

Bill Vansyckle, Mayor
Tom Leverentz, Mayor Pro-Tem
Michael Dickey, Place Two

CITY OF OVILLA

AGENDA

James Wade, Place Three
Doug Hunt, Place Four
Richard Dormier, Place Five
Randy Whiteman, City Administrator

Ovilla City Council

105 S. Cockrell Hill Road, Ovilla, TX 75154

Monday, November 14, 2011

7:00 P.M.

Council Chamber Room

Pursuant to the provisions of Chapter 551 VTCA Government Code, NOTICE is hereby given of a **Regular Meeting** of the City Council of the City of Ovilla, to be held on **Monday, November 14, 2011** at **7:00 P.M.** in the **City Hall Council Chamber Room, 105 S. Cockrell Hill Road, Ovilla, Texas, 75154**, for the purpose of considering the following items.

CALL TO ORDER

- ◆ Invocation
- ◆ Pledge of Allegiance

COMMENTS, PRESENTATIONS, ANNOUNCEMENTS & REPORTS

Appreciation letter to all first responders from the City of Waxahachie

◆ **Citizen Comments**

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

◆ **Department Activity Reports / Discussion**

- | | |
|----------------------------------------------------|--------------------------------|
| ◆ Police Department | Chief M. Moon |
| • Monthly Report | |
| ◆ Fire Department | Fire Chief D. Pickard |
| • Monthly Report | |
| ◆ Public Works | Director B. Piland |
| • Monthly Report | |
| ◆ Finance Department | Accountant S. Jungman |
| • Monthly Municipal Court Report | |
| • Reserve Fund Balance Report | |
| ◆ Administration | City Administrator R. Whiteman |
| • Monthly Report – Code Enforcement/Animal Control | |
| • Charter Communications – franchise authority | |

CONSENT AGENDA

- ◆ Monthly Financial Transactions
- ◆ Quarterly Investment Report
- ◆ Annual Investment Report
- ◆ Minutes of the October 24, 2011 Regular Council Meeting.
- ◆ Annual Membership Participation Fee to the TX Cooperative-Purchasing Program.

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.

REGULAR AGENDA
INDIVIDUAL CONSIDERATION

- ITEM 1.** **Discussion/Action** – Consider approval of \$10,030 invoice credits on the Five-Year Water & Wastewater Impact Fee Review (2011 Impact Fee Analysis) for a mathematical calculation error discovered in the previous study.
- Presented by Administrative staff.
- ITEM 2.** **Discussion/Action** – Consider Resolution 2011-022 of the City of Ovilla casting votes to elect a Director for the Ellis Appraisal District for the Years 2012-2013.
- Presented by Administrative staff.
- ITEM 3.** **Discussion/Action** – Consider Resolution 2011-023 of the City of Ovilla casting its vote for the fourth member of the Board of Directors of the Dallas Central Appraisal District for the Years 2012-2013.
- Presented by Administrative staff.
- ITEM 4.** **Discussion/Action** – Consider approval of a proposed Inter-Local Cooperation Billing Agreement with Sardis-Lone Elm Water Supply.
- Presented by City Administrator Randy Whiteman.

TABLED ITEM(S)

ITEM 2. FROM THE OCTOBER 24, 2011 COUNCIL MEETING.

Discussion/Action – Receive written recommendation from the Planning & Zoning Commission and consider proposed Ordinance 2011-026 amending the Ovilla Code of Ordinances, Section 30.5 Construction Materials for Residential Accessory Buildings.

- Initiated by Mayor Vansyckle, presented by Administrative staff.

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).

Conflict of Interest

If a Council Member elects to refrain from an item(s) on this agenda, please see the City Secretary for an affidavit prior to the convening of the meeting.

Council's Request for Consideration of Future Agenda Items

No action or in-depth discussion may occur during this item. It is intended to provide an opportunity for the Council to inform each other and the public about events and situations that are of general interest.

*Bill Vansyckle, Mayor
Tom Leverentz, Mayor Pro-Tem
Michael Dickey, Place Two*

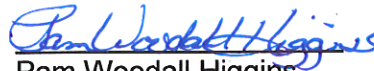
CITY OF OVILLA

AGENDA

*James Wade, Place Three
Doug Hunt, Place Four
Richard Dormier, Place Five
Randy Whiteman, City Administrator*

Adjournment

This is to certify that a copy of the Notice of the Regular City Council Meeting for November 14, 2011, was posted on the bulletin board at City Hall, 105 S. Cockrell Hill Road, Ovilla, on this 11 day of November prior to 6:00 p.m.



Pam Woodall Higgins
City Secretary

IF YOU OR YOUR REPRESENTATIVE HAVE A DISABILITY THAT REQUIRES SPECIAL ARRANGEMENTS AND YOU PLAN TO ATTEND THIS PUBLIC MEETING, PLEASE CALL THE CITY SECRETARY AT 972-617-7262 WITHIN 24 HOURS OF THE MEETING. REASONABLE ACCOMMODATIONS WILL BE MADE TO MEET YOUR NEEDS AT THE MEETING.

PLEASE SILENCE ALL PAGERS, CELL PHONES & OTHER ELECTRONIC EQUIPMENT WHILE THE CITY COUNCIL MEETING IS IN SESSION.

CERTIFICATION:

I hereby certify that the Ovilla City Council Agenda was removed from the City Hall Bulletin Board, located at 105 S. Cockrell Hill Road, Ovilla, TX 75154, (a place accessible to the public at all times) on the _____ day of _____ 2011, at _____ am/pm, after having been posted for at least 72 continuous hours preceding the scheduled time of the posted meeting.

Pam Woodall Higgins, City Secretary



From the Office of the Mayor

October 18, 2011

Mayor Bill Vansyckle
105 S. Cockrell Hill Road
Ovilla, Texas 75154

Dear Mayor Vansyckle:

The recent fire at the Magnablend facility was truly a devastating event for our community. If not for the quick action and brave leadership of all the emergency responders, the event could have been much worse.

I want to personally thank each individual and agency that responded to the fire. Not only did the Waxahachie Fire and Police Departments do an outstanding job, our neighbors providing mutual aid including Dallas, DeSoto, Emergency Service District #6, Ennis, Forrester, Lancaster, Midlothian, Ovilla and Red Oak Fire Departments did so as well. Working together, these exceptional men and women truly put service above self to help avoid an even greater tragedy for our community. In addition to the Waxahachie Police Department, the Ellis County Sheriff's Office, local DPS and Navarro College Security responded and secured the area. Throughout the event, the City's 911 Dispatchers answered a multitude of calls and carefully and calmly relayed these to emergency responders. As the crews slowly began to gain control of the fire, the Red Cross arrived, offering relief and support through providing meals and encouragement for the first responders. The City of Waxahachie's Public Works Department also quickly responded, creating containment barriers and ensuring that any runoff water from the fire was contained and did not travel downstream. The City's Water and Wastewater Departments also assisted in the containment and monitoring effort.

The Environmental Protection Agency and Texas Commission on Environmental Quality both responded quickly and by 2pm, the EPA was performing air quality testing both on the ground and by airplane. This testing is still ongoing, and fortunately, the EPA has not found any harmful levels in any of the samples collected. Both the EPA and TCEQ have remained at the site, working to ensure all steps are taken to eliminate any threat to public health.



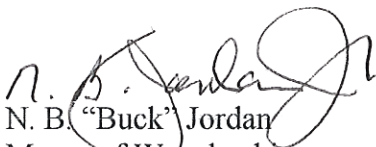
From the Office of the Mayor

Waxahachie ISD, Navarro College and Covenant Place Assisted Living all had evacuation plans in place that worked well when put into practice, and we are grateful for that as well.

Each of our first responders, management and communications personnel have all completed extensive training on how to handle incidents of this magnitude. While you always hope you never have to put your training into practice, the planning and preparation was evident in the highly organized response to the Magnablend fire. With a situation of such magnitude, that escalated as quickly as it did, all agencies that responded did so quickly, seamlessly, and in a controlled fashion, and I am certain this helped to avoid a greater tragedy.

We are very fortunate that there were no serious injuries or no lives lost as a result of the fire. In the coming days and weeks, the Waxahachie Fire Department will work diligently to determine the cause of the fire, and what precautions can be taken in the future to help prevent an event of this nature occurring again.

Sincerely,


N. B. "Buck" Jordan
Mayor of Waxahachie

OVILLA POLICE DEPARTMENT

105 S. Cockrell Hill Rd.

Ovilla, TX 75154

(972) 617-7262

Mayor Bill Vansyckle, Mr. Randy Whiteman,
and the Ovilla City Council

Subject: Police Department Monthly Activity Report:

Oct-11

YTD

Calls For Service	Total	Total
ACCIDENT	2	17
ALARMS: False: 9 Alarms: 3	12	137
ARREST	1	20
ASSAULT	0	7
ASSISTS: Agency/Unit: 26 EMS/Fire: 3 Motorist: 6	35	317
BLDG / HOUSE SECURITY CHECK	1229	9581
BURGLARY	0	7
BURGLARY OF MOTOR VEHICLE	1	2
CRIMINAL MISCHIEF	2	14
DISTURBANCE	3	47
NEIGHBORHOOD CHECK	1537	11744
OTHER CALLS FOR SERVICE	89	1239
SUSPICIOUS PERSON	6	57
SUSPICIOUS VEHICLE	4	79
THEFT	3	17
TRAFFIC ASSIGNMENT	48	381
TOTAL CALLS FOR SERVICE	2972	23666
RESERVE OFFICER HOURS	0	55.5
AVERAGE RESPONSE TIME (MINUTES)	5.7	4.646
TRAFFIC STOP (WARNINGS)	37	473
CITATION	48	383
TOTAL	85	856
PERCENT OF STOPS RECEIVING CITATIONS	56.5	44.7

OVILLA PD VEHICLE MILEAGE											
October-11		Beginning		Ending	Accrued	November-11		Beginning	Ending	Accrued	
Unit #		41943		43207	1264	Unit #		43207		-43207	
100						100					
101		110758		112163	1405	101		112163		-112163	
102		50237		51292	1055	102		51292		-51292	
103		40304		41557	1253	103		41557		-41557	
104		12171		14880	2709	104		14880		-14880	
December-11						January-11					
Unit #		Beginning		Ending	Accrued	Unit #		Beginning	Ending	Accrued	
100					0	100				0	
101					0	101				0	
102					0	102				0	
103					0	103				0	
104					0	104				0	
February-11						March-11					
Unit #		Beginning		Ending	Accrued	Unit #		Beginning	Ending	Accrued	
100					0	100				0	
101					0	101				0	
102					0	102				0	
103					0	103				0	
104					0	104				0	
April-11						May-11					
Unit #		Beginning		Ending	Accrued	Unit #		Beginning	Ending	Accrued	
100					0	100				0	
101					0	101				0	
102					0	102				0	
103					0	103				0	
104					0	104				0	
June-11						July-11					
Unit #		Beginning		Ending	Accrued	Unit #		Beginning	Ending	Accrued	
100					0	100				0	
101					0	101				0	
102					0	102				0	
103					0	103				0	
104					0	104				0	
100					0	100				0	
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102					0	102				0	
103					0	103				0	
104					0	104				0	
100					0	100				0	
101					0	101				0	
102					0	102				0	
103					0	103				0	
104					0	104				0	



Donnie Pickard
Fire Chief

DATE: October 2011

TO: Honorable Mayor and City Council Members

FROM: Chief Donnie Pickard

TOPIC: Monthly Department Report

- **Average over all response time in the City of Ovilla 6:23**
- **Average fire response time in the city 07:30-17:30 5:08**
- **Average fire response time in the city 17:30-23:59 5:37**
- **Average fire response time in the city 00:00- 07:30 10:47**
- **Average over all EMS response time in the City of Ovilla 6:32**
- **Average EMS response time in the city 07:30-17:30 5:01**
- **Average EMS response time in the city 17:30-23:59 4:19**
- **Average EMS response time in the city 00:00-07:30 12:15**
- **10/03/11 inspected OCS with BV**
- **10/05/11 Received official ISO letter**
- **10/05/11 Did not test siren weather over cast.**
- **10/06/11 Picked up new brush truck**
- **10/07/11 Found problem with my health**
- **10/26/11 TFS inspected new brush truck All OK turned funding request in.**

OVILLA FIRE DEPARTMENT

October 2011 MONTHLY REPORT

TOTAL RESPONSES TO: 56

Automatic Fire/Med Alarms	4	Disregarded & Misc.	7
Brush/Grass Fires	1	Public Service Assist	4
Carbon Monoxide Alarm	1	Air/Rehab	5
Emergency Medical Service	17	Structure Fire	10
Hazardous Condition	1	Trash Fire	0
Investigation of Smoke/Odor	5	Fill In/Move Up	1
Lockout	1	Vehicle/Trailer Fire	1
Vehicle/Airplane Crash	4	Controlled Burning	1

STRUCTURE FIRES/REHAB LOCATIONS - 15

See Attached List	

EMS RESPONSES 21

Vehicle/Airplane Crash	4
Medical Emergencies	17
Basic Life Support Given (BLS)	17
Advanced Life Support Given (ALS)	4
Public Service Assist	4

MONTHLY STATISTICS:

Total Fire & EMS Responses	56	Total Gasoline Consumption	51.1
Total Fire/EMS Training Hours	156	Total Diesel Consumption	243.5
Total Personnel Attending Fire/EMS Schools	0	Approximate City Water Consumption in Gallons	6,000
Total Apparatus Training Hours	62	Fire Calls Made By Daytime FF	16
Extra Station Duty Hours	729	EMS Calls Made By Daytime FF	7
Total Donations Received	\$340.00	Total Calls Made By Daytime FF	23
		Overlapping Incidents	7

HOURS DONATED BY FIREFIGHTERS

Training Hours / Extra Station Duty	212/729
Responding To Fire/EMS Calls	506
Total Hours	1447
Total Hours Savings @ \$21.47 per hour	\$ 31,067.09
Year To Date Savings	\$306,827.77

Ovilla Fire Department Structure Fires/Rehab Calls

For: October 2011

Squire Court	Ferris
Rachelle Drive	Red Oak
John T Lane	Midlothian
West Highway 287 Bypass	Waxahachie
Creek View Drive	Red Oak
Pecan Ridge Drive	Midlothian
Spring Branch Road	Red Oak
East Main Street	Midlothian
West FM 818	Palmer
Chapman Drive	Lancaster ...
Meghann Lane	Waxahachie
Glennturrett Drive	Midlothian
Roan Road	Lancaster
Oak Creek Drive	Waxahachie
Hayes Road	Midlothian



DATE: November 2, 2011

TO: Honorable Mayor and City Council Members

FROM: Brad Piland Public Works Director

TOPIC: Public Works Monthly Report for October 2011

- . Finished clean up of storm debris
- Overlay with hot mix on Silverwood
- . Drainage at Public Works building
- Repaired roof on fire station
- Sewer Lift Station Repairs- pulled pump 1 at Cumberland
- Pump Station mow and weed eat
- Patched potholes on Red Oak Creek, Hollingsworth Main, and Water st
- Maintained Right of Ways-mowing and weed eating
- Read Water meters Service Disconnects and Reconnects
- Cleared Right of way Tree and Brush on Westmoreland, Hosford
- Built document room behind PD
- Update marquee as needed
- Daily Water Maintenance residual and pressure test
- Heritage Park and Silver Spur Park and Baseball fields and park- tree and grass maintenance

- replaced tile in council room
- Pulled pump #2 at Highland Meadows lift station and sent for repair

Road work on Johnson Ln, Duncanville Rd and Cockrell hill

- Repaired fire hydrant at 107 Oak Forest
- Repaired water leaks at 930 Duncanville Rd, 700 West Main,

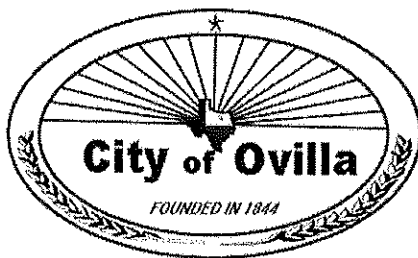
• Jimmy Bryan -

- repair JD Backhoe
- Serviced PD # 103
- Serviced all city equipment antifreeze
- Repair JCB backhoe
- Repaired clutch dump truck

Flushed Hydrants

- Collect water samples for TCEQ reporting
- Water Maintenance – routine flushing mains and hydrant
- Meter Box repair and replace lids as needed

Water plants at City Hall and park



Jessica Foresman
Court Clerk

DATE: November 14, 2011
TO: Honorable Mayor and City Council Members
CC: City Administrator, Randy Whiteman
FROM: Jessica Foresman, Court Clerk
SUBJECT: Monthly Staff Report

60 non-parking, 1 penal and 1 non-traffic state law related cases
were filed for the month of October. 18 warrants were issued

Court Collection for the month of October was \$7,850.60

\$4,597.53 is kept by the City FYTD \$10,583.45
\$3,253.07 is remitted to State FYTD \$6,835.55



DATE: 11-14-11

TO: Honorable Mayor and Council Members

FROM: Sharon Jungman

**SUBJECT: Reserve Fund Balance Calculation for
Quarter Ending 9-30-11**

City of Ovilla
Reserve Fund Balance Calculation
9/30/2011

Description	Account Number	2010-2011 Amended	
			Budget Amount
Total General Fund 2010-2011 Budget		\$	2,371,849.00
Other Expenses - SECO Grant	5105762	\$	(23,030.00)
Other Expenses - Oncor Grant	5105763	\$	(13,553.00)
Capital Outlay - Machinery and Equipment	5106440		(500.00)
Capital Outlay - Furniture	5106465		(500.00)
Capital Outlay - Machinery and Equipment	5107440		(215.00)
Capital Outlay - Reserves for Contingency	5109001		(60,240.00)
Capital Outlay - Machinery and Equipment	5206440		(245.00)
Capital Outlay - Personal Protective Equipment	5206445		(2,000.00)
Capital Outlay - Machinery and Equipment	5207440		-
Capital Outlay - Vehicles	5207450		(42,507.00)
Other Expenses - Matching Fire Grant Expense	5305770		(190,300.00)
Other Expenses - FEMA Grant	5305772		(49,200.00)
Capital Outlay - Machinery and Equipment	5306440		(9,100.00)
Capital Outlay - Personal Protective Equipment	5306445		(10,500.00)
Capital Outlay - Machinery and Equipment	5307440		-
Capital Outlay - Machinery and Equipment	5406440		(1,070.00)
Capital Outlay - Machinery and Equipment	5506440		(10,050.00)
Capital Outlay - Personal Protective Equipment	5506445		(315.00)
Capital Outlay - Other	5506490		(540.00)
Capital Outlay - Building	5507420		(30,035.00)
Capital Outlay - Machinery and Equipment	5507440		(14,805.00)
Capital Outlay - Infrastructure	5507460		(3,305,832.59)
Capital Outlay - Land Improvements	5606410		(300.00)
Capital Outlay - Machinery and Equipment	5606440		(4,255.00)
Total			(1,397,243.59)
Add Back Lease P&I Coded to Acct. 5207450		\$	24,000.00
Total Budget Less Capital or one time Expenditures		\$	(1,373,243.59)
Total Reserve Bank Value Accounts			
Prosperity Money Market Reserve (Acct. #14039009)	1011500	\$	29,343.25
Community National Bank CD (Acct. #600427)	1012275	\$	54,856.24
Prosperity Money Market Reserve (Acct. #93075883)	1012250	\$	94,082.91
Citizen's National Bankd (Acct. #11383177)	1012255	\$	240,000.00
Texstar Reserves (Acct.#07017-1112)	1011525	\$	927.30
Total Reserve Cash		\$	419,209.70
Excess in Designated Cash Account (Acct. #9307605)	1012520	\$	-
Total Reserve Cash & Designated Cash		\$	419,209.70
Number of Days in Current Reserve	\$ (3,762.31)		(111.42)

CODE ENFORCEMENT REPORT OCTOBER 2011

- COMPLAINTS/VIOLATIONS – 68
- FOLLOW-UPS – 81
- EDUCATION - 78
- LETTERS SENT– 5 (4 PARKING IN YARD 1 JUNK VEHICLE)
- NUISANCE ABATED – 1 GRASS - MEADOWLARK
- DOOR HANGER NOTICES – 11 (5 PARKING IN YARD, 2 PERMIT, 2 JUNK VEHICLE, 1 NOISE, 1 PERMIT REQUIRED)
- SIGNS REMOVED – 21 (12 BUSINESS, 9 GARAGE SALE)
- PICTURES TAKEN – 100
- GARAGE SALE PERMITS –10 FOR A TTL \$50
- COURT – 1 DISMISSED, 1 FAIL TO APPEAR
- STREET LIGHT REPORTED
 - COMPLAINTS –1 FOLLOW-UPS – 2
- PERMITS REVIEWS – 8 INSPECTIONS -5
- ILLEGAL DUMPING – 1 (2 TIRES EAST HIGHLAND)

ANIMAL CONTROL

	JAN	FEB	MARCH	APR	MAY	JUNE	YTD	JULY	AUG	SEPT	OCT
COMPLAINT	26	26	42	32	46	43	215	48	62	42	66
FOLLOW UP	31	31	44	41	58	48	225	48	71	53	70
DOORHANGER	10	82	16	17	12	20	157	18	25	12	18
PICTURE	42	42	129	61	72	77	423	72	120	67	74
EDUCATION	28	28	45	18	31	43	193	58	54	44	52
COURT	0	0	0	0	0	\$60	\$60	125	164	0	0
LETTERS	0		1		2	16	19	16	29	41	23
REGISTRATION	72/619	90/840	60/606	57/612	16/187	21/257	316/3121	28/348	25/312	19/228	28/322
OAK LEAF	0	3calls	3	3	0	2	11	2	3	5	3
IMPOUND FEE	\$70	\$240	125	250	35	0	720	160	195	100	125
ANIMALS	15	24	7	9	5	4	64	6	8	8	9
DECEASED	6	11	11	12	11	13	64	15	19	19	14
RELOCATED	2	0	1bull	3	2	1	7	4	10	16	10
EUTHANIZED	0	0	0	0	0	0	0	0	1	0	0

CODE ENFORCEMENT

	Jan	FEB	MAR	APR	MAY	JUNE	YTD	JULY	AUG	SEPT	OCT
COMPLAINT	36	27	58	56	57	57	291	70	62	61	68
FOLLOWUP	48	33	65	58	66	74	344	84	69	63	81
PICTURE	78	50	81	107	63	135	514	158	89	72	100
DOORHANGER	23	12	19	17	11	36	118	24	14	20	11
PERMIT SIGNED	5	5	6	13	10	2	41	5	4	3	5
PERMIT REVIEW	8	8	15	20	17	6	74	9	6	5	8
POSTED PROPERTY	0	0	1	4	6	13	24	1	0	1	0
SUMMONS	2	3	3	3	3	2	16	5	2	4	0
COURT RESULT	\$811	\$100	394	250	0	347	1902	172	348	150	0
ILLEGAL SIGN	18	8	13	24	25	14	85	18	18	17	21
ILLEGAL DUMPIN	2	2	3	2	3	2	14	2	2	3	1
GARAGE SALE PERMIT	3	3	16	22	10	9	63	13	6	17	10
STRETLIGHT REPORT	1	2	0	2	2	1	8	2	2	2	1

FOLLOWUP	1	2	0	2	2	1	8	3	3	2	2
LETTERS ISSUED	9	3	3	4	9	15	43	7	5	4	5
EDUCATION	49	41	61	55	57	83	346	64	64	72	78
NUISANCE ABATEMENT					\$480		480	200	0	0	0

ANIMAL CONTROL – OCTOBER 2011

- COMPLAINTS/VIOLATIONS – 66
- FOLLOW-UPS – 70
- ANIMALS PICKED UP – 9(6 DOG 3 CAT)
 - ANIMAL RELOCATED – 10 (2RACCOON, 3 POSSUM, 3 SKUNK, 2 ARMADILLO)
- TAG RENEWAL NOTICES SENT – 23
- DOOR HANGERS – 18
- PICTURES TAKEN – 74
- EDUCATION – 52
- IMPOUND FEES -\$125.00
- DECEASED / REMOVED –14
- CITY TAGS – 28 ISSUED = TTL \$322.00
- OAK LEAF CALLS – 3 (2 DOG, 1CAT)
- 5 TRAPS CHECKED OUT



October 28, 2011

Randall Whiteman
City Administrator
City of Ovilla
105 Cockrell Hill Road, #2
Ovilla, TX 75154

RE: State-Issued Certificate of Franchise Authority

Dear Mr. Whiteman:

On November 14th, Marcus Cable Associates, L.L.C. d/b/a Charter Communications will apply for a State Issued Certificate of Franchise Authority (SICFA) with the Texas Public Utilities Commission. Pursuant to SB 1087, approved by the 82nd Texas Legislature, Charter Communications is allowed to transition your municipal franchise to a SICFA. We anticipate the state-issued franchise to be approved on December 5th.

The transition to a SICFA affects the City of Ovilla in the following ways.

1. The City may receive an additional 1% of Gross Revenues, labeled "Municipal PEG Access Fee" on customer bills, to fund capital expenditures associated with Public, Educational and Government programming.
2. New and additional complimentary services to municipal buildings are not required under a SICFA.

1. STATE FEE for PEG CAPITAL

To fund capital expenditures associated with Public, Educational and Government ("PEG") facilities, and in lieu of in-kind compensation and grants, municipalities have the authority to elect to receive 1% of cable service revenues or the per-subscriber fee that was paid to the City, if any, under our agreement.

Charter Communications is not currently paying compensation, grants or a per-subscriber fee under our locally issued franchise.

Should the City decide to collect the 1% additional fee, this fee will be highlighted on the subscriber bill as an additional fee collected by the City. However, because the City did not require Charter to pay a per-subscriber fee under the expired franchise agreement, the City can prevent this additional tax/fee from being collected from City residents. Under the new law, the City has the option to prevent this additional charge from being passed through to subscribers under the state certificate and may decline to charge the additional 1%

Please send your decision on whether to waive or collect the 1% PEG capital fee in writing to my attention no later than November 7th.

Should the City's PEG capital needs change at some point in the future, the City may rescind this waiver to collect the 1% PEG Capital fee and establish the collection and remittance of the fee at that time.

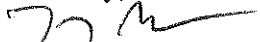
Please be mindful that SB 1087 amends the Public Utilities Regulatory Act to impose accountability requirements on cities collecting the 1% fee. Specifically, cities must maintain revenue from the 1% fee in a separate account established for that purpose; the City may not commingle revenue from the 1% fee with any other money; the City shall maintain a record of each deposit to and disbursement from the separate account, including a record of the payee and purpose of each disbursement; and the City may not spend revenue from the fees except directly from the separate account.

2. COMPLIMENTARY VIDEO SERVICES

Upon the effective date of the SICFA, any additional or relocated services requested by the city will be accommodated through our Charter Business division at applicable commercial rates for installation and monthly service.

Charter looks forward to continuing the working relationship we have with the City of Ovilla. Please contact me at 817-298-3510 or via email at torrey.mcgraw@chartercom.com by Monday, November 7th if you would like to discuss or prevent the 1% PEG fee from being implemented.

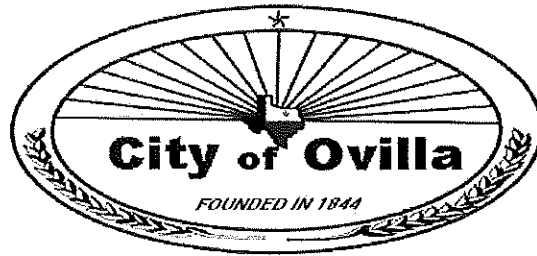
Sincerely,



Torrey McGraw

Government Relations Manager

Charter Communications – Texas Markets



DATE: 11-14-11

TO: Honorable Mayor and Council Members

FROM: Sharon Jungman

SUBJECT: Account Payable Transactions Paid
in October 2011 over \$5,000

Accounts Payable Paid Transactions in October 2011 Over \$5,000

General Fund				
Date	Check#	Payee	Description	Amount
10/28/2011	39554	Blue Cross Blue Shield	November Health Insurance	\$7,956.77
10/21/2011	39531	Community Waste Disposal	Garbage Pick up for August & September	\$32,472.69
10/13/2011	39481	Philpot Motors	New Fire Truck	\$187,443.51
10/13/2011	ACH	Quick Books Payroll Service	Payroll	\$31,849.74
10/27/2011	ACH	Quick Books Payroll Service	Payroll	\$29,142.99
10/14/2011	39517	Sam Houston State University	Crimes Software Program Annual Renewal	\$15,000.00
10/26/2011	39551	State Comptroller	Quarterly Police Fines Payment	\$10,358.50
10/14/2011	39528	T.M.R.S.	Retirement	\$13,251.09
10/14/2011	39521	Taylor, Olson, Adkins, Sralla	Legal Fees for July thru Sept. 2011	\$6,372.01
10/14/2011	ACH	US Treasury	Payroll Taxes	\$6,105.78
10/28/2011	ACH	US Treasury	Payroll Taxes	\$5,979.99
Total General Fund Transactions Paid in October 2011 \$5,000 and Over				<u>\$345,933.07</u>
Water & Sewer Fund				
Date	Check#	Payee	Description	Amount
10/21/2011	14599	City of Dallas	Purchase Water	\$23,339.54
10/27/2011	14603	City of Ovilla General Fund	Garbage Transfer for Oct. 2011	\$16,294.35
Total Water & Sewer Fund Transactions Paid in October 2011 \$5,000 and Over				<u>\$39,633.89</u>



DATE: 10-24-2011

TO: Honorable Mayor and Council Members

FROM: Sharon Jungman

**SUBJECT: Quarterly Investment Report for
Quarter Ending 9-30-11**

City of Ovilla
Fiscal Year 2010-2011
Third Quarter Investment Report
For Quarter Ending Sept. 30th 2011

Fund	Bank	Investment Type	Description	Quick Books Account #	Inception Date	Maturity Date	Rate	Beginning Bank Value 6/30/2011	Activity	Ending Bank Value 9/30/2011	Book Value 9/30/2011	Difference
GENERAL FUND												
Operating												
GF	Prosperity Bank		General	1012500	N/A	N/A	0.3200%	\$ 747,821.82	Interest Earned \$ 528.64 Net Deposit \$ 726,135.61 Net Withdrawals \$ 1,003,045.26 Ending Balance \$ 471,440.81	\$ 471,440.81	\$ 5530,016.35	(\$58,575.54)
GF	Texstar Investment		Pool	1012525	N/A	N/A	0.0906%	\$ 3,714.94	Interest Earned \$ 0.82 Deposit Cd Maturity Withdrawal \$ - Ending Balance \$ 3,715.76	\$ 3,715.76	\$ 9,715.76	\$ 0.00
GF	Prosperity Bank		Money Market	1012520	3/2/11	N/A	0.3300%	\$ 227,381.00	Interest Earned \$ 216.54 Withdrawal \$ - Ending Balance \$ 227,597.54	\$ 227,597.54	\$ 227,597.54	\$ 0.00
Reserves												
GF	Prosperity Bank		Money Market	1011500	N/A	N/A	0.1800%	\$ 29,326.42	Interest Earned \$ 16.83	\$ 29,343.25	\$ 29,343.25	\$ 0.00
GF	Texstar Investment		Pool	1011525	N/A	N/A	0.0906%	\$ 927.30	Interest Earned \$ 0.20	\$ 927.50	\$ 927.50	\$ 0.00
GF	Prosperity Bank		Money Market	1012250	N/A	N/A	0.2300%	\$ 336,486.81	Interest Earned \$ 212.50 Net Deposit \$ - Net Withdrawals \$ 240,000.00 Ending Balance \$ 96,699.31	\$ 96,699.31	\$ 94,082.91	\$ 2,616.40
GF	Citizens National Bank		CD	1012255	8/18/11	2/16/12	1.0000%	\$ -	Interest Earned \$ - Net Deposit \$ 240,000.00 Net Withdrawals \$ - Ending Balance \$ 240,000.00	\$ 240,000.00	\$ 240,000.00	\$ 0.00
GF	Community National Bank		15 month CD	1012275	7/16/10	10/16/11	1.5500%	\$ 54,645.07	Interest Earned \$ 211.17	\$ 54,856.24	\$ 54,856.24	\$ 0.00
Total General Fund									Total General Fund Balance	\$ 1,125,216.02	\$ 1,180,539.55	(\$55,959.14)
DEBT SERVICE												
Savings Account												
Debt	Prosperity Bank		Sinking Fund	1010000	N/A	N/A	0.3300%	\$ 478,737.29	Interest Earned \$ 298.87 Deposits \$ 107,588.12 Deductions \$ 384,587.48 Ending Balance \$ 202,036.80	\$ 202,036.80	\$ 202,084.40	(\$47.60)

City of Ovalla

Fiscal Year 2010-2011

Third Quarter Investment Report

For Quarter Ending Sept. 30th 2011

[illegible]

City of Ovillia
Fiscal Year 2010-2011
Third Quarter Investment Report
For Quarter Ending Sept. 30th 2011

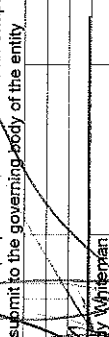
Fund	Bank	Investment Type	Description	Quick Books Account #	Inception Date	Maturity Date	Rate	Value 6/30/2011	Activity	Value 9/30/2011	Difference
CP	Jefferson Bank		CD- 7 Month Closed Acct. on 4/2/11 Transferred to Prosperity Acct. #9307648	1024000	9/1/10	4/1/11	1.1500%	128,700.72	Interest Earned Withdrawals Ending Balance	\$ 12.16 \$ 128,712.88 \$0.00	\$0.00
CP	Prosperity Bank		Money Market	1024000	N/A	N/A	0.3300%	\$128,850.99	Interest Earned Deposits Withdrawals	\$ 122.71 \$ - \$ -	\$0.00
Total Capital Projects											\$0.00
W&S IMPACT FEE											\$0.00
W&S Impact	Operating Prosperity Bank		Sewer Impact	8520150	N/A	N/A	0.1000%	\$ 6,670.63	Interest Earned Deposits Withdrawals Ending Balance	\$ 2.28 \$ - \$ - \$6,672.91	\$0.00
W&S Impact	Prosperity Bank Money Market		Water Impact	8510100	N/A	N/A	0.1900%	\$ 1,895.32	Interest Earned Net Deposit Net Withdrawals Ending Balance	\$ 2.56 \$ 86,347.58 \$ - \$ 88,245.46	\$0.00
W&S Impact	Texstar Investment		Sewer Impact	8520155	N/A	N/A	0.0908%	\$ 3,143.86	Interest Earned Net Deposits Net Withdrawals Ending Balance	\$ 0.68 \$ - \$ - \$3,144.54	\$0.00
W&S Impact	Prosperity Bank Money Market		Sewer Impact	8520160	N/A	N/A	0.3200%	\$20,507.60	Interest Earned Net Deposit Net Withdrawals Ending Balance	\$ 16.53 \$ - \$ - \$20,524.13	(\$0.00)
W&S Impact	Community National Bank		Water Impact	8510115	9/29/2010	9/28/11	0.8500%	\$ 86,162.98	Interest Earned Net Deposit Net Withdrawals Ending Balance	\$ 184.60 \$ - \$ 86,347.58 \$0.00	\$0.00
Total W&S Impact Fund											(\$0.00)
PARK IMPROVEMENT											\$0.00
Park	Prosperity Bank		Savings Account	1010000	N/A	N/A	0.1000%	\$ 3,518.57	Interest Earned Deposits Withdrawals Ending Balance	\$ 1.29 \$ 669.04 \$ - \$4,188.90	\$0.00

City of Ovilla

Fiscal Year 2010-2011

Third Quarter Investment Report

For Quarter Ending Sept. 30th 2011

Fund	Bank	Investment Type	Description	Quick Books Account #	Inception Date	Maturity Date	Rate	Value 6/30/2011	Activity	Value 9/30/2011	Value 9/30/2011	Difference	
Park	Prosperity Bank		Money Market	1010200	3/16/11	N/A	0.1300%	\$ 19,628.57	Interest Earned \$ 8.80 Deposits \$ - Withdrawals \$ - Ending Balance	\$19,637.37 \$23,826.27		\$0.00 \$0.00	
Total Park Improvement Fund													
		Operating				Ovilia 4B EDC							
4B EDC	Prosperity Bank			1012500	N/A	N/A	0.3200%	\$ 154,996.32	Interest Earned \$ 130.45 Net Deposit \$ 17,182.33 Net Withdrawals \$ 9,250.00 Ending Balance \$ 163,059.10	\$19,637.37 \$23,826.27		\$0.00 \$0.00	
Total													
		Operating				Municipal Development District							
MDD	Prosperity Bank			1012501	N/A	N/A	0.0700%	\$ 15,842.34	Interest Earned \$ 3.12 Net Deposit \$ 4,802.69 Net Withdrawals \$ 1,019.60 Ending Balance	\$19,628.55 \$19,628.55		\$0.00 \$0.00	
Total													
		Operating				Police Dept. Special Fund							
Police Special	Prosperity Bank			1001010	N/A	N/A	0.0000%	\$ 7,086.41	Interest Earned \$ - Net Deposit \$ - Net Withdrawals \$ 299.99 Ending Balance	\$6,786.42 \$6,786.42		\$0.00 \$0.00	
Total													
		Operating				Fire Dept. Auxiliary Fund							
Fire Auxil.	Prosperity Bank			1010000	N/A	N/A	0.0000%	\$ 4,773.21	Interest Earned \$ 600.00 Net Deposit \$ 809.92 Net Withdrawals \$ 809.92 Ending Balance	\$4,563.29 \$4,563.29		\$0.00 \$0.00	
Total													
										Total Investments	\$2,655,475.01	\$2,520,741.91	(\$20,403.13)
This report is prepared in accordance with Chapter 2256 of the Public Funds Investment Act (PFIA). Section 2256.023(a) of the PFIA states that " not less than quarterly, the investment officer shall prepare and submit to the governing body of the entity													
<div> Randy Whitteman Investment Administrator</div>													



DATE: 10-24-2011

TO: Honorable Mayor and Council Members

FROM: Sharon Jungman

**SUBJECT: Yearly Investment Report for
Year Ending 9-30-11**

City of Ovilla
Fiscal Year 2010-2011
Investment Report
For Year Ending Sept. 30th 2011

Fund	Bank	Investment Type	Description	Quick Books Account #	Inception Date	Maturity Date	Rate	Beginning Bank Value	Activity	Ending Bank Value	Book Value	Difference
GENERAL FUND												
GF	Prosperity Bank	Operating	General	1012500	N/A	N/A	0.3200%	\$ 521,530.29	Interest Earned \$ 2,298.82 Net Deposit \$ 3,023,847.92 Net Withdrawals \$ 3,076,236.22 Ending Balance	\$471,440.81	\$530,016.35	(\$58,575.54)
GF	Texstar Investment	Pool		1012525	N/A	N/A	0.0906%	\$ 3,710.94	Interest Earned \$ 4.82 Net Withdrawals Ppty Tax transfer Deposit Cd Maturity Withdrawal \$ - Ending Balance			
GF	Jefferson Bank	CD - 3 month	CD - 3 month	1012520	12/2/10	3/2/11	0.4500%	226,539.10	Interest Earned \$ 503.01 Withdrawal \$ 227,042.11 Ending Balance			
GF	Prosperity Bank	Money Market	Money Market	1012520	3/2/11	N/A	0.3300%	\$0.00	Interest Earned \$ 555.43 Net Deposit \$ 227,042.11 Withdrawal \$ - Ending Balance	\$227,597.54	\$227,597.54	(\$0.00)
GF	Prosperity Bank	Reserves										
GF	Prosperity Bank	Money Market	Money Market	1011500	N/A	N/A	0.1800%	\$ 29,260.69	Interest Earned \$ 82.56	\$29,343.25	\$29,343.25	\$0.00
GF	Texstar Investment	Pool		1011525	N/A	N/A	0.0906%	\$ 926.31	Interest Earned \$ 1.19	\$927.50	\$927.50	\$0.00
GF	Prosperity Bank	Money Market	Money Market	1012250	N/A	N/A	0.2300%	\$ 206,332.54	Interest Earned \$ 832.11 Net Deposit \$ 129,534.66 Net Withdrawals \$ 240,000.00 Ending Balance			
GF	Citizens National Bank	CD	CD	1012255	8/18/11	2/16/12	1.0000%	\$ -	Interest Earned \$ - Net Deposit \$ 240,000.00 Net Withdrawals \$ - Ending Balance	\$ 96,699.31	\$94,082.91	\$2,616.40
GF	Prosperity Bank	CD - 6 Month	CD - 6 Month	1011550	1/3/11	6/29/11	0.4500%	0.00	Interest Earned \$ 170.08 Net Deposit \$ 75,797.81 Withdrawal \$ 75,967.89 Ending Balance			
GF	Community National Bank	15 month CD	15 month CD	1012275	7/16/10	10/16/11	1.5500%	\$ 54,014.14	Interest Earned \$ 842.10	\$54,856.24	\$54,856.24	\$0.00

**City of Ovilla
Fiscal Year 2010-2011
Investment Report
For Year Ending Sept.**

Fund	Bank	Investment Type	Description	Quick Books Account #	Inception Date	Maturity Date	Rate	Value 10/1/2011	Activity	Value 9/30/2011	Value 9/30/2011	Difference
		Community National Bank	15 month CD	1012530	9/2/09	1/1/11	1.9400%	\$ 52,927.95	Interest Earned	\$ 518.89		
		Closed 1/3/11 converted to Money Market @ Prosperity	670010581 @ 45%						Withdrawal	\$ 53,446.84		
									Ending Balance	\$ 0.00	\$ 0.00	\$ 0.00
GF	Prosperity Bank	6 Month CD		1012530	12/29/10	6/29/11	0.4500%	\$ -	Interest Earned	\$ 119.93		
									Net Deposit	\$ 53,446.84		
									Withdrawal	\$ 53,586.77		
									Ending Balance	\$ 0.00	\$ 0.00	\$ 0.00
Total General Fund									Total General Fund Balance	\$1,125,216.02	\$1,180,539.55	(\$55,959.14)
DEBT SERVICE												
Debt	Prosperity Bank	Savings Account	Sinking Fund	1010000	N/A	N/A	0.3300%	\$ 41,763.34	Interest Earned	\$ 1,373.05		
									Deposits	\$ 699,221.02		
									Deductions	\$ 540,320.61		
									Ending Balance	\$ 202,036.80	\$ 202,084.40	(\$47.60)
Water & Sewer Utility Fund												
W&S	Prosperity Bank	Operating	Utility	1021500	N/A	N/A	0.3200%	\$ 269,105.02	Interest Earned	\$ 1,224.69		
									Net Deposit	\$ 1,555,623.15		
									Net Withdrawals	\$ 1,256,728.11		
										\$569,224.75	\$533,621.14	\$35,603.61
W&S	Texstar Investment	Pool		1021525	N/A	N/A	0.0906%	\$ 1,141.23	Interest Earned	\$ 1.48		
									Net Deposit	\$ -		
									Withdrawals	\$ -		
										\$1,142.71	\$1,142.71	\$0.00
W&S	Jefferson Bank	CD - 7 Month	CD - 7 Month	1021530	9/1/10	4/1/11	1.1500%	\$82,471.11	Interest Earned	\$ 559.85		
		Closed on 4/2/11 Transferred to Savings Acct. 301668702 @ Prosperity							Net Withdrawals	\$ 83,030.96		
									Ending Balance	\$ 0.00	\$ 0.00	\$ 0.00
W&S	Prosperity Bank	Utility	Utility	1021530	N/A	N/A	0.3200%	\$ -	Interest Earned	\$ 146.17		
									Net Deposit	\$ 83,030.96		
									Net Withdrawals	\$ -		
										\$83,177.13	\$83,177.13	\$0.00
W&S	Prosperity Bank	Utility	Utility	1021800	N/A	N/A	0.3600%	\$ 136.19	Interest Earned	\$ 0.47		
									Net Deposit	\$ -		
									Net Withdrawals	\$ -	\$136.66	\$0.00
W&S	Prosperity Bank	Money Mkt.	Money Mkt.	1020500	N/A	N/A	0.3300%	\$ -	Interest Earned	\$ 214.84		
									Net Deposit	\$ 103,493.12		

**City of Ovilla
Fiscal Year 2010-2011
Investment Report
For Year Ending Sept.**

Fund	Bank	Investment Type	Description	Quick Books Account #	Inception Date	Maturity Date	Rate	Value 10/1/2011	Activity	Value 9/30/2011	Value 9/30/2011	Difference
									Net Withdrawals	\$ -	\$ 103,707.96	\$103,707.96 (\$0.00)
Total W&S Utility Fund												
									Total W&S Fund	\$757,389.21	\$721,785.60	\$35,603.61
W&S Debt Service Sinking Fund												
W&S	Prosperity Bank		Sinking Fund	1020500	N/A	N/A	0.3300%	\$ 103,261.19	Interest Earned \$ 446.77 Required Monthly Transfers Ending Balance	\$ -	\$103,707.96	\$0.00
CAPITAL PROJECTS												
Construction Funds												
CP	Texpool Investment		Pool	1023000	N/A	N/A	0.0843%	\$ 308.16	Interest Earned \$ - Deposits Withdrawals	\$ -	\$308.16	\$0.00
CP	Texstar Investment		Pool	1023500	N/A	N/A	0.0906%	\$ 1,390.68	Interest Earned \$ 1.81 Deposits \$ - Withdrawals \$ -	\$ -	\$1,392.49	\$0.00
CP	Jefferson Bank		CD- 7 Month Closed Acct. on 4/2/11	1024000	9/1/10	4/1/11	1.1500%	127,845.02	Interest Earned \$ 867.86 Withdrawals \$ 128,712.88 Ending Balance	\$ 867.86 \$ 128,712.88	\$0.00	\$0.00
CP	Prosperity Bank		Money Market	1024000	N/A	N/A	0.3300%	\$0.00	Interest Earned \$ 260.82 Deposits \$ 128,712.88 Withdrawals \$ -	\$ 260.82 \$ 128,712.88 \$ -	\$128,973.70	\$0.00
Total Capital Projects												
										\$130,674.35	\$130,674.35	\$0.00
W&S IMPACT FEE												
W&S Impact	Prosperity Bank		Sewer Impact	8520150	N/A	N/A	0.1000%	\$ 6,660.66	Interest Earned \$ 12.25 Deposits \$ - Withdrawals \$ -	\$ 12.25 \$ - \$ -	\$6,672.91	\$0.00
W&S Impact	Prosperity Bank		Water Impact	8510100	N/A	N/A	0.1900%	\$ 9,731.82	Interest Earned \$ 12.14 Net Deposit \$ 86,347.58 Net Withdrawals \$ 7,846.08 Ending Balance	\$ 12.14 \$ 86,347.58 \$ 7,846.08	\$88,245.46	\$0.00
W&S	Texstar Investment		Sewer Impact	8520155	N/A	N/A	0.0906%	\$ 3,140.45	Interest Earned \$ 4.09	\$ 4.09	\$88,245.46	\$0.00

**City of Ovilla
Fiscal Year 2010-2011
Investment Report
For Year Ending Sept.**

[illegible]

**City of Ovilla
Fiscal Year 2010-2011
Investment Report
For Year Ending Sept.**

[illegible]

CITY OF OVILLA MINUTES
Monday, 24 October 2011
Regular City Council Meeting
105 S. Cockrell Hill Road, Ovilla, TX 75154

Mayor Vansyckle called the Regular Council Meeting of the Ovilla City Council to order at 7:00 P.M. The following City Council Members were present:

Tom Leverentz	Mayor Pro-Tem, Place 1
James Wade	Council Member, Place 3
Doug Hunt	Council Member, Place 4
Richard Dormier	Council Member, Place 5

Absent: Michael Dickey Council Member, Place 2

Noted members were present, thus constituting a quorum.

City Administrator Randy Whiteman and various department-head staff members were also present.

Mayor Vansyckle gave the Invocation.

Mayor Pro-Tem Leverentz led the Pledge of Allegiance.

Comments, Presentations and Reports and Appointments

Presentation of Life Saving Award to Ernest Nathaniel "Nate" Walker

Mayor Vansyckle announced that the Walker Family had not yet arrived and would move forward with the agenda until their arrival.

CITIZENS COMMENTS / CITIZENS FORUM:

1. Dave Wheeler – shared photos of an area behind his residence on Thorntree and voiced concerns of the junked appearance. Mr. Wheeler shared a reminder that during the last mayoral campaign, Mayor Vansyckle promised him that if elected, it would be cleaned up.
2. Dani Muckleroy – offered various comments: 1) Budget looked great, 2) Very pleased that the Council Packets were on the website, 3) Commended PL4 Hunt for a terrific job as coordinator to Heritage Day, 4) Noted a Council attendance error on the minutes of October 03/last page, 4) No runners on Johnson Lane based on the narrow road and it was dangerous.

Mayor Vansyckle announced the arrival of the Walker Family and presented young Nate Walker with a Life Saving Award. Mayor Vansyckle shared the story of how the young man saved his father's life by applying direct pressure to uncontrolled bleeding and making the 911 call, aiding his father until medics arrived. Nate's parents, Ernest and Debbie, praised their son's actions and offered sincere gratitude to all responders that saved Mr. Walker's life.

♦ Department Activity Reports / Discussion

- | | |
|-------------------------------|-----------------------|
| ♦ Police Department | Chief M. Moon |
| • Monthly Report | |
| ♦ Fire Department | Fire Chief D. Pickard |
| • Monthly Report | |
| • Discussed the ISO #2 Rating | |

- Chief Pickard shared his planned upcoming treatment of his recent diagnosis with stomach cancer.
- ♦ Public Works Director B. Piland
 - Monthly Report
 - Discussed crack sealing / equipment & material cost
- ♦ Finance Department Accountant S. Jungman
 - Monthly Financials – still receiving September invoices for year-end.
 - Monthly Municipal Court Report – increased over \$2300 revenue Y-T-D
- ♦ Administration City Administrator R. Whiteman
 - Monthly Report – Code Enforcement/Animal Control – Code Enforcement/Animal Control Officer Mike Dooly attended and presented his reports to Council.

CONSENT ITEMS:

- ♦ Monthly Financial Transactions
- ♦ Minutes of the August 22, 2011 Regular Council Meeting.
- ♦ Minutes of the September 12, 2011 Regular Council Meeting.
- ♦ Minutes of the September 26, 2011 Regular Council Meeting.
- ♦ Minutes of the October 03, 2011 Special Council Meeting.

PL5 Dormier made a motion to remove the October 03, 2011 Minutes from the consent for a separate discussion.

PL3 Wade seconded the motion.

Mayor Vansyckle asked for a record vote by announcement of AYE or NAY.

Present Council announced AYE in favor. No oppositions, no abstentions.

Place 2 Dickey was noted absent.

VOTE: The motion carried unanimously: 4-0.

Mayor assigned the October 03, 2011 Minutes as Item 7 for discussion/action.

PL3 Wade made a motion to approve the remaining consent items as presented. (Excluding the October 03, 2011 Minutes)

PL5 Dormier seconded the motion.

Mayor Vansyckle asked for a record vote by announcement of AYE or NAY.

Present Council announced AYE in favor. No oppositions, no abstentions.

Place 2 Dickey was noted absent.

VOTE: The motion carried unanimously: 4-0.

PUBLIC HEARING AND CONSIDERATION:

ITEM 1. Public Hearing & Discussion – Discuss and consider an amendment to Section 30.5 of the Ovilla Code of Ordinances concerning Residential Accessory Building Materials to include UV Protected Double-Walled, High Density, Polyethylene Plastic with Steel Reinforced Construction and Steel Trusses.

Mayor Vansyckle opened the Public Hearing at 7:34 P.M.

Mayor Vansyckle asked if there was anyone to speak in favor of this item.

Mayor Vansyckle asked if there anyone wishing to speak in opposition of this item.

Mayor Vansyckle asked if anyone wanted to make any comments.

There were no comments.

Mayor Vansyckle closed the Public Hearing at 7:35 P.M.

Bill Vansyckle, Mayor

Tom Leverentz, Mayor Pro-Tem

Michael Dickey, Place Two

ITEM 2. Discussion/Action – Receive written recommendation from the Planning & Zoning Commission and consider proposed Ordinance 2011-026 amending the Ovilla Code of Ordinances, Section 30.5 Construction Materials for Residential Accessory Buildings.

Code Enforcement Officer Mike Dooly shared his research information for this type building. Mr. Dooly's concern was a weather-beaten look and not maintaining color under the TX weather. Mayor Pro-Tem Leverentz voiced reservations stating that he had not heard how a plastic building could have steel reinforcements. PL5 Dormier stated he had a question about the finish and preferred to view it first. Council questioned the language and restrictions of the current ordinance. Council continued discussion and reviewed the recommendation from the Planning & Zoning Commission to approve the proposed ordinance revision. Mayor Vansyckle announced the individual record vote recommending approval from the Planning & Zoning Commission:

Chair Ken Rarick	NAY
PL2 Vice-Chair Michael Yordy	Absent
PL3 P&Z Member Loreen Silva	AYE
PL4 P&Z Member Tom Rockwell	AYE
PL5 P&Z Member Richard Edmiston	AYE
PL6 P&Z Member Lynn Shortnacy	Absent
PL7 P&Z Member Bill Zimmermann	Absent

PL3 Wade made a motion to table this item for further study and more description.

Mayor Pro-Tem Leverentz seconded the motion.

Mayor Vansyckle asked for a record vote by announcement of AYE or NAY.

Present Council announced AYE in favor. No oppositions, no abstentions.

Place 2 Dickey was noted absent.

VOTE: The motion carried unanimously: 4-0. Item 2 was tabled.

Mayor announced the interruption of the Individual Consideration to address the Executive Session. Once completed, Council would return to the regular order of the agenda.

PL5 Dormier interjected before going into the Executive Session, advising that when he had asked for the Oct. 03 minutes to be pulled from the Consent Agenda, his intent was to discuss them prior to going into the Executive Session. This was because he wanted to remind Council and Mayor of his submitted memorandum that specifically asked Mayor Vansyckle to recuse himself from the Executive Session. Mayor Vansyckle refused.

Mayor and Council convened into Executive Session at 7:55 P.M.

ITEM 1. The City Council will meet in closed session pursuant to Section 551.071 of the Texas Government Code for consultation with the City Attorney pertaining to any matter in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct may conflict with the Open Meetings Act, including discussion on any item posted on the agenda.

- Ramsey threatened litigation
- Procedures for handling and Mayor complaint

Mayor Vansyckle left the Executive Session before Item 2 and did not return until convening into Regular Session.

ITEM 2. The City Council will meet in closed session pursuant to Section 551.074 of the Texas Government Code 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.

- Procedures for handling and Mayor complaint

COUNCIL WILL RECONVENE INTO OPEN SESSION, AND TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION, IF NEEDED.

Mayor and Council reconvened into Regular Session at 8:54 P.M.

Mayor announced that no action was taken under Item 1.

Mayor Pro-Tem Leverentz stated that in reference to Item 2, a policy is in place to handle the complaint submitted by City Administrator Randy Whiteman. A subcommittee was formed consisting of members Mayor Pro-Tem Leverentz and PL3 Wade to hear the complaint and that the city secretary will gather all information pertaining to this matter.

Mayor Vansyckle returned to the regular order of the Agenda.

INDIVIDUAL CONSIDERATION:

ITEM 3. Discussion/Action – Consider approval of a proposed Inter-Local Cooperation Billing Agreement with Sardis-Lone Elm Water Supply.

During budget meetings, Council approved staff to bring an agreement with Sardis for billing to the Ovilla Parc Subdivision to collect sewer, solid waste and infrastructure improvement fees assessed by Ovilla. The City Administrator noted a revision he made to Number 7 of the agreement.

PL4 Hunt made a motion that Council approves the Inter-Local Cooperation Billing Agreement with Sardis-Lone Elm Water Supply, with one amendment to Number 7 (of the agreement) to read *4% of the money charged by Ovilla and collected by Sardis*.

Mayor Pro-Tem Leverentz seconded the motion.

Mayor Vansyckle asked for a record vote by announcement of AYE or NAY.

Present Council announced AYE in favor. No oppositions, no abstentions.

Place 2 Dickey was noted absent.

VOTE: The motion carried unanimously: 4-0.

ITEM 4. Discussion/Action – Consider the continued membership application and agreement by and between the Electric Reliability Council of TX (ERCOT) and the City of Ovilla and approve the annual membership fee of \$100.

The City Administrator explained that this annual membership gives cities straightforward and cost-effective ways to share in the influence of electric policy in TX.

PL4 Hunt made a motion that Council approves continued membership with ERCOT and approves the annual membership fee of \$100.

*Bill Vansyckle, Mayor
Tom Leverentz, Mayor Pro-Tem
Michael Dickey, Place Two*

4

*Doug Hunt, Place Four
James Wade, Place Three
Richard Dormier, Place Five*

PL5 Dormer seconded the motion.

Mayor Vansyckle asked for a record vote by announcement of AYE or NAY.

Mayor Pro-Tem Leverentz, PL4 Hunt and PL5 Dormier announced AYE in favor.

PL3 Wade announced NAY in opposition. No abstentions.

Place 2 Dickey was noted absent.

VOTE: The motion carried: 3-1.

ITEM 5. Discussion/Action – Consider proposed Ordinance 2011-027 to comply with Chapter 1, Section 1.02.002 of the Ovilla Code of Ordinances declaring an official city newspaper and declaring an effective date.

PL5 Dormier offered one comment – that he was unable to purchase this newspaper in the city limits of Ovilla. Waxahachie Daily Light representative Rita Cook was present and assured Council she would speak to her boss about that.

Mayor Pro-Tem Leverentz made a motion that Council approves Ordinance 2011-027, declaring the Waxahachie Daily Light as the City of Ovilla's official newspaper for FY2011-2012, complying with Chapter 1, Section 1.02.002 of the Ovilla Codification.

PL5 Dormier seconded the motion.

Mayor Vansyckle asked for a record vote by announcement of AYE or NAY.

Present Council announced AYE in favor. No oppositions, no abstentions.

Place 2 Dickey was noted absent.

VOTE: The motion carried unanimously: 4-0.

ITEM 6. Discussion/Action – Consider the promotion and publication Ovilla's ISO rating. Council may take whatever action deemed necessary.

Mayor Pro-Tem Leverentz asked to share ideas in hopes to plan a way to educate citizens and publicize Ovilla's new ISO Rating of 2. Suggestions included adding a new logo to Ovilla's stationary and place decals on Fire Department trucks. Staff agreed to place a notice on the next newsletter and the city website. This rating will be a financial benefit to Ovilla citizens.

THERE WAS NO ACTION ON THIS ITEM.

Mayor assigned the October 03, 2011 Minutes as Item 7 for discussion/action.

ITEM 7. Discussion/Action – Consider the approval of the October 03, 2011 Minutes.

PL5 Dormier asked to pull these minutes from the Consent Agenda for discussion and correction. PL5 Dormier submitted a memorandum during the October 03 Council meeting and wished for it to be included as part of the official minutes. Additionally, correct the notation of PL3 Wade as being present at the meeting, not absent.

PL5 Dormier made a motion that Council approves the October 03, 2011 Minutes with the noted corrections.

PL3 Wade seconded the motion.

Mayor Vansyckle asked for a record vote by announcement of AYE or NAY.

Present Council announced AYE in favor. No oppositions, no abstentions.

Place 2 Dickey was noted absent.

VOTE: The motion carried unanimously: 4-0.

Bill Vansyckle, Mayor

Tom Leverentz, Mayor Pro-Tem

Michael Dickey, Place Two

Council's Request for Consideration of Future Agenda Items

Place 5, Dormier: None
 Place 4, Hunt: None
 Place 3, Wade: Consider a policy revision (Council Governance) regarding city officials having access to city buildings after business hours.
 Mayor: None
 Place 2, Dickey: Absent
 Mayor Pro-Tem Leverentz: Direct City Administrator to draft a letter to the PUC (Public Utility Commission) regarding the excessively long and unacceptable power outages occurring in Ovilla.

Adjournment

PL3 Wade made a motion to adjourn the meeting of October 24, 2011 at 9:20 P.M.
 PL5 Dormier seconded the motion.

VOTE: The motion carried unanimously.

 Bill Vansyckle, Mayor

ATTEST:

 Pam Woodall Higgins

**Attachment: Executive Session Agenda(s)
 P&Z Recommendation**

Approved November 14, 2011

CERTIFIED EXECUTIVE SESSION AGENDA

Date: 24 October 2011

I, Mayor Bill Vansyckle, of the City of Ovilla, Texas hereby convene into Executive Session at 7:58 p.m. on the 24th day of October 2011.

The following Council Members were in attendance:

Council Members

☒ Bill Vansyckle, Mayor
☒ Tom Leverentz, Mayor Pro-Tem
☒ Place 2, Michael Dickey (Absent)
☒ Place 3, James Wade
☒ Place 4, Doug Hunt
☒ Place 5, Richard Dormier

Staff Members

☐ R. Whiteman, City Administrator
☐ P. Woodall Higgins, City Secretary

Others

☒ City Attorney
☐ Other Legal Counsel

The following is an agenda of an Executive Session of the City of Ovilla, Texas, held pursuant to the Texas Open Meetings Act, Government Code Section:

<input checked="" type="checkbox"/> 551.071 - Consultation w/Attorney	<input type="checkbox"/> 551.072 - Real Property
<input type="checkbox"/> 551.073 - Deliberations about Gift	<input type="checkbox"/> 551.074 - Personnel Matters
<input type="checkbox"/> 551.076 - Security Personnel or Devices	<input type="checkbox"/> 551.086 - Test item (SB 595)
<input type="checkbox"/> 551.087 - Economic Development Negotiations (SB1851)	
<input type="checkbox"/> 418.183 - Homeland Security	

Said Executive Session has been conducted in order to deliberate on the following matters:

ITEM 1. The City Council will meet in closed session pursuant to Section 551.071 of the Texas Government Code for consultation with the City Attorney pertaining to any matter in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct may conflict with the Open Meetings Act, including discussion on any item posted on the agenda.

- Ramsey threatened litigation
- Procedures for handling and Mayor complaint – No discussion on this section.

COUNCIL WILL RECONVENE INTO OPEN SESSION, AND TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION, IF NEEDED.

The following further action was taken in open session:

NO ACTION TAKEN

I, Bill Vansyckle, Mayor hereby adjourn the Executive Session at 8:15 p.m. on the 24th day of October 2011. No Action was taken. Any action, as a result of this Executive Session, will be taken and recorded in open session.

I certify that this agenda is a true and accurate record of the proceedings.


Bill Vansyckle, Mayor

***Note:** this certified agenda must be kept a minimum of two years after the date of the Executive Session, and is confidential. A person who knowingly and without lawful authority makes this record public commits a Class B misdemeanor and may be held liable for actual damages, court costs, reasonable attorneys fees, and exemplary damages. Texas Government Code § 551.145.

CERTIFIED EXECUTIVE SESSION AGENDA

Date: 24 October 2011

I, Tom Leverentz, Mayor Pro-Tem, of the City of Ovilla, Texas hereby convene into Executive Session at 8:15 p.m. on the 24th day of October 2011.

The following Council Members were in attendance:

Council Members

☐ Bill Vansyckle, Mayor
☒ Tom Leverentz, Mayor Pro-Tem
☒ Place 2, Michael Dickey (Absent)
☒ Place 3, James Wade
☒ Place 4, Doug Hunt
☒ Place 5, Richard Dormier

Staff Members

☐ R. Whiteman, City Administrator
☐ P. Woodall Higgins, City Secretary

Others

☒ City Attorney
☐ Other Legal Counsel

The following is an agenda of an Executive Session of the City of Ovilla, Texas, held pursuant to the Texas Open Meetings Act, Government Code Section:

<input checked="" type="checkbox"/> 551.071 - Consultation w/Attorney	<input type="checkbox"/> 551.072 - Real Property
<input type="checkbox"/> 551.073 - Deliberations about Gift	<input checked="" type="checkbox"/> 551.074 - Personnel Matters
<input type="checkbox"/> 551.076 - Security Personnel or Devices	<input type="checkbox"/> 551.086 - Test item (SB 595)
<input type="checkbox"/> 551.087 - Economic Development Negotiations (SB1851)	
<input type="checkbox"/> 418.183 - Homeland Security	

Said Executive Session has been conducted in order to deliberate on the following matters:

ITEM 2. The City Council will meet in closed session pursuant to Section 551.074 of the Texas Government Code 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.

- Procedures for handling and Mayor complaint

COUNCIL WILL RECONVENE INTO OPEN SESSION, AND TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION, IF NEEDED.

The following further action was taken in open session:

SUBCOMMITTEE OF MAYOR PRO-TEM LEVERENTZ & PLACE 3 WADE TO HEAR COMPLAINT.
CITY SECRETARY TO GATHER ALL INFORMATION PERTAINING TO THIS MATTER.

I, Tom Leverentz, Mayor Pro-Tem, hereby adjourn the Executive Session at 8:54 p.m. on the 24th day of October 2011. No Action was taken. Any action, as a result of this Executive Session, will be taken and recorded in open session.

I certify that this agenda is a true and accurate record of the proceedings.

Tom Leverentz, Mayor Pro-Tem

***Note:** this certified agenda must be kept a minimum of two years after the date of the Executive Session, and is confidential. A person who knowingly and without lawful authority makes this record public commits a Class B misdemeanor and may be held liable for actual damages, court costs, reasonable attorneys fees, and exemplary damages. Texas Government Code § 551.145.



City of OVILLA Planning & Zoning Commission Recommendation to Council

In accordance with Chapter 211 of the Local Government Code, having conducted the required Public Hearing on October 24, 2011 at 6:15 P.M., the Planning & Zoning considered the following:

Discussion/Action – Consider proposed Ordinance 2011-026 amending the Ovilla Code of Ordinances, Section 30.5 Construction Materials for Residential Accessory Buildings and prepare written recommendation to forward to Council.

A motion as written was made by RICHARD EDMISTON

"I MAKE A MOTION THAT THE PLANNING AND ZONING COMMISSION:

- RECOMMENDS / DENIES RECOMMENDATION -

TO COUNCIL AN AMENDMENT TO SECTION 30.5 RESIDENTIAL ACCESSORY BUILDINGS TO THE CODIFICATION ORDINANCE AS PRESENTED."

The motion was seconded by LOREEN SILVA

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

PL1, Chair Kenneth Rarick	<u>NAY</u>
PL2, Vice-Chair Michael Yordy	<u>ABSENT</u>
PL3, Commissioner Loreen Silva	<u>YES</u>
PL4, Commissioner Tom Rockwell	<u>YES</u>
PL5, Commissioner Richard Edmiston	<u>YES</u>
PL6, Commissioner Lynn Shortnacy	<u>ABSENT</u>
PL7, Commissioner Bill Zimmermann	<u>ABSENT</u>

<u>3</u>	FOR
<u>1</u>	AGAINST
<u>0</u>	ABSTAIN
<u>3</u>	ABSENT

Kenneth Rarick
Presiding Officer of P&Z

10.24.2011
Date

Tom Rockwell Higgins
City Secretary

S U S A N

C O M B S

TEXAS COMPTROLLER *of* PUBLIC ACCOUNTS

P.O. Box 13186 • AUSTIN, TX 78711-3186



November 1, 2011

RANDY WHITEMAN, CITY ADMIN.
CITY OF OVILLA
105 S. COCKRELL HILL RD
OVILLA, TX 75154

Account number: M8484

RE: State of Texas Cooperative Purchasing Program
Annual Membership Renewal

Dear MR. WHITEMAN:

Now is the time to keep the state of Texas' \$13 billion purchasing power working for you. Your entity's State of Texas Cooperative Purchasing Program (CO-OP) membership will expire on 11/30/2011.

Your CO-OP membership lets you enjoy the ability to save money on goods, save time by ordering through existing state contracts and order thousands of items online using the TxSmartBuy system. You also get the peace of mind knowing that the Texas Comptroller's office stands behind all contracts to ensure they offer the best value for the state of Texas.

To ensure uninterrupted access to all of the advantages of your CO-OP membership, including term contracts, TXMAS and travel contracts, please send your membership fee by 11/30/2011.

Everything you need to know to make the most of your CO-OP membership is on our website at www.window.state.tx.us/procurement/prog/coop and in our CO-OP manual, listed on the site under "Publications" on the left-hand column.

We're at your service: Please feel free to contact us at (512) 463-3368 if you ever have any questions or comments about this program.

Thank you for your participation.

Sincerely,
State of Texas CO-OP Team

S U S A N
C O M B S

TEXAS COMPTROLLER *of* PUBLIC ACCOUNTS

P.O. Box 13186 • AUSTIN, TX 78711-3186



November 1, 2011

RANDY WHITEMAN, CITY ADMIN.
CITY OF OVILLA
105 S. COCKRELL HILL RD
OVILLA, TX 75154

First Notice

State of Texas Cooperative Purchasing Program (CO-OP) Annual Membership Participation Fee

Account number: M8484

Authorized signers: RANDY WHITEMAN, CITY ADMIN.
SHARON JUNGMAN, CITY ACCT

Primary e-mail address: SJUNGMAN@CITYOFOVILLA.ORG
Secondary e-mail address:

NOTE: If your agent of record (contact person) has changed, please go to www.window.state.tx.us/procurement/prog/coop/coopform and complete the name change form.

DUE DATE: 11/30/2011

State of Texas CO-OP annual membership participation fee: \$100

Please make your check payable to: State Comptroller

Mailing address: Texas Comptroller of Public Accounts
P.O. Box 13186
Austin, TX 78711

Questions? Call (512) 463-3368, or e-mail coop@cpa.state.tx.us.

Amount enclosed: \$ _____

NOTE: Payment must be received by the due date to ensure uninterrupted access to CO-OP membership contracts.

Return this invoice with payment



AGENDA ITEM REPORT

Item(s): 1 (City Secretary use only)

Meeting Date: November 14, 2011

Department: Administrative

☐ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: Staff

Attachments:	
Letter	
Agenda Item / Topic:	
ITEM 1.	Discussion/Action – Consider approval of \$10,030 invoice credits on the Five-Year Water & Wastewater Impact Fee Review (2011 Impact Fee Analysis) for a mathematical calculation error discovered in the previous study.
Discussion / Justification:	
It was determined during the Impact Fee Study that our engineering firm made an error in the previous study. John Birkhoff is offering to forego \$10,030 of the unpaid invoice(s) from the Five-Year Water & Wastewater Impact study as a settlement of the prior error.	
Recommendation / Staff Comments:	
Staff recommends approval.	
Sample Motion(s):	
<i>"I MAKE A MOTION THAT COUNCIL APPROVES/DENIES BIRKHOFF, HENDRICKS & CARTER, L. L. P. FIRM'S OFFER TO FORFEIT \$10,030 OUTSTANDING INVOICES ON THE FIVE-YEAR WATER & WASTEWATER IMPACT FEE REVIEW."</i>	

BIRKHOFF, HENDRICKS & CARTER, L.L.P.
PROFESSIONAL ENGINEERS

11910 Greenville Ave., Suite 600

Dallas, Texas 75243

Fax (214) 461-8390

Phone (214) 361-7900

JOHN W. BIRKHOFF, P.E.
GARY C. HENDRICKS, P.E.
JOE R. CARTER, P.E.
PAUL A. CARLINE, P.E.
MATT HICKEY, P.E.
ANDREW MATA, JR., P.E.
JOSEPH T. GRAJEWSKI, III, P.E.

October 25, 2011

Mr. Randy Whiteman
City of Ovilla
105 S. Cockrell Hill
Ovilla, Texas 75154

Re: Impact Fee

Dear Mr. Whiteman:

During the 2011 Impact Fee Analysis, we determined that a mathematical error occurred in the calculation of the maximum fee for the previous fee, which was in place from March 2005 to March 2010. We apologize for that error. It appears that a clear record of fees collected within the CCN may be difficult to determine. In an effort to close this project for the City and for us, we proposed to forfeit the outstanding invoices on this project. That amount is \$10,030.00.

If you are in agreement, please have a copy of this letter executed by the City and return one copy to us for our files.

We appreciate the City's consideration of this resolution and look forward to future projects with the City. We hope that bringing this error to the City's attention will reinforce the integrity of our firm. Again we apologize for the error.

Sincerely

John W. Birkhoff, P.E.

Andrew Mata, Jr., P.E.

APPROVED FOR THE CITY OF OVILLA

By: _____

Date: _____

Texas American Public Works Association 2011 Awardee
Environmental Project of the Year \$2-\$10 Million – Columbian Pump Station Rehabilitation



AGENDA ITEM REPORT

Item(s): 2 (City Secretary use only)

Meeting Date: November 14, 2011

Department: Administrative

☐ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: Staff

Attachments:

Proposed Resolution 2011-022
Copy of official ballot
Copy of taxing unit voting entitlement

Agenda Item / Topic:

ITEM 2. Discussion/Action – Consider Resolution 2011-022 of the City of Ovilla casting its votes to elect a Director for the Ellis Appraisal District for the Years 2012-2013.

Discussion / Justification:

During the September 12 Council meeting, Resolution 2011-020 was approved for the nomination of one candidate, Mr. Phillip Lynch, for the Ellis Appraisal District Board of Directors for the years 2012-2013. The ballot entitles Ovilla to 35 votes for the nominee.

Recommendation / Staff Comments:

Staff recommends approval.

Sample Motion(s):

"I MAKE A MOTION THAT COUNCIL APPROVES/DENIES RESOLUTION 2011-022 CASTING ALL VOTES FOR MR. LYNCH AND SUBMITTING THE OFFICIAL BALLOT TO ELECT PHILLIP LYNCH AS A DIRECTOR FOR THE ELLIS APPRAISAL DISTRICT FOR THE YEARS 2012-2013."

TAXING UNIT: CITY OF OVILLA

RESOLUTION 2011-022

**A RESOLUTION OF THE CITY OF OVILLA, TEXAS, OF VOTES CAST
TO ELECT DIRECTORS FOR THE ELLIS APPRAISAL DISTRICT FOR
THE YEARS 2012-2013**

WHEREAS, Section 6.03 (k) of the Texas Property Tax Code, requires each taxing unit entitled to vote cast their vote by Resolution and submit results of that vote to the Chief Appraiser of the Ellis Appraisal District before December 15, 2011.

THEREFORE, the Ovilla City Council submits the attached Official Ballot, as issued by the Chief Appraiser, stating the vote for candidate(s) for the election of the Board of Directors for the Ellis Appraisal District for 2012-2013.

ACTION TAKEN this **14** day of **November, 2011** in Regular Open Session of the governing body of the above mentioned taxing unit; as authorized under Section 6.03 of the Texas Property Tax Code, for the purpose of casting votes to elect the Board of Directors of the Ellis Appraisal District.

All 35 votes cast for Phillip Lynch

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

OFFICIAL BALLOT
TO ELECT
BOARD OF DIRECTORS
FOR THE
ELLIS APPRAISAL DISTRICT
FOR 2012-2013

Issued to: **CITY OF OVILLA**

Number of Votes: **35**

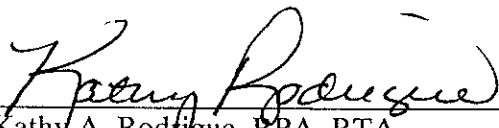
Directions: Please enter the number of votes cast on the blank space opposite the name of the candidate. You may cast all of your votes for one candidate or divide your votes among any number of the candidates.

NAME OF CANDIDATES
(listed alphabetically)

1. TOMMY HAMILTON _____
2. JOHNNY JOHNSON _____
3. PHILLIP LYNCH _____
4. KEN MARKS _____
5. JOE PITTS _____
6. DON WALKER _____
7. JACK WALKER _____

LINDA ALVAREZ (Nominated, but not interested in serving another term.)

Issued under my hand this 20th day of October, 2011.


Kathy A. Rodrique, RPA, RTA
Chief Appraiser
Ellis Appraisal District

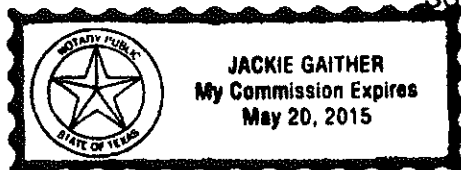
**ELLIS APPRAISAL DISTRICT
2012-2013 BOARD OF DIRECTORS
TAXING UNIT VOTING ENTITLEMENT**

TAXING UNITS	2010 CERT FRZ ADJ TAXABLE VALUES (as of 07/19/08)	2010 TAX RATE	TAX LEVY ON ACCTS WITH CEILING	2010 TOTAL LEVY	% OF TOTAL LEVY	2012 VOTES	2010 VOTES
ELLIS COUNTY & FM ROAD	9,377,013,606	.360091	2,985,587	36,751,369			
AVALON ISD	9,303,285,851	.033508	286,348	3,403,693	17.91%	896	904
ENNIS ISD	30,980,308	1.236550	30,758	413,845	0.18%	9	9
FERRIS ISD	1,617,238,475	1.540000	973,557	25,879,030	11.55%	577	569
FROST ISD	279,344,921	1.317850	257,745	3,939,093	1.76%	88	88
ITALY ISD	1,573,895	1.255000	362	20,114	0.01%	0	0
MIDLOTHIAN ISD	91,013,288	1.241000	89,999	1,219,474	0.54%	27	28
MILFORD ISD	2,884,714,622	1.397500	1,916,300	42,230,187	18.84%	942	1,022
PALMER ISD	47,200,830	1.171700	27,739	580,791	0.26%	13	9
RED OAK ISD	197,200,886	1.267610	234,050	2,733,788	1.22%	61	63
WAXAHACHIE ISD	1,062,239,750	1.540000	1,562,823	17,921,315	8.00%	400	406
MAYPEARL ISD	2,578,071,853	1.428900	2,296,887	39,134,956	17.46%	873	831
BARDWELL CITY	241,541,220	1.359000	238,746	3,521,292	1.57%	79	64
CEDAR HILL CITY	10,504,657	.210900		22,154	0.01%	0	0
ENNIS CITY	100,605,616	.670000		674,058	0.30%	15	16
FERRIS CITY	1,307,574,814	.695000		9,087,645	4.05%	203	197
GARRETT CITY	93,857,811	.687134		644,929	0.29%	14	14
GLENN HEIGHTS CITY	11,994,959	.395259		47,411	0.02%	1	1
GRAND PRAIRIE CITY	121,750,186	.795000		967,914	0.43%	22	20
ITALY CITY	12,623,726	.669998	383	84,962	0.04%	2	1
MANSFIELD CITY	52,515,925	.943573	49,975	545,501	0.24%	12	12
MAYPEARL CITY	16,214,722	.710000	2,994	118,118	0.05%	3	1
MIDLOTHIAN CITY	27,405,459	.688756	20,015	208,772	0.09%	5	5
MILFORD CITY	2,028,299,309	.650000		13,183,946	5.88%	294	304
OAK LEAF CITY	12,113,332	.409146	17,692	67,253	0.03%	1	2
OVILLA CITY	95,977,060	.350785		336,673	0.15%	8	8
PALMER CITY	196,695,426	.674600	252,673	1,579,580	0.70%	35	37
PECAN HILL CITY	59,327,048	.629200		373,286	0.17%	8	9
RED OAK CITY	30,779,362	.311275		95,808	0.04%	2	2
VENUS CITY	527,239,698	.649000	277,073	3,698,858	1.65%	83	81
WAXAHACHIE CITY	12,578,559	.841506		105,849	0.05%	2	2
TOTAL	2,016,950,486	.680000	849,094	14,564,357	6.50%	325	294
				224,156,021	100.00%	5,000	5,000

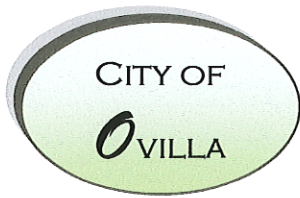
I, KATHY A. RODRIGUE, DO HEREBY CERTIFY THAT THE ABOVE VOTING ENTITLEMENTS ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Kathy Rodriguez

SUBSCRIBED AND SWORN BEFORE ME THIS 19th DAY OF August, 2011.



Jackie Gaither
NOTARY



Ovilla City Council

AGENDA ITEM REPORT

Item(s): 3 (City Secretary use only)

Meeting Date: November 14, 2011

Department: Administrative

☐ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: Staff

Attachments:

Proposed Resolution Ballot 2011-023
Copy of memorandum
Mr. Hurtt background sheet

Agenda Item / Topic:

ITEM 3. **Discussion/Action** – Consider Resolution 2011-023 of the City of Ovilla casting its vote for the fourth member of the Board of Directors of the Dallas Central Appraisal District for the Years 2012-2013.

Discussion / Justification:

As a participating taxing entity in Dallas County, Ovilla should cast its vote for Mr. Michael Hurtt to serve on the Dallas Central Appraisal District board of Directors.

Recommendation / Staff Comments:

Staff recommends approval.

Sample Motion(s):

"I MAKE A MOTION THAT COUNCIL APPROVES/DENIES RESOLUTION 2011-023 CASTING ITS VOTE AND SUBMITTING THE OFFICIAL BALLOT TO ELECT MR. MICHAEL HURTT AS A FOURTH MEMBER TO THE BOARD OF DIRECTORS ON THE DALLAS CENTRAL APPRAISAL DISTRICT FOR THE YEARS 2012-2013."

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF _____, DALLAS COUNTY, TEXAS, CASTING ITS VOTE FOR THE FOURTH MEMBER OF THE BOARD OF DIRECTORS OF THE DALLAS CENTRAL APPRAISAL DISTRICT.

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

1. The City of Dallas shall appoint one (1) member to the Board.
2. The Dallas Independent School District shall appoint one (1) member to the Board.
3. The Dallas County Commissioners Court shall appoint one (1) member to the Board. The member appointed by the Dallas County Commissioners Court shall not be a resident of either the City of Dallas or the Dallas Independent School District.
4. Each of the incorporated cities and towns, except for the City of Dallas, shall have the right to nominate by an official resolution one (1) candidate as the fourth member of the Board of Directors. The said cities and towns shall, from the nominations received, elect by a majority vote, with each city and town being entitled to one (1) vote, the fourth member of the Board of Directors.
5. Each of the independent school districts, except for the Dallas Independent School District, shall have the right to nominate by an official resolution one (1) candidate as the fifth member of the Board of Directors. The said independent school districts shall, from the nominations received, elect by a majority vote, with each independent school district being entitled to one (1) vote, the fifth member of the Board of Directors.

The votes required for election to the Board of Directors in 4 and 5 hereof shall be by a majority of those authorized to vote in 4 and 5 respectively and not by a majority of the quorum, and

WHEREAS, the City of _____ does hereby cast its vote by marking the ballot below:
(Check one only)

☐ **Michael Hurtt**

☐ **Paul Norman**

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of _____ does hereby confirm its one (1) vote for the election of _____ as the suburban cities' representative to the Board of Directors of the Dallas Central Appraisal District.

PASSED AND APPROVED, this the _____ day of _____, 2011

MAYOR

ATTEST:

CITY SECRETARY

SEAL:



Date: October 24, 2011

To: Bill Vansyckle, Mayor, City of Ovilla

From: W. Kenneth Nolan, Executive Director/Chief Appraiser

Re: Election of Suburban Cities' Representative to Dallas Central Appraisal District Board of Directors

In accordance with state law, the nomination process for persons to serve on the Dallas Central Appraisal District Board of Directors has been completed. By state law, your agency is required to vote by official ballot resolution, which is enclosed. **You must do so no later than December 15, 2011. If your entity chooses to abstain from voting, please notify me.**

The nominee is as follows. Also included are the names of the nominating cities.

Nominee	Entity(s) Nominating
Mr. Michael Hurtt	DeSoto, Sachse, Seagoville, Farmers Branch, Richardson
Mr. Paul Norman	Combine

Please act on this election process by official ballot resolution and return the ballot resolution to my office in the enclosed envelope by December 19, 2011. **The 1979 resolution adopted by the taxing units participating in Dallas Central Appraisal District, which governs board elections, requires that a candidate receive a majority of the votes in order to be elected to the Board of Directors. Therefore it is imperative that your taxing unit cast its vote before the December 15, 2011 deadline.**

We appreciate your interest in this very important process and look forward to receiving your vote.

WKN/kld

Enclosure (Official Ballot Resolution/Return Envelope)

cc: Randy Whiteman, City Admin.
Pam Higgins, City Secretary

Michael Hurtt

Michael Hurtt came to Dallas from Casper, Wyoming in 1971. Graduated from Mortuary Science College, and has been in this area ever since. He was elected to the DeSoto City Council in May of 1998, and served as Mayor Pro Tem those three years. He was elected Mayor in 2001, and again in 2004. He was the seated Mayor when DeSoto was recognized for the ALL AMERICA CITY Award in 2006. He has served as council liaison to the DeSoto Economic Development Corporation, the Arts Commission, and Keep DeSoto Beautiful, a commission he founded in DeSoto. He also served on the North Texas Commission Board of Directors. Recently the 31 suburban cities elected him to the Dallas County Appraisal District Board of Directors for a second two year term. He also serves as Vice-Chairman of the DeSoto Economic Development Corporation. Mr. Hurtt was recently appointed to the Advisory Board for Methodist Charlton Hospital for a three year term.

Mr. Hurtt was a member of the executive board of directors of the Dallas Zoological Society. He also served on Tex-21, the U.S. Conference of Mayors, and the National League of Cities. He was vice president of the Medical Center of Lancaster Hospital Board of Directors, and served on the board of Compass Hospital. In the past, Mr. Hurtt has served on the DeSoto Park Board, Strategy 2000, and the Charter Review Committee. He was also the chairman of the DeSoto Chamber of Commerce and the Best Southwest Chamber Partnership, past president of the DeSoto Rotary Club and the North Texas Funeral Directors Association.

Mr. Hurtt and his wife Marilyn have lived in DeSoto since 1988 and have two grandchildren. He is the owner of West/Hurtt Funeral Home in DeSoto since 1988.



AGENDA ITEM REPORT

Item(s): 4 (City Secretary use only)

Meeting Date: November 14, 2011

Department: Utility Billing

☐ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: Staff

Attachments:	
Proposed Billing Agreement	
Agenda Item / Topic:	
ITEM 4.	Discussion/Action – Consider approval of a proposed Inter-Local Cooperation Billing Agreement with Sardis-Lone Elm Water Supply.
Discussion / Justification:	
Council approved during the budget to allow us to contract with Sardis to bill the Ovilla Parc Subdivision. At the last council meeting the Council approved a contract for Ovilla Parc. Now Sardis's board has decided they are only interested in billing if we include all Sardis water accts. There are 36 in Ovilla Parc and another 24 in Highland Meadows.	
Recommendation / Staff Comments:	
Staff recommends approval.	
Sample Motion(s):	
<i>"I MAKE A MOTION THAT COUNCIL APPROVES/DENIES THE INTERLOCAL COOPERATION BILLING AGREEMENT WITH SARDIS-LONE ELM WATER SUPPLY AS PRESENTED."</i>	

SARDIS-LONE ELM WATER SUPPLY CORPORATION AND THE CITY OF OVILLA, TEXAS BILLING AGREEMENT

AGREEMENT

Sardis-Lone Elm Water Supply Corporation ("Sardis") and the City of Ovilla, Texas ("Ovilla"), for the consideration and purposes herein expressed enter into the following agreement regarding sewer collection, solid waste collection and collection of an infrastructure improvement fee assessed by Ovilla ("Agreement"):

WHEREAS, Ovilla is a Type A General Law city located in both Dallas and Ellis County, Texas;

WHEREAS, Sardis is a nonprofit water supply corporation organized pursuant to Tex. Rev. Civ. Stat. Art. 1434a;

WHEREAS, Sardis provides retail water utility service in Ellis County, pursuant to Texas Commission on Environmental Quality Certificate of Convenience and Necessity No. 10058;

WHEREAS, Ovilla provides sanitary sewer service and solid waste service for its residents, some of whom are provided water utility service by Sardis;

WHEREAS, Ovilla assesses a monthly infrastructure improvement fee to all sanitary sewer customers, some of whom are provided water utility service by Sardis;

WHEREAS, Ovilla desires to enter into an agreement with Sardis to facilitate the billing and collection of charges due from Ovilla residents for sanitary sewer and solid waste services, as well as, the collection of Ovilla's monthly infrastructure improvement fee;

NOW, THEREFORE, Ovilla and Sardis agree as follows:

1. Agency of Sardis-Lone Elm Water Supply Corporation. This agreement applies to all existing and future Sardis customers who receive sewer service from Ovilla in the Ovilla Parc subdivision. Subject to terms of this Agreement, Sardis agrees to serve as the agent for Ovilla for the purposes of billing and collecting sanitary sewer, solid waste, and infrastructure improvement fees assessed by the City of Ovilla from customers of Sardis who are recipients of sanitary sewer and solid waste services from Ovilla. During the term of this Agreement, Ovilla will be solely responsible for providing to Sardis, and at all times maintaining, a current list of its customers to be billed by Sardis pursuant to the terms of the Agreement, which list shall contain the following information for each customer: (a) the customer's name and address; (b) the type of service to be billed by Sardis on Ovilla's behalf; and (c) the rate for which each customer is to be billed. Ovilla will notify their customers who will be billed by Sardis prior to the first bill being received. This notification will include the starting month of the billing service and the consequences for nonpayment.

2. Payment Based on Sewer Rate Ordinance for Sewer Collection. Sardis agrees to include the fees due to Ovilla in the monthly bills to its customers, in the amounts indicated by Ovilla. Each fee for sanitary sewer service, solid waste service and infrastructure improvement fees will be stated separately on such bills. Ovilla agrees to coordinate with Sardis so that the payment for the services billed by Sardis on Ovilla's behalf shall be due the same time and under the same terms as the payment by Sardis for water utility services. Upon receipt of payment due Ovilla for services, Sardis will deposit such sums in an account in Sardis' depository bank, commingled with payments made for Sardis water utility services. The funds, less unpaid fees charged by Sardis for services as set forth in this Agreement, shall be forwarded to Ovilla no less frequently than once a month. The funds shall be sent to the city in the amounts due as reflected on the monthly bills to the customers, less Sardis' unpaid fees as set forth in this Agreement. At the time such funds are forwarded to Ovilla, Sardis will also forward an accounting of the customers from whom payment is received, the period and type of services for which payment is made, and the fees retained by Sardis from payments made pursuant to this Agreement.

3. Priority of Payment. When payment by a customer is made Sardis shall apply the funds paid first to any indebtedness of the customer to Sardis, and then to the payment of any indebtedness to Ovilla.

4. Delinquency/Disconnection. Sardis agrees to use its best efforts, in the exercise of the discretion granted under this Agreement, to collect amounts due to Ovilla from customers for sanitary sewer service, solid waste and infrastructure improvement fees. If at any time any customer fails to pay any amounts collectible by Sardis pursuant to the terms of this Agreement, Sardis shall, within a period of fourteen (14) to thirty (30) days following a delinquent bill's due date, disconnect water utility services to the delinquent customer and maintain disconnection until all past due balances of the account is fully paid. Sardis shall notify Ovilla of all customer accounts that are delinquent and have been disconnected.

5. Reconnection. In the event water service is disconnected for nonpayment of sanitary sewer service, solid waste service or infrastructure improvement fee charges, except as otherwise required by law or as agreed to by Ovilla, Sardis agrees not to provide water services to that customer until Sardis' receipt of payment of all delinquent collection charges, plus any applicable charges which are then collectable in accordance with Ovilla's ordinances or other applicable law.

6. Affect on Provision of Water. This Agreement shall not affect or in any way impair Sardis' Rights and obligations with respect to its customers or the provision of water utility services except as specifically and expressly set forth in this Agreement and as allowed by law.

7. Fees. For each account collected by Sardis, Ovilla agrees to pay Sardis the sum of \$5.00 as an initial set-up fee for establishing Sardis billing and collection procedures. This set-up fee is to be paid when Ovilla notifies Sardis that a new account is to be collected by Sardis. In addition, Ovilla agrees to pay Sardis monthly, according to the provisions in paragraph 2 above, a service charge of 4% of the entire monthly amount collected by Sardis. The monthly fee will be paid until the end of the month in which Ovilla removes the account from the customer list provided to Sardis pursuant paragraph 1 of this Agreement. If Ovilla subsequently requests Sardis to reinstate an account which has been removed from the customer list, a reinstatement fee of \$5.00 per account will be paid to Sardis by Ovilla.

8. Purpose of Agreement/Indemnity. This Agreement is made for the purpose of facilitating the billing and collation of fees for sanitary sewer services, solid waste, and infrastructure improvement fees provided by Ovilla. No partnership or joint venture is intended to be created hereby. Sardis' sole responsibility is that of Ovilla's agent for billing and collection purposes and Sardis shall have no responsibility for, and Ovilla shall indemnify, defend and hold Sardis harmless for any damage, claims, demands, or causes of action by third parties arising from: (1) the construction, operation, maintenance, repair or existence of the sewer collection system; (2) the provision of sewer collection service; (3) any act or omission relating to such services, or (4) any act or omission of Sardis or Ovilla, their agents, employees, or representatives in the performance or nonperformance of their obligations under this Agreement, which does not amount to gross negligence or willful misconduct. This indemnity shall also extend to, but shall not be limited to, and cost, expense or fee, including attorney's fees, costs or court or expert fees, incurred by Sardis relating to or arising from any such damages, claims, demands or cause of action.

9. Right to Terminate. This Agreement may be terminated by any party at any time by giving a written notice to the other party sixty (60) days advance notice of its intent to terminate this Agreement.

10. Automatic Termination. If any provision of this Agreement is determined by any regulatory or judicial body to be invalid, in violation of any law, or to be contrary to the rules, regulations, or orders of such body, or if any party to this Agreement is ordered or required by such body not to comply with any provision of this Agreement, the Agreement automatically and without notice terminates without penalty at the time such order becomes final and no longer appealable.

11. Termination Upon Default. Any party may terminate this Agreement following a default by the other party in the performance of this Agreement and the failure to correct said default within (30) days after written notice of default has been provided by the nondefaulting party.

12. Attorney's Fees. The prevailing party in any legal proceeding against any other party to this Agreement brought under or which relates to the Agreement or a breach thereof shall, in addition to recover its costs and reasonable attorney's fees.

13. Notices. Any notice or communication required or permitted to be given hereunder shall be Sufficiently given when received by any other party and must be: (1) delivered by hand delivery; or (2) mailed by certified mail, postage prepaid, return receipt requested, to the address indicated on the signature page of this Agreement or at such other addresses as may hereafter be furnished in writing by any party to all other parties, and such notice shall be deemed to have been given as of the date so delivered or mailed.

14. No Third Party Beneficiaries. This Agreement is not executed for the benefit of any third party and its terms shall not be enforceable by or in favor of any person or entity other than the express parties to this Agreement.

15. Miscellaneous Provisions. This Agreement contains all of the understandings and agreements between the parties with respect to the subject matter hereof, and the terms and conditions of this Agreement may be changed only by written amendments agreed by both parties. This Agreement replaces and supersedes all prior agreements of the parties with respect to the subject matter hereof. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their successors and assigns, provided that, except as otherwise provided in this Agreement, no party may assign its interest in this Agreement without prior written consent of all the other parties. A waiver by any party of a breach of this Agreement shall not be construed as a waiver of any subsequent breach of this Agreement. The section and subsection headings in this Agreement are for convenience. This Agreement shall be governed by and construed in accordance with the laws of the State of Texas.

16. Binding Arbitration. It is agreed that all questions as to rights and obligations arising under the terms of this Agreement are subject to binding arbitration, as governed by the provisions of the Teas General Arbitration Act, TEX. REV. CIV. STAT. ANN. ART. 224 et. seq. as amended. This paragraph is to be broadly construed.

17. Interest Rate. Any amount due and unpaid more than thirty (30) days shall accrue an interest at an interest rate equal to the U.S. Bank Prime Loan Rate plus five (5) percent points.

EXECUTED on the ____ day of _____, 20____.

THE CITY OF OVILLA

**SARDIS-LONE ELM WATER SUPPLY
CORPORATION**

By: _____

By: _____

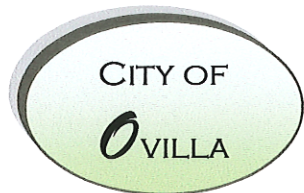
Name: _____

Name: _____

Title: _____

Title: _____

City Secretary: _____



AGENDA ITEM REPORT

Item(s): **TABLED ITEM** (City Secretary use only)

Meeting Date: November 14, 2011

Department: Administrative

☐ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: Staff & Recommended by the P&Z Commission

Attachments:

Proposed Ordinance 2011-026

P & Z Recommendation

Photos and information regarding this type of construction material

Agenda Item / Topic:

TABLED ITEM:

Discussion/Action – Receive written recommendation from the Planning & Zoning Commission and consider proposed Ordinance 2011-026 amending the Ovilla Code of Ordinances, Section 30.5 Construction Materials for Residential Accessory Buildings.

Discussion / Justification:

Council was addressed by a resident during the Citizens Forum at a recent meeting with a request to revise the section of our codification relating to accessory building materials. Council directed staff to have the Planning & Zoning Commission review the requested revisions and have staff prepare an ordinance. P & Z met a few times and conducted a public hearing prior to the Council meeting. The ordinance depicts the revisions. Council conducted a public hearing on October 24, 2011 and tabled this item based on the information presented.

Council directed staff to return with additional information. Miscellaneous photo samples are included to offer Council a visual idea.

Recommendation / Staff Comments:

Recommendation sheet from the Planning & Zoning Commission.

Sample Motion(s):

"I MAKE A MOTION THAT COUNCIL APPROVES/DENIES THE PASSAGE AND ADOPTION OF ORDINANCE 2011-026 AMENDING THE OVILLA CODE OF ORDINANCES, SECTION 30.5, CONSTRUCTION MATERIALS FOR RESIDENTIAL ACCESSORY BUILDINGS AS PRESENTED."

**City of Ovilla
ORDINANCE 2011-026**

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF OVILLA, TEXAS, BY AMENDING CHAPTER 14, ZONING ORDINANCE, ARTICLE 4, SECTION 30.5 CONSTRUCTION MATERIAL; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City of Ovilla, Texas, previously adopted its comprehensive zoning ordinance; and

WHEREAS, the City Council deems it necessary to amend the regulations for nonconforming uses of buildings; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission of the City on the 24TH day of OCTOBER, 2011, and a public hearing was held by the City Council on the 24TH day of OCTOBER, 2011, with respect to the proposed changes in the zoning regulations; and

WHEREAS, all state law requirements for publication and procedure have been complied with by the City, in accordance with Chapter 211 of the Local Government Code.

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

SECTION 1

ACCESSORY AND RESIDENTIAL ACCESSORY BUILDINGS

CHAPTER 14 ZONING ORDINANCE, Section 30, "Accessory and Residential Accessory Buildings," of the City of Ovilla Zoning Ordinance is hereby amended by adding a material to Section 30.5 Construction Material which shall read as follows:

30.5 Construction Material

- A.** Residential Accessory. Except as provided by Subsection B, a residential accessory building must be constructed out of brick, stone, face brick veneer, hardiplank, wood, or UV Protected, Double-Walled, High Density Polyethylene Plastic with Steel Reinforced Construction and Steel trusses."

City of Ovilla
ORDINANCE 2011-026

SECTION 2.

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

SECTION 3.

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

SECTION 4.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety, or public health and sanitation, including dumping or refuse, and shall be fined Five Hundred Dollars (\$500.00) for all other violations of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 5.

All rights and remedies of the City of Ovilla are expressly saved as to any and all violations of the provisions of the zoning ordinance of the City of Ovilla, Texas, as amended, which have accrued 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 courts.

SECTION 6.

The city secretary of the City of Ovilla is hereby directed to publish the caption, penalty clause, publication clause and effective date clause of this ordinance one time in the official newspaper of the City, as authorized by Section 52.011 of the Local Government Code.

**City of Ovilla
ORDINANCE 2011-026**

SECTION 7.

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

***PASSED AND APPROVED ON THIS _____ DAY OF _____,
2011.***

MAYOR

ATTEST:

CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY

High Impact Double Walled Polyethylene Lifetime Shed Products

The Lifetime Outdoor Storage Shed is revolutionizing an entire market. Lifetime the storage shed manufacturer, claims that the quality of their Outdoor Storage Shed is the best in the world! Their polyethylene high density plastic storage shed kits are made in the USA, and Lifetime Shed products include a 10-year warranty that covers everything on the shed...top to bottom! Shed materials feature double wall, sturdy, steel reinforced construction and roof trusses made of steel. Structurally sound products will not dent and buckle during storms and day to day abuses, but maintain beauty.

These outdoor sheds combine quality materials with innovative design that maximizes storage potential, provides superior value, beautiful appearance and withstands nature's day-to-day abuse. See Accessories for Lifetime Sheds. If you need large or custom Lifetime Storage Buildings, we can put together a shed for you as large as 11 x 36 feet and smaller sizes in increments of 30 inches. Call us if you need assistance with custom size sheds. View our Customer Feedback on these products.

Planning And Zoning Committee Meeting

Accessory Building Ordinance August 2011

30.5 CONSTRUCTION MATERIAL

- A. Residential Accessory. Except as provided by subsection B, a residential Accessory building must be constructed out of brick, stone, face brick veneer, hardiplank, or wood.
- B. Greenhouse. Glass or clear plastic may be used for the construction of a greenhouse.
- C. Metal. An Accessory building may be constructed of commercial grade metal 'r' or 'u' panels (minimum 26 gauge) if the lot size on which the Accessory building is constructed is two (2) acres or greater.

Committee Consideration - High Density Polyethylene (HDPE) combined with steel structure.

This combination is recommended by local retailers Loews and Home Depot among other retailers nationally.

Waxahachie, Cedar Hill, Lancaster and Desoto also allow for this type of material.



City of OVILLA Planning & Zoning Commission Recommendation to Council

In accordance with Chapter 211 of the Local Government Code, having conducted the required Public Hearing on October 24, 2011 at 6:15 P.M., the Planning & Zoning considered the following:

Discussion/Action – Consider proposed Ordinance 2011-026 amending the Ovilla Code of Ordinances, Section 30.5 Construction Materials for Residential Accessory Buildings and prepare written recommendation to forward to Council.

A motion as written was made by RICHARD EDMISTON

“I MAKE A MOTION THAT THE PLANNING AND ZONING COMMISSION:

- RECOMMENDS / DENIES RECOMMENDATION -

TO COUNCIL AN AMENDMENT TO SECTION 30.5 RESIDENTIAL ACCESSORY BUILDINGS TO THE CODIFICATION ORDINANCE AS PRESENTED.”

The motion was seconded by LOREEN SILVA

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

PL1, Chair Kenneth Rarick	<u>NAY</u>
PL2, Vice-Chair Michael Yordy	<u>ABSENT</u>
PL3, Commissioner Loreen Silva	<u>YES</u>
PL4, Commissioner Tom Rockwell	<u>YES</u>
PL5, Commissioner Richard Edmiston	<u>YES</u>
PL6, Commissioner Lynn Shortnacy	<u>ABSENT</u>
PL7, Commissioner Bill Zimmermann	<u>ABSENT</u>

<u>3</u>	FOR
<u>1</u>	AGAINST
<u>0</u>	ABSTAIN
<u>3</u>	ABSENT

Kenneth Rarick
Presiding Officer of P&Z

10.24.2011
Date

Paul W. Higgins
City Secretary

Reverso en
Español



STORAGE SOLUTIONS



Let's Build Something Together™

OUTDOOR STORAGE SHEDS

DIMENSIONS	MODEL	IN-STOCK ITEM	SPECIAL ORDER ITEM	EXTERIOR WIDTH	EXTERIOR DEPTH	EXTERIOR HEIGHT	ROOF PITCH	DOOR OPENING DIMENSIONS	SQUARE FEET	CUBIC FEET
8 X 12.5	6402	199309	135365	96 in.	150 in.	96 in.	6:12	56 in. W x 76 in. H	90.0 sq. ft.	620.6 cu. ft.
8 X 10 WITH TOOL CORRAL	60004	286351	293523	96 in.	120 in.	96 in.	6:12	56 in. W x 76 in. H	71.3 sq. ft.	491.3 cu. ft.
8 X 7.5	6411	-	236537	96 in.	90 in.	96 in.	6:12	56 in. W x 76 in. H	52.5 sq. ft.	362.0 cu. ft.
8 X 5	6418	132550	134393	96 in.	60 in.	96 in.	6:12	56 in. W x 76 in. H	33.8 sq. ft.	232.7 cu. ft.
8 X 5 WITH ADDED FEATURES	6406	-	245291	96 in.	60 in.	96 in.	6:12	56 in. W x 76 in. H	33.8 sq. ft.	232.7 cu. ft.
8 X 2.5	6413	-	245297	96 in.	30 in.	96 in.	6:12	56 in. W x 76 in. H	15 sq. ft.	103.44 cu. ft.
8 X 10 SHED DUAL-ENTRY	6404	-	163897	96 in.	120 in.	96 in.	6:12	56 in. W x 76 in. H	71.3 sq. ft.	491.3 cu. ft.
10 X 8 MULTI-USE GARDEN SHED	60005	-	147118	120 in.	96 in.	96 in.	6:12	56 in. W x 76 in. H	71.3 sq. ft.	491.3 cu. ft.
10 X 8 MULTI-USE GARDEN SHED DUAL ENTRY	60001	-	149404	120 in.	96 in.	96 in.	6:12	56 in. W x 76 in. H	71.3 sq. ft.	491.3 cu. ft.
15 X 8 MULTI-USE GARDEN SHED	6446	-	149795	180 in.	96 in.	96 in.	6:12	56 in. W x 76 in. H	108.75 sq. ft.	749.5 cu. ft.

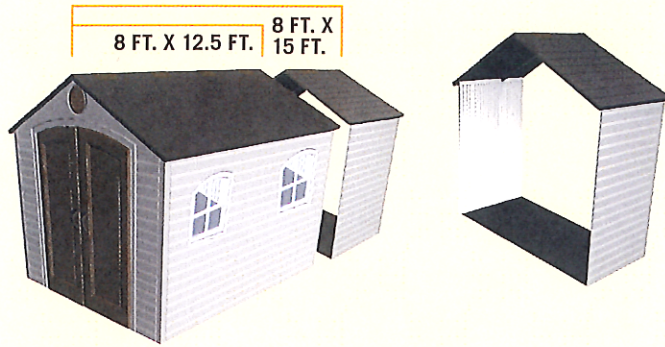
SITE SELECTION

Be sure to select a site that will accommodate the actual dimensions of your shed at its widest and longest points. We recommend using a level cement, wood, asphalt, gravel or patio style surface. This will provide the best long-term performance for your shed. Consider possible shed expansion when planning the site for your shed.

FEATURES	POLYCARBONATE WINDOW(S) (OPEN AND LOCK)	SKYLIGHTS	SHELVES	MDF PEG BOARD (22.5 IN. SQUARE PEG) PEG STRIP (16 IN. WIDE)	LIGHT (BATTERY-POWERED TOUCH WITH AUTO SHUT-OFF)
8 X 12.5	Two 17 in. W x 17 in. H	Five small	• Two corner 9.5 in. radius • One 90 in. W x 9 in. D • Two 30 in. W x 10 in. D	None	None
8 X 10 WITH TOOL CORRAL	Two 17 in. W x 17 in. H	• Four small • Two large	• Two corner 9.5 in. radius • One 90 in. W x 9 in. D	One peg strip & tool hooks	None
8 X 7.5	One 17 in. W x 17 in. H	Three small	• Two corner 9.5 in. radius • One 90 in. W x 9 in. D • Two 30 in. W x 10 in. D	One peg board & tool hooks	One
8 X 5	None	Two small	No Shelves	None	None
8 X 5 WITH ADDED FEATURES	One 17 in. W x 17 in. H	Two small	• Two corner 9.5 in. radius • One 90 in. W x 9 in. D • Two 30 in. W x 10 in. D	One peg board & tool hooks	None
8 X 2.5	None	One small	• Two corner 9.5 in. radius • One 90 in. W x 9 in. D • Two 30 in. W x 10 in. D	Two peg strips & tool hooks	One
8 X 10 SHED DUAL-ENTRY	Two 17 in. W x 17 in. H	Four small	• Four corner 9.5 in. radius • Three 30 in. W x 10 in. D	Two peg strips & tool hooks	None
10 X 8 MULTI-USE GARDEN SHED	• One 17 in. W x 17 in. H • Two 12 in. W x 30.5 in. H (do not open)	• Four small • Two large	• Two corner 9.5 in. radius • Two 90 in. W x 9 in. D	One peg strip & tool hooks	None
10 X 8 MULTI-USE GARDEN SHED DUAL ENTRY	• One 17 in. W x 17 in. H • Two 12 in. W x 30.5 in. H (do not open)	• Four small • Two large	• Four corner 9.5 in. radius • One 90 in. W x 9 in. D	Two peg strips & tool hooks	None
15 X 8 MULTI-USE GARDEN SHED	Two 17 in. W x 17 in. H (shutters included)	Six small	• Two 90 in. W x 9 in. D • Four corner 9.5 in. radius	Two peg strips & tool hooks	None

* In-stock items may not be available at all locations. Special Order items can be delivered to store or direct to your site.

OUTDOOR STORAGE SHED EXTENSION KITS



Expand your outdoor storage shed with a full 30 in. section. Kit includes wall panels, roof panels, floor panel and all necessary hardware. Made in the USA and backed by the same 10-year warranty as our full-sized outdoor storage shed.

There are 3 extension kits available for storage sheds:

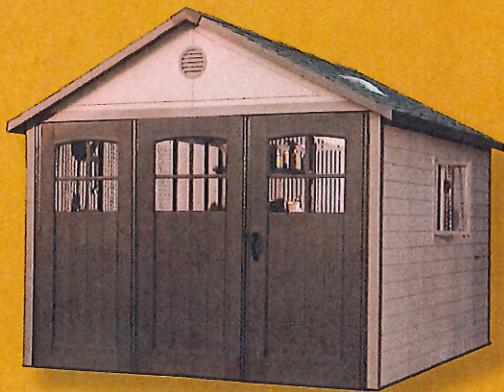
1. 30 in. extension kit, no windows (Special Order #245301)
2. 30 in. extension kit, one window (Special Order #245302)
3. 30 in. extension kit, two skylights (Special Order #153570)

Storage sheds are expandable up to 15 ft. in depth.

OUTDOOR STORAGE BUILDINGS



11 FT. X 13.5 FT. BUILDING
MODEL # 6415



11 FT. X 11 FT. BUILDING
MODEL # 6417

① STURDY STEEL-REINFORCED CONSTRUCTION

② DOUBLE-WALL HIGH DENSITY POLYETHYLENE

③ ATTRACTIVE APPEARANCE AND DESIGN

④ FLOOR INCLUDED

⑤ LOW MAINTENANCE

⑥ HIGH-PITCHED ROOF

⑦ STEEL REINFORCED DOORS

⑧ SPECIAL FEATURES:

- Integrated anchoring brackets included
- Shatter proof windows wing open, latch and lock
- High-impact skylights allow natural light to illuminate interior
- Screened vents provide airflow and help keep pests out
- Customizable steel-reinforced shelving system
- Peg strips with metal tool hooks

OUTDOOR STORAGE BUILDINGS

DIMENSIONS	MODEL	IN-STOCK ITEM	SPECIAL ORDER ITEM	EXTERIOR WIDTH	EXTERIOR DEPTH	EXTERIOR HEIGHT	ROOF PITCH	DOOR OPENING DIMENSIONS	SQUARE FEET	CUBIC FEET
11 X 13.5	6415	132532	245374	132.75 in.	162.75 in.	112 in.	6:12	57.5 in W x 77.3 in H	125.5 sq. ft.	983.2 cu. ft.
11 X 11 WITH 9 FT. DOORS	6417	-	121060	132.75 in.	132.75 in.	112 in.	6:12	108 in. W x 80 in. H	100.4 sq. ft.	786.6 cu. ft.
11 X 11	6433	-	115797	132.75 in.	132.75 in.	112 in.	6:12	57.5 in W x 77.3 in H	100.4 sq. ft.	786.6 cu. ft.
11 X 8.5	60010	-	123578	132.75 in.	100.75 in.	112 in.	6:12	57.5 in. W x 77.3 in. H	85 sq. ft.	616.25 cu. ft.
11 X 3.5	6414	-	106467	132.75 in.	42.75 in.	112 in.	6:12	57.5 in W x 77.3 in H	25.1 sq. ft.	196.6 cu. ft.

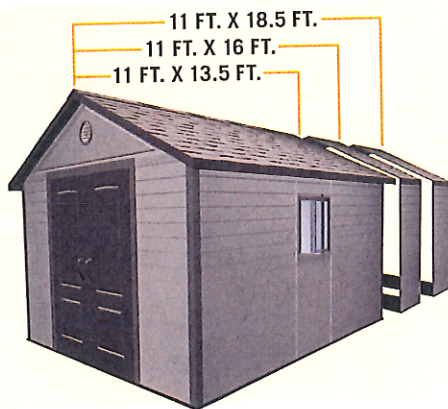
SITE SELECTION

Be sure to select a site that will accommodate the actual dimensions of your shed at its widest and longest points. We recommend using a level cement, wood, asphalt, gravel or patio style surface. This will provide the best long-term performance for your shed. Consider possible shed expansion when planning the site for your shed.

FEATURES	POLYCARBONATE WINDOW(S) (OPEN AND LOCK)	LARGE SKYLIGHTS	SHELVES	PEG STRIPS (16 IN. W)
11 X 13.5	Two 21.5 in. W x 23 in. H	Two	• Five 30 in. W x 10 in. D • Two 30 in. W x 14 in. D	Two peg strips & tool hooks
11 X 11 WITH 9 FT. DOORS	Two 21.5 in. W x 23 in. H	Two	Two 30 in. W x 14 in. D	Two peg strips & tool hooks
11 X 11	Two 21.5 in. W x 23 in. H	Two	• Five 30 in. W x 10 in. D • Two 30 in. W x 14 in. D	Two peg strips & tool hooks
11 X 8.5	Two 21.5 in. W x 23 in. H	Two	Two 30 in. W x 14 in. D	One peg strip & tool hooks
11 X 3.5	One 21.5 in. W x 23 in. H	None	Two 30 in. W x 14 in. D	Two peg strips & tool hooks

* In-stock items may not be available at all locations. Special Order items can be delivered to store or direct to your site.

OUTDOOR STORAGE BUILDING EXTENSION KITS



Expand your outdoor storage building with a full 30 in. or 60 in. section. Kit includes wall panels, roof panels, floor panel and all necessary hardware. Made in the USA and backed by the same 10-year warranty as our full-sized outdoor storage buildings.

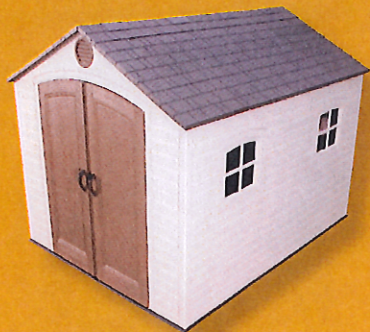
There are 4 extension kits available for storage buildings:

1. 30 in. extension kit, no windows (Special Order #123283)
2. 30 in. extension kit, two windows (Special Order #128743)
3. 60 in. extension kit, two windows (Special Order #133852)
4. 30 in. extension kit, two large skylights (Special Order #153295)

Storage buildings are expandable up to 36 ft. in depth.



OUTDOOR STORAGE SHEDS



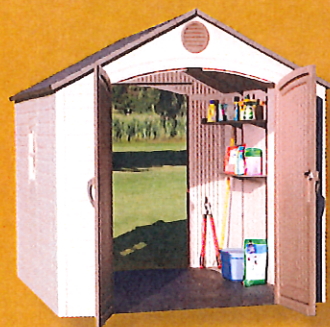
**8 FT. X 12.5 FT.
SHED**

MODEL # 6402



**8 FT. X 10 FT.
SHED**

MODEL # 60004



**8 FT. X 10 FT.
DUAL-ENTRY
SHED**

MODEL # 6404



**10 FT. X 8 FT.
MULTI-USE
GARDEN SHED**

MODEL # 60005



**15 FT. X 8 FT.
MULTI-USE
GARDEN SHED
WITH SHUTTERS**

MODEL # 6446

- ① **STURDY STEEL-REINFORCED CONSTRUCTION**
- ② **DOUBLE-WALL HIGH DENSITY POLYETHYLENE**
- ③ **ATTRACTIVE APPEARANCE AND DESIGN**
- ④ **FLOOR INCLUDED**
- ⑤ **LOW MAINTENANCE**
- ⑥ **HIGH-PITCHED ROOF**
- ⑦ **HIGH-ARCHED, STEEL-REINFORCED DOORS**

LIMITED
10
YEAR
WARRANTY

YOU NEED A STORAGE SOLUTION!

Lifetime's line of outdoor storage buildings combine quality materials with innovative design, offering a storage solution that maximizes storage potential, combined with superior value and the ability to withstand nature's day-to-day abuse.

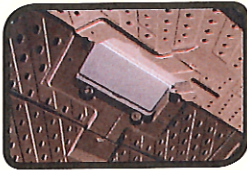
Double-wall, steel-reinforced construction and steel roof trusses make the buildings structurally sound, so they won't buckle during storms, or dent during everyday use. Weather-sealed seams help keep out water, and wood-grain molding, a simulated shingled roof, and the natural color scheme create an aesthetically pleasing addition to the yard or garden.

Our sheds are made of High Density Polyethylene (HDPE), a plastic that won't degenerate, leading to costly maintenance. Since they are made without wood, termites aren't attracted to Lifetime buildings. Screened vents allow for airflow while keeping out rodents that could otherwise destroy belongings. UV-protection, along with stain and mildew-resistance, make the buildings easy to maintain, while a sturdy floor and a generous amount of headroom promote versatility.

Without having to crouch down to enter or move around, the space can be used to stack boxes, park a riding lawn-mower, or even as a garden planting room. Built-in shelving keeps tools and supplies tidy. Shatter-proof windows that open and lock and multiple skylights create a fresh and pleasant atmosphere.

**Do-it
Yourself
Assembly**

AVAILABLE FEATURES



SKYLIGHTS



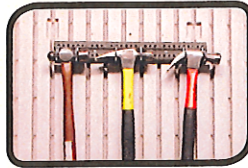
SCREENED VENTS



CUSTOMIZABLE SHELVING



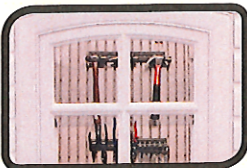
LARGE SKYLIGHTS



PEG STRIP



CORNER SHELVES



SHATTER PROOF WINDOWS



TOOL CORRAL



DECORATIVE SHUTTERS

Note: Not all features available on all sheds. See information in the following sections for availability on specific storage buildings.

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Lifetime 8x5 Backyard Shed w/ Floor



Sentry 6x5 Arrow Storage Shed

Lifetime Sheds 7x5 Plastic Storage Shed Kit w/ Floor [60057]

~~\$999.99~~

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Manufacturer Info



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New from Lifetime Sheds offering our 7x4.5 plastic storage shed kit with floor, shelving, skylight and more!

New From Lifetime Sheds!



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Lifetime 7'x4.5' Thermo-Plastic Storage Shed Kit with Floor, Skylight & Shelving (model 60057)

New for 2011 from Lifetime Sheds! Our compact 7x4.5 size plastic Lifetime shed is ideal for a driveway, apartment or carport where there is limited space. Store tools, yard equipment, automotive supplies and much more in this highly quality, **low maintenance Lifetime storage shed**. Like our other Lifetime sheds, this shed is constructed from UV-protected, high density, double walled polyethylene plastic with steel reinforcements. It will not rust or dent like cheaper metal sheds. It will **not fade, crack, or splinter** like a wood shed can and **never needs painting!** Included with this shed is a **30 x 10 inch shelf, two corner shelves, and a full length ridge roof skylight** which provides natural interior lighting. It's steep roof allows for quick drainage. Double wide, swing open doors allow for easy access. Our 7 foot Lifetime sheds are backed by a 10 year warranty. Made in the USA!

Note: This shed must be built on a flat level foundation of wood or concrete (purchased by owner).

Model: 60057

Color: Desert

Material: High-density polyethylene (HDPE) plastic and weather-resistant powder-coated steel

Walls: **Molded wood grain**, 1 inch double-walled polyethylene plastic wall panels with steel reinforcements

Doors: One set of double doors of steel-reinforced, double-walled polyethylene with internal spring latch, interior deadbolts, and exterior or padlock loop

Windows: none

Roof: Simulated shingled roof with steep pitch for quick drainage of rain and snow, heavy-duty steel truss for additional strength

Floor: Slip resistant surface, oil, solvent and stain-resistant polyethylene plastic flooring

Shelving: One 30x10 in. shelf and two corner shelves

Other Features: One full length, translucent skylight and two screened vents

Wind Rating: 65 mph

Snow Load: 40 lbs psf evenly distributed

Warranty: 10 year Limited Warranty

Nominal Dimensions: 7' x 4.5'

Footprint: 81.25" w x 55.25" d

Exterior Width: 80.5"

Exterior Depth: 52.25"

Exterior Roof Width: 84.5"

Exterior Roof Depth: 56.125"

Exterior Height: 89.75"

Eave Depth: 2.0"

Fascia Height: 1.5"



Eze Locker 8x3 Arrow Storage Shed



DuraMate 8x6 Vinyl Shed w/ Floor

Customer Service



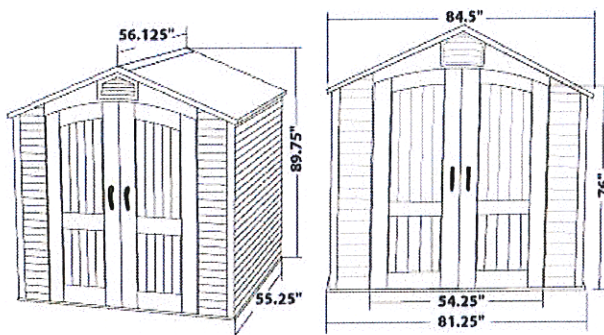
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Roof Pitch: 5:12
Door Opening: 54.25" w x 76" h
Interior Width: 78.625"
Interior Depth: 50.625"
Interior Height - Minimum: 71.25"
Interior Height - Maximum: 88.75"
Interior headroom: 78.5"
Square Feet: 30.68 square feet
Cubic Feet: 184.8 cubic feet



Model #60057

Find a better price? We can beat it!

If you find this item cheaper elsewhere (price plus shipping and taxes), please fill out our Pricematch Form and we will beat any valid online competitors price! *We do not pricematch local stores, club or warehouses and the item must be in stock.

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