

City of Ovilla City Council

Rachel Huber, Place One
Dean Oberg, Place Two

Richard Dormier, Mayor
David Griffin, Place Three, Mayor Pro Tem

Doug Hunt, Place Four
Michael Myers, Place Five

Tuesday, October 15, 2019

105 S. Cockrell Hill Road, Ovilla, TX 75154

6:30 P.M.

Council Chamber Room

AGENDA

NOTICE is hereby given of a Regular Meeting of the City Council of the City of Ovilla, to be held on **Tuesday, October 15, 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

Presentations:

1. Letter from the White House honoring Ovilla's Heritage Day Celebration
2. Atmos Presentation to Service League

Proclamations:

1. Veteran's Day
2. Breast Cancer Awareness Month
3. 2019 Fire Prevention Month

• **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 R2019-21 updating the Council Rules of Governance (944)
- C2. Resolution R2019-22 revising the Ovilla Personnel Policies Manual. (944)
- C3. Interlocal Agreement with Ellis County on subdivision platting in the ETJ.
- C4. Electric Reliability Council of Texas (ERCOT) Membership renewal.
- C5. Asset Transfer FY2019 Local Projects Grant with NCTTRAC for QCPR Manikin
- C6. Ordinance 2019-21 updating the IBC, Fire, Mechanical, Fuel Gas, Residential and NEC Codes.
- C7. Annual Council schedule of meetings and holiday calendar
- C8. Minutes of the August 30, 2019 Special Council Meeting.
- C9. Minutes of the August 26, 2019 Special Council Meeting.
- C10. Minutes of the August 19, 2019 Special Council Meeting.
- C11. Minutes of the August 05, 2019 Special Council Meeting.
- C12. Minutes of the July 22, 2019 Special Council Meeting.

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IV. REGULAR AGENDA

- ITEM 1. ***DISCUSSION/ACTION – Case PZ19.09*** Receive recommendation from the Planning and Zoning Commission to consider and act on a request from Mr. Clyde Hargrove for an exception to grant a second extension for Hidden Valley Estates Preliminary Plat.
- ITEM 2. ***DISCUSSION/ACTION – Case PZ19.10*** Receive recommendation from the Planning and Zoning Commission to consider and act on a Preliminary Plat Application for Bryson Manor Subdivision Phase III filed by Massey Shaw.
- ITEM 3. ***DISCUSSION/ACTION*** – Discuss funding source and possible award of sanitary sewer bid for service to Founders Park, City Hall, Fire Station and Police Station.
- ITEM 4 ***DISCUSSION/ACTION*** – Consideration of and action on a request by homeowners Harry and Patricia Borowczak at 7211 Judy Drive for Council's granting of an intrusion into the utility easement for the construction of a swimming pool.
- ITEM 5 ***DISCUSSION/ACTION*** – Consideration of and action on Ordinance 2019-22 of the City of Ovilla, Texas amending Chapter 1, Section 1.02.002 of the Code of Ordinances declaring an official city newspaper and declaring an effective date.
- ITEM 6. ***DISCUSSION/ACTION*** – Consideration of and action to appoint a temporary committee to review the current Thoroughfare Plan.
- ITEM 7. ***DISCUSSION/ACTION*** – Consideration of and action to set the date and time for the annual Christmas Tree Lighting event.
- ITEM 8 ***DISCUSSION/ACTION*** – Consideration of and action on a volunteer board appointment to serve a term on the Park Board Advisory Committee and/or direct staff to continue solicitation for new applicants.
- ITEM 9. ***DISCUSSION*** – Review and discuss Chapter 6, Section 6.05.008 screening of waste containers/dumpsters.
- ITEM 10. ***DISCUSSION*** – Receive report on the success of the 2019 Heritage Day celebration held on Saturday, September 28, 2019.
- ITEM 11. ***DISCUSSION/ACTION*** – Consideration of any item(s) pulled from the Consent Agenda for individual consideration and action.

V. STAFF REPORTS

- Department Activity Reports / Discussion
 - Police Department Chief B. Windham
 - Fire Department Chief B. Kennedy
 - Public Works Public Works Director M. Collard
 - Finance Accountant L. Harding
 - Administration
 - 1. Monthly Code/Animal Control Reports Code/AC Officer M. Dooly
 - 2. Monthly Municipal Court Report City Secretary P. Woodall

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VI. EXECUTIVE SESSION

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

A. Convene into Executive Session

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

- ITEM 1. *DISCUSSION/ACTION*** – Deliberate the appointment, employment, evaluation, reassignment and/or duties of the City Secretary/Acting City Manager.

B. Reconvene into Regular (Open) Session

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

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

VIII. ADJOURNMENT

THIS IS TO CERTIFY THAT A COPY OF THE NOTICE OF the October 15, 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 11th day of October 2019 prior to 6:00 p.m., in compliance with Chapter 551, Texas Government Code.



Pamela Woodall
Pamela Woodall, City Secretary

Pamela Woodall, City Secretary

DATE OF POSTING: 10.11.2019 TIME: 11:30 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.

Pursuant to section 30.06, penal code (trespass by holder of license to carry a concealed handgun), a person licensed under subchapter h, chapter 411, government code (concealed handgun law), may not enter this property with a concealed handgun.

De conformidad con lo establecido en el artículo 30.06 del Código Penal (entrar sin autorización en una propiedad por parte de un titular de un permiso para portar armas ocultas) una persona con licencia bajo el subcapítulo h, capítulo 411 del código de gobierno (ley de portación oculta de armas), no puede entrar en esta propiedad portando una arma oculta.

Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may NOT enter this property with a handgun that is carried openly.

Conforme a la sección 30.07, del código Penal (entrada sin autorización por titular de licencia con una pistola visible) una persona con licencia bajo el subcapítulo h, capítulo 411 del código de gobierno (ley de licencias de pistolas), no puede entrar en esta propiedad con una pistola visible.



THE WHITE HOUSE

WASHINGTON

September 28, 2019

I send my best wishes to those gathered at the Heritage Day celebrations in Ovilla, Texas.

Today's celebration of both your historic town and America's service members truly embodies the patriotic spirit of Texans throughout the Lone Star State. As Commander in Chief, I commend your efforts to honor the brave men and women of our Armed Forces, and I join you in thanking all of America's veterans, active-duty military personnel, and their families for their immeasurable sacrifice.

Small towns like Ovilla are at the heartbeat of our country. The United States is blessed with unparalleled strength and prosperity thanks to generations of proud citizens like you who are committed to upholding the American values that you and I both cherish so dearly. Your ingenuity, faith, and patriotism are woven into the fabric of our Nation, and your community's history is also uniquely part of our American story.

Melania and I hope today's memorable event is filled with fun and fellowship. May God bless you and the great people of Texas, and may He continue to bless the United States of America.

A large, handwritten signature in black ink, appearing to read "Donald J. Trump", is written over the bottom portion of the page. The signature is fluid and cursive, with a prominent "D" at the beginning and a "T" at the end.

VETERANS DAY PROCLAMATION 2019

November 11th has long held a cherished place in the heart of every American. From the inauguration of this treasured holiday in 1918, Americans have recognized the sacrifices made by our military. Known originally as Armistice Day (day of peace), after WWI, President Wilson declared November 11 to be a day of reflection. President Eisenhower later issued the first Veterans Day Proclamation encompassing all military conflicts and acknowledging every military member who has served. He wrote, "...let us solemnly remember the sacrifices of all those who fought so valiantly, on the seas, in the air, and on foreign shores, to preserve our heritage of freedom,...let us re-consecrate ourselves to the task of promoting an enduring peace so that their efforts shall not have been in vain."

The brave men and women that have served our nation are not forgotten in Ovilla. During the November 09, 2019 Wreath Laying Event at the Veterans Memorial in Ovilla, Mayor Richard A. Dormier will honor our servicemen and servicewomen with this proclamation.

Whereas, all Americans are encouraged to recognize the sacrifice and valor of those who have served in defense of this nation and the loved ones who stand beside them, memorializing the heroes who gave the ultimate sacrifice and all those who have not returned home; and,

Whereas, we call upon all Americans, including civic and fraternal organizations, places of worship, schools, and communities to support this day with commemorative expressions and programs; and

Whereas, the City of Ovilla has among its citizens, volunteers, and employees, individuals who have served in the United States Armed Forces, and we are reminded of our obligation to them; to serve our veterans as they have gallantly served us; and as we gather here today, let us not forget that freedom is never free, and our nation and our community is evermore indebted for their courageous service, now,

Therefore, I, Richard A. Dormier, Mayor of the City of Ovilla, on behalf of the entire Ovilla City Council, do hereby recognize November 11, 2019, as **Veterans Day**.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of October, in the year of our Lord two thousand nineteen.

Richard A. Dormier, Mayor of Ovilla

Place One Council Member Rachael Huber _____

Place Two Council Member Dean Oberg _____

Mayor Pro Tem Council Member David Griffin _____

Place Four Council Member Doug Hunt _____

Place Five Council Member Mike Myers _____



PROCLAMATION

CITY OF OVILLA

WHEREAS, breast cancer is the second most commonly diagnosed form of cancer for women in the United States and remains the second leading cause of cancer death among American women; and

WHEREAS, mammography, an "x-ray of the breast," is recognized as the single most effective method of detecting breast changes long before physical symptoms can be seen or felt. Early detection and improved treatment is believed to have significantly reduced the number of deaths caused by breast cancer; and

WHEREAS, researchers, scientists, and numerous nonprofit organizations, are dedicated to discovering the cure for breast cancer. During the month of October, we acknowledge the extraordinary commitment and effort invested in this cause; and

WHEREAS, we recognize that over two and a half million Americans are breast cancer survivors that give us hope of a better future.

NOW, THEREFORE with support for those who continue to cope with breast cancer, I, Richard A. Dormier, Mayor of the City of Ovilla, Texas, on behalf of the City Council, extend our deepest respect for survivors and those advocating for prevention and a cure and in so doing hereby proclaim OCTOBER 2019 as

"BREAST CANCER AWARENESS MONTH"

In official recognition whereof, I hereunto set my hand and caused the seal of Ovilla to be affixed this 15th day of October 2019.

Richard A. Dormier, Mayor

City of Ovilla
~ **PROCLAMATION** ~
Fire Prevention Month

WHEREAS, the City of (Ovilla, Texas) is committed to ensuring the safety and security of all those living in and visiting (Ovilla); and

WHEREAS, since 1922, our Nation has observed Fire Prevention Week to promote emergency preparedness and reaffirm our enduring commitment to fire safety. This week, we honor and remember the heroic firefighters and first responders who made the ultimate sacrifice to save and protect our citizens, homes, and communities. We express our gratitude for their service to our country, and we encourage all Americans to do their part to prevent dangerous fires; and

WHEREAS, in 2017, more than 1.3 million fires killed 3,400 people and injured 14,000 more, while causing an estimated \$23 billion in direct property loss; and

WHEREAS, All Americans should take the dangers of fires seriously and conduct routine inspections of smoke alarms and plan and practice home fire escapes. Such concerted efforts are crucial to stopping fires and their devastating consequences. Working smoke alarms cut the risk of dying in reported home fires in half; and

WHEREAS, three out of five home fire deaths result from fires in properties without working smoke alarms; and

WHEREAS, (Ovilla's) residents should install smoke alarms in every sleeping room, outside each separate sleeping area, and on every level of the home; and

WHEREAS, (Ovilla's) residents should install smoke alarms and alert devices that meet the needs of people who are deaf or hard of hearing; and

WHEREAS, (Ovilla's) residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, (Ovilla's) first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

NOW, THEREFORE, I, Richard A. Dormier, Mayor of the City of Ovilla, call upon all citizens of the City to observe October as **Fire Prevention Month** to join in commemorating firefighters, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in doing so, have established for themselves an enviable and enduring reputation for preserving the safety and security of all citizens.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Ovilla to be affixed this 15th day of October in the year 2019.

Mayor Richard Dormier



To
Honorable Mayor
and Council

Comments:

From
Staff

BACKGROUND AND JUSTIFICATION:

CC
Human Resources

SB 944 was effective September 01, 2019. This bill relates to the tracking of business held by city officials and employees on an electronic device and being compliant with the Public Information Act.

Re
Update Governance

With the Legislative update of SB 944, staff researched options to track text messages. Chief Windham and Ovilla's IT NetGenius presented staff with a recommended app named Evertel.

The Council Rules of Governance is revised to reflect this update. All city assigned mobile phones will use this app when communicating by text to any city employee regarding business related information. All city officials will use this app when communicating with city personnel over any city-related business.

Resolution R2019-21 and updated policy are attached.

STAFF RECOMMENDATION:

Staff recommends approval of Resolution R2019-21 updating the Council Governance and Rules of Procedures.

City of Ovilla

Tel 972-617-7262

105 S. Cockrell Hill Road
Ovilla, Texas 75154

www.cityofovilla.org



Government Agencies and Texas Senate Bill 944

SB 944 took effect on September 1. This bill has very serious implications for government agencies with employees who communicate via text. Failure to retain these communication records could result in both civil and criminal penalties. If your agency does not have a plan to comply with the new law, please contact us to discuss.

- b) A current or former officer or employee of a governmental body who maintains public information on a privately owned device shall:**
 - (1) forward or transfer the public information to the governmental body or a governmental body server to be preserved as provided by Subsection (a); or**
 - (2) preserve the public information in its original form in a backup or archive and on the privately owned device for the time described under Subsection (a).**

RESOLUTION R2019-21

A RESOLUTION OF THE CITY OF OVILLA, TEXAS AMENDING RESOLUTION 2018-14, WHICH ESTABLISHED A POLICY ON RULES OF GOVERNANCE, ADDING A NEW SECTION ADOPTING A POLICY REFERRING TO SB 944 AND INCORPORATE INTO THE GOVERNING BODY'S GOVERNANCE PROCESS AND RULES OF PROCEDURE; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City Council previously adopted Resolution 2018-14 **GOVERNANCE PROCESS AND RULES OF PROCEDURE**, for the City of Ovilla and its elected officials, appointed officials, and staff;

WHEREAS, the City Council determined that it was advisable to amend the Rules of Procedure with an addition to Section COMPUTER, INTERNET, EMAIL, AND CITY ISSUED MOBILIE PHONE POLICY, adding Item 6 to the policy that addresses SB 944, providing that City Officials should be aware that electronic mail (email), voice mail and text messages related to city business are considered public records and are subject to public disclosure; and

WHEREAS, the City Council has determined to adopt Resolution R2019-21 amending the **CITY OF OVILLA POLICY OF GOVERNANCE PROCESS AND RULES OF PROCEDURE** for the City of Ovilla and its elected officials, appointed officials, and staff;

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

SECTION 1.

That the City Council hereby approves and adopts the CITY OF OVILLA TEXAS, POLICY ON GOVERNANCE PROCESS AND RULES OF PROCEDURE which is attached hereto, marked Exhibit "A" and made a part hereof by reference.

SECTION 2.

That this Resolution shall take effect immediately and it is so resolved.

PASSED AND APPROVED on this 15 day of October 2019.

Richard Dormier, MAYOR

ATTEST:

Pamela Woodall, CITY SECRETARY

Rules of Procedure for the Mayor and City Council of Ovilla
(Including Boards, Advisory Boards, Committees and Commissions)

POLICY ON GOVERNANCE PROCESS AND RULES OF PROCEDURE
For Members of Ovilla City Council, Boards and Commissions

Adopted by the Ovilla City Council

MODEL OF EXCELLENCE
Ovilla City Council, Boards and Commissions
MEMBER STATEMENT

As a Member of the Ovilla City Council, Mayor, Board or Commission, I do hereby agree to uphold and abide by the Code of Ethics for elected and appointed officials, adopted by the City and conduct myself by the following model of excellence.

I will:

- I. *Recognize the worth of individual Members and appreciate their individual talents, perspectives and contributions;*
 - II. *Help create an atmosphere of respect and civility where individual Members, City staff and the public are free to express their ideas and work to their full potential;*
 - III. *Respect the dignity and privacy of individuals and organizations;*
 - IV. *Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit;*
 - V. *Conduct my personal and public affairs with honest, integrity, fairness and respect of others;*
 - VI. *Avoid and discourage conduct which is divisive or harmful to the best interest of Ovilla; and*
 - VII. *Treat all people with whom I come in contact in the way I wish to be treated.*
-

I affirm that I have read and understood the City of Ovilla Code of Ethics.

NAME: _____ (printed)

Signature _____ Date: _____

Office Held: _____

Rules of Procedure for the Mayor and City Council of Ovilla
(Including Boards, Advisory Boards, Committees and Commissions)

Authority, applicability:

1. Pursuant to the provisions of the constitution and laws of the state, the Mayor and City Council hereby enacts these rules of procedure for all meetings of the City Council.
2. (b) During any meeting, a reasonable opportunity shall be given for citizens to be heard under these rules. The rules of procedure are enacted as guidelines to be followed by all persons in the Council Chamber. The citizen participation portion of the rules will be posted in the Council Chamber Room for review by the public.

General Rules:

1. Meetings to be public. All official meetings of the Mayor and City Council, except executive meetings or sessions permitted by the Texas Open Meetings Law, and all sessions of a committee of the Council shall be open to the public.
2. Quorum. The required quorum for City Council meetings shall be determined in accordance with State law.
3. Attendance of the Mayor and Council Members. Pursuant to Section 22.041(b) of the Texas Local Government Code, no Member shall be excused from attendance at a City Council meeting except on account of his/her own sickness or that of his/her family. The Mayor and any Member of the City Council absent for three (3) regular consecutive meetings of the City Council, unless prevented by sickness, without first obtaining a leave of absence at a regular meeting, shall be deemed to have vacated his/her office.
4. Misconduct. The Mayor and City Council may punish its own Members for disorderly conduct in accordance with State law.
5. Minutes of meetings. An account of all proceedings of the City Council shall be kept by the City Secretary and shall be entered in a book constituting the official records of the City Council.
6. Questions to contain one subject. All questions submitted for a vote shall contain only one (1) subject. If two or more points are involved, any Member may require a division, if the questions reasonably admit a division.
7. Right of floor. The Mayor and any Member desiring to speak shall confine his/her remarks to the subject under consideration or to be considered. No Member shall be allowed to speak more than once on any one subject until every Member wishing to speak shall have spoken.
8. Duties of City Attorney. The attorney for the City, or the acting attorney for the City, shall be available upon request for all meetings of the City Council unless excused and shall, upon request, give an opinion, either written or oral, on questions of law.
9. Duties of City Secretary. The City Secretary, or acting City Secretary, shall attend all

Rules of Procedure for the Mayor and City Council of Ovilla
(Including Boards, Advisory Boards, Committees and Commissions)

meetings of the City council unless excused, and shall keep the official minutes and perform such other duties as are required by statute and as may be requested by the Mayor and City Council. The City Secretary reports to the Mayor and Council directly.

10. Duties of City officers and employees. Any officer or employee of the City, when requested by the Mayor, shall attend any meeting of the City Council. If requested to do so by the Mayor, they shall present information relating to matters before the City Council.
11. Rules or order. These rules govern the proceedings of the Mayor and Ovilla City Council in all cases, except that, where these rules are silent, the most recent edition of the Texas Municipal League Handbook for General Law Cities as they pertain to a Type-A General Law City shall govern.
 - A. Suspension of rules. Any provision of these rules not governed by the United States and Texas Constitutions and laws of the State of Texas may be temporarily suspended by the affirmative vote of two-third (2/3) of the City Council Members present. The vote on any such suspension shall be taken by ayes and nays and entered in the minutes of the City Council.
 - B. Amendment of rules. These rules may be amended, or new rules adopted, by the affirmative vote of two-thirds (2/3) of the City Council Members present, provided that the proposed amendments or new rules shall have been introduced before the City Council at a prior City Council meeting.

Conduct and Decorum

1. **Council Members.**
 - A. During City Council meetings, the Mayor and City Council Members shall preserve order and decorum and shall neither by conversation or by otherwise delay or interrupt the proceedings nor refuse to obey the orders of the Mayor (or chairman) or the rules of the City Council.
 - B. A councilperson, once recognized, shall not be interrupted while speaking unless called to order by the mayor (or chairman), unless a point of order is raised by another Member or unless the speaker chooses to yield to questions from another Member. If a councilperson is called to order while her/she is speaking, he/she shall cease speaking immediately until the question of order is determined. If ruled to be in order, he/she shall be permitted to proceed. If ruled not to be in order, her/she shall remain silent or shall alter his/her remarks so as to comply with rules of the City Council. Point of order - a question as to whether the current procedures are allowed by parliamentary procedure. Must assert a rule of procedure is being violated.
2. **Administrative staff.**
 - A. Members of the administrative staff and employees of the City shall observe the same rules of procedure and decorum applicable to the Mayor and Members of the City Council and shall have no voice unless and until recognized by the chair.

**Rules of Procedure for the Mayor and City Council of Ovilla
(Including Boards, Advisory Boards, Committees and Commissions)**

- B. The presiding officer shall have the authority to preserve decorum in meetings so far as Members, citizens and city employees are concerned and shall take such disciplinary action as may be necessary to ensure that such decorum is preserved at all times by city employees in City Council meetings.
- C. All remarks and questions addressed to the Mayor and City Council shall be addressed to the City Council as a whole and not to any individual Member thereof.
- D. No staff Member, other than a staff Member having the floor, shall enter into any discussion either directly or indirectly without permission of the presiding officer.

3. Citizens.

- A. Citizens are welcome and invited to attend all meetings of the City Council and shall be admitted to the council chamber in compliance with fire safety capacity of the room.
- B. All Citizens shall refrain from private conversations in the chamber while the City Council is in session.
- C. Citizens attending City Council meetings shall observe the same rules of propriety, decorum, and good conduct applicable to the administrative staff. Any person making personal, impudent, or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting shall be removed from the room if the sergeant-at-arms is so directed by the presiding officer, and such person shall be barred from further audience before the City Council during that session of the City Council.
- D. Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted by the presiding officer, who shall direct the sergeant-at-arms to remove such offenders from the room. In case the presiding officer shall fail to act, any other Member of the City Council may move to require him or her to enforce the rules, and the affirmative vote of three (3) Members of the City Council shall require the presiding officer to act.
- E. No placards, banners or signs of any kind shall be permitted in the Council Chamber except exhibits, displays and visual aids used in connection with presentations to the City Council, provided that such exhibits, displays and visual aids do not disrupt the meeting.
- F. Enforcement. The chief of police and/or designee of the police department shall act as sergeant-at-arms for the City Council and shall furnish whatever assistance is needed to enforce the rules of decorum herein established.

Meetings generally; types of meetings

- 1. Regular meetings. The City Council shall meet on the second Monday of each month

Rules of Procedure for the Mayor and City Council of Ovilla
(Including Boards, Advisory Boards, Committees and Commissions)

or any other times set by the City Council, unless postponed or cancelled for valid reasons. All regular meetings of the City Council shall be held within the City Limits of the City of Ovilla, Texas.

2. Special Workshop and Emergency meetings. Special, workshop and emergency meetings may be called as provided by State law.

3. Public hearings.

- A. All meetings shall be held in full compliance with the provisions of state law and ordinances of the City. Any party in interest may appear in their own behalf or be represented by counsel or agent.
- B. The City Secretary shall set public hearing date(s) for the Mayor and City Council when required by State law and /or as requested, be responsible for timely advertising in the official newspaper, and notify interested parties according to requirements of the City Council.

4. Conducting Public Hearings.

- A. The Mayor shall call each agenda item in such order as to be in accord with the hearing time specified in the notice of the public hearing.
- B. The Mayor shall open the Public Hearing and call the time.
- C. The Mayor shall next call on the staff for a factual summary and presentation relative to the proposal and shall afford the staff an opportunity to call to the attention of the City Council any additional pertinent communications.
- D. The mayor shall then recognize individual persons present who wish to speak in support of any proposal or agenda item.
- E. Then recognize individual persons in the audience who wish to voice opposition to any proposal or agenda item.
- F. The applicant or their representative may give a brief rebuttal statement. Whenever necessary, the Mayor shall direct that all remarks shall be germane to the proposal or agenda item. The City Council may direct questions to any speaker in order to clarify statements and facts presented.
- G. The Mayor shall then declare the public hearing closed as to that proposal and give time of closing.

5. Motions.

- A. A motion shall be made by any Member, other than the Mayor.
- B. Except as provided by State law, a motion to approve any matter before the City Council or to recommend approval of any request requiring City Council action shall require a majority of favorable votes of the Members present.

Rules of Procedure for the Mayor and City Council of Ovilla (Including Boards, Advisory Boards, Committees and Commissions)

When fewer than all Members are present for the voting and when all motions to recommend on a "give application" fails to carry by two (2) votes, consideration of the application shall be continued to the next regular meeting upon motion carried by a majority of those present. No request or application shall be continued under this rule beyond the next regular meeting. Failure of the City Council to secure a majority of concurring votes to approve or recommend approval at said next regular meeting shall be recorded in the minutes as a denial of the proposal under the rule.

6. Disqualification from voting.

- A. Previous to the hearing, a Member shall file the required affidavit and disqualify themselves from voting whenever he/she finds that he/she or his/her family have a substantial interest in the proposal under discussion or if the Member finds he/she or his/her family shall be directly affected by the decision of the City Council, in accordance with State law. Affidavits required may be obtained from the City Secretary.
 - B. The Mayor or a Member shall disqualify themselves from voting whenever any applicant, or his/her agent, has sought to illegally influence the vote of the Member concerning his/her application.
7. Executive meetings. The Mayor and City Council may meet in an executive meeting or sessions as permitted by the Texas Open Meetings Act. The City Secretary and/or City Manager shall attend the executive meetings upon request of the Mayor or City Council.
 8. Recessed meetings. Any meeting of the Council may be recessed to a later time, provided that no recess shall be for a longer period than until the next regular meeting.
 9. Notice of meetings. The agenda for all meetings shall be posted by the City Secretary on the bulletin board outside the City Municipal Building and on the City's website. Notices of all meetings shall be given by and posted by the City Secretary pursuant to the requirements of the Texas Open Meetings Act.

Duties of Chairman and other officials.

1. Chairman. The Mayor, or in his/her absence the Mayor Pro-Tern, shall preside as chairman at all meetings of the City Council. In the absence of both the Mayor and Mayor Pro-Tem, the City Council shall elect a temporary chairman.
2. Budget officer. The City Accountant under the direction of the City Manager shall serve as budget officer for the City and have the responsibility to prepare the annual budget for review and approval by the City Council.
3. Call to order. The meetings of the City Council shall be called to order by the Mayor or in his/her absence by the Mayor Pro-Tem. In the absence of both the Mayor and the Mayor Pro-Tem, the meeting shall be called to order by the City Secretary, and a temporary chairman shall be elected as previously listed above (Number 1).

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4. Preservation of order. The chairman shall preserve order and decorum and confine Members in debate to the question under discussion. The chairman shall call upon the sergeant-at-arms as necessary to enforce compliance with the rules contained herein.
 - A. Determination of points of order. The Mayor/chairman shall determine all points of order, subject to the right of any councilperson to appeal to the City Council. If an appeal is taken, the question shall be "Shall the decision of the chairman be sustained?" If a majority of the Members present vote "No", the ruling of the chair is overruled; otherwise, it is sustained. Point of order - Mayor decides if appealed - point of order goes to Council for majority vote.
 - B. Questions to be stated; announcement of results. The chairman shall state all questions submitted for a vote and announce the results. A roll call vote shall be taken upon the request of any Member, and upon the passage of all ordinances and resolutions.
 - C. Substitute for chairman. The chairman may call any other Member to take his/her place in the chair, and such substitution shall not continue beyond adjournment.
 - D. Call for recess. The chairman may call for a recess of up to fifteen (15) minutes at regular intervals of approximately up to one hour at appropriate points in the meeting agenda, or if requested by any two (2) Members.

Order of business: presentation to Council

The City Council of the City of Ovilla, Texas, hereby adopts the following rules and procedures for the placement and order of items on the agendas of the City Council:

1. Procedure for Placement of Items on the Agenda:
 - A. The Mayor, working with the City Manager, will determine what items of business shall come before Council. An item not appearing on the agenda shall not be taken up for discussion during a meeting.
 - B. The Mayor or any Council Member may place any subject matter on the agenda for discussion.
 - C. Two Council Members (not including the Mayor) can place an item on the agenda for discussion/action and will be heard at the next regularly scheduled meeting.
 - D. The City Manager may place any subject matter on the agenda.
 - E. All agenda items to be placed on the agenda must be submitted to the City Secretary in writing no later than 4:30 p.m. on the third day before the date of the agenda posting (e.g. agenda items due by 4:30 p.m. on Tuesday for posting of agenda on Friday).

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- F. All requests for agenda placement must clearly state the nature and subject matter of the item to be considered and be accompanied by any applicable supporting data.
- G. Department Directors wishing to place an item on the agenda shall submit that item in completion with supporting information/documents to the City Manager's office for approval. The City Manager may establish procedures for submission items.

2. Form of Agenda

- A. Agenda. The agenda shall be a listing by topic or subjects to be discussed and considered by the City Council. Conduct of business at special meetings shall be likewise governed by an agenda and rules of procedure contained herein.
- B. The order of the agenda will generally be as follows:
 - 1) Call to Order
 - 2) Invocation
 - 3) Pledges of Allegiance
 - 4) Citizen Comments
 - a. Open forum. An opportunity shall be provided for any person in attendance to address the council regarding any item not on the agenda. These matters need not be specifically listed on the agenda, but discussion and formal action on such matters shall be deferred until a subsequent City Council meeting.
 - b. Time limit. Speakers before the City Council shall limit their remarks to three (3) minutes or less, except as provided by the Chairman.
 - c. If a member of the public addresses the governing body through a translator, they must be given at least twice the amount of time as a member who does not require a translator.
 - 5) Presentations & Announcements
 - a. Presentations by the Mayor and Members of Council. The agenda shall provide a time when the Mayor or any Councilperson shall bring before the City Council any business that he/she feels should be deliberated upon by the City Council. The Mayor and Council may request future agenda items for consideration.
 - b. Oral presentations by City Secretary. Matters requiring the Mayor's or City Council's attention or action, which may have developed since the deadline for delivery of the written communication to the Mayor or Council, may be presented orally by the City Secretary. If formal City Council action on a subject is required, such action may be taken provided the provisions of the Texas Open Meetings Law have been satisfied.
 - 6) Consent Agenda
 - 7) Public Hearings
 - 8) Regular Agenda
 - 9) Department Activity Reports and Discussion
 - 10) Adjournment
- C. The City Manager may rearrange order of the agenda to allow for any special circumstances.

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- D. The Mayor may deviate from the order of the agenda to allow for any special circumstances.
- E. The agenda packets for all Regular Meetings will be delivered by staff three (3) full days before the regular meeting.
- F. The City Secretary's office is responsible for seeing that notices for all meeting of the Council comply with the Open Meetings Law.

Ordinances, Resolutions and Motions

- 1. Form of ordinances and resolutions. All ordinance and resolutions shall be presented to the City Council in printed or typewritten form. The City Council may, by proper motion, amend any ordinance or resolution presented, as long as it is clear in the motion what amendments/changes are being made and it is understood by all that the final product will contain those amendment/changes.
- 2. Distribution of ordinances and resolutions. The City Secretary shall prepare copies of all proposed ordinances and resolutions for distribution to all Members of the City Council at the meeting at which the ordinance or resolution is to be introduced, or at such earlier time as is expedient.
- 3. Recording of votes. The ayes and nays shall be taken upon the passage of all ordinances and resolutions and the vote of each Member shall be recorded in the minutes.
- 4. Majority vote required. An affirmative vote of three (3) Members is necessary to repeal any ordinance or take any official action in the name of the City except as otherwise provided by the laws of the state.
- 5. Addressing council on question of personal privilege. The right of a Member to address the City Council on a question of personal privilege shall be limited to cases in which his/her integrity, character, or motive as assailed, questioned or impugned.
- 6. Dissents and protests. Any Member shall have the right to express dissent from or protest against any ordinance or resolution of the City Council and have the reason therefore entered upon the minutes. Such dissent to protest shall be filed in writing and presented to the City Council no later than the next regular meeting following the date of passage of the ordinance or resolution objected to.
- 7. Voting required; excuse from voting. No Member shall be excused from voting except for lack of information and except on matters involving the consideration of her/her own official conduct, or where his/her personal interest are involved, and in these instances, he/she shall abstain. Any Member prohibited from voting by State law shall file an affidavit with the City Secretary and announce at the commencement of consideration of the matter and shall remove themselves from the Council Chamber Room until deliberations are concluded on that matter. The Member having briefly stated the reason for his/her request, the excuse from voting shall be made without debate.

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8. Order of precedence of motions.

- A. The following motions shall have priority in the order indicated:**
 - 1. Adjourn (when unqualified), and is not debatable and may not be amended;
 - 2. Take a recess (when privileged);
 - 3. Raise a question of privilege-An urgent motion which seeks an immediate ruling on an alleged violation of rights or privileges of Members;
 - 4. Lay on the table - to postpone and defer final disposition;
 - 5. Previous question (2/3 vote of those present required);
 - 6. Limit or extend limits or debate (2/3 vote of those present required);
 - 7. Postpone to a certain time;
 - 8. Commit or refer;
 - 9. Amend;
 - 10. Postpone indefinitely;
 - 11. Main motion.
- B. The first two (2) motions are not always privileged. To adjourn shall lose its privileged character and be the main motion if in any way qualified. To take a recess shall be privileged only when other business is pending.**
- C. A motion to adjourn is not in order:**
 - 1. When repeated without intervening business or discussion;
 - 2. When made as an interruption of a Member while speaking;
 - 3. While a vote is being taken.
- D. Motion to reconsider action.** A motion to reconsider any action of the City Council can be made not later than the next succeeding official meeting of the City Council. Such a motion can only be made by a Member who voted with the majority. It can be seconded by any Member. No question shall be twice reconsidered, except by unanimous consent of the City Council, except that action relating to any contract may be reconsidered at any time before the final execution thereof.
- E. Moving the previous question.** When the previous question is recognized, moved and seconded, it shall be put with the phrase "Call for the question", or simply saying "question". There shall then be no further amendment or debate but pending amendments shall be put in their order before the main question. If the motion for the previous question is lost, the main question remains before the council. An affirmative vote of three-fifths (3/5) of the City Council shall be required to move the previous question. To demand the previous question is equivalent in effect to moving "that debate now cease, and the City Council immediately proceed to vote on the pending motion.
- F. Withdrawal of motions.** A motion may be withdrawn or modified by its mover without asking permission until the motion has been stated by the chairman. If the mover modifies his/her motion, the seconder may withdraw his/her second. After the question has been stated, the mover shall neither withdraw it nor modify it without the consent of the City Council.

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- G. **Amendments.** When a motion is on the floor and an amendment is offered, the amendment should be acted upon prior to acting on the main motion. No motion of a subject different from that under consideration shall be admitted as an amendment. A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be in order. Action shall be taken on the amended amendment prior to any other action to further amend the original motion.
- H. **Approval of appropriations.** Before formal approval by the City Council of motions providing for appropriation of money, information must be presented to the City Council showing the purpose of the appropriation. In addition, before finally acting on such an appropriation, the City Council shall obtain a report from the City accountant as to the availability of funds and his/her recommendations as to the desirability of the appropriation.
- I. **Transfer of appropriations.** At the request of the City Accountant and the City Manager.

Committees, Boards and Commissions

- 1. **Council committees.** The City Council may, as needed, authorize the appointment of ad hoc council committees. Any committee so created shall cease to exist upon the accomplishment of the special purpose for which it was created or when abolished by a majority vote of the City Council.
- 2. **Citizen boards, commissions and committees.** The Mayor and City Council may create other committees, boards, and commission to assist in the conduct of the operation of the City government with such duties as the Mayor and City Council may specify not inconsistent with the laws of the state. Any committees, boards, or commissions so created shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority of the vote of the City Council. No committee so appointed shall have powers other than advisory to the Mayor and City Council, except as otherwise specified by the laws of the State of Texas or the City of Ovilla Code of Ordinances.
 - A. Initial appointments to any board, commission, and committee shall be determined in one-year or two-year terms for said established board, commissions or committee. Terms shall commence on the first day of July of each year and end on June 30th of each year.
 - B. Vacancies created or occurring shall be filled by the Mayor and City Council for the unexpired term of the board, commission or committee Member.
 - C. Each board, commission, or committee shall establish rules of procedures for operation and submit said procedures to the Mayor and City Council for final approval.
 - D. Each board, commission, or committee shall prepare and submit a proposed budget (if applicable) each year to the Mayor and City Council for their consideration.

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- E. The chairperson of each board, commission, or committee shall report to the Mayor and City Council upon request and prepare and present an annual report.
- F. The policy of the Mayor and City Council is that members of the various City boards, commissions, and committees be removed from office for lack of attendance at the various meetings of the boards, commissions, and committees. Members may be removed on the following basis:
 - 1. Regular meetings. Members may be removed from office for three (3) consecutive unexcused absences during the course of one year and/or lack of attendance at twenty-five percent (25%) of the number of regular meetings in the year.
 - 2. Special called meetings. Members may be removed from office for lack of attendance at fifty percent (50%) of the number of special called meetings in one year.
 - 3. An unexcused absence is defined as an absence for which no advance notification is given and/or as determined by the affected board, commission, or committee.
 - 4. Members may be removed from office for lack of completing mandatory course completion as required by the State of Texas Office of the Attorney General or other state statute.
 - 5. Members are required to return all City issued materials; code books, maps, and/or keys immediately upon leaving office.

COMPUTER, INTERNET, E-MAIL, AND CITY ISSUED MOBILE DEVICES POLICY

- 1. All City computers and electronic communications systems, and all communications and stored information which is or has been transmitted, received, contained in the City's information system (including, without limitation, e-mail, Internet, and information stored on computer hard drives and City-provided USB flash drives) are the City's property and are to be used solely for City purposes. Due to the considerable risks associated with computer viruses, individuals are prohibited from downloading any unauthorized software to the City's computers. All software downloaded must be registered to the City. Do not open or forward email received from unknown sources, or those that contain undefined or unexpected attachments, as they may contain viruses or other harmful or inappropriate content or information. Do not download .exe files, or any other file that has not been authorized.
- 2. To ensure proper use of communications systems and business equipment, and to ensure professional service to all citizens, the City reserves the right to monitor the use of these systems and equipment.
- 3. The City's e-mail and Internet access may not be used for transmitting, retrieving or storage of any obscene, discriminatory or harassing communications. Illegal harassment of any kind is strictly prohibited. Accordingly, no messages with derogatory, inflammatory, or otherwise unwelcome remarks regarding race, religion, color, sex, national origin, age,

Rules of Procedure for the Mayor and City Council of Ovilla
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disability, physical attributes or sexual preference may be transmitted. Similarly, no abusive, profane or offensive language or images may be transmitted through the City's e-mail or Internet access. Further, electronic media may not be used for any commercial, illegal, or illicit activity, or in any way that violates City policy or is contrary to the City's best interests. Solicitation of non-City business or any use of City e-mail or the Internet for personal gain is also strictly prohibited.

4. The City prohibits non-city-related use of its software and business equipment. However, the City may authorize limited personal use of this equipment provided that such usage does not interfere with business needs.
5. Members should be aware that electronic mail (e-mail) is considered a public record and may be subject to public disclosure in accordance with applicable law. Use of e-mail and the deletion of messages should be done with caution. All personnel are personally accountable for communications that they originate or forward using the City's electronic communications systems. Misrepresenting, obscuring, suppressing, or replacing a user's identity on any communication is prohibited. The user name, electronic mail address, organizational affiliation, time and date of transmission, and related information included with electronic messages or postings, must always reflect the true originator, time, date and place of origination of the messages or postings, as well as the true content of the original message.
6. City officials should be aware that electronic mail (e-mail), voice mail, and text messages related to city business are considered public records and are subject to public disclosure in accordance with applicable law. Use of e-mail, voice mail and text communications, and the deletion of messages, should be done with caution. The use of personal e-mail accounts for city business is strictly prohibited. All text messaging for city business shall be limited to and through the use of the Evertel application, or to any future application approved by the City. It shall be mandatory that all city assigned devices will participate in the application. The Evertel application, or any future approved application, shall not be used for personal text messaging.

Right to Monitor

1. All City supplied technology and City related work records belong to the City and not the individual. City-supplied technology will be routinely monitored. Inappropriate or illegal use or communications are not allowed.

10.15.2019

Consent Item C2

To
Honorable Mayor
and Council

Comments:

From
Staff

BACKGROUND AND JUSTIFICATION:

CC
Human Resources

SB 944 was effective September 01, 2019. This bill relates to the tracking of business held by city officials and employees on an electronic device and being compliant with the Public Information Act.

Re
Update Handbook

With the Legislative update of SB 944, staff researched options to track text messages. Chief Windham and Ovilla's IT NetGenius presented staff with a recommended app named Evertel.

The Policy Handbook, Section 9.4 is revised to reflect this update. All city assigned mobile phones will use this app when communicating by text to any city employee regarding business related information.

Resolution R2019-22 and an excerpt of the updated policy are attached. Additionally, TML questions and answers related to SB 944 are attached.

STAFF RECOMMENDATION:

Staff recommends approval of Resolution R2019-22 updating the Personnel Policies Handbook.

City of Ovilla

Tel 972-617-7262

105 S. Cockrell Hill Road
Ovilla, Texas 75154

www.cityofovilla.org



RESOLUTION NUMBER
R2019-22

A RESOLUTION AMENDING THE EMPLOYEE POLICIES HANDBOOK; PROVIDING FOR THE AMENDING SECTIONS 9.4 OF THE EMPLOYEE POLICIES HANDBOOKS; PROVIDING FOR DISTRIBUTION OF THE AMENDED EMPLOYEE HANDBOOK TO ALL CITY EMPLOYEES; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

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

SECTION 1.

That the City Council hereby Amends the "Employee Policies Handbook" as follows:

Section 9.4 Computer, Internet, Email, Voice Mail, Fax and City-Issued Mobile Devices Policy. Employees should be aware that electronic mail (e-mail), voice mail, and text messages related to city business are considered public records and are subject to public disclosure in accordance with applicable law. Use of e-mail, voice mail and text communications, and the deletion of messages, should be done with caution. The use of personal e-mail accounts for city business is strictly prohibited. All text messaging for city business shall be limited to and through the use of the Evertel application, or to any future application approved by the City. It shall be mandatory that all city assigned devices will participate in the application. The Evertel application, or any future approved application, shall not be used for personal text messaging.

All employees are personally accountable for communications that they originate or forward using the City's electronic and/or telephonic communications systems. Misrepresenting, obscuring, suppressing, or replacing a user's identity on any communication is prohibited. The username, electronic mail address, organizational affiliation, time and date of transmission, and related information included with electronic messages or postings, must always reflect the true originator, time, date and place of origination of the messages or postings, as well as the true content of the original message.

SECTION 2.

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

RESOLUTION NUMBER
R2019-22

SECTION 3.

The City Manager's office is hereby directed to distribute this change to each employee of the City of Ovilla.

SECTION 4.

That this Resolution shall take effect October 15, 2019 and it is so Resolved.

PASSED AND APPROVED on this 15th day of August 2019.

Richard A. Dormier, MAYOR

ATTEST:

Pamela Woodall, CITY SECRETARY

Commission meetings, required staff action because of aforementioned meetings, update on departmental activities, forum for training and development, and strategic planning of goals and objectives and progress on work plans.

Department Directors are responsible for scheduling and holding regular staff meetings with their respective department employees.

The City Manager is responsible for scheduling and holding "All Employee Meetings" as deemed necessary.

9.3 BULLETIN BOARDS

City bulletin boards are restricted to use by the City for the posting of official City matters, *e.g.*, announcements, internal memos, job openings, and changes in City policies. All employees are responsible for City information posted on the bulletin boards located in their break areas. New policies and changes to existing policies, as well as other official City information, will be posted on these bulletin boards from time to time. Employees must obtain approval from a supervisor before posting any information on a City bulletin board.

9.4 COMPUTER, INTERNET, E-MAIL, VOICE MAIL, FAX AND CITY-ISSUED MOBILE DEVICES POLICY

All the City's computers, electronic and telephone communications systems, and all communications and stored information which is or has been transmitted; received, contained in the City's information systems (including, without limitation, e-mail, Internet, pagers, voice mail, facsimiles, and information stored on computer hard drives and City-provided USB flash drives) are the City's property and are to be used solely for job-related purposes. Due to the considerable risks associated with computer viruses, employees are prohibited from downloading any unauthorized software to the City's computers. All software downloaded must be registered to the City. Do not open or forward e-mail received from unknown sources, or those that contain undefined or unexpected attachments, as they may contain viruses or other harmful or inappropriate content or information. Do not download .exe files, or any other file that has not been authorized by the Department Director.

To ensure proper use of communications systems and business equipment, and to ensure professional service to all citizens, the City reserves the right to monitor the use of these systems and equipment. Therefore, by this policy, employees are on notice that all e-mail messages, voice mail messages, and facsimiles sent to the City's address, and information stored on pagers, computer hard drives, City-provided USB flash drives, mobile devices etc. are subject to inspection by the City at any time, with or without notice. Employees are not entitled to any expectation of privacy with respect to such information.

The City has invested in a Voice Mail System for efficiency and to better serve our citizens. Those employees with a voice mailbox may learn how to use this system by reading your voice mail instructions or asking the phone system administrator. From time to time, especially when you are on vacation, business trips, a leave of absence or otherwise absent from work, your Department Director, supervisor, or another employee may listen to your voice mail messages to better serve our citizens and to make sure that all City business is timely performed. Employees should have no expectation of privacy in connection with any message left on the City's voice mail system.

The City's e-mail and Internet access may not be used for transmitting, retrieving or storage of any obscene, discriminatory or harassing communications. Illegal harassment of any kind is strictly prohibited. Accordingly, no messages with derogatory, inflammatory, or otherwise unwelcome remarks regarding race, religion, color, sex, national origin, age, disability, physical attributes or sexual preference may be transmitted. Similarly, no abusive, profane or offensive language or images may be transmitted through the City's e-mail or Internet access. Further,

electronic media may not be used for any commercial, illegal, or illicit activity, or in any way that violates City policy or is contrary to the City's best interests. Solicitation of non-City business or any use of City e-mail or the Internet for personal gain is also strictly prohibited.

The City prohibits non-job-related use of its software and business equipment, including but not limited to computers, copy machines, facsimiles, long distance telephone service and postage meter. However, the City may authorize limited personal use of this equipment provided that such usage (i) does not interfere with work performance or business needs, (ii) is in full compliance with this policy, (iii) and the employee takes personal responsibility for any costs incurred. Even though the employee assumes responsibility for the costs incurred, this shall not create any expectation of privacy with respect to information or material transmitted, received or stored using City equipment.

Department Directors will not allow access to web sites that do not provide information beneficial to their departments and will implement immediate corrective and/or disciplinary action, up to and including termination of employment, for those employees who violate any portion of this policy.

Employees should be aware that electronic mail (e-mail), voice mail, and text messages related to city business are considered public records and are subject to public disclosure in accordance with applicable law. Use of e-mail, voice mail and text communications, and the deletion of messages, should be done with caution. The use of personal e-mail accounts for city business is strictly prohibited. All text messaging for city business shall be limited to and through the use of the Evertel application, or to any future application approved by the City. It shall be mandatory that all city assigned devices will participate in the application. The Evertel application, or any future approved application, shall not be used for personal text messaging.

All employees are personally accountable for communications that they originate or forward using the City's electronic and/or telephonic communications systems. Misrepresenting, obscuring, suppressing, or replacing a user's identity on any communication is prohibited. The user name, electronic mail address, organizational affiliation, time and date of transmission, and related information included with electronic messages or postings, must always reflect the true originator, time, date and place of origination of the messages or postings, as well as the true content of the original message.

Right to Monitor

All City supplied technology and City related work records belong to the City and not to the employee. The City Manager or his/her designee routinely monitors use of city-supplied technology. Inappropriate or illegal use of communications may be subject to disciplinary action up to and including termination of employment.

9.5 SOCIAL NETWORKING/MEDIA

Policy

I. PURPOSE

1.0. To address the fast and ever-changing landscape of the Internet and the way residents communicate and obtain information online, the City of Ovilla (the "City") and its various departments, boards and commissions may consider participating in social media formats to reach a broader audience. The City encourages the use of social media to further the City's mission to deliver the highest quality municipal services.

1.2. The City Council and the City Manager have an overriding interest and expectation in deciding who may "speak" and what is "spoken" on behalf of the City and its boards and commissions on social media sites. This policy establishes guidelines for the use of social media. The City Manager or his designee shall approve what social media outlets may be suitable for use by the City and its departments, boards and commissions.

II. DEFINITIONS

2.1. "Social Media" are various forms of discussion and information-sharing tools, including, social networks, blogs, video sharing, podcasts, wikis, message boards and online forums. Technologies include picture and video sharing, wall postings, e-mail, instant messaging, and music sharing, to name a few. Examples of Social Media applications include, but are not limited to, Google and Yahoo Groups (reference, social networking); Wikipedia (reference); MySpace and Facebook (social networking); YouTube (social networking and video sharing); Instagram and Flickr (photo sharing); Twitter (social networking and microblogging); LinkedIn (business networking); and news media comment sharing/blogging. This policy covers all Social Media tools, both current and future.

2.2. "Social Networking" is the practice of expanding one's business and/or social contacts by making connections through clubs, organizations, phone contacts, written correspondence or through web-based applications. This policy focuses on Social Networking as it relates to the Internet to promote such connections through web-based groups established for that purpose.

2.3. "Blog" (an abridgment of the term web log) means a website with regular entries of commentary, descriptions of events, or other material such as graphics or video.

2.4. "Article" means an original posting of content to a social media site by a City employee.

2.5. "Comment" means a response to a City article or social media content submitted by any person or entity.

III. POLICY

3.1. All official City presences on social media sites or services are considered an extension of the City's computer information network and are governed by and subject to the City's Internet Access and Electronic Mail Policy contained in the City's Personnel Policy Manual.

3.2. The City Manager, or his designee, will review all requests to use social media sites by any department, board or commission of the City.

3.3. All City departments, boards, commissions and that use social media are responsible for complying with applicable federal and laws and city policies. This includes adherence to established laws and policies regarding copyright, records retention, the Texas Public Information Act, the First Amendment of the U.S. Constitution, privacy laws and information security policies established by the City.

3.4. Wherever possible, links to more information should direct users back to the City's official website for more information, forms, documents or online services necessary to conduct business with the City.

3.5. Employees and members of City boards and/or commissions representing the City

via social media outlets must conduct themselves appropriately at all times as representatives of the City. All such persons that fail to conduct themselves in an appropriate manner shall be subject to disciplinary procedures up to and including termination/dismissal.

3.6. City social networking sites are subject to the Texas Public Information Act, Federal e-discovery rules, and the City's records retention schedules apply to social networking content. Records required to be maintained pursuant to a relevant records retention schedule shall be maintained for the required retention period in a format that preserves the integrity of the original record and is easily accessible using the usual or approved City platforms and tools.

3.7. All social network sites and entries shall clearly indicate that any articles and any other content posted or submitted for posting are subject to public disclosure.

3.8. The City reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable law.

3.9. Each social networking site shall include an introductory statement which clearly specifies the purpose and topic of the blog and social network site. Where possible, social networking sites should link back to the official City internet site for forms, documents and other information.

3.10. City social networking content and comments containing any of the following forms of content shall not be allowed for posting:

- (a) Comments not topically related to the particular site or blog article being commented upon;
- (b) Profane language or content;
- (c) Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
- (d) Sexual content or links to sexual content;
- (e) Solicitations of commerce;
- (f) Conduct or encouragement of illegal activity;
- (g) Information that may tend to compromise the safety or security of the public or public systems;
- (h) Content that violates a legal ownership interest of any other party;
- (i) Information or references to the personal addresses, personal telephone numbers, personal e-mail addresses, family members or other personal information of City officials or City employees.
- (j) Commercial promotions or spam; or
- (k) Organized political activity.

3.11. All social networking sites shall clearly indicate they are maintained by the City and shall have City contact information prominently displayed.

3.12. Where applicable, City security policies, including but not limited to information technology security policies, shall apply to all social networking sites, articles and comments.

3.13. Employees representing the City government via social media outlets must conduct themselves at all times as a representative of the City and in accordance with the City's Personnel Policy Manual.

3.14. City employees and members of any City board or commission using a Social Media Sites, whether as an administrator or as a responder to a posting, will follow these guiding principles:

- (a) Maintain transparency by using your real name and job title, and by being clear about your role in regard to the subject.
- (b) Write and post about your area of expertise, especially as related to the City and your assignments. When writing about a topic for which you are not the City's expert, make this clear to readers.
- (c) Keep postings factual and accurate. If a mistake is made, admit to it and post a correction as soon as possible.
- (d) Reply to comments in a timely manner, when a response is appropriate. When disagreeing with others' opinions, keep it appropriate and polite.
- (e) Post meaningful, respectful comments that are on topic.
- (f) Pause and think before posting. If you are about to post something that makes you even slightly uncomfortable, do not post it. Understand that postings are widely accessible, not easily retractable, and will be around for a long time, so consider content carefully.
- (g) Ensure your comments do not violate the city's privacy, confidentiality and applicable legal guidelines for external communication. Never comment on anything related to legal matters, litigation or any parties with whom the City may be in litigation without the appropriate approval.
- (h) Ensure you have the legal right to publish others' material, including photos and articles pulled from other sites. Respect the brand, trademark, copyright, fair use, disclosure of processes and methodologies, confidentiality, and financial disclosure laws. Even when using material from copyright-free sources, include appropriate attributions.
- (i) Make it clear that you are speaking for yourself and not on behalf of the City, unless that is part of your duties with the City. Remember that your postings are ultimately your responsibility.

IV. DISCIPLINE

4.1. Employees found in violation of any provision of this policy may be subject to disciplinary action, up to and including termination of employment. The policies and guidelines outlined herein also apply to employees posting City-related information on personal (non-City) Social Media Sites.

4.2. All Department managers are responsible for their subordinates' compliance with the provisions of this policy and for investigating non-compliance.

4.3. Members of any City board or commission found in violation of any provision of this policy may be subject to disciplinary action, up to and including removal from their appointed position and any other legal action determined to be necessary by the City Attorney, with the advice and consent of the City Council. The policies and guidelines outlined herein also apply to board and commission members posting City-related information on personal (non-City) Social Media Sites.

4.4. Internet User account and password access may be withdrawn without notice if an employee violates this policy.

4.4. Where laws are violated, the City may pursue criminal or civil action against the employee, board or commission member, or any other responsible party.

9.6 CONFIDENTIAL INFORMATION

From time to time, employees may be privy to confidential information which is vital to the interests and success of the City. Employees are prohibited from disclosing confidential or non-public information relating in any way to the City, its employees, or citizens. All requests for information from third parties must be immediately directed to the City Secretary.

When handling financial or personal information, employees must observe the following principles:

- (A) Collect, use, and retain only the personal information necessary for the City's business. Whenever possible, obtain any relevant information directly from the person concerned. Use only reputable and reliable sources to supplement this information.
- (B) Retain information only as long as necessary or as required by law. Protect the physical security of the information.
- (C) Limit internal access to personal information to those with a legitimate business reason for seeking that information. Use only personal information for the purposes for which it was originally obtained. Obtain the consent of the person concerned before externally disclosing any personal information, unless the legal process or contractual obligations provide otherwise.
- (D) Employees are prohibited from using e-mail to transmit confidential or non-public information to any person or party outside of their physical site of employment. Employees who have a business need to use e-mail to transmit confidential or non-public information to any party must first obtain the approval of their Department Director, who will determine whether security measures are necessary to ensure that the confidentiality of the transmission is not compromised.

Any employee who is aware of, or suspects, that an employee is or is about to violate this policy must immediately tell their supervisor or someone else in City management. Any employee who improperly uses or discloses confidential information, or who fails to report a suspected or actual violation of this policy, will be subject to disciplinary action, up to and including termination of employment.

9.7 MAIL

Senate Bill 944 Legal Q&A
Zindia Thomas, TML Assistant General Counsel
September 2019

1. What is S.B. 944?

Senate Bill 944 by Senator Kirk Watson (D – Austin) adds additional procedures and exceptions to the Public Information Act (PIA). Of primary importance, the bill defines a “temporary custodian” and creates a procedure to deal with public information held by a temporary custodian. In plain English, the bill relates to the PIA and how it applies to information held by a city official in a private electronic account or on a private device. It also makes technical changes to the PIA that are unrelated to the temporary custodian provisions. (See questions 12-19, below, for a discussion of those.) The bill was effective on September 1, 2019. The following Q&A discusses the current state of the law following the passage of S.B. 944.

2. What is a “temporary custodian” as defined by S.B. 944?

A temporary custodian is a current or former officer or employee of a governmental body who, in the transaction of official business, creates or receives public information that the officer or employee has not provided to the officer for public information of the governmental body or the officer’s agent. TEX. GOV’T CODE § 552.003(7).

3. Does a temporary custodian have a personal or property right to public information that was created or received while acting in their official capacity?

A temporary custodian does not have a personal or property right to public information that was created or received while acting in their official capacity. *Id.* § 552.233(a).

4. Is a temporary custodian required to retain public information on his/her privately owned device?

A temporary custodian who has public information on a privately owned device is required to either: (1) forward or transfer the public information to the governmental body or a governmental body server to be preserved for the required record retention schedule; or (2) preserve the public information in its original form on the privately owned device and in a backup or archive for the required record retention schedule. *Id.* § 552.004(b)-(c).

5. Are the temporary custodian requirements in S.B. 944 new?

Not really. The bill actually codifies the law as it has existed for almost two decades. In 2001, the City of Arlington received a request for any city-related e-mails on any computer used by a city councilmember. The city released the e-mails from the councilmember’s city e-mail account, but requested an attorney general letter ruling as to whether the e-mails maintained in the councilmember’s home computer were required to be released.

The city – along with supporting comments filed by the Texas Municipal League – argued that, even though the councilmember used her home computer e-mail account to interact with her constituents and others, the fact that no city funds were used to pay for the e-mail account or the computer, coupled with the fact that the e-mails were not held by the city, meant that the e-mails were not public information as defined by the PIA.

Section 552.002(a) of the PIA defined public information at the time as “information that is *collected, assembled, or maintained under a law or ordinance* or in connection with the transaction of *official business*: (1) *by a governmental body*; or (2) *for a governmental body and the governmental body owns the information or has a right of access to it*.”

The city and TML argued that a councilmember’s home e-mails are not collected, assembled, or maintained by the governing body of a city, nor does the governing body of a city own or have a right of access to such e-mails. Neither the City of Arlington’s records control schedule at the time, nor the city’s charter, required the retention of this type of information. The e-mails were not required to be maintained by the city, nor could the city require their disclosure.

In Letter Ruling No. OR2001-1790, the attorney general’s office disagreed. In the opinion, the attorney general’s office concluded that information is generally “public information” when it relates to the official business of a governmental body or is maintained by a public official or employee in the performance of official duties, *even though it may be in the possession of one person*. Citing the preamble of the PIA, the opinion states that “it is the policy of this state that each person is entitled, unless otherwise expressly provided by law, at all times to complete information about the affairs of government and the official acts of public officials and employees.” The opinion cited Tex. Att’y Gen. ORD-635 (1995) for the proposition that

Records that [are] clearly related to official business are public records subject to the act regardless of whether an individual member of a governmental body, the governmental body's administrative offices, or the custodian of records holds the records. If a governmental body could withhold records relating to official business simply because they are held by an individual member of the governmental body, it could easily and with impunity circumvent the act merely by placing all records relating to official business in the custody of an individual member. The legislature could not have intended to permit governmental bodies to escape the requirements of the act so easily.

Further, the opinion repudiated the argument that the e-mails were not information connected with “official business” because one city councilmember’s statements cannot constitute an official act binding the city. According to the City of Arlington, the case was appealed, but ultimately settled to provide for the release of the e-mails relating to city business. The attorney general’s office later, in Letter Opinion No. OR2001-3828, created a balancing test for determining whether personal e-mails should be released. Then, in 2013, the legislature passed S.B. 1368. The bill amended the definition of public information to include “information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business...by an individual officer or employee of a governmental

body in the officer's or employee's official capacity and the information pertains to official business of the governmental body.

Since that time, the attorney general's office has issued thousands of letter rulings concluding that various city-related information held on a private device or in a private account must be released. For example:

E-mails:

- a. **Letter Opinion No. OR2003-0951:** E-mails between school board trustees sent from school board trustees' personal e-mail addresses concerning grievance against board president are public information.
- b. **Letter Opinion No. OR2007-07157:** E-mails that are personal e-mails are not public information under the Act, but e-mails related to school district business are public information under the Act.
- c. **Letter Opinion No. OR2010-08803:** E-mails between the mayor and consultants hired by the city pertaining to legislative affairs involving the city that were sent to and from mayor's personal e-mail account are public information and subject to the Act.
- d. **Letter Opinion No. OR2014-19309:** Most of submitted e-mails are personal e-mails and are not subject to the Act. However, the remaining emails were written, produced, collected, assembled, or maintained in connection with the transaction of official business by employees of the district attorney's office in their official capacity and are subject to the Act.
- e. **Letter Opinion No. OR2019-07672:** E-mails about employee's leave are considered public information under the Act.

Social Media:

- a. **Letter Opinion No. OR2015-14798:** Personal social media messages sent by the superintendent at home in his personal time unrelated to official business are not subject to the Act.
- b. **Letter Opinion No. OR2016-23161:** Related to comments on city department's Facebook page that is moderated by the city's director of communications, as appointed by the city manager. All posts and comments moderation are reviewed by and approved by the city manager in accordance with the city's social media policy. Concludes that the comments are considered public information under the Act.
- c. **Letter Opinion No. OR2019-14729:** Most of the submitted information that was on the personal social media accounts of city employees that are maintained in the employees' private capacities does not constitute information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business by or for the city. However, a portion of the information at issue was created and is maintained by the city employee in the employee's official capacity and pertain to the city's official business and therefore subject to the Act.

Text Messages:

- a. **Letter Opinion No. OR2010-07120:** To the extent the cellular telephone records and text messages maintained by the individuals at issue relate to the official business of the city, they are subject to the Act. If a city claims no exceptions to disclosure for these records, they must be released. To the extent the personal cellular telephone records and text messages do not relate to the official business of the city, they are not subject to the Act and need not be released.
- b. **Letter Opinion No. OR2011-08166:** Text messages that consist of communications sent to or from the city council representative in her capacity as a city official and employer, and that concern city business, are considered information that was collected, assembled, or maintained by the city in connection with the transaction of the city's official business.
- c. **Letter Opinion No. OR2015-10978:** Some of the responsive information on the specified county employee's personal e-mail account and personal text messages reflects it was written, produced, collected, assembled, or maintained under a law or ordinance in connection with the transaction of official business by or for the county and it constitutes public information under the Act.
- d. **Letter Opinion No. OR2019-14415:** Cellular telephone text messages received by the city manager from one of the specified entities in the request for public information that the city acknowledged were sent in connection with the city taking action on a contract are considered public information under the Act.

6. If S.B. 944 only codifies current law, why did legislators think the bill was needed?

Even though the attorney general had concluded for years that city-related business on a personal device or account is subject to the Public Information Act, a Bexar County commissioner challenged that logic in a lawsuit a few years ago.

In response to a request for information, the county contended that any correspondence in the commissioner's personal e-mail accounts, regardless of its content, is not public information as defined by the PIA because it was not either collected, assembled, or maintained by the governmental body or prepared on behalf of the governmental body and the governmental body did not have a right of access to the correspondence. *Adkisson v. Paxton*, 459 S.W.3d 761, 765 (Tex. App. – Austin 2015).

The Austin Court of Appeals rejected that argument and cited the attorney general with approval to ultimately hold that “[a] governmental body may not circumvent the applicability of the [PIA] by conducting official public business in a private medium.” *Id.* at 766.

In a similar case, a requestor sought information relating to any public-business communications that may have been conducted on the personal email accounts of certain City of El Paso officials. *City of El Paso v. Abbott*, 444 S.W.3d 315, 318 (Tex. App. – Austin 2014). The court again concluded that the city-related emails in private accounts are subject to the PIA. During the pendency of the lawsuit, the legislature amended the PIA's definition of “public information” to codify, the parties contend, the attorney general's long-held position that public information

includes documents or other items created “by an individual officer or employee of a governmental body in the officer's or employee's official capacity and the information pertains to official business of the governmental body,” regardless of where that information is located. *Id.*

In perhaps an oversimplified explanation, the city asked the official for the responsive information, but the official in possession refused to turn over the responsive emails. In response, the court stated that “[o]ur review of the PIA reveals no methods by which the City could compel the disclosure of public-information emails located on private email accounts, other than what the City did here—i.e., request the documents from the targeted individuals and change the City's policy regarding public business on private emails.” *Id.* at 324. That holding is essentially what prompted the filing of legislation in 2015 (H.B. 1764), 2017 (H.B. 2670), and 2019 (S.B. 944, the subject of this Q&A). The bills, all in different ways, sought to overturn the opinion by proposing ways to enforce the law as it had existed for years.

Senate Bill 944 ultimately did so, as discussed in more detail below.

7. Is the records retention requirement in S.B. 944 a new one?

No. The Local Government Records Act (LGRA) is codified in Chapters 201 through 205 of the Texas Local Government Code. The LGRA provides that, on or before June 1, 1990, the governing body of each local government should have designated a records management officer. TEX. LOC. GOV'T CODE § 203.025(a). The LGRA further provides that, by January 1, 1991, the governing body should have established a records management program. *Id.* § 203.026(a). On or before January 4, 1999, all cities were required to prepare a records control schedule and file with the Director of the Texas State Library and Archives Commission (TSLAC) a written certification of compliance that the local government has adopted records control schedules that comply with the minimum requirements established on records retention schedule issued by TSLAC. *Id.* §203.041(a).

TSLAC has promulgated model records retention schedules. The schedules are available on the TSLAC's website at <https://www.tsl.texas.gov/slrn/localretention>. Public information, in whatever format, has always been subject to retention requirements. The Record Management Division of TSLAC has various articles concerning electronic records and record retention on its website under The Texas Record at <https://www.tsl.texas.gov/slrn/blog/>. Some examples include:

FAQ Redux: How long do I keep email?

<https://www.tsl.texas.gov/slrn/blog/2018/11/faq-redux-how-long-do-i-keep-email/>.

Using Personal Email for Government Business is a Bad Idea – Here's Why

<https://www.tsl.texas.gov/slrn/blog/2015/11/using-personal-email-for-government-business-is-a-bad-idea-heres-why/>.

FAQ: Are text messages records? (redux)

<https://www.tsl.texas.gov/slrn/blog/2017/09/faq-are-text-messages-records-redux/>.

Social Media Policies and Procedures

<https://www.tsl.texas.gov/slrn/blog/2016/05/social-media-policies-and-procedures/>.

For more information on the Record Management Division of TSLAC, go to <https://www.tsl.texas.gov/slrn>. The Record Management Division can be contacted at 512-463-7610 or by email at slrminfo@tsl.texas.gov. In addition, TSLAC conducts training for local governments around the state.

8. What are some methods and best practices for complying with record retention requirements for electronic information held on a personal device or account?

Various options exist for retention compliance. For example, in relation to e-mails on a personal device or account, a city official could: (1) copy all city-related correspondence to a city email address for appropriate archiving by city staff; or (2) save all city-related correspondence in a file on the device or account in accordance with the city's records retention schedule.

With regard to texts, a city can: (1) issue city phones to officials and employees, adopt a policy that all city-related business must be conducted on them, and develop an archiving system for the phones; (2) ask the temporary custodian to provide a screenshot of texts that must be retained; or (3) use third-party software to automatically capture each text message sent and received into a repository or into an e-mail sent to the governmental entity. With regard to (3), city officials should be very wary of vendors seeking to sell them archiving software. While some cities may decide that type of service is needed, many can comply with the law without the additional expense. Of course, one key aspect of retention is the "administratively valuable" designation. That designation means, assuming information doesn't fall under a specific retention period in a city's records retention schedule, it can be deleted when it is no longer needed. Many texts will fall under this category.

With regard to social media, a city official can: (1) copy and paste social media post into a word processing program or taking screen shots of content; or (2) purchase software that captures social media records.

For information on best practice in retaining e-mails, texts, or social media post, contact the Record Management Division of TSLAC. (See question above.)

9. What is a temporary custodian required to do if the city's public information officer receives a request for public information that includes public information in his/her possession, custody, or control?

A temporary custodian is required to surrender or return public information that is in his/her possession, custody, or control not later than the 10th day after the date the public information officer requests that the temporary custodian surrender or return the public information. TEX. GOV'T CODE § 552.233(b). If the temporary custodian fails to surrender or return the public information requested by the public information officer, the governmental body will have grounds to discipline an employee that is a temporary custodian. *Id.* § 552.233(c) Also, the temporary custodian will be subject to any penalties provided by the PIA or other laws. This is the key legal modification made by S.B. 944: According to the attorney general's office, it overrules the cases discussed in question 6, above, by inserting a method for a requestor to obtain

information from the temporary custodian if he or she refuses to provide it. For example, a temporary custodian can be subject to a writ of mandamus under section 552.321 of the Government Code or criminally charged with failure to provide access to public information under section 552.353 of the Government Code.

10. Does the request to surrender or return public information from a temporary custodian affect when a request for public information is considered received by the governmental body?

Yes. The governmental body is considered to have received the request for public information on the date the information is surrendered or returned to the governmental body by the temporary custodian. *Id.* § 552.233(d).

11. What is the duty of the public information officer concerning retrieving public information from a temporary custodian?

The public information officer is required to make a reasonable effort to obtain public information from a temporary custodian if:

1. The information has been requested from the governmental body;
2. The public information officer is aware of facts sufficient to warrant a reasonable belief that the temporary custodian has possession, custody, or control of the requested information;
3. The public information officer is unable to comply with their duties without obtaining the information from the temporary custodian; and
4. The temporary custodian has not provided the information to the public information officer.

Id. § 552.203(4).

12. How may a person make a written request for public information?

A person can make a written request for public information under the PIA only by delivering the request by one of the following methods to the public information officer:

1. United States mail;
2. e-mail;
3. hand delivery; or
4. any other appropriate method approved by the governmental body, including fax and electronic submission through the governmental body's website.

Id. § 552.234(a).

13. May the governmental body designate a mailing address or an e-mail address that a request for public information must be sent to in order for the request to be considered received by the governmental body?

The governmental body may designate one mailing address and one e-mail address for receiving request for public information. *Id.* § 552.234(c). The governmental body shall post the designated mailing address and e-mail address on the governmental body's website and on its required PIA informational sign, and provide to any person on request. *Id.* § 552.234(c); (d).

Once the governmental body has posted the designated mailing address and e-mail address on their website and PIA sign, the governmental body is not required to respond to a request for public information unless the request is received at the designated mailing address, designated email address, and/or hand delivered. In addition, the governmental body may create additional methods to submit, but those methods may not eliminate any of the methods in the previous sentence (see next question). *Id.* § 552.234(d).

14. How does a governmental body approve other appropriate methods for receiving a request for public information?

A governmental body is considered to have approved other appropriate methods for receiving a request for public information only if the governmental body includes a statement that a request for public information may be made by these other appropriate methods on the required PIA sign or on the governmental body's website. *Id.* § 552.234(b).

15. Is the office of the attorney general required to create a PIA request form?

The office of the attorney general (OAG) is required to create a PIA request form that will provide the requestor the option of excluding from a request information that the governmental body determines is confidential or subject to an exception to disclosure that the governmental body would assert if the information were subject to the request. *Id.* § 552.235(a). The OAG is required to create the request form by October 1, 2019.

16. Is a governmental body required to allow requestors to use the OAG's PIA request form?

A governmental body is not required to allow requestors to use the OAG's PIA request form. However, if the governmental body does allow a requestor to use the OAG's PIA request form and the governmental body maintains a website, the governmental body is required to post the OAG's PIA request form on its website. *Id.* § 552.235(b).

17. What is “protected health information”?

Protected health information is any information that reflects that an individual received health care from a covered entity as defined by Section 181.001(b)(2) of the Health & Safety Code. TEX. GOV'T CODE § 552.002(d); TEX. HEALTH & SAFETY CODE § 181.006(1). Examples of covered entities include hospitals and medical centers.

A more specific definition of “protected health information” is individually identifiable health information that is transmitted or maintained in electronic media or any other form or medium.

Id. at § 181.001(a). *See* 45 C.F.R. §160.103. (Chapter 181 of the Health and Safety Code borrows definitions for the Health Insurance Portability and Accountability Act and Privacy Standards (HIPAA) for term not defined by this chapter. This Chapter borrows the HIPAA definitions of “protected health information” and “individually identifiable health information”.)

18. Is protected health information considered public information under the PIA?

Protected health information is not considered public information and is not subject to disclosure under the PIA. TEX. GOV'T CODE § 552.002(d). *See also* TEX. HEALTH & SAFETY CODE § 181.006(2).

19. Is information provided by an out-of-state health care provider considered confidential and excepted from disclosure under the PIA?

Information obtained by a governmental body that was provided by an out-of-state health care provider in connection with a quality management, peer review, or best practice program that the out-of-state health care provider pays for is considered confidential and excepted under the PIA. TEX. GOV'T CODE § 552.159.

10.15.2019

Consent Item C3

To
Honorable Mayor
and Council

From
Staff

CC
Admin, Code

Re: **ETJ agreement**

Comments:

BACKGROUND AND JUSTIFICATION:

Interlocal Agreement with Ellis County on subdivision platting in the ETJ.

The Legislature made many changes affecting municipalities and counties. HB 3167 and 3314 addresses Land Development applications and replats, changing and setting a limited time frame beginning with the initial filing process to the decisions by the City and the County – all to occur within 30-days. City staff and Ellis County representative Alberto Mares, met to review the effects of these changes with intent to create a smoother, quicker process for filing, review, consideration and approval or denial of any new development or replat settled within the City's ETJ.

According to the current agreement between the City and Ellis County, any development in the City's ETJ first goes through the City. The City additionally obtains all documentation for the County, including their application process and fees, forwards to the County as well as managing the City's own application process. This new 30-day limit will prove difficult.

A new draft interlocal agreement (attached) between Ellis County and the City will allow the County to have exclusive platting authority to the County in Ovilla's ETJ, therefore managing their own application and fee process as well as Ovilla's. The County will uphold the City's building requirements including the new legislative changes. Specifics requested by the City are included the draft agreement.

1. If there is no sanitary sewer connection, then the minimum lot size would be 1 acre; and
2. If there is a sanitary sewer connection, there would be a maximum of 2 lots per acre and a minimum lot size of 15,000 SF.

Ovilla's legal counsel has reviewed and approved the agreement.

STAFF RECOMMENDATION:

Staff is seeking Council's approval to allow the Mayor's execution of the agreement with Ellis County regarding platting in the ETJ.

City of Ovilla

Tel 972-617-7262

105 S. Cockrell Hill Road
Ovilla, Texas 75154

www.cityofovilla.org



**AGREEMENT ON SUBDIVISION PLATTING
IN THE EXTRATERRITORIAL JURISDICTION (ETJ)
BETWEEN THE CITY OF OVILLA, TEXAS AND ELLIS COUNTY**

This Agreement is made and entered into by and between the City of Ovilla, Texas ("the City") and Ellis County, Texas ("the County"), hereinafter collectively referred to as the "Parties."

RECITALS

WHEREAS, counties are statutorily responsible for the planning, construction, and maintenance of roads, stormwater management facilities, and other infrastructure located in the unincorporated areas of counties; and,

WHEREAS, a municipality has authority to extend its subdivision regulations and enforce other aspects of land development and infrastructure under various statutes into the unincorporated area located within a municipality's extraterritorial jurisdiction (ETJ); and,

WHEREAS, since counties and municipalities have different statutory authorities, fiscal resources, and constituencies, their respective interests in and policies governing infrastructure and development can differ as well; and,

WHEREAS, subdivision review and approval is used by counties and municipalities to ensure that infrastructure and development in unincorporated areas is not constructed in a manner adverse to their respective interests; and,

WHEREAS, the Parties desire to coordinate the exercise of their respective subdivision platting authorities as provided in §242.001(d)(3), Local Government Code through apportionment of the ETJ;

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

I) MANAGING OFFICIALS.

a) Designation.

- 1) Each Party shall designate a person known through this Agreement as the "Managing Official" to act on its behalf for purposes of administering this Agreement, coordinating subdivision platting regulations, review of applications, and resolving subdivision platting issues.

- 2) The County appoints as its Managing Official the following officer:
Director of Planning & Development or successor/designee
Ellis County
109 S. Jackson St.
Waxahachie, TX 75165

- 3) The City appoints as its Managing Official the following officer:

Office of City Manager or designee
City of Ovilla
105 Cockrell Hill Road
Ovilla, TX 75154

b) Duties and Responsibilities.

- 1) The Managing Officials shall oversee and coordinate all aspects of this Agreement, including:
 - i) Identifying high priority areas of concern, opportunities for cooperation, and upcoming workload requirements, both routine and of a specialized nature; and,
 - ii) Reviewing and evaluating this Agreement on a regular basis and its implementation by the Parties; and,
 - iii) Identifying and implementing or recommending any amendments to this Agreement or improvements and revisions to the processes and requirements that it contains.
 - iv) Make joint interpretations if any discrepancies occur in the Agreement or its application.
- 2) Each Managing Official shall have the authority to speak for the Party they represent, and the other Party shall be entitled to rely on the representations made by the other Party's Managing Official.
- 3) The Managing Officials may consult with individuals and representatives of interest groups whose interests are affected by decisions and recommendations made by the Managing Officials and may establish such focus or working groups as they may consider helpful to advise the Managing Officials and Parties on issues related to the administration of this Agreement.

c) Notification of Change in Designation.

Each Party shall immediately inform the other if its designation of a Managing Official changes, either through resignation, promotion, other direct personnel action, through departmental restructuring or other functional reorganization or reassignment of responsibilities.

II. APPLICATION AND REVIEW PROCESS.

a) Apportionment, Continued Jurisdiction, and Plat Notes.

- 1) The City shall have exclusive jurisdiction to regulate subdivision plats and approve subdivision construction plans in its apportioned area of its ETJ, as shown on Exhibit "A", attached hereto and made a part hereof, and shall have sole authority to regulate

subdivisions under Subchapter A of Chapter 212, Texas Local Government Code and other statutes applicable to municipalities.

i) The apportioned areas the City shall exercise exclusive authority shall include all areas described within the boundaries of an approved annexation developer's agreement, and any existing or future special purpose districts created for land development (i.e. Chapters 53 (Fresh Water Supply Districts), 54 (Municipal Utility Districts) and 59 (Regional Districts) of the Water Code, or similar as approved by the State and/or the County.

ii) If in the event infrastructure will ultimately be accepted by the County, ~~the City shall forward a set of all construction plans shall be forwarded~~ for review to the County's Managing Official.

a) A county inspector shall be present for all inspections of the infrastructure.

b) All County road fees and subsequent construction/performance bonds, maintenance bonds, or letters of credit mentioned in the County's Subdivision Regulations and Development Standards shall apply before acceptance and maintenance by the County.

iii) If in the event there are no such areas as indicated in subsection (i) above, the County shall have exclusive platting authority until such boundaries are established.

2) The County shall have exclusive jurisdiction to regulate subdivision plats and approve subdivision construction plans in its apportioned area of the City's ETJ and all development permits in the unincorporated areas, as shown on Exhibit "B", and shall have sole authority to regulate subdivisions there under Chapter 232, Texas Local Government Code and other statutes applicable to counties.

i) These apportioned areas that the County shall have exclusive authority shall include all areas in the unincorporated areas NOT within the boundaries of an approved annexation developer's agreement, and any existing or future special purpose districts created for land development (i.e. Chapter 53 – Fresh Water Supply Districts, 54 – Municipal Utility Districts, and 59 – Regional Districts of the Water Code) as approved by the State and/or the County.

3) In the event a proposed subdivision of property is located in both apportioned areas, the City shall have exclusive authority. ~~If the Managing Official determines the proposed subdivision will not be served by City utilities or is not otherwise a high priority area of concern, he or she may delegate such authority to the County in writing by no later than ten (10) business days. An extension of an additional ten (10) business days may be granted if submitted to the County in writing. If, before the plat is filed, the Managing Official determines the proposed subdivision will not be served by City utilities or is not otherwise a high priority area of concern, the official shall notify the applicant in writing of the decision to delegate the City's authority to the County and shall refer the applicant, in writing, to the County for all matters relating to subdivision approval, and~~

notify the County in writing of the decision to delegate the City's authority to the County.

- 4) A Managing Official may cede their Party's platting authority to the other Party's Managing Official if the property is located near the boundary of the apportioned area or for any other reason and both Managing Officials agree.
- 5) The parties may amend this agreement if the City's apportioned area of its ETJ expands or reduces, or upon passage of relevant legislation affecting annexation of areas within the ETJ. The City shall notify the County prior to any expansion or reduction in the City's apportioned area of its ETJ within the County. Additions to the City's ETJ may require amendments to this Agreement to address the boundary change if it is determined to be warranted by either Managing Official.
- 6) Notwithstanding any Developer's Agreement currently in effect or which the City may in the future enter into, or the duties and authority conferred to the Managing Officer in Subsection I to identify high-priority areas of concern, during the platting of subdivisions within its apportioned area of its ETJ, the City agrees to:
 - i) Uphold the County's minimum lot width requirements and minimum lot size requirement of one (1) acre as stated in the County's On-Site Sewage Facilities (OSSF) Order for all lots utilizing on-site septic systems unless there is an approved alternative centralized sewer system in place.
 - ii) Uphold the County's minimum public road frontage requirement of 150 feet for each platted lot.
 - iii) If applicable, and road will be maintained by the County, require dedication for county right-of-way, as applicable pursuant to subdivision rules and regulations and the County's thoroughfare plan.
- 7) Where applicable, the parties agree the County shall continue to issue OSSF permits and regulate septic systems within the City's apportioned area of its ETJ.
 - i) If there is an available sanitary sewer connection and capacity exists from the granting entity, there shall be a maximum of two (2) lots per acre and a minimum lot size of 15,000 SF.
- 8) During the subdivision review each Party's Managing Official will:
 - i) Upon receipt of a subdivision application send the other Party's Managing Official an electronic copy of the subdivision plan/plat for informational review and comment purposes by no later than three (3) business days. If there are no comments provided by the established deadline for that plat, the Party's Managing Official will constitute as there are no comments by the other Managing Official and proceed with the plat.

- ii) Upon plat recordation, send a copy of the recorded plat/plan to the other Party's Managing Official;
 - iii) Ensure that approval of all submissions, subject to subdivision reviews made under this agreement, is conditioned on the subdivider's dedication of right-of-way for and construction of roadway improvement identified in are consistent with the most recently adopted Comprehensive Plan or the Master Thoroughfare Plan to the extent roughly proportional to the impact of the subdivision on the area roadway network.
- 9) During the platting of subdivisions within its apportioned area of its ETJ, the City agrees to uphold the following in connection with the National Flood Insurance Program (NFIP):
 - i) Subdivisions shall be designed consistent with the need to minimize flood damage within flood prone areas.
 - ii) All public utilities and facilities shall be located and constructed to minimize or eliminate flood damage.
 - iii) Adequate drainage shall be provided to reduce exposure to flood damage.
 - iv) Platting of subdivisions greater than five (5) acres or fifty (50) lots, whichever is less, shall include detailed engineering documents adequate to determine base flood elevations.
 - v) The County shall retain the prerogative to authorize Letters of Map Revision (LOMR) and Conditional Letters of Map Revision (CLOMR).
 - vi) The County shall provide the City with copies of all authorized LOMR's and CLOMR's.
- 10) During the platting of subdivisions within its apportioned area of ETJ, the City agrees to require the addition of the following note to all subdivision plats.

*"All or part of this subdivision is within the extraterritorial jurisdiction of the City of Ovilla (the City). Under Chapter 242 of the Texas Local Government Code and an adopted Interlocal Agreement between the City and Ellis County (the County), the City has sole and exclusive jurisdiction over approval of this plat. However, the County retains sole and exclusive jurisdiction over maintenance of public roads, and issuance of onsite sewage permits and development permits for this subdivision (if accepted by the County) until annexed by the City or unless owned and maintained by the special district. The City's approval of this plat does not ensure the County's acceptance of the roads for maintenance, or drainage **improvements**, or approval of onsite sewage permits or development permits for the subdivision. The owner or developer is responsible for ensuring that the requirements of this plat **meet drainage requirements and** are consistent with **approved plans** and do not prevent acceptance of the roads, meet drainage requirements or issuance of onsite sewage permits and development permits for*

the subdivision. In the event of a conflict, plat amendments may be required prior to accepting roads or issuing onsite sewage or development permits. Approved engineering and construction plans from the City is required prior to any site development. An Ellis County development permit is required prior to any vertical development."

- 11) During the platting of subdivisions within its apportioned area of ETJ, the County agrees to require the addition of the following note to all subdivision plats:
*"All or part of this subdivision is within the extraterritorial jurisdiction of the City of Ovilla (the City). Under Chapter 242 of the Texas Local Government Code and an adopted Interlocal Agreement between the City and Ellis County (the County), the County has sole and exclusive jurisdiction over approval of this plat, maintenance of public roads, issuance of onsite sewage permits and development permits for this subdivision until annexed by the City. Approval of this plat does not ensure the County's acceptance of the roads ~~for maintenance, or~~ drainage **improvements for maintenance**, or approval of onsite sewage permits or development permits for the subdivision. The owner or developer is responsible for ensuring that the requirements of all existing regulations **and drainage improvements** are met and do not prevent acceptance of the roads or issuance of onsite sewage permits, meet drainage requirements and development permits for the subdivision. Approved engineering and construction plans from the County is required prior to any site development. An Ellis County development permit is required prior to any vertical development."*
- 12) Basic development permits issued by the County shall continue to be required within the City's apportioned area of its ETJ. The owner or developer is responsible for ensuring that the County development permit is obtained when necessary.
- 13) An address plan shall be provided to the other party after completion of the addressing process by the appropriate entity.

b) Action by Approving Authority.

- 1) For purposes of § 12.002, Property Code, approval or denial of or other action on an application shall be determined by the Commissioners' Court, Planning and Zoning Commission, City Council, or other official or entity vested with the legal responsibility and authority to make that decision for the Party with jurisdiction in the apportioned area ("Approving Authority"). Each Party retains full statutory and regulatory authority to make final decisions within its jurisdiction.
- 2) Within three (3) business days of action by its Approving Authority, each Party shall communicate its decision to the other Managing Official. Once both Parties have informed the other Managing Official of their decisions, the Managing Official shall inform the applicant of the decision.
- 3) For purposes of §12.002, Property Code, and other laws applicable to the approval and filing of subdivision plats, a subdivision plat covered by this Agreement shall be considered approved as provided by law only if it complies with all applicable regulations

established by the City and with all applicable regulations established by the County, and it bears the appropriate seal from that Party either that:

- i) it was approved by the Approving Authority for that Party, either affirmatively or statutorily by operation of law; or
- ii) it is exempt from approval by that Party.

III. GEOGRAPHIC SCOPE.

- a) This Agreement applies only to the ETJ of the City as it exists on the effective date of this Agreement. The City shall notify the County at least thirty (30) days in advance of any proposed change in its city limits or ETJ, to the extent the proposed change affects a boundary in Ellis County.
- b) The City shall also notify the County immediately of any final change in its city limits, or ETJ whether resulting from annexation, disannexation, legislation, a judgment of a district or other trial-level court, or any other means.
- c) The City and the County shall supplement this Agreement to apportion the subdivision platting authority for any area that is subsequently added to the City's ETJ and is also located within Ellis County upon receipt of updated applicable ordinances and an updated City Limit & ETJ Map in both print and digital format.

IV. REVISION OF PLATS FAIR NOTICE ACT

- a) Pursuant to Section 232.0095, Local Government Code, the County hereby adopts Sections 212.013 through 212.016, Local Government Code, in the County's apportioned area of the City's ETJ and shall process plat vacations, replats, and amending plats there as provided in those sections.
 - 1) The approval, disapproval, or conditional approval of an application for a permit shall be considered solely on the basis of any orders, regulations, ordinances, rules, expiration dates, or other properly adopted requirements in effect at the time of filing.
 - 2) This section shall only apply to those submissions that provide "fair notice" of the project and nature of the permit sought. The original application, plan for development, or plat application is considered to provide "fair notice" only if it contains all of the following:
 - i) the boundaries of the entire development;
 - ii) the names of adjacent platted subdivisions or the names of the record owners of adjoining unplatte property;
 - iii) the location, width, and names of all existing or platted streets or public rights-of-way and all existing easements within and adjacent to the development;

- iv) the layout and width of proposed arterials, thoroughfares and collector streets and the general configuration of proposed streets and alleys;
 - v) the general arrangement and designations of land use, and any sites for special use (e.g., for parks, open space, detention, or other public facilities);
 - vi) the approximate location of the 25-year flood plain and the 100-year flood plain, the location and width of existing drainage channels, creeks and watercourses within the development; and
 - vii) the proposed location of proposed drainage courses and any necessary off-site extensions.
 - viii) Other items listed on the most-recent Ellis County plat application checklist.
- 3) This section does not apply to regulations described in Section 245.004 of the Texas Local Government Code, a project that has undergone a major change, or a project for which the application or all permits expire.
- 4) Preliminary Plans and related subdivision plats, site plans, and all other development permits for land covered by the Preliminary Plans or subdivision plats are considered collectively to be one (1) series of permits.
- 5) An application or plan expires if it does not provide fair notice, the City sends a written notice to the applicant within ten (10) business days of filing specifying the missing information and when the application will expire, and the applicant fails to submit all of the missing information within forty-five (45) days of the application being filed.

V. MISCELLANEOUS.

a) Severability.

Any clause, sentence, provision, paragraph, or article of this Agreement held by a court of competent jurisdiction to be invalid, illegal, or ineffective shall not impair, invalidate, or nullify the remainder of this Agreement, but the effect thereof shall be confined to the clause, sentence, provision, paragraph, or article so held to be invalid, illegal, or ineffective.

b) No Third-Party Beneficiaries.

Nothing in this Agreement, express or implied, is intended to confer upon any person, other than the Parties hereto, any benefits, rights, or remedies beyond any such benefits, rights, or remedies that may be created by Chapter 242, Texas Local Government Code.

c) Duration and Termination.

This Agreement takes effect upon the complete execution of the Agreement by the Parties. Any party may terminate this Agreement with one hundred eighty days (180) days written notice,

provided both Parties have first executed a replacement agreement in compliance with §242.001, Texas Local Government Code.

d) Preservation of Powers.

Except as expressly provided otherwise herein, nothing in this Agreement is intended or shall be construed to limit the power or authority under applicable laws of a Party to adopt, modify, or enforce subdivision regulations in the ETJ, or to limit the power or authority of the Parties to make additional agreements under applicable laws as the Parties believe may be necessary or desirable to protect the public health, safety, and welfare.

e) Entire Agreement.

This Agreement expresses the entire agreement between the Parties hereto regarding the subject matter contained herein and may not be modified or amended except by written agreement duly executed by both Parties. Either Party may request to renegotiate this Agreement at any time.

f) Venue.

This Agreement shall be construed in accordance with the laws of the State of Texas and venue for all purposes hereunder shall be in Ellis County, Texas.

g) Liability.

This Agreement is not intended to extend the liability of the Parties beyond that provided by law. Neither Party waives any immunity or defense that would otherwise be available to it against claims by third parties.

h) Binding Obligation.

This Agreement has been duly and properly approved by each Party's governing body and constitutes a binding obligation on each Party.

This Agreement is approved by the City Council of the City of Ovilla this the _____ day of _____, 2019 and by the Ellis County Commissioners' Court in Minute Order _____ this the _____ day of _____, 2019.

IN WITNESS WHEREOF, THE PARTIES HERETO HAVE CAUSED THIS AGREEMENT TO BE EXECUTED BY THEIR AUTHORIZED OFFICERS.

THE CITY OF OVILLA, TEXAS

ELLIS COUNTY, TEXAS

Richard Dormier, Mayor

Todd Little, County Judge

Date: _____

Date: _____

ATTEST:

Pam Woodall, City Secretary

ATTEST:

Krystal Valdez, County Clerk

10.15.2019

Consent Item C4

To
Honorable Mayor
and Council

Comments:

From
Staff

BACKGROUND AND JUSTIFICATION:

The Electric Reliability Council of Texas memberships renew annually.

CC
Linda Harding, Finance
Department

BACKGROUND: ERCOT represents cities as a whole to have a voice in electric policies in Texas. The annual renew cost is \$100

Memorandum is attached.
Member cities are attached.
Application agreement is attached.

Re
ERCOT membership

STAFF RECOMMENDATION:

Staff is seeking Council's approval to continue ERCOT membership and approve the Mayor's execution of the application agreement.

City of Ovilla

Tel 972-617-7262

105 S. Cockrell Hill Road
Ovilla, Texas 75154

www.cityofovilla.org



MEMORANDUM

TO: City and Other Political Subdivision Members of ERCOT

FROM: [Redacted]

DATE: October 2, 2019

RE: ERCOT Membership Renewal for 2020

The purpose of this memorandum is to recommend that your city or other political subdivision renew its membership in the Electric Reliability Council of Texas (“ERCOT”) for 2020. For the reasons we detail below, an ERCOT membership continues to be a straightforward and cost-effective way for your city to influence electric policy in Texas, and **we recommend that you submit your ERCOT membership renewal application and fee by Friday, November 8, 2019. The membership fee is \$100 per year.**

WHAT IS ERCOT?

ERCOT is the entity that is responsible for operating the electric grid in the deregulated portion of Texas. Furthermore, ERCOT maintains the set of complicated rules that frame the way that electricity is bought and sold in the deregulated wholesale market. Through a process of negotiation and deliberation within committees of interested parties, the ERCOT stakeholder process is constantly reviewing and revising these rules, known as the ERCOT protocols. Most of the issues addressed at ERCOT are addressed nowhere else—the Public Utility Commission has largely delegated these issues to the ERCOT stakeholder process.

WHAT ROLE DO CITIES PLAY IN THE ERCOT PROCESS?

Consumers, such as cities and other political subdivisions, have a voice in ERCOT’s decision-making process. Each segment of the ERCOT market has a vote on issues before ERCOT, through its representatives on the Technical Advisory Committee (“TAC”) and the Board of Directors (“Board”).

TAC and the Board are the bodies responsible for making the most important decisions about the detailed workings of the ERCOT market. These decisions can have bottom-line impacts on electricity prices. A total of 126 cities and other political subdivisions joined ERCOT in 2019. With this membership strength, cities successfully elected two city representatives to TAC and one director to ERCOT’s Board of Directors for 2019. A strong contingent of city members would make continuation of this strong presence likely for 2020.

As you know, consumers in ERCOT face constant efforts by power generators and power marketers to modify the electricity market in ways that would increase prices. In 2020, ERCOT and the PUC will continue their work on several major market redesign initiatives. As a result, Cities’ presence in the ERCOT process as a voice for consumers continues to be important.

WHAT DOES AN ERCOT MEMBERSHIP REQUIRE?

It is not difficult to renew your ERCOT membership. A simple form is required, along with payment of a \$100 membership fee. In the pages that follow, you find a guide to completion of the form. We are also available to assist you; please feel welcome to call me [redacted] at my phone number at the top of this memorandum, or email [redacted]

In order to vote for candidates for the 2020 Technical Advisory Committee and the Board of Directors, **ERCOT must receive your renewal application and \$100 fee by Friday, November 8, 2019.**

In completing the attached form, please note the following:

- Only corporate members may vote in ERCOT matters. In response to **Question No. A.2** on the form, we recommend that cities renew as **Corporate**, rather than associate, members. *[for your convenience, we have already checked this option]*
- On the following list of member cities, you can see which Consumer segment (Small or Large Commercial) your city joined in for 2019. **We recommend that you choose the same segment on Question No. A.4 when renewing your membership for 2020.**
- For corporate members in the Small or Large Commercial Consumer Segment, the renewal fee is **\$100**. The form designates how the payment is to be made in paragraph A.3.
- In response to **Question No. A.5, please designate as your authorized representative** an employee of your city that can receive notices from ERCOT. ERCOT contacts its members very rarely; this person will not be inundated with emails, but may be asked to vote on important issues from time-to-time. Please also designate an alternate representative; this is a new requirement in this year's form. During the coming year, please feel free to forward anything you receive from ERCOT to me at the email address above.
- There is **no need to answer Question No. A.6**, as it is not relevant to cities' memberships in ERCOT.
- Item A.3 on the form states the address at which to mail the form to ERCOT, but this can also be done by **email: membership@ercot.com**. Please note that if you submit your application via email, **you must still send the \$100 fee to ERCOT by mail or wire; ERCOT does NOT accept credit cards.** After you have sent your application to ERCOT, please forward a copy of your application to us a [redacted] or fax [redacted]. This will help us track pending applications, and will allow us to follow up with ERCOT if issues arise.

Please feel free to call or email us if you have any questions in completing the form or about ERCOT in general.

ERCOT Member Cities

October 2, 2019

Page 3

SMALL COMMERCIAL

1. Aransas Co. Municipal Utility District No. 1
2. City of Benbrook
3. City of Breckenridge
4. City of Bridgeport
5. City of Burk Burnett
6. City of Caddo Mills
7. City of Cedar Hill
8. City of Celina
9. City of Clear Lake Shores
10. City of Colleyville
11. City of Colorado City
12. City of Copperas Cove
13. City of Corinth
14. City of Crowley
15. City of Dalworthington Gardens
16. City of DeSoto
17. City of Dublin
18. City of Duncanville
19. City of Early
20. City of Eastland
21. City of Ennis
22. City of Everman
23. City of Fate
24. City of Frisco
25. City of Hamilton
26. City of Harker Heights
27. City of Haslet
28. City of Hewitt
29. City of Honey Grove
30. City of Howe
31. City of Ingleside
32. City of Josephine
33. City of Keller
34. City of Krum
35. City of La Feria
36. City of La Marque
37. City of Lake Worth
38. City of Lancaster
39. City of Lorena
40. City of Morgan's Point
41. City of Murchison
42. City of Oak Point
43. City of Ovilla
44. City of Paris
45. City of Piney Point Village
46. City of Point Comfort
47. City of Portland
48. City of Pottsboro
49. City of Rhome
50. City of River Oaks
51. City of Rotan
52. City of Rowlett
53. City of Sachse

54. City of Saginaw
 55. City of Seagoville
 56. City of Simonton
 57. City of Snyder
 58. City of Springtown
 59. City of Texas City
 60. City of Webster
 61. City of Weston Lakes
 62. City of Wharton
 63. City of White Settlement
 64. City of Woodway
 65. City of Wylie
 66. Town of Fulton
 67. Town of Highland Park
 68. Town of Laguna Vista
 69. Town of Lakeside
 70. Town of Prosper
 71. Town of Trophy Club
- LARGE COMMERCIAL**
72. Aquilla Water Supply District
 73. City of Alamo
 74. City of Allen
 75. City of Arlington
 76. City of Bedford
 77. City of Brownwood
 78. City of Canton
 79. City of Carrollton
 80. City of Coppell
 81. City of Corpus Christi
 82. City of Dallas
 83. City of Decatur
 84. City of Denison
 85. City of Euless
 86. City of Farmers Branch
 87. City of Fort Worth
 88. City of Grand Prairie
 89. City of Grapevine
 90. City of Houston
 91. City of Irving
 92. City of Killeen
 93. City of Kingsville
 94. City of Lake Jackson
 95. City of Lewisville
 96. City of McAllen
 97. City of Mercedes
 98. City of Mesquite
 99. City of Midlothian
 100. City of Mont Belvieu
 101. City of North Richland Hills
 102. City of Odessa
 103. City of Plano
 104. City of Richland Hills
 105. City of Robinson
 106. City of Rockport
 107. City of San Angelo

108. City of Seadrift
109. City of Stephenville
110. City of Sugar Land
111. City of Sulphur Springs
112. City of Sweetwater
113. City of Taylor Lake Village
114. City of Temple
115. City of The Colony
116. City of Tyler
117. City of Vernon
118. City of Victoria
119. City of Waco
120. City of Watauga
121. City of Waxahachie
122. City of Wichita Falls
123. Housing Authority of the City of Harlingen dba Harlingen Housing Authority
124. Johnson County Special Utility District
125. South Texas Water Authority
126. Town of Flower Mound

**ELECTRIC RELIABILITY COUNCIL OF TEXAS, INC.
MEMBERSHIP APPLICATION AND AGREEMENT FOR MEMBERSHIP YEAR 2020**

This Membership Application and Agreement for Membership Year 2020 (Agreement) is made and entered into by and between Electric Reliability Council of Texas, Inc. (ERCOT) and City of Ovilla (Applicant). In consideration of the mutual covenants contained herein Applicant hereby submits its application for ERCOT Membership (Membership) and agrees to be bound by the obligations of Membership as further described herein and the ERCOT Bylaws. ERCOT will review this application and will provide Member services and benefits described herein, subject to the terms and conditions of this Agreement and the ERCOT Bylaws, provided that Applicant meets the requirements to become an ERCOT Member (Member). This Agreement shall be effective as of the date that ERCOT provides written notice approving this application for Membership Year 2020 (Effective Date).

Capitalized terms that are not defined in this Agreement shall have the meaning as defined in the ERCOT Bylaws, as amended from time to time.

A. Membership Application Information.

1. Legal Name of Applicant.

Provide full corporate name and, if applicable, assumed "doing business as" name, of Applicant applying for Membership.

City of Ovilla

2. Type of Membership.

Select **ONE** of three available types of Membership below (that is, Corporate, Associate or Adjunct).

Members who are Affiliates (as defined in the ERCOT Bylaws) may hold only one Corporate Membership among such Members.

Other applicants applying for additional ERCOT Memberships, such as an Associate Membership, must use a separate Agreement for each Membership.

The applicable Annual Member Dues listed below for each Membership type provide Corporate Members with voting rights pursuant to the ERCOT Bylaws and entitle Members to services ERCOT provides such as hosting ERCOT meetings, providing Members with necessary information and such other Member services as ERCOT may from time to time offer.

- Corporate.** Voting. \$2,000 per Membership Year (except Residential and Commercial Consumer Members' Annual Member Dues are \$100 per Membership Year). Corporate Membership includes the right to vote on matters submitted to the general Membership, such as election of Board Directors, election of Technical Advisory Committee (TAC) Representatives and TAC subcommittees, and amendments to the Certificate of Formation (formerly known as the Articles of Incorporation) and the ERCOT Bylaws.

Residential Consumer Members do not elect a Director to represent the Residential Consumer interests as the Public Counsel is mandated to represent these interests as an *ex officio* Director on the Board. The Office of Public Utility Counsel (OPUC) and the appointed Residential Consumer TAC Representative shall be eligible to be Corporate Members without the payment of Annual Member Dues.

- Associate.** Non-voting. \$500 per Membership Year (except Residential and Commercial Consumer Members' Annual Member Dues are \$50 per year). Associate Membership does not provide any voting rights for matters submitted to the general Membership. However, an Associate Member may be elected by Corporate Members to serve as a voting member of the Board, TAC or a TAC subcommittee.

- Adjunct.** Non-voting. \$500 per Membership Year. Applicants not meeting the Segment requirements for Membership may join as Adjunct Members upon Board approval. Adjunct Membership does not provide any voting rights for matters submitted to the general Membership nor any right to be elected or appointed to the Board, TAC or a TAC subcommittee. Adjunct Members shall be bound by the same obligations as other Members.

3. **Payment of Annual Member Dues.**

The applicable Annual Member Dues must be paid and delivered to ERCOT by the Record Date, as determined pursuant to the ERCOT Bylaws and defined in Section B.3. below, in order for the Member to participate in the elections for the Membership Year 2020. Checks shall be made payable to ERCOT and mailed to ERCOT, Attention: Treasury Department, 7620 Metro Center Drive, Austin, Texas 78744. Contact ERCOT at membership@ercot.com for wire instructions.

4. **Segment Eligibility.**

Check **ONE** Segment designation, as further described in the ERCOT Bylaws, for which Applicant believes in good faith that Applicant is eligible.

Consumer. Any entity meeting the definition for Residential Consumers, Commercial Consumers or Industrial Consumers as set forth in the ERCOT Bylaws.

Check **ONE** Subsegment designation:

- Residential Consumer.** The appointed Board Director representing residential consumer interests, an organization or agency representing the interests of residential consumers in the ERCOT Region, or the Residential Consumer TAC Representative.
- Small Commercial Consumer.** A commercial consumer having a peak demand of 1000 KW or less (or an organization representing such consumers).
- Large Commercial Consumer.** A commercial consumer having a peak demand greater than 1000 KW.
- Industrial Consumer.** An industrial consumer with at least one meter with average monthly demand greater than 1 megawatt consumed within the ERCOT Region engaged in an industrial process.

An entity applying for ERCOT membership as a Residential Consumer, Small Commercial Consumer or Large Commercial Consumer is ineligible if that entity has interests in the electric industry in any other capacity than as an end-use consumer or represents the interests of another entity that has interests in the electric industry in any other capacity than as an end-use consumer.

The three Consumer Directors of the Board have the right to determine Applicant eligibility in the Residential and Commercial Subsegments as provided in the ERCOT Bylaws.

Cooperative. An Entity operating in the ERCOT Region that is:

- (i) A corporation organized under Chapter 161 of the Texas Utilities Code or a predecessor statute to Chapter 161 and operating under that chapter;
- (ii) A corporation organized as an electric cooperative in a state other than Texas that has obtained a certificate of authority to conduct affairs in the State of Texas;

- (iii) A cooperative association organized under Chapter 251 of the Texas Business Organizations Code or a predecessor to that statute and operating under that statute; or
- (iv) A River Authority as defined in Tex. Water Code §30.003.

Independent Generator. Any entity that is not a Transmission and Distribution Entity (T&D Entity) or an Affiliate of a T&D Entity and that (i) owns or controls generation of at least 10 MW in the ERCOT Region; or (ii) is preparing to operate and control generation of at least 10 MW in the ERCOT Region, and has approval of the appropriate governmental authority, has any necessary real property rights, has given the connecting transmission provider written authorization to proceed with construction and has provided security to the connecting transmission provider.

Independent Power Marketer. Any entity that is not a T&D Entity or an Affiliate of a T&D Entity and is registered at the Public Utility Commission of Texas (PUCT) as a Power Marketer to serve in the ERCOT Region.

Independent Retail Electric Provider (REP). Any entity that is certified by the PUCT to serve in the ERCOT Region as a Retail Electric Provider under PURA §39.352 and that is not an Affiliate of a T&D Entity.

Aggregator. For purposes of Segment classification, an aggregator may register to participate in this Segment if unable to qualify in any other Segment.

Investor-Owned Utility.

- (i) An investor-held, for-profit "electric utility" as defined in PURA §31.002(6) that:
 - (a) Operates within the ERCOT Region;
 - (b) Owns 345 kV interconnected transmission facilities in the ERCOT Region;
 - (c) Owns more than 500 pole miles of transmission facilities in the ERCOT Region; or
 - (d) Is an Affiliate of an entity described in (a), (b) or (c); or
- (ii) A public utility holding company of any such electric utility.

Municipal. An entity operating in the ERCOT Region that owns or controls transmission or distribution facilities, owns or controls dispatchable generating facilities, or provides retail electric service and is either:

- (i) A municipally owned utility as defined in PURA §11.003 or
- (ii) A River Authority as defined in Tex. Water Code §30.003.

5. Identification of Applicant's Designated Representative and Designated Representative Alternate.

a. Designated Representative.

ERCOT requires Applicant to designate an official representative in order for ERCOT to conduct ERCOT's corporate business (that is, for ERCOT to provide notice to each of its Members and for Members to participate and/or vote at Membership meetings, as applicable). Applicant identifies its designated representative for required notices to ERCOT Members, participation in meetings of the Corporate Members and voting issues, as applicable, as follows:

Name: Richard A. Dormier
Title: Mayor
Address: 105 S. Cockrell Hill Road
City, State, Zip: Ovilla, TX 75154
Phone: 972-617-7262
Email: mayordormier@cityofovilla.org

b. Designated Representative Alternate.

In the event that ERCOT is unable to contact Applicant's designated representative for any reason after reasonable attempts, Applicant identifies a designated representative alternate to receive required notices to ERCOT Members and to participate in meetings of the Corporate Members and voting issues, as applicable, as follows:

Name: Pamela Woodall
Title: City Secretary
Address: 105 S. Cockrell Hill Road
City, State, Zip: Ovilla, TX 75154
Phone: 972-617-7262
Email: pwoodall@cityofovilla.org

6. Identification of Other Members who are Affiliates of Applicant.

Applicant identifies other ERCOT Memberships held by Applicant or Affiliates of Applicant, if any (attach extra pages if necessary) as:

(a) Member name: _____
Segment: _____

(b) Member name: _____
Segment: _____

(c) Member name: _____
Segment: _____

B. Membership Agreement.

1. **Membership.** Any entity that qualifies for any of the Segment definitions set forth in the ERCOT Bylaws is eligible for Membership. Members must be an organization that either operates in the ERCOT Region or represents consumers within the ERCOT Region as provided in the ERCOT Bylaws. Members may join as a Corporate, Associate or Adjunct Member subject to the criteria set forth in the ERCOT Bylaws. Applicants must apply for Membership through an authorized officer or agent.

2. **Term.** The Membership Year 2020 begins on January 1, 2020, and ends on December 31, 2020. The term of this Agreement begins on the Effective Date and ends on December 31, 2020.

3. **Record Date.** The record date for Membership Year 2020 is Friday, November 8, 2019 (Record Date). Only applicants who have been approved as Corporate Members for Membership Year 2020 as of the Record Date shall be eligible to cast votes at the Annual Membership Meeting on December 10, 2019, including votes to confirm the 2020 ERCOT Board of Directors who serve from January 1, 2020, through December 31, 2020.

4. **Membership Dues.** Annual Member Dues are provided in the ERCOT Bylaws. Any change in or waiver of Annual Member Dues must be approved pursuant to the procedures set forth in the ERCOT Bylaws. Any change in Member Dues for a particular category of Members shall automatically become effective as to all ERCOT Members without the necessity of amending this Agreement.

All Memberships must be renewed annually. Annual Member Dues renewals shall be due by the Record Date for the annual membership meeting. Annual Member Dues will not be prorated.

Any Applicant may request that the Member's Annual Member Dues be waived for good cause shown.

5. **Application for Membership.** Applicant must submit the following items in order to apply for Membership:

- (i) Payment of the applicable Annual Member Dues; and
- (ii) A copy of this Agreement, signed by an authorized representative of Applicant.

Upon receipt of payment and a signed copy of this Agreement, ERCOT will promptly notify Applicant of Membership status in writing, whether approved or not.

6. Change of Designated Representative or Designated Representative Alternate. All ERCOT Members shall maintain current contact information on file with ERCOT for their designated representative and designated representative alternate. An ERCOT Member may change its designated representative or designated representative alternate at any time by written request of a duly authorized representative of the ERCOT Member submitted to the ERCOT Legal Department at membership@ercot.com.

7. Changes in Affiliates. All ERCOT Members are required to notify ERCOT of any changes in their Affiliates in accordance with the ERCOT Bylaws.

8. Suspension and Expulsion. All ERCOT Members shall abide by the ERCOT Bylaws, as they may be amended from time to time, and any other rule or regulation duly adopted by the Board of Directors. Any ERCOT Member, who violates any provision of this Agreement, the ERCOT Bylaws, or any other rule or regulation duly adopted by the Board of Directors, may be reprimanded, suspended, and/or expelled in accordance with procedures adopted by the Board of Directors or set forth in the ERCOT Bylaws. Such action will affect all entities deriving Membership privileges through such ERCOT Member. Suspension and expulsion are cumulative and non-exclusive remedies that may be pursued against Applicant or any other ERCOT Member in addition to any other remedy available under the Standard Form Market Participant Agreement, any other agreement executed by the ERCOT Member, or any other applicable statutes, laws, rules, or regulations.

9. Amendment. This Agreement may be amended, modified, superseded, canceled, renewed, or extended and the terms and conditions hereof may be waived only by a written instrument executed by both parties hereto or, in the case of a waiver, by the party waiving compliance.

10. Governing Law. This Agreement shall be governed by and construed and interpreted in accordance with the laws of the State of Texas that apply to contracts executed in and performed entirely within the State of Texas, without reference to any rules of conflict of laws. Parties consent to the exclusive jurisdiction of Texas.

IN WITNESS WHEREOF, Applicant certifies that:

- (i) Applicant meets the requirements for ERCOT Membership in the Segment designated herein;
- (ii) All information provided herein is true and correct to the best of Applicant's knowledge; and
- (iii) The signatory for Applicant is a representative authorized by Applicant with authority to bind Applicant contractually;
- (iv) Through the signature of its authorized representative below, Applicant agrees to be bound by the terms of this Agreement, the ERCOT Bylaws, applicable ERCOT Protocols, and any other requirements duly adopted by the Board of Directors or required by the Public Utility Commission of Texas or applicable law.

APPLICANT

Ovilla

By: _____

Printed Name: Richard A. Dormier

Title: Mayor

Date: October 15, 2019

10.15.2019

Consent Item C5

To
Honorable Mayor
and Council

Comments:

From
Staff

BACKGROUND AND JUSTIFICATION:

This FY19 Local Projects Grant is offered by the North Central Texas Trauma Regional Advisory Council, Inc., (NCTTRAC). It allows the Ovilla Fire Department to acquire a manikin "Little Anne QCPR" for training. This transfer agreement is at no cost for the duration of 10-years for the manikin and 5-years for the computer associated equipment.

CC
Chief Kennedy

If prior to the expiration of this equipment, it becomes inoperable, Ovilla may request disposition instructions and replacement equipment – at no cost.

Re
NCTTRAC Grant

NCTTRAC Grant agreement is attached.

STAFF RECOMMENDATION:

Staff is seeking Council's approval to allow the Mayor's execution of this NTTRAC Distribution and Implementation Grant/agreement.

City of Ovilla

Tel 972-617-7262

105 S. Cockrell Hill Road
Ovilla, Texas 75154

www.cityofovilla.org



ASSET TRANSFER, ASSIGNMENT AND ASSUMPTION AGREEMENT

THIS ASSET TRANSFER, ASSIGNMENT AND ASSUMPTION AGREEMENT (“Agreement”) is made and entered into as of _____, 2019, by and between NORTH CENTRAL TEXAS TRAUMA REGIONAL ADVISORY COUNCIL, INC. (“NCTTRAC”), and _____ (“Agency”).

RECITALS

WHEREAS, Agency may be a member or non-member of NCTTRAC;

WHEREAS, Agency is involved in (i) regional trauma, acute, and emergency healthcare system development and improvement activities; (ii) the Hospital Preparedness Program (“HPP”); and or (iii) the Healthcare Coalition (“HCC”), which supports emergency preparedness and response;

WHEREAS, Agency desires to receive certain assets with respect to Agency’s participation in the HCC;

WHEREAS, NCTTRAC desires to assign, transfer, and deliver, on a temporary or permanent basis, such assets to Agency associated with Agency’s participation in the HCC; and

WHEREAS, NCTTRAC and Agency desire to memorialize their agreement to transfer assets and certain other related matters as set forth in this Agreement.

NOW, THEREFORE, in consideration of the foregoing premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

ARTICLE I TRANSFERRED ASSETS

1.1 Transferred. Subject to the terms of any applicable underlying agreements between NCTTRAC and the Agency, NCTTRAC hereby assigns and transfers to Agency all of its rights, title and interest to the equipment, supplies, products, materials, and assets, which are described in the Record of Transferred Assets attached hereto as Exhibit A (the “Transferred Assets”) in consideration of Agency assuming, as of the Effective Date and thereafter, all liabilities, responsibilities and obligations associated with such Transferred Assets. Agency hereby accepts such assignment and transfer of the Transferred Assets as of the Effective Date (defined below).

1.2 Assignment of Assets. NCTTRAC hereby assigns, transfers, and delivers to Agency and Agency hereby obtains from NCTTRAC the Transferred Assets until such Transferred Assets are returned, if ever, to NCTTRAC subject to the terms of any applicable underlying agreements between NCTTRAC and the Agency; provide however, Agency shall not sell, assign, transfer, convey or deliver the Transferred Assets to a third party, or dispose of the Transferred Assets, without NCTTRAC’s prior written consent.

1.3 Assumed Liabilities and Obligations. NCTTRAC assigns to Agency, and Agency hereby assumes and agrees to pay, satisfy, perform and discharge, all of the obligations and liabilities relating to the Transferred Assets arising at any time on or after the Effective Date (collectively, the “Assumed Liabilities”).

1.4 Additional Obligations of Agent. Agency agrees to maintain adequate insurance to cover the loss, theft, destruction, damage, or replacement of any of the Transferred Assets. Costs incurred by NCTTRAC or the respective HCC, as applicable, including any and all legal costs, in the recovery of the Transferred Assets will be paid by the Agency. Agency is responsible for reporting to the State the disposition of the Transferred Assets in accordance with NCTTRAC standard operating procedures. Agency will report the status of the Transferred Assets through use of the State's GC-11 Inventory Form. Such Transferred Assets shall be made available for inspection and audit to NCTTRAC, the Department of State Health Services, and/or federal personnel, as applicable, to ascertain subcontractor compliance with the Department of Health and Human Services, Office of the Assistant Secretary for Preparedness and Response program requirements (the "Program Requirements"). Agency's non-compliance with these Program Requirements may be cause for termination of this Agreement as provided below

1.5 Representations and Warranties of Agency. Agency hereby represents and warrants that it is not currently excluded, debarred, suspended, limited, or under probation with respect to, or otherwise ineligible to participate in, any federal or state healthcare program, or NCTTRAC programs and agrees that the foregoing representation and warranty shall remain true and correct throughout the duration of this Agreement.

ARTICLE II TERM, TERMINATION AND INDEMNITY

2.1 Term and Termination. The term of this Agreement will commence on the signatory date and continue in full force unless terminated as provided herein. Either party may terminate this Agreement upon providing at least thirty (30) days prior written notice of the intended date of termination. This Agreement may be terminated immediately by NCTTRAC should Agency breach a material term of this Agreement and fails to cure such breach within thirty (30) days of NCTTRAC providing notice of such breach. Upon request by NCTTRAC, termination of the Agreement by NCTTRAC, or the Agency requires the timely return of HPP-associated funds and Transferred Assets to NCTTRAC.

2.2 Indemnity. TO THE EXTENT PERMITTED BY APPLICABLE LAW, ALL OF THE TRANSFERRED ASSETS ARE PROVIDED BY NCTTRAC TO AGENCY ON AN "AS IS" AND "AS AVAILABLE" BASIS, WITHOUT REPRESENTATIONS OR WARRANTIES OF ANY KIND, EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO: (1) IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, TITLE AND NON-INFRINGEMENT; (2) ANY WARRANTY REGARDING THE FUNCTIONALITY, CORRECTNESS, ACCURACY, RELIABILITY, OPERATION, USE OR PERFORMANCE OF THE TRANSFERRED ASSETS; (3) ANY WARRANTY THAT DEFECTS WILL BE CORRECTED OR THAT THE TRANSFERRED ASSETS WILL BE IN WORKING ORDER, UNINTERRUPTED, SECURE, OR FREE OF ERRORS; AND (4) ANY IMPLIED WARRANTIES ARISING FROM COURSE OF DEALING OR COURSE OF PERFORMANCE. NCTTRAC SHALL NOT BE LIABLE FOR ANY CLAIMS OR DAMAGES TO AGENCY OR ANYONE ARISING OUT OF OR RELATING TO ANY TRANSFERRED ASSETS PROVIDED AND/OR SERVICES PERFORMED IN CONNECTION WITH THE TRANSFERRED ASSETS. AGENCY SHALL INDEMNIFY AND HOLD HARMLESS NCTTRAC, AND ALL OF ITS PARENT ENTITIES, SISTER ENTITIES, SUBSIDIARIES AND OTHER AFFILIATES AND ALL OF ITS AND THEIR RESPECTIVE OFFICERS, DIRECTORS, EMPLOYEES, OWNERS, MEMBERS, SHAREHOLDERS, PARTNERS, AGENTS, REPRESENTATIVES, SUCCESSORS AND ASSIGNS, FROM AND AGAINST ALL CLAIMS, ACTIONS, CAUSES OF ACTION, SUITS, LIABILITIES, LOSSES, DAMAGES, COSTS AND EXPENSES, INCLUDING, WITHOUT LIMITATION, REASONABLE ATTORNEYS' FEES AND COURT COSTS

(COLLECTIVELY, "LIABILITIES"), TO THE EXTENT ARISING FROM OR RELATED IN ANY WAY TO (I) THE TRANSFERRED ASSETS OR THE OWNERSHIP, SELECTION, POSSESSION, LEASING, RENTING, OPERATION, CONTROL, USE, MAINTENANCE, DELIVERY, RETURN OR OTHER DISPOSITION OF THE TRANSFERRED ASSETS, (II) ANY BREACH OR VIOLATION BY AGENCY OF THIS AGREEMENT, OR (III) ANY NEGLIGENCE OR WILLFUL MISCONDUCT BY AGENCY OR ANY OF ITS EMPLOYEES, AGENTS OR OTHER REPRESENTATIVES, OR ANY ACTIONS OR OMISSIONS OF AGENCY OR ANY OF ITS EMPLOYEES, AGENTS OR OTHER REPRESENTATIVES. THIS SECTION SHALL SURVIVE THE EXPIRATION OR EARLIER TERMINATION OF THIS AGREEMENT.

2.3 Effective Date. The "Effective Date" of the Transferred Assets shall be the date Agency receives the Transferred Assets from NCTTRAC.

ARTICLE III MISCELLANEOUS PROVISIONS

3.1 Assignment. This Agreement shall not be assignable by either party except with the prior express written consent of the other party, which shall be in the sole discretion of such other party to grant or withhold.

3.2 Binding Effect. This Agreement shall be binding upon and inure to the benefit of the heirs, successors and permitted assigns of each party hereto.

3.3 Entire Agreement. This Agreement, including the schedules and exhibits hereto, constitute the entire agreement of the parties with respect to the subject matter hereof and supersede all prior oral or written representations, warranties and agreements between the parties with respect to the subject matter hereof and thereof.

3.4 Amendment. This Agreement may be amended, supplemented or modified at any time, but only by a written instrument duly executed by NCTTRAC and Agency, which amendment shall be effective as of the date specified therein.

3.5 Governing Law. This Agreement shall be construed, and the rights and liabilities of the parties hereto determined, in accordance with the internal laws of the State of Texas; provided, however, that the conflicts of law principles of the State of Texas shall not apply to the extent that they would operate to apply the laws of another state.

3.6 Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be deemed to be an original and all of which together shall be deemed to be one and the same instrument.

[signatures on following page]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the Effective Date.

NCTTRAC:

North Central Texas Trauma Regional Advisory Council, Inc.

By: _____
Its: _____

AGENCY:

By: _____
Its: _____



NCTTRAC Distribution & Implementation Plan – FY19 Local Projects Grant (LPG)

- I. Goals** – FY19 LPG funded equipment shall support the following program goals:
 - A. Provide Little Anne QCPR manikin with SkillGuide feedback device to pre-hospital medical providers in TSA-E
 - B. Support, reinforce and enhance the training of quality rescuer and bystander CPR
 - C. Evaluate program effectiveness through the acquisition of data from participating agencies
- II. Description / Distribution of Asset**
 - A. The Little Anne QCPR manikin and SkillGuide feedback device is a professional grade, portable, ruggedized instrument that allows an instructor to monitor up to six learners at the same time from the palm of their hand.
 - B. Little Anne QCPR manikins will be distributed to all EMS provider agencies with a DSHS approved license to operate in TSA-E.
 - C. Each EMS provider agency will receive one (1) Little Anne QCPR manikin and one (1) feedback device (SkillGuide) on a first come first serve basis.
 - D. Each receiving agency shall complete and sign a *NCTTRAC Property Transfer Form* prior to receipt.
 - E. Contact Robert Pignatelli at Logistics@ncttrac.org or call (817) 607-7005 or 7013 to schedule pick-up.
 - F. Surplus manikins shall be distributed to qualified recipients per EMS Committee recommendation and subsequent NCTTRAC Board of Directors approval.
 - G. Receiving agencies shall work directly through the manufacturer for replacement or repair of damaged or malfunctioning equipment. Please see attached manufacturer warranty information.
 - H. Receiving/accepting agencies shall participate and/or provide data on a periodic or as needed basis as requested by NCTTRAC staff to demonstrate program effectiveness.

III. Asset Disposition

If prior to the end of the useful life (10 years for the manikin and 5 years for the computer from date of receipt), the Little Anne QCPR and/or associated equipment is no longer needed or becomes inoperable, the receiving agency shall request asset disposition approval and instructions in writing from NCTTRAC.

IV. Limitations to Possession of Asset

The Little Anne QCPR training manikins and associated equipment are primarily intended for use by EMS provider agencies in TSA-E within the scope and limits of this program. By signing below I understand and agree to comply with the requirements of this program as stated herein.

Signature	/	Position	/	Title
Printed Name	Date of Receipt			
<hr/> For NCTTRAC Use Only <hr/>				
NCTTRAC Logistics Staff				

ENGLISH

Dear Customer,

We thank you for having bought this Laerdal Medical product and hope you will be happy with it. In the event that your Laerdal Medical product needs warranty service, please contact Laerdal Medical or the Authorized Dealer from whom it was purchased. In order to avoid any unnecessary inconvenience on your part, we suggest reading the Directions for Use carefully before contacting Laerdal Medical or an Authorized Dealer.

Your warranty

By this limited warranty, Laerdal Medical warrants to the customer that the product is free from defects in materials and workmanship for a period of one (1) year from the date of its original purchase or a time period otherwise noted in the product Directions for Use. Following this designated one (1) year period of warranty, the product proves defective due to "impair of materials or workmanship, Laerdal Medical/Authorized Service Centers or Authorized Dealers will without charge for labor or parts, repair or replace for Laerdal Medical's discretion, replace the product or its defective parts upon the terms and conditions set out below. Laerdal Medical reserves the right (at its sole discretion) to replace spare parts or defective products or to replace low cost products with either new or refurbished spare parts or products.

Conditions

1. This warranty will be granted only when the original invoice or sales receipt (indicating the date of purchase, product type and dealer's name) is presented together with the defective product. Laerdal Medical reserves the right to refuse free-of-charge warranty service if the above documentation/information cannot be presented or if the information contained in it is incomplete or illegible.
2. This warranty will not reimburse nor cover the damage resulting from adaptations or adjustments which may be made to the product, without the prior written consent of Laerdal Medical, in order to conform to the national or local technical or safety standards in force in any country other than the ones for which the product was originally designed and manufactured.
3. This warranty will not apply if the type or serial number on the product has been altered, deleted, removed or made illegible.

4. This warranty covers none of the following:

- a. Periodic maintenance and repair or replacement of parts due to normal wear and tear;
- b. Any alteration or change to upgrade the product from its normal purpose as described in the Directions for Use, without the prior written consent of Laerdal Medical;
- c. Transport costs, home service, freight cost and all kinds of expenses relating directly or indirectly to the warranty of the product;
- d. Bottles, cylinders, tank, pack, clothing, fuses, normal wear and tear, staining, discolouration or other cosmetic damage which does not impede or degrade product performance;
- e. Damage resulting from:
 - i. Misuse, handling but not limited to:
 - a) failure to use the product for its intended use or in accordance with Laerdal Medical's instructions on the proper use and maintenance and
 - b) installation or use of the product in a manner inconsistent with the technical or safety standards in force in the country where it is used and

(c) improper or incorrect installation of surfaces;

2. Repairs done by non-authorized Service Centers or Dealers, or the customer himself;

3. Accidents, lightning, water, fire, improper ventilation or any cause beyond the control of Laerdal Medical;

4. Defects of the system into which this product is incorporated.

5. This warranty does not affect the customer's statutory rights under applicable national laws in force, nor the customer's rights against the seller arising from their sales/buying contract.

Laerdal Medical AS
Postboks 1000
N-3000 Fredrikstad
Norway
Phone: +47 36 30 00 00
Fax: +47 36 30 00 01

English

Spanish

Italian

French

Portuguese

German

Dutch

Norwegian

Swedish

Danish

Finnish

Japanese

Korean

Chinese

Polish



www.laerdal.com

10.15.2019

Consent Item C6

To
Honorable Mayor
and Council

Comments:

From
Staff

BACKGROUND AND JUSTIFICATION:

The City last updated their IBC and other codes in 2016, adopting all 2012 codes except the NEC - adopting 2011 for NEC.

CC
Code/PW

Ordinance 2019-21 of the City of Ovilla, Texas will adopt the 2015 International Fire Code with 2015 North Central Texas Council of Governments ("COG") Amendments, 2015 International Building Code with 2015 COG Amendments, 2015 International HVAC/Mechanical Code with 2015 COG Amendments, 2015 International Residential Code with 2015 COG Amendments, 2015 International Plumbing Code with 2015 COG Amendments, 2015 Fuel Gas Code with 2015 COG Amendments, and the 2014 National Electrical Code with 2014 COG Amendments.

Re
IBC and Codes
Updates

Code Officer M. Dooly conducted a survey of the surrounding cities – attached.
Ordinance 2019-21 is attached for consideration.

STAFF RECOMMENDATION:

Staff recommends approval of Ordinance 2019-21.

City of Ovilla

Tel 972-617-7262

105 S. Cockrell Hill Road
Ovilla, Texas 75154

www.cityofovilla.org



Current Codes adopted by surrounding municipalities:

Municipality	IBC Building	IRC Residential	NEC Electrical
Cedar Hill	2015	2015	2014
Crandall	2009	2009	2011
Dallas	2015	2015	2017
DeSoto – commercial	2018	2018	2011
DeSoto – residential	2012	2018	2011
Ferris	2015	2015	2017
Lancaster	2012	2015	2017
Maypearl	2009	2009	2011
Midlothian	2015	2015	2014
Red Oak	2012	2012	2014
Waxahachie	2018	2018	2017

ORDINANCE 2019-21

AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, ADOPTING THE 2015 INTERNATIONAL FIRE CODE WITH 2015 NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS ("COG") AMENDMENTS, 2015 INTERNATIONAL BUILDING CODE WITH 2015 COG AMENDMENTS, 2015 INTERNATIONAL HVAC/MECHANICAL CODE WITH 2015 COG AMENDMENTS, 2015 INTERNATIONAL RESIDENTIAL CODE WITH 2015 COG AMENDMENTS, 2015 INTERNATIONAL PLUMBING CODE WITH 2015 COG AMENDMENTS, 2015 FUEL GAS CODE WITH 2015 COG AMENDMENTS, AND 2014 NATIONAL ELECTRICAL CODE WITH 2014 COG AMENDMENTS; PROVIDING FOR THE MODIFICATION OF CODES TO INCORPORATE LOCAL AMENDMENTS; PROVIDING FOR RECORDING OF THE CODES AS A PUBLIC RECORD; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS, AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City Council has previously adopted the 2012 International Fire Code with 2012 COG amendments, 2012 International Building Code with 2012 COG amendments, 2012 International HVAC/Mechanical Code with 2012 COG amendments, 2012 International Residential Code with 2012 COG amendments, 2012 International Plumbing Code with 2012 COG amendments, 2012 Fuel Gas Code with 2012 COG amendments, and 2011 International Electrical Code with 2011 COG amendments for the purpose of regulating development within the City of Ovilla; and

WHEREAS, the City Council now desires to update the above codes and to adopt certain local amendments to meet the needs of the City.

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

SECTION 1.

That the following Articles in Chapter 153, Other Codes Adopted are hereby repealed:

§3.02.111	-	2011 Edition National Electric Code w/2011 COG Amendments
§3.02.161	-	2012 Edition International Plumbing Code w/2012 COG Amendments
§3.02.221	-	2012 Edition International HVAC Mechanical Code w/2012 COG Amendments
§3.02.331	-	2012 Edition International Fuel Gas Code w/2012 COG Amendments
§3.02.051	-	2012 Edition International Building Code w/2012 COG Amendments
§5.04.002	-	2012 Edition International Fire Code w/2012 COG Amendments

SECTION 2.

That the sections specified herein and other local adopted of the Code of Ordinances shall now read as follows:

The **2015 Edition** of the International Fire Code with 2015 COG Amendments is hereby adopted as the official fire code of the City of Ovilla, Texas, and is fully incorporated by reference as though copied into this ordinance in its entirety. The material contained in such code shall not be included in the formal municipal codification of ordinances but shall be maintained as a public

ORDINANCE 2019-21

record in the office of the City Secretary and will be available for public inspection and copying during regular business hours.

SECTION 3.

The **2015 Edition** of the International Fire Code with 2015 COG Amendments is hereby amended by the adoption of those local amendments shown on Exhibit "A" attached hereto and incorporated by reference.

SECTION 4.

The **2015 Edition** of the International Building Code with 2015 COG Amendments is hereby adopted as the official building code of the City of Ovilla, Texas, and is fully incorporated by reference as though copied into this ordinance in its entirety. The material contained in such code shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record in the office of the City Secretary and will be available for public inspection and copying during regular business hours.

SECTION 5.

The **2015 Edition** of the International Building Code with 2015 COG Amendments is hereby amended by the adoption of those local amendments shown on Exhibit "B" attached hereto and shall be incorporated into the Ovilla Code of Ordinances.

SECTION 6.

The **2015 Edition** of the International HVAC/Mechanical Code with 2015 COG Amendments is hereby adopted as the official HVAC/mechanical code of the City of Ovilla, Texas, and is fully incorporated by reference as though copied into this ordinance in its entirety. The material contained in such code shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record in the office of the City Secretary and will be available for public inspection and copying during regular business hours.

SECTION 7.

The **2015 Edition** of the International HVAC/Mechanical Code with 2015 COG Amendments is hereby amended by the adoption of those local amendments shown on Exhibit "C" attached hereto and incorporated by reference.

SECTION 8.

The **2015 Edition** of the International Residential Code is hereby adopted as the official residential code of the City of Ovilla, Texas, and is fully incorporated by reference as though copied into this ordinance in its entirety. The material contained in such code shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record in the office of the City Secretary and will be available for public inspection and copying during regular business hours.

SECTION 9.

The **2015 Edition** of the International Residential Code with 2015 COG Amendments is hereby amended by the adoption of those local amendments shown on Exhibit "D" attached hereto and incorporated by reference.

ORDINANCE 2019-21

SECTION 10.

The **2015 Edition** of the International Plumbing Code with 2015 COG Amendments is hereby adopted as the official plumbing code of the City of Ovilla, Texas, and is fully incorporated by reference as though copied into this ordinance in its entirety. The material contained in such code shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record in the office of the City Secretary and will be available for public inspection and copying during regular business hours.

SECTION 11.

The **2015 Edition** of the International Plumbing Code with 2015 COG Amendments is hereby amended by the adoption of those local amendments shown on Exhibit "E" attached hereto and incorporated by reference.

SECTION 12.

The **2015 Edition** of the Fuel Gas Code with 2015 COG Amendments is hereby adopted as the official fuel gas code of the City of Ovilla, Texas, and is fully incorporated by reference as though copied into this ordinance in its entirety. The material contained in such code shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record in the office of the City Secretary and will be available for public inspection and copying during regular business hours.

SECTION 13.

The **2015 Edition** of the Fuel Gas Code with 2015 COG Amendments is hereby amended by the adoption of those local amendments shown on Exhibit "F" attached hereto and incorporated by reference.

SECTION 14.

The **2014 Edition** of the National Electric Code with 2014 COG Amendments is hereby adopted as the official electric code of the City of Ovilla, Texas, and is fully incorporated by reference as though copied into this ordinance in its entirety. The material contained in such code shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record in the office of the City Secretary and will be available for public inspection and copying during regular business hours.

SECTION 15.

The **2014 Edition** of the National Electric Code with 2014 COG Amendments is hereby amended by the adoption of those local amendments shown on Exhibit "G" attached hereto and incorporated by reference.

SECTION 16.

The Local Amendments adopted in this ordinance, although fully adopted and incorporated herein by reference, shall not be included in the formal municipal codification of ordinances. These Local Amendments shall be maintained as a public record in the office of the City Secretary and the building official. These amendments will be available for public inspection and copying during regular business hours. The purpose of maintaining these records separate

ORDINANCE 2019-21

and apart from the municipal codification is to avoid the inclusion of detailed technical construction materials, subject to frequent change, which would unreasonably lengthen the Code.

SECTION 17.

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

SECTION 18.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 19.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined no more than Two Thousand Dollars and no cents (\$2,000.00) for all violations involving zoning, fire safety or public health and sanitation, including dumping or refuse, and shall be fined not more than Five Hundred Dollars and no cents (\$500.00) for all other violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 20.

This ordinance shall be in full force and effect from and after its passage, and it is so ordained.

PASSED AND APPROVED ON THIS _____ DAY OF _____.

ATTEST:

Pamela Woodall, City Secretary

Richard Dormier, Mayor

Ron G. MacFarlane, Jr., City Attorney

ORDINANCE 2019-21

Exhibit "A" Local Amendments to 2015 International Fire Code

1. Ovilla's Residential sprinkler requirement will remain in place. (Chapter 5 and A4.001)

Exhibit "B" Local Amendments to 2015 International Building Code

1. A provision to apply for a fill-dirt/grading plan to be supplied by the property owner, builder or developer of a vacant lot or undeveloped property.
2. Definitions:
 - a. Fill. Deposition of earth materials by artificial means.
 - b. Grading. An excavation or fill or combination thereof.
3. No grading shall be performed without first having obtained a permit therefore from the building official. A grading permit does not include the construction of retaining walls or other structures.
 - a. Permit shall include site plan and any construction plans.
 - b. Permit is valid for 90-days
 - c. A one-time 90-day extension may be granted by the building official.
 - d. Property is to be graded to prevent soil from leaving property and property is to be properly maintained according to *City of Ovilla Article 6.04 Weeds and Brush*.
 - e. All fill dirt is to be Clean Fill as defined herein. Wood, trash, brush or other any foreign debris is not allowed. ("Clean Fill" means natural, non-clay soil or earthen materials consisting of soils, stones or rocks or a combination of these materials.)

Exhibit "C" Local Amendments to 2015 International HVAC/Mechanical Code

1. Ovilla's hard duct requirement will remain. (Section 3.02.273 of the current code)

Exhibit "D" Local Amendments to 2015 International Residential Code

1. There is none specific.

Exhibit "E" Local Amendments to 2015 International Plumbing Code

1. There is none specific.

Exhibit "F" Local Amendments to 2015 Fuel Gas Code

1. There is none specific.

Exhibit "G" Local Amendments to 2014 National Electrical Code

1. There is none specific.

10.15.2019

Consent Item C7

To
Honorable Mayor
and Council

Comments:

From
Staff

BACKGROUND AND JUSTIFICATION:

The Council schedule of meetings and holiday calendar are prepared annually. The holiday calendar is supported by the Personnel Policies Handbook.

CC
All staff

STAFF RECOMMENDATION:

Staff is seeking Council's approval for both.

Re
Meetings/Holiday
Calendar

City of Ovilla

Tel 972-617-7262

105 S. Cockrell Hill Road
Ovilla, Texas 75154

www.cityofovilla.org



FY 2019-2020 Scheduled Council Meetings

Meeting dates may be subject to revision, rescheduling or the calling of a Special Council Meeting should the City Council of Ovilla have the need.

Tuesday, October 15, 2019

Monday, November 11, 2019

Monday, December 09, 2019

Monday, January 13, 2020

Monday, February 10, 2020

Monday, March 09, 2020

Monday, April 13, 2020

Monday, May 11, 2020

General Election – TBD

Canvass Election – TBD

Monday, June 08, 2020

Monday, July 13, 2020

Budget Meetings – TBD

Monday, August 10, 2020

Budget Meetings – TBD

Monday, September 14, 2020



Ovilla City Council Members

Mayor Richard Dormier

Place 1	Rachel Huber
Place 2	Dean Oberg
Place 3	David Griffin
Place 4	Doug Hunt
Place 5	Mike Myers

All City Council meetings are posted and conducted in accordance with the Open Meetings Act, Chapter 551 of the Local Government Code.

2019-2020
Fiscal Year Calendar & Holidays

Columbus Day	Monday	October 14, 2019
Veteran's Day	Friday	November 08, 2019
Thanksgiving Holiday	Thursday Friday	November 28, 2019 November 29, 2019
Christmas Holiday	Tuesday Wednesday	December 24, 2019 December 25, 2019
New Year's Holiday	Wednesday	January 1, 2020
Martin Luther King Day	Monday	January 20, 2020
Presidents' Day	Monday	February 17, 2020
Good Friday (Easter)	Friday	April 10, 2020
Memorial Day	Monday	May 25, 2020
Independence Day Holiday	Friday	July 03, 2020
Labor Day	Monday	September 7, 2020
*Heritage Day	Saturday - proposed	September 26, 2020
Personal Days (3)		

Approved by Council during the **October 15, 2019** Council Meeting
***Not a Holiday-Special Calendar Days**



10.15.2019

Consent Item C8-12

To
Honorable Mayor
and Council

Comments:

From
Staff

CC
Deputy City Secretary

Re
Minutes

BACKGROUND AND JUSTIFICATION:

- C8. Minutes of the August 30, 2019 Special Council Meeting.
- C9. Minutes of the August 26, 2019 Special Council Meeting.
- C10. Minutes of the August 19, 2019 Special Council Meeting.
- C11. Minutes of the August 05, 2019 Special Council Meeting.
- C12. Minutes of the July 22, 2019 Special Council Meeting.

STAFF RECOMMENDATION:

Staff recommends Council's approval

City of Ovilla

Tel 972-617-7262

105 S. Cockrell Hill Road
Ovilla, Texas 75154

www.cityofovilla.org



CITY OF OVILLA MINUTES

Friday, August 30, 2019
Special City Council Meeting
105 S. Cockrell Hill Road, Ovilla, TX 75154

Mayor Dormier called the Special Council Meeting of the Ovilla City Council to order at 4:03 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

Absent: David Griffin Mayor Pro Tem, Place 3

Mayor Dormier announced Council members present, noting the absence of Mayor Pro Tem Griffin, thus, constituting a quorum. City Manager John R. Dean, Jr., department directors and various staff were also present.

CALL TO ORDER

Mayor Dorner gave the Invocation and led the recitation of the Pledge of Allegiance and the Pledge to the Texas Flag.

COMMENTS/PRESENTATIONS/MAYOR ANNOUNCEMENTS

None

EXECUTIVE SESSION

Mayor Dormier announced at 4:05 p.m. that the Council would convene into Executive Session for the following:

Closed Meeting – Called pursuant to Section 551.074 (Personnel Matters) and Section 551.071 (Consultation with Attorney) of the Texas Gov't Code. Deliberate the employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager, and on a matter in which the duty of confidentiality of the City Attorney to the City under the Texas Disciplinary Rules of Professional Conduct clearly conflicts with the provisions of the Texas Open Meetings Act.

A. Reconvene into Regular (Open) Session

Mayor Dormier and Council reconvened into open session at 4:34 p.m. The following action was taken:

PL4 Hunt moved to accept the retirement of John Dean, effective immediately, seconded by PL5 Myers.
PL2 Oberg moved to appoint City Secretary Pam Woodall as Interim City Manager, seconded by PL1 Huber.

No oppositions, no abstentions.

VOTE: The motion to approve carried unanimously: 4-0.

ADJOURNMENT

PL2 Oberg moved to adjourn the meeting, seconded by PL1 Huber. There being no further business, Mayor Dormier adjourned the meeting at 4:36 p.m.

ATTEST:

Richard A. Dormier, Mayor

Pamela Woodall, City Secretary

Approved October 15, 2019

Executive Agenda filed separately.

CITY OF OVILLA MINUTES
Monday, AUGUST 26, 2019
Special City Council Meeting
105 S. Cockrell Hill Road, Ovilla, TX 75154

Mayor Dormier called the Special Council Meeting of the Ovilla City Council to order at 5:30 p.m., with notice of the meeting duly posted. Mayor Dormier made the following public announcement asking all individuals to be cognizant of the two signs at the entrance to the Council Chamber room referencing Sections 30.06 and 30.07 of the *Penal Code*, persons licensed under Subchapter H, Chapter 411, *Government Code* may not enter this property with a concealed handgun nor enter this property with a handgun that is carried openly.

The following City Council Members were present:

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

Mayor Dormier announced Council members present, thus, constituting a quorum. Department directors and various staff were also present. City Manager John Dean was noted absent.

CALL TO ORDER

PL2 Oberg gave the Invocation and Mayor Dormier led the recitation of the Pledge of Allegiance and the Pledge to the Texas Flag.

COMMENTS/PRESENTATIONS/MAYOR ANNOUNCEMENTS

None

CONSENT AGENDA

None

REGULAR AGENDA

ITEM 1. PUBLIC HEARING AND DISCUSSION - A TAX RATE OF \$0.660000 per \$100 valuation proposed by the governing body of the City of Ovilla, with a Maintenance and Operation Rate of \$0.514830 and a debt rate of \$0.118170

PROPOSED TAX RATE	\$0.660000 PER \$100
PRECEDING YEAR'S TAX RATE	\$0.660000 PER \$100
EFFECTIVE TAX RATE	\$0.627600 PER \$100
ROLLBACK TAX RATE	\$0.664315 PER \$100

1. Presentation made by staff.

- a. This was the second required public hearing for the proposed tax rate. No changes were made from last week's public hearing. Mayor Dormier gave a history of Ovilla's tax revenue and discussed the proposed tax rate – indicating that Ovilla's tax rate was on the lower end compared to the surrounding cities. Sales tax and ad valorem revenue was shared. Mayor Dormier gave a brief explanation that sales and ad valorem revenue supported the General Fund. Water and Sewer is a separate revenue source. The M&O rate supports the operations of the city each year and the debt rate pays on the bond debt – Water and Sewer is the only debt of the City currently. Approximately \$750K from fund balance is necessary for

several unanticipated expenditures: Street paving, Water Street Bridge, new police vehicle to replace one that was totaled in an accident.

2. Public Hearing to receive comments from the public on proposed tax rate.
 - a. Mayor Dormier opened the public hearing at 5:44 pm.
 - b. MS Dani Muckleroy, 608 Green Meadows: Commended Council for providing an excellent budget. Few questions:
 - i. The insurance reimbursement for wrecked police vehicle.
 - ii. Will new proposed bond package increase taxes approximately 6 cents?
– Will that impact a roll-back rate?
 - c. Mayor Dormier closed the public hearing at 5:47 pm.

NO ACTION.

EXECUTIVE SESSION

None

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

Mayor –	None
PL1 Huber	None
PL2 Oberg	None
Mayor PT Griffin	Discussion to allocate the fund balance for 664 expansion.
PL4 Hunt	None
PL5 Myers	None

ADJOURNMENT

PL2 Oberg moved to adjourn the meeting, seconded by PL4 Hunt. There being no further business, Mayor Dormier adjourned the meeting at 5:48 p.m.

ATTEST:

Richard A. Dormier, Mayor

Pamela Woodall, City Secretary

Approved October 15, 2019

CITY OF OVILLA MINUTES
Monday, AUGUST 19, 2019
Special City Council Meeting
105 S. Cockrell Hill Road, Ovilla, TX 75154

Mayor Dormier called the Special Council Meeting of the Ovilla City Council to order at 5:30 p.m., with notice of the meeting duly posted. Mayor Dormier made the following public announcement asking all individuals to be cognizant of the two signs at the entrance to the Council Chamber room referencing Sections 30.06 and 30.07 of the *Penal Code*, *persons licensed under Subchapter H, Chapter 411, Government Code may not enter this property with a concealed handgun nor enter this property with a handgun that is carried openly*.

The following City Council Members were present:

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

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

CALL TO ORDER

PL4 Hunt gave the Invocation and PL1 Huber led the recitation of the Pledge of Allegiance and the Pledge to the Texas Flag.

COMMENTS/PRESENTATIONS/MAYOR ANNOUNCEMENTS

None

CONSENT AGENDA

None

REGULAR AGENDA

ITEM 1. PUBLIC HEARING AND DISCUSSION - A TAX RATE OF \$0.660000 per \$100 valuation proposed by the governing body of the City of Ovilla, with a Maintenance and Operation Rate of \$0.514830 and a debt rate of \$0.118170

PROPOSED TAX RATE	\$0.660000 PER \$100
PRECEDING YEAR'S TAX RATE	\$0.660000 PER \$100
EFFECTIVE TAX RATE	\$0.627600 PER \$100
ROLLBACK TAX RATE	\$0.664315 PER \$100

A. Presentation made by staff.

- i. Mr. Dean gave chart comparisons of the tax rate from the previous year; shared expected revenue for the upcoming fiscal year and discussed the ad valorem and tax rate changes. Council agreed to remove the crack-sealer from the proposed budget and purchase that item out of the current budget, so that \$75,500 expense could be used to reduce the tax rate if Council so desired.
- ii. Dallas and Ellis Counties Certified Property Tax Appraisals were reviewed.
- iii. A chart showing approximated 19 local municipalities were listed showing the tax rates of all, with Ovilla being the third lowest.

B. Public Hearing to receive comments from the public on proposed tax rate.

- i. Mayor Dormier opened the public hearing at 6:05 pm.
- ii. There was no one to speak.
- iii. Mayor Dormier closed the public hearing at 6:06 pm.

NO ACTION.

ITEM 2. DISCUSSION/ACTION – Consideration of and action on Resolution R2019-16 approving and calling a bond election for November 05, 2019 and resolving other matters incident and related thereto.

Staff advised the need to bring this item to Council a second time was because the Dallas County Elections office provided incorrect information. The resolution was corrected to reflect that Dallas County voters will have to vote in Dallas County. (Dallas County, like Ellis County is going to countywide poll voting.)

The total amount factors in the cost of bond issuance and placing overhead utility lines along Cockrell Hill Road in front of the site underground.

Proposition A: For constructing, improving and equipping City Hall facilities. \$2.940 million*

Proposition B: Is contingent on the passage of the City Hall proposition that would allow for the renovation, improving and equipping a community center. \$130K*

Proposition C: For constructing, improving and equipping public safety facilities (police station). \$2.220 million*

Proposition D: Is contingent on the passage of the public safety proposition that would allow the City to renovate and equip a public works facility. \$130K*

Proposition E: For constructing, improving and equipping park and recreation facilities. \$680K*

*Denotes amounts that include the cost of issuing the bonds.

The current City levied ad valorem debt service tax rate for its outstanding debt obligation is \$0.126583 per \$100 of taxable assessed valuation. The City estimates an ad valorem debt service tax rate of \$0.1799 per \$100 of taxable assessed valuation if the bonds, subject to the Election is approved and issued.

PL4 Hunt moved to approve Resolution R2019-16 approving and calling a bond election for November 05, 2019 and resolving other matters incident and related thereto, seconded by PL5 Myers.

No oppositions, no abstentions.

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

ITEM 3. DISCUSSION/ACTION – Consideration of and action on a Dallas County November 05, 2019 Joint Contract for Election Services with the City of Ovilla.

As a participating subdivision Council would need to authorize the Dallas County Contract for Election Services. Dallas County is going countywide – as has Ellis County. The Election Code does not allow counties to crossover districts.

PL2 Oberg moved to approve a Dallas County November 05, 2019 Joint Contract for Election Services with the City of Ovilla, seconded by PL4 Hunt.

No oppositions, no abstentions.

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

ITEM 4. **DISCUSSION/ACTION** – Consideration of and action on Resolution R2019-17 of the City Council of the City of Ovilla, Texas, in opposition to any requested variance to the Ellis County Subdivision and Development Standards for any subdivision development in the extraterritorial jurisdiction of the City of Ovilla; in support of the denial for any application for such a variance; and providing an effective date.

PL5 Myers moved to approve Resolution R2019-17 of the City Council of the City of Ovilla, Texas, in opposition to any requested variance to the Ellis County Subdivision and Development Standards for any subdivision development in the extraterritorial jurisdiction of the City of Ovilla; in support of the denial for any application for such a variance; and providing an effective date, seconded by PL2 Oberg. *No oppositions, no abstentions.*

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

EXECUTIVE SESSION

Mayor and Council, City Attorney, City Manager and City Secretary adjourned into Executive Session at 6:13 PM.

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 – Bond Election Matters.

Mayor and Council, City Attorney, City Manager and City Secretary reconvened into Regular/Open Session at 6:26 PM. There was no action taken in Executive Session.

No ACTION.

ADJOURNMENT

PL1 Huber moved to adjourn the meeting, seconded by PL4 Hunt. There being no further business, Mayor Dormier adjourned the meeting at 6:27 p.m.

ATTEST:

Richard A. Dormier, Mayor

Pamela Woodall, City Secretary

Approved October 15, 2019

CITY OF OVILLA MINUTES
Monday, AUGUST 05, 2019
Special City Council Meeting
105 S. Cockrell Hill Road, Ovilla, TX 75154

Mayor Dormier called the Special Council Meeting of the Ovilla City Council to order at 5:32 p.m., with notice of the meeting duly posted. Mayor Dormier made the following public announcement asking all individuals to be cognizant of the two signs at the entrance to the Council Chamber room referencing Sections 30.06 and 30.07 of the *Penal Code, persons licensed under Subchapter H, Chapter 411, Government Code may not enter this property with a concealed handgun nor enter this property with a handgun that is carried openly.*

The following City Council Members were present:

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

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

CALL TO ORDER

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

COMMENTS/PRESENTATIONS/MAYOR ANNOUNCEMENTS

None

CONSENT AGENDA

None

REGULAR AGENDA

Mayor Dormier moved the order of the agenda to address Item 2 on the Regular Agenda first.

ITEM 2. DISCUSSION/ACTION – Authorize staff to solicit bids for Sanitary Sewer improvements.

City Engineer Robert Stengele was present to assist Council and staff with clear understanding of the presented construction drawings for the Main Street Sanitary Sewer Improvements. This project was to begin a sewer line from Main Street to the Founders Park and city facilities.

PL2 Oberg moved to authorize staff to move forward with the bid process for the Main Street Sanitary Sewer improvements, seconded by PL5 Myers.

No oppositions, no abstentions.

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

Mayor Dormier returned to the regular order of the Agenda.

ITEM 1. DISCUSSION/ACTION – Review of the proposed Fiscal Year 2019-2020 Budget, discuss the preliminary determination of the tax rate, and direct staff as necessary.

City Manager John Dean gave the following information:

- The current tax rate in Ovilla is \$0.66000.
- The rate for the proposed revenue for the FY 2020 budget would need to be \$0.653140.
- This rate is above the effective rate (\$0.627600) and below the rollback rate (\$0.664315).

- Maintaining the \$0.66 rate would generate approximately an additional \$27,500 in revenue over the staff recommended rate of \$0.653140.

Public Works Director Mike Collard advised Council of the many Public Works needs assessments he has encountered in his few short weeks with Ovilla – advising the need for an additional vehicle for the director's position, assessment of the Scada Unit, improvements to the public works facilities and at least \$100K for ground storage repairs.

Following discussion of using staff's recommended rate of .653140, the consensus settled on building the budget using the same rate as the current year.

PL1 Huber moved to propose the preliminary tax rate as \$0.66000, seconded by PL2 Oberg.
No oppositions, no abstentions.

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

ITEM 3. DISCUSSION/ACTION – Review and consider Municipal Facility Improvements, directing staff as necessary.

As a member of the Municipal Facilities Improvement Committee, MS Dani Muckleroy was present and offered suggestions.

During the July 22nd meeting, staff was directed to get additional information for new municipal facilities. Various aerial views and cost estimates received to date were shared. Mayor Dormier questioned why a two-story building would be more costly than a single story. City Engineer Robert Stengele was present to answer questions.

Council reviewed four possible scenarios- with two buildings and/or combining the city hall and police station to one building. Would these be one story or two-story building(s)? A tax impact analysis was reviewed as Council and staff discussed the debut rate options. Staff advised that the Water Tower debt would be paid in full in 2028. The proposed new bond would be for the duration of 20-years.

<u>Monthly Operating Costs</u>	
A. City Hall/Police Department 1 story - \$5.262 million	\$4,420
B. Police Department (w/parking along Westlawn) - \$2.014 million (including backup power)	\$2,020
C. City Hall (revised to include back-up power) - \$2.711 million	\$2,410
D. Pickard Parking Lot (70 spaces) - \$285,000	
E. Westlawn Parking lot stand-alone (70 spaces)- \$200,000	
F. Parking west of Cindy Jones Park (25 spaces) - \$86,000	
G. Separate building scenarios = \$4.725 million	\$4,430
H. Park Improvements (Pavilion 60 x 30, sidewalks, equipment, parking, etc) - \$400,000	
I. New Public Works – The Public Works staff advised that no improvements outside of ADA compliance will be needed to occupy the existing police building. The City Engineer's estimate to make the facility ADA compliant is approximately \$26,500.	
J. A community center is something that has been identified as a need in the plans and desire. Improvements to make the Current City Hall a community building would include making ADA compliant restrooms (\$32,000) an ADA compliant entry way and ADA compliant parking. Demolition of the dais and some walls; installation of new flooring and ceiling tiles would be needed. All improvements could be accomplished for less than \$120,000.	

Council and staff questioned whether to place the (package) buildings together as one proposition or multiple propositions.

PL2 Oberg moved that staff return with three separate options:

1. Police and public works as one proposition
2. City Hall and community center as one proposition
3. Founders Park and park improvements as one proposition

Seconded by PL1 Huber.

No oppositions, no abstentions.

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

ADJOURNMENT

PL1 Huber moved to adjourn the meeting, seconded by PL4 Hunt. There being no further business, Mayor Dormier adjourned the meeting at 7:15 p.m.

ATTEST:

Richard A. Dormier, Mayor

Pamela Woodall, City Secretary

Approved October 15, 2019

Attached: Citizens forum

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



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

WELCOME TO THE CITY OF OVILLA CITIZENS FORUM

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

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

The form must be complete.

DATE: 8.5.2019

PHONE: 972-217-5085

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

NAME: Dawn Muckleberry

ORGANIZATION / DEPARTMENT: _____

ADDRESS: 608 GREEN MEADOWS

CITY / ZIP: OVILLA TX 75154

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

 I wish to address the Council during the Citizens Forum.

AGENDA ITEM(S) NUMBER:

X I wish to address the Council on this agenda item(s). #3

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

(Circle one) FOR AGAINST

Comments: _____

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

 Yes No

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

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

CITY OF OVILLA MINUTES

Monday, July 22, 2019

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

Mayor Dormier called the Special Council Meeting of the Ovilla City Council to order at 6:06 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:

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
Absent: Rachel Huber	Council Member, Place 1

Mayor Dormier announced Council members present, noting the absence of PL1 Huber, thus, constituting a quorum. City Manager John R. Dean, Jr., department directors and various staff were also present.

CALL TO ORDER

PL5 Myers gave the Invocation and Mayor Dormier led the recitation of the Pledge of Allegiance and the Pledge to the Texas Flag.

COMMENTS/PRESENTATIONS/MAYOR ANNOUNCEMENTS

MS Jimmie Wade, 606 Creekview Court: Voiced concerns over:

1. Clear trees along Red Oak Creek Road
2. Need more police protection
3. Code Enforcement Officer Dooly worked too hard
4. Ovilla needs a full time Fire Department
5. Clean up the gravel mess at City Hall near Westlawn.

Two other individuals signed up to speak during the Regular Agenda items.

CONSENT AGENDA

- C1. Approve purchase of Crack-Sealer and authorize the City Manager to execute all associated documents.
- C2. Approve easement between Pamilee Koval and the City of Ovilla.

PL4 Hunt moved to approve the consent items as presented, seconded by PL2 Oberg.
No oppositions, no abstentions.

VOTE: The motion to approve carried unanimously: 4-0.

REGULAR AGENDA

- ITEM 1. DISCUSSION/ACTION** – Consideration of and action on Ordinance 2019-17, of the City of Ovilla, Texas, amending Chapter 8, Article 8.02, Section 8.02.006 of the Ovilla Code of Ordinances; providing new provisions pertaining to nuisances.

As directed by Council at the July 8th, 2019 meeting, staff presented an ordinance that addressed the concerns raised during the CWD public hearing. It is the belief that this ordinance satisfies the citizens'

and Council's concerns. This has been reviewed and approved by the City Attorney and reviewed by Mayor Dormier.

Mayor Dormier called on Dani Muckleroy, 608 Green Meadows, who had signed up to speak on this agenda item: MS Muckleroy was in favor of the ordinance and asked that Council have fines in place for violators.

PL5 Myers moved to approve Ordinance 2019-17 of the City of Ovilla, Texas, amending Chapter 8, Article 8.02, Section 8.02.006 of the Ovilla Code of Ordinances, providing new provisions pertaining to nuisances with the following amendments: No earlier than 3 pm the day before the scheduled pick-up and debris placed in covered containers. Motion was seconded by PL2 Oberg.

No oppositions, no abstentions.

VOTE: The motion to approve carried unanimously: 4-0.

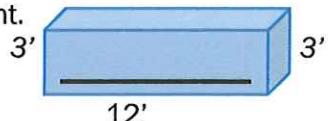
ITEM 2. DISCUSSION/ACTION – Consideration of and action on community communication and correspondence regarding solid waste, directing staff as necessary.

During the July 08, 2019 Council meeting, it was determined that staff would prepare a letter for bulk mailing to better educate and advise Ovilla residents' regulations regarding solid waste and brush. Staff presented a sample for Council's review. A few revisions were made and noted.

PL2 Oberg move to approve the sample letter with the stated revisions (a box added indicating size of debris and that it cannot be placed outside earlier than 3pm the day before the scheduled pick up and must be placed in a covered container), seconded by PL4 Hunt.

No oppositions, no abstentions.

VOTE: The motion to approve carried unanimously: 4-0.



ITEM 3. DISCUSSION/ACTION – Consideration of and action to approve the purchase of two police vehicles.

Council approved Ordinance 2019-15, July 08 amending the budget to allow for the funding of two police vehicles (1 replacement and 1 new as budgeted in the FY 2019-2020), as it is imperative to order as soon as possible. Typically, it takes 4-6 months to receive a new vehicle once the order is placed.

While examining which vehicle make/model to purchase for the coming year, the department had originally wanted the Police Pick-up. However, the department had since been told that the vehicle is not currently available for purchase through Defender (the vendor). Therefore, the department examined the Ford Police Utility and the Chevrolet Tahoe with the following explanation and justification:

- The officers of the department overwhelmingly voiced their preference to try the Chevrolet.
- The Chevrolet is \$68 dollars more per vehicle than the Ford.
- According to Defender, the Chevrolet has proved more reliable mechanically than the Ford.
- The Ford is scheduled to increase in price by several thousand dollars by the end of the year over the Chevrolet.
- Area departments with the Chevrolet are pleased with their performance.

The department prefers the Chevrolet Tahoe Police Package over the Ford Interceptor Utility. Council voiced no objection.

Mayor Pro Tem Griffin moved to approve the purchase of two police vehicles in an amount not to exceed \$58k per vehicle, seconded by PL4 Hunt.

No oppositions, no abstentions.

VOTE: The motion to approve carried unanimously: 4-0.

ITEM 4. **DISCUSSION/ACTION** – Review and consider Municipal Facility Improvements, directing staff as necessary.

During the July 8th meeting, staff was directed to get information on probable costs for various options and locations for facilities. These various options and cost estimates received to date were summarized and shared. City Manager John Dean also shared monthly operating costs. These various options included the Founders Park Concept Plan.

MS Dani Muckleroy, 608 Green Meadows: Asked questions and offered suggestions.

<u>Monthly Operating Costs</u>	
A. City Hall/Police Department 1 story - \$5.167 million*	\$4,420
B. City Hall/Police Department 2 story - \$5.025 million*	\$4,660
C. Police Department (w/parking along Westlawn) - \$1.953 million*	\$2,020
D. Police Department (w/required parking only) - \$1.848 million*	
E. City Hall (White Property) - \$2.638 million	\$2,410
F. Pickard Parking Lot (70 spaces) - \$285,000	
G. Westlawn Parking lot stand-alone (70 spaces)- \$200,000	
H. Parking west of Cindy Jones Park (25 spaces) - \$86,000	
I. C + E = \$4.591 million	\$4,430
J. D + E = \$4.486 million	\$4,430
K. Proposed Park Pavilion 60 x 60 - \$350,000	
L. New Public Works – The Public Works Building will not require many improvements outside of ADA compliance needed to occupy the building. The City Engineers estimate to make the facility ADA compliant is approximately \$26,500.	

Staff recommended to proceed in planning with H, I, and K. Item F is currently in the draft budget for FY 2020. This combination is in line with the facility committee recommendation and provides a substantial increase in parking in the downtown and park areas. The total estimated costs of these items would be \$5.027 million. Discussion would continue at future meetings.

NO ACTION.

ADJOURNMENT

PL2 Oberg moved to adjourn the meeting, seconded by PL4 Hunt. There being no further business, Mayor Dormier adjourned the meeting at 7:53 p.m.

ATTEST:

Richard A. Dormier, Mayor

Pamela Woodall, City Secretary

Approved October 15, 2019

Citizens forum sign-up sheets

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

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



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

WELCOME TO THE CITY OF OVILLA CITIZENS FORUM

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

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

The form must be complete.

DATE: 7.22.2019 PHONE: 992.217.5025

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

NAME: DANI MUCKLEROG

ORGANIZATION / DEPARTMENT: _____

ADDRESS: 608 GREEN MEADOWS LN

CITY/ZIP: Ovilla 75154

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

I wish to address the Council during the Citizens Forum.

AGENDA ITEM(S) NUMBER:

I wish to address the Council on this agenda item(s). # () # 4

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

(Circle one) FOR AGAINST

Comments:

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

Yes No

"I authorize the city to release ALL information on this sheet to the public. (If no signature is provided, the City shall not release information on this sheet to the public.)

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



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

WELCOME TO THE CITY OF OVILLA CITIZENS FORUM

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The form must be complete.

DATE: 7-22-2014

PHONE: 214546 9532

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

NAME: Timmie Wade

ORGANIZATION / DEPARTMENT: _____

ADDRESS: 606 Creekview Ct

CITY / ZIP: Ovilla, TX 75154

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

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AGENDA ITEM(S) NUMBER: _____

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

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

(Circle one) FOR AGAINST

Comments: About the City

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

Yes No

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

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

AGENDA ITEM REPORT

Item 1

Meeting Date: October 15, 2019

Discussion Action

Submitted By: Staff

Reviewed By: Interim City Manager

Accountant

Other: Staff

City Secretary

City Attorney

City Engineer

Attachments:

1. Written request by Mr. Hargrove
2. 12" Sanitary Sewer Main Exhibit and meeting notes as of September 26, 2019
3. Planning and Zoning Recommendation Sheet

Agenda Item / Topic:

ITEM 1. **DISCUSSION/ACTION** – Case PZ19.09 Receive recommendation from the Planning and Zoning Commission to consider and act on a request from Mr. Clyde Hargrove for an exception to grant a second extension for Hidden Valley Estates Preliminary Plat.

Discussion / Justification:

PRELIMINARY PLAT REQUEST

SUBDIVISION NAME:

HIDDEN VALLEY ESTATES

AUTHORIZED AGENT OF RECORD:

Clyde Hargrove

ENGINEER:

Bannister Engineering.

APPLICATION DATE:

August 24, 2017

LOCATION:

Northwest corner of Red Oak Creek Rd. & Westmoreland Rd.

UTILITIES:

City Sewer / City Water

ZONING:

R15

PROPOSED LAND USE:

Residential Subdivision

MAJOR THOROUGHFARE:

Highway 664 Ovilla Road

APPLICANT'S PROPOSAL: Development of 149 lots to residential home sites, and 5 Common Area Lots. The total area in the subdivision is 117.578 acres in the city limits of Ovilla. The developer intentionally kept lots larger than required. Subdivision will have curb and gutter throughout.

The preliminary plat was approved by Council during the October 2017 Council Meeting. In August 2018 the City received authority for the 12" Sanitary Sewer Main from Red Oak Creek to Ovilla Road to serve commercial and residential use to include Hidden Valley Estates. The Economic Development Corporation agreed to obligate funding of approximately \$64K to increase the size of the sewer line.

In September 2018 Mr. Hargrove requested an extension with the City:

1. Extend preliminary plat for Hidden Valley
2. Extend completion of the sewer line to December 2018.

These two items were considered by the Planning and Zoning Commission October 18, 2018 and approved.

The sewer line is now complete. Mr. Hargrove requested to be placed on the October 07, 2019 agenda of the Planning and Zoning Commission. He asked for a second extension for Hidden Valley Estates Preliminary Plat. The City's Code allows one extension, however, the P&Z's consensus was favorable for the Council to grant an exception, if Council so deemed.

Their motion stated:

I MOVE THAT THE P&Z, SUBJECT TO THE DETERMINATION OF THE APPROPRIATENESS OF SUCH AN EXTENSION, APPROVE AND FORWARD A RECOMMENDATION TO THE OVILLA CITY COUNCIL TO APPROVE AN EXTENSION OF THE PRELIMINARY PLAT FOR HIDDEN VALLEY ESTATES.

Excerpt from the Code

Division 3. Plat Requirements and Procedure

Sec. 10.02.063 Procedure for preliminary plat approval

Preliminary approval of the subdivision shall be valid for a period of twelve (12) months from the date of approval and the general terms and conditions under which the preliminary approval was granted will not be changed. The planning and zoning commission shall withdraw its preliminary approval of a subdivision unless the final plat is submitted within the twelve (12) month period unless the twelve (12) month period is extended by the planning and zoning commission on the written request of the subdivider. Only one such extension shall be granted.

Recommendation / Staff Comments:

Staff recommends approval.

Sample Motion(s):

I move that an exception to Section 10.02.063 of the Ovilla Code of Ordinances be granted to Mr. Clyde Hargrove for a one-time second extension (for how long?) of the Preliminary Plat of Hidden Valley Estates.

Glennell Miller

From: Pam Woodall
Sent: Monday, September 9, 2019 3:25 PM
To: Glennell Miller
Subject: FW: Council Agenda October 14th for Hidden Valley Estates

Follow Up Flag: Follow up
Flag Status: Flagged

For P&Z next month please.

From: Hargrove Real Estate hargrove <chlhargrove@sbcglobal.net>
Sent: Friday, September 6, 2019 2:58 PM
To: Pam Woodall <PWoodall@cityofovilla.org>
Subject: Council Agenda October 14th for Hidden Valley Estates

Pam,
Please allow this email to be my formal request to place the extension of the Preliminary Plat of Hidden Valley Estates for your agenda on October 14th or sooner if possible.
Thank you for setting up the meeting today. I think it went well. Can you please let me know your Atmos contact?
Thanks again.
Clyde

Clyde L. Hargrove
101 Valley Ridge Dr
Red Oak, TX 75154

Phone: 972-227-4718



JBI Partners Meeting Notes

Item of Discussion: Hidden Valley Estates – Ovilla, Texas

Date and Time: September 26, 2019 at 2:00 p.m.

JBI Project Number: FTH025

Personnel at Meeting:

Developer- Clyde Hargrove
Email: chargrove@sbcglobal.net

Phone: 972-227-4718

Tony Shaw Properties- Tony Shaw
Email: tshaw@tonyshawproperties.com

Phone: 214-244-8809

City of Ovilla Mayor – Richard A. Dormier, P.E.
Email: mayordormier@cityofovilla.org

Phone: 972-617-7262

City of Ovilla Public Works – Mike Collard
Email: mcollard@cityofovilla.org

Phone: 972-617-7262

City of Ovilla Code Enforcement – Mike Dooly
Email: mdooly@cityofovilla.org

Phone: 972-617-7262

City of Ovilla Fire Chief – Brandon Kennedy
Email: bkennedy@cityofovilla.org

Phone: 972-617-7262

JBI Partners – Jeff Klement, P.E.
Email: jklement@jbipartners.com

Phone: 972-738-7285

JBI Partners – Mayra Godinez, E.I.T.
Email: mgodinez@jbipartners.com

Phone: 972-738-6132

Preliminary Plat:

- The City of Ovilla has stated that the R.O.W. dimension shown on the current preliminary plat can be adjusted to 50' as shown in the City's street design standards. The parkway width will be adjusted to 9.5' for the 31' B-B street sections and 15' for the 41' B-B street sections. The City of Ovilla has requested a 10' utility easement adjacent to the R.O.W.
- A 15' utility easement on the rear lot line is required per City of Ovilla ordinance. A variance can be requested on the plat to not dedicate the easement.
- The City of Ovilla requires two points of access if subdivision has more than 30 lots. Mayor Dormier suggested a temporary access entrance for Phase 1.
- The note on the preliminary plat will be adjusted to state that the responsibility of maintaining the retaining walls will be on the homeowner. The City has requested that a 5' wall maintenance easement be added on the lot on the low side.

Paving:

- The City of Ovilla allows for either straight or parabolic crown streets.
- The City of Ovilla allows for either No. 3 bars @18" spacing or No. 4 bars @ 24" spacing. Mayor Dormier suggested that the geotechnical study should determine the paving design.
- The City of Ovilla requires 3,600 PSI concrete on street pavement.

Sanitary Sewer:

- The City of Ovilla requires SDR-26 for all sanitary sewer pipes.
- The City of Ovilla requires that conshield and gator wrap be used on all sewer manholes.
- No sewer services were installed with the existing 12" sanitary sewer line.

Water:

- The City of Ovilla has requested SDR-9 Poly for water services in lieu of copper.
- Mike Collard asked if the City standard requires PVC sleeving for long water services. The current standards do not require it.

Drainage:

- The City of Ovilla requires detention for lines outfalling to the 100 year floodplain but is open to a timing study of the existing creek. Further discussion is needed with City's Engineer, Robert Stengele.
- JBI Partners will look into the option of using a timing study to remove detention. If the timing study proves that detention is not required, additional lots will be added to the preliminary plat in the area labeled as open space and detention.
- Mayor Dormier suggested that inline detention can be used in the storm pipes prior to outfalling as another option.
- Lot to lot drainage is allowed but will need to include a private drainage easement on the low side lots. The type of fence will be considered in order to not obstruct drainage.
- The City of Ovilla has asked to include the 100 year water surface elevation and a minimum of 2' of freeboard from the 100 year water surface elevation to the finished floor of adjacent lots.

Landscape:

- A variance can be requested for the type of screening wall to be used along Westmoreland Road and Red Oak Creek Road. Wood fence has been approved in other nearby subdivisions.
- The City of Ovilla does have a tree ordinance. JBI will review and coordinate with the City accordingly.

END OF MEETING

If there are any discrepancies with the meeting notes, please report them to Jeff Klement of JBI Partners, Inc. immediately. These notes are considered final if no changes or revisions are requested within 3 business days of this notice.



City of OVILLA Planning & Zoning Commission

Recommendation

ITEM I. **DISCUSSION/ACTION – PZI 9.09** – Consideration of and action to review and consider an extension of the approval of a preliminary plat application for Hidden Valley Estates Subdivision, and to forward recommendation to the Ovilla City Council.

PLANNING AND ZONING Members present MOTION AS READ, and upon a record vote of:

'I MOVE THAT THE P&Z, SUBJECT TO THE DETERMINATION OF THE APPROPRIATENESS OF SUCH AN EXTENSION, APPROVE AND FORWARD A RECOMMENDATION TO THE OVILLA CITY COUNCIL TO APPROVE AN EXTENSION OF THE PRELIMINARY PLAT FOR HIDDEN VALLEY ESTATES.'

PL 1 Jungman AYE

PL5 Alexander AYE

PL2 Sims NAY

PL6 Hart AYE

PL3 Lynch AYE

PL7 Zimmermann AYE

PL4 Whittaker AYE

6 FOR
1 AGAINST
0 ABSTAIN

C Lynch
Presiding Officer of P&Z

10/7/19
Date

griego
Board Secretary

10.10.19
Date

AGENDA ITEM REPORT

Item 2

Meeting Date: October 15, 2019

Discussion Action

Submitted By: Staff

Reviewed By: Interim City Manager

Accountant

Department: Administration

Budgeted Expense: YES NO N/A

City Secretary

City Attorney

Other: Staff

City Engineer

Attachments:

1. Plat Application
2. Preliminary Plat
3. Planning and Zoning Recommendation Sheet

Agenda Item / Topic:

ITEM 2. **DISCUSSION/ACTION** – Case PZ19.10 Receive recommendation from the Planning and Zoning Commission to consider and act on a Preliminary Plat Application for Bryson Manor Subdivision Phase III filed by Massey Shaw.

Discussion / Justification:

PRELIMINARY PLAT REQUEST

SUBDIVISION NAME:

BRYSON MANOR PHASE III

AUTHORIZED AGENT OF RECORD:

Massey Shaw

ENGINEER:

Michael Westfall

APPLICATION DATE:

October 2, 2019

LOCATION:

Northeast corner of Shiloh Road and Bryson Road

UTILITIES:

City Sewer / Sardis Water

ZONING:

R15

PROPOSED LAND USE:

Residential Subdivision

MAJOR THOROUGHFARE:

Highway 664 Ovilla Road

APPLICANT'S PROPOSAL: Develop 113 lots – Being 111 residential home sites with 2 HOA lots. Total area in subdivision is 74.401 acres in the city limits of Ovilla.

A meeting was held to review and discuss the Preliminary Plat. City representatives and Bryson Manor engineers were present and both representing attorneys for the City and Bryson Manor were present. Ovilla Fire Chief Kennedy was also in the meeting having no issues with the subdivision.

Recommendation / Staff Comments:

Staff recommends approval.

Sample Motion(s):

I move that the Ovilla City Council approves/denies the Preliminary Plat for Bryson Manor Subdivision Phase III filed by Massey Shaw.



CITY OF OVILLA
APPLICATION FOR PRELIMINARY PLAT APPROVAL

Preliminary Plat

Applicant Michael Westfall Phone 214-846-9397

Mailing Address P.O. Box 250485, Plano, TX 75025

Applicant's Interest in Property _____ Civil Engineer _____
(owner, agent, lessee, option to buy, etc.)

Mailing Address _____

Location of Property _____

✓ City Limits Extraterritorial Jurisdiction (ETJ)

Subdivision Name Bryson Manor Phase 3

Subdivision Name Bryson Manor Phase 3 114 residential 21,656 sf/residential lots

Area in Subdivision: 74.401 Total Acres 111 residential 21,000 non-residential lots
2 HOA Number of Lots Average Lot Size

Fee Due City for Application \$ 6,050 calculated as follows:

Preliminary Plat

\$ 400 Application Fee

\$ 50 per lot X 113 total number of lots, plus

\$ 50 per acre X 0 each acre not designated as a subdivision lot (not to include streets)

- Plus \$50 per acre not designated as a subdivision lot (Residential)
 - Plus 100% of engineering costs associated with review in excess of amount paid in initial fees.

Inspection Fees (inspection of utilities, infrastructure, etc.) Calculated by multiplying the cost estimate of the subdivision improvements by the applicable percentage.

Subdivision Improvements Cost Estimate	Applicable Percentage
\$200,000 or less	3.20
\$200,001 to \$400,000	3.10
\$400,001 to \$600,000	3.00
More than \$600,000	2.90

Minimum Fee:

- | | |
|------------------------------------|------------|
| 1. Standard subdivision procedure: | \$3,750.00 |
| 2. Short form procedure: | \$400.00 |

Plat amendment:

- | | |
|---------------------|--|
| 1. Application fee: | \$400.00 |
| 2. Engineering fee: | \$50.00 per lot residential
\$50.00 per lot non residential |

(Plus, 100% of engineering costs associated with review in excess of amount paid above)



APPLICANT SIGNATURE:

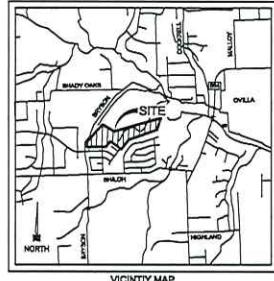
Michael Westfall
Digital signature of Michael Westfall
DN: C=US
E=MichaelQWestfall@Engineering.com
O=Westfall Engineering, PLLC
CN=Michael Westfall
Date: 2019.10.02 09:53:39.050Z

DATE



Received on 10-3-19

Official Filing Date 10-3-19



LEGEND

O.P.R.E.C.T. OFFICIAL PUBLIC RECORDS, ELLIS COUNTY, TEXAS
 D.R.E.C.T. DEED RECORDS, ELLIS COUNTY, TEXAS
 P.R.E.C.T. PLAT RECORDS, ELLIS COUNTY, TEXAS
 <CM> CONTROL MONUMENT
 O 6" IRON ROD SET WITH YELLOW CAP STAMPED
 TRAILS 4674 (UNLESS OTHERWISE NOTED)
 MAC NAIL SET FOR CORNER
 IRF IRON ROD FOUND
 UE UTILITY EASEMENT
 DE DRAINAGE EASEMENT
 SSE SANITARY SEWER EASEMENT

DAVID GLENN DICKSON
 INSTRUMENT NO. 1720805
 O.P.R.E.C.T.

PETER H. BUCHANG
 AND OTTO H. BUCHANG
 VOLUME 2313, PAGE 202
 D.R.E.C.T.

MOUNT AUBURN, LLC
 INSTRUMENT NO. 513232
 O.P.R.E.C.T.

NORMAN EUGENE BYERS
 VOLUME 2309, PAGE 573
 D.R.E.C.T.

LT. HIGHLINE
 VOLUME 624, PAGE 844
 D.R.E.C.T.

SHAW FOREST PHASE 2
 CABINET 1, SLIDE 330
 PROJECT

BRYSON MANOR PHASE ONE
 CABINET 1, SLIDE 314
 PROJECT

SHEET 3

ZONED R15 RESIDENTIAL

BRYSON MANOR PHASE ONE
 CABINET 1, SLIDE 314
 PROJECT

SHEET 4

OVILLA PARC
 CABINET 1, SLIDE 218
 PROJECT

NOTES:

1. BASIS OF BEARINGS IS THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, NORTH CENTRAL ZONE 4202 AS DERIVED FROM GPS OBSERVATIONS.

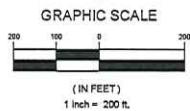
2. DEVELOPMENT WILL BE SUBJECT TO MANDATORY HOMEOWNERS ASSOCIATION (HOA). ALL COMMON AREA LOTS WILL BE MAINTAINED BY SAID HOA.

FLOOD STATEMENT:

THE SUBJECT TRACT LIES WITHIN ZONE X (UNSHADED), DEFINED AS AREAS DETERMINED TO BE SUBJECT TO 1-00% ANNUAL CHANCE FLOODPLANE AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FLOOD INSURANCE RATE MAP (FIRM) AS SHOWN ON COMMUNITY PANEL NO. 4813BC0060F, DATED JUNE 3, 2013 FOR ELLIS COUNTY, TEXAS AND INCORPORATED AREAS. THE INFORMATION CONTAINED HEREIN IS FOR INFORMATION PURPOSES ONLY. THE SURVEYOR DOES NOT CERTIFY TO THE ACCURACY THEREOF. THE INFORMATION PROVIDED BY FEMA AND ASSUMES NO LIABILITY FOR THE USE THEREOF.

REVISED: 19/09/25

CASE NO.:



PRELIMINARY

This document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document

**PRELIMINARY PLAT
 BRYSON MANOR
 PHASE 3**

111 RESIDENTIAL LOTS - 2 HOA LOTS
 74.401 ACRES
 J.R. BILLINGSLEY SURVEY, ABSTRACT NUMBER 80
 AN ADDITION TO THE CITY OF OVILLA
 ELLIS COUNTY, TEXAS

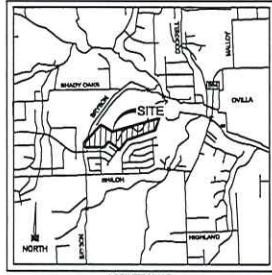
SEPTEMBER, 2019

SCALE: 1"=200'

OWNER
 SHAW DEVELOPMENT GROUP, LLC
 8255 WOODLAND DRIVE
 DALLAS, TX 75230

SURVEYOR

AXIS SURVEYING
 P.O. BOX 575 | WAXAHACHIE, TEXAS 75688
 214.903.2020 | TBPLS FIRM NO. 10194367
 INFO@AXIS-SURVEY.COM



VICINITY MAP

LEGEND

O.P.R.E.C.T. OFFICIAL PUBLIC RECORDS, ELLIS COUNTY, TEXAS
 D.R.E.C.T. DEED RECORDS, ELLIS COUNTY, TEXAS
 P.R.E.C.T. PLAT RECORDS, ELLIS COUNTY, TEXAS
 CONTROL MONUMENTS 5/8" IRON ROD SET WITH YELLOW CAP STAMPED "RPLS 5674" (UNLESS OTHERWISE NOTED)
 MAC NAIL SET FOR CORNER
 IRF IRON ROD FOUND
 UE UTILITY EASEMENT
 DE DRAINAGE EASEMENT
 DUE SANITARY SEWER EASEMENT
 SSE



GRAPHIC SCALE

100 50 0 100
 (IN FEET)
 1 inch = 100 ft.

NOTES:

1. BASIS OF BEARINGS IS THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, NORTH CENTRAL ZONE 4202 AS DERIVED FROM GPS OBSERVATIONS.

2. DEVELOPMENT WILL BE SUBJECT TO MANDATORY HOMEOWNERS ASSOCIATION (HOA). ALL COMMON AREA LOTS WILL BE MAINTAINED BY SAID HOA.

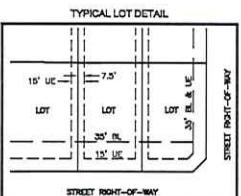
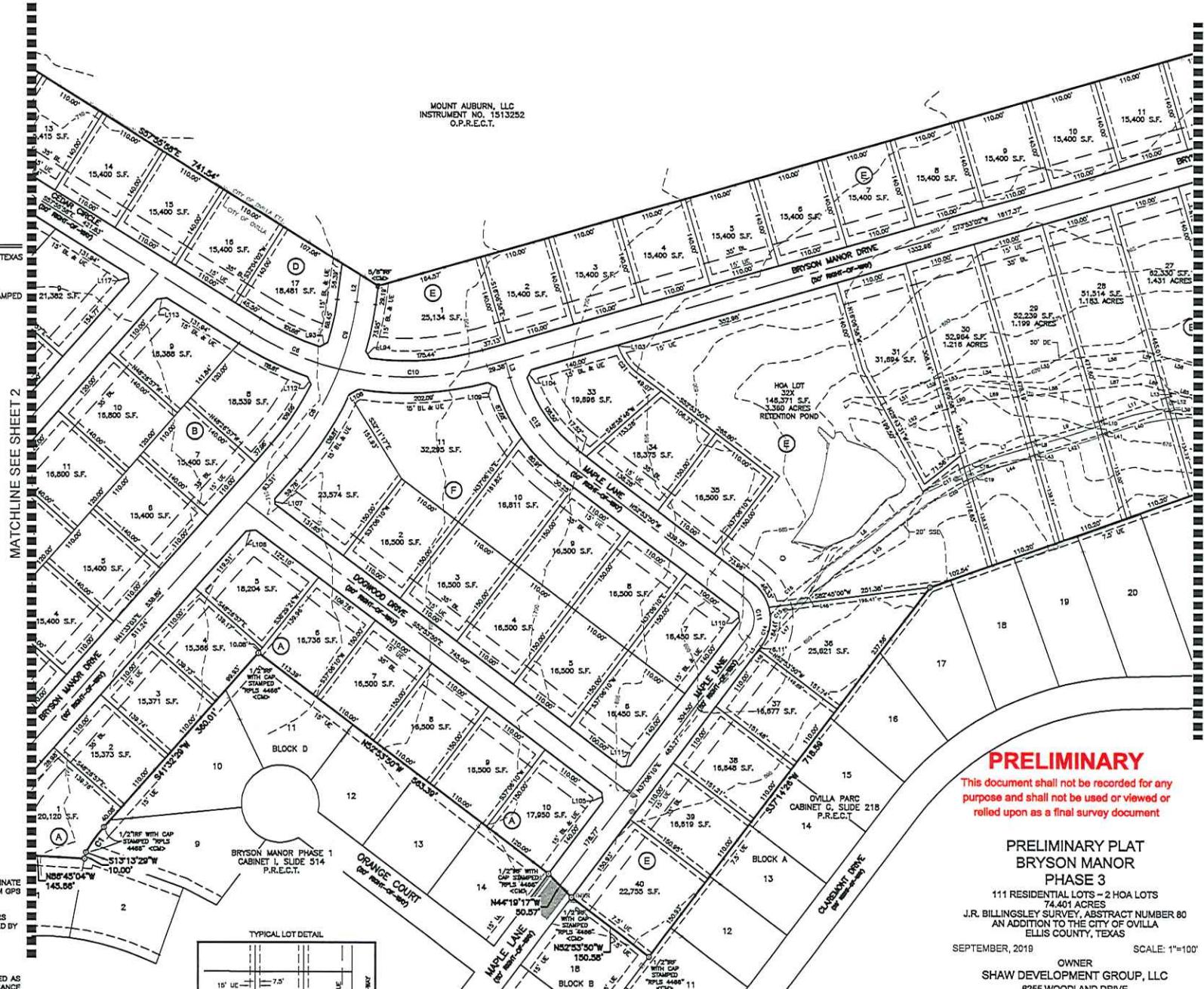
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REVISED: 10/09/25 CASE NO.:

MOUNT AUBURN, LLC
 INSTRUMENT NO. 1513252
 O.P.R.E.C.T.

MATCHLINE SEE SHEET 2



PRELIMINARY

This document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document

PRELIMINARY PLAT
BRYSON MANOR
PHASE 3

111 RESIDENTIAL LOTS - 2 HOA LOTS
74.401 ACRES
J.R. BILLINGSLEY SURVEY, ABSTRACT NUMBER 80
AN ADDITION TO THE CITY OF OVILLA
ELLIS COUNTY, TEXAS

SEPTEMBER, 2019

SCALE: 1"=100'

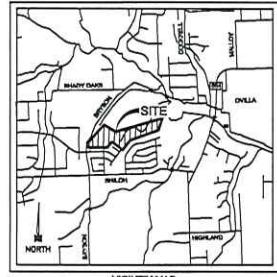
OWNER
SHAW DEVELOPMENT GROUP, LLC
6255 WOODLAND DRIVE
DALLAS, TX 75230

SURVEYOR



P.O. BOX 575 | WAXAHACHIE, TEXAS 75168
214.903.8200 | TDPLS FIRM NO. 10194367
INFO@AXIS-SURVEY.COM

MATCHLINE SEE SHEET 4



LEGEND

O.P.R.E.C.T. OFFICIAL PUBLIC RECORDS, ELLIS COUNTY, TEXAS
 D.R.E.C.T. DEED RECORDS, ELLIS COUNTY, TEXAS
 P.R.E.C.T. PLAT RECORDS, ELLIS COUNTY, TEXAS
 <CM> CONTROL MONUMENT
 5/8" IRON ROD SET WITH YELLOW CAP STAMPED
 "RPLS 5674" (UNLESS OTHERWISE NOTED)
 MAG NAIL SET FOR CORNER
 IRF IRON ROD FOUND
 UE UTILITY EASEMENT
 DE DRAINAGE EASEMENT
 DUE DRAINAGE & UTILITY EASEMENT
 SSE SANITARY SEWER EASEMENT



(IN FEET)
 1 inch = 100 ft.

NOTES:

1. BASIS OF BEARINGS IS THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, NORTH CENTRAL ZONE 4302 AS DERIVED FROM GPS OBSERVATIONS.

2. DEVELOPMENT WILL BE SUBJECT TO MANDATORY HOMEOWNERS ASSOCIATION (HOA). ALL COMMON AREA LOTS WILL BE MAINTAINED BY SAID HOA.

FLOOD STATEMENT:

THE SUBJECT TRACT LIES WITHIN ZONE X (UNSHADED), DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FLOOD INSURANCE RATE MAP (FIRM) AS SHOWN IN COMMUNITY PANEL NO. 4813PC0050, DATED JUNE 3, 2014, FOR ELLIS COUNTY, TEXAS AND INCORPORATED AREAS. THE INFORMATION PROVIDED ON THIS MAP IS FOR FLOODPLAIN MANAGEMENT PURPOSES ONLY AND THE SURVEYOR DOES NOT CERTIFY TO THE ACCURACY THEREOF OR THE INFORMATION PROVIDED BY FEMA AND ASSUMES NO LIABILITY FOR THE USE THEREOF.

REVISED: 19/09/25 CASE NO.:

TYPICAL LOT DETAIL

15' UE	7.5'	15' E.E.
LOT	LOT	LOT E.E.
34' IR	12' UE	34' E.E.
STREET RIGHT-OF-WAY		

MOUNT AUBURN, LLC
INSTRUMENT NO. 1513252
O.P.R.E.C.T.

20° SANKEY
200' DEPARTMENT
VOLUME 2304, PAGE 1573
VOLUME 2778, PAGE 1163
PROJECT

NORMAN EUGENE BYERS
VOLUME 2309, PAGE 573
D.R.E.C.T.

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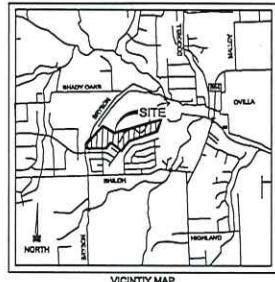
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LEGEND

O.P.R.C.T. OFFICIAL PUBLIC RECORDS, ELLIS COUNTY, TEXAS
 O.R.E.C.T. OFFICIAL RECORDS, ELLIS COUNTY, TEXAS
 P.R.E.C.T. PLAT RECORDS, ELLIS COUNTY, TEXAS
 <CM> CONTROL MONUMENT
 5/8" IRON ROD SET WITH YELLOW CAP STAMPED "RPLS 5674" (UNLESS OTHERWISE NOTED)
 MAC NAIL SET FOR CORNER
 IRF IRON ROD FOUND
 UE UTILITY EASEMENT
 DE DRAINAGE EASEMENT
 DUE DRAINAGE & UTILITY EASEMENT
 SSE SANITARY SEWER EASEMENT

CURVE TABLE					
NUMBER	DELTA ANGLE	RADIUS	LENGTH	CHORD BEARING	CHORD LENGTH
C1	1°13'39"	235.00'	47.83'	S35°42'39"W	47.74'
C2	4°15'40"	370.00'	72.52'	S16°04'29"W	72.51'
C3	4°21'14"34"	225.00'	165.89'	S20°25'46"W	162.16'
C4	80°30'59"	45.50'	63.94'	S81°46'32"W	58.61'
C5	47°45'26"	225.00'	187.54'	N63°25'46"E	182.16'
C6	4°15'38"	400.00'	28.75'	S16°04'25"W	29.74'
C7	23°20'48"	400.00'	162.99'	S29°52'39"W	161.67'
C8	20°11'30"	450.00'	158.58'	N31°27'18"E	157.76'
C9	13°40'48"	450.00'	107.44'	N14°31'09"E	107.19'
C10	29°27'18"	450.00'	231.34'	N88°36'42"E	228.80'
C11	90°00'00"	45.50'	71.47'	N07°53'50"W	64.35'
C12	36°48'32"	250.00'	180.49'	S34°30'24"E	157.75'
C13	10°26'38"	500.00'	91.14'	N10°53'40"W	91.01'
C14	42°24'22"	70.50'	52.18'	N15°33'59"E	51.00'
C15	2°37'23"	420.00'	19.23'	N45°20'53"E	19.23'
C16	7°40'58"	420.00'	56.32'	N48°30'03"E	56.27'
C17	12°59'08"	295.01'	68.88'	N58°50'08"E	68.72'
C18	5°06'40"	295.01'	28.32'	N67°53'00"E	26.31'
C19	5°44'19"	275.00'	27.54'	S57°34'12"W	27.53'
C20	12°26'27"	275.00'	59.71'	S58°26'49"W	59.59'
C21	36°48'32"	75.00'	48.15'	N34°30'24"W	47.32'
C22	13°49'44"	780.00'	183.43'	N15°01'41"E	182.99'

NOTES:

1. BASIS OF BEARINGS IS THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, NORTH CENTRAL ZONE 4202 AS DERIVED FROM GPS OBSERVATIONS.

2. DEVELOPMENT WILL BE SUBJECT TO MANDATORY HOMEOWNERS ASSOCIATION (HOA); ALL COMMON AREA LOTS WILL BE MAINTAINED BY SAID HOA.

FLOOD STATEMENT:

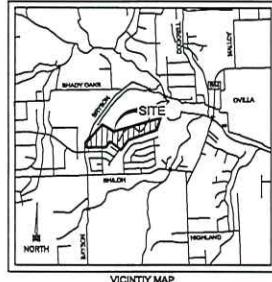
THE SUBJECT TRACT LIES WITHIN ZONE X (UNSHADED), DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN" AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FLOOD INSURANCE RATE MAP (FIRM) AS SHOWN ON COMMUNITY PANEL NO. 4813C0050F, DATED JUNE 3, 2013 FOR ELLIS COUNTY, TEXAS AND INCORPORATED AREAS. THE INFORMATION CONTAINED ON THE FIRM IS FOR FLOODPLAIN PURPOSES ONLY AND THE SURVEYOR DOES NOT CERTIFY TO THE ACCURACY THEREOF AND THE SURVEYOR DOES NOT ASSUME ANY LIABILITY FOR THE USE THEREOF.

REVISED: 19/09/25

CASE NO.:

LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	S18°12'14"E	12.04'
L2	N07°40'45"E	42.79'
L3	S16°06'58"E	27.06'
L4	S05°40'22"E	13.74'
L5	N37°06'10"E	26.27'
L6	N52°20'31"E	236.68'
L7	N70°26'24"E	83.99'
L8	N70°26'24"E	8.08'
L9	N73°08'13"E	101.94'
L10	N73°08'13"E	4.32'
L11	N70°26'24"E	105.87'
L12	N70°26'24"E	8.24'
L13	N03°56'57"E	4.10'
L14	S88°03'03"E	145.58'
L15	S88°03'03"E	167.78'
L16	S03°56'57"W	4.09'
L17	N70°26'24"E	33.04'
L18	N70°26'24"E	267.91'
L19	N51°35'45"W	3.13'
L20	N37°59'49"E	17.85'
L21	N37°59'49"E	59.30'
L22	N37°59'49"E	387.13'
L23	N37°59'49"E	37.31'
L24	N50°04'07"E	175.85'
L25	N06°51'34"E	240.71'
L26	N73°53'02"E	32.58'
L27	S06°51'34"W	285.31'
L28	S50°04'07"W	184.36'
L29	S37°59'49"W	14.84'
L30	S37°59'49"W	422.41'
L31	S37°59'49"W	32.08'
L32	S37°59'49"W	29.12'
L33	N52°00'11"W	3.15'
L34	S70°26'24"W	283.57'
L35	S70°26'24"W	38.80'
L36	S03°56'57"W	4.09'
L37	N88°03'03"W	156.82'
L38	N88°03'03"W	155.83'
L39	N18°06'58"W	4.04'
L40	S70°26'24"W	105.14'
L41	S73°08'13"W	5.06'
L42	S73°08'13"W	101.20'
L43	S70°26'24"W	8.82'
L44	S70°26'24"W	82.78'
L45	S32°20'31"W	236.29'
L46	S42°43'36"W	22.42'
L47	S42°43'36"W	100.84'
L48	S42°43'36"W	20.28'
L49	S72°34'58"E	37.72'
L50	S23°58'08"E	40.00'
L51	N61°18'29"E	69.79'
L52	N72°51'38"E	28.54'
L53	N72°51'38"E	42.61'
L54	N83°56'10"E	68.45'
L55	N83°56'10"E	111.71'
L56	N83°56'10"E	98.18'
L57	S74°12'07"E	15.70'
L58	S74°12'07"E	87.95'
L59	S89°28'45"E	74.86'
L60	S89°28'45"E	8.37'

LINE TABLE		
NUMBER	BEARING	DISTANCE
L81	S84°33'26"E	189.33'
L82	S84°33'26"E	16.87'
L83	N70°27'17"E	134.57'
L84	N52°39'32"E	78.80'
L85	N52°39'32"E	26.08'
L86	N24°20'56"E	89.70'
L87	N24°20'56"E	144.45'
L88	N44°28'54"E	157.05'
L89	N44°28'54"E	86.40'
L90	N52°46'51"E	206.66'
L91	N06°18'12"E	181.32'
L92	S06°18'12"W	223.40'
L93	S32°45'51"W	223.57'
L94	S42°18'54"W	24.05'
L95	S42°18'54"W	185.92'
L96	S24°20'56"W	181.06'
L97	S24°20'56"W	57.79'
L98	S32°39'32"W	3.38'
L99	S32°39'32"W	121.76'
L100	S70°27'17"W	153.46'
L101	N84°35'28"W	23.27'
L102	N84°35'28"W	201.51'
L103	N84°35'28"W	11.04'
L104	N89°26'45"W	85.80'
L105	N74°12'07"W	63.50'
L106	N74°12'07"W	37.19'
L107	S83°56'10"W	79.86'
L108	S83°56'10"W	111.71'
L109	S83°56'10"W	72.46'
L110	S72°31'38"W	38.86'
L111	S72°31'38"W	22.37'
L112	S61°18'29"W	84.72'
L113	N82°41'32"E	14.14'
L114	S32°20'38"E	13.00'
L115	S44°35'10"W	17.27'
L116	S75°49'08"E	17.27'
L117	N86°03'03"W	14.14'
L118	N28°22'12"W	2.07'
L119	N39°22'12"W	15.49'
L120	S21°00'56"W	5.40'
L121	S21°00'56"W	11.54'
L122	S81°08'56"E	14.14'
L123	N18°06'58"W	2.06'
L124	N28°28'56"E	14.04'
L125	N07°53'50"W	14.14'
L126	S84°19'36"W	14.88'
L127	N05°38'04"W	8.31'
L128	S81°57'52"W	15.85'
L129	S81°26'41"E	14.27'
L130	S07°53'30"E	14.14'
L131	S82°06'10"W	14.14'
L132	L132	3.23'
L133	L133	2.87'
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L273	L273	1.18'



LEGAL DESCRIPTION

BEING A TRACT OF LAND LOCATED IN THE J.R. BILLINGSLEY SURVEY, ABSTRACT NO. 80, OVILLE, ELLIS COUNTY, TEXAS AND BEING PART OF A TRACT OF LAND DESCRIBED IN DEED TO SAID SHAW DEVELOPMENT GROUP, LLC, RECORDED IN VOLUME 2775, PAGE 1148, DEED RECORDS, ELLIS COUNTY, TEXAS (D.R.E.C.T.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A MAC NAIL SET FOR CORNER IN BRYSON LANE AND THE COMMON LINE OF SAID SHAW DEVELOPMENT TRACT AND SHILOH FOREST PHASE 1 ADDITION, ELLIS COUNTY, TEXAS (P.R.E.C.T.); THENCE RECORDED IN CABINET H, SLIDE 335, PLAT RECORDS, ELLIS COUNTY, TEXAS (P.R.E.C.T.) AT THE NORTHWEST CORNER OF BRYSON MANOR PHASE 1, AN ADDITION TO THE CITY OF OVILLE, ELLIS COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET L, SLIDE 614, P.R.E.C.T.;

THENCE NORTH 01°11'31" WEST, ALONG SAID COMMON LINE, A DISTANCE OF 293.81 FEET TO A 6/8-INCH IRON ROD WITH A YELLOW CAP STAMPED "RPLS 5674" SET FOR CORNER;

THENCE NORTH 41°33'03" EAST, CONTINUING ALONG SAID COMMON LINE, PASSING THE MOST EASTERLY SOUTHEAST CORNER OF SAID SHILOH FOREST ADDITION AT A DISTANCE OF 384.23 FEET, AND CONTINUING FOR A TOTAL DISTANCE OF 1,341.10 FEET TO A 6/8-INCH IRON PIPE FOUND AT THE NORTH COMMON CORNER OF SAID SHAW DEVELOPMENT TRACT AND A TRACT OF LAND DESCRIBED IN DEED TO DAVID GLEN DICKSON, RECORDED IN INSTRUMENT NO. 172095, OFFICIAL PUBLIC RECORDS, ELLIS COUNTY, TEXAS (O.P.R.E.C.T.);

THENCE SOUTH 82°19'40" EAST, A DISTANCE OF 36.94 FEET TO A 1-INCH IRON PIPE FOUND AT THE SOUTHWEST COMMON CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO PETER H. BUSCHANG AND JOYCE H. BUSCHANG, RECORDED IN VOLUME 2515, PAGE 282, D.R.E.C.T. AND A TRACT OF LAND DESCRIBED IN DEED TO MOUNT AUBURN, LLC, RECORDED IN INSTRUMENT NO. 161352, O.P.R.E.C.T.;

THENCE SOUTH 74°56'56" EAST, ALONG THE COMMON LINE OF SAID SHAW DEVELOPMENT TRACT AND SAID MOUNT AUBURN TRACT, A DISTANCE OF 741.54 FEET TO A 6/8-INCH IRON ROD FOR CORNER;

THENCE NORTH 73°53'02" EAST, CONTINUING ALONG THE COMMON LINE OF SAID SHAW DEVELOPMENT TRACT AND SAID MOUNT AUBURN TRACT, A DISTANCE OF 2,783.71 FEET TO A 1/2-INCH IRON ROD FOUND IN THE WEST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO LT. HICHLIFFE, RECORDED IN VOLUME 634, PAGE 644, D.R.E.C.T. AT THE EAST COMMON CORNER OF SAID SHAW DEVELOPMENT TRACT AND SAID MOUNT AUBURN TRACT;

THENCE SOUTH 175°13'42" WEST, ALONG THE COMMON LINE OF SAID SHAW DEVELOPMENT TRACT AND SAID HICHLIFFE TRACT, A DISTANCE OF 696.16 FEET TO A 1/2-INCH IRON ROD FOUND AT THE NORTH CORNER OF OVILLE PARK, AN ADDITION TO THE CITY OF OVILLE, ELLIS COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET Q, SLIDE 218, P.R.E.C.T.;

THENCE SOUTH 70°27'17" WEST, ALONG THE COMMON LINE OF SAID SHAW DEVELOPMENT TRACT AND SAID OVILLE PARK, A DISTANCE OF 1,704.15 FEET TO A 6/8-INCH IRON ROD WITH A YELLOW CAP STAMPED "RPLS 5674" SET FOR CORNER;

THENCE SOUTH 37°47'42" WEST, CONTINUING ALONG THE COMMON LINE OF SAID SHAW DEVELOPMENT TRACT AND SAID OVILLE PARK, A DISTANCE OF 718.59 FEET TO A 1/2-INCH IRON ROD WITH A CAP STAMPED "RPLS 4466" FOUND AT THE EAST CORNER OF SAID BRYSON MANOR PHASE 1;

THENCE WESTERLY, ALONG THE NORTHERLY LINE OF SAID BRYSON MANOR PHASE 1 THE FOLLOWING TWELVE (12) COURSES AND DISTANCES:

NORTH 02°03'50" WEST, A DISTANCE OF 152.58 FEET TO A 1/2-INCH IRON ROD WITH A CAP STAMPED "RPLS 4466" FOUND FOR CORNER;

NORTH 44°19'17" WEST, A DISTANCE OF 50.37 FEET TO A 1/2-INCH IRON ROD WITH A CAP STAMPED "RPLS 4466" FOUND FOR CORNER;

NORTH 02°03'50" WEST, A DISTANCE OF 563.39 FEET TO A 1/2-INCH IRON ROD WITH A CAP STAMPED "RPLS 4466" FOUND FOR CORNER;

SOUTH 41°33'05" WEST, A DISTANCE OF 360.01 FEET TO A 1/2-INCH IRON ROD WITH A CAP STAMPED "RPLS 4466" FOUND FOR CORNER AT THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 11°30'30", A RADIUS OF 230.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 35°42'30" WEST, 47.74 FEET;

SOUTHWESTERLY, ALONG SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 47.83 FEET TO A 1/2-INCH IRON ROD WITH A CAP STAMPED "RPLS 4466" SET FOR CORNER;

NORTH 38°45'54" WEST, A DISTANCE OF 148.99 FEET TO A 1/2-INCH IRON ROD WITH A CAP STAMPED "RPLS 4466" FOUND FOR CORNER AT THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 04°19'40", A RADIUS OF 370.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 15°04'20" WEST, 27.51 FEET;

SOUTHWESTERLY, ALONG SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 27.52 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER;

NORTH 78°03'20" WEST, A DISTANCE OF 151.21 FEET TO A 1/2-INCH IRON ROD WITH A CAP STAMPED "RPLS 4466" FOUND FOR CORNER;

SOUTH 89°18'20" WEST, A DISTANCE OF 650.70 FEET TO A 6/8-INCH IRON ROD WITH A YELLOW CAP STAMPED "RPLS 5674" SET FOR CORNER;

SOUTH 00°41'31" EAST, A DISTANCE OF 10.00 FEET TO A 1/2-INCH IRON ROD WITH A CAP STAMPED "C&C 10193759" FOUND FOR CORNER;

SOUTH 89°18'20" WEST, A DISTANCE OF 238.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 3,240,906 SQUARE FEET OR 74.401 ACRES OF LAND, MORE OR LESS.

KNOW ALL MEN BY THESE PRESENTS:

THAT I, SEAN SHROPSHIRE, DO HEREBY CERTIFY THAT I PREPARED THIS PRELIMINARY PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON AS SET WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE OF THE CITY OF OVILLE.

SEAN SHROPSHIRE
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5674

APPROVED BY THE PLANNING AND ZONING COMMISSION OF OVILLE, TEXAS, ON THE ____ DAY OF _____, 2019.

CHAIRPERSON, PLANNING AND ZONING COMMISSION

CITY SECRETARY

APPROVED BY THE CITY COUNCIL OF OVILLE, TEXAS, ON THE ____ DAY OF _____, 2019.

MAYOR

CITY SECRETARY

PRELIMINARY

This document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document

PRELIMINARY PLAT
BRYSON MANOR
PHASE 3

111 RESIDENTIAL LOTS - 2 HOA LOTS
74.401 ACRES
J.R. BILLINGSLEY SURVEY, ABSTRACT NUMBER 80
AN ADDITION TO THE CITY OF OVILLE
ELLIS COUNTY, TEXAS

SEPTEMBER, 2019

SCALE: 1"=100'

OWNER
SHAW DEVELOPMENT GROUP, LLC
6255 WOODLAND DRIVE
DALLAS, TX 75230

SURVEYOR

AXIS SURVEYING
P.O. BOX 575 | WAXAHACHIE, TEXAS 75188
214.903.8200 | TBPLS FIRM NO. 10194367
INFO@AXIS-SURVEY.COM

NOTES:

1. BASIS OF BEARINGS IS THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, NORTH CENTRAL ZONE 4202 AS DERIVED FROM GPS OBSERVATIONS.

2. DEVELOPMENT WILL BE SUBJECT TO MANDATORY HOMEOWNERS ASSOCIATION (HOA). ALL COMMON AREA LOTS WILL BE MAINTAINED BY SAID HOA.

FLOOD STATEMENT:

THE SUBJECT TRACT LIES WITHIN ZONE X (UNSHADED), DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN" AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FLOOD INSURANCE RATE MAP (FIRM) AS SHOWN ON COMMUNITY PANEL NO. 48139CD0050, DATED JUNE 3, 2013 FOR ELLIS COUNTY, TEXAS AND INCORPORATED AREAS. THE INFORMATION PROVIDED ON THE FIRM IS FOR FLOOD INSURANCE PURPOSES ONLY AND THE SURVEYOR DOES NOT CERTIFY TO THE ACCURACY THEREOF. THE SURVEYOR PROVIDED THIS SURVEY DOCUMENT FOR FLOOD INSURANCE PURPOSES ONLY AND THE SURVEYOR ASSUMES NO LIABILITY FOR THE USE THEREOF.



City of OVILLA Planning & Zoning Commission Recommendation

ITEM 2. DISCUSSION/ACTION – Case PZ19.10- Review and consideration of a preliminary plat application filed by Massey Shaw for Bryson Manor Phase III Subdivision, located at the NE corner of Bryson Lane and Shiloh Road, and forward recommendation to the Ovilla City Council.

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

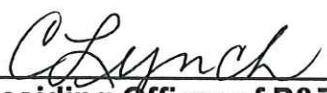
PL 1 Jungman AYE
PL2 Sims AYE
PL3 Lynch AYE
PL4 Whittaker AYE

PL5 Alexander AYE
PL6 Hart AYE
PL7 Zimmermann AYE

7 FOR

0 AGAINST

 ABSTAIN


Presiding Officer of P&Z

10/7/19
Date


Board Secretary

10.10.19
Date

AGENDA ITEM REPORT

Item 3

Meeting Date: October 15, 2019

Discussion Action

Submitted By: Staff

Reviewed By: Interim City Manager

Accountant

Other: Staff/EDC

City Engineer

Department: Administration

Budgeted Expense: YES NO N/A
(partially funded)

City Secretary

City Attorney

Attachments:

1. Engineers opinion of probable construction cost.
2. Bid tabulation
3. Dowager letter offering 15-day extension

Agenda Item / Topic:

ITEM 3. **DISCUSSION/ACTION** – Discuss funding source and possible award of sanitary sewer bid for service to Founders Park, City Hall, Fire Station and Police Station.

Discussion / Justification:

Bids were received for the referenced Project Number 18138.13 on August 29, 2019. The bids are good for 60 days. The budget for this project is \$150,000 including engineering. The low bidder for the project was Dowager Construction in the amount of \$245,502. The low bidder has agreed to extend the time to award the bid another 15-days which will extend the project award date to the November City Council meeting.

In order to award the project, a source of funding for the difference in the cost, and the budget needs to be identified. In addition, the City Council needs to decide if the line will be built if the bond election for a new city hall and police station does not pass.

Recommendation / Staff Comments:

N/A

Sample Motion(s):

I move to approve/deny . . .



ENGINEERS OPINION OF PROBABLE CONSTRUCTION COST
FOR PUBLIC IMPROVEMENTS
MAIN STREET SANITARY SEWER ALIGNMENT 'B' (18138)
CITY OF OVILLA, TX
October 10, 2018

ITEM	DESCRIPTION	UNIT	UNIT PRICE	QNTY	TOTAL
1.00 - SANITARY SEWER					
1.01	8" ASTM D3034 SDR35 PVC Sewer, with Trenching & Backfill (5'-15' Depth)	LF	\$ 40	737	\$ 29,480
1.02	6" ASTM D3034 SDR35 PVC Sewer, with Trenching & Backfill (5'-15' Depth)	LF	\$ 35	423	\$ 14,805
1.03	4' Diam. Sanitary Sewer Manhole (6-ft Height)	EA	\$ 3,500	7	\$ 24,500
1.04	Additional Depth for Manholes	VF	\$ 100	24	\$ 2,400
1.05	4" Service Tap	EA	\$ 500	7	\$ 3,500
1.06	HMAC Removal and Replacement	SY	\$ 70	645	\$ 45,150
SUB-TOTAL:					
CONTINGENCY (15%)					
TOTAL:					
\$ 137,810 GRAND TOTAL					

* Note this Engineers Opinion of Probable Construction Cost was created following the alignment from 2008 Construction Plans, "Main Street Sanitary Sewer From F.M. 664 to City Hall," prepared by Birkhoff, Hendricks & Conway Consulting Engineers.

* Assumes no utility relocation are required within R.O.W.

*Please note that the engineer has no control over

MAIN STREET SANITARY SEWER IMPROVEMENTS

BID TABULATION

Project No. 18138.13

September 6, 2019

ITEM	DESCRIPTION	UNIT	QNTY	DOWAGER CONSTRUCTION		FM UTILITIES INC			CANARY CONSTRUCTION, LLC		
				UNIT COST	ITEM COST	UNIT COST	ITEM COST	% OVER LOW BID	UNIT COST	ITEM COST	% OVER LOW BID
1.01	Mobilization	LS	1	\$ 10,000.00	\$ 10,000	\$ 2,500.00	\$ 2,500	-75.0%	\$ 6,875.00	\$ 6,875	-31.3%
1.02	Insurance and Bonds	LS	1	\$ 5,000.00	\$ 5,000	\$ 13,690.00	\$ 13,690	173.8%	\$ 6,875.00	\$ 6,875	37.5%
1.03	12" ASTM D3034 SDR26 PVC Sewer, with Trenching & Backfill	LF	930	\$ 78.00	\$ 72,540	\$ 104.00	\$ 96,720	33.3%	\$ 85.00	\$ 79,050	9.0%
1.04	8" ASTM D3034 SDR26 PVC Sewer, with Trenching & Backfill	LF	196	\$ 74.00	\$ 14,504	\$ 60.00	\$ 11,760	-18.9%	\$ 75.00	\$ 14,700	1.4%
1.05	6" ASTM D3034 SDR26 PVC Sewer, with Trenching & Backfill	LF	333	\$ 70.00	\$ 23,310	\$ 50.00	\$ 16,650	-28.6%	\$ 70.00	\$ 23,310	0.0%
1.06	Testing, CCTV Inspection, and Trench Protection	LF	1459	\$ 4.00	\$ 5,836	\$ 2.00	\$ 2,918	-50.0%	\$ 3.00	\$ 4,377	-25.0%
1.07	4' Diam. Sanitary Sewer Manhole(6-ft Height)	EA	8	\$ 2,200.00	\$ 17,600	\$ 4,750.00	\$ 38,000	115.9%	\$ 6,000.00	\$ 48,000	172.7%
1.08	6" Cleanout	EA	2	\$ 500.00	\$ 1,000	\$ 750.00	\$ 1,500	50.0%	\$ 1,500.00	\$ 3,000	200.0%
1.09	Additional Depth for Manholes	VF	29	\$ 200.00	\$ 5,800	\$ 400.00	\$ 11,600	100.0%	\$ 250.00	\$ 7,250	25.0%
1.10	ConShield for Manholes	EA	8	\$ 900.00	\$ 7,200	\$ 1,526.00	\$ 12,208	69.6%	\$ 900.00	\$ 7,200	0.0%
1.11	Infi-Shield Gator Wrap	EA	8	\$ 200.00	\$ 1,600	\$ 400.00	\$ 3,200	100.0%	\$ 1,200.00	\$ 9,600	500.0%
1.12	Epoxy Coat Existing Manhole	EA	1	\$ 2,000.00	\$ 2,000	\$ 4,500.00	\$ 4,500	125.0%	\$ 2,500.00	\$ 2,500	25.0%
1.13	12" Stub Out	EA	3	\$ 500.00	\$ 1,500	\$ 1,450.00	\$ 4,350	190.0%	\$ 1,555.00	\$ 4,665	211.0%
1.14	4" Service Tap	EA	7	\$ 800.00	\$ 5,600	\$ 1,200.00	\$ 8,400	50.0%	\$ 900.00	\$ 6,300	12.5%
1.15	4" Sewer Service	LF	346	\$ 70.00	\$ 24,220	\$ 26.00	\$ 8,996	-62.9%	\$ 65.00	\$ 22,490	-7.1%
1.16	Abandonment of Septic System	LS	2	\$ 800.00	\$ 1,600	\$ 2,000.00	\$ 4,000	150.0%	\$ 1,400.00	\$ 2,800	75.0%
1.17	Concrete Removal and Replacement	SY	15	\$ 200.00	\$ 3,000	\$ 120.00	\$ 1,800	-40.0%	\$ 150.00	\$ 2,250	-25.0%
1.18	Asphalt Removal and Replacement	SY	616	\$ 62.00	\$ 38,192	\$ 43.00	\$ 26,488	-30.5%	\$ 90.00	\$ 55,440	45.2%
1.19	Erosion Control Plan & Sedimentation Control (including all B	LS	1	\$ 3,000.00	\$ 3,000	\$ 6,318.00	\$ 6,318	110.6%	\$ 3,700.00	\$ 3,700	23.3%
1.20	Demobilization	LS	1	\$ 2,000.00	\$ 2,000	\$ 2,500.00	\$ 2,500	25.0%	\$ 6,875.00	\$ 6,875	243.8%
2.01	SpectraShield® Epoxy Coating of Proposed Manholes	EA	8	\$ 3,000.00	\$ 24,000	\$ 2,950.00	\$ 23,600	-1.7%	\$ 2,200.00	\$ 17,600	-26.7%
1.10	DEDUCT - ConShield for Manholes	EA	8	\$ (900.00)	\$ (7,200)	\$ (1,526.00)	\$ (12,208)	69.6%	\$ (900.00)	\$ (7,200)	0.0%
BASE BID TOTAL				\$ 245,502.0000			\$ 278,098.0000			\$ 317,257.0000	
BID ALTERNATE TOTAL				\$ 16,800.0000			\$ 11,392.0000			\$ 10,400.0000	
TOTAL BASE BID + ALTERNATE				\$ 262,302.0000			\$ 289,490.0000			\$ 327,657.0000	

10.4%

24.9%

MAIN STREET SANITARY SEWER IMPROVEMENTS

BID OPENING

Project No. 18138.13

September 5, 2019

No.	Bidder Name	Bid Total	Bid Bond	Signatures	Addenda	Scored
1	ATKINS BOROS EQUIPMENT	\$ 1,101,364.00	NO	YES	1	NO
2	CANARY CONSTRUCTION	\$ 317,257.00	YES	YES	1,2,3	YES
3	FM UTILITIES	\$ 278,098.00	YES	YES	1,2,3	YES
4	DOWAGER UTILITY CONSTRUCTION	\$ 245,502.00	YES	YES	1,2,3	YES
5						
6						
7						
8						

Dowager Utility Construction, LTD

2464 Manana Dr. Dallas, TX 75220
Tel: 972-931-1263 Fax: 972-931-2047

September 25, 2019
RE: City of Ovilla
Main Street Sewer Improvements

City of Ovilla, Texas
Public Works
105 Cockrell Hill Road
Ovilla, TX 75154
ATTN: Mike Collard

Dear Mr. Collard,

As requested, we cordially extend our bid's validity window by 15 days (bid valid through 11/19/19) for the above referenced project.

Respectfully,



G. Madison Smartt
Dowager Utility Construction

AGENDA ITEM REPORT Item 4

Meeting Date: October 15, 2019

Discussion Action

Submitted By: Staff

Reviewed By: Interim City Manager

Accountant

Department: Administration

Budgeted Expense: YES NO N/A

City Secretary

City Attorney

Other: Deputy City Secretary

Attachments:

1. Residential building application for swimming pool with exhibits
2. Photo showing no utilities at the desired pool site.

Agenda Item / Topic:

ITEM 4 *DISCUSSION/ACTION* – Consideration of and action on a request by homeowners Harry and Patricia Borowczak at 7211 Judy Drive for Council's granting of an intrusion into the utility easement for the construction of a swimming pool.

Discussion / Justification:

Homeowners and applicants Harry and Patricia Borowczak have requested that Council grant an intrusion into the 15' utility easement for the construction of their desired swimming pool. Survey and plans show the construction site is clear of any utilities.

Recommendation / Staff Comments:

Staff recommends approval.

Sample Motion(s):

I move to approve/deny the request submitted by applicants, Harry and Patricia Borocczak, granting an intrusion into the utility easement for the construction of a swimming pool at their residence of 7211 Judy Drive.



Residential Building Permit Application

City of Ovilla

105 S. Cockrell Hill Rd., Ovilla, TX 75154
Phone: (972) 617-7262 | Fax: (972) 515-3221

Building Permit #	2019-0272	Valuation:	\$60,000.00
Zoning:		Valuation w/ Land:	\$60,000.00
Project Address:	7211 JUDY DR		
Lot:	Block: D	Subdivision:	Bryson Manor phase 1
Project Description:			
New SFR	No	Flatwork	No
Plumbing/Electrical	No	Accessory Building	Yes
Swimming Pool	Yes	Sprinkler	No
SFR Remodel/Addition	No	Fence	Yes
Other		Specify Other:	
Proposed Use:	SWIMMING POOL		
Description of Work:	Rectangular inground pool		
Area Square Feet:			
Living:		Garage:	Covered Porch:
Total:	0.00		
# of Stories:			

Homeowner Details

Name: HARRY J & PATRICIA A BOROWCZAK
Address: 7211 JUDY DR, OVILLE, TX 75154
Phone # (469) 877-5168 Email: borowczaks@aol.com

Applicant Details

Applicant Type: Agent
Name: Jamie Fletcher
Address: po box 614 waxahachie, TX 75168
Phone # (972) 515-3546 Email: aoasislandscaping@yahoo.com

* Note *: City is granting intrusion for utility easement.

9/21/19 called for plu of

General Contractor Details**License #****Name:** Charley Duncan**Phone #** (972) 515-3546 **Email:****Mechanical Contractor Details****License #****Name:****Phone #** **Email:****Electrical Contractor Details****License #****Name:****Phone #** **Email:****Plumber/Irrigator Details:****License #****Name:** TONY GIBSON**Phone #** (469) 776-8981 **Email:**

Applicant's Signature***Office Use Only:***

Approved By :		Date approved:	
City Manager:		Date Approved:	

Plan Review Fee: \$0.00**Total Fees:** \$0.00 *775.78***Building Permit Fee:** \$0.00**Issued Date:****Park Impact Fee:** \$0.00**Expiry Date:****Capital Recovery Fee:** \$0.00**Issued By:****Fire Meter:** \$0.00**BV Project #****Water Meter Cost:** \$0.00**Water Impact:** \$0.00**Sewer Connection Fee:** \$0.00**Sewer Impact:** \$0.00



Building Permit

City of Ovilla

P.O. BOX 5047, Ovilla, TX 75154
Phone: (972) 617-7262 | Fax: (972) 515-3221

Permit No. 2019-0272

Location: 7211 JUDY DR

Description: Rectangular inground pool

Owner: HARRY J & PATRICIA A BOROWCZAK

Date Issued:

Building Inspector: _____

This Permit To Be Posted In Conspicuous Place On Site

City of Ovilla

Phone: (972) 617-7262
Fax: (972) 515-3221

105 S. Cockrell Hill Rd.
Ovilla, Texas 75154

Residential Building Permit Application

Building Permit Number:	Valuation: <u>60,000</u>
Zoning:	Valuation w/land:
Project Address:	7211 Judy Dr. Midlothian Tx 76065
Lot: <u>2</u>	Block <u>D</u> Subdivision: <u>Bryson Manor, Phase 1</u>
Project Description:	NEW SFR <input type="checkbox"/> SFR REMODEL/ADDITION <input type="checkbox"/> SPECIFY OTHER: _____
PLUMBING/ELECTRICAL <input type="checkbox"/>	FLATWORK <input type="checkbox"/> SPRINKLER <input type="checkbox"/>
SWIMMING POOL <input checked="" type="checkbox"/>	ACCESSORY BUILDING <input type="checkbox"/> FENCE <input type="checkbox"/>
Proposed Use:	<u>In ground swimming pool</u>
Description of Work:	
Area Square Feet:	
Living: _____	Covered Porch: _____
Garage: _____	Total: <u>512 sqft. Pool</u> Number of stories: _____

Homeowner's name:	<u>Harry Borowczak</u>
Address:	<u>7211 Judy Dr.</u>
Phone Number:	<u>469-877-5168</u> Home Number
	Mobile Number: _____

General Contractor	Contact Person	Phone Number	Contractor License Number
<u>Oasis Pools</u>	<u>Charley Duncan</u>	<u>972-515-3546</u>	
Mechanical Contractor	Contact Person	Phone Number	Contractor License Number
Electrical Contractor	Contact Person	Phone Number	Contractor License Number
<u>Aqua Blue electric</u>			
Plumber/Irrigator	Contact Person	Phone Number	Contractor License Number
<u>Gibson Plumbing</u>	<u>Tony Gibson</u>	<u>469-776-8981</u>	

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

**NOTE ** While your project may be approved and permitted by the City, you should check your deed restrictions and HOA requirements before applying for a permit. Obtaining a permit from the City does not ensure your right to commence a project. The City does not reference or enforce HOA restrictions and/or requirements.

Signature of Applicant: Jamie Fletcher Date: 9-6-19

OFFICE USE ONLY:

Approved by: <u>Gen BV</u>	Date approved: <u>9/23/19</u>
City Manager:	Date approved:

Plan Review Fee: _____ Receipt # _____ Total Fees: _____
Building Permit Fee: _____ Issued Date: _____
Park Impact Fee: _____ Expires: _____
Capital Recovery Fee: _____ Issued By: _____
Fire Meter: _____
Water Meter Cost: _____
Water Impact: _____
Sewer Connection Fee: _____ BV Project # 2019-017862
Sewer Impact: _____

Cathy Gaeta

From: noreply <noreply@govpilot.com>
Sent: Monday, September 9, 2019 8:51 AM
To: Cathy Gaeta; Jessica Foresman
Subject: Application Submitted: Residential Building Permit



City of Ovilla Residential Building Permit Application

Reference # 2019-0272

Application Date: 9/9/2019 9:46:18 AM

Property Details

Property Address: 7211 JUDY DR OVILLA, TX 75154

Block: D **Lot:**

Homeowner Details

Name: HARRY J & PATRICIA A BOROWCZAK

Address: RED OAK, TX 75154

Phone # 4698775168 **Email:** borowczaks@aol.com

Applicant Details

Name: Jamie Fletcher

Address: po box 614 waxahachie, TX 75168

Phone # 9725153546 **Email:** aoasislandscaping@yahoo.com

Contractor Details

Owner Same as Contractor: Yes

Name: Charley Duncan

Phone # 9725153546 **Email:**

Please login to [Govpilot](#) to review the application.

APPENDIX G

SWIMMING POOLS, SPAS, AND HOT TUBS

SECTION AG105 BARRIER REQUIREMENTS

AG105.1 Application.

The provisions of this appendix shall control the design of barriers for residential swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drowning's and near-drowning's by restricting access to swimming pools, spas and hot tubs.

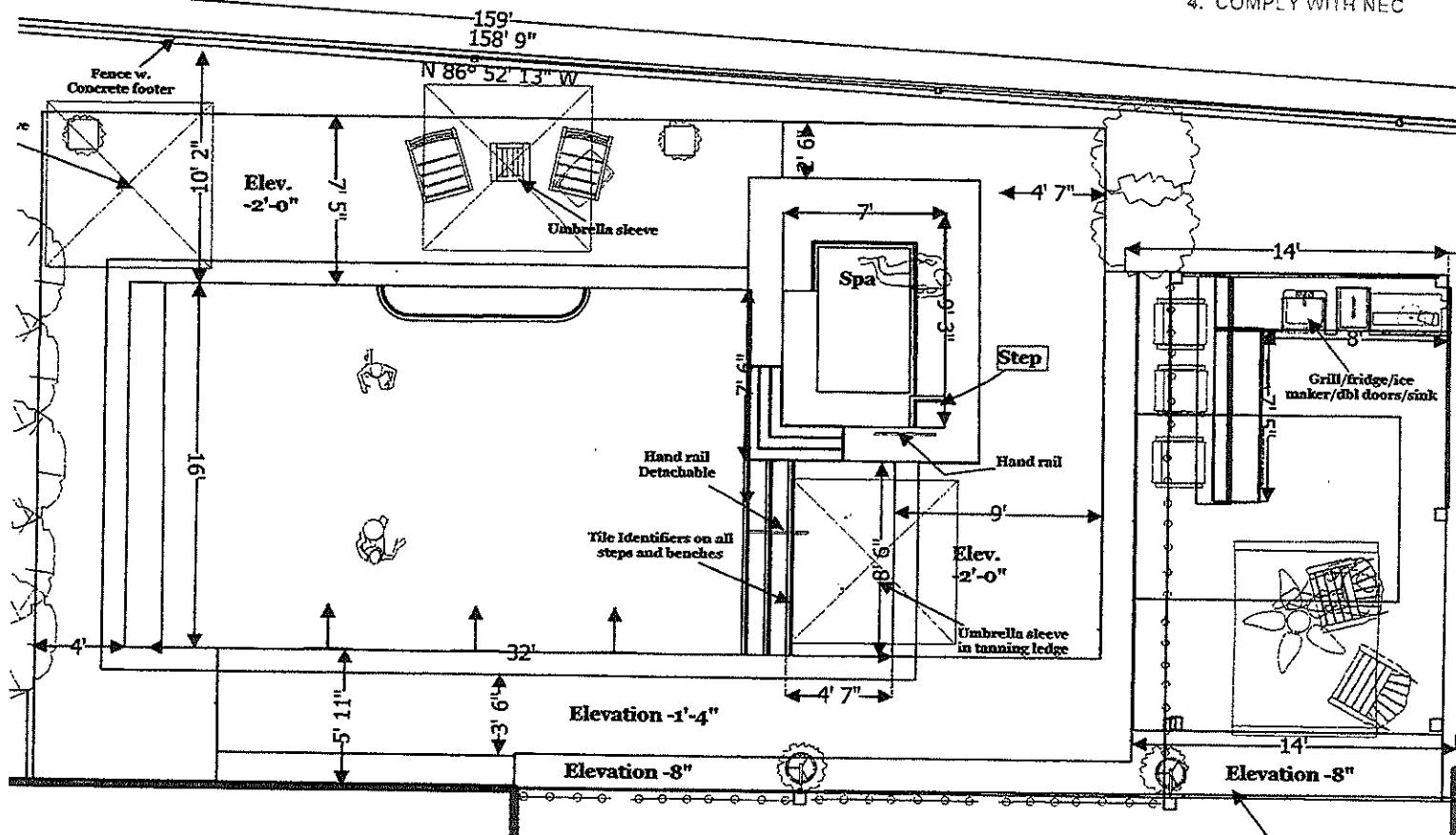
AG105.2 Outdoor swimming pool.

An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa, shall be surrounded by a barrier which shall comply with the following:

1. The top of the barrier shall be at least 48 inches (1219 mm) above *grade* measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).
2. Openings in the barrier shall not allow the passage of a 4-inch-diameter (102 mm) sphere.
3. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions, except for normal construction tolerances and tooled masonry joints.
4. Where the barrier is composed of horizontal and vertical members, and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed $1\frac{3}{4}$ inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed $1\frac{3}{4}$ inches (44 mm) in width.
5. Where the barrier is composed of horizontal and vertical members, and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed $1\frac{3}{4}$ inches (44 mm) in width.
6. Maximum mesh size for chain link fences shall be a $2\frac{1}{4}$ -inch (57 mm) square, unless the fence has slats fastened at the top or the bottom which reduce the openings to not more than $1\frac{3}{4}$ inches (44 mm).
7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than $1\frac{3}{4}$ inches (44 mm).
8. Access gates shall comply with the requirements of Items 1 through 7, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool, and shall be self-closing and have a self-latching device. Gates, other than pedestrian access gates, shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following:

NOTICE

1. VERIFY LOCATION OF ALL UTILITIES WITH UTILITY COMPANY
2. PROVIDE 2 DRAINS
3. COMPLY WITH POOL BARRIER REQUIREMENTS
4. COMPLY WITH NEC



CITY COPY

SUBJECT TO FIELD
INSPECTIONS
AND APPROVALS

Project Info

Project Name: 7211 Judy Dr.
Client Name: Harry Borowczak
Client Email: borowczaks@aol.com
Client Phone: 469-877-5116
Designer Name: Jamie Fletcher
Company Name: Aoasis Pools



SEP 23 2019

Plans Reviewed

Plans not valid without attached review notes

Scale: 1/8" = 1 ft



Pools	
Envelope:	33'x16'
Perimeter:	97' 11"
Area:	480 ft ²
Int Surface Area:	385 ft ²
Depth:	4' to 5' to 3' 8"
Volume:	12,742 gallons
Lights:	2
Step Linear Ft:	52' 8"
Interior Finish:	Polished scape, summer breeze
Tile Material:	Tile,NPT - seven seasPA41 lake blue
Coping Area:	87 ft ²
Coping Interior:	84' 1"
Coping Material:	Leuders coping
Trim Tile Material:	Tile, seven seas
Concrete:	35.3 yards ³
Rebar:	2871'
Hardscapes	
Count:	10
Perimeter:	1005' 6"
Area:	949 ft ²
Total Area:	949ft ²
Height:	2x-24", 2x-16", 2x-8", 4x0"
Surface Material:	Washed Aggregate
Concrete:	45.4 yards ³

WLSC

Walker Land Surveying Company

P.O. Box 2911 Woxahachie, Texas 75168

Phone: (972) 938-8693

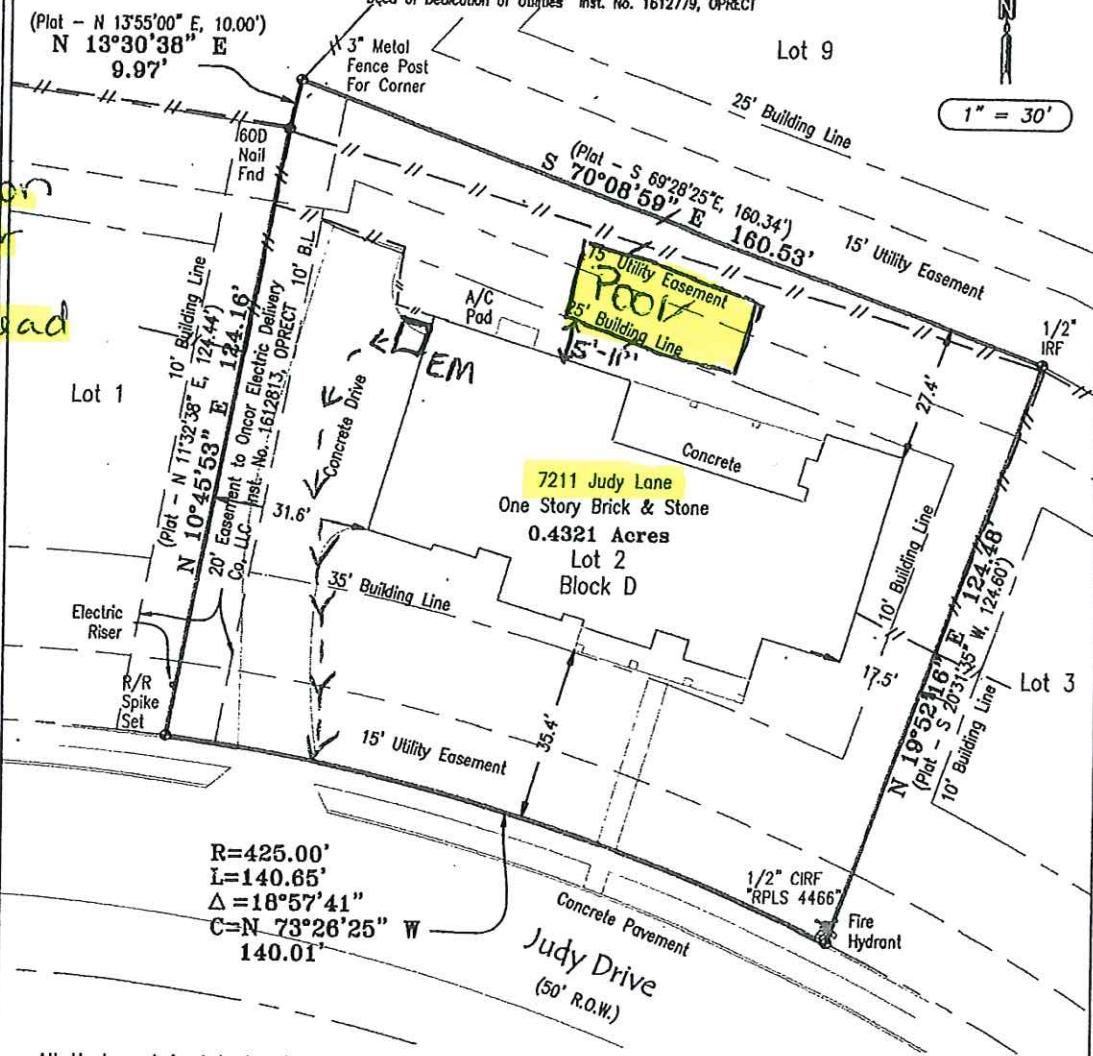
TBPLS Firm No. 10112400

To the best of my knowledge and belief, the following easements do not affect this property:

Sardis-Lone Elm Water Supply Corp. Vol. 1390, Pg. 548, OPRECT
 Anew Properties, Inc. Vol. 2354, Pg. 1573, OPRECT
 Shaw Development Group, LLC Vol. 2778, Pg. 1153, OPRECT
 Deed of Dedication of Utilities Inst. No. 1612779, OPRECT

Future Development

(Plot - N 13°55'00" E, 10.00')
 N 13°30'38" E
 9.97'



All that certain lot, tract, or parcel of land being Lot 2, Block D of Bryson Manor, Phase 1, an Addition in the City of Ovilla, Texas, according to the Plat thereof recorded in Cabinet I, Slides 514-517, Plat Records of Ellis County, Texas. Also known as 7211 Judy Drive.

This is to certify that I have, on this date, made a true and correct on the ground survey of the subject property. The plot hereon is an accurate representation of the boundary and area as determined by survey. The size, location, and type of buildings and improvements are as shown. Any visible utilities and easements are located as shown. I do not warrant that those shown comprise all such utilities in the area, whether in service or abandoned. I further certify that no portion of the subject property is located in a Special Flood Hazard Boundary according to the Flood Insurance Rate Map for Ellis County, Texas. Map # 48139C0050 F, Zone X. This survey plot was prepared for title purposes in conjunction with Independence Title. Title insurance G# 1804470-ARDA. The easements, right-of-ways, and other exceptions shown are according to the Schedule B provided. The surveyor has not obstructed the property. This survey substantially complies with the Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Condition 2 Survey. This survey was completed exclusively for the above named parties in the original transaction only. It was completed for single use only and no license is granted for any other use without the express written consent of Walker Land Surveying Company. This survey plot contains material protected by United States copyright law and international treaties. Copyright ©2018 Walker Land Surveying Company. All rights reserved. All original copies are multi-colored and marked with the Surveyor's embossed seal. Only these copies may be considered true and correct copies. Any copies not multi-colored and marked with the embossed seal are illegal copies and render this certification null and void.

LEGEND	
•	— Property Corner
fnf	— found
IRF	— Iron rod found
IPF	— Iron pipe found
1/2"	— 1/2" Iron rod fnd with cap marked "WLSC RPLS 5331"
CIRF	— 1/2" Iron rod set with cap marked "WLSC RPLS 5331"
CIRS	— 1/2" Iron rod set with cap marked "WLSC RPLS 5331"



Date: February 15, 2018
 Scale: 1"=30'
 Job: 180017

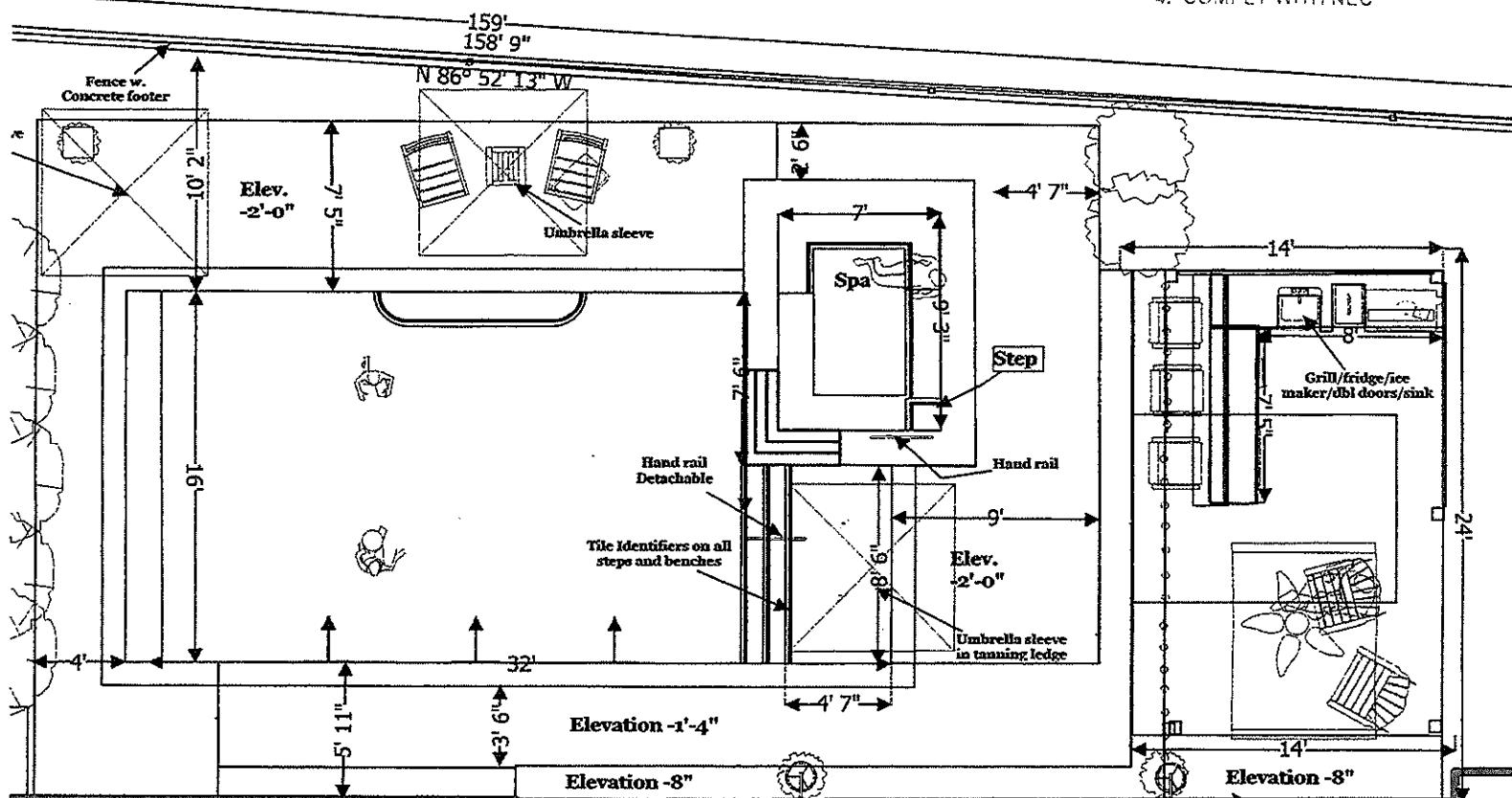
Digitally signed by J. Shawne Walker, R.P.L.S.
 Date: 2018.02.15 16:36:28 -06'00'

Copyright ©2018 Walker Land Surveying Company.
 All rights reserved.

J. Shawne Walker, R.P.L.S.
 Texas Registration #5331

NOTICE

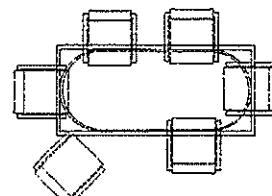
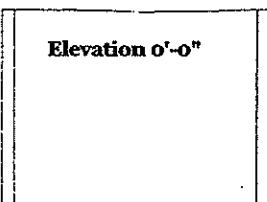
1. VERIFY LOCATION OF ALL UTILITIES WITH
UTILITY COMPANY
2. PROVIDE 2 DRAINS
3. COMPLY WITH POOL BARRIER REQUIREMENTS
4. COMPLY WITH NEC



Pools	
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Surface Material:	Washed Aggregate
Concrete:	45.4 yards ³

*Black rubber
expansion joints

CONTRACTOR
COPY



SUBJECT TO FIELD
INSPECTIONS
AND APPROVALS



Project Info
Project Name: 7211 Judy Dr.
Client Name: Harry Borowczak
Client Email: borowczaks@aol.com
Client Phone: 469-877-5116
Designer Name: Jamie Fletcher
Company Name: Aoasis Pools

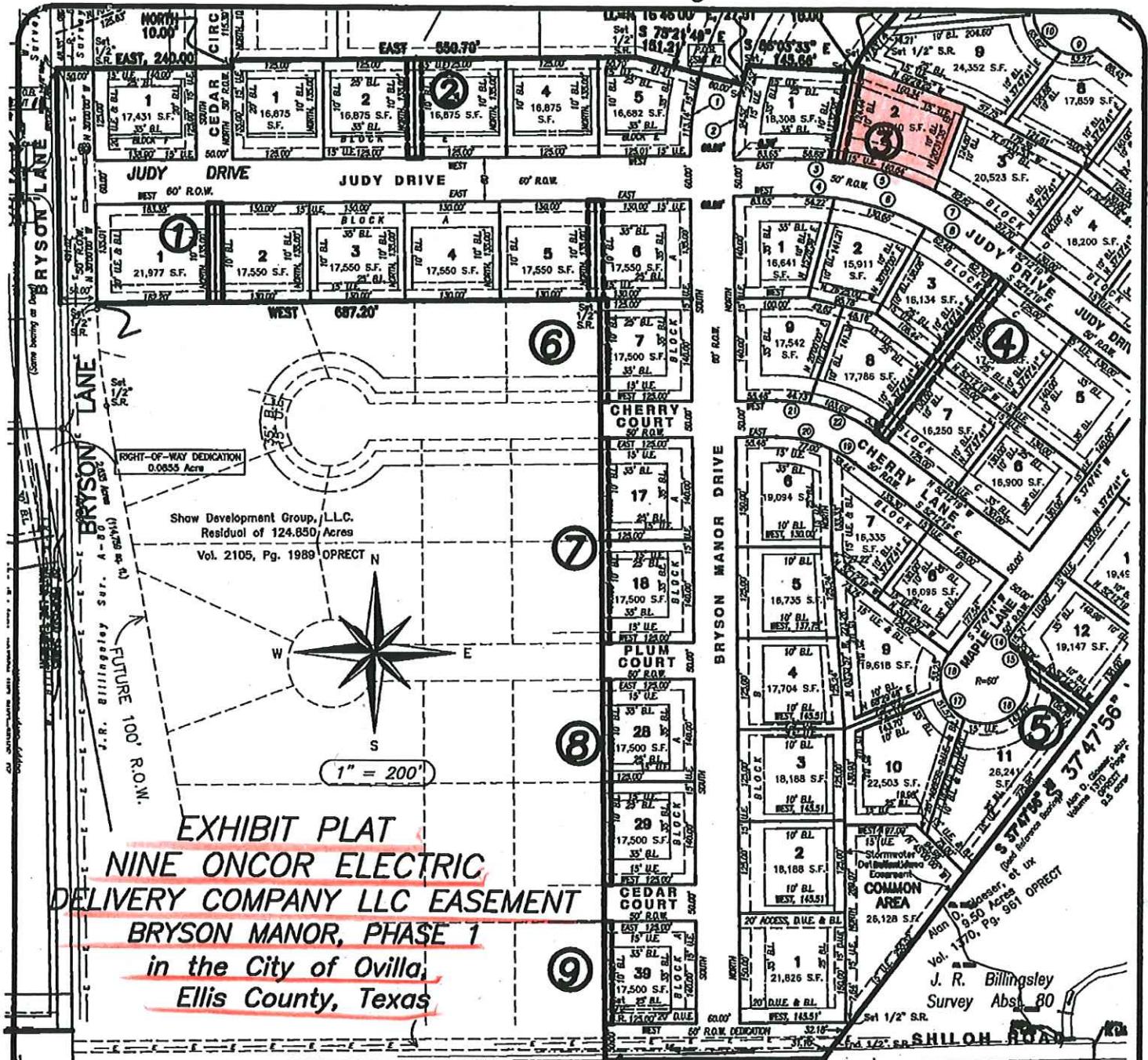


SEP 23 2019

Plans Reviewed

Plans not valid without attached review notes

Scale: 1/8" = 1 ft



ENGINEERS
D & M DAVIS & McDILL, Inc.
SURVEYORS

(A Texas licensed surveying firm # 101504-00)
P.O. BOX 428, Waxahachie, Texas 75168

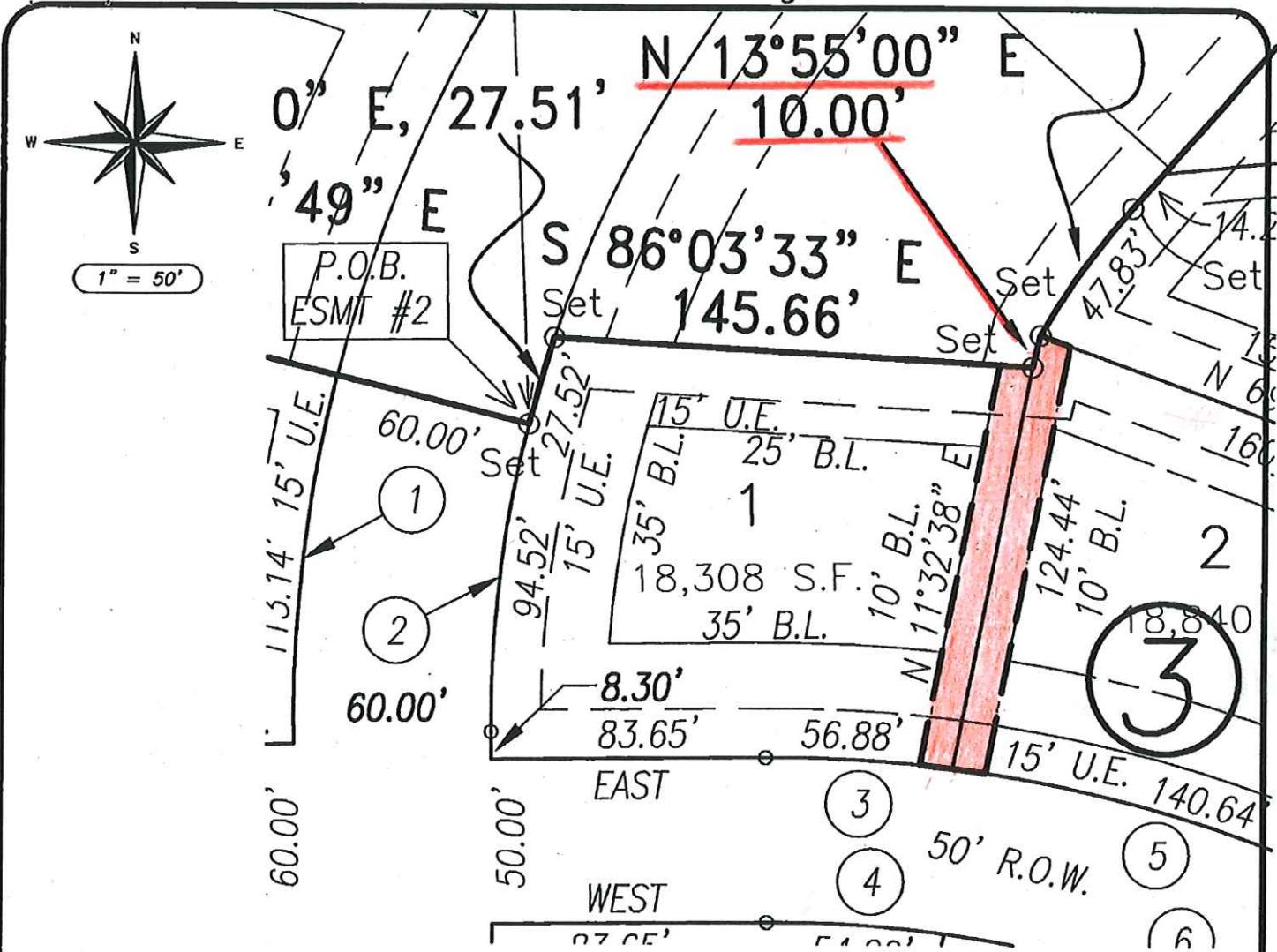
Phone: Metro 972-938-1185 Fax: 972-937-0307

Description Exhibit Plat Client: ONCOR Electric Delivery Company LLC 213-0099
Drawn by: Staff Scale: 1" = 50' Date: APR 08, 2016 Job# Easement 1

Walter Kevan Davis 4/11/16

Walter Kevan Davis Texas RPLS #4466
Davis & McDill, Inc.





**EXHIBIT PLAT
20' WIDE ONCOR ELECTRIC
DELIVERY COMPANY LLC EASEMENT**

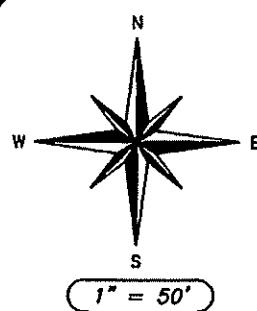
0.0591 ACRE (2573 sq. ft.)
 out of LOTS 1 and 2 in BLOCK D
of BRYSON MANOR, PHASE 1
 in the City of Ovilla, Ellis County, Texas

ENGINEERS
D & M DAVIS & McDILL, Inc.
SURVEYORS

(A Texas licensed surveying firm # 101504-00)
 P.O. BOX 428, Waxahachie, Texas 75168

Phone: Metro 972-938-1185 Fax: 972-937-0307

Description: Exhibit Plat Client: ONCOR Electric Delivery Company LLC 213-0099
 Drawn by: Staff Scale: 1" = 50' Date: APR 08, 2016 Job# Easement 3



EAST — 550.70'

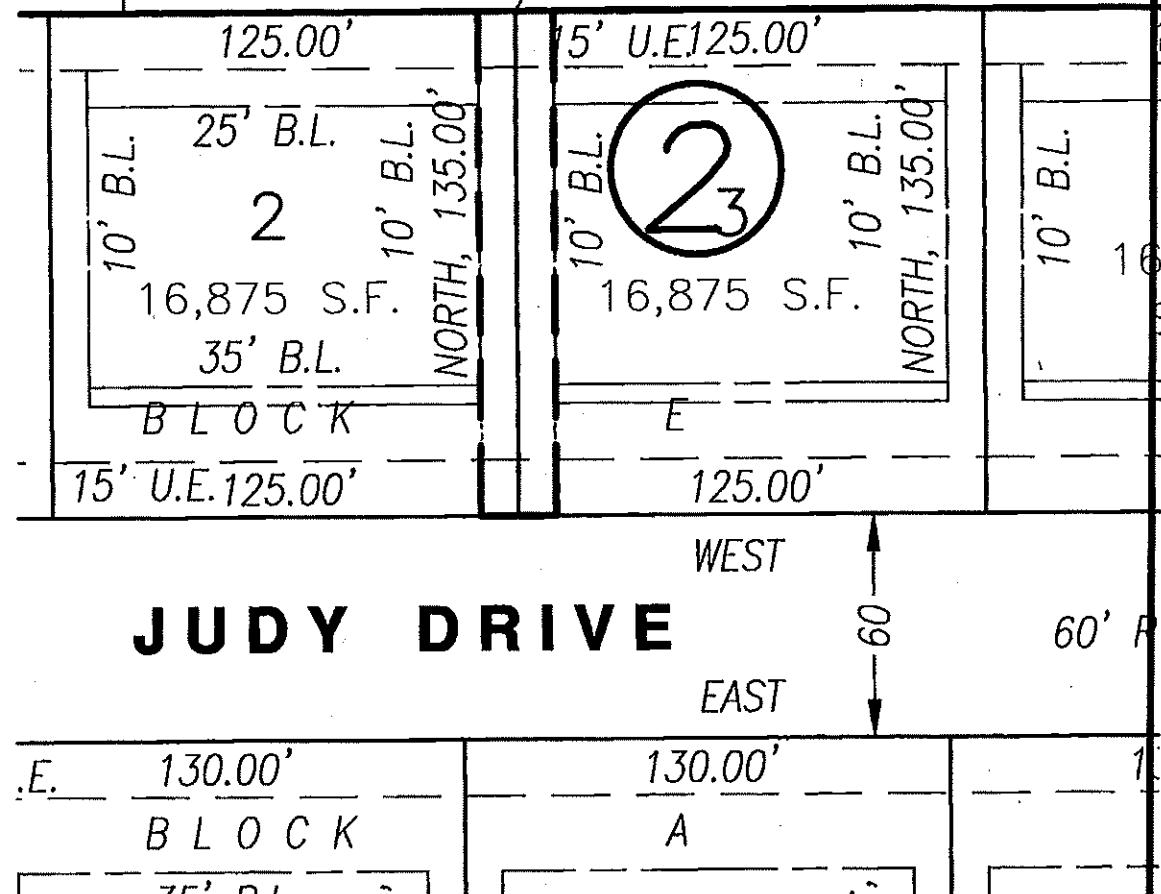


EXHIBIT PLAT

**20' WIDE ONCOR ELECTRIC
DELIVERY COMPANY LLC EASEMENT**

0.0620 ACRE (2700 sq. ft.)

out of LOTS 2 and 3 in BLOCK E

of BRYSON MANOR, PHASE 1

in the City of Ovilla, Ellis County, Texas

ENGINEERS

D&M

DAVIS & McDILL, Inc.

SURVEYORS

(A Texas licensed surveying firm # 101504-00)
P.O. BOX 428, Waxahachie, Texas 75168

Phone: Metro 972-938-1185 Fax: 972-937-0307

Description Exhibit Plat Client: ONCOR Electric Delivery Company LLC 213-0099

Drawn by: Staff Scale: 1" = 50' Date: APR 08, 2016 Job# Easement 2

No utility



AGENDA ITEM REPORT

Item 5

Meeting Date: October 15, 2019

Discussion Action

Submitted By: Staff

Reviewed By: Interim City Manager

Accountant

Department: Administration

Budgeted Expense: YES NO N/A

City Secretary

City Attorney

Other: Staff

Attachments:

1. Ordinance 2019-22
2. Excerpt from Section 52.004 LGC

Agenda Item / Topic:

ITEM 5. **DISCUSSION/ACTION** – Consideration of and action on Ordinance 2019-22 of the City of Ovilla, Texas amending Chapter 1, Section 1.02.002 of the Code of Ordinances to declaring an official city newspaper and declaring an effective date.

Discussion / Justification:

Chapter 1, Article 1, Section 1.02002 of the Ovilla Code of Ordinances and Section 52.004 of the Local Government Code states the municipality shall annually declare an official newspaper for required publications. The Waxahachie Daily Light is the city's current newspaper on file. They publish twice weekly.

Recommendation / Staff Comments:

Staff recommends approval.

Sample Motion(s):

I move that the Ovilla City Council approves/denies Ordinance 2019-22 of the City of Ovilla, Texas amending Chapter 1, Section 1.02002 of the Code of Ordinances declaring the official City newspaper as _____, effective immediately.

ORDINANCE 2019-22

AN ORDINANCE OF THE CITY OF OVILLA, TEXAS AMENDING CHAPTER 1, SECTION 1.02.002 OF THE CODE OF ORDINANCES DECLARING AN OFFICIAL CITY NEWSPAPER AND DECLARING AN EFFECTIVE DATE.

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

WHEREAS, section 52.004 Texas Local Government Code requires the governing body of a municipality to determine, by ordinance or resolution, which public newspaper shall be the municipality's official newspaper, as soon as practicable after the beginning of each municipal year.

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

SECTION ONE

That Chapter 1, Section 1.02.002 of the Code of Ordinances, City of Ovilla, Texas is hereby amended to read as follows:

The _____, a newspaper, is hereby declared the official newspaper of the City of Ovilla, for required publications by the City.

SECTION TWO

This ordinance shall be in full force and effect from and after its passage, and it is so ordained.

PASSED AND APPROVED on the 15th day of October 2019.

APPROVED:

Richard A. Dormier, MAYOR

ATTEST:

Pamela Woodall, CITY SECRETARY

Excerpt of the Local Government Code

Sec. 52.004. OFFICIAL NEWSPAPER. (a) As soon as practicable after the beginning of each municipal year, the governing body of the municipality shall contract, as determined by ordinance or resolution, with a public newspaper of the municipality to be the municipality's official newspaper until another newspaper is selected.

AGENDA ITEM REPORT

Item 6

Meeting Date: October 15, 2019

Discussion Action

Submitted By: Staff

Reviewed By: Interim City Manager

Accountant

Department: Administration

Budgeted Expense: YES NO N/A

City Secretary

City Attorney

Other: Staff

Attachments:

1. Chapter 5 Thoroughfares - from the Comprehensive Land Use Plan

Agenda Item / Topic:

ITEM 6. *DISCUSSION/ACTION* – Consideration of and action to appoint a temporary committee to review the current Thoroughfare Plan.

Discussion / Justification:

PL4 Hunt requested this item to review and possibly update the current Thoroughfare Plan.

In June 2017 a committee was formed but never met. Three members were appointed to this committee and two can no longer commit to this temporary committee. PL4 is asking to reassign a new committee to review this Plan.

MS Carol Lynch was on the original committee and still wishes to serve. Windy Zabojnik volunteered to serve.

Recommendation / Staff Comments:

Staff recommends approval.

Sample Motion(s):

I move to appoint: Carol Lynch and Windy Zabojnik to the Thoroughfare Plan Review Committee, a temporary committee.

Chapter 5. Thoroughfares

Introduction

Transportation planning is an integral part of the City of Ovilla Comprehensive Land Use Plan. As such, the thoroughfare goals and objectives were considered carefully in the drafting of the Comprehensive Land Use Plan. The 2010 Comprehensive Land Use Plan Review Committee spent a considerable amount of time finalizing the Ovilla Thoroughfare Plan to carefully consider the proper classifications for thoroughfares to be included. Street and roadway improvements were important items discussed for expenditure of public funds. Consideration was given to both the internal transportation needs of the residents of Ovilla and the regional transportation needs of others that travel through Ovilla. The Regional Thoroughfare Plan prepared by the North Central Texas Council of Governments (NCTCOG), the City of Cedar Hill Thoroughfare Plan, the City of Midlothian Thoroughfare Plan were all consulted for input into the 2010 Ovilla Thoroughfare Plan. By coordinating with the other municipalities and governmental agencies, the development of the overall transportation network can be improved.

The Thoroughfare Plan should be reviewed and updated periodically to represent current conditions and promote preservation of terrain, natural drainage ways and trees. For example, the plan document should be revised to encourage improvements to Shiloh Road as increased traffic occurs as a result of new subdivisions, a new elementary school and new and existing non-residential uses.

The movement of people and goods within the City and the surrounding area is an important function; such movement is dependent upon the arrangement and condition of local streets and highways. As the city changes, the thoroughfare system must be capable of handling traffic movement in a safe and efficient manner. The 2010 City of Ovilla Thoroughfare Plan is coordinated with the 2010 Future Land Use Plan and provides the guidelines to develop a transportation system that can accommodate the needs of existing and future land use. This adopted Thoroughfare Plan is a valuable tool for the City of Ovilla in requiring the appropriate dedication of right-of-ways and the construction of the appropriate roadway improvements as the city continues to develop.

The primary form of transportation in the City of Ovilla is the individual gasoline-powered vehicle. Whether that vehicle is a pickup truck, an automobile or a SUV (Sport/Utility Vehicle), most Ovilla residents rely on their individual vehicles as their sole means of transportation. For this reason, the transportation element of the Comprehensive Land Use Plan Update is focused on the system of public roadways, which is designed to expedite traffic movement and enhance safety. The Thoroughfare Plan also includes recommendations for developing alternate modes of transportation within the city, as well as recommendations which create a continuous process of planning, implementation, monitoring, and evaluation to assure that the mobility needs for citizens of Ovilla will be met as development occurs.

The Thoroughfare Plan should enable the City to implement a systematic process of upgrading and developing thoroughfares in accordance with the City's Future Land Use Plan. This process should include: (1) an evaluation of proposed roadway improvement regarding compliance to the Thoroughfare Plan; (2) preparation of detailed route studies to locate the exact location of a street that is shown conceptually on the Thoroughfare Plan; and (3) preparation of engineering plans and geometrics (including extra turn lanes at major intersections) once detailed routes have been established.

Definitions

A number of terms used throughout this chapter should be defined in order to provide an understanding of existing and future transportation needs. These terms include the following:

Functional classification - The roadway classification system is intended to categorize streets by function for the purpose of clarifying administrative and fiscal responsibility. A complete circulation system provides separate facilities for the movement, transition, distribution, collection, access, and termination of trips. Freeways and arterials handle principal movement functions. Collector streets serve to gather traffic from local streets and feed it to the arterial system and to provide access in commercial and industrial areas. Local streets provide direct access to adjacent property.

Capacity - The capacity of a roadway as defined by the Highway Capacity Manual, is the maximum hourly rate at which vehicles can reasonably be expected to traverse a point or section of a roadway during a given time period under prevailing roadway, traffic, and control conditions. Roadway conditions refer to the geometric characteristics of the street such as type of facility, number and width of lanes, horizontal and vertical alignment, and design speed. Traffic conditions refer to the type of vehicle mix and the distribution of vehicles in available lanes. Control conditions refer to the types and specific design of traffic control devices such as traffic signals, signs, and turn restrictions. Other factors that affect the capacity of a roadway include weather and driver characteristics.

Traffic Volume - Traffic volume is a measurement of the total number of vehicles that pass a given section of a roadway during a given time period. Volume is generally expressed in terms of annual, daily, or hourly rates. Traffic volumes vary by the time of day, day of the week, season, and month. Annual average daily traffic (AADT) is the average daily traffic on a roadway, averaged over a full year, and is often used in travel forecasting and planning. Within this report the term vehicles per day (vpd) is used to reflect traffic counts made over a 24-hour period that have not been converted to annual average daily traffic and, thus, may not account for daily, weekly, or seasonal variations.

Through Traffic - This term is used in two ways, depending on the particular discussion: 1) to identify trips that do not have a local destination (i.e. are not stopping within Ovilla); and 2) to identify trips that may have a local destination, but are traveling through a particular section of the City.

Existing Conditions

Ovilla's existing transportation system is designed to accommodate private vehicular traffic. Interstate Highway 35E and State Highway 67 are approximately 3.75 miles from Ovilla to the east and 5.30 miles from Ovilla to the west respectively. Currently, no other forms of transportation are available in Ovilla.

Highways & Streets

Ovilla Road (F. M. 664) is the major internal transportation spine for Ovilla. It is the only direct traffic route through Ovilla. All other roadways are modified county roads that meander around various physical constraints. Ovilla Road is also a Texas Department of Transportation (TxDOT) maintained facility. The section of Ovilla Road from Hampton Road to Cinnamon Spring Street is a three lane asphalt roadway with a continuous left turn lane. The remainder of Ovilla Road is only two lanes in width.

Westmoreland Road is currently a north-south country road, with its ultimate purpose to serve as a principal arterial providing connection down to Lariat Trail and Red Oak Creek Road. Westmoreland road will serve as the primary entry point into the City from Future Loop 9.

Cockrell Hill Road is a two-lane rural section of roadway that provides access to the center of the City. The current development that exists adjacent to the roadway, primarily residential development of half-acre of larger lots creates a limiting factor to the increase of traffic and ultimately dictates the ultimate thoroughfare classification.

Joe Wilson Road is a north-south country road that acts as a collector down to Johnson Lane. This road currently serves to take pressure off of Westmoreland Road as a north-south arterial.

Montgomery Road/Bryson Lane & Red Oak Creek Road are small residential collectors that wind near creeks and are canopied by beautifully abundant trees. Both roads are very scenic entrances to the central portions of Ovilla.

Shiloh Road is an east-west collector that provides access between the City of Midlothian and Ovilla. It is a small country road that bisects Ovilla's ETJ and feeds to Ovilla Road. Shiloh Road has recently and is anticipated to experience increased traffic resulting from changes in adjacent land uses and development.

Duncanville Road is a north-south collector that provides access between the City of Cedar Hill and Ovilla. Currently, this thoroughfare is a small country road that is approximately 1,000 feet in length within the City of Ovilla municipal limits and terminates at Johnson Lane. This thoroughfare will ultimately be extended to the south and eventually connect with Bryson Lane to continue south.

Bicycle & Pedestrian

Pedestrian and bicycle transportation are often forgotten as viable modes of travel in today's mobile society. In order to provide for easy and safe pedestrian and bicycle travel, sidewalks, pathways, and crosswalks should be required to be included in future development plans. This type of access is needed to commercial centers, along arterial

streets and between residential areas, schools. By requiring appropriate infrastructure for pedestrians in new developments, and retrofitting existing developed areas, traffic and parking issues may be lessened in intensity, and quality of life may be improved. The City may also wish to provide bicycle racks or covered storage areas in public facilities.

Street Functions & Classifications

Streets located within municipalities generally are various sizes, and have different numbers of vehicle traffic lanes and design requirements. This Plan has categorized Ovilla's streets according to the Standard Street Classification System used by the Texas Department of Transportation (TxDOT). Each type of roadway in the classification system has right-of-way widths, lane widths, number of lanes, and medians appropriate to the traffic and speed required of the street. *Table 5.1, Summary of Street Classifications* provides the following information in tabular format.

Table 5-1
Summary of Street Classification

Land Use Plan Classification	Thoroughfare Plan Classification	
Local Residential Street	R2U	Residential Two Lane Undivided
Collector Street	C2U	Collector Two Lane Undivided
	C4U	Collector Four Lane Undivided
Minor Arterial Street	M2D	Minor Arterial Two Lane Divided
	M4U	Minor Arterial Four Lane Undivided
	M4D	Minor Arterial Four Lane Divided
Principal Arterial Street	P6D	Principal Arterial Six Lane Divided
	P4D	Principal Arterial Four Lane Divided
	P4U	Principal Arterial Four Lane Undivided
Freeway (Proposed Loop 9)	FW	Typically Four to Ten Divided Lanes

* R2U streets are not shown on the Thoroughfare Plan.

Freeways

Freeways or highways consist of controlled limited access roadways with divided lanes for directional traffic. Freeways are designed to move high volumes of traffic, typically in excess of 40,000 vehicles per day, with maximum efficiency. Freeways generally have from 4 to 8 lanes and require 250 to 500 feet of right-of-way. They provide no direct access to adjacent property, and main lanes are grade separated at intersections with arterial roadways. Service roads may be provided along the freeway to facilitate access to and from the main lanes and to provide access to adjacent property. Interstate 35E and State Highway 67 are the two freeways near to the city of Ovilla. The proposed Loop 9 may be classified as a freeway and run on the city's northern boundary.

Principal Arterials

Principal arterials are designed to serve major traffic movements through the city by carrying large volumes of traffic across or through the city as efficiently as possible. These roadways should be continuous in length, connect with freeways, and serve major traffic generators. Typically, principal arterials should be spaced between two and three miles apart. They are designed to carry between 10,000 and 40,000 vehicles per day requiring from four to six lanes. Access management is essential to ensure maximum operating efficiency of the roadway. However, because commercial development generally occurs along arterial streets, control of access is often difficult to achieve. Intersection spacing should be at intervals of not less than one-fourth mile. Intermediate unsignalized access points and median breaks to accommodate public streets or private driveways should be avoided. To facilitate the flow of traffic, designated turn lanes and acceleration/deceleration lanes may be required in areas of commercial development.

Minor Arterials

Minor arterials are generally designed as four-lane roadways; with the exception of the two-lane divided minor arterial proposed. They may be either divided or undivided, and are designed to connect the primary arterials and provide system continuity. Generally, minor arterials are spaced at approximately one mile intervals, and define the limits of a neighborhood. They are designed to carry traffic volumes of 10,000 to 15,000 vehicles per day, and like principal arterials, direct access should be limited. Intersections for four-lane minor arterials should be spaced at intervals of no less than one-fourth of a mile and intermediate access points to accommodate public streets or private driveways should be avoided. Two-lane minor arterials are designed to accommodate rural traffic and provide pocket medians to allow access for turning movements. The classification of Shiloh Road as an arterial M4U should be further studied given potential design constraints.

Collector Streets

Collector streets are intended to serve internal traffic movements within an area and carry traffic from local streets to the arterial network, and may be designated as principal and minor collectors. Generally, collector streets are designed with two lanes, are between 1 and 1/2 mile in length, and carry traffic volumes between 1,000 and 10,000 vehicles per day. Minor collector streets should be located to provide access to the local street system in a neighborhood and be curvilinear in design, in order to discourage through traffic in neighborhoods. Typically, they include two traffic lanes and two parking lanes and should be less than one mile in length. The classification of Red Oak Creek Road as a collector C4U should be further studied given potential design constraints.

Local Streets

Local streets provide access to residential property and feed the collector street system. Local streets typically carry volumes of less than 1,000 vehicles per day. Streets are no more than two lanes and should be designed to discourage any type of through traffic movements, either through a curvilinear arrangement, through the incorporation of loops and cul-de-sacs, or both.

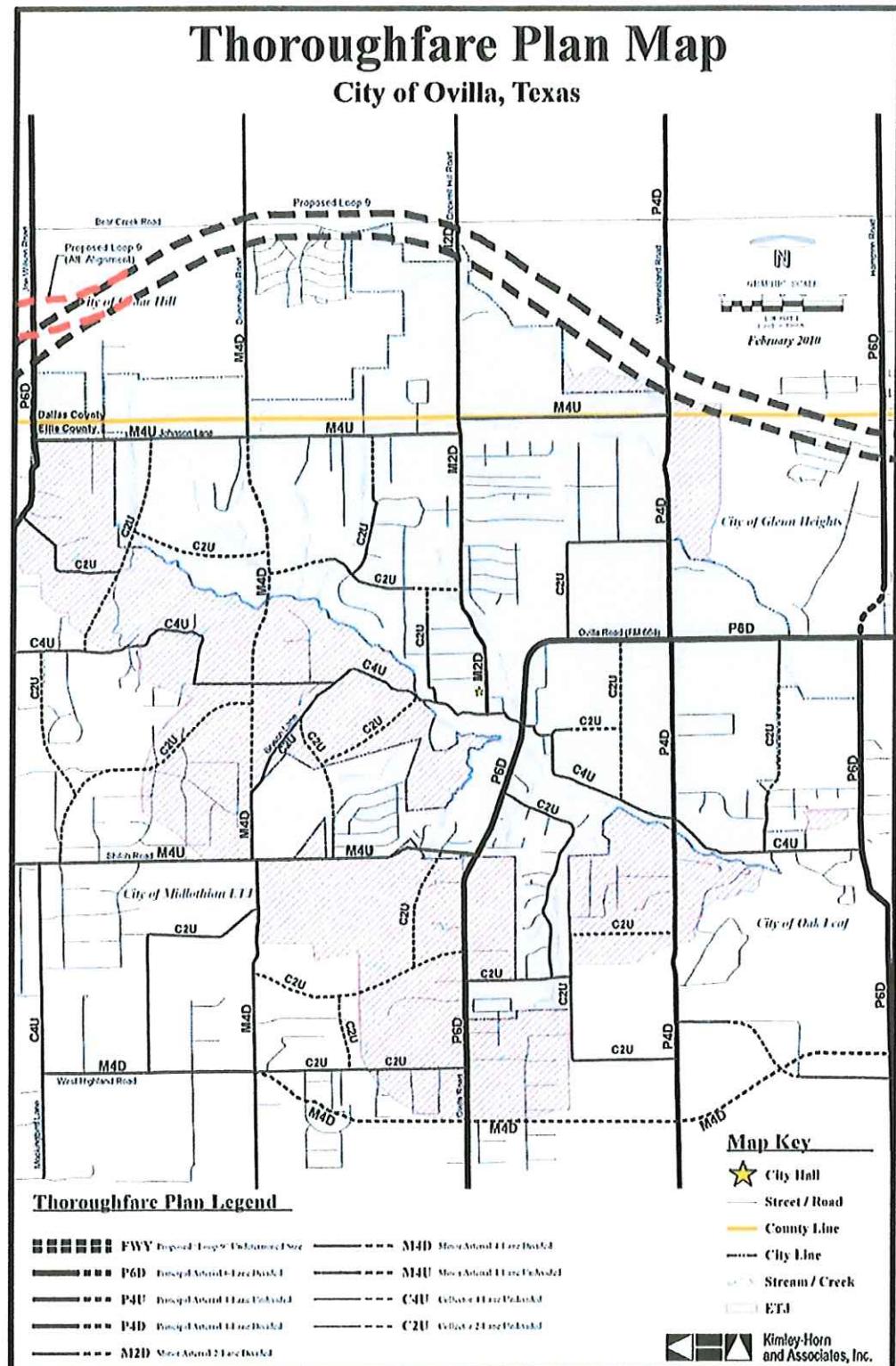


Figure 5.1, City of Ovilla Thoroughfare Plan Map 2010

Thoroughfare Plan

The City of Ovilla has classified its streets in categories of residential streets, collector streets, minor arterials, and principal arterials. The proposed thoroughfare plan network is shown on *Figure 5.1, Thoroughfare Plan Map 2010*.

Ovilla Road (F. M. 664) will continue to be the City's principal arterial with Westmoreland Road playing a secondary arterial role. The character and physical constraints of the City of Ovilla preempt the need for additional principal arterial streets.

The majority of the roadway improvements shown on the Thoroughfare Plan are related to the street designated as minor arterials. Almost all of these roadways are currently two lane county-type roads without curbs and gutters and without adequate pavement width to accommodate the existing traffic volumes. These streets need to be widened to four lanes to handle the increased volumes that will occur as development of the area continues. Off-set intersections need to be aligned and roadway connections need to be made.

Protecting the Capacity of Streets

Funding for construction and improvements to thoroughfares represents a major public investment. In the past thirty years, federal and state funds have been widely available to assist cities in building and maintaining an efficient and safe system of highways and arterial roadways. Today, however, funding from federal and state sources is becoming increasingly harder to obtain as more and more projects compete for limited dollars. As a result, it is important for the City to implement policies to protect the capacity of their major streets. In addition, the City should consider all funding options, including bonds, general funds, grant programs, and private developer participation.

Roadway capacity is a function of the number and width of lanes, design speed, horizontal and vertical alignment, type and number of traffic control devices, and access and turning movements. Capacity can best be preserved by limiting points of access through subdivision and development ordinances, prohibiting left turn traffic movements by restricting the number of median breaks, and requiring acceleration/deceleration lanes at high volume commercial driveways.

Ideally, no direct access should be allowed onto arterial and major collector streets except at intersections. Developments should have access provided via local streets that intersect the arterial and collector roadways. A minimum frontage requirement should be set in order to limit curb cuts in corridor commercial and industrial developments, with the ultimate number of curb cuts being determined during the development review process. The review process for site plans is an appropriate time to include consideration of cross access and limiting the number of driveways for site specific developments.

Policies to limit access have often proven difficult for cities to implement because properties adjacent to the road may not meet the minimum frontage requirements and courts have held that owners cannot be denied access from the roadway.

Therefore, any consideration of cross access and limitation of driveways must address available right-of-way. It is especially difficult to implement access management when improvements are planned along roadways where developments have existing driveways. Under these circumstances, the City must often wait for redevelopment to occur before the desirable changes can be made. The City of Ovilla should continue to explore access management strategies that have been successful in other areas.

Bicycle & Pedestrian Circulation

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

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

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

Street Improvement Program

The City of Ovilla currently identifies necessary roadway improvements for inclusion in an ongoing Capital Improvement Program. Refinement and continuation of the current process by using a systematic street evaluation process will assist the City in maximizing the street improvement needs with the available sources of funding. A Street Improvement Program to provide a systematic process for street reconstruction and maintenance should be incorporated into the current street construction and maintenance efforts.

This Street Improvement Program should include the following:

- Arterial Street Needs: Implement a City-funded program to meet arterial street improvement needs through the year 2030. This program would support TxDOT efforts within the City as well as provide funds for arterial improvements for which the City has sole responsibility.
- Street Reconstruction and Maintenance: Implement a ten or fifteen year street reconstruction and maintenance program that will bring Ovilla's street system to a satisfactory level of serviceability throughout the life of the program. Implement a uniform program of maintenance and reconstruction after the fifteen years to maintain the City's street system in serviceable condition for the foreseeable future.
- Design Standards and Access Management: Strengthen ordinances to require adequate street widths and to assist in managing access on arterial and major collector streets during development and redevelopment.

Transportation Planning & Monitoring

The relationship between land use and transportation is well documented. Development creates the desire for access to the developed area for specific activities, such as shopping, recreation, or employment. That access is provided through the transportation system. In addition, the thoroughfare system provides the basic framework for future growth in undeveloped areas of the city. An improvement or extension to the transportation system will often induce development in the improved area. The transportation planning process must continue to monitor existing and proposed future land use as well as population, employment, and socio-economic characteristics to identify current and anticipated transportation needs.

AGENDA ITEM REPORT

Item 7

Meeting Date: October 15, 2019

Discussion Action

Submitted By: Staff

Reviewed By: Interim City Manager

Accountant

Department: Administration

Budgeted Expense: YES NO N/A

City Secretary

City Attorney

Other: Staff

Attachments:

1. December 2019 calendar

Agenda Item / Topic:

ITEM 7. **DISCUSSION/ACTION** – Consideration of and action to set the date and time for the annual Christmas Tree Lighting event.

Discussion / Justification:

This item will set the date for staff and the Park Board Advisory Committee to begin preparation for this annual event.

In years past, the City has celebrated this event on the first Thursday evening in December and/or the first Saturday evening in December. Both days received good turnouts.

The Park Board Advisory Committee as well as the Service League, city staff, Mayor Dormier and Council all take part and contribute to a successful event. This is a funded event.

Recommendation / Staff Comments:

Staff recommends approval.

Sample Motion(s):

I move that the Ovilla City Council sets the date of December _____, 2019 for the Annual Christmas Tree Lighting event to be held in Heritage Park.

December 2019

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1		2	3	4	5	6
						7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

AGENDA ITEM REPORT
Item 8

Meeting Date: October 15, 2019

Discussion Action

Submitted By: Staff

Reviewed By: Interim City Manager

Accountant

Department: Administration

Budgeted Expense: YES NO N/A

City Secretary

City Attorney

Other: Deputy City Secretary

Attachments:

1. Current members

Agenda Item / Topic:

ITEM 8 **DISCUSSION/ACTION** – Consideration of and action on a volunteer board appointment to serve a term on the Park Board Advisory Committee and/or direct staff to continue solicitation for new applicants.

Discussion / Justification:

Place One seat on the Park Board has been vacant for months. Council Member Dean Oberg has asked to be appointed to serve on this advisory committee.

Recommendation / Staff Comments:

N/A

Sample Motion(s):

I move to approve/deny the appointment of Dean Oberg to serve a term of Place 1 on the Park Board Advisory Committee.

Ovilla PARK BOARD ADVISORY COMMITTEE

MEMBERS	
VACANT PL1 2021	LEWIS, Josh PL2 2020
	144 Water Street
Ovilla, TX 75154	Ovilla, TX 75154
Hm:	Hm:
Wk:	Wk:
Cell:	Cell:
E-Mail:	E-Mail:
TREADAWAY, Brian PL3 2021	EDWARDS, Matthew PL4 2020
303 Willowood	100 Cumberland Drive
Ovilla, TX 75154	Ovilla, TX 75154
Hm	Hm
Wk:	Wk:
Cell:	Cell:
E-Mail:	E-Mail
ZABOJNIK, Windy PL5 2021	
922 Red Oak Creek Drive	
Ovilla, TX 75154	
Hm:	
Wk:	
Cell:	
E-Mail:	



105 South Cockrell Hill Road
 Ovilla, Texas 75154
 Ph: (972) 617-7262 Fax: (972) 515-3221

AGENDA ITEM REPORT
Item 9

Meeting Date: October 15, 2019

Discussion Action

Submitted By: Staff

Reviewed By: Interim City Manager

Accountant

Department: Administration

Budgeted Expense: YES NO N/A

City Secretary

City Attorney

Other: City Staff

Attachments:

1. Excerpt from the Ovilla Code of Ordinances, Chapter 6

Agenda Item / Topic:

ITEM 9. *DISCUSSION* – Review and discuss Chapter 6, Section 6.05.008 screening of waste containers/dumpsters.

Discussion / Justification:

Mayor Pro Tem Griffin requested to review this section of the Ovilla Code of Ordinances.

Recommendation / Staff Comments:

N/A

Sample Motion(s):

Discussion Only.

Chapter 6

Sec. 6.05.008 Screening of waste containers/dumpsters

- (a) Waste containers/dumpsters shall be located on the side or rear of the building and screened from public view or any public street.
- (b) Waste containers/dumpsters shall be located outside of the required building setback areas and when adjacent to residentially zoned property, must be located at least fifty (50) feet away from residential property lines.
- (c) Waste containers shall be screened on three (3) sides, using an enclosure that is seven (7) feet tall or of a height that is a minimum of one (1) foot above the top of the dumpster, whichever is taller. Screening shall be comprised of:
 - (1) Brick, stone, decorative concrete block, reinforced concrete, or other similar masonry materials that have a similar finish to the primary building facade finish; or
 - (2) Redwood, cedar, preservative pressure treated wood, or other similar materials;
 - (3) Fence posts shall be rust-protected metal, masonry or concrete; and six-inch concrete filled steel pipes, painted in a neutral color, shall be located to protect the enclosure from truck operations;
 - (4) Gates are not required to be installed;
 - (5) Enclosures shall be maintained in accordance with article 3.05 fences, [section 3.05.010](#) of the city's code.



(Ordinance 2018-01, sec. 1(a), adopted 1/8/18)

AGENDA ITEM REPORT
Item 10

Meeting Date: October 15, 2019

Discussion Action

Submitted By: Staff

Reviewed By: Interim City Manager

Accountant

Department: Administration

Budgeted Expense: YES NO N/A

City Secretary

City Attorney

Other: Staff

Attachments:

1. Final notes

Agenda Item / Topic:

ITEM 10. *DISCUSSION* – Receive report on the success of the 2019 Heritage Day celebration held on Saturday, September 28, 2019.

Discussion / Justification:

PL4 Hunt will share in the success and outcome of the Annual Heritage Day Celebration. It was again, a great gathering and the Ovilla Public Works Department, Police Secretary Michelle Stockton, and staff worked diligently to aid in the event's success.

Recommendation / Staff Comments:

N/A

Sample Motion(s):

Discussion Only.

Heritage Day Meeting 10/1/19 Wrap up Notes

Attendance: Doug H., Brian W., Mike C., Daniel D.

- We need to Re-do the layout map. – Booths 24 and 25 are on the other side of the gate.
 - Look at putting all vendor booths on the inside of the fence and moving the kids zone to the outside of the fence with the “One of a Kind Pony Party”
 - Need to draw layout to scale and tent to scale to see if we can allow room for the booths to be 12 x12.
- Look at putting the cruiser cars on the back side - Old Booth Numbers 89-102
- Look at temporary line for electrical
- Work on Booth Application-
 - Highlight in bold—all vehicles out by 8:45, or off by 9 am. Had one vendor bring their trailer in late.
 - Clearly specify booth size and stress that they must fit with in this space.
- Barricades at front and back- need more barricades for next year
- No vehicles on grounds until after 2 p.m. - some people packed up early.
- Sponsorship-
 - Deadline of August 1st (to allow us to get names on the back of the shirts)
 - Change up sponsorship application to include name on back of shirt- \$650 and up
 - Allow sponsors to have first choice of booths before opening it up to public.
- Limit the amount of the same type of food vendors—2 per type, help to keep getting a variety of different vendors.
- Liked the location of Waxahachie Autoplex- keep them in the same spot for next year, but only one booth on that side of the gate to allow room for the vehicles.
- Booths 51 and 38 are prime space, - may want to look at charging more unless it goes to a sponsor.
- Look at moving Dusti to the Kid Zone.
- Try to gather up a list of more Craft Booths.
- Look at adding more talent to the daily events, maybe a talent competition to help draw more people in.
- Start planning in May since we have a sponsorship deadline of August 1st.
- Will work on doing a booth layout mock-up with Daniel during the winter, so we can see how many more booths or how we can better locate the booths.
- Have a designated food area...
- Add Walkway entry to layout between booths 12-13.
- Work to make sure signs are better staged in correct areas and have more signs if needed.
- We did order more bathrooms this year then just the 2....Daniel had ordered 4 more.
- Make sure next year, that the tent is placed in the correct area.

AGENDA ITEM REPORT

Item 11 – Item(s) pulled from consent agenda

Meeting Date: October 15, 2019

Department: Administration

Discussion Action

Budgeted Expense: YES NO N/A

Submitted by: Staff

Amount: N/A

Attachments:

1. None

Agenda Item / Topic:

ITEM 11. *DISCUSSION/ACTION* – Consideration of any item(s) pulled from the Consent Agenda 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

Subject: Police Department Monthly Activity Report

Calls For Service	September 2019	September 2019 YTD	September 2018	Sept 2018 YTD
Accident	3	57	5	41
Alarms	14	155	12	148
Arrest	3	57	3	47
Assault/Assault FV	0	9	1	9
Assists	87	770	72	483
Building / House Security Check	808	6247	415	4905
Burglary	2	2	0	1
Burglary of Motor Vehicle	0	2	0	0
Criminal Mischief	0	3	3	6
Disturbance	4	90	19	73
Neighborhood Check	1108	10699	1221	9601
Other Calls for Service	95	824	77	497
Suspicious Person	3	55	2	53
Suspicious Vehicle	11	124	22	134
Theft	2	10	1	10
Traffic Assignment/School Enforcement	26	178	12	89
TOTAL CALLS FOR SERVICE	2166	19282	1865	16097

Volunteer and Reserve Officer Hours	20	156.5	0	287.5
Average Response Time (Minutes)	3.41	3.83477778	3.48	4.32
Total Citations	45	594	84	899
Total Traffic Stops *****	296	2514	326	2352
Traffic Stop Disposition Warning *****	239	1944	247	1502
Traffic Stop Disposition Citation *****	45	543	79	850
PERCENT OF STOPS RECEIVING CITATIONS	15.2	21.6	24.2	36.1

STAFFING

Full Time Sworn	10		
Full Time Civilian	1		
Part Time Sworn	3		
Reserve Officer	1		
Total	15		

September 2019	TQ	October 2019	MILEAGE	MAINTENANCE PERFORMED
Police Unit #	Begin	End	Accrued	
103	147,530	147,716	186	
105	112,762	113,070	307.5	
116	96,360	99,493	3133	2 new tires and Oil Change
117	78,359	80,204	1845	
216	24,159	24,603	444	
119	12,610	14,704	2094	

Ovilla Fire Department

September Monthly Report



Fire Chief Brandon Kennedy

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 3 Firefighter Paramedic positions open.
- Currently the Department has 2 Volunteer Firefighter Positions open. This is due to the volunteers getting hired on at full time departments. We are currently looking for more volunteers.
- Current Staffing
 - 2 Chiefs
 - 4 Captains
 - 21 Firefighter Paramedics
 - 8 Firefighter EMT-Basics
 - 12 Volunteer Firefighters
 - Total Staffing of 47 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
 - 5 have just their EMT- 3 - Basic and 2 - Paramedic
 - 2 Volunteer does not have any Certification at this time.

Grants Report

- Have turned in four Texas Forestry Service Grants, waiting for notification of award
 - 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 Skid Unit to be placed onto Brush Truck Chassis if awarded
 - Have applied for a Brush Truck grant that we are still waiting to hear if awarded
 - SAFER Grant – have not received official notice but we were not listed on the last published award list.

Summary of Events for the Department

- September, we had a total of 76 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.

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 Days a week we have 2 – 12-hour shifts that are covered by volunteers (0800 – 2000) and (2000 – 0800)
- 8 / 9 weekend day shifts were covered by a Volunteer
- 56 / 60 Volunteer shifts were covered, and these 56 shifts had 4 personnel on the Engine

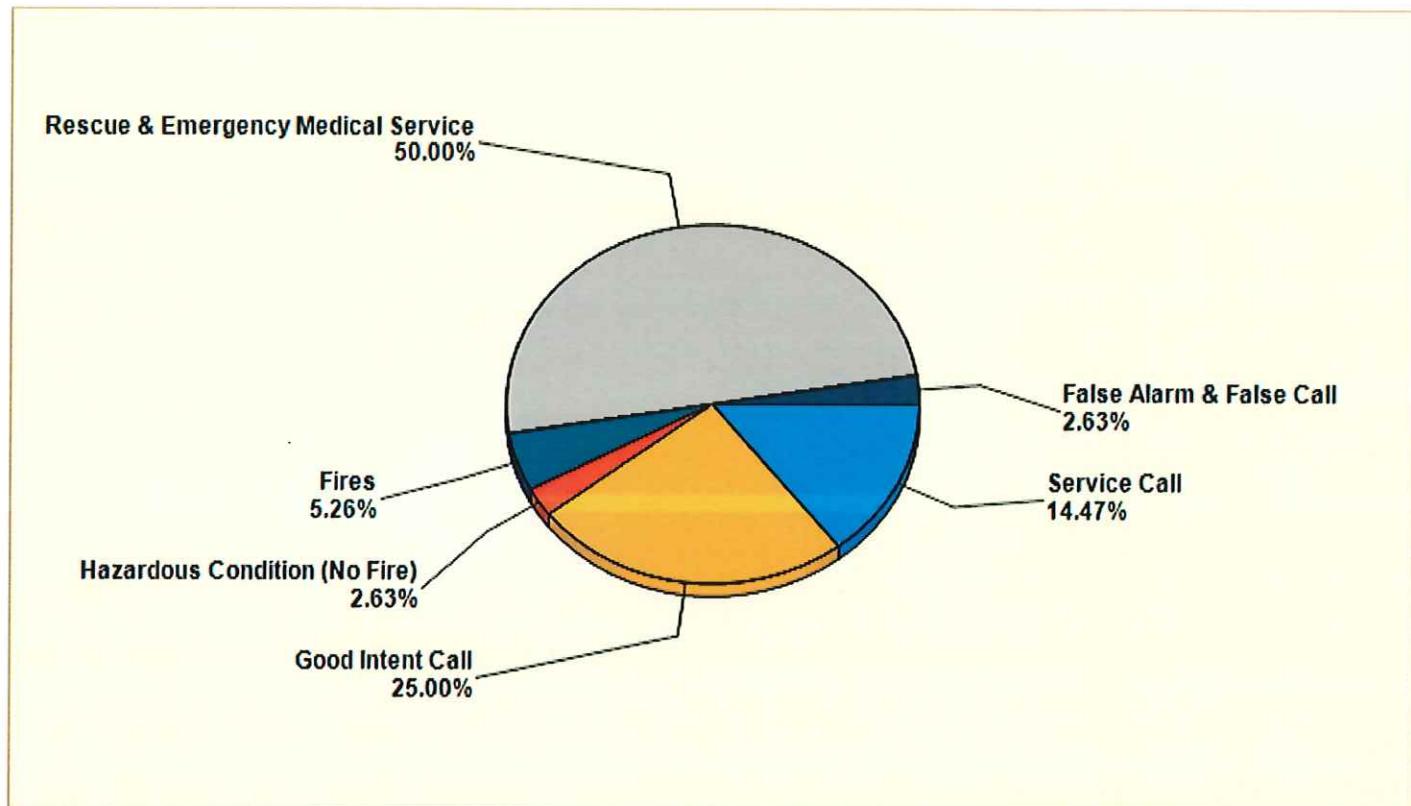
Summary of Activity from Deputy Chief / Fire Marshal's Office

- 6 Consults
- Respond to incidents as available
- 4 Meetings
- Back-Up for Ovilla PD
- QCI reports
- Plan Review

Monthly Call Summary

INCIDENT COUNT		
INCIDENT TYPE	# INCIDENTS	
EMS		38
FIRE		38
TOTAL		76
MUTUAL AID		
Aid Type	Total	
Aid Given	14	
Aid Received	2	
LIGHTS AND SIREN - AVERAGE RESPONSE TIME (Dispatch to Arrival)		
Station	EMS	FIRE
Station 701	0:07:46	0:03:58
AVERAGE FOR ALL CALLS		0:07:25
LIGHTS AND SIREN - AVERAGE TURNOUT TIME (Dispatch to Enroute)		
Station	EMS	FIRE
Station 701	0:01:26	0:01:38
AVERAGE FOR ALL CALLS		0:01:27
AGENCY		AVERAGE TIME ON SCENE (MM:SS)
Ovilla Fire Department		15:44

Breakdown by Major Incident Type



MAJOR INCIDENT TYPE	# INCIDENTS	% of TOTAL
Fires	4	5.26%
Rescue & Emergency Medical Service	38	50.00%
Hazardous Condition (No Fire)	2	2.63%
Service Call	11	14.47%
Good Intent Call	19	25.00%
False Alarm & False Call	2	2.63%
TOTAL	76	100.00%

Average 1 fire per week

Average 2.53 calls per day

Average 19 calls per week

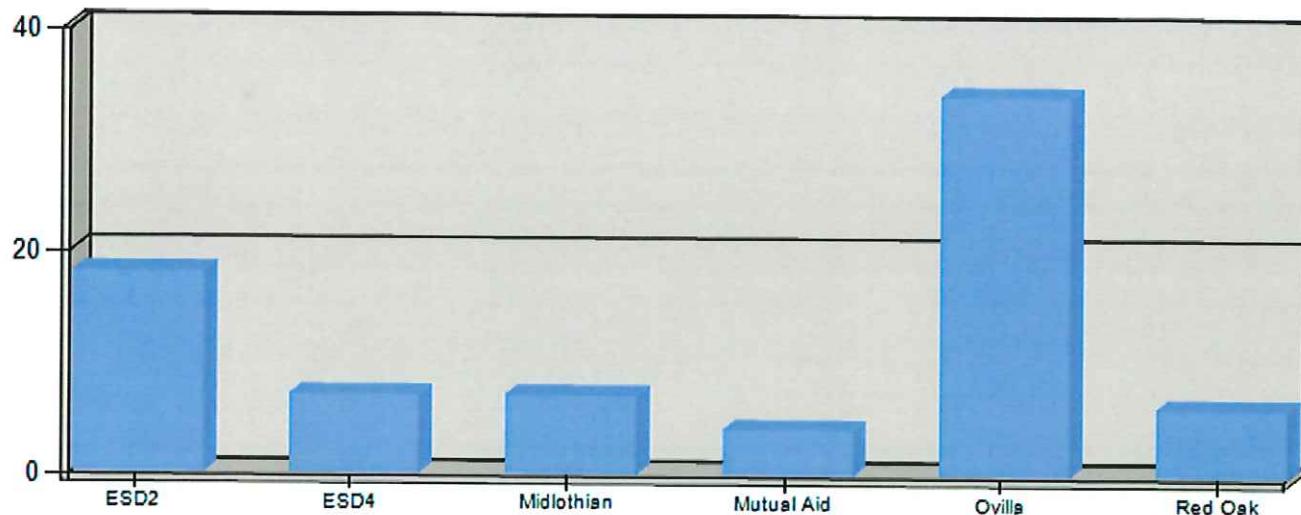
C701 Responses | 20

C702 Responses | 14

Number of Overlapping Calls | 0

Total Ovilla Fire Department Runs | 76

Breakdown by Districts



District	2019	2018
ESD2 - ESD #2	18	14
ESD4 - ESD #4	7	10
Midlothian - Midlothian City Limits	7	3
Mutual Aid - Mutual Aid	4	1
Ovilla - City Limits	34	22
Red Oak - Red Oak City Limits	6	1
TOTAL:	76	51

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	September	August
ESD4 - ESD #4	7.55	8.36
ESD2 - ESD #2	6.57	8.23
Ovilla - City Limits	5.68	5.48
Mutual Aid - Mutual Aid	4.1	12.1
Average Response	5.98	8.54

Response times are figured by Time of Dispatch to Arrival at scene time. Overall the goal is that in our "First-In Districts", City Limits, ESD #2, and ESD #4, we are there in under 8 minutes.

Average Turn Out Time Dispatch to En-Route by Apparatus

APPARATUS	September	August
B701	2:25	N/A
C701	1:19	1:28
C702	1:18	1:32
E701	1:39	1:42
AVERAGE TURNOUT TIME:	1:40	1:34

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 an average turn out time of 1:30 over 90% of our calls.

Incident Count Per Apparatus

APPARATUS	# of INCIDENTS
B701	1
C701	20
C702	14
E701	58

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	Beginning Mileage	Ending Mileage	Mileage for the Month	Fuel Expenses	Maintenance Expenditures
B701	58,147	58,205	58	\$ 31.07	\$ -
B702	3,973	3,983	10	\$ 28.00	\$ -
C701	25,228	25,933	705	\$ 113.45	\$ 1,076.00
C702	102,700	103,212	512	\$ -	\$ 3,650.88
E701	16,931	17,428	497	\$ 356.86	\$ -
E702	28,916	29,026	110	\$ 36.51	\$ -
E703	14,463	14,463	0	\$ -	\$ -
R755	19,265	19,320	55	\$ 62.96	\$ -
Station Supplies (Small Equipment Fuel, Propane, Other)				\$ 39.98	\$ -
Totals for the Month			1,947	\$ 668.83	\$ 4,726.88



Date: September 30, 2019

TO: Pam Woodall, Acting City Manager/City Secretary

FROM: Public Works

TOPIC: Public Works Monthly Report for September 2019

STAFFING: 7 FTE positions approved; 5 FTE position filled

WORK ORDERS

- 43 total Work Orders completed for the month of August

GovPilot Reporting

Balances

	Beginning	New	Completed	Remaining
Water/WW	9	33	32	10
Street/Parks	29	10	8	31
Total	38	43	40	31

WATER

- Gallons purchased from DWU 29.251 MG, Retail Billed 30.450 MG, Retail Unbilled 66.9k, Builder metered 7.3k, Maintenance flushing 95k
- 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
 - Water leak at Ovilla Rd. & Westmoreland Rd.
- Nitrification Action Plan (NAP) 90% completed
 - Completed electronic map of (NAP) sampling sites
 - Daniel sent response letter to TCEQ regarding the same
 - Oct 7th, Start 3 Month base line data, Samples to be collected daily at 4 sites, completion date January 7, 2020.

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

STREETS/DRAINAGE

- Street maintenance
 - Filled potholes as needed
 - Ditch digging, Locations submit to County to price / schedule first of October
- Trimmed trees from right of ways and roadways as needed
 - Locations submit to County to price / schedule first of October
- Mowed right of ways and ditches
- Crack Sealing – ordered materials, start program first of October

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
- Monthly park inspections
- Maintained city marquee
- New Swings – site plan made, installation first of October
- Heritage Day Celebration – setup and remove all required items
- National Night Out - setup and remove all required items

Vehicle & Equipment Usage Report

September
30,2019

Item #	Veh. #	Description	Mileage			Hours		
			Begin	End	Accrued	Begin	End	Accrued
1		2017 F250 4x4	14,795	15,076	281	1,669	1,694	25
2		2015 2500 HD Silverado	42,813	43,276	463	3,407	3,458	51
3		2011 3500HD Silverado	56,470	56,654	184			
4		2008 2500HD Silverado	85,018	85,428	410			
5		2019 f250 Animal Control	6,862	7,479	617	548	596	48
6		2008 1500 Silverado	115,323	115,863	540			
7		2001 C6500 Dump Truck	18,948	18,963	15	14,149	14,149	0
8		1999 International Patch Trk	312,128	312,128	0			
9		1998 Ford Dump Truck	55,060	55,148	88			
10		New Holland Skid LS60				1,290	1,292	2
11		1999 Kubota Tractor				995	995	0
12		1992 Ford Tractor				1,090	1,090	0
13		310K John Deere Backhoe				1,995	2,012	18
14		Ingersoll Mobil Air Compress				1,321	1,321	0
15		Jet Machine				501	501	0
16		Vac Machine 2017				118	119	1
17		Boomag 900-50 packer				194	194	0
18		2016 Exmark				309	314	6
19		2013 Exmark				456	465	10
20		2004 Exmark				1,057	1,066	9
21		JCB Backhoe				69	70	1

Total = 2,598

Total = 171



DATE: October 15, 2019
TO: Honorable Mayor and Council Members
FROM: Linda Harding, City Accountant
SUBJECT: Accounting Department Report

Reports Financials ending August 31, 2019

Over \$5,000

Bank Balances as of: 10.8.19

Software developers are continuing to work on software.

Auditors, Yeldell, Wilson and Co., P.C. have given list of a date sensitive reports. Communications will progress. Yeldell, Wilson and Co., P.C. contract and all extensions are through September 2019.

Department duties:

Council reports, A/P, P/R, A/R, EOM reports, various accounting obligations, and completed instructions given by City Manager. Examining the various funds, ordinances, resolutions, accounting files, filed required reports for state and federal payroll, sales tax.



DATE: OCTOBER 15, 2019

TO: Honorable Mayor and Council Members

FROM:
Linda Harding, Accountant

SUBJECT: Financial Statements Through August 2019

**City of Ovilla
Financial Statement
As of August 31, 2019**

100 - General Fund	Current Month Actual	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Revenue Summary					
Taxes	5,560.98	2,170,582.96	2,364,276.00	91.81%	193,693.04
Licenses-Permits-Fees	20,217.20	131,922.81	108,086.00	122.05%	(23,836.81)
Services	620.10	361,355.61	588,496.00	61.40%	227,140.39
Fines & Forfeitures	7,405.04	102,519.72	252,705.00	40.57%	150,185.28
Not Categorized	24,675.40	55,905.70	0.00	0.00%	(55,905.70)
Other Revenue	14,738.32	228,153.99	158,310.00	144.12%	(69,843.99)
Transfers	0.00	4,123.97	682,685.00	0.60%	678,561.03
Revenue Totals	<u>73,217.04</u>	<u>3,054,564.76</u>	<u>4,154,558.00</u>	<u>73.52%</u>	<u>1,099,993.24</u>
Expense Summary					
Employee Benefits	7,828.54	290,079.46	407,948.00	71.11%	117,868.54
Special Expenses	4,363.49	28,928.24	44,380.00	65.18%	15,451.76
Repairs - Bldg & Machinery	(2,733.26)	124,262.81	174,604.00	71.17%	50,341.19
Professional Development	4,748.23	27,529.45	34,985.00	78.69%	7,455.55
Other Expense	6,565.72	42,146.19	55,330.00	76.17%	13,183.81
Personnel	119,346.78	1,374,261.76	1,508,654.00	91.09%	134,392.24
Not Categorized	(3,784.37)	(3,784.37)	0.00	0.00%	3,784.37
Special Services	7,966.63	88,258.47	88,258.00	100.00%	(0.47)
Contractual Services	8,211.60	162,920.93	322,998.00	50.44%	160,077.07
Operating Services	5,587.75	87,573.17	89,552.00	97.79%	1,978.83
Supplies	4,824.92	55,476.92	70,903.00	78.24%	15,426.08
Software & Computer Equip	18,607.98	99,836.29	120,286.00	83.00%	20,449.71
Printing Expense	633.04	12,770.46	14,712.00	86.80%	1,941.54
Utilities	33,873.59	346,040.04	342,262.00	101.10%	(3,778.04)
Insurance	0.00	38,917.00	38,605.00	100.81%	(312.00)
Minor Capital Outlay	8,471.69	46,986.50	86,477.00	54.33%	39,490.50
Capital Outlay	72,637.47	568,203.24	706,064.00	80.47%	137,860.76
Reserve	0.00	0.00	0.00	0.00%	0.00
Vehicle Expenses	3,454.79	39,270.42	41,540.00	94.54%	2,269.58
Rentals	222.44	2,669.28	3,000.00	88.98%	330.72
Expense Totals	<u>300,827.03</u>	<u>3,432,346.26</u>	<u>4,150,558.00</u>	<u>82.70%</u>	<u>718,211.74</u>

**City of Ovilla
Financial Statement
As of August 31, 2019**

110 - LFOSE	Current	YTD	Annual	% of	Budget
	Month Actual	Actual	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 August 31, 2019**

120 - Street Improvement Fund	Current Month Actual	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Revenue Summary					
Taxes	3,500.00	49,502.15	52,739.00	87.23%	3,236.85
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><u>3,500.00</u></u>	<u><u>49,502.15</u></u>	<u><u>267,500.00</u></u>	<u><u>17.20%</u></u>	<u><u>217,497.85</u></u>
Expense Summary					
Capital Outlay	0.00	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><u>0.00</u></u>	<u><u>55,696.00</u></u>	<u><u>267,500.00</u></u>	<u><u>20.82%</u></u>	<u><u>211,804.00</u></u>

**City of Ovilla
Financial Statement
As of August 31, 2019**

130 - Court Technology	Current Month Actual	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Revenue Summary					
Fines & Forfeitures	211.42	2,308.27	5,424.00	42.56%	3,115.73
Revenue Totals	211.42	2,308.27	5,424.00	42.56%	3,115.73
Expense Summary					
Software & Computer Equipment	0.00	399.99	3,780.00	10.58%	3,380.01
Reserve	0.00	0.00	1,644.00	0.00%	1,644.00
Expense Totals	0.00	399.99	5,424.00	7.37%	5,024.01

**City of Ovilla
Financial Statement
As of August 31, 2019**

140 - Court Security	Current Month Actual	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Revenue Summary					
Fines & Forfeitures	158.56	3,248.03	4,068.00	79.84%	819.97
Revenue Totals	158.56	3,248.03	4,068.00	79.84%	819.97
Expense Summary					
Other Expense	79.95	867.15	964.00	89.95%	96.85
Reserve	0.00	0.00	3,104.00	0.00%	3,104.00
Expense Totals	79.95	867.15	4,068.00	21.32%	3,200.85

**City of Ovilla
Financial Statement
As of August 31, 2019**

150 - Equipment Replacement Fund	Current Month Actual	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Revenue Summary					
Transfers	0.00	12,598.04	70,913.00	17.77%	58,314.96
Revenue Totals	0.00	12,598.04	70,913.00	17.77%	58,314.96
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 August 31, 2019**

200 - Water And Utilities Fund	Current Month Actual	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Revenue Summary					
Services	146,509.60	1,041,397.30	1,251,519.00	83.21%	210,121.70
Other Revenue	0.00	0.00	822,654.00	0.00%	822,654.00
Transfers	8,750.00	37,500.00	37,500.00	100.00%	0.00
Revenue Totals	155,259.60	1,078,897.30	2,111,673.00	51.09%	1,032,775.70
Expense Summary					
Reserve	0.00	110,490.00	705,201.00	15.67%	594,711.00
Personnel	23,343.68	297,099.54	339,150.00	87.60%	42,050.46
Not Categorized	0.00	0.00	0.00	0.00%	0.00
Employee Benefits	2,248.32	65,966.11	90,232.00	73.11%	24,265.89
Special Services	0.00	8,150.00	9,050.00	90.06%	900.00
Contractual Services	0.00	4,010.95	10,550.00	38.02%	6,539.05
Supplies	(214.83)	4,483.36	4,800.00	93.40%	316.64
Professional Development	287.15	907.55	2,200.00	41.25%	1,292.45
Software & Computer Equipment	1,760.93	10,325.91	22,296.00	46.31%	11,970.09
Printing Expense	67.00	7,157.42	5,750.00	124.48%	(1,407.42)
Utilities	60,306.11	532,097.84	695,628.00	76.49%	163,530.16
Repairs - Bldg & Machinery	4,715.56	49,551.29	46,200.00	107.25%	(3,351.29)
Other Expense	610.00	7,205.87	6,925.00	104.06%	(280.87)
Minor Capital Outlay	347.96	7,948.33	8,000.00	99.35%	51.67
Capital Outlay	266.00	68,331.27	132,092.00	51.73%	63,760.73
Rentals	0.00	0.00	250.00	0.00%	250.00
Operating Services	444.10	9,632.35	16,218.00	59.39%	6,585.65
Vehicle Expenses	830.57	9,694.70	9,200.00	105.38%	(494.70)
Insurance	0.00	6,823.00	7,931.00	86.03%	1,108.00
Expense Totals	95,012.55	1,199,875.49	2,111,673.00	56.82%	911,797.51

**City of Ovilla
Financial Statement
As of August 31, 2019**

250 - WWW Infrastructure Improvements	Current Month Actual	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Revenue Summary					
Services	5,318.11	59,893.12	68,724.00	87.15%	8,830.88
Revenue Totals	5,318.11	59,893.12	68,724.00	87.15%	8,830.88
Expense Summary					
Reserve	0.00	0.00	68,724.00	0.00%	68,724.00
Expense Totals	0.00	0.00	68,724.00	0.00%	68,724.00

**City of Ovilla
Financial Statement
As of August 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 August 31, 2019**

400 - Debt Service Fund	Current Month Actual	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Revenue Summary					
Taxes	2,200.00	459,492.88	463,910.00	98.57%	4,417.12
Other Revenue	0.00	0.00	550.00	0.00%	550.00
Transfers	0.00	110,490.00	110,490.00	100.00%	0.00
Revenue Totals	<u>2,200.00</u>	<u>569,982.88</u>	<u>574,950.00</u>	<u>98.75%</u>	<u>4,967.12</u>
Expense Summary					
Long Term Debt	400.00	574,850.00	574,950.00	99.98%	100.00
Expense Totals	<u>400.00</u>	<u>574,850.00</u>	<u>574,950.00</u>	<u>99.98%</u>	<u>100.00</u>

**City of Ovilla
Financial Statement
As of August 31, 2019**

500 - Municipal Development District Fund	Current Month Actual	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Revenue Summary					
Taxes	5,700.00	62,180.86	50,500.00	111.84%	(11,680.86)
Other Revenue	0.00	0.00	600.00	0.00%	600.00
Revenue Totals	<u>5,700.00</u>	<u>62,180.86</u>	<u>51,100.00</u>	<u>110.53%</u>	<u>(11,080.86)</u>
Expense Summary					
Special Services	0.00	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>0.00</u>	<u>1,753.00</u>	<u>51,100.00</u>	<u>3.43%</u>	<u>49,347.00</u>

**City of Ovilla
Financial Statement
As of August 31, 2019**

600 - 4B Economic Development Fund	Current Month Actual	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Revenue Summary					
Taxes	8,020.00	98,563.02	106,000.00	85.42%	7,436.98
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	<u>8,020.00</u>	<u>98,463.02</u>	<u>352,424.00</u>	<u>25.69%</u>	<u>253,860.98</u>
Expense Summary					
Other Expense	0.00	4,514.65	23,120.00	19.53%	18,605.35
Reserve	0.00	64,232.00	161,732.00	39.72%	97,500.00
Special Services	0.00	1,600.00	2,100.00	76.19%	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
Capital Outlay	<u>4,007.61</u>	<u>32,763.55</u>	<u>162,000.00</u>	<u>20.22%</u>	<u>129,236.45</u>
Expense Totals	<u>4,007.61</u>	<u>104,481.32</u>	<u>352,424.00</u>	<u>29.65%</u>	<u>247,942.68</u>

**City of Ovilla
Financial Statement
As of August 31, 2019**

700 - Park Impact Fund	Current Month Actual	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Revenue Summary					
Services	2,007.12	9,701.08	8,613.00	112.63%	(1,088.08)
Other Revenue	0.00	0.00	180.00	0.00%	180.00
Revenue Totals	2,007.12	9,701.08	8,793.00	110.33%	(908.08)
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	0.00	0.00	1,675.00	0.00%	1,675.00
Expense Totals	0.00	0.00	8,793.00	0.00%	8,793.00

**City of Ovilla
Financial Statement
As of August 31, 2019**

800 - Water And Utilities Impact Fee Fund	Current Month Actual	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Revenue Summary					
Services	21,610.81	76,116.56	54,756.00	139.01%	(21,360.56)
Revenue Totals	<u>21,610.81</u>	<u>76,116.56</u>	<u>54,756.00</u>	<u>139.01%</u>	<u>(21,360.56)</u>
Expense Summary					
Reserve	0.00	0.00	54,756.00	0.00%	54,756.00
Expense Totals	<u>0.00</u>	<u>0.00</u>	<u>54,756.00</u>	<u>0.00%</u>	<u>54,756.00</u>



DATE: OCTOBER 15, 2019

TO: Honorable Mayor and Council Members

FROM:
Linda Harding, Accountant

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

**City of Ovilla
Payment Listing Report
8/1/2019 to 8/31/2019**

Check Date	Check #	Vendor	Invoice Number	Invoice Description	Payment Amount
8/20/2019		Internal Revenue Service	PY8232019	Biweekly Payroll 8/23/2019	9,171.33
8/6/2019		Internal Revenue Service	PY892019	Biweekly Payroll 8/9/2019	9,097.44
8/12/2019	049356	T. M. R. S.	PY7122019	Biweekly Payroll 7/12/2019	8,058.21
8/12/2019	049356	T. M. R. S.	PY7262019	Biweekly Payroll 7/26/2019	8,323.09
8/16/2019	049364	City of Dallas	50301826045	7/3/2019-8/1/2019	58,082.68
8/16/2019	049365	Community Waste Disposal	939498	SOLID WASTE JULY	22,125.16
8/16/2019	049386	Trinity River Authority of Texas	BH 1415	AUGUST	27,877.00
8/16/2019	049393	NetGenius, Inc.	20190560	PW LAPTOP, SURFACE PRO FD	3,007.96
8/23/2019	049407	Citibank	STATEMENT	STATEMENT	48.69
8/23/2019	049407	Citibank	STATEMENT	STATEMENT	6,267.94
8/23/2019	049414	U. S. Underwater Services, LLC	10895	DIVER INSPECTION, SEDIMENT REMOVAL	3,970.00
8/30/2019	049430	Fund Accounting Solutions Technologies	19 1112	GL/, A/P SOFTWARE SUBSCRIPTION	5,000.00
8/30/2019	049434	Gexa Energy LP	28515189 4	28515189 4	1,734.07
8/30/2019	049434	Gexa Energy LP	28515191 4	91893 2	4,704.96
8/30/2019	049442	Saltus Technologies, LLC	1908 48	DIGITICKET, SOFTWARE, TRAINING	12,050.00
8/30/2019	049447	Wex Bank - Shell	STATEMENT	STATEMENT	3,264.47
				Total	238,586.38

Name	Account #	Previous Balance	NEW BALANCE	As Of
<u>Debt Fund</u>	✓ *0291	47,121.01	117,819.00	10/9/2019
<u>General Fund Reserve</u>	608	57,306.61	57,306.61	10/9/2019
<u>GF Reserve CD</u>	✓ *0694	253,162.74	253,162.74	10/9/2019
<u>Water Impact</u>	✓ *2322	483.56	483.56	10/9/2019
<u>4B EDC</u>	✓ *3691	550,966.03	535,411.17	10/9/2019
<u>Fire Dept. Auxil.</u>	✓ *3909	3,590.00	3,590.00	10/9/2019
<u>Water Money Market</u>	✓ *4323	191,901.86	191,901.86	10/9/2019
<u>MDD Fund</u>	✓ *7451	337,377.34	343,447.27	10/9/2019
<u>Water Credit Card</u>	✓ *7531	140.77	149.84	10/9/2019
<u>GF Reserves Money Mkt.</u>	✓ *7583	129,976.64	129,976.64	10/9/2019
<u>GF Money Market</u>	✓ *7605	233,745.93	234,945.00	10/9/2019
<u>Park Fund Money Mkt.</u>	✓ *7613	82,004.56	82,004.56	10/9/2019
<u>Capital Projects Money Mkt.</u>	✓ *7648	132,457.81	132,457.81	10/9/2019
<u>W&S Impact-Sewer</u>	✓ *8699	117,787.44	117,894.55	10/9/2019
<u>employee benefit trust</u>	✓ *8777	1,600.91	1,600.91	10/9/2019
<u>GF Operating</u>	✓ *9437	957,614.20	916,145.00	10/9/2019
<u>W&S Fund Operating</u>	✓ *9445	1,041,763.33	1,041,763.33	10/9/2019
<u>Police Special Fund</u>	✓ *9792	215.51	215.51	10/9/2019
SUB TOTAL		4,139,216.25	4,160,275.36	
TexPool - CAPITAL PROJECT	1878	314.44	314.44	10/9/2019
TexStar - GENERAL FUND	1110	3,898.61	3,898.61	10/9/2019
TexStar - GENERAL FUND	1120	971.55	971.55	10/9/2019
TexStar - W&S IMPACT	3540	3,298.84	3,298.84	10/9/2019
TexStar - CAPITAL PROJECT	5340	1,460.09	1,460.09	10/9/2019
TexStar - W&S FUND	5350	1,197.16	1,197.16	10/9/2019
Bryson Manor - GENERAL FUNC	8662	300,760.51	301,007.00	10/9/2019
Leose	2510	1.79	1.79	10/9/2019
TOTAL BANK BALANCES		4,451,119.24	4,472,424.84	

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	45	2	\$14,500.00	\$10,271.27	\$4,228.73	29	16	24	13	5	2	0
August	51	1	\$12,177.57	\$8,094.13	\$4,083.44	13	15	24	19	26	0	0
September	51	2	\$14,045.32	\$9,334.57	\$4,710.75	42	6	26	13	18	1	0
Totals	886	16	\$191,019.43	\$123,123.24	\$67,896.19	369	177	383	221	309	22	1

2017-2018 FY

September	85	0	\$20,681.00	\$13,354.85	\$7,326.15	24
FY Totals	1236	13	\$246,878.70	\$151,425.52	\$95,453.18	259

Staffing

Full Time Court Clerk	1
Full Time Deputy Court Clerk	1
Judge	1
Prosecutor	1

Code Enforcement Report
 105 S Cockrell Hill Rd
 Ovilla, TX 75154
 (972) 617-7262

To: Mayor Richard Dormier
 Ovilla City Council
 City Manager Pam Woodall

Subject: **Code Enforcement Monthly Report**

Calls For Service	Sept. 2019	Sept.2019 YTD	Sept.2018	
Complaint (Nuis 28 Permit 6,Parking 7)	41	472	47	
Follow up (Nuis 32 Permit 6 Park 13)	51	517	63	
Door Notice (Nui -5, Permit-3, Parking 4)	26	242	22	
Mail Notice (Parking 4 nuisance 15 perm 7)	10	111	24	
Posted Property (nuisance 5)	5	94	10	
Court 5 parking,3 nuisance1 JV	\$500	\$1,436	\$0.00	
Citizen Contacts	53	506	64	
Permits Reviewed	22	187	15	
Permits Issued	16	162	11	
Inspections	33	267	14	
Nuisance Abated by City	2	21	3	
Nuisance Signs (Garage sale-15 business 24)	39	469	33	
Board of Adjustment 3 Approve, Acc Bld	3	11	1	
			1	

OVILLA ANIMAL CONTROL
 105 S Cockrell Hill Rd
 Ovilla, TX 75154
 (972) 617-7262

To: Mayor Richard Dormier
 Ovilla City Council
 City Manager Ms.Pam Woodall

Subject:Animal Control Monthly Report

Calls For Service	Sept.2019	Sept.2019 YTD	Sept.2018
Complaint (Regist-17 At Large 11 Bark 1)	29	296	35
Follow up	35	333	42
Door Notice (Regis-20, at large 4)	21	191	24
Impounded Animal (Dog 8,)	8	71	5
Animal welfare check	15	124	16
Impound Results (Transport 4 ,Ret to own 4)	8	105	5
Impound fee collected	\$105.00	\$1,280.00	105
Court	\$0.00	\$0.00	0
Citizen Contacts	37	283	28
Animal registration \$144	12	112	9
Registration Letter Mailed	23	181	23
Nuisance letter -3 barking 3 At large	4	23	2
Animals released 4 poss,2 arm.2 snake2 sk	10	39	2
Deceased removed	27	191	18
Oak Leaf -2 call (dog)	2	17	0
Traps Checked Out	6	41	6