

# ***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*

**Monday, November 11, 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 **Monday, November 11, 2019 at 6:30 P.M.** in the Ovilla Municipal Building, Council Chamber Room, 105 S. Cockrell Hill Road, Ovilla, Texas, 75154, for the purpose of considering the following items:

**I. CALL TO ORDER**

- Invocation
- US. Pledge of Allegiance and TX Pledge

**II. COMMENTS, PRESENTATIONS, ANNOUNCEMENTS**

**• Citizen Comments**

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

**III. CONSENT AGENDA**

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

- C1. ORD. 2019-23 updating Municipal Court Fees (Legislative updates)
- C2. Mayor's execution of an agreement with our current provider Fusion to improve and increase the city's internet service.
- C3. Purchase of Mini-Excavator (FY2019-2020 Budget approved)
- C4. Interlocal Cooperation Contract Between County of Ellis and City of Ovilla
- C5. Software subscription with FundView for Ticket-Writers.
- C6. Minutes of the September 09, 2019 Regular Council Meeting
- C7. Minutes of the October 15, 2019 Regular Council Meeting.
- C8. Quarterly Investment Report
- C9. Committed Fund Balance

**IV. REGULAR AGENDA**

- ITEM 1.** **DISCUSSION/ACTION** – Consideration of and action on the approval of Resolution R2019-23 canvassing the returns and declaring the results of a bond election and other matters in connection herewith.
- ITEM 2.** **DISCUSSION/ACTION** – **Case PZ19.11** Receive recommendation from the Planning and Zoning Commission to consider and act on a site plan application submitted by MS Pamilee Koval for construction of a new residence at 103 Water Street, Ovilla, Ellis County, Texas 75154.
- ITEM 3.** **DISCUSSION/ACTION** – Consideration of and action on variances to Sections 38.5 building materials, and Chapter 10, Section 10.02.130 minimum square feet living area, from the Ovilla Code of Ordinances, requested by Pamilee Koval to construct a new residence on her property in the Core Historic District at 103 Water Street, Ovilla, Ellis County, Texas 75154.

# ***City of OILLA City Council***

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**ITEM 4.** *DISCUSSION/ACTION* – Consideration of and action on Ordinance 2019-24, of the City Council of the city of Ovilla, Texas, amending Ordinance no. 2019-18 providing for Budget Amendment Number One (1) in order to amend the 2019-2020 Fiscal Year Budget.

**ITEM 5.** *DISCUSSION/ACTION* – Consideration of and action to award the Main Street Sanitary Sewer bid to Dowager Construction in the amount of \$245,502.

**ITEM 6.** *DISCUSSION/ACTION* – Consideration of and action on the current contract with Community Waste Disposal (CWD) representatives to include consideration of a residential and commercial market adjustment, effective December 01, 2019.

**ITEM 7.** *DISCUSSION/ACTION* – Consideration of and action on Resolution R2019-24 for a vote cast to elect the fourth member to the Dallas Central Appraisal District Board of Directors for the years 2020-2021.

**ITEM 8.** *DISCUSSION/ACTION* – Consideration of and action on Resolution R2019-25 for votes cast for candidate(s) to elect director(s) to the Ellis Appraisal District Board of Directors for the years 2020-2021.

**ITEM 9.** *DISCUSSION/ACTION* – Consideration of and action to appoint a temporary committee to review the current Thoroughfare Plan.

**ITEM 10.** *DISCUSSION/ACTION* – Consideration of and action on a volunteer board appointment to serve a term on the Board of Adjustment and/or direct staff to continue solicitation for new applicants.

**ITEM 11.** *DISCUSSION* – Review and discuss Chapter 6, Section 6.05.008 screening of waste containers/dumpsters.

**ITEM 12.** *DISCUSSION* – Discuss and consider the inclusion and requirement of electronic water meters as part of a subdivision development.

**ITEM 13.** *DISCUSSION* – Discuss optional methods of transparency to keep the public informed of the operations of municipal government.

**ITEM 14.** *DISCUSSION* – Discuss and consider the placement of Amazon and UPS lock boxes at the city offices and police station.

**ITEM 15.** *DISCUSSION* – Receive report on the success of the 2019 Heritage Day celebration held on Saturday, September 28, 2019.

**ITEM 16.** *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
  - Fire Department
  - Public Works
  - Finance
  - Administration

Chief B. Windham  
Chief B. Kennedy  
Interim PW Director D. Durham  
Accountant L. Harding

## *City of O'VILLA 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*

|  |                           |
|--|---------------------------|
| 1. Monthly Code/Animal Control Reports | Code/AC Officer M. Dooly  |
| 2. Monthly Municipal Court Report      | City Secretary P. Woodall |

**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.**

Closed Meeting called pursuant to Texas Government Code §551.071 – Consultation w/Attorney.

**ITEM 2. *DISCUSSION/ACTION* – Consultation with the City Attorney regarding contemplated employment law litigation and settlement offer.**

*B. Reconvene into Regular (Open) Session*

## **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 November 11, 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.cityofvilla.org](http://www.cityofvilla.org), on the 8<sup>th</sup> day of November 2019 prior to 6:00 p.m., in compliance with Chapter 551, Texas Government Code.



Pamela Woodall  
Pamela Woodall, City Secretary

DATE OF POSTING: 11-7-2019 TIME: 9:00 am/pm  
DATE TAKEN DOWN:  TIME:  am/pm

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

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.

# **City of OILLA City Council**

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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.*

11.11.2019

## Consent Item C1

To  
Honorable Mayor  
and Council

Comments:

From  
Staff

CC  
Municipal Court

Re  
Update Fees

### BACKGROUND AND JUSTIFICATION:

Ordinance 2019-23 updates municipal court fees mandated by the SB 346. These fees will go into effect on January 1, 2020.

Senate Bill 346 addresses and amends certain articles of the Texas Code of Criminal Procedure, Penal Code, TX Local Government Code and TX Transportation Code with regard to fines and fees assessed by the municipal courts.

City Attorney, Ron MacFarlane, prepared the ordinance presented.

### STAFF RECOMMENDATION:

Staff recommends approval of Ordinance 2019-23 updating the Municipal Court Fees.

**City of Ovilla**

Tel 972-617-7262

105 S. Cockrell Hill Road  
Ovilla, Texas 75154

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



ORDINANCE NO. 2019-23  
Ovilla Municipal Court

AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, REPEALING AND REPLACING CHAPTER 7 "MUNICIPAL COURT," ARTICLE 7.02 "FEES, COSTS AND SPECIAL EXPENSES," OF THE CITY OF OVILLA CODE OF ORDINANCES; PROVIDING FOR THE IMPOSITION AND COLLECTION OF COURT FEES AND FINES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERANCE CLAUSE; PROVIDING FOR INCORPORATION INTO THE OVILLA CODE OF ORDINANCES; PROVIDING FOR IMMEDIATE EFFECT; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City of Ovilla, Texas, is a Type-A General Law Municipality within the State of Texas; and

WHEREAS, on November 14, 2005, the City Council of the City of Ovilla passed and approved Ordinance No. 06-007 thereby creating a municipal court building security fund and a municipal court technology fund and establishing fees for such funds to be imposed on all persons convicted of a misdemeanor in the municipal court; and

WHEREAS, on June 15, 2019, the Texas Legislature passed Senate Bill 346 ("SB 346") which, in addition to other matters, modified and established court fees and fines to be imposed on persons convicted and misdemeanors in municipal courts; and

WHEREAS, one of the fees established by SB 346 is the Local Consolidated Fee on Conviction of Non-Jailable Misdemeanor which includes, among other things, an allocation for municipal court building security funds and an allocation for municipal court technology funds; and

WHEREAS, SB 346 further established a State Consolidated Fee of \$62 for each person convicted of a misdemeanor offense, including criminal violations of municipal ordinances, other than for convictions of an offense relating to a pedestrian or the parking of a motor vehicle; and

WHEREAS, SB 346, among other matters, amends Article 45.20(c) of the Texas Code of Criminal Procedure to provide that the governing body of a municipality may prescribe by ordinance a fine not to exceed \$25 for the offense of failing to appear under Section 38.10(e) of the Texas Penal Code or under Section 543.009 of the Texas Transportation Code; and

WHEREAS, SB 346 becomes effective on January 1, 2020; and

WHEREAS, upon the effective date of SB 346, Article 7.02, Sections 7.02.001 and 7.02.002 will not comply with the said statute and will not provide for the collection of required fees and fines; and

WHEREAS, the City Council finds and determines that it is necessary and in the best interests of the health, safety and welfare of the citizens of the City of Ovilla to amend repeal Article 7.02 of the Code of Ordinances and replace same with regulations and provisions consistent with SB 346.

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

ORDINANCE NO. 2019-23  
Ovilla Municipal Court

**SECTION 1. REPEAL OF CHAPTER 7, ARTICLE 7.02, OF THE CODE OF ORDINANCES OF THE CITY OF OVILLA**

Chapter 7, Article 7.02, of the Code of Ordinances of the City of Ovilla is hereby repealed its entirety effective January 1, 2020.

**SECTION 2. ADOPTION OF NEW CHAPTER 7, ARTICLE 7.02, OF THE CODE OF ORDINANCES OF THE CITY OF OVILLA**

The following provisions are hereby adopted as Chapter 7, Article 7.02 of the Code of Ordinances of the City of Ovilla effective January 1, 2020:

**ARTICLE 7.02 COURT COSTS, FEES AND FINES**

**Sec. 7.02.001 State Consolidated Fee**

- (a) Assessment of fee. Pursuant to Section 133.102 of the Texas Local Government Code, the municipal court is hereby authorized and required to access and collect a State Consolidated Fee of \$62 for each person convicted of a non-jailable misdemeanor offense arising under the Code of Ordinances of the City of Ovilla, other than convictions relating to a pedestrian or the parking of a motor vehicle.
- (b) Persons considered convicted. A person is considered to have been convicted is:
  - (1) Judgment, sentence or both are imposed on the person;
  - (2) The person receives deferred adjudication; or
  - (3) The court defers final disposition or imposition of the judgment and sentence.
- (c) Collection and disposition of fee. The municipal court clerk is hereby authorized and required to collect the fee and pay same to the Texas comptroller as required under Section 133.001 of the Texas Local Government Code.

**Sec. 7.02.002 Local Consolidated Fee**

- (a) Assessment of fee. Pursuant to Section 134.103 of the Texas Local Government Code, the municipal court is hereby authorized and required to access and collect a Local Consolidated Fee of \$14 as court costs for each person convicted in the municipal court of a non-jailable misdemeanor offense arising under the Code of Ordinances of the City of Ovilla.
- (b) Persons considered convicted. A person is considered to have been convicted is:
  - (1) Judgment, sentence or both are imposed on the person;
  - (2) The person receives deferred adjudication; or
  - (3) The court defers final disposition or imposition of the judgment and sentence.
- (c) Collection and disposition of fee. The court clerk shall collect and remit the to the city's treasurer or financial official the Local Consolidated Fee. Local Consolidated Fees collected as court costs imposed for offenses committed on or after January 1, 2020 shall be allocated according the percentages provided herein. Local Consolidated Fees collected as court costs

**ORDINANCE NO. 2019-23**  
**Ovilla Municipal Court**

imposed for offenses committed before January 1, 2020, shall be allocated, to the extent practicable, the same amount of money that the account or fund would have received if the court costs for the accounts and funds had been reported and collected separately, except that the account or fund may not receive less than the percentages provided herein:

- (1) Municipal Court Security Fund – 35 percent
- (2) Local Truancy Prevention and Diversion Fund – 35.7143 percent
- (3) Municipal Court Technology Fund – 28.5714 percent
- (4) Municipal Jury Fund - 0.7143 percent

**Sec. 7.02.003 Fine for Failure to Appear**

Any person convicted of failure to appear under Section 38.10(e) of the Texas Code of Criminal Procedure or Section 543.009 of the Texas Transportation Code shall, after due notice, be liable for a fine in the amount of \$25. Fines collected under this section shall be paid into the municipal treasury of the use and benefit of the city.

**Sec. 7.02.004 Other Cost, Fees and Fines**

The municipal court is hereby authorized and directed to access and collect any and all other costs, fees and fines authorized or required under any applicable statutory provision including, without limitation, provisions of the Texas Local Government Code, Texas Code of Criminal Procedure or Texas Transportation Code that is, or shall become, effective on or after the effective date of this ordinance.

**Sec. 7.02.005 Collection Fee**

In accordance with article 103.0031 of the Texas Code of Criminal Procedure, there is hereby imposed an additional fee of thirty percent (30%) on all debts and accounts receivable, i.e. fines, fees, court costs, restitution, and other debts, that are more than sixty (60) days past due and have been referred to a private firm for collection

## **SECTION 2. SAVINGS CLAUSE**

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

### SECTION 3. SEVERANCE CLAUSE

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

#### SECTION 4. INCORPORATION INTO THE CODE OF ORDINANCES

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

**SECTION 5. EFFECTIVE DATE**

ORDINANCE NO. 2019-23  
Ovilla Municipal Court

Because of the nature of interest and safeguard sought to be protected by this Ordinance and in the interest of the citizens of the City of Ovilla, Texas, this Ordinance shall take effect January 01, 2020 after passage, approval and publication, as required by law.

**SECTION 6. PUBLICATION**

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

**PASSED, ADOPTED and APPROVED** by the City Council of Ovilla, Texas, on this the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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Richard Dormier, Mayor

**ATTEST:**

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Pamela Woodall, City Secretary

**APPROVED AS TO FORM:**

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Ron G. MacFarlane, Jr., City Attorney

To  
Honorable Mayor  
and Council

Comments:

From  
Staff

**BACKGROUND AND JUSTIFICATION:**

Approval and Mayor's execution of an Agreement with Fusion (current provider) to improve the city's current internet and phone system. The updated system will allow VOIP use and much needed increased internet service.

CC

The City's 3-year service contract with Fusion expires in December 2019. Staff has reviewed the current and future needs with our IT (netGenius) and recommends the much-needed internet increase.

Re  
Internet/updates

Fusion (formerly Birch/formerly Cbeyond)  
Current monthly contract \$1059.00  
Current Internet Mbps 20

New 3-year term monthly contract with VOIP - \$1201.75  
New Internet Mbps 100

Staff has reviewed options and met with the following providers:

1. AT&T for upgraded internet and telephones
2. Advanced Telecom Systems (city's current telephone equipment provider)
3. Fusion – (city's current internet provider)

**STAFF RECOMMENDATION:**

Staff recommends approval to enter into a 3-year term agreement with Fusion for increased internet and VOIP phones.

**City of Ovilla**

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Tel 972-617-7262

105 S. Cockrell Hill Road  
Ovilla, Texas 75154

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



**CITY OF OVILLA, TEXAS**  
**Quotations Form**

|                      |            |
|----------------------|------------|
| Quotations Taken By: | Admin      |
| Department:          | Admin      |
| Date:                | 11/11/2019 |

**Description of Product or Service:** Increase internet service to 100 mbps and add VOIP (voice over internet protocol) analog – availability of accessing phone calls and messages on laptop/computer/cell phones.

❖ Indicates preferred/chosen vendor

| ❖ <b>QUOTE #1</b>  |                                       |
|--------------------|---------------------------------------|
| Vendor Name:       | ❖ Fusion                              |
| Address:           |                                       |
| Contact Person:    | Ashley Hendrick                       |
| Phone No:          | 678.214.2115                          |
| Contact Date/Time: | 11/6/2019                             |
| HUB Status:        |                                       |
| Price:             | Analog/VOIP/Internet \$1,201.75/month |

| ❖ <b>QUOTE #2</b>  |  |
|--------------------|--|
| Vendor Name:       | Fusion   |
| Address:           |  |
| Contact Person:    | Ashley Hendrick  |
| Phone No:          | 678.214.2115   |
| Contact Date/Time: | 11/6/2019  |
| HUB Status:        |  |
| Price:             | PRI/VOIP/Internet \$1,175.75/month (plus \$900 for card) |

| ❖ <b>QUOTE #3</b>  |                         |
|--------------------|-------------------------|
| Vendor Name:       | AT&T                    |
| Address:           | 311 Akard               |
| Contact Person:    | Anne Winters            |
| Phone No:          | Aw1686@att.com          |
| Contact Date/Time: | 8/2019                  |
| HUB Status:        |                         |
| Price:             | VOIP/Internet \$1500.00 |

**JUSTIFICATION FOR NOT CHOOSING THE LOWEST BID:** Analog does not tie up the use of the internet.



**SALES CONTACT NAME:** Ashley Hendrick

**TITLE:** Account Advisor

**PHONE:** (678) 214-2115

**FAX:** (925) 201-0456

**EMAIL:** ashley.hendrick@fusionconnect.com

CLOUD COMMUNICATIONS • CLOUD CONNECTIVITY • CLOUD COMPUTING

# FUSION SOLUTION PROPOSAL

YOUR SINGLE SOURCE CLOUD SOLUTION

Fusion is a rapidly growing leader in the \$200B+ global market for Cloud Services. The company is uniquely positioned as a single-source provider of integrated cloud solutions to businesses of all sizes. Our advanced, high availability service platform enables the integration of leading edge solutions in the cloud, including cloud communications, cloud connectivity, cloud computing and additional cloud services such as storage and security. Fusion's cloud solutions reduce our customers' cost of ownership, and deliver new levels of security, flexibility, scalability and speed of deployment.



#### Cloud Communications

- Hosted Voice
- UCaaS
- Contact Center
- SIP Trunks
- PRI
- POTS

#### Cloud Connectivity

- Nationwide Internet
- SD-WAN
- MPLS
- Managed WiFi
- Advanced Security/UTM
- Compliance

#### Cloud Computing

- Office 365/M365
- Hosted Exchange
- SharePoint
- Cloud Hosting
- Colocation
- DRaaS

#### FUSION AT A GLANCE

##### Single Source for the Cloud

Fusion offers a full range of cloud communications, cloud connectivity and cloud computing solutions – available nationwide.

##### Superior Voice Quality

Our voice network achieves 99.999% availability, providing customers with the highest level of reliability in the industry.

##### Expansive Network Coverage

Bring your own broadband or leverage our broad range of nationwide connectivity options.

##### Proven Expertise

We've been serving businesses with innovative communications services for over two decades.

##### Experienced Customer Support

Our expert, US-based technical experts respond quickly and efficiently, 24/7/365.



Service Order: 560804-2

Date: 11/6/2019

This Quote is Valid Through: 12/6/2019

420 Lexington Ave, Suite 300  
New York, NY 10170

| Account Information |                          | Installation Site Information |                          |      |       |                |                |
|---------------------|--------------------------|-------------------------------|--------------------------|------|-------|----------------|----------------|
| Customer Name:      | CITY OF OVILLA           | Name:                         | Linda Harding            |      |       |                |                |
| Address 1:          | 105 S. COCKRELL HILL     | Address 1:                    | 105 COCKRELL HILL RD     |      |       |                |                |
| Address 2:          | SUITE 2                  | Address 2:                    | STE 2                    |      |       |                |                |
| City:               | OVILLA                   | State:                        | TX                       | Zip: | 75154 | City:          | OVILLA         |
| Contact Phone:      | (972) 617-7262           | Install Phone:                | (972) 617-7262           |      |       | Contact Phone: | (972) 617-7262 |
| Email:              | lharding@cityofvilla.org | Email:                        | lharding@cityofvilla.org |      |       |                |                |

|  | Qty | Monthly  | One-Time | One-Time Discount | NET Monthly | NET One-Time |
|--|-----|----------|----------|-------------------|-------------|--------------|
| <b>Access</b>  |     |          |          |                   |             |              |
| 100Mb Ethernet (ESA)   | 1   | \$960.00 | \$0.00   | (\$0.00)          | \$960.00    | \$0.00       |
| Voice  | 1   | \$0.00   | \$0.00   | (\$0.00)          | \$0.00      | \$0.00       |
| <b>Equipment</b>   |     |          |          |                   |             |              |
| Cisco Cisco2951/K9 - Ethernet 51-100M with DSPs and 16 FXS ports: Rental (GROUND)  | 1   | \$75.00  | \$0.00   | (\$0.00)          | \$75.00     | \$0.00       |
| <b>IP Services</b>   |     |          |          |                   |             |              |
| /29 IP Address Block (5 Useable)   | 1   | \$0.00   | \$0.00   | (\$0.00)          | \$0.00      | \$0.00       |
| <b>ProInstall</b>  |     |          |          |                   |             |              |
| Professional On-Site Install   | 1   | \$0.00   | \$500.00 | (\$500.00)        | \$0.00      | \$0.00       |
| <b>Voice</b>   |     |          |          |                   |             |              |
| FusionSIP - Unlimited Local  | 1   | \$0.00   | \$0.00   | (\$0.00)          | \$0.00      | \$0.00       |
| <b>Voice Sub-Services</b>  |     |          |          |                   |             |              |
| Analog (F)   | 1   | \$0.00   | \$0.00   | (\$0.00)          | \$0.00      | \$0.00       |
| Billing Telephone Number (F)   | 1   | \$0.00   | \$0.00   | (\$0.00)          | \$0.00      | \$0.00       |
| CNAM - Outbound (Per BTN) (F)  | 1   | \$0.00   | \$0.00   | (\$0.00)          | \$0.00      | \$0.00       |
| E911 Service (per BTN) (F)   | 1   | \$0.00   | \$0.00   | (\$0.00)          | \$0.00      | \$0.00       |
| LD Plan - 500 (F)  | 1   | \$10.00  | \$0.00   | (\$0.00)          | \$10.00     | \$0.00       |
| Local Number (F)   | 15  | \$0.50   | \$0.00   | (\$0.00)          | \$7.50      | \$0.00       |
| SIP Trunk Call Path - Local (F)  | 15  | \$9.95   | \$0.00   | (\$0.00)          | \$149.25    | \$0.00       |
| <b>Sales Contact Name:</b> Ashley Hendrick<br><b>Title:</b> Account Advisor<br><b>Phone:</b> (678) 214-2115<br><b>Fax:</b> (925) 201-0456<br><b>Email:</b> ashley.hendrick@fusionconnect.com |     |          |          |                   |             |              |
| <b>Total Monthly:</b> \$1,201.75<br><b>Term:</b> 36 Months   |     |          |          |                   |             |              |
| <b>Total One Time:</b><br><b>\$0.00</b><br><b>Net 30 Days</b>  |     |          |          |                   |             |              |
| <b>Promotions</b>  |     |          |          |                   |             |              |
| Free Professional Installation on Ethernet and T1 with 3 year term   |     |          |          |                   |             |              |



## CUSTOMER ACKNOWLEDGEMENTS

### Local Area Networking (LAN)

Your company will need to provide and maintain suite cabling (Cat 5 or better) to cross-connect your LAN with Fusion hardware and/or edge devices, computers with network interface cards, network printers, and Point-of-Sale devices. If your Company chooses to use an existing network switch or purchase one separately, it will be your Company's responsibility to maintain and to configure your switch, as well as any other component of your LAN, so that Fusion's phones will function properly with your LAN.

### LAN Personnel Present at Activation

Fusion requires the presence of your Company's phone and/or LAN/IT network internal personnel and/or vendors during activation of your service. Your Company is responsible for any associated charges.

### Climate Controlled Equipment Room

Fusion-provided hardware requires a climate-controlled, dust free environment to perform properly. A Fusion provided circuit cannot be installed if the power supply is not properly grounded.

### Voice Quality of Service ("QoS") Equipment

Your Company understands that QoS Networking Equipment is available to operate in the LAN and helps to prioritize VoIP traffic. If your Company chooses not to purchase this equipment, it may be a requirement in the future should your Company experience chronic call quality problems.

### Customer Provided Access

Fusion cannot ensure QoS for non-Fusion network services. Should your company purchase Internet connectivity from another provider, it is your Company's responsibility to provide adequate bandwidth for voice Services and all required IP information before the voice Service order will be installed.

### Voice Install Timeline

Your order will begin processing once all necessary Service orders and required solution documents have been Completed, including a signed Service Order, a completed User Detail List, a completed Network Design (if Fusion provided Access). Other documents, such as a Letter of Authorization, will be required prior to porting telephone numbers.

### Porting of Existing Telephone Numbers

Your Company understands that it could take up to 30 days and sometimes longer to port existing telephone numbers from your current carrier. Your Company also understands that the precise date and time of when the port occurs is outside of Fusion's direct control. Your Company is responsible for correctly identifying all numbers to be ported, including toll free numbers.

### Disconnect Notification to Existing Carriers

Your Company will need to cancel service with your current and/or previous providers. Fusion cannot disconnect your services from another carrier on your Company's behalf.

### Forwarding Telephone Numbers to Fusion

In the event your Company has opted to forward existing telephone numbers to Fusion, your Company understands that it is your responsibility to engage directly with your current/previous provider to set up the forwarding of any numbers to Fusion. Your Company is responsible for any associated fees with your current/previous provider.

### Service Activation and Fees

Fusion will begin billing for Voice Services after the Voice service is installed on new or temporary numbers. Fusion will begin billing for new Fusion data circuits once the circuit has been installed. Any Cloud services will begin billing as soon as provisioning is complete. The billing start date for all services may or may not be on the same date.

### Services Billed in Advance

Your Company understands that Fusion bills for services rendered one month in advance, along with Prorated Monthly Recurring Charges (MRCs), and that it will be invoiced for all equipment and non-recurring charges at time of activation. Your Company also understands that shipping costs will be invoiced separately and at time of shipment.

### Voice Install Delays Caused by Customer

If Voice service is delayed due to your Company not being ready, Fusion may begin billing for services rendered.

*Failure to comply with the above responsibilities can result in delays in your service installation, interruption, or complete loss of service, and additional charges.*

**Notes**

1. All hardware costs are taxable. Shipping is not included and is billed separately. Actual shipping costs may vary and will be assessed at the time of shipping.
2. Order does not reflect the Regulatory Recovery Surcharge or local, state, or federally mandated usage fees and/or taxes.
3. Fusion equipment that is leased or loaned to a customer at no charge will be assessed the appropriate Transactional tax based on a fair market value established by Fusion. Laws governing the imposition of Transactional tax on leases of equipment vary from one taxing jurisdiction to another. If the statutes of a particular taxing jurisdiction require Fusion to collect and/or remit tax on any form of leased or loan of equipment, Fusion will comply with the applicable statutes.
4. Fusion is not responsible for and will not pay for any third party costs, including labor charges, incurred by Customer for the purchase, configuration, repair, or maintenance for any Fusion or non-Fusion-provided equipment that may be necessary or used to make Customer's computer or systems compatible with the Services or Products. This includes charges for internal/inside wiring and LAN charges. Such charges, costs, and fees are Customer's sole responsibility.
5. Pre-qualification information contained in this document is based on best available information and is subject to change. Pre-qualification results do not guarantee service availability. If the stipulated access technology is not available, another type of access may be proposed to Customer and substituted upon Customer's approval, which may result in changes to the quoted MRCs and NRCs. Fusion commits to making reasonable efforts to find the least expensive access available that meets the Customer's requirements.
6. The Corporate Access SSL - Network-based access policy is set at SSL Server level where any group has access to any resource upon authentication.
7. Fusion does not credit Customer accounts for E-rate discounts. Regardless of Customer's eligibility to receive an E-Rate discount for the telecommunications or Internet services provided herein, Customer will be invoiced the entire sum of contracted service. It is solely the Customer's responsibility to complete and file any necessary paperwork and invoice the USAC on its own behalf for any such discount.
8. Prior to, during and after the installation of requested services, Customer may choose to request that Fusion augment the Service order to provide additional services or remove services from the Service Order. Depending upon the scope of these requested changes, verbal requests from the Customer and/or Customers delegated representative may be acceptable to Fusion in which case Fusion shall notify Customer of its acceptance of said changes via email. In some instances Fusion may require additional written authorization. All applicable charges resulting from changes requested by the Customer and/or the Customer's delegated representative, whether written or verbal, are the responsibility of the Customer and shall be deemed to be part of this Service Order and subject to its Terms and Conditions.
9. Customers who purchase Fusion Voice or Managed Services with Internet connectivity acknowledge and understand that Fusion Internet connectivity Services may be activated, and that charges for such Service may be invoiced and due, prior to activation of Fusion Voice or Managed Services. If purchasing Voice Services, additional usage fees may apply as set forth in the Fusion Ancillary Call Rates Business Voice schedule available at <https://www.fusionconnect.com/legal/tariffs>.
10. **Voice Quality and Best Effort Voice** - Fusion provides quality of service for voice on all circuits that are provided by Fusion and provisioned with Voice QoS Optimization. This includes prioritization of voice packets on the Fusion network and the last mile of Customer's circuit. Fusion cannot provide nor does Fusion guarantee the quality of service on circuits without Voice QoS Optimization regardless if the circuits are provided by Fusion, another provider or as Customer provided access. Customer understands that all voice services provisioned without Voice QoS Optimization, including those provided by Fusion, another provider and Customer provided access are offered as a **BEST EFFORT SERVICE WITH NO WARRANTIES OR SLAs (INCLUDING WARRANTIES REGARDING CONTINUOUS SERVICE UPTIME OR VOICE QUALITY)**.
11. Certain state and federal laws apply to Customer's use of Fusion Call Recording feature. In some states, Customers are required to obtain consent from all parties to record a phone call. Customer is solely responsible for compliance with any and all federal, state, county, municipality, or any other jurisdiction laws, ordinances, statutes, orders, directives or rules governing or related to the use of a device for the purpose of recording any wire, oral, or electronic communications traversing and/or traveling over Fusion's network and/or facilities. Customer understands and agrees that they are solely liable for compliance with such laws and regulations, and under no circumstances shall Fusion be responsible or held liable for such compliance. Customer agrees that Fusion has no responsibility or liability, wholly or in part, related to Customer's recording activities. Customer indemnifies and holds Fusion wholly harmless for any cause of action, fines, penalties and/or damages, direct or indirect, civil or criminal, involving Customer's recording and Customer's use of Fusion's Call Recording service, whether actual or potential, knowing, incidental, and/or accidental, any wire, oral or electronic communication traversing and/or traveling over Fusion's network and/or facilities.
12. By signing a Service Order form, Customer authorizes Fusion to obtain any credit information necessary and/or Customer proprietary network information necessary to provision the Fusion Service and to establish Customer's Fusion account. Customer authorizes release of said information by any and all third parties to Fusion and its affiliates. Fusion reserves the right, at its sole discretion, to decline new Orders and to require Customer to post appropriate advance deposits for new and existing Services.
13. On this quote, any references to the following refer to Internet Access: ADSL (including Lineshare and Dedicated), SDSL, T1, Ethernet (including Ethernet over DS1), Cable (including Business and Residential), Wireless Broadband and Fixed Wireless.

**This section contains important information on the availability and functionality of 911 services. Please read it carefully.**

Customer acknowledges and understands that Fusion's 911 Emergency Service differs from traditional 911 service in the following ways: (A) 911 Service may not function if Voice Services or equipment are not functioning for any reason, including but not limited to a power outage or an outage or other disruption of the Internet Service obtained from Fusion or another provider; (B) 911 calls are routed to an emergency call center based upon the physical street address provided by Customer. If Customer provides inaccurate information, does not provide timely notice of changes, or attempts to use the Service or equipment from another location, 911 calls may be delivered to a non-optimal call center and emergency responders may be dispatched to a location other than the location of the 911 caller; and (C) in some cases the 911 call taker may not be able to capture and/or retain automatic number or location information, or be able to identify Customer's phone number and location in order to call Customer back if the call is not completed or is disconnected.

**LEGAL - PLEASE READ CAREFULLY:**

This Service Order and Customer's use of the Fusion Services are subject to the terms of the Master Service Agreement between Fusion and Customer, or, in the absence of such agreement, Fusion's Basic Terms and Conditions found at <http://www.fusionconnect.com/legal>, including the Tariff(s) and/or Service Addendum(s) applicable to the Services described herein. Failure to adhere to these terms may result in delays in your Service installation, interruption, and/or complete loss of Service, and additional charges. Optional and miscellaneous Service fees are set forth in Fusion's Fee and Surcharges Guide found at <http://www.fusionconnect.com/legal>. By signing below, you represent that you are authorized to accept this Service Order on the terms set forth herein on behalf of Customer.

**AGREED TO BY:**

Customer's Authorized Representative

Name

Title

Date

Fusion Signature

Name

Title

Date

To  
Honorable Mayor  
and Council

Comments:

From  
Daniel Durham

**BACKGROUND AND JUSTIFICATION:**

The mini-excavator was budgeted and approved in the FY2019-2020 Budget. Staff research specifications and shopped from Buy-Board.

CC  
Public Works

The City Policy and Procedure Guide to Purchasing and Chapter 9, Article 9.03, Division 2 of the Ovilla Code of Ordinances, requires Council approval for an expenditure over \$25k – even if budgeted. Staff respectfully requests Council's approval to move forward with the purchase.

Re  
Mini excavator

The approved budget line item and Buy-Board quote are both included.

**STAFF RECOMMENDATION:**

Staff recommends approval of the purchase of the Kubota mini excavator from Buy-Board as presented.

**City of Ovilla**

---

Tel 972-617-7262

105 S. Cockrell Hill Road  
Ovilla, Texas 75154

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



|              |                       |              |
|--------------|-----------------------|--------------|
| FY 20        | Capital Outlay        |              |
| Account      | Description           | Budget       |
| 100-50-56440 | Machinery & Equipment | \$ 95,000.00 |

## PURCHASE ORDER

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



|            |            |                 |            |               |              |
|------------|------------|-----------------|------------|---------------|--------------|
| P.O. Date  | 11/06/2019 | P.O. Number     | 100-50-001 | Date Required | 11/06/2019   |
| Department | Streets    | Requisition No. |            | Account       | 100-50-56440 |

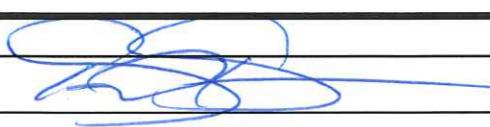
|                |                            |          |              |              |       |
|----------------|----------------------------|----------|--------------|--------------|-------|
| Vendor Name    | Kubota Tractor Corporation |          | Phone Number | 817-756-1171 |       |
| Street Address | 1000 Kubota Drive          |          | Fax Number   | 844-582-1581 |       |
| City           | Grapevine                  | State    | TX           | Zip Code     | 76051 |
| E-mail address | NA.Support@Kubota.com      | Web site |              |              |       |

## Shipping Information to City of Ovilla unless otherwise noted

|                |                         |       |              |              |       |
|----------------|-------------------------|-------|--------------|--------------|-------|
| Contact Name   | City Of Ovilla          |       | Phone Number | 972-617-7262 |       |
| Street Address | 105 S. Cockrell Hill rd |       | Fax Number   |              |       |
| City           | Ovilla                  | State | TX           | Zip Code     | 75154 |

| Quantity Ordered | Quantity Received | Part Number and Description                 | Unit Price  | Total Cost  |
|------------------|-------------------|---|-------------|-------------|
| 1                | 1                 | Kubota K series/ KX033-4R1A- Mini Excavator | \$43,300.58 | \$43,300.58 |
|                  |                   | BUY BOARD                                   |             |             |
|                  |                   |   |             |             |
|                  |                   |   |             |             |

TERMS: Delivery is F.O.B. Destination, Net 30, unless otherwise noted. All purchases are tax exempt. **TOTAL** \$43,300.58

|                  |               |   |       |            |
|------------------|---------------|---|-------|------------|
| Department Head: | Daniel Durham |  | Date: | 11/06/2019 |
| City Accountant: |               |   | Date: |            |
| City Manager:    |               | +   | Date: |            |

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



CE - #515-16, GM - #529-17

KX033-4R1A WEB QUOTE #1497381

Date: 11/5/2019 12:20:48 PM

-- Customer Information --

Durham, Daniel  
City of Ovilla  
ddurham@cityofovilla.org  
972-617-7262

Quote Provided By  
CENTRAL KUBOTA, LLC

Larry Thedford  
501 N INTERSTATE HIGHWAY 35 E  
WAXAHACHIE, TX 75165-5203  
email: larryt@centralkubota.com  
phone: 9729381770

-- Standard Features --

**Kubota**

K Series

KX033-4R1A

\*\*\* EQUIPMENT IN STANDARD MACHINE \*\*\*

**FEATURES**

Half Pitched Rubber Tracks or (Steel Tracks)  
ROPS/OPG (Top Guard, Level 1)  
4 Post Canopy or Heated Cab with A/C  
Suspension Seat  
Kubota 3 Hydraulic Pump Design  
1 Gear; 2 Variable Displacement Pumps  
Hydraulic Joystick Controls with Wrist Rests  
Hydraulic Accumulator  
Two Operating Pattern Selection System  
Standard Front Dozer Blade 360 Degree Full Rotation  
70° Left and 48° Right Boom Swing Angle  
15.8 GPM Adjustable Auxiliary Hydraulics Port  
With Diverter Valve  
Five Second Quick Preheat System  
Key Switch Stop System  
Self Bleed Fuel System  
Two Speed Travel Auto Idle  
Thumb Bracket and Relief Valves  
Swivel Negative Brake  
Travel Negative Brake  
Third Line Return (Hydraulic)

**ENGINE**

Kubota D1703M-DI-E4  
3 Cylinder, 4 Cycle  
24.8 Gross HP (SAE J1995) @ 2200 RPM  
23.2 Net HP (SAE J1349) @ 2200 RPM

**OPERATIONAL DIMENSIONS**

Max Digging Depth 10' 6"  
Max Digging Radius @ Ground Level 16' 10"  
Max Vertical Digging Depth 7' 4"  
Max Dumping Height 11' 7"

**DOZER BLADE**

DIMENSIONS  
Width 61"  
Height 13.5" / 15.2" Angle  
Lift Above Ground 14.4"  
15.9" Angle  
Drop Below Ground 14.8"/  
16.1" Angle

**PERFORMANCE**

Digging Force @ Bucket 8138 lbs  
Digging Force @ Dipper Arm 3867 lbs  
Travel Speed (Low/High) 1.9/2.9 mph  
Traction Force (Low) 6091 lbs  
Lift Capacity 3230 lbs  
• Over Front  
• Blade Grounded  
• 2 Ft. Load Point Height  
• 8 Ft. Load Radius

**DIMENSIONS AND OPERATING WEIGHT**

KX033-4R1A, Rubber Tracks, ROPS/OPG (Top Guard, Level 1) Canopy, Angle Dozer Blade  
Overall Length 15' 6"  
Overall Width 5' 1"  
Overall Height 8' 1"  
Operating Weight\* 7420 lbs.  
Ground Clearance 11.4"

\* Includes operator's weight, 175 lbs.

KX033-4R1A Base Price: \$48,949.00

(1) 24" QUICK ATTACH TRENCHING BUCKET K7875A-24" QUICK ATTACH TRENCHING BUCKET \$1,311.00

(1) QUICK COUPLER K7870A-QUICK COUPLER \$948.00

Configured Price: \$51,208.00

BUY BOARD Discount: (\$12,289.92)

SUBTOTAL: \$38,918.08

2Yr KX033-4R1A Extended Warranty (4000 hrs.) \$3,500.00

Dealer Assembly: \$42.50

Freight Cost: \$590.00

PDI: \$250.00

Total Unit Price: \$43,300.58

Quantity Ordered: 1

Final Sales Price: \$43,300.58

Purchase Order Must Reflect  
the Final Sales Price

To order equipment – purchase orders must be made out and returned to:

Kubota Tractor Corporation  
Attn: National Accounts  
1000 Kubota Drive  
Grapevine, TX 76051  
or email NA.Support@kubota.com  
or call 817-756-1171 or fax 844-582-1581

\*All equipment specifications are as complete as possible as of the date on the quote. Additional attachments, options, or accessories may be added (or deleted) at the discounted price. All specifications and prices are subject to change. Taxes are not included. The PDI fees and freight for attachments and accessories quoted may have additional charges added by the delivering dealer. These charges will be billed separately. Prices for product quoted are good for 60 days from the date shown on the quote. All equipment as quoted is subject to availability.

11.11.2019

## Consent Item C4

To  
Honorable Mayor  
and Council

Comments:

From  
Staff

### BACKGROUND AND JUSTIFICATION:

The Interlocal Cooperation Contract Between County of Ellis and City of Ovilla is an annual agreement for Governmental Function and Services.

CC  
Public Works

### STAFF RECOMMENDATION:

Re  
Annual Agreement with  
Ellis County

Staff recommends approval.

**City of Ovilla**

Tel 972-617-7262

105 S. Cockrell Hill Road  
Ovilla, Texas 75154

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



**INTERLOCAL COOPERATION CONTRACT  
BETWEEN COUNTY OF ELLIS AND CITY OF OVILLA**

**WHEREAS**, the hereinafter below described government entities desire to increase their efficiency and effectiveness by entering into this contract one with the other; and

**WHEREAS**, such contracts are authorized under Chapter 791 of the Government Code of the State of Texas, said law cited as the Interlocal Cooperation Act of the State of Texas; and

**WHEREAS**, the function of service contracted for and to be provided by this agreement is within the definition of "Governmental Function and Services" as defined by Section 791.003 of the Government Code; and

**WHEREAS**, the function of service contracted to be provided is a function or service that each party to the contract is authorized to perform individually;

**NOW THEREFORE**, the parties agree and covenant one with the other as follows:

- A. The County of Ellis (hereinafter COUNTY) and the City of Ovilla (hereinafter CITY) shall establish a cooperative purchasing program between the parties, which will allow each party to purchase goods and services under each other's competitively bid contracts, competitive sealed proposals and request for statement of qualifications pursuant to Subchapter F, Chapter 271 of the Tex. Loc. Gov't Code. This shall include contracts for the maintenance, repair and construction of streets, roads, alleys, bridges, and parking areas, as well as the maintenance and construction of waterways and ditches. The COUNTY and the CITY shall further be authorized to sell each other; goods and services.
- B. The COUNTY and the CITY shall make payments to the local government, a local cooperative organization or directly to a vendor under a contract made, as provided in the agreement between the participating local governments or between a local government and a local cooperative organization; and for such function, goods and/or services.
- C. The COUNTY and the CITY, as paying parties acknowledge and certify, as required by the Interlocal Cooperation Act, that all payments shall be made from the current revenues available to County and City.
- D. The term of this Agreement shall be for a fixed period commencing on the date of execution by the last governing body's authorized agent and ending on December 31, 2020.

E. Both parties acknowledge and understand, in reference to any project undertaken under this contract involving the maintenance, repair, and construction of streets, roads, alleys, bridges and parking areas, as well as the maintenance and construction of waterways and ditches, the following:

1. that prior to beginning said project, a work order in the form similar to Exhibit A attached hereto shall be adopted describing the project to be undertaken and identifying the project's location; and
2. that the payment and penalty provisions set out in Section 791.014 (c and d) of the Government Code Interlocal Cooperation Act shall apply to this contract.

F. The CITY, hereby makes, constitutes and appoints COUNTY it's true and lawful purchasing agent for the purchase of various commodities and services using Annual Contracts (Bids, Proposals, Request for Qualifications). COUNTY will maintain a listing of Annual Contracts which are available for local entities use. To utilize one or more of these contracts, local entities must request authorization, in writing, to COUNTY. Upon receipt of request, COUNTY will send a form letter to the appropriate vendor(s) for their approval and signature. Upon receipt of authorizing letter from the vendor(s), COUNTY will forward a copy of the letter and appropriate Annual Contract to the requesting entity. CITY agrees that COUNTY shall serve as the purchasing agent for selected items, and agrees that the bidding shall be conducted by COUNTY according to its usual bidding procedures and in accordance with applicable State statutes.

G. CITY agrees that all specifications for selected items bid by the COUNTY shall be as determined solely by the COUNTY.

H. CITY shall be the party receiving the function, goods, or service and providing payment for such function, goods and /or services.

I. CITY agrees to pay the supplier for all functions, goods, or services pursuant to this agreement. The successful bidder or bidders shall bill CITY directly for all items purchased, and CITY shall be responsible for vendor's compliance with all conditions of delivery and quality of the purchased items.

J. [REDACTED], Purchasing Agent for the CITY, is hereby designated as the official representative to act for the CITY in all matters relating to this agreement.

K. The COUNTY, hereby makes, constitutes and appoints CITY it's true and lawful purchasing agent for the purchase of various commodities and services using Annual Contracts (Bids, Proposals, Request for Qualifications). CITY

will maintain a listing of Annual Contracts which are available for local entities use. To utilize one or more of these contracts, local entities must request authorization, in writing, to CITY. Upon receipt of request, CITY will send a form letter to the appropriate vendor(s) for their approval and signature. Upon receipt of authorizing letter from the vendor(s), CITY will forward a copy of the letter and appropriate Annual Contract to the requesting entity. COUNTY agrees that CITY shall serve as the purchasing agent for selected items, and agrees that the bidding shall be conducted by CITY according to its usual bidding procedures and in accordance with applicable State statutes.

- L. COUNTY agrees that all specifications for selected items bid by the CITY shall be as determined solely by the CITY.
- M. COUNTY shall be the party receiving the function, goods, or service and providing payment for such function, goods and /or services.
- N. COUNTY agrees to pay the supplier for all functions, goods, or services pursuant to this agreement. The successful bidder or bidders shall bill COUNTY directly for all items purchased, and COUNTY shall be responsible for vendor's compliance with all conditions of delivery and quality of the purchased items.
- O. E.J. Harbin, Purchasing Agent for the COUNTY, is hereby designated as the official representative to act for the COUNTY in all matters relating to this agreement.
- P. COUNTY or CITY agrees to pay within (30) days of billing for the goods, governmental function, and/or services provided in an amount that fairly compensates for service or functions performed by under this Contract, or as outlined by the Texas Prompt Payment Act.
- Q. Nothing contained in this Agreement is intended to create a partnership or joint venture between the Parties, and any implication to the contrary is hereby expressly disavowed. This Agreement does not create a joint enterprise, nor does it appoint any Party as an agent of the other Party, for any purpose whatsoever.
- R. Both Parties agree to require any applicable vendors to comply with Sections 2270.002 and 2252.152 of the Texas Government Code.
- S. Either Party may terminate this contract upon thirty (30) days written notice to the other Party's designated official representative.

**EXECUTED** in duplicate this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**ELLIS COUNTY, TEXAS**

By: \_\_\_\_\_  
Todd B. Little, County Judge

**ATTEST:**

By: \_\_\_\_\_  
Krystal C. Valdez, County Clerk

**CITY OF OVILLA, TEXAS**

By: \_\_\_\_\_  
Mayor, City of Ovilla

Attest:

---

City Administrator

11.11.2019

## Consent Item C5

To  
Honorable Mayor  
and Council

Comments:

From  
Staff

### BACKGROUND AND JUSTIFICATION:

Software subscription with FundView for Ticket-Writers is necessary for the interface of the ticket-writer program to FundView for payment and processing.

CC  
Chief Windham, Linda  
Harding

### STAFF RECOMMENDATION:

Staff recommends approval.

Re  
software

**City of Ovilla**

Tel 972-617-7262

105 S. Cockrell Hill Road  
Ovilla, Texas 75154

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



NOVEMBER 5, 2019

SOFTWARE SUBSCRIPTION  
PROPOSAL FOR  
THE CITY OF OVILLA  
PAM WOODALL  
INTERIM CITY MANAGER



PRESENTED BY:  
LAUREN RADNEY  
DIRECTOR OF CLIENT SERVICES

# SOFTWARE SUBSCRIPTION PROPOSAL

## MODULES

---

- Citation Import Interface

## PRICING ASSUMPTIONS

---

- Remote Training

## INCLUDED

---

- Unlimited Users
- Software Updates
- Premium Support
- Secure Hosting
- Data Backup Plan

## SUBSCRIPTION PRICING – ANNUAL

---

|                           |                          |
|---------------------------|--------------------------|
| Citation Import Interface | <u>1,000.00</u>          |
| Total Subscriptions       | <u><u>\$1,000.00</u></u> |

## SERVICES – INITIAL YEAR ONLY

---

|                                |                          |
|--------------------------------|--------------------------|
| Citation Import Setup/Training | <u>1,500.00</u>          |
| Total Services                 | <u><u>\$1,500.00</u></u> |

\*\*Pricing valid through November 30, 2019\*\*

## STATEMENT OF CONFIDENTIALITY

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This proposal is for the sole and exclusive use of the City of Ovilla, Texas. The information contained in this document is confidential. It shall not be disclosed outside of the City of Ovilla, and shall not be duplicated, used or disclosed, in whole or in part, without express written consent of Fund Accounting Solution Technologies, Inc.

11.11.2019

## Consent Item C6 & C7

To  
Honorable Mayor  
and Council

Comments:

From  
Staff

### BACKGROUND AND JUSTIFICATION:

Minutes of the September 09, 2019 Regular Council Meeting  
Minutes of the October 15, 2019 Regular Council Meeting.

CC:

### STAFF RECOMMENDATION:

Re  
Staff recommends approval.

**City of Ovilla**

Tel 972-617-7262

105 S. Cockrell Hill Road  
Ovilla, Texas 75154

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



**CITY OF OVILLA MINUTES**  
**Monday, September 09, 2019**  
**Regular City Council Meeting**  
**105 S. Cockrell Hill Road, Ovilla, TX 75154**

---

Mayor Dormier called the Regular Council Meeting of the Ovilla City Council to order at 6:33 p.m., with notice of the meeting duly posted. Mayor Dormier made the following public announcement asking all individuals to be cognizant of the two signs at the entrance to the Council Chamber room referencing Sections 30.06 and 30.07 of the *Penal Code, persons licensed under Subchapter H, Chapter 411, Government Code may not enter this property with a concealed handgun nor enter this property with a handgun that is carried openly.*

The following City Council Members were present:

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

Mayor Dormier noted the presence of all Council Members thus constituting a quorum. City Secretary, department directors and various staff were also present.

**CALL TO ORDER**

PL5 Myers gave the invocation. PL1 Huber led the reciting of the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

**PRESENTATIONS, ANNOUNCEMENTS & COMMENTS**

**Presentations, Announcements:** Mayor Dormier read aloud the proclamations.

1. Heritage Day
2. National Night Out

**Citizen Comments:** None

**CONSENT AGENDA**

- C1. Resolution R2019-18 ONCOR Membership assessment
- C2. Resolution R2019-19 ATMOS Settlement Agreement
- C3. Resolution R2019-20 Approving and Adopting Dallas County's Voting Equipment System.
- C4. Purchase Order approval for 2019 Fire Truck Ford F250 purchase (contingent on Budget adoption)
- C5. Authorize the Mayor to execute an annual Interlocal Cooperation Agreement for Fire Protection and First Responder Services with Ellis County Emergency Services District #2.
- C6. Authorize the Mayor to execute an annual Interlocal Cooperation Agreement for Fire Protection and First Responder Services with Ellis County Emergency Services District #4.
- C7. OMNI (Failure to Appear) Interlocal Cooperation Contract renewal and update
- C8. Minutes of the August 12, 2019 Regular Council Meeting.

PL4 Hunt moved to approve the consent items as presented, seconded by PL1 Huber.  
No oppositions, no abstentions.

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

**PUBLIC HEARING**

- a. Presentation on the Fiscal Year 2019-2020 Budget

Mayor Dormier shared budget information with a power point presentation.

Mayor Dormier opened the public hearing at 6:50 pm.

- b. Receive public comment on the Fiscal Year 2019-2020 Budget.

- Mr. Brad Piland, 111 Oak Creek Lane, Ovilla, voiced his disagreement with the additional requested items added to the budget by staff, totaling approximately \$250K for chlorine & ammonia facilities at the water pump station. He agreed improvements were necessary, but those improvements were possible for much less than \$250K.

There was no one else to speak. Mayor Dormier closed the public hearing at 6:52 pm.

### REGULAR AGENDA

ITEM 1. **DISCUSSION/ACTION** – Consideration of and action on Ordinance 2019-18 approving and adopting the Budget and making appropriations for the support of the City Government of the City of Ovilla, Texas for the Fiscal Year beginning October 01, 2019 and ending September 30, 2020; providing an effective date.

Ordinance 2019-18 was presented for adoption of the budget for the Fiscal Year October 1, 2019 – September 30, 2020. The budget is based on the proposed tax rate of \$0.660000 per \$100 dollars of valuation, with a Maintenance and Operation rate of \$0.541830 and a debt rate of \$0.118170. This proposed tax rate would increase total taxes in Ovilla by 7.83% as proposed by record vote from Council during the August 5, 2019, Council Meeting and Budget Workshop.

**This Budget will raise more total property taxes than last year's budget by \$207,000 which is a 7.83% increase, and of that amount, \$43,372 is tax revenue to be raised from new property added to the roll this year.**

Public Works Director Mike Collard submitted a last-minute request to include in the budget and seek permission to purchase two field work trucks (\$70K) and the replacement of a chlorine and ammonia facilities at the water pump station (\$250K). There was no response from Council regarding the requests.

Mayor Pro Tem Griffin moved that the Ovilla City Council approve Ordinance 2019-18, adopting the Budget and making appropriations for the support of the City Government of the City of Ovilla for the Fiscal Year beginning October 01, 2019 and ending September 30, 2020, seconded by PL2 Oberg.

Mayor Dormier called for a record vote:

|                       |            |
|-----------------------|------------|
| MAYOR PRO-TEM Griffin | <u>AYE</u> |
| PLACE 1 Huber         | <u>AYE</u> |
| PLACE 2 Oberg         | <u>AYE</u> |
| PLACE 4 Hunt          | <u>AYE</u> |
| PLACE 5 Myers         | <u>AYE</u> |

*No oppositions, no abstentions.*

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

ITEM 2. **DISCUSSION/ACTION** – Consideration of and action on Ordinance 2019-19 levying, assessing and fixing the tax rate for the use and support of the municipal government of the City of Ovilla, Texas, and providing for the Debt Service Fund for Fiscal Year 2019-2020 and apportioning each levy for the specific purpose, and providing for collection of all annual taxes provided by state law; and providing an effective date.

During the August 05, 2019 Special Council Meeting and Public Hearing, Council took a record vote for the proposed tax rate for Fiscal Year 2019-2020. An ordinance to adopt and approve the rate was presented. Truth-in-Taxation Law requires that the governing body adopt the tax rate as an official action and set it out in a written ordinance or resolution. The Council's record vote on the proposed rate of \$0.660000 is an increase in ad valorem revenue for 2019-20. Therefore, two public hearings

were required and conducted on August 19th and August 26th. Legal requirements were met. Staff presented Ordinance 2019-19 for adoption.

|                           |                                       |
|---------------------------|---------------------------------------|
| PROPOSED TAX RATE         | \$0.660000 per \$100                  |
| PRECEDING YEAR'S TAX RATE | \$0.660000 per \$100                  |
| EFFECTIVE TAX RATE        | \$0.627600 per \$100                  |
| ROLLBACK RATE             | \$0.664315 per \$100                  |
| <br>M&O                   | \$ 0. 54183 per \$100.00 of valuation |
| Debt Service              | \$ 0.11817 per \$100.00 of valuation  |
| Total                     | \$ 0.660000 per \$100.00 of valuation |

**FINANCIAL IMPACT:**

*This budget will raise more total property taxes than last year's budget by 7.83 % and of that amount, \$207,000, is tax revenue to be raised from new property added to the roll this year.*

PL4 Hunt moved that the Council hereby approve the 2020 property tax rate be a total of \$0.660000 per \$100 valuation with a Maintenance and Operation rate of \$0.54183 and a debt rate of \$0.11817, and PL4 Hunt further moved that the Council hereby approve Ordinance 2019-19, levying, assessing and fixing the tax rate for the use and support of the municipal government of the City of Ovilla, Texas, and providing for the Debt Service Fund for Fiscal Year 2019-2020 and apportioning each levy for the specific purpose, and providing for collection of all annual taxes provided by state law, seconded by PL2 Oberg.

Mayor Dormier called for a record vote:

|                       |            |
|-----------------------|------------|
| MAYOR PRO-TEM Griffin | <u>AYE</u> |
| PLACE 1 Huber         | <u>AYE</u> |
| PLACE 2 Oberg         | <u>AYE</u> |
| PLACE 4 Hunt          | <u>AYE</u> |
| PLACE 5 Myers         | <u>AYE</u> |

*No oppositions, no abstentions.*

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

**ITEM 3. DISCUSSION/ACTION** – Consideration of and action on Ordinance 2019-20 of the City of Ovilla, Texas, ratifying the budget for the 2019-2020 tax year that raised more revenue from property taxes than in the previous year.

Ordinance 2019-20 endorses and validates the approval of Ordinance 2019-18, Fiscal Year 2019-2020 Budget.

PL2 Oberg moved that Council approve and adopt Ordinance 2019-20 ratifying the budget for the Fiscal Year 2019-2020 that will raise more revenue from property taxes than in the previous year, seconded by PL1 Huber.

Mayor Dormier called for a record vote:

|                       |            |
|-----------------------|------------|
| MAYOR PRO-TEM Griffin | <u>AYE</u> |
| PLACE 1 Huber         | <u>AYE</u> |
| PLACE 2 Oberg         | <u>AYE</u> |
| PLACE 4 Hunt          | <u>AYE</u> |
| PLACE 5 Myers         | <u>AYE</u> |

*No oppositions, no abstentions.*

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

ITEM 4. **DISCUSSION/ACTION PZ19.07** – Receive recommendation from the Planning and Zoning Commission to consider and act on a Preliminary Plat Application PZ19.07 filed by owner applicant, Cheryl House of the Beavers Family Trust, to plat 1.33 acres out of the R.M. Billingsley Survey, Abstract No 116, of the City of Ovilla, Dallas County, more commonly known as 1711 S. Joe Wilson Rd., Ovilla, Dallas County, TX 75154.

STAFF PRESENTED THE FOLLOWING:

|                     |                                     |
|---------------------|-------------------------------------|
| NAME:               | CHERYL HOUSE / BEAVERS FAMILY TRUST |
| APPLICATION DATE:   | 08/08/2019                          |
| LOCATION:           | 1711 S. Joe Wilson Rd.              |
| UTILITIES:          | Not on City of Ovilla water/sewer   |
| CURRENT ZONING:     | Commercial                          |
| PROPOSED LAND USE:  | Agriculture                         |
| MAJOR THOROUGHFARE: | Joe Wilson Rd                       |

The Beavers property has been in Ovilla, (Dallas County) for near 50-years. Only when the family sold 15.72 acres from the family site did they realize the property was not platted. The Planning and Zoning Commission met on September 03 and approved the preliminary plat application unanimously. Code and legal requirements have been met.

PL5 Myers moved that the Council approve the Preliminary Plat Application filed by owner/applicant Cheryl House of the Beavers Family Trust Property IN CASE PZ19.07, being 1.33 acres out of the R.M. Billingsley Survey, Abstract No 116, of the City of Ovilla, Dallas County, more commonly known as 1711 S. Joe Wilson Road, Ovilla, Texas 75154, seconded by Mayor Pro Tem Griffin.

*No oppositions, no abstentions.*

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

ITEM 5. **DISCUSSION/ACTION PZ19.08** – Receive recommendation from the Planning and Zoning Commission to consider and act on a Final Plat Application PZ19.08 filed by owner applicant, Cheryl House of the Beavers Family Trust, to plat 1.33 acres out of the R.M. Billingsley Survey, Abstract No 116, of the City of Ovilla, Dallas County, more commonly known as 1711 S. Joe Wilson Rd., Ovilla, Dallas County, TX 75154.

Staff made the same presentation as under Item 4.

PL2 Oberg moved that the Council approve the Final Plat Application filed by owner/applicant Cheryl House of the Beavers Family Trust Property IN CASE PZ19.08, being 1.33 acres out of the R.M. Billingsley Survey, Abstract No 116, of the City of Ovilla, Dallas County, more commonly known as 1711 S. Joe Wilson Road, Ovilla, Texas 75154, seconded by PL1 Huber.

*No oppositions, no abstentions.*

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

ITEM 6. **DISCUSSION** – Discuss progress and receive updates on activities related to 2019 Heritage Day celebration, Saturday, September 28, 2019.

Police Secretary Michelle Stockton maintains summaries of the meetings, updates, rentals and all details for the Heritage Day planning. PL4 Hunt shared those updates.

No Action.

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

None.

*Richard Dormier, Mayor*

*Rachel Huber, Place One*

*Dean Oberg, Place Two*

## **STAFF REPORTS**

Department Directors or designees presented their monthly reports and were available for comment or questions.

EXECUTIVE SESSION

A. *Convene into Executive Session.* Mayor Dormier advised that Council and the city secretary would convene into Executive Session at 7:40 p.m.

**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. (Annual evaluation.)

B. *Reconvene into Regular (Open) Session.* Mayor Dormier and Council reconvened into regular Session at 8:42 p.m. No action was taken in Executive Session.

Mayor Pro Tem moved that City Secretary Pam Woodall be appointed as Interim City Manager, seconded by PL2 Oberg.

### No oppositions, no abstentions.

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

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

Mayor Dormier      None

Mayor Pro Tem Griffin screening around dumpsters and trash.

PL1 Huber None

PL2 Oberg None

PL4 Hunt None

PL5 Myers None

ADJOURNMENT

PL1 Huber moved to adjourn the meeting of September 09, 2019, seconded by PL2 Oberg. There being no further business, Mayor Dormier adjourned the meeting at 8:44 p.m.

ATTEST:

Richard Dormier, Mayor

Pamela Woodall, City Secretary  
Citizen forum sheets attached.

*Approved November 11, 2019*

Executive Session filed separately.

# CITY OF OVILLA MINUTES

**Tuesday, October 15, 2019**

**Regular City Council Meeting**

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

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Mayor Dormier called the Regular Council Meeting of the Ovilla City Council to order at 6:30 p.m., with notice of the meeting duly posted. Mayor Dormier made the following public announcement asking all individuals to be cognizant of the two signs at the entrance to the Council Chamber room referencing Sections 30.06 and 30.07 of the *Penal Code, persons licensed under Subchapter H, Chapter 411, Government Code may not enter this property with a concealed handgun nor enter this property with a handgun that is carried openly.*

The following City Council Members were present:

|               |                         |
|---------------|-------------------------|
| Rachel Huber  | Council Member, Place 1 |
| Dean Oberg    | Council Member, Place 2 |
| Michael Myers | Council Member, Place 5 |

|         |               |                         |
|---------|---------------|-------------------------|
| Absent: | David Griffin | Mayor Pro Tem, Place 3  |
|         | Doug Hunt     | Council Member, Place 4 |

Mayor Dormier noted the presence of Council Members and the absence of Mayor Pro Tem Griffin and PL4 Hunt, thus constituting a quorum. City Secretary, department directors and various staff were also present.

## **CALL TO ORDER**

PL5 Myers gave the invocation. PL1 Huber led the reciting of the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

## **PRESENTATIONS, ANNOUNCEMENTS & COMMENTS**

### **Presentations, Announcements:**

Mayor Dormier read aloud a letter received from President Trump recognizing Ovilla's Annual Heritage Day.

#### **Presentation:**

1. Letter from the White House honoring Ovilla's Heritage Day Celebration

#### **Presentation:**

2. Atmos Presentation to Service League – Atmos representative presented a check to the Ovilla Service League in the amount of \$2,000.

#### **Proclamations: Mayor read aloud each proclamation.**

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

### **Citizen Comments:**

1. MS Dani Muckleroy, 608 Green Pastures, voiced support for the bond election.

## **CONSENT AGENDA**

- 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.

Mayor Dormier pulled Consent Item C3 for review and place it as Item 11 on the Regular Agenda. PL1 Huber moved to approve the remaining consent items as presented, seconded by PL2 Oberg. *No oppositions, no abstentions.*

***VOTE: The motion to approve carried unanimously: 3-0.***

#### 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.

**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.

#### PRELIMINARY PLAT REQUEST

|                                    |  |
|------------------------------------|--|
| <b>SUBDIVISION NAME:</b>           | HIDDEN VALLEY ESTATES                                    |
| <b>AUTHORIZED AGENT OF RECORD:</b> | Clyde Hargrove   |
| <b>ENGINEER:</b>                   | Bannister Engineering.                                   |
| <b>APPLICATION DATE:</b>           | August 24, 2017  |
| <b>LOCATION:</b>                   | Northwest corner of Red Oak Creek Rd. & Westmoreland Rd. |
| <b>UTILITIES:</b>                  | City Sewer / City Water                                  |
| <b>ZONING:</b>                     | R15  |
| <b>PROPOSED LAND USE:</b>          | Residential Subdivision                                  |
| <b>MAJOR THOROUGHFARE:</b>         | Highway 664 Ovilla Road                                  |

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 the appropriateness.

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.**

Staff had no objections to this request.

PL2 Oberg moved 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 of one year from this date, for the Preliminary Plat of Hidden Valley Estates, seconded by PL5 Myers.

*No oppositions, no abstentions.*

*VOTE: The motion to approve carried unanimously: 3-0.*

**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.

**PRELIMINARY PLAT REQUEST**

|                                    |   |
|------------------------------------|---|
| <b>SUBDIVISION NAME:</b>           | BRYSON MANOR PHASE III                          |
| <b>AUTHORIZED AGENT OF RECORD:</b> | Massey Shaw                                     |
| <b>ENGINEER:</b>                   | Michael Westfall                                |
| <b>APPLICATION DATE:</b>           | October 2, 2019                                 |
| <b>LOCATION:</b>                   | Northeast corner of Shiloh Road and Bryson Road |
| <b>UTILITIES:</b>                  | City Sewer / Sardis Water                       |
| <b>ZONING:</b>                     | R15   |
| <b>PROPOSED LAND USE:</b>          | Residential Subdivision                         |
| <b>MAJOR THOROUGHFARE:</b>         | 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.

Mr. Massey and his attorney, Mr. James Moon were present for questions. Eikon, the City's engineering firm had previously reviewed the plat and approved. The Planning and Zoning Commission unanimously recommended approval.

PL2 Oberg moved that the Ovilla City Council approve the Preliminary Plat for Bryson Manor Subdivision Phase III filed by Massey Shaw, seconded by PL1 Huber.

*No oppositions, no abstentions.*

*VOTE: The motion to approve carried unanimously: 3-0.*

**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.

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 was reported at \$150,000. The low bidder for the project was Dowager Construction in the amount of \$245,502. The low bidder 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. Staff will return with this item in November.

No Action.

**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.

Homeowners and applicants Harry and Patricia Borowczak 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.

PL2 Oberg moved to approve the request submitted by applicants, Harry and Patricia Borowczak, granting an intrusion into the utility easement for the construction of a swimming pool at their residence of 7211 Judy Drive, seconded by PL1 Huber.

*No oppositions, no abstentions.*

***NOTE: The motion to approve carried unanimously: 3-0.***

**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.

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.

PL5 Myers moved that the Ovilla City Council approve 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 the Waxahachie Daily Light, effective immediately, seconded by PL2 Oberg.

*No oppositions, no abstentions.*

***NOTE: The motion to approve carried unanimously: 3-0.***

**ITEM 6.** **DISCUSSION/ACTION** – Consideration of and action to appoint a temporary committee to review the current Thoroughfare Plan.

This item was requested by PL4 Hunt (absent) and will return in November.

No Action.

**ITEM 7.** **DISCUSSION/ACTION** – Consideration of and action to set the date and time for the annual Christmas Tree Lighting event.

In years past, the City 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.

PL2 Oberg moved that the Ovilla City Council set the date of Thursday, December 05, 2019 for the Annual Christmas Tree Lighting event to be held in Heritage Park, seconded by PL1 Huber.

*No oppositions, no abstentions.*

***NOTE: The motion to approve carried unanimously: 3-0.***

**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.

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.

This item will return to the regular agenda at a later date.

No Action.

**ITEM 9.** **DISCUSSION** – Review and discuss Chapter 6, Section 6.05.008 screening of waste containers/dumpsters.

This item was requested by Mayor Pro Tem Griffin (absent) will return in November.

No Action.

**ITEM 10.** **DISCUSSION** – Receive report on the success of the 2019 Heritage Day celebration held on Saturday, September 28, 2019.

This item will return to the regular agenda at a later date.

No Action.

**ITEM 11.** **DISCUSSION/ACTION** – Consideration of any item(s) pulled from the Consent Agenda for individual consideration and action.

Consent Item C3 was pulled for clarification and consideration.

PL2 Oberg moved to approve the Interlocal Agreement with Ellis County on subdivision platting in the ETJ, seconded by PL1 Huber.

No oppositions, no abstentions.

*VOTE: The motion to approve carried unanimously: 3-0.*

#### **IV. STAFF REPORTS**

Staff was available for questions.

- **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

#### **EXECUTIVE SESSION**

A. *Convene into Executive Session.* Mayor Dormier advised that Council and the city secretary would convene into Executive Session at 7:22 p.m.

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 – at 9:09 p.m.*

Mayor Dormier advised no decisions occurred in Executive Session. None in open session either.

No Action.

*Richard Dormier, Mayor*

*Rachel Huber, Place One*

*Dean Oberg, Place Two*

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

|                       |  |
|-----------------------|--|
| Mayor Dormier         | None   |
| Mayor Pro Tem Griffin | Absent   |
| PL1 Huber             | None   |
| PL2 Oberg             | None   |
| PL4 Hunt              | Absent   |
| PL5 Myers             | City staff to research a TML Program – TEC Youth Advisory Commission and share information at the December 2019 meeting. |

**ADJOURNMENT**

PL1 Huber moved to adjourn the meeting of October 15, 2019, seconded by PL5 Myers. There being no further business, Mayor Dormier adjourned the meeting at 9:11 p.m.

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Richard Dormier, Mayor

ATTEST:

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Pamela Woodall, City Secretary  
Citizen forum sheets attached.

*Approved November 11, 2019*

*Executive Session filed separately.*

11.11.2019

## Consent Item C8 & C9

To  
Honorable Mayor  
and Council

Comments:

From  
Staff

### BACKGROUND AND JUSTIFICATION:

C 8 Investment report for Quarter Ending 9/30/2019  
C 9 Committed Fund report for Quarter Ending 9/30/2019

CC: Quarterly reports are presented for approval.

Re: Quarterly Reports

**City of Ovilla**

Tel 972-617-7262

105 S. Cockrell Hill Road  
Ovilla, Texas 75154

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





DATE: November 11, 2019

TO: Honorable Mayor and Council Members

FROM:  
Linda Harding, Accountant

SUBJECT: Investment Report for Quarter Ending September 30, 2019

City of Ovilla  
Investment Report  
For Quarter Ending JUNE 30, 2019

| Fund                                  | Bank   | Investment Type | Description | Bank Account Number | Quick Books Account # | Inception Date | Maturity Date | Rate            | Beginning Market Value 7-01-2019 | Activity During Quarter           | Ending Market Value 9/30/2019 | Book Value 9/30/2019  | Difference |               |
|---------------------------------------|--|-----------------|-------------|---------------------|-----------------------|----------------|---------------|-----------------|----------------------------------|-----------------------------------|-------------------------------|-----------------------|------------|---------------|
| <b>GENERAL FUND</b>                   |  |                 |             |                     |                       |                |               |                 |                                  |                                   |                               |                       |            |               |
| <b>Operating</b>                      |  |                 |             |                     |                       |                |               |                 |                                  |                                   |                               |                       |            |               |
| GF                                    | Prosperity Bank  | General         | 6602109437  | 1012500             | N/A                   | N/A            | 0.9600%       | \$ 1,767,127.55 | Interest Earned                  | \$ 2,930.56                       |                               |                       |            |               |
|                                       |  |                 |             |                     |                       |                |               |                 | Net Deposit                      | \$ 2,417,314.06                   |                               |                       |            |               |
|                                       |  |                 |             |                     |                       |                |               |                 | Net Withdrawals                  | \$ 1,879,518.05                   |                               |                       |            |               |
|                                       |  |                 |             |                     |                       |                |               |                 | Ending Balance                   | \$ 2,307,854.12                   | \$2,307,854.12                |                       | \$0.00     |               |
| GF                                    | Texstar Investment   | Pool            | 701711110   | 1012525             | N/A                   | N/A            | 2.379000%     | \$ 3,890.71     | Interest Earned                  | \$ 24.40                          |                               |                       |            |               |
|                                       |  |                 |             |                     |                       |                |               |                 | Withdrawal                       | \$ -                              |                               |                       |            |               |
|                                       |  |                 |             |                     |                       |                |               |                 | Ending Balance                   | \$ 3,915.11                       | \$3,915.11                    |                       | \$0.00     |               |
| GF                                    | Prosperity Bank  | Money Market    | 9307605     | 1012520             | 3/2/11                | N/A            | 1.0000%       | \$233,349.38    | Interest Earned                  | \$ 584.83                         |                               |                       |            |               |
|                                       |  |                 |             |                     |                       |                |               |                 | Withdrawal                       | \$ -                              |                               |                       |            |               |
|                                       |  |                 |             |                     |                       |                |               |                 | Ending Balance                   | \$233,934.21                      | \$233,934.21                  |                       | \$0.00     |               |
| GF                                    | Texstar Investment   | Pool            | 701711120   | 1011525             | N/A                   | N/A            | 2.379000%     | \$ 969.63       | Interest Earned                  | \$5.54                            | \$975.17                      | \$975.17              |            | \$0.00        |
| GF                                    | Prosperity Bank  | Money Market    | 9307583     | 1012250             | N/A                   | N/A            | 1.0000%       | \$ 129,756.14   | Interest Earned                  | \$ 325.19                         |                               |                       |            |               |
|                                       | \$240,000 Moved to Citizens National Bank On 8/18/11               |                 |             |                     |                       |                |               |                 |                                  |                                   |                               |                       |            |               |
|                                       |  |                 |             |                     |                       |                |               |                 | Net Deposit                      | \$ -                              |                               |                       |            |               |
|                                       |  |                 |             |                     |                       |                |               |                 | Net Withdrawals                  | \$ -                              |                               |                       |            |               |
|                                       |  |                 |             |                     |                       |                |               |                 | Ending Balance                   | \$ 130,081.33                     | \$130,081.33                  |                       | \$0.00     |               |
| GF                                    | Prosperity Bank  | Leose           |             | 1012510             | N/A                   | N/A            | 0.0000%       | \$ 1.79         | Interest Earned                  |                                   |                               |                       |            |               |
|                                       |  |                 |             |                     |                       |                |               |                 | Net Deposit                      | \$ -                              | \$ 1.79                       | \$1.79                |            | \$0.00        |
|                                       |  |                 |             |                     |                       |                |               |                 | Net Withdrawal                   | \$ -                              |                               |                       |            |               |
| GF                                    | Prosperity Bank  | CD              | 670010694   | 1012260             | 2/25/14               | 2/25/15        | 0.9000%       | \$ 251,892.92   | Interest Earned                  | \$ 1,269.82                       |                               |                       |            |               |
|                                       | 2/25/14 Transferred 243997.77 to Prosperity Bank account 670010694 |                 |             |                     |                       |                |               |                 |                                  |                                   |                               |                       |            |               |
|                                       |  |                 |             |                     |                       |                |               |                 | Net Deposit                      | \$ -                              |                               |                       |            |               |
|                                       |  |                 |             |                     |                       |                |               |                 | Net Withdrawals                  | \$ -                              |                               |                       |            |               |
|                                       |  |                 |             |                     |                       |                |               |                 | Ending Balance                   | \$ 253,162.74                     | \$253,162.74                  |                       | \$0.00     |               |
| GF                                    | Prosperity Bank  | CD              | 670010608   | 1012290             | 10/17/12              | 10/17/13       | 0.6500%       | \$ 57,071.83    | Interest Earned                  | \$ 234.78                         | \$57,306.61                   | \$57,306.61           |            | \$0.00        |
| GF                                    | Prosperity Bank  | Bryson Manor    | 216188662   | 1012295             | 6/25/15               | n/a            | 0.9600%       | \$ 300,250.28   | Interest Earned                  | \$ 757.43                         |                               |                       |            |               |
|                                       |  |                 |             |                     |                       |                |               |                 | Net Deposit                      | \$ -                              | \$ 301,007.71                 | \$301,007.71          |            | \$0.00        |
| <b>Total General Fund</b>             |  |                 |             |                     |                       |                |               |                 |                                  | <b>Total General Fund Balance</b> | <b>\$3,288,238.79</b>         | <b>\$3,288,238.79</b> |            | <b>\$0.00</b> |
| <b>DEBT SERVICE</b>                   |  |                 |             |                     |                       |                |               |                 |                                  |                                   |                               |                       |            |               |
| <b>Savings Account</b>                |  |                 |             |                     |                       |                |               |                 |                                  |                                   |                               |                       |            |               |
| Debt                                  | Prosperity Bank  | Sinking Fund    | 6606020291  | 1010000             | N/A                   | N/A            | 0.8000%       | \$ 47,057.05    | Interest Earned                  | \$ 93.73                          |                               |                       |            |               |
|                                       |  |                 |             |                     |                       |                |               |                 | Deposits                         | \$ -                              |                               |                       |            |               |
|                                       |  |                 |             |                     |                       |                |               |                 | Deductions                       | \$ -                              |                               |                       |            |               |
|                                       |  |                 |             |                     |                       |                |               |                 | Ending Balance                   | \$47,150.78                       | \$47,057.05                   |                       | \$93.73    |               |
| <b>Water &amp; Sewer Utility Fund</b> |  |                 |             |                     |                       |                |               |                 |                                  |                                   |                               |                       |            |               |
| W&S                                   | Prosperity Bank  | Operating       | Utility     | 6602109445          | 1021500               | N/A            | N/A           | 0.9600%         | \$ 1,039,996.00                  | Interest Earned                   | \$ 2,595.03                   |                       |            |               |

City of Ovilla  
Investment Report  
For Quarter Ending JUNE 30, 2019

| Fund                   | Bank               | Investment Type | Description | Bank Account Number | Quick Books Account # | Inception Date | Maturity Date | Rate           | Beginning Market Value 7-01-2019 | Activity During Quarter | Ending Market Value 9/30/2019 | Book Value 9/30/2019 | Difference |
|------------------------|--------------------|-----------------|-------------|---------------------|-----------------------|----------------|---------------|----------------|----------------------------------|-------------------------|-------------------------------|----------------------|------------|
|                        |                    |                 |             |                     |                       |                |               |                |                                  | Net Deposit             | \$ -                          |                      |            |
|                        |                    |                 |             |                     |                       |                |               |                |                                  | Net Withdrawals         | \$ 1,041,763.33               | \$827.70             | \$827.70   |
|                        |                    |                 |             |                     |                       |                |               |                |                                  |                         |                               |                      | \$0.00     |
| W&S                    | Texstar Investment | Pool            | 701705350   | 1021525             | N/A                   | N/A            | 2.379000%     | \$ 1,194.71    | Interest Earned                  | \$ 7.77                 |                               |                      |            |
|                        |                    |                 |             |                     |                       |                |               |                |                                  | Withdrawals             | \$ -                          |                      |            |
|                        |                    |                 |             |                     |                       |                |               |                |                                  | Ending Balance          | \$ 1,202.48                   | \$1,202.48           | \$0.00     |
| W&S                    | Prosperity Bank    | Utility         | 4547531     | 1021800             | N/A                   | N/A            | 0.9600%       | \$ 140.65      | Interest Earned                  | \$ 0.35                 |                               |                      |            |
|                        |                    |                 |             |                     |                       |                |               |                |                                  | Net Deposit             | \$ -                          |                      |            |
|                        |                    |                 |             |                     |                       |                |               |                |                                  | Net Withdrawals         | \$ 140.89                     | \$0.11               | \$0.11     |
| W&S                    | Prosperity Bank    | Money Mkt.      | 18004323    | 1020500             | N/A                   | N/A            | 1.0000%       | \$ 191,576.30  | Interest Earned                  | \$ 475.40               |                               |                      |            |
|                        |                    |                 |             |                     |                       |                |               |                |                                  | Net Deposit             | \$ -                          |                      |            |
|                        |                    |                 |             |                     |                       |                |               |                |                                  | Net Withdrawals         | \$ 191,901.86                 | \$ 149.84            | \$149.84   |
|                        |                    |                 |             |                     |                       |                |               |                |                                  |                         |                               |                      | (\$0.00)   |
| Total W&S Utility Fund |                    |                 |             |                     |                       |                |               | Total W&S Fund |                                  |                         | \$2,180.13                    | \$2,180.13           | \$0.00     |
| CAPITAL PROJECTS       |                    |                 |             |                     |                       |                |               |                |                                  |                         |                               |                      |            |
|                        |                    |                 |             |                     |                       |                |               |                |                                  | Construction Funds      |                               |                      |            |
| CP                     | Texpool Investment | Pool            | 78761 11878 | 1023000             | N/A                   | N/A            | 1.0000%       | \$ 319.90      | Interest Earned                  | \$ 3.08                 |                               |                      |            |
|                        |                    |                 |             |                     |                       |                |               |                |                                  | Deposits                |                               |                      |            |
|                        |                    |                 |             |                     |                       |                |               |                |                                  | Withdrawals             | \$ -                          |                      |            |
|                        |                    |                 |             |                     |                       |                |               |                |                                  | Ending Balance          | \$ 322.98                     | \$322.98             | \$0.00     |
| CP                     | Texstar Investment | Pool            | 701705340   | 1023500             | N/A                   | N/A            | 2.379000%     | \$ 1,457.12    | Interest Earned                  | \$ 9.50                 |                               |                      |            |
|                        |                    |                 |             |                     |                       |                |               |                |                                  | Deposits                | \$ -                          |                      |            |
|                        |                    |                 |             |                     |                       |                |               |                |                                  | Withdrawals             | \$ -                          |                      |            |
|                        |                    |                 |             |                     |                       |                |               |                |                                  | Ending Balance          | \$1,466.62                    | \$1,466.62           | \$0.00     |
| CP                     | Prosperity Bank    | Money Market    | 9307648     | 1024000             | N/A                   | N/A            | 1.0000%       | \$132,233.10   | Interest Earned                  | \$ 328.14               |                               |                      |            |
|                        |                    |                 |             |                     |                       |                |               |                |                                  | Deposits                | \$ -                          |                      |            |
|                        |                    |                 |             |                     |                       |                |               |                |                                  | Withdrawals             | \$ 132,457.81                 |                      |            |
|                        |                    |                 |             |                     |                       |                |               |                |                                  | Ending Balance          | \$103.43                      | \$103.43             | \$0.00     |
| Total Capital Projects |                    |                 |             |                     |                       |                |               |                |                                  |                         | \$1,893.03                    | \$1,893.03           | \$0.00     |
| W&S IMPACT FEE         |                    |                 |             |                     |                       |                |               |                |                                  |                         |                               |                      |            |
| W&S                    | Prosperity Bank    | Water Impact    | 6604032322  | 8510100             | N/A                   | N/A            | 0.4000%       | \$ 483.56      | Interest Earned                  | \$ 0.48                 |                               |                      |            |
| Impact                 |                    | Money Market    |             |                     |                       |                |               |                |                                  | Net Deposit             | \$ -                          |                      |            |
|                        |                    |                 |             |                     |                       |                |               |                |                                  | Net Withdrawals         | \$ -                          |                      |            |
|                        |                    |                 |             |                     |                       |                |               |                |                                  | Ending Balance          | \$ 484.04                     | \$483.56             | \$0.48     |
| W&S                    | Texstar Investment | Sewer Impact    | 701713540   | 8520155             | N/A                   | N/A            | 2.379000%     | \$ 3,331.08    | Interest Earned                  | \$ 77.80                |                               |                      |            |
| Impact                 |                    |                 |             |                     |                       |                |               |                |                                  | Net Deposits            | \$ -                          |                      |            |
|                        |                    |                 |             |                     |                       |                |               |                |                                  | Net Withdrawals         | \$ -                          |                      |            |
|                        |                    |                 |             |                     |                       |                |               |                |                                  | Ending Balance          | \$3,408.88                    | \$3,408.88           | \$0.00     |
| W&S                    | Prosperity Bank    | Sewer Impact    | 301668699   | 8520160             | N/A                   | N/A            | 0.4000%       | \$117,787.44   | Interest Earned                  | \$ 117.52               |                               |                      |            |
| Impact                 |                    | Money Market    |             |                     |                       |                |               |                |                                  | Net Deposit             | \$ -                          |                      |            |
|                        |                    |                 |             |                     |                       |                |               |                |                                  | Net Withdrawals         | \$ 117,787.44                 |                      |            |
|                        |                    |                 |             |                     |                       |                |               |                |                                  | Ending Balance          | \$117.52                      | \$117.52             | \$0.00     |
| Total W&S Impact Fund  |                    |                 |             |                     |                       |                |               |                |                                  |                         | \$4,010.44                    | \$4,009.96           | \$0.48     |

**City of Ovilla  
Investment Report  
For Quarter Ending JUNE 30, 2019**

| Fund                                      | Bank            | Investment Type | Description | Bank Account Number | Quick Books Account # | Inception Date | Maturity Date | Rate          | Beginning Market Value 7-01-2019 | Activity During Quarter | Ending Market Value 9/30/2019 | Book Value 9/30/2019 | Difference     |         |
|---|-----------------|-----------------|-------------|---------------------|-----------------------|----------------|---------------|---------------|----------------------------------|-------------------------|-------------------------------|----------------------|----------------|---------|
|   |                 |                 |             |                     |                       |                |               |               |                                  |                         |                               |                      |                |         |
| <b>PARK IMPACT IMPROVEMENT</b>            |                 |                 |             |                     |                       |                |               |               |                                  |                         |                               |                      |                |         |
| Park                                      | Prosperity Bank | Money Market    | 9307613     | 1010200             | 3/16/11               | N/A            | 0.9000%       | \$ 81,879.34  | Interest Earned                  | \$ 182.74               |                               |                      |                |         |
|   |                 |                 |             |                     |                       |                |               |               | Deposits                         | \$ -                    |                               |                      |                |         |
|   |                 |                 |             |                     |                       |                |               |               | Withdrawals                      | \$ 82,004.56            |                               |                      |                |         |
|   |                 |                 |             |                     |                       |                |               |               | Ending Balance                   | \$57.52                 | \$57.52                       | \$0.00               |                |         |
|   |                 |                 |             |                     |                       |                |               |               |                                  | \$57.52                 | \$57.52                       | \$0.00               |                |         |
| <b>Total Park Impact Improvement Fund</b> |                 |                 |             |                     |                       |                |               |               |                                  |                         |                               |                      |                |         |
| <b>Ovilla 4B EDC</b>                      |                 |                 |             |                     |                       |                |               |               |                                  |                         |                               |                      |                |         |
| Operating                                 |                 |                 |             |                     |                       |                |               |               |                                  |                         |                               |                      |                |         |
| 4B EDC                                    | Prosperity Bank |                 | 4553691     | 1012500             | N/A                   | N/A            | 0.9600%       | \$ 568,901.41 | Interest Earned                  | \$ 824.60               |                               |                      |                |         |
|   |                 |                 |             |                     |                       |                |               |               | Net Deposit                      | \$ 9,214.00             |                               |                      |                |         |
|   |                 |                 |             |                     |                       |                |               |               | Net Withdrawals                  | \$ 19,308.77            |                               |                      |                |         |
|   |                 |                 |             |                     |                       |                |               |               | Ending Balance                   | \$ 559,631.24           | \$559,631.24                  | \$0.00               |                |         |
| <b>Municipal Development District</b>     |                 |                 |             |                     |                       |                |               |               |                                  |                         |                               |                      |                |         |
| Operating                                 |                 |                 |             |                     |                       |                |               |               |                                  |                         |                               |                      |                |         |
| MDD                                       | Prosperity Bank |                 | 6457451     | 1012501             | N/A                   | N/A            | 0.9600%       | \$ 292,223.44 | Interest Earned                  | \$ 477.27               |                               |                      |                |         |
|   |                 |                 |             |                     |                       |                |               |               | Net Deposit                      | \$ 32,724.82            |                               |                      |                |         |
|   |                 |                 |             |                     |                       |                |               |               | Net Withdrawals                  | \$ -                    |                               |                      |                |         |
|   |                 |                 |             |                     |                       |                |               |               | Ending Balance                   | \$325,425.53            | \$325,425.53                  | \$0.00               |                |         |
| <b>Police Dept. Special Fund</b>          |                 |                 |             |                     |                       |                |               |               |                                  |                         |                               |                      |                |         |
| Police                                    | Prosperity Bank | Operating       |             | 11039792            | 1001010               | N/A            | N/A           | 0.0000%       | \$ 215.51                        | Interest Earned         | \$ -                          |                      |                |         |
| Special                                   | Prosperity Bank |                 |             |                     |                       |                |               |               | Net Deposit                      | \$ -                    |                               |                      |                |         |
|   |                 |                 |             |                     |                       |                |               |               | Net Withdrawals                  | \$ 215.51               |                               |                      |                |         |
|   |                 |                 |             |                     |                       |                |               |               | Ending Balance                   | \$0.00                  | \$0.00                        | \$0.00               |                |         |
| <b>Fire Dept. Auxiliary Fund</b>          |                 |                 |             |                     |                       |                |               |               |                                  |                         |                               |                      |                |         |
| Fire                                      | Prosperity Bank | Operating       |             | 11003909            | 1010000               | N/A            | N/A           | 0.0000%       | \$ 3,590.00                      | Interest Earned         | \$ -                          |                      |                |         |
| Auxli.                                    | Prosperity Bank |                 |             |                     |                       |                |               |               | Net Deposit                      | \$ -                    |                               |                      |                |         |
|   |                 |                 |             |                     |                       |                |               |               | Net Withdrawals                  | \$ 3,590.00             |                               |                      |                |         |
|   |                 |                 |             |                     |                       |                |               |               | Ending Balance                   | \$0.00                  | \$0.00                        | \$0.00               |                |         |
| <b>Employee Benefit Trust</b>             |                 |                 |             |                     |                       |                |               |               |                                  |                         |                               |                      |                |         |
| Empl.                                     | Prosperity Bank | Operating       |             | 215058777           | 1025000               | 9/15/14        | N/A           | 1.0000%       | \$ 40.31                         | Interest Earned         | \$ 1.05                       |                      |                |         |
| Bene                                      | Prosperity Bank |                 |             |                     |                       |                |               |               | Net Deposit                      | \$ 77,573.60            |                               |                      |                |         |
| Trust                                     |                 |                 |             |                     |                       |                |               |               | Net Withdrawals                  | \$ 77,481.79            |                               |                      |                |         |
|   |                 |                 |             |                     |                       |                |               |               | Ending Balance                   | \$133.17                | \$133.17                      | \$0.00               |                |         |
|   |                 |                 |             |                     |                       |                |               |               |                                  |                         |                               |                      |                |         |
|   |                 |                 |             |                     |                       |                |               |               |                                  | \$ 5,226,737.15         | Total Investments             | \$4,228,720.63       | \$4,228,626.42 | \$94.21 |



DATE: November 11, 2019

TO: Honorable Mayor and Council Members

FROM:  
Linda Harding, Accountant

SUBJECT: Committed Fund Report for Quarter Ending September 30, 2019

# Committed Fund Balance Report

for General Fund for FY 2018-2019

|  | Account      | General Fund<br>2018-2019 |
|--|--------------|---------------------------|
|  | Number       | Budget                    |
| FY 2018-2019 Budget                                    |              | 4,154,558                 |
| <b>CAPITAL ASSETS and RESERVE ACCOUNTS:</b>            |              |                           |
| Machinery and Equipment                                | 100-10-56440 | (3,900)                   |
| Furniture  | 100-10-56465 | (3,000)                   |
| Audio and Visual Equipment                             | 100-10-56470 | 0                         |
| Buildings  | 100-10-57420 | (260,000)                 |
| Machinery and Equipment                                | 100-10-57440 | 0                         |
| Reserve for Contingency                                | 100-10-59001 | 0                         |
| Reserve for PD and FD Radios                           | 100-10-59015 | 0                         |
| Machinery and Equipment                                | 100-20-56440 | (8,100)                   |
| Personal Protective Equipment                          | 100-20-56445 | (2,600)                   |
| Capital Outlay - Vehicles                              | 100-20-57450 | (116,000)                 |
| Machinery and Equipment                                | 100-30-56440 | (10,300)                  |
| Personal Protective Equipment                          | 100-30-56445 | (20,247)                  |
| Capital Outlay - Vehicles                              | 100-30-57450 | 0                         |
| Machinery and Equipment                                | 100-40-56440 | (1,500)                   |
| Capital Outlay - Vehicles                              | 100-40-57450 | 0                         |
| Machinery and Equipment                                | 100-50-56440 | (2,500)                   |
| Personal Protective Equipment                          | 100-50-56445 | (300)                     |
| Minor Capital Outlay                                   | 100-50-56490 | (850)                     |
| Machinery and Equipment                                | 100-50-57440 | (75,403)                  |
| Land Improvements                                      | 100-60-56410 | (6,800)                   |
| Machinery and Equipment                                | 100-60-56440 | (2,000)                   |
| Transfer from 4B EDC                                   | 100-60-57410 | (75,000)                  |
| Machinery and Equipment                                | 100-60-57440 | (6,000)                   |
| Total 2018-2019 Budget Less Capital Assets and Reserve |              | 3,560,058                 |
| Resolution Number 2013-002                             |              | 25%                       |
| REQUIRED UNASSIGNED FUND BALANCE IN GENERAL FUND       |              | \$ 890,014.50             |

|   |         |                 |
|---|---------|-----------------|
| ALL G/F BANK ACCOUNT BALANCES AS OF 9/30/2019                   |         |                 |
| Prosperity Bank (Operating Acct 9437)                           | 1012500 | \$ 813,223.43   |
| Prosperity Money Market (Acct #9307605)                         | 1012520 | \$ 234,945.00   |
| TexStar Reserves ( Acct. #07017-1110)                           | 1012525 | \$ 3,899.51     |
| TexStar Money Market (Acct 1112)                                | 1011525 | \$ 972.45       |
| Prosperity Money Market Reserve (Acct. #9307583)                | 1012250 | \$ 129,976.64   |
| Prosperity CD (Acct. #670010694)                                | 1012260 | \$ 253,162.74   |
| Prosperity Bank CD (Acct. #670010608)                           | 1012290 | \$ 57,306.61    |
| ALL BANK ACCOUNTS Total Unassigned Fund Balance in General Fund |         | \$ 1,493,486.38 |
| REQUIRED UNASSIGNED FUND BALANCE IN GENERAL FUND                |         | \$ 890,014.50   |
| Excess in Unassigned Fund Balance in ALL ACCOUNTS               |         | \$ 603,471.88   |

## AGENDA ITEM REPORT

### Item 1

Meeting Date: November 11, 2019

Discussion  Action

Submitted By: Staff

Reviewed By:  Interim City Manager

Accountant  Other: Staff & Bond Counsel  City Engineer

Department: Administration

Budgeted Expense:  YES  NO  N/A

City Secretary

City Attorney

#### Attachments:

1. Resolution R2019-23
2. Pdf results from Dallas and Ellis Counties

#### Agenda Item / Topic:

ITEM 1. **DISCUSSION/ACTION** – Consideration of and action on the approval of Resolution R2019-23 canvassing the returns and declaring the results of a bond election and other matters in connection herewith.

#### Discussion / Justification:

In accordance with the election code, Resolution R2019-23 is presented to Council to canvass the returns of the bond election.

**PROPOSITION A: IN THE AMOUNT OF \$2,940,000 FOR CITY HALL FACILITIES, AND THE LEVYING OF A TAX IN PAYMENT THEREOF, FAILED**

**PROPOSITION B: IF THE MAJORITY OF VOTERS APPROVE PROPOSITION A, IN THE AMOUNT OF \$130,000, FOR THE RENOVATION OF THE EXISTING CITY HALL FACILITIES AS A COMMUNITY CENTER, AND THE LEVYING OF A TAX IN PAYMENT THEREOF, FAILED**

**PROPOSITION C: IN THE AMOUNT OF \$2,220,000, FOR PUBLIC SAFETY FACILITIES, AND THE LEVYING OF A TAX IN PAYMENT THEREOF, FAILED**

**PROPOSITION D: IF THE MAJORITY OF VOTERS APPROVE PROPOSITION C, IN THE AMOUNT OF \$130,000, FOR THE RENOVATION OF THE EXISTING PUBLIC SAFETY FACILITIES AS PUBLIC WORKS FACILITIES, AND THE LEVYING OF A TAX IN PAYMENT THEREOF, FAILED**

**PROPOSITION E: IN THE AMOUNT OF \$680,000, FOR PARK, RECREATION, AND OPEN SPACE IMPROVEMENTS, AND THE LEVYING OF A TAX IN PAYMENT THEREOF, FAILED**

#### Recommendation / Staff Comments:

N/A

#### Sample Motion(s):

I move to approve Resolution R2019-23 canvassing the returns of the bond election.

**RESOLUTION R2019-23 CANVASSING THE RETURNS AND  
DECLARING THE RESULTS OF A BOND ELECTION; AND OTHER  
MATTERS IN CONNECTION THEREWITH**

\*\*\*\*\*

WHEREAS, on August 19, 2019, the City Council (the *Council*) of the City of Ovilla, Texas (the *City*) ordered an election to be held on November 5, 2019 for the purpose of determining whether the resident, qualified voters of the City would authorize the issuance of general obligation bonds by the City; and

WHEREAS, the Council has reviewed and investigated all matters pertaining to this election, including the resolving, notices, election officers, holding, and returns thereof; and

WHEREAS, the Council hereby canvasses the returns of this election, at which there were submitted to all resident, qualified voters of the City for their action thereupon, the following propositions:

**PROPOSITION A**

“Shall the City Council of the City of Ovilla, Texas be authorized to issue and sell one or more series of general obligation bonds of the City in the aggregate principal amount of not more than \$2,940,000 for the purpose of making permanent public improvements or other public purposes, to wit: designing, acquiring, constructing, purchasing, and equipping City Hall facilities, and the purchase of land, easements, rights-of-way, and other real property interests necessary therefor or incidental thereto, and completing related landscaping, such bonds to mature serially or otherwise (not more than 40 years from their date) in accordance with law; and any issue or series of said bonds to bear interest at such rate or rates (fixed, floating, variable or otherwise) as may be determined within the discretion of the City Council, provided that such rate of interest shall not exceed the maximum rate per annum authorized by law at the time of the issuance of any issue or series of said bonds; and shall the City Council of the City be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes, within the limitations prescribed by law, on all taxable property in said City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity and the cost of any credit agreements executed in connection with the bonds?”

and

**PROPOSITION B**

“If Proposition A is approved by a majority of the voters, shall the City Council of the City of Ovilla, Texas be authorized to issue and sell one or more series of general obligation bonds of the City in the aggregate principal amount of not more than \$130,000 for the purpose of making permanent public improvements or

other public purposes, to wit: designing, renovating, improving, and equipping existing City Hall facilities as a community center, such bonds to mature serially or otherwise (not more than 40 years from their date) in accordance with law; and any issue or series of said bonds to bear interest at such rate or rates (fixed, floating, variable or otherwise) as may be determined within the discretion of the City Council, provided that such rate of interest shall not exceed the maximum rate per annum authorized by law at the time of the issuance of any issue or series of said bonds; and shall the City Council of the City be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes, within the limitations prescribed by law, on all taxable property in said City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity and the cost of any credit agreements executed in connection with the bonds?"

and

#### PROPOSITION C

"Shall the City Council of the City of Ovilla, Texas be authorized to issue and sell one or more series of general obligation bonds of the City in the aggregate principal amount of not more than \$2,220,000 for the purpose of making permanent public improvements or other public purposes, to wit: designing, acquiring, constructing, purchasing, and equipping public safety facilities, and the purchase of land, easements, rights-of-way, and other real property interests necessary therefor or incidental thereto, and completing related landscaping, such bonds to mature serially or otherwise (not more than 40 years from their date) in accordance with law; and any issue or series of said bonds to bear interest at such rate or rates (fixed, floating, variable or otherwise) as may be determined within the discretion of the City Council, provided that such rate of interest shall not exceed the maximum rate per annum authorized by law at the time of the issuance of any issue or series of said bonds; and shall the City Council of the City be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes, within the limitations prescribed by law, on all taxable property in said City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity and the cost of any credit agreements executed in connection with the bonds?"

and

#### PROPOSITION D

"If Proposition C is approved by a majority of the voters, shall the City Council of the City of Ovilla, Texas be authorized to issue and sell one or more series of general obligation bonds of the City in the aggregate principal amount of not more than \$130,000 for the purpose of making permanent public improvements or other public purposes, to wit: designing, renovating, improving, and equipping existing public safety facilities as public works facilities, such bonds to mature serially or otherwise (not more than 40 years from their date) in accordance with

law; and any issue or series of said bonds to bear interest at such rate or rates (fixed, floating, variable or otherwise) as may be determined within the discretion of the City Council, provided that such rate of interest shall not exceed the maximum rate per annum authorized by law at the time of the issuance of any issue or series of said bonds; and shall the City Council of the City be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes, within the limitations prescribed by law, on all taxable property in said City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity and the cost of any credit agreements executed in connection with the bonds?"

and

#### PROPOSITION E

"Shall the City Council of the City of Ovilla, Texas be authorized to issue and sell one or more series of general obligation bonds of the City in the aggregate principal amount of not more than \$680,000 for the purpose of making permanent public improvements or other public purposes, to wit: designing, acquiring, constructing, renovating, improving, and equipping City park, recreation (including sports and athletics), and open space improvements, making park, recreation, and open space additions, acquiring lands and rights-of-way necessary thereto, including sidewalks and parking lots, such bonds to mature serially or otherwise (not more than 40 years from their date) in accordance with law; and any issue or series of said bonds to bear interest at such rate or rates (fixed, floating, variable or otherwise) as may be determined within the discretion of the City Council, provided that such rate of interest shall not exceed the maximum rate per annum authorized by law at the time of the issuance of any issue or series of said bonds; and shall the City Council of the City be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes, within the limitations prescribed by law, on all taxable property in said City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity and the cost of any credit agreements executed in connection with the bonds?"

WHEREAS, the Council has diligently inquired into the poll lists and the official election returns which were duly and lawfully made to the Council by the judges and clerks holding and conducting such election; the poll lists and the official election returns showing separately the votes cast in the election; and

WHEREAS, from these returns, this Council hereby finds that the following votes were cast in the election by voters who were resident, qualified voters of the City:

#### PROPOSITION A

"THE ISSUANCE OF NOT TO EXCEED \$2,940,000 OF CITY OF OVILLA, TEXAS GENERAL OBLIGATION BONDS FOR CITY HALL FACILITIES, AND THE LEVYING OF A TAX IN PAYMENT THEREOF."

|       | For | Against |
|-------|-----|---------|
| TOTAL | 321 | 637     |

PROPOSITION NO. B

“IF THE MAJORITY OF VOTERS APPROVE PROPOSITION A, THE ISSUANCE OF NOT TO EXCEED \$130,000 OF CITY OF OVILLA, TEXAS GENERAL OBLIGATION BONDS FOR THE RENOVATION OF THE EXISTING CITY HALL FACILITIES AS A COMMUNITY CENTER, AND THE LEVYING OF A TAX IN PAYMENT THEREOF.”

|       | For | Against |
|-------|-----|---------|
| TOTAL | 365 | 592     |

PROPOSITION NO. C

“THE ISSUANCE OF NOT TO EXCEED \$2,220,000 OF CITY OF OVILLA, TEXAS GENERAL OBLIGATION BONDS FOR PUBLIC SAFETY FACILITIES, AND THE LEVYING OF A TAX IN PAYMENT THEREOF.”

|       | For | Against |
|-------|-----|---------|
| TOTAL | 337 | 621     |

PROPOSITION NO. D

“IF THE MAJORITY OF VOTERS APPROVE PROPOSITION C, THE ISSUANCE OF NOT TO EXCEED \$130,000 OF CITY OF OVILLA, TEXAS GENERAL OBLIGATION BONDS FOR THE RENOVATION OF THE EXISTING PUBLIC SAFETY FACILITIES AS PUBLIC WORKS FACILITIES, AND THE LEVYING OF A TAX IN PAYMENT THEREOF.”

|       | For | Against |
|-------|-----|---------|
| TOTAL | 369 | 587     |

PROPOSITION NO. E

“THE ISSUANCE OF NOT TO EXCEED \$680,000 OF CITY OF OVILLA, TEXAS GENERAL OBLIGATION BONDS FOR PARK, RECREATION, AND OPEN SPACE IMPROVEMENTS, AND THE LEVYING OF A TAX IN PAYMENT THEREOF.”

|       | For | Against |
|-------|-----|---------|
| TOTAL | 369 | 589     |

NOW, THEREFORE,

IT IS ACCORDINGLY FOUND, DECLARED, AND ORDAINED BY  
 THE CITY COUNCIL OF  
 THE CITY OF OVILLA, TEXAS THAT:

SECTION 1: The Council officially finds, determines, and declares that the election was duly and properly ordered, that proper legal notice of such election was duly given in the English language and the Spanish language (to the extent required by law), that proper election officers were duly appointed prior to the election, that the election was duly and legally held, that all resident, qualified voters of the City were permitted to vote at the election, that due returns of the results of the election had been made and delivered, and that the Council has duly canvassed such returns, all in accordance with the laws of the State of Texas and of the United States of America, and the order calling the election.

SECTION 2: A MAJORITY of the resident, qualified voters of the City of Ovilla, Texas voting in such election, having voted AGAINST the authorization and issuance of \$2,940,000 of bonds and the levy and pledge of the tax in payment thereof as provided in Proposition A, the Council hereby finds and determines that Proposition A failed at the election, that the election was duly called, that proper notice was given, and that the election was held in all aspects in conformity with the law.

SECTION 3: A MAJORITY of the resident, qualified voters of the City of Ovilla, Texas voting in such election, having voted AGAINST the authorization and issuance of \$130,000 of bonds and the levy and pledge of the tax in payment thereof as provided in Proposition B, the Council hereby finds and determines that Proposition B failed at the election, that the election was duly called, that proper notice was given, and that the election was held in all aspects in conformity with the law.

SECTION 4: A MAJORITY of the resident, qualified voters of the City of Ovilla, Texas voting in such election, having voted AGAINST the authorization and issuance of \$2,220,000 of bonds and the levy and pledge of the tax in payment thereof as provided in Proposition C, the Council hereby finds and determines that Proposition C failed at the election, that the election was duly called, that proper notice was given, and that the election was held in all aspects in conformity with the law.

SECTION 5: A MAJORITY of the resident, qualified voters of the City of Ovilla, Texas voting in such election, having voted AGAINST the authorization and issuance of \$130,000 of bonds and the levy and pledge of the tax in payment thereof as provided in Proposition D, the Council hereby finds and determines that Proposition D failed at the election, that the election was duly called, that proper notice was given, and that the election was held in all aspects in conformity with the law.

SECTION 6: A MAJORITY of the resident, qualified voters of the City of Ovilla, Texas voting in such election, having voted FOR the authorization and issuance of \$680,000 of bonds and the levy and pledge of the tax in payment thereof as provided in Proposition E, the Council hereby finds and determines that Proposition E failed at the election, that the election was duly called, that proper notice was given, and that the election was held in all aspects in conformity with the law.

SECTION 7: The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 8: All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

SECTION 9: This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 10: If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Council hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 11: It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 12: This Resolution shall be in force and effect from and after its final passage and it is so resolved.

\* \* \*

PASSED, ADOPTED AND APPROVED on November 11, 2019, the date of the canvassing meeting.

CITY OF OVILLA, TEXAS

---

Mayor

ATTEST:

---

City Secretary

(CITY SEAL)

**CERTIFICATE OF CITY SECRETARY**

THE STATE OF TEXAS §  
COUNTIES OF ELLIS AND DALLAS §  
CITY OF OVILLA §

THE UNDERSIGNED HEREBY CERTIFIES that on November 11, 2019, the City Council (the *Council*) of the City of Ovilla, Texas (the *City*) convened in regular session at its regular meeting place in the City Hall of the City (the *Meeting*), the duly constituted members of the Council being as follows:

|                 |               |
|-----------------|---------------|
| Richard Dormier | Mayor         |
| Daivd Griffin   | Mayor Pro-Tem |
| Rachel Huber    | Councilmember |
| Dean Oberg      | Councilmember |
| Doug Hunt       | Councilmember |
| Michael Myers   | Councilmember |

and all of such persons were present at the Meeting, except the following Dean Oberg, Councilmember, thus constituting a quorum. Among other business considered at the Meeting, the attached Resolution (the *Resolution*) entitled:

**A RESOLUTION CANVASSING THE RETURNS AND DECLARING THE  
RESULTS OF A BOND ELECTION; AND OTHER MATTERS IN  
CONNECTION THEREWITH**

was introduced and submitted to the Council for passage and adoption. After presentation and discussion of the Resolution, a motion was made by Councilmember \_\_\_\_\_ that the Resolution be finally passed and adopted. The motion was seconded by Councilmember \_\_\_\_\_ and carried by the following vote:

\_\_\_\_ voted "For" \_\_\_\_ voted "Against" \_\_\_\_ abstained

all as shown in the official Minutes of the Council for the Meeting.

The attached Resolution is a true and correct copy of the original on file in the official records of the City; the duly qualified and acting members of the Council on the date of the Meeting are those persons shown above, and, according to the records of my office, each member of the Council was given actual notice of the time, place, and purpose of the Meeting and had actual notice that the Resolution would be considered; and the Meeting and deliberation of the aforesaid public business, was open to the public and written notice of said meeting, including the subject of the Resolution, was posted and given in advance thereof in compliance with the provisions of Chapter 551, as amended, Texas Government Code.

IN WITNESS WHEREOF, I have signed my name officially and affixed the seal of the City, this 11th day of November, 2019.

---

City Secretary  
City of Ovilla

2019 Constitutional Amendment, Special and Joint Election  
November 5, 2019

RESULTS

MY FAVORITE RACES ★ (0)

TURNOUT

VOTE CENTERS REPORTING

## Unofficial Cumulative Results

### RESULTS

Last Updated  Wednesday, November 6, 2019, 2:16:16 AM (6 hours ago)

★ (0)

#### ★ Municipalities

##### City of Ovilla

★ City of Ovilla, Texas Proposition A (Vote For 1)

For (A Favor)

18

Against (En Contra)

25

43

★ City of Ovilla, Texas Proposition B (Vote For 1)

For (A Favor)

20

Against (En Contra)

23

43

★ City of Ovilla, Texas Proposition C (Vote For 1)

For (A Favor)

19

Against (En Contra)

24

43

★ City of Ovilla, Texas Proposition D (Vote For 1)

For (A Favor)

19

Against (En Contra)

24

43

★ City of Ovilla, Texas Proposition E (Vote For 1)

For (A Favor)

18

Against (En Contra)

25

**Summary Results Report  
2019 Constitutional and Joint Election  
November 5, 2019**

**UNOFFICIAL RESULTS**

**Ellis County, Texas**

**Glenn Heights Council, Place 6 (Ellis Co. Portion ONLY)**

Vote For 1

|                         | <b>TOTAL</b> | <b>VOTE %</b>  | <b>Absentee</b> | <b>EV In-Person</b> | <b>Election Day</b> |
|-------------------------|--------------|----------------|-----------------|---------------------|---------------------|
| Machanta E. Newson      | 211          | 100.00%        | 1               | 87                  | 123                 |
| <b>Total Votes Cast</b> | <b>211</b>   | <b>100.00%</b> | <b>1</b>        | <b>87</b>           | <b>123</b>          |

**Ovilla City Prop A (Ellis Co. Portion ONLY)**

Vote For 1

|                         | <b>TOTAL</b> | <b>VOTE %</b>  | <b>Absentee</b> | <b>EV In-Person</b> | <b>Election Day</b> |
|-------------------------|--------------|----------------|-----------------|---------------------|---------------------|
| For                     | 303          | 33.11%         | 3               | 108                 | 192                 |
| Against                 | 612          | 66.89%         | 2               | 208                 | 402                 |
| <b>Total Votes Cast</b> | <b>915</b>   | <b>100.00%</b> | <b>5</b>        | <b>316</b>          | <b>594</b>          |

**Ovilla City Prop B (Ellis Co. Portion ONLY)**

Vote For 1

|                         | <b>TOTAL</b> | <b>VOTE %</b>  | <b>Absentee</b> | <b>EV In-Person</b> | <b>Election Day</b> |
|-------------------------|--------------|----------------|-----------------|---------------------|---------------------|
| For                     | 345          | 37.75%         | 3               | 122                 | 220                 |
| Against                 | 569          | 62.25%         | 2               | 194                 | 373                 |
| <b>Total Votes Cast</b> | <b>914</b>   | <b>100.00%</b> | <b>5</b>        | <b>316</b>          | <b>593</b>          |

**Ovilla City Prop C (Ellis Co. Portion ONLY)**

Vote For 1

|                         | <b>TOTAL</b> | <b>VOTE %</b>  | <b>Absentee</b> | <b>EV In-Person</b> | <b>Election Day</b> |
|-------------------------|--------------|----------------|-----------------|---------------------|---------------------|
| For                     | 318          | 34.75%         | 3               | 113                 | 202                 |
| Against                 | 597          | 65.25%         | 2               | 204                 | 391                 |
| <b>Total Votes Cast</b> | <b>915</b>   | <b>100.00%</b> | <b>5</b>        | <b>317</b>          | <b>593</b>          |

**Summary Results Report  
2019 Constitutional and Joint Election  
November 5, 2019**

**UNOFFICIAL RESULTS**

**Ellis County, Texas**

**Ovilla City Prop D (Ellis Co. Portion ONLY)**

Vote For 1

|                         | <b>TOTAL</b> | <b>VOTE %</b>  | <b>Absentee</b> | <b>EV In-Person</b> | <b>Election Day</b> |
|-------------------------|--------------|----------------|-----------------|---------------------|---------------------|
| For                     | 350          | 38.34%         | 3               | 128                 | 219                 |
| Against                 | 563          | 61.66%         | 2               | 189                 | 372                 |
| <b>Total Votes Cast</b> | <b>913</b>   | <b>100.00%</b> | <b>5</b>        | <b>317</b>          | <b>591</b>          |

**Ovilla City Prop E (Ellis Co. Portion ONLY)**

Vote For 1

|                         | <b>TOTAL</b> | <b>VOTE %</b>  | <b>Absentee</b> | <b>EV In-Person</b> | <b>Election Day</b> |
|-------------------------|--------------|----------------|-----------------|---------------------|---------------------|
| For                     | 351          | 38.36%         | 3               | 119                 | 229                 |
| Against                 | 564          | 61.64%         | 2               | 198                 | 364                 |
| <b>Total Votes Cast</b> | <b>915</b>   | <b>100.00%</b> | <b>5</b>        | <b>317</b>          | <b>593</b>          |

**Waxahachie City Prop A**

Vote For 1

|                         | <b>TOTAL</b> | <b>VOTE %</b>  | <b>Absentee</b> | <b>EV In-Person</b> | <b>Election Day</b> |
|-------------------------|--------------|----------------|-----------------|---------------------|---------------------|
| For                     | 1,987        | 76.78%         | 37              | 634                 | 1,316               |
| Against                 | 601          | 23.22%         | 3               | 223                 | 375                 |
| <b>Total Votes Cast</b> | <b>2,588</b> | <b>100.00%</b> | <b>40</b>       | <b>857</b>          | <b>1,691</b>        |

## AGENDA ITEM REPORT Item 2

Meeting Date: November 11, 2019

Discussion  Action

Submitted By: Staff

Reviewed By:  Interim City Manager

Accountant

Other: Staff /Code

City Secretary

City Attorney

City Engineer

### Attachments:

1. Site Plan application
2. Excerpt(s) from Code – zoning requirements
3. Planning and Zoning recommendation

### Agenda Item / Topic:

ITEM 2. **DISCUSSION/ACTION** – Case PZ19.11 Receive recommendation from the Planning and Zoning Commission to consider and act on a site plan application submitted by MS Pamilee Koval for construction of a new residence at 103 Water Street, Ovilla, Ellis County, Texas 75154.

### Discussion / Justification:

In April 2019 (Case PZ19-02), MS Koval received approval from the Council to plat her property, having two separate lots for a possible future addition of another residence, which is permissible un RC Zoning. MS. Koval's permanent residence is at 121 Water Street, next to this vacant lot. This property is located in the Core Historic District.

### Site Plan Information

OWNER: Pamilee Koval  
ARCHITECT: Tim Jackson, TxRCS  
APPLICATION DATE: October 2019  
LOCATION: 103 Cockrell Hill Rd  
UTILITIES: Ovilla water / septic (unknown at this exact time)  
ZONING: Commercial / Core Historic District  
PROPOSED LAND USE: Residential - lot size 0.6 acre  
MAJOR THOROUGHFARE: Highway 664 Ovilla Road  
APPLICANT'S PROPOSAL: To build a new home on her property.

### Recommendation / Staff Comments:

N/A

### Sample Motion(s):

I move that the Ovilla City Council APPROVE/DENY the Site Plan application request submitted by Pamilee Koval for residential use located at 103 Cockrell Hill Road, Ovilla, Ellis County, Texas as presented.



APPLICATION FOR SITE PLAN  
Subject Property Information

Site Plan

Applicant Ramilee Kovar Phone 469.323.1407

Mailing Address 121 Water Street Ovilla TX

Property General Location 103 Cockrell Hill Ovilla

Current Zoning: \_\_\_\_\_

Area in Subdivision: \_\_\_\_\_ Total Acres 6 Number of Lots \_\_\_\_\_ Average Lot Size \_\_\_\_\_

Engineer or Land Planner TXRCS Phone 214.869.8813

Company: Tim Jackson

Mailing Address Po Box 252

City Limits \_\_\_\_\_ Extraterritorial Jurisdiction (ETJ) \_\_\_\_\_

Subdivision Name Kovar Subdivision

#### 24.4 REGULATIONS AND REQUIREMENTS

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

- A. Massing. A building should be of appropriate human-scale, with mass and size similar to those in the adjacent block-face or within the historic overlay district.
- B. Height. The height of finished floor from grade should be similar to traditional houses in the vicinity, and should be sufficient to suggest a traditional pier-and-beam foundation.
- C. Roof Height. The height of the cornice and the roof ridge(s) should also fit within the range of dimensions of traditional or historic residences in the district.
- D. Roof Form. Roof forms should be sloping, either hipped or gabled, with an eave overhang dimension that reflects traditional roof conditions.
- E. Building Materials. Exterior building materials shall reflect the traditional materials of similar buildings in Ovilla: wood siding (horizontal lap or novelty siding); limestone or field stone in traditional dimensions and tooling, or brick in traditional dimensions.

F. Design. New buildings should be designed so that the façade's organization closely relates to surrounding or similar buildings.

G. Windows. Spacing and size of window and door openings should be similar to their historic counterparts, as should the proportion of window to wall space.

H. Historic Style. New designs should draw upon the traditions of historic styles and designs in the community but should be seen as products of their own time while being compatible with the historic environment of the neighborhood or community.

## **24.5 SITE PLAN REQUIREMENTS**

A site plan shall be required for any building construction located within the Core Historical Area. A building permit shall not be issued for any such construction until the site plan and a specific use permit has been approved by the City Council upon recommendation by the Planning and Zoning Commission. Building permits for non-substantive construction and improvements, as determined by the City Administrator, may be approved administratively.

### **Section 26 - Site Plan Requirements**

#### **26.1 GENERALLY**

Whenever a site plan is required by this ordinance, the site plan must conform to the requirements of this section. Unless otherwise specified in this ordinance, all site plans must be approved by the City Council, upon recommendation of the Planning and Zoning Commission. The site plan submitted in support of an application must satisfy the requirements for site plan submittals as set forth by the city staff. Site plans shall be reviewed by the city staff, and comments shall be returned within a reasonable time after review.

#### **26.2 REQUIRED PRIOR TO BUILDING PERMIT**

When required by this ordinance, a site plan must be approved prior to the issuance of a building permit.

#### **26.3 CHANGES TO THE SITE PLAN**

A. Approval Required. Except as otherwise provided in subsection C below, any site plan that is amended shall require approval of the City Council, upon recommendation of the Planning and Zoning Commission.

B. Amendment Affecting Use. Changes to the site plan which will affect the use of the land may require either an amendment to a Planned Development or a rezoning of property, whichever applies.

C. Minor Changes. Changes of details within a site plan which do not alter the basic physical relationship of the property to adjacent properties; do not alter the use permitted; and do not increase the density, floor area, height, or reduce the yards provided at the boundary of the site as indicated on the approved site plan, may be authorized by the Administrative Official. An aggrieved party may

appeal the decision of the Administrative Official to the Zoning Board of Adjustment in accordance with the provisions of this ordinance.

#### 26.4 COUNCIL APPROVAL

Upon City Council approval of a site plan that accompanies a zoning change request, the site plan shall become part of the amending ordinance.

#### 26.5 SITE PLAN HEARING NOTICES

A. Notice to Owners. The Administrative Official shall send notice to owners of record of property within two hundred (200) feet of the property under consideration of a site plan consideration by the Planning and Zoning Commission.

B. Sign Required. The City Administrator shall cause at least one (1) sign to be erected on the property for which the site plan consideration of the Planning and Zoning Commission has been requested. The sign shall have total area of at least four (4) square feet and shall be located adjacent to the street. Such sign shall be erected on or before the first notice to property owners and shall be removed immediately after final action by the City Council, or when the applicant withdraws the request, whichever comes first. The sign shall contain a notice of hearing on a site plan and the telephone number of the public official from whom dates of public hearing may be obtained. The erection or continued maintenance of signs shall not be deemed a condition precedent to the granting of any site plan recommendation or approval or the holding of any public hearing.

C. Site Plans with No Zoning Change Requested. City Council approval of a site plan required for the issuance of a building permit for a structure on a site for which no zoning change has been requested, or which is not in a planned development district shall not constitute an official public hearing as required by state law. Notice of the consideration of the site plan by the City Council in the posted agenda of the Council shall be sufficient notice for the purposes of approving a site plan by City Council action for the issuance of a building permit.

#### 26.6 SITE PLAN CONSIDERATION

In considering, granting, or denying an application for a site plan as provided for in this ordinance, the Planning and Zoning Commission and the City Council shall take into consideration the following factors:

A. Ordinance Compliance. Compliance with the Zoning Ordinance, the Subdivision Ordinance, and all other ordinances of the City; and

B. Public's Health, Safety and Welfare. Such other measures as will secure and protect public health, safety, morals, and general welfare.

## 26.7 SITE PLAN CONTENT

A. Requirements. The site plan shall contain the information:

1. The boundary lines and dimensions of the property, existing subdivision lots, available utilities, easements, roadways, sidewalks, emergency access easements, and public rights-of-way;
2. Topography of the property proposed for development in contours of not more than two feet, apart with any proposed grade elevations, if different from existing elevations. (Note: If the natural contour of the land is to be altered or changed in any location on the property more than four (4) feet, the site plan must provide detailed information on the proposed grading plan. This information shall include the correlation of the proposed grading plan to the surrounding properties and the use of those surrounding properties and shall include information indicating the drainage and the line of sight effect the proposed grading plan will have on the surrounding properties;
3. One-hundred year floodplains, water courses, marshes, drainage areas, and other significant environmental features including, but not limited to, rock outcroppings and major tree groupings. Topographic and drainage map information provisions may be waived by the reviewing body when the inclusion of such data would not materially contribute to the necessary evaluation of the project petition;
4. The location of existing trees, including notations of those trees to be preserved;
5. The location and proposed uses of all existing and proposed buildings or structures, including all refuse storage areas, and the minimum distance between buildings. Where building complexes are proposed, the location of each building and the minimum distances between buildings, and between buildings and the property line, street line, and/or alley shall be submitted. For buildings more than one (1) story in height, elevations and/or perspective drawings shall be required in order that the relationship of the buildings to adjacent property, open spaces, and to other features of the development plan may be determined. The drawings must indicate the square footage, the height, number of floors and exposures for access, light, and air. A designation of the maximum building coverage of the site shall be indicated on the site plan;
6. Total number, location, and arrangement of off-street parking and loading spaces, where required. The plan should include a table of the required and proposed off-street parking and off-street loading spaces with the building area;
7. All points of vehicular ingress, egress, and circulation within the property and all special traffic regulation facilities proposed or required to assure the safe function of the circulation plan;

8. Setbacks, lot coverage, and when relevant, the relationship of the setbacks provided and the height of any existing or proposed building or structure;
9. The location, size, and arrangement of all outdoor signs, exterior auditory speakers, and lighting;
10. The type, location, and quantity of all plant material used for landscaping, and the type, location, and height of fences or screening and the plantings around them. When necessary to protect the public health, safety, or welfare, the City Council or the Planning and Zoning Commission may require landscaping and screening requirements to be in place prior to the start of construction pursuant to an approved site plan;
11. Where multiple types of land uses are proposed, a delineation of the specific areas to be devoted to various land uses;
12. Vicinity map, north point, scale, name of development, name of owner, name of planner, total acreage of project, and street address or common description of the property;
13. Current land uses and zoning district of the property and current land uses and zoning districts of contiguous properties and buildings on the exterior of the site and within twenty-five (25) feet of all property lines;
14. Existing buildings on the exterior of the site and within one hundred (100) feet of all property lines;
15. The location and size of existing and proposed surface and subsurface drainage facilities, including culverts, drains, and detention ponds, showing size and direction of flow;
16. The number of square feet of the property after construction which will constitute impervious area or impervious surface and vegetated areas;
17. Roadway speeds and distances of adjacent driveways from all proposed driveways and streets;
18. Architectural drawings, such as elevations, concept sketches or renderings depicting building types and other significant proposed improvements including the treatment and use of open spaces, etc., where the submission of such drawings would more clearly portray the nature and character of the applicant's land use and development proposals;
19. Legal description of the total site area proposed for rezoning, development or specific use permit;

20. Signature and title of the applicant, certifying the information presented in the plans, and supporting documents reflect a reasonably accurate portrayal of the nature and character of the applicant's proposals;
21. Any proposed dedications of land for public use, including easements, trails, parkland, open space and floodplain; and
22. The proposed name of the business or development.

B. Option for Single Drawing. Notwithstanding Subsection A, any or all of the required features may be incorporated on a single drawing if, in the sole discretion of the Building Official, the drawing is clear and capable of evaluation by the City Council and City Staff required to enforce and interpret this ordinance.



*Plan Preparer's Acknowledgement:* Paula Kaval

*I have reviewed the City of Ovilla's Code and have prepared the attached Site Plan / Development Plan in accordance with those regulations.*

Received on 10-8-19 Official Filing Date \_\_\_\_\_

City of Ovilla  
105 S. Cockrell Hill Road  
Ovilla, TX 75154  
972.617.7262  
FAX: 972.515.3221  
Added excerpt for Mr. Sims.

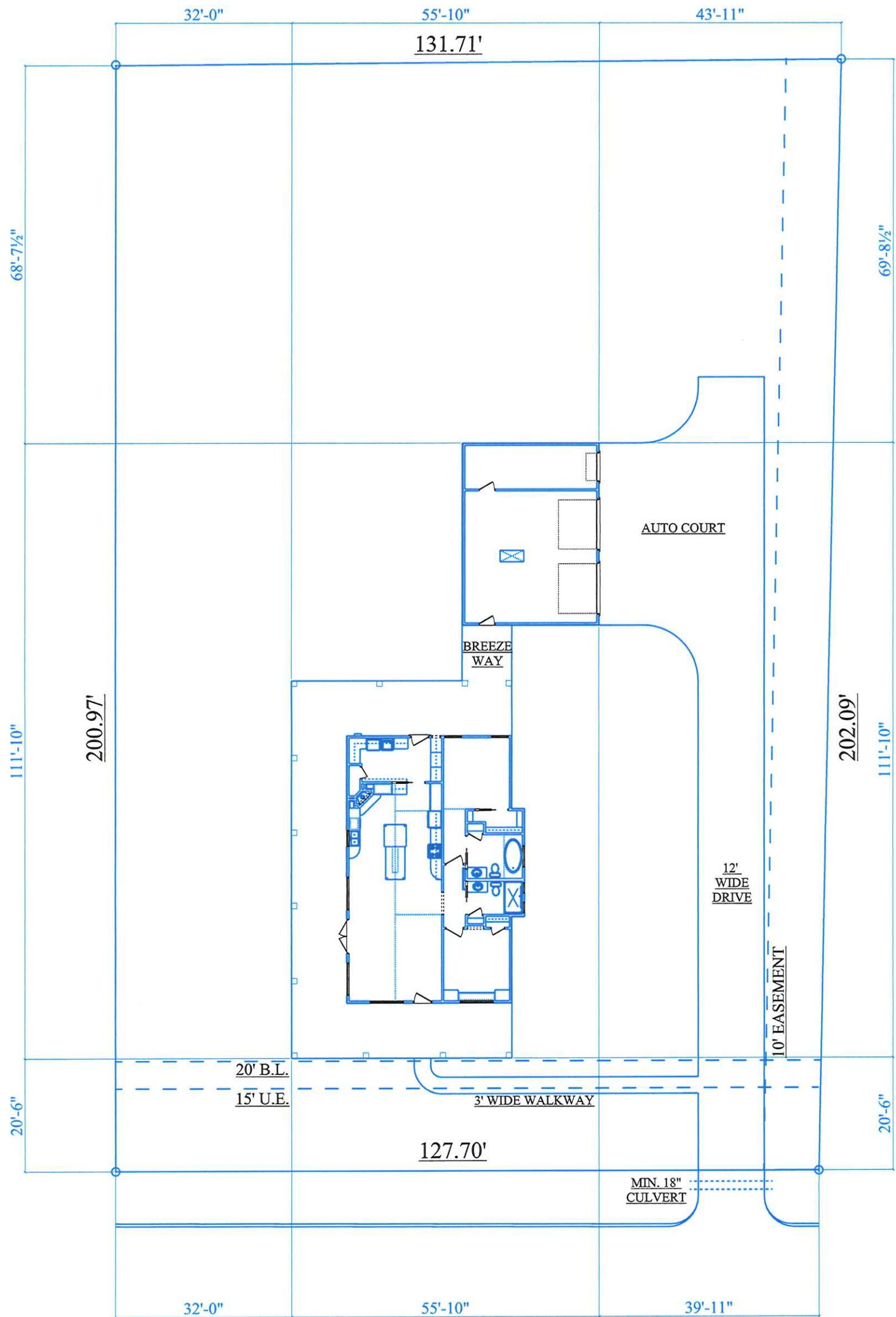
#### **24.2 BOUNDARIES OF HISTORIC AREAS**

The physical boundaries of the Historical Overlay District shall be defined as follows:

A. Historical Compatibility Area: Beginning at the southern tip of Dillard Farms going west to Westlawn Road, south down Willow Wood Road to Water Street, then east to the curve of Red Oak Creek Road to include the cemeteries, then northeast to the end of East University Street, then north to the southern tip of Dillard Farms Road.

B. Core Historical Area: Beginning at the south east intersection of W. Main Street and Cockrell Hill Road, then south on Cockrell Hill Road to Water Street to West Main Street. Continue East across Ovilla Road to the curve toward East Main, curving North onto the West side of East Main Street and continuing North for five hundred feet and then west back to the south east intersection of West Main Street and Cockrell Hill Road.

LOT 1  
**KOVAL ADDITION**  
**OVILLA, TEXAS**  
**ELLIS COUNTY**



**T.B.D. COCKRELL HILL RD**

 SITE PLAN  
SCALE: 1" = 20'-0"

## 11.3 LAND USE TABLE

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

| Table 11.A                    |     |      |      |     |    |    |  |   |                |    |            |      |
|-------------------------------|-----|------|------|-----|----|----|--|---|----------------|----|------------|------|
| City of Ovilla Land Use Table |     |      |      |     |    |    |  |   |                |    |            |      |
| Residential                   |     |      |      |     |    |    | Land Use Descriptions                        |   | Nonresidential |    | Conditions |      |
| R-C                           | R-E | R-22 | R-15 | R-D | MF | MH |  |   | CR             | CG | I          |      |
| Residential Uses              |     |      |      |     |    |    |  |   |                |    |            |      |
| P                             | P   |      |      |     |    |    | Agricultural Use                             |   | S              | S  | S          | b, h |
|                               |     |      |      |     | P  |    | Dwelling, Assisted Living Facility           |   | P              |    |            | a    |
|                               |     |      |      |     |    | P  | Dwelling, HUD-Code Manufactured Home         |   |                |    |            |      |
|                               |     |      |      |     |    |    | Dwelling, Mobile Home                        |   |                |    |            |      |
|                               |     |      |      |     | P  |    | Dwelling, Multifamily                        |   |                |    |            | a, g |
|                               |     |      |      | P   | P  | P  | Dwelling, Single Family Attached             |   |                |    |            |      |
| P                             | P   | P    | P    | P   |    | P  | Dwelling, Single Family Detached             | P |                |    |            |      |
|                               |     |      |      | P   | P  |    | Dwelling, Two Family                         |   |                |    |            |      |
|                               | S   | S    | S    | P   | P  | P  | Group Home for the Disabled or Disadvantaged |   |                |    |            |      |
|                               |     |      |      |     |    | P  | Manufactured Housing Park or Subdivision     |   |                |    |            |      |



## City of OVILLA Planning & Zoning Commission Recommendation

ITEM 1. **DISCUSSION/ACTION** – Review, consider and act on PZ19.11, a Site Plan Application submitted by owner, Pamilee Koval, to build a residence, located at 103 Cockrell Hill Rd., Ovilla, Texas, and forward recommendation report to the Ovilla City Council.

\*\*\*\*\*

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

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

PL5 Alexander AYE  
PL6 Hart AYE  
PL7 Zimmermann AYE

6 FOR

0 AGAINST

0 ABSTAIN

\*\*\*\*\*  
C. Lynch  
Presiding Officer of P&Z

11/4/19  
Date

J. Miller  
Board Secretary

11. 4. 2019  
Date

## AGENDA ITEM REPORT

### Item 3

Meeting Date: November 11, 2019

Discussion  Action

Submitted By: Staff

Reviewed By:  Interim City Manager

Accountant

Other: Staff /Code

Department: Administration

Budgeted Expense:  YES  NO  N/A

City Secretary

City Attorney

City Engineer

#### Attachments:

1. Excerpt(s) from Code
2. Sample pics

#### Agenda Item / Topic:

ITEM 3. **DISCUSSION/ACTION** – Consideration of and action on variances to Sections 38.5 building materials, and Chapter 10, Section 10.02.130 minimum square feet living area, from the Ovilla Code of Ordinances, requested by Pamilee Koval to construct a new residence on her property in the Core Historic District at 103 Water Street, Ovilla, Ellis County, Texas 75154.

#### Discussion / Justification:

In April 2019 (Case PZ19-02), MS Koval received approval from the Council to plat her property, having two separate lots for a possible future addition of another residence, which is permissible under RC Zoning. MS. Koval's permanent residence is at 121 Water Street, next to this vacant lot she desiring to develop. This property is located in the Core Historic District. Council approved a sanitary sewer easement agreement in July 2019.

Specific variances to the city's code may need to be addressed:

3. Home size – applicant wishes to build a 1600 sq ft home.
4. Materials – applicant wishes to build the home with hardi-plank.

#### Site Plan Information

OWNER:

Pamilee Koval

ARCHITECT:

Tim Jackson, TxRCS

APPLICATION DATE:

October 2019

LOCATION:

103 Cockrell Hill Rd

UTILITIES:

Ovilla water / septic (unknown at this exact time)

ZONING:

Commercial / Core Historic District

PROPOSED LAND USE:

Residential - lot size 0.6 acre

MAJOR THOROUGHFARE:

Highway 664 Ovilla Road

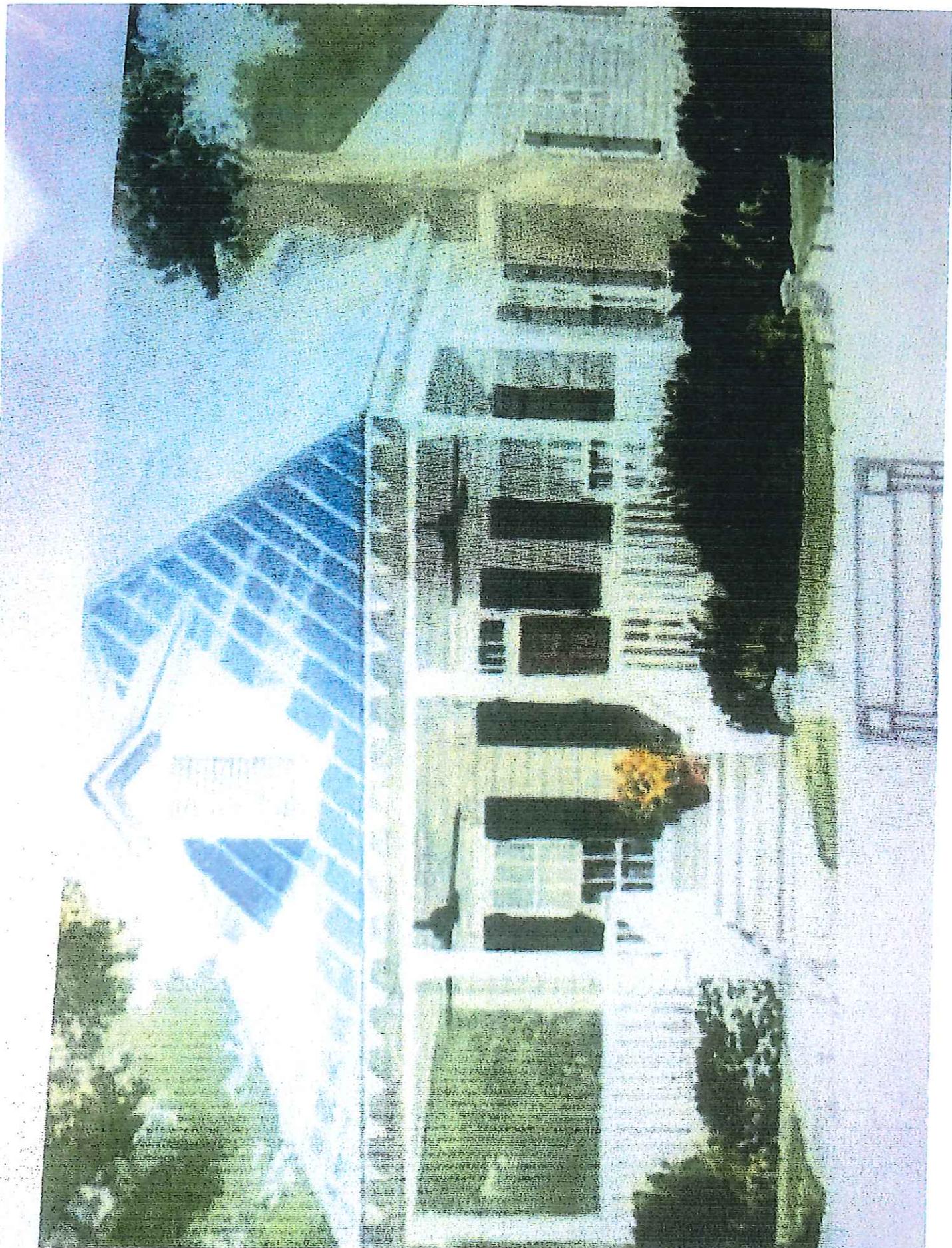
APPLICANT'S PROPOSAL: To build a new home on her property.

#### Recommendation / Staff Comments:

N/A

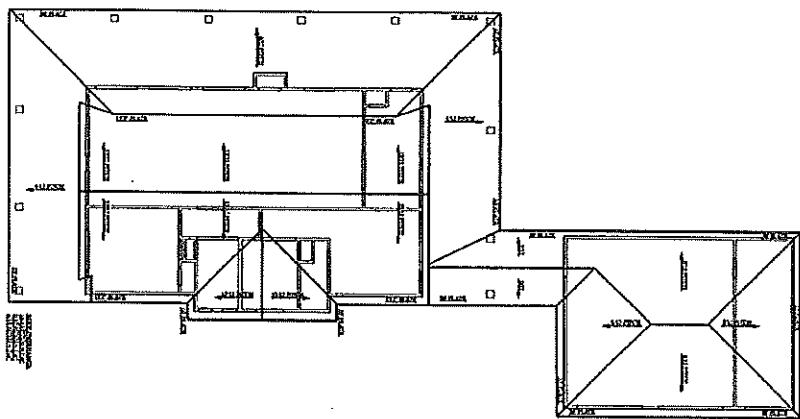
#### Sample Motion(s):

I move that the Ovilla City Council APPROVE/DENY the noted variances requested submitted by Pamilee Koval in the site plan application for construction of a residence located at 103 Cockrell Hill Road, Ovilla, Ellis County, Texas as presented.

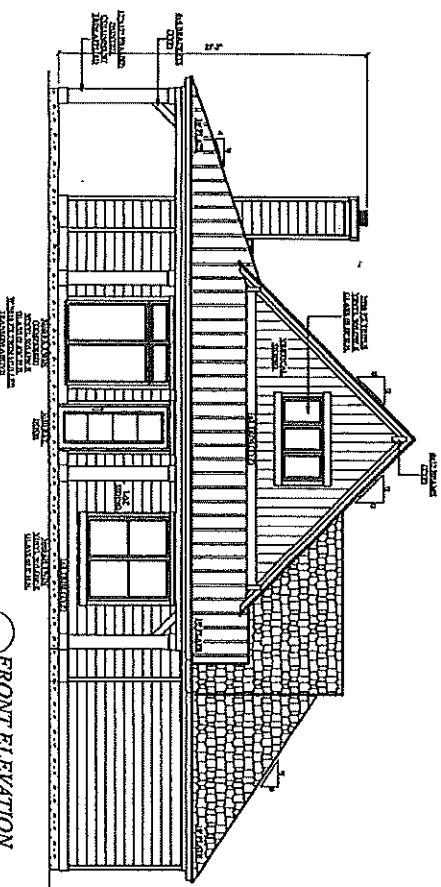




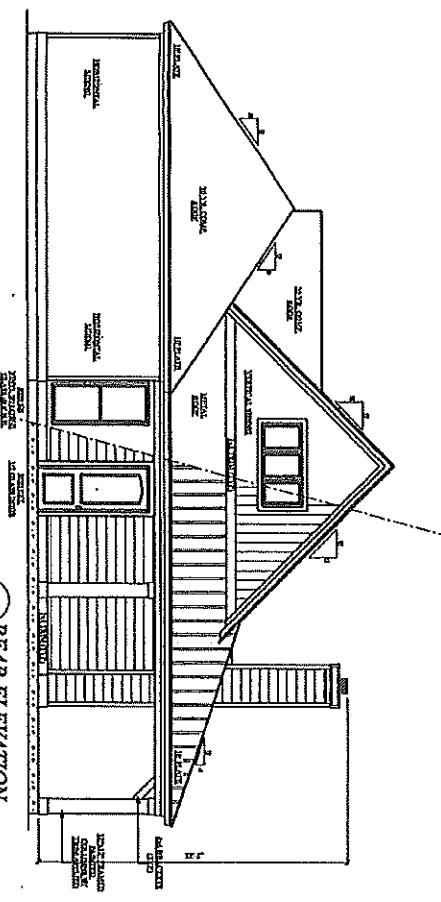
ROOF FRAMING PLAN  
SCALE: 1/8" = 1'-0"



FRONT ELEVATION  
SCALE: 1/4" = 1'-0"



REAR ELEVATION  
SCALE: 1/4" = 1'-0"



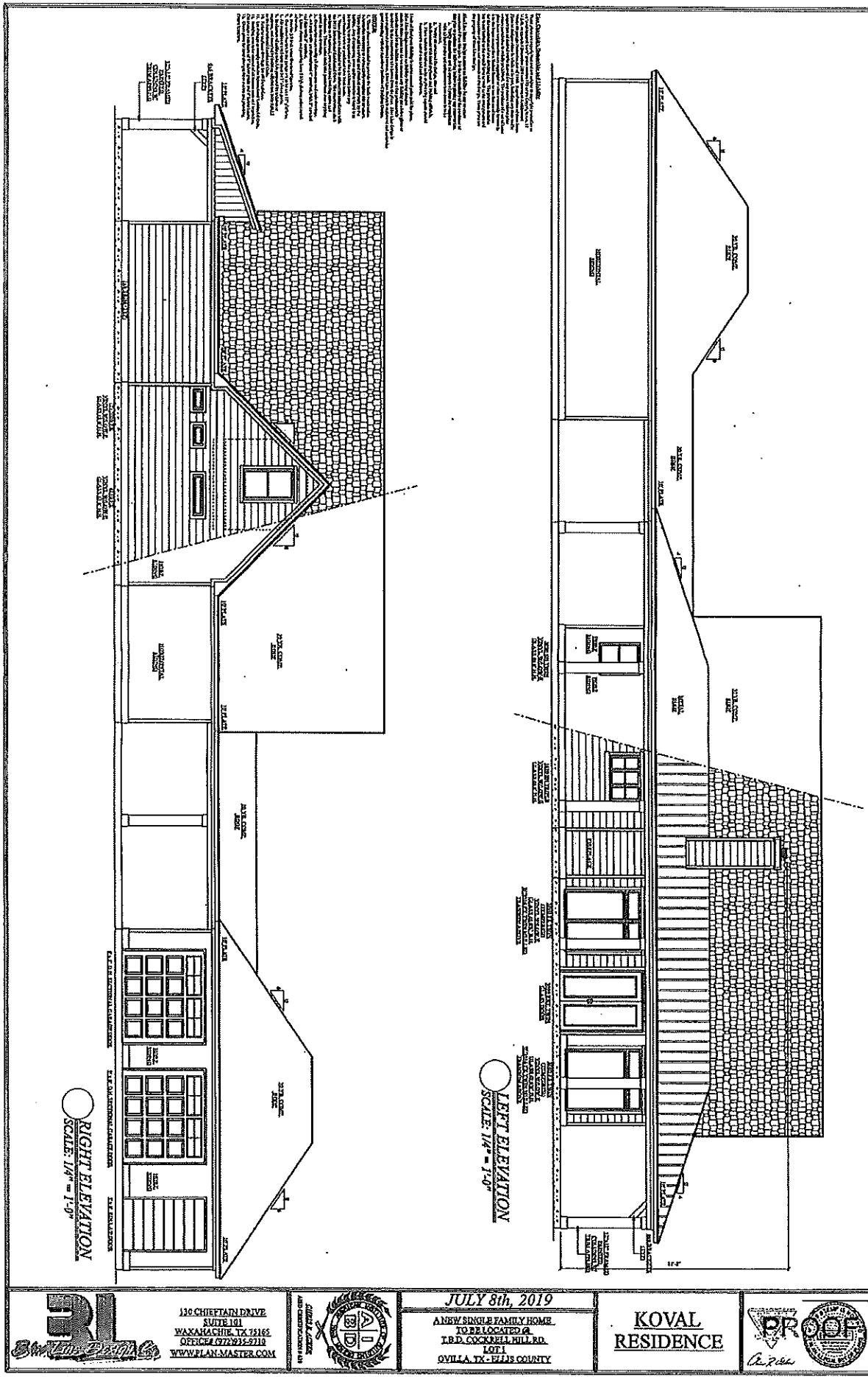
130 GRIFFIN DRIVE  
SUITE 101  
WAXAHACHIE, TX 75165  
OFFICE: 817.355.9111  
WWW.PLANMASTER.COM



JULY 8th, 2019  
AN NEW SINGLE FAMILY HOME  
TO BE LOCATED AT  
T.D. COCKRELL HILL RD.  
LOT 1  
OVILLA, TX - ELLIS COUNTY

KOVAL  
RESIDENCE





130 CHIEFTAIN DRIVE  
SUITE 101  
WAXAHACHIE, TX 75165  
OFFICE: (214) 935-9710  
WWW.PLAN-MASTER.COM

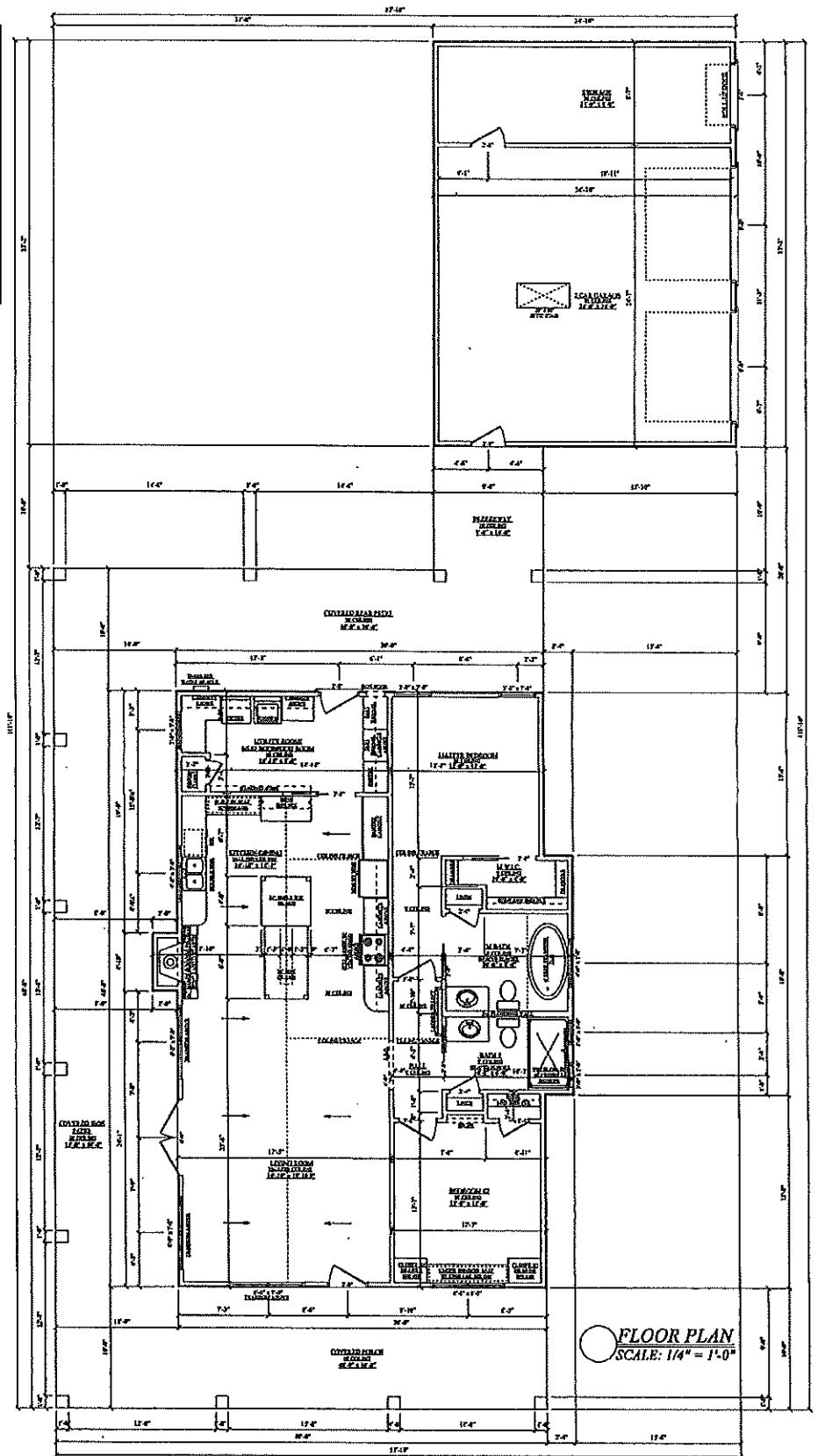


JULY 8th, 2019  
A NEW SINGLE FAMILY HOME  
TO BE LOCATED ON  
18.0 ACRES  
100' X 100'  
OVILLE, TX - ELLIS COUNTY

KOVAL  
RESIDENCE



**AREA TOTALS.**  
**FIRST FLOOR LIVING 1,506**  
**SECOND FLOOR LIVING 164**  
**TOTAL LIVING AREA 1,670.**  
**COVERED PORCH 400**  
**COVERED PATIO 400**  
**COVERED LEFT SIDE PATIO 487**  
**BREEZEWAY 90**  
**2-CAR GARAGE/STORAGE 824**  
**TOTAL FOUNDATION 3,707**  
**TOTAL UNDER ROOF 3,898**



139 CHIEFTAIN DRIVE  
SUITE 101  
WAXAHACHIE, TX 75165  
OFFICE: (972) 935-9710  
WWW.PLAN-MASTER.COM

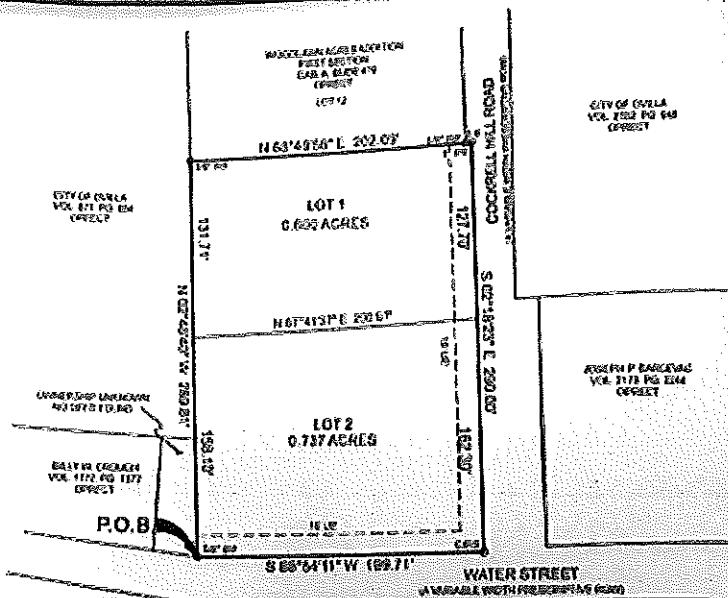


**JULY 8th, 2019**  
**A NEW SINGLE FAMILY HOME**  
**TO BE LOCATED @**  
**E.R.D. COCKRELL HILL RD.**  
**LOT 1**  
**OVILLA, TX - ELLIS COUNTY**

KOVAL  
RESIDENCE







**THIS PLAT APPROVED SUBJECT TO ALL PLATING ORDINANCES, RULES, REGULATIONS AND REGULATIONS OF THE CITY OF ODESSA, TEXAS.**

WINE IS WINE. THE 12%  CAFE 12%.

TEXAS

BE IT KNOWN THAT THE UNDERSIGNED AUTHORITY, A MOUNTED POLICE OFFICER FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED AND SWORN TO ME, JOHN D. COOPER, POLICE CHIEF FOR THE CITY OF FORT WORTH, TEXAS, WHOSE NAME IS SUBSCRIBED TO THIS POLICE REPORT, THAT THE STATEMENT AND ALLEGATIONS MADE TO ME THAT HE HAS EXECUTED THE SAME FOR THE PERSONS NAMED THEREIN, AND FOR THE FAMOUS PERSONS

*Leavenworth, Pacific*  
A. C. CO., INCORP.  
1881-1882



**Excerpt**

**Subdivision Regulations – Chapter 10**

**↓ Sec. 10.02.130 Minimum square feet for living area in newly erected buildings which are tied onto approved sanitary sewer**

- (a) No permit shall be issued by the city for the erection or construction of any residential house or building within the city limits or extraterritorial jurisdiction of Ovilla unless the square feet living area (exclusive of porches and garages) in such building equals two thousand four hundred (2,400) square feet of living area.
- (b) A minimum of sixty percent (60%) of the total living area for a residential house or building shall be on the first story or ground level of a residential house or building for new homes constructed after the effective date of this section.

# Site plan Information for 103 Cockrell Hill

## 1. Historic Core District

### 24.4 REGULATIONS AND REQUIREMENTS

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

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

## 2. Commercial Restricted Zoning

### 38.1 PURPOSE

The Non-Residential Development Design Standards are established to provide a set of minimum design standards applicable to all future development and redevelopment within the non-residential zoning districts and the non-residential development located within residentially zoned districts. Non-residential development in the City shall conform to the Comprehensive Land Use Plan, as adopted by the City Council. These standards are intended to protect and enhance the appearance of all non-residential

development in Ovilla, promote the unique character of the City, protect and enhance property values, prevent the establishment of incompatible types of development, and coordinate efforts of various developers within the non-residential areas of the City.

### **38.3 SITE ORIENTATION AND LAYOUT**

- A. Primary Entry. All development located in the "CR" Restricted Commercial district shall build to or close to the front lot line of the property and shall take primary entry from the sidewalk in front of the business to ease pedestrian access.
- B. Orientation to Street. All development located in the "CR" Restricted Commercial, "CG" General Commercial and "I" Industrial zoning districts shall be oriented toward the street in front of the business.
- C. Corner Lots. Non-residential developments located on corner lots should consider corner entries and building massing to emphasize street intersections.
- D. Sidewalks in "CR" District. All development located in the "CR" Restricted Commercial zoning district shall provide sidewalks with a minimum width of six feet (6') with a minimum passageway width of four feet (4').
- E. Sidewalks in "CG" District. All development located in the "CG" General Commercial zoning district shall either provide sidewalks with a minimum width of six feet (6') or a meandering sidewalk with a minimum width of four feet (4').
- F. Interrelated Development. New non-residential development shall be located on the site to inter-relate with the development on the adjacent lots, by utilizing similar building setbacks, pedestrian connections, vehicular connections and other site design elements.
- G. Outdoor Uses. Outdoor non-residential activities (other than storage) such as outdoor dining areas and limited sales displays should be incorporated into non-residential development.
- H. Drive-Through Windows. Drive-through windows and drive-through lanes shall only be permitted in the "CG" General Commercial zoning district and shall be located away from the adjacent public street frontages.

### **38.5 BUILDING MATERIALS**

#### **A. Masonry Requirement**

- 1. All building exteriors shall be constructed of one hundred (100) percent masonry material, exclusive of windows and doors, including the area above the first floor ceiling plate line.
- 2. Masonry construction shall include 4"x8" bricks, decorative block, split face stone construction, natural stone, stucco, or other masonry material approved

and constructed in accordance with the Ovilla Building Code; but shall not include concrete masonry unit (CMU) blocks.

3. Up to ten (10) percent of the masonry may be composed of fiber cement siding, such as Hardiplank or Hardyboard, for trim and accent purposes only.

4. Alternate construction materials (including EFIS), which are demonstrated to be critical to the architectural theme of the structure, may be used as approved by the City Council upon recommendation by the Planning and Zoning Commission. EFIS shall not be allowed below a height of ten feet (10') on an exterior building façade.

B. Earth Tones. Masonry materials shall be of earth tones and shall be submitted to the Planning and Zoning Commission for recommendation and to the City Council for approval. For the purpose of this section, earth tones shall be understood to consist of darker and pastel shades of the color spectrum, which may generally be found in the natural environment. These colors shall not generally consist of the vibrant or fluorescent colors of the color spectrum.

C. Roofing. Roofing material and the color of the roofing materials for any non-residential building roof visible from a public right-of-way shall be consistent with the architectural style of the building.

D. Screening of Equipment. All ground mounted equipment shall be screened from view with masonry construction similar to the primary structure.

### **3. Residential Dwelling size minimum 2400 Sq.feet**

#### **Sec. 14.03.002 Purpose**

The city council hereby declares that as a matter of public policy the protection, enhancement, and perpetuation of landmarks or districts of historical and cultural importance and significance are necessary to promote the economic, cultural, educational, and general welfare of the public. It is recognized that the historical district represents the unique confluence of time and place that shaped the identity of generations of citizens, collectively and individually, and produced significant historic, architectural, and cultural resources that constitute their heritage. This act is intended to:

(1) Protect and enhance the landmarks and districts which represent distinctive elements of the city's historic, architectural, and cultural heritage;

## AGENDA ITEM REPORT Item 4

Meeting Date: November 11, 2019

Discussion  Action

Department: Finance/Water/Sewer

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

Submitted By: Staff

Reviewed By:  Interim City Manager

City Secretary

City Attorney

Accountant

Other: Staff/EDC

City Engineer

### Attachments:

1. Ordinance 2019-24 (Amendment 1 to FY2019-2020 Budget and exhibit)
2. Project cost breakdown
3. Engineering probable construction cost, Master Agreement for the project and work order update
4. Bid tabulations
5. Dowager extension letter

### Agenda Item / Topic:

ITEM 4. **DISCUSSION/ACTION** – Consideration of and action on Ordinance 2019-24, of the City Council of the city of Ovilla, Texas, amending Ordinance no. 2019-18 providing for Budget Amendment Number One (1) in order to amend the 2019-2020 Fiscal Year Budget.

### Discussion / Justification:

Bids were received for the referenced Project Number 18138.13 on August 29, 2019. The bids are good for 60 days. The current budget for this project is \$150,000 (EDC). The low bidder for the project was Dowager Construction in the amount of \$245,502.

At the October 15, Council meeting, the low bidder 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. Staff has prepared a budget amendment for the following using the base bid of \$245,502.

#### Water/Sewer Fund -

1. Construction \$ 95,502
2. Engineering \$ 14,336
3. Testing \$ 7,000
4. Contingency \$ 13,362
5. Total reduction in Fund Balance \$130,200

### Recommendation / Staff Comments:

Staff recommends approval or Ordinance 2019-24.

### Sample Motion(s):

I move to approve/deny Ordinance 2019-24, of the City Council of the city of Ovilla, Texas, amending Ordinance no. 2019-18 providing for Budget Amendment Number One (1) in order to amend the 2019-2020 Fiscal Year Budget as presented, effective immediately.

**CITY OF OVILLA, TEXAS**  
**ORDINANCE NO. 2019-24**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS, AMENDING ORDINANCE NO. 2019-18 PROVIDING FOR BUDGET AMENDMENT NUMBER ONE (1) IN ORDER TO AMEND THE 2019-2020 FISCAL YEAR BUDGET; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING A SAVINGS CLAUSE; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, an annual budget for the fiscal year beginning October 1, 2019 and ending September 30, 2020 has been duly created and adopted of the City of Ovilla, Texas, in accordance with Title Four (4), Chapter 102, Sections 102.001, 102.002 and 102.003 of the Local Government Code and in accordance with Article 1.05 of the Ovilla City Code of Ordinances;

**WHEREAS**, the City Manager filed the proposed budget in the office of the City Secretary on or before August 08, 2019, and the proposed budget was made available for public inspection by the taxpayers in accordance with Title Four (4), Chapter 102, Section 102.005 of the Local Government Code and Article 1.05 of the Ovilla City Code of Ordinances;

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

**WHEREAS**, notice of a public hearing was provided in the Waxahachie Daily Light newspaper and the public hearing was held by the City on September 09, 2019 in accordance with Title Four (4), Chapter 102, Section 102.006 of the Local Government Code and Article 1.05 of the Ovilla City Code of Ordinances, and at that time all citizens and parties of interest were given the opportunity to be heard regarding the proposed 2019-2020 fiscal year budget;

**WHEREAS**, the City Council approved the Proposed 2019-2020 Fiscal Year Budget on September 09, 2019 by adopting Ordinance No. 2019-18; and

**WHEREAS**, after full and final consideration, it is the consensus of the Ovilla City Council that the 2019-2020 Fiscal Year Budget as hereinafter set forth should be amended to further the goals of the City and the health safety and well being of citizens;

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

**SECTION 1.**  
**INCORPORATION OF PREMISES**

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

**SECTION 2.**  
**AMENDMENT OF 2019-2020 FISCAL YEAR BUDGET**

Ordinance No. 2019-18 is hereby amended with Budget Amendment Number One (1) and

**CITY OF OVILLA, TEXAS**  
**ORDINANCE NO. 2019-24**

to the 2019-2020 Fiscal Year Budget to include additional revenues, expenditures and other changes outlined in Exhibit A that is attached to and considered part of this ordinance.

**SECTION 3.**  
**CUMULATIVE REPEALER**

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

**SECTION 4.**  
**SEVERABILITY**

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

**SECTION 5.**  
**SAVINGS CLAUSE**

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

**SECTION 6.**  
**ENGROSSMENT AND ENROLLMENT**

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

**SECTION 7.**  
**PUBLICATION CLAUSE**

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

**SECTION 8.**  
**EFFECTIVE DATE**

The necessity for making and approving a budget for the fiscal year, as required by the laws

**CITY OF OVILLA, TEXAS**  
**ORDINANCE NO. 2019-24**

of the State of Texas, requires that this ordinance shall take effect immediately from and after its passage, as the law in such case provides.

**PASSED AND APPROVED** by the City Council of the City of Ovilla, Texas this the 11<sup>th</sup> day of November 2019.

---

Richard Dormier, Mayor  
City of Ovilla, Texas

ATTEST:

(Signature)

---

Pam Woodall, City Secretary  
City of Ovilla, Texas

**Exhibit A**  
**City of Ovilla**  
**Budget Amendment Number One (1) for the 2020 Fiscal Year**  
**12-Nov-19**

**Water Fund Departments**

| <u>Items</u> | <u>Fund or Account</u> | <u>2020</u>   | <u>2020</u>      | <u>Increase</u>   |
|--------------|------------------------|---------------|------------------|-------------------|
|              |                        | <u>Budget</u> | <u>Amendment</u> | <u>(Decrease)</u> |

**Revenue**

|                           |             |                           |        |         |         |
|---------------------------|-------------|---------------------------|--------|---------|---------|
| Main Street Sewer Project | 200-4000990 | Reduction in Fund Balance | 67,728 | 130,200 | 197,928 |
|---------------------------|-------------|---------------------------|--------|---------|---------|

**Expenditures**

|                           |              |   |   |         |         |
|---------------------------|--------------|---|---|---------|---------|
| Main Street Sewer Project | 200-75-57475 | Main Street Sewer Project Construction<br>and Engineering | - | 130,200 | 130,200 |
|---------------------------|--------------|---|---|---------|---------|

## MAIN STREET SEWER PROJECT

| Date                        | PROJECT               | Account #            | DESCRIPTION | FEES AND EXPENSES     | Balance              |
|-----------------------------|-----------------------|----------------------|-------------|-----------------------|----------------------|
| <b>City of Ovilla</b>       |                       |                      |             |                       |                      |
| <b>Fees</b>                 |                       |                      |             |                       |                      |
|                             | Eikon                 |                      |             | Paid FY 19            | \$ -                 |
|                             | Engineering           | \$ 26,500.00         |             | \$ (19,505.94)        | \$ 6,994.06          |
|                             | Additional Request #1 | \$ 6,150.00          |             |                       | \$ 13,144.06         |
|                             | Reimbursable          | \$ 2,000.00          |             | \$ (807.61)           | \$ 14,336.45         |
|                             |                       | <u>\$ 34,650.00</u>  |             | <u>\$ (20,313.55)</u> |                      |
| <b>Dowager Construction</b> |                       |                      |             |                       |                      |
|                             | Base Bid              | \$ 245,502.00        |             |                       | \$ 259,838.45        |
|                             | Testing               | \$ 7,000.00          |             |                       | \$ 266,838.45        |
|                             | Contingency           | \$ 13,341.92         |             |                       | \$ 280,180.37        |
| <b>PROJECT COST</b>         |                       |                      |             |                       |                      |
|                             | Budget                | \$ 150,000.00        | EDC         |                       | \$ 150,000.00        |
|                             | Budget Amendment #1   | <u>\$ 130,200.00</u> | W&S         |                       | <u>\$ 280,200.00</u> |
|                             |                       | <u>\$ 280,200.00</u> |             |                       |                      |
| <b>PAID</b>                 |                       |                      |             |                       |                      |
|                             |                       |                      |             | \$ -                  |                      |
|                             |                       |                      |             | \$ -                  |                      |
|                             |                       |                      |             | \$ -                  |                      |

PAID

0.00

## SUMMARY

**BALANCE** **\$** **-**

MAIN STREET SEWER PROJECT

| Date                                | PROJECT     | Account # | DESCRIPTION                         | FEES AND EXPENSES  | Amt Paid to City    | Balance |
|-------------------------------------|-------------|-----------|-------------------------------------|--------------------|---------------------|---------|
| <b>City of Ovilla Fees</b>          |             |           |                                     |                    |                     |         |
| <b>OUT OF POCKET, NOT TO EXCEED</b> |             |           |                                     |                    |                     |         |
|                                     |             |           | FIXED FEE                           | \$ 0.00            | \$ -                |         |
|                                     |             |           | Civil                               | \$ 11,000.00       | \$ 11,000.00        |         |
|                                     |             |           | Survey                              | \$ 4,500.00        | \$ 15,500.00        |         |
|                                     |             |           | Construction Admin                  | \$ 4,000.00        | \$ 19,500.00        |         |
|                                     |             |           | <b>OUT OF POCKET, NOT TO EXCEED</b> | <b>\$ 1,000.00</b> | <b>\$ 20,500.00</b> |         |
|                                     |             |           | ADD'L SERVICES #1                   |                    |                     |         |
|                                     |             |           | CIVIL                               | \$ 3,650.00        | \$ 24,150.00        |         |
|                                     |             |           | Construction Admin                  | \$ 2,500.00        | \$ 26,650.00        |         |
|                                     |             |           | REIMB. AT ORIG. COST                | \$ 807.61          | \$ 27,457.61        |         |
|                                     |             |           | Additional Service                  |                    |                     |         |
|                                     |             |           | Civil                               | \$ 3,650.00        | \$ 31,107.61        |         |
|                                     |             |           | Construction Admin                  | \$ 2,500.00        | \$ 33,607.61        |         |
|                                     |             |           | Reimbursable Est                    | \$ 1,000.00        | \$ 34,607.61        |         |
| <b>PAID</b>                         |             |           |                                     |                    |                     |         |
| 10/31/18                            | 18138 01 01 | Eikon     | \$ 1,350.00                         | FY 19 W&S          | \$ 1,350.00         |         |
| 03/28/19                            | 18138 1 2   | Eikon     | \$ 450.00                           | FY 19 EDC          | \$ 1,800.00         |         |
|                                     | 0           |           |                                     |                    | \$ 1,800.00         |         |

|          |            |       |             |             |              |  |
|----------|------------|-------|-------------|-------------|--------------|--|
|          |            |       |             | <b>PAID</b> |              |  |
| 05/31/19 | 18138 13 1 | Eikon | \$ 6,700.00 | FY 19 EDC   | \$ 6,700.00  |  |
| 06/30/19 | 18138 13 2 | Eikon | \$ 7,700.00 | FY 19 EDC   | \$ 14,400.00 |  |
| 07/31/19 | 18138 13 3 | Eikon | \$ 1,905.94 | FY 19 EDC   | \$ 16,305.94 |  |
| 08/30/19 | 18138 13 4 | EIKON | \$ 4,007.61 | FY 19 EDC   | \$ 20,313.55 |  |

20,313.55

SUMMARY

|                                     |                     |
|-------------------------------------|---------------------|
| APPROVED CONTRACT AND REIMBURSABLES | \$ 27,457.61        |
| ADDITIONAL SERVICE                  | \$ 6,150.00         |
| BILLED TO DATE                      | \$ (20,313.55)      |
|                                     | <b>\$ 13,294.06</b> |



DESIGNING CONFIDENCE

ENGINEERS OPINION OF PROBABLE CONSTRUCTION COST  
MAIN STREET SANITARY SEWER IMPROVEMENTS(18138.13)

CITY OF OVILLA, TX

August 27, 2019

| ITEM                         | DESCRIPTION  | UNIT | UNIT PRICE | QNTY | TOTAL      |
|------------------------------|--|------|------------|------|------------|
| <b>1.00 - SANITARY SEWER</b> |  |      |            |      |            |
| 1.01                         | Mobilization   | LS   | \$ 12,000  | 1    | \$ 12,000  |
| 1.02                         | Insurance and Bonds  | LS   | \$ 9,000   | 1    | \$ 9,000   |
| 1.03                         | 12" ASTM D3034 SDR26 PVC Sewer, with Trenching & Backfill  | LF   | \$ 75      | 930  | \$ 69,750  |
| 1.04                         | 8" ASTM D3034 SDR26 PVC Sewer, with Trenching & Backfill   | LF   | \$ 65      | 196  | \$ 12,740  |
| 1.05                         | 6" ASTM D3034 SDR26 PVC Sewer, with Trenching & Backfill   | LF   | \$ 60      | 333  | \$ 19,980  |
| 1.06                         | Testing, CCTV Inspection, and Trench Protection  | LF   | \$ 5       | 1459 | \$ 7,295   |
| 1.07                         | 4' Diam. Sanitary Sewer Manhole (6-ft Height)  | EA   | \$ 5,000   | 8    | \$ 40,000  |
| 1.08                         | 6" Cleanout  | EA   | \$ 800     | 2    | \$ 1,600   |
| 1.09                         | Additional Depth for Manholes  | VF   | \$ 100     | 29   | \$ 2,900   |
| 1.10                         | ConShield for Manholes   | EA   | \$ 1,000   | 8    | \$ 8,000   |
| 1.11                         | Infi-Shield Gator Wrap   | EA   | \$ 500     | 8    | \$ 4,000   |
| 1.12                         | Epoxy Coat Existing Manhole  | EA   | \$ 2,500   | 1    | \$ 2,500   |
| 1.13                         | 4" Service Tap   | EA   | \$ 500     | 7    | \$ 3,500   |
| 1.14                         | 4" Sewer Service   | LF   | \$ 20      | 346  | \$ 6,920   |
| 1.15                         | Abandonment of Septic System   | LS   | \$ 6,000   | 2    | \$ 12,000  |
| 1.16                         | Concrete Removal and Replacement   | SY   | \$ 100     | 15   | \$ 1,500   |
| 1.17                         | Asphalt Removal and Replacement  | SY   | \$ 70      | 616  | \$ 43,120  |
| 1.18                         | Erosion Control Plan & Sedimentation Control (including all BMPs, monitoring, record keeping, revegetation, and cleanup) | LS   | \$ 7,500   | 1    | \$ 7,500   |
| 1.19                         | Demobilization   | LS   | \$ 5,000   | 1    | \$ 5,000   |
| BASE BID SUBTOTAL:           |  |      |            |      | \$ 269,305 |

**BID ALTERNATE: PROPOSED MANHOLES SHALL BE EPOXY COATED, USING SPECTRASHIELD® "WWT" OR ENGINEER-APPROVED EQUAL (INSTEAD OF CONSHIELD COATING).**

|      |   |    |            |                                    |            |
|------|---|----|------------|------------------------------------|------------|
| 2.01 | SpectraShield® Epoxy Coating of Proposed Manholes | EA | \$ 2,500   | 8                                  | \$ 20,000  |
| 1.10 | DEDUCT - ConShield for Manholes                   | EA | \$ (1,000) | 8                                  | \$ (8,000) |
|      |   |    |            |                                    |            |
|      |   |    |            | BID ALTERNATE SUBTOTAL:            | \$ 12,000  |
|      |   |    |            |                                    |            |
|      |   |    |            | BASE BID SUBTOTAL:                 | \$ 269,305 |
|      |   |    |            | BASE BID + BID ALTERNATE SUBTOTAL: | \$ 281,305 |
|      |   |    |            | CONTINGENCY (10%):                 | \$ 28,131  |
|      |   |    |            |                                    |            |
|      |   |    |            | TOTAL:                             | \$ 309,436 |

\* Assumes no utility relocations are required within R.O.W. & no rock excavation.

Please note that the engineer has no control over contractor workload, material supply availability, weather, project timing, or other variables which may affect project costs during bidding and construction. During construction, additional variables may become apparent which will result in an increase or decrease in cost.



Chris Frerich



DESIGNING CONFIDENCE

## WORK ORDER No. 2

### CITY OF OVILLA MASTER SERVICE AGREEMENT

**Date** April 5, 2019

**Client** John Dean, MPA, ICMA-CM  
City Manager  
City of Ovilla  
105 S Cockrell Hill Road  
Ovilla, Texas 75154  
(972) 612-2762  
JDEAN@cityofovilla.org  
(Delivered via email)

**Project Name and Location** Main Street Sanitary Sewer Improvements  
Ovilla, Texas 75154

As requested, EIKON Consulting Group, LLC (EIKON) is pleased to submit this proposal for professional design services related to the above referenced project. Our proposed Scope of Services, Assumptions, Deliverables, Schedule and Fee are outlined below. Terms and Conditions are as executed per contract dated July 19, 2018.

#### General Project Description

We understand that this project consists of field surveys and engineering design of a sanitary sewer extension from Main Street to the City Hall, Fire Station and Police Station, as an extension to the City's existing wastewater collection system. The route will generally follow Cockrell Hill Road and Water Street rights-of-way; however, alternate routes will be investigated as well as protecting existing trees along the route. Sanitary sewer services to existing lots will be coordinated with the City

The drainage basin contributing to the sewer line will also be analyzed to calculate projected wastewater flows to the proposed collection line. Additionally, grades will be analyzed to keep the sewer deep enough to allow for future extension if warranted.

Bidding and construction administration services are also included as optional services that would occur on an as-needed, hourly basis

#### Scope of Services (Exhibit A)

##### Description of Services

###### Civil

- EIKON will prepare construction plans that will include the sanitary sewer improvements suitable for construction and bidding. EIKON will prepare the following design plans:
  - Existing Conditions and Demolition Plan
  - Plan & Profile drawings of the sewer lines

- Recommended Erosion and Sediment Control Plan and Details
- Site Construction Details
- Development of Specifications (On Plan or Manual)
- Opinion of Probable Cost
- Submittal of sewer plans for TCEQ review
- We assume that the Storm Water Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI) will be prepared by the Contractor. If the Client prefers, EIKON will subcontract this service and provide the SWPPP and NOI as a reimbursable expense.
- Permitting and approvals are anticipated to be limited to the City of Ovilla/TCEQ. EIKON will respond to two (2) sets of City comments on design plans and resubmit to the City for approval.
- EIKON has included hours to attend one (1) project design meetings with the Client to coordinate the project through the submittal process and discuss design comments.
- EIKON would be pleased to attend additional project meetings at the Client's request at an hourly basis of compensation plus reimbursable expenses. However, these will be pre-approved prior to meeting.
- Job site visits during construction as necessary (2 assumed)

#### **Topographic Survey**

EIKON will subcontract with a Registered Professional Land Surveyor to complete a topographic survey for the project area. Existing above grade features such as structures, water and wastewater service locations and mains, inlet and storm drain flow lines, franchised utility locations, contours and other features will be obtained as determined from above ground Texas 811 markings, on-the-ground observation of features and appurtenances, and available City record drawings.

#### **Construction Administration**

EIKON will perform construction administration services on an as-requested, as-needed basis for the City of Ovilla.

Services may include:

- Contract Documents and Bid Proposal
- Bidding Assistance
- Construction Kickoff Meeting and Occasional Site Meetings with Contractor
- Checking Shop Drawings
- Answering RFIs
- Clarification of Drawings as Requested
- Site Observations
- Project Close Out

#### **Assumptions**

- Client will provide necessary information for timely completion of the project.
- EIKON will not provide the following services:
  - Continuous on-site Observation or Quality Control
  - Construction Materials Testing
  - Permitting
  - On site Construction Administration.
  - Review of contractor's application for payment.
- Special inspections (if required) shall be performed by a third-party company.
- EIKON's fee assumes that the project will progress in a continuous and orderly fashion and we will expedite the project as much as practical. Significant project delays through no fault of EIKON may be basis for negotiation of additional fee for professional services.

- In the event that additional work is required in connection with this project, we propose to complete the work on an hourly basis at our current rates then in effect. Prior to the start of any new work, we will identify a Scope of Work with associated tasks, submit a budgetary cost estimate, and a proposed work schedule for your approval.
- Changes in design by the Client and/or the Owner after conceptual design is completed and/or after any City submittals and/or approvals will be an extra service requiring a separate proposal/Additional Services Request.
- Permitting and Approval by Local (City) or County will be coordinated.
- Construction as-built drawings are not included.

#### **Deliverables**

- EIKON will deliver 2 sets of 24"x36" size drawings to the client at 90% and 100%
- EIKON will submit PDF format electronic drawings

#### **Schedule (Exhibit B)**

The construction drawings will be completed in approximately 30 days from completion of the topographic survey.

#### **Fee (Exhibit C)**

- Fixed Fee and hourly (refer to the scope of services and assumptions):
   
Civil: \$11,000
   
Survey: \$4,500
   
Construction Administration: \$4,000 (Hourly, NTE)
   
**TOTAL: \$19,500**

Out-of-pocket expenses (reimbursable expenses) will be billed at cost not to exceed \$1,000.00.

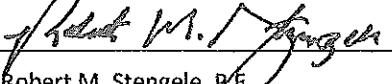
Invoices are processed monthly and are based on percent complete.

Fees shall be paid within thirty (30) days after the delivery of an invoice from EIKON.

#### **Notice to Proceed**

EIKON must receive (by fax, email, or regular mail) this signed services agreement. This proposal will remain in effect for thirty (30) days.

IN WITNESS WHEREOF, the parties have entered into this Agreement as of the date set forth above.

EIKON  
 By:   
 Name: Robert M. Stengele, P.E.  
 Title: Director of Civil Engineering  
 Date: April 5, 2019

CLIENT  
 By:   
 Name: John L. Dean  
 Title: City Manager  
 Date: 4/5/19



DESIGNING CONFIDENCE

## ADDITIONAL SERVICES REQUEST #01

September 25, 2019

Pam Woodall  
Acting City Manager  
City of Ovilla  
105 S. Cockrell Hill Road  
Ovilla, Texas 75157  
(972) 612-2762  
PWoodall@cityofovilla.com

**RE: Main Street Sanitary Sewer Improvements  
EIKON Project No. 18138.13  
Original Work Order No. 2 Date: 04/05/2019**

Dear Pam:

EIKON is pleased to submit this proposal for professional design services related to the above referenced project. Our explanation of scope alterations and Fee are outlined below.

### Description of Additional Requested Items

The project's additional services requested include:

- revision to construction plans for sanitary sewer alignment to the Police Facility from receiving new information regarding location of existing septic tank/associated sanitary piping;
- additional City review comments after plan completion;
- preparation of bid alternates for epoxy coating of manholes in lieu of the specified Con Shield;
- revision to bid schedules to incorporate piping changes and bid alternate; and
- issuing addenda to bidders.

We are also including additional fee for upcoming construction administration services during actual project construction, including site visits, contractor request for information, plan clarifications, final project close out with City personnel, etc. This is required due to the original hourly construction administration contract amount being exceeded.

### Explanation of Scope Alterations

As requested, we have completed the addition of sanitary sewer piping and alignment change to serve the Police Station and also allow the main to be extended in the future to the new City Hall and Police Department buildings at the southwest corner of Cockrell Hill Road and Westlawn Drivee; completion of bid alternate/revised bid schedules; and issuance of addenda to bidders during the bid period.

EIKON coordinated the design and, bid schedules and addenda with the City of Ovilla.

**Schedule:**

EIKON has completed the desired plan and bid document changes for the approved contract modification.

**Fee:**

• **Fee of Basic Services:**

|  |                |
|--|----------------|
| Civil – Plan Revisions, Bid Alternates, Bid schedules and addendum | \$3,650        |
| Additional Construction Administration Fee                         | <u>\$2,500</u> |
| <b>TOTAL</b>   | <b>\$6,150</b> |

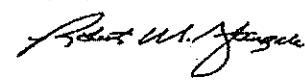
Reimbursable Fees to be invoiced at cost in accordance with original contract.

We anticipate a contract modification will be issued with signature.

City of Ovilla  
Main Street Sanitary Sewer Improvements  
18138.13

EIKON

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



Name: Robert M. Stengele, PE

Title: Director of Civil Engineering

Date: September 25, 2019

CLIENT

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Title: \_\_\_\_\_

#### MAIN STREET SANITARY SEWER IMPROVEMENTS

## BID TABULATION

Project No. 18138-13

September 6, 2019

| Project No. 18138.13<br>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        | \$ 95,720   | 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         | \$ 15,550   | -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   | 3    | \$ 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   | 345  | \$ 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   | 615  | \$ 62.00             | \$ 38,192       | \$ 43.00         | \$ 25,488   | -30.5%         | \$ 90.00                 | \$ 55,440  | 45.25%         |
| 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%          | \$ 5,875.00              | \$ 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  | -25.7%         |
| 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          |            |                |

# 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

**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   |                              |                 |          |            |         |        |

## AGENDA ITEM REPORT

### Item 5

Meeting Date: November 11, 2019

Discussion  Action

Submitted By: Staff

Reviewed By:  Interim City Manager

Accountant

Other: Staff/EDC

City Secretary

City Attorney

City Engineer

Department: Administration

Budgeted Expense:  YES  NO  N/A

(partially funded)

#### Attachments:

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

#### Agenda Item / Topic:

ITEM 5. **DISCUSSION/ACTION** – Consideration of and action to award the Main Street Sanitary Sewer bid to Dowager Construction in the amount of \$245,502.

#### 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 was funded at \$150,000. The low bidder for the project was Dowager Construction in the amount of \$245,502. At the October 15, Council meeting, the low bidder 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.

A source of funding for the difference in the cost was identified in Item 4, if approved.

#### Recommendation / Staff Comments:

N/A

#### Sample Motion(s):

I move to approve/deny the award for the Main Street Sanitary Sewer Project to Dowager Construction in the amount of \$245,502 as presented.



DESIGNING CONFIDENCE

ENGINEERS OPINION OF PROBABLE CONSTRUCTION COST  
MAIN STREET SANITARY SEWER IMPROVEMENTS(18138.13)

CITY OF OVILLA, TX

August 27, 2019

| ITEM                         | DESCRIPTION  | UNIT | UNIT PRICE | QNTY | TOTAL      |
|------------------------------|--|------|------------|------|------------|
| <b>1.00 - SANITARY SEWER</b> |  |      |            |      |            |
| 1.01                         | Mobilization   | LS   | \$ 12,000  | 1    | \$ 12,000  |
| 1.02                         | Insurance and Bonds  | LS   | \$ 9,000   | 1    | \$ 9,000   |
| 1.03                         | 12" ASTM D3034 SDR26 PVC Sewer, with Trenching & Backfill  | LF   | \$ 75      | 930  | \$ 69,750  |
| 1.04                         | 8" ASTM D3034 SDR26 PVC Sewer, with Trenching & Backfill   | LF   | \$ 65      | 196  | \$ 12,740  |
| 1.05                         | 6" ASTM D3034 SDR26 PVC Sewer, with Trenching & Backfill   | LF   | \$ 60      | 333  | \$ 19,980  |
| 1.06                         | Testing, CCTV Inspection, and Trench Protection  | LF   | \$ 5       | 1459 | \$ 7,295   |
| 1.07                         | 4' Diam. Sanitary Sewer Manhole (6-ft Height)  | EA   | \$ 5,000   | 8    | \$ 40,000  |
| 1.08                         | 6" Cleanout  | EA   | \$ 800     | 2    | \$ 1,600   |
| 1.09                         | Additional Depth for Manholes  | VF   | \$ 100     | 29   | \$ 2,900   |
| 1.10                         | ConShield for Manholes   | EA   | \$ 1,000   | 8    | \$ 8,000   |
| 1.11                         | Infi-Shield Gator Wrap   | EA   | \$ 500     | 8    | \$ 4,000   |
| 1.12                         | Epoxy Coat Existing Manhole  | EA   | \$ 2,500   | 1    | \$ 2,500   |
| 1.13                         | 4" Service Tap   | EA   | \$ 500     | 7    | \$ 3,500   |
| 1.14                         | 4" Sewer Service   | LF   | \$ 20      | 346  | \$ 6,920   |
| 1.15                         | Abandonment of Septic System   | LS   | \$ 6,000   | 2    | \$ 12,000  |
| 1.16                         | Concrete Removal and Replacement   | SY   | \$ 100     | 15   | \$ 1,500   |
| 1.17                         | Asphalt Removal and Replacement  | SY   | \$ 70      | 616  | \$ 43,120  |
| 1.18                         | Erosion Control Plan & Sedimentation Control (including all BMPs, monitoring, record keeping, revegetation, and cleanup) | LS   | \$ 7,500   | 1    | \$ 7,500   |
| 1.19                         | Demobilization   | LS   | \$ 5,000   | 1    | \$ 5,000   |
| BASE BID SUBTOTAL:           |  |      |            |      | \$ 269,305 |

BID ALTERNATE: PROPOSED MANHOLES SHALL BE EPOXY COATED, USING SPECTRASHIELD® "WWT" OR ENGINEER-APPROVED EQUAL (INSTEAD OF CONSHIELD COATING).

|      |   |    |            |                                    |            |
|------|---|----|------------|------------------------------------|------------|
| 2.01 | SpectraShield® Epoxy Coating of Proposed Manholes | EA | \$ 2,500   | 8                                  | \$ 20,000  |
| 1.10 | DEDUCT - ConShield for Manholes                   | EA | \$ (1,000) | 8                                  | \$ (8,000) |
|      |   |    |            |                                    |            |
|      |   |    |            | BID ALTERNATE SUBTOTAL:            | \$ 12,000  |
|      |   |    |            |                                    |            |
|      |   |    |            | BASE BID SUBTOTAL:                 | \$ 269,305 |
|      |   |    |            | BASE BID + BID ALTERNATE SUBTOTAL: | \$ 281,305 |
|      |   |    |            | CONTINGENCY (10%):                 | \$ 28,131  |
|      |   |    |            |                                    |            |
|      |   |    |            | TOTAL:                             | \$ 309,436 |

\* Assumes no utility relocations are required within R.O.W. &amp; no rock excavation.

Please note that the engineer has no control over contractor workload, material supply availability, weather, project timing, or other variables which may affect project costs during bidding and construction. During construction, additional variables may become apparent which will result in an increase or decrease in cost.

*Chris Frerich*



**Sign In Sheet**  
**MAIN STREET SANITARY SEWER IMPROVEMENTS**  
**BID OPENING**  
**SEPTEMBER 5, 2019**

| 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<br>LOW BID | UNIT COST                | ITEM COST  | % OVER<br>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         | \$ 8,998    | -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   | -30.6%            | \$ 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%



DESIGNING CONFIDENCE

September 16, 2019

Mike Collard  
City of Ovilla  
Director of Public Works  
105 Cockrell Hill Road  
Ovilla TX 75154

Subject: Bid Tabulation and Recommendation of Award for  
Main Street Sanitary Sewer Improvements  
EIKON Project #18138.13

Dear Mr. Collard,

On Behalf of the City of Ovilla, we received four (4) bids on September 5, 2019 for the construction of the above referenced project. A bid tabulation was prepared and is attached for your reference. As indicated in the attached bid tabulation, Dowager Utility Construction, LTD. was the lowest bidder with a base bid price of \$245,502.00. The engineer's estimate of \$269,305 was 9.7% higher than the lowest bid price. The other bids received were:

| Bid Rank | Bidder                             | Base Bid     | Base Bid + Alternate |
|----------|------------------------------------|--------------|----------------------|
| 1        | Dowager Utility Construction, LTD. | \$245,502.00 | \$262,302.00         |
| 2        | FM Utilities, INC.                 | \$278,098.00 | \$289,490.00         |
| 3        | Canary Construction, LLC.          | \$317,257.00 | \$327,657.00         |

Please note that a fourth bid was received from Atkins Brothers Equipment Co, Inc. However, because that bid did not acknowledge all of the addenda, it was not considered a complete bid and thus was not scored.

Bid documents submitted by Dowager Utility Construction LTD. were thoroughly checked and are in order. EIKON contacted the enclosed references and received positive feedback regarding their project history, quality of work, and ongoing commitments. Dowager Utility Construction LTD. has completed sanitary sewer projects of similar size and scope for other municipalities in the region. Based on our evaluation, the lowest bidder appears to be qualified for this project.

Regarding the bid alternate for this project, the alternate consists of a different method of lining the proposed manholes. In lieu of the city-standard ConShield lining, the bid alternate would require the contractor to line the proposed manholes with SpectraShield, which is an epoxy liner. This alternate was priced by the low bidder as costing \$2,100 extra per manhole. However, upon consulting with City

September 16, 2019

staff and maintenance personnel, the City desires to proceed with the city-standard manhole coating method of ConShield.

We therefore recommend that Dowager Utility Construction LTD. be awarded the contract in the amount of \$245,502.00.

We appreciate the opportunity to work on this project and look forward to continuing work with you during the construction phase. Please let me know if you have any questions.

Sincerely,



Chris Frerich, PE  
Sr. Civil Engineer  
EiKON Consulting Group  
P (940) 458.7503  
C (806) 368.1244  
[cfrerich@eikoncg.com](mailto:cfrerich@eikoncg.com)  
[www.eikoncg.com](http://www.eikoncg.com)



# Dowager Utility Construction, LTD

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

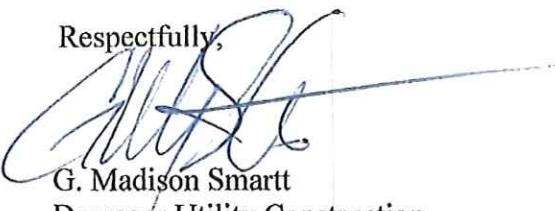
September 25, 2019  
RE: City of Ovilla  
Main Street Sewer Improvements

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

## **ADDENDUM NUMBER ONE**

To the Drawings and Project Manual for the

### **MAIN STREET SANITARY SEWER IMPROVEMENTS 18138.13**

August 22, 2019

**EIKON Consulting Group, LLC**  
1405 West Chapman Drive  
Sanger, Texas 76266  
Phone: 940-458-7503  
Fax: 940-458-7417

#### **1.01 GENERAL**

- A. This addendum modifies the drawings and project manual, dated August 2, 2019, as noted within and shall become part of the Contract Documents.
- B. Bidders shall acknowledge receipt of this addendum in the space provided on the Bid Proposal (Section 00 0300). Failure to do so may subject bidder to disqualification.
- C. Where items are noted to be modified in this Addendum, delete text that is shown in strikethrough format and insert text that is shown in underline format.

#### **1.02 MODIFICATIONS TO THE SPECIFICATIONS:**

- A. Section 00 0300 Bid Proposal
  - a. Substitute the entire section for the attached, revised Section 00 0300.

#### **1.03 MODIFICATIONS TO DRAWINGS:**

- A. Sheet C2.2
  - 1. Scope of septic system abandonment clarified.

#### **1.04 RESPONSES TO QUESTIONS RECEIVED:**

- Will a tabular sheet of manhole data be provided?
  - Response: please see tabular data, included with this addendum.
- How were pipe lengths shown in the construction drawings measured?
  - Response: Pipe lengths as shown are center-of-structure to center-of-structure, rounded up
- Is there a required bid bond, and if so, how much?
  - Response: A bid bond is not required.
- What is the Engineer's Estimate for this project
  - The City has elected not to make this information public.

**END OF ADDENDUM NUMBER ONE**

## AGENDA ITEM REPORT

### Item 6

Meeting Date: November 11, 2019

Discussion  Action

Submitted By: Staff

Reviewed By:  Interim City Manager

Accountant  Other: Staff

Department: Administration

Budgeted Expense:  YES  NO  N/A

City Secretary

City Attorney

City Engineer

#### Attachments:

1. PL5 inquires and the CWD complaint log
2. CWD Packet information for market adjustment
3. CWD Contract

#### Agenda Item / Topic:

ITEM 6. **DISCUSSION/ACTION** – Consideration of and action on the current contract with Community Waste Disposal (CWD) representatives to include consideration of a residential and commercial market adjustment, effective December 01, 2019.

#### Discussion / Justification:

This Item was placed on the agenda to address the quality of service being provided by CWD. Issues were addressed at the May 2019 Council Meeting with CWD representatives present. It was noted that this item would return to the Council for review in three months. (It has been 5)

Staff presents a log from May 2019 to current date and reports that complaints have reduced since the last review, until last few weeks.

PL Myers requested the following:

Number of complaints within the past 90-days: **34**

Average per week: **2.62**

How many were not resolved within 24-hours: **unknown resolution time as most are same day during this period.**

How many homes are serviced in Ovilla? **1546 weekly, 90-period (approx. 13-weeks)**

What is the average percentage of complaints vs pickups in the last 90-days: **.002%**

Monthly error rate? **1 percent**

What are they doing to keep up customer service? **Only CWD can respond to this question.**

Section 4 of the contract between CWD and the City of Ovilla allows for an annual residential and commercial market adjustment to be mutually agreed upon by the City and CWD. The breakdown is based on the CPI, FUEL and Disposal. CWD representatives will be present to discuss and explain their calculations and why they believe this adjustment is necessary and warranted.

#### Recommendation / Staff Comments:

N/A

#### Sample Motion(s):

I move to ...

**Mr. Myers inquires**

**Number of**

**Complaints (90 days)** 28 directly to City/6 directly to CWD      TOTAL: 34      AVG PER WEEK (BASED ON 13 WEEKS): 2.62

**How many**

**unresolved in 24  
hrs?**      Unknown resolution timeframe, responses typically same  
day

**Residences Served**

1546  
(Includes accounts with water/garbage,  
water/sewer/garbage and garbage only)

**Average % of**

**complaints vs.**

**pickups**      0.002%

**What are they doing**

**to keep up customer**

**service?**      Defer to CWD

# CWD COMPLAINTS 8/2/19 - 11/1/19

| NOTIFICATION DATE | ADDRESS                          | CONCERN/COMPLAINT  | RESPONSE DATE | RESPONSE                           |
|-------------------|----------------------------------|--|---------------|------------------------------------|
| 8/2/2019          | 180 Johnson Ln                   | something missed past 7 weeks  |               |                                    |
| 8/5/2019          | 200 White Rock Ct                | Trash missed Friday. Was out at 7am in regular trash can   |               |                                    |
| 8/5/2019          | 202 Burtonwood                   | trash missed Thursday, Friday, Saturday after multiple calls to cwd                                      |               |                                    |
| 8/6/2019          | 180 Johnson                      | trash still not picked up  |               | jason is aware                     |
| 8/9/2019          | 610 Savannah                     | trash missed yesterday   |               |                                    |
| 8/9/2019          | 1435 S Cockrell Hill             | trash missed yesterday   |               |                                    |
| 8/9/2019          | 306 E University (and neighbors) | Trash and recycle are being dumped into the same truck - not the first time it's happened                |               |                                    |
| 8/15/2019         | 6960 Cedar Ct                    | trash missed   |               |                                    |
| 8/16/2019         | 180 Johnson                      | have to get out of car to move them in order to pull in, this is a safety concern/dangerous for citizens | 8/16/2016     | forwarding complaint to supervisor |
| 8/30/2019         | 1206 Red Oak Creek Dr            | recycle missed   | 8/31/2019     | was picked up over the weekend     |
| 8/30/2019         | 1207 Red Oak Creek Dr            | recycle missed   | 8/31/2019     | was picked up over the weekend     |
| 8/30/2019         | 1208 Red Oak Creek Dr            | recycle missed   | 8/31/2019     | was picked up over the weekend     |
| 8/30/2019         | 6960 Cedar Ct                    | still no recycle bin (per cwd was added to list on 8/9.  | 9/5/2019      | cwd will deliver on 9/9            |
| n/a               | 600 Christa                      | resi bulk  |               | from cwd report not on our list    |
| n/a               | 307 E University                 | service recycle cart   |               | from cwd report not on our list    |

| NOTIFICATION DATE | ADDRESS             | CONCERN/COMPLAINT   | RESPONSE DATE | RESPONSE  |
|-------------------|---------------------|---|---------------|---|
| n/a               | 107 Westlawn        | service trash   |               | from cwd report not on our list   |
| n/a               | 504 Edgewood        | service recycle cart  |               | from cwd report not on our list   |
| n/a               | 1707 Joe Wilson     | service trash   |               | from cwd report not on our list   |
| 9/7/2019          | 707 Hosford Rd      | trash not picked up as of Saturday  | 9/9/2019      | Jason is looking into this  |
| 9/10/2019         | 7021 Cherry Ct      | still no recycle bin (per cwd was added to list on 8/27)  | 9/10/2019     |   |
| 9/10/2019         | 7040 Cherry Ct      | still no recycle bin (per cwd was added to list on 8/27)  | 9/10/2019     |   |
| 9/10/2019         | 320 Willow Creek    | trouble getting his bulk picked up for a month  | 9/10/2019     | Just got off the phone with Mr. Ramirez. When I asked what he has out for us to pick up he said he          |
| 9/18/2019         | 206 Silverwood      | Resident said his trash can lids were gone after pickup, most likely thrown away wanted to talk to someone about replacing the lids               | 9/18/2019     | Said the contacted him, but he will continue to use his own cans since their trash cart is pretty heavy     |
| 9/27/2019         | 611 Taylor          | trash nor recycle picked up   |               | Had some tile and carpet. I dug a little further and the tile is loose on the ground and the carpet is      |
| 9/26/2019         | 105 S Cockrell hill | recycle picked up at 8pm  |               | A long piece folded in half. I asked him if he could put the tile in boxes to help us pick it up and to cut |
| 9/30/2019         | Westmoreland        | no trash picked up until Saturday   | 9/30/2019     | The carpet in 4 ft lengths. He said he'd get that done today or tomorrow.                                   |
| 10/11/2019        | 501 Ovilla Oaks     | Customer called and said they got her recycle yesterday, but not her trash. Still sitting at the road. Please send someone by there today to get. |               |   |
| 10/17/2019        | 907A Cockrell Hill  | Not all trash was collected   | 10/17/2019    | work order  |
| 10/21/2019        | 3315 Ovilla Rd      | Recycle missed-called Saturday and was told it would be collected that day, it was not. Several neighbors were missed too.                        | 10/21/2019    | Collected along with 3519 Ovilla Rd   |

| NOTIFICATION DATE | ADDRESS          | CONCERN/COMPLAINT   | RESPONSE DATE | RESPONSE  |
|-------------------|------------------|---|---------------|---|
| 10/21/2019        | Red Oak Creek Rd | Recycle missed on this street- Asked that they down this street on Thursday while doing the other side of town  | 10/21/2019    | work order  |
| 10/21/2019        | 100 Dusty Oak    | Trash missed (continually)  | 10/21/2019    | work order entered  |
| 10/26/2019        | 209 Creekview Ct | Not on our report on CWD report   | 10/26/2019    | PICKED UP 8 YDS, LEFT 10 YDS  |
| 10/28/2019        | 506 Forest Edge  | Trash missed Friday, homeowner called CWD office and was told it would be picked up Saturday, it was not.   | 10/28/2019    | collected   |
| 11/1/2019         | Thorntree        | On Nextdoor: This Friday morning (11/01/2019) CWD has picked up recycling in the Thorntree neighborhood and knocked over my neighbors trash and did not bother to pick up the mess, so I did! They also have left the recycling bins up and down Thorntree Drive - which is normal for CWD! This is unprofessional, irresponsible and irritating! | 11/1/2019     | The residential supervisor has been notified and is en route to the area and should be arriving soon to check it out. |



**CommunityWasteDisposal.com**  
Since 1984

September 24, 2019

City of Ovilla  
Pam Woodall  
City Secretary  
105 S Cockrell Hill Rd  
Ovilla, TX 75154

**RE: Notice of Modification of Rates Effective December 1, 2019**

Pam:

This notice is to inform you that Community Waste Disposal LP (CWD) as outline in the "Municipal Solid Waste Collection, Transportation and Disposal Contract" wishes a Modification to Rates effective December 01, 2019. Within the next few weeks CWD will be providing to you the details for this adjustment.

If you have any questions concerning this matter, please feel free to contact Jason Roemer at 972.392.9300 ext. 3220 or on his mobile phone 214.418.5017.

Sincerely,

A handwritten signature in blue ink that reads "David Dalrymple".

David Dalrymple  
Accounts Receivable Manager

CC: Jason Roemer  
Greg Roemer  
Dale Pound

60 DAY NOTICE PER  
**received** CONTRACT gw  
9-27-19 PW

2010 California Crossing  
Dallas, Texas 75220-2310  
*telephone*  
972.392.9300 • 817.795.9300  
*facsimile*  
972.392.9301



CommunityWasteDisposal.com  
Since 1984

October 16, 2019

City of Ovilla  
Pam Woodall  
City Secretary  
105 S Cockrell Hill Rd  
Ovilla, TX 75154

**RE: Request for Residential & Commercial Market Adjustment Effective December 01, 2019**

Dear Pam:

In accordance with the "Municipal Solid Waste Collection, Transportation and Disposal Contract", Community Waste Disposal (CWD) may request an annual market adjustment. This notice is to inform you of our request for a Market Adjustment effective December 01, 2019. Attached is a new 2019 exhibit "A" outlining the changes in rates, the U.S. Department of Labor information regarding the CPI index, the DOE regional fuel prices for 2018 & 2019 and a worksheet that recaps the changes in disposal, fuel and landfill.

The information below is a sample that reflects the adjustment for Ovilla's residential and commercial customer base.

**2018** = Residential rate - \$14.28 / Commercial Trash Cart rate - \$21.00 / 8 Yard Once a Week - \$174.45  
**2019** = Residential rate - \$14.61 / Commercial Trash Cart rate - \$21.54 / 8 Yard Once a Week - \$180.00

If you have any questions concerning this subject, please feel free to contact Jason Roemer at 972.392.9300 x 3220 or on his mobile at 214.418.5017.

Sincerely,

A handwritten signature in black ink, appearing to read "David Dalrymple".

David Dalrymple  
Accounts Receivable Manager

Enc: CPI Statistical Data  
DOE Regional Diesel Fuel Prices  
Calculation Worksheet  
Exhibit A

CC: Jason Roemer  
Greg Roemer  
Dale Pound

# 2019 CITY of OVILLA Exhibit "A"

| City of Ovilla's Solid Waste Collection and Recycling Services | Dec 2018 Net Rate to CWD | Dec 2018 Ovilla Customer Rate | CPI Adjustment | Fuel Adjustment | Disposal Adjustment | Total Adjustment | Dec 2019 Net Rate to CWD | Dec 2019 Ovilla Customer Rate |
|--|--------------------------|-------------------------------|----------------|-----------------|---------------------|------------------|--------------------------|-------------------------------|
|  |                          |                               | 2.80%          | -7.59%          | 8.57%               |                  |                          |                               |

**Note: CWD considers this material as proprietary rate information that could affect their competitiveness if the waste services contract goes to competitive bid process. Therefore, CWD requests that their extension request letters and all associated discussion information to be exempt from public disclosure. CWD request this information is exempt from Public Records, and is only allowed to be part of Public Records, after a ruling of the Attorney General of Texas.**

| Residential Collection  |                       |          |        |         |         |         |          |            |
|---|-----------------------|----------|--------|---------|---------|---------|----------|------------|
|   | Percent of Adjustment | 48%      | 20%    | 32%     |         |         |          |            |
| Residential Single Family Trash Rate (once a week)                          | N/A                   | \$10.20  | \$0.14 | -\$0.15 | \$0.28  | \$0.27  | \$10.47  | N/A        |
| Duplex Unity (per unit) Trash Rate (once a week)                            | N/A                   | \$10.20  | \$0.14 | -\$0.15 | \$0.28  | \$0.27  | \$10.47  | N/A        |
| Trailer Park (per unity) Trash Rate (once a week)                           | N/A                   | \$10.20  | \$0.14 | -\$0.15 | \$0.28  | \$0.27  | \$10.47  | N/A        |
|   | Percent of Adjustment | 69%      | 20%    | 11%     |         |         |          |            |
| Residential Recycling Rate (every other week)                               | N/A                   | \$3.26   | \$0.06 | -\$0.05 | \$0.03  | \$0.04  | \$3.30   | N/A        |
| Additional Residential Recycling Cart Pricing (each)                        | N/A                   | \$3.26   | \$0.06 | -\$0.05 | \$0.03  | \$0.04  | \$3.30   | N/A        |
| Residential X-treme Green Event   | N/A                   | \$0.82   | \$0.02 | -\$0.01 | \$0.01  | \$0.02  | \$0.84   | N/A        |
|   | Percent of Adjustment | 0%       | 0%     | 0%      |         |         |          |            |
| Replace lost/stolen Recycle Cart (each)                                     | N/A                   | \$75.00  | \$0.00 | \$0.00  | \$0.00  | \$0.00  | \$75.00  | N/A        |
| Commercial Cart   |                       |          |        |         |         |         |          |            |
|   | Percent of Adjustment | 48%      | 20%    | 32%     |         |         |          |            |
| First Trash Poly-Cart (once a week service)                                 | N/A                   | \$21.00  | \$0.28 | -\$0.32 | \$0.58  | \$0.54  | \$21.54  | City Bills |
| Price for Each Additional Trash Poly-Cart                                   | N/A                   | \$12.60  | \$0.17 | -\$0.19 | \$0.35  | \$0.33  | \$12.93  | City Bills |
|   | Percent of Adjustment | 69%      | 20%    | 11%     |         |         |          |            |
| First Recycle Poly-Cart (every other week service)                          | N/A                   | \$3.18   | \$0.06 | -\$0.05 | \$0.03  | \$0.04  | \$3.22   | City Bills |
| Price for Each Additional Recycle Poly-Cart                                 | N/A                   | \$2.39   | \$0.05 | -\$0.04 | \$0.02  | \$0.03  | \$2.42   | City Bills |
| Front Load Commercial Trash Container Services                              |                       |          |        |         |         |         |          |            |
|   | Percent of Adjustment | 57%      | 13%    | 30%     |         |         |          |            |
| 2 Cubic Yard Container  |                       |          |        |         |         |         |          |            |
| One time per week   | \$81.25               | \$77.19  | \$1.23 | -\$0.76 | \$1.98  | \$2.45  | \$79.64  | \$83.83    |
| 3 Cubic Yard Container  |                       |          |        |         |         |         |          |            |
| One time per week   | \$92.94               | \$88.29  | \$1.41 | -\$0.87 | \$2.27  | \$2.81  | \$91.10  | \$95.89    |
| 4 Cubic Yard Container  |                       |          |        |         |         |         |          |            |
| One time per week   | \$116.19              | \$110.38 | \$1.76 | -\$1.09 | \$2.84  | \$3.51  | \$113.89 | \$119.88   |
| 6 Cubic Yard Container  |                       |          |        |         |         |         |          |            |
| One time per week   | \$139.38              | \$132.41 | \$2.11 | -\$1.31 | \$3.40  | \$4.20  | \$136.61 | \$143.80   |
| 8 Cubic Yard Container  |                       |          |        |         |         |         |          |            |
| One time per week   | \$174.45              | \$165.73 | \$2.65 | -\$1.64 | \$4.26  | \$5.27  | \$171.00 | \$180.00   |
| Extra Pick-Ups and Reloads  |                       |          |        |         |         |         |          |            |
| 2 cu. Yd. Containers  | \$35.79               | \$34.00  | \$0.54 | -\$0.34 | \$0.87  | \$1.07  | \$35.07  | \$36.92    |
| 3 cu. Yd. Containers  | \$36.84               | \$35.00  | \$0.56 | -\$0.35 | \$0.90  | \$1.11  | \$36.11  | \$38.01    |
| 4 cu. Yd. Containers  | \$37.89               | \$36.00  | \$0.57 | -\$0.36 | \$0.93  | \$1.14  | \$37.14  | \$39.09    |
| 6 cu. Yd. Containers  | \$40.00               | \$38.00  | \$0.61 | -\$0.37 | \$0.98  | \$1.22  | \$39.22  | \$41.28    |
| 8 cu. Yd. Containers  | \$41.05               | \$39.00  | \$0.62 | -\$0.38 | \$1.00  | \$1.24  | \$40.24  | \$42.36    |
| Commercial Special Services   |                       |          |        |         |         |         |          |            |
|   | Percent of Adjustment | 100%     | 0%     | 0%      |         |         |          |            |
| Container Inside Four Side Enclosures - Per Pick-Up, Per Container          | \$3.95                | \$3.75   | \$0.11 | \$0.00  | \$0.00  | \$0.11  | \$3.86   | \$4.06     |
| Caster - (<4 cu. Yd.) Per Pick-up, Per Container                            | \$3.95                | \$3.75   | \$0.11 | \$0.00  | \$0.00  | \$0.11  | \$3.86   | \$4.06     |
| Locks - Per Pick Up, Per Container  | \$3.95                | \$3.75   | \$0.11 | \$0.00  | \$0.00  | \$0.11  | \$3.86   | \$4.06     |
| One Container Inside Gated Property - Per Pick-Up, Per Container            | \$3.95                | \$3.75   | \$0.11 | \$0.00  | \$0.00  | \$0.11  | \$3.86   | \$4.06     |
| Two Containers Inside Gated Property - Per Pick-Up, Per Container           | \$2.63                | \$2.50   | \$0.07 | \$0.00  | \$0.00  | \$0.07  | \$2.57   | \$2.71     |
| Three or More Containers Inside Gated Property - Per Pick-Up, Per Container | \$1.32                | \$1.25   | \$0.04 | \$0.00  | \$0.00  | \$0.04  | \$1.29   | \$1.36     |
| Rolloff Compactors  |                       |          |        |         |         |         |          |            |
|   | Percent of Adjustment | 80%      | 20%    | 0%      |         |         |          |            |
| Trip Charge (Dry Run) - weekday   | \$115.79              | \$110.00 | \$2.46 | -\$1.67 | \$0.00  | \$0.79  | \$110.79 | \$116.62   |
| Trip Charge (Dry Run) - weekend   | \$147.37              | \$140.00 | \$3.14 | -\$2.13 | \$0.00  | \$1.01  | \$141.01 | \$148.43   |
|   | Percent of Adjustment | 37%      | 13%    | 50%     |         |         |          |            |
| 30 Cubic Yard Per Haul - weekday ** +                                       | \$433.57              | \$411.89 | \$4.27 | -\$4.06 | \$17.65 | \$17.86 | \$429.75 | \$452.37   |
| 30 Cubic Yard Per Haul - weekend ** +                                       | \$465.15              | \$441.89 | \$4.58 | -\$4.36 | \$18.93 | \$19.15 | \$461.04 | \$485.31   |
| 35 Cubic Yard Per Haul - weekday ** +                                       | \$433.57              | \$411.89 | \$4.27 | -\$4.06 | \$17.65 | \$17.86 | \$429.75 | \$452.37   |
| 35 Cubic Yard Per Haul - weekend ** +                                       | \$465.15              | \$441.89 | \$4.58 | -\$4.36 | \$18.93 | \$19.15 | \$461.04 | \$485.31   |
| 42 Cubic Yard Per Haul - weekday ** +                                       | \$433.57              | \$411.89 | \$4.27 | -\$4.06 | \$17.65 | \$17.86 | \$429.75 | \$452.37   |
| 42 Cubic Yard Per Haul - weekend ** +                                       | \$465.15              | \$441.89 | \$4.58 | -\$4.36 | \$18.93 | \$19.15 | \$461.04 | \$485.31   |
|   | Percent of Adjustment | 0%       | 0%     | 100%    |         |         |          |            |
| ** Plus Disposal Per Ton if over 8,000 lb.'s                                | \$34.66               | \$32.93  | \$0.00 | \$0.00  | \$2.82  | \$2.82  | \$35.75  | \$37.63    |
| + Excess Payload for Trucks Over 27 Tons                                    | \$86.65               | \$82.32  | \$0.00 | \$0.00  | \$7.05  | \$7.05  | \$89.37  | \$94.07    |

## 2019 CITY of OVILLA Exhibit "A"

| City of Ovilla's Solid Waste Collection and Recycling Services | Dec 2018 Net Rate to CWD | Dec 2018 Ovilla Customer Rate | CPI Adjustment | Fuel Adjustment | Disposal Adjustment | Total Adjustment | Dec 2019 Net Rate to CWD | Dec 2019 Ovilla Customer Rate |
|--|--------------------------|-------------------------------|----------------|-----------------|---------------------|------------------|--------------------------|-------------------------------|
|  |                          |                               | 2.80%          | -7.59%          | 8.57%               |                  |                          |                               |

*Note: CWD considers this material as proprietary rate information that could affect their competitiveness if the waste services contract goes to competitive bid process. Therefore, CWD requests that their extension request letters and all associated discussion information to be exempt from public disclosure. CWD request this information is exempt from Public Records, and is only allowed to be part of Public Records, after a ruling of the Attorney General of Texas.*

| Open Top Rolloff Containers  |                       |          |        |         |         |         |          |          |
|--|-----------------------|----------|--------|---------|---------|---------|----------|----------|
|  | Percent of Adjustment | 80%      | 20%    | 0%      |         |         |          |          |
| Delivery - weekday   | \$115.79              | \$110.00 | \$2.46 | -\$1.67 | \$0.00  | \$0.79  | \$110.79 | \$116.62 |
| Delivery - weekend   | \$147.37              | \$140.00 | \$3.14 | -\$2.13 | \$0.00  | \$1.01  | \$141.01 | \$148.43 |
| Trip Charge (Dry Run) - weekday                                    | \$115.79              | \$110.00 | \$2.46 | -\$1.67 | \$0.00  | \$0.79  | \$110.79 | \$116.62 |
| Trip Charge (Dry Run) - weekend                                    | \$147.37              | \$140.00 | \$3.14 | -\$2.13 | \$0.00  | \$1.01  | \$141.01 | \$148.43 |
|  | Percent of Adjustment | 100%     | 0%     | 0%      |         |         |          |          |
| Weekly Rental  | \$38.68               | \$36.75  | \$1.03 | \$0.00  | \$0.00  | \$1.03  | \$37.78  | \$39.77  |
| Monthly Rental   | \$165.79              | \$157.50 | \$4.41 | \$0.00  | \$0.00  | \$4.41  | \$161.91 | \$170.43 |
|  | Percent of Adjustment | 37%      | 13%    | 50%     |         |         |          |          |
| 20 Cubic Yard Per Haul - weekday ** +                              | \$423.04              | \$401.89 | \$4.16 | -\$3.97 | \$17.22 | \$17.41 | \$419.30 | \$441.37 |
| 20 Cubic Yard Per Haul - weekend ** +                              | \$454.62              | \$431.89 | \$4.47 | -\$4.26 | \$18.51 | \$18.72 | \$450.61 | \$474.33 |
| 30 Cubic Yard Per Haul - weekday ** +                              | \$433.57              | \$411.89 | \$4.27 | -\$4.06 | \$17.65 | \$17.86 | \$429.75 | \$452.37 |
| 30 Cubic Yard Per Haul - weekend ** +                              | \$465.15              | \$441.89 | \$4.58 | -\$4.36 | \$18.93 | \$19.15 | \$461.04 | \$485.31 |
| 40 Cubic Yard Per Haul - weekday ** +                              | \$465.15              | \$441.89 | \$4.58 | -\$4.36 | \$18.93 | \$19.15 | \$461.04 | \$485.31 |
| 40 Cubic Yard Per Haul - weekend ** +                              | \$496.73              | \$471.89 | \$4.89 | -\$4.66 | \$20.22 | \$20.45 | \$492.34 | \$518.25 |
|  | Percent of Adjustment | 0%       | 0%     | 100%    |         |         |          |          |
| ** Plus Disposal Per Ton if over 8,000 lb.'s                       | \$34.66               | \$32.93  | \$0.00 | \$0.00  | \$2.82  | \$2.82  | \$35.75  | \$37.63  |
| + Excess Payload for Trucks Over 27 Tons                           | \$86.65               | \$82.32  | \$0.00 | \$0.00  | \$7.05  | \$7.05  | \$89.37  | \$94.07  |
| Special Collections  |                       |          |        |         |         |         |          |          |
| Other Charges  |                       |          |        |         |         |         |          |          |
| Returned Checks  | N/A                   | \$25.00  | \$0.00 | \$0.00  | \$0.00  | \$0.00  | \$25.00  | N/A      |
| City Free Services   |                       |          |        |         |         |         |          |          |
| Solid Waste Removal Service at:                                    |                       |          |        |         |         |         |          |          |
| City Hall (1 x 6 yard rear load container - serviced 1 x per week) | N/C                   | N/C      | N/C    | N/C     | N/C     | N/C     | N/C      | N/C      |
| City Hall (1 x 30 yard open top - on call 16 hauls per year)       | N/C                   | N/C      | N/C    | N/C     | N/C     | N/C     | N/C      | N/C      |
| Annual Clean Up (8 x 30 yard open top - 8 hauls per year)          | N/C                   | N/C      | N/C    | N/C     | N/C     | N/C     | N/C      | N/C      |
| Annual Clean Up (3 rear loaders up to 8 hours - 1 x per year)      | N/C                   | N/C      | N/C    | N/C     | N/C     | N/C     | N/C      | N/C      |
| Christmas Trees Recycling (1 x 30 yard open top - 1 x per year)    | N/C                   | N/C      | N/C    | N/C     | N/C     | N/C     | N/C      | N/C      |
| Heritage (12 x 95 gallon carts - 1 x per year)                     | N/C                   | N/C      | N/C    | N/C     | N/C     | N/C     | N/C      | N/C      |

# City of Ovilla Adjustment Worksheet

Effective December 01, 2019

**Note: CWD considers this material as proprietary rate information that could affect their competitiveness if the waste services contract goes to competitive bid process. Therefore, CWD requests that their extension request letters and all associated discussion information to be exempt from public disclosure. CWD request this information is exempt from Public Records, and is only allowed to be part of Public Records, after a ruling of the Attorney General of Texas.**

| <b>Fuel worksheet</b>    |                          |                          |
|--------------------------|--------------------------|--------------------------|
|                          | July, Aug & Sept of 2018 | July, Aug & Sept of 2019 |
| Week 1                   | 3.052                    | 2.827                    |
| Week 2                   | 3.056                    | 2.858                    |
| Week 3                   | 3.039                    | 2.761                    |
| Week 4                   | 3.035                    | 2.745                    |
| Week 5                   | 3.004                    | 2.740                    |
| Week 6                   | 2.981                    | 2.744                    |
| Week 7                   | 2.990                    | 2.751                    |
| Week 8                   | 2.995                    | 2.763                    |
| Week 9                   | 2.997                    | 2.787                    |
| Week 10                  | 2.993                    | 2.793                    |
| Week 11                  | 3.004                    | 2.804                    |
| Week 12                  | 3.004                    | 2.805                    |
| Week 13                  | 3.002                    | 2.804                    |
| <b>Average</b>           | <b>3.012</b>             | <b>2.783</b>             |
| <b>Dollar Change</b>     | <b>(0.228)</b>           |                          |
| <b>Percent of Change</b> |                          | <b>-7.59%</b>            |

**McCommas Landfill Information**

|                  |       |
|------------------|-------|
| Landfill Prior   | 26.25 |
| Current          | 28.50 |
| Difference in \$ | 2.25  |
| Percentage       | 8.57% |

**CPI Information**

|                |         |
|----------------|---------|
| CPI Sept 18    | 238.686 |
| CPI Sept 19    | 245.477 |
| 2019 less 2018 | 6.791   |
| Percentage     | 2.8%    |

| <b>INDEX CHANGE</b> |        |
|---------------------|--------|
| CPI%                | 2.8%   |
| Fuel %              | -7.59% |
| Disposal %          | 8.57%  |

|          | R/O Excessive |      |        |            |          |
|----------|---------------|------|--------|------------|----------|
|          | F/L           | R/O  | Weight | Resi Trash | Resi Rcy |
| CPI      | 57%           | 37%  | 0%     | 48%        | 69%      |
| Fuel     | 13%           | 13%  | 0%     | 20%        | 20%      |
| Disposal | 30%           | 50%  | 100%   | 32%        | 11%      |
|          | 100%          | 100% | 100%   | 100%       | 100%     |

|              | R/O Excessive |              |              |              |              |
|--------------|---------------|--------------|--------------|--------------|--------------|
|              | F/L           | R/O          | Weight       | Resi Trash   | Resi Rcy     |
| CPI          | 1.60%         | 1.04%        | 0.00%        | 1.34%        | 1.93%        |
| Fuel         | -0.99%        | -0.99%       | 0.00%        | -1.52%       | -1.52%       |
| Disposal     | 2.57%         | 4.29%        | 8.57%        | 2.74%        | 0.94%        |
| <b>Total</b> | <b>3.18%</b>  | <b>4.34%</b> | <b>8.57%</b> | <b>2.57%</b> | <b>1.36%</b> |



## Databases, Tables & Calculators by Subject

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Data extracted on: October 15, 2019 (3:36:07 PM)

**CPI for All Urban Consumers (CPI-U)****Series Id:** CUURS37ASA0LE, CUUSS37ASA0LE

Not Seasonally Adjusted

**Series Title:** All items less energy in Dallas-Fort Worth-Arlington, TX, all urban consumers, not seasonally adjusted**Area:** Dallas-Fort Worth-Arlington, TX**Item:** All items less energy**Base Period:** 1982-84=100**Download:** [CSV](#)

| Year | Jan     | Feb | Mar     | Apr | May     | Jun | Jul     | Aug | Sep     | Oct | Nov     | Dec | Annual  | HALF1   | HALF2   |
|------|---------|-----|---------|-----|---------|-----|---------|-----|---------|-----|---------|-----|---------|---------|---------|
| 2009 | 202.159 |     | 203.731 |     | 202.206 |     | 202.308 |     | 203.781 |     | 203.699 |     | 203.043 | 202.711 | 203.376 |
| 2010 | 203.673 |     | 203.572 |     | 202.918 |     | 201.472 |     | 203.649 |     | 202.999 |     | 203.065 | 203.204 | 202.926 |
| 2011 | 204.112 |     | 206.036 |     | 206.064 |     | 206.418 |     | 207.691 |     | 209.171 |     | 206.797 | 205.596 | 207.998 |
| 2012 | 209.278 |     | 210.745 |     | 211.017 |     | 211.076 |     | 212.619 |     | 213.603 |     | 211.587 | 210.496 | 212.679 |
| 2013 | 214.034 |     | 215.132 |     | 214.590 |     | 215.479 |     | 216.630 |     | 216.241 |     | 215.472 | 214.706 | 216.239 |
| 2014 | 216.948 |     | 218.185 |     | 218.293 |     | 218.085 |     | 218.872 |     | 219.281 |     | 218.398 | 217.903 | 218.893 |
| 2015 | 219.851 |     | 221.760 |     | 221.630 |     | 221.408 |     | 222.473 |     | 223.021 |     | 221.817 | 221.209 | 222.425 |
| 2016 | 224.102 |     | 225.823 |     | 226.910 |     | 227.315 |     | 227.995 |     | 228.292 |     | 226.940 | 225.868 | 228.013 |
| 2017 | 228.486 |     | 229.667 |     | 230.934 |     | 231.424 |     | 233.624 |     | 234.845 |     | 231.645 | 229.824 | 233.467 |
| 2018 | 234.774 |     | 235.907 |     | 237.847 |     | 237.289 |     | 238.686 |     | 240.358 |     | 237.587 | 236.353 | 238.822 |
| 2019 | 241.185 |     | 242.060 |     | 241.921 |     | 243.642 |     | 245.477 |     |         |     |         | 242.075 |         |

**12-Month Percent Change****Series Id:** CUURS37ASA0LE, CUUSS37ASA0LE

Not Seasonally Adjusted

**Series Title:** All items less energy in Dallas-Fort Worth-Arlington, TX, all urban consumers, not seasonally adjusted**Area:** Dallas-Fort Worth-Arlington, TX**Item:** All items less energy**Base Period:** 1982-84=100**Download:** [CSV](#)

| Year | Jan | Feb  | Mar | Apr  | May  | Jun  | Jul | Aug | Sep | Oct | Nov  | Dec | Annual | HALF1 | HALF2 |
|------|-----|------|-----|------|------|------|-----|-----|-----|-----|------|-----|--------|-------|-------|
| 2009 | 3.1 | 3.7  | 2.5 | 1.8  | 1.7  | 1.0  |     |     | 2.2 | 3.0 | 1.4  |     |        |       |       |
| 2010 | 0.7 | -0.1 | 0.4 | -0.4 | -0.1 | -0.3 |     |     | 0.0 | 0.2 | -0.2 |     |        |       |       |
| 2011 | 0.2 | 1.2  | 1.6 | 2.5  | 2.0  | 3.0  |     |     | 1.8 | 1.2 | 2.5  |     |        |       |       |
| 2012 | 2.5 | 2.3  | 2.4 | 2.3  | 2.4  | 2.1  |     |     | 2.3 | 2.4 | 2.3  |     |        |       |       |
| 2013 | 2.3 | 2.1  | 1.7 | 2.1  | 1.9  | 1.2  |     |     | 1.8 | 2.0 | 1.7  |     |        |       |       |
| 2014 | 1.4 | 1.4  | 1.7 | 1.2  | 1.0  | 1.4  |     |     | 1.4 | 1.5 | 1.2  |     |        |       |       |
| 2015 | 1.3 | 1.6  | 1.5 | 1.5  | 1.6  | 1.7  |     |     | 1.6 | 1.5 | 1.6  |     |        |       |       |
| 2016 | 1.9 | 1.8  | 2.4 | 2.7  | 2.5  | 2.4  |     |     | 2.3 | 2.1 | 2.5  |     |        |       |       |
| 2017 | 2.0 | 1.7  | 1.8 | 1.8  | 2.5  | 2.9  |     |     | 2.1 | 1.8 | 2.4  |     |        |       |       |
| 2018 | 2.8 | 2.7  | 3.0 | 2.5  | 2.2  | 2.3  |     |     | 2.6 | 2.8 | 2.3  |     |        |       |       |
| 2019 | 2.7 | 2.6  | 1.7 | 2.7  | 2.8  |      |     |     | 2.4 |     |      |     |        |       |       |

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**Subject:** FW: EXTERNAL - Approved Landfill Gate Rate Increase - CWD Account No 5

**From:** "Escanlar, Rachel" <[rachel.escanlar@dallascityhall.com](mailto:rachel.escanlar@dallascityhall.com)>

**Date:** September 18, 2019 at 5:19:10 PM CDT

**Subject:** EXTERNAL - Approved Landfill Gate Rate Increase - CWD Account No 5

On Wednesday, September 18<sup>th</sup>, 2019 the Dallas City Council approved the City Manager's recommended budget. This budget includes a Landfill gate rate increase as listed below:

- General gate rate increases from \$26.25 to **\$28.50**
- General gate rate at Bachman Transfer station will increase from \$47/ton to \$51/ton (taxable)
- Pull-off fee from \$46.80 to \$48.80 (taxable)
- Tipper fee from \$87.75 to \$91.50 (taxable)

The changes in your rate will increase **effective October 1<sup>st</sup>, 2019**.

We are committed to providing quality service to all our customers and appreciate your business. Thank you for your cooperation as these changes are implemented.

Please feel free to contact Geri Strong, Manager of Disposal Financial Services, at 214-670-4362 if you have questions or concerns regarding these changes.

Thank you,

Rachel Escanlar  
· *Administrative Specialist II*  
City of Dallas | [DallasCityNews.net](http://DallasCityNews.net)  
Sanitation Services  
5215 Simpson Stuart (ECO Park) – RM 129  
Dallas, TX 75241  
O: 214-670-0154 | C: 469-735-7349  
[rachel.escanlar@dallascityhall.com](mailto:rachel.escanlar@dallascityhall.com)



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**Interactive Graph | DOE Diesel Prices | Comdata and T-Chek Averages | Fuel News**

## 2018 DOE Regional Diesel Fuel Prices

2018

| Date | U.S.<br>Average | East<br>Coast | New<br>England | Central<br>Atlantic | Lower<br>Atlantic | Midwest | Gulf<br>Coast | Rocky<br>Mountain | West<br>Coast | California |
|------|-----------------|---------------|----------------|---------------------|-------------------|---------|---------------|-------------------|---------------|------------|
| 9/24 | 3.271           | 3.254         | 3.270          | 3.416               | 3.136             | 3.218   | 3.052         | 3.355             | 3.759         | 3.986      |
| 9/17 | 3.268           | 3.252         | 3.267          | 3.415               | 3.135             | 3.208   | 3.056         | 3.363             | 3.755         | 3.979      |
| 9/10 | 3.258           | 3.246         | 3.255          | 3.407               | 3.131             | 3.194   | 3.039         | 3.367             | 3.746         | 3.969      |
| 9/03 | 3.252           | 3.235         | 3.270          | 3.399               | 3.114             | 3.191   | 3.035         | 3.364             | 3.742         | 3.959      |
| 8/27 | 3.226           | 3.219         | 3.267          | 3.385               | 3.094             | 3.153   | 3.004         | 3.364             | 3.719         | 3.945      |
| 8/20 | 3.207           | 3.207         | 3.261          | 3.380               | 3.076             | 3.129   | 2.981         | 3.349             | 3.706         | 3.929      |
| 8/13 | 3.217           | 3.219         | 3.265          | 3.387               | 3.091             | 3.139   | 2.990         | 3.358             | 3.714         | 3.942      |
| 8/06 | 3.223           | 3.222         | 3.271          | 3.393               | 3.093             | 3.151   | 2.995         | 3.361             | 3.717         | 3.943      |
| 7/30 | 3.226           | 3.223         | 3.274          | 3.390               | 3.096             | 3.156   | 2.997         | 3.361             | 3.720         | 3.945      |
| 7/23 | 3.220           | 3.217         | 3.269          | 3.389               | 3.087             | 3.142   | 2.993         | 3.369             | 3.718         | 3.943      |
| 7/16 | 3.239           | 3.236         | 3.283          | 3.405               | 3.108             | 3.171   | 3.004         | 3.370             | 3.741         | 3.968      |
| 7/9  | 3.243           | 3.238         | 3.279          | 3.405               | 3.112             | 3.176   | 3.004         | 3.370             | 3.749         | 3.970      |
| 7/2  | 3.236           | 3.226         | 3.282          | 3.390               | 3.102             | 3.171   | 3.002         | 3.358             | 3.746         | 3.960      |
| 6/25 | 3.216           | 3.215         | 3.281          | 3.380               | 3.086             | 3.143   | 2.978         | 3.321             | 3.735         | 3.959      |
| 6/18 | 3.244           | 3.240         | 3.290          | 3.397               | 3.121             | 3.173   | 3.016         | 3.339             | 3.753         | 3.976      |
| 6/11 | 3.266           | 3.264         | 3.292          | 3.420               | 3.148             | 3.199   | 3.037         | 3.344             | 3.769         | 3.990      |
| 6/4  | 3.285           | 3.282         | 3.302          | 3.442               | 3.166             | 3.224   | 3.055         | 3.359             | 3.784         | 4.003      |
| 5/28 | 3.288           | 3.287         | 3.307          | 3.443               | 3.174             | 3.230   | 3.054         | 3.353             | 3.784         | 3.997      |
| 5/21 | 3.277           | 3.271         | 3.282          | 3.420               | 3.163             | 3.218   | 3.055         | 3.348             | 3.765         | 3.973      |
| 5/14 | 3.239           | 3.236         | 3.251          | 3.380               | 3.132             | 3.175   | 3.012         | 3.316             | 3.731         | 3.929      |

[Interactive Graph](#) | [DOE Diesel Prices](#) | [Comdata and T-Chek Averages](#) | [Fuel News](#)

## 2019 DOE Regional Diesel Fuel Prices

2019

| Date  | U.S.<br>Average | East<br>Coast | New<br>England | Central<br>Atlantic | Lower<br>Atlantic | Midwest | Gulf<br>Coast | Rocky<br>Mountain | West<br>Coast | California |
|-------|-----------------|---------------|----------------|---------------------|-------------------|---------|---------------|-------------------|---------------|------------|
| 10/14 |                 |               |                |                     |                   |         |               |                   |               |            |
| 10/7  | 3.047           | 3.041         | 3.047          | 3.224               | 2.915             | 2.967   | 2.804         | 3.022             | 3.642         | 3.981      |
| 9/30  | 3.066           | 3.065         | 3.056          | 3.238               | 2.948             | 2.987   | 2.827         | 3.032             | 3.645         | 3.976      |
| 9/23  | 3.081           | 3.083         | 3.070          | 3.252               | 2.971             | 2.992   | 2.858         | 3.034             | 3.650         | 3.976      |
| 9/16  | 2.987           | 2.998         | 3.013          | 3.177               | 2.874             | 2.882   | 2.761         | 2.959             | 3.574         | 3.901      |
| 9/9   | 2.971           | 2.992         | 3.022          | 3.161               | 2.871             | 2.864   | 2.745         | 2.933             | 3.548         | 3.878      |
| 9/2   | 2.976           | 3.000         | 3.027          | 3.178               | 2.874             | 2.874   | 2.740         | 2.924             | 3.555         | 3.885      |
| 8/26  | 2.983           | 3.003         | 3.031          | 3.186               | 2.874             | 2.890   | 2.744         | 2.936             | 3.556         | 3.887      |
| 8/19  | 2.994           | 3.019         | 3.048          | 3.199               | 2.892             | 2.900   | 2.751         | 2.939             | 3.564         | 3.887      |
| 8/12  | 3.011           | 3.034         | 3.073          | 3.215               | 2.904             | 2.924   | 2.763         | 2.940             | 3.580         | 3.909      |
| 8/5   | 3.032           | 3.055         | 3.107          | 3.233               | 2.923             | 2.942   | 2.787         | 2.965             | 3.605         | 3.940      |
| 7/29  | 3.034           | 3.059*        | 3.106          | 3.246               | 2.924             | 2.940   | 2.793         | 2.967             | 3.606         | 3.940      |
| 7/22  | 3.044           | 3.072         | 3.122          | 3.259               | 2.937             | 2.948   | 2.804         | 2.978             | 3.611         | 3.939      |
| 7/15  | 3.051           | 3.080         | 3.131          | 3.272               | 2.941             | 2.956   | 2.805         | 2.975             | 3.624         | 3.952      |
| 7/8   | 3.055           | 3.081         | 3.134          | 3.275               | 2.940             | 2.968   | 2.804         | 2.980             | 3.624         | 3.953      |
| 7/1   | 3.042           | 3.080         | 3.135          | 3.270               | 2.941             | 2.924   | 2.803         | 2.998             | 3.628         | 3.963      |
| 6/24  | 3.043           | 3.079         | 3.136          | 3.258               | 2.946             | 2.926   | 2.797         | 3.030             | 3.631         | 3.968      |
| 6/17  | 3.070           | 3.099         | 3.153          | 3.282               | 2.964             | 2.957   | 2.820         | 3.072             | 3.666         | 4.006      |

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

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

**W I T N E S S E T H:**

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

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

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

**1. DEFINITIONS:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **2. GRANT OF CONTRACT**

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

## **3. TERM**

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

## **4. RATES & BILLING**

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

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

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

b. **CPI (see System Chart for %)**

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

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

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

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

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

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

**e. SYSTEM CHART**

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

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

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

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

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

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

## 5. CONTRACTOR SERVICES

### 5.1 Residential Service

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **6. COLLECTION OPERATIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 7. INDEMNIFICATION AND INSURANCE

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

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

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

**Minimum Limits of Insurance:**

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

**8. BOND**

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

**9. COMPLIANCE WITH LAWS**

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

**10. DISCRIMINATION PROHIBITED**

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

## **11. LICENSE AND TAXES**

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

## **12. OWNERSHIP**

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

## **13. FRANCHISE FEE**

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

## **14. BOOKS AND RECORDS**

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

## **15. TERMINATION FOR CAUSE**

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

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

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

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

## 16. INDEPENDENT CONTRACTOR

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

## 17. NOTICES

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

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

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

## 18. ASSIGNMENT

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

## 19. SEVERABILITY

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

## **20. FORCE MAJEURE**

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

## **21. BINDING EFFECT**

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

## **22. GOVERNING LAW AND VENUE**

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

## **23. ENTIRE AGREEMENT**

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

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

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

**EXECUTION PAGE FOLLOWS**

EXECUTED as of this 11<sup>th</sup> day of September 2018.

CITY OF OVILLA, TEXAS:

By: 

John R. Dean, Jr, City Manager

ATTEST:



Pam Woodall, City Secretary



APPROVED AS TO FORM:



Ron G. MacFarlane, Jr., City Attorney

Community Waste Disposal

By: 

Dale Pound, Vice President

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

**I. Residential and Commercial Hand Unit Collections**

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

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

Placement: Curbside or alley

Approved Containers:

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

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

Brush and Bulky Item Collection:

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

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

**Commercial Container Collection**

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

Schedules Available: Up to two times weekly.

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

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

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

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

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

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

**General**

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

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

**ATTACHMENT "B"**

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

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

**\$14.28 per month per residence (Includes):**

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

**Commercial Hand Collect Accounts: \$21.00**

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

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

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

**ROLL OFF CONTAINERS:**

**(Including Disposal Costs)**

|                        |           |
|------------------------|-----------|
| 20 Cubic Yard Per Haul | \$ 401.89 |
| 30 Cubic Yard Per Haul | \$ 411.89 |
| 40 Cubic Yard Per Haul | \$ 441.89 |
| Other                  | \$ N/A    |
| Delivery and Exchange  | \$ 110.00 |
| Daily Container Rental | \$ 5.25   |

**COMPACTORS:**

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

**Other Services:**

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

Free City Services

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

AGENDA ITEM REPORT  
Item 7

Meeting Date: November 11, 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. Resolution R2019-24
2. Letter from Dallas Central Appraisal District (DCAD)
3. Current list of Board of Directors

Agenda Item / Topic:

ITEM 7. **DISCUSSION/ACTION** – Consideration of and action on Resolution R2019-24 for a vote cast to elect the fourth member to the Dallas Central Appraisal District Board of Directors for the years 2020-2021.

Discussion / Justification:

The Tax Code requires that an election or appointment of members to the Board of Directors of the DCAD be conducted in odd-numbered years and to begin serving in even-numbered years – for a two-year term. Each of the incorporated cities and towns, except the City of Dallas, have the right to cast their vote by official resolution for one (1) candidate as the fourth member to the Board – submitted and received to DCAD by December 16, 2019.

Qualifications:

Must be resident of the DCAD for at least two years

May be an elected official of an agency represented by the DCAD

Cannot be an employee of any agency represented by the DCAD

Current member to the suburban cities:

Michael Hurt serves our area.

Recommendation / Staff Comments:

Staff recommends approval.

Sample Motion(s):

I move that Council approve/deny Resolution R2019-24, casting a vote to elect Michael Hurt as the fourth member to the Board of Directors of the Dallas Central Appraisal District for the years 2020-2021.

**RESOLUTION 2019-24**

**A RESOLUTION OF THE CITY OF OVILLA, ELLIS & DALLAS COUNTIES, TEXAS,  
CASTING ITS VOTE FOR THE FOURTH MEMBER OF THE BOARD OF DIRECTORS  
OF THE DALLAS CENTRAL APPRAISAL DISTRICT.**

**WHEREAS,** Dallas County eligible taxing entities have expressed and approved an option which allows for representation to the Appraisal District Board of Directors (in accordance with the Section 6.03 of the Texas Property Tax Code) as follows:

1. The City of Dallas shall appoint one (1) member to the Board.
2. The Dallas Independent School District shall appoint one (1) member to the Board.
3. The Dallas County Commissioners Court shall appoint one (1) member to the Board. The member appointed by the Dallas County Commissioners Court shall not be a resident of either the City of Dallas or the Dallas Independent School District.
4. Each of the incorporated cities and towns, except for the City of Dallas, shall have the right to nominate by an official resolution one (1) candidate as the fourth member of the Board of Directors. The said cities and towns shall, from the nominations received, elect by a majority vote, with each city and town being entitled to one (1) vote, the fourth member of the Board of Directors.
5. Each of the independent school districts and Dallas County Community College District, except for the Dallas Independent School District, shall have the right to nominate by an official resolution one (1) candidate as the fifth member of the Board of Directors. The said independent school districts shall, from the nominations received, elect by a majority vote, with each independent school district being entitled to one (1) vote, the fifth member of the Board of Directors.

The votes required for election to the Board of Directors in 4 and 5 hereof shall be by a majority of those authorized to vote in 4 and 5 respectively and not by a majority of the quorum, and

**WHEREAS, the City of Ovilla does hereby cast its vote by marking the ballot below: (Check one only)**

|                                     |                          |
|-------------------------------------|--------------------------|
| <input checked="" type="checkbox"/> | <b>Michael Hurtt</b>     |
| <input type="checkbox"/>            | <b>Dianne Cartwright</b> |
| <input type="checkbox"/>            | <b>Mona Dixon</b>        |
| <input type="checkbox"/>            | <b>Brett Franks</b>      |
| <input type="checkbox"/>            | <b>Steve Nichols</b>     |

**NOW, THEREFORE BE IT RESOLVED** that the City Council of the City of Ovilla does hereby confirm its one (1) vote for the election of Michael Hurtt as the suburban cities' representative to the Board of Directors of the Dallas Central Appraisal District.

**PASSED AND APPROVED, this the 11 day of November, 2019**

---

MAYOR Richard A. Dormier

ATTEST:

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CITY SECRETARY Pamela Woodall



## Dallas Central Appraisal District

Date: October 28, 2019

To: Richard Dormier, Mayor, City of Ovilla

From: W. Kenneth Nolan, Executive Director/Chief Appraiser

Re: Election of Suburban Cities' Representative to Dallas Central Appraisal District Board of Directors

In accordance with state law, the nomination process for persons to serve on the Dallas Central Appraisal District Board of Directors has been completed. By state law, your agency is required to vote by official ballot resolution, which is enclosed. **You must do so no later than December 16, 2019. If your entity chooses to abstain from voting, please notify me in writing.**

The nominees are as follows. Also included are the names of the nominating cities.

| Nominee               | Entity(s) Nominating            |
|-----------------------|---------------------------------|
| Mr. Michael Hurt      | Desoto, Duncanville, Richardson |
| Ms. Dianne Cartwright | Irving                          |
| Ms. Mona Dixon        | Lancaster                       |
| Mr. Brett Franks      | Sachse                          |
| Mr. Steve Nichols     | Hutchins                        |

**If you have questions concerning the candidates please contact the entities who nominated them.**

Please act on this election process by official ballot resolution and return the ballot resolution to my office in the enclosed envelope by December 19, 2019. **The 1979 resolution adopted by the taxing units participating in Dallas Central Appraisal District, which governs board elections, requires that a candidate receive a majority of the votes in order to be elected to the Board of Directors. Therefore, it is imperative that your taxing unit cast its vote before the December 16, 2019 deadline.**

We appreciate your interest in this very important process and look forward to receiving your vote.

WKN/kld

Enclosure (Official Ballot Resolution/Return Envelope)

cc: John Dean, City Manager  
Pamela Woodall, City Secretary  
Linda Harding, City Accountant

## AGENDA ITEM REPORT Item 8

Meeting Date: November 11, 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. Resolution R2019-25 and official ballot
2. Letter from Ellis County Appraisal District (ECAD)
3. List of Candidates / Taxing entities

### Agenda Item / Topic:

ITEM 8. *DISCUSSION/ACTION* – Consideration of and action on Resolution R2019-25 for votes cast for candidate(s) to elect director(s) to the Ellis Appraisal District Board of Directors for the years 2020-2021.

### Discussion / Justification:

The Tax Code requires that an election or appointment of members to the Board of Directors of the ECAD be conducted in odd-numbered years and to begin serving in even-numbered years – for a two-year term. The City may vote on a nominated candidate (by resolution) for each position to be filled on the Board of Directors or the city may cast all votes to one candidate and submit to the Chief Appraiser by December 15.

The list of candidates is attached.

### Recommendation / Staff Comments:

N/A

### Sample Motion(s):

I move that Council approve/deny Resolution R2019-25, casting vote(s) for \_\_\_\_\_, candidate(s) to elect to the Board of Directors of the Ellis Appraisal District for the years 2020-2021.

TAXING UNIT: City of Ovilla, Texas

Resolution No. R2019-25

RESOLUTION OF VOTES CAST TO ELECT DIRECTORS FOR  
THE ELLIS APPRAISAL DISTRICT FOR THE YEARS 2020-2021

**WHEREAS**, Section 6.03 (k) of the Texas Property Tax Code, requires that each taxing unit entitled to vote cast their vote by Resolution and submit results of that vote to the Chief Appraiser of the Ellis Appraisal District before December 15, 2019.

**THEREFORE**, the City of Ovilla submits the attached Official Ballot, as issued by the Chief Appraiser, stating the votes cast for candidate(s) in the 2020-2021 Board of Directors' election for the Ellis Appraisal District.

**ACTION TAKEN** this 11<sup>th</sup> day of November 2019, in Open/Regular Session of the governing body of the above-mentioned taxing unit; as authorized under Section 6.03 of the Texas Property Tax Code, for the purpose of casting votes to elect the Board of Directors of the Ellis Appraisal District.

---

Richard Dormier, Mayor

ATTEST:

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Pamela Woodall, City Secretary



**ELLIS APPRAISAL DISTRICT**  
400 Ferris Ave \* PO Box 878  
Waxahachie, Texas 75168  
972-937-3552 \* Toll Free 1-866-348-3552  
ecad@elliscad.com

**Board of Directors**  
Philip Lynch, Chairman  
Ken Marks, Vice Chairman  
Charles T. Abram,  
John Bridges, Member  
Joe Pitts, Member  
John Tabor, Member

Kathy Rodrigue, Chief Appraiser

---

October 21, 2019

Dear Presiding Officer for Ellis County and the Cities and ISDs in Ellis County:

Enclosed with this letter is the official ballot and sample resolution for casting your votes for Directors of the Ellis Appraisal District. There are nine candidates nominated for five positions.

You must cast your unit's votes by written resolution before December 15, 2019. You may cast all of your votes for one candidate or distribute your votes among any number of candidates. You may not cast votes for someone not listed on the official ballot. Please return your ballot and resolution as soon as possible.

I will notify you of the election results by December 31, 2019. In the event of a tie, flipping a coin will choose the winner.

Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathy Rodrigue".

Kathy A. Rodrigue, RPA  
Chief Appraiser

## 2020-2021 Ellis Appraisal District Board of Directors' Candidate Information

Charles T. "Tom" Abram - Mr. Abram has served on the Ellis Appraisal District Board of Directors since 2014 as a member and as Secretary in 2019. He was the recipient of the Pride of Ennis 2015 Distinguished Service Award, volunteering for civic and non-profit organizations and working with industry leaders to promote economic growth. Mr. Abram was Mayor of Ennis from 1986-1990 and has been a resident of Ennis since 1977. Mr. Abram graduated from college and served as an officer in the U.S. Army. Upon moving to Ennis, he started his own manufacturing company and built it into a successful international multi-plant operation. He also served on the Board of Directors of the Ennis Regional Medical Center. Mr. Abram was nominated by Ennis ISD and the City of Midlothian.

Jan Davis - Ms. Davis has been in real estate for over 33 years and is an active Realtor with Ebby Halliday Realtors holding ABR, ASP, CRS, GRI and SRES designations. She has several recognitions and specialties to include D magazine "Best of the Best", Texas Monthly Magazine "Five Star Professional", Dallas Real Producers Top 500, Star Achiever 1989-2018, Diamond circle member 1986-2019 and is a Historic House and Relocation Specialist. She is a member of the National Association of Realtors, Texas Association of Realtors and the Greater Dallas Board of Realtors. She holds a Bachelor of Science in Education and a Master of Education in Administration/Supervision. Ms. Davis has volunteered in many ways serving as the Past-President of the Midlothian Economic & Community Development Board, the City of Midlothian Committee for hiring Park Planner and Midlothian ISD as a member of DEIC, the Bond Oversight for construction of Midlothian Heritage High School and Naming Committees for Midlothian ISD. Ms. Davis was nominated by Midlothian ISD and the City of Midlothian.

Sheila Domestead - Ms. Domestead was nominated by Red Oak ISD.

John Knight - Mr. Knight was nominated by Midlothian ISD.

Ken Marks - Mr. Marks has served on the since 2002 as a member, as Secretary from 2004-2005 and 2012-2013 and as Vice-Chairman 2014-2019. He is a State Certified Residential Real Estate Appraiser working for E.T. Jones & Associates. Mr. Marks has been a resident of Ellis County for 30 years. He and his children graduated from Midlothian ISD. Mr. Marks was nominated by Midlothian and Milford ISD and the Cities of Midlothian and Venus.

Jim Mentzel - Mr. Mentzel was nominated by Midlothian ISD.

Joe Pitts – Dr. Pitts has served as a member on the Ellis Appraisal District Board of Directors since 2006 as a member and as Secretary from 2014-2018. He began his 41 year career in education in 1955, teaching and ultimately in administration with Dallas ISD. He then became the Superintendent for Port Arthur ISD and retired in 1992 after 10 years of service. He then served for four years as a Board of Trustees Training Consultant for the Texas Education Agency. Dr. Pitts was active in the American Association of School Administrators and the Texas Association of School Administrators. In 2008 he served on the Bond Oversight Committee for Red Oak ISD. Dr. Pitts was nominated by Midlothian and Waxahachie ISD and the City of Midlothian.

John Tabor - Mr. Tabor has served on the Ellis Appraisal District Board of Directors since 2019. He is currently a Senior Advisor for Privateer Consulting Services and has been in the oil and gas industry since 1976. He graduated with honors in 1984 with a BA in Political Science and Government Affairs from the University of Texas at Dallas. Mr. Tabor served as a highly decorated combat Vietnam veteran in the United States Army from 1969-1971. He is a member of the Midlothian First Baptist Church, the Dallas Petroleum Club, Dallas Wildcat Assoc, Ft. Worth Wildcatters Assoc, Society of Petroleum Engineers, American Association of Drilling Engineers, Distinguished Flying Cross Association, homes for our Troops and also served with the Republican Party of Ellis County with 3 terms on the State Republican Executive Committee and 4 terms as the Ellis County Republican Party Chairman. Mr. Tabor was nominated by Ellis County and the City of Midlothian.

Robert Kyle Wilson – Mr. Wilson has 27 years within the real estate appraising industry having worked at the Ellis County Appraisal District, for Max Sanders and currently as a State Certified Residential Real Estate Appraiser for Kyle Wilson Real Estate Appraisal. He is a member of the North Texas Association of Realtors, was pinned as an Eagle Scout with the Boy Scouts of America in 1981, served in the United States Army from 1989-1991 and served as a member of the Ennis Chamber of Commerce Board of Directors 2013-2016. He is a current member of the Alma City Council and served as Mayor Pro Tem in 2018 and part of 2019 and as a former member 2013-2017. Mr. Wilson was nominated by the City of Ennis.

**ELLIS APPRAISAL DISTRICT  
BOARD OF DIRECTORS**

**Eligibility:**

Person must have resided in the appraisal district for at least two years. Person may not be an employee of a taxing unit served by the appraisal district, but may be an elected official or a member of the governing body. A person may not be appointed if related within the second degree of consanguinity or affinity to either an appraiser who appraiser property for use in the appraisal district's appraisal review board proceedings or a tax representative who represents taxpayers for compensation before the appraisal district's appraisal review board. A person may not have delinquent taxes for more than 60 days after the date the person knew or should have known of the delinquency.

**Term:**

All directors other than the county tax assessor-collector serve a two-year term.

**Meetings:**

Meetings are required quarterly but are typically held once a month at the convenience of the majority of the board members.

**Compensation:**

Directors may not receive a salary, per diem, or other compensation. They are reimbursed for reasonable and necessary expenses incurred in the performance of a director's duties if included in the appraisal district budget.

**General Statement of Functions:**

The board of directors has the following primary responsibilities:

- Establish the appraisal district's office;
- Adopt the appraisal district's annual operating budget and reappraisal plan;
- Contract for necessary services;
- Hire a chief appraiser;
- Appoint a taxpayer liaison officer; and
- Make general policy on the appraisal district's operation.

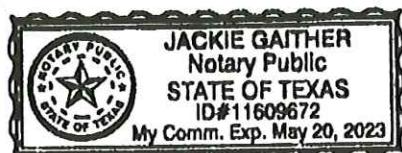
**ELLIS APPRAISAL DISTRICT  
2020-2021 BOARD OF DIRECTORS  
TAXING UNIT VOTING ENTITLEMENT**

| TAXING UNITS               | 2018 CERT FRZ ADJ<br>TAXABLE VALUES<br>(as of 7/17/2018) | 2018<br>TAX<br>RATES | TAX LEVY<br>ON ACCTS WITH<br>CLNGS AT CERT | 2018<br>TOTAL<br>LEVY | % OF<br>TOTAL<br>LEVY | 2020<br>TOTAL<br>VOTES | 2018<br>VOTES |
|----------------------------|--|----------------------|--|-----------------------|-----------------------|------------------------|---------------|
| ELLIS COUNTY               | 13,524,031,911   | 0.338984             | 5,293,631                                  | 51,137,935.33         |                       |                        |               |
| ELIS COUNTY & LATERAL ROAD | 13,448,531,363   | 0.031549             | 481,219                                    | 4,724,096.16          | 16.51%                | 826                    | 910           |
| AVALON ISD                 | 35,026,811   | 1.230700             | 37,712                                     | 468,786.96            | 0.14%                 | 7                      | 8             |
| ENNIS ISD                  | 1,933,247,509  | 1.540000             | 1,430,660                                  | 31,202,671.64         | 9.22%                 | 461                    | 496           |
| FERRIS ISD                 | 358,196,301  | 1.517300             | 390,075                                    | 5,824,987.48          | 1.72%                 | 86                     | 71            |
| FROST ISD                  | 2,315,960  | 1.592500             | 513  | 37,394.66             | 0.01%                 | 1                      | 1             |
| ITALY ISD                  | 115,950,399  | 1.519000             | 127,582                                    | 1,888,868.56          | 0.56%                 | 28                     | 30            |
| MIDLOTHIAN ISD             | 4,221,058,240  | 1.540000             | 4,282,248                                  | 69,286,544.90         | 20.48%                | 1,024                  | 1004          |
| MILFORD ISD                | 51,091,806   | 1.170000             | 37,439                                     | 635,213.13            | 0.19%                 | 9                      | 10            |
| PALMER ISD                 | 257,475,549  | 1.435000             | 414,061                                    | 4,108,835.13          | 1.21%                 | 61                     | 59            |
| RED OAK ISD *313           | 1,625,973,442  | 1.540000             | 2,710,239                                  | 27,875,979.21         | 8.24%                 | 412                    | 402           |
| WAXAHACHIE ISD             | 3,679,930,414  | 1.553900             | 4,421,300                                  | 61,603,738.70         | 18.21%                | 911                    | 892           |
| MAYPEARL ISD               | 315,270,199  | 1.289000             | 424,473                                    | 4,488,305.87          | 1.33%                 | 66                     | 66            |
| CITY OF ALMA               | 24,491,205   | 0.250000             |  | 61,228.01             | 0.02%                 | 1                      | 1             |
| CITY OF BARDWELL           | 12,362,330   | 0.364189             |  | 45,022.25             | 0.01%                 | 1                      | 0             |
| CITY OF CEDAR HILL         | 104,413,146  | 0.697028             |  | 727,788.86            | 0.22%                 | 11                     | 11            |
| CITY OF ENNIS              | 1,655,513,192  | 0.710000             |  | 11,754,143.66         | 3.47%                 | 174                    | 188           |
| CITY OF FERRIS             | 131,547,592  | 0.687134             |  | 903,908.23            | 0.27%                 | 13                     | 12            |
| CITY OF GARRETT            | 18,687,056   | 0.500000             |  | 93,435.28             | 0.03%                 | 1                      | 1             |
| CITY OF GLENN HEIGHTS      | 190,355,413  | 0.879181             |  | 1,673,568.62          | 0.49%                 | 25                     | 23            |
| CITY OF GRAND PRAIRIE      | 9,050,327  | 0.669998             | 3,824                                      | 64,461.01             | 0.02%                 | 1                      | 1             |
| CITY OF ITALY              | 70,492,946   | 0.852883             | 71,946                                     | 673,168.35            | 0.20%                 | 10                     | 11            |
| CITY OF MANSFIELD          | 10,893,288   | 0.710000             | 5,329                                      | 82,671.34             | 0.02%                 | 1                      | 1             |
| CITY OF MAYPEARL           | 35,710,771   | 0.814323             | 26,698                                     | 317,499.02            | 0.09%                 | 5                      | 5             |
| CITY OF MIDLOTHIAN         | 3,694,812,190  | 0.708244             |  | 26,168,285.65         | 7.74%                 | 387                    | 334           |
| CITY OF MILFORD            | 14,771,263   | 0.457747             | 18,488                                     | 86,103.01             | 0.03%                 | 1                      | 2             |
| CITY OF OAK LEAF           | 134,057,869  | 0.308767             |  | 413,926.46            | 0.12%                 | 6                      | 7             |
| CITY OF OVILLA             | 277,671,390  | 0.660000             | 408,770                                    | 2,241,401.17          | 0.66%                 | 33                     | 34            |
| CITY OF PALMER             | 92,467,530   | 0.750000             |  | 693,506.48            | 0.21%                 | 10                     | 8             |
| CITY OF PECAN HILL         | 38,520,537   | 0.321836             |  | 123,972.96            | 0.04%                 | 2                      | 2             |
| CITY OF RED OAK            | 923,237,571  | 0.705480             | 414,904                                    | 6,928,160.42          | 2.05%                 | 102                    | 91            |
| CITY OF VENUS              | 33,923,356   | 0.879918             |  | 298,497.72            | 0.09%                 | 4                      | 3             |
| CITY OF WAXAHACHIE         | 2,953,053,355  | 0.680000             | 1,572,974                                  | 21,653,736.81         | 6.40%                 | 320                    | 316           |
| <b>TOTAL</b>               |  |                      |  | <b>338,287,843.04</b> | <b>100.00%</b>        | <b>5,000</b>           | <b>5,000</b>  |

I, KATHY A. RODRIGUE, CHIEF APPRAISER FOR THE ELLIS APPRAISAL DISTRICT,  
DO HEREBY CERTIFY THAT THE ABOVE VOTING ENTITLEMENTS  
ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

  
\_\_\_\_\_  
KATHY RODRIGUE, RPA - CHIEF APPRAISER

SUBSCRIBED AND SWORN BEFORE ME THIS 26TH DAY OF AUGUST, 2019.



  
\_\_\_\_\_  
JACKIE GATHER, NOTARY

OFFICIAL BALLOT  
TO ELECT  
BOARD OF DIRECTORS  
FOR THE  
ELLIS APPRAISAL DISTRICT  
FOR 2020-2021

Issued to: CITY OF OVILLA

Number of Votes: 33

Directions: Please enter the number of votes cast on the blank space opposite the name of the candidate. You may cast all of your votes for one candidate or divide your votes among any number of the candidates.

NAME OF CANDIDATES  
(listed alphabetically)

1. CHARLES T. "TOM" ABRAM \_\_\_\_\_
2. JAN DAVIS \_\_\_\_\_
3. SHEILA DOMSTEAD \_\_\_\_\_
4. JOHN KNIGHT \_\_\_\_\_
5. KEN MARKS \_\_\_\_\_
6. JIM MENTZEL \_\_\_\_\_
7. JOE PITTS \_\_\_\_\_
8. JOHN TABOR \_\_\_\_\_
9. ROBERT KYLE WILSON \_\_\_\_\_

Issued under my hand this 21<sup>th</sup> day of October, 2019.

  
\_\_\_\_\_  
Kathy A. Rodrigue, RPA  
Chief Appraiser  
Ellis Appraisal District

**Texas Property Tax Code Sec. 6.03. Board of Directors.**

(a) The appraisal district is governed by a board of directors. Five directors are appointed by the taxing units that participate in the district as provided by this section. If the county assessor-collector is not appointed to the board, the county assessor-collector serves as a nonvoting director.

## AGENDA ITEM REPORT Item 9

Meeting Date: November 11, 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. Excerpt: Chapter 5 - Thoroughfares - Comprehensive Land Use Plan
2. Thoroughfare Standards

### Agenda Item / Topic:

ITEM 9. **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. The last update to the Comprehensive Land Use Plan (Thoroughfares, Chapter 5) was done in 2016 and it is recommended to update the Comp Plan every 5-years.

The last update to the Thoroughfare Standards occurred in 2014 with the adoption of Ordinance 2014-09, revising the pavement width requirements for residential streets from 28 feet to 30 feet.

In June 2017 a committee was formed but never met. Three members were appointed to serve, and two members of those members 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 serve on 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 canopyed 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.

## Thoroughfare Plan Map

## **City of Ovilla, Texas**

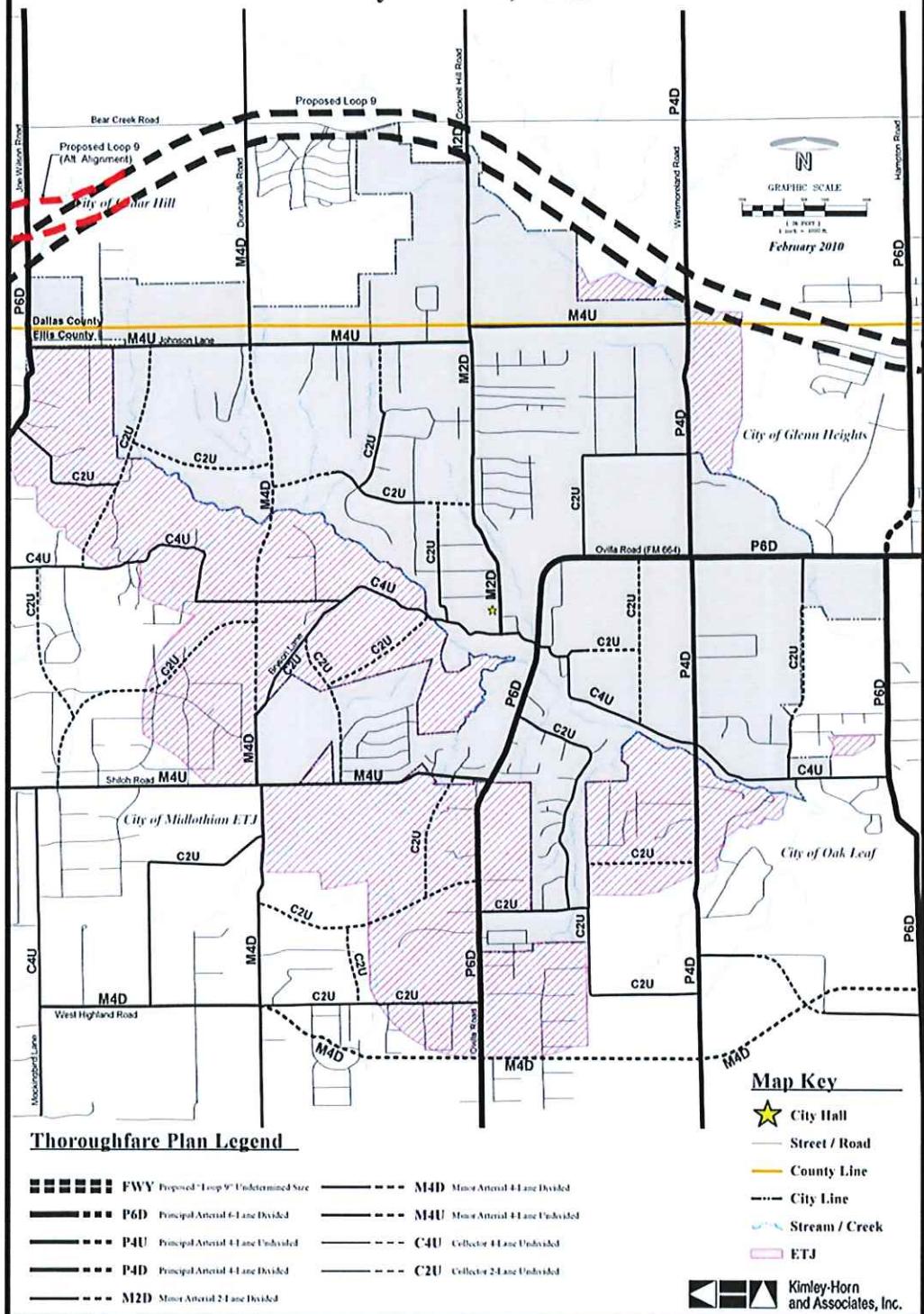


Figure 5.1, City of Ovilla Thoroughfare Plan Map 2010

## 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.

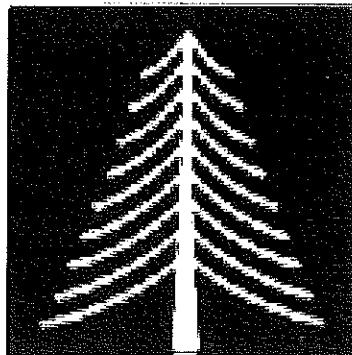
This Street Improvement Program should include the following:

- 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.

# **CITY OF OVILLA, TEXAS**



## **THOROUGHFARE STANDARDS**

**Revised May 12, 2014  
Ordinance 2014-009**

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Note: Street Design Standards Revised May 12, 2014

**Manual Prepared By**

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# SECTION I

## STREET DESIGN STANDARDS

### A. DEFINITIONS

| <b>TABLE I</b>         |       |                            |                          |                  |
|------------------------|-------|----------------------------|--------------------------|------------------|
| Type                   | R-O-W | Pavement<br>(Face to Face) | Median<br>(Face to Face) | Parkway<br>Width |
| Major Thoroughfare     | 110'  | 6/11' (66')                | 14'                      | 9'               |
| Secondary Thoroughfare | 92'   | 4/12' (48')                | 24'                      | 9'               |
| Collector              | 70'   | 40'                        | None                     | 11.5'            |
| Residential Street     | 50'   | 30'                        | None                     | 11.5'            |

Above defined by the City of Ovilla, Texas, Comprehensive Plan and most recent Major Thoroughfare Plan.

### B. MINIMUM HORIZONTAL DESIGN RADIUS

Minimum Centerline Radius is defined by the design speed of the respective street. The design speed of each street In the City of Ovilla, as defined by the Thoroughfare Plan, can be determined from Table 2.

**TABLE 2**  
**DESIGN SPEED OF EACH TYPE OF STREET**

| <u>Street Type</u>               | <u>Design Speed</u> |
|----------------------------------|---------------------|
| Collection and Residential ..... | 30                  |
| Secondary Thoroughfare .....     | 35                  |
| Major Thoroughfare .....         | 40                  |

The minimum acceptable horizontal centerline radius, for each respective street's design speed, is shown in Table 3.

## Roadway Design

### Minimum Horizontal Centerline Radius

Based on AASHTO formula for minimum radius and side friction factor

Normal  $\frac{1}{4}$ " per foot cross slope both sides of roadway

Equation:

$$R = \frac{V^2}{15 * (e + f)}$$

Where: R - minimum centerline radius

V - design speed

e - rate of super elevation in ft/ft (use -0.0208)

f - side friction factor from AASHTO Figure III-7 for rural highways and high speed urban streets

| Posted Speed | Design Speed | "e"<br>Superelevation Rate | "f" Side Friction Factor | Calculated Radius | Use  |
|--------------|--------------|----------------------------|--------------------------|-------------------|------|
| *30          | 30           | -0.0208                    | 0.155                    | 447.09            | 450  |
| 30           | 35           | -0.0208                    | 0.150                    | 632.09            | 640  |
| 35           | 40           | -0.0208                    | 0.145                    | 858.83            | 860  |
| 40           | 45           | -0.0208                    | 0.142                    | 1113.86           | 1120 |
| 45           | 50           | -0.0208                    | 0.140                    | 1398.21           | 1400 |
| 50           | 55           | -0.0208                    | 0.130                    | 1846.76           | 1850 |
| 55           | 60           | -0.0208                    | 0.120                    | 2419.35           | 2420 |
| 60           | 65           | -0.0208                    | 0.110                    | 3157.70           | 3160 |
| 65           | 70           | -0.0208                    | 0.100                    | 4124.58           | 4125 |
| 70           | 75           | -0.0208                    | 0.090                    | 5419.08           | 5420 |

\*Residential Streets Only

Friction Factor for 75 MPH is extrapolated from the AASHTO curve.

**TABLE 3**  
**MINIMUM HORIZONTAL CENTERLINE RADIUS**

| <u>Y</u><br>(mph) | <u>f</u> | <u>E</u><br>(ft/ft) | <u>(e + f)</u> | <u>R</u><br>(Calculated)<br>(ft) | <u>R</u><br>(Rounded for Design)<br>(ft) |
|-------------------|----------|---------------------|----------------|----------------------------------|--|
| 30                | 0.16     | -0.02               | 0.14           | 428.57                           | 450                                      |
| 35                | 0.16     | -0.02               | 0.14           | 583.33                           | 600                                      |
| 40                | 0.15     | -0.02               | 0.13           | 820.51                           | 850                                      |
| 45                | 0.15     | -0.02               | 0.12           | 1,038.46                         | 1,050                                    |
| 50                | 0.14     | -0.02               | 0.12           | 1,388.89                         | 1,400                                    |
| 55                | 0.14     | -0.02               | 0.12           | 1,680.56                         | 1,700                                    |
| 60                | 0.12     | -0.02               | 0.10           | 2,400.00                         | 2,400                                    |

(AASHTO P 177)

Minimum centerline design radius for residential streets shall be 250-feet for curves with a length over 125 feet long.

#### C. MINIMUM VERTICAL ALIGNMENT

Vertical Alignment is a function of Stopping Sight Distance (SSD) which is given by:

$$SSD = 1.47PV + \frac{V^2}{30(f+g)}$$

(Transportation and Traffic Engineering Handbook, Second Edition, Page 590)

Stopping Sight Distances are calculated for  $g = 0$ , rates of vertical curvature are derived from AASHTO Page 307, 312 and 316 and used (K) to determine crest curve lengths per Table 4.

**TABLE 4**  
**MINIMUM ACCEPTABLE CREST CURVE GIVEN SPEED AND  
 DIFFERENCE IN GRADE OF ROAD**

| S       |     |     | L-KA |     |     |      |      |      |      |      |      |      |
|---------|-----|-----|------|-----|-----|------|------|------|------|------|------|------|
| K       |     |     | L-KA |     |     |      |      |      |      |      |      |      |
| MPH Ft. |     |     | A-1  | A-2 | A-3 | A-4  | A-5  | A-6  | A-7  | A-8  | A-9  | A-10 |
| 30      | 200 | 30  | 100  | 100 | 100 | 120  | 150  | 180  | 210  | 240  | 270  | 300  |
| 35      | 250 | 50  | 100  | 100 | 150 | 200  | 250  | 300  | 350  | 400  | 450  | 500  |
| 40      | 325 | 80  | 100  | 160 | 240 | 320  | 400  | 480  | 560  | 640  | 720  | 800  |
| 45      | 400 | 120 | 120  | 240 | 360 | 480  | 600  | 720  | 840  | 960  | 1080 | 1200 |
| 50      | 475 | 160 | 160  | 320 | 480 | 640  | 800  | 960  | 1120 | 1280 | 1440 | 1600 |
| 55      | 550 | 220 | 220  | 440 | 660 | 880  | 1100 | 1320 | 1540 | 1760 | 1980 | 2200 |
| 60      | 650 | 310 | 310  | 620 | 930 | 1240 | 1550 | 1860 | 2170 | 2480 | 2790 | 3100 |

**TABLE 5**  
**MINIMUM ACCEPTABLE SAG CREST CURVE GIVEN SPEED AND  
 DIFFERENCE IN GRADE OF ROAD**

| S       |     |     | L-KA |     |     |     |     |     |      |      |      |      |
|---------|-----|-----|------|-----|-----|-----|-----|-----|------|------|------|------|
| K       |     |     | L-KA |     |     |     |     |     |      |      |      |      |
| MPH Ft. |     |     | A-1  | A-2 | A-3 | A-4 | A-5 | A-6 | A-7  | A-8  | A-9  | A-10 |
| 30      | 200 | 40  | 100  | 100 | 120 | 160 | 200 | 240 | 280  | 320  | 360  | 400  |
| 35      | 250 | 50  | 100  | 100 | 150 | 200 | 250 | 300 | 350  | 400  | 450  | 500  |
| 40      | 325 | 70  | 100  | 140 | 210 | 280 | 350 | 420 | 490  | 560  | 630  | 700  |
| 45      | 400 | 90  | 100  | 180 | 270 | 360 | 450 | 540 | 630  | 720  | 810  | 900  |
| 50      | 475 | 110 | 110  | 220 | 330 | 440 | 550 | 660 | 770  | 880  | 990  | 1100 |
| 55      | 550 | 130 | 130  | 260 | 390 | 520 | 650 | 780 | 910  | 1040 | 1170 | 1300 |
| 60      | 650 | 160 | 160  | 320 | 480 | 640 | 800 | 960 | 1120 | 1280 | 1440 | 1600 |

**D. INTERSECTION CURB RADII**

- (1) The radius shall be thirty (30) feet at the intersection of a secondary and major, or major and major streets. See Detail, page 9.
- (2) At all other Intersecting streets, the radius shall be twenty (20) feet. See Detail, page 9.

**Note:** At Intersections, the curb radius encroaches on the right-of-way so as to not provide sufficient room for sidewalks, utilities, etc. within the parkway. Therefore, right-of-way will be dedicated at the intersection of all streets such that a minimum of nine and one-half (9.5) feet of parkway shall be maintained from the back of the curb along the curb's radius.

**E. RESIDENTIAL FRONTAGE**

Residential houses shall not front a thoroughfare unless parallel access roads are provided. Minimum distances between adjacent curbs or the thoroughfare and the access road shall be twenty (20) feet.

**F. STATE DESIGNATED ROADS**

All such roads within the City of Ovilla will conform to State Design Standards unless otherwise directed by the City Engineer.

## SECTION II

### MEDIAN AND LEFT TURN LANE DESIGN STANDARDS

#### A. WIDTH OF MEDIAN

Median widths vary from a minimum of 4' to a maximum of 24' (see Table 1).

#### B. REQUIRED MEDIAN OPENING AND LEFT-TURN LANE

Median openings on divided thoroughfares shall be provided at all dedicated street intersections and at private drives where they conform to the City's spacing requirements. The median opening shall be accompanied by a left turn lane for the proposed drive or street.

#### C. COST OF MEDIAN OPENINGS AND LEFT-TURN LANES

Median openings and left-turn lanes constructed to serve private drives and new roads shall be paved to City standards, inspected by City Inspectors, and paid for by owners served by the median openings and left-turn lanes. The City shall be responsible for, and pay the costs of, the pavings of median openings and left-turn lanes, constructed to serve existing dedicated streets, and those that exist for drives, when a part of the Capital Improvement widening program is undertaken by the City on an existing public street.

#### D. MINIMUM LEFT-TURN STORAGE, TRANSITION LENGTH, AND MEDIAN OPENING WIDTH, LOCATION, AND SPACING REQUIREMENTS

##### (1) Left Turn Storage

All left-turn storage areas shall be ten (10) feet wide with minimum storage requirements for left-turn lanes as in Table 6.

**TABLE 6**  
**MINIMUM LEFT TURN STORAGE REQUIREMENTS**

| <u>Intersecting Thoroughfares</u>  | <u>Minimum Storage</u> |
|------------------------------------|------------------------|
| Major with Major .....             | 150 feet               |
| Major with Secondary .....         | 100 feet               |
| Major with Residential .....       | 60 feet                |
| Major with Private Drive .....     | 60 feet                |
| Secondary with Major .....         | 100 feet               |
| Secondary with Residential .....   | 60 feet                |
| Secondary with Private Drive ..... | 60 feet                |

**Note:** Storage requirements listed herein are absolute minimums. Storage requirements may increase based upon actual and projected traffic demands.

(2) Transition Length

The transition curves used in left-turn lanes shall be two 250-foot radius reverse curves, which will require a total transition length of 100-feet.

(3) Median Openings

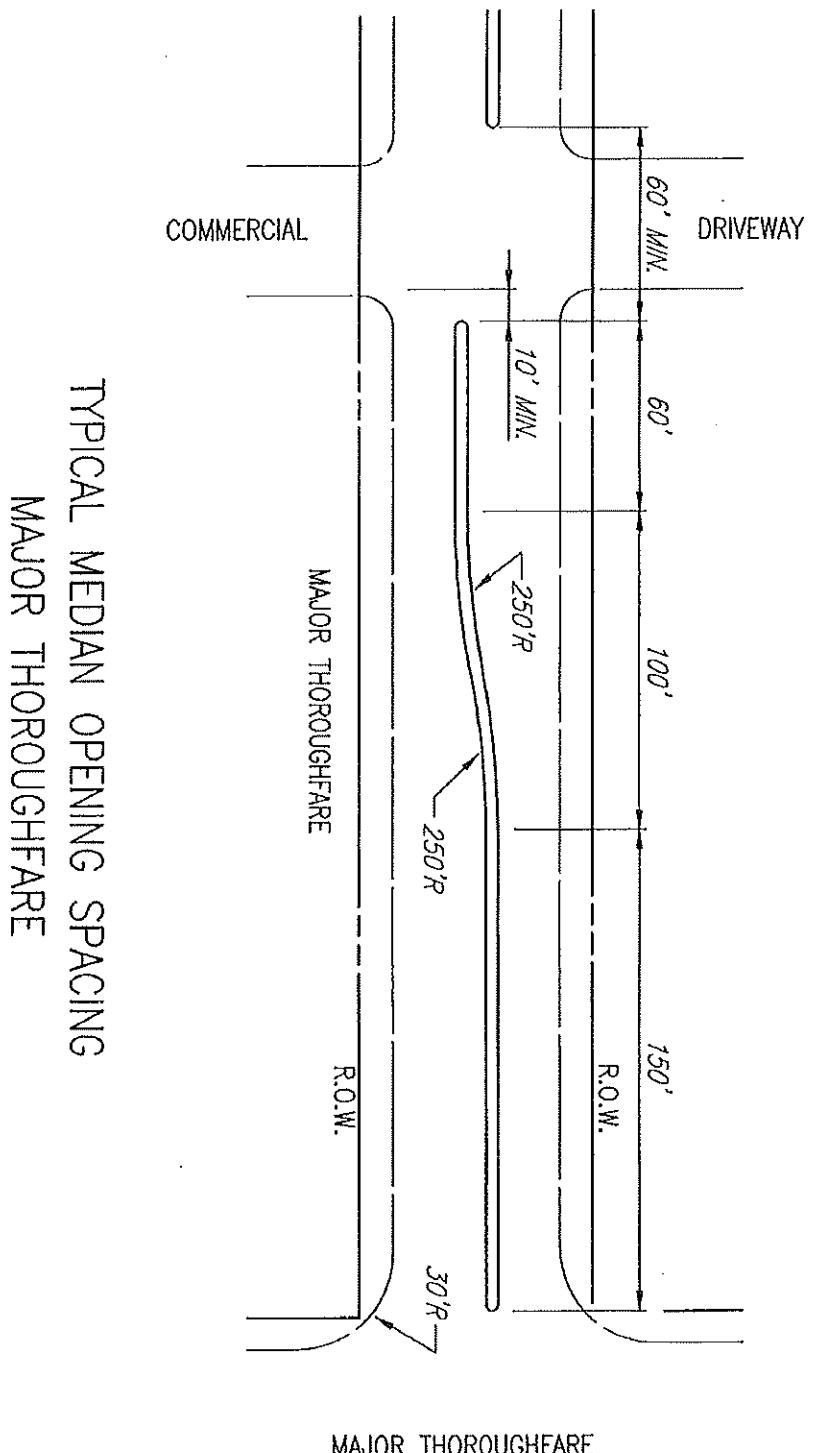
- a) Median openings at Intersections shall be from right-of-way to right-of-way or the intersecting street.
- b) The minimum width of mid-block median openings shall not be less than sixty (60) feet. See Detail, page 8.

(4) Medians Where No Left-Turn Pocket is Needed

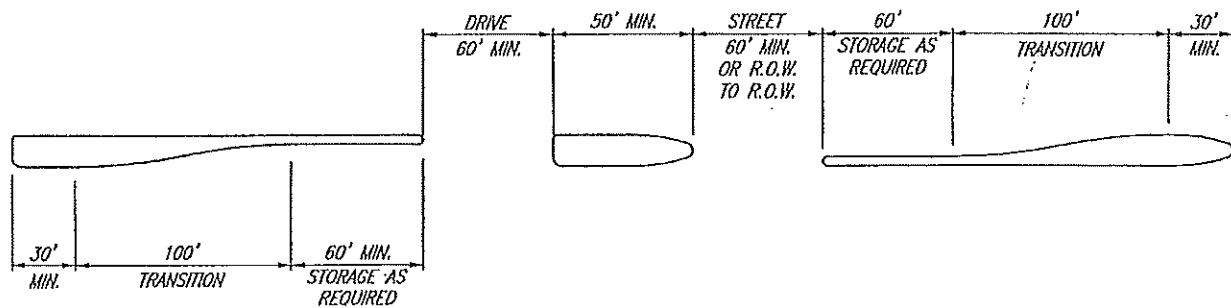
- a) If left-turn storage is provided in only one direction, (i.e., a drive cannot be installed for the other direction), the minimum length of median must be the required left-turn storage and transition length, plus 30-feet of median length beyond the end of the transition.
- b) If the left turn storage is not required in either direction, but the median is simply a spacer between two median openings, the minimum length of the spacer must be 50-feet. See Detail, page 9.

(5) Medians into Developments on Public Streets

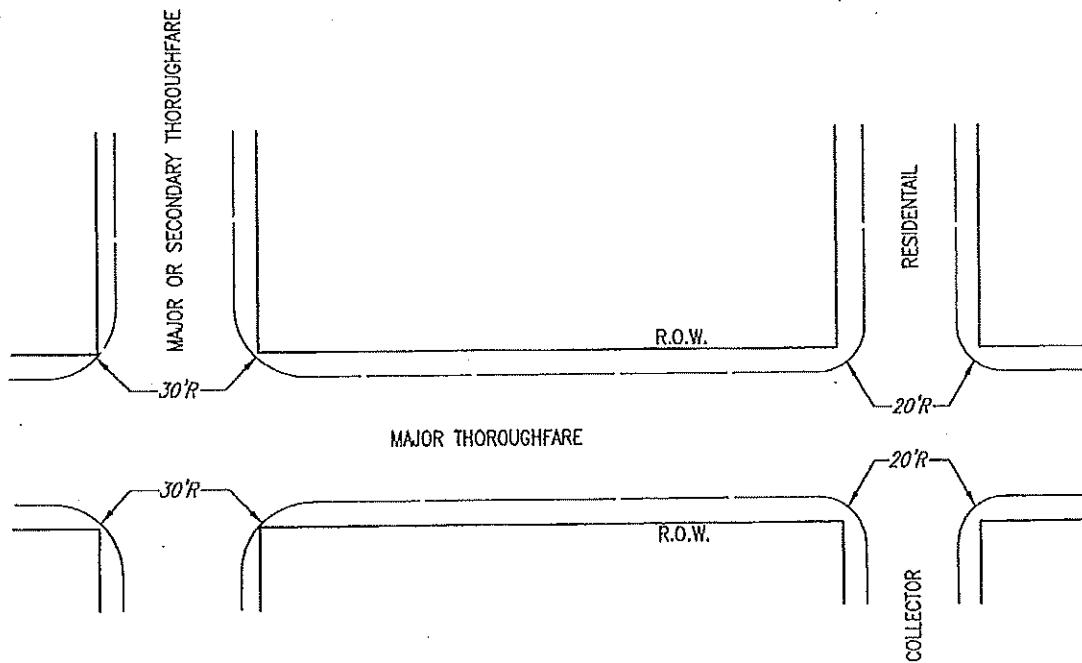
Medians installed on undivided streets at entrances to subdivisions for aesthetic or any other purpose will be a minimum of 4-feet wide and 100-feet long.



TYPICAL MEDIAN OPENING SPACING  
MAJOR THOROUGHFARE



TYPICAL MEDIAN DIMENSIONS WITHOUT  
BACK TO BACK LEFT TURN POCKETS



CURB RADII AT INTERSECTION

## SECTION III

### ALLEY DESIGN STANDARDS

#### **A. ALLEY INTERSECTIONS**

Alleys shall not intersect major or secondary thoroughfares with medians. Alleys which run parallel to and share a common right-of-way line with a major thoroughfare shall turn away from the major street not less than one subdivision lot width or a minimum of 50-feet (whichever is greater) from the cross street intersection.

#### **B. ALLEY RADIUS**

Alley radii at street intersections shall not be less than 10-feet.

## SECTION IV

### DRIVEWAY DESIGN STANDARDS

#### **A. DEFINITION OF DRIVEWAY TYPES**

For purposes of interpreting the provisions of these Rules and Regulations, the following definitions shall apply:

- (1) A "residential" driveway provides access to a single-family residence, to a duplex, or to a multi-family building containing five or fewer dwelling units. These drives shall intersect residential and commercial roadways only. All access to residential property abutting all other thoroughfares shall be off the alley or a service road.
- (2) A "commercial" driveway provides access to an office, retail or institutional building, or to a multiple-family building having more than five dwelling units. It is anticipated that such buildings will have incidental truck service. Commercial drives shall access to Major or Secondary Thoroughfares only.
- (3) An "industrial" driveway serves substantial numbers of truck movements to and from loading docks of an Industrial facility, warehouse, or truck terminal. A central retail development, such as a community or regional shopping center, may have one or more driveways specially designed, signed, and located to provide access for trucks and such driveways shall be considered industrial driveways. Industrial plant driveways whose principle function is to serve administrative or employee parking lots shall be considered commercial driveways. Industrial drives shall access to Major or Secondary Thoroughfares only.

**Note:** Two-way driveways shall always be designed to intersect the street at a 90° angle. One-way driveways may be designed to intersect a street at a 45° angle.

#### **B. DRIVEWAY WIDTH**

As the term is used here, the width of a driveway refers to the width of pavement at the property line.

- (1) Residential driveways onto streets shall have a minimum width of 12-feet and a maximum width of 24-feet. Joint access residential drives shall have no less than nine (9) feet on any property. See Detail (a), page 13.

- (2) Commercial/Industrial. Two-way operation: See Detail (b), page 13.
  - a) Commercial driveways shall have a minimum width of twenty-four (24) feet and a maximum width of 30-feet.
  - b) Industrial driveways shall have a minimum width of 30-feet and a maximum width of 40-feet. Joint access commercial/industrial drives shall have no less than Ten (10) feet on any property, with the full drive width and access pavement to the property built for the development at the same time.
- (3) Commercial/Industrial - One way operation:
  - a) 90 degree drives shall have a width of 18-feet for ingress and 22-feet for egress, with the separation median width being a minimum of 4-feet and a maximum of 10-feet. See Detail (c), page 14.
  - b) 45-degree drives shall have a width of 18-feet for ingress and 16-feet for egress, with the separation median width being a minimum of 4-feet and a maximum of 10-feet. Joint access commercial/industrial drives shall have no less than 10-feet on any property, with the full drive width and access pavement to the property built for the development at the same time. See Detail (d), page 14.

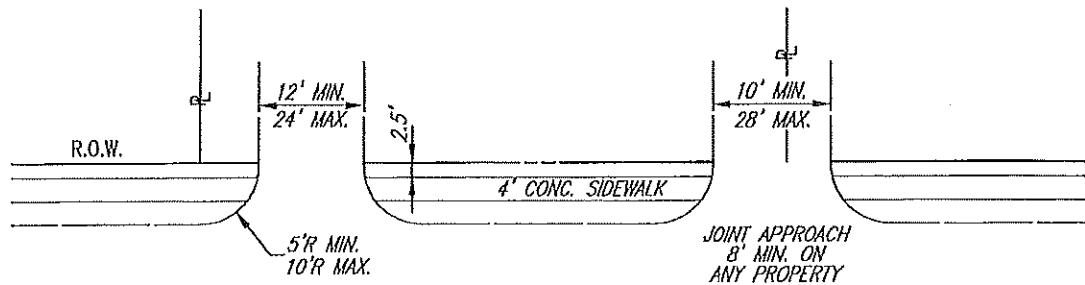
#### **C. DRIVEWAY RADIUS**

All driveways intersecting dedicated streets shall be built with a circular curb radius connecting the 6-inch raised curb of the roadway to the design width pavement of the driveway. All driveways shall provide for barrier free access. Driveway radii shall fall entirely within the subject property so as to begin at the street curb, at the extension of the property line.

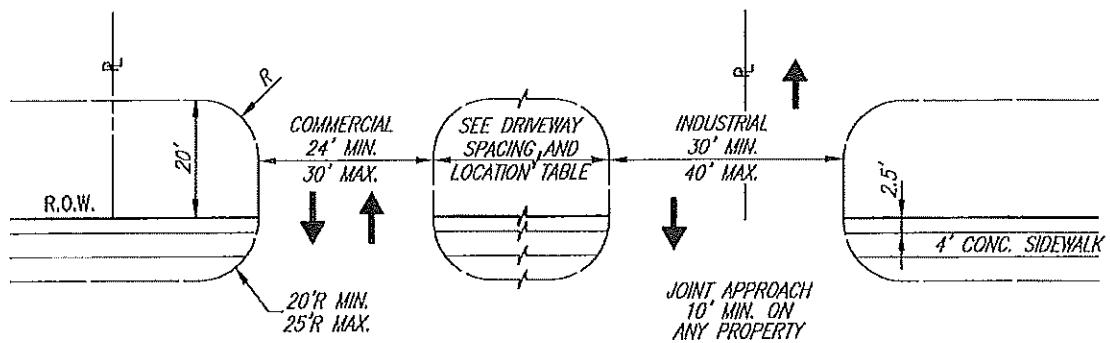
- (1) 90 Degree Intersection (See Detail, page 13)
  - a) The curb radii for a residential drive shall be a minimum of 5-feet and a maximum of 10-feet.
  - b) The curb radii for a commercial drive shall be 20-feet.
  - c) The curb radii of an industrial driveway shall be 25-feet.
- (2) 45 Degree Intersection

The curb radii shall be 5-feet for the outside of the drive and 2½-feet for the median. See Detail, page 14.

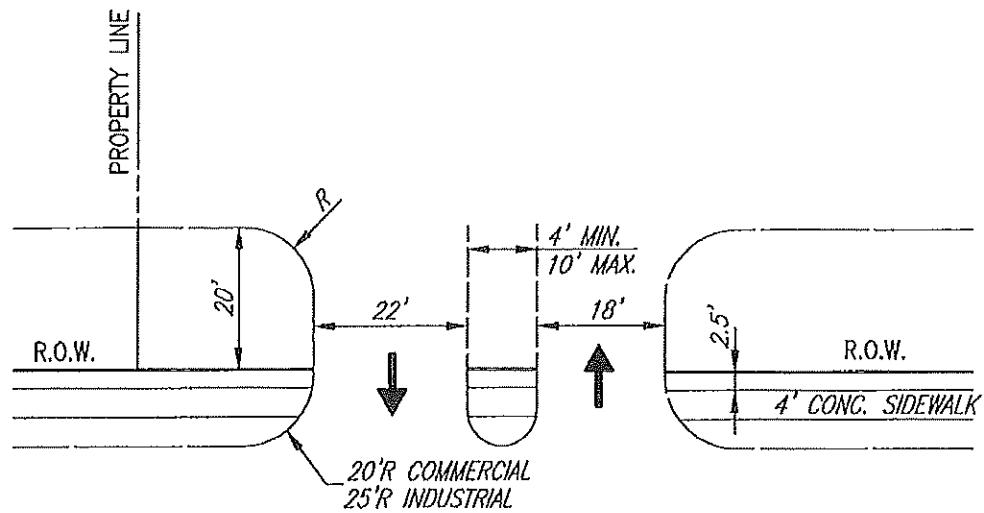
In order that the definition of the location of the edge of pavement for the thoroughfare may be maintained, driveway radii shall always be designed to become tangent to the street curb line. All commercial and industrial drives will have an unbroken curb length of not less than 20-feet from the right-of-way, or 30-feet from the roadway curb extending into the site on each side of the drive.



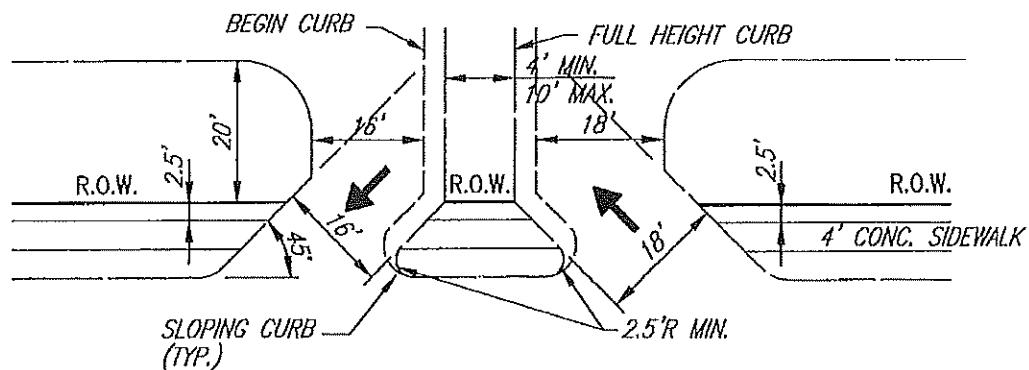
(a) DRIVEWAYS WIDTH, RADIUS, SPACING



(b) DRIVEWAYS WIDTH, RADIUS, SPACING



(c) DRIVEWAYS WIDTH, RADIUS, SPACING



(d) DRIVEWAYS WIDTH, RADIUS, SPACING

## **D. DRIVEWAY SPACING AND LOCATION IN RELATION TO OTHER DRIVES**

### **(1) Residential**

Driveway approaches on a tract of land devoted to one use shall not occupy more than 70% of the frontage abutting the roadway. No more than two driveway approaches shall be permitted on any parcel of property on each street.

### **(2) Commercial and Industrial**

The spacing and location of driveways shall be related to both existing adjacent driveways and those shown on approved development plans. The spacing between driveways shall depend upon the speed limit of the Thoroughfare as per Table 7. Driveways shall not be permitted in the transition area of a deceleration lane or a right turn lane.

**TABLE 7**

### **DRIVEWAY SPACING IN RELATION TO OTHER DRIVES GIVEN THE DESIGN SPEED OF THE STREET**

| <b><u>Design Speed (MPH)</u></b> | <b><u>Driveway Spacing (Ft.)</u></b> |
|----------------------------------|--------------------------------------|
| 25 .....                         | 65                                   |
| 30 .....                         | 90                                   |
| 35 .....                         | 100                                  |
| 40 .....                         | 120                                  |
| 45 .....                         | 150                                  |
| 50 .....                         | 200                                  |

Minimum spacing shall not be more than 10-feet less than the spacings shown above. Spacings between driveways will be measured along the property line from the edge of one driveway to the closest edge of the next driveway and not from centerline to centerline.

## **E. DRIVEWAY SPACING IN RELATION TO A CROSS STREET**

### **(1) 90 Degree Intersection - Drive to Road**

- a) Driveways that intersect at 90 degrees to a residential or "secondary street" shall be located a minimum of the drive radius from a residential street's end of curb radius.
- b) A driveway that intersects at 90 degrees to a residential or secondary street shall be located a minimum of thirty (30) feet from a secondary or major street's end of curb radius. (see Detail (a), page 17)

c) A driveway that intersects at 90 degrees to a major street shall be located a minimum of 100-feet from any intersecting street's right-of-way. If the property length, along the street, is such that both the drive and the drive's curb radius cannot be totally within the proposed development, the drive will be situated so as to be a joint access drive. (see Detail (b), page 17)

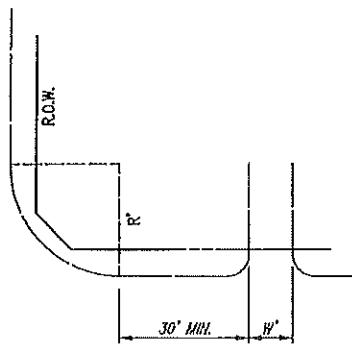
(2) 45 degree Intersection - Drive to Road

- If one-way angle drives are used, the radius for the driveway on a residential or secondary may not begin less than 35-feet from an intersecting street's end of curb radius.
- On a major street the drive shall be located a minimum of 100-feet from any intersecting street's right-of-way. If a property length, along the street, is such that both the drive and drive's curb radius cannot be totally within the proposed development, the drive will be situated so as to be a joint access drive. (see Detail (c), page 17)

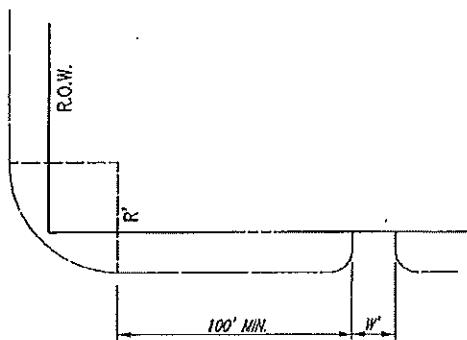
A summary of driveway widths, radii, and angle requirements are given in Table 8.

**TABLE 8**  
**SUMMARY OF DRIVE REQUIREMENTS**

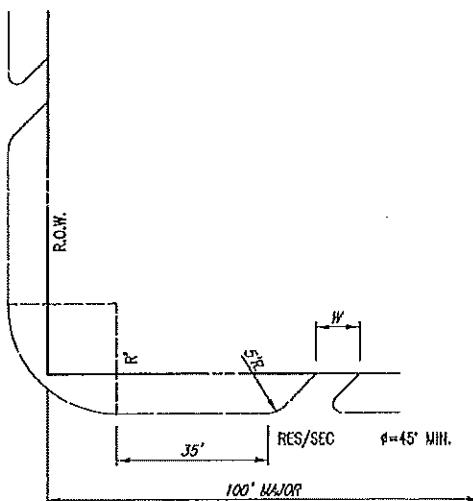
|                            | Residential | Commercial | One-Way |      | Industrial |
|----------------------------|-------------|------------|---------|------|------------|
|                            |             |            | In      | Out  |            |
| Width (ft)                 |             |            |         |      |            |
| Minimum                    | 12          | 20         |         |      | 30         |
| One-way (only)             |             |            |         |      |            |
| 90°                        |             |            | 18      | 22   |            |
| 45°                        |             |            | 18      | 16   |            |
| Maximum                    | 24          | 30         |         |      | 40         |
| Curb Radius (ft)           |             |            |         |      |            |
| 45° (one-way)              | 5           | 5          | 5       | 5    | 5          |
| 90°                        | 5 – 10      | 20         | Same    | Same | 25         |
| Intersection Angles (deg.) |             |            |         |      |            |
| 90°                        | 90°         | 90°        | 90°     | 90°  | 90°        |
|                            | 45°         | 45°        | 45°     | 45°  | 45°        |



(a) DRIVE INTERSECTING A RESIDENTIAL OR SECONDARY



(b) 90° DRIVE INTERSECTING A MAJOR



(c) ANGLE DRIVE

## SECTION V

### SIDEWALK AND LOCATION DESIGN STANDARDS

#### A. DEFINITION OF SIDEWALK

A sidewalk is defined as that paved area in a roadway right-of-way between the curb lines or the edge of pavement or the roadway and the adjacent property lines for the use of pedestrians. The maximum crossfall of the sidewalk shall be  $\frac{1}{4}$ -inch per foot. These sidewalks shall conform to the following standards:

- 1) Zoning Classification Requiring Sidewalks: Concrete sidewalks designed and located according to City standards shall be constructed along all streets in all zoning classifications except agriculture zoning. Sidewalks shall be built at the time of site development. Should it be impractical to install the sidewalk at that time, funds for the sidewalk construction shall be placed in escrow with the City for use at the time when sidewalks are needed. Payment or escrow shall be made at the time of site plan or final plat approval.
- 2) Residential Areas (Single Family, Two Family and Multi-Family): Sidewalks shall be 4-feet in width and located directly behind the back of curb. Along thoroughfare the sidewalk width shall be 5-feet in width.
- 3) Non-Residential Areas: In all non-residential areas a 4-foot concrete sidewalk shall be provided and located directly behind the back of curb. Along thoroughfares the sidewalk width shall be 5-feet.
- 4) Exceptions: In areas where mailboxes interfere with a clear width of 4 or 5 feet for the sidewalk, the specified width shall be wrapped around the mailbox.
- 5) Waiver: The sidewalk required in non-residential areas may be waived by the City Council either temporarily or permanently at the time of site plan or final plat approval. Waiver may be granted based on site conditions and/or location of the tract.
- 6) Areas Without Screening Walls: In areas on major and secondary roadways where either screening is not required or a type of screening other than a wall is used, (e.g., a berm,

foliage, etc.) a 4-foot sidewalk will be constructed not more than 2½-feet from the right-of-way line as required by the Thoroughfare Plan.

- 7) Areas with Screening Walls: In areas where a screening wall is provided, a concrete sidewalk shall be constructed contiguous with the screening wall. The street side of the sidewalk shall run parallel to the street curb. The sidewalk shall be a minimum of 5-feet wide and the measurement shall be made from the street side of the sidewalk.
- 8) Sidewalk on Bridges: Bridges on thoroughfares shall have a sidewalk constructed on each side of the bridge. The sidewalk shall be a minimum of 6-feet wide with a parapet wall provided adjacent to the curb of the thoroughfare and with a standard pedestrian bridge rail protecting the sidewalk on the outside edge of the bridge.
- 9) Sidewalks Under Bridges: When new bridges are built as a part of the construction of a roadway or the reconstruction of a roadway and a pedestrian crossing is needed, an 8-foot sidewalk will be built as a part of the embankment design underneath the bridge structure.

**B. BARRIER-FREE RAMPS (Compliance shall be with the American Disability Act)**

Curbs and walks constructed at intersections or all streets and thoroughfares must comply with the provisions of the American Disability Act and be constructed in a manner to be easily and safely negotiated by physically challenged persons.

## SECTION VI

### PUBLIC RIGHT-OF-WAY VISIBILITY

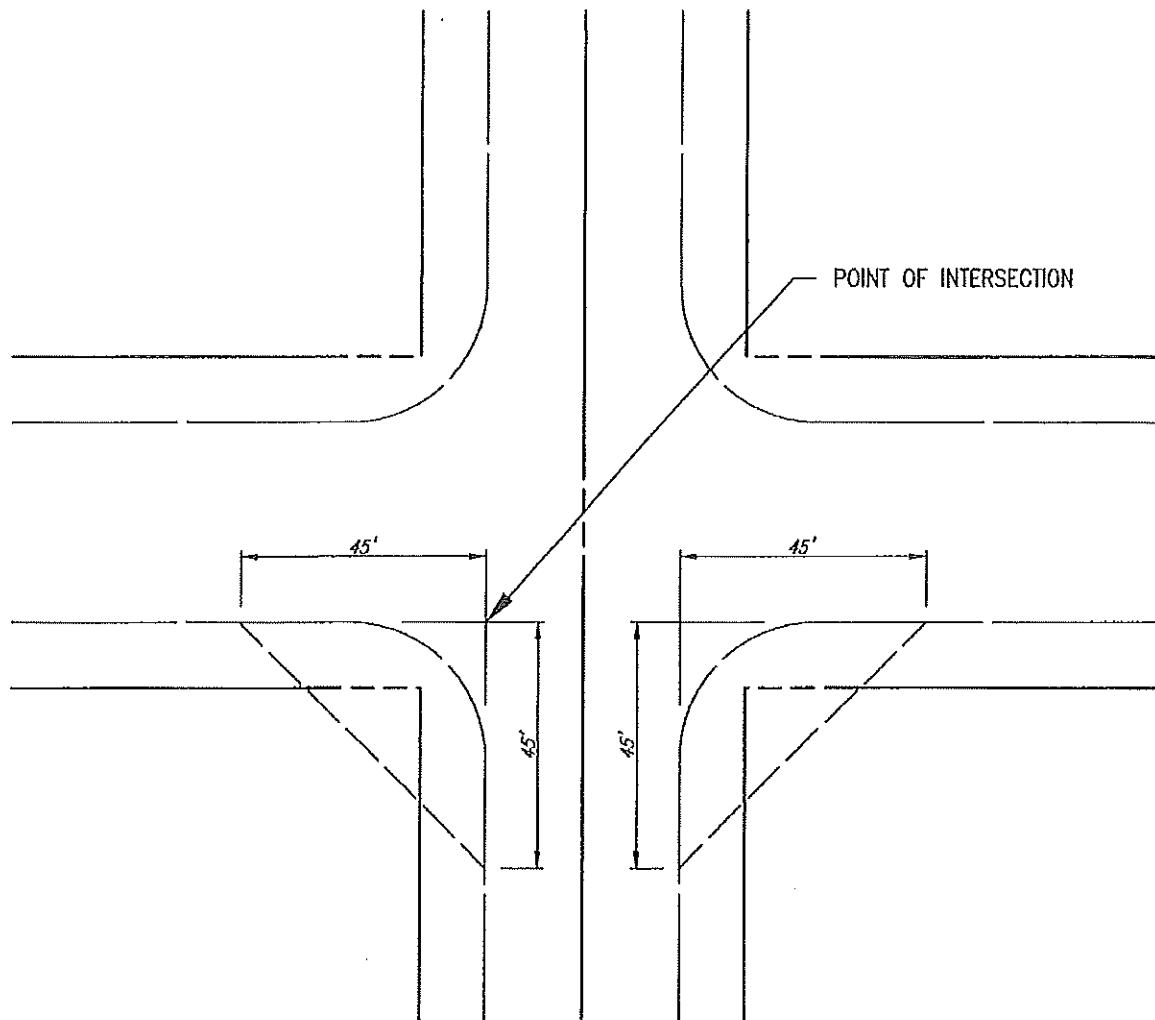
#### **A. STREET/DRIVE INTERSECTION VISIBILITY OBSTRUCTION TRIANGLES-FRONTAGE PLAN/PROFILE**

A landscape plan showing the plan/profile of the street on both sides of each proposed drive/street to the proposed development with the grades, curb elevations, proposed street/drive locations, and all items (both natural and man-made) within the visibility triangles as prescribed below shall be provided with all site plans, if they are not on engineering plans that are submitted at the same time. This profile shall show no horizontal or vertical restrictions (either existing or future) within the areas defined below.

##### **(1) Obstruction/Interference Triangles-Defined**

No fence, wall, screen, billboard, sign, structure, foliage, hedge, tree, bush, shrub, berm, or any other item, either manmade or natural shall be erected, planted, or maintained in a position, which will obstruct or interfere with the following minimum standards.

- a) Vision at all intersections where streets intersect at or near right angles shall be clear at elevation between 2½-feet and 9-feet above the average gutter elevation, except single trunked trees, within a triangular area formed by extending the two curb lines from their point of intersection, 45-feet, and connecting these points with an imaginary line, thereby making a triangle. If there are no curbs existing, the triangular area shall be formed by extending the property lines from their point of intersection 30-feet and connecting these points with an imaginary line, thereby making a triangle. (see Detail, page 21)
- b) Definitions for desirable minimum sight distance requirements for non-residential streets, commercial driveways, and industrial driveways that intersect at or near right angles are presented below (see Detail, page 23). The values presented are minimum sight distances which would permit the following:
  - T-Upon turning left or right, an exiting vehicle could accelerate to the operating speed of the street.



## HORIZONTAL CLEAR TRIANGLE

The desirable minimum sight distances are based on the premise that the approaching driver can observe the intersecting vehicle 2.5 seconds before he must apply the brakes and travel the minimum stopping distance for his approach speed. They are, therefore, particularly applicable to arterial streets. Actual sight distances provided at Intersections should be much greater than these minimum values if practical. The minimum sight distance triangle shall also apply to visibility obstructions at intersections.

Conditions for Intersection Sight Triangle-Plan/Profile:

- In the plan view, the horizontal clear area at the Intersection of a proposed street/drive shall be defined as being within a triangular area formed by:
  - (I) A line that is on the centerline of the proposed street/drive, beginning at the Intersecting street's tangent curb and continuing for a distance of 15-feet back into the proposed street/drive to the end point.
  - (II) A line that is parallel to and 5-feet out from the intersecting street's curb, beginning at the centerline of the proposed street/drive and continuing for a distance "T" as prescribed in Table 9, to the end point.
  - (III) A straight line that connects the end point of an:
    - That is on the centerline and 15-feet back into the proposed street/drive, and the end point of a
    - That is a distance "T" along and 5-feet out from the existing street's curb from the centerline or the proposed street/drive.

In the profile view, the clear window shall be defined as being within the horizontal clear area and clear between 2.5 feet and 9 feet above the average pavement elevation.

**Note:** Single trunked trees within the triangles and in the median shall be allowed and spaced so as to not cause a "picket fence" effect. Because of the large variation of ways in which trees can be planted, the spacings will be decided upon by the City Engineer and the developer at the time of review of the landscape plans. Any other item that obstructs these lines so as to interfere with the above requirements will not be allowed.

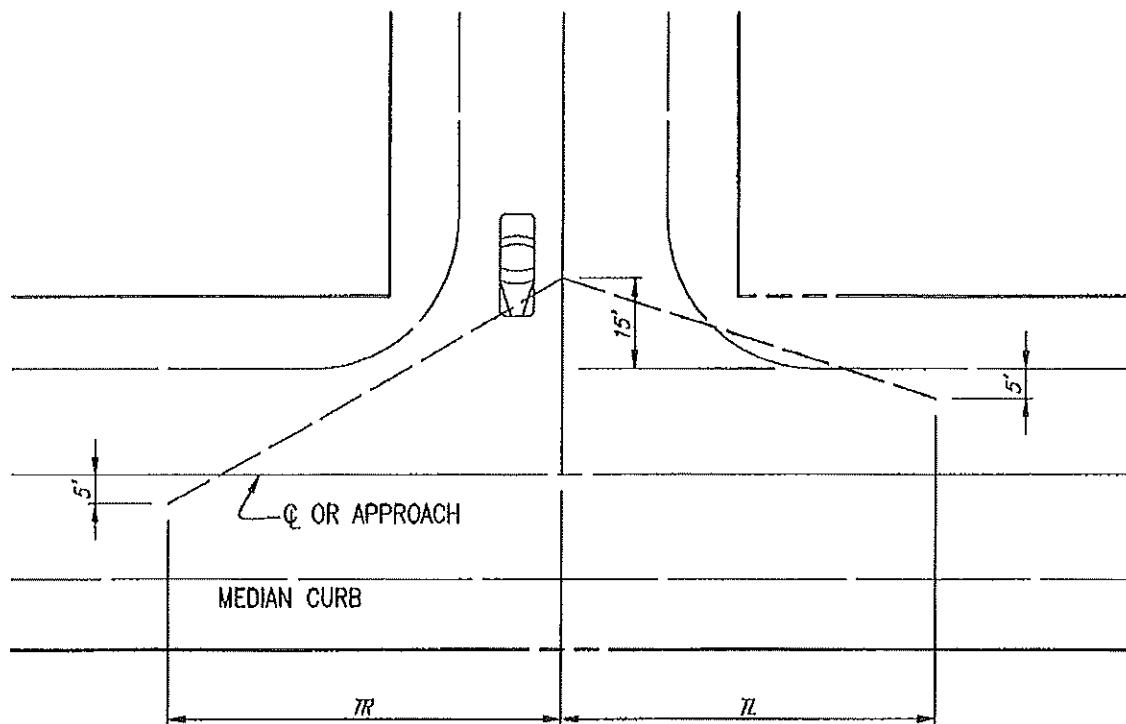


TABLE 9  
 MINIMUM SIGHT DISTANCE FOR  
 A CAR AT AN INTERSECTION

| <u>MPH</u> | <u>I</u>          |
|------------|-------------------|
| 30         | $110 + 200 = 310$ |
| 35         | $130 + 250 = 380$ |
| 40         | $130 + 325 = 475$ |
| 45         | $165 + 400 = 565$ |
| 50         | $190 + 475 = 665$ |

(AASHTO P138, BRAKE REACTION DISTANCE  
 + STOPPING SITE DISTANCE)

**TABLE 9**  
**MINIMUM SIGHT DISTANCE FOR A CAR AT AN INTERSECTION**  
**(For Level-Two Lane Streets)**

| MPH | T               |
|-----|-----------------|
| 30  | 110 + 200 = 310 |
| 35  | 130 + 250 = 380 |
| 40  | 130 + 325 = 475 |
| 45  | 165 + 400 = 565 |
| 50  | 190 + 475 = 665 |

**AASHTO P138, Break Reaction Distance + Stopping Site Distance**

The aforementioned restrictions also apply to streets which do not intersect at right angles, except that the triangle dimensions shall not necessarily be minimum requirements. In such cases the City Engineer shall have the authority to vary such requirements as he deems necessary to provide safety for both vehicular and pedestrian traffic.

**B. R.O.W. OBSTRUCTIONS OUTSIDE THE VISIBILITY TRIANGLES**

- 1) Foliage of hedges, trees and shrubs in public right-of-ways which are not governed by Zoning Ordinance of the City, or the above triangles shall be maintained such that the minimum overhung above a sidewalk shall be 7-feet, the minimum overhang above a street shall be 14-feet.
- 2) All other areas within the street right-of-ways shall be clear at elevations between 2½-feet and 9-feet above the average street grade,
- 3) Plants In the public right-of-way that will grow over 30-inches (when mature) above the adjacent street's curb will conform to all of the above requirements, where applicable. All landscape plans shall show the locations and type of such plants, and show each of the prescribed triangles.
- 4) Ground elevations, within both triangles, will be shown by contour lines.

**Note:** No plantings over 30-inches above the adjacent gutter elevation are allowed In the median for the length of the left turn stacking space unless specifically agreed upon by the City Engineer.

### **C. ALLEY VISIBILITY OBSTRUCTIONS**

No fence, wall, screen, billboard, sign, structure, or foliage of hedges, trees, bushes, or shrubs shall be erected, planted or maintained in any alley right-of-way. Foliage or hedges, trees, bushes, and shrubs planted adjacent to the alleys right-of-way which are not governed by the above triangles or by Zoning Ordinance of the City, shall be maintained such that the minimum overhang or encroachment shall be 14-feet above the alley surface at the edge of the pavement.

### **D. EXCEPTIONS**

The provisions of this manual shall not apply to, or otherwise interfere with, the following:

- 1) Placement and maintenance of traffic control devices under governmental authority and control.
- 2) Existing and future screening requirements Imposed by the City Council.
- 3) Existing and future City, State and Federal Regulations.

## SECTION VII

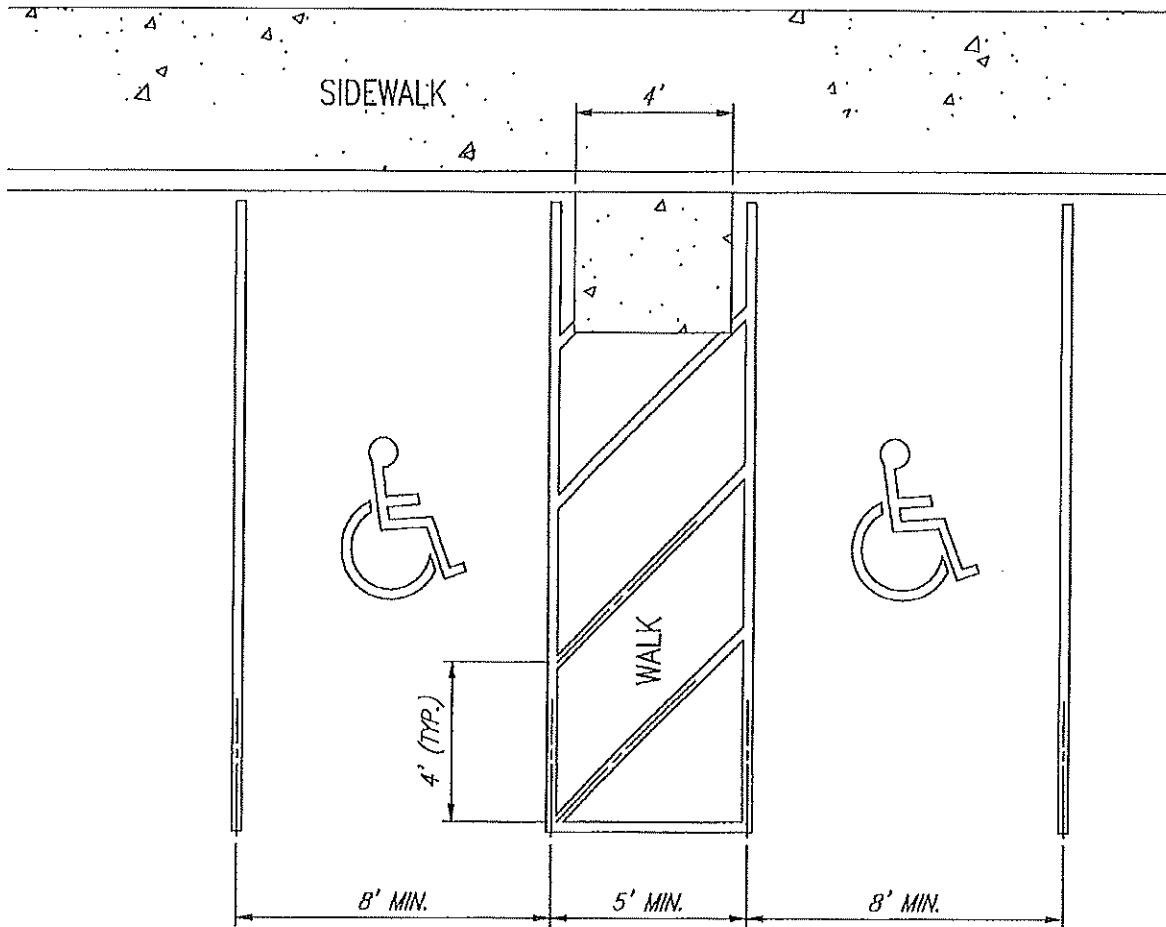
### OFF STREET REQUIREMENTS

#### **A. STACKING SPACE FOR DRIVE-UP WINDOWS**

The minimum stacking space for the first vehicle stop for commercial drive-throughs shall be 100-feet, and 40-feet thereafter, for any other stops.

#### **B. PARKING - LOT LAYOUT**

- 1) Each standard off-street parking space shall contain not less than 180 square feet and measure not less than 9 feet by 20 feet, exclusive of access drives and aisles, and shall be of usable shape and condition.
- 2) The width for two-way aisles shall be 24-feet.
- 3) Handicapped parking spaces shall be a minimum 8-feet in width with a 5-foot minimum walkway. The walkway can be shared by two spaces. For parallel parking the space shall be a minimum of 24-feet by a minimum 13-feet with a 3-foot minimum walkway one end beyond the minimum 24-feet dimension. (see Detail, page 27)
- 4) **Parking Overhang:** No parking stall shall be situated so as to allow vehicle overhang into public right-of-way. Curb or parking stops shall be installed so that the distance between the face of the curb or car stop is a minimum of 2-feet from the public right-of-way.
- 5) **Movements in Public Right-of-Way:** No parking stall shall be so designed as to allow any movement into or out of the stall, upon public right-of-way.



## HEAD-IN OR ANGLE PARKING DIMENSIONS

## AGENDA ITEM REPORT

### Item 10

Meeting Date: November 11, 2019

Discussion  Action

Submitted By: Staff

Reviewed By:  Interim City Manager

Accountant

Other: Deputy City Secretary  City Engineer

Department: Administration

Budgeted Expense:  YES  NO  N/A

#### Attachments:

1. Application
2. BOA Member list

#### Agenda Item / Topic:

ITEM 10. **DISCUSSION/ACTION** – Consideration of and action on a volunteer board appointment to serve a term on the Board of Adjustment and/or direct staff to continue solicitation for new applicants.

#### Discussion / Justification:

Place 2 Cedric Goree resigned last month, leaving his position on the BOA (term expires 2020) vacant. Ms. Halyard-King currently serves as Place 6 on the BOA, an alternate position to the Zoning Board of Adjustment. She is asking for appointment to serve a permanent position as Place 2 BOA member.

#### Recommendation / Staff Comments:

Staff recommends approval of the appointment of Ms. Patricia Halyard-King

#### Sample Motion(s):

I move to approve/deny the appointment of Patricia Halyard-King to serve the remaining term of Place 2 on the Zoning Board of Adjustment.

RETURN TO CITY SECRETARY'S OFFICE OR EMAIL TO [pwoodall@cityofovilla.org](mailto:pwoodall@cityofovilla.org)

DATE RECEIVED: 6-8-18



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

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

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

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

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

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

| <b>BOARDS, COMMISSIONS, COMMITTEES</b>                         | <b>MEETING INFORMATION</b>                                     |
|--|--|
| <input checked="" type="checkbox"/> Board of Adjustment        | 3 <sup>rd</sup> Monday of each month or as necessary – 7:00 PM |
| <input type="checkbox"/> Economic Development Corporation      | 3 <sup>rd</sup> Monday of each month or as necessary – 6:00 PM |
| <input type="checkbox"/> Municipal Development District        | As necessary   |
| <input type="checkbox"/> Municipal Services Advisory Committee | As necessary   |
| <input type="checkbox"/> Park Board Advisory Committee         | 1 <sup>st</sup> Monday of each month or as necessary – 5:00 PM |
| <input type="checkbox"/> Planning and Zoning Commission        | 1 <sup>st</sup> Monday of each month or as necessary – 6:00 PM |

NAME Patricia Halyard-King

HOME ADDRESS 103 Rimrock Court  
Ovilla, TX 75154

HOW LONG HAVE YOU LIVED IN OVILLA? 25 yrs EMAIL  

HOME TELEPHONE   BUSINESS TELEPHONE  

PROFESSION Retired

INTERESTS Reading, Exercise, Tennis

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

Finance background  
Business Development

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

No

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

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

\_\_\_\_\_

\_\_\_\_\_

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

- ♦ Vol Church related Multiple
- ♦ Vol Tutor for Dallas ISD Reading Pos
- ♦ \_\_\_\_\_

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

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

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

Patricia Halyard-King  
SIGNATURE

6/8/18  
DATE

Patricia Halyard-King  
PRINTED NAME OF APPLICANT



**CITY OF OVILLA OFFICIAL USE ONLY**

DATE APPOINTED \_\_\_\_\_ COMMITTEE APPOINTED TO \_\_\_\_\_

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

ATTENTION: Pamela Woodall

# BOA Information Sheet



*Personal- Do not Give Out!*

## MEMBERS:

### RICHTSMEIER, Carol CHAIR 2019 PL1

925 Red Oak Creek Dr.

Ovilla, TX 75154

Hm: \_\_\_\_\_

Wk: N/A

Cell: N/A

E-Mail: [carol@ovilla.org](mailto:carol@ovilla.org)

### VACANT 2020 PL2

Ovilla, TX 75154

Hm: \_\_\_\_\_

Wk: \_\_\_\_\_

Cell: \_\_\_\_\_

E-Mail: \_\_\_\_\_

### BETIK, Barbara 2019 PL3

601 Buckboard Trail

Red Oak, TX 75154

Hm: \_\_\_\_\_

Wk: N/A

Cell: N/A

E-Mail: [barb@ovilla.org](mailto:barb@ovilla.org)

### HEIMBUCH, Stephannie - 2020 PL4

613 William Drive

Ovilla, TX 75154

Hm: \_\_\_\_\_

Wk: \_\_\_\_\_

Cell: N/A

E-Mail: [stephannie@ovilla.org](mailto:stephannie@ovilla.org)

### Ware, Richard Vice Chair (Lisa) 2019 PL5

116 Water Street

Ovilla, TX 75154

Hm: \_\_\_\_\_

Wk: \_\_\_\_\_

Cell: N/A

E-Mail: [richard@ovilla.org](mailto:richard@ovilla.org)

## ALTERNATES

### CLARK, Mark 2019 PL7

1210 Red Oak Creek Dr.

Ovilla, TX 75154

Hm: \_\_\_\_\_

Wk: N/A

Cell: N/A

Email: [mark@ovilla.org](mailto:mark@ovilla.org)

### HALYARD-KING, Patricia 2019 PL6

1033 Rimrock Ct.

Ovilla, TX 75154

Hm: \_\_\_\_\_

Wk: N/A

Cell: N/A

Email: [patricia@ovilla.org](mailto:patricia@ovilla.org)

Last update 7.2019

## AGENDA ITEM REPORT Item 11

Meeting Date: November 11, 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 11. **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 12

Meeting Date: November 11, 2019

Discussion  Action

Submitted By: Staff

Reviewed By:  Interim City Manager

Accountant  Other: Public Works  City Engineer

Department: Public Works

Budgeted Expense:  YES  NO  N/A

Amount:

City Secretary  City Attorney

N/A

### Attachments:

### Agenda Item / Topic:

ITEM 12. **DISCUSSION** – Discuss and consider the inclusion and requirement of electronic water meters as part of a subdivision development. .

### Discussion / Justification:

Place 5 Myers, requested this item for discussion with the following comments:

*"I want to discuss new subdivisions being built in Ovilla and the inclusion of electronic water meters paid for by the developer. I am told this is common in other towns. My spill will be we should ask the developers to pay for the water meters when they build the houses. We will still read them manually, until we can afford the readers. At least we won't be on the hook for all the new houses going up when we get around to buying this system I want to also propose that we think about completing one neighborhood or so a complete the city It will take a while, but we will get there. For discussion only and maybe research. Keep in mind, we have to manually read these new meters whether the old type or new type. We are going to tie up way too much manpower in the future. Let's cut the installation expenses now."*

### Recommendation / Staff Comments:

N/A

### Sample Motion(s):

Discussion.

## AGENDA ITEM REPORT Item 13

Meeting Date: November 11, 2019

Discussion  Action

Submitted By: Staff

Reviewed By:  Interim City Manager

Accountant  Other: All staff

Department: All Departments

Budgeted Expense:  YES  NO  N/A

Amount:

City Secretary  City Attorney  
 City Engineer

### Attachments:

1. Email example
2. Newsletter schedule example

### Agenda Item / Topic:

ITEM 13. **DISCUSSION** – Discuss optional methods of transparency to keep the public informed of the operations of municipal government.

### Discussion / Justification:

Place 5 Myers, requested this item for discussion with the following comments:

*"I want to find a way to better inform citizens on how city government works. It's amazing how many folks have no idea. Perhaps a change in the town topics mailer and what we put in it. Lots of subjects to talk about. Perhaps each council member could write an article of interest on current topics or how city government works on different subjects. Discussion only to see what others think. Christmas trees and seat belt safety has gotten old."*

At one time the Council was assigned a section of the Town Topics with their own articles of importance they wished to share with the public.

An idea would be to devote one newsletter to one department, introducing employees with pics and share how that specific department operates. Staff is happy to receive suggestions for topics to place in the newsletter.

### Recommendation / Staff Comments:

N/A

### Sample Motion(s):

Discussion.

**OVILLA TOWN TOPICS QUARTERLY NEWSLETTER SCHEDULE**

| ISSUE   | SEPTEMBER                | AUTHOR'S INITIALS | DECEMBER                          | AUTHOR'S INITIALS | MARCH                               | AUTHOR'S INITIALS | JUNE  | AUTHOR'S INITIALS |
|---|--------------------------|-------------------|-----------------------------------|-------------------|-------------------------------------|-------------------|---|-------------------|
| <b>ARTICLE DUE DATE</b>                             | August 10                |                   | Nov. 10                           |                   | April 10                            |                   | May 10  |                   |
| <b>FINAL TO PRINTER</b>                             | August 20                |                   | Nov. 20                           |                   | April 20                            |                   | May 20  |                   |
| <b>MAIL NEWSLETTER</b>                              | Sept. 1                  |                   | Dec. 1                            |                   | March 1                             |                   | June 1  |                   |
| <b>MAIN TOPIC/ THEME</b>                            | Heritage Day/Autumn      |                   | Christmas                         |                   | Easter/ Clean-up Day                | DD/PW             | July 4 Summer   |                   |
| <b>FEATURED DEPARTMENT/ THEME</b>                   | Police                   | BW                | Fire- Prevention & Animal Control | BK                | Public Works - roadwork & Code Enf. | DD/MD             | Election results/ Board & committee appointments Mosquito control | PW/ MD            |
| <b>SPECIAL RECOGNITION(S)</b>                       | Public Works             | DD                | Fire Dept.                        | BK                | Service League                      | PW                | Customer Service  | CG                |
| <b>MUNICIPAL NEWS (ELECTIONS, TAX RATE, BUDGET)</b> | Tax Rate/Budget          | LH                |                                   |                   | May Election                        | PW                | Finance/budget work preparation                                   | LH                |
| <b>MAYOR'S MESSAGE</b>                              | ?                        | RD                | New Year & Accomplishments        | RD                | ?                                   | RD                | ?   | RD                |
| <b>CITIZEN COMMITTEE SPOTLIGHT</b>                  | BOA                      | GM                | P&Z                               | GM                | Park Board                          | PW                | EDC   | PW                |
| <b>COUNCIL'S CORNER</b>                             | PL1 Rachel and PL2 Oberg | RH/DO             | PL3 Mayor PT Griffin              | DG                | PL4 Hunt and PL5 Myers              | DH / MM           | Open?   |                   |
| <b>MISC NEWS</b>                                    | Big happenings           |                   | Winter sewer average              |                   | CIP – big projects                  |                   |   |                   |

**From:** Pam Woodall  
**Sent:** Thursday, August 18, 2016 10:09 AM  
**To:** Brian Windham; Joey Bennett; Brandon Kennedy; Kevin Lindsey; Brad Piland; Daniel Durham; Linda Harding  
**Cc:** Richard Dormier; Place3 David Griffin; Tammy McCoy  
**Subject:** Newsletter

Good morning!

It is time to begin preparation for a September newsletter. Tammy and I have discussed and listed various topics that might be informative to our community. Please let us know if you have something different in mind as we welcome new ideas and need your input and suggestions. By no means do we know what is best or seasonally appropriate for your department. You decide. A final draft of the newsletter will be reviewed by the Mayor prior to printing.

Thank you for your help.

**Ideas:**

1. **Admin/Finance:** New tax rate & budget / priorities.
2. **Police:** National Night Out; school has started, traffic, pic of officers or entire department with the many new faces, Coffee with Chief, Citizens Police Academy, etc....
3. **Fire:** Time change coming/change batteries in smoke detectors; Volunteer firefighter recognition; burn ban still on, new engine...
4. **Public Works/Mayor PT Griffin (or Doug):** Heritage Day and Michelle Carter. Replaced manholes, park equipment?
5. **UB:** Winter sewer averaging –
6. **OTHER TOPICS:** Cockrell Hill Road, new elementary school
7. Mayor, Mayor PT and City Manager articles.

**DEADLINE for your article submission: September 1.**

To the printer first thing in the morning on September 13 – and mailed at least 5-7 days before Heritage Day.

*Pamela Woodall  
City Secretary  
City of Ovilla  
105 S. Cockrell Hill Road  
Ovilla, Texas 75154  
PHONE: 972.617.7262  
FAX: 972.515.3221  
[www.cityofovilla.org](http://www.cityofovilla.org)*

*"The real art of conversation is not only to say the right thing in the right place, but to leave unsaid the wrong thing at the tempting moment." - Lady Dorothy Nevill*

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## AGENDA ITEM REPORT

### Item 14

Meeting Date: November 11, 2019

Discussion  Action

Submitted By: Staff

Reviewed By:  Interim City Manager

Accountant  Other: Staff

Department: Administration

Budgeted Expense:  YES  NO  N/A

City Secretary

City Attorney

City Engineer

#### Attachments:

1. N/A

#### Agenda Item / Topic:

ITEM 14. **DISCUSSION** – Discuss and consider the placement of Amazon and UPS lock boxes at the city offices and police station.

#### Discussion / Justification:

Mayor PT Griffin asked to present this time for discussion.

#### Recommendation / Staff Comments:

N/A

#### Sample Motion(s):

Discussion.

## AGENDA ITEM REPORT

### Item 15

Meeting Date: November 11, 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 15. *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.

# 2019 Ovilla Heritage Day Sponsorships

| Company name               | Pledged    | Amount Paid        | Date      |             |
|----------------------------|------------|--------------------|-----------|-------------|
| Acess Self Storage         |            | \$2,000.00         | 7/25/2019 |             |
| Freedom Heating and Air    |            | \$1,500.00         | 8/23/2019 |             |
| Carlisle                   |            | \$1,000.00         | 8/5/2019  |             |
| Red Oak ISD                |            | \$1,000.00         | 8/5/2019  |             |
| Victron                    |            | \$1,000.00         | 7/12/2019 |             |
| Methodist                  | No         |                    |           |             |
| First Financial Bank       |            | \$650.00           | 7/29/2019 |             |
| Linebarger Goggan Blair    |            | \$1,000.00         | 8/12/2019 |             |
| Clyde Hargrove             |            | \$1,000.00         | 8/8/2019  |             |
| East McKinney Townhomes    |            |                    |           |             |
| Animal Hospital of Ovilla  | No         |                    |           |             |
| Frost Bank                 | No         |                    |           |             |
| Baylor Scott White         | No         |                    |           |             |
| shiloh cumberland          |            | \$350.00           | 7/24/2019 |             |
| Harrison Homes             |            | \$250.00           | 8/5/2019  |             |
| Andrea Walton              |            | \$400.00           | 7/9/2019  |             |
| MC Bodyworks               |            | \$500.00           | 8/15/2019 |             |
| Rock Tech Intl             |            | \$350.00           | 9/18/2019 |             |
| Clint Walling              |            | \$350.00           | 7/29/2019 |             |
| Creekside Mirror and Glass |            | \$1,000.00         | 8/8/2019  |             |
| Exibit Trader              |            | \$350.00           | 8/15/2019 |             |
| Ovilla United Methodist    |            | \$350.00           | 8/5/2019  |             |
| Freeman Millican           |            | \$350.00           | 8/22/2019 |             |
| TSTC                       |            |                    |           |             |
| Prosperity Bank            |            | \$350.00           | 7/25/2019 |             |
| Waxahachie Auto Plex       |            | \$3,000.00         | 7/17/2019 |             |
| Cassaro Winery             |            | \$650.00           | 8/7/2019  |             |
| Oncor                      | \$350.00   |                    |           |             |
| Atkinson Toyota            | \$350.00   |                    |           |             |
| Citizens National Bank     | \$650.00   |                    |           |             |
| Atmos Energy               | \$1,000.00 |                    |           |             |
| Massy Shaw                 |            | \$1,000.00         | 9/3/2019  |             |
| Tucker Chiropractic        |            | \$650.00           | 9/25/2019 |             |
|                            |            |                    |           |             |
|                            |            |                    |           |             |
|                            |            |                    |           |             |
| <b>TOTAL</b>               | \$2,350.00 | <b>\$19,050.00</b> |           | \$21,400.00 |
|                            |            |                    |           |             |

## AGENDA ITEM REPORT

Item 16 – Item(s) pulled from consent agenda

Meeting Date: November 11, 2019

Department: Administration

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted by: Staff

Amount: N/A

### Attachments:

1. None

### Agenda Item / Topic:

ITEM 16. *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                     | October 2019 | October 2019 YTD | October 2018 | Oct 2018 YTD |
|---------------------------------------|--------------|------------------|--------------|--------------|
| Accident                              | 2            | 59               | 2            | 43           |
| Alarms                                | 17           | 172              | 22           | 170          |
| Arrest                                | 4            | 61               | 7            | 54           |
| Assault/Assault FV                    | 1            | 10               | 0            | 9            |
| Assists                               | 66           | 836              | 81           | 564          |
| Building / House Security Check       | 893          | 7140             | 589          | 5494         |
| Burglary                              | 0            | 2                | 0            | 1            |
| Burglary of Motor Vehicle             | 0            | 2                | 1            | 1            |
| Criminal Mischief                     | 0            | 3                | 0            | 6            |
| Disturbance                           | 10           | 100              | 15           | 88           |
| Neighborhood Check                    | 1259         | 11958            | 1215         | 10816        |
| Other Calls for Service               | 87           | 911              | 72           | 569          |
| Suspicious Person                     | 9            | 64               | 13           | 66           |
| Suspicious Vehicle                    | 21           | 145              | 28           | 162          |
| Theft                                 | 2            | 12               | 0            | 10           |
| Traffic Assignment/School Enforcement | 26           | 204              | 21           | 110          |
| <b>TOTAL CALLS FOR SERVICE</b>        | <b>2397</b>  | <b>21679</b>     | <b>2066</b>  | <b>18163</b> |

|   |             |             |             |             |
|---|-------------|-------------|-------------|-------------|
| Volunteer and Reserve Officer Hours         | 24          | 180.5       | 7           | 294.5       |
| Average Response Time (Minutes)             | 4           | 3.8513      | 4.2         | 4.308       |
| Total Citations                             | 42          | 636         | 64          | 963         |
| Total Traffic Stops *****                   | 255         | 2769        | 353         | 2705        |
| Traffic Stop Disposition Warning *****      | 213         | 2157        | 291         | 1793        |
| Traffic Stop Disposition Citation *****     | 42          | 585         | 62          | 912         |
| <b>PERCENT OF STOPS RECEIVING CITATIONS</b> | <b>16.5</b> | <b>21.1</b> | <b>17.6</b> | <b>33.7</b> |

**STAFFING**

|                    |           |  |  |  |
|--------------------|-----------|--|--|--|
| Full Time Sworn    | 10        |  |  |  |
| Full Time Civilian | 1         |  |  |  |
| Part Time Sworn    | 3         |  |  |  |
| Reserve Officer    | 1         |  |  |  |
| <b>Total</b>       | <b>15</b> |  |  |  |

| October 2013  | TO      | November 2013 | MILEAGE | MAINTENANCE PERFORMED                               |
|---------------|---------|---------------|---------|---|
| Police Unit # | Begin   | End           | Accrued |   |
| 103           | 147,716 | 147,946       | 230     |   |
| 105           | 113,070 | 113,216       | 146.5   |   |
| 116           | 99,493  | 101,618       | 2125    | Driver side marker light bulb replaced              |
| 117           | 80,204  | 82,514        | 2310    |   |
| 216           | 24,603  | 24,951        | 348.2   |   |
| 119           | 14,704  | 17,046        | 2342    | Oil Change, New Wipers & 2 front tires- nail repair |

# Ovilla Fire Department

## October Monthly Report



**Fire Chief Brandon Kennedy**

105 S. Cockrell Hill Road  
Ovilla Texas, 75154  
[cityofovilla.org](http://cityofovilla.org)

## Mission Statement

The mission of the Ovilla Fire Department is to provide services designed to protect citizens and property of the City of Ovilla and outlying areas. All persons and or departments requesting assistance from the Ovilla Fire Department 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 no Volunteer Firefighter Positions open.
- 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
  - 2 have just their Fire Certs
  - 5 have just their EMT- 3 - Basic and 2 - Paramedic
  - 2 Volunteers do not have any Certification at this time.

## Grants Report

- Have turned in four Texas Forestry Service Grants, waiting for notification of award
  - 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 – Official notice was given that OFD did not receive the grant

## Summary of Events for the Department

- October was a very busy month with a total of 90 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.
- Storms on the 20<sup>th</sup> produced some tree limb damage in the city but nothing significant
- 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)
- 5 / 8 weekend day shifts were covered by a Volunteer
- 55 / 62 Volunteer shifts were covered, and these 55 shifts had 4 personnel on the Engine

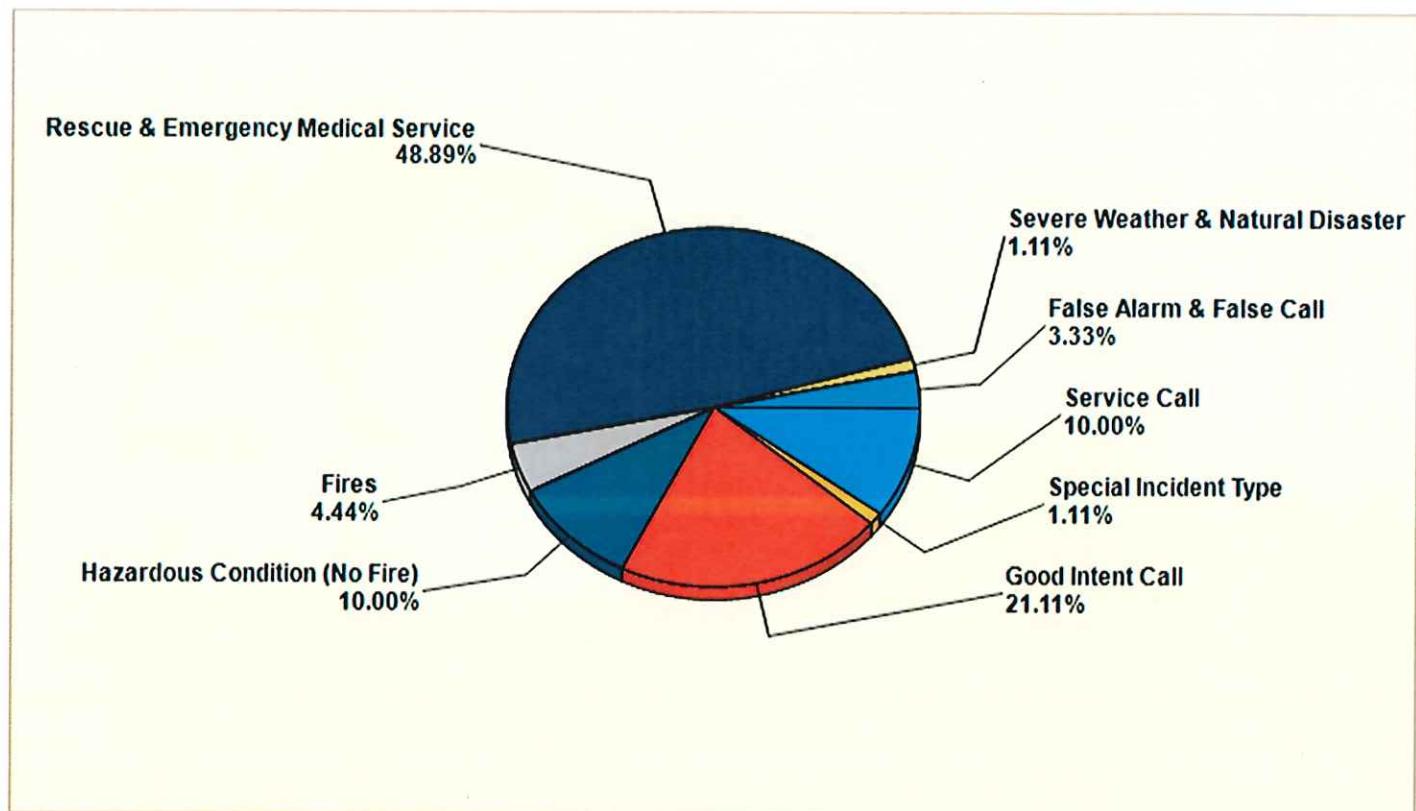
## Summary of Activity from Deputy Chief / Fire Marshal's Office

- 3 Consults
- Respond to incidents as available
- 3 Meetings
- Back-Up for Ovilla PD
- QCI reports
- 13 Inspections

## Monthly Call Summary

| INCIDENT COUNT   |                                      |           |
|--|--------------------------------------|-----------|
| INCIDENT TYPE  | # INCIDENTS                          |           |
| EMS  |                                      | 44        |
| FIRE   |                                      | 46        |
| <b>TOTAL</b>   |                                      | <b>90</b> |
| CO CHECKS  |                                      |           |
| 424 - Carbon monoxide incident                                 |                                      | 2         |
| <b>TOTAL</b>   |                                      | <b>2</b>  |
| MUTUAL AID   |                                      |           |
| Aid Type   | <b>Total</b>                         |           |
| Aid Given  |                                      | 14        |
| Aid Received   |                                      | 3         |
| OVERLAPPING CALLS  |                                      |           |
| # OVERLAPPING  | % OVERLAPPING                        |           |
| 9  | 10                                   |           |
| LIGHTS AND SIREN - AVERAGE RESPONSE TIME (Dispatch to Arrival) |                                      |           |
| Station  | EMS                                  | FIRE      |
| Station 701  | 0:07:16                              | 0:06:14   |
| <b>AVERAGE FOR ALL CALLS</b>                                   |                                      | 0:06:58   |
| LIGHTS AND SIREN - AVERAGE TURNOUT TIME (Dispatch to Enroute)  |                                      |           |
| Station  | EMS                                  | FIRE      |
| Station 701  | 0:01:44                              | 0:01:04   |
| <b>AVERAGE FOR ALL CALLS</b>                                   |                                      | 0:01:32   |
| AGENCY   |                                      |           |
| Ovilla Fire Department   | <b>AVERAGE TIME ON SCENE (MM:SS)</b> |           |
|  | 42:08                                |           |

## Breakdown by Major Incident Type



| MAJOR INCIDENT TYPE                | # INCIDENTS | % of TOTAL     |
|------------------------------------|-------------|----------------|
| Fires                              | 4           | 4.44%          |
| Rescue & Emergency Medical Service | 44          | 48.89%         |
| Hazardous Condition (No Fire)      | 9           | 10.00%         |
| Service Call                       | 9           | 10.00%         |
| Good Intent Call                   | 19          | 21.11%         |
| False Alarm & False Call           | 3           | 3.33%          |
| Severe Weather & Natural Disaster  | 1           | 1.11%          |
| Special Incident Type              | 1           | 1.11%          |
| <b>TOTAL</b>                       | <b>90</b>   | <b>100.00%</b> |

Average 1 fire per week

Average 2.90 calls per day

Average 22.5 calls per week

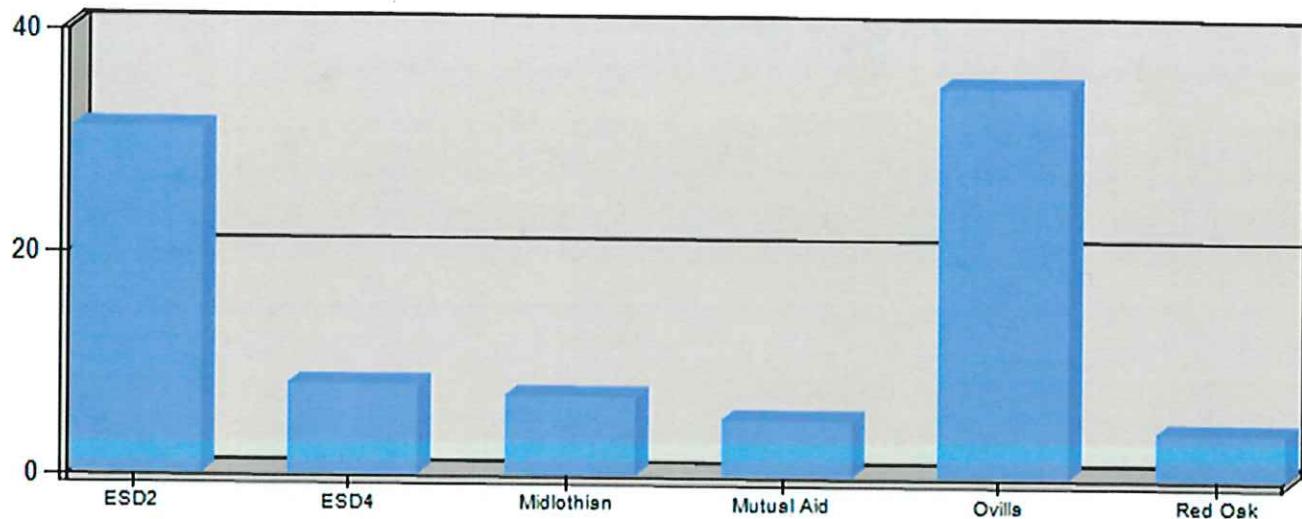
C701 Responses | 17

C702 Responses | 13

Number of Overlapping Calls | 9

**Total Ovilla Fire Department Runs | 90**

## Breakdown by Districts



| ZONE                                | 2019      | 2018      |
|-------------------------------------|-----------|-----------|
| ESD2 - ESD #2                       | 31        | 18        |
| ESD4 - ESD #4                       | 8         | 5         |
| Midlothian - Midlothian City Limits | 7         | 4         |
| Mutual Aid - Mutual Aid             | 5         | 4         |
| Ovilla - City Limits                | 35        | 20        |
| Red Oak - Red Oak City Limits       | 4         | 4         |
| <b>TOTAL:</b>                       | <b>90</b> | <b>55</b> |

*Districts are broken down by Cities or Areas we respond to.*

*Midlothian and Red Oak are what is called Automatic Aid due to being on the same dispatch system, and we are toned at the exact same time for an emergency that requires additional units to respond.*

*Mutual Aid is calculated by the cities that must call our dispatch center to request our help on incidents that occur in their cities. Examples are Glenn Heights, Desoto, Duncanville, Cedar Hill, Lancaster, Waxahachie, Ferris, and Wilmer.*

## Breakdown of Average Response Times by District for the Last Two Months

| District                            | October | September |
|-------------------------------------|---------|-----------|
| ESD4 - ESD #4                       | 12.31   | 7.55      |
| Red Oak - Red Oak City Limits       | 12.31   | N/A       |
| Mutual Aid - Mutual Aid             | 11.47   | 12.1      |
| ESD2 - ESD #2                       | 7.68    | 8.23      |
| Ovilla - City Limits                | 5.48    | 5.48      |
| Midlothian - Midlothian City Limits | 3       | N/A       |
|                                     | 8.71    | 8.34      |

*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                    | October     | September   |
|------------------------------|-------------|-------------|
| B701                         | 1:32        | 2:25        |
| C701                         | 1:35        | 1:19        |
| C702                         | 1:09        | 1:18        |
| E701                         | 1:32        | 1:39        |
| E702                         | 0:00        | N/A         |
| R755                         | 0:53        | N/A         |
| <b>AVERAGE TURNOUT TIME:</b> | <b>1:07</b> | <b>1:40</b> |

*Turn out times are figured from time of dispatch to the time the Apparatus checks En-Route, and the goal with this time is to have an average turn out time of 1:30 over 90% of our calls.*

## Incident Count Per Apparatus

| APPARATUS | # of INCIDENTS |
|-----------|----------------|
| B701      | 3              |
| C701      | 17             |
| C702      | 13             |
| E701      | 69             |
| E702      | 1              |
| R755      | 4              |

*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.*

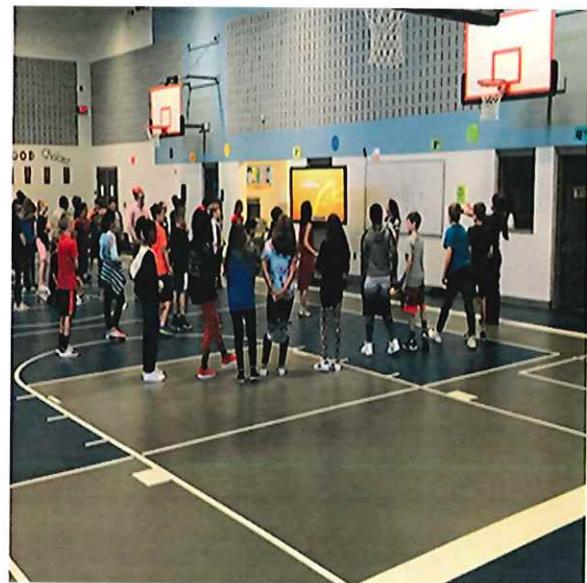
## Fleet Report

| Apparatus   | Beginning Mileage | Ending Mileage | Mileage for the Month | Fuel Expenses | Maintenance Expenditures |
|---|-------------------|----------------|-----------------------|---------------|--------------------------|
| B701  | 58,205            | 58,279         | 74                    | \$ -          | \$ -                     |
| B702  | 3,983             | 3,988          | 5                     | \$ -          | \$ -                     |
| C701  | 25,933            | 26,410         | 477                   | \$ 106.14     | \$ -                     |
| C702  | 103,212           | 103,602        | 390                   | \$ 135.03     | \$ -                     |
| E701  | 17,428            | 17,969         | 541                   | \$ 538.56     | \$ 90.68                 |
| E702  | 29,026            | 29,122         | 96                    | \$ 103.68     | \$ 167.92                |
| E703  | 14,463            | 14,464         | 1                     | \$ -          | \$ -                     |
| R755  | 19,320            | 19,533         | 213                   | \$ 191.96     | \$ 653.40                |
| Station Supplies (Small Equipment Fuel, Propane, Other) |                   |                |                       | \$ 150.73     | \$ -                     |
| Totals for the Month                                    |                   |                | 1,797                 | \$ 1,226.10   | \$ 912.00                |

## October is all about Fire Safety

We spent the day McClatchy Elementary, using the students P.E. block to do Fire Safety Education. Captain Kyle Williams and his pub ed crew was able to speak to over 600 students on this day and educate them on having escape routes, a meeting place, and how to communicate with their parents the importance of pre-planning for a fire emergency.

We also did public education events at the surrounding Mother's Day Out programs where we show the Fire Truck to the kids and do a smaller scale talk about fire safety that they can understand at their level since these children are much younger.





Date: November 6, 2019

**TO:** City Manager Pam Woodall, Honorable Mayor and City Council Members

**FROM:** Daniel Durham – Interim Public Works Director/PW Superintendent

**TOPIC:** Public Works Monthly Report for October 2019

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**STAFFING:** 7 FTE positions approved; 4 FTE position filled

## WORK ORDERS

- 27 total Work Orders completed for the month of October

### GovPilot Reporting

#### Balances

|              | New | Completed | Remaining |
|--------------|-----|-----------|-----------|
| Water/WW     | 21  | 17        | 4         |
| Street/Parks | 11  | 10        | 1         |
| Total        | 32  | 27        | 5         |

## WATER

- Gallons purchased from DWU 23,463.00 MG, Retail Billed 20,047.20 MG, Retail Unbilled 42.7k, Builder metered 5.9k, Maintenance flushing 75.0k,
- 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.
- Completed monthly repairs list for replacing meter lids and boxes.
- 910 Cockrell Hill. Rd- Made emergency repair to 4" water main located in creek bottom. This section of infrastructure will need improvements in the future.
- Fixed blown off straight stop at 133 Water.St (After hours emergency)
- Fixed multiple leaking meter gaskets throughout infrastructure.

## SEWER

- Daily site checks and maintenance at Highland Meadows Lift Station.
- Daily site checks and maintenance at Cumberland Lift station.
- Daily site checks and maintenance Heritage lift station.
- No repairs needed to pump's or stations this month.
- Cleaned all lift stations and wet wells.



## STREETS/DRAINAGE

- Street maintenance to potholes on Johnson Ln, Red Oak Creek. Rd and Intersection of Ovilla.Rd & Main. st
- Trimmed trees from right of ways and roadways as needed.
- Mowed right of ways and ditches.
- Responded after hours to downed trees in the 900 Blk of Red Oak Creek Rd following sever storms in the month of October (No other damage from storms was noted)

## PARKS

- Installation of new swings, bordering & protective surfacing material at Ashburne Glen Park **COMPLETED**.
- Swing set installation for Silver Spur Park is to be completed in the month November.
- Started prepping Heritage Park for City Of Ovilla's Veterans Memorial Service in November.
- 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.
- Monthly park inspections performed.
- Maintained city marquee.

## Repairs To Buildings

- Renovation of the conference room / City Managers closet completed half of these two spaces are now an office supply room.
- Maintenance and repairs to City facilities and buildings (front and back doors of city hall were repaired so that they would shut better.
- Bulb was replaced in the security light at the back of city hall.



## Vehicle & Equipment Usage Report

October, 2019

| Item # | Veh. # | Description                  | Mileage |         |         | Hours   |         |               |
|--------|--------|------------------------------|---------|---------|---------|---------|---------|---------------|
|        |        |                              | Begin   | End     | Accrued | Begin   | End     | Accrued       |
| 1      |        | 2017 F250 4x4                | 15,076  | 15,333  | 257     | 1,694   | 1,728   | 34            |
| 2      |        | 2015 2500 HD Silverado       | 43,276  | 43,793  | 517     | 3,458   | 3,512.7 | 54.7          |
| 3      |        | 2011 3500HD Silverado        | 56,654  | 56,820  | 166     |         |         |               |
| 4      |        | 2008 2500HD Silverado        | 85,428  | 85,674  | 246     |         |         |               |
| 5      |        | 2019 f250 Animal Control     | 7,479   | 8,057   | 578     | 596     | 645     | 49            |
| 6      |        | 2008 1500 Silverado          | 115,863 | 116,211 | 348     |         |         |               |
| 7      |        | 2001 C6500 Dump Truck        | 18,963  | 19,012  | 49      |         |         |               |
| 8      |        | 1999 International Patch Trk | 312,128 | 312,128 | 0       | 14148   | 14148   | 0             |
| 9      |        | 1998 Ford Dump Truck         | 55,148  | 55,158  | 10      |         |         |               |
| 10     |        | New Holland Skid LS60        |         |         |         | 1292    | 1301    | 9             |
| 11     |        | 1999 Kubota Tractor          |         |         |         | 995     | 995     | 0             |
| 12     |        | 1992 Ford Tractor            |         |         |         | 1,090   | 1,090   | 0             |
| 13     |        | 310K John Deere Backhoe      |         |         |         | 2,012   | 2,033   | 21            |
| 14     |        | Ingersoll Mobil Air Compress |         |         |         | 1,321   | 1,326   | 5             |
| 15     |        | Jet Machine                  |         |         |         | 501     | 504     | 3             |
| 16     |        | Vac Machine 2017             |         |         |         | 118     | 119     | 1             |
| 17     |        | Boomag 900-50 packer         |         |         |         | 194     | 194     | 0             |
| 18     |        | 2016 Exmark                  |         |         |         | 314     | 316     | 2             |
| 19     |        | 2013 Exmark                  |         |         |         | 465     | 468     | 3             |
| 20     |        | 2004 Exmark                  |         |         |         | 1,066   | 1,066   | 0             |
| 21     |        | JCB Backhoe                  |         |         |         | 70      | 75      | 5             |
|        |        |                              |         |         |         | Total = | 2,171   | Total = 186.7 |



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DATE: NOVEMBER 11, 2019

TO: Honorable Mayor and Council Members

FROM:  
Linda Harding, Accountant

SUBJECT: Financial Statements Through September 2019

**City of Ovilla**  
**Financial Statement**  
**As of September 30, 2019**

| <b>100 - General Fund</b>     | Current<br>Month Actual | YTD<br>Actual       | Annual<br>Budget    | % of<br>Budget | Budget<br>Remaining |
|-------------------------------|-------------------------|---------------------|---------------------|----------------|---------------------|
| <b>Revenue Summary</b>        |                         |                     |                     |                |                     |
| Taxes                         | 32,037.80               | 2,207,711.22        | 2,364,276.00        | 93.38%         | 156,564.78          |
| Licenses-Permits-Fees         | 19,378.86               | 151,301.67          | 108,086.00          | 139.98%        | (43,215.67)         |
| Services                      | 141,125.74              | 502,481.35          | 588,496.00          | 85.38%         | 86,014.65           |
| Fines & Forfeitures           | 8,578.56                | 111,098.28          | 252,705.00          | 43.96%         | 141,606.72          |
| Not Categorized               | 0.00                    | 55,905.70           | 0.00                | 0.00%          | (55,905.70)         |
| Other Revenue                 | (21,670.50)             | 206,483.49          | 158,310.00          | 130.43%        | (48,173.49)         |
| Transfers                     | 0.00                    | 4,123.97            | 682,685.00          | 0.60%          | 678,561.03          |
| <b>Revenue Totals</b>         | <b>179,450.46</b>       | <b>3,239,105.68</b> | <b>4,154,558.00</b> | <b>77.97%</b>  | <b>915,452.32</b>   |
| <b>Expense Summary</b>        |                         |                     |                     |                |                     |
| Employee Benefits             | 14,426.89               | 320,436.51          | 407,948.00          | 78.55%         | 87,511.49           |
| Special Expenses              | 16,639.56               | 45,567.80           | 44,380.00           | 102.68%        | (1,187.80)          |
| Repairs - Bldg & Machinery    | 38,274.07               | 162,536.88          | 174,938.00          | 92.91%         | 12,401.12           |
| Professional Development      | 3,962.91                | 31,492.36           | 34,985.00           | 90.02%         | 3,492.64            |
| Other Expense                 | 2,852.83                | 44,999.02           | 55,432.00           | 81.18%         | 10,432.98           |
| Personnel                     | 104,928.07              | 1,486,822.61        | 1,509,082.00        | 98.52%         | 22,259.39           |
| Not Categorized               | 3,784.37                | 0.00                | 0.00                | 0.00%          | 0.00                |
| Special Services              | 3,051.00                | 91,309.47           | 91,821.00           | 99.44%         | 511.53              |
| Contractual Services          | 28,785.59               | 191,706.52          | 319,638.00          | 59.98%         | 127,931.48          |
| Operating Services            | (6,464.07)              | 81,109.10           | 89,552.00           | 90.57%         | 8,442.90            |
| Supplies                      | 16,292.40               | 71,769.32           | 70,560.00           | 101.71%        | (1,209.32)          |
| Software & Computer Equipment | 15,013.22               | 114,849.51          | 120,819.00          | 95.06%         | 5,969.49            |
| Printing Expense              | 540.33                  | 13,310.79           | 14,712.00           | 90.48%         | 1,401.21            |
| Utilities                     | 5,332.71                | 351,372.75          | 341,005.00          | 103.04%        | (10,367.75)         |
| Insurance                     | 0.00                    | 38,917.00           | 38,605.00           | 100.81%        | (312.00)            |
| Minor Capital Outlay          | 37,716.83               | 84,703.33           | 86,477.00           | 97.95%         | 1,773.67            |
| Capital Outlay                | 1,502.99                | 574,673.92          | 706,064.00          | 81.39%         | 131,390.08          |

|                  |                   |                     |                     |               |                   |
|------------------|-------------------|---------------------|---------------------|---------------|-------------------|
| Reserve          | 0.00              | 0.00                | 0.00                | 0.00%         | 0.00              |
| Vehicle Expenses | 3,780.97          | 43,051.39           | 41,540.00           | 103.64%       | (1,511.39)        |
| Rentals          | 222.44            | 2,891.72            | 3,000.00            | 96.39%        | 108.28            |
| Expense Totals   | <u>290,643.11</u> | <u>3,751,520.00</u> | <u>4,150,558.00</u> | <u>90.39%</u> | <u>399,038.00</u> |

**City of Ovilla  
Financial Statement  
As of September 30, 2019**

| <b>110 - LEOSE</b>       | Current<br>Month Actual | YTD<br>Actual | Annual<br>Budget | % of<br>Budget | Budget<br>Remaining |
|--------------------------|-------------------------|---------------|------------------|----------------|---------------------|
| <b>Revenue Summary</b>   |                         |               |                  |                |                     |
| Transfers                | 0.00                    | 0.00          | 1,152.00         | 0.00%          | 1,152.00            |
| Revenue Totals           | <u>0.00</u>             | <u>0.00</u>   | <u>1,152.00</u>  | <u>0.00%</u>   | <u>1,152.00</u>     |
| <b>Expense Summary</b>   |                         |               |                  |                |                     |
| Professional Development | 0.00                    | 0.00          | 1,152.00         | 0.00%          | 1,152.00            |
| Expense Totals           | <u>0.00</u>             | <u>0.00</u>   | <u>1,152.00</u>  | <u>0.00%</u>   | <u>1,152.00</u>     |

**City of Ovilla  
Financial Statement  
As of September 30, 2019**

| <b>120 - Street Improvement Fund</b> | Current<br>Month Actual | YTD<br>Actual           | Annual<br>Budget         | % of<br>Budget       | Budget<br>Remaining      |
|--------------------------------------|-------------------------|-------------------------|--------------------------|----------------------|--------------------------|
| <b>Revenue Summary</b>               |                         |                         |                          |                      |                          |
| Taxes                                | 5,481.44                | 51,483.59               | 52,739.00                | 97.62%               | 1,255.41                 |
| 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>5,481.44</u></u>  | <u><u>51,483.59</u></u> | <u><u>267,500.00</u></u> | <u><u>19.25%</u></u> | <u><u>216,016.41</u></u> |
| <b>Expense Summary</b>               |                         |                         |                          |                      |                          |
| 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 September 30, 2019**

| <b>130 - Court Technology</b> | Current<br>Month Actual | YTD<br>Actual   | Annual<br>Budget | % of<br>Budget | Budget<br>Remaining |
|-------------------------------|-------------------------|-----------------|------------------|----------------|---------------------|
| <b>Revenue Summary</b>        |                         |                 |                  |                |                     |
| Fines & Forfeitures           | 230.37                  | 2,538.64        | 5,424.00         | 46.80%         | 2,885.36            |
| Revenue Totals                | <u>230.37</u>           | <u>2,538.64</u> | <u>5,424.00</u>  | <u>46.80%</u>  | <u>2,885.36</u>     |
| <b>Expense Summary</b>        |                         |                 |                  |                |                     |
| 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                | <u>0.00</u>             | <u>399.99</u>   | <u>5,424.00</u>  | <u>7.37%</u>   | <u>5,024.01</u>     |

**City of Ovilla  
Financial Statement  
As of September 30, 2019**

| <b>140 - Court Security</b> | Current<br>Month Actual | YTD<br>Actual   | Annual<br>Budget | % of<br>Budget | Budget<br>Remaining |
|-----------------------------|-------------------------|-----------------|------------------|----------------|---------------------|
| <b>Revenue Summary</b>      |                         |                 |                  |                |                     |
| Fines & Forfeitures         | 172.78                  | 3,420.81        | 4,068.00         | 84.09%         | 647.19              |
| Revenue Totals              | <u>172.78</u>           | <u>3,420.81</u> | <u>4,068.00</u>  | <u>84.09%</u>  | <u>647.19</u>       |
| <b>Expense Summary</b>      |                         |                 |                  |                |                     |
| Other Expense               | 159.90                  | 1,027.05        | 964.00           | 106.54%        | (63.05)             |
| Reserve                     | 0.00                    | 0.00            | 3,104.00         | 0.00%          | 3,104.00            |
| Expense Totals              | <u>159.90</u>           | <u>1,027.05</u> | <u>4,068.00</u>  | <u>25.25%</u>  | <u>3,040.95</u>     |

**City of Ovilla  
Financial Statement  
As of September 30, 2019**

| <b>150 - Equipment Replacement Fund</b> | Current<br>Month Actual | YTD<br>Actual | Annual<br>Budget | % of<br>Budget | Budget<br>Remaining |
|---|-------------------------|---------------|------------------|----------------|---------------------|
| <b>Revenue Summary</b>                  |                         |               |                  |                |                     |
| 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           |
| <b>Expense Summary</b>                  |                         |               |                  |                |                     |
| 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 September 30, 2019**

| <b>200 - Water And Utilities Fund</b> | Current Month Actual | YTD Actual   | Annual Budget | % of Budget | Budget Remaining |
|---------------------------------------|----------------------|--------------|---------------|-------------|------------------|
| <b>Revenue Summary</b>                |                      |              |               |             |                  |
| Services                              | 165,864.53           | 1,207,261.83 | 1,251,519.00  | 96.46%      | 44,257.17        |
| Other Revenue                         | 1,190.55             | 1,190.55     | 822,654.00    | 0.14%       | 821,463.45       |
| Transfers                             | 5,000.00             | 42,500.00    | 37,500.00     | 113.33%     | (5,000.00)       |
| Revenue Totals                        | 172,055.08           | 1,250,952.38 | 2,111,673.00  | 59.24%      | 860,720.62       |
| <b>Expense Summary</b>                |                      |              |               |             |                  |
| Reserve                               | 0.00                 | 110,490.00   | 705,201.00    | 15.67%      | 594,711.00       |
| Personnel                             | 39,859.63            | 325,937.36   | 339,150.00    | 96.10%      | 13,212.64        |
| Not Categorized                       | 0.00                 | 0.00         | 0.00          | 0.00%       | 0.00             |
| Employee Benefits                     | 2,127.83             | 71,910.46    | 90,232.00     | 79.70%      | 18,321.54        |
| 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                              | 473.90               | 4,957.26     | 4,800.00      | 103.28%     | (157.26)         |
| Professional Development              | 116.15               | 1,023.70     | 2,200.00      | 46.53%      | 1,176.30         |
| Software & Computer Equipment         | 1,270.76             | 11,596.67    | 19,186.00     | 60.44%      | 7,589.33         |
| Printing Expense                      | 0.00                 | 7,157.42     | 5,750.00      | 124.48%     | (1,407.42)       |
| Utilities                             | 123,698.60           | 655,796.44   | 687,978.00    | 95.32%      | 32,181.56        |
| Repairs - Bldg & Machinery            | 4,104.28             | 53,655.57    | 56,960.00     | 94.20%      | 3,304.43         |
| Other Expense                         | 575.80               | 7,781.67     | 6,925.00      | 112.37%     | (856.67)         |
| Minor Capital Outlay                  | 0.00                 | 7,948.33     | 8,000.00      | 99.35%      | 51.67            |
| Capital Outlay                        | 0.00                 | 68,331.27    | 132,092.00    | 51.73%      | 63,760.73        |
| Rentals                               | 0.00                 | 0.00         | 250.00        | 0.00%       | 250.00           |
| Operating Services                    | 400.65               | 10,033.00    | 16,218.00     | 61.86%      | 6,185.00         |
| Vehicle Expenses                      | 550.91               | 10,245.61    | 9,200.00      | 111.37%     | (1,045.61)       |
| Insurance                             | 0.00                 | 6,823.00     | 7,931.00      | 86.03%      | 1,108.00         |
| Expense Totals                        | 173,178.51           | 1,365,848.71 | 2,111,673.00  | 64.68%      | 745,824.29       |

**City of Ovilla**  
**Financial Statement**  
**As of September 30, 2019**

| <b>250 - WWW Infrastructure Improvements</b> | Current Month Actual | YTD Actual | Annual Budget | % of Budget | Budget Remaining |
|--|----------------------|------------|---------------|-------------|------------------|
| <b>Revenue Summary</b>                       |                      |            |               |             |                  |
| Services                                     | 5,599.76             | 65,492.88  | 68,724.00     | 95.30%      | 3,231.12         |
| Revenue Totals                               | 5,599.76             | 65,492.88  | 68,724.00     | 95.30%      | 3,231.12         |
| <b>Expense Summary</b>                       |                      |            |               |             |                  |
| 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 September 30, 2019**

| <b>300 - Capital Projects Fund</b> | Current<br>Month Actual | YTD<br>Actual | Annual<br>Budget | % of<br>Budget | Budget<br>Remaining |
|------------------------------------|-------------------------|---------------|------------------|----------------|---------------------|
| <b>Revenue Summary</b>             |                         |               |                  |                |                     |
| Other Revenue                      | 0.00                    | 0.00          | 270.00           | 0.00%          | 270.00              |
| Revenue Totals                     | 0.00                    | 0.00          | 270.00           | 0.00%          | 270.00              |
| <b>Expense Summary</b>             |                         |               |                  |                |                     |
| 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 September 30, 2019**

| <b>400 - Debt Service Fund</b> | Current<br>Month Actual | YTD<br>Actual     | Annual<br>Budget  | % of<br>Budget | Budget<br>Remaining |
|--------------------------------|-------------------------|-------------------|-------------------|----------------|---------------------|
| <b>Revenue Summary</b>         |                         |                   |                   |                |                     |
| Taxes                          | 1,149.13                | 459,478.03        | 463,910.00        | 99.04%         | 4,431.97            |
| 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>1,149.13</u>         | <u>569,968.03</u> | <u>574,950.00</u> | <u>99.13%</u>  | <u>4,981.97</u>     |
| <b>Expense Summary</b>         |                         |                   |                   |                |                     |
| Long Term Debt                 | 0.00                    | 574,850.00        | 574,950.00        | 99.98%         | 100.00              |
| Expense Totals                 | <u>0.00</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 September 30, 2019**

| <b>500 - Municipal Development District Fund</b> | Current Month Actual | YTD Actual       | Annual Budget    | % of Budget    | Budget Remaining   |
|--|----------------------|------------------|------------------|----------------|--------------------|
| <b>Revenue Summary</b>                           |                      |                  |                  |                |                    |
| Taxes  | 5,790.39             | 62,271.25        | 50,500.00        | 123.31%        | (11,771.25)        |
| Other Revenue                                    | 0.00                 | 0.00             | 600.00           | 0.00%          | 600.00             |
| Revenue Totals                                   | <u>5,790.39</u>      | <u>62,271.25</u> | <u>51,100.00</u> | <u>121.86%</u> | <u>(11,171.25)</u> |
| <b>Expense Summary</b>                           |                      |                  |                  |                |                    |
| 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 September 30, 2019**

| <b>600 - 4B Economic Development Fund</b> | Current<br>Month Actual | YTD<br>Actual            | Annual<br>Budget         | % of<br>Budget       | Budget<br>Remaining      |
|---|-------------------------|--------------------------|--------------------------|----------------------|--------------------------|
| <b>Revenue Summary</b>                    |                         |                          |                          |                      |                          |
| Taxes                                     | 10,962.88               | 101,505.90               | 106,000.00               | 95.77%               | 4,494.10                 |
| 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><u>10,962.88</u></u> | <u><u>101,505.90</u></u> | <u><u>352,424.00</u></u> | <u><u>28.89%</u></u> | <u><u>250,918.10</u></u> |
| <b>Expense Summary</b>                    |                         |                          |                          |                      |                          |
| 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                            | 0.00                    | 32,763.55                | 162,000.00               | 20.22%               | 129,236.45               |
| Expense Totals                            | <u><u>0.00</u></u>      | <u><u>104,481.32</u></u> | <u><u>352,424.00</u></u> | <u><u>29.65%</u></u> | <u><u>247,942.68</u></u> |

**City of Ovilla  
Financial Statement  
As of September 30, 2019**

| <b>700 - Park Impact Fund</b> | Current<br>Month Actual | YTD<br>Actual    | Annual<br>Budget | % of<br>Budget | Budget<br>Remaining |
|-------------------------------|-------------------------|------------------|------------------|----------------|---------------------|
| <b>Revenue Summary</b>        |                         |                  |                  |                |                     |
| Services                      | 1,672.60                | 11,373.68        | 8,613.00         | 132.05%        | (2,760.68)          |
| Other Revenue                 | 0.00                    | 0.00             | 180.00           | 0.00%          | 180.00              |
| Revenue Totals                | <u>1,672.60</u>         | <u>11,373.68</u> | <u>8,793.00</u>  | <u>129.35%</u> | <u>(2,580.68)</u>   |
| <b>Expense Summary</b>        |                         |                  |                  |                |                     |
| 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                    | 1,675.00         | 1,675.00         | 100.00%        | 0.00                |
| Expense Totals                | <u>0.00</u>             | <u>1,675.00</u>  | <u>8,793.00</u>  | <u>19.05%</u>  | <u>7,118.00</u>     |

**City of Ovilla**  
**Financial Statement**  
**As of September 30, 2019**

| <b>800 - Water And Utilities Impact Fee Fund</b> | Current Month Actual | YTD Actual       | Annual Budget    | % of Budget    | Budget Remaining   |
|--|----------------------|------------------|------------------|----------------|--------------------|
| <b>Revenue Summary</b>                           |                      |                  |                  |                |                    |
| Services   | 8,760.88             | 84,877.44        | 54,756.00        | 155.01%        | (30,121.44)        |
| Revenue Totals                                   | <u>8,760.88</u>      | <u>84,877.44</u> | <u>54,756.00</u> | <u>155.01%</u> | <u>(30,121.44)</u> |
| <b>Expense Summary</b>                           |                      |                  |                  |                |                    |
| 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: NOVEMBER 11, 2019

TO: Honorable Mayor and Council Members

FROM:  
Linda Harding, Accountant

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

**City of Ovilla**  
**Payment Listing Report**  
**9/1/2019 to 9/30/2019**

| Check Date | Check #   | Vendor                              | Invoice Description        | Payment Amount   |
|------------|-----------|-------------------------------------|----------------------------|------------------|
| 9/13/2019  | 49488     | Gov Pilot                           | ANNUAL SUBSCRIPTION        | 5,000.00         |
| 9/13/2019  | 49503     | The MacFarlane Firm, PC             | LEGAL SERVICE              | 5,915.00         |
| 9/26/2019  | 49549     | Delta Industrial Service and Supply | RENTAL BUNKER COATS        | 7,604.32         |
| 9/13/2019  | 49467     | T. M. R. S.                         | Biweekly Payroll 8/9/2019  | 8,648.74         |
| 9/13/2019  | 49467     | T. M. R. S.                         | Biweekly Payroll 8/23/2019 | 8,873.04         |
| 9/18/2019  | BankDraft | Internal Revenue Service            | Biweekly Payroll 9/20/2019 | 8,995.80         |
| 9/5/2019   | BankDraft | Internal Revenue Service            | Biweekly Payroll 9/6/2019  | 9,083.89         |
| 9/6/2019   | 49460     | Allied                              | Willow Wood and Westlawn   | 9,415.00         |
| 9/13/2019  | 49477     | Community Waste Disposal            | SOLID WASTE AUGUST         | 22,182.28        |
| 9/20/2019  | 49531     | Landmark Dividend LLC               | Lease Payment Redirection  | 30,374.24        |
| 9/20/2019  | 49523     | City of Dallas                      | 8/2/2019-8/30/2019         | 60,692.90        |
| 9/20/2019  | 49545     | Crafco, Inc.                        | super shot, sealer         | 75,402.46        |
|            |           |                                     |                            | <hr/> 252,187.67 |

| Name  | Account # | Previous Balance    | NEW BALANCE         | As Of     |
|---|-----------|---------------------|---------------------|-----------|
| <a href="#">Debt Fund</a>                   | ✓ *0291   | 47,121.01           | 42,239.04           | 11/4/2019 |
| <a href="#">General Fund Reserve</a>        | 608       | 57,306.61           | 57,306.61           | 11/4/2019 |
| <a href="#">GF Reserve CD</a>               | ✓ *0694   | 253,162.74          | 253,162.74          | 11/4/2019 |
| <a href="#">Water Impact</a>                | ✓ *2322   | 51,015.75           | 51,029.06           | 11/4/2019 |
| <a href="#">4B EDC</a>                      | ✓ *3691   | 535,411.17          | 535,411.17          | 11/4/2019 |
| <a href="#">Fire Dept. Auxil.</a>           | ✓ *3909   | 3,590.00            | 3,590.00            | 11/4/2019 |
| <a href="#">Water Money Market</a>          | ✓ *4323   | 191,901.86          | 191,901.86          | 11/4/2019 |
| <a href="#">MDD Fund</a>                    | ✓ *7451   | 343,447.27          | 343,447.27          | 11/4/2019 |
| <a href="#">Water Credit Card</a>           | ✓ *7531   | 149.84              | 140.89              | 11/4/2019 |
| <a href="#">GF Reserves Money Mkt.</a>      | ✓ *7583   | 129,976.64          | 129,976.64          | 11/4/2019 |
| <a href="#">GF Money Market</a>             | ✓ *7605   | 234,945.00          | 234,945.00          | 11/4/2019 |
| <a href="#">Park Fund Money Mkt.</a>        | ✓ *7613   | 82,004.56           | 82,062.08           | 11/4/2019 |
| <a href="#">Capital Projects Money Mkt.</a> | ✓ *7648   | 132,457.81          | 132,561.24          | 11/4/2019 |
| <a href="#">W&amp;S Impact-Sewer</a>        | ✓ *8699   | 117,894.55          | 117,894.55          | 11/4/2019 |
| <a href="#">employee benefit trust</a>      | ✓ *8777   | 1,600.91            | 133.17              | 11/4/2019 |
| <a href="#">GF Operating</a>                | ✓ *9437   | 916,145.00          | 831,223.43          | 11/4/2019 |
| <a href="#">W&amp;S Fund Operating</a>      | ✓ *9445   | 1,041,763.33        | 1,041,763.33        | 11/4/2019 |
| <a href="#">Police Special Fund</a>         | ✓ *9792   | 215.51              | 215.51              | 11/4/2019 |
| <b>SUB TOTAL</b>                            |           | <b>4,140,109.56</b> | <b>4,049,003.59</b> |           |
| TexPool - CAPITAL PROJECT                   | 1878      | 314.44              | 314.94              | 11/4/2019 |
| TexStar - GENERAL FUND                      | 1110      | 3,898.61            | 3,899.51            | 11/4/2019 |
| TexStar - GENERAL FUND                      | 1120      | 971.55              | 972.45              | 11/4/2019 |
| TexStar - W&S IMPACT                        | 3540      | 3,298.84            | 3,299.64            | 11/4/2019 |
| TexStar - CAPITAL PROJECT                   | 5340      | 1,460.09            | 1,461.09            | 11/4/2019 |
| TexStar - W&S FUND                          | 5350      | 1,197.16            | 1,198.00            | 11/4/2019 |
| Bryson Manor - GENERAL FUNC                 | 8662      | 301,007.00          | 301,263.36          | 11/4/2019 |
| Leose                                       | 2510      | 1.79                | 1.79                | 11/4/2019 |
| <b>TOTAL BANK BALANCES</b>                  |           | <b>4,452,259.04</b> | <b>4,361,414.37</b> |           |

## Ovilla Municipal Court Report

| FY-2019-<br>2020 | City                         |                    | Total Revenue | Amount Kept by<br>City | Amount sent to<br>State | Warrants<br>Issued | Warrants<br>Cleared | Uncontested<br>Disposition | Defensive<br>Driving | Deferred<br>Disposition | Compliance<br>Dismissals | Trial |
|------------------|------------------------------|--------------------|---------------|------------------------|-------------------------|--------------------|---------------------|----------------------------|----------------------|-------------------------|--------------------------|-------|
|                  | Total Traffic<br>Cases Filed | Ordinance<br>Filed |               |                        |                         |                    |                     |                            |                      |                         |                          |       |
| October          | 46                           | 0                  | \$10,187.47   | \$7,350.53             | \$2,836.94              | 22                 | 7                   | 19                         | 8                    | 14                      | 0                        | 1     |
| November         |                              |                    |               |                        |                         |                    |                     |                            |                      |                         |                          |       |
| December         |                              |                    |               |                        |                         |                    |                     |                            |                      |                         |                          |       |
| January          |                              |                    |               |                        |                         |                    |                     |                            |                      |                         |                          |       |
| February         |                              |                    |               |                        |                         |                    |                     |                            |                      |                         |                          |       |
| March            |                              |                    |               |                        |                         |                    |                     |                            |                      |                         |                          |       |
| April            |                              |                    |               |                        |                         |                    |                     |                            |                      |                         |                          |       |
| May              |                              |                    |               |                        |                         |                    |                     |                            |                      |                         |                          |       |
| June             |                              |                    |               |                        |                         |                    |                     |                            |                      |                         |                          |       |
| July             |                              |                    |               |                        |                         |                    |                     |                            |                      |                         |                          |       |
| August           |                              |                    |               |                        |                         |                    |                     |                            |                      |                         |                          |       |
| September        |                              |                    |               |                        |                         |                    |                     |                            |                      |                         |                          |       |
| Totals           |                              |                    |               |                        |                         |                    |                     |                            |                      |                         |                          |       |

### 2018-2019 FY

|           |    |   |             |             |            |    |
|-----------|----|---|-------------|-------------|------------|----|
| October   | 72 | 3 | \$17,292.87 | \$11,166.04 | \$6,126.83 | 27 |
| FY Totals |    |   |             |             |            |    |

### 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**

|   | Oct. 2019 | Oct.2019<br>YTD | Oct.2018 |  |
|---|-----------|-----------------|----------|--|
| Calls For Service                             |           |                 |          |  |
| Complaint (Nuis 26 Permit 5,Parking11)        | 52        | 524             | 45       |  |
| Follow up (Nuis 20 Permit 6 Park 13)          | 52        | 569             | 51       |  |
| Door Notice (Nui -5, Permit-5, Parking 11)    | 18        | 260             | 20       |  |
| Mail Notice ( Parking 2 nuisance 7 perm 1 )   | 10        | 121             | 22       |  |
| Posted Property (nuisance 3 )                 | 3         | 97              | 8        |  |
| Court 5 parking,2 nuisance guilty 1 per- prob | \$972     | \$2,408         | \$0.00   |  |
| Citizen Contacts                              | 63        | 568             | 53       |  |
| Permits Reviewed                              | 16        | 203             | 53       |  |
| Permits Issued                                | 14        | 176             | 13       |  |
| Inspections                                   | 42        | 309             | 8        |  |
| Nuisance Abated by City                       | 0         | 21              | 14       |  |
| Nuisance Signs (Garage sale-18 business 32 )  | 50        | 519             | 2        |  |
| Board of Adjustment 1 Approve, fence line     | 1         | 12              | 39       |  |
|   |           |                 | 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                           | Oct.2019 | Oct.2019<br>YTD | Oct.2018 |  |
|---|----------|-----------------|----------|--|
| Complaint (Regist-16 At Large 8 Bark 1)     | 25       | 321             | 38       |  |
| Follow up                                   | 27       | 360             | 25       |  |
| Door Notice (Regis-22, at large 3 )         | 25       | 216             | 47       |  |
| Impounded Animal (Dog 2 cat 2,)             | 4        | 75              | 12       |  |
| Animal welfare check                        | 7        | 131             | 11       |  |
| Impound Results (Transport 1 ,Ret to own 3) | 4        | 109             | 7        |  |
| Impound fee collected                       | \$80.00  | \$1,360.00      | 310      |  |
| Court                                       | \$0.00   | \$0.00          | 0        |  |
| Citizen Contacts                            | 28       | 311             | 39       |  |
| Animal registration \$168                   | 14       | 136             | 12       |  |
| Registration Letter Mailed                  | 26       | 207             | 24       |  |
| Nuisance letter -1 barking 1 At large       | 2        | 25              | 3        |  |
| Animals released 2 poss,1 snake 2 sk        | 5        | 44              | 2        |  |
| Deceased removed                            | 36       | 227             | 26       |  |
| Oak Leaf -2 call ( 1 dog 1 cat )            | 2        | 19              | 1        |  |
| Traps Checked Out                           | 5        | 46              | 5        |  |