

City of Ovilla 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

105 S. Cockrell Hill Road, Ovilla, TX 75154

Monday, July 08, 2019

6:30 P.M.

Council Chamber Room

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

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

AGENDA

NOTICE is hereby given of a Regular Meeting of the City Council of the City of Ovilla, to be held on Monday, July 08, 2019 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, ANNOUNCEMENTS

• 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.

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 Resolution R2019-12 authorizing, adopting and establishing the annual Ovilla Heritage Day Sponsorship Program.
- C2. Ordinance 2019-14 adopting fees for Heritage Day booth rentals.
- C3. Minutes of the June 10, 2019 Regular Meeting.
- C4. Storm Water Pollution Prevention Plan (SWPPP)
- C5. Amend existing agreement with Bureau Veritas (State Law HB852 revision)

IV. REGULAR AGENDA

ITEM 1. *DISCUSSION/ACTION* – Conduct a public hearing on the performance of waste collection services provided by Community Waste Disposal ("CWD") and consideration of, and voting on, whether the City should continue or terminate its contract with CWD.

ITEM 2. *DISCUSSION/ACTION* – Consideration of and action on a volunteer board appointment to serve a remaining term, Place 2 on the Ovilla Board of Adjustment.

City of Ovilla City Council

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ITEM 3. *DISCUSSION/ACTION* – Consideration of and action on Ordinance No. 2019-15 amendment number 6, amending Ordinance No. 2018-17 Fiscal Year Budget.

ITEM 4. *DISCUSSION/ACTION* – Consideration of and action on an ordinance (ORD. 2019-16) amending Section 9.03.034, Powers and Duties of the City Manager of the Ovilla Code of Ordinances.

ITEM 5. *DISCUSSION* – Review and discuss the Ovilla Historic District Boundary areas. (HB2439)

ITEM 6. *DISCUSSION* – Review and discuss the Employee Policies Handbook 2018, with regard to employee vacation leave.

ITEM 7. *DISCUSSION/ACTION* – Discussion on Section 35.3.D.1. (Fences in Residential Districts) of the Ovilla Code of Ordinances and direct staff as necessary.

ITEM 8. *DISCUSSION/ACTION* – Review and consider Municipal Facility Improvements, directing staff as necessary.

ITEM 9. *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
 - 1. Monthly Report
 - Fire Department
 - 1. Monthly Report
 - Public Works
 - 1. Monthly Report
 - 2. Monthly Park Maintenance Reports
 - Finance Department
 - 1. May 2019 Financials and transactions
 - 2. Bank Balances through July 3, 2019
 - Administration
 - 1. Monthly Code/Animal Control Reports
 - 2. Monthly Municipal Court Report
 - 3. City Manager Reports

Chief B. Windham
Deputy Chief K. Lindsey
Interim Director D. Durham
Accountant L. Harding
Code/AC Officer M. Dooly
City Secretary P. Woodall
City Manager, John R. Dean, Jr.

VII. EXECUTIVE SESSION

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

Closed Session called pursuant to Section 551.071(2) of the Texas Government Code: Consultation with the city attorney on a matter in which the attorney's duty of confidentiality to the city clearly conflicts with the provisions of the Texas Open Meetings Act – Contract with Community Waste Disposal.

- A. Convene into Executive Session.
- B. Reconvene into Regular (Open) Session
- C. Consideration of and action on contract with Community Waste Disposal.

*City of O*VILLA 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

Closed session called pursuant to Section 551.074 of the Texas Government Code to accept recommendation from the City Manager to offer conditional employment to fill the position of Public Works Director.

- A. Convene into Executive Session.
- B. Reconvene into Regular (Open) Session
- C. Consideration of and action on the position of Public Works Director.

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

IX. ADJOURNMENT

THIS IS TO CERTIFY THAT A COPY OF THE NOTICE OF the July 08, 2019 Regular City Council Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, www.cityofovilla.org, on the 5th day of July 2019 prior to 6:00 p.m., in compliance with Chapter 551 Texas Government Code.



Pamela Woodall, City Secretary

DATE OF POSTING: July 5, 2019 TIME: 1:00 am/pm
DATE TAKEN DOWN: _____ TIME: _____ am/pm

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

07.8.2019

Consent C1

To
**Honorable Mayor
and Council**

Comments:

From
John Dean, Jr. CM

C1 Resolution R2019-12 authorizing, adopting and establishing the annual Ovilla Heritage Day Sponsorship Program.

CC
**Linda Harding,
Accountant
Pam Woodall, CS**

BACKGROUND AND JUSTIFICATION:

This resolution allows the City to accept monetary contributions for the City's Heritage Day Celebration.

Re: **contributions**

City of Ovilla

Tel 972-617-7262

105 S. Cockrell Hill Road
Ovilla, Texas 75154

www.cityofovilla.org
jdean@cityofovilla.org



RESOLUTION NO. R2019-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OVILLA, TEXAS, AUTHORIZING, ADOPTING AND ESTABLISHING THE ANNUAL OVILLA HERITAGE DAY SPONSORSHIP PROGRAM, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Ovilla is a Type-A General Law Municipality organized and existing under the laws of the State of Texas; and

WHEREAS, the City of Ovilla holds an annual celebration for its residents entitled Heritage Day; and

WHEREAS, the City Council of the City of Ovilla finds and determines that it is in the best interest of the citizens of Ovilla to establish a sponsorship program for the annual Heritage Day celebration in order to defray the expenditure of public funds and to provide persons and entities the ability to play a vital role in the annual celebration.

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

SECTION 1. The City Council of the City of Ovilla hereby authorizes, adopts and establishes the Annual Ovilla Heritage Day Sponsorship Program.

SECTION 2. The program shall allow persons and entities to contribute funds for use by the City in planning, organizing, and executing the annual Heritage Day celebration.

SECTION 3. The City Council shall be responsible for establishing the annual sponsorship contribution levels, the benefits for each sponsorship level and all other acts necessary to operate and manage the said sponsorship program.

SECTION 4. All invoicing, collection of sponsorship funds, and other necessary financial activities and matters shall be conducted in accordance with City of Ovilla accounting policies.

SECTION 5. This resolution shall be in force and effect immediately upon passage and approval.

RESOLVED, PASSED and APPROVED, this 8th day of July 2019.

CITY OF OVILLA, TEXAS

Richard Dormier, Mayor

ATTEST:

Pamela Woodall, City Secretary

Ovilla Heritage Day 2019

Saturday September 28th, 2019 9 am. to 2 pm.

Presenting Sponsor: \$3,000- 1 available

- Lead the HD Parade with your magnetic signs on the car displaying your company name.
- Company name in LARGE PRINT on all OHD advertising (direct mail, NOW magazine 90,000 copies) hand bills, on site signage
- 2 Ads in the Ellis County Press prior to HD
- Sponsorship Banner at the Entrance to HD
- 3- 10x10 booths at the event

Founding Sponsor: \$2,500 or Community Partner- \$2,000

- Enter the HD Parade with your magnetic sign on the car displaying your company name.
- Company name to appear in MEDIUM PRINT on all OHD advertising (direct mail, NOW magazine 90,000 copies) hand bills, on site signage.
- 2 Ads in the Ellis County Press prior to HD
- Sponsorship Banner at the entrance to HD
- 2- 10 x 10 Booths at the Event

Diamond Sponsor: \$1,000

- Large Company logo will appear:
- Logo in Now Magazine 90,000 copies,
- 2 Ads in Ellis County Press prior to HD
- Sponsorship signage at OHD with Medium logo placement
- 1- 10 x 10 Booth

Platinum Sponsor: \$650

- Company logo will appear in the following places:
 - 2 Ads in the Ellis County Press
 - Sponsorship Signage at OHD
- 10 x 10 Booth at OHD

Gold Sponsor: \$450

- Company name and logo will appear in the following places
- Sponsorship signage at OHD
- 10 x 10 Booth at OHD

Silver Sponsor: \$350

- Company name and logo will appear on the sponsorship signage at OHD- Smaller logo
- 10 x 10 Booth

CHECKS MUST BE RECEIVED BY SEPTEMBER 4, 2019 to be included in the program.

You can count on our support: _____
(Company Name)

Address: _____

City: _____ State: _____ Zip Code: _____

Sponsorship Desired: _____ Amount: \$ _____

Please remit form to: City of Ovilla, c/o Doug Hunt, 105 S. Cockrell Hill Rd, Ovilla, TX 75154 (214-236-7474)

07.8.2019

Consent C2

To
**Honorable Mayor
and Council**

Comments:

C2. Ordinance 2019-14 adopting fees for Heritage Day booth rentals.

From
John Dean, Jr. CM

BACKGROUND AND JUSTIFICATION:

CC
**Linda Harding,
Accountant
Pam Woodall, CS**

Ordinance 2019-14 amends the Code's fee schedule, adding booth rental fees for Heritage Day.

Re: **Fee schedule**

City of Ovilla

Tel 972-617-7262

105 S. Cockrell Hill Road
Ovilla, Texas 75154

www.cityofovilla.org
jdean@cityofovilla.org



ORDINANCE NO. 2019-14

AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, AMENDING APPENDIX "A" (FEE SCHEDULE), SECTION A2.000 (MISCELLANEOUS FEES), OF THE CITY OF OVILLA CODE OF ORDINANCES, PROVIDING FOR BOOTH RENTAL FEES; 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.

WHEREAS, the City of Ovilla holds various community events where space is rented to vendors; and

WHEREAS, the City has established historically charged a fee for the rental spaces; and

WHEREAS, the City finds and determines that it is necessary and in the best interests of the health, safety and welfare of the citizens of the City of Ovilla to amend the City's fee schedule as set forth herein.

* * *

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

SECTION 1. AMENDMENT OF APPENDIX A, SECTION A2.000 OF THE OVLIA CODE OF ORDINANCES

Appendix A, Section A2.000 of the Ovilla Code of Ordinances is hereby amended in part to read as follows:

Section A2.000 Booth Rental fees

- (a) Booth without Electricity: \$50.00.
- (b) Booth with Electricity: \$60.00.

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. INCORPORATION INTO THE CODE OF ORDINANCES

The provisions of this ordinance shall be included and incorporated in the City of Ovilla Code of Ordinances and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

SECTION 5. EFFECTIVE DATE

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.

ORDINANCE NO. 2019-14

SECTION 6. 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 8th day of July 2019.

Richard Dormier, Mayor

ATTEST:

Pamela Woodall, City Secretary

APPROVED AS TO FORM:

Ron G. MacFarlane, Jr., City Attorney

07.8.2019

Consent C3

To
**Honorable Mayor
and Council**

Comments:

C3. Minutes of the June 10, 2019 Regular Meeting.

From
John Dean, Jr. CM

CC
**Linda Harding,
Accountant
Pam Woodall, CS**

Re: **Minutes**

City of Ovilla

Tel 972-617-7262

105 S. Cockrell Hill Road
Ovilla, Texas 75154

www.cityofovilla.org
jdean@cityofovilla.org



CITY OF OVILLA MINUTES

Monday, June 10, 2019

Regular City Council Meeting

105 S. Cockrell Hill Road, Ovilla, TX 75154

Mayor Dormier called the Regular Council Meeting of the Ovilla City Council to order at 6:30 p.m., 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 noted the presence of all Council Members thus constituting a quorum. City Manager John R. Dean, Jr., department directors and various staff were also present.

CALL TO ORDER

PL4 Hunt gave the invocation. PL1 Huber led the reciting of the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

PRESENTATIONS, ANNOUNCEMENTS & COMMENTS

Presentations, Announcements: None

Citizen Comments: None

CONSENT AGENDA

- C1. Engagement letter with Yeldell, Wilson, Wood and Reeve, P.C. to conduct the City's audit ending September 30, 2019.
- C2. Minutes of the May 23, 2019 Budget Workshop Special Meeting
- C3. Minutes of the May 20, 2019 Budget Workshop Special Meeting
- C4. Minutes of the May 13, 2019 Regular Meeting.
- C5. Resolution R2019-11 authorizing the purchase of real property.
- C6. Set September 14, 2019 as the fall clean-up date and authorize the City Manager to execute the letter to TCEQ for the event.
- C7. Consideration of and action on Ordinance 2019-12 of the City of Ovilla, Texas, amending Chapter 3, Article 3.05, Section 3.05009 of the Code of Ordinances of the City of Ovilla; amending the authority for appeals regarding fence inspections; 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.

PL4 Hunt moved to approve the consent items as presented, seconded by PL5 Myers.

No oppositions, no abstentions.

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

REGULAR AGENDA

ITEM 1. DISCUSSION/ACTION – Receive recommendation from the Planning and Zoning Commission on Case PZ2019-03 to consider and act on a Preliminary Plat filed by owner applicant, Katrina Birdwell, to plat 11.165 acres out of the J. Billingsley Survey, Abstract

No 76, of the City of Ovilla, Ellis County, more commonly known as 655 E. Highland Road, Ovilla, TX 75154.

Staff gave a presentation:

NAME:	KATRINA BIRDWELL
APPLICATION DATE:	05/20/2019
LOCATION:	655 E. Highland Road
UTILITIES:	Not on City of Ovilla water/sewer
CURRENT ZONING:	RE RESIDENTIAL 1-ACRE MINIMUM
PROPOSED LAND USE:	RE RESIDENTIAL 1-ACRE MINIMUM
MAJOR THOROUGHFARE:	FM 664

Staff advised that the Birdwell family currently resides on a small portion of their property (one-acre). Their desire is to plat their property of 11.165 acres, having two one-acre lots for residential use, whereas the remaining 9.165-acres remain unimproved. The plat and application documents were reviewed by staff and meets all requirements.

The Ovilla Planning and Zoning Commission met on Monday, June 03 to consider and act on the preliminary plat. They unanimously approved the preliminary plat with a 7-0 vote.

PL4 Hunt moved to approve Case PZ2019-03, a Preliminary Plat filed by owner applicant, Katrina Birdwell, to plat 11.165 acres out of the J. Billingsley Survey, Abstract No 76, of the City of Ovilla, Ellis County, more commonly known as 655 E. Highland Road, Ovilla, TX 75154 as presented, seconded by PL1 Huber.

No oppositions, no abstentions.

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

ITEM 2. DISCUSSION/ACTION – Receive recommendation from the Planning and Zoning Commission on Case PZ2019-04 to consider and act on a Final Plat filed by owner applicant, Katrina Birdwell, to plat 11.165 acres out of the J. Billingsley Survey, Abstract No 76, of the City of Ovilla, Ellis County, more commonly known as 655 E. Highland Road, Ovilla, TX 75154.

Staff presented the same information as listed under Item 1 with the only differences being the case number and that this item considered the final plat. The Ovilla Planning and Zoning Commission met on Monday, June 03 to consider and act on the final plat. They unanimously approved the final plat with a 7-0 vote.

PL4 Hunt moved to approve Case PZ2019-04, a Final Plat filed by owner applicant, Katrina Birdwell, to plat 11.165 acres out of the J. Billingsley Survey, Abstract No 76, of the City of Ovilla, Ellis County, more commonly known as 655 E. Highland Road, Ovilla, TX 75154 as presented, seconded by PL2 Oberg.

No oppositions, no abstentions.

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

ITEM 3. DISCUSSION/ACTION – Consideration of and action on Ordinance 2019-13 amending Appendix A, Article A4.000, section A4.001 “Building Permit Fees” and Section A4002, “Plan Review Fees,” of the Code of Ordinances of the City of Ovilla, Texas; providing revised building permit and inspection fees; providing revised plan review fees; providing a severance clause; providing for incorporation into the Ovilla Code of Ordinances; providing for immediate effect; and providing for publication. (HB852)

Staff advised that H.B. 852, went into effect on Tuesday May 21, 2019 and states that: (1) in determining the amount of a building permit or inspection fee required in connection with the construction or improvement of a residential dwelling, a city may not consider: (a) the value of the dwelling; or (b) the cost of constructing or improving the dwelling; and (2) a city may not require the disclosure of information related to the value of or cost of constructing or improving a residential dwelling as a condition of obtaining a building permit except as required by the Federal Emergency Management Agency for participation in the National Flood Insurance Program. The change would require amending the City's issuance of building permits for residential dwellings with the approval of Ordinance 2019-13 as presented.

PL5 Myers moved to approve Ordinance 2019-13 amending Appendix A, Article A4.000, Section A4.001 "Building Permit Fees" and Section A4002, "Plan Review Fees," of the Code of Ordinances of the City of Ovilla, Texas; providing revised building permit and inspection fees; providing revised plan review fees as presented, seconded by PL2 Oberg.

No oppositions, no abstentions.

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

ITEM 4. DISCUSSION/ACTION – Receive recommendation from the Municipal Facilities Improvement Committee to consider and act on Municipal Facility Improvements, directing staff as necessary.

During the March 25, 2019 Special Meeting, Council approved the creation of a new temporary Committee, Municipal Facilities Improvement Committee. The purpose of the Committee was to allow residents of Ovilla to have a voice, to meet, discuss, review and evaluate the current conditions and future needs of all municipal facilities and forward recommendation(s) to the Ovilla City Council of the Committees' overall assessment.

During the Regular Meeting of May 13, 2019, Council appointed 14-members to the Committee. The Committee met on May 21 (8 of the 14 in attendance). City Manager John Dean facilitated the meeting, beginning with a PowerPoint presentation, (same presentation shared with Council) followed by a complete tour of all municipal buildings.

The Committee returned with full support in recommending to the governing body a bond package in the amount of \$5 mil, to be separated and individually listed on the ballot as:

1. Founders Park Pavilion
2. Municipal Building
3. Police Building

The Committee did not make a recommendation on the prioritization of one project over the other but identified them all as needs. Council was receptive but voiced many questions. City Manager John Dean gave the Council the financial impact to the residential community. Council still voiced concerns regarding costs and asked staff to return with additional information. Council's opinions also differed with regard to locations of the proposed new facilities. Staff was directed to return with a concept plan and the cost of taking down the current municipal building.

Discussion only. No action.

ITEM 5. DISCUSSION – Review and discuss City Manager duties outlined in Sec. 9.03.034 (1) of the Ovilla Code of Ordinances.

PL2 Oberg asked to review this section of the Code with the opinion that the city manager should have authority to hire or terminate department directors, which currently Section 9.03.034 empowers the city manager to recommend termination to the Mayor and Council.

Richard Dormier, Mayor

Rachel Huber, Place One

Dean Oberg, Place Two

Council directed staff to return with an ordinance that defines all departments and gives the city manager hiring and termination authority.

Discussion only. No action.

ITEM 6. **DISCUSSION** – Review and discuss improvement options for parking in the Historic District of Ovilla.

This item was requested by Mayor Dormier. With the increased traffic to both existing and new businesses in the downtown area the limited parking issue has become magnified. Staff was asked to bring back plans for expanded parking areas in hopes to create a solution for future parking.

Discussion only. No action.

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

N/A

V. DEPARTMENT REPORTS

- **Department Activity Reports / Discussion**
 - Police Department Chief B. Windham
 - 1. Monthly Report reviewed.
 - 2. Advised of Officer Flores accident. Officer Flores is expected to recover.
 - Fire Department Chief B. Kennedy
 - 1. Monthly Report reviewed.
 - Public Works Interim Director D. Durham
 - 1. Monthly Report reviewed. Department has three open positions.
 - 2. Working on crack-sealing and drive approaches.
 - 3. Monthly Park Maintenance Reports reviewed.
 - Finance Department Accountant L. Harding
 - 1. April 2019 Financials and transactions reviewed.
 - 2. Bank Balances through June 04, 2019 reviewed.
 - Administration – all reports reviewed.
 - 1. Monthly Code/Animal Control Reports Code/AC Officer M. Dooly
 - 2. Monthly Municipal Court Report City Secretary P. Woodall
 - 3. City Manager Reports City Manager, John R. Dean, Jr.

EXECUTIVE SESSION

None.

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

Mayor Dormier	None
PL1 Huber	None
PL2 Oberg	None
Mayor Pro Tem Griffin	None
PL4 Hunt	None
PL5 Myers	Review city policy with regard to vacation leave for city employees.

ADJOURNMENT

PL2 Oberg moved to adjourn the meeting of June 10, 2019, seconded by PL4 Hunt. There being no further business, Mayor Dormier adjourned the meeting at 8:13 p.m.

ATTEST:

Pamela Woodall, City Secretary

Richard Dormier, Mayor

Approved July 08 2019

07.8.2019

Consent C4

To
**Honorable Mayor
and Council**

Comments:

C4. Storm Water Management Pollution Prevention Plan (SWPPP)

From
John Dean, Jr. CM

Required update of MS4 General Permit. (5-year schedule)

CC
**Linda Harding,
Accountant
Pam Woodall, CS**

Re: **SWPPP**

City of Ovilla

Tel 972-617-7262

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

**www.cityofovilla.org
jdean@cityofovilla.org**





City of Ovilla

STORM WATER MANAGEMENT PLAN 2019 - 2024 TPDES General Permit No. TXR040000

Prepared by:



1405 W. Chapman Drive | Sanger, TX 76266

Texas Firm F-12759

July 2019



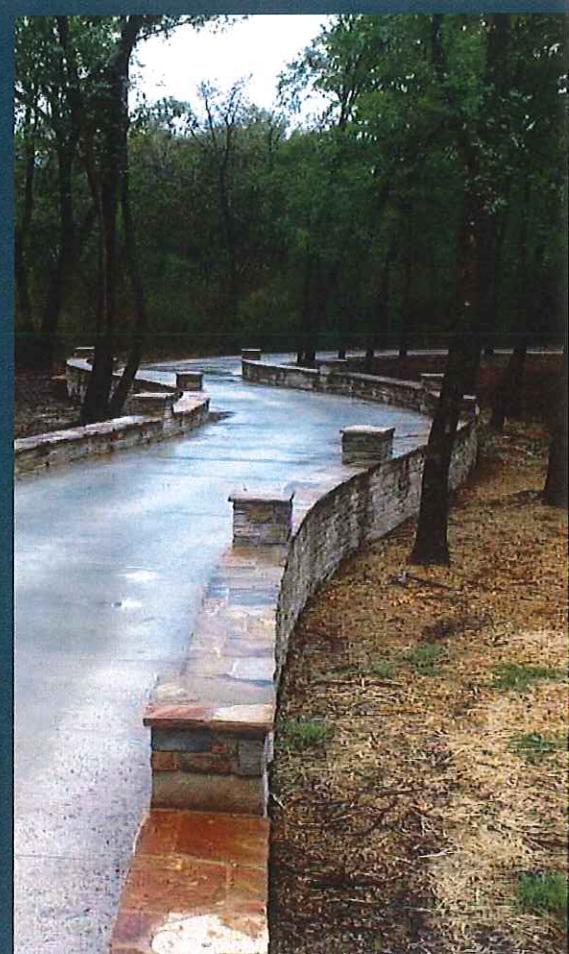
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APPENDIX

- A. Stormwater Master Plan Implementation Schedule
- B. TCEQ Notice of Intent (NOI) Form #20368
- C. TCEQ Stormwater Management Program (SWMP) Cover Sheet
- D. TCEQ General Permit Payment Submittal (Form #20134)



CITY OF OVILLA, TEXAS

STORMWATER MANAGEMENT PLAN

I. EXECUTIVE SUMMARY

The City of Ovilla is subject to the requirements of the Texas Commission on Environmental Quality (TCEQ) Texas Pollutant Discharge System (TPDES) General Permit No. TXR040000, for on January 24, 2019, which sets the requirements and conditions for stormwater discharges from small municipal separate storm sewer system (MS4) to surface waters in the state. The City of Ovilla, Texas currently has a Stormwater Management Plan (SWMP) that was adopted by the City and approved by TCEQ back in 2014. The TCEQ has amended and reissued a new Small MS4 General Permit for Phase II, TPDES Permit No. TXR040000, which requires the City of Ovilla to update their SWMP.

The purpose of the SWMP is a five-year plan for the City to continue to reduce pollutants that enter into the rivers and stream from stormwater runoff and pollution discharges. The City's population is approximately 4,115 people, which classifies them as a Small MS4 Level I category with a population less than 10,000. The SWMP consists of five (5) or six (6) Minimal Control Measures (MCM). The sixth MCM is Industrial Stormwater Sources, which the City does not have Industrial Sources and therefore does not apply to the City. For each MCM, the SWMP illustrates Best Management Practices (BMP's) the City will continue to implement throughout the timeframe of the five-year plan. These BMP's are detailed in the report and identified in the five-year schedule for the City to prioritize problems, identify solutions, implement correction strategies, track schedule progress through annual reporting, and continue to reduce pollutants entering local creeks, streams, and rivers.

The Public Works Department will serve as the department responsible for continuing to implement the MBP's and be in compliance with the SWMP. The department will also continue to provide annual reports to the TCEQ, adhering to the permit using measurable goals while trying to find new creative ways to reducing stormwater runoff.

II. GENERAL

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

MCM 1. Public Education, Outreach, and Public Involvement

MCM 2. Illicit Discharge Detection and Elimination (IDDE)

MCM 3. Construction Site Stormwater Runoff Control

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

MCM 5. Pollution Prevention and Good Housekeeping for Municipal Operations

MCM 6. Industrial Stormwater Sources

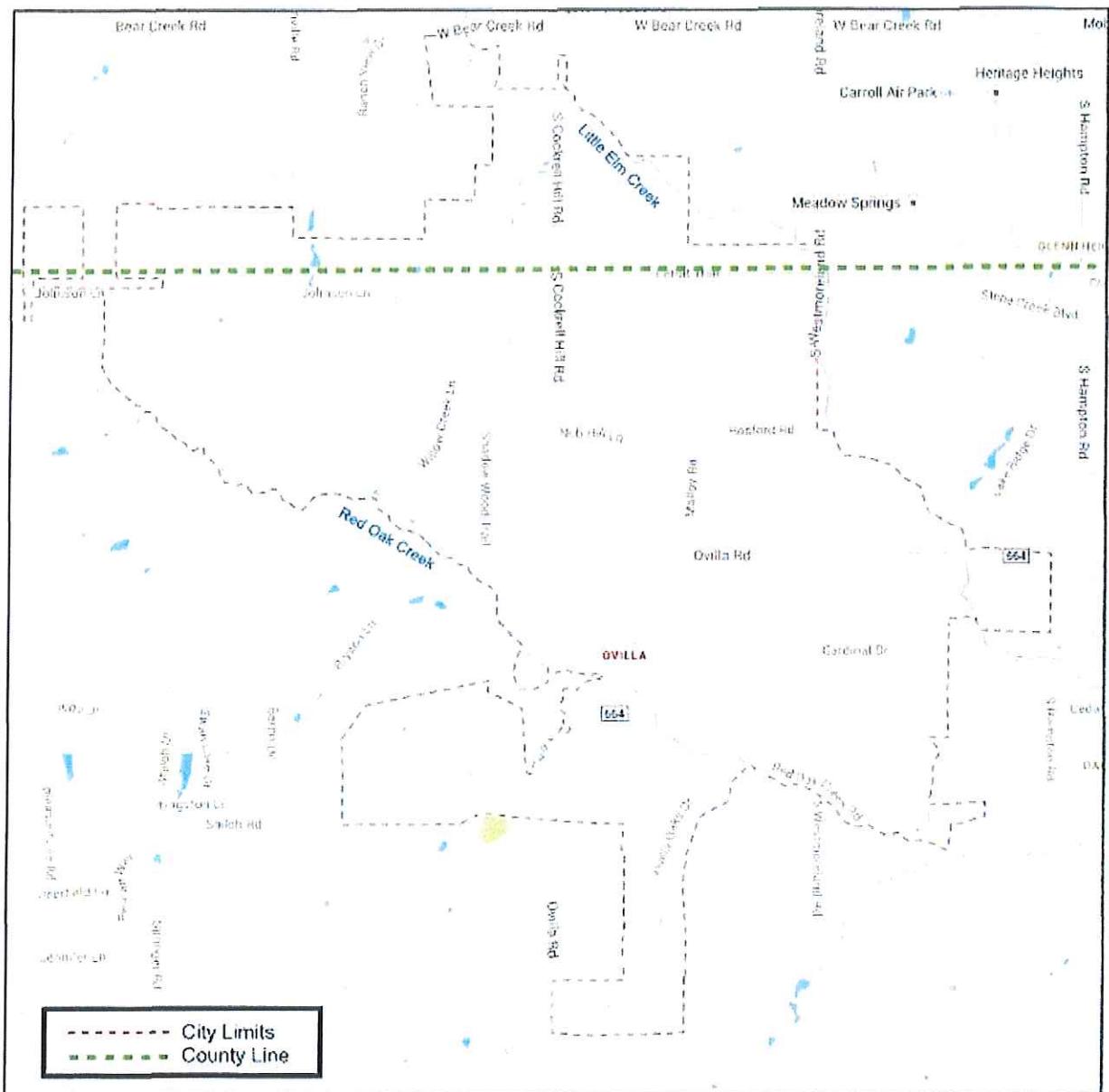
These minimum control measures are items required in Part III of the General Permit To Discharge Under The Texas Pollutant Discharge Elimination System. Each minimum control measure has goals and a schedule to complete each goal.

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

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

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

Figure No. 1 – Location Map



MCM 1. PUBLIC EDUCATION, OUTREACH AND PUBLIC INVOLVEMENT

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

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

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

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

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

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

MCM 1. – PUBLIC EDUCATION AND OUTREACH

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

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

Best Management Practices	BMP Description	Personnel Responsible	Measurable Goals	Implementation Schedule		
BMP 1.8 "Take Care of Texas"	Become a member of the "Take Care of Texas" program.	Director of Public Works	• Continue to be an active member of "Take Care of Texas".	Year 1 - 5		
			• Update material on the City website.	Year 1 - 5		
PUBLIC SERVICE EMPLOYEES						
BMP 1.9 Education	Develop a program to have at least one employee or civic leader attend an educational conference once per year. Have that employee or civic leader teach other city employees and leaders what he or she learned. The purpose is to gather valuable training and teach others to further educate the City staff.	Director of Public Works	• Continue education program.	Year 1 - 5		
			• Have at least one person representing the City attend an educational conference annually.	Year 1 - 5		
			• Have representative develop a workshop to teach other City employees & leaders.	Year 1 - 5		
COMMERCIAL AND INDUSTRIAL FACILITIES						
See BMP 1.1 Pamphlets						
BMP 1.10 Business Partnership	Develop a relationship with local businesses in MS4 area.	Director of Public Works	• Continue to Contact Businesses.	Year 1 - 5		
			• Discuss Overall Plan.	Year 1 - 5		
			• Meet with Business annually to distribute information.	Year 1 - 5		
CONSTRUCTION SITE PERSONNEL						
See BMP 1.1 Pamphlets						
BMP 1.11 Stormwater Pollution Prevention Plan (SW3P) Details Page	Develop a standard details page that all construction personnel will adhere to. This will help eliminate confusions that may occur with erosion control.	Director of Public Works	• Developed SW3P detail sheet to be inserted in all construction plans.	Year 1 - 5		
			• Continue to have contractors include the SW3P detail sheet in their construction plans.	Year 1 - 5		

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

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

MCM 1. – PUBLIC INVOLVEMENT

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

Best Management Practices	BMP Description	Personnel Responsible	Measurable Goals	Implementation Schedule
BMP 1.5 Take Care of Texas	Become an affiliate of “Take Care of Texas.org” and develop program that meets goals.	Director of Public Works	<ul style="list-style-type: none"> Continue to be an affiliate of “Take Care of Texas” Program and informed through email updates. 	Year 1 - 5
BMP 1.6 Stormwater Hotline	Establish a Stormwater Hotline that allows the community to report violations to the Stormwater Management Plan.	Director of Public Works	<ul style="list-style-type: none"> Continue to provide access for stormwater hotline through website link and contacting City Hall. 	Year 1 - 5

MCM 2. ILLICIT DISCHARGE DETECTION AND ELIMINATION

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

A. Illicit Discharges

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

1) Detection

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

2) Elimination

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

B. Non-Stormwater Discharges

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

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

C. Incidental Non-Stormwater Discharges

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

D. Storm Sewer Map

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

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

MCM 2. – ILLICIT DISCHARGE DETECTION AND ELIMINATION

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

Best Management Practices	BMP Description	Personnel Responsible	Measurable Goals	Implementation Schedule
NON-STORM WATER DISCHARGES				
BMP 2.5 Non-Stormwater Discharge Program	Develop a program and ordinance that addresses non-stormwater discharge and methods to remedy the situation.	Director of Public Works	• Continue to inspect all suspected sites and require property owners to eliminate the cause.	Year 1 - 5
			• Continue to train appropriate personnel on the <u>program</u> .	Year 1 - 5
STORM SEWER MAP				
BMP 2.6 Storm Sewer Map	Develop a map of the City's storm sewer system as required by the TCEQ's general permit	Director of Public Works	• Update City's Storm Sewer System Map as development occurs. Develop 25 % of the map per year.	Year 1 - 5

MCM 3. CONSTRUCTION SITE STORMWATER RUNOFF CONTROL

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

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

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

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

MCM 3. – CONSTRUCTION SITE STORMWATER RUNOFF CONTROL

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

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

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

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

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

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

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

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

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

MCM 5. POLLUTION PREVENTION / GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS

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

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

A. Good Housekeeping and Best Management Practices

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

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

B. Training

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

C. Structural Control Maintenance

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

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

D. Disposal of Waste

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

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

E. Municipal Operations and Industrial Activities

The SWMP must include a list of all:

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

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

Training

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

Structural Control Maintenance

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

Disposal of Waste

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

Municipal Operations and Industrial Activities

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

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

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

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

Best Management Practices	BMP Description	Personnel Responsible	Measurable Goals	Implementation Schedule
BMP 5.3 Fleet and Building Maintenance	Develop a program to maintain the fleet center in the City in order to reduce the amounts of pollutants entering in the water.	Director of Public Works	• Continue assessment of existing fleet center operations and infrastructure. Make improvements based on the recommendations of the assessment, if	Year 1 - 5
			• Continue to implement stormwater management plan for the fleet center.	Year 1 - 5
			• Continue to implement spill response plan for the fleet center.	Year 1 - 5
BMP 5.4 Stormwater System Maintenance	Develop a program to maintain the City's storm sewer system in order to reduce the amounts of pollutants entering in the water.	Director of Public Works	• Implement the schedule and program for conducting visual inspections of the City's storm sewer inlets. Continue conducting visual inspections of the City's storm sewer.	Year 1 - 5
			• Continue to monitor and track storm sewer cleaning activities.	Year 1 - 5
			• Continue to schedule and track outfall cleaning.	Year 1 - 5
			• Continue to implement program to track the amount of trash, sediment and other pollutants removed during cleaning.	Year 1 - 5
			• Update as necessary, the standard SW3P details page to be inserted in all construction plans.	Year 1 - 5
BMP 5.5 New Construction & Land Disturbances	Develop a program to maintain new construction and land disturbances in the City in order to reduce the amounts of pollutants entering in the water.	Director of Public Works	• Continue to train inspectors in erosion control.	Year 1 - 5
			• Continue to implement erosion control for all City Projects where the land disturbance is more than one-acre.	Year 1 - 5
			• Continue to clean and sweep City parking lots periodically.	Year 1 - 5
BMP 5.6 Municipal Parking Lots	Develop a program to maintain municipal parking lots in the City in order to reduce the amounts of pollutants entering in the water.	Director of Public Works	• Continue to implement stormwater management plan for City parking lots.	Year 1 - 5

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

MCM 6. INDUSTRIAL STORMWATER SOURCES

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



APPENDIX “A”

Stormwater Master Plan Implementation Schedule

BMP 1.1 Pamphlets

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

BMP 1.2 Website Link

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

BMP 1.3 Storm Water Display

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

BMP 1.4 Educational Curriculum

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

BMP 1.5 Public Service Announcement

year 1	year 2	year 3	year4	year 5
Work with NCTCOG to receive information and receive public interactions. "Keep Area Beautiful".				
Revise the Public Service Announcements if needed.				
Print Public Service Announcement once a year in the Ovilla Town Topics Mailing.				

BMP 1.6 Storm Drain Markers

year 1	year 2	year 3	year4	year 5
Existing inlets have been marked.				
Mark new inlets as new improvements occurs.				
Continue implementation of the City's plan for installing storm drain markers, achieving the 100% marked goal by the end of the 5 th year.				

BMP 1.7 Bumper Stickers

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

BMP 1.8 Take Care of Texas

year 1	year 2	year 3	year 4	year 5
Continue to be an active member of "Take Care of Texas".				
Update material on the Citywebsite.				

BMP 1.9 Education

year 1	year 2	year3	year 4	year 5
Continue education program.				
Have at least one person representing the City attend an educational conference				
Have representative develop a workshop to teach other City employees & leaders.				

BMP 1.10 Business Partnership

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

BMP 1.11 SWPPP Details Page

year 1	year 2	year3	year 4	year 5
Developed SW3P detail sheet to be inserted in all construction plans.				
Continue to have contractors include the SW3P detail sheet in their construction plans.				

BMP 1.1 Citizen Panel

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

BMP 1.2 Panel Groups

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

BMP 1.3 Public Service Announcements

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

BMP 1.4 Storm Inlets Stencil

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

BMP 1.5 Take Care of Texas

year 1	year 2	year 3	year 4	year 5
Continue to be an affiliate of "Take Care of Texas" Program and informed through email updates.				

BMP 1.6 Storm Water Hotline

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

BMP 2.1 Dry Weather Screening

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

BMP 2.2 Illicit Discharges Detection

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

BMP 2.3 Sanitary Sewer Smoke Testing

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

BMP 2.4 Elimination of Illicit Connections

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

BMP 2.5 Non-Storm Water Discharge Program

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

BMP 2.6 Storm Sewer Map

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

BMP 3.1 Construction Site Storm Water Runoff Control

year 1

year 2

year 3

year 4

year 5

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

BMP 3.2 Details

year 1

year 2

year 3

year 4

year 5

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

BMP 3.3 Inspections

year 1

year 2

year 3

year 4

year 5

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

BMP 3.4 Water Quality

year 1

year 2

year 3

year 4

year 5

Continue to implement site plan review recommendation to minimize impact on water quality concerns as development occurs.

BMP 3.5 New Construction & Land Disturbances

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

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

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

BMP 3.7 Control of Site Waste

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

BMP 4.1 Post Construction Storm Water Management Ordinance

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

BMP 4.2 Implementation of Ordinance

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

BMP 4.3 Review of Effectiveness of Post Construction BMP

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

BMP 5.1 Park and Open Space Maintenance

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

BMP 5.2 Street, Road and Highway Maintenance

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

BMP 5.3 Fleet and Building Maintenance

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

BMP 5.4 Storm Water System Maintenance

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

BMP 5.5 New Construction & Land Disturbances

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

BMP 5.6 Municipal Parking Lots

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

BMP 5.7 Vehicle & Equipment Maintenance and Storage Yards

year 1	year 2	year 3	year 4	year 5
				Continue to assessment of washdown and maintenance facilities & make improvements based on the recommendations.
				Continue to implement stormwater management plan for the washdown and maintenance facilities.
				Continue to implement a spill response plan for the washdown and maintenance facilities.
				Continue to implement inspection schedule for all equipment.

BMP 5.8 Salt/Sand Storage Locations

year 1	year 2	year 3	year 4	year 5
				Continue assessment of the sand storage locations and make improvements based on the recommendations (at pump station).
				Update stormwater management plan for the sand storage locations.

BMP 5.9 Good Housekeeping and Pollution Prevention Training

year 1	year 2	year 3	year 4	year 5
				Continue training program, such as viewing SWAP DVD's
				Continue to implement the training program to all City employees.
				Continue to implement the training program to all new employees six months after they are hired.



APPENDIX “B”

TCEQ Notice of Intent (NOI)

Form #20368



Notice of Intent (NOI) for Small Municipal Separate Storm Sewer Systems (MS4) authorized under TPDES Phase II MS4 General Permit

TXR040000

IMPORTANT:

Use the [INSTRUCTIONS](#) to fill out each question in this form.

Once approved, your permit authorization can be viewed at:
<http://www.tceq.texas.gov/goto/wq-dpa>

APPLICATION FEE:

You must pay the **\$400** Application Fee to TCEQ for the application to be complete.

Payment and NOI must be mailed to separate addresses.

You can pay online at: <http://www.tceq.texas.gov/goto/epay>

Select Fee Type: GENERAL PERMIT MS4 PHASE II STORMWATER DISCHARGE NOI APPLICATION

Provide your payment information below, for verification of payment:

Mailed Check/Money Order Number: [Click here to enter text](#)

Check/Money Order Amount: [Click here to enter text](#)

Name Printed on Check: [Click here to enter text](#)

EPAY Voucher Number: [Click here to enter text](#)

Is a copy of the Payment Voucher enclosed? Yes

One (1) copy of the NOI, Stormwater Management Program (SWMP) cover sheet, and SWMP MUST be submitted with the original NOI, SWMP cover sheet, and SWMP.

Is the copy attached? Yes

REASON FOR APPLICATION:

Select the reason you are submitting this application:

New authorization

Renewal of authorization number: TXR040020

Note: An authorization cannot be renewed after July 23, 2019

Section 1. OPERATOR (Applicant)

- a) If the applicant is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity? CN 600632129
- b) What is the exact Legal Name of the entity (applicant) applying for this permit?
City of Ovilla
- c) Complete and attach a Core Data Form (TCEQ-10400) for this customer.

Section 2. ANNUAL BILLING CONTACT

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

Provide the name and contact information of the billing contact.

Prefix (Mr. or Ms.): Mr.

First and Last Name: John Dean

Title: City Manager

Organization Name: City of Ovilla

Phone Number: 972-617-7262

Fax Number: 972-515-3221

Email: JDEAN@cityofovilla.org

Mailing Address: 105 S. Cockrell Hill Road

City, State, and Zip Code: Ovilla, TX 75154

Section 3. APPLICATION CONTACT

This is the person TCEQ will contact if additional information is needed about this application.

Provide the name and contact information of the application contact.

Prefix (Mr. or Ms.): Mr.

First and Last Name: Robert Stengele

Title: Director of Civil Engineering

Organization Name: EIKON

Phone Number: 940-458-7503

Fax Number: 940-458-7417

Email: rstengele@eikoncg.com

Mailing Address: 1495 West Chapman Drive

City, State, and Zip Code: Sanger, TX 76266

Section 4. REGULATED ENTITY (RE) INFORMATION FOR SITE

- a) If this is an existing permitted site, what is the Regulated Entity Number (RN) issued to this site? RN 105478309
- b) Name of site as known by the local community:
City of Ovilla
- c) Name of the urbanized area(s) the Phase II MS4 is located within:
Dallas – Fort Worth Metropolitan area
- d) Provide a brief description of the regulated MS4 boundaries: *Example: Area within the City of XXXX limits that is located within the xxx urbanized area:*
Area within City of Ovilla limits located within the Dallas urbanized area in Ellis and Dallas counties

Section 5. GENERAL CHARACTERISTICS

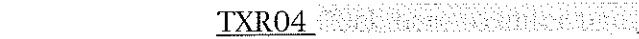
- a) Is this site located on Indian Country Lands?
 Yes, do not submit this form. You must obtain authorization through U.S. EPA Region 6.
 No, continue to item b
- b) Has TCEQ formally "designated" the small MS4 as needing coverage under this general permit?
 Yes. Attach a copy of the documentation sent to the MS4 by TCEQ.
 No
- c) Select the MS4 level, which is based on the population served within the urbanized area (UA) **based on the most recent Decennial Census at the time of issuance of the general permit**.
 Level 1: Traditional small MS4s with a population of less than 10,000.
 Level 2: Traditional small MS4s with a population of at least 10,000 but less than 40,000.
Non-traditional MS4s: This level also includes all non-traditional small MS4s regardless of population unless the non-traditional MS4 can demonstrate that it meets the criteria for a waiver from permit coverage. *Examples of non-traditional small MS4s include counties, drainage districts, transportation entities, military bases, universities, colleges, correctional institutions, municipal utility districts, and other special districts.*
 Level 3: Traditional small MS4s with a population of at least 40,000 but less than 100,000.
 Level 4: Traditional small MS4s with a population of 100,000 or more.
- d) What is the estimated current population served by your MS4 (regulated area)?
4115 People

e) Is the MS4 part of a coalition?

Yes

No

f) If yes, list the entity names of the coalition members responsible for implementation of the SWMP *and* their unique TXR04#### number.

1. 	<u>TXR04</u> 
2. 	<u>TXR04</u> 
3. 	<u>TXR04</u> 
4. 	<u>TXR04</u> 
5. 	<u>TXR04</u> 
6. 	<u>TXR04</u> 

If needed, add a copy of this page to add more entities.

g) What is your annual reporting year?

Calendar year

Small MS4 General Permit year

MS4 Fiscal year – What is the last month and day of the fiscal year? 

h) Stormwater Management Program (SWMP)

1. I certify that the SWMP submitted with this NOI has been developed according to the provisions of the Small MS4 General Permit TXR040000. Yes
2. I certify that the SWMP Cover Sheet is completed and attached to the front of the SWMP. Yes
3. Have the program elements in the previous SWMP been re-assessed and modified and new program elements been developed and implemented, as necessary?
 Yes
 No. This facility did not have a previous authorization.
4. Is the optional 7th Minimum Control Measure (MCM) for Municipal Construction Activities selected and included with the attached SWMP?
 No. Continue to Question 5.
 Yes.

If yes, is MCM 7 limited to the regulated area within the urbanized area?

Yes. Continue to Question 5.

No

If No, then MCM 7 is included in the geographic area or boundary outside of the urbanized area. Note: In this case, you must incorporate the entire area

(urbanized and non-urbanized areas) in the SWMP and implement all MCMs 1-7 in the urbanized and non-urbanized areas.

5. Provide the name and contact information of the person responsible for implementing or coordinating implementation of the SWMP.

Prefix (Mr. or Ms.): Mr.

First and Last Name: John Dean

Title: City Manager

Organization Name: City of Ovilla

Phone Number: 972-617-7262

Fax Number: 972-515-3221

Email: JDEAN@city of ovilla.org

Mailing Address: 105 S. Cockrell Hill Road

City, State, and Zip Code: Ovilla, TX 75154

i) Discharge Information

1. What is the name of the waterbody(ies) receiving stormwater discharges from the MS4? Little Creek and Red Oak Creek
2. What is the classified segment number(s) that the discharges will eventually reach? 105 S. Cockrell Hill Road

Does the small MS4 discharge directly or indirectly into the classified segment(s)?

Directly

Indirectly

3. Are any of the waterbody(ies) receiving discharges from the small MS4 identified as impaired waters (Category 4 or 5) in the *Texas Integrated Report of Surface Water Quality*?

Yes

What is the name of the impaired waterbody(ies) receiving the discharge from the small MS4? 105 S. Cockrell Hill Road

What is/are the pollutant(s) of concern? 105 S. Cockrell Hill Road

No

4. Does the impaired water body(ies) have a TMDL (Category 4 waterbody)?

Yes

What is/are the pollutant(s) with a TMDL? 105 S. Cockrell Hill Road

No

5. Does your MS4 discharge into any other MS4 entity's jurisdiction prior to discharge into water in the state?

Yes

What is the name of the MS4 operator?

No

6. Edwards Aquifer Rule

Is the discharge or potential discharge within the Recharge Zone, Contributing Zone, within the Contributing Zone within the Transition Zone, or zero to ten (0 to 10) miles upstream of the Recharge Zone of the Edwards Aquifer?

Yes – **NOTE: A copy of the agency approved Water Pollution Abatement Plan (WPAP) required by the Edwards Aquifer Rule (30 TAC Chapter 213) must be either included or referenced in the SWMP.**

No

j) Public Participation Process

1. Provide the name and contact information of the person responsible for publishing notice of the executive director's preliminary determination on the MS4's NOI and SWMP?

Prefix (Mr. or Ms.): Mr.

First and Last Name: John Dean

Title: City Manger

Company: City of Ovilla

Phone Number: 972-617-7262

Fax Number: 972-515-3221

Email: JDEAN@cityofovilla.org

Mailing Address: 105 S. Cockrell Hill Road

Internal Routing (Mail Code, Etc.):

City, State, and Zip Code: Ovilla, TX 75154

2. Provide the name and location of the public place where copies of the NOI, SWMP, Small MS4 General Permit TXR040000, and general permit fact sheet may be viewed and copied by the public?

Name of Public Place: City of Ovilla

Address of Public Place: 105 S. Cockrell Hill Road

County of Public Place: Ellis County

3. Provide the address for the website where the MS4's SWMP and annual report will be posted. www.cityofovilla.org

Do not have a website.

Section 6. CERTIFICATION

I certify that I have obtained a copy and understand the terms and conditions of the Phase II (Small) MS4 General Permit TXR040000 issued January 24, 2019.

Yes

I certify that the small MS4 qualifies for coverage under the Phase II (Small) MS4 General Permit TXR040000.

Yes

I understand that a Notice of Termination (NOT) must be submitted when this authorization is no longer needed.

Yes

I understand that authorizations active on September 1st of each year will be assessed an Annual Water Quality Fee.

Yes

Operator Certification

Operator Signatory Name: John Dean

Operator Signatory Title: City Manager

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

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

Signature (use blue ink): _____ Date: _____

**Instructions for Notice of Intent (NOI) for Small
Municipal Separate Storm Sewer Systems (MS4)
authorized under
TPDES Phase II MS4 General Permit TXR040000**

GENERAL INFORMATION

Where to Send the Notice of Intent (NOI)

You are required to submit the original and one copy of the NOI, Core Data Form(s), Stormwater Management Program (SWMP) Cover Sheet, and the SWMP. Submit these documents to one of the following addresses:

BY REGULAR U.S. MAIL:

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

BY OVERNIGHT/EXPRESS MAIL:

Texas Commission on Environmental Quality
ARP Team (MC-148)
12100 Park 35 Circle
Austin, TX 78753

Fees Associated with this General Permit

The application fee of \$400 is required to be paid at the time the NOI is submitted. Failure to submit payment at the time the application is filed will cause delays in acknowledgment or denial of coverage under the general permit. Payment of the fee may be made by check or money order, payable to TCEQ, or through EPAY (electronic payment through the web).

Mailed Payments:

Use the attached General Permit Payment Submittal Form. The application fee is submitted to a different address than the NOI. Read the General Permit Payment Submittal Form for further instructions.

Where to Send the Payment

BY REGULAR U.S. MAIL:

Texas Commission on Environmental Quality
Financial Administration Division
Cashier's Office, MC 214
P.O. Box 13088
Austin, Texas 78711-3087

BY OVERNIGHT/EXPRESS MAIL:

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

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

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

Annual Water Quality Fee

This fee is assessed to permittees with an active authorization under the general permit on September 1 of each year. The designated billing contact will receive an invoice for payment of the annual fee in November of each year. The payment will be due 30 days from the invoice.

A 5% penalty will be assessed if the payment is not received by TCEQ by the due date. Annual fee assessments cannot be waived as long as the authorization under the general permit is active on September 1.

It is important for the permittees to submit an NOT when coverage under the general permit is no longer required. An NOT is effective on the postmarked date of mailing the form to TCEQ. If the NOT is mailed it is recommended that the NOT be mailed using a method that documents the date mailed and received by TCEQ.

Mailed Payments:

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

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

You must enter your account number provided at the top portion of your billing statement. Payment methods include American Express, MasterCard, Visa, and electronic check payment (ACH).

TCEQ Contact List

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

Notice of Intent Process

When your Core Data Form, NOI, and SWMP are received by the program, the form will be processed as follows:

Administrative Review: Each item on the form will be reviewed for a complete response. In addition, the operator's legal name must be verified with Texas Secretary of State as valid and active (if applicable). The address(s) on the form must be verified with the US Postal service as receiving regular mail delivery. Do not give an overnight/express mailing address.

Notice of Deficiency: If an item is incomplete or not verifiable as indicated above, a notice of deficiency (NOD) will be mailed to the operator. The operator will have 30 days to respond to the NOD. The response will be reviewed for completeness.

Technical Review of SWMP: The NOI and SWMP will be reviewed to verify compliance with the requirements in the general permit. More information may

be requested by phone or technical NOD letter mailed to the SWMP contact. When a determination is made that the SWMP meets the requirements of the general permit, the Executive Director's preliminary determination will be prepared and filed with the TCEQ Office of Chief Clerk (OCC).

Public Participation Process: The OCC will mail the Executive Director's preliminary determination to the public participation contact provided in the NOI. This individual must publish the notice in the newspaper of largest circulation in the county where the small MS4 is located.

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

The applicant must submit a copy of the newspaper clipping and an affidavit signed by the newspaper staff to the OCC within 60 days of receiving the written instructions from the OCC.

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

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

or

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

General Permit

Coverage under the general permit begins upon approval of the NOI, Core Data Form, and SWMP by TCEQ and after the public notice process has been completed. You should have a copy of your general permit when submitting your application. You may view and print your permit for which you are seeking coverage, at the following website <http://www.tceq.texas.gov>. Search using keyword TXR040000.

General Permit Forms

The Notice of Intent (NOI), Notice of Termination (NOT), Notice of Change (NOC) and Core Data Form (including instructions) are available at the TCEQ web site <http://www.tceq.texas.gov>.

Change in Operator

An authorization under the general permit is not transferable. If the operator changes, the present permittee must submit a Notice of Termination (NOT) and the new operator must submit a Notice of Intent and a Core Data Form. The NOT, NOI and Core Data Form must be submitted no later than 10 days prior to the change in status.

<http://www15.tceq.texas.gov/crpub/>. If this regulated entity has not been assigned an RN, leave this space blank.

b) Name of the Project or Site

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

c) Name of Urbanized Area

List the formal name of the urbanized area(s) where the MS4 is located using the 2010 U.S. Census maps referenced in Section 5. c) below. For example: Dallas-Fort Worth-Arlington Urbanized area.

d) Describe the boundaries of the regulated portion of the small MS4

Briefly describe the boundaries of the regulated portion of the small MS4.

Section 5. General Characteristics

a) Indian Country Lands

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

b) TCEQ “Designated” Small MS4

A small MS4 that is outside of an urbanized area that is formally “designated” by TCEQ is eligible for coverage under this general permit. The small MS4 Operator must obtain authorization under this general permit or apply for coverage under an individual TPDES stormwater permit within 180 days of notification of their designation. If the small MS4 was already designated, please attach a copy of the documentation sent to the MS4 by TCEQ.

c) MS4 Level

The general permit defines MS4s by four different levels, based on the population served within the 2010 U.S. Census urbanized area (UA). “Population served” means the residential population within the regulated portion of the small MS4 based on the 2010 U.S. Census, except for non-traditional small MS4s that are classified as Level 2.

A reference map identifying the 2010 U.S. Census UAs can be found at www.epa.gov/npdes/urbanized-area-maps-npdes-ms4-phase-ii-stormwater-permits.

Districts that did not have a population during the 2010 U.S. Census, are required to apply when their population exceeds the population threshold for permit coverage.

d) Estimated Population

List the current estimated population served by the MS4. This number will not be used to determine the Levels.

e) Coalitions of MS4 entities

Indicate if the MS4 is part of a coalition that share efforts in meeting any or all of the SWMP requirements.

INSTRUCTIONS FOR FILLING OUT THE FORM

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

This number will begin with TXR04. Do not use TXR040000, it is *the general permit number not your authorization number*.

Section 1. Operator (Applicant)

a) Customer Number (CN)

TCEQ assigns each customer a number that begins with CN, followed by nine digits. This is not a permit number, registration number, or license number. If the applicant is an existing TCEQ customer, the Customer Number is available at the following website: <http://www15.tceq.texas.gov/crpub/>. If the applicant is not an existing TCEQ customer, leave the space for CN blank.

b) Legal Name of Applicant

Provide the current legal name of the applicant. The name must be provided exactly as filed with the Texas Secretary of State, or on the legal documents forming the entity as filed with the county. If filed in the county, provide a copy of the legal documents showing the legal name.

c) Core Data Form

Complete and attach a Core Data Form (TCEQ-10400) for each customer.

Section 2. Annual Billing Contact

An annual fee is assessed to each operator holding an active authorization under the general permit on September 1 of each year.

Provide the contact name and complete mailing address where the annual fee invoice should be mailed. Verify the address with the USPS. It must be an address for delivery of regular mail, not overnight express mail.

The phone number should provide contact to the individual responsible for paying the annual fee.

The fax number and e-mail address are optional and should correspond to the individual responsible for paying the annual fee.

Section 3. Application Contact

Provide the name, title and contact information of the person that TCEQ can contact for additional information regarding this application. This contact may be a consultant or entity other than the applicant.

Section 4. Regulated Entity (RE) Information For Site

a) Regulated Entity Reference Number (RN)

The RN is issued by TCEQ to sites where an activity is regulated by TCEQ. This is not a permit number, registration number, or license number. Search TCEQ's Central Registry to see if the site has an assigned RN at

f) Members of the Coalition

List the name of each member of the coalition *and* their unique Phase II MS4 authorization number.

g) Annual Reporting Year

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

- If the MS4 selects the calendar year, then the reporting year is from January 1 through December 31 of each year.
- If the MS4 selects the Phase II MS4 General Permit year, the reporting year is from the effective date of the general permit plus 365 days of each year.
- If the MS4 selects the fiscal year, the reporting year is from the first day of the MS4's fiscal year through the last day of the MS4's fiscal year. Provide the month and last day of the MS4's fiscal year.

h) SWMP

1. Certify, by selecting Yes, that the SWMP has been developed in accordance with the general permit requirements and is attached to this NOI.

2. Certify, by selecting Yes, that the SWMP Cover Sheet has been completed and is attached to the front of the SWMP.

3. If the MS4 was previously authorized under the general permit, the program elements in the previous SWMP must be re-assessed and modified. Additionally, new program elements must be developed. Do not submit the exact same SWMP that was previously submitted. Indicate that you have revised the previous SWMP, or that this is a newly regulated MS4.

4. Indicate if the MS4 is seeking coverage under this general permit for the optional MCM 7 for municipal construction activities where the MS4 meets the definition of "construction site operator".

If Yes, the SWMP must include the geographic area or boundary where MCM 7 will be implemented. If this area extends beyond the geographic area or boundary of the urbanized area, then all MCMs 1-7 must be implemented in the urbanized and non-urbanized areas. The MS4 operator can utilize MCM 7 only in areas that are in compliance with the SWMP's MCMs 1-7. If you do **NOT** incorporate the entire SWMP (MCMs 1-7) in the urbanized and the non-urbanized areas, then the MS4 cannot utilize only MCM 7 outside of the urbanized area.

If No, the MS4 can obtain this coverage at any time during the general permit term by submitting a Notice of Change.

5. Provide the name and contact information of the designated person responsible for implementing or coordinating implementation of the SWMP.

i) Discharge Information

1. Provide the name of all waterbodies that receive discharges from the MS4. The discharge eventually reaches a receiving waterbody such as a local stream or lake, possibly via a drainage ditch or even through another MS4 prior to reaching the waterbody. Please note that this general permit does not grant permission to use another MS4 as a conveyance of stormwater and certain non-storm water discharges along the discharge route.

2. Identify the classified segment number(s) that will eventually receive the

discharge. You can find classified segment numbers in the Atlas of Texas Surface Waters at: www.tceq.texas.gov/publications/gi/gi-316 or the Surface Water Quality (Segments) Viewer at:

<https://www.tceq.texas.gov/gis/segments-viewer>

Indicate if the discharge is directly into the classified segment or if it reaches the classified segment after being discharged into another waterbody or MS4.

3. Indicate if any waterbodies receiving discharges are identified as impaired waters (Category 4 or 5) in the *Texas Integrated Report of Surface Water Quality*, which is available at:

http://www.tceq.texas.gov/waterquality/assessment/305_303.html.

If Yes, provide the name(s) of the impaired waterbodies and the pollutants of concern for those waterbodies. The pollutants of concern are the parameters for which the waterbody is impaired.

4. Indicate if the impaired waterbody has a TMDL and list the pollutants with a TMDL (Category 4 waterbody).
5. Indicate if the discharge is into any other MS4 entity's jurisdiction prior to reaching water in the state.

If Yes, provide the name of the MS4 operator that receives the discharge.

6. Edwards Aquifer Rule

Indicate if the discharge or potential discharge is within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer. See maps on the TCEQ website to determine if the site is located within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer at

<https://www.tceq.texas.gov/permitting/eapp/viewer.html>.

If Yes, additional requirements may exist under the Edwards Aquifer Protection Program (30 TAC Chapter 213). For activities regulated under 30 TAC Chapter 213, any required plans must be included in the SWMP. Compliance with any Edwards Aquifer requirements is in addition to the requirements of this general permit.

j) Public Participation

1. Provide the name and contact information of the person responsible for publishing the public notice in the newspaper.
2. Provide the name and location of a public place where copies of the NOI, SWMP, General Permit, and permit fact sheet will be available to the public for viewing. Examples of public places include public libraries, city hall, municipal buildings, etc.
3. Provide the address for the website where the MS4's SWMP and annual report will be posted. Indicate if the MS4 does not have a website.

Section 6. Certifications

Failure to indicate "Yes" to ALL of the certification items may result in denial of coverage under the general permit. The certification must bear an original signature of a person meeting the signatory requirements specified under 30 Texas Administrative Code §305.44.

IF YOU ARE A CORPORATION:

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

IF YOU ARE A MUNICIPALITY OR OTHER GOVERNMENT ENTITY:

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

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

30 TEXAS ADMINISTRATIVE CODE §305.44. SIGNATORIES TO APPLICATIONS

(a) All applications shall be signed as follows.

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

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

(3) For a municipality, state, federal, or other public agency, the application shall be signed by either a principal executive officer or a ranking elected official. For purposes of this paragraph, a principal executive officer of a federal agency includes

the chief executive officer of the agency, or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., regional administrator of the EPA).

SWMP Cover Sheet

The SWMP cover sheet must be completed and placed on the front of the SWMP. Both the SWMP cover sheet and the SWMP must be submitted with the complete NOI.

Provide the name of the MS4 operator.

For each MCM, complete the table by entering the page number (or page number range) where each required program element can be found in the SWMP.

Note: Some program elements are only required for certain MS4 levels. The tables clearly identify these MS4 level specific requirements. If one of these program element does not apply to the MS4 level for this facility, enter NA.

Additionally, MCM 7 is optional. If you selected "No" on the NOI Section 5.e.4 question, enter NA on Table 7.



Appendix "C"

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APPENDIX "C"

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

STORMWATER MANAGEMENT PROGRAM (SWMP) COVER SHEET

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

Operator

Operator name: City of Ovilla

Required Program Elements

The SWMP needs to include:

- BMPs and measurable goals that are clear, specific, and measurable,
- Annual Reporting Year selected, and
- Estimated population served by the MS4.

Legal Authorities

Include in the SWMP the list of local legal authorities (i.e., ordinance, rule) that the MS4 has adopted to implement any of the MCMs. List all and what MCM they each cover.

Minimum Control Measures

For each MCM, complete the table by entering the page number where the required element can be found in the SWMP

MCM 1: Public Education, Outreach, and Involvement

Table 1: Required Elements for MCM 1

MCM 1 Required Elements	SWMP page number
SWMP includes a stormwater education and outreach program to educate public employees, business, and the general public about hazards associated with the illegal discharges and improper disposal of waste and about the impacts stormwater can have on water quality, and steps they can take to reduce pollutants in stormwater	2 - 6
Clearly define the goals and objectives of the program based on high-priority community-wide issues	2 - 6
Identify the target audiences	2 - 6
Develop or use appropriate educational material	2 - 6
Procedures to distribute educational material	2 - 6
Make the educational material available to the target audience at least annually	2 - 6

MCM 1 Required Elements	SWMP page number
Post the SWMP and annual reports on the MS4's website, if the MS4 has a website	5 - 7
Include the MS4's website address where the SWMP and annual reports will be found, if the MS4 has a website	5 - 7
SWMP includes a program that complies with state and local public notice requirements	2 - 6
Include public input in the implementation of the program	7 - 9
Include opportunities for citizen to participate in implementation of control measures	7 - 9
Ensure the public can easily find information about the SWMP.	7 - 9
SWMP lists Best Management Practices (BMPs) used to fulfill this MCM. Examples of possible BMPs could be stream-clean-ups, storm drain stenciling, volunteer water quality monitoring, brochures, billboards, and websites.	8 - 9
SWMP includes measurable goals that are clear, specific, and measurable, and the method of measurement, for addressing stormwater quality	7 - 9
SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from the general permit issuance date of January 24, 2019	Appendix

MCM 2: Illicit Discharge Detection and Elimination

Table 2: Required Elements for MCM 2

MCM 2 Required Elements	SWMP page number
Description of the program that will be used to detect, investigate and eliminate illicit discharges. The program includes a plan to detect and address illicit discharges, including illegal dumping to the MS4 system.	11- 14
MS4 map: The map includes: <ul style="list-style-type: none"> • Location of all small MS4 outfalls operated by the MS4 and that discharge into waters of the U.S.; • Location and name of all surface waters receiving discharge from the MS4s outfalls; • For Level 3 and 4 small MS4s: Location of MS4 owned or operated facilities and stormwater controls; and • For Level 4 small MS4s: Location of priority areas. 	11 - 14
Methods for informing and training MS4 field staff	11 - 14
Procedures for tracing the source of an illicit discharge	11 - 14

MCM 2 Required Elements	SWMP page number
Procedures for removing the source of the illicit discharge	11 - 14
Procedures to facilitate public reporting of illicit discharges or water quality impacts associated with discharges into or from the small MS4	11 - 14
Procedures for responding to illicit discharges and spills	11 - 14
Procedures for inspections in response to complaints	11 - 14
For Level 2, 3, and 4 small MS4: Procedures to prevent and correct leaking on-site sewage disposal systems	N/A
For Level 3 and 4 small MS4s: Procedures for follow-up investigation to verify that the illicit discharge has been eliminated	N/A
For Level 4 small MS4s: Procedures for identifying and creating a list of priority areas within the small MS4s likely to have illicit discharges	N/A
For Level 4 small MS4s: Procedures for a dry weather field screening program to assist in detecting and eliminating illicit discharges to the small MS4. Dry weather field screening consists of (1) field observations and (2) field screening.	N/A
For Level 4 small MS4s: Procedures to reduce the discharge of floatables in the small MS4	N/A
SWMP lists BMPs used to fulfill this MCM. Examples of possible BMPs could be hazardous materials disposal opportunities, inspections of the storm sewer system, and dye testing.	11 - 14
SWMP includes measurable goals that are clear, specific, and measurable, and the method of measurement, for addressing stormwater quality	11 - 14
SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from the general permit issuance date of January 24, 2019	Appendix

MCM 3: Construction Site Stormwater Runoff Control

Table 3: Required Elements for MCM 3

MCM 3 Required Elements	SWMP page number
Program requires operators of construction sites one acre and greater (including larger common plan) to select, install, implement, and maintain stormwater control measures	15 - 17
Description of ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under state and local law	15 - 17

MCM 3 Required Elements	SWMP page number
Program requires construction site operators to implement BMPs for erosion and sediment control	15 - 17
Program requires construction site operators to have procedures for initiating and completing soil stabilization measures	15 - 17
Program requires construction site operators to implement BMPs to control pollutants from equipment and vehicle washing and other wash waters	15 - 17
Program requires construction site operators to implement BMPs to minimize exposure to stormwater of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials	15 - 17
Program requires construction site operators to implement BMPs to minimize the discharge of pollutants from spills and leaks.	15 - 17
Program ensures that the construction site has developed a stormwater pollution prevention plan in accordance with the TPDES Construction General Permit TXR150000	15 - 17
Program prohibits illicit discharges such as wash out wastewater, fuels, oils, soaps, solvents, and dewatering activities	15 - 17
Procedures for construction site plan review to consider water quality impacts	15 - 17
Procedures for construction site inspections and enforcement of control measures, to the extent allowable under state and local law	15 - 17
Procedures for receipt and consideration of information submitted by the public	15 - 17
Procedures for MS4 staff training	15 - 17
For Level 3, and 4 small MS4s: Procedures to develop and maintain an inventory of all permitted active public and private construction sites greater than one acre (and sites that are less than one acre if part of larger common plan of development or sale)	N/A
SWMP lists BMPs used to fulfill this MCM. Examples may include: notification to discharger of responsibilities under TPDES CGP; hire staff to review construction site plans; provide a web page for public input on construction activities; perform site inspections and enforcement; provide education and training for construction site operators; and mechanism to prohibit discharges into MS4 where necessary.	15 - 17
SWMP includes measurable goals that are clear, specific, and measurable, and the method of measurement, for addressing stormwater quality	15 - 17

MCM 3 Required Elements	SWMP page number
SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from the general permit issuance date of January 24, 2019	Appendix

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

Table 4: Required Elements for MCM 4

MCM 4 Required Elements	SWMP page number
Description of a program that will be developed, implemented and enforced, to control stormwater discharges from private and public new development and redeveloped sites that discharge into the small MS4 that disturb one acre or more (and sites that disturb less than one acre that are part of a larger common plan of development or sale)	18 - 19
Description of ordinance or other regulatory mechanism that is in place or planned which will regulate discharges from new development and redevelopment projects	18 - 19
Establish, implement, and enforce a requirement that owners or operators of new development and redeveloped sites design, install, implement, and maintain a combination of structural and non-structural BMPs appropriate for the community and that protects water quality	18 - 19
Procedures to document and maintain records of enforcement actions	18 - 19
Procedures to ensure long-term operation and maintenance of post construction stormwater control measures	18 - 19
Operation and maintenance of post construction stormwater control measures is documented	18 - 19
For Level 4 small MS4s: Develop and implement an inspection program to ensure that all post construction stormwater control measures are operating correctly and are being maintained. Inspections must be documented	N/A
SWMP lists BMPs used to fulfill this MCM. Examples may include: local ordinance in place or planned; guidance document for developers to use; specific BMPs established for particular watersheds; list of appropriate BMPs provided to operators; elimination of curbs and gutters; incentives for use of permeable choices, such as porous pavement; requirements for wet ponds or other BMPs for certain size sites; and xeriscaping.	19
SWMP includes measurable goals that are clear, specific, and measurable, and the method of measurement, for addressing stormwater quality	18 - 19

MCM 4 Required Elements	SWMP page number
SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from the general permit issuance date of January 24, 2019	Appendix

MCM 5: Pollution Prevention and Good Housekeeping for Municipal Operations

Table 5: Required Elements for MCM 5

MCM 5 Required Elements	SWMP page number
Description of an operation and maintenance (O&M) program, including an employee training component, to reduce/prevent pollution from municipal activities and municipally owned areas included but not limited to park and open space maintenance; street, road, or highway maintenance; fleet and building maintenance; stormwater system maintenance; new construction and land disturbances; municipal parking lots; vehicle and equipment maintenance and storage yards; waste transfer stations; and salt/sand storage locations	20-25
Develop and maintain an inventory of facilities and stormwater controls that are owned or operated by the MS4	20-25
Procedures to inform or train staff involved in implementing pollution prevention and good housekeeping practices. Maintain training attendance records	20-25
Procedures to remove and properly dispose of waste from the MS4	20-25
Contractors hired by the MS4 must be required to comply with operating procedures. Develop contractor oversight procedures	20-25
Evaluate O&M activities for their potential to discharge pollutants in stormwater for road and parking lot maintenance, bridge maintenance, cold weather operations, right-of-way maintenance, etc.	20-25
Identify pollutants of concern that could be discharged from the O&M activities	20-25
Develop and implement pollution prevention measures that will reduce discharge of pollutants from O&M activities	20-25
Conduct inspections of pollution prevention measures and maintain inspection log	20-25
Procedures for inspecting and maintaining structural controls	20-25
For Level 3 and 4 small MS4s: Develop and implement an O&M program to reduce the collection of pollutants in catch basins and other surface structures in the storm sewer system	N/A

MCM 5 Required Elements	SWMP page number
For Level 3 and 4 small MS4s: Develop a list of potential problem areas in the storm sewer system for increased inspection (for example, areas with recurring illegal dumping)	N/A
For Level 3 and 4 small MS4s: Implement an O&M program to reduce discharge of pollutants from roads that includes at least a street sweeping and cleaning program, or inlet protection. The program includes an implementation schedule and a waste disposal procedure	N/A
For Level 3 and 4 small MS4s: Assess its facilities for their potential to discharge pollutants into stormwater and identify high priority facilities that have a high potential to generate stormwater pollutants. At a minimum, facilities include the MS4s maintenance yards, hazardous waste facilities, fuel storage locations, and any other facilities at which chemicals or other materials have a high potential to be discharged in stormwater. Document the results of the assessments	N/A
For Level 3 and 4 small MS4s: Develop facility specific stormwater management Standard Operation Procedures for high priority facilities	N/A
For Level 3 and 4 small MS4s: MS4 implements stormwater controls at high priority facilities that address good housekeeping; de-icing and anti-icing storage; fueling operations and vehicle maintenance; equipment and vehicle washing	N/A
For Level 3 and 4 small MS4s: Develop and implement an inspection program that includes high priority facilities	N/A
For Level 4 small MS4s: Develop an application and management program for pesticides, herbicides, and fertilizers used at public open spaces. Implement the following: educational activities, permits, etc for applicators and distributors; encourage of non-chemical solutions for pest management; develop schedules that minimizes discharge of pollutants; ensure collection and proper disposal of unused pesticides, herbicides, and fertilizers	N/A
For Level 4 small MS4s: Evaluate flood control projects. Design, construct, and maintain new flood control structures to provide erosion prevention and pollutant removal from stormwater. Retrofitting of existing structural flood control devices is implemented to the maximum extent practicable (MEP)	N/A
SWMP lists BMPs used to fulfill this MCM. Examples may include: BMPs which address fleet vehicle maintenance/washing; BMPs which address parking lot and street cleaning; catch basin and storm drain system cleaning; landscaping and lawn care (e.g. xeriscaping); waste materials management; road salt application and storage practices; used oil recycling; pest management practices; fire training facilities; BMPs which address roadway and bridge maintenance; golf course maintenance/waste	23 -25

MCM 5 Required Elements	SWMP page number
disposal; disposal of cigarette butts; and park maintenance (e.g., providing trash bags).	
SWMP includes measurable goals that are clear, specific, and measurable, and the method of measurement, for addressing stormwater quality	23 -25
SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from the general permit issuance date of January 24, 2019	Appendix

MCM 6: Industrial Stormwater Sources

Table 6: Required Elements for MCM 6

MCM 6 Required Elements	SWMP page number
For Level 4 MS4 only: Identify and control industrial stormwater sources that at least includes the MS4's landfills; other treatment, storage, or disposal facilities for municipal waste; hazardous waste treatment, storage, disposal and recovery facilities; and facilities that are subject to Emergency Planning and Community Right-to-Know Act (EPCRA).	26
For Level 4 MS4 only: Procedures for inspecting and implementing control measures for discharges from industrial stormwater sources.	N/A

Optional MCM 7: Municipal Construction Activities

This MCM is only applicable where the small MS4 has selected to be the construction site operator for their municipal construction activities. This MCM provides an alternative to the MS4 operator seeking discharge authorization under the Construction Stormwater General Permit TXR150000.

Table 7: Required Elements for MCM 7

MCM 7 Required Elements	SWMP page number
Description of how municipal construction activities will be conducted so as to take into consideration local conditions of weather, soils, and other site specific considerations	N/A
Description of the area that this MCM will address and where the MS4 operator's municipal construction activities are covered (e.g. within the boundary of the urbanized area, the corporate boundary, a special district boundary, an extra territorial jurisdiction, or other similar jurisdictional boundary)	N/A

MCM 7 Required Elements	SWMP page number
If the area included in this MCM includes areas outside of the UA, then all MCMs (MCM 1 through MCM 7) will be implemented over those additional areas as well	N/A
Description of how contractor activities will be supervised or overseen to ensure that the Stormwater Pollution Prevention Plan (SWP3) requirements are properly implemented at the construction site(s); or how the MS4 operator will make certain that contractors have a separate authorization for stormwater discharges if needed	N/A
General description of how a construction SWP3 will be developed for each municipal construction site	N/A
Records of municipal construction activities authorized under this optional MCM	N/A



APPENDIX "D"

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

Texas Commission on Environmental Quality General Permit Payment Submittal Form

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

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

Mail this form and your check to:

BY REGULAR U.S. MAIL

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

BY OVERNIGHT/EXPRESS MAIL

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

Fee Code: GPA	General Permit: TXR040000
1. Check / Money Order No: <input type="text"/>	
2. Amount of Check/Money Order: <input type="text"/>	
3. Date of Check or Money Order: <input type="text"/>	
4. Name on Check or Money Order: <input type="text"/>	
5. NOI INFORMATION	
If the check is for more than one NOI, list each Project/Site (RE) Name and Physical Address exactly as provided on the NOI. DO NOT SUBMIT A COPY OF THE NOI WITH THIS FORM AS IT COULD CAUSE DUPLICATE PERMIT ENTRIES.	
If more space is needed, you may attach a list.	
Project/Site (RE) Name: <u>City of Ovilla</u>	
Project/Site (RE) Physical Address: <u>105 S. Cockrell Hill Road Ovilla, TX 75154</u>	
Staple Check in This Space <input type="text"/>	

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

If more space is needed, you may attach a list.

Project/Site (RE) Name: City of Ovilla

Project/Site (RE) Physical Address: 105 S. Cockrell Hill Road Ovilla, TX 75154

Staple Check in This Space

07.8.2019

Consent C5

To
Honorable Mayor
and Council

Comments:

C5. Amend existing agreement with Bureau Veritas (State Law HB852 revision)

From
John Dean, Jr. CM

BACKGROUND AND JUSTIFICATION:

CC
Pam Woodall, CS
Re: HB852

Based on the House Bill 852, the City revised the fee schedule in the Code at the June 2019 Council meeting. (approved Ordinance 2019- 13)

Bureau Veritas modified their fee schedule to meet this change, which required an amendment to the agreement.

City of Ovilla

Tel 972-617-7262

105 S. Cockrell Hill Road
Ovilla, Texas 75154

www.cityofovilla.org
jdean@cityofovilla.org





May 31, 2019

RE: 2019 Texas Legislative Action, HB 852,
Prohibition on Certain Value-Based Building Permit and Inspection Fees

Many cities currently base residential building permit fees on the cost of a proposed structure or improvement. HB 852 prohibits this practice. This bill was signed by the governor on May 21, and is effective immediately. There is no grace period, so cities using valuation as the basis for residential permit fees must change their method for calculating fees as soon as possible. Options include square footage-based fees, flat fees, or other non-cost- based calculation.

A copy of HB 852 is included. The bill provides:

- a. In determining the amount of a building permit or inspection fee required in connection with the construction or improvement of a residential dwelling, a municipality may not consider:
 - (1) the value of the dwelling; or
 - (2) the cost of constructing or improving the dwelling.
- b. A municipality may not require the disclosure of information related to the value of or cost of constructing or improving a residential dwelling as a condition of obtaining a building permit except as required by the Federal Emergency Management Agency for participation in the National Flood Insurance Program.

Bureau Veritas will modify our fees for residential projects that are affected by this legislation and will send an amendment to your existing agreement.

Kind Regards,

1. AN ACT
2. relating to information a municipality may consider in determining
3. the amount of certain building permit and inspection fees.

4. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5. SECTION 1. Subchapter Z, Chapter 214, Local Government
6. Code, is amended by adding Section 214.907 to read as follows:

7. Sec. 214.907. PROHIBITION ON CERTAIN VALUE-BASED BUILDING
8. PERMIT AND INSPECTION FEES. (a) In determining the amount of a
9. building permit or inspection fee required in connection with the
10. construction or improvement of a residential dwelling, a
11. municipality may not consider:

12. (1) the value of the dwelling; or
13. (2) the cost of constructing or improving the
14. dwelling.

15. (b) A municipality may not require the disclosure of
16. information related to the value of or cost of constructing or
17. improving a residential dwelling as a condition of obtaining a
18. building permit except as required by the Federal Emergency
19. Management Agency for participation in the National Flood Insurance
20. Program.

21. SECTION 2. Section 214.907(a), Local Government Code, as
22. added by this Act, applies only to a building permit or inspection
23. fee assessed by a municipality on or after the effective date of
24. this Act in connection with the construction or improvement of a
25. residential dwelling.

26. SECTION 3. This Act takes effect immediately if it receives
27. a vote of two-thirds of all the members elected to each house, as

28. provided by Section 39, Article III, Texas Constitution. If this
29. Act does not receive the vote necessary for immediate effect, this
30. Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I certify that H.B. No. 852 was passed by the House on April 16, 2019, by the following vote: Yeas 126, Nays 9, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 852 was passed by the Senate on May 8, 2019, by the following vote: Yeas 29, Nays 2.

Secretary of the Senate

APPROVED: _____

Date

Governor



The following is hereby accepted as an amendment to Attachment B (Fee Schedule) of the Master Contract for Plan Review and Inspection Services between Bureau Veritas North America, Inc. and the City of Ovilla, Texas, dated 3/2/2006 by changing a heading on the existing inspection fee table and by adding an additional method of calculating fees for residential construction referenced in HB 852, signed into law May 21, 2019.

FEE SCHEDULE

Modify the existing inspection fee table by changing the heading, “**Single Family Residential construction plan review and inspection**” to “**Residential construction plan review and inspection**”.

Add a new plan review and inspection fee table for 1 & 2 family residential dwellings.

Construction or Improvement of a Residential Dwelling

New Residential Construction	
Square Footage (S.F.)	Fee
0 - 1,500 S.F.	\$785.00
1,501 - 10,000 S.F.	\$785.00 for the first 1,500 S.F. plus \$0.35 for each additional S.F. to and including 10,000 S.F.
Over 10,000 S.F.	\$3,760.00 for the first 10,000 S.F. plus \$0.15 for each additional S.F. over 10,000 S.F.

Alteration/Addition for Residential Construction	
Trade Permits	Fee
Building, Mechanical, Electrical, Plumbing, Fuel Gas and similar	\$100.00 per trade
Other project types not listed above	\$160.00 per trade

City of Ovilla, Texas

By: _____

Title: _____

Signature: _____

Date: _____

Bureau Veritas, North America, Inc.

By: Van Tran

Title: VP Facilities Division, Central & East

Signature: 

Date: 6/5/2019

DTQRR: David Stanford

Date: 6/5/2019

AGENDA ITEM REPORT

Item 1

Meeting Date: July 08, 2019

Discussion Action

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

Reviewed By: City Manager City Secretary City Attorney
 Accountant Other: Staff

Department: Administration

Budgeted Expense: YES NO N/A

Attachments:

1. Copy of May letter to CWD
2. Copy of July letter to CWD
3. Copy of Complaint log
4. Copy of CWD Contract – Termination clause is highlighted – page 13

Agenda Item / Topic:

ITEM 1. **DISCUSSION/ACTION** – Conduct a public hearing on the performance of waste collection services provided by Community Waste Disposal (“CWD”) and consideration of, and voting on, whether the City should continue or terminate its contract with CWD.

Discussion / Justification:

At the May 13, 2019 Council Meeting, CWD was on the agenda to address the quality of service being provided, allowing CWD representatives to brief Council on their failure to provide proper notice to TCEQ for hazardous waste collection during Ovilla Clean-Up Day.

During this briefing, a written complaint log was shared conveying the displeasure of residents regarding CWD's service. It was agreed that CWD would be allowed 2-months to improve their services.

There are notification processes outlined in the contract to hold a hearing on the services provided by the contractor. We have followed those notification processes at the direction of the City Attorney.

I have met with various members of CWD a number of times to address concerns with the service.

As of June 30th we had recorded 108 complaints from customers.

- 46 - regarding brush/limb collection.
- 8 - other bulk related issues.
- 36 - missed trash or recycle collection.
- 18 - various other complaints.

CWD missed the filing deadline to TCEQ to hold the HHW collection with the regular annual cleanup event.

Recommendation / Staff Comments:

We have been in regular contact with CWD to address the concerns of our residents. The CWD staff on their own accord developed a plan to keep the city staff apprised of brush issues on a weekly basis. That program lasted a couple of weeks.

Sample Motion(s):

I move to continue or terminate the contract for waste collection services with Community Waste Disposal effective...

May 30, 2019

VIA CERTIFIED MAIL 9414 7118 9956 1811 5408 62
RETURN RECEIPT REQUESTED 9490 9118 9956 1811 5408 28
& COPY VIA FIRST CLASS MAIL

Mr. Jason Roemer
Community Waste Disposal
2010 California Crossing Rd
Dallas, TX 75220

Re: Notice of Intent to Terminate Contract for Cause

Dear Jason Roemer:

The City of Ovilla (“City”) contracted with Community Waste Disposal (“CWD”) for waste collection services under a written contract dated December 1st, 2018 (the “Contract”). CWD’s performance under the Contract has been substandard despite repeated complaints and requests for improved service. The numerous complaints are set forth in the attached complaint log. Even after assurance from CWD that its performance would improve and comply with the City’s trash collection requirements there are still streets in the City where CWD regularly fails to collect trash.

In May the City Council agreed to give CWD until July to remedy its performance and the City will agree to honor that commitment. However, in order to preserve the City’s rights, this letter shall serve as the required minimum thirty (30) day notice for CWD to remedy its substandard performance and the City’s intent to terminate the Contract in the event of CWD’s failure to remedy its performance by July 4th, 2019.

If CWD fails to adequately remedy its performance by July 4th, 2019, the City Council will conduct a public hearing for the purpose of considering and voting on the termination of the Contract. In the event such a hearing is necessary, CWD will be provided with the required notice of the date and time of the hearing and shall be afforded the opportunity to present its answers and responses to the City claims.

Sincerely,

John R. Dean, Jr., City Manager

July 05, 2019

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
& COPY VIA FIRST CLASS MAIL

Mr. Jason Roemer
Community Waste Disposal
2010 California Crossing Rd
Dallas, TX 75220

Re: Notice of Public Hearing for Intent to Terminate Contract for Cause

Dear Jason Roemer:

The City of Ovilla (“City”) contracted with Community Waste Disposal (“CWD”) for waste collection services under a written contract dated December 1st, 2018 (the “Contract”). CWD’s performance under the Contract has been substandard despite repeated complaints and requests for improved service. The numerous complaints are set forth in the attached complaint log. Even after assurance from CWD that its performance would improve and comply with the City’s trash collection requirements there are still streets in the City where CWD regularly fails to collect trash.

In May the City Council agreed to give CWD until July to remedy its performance and the City has honored that commitment. In May 2019, in order to preserve the City’s rights, you were given the required minimum thirty (30) day notice for CWD to remedy its substandard performance and the City’s intent to terminate the Contract in the event of CWD’s failure to remedy its performance by July 4th, 2019.

CWD has failed to adequately remedy its performance by July 4th, 2019. The City Council will conduct a public hearing for the purpose of considering and voting on the termination of the Contract on July 8th, 2019 at 6:30 PM in the City Council Chambers located at 105 Cockrell Hill Road, Ovilla, Texas 75154. CWD shall be afforded the opportunity to present its answers and responses to the City claims.

Sincerely,

John R. Dean, Jr., City Manager

**MUNICIPAL SOLID WASTE COLLECTION,
TRANSPORTATION AND DISPOSAL CONTRACT**

This Municipal Solid Waste Collection, Transportation and Disposal Contract (the "Contract") is entered into as of the 1st day of December, 2018, between the City of Ovilla, Texas ("City"), and Community Waste Disposal ("Contractor"), a Texas corporation, acting by and through its duly authorized representative.

W I T N E S S E T H:

WHEREAS, City desires to grant to Contractor the exclusive right to operate and maintain the service of collection, transportation and recycling or disposal of Municipal Solid Waste, Construction Debris and Recyclable Materials (as such terms are defined herein), over, upon, along and across the present and future streets, alleys, bridges and public properties of the City, subject to the terms of this Contract; and

WHEREAS, Contractor desires to operate and maintain the service of collection, transportation and recycling or disposal of Municipal Solid Waste, Construction Debris and Recyclable Materials, and residential, commercial and industrial recycling, over, upon, along and across the present and future streets, alleys, bridges and public properties of the City, subject to the terms of this Contract.

NOW, THEREFORE, for and in consideration of the terms, covenants and conditions set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confessed, the parties hereto agree as follows:

1. DEFINITIONS:

Bag: Plastic sacks, designed to store refuse with sufficient wall strength to maintain physical integrity when lifted by the top. Total weight of a bag and its contents shall not exceed thirty-five (35) pounds.

Bin: Metal receptacle with two (2) to eight (8) cubic yards of capacity that is provided to the City or a Commercial Unit by the Contractor for the collection of Municipal Solid Waste and is designed to be lifted and emptied mechanically.

Brush: Plants or grass clippings, leaves or tree trimmings.

Bulky Waste: Stoves, refrigerators which have CFC's removed by a certified technician, water tanks, washing machines, furniture, and weights more than 50 lbs., and other waste materials other than construction debris, dead animals, hazardous waste, or stable matter with weights or volumes greater than those allowed for containers, provided, however, that no individual item shall exceed one hundred fifty (150) pounds in weight.

Bundle: Trees, shrub, and brush trimmings or newspapers and magazines securely tied together forming an easily handled package not exceeding four-ft. in length or 50 lbs. in weight.

Commercial Unit: All premises, locations or entities, public or private, requiring Municipal Solid Waste collection within the corporate limits of the City, not a Residential Unit.

Commercial Hand Collect Unit: A retail or light Commercial Unit, which generates no more than one (1) cubic yard of Municipal Solid Waste per week.

Compost: Composting is the transformation of organic material (plant matter) through decomposition into a soil-like material called compost. Invertebrates (insects and earthworms), and microorganisms (bacteria and fungi) help in transforming the material into compost. Composting is a natural form of recycling, which continually occurs in nature.

Construction Debris: Solid Waste resulting from construction, remodeling, repair, or demolition operations.

Container: A receptacle with a capacity of at least 18 - 20 gallons but less than 35 gallons constructed of plastic, metal or fiberglass, having handles of adequate strength for lifting, and having a tight fitting lid capable of preventing entrance into the container by vectors that is provided by a Residential or Commercial Hand Collect Unit for the collection of its Municipal Solid Waste. The mouth of a Container shall have a diameter greater than or equal to that of the base. The weight of a Container and its contents shall not exceed 50 lbs.

Curbside: That portion of right-of-way adjacent to paved or traveled city roadways (including alleys). The curbside is as close to the roadway as practicable without interfering with or endangering the movement of vehicles or pedestrians.

Customer: An occupant of a Residential or Commercial Unit who generates Municipal Solid Waste.

Dead animals: Animals or portions thereof equal to or greater than ten (10) pounds in weight that have expired from any cause except those slaughtered or killed for human use.

Disposal site: A refuse depository, including but not limited to Landfill, licensed, permitted or approved by all governmental bodies and agencies having jurisdiction and requiring such licensed, permits or approvals to receive for processing or final disposal of refuse.

E-Waste: consumer and business electronic equipment that is near or at the end of its useful life.

Hazardous Waste: Solid wastes regulated as hazardous under the Resource Conservation and Recovery Act, 42 U.S.C. Section 1002, et seq., or regulated as toxic under the Toxic Substances Control Act, 15 U.S.C.A. Section 2601 et seq., regulations promulgated there under or applicable state law concerning the regulation of hazardous or toxic wastes. Waste in any amount, which is defined, characterized or designated as hazardous by the United States Environmental Protection Agency or any appropriate state agency by or pursuant to Federal or State Law. For purpose of this contract, the term hazardous waste shall also include motor oil, gasoline, paint, paint cans, tires, pesticides & fertilizers and metal goods.

Household Hazardous Waste: Includes the following materials used or generated at a Residential Unit: Paint products; Chemicals; Rubber Tires; Motor Oils; Automotive and Household Batteries; and Metal Products.

Landfill: A Texas Class I landfill, or any other alternate, duly permitted sanitary landfill as selected and approved for use by the Contractor.

Municipal Solid Waste: Solid Waste resulting from or incidental to municipal, community, commercial, institutional or recreational activities, or manufacturing, mining, or agricultural operations. Municipal Solid Waste does not include Construction Debris, E-Waste, Household Hazardous Waste or Hazardous Waste.

Premises: All public and private establishments, including individual residences, all multi-family dwellings, residential care facilities, hospitals, schools, businesses, other buildings, and all vacant lots.

Recyclable Materials: Newsprint; Magazines; Aluminum Beverage Cans; Steel/Tin Cans, Glass - Clear, Brown and Green; HDPE & PET Plastic Bottles #1, #2; Household Paper Products to include junk mail, envelopes, cereal boxes, cardboard, chipboard, and telephone books.

Recycling Container: A 95-gallon closed lid container designed for the purpose of curbside collection of Recyclable Materials.

Residential Unit: A dwelling within the corporate limits of the City occupied by a person or group of persons comprising not more than four families. A Residential Unit shall be deemed occupied when either water or domestic light and power services are being supplied thereto. A condominium dwelling, whether of single or multi-level construction, consisting of four units, shall be treated as a Residential Unit, except that each single-family dwelling within any such Residential Unit shall be billed separately as a Residential Unit.

Roll-Off: Metal receptacle with twenty (20) to forty (40) cubic yards of capacity that is provided to the City or a Residential or Commercial Unit by the Contractor for the collection of Municipal Solid Waste or Construction Debris.

Solid Waste: As defined by the EPA under 40 C.F.R. § 261.2(a)(1), or by the State of Texas under the Solid Waste Disposal Act § 361.003(34) whether such waste is mixed with or constitutes Recyclable Materials.

Stable Matter: All manure and other waste matter normally accumulated in or about a stable, or any animal, livestock or poultry enclosure, and resulting from the keeping of animals, poultry, or livestock.

Unusual accumulations: For residences, each regular weekly collection of more-than an aggregate of ten (10) Bags, Bundles and/or Containers of Municipal Solid Waste.

2. GRANT OF CONTRACT

Contractor is hereby granted the exclusive right and privilege within the corporate limits of the City to conduct business for the purpose of collection, transportation and disposal or recycling of Municipal Solid Waste, Construction Debris and Recyclable Materials from Residential Units and Commercial Units, subject to the terms hereof.

3. TERM

The term of this Contract shall commence December 01, 2018 (the "Commencement Date") and continue in full force and effect for a period of five (5) years (the "Initial Term") with two (2) one-year renewal options pending the written agreement of both parties (the "Renewal Term"). Should either the City or Contractor elect not to renew and extend the contract for a Renewal Term, notice must be given to the other party in writing not less than 180 days prior to the expiration of the Initial Term or first Renewal Term.

4. RATES & BILLING

4.1. Collection and Disposal Rates. The Contractor shall charge the collection and disposal rates set forth in Attachment "B" to this Contract. For special collections provided by the Contractor, the charges shall be negotiated between the Contractor and the Customer prior to collection.

4.2. Modification to Rates: On each anniversary date of this Contract, the fees which may be charged by the Contractor shall be adjusted upward or downward to reflect changes in the cost of operations.

a. All rates charged by Community Waste Disposal (contractor) will be subject to an Annual CPI/Fuel/Disposal Cost Adjustment. The first annual adjustment will be effective twelve (12) months from the contract date, and subsequent adjustments will be made each year through the term of the contract. The Annual Adjustment will be applicable to all charges for Trash, Recycling, and other services for both residential and commercial services as contained in the contract. Rates and fees will be adjusted by the contractor for the second and subsequent Contract years for the term of the contract, based on the indices and methodology as described below. If any index defined herein shall not be determined and published or if any index as it is constituted on the Contract Date is thereafter substantially changed, there shall be substituted for such index another index which is determined and published on a basis substantially similar to the index being replaced as shall be mutually agreed upon by the City and the Contractor. The percentage breakdown among the three components of the annual adjustment (CPI, Fuel, Disposal) will vary based on the type of service rendered (System) and can be found on the System Chart below. Annual Rate Adjustment will not be unreasonably withheld or denied.

b. CPI (see System Chart for %)

The basis for the CPI component of the annual increase will be the increase in the "Consumer Price Index – All Urban Consumers", all items (not seasonally adjusted) **less Energy**, for the Dallas-Fort Worth, TX Area as published by the U.S. Department of Labor Bureau of Labor Statistics. The contractor has designated (*see System Chart for amount*) % of fees and charges to be adjusted by the CPI index. For the Annual Cost Adjustment to be effective on the first

anniversary of the contract date, the Base or previous CPI index will be the most recent index published two (2) months prior to the date of the contract, and the Current CPI Index will be the most recent Index published two (2) months prior to the current year's contract anniversary date. For subsequent years the Base CPI will be the previous year's "Current Index Value" and the Current CPI Index will be the most recently published Index two (2) months prior to the current year's contract anniversary date.

c. **FUEL (see System Chart for %)**

The Fuel portion of the Annual Adjustment will be determined using the increase in the Department of Energy's Weekly Retail On-Highway Diesel Prices per gallon for the Gulf Coast region as reported by the Energy Information Administration of the U.S. Department of Energy (www.eia.doe.gov). The contractor has designated (*see System Chart for amount*) % of fees and charges to be adjusted by the diesel fuel index. For the Annual Cost Adjustment to be effective on the first anniversary of the contract date, the Base or Previous Fuel Index will be the average DOE diesel fuel cost per gallon for the most recent three (3) month period ending two (2) months prior to the date of the contract. The Current Fuel Index will be the DOE average diesel fuel cost per gallon for the three (3) month period ending two (2) months prior to the contract anniversary date. For all subsequent years of the contract the Base or Previous Fuel Index will be the previous year's "Current Index Value", and the Current Fuel Index will be the average DOE diesel fuel cost for the three-month period ending two (2) months prior to the current years contract anniversary date.

d. **DISPOSAL (see System Chart for %)**

The Disposal portion of the Annual Adjustment will be determined using the increase in the CWD gate rate price for the McCommas Landfill. The contractor has designated (*see System Chart for amount*) % of fees and charges to be adjusted by the Disposal rate changes. For the Annual Cost Adjustment to be effective on the first anniversary of the contract date, the Base or Previous Disposal Index will be the McCommas Landfill gate rate effective on the date the CWD bid was submitted. The Current Disposal Index will be the McCommas Landfill gate rate in effect ten (10) months from the contract start date. For all subsequent years of the contract the Base or Previous Index value will be the previous year's "Current Index Value", and the McCommas Landfill gate rate in effect one month prior to the current years contract anniversary date.

e. **SYSTEM CHART**

	Front Load Trash	Roll Off Trash	Roll Off Excessive Weight	Residential Trash	Recycle
CPI	57%	37%	0%	48%	69%
Fuel	13%	13%	0%	20%	20%
Disposal	30%	50%	100%	32%	11%
Total	100%	100%	100%	100%	100%

f. As of the month of the anniversary date of this Contract and every 12 months thereafter (the Rate Modification Date).

- g. A sixty-day (60) notice of any and all rate changes shall be given to the City by the Contractor.
- h. The City Council shall vote on approval of any and all rate increases, and such approval shall not be unreasonably withheld.

4.3. Billing Responsibility; Payments: The City shall be responsible for billing all Residential Units and Commercial Hand Collect Units located within the City's corporate limits. The City agrees to remit to the Contractor the contracted amount for each Residential Unit and Commercial Hand Collect Unit in an amount based on the attached rate schedule. The total amount due to the Contractor each month will be based upon what is billed by the City, not what is actually collected. Additionally, the City shall be responsible for billing, collecting and remitting/paying any sales, use or services taxes assessed or payable in connection with the services billed and collected by the City.

4.4. Delinquent and Closed Accounts: The Contractor shall discontinue the services contracted for hereunder to any Residential Unit or Commercial Hand Collect Unit as set forth in a written notice sent to it by the City. Upon further notification by the City, the Contractor shall resume such services on the next regular scheduled collection day. The Contractor will not be responsible for any claims, suits, demands, damages or liabilities resulting from the Contractor's discontinuation of service to any location at the direction of the City. The Contractor shall have the right to discontinue service at any Commercial Unit that becomes delinquent in payments.

4.5 Contractor's Billings to City: The Contractor shall bill the City for service rendered within ten (10) days following the end of the month and the City shall pay the Contractor on or before the thirtieth (30th) day following the end of the month. Such billing and payment shall be based on the price rates and schedules set forth in this Contract as may be amended from time-to-time. The Contractor shall be entitled to payment for services rendered irrespective of whether or not the City collects from its customers for such service.

5. CONTRACTOR SERVICES

5.1 Residential Service

At the premises of residential accounts held by the City and served by the Contractor, collection shall occur as follows:

- A minimum of once weekly Municipal Solid Waste and Bundle collection; and
- Twice per month Bulky Waste and Brush collection; and
- Every other week Recyclable Materials collection

Contractor shall provide City a copy of maps indicating the routes used in the collection of waste from all residential customers if selected. The City has the right to reject and request modification of routes, and updates on routes of Contractor.

The Contractor shall provide, in a good and competent manner, the services called for and described herein which shall consist of all supervision, equipment, labor, materials, and all other items

necessary to provide the City with complete Municipal Solid Waste, Construction Debris and Recyclable Materials collection, removal and disposal or recycling. The City currently has approximately 1260 Residential Unit accounts billed and collected by the City, and approximately 9 Commercial Unit accounts billed and collected by the Contractor. The Contractor shall collect Municipal Solid Waste and Bundles from Residential Units once a week (limited to an aggregate of ten (10) Bags, Cans and/or Bundles each week), and shall collect Bulky Waste and Brush from Residential Units twice per month (limited to four (4) cubic yards per collection). Municipal Solid Waste generated by Commercial Units shall be collected as required by the Commercial Unit. Attachment "A" hereto provides the agreed upon performance standards.

The work under this Contract does not include the collection and disposal of any increased volume resulting from a flood, tornado or other act of God over which the City or Contractor has no control. In the event of such a flood, tornado or other act of God, the Contractor and the City will negotiate the payment to be made to the Contractor. Further if the City and the Contractor reach such agreement, then the City shall grant the Contractor variance in routes and schedules as deemed necessary by the Contractor.

5.2. Commercial Service. Contractor shall collect and remove Municipal Solid Waste from the premises of Commercial Units at such frequency as shall be reasonably requested by the owner or agent. Collection service shall be once a week or more to maintain premises free of accumulation of waste. Commercial Hand Collect Unit collection shall be in Bags and/or Container. If collection is from a Bin, that Bin shall be located on a concrete pad to accommodate equipment. The City and Contractor shall determine the acceptability of Bin pads, locations, and screening.

5.3. City Service. The Contractor shall provide these services to the City at no charge:

- a. Suitable containers at the City's choice: 6-yard Bin at City Hall with weekly pick up service and a 30 or 40-yard Roll-Off at City Hall to be hauled up to 16 times per year, both at no charge.
- b. Contractor shall provide services for the annual citywide clean-up day and Heritage Day including (8) 40-yard open top Roll-Offs for deposit of trees and any Municipal Solid Waste and (3) rear loaded packer-type disposal trucks for up to 8 hours to be used to haul Municipal Solid Waste on clean-up day. This will be at no charge to the City. The site and time will be at the City's reasonable discretion. The City shall provide the Contractor with reasonable prior notice of the dates and times for such event.
- c. During the City's annual citywide clean-up day, the Contractor shall provide, at no cost to the City, a designated area for the collection of Household Hazardous Waste from residents of the City and shredding as well as a Roll-Off designated for the collection of E-Waste from residents of the City. The City and Contractor shall mutually decide on the location(s) of these services.

5.4. Brush/Bulk Waste Collection. The Contractor shall provide a Brush and Bulky Waste collection twice per month to all Residential Units, unless otherwise specified. Contractor agrees to

collect up to an aggregate of four (4) cubic yards of Brush and/or Bulky Waste from each Residential Unit, each collection day.

5.5. Residential Recycling Collection: The Contractor shall collect Recyclable Materials every other week from all Residential Units located within the City's corporate limits.

5.6. Unusual Accumulations Collection: The Contractor may charge for the collection of Unusual Accumulations.

5.7. Texas Governmental Fees and Charges and Compliance. The Contractor shall pay all applicable Local, State and Federal taxes, as well as applicable tonnage charges and regulatory fees during the life of this Contract; provided, however the City shall be responsible for paying any applicable sales, use or service taxes assessed or payable on the services billed and collected by the City. The Contractor shall follow all applicable Local, State, and Federal laws and regulations pertaining to the provision of the services detailed herein, including but not limited to those related to safety.

5.8. Recycling Service. Recyclable Materials shall be collected every other week. All Recyclable Materials for the recycling program shall be recycled and not disposed in a landfill, save and except for residue and contamination. Contractor's failure to abide by obligations of the recycling program by disposing of recyclable at a landfill or co-mingling with solid waste collections shall constitute a material breach of contract. In such case, the City may at its discretion terminate this contract, there being no cure for lost recycling opportunities. The Contractor shall notify the City of the recycling location where Recyclable Materials will be unloaded and processed. The City reserves the right to approve Contractors recycling site and such approval shall not be unreasonably withheld.

The Contractor shall be responsible for transporting the Recyclable Materials to a processing site and must have established buyers or markets for the Recyclable Materials. The Contractor shall be required to identify the buyers of the Recyclable Materials upon request by the City. To the fullest extent possible, Recyclable Materials shall be protected against contaminates that require disposal at the landfill. The Contractor shall be solely responsible for the processing and marketing of all Recyclable Materials collected pursuant to the Contract.

6. COLLECTION OPERATIONS

6.1. Hours of Operation. Collection of Municipal Solid Waste shall begin no earlier than 7:00 o'clock A.M. and shall generally not extend beyond 8:00 o'clock P.M. No collection shall be made on Sunday. Exceptions to collection hours shall be effected only upon the mutual agreement of the City and Contractor.

6.2. Hours of Disposal. Contractor shall dispose of Municipal Solid Waste within the operating hours of the disposal site.

6.3. Locations for Collection. Each Container, Bag and Bundle must be placed at curbside or alley for collection. When construction work is being performed in rights-of-way, Containers, Bags, and Bundles shall be placed as close as practicable to an access point for the collection vehicle.

Contractor may decline to collect any Container, Bag or Bundle not so placed or any Municipal Solid Waste not in a Bag, Bundle or Container.

6.4. Routes of Collection. Collection routes shall be established by the Contractor as approved by the City, and such approval shall not be unreasonably withheld. Routes shall be determined based on the best interests of the City so that no harm is caused to children, school crossing areas, and other areas where frequent citizen congregation occurs during peak times. The Contractor may from time to time propose changes to the route or days of collection affecting Residential Units. Upon City approval of the proposed change, the City shall give written or published notice to the affected Residential Units.

6.5. Holidays. The following shall be holidays for purposes of this Contract:

New Year's Day
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Christmas Day

Contractor may decide to observe any or all of the above-mentioned holidays by suspension of collection service on the holiday; provided, however, that Contractor shall be responsible for providing make-up collection for residential routes that occur on specified holidays. Make-up days shall be determined in conjunction with the City to best accommodate the needs of the citizens. The City shall be informed of all make up days at least two weeks prior to the holiday. The City shall give written or published notice to the affected Residential Units.

6.6. Complaints. All complaints shall be referred directly to the Contractor by the City and shall be given prompt and courteous attention. At a minimum, customer complaint procedure shall provide that the customer complaint shall be addressed within 24 hours of receipt of such complaint and shall be promptly resolved. The Contractor shall be responsible for maintaining a log of complaints and provide the City, upon request, copies of all complaints indicating the date and hour of the complaint, nature of the complaint, and the manner and timing of its resolution. Any missed pick-ups of Municipal Solid Waste or Recyclable Materials will be collected the same business day if notification to the Contractor is provided by 2:00 p.m. but not later than 12:00 p.m. the next business day if notification is provided after 2:00 p.m.

6.7. Collection-Equipment. Contractor, at its sole cost and expense, agrees to furnish, all trucks, equipment, machines, and labor, which are reasonably necessary to adequately, efficiently, and properly collect and transport Municipal Solid Waste, Construction Debris and Recyclable Materials from accounts serviced by Contractor in accordance with this Contract. Collection of Municipal Solid Waste shall be made using sealed packer-type trucks, and such equipment shall not be allowed to leak fluids or scatter any waste within the limits of the City or while in route to the disposal site.

Contractor shall utilize standard twenty-five yard collection vehicles to perform the residential services hereunder. Contractor shall, if necessary, hand-clean all spillage resulting from its collection activities.

All motor vehicles used in performance of the obligations herein created shall be clearly marked with the Contractor's name, telephone number and unit number legible from 150 feet. No advertising shall be permitted on vehicles. All collection equipment shall be maintained in a first class, safe, and efficient working condition throughout the term of the Contract. Such vehicles shall be washed, maintained and painted as often as necessary to preserve and present a well-kept appearance and sanitary condition, and a regular preventative maintenance program shall be used. The City may inspect Contractor's vehicles at any time to insure compliance of equipment with Contract, or require equipment replacement schedule to be submitted to City. Vehicles are to be washed on the inside and sanitized with a suitable disinfectant and deodorant a minimum of once a month.

6.8. Office. The Contractor shall maintain an office or such other facilities through which they can be contacted. It shall be equipped with sufficient telephones and shall have a responsible person in charge from 8:00 a.m. to 5:00 p.m. on regular collection days.

6.9. Point of Contact. All dealings, contacts, etc. between the Contractor and the City shall be directed by the Contractor to the District Manager and by the City to the Mayor or his designee.

6.10. Lease Containers. The Contractor may lease containers for Municipal Solid Waste storage to the owner or occupant of a Commercial Unit. In the event any such lease agreement is entered into, the Contractor shall lease the container at a rates contained herein. Such containers shall be equipped with suitable covers to prevent blowing or scattering of Municipal Solid Waste and shall be maintained in a sanitary and safe condition. Such containers shall be clearly marked with the Contractor's name and telephone number in letters not less than two inches (2") in height. Such containers shall be maintained in a single color or color scheme.

6.11. Curbside Recycling Containers. The Contractor will provide each Residential Unit with a Recycling Container for the collection of Recyclable Materials. Each Recycling Container shall be of a type that is accepted by other municipalities with recycling experience. Title to all Recycling Containers provided to Residential Units under this Contract shall remain with the Contractor.

6.12. Disposal. The Contractor shall deliver Municipal Solid Waste collected to the designated Disposal Site. Disposal of Recyclable Materials must be done in accordance with state law. The Contractor is responsible for payment of all costs of disposal, including without limitation, tipping, environmental, inspection or other fees charges by disposal site operators or governmental authorities in connection with disposal activities.

6.13. Non-Routine Collection. The Contractor will be required to provide one (1) Roll-Off to be placed at the City Yard for the annual Christmas tree collection for recycling purposes during a one-week period and deliver trees to a recycling center. Such Roll-Off will be hauled on an as-needed basis during the one-week collection period. Once the Contractor has fulfilled this obligation, Christmas trees will be collected from Residential Units by the Contractor on the regularly scheduled Brush collection day.

6.14. Vicious Animals. Employees of the Contractor shall not be required to expose themselves to the dangers of vicious animals in order to accomplish the collection services provided for hereunder in any case where the owner or tenants have animals at large, but the Contractor shall immediately notify the City, in writing, of such condition and of his inability to make collection.

6.15. Hazardous Waste. Contractor shall not be obligated to pick up Hazardous Waste (except for Household Hazardous Waste on the annual designated day), including refrigeration appliances that have not had CFC's removed by a certified technician, tires, automobile/vehicle batteries, petroleum products, paints and other chemicals and solvents identified as hazardous by the U.S. Environmental Protection Agency.

6.16. Protection From Scattering. Each vehicle used by Contractor for collection services shall be equipped with a cover, which may be net with mesh not greater than one and one-half (1-1/2) inches, or tarpaulin, or fully enclosed metal top to prevent leakage, blowing or scattering of Municipal Solid Waste, Construction Debris and/or Recyclable Materials onto public or private property. Such cover shall be kept in good order and used to cover the load going to and from the landfill, during loading operations, or when parked if contents are likely to be scattered. Vehicles shall not be overloaded so as to scatter Municipal Solid Waste, Construction Debris and/or Recyclable Materials; however, if Municipal Solid Waste, Construction Debris and/or Recyclable Materials is scattered from Contractors vehicle for any reason, it shall be picked up immediately. The Contractor shall not be responsible for scattered Municipal Solid Waste, Construction Debris and/or Recyclable Materials unless the same has been caused by its acts or those of any of its employees, in which case all scattered Municipal Solid Waste, Construction Debris and/or Recyclable Materials shall be picked up immediately by the Contractor.

Municipal Solid Waste spillage or excess Municipal Solid Waste shall be picked up by the Contractor after a Commercial Unit reloads the Bin. In the case of Commercial Units, Contractor shall then be entitled to an extra collection charge for each reloading of a Commercial Unit's Bin requiring an extra collection. Should such commercial spillage continue to occur, City shall require the Commercial Unit and Contractor to increase the frequency of collection of the Commercial Unit's Municipal Solid Waste or require the Commercial Unit to utilize a Bin with a larger capacity, and the Contractor shall be compensated for such additional services.

7. INDEMNIFICATION AND INSURANCE

7.1. Indemnification. Contractor shall indemnify, save, and hold harmless the City and its officers, agents and employees with respect to any claims or demands, actions, damages, costs and expenses, including, without limitation, attorneys' fees and costs of litigation, arising from the death or injury of any person whomsoever, or any loss, damage or destruction of any property whatsoever, caused by any intentional, negligent or grossly negligent act, error or omission of the Contractor, its agents, servants, employees, subcontractors or other persons acting on Contractor's behalf and arising from or related to Contractor's performance under this Contract; provided, however, that this indemnity shall not apply to any suits, actions, legal proceedings, claims, demands, damages, costs, expenses or attorneys' fees caused by a willful or negligent act, error or omission of the City. Neither party will be responsible for the sole negligence of the other party. Neither this provision nor any

other provision in this Contract shall be deemed or construed as a waiver of the City's sovereign immunity from suit and/or liability.

7.2. Insurance. Contractor shall procure and maintain for the duration of the Contract insurance against claims for injuries to persons or damage to property, which is caused by a willful or negligent act or omission in the performance of the work hereunder by the Contractor, his agents, servants, representatives, employees, or subcontractors. The cost of such insurance shall be borne by the Contractor and a Certificate of Insurance evidencing that such insurance has been procured and is in force will be forwarded to the City before commencement of work hereunder.

Minimum Limits of Insurance:

Type Coverage	Per Occurrence Minimum	Aggregate minimum
Workers Compensation	As required by law and shall cover all employees including drivers.	As required by law.
Comprehensive & General Public Liability minimum	\$1,000,000	\$2,000,000
Property Damage minimum	\$1,000,000	\$2,000,000
Comprehensive Auto Liability Bodily Injury	\$1,000,000	\$2,000,000
Comprehensive Auto Liability- Property Damage	\$500,000	\$1,000,000

8. BOND

The Contractor shall procure and furnish a performance bond as security for the faithful performance of this Contract. Said performance bond must be in an amount equal to \$250,000, renewed annually for the life of the Contract, including any Renewal Term(s). The premium for the performance bond shall be paid by the Contractor. A certificate from the surety showing that the bond premiums are paid in full shall accompany the bond. Such certificate shall be submitted to the City with the bond on an annual basis. The surety on the performance bond shall be a duly authorized corporate surety authorized to do business in the State of Texas. The City may make demand and collect under the terms of the performance bond for Contractor's breach of this Contract in addition to any and all other available legal remedies.

9. COMPLIANCE WITH LAWS

Contractor, its officers, agents, employees, contractors, and subcontractors, shall abide by and comply with all laws, federal, state, and local. It is agreed and understood that if the City calls to the attention of the Contractor any violations on the part of the Contractor, its officers, agents, employees, contractors, or subcontractors, then Contractor shall immediately desist from and correct such violation.

10. DISCRIMINATION PROHIBITED

Contractor, in the execution, performance, or attempted performance of this service, shall not discriminate against any person or persons because of sex, race, religion, color, or national origin. The Contractor must be an equal opportunity employer.

11. LICENSE AND TAXES

The Contractor shall obtain all necessary licenses and permits and promptly pay all taxes required by the City and the State.

12. OWNERSHIP

Title to Municipal Solid Waste, Construction Debris and Recyclable Materials shall pass to Contractor when placed in Contractor's collection vehicle, removed by Contractor from a Bin or Container, or removed by Contractor from the customer's premises, whichever last occurs. Title to and liability for any Hazardous Waste shall remain with the generator of such waste.

13. FRANCHISE FEE

The Contractor will provide billing to and collection from all Commercial Units (excluding Commercial Hand Collect Units). The Contractor agrees to pay to City a franchise fee on or before the last day of each month. This fee shall be 5% of the gross receipts collected by the Contractor for the services rendered to Commercial Units (excluding Commercial Hand Collect Units) during the preceding month, excluding any sales taxes.

14. BOOKS AND RECORDS

The City and Contractor agree to maintain at their respective places of business adequate books and records relating to the performance of their respective duties under the provisions of this Contract and such books and records shall be made available at any time during business hours for inspection by the other party, at the inspecting party's expense, upon reasonable advance notice.

15. TERMINATION FOR CAUSE

If at any time Contractor shall fail to substantially perform terms, covenants or conditions herein set forth, City shall notify Contractor by registered or certified mail addressed to Contractor at the address set forth herein of specific reasons in support of City's claim that Contractor has substantially breached the terms and provisions of this Contract. Contractor shall be allowed a thirty-day (30) period from the date of receipt of said notice from City to remedy any failure to perform. Should City deem the failure to perform remedied, no hearing shall be held.

Should Contractor fail to remedy its performance, after a hearing described herein, City may terminate this contract and the rights and privileges granted to Contractor herein. A notice shall be sent to Contractor no earlier than 10 days before a hearing is scheduled. The notice shall specify the time and place of the hearing and shall include the specific reasons in support of City's claim that Contractor has substantially breached the terms and provisions of the Contract. Should City still deem Contractor to have failed in its performance, said hearing shall be conducted in public by the

City Council and Contractor shall be allowed to be present and shall be given full opportunity to answer such claims as are set out against it in the aforesaid notice. If, after said public hearing, the City Council makes a finding that Contractor has failed to provide adequate refuse collection service for City, or has otherwise substantially failed to perform its duties hereunder, the City Council may terminate this Contract.

Any failure by the City to observe the terms and conditions of this Contract shall, if continuing or persisting without remedy for more than thirty (30) days after the receipt of due written notice from the Contractor, constitute grounds for forfeiture and immediate termination of all the City's rights under this Contract, and all such rights shall become null and void.

16. INDEPENDENT CONTRACTOR

In the performance of work or services under this Agreement, the Contractor is and shall at all times be an independent contractor of the City, and any and all of Contractor's employees performing work or services hereunder shall be deemed to be employees of the Contractor or its contractors and not employees of the City. In no event shall this Agreement be deemed or interpreted as creating a principal-agent or joint venture relationship between the parties hereto.

17. NOTICES

Any notice required or permitted to be delivered hereunder shall be in writing and shall be deemed to be delivered when deposited in the United States mail, postage prepaid, certified mail, return receipt requested, addressed to the respective part of the address set forth below:

If to the City, at: 105 S. Cockrell Hill Rd.
Ovilla, Texas 75154
ATTN: City Manager and/or City Secretary

If to the Contractor at: Community Waste Disposal
2010 California Crossing Rd
Dallas, TX 75220

18. ASSIGNMENT

This Contract shall not be assignable in whole or in part without the written consent of the City; provided, however, the Contractor may assign this Contract to any direct or indirect affiliate or subsidiary of the Contractor without the written consent of the City.

19. SEVERABILITY

Should any word, phrase, sentence, paragraph or other provision or portion of this Contract be construed to be unlawful or unenforceable by a court of competent jurisdiction, such circumstance shall not affect the validity of the remaining portions of this Contract which shall remain in full force and effect.

20. FORCE MAJEURE

Notwithstanding anything herein to the contrary, Contractor shall not be liable for the failure to perform its duties if such failure is caused by a catastrophe, riot, war, governmental order or regulation, fire, Act of God or other similar or different contingency beyond the reasonable control of Contractor.

21. BINDING EFFECT

This Contract shall be binding upon and enure to the benefit of the parties hereto and their respective permitted successors and permitted assigns.

22. GOVERNING LAW AND VENUE

This Contract shall be governed by, and its provisions construed in accordance with, the laws of the State of Texas. Venue for any action arising from or related to this Contract shall be Ellis County, Texas.

23. ENTIRE AGREEMENT

This Contract constitutes the entire agreement between the parties, and there exist no other written or oral understandings, agreements or assurances with respect to any matters except as set forth herein. Unless expressly stated, this Contract confers no rights to or upon any person or entity that is not a party hereto.

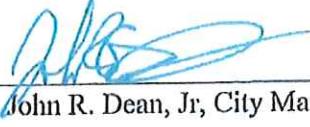
24. COMPLIANCE WITH CHAPTER 2270 OF TEXAS GOV'T CODE

By executing this Agreement, Contractor represents and hereby certifies that Contractor does not boycott Israel currently and will not boycott Israel during the term of this Agreement.

EXECUTION PAGE FOLLOWS

EXECUTED as of this 11th day of September 2018.

CITY OF OVILLA, TEXAS:

By: 

John R. Dean, Jr, City Manager

ATTEST:


Pam Woodall, City Secretary



APPROVED AS TO FORM:


Ron G. MacFarlane, Jr., City Attorney

Community Waste Disposal

By: 

Dale Pound, Vice President

ATTACHMENT "A"
PERFORMANCE STANDARDS for
CITY OF OVILLA, TEXAS
EFFECTIVE DECEMBER 1, 2018

I. Residential and Commercial Hand Unit Collections

Schedule: Once weekly Municipal Solid Waste and Bundle pick-up (limited to an aggregate of ten (10) Bags, Bundles and/or Cans per Residential Unit per week); every other week Recyclable Materials collection; twice per month Brush and/or Bulky Waste collection (limited to four (4) cubic yards per collection). Annual Cleanup Day to include Household Hazardous Waste materials and E-waste.

Hours of Operation: 7:00 a.m. – 8:00 p.m.

Placement: Curbside or alley

Approved Containers:

- 1) Container (see definition). Non re-usable containers (provided, such containers can maintain their physical integrity though the collection process), and Bags.
- 2) Recycling Container, All Recyclable Materials must fit inside the Recycling Container with the lid closed; nothing outside the Recycling Container will be collected with the regularly scheduled every other week pick up.

Spillage: Any spillage caused by Contractor will be picked up immediately. Spillage caused by others or by inadequate containers will be the producer's responsibility.

Brush and Bulky Item Collection:

- 1) Contractor shall collect Brush and Bulky Waste twice monthly.

Collection of Brush and Bulky Waste will be made available to residents at a limit of 4 cubic yards per collection twice per month on a scheduled basis. Collection of larger items will be made available to residents at the rate negotiated between the Contractor and the Customer.

Commercial Container Collection

Container Size Available: 2 cu. yd., 3 cu. yd., 4 cu. yd., 6 cu. yd., 30 cu. yd.

Schedules Available: Up to two times weekly.

Hours of Operation: 7:00 a.m. – to completion in non-residential areas.

New Service: Requests for new service will be filled within five (5) working days.

Extra Collections: If notified by 10:00 a.m. on service day, extra pick up will be performed that day. After 10:00 a.m., an attempt will be to make the pick-up that day. If unable, it will be made the following service day. There is a charge for extra pick-ups and refills. Extra service called in Mon & Tues will be completed on Wednesday. Extra service called in on Thursday & Friday, will be collected on Saturday.

Container Maintenance: Containers that have been damaged will be exchanged or repaired by the contractor and Customer shall be responsible to compensate Contractor for any such damage (normal wear and tear and Contractor caused damage excepted).

Odor and Insect Control: The Customer will be responsible for odor and insect control in and around Containers, Bags or Bins.

Non-Payment: Customers will be notified in writing when thirty (30) days past due. If unpaid after forty-five (45) days, Customer will be notified in writing that service is being suspended until account is paid in full. A copy will be sent to the Finance Department and City Code Enforcement.

General

Office Hours: 8:00 a.m. – 5:00 p.m. Monday – Friday.

Holidays: New Years, Memorial Day, July 4th, Labor Day, Thanksgiving, Christmas. Scheduled pick up services for these days may be omitted by Contractor; however, Municipal Solid Waste collection service at Residential Units will be performed no less than once per week.

ATTACHMENT "B"

**RATES FOR SOLID WASTE COLLECTION/DISPOSAL &
RECYCLABLE MATERIALS COLLECTION & PROCESSING
RESIDENTIAL AND COMMERCIAL**

Residential Solid Waste Collection, Recycling and Bulk Pick-up - from Community Waste Disposal Bid dated August 17, 2018

\$14.28 per month per residence (Includes):

Solid Waste Collection 1 x per week
Recycle Collection in CWD Provided Container 1 x per 2 weeks
Bulky Items and Brush 4 Cubic Yards 1 x per 2 weeks
Annual Clean-up Event

Commercial Hand Collect Accounts: \$21.00

(95-gallon closed lid containers) Collected once per week

Size/Pick up	1 x Week	Extra
2 Cu Yd	\$77.19	\$34.00
3 Cu Yd	\$88.29	\$35.00
4 Cu Yd	\$110.38	\$36.00
6 Cu Yd	\$132.41	\$38.00
8 Cu Yd	\$165.73	\$39.00
10 Cu Yd	Negotiable	Negotiable

Commercial Roll Off Accounts – from Community Waste Disposal Bid dated August 17, 2018

ROLL OFF CONTAINERS:

	(Including Disposal Costs)
20 Cubic Yard Per Haul	\$ 401.89
30 Cubic Yard Per Haul	\$ 411.89
40 Cubic Yard Per Haul	\$ 441.89
Other	\$ N/A
Delivery and Exchange	\$ 110.00
Daily Container Rental	\$ 5.25

COMPACTORS:

30 Cubic Yard Compactor Haul Charge	\$ 411.89
35 Cubic Yard Compactor Haul Charge	\$ 411.89
42 Cubic Yard Compactor Haul Charge	\$ 411.89
Other	\$ N/A

Other Services:

- Disposal above 4 tons on Roll Off Containers and Compactors **\$32.93** per ton
- Loads exceeding 54,000 Gross Vehicle Weight (GVW) on Roll Off Containers and Compactors **\$49.39** per ton over 54,000 pounds GVW

Free City Services

LOCATION/EVENT NAME-	NUMBER	NOTES
ANNUAL CLEANUP (ONE DAY)	8 roll-offs provided with one free haul per roll-off	Contractor will need to deliver roll-offs the morning of the event and empty when full and then collect roll-offs after event.
ANNUAL CLEANUP (ONE DAY)	3 trucks for up to 8 hours	Contractor will need to provide rear loaded packer-type disposal trucks.
CHRISTMAS TREE RECYCLING	1	Contractor will need to service roll off one time for one-week period after the holiday.
HERITAGE DAY CELEBRATION	12 ninety-five (95) gallon polycarts	Contractor will deliver the 95-gallon polycarts one day prior to Heritage Day and collect them the first business day after Heritage Day.
CITY HALL	1 X 30 YD Open top	Up to 16 free hauls per year.
CITY HALL	1 X 6 yard	Serviced 1 X per week.

CWD COMPLAINT LOG

NOTIFICATION DATE	ADDRESS	CONCERN/COMPLAINT	RESPONSE DATE	RESPONSE
12/7/2018	Juniper (whole street)	Trash missed	12/10/2018	This was from Thursdays route. I will check this out and take care of it. Street was serviced.
12/7/2018	704 E Highland (whole street)	Trash missed	12/7/2018	picked up
12/17/2018	403 Cockrell Hill	Trash missed	12/17/2018	We will get this picked up today.
12/17/2018	807 Westmoreland	Neither the trash or recycle was picked up on Friday	12/17/2018	We will look into 807 Westmoreland and try and get this picked up tomorrow.
12/19/2018	609 William	Brush not picked up Friday, called CWD said would be picked up Mon/Tues but was not	12/27/2018	We will be sure to enter a Work Order and complete either today or tomorrow
12/27/2018	603 Oakridge Ct	Customer says that her bulk was never picked up last week and is still sitting at street and needs picked up asap		
12/27/2018	612 Georgetown	He received two of the new recycle bins and only needs one. There old Progressive bin was not out when the exchange was made so he needs it picked up as well.	12/27/2018	On schedule to for Monday 12.31.18 to have the extra CWD recycle cart removed and a work order was entered to have the recycle cart serviced and to have the progressive cart removed also .
12/28/2019	103 Ridgeway Gap	Called and said they have had brush out for several weeks now and it hasn't been picked up.	12/28/2018	Today is their bulk/brush day, so it should get completed. Previous bulk/brush date was 12/14, if it was out then, it would have been a miss. We will make sure it's picked up today. Customer Service – please send to dispatch to ensure address gets collected. A work order was scheduled to provide service
12/28/2019	Ashburne Glen	Customer calling saying that none of the recycling has been picked up in their neighborhood.	12/28/2019	Still working on recycle
12/31/2018	Lariat Trail and Cockrell Hill	Numerous calls that bulk and recycle were not picked up on Friday		
12/31/2018	221 Lariat	Scott Cavaness wrote: The new Recycle Trash pickup did not occur Friday as scheduled. I called Saturday asking the company when they were going to pickup the recycle bins. About 20 neighbors on my street had their bins out Saturday like me. 2 neighbors drove by and asked me same question if this company was going to show up. After Christmas, all bins were filled to the max so the pickup is expected and needed. The lady in Customer Svc was nice and said they would be out sometime Saturday. Nobody showed up Saturday. I left my bin out all day Sunday and I bring it back to my house typically after dark. I don't want somebody hitting it overnight. I called the Garbage Collection company again this morning and left voicemail at 8am with no response or call back. I just 11:45am and talked to same lady and I complained about excuses and not showing up when they say they would. I left my bin out again today expecting pickup. She said they could not pickup today and to leave my bin out tomorrow...New Years Day? I am letting you at City of Ovilla know what is going on for the record. Several on Lariat Trail won't know that they will be picking up recycle trash tomorrow.	12/31/2018	I saw this come in earlier from Cathy. Our drivers were still working at 7-8pm this past Friday and Parker was on the street and instructed the drivers to finish that area. With the holidays our guys are running a little later than normal, so there is a chance some residents took their carts inside.
1/8/2019	907 Ovilla Oaks	Recycle missed	1/8/2019	picked up
1/2/2019	Cockrell Hill	sent Monday about pickup on Lariat Trail and Cockrell Hill. You emailed that you collected recycle on Lariat Trail but we are still getting calls from Cockrell Hill residents. Most of their cans are still at the street.		
1/3/2019	103 Ridgeway Gap	customer called and said this has still not been picked up. Their house is at the end of the culdesac and brush pile is in front. She said if you drive to the end of the street you can't miss it.	1/3/2019	I call dispatch and have them send a reminder to the driver

1/4/2019	300 Blk Westmoreland, 102 Oakwood, 1707 Joe Wilson, 711 Joe Wilson, 200 Silverwood	In order: missed twice, missed recycle, missed recycle/trash, missed recycle, said trash cans moved to end of property	1/5/2019	All homes serviced
1/7/2019	3419 Ovilla Rd	Please have someone pick up the trash at 3419 Ovilla Rd. It has been out there since Thursday morning.	1/7/2019	They are throwing trash in their recycle bin. Recycle driver will not dump this. They have painted the word trash over the recycle marker. We will not service this as trash. I have left a new bin for them to recycle.
1/7/2019	103 Ridgeway Gap	Customer called in again today and this has still not been picked up. Please address asap		
1/7/2019	1707 Joe Wilson	I sent this on Friday and you replied back that all these were serviced. The one below said her recycle was picked up but her trash is still out there.	1/7/2019	Recycle bins dumped on Saturday. The trash can was about 15 feet off the road. I did not realize that it has not been serviced. I have dumped this bin
1/11/2019	881 Johnson	Trash missed		
1/11/2019	921 Red Oak Creek	Said that their recycle hasn't been picked up since CWD started. Said they put it out the night before. Also says others on the street have not been picked up either all the way up to red light at Ovilla Rd.	1/11/2019	Recycle Driver has not been to red oak creek rd east of Westmoreland. He will be there within the hour. All trash has been collected and I have verified service
1/11/2019	Forest Edge	Said trash has not been picked up on their street		
1/11/2019	405 Ovilla Oaks	Said bulk has not been picked up last three times		
1/14/2019	100 Silverwood	Limbs out for a month	1/14/2019	Work order
1/14/2019	256 Johnson Ln	Trash not picked up, still at street	1/14/2019	I have submitted work orders to recover services at both locations
1/14/2019	609 William	Bulk not picked up / next door neighbor also	1/14/2019	I have submitted work orders to recover services at both locations
1/14/2019	103 Ridgeway Gap	I have been reporting this one since December 28 th and the customer called again this morning and it has still not been picked up	1/14/2019	I apologize for the delay in services. Working with dispatch to ensure the brush is collected this Thursday, January 17, 2019. I added the information from one of your earlier emails regarding the home being located at the end of the cul de sac. Again, we apologize for the delay in services.
1/16/2019	256 Johnson Ln	Said her trash still had not been picked up. Tomorrow will be a week. She would like to know if she is doing something wrong on her side or why it wasn't and hasn't been picked up yet.	1/16/2019	I apologize for the delay in service. We had entered a work order on Monday to service this trash but it looks like it didn't get carried over to a driver yesterday or today. I have moved it to tomorrow to ensure the pick up.
1/18/2019	114 Cumberland	Trash missed		
1/22/2019	810 Cockrell Hill	Would someone please address this customer's ongoing concern	1/22/2019	This has been picked up
1/22/2019	612 E Highland	Customer came in the office and said that his recycle has not been picked up in six weeks. He had two bins (which he is only paying for one) and said that you all had picked up one of them but since his recycle was not picked up and overflowing he came up here and got one of the vacant lot. Now he has two that are full and still not picked up. I informed him that he would have to pay for two if he wanted the extra and he said one is fine if he could just get any of it picked up. He also stated that his trash was not picked up last Thursday	1/22/19 and 1/23/19	I've entered multiple work orders for our drivers to ensure service for both recycling carts and trash. I apologize for the service issues. I do not have any tags or notes why we didn't collect but will report back Thursday if there was an issue. Parker has arrived on property at 612 E Highland and they currently only have Waste Connections carts still so our drivers did not service. He is going to try and get the carts out to him tomorrow and make sure we get all the trash removed. Trash and recycle have been serviced and CWD Recycle bin (1) delivered
1/25/2019	602 Meadowlark	Trash bag thrown into recycle truck	1/25/2019	Advice drivers to be careful
1/25/2019	614 Buckboard	Called and said they came by and picked up everything but one bag of trash. He said he hollered at the truck and the guy just turned around and looked at him like he didn't care and they kept going.	1/25/2019	I will get with the driver and helper and they will return to pick up the bags. I have talked to the recycle driver and he will communicate to his helpers that if someone is signaling them, they need to notify the driver to stop. He is driving back thru this area to check for any additional recycling material that may be left. Trash truck has not been to this street yet.
1/28/2019	Meadow Glen Estates	I don't think we have received bulk trash pickup in Meadow Glen Estates since the city switched to the new garbage service. There is an accumulation on a couple of Meadow Glen Lane homes that needs to be picked up. According to the schedule, bulk pick up is scheduled for "every other week on recycle day." Please advise.	1/25/2019	I put in a work order to record the issue and to have a driver return to service missed bulk/brush in neighborhood. Parker – can you please let us know when a driver can service? I will check it out in the morning and see what we need to do.
2/4/2019	112 Silverwood	Small brush pile not collected	2/4/2019	Picked up
2/4/2019	411 Shadowwood	Brush not picked up for 2 weeks	2/4/2019	Work order
2/5/2019	1435 Cockrell Hill	Brush not picked up for month	2/5/2019	Work order

2/6/2019	613 Buckboard	Limbs out for a month	2/6/2019	Work order
2/6/2019	608 Creekview	Limbs	2/6/2019	Work order
2/8/2019	115 Hummingbird	Zero yards of brush collected	2/8/2019	Work order
2/15/2019	1435 Cockrell Hill	Limbs out for two months	2/15/2019	Work order
2/15/2019	208 Lariat	Trash missed	2/15/2019	Driver will go back
2/19/2019	625 Meadowlark	Trash missed	2/19/2019	Parker said h/o was using recy bin for trash. Contacted h/o
2/19/2019	256 Johnson Ln	Trash missed	2/19/2019	Per Parker, can was behind the gate... Picked up.
2/19/2019	613 Buckboard	Limbs not picked up-previous reported	2/19/2019	Collected
2/28/2019	300 Willow Creek	Recycle missed	2/28/2019	Work order -later response was some was collected too much out
3/8/2019	112 Ovilla Creek Ct	2nd recycle bin delivered-not requested	3/8/2019	Said it would be picked up
3/8/2019	115 Claremont	Recycle bin was taken...	3/8/2019	Returned
3/8/2019	1711 S Joe Wilson	Trash missed	3/8/2019	Collected
3/11/2019	200 White Rock Ct	Recycle cart missing		
3/15/2019	411 Burtonwood Cir	Small brush not picked up	3/15/2019	Work order
3/25/2019	837 E Main	Trash missed		
3/25/2019	834 E Main	Trash missed	3/25/2019	Work order
3/29/2019	1711 Joe Wilson	Recycle missed	3/29/2019	Work order
3/29/2019	411 Burtonwood Cir	Bulk not picked up on 3/28/19	3/29/2019	Bulk not picked up on 3/28/19
3/29/2019	113 Silverwood	Trash not picked up on 3/28/19	3/29/2019	Trash not picked up on 3/28/19 – still at street need to pick up today
3/29/2019	831 Cockrell Hill	Called and said they had brush out yesterday and it wasn't picked up. Needs to be addressed today as city had to go out and move some out of the road this morning.		
4/1/2019	105 Silverwood	Dry brush skipped. Fire hazard	4/1/2019	Picked up 4 yards
4/3/2019	1435 Cockrell Hill	Trash missed	4/3/2019	Work order
4/5/2019	907 Ovilla Oaks	Trash missed	4/5/2019	Work order
4/5/2019	103 Suburban	Trash not picked up	4/5/2019	Work order
4/8/2019	210 Cockrell Hill	Called and said that her trash was not picked up on Friday. She said her brother was out in the yard and hollered at them but they just drove right past stopping at the neighbor's house. States this is not the first time this has happened. She also said that sometimes you all do not come until 8:00 at night. Her trash is no longer out there as they burned it due to smell.		
4/9/2019	117 Cumberland Dr	Trash not picked up all month	4/9/2019	Customer had trash written on lid of recy... called h/o
4/10/2019	114 Hummingbird Ln	Brush not picked up	4/10/2019	Work order
4/11/2019	103 Cumberland	Recycle missed	4/11/2019	Work order
4/11/2019	101 Ridgeway Gap	Trash missed	4/11/2019	Work order
4/12/2019	206 Burtonwood Cir	Recycle missed	4/12/2019	Work order
4/12/2019	1707 Joe Wilson	Recycle missed	4/12/2019	Work order
4/12/2019	809 Cockrell Hill	Trash and recycle missed		
4/12/2019	205 Cockrell Hill	Brush not picked up	4/12/2019	Work order
4/12/2019	319 Willow Creek	Called and said her brush was not picked up yesterday. She said the whole Brookwood area was not picked up and it is lined up and down the street. Please pick up today		
4/12/2019	Burtonwood Cir	Customers on Burtonwood Circle are calling in and said the recycle in their whole community was not picked up yesterday and is still sitting at curb	4/12/2019	I'll check it out and and get it collected.
4/15/2019	110 Meadowwood Lane	Will all of the tree branches left out on the side of the road be picked up this week? (Easter Sunday is this weekend and I would like the tree branches picked up before then.)	4/15/2019	We just picked up two piles at this address today. Parker went to take a look at the address and we found that this section was missed last week and the driver never reported it. There were about 12 houses that had brush out that was not collected last week.
4/16/2019	610 Westmoreland	Brush not picked up last 2 Fridays	4/16/2019	Jason going to look

AGENDA ITEM REPORT

Item 2

Meeting Date: July 08, 2019

Discussion Action

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

Reviewed By: City Manager City Secretary City Attorney
 Accountant Deputy CS, Code

Attachments:

1. Application

Agenda Item / Topic:

ITEM 2. **DISCUSSION/ACTION** – Consideration of and action on a volunteer board appointment to serve a remaining term, Place 2 on the Ovilla Board of Adjustment.

Discussion / Justification:

Chapter 14, Section 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. (There are two alternate positions, Places 6 & 7)

During the May 2019 re-appointments and appointments of current and new members, the BOA lost one member, leaving a vacancy at Place 2 BOA, expiring in 2020. Mr. Cedric Goree served recently as a volunteer member to the Ovilla Municipal Facilities Improvement Committee and wishes to serve an appointment on a permanent Board.

Recommendation / Staff Comments:

N/A

Sample Motion(s):

I move to appoint Cedric Goree to serve the remaining term as Place 2 on the Board of Adjustment and/or direct staff to solicit for new applicants.

RETURN TO CITY SECRETARY'S OFFICE OR EMAIL TO pwoodall@cityofovilla.org
DATE RECEIVED: _____



This Information Is a Public Record
Public Service opportunities are offered by the City of Ovilla without regard
To race, color, national origin, religion, sex or disability.

**CITY OF OVILLA
BOARDS AND COMMISSIONS
INFORMATION STATEMENT AND APPLICATION**

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

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

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

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

BOARDS, COMMISSIONS, COMMITTEES	MEETING INFORMATION
Planning and Zoning Commission	1 ST Monday of each month or as necessary – 6:00 PM
Board of Adjustment	3 rd Monday of each month or as necessary – 7:00 PM
Economic Development Corporation	3 rd Monday of each month or as necessary – 6:00 PM
Municipal Development District	As necessary
Municipal Services Advisory Committee	As necessary
Park Development & Improvement	As necessary
Municipal Facilities Improvement Committee	Temporary Board, as necessary

NAME Cedric C. Goree

HOME ADDRESS 100 Suburban Dr. Ovilla, TX 75154

HOW LONG HAVE YOU LIVED IN OVILLA? 19 mo. EMAIL _____

HOME TELEPHONE _____ BUSINESS TELEPHONE n/a

PROFESSION 1SG, U.S. Army (retired)

INTERESTS Fishing, golf, reading, exercising, lawncare

RETURN TO CITY SECRETARY'S OFFICE OR EMAIL TO pwoodall@cityofovilla.org

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

Served on Army promotion boards and Army Community & Civilian Relationship Boards

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

No

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

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

Joint Base McGuire-Dix-Lakehurst, NJ (08-2014 thru 05-2015)

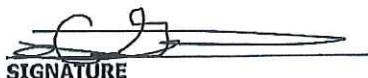
4.) PLEASE LIST ANY CIVIC OR COMMUNITY ACTIVITIES IN WHICH YOU MAY HAVE PARTICIPATED.

- ❖ Volunteer Intramural Sports Coach (Ft. Hamilton, NY)
- ❖ Army Family's and Community Enrichment Program (Ft. Hood, TX)
- ❖ _____

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

6.) WHAT IS YOUR CURRENT PLACE OF EMPLOYMENT OR BUSINESS AFFILIATION? (Please indicate if you are self-employed, home-maker, retired) 1SG, U.S. Army (retired), Grad student at Texas Tech Univ.

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


SIGNATURE

05/01/2019

DATE

Cedric C. Goree

PRINTED NAME OF APPLICANT



CITY OF OVILLA OFFICIAL USE ONLY

DATE APPOINTED _____ COMMITTEE APPOINTED TO _____

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

ATTENTION: Pamela Woodall

AGENDA ITEM REPORT
Item 3

Meeting Date: July 08, 2019

Discussion Action

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

Reviewed By: City Manager City Secretary City Attorney
 Accountant Other: Staff

Attachments:

1. Ordinance 2019-15 including Exhibit A (budget amendment #6)

Agenda Item / Topic:

ITEM 3. **DISCUSSION/ACTION** – Consideration of and action on Ordinance No. 2019-15 amendment number 6, amending Ordinance No. 2018-17 Fiscal Year Budget.

Discussion / Justification:

The presented Ordinance, Amendment 6, will allow the order/purchase of the crack-sealer and the ordering of the two police vehicles (1 replacement vehicle and 1 new as budgeted 2019-2020)

Recommendation / Staff Comments:

Staff recommends approval.

Sample Motion(s):

I move to approve Ordinance No. 2019-15 amendment number 6, amending Ordinance No. 2018-17 Fiscal Year Budget as presented.

CITY OF OVILLA, TEXAS
ORDINANCE NO. 2019-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS, AMENDING ORDINANCE NO. 2018-17 PROVIDING FOR BUDGET AMENDMENT NUMBER SIX (6) IN ORDER TO AMEND THE 2019 FISCAL YEAR BUDGET; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING A SAVINGS CLAUSE; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, an annual budget for the fiscal year beginning October 1, 2018 and ending September 30, 2019 has been duly created and adopted of the City of Ovilla, Texas, in accordance with Title Four (4), Chapter 102, Sections 102.001, 102.002 and 102.003 of the Local Government Code and in accordance with Article 1.05 of the Ovilla City Code of Ordinances;

WHEREAS, the city manager filed the proposed budget in the office of the City Secretary on or before August 09, 2018, and the proposed budget was made available for public inspection by the taxpayers in accordance with Title Four (4), Chapter 102, Section 102.005 of the Local Government Code and Article 1.05 of the Ovilla City Code of Ordinances;

WHEREAS, the city manager submitted the proposed budget to the City Council as required by Article 1.05 of the Ovilla City Code of Ordinances;

WHEREAS, notice of a public hearing was provided in the Ellis County Press newspaper and the public hearing was held by the City on September 10, 2018 in accordance with Title Four (4), Chapter 102, Section 102.006 of the Local Government Code and Article 1.05 of the Ovilla City Code of Ordinances, and at that time all citizens and parties of interest were given the opportunity to be heard regarding the proposed 2019 fiscal year budget;

WHEREAS, the City Council approved the Proposed 2019 Fiscal Year Budget on September 10, 2018 by adopting Ordinance No. 2018-17, ratified by Ordinance 2018-19; and

WHEREAS, on October 09, 2018 with the approval of Ordinance 2018-26, the City Council of the City of Ovilla amended Ordinance 2018-17, thereby amending the 2019 Annual Budget of the City;

WHEREAS, on November 12, 2018 with the approval of Ordinance 2018-30, the City Council of the City of Ovilla amended Ordinance 2018-17, thereby amending the 2019 Annual Budget of the City;

WHEREAS, on January 14, 2019 with the approval of Ordinance 2019-03, the City Council of the City of Ovilla amended Ordinance 2018-17, thereby amending the 2019 Annual Budget of the City;

WHEREAS, on February 11, 2019 with the approval of Ordinance 2019-05, the City Council of the City of Ovilla amended Ordinance 2018-17, thereby amending the 2019 Annual Budget of the City;

WHEREAS, on May 07, 2019 with the approval of Ordinance 2019-11, the City Council of the City of Ovilla amended Ordinance 2018-17, thereby amending the 2019 Annual Budget of the City;

WHEREAS, after full and final consideration, it is the consensus of the Ovilla City Council that the 2019 Fiscal Year Budget as hereinafter set forth should be amended to further the goals of the City and the health safety and well being of citizens;

CITY OF OVILLA, TEXAS
ORDINANCE NO. 2019-15

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

SECTION 1.
INCORPORATION OF PREMISES

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2.
AMENDMENT OF 2019 FISCAL YEAR BUDGET

Ordinance No. 2018-17 is hereby amended with Budget Amendment Number Six (6) to the 2019 Fiscal Year Budget to include additional revenues, expenditures and other changes outlined in Exhibit A that is attached to and considered part of this ordinance.

SECTION 3.
CUMULATIVE REPEALER

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of said Ordinances except those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

SECTION 4.
SEVERABILITY

If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the City Council hereby declares it would have passed such remaining portions of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5.
SAVINGS CLAUSE

All previous budget ordinances shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 6.
ENGROSSMENT AND ENROLLMENT

The City Secretary of the City of Ovilla is hereby directed to engross and enroll this Ordinance by copying the caption, publication clause, and effective date clause in the minutes of the City Council of the City of Ovilla and by filing this Ordinance in the ordinance records of the City and in accordance with the laws of the State of Texas.

CITY OF OVILLA, TEXAS
ORDINANCE NO. 2019-15

SECTION 7.
PUBLICATION CLAUSE

The City Secretary of the City of Ovilla, Texas, is hereby directed to publish in the Official Newspaper of the City of Ovilla, the Caption, and Effective Date clause of this Ordinance as required by Section 52.013 of the Texas Local Government Code.

SECTION 8.
EFFECTIVE DATE

The necessity for making and approving a budget for the fiscal year, as required by the laws of the State of Texas, requires that this ordinance shall take effect immediately from and after its passage, as the law in such case provides.

PASSED AND APPROVED by the City Council of the City of Ovilla, Texas this the 08th day of July 2019.

Richard Dormier, Mayor
City of Ovilla, Texas

ATTEST:

PAM WOODALL

Pam Woodall, City Secretary
City of Ovilla, Texas

Exhibit A - ORDINANCE 2019-15
City of Ovilla
Budget Amendment Number Six (6) for the 2019 Fiscal Year
8-Jul-19

General Fund - Streets, Police

<u>Items</u>		<u>Fund or Account</u>	<u>2019 Budget</u>	<u>2019 Amendment #6</u>	<u>Increase (Decrease)</u>
<u>Revenue</u>					
Reduction in Fund Balance	100-4000990	Reduction in Fund Balance	389,252	580,655	191,403
<u>Expenditures</u>					
SuperShot 125DC	100-50-57440	Capital Outlay - Machinery and Equip	-	75,403	75,403
2 Patrol Vehicles	100-20-57450	Capital Outlay - Vehicles	-	116,000	116,000

AGENDA ITEM REPORT

Item 4

Meeting Date: July 08, 2019

Discussion Action

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

Reviewed By: City Manager City Secretary City Attorney
 Accountant Other: Staff

Department: Administration

Budgeted Expense: YES NO N/A

Attachments:

1. Two Ordinances

Agenda Item / Topic:

ITEM 4. **DISCUSSION/ACTION** – Consideration of and action on an ordinance amending Section 9.03.034, Powers and Duties of the City Manager of the Ovilla Code of Ordinances.

Discussion / Justification:

I have prepared two different Ordinances:

One giving the city manager full appointment and termination authority over department heads.

The other Ordinance names the department heads over which the City Manager only has recommendation authority on appointment and termination.

Recommendation / Staff Comments:

I recommend approval of either Ordinance. Either Ordinance will be an improvement over the way the current Ordinance is written.

Sample Motion(s):

I move to approve Ordinance 2019-16, providing amended appointment and termination authority of the city manager, that he or she shall appoint all appointive officers, or employees of the City (except as heretofore provided otherwise by law or ordinance), and may remove any officers or employees appointed by him.

OR

I move to approve Ordinance 2019-16, providing amended appointment and termination authority of the city manager, that he or she shall recommend to the mayor and city council the appointment of Chief of Police, Fire Chief, and Public Works Director (Department Heads).

ORDINANCE NO. 2019-16

AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, AMENDING CHAPTER 9, ARTICLE 9.03, DIVISION 2 "CITY MANAGER," SECTION 9.03.034(1), OF THE CITY OF OVILLA CODE OF ORDINANCES, PROVIDING AMENDED APPOINTMENT AND TERMINATION 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.

WHEREAS, the City has established powers and duties of the City Manager by Ordinance 2015-018 adopted on July 13th, 2015; and

WHEREAS, Ordinance 2015-018 does not clarify the specific positions for which the City Manager only has appointment and termination recommendation authority to the Mayor and City Council; and

WHEREAS, the City finds and determines that it is necessary and in the best interests of the health, safety and welfare of the citizens of the City of Ovilla to amend the City's Code of Ordinances as set forth herein.

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

SECTION 1. AMENDMENT OF CHAPTER 9, ARTICLE 9.03, DIVISION 2 "CITY MANAGER," SECTION 9.03.034(1) OF THE OVILLA CODE OF ORDINANCES

CHAPTER 9, ARTICLE 9.03, DIVISION 2 "CITY MANAGER," SECTION 9.03.034(1) of the Ovilla Code of Ordinances is hereby amended to read as follows:

Sec. 9.03.034 POWERS AND DUTIES

* * *

(1) Prepare job descriptions for all officers and employees of the city and fill budgeted positions on the city staff. He or she shall appoint all appointive officers, or employees of the City (except as heretofore provided otherwise by law or ordinance), and may remove any officers or employees appointed by him. All such appointments made by the City Manager are to be made upon the basis of merit and fitness alone. He or she shall exercise control and supervision over all departments and offices that may be created by the Council, and all officers and employees appointed by him. He or she shall direct and supervise the day-to-day activities of all employees through department heads.

* * *

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. INCORPORATION INTO THE CODE OF ORDINANCES

The provisions of this ordinance shall be included and incorporated in the City of Ovilla Code of Ordinances and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

SECTION 5. EFFECTIVE DATE

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 6. 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 8th day of July 2019.

Richard Dormier, Mayor

ATTEST:

Pamela Woodall, City Secretary

APPROVED AS TO FORM:

Ron G. MacFarlane, Jr., City Attorney

ORDINANCE NO. 2019-16

AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, AMENDING CHAPTER 9, ARTICLE 9.03, DIVISION 2 "CITY MANAGER," SECTION 9.03.034(1), OF THE CITY OF OVILLA CODE OF ORDINANCES, PROVIDING AMENDED APPOINTMENT AND TERMINATION 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.

WHEREAS, the City has established powers and duties of the City Manager by Ordinance 2015-018 adopted on July 13th, 2015; and

WHEREAS, Ordinance 2015-018 does not clarify the specific positions for which the City Manager only has appointment and termination recommendation authority to the Mayor and City Council; and

WHEREAS, the City finds and determines that it is necessary and in the best interests of the health, safety and welfare of the citizens of the City of Ovilla to amend the City's Code of Ordinances as set forth herein.

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

SECTION 1. AMENDMENT OF CHAPTER 9, ARTICLE 9.03, DIVISION 2 "CITY MANAGER," SECTION 9.03.034(1) OF THE OVILLA CODE OF ORDINANCES

CHAPTER 9, ARTICLE 9.03, DIVISION 2 "CITY MANAGER," SECTION 9.03.034(1) of the Ovilla Code of Ordinances is hereby amended to read as follows:

Sec. 9.03.034 POWERS AND DUTIES

* * *

(1) Prepare job descriptions for all officers and employees of the city, and fill budgeted positions on the city staff, other than department heads. Recommend to the mayor and city council the appointment of Chief of Police, Fire Chief, and Public Works Director (Department Heads). He or she shall be empowered to suspend the Chief of Police, Fire Chief, and Public Works Director and recommend their termination to the mayor and city council. He or she shall direct and supervise the day-to-day activities of all employees through department heads.

* * *

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. INCORPORATION INTO THE CODE OF ORDINANCES

The provisions of this ordinance shall be included and incorporated in the City of Ovilla Code of Ordinances and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

SECTION 5. EFFECTIVE DATE

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 6. 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 8th day of July 2019.

Richard Dormier, Mayor

ATTEST:

Pamela Woodall, City Secretary

APPROVED AS TO FORM:

Ron G. MacFarlane, Jr., City Attorney

AGENDA ITEM REPORT

Item 5

Meeting Date: July 08, 2019

Discussion Action

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

Reviewed By: City Manager City Secretary City Attorney
 Accountant Other: Staff

Attachments:

1. HB 2439

Agenda Item / Topic:

ITEM 5. *DISCUSSION* – Review and discuss the Ovilla Historic District Boundary areas. (HB2439)

Discussion / Justification:

HB 2439 only allows the City to regulate building materials in certain districts in place prior to April 1st, 2019. We are attempting to identify the actual boundary of our Historic District. Staff has searched the files and through all the storage areas in the city facilities to no avail. I have contacted former Mayor Charlie Morton for assistance. He has contacted an individual that believes they have a copy of the map. WE cannot recreate the map because it lists two reference points of which the staff and even Mayor Morton are not aware of the locations.

Recommendation / Staff Comments:

Staff needs help identifying the boundaries of the district so that we will be able to regulate building materials within the district after September 1st, 2019.

Sample Motion(s):

AN ACT

relating to certain regulations adopted by governmental entities for the building products, materials, or methods used in the construction or renovation of residential or commercial buildings.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 10, Government Code, is amended by adding Subtitle Z to read as follows:

SUBTITLE Z. MISCELLANEOUS PROVISIONS PROHIBITING CERTAIN GOVERNMENTAL ACTIONS

CHAPTER 3000. GOVERNMENTAL ACTION AFFECTING RESIDENTIAL AND COMMERCIAL CONSTRUCTION

Sec. 3000.001. DEFINITIONS. In this chapter:

(1) "National model code" has the meaning assigned by Section 214.217, Local Government Code.

(2) "Governmental entity" has the meaning assigned by Section 2007.002.

Sec. 3000.002. CERTAIN REGULATIONS REGARDING BUILDING PRODUCTS, MATERIALS, OR METHODS PROHIBITED. (a) Notwithstanding any other law and except as provided by Subsection (d), a governmental entity may not adopt or enforce a rule, charter provision, ordinance, order, building code, or other regulation that:

(1) prohibits or limits, directly or indirectly, the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building; or

(2) establishes a standard for a building product,

material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building if the standard is more stringent than a standard for the product, material, or aesthetic method under a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building.

(b) A governmental entity that adopts a building code governing the construction, renovation, maintenance, or other alteration of a residential or commercial building may amend a provision of the building code to conform to local concerns if the amendment does not conflict with Subsection (a).

(c) This section does not apply to:

(1) a program established by a state agency that requires particular standards, incentives, or financing arrangements in order to comply with requirements of a state or federal funding source or housing program;

(2) a requirement for a building necessary to consider the building eligible for windstorm and hail insurance coverage under Chapter 2210, Insurance Code;

(3) an ordinance or other regulation that regulates outdoor lighting that is adopted for the purpose of reducing light pollution and that:

(A) is adopted by a governmental entity that is certified as a Dark Sky Community by the International Dark-Sky Association as part of the International Dark Sky Places Program; or

(B) applies to outdoor lighting within five miles of the boundary of a military base in which an active training program is conducted;

(4) an ordinance or order that:

(A) regulates outdoor lighting; and

(B) is adopted under Subchapter B, Chapter 229, Local Government Code, or Subchapter B, Chapter 240, Local Government Code;

(5) a building located in a place or area designated for its historical, cultural, or architectural importance and significance that a municipality may regulate under Section 211.003(b), Local Government Code, if the municipality:

(A) is a certified local government under the National Historic Preservation Act (54 U.S.C. Section 300101 et seq.); or

(B) has an applicable landmark ordinance that meets the requirements under the certified local government program as determined by the Texas Historical Commission;

(6) a building located in a place or area designated for its historical, cultural, or architectural importance and significance by a governmental entity, if designated before April 1, 2019;

(7) a building located in an area designated as a historic district on the National Register of Historic Places;

(8) a building designated as a Recorded Texas Historic Landmark;

(9) a building designated as a State Archeological Landmark or State Antiquities Landmark;

(10) a building listed on the National Register of Historic Places or designated as a landmark by a governmental entity;

(11) a building located in a World Heritage Buffer Zone; and

(12) a building located in an area designated for development, restoration, or preservation in a main street city under the main street program established under Section 442.014.

(d) A municipality that is not a municipality described by

Subsection (c) (5) (A) or (B) may adopt or enforce a regulation described by Subsection (a) that applies to a building located in a place or area designated on or after April 1, 2019, by the municipality for its historical, cultural, or architectural importance and significance, if the municipality has the voluntary consent from the building owner.

(e) A rule, charter provision, ordinance, order, building code, or other regulation adopted by a governmental entity that conflicts with this section is void.

Sec. 3000.003. INJUNCTION. (a) The attorney general or an aggrieved party may file an action in district court to enjoin a violation or threatened violation of Section 3000.002.

(b) The court may grant appropriate relief.

(c) The attorney general may recover reasonable attorney's fees and costs incurred in bringing an action under this section.

(d) Sovereign and governmental immunity to suit is waived and abolished only to the extent necessary to enforce this chapter.

Sec. 3000.004. OTHER PROVISIONS NOT AFFECTED. This chapter does not affect provisions regarding the installation of a fire sprinkler protection system under Section 1301.551(i), Occupations Code, or Section 775.045(a)(1), Health and Safety Code.

Sec. 3000.005. SEVERABILITY. If any provision of a rule, charter provision, ordinance, order, building code, or other regulation described by Section 3000.002(a) is held invalid under this chapter, the invalidity does not affect other provisions or applications of the rule, charter provision, ordinance, order, building code, or other regulation that can be given effect without the invalid provision or application, and to this end the provisions of the rule, charter provision, ordinance, order, building code, or other regulation are severable.

SECTION 2. This Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I certify that H.B. No. 2439 was passed by the House on April 30, 2019, by the following vote: Yeas 124, Nays 21, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2439 on May 23, 2019, by the following vote: Yeas 133, Nays 9, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2439 was passed by the Senate, with amendments, on May 19, 2019, by the following vote: Yeas 26, Nays 5.

Secretary of the Senate

APPROVED: _____

Date

Governor

AGENDA ITEM REPORT

Item 6

Meeting Date: July 08, 2019

Discussion Action

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

Reviewed By: City Manager City Secretary City Attorney
 Accountant Other: Staff

Attachments:

1. Section 8 excerpt from the Employee Policies Handbook

Agenda Item / Topic:

ITEM 6. **DISCUSSION** – Review and discuss the Employee Policies Handbook 2018, with regard to employee vacation leave. (Myers)

Discussion / Justification:

Place 5 Council Member Myers requested to review Section 8 Employee Benefits, of the Ovilla Employee Policies Handbook 2018.

Mr. Myers would like for the city to be able to provide vacation accrual to certain employees based on previous relevant work experience.

He would also like to see the City provide in addition to vacation and sick time, Paid Time Off (PTO) to city employees. He has discussed with me between 3-5 days per year for an employee to be able to use as they see fit.

Recommendation / Staff Comments:

I believe that if the council does choose to give credit for other relevant experience in the accrual of vacation time that it should apply to all employees not just a select group. Texas Municipal Retirement System (TMRS) gives credit to all employees for retirement eligibility for previous military and other municipal service in other states. I do think that would help in our recruiting of qualified candidates.

I believe that both of his ideas have merit and are worthy of serious consideration.

Sample Motion(s):

Discussion only.

Section 8

Employee Benefits**8.0 EMPLOYEE BENEFITS -- OVERVIEW****A. Employee Benefits/Time Away From Work Leave**

Benefit eligibility is dependent upon a variety of factors, including employee classification and length of service. Generally, however, regular full-time employees are eligible for most benefits, and regular part-time employees are eligible for certain benefits on a pro-rata basis. Part-time and temporary employees are generally not eligible for City benefits. Fulltime employees are eligible to participate in a Cafeteria Benefit Plan. Contact your supervisor, Department Director or the Human Resources designee to obtain information regarding the benefits for which you may be eligible.

Benefit programs available to eligible employees include, but are not limited to:

Paid Holidays	Deferred Compensation
Bereavement Leave	Military Leave
Paid Witness Duty Leave	Workers' Compensation Benefit
Paid Sick Leave	TMRS Contributions
Paid Vacation Leave	Time Off to Vote

Group Insurance

Group Life and Accident Insurance (Thru Texas Municipal League)

Group Health Insurance (Subject to exact dollar amount for employee only)

Group Dental Insurance (Employee paid)

While the City pays the full cost of most of these benefits, some of the benefit programs require contributions from participating employees.

8.1 PAID VACATION LEAVE

Full-time employees accrue vacation leave for each pay period that an eligible employee is in a pay status for at least half the standard number of paid days for that pay period.

Accrual Rate Regular employees begin accruing paid vacation leave during the first full pay-period, however, the employee is not entitled to use any time until after the probationary period of employment. Sworn Police Department personnel are entitled to use accrued vacation leave following the first 90 days of employment with the approval of the Chief of Police. Regular full-time employees accrue vacation leave as follows:

<u>Years of Service</u>	<u>Rate of Accrual</u>
1 -5	80 hours per year (3.08 hours per pay period)
6- 10	120 hours per year (4.62 hours per pay period)
11+	160 hours per year (6.15 hours per pay period)

Regular part-time employees, temporary and seasonal employees do not accrue vacation leave. An employee's "Years of Service" may be adjusted for any significant leave of absence, except military leave.

Maximum Accruals. It is the policy of the City that vacation should be taken annually in the year earned. If vacation leave is not taken, all accrued vacation leave in excess of 240 hours will be forfeited. As of September 01, the city will buy-back employees having excess of 200 vacation hours on the final pay-period in September. However, no employee shall lose accrued vacation leave because of "work urgency". "Work urgency" is defined as the Department's need to have the employee at work to perform duty assignments for a specified period of time.

If an employee has reached the maximum allowed unused balance and is unable to take vacation leave due to work urgency, injury, extended medical leave, or special or pre-scheduled authorized leave, the Department Director will approve an extension of time to allow the employee a period not to exceed six months to use accrued vacation leave in excess of the maximum allowed unused balance. Documentation of the approval will be placed in the employee's personnel file.

Scheduling Annual Vacation Leave. For each vacation hour used, one hour will be deducted from the employee's accrued vacation leave. Vacation leave must be taken in minimum increments of 1-hour. Vacation leave shall be requested at least 14 days in advance unless in case of an emergency. Department Directors are responsible for scheduling annual vacation leave for employees under their authority. Department Director vacations require City Manager approval. Whenever possible, vacation leave will be scheduled for the convenience of employees. However, Department Directors must be certain that vacations do not interfere with the normal functions and activities of department operations. Whenever possible, employees are encouraged to submit their preferred vacation schedule to the appropriate supervisor as far in advance as possible to relieve any scheduling problems that may develop.

Compensation For Vacation Leave Time. Vacation leave is paid at the employee's base pay rate at the time of vacation. Vacation leave will be paid only for time that the employee would ordinarily have worked. Vacation leave is not considered time worked for purposes of calculating overtime payments. To ensure proper payment of vacation leave pay, employees must make sure they have an approved written vacation request on file before leaving for vacation.

Employees may not "borrow" unearned vacation time, *nor will the city buyback vacation time from an employee.* However, upon termination of employment, employees having accrued but unused vacation leave will be paid for that vacation time, up to 160 hours, at their regular hourly rate at the time of termination.

Probationary Employees. Although probationary employees accrue vacation hours during the probationary period, employees are not eligible to take the accrued vacation time until completion of probation or for sworn police personnel following the first 90 days of employment with the approval of the Chief of Police. The City Manager has the discretion to allow accrued vacation leave to be taken due to an extenuating situation.

AGENDA ITEM REPORT

Item 7

Meeting Date: July 8, 2019

Department: Administration / Code

Discussion Action

Budgeted Expense: YES NO N/A

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

Reviewed By: City Manager City Secretary City Attorney
 Accountant Other: Staff

Attachments:

1. Excerpt of 35.3 of the Ovilla Code or Ordinances and revision language to that section.

Agenda Item / Topic:

ITEM 7. **DISCUSSION/ACTION** – Discussion on Section 35.3.D.1. (Fences in Residential Districts) of the Ovilla Code of Ordinances and direct staff as necessary.

Discussion / Justification:

In May 2019 at the request of Councilman Myers the current code regarding fences placed in front of the building line on certain large properties was discussed. Staff was directed to develop language regarding fences in front of the building line on large and properties with an agricultural property tax reduction. Staff has prepared language for your review to address the issue.

Recommendation / Staff Comments:

Staff believes that the prepared language meets the intent of the Council direction. If this language is acceptable to the Council staff is prepared to draft an Ordinance.

Sample Motion(s):

I move to direct staff to proceed with the preparation of an ordinance and return at the next Council meeting for consideration.

EXCERPT FROM THE OVILLA CODE:

35.3 FENCES IN RESIDENTIAL DISTRICTS

A. Maximum Height. Screening elements and fences shall be restricted to a maximum height of eight feet (8'), measured from the adjacent grade line, except as otherwise permitted in this section. Fences may be permitted to be constructed to a height exceeding eight feet (8') by special exception as approved by the Zoning Board of Adjustment.

B. Trash Storage Areas. Garbage, refuse and trash collection and storage areas in any multifamily development, mobile home development or other nonresidential use permitted in a residential district shall be fully enclosed on three sides by a dense screening element to adequately screen such area from view of the surrounding area.

C. Setbacks. No screening element or fence shall be erected, placed or planted beyond the front or side building line of any permitted building in a residential district, either on a corner lot or interior lot. A fence may be constructed to the property line of properties greater than five (5) acres with a current agricultural tax reduction without approval of a special exception by the Zoning Board of Adjustment. All other fences in a residential district may be constructed to the property line upon approval of a special exception by the Zoning Board of Adjustment. Fencing located on or behind the building line shall not exceed eight feet (8') in height.

D. Support and Rails.

1. Fences may be constructed to the property line upon approval of a special exception by the Zoning Board of Adjustment. Fencing located on or behind the building line shall not exceed eight feet (8') in height.

2. Panel fences shall be constructed such that the support rails are located on the inside of the lot and the panel is located on the outside of the lot, so as to present a "smooth side out" appearance to the fence.

AGENDA ITEM REPORT
Item 8

Meeting Date: July 08, 2019

Discussion Action

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

Reviewed By: City Manager City Secretary City Attorney
 Accountant Other: Staff

Attachments:

1. Map to be presented at meeting.

Agenda Item / Topic:

ITEM 8. **DISCUSSION/ACTION** – Review and consider Municipal Facility Improvements, directing staff as necessary.

Discussion / Justification:

We will present a map to identify potential locations of municipal facilities. Without established locations we cannot get accurate cost estimates for construction projects. In my discussions with individual council members I have found that there is no consensus regarding desired location for future facilities.

Recommendation / Staff Comments:

It is imperative that we have firm locations identified for accurate information to be prepared. We may need some special meetings to finalize plans in preparation of an August 19th, call for a bond election in November 2019.

Sample Motion(s):

Direct staff as necessary.

AGENDA ITEM REPORT

Item 9 – Item(s) pulled from consent agenda

Meeting Date: July 08, 2019

Department: Administration

Discussion Action

YES NO N/A

Submitted by: Staff

Amount: N/A

Attachments:

1. None

Agenda Item / Topic:

ITEM 9. *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.

Recommendation / Staff Comments:

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	June 2019	June 2019 YTD	June 2018	June 2018 YTD
Accident	7	42	3	30
Alarms	24	100	29	104
Arrest	9	38	4	35
Assault/Assault FV	2	5	0	5
Assists	75	507	53	342
Building / House Security Check	570	3927	805	3470
Burglary	0	0	0	1
Burglary of Motor Vehicle	1	2	0	0
Criminal Mischief	0	3	0	1
Disturbance	15	65	6	40
Neighborhood Check	1084	7377	1236	7038
Other Calls for Service	104	568	60	305
Suspicious Person	4	42	5	39
Suspicious Vehicle	9	74	12	99
Theft	1	5	0	6
Traffic Assignment/School Enforcement	7	109	0	55
TOTAL CALLS FOR SERVICE	1912	12864	2213	11570

Volunteer and Reserve Officer Hours	9	77	15	275.5
Average Response Time (Minutes)	4.613	3.8838333	3.48	4.573333
Total Citations	85	458	128	644
Total Traffic Stops *****	293	1661	282	1580
Traffic Stop Disposition Warning *****	205	1235	164	968
Traffic Stop Disposition Citation *****	82	411	118	612
PERCENT OF STOPS RECEIVING CITATIONS	28.0	24.7	41.8	38.7

June 2019	TO	July 2019	MILEAGE	MAINTENANCE PERFORMED
Police Unit #	Begin	End	Accrued	
103	146834	147103	269	
105	112312	112450	138	
116	87516	89,928	2412	1 new tire, 1 tire repaired,
117	71046	73,128	2082	
118	36561		-36561	Totaled 6/10/19
216	22302	22659	357	Oil change/ Tire Rotation
119	5736	8049	2313	
Vehicles				
2017 F250 4x4	13694	14141	447	
2015 2500 HD Silverado	40935	41250	315	
2011 3500HD Silverado	55489	55792	303	
2008 2500HD Animal Control	84813	84876	63	
2019 f250 Animal Control	4754	5347	593	
2008 1500 Silverado	114076	114647	571	
2006 1500 Silverado	120375	Sold	#VALUE!	Sold in Autction
2001 C6500 Dump Truck	188928	189157	229	
1999 International Patch Trk	312128	312128	0	
1998 Ford Dump Truck	54724	55018	294	
HOURS				
New Holland Skid LS60	1284.6	1287.2	2.6	
1999 Kubota Tractor	985.7	986.3	0.6	
1992 Ford Tractor	1090.4	1090.4	0	
Sweeper	619.9	619.9	0	
310K John Deere Backhoe	1905.9	1930.3	24.4	
Stone Packer 3100	4507.5	Sold		Sold in Autction

Ingersoll Mobil Air Compress	1320.8	1320.8	0	
Green Golf Cart	762.1	762.1	0	
Jet Machine	500	500.2	0.2	
Vac Machine 2017	104.9	106.2	1.3	
Boomag 900-50 packer	190.8	193.9	3.1	
2016 Exmark	298.1	298.6	0.5	
2013 Exmark	410.5	438.4	27.9	
2004 Exmark	1047.5	1050.8	3.3	
JCB Backhoe	68.9	69.2	0.3	

Ovilla Fire Department May Monthly Report



Deputy Chief Kevin R. Lindsey

105 S. Cockrell Hill Road
Ovilla Texas, 75154
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 because 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 has 1 Firefighter EMT-Basic position open
- Currently the Department has 3 Firefighter EMT-Paramedic positions open
- Currently the Department has 2 Volunteer Firefighter Positions open
- We are looking at applicants to fill our vacancies
- Current Staffing
 - 2 Chiefs
 - 4 Captains
 - 21 Firefighter Paramedics
 - 7 Firefighter EMT-Basics
 - 10 Volunteer Firefighters
 - Total Staffing of 44 out of 50 positions
- Of the Volunteers on staff,
 - 4 of them are Dual Certified, meaning they have their Fire Certs and EMT Basic
 - 1 have just their Fire Certs
 - 4 have just their EMT- Basic
 - 2 Volunteers do not have any Certification at this time

Grants Report

- Have turned in four Texas Forestry Service Grants, waiting for notification of award
- **Received \$ 5,072.16 from the Texas Forestry Service for insurance reimbursement**
- **\$7700 received for workers comp and VFIS**
 - Have applied for a bunker gear grant that we are still waiting to hear if awarded
 - Have applied for a Brush Truck Chassis grant that we are still waiting to hear if awarded
 - Have applied for a Brush Truck grant that we are still waiting to hear if awarded

Ovilla Fire Department Monthly Report

- SAFER Grant has been turned in, 6 – 9-month notification time frame

June 2019

Summary of Events for the Department

- June was a slower month with 73 calls through dispatch and several public service calls that were not dispatched. These come from a resident calling the station phone and need assistance with smoke detector batteries. We are trying to reach out to the residents to let them know we can assist them with smoke detector batteries and installation. We will not purchase them but as long as they purchase the detector and or batteries, we will be happy to assist them.
- Siren Testing complete and all working properly.
- Training with the Volunteers on their regular scheduled nights, on Fire Attack, Search, Ventilation, Command and Control.
- Live Fire Training was conducted at 714 Hosford where Ovilla FD, Red Oak FD, Glenn Heights FD, and Midlothian FD all came together to train on our Structure Fire Tactics and Procedures. There were 13 different burn sets over 3 days and approximately 50 Firefighters were put in various situations that we see on the Fire Ground, and then critiqued over performance.

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)
- **7 / 8** weekend day shifts were covered by a Volunteer
- **37 / 39** Volunteer shifts were covered, and these **37** shifts had 4 personnel on the Engine

Summary of Activity from Deputy Chief / Fire Marshal's Office

- 8 Consults
- 2 Inspection
- Respond to incidents as available
- 5 Meetings
- Back-Up for Ovilla PD
- QCI reports
- Training with Volunteers
- Incident Command at a structure fire in the county
- Attended a hands on electrical fire and arson investigation class in Fort Worth

Ovilla Fire Department Monthly Report

Monthly Call Summary

June 2019

INCIDENT COUNT	
INCIDENT TYPE	# INCIDENTS
EMS	37
FIRE	36
TOTAL	73

MUTUAL AID	
Aid Type	Total
Aid Given	11
Aid Received	3

OVERLAPPING CALLS		
# OVERLAPPING	% OVERLAPPING	
10	13.7	

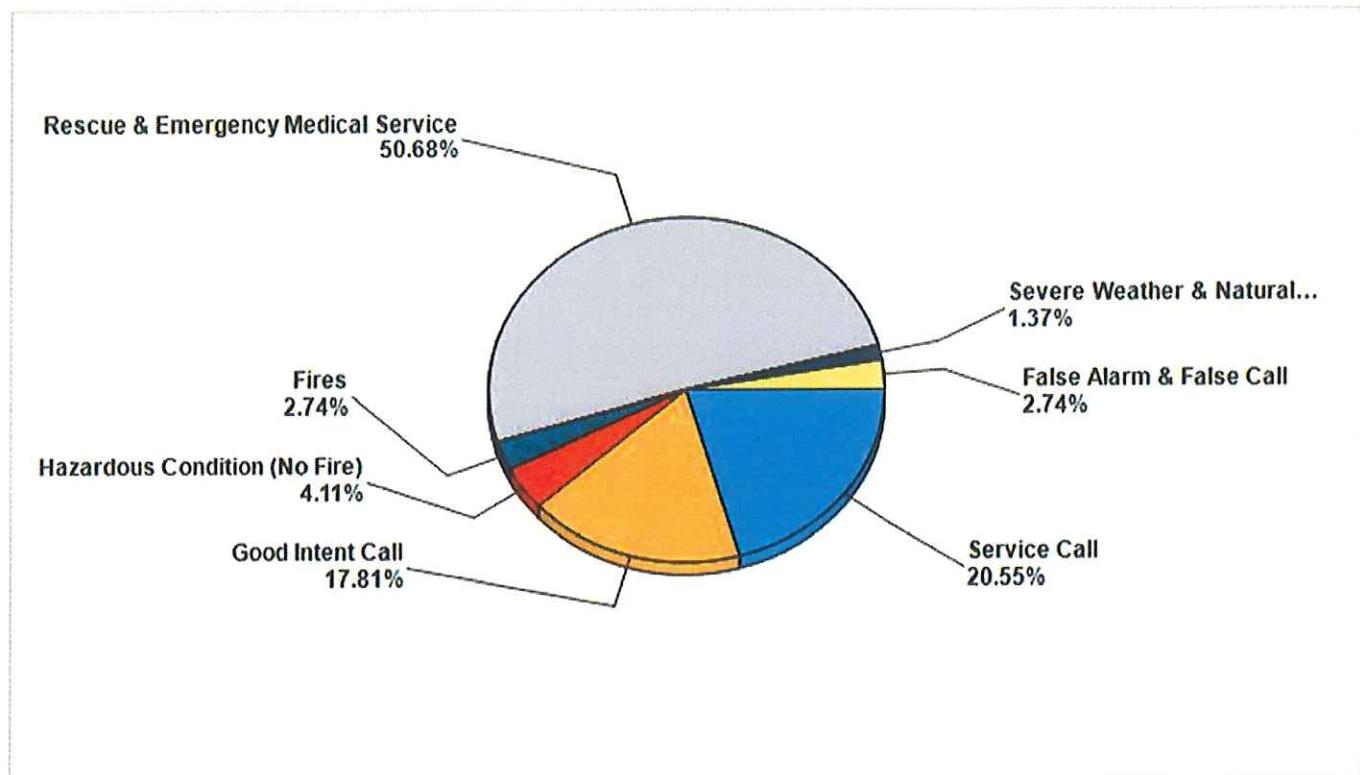
LIGHTS AND SIREN - AVERAGE RESPONSE TIME (Dispatch to Arrival)		
Station	EMS	FIRE
Station 701	0:06:54	0:07:18
AVERAGE FOR ALL CALLS		0:07:09

LIGHTS AND SIREN - AVERAGE TURNOUT TIME (Dispatch to Enroute)		
Station	EMS	FIRE
Station 701	0:01:43	0:02:42
AVERAGE FOR ALL CALLS		0:02:20

AGENCY	AVERAGE TIME ON SCENE (MM:SS)
Ovilla Fire Department	19:02

Breakdown by Major Incident Type

June 2019



MAJOR INCIDENT TYPE	# INCIDENTS	% of TOTAL
Fires	2	2.74%
Rescue & Emergency Medical Service	37	50.68%
Hazardous Condition (No Fire)	3	4.11%
Service Call	15	20.55%
Good Intent Call	13	17.81%
False Calls	2	2.74%
Severe Weather & Natural Disaster	1	1.37%
TOTAL	73	100.00%

Average Less than 1 fire per week

Average 2.43 calls per day

Average 18.25 calls per week

C701 Responses | 7

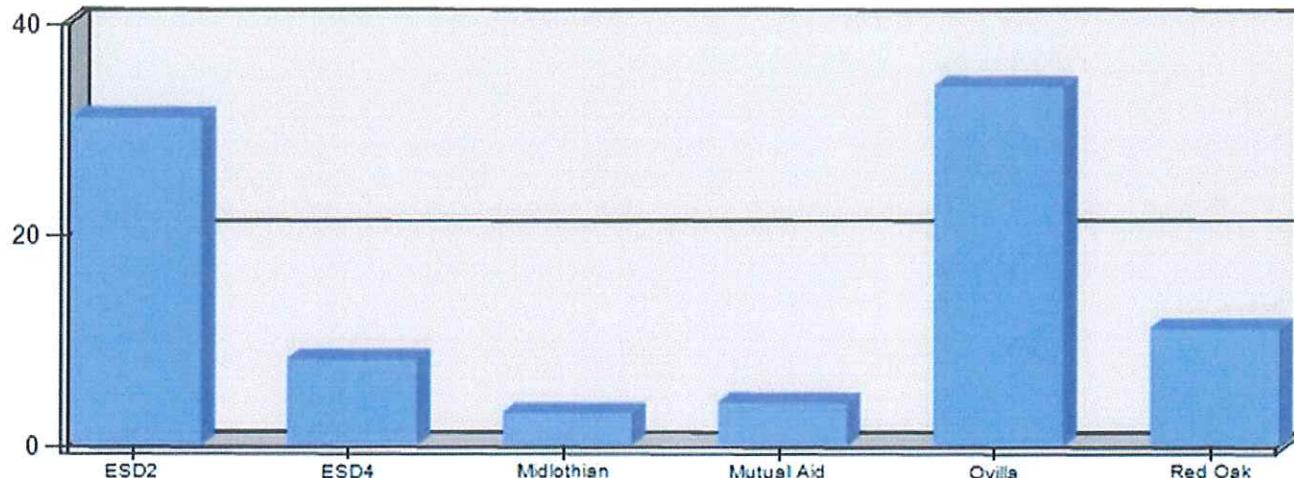
C702 Responses | 15

Number of Overlapping Calls | **10**

Total Ovilla Fire Department Runs | 73

Breakdown by Districts

June 2019



District	2019	2018
ESD2 - ESD #2	24	13
ESD4 - ESD #4	4	10
Midlothian - Midlothian City Limits	3	4
Mutual Aid - Mutual Aid	2	3
Ovilla - City Limits	33	20
Red Oak - Red Oak City Limits	7	1
TOTAL:	73	61

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 Average Response Times by District for the Last Two Months

District	May - 2019	June - 2019
ESD2 - ESD #2	8.46	8.05
ESD4 - ESD #4	5.32	8.52
Midlothian - Midlothian City Limits	17.83	15.23
Mutual Aid - Mutual Aid	10.04	13.48
Ovilla - City Limits	6.18	4.75
Red Oak - Red Oak City Limits	10.64	9.48
Average Response Time	9.75	9.91

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 9 minutes.

June 2019

Average Turn Out Time Dispatch to En-Route by Apparatus

APPARATUS	May - 2019	June - 2019
AIDAU	1:05	0:13
C701	1:05	1:12
C702	0:56	1:08
E701	1:45	1:39
R755	1:28	1:34
AVERAGE TURNOUT TIME:	1:12	0:42

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.

Incident Count Per Apparatus

APPARATUS	# of INCIDENTS
AIDAU	1
B701	0
C701	7
C702	15
E701	61
E702	1
R755	1

This is showing how many runs were made by apparatus. AIDAU is number of runs made by an Automatic Aid Unit due to our unit being on another call.

Fleet Report

Apparatus	Ending Mileage	Beginning Mileage	Mileage for the Month	
B701	57,955	57,864	91	
B702	3941	3,921	20	
C701	24192	23,900	292	
C702	101645	101,445	200	
E701	15981	15,472	509	
E702	28619	28,578	40	
E703	14396	14,387	9	
R755	19146	19,120	26	



Date: July 2, 2019

TO: Honorable Mayor and City Council Members

FROM: Daniel Durham – Interim Public Works Director / Superintendent

TOPIC: Public Works Monthly Report for June ,2019

99 total Work Orders completed for the month of June

1. Streets & Parks 37 workorders closed
2. Water- 55 workorders closed
3. Admin- 7 workorders closed

WATER

- Daily water sampling, monthly TCEQ water samples, residuals and site checks.
- Read monthly water meters, water meter cutoffs and meter re reads.
- Flushed dead end mains & Flushed for system residuals.
- Made repairs to water Infrastructure as needed.
- Gallons purchased from DWU 12.661.0 MG, Retail Metered 10.188.8 MG, Maintenance flushing 85.750k. Storage and Infrastructure approximately 2.250.00MG.

SEWER

- Daily site checks and maintenance at Highland Meadows Lift Station.
- Daily site checks and maintenance at Cumberland Lift station.
- Daily site checks and maintenance Heritage lift station.
- No repairs needed to pump's or stations for the month of June.

STREETS/DRAINAGE

- Street maintenance to potholes.
- Texas Bit crack sealing on Cockrell Hill Rd. & Lariat Trl.
- Repaired base and did asphalt overlay on Elmwood, Oakwood & Small section of Johnson Ln.
- Trimmed trees from right of ways and roadways as needed.

PARKS

- Mowing and grounds keeping of Cindy Jones Park, Heritage Park, Silver Spur Park & Ashburne Glen Park.
- Mowing and grounds keeping of City Hall and all city owned property.
- Maintenance and repairs to City facilities and buildings.
- Music in the park preparation.
- Monthly park inspections.
- Maintained city marquee.

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:

06/05/19

Security of Hardware (§2.5)

- There are no loose fastening devices or worn connections.
 - Replace fasteners
 - Other maintenance: _____
- 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

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:

06/05/19

Security of Hardware (§2.5)

- There are no loose fastening devices or worn connections.
 - Replace fasteners
 - Other maintenance: _____
- 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
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- The entire playground is free from debris or litter such as tree branches, soda cans, bottles, glass, etc.
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INSPECTION BY:

Daniel Durham

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INSPECTION BY:

Daniel Durham



DATE: July 8, 2019

TO: Honorable Mayor and Council Members

FROM:
Linda Harding, Accountant

SUBJECT: Transactions Over \$5,000 For May 2019

City of Ovilla Payment Listing Report 5/1/2019 to 5/31/2019

Check Date	Payment Type	Check #	Vendor	Invoice Description	Payment Amount
5/23/2019	BankDraft	ECheck	Internal Revenue Service	Biweekly Payroll 5/17/2019	9,443.63
5/31/2019	BankDraft	ECheck	Internal Revenue Service	Biweekly Payroll 5/31/2019	9,343.21
5/3/2019	BankDraft	ECheck	Internal Revenue Service	Biweekly Payroll 5/3/2019	9,168.56
5/3/2019	Check	049013	Citibank	STATEMENT	7,706.77
5/3/2019	Check	049018	City of Dallas	3/6/2019-4/3/2019	20,879.72
5/3/2019	Check	049019	Community Waste Disposal	SOLID WASTE APRIL	21,982.36
5/3/2019	Check	049020	Core and Main LP	PIPE ECT FOR 8" WATER LINE	5,370.54
5/3/2019	Check	049022	Gexa Energy LP	27666610 4	1,455.87
5/3/2019	Check	049022	Gexa Energy LP	27666612 4	4,651.55
5/3/2019	Check	049028	Trinity River Authority of Texas	MAY	27,877.00
5/7/2019	Check	049031	T. M. R. S.	Biweekly Payroll 4/18/2019	8,973.04
5/7/2019	Check	049031	T. M. R. S.	Biweekly Payroll 4/5/2019	8,577.18
5/7/2019	Check	049047	TML Intergovernmental Risk Pool	QTRLY PREMIUM	20,497.50
5/10/2019	Check	049061	Tx Power	comando	5,500.00
5/17/2019	Check	049080	NetGenius, Inc.	Netgenius- PD Server/ Video Server	6,200.00
5/17/2019	Check	049089	TexasBit	MIX	579.04
5/17/2019	Check	049089	TexasBit	SLIPPERY ELM/WESTLAWN	82,572.02
5/17/2019	Check	049093	Yeldell, Wilson and Co., P.C.	AUDIT FY 18	7,700.00
5/23/2019	Check	049099	Circle H Contractors, LP	GATOR WRAP 12" SEWER MAIN VALLEY RIDGE	9,000.00
5/23/2019	Check	049101	City of Dallas	WATER 4 4 19 - 5 2 19	21,004.21
5/23/2019	Check	049114	Trinity River Authority of Texas	SEWER - JUNE	27,877.00
5/23/2019	Check	049114	Trinity River Authority of Texas	TESTING	95.20
5/31/2019	Check	049126	Gexa Energy LP	27863925 4	1,326.33
5/31/2019	Check	049126	Gexa Energy LP	27863927 4	4,394.05
				Total	322,174.78



DATE: July 8, 2019

TO: Honorable Mayor and Council Members

FROM:
Linda Harding, Accountant

SUBJECT: Financial Statements Through May 2019

City of Ovilla Financial Statement As of May 31, 2019

100 - General Fund	Current Month Actual	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Revenue Summary					
Taxes	53,590.78	2,150,661.74	2,364,276.00	90.96%	213,614.26
Licenses-Permits-Fees	5,381.81	80,057.08	108,086.00	74.07%	28,028.92
Services	23,569.34	314,223.13	588,496.00	53.39%	274,272.87
Fines & Forfeitures	9,198.07	77,202.32	252,705.00	30.55%	175,502.68
Not Categorized	6,491.46	7,820.35	0.00	0.00%	(7,820.35)
Other Revenue	75,867.89	186,876.01	158,310.00	118.04%	(28,566.01)
Transfers	0.00	4,123.97	491,282.00	0.84%	487,158.03
Revenue Totals	<u>174,099.35</u>	<u>2,820,964.60</u>	<u>3,963,155.00</u>	<u>71.18%</u>	<u>1,142,190.40</u>
Expense Summary					
Employee Benefits	20,473.68	206,275.58	442,858.00	46.58%	236,582.42
Special Expenses	4,576.09	15,841.41	37,800.00	41.91%	21,958.59
Repairs - Bldg & Machinery	4,213.26	84,778.94	147,450.00	57.50%	62,671.06
Professional Development	1,188.97	15,282.42	29,760.00	51.35%	14,477.58
Other Expense	4,874.29	28,116.77	58,977.00	47.67%	30,860.23
Personnel	177,151.77	1,081,936.40	1,522,178.00	71.08%	440,241.60
Not Categorized	0.00	0.00	0.00	0.00%	0.00
Special Services	15,556.94	69,536.92	101,437.00	68.55%	31,900.08
Contractual Services	2,515.57	129,200.61	329,998.00	39.15%	200,797.39
Operating Services	5,267.31	64,853.04	86,918.00	74.61%	22,064.96
Supplies	1,835.08	25,954.27	67,300.00	38.57%	41,345.73
Software & Computer Equipment	0.00	51,438.92	66,528.00	77.32%	15,089.08
Printing Expense	814.54	10,560.42	20,634.00	51.18%	10,073.58
Utilities	29,112.16	253,643.22	344,968.00	73.53%	91,324.78
Insurance	0.00	29,250.25	39,591.00	73.88%	10,340.75
Minor Capital Outlay	9,542.90	34,273.11	65,097.00	52.65%	30,823.89
Capital Outlay	(1,331.24)	336,527.75	555,661.00	60.56%	219,133.25
Reserve	0.00	0.00	0.00	0.00%	0.00
Vehicle Expenses	3,333.10	27,782.65	43,000.00	64.61%	15,217.35
Rentals	222.44	2,001.96	3,000.00	66.73%	998.04
Expense Totals	<u>279,346.86</u>	<u>2,467,254.64</u>	<u>3,963,155.00</u>	<u>62.25%</u>	<u>1,495,900.36</u>

City of Ovilla Financial Statement As of May 31, 2019

110 - LEOSE	Current Month Actual	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Revenue Summary					
Transfers	0.00	0.00	1,152.00	0.00%	1,152.00
Revenue Totals	0.00	0.00	1,152.00	0.00%	1,152.00
Expense Summary					
Professional Development	0.00	0.00	1,152.00	0.00%	1,152.00
Expense Totals	0.00	0.00	1,152.00	0.00%	1,152.00

City of Ovilla Financial Statement As of May 31, 2019

120 - Street Improvement Fund	Current Month Actual	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Revenue Summary					
Taxes	8,093.47	46,002.15	52,739.00	87.23%	6,736.85
Other Revenue	0.00	0.00	100.00	0.00%	100.00
Transfers	0.00	0.00	214,661.00	0.00%	214,661.00
Revenue Totals	<u>8,093.47</u>	<u>46,002.15</u>	<u>267,500.00</u>	<u>17.20%</u>	<u>221,497.85</u>
Expense Summary					
Capital Outlay	55,526.00	55,696.00	267,500.00	20.82%	211,804.00
Reserve	0.00	0.00	0.00	0.00%	0.00
Expense Totals	<u>55,526.00</u>	<u>55,696.00</u>	<u>267,500.00</u>	<u>20.82%</u>	<u>211,804.00</u>

City of Ovilla Financial Statement As of May 31, 2019

130 - Court Technology	Current Month Actual	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Revenue Summary					
Fines & Forfeitures	332.91	1,580.14	5,424.00	29.13%	3,843.86
Revenue Totals	<u>332.91</u>	<u>1,580.14</u>	<u>5,424.00</u>	<u>29.13%</u>	<u>3,843.86</u>
Expense Summary					
Software & Computer Equipment	0.00	399.99	3,780.00	10.58%	3,380.01
Reserve	<u>0.00</u>	<u>0.00</u>	<u>1,644.00</u>	<u>0.00%</u>	<u>1,644.00</u>
Expense Totals	<u>0.00</u>	<u>399.99</u>	<u>5,424.00</u>	<u>7.37%</u>	<u>5,024.01</u>

City of Ovilla Financial Statement As of May 31, 2019

140 - Court Security	Current Month Actual	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Revenue Summary					
Fines & Forfeitures	249.69	2,701.94	4,068.00	66.42%	1,366.06
Revenue Totals	249.69	2,701.94	4,068.00	66.42%	1,366.06
Expense Summary					
Other Expense	131.20	524.80	964.00	54.44%	439.20
Reserve	0.00	0.00	3,104.00	0.00%	3,104.00
Expense Totals	131.20	524.80	4,068.00	12.90%	3,543.20

City of Ovilla Financial Statement As of May 31, 2019

150 - Equipment Replacement Fund	Current Month Actual	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Revenue Summary					
Transfers	0.00	0.00	70,913.00	0.00%	70,913.00
Revenue Totals	0.00	0.00	70,913.00	0.00%	70,913.00
Expense Summary					
Reserve	0.00	0.00	15,913.00	0.00%	15,913.00
Minor Capital Outlay	0.00	53,200.00	55,000.00	96.73%	1,800.00
Expense Totals	0.00	53,200.00	70,913.00	75.02%	17,713.00

City of Ovilla Financial Statement As of May 31, 2019

200 - Water And Utilities Fund	Current Month Actual	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Revenue Summary					
Services	125,017.34	729,814.11	1,251,519.00	58.31%	521,704.89
Other Revenue	0.00	0.00	822,654.00	0.00%	822,654.00
Transfers	1,250.00	21,250.00	37,500.00	56.67%	16,250.00
Revenue Totals	126,267.34	751,064.11	2,111,673.00	35.57%	1,360,608.89
Expense Summary					
Reserve	0.00	0.00	705,201.00	0.00%	705,201.00
Personnel	31,886.64	183,428.20	344,133.00	53.30%	160,704.80
Not Categorized	0.00	0.00	0.00	0.00%	0.00
Employee Benefits	3,462.11	42,297.74	85,249.00	49.62%	42,951.26
Special Services	0.00	8,150.00	9,050.00	90.06%	900.00
Contractual Services	0.00	2,075.95	10,550.00	19.68%	8,474.05
Supplies	81.89	4,095.66	4,800.00	85.33%	704.34
Professional Development	0.00	620.40	2,200.00	28.20%	1,579.60
Software & Computer Equipment	100.00	8,364.98	22,296.00	37.52%	13,931.02
Printing Expense	1,264.50	4,453.42	5,750.00	77.45%	1,296.58
Utilities	50,714.73	361,208.56	695,628.00	51.93%	334,419.44
Repairs - Bldg & Machinery	2,767.96	42,179.39	46,200.00	91.30%	4,020.61
Other Expense	1,002.72	5,041.27	6,925.00	72.80%	1,883.73
Capital Outlay	9,520.93	19,447.27	132,092.00	14.72%	112,644.73
Rentals	0.00	0.00	250.00	0.00%	250.00
Operating Services	304.90	4,444.79	16,218.00	27.41%	11,773.21
Vehicle Expenses	874.32	7,183.82	9,200.00	78.09%	2,016.18
Insurance	0.00	5,117.25	7,931.00	64.52%	2,813.75
Minor Capital Outlay	0.00	6,590.74	8,000.00	82.38%	1,409.26
Expense Totals	101,980.70	704,699.44	2,111,673.00	33.37%	1,406,973.56

City of Ovilla Financial Statement As of May 31, 2019

250 - WWW Infrastructure Improvements	Current Month Actual	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Revenue Summary					
Services	6,373.87	43,999.33	68,724.00	64.02%	24,724.67
Revenue Totals	<u>6,373.87</u>	<u>43,999.33</u>	<u>68,724.00</u>	<u>64.02%</u>	<u>24,724.67</u>
Expense Summary					
Reserve	0.00	0.00	68,724.00	0.00%	68,724.00
Expense Totals	<u>0.00</u>	<u>0.00</u>	<u>68,724.00</u>	<u>0.00%</u>	<u>68,724.00</u>

City of Ovilla Financial Statement As of May 31, 2019

300 - Capital Projects Fund	Current Month Actual	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Revenue Summary					
Other Revenue	0.00	0.00	270.00	0.00%	270.00
Revenue Totals	0.00	0.00	270.00	0.00%	270.00
Expense Summary					
Reserve	0.00	0.00	270.00	0.00%	270.00
Capital Outlay	0.00	0.00	0.00	0.00%	0.00
Expense Totals	0.00	0.00	270.00	0.00%	270.00

City of Ovilla Financial Statement As of May 31, 2019

400 - Debt Service Fund	Current Month Actual	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Revenue Summary					
Taxes	3,882.08	454,813.17	463,910.00	98.04%	9,096.83
Other Revenue	0.00	0.00	550.00	0.00%	550.00
Transfers	0.00	0.00	110,490.00	0.00%	110,490.00
Revenue Totals	<u>3,882.08</u>	<u>454,813.17</u>	<u>574,950.00</u>	<u>79.10%</u>	<u>120,136.83</u>
Expense Summary					
Long Term Debt	0.00	87,225.00	574,950.00	15.17%	487,725.00
Expense Totals	0.00	87,225.00	574,950.00	15.17%	487,725.00

City of Ovilla Financial Statement As of May 31, 2019

500 - Municipal Development District Fund	Current Month Actual	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Revenue Summary					
Taxes	7,112.88	51,615.50	50,500.00	102.21%	(1,115.50)
Other Revenue	0.00	0.00	600.00	0.00%	600.00
Revenue Totals	<u><u>7,112.88</u></u>	<u><u>51,615.50</u></u>	<u><u>51,100.00</u></u>	<u><u>101.01%</u></u>	<u><u>(515.50)</u></u>
Expense Summary					
Special Services	1,600.00	1,600.00	1,600.00	100.00%	0.00
Supplies	0.00	83.00	100.00	83.00%	17.00
Insurance	0.00	70.00	272.00	25.74%	202.00
Reserve	0.00	0.00	49,128.00	0.00%	49,128.00
Expense Totals	<u><u>1,600.00</u></u>	<u><u>1,753.00</u></u>	<u><u>51,100.00</u></u>	<u><u>3.46%</u></u>	<u><u>49,347.00</u></u>

City of Ovilla Financial Statement As of May 31, 2019

600 - 4B Economic Development Fund	Current Month Actual	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Revenue Summary					
Taxes	0.00	90,543.02	106,000.00	85.42%	15,456.98
Other Revenue	0.00	0.00	2,100.00	0.00%	2,100.00
Transfers	0.00	0.00	244,324.00	0.00%	244,324.00
Revenue Totals	0.00	<u>90,543.02</u>	<u>352,424.00</u>	<u>25.69%</u>	<u>261,880.98</u>
Expense Summary					
Other Expense	0.00	0.00	25,100.00	0.00%	25,100.00
Reserve	0.00	64,232.00	79,232.00	81.07%	15,000.00
Special Services	0.00	0.00	500.00	0.00%	500.00
Supplies	0.00	0.00	100.00	0.00%	100.00
Professional Development	0.00	1,218.12	2,800.00	43.50%	1,581.88
Not Categorized	0.00	0.00	0.00	0.00%	0.00
Printing Expense	0.00	83.00	300.00	27.67%	217.00
Insurance	0.00	70.00	272.00	25.74%	202.00
Reserve	0.00	0.00	94,120.00	0.00%	94,120.00
Capital Outlay	<u>6,700.00</u>	<u>7,150.00</u>	<u>150,000.00</u>	<u>4.77%</u>	<u>142,850.00</u>
Expense Totals	<u>6,700.00</u>	<u>72,753.12</u>	<u>352,424.00</u>	<u>28.17%</u>	<u>279,670.88</u>

City of Ovilla Financial Statement As of May 31, 2019

700 - Park Impact Fund	Current Month Actual	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Revenue Summary					
Services	0.00	6,021.36	8,613.00	69.91%	2,591.64
Other Revenue	0.00	0.00	180.00	0.00%	180.00
Revenue Totals	<u>0.00</u>	<u>6,021.36</u>	<u>8,793.00</u>	<u>68.48%</u>	<u>2,771.64</u>
Expense Summary					
Reserve	0.00	0.00	6,618.00	0.00%	6,618.00
Minor Capital Outlay	0.00	0.00	500.00	0.00%	500.00
Capital Outlay	<u>0.00</u>	<u>0.00</u>	<u>1,675.00</u>	<u>0.00%</u>	<u>1,675.00</u>
Expense Totals	<u>0.00</u>	<u>0.00</u>	<u>8,793.00</u>	<u>0.00%</u>	<u>8,793.00</u>

City of Ovilla Financial Statement As of May 31, 2019

800 - Water And Utilities Impact Fee Fund	Current Month Actual	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Revenue Summary					
Services	2,190.22	41,530.93	54,756.00	75.85%	13,225.07
Revenue Totals	2,190.22	41,530.93	54,756.00	75.85%	13,225.07
Expense Summary					
Reserve	0.00	0.00	54,756.00	0.00%	54,756.00
Expense Totals	0.00	0.00	54,756.00	0.00%	54,756.00

	Name	Account #	Previous Balance	NEW BALANCE	As Of
<u>Debt Fund</u>		• *0291	46,994.20	47,057.05	7/3/2019
<u>General Fund Reserve</u>		• 608	57,071.83	57,071.83	7/3/2019
<u>GF Reserve CD</u>		• *0694	250,670.47	251,892.92	7/3/2019
<u>Water Impact</u>		• *2322	483.08	483.56	7/3/2019
<u>4B EDC</u>		• *3691	468,448.72	559,631.24	7/3/2019
<u>Fire Dept. Auxil.</u>		• *3909	3,590.00	3,590.00	7/3/2019
<u>Water Money Market</u>		• *4323	191,256.53	191,576.30	7/3/2019
<u>MDD Fund</u>		• *7451	314,719.30	325,425.53	7/3/2019
<u>Water Credit Card</u>		• *7531	140.49	140.65	7/3/2019
<u>GF Reserves Money Mkt.</u>		• *7583	129,539.56	129,756.14	7/3/2019
<u>GF Money Market</u>		• *7605	232,959.88	233,349.38	7/3/2019
<u>Park Fund Money Mkt.</u>		• *7613	81,756.33	81,879.34	7/3/2019
<u>Capital Projects Money Mkt.</u>		• *7648	132,012.38	132,233.10	7/3/2019
<u>W&S Impact-Sewer</u>		• *8699	117,670.03	117,787.44	7/3/2019
<u>employee benefit trust</u>		• *8777	371.78	679.75	7/3/2019
<u>GF Operating</u>		• *9437	2,114,108.34	1,765,681.39	7/3/2019
<u>W&S Fund Operating</u>		• *9445	1,038,823.13	1,039,176.05	7/3/2019
<u>Police Special Fund</u>		• *9792	215.51	215.51	7/3/2019
SUB TOTAL			5,180,831.56	4,937,627.18	
TexPool - CAPITAL PROJECT	1878		314.44	314.44	7/3/2019
TexStar - GENERAL FUND	1110		3,844.74	3,883.16	7/3/2019
TexStar - GENERAL FUND	1120		958.46	967.78	7/3/2019
TexStar - W&S IMPACT	3540		3,253.22	3,285.78	7/3/2019
TexStar - CAPITAL PROJECT	5340		1,439.85	1,454.31	7/3/2019
TexStar - W&S FUND	5350		1,180.38	1,192.34	7/3/2019
Bryson Manor - GENERAL FUNC	8662		300,013.56	300,250.28	7/3/2019
Leose	2510		1.79	1.79	7/3/2019
TOTAL BANK BALANCES			5,491,838.00	5,248,977.06	

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	June. 2019	June.2019 YTD	June.2018	
Complaint (Nuis 31,Permit 6,Parking 23)	60	318	41	
Follow up (Nuis 35 Permit 8 Park 17)	68	340	47	
Door Notice (Nui -28, Permit-10 Parking 25)	21	142	19	
Mail Notice (Parking11 nuisance12 perm 4)	27	72	28	
Posted Property (nuisance 8)	8	74	14	
Court 5 Parking saet for trial	\$0	\$936	\$179.00	
Citizen Contacts	63	320	63	
Permits Reviewed	25	118	18	
Permits Issued	23	110	11	
Inspections	44	150	14	
Nuisance Abated by City 2 Illegal Dumping	2	15	1	
Nuisance Signs (Garage sale-27 business 25)	52	229	31	
Board of Adjustment 0	0	4	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	June.2019	June.2019 YTD	June.2018	
Complaint (Regist-13 At Large 11 Bark 1)	25	200	28	
Follow up	32	214	34	
Door Notice (Regis-13, at large 1 Bark 1)	15	121	19	
Impounded Animal (Dog 8,)	8	45	8	
Animal welfare check	16	85	4	
Impound Results (Transport 4 ,Ret to own 3)	7	51	9	
Impound fee collected	\$105.00	\$985.00	160	
Court	\$0.00	\$0.00	0	
Citizen Contacts	26	168	38	
Animal registration \$276	23	64	25	
Registration Letter Mailed	22	114	5	
Nuisance letter -2 barking 1 At large	3	13	1	
Animals released	0	17	2	
Deceased removed	16	120	23	
Oak Leaf - 3 call (1 trap , 2 dog)	2	12	0	
Traps Checked Out	4	22	4	

Ovilla Municipal Court Report

FY-2018- 2019	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	72	3	\$17,292.87	\$11,166.04	\$6,126.83	27	14	29	25	36	3	0
November	103	0	\$13,685.20	\$8,633.25	\$5,051.95	29	4	27	14	43	1	0
December	88	6	\$17,303.50	\$10,482.81	\$6,820.69	18	10	37	24	11	4	0
January	84	0	\$13,301.60	\$8,003.11	\$5,298.49	22	16	23	25	36	4	0
February	66	0	\$17,423.00	\$10,777.36	\$6,645.64	18	15	34	13	31	1	0
March	83	2	\$19,666.96	\$13,787.61	\$5,879.35	71	11	41	21	31	1	0
April	80	0	\$18,574.30	\$12,336.01	\$6,238.29	22	25	40	16	26	3	0
May	69	0	\$17,054.10	\$10,319.97	\$6,734.13	40	20	35	26	30	1	0
June	94	0	\$15,995.01	\$9,917.11	\$6,077.90	38	25	43	12	16	1	1
July												
August												
September												
Totals	739	11	\$150,296.54	\$95,423.27	\$54,873.27	285	140	309	176	260	19	1

2017-2018 FY

June	129	3	\$19,622.70	\$11,954.76	\$7,667.94	28
FY Totals	967	11	\$180,128.33	\$109,652.25	\$70,476.08	181



To: Mayor and City Council Members
From: John R. Dean, City Manager
Date: 07/01/2019

Re: City Manager's Monthly Report (June)

Hidden Valley Estates:

- No change to previous report.

Bryson Manor:

- Bryson Manor Phase III plans reviewed and received comment from the City Engineer returned to Bryson Manor Engineers.
- Phase three will have to go through both final and preliminary platting due to the significant change in the number of lots.

Public Works:

- Some crack sealing was done in the month.
- Met with vendors regarding pavement maintenance options.
- Crafco demonstrated a crack sealing machine.

Bridges: City Engineers met with and are coordinating with the County Engineers to ensure the project is cohesive for both entities. City portion of the plans are complete. Scheduled a meeting for July 9th for the City and County staffs to meet on site.

Project Progress:

City Facilities connected to sewer:

- The City Engineer has prepared an estimate of cost. We presented the cost estimate to the EDC to as a project. The EDC held a public hearing on the project. The EDC committed to fund up to \$150,000 for the project. The City Council conducted two readings of a resolution and approved the project. EDC approved amending the budget in April and it will be presented for Council consideration in May. Budget was amended in May for the EDC portion of the project.
- The City Engineers are proceeding with the design. Received plans from engineer.

Pavilion: Parks Board presented a design that was approved by Council. The rendering has been submitted to the City engineer. The cost estimate for this project is approximately \$350,000. MFIC recommended that the Pavilion and park improvements be part of a bond package.

FY 2019 Street Improvements:

- Westlawn Drive – Asphalt complete
- Holly Lane - prep work complete
- Slippery Elm Drive – Asphalt complete
- Green Wood Drive – Asphalt complete
- Willow Wood Lane – Asphalt complete
- Dusty Oaks Trail – Asphalt complete

Ticket Writers: Working with the company to field equipment and begin implementation.

Administrative:

- Interviewed candidates for the PW Director position.
- Met with several residents and addressed various concerns.
- Worked on FY 2020 budget.
- Implemented billing from the City for Sardis sewer customers.
- Prepared for and attended budget workshop.
- Reviewed plats.
- Coordinated with Ellis County regarding the Heritage Glen subdivision plat.
- Met with CWD regarding the letter of notification of potential termination of contract to CWD in preparation for the July Council meeting.
- Developed Ordinance options on the city managers ability to hire and fire department heads as directed by Council.
- Researched street maintenance and drainage maintenance programs in other cities. I have found those with actual programs assess a fee to fund the maintenance programs.
- Worked on the Fee schedule in reaction to HB852's immediate affect on issuance of building permits. Our building permits issuance was put on hold until our fee schedule was adopted to be compliant with the state law.
- Working with Bureau Veritas on changes and interpretations of the new law as they understand it.
- Looked at options for location of city facilities as directed by City Council.
- Public Works staff regarding some reorganization to allow individuals to become subject matter experts in a certain area to make a better organization.
- Contacted the other full solid waste bidders to see if they will honor their previous bid. Two of the three solid waste bidders who are willing to honor the bid they submitted previously. Waiting on written word from the third bidder.
- Contacted two property owners that did not follow the division of their property correctly. One is in the process of correcting the situation and the other has scheduled a meeting for July 5th.
- Began researching how HB 2439 will affect the City codes regarding building materials.
 - Effective September 1st, 2019:
 - Masonry cannot be required.
 - If a building material is listed for use in a residential or commercial building in any of the previous three International Building Codes, the City cannot disallow its use (minimal exceptions).
- Also working my way through the 125 page TML legislative update on the possible effects to the city.
- Worked on items for Heritage Day.

Upcoming Items

- City Council Meeting – Monday, July 8th, 2019 at 6:30 pm

Respectfully Submitted,

John R. Dean, Jr.

City Manager

Project Staff	Task/Project description	Project Start Date	% complete	Target Completion Date	Future Action Required
CM	Obtain City Hall sewer easement	NA	90	May 24, 2019	Signed & Filed
CM	Address Terry Morgan memo regarding Code Conflicts and recommended changes	6/17/2019	0	August 31, 2019	Changes Codified
CM/City Council	Complete Strategic Guide		40		
Daniel Durham	Obtain Certified Playground Safety Inspector certification		60	June 30, 2019	
City Engineer	Complete design of Water Street Bridge repairs		100	June 3, 2019	Bid project
City Engineer	Bid of Water Street repairs		85	June 30, 2019	Begin Construction (Coordination with Ellis County)
City Engineer	Complete design of Cockrell Hill sanitary sewer		95	June 15, 2019	Bid project
Public Works Director	Develop & Implement drainage maintenance program		10	September 30, 2019	
Public Works Director	Develop & Implement Street maintenance program		15	September 30, 2019	
CM & CA	Update Park impact fee study		50	July 31, 2019	
CM	Coordinate applications for possible park and trail grants		10	September 30, 2019	Fund Match Submit Applications
CM & City Accountant	FY 2018 Audit		100	March 28, 2019	Presented to City Council
CM, DH, & City Accountant	FY 2020 Budget Draft	March 2019	97	June 30, 2019	Presented to City Council
Public Works Director	FY 2019 Street Improvements	March 2019	100	May 9, 2019	Maintain
Public Works Director	FY 2019 Drainage Improvements	October 2018	15	September 30, 2019	Maintain
Department Heads	FY 2020 Capital Budget Needs Presented to MSAC	April 2019	100	May 9, 2019	Complete
CM	Property Purchase	April 2019	100	June 15, 2019	Closed
CM & CA	Ordinance on Residential Building fees (HB852)	5/23/2019	100	June 10, 2019	Adopted by Council
Public Works Director	Park improvements (Swings)	5/14/2019	75	July 15, 2019	Recieve & Install
CM	Public Works Director Search	5/14/2019	80	July 8, 2019	Recommendation to CC
CM, CA, Staff	Legislative Review	5/23/2019	5	July 31, 2019	Recommendations to CC

PERMIT ACTIVITY REPORT

Meeting Date: July 08, 2019

Department: Administration

Submitted by: Staff

MONTHLY PERMIT REPORTS

Building Activity Report:

Building permits issued in FY 2019: Total Homes = 21

- October - New home construction: 2 / Other: 16
- November - New home construction: 1 / Other: 14
- December - New home construction: 2 / Other: 17
- January - New home construction: 4 / Other: 21
- February - New home construction: 6 / other: 26
- March - New home construction: 2 / Other: 27
- April - New home construction: 2 / Other: 25
- May - New home construction: 0 / Other: 24
- June - New home construction: 2 / Other: 36

(Other: plumbing, flatwork, fences, mechanical, swimming pools, etc.)

DISCUSS AND REVIEW