, flashing, animated, or rotating sign, sign with moving lights, or sign which creates the illusion of movement, except for reader-boards which convey a message.
- (4) A temporary or permanent off-premises sign.
- (5) Signs placed on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property. However, this does not prohibit signs placed on vehicles and trailers that are incidental to the primary use or ownership of the vehicle or trailer as transportation.
- (6) A sign attached to utility poles or other surfaces which are not the property of the utility or serve a public purpose located within a public right-of-way or easement.
- (7) A pole or pylon sign.
- (8) A billboard.
- (9) Any other type of sign not permitted by this article

2. (f) Placement of signs.

- (1) Restrictions. No person, firm, corporation or other entity shall erect, place or cause to be erected or placed any sign on public property, including, but not limited to, signs attached to any public utility pole or structure, streetlight, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, in a public right-of-way, or any other location on public property. No sign shall be erected or placed on a vacant lot or tract unless written permission has been given by the property owner and such documentation is provided to an official or officer of the city upon request.

## AGENDA ITEM REPORT

### Item 10

Meeting Date: August 13, 2018

Department: Administration/Code

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted By: John R. Dean, Jr., City Manager Amount: \$ N/A

Reviewed By:  City Manager  City Secretary  City Attorney  
 Accountant  Other: M. Dooly

#### Attachments:

1. Multiple Meritorious requests and denied permit applications
2. Drawing of property and placement of signs.
3. Excerpts included on item sheet from the Code, Chapter 3, Section 3.06.003, 3.06.007 and 3.06.012.
4. Excerpt from Code of schedules for signs

#### Agenda Item / Topic:

ITEM 10. **DISCUSSION/ACTION** – Consideration of and action on requests for a Meritorious Exceptions filed by James Wade as authorized by Jimmie Wade, owner of property located at 711 W. Main Street, Ovilla, TX, to place multiple commercial signs, pursuant to Chapter pursuant to Section 3.06.012, of the Ovilla Code of Ordinances, authorizing the city manager to approve permits.

#### Discussion / Justification:

Applicant and authorized representative James Wade, requests to place multiple commercial signs, possibly 3 in the right-of-way on the property of 711 W. Main Street:

1. Wall signs –
  - a. Unknown size description
  - b. North and south sides of building
2. Pole banner sign
  - a. Unknown size description
  - b. Possibly in the right-of-way
3. Double sided A-frame sign
  - a. Unknown size description
  - b. Unknown material
  - c. Possibly in the right-of-way
4. Monument marquee
  - a. Placement in the right-of-way

Duration: unknown if all signs are for permanent placement.

Current Zoning: Commercial

#### Excerpts from Ovilla Code: Section 3.06.003

##### **Sec. 3.06.003 Placement of Signs**

Restrictions. No person, firm, corporation or other entity shall erect, place or cause to be erected or place any sign on public property, including but not limited to, signs attached to any public utility

pole or structure, streetlight, tree, fence fire hydrant, bridge, curb, sidewalk, park bench, in a public right-of-way...

#### **Sec. 3.06.007 Prohibited signs**

A person commits an offense if the person installs, constructs, repairs, alters, or relocates a sign described below, except as otherwise permitted in this article:

- (1) "A" frame or sandwich board, and sidewalk or curb signs, except as temporary signs.
- (2) A balloon, or inflatable sign.
- ...
- ...
- (7) A pole or pylon sign.
- (8) A billboard.
- (9) Any other type of sign not permitted by this article.

#### **Sec. 3.06.012 Granting of exceptions**

(a) Generally. It is not the intention of these criteria to discourage innovation. It is entirely conceivable that signage proposals could be made that, while clearly nonconforming to this article and thus not allowable under these criteria, have obvious merit in not only being appropriate to the particular site or location, but also in making a positive contribution to the visual environment.

(b) Request for exception. Upon request of an interested party, the city council, upon recommendation by the administrative official, shall hear and shall seriously and fairly consider a request for a meritorious exception under this section.

#### **Recommendation / Staff Comments:**

#### **Sample Motion(s):**

I move that Council approve/deny Meritorious Exceptions filed by James Wade as authorized by Jimmie Wade, owner of property located at 711 W. Main Street, Ovilla, TX, to place multiple commercial signs, pursuant to Chapter pursuant to Section 3.06.012, of the Ovilla Code of Ordinances, authorizing the city manager to approve permits.



I am seeking  
"meritorious exception"  
At the August CC meeting

# City of Ovilla

Phone: (972) 617-7262  
Fax: (972) 515-3221

105 S. Cockrell Hill Rd.  
Ovilla, Texas 75154

## Commercial Residential Building Permit Application

Building Permit Number:	Valuation:
Zoning:	Valuation w/land:
Project Address:	
Lot:	Subdivision:
Project Description:	NEW SFR <input type="checkbox"/> SFR REMODEL/ADDITION <input type="checkbox"/> SPECIFY OTHER: <i>Sign</i>
PLUMBING/ELECTRICAL <input type="checkbox"/>	FLATWORK <input type="checkbox"/> SPRINKLER <input checked="" type="checkbox"/>
SWIMMING POOL <input type="checkbox"/>	ACCESSORY BUILDING <input type="checkbox"/> FENCE <input type="checkbox"/>
Proposed Use:	<i>Advertisement</i>
Description of Work:	<i>Wall sign (w/rt)</i>
Area Square Feet:	Covered
Living:	Garage: Porch: Total: Number of stories:

Homeowner's name:	<i>Main St. Cleaners</i>		
Address:	<i>711 W. Main St. # 100 Ovilla, TX 75154</i>		
Contact Number:	<i>972-921-7195</i>	Email	<i>KaptKaos69@yahoo.com</i>

General Contractor	Contact Person <i>J. W. Weller</i>	Phone Number	Contractor License Number <i>NA</i>
Mechanical Contractor	Contact Person	Phone Number	Contractor License Number
Electrical Contractor	Contact Person	Phone Number	Contractor License Number
Plumber/Irrigator	Contact Person	Phone Number	Contractor License Number

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

**\*\*NOTE \*\*** While your project may be approved and permitted by the City, you should check your deed restrictions and HOA requirements before applying for a permit. Obtaining a permit from the City does not ensure your right to commence a project. The City does not reference or enforce HOA restrictions and/or requirements.

Signature of Applicant: *Justine*

Date: *8-8-18*

### OFFICE USE ONLY:

Approved by:		Date approved:	
City Manager:		Date approved:	

Plan Review Fee:	Receipt #	Total Fees:
Building Permit Fee:		Issued Date:
Park Impact Fee:		Expires: <i>180 Days</i>
Capital Recovery Fee:		Issued By:
Fire Meter:		
Water Meter Cost:		
Water Impact:		
Sewer Connection Fee:		BV Project #
Sewer Impact:		

# City of Ovilla

Phone: (972) 617-7262  
Fax: (972) 515-3221

105 S. Cockrell Hill Rd.  
Ovilla, Texas 75154

*Comments*

## Residential Building Permit Application

Building Permit Number:	Valuation:		
Zoning:	Valuation w/land:		
Project Address:			
Lot:	Subdivision:		
Project Description:	<input type="checkbox"/> NEW SFR <input type="checkbox"/> PLUMBING/ELECTRICAL <input type="checkbox"/> SWIMMING POOL	<input type="checkbox"/> SFR REMODEL/ADDITION <input type="checkbox"/> FLATWORK <input type="checkbox"/> ACCESSORY BUILDING	<input type="checkbox"/> SPECIFY OTHER: <i>Sign</i> <input type="checkbox"/> SPRINKLER <input type="checkbox"/> FENCE
Proposed Use:	<i>Advertisement</i>		
Description of Work:	<i>Wall Sign (front)</i>		
Area Square Feet:	Covered	Porch:	Total: _____ Number of stories: _____
Living:	Garage:		

Homeowner's name:	<i>Main St. Cleaners</i>		
Address:	<i>111 W. Main St. # 100 Ovilla, TX 75154</i>		
Contact Number:	<i>972-921-7195</i>	Email	<i>Kaptkaos69@yahoo.com</i>

General Contractor	Contact Person <i>J Wade</i>	Phone Number	Contractor License Number <i>N</i>
Mechanical Contractor	Contact Person	Phone Number	Contractor License Number
Electrical Contractor	Contact Person	Phone Number	Contractor License Number
Plumber/Irrigator	Contact Person	Phone Number	Contractor License Number

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

\*\*NOTE \*\* While your project may be approved and permitted by the City, you should check your deed restrictions and HOA requirements before applying for a permit. Obtaining a permit from the City does not ensure your right to commence a project. The City does not reference or enforce HOA restrictions and/or requirements.

Signature of Applicant:

Date:

*8-8-18*

### OFFICE USE ONLY:

Approved by:		Date approved:	
City Manager:		Date approved:	

Plan Review Fee:	Receipt #	Total Fees:
Building Permit Fee:		Issued Date:
Park Impact Fee:		Expires: <i>180 Days</i>
Capital Recovery Fee:		Issued By:
Fire Meter:		
Water Meter Cost:		
Water Impact:		
Sewer Connection Fee:		BV Project #
Sewer Impact:		

# City of Ovilla

Phone: (972) 617-7262  
Fax: (972) 515-3221

105 S. Cockrell Hill Rd.  
Ovilla, Texas 75154

Commercial

## Residential Building Permit Application

Building Permit Number:	Valuation:		
Zoning:	Valuation w/land:		
Project Address:			
Lot:	Subdivision:		
Project Description:	<input type="checkbox"/> NEW SFR <input type="checkbox"/> PLUMBING/ELECTRICAL <input type="checkbox"/> SWIMMING POOL	<input type="checkbox"/> SFR REMODEL/ADDITION <input type="checkbox"/> FLATWORK <input type="checkbox"/> ACCESSORY BUILDING	<input type="checkbox"/> SPECIFY OTHER: <u>Sign</u> <input type="checkbox"/> SPRINKLER <input type="checkbox"/> FENCE
Proposed Use:	<u>Advertisement</u>		
Description of Work:	<u>Pole banner sign similar to 713 W main sign</u>		
Area Square Feet:	Covered	Porch:	Total: _____
Living:	Garage:		Number of stories: _____

Homeowner's name:	<u>Main St. Cleaners</u>		
Address:	<u>711 W. Main St. #106 Ovilla, TX 75154</u>		
Contact Number:	<u>92-921-7115</u>	Email	<u>KaptKaos09@yahoo.com</u>

General Contractor	Contact Person <u>J. W. Ade</u>	Phone Number	Contractor License Number <u>VA</u>
Mechanical Contractor	Contact Person	Phone Number	Contractor License Number
Electrical Contractor	Contact Person	Phone Number	Contractor License Number
Plumber/Irrigator	Contact Person	Phone Number	Contractor License Number

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

**\*\*NOTE \*\*** While your project may be approved and permitted by the City, you should check your deed restrictions and HOA requirements before applying for a permit. Obtaining a permit from the City does not ensure your right to commence a project. The City does not reference or enforce HOA restrictions and/or requirements.

Signature of Applicant: J. W. Ade

Date: 8-8-18

### OFFICE USE ONLY:

Approved by:		Date approved:	
City Manager:		Date approved:	

Plan Review Fee:	Receipt #	Total Fees:
Building Permit Fee:		Issued Date:
Park Impact Fee:		Expires: <u>180 Days</u>
Capital Recovery Fee:		Issued By:
Fire Meter:		
Water Meter Cost:		
Water Impact:		
Sewer Connection Fee:		BV Project #
Sewer Impact:		

# City of Ovilla

Phone: (972) 617-7262  
Fax: (972) 515-3221

105 S. Cockrell Hill Rd.  
Ovilla, Texas 75154

## Commercial Residential Building Permit Application

Building Permit Number:	Valuation:		
Zoning:	Valuation w/land:		
Project Address:			
Lot:	Subdivision:		
Project Description:	<input type="checkbox"/> NEW SFR <input type="checkbox"/> PLUMBING/ELECTRICAL <input type="checkbox"/> SWIMMING POOL	<input type="checkbox"/> SFR REMODEL/ADDITION <input type="checkbox"/> FLATWORK <input type="checkbox"/> ACCESSORY BUILDING	<input type="checkbox"/> SPECIFY OTHER: <i>Sign</i> <input checked="" type="checkbox"/> SPRINKLER <input type="checkbox"/> FENCE
Proposed Use:	<i>Advertisement</i>		
Description of Work:	<i>"A" frame sign similar to 713 W main sign</i>		
Area Square Feet:	Covered	Porch:	Total: _____ Number of stories: _____
Living:	Garage:		

Homeowner's name:	<i>Main St. Cleaners</i>		
Address:	<i>711 W. Main St. # 100 Ovilla, TX. 75154</i>		
Contact Number:	<i>972 921-7195</i>	Email	<i>Kaptkaos69@yahoo.com</i>

General Contractor	Contact Person <i>JW.Sch</i>	Phone Number	Contractor License Number <i>14</i>
Mechanical Contractor	Contact Person	Phone Number	Contractor License Number
Electrical Contractor	Contact Person	Phone Number	Contractor License Number
Plumber/Irrigator	Contact Person	Phone Number	Contractor License Number

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

**\*\*NOTE \*\*** While your project may be approved and permitted by the City, you should check your deed restrictions and HOA requirements before applying for a permit. Obtaining a permit from the City does not ensure your right to commence a project. The City does not reference or enforce HOA restrictions and/or requirements.

Signature of Applicant: *Junkin*

Date: *8-8-18*

### OFFICE USE ONLY:

Approved by:		Date approved:	
City Manager:		Date approved:	

Plan Review Fee: \_\_\_\_\_  
 Building Permit Fee: \_\_\_\_\_  
 Park Impact Fee: \_\_\_\_\_  
 Capital Recovery Fee: \_\_\_\_\_  
 Fire Meter: \_\_\_\_\_  
 Water Meter Cost: \_\_\_\_\_  
 Water Impact: \_\_\_\_\_  
 Sewer Connection Fee: \_\_\_\_\_  
 Sewer Impact: \_\_\_\_\_

Receipt # \_\_\_\_\_

Total Fees: \_\_\_\_\_

Issued Date: \_\_\_\_\_

Expires: *180 Days*

Issued By: \_\_\_\_\_

BV Project # \_\_\_\_\_

# City of Ovilla

Phone: (972) 617-7262  
Fax: (972) 515-3221

105 S. Cockrell Hill Rd.  
Ovilla, Texas 75154

Commercial

## Residential Building Permit Application

Building Permit Number:	Valuation:		
Zoning:	Valuation w/land:		
Project Address:			
Lot:	Subdivision:		
Project Description:	<input type="checkbox"/> NEW SFR <input type="checkbox"/> PLUMBING/ELECTRICAL <input type="checkbox"/> SWIMMING POOL	<input type="checkbox"/> SFR REMODEL/ADDITION <input type="checkbox"/> FLATWORK <input type="checkbox"/> ACCESSORY BUILDING	<input type="checkbox"/> SPECIFY OTHER: <u>Sign</u> <input type="checkbox"/> SPRINKLER <input type="checkbox"/> FENCE
Proposed Use:	<u>Advertisement</u>		
Description of Work:	<u>Mosument marquee similar to 713 W main</u>		
Area Square Feet:	Covered	Porch:	Total: _____ Number of stories: _____
Living:	Garage:		

Homeowner's name:	<u>Main St. Cleaners</u>		
Address:	<u>711 W. Main St. # 100 Ovilla, TX 75154</u>		
Contact Number:	<u>972-921-7195</u>	Email:	<u>KaptKaos69@yahoo.com</u>

General Contractor	Contact Person <u>J. W. Ade</u>	Phone Number	Contractor License Number <u>WA</u>
Mechanical Contractor	Contact Person	Phone Number	Contractor License Number
Electrical Contractor	Contact Person	Phone Number	Contractor License Number
Plumber/Irrigator	Contact Person	Phone Number	Contractor License Number

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

**\*\*NOTE \*\*** While your project may be approved and permitted by the City, you should check your deed restrictions and HOA requirements before applying for a permit. Obtaining a permit from the City does not ensure your right to commence a project. The City does not reference or enforce HOA restrictions and/or requirements.

Signature of Applicant: Janice

Date: 8/8/18

### OFFICE USE ONLY:

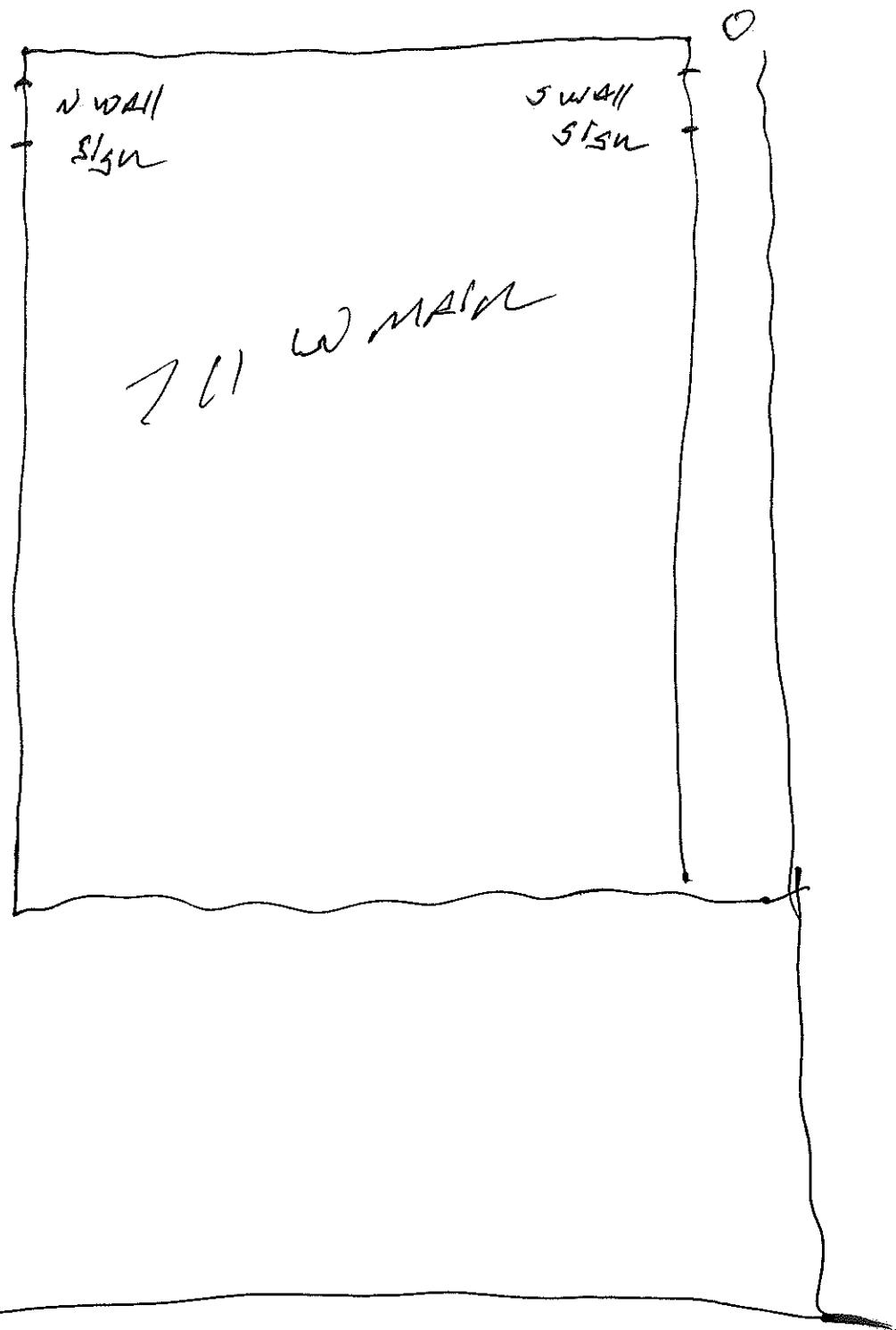
Approved by:		Date approved:	
City Manager:		Date approved:	

Plan Review Fee:	Receipt #	Total Fees:
Building Permit Fee:		Issued Date:
Park Impact Fee:		Expires: <u>180 Days</u>
Capital Recovery Fee:		Issued By:
Fire Meter:		
Water Meter Cost:		
Water Impact:		
Sewer Connection Fee:		BV Project #
Sewer Impact:		

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MAST

A frame 0  
monument 0  
pole barrier



## Sec. 3.06.004 Schedule for permanent signs

A person commits an offense if that person erects, places, displays or locates a permanent or temporary sign that does not meet the requirements of this article or tables included within.

Sign Type	Permitted District	Permit Required?	Maximum Area (sq. ft.)	Height of Sign	Number of Signs	Setback	Spacing of Signs
Wall	All non-residential uses and zoning districts	Yes	25% of wall facing the street	Attached to structure and not to exceed the roof line	One sign for each business or tenant, for each street frontage	—	—
Pole and pylon	None	NA	NA	NA	NA	NA	NA
Monument	All non-residential uses and zoning districts	Yes	100 sq. ft. in residential districts & RC;	8 feet	One sign for each premises, or for each street frontage	10' (any portion of the sign)	No restrictions
			200 sq. ft. in all other non-residential districts	12 feet			
Sign Type	Permitted District	Permit Required?	Maximum Area (sq. ft.)	Height of Sign	Number of Signs	Setback	Spacing of Signs
Canopy, marquee, or projection	All non-residential uses and zoning districts	Yes	9 square feet	Shall not exceed the height of the main structure	One sign for each main structure, or tenant for each street frontage	—	—

## AGENDA ITEM REPORT Item 11

Meeting Date: August 13, 2018

Department: Administration/Police

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted By: John R. Dean, Jr., CM

Amount: \$ N/A

Reviewed By:  City Manager  City Secretary  City Attorney  
 Accountant  Deputy City Secretary

### Attachments:

1. Resolution R2018-30
2. Staffing - Exhibit A

### Agenda Item / Topic:

ITEM 11. **DISCUSSION/ACTION** – Consideration of and action on Resolution R2018-30 approving the City of Ovilla Authorized Staffing for FY 2019, providing an effective date.

### Discussion / Justification:

During the budget process the City Council and staff has reviewed and discussed staffing for FY 2019. During this process the staffing needs of the City have been determined to be what is reflected in the attached "Exhibit A". The only addition to the current staffing (FY 2018) is the addition of a part-time Code Enforcement/Animal Control Officer.

It is my intent for Authorized Staffing to be approved in this manner each fiscal year.

### Sample Motion(s):

I move to approve/deny Resolution R2018-30 approving the City of Ovilla Authorized Staffing for FY 2019, providing an effective date.

## RESOLUTION NO. R2018-30

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS, AUTHORIZING CERTAIN POSITIONS FOR THE FISCAL YEAR 2019 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 Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the City Council has reviewed the staffing needs of the City and has determined that the staffing in "Exhibit A" is necessary to preserve the health, welfare, safety of the residents of Ovilla.

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

#### **SECTION 1.**

That the City Council hereby approves the staffing of the City as specified in "Exhibit A" attached here to preserve the health, welfare, safety of the residents of Ovilla.

#### **SECTION 2.**

This Resolution shall supersede and repeal any previous ordinance, resolution, and/or motion of the City Council regarding staffing of the City of Ovilla, to the extent there is any conflict.

#### **SECTION 3.**

This resolution shall be in force and effect immediately upon passage and approval.  
**RESOLVED, PASSED** and **APPROVED**, this 13 day of AUGUST 2018.

**CITY OF OVILLA, TEXAS**

---

Richard Dormier, Mayor

ATTEST:

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Pamela Woodall, City Secretary

**City of Ovilla**  
**FY 2019 Authorized Staffing**

<b>Full Time</b>	<b>FY 2018</b>	<b>Proposed</b>	<b>Approved</b>	<b>Fund</b>
Street Maintenance Technician I	1	1	1	GF
Water Maintenance Technician I	3	2	2	PW
Customer Service Representative I	1	1	1	PW
Police Secretary	1	1	1	GF
Sewer Maintenance Technician I	0	0	0	PW
Park Maintenance Technician I	0	1	1	GF
Street Maintenance Technician II	0	0	0	GF
Water Maintenance Technician II	0	0	0	PW
Sewer Maintenance Technician II	1	1	1	PW
Planning Clerk/Admin Secretary	1	1	1	GF/PW
Deputy City Secretary	1	1	1	GF
Code Enforcement - Animal Control	1	1	1	GF
Police Patrol Officer	5	5	5	GF
Fire Fighter	0	0	0	GF
Municipal Court Clerk	1	1	1	GF
Water Superintendent	1	1	1	PW
Police Sergeant	2	2	2	GF
Police Detective	1	1	1	GF
Fire Captain	0	0	0	GF
City Accountant	1	1	1	GF/PW
Police Lieutenant	1	1	1	GF
Public Works Director	1	1	1	PW
Police Chief	1	1	1	GF
City Secretary	1	1	1	GF/PW
City Manager	1	1	1	GF/PW
	<u>26</u>	<u>26</u>	<u>26</u>	

**Part Time and Contract**

Fire Fighter	31	31	31	GF
Fire Captain	5	5	5	GF
Police Patrol Officer	3	3	3	GF
Deputy Fire Chief/ Fire Marshall	1	1	1	GF
Fire Chief	1	1	1	GF
Judge	1	1	1	GF
Laborer	1	1	1	PW
Code Enforcement	0	1	1	GF
City Attorney	1	1	1	GF
City Prosecutor	1	1	1	GF
	<u>45</u>	<u>46</u>	<u>46</u>	

## AGENDA ITEM REPORT Item 12

Meeting Date: August 13, 2018

Department: Administration/Public Works

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted By: John R. Dean, Jr., CM

Amount: \$ N/A

Reviewed By:  City Manager  City Secretary  City Attorney  
 Accountant  B. Piland

### Attachments:

1. Presentation Council Member Place 4 Hunt.

### Agenda Item / Topic:

ITEM 12. **DISCUSSION** – Discuss progress and receive updates on activities related to 2018 Heritage Day celebration, Saturday, September 22, 2018.

### Discussion / Justification:

Place 4 Hunt will share updates for the 2018 Heritage Day event.

### Sample Motion(s):

Discussion only.

## AGENDA ITEM REPORT Item 13

Meeting Date: August 13, 2018

Department: Administration

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted By: John R. Dean, Jr., CM

Amount: \$ N/A

Reviewed By:  City Manager  City Secretary  City Attorney  
 Accountant  Code Enforcement

### Attachments:

1. Merit Increase Report

### Agenda Item / Topic:

ITEM 13. *DISCUSSION* – Discuss budgeted annual merit raises.

### Discussion / Justification:

Council Member Oberg requested a merit pay increase report for the past three years from the City Secretary in July 2018. Council Member Hunt requested this item be placed on the agenda at the August 2, 2018 Council meeting.

### Sample Motion(s):

Discussion only.

City of Ovilla General Fund  
Employee Contact List

<b>Employee</b>	2017	2016	2015
	Merit %	Merit %	Merit %
Bailey, Randall S	0	0	0
Bennett II, Charlie J.	3	3	3
Birdwell, Candon V.	3	0	0
Breedlove, Wesley K	3	3	0
Cartwright, James M	3	3	3
Cates, Jason D	3	3	3
Cochran, Andrew W	0	3	3
CORNISH, BRYAN B	0	0	0
Cruz, Johnny T.	3	3	3
Dean, Jr., John R	5	0	0
Dooly, Michael W	3	3	3
Driskell, Daniel J	0	0	0
Durham, Daniel	3	3	3
Durham, Keithtan L.	0	0	0
Emerson, Jacob L	0	3	0
Estupinan, Jose	0	3	0
Euerle, Jacob Z	0	3	0
Flores, Abraham	0	0	0
Foresman, Jessica L	6	3	3
Freeman, Dustin A	0	0	0
Freeman, Matthew C	0	3	3
Gaeta, Cathy J	3	0	0
Geiser, Seth T	3	3	0
Goble, Gregory S	0	0	0
Goleman, Jake R	0	0	0
Graham, Justin	0	0	0
Green, Clayton D	0	3	3
Green, Matthew S.	0	0	0
Haggerty, Stanley C	0	0	0
Harding, Linda K	3	3	3
Hinson, Otis D	0	0	0
Hobin, Paul N	0	3	0
Hudson, Ryan A	0	3	3
Kennedy, Brandon K	3	3	3
Kennedy, Daniel S	0	0	0
Kretlow, Richard S.	2	3	3
Lehmann, Matthew M	0	3	3
Lindsey, Kevin R	0	3	3
Malke, Dillon E	3	0	0
Maples, Patrick D	0	0	3
McClung, Jared W	0	0	0
McCoy, Tammy J.	3	3	3
Miller, Glennell D	3	3	3
Mooney, Kevin P	0	0	0
Moore, Chad D	0	3	3
Muirhead, Bradley R	3	3	3
Munoz, Gabriel F	0	0	0

9:51 AM  
07/05/18

**City of Ovilla General Fund**  
**Employee Contact List**

<b>Employee</b>	<b>2017</b>	<b>2016</b>	<b>2015</b>
Ortegon, Mario C.	2	3	3
Piland, Bradley D	3	3	3
Potter, Cameron R	0	0	0
Rankin, Ryan D	0	0	0
Ray, Kevin C.	3	3	3
Rivas, Erik J	0	0	0
Russell, James T	0	0	0
Seif, Jeffrey L	0	2	0
Sodek, Larry R	0	0	3
Thompson, Ashley R	3	3	3
Wade, William T	0	0	0
Wakeland, Steven J	3	3	3
Wesson, Geoff S.	0	3	3
Williams, Kyle S	0	3	3
Windham, Brian A	3	3	0
Woodall, Pamela H	10.5	8	4

**No Longer on Payroll**

Mike Ayala	0	0	0
Randy Beets	0	0	3
Joshua Boldt	0	3	0
Phillip Broncato	0	3	0
Buckle, Tyler	0	0	0
Matthew Denney	0	0	3
Christopher Denney	0	0	0
Steve Eldred	0	3	0
Carlos Garza	0	0	3
Vanessa Illingworth	3	3	0
Matthew Loban	0	3	3
Lowden, William A	2	3	0
Jorge Macais	0	3	3
Jerry Meheringer	0	3	0
Cody Oates	0	3	0
Paul Rayburn	0	0	3
Nolan Skidmore	0	0	3
Damian Snavely	0	0	0
Scott Spaulding	0	3	3
Justin Sullivan	0	3	3
Allen Turner	0	0	3
Austin Ulrich	0	0	3
Wesley Vaughn	0	3	0
Bryan Whiterker	0	0	3
Darrell Wolf	0	3	3
Cary Cartright	0	3	0

**CPI Change**      **3.2%**      **2.4%**      **0.0%**

## AGENDA ITEM REPORT

### Item 14– Items pulled from Consent

Meeting Date: August 13, 2018

Department: Administration/Finance/Police

Discussion Action

Budgeted Expense:  YES  NO  N/A

Submitted by: Staff

Amount: N/A

#### Discussion / Justification:

ITEM 14. *DISCUSSION/ACTION* – Consideration of any item(s) pulled from the Consent Agenda above for individual consideration and action.

#### Discussion / Justification:

All consent items are attached for Council consideration. Any items pulled from the Consent agenda will be reviewed under this item.

Staff recommends approval.

#### Sample Motion(s):

I move to approve . . .

**OVILLA POLICE DEPARTMENT**  
**105 S Cockrell Hill Rd**  
**Ovilla, TX 75154**  
**(972) 617-7262**

To: Mayor Richard Dormier  
 Ovilla City Council  
 John Dean City Manager

Subject: Police Department Monthly Activity Report

Calls For Service	July 2018	July 2018 YTD	July 2017	July 2017 YTD
Accident	0	30	4	15
Alarms	21	125	13	104
Arrest	7	42	8	51
Assault/Assault FV	3	8	0	7
Assists	35	377	84	568
Building / House Security Check	546	4016	318	4577
Burglary	0	1	1	5
Burglary of Motor Vehicle	0	0	0	4
Criminal Mischief	0	1	1	6
Disturbance	2	42	4	76
Neighborhood Check	682	7720	1071	10376
Other Calls for Service	56	361	43	327
Suspicious Person	3	42	6	58
Suspicious Vehicle	6	105	22	175
Theft	1	7	1	8
Traffic Assignment/School Enforcement	13	68	15	426
<b>TOTAL CALLS FOR SERVICE</b>	<b>1375</b>	<b>12945</b>	<b>1591</b>	<b>16783</b>

Reserve Officer Hours	12	287.5	26.5	69
Average Response Time (Minutes)	3.58	4.4314286	4.13	4.75
Total Citations	76	720	146	869
Total Traffic Stops *****	205	1785	396	
Traffic Stop Disposition Warning *****	135	1103	258	
Traffic Stop Disposition Citation *****	70	682	138	
<b>PERCENT OF STOPS RECEIVING CITATIONS</b>	<b>34.1</b>	<b>38.2</b>	<b>34.8</b>	<b>#DIV/0!</b>
Manual Response time				

\*\* These lines are new and we will not have  
 the info for the months before March 2017

July 2018	TO	August 2018	MILEAGE	MAINTENANCE PERFORMED
Police Unit #	Begin	End	Accrued	
103	143955	144218	263	
104	122459	122483	24	
105	103516	103725	209	NEW BATTERY AND CIRCUIT BREAKER
116	58600	60721	2121	
117	47357	48930	1573	
118	10411	12282	1871	
216	14901	15315	414	
<hr/>				
Vehicles	Begin	End	Accrued	
2017 F250 4x4	8212	8487	275	
2015 2500 HD Silverado	35538	36332	794	
2011 3500HD Silverado	50569	50976	407	
2008 2500HD Animal Control	79863	80662	799	
2008 1500 Silverado	108760	109068	308	
2006 1500 Silverado	117557	117790	233	
2001 C6500 Dump Truck	18198	18266	68	
1999 International Patch Trk	311833	311833	0	
1998 Ford Dump Truck	53082	53178	96	
<hr/>				
	HOURS	HOURS	HOURS	
New Holland Skid LS60	1183	1183	0	
1999 Kubota Tractor	958.2	958.2	0	
1992 Ford Tractor	1078.2	1079.7	1.5	
Sweeper	619.9	619.9	0	
310K John Deere Backhoe	1507.7	1531.5	23.8	
Stone Packer 3100	4507	4507.5	0.5	

Ingersoll Mobil Air Compress	1320.8	1320.8	0	
Green Golf Cart	763.1	763.1	0	
Jet Machine	480.6	480.6	0	
Vac Machine 2017	44.1	46.4	<b>2.3</b>	
Boomag 900-50 packer	190.3	190.3	0	
2016 Exmark	211.2	218.3	<b>7.1</b>	
2013 Exmark	323.4	329.4	<b>6</b>	
2004 Exmark	1011.9	1013.7	<b>1.8</b>	
JCV Backhoe	23.3	23.6	<b>0.3</b>	

# Ovilla Fire Department

## July Monthly Report



**Interim Fire Chief  
Kevin R. Lindsey**

105 S. Cockrell Hill Road  
Ovilla Texas, 75154  
[cityofovilla.org](http://cityofovilla.org)

## **Mission Statement**

The mission of the Ovilla Fire Department is to provide services designed to protect citizens and property of the City of Ovilla and outlying areas. All persons and or departments requesting assistance from the Ovilla Fire Department as a result of the adverse effects of fire, medical emergencies, or hazardous conditions created by man or nature will be dealt with in a professional manner, consistent with the economic capability of the community.

## **Summary of Staffing for the Department**

- Currently the Department only has no Firefighter Paramedic position open. We had an EMT who finished Paramedic school, so he was moved to fill the open spot.
- Currently the Department has 7 Volunteer Firefighter Positions. This is due to the volunteers getting hired on at full time departments. We are currently looking for more volunteers.
- Current Staffing
  - 2 Chiefs
  - 5 Captains
  - 26 Firefighter Paramedics
  - 8 Firefighter EMT-Basics
  - 7 Volunteer Firefighters
  - Total Staffing of 48 out of 50 positions
- Of the Volunteers on staff,
  - 3 of them are Dual Certified, meaning they have their Fire Certs and EMT Basic
  - 1 has their Fire Certs
  - 2 have their EMT- Basic
  - The other Volunteer does not have any Certification at this time.

## **Grants Report**

- Have turned in four Texas Forestry Service Grants, waiting for notification of award
  - \$7700 received for workers comp and VFIS
  - One for bunker gear
  - One for a Brush Truck Chassis
  - One for a Brush Truck

## Summary of Events for the Department

- July was a busy month for the Fire Department, with a total of 88 incidents responded to. That's 26 more calls than last month.
- Training with the Volunteers on their regular scheduled nights, continuing to work with them all on Apparatus Familiarization, and getting them signed off to drive each one.
- Bay Project is moving forward, still waiting on more bids. Received 2 bids and we are still waiting on a third.
- Working on Budget Plans for FY18-19

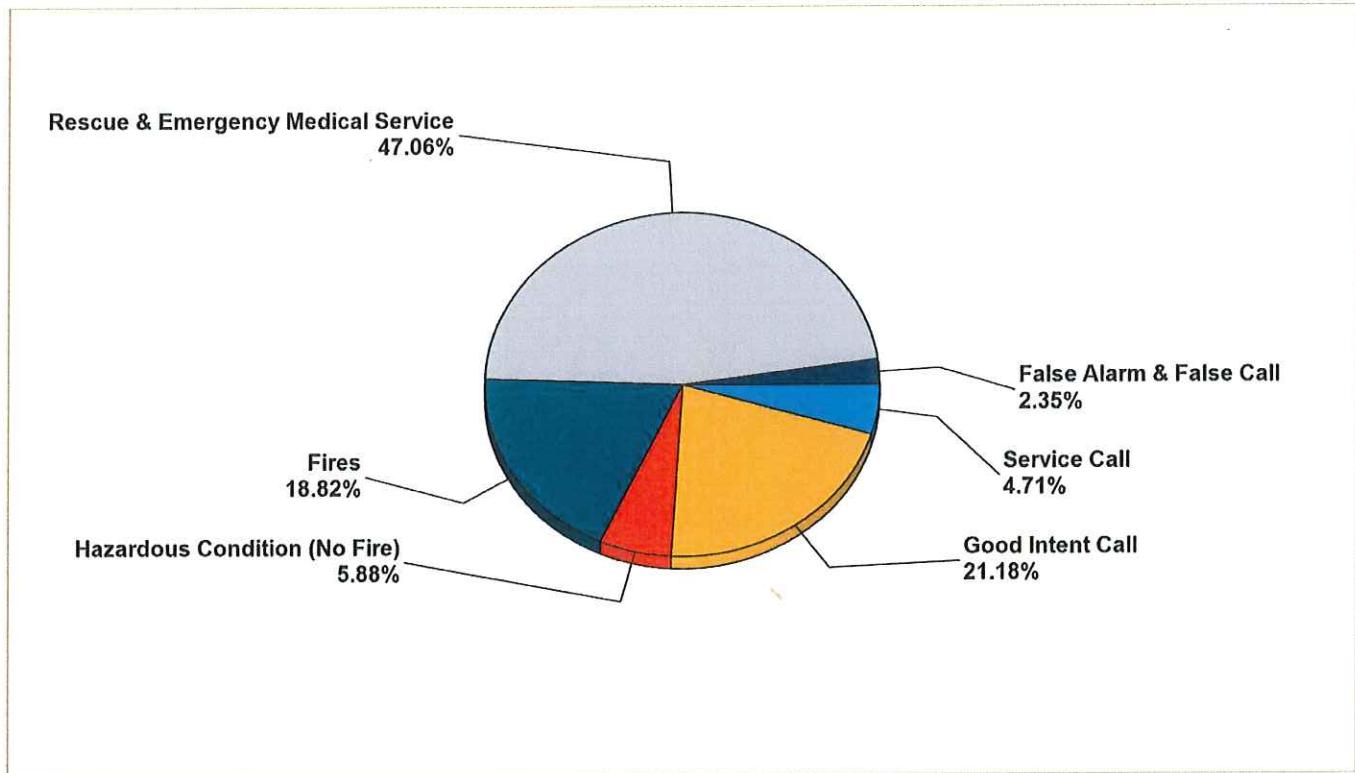
## Summary of Staffing for the Month

- 7 days a week we have 3 - 24-hour part time positions (0800 – 0800)
- These positions were **100%** filled this month
- 7 nights a week we have 1 – 12-hour shift that is covered by volunteers (2000 – 0800)
- Saturday and Sunday (0800 – 2000)
- **8 / 8** weekend day shifts were covered by a Volunteer
- **34 / 39** Volunteer shifts were covered, and these **34** shifts had 4 personnel on the Engine

## Summary of Activity from Deputy Chief Fire Marshal's Office

- Multiple Consults
- Respond to incidents as available
- Multiple Meetings
- Back-Up for Ovilla PD
- QCI reports
- Re inspection
- Training with Volunteers

## Breakdown by Major Incident Type



4

MAJOR INCIDENT TYPE	# INCIDENTS	% of TOTAL
Fires	16	18.82%
Rescue & Emergency Medical Service	43	47.06%
Hazardous Condition (No Fire)	5	5.88%
Service Call	4	4.71%
Good Intent Call	18	21.18%
False Alarm & False Call	2	2.35%
Severe Weather & Natural Disaster	0	
Special Incident Type	0	
<b>TOTAL</b>	<b>88</b>	<b>100.00%</b>

Average 1.93 fires per week

Average 2.83 calls per day

Average 22 calls per week

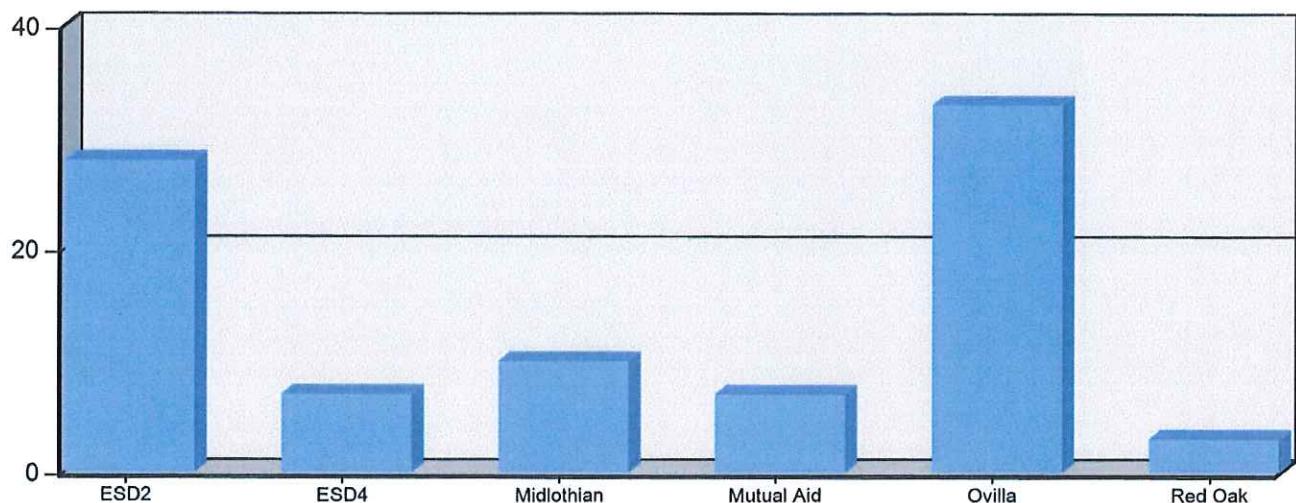
Full Crew responses | **62**

C702 Responses | **14**

Number of Overlapping Calls | **7**

**Total Ovilla Fire Department Runs | 88**

### Breakdown by Districts



ZONE	2018	2017
ESD2 - ESD #2	28	18
ESD4 - ESD #4	7	11
Midlothian - Midlothian City Limits	10	N/A
Mutual Aid - Mutual Aid	7	6
Ovilla - City Limits	33	21
Red Oak - Red Oak City Limits	3	N/A
<b>TOTAL:</b>	<b>88</b>	<b>56</b>

*Districts are broken down by Cities or Areas we respond to.*

*Midlothian and Red Oak are what is called Automatic Aid due to being on the same dispatch system, and we are toned at the exact same time for an emergency that requires additional units to respond.*

*Mutual Aid is calculated by the cities that must call our dispatch center to request our help on incidents that occur in their cities. Examples are Glenn Heights, Desoto, Duncanville, Cedar Hill, Lancaster, Waxahachie, Ferris, and Wilmer.*

### Breakdown of Total Call to Date by Current Year and Past Year

MAJOR INCIDENT TYPE TO DATE	2018	2017
Fires	70	29
Rescue & Emergency Medical Service	274	226
Hazardous Condition (No Fire)	14	9
Service Call	46	62
Good Intent Call	111	75
False Alarm & False Call	31	16
Severe Weather & Natural Disaster	3	7
Special Incident Type	2	N/A
<b>TOTAL</b>	<b>551</b>	<b>424</b>

### Breakdown of Average Response Times by District for the Last Two Months

Zone Title	AVERAGE June RESPONSE TIME	July
ESD4 - ESD #4	8.65	8.73
Mutual Aid - Mutual Aid	27.73 (Rehab non code included)	18.71
ESD2 - ESD #2	7.90	9.43
Ovilla - City Limits	6.29	5.88
Red Oak – Red Oak City Limits	N/A	21.43
Midlothian - Midlothian City Limits	N/A	12.53

Response times are figured by Time of Dispatch to Arrival at scene time. Overall the goal is that in our "First In Districts", City Limits, ESD #2, and ESD #4, we are there in under 8 minutes.

### Average Turn Out Time Dispatch to En-Route by Apparatus

APPARATUS	June	July
B701	2:45	1:56
B702	N/A	N/A
C701	1:10	N/A
C702	0:19	1:35
E701	1:51	1:57
E702	1:17	2:06
R755	1:16	3:32
<b>AVERAGE TURNOUT TIME:</b>	<b>1:26</b>	<b>2:15</b>

Turn out times are figured from time of dispatch to the time the Apparatus checks En-Route, and the goal with this time is to have a turn out time of 1:30 over 90% of our calls.

## *Mileage*

APPARATUS	June	July
B701	56,780	57,010
B702	3311(OOS)	3312 (OOS)
C701	16,968	17,857
C702	95,135	95,445
E701	10,104	10,591
E702	27,142	27,288
E703	14,191	UNK ( gone for training)
R755	17,965	18,063



**TO:** Honorable Mayor and City Council Members

**FROM:** Brad Piland Public Works Director

**TOPIC:** Public Works Monthly Report for July 2018

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1. 49 work orders completed
2. Sewer Lift Station Repairs-
  - Pulled pump 1 at Highland Meadows Lift Station removed debris and replaced.
  - Removed pump 2 from Cumberland removed debris and replaced
  - Repaired internal plumbing at Heritage Park

**Monthly Water and Sewer Services:**

- Read water meters, serviced disconnects and reconnects
- Water usage: Purchased from DWU 28,805,000 gal, Billed 30,583,000 gal to customers and 187,130 gal flushed.
- Replaced meters: 404 Thorntree, 608 Meadowlark.
  
- Daily water maintenance residual and pressure tests.
- Collected water samples for TCEQ reporting
- Water Maintenance – routine flushing mains and hydrant
- Replaced and repaired 10-meter boxes and lids
- Repaired water leaks: 1200 blk Red Oak Creek RD, 608 Meadowlark, Pump station.

**Tree and grass maintenance:**

- Heritage Park
- Silver Spur Park
- Baseball fields and Cindy Jones Park

**Street and Misc.**

- Removed tree Cockrell Hill Rd
- Street repairs: Pothole repairs Westmoreland, Shiloh Road, Johnson Lane.
- Mowed all rights of way
- Updated marquee as needed
- Trimmed trees along Shiloh Road and cleaned the ditches.

## APPENDIX A: SUGGESTED GENERAL MAINTENANCE CHECKLISTS

### Surfacing (§2.4)

- Adequate protective surfacing under and around the equipment.
  - Install/replace surfacing
- Surfacing materials have not deteriorated.
  - Replace surfacing
  - Other maintenance: \_\_\_\_\_
- Loose-fill surfacing materials have no foreign objects or debris.
  - Remove trash and debris
- Loose-fill surfacing materials are not compacted.
  - Rake and fluff surfacing
- Loose-fill surfacing materials have not been displaced under heavy use areas such as under swings or at slide exits.
  - Rake and fluff surfacing

### Drainage (§2.4)

- The entire play area has satisfactory drainage, especially in heavy use areas such as under swings and at slide exits.
  - Improve drainage
  - Other maintenance: \_\_\_\_\_

### General Hazards

- There are no sharp points, corners or edges on the equipment (§3.4).
- There are no missing or damaged protective caps or plugs (§3.4).
- There are no hazardous protrusions (§3.2 and Appendix B).
- There are no potential clothing entanglement hazards, such as open S-hooks or protruding bolts (§2.5.2, §3.2, §5.3.8.1 and Appendix B).
- There are no crush and shearing points on exposed moving parts (§3.1).
- There are no trip hazards, such as exposed footings or anchoring devices and rocks, roots, or any other obstacles in a use zone (§3.6).

### NOTES:

DATE OF INSPECTION:

7-25-18

### Security of Hardware (§2.5)

- There are no loose fastening devices or worn connections.
  - Replace fasteners
- Other maintenance: Tighter loose climber footings
- Moving parts, such as swing hangers, merry-go-round bearings, and track rides, are not worn.
  - Replace part
  - Other maintenance: \_\_\_\_\_

### Durability of Equipment (§2.5)

- There are no rust, rot, cracks, or splinters on any equipment (check carefully where it comes in contact with the ground).
- There are no broken or missing components on the equipment (e.g., handrails, guardrails, protective barriers, steps, or rungs).
- There are no damaged fences, benches, or signs on the playground.
- All equipment is securely anchored.

### Leaded Paint (§2.5.4)

- Paint (especially lead paint) is not peeling, cracking, chipping, or chalking.
- There are no areas of visible leaded paint chips or accumulation of lead dust.
  - Mitigate lead paint hazards

### General Upkeep of Playgrounds (§4)

- There are no user modifications to the equipment, such as strings and ropes tied to equipment, swings looped over top rails, etc.
  - Remove string or rope
  - Correct other modification
- The entire playground is free from debris or litter such as tree branches, soda cans, bottles, glass, etc.
  - Clean playground
- There are no missing trash receptacles.
  - Replace trash receptacle
- Trash receptacles are not full.
  - Empty trash

INSPECTION BY:

Daniel Durham

## APPENDIX A: SUGGESTED GENERAL MAINTENANCE CHECKLISTS

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### NOTES:

DATE OF INSPECTION:

7-25-18

### Security of Hardware (§2.5)

- There are no loose fastening devices or worn connections.
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- Other maintenance: \_\_\_\_\_
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- Replace part
- Other maintenance: \_\_\_\_\_

### Durability of Equipment (§2.5)

- There are no rust, rot, cracks, or splinters on any equipment (check carefully where it comes in contact with the ground).
- There are no broken or missing components on the equipment (e.g., handrails, guardrails, protective barriers, steps, or rungs).
- There are no damaged fences, benches, or signs on the playground.
- All equipment is securely anchored.
- ← Replaced missing fence picket*

### Leaded Paint (§2.5.4)

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- Mitigate lead paint hazards

### General Upkeep of Playgrounds (§4)

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INSPECTION BY:

Daniel Durham

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- There are no trip hazards, such as exposed footings or anchoring devices and rocks, roots, or any other obstacles in a use zone (§3.6).

### NOTES:

DATE OF INSPECTION:

7-25-18

### Security of Hardware (§2.5)

- There are no loose fastening devices or worn connections.
  - Replace fasteners
  - Other maintenance: Tightened loose footings
- Moving parts, such as swing hangers, merry-go-round bearings, and track rides, are not worn.
  - Replace part
  - Other maintenance: \_\_\_\_\_

### Durability of Equipment (§2.5)

- There are no rust, rot, cracks, or splinters on any equipment (check carefully where it comes in contact with the ground).
  - Replaced 2x6 on rope wall
- There are no broken or missing components on the equipment (e.g., handrails, guardrails, protective barriers, steps, or rungs).
- There are no damaged fences, benches, or signs on the playground.
- All equipment is securely anchored.

### Leaded Paint (§2.5.4)

- Paint (especially lead paint) is not peeling, cracking, chipping, or chalking.
- There are no areas of visible leaded paint chips or accumulation of lead dust.
  - Mitigate lead paint hazards

### General Upkeep of Playgrounds (§4)

- There are no user modifications to the equipment, such as strings and ropes tied to equipment, swings looped over top rails, etc.
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  - Clean playground
- There are no missing trash receptacles.
  - Replace trash receptacle
- Trash receptacles are not full.
  - Empty trash

INSPECTION BY:

Daniel D'Uhrum



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**DATE:** AUGUST 13, 2018  
**TO:** Honorable Mayor and Council Members  
**FROM:** Linda Harding, City Accountant  
**SUBJECT:** Accounting Department Report

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**Reports** Financials ending 6/30/2018  
Over \$5,000  
Financial graph representing through JUNE 2018  
Bank Balances as of 8-6-18

**Mentions to reports:** Seventh month of new fiscal year.

**Admin Budget Highlights:**

Admin - Server for council & screen for conference and court – on hold.  
Admin - Change city hall, PD & FD from septic to sewer – Equipment quotes are arriving. Engineering has been completed, engineer will complete design and survey for easement.  
Admin - Paint city offices, replace doors. – To be completed by public works, as time allows.  
Admin – New desktop computers have been installed by Net Genius.  
Admin – Laptops for council has been approved and distributed  
Admin – Net Genius has installed some hardware changes; more changes have been ordered.  
Fire – Bay improvement to start soon.  
Community Service – Vehicle to be received soon and box to be installed.

**INFRASTRUCTURE - STREET REPAIR OVILLA OAKS, SUBURBAN, HIGHLAND, HIGHVIEW HAVE BEEN COMPLETED**

Equipment list that includes vehicles, machinery, computers, laptops have been received and reviewed by departments. The departments are responsible for the replacement request of all equipment.

2 of 3 optional extension used by Yeldell, Wilson and Co., P.C. for period ending September 2018.

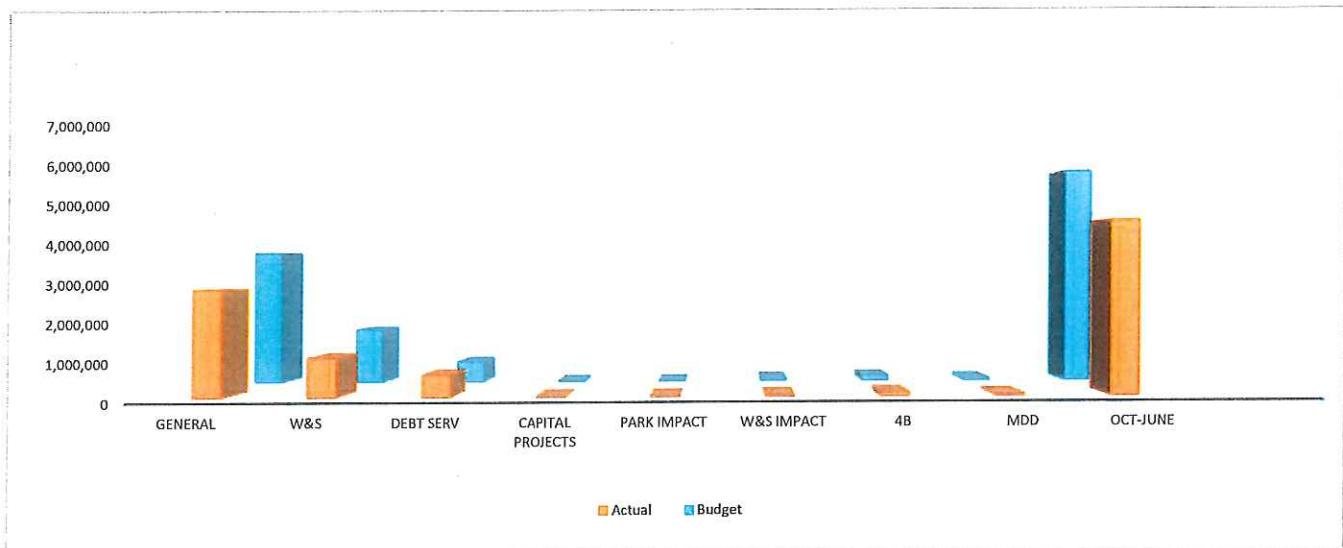
Last extension can be used through September 2019.

December 2017 Bank will use 1<sup>st</sup> of 2-year extensions.

**Department duties:**

Council reports, A/P, P/R, A/R, EOM reports, various accounting obligations, and completed instructions given by City Manager. Examining the various funds, ordinances, resolutions, accounting files, filed required reports for state and federal payroll, sales tax.

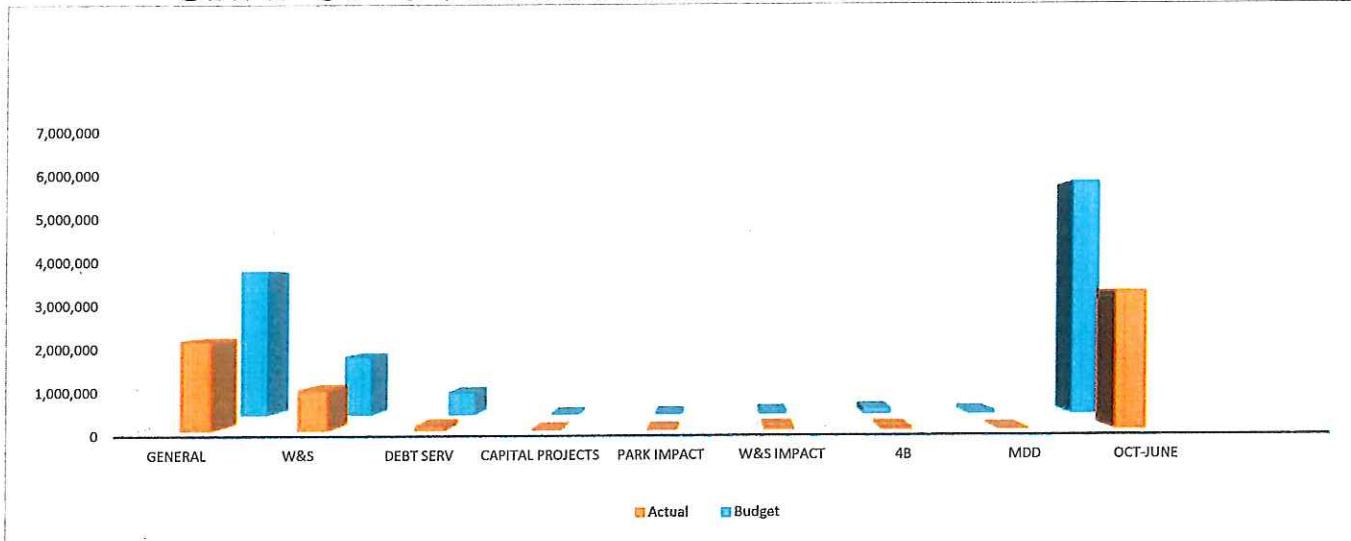
## CITY OF OVILLA REVENUE FY 2017-2018



### City of Ovilla Revenue

FUNDS	Capital								
	General	W&S	Debt Serv	Projects	Park Impact	W&S Impact	4B	MDD	Oct-June
Actual	2,815,975	1,028,262	573,384	412	7,239	44,599	83,395	40,977	4,594,243
Budget	3,827,749	1,539,008	576,650	481	8,793	57,068	132,140	51,100	6,192,989
Over / (Under) Budget	(1,011,774)	(510,746)	(3,266)	(69)	(1,554)	(12,469)	(48,745)	(10,123)	(1,598,746)

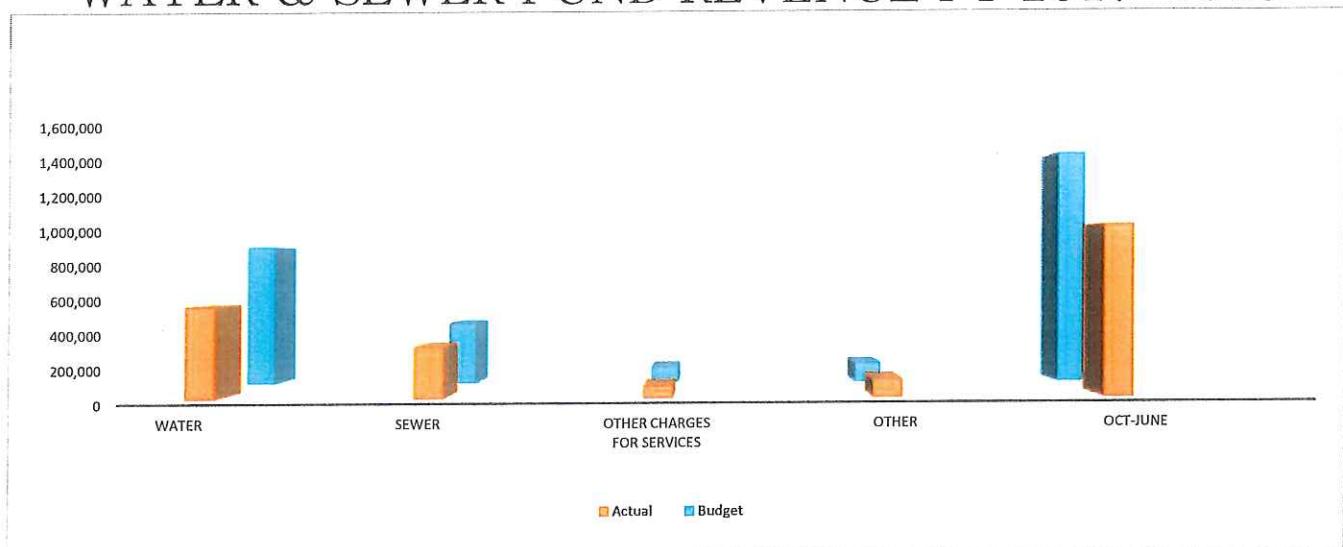
## CITY OF OVILLA EXPENSE FY 2017-2018



### City of Ovilla Expense

FUNDS	Capital								
	General	W&S	Debt Serv	Projects	Park Impact	W&S Impact	4B	MDD	Oct-June
Actual	2,131,610	952,587	93,075	0	1,017	50,546	41,732	2,179	3,272,746
Budget	3,827,749	1,539,008	576,650	481	8,793	57,068	132,140	51,100	6,192,989
Over / (Under) Budget	(1,696,139)	(586,421)	(483,575)	(481)	(7,776)	(6,522)	(90,408)	(48,921)	(2,920,243)

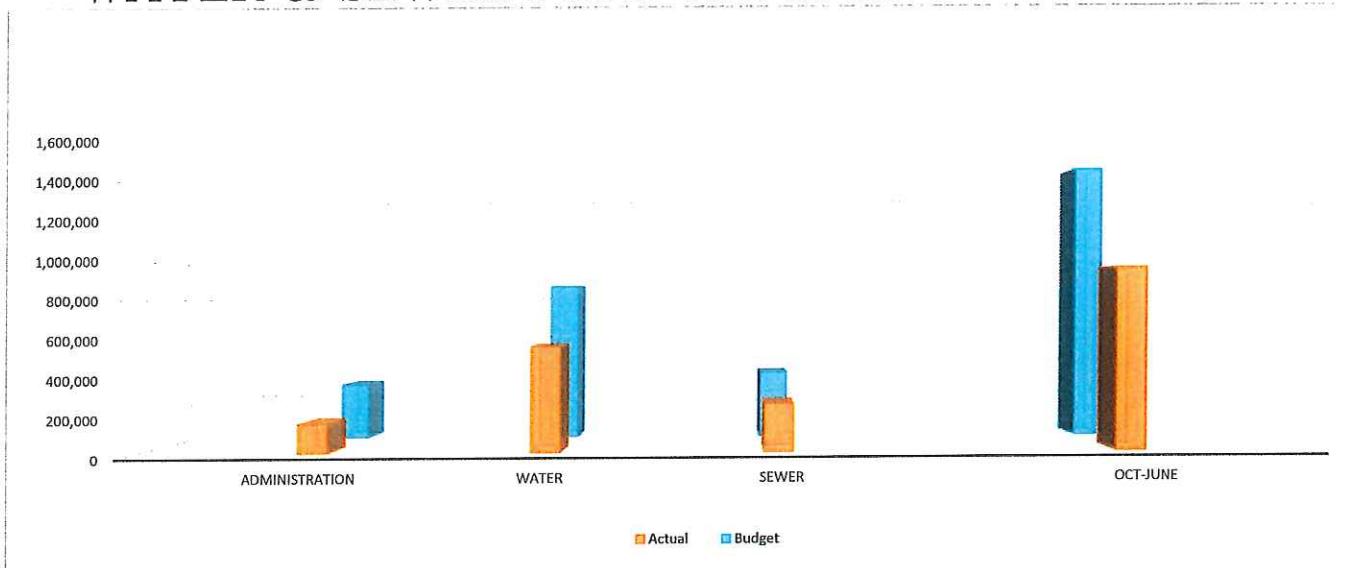
## WATER & SEWER FUND REVENUE FY 2017-2018



### Water & Sewer Revenue

	Water	Sewer	Other Charges for Services	Other	Oct-June
Actual	549,395	306,116	69,416	103,335	1,028,262
Budget	920,296	399,708	98,809	120,195	1,539,008
Over / (Under) Budget	(370,901)	(93,592)	(29,393)	(16,860)	(510,746)

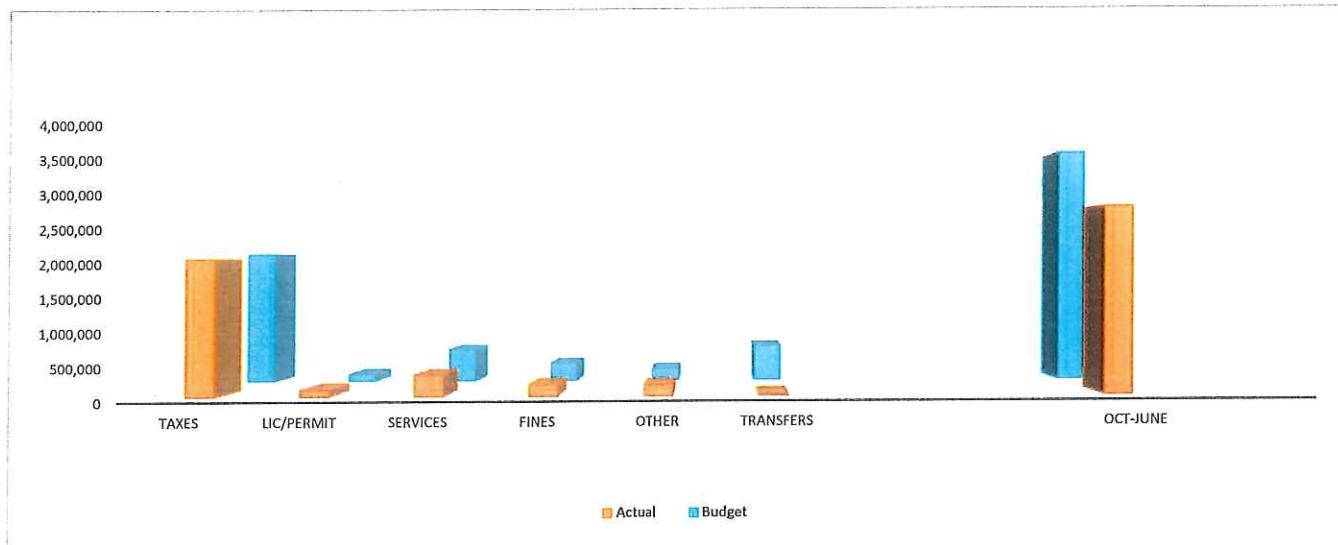
## WATER & SEWER FUND EXPENSE FY 2017-2018



### Water & Sewer Fund Expense

	Administration	Water	Sewer	Oct-June
Actual	150,685	551,113	250,789	952,587
Budget	302,404	869,634	366,970	1,539,008
Over / (Under) Budget	(151,719)	(318,521)	(116,181)	(586,421)

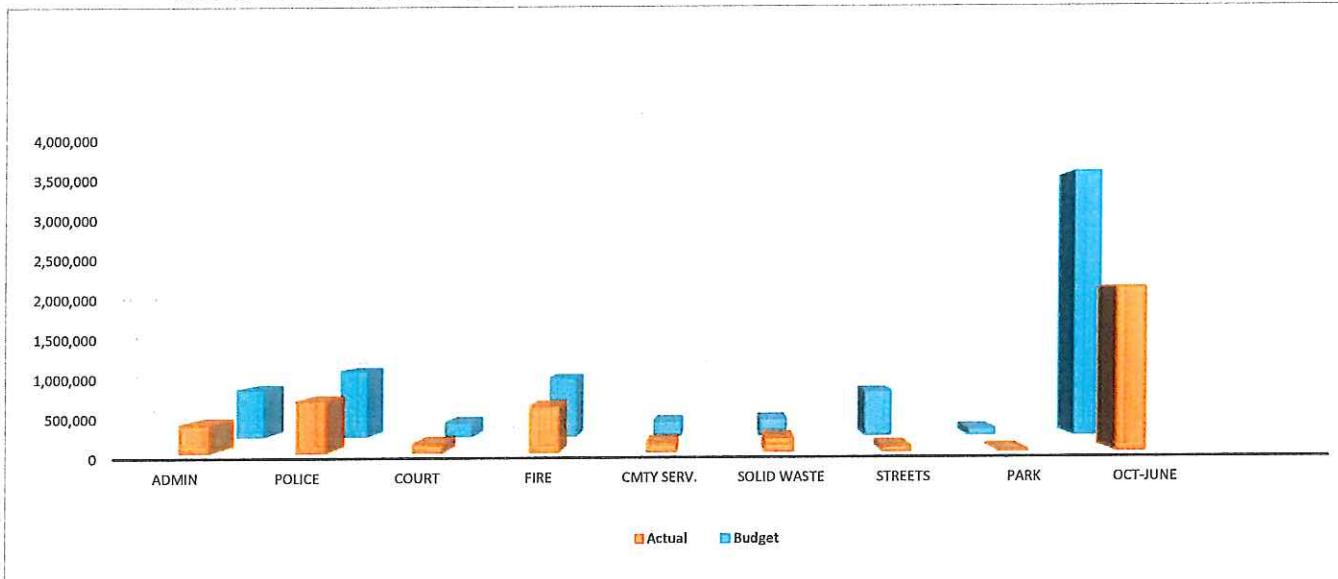
## GENERAL FUND REVENUE FY 2017-2018



### General Fund Revenue

	Taxes	Lic/Permit	Services	Fines	Other	Transfers	Oct-June
Actual	2,062,668	95,383	314,249	168,119	155,513	20,043	2,815,975
Budget	2,146,361	106,581	524,800	287,205	188,981	573,821	3,827,749
Over / (Under) Budget	(83,693)	(11,198)	(210,551)	(119,086)	(33,468)	(553,778)	(1,011,774)

## GENERAL FUND EXPENSE FY 2017-2018



### General Fund Expense

	Admin	Police	Court	Fire	CMTRY Serv.	Solid Waste	Streets	Park	Oct-June
Actual	363,966	672,780	111,363	600,025	121,333	178,507	65,583	18,053	2,131,610
Budget	677,035	948,664	191,749	841,662	205,170	235,734	640,302	87,433	3,827,749
Over / (Under) Budget	(313,069)	(275,884)	(80,386)	(241,637)	(83,837)	(57,227)	(574,719)	(69,380)	(1,696,139)

	Name	Account #	Previous Balance	NEW BALANCE	As Of
<u>Debt Fund</u>		*0291	526,023.83	44,943.23	8/6/2018
<u>General Fund Reserve</u>		608	56,421.13	56,512.56	8/6/2018
<u>GF Reserve CD</u>		*0694	248,972.25	248,972.25	8/6/2018
<u>Water Impact</u>		*2322	481.63	481.79	8/6/2018
<u>4B EDC</u>		*3691	613,562.25	913,770.69	8/6/2018
<u>Fire Dept. Auxil.</u>		*3909	2,370.00	2,370.00	8/6/2018
<u>Water Money Market</u>		*4323	189,888.30	189,977.00	8/6/2018
<u>MDD Fund</u>		*7451	259,720.17	265,298.63	8/6/2018
<u>Water Credit Card</u>		*7531	140.00	140.05	8/6/2018
<u>GF Reserves Money Mkt.</u>		*7583	128,612.85	128,672.93	8/6/2018
<u>GF Money Market</u>		*7605	231,293.31	231,401.35	8/6/2018
<u>Park Fund Money Mkt.</u>		*7613	80,900.51	80,934.86	8/6/2018
<u>Capital Projects Money Mkt.</u>		*7648	131,068.00	131,129.22	8/6/2018
<u>W&amp;S Impact-Sewer</u>		*8699	115,128.47	115,128.47	8/6/2018
<u>employee benefit trust</u>		*8777	264.11	264.54	8/6/2018
<u>GF Operating</u>		*9437	1,493,897.67	1,351,041.62	8/6/2018
<u>W&amp;S Fund Operating</u>		*9445	639,821.72	701,095.98	8/6/2018
<u>Police Special Fund</u>		*9792	215.51	215.51	8/6/2018
<b>SUB TOTAL</b>			<b>4,718,781.71</b>	<b>4,462,350.68</b>	
TexPool - CAPITAL PROJECT	1878		310.76	313.14	8/6/2018
TexStar - GENERAL FUND	1110		3,775.45	3,804.59	8/6/2018
TexStar - GENERAL FUND	1120		942.10	948.35	8/6/2018
TexStar - W&S IMPACT	3540		3,197.64	3,219.20	8/6/2018
TexStar - CAPITAL PROJECT	5340		1,415.41	1,424.77	8/6/2018
TexStar - W&S FUND	5350		1,160.51	1,168.22	8/6/2018
Bryson Manor - GENERAL FUND	8662		298,914.34	299,015.89	8/6/2018
Leose	2510		1,601.79	1,601.79	8/6/2018
<b>TOTAL BANK BALANCES</b>			<b>5,030,099.71</b>	<b>4,773,846.63</b>	



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DATE: August 13, 2018

TO: Honorable Mayor and Council Members

FROM:  
Linda Harding, Accountant

SUBJECT: Financial Statements Through June 2018

**City of Ovilla General Fund**  
**Actual vs Budget Review**  
**FY October 2017 through September 2018**

	Current	Year to Date	\$ Over (Under)	% of Budget
	June 2018	'Oct - June 2018	Budget	Thru June
			Budget	75%
<b>Revenues</b>				
4000100 · Taxes				
4000105 · Ad Valorem, Current	898	1,676,187	1,649,432	26,755
4000106 · Ad Valorem, New & improvements	0	0	53,233	(53,233)
4000110 · Ad Valorem, Delinquent	7,847	21,400	10,000	11,400
4000113 · Interest/Penalties - Prop Tax	3,875	10,501	7,000	3,501
4000120 · Sales Tax	16,266	163,379	210,957	(47,578)
4000125 · Sales Tax - Street Improvement	4,067	40,845	52,739	(11,894)
4000130 · Franchise Tax	94,671	150,356	163,000	(12,644)
<b>Total 4000100 · Taxes</b>	<b>127,624</b>	<b>2,062,668</b>	<b>2,146,361</b>	<b>(83,693)</b>
				96%
4000200 · Licenses and Permits				
4000210 · Residential Building Permits	6,242	44,872	60,000	(15,128)
4000214 · Misc Building Permits	3,784	27,616	23,952	3,664
4000230 · Plan Review Fee	1,619	16,474	12,000	4,474
4000260 · Alarm Permits	265	1,420	2,604	(1,184)
4000270 · Animal Tag Fees	312	1,968	3,706	(1,738)
4000272 · Impound Fees	160	1,320	2,751	(1,431)
4000290 · Misc Licenses and Permits	155	1,713	1,568	145
<b>Total 4000200 · Licenses and Permits</b>	<b>12,537</b>	<b>95,383</b>	<b>106,581</b>	<b>(11,198)</b>
				89%
4000400 · Charges for Services				
4000325 · ESD #2	0	95,000	190,000	(95,000)
4000330 · ESD #4	0	37,084	55,628	(18,544)
4000411 · Copies and Maps	7	38	100	(62)
4000415 · Police Reports	30	78	150	(72)
4000420 · Park Lights	0	0	500	(500)
4000440 · Oak Leaf Animal Control	1,260	1,950	2,100	(150)
4000450 · Subdivision Fees	0	700	6,900	(6,200)
4000480 · Solid Waste (Garbage)	25,380	176,445	264,322	(87,877)
4000485 · 50/50 Sidewalk Program	0	0	1,250	(1,250)

**City of Ovilla General Fund**  
**Actual vs Budget Review**  
**FY October 2017 through September 2018**

	Current	Year to Date	\$ Over		% of Budget
			(Under)		
	June 2018	'Oct - June 2018	Budget	Budget	Thru June
4000490 · Misc Charges for Services	1,150	2,954	3,850	(896)	77%
Total 4000400 · Charges for Services	27,827	314,249	524,800	(210,551)	60%
4000500 · Fines and Forfeitures					
4000535 · Omni Warrant Revenue	0	1,318	2,868	(1,550)	46%
4000510 · Fines - Police	7,954	148,509	265,008	(116,499)	56%
4000520 · Fines - Animal Control	0	0	456	(456)	0%
4000525 · Fines - Code Enforcement	0	592	8,949	(8,357)	7%
4000550 · Municipal Court Technology	403	3,363	5,424	(2,061)	62%
4000551 · Municipal Court Security	303	2,522	4,068	(1,546)	62%
4000590 · Misc Fines and Forfeitures	3,698	10,330	432	9,898	2,391%
4000592 · Warrant Fees	316	1,485	0	1,485	100%
4000593 -	0	0	0	0	0%
Total 4000500 · Fines and Forfeitures	12,673	168,119	287,205	(119,086)	59%
4000800 · Other Revenue					
4000810 · Heritage Day	0	3,738	26,000	(22,262)	14%
4000818 · Lease Proceeds	0	1,144	0	1,144	100%
4000820 · Water Tower Lease	9,156	133,179	151,921	(18,742)	88%
4000840 · Interest Earned	769	7,548	7,560	(12)	100%
4000860 · Grant Proceeds	0	7,440	0	7,440	100%
4000870 · Insurance Proceeds	0	0	0	0	0%
4000885 · Proceeds from Sale of Assets	0	1,127	0	1,127	100%
4000890 · Misc Other Revenue	494	1,338	3,500	(2,162)	38%
Total 4000800 · Other Revenue	10,420	155,513	188,981	(33,468)	82%
4000900 · Transfers In					
4000905 · Weapons Purchase Plan	0	0	11,730	(11,730)	0%
4000925 · Admin.Rev. received from 4B-EDC	625	1,875	2,500	(625)	75%
4000927 · 4B-EDC Revenue: Monument Signs	0	0	30,000	(30,000)	0%
4000928 · 4B-EDC Revenue: Parks Master Plan	0	0	6,000	(6,000)	0%

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	Current	Year to Date	\$ Over		% of Budget
			(Under)	Budget	
	June 2018	'Oct - June 2018	Budget	Thru June	
4000930 · Admin. Rev. Rec. From W&S Fund	5,931	17,793	23,724	(5,931)	75%
4000940 · Admin.Rev. Rec. from MDD Fund	125	375	500	(125)	75%
4000945 - Trans in from Court Security	0	0	7,300	(7,300)	0%
4000990 · Reduction in Fund Balance	0	0	492,067	(492,067)	0%
<b>Total 4000900 · Transfers In</b>	<b>6,681</b>	<b>20,043</b>	<b>573,821</b>	<b>(553,778)</b>	<b>3%</b>
<b>Total Revenues</b>	<b>197,763</b>	<b>2,815,975</b>	<b>3,827,749</b>	<b>(1,011,774)</b>	<b>74%</b>
<b>Gross Resources</b>	<b>197,763</b>	<b>2,815,975</b>	<b>3,827,749</b>	<b>(1,011,774)</b>	<b>74%</b>
<b>Expenditures</b>					
10 · Administration					
5101100 · Salaries & Wages					
5101110 · City Administrator	5,048	57,865	78,750	(20,885)	73%
5101115 · City Secretary	3,125	36,875	44,250	(7,375)	83%
5101117 · City Accountant	2,599	30,672	39,338	(8,666)	78%
5101120 · Admin. Support	1,768	21,046	27,035	(5,989)	78%
5101180 · Merit Raises, Staff	0	0	5,682	(5,682)	0%
<b>Total 5101100 · Salaries &amp; Wages</b>	<b>12,541</b>	<b>146,459</b>	<b>195,055</b>	<b>(48,596)</b>	<b>75%</b>
5101400 · Support Staff					
5101490 · Overtime	67	67	625	(558)	11%
<b>Total 5101400 · Support Staff</b>	<b>67</b>	<b>67</b>	<b>625</b>	<b>(558)</b>	<b>11%</b>
5102100 · Employee Benefits					
5102110 · Group Insurance	2,498	22,555	31,117	(8,562)	72%
5102135 · TMRS	3,002	19,718	25,715	(5,997)	77%
5102160 · Worker's Compensation	0	926	933	(7)	99%
5102170 · Payroll Taxes	440	2,935	3,772	(838)	78%
5102180 · Unemployment Taxes	0	0	1,000	(1,000)	0%
5102190 - Auto Allowance	400	3,600	4,800	(1,200)	75%
5102196 · Indiv. Membership Dues	0	1,439	1,950	(511)	74%

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	Current	Year to Date	\$ Over		% of Budget
			(Under)		
	June 2018	'Oct - June 2018	Budget	Budget	
<b>Total 5102100 · Employee Benefits</b>	6,340	51,172	69,287	(18,115)	74%
<b>5102200 · Special Services</b>					
5102210 · Tax Assessing & Collecting Fees	0	1,814	1,814	0	100%
5102220 · Tax Appraisal Fee	4,538	14,162	18,887	(4,725)	75%
5102230 · Legal Fees	2,100	9,003	32,272	(23,269)	28%
5102240 · Audit	0	7,445	7,650	(205)	97%
5102250 · Accounting	574	705	2,000	(1,295)	35%
5102260 · Engineering Fees	0	4,437	10,000	(5,563)	44%
<b>Total 5102200 · Special Services</b>	7,212	37,567	72,623	(35,056)	52%
<b>5102300 · Contractual Services</b>					
5102310 · Consultant Fees	0	80	10,000	(9,920)	1%
<b>Total 5102300 · Contractual Services</b>	0	80	10,000	(9,920)	1%
<b>5102500 · Operating Services</b>					
5102530 · Custodial Service Contract	344	3,176	4,128	(953)	77%
5102540 · IT - Computer Maintenance	13,589	58,798	65,980	(7,182)	89%
<b>Total 5102500 · Operating Services</b>	13,933	61,974	70,108	(8,134)	88%
<b>5102600 · Special Expenses</b>					
5102610 · Election - Payroll	0	480	850	(371)	56%
5102620 · Election - Supplies	0	2,156	2,500	(344)	86%
5102630 · Election Meeting Expense	0	0	100	(100)	0%
5102650 · Codification Book Update	0	375	3,600	(3,225)	10%
<b>Total 5102600 · Special Expenses</b>	0	3,011	7,050	(4,039)	43%
<b>5103100 · General Supplies</b>					
5103110 · Office Supplies	1,134	6,713	8,000	(1,287)	84%
5103140 · Uniforms	0	0	350	(350)	0%

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	Current	Year to Date	\$ Over		% of Budget
			(Under)		
	June 2018	'Oct - June 2018	Budget	Budget	Thru June
Total 5103100 · General Supplies		1,134	6,713	8,350	(1,637) 80%
5103400 · Maintenance Supplies / Parts					
5103410 · Supplies - Custodial	72	814	1,500	(686)	54%
5103440 · Maintenance Agreement Expense	0	0	400	(400)	0%
5103460 · Miscellaneous	60	149	1,500	(1,351)	10%
Total 5103400 · Maintenance Supplies / Parts	132	964	3,400	(2,436)	28%
5104200 · Travel Expenses					
5104210 · Travel - Local	0	312	500	(188)	62%
5104220 · Professional Development	918	2,260	6,550	(4,290)	35%
5104222 · Professional Develop - Council	60	991	1,300	(309)	76%
5104225 · City Council Meal Expense	407	871	2,200	(1,329)	40%
5104230 · Professional Develop - In-House	0	0	500	(500)	0%
Total 5104200 · Travel Expenses	1,385	4,434	11,050	(6,616)	40%
5105200 · Data Processing Expenses					
5105230 · Data Proc-Maintenance & Repair	0	0	272	(272)	0%
5105240 · Data Processing - Software	0	10,036	36,693	(26,657)	27%
Total 5105200 · Data Processing Expenses	0	10,036	36,965	(26,929)	27%
5105300 · Printing Expense					
5105310 · Copier Expense	440	2,763	4,476	(1,713)	62%
5105320 · Printing - Newsletters	0	2,341	5,108	(2,767)	46%
5105330 · Printing - Forms	0	307	1,500	(1,193)	20%
Total 5105300 · Printing Expense	440	5,410	11,084	(5,674)	49%
5105400 · Utilities					
5105410 · Telephone	128	1,149	1,500	(351)	77%
5105415 · Cellular Phone	119	1,075	1,450	(375)	74%

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**Actual vs Budget Review**  
**FY October 2017 through September 2018**

	Current	Year to Date	\$ Over (Under)	% of Budget
	June 2018	'Oct - June 2018	Budget	Budget
				75%
5105417 · Internet	160	1,440	2,823	(1,383) 51%
5105420 · Wireless Cards	76	684	912	(228) 75%
5105450 · Electricity	322	2,752	4,635	(1,883) 59%
<b>Total 5105400 · Utilities</b>	<b>805</b>	<b>7,099</b>	<b>11,320</b>	<b>(4,221) 63%</b>
5105500 · Repairs & Bldg Improvements				
5105520 · Repairs - Buildings	949	5,782	11,500	(5,718) 50%
5105540 · Repairs - Machinery & Equipment	0	0	500	(500) 0%
5105590 · Repairs - Other	0	371	1,300	(929) 29%
<b>Total 5105500 · Repairs &amp; Bldg Improvements</b>	<b>949</b>	<b>6,152</b>	<b>13,300</b>	<b>(7,148) 46%</b>
5105600 · Insurance				
5105610 · Insurance - Property	0	1,436	1,915	(479) 75%
5105620 · Insurance - Liability	0	600	800	(200) 75%
5105630 · Insurance - Fidelity Bond	0	250	300	(50) 83%
5105632 · Notary Bond	0	0	450	(450) 0%
5105635 · Public Officials Surety Bonds	0	260	2,210	(1,950) 12%
<b>Total 5105600 · Insurance</b>	<b>0</b>	<b>2,546</b>	<b>5,675</b>	<b>(3,129) 45%</b>
5105700 · Other Expenses				
5105705 · Postage	625	4,281	6,756	(2,475) 63%
5105710 · Cash - Over/Short	0	0	10	(10) 0%
5105725 · Records Management Expense	0	1,395	1,500	(105) 93%
5105730 · City - Memberships	0	1,831	2,500	(669) 73%
5105740 · Legal Notices/Advertisement	110	3,854	9,000	(5,146) 43%
5105752 · Employment Screening	0	0	400	(400) 0%
5105753 · Solicitor Screening	16	185	200	(15) 93%
5105760 · Bank Service Charge	0	83	100	(17) 83%
5105764 · Filing Fees	0	470	500	(30) 94%
5105765 · Miscellaneous	86	989	2,767	(1,778) 36%

**City of Ovilla General Fund**  
**Actual vs Budget Review**  
**FY October 2017 through September 2018**

	Current	Year to Date	\$ Over (Under)		% of Budget Thru June
			Budget	Budget	
	June 2018	'Oct - June 2018			
Total 5105700 · Other Expenses		836	13,087	23,733	(10,646) 55%
5106400 · Minor Capital Outlay					
5106440 · Machinery & Equipment	0	0	313	(313)	0%
5106465 · Furniture	1,573	1,687	1,687	(0)	100%
Total 5106400 · Minor Capital Outlay	1,573	1,687	2,000	(313)	84%
5107400 - Capitalized Assets					
5107420 - Buildings	4,710	5,509	31,640	(26,131)	17%
Total 5107400 - Capitalized Assets	4,710	5,509	31,640	(26,131)	17%
5109000 · Reserves					
5109015 - Reserve for FD & PD Radios	0	0	93,770	(93,770)	0%
Total 5109000 - Reserves	0	0	93,770	(93,770)	0
Total 10 · Administration	52,055	363,966	677,035	(313,069)	54%
20 · Police					
5201100 · Salaries & Wages					
5201120 · Police Chief	8,823	58,823	74,243	(15,420)	79%
5201143 · Command Staff	6,811	45,406	57,309	(11,903)	79%
5201150 · Certification Pay	277	1,846	2,400	(554)	77%
5201180 · Merit Raises - Staff	0	0	3,947	(3,947)	0%
Total 5201100 · Salaries & Wages	15,911	106,075	137,899	(31,824)	77%
5201400 · Support Salaries					
5201405 · Support Staff	3,662	24,416	30,826	(6,410)	79%
5201408 · Sergeant	5,788	44,492	88,047	(43,555)	51%
5201410 · Patrol	29,801	209,703	248,352	(38,649)	84%
5201412 · Patrol Part Time	3,050	17,675	20,500	(2,825)	86%
5201415 · Certification Pay	104	877	2,701	(1,824)	32%

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	Current	Year to Date	\$ Over		% of Budget
			(Under)		
	June 2018	'Oct - June 2018	Budget	Budget	Thru June
5201470 - Salary Increase	0	0	6,220	(6,220)	0%
5201480 - Merit Raises	0	0	10,012	(10,012)	0%
5201490 - Overtime	531	8,252	16,000	(7,748)	52%
<b>Total 5201400 - Support Salaries</b>	<b>42,936</b>	<b>305,416</b>	<b>422,658</b>	<b>(117,242)</b>	<b>72%</b>
5202100 - Employee Benefits					
5202110 - Group Insurance	5,521	59,385	84,581	(25,196)	70%
5202135 - TMRS	5,546	38,536	53,161	(14,625)	72%
5202160 - Worker's Compensation	0	10,297	12,471	(2,174)	83%
5202170 - Payroll Taxes	1,012	6,808	8,789	(1,981)	77%
5202196 - Membership Dues	0	403	403	0	100%
<b>Total 5202100 - Employee Benefits</b>	<b>12,079</b>	<b>115,429</b>	<b>159,405</b>	<b>(43,976)</b>	<b>72%</b>
5202300 - Contractual Services					
5202355 - Contract Labor - Individual	0	0	500	(500)	0%
5202356 - Gingerbread House	0	1,000	1,000	0	100%
5202380 - Dispatch	0	7,962	15,925	(7,963)	50%
5202385 - Jail Expense	0	0	1,000	(1,000)	0%
5202390 - Special Response Team	0	7,500	8,500	(1,000)	88%
5202395 - Contractual Services Other	0	0	1,000	(1,000)	0%
<b>Total 5202300 - Contractual Services</b>	<b>0</b>	<b>16,462</b>	<b>27,925</b>	<b>(11,463)</b>	<b>59%</b>
5202500 - Operating Services					
5202530 - Custodial Service Contract	235	2,086	2,820	(734)	74%
5202540 - Computer Maintenance	0	0	700	(700)	0%
5202560 - Internet Subscriptions	330	330	1,350	(1,020)	24%
<b>Total 5202500 - Operating Services</b>	<b>565</b>	<b>2,416</b>	<b>4,870</b>	<b>(2,454)</b>	<b>50%</b>
5202600 - Special Expenses					
5202675 - National Night Out	0	135	500	(365)	27%

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	June 2018	'Oct - June 2018	Budget	Thru June
			Budget	75%
<b>Total 5202600 · Special Expenses</b>	0	135	500	(365) 27%
<b>5203100 · General Supplies</b>				
5203110 · Office Supplies	0	1,102	1,102	(0) 100%
5203140 · Uniforms	698	3,212	8,500	(5,288) 38%
5203170 · Evidence Gathering	26	534	700	(166) 76%
<b>Total 5203100 · General Supplies</b>	724	4,847	10,302	(5,455) 47%
<b>5203400 · Maintenance Supplies &amp; Parts</b>				
5203410 · Supplies - Custodial	0	621	800	(179) 78%
<b>Total 5203400 · Maintenance Supplies &amp; Parts</b>	0	621	800	(179) 78%
<b>5204200 · Travel Expenses</b>				
5204210 · Travel - Local	0	578	1,000	(422) 58%
5204220 · Professional Development	0	3,970	7,827	(3,857) 51%
5204225 · Professional Dev - LEOSE	0	0	0	0 0%
5204235 · Ammo	0	0	1,000	(1,000) 0%
5204270 · Vehicle Expenses	2,010	15,209	24,000	(8,792) 63%
<b>Total 5204200 · Travel Expenses</b>	2,010	19,757	33,827	(14,070) 58%
<b>5205200 · Data Processing Expenses</b>				
5205220 · Data Proc - Equipment	0	439	5,000	(4,561) 9%
5205240 · Data Processing - Software	0	17,851	18,000	(149) 99%
<b>Total 5205200 · Data Processing Expenses</b>	0	18,290	23,000	(4,710) 80%
<b>5205300 · Printing Expenses</b>				
5205310 · Copier Expense	101	805	1,210	(405) 67%
5205330 · Printing - Forms	0	300	300	0 100%
5205350 · Printing - Other	0	160	448	(288) 36%
<b>Total 5205300 · Printing Expenses</b>	101	1,265	1,958	(693) 65%

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	June 2018	'Oct - June 2018	Budget	Thru June
			Budget	75%
<b>5205400 · Utilities</b>				
5205410 · Telephone	125	1,121	1,500	(379) 75%
5205415 · Cellular Phone	99	889	1,188	(299) 75%
5205417 · Internet - PD	160	1,440	1,920	(480) 75%
5205420 · Wireless Cards	190	1,710	3,192	(1,482) 54%
5205450 · Electricity	219	2,575	4,500	(1,925) 57%
<b>Total 5205400 · Utilities</b>	<b>792</b>	<b>7,734</b>	<b>12,300</b>	<b>(4,566) 63%</b>
<b>5205500 · Repairs &amp; Building Improvements</b>				
5205520 · Repairs - Building	298	364	5,000	(4,636) 7%
5205540 · Repairs- Machinery & Equipment	50	96	1,000	(904) 10%
5205550 · Repairs - Vehicles	107	5,644	10,000	(4,356) 56%
<b>Total 5205500 · Repairs &amp; Building Improvements</b>	<b>455</b>	<b>6,104</b>	<b>16,000</b>	<b>(9,896) 38%</b>
<b>5205600 · Insurance</b>				
5205610 · Insurance - Property	0	1,463	1,950	(488) 75%
5205620 · Insurance - Liability	0	4,011	5,348	(1,337) 75%
5205640 · Insurance - Vehicle	0	3,681	4,908	(1,227) 75%
<b>Total 5205600 · Insurance</b>	<b>0</b>	<b>9,155</b>	<b>12,206</b>	<b>(3,052) 75%</b>
<b>5205700 · Other Expenses</b>				
5205742 · Public Relations	0	0	550	(550) 0%
5205745 · Weapons Purchase Plan	0	0	11,730	(11,730) 0%
5205752 · Employment Screening	177	618	1,550	(932) 40%
5205765 · Miscellaneous	456	1,120	1,500	(380) 75%
<b>Total 5205700 · Other Expenses</b>	<b>634</b>	<b>1,738</b>	<b>15,330</b>	<b>(13,592) 11%</b>
<b>5206400 · Minor Capital Outlay</b>				
5206440 · Machinery & Equipment	1,106	3,017	9,734	(6,717) 31%

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	Current	Year to Date	\$ Over		% of Budget
			(Under)		
	June 2018	'Oct - June 2018	Budget	Budget	
5206445 · Personal Protective Equipment	0	2,121	2,600	(479)	82%
5206450 · Vehicles	0	52,198	57,350	(5,152)	91%
<b>Total 5206400 · Minor Capital Outlay</b>	<b>1,106</b>	<b>57,336</b>	<b>69,684</b>	<b>(12,348)</b>	<b>82%</b>
 Total 20 · Police	 77,314	 672,780	 948,664	 (275,884)	 71%
 25 · Municipal Court					
5251100 · Salaries & Wages					
5251140 · Municipal Judge	634	6,969	11,110	(4,142)	63%
<b>Total 5251100 · Salaries &amp; Wages</b>	<b>634</b>	<b>6,969</b>	<b>11,110</b>	<b>(4,142)</b>	<b>63%</b>
 5251400 · Support Staff					
5251405 · Support Staff	4,243	28,288	34,695	(6,407)	82%
5251470 - Salary Increase	0	0	1,041	(1,041)	
5251480 · Merit Raises	0	0	1,041	(1,041)	0%
5251490 · Overtime	119	796	1,400	(604)	57%
<b>Total 5251400 · Support Staff</b>	<b>4,363</b>	<b>29,084</b>	<b>38,177</b>	<b>(9,093)</b>	<b>76%</b>
 5252100 · Employee Benefits					
5252110 · Group Insurance	657	6,310	7,612	(1,302)	83%
5252135 · TMRS	434	2,869	3,637	(768)	79%
5252160 · Worker's Compensation	0	117	156	(39)	75%
5252170 · Payroll Taxes	112	955	1,384	(429)	69%
5252196 - Membership Dues	0	0	60	(60)	0%
<b>Total 5252100 · Employee Benefits</b>	<b>1,202</b>	<b>10,251</b>	<b>12,849</b>	<b>(2,598)</b>	<b>80%</b>
 5252300 · Contractual Services					
5251420 · Jury Fees	0	0	200	(200)	0%
5251425 · City Prosecutor	348	7,412	11,970	(4,558)	62%
5251450 · Contract Labor - Company	0	600	600	0	100%
5252375 · Comptroller - Warrant Fees	724	41,782	96,000	(54,218)	44%

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	June 2018	'Oct - June 2018	Budget	Thru June
			Budget	75%
<b>Total 5252300 · Contractual Services</b>	1,072	49,794	108,770	(58,976) 46%
<b>5253100 · General Supplies</b>				
5253110 · Office Supplies	65	65	133	(68) 49%
5253140 · Uniforms	10	10	50	(40) 20%
<b>Total 5253100 · General Supplies</b>	75	75	183	(108) 41%
<b>5254200 · Travel Expenses</b>				
5254210 - Travel - Local	0	0	25	(25) 0%
5254220 · Professional Development	0	0	50	(50) 0%
<b>Total 5254200 · Travel Expenses</b>	0	0	75	(75) 0%
<b>5255200 · Data Processing Expenses</b>				
5255240 · Data Processing - SW Maint.	0	2,153	2,351	(198) 92%
<b>Total 5255200 · Data Processing Expenses</b>	0	2,153	2,351	(198) 92%
<b>5255300 · Printing Expense</b>				
5255350 · Printing - Other	0	842	842	(0) 100%
<b>Total 5255300 · Printing Expense</b>	0	842	842	(0) 100%
<b>5255600 · Insurance</b>				
5255620 · Insurance - Liability	0	158	210	(53) 75%
<b>Total 5255600 · Insurance</b>	0	158	210	(53) 75%
<b>5255700 · Other Expenses</b>				
5255765 · Miscellaneous	0	0	50	(50) 0%
5255768 · Collection Agency Fees	681	6,891	8,868	(1,977) 78%
5255772 · Warrant Fee - Omni	1,547	5,148	8,264	(3,116) 62%
<b>Total 5255700 · Other Expenses</b>	2,228	12,040	17,182	(5,142) 70%

**City of Ovilla General Fund**  
**Actual vs Budget Review**  
**FY October 2017 through September 2018**

	Current	Year to Date	\$ Over (Under)	% of Budget
	June 2018	'Oct - June 2018	Budget	Thru June
			Budget	75%
Total 25 · Municipal Court	9,573	111,363	191,749	(80,386) 58%
30 · Fire				
5301100 · Salaries & Wages				
5301125 · Fire Chief	4,769	31,136	39,156	(8,020) 80%
5301135 · Deputy Chief/Fire January shall	2,571	18,912	22,069	(3,157) 86%
5301140 · Fire Captains	7,615	54,463	70,760	(16,297) 77%
5301150 · Officer in Charge & Holiday	1,200	10,328	12,648	(2,320) 82%
5301170 · Salary Increase	0	0	2,933	(2,933) 0%
5301180 · Merit Raises - Staff	0	0	4,048	(4,048) 0%
Total 5301100 · Salaries & Wages	16,155	114,839	151,614	(36,775) 76%
5301400 · Support Salaries				
5301440 · Firefighters	37,686	248,452	326,555	(78,103) 76%
5301442 · Salary Increase	0	0	867	(867) 0%
5301470 · Salary Increase	0	0	4,876	(4,876) 0%
5301480 · Merit Raises	0	0	9,943	(9,943) 0%
5301485 · Volunteer Incentive Program	1,390	14,517	16,850	(2,333) 86%
Total 5301400 · Support Salaries	39,076	262,969	359,091	(96,122) 73%
5302100 · Employee Benefits				
5302135 · TMRS	730	4,995	6,534	(1,539) 76%
5302137 · Volunteer Retirement	0	1,125	5,200	(4,075) 22%
5302160 · Worker's Compensation	0	11,703	12,731	(1,028) 92%
5302170 · Payroll Taxes	3,664	24,640	33,617	(8,977) 73%
5302196 · Membership Dues	0	2,130	2,200	(70) 97%
Total 5302100 · Employee Benefits	4,393	44,593	60,282	(15,689) 74%
5302300 · Contractual Services				
5302310 · Consultant Fees	0	1,500	1,500	0 100%

**City of Ovilla General Fund**  
**Actual vs Budget Review**  
**FY October 2017 through September 2018**

	Current	Year to Date	\$ Over (Under)	% of Budget
	June 2018	'Oct - June 2018	Budget	Thru June
			Budget	75%
5302380 · Dispatch	0	8,447	15,925	(7,478) 53%
5302385 · Emergency Transport Service	15,890	47,669	63,559	(15,890) 75%
<b>Total 5302300 · Contractual Services</b>	<b>15,890</b>	<b>57,616</b>	<b>80,984</b>	<b>(23,368) 71%</b>
5302500 · Operating Services				
5302510 · Maintenance Agreements	426	6,756	9,500	(2,744) 71%
5302570 · Warning System Maintenance	2,500	2,500	2,500	0 100%
5302580 · Generator Maintenance	0	1,379	2,120	(741) 65%
<b>Total 5302500 · Operating Services</b>	<b>2,926</b>	<b>10,635</b>	<b>14,120</b>	<b>(3,485) 75%</b>
5302600 · Special Expenses				
5302675 · National Night Out	0	236	350	(114) 67%
<b>Total 5302600 · Special Expenses</b>	<b>0</b>	<b>236</b>	<b>350</b>	<b>(114) 67%</b>
5303100 · General Supplies				
5303110 · Office Supplies	29	322	1,000	(678) 32%
5303140 · Uniforms	0	2,891	5,000	(2,109) 58%
5303160 · Medical Supplies	73	4,422	8,000	(3,578) 55%
5303165 · Medical Support	48	848	1,000	(152) 85%
5303170 · Evidence Gathering	0	133	800	(667) 17%
5303175 · Education Aids	0	0	1,000	(1,000) 0%
<b>Total 5303100 · General Supplies</b>	<b>150</b>	<b>8,615</b>	<b>16,800</b>	<b>(8,185) 51%</b>
5303400 · Maintenance Supplies & Parts				
5303410 · Supplies - Custodial	394	1,927	2,500	(573) 77%
5303420 · Building Alarm Maintenance	0	1,950	2,300	(350) 85%
<b>Total 5303400 · Maintenance Supplies &amp; Parts</b>	<b>394</b>	<b>3,877</b>	<b>4,800</b>	<b>(923) 81%</b>
5304200 · Travel Expenses				
5304220 · Professional Development	112	1,807	7,600	(5,793) 24%

**City of Ovilla General Fund**  
**Actual vs Budget Review**  
**FY October 2017 through September 2018**

	Current	Year to Date	\$ Over		% of Budget
			(Under)		
	June 2018	'Oct - June 2018	Budget	Budget	Thru June
5304270 · Vehicle Expenses		588	7,194	9,000	(1,806)
Total 5304200 · Travel Expenses		700	9,001	16,600	(7,599)
5305200 · Data Processing Expenses					
5305230 · Data Proc-Maintenance & Repair		0	563	5,000	(4,437)
5305240 · Data Processing - Software		0	6,780	10,000	(3,220)
Total 5305200 · Data Processing Expenses		0	7,343	15,000	(7,657)
5305300 · Printing Expense					
5305310 · Copier Expense		399	2,734	3,200	(466)
5305330 · Printing - Forms		0	0	100	(100)
Total 5305300 · Printing Expense		399	2,734	3,300	(566)
5305400 · Utilities					
5305410 · Telephone		285	2,062	2,168	(106)
5305415 · Cellular Phone		124	1,368	1,490	(122)
5305417 · Internet - Fire Dept.		464	4,177	4,660	(483)
5305430 · Natural Gas		59	2,161	3,000	(839)
5305450 · Electricity		422	3,613	5,650	(2,037)
Total 5305400 · Utilities		1,355	13,382	16,968	(3,586)
5305500 · Repairs & Bldg Improvements					
5305520 · Repairs - Building		493	11,336	20,000	(8,664)
5305540 · Repairs - Machinery & Equipment		178	7,145	7,721	(576)
5305545 · Repairs - Apparatus		3,237	25,516	25,779	(263)
5305550 · Repairs - Vehicles		136	192	1,000	(808)
Total 5305500 · Repairs & Bldg Improvements		4,044	44,189	54,500	(10,311)
5305600 · Insurance					
5305610 · Insurance - Property		0	1,337	1,783	(446)
5305620 · Insurance - Liability		0	1,071	1,428	(357)
5305640 · Insurance - Vehicle		0	9,634	12,845	(3,211)

**City of Ovilla General Fund**  
**Actual vs Budget Review**  
**FY October 2017 through September 2018**

	Current	Year to Date	\$ Over		% of Budget
			(Under)		
	June 2018	'Oct - June 2018	Budget	Budget	Thru June
Total 5305600 · Insurance		0	12,042	16,056	(4,014)
5305700 · Other Expenses					75%
5305705 · Postage		0	0	50	(50)
5305752 · Employment Screening		0	122	500	(378)
5305765 · Flags & Miscellaneous		0	0	100	(100)
Total 5305700 · Other Expenses		0	122	650	(528)
5306400 · Minor Capital Outlay					19%
5306440 · Machinery & Equipment		0	490	10,300	(9,810)
5306445 · Personal Protective Equipment		0	7,343	20,247	(12,905)
Total 5306400 · Minor Capital Outlay		0	7,833	30,547	(22,715)
Total 30 · Fire		85,482	600,025	841,662	(241,637)
40 · Community Services					71%
5401100 · Salaries & Wages					
5401135 · ACO/Code Enforcement Officer	5,676	37,840	47,757	(9,917)	79%
5401140 · Permit Clerk - Code	-924	18,170	21,643	(3,473)	84%
5401180 · Merit Raises - Staff	0	0	2,083	(2,083)	0%
5401190 · Overtime	1,047	7,542	7,500	42	101%
Total 5401100 · Salaries & Wages	5,798	63,552	78,983	(15,431)	80%
5402100 · Employee Benefits					
5402110 · Group Insurance	1,087	8,758	15,399	(6,641)	57%
5402135 · TMRS	1,186	7,909	10,014	(2,105)	79%
5402160 · Worker's Compensation	0	358	392	(34)	91%
5402170 · Payroll Taxes	162	1,138	1,469	(331)	77%
5402190 · License	0	0	625	(625)	0%
Total 5402100 · Employee Benefits	2,435	18,163	27,899	(9,736)	65%
5402300 · Contractual Services					

**City of Ovilla General Fund**  
**Actual vs Budget Review**  
**FY October 2017 through September 2018**

	Current	Year to Date	\$ Over		% of Budget
			(Under)		
	June 2018	'Oct - June 2018	Budget	Budget	Thru June
5402315 · Contract Building Inspections	8,558	28,629	43,800	(15,171)	65%
5402370 · Impound Fees	250	1,341	2,300	(959)	58%
<b>Total 5402300 · Contractual Services</b>	<b>8,808</b>	<b>29,970</b>	<b>46,100</b>	<b>(16,130)</b>	<b>65%</b>
<b>5402600 · Special Expenses</b>					
5402680 · Environmental Testing	0	61	1,820	(1,759)	3%
5402683 - Septic Tank Fee to State	20	30	100	(70)	30%
5402685 · Clean up Day	0	0	100	(100)	0%
5402687 - Abatement Nuisance	0	1,680	1,680	0	100%
<b>Total 5402600 · Special Expenses</b>	<b>20</b>	<b>1,771</b>	<b>3,700</b>	<b>(1,929)</b>	<b>48%</b>
<b>5403100 · General Supplies</b>					
5403110 · Office Supplies	0	34	50	(16)	68%
5403120 · Animal Care	0	58	150	(92)	38%
5403122 · Pet Supplies	54	460	600	(140)	77%
5403140 · Uniforms	0	205	600	(395)	34%
<b>Total 5403100 · General Supplies</b>	<b>54</b>	<b>757</b>	<b>1,400</b>	<b>(643)</b>	<b>54%</b>
<b>5403400 · Maintenance Supplies &amp; Parts</b>					
5403460 · Miscellaneous	0	0	200	(200)	0%
<b>Total 5403400 · Maintenance Supplies &amp; Parts</b>	<b>0</b>	<b>0</b>	<b>200</b>	<b>(200)</b>	<b>0%</b>
<b>5404200 · Travel Expenses</b>					
5404210 · Travel - Local	0	0	25	(25)	0%
5404220 · Professional Development	0	425	425	(0)	100%
5404270 · Vehicle Expenses	316	2,144	2,975	(831)	72%
<b>Total 5404200 · Travel Expenses</b>	<b>316</b>	<b>2,569</b>	<b>3,425</b>	<b>(856)</b>	<b>75%</b>
<b>5405200 · Data Processing Expenses</b>					
5405240 · Data Processing - Software	0	2,500	2,500	0	100%
<b>Total 5405200 · Data Processing Expenses</b>	<b>0</b>	<b>2,500</b>	<b>2,500</b>	<b>0</b>	<b>100%</b>

**City of Ovilla General Fund**  
**Actual vs Budget Review**  
**FY October 2017 through September 2018**

	Current	Year to Date	\$ Over		% of Budget
			(Under)		
	June 2018	'Oct - June 2018	Budget	Budget	Thru June
<b>5405300 · Printing Expense</b>					
5405330 · Printing - Forms	0	0	400	(400)	0%
<b>Total 5405300 · Printing Expense</b>	<b>0</b>	<b>0</b>	<b>400</b>	<b>(400)</b>	<b>0%</b>
<b>5405400 · Utilities</b>					
5405415 · Cellular Phone	74	765	1,074	(309)	71%
<b>Total 5405400 · Utilities</b>	<b>74</b>	<b>765</b>	<b>1,074</b>	<b>(309)</b>	<b>71%</b>
<b>5405600 · Insurance</b>					
5405610 · Insurance - Property	0	8	10	(3)	75%
5405620 · Insurance - Liability	0	137	183	(46)	75%
5405640 · Insurance - Vehicle	0	47	63	(16)	75%
<b>Total 5405600 · Insurance</b>	<b>0</b>	<b>192</b>	<b>256</b>	<b>(64)</b>	<b>75%</b>
<b>5405700 · Other Expenses</b>					
5405765 · Miscellaneous	0	25	300	(275)	8%
<b>Total 5405700 · Other Expenses</b>	<b>0</b>	<b>25</b>	<b>300</b>	<b>(275)</b>	<b>8%</b>
<b>5406400 · Minor Capital Outlay</b>					
5406440 · Machinery & Equipment	0	1,069	1,100	(31)	97%
<b>Total 5406400 · Minor Capital Outlay</b>	<b>0</b>	<b>1,069</b>	<b>1,100</b>	<b>(31)</b>	<b>97%</b>
<b>5407400 · Capitalized Assets</b>					
5407450 · Vehicles	0	0	37,833	(37,833)	0%
<b>Total 5406400 · Minor Capital Outlay</b>	<b>0</b>	<b>0</b>	<b>37,833</b>	<b>(37,833)</b>	<b>0%</b>
<b>Total 40 · Community Services</b>	17,504	121,333	205,170	(83,837)	59%
<b>45 · Solid Waste</b>					
5455400 · Utilities					

**City of Ovilla General Fund**  
**Actual vs Budget Review**  
**FY October 2017 through September 2018**

	Current	Year to Date	\$ Over (Under)		% of Budget Thru June
			Budget	Budget	
	June 2018	'Oct - June 2018			
5455465 · Solid waste Pickup (Garbage)	20,561	178,507	235,734	(57,227)	76%
Total 5455400 · Utilities	20,561	178,507	235,734	(57,227)	76%
 Total 45 · Solid Waste	 20,561	 178,507	 235,734	 (57,227)	 76%
 50 · Streets					
5501400 · Support Staff					
5501415 · Maintenance Crew	0	0	27,144	(27,144)	0%
5501480 - Merit Raises	0	0	815	(815)	0%
5501490 · Overtime	0	0	1,500	(1,500)	0%
5501500 · Streets - On Call	0	0	600	(600)	0%
Total 5501400 · Support Staff	0	0	30,059	(30,059)	0%
 5502100 · Employee Benefits					
5502110 · Group Insurance	0	0	7,553	(7,553)	0%
5502135 · TMRS	0	0	2,913	(2,913)	0%
5502160 · Worker's Compensation	0	1,141	1,882	(741)	61%
5502170 · Payroll Taxes	0	0	428	(428)	0%
5502190 · License	0	25	122	(97)	20%
Total 5502100 · Employee Benefits	0	1,166	12,898	(11,732)	9%
 5502200 · Special Services					
5502280 · NCTCOG- SWMP Fees	0	100	3,360	(3,260)	3%
Total 5502200 · Special Services	0	100	3,360	(3,260)	3%
 5502600 · Special Expenses					
5502620 · Emergency Clean Up	0	2,295	2,300	(5)	100%
Total 5502600 · Special Expenses	0	2,295	2,300	(5)	100%
 5503100 · General Supplies					

**City of Ovilla General Fund**  
**Actual vs Budget Review**  
**FY October 2017 through September 2018**

	Current	Year to Date	\$ Over (Under)		% of Budget
	June 2018	'Oct - June 2018	Budget	Budget	Thru June
					75%
5503110 · Office Supplies	0	0	100	(100)	0%
5503140 · Uniforms	0	463	600	(137)	77%
<b>Total 5503100 · General Supplies</b>	<b>0</b>	<b>463</b>	<b>700</b>	<b>(237)</b>	<b>66%</b>
5503400 · Maintenance Supplies & Parts					
5503405 · Drainage Maintenance	0	0	500	(500)	0%
5503420 · Supplies - Street Signs	750	1,960	2,000	(40)	98%
5503460 · Miscellaneous	104	250	350	(100)	71%
<b>Total 5503400 · Maintenance Supplies &amp; Parts</b>	<b>854</b>	<b>2,209</b>	<b>2,850</b>	<b>(641)</b>	<b>78%</b>
5504200 · Travel Expenses					
5504220 · Professional Development	0	90	500	(410)	18%
5504270 · Vehicle Expenses	522	2,445	5,650	(3,205)	43%
<b>Total 5504200 · Travel Expenses</b>	<b>522</b>	<b>2,535</b>	<b>6,150</b>	<b>(3,615)</b>	<b>41%</b>
5505300 · Printing Expense					
5505350 · Printing - Other	0	0	350	(350)	0%
<b>Total 5505300 · Printing Expense</b>	<b>0</b>	<b>0</b>	<b>350</b>	<b>(350)</b>	<b>0%</b>
5505400 · Utilities					
5505450 · Electricity	3,683	34,033	47,000	(12,967)	72%
<b>Total 5505400 · Utilities</b>	<b>3,683</b>	<b>34,033</b>	<b>47,000</b>	<b>(12,967)</b>	<b>72%</b>
5505500 · Repairs & Bldg Improvements					
5405520 · Repairs - Building	0	0	500	(500)	0%
5505540 · Repairs - Machinery & Equipment	142	2,136	2,500	(364)	85%
5505550 · Repairs - Vehicles	0	2,138	2,500	(362)	86%
5505560 · Repairs -Street Maint.& Repairs	105	11,866	50,000	(38,134)	24%
5505565 · Repairs - Infrastructure Drainage	0	1,652	3,000	(1,348)	55%
5505575 · Repairs - 50/50 Sidewalk Program	0	0	2,500	(2,500)	0%

**City of Ovilla General Fund**  
**Actual vs Budget Review**  
**FY October 2017 through September 2018**

	Current	Year to Date	\$ Over		% of Budget
			(Under)		
	June 2018	'Oct - June 2018	Budget	Budget	
5505590 · Repairs - Other	61	61	1,500	(1,439)	4%
Total 5505500 · Repairs & Bldg Improvements	308	17,854	62,500	(44,646)	29%
5505600 · Insurance					
5505620 · Insurance - Liability	0	1,340	1,787	(447)	75%
5505640 · Insurance - Vehicle	0	2,376	3,168	(792)	75%
Total 5505600 · Insurance	0	3,716	4,955	(1,239)	75%
5505700 · Other Expenses					
5505752 · Employment Screening	0	0	150	(150)	0%
Total 5505700 · Other Expenses	0	0	150	(150)	0%
5506400 · Minor Capital Outlay					
5506440 · Machinery & Equipment	0	326	2,500	(2,174)	13%
5506445 · Personal Protective Equipment	0	95	300	(205)	32%
5506490 · Other	362	790	850	(60)	93%
Total 5506400 · Minor Capital Outlay	362	1,212	3,650	(2,438)	33%
5507400 · Capitalized Assets					
5507440 · Machinery & Equipment	0	0	10,000	(10,000)	0%
5507460 · Infrastructure	0	0	453,380	(453,380)	0%
Total 5507400 · Capitalized Assets	0	0	463,380	(463,380)	0%
Total 50 · Streets	5,729	65,583	640,302	(574,719)	10%
60 · Parks					
5602400 · Rentals					
5602490 · Rental - Other	210	2,096	3,000	(904)	70%
Total 5602400 · Rentals	210	2,096	3,000	(904)	70%

**City of Ovilla General Fund**  
**Actual vs Budget Review**  
**FY October 2017 through September 2018**

	Current	Year to Date	\$ Over (Under)	% of Budget
	June 2018	'Oct - June 2018	Budget	Thru June
			Budget	75%
5602600 · Special Expenses				
5602680 · Heritage Day	0	103	15,248	(15,145) 1%
5602690 - Special Events	774	5,051	5,052	(1) 100%
Total 5602600 · Special Expenses	774	5,155	20,300	(15,145) 25%
5603400 · Maintenance Supplies & Parts				
5303410 - Supplies - Custodial	0	0	2,000	(2,000) 0%
5603460 · Miscellaneous	0	300	300	0 100%
Total 5603400 · Maintenance Supplies & Parts	0	300	2,300	(2,000) 13%
5605400 · Utilities				
5605450 · Electricity	521	5,471	8,300	(2,829) 66%
Total 5605400 · Utilities	521	5,471	8,300	(2,829) 66%
5605500 · Repairs & Bldg Improvements				
5605520 · Repairs - Building	0	0	250	(250) 0%
5605530 · REPAIRS-IMP OTHER THAN BLDGS	30	1,056	1,500	(444) 70%
Total 5605500 · Repairs & Bldg Improvements	30	1,056	1,750	(694) 60%
5605600 · Insurance				
5605610 · Insurance - Property	0	199	265	(66) 75%
5605620 · Insurance - Liability	0	314	418	(105) 75%
Total 5605600 · Insurance	0	512	683	(171) 75%
5605700 · Other Expenses				
5605765 · Miscellaneous	0	213	300	(87) 71%
Total 5605700 · Other Expenses	0	213	300	(87) 71%
5606400 · Minor Capital Outlay				

**City of Ovilla General Fund**  
**Actual vs Budget Review**  
**FY October 2017 through September 2018**

	Current	Year to Date	\$ Over		% of Budget
			(Under)		
	June 2018	'Oct - June 2018	Budget	Budget	
5606410 - Land Improvements	1,975	3,049	6,800	(3,751)	45%
5606440 - Machinery & Equipment	0	202	2,000	(1,798)	10%
<b>Total 5606400 - Minor Capital Outlay</b>	<b>1,975</b>	<b>3,251</b>	<b>8,800</b>	<b>(5,549)</b>	<b>37%</b>
5607400 - Capitalized Assets					
5607425 - 4B EDC Master Park Plan	0	0	6,000	(6,000)	0%
5607415 - 4B EDC Monument Signs	0	0	30,000	(30,000)	0%
5607440 - Machinery & Equipment	0	0	6,000	(6,000)	0%
<b>Total 5607400 - Capitalized Assets</b>	<b>0</b>	<b>0</b>	<b>42,000</b>	<b>(42,000)</b>	<b>0%</b>
<b>Total 60 - Parks</b>	<b>3,509</b>	<b>18,053</b>	<b>87,433</b>	<b>(69,380)</b>	<b>21%</b>
<b>Total Expenditures</b>	<b>271,727</b>	<b>2,131,610</b>	<b>3,827,749</b>	<b>(1,696,139)</b>	<b>56%</b>
<b>Net Change in Fund Balance</b>	<b>-73,964</b>	<b>684,365</b>	<b>0</b>	<b>684,365</b>	<b>100%</b>

**Ovilla W&S Utility Fund**  
**Actual vs Budget Review**  
**FY October 2017 through September 2018**

	Current		Year to Date		\$ Over (Under)	% of Budget Thru June 75%		
	June 2018		Oct - June 2018					
	Budget	Budget	Budget	75%				
<b>Resources</b>								
4000400 · Charges for Services								
4000460 · Water Sales	65,505	549,395	920,296	(370,901)	60%			
4000461 · Sewer Service	39,154	306,116	399,708	(93,592)	77%			
4000465 · Water & Sewer Penalties	1,238	10,980	17,985	(7,005)	61%			
4000471 · Reconnect Fees	467	3,572	5,400	(1,828)	66%			
4000472 · Meters	0	2,950	3,700	(750)	80%			
4000473 · Connect Fees	275	2,175	3,000	(825)	73%			
4000478 · Infrastructure Improvement Fee	5,571	49,739	68,724	(18,985)	72%			
4000480-Solid Waste Fees (Garbage)	0	0	0	0	0%			
<b>Total 4000400 · Charges for Services</b>	<b>112,210</b>	<b>924,927</b>	<b>1,418,813</b>	<b>(493,886)</b>		<b>65%</b>		
4000800 · Other Revenue								
4000880 · Capital Rec Fee	2,500	22,500	37,500	(15,000)	60%			
4000840 · Interest Earned	299	2,446	2,900	(454)	84%			
4000890 · Misc Other Revenue	0	78,389	0	78,389	100%			
4000911 · Decrease in Fund Balance	0	0	79,795	(79,795)	0%			
<b>Total 4000800 · Other Revenue</b>	<b>2,799</b>	<b>103,335</b>	<b>120,195</b>	<b>(16,860)</b>		<b>86%</b>		
<b>Total Resources</b>	<b>115,009</b>	<b>1,028,262</b>	<b>1,539,008</b>	<b>(510,746)</b>		<b>67%</b>		
<b>Expense</b>								
70 · Administration								
5701100 · Salaries & Wages								
5701110 · City Administrator	7,067	21,750	26,250	(4,500)	83%			
5701115 · City Secretary	4,375	13,125	14,750	(1,625)	89%			
5701117 · Finance Accountant	3,639	10,917	13,113	(2,196)	83%			
5701120 · Admin. Support	2,516	7,514	9,012	(1,498)	83%			
5701130 · Public Works Director	6,860	45,733	57,722	(11,989)	79%			
5701180 · Merit Raises, Staff	0	0	3,626	(3,626)	0%			

**Ovilla W&S Utility Fund**  
**Actual vs Budget Review**  
**FY October 2017 through September 2018**

	Current	Year to Date	\$ Over (Under)	% of Budget
	June 2018	Oct - June 2018		Thru June
				75%
<b>Total 5701100 · Salaries &amp; Wages</b>	24,457	99,039	124,473	(25,434) 80%
<b>5702100 · Employee Benefits</b>				
5702110 · Group Insurance	683	6,427	7,767	(1,340) 83%
5702135 · TMRS	688	4,557	5,879	(1,322) 78%
5702160 · Workers Compensation	0	683	849	(166) 80%
5702170 · Payroll Taxes	99	658	863	(205) 76%
<b>Total 5702100 · Employee Benefits</b>	1,469	12,325	15,358	(3,033) 80%
<b>5702200 · Special Services</b>				
5702240 · Audit	0	7,637	7,650	(13) 100%
5702250 · Accounting	0	900	900	0 100%
<b>Total 5702200 · Special Services</b>	0	8,537	8,550	(13) 100%
<b>5702300 · Contractual Services /Personnel</b>				
5702310 · Consultant Fees	0	220	3,500	(3,280) 6%
<b>Total 5702300 · Contractual Services /Personnel</b>	0	220	3,500	(3,280) 6%
<b>5703100 · General Supplies</b>				
5703110 · Office Supplies	62	218	800	(582) 27%
<b>Total 5703100 · General Supplies</b>	62	218	800	(582) 27%
<b>5703400 · Maintenance Supplies / Parts</b>				
5703410 · Supplies - Custodial	0	0	200	(200) 0%
<b>Total 5703400 · Maintenance Supplies / Parts</b>	0	0	200	(200) 0%
<b>5704200 · Travel Expenses</b>				
5704210 · Travel - Local	0	0	200	(200) 0%
5704220 · Professional Development	0	0	750	(750) 0%
<b>Total 5704200 · Travel Expenses</b>	0	0	950	(950) 0%

**Ovilla W&S Utility Fund**  
**Actual vs Budget Review**  
**FY October 2017 through September 2018**

	Current	Year to Date	\$ Over (Under)	% of Budget
	June 2018	Oct - June 2018	Budget	Thru June
			Budget	75%
<b>5705200 · Data Processing Expenses</b>				
5705230 · Data Processing - Maintenance & Repair	100	1,399	1,571	(172) 89%
5705240 · Data Processing - Software	0	2,871	28,188	(25,317) 10%
<b>Total 5705200 · Data Processing Expenses</b>	<b>100</b>	<b>4,270</b>	<b>29,759</b>	<b>(25,489) 14%</b>
<b>5705300 · Printing Expense</b>				
5705350 · Printing - Other	0	0	250	(250) 0%
<b>Total 5705300 · Printing Expense</b>	<b>0</b>	<b>0</b>	<b>250</b>	<b>(250) 0%</b>
<b>5705400 · Utilities</b>				
5705410 · Telephone	112	1,008	1,350	(342) 75%
5705415 · Cellular Phone	113	1,017	1,360	(343) 75%
5705417 · Internet	160	1,440	1,930	(490) 75%
<b>Total 5705400 · Utilities</b>	<b>385</b>	<b>3,465</b>	<b>4,640</b>	<b>(1,175) 75%</b>
<b>5705700 · Other Expenses</b>				
5705705 · Postage	843	4,568	6,225	(1,657) 73%
5705740 · Advertising	0	0	100	(100) 0%
5705760 · Bank Service Charge	42	165	250	(86) 66%
5705765 · Miscellaneous	0	86	100	(14) 86%
<b>Total 5705700 · Other Expenses</b>	<b>885</b>	<b>4,819</b>	<b>6,675</b>	<b>(1,856) 72%</b>
<b>5706400 · Minor Capital Outlay</b>				
5706440 · Machinery & Equipment	0	0	1,500	(1,500) 0%
<b>Total 5706400 · Minor Capital Outlay</b>	<b>0</b>	<b>0</b>	<b>1,500</b>	<b>(1,500) 0%</b>
<b>5709000 · Reserve</b>				
5708215 · Admin. Exp. to General Fund	5,931	17,793	23,724	(5,931) 75%
5709002 · Capital Improv. Water/Sewer Reserve	0	0	58,700	(58,700) 0%

**Ovilla W&S Utility Fund**  
**Actual vs Budget Review**  
**FY October 2017 through September 2018**

	Current	Year to Date	\$ Over		% of Budget
			(Under)		
	June 2018	Oct - June 2018	Budget	Budget	Thru June
5709010 · Administrative Reserves	0	0	23,325	(23,325)	0%
Total 5709000 · Reserve	5,931	17,793	105,749	(87,956)	17%
 Total 70 · Administration	 33,289	 150,685	 302,404	 (151,719)	 50%
 75 · Water					
5751100 · Salaries & Wages					
5751133 · Superintendent	5,424	36,160	45,636	(9,476)	79%
5751170 · Salary Increase	0	0	1,370	(1,370)	0%
5751190 · Overtime	237	1,000	2,000	(1,000)	50%
Total 5751100 · Salaries & Wages	5,661	37,160	49,006	(11,846)	76%
 5751400 · Support Salaries					
5751405 · Support Staff	4,322	22,746	30,322	(7,576)	75%
5751415 · Maintenance Crew	8,085	54,305	84,989	(30,684)	64%
5751430 · Seasonal Crew	0	0	3,000	(3,000)	0%
5751450 · Certification Pay	138	923	1,200	(277)	77%
5751480 · Merit Raises	0	0	4,840	(4,840)	0%
5751490 · Overtime	420	3,229	4,000	(771)	81%
5751500 · Water - On Call	200	1,450	1,550	(100)	94%
Total 5751400 · Support Salaries	13,166	82,653	129,901	(47,248)	64%
 5752100 · Employee Benefits					
5752110 · Group Insurance	2,757	23,830	38,057	(14,227)	63%
5752135 · TMRS	1,742	11,666	16,544	(4,878)	71%
5752160 · Worker's Compensation	0	3,227	4,240	(1,014)	76%
5752170 · Payroll Taxes	246	1,733	2,427	(694)	71%
5752190 · Licenses	0	200	722	(522)	28%
Total 5752100 · Employee Benefits	4,745	40,656	61,990	(21,334)	66%

**Ovilla W&S Utility Fund**  
**Actual vs Budget Review**  
**FY October 2017 through September 2018**

	Current	Year to Date	\$ Over (Under)	% of Budget
	June 2018	Oct - June 2018	Budget	Thru June
			Budget	75%
<b>5752300 · Contractual Services/Personnel</b>				
5752350 · Contract Labor - Company	0	0	1,500	(1,500) 0%
5752380 · Dispatch	0	6,826	13,650	(6,824) 50%
<b>Total 5752300 · Contractual Services/Personnel</b>	<b>0</b>	<b>6,826</b>	<b>15,150</b>	<b>(8,324) 45%</b>
<b>5752400 · Rentals</b>				
5752420 · Rental - Machinery & Equipment	0	205	250	(45) 82%
<b>Total 5752400 · Rentals</b>	<b>0</b>	<b>205</b>	<b>250</b>	<b>(45) 82%</b>
<b>5752500 · Operating Services</b>				
5752580 · Water Testing	183	2,365	5,600	(3,235) 42%
5752590 · TCEQ Fees	0	2,977	3,500	(523) 85%
<b>Total 5752500 · Operating Services</b>	<b>183</b>	<b>5,342</b>	<b>9,100</b>	<b>(3,758) 59%</b>
<b>5753100 · General Supplies</b>				
5753140 · Uniforms	0	1,996	2,400	(404) 83%
<b>Total 5753100 · General Supplies</b>	<b>0</b>	<b>1,996</b>	<b>2,400</b>	<b>(404) 83%</b>
<b>5753400 · Maintenance Supplies &amp; Parts</b>				
5753460 · Miscellaneous	104	117	300	(183) 39%
<b>Total 5753400 · Maintenance Supplies &amp; Parts</b>	<b>104</b>	<b>117</b>	<b>300</b>	<b>(183) 39%</b>
<b>5754200 · Travel Expenses</b>				
5754220 · Professional Development	0	719	750	(31) 96%
5754270 · Vehicle Expenses	544	4,244	9,300	(5,056) 46%
<b>Total 5754200 · Travel Expenses</b>	<b>544</b>	<b>4,962</b>	<b>10,050</b>	<b>(5,088) 49%</b>
<b>5755200 · Data Processing Expenses</b>				
5755240 · Data Processing - Software	0	3,700	3,700	0 100%

**Ovilla W&S Utility Fund**  
**Actual vs Budget Review**  
**FY October 2017 through September 2018**

	Current		Year to Date		\$ Over (Under)	% of Budget Thru June		
	June 2018		Oct - June 2018					
	Budget	Budget	75%					
<b>Total 5755200 · Data Processing Expenses</b>	0	3,700	3,700	0	0	100%		
<b>5755300 · Printing Expenses</b>								
5755310 · Copier Expense	661	2,102	3,000	(898)	70%			
5755350 · Printing - Other	1,290	2,554	2,600	(46)	98%			
<b>Total 5755300 · Printing Expenses</b>	1,951	4,656	5,600	(944)	83%			
<b>5755400 · Utilities</b>								
5755415 · Cellular Phone	16	141	188	(47)	75%			
5755450 · Electricity	1,514	15,699	27,000	(11,301)	58%			
5755460 · Water, wholesale	42,838	272,855	441,905	(169,050)	62%			
<b>Total 5755400 · Utilities</b>	44,368	288,696	469,093	(180,397)	62%			
<b>5755500 · Repairs &amp; Building Improvements</b>								
5755540 · Repairs- Machinery & Equipment	0	2,390	3,000	(610)	80%			
5755550 · Repairs - Vehicles	49	1,250	2,000	(750)	62%			
5755570 · Inventory Expense	719	9,088	13,000	(3,912)	70%			
5755580 · Water Chemical Expense	747	6,102	8,500	(2,398)	72%			
5755590 · Repairs - Other	61	2,204	3,000	(796)	73%			
<b>Total 5755500 · Repairs &amp; Building Improvements</b>	1,575	21,033	29,500	(8,467)	71%			
<b>5755600 · Insurance</b>								
5755610 · Insurance - Property	0	2,334	3,112	(778)	75%			
5755620 · Insurance - Liability	0	951	1,268	(317)	75%			
5755640 · Insurance - Vehicle	0	1,489	1,985	(496)	75%			
<b>Total 5755600 · Insurance</b>	0	4,774	6,365	(1,591)	75%			
<b>5755700 · Other Expenses</b>								
5755752 · Employment Screening	36	181	250	(69)	72%			
<b>Total 5755700 · Other Expenses</b>	36	181	250	(69)	72%			

**Ovilla W&S Utility Fund**  
**Actual vs Budget Review**  
**FY October 2017 through September 2018**

	Current	Year to Date	\$ Over (Under)	% of Budget
	June 2018	Oct - June 2018	Budget	Thru June
			Budget	75%
<b>5756400 · Minor Capital Outlay</b>				
5756440 · Machinery & Equipment	0	0	2,000	(2,000) 0%
5756490 · Other	0	319	500	(181) 64%
<b>Total 5756400 · Minor Capital Outlay</b>	<b>0</b>	<b>319</b>	<b>2,500</b>	<b>(2,181)</b> 13%
<b>5757400 · Capitalized Assets</b>				
5757440 · Machinery & Equipment	0	2,223	6,000	(3,777) 37%
5757470 · Infrastructure - Water	0	37,835	58,107	(20,272) 65%
<b>Total 5757400 · Capitalized Assets</b>	<b>0</b>	<b>40,058</b>	<b>64,107</b>	<b>(24,049)</b> 62%
<b>5757900 · Long-Term Debt</b>				
5758225 · Admin. Expense to Debt Fund	2,593	7,779	10,372	(2,593) 75%
<b>Total 5757900 · Long-Term Debt</b>	<b>2,593</b>	<b>7,779</b>	<b>10,372</b>	<b>(2,593)</b> 75%
<b>Total 75 · Water</b>	<b>74,926</b>	<b>551,113</b>	<b>869,634</b>	<b>(318,521)</b> 63%
<b>80 · Sewer</b>				
<b>5801400 · Support Salaries</b>				
5801405 · Support Staff	4,837	14,007	17,322	(3,315) 81%
5801415 · Maintenance Crew	4,454	29,696	37,482	(7,786) 79%
5801450 · Certification Pay	(55)	730	1,210	(480) 60%
5801480 · Merit Raises	0	0	2,025	(2,025) 0%
5801490 · Overtime	473	1,545	2,500	(955) 62%
5801500 · Sewer - On Call	100	500	600	(100) 83%
<b>Total 5801400 · Support Salaries</b>	<b>9,810</b>	<b>46,478</b>	<b>61,139</b>	<b>(14,661)</b> 76%
<b>5802100 · Employee Benefits</b>				
5802110 · Group Insurance	660	6,324	7,630	(1,306) 83%
5802135 · TMRS	507	3,178	4,114	(936) 77%

**Ovilla W&S Utility Fund**  
**Actual vs Budget Review**  
**FY October 2017 through September 2018**

	Current		Year to Date		\$ Over (Under)	% of Budget
	June 2018	Oct - June 2018	Budget	Budget		
					Thru June	
5802160 · Worker's Compensation-Sewer	0	683	849	(166)	80%	
5802170 · Payroll Taxes	74	465	604	(139)	77%	
5802190 · Licenses	0	483	650	(167)	74%	
<b>Total 5802100 · Employee Benefits</b>	<b>1,240</b>	<b>11,133</b>	<b>13,847</b>	<b>(2,714)</b>	<b>80%</b>	
5802300 · Contractual Services/Personnel						
5802350 · Contract Labor - Company	0	0	2,000	(2,000)	0%	
<b>Total 5802300 · Contractual Services/Personnel</b>	<b>0</b>	<b>0</b>	<b>2,000</b>	<b>(2,000)</b>	<b>0%</b>	
5802500 · Operating Services						
5802515 · Sardis Collection Expense	940	7,957	9,618	(1,661)	83%	
<b>Total 5802500 · Operating Services</b>	<b>940</b>	<b>7,957</b>	<b>9,618</b>	<b>(1,661)</b>	<b>83%</b>	
5803100 · General Supplies						
5803140 · Uniforms	0	599	600	(1)	100%	
<b>Total 5803100 · General Supplies</b>	<b>0</b>	<b>599</b>	<b>600</b>	<b>(1)</b>	<b>100%</b>	
5803400 · Maintenance Supplies & Parts						
5803460 · Miscellaneous	0	22	500	(478)	4%	
<b>Total 5803400 · Maintenance Supplies &amp; Parts</b>	<b>0</b>	<b>22</b>	<b>500</b>	<b>(478)</b>	<b>4%</b>	
5804200 · Travel Expenses						
5804220 · Professional Development	0	332	500	(168)	66%	
5804270 · Vehicle Expense	0	1,157	1,200	(43)	96%	
<b>Total 5804200 · Travel Expenses</b>	<b>0</b>	<b>1,489</b>	<b>1,700</b>	<b>(211)</b>	<b>88%</b>	
5805400 · Utilities						
5805450 · Electricity	154	1,524	3,000	(1,476)	51%	
5805463 · TRA Wastewater Treatment	20,400	176,030	253,800	(77,770)	69%	
<b>Total 5805400 · Utilities</b>	<b>20,554</b>	<b>177,554</b>	<b>256,800</b>	<b>(79,246)</b>	<b>69%</b>	
5805500 · Repairs & Bldg Improvements						

**Ovilla W&S Utility Fund**  
**Actual vs Budget Review**  
**FY October 2017 through September 2018**

	Current		Year to Date		\$ Over (Under)	% of Budget Thru June	
	June 2018		Oct - June 2018				
	Budget	Budget	75%				
5805510 · Repairs - Land Improvements	0	0	1,000	(1,000)		0%	
5805540 · Repairs - Machinery & Equipment	0	2,412	5,500	(3,088)		44%	
5805570 · Inventory Expense	60	1,758	2,000	(242)		88%	
5805590 · Repairs - Other	0	113	600	(487)		19%	
<b>Total 5805500 · Repairs &amp; Bldg Improvements</b>	<b>60</b>	<b>4,283</b>	<b>9,100</b>	<b>(4,817)</b>		<b>47%</b>	
5805600 · Insurance							
5805610 · Insurance - Property	0	49	65	(16)		75%	
5805620 · Insurance - Liability	0	713	950	(238)		75%	
5805640 · Insurance - Vehicle	0	413	551	(138)		75%	
<b>Total 5805600 · Insurance</b>	<b>0</b>	<b>1,175</b>	<b>1,566</b>	<b>(392)</b>		<b>75%</b>	
5805700 · Other Expenses							
5805752 · Employment Screening	0	100	100	0		100%	
<b>Total 5805700 · Other Expenses</b>	<b>0</b>	<b>100</b>	<b>100</b>	<b>0</b>		<b>100%</b>	
5807400 · Capitalized Assets							
5807440 · Machinery & Equipment	0	0	10,000	(10,000)		0%	
<b>Total 5807400 · Capitalized Assets</b>	<b>0</b>	<b>0</b>	<b>10,000</b>	<b>(10,000)</b>		<b>0%</b>	
<b>Total 80 · Sewer</b>	<b>32,604</b>	<b>250,789</b>	<b>366,970</b>	<b>(116,181)</b>		<b>68%</b>	
<b>Total Expense</b>	<b>140,819</b>	<b>952,587</b>	<b>1,539,008</b>	<b>(586,421)</b>		<b>62%</b>	
<b>Net Change in Fund Balance</b>	<b>(25,810)</b>	<b>75,675</b>	<b>0</b>	<b>75,675</b>		<b>100%</b>	

**Ovilla Debt Service**  
**Actual vs Budget Review**  
**FY October 2017 through September 2018**

	Current	Year to Date	\$ Over		% of Budget
			(Under)		
	June 2018	Oct - June 2018	Budget	Budget	Thru June
<b>Revenues</b>					
4000100 · Taxes					
4000107 · Ad Valorem, Current I & S	634	549,909	548,275	1,634	100%
4000106 · Ad Valorem, Current I&S New and Imp		-	17,453	(17,453)	0%
4000111 · Ad Valorem, Delinquent I & S	5,774	10,294	-	10,294	100%
4000114 · Interest/Penalties - I & S	1,997	4,160	-	4,160	100%
Total 4000100 · Taxes	8,405	564,363	565,728	(1,365)	100%
4000800 · Other Revenue					
4000840 · Interest Earned	258	1,242	550	692	226%
4000930 · Admin.Rev.Rec.Fr Water & Sewer	2,593	7,779	10,372	(2,593)	75%
Total 4000800 · Other Revenue	2,851	9,021	10,922	(1,901)	83%
Total Revenues	11,256	573,384	576,650	(3,266)	99%
<b>Expenditures</b>					
5157900 · Long-Term Debt					
5157930 · Paying Agent Fees	-	-	500	(500)	0%
51579349 · 2011 Bond Issue Principle	-	-	390,000	(390,000)	0%
5157940 · 2011 Bond Issue Interest	-	93,075	186,150	(93,075)	50%
Total 5157900 · Long-Term Debt	-	93,075	576,650	(483,575)	16%
Total Expenditures	-	93,075	576,650	(483,575)	16%
Net Change in Fund Balance	11,256	480,309	-	480,309	100%

**City of Ovilla Capital Projects Fund**  
**Actual vs Budget Review**  
**FY October 2017 through September 2018**

	Current	Year to Date	\$ Over (Under)	% of Budget
	June 2018	Oct -June 2018	Budget	Thru June
			Budget	75%
<b>Revenues</b>				
4000800 · Other Revenue				
4000840 - Texpool	1	3	4	(1) 75%
4000845 - Interest Earned - Texstar	2	15	10	5 148%
4000850 - Interest Earned - Prosperity	59	394	467	(73) 84%
4000990 - Reduction In Fund Balance	0	0	0	0 0%
<b>Total 4000800 · Other Revenue</b>	<b>61</b>	<b>412</b>	<b>481</b>	<b>(69) 86%</b>
<b>Total Revenues</b>	<b>61</b>	<b>412</b>	<b>481</b>	<b>(69) 86%</b>
<b>Expense</b>				
5879000 · Reserves				
5879010 · Admin Reserves	0	0	481	(481) 0%
<b>Total 5879000 · Reserves</b>	<b>0</b>	<b>0</b>	<b>481</b>	<b>(481) 0%</b>
<b>Total Expense</b>	<b>0</b>	<b>0</b>	<b>481</b>	<b>(481) 0%</b>
<b>Change in Net Position</b>	<b>61</b>	<b>412</b>	<b>0</b>	<b>412 100%</b>

**Ovilla Park Impact Fund**  
**Actual vs Budget Review**  
**FY October 2017 through September 2018**

	Current	Year to Date	\$ Over		% of Budget
			(Under)		
	June 2018	'Oct -June 2018	Budget	Budget	Thru June
<b>Revenues</b>					
4000400 · Charges for Services					
4000460 · Park Impact		669	7,039	8,613	(1,574) 82%
<b>Total 4000400 · Charges for Services</b>		<b>669</b>	<b>7,039</b>	<b>8,613</b>	<b>(1,574) 82%</b>
4000800 · Other Revenue					
4000840 · Interest Earned		32	200	180	20 111%
<b>Total 4000800 · Other Revenue</b>		<b>32</b>	<b>200</b>	<b>180</b>	<b>20 111%</b>
<b>Total Revenues</b>		<b>701</b>	<b>7,239</b>	<b>8,793</b>	<b>(1,554) 82%</b>
<b>Expenditures</b>					
5606400 · Minor Capital Outlay					
5606410 · Land Improvements		0	0	500	(500) 0%
<b>Total 5606400 · Minor Capital Outlay</b>		<b>0</b>	<b>0</b>	<b>500</b>	<b>(500) 0%</b>
5607400 · Capitalized Assets					
5607440 · Capital Machinery & Equipment		0	1,017	1,675	(658) 61%
<b>Total 5607400 · Capitalized Assets</b>		<b>0</b>	<b>1,017</b>	<b>1,675</b>	<b>(658) 61%</b>
5609000 · Reserves					
5609035 · Park Impact Reserves		0	0	6,618	(6,618) 0%
<b>Total 5609000 · Reserves</b>		<b>0</b>	<b>0</b>	<b>6,618</b>	<b>(6,618) 0%</b>
<b>Total Expenditures</b>		<b>0</b>	<b>1,017</b>	<b>8,793</b>	<b>(7,776) 12%</b>
<b>Net Change in Fund Balance</b>		<b>701</b>	<b>6,221</b>	<b>0</b>	<b>6,221 100%</b>

**Ovilla W&S Impact Fee Fund**  
**Actual vs Budget Review**  
**FY October 2017 through September 2018**

	Current	Year to Date	\$ Over (Under)	% of Budget
	June 2018	'Oct -June 2018	Budget	Thru June
			Budget	75%
<b>Revenues</b>				
4000400 · Charges for Services				
4000476 - Water Impact Fee	4,380	22,373	2,107	20,266
4000477 - Sewer Impact Fee	0	21,902	54,756	(32,854)
<b>Total 4000400 · Charges for Services</b>	<b>4,380</b>	<b>44,275</b>	<b>56,863</b>	<b>(12,588)</b>
4000800 · Other Revenue				
4000840 · Interest Earned	90	324	205	119
<b>Total 4000800 · Other Revenue</b>	<b>90</b>	<b>324</b>	<b>205</b>	<b>119</b>
<b>Total Revenues</b>	<b>4,470</b>	<b>44,599</b>	<b>57,068</b>	<b>(12,469)</b>
<b>Expense</b>				
5857400 - Capitalized Assets				
5857470 - Water Lines	0	50,546	50,000	546
<b>Total 5857400 - Capitalized Assets</b>	<b>0</b>	<b>50,546</b>	<b>50,000</b>	<b>546</b>
5859000 · Reserves				
5859030 · Sewer Impact Fees Reserve	0	0	7,068	(7,068)
<b>Total 5859000 · Reserves</b>	<b>0</b>	<b>0</b>	<b>7,068</b>	<b>(7,068)</b>
<b>Total Expense</b>	<b>0</b>	<b>50,546</b>	<b>57,068</b>	<b>(6,523)</b>
<b>Change in Net Position</b>	<b>4,470</b>	<b>(5,946)</b>	<b>0</b>	<b>(5,946)</b>
				<b>100%</b>

# Ovilla 4B Economic Development Corporation

## Actual vs Budget Review

FY October 2017 through September 2018

	Current	Year to Date	\$ Over (Under)	% of Budget
	June 2018	'Oct -June 2018	Budget	Thru June
			Budget	75%
<b>Revenues</b>				
4000100 · Taxes				
4000120 · Sales tax	8,133	81,690	100,800	(19,110) 81%
Total 4000100 · Taxes	8,133	81,690	100,800	(19,110) 81%
4000800 · Other Revenue				
4000840 · Interest Income	202	1,706	1,340	366 127%
4000990 - Reduction in Fund Balance	0	0	30,000	(30,000) 0%
Total 4000800 · Other Revenue	202	1,706	31,340	(29,635) 5%
Total Revenues	8,335	83,395	132,140	(48,745) 63%
<b>Expenditures</b>				
8102200 · Special Services				
8102230 · Legal Fees	0	0	500	(500) 0%
8102240 · Audit	0	1,600	1,600	0 100%
Total 8102200 · Special Services	0	1,600	2,100	(500) 76%
8102300 · Consultant Services				
8102310 · Consultant Fees	6,000	6,000	6,000	0 100%
Total 8102300 · Consultant Services	6,000	6,000	6,000	0 100%
8103100 · General Supplies				
8103110 · Office Supplies	0	0	100	(100) 0%
Total 8103100 · General Supplies	0	0	100	(100) 0%
8104200 · Travel Expense				
8104210 · Travel Expense	0	0	1,000	(1,000) 0%
8104220 · Professional Development	0	0	2,300	(2,300) 0%
Total 8104200 · Travel Expense	0	0	3,300	(3,300) 0%

**Ovilla 4B Economic Development Corporation**  
**Actual vs Budget Review**  
**FY October 2017 through September 2018**

	Current	Year to Date	\$ Over		% of Budget
			(Under)		
	June 2018	'Oct -June 2018	Budget	Budget	Thru June
					75%
8105300 - Printing					
8105320 - Printing Expense	0	0	300	(300)	0%
<b>Total 8105300 - Printing</b>	<b>0</b>	<b>0</b>	<b>300</b>	<b>(300)</b>	<b>0%</b>
8105600 - Insurance					
8105620 - Insurance - Liability	0	204	272	(68)	75%
<b>Total 8105600 - Insurance</b>	<b>0</b>	<b>204</b>	<b>272</b>	<b>(68)</b>	<b>75%</b>
8105700 - Other Expenses					
8105705 - Postage	0	0	100	(100)	0%
8105730 - Memberships	0	3,850	3,850	0	100%
8105740 - Advertising	0	4,203	4,800	(597)	88%
<b>Total 8105700 - Other Expenses</b>	<b>0</b>	<b>8,053</b>	<b>8,750</b>	<b>(697)</b>	<b>92%</b>
816400 - Minor Capital Outlay					
8107490 - Other	24,000	24,000	30,000	(6,000)	80%
<b>Total 8106400 - Minor Capital Outlay</b>	<b>24,000</b>	<b>24,000</b>	<b>30,000</b>	<b>(6,000)</b>	<b>80%</b>
8109000 - Reserves					
8109015 - Administrative Reserves	0	0	78,818	(78,818)	0%
8109215 - Admin. Expense to General Fund	625	1,875	2,500	(625)	75%
<b>Total 8109000 - Reserves</b>	<b>625</b>	<b>1,875</b>	<b>81,318</b>	<b>(79,443)</b>	<b>2%</b>
<b>Total Expenditures</b>	<b>30,625</b>	<b>41,732</b>	<b>132,140</b>	<b>(90,408)</b>	<b>32%</b>
<b>Net Change in Fund Balance</b>	<b>(22,290)</b>	<b>41,663</b>	<b>0</b>	<b>41,663</b>	<b>100%</b>

**Ovilla Municipal Development District**  
**Actual vs Budget Review**  
**FY October 2017 through September 2018**

	Current	Year to Date	\$ Over (Under)	% of Budget
	June 2018	'Oct - June 2018	Budget	Thru June 75%
<b>Revenues</b>				
4000100 · Taxes				
4000120 · Sales tax	4,160	40,264	50,500	(10,236) 80%
Total 4000100 · Taxes	4,160	40,264	50,500	(10,236) 80%
4000800 · Other Revenue				
4000840 · Interest Income	85	713	600	113 119%
Total 4000800 · Other Revenue	85	713	600	113 119%
<b>Total Revenues</b>	<b>4,245</b>	<b>40,977</b>	<b>51,100</b>	<b>(10,123) 80%</b>
<b>Expenditures</b>				
9102200 · Special Services				
9102240 · Audit	0	1,600	1,600	0 100%
Total 9102200 · Special Services	0	1,600	1,600	0 100%
9103100 · General Supplies				
9103110 · Office Supplies	0	0	100	(100) 0%
Total 9103100 · General Supplies	0	0	100	(100) 0%
9105600 · Insurance				
9105620 · Insurance - Liability	0	204	272	(68) 75%
Total 9105600 · Insurance	0	204	272	(68) 75%
9109000 · Reserves				
9109015 · Administrative Reserves	0	0	48,628	(48,628) 0%
9109215 · Admin. Expense to General Fund	125	375	500	(125) 75%
Total 9109000 · Reserves	125	375	49,128	(48,753) 1%
<b>Total Expenditures</b>	<b>125</b>	<b>2,179</b>	<b>51,100</b>	<b>(48,921) 4%</b>
<b>Net Change in Fund Balance</b>	<b>4,120</b>	<b>38,798</b>	<b>0</b>	<b>38,798 100%</b>

**Ovilla Employee Benefit Trust**  
**Actual vs Budget Review**  
**FY October 2017 through September 2018**

	Current	Year to Date	\$ Over (Under)	% of Budget	
	June 2018	'Oct - June 2018	Budget	Budget	Thru June 75%
<b>Revenues</b>					
4000991 · Insurance Contributions					
4000991 Insurance Contributions	34,353	166,036	0	166,036	100%
Total 4000991 · Insurance Contributions	34,353	166,036	0	166,036	100%
4000800 - Other Income					
4000840 - Interest Income	1	8	0	8	100%
<b>Total Revenues</b>	<b>34,354</b>	<b>166,043</b>	<b>0</b>	<b>166,043</b>	<b>100%</b>
<b>Expenditures</b>					
5902110 · Benefit Premiums					
5902110 · Benefit Premiums	34,353	165,942	0	165,942	100%
Total 5902110 · Insurance	34,353	165,942	0	165,942	100%
<b>Total Expenditures</b>	<b>34,353</b>	<b>165,942</b>	<b>0</b>	<b>165,942</b>	<b>100%</b>
<b>Net Change in Fund Balance</b>	<b>1</b>	<b>101</b>	<b>0</b>	<b>101</b>	<b>100%</b>

**Ovilla Fire Department Auxiliary**  
**Actual vs Budget Review**  
**FY October 2017 through September 2018**

	Current	Year to Date	\$ Over (Under)	% of Budget
	June 2018	'Oct - June 2018	Budget	Thru June
			Budget	75%
<b>Revenues</b>				
4000800 · Other Revenue				
4000815 · Gifts	0	1,320	1,320	0 100%
4000880 · Reduction in Fund Balance	0	0	1,050	(1,050) 0%
<b>Total 4000800 · Other Revenue</b>	<b>0</b>	<b>1,320</b>	<b>2,370</b>	<b>(1,050) 56%</b>
<b>Total Revenues</b>	<b>0</b>	<b>1,320</b>	<b>2,370</b>	<b>(1,050) 56%</b>
<b>Expenditures</b>				
5333400 · Maintenance Supplies and Parts				
5333460 · Supplies - Miscellaneous	0	0	2,370	(2,370) 0%
<b>Total 5333400 · Maintenance Supplies and Parts</b>	<b>0</b>	<b>0</b>	<b>2,370</b>	<b>(2,370) 0%</b>
<b>Total Expenditures</b>	<b>0</b>	<b>0</b>	<b>2,370</b>	<b>(2,370) 0%</b>
<b>Net Change in Fund Balance</b>	<b>0</b>	<b>1,320</b>	<b>0</b>	<b>1,320 100%</b>

**Ovilla Police Department Special Fund**  
**Actual vs Budget Review**  
**FY October 2017 through September 2018**

	Current	Year to Date	\$ Over (Under)	% of Budget	
	June 2018	'Oct-June 2018		Budget	\$ Over Budget
<b>Revenues</b>					
4000800 · Other Revenue					
4000815 · Gifts	0	100	100	0	100.0%
4000880 - Reduction in Fund Balance	0	0	116	(116)	0.0%
Total 4000800 · Other Revenue	0	100	216	(116)	46.3%
Total Revenues	0	100	216	(116)	46.3%
<b>Expenditures</b>					
5232600 · Special Expenses					
5232690 · Special Expenses - Other	0	0	215	(215)	0.0%
Total 5232600 · Special Expenses	0	0	215	(215)	0.0%
Total Expenditures	0	0	215	(215)	0.0%
Net Income	0	100	0	100	100%

Code Enforcement Report  
 105 S Cockrell Hill Rd  
 Ovilla, TX 75154  
 (972) 617-7262

To: Mayor Richard Dormier  
 Ovilla City Council  
 City Manager John Dean

**Subject:Code Enforcement Monthly Report**

Calls For Service	July 2018	July.2018 YTD	July.2017	
Complaint (Nuis 34 Permit 8,Parking 12)	54	282	66	
Follow up (Nuis 34 Permit 8 Park121)	56	303	74	
Door Notice (Nui -11, Permit-5, Parking 7)	23	155	41	
Mail Notice ( Park 5 nuis 17 perm 22 j v3 )	28	84	43	
Posted Property (nuisance 4 )	4	73	17	
Court -Fta 2 Junk Veh,Parking permit Jv Guilty	\$134	\$1,325	\$0.00	
Citizen Contacts	73	360	67	
Permits Reviewed	17	94	13	
Permits Issued	12	57	10	
Inspections	20	97	11	
Nuisance Abated by City	0	1	9	
Nuisance Signs (Garage sale-16 business 32 )	48	279	35	
Board of Adjustment 1 fence 6 acc Approved	7	12	0	

**OVILLA ANIMAL CONTROL**  
 105 S Cockrell Hill Rd  
 Ovilla, TX 75154  
 (972) 617-7262

To: Mayor Richard Dormier  
 Ovilla City Council  
 City Manager Mr.John Dean

**Subject:Animal Control Monthly Report**

Calls For Service	July.2018	July.2018 YTD	July.2017	
Complaint (Regist-18 At Large 8 Bark 1)	27	208	25	
Follow up	29	242	23	
Door Notice (Regis-18, Bark 1 at large 3 )	22	153	25	
Impounded Animal (Dog 5,cat 3 )	8	82	4	
Animal welfare check	6	44	4	
Impound Results (Transport 4 Ret to own 4)	8	74	4	
Impound fee collected	\$190.00	\$1,130.00	65	
Court 1 at large guilty plea	\$0.00	\$381.00	0	
Citizen Contacts	46	210	32	
Animal registration \$168	14	140	7	
Registration Letter Mailed	22	151	22	
Nuisance letter -1 barking 1 At large	2	18	3	
Animals released 1 skunk.1 armadillo	3	9	7	
Deceased removed	27	125	23	
Oak Leaf - 3 call ( 1 coyote dog snake)	3	19	0	
Traps Checked Out	3	31	4	

## OVILLA MUNICIPAL COURT REPORT

FY-2017- 2018	City											
	Total Traffic Cases Filed	Ordinance Filed	Total Revenue	Amount Kept by City	Amount sent to State	Warrants Issued	Warrants Cleared	Uncontested Disposition	Defensive Driving	Deferred Disposition	Compliance Dismissals	Trial
October	104	3	\$22,685.48	\$12,583.85	\$10,101.63	23	11	40	28	40	6	0
November	43	3	\$15,166.44	\$9,252.74	\$5,913.70	12	26	31	25	28	4	0
December	119	0	\$13,100.10	\$7,642.71	\$5,457.39	43	13	32	21	19	2	0
January	165	0	\$20,725.22	\$12,793.73	\$7,931.49	19	14	51	33	64	3	0
February	106	1	\$28,555.12	\$16,945.95	\$11,609.17	15	19	41	24	23	2	0
March	43	0	\$17,757.45	\$11,456.59	\$6,300.86	14	23	24	21	55	1	0
April	121	0	\$19,184.03	\$12,438.50	\$6,745.53	0	19	39	14	44	0	0
May	137	1	\$23,331.79	\$14,583.42	\$8,748.37	27	7	36	27	22	1	0
June	129	3	\$19,622.70	\$11,954.76	\$7,667.94	28	4	38	13	26	3	0
July	82	0	\$25,100.40	\$14,834.75	\$10,265.65	27	11	42	21	44	0	0
August												
September												
Totals	1049	11	\$205,228.73	\$124,487.00	\$80,741.73	208	147	374	227	365	22	0

### 2016-2017 FY

July	144	0	\$23,471.31	\$13,367.59	\$10,103.72	38
FY Totals	1325	20	\$223,722.63	\$130,569.22	\$93,153.41	257



To: Mayor and City Council Members

From: John R. Dean, City Manager

Date: 8/6/2018

Re: City Manager's Monthly Report (July)

Hidden Valley Estates: Working on the TRA permit point for the sewer connection.

Parks Master Plan: At a Joint Meeting in July the EDC and Park Board reviewed and approved the plan again. They recommended approval by the City Council. The plan was emailed to for individual review in mid-July.

Joint Parks Board and EDC Meeting: Park Board and EDC have developed a concept plan for the parks and will present the concept plan to Council at the regular August meeting.

Personnel Policy Review: We had completed the review but are now making changes due the disapproval of full-time Fire personnel and are making revisions for your consideration.

Street Information:

Paving Suburban: Suburban work is complete.

Ovilla Oaks: Complete.

East Highland: Asphalt Overlay complete.

Highview: Complete.

Paving of Willowwood and Greenwood: Approved by City Council. To be completed in the FY.

Warranty Expiration:

Bryson Manor Phase I-May 2, 2018 - Scheduled to have warranty work performed.

Cockrell Hill Road-August 25, 2018 - Scheduled to have warranty work performed.

Water Street-December 20, 2018

Lariat Trail-December 20, 2018 - Scheduled to have warranty work performed.

Integrated Software Transition: We are still working to transition the Financials.

Engineering RFQ: Agreement approved by City Council.

FY 2019 Budget: Scheduled budget meetings have concluded and a Council proposed tax rate of \$0.660000 established.

AT&T Water Tower Space Lease: Council accepted the lease amount and duration of time on a lease. We will move forward with a new agreement. AT&T has 180 days to review and finalize a lease.

Strategic Guide: An Incentive Policy and Matching Grant Program was approved in July by City Council. There is funding in the FY2019 for the matching grant program.

ACO Vehicle: The vehicle and equipment has been ordered. The vehicle is scheduled to be completed by the end of August.

Solid Waste RFP: RFP approved for solicitation of bids. Pre-bid conference held. Bids will be received August 17<sup>th</sup>.

Lariat Trail: We have increased police presence on this street.

We have done some research on Lariat issues.

To construct a sidewalk 5 feet wide for the length of Lariat would cost approximately \$175,000.

From what I have researched speed bumps are not an acceptable traffic control measure for this road.

Speed humps are a better option. They are wider and lower than speed bumps. Estimates on speed humps are around \$7,000 each. Liability does fall with the City if there is damage caused by putting an obstruction in the street. Research also indicates a complaint that arises from speed bumps and speed humps is the noise created when vehicles pass over them. The noise is a nuisance for those living near the bumps or humps.

We do have a matching sidewalk grant program in which the City pays 50% of sidewalk improvements.

We do not have money allocated to this type of project in either the current or proposed budget.

Projects in Progress:

City Facilities connected to sewer:

- Easement talks on going with property owner.
- No amount of funding has been budgeted for a gravity flow line.
- We will look other easement options for the lift station and force main.

Monument Signs:

- We have ordered the installation of the signs and the project should take another 4-6 weeks to complete.

Council Chamber Technology:

- NetGenius is developing a plan to make technology upgrades to the Chambers.

Fire Station Improvements:

- Task is moving forward.
- The doors have been installed.

Upcoming Items

- City Council Meeting – Monday, August 13th, 2018 at 6:00 pm
- City Council Meeting – (Public Hearing-Tax Rate) Monday, August 20th, 2018 at 5:30 pm
- City Council Meeting – (Public Hearing-Tax Rate) Wednesday, August 29th, 2018 at 5:30 pm

City Manager Time Away: I will be out of the office on vacation on August 30-31, 2018.

Respectfully Submitted,

John R. Dean, Jr.

City Manager



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To: Mayor and City Council Members  
From: John R. Dean, City Manager  
Date: 7/17/2018

Re: City Manager's Bi-weekly Update

Hidden Valley Estates: All easements have been approved. Working on the TRA entry point for the sewer connection. EDC approved an incentive agreement for the upsizing of the sewer line. The agreement will come to Council for approval at the Next meeting.

Parks Master Plan: Park Board and EDC reviewed the final plan and recommended council approval. The plan will come to Council at the August regular meeting for consideration. The plan will accompany this report.

Joint Parks Board and EDC Meeting: Park Board and EDC have developed a concept plan for the parks and will present the concept plan to Council at the regular August meeting.

Personnel Policy Review: We have completed the review and are making revisions for your consideration. The goal is present this to for Council review in July. And then for Council consideration in August.

Street Information:

Paving Suburban: Suburban work is complete.

Ovilla Oaks: Complete.

East Highland: Asphalt Overlay complete.

Highview: Complete.

Paving of Willowwood and Greenwood: This action was approved at the May 14<sup>th</sup> City Council meeting. Work will be done later in the FY.

Warranty Expiration:

Bryson Manor Phase I-May 2, 2018 - Scheduled to have warranty work performed.

Cockrell Hill Road-August 25, 2018

Water Street-December 20, 2018

Lariat Trail-December 20, 2018

Engineering RFQ: Working on a negotiated contract with Eikon Consulting for City Engineer services.

Integrated Software Transition: We are still working to transition the Financials.

ACO/Code Vehicle: The vehicle and equipment has been ordered. The vehicle is scheduled to be completed by the end of August.

FY 2019 Budget: Initial budget meetings have been completed.

AT&T: I have received new information for your consideration at the August 2nd meeting.

Police Vehicle: We have received a quote for a new vehicle that can be ordered this FY. The cost is the same as the proposed budget cost of FY 19. We will present this and a budget amendment at the next Council meeting for your consideration.

Lariat Trail Traffic Issue: We have increased our police presence along Lariat Trail.

Projects in Progress:

City Facilities connected to sewer:

- Easement talks on going with property owner.
- We are considering a more permanent solution to connect city facilities to sewer. There were plans drawn up in 2008 for a line to be placed in front of the City facilities and run north along Cockrell Hill. This line is also identified in the Capital Projects in the current impact fee update.

Monument Signs:

- We have ordered the installation of the signs and the project should take 8-10 weeks to complete.

Council Chamber Technology:

- NetGenius is developing a plan to make technology upgrades to the Chambers.

Fire Station Improvements:

- Chief Lindsey has been in contact with several painters (specifically) and they have looked at the project.
- None have provided a quote as of this date.

Upcoming Items

- City Council Meeting (Budget Workshop for Tax Rate) – Thursday, August 2nd, 2018 at 5:30 pm
- City Council Meeting – Monday, August 13th, 2018 at 6:00 pm

City Manager Time Away: I will be out of the office on vacation on July 30<sup>th</sup>, 2018.

Respectfully Submitted,

John R. Dean, Jr.  
City Manager