

# City of Ovilla City Council

Kimberly Case, Place One  
Dean Oberg, Place Two

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

David Griffin, Place Three  
Brad Piland, Place Five

Monday, June 12, 2023

105 S. Cockrell Hill Road, Ovilla, TX 75154  
6:30 P.M.

Council Chamber Room

## AMENDED AGENDA

NOTICE is hereby given of a Regular Meeting of the City Council of the City of Ovilla, to be held on **Monday, June 12, 2023**, 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 PL4 Hunt*
- U.S. Pledge of Allegiance and TX Pledge - *led PL1 Case*

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

- None

**CITY MANAGER UPDATE:**

- Code Enforcement Activity
- Development Activity
- Solid Waste Request for Proposals

**III. CITIZEN'S 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. 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 \$5,000
- C2. Minutes of the Regular Council Meeting May 8, 2023
- C3. Minutes of the Special Council Meeting May 16, 2023
- C4. Fiscal Year 2023/2024 Budget Calendar

**V. REGULAR AGENDA**

- ITEM 1. **DISCUSSION/ACTION** – Consideration of and action on nominations and the appointment of the Mayor Pro Tem.
- ITEM 2. **DISCUSSION/ACTION** – Consideration of and action on Ordinance No. 2023-10, an ordinance of the City of Ovilla, Texas, amending Chapter 3, Article 3.06, Section 3.06.005 of the Code of Ordinances of the City of Ovilla; amending the number of feather banners; providing a savings

# *City of Ovilla City Council*

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clause; providing a severance clause; providing for incorporation into the Ovilla Code of Ordinances; providing for immediate effect; and providing for publication.

**ITEM 3.** **DISCUSSION/ACTION** – Consideration of and action on ratifying the decision to extend the Depository Services Contract with Prosperity Bank for an additional year from June 1, 2023, through May 31, 2024.

**ITEM 4.** **DISCUSSION/ACTION** – Consideration of and action on Resolution No. R2023-12, a resolution of the City Council of the City of Ovilla, Texas, authorizing the execution of a State Infrastructure Bank loan agreement; authorizing David D. Henley, City Manager, to act on behalf of the City of Ovilla, Texas in all matters relating to the execution of the agreement; and providing an effective date.

**ITEM 5.** **DISCUSSION/ACTION** – Consideration of and action on the approval of the City of Ovilla American Rescue Plan Act/Federal Procurement Policies and Procedures and authorizing David D. Henley, City Manager, to execute the policy and the policy and procedure statement.

**ITEM 7.** **DISCUSSION** – Discuss traffic concerns in the City of Ovilla including the possibility of installing traffic calming devices (speed bumps) in neighborhoods with a high volume of daily traffic, and speed limit regulations.

**ITEM 8.** **DISCUSSION** – Discuss the possible sale, conveyance, or exchange of 693 J McNamara 1.97 Acres, 693 J McNamara 0.46 Acres, and 693 J McNamara 0.43 Acres.

**ITEM 9.** **DISCUSSION** – Discuss city council priorities for the 2023/2024 Fiscal Year Budget.

**ITEM 10.** **DISCUSSION/ACTION** – Consideration of and action on Ordinance No. 2023-11, an ordinance of the City of Ovilla, Texas, amending Ordinance No. 2023-07, adopting the 2018 International Fire Code with North Central Texas Council of Governments (“COG”) amendments - Option A, to adopt Appendices B, C, D, and I; providing for the incorporation of premises; providing for amendment to Section 2; providing a cumulative repealer clause; providing a savings clause; providing a severability clause; providing for a penalty; and providing for an effective date.

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

**ITEM 12.** **DISCUSSION/ACTION** – Consideration of and action on Ordinance No. 2023-12, an ordinance creating the office of City Secretary; providing for the appointment, supervision and removal of the City Secretary; establishing the principal duties and responsibilities of the City Secretary; providing for a bond; repealing conflicting ordinances or portions of ordinances; providing for severability; providing a savings clause; and setting the effective date.

**ITEM 13.** **DISCUSSION/ACTION** – Consideration of and action on Resolution No. R2023-13, a resolution of the City Council of the City of Ovilla, Texas, amending Resolution No. R2022-09 to revise the City of Ovilla Organizational Chart; and providing an effective date.

## **VI. RECEIVE DEPARTMENTAL REPORTS – NO ACTION OR DISCUSSION**

- **Departmental Reports**
  - Police Department
  - Fire Department

Police Chief J. Bennett  
Fire Chief B. Kennedy

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- Public Works Department
- Finance Department
- City Secretary

Public Works Director J. Kuykendall  
Finance Director E. Scott  
City Secretary B. Taylor

## VII. EXECUTIVE SESSION

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

1. § 551.071: Consultation with the City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act regarding: (i) City Manager; (ii) City Secretary
2. § 551.074: to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, or to hear a complaint or charge against an officer or employee: (i) City Manager; (ii) City Secretary

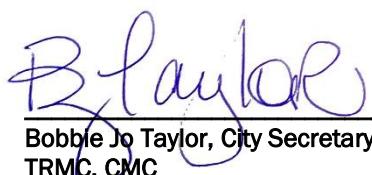
## VIII. RECONVENE INTO OPEN SESSION - In accordance with Texas Government Code, Chapter 551, the City Council will reconvene into Open Session to consider action, if any, on matters discussed in Executive Session.

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

## X. ADJOURNMENT

THIS IS TO CERTIFY THAT A COPY OF THE NOTICE OF June 12, 2023, 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 9th day of June 2023, prior to 6:30 p.m., in compliance with Chapter 551, Texas Government Code. A quorum of the governmental body will be physically present at the location noticed above. Pursuant to Tex. Gov't Code 551.127, one or more members of the governing body may appear via videoconference call.



  
Bobbie Jo Taylor, City Secretary  
TRMC, CMC

The agenda was amended 6.9.2023 to remove Item 6. Discuss the possibility of declaring the City of Ovilla as a Sanctuary City for the Unborn as requested by Place 1 Case. Items 7-13 were not issued new item numbers in order for the numbers to be reflected correctly in the agenda packet.

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

# City of *OVILLA* City Council

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assist your needs. PLEASE SILENCE ALL CELL PHONES & OTHER ELECTRONIC EQUIPMENT WHILE THE CITY COUNCIL MEETING IS IN SESSION.

*A voice 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.**

06-12-2023

## Consent Items C1-C4

To  
**Honorable Mayor  
and Council**

- C1.** Financial Transactions over \$5,000
- C2.** Minutes of the Regular Council Meeting May 8, 2023
- C3.** Minutes of the Special Council Meeting May 16, 2023
- C4.** Fiscal Year 2023/2024 Budget Calendar

From  
**Staff**

**CC**  
**Applicable  
Departments**

### BACKGROUND AND JUSTIFICATION:

C1: Financial Transactions over \$5000

**STAFF RECOMMENDATION:** Staff recommends approval

C2: Minutes of the Regular Council Meeting May 8, 2023

**STAFF RECOMMENDATION:** Staff recommends approval.

C3: Minutes of the Special Council Meeting May 16, 2023

**STAFF RECOMMENDATION:** Staff recommends approval.

C4: Fiscal Year 2023/2024 Budget Calendar

**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: June 12, 2023**

**To: Honorable Mayor and Council Members**

**Subject: Transactions over \$5,000 From  
October 2022 thru  
April 2023**

**From:**

**Ed Scott – Finance Director**

City of Ovilla  
Council Report  
Check Date: 10/1/2022 to 4/30/2023

6/5/2023 9:53:57 AM

Vendor Name	Check Date	Description	Fund	Department	Amount
<b>AVR Inc.</b>					
	1/12/2023	ANNUAL RENEWAL-SOFTWARE SUPPORT	Water And Utilities Fund	Water	\$5,082.00
<b>Total</b>					
<b>\$5,082.00</b>					
<b>Birkhoff, Hendricks and Carter, LLP</b>					
	2/10/2023	ENGINEER FEES	Water And Utilities Fund	Non-Departmental	\$7,636.00
	4/20/2023	PROJECT 2022127 18983	Water And Utilities Fund	Non-Departmental	\$6,108.80
<b>Total</b>					
<b>\$13,744.80</b>					
<b>City of Dallas</b>					
	10/20/2022	UTILITIES AND SERVICES	Water And Utilities Fund	Water	\$44,602.14
	12/22/2022	WATER UTILITIES AND SERVICES	Water And Utilities Fund	Water	\$94,007.56
	1/27/2023	WATER UTILITIES AND SERVICES	Water And Utilities Fund	Water	\$31,385.82
	3/17/2023	SERVICE FROM 1/10/23 - 2/8/23	Water And Utilities Fund	Water	\$27,913.79
	4/6/2023	SERVICE FROM 2/9/23 - 3/10/23	Water And Utilities Fund	Water	\$24,444.23
<b>Total</b>					
<b>\$222,353.54</b>					
<b>City of Midlothian</b>					
	1/27/2023	EMS SERVICES FOR 1ST QUARTER	General Fund	Fire	\$25,887.50
	2/10/2023	RADIO SERVICES AGREEMENT FY 22-23	General Fund	Non-Departmental	\$17,506.00
<b>Total</b>					
<b>\$43,393.50</b>					
<b>ClearGov Inc.</b>					
	10/6/2022	CLEARGOV BUDGET SOFTWARE	General Fund	Administration	\$16,500.00
<b>Total</b>					
<b>\$16,500.00</b>					
<b>Community Waste Disposal</b>					
	12/2/2022	TRASH/RECYCLING SERVICES	General Fund	Solid Waste	\$28,107.58
	12/16/2022	DISPOSAL SERVICES	General Fund	Solid Waste	\$28,173.58
	1/12/2023	DISPOSAL SERVICES	General Fund	Solid Waste	\$28,272.58
	2/17/2023	TRASH/RECYCLING FEE	General Fund	Solid Waste	\$31,247.83
	3/3/2023	TRASH/RECYCLING FEE	General Fund	Solid Waste	\$31,284.41
	4/20/2023	TRASH/RECYCLING FEE	General Fund	Solid Waste	\$31,266.12
<b>Total</b>					
<b>\$178,352.10</b>					
	3/17/2023	HVAC FOR CITY HALL	Municipal Development	Administration	\$15,800.00

	CONF ROOM	District Fund		
<b>Datatronic Control Inc.</b>				
10/20/2022	50% Down Pmt. on Marquee sign for City Hall	4B Economic Development Fund	Administration	\$15,800.00 \$24,390.25
3/17/2023	MONUMENT SIGN	4B Economic Development Fund	Administration	\$21,140.25
<b>Ellis Central Appraisal District</b>				\$45,530.50
11/10/2022	1ST QUARTER PAYMENT ON 2023	General Fund	Administration	\$6,100.84
3/3/2023	2ND QTR PAYMENT 2023	General Fund	Administration	\$6,100.84
			<b>Total</b>	<b>\$12,201.68</b>
<b>FORVIS, LLP</b>				
2/10/2023	YEAR END AUDIT	General Fund	Non-Departmental	\$9,000.00
2/10/2023	YEAR END AUDIT	Water And Utilities Fund	Non-Departmental	\$9,000.00
4/20/2023	FORVIS INV#BK10759646	General Fund	Non-Departmental	\$5,000.00
4/20/2023	FORVIS INV#BK10759646	Water And Utilities Fund	Non-Departmental	\$5,000.00
			<b>Total</b>	<b>\$28,000.00</b>
<b>Gexa Energy LP</b>				
12/2/2022	ELECTRIC BILL	General Fund	Non-Departmental	\$5,443.73
12/29/2022	ELECTRIC BILL	General Fund	Non-Departmental	\$5,311.72
1/27/2023	ENERGY BILL	General Fund	Non-Departmental	\$5,614.08
3/3/2023	ELECTRIC UTILITY EXPENSE	General Fund	Non-Departmental	\$5,660.31
4/4/2023	ELECTRIC UTILITY EXPENSE	General Fund	Non-Departmental	\$5,508.49
			<b>Total</b>	<b>\$27,538.33</b>
<b>Gov Pilot</b>				
10/20/2022	ANNUAL SUBSCRIPTIONS	General Fund	Community Services	\$7,500.00
			<b>Total</b>	<b>\$7,500.00</b>
<b>Griswold Industries</b>				
12/2/2022	REPAIRS TO ALTITUDE VALVE AT OVILLA	Water And Utilities Fund	Water	\$5,923.00
			<b>Total</b>	<b>\$5,923.00</b>
<b>Internal Revenue Service</b>				
10/14/2022	Federal Withholding 10/8/2022	General Fund	Non-Departmental	\$5,899.93
10/26/2022	Federal Withholding 10/22/2022	General Fund	Non-Departmental	\$6,028.06
11/9/2022	Federal Withholding 11/5/2022	General Fund	Non-Departmental	\$5,954.56
11/22/2022	Federal Withholding 11/19/2022	General Fund	Non-Departmental	\$6,202.38
12/7/2022	Federal Withholding 12/3/2022	General Fund	Non-Departmental	\$6,824.87
12/21/2022	Federal Withholding	General Fund	Non-Departmental	\$6,114.15

1/18/2023	12/17/2022 Federal Withholding 1/14/2023	General Fund	Non-Departmental	\$6,238.43
2/2/2023	Federal Withholding 1/28/2023	General Fund	Non-Departmental	\$6,116.39
2/23/2023	Federal Withholding 2/11/2023	General Fund	Non-Departmental	\$19,464.27
2/23/2023	Federal Withholding 2/11/2023	Water And Utilities Fund	Non-Departmental	\$5,380.49
3/1/2023	Federal Withholding 2/25/2023	General Fund	Non-Departmental	\$6,187.22
3/15/2023	Federal Withholding 3/11/2023	General Fund	Non-Departmental	\$5,386.18
4/12/2023	Federal Withholding 4/8/2023	General Fund	Non-Departmental	\$5,511.19
4/26/2023	Federal Withholding 4/22/2023	General Fund	Non-Departmental	\$5,569.11
<b>Total</b>				<b>\$96,877.23</b>
<b>Metro Fire Apparatus Specialists, Inc.</b>				
12/16/2022	FACEMASK	General Fund	Fire	\$8,424.00
<b>Total</b>				<b>\$8,424.00</b>
<b>Sam Houston State University</b>				
10/14/2022	CRIMES ANNUAL LICENSE FEE	General Fund	Police	\$18,000.00
<b>Total</b>				<b>\$18,000.00</b>
<b>SBS Underground Inc.</b>				
4/4/2023	DIRECTIONAL BORE INSTALL W/4" PIPE	Water And Utilities Fund	Water	\$18,500.00
<b>Total</b>				<b>\$18,500.00</b>
<b>Siddons-Martin Emergency Group, LLC</b>				
3/3/2023	VEHICLE REPAIRS	General Fund	Fire	\$26,482.71
<b>Total</b>				<b>\$26,482.71</b>
<b>Smart Earth Technologies, LLC</b>				
1/5/2023	ENDPOINTS	Water And Utilities Fund	Water	\$10,673.86
<b>Total</b>				<b>\$10,673.86</b>
<b>State Comptroller</b>				
1/5/2023	4th Qtr State Criminal Costs & Fees	General Fund	Non-Departmental	\$23,507.43
<b>Total</b>				<b>\$23,507.43</b>
<b>T. M. R. S.</b>				
11/8/2022	TMRS-Employer 10/8/2022	General Fund	Non-Departmental	\$5,672.76
11/8/2022	TMRS-Employer	General Fund	Non-Departmental	\$5,672.37
12/6/2022	TMRS-Employer 11/5/2022	General Fund	Non-Departmental	\$5,773.30
12/6/2022	TMRS-Employer 11/19/2022	General Fund	Non-Departmental	\$5,925.59
1/4/2023	TMRS-Employer	General Fund	Non-Departmental	\$6,033.59

12/3/2022

1/4/2023	TMRS-Employer 12/17/2022	General Fund	Non-Departmental	\$5,720.64
2/10/2023	TMRS-Employer 1/14/2023	General Fund	Non-Departmental	\$6,304.56
3/15/2023	TMRS-Employer 1/28/2023	General Fund	Non-Departmental	\$6,626.71
3/15/2023	TMRS-Employee 2/11/2023	General Fund	Non-Departmental	\$7,406.65
3/15/2023	TMRS-Employer 2/11/2023	General Fund	Non-Departmental	\$11,594.13
4/12/2023	TMRS-Employer 3/11/2023	General Fund	Non-Departmental	\$5,832.98
4/12/2023	TMRS-Employer 3/25/2023	General Fund	Non-Departmental	\$5,936.05
4/12/2023	TMRS-Employer 2/25/2023	General Fund	Non-Departmental	\$6,436.87
4/26/2023	TMRS-Employer 4/8/2023	General Fund	Non-Departmental	\$6,084.76
4/26/2023	TMRS-Employer 4/22/2023	General Fund	Non-Departmental	\$6,147.11
			<b>Total</b>	<b>\$97,168.07</b>

**Texas Department of Transportation**

12/2/2022	2ND ANNUAL PAYMENT TO PAY 10%	General Fund	Non-Departmental	\$52,718.56
			<b>Total</b>	<b>\$52,718.56</b>

**TEXAS EMERGENCY SERVICES RETIREMENT**

10/27/2022	TESRS- REVOCATION OF PARTICIPATION IN	General Fund	Fire	\$7,500.00
			<b>Total</b>	<b>\$7,500.00</b>

**TEXAS MUNICIPAL LEAGUE IRP**

10/14/2022	CONTRACT 5016	General Fund	Non-Departmental	\$5,941.93
10/14/2022	CONTRACT 5016	General Fund	Non-Departmental	\$13,943.73
2/17/2023	WORKERS COMP AUDIT	General Fund	Non-Departmental	\$11,097.14
4/20/2023	TML MARCH 2023	General Fund	Non-Departmental	\$5,700.16
4/20/2023	TML MARCH 2023	General Fund	Non-Departmental	\$13,943.73
			<b>Total</b>	<b>\$50,626.69</b>
1/12/2023	TML INSURANCE	General Fund	Non-Departmental	\$13,943.73

**Trinity River Authority of Texas**

10/20/2022	NOVEMBER BILLING	Water And Utilities Fund	Sewer	\$36,996.00
12/8/2022	OPERATION, MAINTENANCE, & DEBT SERVICE	Water And Utilities Fund	Sewer	\$38,960.00
12/16/2022	OPERATION, MAINTENANCE, & DEBT SERVICE	Water And Utilities Fund	Sewer	\$38,960.00
1/20/2023	OPERATION, MAINTENANCE, & DEBT SERVICE	Water And Utilities Fund	Sewer	\$38,960.00
2/17/2023	OPERATION, MAINTENANCE, & DEBT SERVICE	Water And Utilities Fund	Sewer	\$38,960.00

4/20/2023	TRA OPERATIONS & MAINTENANCE 3/10	Water And Utilities Fund	Sewer	\$38,960.00
4/20/2023	TRA OPERATIONS & MAINTENANCE 4/10	Water And Utilities Fund	Sewer	\$38,960.00
			<b>Total</b>	<b>\$270,756.00</b>
<b>U. S. Underwater Services, LLC</b>				
1/27/2023	DIVE INSPECTION	Water And Utilities Fund	Water	\$5,225.00
			<b>Total</b>	<b>\$5,225.00</b>
<b>United Health Care</b>				
10/14/2022	ER PD UHC 10/8/2022	General Fund	Non-Departmental	\$12,386.42
11/9/2022	ER PD UHC 11/5/2022	General Fund	Non-Departmental	\$12,386.42
12/7/2022	ER PD UHC 12/3/2022	General Fund	Non-Departmental	\$11,742.97
1/5/2023	ER PD UHC 12/31/2022	General Fund	Non-Departmental	\$11,260.38
2/2/2023	ER PD UHC 1/28/2023	General Fund	Non-Departmental	\$12,547.28
3/1/2023	ER PD UHC 2/25/2023	General Fund	Non-Departmental	\$11,903.83
4/12/2023	ER PD UHC 4/8/2023	General Fund	Non-Departmental	\$10,938.65
			<b>Total</b>	<b>\$83,165.95</b>

# CITY OF OVILLA MINUTES

**Monday, May 8, 2023**

**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 6:30 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:

Kimberly Case	Council Member, Place 1
Dean Oberg	Council Member, Place 2
David Griffin	Council Member, Place 3
Doug Hunt	Mayor Pro Tem, Place 4
Brad Piland	Council Member, Place 5

Mayor Dormier noted that all council members were in attendance thus constituting a quorum. The City Manager, City Secretary, department directors, and various staff were also present.

## **CALL TO ORDER:**

Place 3 Griffin led the invocation and Place 5 Piland led the reciting of the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

## **ANNOUNCEMENTS, PROCLAMATIONS, PRESENTATIONS, COMMENTS:**

Mayor Dormier made the following announcements and presented proclamations to the Police Department and Public Works Department.

- Canvassing City of Ovilla Election Results May 16, 2023, 5:30 p.m.
- National Public Works Week May 21<sup>st</sup> through May 27<sup>th</sup>, 2023
- National Police Week May 14<sup>th</sup> through May 21<sup>st</sup>, 2023

City Manager, David Henley, gave an update on the following items:

- City of Ovilla Trash-Off Annual Clean Up Day April 22 and Green Event April 29
- SIB Loan Application
- May 6, 2023, Elections
- Meeting with new City Attorney
- ARP Fund Projects

## **CITIZEN COMMENTS:**

Carol Richtsmeier, 925 Red Oak Creek Dr. addressed the council requesting that an item be added to the next agenda to address the possibility of placing traffic calming devices (speed bumps) along Red Oak Creek Rd., and for the council to discuss a plan for traffic to remain safe in the neighborhood.

BJ Tucker, 704 Georgetown, requested that the council step-up the enforcement of code violations in the City of Ovilla.

## **CONSENT AGENDA:**

- C1. Financial Transactions over \$5,000
- C2. Minutes of the Regular Council Meeting April 10, 2023
- C3. Investment Report for January through March 2023

Mayor Pro Tem Hunt motioned to approve all consent agenda items.

PL5 Piland seconded the motion.

No oppositions, no abstentions.

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

**REGULAR AGENDA:**

**ITEM 1. DISCUSSION** – Receive updates from staff and hold discussions regarding code enforcement areas of concern in the City of Ovilla as requested by Mayor Pro Tem Hunt.

City Manager, David Henley, addressed the City Council stating that code enforcement has been active in the areas that were concerning to the council at the last regular city council meeting. Mr. Henley advised that contact has been made with the property located at University and Red Oak Creek Rd. and that the area is coming into compliance with city ordinances. Mr. Henley continued his update advising that code enforcement has sent letters to Ovilla Auto and the home on Lariat Tr. regarding accessing the property. Mr. Henley closed his update advising that code enforcement is not legally allowed to write a ticket as our officer is not a TCOLE-certified Police Officer however, Officer Dooley is giving notices of violations that include a summons to the municipal court where a fine could be assessed by the Judge.

**ITEM 2. DISCUSSION** – Discuss City of Ovilla Code of Ordinances Section 3.06.005 Schedule of Temporary Signs relating to banner signs on commercial property as requested by Place 1 Case.

Pamilee Koval, 121 Water St., requested that the council allow more banners to be placed on commercial property.

The council discussed many options to update the city ordinance. The consensus of the council was to direct staff to draft an updated city ordinance that would allow two (2) banner signs per property.

**ITEM 3. DISCUSSION/ACTION** – Consideration of and action on Ordinance No. 2023-08 an Ordinance of the City of Ovilla, Texas, repealing and replacing appendix "A", Article A2.000, Section A2.009, of the Code of Ordinances of the City of Ovilla; removing the damage deposit for baseball and softball fields; providing a savings clause; providing a severance clause; providing for incorporation into the Ovilla Code of Ordinances; providing for immediate effect; and providing for publication.

PL 1 Case motioned to approve Ordinance No. 2023-08 an Ordinance of the City of Ovilla, Texas, repealing and replacing appendix "A", Article A2.000, Section A2.009, of the Code of Ordinances of the City of Ovilla; removing the damage deposit for baseball and softball fields; providing a savings clause; providing a severance clause; providing for incorporation into the Ovilla Code of Ordinances; providing for immediate effect; and providing for publication.

Place 2 Oberg seconded the motion.

Place 5 Piland opposed, no abstentions.

***VOTE: The motion to approve carried unanimously: 4-1***

**ITEM 4. DISCUSSION/ACTION** – Consideration of and action on a possible amendment to the City of Ovilla Code of Ordinances Section 3.06.003 (f) and related sections, regarding the placement of political signs, potentially implementing stronger regulations on political signs placed on city property as requested by Mayor Dormier.

Randy Bellomy, 409 Shadowwood Tr., spoke to the council regarding implementing stronger regulations on political signs, which in his opinion, could be seen as a violation of Freedom of Speech.

Terry Todd, 109 Lariat Tr., echoed Mr. Bellomy's statements and questioned why the council is considering stronger regulations since the signs were only placed at the location for a short time frame.

Jimmie Case, 120 Hummingbird Lane, stated that he too believed that it could be seen as interference with political freedoms.

Mayor Dormier stated that he had requested this item be placed on the agenda after receiving a complaint during the previous council meeting regarding the way the property looked during elections.

The council discussed options to consider regarding stronger regulations of political signs and declined to act at this time.

**ITEM 5. DISCUSSION/ACTION** – Consideration of and action to order a public hearing to take place on Monday, July 10, 2023, at 6:30 p.m., during the regularly scheduled City Council meeting to receive public comment on the Land Use Assumptions, Capital Improvement Plan, and Water and Sewer Impact Fee Updates.

PL3 Griffin motioned to order a public hearing to take place on Monday, July 10, 2023, at 6:30 p.m., during the regularly scheduled City Council meeting to receive public comment on the Land Use Assumptions, Capital Improvement Plan, and Water and Sewer Impact Fee Updates.

Mayor Pro Tem Hunt seconded the motion.

No oppositions, no abstentions.

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

**ITEM 6. DISCUSSION/ACTION** – Consideration of and action on Resolution No. R2023-09, a Resolution by the City Council of the City of Ovilla declaring miscellaneous equipment to be surplus property and authorizing the city manager to dispose of the property pursuant to State law and in a manner that is beneficial to the City of Ovilla.

PL2 Oberg motioned to place Item 6 on the agenda for June 12, 2023, to allow time to add additional equipment to the surplus list including the recently purchased Utility Task Vehicle (Utility Side by Side).

Mayor Pro Tem Hunt seconded the motion.

PL1 Case, PL3 Griffin, and PL5 Piland opposed, no abstentions.

***VOTE: The motion to move Item 6 to the agenda for June 12, 2023, failed: 2-3***

The council discussed the equipment included in the surplus listing as well as equipment not included in the listing. PL2 Oberg stated that the Utility Side by Side vehicle should be placed into surplus as he did not agree with the way the previous administration purchased the vehicle.

Mayor Pro Tem Hunt wished to exclude the JCB Tractor/Backhoe and to obtain a quote to have repairs done that would bring the equipment back to operational. Public Works Director, James Kuykendall, advised that the equipment would be more costly to repair than the value of the equipment.

City Manager Henley advised that he understood why the council may be in opposition to keeping the Utility Side by Side but advised at this time selling the vehicle would lead to a loss. Mr. Henley relayed to the council the many uses that the city could potentially use the vehicle for.

PL1 Case motioned to approve Resolution No. R2023-09, a Resolution by the City Council of the City of Ovilla declaring miscellaneous equipment to be surplus property and authorizing the city manager to dispose of the property pursuant to State law and in a manner that is beneficial to the City of Ovilla.

PL5 Piland seconded the motion.

PL2 Oberg and Mayor Pro Tem Hunt opposed, no abstentions.

***VOTE: The motion to approve passed: 3-2***

**ITEM 7. DISCUSSION/ACTION** – Consideration of and action on Ordinance No. 2023-09, an ordinance of the City Council of the City of Ovilla, Texas, amending Ordinance No. 2022-15; providing for budget amendments to the Fiscal Year 2022-2023 annual budget and program of services in accordance with Chapter 1, Article 1.05, Section 1.05.038 Mid-year Budget Review and Amendment, of the City of Ovilla; providing for budget amendments to the general fund and the water and utilities fund; providing for incorporation of premises; providing a cumulative repealer clause, providing for severability; providing a savings clause; providing for engrossment and enrollment, providing a publication clause; and providing an effective date.

City Manager Henley presented the council with the mid-year budget amendments for the 2022/2023 Budget Year.

Mayor Pro Tem Hunt made a motion to approve Ordinance No. 2023-09, an ordinance of the City Council of the City of Ovilla, Texas, amending Ordinance No. 2022-15; providing for budget amendments to the Fiscal Year 2022-2023 annual budget and program of services in accordance with Chapter 1, Article 1.05, Section 1.05.038 Mid-year Budget Review and Amendment, of the City of Ovilla; providing for budget amendments to the general fund and the water and utilities fund; providing for incorporation of premises; providing a cumulative repealer clause, providing for severability; providing a savings clause; providing for engrossment and enrollment, providing a publication clause; and providing an effective date.

Place 2 Oberg seconded the motion.

No oppositions, no abstentions.

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

**ITEM 8. DISCUSSION/ACTION** – Consideration of any item(s) pulled from the Consent Agenda for individual consideration and action.

No items were pulled from the Consent Agenda.

## RECEIVE DEPARTMENTAL REPORTS – NO ACTION OR DISCUSSION

- **Departmental Reports**
  - Police Department Police Chief J. Bennett
  - Fire Department Fire Chief B. Kennedy
  - Public Works Department Public Works Director J. Kuykendall
  - Finance Department Finance Director S. Jungman
  - Administration City Secretary B. Taylor

## **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. In accordance with Texas Government Code, Section 551.001. et seq., the City Council will recess into Executive Session (closed meeting) to discuss the following: 7:55 P.M.

Section 551.071 (1) and (2), of the Texas Government Code: Consultation with Attorney: Consultation with the City's Attorney to seek the advice of its attorney about pending or contemplated litigation or a settlement offer, or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act: Complaints and Claims Management

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 David Henley (90-Day Evaluation)

**B. Adjourn from the executive session and reconvene into the open meeting, 8:42 P.M.**

ANY ACTION NECESSARY OR APPROPRIATE AS A RESULT OF THE CLOSED EXECUTIVE SESSION.

None

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

*Richard Dormier, Mayor  
Kimberly Case, Place One  
Dean Obera, Place Two*

- Mayor Dormier requested items to address concerns for future traffic regarding the new Jr. High School to be built on Westmoreland Rd., and code enforcement violations complaints.
- PL1 Case requested that the council discuss designating the City of Ovilla as a Sanctuary City for the Unborn.

**ADJOURNMENT:**

PL2 Oberg made a motion to adjourn.

Mayor Pro Tem Hunt seconded the motion.

There being no further business, Mayor Dormier adjourned the meeting at 8:45 p.m.  
No oppositions, no abstentions.

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

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Richard Dormier, Mayor

ATTEST:

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Bobbie Jo Taylor, City Secretary

APPROVED: June 12, 2023

# **CITY OF OVILLA MINUTES**

***Monday, May 16, 2023***

***Special 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 5:30 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:

Kimberly Case	Council Member, Place 1
Dean Oberg	Council Member, Place 2
Doug Hunt	Mayor Pro Tem, Place 4
Brad Piland	Council Member, Place 5

Mayor Dormier noted the above-listed council members were in attendance thus constituting a quorum. Place 3 David Griffin was not in attendance. The city manager, acting city secretary, department directors, and various staff were present.

**CALL TO ORDER:**

Mayor Pro Tem Hunt led the invocation and Place 1 Case led the reciting of the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

**CITIZEN COMMENTS:**

None.

**ANNOUNCEMENTS, PROCLAMATIONS, PRESENTATIONS, COMMENTS:**

City Manager David Henley read the following information into the record regarding the canvass totals following May 6, 2023, City of Ovilla Special Elections.

On March 13, 2023, the City Council passed Ordinance 2023-06 which canceled the 2023 General Election. The deadline to file an application for a place on the ballot had passed with only Mayor Dormier, Place 2 Dean Oberg, and Place 4 Doug Hunt submitting said application. As each of the candidates was unopposed during the General Election and per Ordinance 2023-06 the following are declared hereby elected and are now eligible to be sworn into office:

Mayor Richard Dormier  
Place 2 Dean Oberg  
Place 4 Hunt

On Saturday, May 6, 2023, the City of Ovilla held a Special Election. The following are the results of the Special Election:

The City of Ovilla Proposition A “reauthorization of the local sales and use tax in the City of Ovilla at the rate of one-fourth of one percent to continue providing revenue for maintenance and repair of municipal streets. The Tax expires on the Fourth anniversary of the date of this election unless the imposition of the tax is reauthorized.”

	Absentee	Early Voting	Election Day	Total
For	2	280	169	451
Against	0	95	87	182
Total Undervotes	20			

Let the record reflect that the City of Ovilla Proposition A has passed.

The voting totals are as follows:

391 Early Voting by Personal Appearance  
 2 Mail Ballots Case (Absentee)  
 260 Election Day Ballots Cast  
 653 Total Ballots Case  
 0 Provisional Ballots Cast  
 248 Registered Voters (Dallas Co.)  
 3240 Registered Voters (Ellis Co.)  
 3488 Total Registered Voters  
 18.72% Voter Turnout

**REGULAR AGENDA:**

**ITEM 1. DISCUSSION/ACTION** – Consideration of and action on Resolution No. R2023-10, a resolution of the City Council of the City of Ovilla canvassing the results of the May 06, 2023, Sales and Use Tax Special Election, reauthorizing the sales and use tax in the City of Ovilla, at the rate of one-quarter of one percent, to continue providing revenue for the maintenance and repair of existing municipal streets; providing for notice of such election results to the Comptroller of the State of Texas; and providing an effective date.

Mayor Pro Tem Hunt motioned to approve Resolution No. R2023-10, a resolution of the City Council of the City of Ovilla canvassing the results of the May 06, 2023, Sales and Use Tax Special Election, reauthorizing the sales and use tax in the City of Ovilla, at the rate of one-quarter of one percent, to continue providing revenue for the maintenance and repair of existing municipal streets; providing for notice of such election results to the Comptroller of the State of Texas; and providing an effective date.

PL2 Oberg seconded the motion.

No oppositions, no abstentions.

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

**ITEM 2. DISCUSSION/ACTION** – Administer the Oath of Office, Statement of Elected Official, and Election Certificate to Mayor Dormier, Place 2 Dean Oberg, and Place 4 Doug Hunt.

Judge Kurth administered the Oath of Office, Statement of Elected Official and issued the Election Certificate to Mayor Dormier, Place 2 Dean Oberg, and Place 4 Doug Hunt.

**ITEM 3. DISCUSSION/ACTION** – Consideration of and action on Resolution R2023-11 a Resolution of the City Council of the City of Ovilla, Texas authorizing and approving the appointment of Scott Kurth as the Ovilla Municipal Judge for a two-year term, effective May 16, 2023.

Mayor Pro Tem Hunt motioned to approve Resolution R2023-11 a Resolution of the City Council of the City of Ovilla, Texas authorizing and approving the appointment of Scott Kurth as the Ovilla Municipal Judge for a two-year term, effective May 16, 2023.

Place 2 Oberg seconded the motion.

No oppositions, no abstentions.

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

**ITEM 4. DISCUSSION/ACTION** – Administer the Oath of Office and the Statement of Officer to Scott Kurth as the Ovilla Municipal Judge.

Mayor Dormier administered the Oath of Office and the Statement of Officer to Scott Kurth as the Ovilla Municipal Judge.

**ADJOURNMENT:**

PL1 Case made a motion to adjourn.

PL2 Oberg seconded the motion.

There being no further business, Mayor Dormier adjourned the meeting at 5:47 p.m.

No oppositions, no abstentions.

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

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Richard Dormier, Mayor

ATTEST:

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Bobbie Jo Taylor, City Secretary

APPROVED: June 12, 2023

City of Ovilla				
PROPOSED - Budget Calendar for FY2024				
Date	Day	Time	Action	Participants
June 12, 2023	Monday	6:30 PM	FY2023-2024 Budget Calendar Presented to Council	Council, CM, Finance, Dept. Heads
June 12, 2023	Monday	6:30 PM	Discuss city council budget priorities	Council, CM, Finance, Dept. Heads
June 12 thru June 28, 2023			City Manager conducts budget meetings with Department Heads	CM, Finance, Dept. Heads
July 10, 2023	Monday	6:30 PM	City Council Meeting	Council, CM, Finance, Dept. Heads
July 10, 2023	Monday		Post Notices for Workshop #1 and Workshop #2	City Secretary
July 18, 2023	Tuesday	5:00 PM	Budget Workshop #1 Review General Fund, W&S	Council, CM, Finance, Dept. Heads
July 19, 2023	Wednesday	5:00 PM	MDD Joint Board Meeting-Review of Proposed Budget	MDD Board, Council, CM, Finance, Dept. Heads
July 19, 2023	Wednesday	5:30 PM	EDC Joint Board Meeting- Review of Proposed Budget	EDC Board, Council CM, Finance, Dept. Heads
July 19, 2023	Wednesday	6:00 PM	Budget Workshop #2- Review the remainder of the Funds.	Council, CM, Finance, Dept. Heads
July 24 thru July 28, 2023			Revisions made to proposed budget and prepare preliminary Tax Rate	CM, Finance
July 20, 2023	Thursday		Post Notice of City Council Meeting on July 24th.	City Secretary
July 25, 2023	Monday		Chief Appraisers Certify the approved Appraisal roll to all taxing units	Ellis County Appraisal District
July 24, 2023	Monday	5:30 PM	Budget Workshop #3	Council, CM, Finance, Dept. Heads
August 3, 2023	Thursday		Post Notice of City Council Meeting & MDD Meeting	City Secretary
August 7, 2023	Monday	5:00 PM	MDD Board Meeting-to Approve Proposed Budget	MDD Board, CM, Finance
August 7, 2023	Monday	6:30 PM	Regular City Council Meeting- Discuss Preliminary Tax Rate and take a record Vote on proposed Tax Rate, Schedule a Public Hearing for August 16th	Council, CM, Finance, Dept. Heads
August 7, 2023	Monday		Send Notice of Public Hearing to the newspaper	City Secretary
August 8, 2023	Tuesday		Rate decided at Aug 8th meeting, notify newspaper to publish Effective and Rollback tax Rates	City Secretary
August 8, 2023	Tuesday		Proposed Budget Filed with City Secretary	CM, Finance
August 8, 2023	Tuesday		Deliver Proposed Budget to Council	City Secretary
August 14, 2023	Monday	5:00 PM	EDC Board Meeting- Approve Proposed Budget	EDC Board, CM, Finance
August 14, 2023	Monday	6:00 PM	Public Hearing on Tax Rate and Proposed Budget	Council, CM, Finance
August 14, 2023	Monday		Send Notice of Public Hearing to the newspaper	City Secretary
August 24, 2023	Thursday		Publish Notice for Public Hearing for Budget and Tax Rate on Sept. 11th.	City Secretary and Ellis County
Sept. 7, 2023	Thursday		Post Notice for City Council Meeting	City Secretary
Sept. 11, 2023	Monday	6:30 PM	Open Public Hearing for Budget & Tax Rate. Then City Council Meeting to Adopt Budget, then Adopt 2023 Tax Rate & Ratify Tax Rate	Council, CM, Finance, Dept. Heads
City Council Meetings				
EDC Board Meetings				
MDD Board Meetings				
City Secretary				

## AGENDA ITEM REPORT Item #1

Meeting Date: June 12, 2023

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 of and action on nominations and an appointment of Mayor Pro Tem.

### Procedure:

Mayor Dormier may choose to make a recommendation to the City Council for a Mayor Pro Tem. If the Mayor's recommendation is not accepted by a motion, 2<sup>nd</sup>, and vote of the majority of the Council then council members may make a nomination for the Mayor Pro Tem including nominating themselves. A 2<sup>nd</sup> is not needed for a nomination and will not be accepted until all nominations have been made. Once all nominations have been made the Mayor will request a vote from the Council to close the nominations. This motion will require a 2<sup>nd</sup> and majority vote of the Council. The Mayor will name the nominations in the order in which they were nominated. If the nominee receives a 2<sup>nd</sup> by a member of the Council then a vote will be held. This process will continue until a member of the Council receives a majority vote of the City Council.

### Discussion / Justification:

Background: Section 22.037 of the Local Government Code states that the Mayor Pro-Tem is a council member that performs the Mayor's duties in the event of the Mayor's incapacity or absence. The Mayor Pro Tem is selected by a majority vote of the council from among its own governing body. The Mayor Pro Tem's term renews annually following the municipal election and retains the right to vote on all matters before the Council while performing those duties in the Mayor's absence.

### Sample Nominations

I would like to Nominate \_\_\_\_\_ to serve as Mayor Pro Tem.

### Sample Motion(s):

I make a motion to approve the recommendation of the Mayor and appoint \_\_\_\_\_ to serve as Mayor Pro Tem.

If needed the council can use the motions below.

I make a motion to close nominations for Mayor Pro Tem.

After the nominations are closed this motion can be made.

I move that Council appoints \_\_\_\_\_ to serve as Mayor Pro Tem for the City of Ovilla following the May 2023 general election for a term through the May 2024 Uniform Election Date.

## AGENDA ITEM REPORT Item #2

Meeting Date: June 12, 2023

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 of and action on Ordinance 2023-10 an Ordinance of the City of Ovilla, Texas, amending Chapter 3, Article 3.06, Section 3.06.005 of the Code of Ordinances of the City of Ovilla; amending the number of feather banners; providing a savings clause; providing a severance clause; providing for incorporation into the Ovilla Code of Ordinances; providing for immediate effect; and providing for publication.

### Attachments:

1. Ordinance 2023-10

### Discussion / Justification:

Background: During the May 2023 City Council meeting staff was given a directive to draft an ordinance that would change the number of feather banners allowed by the city code. Ordinance 2023-10 changes the city ordinance to read the following:

“Two (2) signs per premises if more than one (1) business is located on premises. One (1) sign per premises if only 1 business is located on the premises.”

This is the only change reflected in the attached ordinance. The change to allow two (2) feather banners does not apply to any other sign in the city ordinances including a regular banner sign, a sandwich board sign, or temporary signs.

### Recommendation / Staff Comments:

Staff Recommends: Approval

### Sample Motion(s):

I move to approve/deny Ordinance 2023-10 an Ordinance of the City of Ovilla, Texas, amending Chapter 3, Article 3.06, Section 3.06.005 of the Code of Ordinances of the City of Ovilla; amending the number of feather banners; providing a savings clause; providing a severance clause; providing for incorporation into the Ovilla Code of Ordinances; providing for immediate effect; and providing for publication.

AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, AMENDING CHAPTER 3, ARTICLE 3.06, SECTIONS 3.06.005 OF THE CODE OF ORDINANCES OF THE CITY OF OVILLA; AMENDING THE NUMBER OF FEATHER BANNERS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERANCE CLAUSE; PROVIDING FOR INCORPORATION INTO THE OVILLA CODE OF ORDINANCES; PROVIDING FOR IMMEDIATE EFFECT; AND PROVIDING FOR PUBLICATION.

**WHEREAS**, the City Council of Ovilla adopted Ordinance No. 2018-25 on October 9, 2018, regulating signs in the City of Ovilla; and

**WHEREAS**, the City Council of Ovilla adopted Ordinance No. 07-014 on August 13, 2007, regulating signs in the City of Ovilla; and

**WHEREAS**, the City Council of Ovilla adopted Ordinance No. 08-006 on November 12, 2007, further regulating signs in the City of Ovilla; and

**WHEREAS**, the City Council has researched and deliberated the current sign regulations of the City of Ovilla; and

**WHEREAS**, based on the deliberation of the deliberations the City Council desires to make changes to the sign regulations within the City of Ovilla to create an environment that will foster more business;

**WHEREAS**, the City Council finds it necessary to amend the City's Code of Ordinances regulating signs.

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

**SECTION 1. AMENDMENT OF ARTICLE 3.06, OF THE CODE OF ORDINANCES OF THE CITY OF OVILLA, TEXAS**

Article 3.06, Section 3.06.005 of the Code of Ordinances of the City of Ovilla, Texas, is hereby amended by updating the following:

Sign Type	Permitted District	Permit Required?	Maximum Area (sq. ft.)	Height of Sign	Number of Signs	Setback	Spacing of Signs	Time Limitation
Feather banner	Non-residential districts and uses	Yes	30 sf each face and 60 sf total surface	15 ft. (measured from greater of base or sign or street grade)	2 signs per premises if more than 1 business is located on premises. 1 sign per premises if only 1 business is located on the premises	On-premises 10ft from the curb or improved surface & 15ft. from any driveway	None	None

**SECTION 2. SAVINGS CLAUSE**

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

**SECTION 3. SEVERANCE CLAUSE**

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

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

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

**SECTION 5. EFFECTIVE DATE**

Because of the nature of the interests and safeguards 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 upon approval and publication, as required by law.

**SECTION 6. PUBLICATION**

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

**PASSED, ADOPTED and APPROVED** by the City Council of Ovilla, Texas, on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

ATTEST:

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

## AGENDA ITEM REPORT Item #3

Meeting Date: June 12, 2023

Department: Administration

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted By: City Manager David D. Henley

Reviewed By:  City Manager

City Secretary

City Attorney

Finance Director

Other:

### AGENDA ITEM:

**ITEM 3. DISCUSSION/ACTION** – Consideration of and action on ratifying the decision to extend the Depository Services Contract with Prosperity Bank for an additional year from June 1, 2023 through May 31, 2024.

### Attachments:

1. Depository Services Renewal

### Discussion / Justification:

On May 24, 2023, Prosperity Bank notified Finance Director Ed Scott in writing that we needed to execute an extension of our Depository Services Agreement before it expired. I asked Mr. Scott to contact the bank to see if they could extend the expiration until the council could consider the extension at the scheduled council meeting on June 12, 2023. They advised they could not extend the contract and it was set to expire on the 31<sup>st</sup>. I contacted Mayor Dormier and discussed the issue with him. He advised me to sign the document and have council consider ratifying the decision at the next council meeting. Mr. Scott recommends extension of the contract and provided a comparison of the rates as follows:

	2023	2020
Prosperity Bank NOW	0.50%	0.30%
Floor	1%	0.70%
APY	1%	0.50%

	2023	2020
Money Market	0.85%	0.60%
Floor	1%	0.60%
APY	1%	0.60%

### Recommendation / Staff Comments:

**Staff Recommends:** Approval

### Sample Motion(s):

I move to approve/deny ratifying the decision to extend the Depository Services Contract with Prosperity Bank for an additional year from June 1, 2023 through May 31, 2024.



May 24, 2023

City of Ovilla  
ATTN: Edward Scott  
105 Cockrell Hill Rd  
Ovilla, Texas 75154

Dear Mr. Edward Scott:

The Depository Services Contract between the City of Ovilla and Prosperity Bank has been renewed on a one-year basis. The previous renewal of the contract by and between the City and the Bank was as of June 1, 2020.

By signing this letter and returning it for our files, you agree to renewal of this contract for an additional year- June 1, 2023 through May 31, 2024. All terms will remain the same except for the following:

**NOW Accounts**- Prosperity Bank NOW sheet rate +.50% with a floor of 1.00% and an APY of 1.00%

Current posted rates as of 5/12/2023: Rate 0.15% APY 0.15%				
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**Money Market Accounts** - Prosperity Bank Premier Money Market sheet rate +.50%

Current posted rates as of 5/12/2023		Rate	APY
Tier 1	\$0	\$9,999.99	0.85%
Tier 2	\$10,000	\$24,999.99	1.10%
Tier 3	\$25,000	\$49,999.99	1.35%
Tier 4	\$50,000	\$99,999.99	1.75%
Tier 5	\$100,000	\$249,999.99	2.15%
Tier 6	\$250,000	\$999,999.99	3.00%
Tier 7	\$1,000,000...		3.00%

**Certificates – Sheet Rates + .10%**

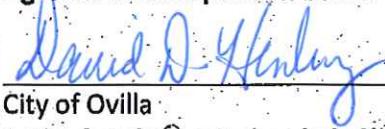
Prosperity Bank reserves the right to accept or decline additional depository funds in the aggregate, in excess of \$15,000,000.00

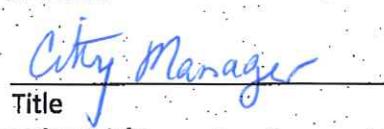
We appreciate our business relationship with the City of Ovilla and look forward to working with you in the future. If you have any questions, please let me know. I may be reached at 214-372-7650 or by email [joann.brewer@prosperitybankusa.com](mailto:joann.brewer@prosperitybankusa.com).

Sincerely,

Jo Ann Brewer  
Banking Center President

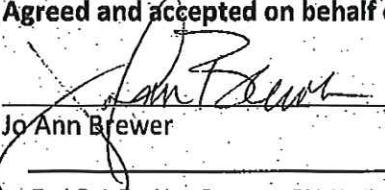
Agreed and accepted on behalf of City of Ovilla:

  
City of Ovilla

  
Title: City Manager

5/30/2023  
Date

Agreed and accepted on behalf of Prosperity Bank:

  
Jo Ann Brewer

Banking Center President  
Title

5-24-23  
Date



## AGENDA ITEM REPORT Item #4

Meeting Date: June 12, 2023

Department: Administration

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted By: City Manager David D. Henley

Reviewed By:  City Manager

City Secretary

City Attorney

Finance Director

Other:

### AGENDA ITEM:

**DISCUSSION/ACTION** – Consideration of and action on Resolution No. R2023-12, a resolution of the City Council of the City of Ovilla, Texas, authorizing the execution of a State Infrastructure Bank loan agreement; authorizing David D. Henley, City Manager, to act on behalf of the City of Ovilla, Texas in all matters relating to the execution of the agreement; and providing an effective date.

### Attachments:

1. State Infrastructure Bank Loan Agreement

### Discussion / Justification:

On December 12, 2022, the City Council approved Resolution No. R2022-12 authorizing the submission of a \$4,000,000 loan application to the State Infrastructure Bank to fund the relocation of city utility lines for the TxDOT FM 664 project. City staff submitted the application and the loan has been approved pending the approval of the attached loan agreement. If approved the funds will be deposited into a special bank account at Prosperity Bank earmarked for the project. The term for the loan is 20 years, the interest rate is 4.26% and the annual payment is \$301,143. Funds to pay the annual payment on the loan will come from ad valorem tax revenues and water and wastewater funds.

### Recommendation / Staff Comments:

**Staff Recommends:** Approval of Resolution No. R2023-12 as presented.

### Sample Motion(s):

I move to approve/deny Resolution No. R2023-12 as presented.

**CITY OF OVILLA  
RESOLUTION NO. R2023-12**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS, AUTHORIZING THE EXECUTION OF A STATE INFRASTRUCTURE BANK LOAN AGREEMENT; AUTHORIZING DAVID D. HENLEY, CITY MANAGER, TO ACT ON BEHALF OF THE CITY OF OVILLA, TEXAS IN ALL MATTERS RELATING TO THE EXECUTION OF THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

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

**WHEREAS**, State Infrastructure Bank, operated by the Texas Department of Transportation, is a revolving loan fund; and

**WHEREAS**, the City of Ovilla deems it proper and in the best interest of the City to execute a loan agreement from the State Infrastructure Bank in an amount up to \$4,000,000 to be used for relocation of water and wastewater lines located under FM 664 necessary for the widening of the roadway; and

**WHEREAS**, the city is qualified to apply for and obtain financial assistance from the State Infrastructure Bank for this purpose; and

**WHEREAS**, on December 12, 2022, the Ovilla City Council approved Resolution No. R2022-12 authorizing the submission of a loan application to the State Infrastructure Bank.

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

**SECTION 1.**

The Ovilla City Council hereby accepts the State Infrastructure Bank loan agreement, attached as Exhibit A, in its substantially final form in order to secure receipt of funds in an amount up to \$4,000,000, to be fully repaid over 20 years necessary for relocating water and wastewater lines out from under FM 664 for the widening project.

**SECTION 2.**

The Ovilla City Council hereby authorizes David D. Henley, City Manager to execute the State Infrastructure Bank loan agreement, together with all required documentation, to effectuate the City of Ovilla's intent to borrow such funds.

### **SECTION 3.**

The Ovilla City Council further authorizes City Manager David D. Henley to perform any actions required for implementation of this resolution to receive funding from the State Infrastructure Bank, including opening a bank account at Prosperity Bank to deposit the funds.

### **SECTION 4.**

This resolution shall take effect immediately upon adoption.

**PASSED, APPROVED, AND RESOLVED** by the City Council of the City of Ovilla, Texas, this the 12th day of June 2023.

### **CITY OF OVILLA**

**By:** \_\_\_\_\_  
Richard Dormier, Mayor

**ATTEST:**

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

**EXHIBIT A**

**STATE INFRASTRUCTURE BANK LOAN AGREEMENT**

THE STATE OF TEXAS §  
COUNTY OF TRAVIS §

**STATE INFRASTRUCTURE BANK  
LOAN AGREEMENT**

This State Infrastructure Bank Loan Agreement (Agreement) is made by and between the Texas Transportation Commission (Commission) acting by and through the Texas Department of Transportation (Department), an agency of the State of Texas (State), and City of Ovilla (Borrower), a political subdivision of the State of Texas, located in Ellis County, Texas.

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

**WHEREAS**, the Secretary of Transportation of the United States Department of Transportation is authorized by the National Highway System Designation Act (Section 350 of Public Law 104-59) to enter into cooperative agreements with certain states, including Texas, to establish a state infrastructure bank for the purpose of making loans and providing other financial assistance to public and private entities, so as to encourage public and private investment in transportation facilities, expand the availability of funding for transportation projects, and reduce state costs; and

**WHEREAS**, the Texas Legislature established the State Infrastructure Bank (SIB) as an account in the State Highway Fund to be administered by the Texas Transportation Commission (Transportation Code, Chapter 222, Subchapter D); and

**WHEREAS**, the Texas Transportation Commission has adopted rules to implement the SIB program, including eligibility criteria for financial assistance (Title 43, Texas Administrative Code (TAC), Part 1, Chapter 6); and

**WHEREAS**, the Department is developing a project in Ellis County, Texas to widen FM 664 in Ellis County, identified as CSJ #1051-01-052 (Project). The Borrower is relocating utilities necessary for the Project; and

**WHEREAS**, the Borrower is a public entity in Texas and is authorized by law to construct, maintain, or finance the relocation of utility lines necessary for construction of the Project and may borrow money from the SIB under Texas Transportation Code §222.0745 for that purpose; and

**WHEREAS**, in accordance with 43 TAC §6.23, the Borrower submitted an application to the Department seeking to borrow Four Million Dollars (\$4,000,000) from the SIB to pay for the relocation of utility lines necessary for the Project; and

**WHEREAS**, In accordance with 43 Texas Administrative Code (TAC) §6.32(c)(2): (1) the Project is consistent with the Statewide Long-Range Transportation Plan; (2) the Project is in a Clean Air Act non-attainment area and will be consistent with the Statewide Transportation Improvement Program, with the conforming plan and Transportation

Improvement Program for the applicable metropolitan planning organization, and with the State Implementation Plan; (3) the Project will improve the efficiency of the State's transportation systems; (4) the Project will expand the availability of funding for transportation Projects or reduce direct State costs; and (5) the application shows that the Project and the applicant are likely to have sufficient revenues to assure repayment of the financial assistance; and

**WHEREAS**, in accordance with 43 TAC §6.32(d)(1), a study of the social, economic, and environmental impact of the Project, consistent with the National Environmental Policy Act (42 U.S.C. §4321 et seq.), and Title 23, U.S.C. §109(h), and in compliance with the Department's environmental rules in 43 TAC Chapter 2, has been conducted as part of the Department's environmental assessment of the Project, and the Project was cleared pursuant to a Finding of No Significant Impact by the Department on September 15, 2020; and

**WHEREAS**, the Borrower passed Resolution No. R2022-12 on December 12, 2022, authorizing the SIB loan application in the amount of up to Four Million Dollars (\$4,000,000). The above-referenced resolution is attached hereto as **Exhibit A**; and

**WHEREAS**, in accordance with 43 TAC §6.32, the Department reviewed, analyzed, and found the application to be in compliance with the requirements of 43 TAC Chapter 6; and

**WHEREAS**, the Texas Transportation Commission, in Minute Order No. 11671 dated April 27, 2023, attached hereto as **Exhibit B**, granted final approval of the application from the Borrower to borrow up to Four Million Dollars (\$4,000,000) from the SIB, and authorized the Executive Director of the Department or his designee to enter into a financial assistance agreement with the Borrower to finance the Borrower's relocation of utilities necessary for construction the Project; and

**WHEREAS**, the Borrower also passed Resolution No. Enter resolution number. on Enter resolution date., authorizing the Borrower's Enter title of person authorized to sign the agreement. to enter into this Agreement for a loan in the amount of Four Million Dollars (\$4,000,000), attached hereto as **Exhibit C**; and

**WHEREAS**, the Borrower has submitted a certificate warranting that the proposed security is eligible to be used to repay the loan and that the financial assistance will not violate any of the borrowing or bond commitments the borrower may have in place; and

**WHEREAS**, the Department has determined that the money in the SIB to be used to make the loan is "secondary funds" and "financial assistance from other than general obligation bond proceeds," as those terms are used in 43 TAC Chapter 6; and

**WHEREAS**, the Borrower will repay the loan with funds other than federal funds.

**NOW, THEREFORE**, the Department and the Borrower agree as follows:

## **A G R E E M E N T**

### **Article 1. Financial Assistance.**

A. SIB Loan. The Department, on behalf of the Commission, will make a loan to the Borrower in the amount of Four Million Dollars (\$4,000,000) from the SIB (SIB Loan) to finance the actual costs of the Borrower's relocation of utilities necessary for the Project.

B. SIB Loan Disbursement. On June 23, 2023 (Deposit Date), the Department will transfer the amount of Four Million Dollars (\$4,000,000) from the SIB (SIB Loan Proceeds) to the Borrower for deposit with the Borrower's depository bank Prosperity Bank, located in Red Oak, Texas, into an account established by the Borrower with its depository bank or investment pool as prescribed by state law (Project Account). The Borrower shall use the SIB Loan Proceeds for payment of the Borrower's relocation of utilities necessary for the Project. The Borrower shall not use the SIB Loan Proceeds for any purpose other than that described in this Agreement.

The investment of any SIB Loan Proceeds shall be handled in a manner that complies with the Public Funds Investment Act, Texas Government Code, Chapter 2256. The SIB Loan Proceeds shall be adequately collateralized in a manner that complies with the Public Funds Collateral Act, Texas Government Code, Chapter 2257. The depository bank shall not commingle funds in the Project Account with any other funds held by the depository bank or the investment pool. If, during the course of this Agreement, the Borrower wishes to change its depository bank or investment fund, the Borrower shall obtain the Department's approval prior to the transfer of any remaining SIB Loan Proceeds or any other funds into an equivalent account in the new depository bank or investment fund, subject to the same security and fund segregation requirements described in this Agreement.

C. Security Provisions.

(1) Pledge of Tax Revenues. The Borrower hereby covenants and agrees to secure and repay the SIB Loan and accrued interest hereon pursuant to the terms of this Agreement from the Borrower's ad valorem tax revenues, and that the Department has a contractual right to and pledge of such revenues to guarantee repayment. The Borrower hereby agrees that during each year while the SIB Loan is outstanding and unpaid, the Borrower shall compute and ascertain a rate and amount of ad valorem tax that will be sufficient to raise and produce the funds required to pay the interest on the SIB Loan as such interest comes due, and to provide and maintain a sinking fund adequate to pay the principal of the SIB Loan as such principal matures (but never less than 2% of the original principal amount of the SIB Loan as a sinking fund each year); and said tax shall be based on the latest approved tax rolls of the Borrower, with full allowance being made for tax delinquencies and the cost of tax collection. Said rate and amount of ad valorem tax is hereby levied, and is hereby ordered to be levied, against all taxable property within the Borrower's jurisdiction for each year while any of the SIB Loan is outstanding and unpaid; and said tax shall be assessed and collected each such year and deposited

to the credit of the Interest and Sinking Fund (defined below). Said ad valorem taxes sufficient to provide for the payment of the interest on and principal of the SIB Loan, as such interest comes due and such principal matures, are hereby pledged to such payment, within the limits prescribed by law. The amount of taxes to be levied annually for the payment of principal of and interest on the SIB Loan shall be determined and accomplished in the following manner:

(a) The Borrower's annual budget, beginning the year in which this Agreement becomes effective, shall reflect (i) the amount of principal and interest on the SIB Loan to become due in the next succeeding Fiscal Year of the Borrower, and (ii) the amount of ad valorem tax revenues or other lawfully available funds estimated and budgeted to be available for the payment of the principal of and interest on the SIB Loan during the next succeeding Fiscal Year of the Borrower.

(b) The amount required to be provided each Fiscal Year throughout the duration of this Agreement shall be the amount, if any, by which the principal and interest to be paid on the SIB Loan in the next succeeding Fiscal Year of the Borrower exceeds the sum of (i) the amount of Pledged Revenues shown to be on deposit in the Interest and Sinking Fund (after giving effect to any payments required to be made during the remainder of the then current Fiscal Year) at the time the annual budget is prepared, and (ii) the Pledged Revenues or other lawfully available funds shown to be budgeted and available (subject to the requirements of any prior lien obligations) for payment of said debt service requirements.

(c) The Borrower shall budget an amount of ad valorem tax revenue sufficient to pay the annual payment of the SIB Loan. Following the final approval of the annual budget of the Borrower, the governing body of the Borrower shall levy an ad valorem tax at a rate sufficient to produce taxes in the amount determined in paragraph (b) above, to be utilized for purposes of paying the principal of and interest on the SIB Loan in the next succeeding Fiscal Year of the Borrower.

(2) Pledge of Water and Sewer Revenues.

(A) Definitions: For all purposes of this Agreement, the following definitions shall apply:

“Gross Revenues” – All income, receipts and revenues of every nature derived or received from the operation and ownership (excluding refundable meter deposits, restricted gifts and grants in aid of construction) of the System, including earnings and income derived from the investment or deposit of money in any special funds or accounts created and established for the payment and security of obligations payable solely from and secured by a lien on and pledge of the Net Revenues.

“Operating and Maintenance Expenses” – All current expenses of operating and maintaining the System, including all salaries, labor, materials, repairs and extensions necessary to

render efficient service; provided, however, that only such repairs and extensions, as in the judgment of the Borrower, reasonably and fairly exercised, are necessary to maintain the operations and render adequate service to the Borrower and the inhabitants thereof, or such as might be necessary to meet some physical accident or condition which would otherwise impair obligations payable from Net Revenues shall be deducted in determining Net Revenues. Depreciation charges shall not be considered Operating and Maintenance Expenses. Operating and Maintenance Expenses shall include payments under contracts for the purchase of water supply, electric power, and energy or natural gas (in the event of the acquisition of a gas distribution system) or the treatment of sewage and other materials, goods, services, or facilities for the System to the extent authorized by law and the provisions of such contract.

“Net Revenues” – Gross Revenues of the System, with respect to any period, after deducting the Operating and Maintenance Expenses during such period.

“Utility System” or “System” – All properties, facilities and plants currently owned, operated, and maintained by the Borrower for the supply, treatment, and transmission of treated potable water, together with all future extensions, improvements, replacements and additions thereto; provided, however, that notwithstanding the foregoing, and to the extent now or hereafter authorized or permitted by law, the term “Utility System” or “System” shall not mean to include facilities of any kind which are declared not to be a part of the System and which are hereafter acquired or constructed by or on behalf of the Borrower with the proceeds from the issuance of “Special Facilities Bonds”, which are hereby defined as being special revenue obligations of the Borrower which are payable from and secured by other liens on and pledges of special contract revenues or payments received from any other legal entity in connection with such facilities.

(B) Pledge of Utility System Net Revenues: The Borrower hereby covenants and agrees that the Net Revenues are hereby irrevocably pledged to the payment of amounts due to the Department from the Borrower under this Agreement. The pledge of Net Revenues granted by the Borrower shall be perfected in accordance with Chapter 9 or Chapter 261, Texas Business and Commerce Code. In order to preserve to the State the perfection of the security interest in said pledge, the Borrower agrees to make all Uniform Commercial Code filings necessary to perfect the Department’s security interest in the Borrower’s pledge of Net Revenues under Texas law, and to comply with the applicable provisions of Chapter 9 and Chapter 261, Texas Business and Commerce Code.

The Borrower covenants and agrees that Net Revenues will be used first to satisfy the Borrower’s payment obligations to the Department under this Agreement, before using Net Revenues for any other purpose.

(C) Rates and Charges: The Borrower hereby agrees, while this Agreement is outstanding, to establish and maintain rates and charges for facilities and services afforded by the Utility System that are reasonably expected, on the basis of available information and experience and with due allowance for contingencies, to produce in each fiscal year:

(i) Gross Revenues to pay Operating and Maintenance Expenses; and

(ii) Net Revenues sufficient to make the payments due to the Department under this Agreement and to pay all other indebtedness payable from and/or secured by a lien on the properties or revenues of the Utility System.

(D) Special Covenants: The Borrower further covenants and agrees as follows:

(i) It has the lawful power to pledge the Net Revenues to the payments due to the Department under this Agreement as provided herein, and has lawfully exercised such power under the laws of the State of Texas;

(ii) The Borrower shall set utility fees at rates needed to produce Utility System revenues sufficient to make payments on the SIB Loan when due;

(iii) To the extent that it legally may and while this Agreement is outstanding, no franchise shall be granted for the installation or operation of any competing electric light and power, water, or wastewater system other than those owned by the Borrower;

(iv) The pledge of Net Revenues to secure repayment of the SIB Loan is in compliance, and will not conflict with, any existing contract or other obligation secured by or payable from Utility System revenues; and

(v) The Borrower may not sell or otherwise transfer all or a significant portion of the Utility System without providing for payment of the SIB Loan in full on or prior to such sale or transfer.

(3) Reserve Fund.

The Borrower shall maintain a fund at the Borrower's depository bank separate from all other funds and accounts for payment of the SIB Loan in the event of failure by the Borrower to make the required SIB Loan repayments on the required dates (Reserve Fund). As of the Deposit Date, the Borrower shall initiate Annual deposits in the Reserve Fund from available funds of the Borrower, commencing on or before the first day of the month following the Deposit Date (from operating revenues and/or from earnings on investments in the Reserve Fund) an amount not less than One Hundred Thousand Three Hundred Eighty One Dollars (\$100,381) until the Reserve Fund contains at least Three Hundred One Thousand One Hundred Forty Three Dollars (\$301,143) (Required Reserve).

The Reserve Fund shall be maintained separately from any other reserve fund, and the Required Reserve shall not be affected by the issuance of additional debt in accordance with the provisions of this Agreement. The Reserve Fund shall be used to pay the principal of or interest on the SIB Loan at any time when there is not sufficient money available for such purpose.

For the purpose of determining the amount on deposit to the credit of the Reserve Fund, investments in which money in such account shall have been invested shall be computed at the market value of such investment. The amount on deposit to the credit of the Reserve Fund shall be computed by the Borrower at least annually, and shall be computed immediately upon any withdrawal from the Reserve Fund.

When and so long as the money and investments in the Reserve Fund total at least the amount of the Required Reserve, no deposits need be made to the credit of the Reserve Fund; but when and if the Reserve Fund at any time contains less than the Required Reserve (other than during the initial build-up period permitted in the first paragraph of this Section), the Borrower covenants and agrees to cure the deficiency in the required Reserve Fund within twelve (12) months from the date the deficiency in funds occurred. No investment of moneys held in the Reserve Fund shall have a maturity of greater than five years.

(4) Perfection of Security Interest.

Chapter 1208, Texas Government Code, applies to the execution and delivery of the SIB Loan and the pledge of revenues granted by the Borrower herein, and such pledge is therefore valid, effective, and perfected. If Texas law is amended at any time while the SIB Loan is outstanding and unpaid such that the pledge of revenues granted by the Borrower pursuant to the paragraph above is to be subject to the filing requirements of Chapter 9, Texas Business and Commerce Code, then in order to preserve to the Department the perfection of the security interest on the pledged revenues in Article I of this Agreement, the Borrower agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Texas Business and Commerce Code, and enable a filing to perfect the security interest in said pledge to occur.

D. Loan Repayment. The SIB Loan is to be repaid over a period of no more than Twenty (20) years, with a final maturity date of June 23, 2043, in accordance with the amortization schedule attached to this Agreement as **Exhibit D**. Principal due on the SIB Loan shall be due annually beginning on June 23, 2024, and on each June 23 thereafter including the final principal payment date as shown on **Exhibit D** attached hereto (each a Principal Payment Date), and in the amounts (each a Principal Payment) as shown on **Exhibit D** attached hereto.

The SIB Loan shall bear interest from the Deposit Date as shown on **Exhibit D** at the rate of 4.26% per annum (Loan Rate), such interest to be calculated on the basis of a 360-day year composed of twelve 30-day months (each an Interest Payment). Interest Payments will be due annually beginning on June 23, 2023, and on each June 23 thereafter in the years as shown on **Exhibit D** attached hereto (each an Interest Payment Date). The Principal Payment Dates and the Interest Payment Dates are collectively referred to as (Payment Dates). If a Payment Date is not on a business day, the Interest Payment and/or Principal Payment due shall be made on the next following business day.

E. Draw of Funds from Project Account. SIB Loan funds in the Project Account shall only be drawn upon by the Borrower and used for Project costs as described in this Agreement. All draws from the Project Account for such costs related to the Project shall be in

accordance with a requisition prepared by or approved by the Borrower, and all such requisitions and Project costs shall be subject to the review and approval of the Department.

F. Interest and Sinking Fund. The Borrower shall establish at its depository bank a SIB Loan Interest and Sinking Fund. Interest Payments due on the SIB Loan and each Principal Payment due on the SIB Loan shall be deposited into this Interest and Sinking Fund by the Borrower prior to each Payment Date. On or before each Payment Date, the Borrower shall cause its depository bank to transfer from the SIB Loan Interest and Sinking Fund to the Department, the applicable Interest Payment and/or Principal Payment as set forth in this Agreement.

G. Advances. The repayment of all or any portion of the SIB Loan shall not entitle the Borrower to any subsequent advances from the Department, nor shall the Department have any obligation to advance to or for the benefit of the Borrower any amount in excess of the SIB Loan. All costs incurred by the Borrower for its portion of the Project in excess of the par amount of the SIB Loan shall be the responsibility of the Borrower.

H. Prepayment.

(1) Voluntary Prepayment. Principal due on the SIB Loan and interest accrued at the Loan Rate through and including the date of prepayment may be prepaid by the Borrower without penalty, in whole or in part, on any business day.

(2) Mandatory Prepayment. Should the Project or this Agreement be terminated for any reason or should any amounts of disbursed SIB Loan Proceeds not be applied to pay Project costs, the Borrower shall return any misapplied SIB Loan Proceeds or unexpended portion of the SIB Loan Proceeds to the Department as a prepayment.

(3) Application of Prepayments. Upon receipt of a prepayment from the Borrower of a portion (and not the whole) of the outstanding principal amount of the SIB Loan the Department shall apply such prepayment to the outstanding principal due on the SIB Loan;

(4) Upon either voluntary or mandatory prepayment, the remaining principal due on the SIB Loan will be re-amortized over the term of the SIB Loan and **Exhibit D** will be revised by the Department to reflect the remaining Principal Payments and the revised Interest Payments due; and

(5) Such revised **Exhibit D** shall be submitted to the Borrower to be attached to and become an integral part of this Agreement.

I. Late Payment. Payments not received by the applicable Payment Date will bear interest at the Loan Rate (with overdue interest as well as overdue principal bearing interest) until paid. Such additional interest shall be calculated by the Department on the basis of a 360-day year composed of twelve 30-day months. The parties may prepare a revised **Exhibit D** (amortization schedule) showing the increase in interest due resulting from late payment, default, or pursuant to other terms and conditions of this Agreement.

J. Payment with Federal Funds. The Borrower hereby covenants and agrees that federal funds will not be used to make payments due on the SIB Loan.

## **Article 2. Use of SIB Loan for Project Costs**

The Department is developing the Project. The Borrower is responsible to fund the actual costs of relocating utilities necessary for the construction of the Project. The Borrower may use the SIB Loan only for the actual costs incurred by the Borrower for such utility relocation necessary for the construction of the Project.

## **Article 3. Project Responsibilities for Federally-Funded Projects**

A. The SIB Loan Proceeds are “secondary funds” and “financial assistance from other than general obligation bond proceeds,” as those terms are used in 43 TAC Chapter 6. However, if any federal funds will be used to pay for, or reimburse costs of, the Project, with respect to work on the Project, the Borrower and the Department are required to comply with the requirements of the United States Code, Title 23, for federal-aid highways. The Borrower and the Department must conduct all right-of-way or other land acquisitions, relocations, and utility adjustments in accordance with the United States Code, Title 42 – The Public Health and Welfare, Chapter 61 – Uniform Relocation Assistance and Real Property Acquisition Policies for Federal and Federally Assisted Programs (the Uniform Act) and the regulations issued thereunder.

B. The Borrower is responsible for funding its portion of Project costs in compliance with all applicable federal, state, and local laws, regulations, policies, and ordinances. The Department has certain rights and responsibilities related to the Project, including ensuring that the completion of the Project is performed in compliance with all applicable laws, regulations, and policies.

C. All plans and specifications for the Project shall be in compliance with the current editions of the design and construction manuals of the Department, and the Standard Specifications for the Construction and Maintenance of Highways, Streets, and Bridges (the “Standard Specifications”), as they may apply. All construction plans shall be signed and dated by a professional engineer licensed by the State of Texas.

D. The actions and decisions regarding the Project made by the Department shall not be contestable by the Borrower.

E. The Borrower shall provide the Department and the Federal Highway Administration, or their authorized representatives, with right of entry or access to all properties or locations necessary to perform the work for the Project, inspect the work, or otherwise aid in the prompt pursuit of the work. The Borrower shall also provide the Department, the Federal Highway Administration, the Comptroller General of the United States, and the Texas State Auditor’s Office, or their authorized representatives, with right of access to any books, documents, papers, or other records of the Borrower which are pertinent to the Project or its financing as described in this Agreement, in order to make audits, examinations, excerpts, and transcripts, or to complete the Project accounting described in this Agreement.

#### **Article 4. Project Accounting; Filing of Reports; Retention of Records**

A. The Borrower shall account for: (i) all actual costs associated with the Borrower's relocation of utilities necessary for the Project, and (ii) disbursements made to the Department, if any, associated with the Project using generally accepted accounting principles in the United States, as promulgated by the Governmental Accounting Standards Board or the Financial Accounting Standards Board, or pursuant to applicable federal or state laws or regulations. The Borrower shall maintain its books and records in accordance with generally accepted accounting principles in the United States, as promulgated by the Governmental Accounting Standards Board or the Financial Accounting Standards Board, or pursuant to applicable federal or State laws or regulations, and with all other applicable federal and state requirements. The Borrower will make its accounting records available at reasonable times to the Department for inspection during performance of the Borrower's work related to the Project and upon its completion.

B. On each Principal Payment Date (until the next Principal Payment Date occurring after the year in which all SIB Loan Proceeds are expended), the Borrower shall provide to the Department (one copy to the Department's District Office and one copy to the Department's SIB Administration Office) an accounting of the SIB Loan Proceeds expended (Annual Expenditure Report). The Borrower shall also, at the Borrower's cost, have a full audit of its books and records performed annually by an independent certified public accountant selected by the Borrower and reasonably acceptable to the Department. The audit must be conducted in accordance with generally accepted auditing standards promulgated by the Financial Accounting Standards Board, the Governmental Accounting Standards Board, or the standards of the Office of Management and Budget Circular A-133, Audits of States, Local Governments and Non-profit Organizations, as applicable, and with all other applicable federal and state requirements. The Borrower shall cause the auditor to provide a full copy of the audit report and any other management letters or auditor's comments directly to the Department within a reasonable period of time after an audit report and any related documents have been provided to the Borrower's governing body.

C. The State Auditor may conduct an audit or investigation of the Borrower with respect to the funds received from the Department directly under this Agreement or of the payments received by third parties from the Borrower using the SIB Loan Proceeds. Acceptance of funds directly under this Agreement or indirectly through payments using SIB Loan Proceeds acts as acceptance of the authority of the State Auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the State Auditor with access to any information the State Auditor considers relevant to the investigation or audit.

D. The Borrower shall retain all original Project files, records, accounts, and supporting documents relating to the relocation of Borrower utilities needed for the Project until the later of the date that: (1) the Project is completed; (2) the SIB Loan has been paid in full; or (3) the retention period required by State and federal law ends. The Borrower shall retain, or cause its auditor to retain, all work papers and reports relating to an audit performed pursuant to this Agreement until the fourth anniversary of the date of the audit report, unless the Department notifies the Borrower in writing of a later date for the end of the retention

period. During the retention period, the Borrower shall make audit work papers available to the Department within 30 days of the date that the Department requests those papers.

E. All information submitted by the Borrower (annual financial/disclosure information and notices) to the Electronic Municipal Market Access ("EMMA") System of the Municipal Securities Rulemaking Board with respect to the Borrower's bonds and other similar obligations payable from the same revenues as the SIB Loan must be submitted to the Department, within 30 days of posting to EMMA. Such information may be submitted to the Department by hard copy or by notification to the Department of the Borrower's posting with EMMA, together with the applicable CUSIP number(s).

F. The Borrower shall submit to the Department within 30 days of the date of adoption the annual operating and capital budgets adopted by the Borrower each fiscal year under a trust agreement, indenture, bond resolution or ordinance, or equivalent document securing bonds or other obligations issued for a Project, and any amended or supplemental operating or capital budget, approved by the Borrower and certified as correct by its chief administrative officer or chief financial officer.

#### **Article 5. Default**

A. The Borrower shall be in default if it fails to repay the SIB Loan (the Principal Payments and the Interest Payments) or otherwise fails to comply with any term of this Agreement. The Department shall not be obligated to take further action nor resume its obligations under this Agreement until the Borrower is no longer in default. The Borrower shall reimburse the Department for all costs or other losses of funds resulting from any default or failure to perform by the Borrower.

B. The Borrower agrees that in the event of a default under this Agreement the Department may, by all legal and equitable means, require the Borrower and any appropriate official of the Borrower (acting solely in his/her official capacity) to remedy any default under, and carry out the provisions of, this Agreement, including specifically the use and filing of mandamus proceedings. Venue for any legal proceedings shall be in Travis County, Texas.

#### **Article 6. Borrower Solely Responsible**

The Borrower agrees that it is solely responsible for all losses, costs, expenses, penalties, claims, and liabilities due to activities of the Borrower and its agents, employees, officers, or contractors performed under this Agreement, and which result from an error, omission, or negligent act of the Borrower or any agent, employee, official, or contractor of the Borrower. Notwithstanding anything in this Agreement to the contrary, this provision shall survive any termination of this Agreement.

#### **Article 7. Termination**

This Agreement may be terminated upon the occurrence of any of the following conditions:

A. If both parties to this Agreement agree in writing to such termination; provided, however, that any such termination is specifically subject to the requirements of this Agreement;

B. If the Department is unable to advance the SIB Loan Proceeds to the Borrower, the Department shall terminate this Agreement and provide written notice thereof to the Borrower;

C. If the Borrower is in default on a Principal Payment or Interest Payment required under this Agreement, the Department may declare this Agreement to be terminated, or may exercise any of the rights granted the Department in this Agreement; but the payment obligations of the Borrower shall survive any such termination and shall continue in effect until discharged and satisfied; and

D. Upon repayment in full by the Borrower of the SIB Loan, and compliance by the Borrower with all other requirements of this Agreement, the Department shall execute and deliver to the Borrower a letter or other notice of payment, provided that, upon the execution and delivery of the written notice of payment by the Department, this Agreement shall automatically terminate, except with respect to any obligation of a party related to any losses, costs, expenses, penalties, claims, and liabilities due to the activities of a party, or any agent, employee, official, or contractor of a party, which obligations shall survive such termination.

## **Article 8. Notices**

All notices to either party by the other party required under this Agreement will be delivered personally, via e-mail or sent by U.S. Mail, postage prepaid, addressed to such party at the following respective addresses:

<b>Texas Transportation Commission:</b>	<b>Borrower:</b>
Texas Department of Transportation Attn: Project Finance, Debt & Strategic Contracts Division SIB Administration 125 East 11 <sup>th</sup> Street Austin, TX 78701-2483 TexasSIB@txdot.gov	City of Ovilla Attn: City Manager 105 S. Cockrell Hill Road Ovilla, Texas 75154 dhenley@cityofovilla.org

All notices shall be deemed so delivered or deposited in the mail, unless otherwise provided herein. A party may change the above address by sending written notice of the change to the other party in the manner stated in this Article.

## **Article 9. Legal Construction**

In case one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein. In particular, but not by way of limitation, should all or any part of the pledge of security in this Agreement for any reason be held invalid, illegal or unenforceable in any

respect, Borrower's obligations under this Agreement shall be treated as current expenses of the Borrower subject to the annual appropriation of lawfully available funds by the governing body of the Borrower for the payment of such obligations.

## **Article 10. Written Amendments**

Any changes in the character, agreement, terms, or responsibilities of the parties must be enacted through a written amendment. No amendment to this Agreement shall be of any effect unless in writing and executed by both parties. Notwithstanding the foregoing, revisions to **Exhibit D** that occur as contemplated in this Agreement must be in writing, but are not required to be executed by either party.

## **Article 11. Successors and Assigns**

Except as provided in the next following sentence, this Agreement shall bind, and shall be for the sole and exclusive benefit of, the respective parties. Each party is prohibited from assigning any of the rights or obligations conferred by this Agreement to any third party without the advance written approval of the other party. Any attempted assignment or other transfer of the rights or obligations of this Agreement without the consent of the other party shall be void and may be grounds for termination of this Agreement.

## **Article 12. Relationship of the Parties**

Nothing in this Agreement shall be deemed or construed by the parties, or any third party, as creating the relationship of principal and agent between the Department and the Borrower.

## **Article 13. Interpretation**

No provision of this Agreement shall be construed against or interpreted to the disadvantage of any party by any court or other governmental or judicial authority by reason of such party having or being deemed to have drafted, prepared, structured, or dictated such provision.

## **Article 14. Signatory Authority**

Each party to this Agreement represents to the other that it is fully authorized to enter into this Agreement and to perform its obligations hereunder, and that no waiver, consent, approval, or authorization from any third party is required to be obtained or made in connection with the execution, delivery, or performance of this Agreement. Each signatory on behalf of the Department and the Borrower, as applicable, is fully authorized to bind that entity to the terms of this Agreement.

## **Article 15. Taxable Obligations**

The SIB Loan is not a "state or local bond" within the meaning of section 103(a) and (c) of the Internal Revenue Code of 1986, as amended; therefore, the interest on the SIB Loan is not excludable from the gross income of the holders thereof for federal income tax purposes.

**\*\*\*SIGNATURE PAGES FOLLOW\*\*\***

Each party is signing this Agreement on the date stated next to that party's signature.

**CITY OF OVILLA**

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

David D. Henley  
City Manager  
City of Ovilla

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

**TEXAS DEPARTMENT OF TRANSPORTATION**

Executed for the purpose and effect of activating and/or carrying out the orders, established policies, or work programs heretofore approved and authorized by the Texas Transportation Commission.

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

Benjamin H. Asher  
Project Finance, Debt & Strategic Contracts Division Director  
Texas Department of Transportation

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

EXECUTION PAGE: SIB #S2023-004-01

EXHIBIT A

BORROWER'S RESOLUTION(S) AUTHORIZING LOAN APPLICATION

**RESOLUTION NO. R2022-12**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS, AUTHORIZING THE FILING OF AN APPLICATION FOR FINANCIAL ASSISTANCE FROM THE STATE INFRASTRUCTURE BANK; AUTHORIZING THE MAYOR TO ACT ON BEHALF OF THE CITY OF OVILLA IN ALL MATTERS RELATING TO THE APPLICATION; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the State Infrastructure Bank, operated by the Texas Department of Transportation, is a revolving loan fund; and

WHEREAS, the City Council of the City of Ovilla deems it proper and in the best interest of the citizens of City of Ovilla to apply for a loan from the State Infrastructure Bank in an amount up to \$ 4,000,000.00 to be used for relocation of utilities along FM 664; and

WHEREAS, the City of Ovilla is qualified to apply for and obtain financial assistance from the State Infrastructure Bank for the said purpose.

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

SECTION 1. The City Council believes that it is in the best interest of the citizens of Ovilla to apply for a loan from the State Infrastructure Bank in an amount up to \$4,000,000.00 to finance the relocation of utilities along FM 664.

SECTION 2. The City Council hereby authorizes the Mayor of Ovilla to execute an application for financial assistance from the State Infrastructure Bank and to submit the application, together with all required documentation, to the Texas Department of Transportation for consideration.

SECTION 3. The application to be submitted is attached hereto as Exhibit A and made a part hereof for all purposes.

SECTION 4. All other Resolutions of the City Council of the City of Ovilla that

are inconsistent with the provisions of this Resolution are hereby repealed.

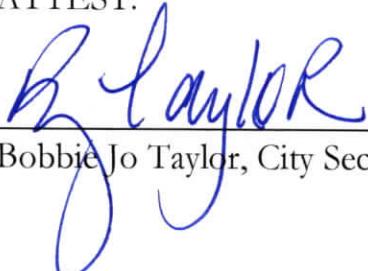
SECTION 5. This Resolution shall become effective immediately upon its passage, approval, and adoption by the City Council of the City of Ovilla.

**RESOLVED, PASSED** and **APPROVED** by the City Council of the City of Ovilla this 12<sup>th</sup> day of December, 2022.



Richard Dormier, Mayor

ATTEST:



Bobbie Jo Taylor, City Secretary



EXHIBIT B

TEXAS TRANSPORTATION COMMISSION MINUTE ORDER

## TEXAS TRANSPORTATION COMMISSION

Ellis County

### MINUTE ORDER

Page 1 of 2

Dallas District

City of Ovilla (City) has submitted an application for financial assistance in the form of a loan of up to \$4,000,000 from the State Infrastructure Bank (SIB) under Transportation Code, Chapter 222, Subchapter D, and Title 43 Texas Administrative Code (TAC), Chapter 6 (SIB Rules). The application satisfies all requirements of the rules, including passage by the City of a resolution authorizing submission of the application to the Texas Department of Transportation (department).

The intended use of the financial assistance conforms to the purposes of the SIB. The City intends to use the financial assistance to pay the City's costs of utility relocation for a non-tolled state highway improvement project to widen FM 664 in Ellis County, Texas (project).

The present and projected financial condition of the SIB is sufficient to cover the requested financial assistance for the project.

The City has proposed a pledge of ad valorem taxes and water and wastewater revenues as security for repayment of the loan.

In accordance with the SIB Rules, the executive director has negotiated all the terms of an agreement as necessary to protect the public's safety and to prudently provide for the protection of public funds while furthering the purposes of the SIB, as contained in the Term Sheet attached hereto as Exhibit A.

The SIB Rules allow for final approval by the Texas Transportation Commission (commission) of any SIB loan in the principal amount of \$10 million or less without first going through the preliminary approval process described in the SIB Rules if the financial assistance is to be used for a project for which the department has primary responsibility.

The executive director or his designee implemented actions authorized and required by the SIB Rules for final approval. The executive director affirms that the necessary social, economic, and environmental impact studies have been completed and approved by the department. The executive director recommends that the commission grant final approval of the City's application for financial assistance from the SIB.

In accordance with the SIB Rules, the commission finds that:

1. the project is consistent with the Statewide Long-Range Transportation Plan and the metropolitan transportation plan developed by the applicable metropolitan planning organization;
2. the project is in a Clean Air Act non-attainment area and is consistent with the Statewide Transportation Improvement Program, with the conforming plan and Transportation Improvement Program for the MPO in which the project is located, and with the State Implementation Plan;
3. the project will improve the efficiency of the state's transportation systems;
4. the project will expand the availability of funding for transportation projects or reduce direct state costs;
5. the application shows that the City is likely to have sufficient revenues to assure repayment of the financial assistance;

## TEXAS TRANSPORTATION COMMISSION

Ellis County

### MINUTE ORDER

Page 2 of 2

Dallas District

6. providing financial assistance will protect the public's safety and prudently provide for the protection of public funds, while furthering the purposes of the SIB; and

7. the project will provide for all reasonable and feasible measures to avoid, minimize, or mitigate for adverse environmental impacts.

IT IS THEREFORE DETERMINED AND ORDERED by the commission that the application submitted by the City for financial assistance in the form of a loan from the SIB meets the applicable requirements of the SIB Rules and, in accordance with those provisions, the commission grants final approval of the City's application for a SIB loan under the terms in the Term Sheet attached hereto as Exhibit A in an amount not to exceed \$4,000,000 to pay the City's costs of utility relocation necessary for the non-tolled project.

IT IS FURTHER ORDERED by the commission that the executive director or his designee is directed and authorized to enter into a financial assistance agreement with the City which complies with the SIB Rules and which contains the terms in the Term Sheet attached hereto as Exhibit A.

Submitted and reviewed by:

Recommended by:

DocuSigned by:



E40115F136E4474  
Director, Project Finance,  
Debt & Strategic Contracts Division

DocuSigned by:



UE1B35AE191749E  
Executive Director

116471 April 27, 2023

Minute  
Number

Date  
Passed

**City of Ovilla Term Sheet**  
**State Infrastructure Bank Loan**

Loan Provisions	Negotiated Terms
Project Description:	Costs associated with utility relocation necessary for a non-tolled project to widen FM 664 in Ellis County
Interest Rates:	4.26%
Fees:	Not Applicable
Charges:	Not Applicable
Term to Maturity:	20 years
Pledged Collateral:	Ad valorem taxes and water and wastewater revenues
Default Provisions:	<p>A. The Borrower shall be in default if it fails to repay the SIB Loan (the Principal Payments and the Interest Payments) or otherwise fails to comply with any term of this Agreement. The Department shall not be obligated to take further action nor resume its obligations under this Agreement until the Borrower is no longer in default. The Borrower shall reimburse the Department for all costs or other losses of funds resulting from any default or failure to perform by the Borrower.</p> <p>B. The Borrower agrees that in the event of a default under this Agreement the Department may, by all legal and equitable means, require the Borrower and any appropriate official of the Borrower (acting solely in his/her official capacity) to remedy any default under, and carry out the provisions of, this Agreement, including specifically the use and filing of mandamus proceedings. Venue for any legal proceedings shall be in Travis County, Texas.</p>
Special Conditions:	None

EXHIBIT C

BORROWER'S RESOLUTION AUTHORIZING LOAN AGREEMENT

EXHIBIT D  
AMORTIZATION SCHEDULE

# LOAN SCHEDULE REPORT

## EXHIBIT D - AMORTIZATION SCHEDULE

Loan Schedule for Ovilla S2023-004-01

Term Number	Date	Loan Rate	Start Balance	Disbursement	Payment Due Amount	Principal Payment	Interest Payment	Interest Capitalized	End Balance
1	6/23/2023	4.26%	\$0.00	\$4,000,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$4,000,000.00
2	6/23/2024	4.26%	\$4,000,000.00	\$0.00	\$301,143.00	\$130,743.00	\$170,400.00	\$0.00	\$3,869,257.00
3	6/23/2025	4.26%	\$3,869,257.00	\$0.00	\$301,143.00	\$136,312.65	\$164,830.35	\$0.00	\$3,732,944.35
4	6/23/2026	4.26%	\$3,732,944.35	\$0.00	\$301,143.00	\$142,119.57	\$159,023.43	\$0.00	\$3,590,824.78
5	6/23/2027	4.26%	\$3,590,824.78	\$0.00	\$301,143.00	\$148,173.86	\$152,969.14	\$0.00	\$3,442,650.92
6	6/23/2028	4.26%	\$3,442,650.92	\$0.00	\$301,143.00	\$154,486.07	\$146,656.93	\$0.00	\$3,288,164.85
7	6/23/2029	4.26%	\$3,288,164.85	\$0.00	\$301,143.00	\$161,067.18	\$140,075.82	\$0.00	\$3,127,097.67
8	6/23/2030	4.26%	\$3,127,097.67	\$0.00	\$301,143.00	\$167,928.64	\$133,214.36	\$0.00	\$2,959,169.03
9	6/23/2031	4.26%	\$2,959,169.03	\$0.00	\$301,143.00	\$175,082.40	\$126,060.60	\$0.00	\$2,784,086.63
10	6/23/2032	4.26%	\$2,784,086.63	\$0.00	\$301,143.00	\$182,540.91	\$118,602.09	\$0.00	\$2,601,545.72
11	6/23/2033	4.26%	\$2,601,545.72	\$0.00	\$301,143.00	\$190,317.15	\$110,825.85	\$0.00	\$2,411,228.57
12	6/23/2034	4.26%	\$2,411,228.57	\$0.00	\$301,143.00	\$198,424.66	\$102,718.34	\$0.00	\$2,212,803.91
13	6/23/2035	4.26%	\$2,212,803.91	\$0.00	\$301,143.00	\$206,877.55	\$94,265.45	\$0.00	\$2,005,926.36
14	6/23/2036	4.26%	\$2,005,926.36	\$0.00	\$301,143.00	\$215,690.54	\$85,452.46	\$0.00	\$1,790,235.82
15	6/23/2037	4.26%	\$1,790,235.82	\$0.00	\$301,143.00	\$224,878.95	\$76,264.05	\$0.00	\$1,565,356.87
16	6/23/2038	4.26%	\$1,565,356.87	\$0.00	\$301,143.00	\$234,458.80	\$66,684.20	\$0.00	\$1,330,898.07
17	6/23/2039	4.26%	\$1,330,898.07	\$0.00	\$301,143.00	\$244,446.74	\$56,696.26	\$0.00	\$1,086,451.33
18	6/23/2040	4.26%	\$1,086,451.33	\$0.00	\$301,143.00	\$254,860.17	\$46,282.83	\$0.00	\$831,591.16
19	6/23/2041	4.26%	\$831,591.16	\$0.00	\$301,143.00	\$265,717.22	\$35,425.78	\$0.00	\$565,873.94
20	6/23/2042	4.26%	\$565,873.94	\$0.00	\$301,143.00	\$277,036.77	\$24,106.23	\$0.00	\$288,837.17

# LOAN SCHEDULE REPORT

Loan Schedule for Ovilla S2023-004-01

Term Number	Date	Loan Rate	Start Balance	Disbursement	Payment Due Amount	Principal Payment	Interest Payment	Interest Capitalized	End Balance
21	6/23/2043	4.26%	\$288,837.17	\$0.00	\$301,141.63	\$288,837.17	\$12,304.46	\$0.00	\$0.00

## AGENDA ITEM REPORT Item #5

Meeting Date: June 12, 2023

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 5. DISCUSSION/ACTION** – Consideration of and action on the approval of the City of Ovilla American Rescue Plan Act/Federal Procurement Policies and Procedures and authorizing David D. Henley, City Manager, to execute the policy and the policy and procedure statement.

### Attachments:

1. City of Ovilla ARPA/Federal Procurement Policies and Procedures Addendum
2. City of Ovilla Local General Procurement Policies and Procedures Statement

### Discussion / Justification:

Background: These policies were given to the city by our grant administrator for approval. It is required that the city council approve the policy and procedures before moving forward with Grantworks on any project. As noted on the Procurement Policy and Procedure Statement as the City of Ovilla is a Type A General Law local government entity in the State of Texas we follow the State Regulations listed below:

- L.G. 252 Purchasing and Contracting Authority of Municipalities\*
- L.G. 262 Purchasing and Contracting Authority of Counties\*
- L.G. 271 Purchasing and Contracting Authority of Local Gov\*
- G.V. 2253 Public Works Performance and Payment Bonds\*
- G.V. 2254 Professional and Consulting Services\*
- G.V. 2269 Contract and Delivery Services for Construction Projects\*
- Local Specific Procurement Policies

Approval by the council of the policy and procedures will make certain that staff follow the guidelines set forth by State and Federal regulations.

### Recommendation / Staff Comments:

Staff Recommends: Approval

### Sample Motion(s):

I move to approve/deny the City of Ovilla American Rescue Plan Act/Federal Procurement Policies and Procedures and authorize David D. Henley, City Manager, to execute the policy and the policy and procedure statement.

## **CITY OF OVILLA**

### **ARPA / FEDERAL PROCUREMENT POLICIES AND PROCEDURES ADDENDUM**

The City of Ovilla follows the procurement standards in 2 CFR 200.317 – 2 CFR 200.327 and Appendix II to Part 200 for procurement actions to be funded with Federal funds. All attempts are made to adhere to these policies and procedures and updates are made as needed. The entirety of the language found in 2 CFR 200.317 – 2 CFR 200.327 may not be applicable in all instances, programs, and/or situations. While the entirety of 2 CFR 200 applies to Federally funded programs/projects; this document contains the most current 2 CFR 200.317 – 2 CFR 200.327 language specifically for procurement - with additional policy plan language - available at the adoption of these policies and procedures.

To be consistent with section 2 CFR 200.318 (a) below; should State of Texas applicable codes for local governments include more stringent requirements for certain procurement sections, the more stringent requirement will apply.

#### **§200.317 Procurements by states.**

When procuring property and services under a Federal award, a State must follow the same policies and procedures it uses for procurements from its non-Federal funds. The State will comply with §§200.321, 200.322, and 200.323 and ensure that every purchase order or other contract includes any clauses required by §200.327. All other non-Federal entities, including subrecipients of a State, must follow the procurement standards in §§200.318 through 200.327.

#### **§200.318 General procurement standards.**

(a) The non-Federal entity must have and use documented procurement procedures, consistent with State, local, and tribal laws and regulations and the standards of this section, for the acquisition of property or services required under a Federal award or subaward. The non-Federal entity's documented procurement procedures must conform to the procurement standards identified in §§200.317 through 200.327.

*he City/County will have available and provide upon request a copy of their adopted local procurement policies.*

(b) Non-Federal entities must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

*The City/County will ensure contractual reporting and performance requirements specific to an ARPA recipient are included in procurement documents; tracked and passed-through, as applicable, to awarded vendors, contractors, subrecipients, beneficiaries and subcontractors.*

(c)

(1) The non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-Federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.

*The City of Ovilla will ensure that any employee, officer, or agent of the City of Ovilla who has a conflict of interest (or the appearance of a conflict of interest) will recuse themselves from identification or approval of selected ARPA projects or ARPA planned budget lines; as well as from the selection of a vendor, contractor, subcontractor, subrecipient or beneficiary with whom they may have (or the appearance of) a financial or personal interest. Should an issue arise, it will be addressed per current Ethics/Local Policy.*

(2) If the non-Federal entity has a parent, affiliate, or subsidiary organization that is not a State, local government, or Indian tribe, the non-Federal entity must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.

*The City of Ovilla will document their impartial selection of a project, award or sub-award made to a parent, affiliate, or subsidiary organization in a non-competitive manner. Ownership records and potential Conflicts of Interest are reviewed as part of the procurement process and in accordance with State/Local Ethics policy.*

(d) The non-Federal entity's procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

*The City of Ovilla will analyze expected procurements and needs via an Independent Cost Analysis (where feasible/applicable) and internal resources analysis and look to break out procurements in a way to reduce unnecessary or duplicative items; as well as provide opportunity for small businesses or Historically Underutilized Businesses (HUBs) to participate in a procurement, while also ensuring that proper procurement methods for the estimated size of the project are followed. The City/County would review commodity codes and vendors to ensure uniform purchases and utilization of standard purchase agreements where possible.*

(e) To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal Government, the non-Federal entity is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services. Competition requirements will be met with documented procurement actions using strategic sourcing, shared services, and other similar procurement arrangements.

(f) The non-Federal entity is encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

(g) The non-Federal entity is encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

(h) The non-Federal entity must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. See also §200.214.

(i) The non-Federal entity must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to, the following: Rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

*The City of Ovilla will maintain records documenting the history of each procurement – indicating compliance with federal, state, and local procurement regulations.*

(j)

*For time-and-materials type contracts, the City/County of Ovilla will document their decision to follow this type of contract; the ceiling price for the project/contract; methods for tracking materials expenditures for reimbursement with percent caps above estimated pricing; methods for tracking actual labor hours (similar to Certified Payroll or Force Account tracking); a schedule of site visits and adherence to estimated timeline within acceptable variance amounts.*

(1) The non-Federal entity may use a time-and-materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time-and-materials type contract means a contract whose cost to a non-Federal entity is the sum of:

(i) The actual cost of materials; and

(ii) Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

(2) Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the non-Federal entity awarding such a contract must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

(k) The non-Federal entity alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the non-Federal entity of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for that of the non-Federal entity unless the matter is primarily a Federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction.

[85 FR 49543, Aug. 13, 2020, as amended at 86 FR 10440, Feb. 22, 2021]

## **§200.319 Competition.**

*The City of Ovilla will comply with all the regulations within this section as well as with applicable State/Local procurement requirements. Documentation will be maintained that demonstrates all stages and compliance with applicable procurement regulations.*

(a) All procurement transactions for the acquisition of property or services required under a Federal award must be conducted in a manner providing full and open competition consistent with the standards of this section and §200.320.

(b) In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:

- (1) Placing unreasonable requirements on firms in order for them to qualify to do business;
- (2) Requiring unnecessary experience and excessive bonding;
- (3) Noncompetitive pricing practices between firms or between affiliated companies;
- (4) Noncompetitive contracts to consultants that are on retainer contracts;
- (5) Organizational conflicts of interest;
- (6) Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and
- (7) Any arbitrary action in the procurement process.

(c) The non-Federal entity must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

(d) The non-Federal entity must have written procedures for procurement transactions. These procedures must ensure that all solicitations:

(1) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and

(2) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

(e) The non-Federal entity must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the non-Federal entity must not preclude potential bidders from qualifying during the solicitation period.

(f) Noncompetitive procurements can only be awarded in accordance with §200.320(c).

#### **§200.320 Methods of procurement to be followed.**

The non-Federal entity must have and use documented procurement procedures, consistent with the standards of this section and §§200.317, 200.318, and 200.319 for any of the following methods of procurement used for the acquisition of property or services required under a Federal award or sub-award.

(a) ***Informal procurement methods.*** When the value of the procurement for property or services under a Federal award does not exceed the *simplified acquisition threshold (SAT)*, as defined in §200.1, or a lower threshold established by a non-Federal entity, formal procurement methods are not required. The non-Federal entity may use informal procurement methods to expedite the completion of its transactions and minimize the associated administrative burden and cost. The informal methods used for procurement of property or services at or below the SAT include:

(1) **Micro-purchases—(i) Distribution.** The acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (See the definition of *micro-purchase* in §200.1). To the maximum extent practicable, the non-Federal entity should distribute micro-purchases equitably among qualified suppliers.

(ii) **Micro-purchase awards.** Micro-purchases may be awarded without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history or other information and documents it files accordingly. Purchase cards can be used for micro-purchases if procedures are documented and approved by the non-Federal entity.

(iii) **Micro-purchase thresholds.** The non-Federal entity is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures. The micro-purchase threshold used by the non-Federal entity must be authorized or not prohibited under State, local, or tribal laws or regulations. Non-Federal entities may establish a threshold higher than the Federal threshold established in the Federal Acquisition Regulations (FAR) (<https://www.ecfr.gov/current/title-48/chapter-1/subchapter-A/part-2/subpart-2.1>) in accordance with paragraphs (a)(1)(iv) and (v) of this section.

(iv) **Non-Federal entity increase to the micro-purchase threshold up to \$50,000.** Non-Federal entities may establish a threshold higher than the micro-purchase threshold identified in the FAR in accordance with the requirements of this section. The non-Federal entity may self-certify a threshold up to \$50,000 on an annual basis and must maintain documentation to be made available to the Federal awarding agency and auditors in accordance with §200.334. The self-certification must include a justification, clear identification of the threshold, and supporting documentation of any of the following:

- (A) A qualification as a low-risk auditee, in accordance with the criteria in §200.520 for the most recent audit;
- (B) An annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or,
- (C) For public institutions, a higher threshold consistent with State law.

(v) **Non-Federal entity increase to the micro-purchase threshold over \$50,000.** Micro-purchase thresholds higher than \$50,000 must be approved by the cognizant agency for indirect costs. The non-federal entity must submit a request with the requirements included in paragraph (a)(1)(iv) of this section. The increased threshold is valid until there is a change in status in which the justification was approved.

(2) **Small purchases—(i) Small purchase procedures.** The acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources as determined appropriate by the non-Federal entity.

(ii) ***Simplified acquisition thresholds.*** The non-Federal entity is responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk and its documented procurement procedures which must not exceed the threshold established in the FAR. When applicable, a lower simplified acquisition threshold used by the non-Federal entity must be authorized or not prohibited under State, local, or tribal laws or regulations.

(b) ***Formal procurement methods.*** When the value of the procurement for property or services under a Federal financial assistance award exceeds the SAT, or a lower threshold established by a non-Federal entity, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement can be used in accordance with §200.319 or paragraph (c) of this section. The following formal methods of procurement are used for procurement of property or services above the simplified acquisition threshold or a value below the simplified acquisition threshold the non-Federal entity determines to be appropriate:

(1) ***Sealed bids.*** A procurement method in which bids are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bids method is the preferred method for procuring construction if the conditions:

(i) In order for sealed bidding to be feasible, the following conditions should be present:

- (A) A complete, adequate, and realistic specification or purchase description is available;
- (B) Two or more responsible bidders are willing and able to compete effectively for the business; and
- (C) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

(ii) If sealed bids are used, the following requirements apply:

- (A) Bids must be solicited from an adequate number of qualified sources, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publicly advertised;
- (B) The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
- (C) All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly;
- (D) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest.

Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and

(E) Any or all bids may be rejected if there is a sound documented reason.

(2) **Proposals.** A procurement method in which either a fixed price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids. They are awarded in accordance with the following requirements:

- (i) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Proposals must be solicited from an adequate number of qualified offerors. Any response to publicized requests for proposals must be considered to the maximum extent practical;
- (ii) The non-Federal entity must have a written method for conducting technical evaluations of the proposals received and making selections;
- (iii) Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the non-Federal entity, with price and other factors considered; and
- (iv) The non-Federal entity may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby offeror's qualifications are evaluated and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms that are a potential source to perform the proposed effort.

(c) **Noncompetitive procurement.** There are specific circumstances in which noncompetitive procurement can be used. Noncompetitive procurement can only be awarded if one or more of the following circumstances apply:

- (1) The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (see paragraph (a)(1) of this section);
- (2) The item is available only from a single source;
- (3) The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;
- (4) The Federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the non-Federal entity; or
- (5) After solicitation of a number of sources, competition is determined inadequate.

**S200.321 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.**

(a) The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

(b) Affirmative steps must include:

(1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;

(2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

(3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;

(4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;

(5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and

(6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (b)(1) through (5) of this section.

### **§200.322 Domestic preferences for procurements.**

(a) As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.

(b) For purposes of this section:

(1) "Produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

(2) "Manufactured products" means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

### **§200.323 Procurement of recovered materials.**

A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered

materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

#### **§200.324 Contract cost and price.**

- (a) The non-Federal entity must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the non-Federal entity must make independent estimates before receiving bids or proposals.
- (b) The non-Federal entity must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.
- (c) Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the non-Federal entity under subpart E of this part. The non-Federal entity may reference its own cost principles that comply with the Federal cost principles.
- (d) The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.

#### **§200.325 Federal awarding agency or pass-through entity review.**

- (a) The non-Federal entity must make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the non-Federal entity desires to have the review accomplished after a solicitation has been developed, the Federal awarding agency or pass-through entity may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.
- (b) The non-Federal entity must make available upon request, for the Federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:
  - (1) The non-Federal entity's procurement procedures or operation fails to comply with the procurement standards in this part;

- (2) The procurement is expected to exceed the Simplified Acquisition Threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;
- (3) The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a "brand name" product;
- (4) The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or
- (5) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.

(c) The non-Federal entity is exempt from the pre-procurement review in paragraph (b) of this section if the Federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of this part.

- (1) The non-Federal entity may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third-party contracts are awarded on a regular basis;
- (2) The non-Federal entity may self-certify its procurement system. Such self-certification must not limit the Federal awarding agency's right to survey the system. Under a self-certification procedure, the Federal awarding agency may rely on written assurances from the non-Federal entity that it is complying with these standards. The non-Federal entity must cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review.

### **§200.326 Bonding requirements.**

For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency or pass-through entity may accept the bonding policy and requirements of the non-Federal entity provided that the Federal awarding agency or pass-through entity has made a determination that the Federal interest is adequately protected. If such a determination has not been made, the minimum requirements must be as follows:

- (a) A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.
- (b) A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's requirements under such contract.

(c) A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

### **S200.327 Contract provisions.**

The non-Federal entity's contracts must contain the applicable provisions described in Appendix II to this part.

### **Appendix II to Part 200 - Contract Provisions for Non-Federal Entity Contracts Under Federal Awards**

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

**(A)** Contracts for more than the simplified acquisition threshold, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by [41 U.S.C. 1908](#), must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

**(B)** All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

**(C)** Equal Employment Opportunity. Except as otherwise provided under [41 CFR Part 60](#), all contracts that meet the definition of "federally assisted construction contract" in [41 CFR Part 60-1.3](#) must include the equal opportunity clause provided under [41 CFR 60-1.4\(b\)](#), in accordance with [Executive Order 11246](#), "Equal Employment Opportunity" ([30 FR 12319](#), 12935, [3 CFR Part 1964-1965 Comp.](#), p. 339), as amended by [Executive Order 11375](#), "Amending [Executive Order 11246](#) Relating to Equal Employment Opportunity," and implementing regulations at [41 CFR part 60](#), "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

**(D)** [Davis-Bacon Act](#), as amended ([40 U.S.C. 3141-3148](#)). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the [Davis-Bacon Act](#) ([40 U.S.C. 3141-3144](#), and [3146-3148](#)) as supplemented by Department of Labor regulations ([29 CFR Part 5](#), "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland "Anti-Kickback" Act ([40 U.S.C. 3145](#)), as supplemented by Department of Labor regulations ([29 CFR Part 3](#), "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

**(E) Contract Work Hours and Safety Standards Act** ([40 U.S.C. 3701-3708](#)). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with [40 U.S.C. 3702](#) and [3704](#), as supplemented by Department of Labor regulations ([29 CFR Part 5](#)). Under [40 U.S.C. 3702](#) of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of [40 U.S.C. 3704](#) are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

**(F) Rights to Inventions Made Under a Contract or Agreement.** If the Federal award meets the definition of "funding agreement" under [37 CFR § 401.2](#) (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of [37 CFR Part 401](#), "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

**(G) Clean Air Act** ([42 U.S.C. 7401-7671q](#)) and the **Federal Water Pollution Control Act** ([33 U.S.C. 1251-1387](#)), as amended - Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the [Clean Air Act](#) ([42 U.S.C. 7401-7671q](#)) and the [Federal Water Pollution Control Act](#) as amended ([33 U.S.C. 1251-1387](#)). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

**(H) Debarment and Suspension** (Executive Orders 12549 and 12689) - A contract award (see [2 CFR 180.220](#)) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at [2 CFR 180](#) that implement Executive Orders 12549 ([3 CFR part 1986](#) Comp., p. 189) and 12689 ([3 CFR part 1989](#) Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than [Executive Order 12549](#).

*All prime vendors, contractors, and subcontractors must be verified that they are registered and active through the SAM.com website prior to any formal action authorizing the award of the contract which is being paid with ARPA funds. The City/County must follow the requirements of the RFP and/or if the City/County determines it is in their best interest, a "conditional award" requiring registration and active status on SAM.gov could be utilized prior to formal action of executing a contract.*

*All prime vendors, contractors and subcontractors that enter into a subcontractor agreement after the date of the initial award, will also be responsible to ensure lower-tier contractors are not excluded or disqualified.*

**(I) Byrd Anti-Lobbying Amendment** ([31 U.S.C. 1352](#)) - Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or

attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by [31 U.S.C. 1352](#). Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

**(J) See § 200.323\* Procurement of Recovered Materials**

**(K) See § 200.216\*\* Prohibition on certain telecommunications and video surveillance services or equipment**

**(L) See § 200.322\*\*\* Domestic preferences for procurements**

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**\*§ 200.323 Procurement of recovered materials.**

A [non-Federal entity](#) that is a [state](#) agency or agency of a political subdivision of a [state](#) and its [contractors](#) must comply with section 6002 of the [Solid Waste Disposal Act](#), as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at [40 CFR part 247](#) that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

**\*\*§ 200.216 Prohibition on certain telecommunications and video surveillance services or equipment.**

**(a) [Recipients](#) and sub [recipients](#) are prohibited from obligating or expending [loan](#) or grant funds to:**

**(1) Procure or obtain;**

**(2) Extend or renew a [contract](#) to procure or obtain; or**

**(3) Enter into a [contract](#) (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in [Public Law 115-232](#), section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any [subsidiary](#) or affiliate of such entities).**

**(i) For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any [subsidiary](#) or affiliate of such entities).**

**(ii) Telecommunications or video surveillance services provided by such entities or using such equipment.**

**(iii) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.**

**(b)** In implementing the prohibition under [Public Law 115-232](#), section 889, subsection (f), paragraph (1), heads of executive agencies administering [loan](#), grant, or subsidy programs shall prioritize available funding and technical support to assist affected businesses, institutions and organizations as is reasonably necessary for those affected entities to transition from covered communications equipment and services, to procure replacement equipment and services, and to ensure that communications service to users and customers is sustained.

**(c)** See [Public Law 115-232](#), section 889 for additional information.

**(d)** See also [§ 200.471](#).

**\*\*\*§ 200.322 Domestic preferences for procurements.**

**(a)** As appropriate and to the extent consistent with law, the [non-Federal entity](#) should, to the greatest extent practicable under a [Federal award](#), provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United [States](#) (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all [subawards](#) including all [contracts](#) and purchase orders for work or products under this award.

**(b)** For purposes of this section:

**(1)** "Produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

**(2)** "Manufactured products" means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

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**These ARPA Policies and Procedures have been reviewed and adapted as applicable by legal or otherwise authorized representatives of the City of Ovilla and are thereby approved for adoption through the City Council on \_\_\_\_\_ (enter date).**

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**David Henley**  
**City Manager**

**CITY OF OVILLA**  
**LOCAL GENERAL PROCUREMENT POLICIES AND PROCEDURES STATEMENT**

*Per 2 CFR 200.318 (a) General Procurement Standards and GrantWorks' service to provide complete ARPA files, we need to document the procurement policy for state and local regulations – this form is a short way to complete that check.*

<b>CHECK APPLICABLE:</b>	<b>APPLICABLE CODE, REGULATION AND/OR PROCUREMENT POLICY FOLLOWED<sup>1</sup>:</b>
	L.G. 252 PURCHASING AND CONTRACTING AUTHORITY OF MUNICIPALITIES*
	L.G. 262 PURCHASING AND CONTRACTING AUTHORITY OF COUNTIES*
	L.G. 271 PURCHASING AND CONTRACTING AUTHORITY OF LOCAL GOV*
	G.V. 2253 PUBLIC WORKS PERFORMANCE AND PAYMENT BONDS*
	G.V. 2254 PROFESSIONAL AND CONSULTING SERVICES*
	G.V. 2269 CONTRACT AND DELIVERY SERVICES FOR CONSTRUCTION PROJECTS*
	LOCAL SPECIFIC PROCUREMENT POLICIES
	OTHER / ADDITIONAL (LIST BELOW):
1.	
2.	

*(please select what applies (above & below))*

\_\_\_\_\_ By default, as a (General Law) local government entity in the State of Texas we follow the applicable State Regulations as noted by \* above; or

\_\_\_\_\_ As a Home-Rule Municipality, we have adopted a charter and ordinances that include our procurement policy.

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Name & Date (print, sign & date)

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<sup>1</sup> L.G. = Local Government Code

G.V. = Government Code

Both are found in the Texas Constitution and Statutes: <https://statutes.capitol.texas.gov/?link=LG>

## AGENDA ITEM REPORT Item #7

Meeting Date: June 12, 2023

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

### AGENDA ITEM:

**ITEM 7. DISCUSSION** – Discuss traffic concerns in the City of Ovilla including the possibility of installing traffic calming devices (speed bumps) in neighborhoods with a high volume of daily traffic, and speed limit regulations.

### Attachments:

1. Estimate of Cost for speed bumps (estimate is per bump)
2. TML Handout on Speed Limit changes

### Discussion / Justification:

Background: At the previous city council meeting a request was made that the council review the traffic on Red Oak Creek. Staff has prepared a cost estimate of the cost to install speed bumps as well as the process of changing the speed limit. As the speed limit on Red Oak Creek Rd. is currently set at 25 MPH the city has no authority to change the speed limit without an engineering and traffic investigation. The city is also required to follow the “Procedures for Establishing Speed Zones” set forth by the Texas Department of Transportation.

### Recommendation / Staff Comments:

Staff Recommends: N/A

### Sample Motion(s):

Discussion Only

**From:** [Johnny Cruz](#)  
**To:** [Bobbie Jo Taylor](#)  
**Subject:** Speed Humps  
**Date:** Tuesday, June 6, 2023 11:52:54 AM

---

Good Morning Bobby Jo,

I have a breakdown for the cost of Speed Hump's to be installed on Red Oak Creek Rd. This will be the cost for one set of Speed Hump's Hardware to stake down plus Street Signage at every Speed Hump. This does not include Man Power Cost.

Rubber made Speed Hump's center sections and end cap's **\$2,091.90**  
14" Spikes for mounting **\$500.40**  
24"X24" Speed Hump Ahead Signs **\$94.95**  
Pole and Hardware to install sign **\$65.95**  
Total Price **\$2,752.80**

Asphalt made Speed Hump's  
3'X20' Speed Hump **\$270**  
24"X24" Speed Hump Ahead Signs **\$94.95**  
Pole and Hardware to install sign **\$65.95**  
Total Price **\$430.90**

P.S. If you have any questions contact me

*Johnny Cruz  
Street/Drainage Superintendent*

*Ph. 972-617-7262*

**SET SOME GOALS,  
THEN DEMOLISH THEM**

## Speed Limits

Speed limits on Texas roads (including city streets) are generally set by statute. TEX. TRANSP. CODE § 545.352. The statute includes the following speed limits:

Street in Urban District	30 mph
Alley in Urban District	15 mph
Highway Numbered by State Outside Urban District	70 mph 65 mph-night
Other Highway Outside Urban District	60 mph 55 mph-night

The speed limit on most city streets is 30 miles per hour because an “urban district” is land adjacent to and including a highway, if the land has structures that are used for business, industry, or residences and the buildings are located at intervals of less than 100 feet for a distance of at least one quarter mile on each side of the highway. *Id.* (Note: the term “highway” in the statute means any road. Compare to the term “state highway,” which refers to state-owned and operated highways.)

The governing body of a city, for a street in the city, including a state highway, has the same authority to alter the above speed limits as the Texas Transportation Commission has for an officially designated or marked highway of the state highway system. However, the governing body of a city may not establish a speed limit of more than 60 miles per hour. *Id.* § 545.356.

A city may lower the state-mandated speed limit by performing an engineering and traffic investigation and determining that the *prima facie* speed limit is unreasonable or unsafe for that road. *Id.* § 545.353. If requested by the school, the city must hold a public hearing at least once each calendar year to consider *prima facie* speed limits on a highway in the city, including a state highway, near the school or institution of higher education. *Id.* § 545.357.

Before lowering the speed limit, the city must follow the “Procedures for Establishing Speed Zones,” which can be found at the Texas Department of Transportation’s Web site at <http://www.dot.state.tx.us/publications/traffic/szn.pdf>, and consider width and condition of the pavement, the usual traffic at the affected area, and other circumstances. *Id.* The only instance in which a city may lower a speed limit without a traffic study, to as low as 25 miles per hour, is if the road is in an urban district, is less than four lanes, and is not a state highway. A city should contact the Texas Department of Transportation before conducting a study or attempting to alter the speed limits on state highways within the city limits. A Texas Transportation Commission order declaring a speed limit on a part of a designated or marked route of the state highway system supersedes any conflicting designated speed established by a city. *Id.* § 545.359.

A speed limit that is altered by a city is effective when the governing body erects signs giving notice of the new limit. *Id.* § 545.357. Cities do not have the authority to alter speed limits outside of city boundaries.

The Texas Manual on Uniform Traffic Control Devices provides some guidelines for installing speed limit signs. Section 2B.18 states that speed limit signs should be placed: (1) where the speed limit changes; and (2) beyond major intersections and at other locations where it is necessary to remind road users of the correct speed limit.

More information on altering speed limits is available at the Texas Department of Transportation's Web site at [www.dot.state.tx.us](http://www.dot.state.tx.us).

# Ovilla City Council

## AGENDA ITEM REPORT Item # 8

Meeting Date: June 12, 2023

Department: Administration

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted By: City Manager David D. Henley

Reviewed By:  City Manager

City Secretary

City Attorney

Finance Director

Other:

### AGENDA ITEM:

**DISCUSSION** – Discuss the possible sale, conveyance, or exchange of 693 J McNamara 1.97 Acres, 693 J McNamara 0.46 Acres, and 693 J McNamara 0.43 Acres.

### Attachments:

N/A

### Discussion / Justification:

The city owns the listed properties in and around 708 Main Street, The Type B EDC is interesting in purchasing the property for economic development purposes. If the Type B EDC were to purchase the properties, they have the funds to improve and market the properties and offer potential incentives for the development of the properties. If the city sells the properties, the funds could be added to the fund balance. If the council is agreeable to considering the sale of the property, I will get with the city attorney's office to start the process.

### Recommendation / Staff Comments:

N/A

### Sample Motion(s):

Discussion item only

# Ovilla City Council

## AGENDA ITEM REPORT Item # 9

Meeting Date: June 12, 2023

Department: Administration

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted By: City Manager David D. Henley

Reviewed By:  City Manager

City Secretary

City Attorney

Finance Director

Other:

### AGENDA ITEM:

**DISCUSSION** – Discuss city council priorities for the 2023/2024 Fiscal Year Budget.

### Attachments:

N/A

### Discussion / Justification:

This is the first budget process Finance Director Ed Scott and I have been a part of with the City of Ovilla. Staff wants to get the council's priorities for the 2023/2024 Fiscal Year Budget, before staff starts working on the budget.

### Recommendation / Staff Comments:

N/A

### Sample Motion(s):

Discussion item only

## AGENDA ITEM REPORT

### Item # 10

Meeting Date: June 12, 2023

Department: Administration

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted By: City Staff

Reviewed By:  City Manager

City Secretary

City Attorney

Finance Director

Other: Fire Chief

#### AGENDA ITEM:

**ITEM 10. DISCUSSION** – Consideration of and action on Ordinance No. 2023-111 an ordinance of the City of Ovilla, Texas, amending Ordinance No. 2023-07, adopting the 2018 International Fire Code with North Central Texas Council of Governments (“COG”) amendments - Option A, to adopt Appendices B, C, D, and I; providing for the incorporation of premises; providing for amendment to Section 2; providing a cumulative repealer clause; providing a savings clause; providing a severability clause; providing for a penalty; and providing for an effective date.

#### Attachments:

1. Ordinance No. 2023-11

#### Discussion / Justification:

City staff was made aware of the requirement to adopt desired International Fire Code appendices along with the 2018 Fire Code and COG amendments - Option A. City staff reviewed the appendices and believes adopting Appendix B – Fire Flow Requirements for Buildings, Appendix C – Fire Hydrant Locations and Distribution, Appendix D – Fire Apparatus Access Roads and Appendix I – Fire Protection Systems - Noncompliant Conditions, is in the best interest of public health, safety, and welfare of the citizens.

#### Recommendation / Staff Comments:

**Staff Recommends:** Approval of Ordinance No. 2023-11 as presented.

#### Sample Motion(s):

I move to approve/deny Ordinance No. 2023-11 as presented.

**CITY OF OVILLA  
ORDINANCE NO. 2023-11**

**AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, AMENDING ORDINANCE NO. 2023-07, ADOPTING THE 2018 INTERNATIONAL FIRE CODE WITH NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS (“COG”) AMENDMENTS - OPTION A, TO ADOPT APPENDICES B, C, D, AND I; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AMENDMENT TO SECTION 2; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Ovilla, Texas (“City”) is a Type A general-law municipality located in Ellis and Dallas Counties; and

**WHEREAS**, on March 13, 2023, the City Council approved Ordinance No. 2023-07 adopting the 2018 International Fire Code with North Central Texas Council of Governments (“COG”) Amendments; and

**WHEREAS**, the City Council now desires to adopt certain appendices to the 2018 International Fire Code; and

**WHEREAS**, the City Council finds and determines that amending Ordinance No. 2023-07 to include Appendices B, C, D, and I serves the development needs of the City and is in the best interest of public health, safety, and welfare of the citizens

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

**SECTION 1.  
INCORPORATION OF PREMISES**

The above and foregoing recitals are true and correct and are findings incorporated into this Ordinance and made a part hereof for all purposes.

**SECTION 2.  
AMENDMENT TO SECTION 2 OF ORDINANCE NO. 2023-07**

That Section 2a of Ordinance No. 2023-07 is hereby amended to read as follows:

a. The 2018 Edition of the International Fire Code with 2018 COG Amendments – Option A is hereby adopted as the official fire code of the City of Ovilla, Texas, and is fully incorporated by reference as though copied into this ordinance in its entirety, including appendices B, C, D, and I. The material contained in such code shall not be included in the formal municipal

codification of ordinances but shall be maintained as a public record in the office of the City Secretary and will be available for public inspection during regular business hours.

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

This Ordinance shall be cumulative of all other ordinances and shall not repeal any of the provisions of such ordinances except for those instances where there are direct conflicts with the provisions of this ordinance. Ordinances, or parts thereof, in force at the time this ordinance shall take effect and that are inconsistent with this ordinance are hereby repealed to the extent that they are inconsistent with this ordinance. Provided; however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other ordinances on this date of adoption of this ordinance shall continue to be governed by the provisions of such ordinance and for that purpose the ordinance shall remain in full force and effect.

### **SECTION 4. SAVINGS**

All rights and remedies of the City of Ovilla, Texas are expressly saved as to any and all violations of the provisions of any other ordinance which have secured at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this ordinance but may be prosecuted until final disposition by the court.

### **SECTION 5. SEVERABILITY**

The provisions of the ordinance are severable. However, in the event this ordinance or any procedure provided in this ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the City shall promptly promulgate new revised provisions in compliance with the authority's decisions or enactment.

### **SECTION 6. PENALTY**

Any person, firm, corporation or business entity intentionally, knowingly or recklessly violating this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not to exceed the sum of \$2,000.00 for all violations involving zoning, fire safety, or public health and sanitation, including dumping or refuse, and shall be fined not more than \$500.00 for all other violations of this Ordinance. Each continuing day's violation under this ordinance shall constitute a separate offense. The penal provisions imposed under this ordinance shall not preclude the city from filing suit to enjoin the violation or taking other legal action as allowed by law.

**SECTION 7.  
EFFECTIVE DATE**

This Ordinance shall take effect upon its passage and publication as required by law. The City Secretary is directed to publish the caption of this Ordinance as required law.

**PASSED AND APPROVED** by the City Council of the City of Ovilla, Texas, this the 12th day of June 2023.

**CITY OF OVILLA**

**By:** \_\_\_\_\_  
Richard Dormier, Mayor

**ATTEST:**

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

## AGENDA ITEM REPORT Item #11

Meeting Date: June 12, 2023

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

### Attachments:

None

### Discussion / Justification:

All consent items were listed on the Consent Agenda 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 City Council

## AGENDA ITEM REPORT Item # 12

Meeting Date: June 12, 2023

Department: Administration

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted By: City Manager David D. Henley

Reviewed By:  City Manager

City Secretary

City Attorney

Finance Director

Other:

### AGENDA ITEM:

**12 DISCUSSION** – Consideration of and action on Ordinance No. 2023-12, an ordinance creating the office of City Secretary; providing for the appointment, supervision and removal of the City Secretary; establishing the principal duties and responsibilities of the City Secretary; providing for a bond; repealing conflicting ordinances or portions of ordinances; providing for severability; providing a savings clause; and setting the effective date.

### Attachments:

1. Ordinance No. 2023-12

### Discussion / Justification:

In reviewing the city ordinances under Article 9.03, titled, “City Officers,” it was noticed the City Secretary was not included as a city officer. The only two positions listed are the city manager and city accountant. Pursuant to Chapter 22 of the Texas Local Government Code, the municipal secretary is a municipal officer, so inclusion of the position in the city ordinances is recommended along with the provisions for appointment, supervision, removal, establishing the duties and responsibilities and other necessary provisions for the position. The city attorney’s office drafted Ordinance No. 2023-12 for consideration.

### Recommendation / Staff Comments:

**Staff Recommends:** Approval of Ordinance No. 2023-112 as presented.

### Sample Motion(s):

I move to approve/deny Ordinance No. 2023-12 as presented.

**CITY OF OVILLA  
ORDINANCE NO. 2023-12**

**AN ORDINANCE CREATING THE OFFICE OF CITY SECRETARY;  
PROVIDING FOR THE APPOINTMENT, SUPERVISION AND  
REMOVAL OF THE CITY SECRETARY; ESTABLISHING THE  
PRINCIPAL DUTIES AND RESPONSIBILITIES OF THE CITY  
SECRETARY; PROVIDING FOR A BOND; REPEALING CONFLICTING  
ORDINANCES OR PORTIONS OF ORDINANCES; PROVIDING FOR  
SEVERABILITY; PROVIDING A SAVINGS CLAUSE; AND SETTING  
THE EFFECTIVE DATE.**

**WHEREAS**, the City of Ovilla, Texas is a Type A general-law municipality empowered to adopt ordinances that protect the public safety, preserve the quality of life, and promote the health, safety and welfare of the citizens of the City of Ovilla and the general public in accordance with authority granted in Texas Local Government Code Chapter 22, and

**WHEREAS**, the City Council of the City of Ovilla, Texas, is permitted to create additional municipal officers as they see fit and prescribe the powers and duties of such new officers; and

**WHEREAS**, the City of Ovilla has determined it is in the interest of its citizens to create the position of City Secretary and to prescribe duties to that office;

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

**SECTION 1.  
INCORPORATION OF PREMISES**

All of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2.  
CREATION OF OFFICE**

The office of City Secretary is hereby created. The City Secretary serves as an appointed officer and shall be an exempt salaried position of the City. The operating budget of the office of City Secretary shall be provided in the City's annual budget, including compensation for the City Secretary.

**SECTION 3.  
APPOINTMENT AND SUPERVISION**

Upon recommendation of the City Manager, a majority vote of the governing body shall be required to appoint the City Secretary. The City Secretary shall serve at the discretion of the City Council as an at-will employee and shall be supervised and evaluated by and report to the City Manager.

## **SECTION 4. REMOVAL**

Upon recommendation of the City Manager, a majority vote of the full City Council shall be required to remove the City Secretary in the same manner as any other officer of the city.

## **SECTION 5. POWERS AND DUTIES**

The City Secretary shall faithfully perform the powers and duties as prescribed by Section 22.073 of the Texas Local Government Code in addition to the essential duties set forth below and described in the job description attached as Exhibit A.

- The City Secretary shall be supervised by and shall report to the city manager.
- The City Secretary shall attend each meeting of the municipality and shall keep, in a record provided for that purpose, accurate minutes of the proceedings.
- The City Secretary shall engross and enroll all laws, resolutions, and ordinances of the city council;
- Keep the corporate seal;
- Take charge of, arrange, and maintain the records of the governing body;
- Countersign all commissions issued to municipal officers and all licenses issued by the mayor, and keep a record of those commissions and licenses; and
- Prepare all notices required under any regulation or ordinance of the municipality.
- The City Secretary shall draw all the warrants on the treasurer, countersign the warrants, and keep, in a record provided for that purpose, an accurate account of the warrants.
- The City Secretary shall carefully keep all contracts made by the governing body.
- The City Secretary shall perform all other duties required by law, ordinance, resolution, or order of the Mayor, City Council and/or City Manager.

## **SECTION 6. BOND**

The City Secretary shall furnish a surety bond to be approved by the city council, said bond to be conditioned on the faithful performance of duties. The premium of the bond shall be paid by the city.

## **SECTION 7. CONFLICTS**

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

## **SECTION 8. SEVERABILITY**

If any Section, subsection, paragraph, clause, phrase or provision of this Ordinance or the application of any Section, subsection, paragraph, clause, phrase or provision to any person or circumstance is adjudged to be invalid, the invalidity shall not affect the other Section, subsection, paragraph, clause, phrase or provision or applications thereof, which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

## **SECTION 9. SAVINGS CLAUSE**

This Ordinance shall remain in full force and effect, save and except, as amended or repealed.

## **SECTION 10. EFFECTIVE DATE**

This Ordinance shall be effective upon passage and approval.

**PASSED AND APPROVED** by the City Council of the City of Ovilla, Texas, this the 12th day of June 2023.

### **CITY OF OVILLA**

**By:** \_\_\_\_\_  
Richard Dormier, Mayor

**ATTEST:**

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

**EXHIBIT A**

**CITY SECRETARY JOB DESCRIPTION**



## **CITY SECRETARY JOB DESCRIPTION**

Job description statements are intended to describe the general nature and level of work being performed by employees assigned to this job title. They are not intended to be construed as an exhaustive list of all responsibilities, duties and skills required.

### **GENERAL SUMMARY:**

The City Secretary is appointed by the City Council upon recommendation by the City Manager. The City Secretary is a department head and city officer. Responsible for the executive leadership, direction, and management of the City Secretary's Office. Provides secretarial/administrative support to the Mayor, City Council, and City Manager. Performs functions and duties of Municipal Clerk, Records Management Officer, and Elections Manager for the City. Performs other duties as required.

### **SUPERVISION RECEIVED AND EXERCISED:**

This position receives direct supervision from the City Manager.

### **ESSENTIAL DUTIES AND RESPONSIBILITIES:**

May include, but are not limited to, the following:

- Assists in preparation and/or posts approved agendas and public notices for all City Council meetings as directed by the Mayor and/or City Manager in compliance with the Texas Open Meetings Act
- Assists in preparation and/or posts approved agendas and public notices for all Ovilla Type B EDC, Planning and Zoning Commission, Board of Adjustment, Municipal Development District Board, and other city board meetings in compliance with the Texas Open Meetings Act
- Attends all City Council and city board meetings and prepares and preserves accurate official minutes, records, laws, resolutions, ordinances and actions of the City Council and boards as required
- Prepares and compiles resolutions, ordinances, proclamations, reports, memorandums, and agenda materials for distribution
- Maintains all City contracts and agreements
- Attests to, publishes, and posts all legal notices in accordance with law
- Participates in the development and administration of the city secretary's office budget; forecasts funds needed for staffing, equipment, materials, and supplies; approves expenditures; and implements budgetary adjustments, as needed
- Establishes and maintains an organized and accurate filing system for the City
- Administers and assures proper filing of Statements of Officer and Oaths of Office as required by state law

- Performs duties as Notary Public for all city documents
- Maintains custody of city seal; affixes to documents and obligations of the City as required
- Prepares correspondence for the City Secretary's Office, Mayor, City Council, and City Manager as required.
- Gives professional and effective assistance to all city departments, city staff, elected officials, and the public
- Assists in maintaining the City's website including posting of agendas, minutes, various reports, election information, and general information
- Plans, oversees, and coordinates the processing of claims, subpoenas, and summons against the City; delegates the gathering of necessary information; interacts with City Staff and insurance representatives regarding claims
- Maintains the City's Code of Ordinances by tracking ordinances and providing for their publication and distribution; administers in-house updates of the Code
- Responds to questions about municipal ordinances, resolutions, regulations, and other official actions
- Prepares documents and administers the bidding process
- Serves as the official custodian of records for the City; oversees the records management program including records retention, retrieval, and destruction of city records in accordance with the Texas State Library's records management procedures
- Administers and manages the City's public information program to ensure requests for information are handled in accordance with the Texas Public Information Act
- Official Elections Manager for all City elections; maintains a calendar of election events for candidates and City ballot measures, including preparing candidate guidelines, prepares candidate packets, providing information to candidates regarding procedural and disclosure requirements and publishing election notices and results within legal guidelines
- Maintains accurate employment and personnel files
- Processes all workers compensation related claims
- Responsible for new employee orientation, paperwork, and employee benefit administration
- Devotes all working time and attention to the affairs of the City
- Ensures all behaviors comply with the City's Personnel Policy Manual Rules and Regulations
- Performs other duties as assigned

## **MINIMUM JOB REQUIREMENTS:**

- Must be a United States citizen
- Must be at least 18 years of age
- Must meet one of the following educational requirements:
  - High School graduate, OR
  - Have passed a general educational development (GED) test indicating a high school graduation level
- Bachelor's degree preferred
- Minimum of five (5) years municipal administrative/secretarial experience required
- Texas Registered Municipal Clerk certification preferred. Required to obtain within three (3) years of employment; must maintain during employment.
- Become a Texas State Notary
- Knowledge of municipal budgeting, State of Texas records retention policies/procedures, Texas Public Information Act, Texas Open Meetings Act, Texas election laws, and Texas Local Government Code.
- Must be capable of performing all essential job functions
- Must possess the mobility, vision, hearing, and dexterity levels appropriate to work in a standard office setting and use standard office equipment
- Possess and maintain valid, current Texas driver license with acceptable driving record

- Must be customer service and people oriented
- Must be available to work 8:00 a.m. to 4:30 p.m. Monday through Friday and evenings and weekends as required
- Must be skilled in general office procedures, cash handling, typing and computer skills in working with Microsoft Word, Excel, PowerPoint, Outlook, and Internet search tools
- Must be extremely organized, be able to maintain confidentiality, have the ability to multi-task and perform simultaneous clerical functions

To perform the responsibilities of this position successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skills and abilities required.

**Knowledge of:**

Modern office procedures, methods, and equipment. Basic municipal government practices and operations. Public relations and customer service practices and procedures. Basic principles and practices of human resources in a public agency setting. Records management and filing principles and practices. Principles of supervision, training, and performance evaluation. Municipal budget preparation and maintenance. Computer data entry, filing, and cash handling procedures. Basic utility billing procedures. Proper phone etiquette and message taking procedures. Methods and practices of financial and statistical record keeping and reporting. Pertinent federal, state, and local laws, codes, and regulations.

**Skills/Ability to:**

Perform duties under minimal supervision. Ability to be punctual and attend work regularly. Demonstrate effective communication of ideas both verbally and in written form using the English language. Communicate in the English language under strained circumstances. Select, supervise, train, and evaluate subordinate employees. Plan, organize, direct, and coordinate the work of subordinate employees. Delegate authority and responsibility. Demonstrate basic mathematical ability in addition, subtraction, multiplication, and division. Type and operate a computer. Sit, stand, walk, bend, twist, kneel, reach, push, pull, drag, and/or lift items, listen in person and over the telephone, communicate orally and use hands and fingers to handle, feel or operate standard office equipment. Become proficient in the use of Fundview software. Learn, correctly interpret and apply laws, codes, policies and procedures related to all city operations. Ability to learn new skills and techniques. Prepare clear and concise reports. Maintain accurate record keeping, organization, and maintenance of files. Perform data entry and inquiry functions at an acceptable level of accuracy and speed. Perform multiple tasks simultaneously, accurately, and efficiently and be flexible as priorities change. Ability to maintain a professional, polished manner and a pleasant tone of voice when dealing with the public even in emotional, high stress situations. Possess a high level of customer service and pay strong attention to detail. Effectively interact with coworkers to accomplish work. Work in a stressful environment and get along with the public and co-workers. Show independence and autonomy. Make quick and sound decisions in stressful situations. Effectively meet deadlines. Ability to accept responsibility and account for his/her actions. Understand and follow City/Departmental policies, rules and regulations and carry out oral and written instructions.

By my signature, I acknowledge the content of this job description, accept the responsibility, and understand the criteria for future work performance appraisals.

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Employee Signature

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Date

---

Supervisor Signature

---

Date

# Ovilla City Council

## AGENDA ITEM REPORT Item # 1

Meeting Date: June 12, 2023

Department: Administration

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted By: City Manager David D. Henley

Reviewed By:  City Manager

City Secretary

City Attorney

Finance Director

Other:

### AGENDA ITEM:

**1 DISCUSSION** – Consideration of and action on Resolution No. R2023-13, a resolution of the City Council of the City of Ovilla, Texas, amending Resolution No. R2022-09 to revise the City of Ovilla Organizational Chart; and providing an effective date.

### Attachments:

1. Resolution No. R2023-13

### Discussion / Justification:

In order to successfully manage the day-to-day operations of the city as required and streamline communication and the decision-making process, the attached revised organizational chart has been created. I believe this organizational structure will be most beneficial for the city and will improve our effectiveness and efficiency.

### Recommendation / Staff Comments:

**Staff Recommends:** Approval of Resolution No. R2023-13 as presented.

### Sample Motion(s):

I move to approve/deny Resolution No. R2023-13 as presented.

**CITY OF OVILLA**  
**RESOLUTION NO. R2023-13**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVILLA,  
TEXAS, AMENDING RESOLUTION NO. R2022-09 TO REVISE THE  
CITY OF OVILLA ORGANIZATION CHART; AND PROVIDING AN  
EFFECTIVE DATE.**

**WHEREAS**, the Ovilla City Council, through Ordinance No. 2022-15 established the Fiscal Year Budget 2022-2023;

**WHEREAS**, the Ovilla City Council previously adopted Resolution No. R2022-09, an organization chart establishing a chain of command and lines of communication;

**WHEREAS**, the Ovilla City Staff recommended to Council a revised organization chart establishing a revised chain of command and lines of communication;

**WHEREAS**, the Ovilla City Council wishes to ensure proper and smooth communications between the governing body and staff by prescribing the manner in which the governing body and City staff shall interact; and

**WHEREAS**, the Ovilla City Council believes it is in the best interest of staff and the City to revise the current organization chart.

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

**SECTION 1.**

Resolution R2022-09 adopted September 12, 2022, is hereby revised to replace herewith the updated organization chart with this Resolution R2023-13 and attached hereto as Exhibit A.

**SECTION 2.**

This resolution shall be in full force and effect from and after its passage and approval.

**RESOLVED, PASSED AND APPROVED** by the City Council of the City of Ovilla, Texas, this the 12th day of June 2023.

**CITY OF OVILLA**

**By:** \_\_\_\_\_  
Richard Dormier, Mayor

**ATTEST:**

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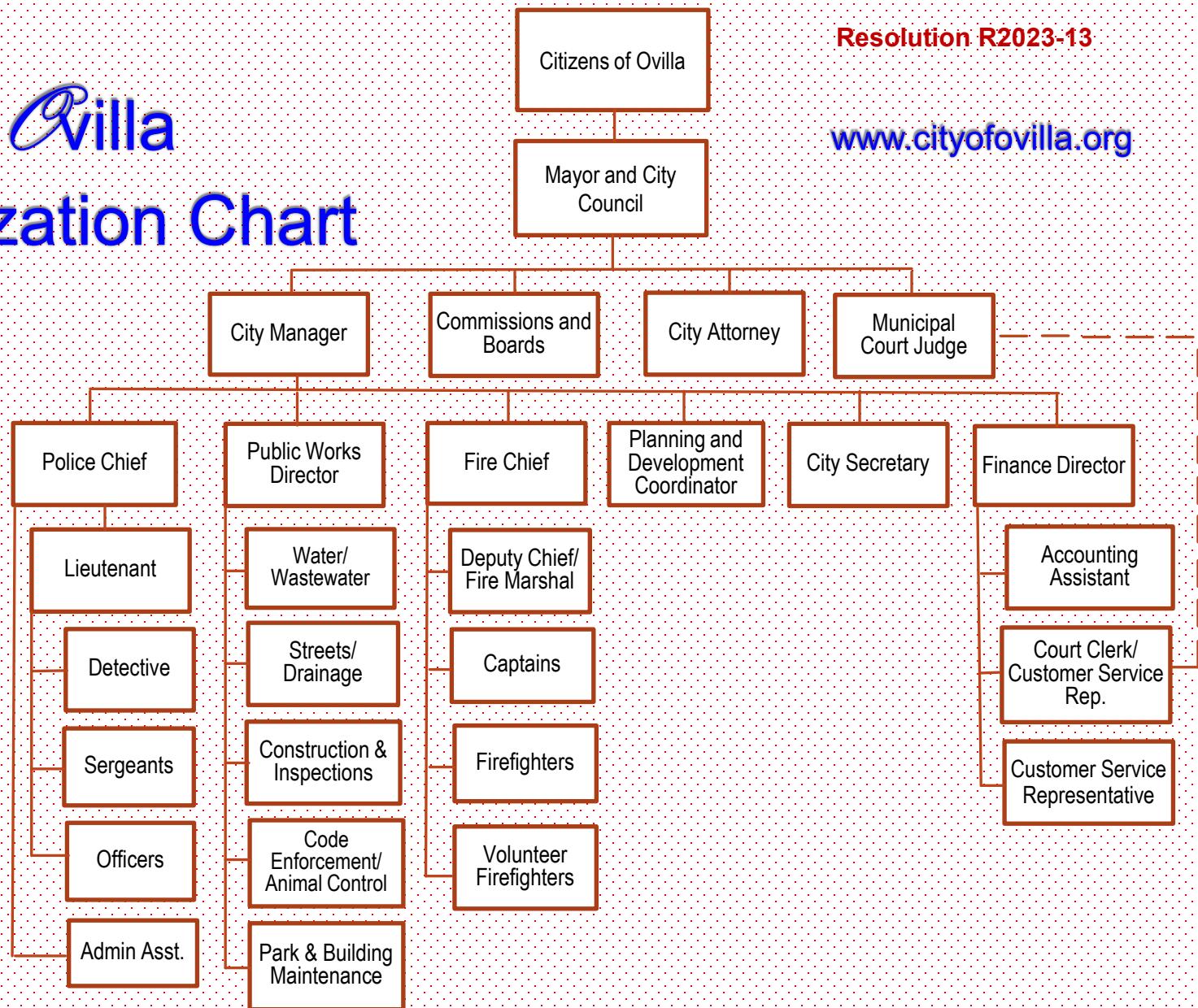
Bobbie Jo Taylor, City Secretary

**EXHIBIT A**

**CITY OF OVILLA ORGANIZATIONAL CHART**

# City of *Ovilla* Organization Chart

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



06.12.2023

## Executive Session

To  
**Honorable Mayor and Council**

From  
**Staff**

CC  
**Applicable Departments**

1. § 551.071: Consultation with the City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act regarding: (i) City Manager; (ii) City Secretary
2. §551.074: to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, or to hear a complaint or charge against an officer or employee: (i) City Manager; (ii) City Secretary

## City of Ovilla

Tel 972-617-7262

105 S. Cockrell Hill Road  
Ovilla, Texas 75154

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





























OVILLA POLICE DEPARTMENT  
ACTIVITY REPORT / MAY 2023



J. Bennett, Chief of Police

OVILLA POLICE DEPARTMENT  
MONTHLY REPORT / MAY 2023

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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	(MALKE)
PATROL OFFICER	(HARTIN)
PATROL OFFICER	(FLORES)
PATROL OFFICER	(RAMIRES)
PATROL OFFICER	(GARY)
PATROL OFFICER	(VACANT)
PATROL OFFICER	(VACANT) ON HOLD UNTIL MID-YEAR or LONGER.
ADMINISTRATIVE ASSISTANT	(PRICE)

\*Officer Malke and Officer Ramires have both been splitting patrol time with their new assigned duties in our Criminal Investigations Division. Aside from all new investigations, they are auditing all offense reports and filed cases from 2019 to 2023.

\*New officer (Gary, Matthew) was released from field training.

\*We currently have no certified applicants for our remaining active vacant position. We hope to fill this position with an applicant who is already TCOLE certified.

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OVILLA POLICE DEPARTMENT  
MONTHLY REPORT / MAY 2023

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2 – Arrests (Felony theft warrant issued and served by CID / THEFT / \$30,000 - \$150,000) and (Misdemeanor warrant issued by CID for Leaving the Scene of an Accident)

213 - Total Traffic Stops. (Pretextual and Non-Pretextual)

77 - Total Citations issued.

Roughly 36% of ALL traffic stops received a citation.

Average Response time for MAY was 3 MINUTES, 45 SECONDS.

Subject: Police Department Monthly Activity Report

Calls For Service	MAY 2023	MAY 2023 YTD	MAY 2022	MAY 2022 YTD
Accident	2	14	7	26
Alarms	6	59	15	85
Arrest	2	10	4	22
Assault/Assault FV	1	8	2	2
Assists	41	155	66	424
Building / House Security Check	320	1403	281	1700
Burglary	0	2	1	2
Burglary of Motor Vehicle	0	1	0	3
Criminal Mischief	0	1	1	8
Disturbance	14	51	18	76
Neighborhood Check	991	4152	673	3992
Other Calls for Service	81	363	180	684
Suspicious Person	9	40	13	44
Suspicious Vehicle	12	42	20	88
Theft	3	19	0	9
Traffic Assignment/School Enforcement	1	130	16	102
<b>TOTAL CALLS FOR SERVICE</b>	<b>1483</b>	<b>6450</b>	<b>1297</b>	<b>7267</b>

OVILLA POLICE DEPARTMENT  
MONTHLY REPORT / MAY 2023

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<b>MAY 2023</b>		<b>TO</b>	<b>MAY 2023</b>	<b>MILEAGE</b>	<b>MAINTENANCE PERFORMED</b>
<b>Police Unit #</b>		<b>Begin</b>	<b>End</b>	<b>Accrued</b>	
116		118306	119281	<b>975</b>	Power inverter replaced.
117		145629	148192	<b>2563</b>	1 tire replacement.
216		41279	41452	<b>173</b>	
119		79686	80621	<b>935</b>	New serpentine belt.
120		78668	78779	<b>111</b>	Radar system repaired. Battery system repaired.
220		70544	72160	<b>1616</b>	

\*All radar units received their annual calibration and certification.

\* Annual audit of all items currently in our evidence room was completed.

END OF REPORT

# Ovilla Fire Department May Monthly Report



**Fire Chief Brandon Kennedy**

105 S. Cockrell Hill Road  
Ovilla Texas, 75154  
[cityofovilla.org](http://cityofovilla.org)

## Mission Statement

The mission of the Ovilla Fire Department is to provide services designed to protect citizens and property of the City of Ovilla and outlying areas. All persons and or departments requesting assistance from the Ovilla Fire Department because of the adverse effects of fire, medical emergencies, or hazardous conditions created by man or nature will be dealt with in a professional manner, consistent with the economic capability of the community.

## Summary of Staffing for the Department

- Currently the Department has 0 Firefighter Paramedic positions open.
- Currently the Department has 0 Firefighter Basic positions open.
- Currently the Department has 2 Volunteer Firefighter position open.
- Current Staffing
  - 2 Chiefs
  - 5 Captains
  - 25 Firefighter Paramedics
  - 6 Firefighter EMT-Basics
  - 10 Volunteer Firefighters
  - Total Staffing of 48 out of 50 positions
- Of the Volunteers on staff,
  - 6 of them are Dual Certified, meaning they have their Fire Certs and EMT Basic or Paramedic
  - 2 has EMT – B Certification
  - 2 Volunteers do not have any Certification currently.

## Grants Report

- Submitted AFG grant to replace the station SCBA fill station. Waiting to hear if awarded. Projected cost of around 75K – 100K.
- Submitted SAFER Grant to hire 3 fulltime firefighters. Waiting to hear if awarded.

## Summary of Events for the Department

- For the month of May, OFD made a total of 99 calls through dispatch, and several public service calls that were not dispatched. These public service calls come from a resident calling the station phone and needing assistance with smoke detector batteries. We are trying to reach out to the residents to let them know we can assist them with smoke detector batteries and installation. We will not purchase them but if they purchase the detector and or batteries, we will be happy to assist them.
- There was one structure fire in the city where there were no injuries and there was substantial damage to the home.
- To date for this year, we have made 433 calls for service, an average of 83 per month, and are projected to run over 1039 this year.
- Siren Testing complete, the siren at Bryson and Judy Drive failed but has since been repaired and all are working properly.

## Summary of Staffing for the Month

- 7 days a week we have 3 - 24-hour part time positions (0800 – 0800)
- These positions were **100%** filled this month.
- 7 Days a week we have 2 – 12-hour shifts that are covered by volunteers (0800 – 2000) and (2000 – 0800)
- **57 / 62** Volunteer shifts were covered, and these **57** shifts we had 4 personnel on the Engine.

## Monthly Call Summary

INCIDENT COUNT		
INCIDENT TYPE	# INCIDENTS	
EMS	46	
FIRE	53	
<b>TOTAL</b>	<b>99</b>	
MUTUAL AID		
Aid Type	Total	
Aid Given	8	
Aid Received	5	
OVERLAPPING CALLS		
# OVERLAPPING	% OVERLAPPING	
16	16.16	
LIGHTS AND SIREN - AVERAGE RESPONSE TIME (Dispatch to Arrival)		
Station	EMS	FIRE
Station 701	0:06:28	0:06:03
<b>AVERAGE FOR ALL CALLS</b>		<b>0:06:27</b>
LIGHTS AND SIREN - AVERAGE TURNOUT TIME (Dispatch to Enroute)		
Station	EMS	FIRE
Station 701	0:01:11	0:02:15
<b>AVERAGE FOR ALL CALLS</b>		<b>0:01:26</b>
AGENCY	AVERAGE TIME ON SCENE (MM:SS)	
Ovilla Fire Department	20:00	

## Fleet Report

Ovilla Fire Department Mileage, Fuel and Maintenance Report for May					
Apparatus	Beginning Mileage	Ending Mileage	Mileage for the Month	Fuel Expenses	Maintenance Expenditures
B701	61,373	61,429	56	\$ -	\$ 151.94
B702	-	-	0	\$ -	\$ -
C701	43,984	44,478	494	\$ 64.00	\$ -
C702	17,192	17,692	500	\$ 181.00	\$ 7.00
S701	115,292	115,439	147	\$ 34.95	\$ -
E701	36,062	36,518	456	\$ 580.04	\$ 7.00
E702	36,797	36,953	156	\$ 236.76	\$ 7.00
Training E703	-	-	0	\$ -	\$ -
R755	23,371	23,405	34	\$ 50.59	\$ -
Station Supplies (Small Equipment Fuel, Propane, Other)				\$ 95.96	\$ -
Totals for the Month			1,843	\$ 1,243.30	\$ 172.94

## Maintenance Cost Explanations:

- No major repairs to report

## New Brush Truck update:

- We are still waiting for the chassis to be delivered to start production.

# PUBLIC WORKS DIRECTOR REPORT

**TO: Honorable Mayor and City Council Members, City Manager-David Henley,**

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

## **TOPIC May 2023 Public Works Overview Report**

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### **Employee report**

Still have one position frozen.

### **Public Works Project Overview**

Continue to work the bugs out of the AMI metering system.

Work continues on the conference room.

Construction on Silver Spur Park has started and put on hold waiting on a slide to be delivered.

Waiting on engineering on the Cumberland creek project and the Shiloh bridge project.

The CCR is complete and headed to print.

### **Equipment**

- Pump at pump station with seized bearings.
- The water meter at the pump station tested.

### **Water Department**

#### **Water Usage**

- Gallons Billed – 12.854.800MGD
- Gallons Unbilled – 22.0k
- Builder Billed – 0.0k
- Maintenance Flushing – 570k
- Gallons pumped – 15.079.000MGD

# PUBLIC WORKS DIRECTOR

## REPORT

### Monthly Overview

1. Worked with SET on meter issues (Ben went with Dustin onsite to verify and diagnose several minor issues).
2. Helped Street Department on several street projects (Cockrell Hill. Rd, Ashburn Glenn Ln., and Willow Creek Court).
3. Helped the Parks Department for several days with Silver Spur playground project.
4. Mowed and cleaned the pumpstation grounds.
5. Helped Utility Billing by verifying some questionable in-reads.
6. Collected Quarterly TTHM samples with CURO Environmental.
7. Dustin helped Streets Dept mow and weed eat right-of-ways.

### Water Repairs

1. 218 Lariat trail- Made repair to 6" water main.
2. Cockrell Hill Road at Split Rock Connect new 4" water main under creek.

EVERYDAY DUTIES & SITE CHECKS PERFORMED DAILY EVEN ON THE WEEKENDS AND HOLIDAYS \*\*Daily site checks of Overhead Water Tower, Pumpstation and Liftstation.

Check for any pump failures, power failures or any other issues that may interrupt service to the system. Also check fencing, gates, signage, and locks that secure all locations.

DAILY NAP (NITRIFICATION ACTION PLAN) Sampling- \*\*Perform Daily (NAP) Nitrification Action Plan at all state approved sampling locations and log all readings to the state approved reporting forms.

- Ground Storage Tank- Outside sampling location (Upstream)
- Pump Room Sample Port (Downstream)
- 114 Silverwood (Average Age)
- 607 Cardinal (High Age Water)
- 304 Ovilla Oaks (High Age Water)

\*Dustin Performs Daily 1.5hr

# PUBLIC WORKS DIRECTOR REPORT

## WATER

### Daily sampling and monitoring

- Water cutoffs – Water cutoffs were performed. - Dustin 3.5hr.
- Daily water sampling, pump station site check & monitoring of chemical feed of NH3 & CL2 (State Requirement) - Dustin 1.5hr Daily.
- NAP Nitrification Action Plan performed daily @ 5 distribution locations. (State Requirement) - Dustin 1.5hr Daily
- Monthly TCEQ BACTI- water samples collected and sent to lab. (State Requirement) - Dustin 1.5hr monthly.
- Performed calibration checks -chlorine meter & HACH SL1000 meter (State Requirement) - Dustin 1hr weekly.
- Flushed dead end main's- Per state requirement. 4.5-5hr monthly.

### Wastewater Daily Duties

#### Monthly liftstation and sewer repairs

Nothing to report on for sewer in the month of May.

#### Daily Site Checks of Liftstations- (Dustin performs daily 1hr)

- Highland Meadows Lift Station. (State Requirement)
- Daily site checks and maintenance at Cumberland Lift station. (State Requirement)
- Daily site checks and maintenance Heritage lift station. (State Requirement)
- Site Maintenance- Cleaned all stations and wet wells.
- Liftstation preventive maintenance- Added lift station degreaser / Emulsifier once weekly to all stations as part of a maintenance program.

This completes the monthly report for Water/Wastewater Department for the month of May 2023

Randall Bailey-  
Interim W/WW Superintendent

# PUBLIC WORKS DIRECTOR

## REPORT

### **Construction Manager**

- **Bryson Manor Phase 3**
  - house plans are being submitted, reviewed, and approved.
  - homes are under construction all through this phase that have been approved and issued to home builders.
  - 2 site checks are performed daily to ensure contractors have the proper permits and no violations are found
- **Broadmoor Estates Phase 1**
  - house plans are being submitted, reviewed, and approved.
  - homes are under construction all through this phase that have been approved and issued to home builders.
  - 2 site checks are performed daily to ensure contractors have the proper permits and no violations are found
- **Broadmoor Estates Phase 2**

Nothing to report.
- **Hollywood Estates lot 22-24**

Nothing to report.

39 building permits were reviewed and issued this month, 1 of them was a new single family residential home.

Assisted the streets and drainage department with asphalt on Cockrell Hill Road.

Assisted the water department with 4" on Split Rock Trl.

Assisted code with several inspections/permits.

# PUBLIC WORKS DIRECTOR

## REPORT

### **Parks and Facilities Monthly Report**

The parks department can spend any where up to 2 ½ hrs. for 1 employee to check all the parks and rest rooms each day to make sure they are clean and safe. The park department takes 2 to 3 hrs. to check vehicles and power equipment in their department once a week to make sure that all equipment is working properly and safely. Making a report to address any concerns to have it fixed promptly if all possible.

All parks and City properties have been mowed.

#### **SMALL BASEBALL FIELD**

- 1) Dragged the field once after a rain which takes 1 man hour. The field still had a few practices on it this month.

#### **HERITAGE PARK**

- 1) Check bathrooms daily clean once a week or when needed.
- 2) Picked up garbage and emptied garbage cans when needed.

#### **CINDY JONES PARK**

- 1) Emptied all garbage cans.
- 2) Raked out kiddie cushion on playground during inspections. and picked up garbage on premises.

#### **Ashburner glen park**

- 1) Picked up any garbage on premises.
- 2) Raked out kiddie cushion around playground equipment, while inspecting park.
- 3) Raked up leaves that were piled up around playground area.

#### **SILVER SPUR PARK**

- 1) Removed all kiddie cushion, borders, and fence. Hauled in 78 yards of dirt to level and grade the site. Drilled holes and set new anchor post for the new equipment. The park should be complete by mid-June.

#### **FOUNDERS PARK**

- 1) Check pavilion area for garbage on the ground and picnic tables and benches for cleanliness usually on a day bases.

# PUBLIC WORKS DIRECTOR

## REPORT

### LARGE BASEBALL FIELD

- 1) Tried to drag the field but wouldn't dry out enough to be able to. Still have teams doing try outs on the field when it is playable.
- 2) Last week of December we aerated the field and put grass seed down in the bare spots.

### FACILITIES

- 1) Working on new conference room, getting it insulated and preparing for drywall installation.

### **Streets/Drainage**

#### Drainage Projects - N/A

#### Street Projects

- Ordered 10.5 yards of Concrete.
- The failed spots on Ashburne Glen Ln where excavated dialed into existing concrete, rebar, floated, edged, and sealed. Locations: entrance of Ashburne Glen Ln, 104 Ashburne Glen Ln. and the corner of Ashburne Glen Cir. 8-Man work crew 16.5 hours to complete job.
- Roads Crack Seal: Ovilla Oaks to Slippery Rock 3,077' of road, Valley View 347' of road, Cedar Ridge 520' of road, Creek View 546' of road, Oak Ridge 482' of road, Slippery Rock 850' of road and Rim rock 260' of road 3-Man work crew time invested 28 hours.
- Potholes Patched: 180 Johnson Ln, 280 Johnson Ln, 1031 Johnson Ln, 820 Cockrell Hill Rd, 117 Water St 617 Buckboard, 611 Malloy, 1204 Red Oak Creek, 1208 Red Oak Creek, 1215 Red Oak Creek, 924 Red oak Creek, 519 Westmoreland 801 E. Main 3-Man work crew time invested 8 hours.
- Several knocked down trees and tree limbs due to Thunderstorm blocking roadway. Picked up and hauled off 708 W. Main, 800 E. Main, 100 Willowwood, 180 Water, Shiloh Rd, Westmoreland, 307 Johnson and 904 Red Oak Creek 3-Man crew after hours pushing debris off roadway 3 hours invested following day 4-Man work crew cutting and hauling off tree's time invested 6 hours.
- Vehicle inspection and Equipment performed weekly.

# PUBLIC WORKS DIRECTOR REPORT

## Right of Way Mowing

- Westmoreland, Hosford, Malloy, Red Oak Creek, Shiloh, Johnson Ln, Joe Wilson, Cockrell Hill Rd. 3-Man work crew invested time 6 hours.
- Ovilla Rd Islands and Medians Westmoreland East bound to Golden Chick mowed and weedeat 3-man work crew time invested 10 hours.
- Assisted Water Dept. 218 Lariat fix main break.
- Assisted Water Dept. tie in new 4" Cockrell Hill Rd @ Split Rock

## **Community Services**

### **Code Enforcement**

Awaiting agreement with Oak Leaf  
Grass violations increased due to rain.  
Brush violations increased due to storms.

- 3 - Illegal Dumping incidents cleared by Code Enforcement
- 1- Trash Removed - Johnson Lane at Joe Wilson
- 2- Furniture – Red Oak Creek
- 3- Trash – Red Oak Creek

### **Follow Up**

Ovilla Auto – Spoke with Property Renter, multiple vehicles removed by owner, attempting to schedule meeting with owner.  
Lariat Trail – Following property conditions, multiple attempts to contact owners.  
Franks BBQ – Area has been cleared and maintained by Franks BBQ  
East University – Outside storage, violations cleared by owners.  
Georgetown – parking violations, property violations continue to follow up.

### **Animal control**

Waiting agreement with Glenn Heights  
- 2 Dogs Returned to Owner

Wildlife trapped and released.  
- 1 Racoon  
- 1 Snake

# PUBLIC WORKS DIRECTOR REPORT

**Subject: Code Enforcement Monthly Report**

	May 23	May. 23 YTD
Calls For Service		
Complaint (Nuisance – 44, Permit – 5, Parking – 16)	65	261
Follow up	73	291
Door Notice (Nuisance – 20, Permit – 2, Parking - 8)	30	126
Mail Notice (Parking -12, Nuisance – 30, Permit - 2)	44	87
Posted Property (Nuisance – 4, Grass - 14)	17	32
Court (2 parking guilty 320 1 FTA)	\$320	\$2,442
Citizen Contacts	53	200
Permit Reviewed	30	102
Permits Issued	26	
Inspections	61	88
Nuisance Abated by City 3) Trash	3	115
Nuisance Signs (Garage sale – 15, Business - 31)	46	198

**Subject: Animal Control Monthly Report**

	May.2023	May.23 YTD
Calls For Service		
Complaint (Registration – 13, At Large – 9, Barking - 1)	22	110
Follow up	29	134
Door Notice (Registration - 7, At large – 1)	8	47
Impounded Animal (Dog - 2)	2	14
Animal welfare check	11	99
Impound Results (RTO 2)	2	11
Impound fee collected	\$35.00	\$70.00
Court	\$0.00	\$0.00
Citizen Contacts	21	126
Animal registration	14	45
Registration Letter Mailed	24	99
Nuisance letter 2 at large	2	41
Animals Relocation - 1 Racoon, 1 snake	2	6
Deceased removed	27	124
Oak Leaf - 0	0	5
Traps Checked Out	2	9



**May 2023 City Council Update:**

• **Open Records**

- Numerous simple PIA's complete
- Two (2) Attorney General Opinions received back from a ruling. Both agreed with the city that the records are not to be released.
- Three (3) additional records have been sent to the Attorney General for an opinion regarding the release of body-worn cameras.

• **American Rescue Plan**

- The City Attorney has reviewed and commented on the contract from Grantworks. Waiting on comments back from Grantworks.

• **Election**

- Election held May 6, 2023
- Canvass of Election held on May 16, 2023
- Proposition A Sales and Use Tax passed. Results were sent to the Comptroller as per state law.
- Mandatory City Secretary office hours expire June 15, 2023

• **Human Resources**

- Beginning review of benefits for 2023/2024. Any benefit changes will be effective October 1, 2023, if changes are made.
- One (1) Resignation received from the Public Works Department. Two weeks' notice was provided, and an exit interview has been scheduled.
- Review of Policies and Procedures for the Department is needed and will be scheduled in the near future.

• **Other**

- Economic Development Corporation Meeting 5.22.23
- Trash Request for Proposal Document completed and sent to the City Manager for final approval. Contract end date 12.1.23
- Website Update scheduled. Kick-off meeting scheduled
- The destruction of Records is pending at this time. All records to be destroyed will be certified by our vendor and all are past their required state law retention schedule.
- I have been nominated to serve as a Trustee on the Texas Municipal Clerk Association's Executive Board. An interview will be scheduled soon.

*Bobbie Jo Taylor, TRMC, CMC  
City Secretary*



**Date: June 12, 2023**

**To: Honorable Mayor and Council Members**

**Subject: Financial Statement Summaries for  
October 2022 thru April 2023**

**This period covers 58% of the FY2023 Budget.**

**From:**

**Ed Scott – Finance Director**

## CITY-WIDE OPERATING FUND TOTALS

For FY2023 Oct. 2022 Thru April 30, 2023



TOTAL REVENUES		FY2022	FY2023	FY2023	FY2023
		Actual	Actual	Adopted & Amended	% of Budget
		To Date	To Date	Budget	Used
100	General Fund	3,526,986	3,671,916	4,725,894	78%
110	Leose	940	987	1,100	90%
120	Street Improvement	57,286	70,294	103,000	68%
130	Court Technology	1,595	2,206	3,000	74%
140	Court Security	1,893	2,637	3,000	88%
200	Water & Utilities	1,249,588	1,213,095	1,806,199	67%
250	WWW Infrasturcture Improv.	39,703	41,940	75,000	56%
400	Debt Service Fund	580,121	457,890	537,158	85%
500	Municipal Devel. District	64,239	81,519	114,500	71%
600	4B Economic Devel. Fund	118,654	141,948	203,000	70%
700	Park Impact Fund	35,125	4,014	18,400	22%
800	Water & Utilities Impact Fund	546,576	52,021	495,155	11%
Total		\$ 6,222,707	\$ 5,740,467	\$ 8,085,406	71%

TOTAL EXPENDITURES		FY2022	FY2023	FY2023	FY2023
		Actual	Actual	Adopted & Amended	% of Budget
		To Date	To Date	Budget	Used
100	General Fund	2,637,282	2,323,985	4,725,894	49%
110	Leose	-	1,100	1,100	100%
120	Street Improvement	-	756	103,000	1%
130	Court Technology	-	-	3,000	0%
140	Court Security	480	320	3,000	11%
200	Water & Utilities	886,566	1,001,147	1,806,199	55%
250	WWW Infrasturcture Improv.	-	-	75,000	0%
400	Debt Service Fund	8,127	19,219	537,158	4%
500	Municipal Devel. District	23,831	21,802	114,500	19%
600	4B Economic Devel. Fund	52,124	56,210	203,000	28%
700	Park Impact Fund	-	1,514	18,400	8%
800	Water & Utilities Impact Fund	-	-	495,155	0%
Total		\$ 3,608,409	\$ 3,426,053	\$ 8,085,406	42%

City of Ovilla  
 Revenue And Expense Report  
 As of April 30, 2023

6/5/2023 8:19 AM

100 - General Fund	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
<b>Revenue Summary</b>							
-	73,702.42	3,472,346.56	4,870,217.00	1,397,870.44	28.70%	3,426,637.32	4,633,730.11
Revenue Totals	<u>73,702.42</u>	<u>3,472,346.56</u>	<u>4,870,217.00</u>	<u>1,397,870.44</u>	<u>28.70%</u>	<u>3,426,637.32</u>	<u>4,633,730.11</u>
<b>Expense Summary</b>							
10-Administration	28,136.26	289,179.30	572,125.00	282,945.70	49.46%	300,068.58	548,302.40
16-Non-Departmental	34,716.56	267,537.12	553,331.00	285,793.88	51.65%	238,025.04	334,310.60
20-Police	71,465.12	561,979.69	1,021,820.00	459,840.31	45.00%	571,866.87	983,847.23
25-Municipal Court	7,451.82	55,770.71	102,630.00	46,859.29	45.66%	56,488.75	97,271.36
30-Fire	71,240.25	616,802.97	1,349,763.00	732,960.03	54.30%	634,266.81	1,270,970.57
40-Community Services	17,907.71	145,522.45	260,150.00	114,627.55	44.06%	261,155.76	434,820.35
45-Solid Waste	31,266.12	178,352.10	313,500.00	135,147.90	43.11%	126,535.51	293,393.71
50-Streets	16,038.21	125,666.25	256,600.00	130,933.75	51.03%	134,373.69	298,025.04
60-Parks	11,904.93	83,173.94	180,925.00	97,751.06	54.03%	68,254.87	154,495.47
Expense Totals	<u>290,126.98</u>	<u>2,323,984.53</u>	<u>4,610,844.00</u>	<u>2,286,859.47</u>	<u>49.60%</u>	<u>2,391,035.88</u>	<u>4,415,436.73</u>
Revenues Over(Under) Expenditures	<u>(216,424.56)</u>	<u>1,148,362.03</u>	<u>259,373.00</u>	<u>0.00</u>	<u>0.00%</u>	<u>1,035,601.44</u>	<u>218,293.38</u>

City of Ovilla  
 Revenue And Expense Report  
 As of April 30, 2023

6/5/2023 8:19 AM

110 - LEOSE	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
<b>Revenue Summary</b>							
-	0.00	986.66	1,100.00	113.34	10.30%	939.85	939.85
Revenue Totals	0.00	986.66	1,100.00	113.34	10.30%	939.85	939.85
<b>Expense Summary</b>							
21-21	0.00	1,100.00	1,100.00	0.00	0.00%	0.00	918.00
Expense Totals	0.00	1,100.00	1,100.00	0.00	0.00%	0.00	918.00
Revenues Over(Under) Expenditures	0.00	(113.34)	0.00	0.00	0.00%	939.85	21.85

City of Ovilla  
 Revenue And Expense Report  
 As of April 30, 2023

6/5/2023 8:19 AM

<b>120 - Street Improvement Fund</b>	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
<b>Revenue Summary</b>							
-	7,713.84	70,293.81	125,000.00	54,706.19	43.76%	57,285.54	105,887.82
Revenue Totals	<u>7,713.84</u>	<u>70,293.81</u>	<u>125,000.00</u>	<u>54,706.19</u>	<u>43.76%</u>	<u>57,285.54</u>	<u>105,887.82</u>
<b>Expense Summary</b>							
55-55	0.00	755.56	0.00	(755.56)	0.00%	0.00	204,292.00
Expense Totals	<u>0.00</u>	<u>755.56</u>	<u>0.00</u>	<u>(755.56)</u>	<u>0.00%</u>	<u>0.00</u>	<u>204,292.00</u>
Revenues Over(Under) Expenditures	<u>7,713.84</u>	<u>69,538.25</u>	<u>125,000.00</u>	<u>0.00</u>	<u>0.00%</u>	<u>57,285.54</u>	<u>(98,404.18)</u>

City of Ovilla  
 Revenue And Expense Report  
 As of April 30, 2023

6/5/2023 8:19 AM

130 - Court Technology	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
<b>Revenue Summary</b>							
-	252.60	2,206.17	3,000.00	793.83	26.46%	1,595.41	3,238.87
Revenue Totals	252.60	2,206.17	3,000.00	793.83	26.46%	1,595.41	3,238.87
<b>Expense Summary</b>							
26-26	0.00	0.00	3,000.00	3,000.00	100.00%	0.00	0.00
Expense Totals	0.00	0.00	3,000.00	3,000.00	100.00%	0.00	0.00
Revenues Over(Under) Expenditures	252.60	2,206.17	0.00	0.00	0.00%	1,595.41	3,238.87

City of Ovilla  
 Revenue And Expense Report  
 As of April 30, 2023

6/5/2023 8:19 AM

140 - Court Security	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
<b>Revenue Summary</b>							
-	297.41	2,637.46	3,000.00	362.54	12.08%	1,893.15	3,871.65
Revenue Totals	297.41	2,637.46	3,000.00	362.54	12.08%	1,893.15	3,871.65
<b>Expense Summary</b>							
27-27	0.00	319.75	3,000.00	2,680.25	89.34%	479.70	879.45
Expense Totals	0.00	319.75	3,000.00	2,680.25	89.34%	479.70	879.45
Revenues Over(Under) Expenditures	297.41	2,317.71	0.00	0.00	0.00%	1,413.45	2,992.20

City of Ovilla  
 Revenue And Expense Report  
 As of April 30, 2023

6/5/2023 8:19 AM

200 - Water And Utilities Fund	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
<b>Revenue Summary</b>							
-	362,397.19	1,412,663.63	1,983,699.00	571,035.37	28.79%	1,249,372.68	1,961,334.82
Revenue Totals	<u>362,397.19</u>	<u>1,412,663.63</u>	<u>1,983,699.00</u>	<u>571,035.37</u>	<u>28.79%</u>	<u>1,249,372.68</u>	<u>1,961,334.82</u>
<b>Expense Summary</b>							
70-Administration	13,270.08	154,357.14	282,825.00	128,467.86	45.42%	97,897.66	183,374.17
75-Water	44,413.70	427,089.92	875,660.00	448,570.08	51.23%	360,158.61	909,127.62
80-Sewer	85,690.81	337,323.87	579,172.00	241,848.13	41.76%	298,005.33	531,977.37
85-Non-Departmental	19,731.16	82,375.59	153,780.00	71,404.41	46.43%	59,477.81	98,642.40
Expense Totals	<u>163,105.75</u>	<u>1,001,146.52</u>	<u>1,891,437.00</u>	<u>890,290.48</u>	<u>47.07%</u>	<u>815,539.41</u>	<u>1,723,121.56</u>
Revenues Over(Under) Expenditures	<u>199,291.44</u>	<u>411,517.11</u>	<u>92,262.00</u>	<u>0.00</u>	<u>0.00%</u>	<u>433,833.27</u>	<u>238,213.26</u>

City of Ovilla  
 Revenue And Expense Report  
 As of April 30, 2023

6/5/2023 8:19 AM

250 - WWW Infrastructure Improvements	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
<b>Revenue Summary</b>							
-	5,706.20	41,939.83	75,000.00	33,060.17	44.08%	39,695.40	68,608.55
Revenue Totals	5,706.20	41,939.83	75,000.00	33,060.17	44.08%	39,695.40	68,608.55
<b>Expense Summary</b>							
85-85	0.00	0.00	75,000.00	75,000.00	100.00%	0.00	0.00
Expense Totals	0.00	0.00	75,000.00	75,000.00	100.00%	0.00	0.00
Revenues Over(Under) Expenditures	5,706.20	41,939.83	0.00	0.00	0.00%	39,695.40	68,608.55

City of Ovilla  
 Revenue And Expense Report  
 As of April 30, 2023

6/5/2023 8:19 AM

400 - Debt Service Fund	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
<b>Revenue Summary</b>							
-	1,963.12	457,890.02	537,158.00	79,267.98	14.76%	580,121.48	702,632.04
Revenue Totals	<u>1,963.12</u>	<u>457,890.02</u>	<u>537,158.00</u>	<u>79,267.98</u>	<u>14.76%</u>	<u>580,121.48</u>	<u>702,632.04</u>
<b>Expense Summary</b>							
15-15	0.00	19,219.00	537,158.00	517,939.00	96.42%	8,126.54	519,959.04
Expense Totals	<u>0.00</u>	<u>19,219.00</u>	<u>537,158.00</u>	<u>517,939.00</u>	<u>96.42%</u>	<u>8,126.54</u>	<u>519,959.04</u>
Revenues Over(Under) Expenditures	<u>1,963.12</u>	<u>438,671.02</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00%</u>	<u>571,994.94</u>	<u>182,673.00</u>

City of Ovilla  
 Revenue And Expense Report  
 As of April 30, 2023

6/5/2023 8:19 AM

<b>500 - Municipal Development District Fund</b>	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
<b>Revenue Summary</b>							
-	12,670.64	81,519.32	126,500.00	44,980.68	35.56%	64,239.41	127,318.76
Revenue Totals	<u>12,670.64</u>	<u>81,519.32</u>	<u>126,500.00</u>	<u>44,980.68</u>	<u>35.56%</u>	<u>64,239.41</u>	<u>127,318.76</u>
<b>Expense Summary</b>							
10-Administration	498.95	21,802.24	114,500.00	92,697.76	80.96%	2,331.14	2,379.96
Expense Totals	<u>498.95</u>	<u>21,802.24</u>	<u>114,500.00</u>	<u>92,697.76</u>	<u>80.96%</u>	<u>2,331.14</u>	<u>2,379.96</u>
Revenues Over(Under) Expenditures	<u>12,171.69</u>	<u>59,717.08</u>	<u>12,000.00</u>	<u>0.00</u>	<u>0.00%</u>	<u>61,908.27</u>	<u>124,938.80</u>

City of Ovilla  
 Revenue And Expense Report  
 As of April 30, 2023

6/5/2023 8:19 AM

<b>600 - 4B Economic Development Fund</b>	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
<b>Revenue Summary</b>							
-	15,427.68	141,948.26	253,000.00	111,051.74	43.89%	118,654.13	218,392.72
Revenue Totals	<u>15,427.68</u>	<u>141,948.26</u>	<u>253,000.00</u>	<u>111,051.74</u>	<u>43.89%</u>	<u>118,654.13</u>	<u>218,392.72</u>
<b>Expense Summary</b>							
10-Administration	1,450.64	56,209.90	203,000.00	146,790.10	72.31%	6,714.72	16,468.71
Expense Totals	<u>1,450.64</u>	<u>56,209.90</u>	<u>203,000.00</u>	<u>146,790.10</u>	<u>72.31%</u>	<u>6,714.72</u>	<u>16,468.71</u>
Revenues Over(Under) Expenditures	<u>13,977.04</u>	<u>85,738.36</u>	<u>50,000.00</u>	<u>0.00</u>	<u>0.00%</u>	<u>111,939.41</u>	<u>201,924.01</u>

City of Ovilla  
 Revenue And Expense Report  
 As of April 30, 2023

6/5/2023 8:19 AM

700 - Park Impact Fund	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
<b>Revenue Summary</b>							
-	0.00	4,014.30	18,400.00	14,385.70	78.18%	35,124.60	41,480.49
Revenue Totals	0.00	4,014.30	18,400.00	14,385.70	78.18%	35,124.60	41,480.49
<b>Expense Summary</b>							
60-60	0.00	1,513.78	18,400.00	16,886.22	91.77%	0.00	0.00
Expense Totals	0.00	1,513.78	18,400.00	16,886.22	91.77%	0.00	0.00
Revenues Over(Under) Expenditures	0.00	2,500.52	0.00	0.00	0.00%	35,124.60	41,480.49

City of Ovilla  
 Revenue And Expense Report  
 As of April 30, 2023

6/5/2023 8:19 AM

800 - Water And Utilities Impact Fee Fund	Current Month Expense/Rev	Year To Date Expense/Rev	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year FY End Bal.
<b>Revenue Summary</b>							
-	13.58	52,021.19	92,000.00	39,978.81	43.46%	546,575.27	673,716.75
Revenue Totals	13.58	52,021.19	92,000.00	39,978.81	43.46%	546,575.27	673,716.75
<b>Expense Summary</b>							
85-85	0.00	0.00	92,000.00	92,000.00	100.00%	0.00	0.00
Expense Totals	0.00	0.00	92,000.00	92,000.00	100.00%	0.00	0.00
Revenues Over(Under) Expenditures	13.58	52,021.19	0.00	0.00	0.00%	546,575.27	673,716.75



**Date: June 12, 2023**

**To: Honorable Mayor and Council Members**

**Subject: Analysis of Sales Tax Received**

**From:**

**Ed Scott – Finance Director**

The charts below contain sales tax revenue allocated each month by the Texas State Comptroller. Please contact and search the [Texas Comptroller's website](#) if you notice an incorrect amount.

For example, the February allocations reflect December sales, collected in January and allocated in February.

\*Excludes any sales tax retained by the municipality and not remitted to the Comptroller.

- [View Grid Based on Calendar Year](#)
- [View Grid With All Years](#)

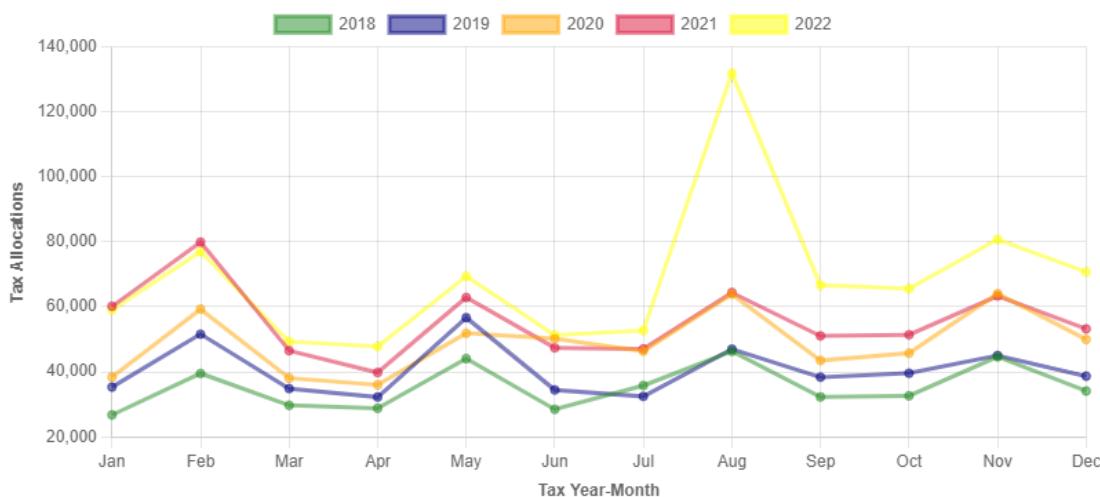
[Download to Excel](#)

Change Fiscal Year  
End

09/30/2024

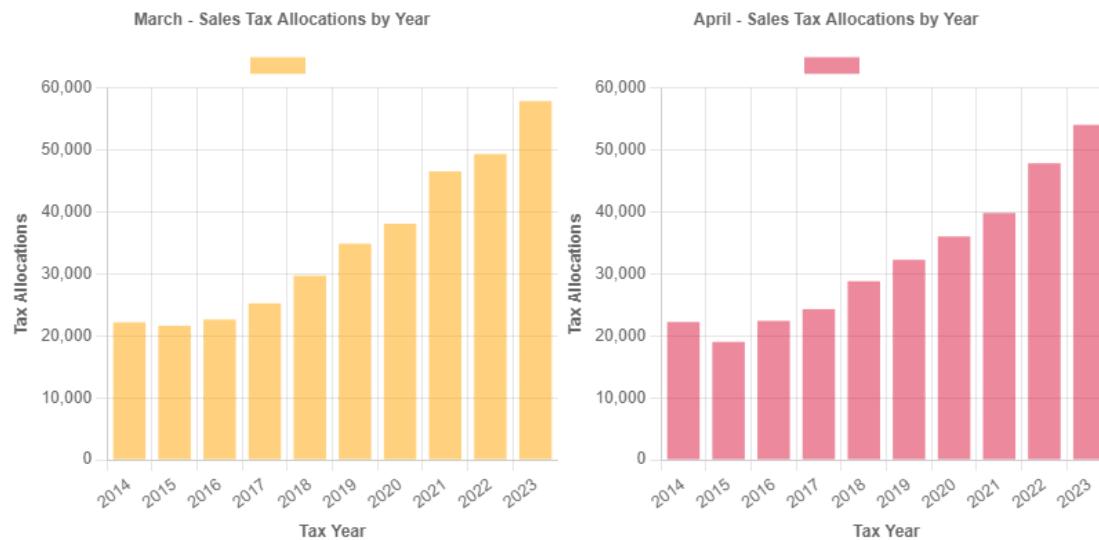
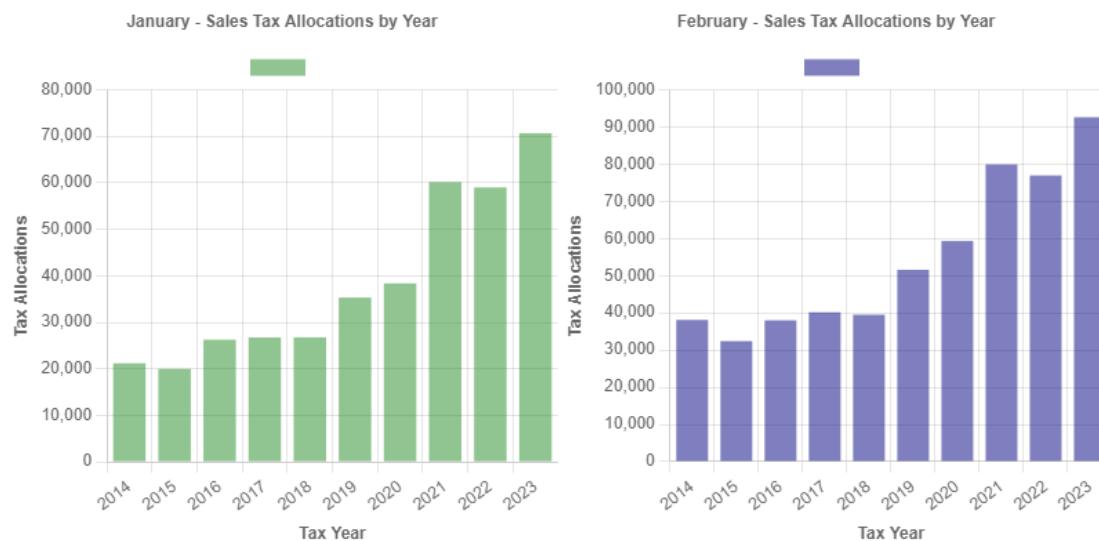
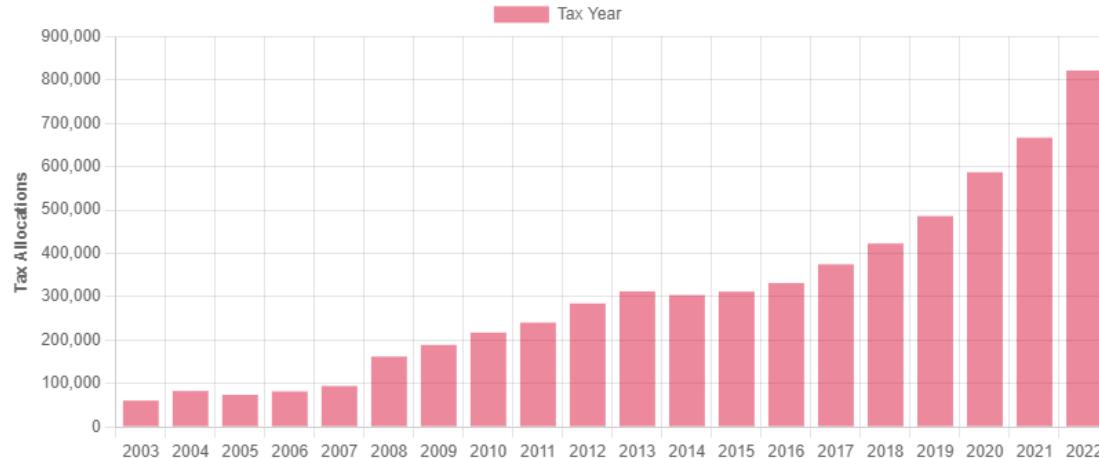
Year	October	November	December	January	February	March	April	May	June	July	August	September	Total
2023	\$65,568	\$80,747	\$70,705	\$70,642	\$92,575	\$57,824	\$53,997	\$73,987	\$0	\$0	\$0	\$0	\$566,044
2022	\$51,406	\$63,357	\$53,208	\$58,988	\$76,930	\$49,301	\$47,808	\$69,383	\$51,255	\$52,703	\$131,782	\$66,644	\$772,766
2021	\$45,726	\$64,070	\$49,935	\$60,141	\$79,903	\$46,510	\$39,794	\$62,872	\$47,381	\$47,061	\$64,377	\$51,057	\$658,827
2020	\$39,571	\$45,017	\$38,679	\$38,373	\$59,305	\$38,067	\$36,013	\$51,866	\$50,201	\$46,341	\$63,885	\$43,486	\$550,803
2019	\$32,634	\$44,607	\$34,108	\$35,314	\$51,566	\$34,854	\$32,252	\$56,654	\$34,427	\$32,452	\$46,975	\$38,370	\$474,213
2018	\$28,959	\$36,065	\$23,588	\$26,767	\$39,504	\$29,705	\$28,796	\$44,064	\$28,466	\$35,800	\$46,299	\$32,272	\$400,285
2017	\$24,186	\$35,971	\$23,979	\$26,736	\$40,158	\$25,236	\$24,304	\$34,229	\$25,440	\$28,255	\$38,111	\$43,766	\$370,370
2016	\$25,405	\$34,971	\$21,425	\$26,277	\$37,994	\$22,634	\$22,413	\$33,715	\$24,531	\$22,980	\$33,792	\$23,408	\$329,544
2015	\$17,904	\$29,706	\$19,217	\$19,989	\$32,408	\$21,627	\$19,021	\$37,359	\$24,990	\$21,738	\$31,535	\$21,477	\$296,972
2014	\$21,664	\$33,425	\$23,190	\$21,198	\$38,106	\$22,176	\$22,221	\$42,904	\$21,895	\$20,357	\$29,955	\$18,445	\$315,536
2013	\$20,450	\$30,354	\$20,065	\$23,004	\$36,348	\$21,688	\$18,041	\$35,277	\$20,966	\$24,886	\$31,214	\$22,980	\$305,275
2012	\$19,273	\$34,403	\$17,681	\$17,687	\$37,350	\$16,693	\$15,341	\$36,082	\$21,516	\$20,324	\$27,774	\$20,964	\$285,087
2011	\$13,498	\$29,965	\$11,131	\$12,209	\$25,077	\$15,882	\$11,778	\$30,951	\$13,231	\$14,801	\$27,676	\$17,662	\$223,860
2010	\$11,473	\$27,282	\$9,473	\$11,492	\$25,689	\$12,557	\$11,203	\$31,813	\$15,236	\$14,325	\$26,311	\$14,269	\$211,123
2009	\$12,027	\$27,919	\$11,234	\$10,492	\$23,854	\$11,289	\$12,069	\$24,052	\$11,950	\$10,438	\$23,632	\$13,039	\$191,995
2008	\$5,185	\$14,737	\$6,487	\$3,989	\$13,199	\$13,609	\$6,597	\$14,757	\$10,507	\$12,684	\$24,070	\$11,541	\$137,362
2007	\$5,562	\$14,548	\$3,609	\$3,289	\$11,562	\$4,912	\$4,582	\$14,413	\$5,511	\$6,417	\$11,912	\$5,287	\$91,603
2006	\$3,847	\$13,497	\$9,764	\$3,365	\$11,578	\$3,583	\$3,204	\$12,215	\$2,630	\$3,299	\$13,670	\$4,491	\$85,144
2005	\$2,434	\$11,461	\$3,572	\$2,895	\$10,674	\$2,183	\$2,675	\$9,695	\$2,710	\$2,499	\$10,503	\$3,033	\$64,333
2004	\$2,356	\$10,702	\$2,606	\$2,033	\$8,565	\$3,236	\$1,809	\$9,507	\$24,612	\$2,762	\$9,009	\$3,690	\$80,888

Monthly - Sales Tax Allocations - By Calendar Year

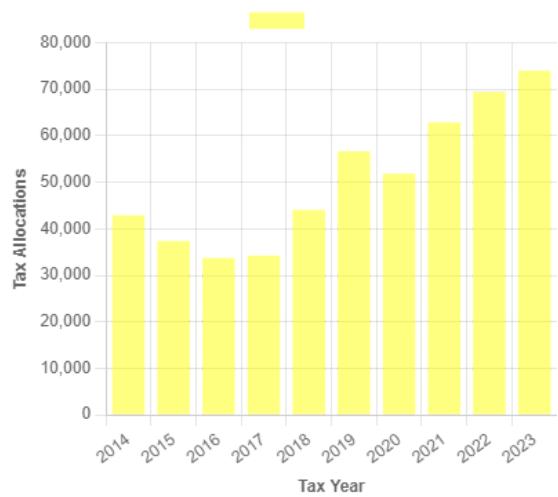


Monthly - Sales Tax Allocations - By Fiscal Year 10/01 - 09/30

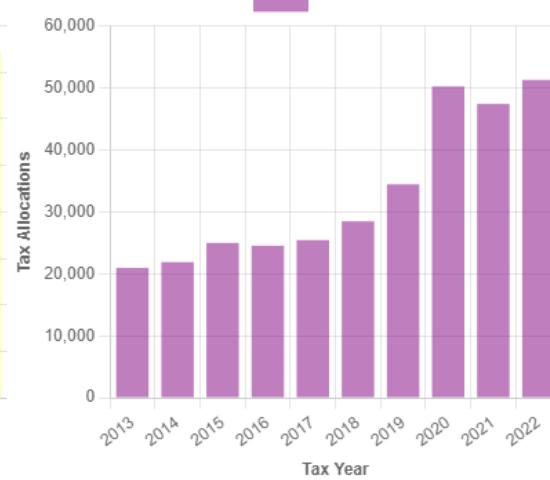




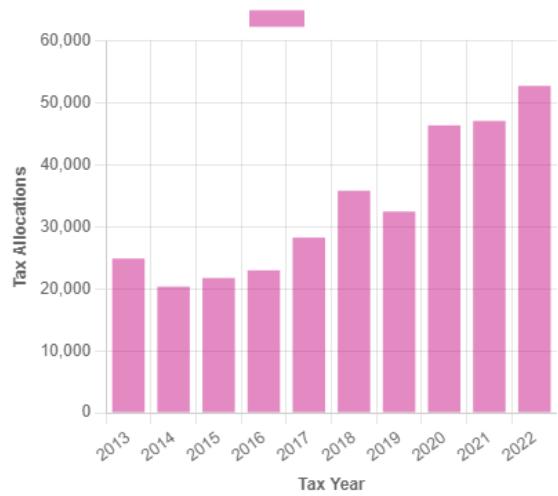
May - Sales Tax Allocations by Year



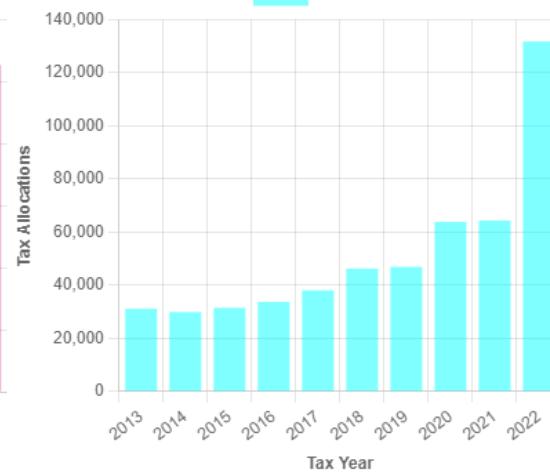
June - Sales Tax Allocations by Year



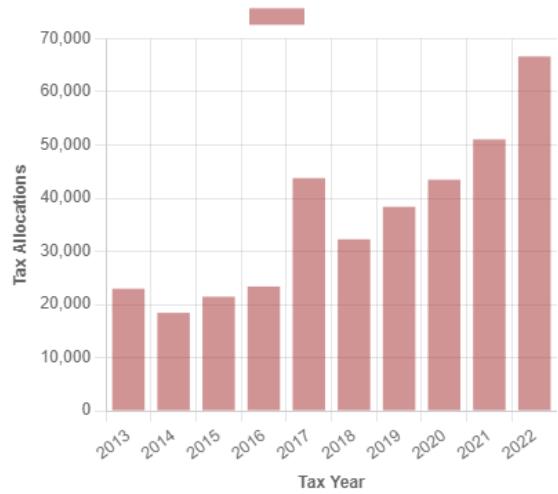
July - Sales Tax Allocations by Year



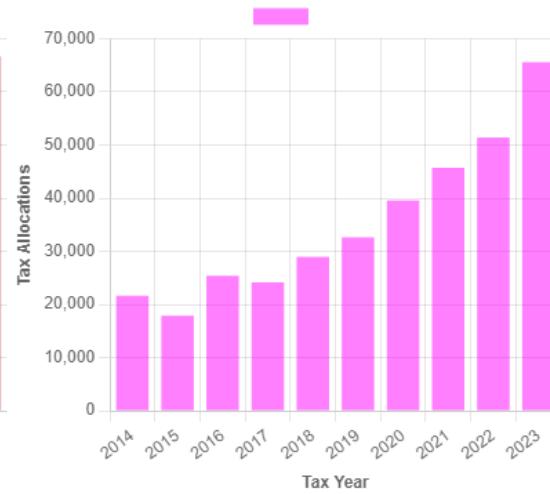
August - Sales Tax Allocations by Year



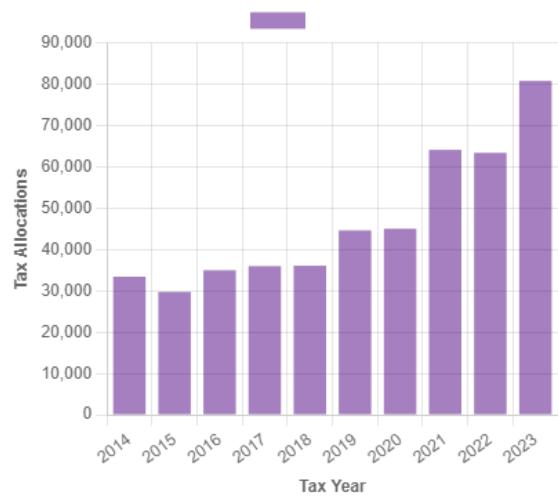
September - Sales Tax Allocations by Year



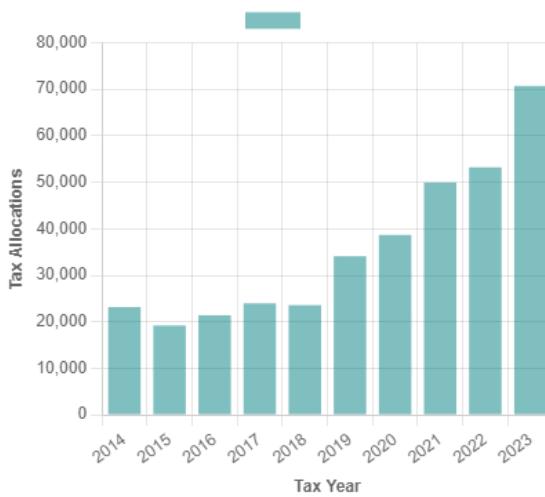
October - Sales Tax Allocations by Year



November - Sales Tax Allocations by Year



December - Sales Tax Allocations by Year



## BUILDING PERMITS MAY 2023

Date Issued	Applicant First Name	Applicant Last Name	Property Address	Permit Number	Proposed Use	Valuation Bldg	Valuation Bldg w Land	Fees Due	Living Sq Ft	Total Sq Ft	Property County
5/1/2023	TREVON	DULWORTH	99 RIDGEWAY GAP	2023-0157	SEPTIC	10000	0	275	0	0	ELLIS
5/18/2023	GLYDE SOLAR		617 BUCKBOARD ST	2023-0164	SOLAR	27060	0	256.31	0	0	ELLIS
5/3/2023	MADHUBABU	BODEMPUDI	371 PENROSE DR	2023-0165	ACCESSORY BUILDING	1500	0	40	0	0	ELLIS
5/1/2023	POOLS123 DFW LLC		321 BROADMOOR LN	2023-0171	SWIMMING POOL	64000	0	438.09	458	460	ELLIS
5/3/2023	MADHUBABU	BODEMPUDI	371 PENROSE DR	2023-0176	FLATWORK	3000	0	80	0	0	ELLIS
5/4/2023	AGC CUSTOM HOMES		3721 BRYSON MANOR DR	2023-0177	NEW SINGLE FAMILY RES	310000	0	6689.34	2867	3786	ELLIS
5/10/2023	ERGEON INC		200 WHITE ROCK CT	2023-0179	FENCE	5000	0	25	0	0	ELLIS
5/1/2023	CALVERLEY SERVICE EXPERTS		112 WESTLAWN DR	2023-0181	PLUMBING	17000	0	183.59	0	0	ELLIS
5/3/2023	WOODCRAFTERS FENCING		629 WILLIAM DR	2023-0182	FENCE	15556	0	25	0	0	ELLIS
5/9/2023	CARL	AUZENNE	619 CLINTON ST	2023-0183	FLATWORK	8000	8000	80	0	0	ELLIS
5/3/2023	SUNRISE TELECOM		119 SUBURBAN DR	2023-0184	ROW	0	0	0	0	0	ELLIS
5/2/2023	ARS RESCUE ROOTER		105 WOODRIDGE CT	2023-0185	PLUMBING	2863	0	106.92	0	0	ELLIS
5/3/2023	MANSFIELD PLUMBING INC		835 RED OAK CREEK DR	2023-0186	PLUMBING	5400	0	106.92	0	0	ELLIS
5/5/2023	AQUATROL IRRIGATION		3901 BRYSON MANOR DR	2023-0187	IRRIGATION	3600	0	25	0	0	ELLIS
5/26/2023	ROBERT	IRWIN	511 BRUCE CT	2023-0188	FENCE	11000	0	137.39	0	0	ELLIS
5/5/2023	DIAL ONE JOHNSON PLUMBING		407 SHADOWOOD TRL	2023-0189	PLUMBING	5449	0	106.92	0	0	ELLIS
5/9/2023	ALLIED OUTDOOR SOLUTIONS		100 COPPERFIELD CT	2023-0191	FLATWORK	20900	0	40	0	0	ELLIS
5/23/2023	CARL	AUZENNE	619 CLINTON ST	2023-0192	ACCESSORY BUILDING	4000	4000	40	0	0	ELLIS
5/16/2023	RANDAL & DEBORAH	MORGAN	1201 RED OAK CREEK RD	2023-0193	ACCESSORY BUILDING	11000	0	40	0	0	ELLIS
5/11/2023	PATRICK	GILL	3921 MONTERREY OAK WAY	2023-0194	FLATWORK	1700	500000	40	0	0	ELLIS
5/15/2023	F6 PLUMBING		300 BURTONWOOD CIR	2023-0195	PLUMBING	1000	0	106.92	0	0	DALLAS
5/22/2023	CRYSTAL WATER POOLS		280 PENROSE DR	2023-0197	SWIMMING POOL	85850	0	542.79	0	0	ELLIS
5/15/2023	JOHNSON FENCE SERVICES		3901 BRYSON MANOR DR	2023-0200	FENCE	5000	0	25	0	0	ELLIS
5/17/2023	KING POOLS INC		108 MEADOW GLEN LN	2023-0201	SWIMMING POOL	30000	0	292.99	0	0	ELLIS
5/15/2023	TUFF SHED		3921 MONTERREY OAK WAY	2023-0202	ACCESSORY BUILDING	3500	0	40	0	0	ELLIS
5/18/2023	JERRY	WHITE	827 RED OAK CREEK DR	2023-0203	FLATWORK	2000	0	80	0	0	ELLIS
5/16/2023	SUNNY SERVICE		322 JOHNSON LN	2023-0206	MECHANICAL	10200	0	129.69	0	0	ELLIS
5/18/2023	J C CONCRETE		350 CHEYENNE MOUNTAIN DR	2023-0207	FLATWORK	4895	0	80	0	0	ELLIS
5/22/2023	JOHN	IOSEFO	350 CHEYENNE MOUNTAIN DR	2023-0208	FENCE	10000	10000	50	0	0	ELLIS
5/23/2023	CUSTOM FENCE & PERGOLA		320 COVINGTON LN	2023-0210	ACCESSORY BUILDING	14280	0	40	0	0	ELLIS
5/24/2023	DANIEL	BERLANGA	203 WINDING WAY CT	2023-0213	FENCE	0	0	25	0	0	ELLIS
5/22/2023	SCOTT	KURTH	606 CEDAR RIDGE CT	2023-0214	ACCESSORY BUILDING	4200	4200	40	0	192	ELLIS
5/25/2023	PRISCILLA	FLORES	228 LARIAT TRL	2023-0215	FLATWORK	5000	5000	40	0	0	DALLAS
5/25/2023	SCOTT	CAVANESS	228 LARIAT TRL	2023-0216	ACCESSORY BUILDING	3800	0	40	0	0	DALLAS
5/31/2023	ALEC	CARTWRIGHT	300 FOUNTAIN CREEK CT	2023-0217	FLATWORK	2500	0	40	0	0	ELLIS
5/31/2023	MICHAEL	JOHNSON	420 BROADMOOR LN	2023-0220	IRRIGATION	1100	1	25	0	0	ELLIS
5/30/2023	POSEIDON'S PLUMBING		512 SAVANNAH DR	2023-0221	PLUMBING	2450	0	106.92	0	0	ELLIS
5/30/2023	BRYAN	BARNES	110 NOB HILL LN	2023-0222	PLUMBING	4850	4850	106.92	0	0	ELLIS
5/30/2023	DUNCAN PLUMBING		302 BURTONWOOD CIR	2023-0224	PLUMBING	7129.93	0	106.92	0	0	DALLAS

## Ovilla Municipal Court Report

FY-2022- 2023	City		Total Revenue	Amount Kept by City	Amount sent to State	Warrants Issued	Warrants Cleared	Uncontested Disposition	Defensive Driving	Deferred Disposition	Compliance Dismissals	Trial
	Total Traffic Cases Filed	Ordinance Filed										
October	97	6	\$24,989.20	\$15,889.60	\$9,099.60	0	15	40	21	46	0	0
November	86	0	\$21,658.20	\$13,796.21	\$7,861.99	42	3	29	14	30	0	0
December	79	1	\$20,124.79	\$12,755.56	\$7,369.23	42	6	32	10	23	0	0
January	80	0	\$20,659.00	\$13,678.11	\$6,980.89	32	9	28	14	26	1	0
February	55	1	\$17,682.10	\$11,248.28	\$6,433.82	38	16	36	18	27	1	0
March	77	0	\$27,554.73	\$18,878.53	\$8,676.20	15	39	49	11	32	0	0
April	94	5	\$21,140.40	\$15,204.98	\$5,935.42	30	12	32	15	43	0	1
May	76	0	\$20,352.70	\$12,902.98	\$7,449.72	13	19	35	17	27	2	0
June												
July												
August												
September												
<b>Totals</b>	<b>644</b>	<b>13</b>	<b>\$174,161.12</b>	<b>\$114,354.25</b>	<b>\$59,806.87</b>	<b>212</b>	<b>119</b>	<b>281</b>	<b>120</b>	<b>254</b>	<b>4</b>	<b>1</b>

### 2021-2022 FY

May	105	0	\$26,349.83	\$16,891.26	\$9,458.57	18
<b>FY Totals</b>	<b>659</b>	<b>0</b>	<b>\$127,551.26</b>	<b>\$81,488.93</b>	<b>\$46,062.33</b>	<b>239</b>

### Staffing

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

# MONTHLY REPORT A CONCERN MAY 2023

Department Assigned	Concern Address	Concern Description	Date Entered	Date Closed
Animal Services	103 WINDSONG CIR	Christine Turro, from 109 Woodlands court was walking her dog down Windsong Circle and dog from 103 Windsong circle came from open gate into street , Ms Turturro was not able to contain her dog and the female dog ran towards Shiloh Road. Neighbor at corner called dog and Winston returned to property. No contact was observed . Meeting between Gary Hudson from 103 woodland court and Ms.Turturro and her husband from 109 Woodlands court Mr.Hudson explained he was unloading gardening supplies and accidentally left gate open, He apologized and said he will try and take better care when opening and closing gate. Dog from 103 Windsong Circle has not been a prior issue but possible animal aggression, Turturro dog is a female and dog from 103 Windsong circle is a large male .Ovilla Police officer Pete was on scene as well.	5/1/2023	5/1/2023
Animal Services	109 WOODLANDS CT	Christine Turro, from 109 Woodlands court was walking her dog down Windsong Circle and dog from 103 Windsong circle came from open gate into street , Ms Turturro was not able to contain her dog and the female dog ran towards Shiloh Road. Neighbor at corner called dog and Winston returned to property. No contact was observed . Meeting between Gary Hudson from 103 woodland court and Ms.Turturro and her husband from 109 Woodlands court Mr.Hudson explained he was unloading gardening supplies and accidentally left gate open, He apologized and said he will try and take better care when opening and closing gate. Dog from 103 Windsong Circle has not been a prior issue but possible animal aggression, The Turturro dog is a female and dog from 103 Windsong circle is a large male .Ovilla Police officer Pete was on scene as well.	5/1/2023	5/1/2023
Animal Services	101 SUBURBAN DR	COWS CREATING BAD ODOR	5/8/2023	
Animal Services	316 WILLOW CREEK LN	owner has racoon in trap	5/10/2023	5/10/2023
Animal Services	613 GEORGETOWN RD	snake in chicken coop	5/24/2023	5/24/2023
Animal Services	740 COCKRELL HILL RD	raccoon in trap	5/24/2023	5/24/2023
Animal Services	113 ROBIN GLEN LN	dog loose on nob hill	5/24/2023	5/24/2023
Animal Services	745 WESTMORELAND RD	stray dog in yard	5/26/2023	5/26/2023
Code Enforcement	102 BROOKWOOD CT	HIGH GRASS AND WEEDS	5/2/2023	
Code Enforcement	102 BROOKWOOD CT	HIGH GRASS AND WEEDS	5/2/2023	5/8/2023
Code Enforcement	104 WOODRIDGE CT	BRUSH PILED	5/3/2023	5/24/2023
Code Enforcement	LOT 17 BLK B OVILLA OAK	BRUSH PILED	5/3/2023	
Code Enforcement	890 JOHNSON LN	TRAILER PARKING IN FRONT YARD	5/8/2023	5/24/2023
Code Enforcement	103 HOLLY LN	TRAILER PARKING IN SIDE DRIVEWAY LONGER THAN 48 HOURS	5/8/2023	
Code Enforcement	828 COCKRELL HILL RD	TRAILER PARKING IN FRONT YARD	5/8/2023	5/31/2023
Code Enforcement	611 WILLIAM DR	BRUSH PILED	5/8/2023	5/12/2023
Code Enforcement	300 COCKRELL HILL RD	GRASS AND WEEDS TALLER THAN 9 INCHES	5/8/2023	5/31/2023
Code Enforcement	300 COCKRELL HILL RD	GRASS AND WEEDS TALLER THAN 9 INCHES	5/8/2023	5/31/2023
Code Enforcement	3322 FM 664	JUNKED VEHICLE	5/8/2023	
Code Enforcement	3322 FM 664	JUNKED VEHICLE	5/8/2023	
Code Enforcement	HOLLINGSWORTH LN	HIGH GRASS AND WEEDS	5/8/2023	5/30/2023
Code Enforcement	611 GEORGETOWN RD	This is an ongoing concern and has been reported multiple times.....	5/9/2023	

## MONTHLY REPORT A CONCERN MAY 2023

Department Assigned	Concern Address	Concern Description	Date Entered	Date Closed
Code Enforcement	611 GEORGETOWN RD	This is an ongoing issues, I have seen as many as 12 vehicles parked at this location...several of them seem to be out of service. Given that this is a small home it seems that maybe there are a lot of people here and/or they are storing or repair many vehicles.	5/9/2023	5/9/2023
Code Enforcement	701 GEORGETOWN RD	This house rarely mows their yard and has a history of high grass.	5/9/2023	5/31/2023
Code Enforcement	707 GEORGETOWN RD	High Grass	5/9/2023	
Code Enforcement	707 GEORGETOWN RD	This home has been adding more junk vehicles, most of them wrecked/totaled to their driveway. It doesn't appear that anyone actually lives in this home.	5/9/2023	
Code Enforcement	709 GEORGETOWN RD	This home has been parking in their front yard for months and this is my second reporting of the issue.	5/9/2023	5/9/2023
Code Enforcement	106 BROOKWOOD CT	HIGH GRASS AND WEEDS	5/9/2023	
Code Enforcement	613 BUCKBOARD ST	TRAILER PARKING LONGER THAN 48 HOURS	5/9/2023	5/31/2023
Code Enforcement	101 CUMBERLAND DR	Ovilla Rd around Cumberland Forest has become so overgrown with extremely tall grass & it hasn't been mowed all year. Our neighborhood used to have a maintenance committee but we don't anymore. I'm not sure if that land actually belongs to the owners of those particular homes or it's part of city of Ovilla.	5/9/2023	5/31/2023
Code Enforcement		HIGH GRASS AND WEEDS	5/9/2023	
Code Enforcement	711 GEORGETOWN RD	VEHICLE PARKING IN YARD	5/9/2023	
Code Enforcement	707 GEORGETOWN RD	HIGH GRASS AND WEEDS	5/9/2023	
Code Enforcement	701 GEORGETOWN RD	HIGH GRASS AND WEEDS	5/9/2023	5/16/2023
Code Enforcement	706 BUCKBOARD ST	VEHICLE PARKING IN YARD	5/9/2023	5/31/2023
Code Enforcement	710 BUCKBOARD ST	CAR PARKED IN YARD	5/10/2023	5/31/2023
Code Enforcement	710 BUCKBOARD ST	CAR PARKED IN YARD	5/10/2023	5/17/2023
Code Enforcement	613 BUCKBOARD ST	HIGH GRASS AND WEEDS	5/10/2023	5/16/2023
Code Enforcement	607 BUCKBOARD ST	VEHICLE PARKED IN YARD	5/10/2023	
Code Enforcement	744A COCKRELL HILL RD	HIGH GRASS AND WEEDS	5/10/2023	5/24/2023
Code Enforcement	222 LARIAT TRL	HIGH GRASS AND WEEDS	5/10/2023	5/30/2023
Code Enforcement	618 CARDINAL DR	JUNKED VEHICLE	5/11/2023	
Code Enforcement	300 JOHNSON LN	HIGH GRASS AND WEEDS	5/11/2023	5/24/2023
Code Enforcement	903 RED OAK CREEK DR	JUNKED VEHICLE	5/11/2023	
Code Enforcement	100 OAKWOOD LN	HIGH GRASS AND WEEDS	5/15/2023	
Code Enforcement	608 MEADOW LARK DR	HIGH GRASS AND WEEDS	5/15/2023	
Code Enforcement	611 GEORGETOWN RD	ACCESSORY BUILDING CONSTRUCTED WITHOUT PERMIT	5/18/2023	
Code Enforcement	615 GEORGETOWN RD	HIGH GRASS AND WEEDS	5/18/2023	
Code Enforcement	611 GEORGETOWN RD	ACCESSORY BUILDING CONSTRUCTED WITHOUT PERMIT	5/18/2023	
Code Enforcement	COCKRELL HILL RD	HIGH GRASS AND WEEDS	5/18/2023	
Code Enforcement	903 OVILLE OAKS DR	HIGH GRASS AND WEEDS	5/18/2023	5/30/2023
Code Enforcement	709 GEORGETOWN RD	VEHICLE PARKING IN FRONT YARD	5/19/2023	
Code Enforcement	130 LARIAT TRL	TRAILER PARKING LONGER THAN 48 HOURS	5/19/2023	
Code Enforcement	128 LARIAT TRL	TRAILER PARKING IN SIDE DRIVEWAY LONGER THAN 48 HOURS	5/19/2023	5/24/2023
Code Enforcement	JOHNSON LN	Received a call about high grass	5/23/2023	
Code Enforcement	611 MALLOY RD	BRUSH PILED	5/25/2023	
Code Enforcement	604 GEORGETOWN RD	TALL GRASS AND WEEDS	5/25/2023	
Code Enforcement	800 COCKRELL HILL RD	JUNK VEHICLE	5/25/2023	
Code Enforcement	120 LARIAT TRL	TALL GRASS AND WEEDS	5/25/2023	
Code Enforcement	606 MEADOW LARK DR	TRAILER PARKING IN DRIVE LONGER THAN 48 HOURS	5/25/2023	
Code Enforcement	208 LARIAT TRL	TALL GRASS AND WEEDS	5/25/2023	
Code Enforcement	803 COCKRELL HILL RD	TALL GRASS AND WEEDS	5/25/2023	
Code Enforcement	708 GEORGETOWN RD	BRUSH PILED	5/31/2023	
Code Enforcement	708 GEORGETOWN RD	BRUSH PILED	5/31/2023	

# MONTHLY REPORT A CONCERN MAY 2023

Department Assigned	Concern Address	Concern Description	Date Entered	Date Closed
Code Enforcement	3930 MAPLE LN	HIGH GRASS AND WEEDS	5/31/2023	
Code Enforcement	7610 BALD CYPRESS DR	TALL GRASS AND WEEDS	5/31/2023	
Code Enforcement	7600 BALD CYPRESS DR	TALL GRASS AND WEEDS	5/31/2023	
Code Enforcement	7800 BALD CYPRESS DR	TALL GRASS AND WEEDS	5/31/2023	
Code Enforcement	7810 BALD CYPRESS DR	TALL GRASS AND WEEDS	5/31/2023	
Code Enforcement	3940 MONTERREY OAK W	TALL GRASS AND WEEDS	5/31/2023	
Code Enforcement	128 LARIAT TRL	BRUSH PILED	5/31/2023	
Code Enforcement	900 RED OAK CREEK DR	TALL GRASS AND WEEDS	5/31/2023	
Code Enforcement	608 MEADOW LARK DR	PUBLIC NUISANCE OUTSIDE STORAGE	5/31/2023	
Code Enforcement	106 OAK FOREST LN	TALL GRASS AND WEEDS	5/31/2023	
Code Enforcement	104 ELMWOOD DR	BAD ODOR VIOLATION	5/31/2023	
Drainage	105 COCKRELL HILL RD	Clear out overgrown brush and debris concrete drainage flume that runs from Meadow Glen thru Suburban	5/3/2023	
Drainage	305 BURTONWOOD CIR	drainage ditch silted need to correct need to excavate high spots	5/30/2023	
Drainage	110 WINDING WAY CT	excavate drainage to grade	5/30/2023	
Facilities	105 COCKRELL HILL RD	PLEASE MOVE EVERYTHING OUT OF THE COUNCIL CHAMBERS FOR ELECTIONS. NEED TO MOVE OUT BY WEDNESDAY PLEASE.	5/2/2023	5/12/2023
Facilities	105 COCKRELL HILL RD	PLEASE DELIVER PACKETS TO TYPE B EDC MEMBERS THURSDAY. PACKETS IN CATHY'S OFFICE. THANKS!	5/17/2023	5/22/2023
Street Department	7040 JUDY DR	Neighbor came in to pay bill and said there is exposed rebar in the middle of the road on Judy. She wasn't sure the exact address, but about 7040. Pictures attached.	5/2/2023	
Street Department	105 COCKRELL HILL RD	Mow and Weed eat Ovilla Rd. Right of Way Westmoreland East Bound to Ovilla City limits..	5/3/2023	
Street Department	105 COCKRELL HILL RD	Pick up 8 tons of hot mix asphalt (Luna Plant)	5/4/2023	5/4/2023
Street Department	105 COCKRELL HILL RD	Pick up and haul off knocked down tree branches caused by storm Locations: 708 W. main, 800 E. main, 100 Willowwood, 180 Water St, Shiloh Rd, Westmoreland, 223 Johnson Ln, 307 Johnson Ln and 904 Red Oak Creek Rd.	5/9/2023	
Street Department	WILLOW CREEK LN	Street sign knocked down Willow Creek @ Willow Creek Cir. Need to reset pole	5/9/2023	5/10/2023
Street Department	105 COCKRELL HILL RD	Mow and Weed Eat Ovilla Rd Medians and right of ways	5/22/2023	5/23/2023
Street Department	403 COCKRELL HILL RD	HOW ABOUT CUTTING BACK THE GROWTH OF THE TREES AND BUSHES/LACK OF VISIBILITY MAKES IT DANGEROUS TO GET IN AND OUT OF DRIVEWAY. IF BY CHANCE YOU DO GET TO CUTTING BACK THE OVER GROWTH, WHILE YOU ARE THERE HOW ABOUT REMOVING ALL THE TRASH THAT HAS ACCUMULATED IN THE DITCH AND CREEK.	5/25/2023	5/25/2023
Water/Wastewater	103 SLIPPERY ROCK CT	CUSTOMER IS CONCERNED ABOUT HER METER SINCE ON SET FLOW IT SHOWS NO USAGE BUT SHE IS USING WATER AND GETTING BILLED FOR IT. THERE ARE INCONSISTENCIES WITH THE FLOW DATA & WHEN YOU GO TO HER CUSTOMER PORTAL IT DONT SHOW HER USAGE. SHE SIGNED UP FOR ALERTS BUT NEVER RECEIVED ONE FOR THE EXCESSIVE FLOW ON 3/24/23.	5/1/2023	5/2/2023

## MONTHLY REPORT A CONCERN MAY 2023

Department Assigned	Concern Address	Concern Description	Date Entered	Date Closed
Water/Wastewater	704 GEORGETOWN RD	Please raise meter box ground level, Homeowner is trying to fix drainage issues and the box just holds water.	5/1/2023	5/16/2023
Water/Wastewater	111 HOLLY LN	Customer has a leak around the water meter please expose and make the necessary repairs.	5/1/2023	5/1/2023
Water/Wastewater	119 SUBURBAN DR	Please locate water and wastewater lines at this address, Contractor will be placing underground cable.	5/2/2023	5/3/2023
Water/Wastewater	331 PENROSE DR	CUSTOMER CALLED STATING THEY HAVE A BROKEN LID ON THE METER.	5/3/2023	5/4/2023
Water/Wastewater	105 COCKRELL HILL RD	Dustin helped streets dept mow right of ways on Ovilla. Rd	5/3/2023	5/3/2023
Water/Wastewater	101 HOLLY LN	THIS IS THE HOUSE THAT BURNT DOWN AND THE CUSTOMER REQUESTED TO STOP SERVICE SO SHE WOULD NOT RECEIVE A MINIMUM USAGE BILL. PLEASE DISCONNECT THE EP FOR THE TIME BEING UNTIL THEY REINSTATE SERVICES.	5/5/2023	5/5/2023
Water/Wastewater	101 SUBURBAN DR	Possible leak at this location on the West side of property in the drainage ditch. Please investigate with leak detector to determine the cause of standing water.	5/9/2023	
Water/Wastewater	3420 OVILLA RD	customer has requested waterline locates at this address.	5/22/2023	5/24/2023
Water/Wastewater	614 MEADOW LARK DR	Check for leak at meter	5/23/2023	
Water/Wastewater	420 BROADMOOR LN	Please raise meter box at this address its below grad and sod hasn't even been installed. Leave box a few inches above ground level	5/23/2023	5/30/2023
Water/Wastewater	616 FOREST EDGE LN	CUSTOMER CALLED STATING THAT THE 'FLAP' ON THE LID WAS BROKE. NOT SURE IF HE WAS TALKING ABOUT THE EP OR WHAT EXACTLY. HE SAID IT WASN'T THE LID PER SAY BUT SOMETHING ON IT?	5/24/2023	
Water/Wastewater	746 COCKRELL HILL RD	Flush fire hydrant due to air in the line. approximant 9,000 gallons used	5/25/2023	5/25/2023
Water/Wastewater	103 ELMWOOD DR	Water leaking around the fire hydrant	5/26/2023	
Water/Wastewater	106 BURTONWOOD CIR	Customer called in and stated that he has an unusual amount of water flowing through his meter please check for leak	5/30/2023	5/30/2023
Water/Wastewater	118 NOB HILL LN	CUSTOMER GETTING CONTINUOUS FLOW USAGE ALERTS BUT DOES NOT SEE ANY WATER. HAD THE IRRIGATION PERSON OUT AND THEY COULD NOT FIND ANY. SEE SET FOR USAGE.	5/30/2023	5/30/2023