

# City of *OVILLA* City Council

Rachel Huber, Place One  
Dean Oberg, Place Two

Richard Dormier, Mayor  
Doug Hunt Place Four, Mayor Pro Tem

David Griffin, Place Three  
Michael Myers, Place Five

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Monday, March 14, 2022, 105 S. Cockrell Hill Road, Ovilla, TX 75154  
6:30 P.M. Council Chamber Room

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## AGENDA

NOTICE is hereby given of a Regular Meeting of the City Council of the City of Ovilla, to be held on **Monday, March 14, 2022, 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 – *led by Mayor Dormier*
- U.S. Pledge of Allegiance and TX Pledge *led by PL1 Rachel Huber*

**II. COMMENTS, PRESENTATIONS, ANNOUNCEMENTS, PROCLAMATIONS**

- Proclamation declaring March 2022 as March for Meals Month
- Introduction of new Utility Crew Chief Eddie Wickware

**III. CITIZENS 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 citizens' 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.*

**IV. PUBLIC HEARINGS**

- P1.** Ordinance No. 2022-02 of The City of Ovilla adopting a new comprehensive plan, Known As The Ovilla 2022 Comprehensive Land Use Plan, and providing a mechanism For amendments To The Ovilla Comprehensive Land Use Plan; providing that this ordinance shall be cumulative of all ordinances; providing a severability clause; and providing an effective date.

- A.** Presentation by staff
- B.** Public Comment

- P2** Ordinance No. 2022-03 of the City of Ovilla, Texas, enacting amendments to The City's Subdivision Ordinance; providing for compliance with new state legislation affecting procedures for approving plats, replats, and related site plans; providing A conflict clause; providing a severance clause; and setting an effective date.

- A.** Presentation by staff
- B.** Public Comment

- P3** Ordinance No. 2022-04 of the City of Ovilla, Texas, enacting amendments to the city's zoning ordinance and building code regulations to provide for compliance with new state laws affecting materials used in the construction or renovation of residential and commercial buildings; providing for appeals; providing a conflict clause; providing a severance clause providing a savings clause; and setting an effective date.

- A.** Presentation by staff
- B.** Public Comment

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## V. 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. Financial Transactions over \$5000
- C2. Minutes of the Regular Council Meeting of February 14, 2022
- C3. The second amendment to the Water Tower Lease Agreement, between the City of Ovilla, Texas, and Skybeam, LLC d/b/a Rise Broadband
- C4. Verizon Wireless Customer Agreement
- C5. Ellis County Joint Election Contract May 7, 2022

## VI. REGULAR AGENDA

- ITEM 1. **DISCUSSION/ACTION**– Consideration of and action on an Ordinance No. 2022-03 of the City of Ovilla, Texas, enacting amendments to the city's subdivision ordinance; providing for compliance with new state legislation affecting procedures for approving plats, replats, and related site plans; providing a conflict clause; providing a severance clause; and setting an effective date.
- ITEM 2. **DISCUSSION/ACTION**– Consideration of and action on an Ordinance No. 2022-04 of the City of Ovilla, Texas, enacting amendments to the city's zoning ordinance and building code regulations to provide for compliance with new state laws affecting materials used in the construction or renovation of residential and commercial buildings; providing for appeals; providing a conflict clause; providing a severance clause providing a savings clause; and setting an effective date.
- ITEM 3. **DISCUSSION/ACTION**– Consideration of and action on deed restrictions for 708 W. Main St. and 0.46 acres of landlocked property behind 708 W. Main St. known as the Switzer Property, which shall be platted as one parcel; both properties are owned by the City of Ovilla.
- ITEM 4. **DISCUSSION/ACTION** – Consideration of and action on an Ordinance 2022-05 of the City of Ovilla, Texas, Repealing Chapter 13, Article 13.04, Section 13.040.35 of the Code of Ordinances of the City of Ovilla; Providing a Savings Clause; Providing a Severance Clause; Providing an Effective Date; and Providing for Publication.
- ITEM 5. **DISCUSSION/ACTION** – Consideration of and Action on a proposal of a brush truck in the amount of \$178,103.00 which exceeds the current budget amount of \$125,000.00 and directing staff to include the difference during the mid-year budget amendments.
- ITEM 6. **DISCUSSION** – Discuss reallocation of funding from the current budget year street/roadway projects to begin resurfacing Cockrell Hill Rd.
- ITEM 7. **DISCUSSION/ACTION** – Consideration and action on a quote from Ellis County Precinct 4 in the total amount of \$461,015.00 for rehabilitation of Elmwood, Northwood, Oakwood, Willow Creek Ct., and Shiloh Rd.
- ITEM 8. **DISCUSSION/ACTION** – Consideration and action on an Ordinance 2022-06 of the City of Ovilla, Texas, amending chapter 3, article 3.01, section 3.01.003 of the code of ordinances of the City

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of Ovilla; providing regulations for residential attached garages; providing a savings clause; providing a severance clause; providing an effective date; and providing for publication.

ITEM 9. DISCUSSION/ACTION – Consideration of any item(s) pulled from the Consent Agenda for individual consideration and action.

## VI. STAFF REPORTS

- Department Activity Reports / Discussion
  - Police Department Police Chief J. Bennett
    - Police Activity and Staffing Updates
    - Police Department Renovation Update
  - Fire Department Fire Chief B. Kennedy
    - Fire Activity and Staffing Updates
  - Public Works Department Public Works Director J. Kuykendall
    - Public Works Activity and Staffing Updates
    - Pavilion Construction Update
    - Park Restroom Update
  - Finance Department Finance Director S. Jungman
    - Finance Activity and Staffing Updates
  - Administration City Manager P. Woodall
    - Administration Activity and Staffing Updates City Secretary B. Taylor
    - City Hall Renovation Update
    - Inaccurate or Unreliable Water Meters Ordinance

## 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.*

ES ITEM 1. DISCUSSION – Closed Session - Called pursuant to Section §551.074 (1) of the Texas Government Code: Personnel Matters; to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

City Manager, Pam Woodall

ES ITEM 2. DISCUSSION/ACTION –Any action necessary or appropriate as a result of the closed executive session.

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

## VIII. ADJOURNMENT

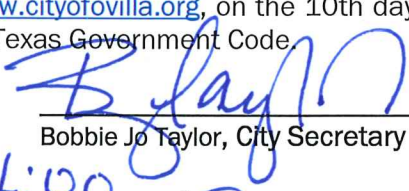
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THIS IS TO CERTIFY THAT A COPY OF THE NOTICE OF March 10, 2022, Regular City Council Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, [www.cityofovilla.org](http://www.cityofovilla.org), on the 10th day of March 2022, prior to 6:00 p.m., in compliance with Chapter 551, Texas Government Code.

  
Bobbie Jo Taylor, City Secretary



DATE OF POSTING: 3/10/22 TIME: 4:00 am/pm  
DATE TAKEN DOWN: \_\_\_\_\_ TIME: \_\_\_\_\_ am/pm

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

*A recording of the meeting will be made and will be available to the public in accordance with the Open Meetings Act upon written request.*

PURSUANT TO SECTION 30.06, PENAL CODE (TRESPASS BY LICENSE HOLDER WITH A CONCEALED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A CONCEALED HANDGUN.

CONFORME A LA SECCIÓN 30.06 DEL CÓDIGO PENAL (ENTRADA SIN AUTORIZACIÓN POR TITULAR DE LICENCIA CON UNA PISTOLA OCULTA), 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 OCULTA.

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

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



# PROCLAMATION



## March for Meals Month

**WHEREAS**, on March 22, 1972, President Richard Nixon signed into law a measure that amended the Older Americans Act of 1965 and established a national nutrition program for seniors 60 years and older;

**WHEREAS**, Meals on Wheels America established the National March for Meals Campaign in March 2002 to recognize the historic month, the importance of Older Americans Act Nutrition Programs – both congregate and home-delivered – and raise awareness about the escalating problem of senior hunger in America;

**WHEREAS**, the 2022 observance of the March for Meals campaign provides an opportunity to support Meals on Wheels programs that deliver vital and critical services by donating, volunteering and raising awareness about senior hunger and isolation;

**WHEREAS**, Older Americans Act Nutrition Programs – both congregate and home-delivered – in TEXAS have served our communities admirably for more than 40 years; and

**WHEREAS**, volunteer drivers for Meals on Wheels programs in TEXAS are the backbone of the program and they not only deliver nutritious meals to homebound seniors and individuals with disabilities but also caring concern and attention to their welfare;

**WHEREAS**, Meals on Wheels programs in TEXAS provide nutritious meals to seniors throughout the State and help them maintain their health and independence and avoid unnecessary hospitalizations and/or premature institutionalization;

**WHEREAS**, Meals on Wheels programs in TEXAS provide a powerful socialization opportunity for millions of seniors to help combat loneliness and isolation;

**WHEREAS**, Meals on Wheels programs in OVILLA, TEXAS deserve recognition for the contributions they have made and will continue to make to local communities, our State and our Nation; and

**NOW, THEREFORE, I RICHARD DORMIER, MAYOR OF OVILLA, TEXAS do hereby proclaim March 2022 as March for Meals Month.**

**The governing body of the City of Ovilla** urges every citizen to take time this month to honor our Meals on Wheels programs, the seniors they serve, and the volunteers who care for them. Our recognition of, and involvement in, the national 2022 March for Meals campaign can enrich our entire community and help combat senior hunger and isolation in America.

Dated this 14TH DAY of MARCH 2022

Richard Dormier, MAYOR OF OVILLA



03.14.2022

## Public Hearings P1-P3

To  
Honorable Mayor and Council

From  
Staff

CC  
Applicable Departments

- P1.** Ordinance No. 2022-02 of The City of Ovilla Adopting A New Comprehensive Plan, Known As The Ovilla 2022 Comprehensive Land Use Plan, And Providing A Mechanism For Amendments To The Ovilla Comprehensive Land Use Plan; Providing That This Ordinance Shall Be Cumulative Of All Ordinances; Providing A Severability Clause; And Providing An Effective Date.
- P2** Ordinance No. 2022-03 of the City of Ovilla, Texas, Enacting Amendments to The City's Subdivision Ordinance; Providing for Compliance With New State Legislation Affecting Procedures For Approving Plats, Replats And Related Site Plans; Providing A Conflict Clause; Providing A Severance Clause; And Setting An Effective Date.
- P3** Ordinance No. 2022-04 of The City of Ovilla, Texas, Enacting Amendments to The City's Zoning Ordinance And Building Code Regulations To Provide For Compliance With New State Laws Affecting Materials Used In The Construction Or Renovation Of Residential And Commercial Buildings; Providing For Appeals; Providing A Conflict Clause; Providing A Severance Clause Providing A Savings Clause; And Setting An Effective Date

### BACKGROUND AND JUSTIFICATION:

P1: Ordinance No. 2022-02 Adopting the 2022 Comprehensive Land Use Plan

**STAFF COMMENT:** Ordinance No. 2022-02 Adopts the 2022 Comprehensive Land Use Plan as prepared by the Comprehensive Land Use Committee. The Committee recommended approval of the plan at the final meeting of the Comprehensive Land Use Committee Meeting.

P2: Ordinance No. 2022-03 Enacting Amendments to the Subdivision Ordinance for Platting Regulations

**STAFF COMMENT:** Ordinance 2022-03 Will adopt state requirements into the City Code of Ordinances relating to the approval process of site plans and platting. HB 3167 forces cities to speed up the process of site plans and platting. These regulations were made on a state level and the City must follow. The bill and ordinance apply to subdivision plans, subdivision construction plans, site plans, land development applications, site development plans, and plats.

P3: Ordinance No. 2022-04 Enacting Amendments to the Zoning Ordinance for Building Materials.

**STAFF COMMENT:** Ordinance No. 2022-04 is officially enacting state regulations to building materials in the City of Ovilla. The State approved HB 2439 which eliminated the ability of a city to regulate material used on a structure. The new state regulations ensure that cities allow for building products or materials that are approved for use by a national model code published within the last three code cycles.



Notice of Public Hearings to adopt the  
Ovilla 2022 Comprehensive Land Use Plan  
(An update to the 2016 Comprehensive Land Use Plan)

In accordance with the laws of the State of Texas, Local Government Code Chapter 213, all interested persons and parties are hereby notified that the Planning and Zoning Commission of the City of Ovilla will hold a public hearing in the City Council Chamber Room at 105 S. Cockrell Hill Road, Ovilla, Texas on **March 7, 2022, at 6:00 p.m.**, and the City Council of the City of Ovilla will hold a public hearing in the City Council Chamber Room at 105 S. Cockrell Hill Road, Ovilla, Texas on **March 14, 2022, at 6:30 p.m.**, for the purpose of hearing evidence, testimony, and comments from all interested persons and parties concerning the proposed ordinance:

**AN ORDINANCE ADOPTING A NEW COMPREHENSIVE PLAN, KNOWN AS THE OVILLA 2022 COMPREHENSIVE LAND USE PLAN, AND PROVIDING A MECHANISM FOR AMENDMENTS TO THE OVILLA COMPREHENSIVE LAND USE PLAN; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

Any interested persons and parties, if they desire, may submit any information they wish to be considered to the City Secretary prior to the date of the public hearings or may appear at the public hearings to be heard, or both. The complete 2022 Comprehensive Land Use Plan is available for review at the Ovilla Municipal Building, 105 S. Cockrell Hill Road, Ovilla, TX 75154, and on the City's website [www.cityofovilla.org](http://www.cityofovilla.org).

*The facility is wheelchair accessible. If you plan to attend and you have a disability that requires special arrangements, please notify the City Secretary 48 hours in advance of the hearings so that reasonable accommodations can be made. For sign interpretive services, please call 72 hours in advance.*

## CITY OF OVILLA NOTICE OF PUBLIC HEARING

NOTICE is hereby given to all interested persons that the Planning & Zoning Commission of the City of Ovilla, Texas, will conduct a public hearing on **Monday, March 7, 2022 at 6 o'clock p.m.** at the Ovilla Municipal Building, Council Chamber Room, 105 S. Cockrell Hill Road, Ovilla, Texas for the purpose of obtaining public comment regarding the following:

**AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, ENACTING AMENDMENTS TO THE CITY'S ZONING ORDINANCE AND BUILDING CODE REGULATIONS TO PROVIDE FOR COMPLIANCE WITH NEW STATE LAWS AFFECTING MATERIALS USED IN THE CONSTRUCTION OR RENOVATION OF RESIDENTIAL AND COMMERCIAL BUILDINGS; PROVIDING FOR APPEALS; PROVIDING A CONFLICT CLAUSE; PROVIDING A SEVERANCE CLAUSE PROVIDING A SAVINGS CLAUSE; AND SETTING AN EFFECTIVE DATE**

The Ovilla City Council will consider and act on the Ordinance enacting amendments to the city's zoning ordinance and building code regulations to provide for compliance with new state laws affecting materials used in the construction or renovation of residential and commercial buildings after it receives a final report and recommendation from the Planning and Zoning Commission. (LCG §211.007) The scheduled date for the second public hearing, consideration and action **Monday, March 14, 2022 at 6:30 o'clock p.m.**, during a regularly scheduled City Council meeting.

All interested persons are invited to attend and share comments. Written comments will also be accepted by mail addressed to Bobbie Jo Taylor, City Secretary, 105 S. Cockrell Hill Road, Ovilla, TX 75154, email [btaylor@cityofovilla.org](mailto:btaylor@cityofovilla.org) or fax 972-515-3221. For additional information regarding this notice, please contact City Secretary Bobbie Jo Taylor, [btaylor@cityofovilla.org](mailto:btaylor@cityofovilla.org).

## CITY OF OVILLA NOTICE OF PUBLIC HEARING

NOTICE is hereby given to all interested persons that the City Council of the City of Ovilla, Texas, will conduct a public hearing on **Monday, March 14, 2022, at 6:30 o'clock p.m.** at the Ovilla Municipal Building, Council Chamber Room, 105 S. Cockrell Hill Road, Ovilla, Texas for the purpose of obtaining public comment regarding the following:

**AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, ENACTING AMENDMENTS TO THE CITY'S SUBDIVISION ORDINANCE; PROVIDING FOR COMPLIANCE WITH NEW STATE LEGISLATION AFFECTING PROCEDURES FOR APPROVING PLATS, REPLATS AND RELATED SITE PLANS; PROVIDING A CONFLICT CLAUSE; PROVIDING A SEVERANCE CLAUSE; AND SETTING AN EFFECTIVE DATE**

The Ovilla City Council will also consider and act on the Ordinance enacting amendments to the city's subdivision ordinance, providing for compliance with new state legislation affecting procedures for approving plats, replats, and related site plans at The City Council Meeting **Monday, March 14, 2022, at 6:30 o'clock p.m.**

All interested persons are invited to attend and share comments. Written comments will also be accepted by mail addressed to Bobbie Jo Taylor, City Secretary, 105 S. Cockrell Hill Road, Ovilla, TX 75154, email [btaylor@cityofovilla.org](mailto:btaylor@cityofovilla.org) or fax 972-515-3221. For additional information regarding this notice, please contact City Secretary Bobbie Jo Taylor, [btaylor@cityofovilla.org](mailto:btaylor@cityofovilla.org).

03.14.2022

## Consent Items C1-C5

To  
Honorable Mayor  
and Council

From  
Staff

CC  
Applicable  
Departments

- C1. Financial Transactions over \$5000
- C2. Minutes of the Regular Council Meeting of February 14, 2022
- C3. The second amendment to the Water Tower Lease Agreement”), between the City of Ovilla, Texas, and Skybeam, LLC d/b/a Rise Broadband.
- C4. Verizon Wireless Customer Agreement.
- C5. Ellis County Election Joint Contract

### BACKGROUND AND JUSTIFICATION:

C1: Financial Transactions over \$5000

**STAFF RECOMMENDATION:** Staff recommends approval

C2: Minutes of the Regular Council Meeting of February 14, 2022

**STAFF RECOMMENDATION:** Staff recommends approval.

C3: The second amendment to the Water Tower Lease Agreement, between the City of Ovilla, Texas, and Skybeam, LLC d/b/a Rise Broadband.  
The 2<sup>nd</sup> Amendment to the Water Tower Lease Agreement increases the yearly rent payment to \$34,001.03. The project allows the replacement of existing equipment at the Water Tower. **STAFF RECOMMENDATION:** Staff recommends approval. Reviewed and Approved by Legal Counsel

C4: Verizon Wireless Customer Agreement  
Renews current contract with Verizon Wireless  
**STAFF RECOMMENDATION:** Staff recommends approval. Reviewed and Approved by Legal Counsel

C5: Ellis County Election Joint Contact  
Deposit Due of \$2,800.00 Total Contract \$3,800.00  
**STAFF RECOMMENDATION:** 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)





**Date: March 14, 2022**

**To: Honorable Mayor and Council Members**

**Subject: Transactions over \$5,000 From  
October 1, 2021 thru  
January 31, 2022**

**From:**

**Sharon Jungman – Finance Director**



City of Ovilla  
Transaction Detail Report  
10/1/2021 - 1/31/2022

3/4/2022 4:15 PM

100 - General Fund

Account 100-2311000

Post Date	Tran Date	Source	Line Description	Vendor	Invoice #	Check #	Debit	Credit	Balance
10/12/2021	10/12/2021	AP Invoice	TMRS-Employer 10/9/2021	T. M. R. S.	PY10152021		5,380.28	0.00	2,750.48
10/27/2021	10/27/2021	AP Invoice	TMRS-Employer 10/23/2021	T. M. R. S.	PY10292021		5,903.87	0.00	(3,153.39)
11/10/2021	11/10/2021	AP Invoice	TMRS-Employer 11/6/2021	T. M. R. S.	PY11122021		5,373.68	0.00	(8,527.07)
11/23/2021	11/23/2021	AP Invoice	TMRS-Employer 11/20/2021	T. M. R. S.	PY11242021		5,691.99	0.00	(14,219.06)
12/8/2021	12/8/2021	AP Invoice	TMRS-Employer 12/4/2021	T. M. R. S.	PY12102021		5,652.70	0.00	(19,871.76)
12/21/2021	12/21/2021	AP Invoice	TMRS-Employer 12/18/2021	T. M. R. S.	PY12232021		5,723.63	0.00	(25,595.39)
1/5/2022	1/5/2022	AP Invoice	TMRS-Employer 1/1/2022	T. M. R. S.	PY172022		6,036.07	0.00	(31,631.46)
1/20/2022	1/20/2022	AP Invoice	TMRS-Employer 1/15/2022	T. M. R. S.	PY1212022		6,173.96	0.00	(37,805.42)
Total							45,936.18	0.00	

100 - General Fund

Account 100-2312150

Post Date	Tran Date	Source	Line Description	Vendor	Invoice #	Check #	Debit	Credit	Balance
11/10/2021	11/10/2021	AP Invoice	ER PD UHC 11/6/2021	United Health Care	PY11122021		13,190.73	0.00	(13,190.73)
12/8/2021	12/8/2021	AP Invoice	ER PD UHC 12/4/2021	United Health Care	PY12102021		13,673.32	0.00	(26,864.05)
1/5/2022	1/5/2022	AP Invoice	ER PD UHC 1/1/2022	United Health Care	PY172022		13,673.32	0.00	(40,537.37)
Total							40,537.37	0.00	

100 - General Fund

Account 100-10-52220

Post Date	Tran Date	Source	Line Description	Vendor	Invoice #	Check #	Debit	Credit	Balance
12/2/2021	12/2/2021	AP Invoice	Ellis Central Appraisal District	Ellis Central Appraisal District	2022-26-01	052340	5,198.93	0.00	5,198.93
Total							5,198.93	0.00	

100 - General Fund

Account 100-10-55520

Post Date	Tran Date	Source	Line Description	Vendor	Invoice #	Check #	Debit	Credit	Balance
11/19/2021	11/19/2021	AP Invoice	ASBESTOS ABATEMENT/105 S COCKRELL HILL RD	North Texas Environmental & Demolition Services	8621 A-G	052281	9,950.00	0.00	9,950.00
11/24/2021	11/24/2021	AP Invoice	BUILDING MAINTENANCE	Centennial Contracting Inc	021378	052310	16,550.00	0.00	26,500.00
Total							26,500.00	0.00	

100 - General Fund

Account 100-16-52160

Post Date	Tran Date	Source	Line Description	Vendor	Invoice #	Check #	Debit	Credit	Balance
10/8/2021	10/8/2021	AP Invoice	QUARTERLY FEES	TML Intergovernmental Risk Pool	5016 100121	052123	10,140.64	0.00	10,140.64

1/20/2022	1/20/2022	AP Invoice	TML Insurance for Jan.-March 2022	TEXAS MUNICIPAL LEAGUE IRP	5016 01/01/22	052539	21,630.95	0.00	31,771.59
Total							31,771.59	0.00	

**100 - General Fund**

**Account 100-16-55640**

Post Date	Tran Date	Source	Line Description	Vendor	Invoice #	Check #	Debit	Credit	Balance
10/8/2021	10/8/2021	AP Invoice	QUARTERLY FEES	TML Intergovernmental Risk Pool	5016 100121	052123	5,053.16	0.00	5,053.16
1/20/2022	1/20/2022	AP Invoice	TML Insurance for Jan.-March 2022	TEXAS MUNICIPAL LEAGUE IRP	5016 01/01/22	052539	5,053.16	0.00	10,106.32
Total							10,106.32	0.00	

**100 - General Fund**

**Account 100-16-55756**

Post Date	Tran Date	Source	Line Description	Vendor	Invoice #	Check #	Debit	Credit	Balance
12/23/2021	12/23/2021	AP Invoice	First of 5 annual pmts. for ROW for Widening 664 Between Westmoreland & FM1387	Texas Department of Transportation	RCSJ 1051-01-052	052444	52,718.56	0.00	52,718.56
Total							52,718.56	0.00	

**100 - General Fund**

**Account 100-20-52380**

Post Date	Tran Date	Source	Line Description	Vendor	Invoice #	Check #	Debit	Credit	Balance
10/29/2021	10/29/2021	AP Invoice	COMMUNICATIONS CONTRACT	City of Midlothian	OVILLA 100121	052192	20,475.00	0.00	20,475.00
11/19/2021	11/19/2021	AP Invoice	RADIO SERVICE AGREEMENT FYE 2021-2022	City of Midlothian	RSA 2022-14	052271	7,391.00	0.00	27,866.00
Total							27,866.00	0.00	

**100 - General Fund**

**Account 100-20-52390**

Post Date	Tran Date	Source	Line Description	Vendor	Invoice #	Check #	Debit	Credit	Balance
11/10/2021	11/10/2021	AP Invoice	ANNUAL MEMBERSHIP FEES	City of Midlothian	SRRG-22-7	052238	8,250.00	0.00	8,250.00
Total							8,250.00	0.00	

**100 - General Fund**

**Account 100-20-55240**

Post Date	Tran Date	Source	Line Description	Vendor	Invoice #	Check #	Debit	Credit	Balance
10/14/2021	10/14/2021	AP Invoice	CRIMES SOFTWARE 10/2021-9/2022	Sam Houston State University	10/1/2021	052134	16,500.00	0.00	16,500.00
Total							16,500.00	0.00	

**100 - General Fund**

**Account 100-20-55520**

Post Date	Tran Date	Source	Line Description	Vendor	Invoice #	Check #	Debit	Credit	Balance
11/24/2021	11/24/2021	AP Invoice	BUILDING MAINTENANCE	Centennial Contracting Inc	021378	052310	13,240.00	0.00	13,240.00
Total							13,240.00	0.00	

**100 - General Fund**

**Account 100-30-52380**

Post Date	Tran Date	Source	Line Description	Vendor	Invoice #	Check #	Debit	Credit	Balance
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11/19/2021	11/19/2021	AP Invoice	RADIO SERVICE AGREEMENT FYE 2021-2022	City of Midlothian	RSA 2022-14	052271	8,558.00	0.00	8,558.00
Total							8,558.00	0.00	

**100 - General Fund**

**Account 100-30-52385**

Post Date	Tran Date	Source	Line Description	Vendor	Invoice #	Check #	Debit	Credit	Balance
1/13/2022	1/13/2022	AP Invoice	EMERGENCY MEDICAL TRANSPORTATION 1ST QUARTER 10/21-12/21	City of Midlothian	EMS123121	052506	15,889.75	0.00	15,889.75
Total							15,889.75	0.00	

**100 - General Fund**

**Account 100-30-55520**

Post Date	Tran Date	Source	Line Description	Vendor	Invoice #	Check #	Debit	Credit	Balance
11/24/2021	11/24/2021	AP Invoice	BUILDING MAINTENANCE	Centennial Contracting Inc	021378	052310	31,210.00	0.00	31,210.00
Total							31,210.00	0.00	

**100 - General Fund**

**Account 100-30-55545**

Post Date	Tran Date	Source	Line Description	Vendor	Invoice #	Check #	Debit	Credit	Balance
1/27/2022	1/27/2022	AP Invoice	VEHICLE EXPENSES	Siddons-Martin Emergency Group, LLC	14408636	052567	7,065.28	0.00	7,065.28
Total							7,065.28	0.00	

**100 - General Fund**

**Account 100-40-55240**

Post Date	Tran Date	Source	Line Description	Vendor	Invoice #	Check #	Debit	Credit	Balance
10/8/2021	10/8/2021	AP Invoice	ANNUAL SUBSCRIPTION 9/1/21 - 8/31/21	Gov Pilot	2021-1170	052118	7,500.00	0.00	7,500.00
Total							7,500.00	0.00	

**100 - General Fund**

**Account 100-45-55465**

Post Date	Tran Date	Source	Line Description	Vendor	Invoice #	Check #	Debit	Credit	Balance
10/8/2021	10/8/2021	AP Invoice	SERVICES FOR AUGUST 2021	Community Waste Disposal	1195926	052096	23,522.85	0.00	23,522.85
10/8/2021	10/8/2021	AP Invoice	SERVICES FOR SEPTEMBER 2021	Community Waste Disposal	1205790	052096	23,537.78	0.00	47,060.63
11/19/2021	11/19/2021	AP Invoice	SERVICES FOR OCTOBER 2021	Community Waste Disposal	1216528	052273	23,478.06	0.00	70,538.69
1/6/2022	1/6/2022	AP Invoice	Trash Collection for Dec. 2021	Community Waste Disposal	1241501	052478	23,492.99	0.00	94,031.68
Total							94,031.68	0.00	

**100 - General Fund**

**Account 100-50-57450**

Post Date	Tran Date	Source	Line Description	Vendor	Invoice #	Check #	Debit	Credit	Balance
12/2/2021	12/2/2021	AP Invoice	VEHICLE EXPENSES	Rush Truck Centers of Texas, LP	1019-18913	052353	85,986.04	0.00	85,986.04
Total							85,986.04	0.00	



**100 - General Fund****Account 100-60-57440**

Post Date	Tran Date	Source	Line Description	Vendor	Invoice #	Check #	Debit	Credit	Balance
12/10/2021	12/10/2021	AP Invoice	PARK EQUIPMENT	Landmark Equipment, Inc.	35965	052371	11,000.00	0.00	11,000.00
Total							11,000.00	0.00	

**200 - Water And Utilities Fund****Account 200-70-57440**

Post Date	Tran Date	Source	Line Description	Vendor	Invoice #	Check #	Debit	Credit	Balance
11/19/2021	11/19/2021	AP Invoice	SECURITY/PW	Bat Security	72284	052263	6,426.00	0.00	6,426.00
Total							6,426.00	0.00	

**200 - Water And Utilities Fund****Account 200-75-55460**

Post Date	Tran Date	Source	Line Description	Vendor	Invoice #	Check #	Debit	Credit	Balance
11/19/2021	11/19/2021	AP Invoice	WATER PURCHASE 10/1/21-11/1/21	City of Dallas	050302301494	052270	39,652.51	0.00	39,652.51
12/23/2021	12/23/2021	AP Invoice	WATER PURCHASED 11/2/21 - 12/3/21	City of Dallas	050302323211	052434	32,821.44	0.00	72,473.95
1/20/2022	1/20/2022	AP Invoice	WATERED PURCHASED 12/4/21-1/5/22	City of Dallas	050302341286	052525	33,506.48	0.00	105,980.43
Total							105,980.43	0.00	

**200 - Water And Utilities Fund****Account 200-80-55463**

Post Date	Tran Date	Source	Line Description	Vendor	Invoice #	Check #	Debit	Credit	Balance
10/8/2021	10/8/2021	AP Invoice	ROCRWS-DEBT SERVICE	Trinity River Authority of Texas	BH 1608	052124	9,066.00	0.00	9,066.00
10/14/2021	10/14/2021	AP Invoice	ROCRWS-DEBT SERVICES	Trinity River Authority of Texas	BH 1614	052141	9,060.00	0.00	18,126.00
12/10/2021	12/10/2021	AP Invoice	ROCRWS-DEBT SERVICE	Trinity River Authority of Texas	BH1620	052383	36,996.00	0.00	55,122.00
12/23/2021	12/23/2021	AP Invoice	ROCRWS- OPERATIONS/DEBT SERVICES	Trinity River Authority of Texas	BH 1626	052447	36,996.00	0.00	92,118.00
1/20/2022	1/20/2022	AP Invoice	BILLING FOR FEBRUARY	Trinity River Authority of Texas	BH 1632	052541	36,996.00	0.00	129,114.00
Total							129,114.00	0.00	

**400 - Debt Service Fund****Account 400-15-57941**

Post Date	Tran Date	Source	Line Description	Vendor	Invoice #	Check #	Debit	Credit	Balance
1/27/2022	1/27/2022	AP Invoice	2021 GOR BOND INTEREST	Wilmington Trust, National Association	011822	052570	8,126.54	0.00	8,126.54
Total							8,126.54	0.00	

**CITY OF OVILLA MINUTES**  
**Monday, February 14, 2022**  
**Regular City Council Meeting**  
**105 S. Cockrell Hill Road, Ovilla, TX 75154**

---

Mayor Dormier called the Council Meeting of the Ovilla City Council to order at 6:34 PM, in the Ovilla Council Chamber Room, 105 S. Cockrell Hill Road Ovilla TX 75154, with notice of the meeting duly posted.

The following City Council Members were present:

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

Mayor Dormier noted that Place 2 Oberg was absent from the meeting but that all other members of the Council were in attendance, thus constituting a quorum. The city manager, city secretary, department directors, and various staff were also present.

**CALL TO ORDER**

Mayor Pro Tem Hunt gave the invocation and PL5 Myers led the reciting of the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

**ANNOUNCEMENTS, PROCLAMATIONS, PRESENTATIONS, COMMENTS**

- Red Oak Independent School District presentation of 2022 Bond Information.

**CITIZEN COMMENTS:**

- Antria Felicia Frazier, 206 Williamsburg Lane, addressed the Council with concerns regarding her driveway approach.

**CONSENT AGENDA –**

- C1.** Financial Transactions over \$5000.00
- C2.** Minutes of the Regular Council Meeting of January 10, 2022
- C3.** Resolution R2022-02 Authorizing Continued Participation with the Atmos Cities Steering Committee
- C4.** Section date(s) of April 23, 2022, and April 30, 2022, for the City's annual household hazardous waste and brush clean-up day(s), in accordance with Section 5.3 (b) City Services of the contract.

PL5 Myers made a motion to approve all consent items as presented.  
Seconded by Mayor Pro Tem Hunt.

No oppositions, no abstentions.

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

1

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

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

**REGULAR AGENDA**

**ITEM 1. DISCUSSION/ACTION–** Consider and take action on a proposal from ClearGov to provide Budgeting Software for the City of Ovilla.

Dennis Maher, Market Development Executive, presented the Council with an overview of the budgeting software ClearGov. Mr. Maher's presentation included a demonstration of the ClearGov software and a sample of budget books both digital and in pdf format.

City Staff advised that ClearGov Budgeting Software will improve the city's current budget process by furnishing the city with a complete digital budget book including charts, graphs, operational, and capital budgeting. City Manager Pam Woodall stated that the ClearGov Budgeting Software will also allow more transparency of the city's financials which the City Council has always desired, including the necessary requirements and assistance with budgeting for GFOA Budget Recognitions.

City Staff addressed the pricing for ClearGov advising that the software is \$16,500.00 annually. However, if Council were to allow staff to implement the software during this current budget year, the cost would be prorated to \$9,625.00. Clear Gov is also waiving a one-time setup fee of \$1200.00 per module.

Place 5 Myers made a motion to approve a proposal from Cleargov to provide Budgeting Software for the City of Ovilla at the cost of \$9,625.00 for the current budget year and \$16,500.00 to be included in the 2022-2023 budget year.

Seconded by Place 4 Mayor Pro Tem Hunt

No oppositions, no abstentions.

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

**ITEM 2. DISCUSSION/ACTION–** Consider and take action on a potential adjustment to the water bill for the Homeowners Association (HOA) of Ashburne Glen for the water meter located at the North Entrance to the subdivision.

**Mayor Dormier and Place 5 Myers excused themselves from the meeting at this time due to a conflict of interest on file.**

Kathy Dickey, 103 Robin Glen Lane, address the council with concerns about a faulty meter at the North Entrance to Ashburne Glen. Ms. Dickey asked the Council to implement an ordinance that will allow for adjustments due to faulty equipment.

Mary Cavanaugh, 108 Nob Hill, addressed the council with concerns of a faulty meter at the North Entrance to Ashburne Glen that was not calculating the metered water usage correctly. Ms. Cavanaugh asked the Council to consider a fair adjustment to the account.

Public Works Director, James Kuykendall advised that The Homeowner's Association contacted Water Supervisor, Daniel Durham, regarding the water bill for July 2021. The Water Department tested the meter and discovered that the meter was reading 13 gallons per 10 gallons of actual usage. Mr. Kuykendall stated that an additional adjustment has not been given at this time due to City Ordinance stating that only one (1) adjustment is allowed per 12-month period. Mr. Kuykendall recommended an adjustment be made to the account.

Mayor Pro Tem Hunt, Council Place 1 Huber and Place 3 Griffin discussed an adjustment to be given on the account.

Place 1 Huber motioned to approve an adjustment to the August billing of the Ashburne Glen Homeowner's Association for the water meter located at the North Entrance of the subdivision in the amount of \$160.00. Seconded by Place 3 Griffin.

No oppositions, No abstentions.

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

**Mayor Dormier and Place 5 Myers returned to the meeting.**

**ITEM 3. DISCUSSION/ACTION–** Consideration and action on an Ad-Hoc appointment of Windy Zabochnik to the City of Ovilla, Texas, Comprehensive Land Use Plan Committee.

Place 3 Griffin motioned to approve the Ad-Hoc appointment of Windy Zabochnik to the City of Ovilla, Texas, Comprehensive Land Use Plan Committee.

Seconded by Place 1 Huber

No oppositions, no abstentions.

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

**ITEM 4. DISCUSSION/ACTION–** Receive a recommendation from the AMI Committee to consider and award a Request for Proposal (RFP) for Advanced Metering Infrastructure (AMI) Water Meters Smart Earth Technologies.

City Staff advised the council that notice of a Request for Proposal (RFP) had been published in the Ellis County Press and on the City of Ovilla website for Advanced Metering Infrastructure (AMI) Water Meters on December 23, 2021. Staff noted that two bids were received and opened on the 24th of January. The bids were from Smart Earth Technologies (SET) and Mountain States Pipe & Supply (MSPS).

SET Bid Total \$460,871.00

MSPS Bid Total \$625,089.41

Staff noted that SET Bid Total did meet the City Budget and that MSPS is over the amount budgeted for the project.

The Public Works Director James Kuykendall advised that his department conducted research of AMI Water Meters by traveling to the City of Corsicana to seek opinions and check references of the SET software. Mr. Kuykendall stated that the City of Corsicana is happy with the product and services offered by Smart Earth Technologies (SET).



Mayor Pro Tem Hunt motioned to accept a proposal from Smart Earth Technologies (SET) to provide Advanced Metering Infrastructure (AMI) Water Meters to the City of Ovilla.  
Seconded by Place 5 Myers.

No oppositions, no abstentions.

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

**ITEM 5. DISCUSSION/ACTION–** Consideration and Action on deed restrictions for .504 acres in Brookwood Estates owned by the City of Ovilla.

Council discussed the appropriate direction for City Staff to move forward with deed restrictions for .504 acres in Brookwood Estates.

Staff reported that Council gave staff permission to obtain a certified appraisal for this property, which has been delayed however it is now almost complete. The following restrictions had previously been discussed by the Council:

1. The property must be platted as part of an adjacent lot.
2. No street access for a driveway will be made available to the access easement to the existing lot.

Place 3 Griffin motioned to approve the listed restriction(s) for the sale of .504 acres in Brookwood Estates, directing staff to follow recommended procedures for the sale.

Seconded by Place 4 Mayor Pro Tem Hunt.

No oppositions, no abstentions.

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

**ITEM 6. DISCUSSION/ACTION–** Consideration of and action on deed restrictions for 708 W. Main St. and 2.4 acres of landlocked property behind 708 W. Main St. known as the Switzer Property, which shall be platted as one parcel; both properties are owned by the City of Ovilla.

Council discussed the previous action on the property located at 708 W. Main St. and the intention to include the 2.4 acres of landlocked property behind 708 W. Main. The Council was advised by staff that both properties needed to be platted as one parcel prior to moving to sale.

The Council also discussed potential restrictions as suggested by the appraiser to be included in the appraisal of the property. The following restrictions were discussed:

1. The property will be developed as a commercial property - No residential use.
2. The property must be developed to generate sales tax for the city
3. The goal is to develop the property into a local restaurant with regional appeal possibly with outdoor seating in the lower areas along the creek.
4. Parking to be overbuilt by 50 spaces for inclusion as overflow parking for the downtown area and city events (City Council to consider if the city will participate in the cost of the 50 parking spaces-otherwise we need to split the property and build another parking lot ourselves).

Mayor Dormier requested that no action be taken after a consensus of the Council could not be reached. Mayor Dormier asked that the members of the Council prepare potential restrictions to be placed on the property and to be acted on at the next regular Council meeting.

No Action

**ITEM 7. DISCUSSION/ACTION–** Consideration of and action on a proposal from Mottla Architects, for the architectural and engineering services on the renovation in city hall.

Staff presented the Council with a proposal and cost for the renovation of City Hall which will include more workspace and renovations to the area next to the City Chambers. City Manager Woodall stated that the item was not in the current budget and therefore would require an amendment in the amount of \$11,700.00.

Place 5 Myers made a motion to approve a proposal from Mottla Architects, for the architectural and engineering services on the renovation in city hall.

Seconded by Place 1 Huber

No oppositions, no abstentions.

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

**ITEM 8. DISCUSSION–** Discuss a potential change to the City of Ovilla Ordinances to waive building permit fees for the replacement of existing fences.

Place 3 Griffin requested discussion from the City Council to waive the building permit fee if a fence is being replaced that would not change location nor would any of the original poles be replaced.

Council discussed the current fee schedule for fences including the permitting process. The Council did not wish to place the item on the next agenda for action.

Discussion Only No Action

**ITEM 9. DISCUSSION–** Discuss layout and cost for a potential downtown sidewalk project.

Public Works Director Kuykendall advised the council of the current layout needed for the downtown sidewalk project to move forward. Mr. Kuykendall explained that affidavits and easements would need to be in place prior to beginning the project. Mr. Kuykendall advised that Mr. Simms who had requested the city to continue the sidewalk project also desired the installation of taps for water and sewer service. Mr. Simms was not in attendance.

The Council asked Mr. Kuykendall to bring a complete estimate of all charges to the council for consideration.

Discussion Only No Action

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

None

### **STAFF REPORTS**

- Department Activity Reports / Discussion

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

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

- Police Department Police Chief J. Bennett
  - January 2021 Police Activity and Staffing Updates
  - Racial Profiling Report
  - Update to Communication Systems for Dispatch of Police and Fire Departments
  - Update on Renovation of Police Department
- Fire Department Fire Chief B. Kennedy
  - January 2021 Fire Activity and Staffing Updates
  - Fire Marshall Inspection Reports
  - Winter Storm Update
- Public Works Department Public Works Director J. Kuykendall
  - January 2021 Public Works Activity and Staffing Updates
  - Total Water Efficiency
- Administration
  - Financials Finance Director S. Jungman
    - a) January 2021 Finance Activity
  - Administration City Manager P. Woodall  
City Secretary B. Taylor
    - a) January 2021 Administrative Staffing Updates

### **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. 9:05 p.m.

**ES ITEM 1. DISCUSSION** – Closed Session - Called pursuant to Section §551.074 (1) of the Texas Government Code: Personnel Matters; to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

City Secretary, Bobbie Jo Taylor, (90-day evaluation)

**ES ITEM 2. DISCUSSION** - Closed Session called pursuant to Section §551.071 of the Texas Government Code. Consultation with City Attorney — Consultation with the city attorney on the following matters in which the attorney's duty of confidentiality under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the requirements of the Texas Open Meetings Act.

Ambulance Service Contract  
Residential Attached Garages

B. Reconvene into Regular (Open) Session. 10:13 p.m.

**ES ITEM 3. DISCUSSION/ACTION** –Any action necessary or appropriate as a result of the closed executive session.

Mayor Pro Tem Hunt made a motion directing staff to prepare guidelines for an update of the ordinance to potentially allow front-facing garages behind porte-cochères.

Seconded by Place 5 Myers

No oppositions, no abstentions.

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

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

Place 3 Griffin requested that an ordinance update regarding faulty water meters be placed on the upcoming agenda.

**ADJOURNMENT**

PL1 Huber made a motion to adjourn. PL4 Mayor Pro Tem Hunt seconded the motion. There being no further business, Mayor Dormier adjourned the meeting at 10:15 p.m.

No oppositions, no abstentions.

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

\_\_\_\_\_  
Richard Dormier, Mayor

ATTEST:

\_\_\_\_\_  
Bobbie Jo Taylor, City Secretary

APPROVED:

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

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



## SECOND AMENDMENT TO THE WATER TOWER LEASE AGREEMENT

**THIS SECOND AMENDMENT** (the "Amendment") is made and entered into as \_\_\_\_\_, 2022 (the "Amendment Effective Date"), between the City of Ovilla, Texas ("Lessor"), and Skybeam, LLC d/b/a Rise Broadband, on behalf of itself and its subsidiaries ("Lessee").

### RECITALS

**WHEREAS**, Lessor and Lessee (or Lessee's predecessor in interest) are parties to that certain Water Tower Lease Agreement dated the 10th day of January, 2011, as amended February 12, 2018 (collectively the "Agreement"), whereby Lessor granted to Lessee (or Lessee's predecessor in interest) certain rights to use of the property located at the City of Ovilla Water Tower, located at 105 S. Cockrell Hill Road, Ovilla, Texas, as more specifically described in the Agreement and any attachments thereto (the "Property"); and

**WHEREAS**, Lessor and Lessee desire to amend the Agreement as provided herein.

**NOW, THEREFORE**, in consideration of the mutual covenants, terms and conditions set forth in this Amendment and in the Agreement, and for other good and valuable consideration, the receipt of which is hereby acknowledged, Lessor and Lessee hereby agree as follows:

- 1. Exhibit B.** As of January 1, 2022 (the "Amendment Commencement Date") Exhibit B-1 of the Agreement is hereby deleted in its entirety and replaced with the attached Exhibit B-2.
- 2. Rent.** As of the Amendment Commencement Date Section 3(A) of the Agreement is hereby amended with the following: The Annual Rent will increase to Thirty-Four Thousand One Dollar and Three Cents (\$34,001.03)
- 3. Miscellaneous.**
  - a. Except as expressly defined in this Amendment, each defined term used herein has the same meaning given to such term in the Agreement.
  - b. Except as otherwise expressly provided for in this Amendment, all other terms and conditions of the Agreement remain unchanged and in full force and effect.
  - c. This Amendment sets forth the entire agreement between the parties with respect to the matters set forth herein. There have been no additional oral or written representations or agreements.
  - d. In the case of any inconsistency between the provisions of the Agreement and this Amendment, the provisions of this Amendment shall govern and control.

[Signature Page(s) Follow.]

**IN WITNESS WHEREOF**, Lessor and Lessee have duly executed this Amendment as of the latest dated signature below and acknowledge that they have read, understand, and agree to uphold the terms and provisions above.

**Lessee:**

Skybeam, LLC d/b/a Rise Broadband

**Lessor:**

City of Ovilla, Texas

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

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

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

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

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

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

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

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

**Exhibit B-2**





SITE MOD

PROJECT SUMMARY

THIS PROJECT INCLUDES THE FOLLOWING SCOPE OF WORK:  
INSTALLATION OF THE FOLLOWING ANTENNAS & EQUIPMENT IN AN EXISTING 210'-0" WATER TANK:  
(1) HP3-11G2 MW DISH W/ (1) CAMBIUM 820S RADIO  
(2) BELDEN CAT5E 0.25" CABLES

REMOVAL OF THE FOLLOWING EQUIPMENT:  
(1) HP2-23D MW DISH W/ (1) DRAGONWAVE RADIO  
(1) BELDEN CAT5E 0.25" CABLES

GOVERNING CODES

NEC-2009, NATIONAL ELECTRICAL CODE

IBC-2009, INTERNATIONAL BUILDING CODE W/ LOCAL AMENDMENTS

IFC-2009, INTERNATIONAL FIRE CODE

IMC-2009, INTERNATIONAL MECHANICAL CODE

A.D.A. COMPLIANCE  
INSTALLATION IS UNMANNED AND NOT FOR HUMAN HABITATION.  
HANDICAPPED ACCESS IS NOT REQUIRED PER A.D.A. AND IBC 1102.2.9.

SITE INFORMATION

SITE NAME: TXB-OVL  
SITE ADDRESS: 105 S COCKRELL HILL RD  
OVILLA, TX 75154  
LATITUDE: 32.52817222° N  
LONGITUDE: -96.89166667° W

JURISDICTION: ELLIS COUNTY, TX  
STRUCTURE TYPE: WATER TANK

PROJECT CONTACTS

PROPERTY OWNER  
NAME: CITY OF OVILLA  
CONTACT: XXXX  
PH: (XXX) XXX.XXXX

TOWER OWNER  
CITY OF OVILLA  
CONTACT: XXXX  
PHONE: (XXX) XXX-XXXX

APPLICANT  
RISE BROADBAND  
CONTACT: ADAM FIRA  
PH: (817) 965.5776  
EMAIL: bchappell@risebroadband.com

SAC PROJECT COORDINATOR  
RISE BROADBAND  
VALERIE COLE  
SENIOR SITE ACQUISITION SPECIALIST  
3260 S ALPINE RD.  
ROCKFORD, IL. 61109  
EMAIL: vcole@risebroadband.com  
PHONE: (815) 544-1149

ENGINEER OF RECORD  
ARWIN PRIEST, P.E., P. ENG.  
242 MOUNTAIN CLOUD CIRCLE  
HIGHLANDS RANCH, CO. 80126  
(303) 898.2664

A&E PROJECT MANAGER  
ALFREDO MARTINEZ-SUAREZ  
P.O.BOX 2311  
LITTLETON, CO. 80161-2311  
PH: 303.246.7039  
EMAIL: alfredo\_ms@archams.com

DRAWING INDEX

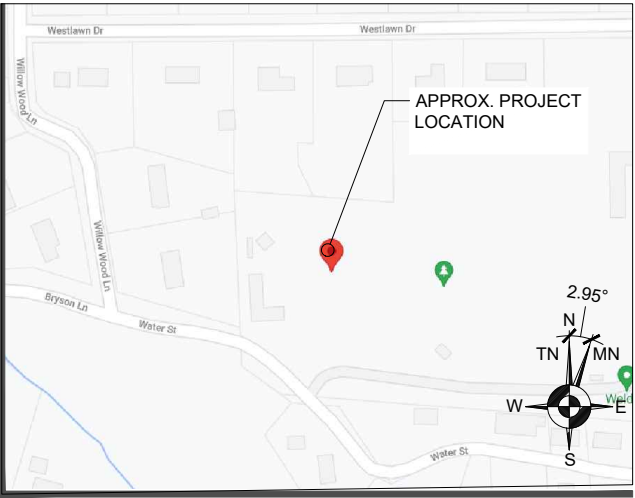
ARCHITECTURAL SHEETS

T1	TITLE SHEET
A1	OVERALL & ENLARGED SITE PLAN
A2	EX. & NEW ANTENNA PLAN DETAILS
A3	WEST ELEVATION

REFERENCE SHEETS

SP1	MW DISH SPECIFICATIONS
SP2	MW DISH RADIO SPECIFICATIONS

PROJECT VICINITY MAP



REFERENCE INFORMATION

RISE BROADBAND COLLOCATION FORM 12/03/2021

DRAWING LEGEND

— — — — —	SUBJECT PROPERTY LINE
— — — — —	ADJACENT PROPERTY LINE
— COAX —	COAX ROUTE
— HYBRID —	HYBRID CABLE ROUTE
— OH-T —	OVERHEAD TELCO ROUTE
— OH-F —	OVERHEAD FIBER ROUTE
— OHP — OHP —	OVERHEAD POWER ROUTE
— UGT — UGT —	UNDERGRND. TELCO ROUTE
— UGF — UGF —	UNDERGRND. FIBER ROUTE
— UGP — UGP —	UNDERGRND. POWER ROUTE
— F/P —	FIBER / POWER ROUTE
— X —	NEW / EXISTING FENCE

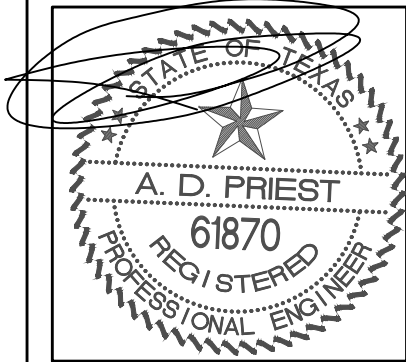
	ELEVATION MARKER		DETAIL REFERENCE
	SECTION MARKER		

ABBREVIATIONS

&.....AND	MNT.....MOUNT
A.G.L.....ABOVE GROUND LEVEL	MW.....MICRO WAVE
A.O.R.....ARCHITECT OF RECORD	(N).....NEW
ANT.....ANTENNA	P.S.....PROFESSIONAL SURVEYOR
C.I.F.....COORDINATE IN FIELD	RBB.....RISE BROADBAND
C.L.O.....CENTER LINE OF	RR.....REMOTE RADIO
CAB.....CABINET	S.A.....STRUCTURAL ANALYSIS
CM.....CONSTRUCTION MANAGER	S.E.....STRUCTURAL ENGINEER
DIA.....DIAMETER	SAC.....SITE ACQUISITION
DIM.....DIMENSIONS	SIZE.....SIZE
(E).....EXISTING	T.O.....TOP OF
E.O.R.....ENGINEER OF RECORD	TWR.....TOWER
EQ.....EQUIPMENT	UTLT.....UTILITIES
L.L.....LAND LORD	V.I.F.....VERIFY IN FIELD



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105 S COCKRELL HILL RD.  
OVILLA, TX 75154  
ELLIS COUNTY, TX  
SITE MOD



THESE DRAWINGS HAVE BEEN PREPARED  
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ARWIN PRIEST P.E., P.Eng.  
MECHANICAL ENGINEER - ELECTRICAL  
Business Certificate Number F-19901  
242 Mountain Cloud Circle  
Highlands Ranch, Colorado 80126  
Email: arwin@pedenver.com  
Cell Phone: (303) 898-2664

CONSTRUCTION			
NO.	DATE	D/C	DESCRIPTION
0	02/16/22	RR	CONSTRUCTION

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LITTLETON, CO. 80161-2311

SHEET TITLE

TITLE  
SHEET

SHEET NO.

T1



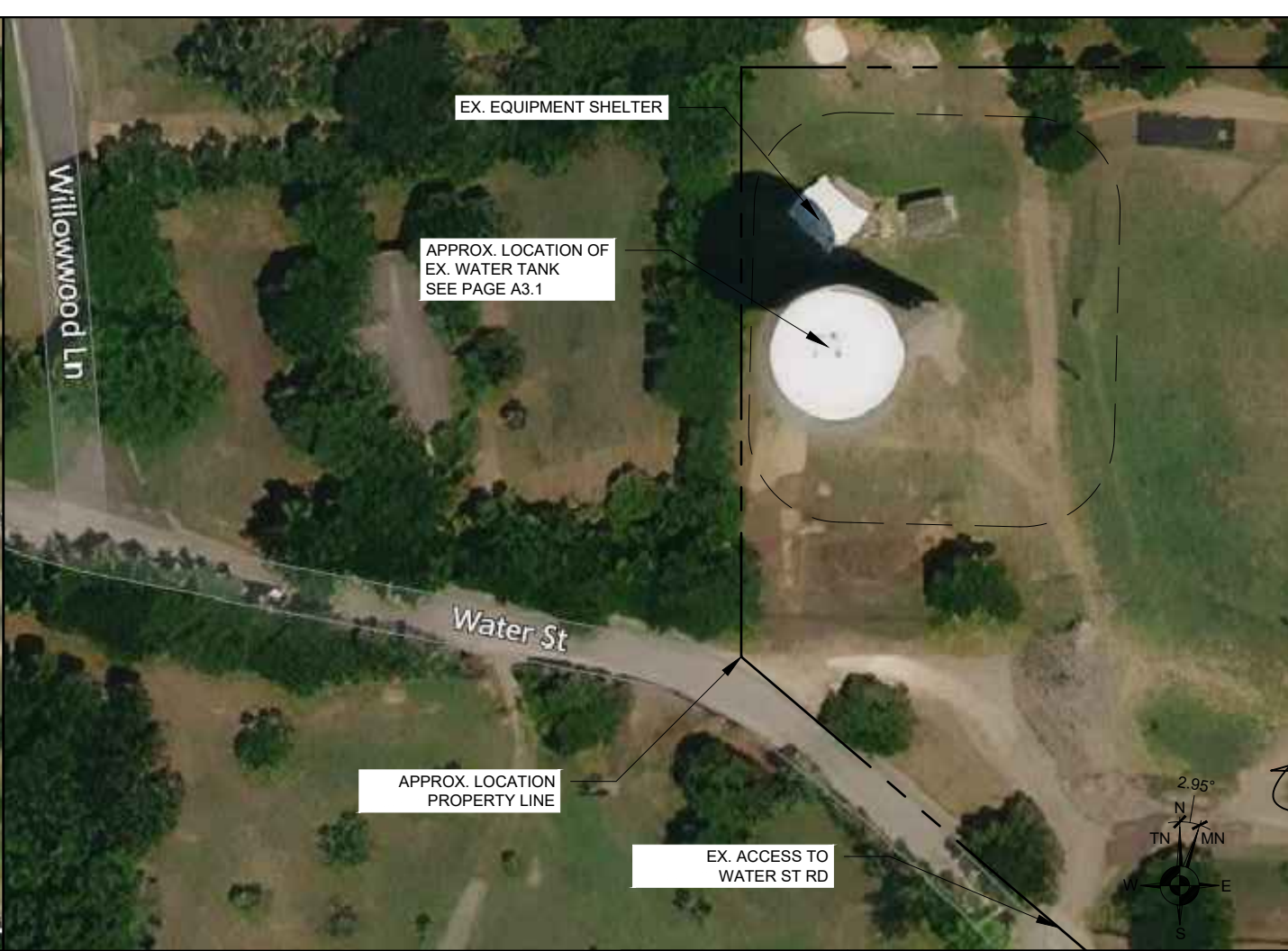
Know what's below.  
Call before you dig.



**STRUCTURAL NOTES:**

- THESE DRAWINGS HAVE BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT SURVEY. VERIFY ALL SITE FEATURES SHOWN INCLUDING PROPERTY LINES, ACCESS ROUTES, EASEMENTS, SETBACKS, UTILITIES, AND EXISTING STRUCTURES WITH FINAL SURVEY TO BE PROVIDED UNDER SEPARATE COVER.

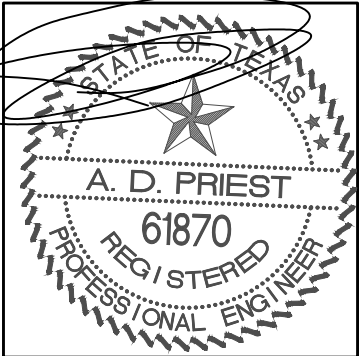
1	OVERALL SITE PLAN	SCALE: 1" = 200'-0" (11X17)	
		SCALE: 1" = 100'-0" (22X34)	



2	ENLARGED SITE PLAN	SCALE: 1" = 80'-0" (11X17)	
		SCALE: 1" = 40'-0" (22X34)	



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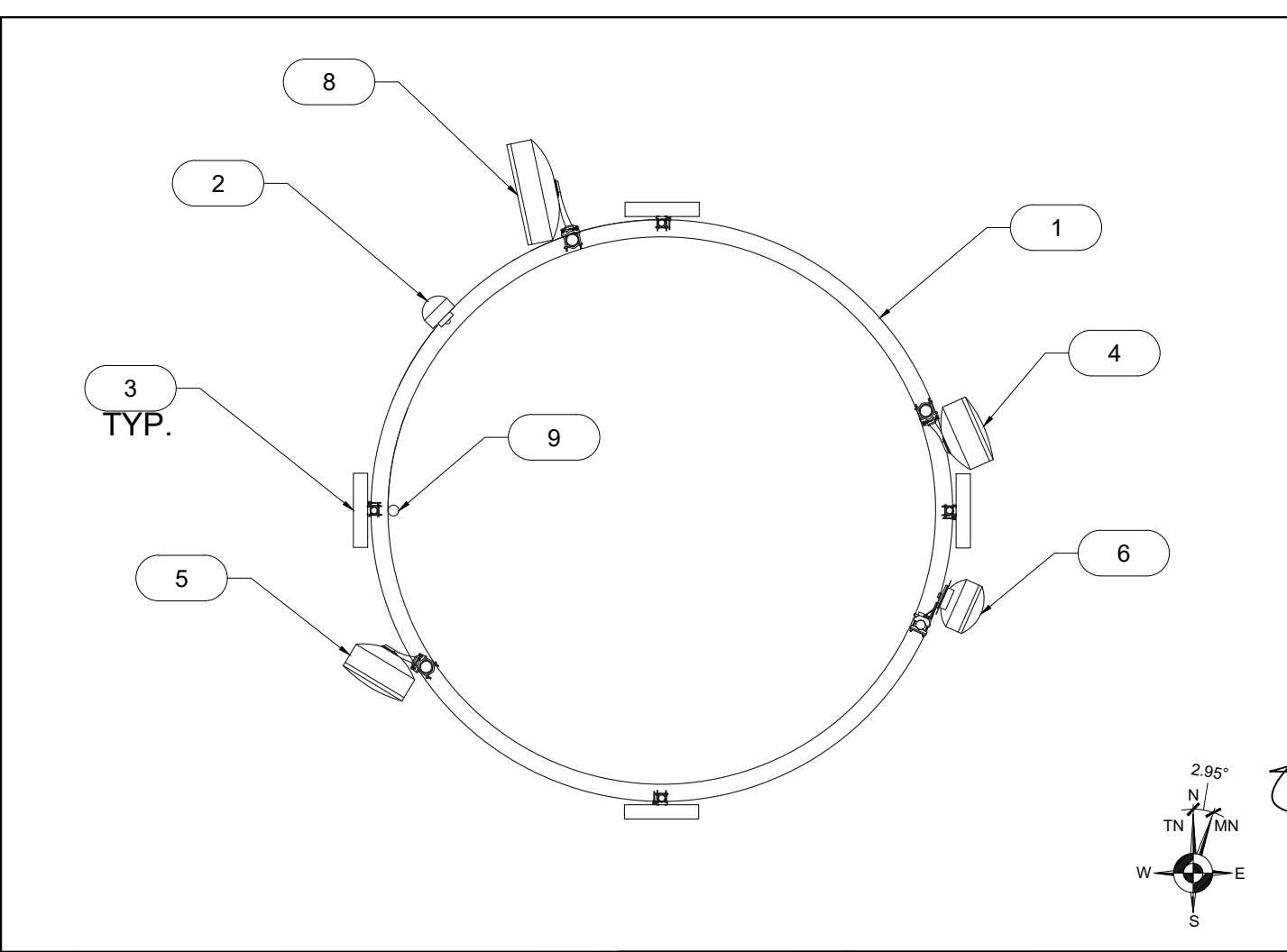
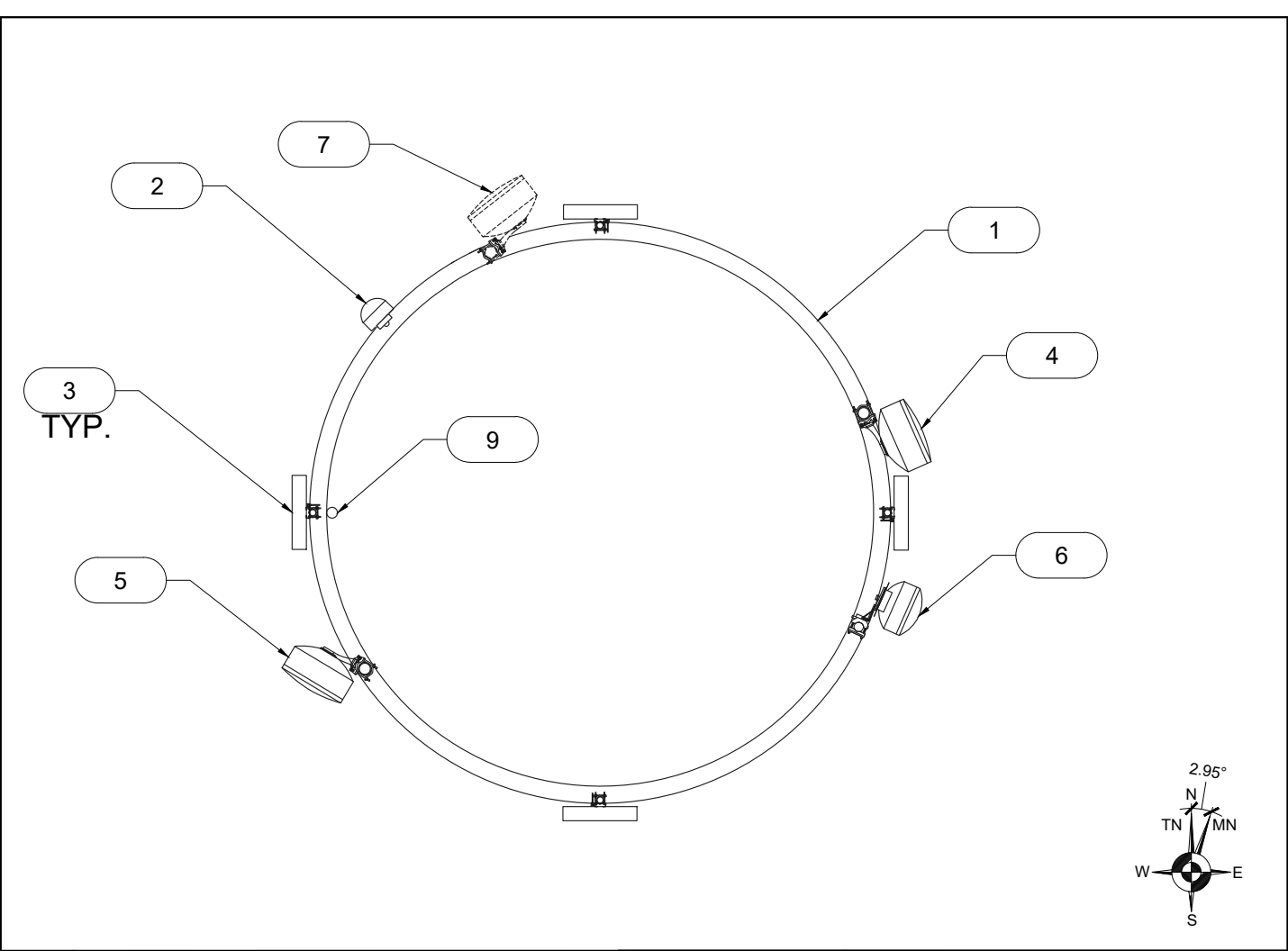
SHEET TITLE

OVERALL & ENLARGED  
SITE PLANS

SHEET NO.

A1





1 EX. ANTENNA PLAN @ 215'-0"

2 NEW ANTENNA PLAN @ 215'-0"

KEY NOTES

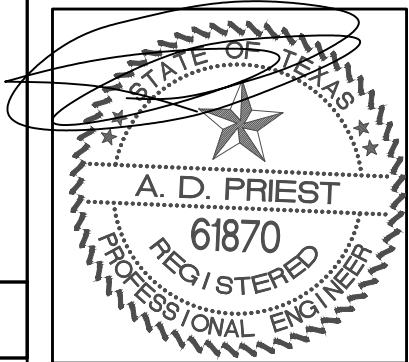
- 1 (E) 210'-0" WATER TANK
- 2 (1) (E) CAMBIUM 5780APUS ANTENNA W/ (1) 5480APC RADIO
- 3 (4) (E) CAMBIUM 450M ANTENNAS W/ RADIO INTEGRATED
- 4 (1) (E) HP2-11 MW DISH W/ (1) CAMBIUM 820C RADIO
- 5 (1) (E) HP2-18 MW DISH W/ (CAMBIUM 820C RADIO
- 6 (1) (E) HPLP-23 MW DISH W/ (1) CAMBIUM 820S RADIO
- 7 (1) (E) HP2-23 MW DISH W/ (1) DRAGONWAVE RADIO TO BE REMOVED
- 8 (1) (N) HP3-11 DISH W/ (1) CAMBIUM 820S RADIO
- 9 (14) (E) BELDEN CAT5E 0.25" CABLES, (1) TO BE REMOVED
- 10 (2) (N) BELDEN CAT5E 0.25" CABLES
- 11 EX. EQUIPMENT SHELTER
- 12 ANTENNAS BY OTHERS

STRUCTURAL NOTES:

- THESE DRAWINGS HAVE BEEN PREPARED ASSUMING THAT THE EXISTING TOWER AND ALL ITS STRUCTURAL COMPONENTS ARE CAPABLE OF HANDLING THE PROPOSED LOADS IMPOSED BY THE NEW EQUIPMENT AND CABLING SHOWN. NO WORK SHALL COMMENCE WITHOUT OBTAINING THE CORRESPONDENT PASSING STRUCTURAL ANALYSIS BY A REGISTERED PROFESSIONAL.
- REFER TO PASSING STRUCTURAL ANALYSIS LISTED IN OUR COVER SHEET FOR ADDITIONAL ANTENNA/MOUNTING/CABLE SPECIFICATIONS



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SHEET TITLE

EX. & NEW ANTENNA  
PLAN DETAILS

SHEET NO.

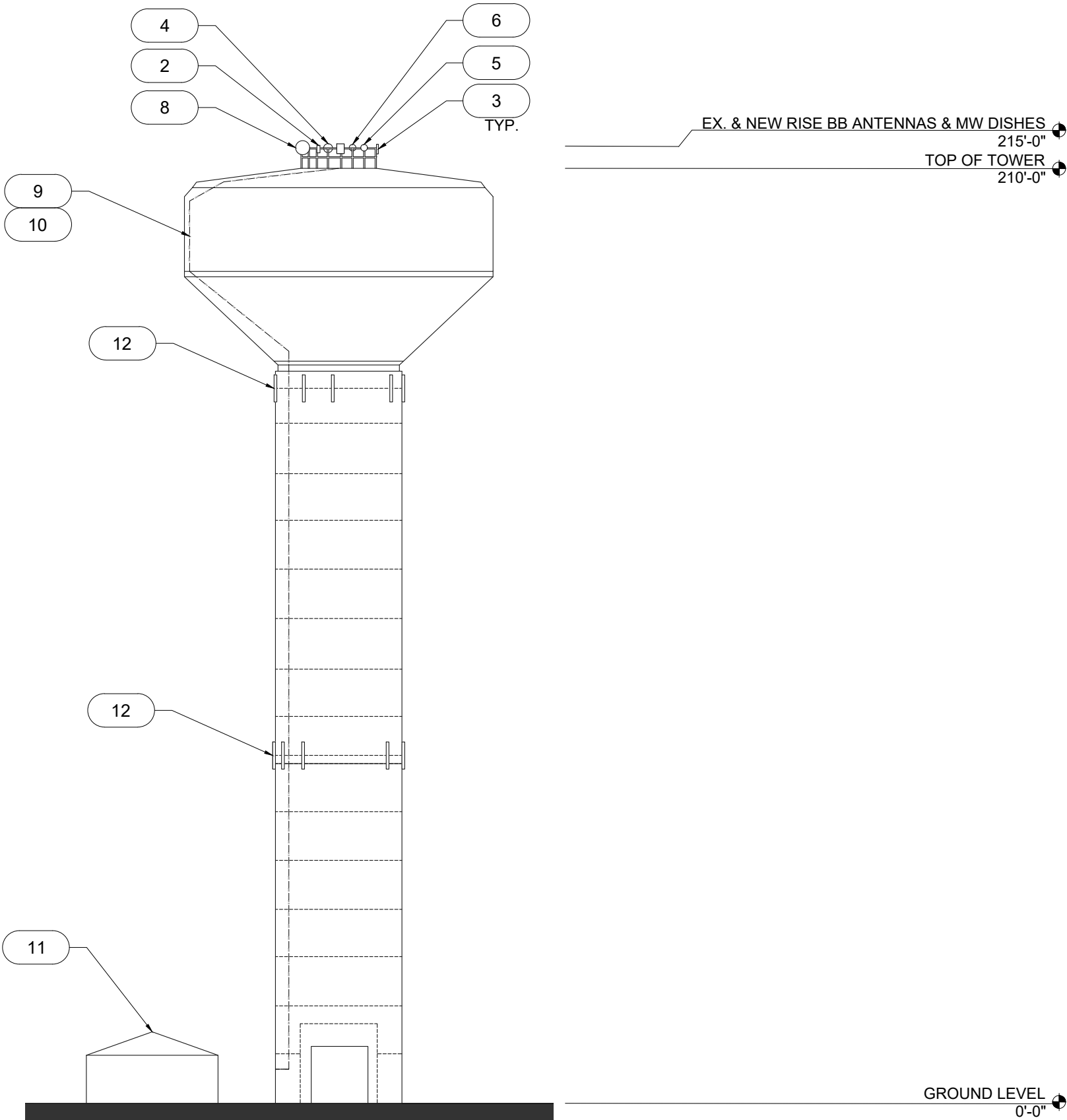
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KEY NOTES

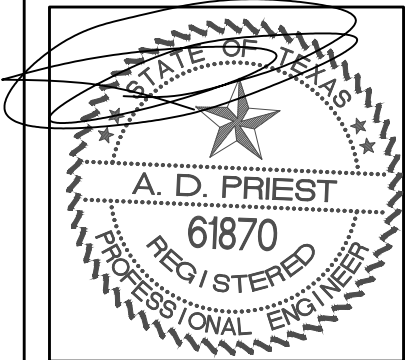
- 1
- (E) 210'-0" WATER TANK
- 2
- (1) (E) CAMBIUM 5780APUS ANTENNA W/ (1) 5480APC RADIO
- 3
- (4) (E) CAMBIUM 450M ANTENNAS W/ RADIO INTEGRATED
- 4
- (1) (E) HP2-11 MW DISH W/ (1) CAMBIUM 820C RADIO
- 5
- (1) (E) HP2-18 MW DISH W/ (CAMBIUM 820C RADIO
- 6
- (1) (E) HPLP-23 MW DISH W/ (1) CAMBIUM 820S RADIO
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- 12
- ANTENNAS BY OTHERS

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SHEET TITLE

WEST ELEVATION

SHEET NO.

A3





SPECIFICATIONS

General

Antenna Type	High Performance Parabolic Reflector Antenna	Standard RF Connector Type	CPR90G
Size, nominal	3 ft   0.9 m	Standard RF Connector Suffix	RS (append suffix to model number)
Polarization	Single		

Electrical

Operating Frequency Band	10.7 - 11.7 GHz	Gain, Low Frequency	38.1 dBi
Half Power Beamwidth, Horizontal	2.1 degrees	Gain, Mid Frequency	38.5 dBi
Half Power Beamwidth, Vertical	2.1 degrees	Gain, High Frequency	39 dBi
Cross-Polarization Discrimination	30 dB	VSWR	1.37:1
Front to Back Ratio (F/B)	62 dB	Return Loss	-16.1 dB

Mechanical

Fine Azimuth Adjustment	+/- 10 degrees	Mechanical Configuration	HP3
Fine Elevation Adjustment	+/- 10 degrees	Axial Force (FA)	403 lbs   1792 N
Mounting Pipe Diameter, Min	2.5 inch   5.1 cm	Side Force (FS)	200 lbs   890 N
Mounting Pipe Diameter, Max	4.5 inch   11.4 cm	Twisting Moment (MT)	344 ft-lbs   466 Nm
Net Weight	50 lbs   12.3 kg	Operating Temperature Range	-40 to +60 C
Wind Velocity Operational	90 mph   145 km/h	Max Pressure, PSIG, (if waveguide interface)	5
Wind Velocity Survival Rating	125 mph   201 km/h		

Regulatory Compliance

FCC	Part 101 Cat. A	ETSI	302217 R1 C3
Industry Canada Compliance	SRSP310.7 B	RoHS-compliant	Yes

Shipping Information

Package Type	Wood Crate	Dimensions, L x W x H	47 x 28 x 48in   119 x 71 x 122 cm
Gross Weight	143 lbs   69.8 kg	Shipping Volume	36.56 cu ft   1.04 cu m



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SHEET TITLE

MW DISH  
SPECIFICATIONS

SHEET NO.

SP1



Specifications

RADIO

- 6+38 GHz
- 1+0, 1+1 HSB, 2+0

Radio Features

- Protection: 1+1 HSB
- QPSK to 2048 QAM w/ACM
- Advanced Frequency Reuse (AFR)

ETHERNET

Ethernet Interfaces

- Traffic Interfaces – 1 x 10/100/1000Base-T (RJ-45) and 2 x 1000base-X (SFP) or 2 x 10/100/1000 Base-T (electrical SFP)
- Management Interface - 1 x 10/100 Base-T (RJ-45)
- Optical SFP Types - Optical 1000Base-LX (1310 nm) or SX (850nm)  
Note: SFP devices must be of industrial grade (-40°C to +85°C)

Ethernet Features

- MTU – 9600 Bytes
- Quality of Service
  - Multiple Classification criteria (VLAN ID, p-bits, IPv4, DSCP, IPv6 TC, MPLS Exp)
  - 8 priority queues
  - Deep buffering (configurable up to 64 Mbit per queue)
  - WRED
  - Hierarchical QoS – high service granularity\*
  - P-bit marking/remarking
- 4K VLANs
- VLAN add/removes/translates
- Frame Cut Through – controlled latency and PDV for delay sensitive applications
- Header De-Duplication – Capacity boosting by eliminating inefficiency in all layers (L2, MPLS, L3, L4, Tunneling – GTP for LTE, GRE)
- Adaptive Bandwidth Notification (ABN)
- Network Resiliency – G.8032 and Multiple Spanning Tree Protocol (MSTP)\*\*
- Ethernet OAM – ITU-T Y.1731 FLM, ITU-T Y.1731 FMI\*

SYNCHRONIZATION

Synchronization Distribution

- Sync Distribution over any traffic interface (GE/FE)
- Sync-E (ITU-T G.8261, G.8262)
- SSN/ESMC Support for ring/mesh applications (ITU-T G.8264)
- Sync-E Regenerator mode, providing PRC grade (ITU-T G.811) performance for smart pipe applications.

IEEE-1588

- Optimized Transport for reduced PDV
- IEEE-1588 TC

STANDARD

MEF

- Carrier Ethernet 2.0 (CE 2.0)\*\*

Supported Ethernet Standards

- 10/100/1000base-T/X (IEEE 802.3)
- Ethernet VLANs (IEEE 802.3ad)
- Virtual LAN (VLAN, IEEE 802.1Q)
- Class of service (IEEE 802.1p)
- Provider bridges (QinQ – IEEE 802.1ad)
- Link aggregation (IEEE 802.3ad)
- Auto MDI/MDIX for 1000baseT
- RFC 1349: IPv4 TOS
- RFC 2474: IPv4 DSCP
- RFC 2460: IPv6 Traffic Classes

Security

- AES 256-bit Encryption
- Secured protocols (HTTPS, SNMPv3, SSH, SFTP)
- Radius authentication and authorization

Standards Compliance

- EMC: EN 301 489-1, EN 301 489-4, Class B (Europe), FCC 47 CFR, part 15, class B (US), ICES-003, Class B (Canada), TEC/EMV/TEL-001/01, Class B (India)
- Surge: EN61000-4-3, Class 4 (for PWR and ETH/L/PoE ports)
- Safety: EN 60950-1, IEC 60950-1, UL 60950-1, CSA-C22.2 No.60950-1, EN

60950-22, UL 60950-22, CSA-C22.2.60950-22

- Ingress Protection: IP66-compliant
- Storage: ETSI EN 300 019-1-1 Class 1.2
- Transportation: ETSI EN 300 019-1-2 Class 2.3

TECHNICAL SPECIFICATION

Mechanical Specifications

- Dimensions: 230mm(H), 233mm(W), 98mm(D), 6.0kg
- Pole Diameter Range (for Remote Mount Installation): 8.89 cm – 11.43 cm

Environmental Specifications

- -33°C to +33°C (-43°C to +60°C extended)

Power Input Specifications

- Standard Input: -48 VDC
- IDU-DC Input range: -40 to -60 VDC

Power Consumption Specifications

- Maximum Power Consumption 6-11 GHz: 40W; 13-38 GHz: 33W

PoE Injector Mechanical Specifications

- Dimensions – 134mm(H), 190mm(W), 62mm(D), 1 kg

PoE Injector Environmental Specifications

- -33°C to +33°C (-43°C to +60°C extended)

PoE Injector Power Input Specifications

- Standard Input: -48 or +24 VDC (Optional)
- DC Input range: ±(18/40.5 to 60) VDC (+18VDC extended range is supported as part of the nominal +24VDC support)

PoE Injector Interfaces

- GbE Data Port supporting 10/100/1000base-T
- Power-Over-Ethernet (PoE) Port
- DC Power Port -40V to -60V (a PoE supporting two redundant DC feeds each supporting ±(18-60)V is available)

\* Planned for future release.

\*\* Certification pending.



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SHEET TITLE

MW DISH RADIO  
SPECIFICATIONS

SHEET NO.

SP2



# Update your contract today.

**On October 24, 2021, DIR-TSO 3415 expired but you still get the same great service and more under our new successor contract. DIR-TELE-CTSA-003 is valid through November 5, 2025, and gives you access to a wide-array of products and services.**

Contract	DIR-TSO 3415	NEW DIR- TELE-CTSA-003
<b>Contract term dates</b>	April 27, 2016 – October 24, 2021	November 5, 2021- November 5, 2025
<b>Products and services overview</b>	<ul style="list-style-type: none"> <li>• Custom Voice and Data Service Plans</li> <li>• Custom Nationwide Voice and Flat Rate Data Bundle Plans (share option available)</li> <li>• Push to Talk Unlimited Rate Plans</li> <li>• Custom Mobile Broadband (share option available)</li> <li>• Global Rate Plans</li> <li>• Public Safety Plans</li> <li>• Wireless Priority Service</li> <li>• Custom Machine to Machine Plans</li> <li>• Text, picture and video messaging</li> </ul>	Keep most of the same products and services offered on the DIR TSO-3415 contract along with new pricing options
<b>Turnkey products and solutions</b>	<ul style="list-style-type: none"> <li>• Fleet Management</li> <li>• Mobile Device Management</li> <li>• Mobile Integration (OneTalk)</li> </ul>	Get the same turnkey products and solutions, plus more: <ul style="list-style-type: none"> <li>• Smart Communities</li> <li>• IoT</li> </ul>
<b>Pricing Plan</b>	Corporate liable lines are eligible to receive a 23% discount off retail price of qualifying plans.	Same discounts offered
<b>Promotional equipment offers</b>	Special equipment and quarterly promotional offers available for corporate liable customers	No changes to policy
<b>Subsidy recovery fee</b>	NA	If a customer purchases equipment from Verizon Wireless at a discounted price and then disconnects that equipment from the Verizon network, or moves the equipment to a lesser price plan, prior to the expiration of 24 months after the date of activation, Verizon Wireless may recover a subsidy recovery fee.
<b>Early termination fee</b>	Waived for government corporate liable lines	Waived for government corporate liable lines
<b>Line term and upgrade cycle section</b>	1-year line term and eligible for an upgrade at 10 months	2-year line term and eligible for an upgrade at 24 months

\*If you are interested in discussing a specific pricing plan please contact your government account manager. Purchasing eligibility is subject to the terms and conditions of the DIR-TSO 3415 and DIR-TELE-CTSA-003. Terms and conditions of the DIR-TSO 3415, DIR-TELE-CTSA-003 and associated Customer Service Agreements apply.





## DIR Contract No. DIR-TELE-CTSA-003

### Verizon Wireless Customer Agreement

This Customer Agreement, ("Customer Agreement") between Cellco Partnership d/b/a Verizon Wireless ("Verizon Wireless") and ("Customer") is effective as of the date signed by Customer.

**WHEREAS**, Customer desires to purchase wireless services and products ("Services") from Verizon Wireless pursuant to the terms and conditions of the DIR Contract No. DIR-TELE-CTSA-003, entered into by the State of Texas Department of Information Resources (the "DIR") and Verizon Wireless as of November 5, 2021, as it may be amended from time to time (together with all addendums and attachments the "CTSA").

**THEREFORE**, Customer agrees as follows:

This Customer Agreement and the rights and obligations of Customer and Verizon Wireless are governed by the terms and conditions of the CTSA, which is incorporated and made part of this Customer Agreement by this reference, and is available at <https://dir.texas.gov/contracts/dir-tele-ctsa-003>.

Customer agrees to the disclosure of limited account information as part of Verizon Wireless's contractual reporting requirements to DIR under the CTSA.

Customer is separately and solely liable for all obligations and purchases made under the CTSA, including the payment for equipment and services purchased or provided under the CTSA and this Customer Agreement.

Verizon can terminate this Customer Agreement at any time if it is determined that Customer is not an eligible customer under the CTSA within the meaning provided in the CTSA.

Customer designates the following individual(s) (the "Authorized Contact(s)") to purchase equipment, add lines of service, and cancel lines of service under Customer's Verizon Wireless account, and to make other changes to Customer's Verizon Wireless account that financially bind the Customer, in accordance with the terms of this Customer Agreement and the CTSA.

Authorized Contact(s) List			
Name	Phone	Email	Preferred Method of Communication

The undersigned represents and warrants that he/she is authorized to execute this Customer Agreement on behalf of Customer, and bind Customer to the terms hereof, and that the execution and performance of this Customer Agreement has been duly authorized by all necessary Customer action.

**Customer Signature Follows**



<b>Customer Name:</b>	City of Ovilla
<b>Authorized Signature:</b>	
<b>Printed Name:</b>	
<b>Title:</b>	
<b>Date of Execution:</b>	

To be completed by a Verizon Wireless Representative			
<b>FEIN Number:</b>		<b>Existing Customer Account Number:</b>	0722480877-00001
<b>VZW Sales Rep Name:</b>	Monica Romar-Morgan	<b>VZW Sales GID:</b>	
<b>VZW Sales Rep Phone Number:</b>	214-970-0722	<b>VZW Profile IDs:</b>	2424294





**May 7, 2022**  
**Joint Election**  
**Contract for Election Services**

---



# **May 7, 2022 Joint Election**

## **Table of Contents**

I.....	Duties and Services of County Election Officer
II.....	Duties and Services of Participating Political Subdivisions
III.....	Cost of Election
IV.....	General Provisions

## **Exhibits**

Exhibit A.....	Early Voting Schedule and Location
Exhibit B.....	Election Day Polling Locations
Exhibit C.....	Cost of Services
Exhibit D.....	List of Political Subdivision Races on Ballot



**THE STATE OF TEXAS                    §                    JOINT CONTRACT FOR**  
**ELLIS COUNTY                            §                    ELECTION SERVICES**

**BY THE TERMS OF THIS CONTRACT** made and entered into by and between the following  
**AS OF March 8, 2022** subject to cancellation of an election:

COUNTY OF ELLIS  
CITY OF BARDWELL  
CITY OF GRAND PRAIRIE  
CITY OF ITALY  
CITY OF MAYPEARL  
CITY OF MIDLOTHIAN  
CITY OF MILFORD  
CITY OF OAK LEAF  
CITY OF OVILLA  
CITY OF PALMER  
CITY OF RED OAK  
CITY OF VENUS  
CITY OF WAXAHACHIE  
FERRIS INDEPENDENT SCHOOL DISTRICT  
MIDLOTHIAN INDEPENDENT SCHOOL DISTRICT  
MILFORD INDEPENDENT SCHOOL DISTRICT  
PALMER INDEPENDENT SCHOOL DISTRICT  
RED OAK INDEPENDENT SCHOOL DISTRICT  
WAXAHACHIE INDEPENDENT SCHOOL DISTRICT

hereinafter referred to as "Participating Political Subdivisions" and JANA ONYON, Elections Administrator of Ellis County, Texas, hereinafter referred to as "County Election Officer", pursuant to the authority in Subchapter D, Section 31.092, of Chapter 31, of the Texas Election Code, agree to the following particulars in regard to coordination, supervision and running of the May 7, 2022 Joint Election.

**THIS AGREEMENT** is entered into in consideration of the mutual covenants and promises hereinafter set out. IT IS AGREED AS FOLLOWS:

**I. DUTIES AND SERVICES OF COUNTY ELECTION OFFICER.** The County Election Officer shall be responsible for performing the following duties and shall furnish the following services and equipment:



A. The County Election Officer shall arrange for notification (including writ of election), training and compensation of all presiding judges, alternate judges, clerks for the polling site, Central Counting Station and early voting ballot board.

- a. The County Election Officer shall be responsible for notification of each Election Day and Early Voting presiding judge and alternate judge, Central Counting Station and Ballot Board of his or her appointment. The presiding election judge of each polling place, will use his/her discretion to determine when additional manpower is needed during peak voting hours and notify the County Election Officer. The recommendations of the Participating Political Subdivisions will be the accepted guidelines for the number of clerks to work in each polling place. Election judges and early voting personnel shall be secured by the County Election Officer using the recommended names provided by the Participating Political Subdivisions by February 18, 2022. Any open positions will be filled using regular county election workers.
- b. Election judges, Alternate judges, Clerks and Student Clerks shall all attend the County Election Officer's school of instruction. (Date and location to be determined)
- c. Election judges shall be responsible for picking up from and returning election supplies to the County Election Officer. (Date to be determined). Compensation for this pickup and delivery of supplies will be \$25.00.
- d. The County Election Officer shall compensate each election judge and election worker. Compensation will be based on what the county pays and has been approved in Commissioner's Court unless arranged otherwise. Early voting presiding officer shall receive \$12.00 per hour and clerks shall receive \$10.00 per hour for services. Each election day judge shall receive \$12.00 per hour for services rendered; each alternate judge shall receive \$12.00 per hour for services; and clerk shall receive \$10.00 per hour for services. Ballot Board, Central Counting Station Presiding judge and alternate shall receive the same as for Election Day judge and alternate for services. Each worker that attends training class shall receive hours of pay. Overtime will be paid to each person working over 40 hours per week. All other required and additional expenses by law shall be paid. (ie: FICA, Medicaid, etc.)



- B. The County Election Officer shall procure, prepare, and distribute voting machines, election kits and election supplies.
- a. Each Participating Political Subdivisions agrees that voting at the Joint Election will be by use of Election Systems and Software ExpressVote marking devices and DS200 Precinct Scanner/Tabulators voting system approved by the Secretary of State in accordance with the Texas Election Code. Procedures will be in accordance with the Texas Election Code and decided by the County Election Officer.
  - b. The County Election Officer shall secure election kits which include the legal documentation required to hold an election.
  - c. The County Election Officer shall secure all tables and chairs required to hold an election.
  - d. The County Election Officer shall provide all lists of registered voters for use on Election Day and for the early voting period as mandated by law. Laptop computers will be used to qualify voters for the early voting period and on Election Day. A second laptop computer with the list of registered voters will be provided as back-up in each Early Voting and Election Day polling place.
  - e. The County Election Officer shall procure and arrange for the distribution of all election equipment and supplies required to hold an election.
    1. Equipment includes the DS200 voting machines (1 or more per site), ADA ExpressVote marking devices (4 or more per site), ballot box, voting signs, carts and laptop computers.
    2. Supplies include election forms, ballots, labels, extension cords, pens, tape, markers, ballot pens, required signage, totem display poles, name tags, etc.
- C. The County Election Officer, Jana Onyon, shall be appointed the Early Voting Clerk by the Participating Political Subdivisions.
- a. The County Election Officer shall supervise and conduct Early Voting by mail and in person.
  - b. Early Voting by personal appearance for the said Election shall be conducted during the time period and at the locations listed in Exhibit "A", attached and incorporated





by reference into this contract. The county election is required to have 2 days of 12 hour voting and those will be the last 2 days of early voting.

- c. Any qualified voter for the Joint Election may vote early by personal appearance at any of the Early Voting locations within Ellis County. Elections Office 204 E Jefferson Street, Waxahachie, TX 75165 serves as the Main Location.
- d. Some Participating Political Subdivisions have requested additional Early Voting sites pending their participation, therefore Exhibit "A" is subject to change if any of the Participating Political Subdivisions cancel their election.
- e. All applications for an Early Voting mail ballot shall be received and processed by the Ellis County Elections Administration Office.
  - 1. Application for mail ballots erroneously mailed to the Participating Political Subdivisions shall immediately be faxed to the County Election Officer for timely processing. The original application shall then be forwarded by mail to the County Election Officer for proper retention.
  - 2. Absentee Application (Regular or Federal Postcard) for ballot by mail shall be mailed to:  
**Jana Onyon, Early Voting Clerk,**  
**204 E Jefferson Street, Waxahachie, Tx 75165**  
**or faxed to 972-923-5194**  
**or email a scanned copy of signed application to elections@co.ellis.tx.us**  
**(If faxed or emailed, then we must receive original application within 4 days)**  
**Application for ballot by mail must be received no later than close of business on Tuesday, April 26, 2022.**
  - 3. All Federal Post Card Applicants (FPCA) and Annual Mail Ballot Applicants will be sent a mail ballot with required notices.
- f. All Early Voting ballots (those cast by mail/absentee) shall be prepared for count by the Early Voting Ballot Board in accordance with Section 87.000 of the Texas Election Code. The presiding judge of this Board shall be appointed in the same manner as election workers according to this contract.





- D. The County Election Officer shall arrange for the use of all Election Day and Early Voting Vote Center polling places.
- a. The Participating Political Subdivisions shall assume the responsibility of remitting the shared cost of all employee services required to provide access, provide security or provide custodial services for the polling locations.
  - b. The Early Voting Vote Center polling locations are listed in Exhibit "A", attached and incorporated by reference into this contract.
  - c. The Election Day Vote Center polling locations are listed in Exhibit "B", attached and incorporated by reference into this contract.
  - d. Some Participating Political Subdivisions have requested additional Vote Centers pending their participation, therefore Exhibit "A" and "B" is subject to change if any of the Participating Political Subdivisions cancel their election.
  - e. Any qualified voter for the said Election may vote during Early Voting or Election Day by personal appearance at any of the Vote Center locations within Ellis County.
  - f. If a Runoff Election is needed, the Participating Political Subdivisions will work together to choose the Early Voting and Election Day Vote Center locations to best serve their voters in their territory according to the Election Code and/or this contract.
- E. The County Election Officer shall be responsible for establishing and overseeing the tabulation of the early voting and election day voted ballots by the Central Counting Station Personnel. Ballots shall be tabulated in accordance with Section 127.001 of the Texas Election Code and of this agreement.
- a. The County Election Officer shall prepare, test and run the county's tabulation system in accordance with statutory requirements and policies. The tabulation system will be used on Election Night at the Elections Office.
  - b. The Public Logic and Accuracy Test (L&A) of the electronic voting system shall be conducted. County Election Officer will publish required notice in local newspaper of time and place as required by the election code.



- c. Election night reports will be available to the Participating Political Subdivisions at 7pm on election night on the Ellis County website ([www.co.ellis.tx.us/elections](http://www.co.ellis.tx.us/elections)). Provisional ballots will be tabulated after election night in accordance with law.
  - d. The County Election Officer shall prepare the unofficial canvass report after all precincts have been counted for election day, provisional ballots, and any overseas ballots that will be tallied after the final deadline to count ballots. This report will be sent to the Participating Political Subdivisions for their canvass.
  - e. The County Election Officer shall be appointed the custodian of the voted ballots and shall retain all election material for a period of 22 months.
    - 1. Pending no litigation and as prescribed by law, the voted ballots shall be shredded 22 months after the election.
    - 2. The Participating Political Subdivisions can obtain the list of registered voters who voted from the Elections Administration Office. Pending no litigation and if the Participating Political Subdivisions does not request any further information, the County Election Officer shall destroy them.
  - f. The County Election Officer shall conduct a manual partial count as prescribed by Section 127.201 of the Texas Election Code and submit a written report to the Participating Political Subdivisions in a timely manner. The Secretary of State may waive this requirement. If applicable, a written report shall be submitted to the Secretary of State as required by Section 127.201(E) of the aforementioned code.
- F. The County Election Officer shall post the publication of a "Joint Election Notice" by publishing the notice at least once between the 30<sup>th</sup> day and the 10<sup>th</sup> day before the election the proper methods with the proper media in accordance with the Texas Election Code (Sec. 4.003(a)(1)). Newspapers will be agreed upon by the Participating Political Subdivisions based on current publishing customs by each Participating Political Subdivisions. The Participating Political Subdivisions shall send the publication of the "Election Notice" to the Contracting Office to place it on the Elections website in accordance to the Texas Election Code (Sec. 4.008)



**II. DUTIES AND SERVICES OF THE PARTICIPATING POLITICAL SUBDIVISIONS.** The Participating Political Subdivisions shall assume the following responsibilities:

- A. The Participating Political Subdivisions shall prepare the election orders resolutions, notices, justice department submissions (if required), official canvass and other pertinent documents for adoption by the appropriate office or body. The Participating Political Subdivisions shall handle the candidate filing process and packets that are required by law. The Participating Political Subdivisions assume the responsibility of posting required notices and likewise promoting the schedules for Early Voting and Election Day.
- B. The Participating Political Subdivisions if recent changes have been made, shall provide the County Election Officer with an updated map and street index of their jurisdiction in an electronic or printed format as soon as possible but no later than Monday, February 14, 2022, if any changes have occurred since the last election the county has held for your entity.
- C. The Participating Political Subdivisions shall procure and provide the County Election Officer with the ballot layout and Spanish interpretation in an electronic format (word.doc preferred).
  - 1. The Participating Political Subdivisions shall deliver to the County Election Officer as soon as possible after the election has been ordered any proposition wording in English and Spanish. Candidate names should be given after the drawing. Should receive all information no later than Tuesday, March 1, 2022.
  - 2. Exhibit "D" is provided with a listing of races and/or propositions on the ballot for each Participating Political Subdivisions pending any additions, cancellations, or withdrawals.
  - 3. The Participating Political Subdivisions shall approve the "blue line" ballot format prior to printing.
- D. The Participating Political Subdivisions shall post the publication of the "Election Order" and "Election Notice" by the proper methods with the proper media in accordance with the Texas Election Code. Additional publications would be handled by the Political Subdivisions to meet any special posting requirements during special elections. (See Section I part F of this contract)



- E. The Participating Political Subdivisions shall compensate the County Election Officer for any additional verified cost incurred in the process of running this election or for a manual recount this election may require, or for a required runoff election consistent with charges and hourly rates shown on Exhibit "C" for required services.
- F. The Participating Political Subdivisions shall submit this signed contract and pay the County Election Officer a deposit of 80% of the estimated cost to run the said election prior to Friday, March 25, 2022. The County Election Officer shall place the funds in a "contract fund" as prescribed by Section 31.100 of the Texas Election Code.

The Deposit should be delivered within the mandatory time frame to:

**Ellis County Treasurer  
Att. Cheryl Chambers  
109 S. Jackson Street  
Waxahachie, Texas 75165**

Made payable to: "Ellis County Treasurer" with the note "for election services" included with check documentation.

The signed contract should be delivered or mailed to:

**Ellis County Elections  
Attn: Jana Onyon  
204 E Jefferson Street  
Waxahachie, Texas 75165**

- G. The Participating Political Subdivisions shall pay any additional cost and/or remaining final cost of conducting said election or any required runoff elections pursuant to the Texas Election Code, Section 31.100, within 30 days from the date the final billing was received.

### **III. COST OF SERVICES.      See Exhibit "C."**

- A. All actual shared cost incurred in the conduct of the election will be divided by the Participating Political Subdivisions contracting with the County Election Officer to hold the said election. If one of the Participating Political Subdivisions cancels their election, the full



cost of the election will be the responsibility of the remaining Participating Political Subdivisions.

- B. An addendum of Exhibit "C" to the contract shall be provided to the remaining participating Political Subdivisions no later than five (5) business days after receipt of any Political Subdivisions notification of intent to withdraw in writing by Ellis County.
- C. If a Runoff Election is required, all cost will be billed to the Participating Political Subdivisions. Runoff Election will be held on Saturday, June 18, 2022 (subject to changes), if required.

#### **IV. GENERAL PROVISIONS.**

- A. Nothing contained in this contract shall authorize or permit a change in the officer with whom or the place at which any document or record relating to the said Election is to be filed or the place at which any function is to be carried out, or any nontransferable functions specified under Section 31.096 of the Texas Election Code.
- B. Upon request, the County Election Officer will provide copies of all invoices and other charges received in the process of running said election for the Participating Political Subdivisions.
- C. If a Participating Political Subdivision cancels an election pursuant to the Texas Election Code, they will not be liable for any further costs incurred by the County Election Officer in conducting the said Election. Notice of a cancelled election should be provided to the County Election Officer as soon as the Participating Political Subdivision has approved it in council meeting.
- D. If any provision of this joint election contract and election services agreement is construed to be illegal or invalid, this will not affect the legality or validity of any of the other provisions. The illegal or invalid provision will be deemed stricken and deleted, but all other provisions shall continue and be given effect as if the illegal or invalid provisions had never been incorporated.
- E. The Elections Administrator of Ellis County, Texas and all of the contracting authorities of all of the participating political subdivisions listed in this joint election contract and election services agreement represent that each has the full right, power and authority to enter and perform this Contract in accordance with all of the terms and conditions, and that the



execution and delivery of this Contract has been made by authorized representatives of the parties to validly and legally bind the parties to all terms, performances and provisions set forth in this Contract.

- F. The County Election Officer shall file copies of this contract with the County Auditor and the County Treasurer of Ellis County, Texas (Sec. 31.099).
- G. Neither party shall be deemed to have breached any provision of this contract as a result of any delay, failure in performance, or interruption of service resulting directly or indirectly from acts of God, network failures, acts of civil or military authorities, civil disturbances, wars, energy crises, fires, transportation contingencies, interruptions in third-party telecommunications or Internet equipment or service, other catastrophes, or any other occurrences which are reasonably beyond any party's control. The parties are required to use due caution and preventive measures to protect against the effects of a force majeure event, and the burden of proving that a force majeure event has occurred shall rest on the party seeking relief under this provision. The party seeking relief due to force majeure is required to promptly notify the other parties in writing, citing the details of the force majeure event and relief sought, and shall resume performance immediately after the obstacles to performance caused by a force majeure event have been removed, provided the Contract has not been terminated. Delay or failure of performance, by either party to this Contract, caused solely by a force majeure event, shall be excused for the period of delay caused solely by the force majeure event.
- H. Due to recent concerns, if it is determined by the Ellis County Elections Administrator and the Commissioners Court of Ellis County that the health and safety of the Ellis County employees, poll workers, volunteers, and other people involved in conducting an election would be placed in danger by conducting an election according to the terms of this agreement, then the Ellis County Elections Administrator and Commissioners Court of Ellis County, at their sole discretion, may elect not to conduct an election for the political subdivision. If Ellis County elects not handle the election of a local subdivision due to health and safety concerns, then Ellis County will provide written notice to the political subdivision with sufficient time for the political subdivision to comply with the Election Code. Furthermore, Ellis County will rent the voting equipment, for a reasonable price, to said political subdivision if it chooses to move forward with the election.
- I. All parties agree to comply with Section 2270.002 and Section 2252.152 of the Texas Government Code.



WITNESS BY MY HAND THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2022

\_\_\_\_\_  
Jana Onyon, CERA  
Elections Administrator  
Ellis County, Texas

WITNESS BY MY HAND THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2022

By: \_\_\_\_\_  
Signature Printed Name and Title

Political Subdivision Name: \_\_\_\_\_  
Printed



**Ellis County, Texas** *Condado de Ellis, Texas*  
**Joint General and Special Elections** *Elecciones General y Especial Conjunta*  
**May 7, 2022** *07 de mayo de 2022*  
**Early Voting Vote Centers** *Centros de votación adelantada*

The below listed Early Voting Vote Centers will be established for any qualified voter with an effective date of registration on or before May 7, 2022. A voter may vote at ANY of the Early Voting Vote Centers for the Joint General and Special Elections.

*Las ubicaciones para centros de votación anticipada que se enumeran a continuación se establecerán para cualquier votante calificado con una fecha efectiva de registro en o antes del 07 de mayo de 2022. Un votante puede votar en cualquiera de los lugares de votación anticipada para las Elecciones General y Especial Conjunta.*

**Early Voting Location Dates and Times:**

*Ubicación, fechas, y horarios de la votación anticipada:*

- |   |                             |
|---|-----------------------------|
| <b>1. Elections Office (<u>Main Location</u>) 204 E. Jefferson Street</b> | <b>Waxahachie, TX 75165</b> |
| <b>2. Ellis County Sub-Courthouse (Foyer) 207 S. Sonoma Trail</b>         | <b>Ennis, TX 75119</b>      |
| <b>3. Midlothian Conference Ctr (Lobby) 1 Community Circle Dr.</b>        | <b>Midlothian, TX 76065</b> |
| <b>4. Mt Gilead Baptist Church (Fellowship Hall) 106 Harris St.</b>       | <b>Italy, TX 76651</b>      |
| <b>5. Palmer ISD Annex Bldg (Portable Bldg) 303 Bulldog Way</b>           | <b>Palmer, TX 75152</b>     |
| <b>6. Red Oak Municipal Center (Evelyn Pitts Rm) 200 Lakeview Pkwy</b>    | <b>Red Oak, TX 75154</b>    |
| <b>7. Waxahachie ISD Admin Bldg (BoardRm) 411 N. Gibson</b>               | <b>Waxahachie, TX 75165</b> |

<b>Monday, April 25, 2022</b> <i>lunes, 25 de abril de 2022</i>	<b>through</b> <i>hasta</i>	<b>Friday, April 29, 2022</b> <i>viernes, 29 de abril de 2022</i>	<b>8:00 AM - 5:00 PM</b> <i>8:00 AM - 5:00 PM</i>
<b>Saturday, April 30, 2022</b> <i>sábado, 30 de abril de 2022</i>			<b>8:00 AM - 4:00 PM</b> <i>8:00 AM - 4:00 PM</i>
<b>Monday, May 2, 2022</b> <i>lunes, 02 de mayo de 2022</i>	<b>and</b> <i>y</i>	<b>Tuesday, May 3, 2022</b> <i>martes, 03 de mayo de 2022</i>	<b>7:00 AM - 7:00 PM</b> <i>7:00 AM - 7:00 PM</i>

**[Click here for a Google Map of all the Early Voting Vote Centers](#)**

**[Presione aquí para ver un mapa de Google de todas las ubicaciones de votación adelantada](#)**

Last day to register to vote for the Joint General and Special Elections is: Thursday, April 07, 2022.

*Último día para registrarse para votar en la Elecciones General y Especial Conjunta es: jueves, 07 de abril de 2022.*

Last day for the Election's Office to receive a Regular or FPCA Ballot by Mail Application: Tuesday, April 26, 2022.

*El Último día para que la Oficina de Elecciones reciba una solicitud regular o una solicitud de tarjeta postal federal para votar por correo (FPCA-por sus siglas en inglés) es: martes, 26 de abril de 2022.*

Absentee Application (Regular or Federal Postcard) for ballot by mail shall be mailed to:

Early Voting Clerk, 204 E Jefferson Street, Waxahachie, Texas 75165

Or email a scanned copy of signed application to [elections@co.ellis.tx.us](mailto:elections@co.ellis.tx.us)

Or faxed to 972-923-5194 (If faxed or emailed, then must receive original application within 4 days)

*Las solicitudes (Regular o FPCA) de boletas electorales por correo deben enviarse por correo a:*

*Secretaría de la Votación Adelantada 204 E. Jefferson Street Waxahachie, TX 75165*

*O por correo electrónico una copia e su aplicación firmada a [elections@co.ellis.tx.us](mailto:elections@co.ellis.tx.us)*

*O por fax al 972-923-5194 (Si se envía por fax o correo electrónico, debe recibir la solicitud original dentro de los cuatro días)*

For More Information: Website at [www.co.ellis.tx.us/Elections](http://www.co.ellis.tx.us/Elections) OR [Facebook.com/EllisCountyElections](https://www.facebook.com/EllisCountyElections)

OR Contact us at Elections Office 204 E Jefferson Waxahachie, TX 75165 972-825-5195

**Vote at ANY Vote Center  
Location during Early  
Voting or Election Day**





**Ellis County, Texas** *Condado de Ellis, Texas*  
**Joint General and Special Elections** *Elecciones General y Especial Conjunta*  
**May 7, 2022** *07 de mayo de 2022*  
**Election Day Vote Centers** *Centros de votación el día de las elecciones*

**Polls open from 7:00 am to 7:00 pm**

*Horario de votación estarán abiertos de 7:00 am a 7:00 pm*

**The below listed Election Day Vote Centers will be established for any qualified voter with an effective date of registration on or before May 7, 2022. A voter may vote at ANY of the Election Day Vote Centers for the Joint General and Special Elections.**

*Las ubicaciones para centros de voto de días de votación se establecerán para cualquier votante calificado con una fecha efectiva de registro en o antes del 07 de mayo de 2022. Un votante puede votar en cualquiera de los centros de votación de día de las elecciones para las Elecciones General y Especial Conjunta.*

<b>1</b>	<b>FIRST UNITED METHODIST-BARDWELL (Church Annex) 104 PECAN ST</b>	<b>BARDWELL, TX 75119</b>
<b>2</b>	<b>ELLIS COUNTY SUB-COURTHOUSE (Foyer) 207 S SONOMA TRAIL</b>	<b>ENNIS, TX 75119</b>
<b>3</b>	<b>ENNIS PUBLIC LIBRARY (Learning Center) 501 W. ENNIS AVE</b>	<b>ENNIS, TX 75119</b>
<b>4</b>	<b>FERRIS PUBLIC LIBRARY (A. Trussell Memorial Rm) 301 E 10TH STREET</b>	<b>FERRIS, TX 75125</b>
<b>5</b>	<b>MT GILEAD BAPTIST CHURCH (Fellowship Hall) 106 HARRIS ST.</b>	<b>ITALY, TX 76651</b>
<b>6</b>	<b>FIRST BAPTIST CHURCH-MAYPEARL (Fellowship Hall) 5744 FM 66</b>	<b>MAYPEARL, TX 76064</b>
<b>7</b>	<b>MIDLOTHIAN CHURCH OF CHRIST (Fellowship Hall) 1627 N HWY 67</b>	<b>MIDLOTHIAN, TX 76065</b>
<b>8</b>	<b>MIDLOTHIAN CONFERENCE CTR (Lobby) 1 COMMUNITY CIRCLE DR</b>	<b>MIDLOTHIAN, TX 76065</b>
<b>9</b>	<b>MOUNTAIN PEAK COMMUNITY CHURCH (Sanctuary) 751 W. FM 875</b>	<b>MIDLOTHIAN, TX 76065</b>
<b>10</b>	<b>MILFORD SENIOR CENTER (Main Room) 109 S. MAIN STREET</b>	<b>MILFORD, TX 76670</b>
<b>11</b>	<b>OVILLA CITY HALL (Council Chambers) 105 S. COCKRELL HILL RD</b>	<b>OVILLA, TX 75154</b>
<b>12</b>	<b>PALMER ISD ANNEX BUILDING (Portable Bldg) 303 BULLDOG WAY</b>	<b>PALMER, TX 75152</b>
<b>13</b>	<b>EASTRIDGE BAPTIST CHURCH (Gym) 732 E OVILLA RD</b>	<b>RED OAK, TX 75154</b>
<b>14</b>	<b>RED OAK MUNICIPAL CENTER (Evelyn Pitts Room) 200 LAKEVIEW PKWY</b>	<b>RED OAK, TX 75154</b>
<b>15</b>	<b>ELLIS COUNTY WOMANS BUILDING (Main Room) 407 W JEFFERSON ST.</b>	<b>WAXAHACHIE, TX 75165</b>
<b>16</b>	<b>FARLEY STREET BAPTIST CHURCH (GYM) 1116 BROWN ST.</b>	<b>WAXAHACHIE, TX 75165</b>
<b>17</b>	<b>MARVIN ELEMENTARY SCHOOL (Cafeteria) 110 BROWN STREET</b>	<b>WAXAHACHIE, TX 75165</b>
<b>18</b>	<b>PARK MEADOWS BAPTIST CHURCH (Lobby) 3350 N HWY 77</b>	<b>WAXAHACHIE, TX 75165</b>

**[Click here for a Google Map of all the Election Day Vote Centers](#)**

*[Presione aquí para ver un mapa de Google de todas las ubicaciones de votación de día de las elecciones](#)*

**Last day to register to vote for the Joint General and Special Elections is: Thursday, April 07, 2022.**

*Último día para registrarse para votar en la Elecciones General y Especial Conjunta es: jueves, 07 de abril de 2022.*

**Last day for the Election's Office to receive a Regular or FPCA Ballot by Mail Application: Tuesday, April 26, 2022.**

*El Último día para que la Oficina de Elecciones reciba una solicitud regular o una solicitud de tarjeta postal federal para votar por correo (FPCA- por sus siglas en inglés) es: martes, 26 de abril de 2022.*

**For More Information: Website at [www.co.ellis.tx.us/Elections](http://www.co.ellis.tx.us/Elections) OR [Facebook.com/EllisCountyElections](https://www.facebook.com/EllisCountyElections)  
 OR Contact us at Elections Office 204 E Jefferson Waxahachie, TX 75165 972-825-5195  
 OR email at [elections@co.ellis.tx.us](mailto:elections@co.ellis.tx.us)**

Estimated Cost for May 7, 2022 Joint General and Special Election  
with 19 Political Subdivisions and County

Item	Estimated Total Invoiced Cost of Election
<b>Election Day Locations</b>	<b>18</b>
<b>Early voting Locations</b>	<b>8</b>
Election Systems & Software (ES&S) Ballots Cost	\$15,100.00
Election Systems & Software (ES&S) Ballot Layout Charges	\$3,600.00
Election Systems & Software (ES&S) Ballot Audio Charges	\$7,600.00
Election Systems & Software (ES&S) Electronic Voting system programing	\$15,100.00
Election Systems & Software (ES&S) Election Day Support	\$4,675.00
Election Systems & Software (ES&S) Testing and Coding Ballots	\$500.00
Newspaper Public Notice of Testing of Electronic Voting System	\$400.00
Newspaper Public Notice of Joint Election	\$4,000.00
Precinct Kits for Early Voting and Election Day: Labels, paper, envelopes, supplies, pens, tape, copies for precinct packets and training packets, signs for posting of state required information at polling place	\$2,600.00
Rental of County voting equipment DS200 Machines at \$57.50 each	\$1,495.00
Rental of County voting equipment ExpressVote Terminal Marking Device (ADA) at \$33.25 each	\$5,818.75
Movers Transportation of Voting Equipment 29 Early Voting and Election Day locations Dropped off and picked up after election	\$5,200.00
Required Live Streaming Service during Ballot Board and Central Counting Station processes 24/7	\$3,500.00
Voting Places Rental Charges locations	\$1,450.00
<b>Election Day # of Poll workers</b>	<b>80</b>
Election Day: Judges at \$12, Alternate Judges at \$12, Clerks at \$10 18 Polling Location on Election day poll workers, hours on ED, training class, setup, Judge pickup fees \$25	\$17,900.00
<b>Early voting # of Poll workers</b>	<b>75</b>
Early Voting: Judges at \$12, Clerks at \$10 at 8 Early Voting Locations 75 Poll Workers reg hours, 5 overtime hours, training class, setup, Judge pickup fees \$25, Fica, Medicare	\$28,000.00
<b>Absentee Mail Ballots Request</b>	<b>1500</b>
Cost for Early Voting mail Ballots for postage and materials for each for ballot mailed	\$3,450.00
Early Voting Ballot Board and Cental Counting Station Workers	\$530.00
WiFi for Early voting and Election Day Laptops	\$1,000.00
Additional Office Personnel to assist before/during/after the Election and technichians for Early Voting and Election Day, and Election employee accrual overtime hours	\$12,000.00
Technichians Mileage for Early Voting and Election Day Support at polling sites	\$300.00
<b>Estimated Grand Total of Election Expenses</b>	<b>\$134,218.75</b>
<b>Estimated Cost for County Portion of the Cost (50%)</b>	<b>\$67,109.38</b>
<b>Estimated Cost for Political Subdivisions Portion of Election Expenses</b>	<b>\$67,109.38</b>
<b>Estimated Cost for Political Subdivisions Election Services Contract 10% Admin Fee</b>	<b>\$6,710.94</b>
<b>Estimated Total Cost for Political Subdivisions for Joint Election</b>	<b>\$73,820.31</b>

**Political Subdivisions estimated cost of contracting with the  
Elections Department for May 7, 2022 Joint Election  
(Estimated Cost AFTER Cancellations)**

<b>ENTITY</b>	<b>Voters 3/2022</b>	<b>Estimated Cost</b>	<b>80% of Deposit Due</b>
GRAND PRAIRIE	124	\$1,500.00	\$1,200.00
BARDWELL	274	\$2,000.00	\$1,600.00
VENUS	314	\$2,000.00	\$1,600.00
MILFORD	456	\$2,000.00	\$1,600.00
MANSFIELD	475	\$2,000.00	\$1,600.00
MAYPEARL	537	\$2,400.00	\$1,920.00
MILFORD ISD	864	\$2,500.00	\$2,000.00
OAK LEAF	1160	\$2,600.00	\$2,080.00
ITALY	1188	\$2,650.00	\$2,120.00
PALMER	1410	\$2,700.00	\$2,160.00
OVILLA	3332	\$3,500.00	\$2,800.00
PALMER ISD	3989	\$3,800.00	\$3,040.00
FERRIS ISD	5810	\$4,100.00	\$3,280.00
RED OAK	7332	\$4,400.00	\$3,520.00
RED OAK ISD	21319	\$5,800.00	\$4,640.00
MIDLOTHIAN	24519	\$6,100.00	\$4,880.00
WAXAHACHIE	26173	\$6,450.00	\$5,160.00
MIDLOTHIAN ISD	35441	\$8,550.00	\$6,840.00
WAXAHACHIE ISD	36763	\$8,950.00	\$7,160.00
ELLIS COUNTY	126386	\$67,100.00	

As of 3/8/2022 Subject to changes after final cost of election is determined.

**The following Political Subdivisions will be having an Election on May 7, 2022.  
Entities will be contracting with the Election's Department to conduct their Election.**

City of Bardwell Local Option Election To Legalize voting to adopt or reject one proposed proposition  
City of Grand Prairie General Election for the purpose of electing Mayor At-Large  
City of Italy General Election for the purpose of electing three At-Large Council Members – Vote for 3  
City of Italy Special Election To Fill A Vacancy of electing one At-Large Council Member – Vote for 1, Unex Term  
City of Mansfield Special Bond Election voting to adopt or reject five proposed propositions  
City of Maypearl General Election for the purpose of electing two At-Large Council Members – Vote for 2  
City of Midlothian General Election for the purpose of electing At-Large Council Member Places 3 & 4  
City of Milford General Election for the purpose of electing a Mayor and three At-Large Council Members – Vote for 3  
City of Oak Leaf General Election for the purpose of electing a Mayor and At-Large Council Member Places 4 & 5  
City of Oak Leaf Special Election voting to adopt or reject one proposed proposition  
City of Ovilla General Election for the purpose of electing At-Large Council Member Places 1, 3 & 5  
City of Palmer General Election for the purpose of electing three At-Large Council Members – Vote for 3  
City of Red Oak General Election for the purpose of electing At-Large Council Member Places 2, 4 & 5  
City of Venus General Election for the purpose of electing At-Large Council Member Places 3, 4 & 5  
City of Venus Special Election voting to adopt or reject one proposed proposition  
City of Waxahachie General Election for the purpose of electing At-Large Council Member Places 1, 2 & 3

Ferris ISD Special Bond Election voting to adopt or reject three proposed propositions  
Midlothian ISD General Election for the purpose of electing At-Large Member of Board of Trustees Places 4 & 5  
Milford ISD General Election for the purpose of electing two At-Large Member of Board of Trustees – Vote for 2  
Milford ISD Special Election To Fill A Vacancy for the purpose of electing one At-Large Member of Board of Trustees – Vote for 1, Unex Term  
Palmer ISD General Election for the purpose of electing two At-Large Member of Board of Trustees – Vote for 2  
Red Oak ISD Special Bond Election voting to adopt or reject four proposed propositions  
Waxahachie ISD General Election for the purpose of electing At-Large Member of Board of Trustees Places 6 & 7

Revised (*Revisado*) 3/8/2022 Subject to changes (sujeto a cambios)

All races will be vote for one unless noted otherwise. (*Todas las carreras votaran por una a menos que se indique lo contrario.*)



Make your MARK  
and VOTE!

# Invoice by Ellis County Elections

**CITY of OVILLA**  
**Bobbie Jo Taylor**  
**105 S.Cockrell Hill Road**  
**Ovilla, Texas 75154**  
**(972) 617-7262**

**Date: 03/09/2022**  
**Due Date: 03/25/2022**

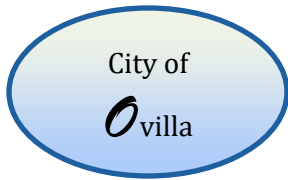
Description	Amount
<b>Ellis County Elections Department has contracted jointly with Ellis County Political Subdivisions for the May 7, 2022 Joint General and Special Elections.</b>	
<b>Estimated Cost to administer the election is \$134,218.75</b>	
<b>City of OVILLA estimated portion: \$3500</b>	
<b>City of OVILLA portion of the deposit of 80% due:</b>	<b>\$2,800.00</b>
<b>Invoice for final cost of election will be sent after the election is completed.</b>	

Please make payment to:  
Ellis County Treasurer  
Attn: Cheryl Chambers  
109 S Jackson Street  
Waxahachie, Texas 75165

Document on check it is "For Election Services"

Thank you,

Jana Onyon  
Elections Administrator



# Ovilla City Council

## AGENDA ITEM REPORT Item 1

Meeting Date: March 14, 2022

Department: Administration

☒ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: Staff

Reviewed By: ☐ City Manager

☒ City Secretary

☒ City Attorney

☐ Finance Director

☐ Other:

### AGENDA ITEM:

**ITEM 1. DISCUSSION/ACTION** – Consideration and action on Ordinance No. 2022-03 of the City Of Ovilla, Texas, Enacting Amendments To The City's Subdivision Ordinance; Providing For Compliance With New State Legislation Affecting Procedures For Approving Plats, Replats, And Related Site Plans; Providing A Conflict Clause; Providing A Severance Clause; And Setting An Effective Date.

### Attachments:

1. Proposed Ordinance No. 2022-03 Platting Regulations
2. Q&A with TML Staff Attorney Scott Houston

### Discussion / Justification:

**Background:** HB 3167 requires the City to take the following action with regard to the "initial approval" of a plan or plat within 30 days after the date the plan or plat is filed: (1) approve, (2) approve with conditions, or (3) disapprove with explanation. *Id.* § 212.009(a).

If an ordinance requires that a plan or plat be approved by the governing body of the city in addition to the planning commission, the governing body shall approve, approve with conditions, or disapprove the plan or plat within 30 days after the date the plan or plat is approved by the planning commission or is approved by the inaction of the commission, and a plan or plat is approved by the governing body unless it is approved with conditions or disapproved within that period.

This ordinance will bring the city into compliance with State Law.

### Recommendation / Staff Comments:

Staff Recommends: Approval

### Sample Motion(s):

I move to approve/deny Ordinance No. 2022-03 of the City Of Ovilla, Texas, Enacting Amendments To The City's Subdivision Ordinance; Providing For Compliance With New State Legislation Affecting Procedures For Approving Plats, Replats, And Related Site Plans



**ORDINANCE NO. 2022-03**

**AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, ENACTING AMENDMENTS TO THE CITY'S SUBDIVISION ORDINANCE; PROVIDING FOR COMPLIANCE WITH NEW STATE LEGISLATION AFFECTING PROCEDURES FOR APPROVING PLATS, REPLATS AND RELATED SITE PLANS; PROVIDING A CONFLICT CLAUSE; PROVIDING A SEVERANCE CLAUSE; AND SETTING AN EFFECTIVE DATE**

WHEREAS, the 2019 Legislature enacted HB 3167, revising procedures for approval of subdivision plat and related site plans, and HB 2497 affecting procedures for approval of replats; and

WHEREAS, HB 3167 and HB 2497 have an effective date of September 1, 2019; and

WHEREAS, it is the intent of the City Council of the City of Ovilla, Texas, to fully comply with the provisions of HB 3167 and HB 2497, while maximizing the public health, safety and general welfare of its citizens; and

WHEREAS, HB 3167 did not amend laws affecting procedures for approval of zoning-related plans, plans required for approval of building permits, or procedures for determining the completeness of subdivision applications; and

WHEREAS, the City Council finds that it is necessary to change certain procedures in the subdivision ordinance to comply with HB 3167 and;

WHEREAS, the City Council further finds that it is necessary to delegate certain responsibilities of the Planning and Zoning Commission under HB 3167 to administrative officials in order to assure compliance with the timelines in the statute, subject to a right of appeal to the Commission; and

WHEREAS, it is the intent of this Ordinance to supersede the procedures for approval of plats, replats and related site plans that conflict with the provisions of HB 3167 and HB 3314; and

WHEREAS, HB 3167 and HB 3314 contain identical language with respect to procedures for approval of replats; and

WHEREAS, the City has given notice of the amendments to the subdivision regulations contained in this Ordinance in accordance with all provisions of state law and the City's ordinances; and

WHEREAS, a public hearing on this Ordinance before the City Council was convened on \_\_\_\_\_, 2022, at which testimony was taken, and the hearing was closed on the date of the same; and

WHEREAS, the City Council finds that this Ordinance substantially advances the public health, safety and general welfare of the citizens of Ovilla, Texas;

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

**SECTION 1. INCORPORATION OF RECITALS.** The foregoing recitals hereby are incorporated by reference and made a part hereof as if fully set forth.

**SECTION 2. DEFINITIONS.** The following definitions apply to the provisions of this Ordinance:

(a) "Planning commission" means the city authority responsible for recommending the approval of plats, and includes the term "planning and zoning commission," where the city has combined the functions of a zoning commission and a planning commission pursuant to Tex. Loc. Gov't Code section 211.007.

(b) "Plat" means a preliminary plat, general plan (including a master plan or plat), final plat, and replat.

(c) "Subdivision application" means a request for approval of a plat or subdivision plan required to initiate the division or development of land pursuant to Tex. Loc. Gov't Code Ch. 212, Subchs. A or B.

(d) "Subdivision plan" means a subdivision development plan, subdivision plan, subdivision construction plan, land development application, site development plan or site plan required for approval of a plat, which is authorized under Tex. Loc. Gov't Code Ch. 212, Subchs. A or B. A subdivision plan excludes a zoning plan.

(e) "Subdivision Ordinance" or "Subdivision Regulations" means Ord. No. 06-022, as amended, prior to the effective date of this Ordinance.

(f) “Zoning plan” means a concept plan, site plan or similar document required to determine compliance with land use regulations which are authorized under Tex. Loc. Gov’t Code, Ch. 211.

### **SECTION 3. APPLICABILITY.**

(a) This Ordinance applies to the procedures for approval of plats and subdivision plans for the division or development of property pursuant to Tex. Loc. Gov’t Code Ch. 212, Subchs. A or B.

(b) This Ordinance does not apply to the procedures for approval of zoning plans or plans required to accompany applications for building permits.

(c) This Ordinance does not apply to any plat or subdivision plan filed before September 1, 2019.

**SECTION 4. STAGES OF PLAT APPROVAL.** Notwithstanding any other provision of the Subdivision Ordinance to the contrary, the stages of plat approval shall be as follows:

(a) Except for minor plats, replats and amending plats, all applications for plat approval shall consist of an application for preliminary plat approval, followed by an application for final plat approval. Applications for preliminary plat approval and final plat approval shall not be submitted nor processed simultaneously. Each plat application shall require the approval of the planning and zoning commission and the city council, as hereinafter provided.

(b) Any procedure in the Subdivision Ordinance that provides for a shorter time for approval of a plat application than that required for approval of a preliminary or final plat application is superseded by the procedures of this Ordinance.

(c) Except as hereinafter provided, any appeal from a planning commission decision on a plat to the city council is superseded by the procedures of this Ordinance.

(d) Procedures for review of an application for completeness authorized by the Subdivision Ordinance or to be undertaken pursuant to Tex. Loc. Gov’t Code section 245.002(e) are superseded by the procedures in section 5 and 6 of this Ordinance, except as otherwise provided in section 7 of this Ordinance.

(e) A subdivision plan must be submitted for approval with an application for preliminary or final plat approval, unless approval of the subdivision plan is required prior

to submittal of a plat application. Any procedure for approval of a subdivision plan before the commission or council approves or disapproves a plat application is superseded by the procedures of this Ordinance.

(f) Conditional approval of a preliminary plat application shall mean that each such condition must be satisfied prior to final plat approval. Such conditions are not subject to the procedures in Section 6 of this Ordinance.

(g) Because the technical requirements for submittal of a plat or subdivision plan application are essential for determining whether the application should be approved, conditionally approved, or disapproved, any deficiency in the submittal requirements for such application shall be grounds for disapproval of the application, unless the plat or subdivision plan application is to be reviewed under the alternative procedures in Section 7 of this Ordinance.

## **SECTION 5. PROCEDURES FOR APPROVAL OF PLATS AND SUBDIVISION PLANS.**

(a) Initial Approval by Commission. The planning commission shall recommend approval, approval with conditions, or disapproval of a preliminary plat, final plat or subdivision plan application within 30 days after the date the plat or subdivision plan application is filed. A plat or subdivision plan application is deemed recommend for approval by the commission unless it is recommended to be conditionally approved or disapproved within that period in the manner provided in subsection (e).

(b) Initial Approval by Council. The City Council shall approve, approve with conditions, or disapprove a preliminary plat, final plat or subdivision plan application within 30 days after the date the commission approves the plat or subdivision plan application. A plat or subdivision plan application is deemed approved by the city council unless it is conditionally approved or disapproved within that period in the manner provided in subsection and documented pursuant to subsection (e).

(c) Extension by Agreement. The applicant may request in writing and the planning commission or the city council, as the case may be, may approve the request for an extension of the time for plat or subdivision plan approval required by subsections (a) or (b) for a period not to exceed 30 days. The written request must be made within 15 days of the date the application is filed and approved by the commission or council prior to the time for a decision on the application required by subsections (a) or (b).

(d) Limitation on Submittals. Following the filing of the plat or subdivision plan application, the applicant may not submit additional materials in support of the application during the initial 30-day period during which the commission or the council must

decide the application, unless the applicant withdraws the original application and submits a new application with the additional materials. If an extension is sought and granted under subsection (c), the applicant may submit additional materials in support of the application no later than 15 days from the date the commission or council is scheduled to review the application without filing a new application.

(e) Documentation for Conditional Approval or Disapproval. The planning commission or the city council, as the case may be, shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval. Each condition or reason specified in the written statement must be directly related to the requirements of the Subdivision Ordinance and include a citation to the applicable law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval. The conditions or reasons cannot be arbitrary.

## **SECTION 6. POST-DECISION PROCEDURES.**

(a) Applicant's Response. After the conditional approval or disapproval of a plat or subdivision plan under section 5, the applicant may submit to the council a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided. The council may not establish a deadline for an applicant to submit the response.

(b) Reply to Applicant's Response. The city council (a) shall determine whether to approve, conditionally approve or disapprove the applicant's previously conditionally approved or disapproved plat or subdivision plan not later than the 15<sup>th</sup> day after the date the response was submitted. The city council may further conditionally approve or disapprove the application for a specific condition or reason that is provided to the applicant in the manner prescribed in section 5(e) of this Ordinance. The city council must approve the plat or subdivision plan application if the response adequately addresses each condition of the conditional approval or each reason for the disapproval.

(c) Delegation to Administrative Official. The administrative official(s) designated by the Subdivision Ordinance for reviewing and evaluating plat and/or subdivision plan applications, or his delegee(s), hereby is delegated authority to reply to an applicant's response in the manner provided in section 5(e). The applicant may appeal the administrative official's decision within 15 days thereof to the planning commission or the city council, as the case may be, which shall hear the appeal at its next scheduled regular meeting. The applicant may also request a delay in the reply in order to have the response considered and decided by the planning commission or city council, as the case may be, at its next scheduled regular meeting.

(d) Failure to Timely Reply. If the response meets the criteria in subsection (a) and the administrative official, or the planning commission or city council, as the case may be, fails to act upon the response within the time provided in subsections (b) or (c), the plat or subdivision plan application shall be deemed approved.

(e) New Application Required. In the event that the administrative official, or the planning commission or city council, as the case may be, timely disapproves the plat or subdivision plan application, a new application shall be required.

**SECTION 7. ALTERNATIVE REVIEW PROCEDURES.** In lieu of the procedures set forth in Sections 5 and 6, every applicant for approval of a plat or subdivision plat may elect in writing to follow the procedures in this section if the election is made at the time the application is first submitted for filing. Election under this section does not waive the procedures in sections 5 and 6 of this Ordinance, which shall commence as provided in subsection (c).

(a) Within 10 business days of the time the application is submitted for filing, the official(s) responsible for administering the Subdivision Ordinance or his designee shall make his determination whether the application meets the technical requirements for submittal. The official or his designee shall notify the applicant in writing not later than the 10<sup>th</sup> business day after the application is submitted whether the application is complete or incomplete. If the application is incomplete, the notice shall specify the documents or information that are necessary to complete the application and also shall state that the application is subject to expiration, as provided in subsection (b).

(b) Following the receipt of written notice, the applicant shall have 45 days from the time the application was submitted for filing to submit the necessary documents or information to render the application complete. If the applicant fails to do so, the application shall expire on the 45<sup>th</sup> day after the application was submitted for filing. An applicant may request a conference with the administrative official to assist in completing the application. If the application expires, the applicant may submit a new plat or subdivision plan application without prejudice. If the new application is submitted within 10 days after the expiration of the original application, review fees will be waived.

(c) The procedures for review of an application for plat or subdivision plan approval in sections 5 and 6 of the ordinance shall commence on one of the following dates:

(1) The date of the notice required by subsection (a) if the application is determined to be complete.

(2) The date the applicant submits documents or information necessary to complete the application within the 45-day period specified in subsection (b).

(3) The date the applicant submits a new application in the event the original application has expired.

**SECTION 8. PROCEDURES FOR APPROVAL OF REPLATS.** Notwithstanding any other provision of the Subdivision Ordinance to the contrary, the procedures for replats hereby are amended as follows:

(a) A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of the plat if the replat is (1) signed and acknowledged by only the owner of the property being replatted, (2) is approved by the planning commission and (3) does not attempt to amend or remove any covenants or restrictions. A public hearing is not required before approval of the plat.

(b) A replat without vacation of the preceding plat must conform to the requirements of Tex. Loc. Gov't Code section 212.015(a), in addition to the provisions of section 212.014, as amended. If such replat requires a variance or exception, a public hearing must be held by the planning commission or the city council. If such replat does not require a variance or exception, the city shall, not later than the 15<sup>th</sup> day after the date the replat is approved, provide written notice by mail of the approval of the replat to each owner of a lot in the original subdivision that is within 200 feet of the lots to be replatted according to the most recent municipal or country tax roll. The notice must include (1) the zoning designation of the property after the replat and (2) a telephone number and e-mail address an owner of a lot may use to contact the municipality about the replat. This requirement does not apply if the to a proposed replat if the city holds a public hearing and gives notice of the hearing pursuant to Tex. Loc. Gov't Code section 212.015(b).

**SECTION 9. SAVINGS CLAUSE.** This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances for the City of Ovilla, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event, conflicting provisions of such ordinances and Code are hereby superseded.

**SECTION 10. SEVERANCE CLAUSE.** Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance, or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

**SECTION 11. EFFECTIVE DATE.** Because of the nature of the interests sought to be protected and of the safeguards sought to be provided by this Ordinance, and in the



interest of the health, safety, and welfare of the citizens of Ovilla, Texas, this Ordinance shall take effect immediately after its passage, approval, and publication as required by law.

**SECTION 12. PUBLICATION.** The City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

**PASSED, APPROVED** and **ADOPTED** by the City Council, the City of Ovilla, Texas, on this the \_\_\_\_ day of \_\_\_\_\_, 2022.

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Richard Dormier, Mayor

ATTEST:

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Bobbie Jo Taylor, City Secretary

APPROVED AS TO FORM:

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Ron G. MacFarlane, Jr., City Attorney

## **CITY OF OVILLA NOTICE OF PUBLIC HEARING**

NOTICE is hereby given to all interested persons that the City Council of the City of Ovilla, Texas, will conduct a public hearing on **Monday, March 14, 2022, at 6:30 o'clock p.m.** at the Ovilla Municipal Building, Council Chamber Room, 105 S. Cockrell Hill Road, Ovilla, Texas for the purpose of obtaining public comment regarding the following:

**AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, ENACTING AMENDMENTS TO THE CITY'S SUBDIVISION ORDINANCE; PROVIDING FOR COMPLIANCE WITH NEW STATE LEGISLATION AFFECTING PROCEDURES FOR APPROVING PLATS, REPLATS AND RELATED SITE PLANS; PROVIDING A CONFLICT CLAUSE; PROVIDING A SEVERANCE CLAUSE; AND SETTING AN EFFECTIVE DATE**

The Ovilla City Council will also consider and act on the Ordinance enacting amendments to the city's subdivision ordinance, providing for compliance with new state legislation affecting procedures for approving plats, replats, and related site plans at The City Council Meeting **Monday, March 14, 2022, at 6:30 o'clock p.m.**

All interested persons are invited to attend and share comments. Written comments will also be accepted by mail addressed to Bobbie Jo Taylor, City Secretary, 105 S. Cockrell Hill Road, Ovilla, TX 75154, email [btaylor@cityofovilla.org](mailto:btaylor@cityofovilla.org) or fax 972-515-3221. For additional information regarding this notice, please contact City Secretary Bobbie Jo Taylor, [btaylor@cityofovilla.org](mailto:btaylor@cityofovilla.org).

**H.B. 3167 (2019)**  
**Legal Q&A**  
**Scott Houston**

**1. What is H.B. 3167?**

[House Bill 3167](#) by Rep. Tom Oliverson (R – Houston) is legislation that becomes effective on September 1, 2019. The bill makes numerous changes to the site plan and subdivision platting approval process, and it will require most cities to make changes to their subdivision ordinance, zoning ordinance, and/or unified development code approval processes. A chart of the process required by the bill is included at the end of this Q&A.

**2. Why was the bill needed?**

The Texas House Land and Resource Management Committee Report states that:

Concerns have been raised regarding the process for plat and land development application approval by political subdivisions. It has been suggested that some political subdivisions circumvent statutory timelines for approving an application by simply denying the application with generic comments that do not fully address specific deficiencies with the application. C.S.H.B. 3167 seeks to provide greater certainty and clarity for the process by setting out provisions relating to county and municipal approval procedures for land development applications.

In other words, the bill is meant to force cities to speed up the site plan/subdivision plat approval process, and to provide more information when a plan or plat isn't approved. In reality, it may create red tape that slows the process down and/or results in substandard planning. A list of witnesses for and against the bill is available at:

<https://capitol.texas.gov/tlodocs/86R/witlistbill/pdf/HB03167H.pdf#navpanes=0>.

**3. What types of development applications are subject to H.B. 3167?**

The bill applies to plans and plats. It defines a “plan” to mean a subdivision development plan, including a subdivision plan, subdivision construction plan, site plan, land development application, and site development plan. TEX. LOC. GOV'T CODE § 212.001(2). It defines “plat” to include a preliminary plat, general plan, final plat, and replat. *Id.* § 212.001(3).

Many have questioned the meaning of these terms. Does the reference to “site plan” only refer to that term as used in Chapter 212, Subchapter B? And what does the term “general plan” refer to? That term is mentioned in current law in a handful of places. *Id.* §§ 212.010; 212.044; 212.047. As mentioned in those sections, the term may be referring to the city's comprehensive plan. In the context of H.B. 3167, the term is included in the definition of “plat.” The City of Houston's ordinance, which was praised by some developers, defines the term “general plan” as “a site plan submitted for the purpose of establishing a street system for a large tract to be developed in sections. The General Plan is submitted with the subdivision plat for the first section being platted. The General Plan is valid for 4 years and can be extended by planning commission

action. Upon planning commission approval, the General Plan establishes the street system for future development.” Thus, it appears that the term “general plan” in H.B. 3167 means something different than where it appears in other places in Chapter 212.

The bill also provides that the approval procedures as amended by the bill apply to a city regardless of whether it has entered into an interlocal agreement, including an interlocal agreement between the city and county relating to extraterritorial jurisdiction subdivision platting agreement as required by state law. *Id.* § 212.0085.

#### **4. What application materials are included in the definition of “plan?”**

Looking at the definitions in the question above, some say that essentially any type of plan that shows the layout of a project is subject to the bill. The bill uses some terms that aren’t common in planning, such as including “general plan” in the definition of “plan.” No one is certain what a “general plan” means, so each city should decide and define that term in its ordinance(s).

The bill amends Local Government Code Chapter 212, which relates to subdivision platting. It seems to insert a “site plan” and “site development plan” into the subdivision plat approval process, but those are traditionally based on the zoning authority in Chapter 211. As such, most attorneys argue that a zoning site plan isn’t subject to the bill’s requirements.

Because of the ambiguity, each city may wish to define certain term(s) in its ordinance for clarity.

#### **5. How does H.B. 3167 change the plan/plat approval timeline?**

The bill requires the municipal authority responsible for approving plats to take the following action with regard to the “initial approval” of a plan or plat within 30 days after the date the plan or plat is filed: (1) approve, (2) approve with conditions, or (3) disapprove with explanation. *Id.* § 212.009(a).

Current law defines “the municipal authority responsible for approving plats” as the municipal planning commission or, if the city has no planning commission, the governing body of the city. Also under current law, the governing body by ordinance may require the approval of the governing body in addition to that of the municipal planning commission. *Id.* § 212.006(a).

If an ordinance requires that a plan or plat be approved by the governing body of the city in addition to the planning commission, the governing body shall approve, approve with conditions, or disapprove the plan or plat within 30 days after the date the plan or plat is approved by the planning commission or is approved by the inaction of the commission, and a plan or plat is approved by the governing body unless it is approved with conditions or disapproved within that period.

#### **6. May the city and applicant agree to extend the deadline in the question above?**

Yes, but only if the applicant (not the city) requests the extension. The parties may extend the 30-day period described above for a period not to exceed 30 days if: (1) the applicant requests the extension in writing to the municipal authority responsible for approving plats or the governing body of the municipality, as applicable; and (2) the municipal authority or governing body, as applicable, approves the extension request. *Id.* § 212.009(b-2).

**7. What does a city do when it approves a plan or plat?**

If a plan or plat is approved, the municipal authority giving the approval shall endorse the plan or plat with a certificate indicating the approval. *Id.* § 212.009(c).

**8. What if the municipal authority responsible for approving plats fails to approve, approve with conditions, or disapprove with explanation a plan or plat within the prescribed period?**

A plan or plat is approved by the municipal authority unless it is disapproved within the periods described above and in accordance with the bill's procedures. *Id.* § 212.009(b).

If that happens, the authority on the applicant's request shall issue a certificate stating the date the plan or plat was filed and that the authority failed to act on the plan or plat within the period. *Id.* § 212.009(d).

**9. What must a city do with regard to approval, approval with conditions, or disapproval with explanation?**

A municipal authority or governing body that conditionally approves or disapproves a plan or plat shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval. *Id.* § 212.0091(a).

Each condition or reason specified in the written statement: (1) must be directly related to the requirements under the subdivision platting law and include a citation to the law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval, if applicable; and (2) may not be arbitrary. *Id.* § 212.0091(b).

**10. If the municipal authority approves with conditions or disapproves with explanation, what is the applicant entitled to do?**

After the conditional approval or disapproval with explanation of a plan or plat, the applicant may submit to the municipal authority or governing body a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided, and the municipal authority or governing body may not establish a deadline for an applicant to submit the response. *Id.* § 212.0093.

**11. What must the city do with regard to the applicant's written response?**

A municipal authority or governing body that receives a written response shall determine whether to “approve” or “disapprove [with explanation]” the applicant’s previously conditionally-approved or disapproved plan or plat not later than the 15th day after the date the response was submitted. *Id.* § 212.0095(a). Again, a city may not establish a deadline before which the applicant must submit the response. *Id.* § 212.0093

A municipal authority or governing body that receives a response shall approve a previously conditionally approved or disapproved plan or plat if the response adequately addresses each condition of the conditional approval or each reason for the disapproval. *Id.* § 212.0095(c).

A previously conditionally-approved or disapproved plan or plat is approved if: (1) the applicant files a response that adequately addresses each condition of the conditional approval or each reason for disapproval, and (2) the municipal authority or governing body that receives the response does not disapprove the plan or plat on or before the 15th day the response was submitted. *Id.* § 212.0095(d).

The two paragraphs above mean the plan or plat must be approved if: (1) the applicant’s written response addresses all the issues raised in the city’s prior approval with conditions or disapproval with explanation; and (2) no new issues are raised by the applicant’s written response. *Id.* § 212.0095(d)(2). What to do when new issues are raised by the applicant’s written response is the subject of some debate and is addressed in question 12, below.

## **12. What if the applicant’s written response changes the plan or plat in a way that creates new issues?**

At least two schools of thought exist in relation to what happens once the city receives the applicant’s written response: (1) the written response and 15-day decision period of the city continues repeatedly in relation to new issues raised by corrections; or (2) the city must disapprove with explanation a submission that creates new issues, which starts the process from the beginning.

Under the first process, it appears that – if the applicant’s written response raises new issues – a city may, once again, “approve” or “disapprove with explanation” the plan or plat on or before the 15<sup>th</sup> day the response was submitted. Section 212.0095(d) supports that conclusion:

(d) A previously conditionally approved or disapproved plan or plat is approved if: (1) the applicant filed a response that meets the requirements of Subsection (c); and (2) the municipal authority or governing body that received the response *does not disapprove the plan or plat* on or before the date required by Subsection (a) and in accordance with Section 212.0091.

Disapproval must follow the process spelled out previously:

- A municipal authority or governing body that conditionally approves or disapproves a plan or plat shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific

condition for the conditional approval or reason for disapproval. *Id.* §§ 212.0095(b); 212.0091(a) (Note that (a) includes the “conditional approval” option, but a city can’t use that. It can only disapprove with explanation because it is limited to doing so by Section 212.0095(d)(2)).

- Each condition or reason specified in the written statement: (1) must be directly related to the requirements under the subdivision platting law and include a citation to the law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval, if applicable; and (2) may not be arbitrary. *Id.* §§ 212.0095(b); 212.0091(b) (Again, only disapproval with conditions is allowed at this stage).

Presumably, the approval or disapproval with explanation for new issues within 15 days allows the applicant to once again submit a written response, which once again triggers the 15 day deadline. That process could conceivably continue until all issues have been addressed.

The second process presumes that the applicant’s written submission and the city’s response to it within 15 days is a “one-and-done” proposition. That process interprets Sections 212.0095(b)(2) and (c)-(d) to allow approval if all of the items are corrected or disapproved with explanation if not. The disapproval with explanation would mean that the applicant starts again at the beginning by resubmitting the plan or plat.

### **13. Does the bill provide for an alternative plan or plat approval procedure?**

Yes, but only if they applicant agrees. An applicant may elect at any time to seek approval for a plan or plat under an alternative approval process adopted by a city if the process allows for a shorter approval period than the approval process described in the questions above. *Id.* § 212.0096.

An applicant that elects to seek approval under the alternative approval process described above is not: (1) required to satisfy the requirements of the statutory approval process in the bill above before bringing an action challenging a disapproval of a plan or plat; or (2) prejudiced in any manner in bringing the action described by (1), including satisfying a requirement to exhaust any and all remedies. *Id.* § 212.0096(b).

This alternative approval procedure may be a way to grant more authority to staff and speed up internal processes. An applicant would usually have nothing to lose by trying a city’s alternative process because the applicant could always opt back in to the procedures in the bill.

### **14. May a city require an applicant to waive any deadlines or procedures in the bill?**

Maybe, but only with regard to a plan, not a plat. A municipal authority responsible for approving plats or the governing body of a city may not request or require an applicant to waive a deadline or other approval procedure. *Id.* § 212.0097. The waiver prohibition applies only to “plats” and not to “plans,” which could allow a city to require a waiver for anything other than an actual plat, which is defined in the bill as a preliminary plat, general plan, final plat, and



replat. Of course, the prohibition against establishing a deadline by which the applicant must submit a written response remains in place. *Id.* § 212.0093.

**15. What is the burden of proof in a legal action challenging the disapproval of a plan or plat?**

In a legal action challenging a disapproval of a plan or plat, the city has the burden of proving by clear and convincing evidence that the disapproval meets the requirements of the subdivision platting law or any applicable case law, and the court may not use a “deferential standard.” *Id.* § 212.0099.

**16. May a city require a plan or plat to meet administrative completeness requirements before being considered “filed?” May a city have a submittal calendar that corresponds to the city’s internal meetings process?**

The bill doesn’t appear to modify the authority of a city to require an administrative completeness review (i.e., meet a checklist of requirements) prior to being accepted for filing. A city could also continue to have a submittal calendar that corresponds, for example, to planning and zoning commission meetings. In other words, the bill doesn’t make any additions related to acceptance for filing requirements. Thus, if a city believes it had the authority to do so prior to the bill, it should be able to continue those practices.

One exception is that, if a groundwater availability certification is required, the 30-day period begins on the date the applicant submits the groundwater availability certification to the municipal authority responsible for approving plats or the governing body, as applicable. *Id.* § 212.009(b-1).

**17. How does the bill interact with Chapter 245 (the “permit vesting statute”)?**

Chapter 245, in sections 245.001(a) and (b), provides in relevant part that:

Each regulatory agency shall consider the approval, disapproval, or conditional approval of an application for a permit solely on the basis of any orders, regulations, ordinances, rules, expiration dates, or other properly adopted requirements in effect at the time: (1) the original application for the permit is filed for review for any purpose, including review for administrative completeness; or (2) a plan for development of real property or plat application is filed with a regulatory agency.

Rights to which a permit applicant is entitled under this chapter accrue on the filing of an original application or plan for development or plat application that gives the regulatory agency fair notice of the project and the nature of the permit sought. An application or plan is considered filed on the date the applicant delivers the application or plan to the regulatory agency or deposits the application or plan with the United States Postal Service by certified mail addressed to the regulatory agency. A certified mail receipt obtained by the applicant at the time of deposit is prima facie evidence of the date the application or plan was deposited with the United States Postal Service.

The above means that an applicant could submit something for approval that would trigger vesting, but that doesn't necessarily mean that the application is "filed" for purposes of H.B. 3167. However, Section 245.001(e) provides that:

(e) A regulatory agency may provide that a permit application expires on or after the 45th day after the date the application is filed if:

(1) the applicant fails to provide documents or other information necessary to comply with the agency's technical requirements relating to the form and content of the permit application;

(2) the agency provides to the applicant not later than the 10th business day after the date the application is filed written notice of the failure that specifies the necessary documents or other information and the date the application will expire if the documents or other information is not provided; and

(3) the applicant fails to provide the specified documents or other information within the time provided in the notice.

The subsection above provides additional authority for a city to require "administrative completeness" prior to an application being considered as "filed" for purposes of H.B. 3167.

## **18. What are best practices and practical tips for compliance with the bill?**

The following suggestions were provided by planners and land use attorneys:

- Review ordinances to make sure they: (1) include all grounds for approval with conditions or denial with explanation; and (2) specifically reference/cross-reference the development code, municipal code, charter, criterial manuals, and other rules that may be cited as a result of H.B. 3167.
- Conduct a study of the cost to provide service for the required staffing levels necessary to meet H.B. 3167 timelines. For instance, a city may need additional engineering services. Adopt new fees that require development to cover the associated costs.
- Establish a detailed internal review process with internal deadlines.
- If a city doesn't have both the planning commission and governing body approval process (as allowed in Local Government Code Section 212.006), it should consider adopting such a process so that if one misses something (e.g., an item that needs to be conditionally approved), the other one can address it.
- Define "filed" in the city's ordinance to mean the day the administrative review process is finished and the plan or plat is placed on the planning and zoning commission agenda.
- Create a waiver form and make it available to applicants. The city can't request a waiver for plats, but it arguably can for plans (see question 14, above), and staff could point out that the process may actually be longer without one.
- Develop standard forms with fill-in-the-blanks and have a comment bank that includes citations to point out frequent errors.

- Establish a detailed quality control checklist (with code citations) and require it to be submitted, and stamped by the submitting engineer, as part of the completeness review.
- Host meeting/informational sessions for the development community to roll out process changes.
- Require pre-application conferences before applicants can submit.
- Limit filing to a schedule or certain day(s) of week.
- Consider whether you need to add dates to the planning and zoning commission meeting schedule, and consider what happens to the application if the commission is unable to meet within the 30-day timeframe (e.g., because of a lack of quorum).
- Delegate any applications to staff rather than the “authority responsible for approving plats” to avoid the 30-day provisions.
- Require supporting “studies” (i.e. traffic impact analysis, drainage study, etc.) be submitted prior to the first application for development.
- Consider requiring submission and approval of preliminary utility plans, potentially as part of a service availability determination, separate and prior to any submission of the actual preliminary plan or plat. Consider the same regarding: utility evaluations (city and third party); TxDOT or county road approvals (curb cuts/driveways); traffic impact analysis; variance approvals; and any other submissions that need to be made to the county and ESD (or any other governmental entity that needs to review) prior to filing.
- Do not accept a final plat for review until subdivision construction plans are approved and either a fiscal surety is filed or the infrastructure improvements are constructed.
- Call responses “notices of code deficiency” that state “your submission fails to comply with section \_\_\_\_\_ regarding \_\_\_\_\_” or “does not adequately address section \_\_\_\_\_ regarding \_\_\_\_\_.”

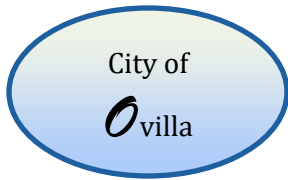
## **19. Does the bill contain any beneficial provisions?**

Yes. With regard to the approval of replats, the bill provides that:

1. a replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat: (a) is signed and acknowledged by only the owners of the property being replatted; (b) is approved by the municipal authority responsible for approving plats; and (c) does not attempt to amend or remove any covenants or restrictions (*Id.* § 212.014); and
2. for a replat that, during the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot or any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot: (a) if the proposed replat requires a variance or exception, a public hearing must be held by the municipal planning commission or the governing body of the city and; (b) if a proposed replat does not require a variance or exception, the city shall, not later than the 15th day after the date the replat is approved, provide written notice by mail of the approval of the replat to each owner of a lot in the original subdivision that is within 200 feet of the lots to be replatted according to the most recent municipality or county tax roll; (c) sections (a) and (b) do not apply to a proposed replat if the municipal planning commission or the governing body of the city holds a public hearing and gives notice of the hearing in the

manner provided by section (b); (d) the notice of a replat approval required by section (b) must include: (i) the zoning designation of the property after the replat; and (ii) a telephone number and e-mail address an owner of a lot may use to contact the city about the replat (*Id.* § 212.015).





# Ovilla City Council

## AGENDA ITEM REPORT Item 2

Meeting Date: March 14, 2022

Department: Administration

☒ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: Staff

Reviewed By: ☒ City Manager

☒ City Secretary

☒ City Attorney

☐ Finance Director

☐ Other:

### AGENDA ITEM:

**ITEM 2. DISCUSSION/ACTION**– Consideration and action on an Ordinance No. 2022-04 Of The City Of Ovilla, Texas, enacting amendments to the city's zoning ordinance and building code regulations to provide for compliance with new state laws affecting materials used in the construction or renovation of residential and commercial buildings; providing for appeals; providing a conflict clause; providing a severance clause providing a savings clause; and setting an effective date

### Attachments:

1. Proposed Ordinance 2022-04 Building Materials Update
2. Q&A with TML Staff Attorney Scott Houston

### Discussion / Justification:

**Background:** The State of Texas Enacted H.B. 2439 which became effective September 1, 2019. H.B. 2439 states that a governmental entity, including a city, may not adopt or enforce a rule, charter provision, ordinance, order, building code, or other regulation that: (1) prohibits or limits, directly or indirectly, the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building; or (2) establishes a standard for a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building if the standard is more stringent than a standard for the product, material, or aesthetic method under a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building.

The City of Ovilla is adopting Ordinance No. 2022-04 in order to become compliant with state law.

### Recommendation / Staff Comments:

Staff Recommends: Approval

### Sample Motion(s):

I move to approve/deny Ordinance No. 2022-04 Of The City Of Ovilla, Texas, Enacting Amendments To The City's Zoning Ordinance And Building Code Regulations To Provide For Compliance With New State Laws Affecting Materials Used In The Construction Or Renovation Of Residential And Commercial Buildings.



**City of OVILLA Planning & Zoning Commission  
Recommendation to the City Council**

**ITEM 2.**      **DISCUSSION/ACTION** – Ordinance No. 2022-04 of The City of Ovilla, Texas, enacting amendments to the City’s Zoning Ordinance and Building Code Regulations to provide for compliance with new state laws affecting materials used in the construction or renovation of residential and commercial buildings; providing for appeals; providing a conflict clause; providing a severance clause providing a savings clause; and setting an effective date, and forwarding recommendation to the Ovilla City Council for consideration.

\*\*\*\*\*

**PLANNING AND ZONING Members present, and upon a record vote to** APPROVE  
RECOMMENDATION

PL1 Gray AYE  
PL2 Lewis ABSENT  
PL3 Lynch AYE  
PL4 Whittaker AYE

PL5 Muckleroy AYE  
PL6 Hart AYE

5      **FOR**  
0      **AGAINST**  
0      **ABSTAIN**

*C. Lynch*  
Presiding Officer of P&Z

*G. Miller*  
G Miller  
Deputy City Secretary

*3/7/2022*  
Date

*3/7/2022*  
Date



**ORDINANCE NO. 2022-04**

**AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, ENACTING AMENDMENTS TO THE CITY'S ZONING ORDINANCE AND BUILDING CODE REGULATIONS TO PROVIDE FOR COMPLIANCE WITH NEW STATE LAWS AFFECTING MATERIALS USED IN THE CONSTRUCTION OR RENOVATION OF RESIDENTIAL AND COMMERCIAL BUILDINGS; PROVIDING FOR APPEALS; PROVIDING A CONFLICT CLAUSE; PROVIDING A SEVERANCE CLAUSE PROVIDING A SAVINGS CLAUSE; AND SETTING AN EFFECTIVE DATE**

WHEREAS, the 2019 Legislature enacted HB 2439, prohibiting municipal regulation of materials used for construction and renovation of residential and commercial buildings in certain instances and subject to certain exceptions; and

WHEREAS, HB 2439 affects both the enactment of new regulations and the enforcement of existing regulations pertaining to materials for construction or alteration of residential and commercial buildings; and

WHEREAS, HB 2439 was signed by the Governor on June 14, 2019 and has an effective date of September 1, 2019; and

WHEREAS, it is the intent of the City Council of the City of Ovilla, Texas ("City"), to fully comply with the provisions of HB 2439, while maximizing the public health, safety and general welfare of its citizens; and

WHEREAS, the City Council finds that City regulations prescribing the types of materials, products or aesthetic methods used for the construction or alteration of residential and commercial buildings are essential for preserving the public health and safety of its citizens and substantially further the economic development and general welfare of the City; and

WHEREAS, the exemptions to the provisions of HB 2439 hereinafter provided by this Ordinance are in accordance with the purpose and content of such law; and

WHEREAS, it is the intent of this Ordinance to supersede enforcement of regulations prescribing the types of materials, products or aesthetic methods used for construction or renovation of residential and commercial buildings, in so far as they conflict with HB 2439; and

WHEREAS, it is the further intent of this Ordinance to provide procedures for appealing decisions of officials in the enforcement of regulations prescribing the types of materials, products and aesthetic methods used for construction or renovation of residential and commercial buildings; and

WHEREAS, it is the further intent of this Ordinance to provide information to citizens of the City of Ovilla that are affected by HB 2439 concerning the prohibitions and limitations on enactment and enforcement of zoning and building regulations prescribing the types of materials, products and aesthetic methods used for construction or renovation of residential and commercial buildings; and

WHEREAS, the City has given notice of the amendments to the zoning and building regulations contained in this Ordinance in accordance with all provisions of state law and the City's ordinances; and

WHEREAS, a public hearing on the provisions of this Ordinance before the City's Planning and Zoning Commission was conducted on \_\_\_\_\_, 2022; and

WHEREAS, the City Council has received the report of the Commission recommending approval of this Ordinance; and

WHEREAS, a public hearing on the provisions of this Ordinance before the City Council was conducted on \_\_\_\_\_ 2022; and

WHEREAS, the City Council finds that this Ordinance substantially advances the public health, safety and general welfare of the citizens of the City, Texas;

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

**SECTION 1.** Incorporation of Recitals. The foregoing recitals hereby are incorporated by reference and made a part hereof as if fully set forth.

**SECTION 2.** Definitions. The following definitions apply to the provisions of this ordinance:

(a) "National model code" means a publication that is developed, promulgated, and periodically updated at a national level by organizations consisting of industry and government fire and building safety officials through a legislative or consensus process and that is intended

for consideration by units of government as local law. “National model code” includes the International Residential Code, the National Electrical Code and the International Building Code.

(b) “Residential building” means a building having the character of a one-family or two-family dwelling or a multiple single-family dwelling that is not more than three stories high with separate means of egress, including the accessory structures of the dwelling and that does not have the character of a facility used for the accommodation of transient guests or a structure in which medical, rehabilitative, or assisted living services are provided in connection with the occupancy of the structure.

(c) “Commercial building” means a building for the use or occupation of people for a public purpose or economic gain, or a residence if the building is a multi-family residence that is not defined as a residential building.

(d) “Building Code” means any of the following adopted by the City, as amended: International Residential Code, National Electrical Code, International Building Code and International Plumbing Code.

(e) “Zoning Ordinance” means Ordinance No. 2010-013, as amended from time to time.

### **SECTION 3. Prohibitions on Enforcement.**

(a) Notwithstanding any other provision contained in the City’s ordinances, regulations or rules to the contrary, an official responsible for enforcement of the City’s Zoning Ordinance or Building Codes, as designated by city ordinance or other authorization of the City, shall not:

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

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

(b) An applicant who proposes to use a building material, product or aesthetic method in the construction or alteration of a residential or commercial building that is prohibited or limited by the City's adopted zoning ordinance or building codes, as amended, or that is less stringent than the standard established by such ordinance or building codes, as amended, shall identify each provision in a national model code published within the last three code cycles that approves the use of such building material, product or aesthetic method, as a necessary requirement of the application.

(c) An applicant may agree in writing to employ a building material, product or aesthetic method for use in the construction or alternation of a residential or commercial building that otherwise cannot be enforced under subsection (a).

**SECTION 4.** Exemptions for ordinances, requirements and programs. The prohibitions in Section 3 do not apply to the following ordinances, requirements or programs of the City or State, and the officials responsible for enforcement of the City's zoning ordinance and building codes, as designated by city ordinance or other authorization of the City, shall apply all regulations and standards prescribed by such enactments, requirements or programs, whether such ordinances, requirements or programs are existing or hereafter adopted or established, to the fullest extent therein provided:

(a) a local amendment of a building code to conform to local concerns if the amendment does not conflict with Sections 3(a) or (b);

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

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

(d) an ordinance or other regulation that regulates outdoor lighting that is adopted for the purpose of reducing light pollution and that: (1) is adopted by a governmental entity that is certified as a Dark Sky Community by the International Dark-Sky Association as part of the International Dark Sky Places Program; or (2) applies to outdoor lighting within five miles of the boundary of a military base in which an active training program is conducted;

(e) an ordinance that regulates outdoor lighting and is adopted under Subchapter B, Chapter 229, Texas Local Government Code, or under Subchapter B, Chapter 240, Texas Local Government Code; or

(f) installation of a fire sprinkler protection system under Tex. Occupation Code, section 1301.551(i), or under Tex. Health and Safety Code, section 775.045(a)(1).

**SECTION 5. Exemptions for Buildings.** The prohibitions in Section 3 do not apply to the following buildings, and the officials responsible for enforcement of the City's Zoning Ordinance and Building Codes, as designated by ordinance or other authorization of the City, shall apply all regulations and standards prescribed by those ordinances or codes to such buildings, whether such provisions are existing or hereafter adopted or established, to the fullest extent therein provided:

(a) a building located in a place or area designated for its historical, cultural, or architectural importance and significance by the City Council prior to April 1, 2019:

(b) a building located in a zoning district designated by the City Council after April 1, 2019 for its historical, cultural, or architectural importance and significance by the City, and for which the owner has voluntarily consented in writing to the application of the regulations or standards prohibited by Section 3, including the following zoning districts and any district that may hereafter be created by the City Council for its historical, cultural, or architectural importance and significance;

(c) a building located in a place or area designated for its historical, cultural, or architectural importance and significance that a municipality may regulate under Section 211.003(b), Texas Local Government Code, if the municipality (1) is a certified local government under the National Historic Preservation Act (54 U.S.C. Section 300101 et seq.); or (2) has an applicable landmark ordinance that meets the requirements under the certified local government program as determined by the Texas Historical Commission;

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

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

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

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

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

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

**SECTION 6. Appeal.** An applicant, landowner or other aggrieved person may appeal the decision of an official responsible for enforcement of the City's Zoning Ordinance or Building Codes, as designated by ordinance or other authorization of the City, applying a regulation or standard to the construction, renovation, maintenance, or other alteration of a residential or commercial building, which application is asserted to be prohibited by Section 3, in the following manner:

(a) If the decision applies a requirement of a building code, to the Building Board of Appeals, or if there is no Building Board, to the Zoning Board of Adjustment; or

(b) if the decision applies a requirement of the zoning ordinance, to the Zoning Board of Adjustment.

The appeal shall identify the provision or provisions which the appellant alleges to have been applied in violation of Section 3. The appeal shall be filed, processed and decided in the manner provided for appeals by the appellate entity herein designated.

**SECTION 7. SAVINGS CLAUSE.** This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances for the City of Ovilla, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event, conflicting provisions of such ordinances and Code are hereby superseded.

**SECTION 8. SEVERANCE CLAUSE.** Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance, or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

**SECTION 9. EFFECTIVE DATE.** Because of the nature of the interests sought to be protected and of the safeguards sought to be provided by this Ordinance, and in the interest of the health, safety, and welfare of the citizens of Ovilla, Texas, this Ordinance shall take effect immediately after its passage, approval, and publication as required by law.

**SECTION 10. 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.

**SECTION 11. FINDINGS INCORPORATED.** The findings set forth above at the beginning of this Ordinance are legislative findings of the City Council and are incorporated as if fully set forth herein. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this Ordinance are reasonable and necessary to protect the public health, safety and quality of life.

**PASSED, APPROVED and ADOPTED** by the City Council, the City of Ovilla, Texas, on this the \_\_\_\_ day of \_\_\_\_\_, 2022.

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Richard Dormier, Mayor

ATTEST:

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Bobbie Jo Taylor, City Secretary

APPROVED AS TO FORM:

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Ron G. MacFarlane, Jr., City Attorney



## CITY OF OVILLA NOTICE OF PUBLIC HEARING

NOTICE is hereby given to all interested persons that the Planning & Zoning Commission of the City of Ovilla, Texas, will conduct a public hearing on **Monday, March 7, 2022 at 6 o'clock p.m.** at the Ovilla Municipal Building, Council Chamber Room, 105 S. Cockrell Hill Road, Ovilla, Texas for the purpose of obtaining public comment regarding the following:

**AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, ENACTING AMENDMENTS TO THE CITY'S ZONING ORDINANCE AND BUILDING CODE REGULATIONS TO PROVIDE FOR COMPLIANCE WITH NEW STATE LAWS AFFECTING MATERIALS USED IN THE CONSTRUCTION OR RENOVATION OF RESIDENTIAL AND COMMERCIAL BUILDINGS; PROVIDING FOR APPEALS; PROVIDING A CONFLICT CLAUSE; PROVIDING A SEVERANCE CLAUSE PROVIDING A SAVINGS CLAUSE; AND SETTING AN EFFECTIVE DATE**

The Ovilla City Council will consider and act on the Ordinance enacting amendments to the city's zoning ordinance and building code regulations to provide for compliance with new state laws affecting materials used in the construction or renovation of residential and commercial buildings after it receives a final report and recommendation from the Planning and Zoning Commission. (LCG §211.007) The scheduled date for the second public hearing, consideration and action **Monday, March 14, 2022 at 6:30 o'clock p.m.**, during a regularly scheduled City Council meeting.

All interested persons are invited to attend and share comments. Written comments will also be accepted by mail addressed to Bobbie Jo Taylor, City Secretary, 105 S. Cockrell Hill Road, Ovilla, TX 75154, email [btaylor@cityofovilla.org](mailto:btaylor@cityofovilla.org) or fax 972-515-3221. For additional information regarding this notice, please contact City Secretary Bobbie Jo Taylor, [btaylor@cityofovilla.org](mailto:btaylor@cityofovilla.org).

**H.B. 2439 (2019)**  
**Legal Q&A**  
**Scott Houston**

**1. What is H.B. 2439?**

**H.B. 2439** by Representative Dade Phelan (R – Beaumont) is effective September 1, 2019, and generally provides – with some exceptions – that a governmental entity, including a city, may not adopt or enforce a rule, charter provision, ordinance, order, building code, or other regulation that: (1) prohibits or limits, directly or indirectly, the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building; or (2) establishes a standard for a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building if the standard is more stringent than a standard for the product, material, or aesthetic method under a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building. *See* TEXAS GOV'T CODE Section 3000.002(a)(1) & (2).

A rule, charter provision, ordinance, order, building code, or other regulation adopted by a city that conflicts with the bill is void. 3000.002(e).

**2. Why was the bill needed?**

According to the Texas House Business and Commerce Committee Report:

There have been concerns raised regarding the elimination of consumer and builder choice in construction through overly restrictive local municipal zoning ordinances, building codes, design guidelines, and architectural standards. Critics argue that these restrictive ordinances, codes, guidelines, and standards create monopolies, increase the cost of construction, and ultimately price thousands of Texans out of the housing market. C.S.H.B. 2439 seeks to address these concerns and eliminate the ability of a governmental entity to enact overly restrictive, vendor-driven building regulations.

In other words, the undertone was that cities were enacting ordinances that required builders to use products available from only one or a few sources to benefit those vendors. Of course, the bill goes much, much further than that. Legislators are already hearing from city officials about the bill's detrimental affects.

**3. What is meant by a city regulation that “prohibits or limits, directly or indirectly, the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building?”**

The best way to understand this core provision of the bill is to break it down into two elements:

- The bill clearly applies only to residential or commercial “buildings.” 3000.002(a)(1). Those terms are not defined, so their normal meaning applies. 311.011. That means it is safe to say that single- and multi-family homes, as well apartments, are subject to the bill’s limitations. Commercial buildings typically include retail and warehouses, but not industrial or more intense uses. A city can define the terms by ordinance, but shouldn’t be unreasonable. In other words, it doesn’t make sense to classify a single-family home as an industrial use.

“Construction, renovation, maintenance, or other alteration” appears to cover just about any type of change to a building.

- A “building product or material [that] is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building.” 3000.002(a)(1).

Most agree that the language above references the International Code Council model codes and a handful of others. Currently, cities should normally be operating under: (1) the International Residential Code (IRC) for residential construction; (2) the National Electrical Code (NEC) for electrical construction in both residential and commercial construction; and (3) the International Energy Conservation Code (IECC) and the International Building Code (IBC) for all construction other than single-family residential. With regard to plumbing codes, a city may be operating under the plumbing provisions of the IRC and/or either the plumbing provisions of the Uniform Plumbing Code (UPC) or International Plumbing Code (IPC). Other ICC Codes includes the International Fire Code (IFC), the International Fuel Gas Code (IFGS), the International Property Maintenance Code, and several more.

The ICC code cycles update every three years. The last three code cycles as of 2019 are 2018, 2015, and 2012.

Examples of materials allowed by the 2018 IRC for home exteriors include, among others: (1) concrete, stone, or masonry; (2) fiber cement siding; (3) horizontal aluminum; (4) vinyl siding; or (5) wood siding. *See* Table [R703.3\(1\)](#). A city that has, through an IRC amendment or any other regulation, mandated a percent masonry requirement is thus preempted. A builder can now use vinyl siding or wood siding if he or she chooses because those are a “building product or material [that] is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building.”

The bills prohibitions aren’t limited to aesthetic building products or materials. Any city that has amended any ICC or other code should review those amendments with their building official and legal counsel to determine if an amendment runs afoul of the bill’s prohibitions.

**4. What is meant by a city regulation that “establishes a standard for a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building if the standard is more stringent than a standard for the product, material, or aesthetic method under a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building?”**

Most agree that any city regulation requiring that a building look a certain way (i.e., above-and-beyond an appearance that comes about through compliance with minimum national model code standards) is prohibited. 3000.002(a)(2). For example, architectural features, front elevation requirements, roof pitch, window size, and similar requirements that go beyond what is required by a base international model code are presumably preempted.

**5. Can a city continue to adopt amendments to its building codes?**

Yes, but they can’t conflict with the prohibitions in the bill. A city that adopts a building code governing the construction, renovation, maintenance, or other alteration of a residential or commercial building may amend a provision of the building code to conform to local concerns if the amendment does not conflict with the prohibitions discussed in questions 3 and 4, above. 3000.002(b). The prohibition against amendments that conflict with the bill overrides authority in other law to make amendments. *See, e.g.,* TEX. LOC. GOV’T CODE 214.212(c); 214.214(b); 214.216(c).

**6. May a city use private deed restrictions to require certain materials or methods?**

Probably not. State law authorizes the City of Houston and any city that doesn’t have zoning to enforce certain private deed restrictions. TEX. LOC. GOV’T CODE Subchapter F. (an authorized city may enforce a deed restriction that “regulates architectural features of a structure”). However, the language in H.B. 2439 arguably preempts such a regulation because it would be “establishing a standard or limiting a product.” Of course, private deed restrictions between property owners are still enforceable.

**7. Does a city have any option at all with regard to controlling building materials or construction methods?**

That’s debatable, but the obvious method is by agreement. A city can enter into an agreement wherein a person voluntarily agrees to abide by certain standards. For commercial construction, the incentivizing tool would be a Local Government Code “Chapter 380 agreement.” For residential and commercial, it would be a “neighborhood empowerment zone” under Chapter

378 of the Local Government Code. Property and/or sales tax abatements could be other options.

**8. Are some structures exempt from the prohibitions in the bill?**

Yes. The prohibitions in questions 3 and 4, above, do not apply to:

1. a program established by a state agency that requires particular standards, incentives, or financing arrangements in order to comply with requirements of a state or federal funding source or housing program;
2. a requirement for a building necessary to consider the building eligible for windstorm and hail insurance coverage;
3. an ordinance or other regulation that: (i) regulates outdoor lighting for the purpose of reducing light pollution; and (ii) is adopted by a city that is certified as a Dark Sky Community by the International Dark-Sky Association as part of the International Dark Sky Places Program;
4. an ordinance or order that: (i) regulates outdoor lighting; and (ii) is adopted under the authority of state law; or
5. a building located in a place or area designated for its historical, cultural, or architectural importance and significance that a city may regulate through zoning, if the city: (i) is a certified local government under the National Historic Preservation Act; or (ii) has an applicable landmark ordinance that meets the requirements under the certified local government program as determined by the Texas Historical Commission (a city that doesn't meet (i) or (ii) can adopt or enforce a regulation in questions 3 and 4, above, that applies to a building located in a place or area designated on or after April 1, 2019, by the city for its historical, cultural, or architectural importance and significance, if the city has the voluntary consent from the building owner);
6. a building located in a place or area designated for its historical, cultural, or architectural importance and significance by a city, if designated before April 1, 2019;
7. a building located in an area designated as a historic district on the National Register of Historic Places;
8. a building designated as a Recorded Texas Historic Landmark;
9. a building designated as a State Archeological Landmark or State Antiquities Landmark;
10. a building listed on the National Register of Historic Places or designated as a landmark by a city;
11. a building located in a World Heritage Buffer Zone; or
12. a building located in an area designated for development, restoration, or preservation in a main street city under the main street program.

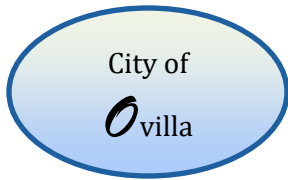
3000.002(c)(1)-(12); 3000.002(d). In addition, the bill does not affect provisions regarding the installation of a fire sprinkler protection system under Section 1301.551(i), Occupations Code. 3000.004. Section 1301.551(i) provides that:

Notwithstanding any other provision of state law, after January 1, 2009, a municipality may not enact an ordinance, bylaw, order, building code, or rule requiring the installation of a multipurpose residential fire protection sprinkler system or any other

fire sprinkler protection system in a new or existing one- or two-family dwelling. A municipality may adopt an ordinance, bylaw, order, or rule allowing a multipurpose residential fire protection sprinkler specialist or other contractor to offer, for a fee, the installation of a fire sprinkler protection system in a new one- or two-family dwelling.

**9. How are the bill's prohibitions enforced?**

The attorney general or an aggrieved party may file an action in district court to enjoin a violation or threatened violation of the bill. 3000.003. The attorney general may recover reasonable attorney's fees and costs incurred in bringing an action under the bill, and sovereign and governmental immunity to suit is waived and abolished to the extent necessary to enforce the bill. *Id.*



# Ovilla City Council

## AGENDA ITEM REPORT Item 3

Meeting Date: March 14, 2022

Department: Administration

☒ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: Staff

Reviewed By: ☒ City Manager

☒ City Secretary

☒ City Attorney

☒ Finance Director

☐ Other:

### AGENDA ITEM

**ITEM 3. DISCUSSION/ACTION**– Consideration of and action on deed restrictions for 708 W. Main St. and 0.46 acres of landlocked property behind 708 W. Main St. known as the Switzer Property, which shall be platted as one parcel; both properties are owned by the City of Ovilla.

### Attachments:

1. Surveys of both properties
2. History District Overlay Permitting Uses Listing

### Discussion / Justification:

Council directed staff to obtain a certified appraisal for this property. Although staff believes the 0.46 acres behind 708 Main was also intended to be included in the sale, staff needs to obtain permission from Council to move forward with that adjoining piece of property.

Additionally, the appraiser requests that any deed restrictions be in writing and approved by the governing body. An appraiser was hired however, due to illness and covid the appraisal has been delayed. He is prepared to finish the appraisal now but requests the restrictions in writing and approval by the governing body. Below are some specifics discussed by Council with staff.

House at 708 Main:

1. The property will be developed as a commercial property - No residential use.
2. The property must be developed to generate sales tax for the City.
3. The goal is to develop the property into a local restaurant with regional appeal possibly with outdoor seating in the lower areas along the creek.
4. Parking to be overbuilt by 50 spaces for inclusion as overflow parking for the downtown area and city events (city council to consider if the City will participate in cost of the 50 parking spaces-otherwise we need to split the property and build another parking lot ourselves).

Commercial:

708 Main Street, Ovilla

<https://esearch.elliscad.com/Property/View/187748>

It is the recommendation of staff and legal counsel to plat these two properties as one prior to sale.

On February 14, 2022, at the City Council Meeting Mayor Dormier asked that each Council Member bring suggestions to be considered for deed restrictions for the property.

### Recommendation / Staff Comments:

Staff recommends approval.



<b>Sample Motion(s):</b>
I move to approve/deny the noted deed restrictions for 708 W. Main St. and 2.4 acres of landlocked property behind 708 W. Main St. known as the Switzer Property, which shall be platted as one parcel; both properties are owned by the City of Ovilla.

### **24.3 PERMITTED USES**

No land shall be used or building constructed, reconstructed, altered, or enlarged, unless permitted in the listing of uses in the underlying district with the exception of the following uses, which shall be prohibited:

- A. Animal Pound, Shelter
- B. Athletic Field and Play Field, Public
- C. Auto Car Wash
- D. Auto Parts & Accessory Sales
- E. Auto Rental (Car & Truck)
- F. Cemetery, Mausoleum, Crematorium
- G. Commercial Swimming Pool
- H. Garage Repair
- I. Greenhouse or Plant Nursery
- J. Hospital
- K. Landscape Service
- L. Mini-warehouse
- M. Recreational Vehicle Storage
- N. Rental Store
- O. Veterinarian Hospital without Outside Pens
- P. Any Use Listed as Being Prohibited in the Underlying District

# SURVEY PLAT

COPYRIGHT DATE 10-22-2018

BEING ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND BEING 0.46 ACRES IN THE JAMES MCNAMARA SURVEY, ABSTRACT NO. 693, ELLIS COUNTY, TEXAS, AS DESCRIBED IN DEED EXECUTED BY MONNIE SPRINGER TO REBECCA ANN SWITZER RECORDED IN VOLUME 917, PAGE 212, OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS AND BEING OUT OF THE CALLED G.L. WADDLE 5 ACRE TRACT AS DESCRIBED IN VOLUME 324 PAGE 60, DEED RECORDS OF ELLIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT A CHAIN LINK FENCE CORNER FOUND FOR THE S E CORNER OF THE A.H. MCLEMORE 1 ACRE TRACT DESCRIBED IN VOLUME 369 PAGE 68, DEED RECORDS OF ELLIS COUNTY, TEXAS, ALSO BEING THE S E CORNER OF TRACT 1 IN DEED FROM DIXIE BROWNING TO WADDLE HOLDINGS, LLC AS RECORDED IN VOLUME 2703 PAGE 1633 OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS; THENCE N02°37'04"W, GENERALLY ALONG A FENCE AND TRACT LINE A DISTANCE OF 75.43 FEET TO A 1" STEEL ROD FOUND AT THE S W CORNER OF A 0.43 ACRE TRACT DESCRIBED AS TRACT 2 OF SAID WADDLE HOLDINGS, LLC DEED; (DEED N01°02'E, 74.9')  
THENCE N86°13'06"E WITH THE SOUTH LINE OF SAID 0.43 ACRE TRACT, A DISTANCE OF 266.28 FEET TO A POINT IN THE APPROXIMATE CENTERLINE OF A BRANCH; (DEED EAST 266.6')  
THENCE S04°16'23"E WITH THE APPROXIMATE CENTERLINE OF SAID BRANCH AND TRACT LINE, 74.92 FEET TO A POINT IN THE N E CORNER OF A 0.64 ACRE TRACT AS DESCRIBED AS TRACT 1 IN DEED TO JOHN A. WHITE AND WIFE, ANITA J WHITE AS RECORDED IN VOLUME 965 PAGE 793 OF THE DEED RECORDS OF ELLIS COUNTY, TEXAS; (DEED S00°27'E, 74.9')

THENCE S86°06'51"W WITH THE NORTH LINES OF SAID 0.64 ACRE TRACT AND 0.54 ACRE TRACT AS TRACT 2 OF SAID WHITE DEED, A DISTANCE OF 268.46 FEET TO THE POINT OF BEGINNING (DEED WEST, 268.5') AND CONTAINING 0.46 ACRES OF LAND, MORE OR LESS. BASIS OF BEARING TEXAS COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE, ALL MEASUREMENTS ARE SURFACE MEASUREMENTS.

TRACT 2  
VOL. 2703 PG. 1633

N86°13'06"E  
266.28'

20097.2 Sq. Feet  
0.46 Acres

S86°06'51"W  
268.46'

VOL. 965 PG. 793

TRACT 1  
VOL. 2703 PG. 1633

S 86°16'03" W  
204.28'

VOL. 513 PG. 300

SHILOH CUMBERLAND  
PRESBYTERIAN CHURCH

VOL. 685 PG. 535

VOL. 779 PG. 259

P.O.B.

N 02°57'16" W  
225.42'

S 05°15'45" E  
236.63'

S 88°46'55" E  
105.32'

NOTE: APPROXIMATE LOCATION OF  
15' UTIL. ESMT. TO CITY OF OVILLA  
VOLUME 1119 PAGE 601 D.R.E.C.T.  
30' TEMP. CONST. ESMT.  
ACTUAL ESMT. CENTERLINE OF  
WASTEWATER COLLECTION LINE

ALLISON & RICH GRENBORG  
VOLUME 2113 PAGE 719

S04°16'23"E  
74.92'

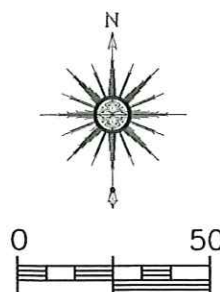
S 88°36'33" W  
339.68'

OVILLA AUTOMOTIVE  
VOL. 2020 PG. 415

S 03°33'53" W  
177.76'

OVILLA ROAD (F.M. 664)

COCKRELL HILL ROAD



LEGEND	
	POWER POLE
	WOOD DECK
	CONCRETE
	GRAVEL
	BRICK
	ASPHALT
	ROCK
	PROPERTY LINE
	FENCE
	BUILDING LINE
	EASEMENT LINE
	IRON ROD FOUND
	IRON ROD SET
	POWER LINE
	POWER BOX
	IMPROVEMENTS

## BASIS OF BEARING

1. BEARINGS SHOWN HEREON ARE REFERENCED TO TEXAS COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE, AND ARE BASED ON THE NORTH AMERICAN DATUM OF 1983. (2011 ADJUSTMENTS)  
2. ALL AREAS SHOWN HEREON ARE CALCULATED BASED ON SURFACE MEASUREMENTS  
3. ALL DISTANCES ARE MEASURED IN US SURVEY FEET.

ACCEPTED BY:

I, Jimmilyn D. Woodard, Registered Professional Land Surveyor of the State of Texas, do certify that this Survey Plat is a representation of the property shown hereon as determined by a survey on the ground. The lines and dimensions of said property being as indicated by the plat; The size, location and type of above ground improvements are as shown. Corner monuments are as shown on survey. EXCEPT AS SHOWN ON SURVEY, THERE ARE NO ABOVE GROUND ENCROACHMENTS OR ABOVE GROUND PROTRUSIONS.

This survey makes no judgments as to the ownership of the property, only that the property exist on the ground as shown and surveyed from a description provided to the surveyor.

This Survey was performed exclusively for the parties shown hereon and is licensed for a single use. This Survey remains the property of the Jimmy W. Pogue, Inc.. Unauthorized reuse is not permitted without the expressed written permission of the President of company. This survey is an original work protected by United States Copyright Law and International Treaties. All rights reserved. Do not make illegal copies.

Jimmilyn D. Woodard RPLS #5398

THIS SURVEY VALID WITH EMBOSSED SEAL  
AND ORIGINAL SIGNATURE IN BLUE INK



<b>JIMMY W. POGUE, INC.</b>	
"Registered Professional Land Surveyors"	
FIRM NO. 101219-00	
2106 N. Highway 67 (214) 371-0666 Voice Midlothian Texas 76065 (214) 371-9900 Fax	
Jimmilyn D. Woodard R.P.L.S. No. 5398	
G.F. Number: 1810008	Title Company: ELLIS COUNTY ABST.
Certified to: CITY OF OVILLA	
Job Number: 126052	Date: 10-22-2018
"A professional company operating in your best interest"	



# SURVEY PLAT

COPYRIGHT DATE 10-22-2018

BEING ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND BEING 1.97 ACRES IN THE JAMES MCNAMARA SURVEY, ABSTRACT NO. 693, ELLIS COUNTY, TEXAS, AS DESCRIBED IN DEED EXECUTED BY ASTER E. MCLEMORE TO JOHN ALTON WHITE AND ANITA WHITE RECORDED IN VOLUME 779 PAGE 259, DEED RECORDS OF ELLIS COUNTY, TEXAS, AND AS DESCRIBED IN DEED EXECUTED BY DAVID E. WHITE AND WIFE, RESSIE WHITE TO JOHN A. WHITE AND WIFE, ANITA J. WHITE RECORDED IN VOLUME 965 PAGE 793, OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT A 3/8" IRON PIPE FOUND IN THE NORTH LINE OF COCKRELL HILL ROAD AND BEING THE SW CORNER OF SAID WHITE TRACT AS DESCRIBED IN VOLUME 779 PAGE 259 DIRECT;  
THENCE N02°57'16"W ALONG THE WEST LINE OF SAID WHITE TRACT AND THE EAST LINE OF A TRACT TO THE SHILOH CUMBERLAND PRESBYTERIAN CHURCH AS RECORDED IN VOLUME 685 PAGE 535 OF THE DEED RECORDS OF ELLIS COUNTY, TEXAS, A DISTANCE OF 225.42 FEET TO A 3/8" IRON PIPE FOUND FOR CORNER AND BEING THE NEC OF SAID CHURCH TRACT; (DEED NORTH 226.5')  
THENCE N85°52'42"E WITH THE NORTH LINE OF SAID WHITE TRACTS A DISTANCE OF 333.06 FEET TO A POINT IN THE APPROXIMATE CENTERLINE OF A BRANCH; (DEED EAST)  
THENCE WITH THE APPROXIMATE CENTERLINE OF SAID CREEK BRANCH THE FOLLOWING COURSE  
AND DISTANCE: S01°36'37"E, 104.86 FEET, S47°00'00"E 86.0 FEET, AND S07°45'00"W 89.70 FEET TO A POINT FOR CORNER;  
THENCE N89°46'31"W WITH THE SOUTH LINE OF SAID WHITE TRACT A DISTANCE OF 269.03 FEET TO A 5/8" IRON PIPE FOUND FOR THE SEC OF SAID WHITES TRACT DESCRIBED IN VOLUME 779 PAGE 259 DIRECT AND BEING IN THE NORTH LINE OF COCKRELL HILL ROAD; (DEED N84°46'55"W)  
THENCE CONTINUING WITH THE NORTH LINE OF COCKRELL HILL ROAD N88°46'55"W A DISTANCE OF 105.32 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.97 ACRES OF LAND, MORE OR LESS.

TRACT 1  
VOL. 2703 PG. 1633

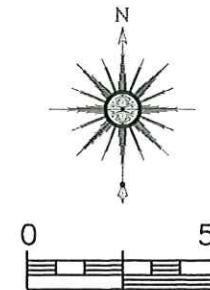
SWITZER 0.46 AC TRACT  
VOL. 917 PG. 212

ALLISON & RICH GRENBORG  
VOLUME 2113 PAGE 719  
ALLISON & RICH GRENBORG  
VOLUME 2113 PAGE 719

OVILLA AUTOMOTIVE  
VOL. 2020 PG. 415

OVILLA ROAD (F.M. 664)

COCKRELL HILL ROAD



VOL. 513 PG. 300

VOL. 685 PG. 535

85623.3 Sq. Feet  
1.97 Acres

BASIS OF BEARING  
1. BEARINGS SHOWN HEREON ARE REFERENCED TO TEXAS COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE, AND ARE BASED ON THE NORTH AMERICAN DATUM OF 1983. (2011 ADJUSTMENTS)  
2. ALL AREAS SHOWN HEREON ARE CALCULATED BASED ON SURFACE MEASUREMENTS  
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## LEGEND

	POWER POLE		FENCE
	WOOD DECK		BUILDING LINE
	CONCRETE		EASEMENT LINE
	GRAVEL		IRON ROD FOUND
	BRICK		IRON ROD SET
	ASPHALT		POWER LINE
	ROCK		POWER BOX
	PROPERTY LINE		IMPROVEMENTS

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G.F. Number: 1810007 Title Company: ELLIS COUNTY ABST.

Certified to: CITY OF OVILLA

Job Number: 126053 Date: 10-22-2018

"A professional company operating in your best interest"

P.O.B. N88°46'55"W  
105.32'

MAIN STREET  
(COCKRELL HILL ROAD)

N89°46'31"W  
269.03'

CLERK'S FILE NO.  
2018-1823122

ACCEPTED BY:

NOTE: APPROXIMATE LOCATION OF 15' UTIL. ESMT. TO CITY OF OVILLA VOLUME 1119 PAGE 609 D.R.E.C.T. 30' TEMP. CONST. ESMT. ACTUAL ESMT. CENTERLINE OF WASTEWATER COLLECTION LINE

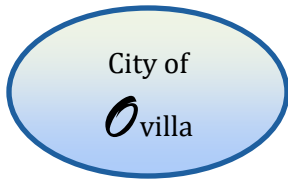
I, Jimmilyn D. Woodard, Registered Professional Land Surveyor of the State of Texas, do certify that this Survey Plat is a representation of the property shown hereon as determined by a survey on the ground. The lines and dimensions of said property being as indicated by the plat; The size, location and type of above ground improvements are as shown. Corner monuments are as shown on survey. EXCEPT AS SHOWN ON SURVEY, THERE ARE NO ABOVE GROUND ENCROACHMENTS OR ABOVE GROUND PROTRUSIONS.

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THIS SURVEY VALID WITH EMBOSSED SEAL AND ORIGINAL SIGNATURE IN BLUE INK





# Ovilla City Council

## AGENDA ITEM REPORT Item 4

Meeting Date: March 14, 2022

Department: Administration

☒ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: Staff

Reviewed By: ☒ City Manager

☒ City Secretary

☒ City Attorney

☐ Finance Director

☒ Other:

### AGENDA ITEM:

**ITEM 4. DISCUSSION/ACTION** – Consideration and action on an Ordinance No. 2022-05 of the City of Ovilla, Texas, Repealing Chapter 13, Article 13.04, Section 13.040.35 of the Code of Ordinances of the City of Ovilla; Providing a Savings Clause; Providing a Severance Clause; Providing an Effective Date; and Providing for Publication.

### Attachments:

1. Ordinance 2022.05 Repealing 13.040.35 of the Code of Ordinances

### Discussion / Justification:

**Background:** City Staff became aware of conflicting fee schedules in the City Code of Ordinances. Repealing section 13.00.35 will update the Code of Ordinance to reflect the correct fee schedule.

### Recommendation / Staff Comments:

Staff Recommends: Approval

### Sample Motion(s):

I move to approve/deny Ordinance No. 2022-05 of the City of Ovilla, Texas, Repealing Chapter 13, Article 13.04, Section 13.040.35 of the Code of Ordinances of the City of Ovilla.

**ORDINANCE NO. 2022-05**

**AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, REPEALING CHAPTER 13, ARTICLE 13.04, SECTION 13.04.035 OF THE CODE OF ORDINANCES OF THE CITY OF OVILLA; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERANCE CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION.**

WHEREAS, the administrative staff of the City of Ovilla periodically reviews the city's ordinances and recommends revisions thereto based on, current needs, outdated provisions, changes in the law, advances in technology, changes in costs and necessary fees, administrative needs, and for the protection of citizens of the City; and

WHEREAS, on January 12, 2015, the City Council of the City of Ovilla, Texas, passed and approved Ordinance No. 2015-003, thereby establishing the city's current water and wastewater impact fees; and

WHEREAS, it has come to the attention of the city's administrative staff that Chapter 13, Article 13.04, Section 13.04.035 of the Code of Ordinances is inconsistent with the provisions of Ordinance No. 2015-003; and

WHEREAS, the administrative staff has recommended the repeal Chapter 13, Article 13.04, Section 13.04.035 of the Code of Ordinances; and

WHEREAS, the City Council agrees with the recommendation of administrative staff and finds that it is in the best interest of the health, safety and welfare of the citizens of the City of Ovilla, and for the efficient administration of city government, to repeal Chapter 13, Article 13.04, Section 13.04.035 of the Code of Ordinances.

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

**SECTION 1. REPEAL OF CHAPTER 13, ARTICLE 13.04, SECTION 13.04.035 OF THE CODE OF ORDINANCES OF THE CITY OF OVILLA**

Chapter 13, Article 13.04, Section 13.04.035 of the Code of Ordinances of the City of Ovilla is hereby repealed.

**SECTION 2. SAVINGS CLAUSE**



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

### SECTION 3. SEVERANCE CLAUSE

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

### SECTION 4. EFFECTIVE DATE

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

### SECTION 5. PUBLICATION

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

**PASSED, APPROVED and ADOPTED** by the City Council of Ovilla, Texas on this the \_\_\_\_ day of \_\_\_\_\_, 2022.

---

Richard Dormier, Mayor

ATTEST:

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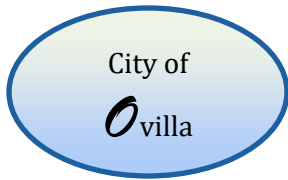
Bobbie Jo Taylor, City Secretary

APPROVED AS TO FORM:

---

Ron G. MacFarlane, Jr., City Attorney





# Ovilla City Council

## AGENDA ITEM REPORT Item 5

Meeting Date: March 14, 2022

Department: Administration

☒ Discussion ☒ Action

Budgeted Expense: ☒ YES ☐ NO ☐ N/A

Submitted By: Staff

Reviewed By: ☒ City Manager

☒ City Secretary

☐ City Attorney

☒ Finance Director

☒ Other: Fire Chief

### AGENDA ITEM:

**ITEM 5. DISCUSSION/ACTION** – Consideration of and Action on a proposal of a brush truck in the amount of \$178,103.00 which exceeds the current budget amount of \$125,000.00 and directing staff to include the difference during the mid-year budget amendments.

### Attachments:

1. Proposal Letter

### Discussion / Justification:

**Background:** Last budget planning process, The Council approved selling the brush truck and to use the revenue from the sale to purchase a new brush truck. The price range of the sale was \$125,000.00 to \$1,150,000.00 so out of caution for budget purposes, \$125,000.00 was budgeted to purchase a new brush truck, and a budget amendment would be made if the revenue was greater than \$125,000.00. The Brush Truck sold for \$145,000.00, minus the listing fees the total revenue is \$137,500.00 which was deposited to use towards the purchase of the Brush Truck.

The original proposal for the new brush truck was received in May 2021 for \$149,461.00. 10 months later and price increases for materials of 30-40%, the new proposal for the truck is now \$178,103.00. The fire department does have \$12,000.00 committed from ESD #2, and we have asked for the Service League to put in another \$12,000.00 from funds they have raised for the Fire Department. This \$24,000.00 plus the \$137,500.00 leaves a balance needed of \$16,603.00 to be added as a mid-year budget amendment.

This cost will not be endured until the next budget year as the delivery time is scheduled for 12 – 18 months from the order date.

### Recommendation / Staff Comments:

Staff Recommends: Approval

### Sample Motion(s):

I move to approve/deny the proposal of a brush truck in the amount of \$178,103.00 which exceeds the current budget amount of \$125,000.00 and directing staff to include the difference during the mid-year budget amendments.

Siddons Martin Emergency Group, LLC  
 3500 Shelby Lane  
 Denton, TX 76207  
 GDN P115891  
 TXDOT MVD No. A115890



March 2, 2022

**Brandon Kennedy, Fire Chief**  
**OVILLA FIRE DEPARTMENT**  
**105 S COCKRELL HILL RD STE 1**  
**OVILLA, TX 75154**

**Proposal For: Ovilla Brush Truck**

Siddons-Martin Emergency Group, LLC is pleased to provide the following proposal to OVILLA FIRE DEPARTMENT. Unit will comply with all specifications attached and made a part of this proposal. Total price includes delivery FOB OVILLA FIRE DEPARTMENT and training on operation and use of the apparatus.

Description	Amount	
<b>Qty. 1 - 5704 - Skeeter Ford F 550 Type 5, Step Side, Lifted</b>		
<b>(Unit Price - \$177,103.00)</b>		
Delivery within 12 months to 18 months of order date		
QUOTE # - SMEG-0003413-1		
	Vehicle Price	\$177,103.00
	<b>5704 - UNIT TOTAL</b>	<b>\$177,103.00</b>
	SUB TOTAL	\$177,103.00
	HGAC FS12-19A (SKEETER)	\$1,000.00
	<b>TOTAL</b>	<b>\$178,103.00</b>

Price guaranteed for 60 days

**Taxes:** Tax is not included in this proposal. In the event that the purchasing organization is not exempt from sales tax or any other applicable taxes and/or the proposed apparatus does not qualify for exempt status, it is the duty of the purchasing organization to pay any and all taxes due. Balance of sale price is due upon acceptance of the apparatus at the factory.

**Late Fee:** A late fee of .033% of the sale price will be charged per day for overdue payments beginning ten (10) days after the payment is due for the first 30 days. The late fee increases to .044% per day until the payment is received. In the event a prepayment is received after the due date, the discount will be reduced by the same percentages above increasing the cost of the apparatus.

**Cancellation:** In the event this proposal is accepted and a purchase order is issued then cancelled or terminated by Customer before completion, Siddons-Martin Emergency Group may charge a cancellation fee. The following charge schedule based on costs incurred may be applied:

- (A) 10% of the Purchase Price after order is accepted and entered by Manufacturer;
- (B) 20% of the Purchase Price after completion of the approval drawings;
- (C) 30% of the Purchase Price upon any material requisition.

The cancellation fee will increase accordingly as costs are incurred as the order progresses through engineering and into manufacturing. Siddons-Martin Emergency Group endeavors to mitigate any such costs through the sale of such product to another purchaser; however, the customer shall remain liable for the difference between the purchase price and, if applicable, the sale price obtained by Siddons-Martin Emergency Group upon sale of the product to another purchaser, plus any costs incurred by Siddons-Martin to conduct such sale.

**Acceptance:** In an effort to ensure the above stated terms and conditions are understood and adhered to, Siddons-Martin Emergency Group, LLC requires an authorized individual from the purchasing organization sign and date this proposal and include it with any purchase order. Upon signing of this proposal, the terms and conditions stated herein will be considered binding and accepted by the Customer. The terms and acceptance of this proposal will be governed by the laws of the state of Texas. No additional terms or conditions will be binding upon Siddons-Martin Emergency Group, LLC unless agreed to in writing and signed by a duly authorized officer of Siddons-Martin Emergency Group, LLC.

Sincerely,

  
**Scott Beckwith**

I, \_\_\_\_\_, the authorized representative of OVILLA FIRE DEPARTMENT, agree to purchase the proposed and agree to the terms of this proposal and the specifications attached hereto.

\_\_\_\_\_  
Signature & Date



# Ovilla City Council

## AGENDA ITEM REPORT Item 6

Meeting Date: March 14, 2022

Department: Administration

☒ Discussion ☐ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: Staff

Reviewed By: ☒ City Manager

☒ City Secretary

☐ City Attorney

☐ Finance Director

☒ Other: Director of Public Works

### AGENDA ITEM:

**ITEM 6. DISCUSSION** – Discuss reallocation of funding from the current budget year street/roadway projects to begin resurfacing Cockrell Hill Rd.

### Attachments:

1. Interlocal Agreement with Ellis County pertaining to maintenance and repair to streets and roadways.
2. 2022 Funding for specific streets

### Discussion / Justification:

**Background:** the reallocation of funding for street projects so that Cockrell Hill Rd. can begin reconstruction to be placed on the agenda for discussion by Place 2 Oberg.

During the current budget preparations, the city placed a total of \$490,742.00 in the budget for Street Improvements. The funding has been allocated for road work to take place on Shiloh, Northwood, Oakwood, Willow Creek Ct, and Elmwood

Staff has scheduled with Ellis County to repair streets currently budgeted, and an Interlocal Agreement has been signed. The city has received a quote from Ellis County Precinct 4 for the roadwork in the total amount of \$461,015.00. Scheduling street projects in conjunction with Ellis County takes approximately one year.

Discussion Only

### Recommendation / Staff Comments:

Staff Recommends: N/A Discussion Only

### Sample Motion(s):

N/A Discussion Only

**INTERLOCAL AGREEMENT  
BETWEEN COUNTY OF ELLIS, TEXAS  
AND CITY OF OVILLA, TEXAS**

This Agreement entered into between the County of Ellis, a political body of the State of Texas, hereinafter referred to as (the "County"), and the City of OVILLA, a Municipality of the State of Texas, hereinafter referred to as a (the "City").

**WITNESSETH:**

**WHEREAS,** the County and City desire to increase their efficiency and effectiveness by entering into this contract; and

**WHEREAS,** such contract is 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,** for the mutual covenants and considerations expressed herein, the County and the City hereby agree as follows:

1. The County agrees to provide labor, equipment and materials necessary to complete road maintenance, enhancements, repairs and other projects that may be requested by City and accepted by County pursuant to this Agreement. Function or services provided shall include 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 shall further be authorized to sell City goods and services.
2. The City shall be the party receiving the function, goods, or service and providing payment for such function, goods and/or services.
3. The City, as paying party acknowledges and certifies, as required by the Interlocal Cooperation Act, that all payments shall be made from the current revenues available to City.
4. *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 31st, 2022 ("Effective Period").*

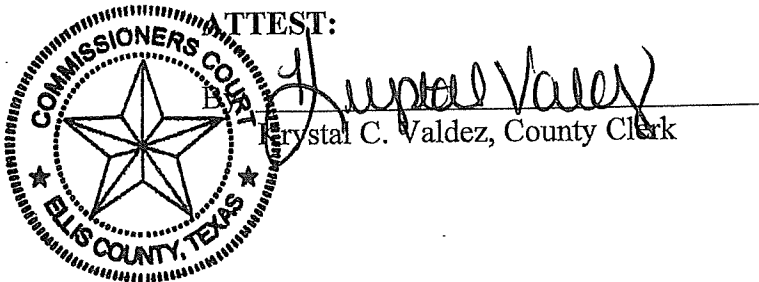
5. Both parties acknowledge and understand, in reference to any project undertaken under this Agreement involving the maintenance, repair, and construction of streets, roads, alleys, bridges and parking areas, as well as the maintenance and construction of waterways and ditches, the following:
- a) that 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
  - b) that the payment and penalty provisions set out in Section 791.014 of the Government Code Interlocal Cooperation Act shall apply to this Agreement.
6. 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 Agreement, or as outlined by the Texas Prompt Payment Act.
7. 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.
8. Either Party may terminate this Agreement upon thirty (30) days written notice to the other Party.

**EXECUTED** in duplicate this the 8<sup>th</sup> day of November, 2021.

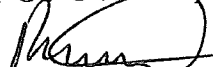
**ELLIS COUNTY, TEXAS**

By:   
Todd B. Little, County Judge


**ATTEST:**



**CITY OF OVILLA, TEXAS**

By:   
Richard Dormier, Mayor  
CITY of OVILLA

Attest:

  
Pamela Woodall, City Manager

# EXHIBIT A

## WORK ORDER UNDER INTERLOCAL AGREEMENT

Service Provider: Ellis County, Texas

Department to Provide Service: \_\_\_\_\_

Basis of Authority to Provide Service: *Interlocal Agreement dated:* \_\_\_\_\_

*per Commissioners Count Minute Order* \_\_\_\_\_

Local Government Requesting Service: \_\_\_\_\_

Description of Project to be Undertaken: \_\_\_\_\_

Location of Project to be Undertaken: \_\_\_\_\_

Requested by: \_\_\_\_\_

*Kyle Butler*

Department: Ellis County Commissioner, Pct. 4

APPROVED in Open Commissioners Court per Minute Order No. \_\_\_\_\_ on the  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
*Todd Little*

*County Judge, Ellis County, Texas*

\*\*\*\*\*

ACCEPTED AND AGREED TO this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signature: \_\_\_\_\_

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

On Behalf of: \_\_\_\_\_



# 10-YEAR CAPITAL IMP

Street	Various	Crack seal		
Street	Various	Drainage work	\$	30,000.00
			\$	25,000.00
FY 2025				
Street	Joe Wilson Rd			
Street	Main St			
Street	Shiloh Rd			
Street	Bryson Ln			
Street	Water St			
Street	Various	Crack seal		
Street	Various	Drainage work	\$	30,000.00
			\$	25,000.00
FY 2024				
Street	Brookwood Ct			
Street	Shadowwood Trail			
Street	Red Oak Creek Rd East			
Street	Green Meadows Ln			
Street	Various	Crack seal		
Street	Various	Drainage work	\$	30,000.00
			\$	25,000.00
FY 2023				
Street	Willow Creek Lane			
Street	Elmwood Dr			
Street	Meadowlark Dr			
Street	Meadowwood			
Street	North Wood			
Street	Oakwood Ln			
Street	Willow Creek Ct			
Street	Various	Crack seal		
Street	Various	Drainage work	\$	30,000.00
			\$	25,000.00
Water	Hummingbird 6-inch Water Line Extension			
Water	FM 664 8-inch Water Line Crossing		\$	228,979.00
			\$	46,482.00
Parks	Red Oak Creek Park	Improvements	\$	50,000.00
FY 2022				
Street	Elmwood		\$	14,354.00
Street	Northwood		\$	17,310.00
Street	Oakwood		\$	67,710.00
Street	Willow Creek Ct		\$	46,866.00
Street	Shiloh		\$	230,702.00
			\$	490,742.00
Street	Westmoreland Rd			
Street	Hosford Rd			
Street	Malloy Rd			

Texas Bit  
County

13.76 sq asphalt  
4.95 sq - county

Ellis County  
Ellis County  
Ellis County  
Ellis County  
Ellis County

**ELLIS COUNTY PRECINCT 4  
1011 EASTGATE  
MIDLOTHIAN, TX. 76065**

**OFFICE: 972-825-5305**

**Date:** December 3, 2021

**Customer:** City of Ovilla  
105 S. Cockrell Hill Road  
Ovilla, TX. 75154  
972-617-7262

**Re:** Elmwood (phase 1 & 2), Northwood, Oakwood, Willow Creek Ct. and Shiloh Rd.

**County Process** – Rehabilitate - reclaim make ready using Cement Slurry stabilization and prime road surface for contractors to put a 2.5" lay/compact 2" asphalt laydown.

**Texas Bit Process** – Lay type D hot mix at 2.5" / compact 2" asphalt laydown.

**Elmwood (phase 1) 500' x 18' @ 1000 SY**

**Co. Price** \$4,950

**Texas Bit** \$13,760

**Total** \$18,710.00

**Northwood 600' x 21' @ 1400 SY**

**Co. Price** \$6,930

Texas Bit \$19,264

Total \$26,194.00

**Oakwood 1350' x 21' @ 3150 SY**

**Co. Price** \$15,593

Texas Bit \$43,344

Total \$58,937.00

**Willow Creek Crt. 531' x21' @ 1240 SY**

**Co. Price** \$6,138

Texas Bit \$17,063

Total \$23,200.00

**Shiloh Rd. 5811' x 23' @ 14,850 SY**

**Co. Price** \$73,508

Texas Bit \$204,336

Total \$277,844.00

**PHASE #2** on Elm wood from Willow Creek to Shadow Wood Trl.

**Elmwood Dr. (phase 2) 1350' x 20' @ 3000 SY**

**Co. Price \$14,850**

**Texas Bit \$41,280**

**Total \$ 56,130.00**

Contractor's price could vary to the County/City measurements of the roadway. Texas Bit will need to verify measurements before beginning. CITY will deal directly with the contractor and the COUNTY will help schedule time when our job is complete. You will also pay Contractor separately from the County.

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Please return with signature of approval

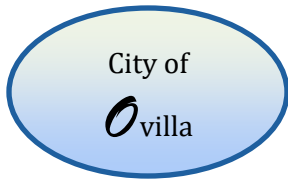
City of Ovilla

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By: City Manager

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By: City Secretary



# Ovilla City Council

## AGENDA ITEM REPORT Item 7

Meeting Date: March 14, 2022

Department: Administration

☒ Discussion ☒ Action

Budgeted Expense: ☒ YES ☐ NO ☐ N/A

Submitted By: Staff

Reviewed By: ☒ City Manager

☒ City Secretary

☐ City Attorney

☐ Finance Director

☒ Other: Public Works Director

### AGENDA ITEM:

**ITEM 7. DISCUSSION/ACTION** – Consideration and action on a quote from Ellis County Precinct 4 in the total amount of \$461,015.00 for rehabilitation of Elmwood, Northwood, Oakwood, Willow Creek Ct., and Shiloh Rd.

### Attachments:

1. Ellis County Precinct 4 Quote

### Discussion / Justification:

**Background:** During the current budget preparations, the city placed a total of \$490,742.00 in the budget for Street Improvements. The funding has been allocated for road work to take place on Shiloh, Northwood, Oakwood, Willow Creek Ct, and Elmwood

Staff has scheduled with Ellis County to repair streets currently budgeted, and an Interlocal Agreement has been signed. The city has received a quote from Ellis County Precinct 4 for the roadwork in the total amount of \$461,015.00. Staff is seeking approval of the quote.

### Recommendation / Staff Comments:

Staff Recommends: Approval

### Sample Motion(s):

I move to approve/deny a quote from Ellis County Precinct 4 in the total amount of \$461,015.00 for rehabilitation of Elmwood, Northwood, Oakwood, Willow Creek Ct., and Shiloh Rd.

**ELLIS COUNTY PRECINCT 4  
1011 EASTGATE  
MIDLOTHIAN, TX. 76065**

**OFFICE: 972-825-5305**

**Date:** December 3, 2021

**Customer:** City of Ovilla  
105 S. Cockrell Hill Road  
Ovilla, TX. 75154  
972-617-7262

**Re:** Elmwood (phase 1 & 2), Northwood, Oakwood, Willow Creek Ct. and Shiloh Rd.

**County Process** – Rehabilitate - reclaim make ready using Cement Slurry stabilization and prime road surface for contractors to put a 2.5" lay/compact 2" asphalt laydown.

**Texas Bit Process** – Lay type D hot mix at 2.5" / compact 2" asphalt laydown.

**Elmwood (phase 1) 500' x 18' @ 1000 SY**

**Co. Price** \$4,950

**Texas Bit** \$13,760

**Total** \$18,710.00

**Northwood 600' x 21' @ 1400 SY**

**Co. Price** \$6,930

Texas Bit \$19,264

Total \$26,194.00

**Oakwood 1350' x 21' @ 3150 SY**

**Co. Price** \$15,593

Texas Bit \$43,344

Total \$58,937.00

**Willow Creek Crt. 531' x21' @ 1240 SY**

**Co. Price** \$6,138

Texas Bit \$17,063

Total \$23,200.00

**Shiloh Rd. 5811' x 23' @ 14,850 SY**

**Co. Price** \$73,508

Texas Bit \$204,336

Total \$277,844.00



**PHASE #2** on Elm wood from Willow Creek to Shadow Wood Trl.

**Elmwood Dr. (phase 2) 1350' x 20' @ 3000 SY**

**Co. Price \$14,850**

**Texas Bit \$41,280**

**Total \$ 56,130.00**

Contractor's price could vary to the County/City measurements of the roadway. Texas Bit will need to verify measurements before beginning. CITY will deal directly with the contractor and the COUNTY will help schedule time when our job is complete. You will also pay Contractor separately from the County.

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Please return with signature of approval

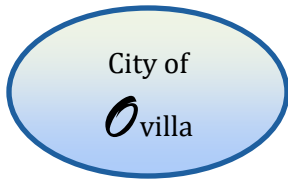
City of Ovilla

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By: City Manager

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By: City Secretary



# Ovilla City Council

## AGENDA ITEM REPORT Item 8

Meeting Date: March 14, 2022

Department: Administration

☒ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: Staff

Reviewed By: ☒ City Manager

☒ City Secretary

☒ City Attorney

☐ Finance Director

☐ Other:

### AGENDA ITEM:

**ITEM 8. DISCUSSION/ACTION** – Consideration and action on an Ordinance No. 2022.06 of the City of Ovilla, Texas, amending chapter 3, article 3.01, section 3.01.003 of the code of ordinances of the City of Ovilla; providing regulations for residential attached garages; providing a savings clause; providing a severance clause; providing an effective date; and providing for publication.

### Attachments:

1. Ordinance No. 2022.06
2. Code of Ordinances Section 3.01.003 Residential Attached garages

### Discussion / Justification:

**Background:** Current City Code does not allow front-facing garages of any kind. Ordinance No. 2022.06 would update the City Code to allow front-facing garage doors which are located a minimum of 86 feet from the front street, and at least 50 feet from the front of the residence, and only visible through a porte-cochere which is designed and built as part of the residence as specified herein.

### Recommendation / Staff Comments:

Staff Recommends: Approval

### Sample Motion(s):

I move to approve/deny Ordinance No. 2022.06 of the City of Ovilla, Texas, amending chapter 3, article 3.01, section 3.01.003 of the code of ordinances of the City of Ovilla

**ORDINANCE NO. 2022-06**

**AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, AMENDING CHAPTER 3, ARTICLE 3.01, SECTION 3.01.003 OF THE CODE OF ORDINANCES OF THE CITY OF OVILLA; PROVISING REGULATIONS FOR RESIDENTIAL ATTACHED GARAGES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERANCE CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION.**

WHEREAS, the Chapter 3, Article 3.01, Section 3.01.003 of the Code of Ordinances of the City of Ovilla provides regulations for residential attached garages; and

WHEREAS, such ordinance currently prohibits front-facing garage doors; and

WHEREAS, the city council is of the opinion that certain design elements could be incorporated into residential homes that would alleviate concerns about the appearance of front-facing garage doors; and

WHEREAS, the city council finds and determines that it is in the best interest of the citizens of the City of Ovilla to provide for a certain exception to the city's prohibition against front-facing garage doors.

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

**SECTION 1. AMENDMENT OF CHAPTER 3, ARTICLE 3.01, SECTION 3.01.003 OF THE CODE OF ORDINANCES OF THE CITY OF OVILLA**

Chapter 3, Article 3.01, Section 3.01.003 of the Code of Ordinances of the City of Ovilla is hereby amended to read as follows:

**Sec. 3.01.003 Residential attached garages.**

- a. Garage doors for a garage attached to a residential structure shall face the side property line at a ninety-degree (90°) angle from the front building line or at a one hundred eighty-degree (180°) angle if facing a rear property line. Front-facing garage doors are not permitted unless such garages doors are located a minimum of 86 feet from the front street, and at least 50 feet from the front of the residence, and only visible through a porte-cochere which is designed and built as part of the residence as specified herein.

b. Porte-cocheres; design & construction

1. Porte-cocheres shall comply with the same required setbacks as those applicable to the main dwelling. In addition, no porte-cochere shall be located forward of the front wall line of the main dwelling, except where such porte-cochere extends over a circle driveway in front of the dwelling.
2. The maximum total square footage of a porte-cochere shall be at least two hundred (200) square feet and no more than four hundred (400) square feet.
3. The roof pitch of the porte-cochere shall be proportional to the roof pitch of the main dwelling. A porte-cochere shall be attached to and architecturally integrated with the main dwelling and shall be constructed of brick, stone, and other materials, or a combination thereof, used on the main dwelling and in proportions to those of the main dwelling and garage.
4. A porte-cochere shall not be designed as the front pedestrian entrance to the main dwelling.

SECTION 2. SAVINGS CLAUSE

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

SECTION 3. SEVERANCE CLAUSE

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

SECTION 4. EFFECTIVE DATE

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

SECTION 5. PUBLICATION

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

**PASSED, APPROVED and ADOPTED** by the City Council of Ovilla, Texas on this the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

---

Richard Dormier, Mayor

ATTEST:

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Bobbie Jo Taylor, City Secretary

APPROVED AS TO FORM:

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Ron G. MacFarlane, Jr., City Attorney

**Sec. 3.01.003 Residential attached garages**

Garage doors for a garage attached to a residential structure shall face the side property line at a ninety-degree (90°) angle from the front building line or at a one hundred eighty degree (180°) angle if facing a rear property line. Front facing garage doors are not permitted. (Ordinance 2015-014 adopted 7/13/15)



# Ovilla City Council

## AGENDA ITEM REPORT

### Item 9

Meeting Date: March 14, 2022

Department: Administration

☒ Discussion ☒ Action

Budgeted Expense: ☐ YES ☒ NO ☐ N/A

Submitted By: Staff

Reviewed By: ☒ City Manager ☒ City Secretary ☒ City Attorney

☒ Finance Director

☐ Other:

Agenda Item / Topic:
<b>ITEM 9. DISCUSSION/ACTION</b> – CONSIDERATION OF ANY ITEM(S) PULLED FROM THE CONSENT AGENDA FOR INDIVIDUAL CONSIDERATION AND ACTION.
Attachments:
None
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**  
**ACTIVITY REPORT / FEBRUARY 2022**



J. Bennett, Chief of Police



OVILLA POLICE DEPARTMENT  
MONTHLY REPORT / FEBRUARY 2022

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**PERSONNEL UPDATE:**

**Below is a list of our current staffing:**

CHIEF OF POLICE	(BENNETT)
LIEUTENANT	(GEISER)
SERGEANT	(BREEDLOVE)
SERGEANT	(ORTEGON)
PATROL OFFICER / DETECTIVE	(KRETLOW)
PATROL OFFICER	(MALKE)
PATROL OFFICER	(HARTIN)
PATROL OFFICER	(FLORES)
PATROL OFFICER	(VACANT)
PATROL OFFICER	(RAMIRES)
PATROL OFFICER	(Recruit BRAVO) In police academy.
ADMINISTRATIVE ASSISTANT	(EMILY STARKEY)

\*Vacancy – Officer Womack accepted a sergeant’s position with the Glenn Heights Police Department. (Pay Increase)

OVILLA POLICE DEPARTMENT  
MONTHLY REPORT / FEBRUARY 2022

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0 – Felony Arrest

4 – Misdemeanor Arrests

165 Total Traffic Stops.

98 Pretextual or Minor Traffic Stops (Defective taillamp, No license plate light, etc.) No citations issued.

67 Total: Non-Pretextual Traffic Stops. (Excessive Speeding, Ran Red Light, etc.)

44 Total Citations issued.

Roughly 66% of the more serious traffic stops received a citation.

NOTE: Some numbers do not easily add up because certain stops result in more than one citation or a citation and a warning for the same stop.

January 2022	TO	February 2022	MILEAGE	MAINTENANCE PERFORMED
Police Unit #	Begin	End	Accrued	
116	112,863	113,511	648	
117	116,864	118,853	1,989	New Tire
216	37,224	37,453	229	
119	58,171	59,636	1,465	Oil Change
120	52,388	54,447	2,059	Oil Change & New Cabin Filter, 2 New Tires
220	50,557	51,747	1,190	

OVILLA POLICE DEPARTMENT  
MONTHLY REPORT / FEBRUARY 2022

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Subject: Police Department Monthly Activity Report

Calls For Service	February 2022	February 2022 YTD	February 2021	February 2021 YTD
Accident	2	8	4	10
Alarms	17	32	19	29
Arrest	4	5	1	3
Assault/Assault FV	0	0	0	2
Assists	90	182	42	92
Building / House Security Check	374	696	424	1062
Burglary	1	1	0	0
Burglary of Motor Vehicle	0	3	0	0
Criminal Mischief	2	3	0	0
Disturbance	12	22	10	19
Neighborhood Check	848	1723	832	2115
Other Calls for Service	123	235	101	175
Suspicious Person	8	11	5	12
Suspicious Vehicle	13	26	10	33
Theft	1	7	0	0
Traffic Assignment/School Enforcement	16	33	47	110
<b>TOTAL CALLS FOR SERVICE</b>	<b>1511</b>	<b>2987</b>	<b>1495</b>	<b>3662</b>

Volunteer and Reserve Officer Hours	0	0	44	70
Average Response Time (Minutes)	3.51	4.13	4.26	3.885

# Ovilla Fire Department

Ovilla, TX

This report was generated on 3/3/2022 1:21:38 PM



## Incident Statistics

Zone(s): All Zones | Start Date: 02/01/2022 | End Date: 02/28/2022

INCIDENT COUNT		
INCIDENT TYPE		# INCIDENTS
EMS		38
FIRE		62
TOTAL		100
MUTUAL AID		
Aid Type		Total
Aid Given		18
Aid Received		2
OVERLAPPING CALLS		
# OVERLAPPING		% OVERLAPPING
8		8
LIGHTS AND SIREN - AVERAGE RESPONSE TIME (Dispatch to Arrival)		
Station	EMS	FIRE
Station 701	0:08:03	0:07:50
AVERAGE FOR ALL CALLS		0:08:02
LIGHTS AND SIREN - AVERAGE TURNOUT TIME (Dispatch to Enroute)		
Station	EMS	FIRE
Station 701	0:01:34	0:01:17
AVERAGE FOR ALL CALLS		0:01:27
AGENCY		AVERAGE TIME ON SCENE (MM:SS)
Ovilla Fire Department		23:28

Only Reviewed Incidents included. EMS for Incident counts includes only 300 to 399 Incident Types. All other incident types are counted as FIRE. CO Checks only includes Incident Types: 424, 736 and 734. # Apparatus Transports = # of incide

# PUBLIC WORKS DIRECTOR REPORT

**TO: Honorable Mayor and City Council Members, City Manager-Pam Woodall,**

**FROM: James Kuykendall –Public Works Director**

**TOPIC: January 2022 Public Works Overview Report**

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## **Employee report**

1 new hire on 2/22/22

## **Public Works Project Overview**

Construction on Founders Park has begun with the start of the pavilion. The small baseball field has been turned into a softball field and the new fence is installed. The restrooms will be started in March.

## **Equipment**

We are still waiting on a couple of pieces of equipment to be delivered, it is on delay due to the chip shortage.

## **Water Department**

Total work orders entered 19, total work orders complete 19

All regulatory samples completed and tested negative

Water quality tested

Total Work Orders Entered - 19

Total Work Order completed -19

## **Water Wholesale Purchased & Pumped January ,2022**

Gallons pumped – 11.618.000MGD

Gallons Billed – 8.915.200MGD

Gallons Unbilled – 55.8k

# PUBLIC WORKS DIRECTOR REPORT

Builder Billed – 45.4  
Maintenance Flushing – 600K

**\*\*Flushing numbers are up due to winter and low water consumption\*\***

**Sewer Department** All sewer lift stations are functioning as they should.

## **Construction Manager**

24 House Plans were issued in January in Bryson Manor Phase 3 and Broad Estates Phase 1.

## **Parks and Facilities Monthly Report**

All Parks are maintained and inspected monthly. Below are highlights for the Park Department.

Heritage Park-trash taken out, and bathrooms cleaned

Small Baseball Field – Scrapped infield and laid new field dirt using new John Deere drag machine to level. The field is now complete with new bases and fence.

Founder's Park – Excavation for New Pavilion has started. The restrooms have been delayed for two weeks. The pad is ready for the restrooms to be set and the plumbing will be installed March 8th

## **Streets/Drainage**

Patched Westmoreland, Red Oak Creek, Johnson Lane, Shiloh Road, Bryson, and Cockrell Hill Road.

Crack sealing started on Cockrell Hill Rd.

Tree removed from 823 Water street that was blocking the road.

Tree removed from road at 400 block of Thorntree.

Prepare for winter weather and sand dangerous roads and intersections.

Help water department read monthly meters.

# PUBLIC WORKS DIRECTOR REPORT

## Code Enforcement

Subject: Code Enforcement Monthly Report

	Jan.22	Jan.22 YTD	Jan 21	
Calls For Service				
Complaint (Nuis 19 Permit 9 Parking 11)	39	39	23	
Follow up (Nuis 19 Permit 9 Park 11)	39	39	23	
Door Notice (Nui - 11 Permit 4 Parking 3)	17	17	7	
Mail Notice ( Parking 2 nuisance 2 perm 2 )	6	6	14	
Posted Property (nuisance 2 debris	2	2	4	
Court(3 FTA - 3 Public Nuis )	\$0	\$0	\$211.00	
Citizen Contacts	57	57	51	
Permits Reviewed	10	10	0	
Permits Issued	5	5	0	
Inspections	11	11	0	
Nuisance Abated by City	3	3	5	
Nuisance Signs (Garage sale-8 business 26 )	34	34	35	
BOA - 0	1	1	2	

## Animal Control

Subject: Animal Control Monthly Report

	Jan.2022	Jan.22 YTD	Jan.2021	
Calls For Service				
Complaint (Regist-14 At Large 11 Bark 3 )	28	28	21	
Follow up	28	28	26	
Door Notice (Regis-7, Bark 3 at large2	12	12	8	
Impounded Animal (Dog 8 cat 1)	9	9	3	
Animal welfare check	29	29	22	
Impound Results (Transport 7 Ret own 2)	11	11	4	
Impound fee collected	\$0.00	\$0.00	70	
Court	\$0.00	\$0.00	0	
Citizen Contacts	26	26	27	
Animal registration	2	2	17	
Registration Letter Mailed	0	0	18	
Nuisance letter - barking 3 at large 3	6	6	3	
Animals released 1 possum	1	1	1	
Deceased removed	22	22	27	
Oak Leaf - (1 bite)	1	1	2	
Traps Checked Out	4	4	3	



**Date: March 14, 2022**

**To: Honorable Mayor and Council Members**

**Subject: Financial Statement Summaries for  
October 1, 2021, thru January 31, 2022**

**This period covers 33% of the FY2022 Budget.**

**From:**

**Sharon Jungman – Finance Director**



# CITY-WIDE OPERATING FUND TOTALS

For FY2022 Oct. 2021 Thru January 2022



		2021	2022	2022	2022
		Actual	Actual	Adopted & Amended	% of Budget
		To Date	To Date	Budget	Used
<b>TOTAL REVENUES</b>					
100	General Fund	1,985,373	2,699,914	4,957,367	54%
110	Lease	-	-	1,100	0%
120	Street Improvement	37,063	32,423	204,292	16%
130	Court Technology	451	806	2,000	40%
140	Court Security	521	941	1,800	52%
200	Water & Utilities	602,363	708,313	2,582,287	27%
250	WWW Infrastructure Improv.	21,624	22,894	65,000	35%
400	Debt Service Fund	475,281	520,662	562,950	92%
500	Municipal Devel. District	33,904	35,788	303,234	12%
600	4B Economic Devel. Fund	75,376	67,169	433,152	16%
700	Park Impact Fund	-	20,406	11,708	174%
800	Water & Utilities Impact Fund	1	376,600	150,450	250%
<b>Total</b>		<b>\$ 3,231,957</b>	<b>\$ 4,485,914</b>	<b>\$ 9,275,340</b>	<b>48%</b>

		2021	2022	2022	2022
		Actual	Actual	Adopted & Amended	% of Budget
		To Date	To Date	Budget	Used
<b>TOTAL EXPENDITURES</b>					
100	General Fund	1,350,284	1,380,764	4,957,367	28%
110	Lease	-	-	1,100	0%
120	Street Improvement	-	-	204,292	0%
130	Court Technology	-	-	2,000	0%
140	Court Security	160	320	1,800	18%
200	Water & Utilities	361,142	443,177	2,582,287	17%
250	WWW Infrastructure Improv.	-	-	65,000	0%
400	Debt Service Fund	-	8,127	562,950	1%
500	Municipal Devel. District	156,354	4,398	303,234	1%
600	4B Economic Devel. Fund	114	7,706	433,152	2%
700	Park Impact Fund	-	-	11,708	0%
800	Water & Utilities Impact Fund	-	-	150,450	0%
<b>Total</b>		<b>\$ 1,868,055</b>	<b>\$ 1,844,493</b>	<b>\$ 9,275,340</b>	<b>20%</b>

City of Ovilla  
Financial Statement  
As of January 31, 2022

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<b>100 - General Fund</b>	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% of Budget	Budget Remaining
<b>Revenue Summary</b>							
Taxes	1,667,029.12	246,667.12	1,420,362.00	2,193,709.82	2,961,190.00	74.08%	767,480.18
Licenses-Permits-Fees	70,106.53	12,170.13	57,936.40	190,706.22	146,100.00	130.53%	(44,606.22)
Services	0.00	58,532.67	(58,532.67)	1,931.30	702,631.00	0.27%	700,699.70
Fines & Forfeitures	8,801.64	6,385.18	2,416.46	29,659.23	76,650.00	38.69%	46,990.77
Other Revenue	156,144.51	26,077.07	130,067.44	183,558.61	313,000.00	58.64%	129,441.39
Intergovernmental	0.00	0.00	0.00	100,348.77	0.00	0.00%	(100,348.77)
Transfers	0.00	63,212.17	(63,212.17)	0.00	757,796.00	0.00%	757,796.00
Revenue Totals	<u>1,902,081.80</u>	<u>413,044.34</u>	<u>1,489,037.46</u>	<u>2,699,913.95</u>	<u>4,957,367.00</u>	<u>54.46%</u>	<u>2,257,453.05</u>
<b>Expense Summary</b>							
Personnel	165,043.59	182,797.30	(17,753.71)	656,237.09	2,194,158.00	29.91%	1,537,920.91
Employee Benefits	58,066.27	38,872.54	19,193.73	150,026.16	466,635.00	32.15%	316,608.84
Special Services	3,682.95	14,051.34	(10,368.39)	16,199.16	168,632.00	9.61%	152,432.84
Contractual Services	21,353.65	22,839.89	(1,486.24)	75,058.45	274,188.00	27.37%	199,129.55
Operating Services	8,637.71	7,367.27	1,270.44	31,323.75	88,420.00	35.43%	57,096.25
Special Expenses	950.40	2,720.22	(1,769.82)	2,149.95	32,650.00	6.58%	30,500.05
Supplies	2,204.60	5,627.84	(3,423.24)	15,336.78	67,550.00	22.70%	52,213.22
Professional Development	1,899.00	2,384.47	(485.47)	8,130.88	28,625.00	28.40%	20,494.12
Software & Computer Equipment	0.00	6,839.48	(6,839.48)	38,436.31	82,100.00	46.82%	43,663.69
Printing Expense	771.55	1,470.41	(698.86)	3,718.04	17,650.00	21.07%	13,931.96
Utilities	32,348.84	34,145.07	(1,796.23)	48,001.80	409,855.00	11.71%	361,853.20
Repairs - Bldg & Machinery	20,300.00	12,562.36	7,737.64	113,199.29	150,803.00	75.06%	37,603.71
Other Expense	2,108.87	7,262.08	(5,153.21)	65,379.20	87,165.00	75.01%	21,785.80
Minor Capital Outlay	12,657.95	10,711.86	1,946.09	20,634.79	128,088.00	16.11%	107,453.21
Insurance	11,199.92	4,199.83	7,000.09	22,163.80	50,398.00	43.98%	28,234.20
Vehicle Expenses	4,402.53	3,940.50	462.03	16,457.24	47,300.00	34.79%	30,842.76
Capital Outlay	0.00	54,987.34	(54,987.34)	96,986.04	659,850.00	14.70%	562,863.96
Rentals	271.91	274.89	(2.98)	815.73	3,300.00	24.72%	2,484.27
Not Categorized	509.99	0.00	509.99	509.99	0.00	0.00%	(509.99)
Expense Totals	<u>346,409.73</u>	<u>413,054.69</u>	<u>(66,644.96)</u>	<u>1,380,764.45</u>	<u>4,957,367.00</u>	<u>27.85%</u>	<u>3,576,602.55</u>

City of Ovilla  
Financial Statement  
As of January 31, 2022

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<b>110 - LEOSE</b>	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% of Budget	Budget Remaining
<b>Revenue Summary</b>							
Other Revenue	0.00	91.67	(91.67)	0.00	1,100.00	0.00%	1,100.00
Revenue Totals	0.00	91.67	(91.67)	0.00	1,100.00	0.00%	1,100.00
<b>Expense Summary</b>							
Professional Development	0.00	91.63	(91.63)	0.00	1,100.00	0.00%	1,100.00
Expense Totals	0.00	91.63	(91.63)	0.00	1,100.00	0.00%	1,100.00

City of Ovilla  
Financial Statement  
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<b>120 - Street Improvement Fund</b>	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% of Budget	Budget Remaining
<b>Revenue Summary</b>							
Taxes	8,426.82	6,507.39	1,919.43	32,422.73	78,120.00	41.50%	45,697.27
Transfers	0.00	10,514.33	(10,514.33)	0.00	126,172.00	0.00%	126,172.00
Revenue Totals	<u>8,426.82</u>	<u>17,021.72</u>	<u>(8,594.90)</u>	<u>32,422.73</u>	<u>204,292.00</u>	<u>15.87%</u>	<u>171,869.27</u>
<b>Expense Summary</b>							
Capital Outlay	0.00	17,017.52	(17,017.52)	0.00	204,292.00	0.00%	204,292.00
Expense Totals	<u>0.00</u>	<u>17,017.52</u>	<u>(17,017.52)</u>	<u>0.00</u>	<u>204,292.00</u>	<u>0.00%</u>	<u>204,292.00</u>

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<b>130 - Court Technology</b>	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% of Budget	Budget Remaining
<b>Revenue Summary</b>							
Fines & Forfeitures	234.45	166.60	67.85	805.77	2,000.00	40.29%	1,194.23
Revenue Totals	234.45	166.60	67.85	805.77	2,000.00	40.29%	1,194.23
<b>Expense Summary</b>							
Software & Computer Equipment	0.00	166.67	(166.67)	0.00	2,000.00	0.00%	2,000.00
Expense Totals	0.00	166.67	(166.67)	0.00	2,000.00	0.00%	2,000.00

City of Ovilla  
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<b>140 - Court Security</b>	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% of Budget	Budget Remaining
<b>Revenue Summary</b>							
Fines & Forfeitures	273.80	149.94	123.86	941.08	1,800.00	52.28%	858.92
Revenue Totals	273.80	149.94	123.86	941.08	1,800.00	52.28%	858.92
<b>Expense Summary</b>							
Other Expense	79.95	83.30	(3.35)	319.80	1,000.00	31.98%	680.20
Reserve	0.00	66.64	(66.64)	0.00	800.00	0.00%	800.00
Expense Totals	79.95	149.94	(69.99)	319.80	1,800.00	17.77%	1,480.20

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<b>200 - Water And Utilities Fund</b>	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% of Budget	Budget Remaining
<b>Revenue Summary</b>							
Services	119,028.50	114,856.12	4,172.38	599,445.00	1,378,825.00	43.48%	779,380.00
Other Revenue	0.00	6,668.16	(6,668.16)	117.58	80,050.00	0.15%	79,932.42
Transfers	35,000.00	93,601.13	(58,601.13)	108,750.00	1,123,412.00	9.68%	1,014,662.00
Revenue Totals	<u>154,028.50</u>	<u>215,125.41</u>	<u>(61,096.91)</u>	<u>708,312.58</u>	<u>2,582,287.00</u>	<u>27.43%</u>	<u>1,873,974.42</u>
<b>Expense Summary</b>							
Personnel	28,327.46	30,239.83	(1,912.37)	104,995.96	362,760.00	28.94%	257,764.04
Employee Benefits	10,338.81	8,875.41	1,463.40	28,926.18	106,544.00	27.15%	77,617.82
Special Services	0.00	16,312.60	(16,312.60)	0.00	195,752.00	0.00%	195,752.00
Contractual Services	0.00	2,082.83	(2,082.83)	3,135.00	24,000.00	13.06%	20,865.00
Operating Services	1,697.49	2,701.49	(1,004.00)	11,406.27	32,420.00	35.18%	21,013.73
Supplies	168.15	816.39	(648.24)	5,892.69	10,800.00	54.56%	4,907.31
Professional Development	0.00	458.15	(458.15)	693.80	5,500.00	12.61%	4,806.20
Software & Computer Equipment	1,300.00	1,083.02	216.98	2,452.70	13,000.00	18.87%	10,547.30
Printing Expense	0.00	316.67	(316.67)	0.00	3,800.00	0.00%	3,800.00
Other Expense	836.55	3,312.51	(2,475.96)	4,600.43	39,754.00	11.57%	35,153.57
Capital Outlay	4,550.00	55,042.83	(50,492.83)	16,257.94	660,562.00	2.46%	644,304.06
Rentals	0.00	124.95	(124.95)	0.00	1,500.00	0.00%	1,500.00
Vehicle Expenses	551.45	724.75	(173.30)	1,665.73	8,700.00	19.15%	7,034.27
Utilities	73,027.25	78,629.38	(5,602.13)	241,714.04	943,910.00	25.61%	702,195.96
Repairs - Bldg & Machinery	2,333.48	3,640.80	(1,307.32)	15,161.95	43,700.00	34.70%	28,538.05
Minor Capital Outlay	852.83	624.92	227.91	1,311.02	7,500.00	17.48%	6,188.98
Reserve	0.00	9,196.32	(9,196.32)	0.00	110,400.00	0.00%	110,400.00
Insurance	2,478.02	973.75	1,504.27	4,963.31	11,685.00	42.48%	6,721.69
Expense Totals	<u>126,461.49</u>	<u>215,156.60</u>	<u>(88,695.11)</u>	<u>443,177.02</u>	<u>2,582,287.00</u>	<u>17.16%</u>	<u>2,139,109.98</u>



City of Ovilla  
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<b>250 - WWW Infrastructure Improvements</b>	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% of Budget	Budget Remaining
<b>Revenue Summary</b>							
Services	5,539.44	5,414.50	124.94	22,893.85	65,000.00	35.22%	42,106.15
Revenue Totals	5,539.44	5,414.50	124.94	22,893.85	65,000.00	35.22%	42,106.15
<b>Expense Summary</b>							
Reserve	0.00	5,414.50	(5,414.50)	0.00	65,000.00	0.00%	65,000.00
Expense Totals	0.00	5,414.50	(5,414.50)	0.00	65,000.00	0.00%	65,000.00



City of Ovilla  
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As of January 31, 2022

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<b>400 - Debt Service Fund</b>	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% of Budget	Budget Remaining
<b>Revenue Summary</b>							
Other Revenue	0.00	8.33	(8.33)	1.73	100.00	1.73%	98.27
Transfers	0.00	9,196.32	(9,196.32)	0.00	110,400.00	0.00%	110,400.00
Taxes	415,111.35	37,689.08	377,422.27	520,660.30	452,450.00	115.08%	(68,210.30)
Revenue Totals	<u>415,111.35</u>	<u>46,893.73</u>	<u>368,217.62</u>	<u>520,662.03</u>	<u>562,950.00</u>	<u>92.49%</u>	<u>42,287.97</u>
<b>Expense Summary</b>							
Long Term Debt	0.00	46,893.73	(46,893.73)	0.00	562,950.00	0.00%	562,950.00
Not Categorized	8,126.54	0.00	8,126.54	8,126.54	0.00	0.00%	(8,126.54)
Expense Totals	<u>8,126.54</u>	<u>46,893.73</u>	<u>(38,767.19)</u>	<u>8,126.54</u>	<u>562,950.00</u>	<u>1.44%</u>	<u>554,823.46</u>

City of Ovilla  
Financial Statement  
As of January 31, 2022

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<b>500 - Municipal Development District Fund</b>	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% of Budget	Budget Remaining
<b>Revenue Summary</b>							
Taxes	9,671.83	6,610.68	3,061.15	35,132.65	79,360.00	44.27%	44,227.35
Other Revenue	171.53	249.90	(78.37)	655.34	3,000.00	21.84%	2,344.66
Transfers	0.00	18,406.17	(18,406.17)	0.00	220,874.00	0.00%	220,874.00
Revenue Totals	<u>9,843.36</u>	<u>25,266.75</u>	<u>(15,423.39)</u>	<u>35,787.99</u>	<u>303,234.00</u>	<u>11.80%</u>	<u>267,446.01</u>
<b>Expense Summary</b>							
Special Services	0.00	181.92	(181.92)	0.00	2,184.00	0.00%	2,184.00
Supplies	0.00	8.33	(8.33)	0.00	100.00	0.00%	100.00
Insurance	48.82	37.48	11.34	98.32	450.00	21.85%	351.68
Reserve	0.00	41.67	(41.67)	0.00	500.00	0.00%	500.00
Capital Outlay	0.00	25,000.00	(25,000.00)	4,300.00	300,000.00	1.43%	295,700.00
Expense Totals	<u>48.82</u>	<u>25,269.40</u>	<u>(25,220.58)</u>	<u>4,398.32</u>	<u>303,234.00</u>	<u>1.45%</u>	<u>298,835.68</u>

City of Ovilla  
Financial Statement  
As of January 31, 2022

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<b>600 - 4B Economic Development Fund</b>	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% of Budget	Budget Remaining
<b>Revenue Summary</b>							
Taxes	16,853.65	12,911.50	3,942.15	64,845.47	155,000.00	41.84%	90,154.53
Other Revenue	598.27	399.84	198.43	2,323.67	4,800.00	48.41%	2,476.33
Transfers	0.00	22,770.22	(22,770.22)	0.00	273,352.00	0.00%	273,352.00
Revenue Totals	<u>17,451.92</u>	<u>36,081.56</u>	<u>(18,629.64)</u>	<u>67,169.14</u>	<u>433,152.00</u>	<u>15.51%</u>	<u>365,982.86</u>
<b>Expense Summary</b>							
Grant Expense	0.00	416.67	(416.67)	0.00	5,000.00	0.00%	5,000.00
Reserve	0.00	624.75	(624.75)	0.00	7,500.00	0.00%	7,500.00
Special Services	0.00	587.45	(587.45)	0.00	7,052.00	0.00%	7,052.00
Supplies	0.00	16.66	(16.66)	0.00	200.00	0.00%	200.00
Professional Development	0.00	416.50	(416.50)	0.00	5,000.00	0.00%	5,000.00
Printing Expense	0.00	33.32	(33.32)	0.00	400.00	0.00%	400.00
Repairs - Bldg & Machinery	495.00	0.00	495.00	6,695.00	0.00	0.00%	(6,695.00)
Insurance	53.99	41.65	12.34	108.73	500.00	21.75%	391.27
Other Expense	0.00	624.75	(624.75)	0.00	7,500.00	0.00%	7,500.00
Capital Outlay	902.67	33,333.33	(32,430.66)	902.67	400,000.00	0.23%	399,097.33
Expense Totals	<u>1,451.66</u>	<u>36,095.08</u>	<u>(34,643.42)</u>	<u>7,706.40</u>	<u>433,152.00</u>	<u>1.78%</u>	<u>425,445.60</u>

City of Ovilla  
Financial Statement  
As of January 31, 2022

3/4/2022 3:20 PM

<b>700 - Park Impact Fund</b>	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% of Budget	Budget Remaining
<b>Revenue Summary</b>							
Services	7,693.96	975.27	6,718.69	20,405.72	11,708.00	174.29%	(8,697.72)
Revenue Totals	<u>7,693.96</u>	<u>975.27</u>	<u>6,718.69</u>	<u>20,405.72</u>	<u>11,708.00</u>	<u>174.29%</u>	<u>(8,697.72)</u>
<b>Expense Summary</b>							
Minor Capital Outlay	0.00	975.67	(975.67)	0.00	11,708.00	0.00%	11,708.00
Expense Totals	<u>0.00</u>	<u>975.67</u>	<u>(975.67)</u>	<u>0.00</u>	<u>11,708.00</u>	<u>0.00%</u>	<u>11,708.00</u>

City of Ovilla  
Financial Statement  
As of January 31, 2022

3/4/2022 3:20 PM

<b>800 - Water And Utilities Impact Fee Fund</b>	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% of Budget	Budget Remaining
<b>Revenue Summary</b>							
Services	96,215.90	12,524.15	83,691.75	376,599.59	150,350.00	250.48%	(226,249.59)
Other Revenue	0.00	8.33	(8.33)	0.00	100.00	0.00%	100.00
Revenue Totals	<u>96,215.90</u>	<u>12,532.48</u>	<u>83,683.42</u>	<u>376,599.59</u>	<u>150,450.00</u>	<u>250.32%</u>	<u>(226,149.59)</u>
<b>Expense Summary</b>							
Reserve	0.00	12,532.48	(12,532.48)	0.00	150,450.00	0.00%	150,450.00
Expense Totals	<u>0.00</u>	<u>12,532.48</u>	<u>(12,532.48)</u>	<u>0.00</u>	<u>150,450.00</u>	<u>0.00%</u>	<u>150,450.00</u>

## Ovilla Municipal Court Report

<b>FY-2021-2022</b>	<b>Total Traffic Cases Filed</b>	<b>City Ordinance Filed</b>	<b>Total Revenue</b>	<b>Amount Kept by City</b>	<b>Amount sent to State</b>	<b>Warrants Issued</b>	<b>Warrants Cleared</b>	<b>Uncontested Disposition</b>	<b>Defensive Driving</b>	<b>Deferred Disposition</b>	<b>Compliance Dismissals</b>	<b>Trial</b>
<b>October</b>	71	0	\$13,069.50	\$8,205.41	\$4,864.09	28	14	19	8	36	1	0
<b>November</b>	55	0	\$13,942.90	\$8,659.64	\$5,283.26	21	10	31	6	10	1	0
<b>December</b>	83	0	\$9,407.90	\$6,580.12	\$2,827.78	58	5	12	17	22	0	0
<b>January</b>	60	0	\$15,474.63	\$10,349.82	\$5,124.81	9	24	31	9	14	0	0
<b>February</b>	52	0	\$10,913.50	\$6,584.30	\$4,329.20	33	20	15	8	16	1	1
<b>March</b>												
<b>April</b>												
<b>May</b>												
<b>June</b>												
<b>July</b>												
<b>August</b>												
<b>September</b>												
<b>Totals</b>	<b>321</b>	<b>0</b>	<b>\$62,808.43</b>	<b>\$40,379.29</b>	<b>\$22,429.14</b>	<b>149</b>	<b>73</b>	<b>108</b>	<b>48</b>	<b>98</b>	<b>3</b>	<b>1</b>

2020-2021 FY

<b>February</b>	19	0	\$4,709.70	\$2,812.74	\$1,896.96	0
<b>FY Totals</b>	129	4	\$32,269.87	\$19,648.03	\$12,621.84	0

### Staffing

Full Time Court Clerk	1
Full Time Deputy Court Clerk	2
Judge	1
Prosecutor	1
Alternate Judge	1

BUILDING  
PERMITS  
FEBRUARY 2022

Date Issued	Applicant First Name	Applicant Last Name	Property Address	Proposed Use	Valuation Bldg	Valuation Bldg w Land	Fee Building Permit	Fee Capital Recovery	Fee Fire Meter	Fee Park Impact	Fee Plan Review	Fee Sewer Connection	Fee Sewer Impact	Fee Water Impact	Fee Water Meter Cost	Fees Due	Living Sq Ft	Total Sq Ft	Property County
2/9/2022	CARL	LARGE	803 E MAIN ST	SIGN	500	0	60	0	0	0	0	0	0	0	0	60	0	0	ELLIS
2/17/2022	JOHN HOUSTON HOMES		3770 CHERRY LAUREL LN	NEW SINGLE FAMILY RESIDENTIAL	505835	570835	2400	1250	0	334.52	480	0	2190.2	0	0	6654.74	3276	4050	ELLIS
2/17/2022	JOHN HOUSTON HOMES		7410 PISTACHE LN	NEW SINGLE FAMILY RESIDENTIAL	435352	500352	2400	1250	0	334.52	480	0	2190.2	0	0	6654.74	2651	3411	ELLIS
2/17/2022	JOHN HOUSTON HOMES		3750 MONTERREY OAK WAY	NEW SINGLE FAMILY RESIDENTIAL	387555	452555	2400	1250	0	334.52	480	0	2190.2	0	0	6654.74	2554	3331	ELLIS
2/8/2022	JOHN HOUSTON HOMES		7621 BALD CYPRESS DR	NEW SINGLE FAMILY RESIDENTIAL	486753	551753	2400	1250	0	334.52	480	0	2190.2	0	0	6654.74	2743	3888	ELLIS
2/17/2022	JOHN HOUSTON HOMES		3741 MONTERREY OAK WAY	NEW SINGLE FAMILY RESIDENTIAL	491990	556990	2400	1250	0	334.52	480	0	2190.2	0	0	6654.74	3747	4466	ELLIS
2/7/2022	JOHN HOUSTON HOMES		7401 PISTACHE LN	NEW SINGLE FAMILY RESIDENTIAL	566447	646447	2400	1250	0	334.52	480	0	2190.2	0	0	6654.74	3250	4036	ELLIS
2/10/2022	FIRST TEXAS HOMES		331 BROADMOOR LN	NEW SINGLE FAMILY RESIDENTIAL	476950	555950	2400	2500	0	334.52	480	0	5475.5	5267.4	575	17032.47	3977	5345	ELLIS
2/10/2022	FIRST TEXAS HOMES		360 CHEYENNE MOUNTAIN DR	NEW SINGLE FAMILY RESIDENTIAL	476950	555950	2400	2500	0	334.52	480	0	5475.5	5267.4	575	17032.47	4084	5378	ELLIS
2/2/2022	ANTARES HOMES		3730 MONTERREY OAK WAY	NEW SINGLE FAMILY RESIDENTIAL	323858.4	398858.41	2400	1250	0	334.52	480	0	2190.2	0	0	6654.74	2550	3040	ELLIS
2/9/2022	ANTARES HOMES		3910 MAPLE LN	NEW SINGLE FAMILY RESIDENTIAL	354243.5	429243.47	2400	1250	0	334.52	480	0	2190.2	0	0	6654.74	2641	3157	ELLIS
2/14/2022	ANTARES HOMES		3711 CHERRY LAUREL LN	NEW SINGLE FAMILY RESIDENTIAL	327401.5	402401.54	2400	1250	0	334.52	480	0	2190.2	0	0	6654.74	2550	3078	ELLIS
2/9/2022	ANTARES HOMES		3731 BRYSON MANOR DR	NEW SINGLE FAMILY RESIDENTIAL	354889.6	429889.58	2400	1250	0	334.52	480	0	2190.2	0	0	6654.74	2609	3267	ELLIS
2/17/2022	HORTON CAPITAL PROPERTIES	DBA GLACIER CUSTOM HOMES	99 RIDGEWAY GAP	NEW SINGLE FAMILY RESIDENTIAL	600000	0	2400	1250	0	334.52	480	0	0	5267.4	575	10306.93	3617	4785	ELLIS
2/9/2022	DAVID	BUSHDIECKER	507 BRUCE CT	FLATWORK	20000	300000	40	0	0	0	0	0	0	0	0	40	0	660	ELLIS
2/9/2022	ANTARES HOMES		3740 BRYSON MANOR DR	NEW SINGLE FAMILY RESIDENTIAL	343715.6	418715.63	2400	1250	0	334.52	480	0	2190.2	0	0	6654.74	2623	3244	ELLIS
2/14/2022	ANTARES HOMES		7450 PISTACHE LN	NEW SINGLE FAMILY RESIDENTIAL	379019.5	454019.46	2400	1250	0	334.52	480	0	2190.2	0	0	6654.74	3165	3653	ELLIS
2/23/2022	JAMES	HASHIM	BRYSON MANOR DR	RIGHT OF WAY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	ELLIS
2/7/2022	RICARDO	CARRILLO	911 COCKRELL HILL RD	SOLAR PANELS	41800	41800	325	0	0	0	0	0	0	0	0	325	0	0	DALLAS
2/18/2022	ELMWOOD HOMES		7440 DESERT WILLOW LN	NEW SINGLE FAMILY RESIDENTIAL	339793	412489	2400	1250	0	334.52	480	0	2190.2	0	0	6654.74	2568	3348	ELLIS

2/18/2022	ELMWOOD HOMES		3900 BRYSON MANOR DR	NEW SINGLE FAMILY RESIDENTIAL	379404.6	452100.56	2400	1250	0	334.52	480	0	2190.2	0	0	6654.74	2833	3843	ELLIS
2/18/2022	ELMWOOD HOMES		7451 BALD CYPRESS DR	NEW SINGLE FAMILY RESIDENTIAL	339793	412489	2400	1250	0	334.52	480	0	2190.2	0	0	6654.74	2568	3396	ELLIS
2/11/2022	SHEENA	MYLES	WESTMORELAND RD	RIGHT-OF-WAY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	ELLIS
2/25/2022	DAVID	TUTTLE	607 TAYLOR ST	FENCE	8500	0	25	0	0	0	0	0	0	0	0	25	0	0	ELLIS
2/22/2022	ANTARES HOMES		7640 BALD CYPRESS DR	NEW SINGLE FAMILY RESIDENTIAL	362274.5	437274.48	2400	1250	0	334.52	480	0	2190.2	0	0	6654.74	2623	3244	ELLIS
2/22/2022	ANTARES HOMES		3741 BRYSON MANOR DR	NEW SINGLE FAMILY RESIDENTIAL	382252.8	457252.84	2400	1250	0	334.52	480	0	2190.2	0	0	6654.74	3165	3653	ELLIS
2/25/2022	ELMWOOD HOMES		7411 PISTACHE LN	NEW SINGLE FAMILY RESIDENTIAL	373049	445745	2400	1250	0	334.52	480	0	2190.2	0	0	6654.74	2817	3683	ELLIS
2/25/2022	ELMWOOD HOMES		7421 PISTACHE LN	NEW SINGLE FAMILY RESIDENTIAL	349227	451923	2400	1250	0	334.52	480	0	2190.2	0	0	6654.74	2601	3460	ELLIS
2/14/2022	GAYLE	BIEMERET	202 SPLIT ROCK TER	ROOF	42000	42000	50	0	0	0	0	0	0	0	0	50	1648	1648	DALLAS
2/14/2022	KYLE	CAGLE	117 LARIAT TRL	PLUMBING	7470	0	125	0	0	0	0	0	0	0	0	125	0	0	ELLIS
2/14/2022	DANIEL	JOHNSON	110 CLAREMONT DR	PLUMBING	6333	0	100	0	0	0	0	0	0	0	0	100	2523	2523	ELLIS
2/23/2022	ANTARES HOMES		7650 BALD CYPRESS DR	NEW SINGLE FAMILY RESIDENTIAL	382623.9	457623.88	2400	1250	0	334.52	480	0	2190.2	0	0	6654.74	3155	3716	ELLIS
2/25/2022	ANTARES HOMES		3710 MONTERREY OAK WAY	NEW SINGLE FAMILY RESIDENTIAL	349386.5	427660.69	2400	1250	0	334.52	480	0	2190.2	0	0	6654.74	2800	3522	ELLIS
2/17/2022	LEONDARD	GARDNER	117 SUBURBAN DR	PLUMBING	4500	0	125	0	0	0	0	0	0	0	0	125	0	0	ELLIS
2/17/2022	BRYAN	COKER	134 SUBURBAN DR	ROOF	24806	0	50	0	0	0	0	0	0	0	0	50	0	0	ELLIS
2/23/2022	BRANDEE	AZAKYTU	115 LARIAT TRL	PLUMBING	1000	1000	100	0	0	0	0	0	0	0	0	100	0	0	ELLIS



REPORT A CONCERN FEBRUARY 2022				
Concern Type	Complainant First Name	Concern Address	Date Entered	Concern Description
Water leak at the meter box		1940 DUNCANVILLE RD	2/23/2022	Please investigate water standing around the meter box. Replace gaskets on either side or notify homeowner if the leak belongs to them.
Water Leak - Possible		617 MALLOY RD	2/14/2022	617 Malloy Owner said it looks like a leak before the meter
Animal at large	james	105 COCKRELL HILL RD	2/28/2022	FYI, the `if other` box doesnt work. if you exclude my kids, i know of no animals at large. my oldest kid wants to play softball. does the city know or work in coordination with a softball association? how do i go about finding this information?
Other		604 FOREST EDGE LN	2/28/2022	CUSTOMER STATING HIGH BILL, IS THERE ANY SIGNS OF A LEAK? READINGS: 2/14/22 2985.6 PREVIOUS READ: 2888.6
Other		105 OAK FOREST LN	2/23/2022	FINAL OUT READING **FEB 28TH** DO NOT LOCK BOX APP/DEP REC`D
Other		102 ELMWOOD DR	2/23/2022	FINAL OUT READING **FEB 23RD** DO NOT LOCK BOX APP/DEP REC`D
Other		204 SPLIT ROCK TER	2/18/2022	FINAL OUT READING **FEB 18*** DO NOT LOCK BOX APP/DEP REC`D
Other		438 JOHNSON LN	2/22/2022	FINAL OUT READING **FEBRUARY 23RD**
Other		835 E MAIN ST	2/22/2022	FINAL OUT READING **FEB 22** DO NOT LOCK BOX/ APP/DEP REC`D

				FINAL OUT READING PLEASE LOCK BOX IF POSSIBLE (FEB 22)
Other		625 MEADOW LARK DR	2/22/2022	NO NEW APP/DEP REC'D
Animal at large	MIKE	749 COCKRELL HILL RD	2/22/2022	UNRESTRAINED ANIMAL
Public Nuisance		3151 OVILLA RD	2/18/2022	Will you please go by and look at this address. Multiple Code Violations appear to exist including trash and debris. - BJT
Other		608 OAK RIDGE CT	2/18/2022	Trash was not collected per customer he put it out Wednesday night. Please collect and advise.
Other		839 E MAIN ST	2/18/2022	BANNER SIGN AT ROAD - NO PERMIT
Other		621 EDGEWOOD LN	2/11/2022	PLEASE GET READING ***FEBRUARY 17*** DO NOT LOCK BOX
Water Meter - Install		331 BROADMOOR LN	2/11/2022	NEED TO INSTALL 1` METER.
Water Meter - Install		360 CHEYENNE MOUNTAIN DR	2/11/2022	NEED TO INSTALL 1` METER
Reread Meter		208 BURTONWOOD CIR	2/11/2022	New application Please get reading
Other		105 COCKRELL HILL RD	2/16/2022	SEE ATTACHED FEBRUARY 2022 REPAIR LIST
Other		105 COCKRELL HILL RD	2/16/2022	SEE ATTACHED FEBRUARY REREAD LIST
		105 COCKRELL HILL RD	2/16/2022	823 E. Main Fallen Tree blocking road way need to haul off
Construction Work Without Permits - Fence	MIKE	324 COVINGTON LN	2/16/2022	

Parking in Yard - Trailer	MIKE	701 OVILLA OAKS DR	2/16/2022	TRAILER PARKED LONGER THAN 48 HOURS
Parking in Yard - Vehicle	MIKE	113 SILVERWOOD DR	2/16/2022	CAR PARKED IN YARD
Parking in Yard - Vehicle	MIKE	105 SILVERWOOD DR	2/16/2022	CAR PARKED IN YARD
Improper Signage	MIKE	700 W MAIN ST	2/16/2022	SIGN CONSTRUCTION WIHTOUT PERMIT
Other		115 HUMMINGBIRD LN	2/15/2022	BULK MISSED 2/11 (make up day from missing 2/4) 2/14 Allie: I have entered a work order to ensure bulk service as soon as possible
Other		105 COCKRELL HILL RD	2/10/2022	NEED PACKET DELIVERED TO RACHEL HUBER TODAY PLEASE
Other		105 COCKRELL HILL RD	2/11/2022	Need packet delivered to Rachel Huber.
Other		107 OAK FOREST LN	2/14/2022	Resident called stating trash has not been collected in the last couple of weeks. He said he thinks it's the whole neighborhood but knows for sure its his and the whole street of his. Please collect & advise
Other		117 WATER ST	2/9/2022	CUSTOMER STATING HIGH BILL-PLEASE GET REREAD
Other		105 COCKRELL HILL RD	2/8/2022	METER BOOKS PLACED IN PW BASKET  START READINGS FEBRUARY 14TH
Septic Tank Odor	Shawn	501 OVILLA OAKS DR	2/10/2022	Every day they have an odor that is terrible. Is there anything you can do?
Septic Tank Odor	Shawn	501 OVILLA OAKS DR	2/10/2022	Every day they have an odor that is terrible. Is there anything you can do?

Other		208 BURTONWOOD CIR	2/10/2022	FINAL OUT READING METER SHOULD BE LOCKED IF POSSIBLE
Other		104 COPPERFIELD CT	2/10/2022	FINAL OUT READING **FEB 11TH** DO NOT LOCK BOX APP/DEP REC'D
Other		403 MONTPELIER LN	2/10/2022	surrendered pet dog
		404 THORNTREE DR	2/10/2022	Broken tree limb hanging over the road 400 block of ThornTree. Need to cut down and remove
Animal at large	MIKE	114 WESTLAWN DR	2/8/2022	
Barking Dog	MIKE	303 COCKRELL HILL RD	2/8/2022	
Animal at large	MIKE	303 COCKRELL HILL RD	2/8/2022	
Barking Dog	MIKE	1942 DUNCANVILLE RD	2/3/2022	
Other		101 OAKWOOD	2/7/2022	FINAL OUT READING DO NOT LOCK BOX-APP/DEP REC'D
Other		750 COCKRELL HILL RD	2/7/2022	CUSTOMER STATING HIGH BILL-PLEASE GET READING
Drainage/Culvert clean out	Joe	623 EDGEWOOD LN	2/2/2022	Please check this area behind the house to avoid a possible flooding issue.
Service line leak repair		906 COCKRELL HILL RD	2/2/2022	Please repair service line leak by the meter box on city side.
Other	Pam	403 COCKRELL HILL RD	2/2/2022	Some type of safety or warning reflectors along the curve.

Tree Branches in Street		625 CARDINAL DR	2/1/2022	I'm at 625 Cardinal Dr. the upcoming subdivision cut down the trees and there are branches on the power lines since last Friday. With the winter storm coming, I'm worried about it and wanted to let y'all know.
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**HONORABLE MAYOR AND CITY COUNCIL OF OVILLA**  
**Administration Monthly February Activity Report**  
**Presented at the March 2022 Council Meeting**  
**City Manager - City Secretary**

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**ADMINISTRATION, Finance, front office, and HR –**

1. Finance Director and staff worked with auditors at city hall.
2. The 2022 Comprehensive Land Use Plan: completed review committee meetings for the updates to the Plan. Working with consulting group Kimley-Horn to implement those updates and analyze 2022 existing land use to update the map and include new data sources.
3. Working in certain sections of the Code with legal counsel for review and possible updates to bring to Council in future.
4. Beginning review of design manuals.
5. STARS Transparency (Comptroller's office): completed the updated requirements for the STARS acknowledgement in finance.
6. Standard Operating Procedures: assigned to each office employee for efficiency and cross-training.

**BOARDS AND COMMISSIONS –**

**Board of Adjustment:**

1. No BOA meeting in February 2022.

**Planning and Zoning Commission:**

1. No P&Z meeting in February 2022. (They will have met in March)

**CURRENT AND PLANNED RESIDENTIAL DEVELOPMENT PROJECTS-**

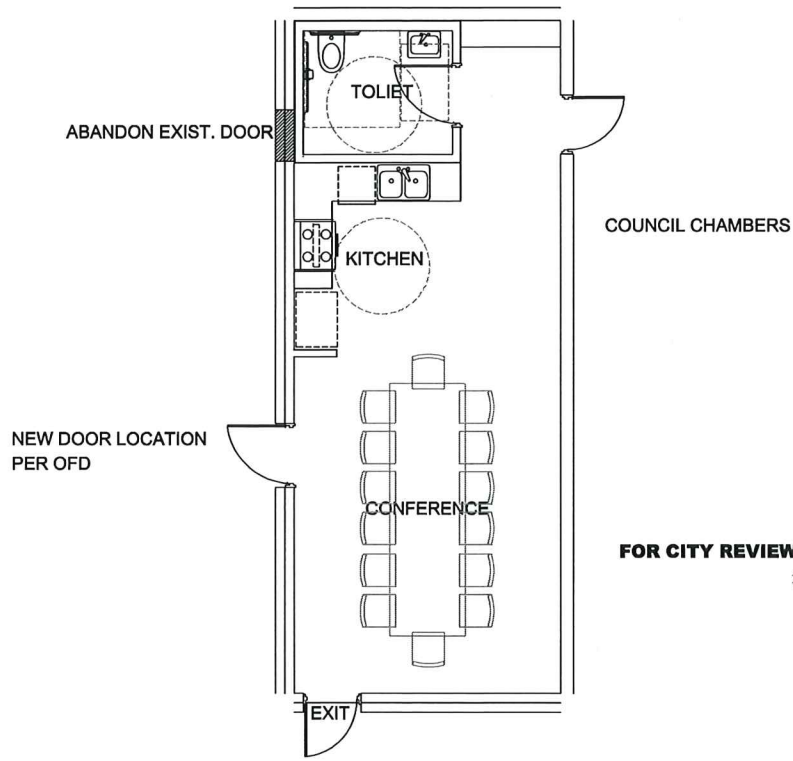
**Residential:**

- Broadmoor Estates Phase I
  - No permits issued in February 2022
    - Total issued to date 26
- Bryson Manor III
  - 21 residential permits in February 2022.
    - Total issued to date 55
- One other residential new home permit in February 2022
- Total collected for February 2022 in residential permits: \$150,056
  - Total collected to date: \$819,162

**2022 GENERAL ELECTION:**

- Drawing Order of Places on the Ballot Complete
- First Report of Finance Due April 7<sup>th</sup>
- Publication and Posting of Notice of Election will be completed in April





**FOR CITY REVIEW AND APPROVAL ONLY  
3.8.22**

**A1.8 Proposed New Council Conference Room**  
SCALE: 1/2" = 1'-0"

NO.	DATE	DESCRIPTION

Alterations to  
**City Hall**  
City of Ovilia, Texas  
105 S. Cockrell Hill Rd.

105 S. Cockrell Hill Rd.  
Ovilia, Texas 75154

308 East North Avenue  
Ovilia, Texas 75154  
(972) 263-2299

Designed by: A. Mottla Date: \_\_\_\_\_  
Drawn by: J. Hill Date: \_\_\_\_\_  
Checked by: A. Mottla Date: \_\_\_\_\_  
C.A. by: A. Mottla Date: \_\_\_\_\_

Ovilia PD  
www.mottlachitects.com

**A1.0**