

# ***City of OVILLE City Council Agenda***

*Ralph G. Hall, Place One*

*Larry Stevenson, Place Two*

*David Griffin, Place Three*

*Tom Leverentz, Mayor*

*Doug Hunt, Place Four*

*Richard Dormier, Mayor Pro-Tem/Place Five*

*Vacant, City Administrator*

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

**Monday, February 11, 2013**

**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, February 11, 2013 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.**

***I. CALL TO ORDER***

- ◆ Invocation
- ◆ Pledge of Allegiance

***II. COMMENTS, PRESENTATIONS, ANNOUNCEMENTS & REPORTS***

1. Community Waste Disposal representative Robert Medigovich will present Ovilla's Annual Review.
2. Presentation from Chief Mike Moon on the Annual Tier One/Racial Profiling Report

**• Citizen Comments**

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

**• Department Activity Reports / Discussion**

• Police Department	Police Chief M. Moon
○ Monthly Report	
• Fire Department	Assistant Fire Chief P. Brancato
○ Monthly Report	
• Public Works	Public Works Director B. Piland
○ Monthly Report	
• Finance Department	City Accountant S. Jungman
○ Monthly Municipal Court Report	
• Administration	Mayor ProTem R. Dormier
○ Monthly Reports – Code Enforcement/Animal Control, Mike Dooly	
• Committees	

***III. CONSENT AGENDA***

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

- Financial transactions
- Minutes of the January 14, 2013 Regular Council Meeting
- Minutes of the January 23, 2013 Special Council Meeting
- Minutes of the January 28, 2013 Regular Council Meeting
- Tier One/Racial Profiling Annual Report as presented.

# ***City of OVILLE City Council Agenda***

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*Vacant, City Administrator*

## **PUBLIC HEARING**

**Public Hearing & Discussion** – Discuss and consider the proposed changes to the Comprehensive Zoning Ordinance:

**Case No. PZ13-001:** A request by The City of Ovilla, to amend Chapter 14, Section 53.1, of the Ovilla Comprehensive Zoning Ordinance No. 2010-013, by providing a revised definition of "Auto Sales, New and Used", with the approval and recommendation of Ordinance 2013-005 to the Ovilla City Council.

## **IV. REGULAR AGENDA**

**ITEM 1.** ***DISCUSSION/ACTION – Case No. PZ13-001:*** Consider a recommendation from the Planning and Zoning Commission to amend Chapter 14, Section 53.1, of the Ovilla Comprehensive Zoning Ordinance No. 2010-013, by providing a revised definition of "Auto Sales, New and Used", with the approval and recommendation of Ordinance 2013-005 to the Ovilla City Council.

**ITEM 2.** ***DISCUSSION/ACTION –*** Consider proposed Ordinance 2013-003, repealing Chapter 4, Article 4.02, Section 4.02.001(C), amending Chapter 4, Article 4.02, Sections 4.02.001(A) and (B) of the Ovilla Code of Ordinances by the addition of Article 4.10 Providing Mobile Food Vending Regulations.

**ITEM 3.** ***DISCUSSION/ACTION –*** Consider a proposed contract extension with Community Waste Disposal (CWD) with the option to include a household hazardous waste disposal day as a modification to the contract.

**ITEM 4.** ***DISCUSSION/ACTION –*** Consider proposed Ordinance 2013-006 granting ONCOR Electric to use the present and future streets, alleys, highways, public utility easements for public ways and public property of the City of Ovilla and providing compensation therefor.

**ITEM 5.** ***DISCUSSION/ACTION –*** Review and consider approval of the Capital Improvement Projects Committee (CIP) list of recommended roads to be repaired in the FY2012-2013 program of work.

**ITEM 6.** ***DISCUSSION/ACTION –*** Council will consider proposals, authorize the expenditure of funds, and select a contractor to renovate the front lobby of city hall.

**ITEM 7.** ***DISCUSSION/ACTION –*** Deliberate the appointment employment and/or duties of the interim City Administrator and/or permanent City Administrator.

## **V. 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*

# *City of OVILLE City Council Agenda*

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*Vacant, City Administrator*

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*(deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), 551.087 (economic development), 418.183 (homeland security).*

- ◆ Closed session pursuant to Texas Local Government Code section 551.074

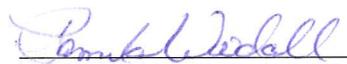
**ITEM 7. *DISCUSSION/ACTION* – Deliberate the appointment employment and/or duties of the interim City Administrator and/or permanent City Administrator.**

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

- ◆ Consider action as a result of discussion on each item.

## **VI. ADJOURNMENT**

THIS IS TO CERTIFY THAT A COPY OF THE NOTICE OF the February 11, 2013, Regular City Council Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, [www.cityofovilla.org](http://www.cityofovilla.org), on the 8th day of February 2013 prior to 6:00 p.m., in compliance with Chapter 551, Texas Government Code.



**Pamela Woodall, City Secretary**

DATE OF POSTING: \_\_\_\_\_ TIME: \_\_\_\_\_ am/pm  
DATE TAKEN DOWN: \_\_\_\_\_ TIME: \_\_\_\_\_ am/pm

**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.**

# **TIER 1 REPORTING**

## **PARTIAL EXEMPTION**

**Our vehicles that conduct motor vehicle stops are equipped with video and audio equipment and we maintain videos for**

**90-days**

**or**

**In accordance with 2.135(a)(2) the agency has requested and not received funds to install the recording equipment**

***The following four pages must be completed online and sent electronically to TCLEOSE***

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**[www.tcleose.state.tx.us](http://www.tcleose.state.tx.us)**



Partial Exemption Racial Profiling Reporting  
(Tier 1)

Department Name

Ovilla Police Department

Agency Number

TX0575500

Chief Administrator Name

Michael C. Moon

Reporting Name

Ovilla Police Department

Contact Number

972-617-7262

E-mail Address

mmoon@cityofovilla.org

**Certification to Report 2.132 (Tier 1) - Partial Exemption**

**Police Requirements (2.132(b) CCP):**

Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling.

The policy must:

- (1) clearly define acts constituting racial profiling;
- (2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;
- (3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;
- (4) provide public education relating to the agency's complaint process;
- (5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;
- (6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:
  - (A) the race or ethnicity of the individual detained;
  - (B) whether a search was conducted and, if so, whether the individual detained consented to the search; and
  - (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
- (7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
  - (A) the Commission on Law Enforcement Officer Standards and Education; and
  - (B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

These policies are in effect

Michael C. Moon

1/29/2013

Chief Administrator

Date



## Partial Exemption Racial Profiling Reporting (Tier 1)

### Video and Audio Equipment Exemption

#### Partial Exemption Claimed by (2.135(a) CCP):

all cars regularly used for motor vehicle stops are equipped with video camera and transmitter-activated equipment and each motor stop is recorded and the recording of the stop is retained for at least 90 days after the stop.

OR

In accordance with 2.135(a)(2) the agency has requested and not received funds to install the recording equipment

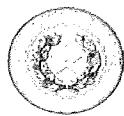
I claim this exemption

Michael C. Moon

Chief Administrator

1/29/2013

Date



## Partial Exemption Racial Profiling Reporting (Tier 1)

(This is the TCLEOSE recommended form. The form is not mandatory. The information contained in this form, however, is mandatory. You may use your form, but all information must be provided.)

**If you claim a partial exemption you must submit a report that contains the following data or use this format to report the data.**

**Instructions: Please fill out all boxes. If zero use 0.**

1. Total on lines 4, 11, 14, and 17 Must be equal
2. Total on line 20 Must equal line 15

### Number of motor vehicle stops:

1. 355 citation only
2. 3 arrest only
3. 0 both
4. 358 Total

### Race or Ethnicity:

5. 62 African
6. 2 Asian
7. 250 Caucasian
8. 40 Hispanic
9. 4 Middle Eastern
10. 0 Native American
11. 358 Total

### Race or Ethnicity known prior to stop?

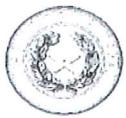
12. 37 Yes
13. 318 No
14. 3 Unknown/Not Specified
15. 358 Total

### Search conducted?

15. 20 Yes
16. 338 No
17. 358 Total

### Was search consented?

18. 5 Yes
19. 15 No
20. 20 Total Must equal #15



**Partial Exemption Racial Profiling Reporting  
(Tier 1)**

**Option to submit required data by utilizing agency report**

**You must submit your report in PDF format**

**Electronic Submission of data required by 2.132(b)(6) CCP**

(6) required collection of information relating to motor vehicle stops in which a citation is issued and no arrests made as a result of those stops, including information relating to:

- (A) the race or ethnicity of the individual detained;
- (B) whether a search was conducted and, if so, whether the individual detained consented to the search; and
- (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining the individual; and

This analysis meets the above requirements

Chief Administrator

Michael C. Moon 01/29/20

Date

***Send entire documents electronically to this website***

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**[www.tcleose.state.tx.us](http://www.tcleose.state.tx.us)**

**OVILLA POLICE DEPARTMENT**  
 105 S Cockrell Hill Rd  
 Ovilla, TX 75154  
 (972) 617-7262

Mayor Tom Leverentz  
 and the Ovilla City Council

Subject: Police Department Monthly Activity Report:

<b>Jan-13</b>	<b>YTD</b>
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<b><u>Calls For Service</u></b>	<b><u>Total</u></b>	<b><u>Total</u></b>
ACCIDENT	1	1
ALARMS	19	19
ARREST	4	4
ASSAULT	0	0
ASSISTS: <i>Agency/Unit: 19 EMS/Fire: 4 Motorist: 1</i>	24	24
BLDG / HOUSE SECURITY CHECK	1454	1454
BURGLARY	0	0
BURGLARY OF MOTOR VEHICLE	0	0
CRIMINAL MISCHIEF	2	2
DISTURBANCE	3	3
NEIGHBORHOOD CHECK	1995	1995
OTHER CALLS FOR SERVICE	155	155
SUSPICIOUS PERSON	6	6
SUSPICIOUS VEHICLE	9	9
THEFT	1	1
TRAFFIC ASSIGNMENT	36	36
<b>TOTAL CALLS FOR SERVICE</b>	<b>3709</b>	<b>3709</b>
RESERVE OFFICER HOURS	48.5	48.5
AVERAGE RESPONSE TIME (MINUTES)	4	4
TRAFFIC STOP (WARNINGS)	45	45
CITATIONS	40	40
<b>TOTAL CITATIONS &amp; WARNINGS COMBINED</b>	<b>85</b>	<b>85</b>
<b>PERCENT OF STOPS RECEIVING CITATIONS</b>	<b>47.1</b>	<b>47.1</b>

OVILLA PD VEHICLE MILEAGE						
August-12		September-12				
Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending
100	54543	55408	865	100	55408	56763
101	123103	124498	1395	101	124498	124738
102	60504	61587	1083	102	61587	62420
103	59495	62141	2646	103	62141	64596
104	33906	35954	2048	104	35954	38012
October-12		November-12				
Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending
100	56763	58204	1441	100	58204	59769
101	124738	125061	323	101	125061	125471
102	62420	63918	1498	102	63918	Emailed Chief
103	64596	66540	1944	103	66540	#VALUE!
104	38012	39869	1857	104	39869	67827
105	0	1920	1920	105	1920	1287
December-12		January-13				
Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending
100	59769	61768	1999	100	61768	63548
101	125471	125716	245	101	125716	125750
102	63918	63618	-300	102	63618	65060
103	67827	69714	1887	103	69714	71225
104	41075	41710	635	104	41710	43001
105	4389	6853	2464	105	6853	1291
February-13		March-13				
Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending
100	0	0	0	100	0	0
101	0	0	0	101	0	0
102	0	0	0	102	0	0
103	0	0	0	103	0	0
104	0	0	0	104	0	0
105	0	0	0	105	0	0
April-13		May-13				
Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending
100	0	0	0	100	0	0
101	0	0	0	101	0	0
102	0	0	0	102	0	0
103	0	0	0	103	0	0
104	0	0	0	104	0	0
105	0	0	0	105	0	0

**City of Ovilla Fire Department**  
**Concise Participation Summary by Staff**

01/01/2013 to 01/31/2013

Staff IDs: 741,726,738,749,740,723,750,713,716,707,710,724,732,711,722,714,745,717

All Stations

All Shifts

All Units

If staff availability detail is not found, assume staff member is: Don't Use Availability

All NFIRS/EMS Incidents, Training Participation

Include all training classes

Total Staff being Reported: 17

Total Incidents For Period: 55

Total Training Classes For Period: 0

Incident Participation Staff Id/ Name	Incident		Non-Inci		Training		Total	
	Cnt	Pct	Cnt	Pct	Cnt	Pct	Cnt	Pct
741 Bailey, Randall S.	1	1.82%	0	0.00%	0	0.00%	1	1.81%
726 Bell, Warren J	0	0.00%	0	0.00%	0	0.00%	0	0.00%
738 Blanchet, Shawn M.	0	0.00%	0	0.00%	0	0.00%	0	0.00%
749 Chapman, John Daniel	6	10.91%	0	0.00%	0	0.00%	6	10.90%
740 Espinosa, Anthony	1	1.82%	0	0.00%	0	0.00%	1	1.81%
723 Graham, Justin L.	0	0.00%	0	0.00%	0	0.00%	0	0.00%
750 Guffey, Nicholas Ray	9	16.36%	0	0.00%	0	0.00%	9	16.36%
713 Holt, William Neal	4	7.27%	0	0.00%	0	0.00%	4	7.27%
707 Martinez, Erick I	4	7.27%	0	0.00%	0	0.00%	4	7.27%
724 O'Brien, Steve G	4	7.27%	0	0.00%	0	0.00%	4	7.27%
732 Paluga, Patrick	0	0.00%	0	0.00%	0	0.00%	0	0.00%
711 Sidler, Joni L	0	0.00%	0	0.00%	0	0.00%	0	0.00%
722 Spencer, Everett H	27	49.09%	0	0.00%	0	0.00%	27	49.09%
714 Steele, Matthew R	0	0.00%	0	0.00%	0	0.00%	0	0.00%
710 Sullivan, Justin E	0	0.00%	0	0.00%	0	0.00%	0	0.00%
745 Velasquez, Adrian C.	0	0.00%	0	0.00%	0	0.00%	0	0.00%
717 Witherspoon, Jacki D	8	14.55%	0	0.00%	0	0.00%	8	14.54%

**City of Ovilla Fire Department**

**Staff with No Activities**

**Date >= {01/01/2013} and )Career = "2 "**

<b>Staff Member</b>	<b>Staff ID</b>	<b>Status</b>	<b>Status Date</b>	<b>Rank</b>	<b>Station</b>
Bell, Warren J	726	LV	08/20/2012	FFE	1
Blanchet, Shawn M.	738	AL	08/20/2012	FF	1
Paluga, Patrick	732	VO	07/01/2002	FFE	1
Steele, Matthew R	714	VO	10/31/2012	PR	1
Velasquez, Adrian C.	745	VO	11/24/2009	FFI	1

**City of Ovilla Fire Department**

**Fire and EMS Combined List by Incident Number**

**Alarm Date Between {01/01/2013} And {01/31/2013}  
and District = "OVILLA"**

<b>Incident</b>	<b>Type</b>	<b>Date</b>	<b>Location</b>	<b>Description</b>
13-3000001-0	FIRE	01/01/2013	105 COCKRELL HILL RD	160 Special outside fire,
13-3000009-0	FIRE	01/05/2013	601 OVILLA OAKS DR	554 Assist invalid
13-3000015-1	EMS	01/13/2013	107 BURTONWOOD CIR	difficulty breathing
13-3000015-0	FIRE	01/13/2013	107 BURTONWOOD CIR	321 EMS call, excluding
13-3000016-0	FIRE	01/13/2013	4041 E US HIGHWAY 287 HWY	611 Dispatched & cancelled
13-3000017-1	EMS	01/14/2013	223 JOHNSON LN	Possible Seizure
13-3000017-0	FIRE	01/14/2013	223 JOHNSON LN	321 EMS call, excluding
13-3000018-0	FIRE	01/15/2013	665 JOHNSON LN	311 Medical assist, assist
13-3000019-0	FIRE	01/15/2013	111 HOLLY LN	311 Medical assist, assist
13-3000024-0	FIRE	01/18/2013	705 GEORGETOWN RD	622 No Incident found on
13-3000029-1	EMS	01/19/2013	221 LARIAT TRL	CHEST PAIN
13-3000029-0	FIRE	01/19/2013	221 LARIAT TRL	321 EMS call, excluding
13-3000030-1	EMS	01/19/2013	111 WESTLAWN DR	Breathing Difficulty
13-3000030-0	FIRE	01/19/2013	111 WESTLAWN DR	321 EMS call, excluding
13-3000033-0	FIRE	01/20/2013	105 COCKRELL HILL RD	622 No Incident found on
13-3000034-0	FIRE	01/21/2013	807 WESTMORELAND RD	745 Alarm system activation,
13-3000038-1	EMS	01/23/2013	517 FOREST EDGE LN	suicide attempt
13-3000038-0	FIRE	01/23/2013	517 FOREST EDGE LN	321 EMS call, excluding
13-3000042-0	FIRE	01/25/2013	301 WILLOW WOOD LN	554 Assist invalid
13-3000044-1	EMS	01/25/2013	301 WILLOW WOOD LN	Altered Mental Status
13-3000044-0	FIRE	01/25/2013	301 WILLOW WOOD LN	321 EMS call, excluding
13-3000047-0	FIRE	01/27/2013	281 JOHNSON LN	311 Medical assist, assist
13-3000050-0	FIRE	01/28/2013	OVILLA RD & W MAIN ST	444 Power line down
13-3000051-1	EMS	01/28/2013	520 WESTMORELAND RD	sick person
13-3000051-0	FIRE	01/28/2013	520 WESTMORELAND RD	321 EMS call, excluding
13-3000052-0	FIRE	01/29/2013	200 LARIAT TRL /Across fro	444 Power line down
13-3000054-1	EMS	01/30/2013	118 SUBURBAN DR	Breathing Difficuity
13-3000054-0	FIRE	01/30/2013	118 SUBURBAN DR	321 EMS call, excluding
13-3000055-1	EMS	01/31/2013	709 HOSFORD RD	Fall groung level
13-3000055-0	FIRE	01/31/2013	709 HOSFORD RD	321 EMS call, excluding
				EMS Incident Cnt: 9
				Fire Incident Cnt: 21
<b>Total Incident Count</b>		<b>30</b>		

**City of Ovilla Fire Department**

**OFD Year-to-date Incident Participation**

**Activity Date Between {01/01/2013} And  
{01/31/2013}**

Staff Id/Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Percent
741 Bailey, Randall S.	1	0	0	0	0	0	0	0	0	0	0	0	1	1.81
751 Baker, Dalton	3	0	0	0	0	0	0	0	0	0	0	0	3	5.45
762 Barkham, James B	1	0	0	0	0	0	0	0	0	0	0	0	1	1.81
708 Brancato, Phillip M.	2	0	0	0	0	0	0	0	0	0	0	0	2	3.63
746 Cartwright, James M	13	0	0	0	0	0	0	0	0	0	0	0	13	23.63
715 Cates, Jason	3	0	0	0	0	0	0	0	0	0	0	0	3	5.45
749 Chapman, John Daniel	6	0	0	0	0	0	0	0	0	0	0	0	6	10.90
727 Coleman, Caleb H	8	0	0	0	0	0	0	0	0	0	0	0	8	14.54
747 Dennehy, Matt B	1	0	0	0	0	0	0	0	0	0	0	0	1	1.81
740 Espinosa, Anthony	1	0	0	0	0	0	0	0	0	0	0	0	1	1.81
729 Garza, Carlos	5	0	0	0	0	0	0	0	0	0	0	0	5	9.09
731 Godfrey, Jake W	4	0	0	0	0	0	0	0	0	0	0	0	4	7.27
750 Guffey, Nicholas Ray	9	0	0	0	0	0	0	0	0	0	0	0	9	16.36
713 Holt, William Neal	4	0	0	0	0	0	0	0	0	0	0	0	4	7.27
743 Hudson, Ryan A	5	0	0	0	0	0	0	0	0	0	0	0	5	9.09
721 Kennedy, Brandon Kobby	4	0	0	0	0	0	0	0	0	0	0	0	4	7.27
734 Lehmann, Matthew M	7	0	0	0	0	0	0	0	0	0	0	0	7	12.72
716_TL Leverentz, Thomas G	1	0	0	0	0	0	0	0	0	0	0	0	1	1.81
748 Lindsey, Kevin Ray	4	0	0	0	0	0	0	0	0	0	0	0	4	7.27
761 Lobban, Matthew R	4	0	0	0	0	0	0	0	0	0	0	0	4	7.27
730 Lucia, Kevin B	2	0	0	0	0	0	0	0	0	0	0	0	2	3.63
744 Maples, Patrick D	3	0	0	0	0	0	0	0	0	0	0	0	3	5.45
707 Martinez, Erick I	4	0	0	0	0	0	0	0	0	0	0	0	4	7.27
735 Moore, Chad D	6	0	0	0	0	0	0	0	0	0	0	0	6	10.90
728 Muirhead, Brad R	1	0	0	0	0	0	0	0	0	0	0	0	1	1.81
724 O'Brien, Steve G	4	0	0	0	0	0	0	0	0	0	0	0	4	7.27
719 Ray, Kevin	4	0	0	0	0	0	0	0	0	0	0	0	4	7.27
712 Rogers, Brandon Steve	9	0	0	0	0	0	0	0	0	0	0	0	9	16.36
733 Rudd, Justin E.	4	0	0	0	0	0	0	0	0	0	0	0	4	7.27
739 Sodek, Larry Ray	5	0	0	0	0	0	0	0	0	0	0	0	5	9.09
709 Spaulding, Scott L	7	0	0	0	0	0	0	0	0	0	0	0	7	12.72
722 Spencer, Everett H	27	0	0	0	0	0	0	0	0	0	0	0	27	49.09
736 Terry, David	4	0	0	0	0	0	0	0	0	0	0	0	4	7.27
742 Turner, Cole A.	7	0	0	0	0	0	0	0	0	0	0	0	7	12.72
720 Wesson, Geoffrey S	3	0	0	0	0	0	0	0	0	0	0	0	3	5.45
760 Williams, Kyle S	3	0	0	0	0	0	0	0	0	0	0	0	3	5.45
717 Witherspoon, Jacki D	8	0	0	0	0	0	0	0	0	0	0	0	8	14.54
725 Wolf, Darrell G.	6	0	0	0	0	0	0	0	0	0	0	0	6	10.90

**Total Runs by Month**

Jan	55	Feb	0	Mar	0	Apr	0	May	0	Jun	0
Jul	0	Aug	0	Sep	0	Oct	0	Nov	0	Dec	0

**Grand Total Runs:**      55

**City of Ovilla Fire Department**

**First Unit Arrival Response Time Analysis (Std)**

**Alarm Date Between {01/01/2013} And {01/31/2013}  
and District = "OVILA"**

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<b>Response</b>			
<b>Hrs</b>	<b>Mins</b>	<b>Count</b>	<b>Percentage</b>
02		2	10.0 %
03		2	10.0 %
04		3	15.0 %
05		4	20.0 %
06		2	10.0 %
07		1	5.0 %
08		4	20.0 %
09		1	5.0 %
10		1	5.0 %

**Overall Average Response Time: 00:06:04**

# City of Ovilla Fire Department

## Departmental Activity Report

Current Period: 01/01/2013 to 01/31/2013, Prior Period: 01/01/2011 to 08/22/2011

00:00 to 24:00

All Stations

All Shifts

All Units

Fire Alarm Responses, EMS Alarm Responses, Training Classes

Category	Current Period		Prior Period	
	Count	Staff Hrs	Count	Staff Hrs
<b>EMS Alarm Situations</b>				
Educational Institutions	0	0.00	1	3.06
Medical Facilities	0	0.00	3	3.82
Public Places	0	0.00	5	9.25
Residences	13	19.85	62	163.78
Road/Highway Areas	0	0.00	2	3.35
	13	19.85	73	183.26
<b>Fire Alarm Situations</b>				
Chemical release, reaction, or toxic	0	0.00	2	10.37
Combustible/flammable spills & leaks	1	1.89	3	2.85
Controlled burning	2	2.30	6	7.68
Cover assignment, standby at fire station,	4	6.54	14	82.04
Cultivated vegetation, crop fire	0	0.00	1	5.05
Dispatched and cancelled en route	3	2.17	75	46.63
Electrical wiring/equipment problem	3	3.37	8	20.93
Emergency medical service (EMS) Incident	18	9.31	84	51.25
Medical assist	11	16.38	111	209.63
Mobile property (vehicle) fire	0	0.00	2	8.18
Natural vegetation fire	0	0.00	26	303.67
Person in distress	0	0.00	16	11.32
Public service assistance	2	1.20	17	43.22
Rescue, emergency medical call (EMS),	0	0.00	1	17.59
Special outside fire	1	0.80	3	9.65
Steam, Other gas mistaken for smoke	1	1.48	5	7.67
Structure Fire	4	16.10	53	646.40
System or detector malfunction	0	0.00	8	11.48
Unauthorized burning	1	0.60	2	1.83
Unintentional system/detector operation	2	1.64	11	11.07
Wrong location, no emergency found	2	1.26	9	13.80
	55	65.04	457	1,522.31
<b>Training</b>				
Apparatus Familiarization (basic)	0	0.00	48	88.00
Building Construction (basic)	0	0.00	13	26.00
Cardiac Assess/Management	0	0.00	18	18.00

\* Staff hours for Fire Alarm responses that have an associated EMS alarm record are considered shared hours. Shared hours are posted only with the EMS alarm responses to avoid duplication of staff hours in totals.

**City of Ovilla Fire Department**

**Departmental Activity Report**

Current Period: 01/01/2013 to 01/31/2013, Prior Period: 01/01/2011 to 08/22/2011

00:00 to 24:00

All Stations

All Shifts

All Units

Fire Alarm Responses, EMS Alarm Responses, Training Classes

Category	Current Period		Prior Period	
	Count	Staff Hrs	Count	Staff Hrs
<b>Training</b>				
ECG Recog/Management	0	0.00	13	26.00
Fire Apparatus Familiarization	0	0.00	28	43.13
Fire Apparatus Pump Operations	0	0.00	10	10.00
Fire Behavior (basic)	0	0.00	30	48.00
Fire Streams	0	0.00	8	8.00
Firefighter I Review	0	0.00	19	24.50
Firefighter Safety	0	0.00	30	60.00
General Patient Assessment	0	0.00	8	16.00
Hazmat Awareness and Operations	0	0.00	11	17.50
Hose Practices (basic)	0	0.00	10	20.00
Management & Administration	0	0.00	12	12.00
Mass Casualty Incident Drill	0	0.00	9	22.50
Mass Causality Incident Training	0	0.00	9	9.00
Medical Assessment	0	0.00	26	36.00
Personal Protective Equipment	0	0.00	7	10.50
Records and Reports (basic)	0	0.00	13	19.50
Self-Contained Breathing Apparatus	0	0.00	9	18.00
Tox/ETOH/Drugs/anaph	0	0.00	11	16.50
Transportation Emergencies (basic)	0	0.00	8	16.00
Trauma Assess/Management	0	0.00	9	18.00
	<hr/>	<hr/>	<hr/>	<hr/>
	0	0.00	359	583.13

\* Staff hours for Fire Alarm responses that have an associated EMS alarm record are considered shared hours. Shared hours are posted only with the EMS alarm responses to avoid duplication of staff hours in totals.

City of Ovilla Fire Department

Aid Responses by Department (Summary)

Alarm Date Between {01/01/2013} And {01/31/2013}

Type of Aid	Count
DESOTOFD DeSoto Fire Department	
Mutual aid given	1
	1
EASTTXEMS East Texas EMS	
Automatic aid given	2
	2
ESD#6 ESD#6 Fire Department	
Automatic aid given	1
	1
GLENNHFD Glenn Heights Fire Department	
Mutual aid received	1
	1
LANCASTER Lancaster Fire Department	
Mutual aid given	3
	3
MIDLOTHIAN Midlothian Fire Department	
Automatic aid received	13
Mutual aid given	2
Automatic aid given	17
	32
OAKLEAF City of Oak Leaf	
Automatic aid given	5
	5

**City of Ovilla Fire Department**  
**Incidents by District (Summary)**  
**Alarm Date Between {01/01/2013} And {01/31/2013}**

District		Count	Pct of	Est Losses	Pct of
			Incidents		Losses
DESOT	City of DeSoto	1	1.81 %	\$0	0.00 %
ESD2	Midlothian ESD#2	15	27.27 %	\$0	0.00 %
ESD4	Red Oak ESD#4	2	3.63 %	\$0	0.00 %
ESD6	ESD#6 Fire Department	1	1.81 %	\$0	0.00 %
LANC	City of Lancaster	3	5.45 %	\$0	0.00 %
MIDLO	City of Midlothian	7	12.72 %	\$0	0.00 %
OAKLF	City of Oak Leaf - Ovilla Response Area	5	9.09 %	\$0	0.00 %
OVILA	City of Ovilla	21	38.18 %	\$1,000	100.00 %
Total Incident Count:		55	Total Est Losses:		\$1,000

**City of Ovilla Fire Department**

**OFD Fuel Usage Report**

**Date Between {01/01/2013} And {01/31/2013}**

Date	Fuel Type	Gallons	Cost	Unit
<b>FA Fuel Apparatus</b>				
<b>Diesel</b>				
01/03/2013	Diesel	15.506	\$58.91	E701
	742 Turner, Cole A.			
	736 Terry, David			
01/03/2013	Diesel	13.161	\$50.00	755
	749 Chapman, John Daniel			
01/10/2013	Diesel	18.692	\$71.01	E701
	712 Rogers, Brandon Steve			
	734 Lehmann, Matthew M			
	739 Sodek, Larry Ray			
01/11/2013	Diesel	18.690	\$3.79	E701
	747 Dennehy, Matt B			
01/17/2013	Diesel	10.470	\$39.78	E702
	725 Wolf, Darrell G.			
01/19/2013	Diesel	15.100	\$57.50	E702
	734 Lehmann, Matthew M			
01/22/2013	Diesel	12.960	\$48.86	E702
	739 Sodek, Larry Ray			
01/23/2013	Diesel	9.709	\$36.88	755
	744 Maples, Patrick D			
01/23/2013	Diesel	20.046	\$76.15	E701
	725 Wolf, Darrell G.			
	748 Lindsey, Kevin Ray			
01/26/2013	Diesel	7.100	\$27.00	755
	744 Maples, Patrick D			
	747 Dennehy, Matt B			
01/27/2013	Diesel	13.400	\$51.03	E701
	731 Godfrey, Jake W			
<b>Diesel Totals:</b>		<b>154.834 Gal</b>	<b>\$520.91</b>	

**Gasoline**

01/17/2013	Gasoline	5.023	\$16.32	STA1
	725 Wolf, Darrell G.			
01/17/2013	Gasoline	23.950	\$79.02	C701
	708 Brancato, Phillip M.			

City of Ovilla Fire Department

OFD Fuel Usage Report

Date Between {01/01/2013} And {01/31/2013}

Date	Fuel Type	Gallons	Cost	Unit
FA Fuel Apparatus				
	Gasoline Totals:	28.973 Gal	\$95.34	



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**DATE: February 5<sup>th</sup> 2013**

**TO:** Honorable Mayor and City Council Members

**FROM:** Brad Piland Public Works Director

**TOPIC:** Public Works Monthly Report for January

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- Patched potholes - East Main, Ovilla Oaks, Shiloh, Thorntree, and Water street
- Cleaned storm drain inlets in Ashburne Glen
- Sewer Lift Station Repairs-
  - pulled pump 1 at Heritage lift station
  - removed pump 1 from Highland Meadows lift station for repair
  - pulled pump from Cumberland
- Heritage Park Lift station - Repaired valve vault
- Cleaned out drainage ditch and culvert 140 Water Street
- Read water meters, service disconnects and reconnects
- Repaired water main at 300 blk Shadowwood, 709 Hosford, 106 Elmwood, 101 Brookwood Ct, 102 Robin Glen, and 617 Buckboard
- Repaired bad spots on Cockrell Hill Rd
- Update marquee as needed
- Daily water maintenance residual and pressure test
- Heritage Park, Silver Spur Park and Baseball fields and park - tree and grass maintenance
- Repaired sump pump at ground storage pump station
- Drainage work on Red Oak Creek
- Repaired road to Heritage Park lift station
- Removed tree from Cockrell Hill
- Repaired and cleaned Highland Medows lift station

❖ Jimmy Bryan -

- Serviced PD Units 102 & 100
- Repaired Tractor
- Tags and inspection for Chevy 1500
- Daily Rounds

\*\*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

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**DATE:** February 11, 2013  
**TO:** Honorable Mayor Leverentz and City Council Members  
**FROM:** Jessica Foresman, Court Clerk  
**SUBJECT:** Monthly Staff Report

41 traffic, 1 penal code and 1 city ordinance related cases were filed for the month of January. 6 warrants were issued

Court Collection for the month of January was \$6,230.00

\$3,696.37 is kept by the City	FYTD \$14,867.97
\$2,533.63 is remitted to State	FYTD \$9,971.13

# **January 2013**

## **Code Enforcement Report**

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Complaints- 56

Follow up – 67

Door Notices - 21

Mail Notices-- 5

Posted Property – 0

Court – No Permit – 9- Found Guilty by Jury Fine \$3600 1 Plea guilty  
Fine \$172, 1- Plea Not Guilty- Trial by Judge

Citizen contacts - 71

Permits reviewed – 9

Permits issued - 4

Inspections – 5

Nuisance Abated By City- Junk vehicle/High Grass/Brush – 0

Nuisance- Signs – 8 (8 Business)

Nuisance – Illegal Dumping – Red Oak Creek Road -trash

Garage Sale Permits – 1 at \$5 = \$5

## **January 2013**

### **Animal Control Report**

---

Complaints- 44

Follow up – 48

Door Notices – 15

Impounded Animals – 6

Impound Animal Results - 6 Return to Owner

Impound Fees Collected - \$275

Court – 0

Citizen contacts - 52

Animal Registration Tags Issued – 19 Total \$228.00

Registration Reminders - Mailed-17

Nuisance Letters Mailed-

Animals Released -1 (Skunk)

Deceased Removed - 8

Oak Leaf -1 Animal Welfare

Traps Checked Out – 1

Due to cold weather, animal welfare checks were increased.

## CONSENT REPORT

Meeting Date: February 11, 2013

Department: Administration

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted By: Staff

### Attachments:

- ◆ Financial transactions
- ◆ Minutes of the January 14, 2013 Regular Council Meeting
- ◆ Minutes of the January 23, 2013 Special Council Meeting
- ◆ Minutes of the January 28, 2013 Regular Council Meeting
- ◆ Tier One/Racial Profiling Annual Report as presented.

### Discussion / Justification:

### Recommendation / Staff Comments:

Staff recommends approval.

### Sample Motion(s):

***"I MAKE A MOTION THAT COUNCIL APPROVES THE CONSENT ITEMS AS PRESENTED."***



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**DATE:** 02-11-13

**TO:** Honorable Mayor and Council Members

**FROM:** Sharon Jungman

**SUBJECT:** Expenditures in January 2013 over  
\$5,000

## City of Ovilla Expenditures in January 2013 Over \$5,000

General Fund			
Date	Check#	Payee	Description
1/30/2013	40985	Blue Cross/Blue Shield	Health Insurance
1/11/2013	40926	City of Midlothian	Quarterly EMS Transport Service
1/30/2013	40987	Community Waste Disposal	Garbage Pick up for December
1/32/2013	ACH	Quick Books Payroll Service	Payroll
1/17/2013	ACH	Quick Books Payroll Service	Payroll
1/31/2013	ACH	Quick Books Payroll Service	Payroll
1/32/2013	40917	State Comptroller	Quarterly Payment for State Criminal Costs & Fees
1/10/2013	40922	T.M.R.S.	Retirement
1/11/2013	40944	TML	Quarterly Insurance Pmt.
1/4/2013	ACH	US Treasury	Payroll Taxes
1/18/2013	ACH	US Treasury	Payroll Taxes
Total General Fund Transactions Paid in January 2013			\$5,000 and Over
Water & Sewer Fund			
Date	Check#	Payee	Description
1/11/2013	15022	City of Dallas	Water Purchase
1/30/2013	15042	City of Ovilla General Fund	Garbage Transfer for Jan.
Total Water & Sewer Fund Transactions Paid in January 2013			\$5,000 and Over

General Fund			
Date	Check#	Payee	Amount
1/11/2013	15022	City of Dallas	\$22,551.98
1/30/2013	15042	City of Ovilla General Fund	\$15,611.27
Total General Fund Transactions Paid in January 2013			\$38,163.25

**CITY OF OVILLA MINUTES**  
***Monday, January 14, 2013***  
***Regular City Council Meeting***  
***105 S. Cockrell Hill Road, Ovilla, TX 75154***

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

Ralph Hall	Council Member Place 1
Larry Stevenson	Council Member Place 2
David Griffin	Council Member Place 3
Doug Hunt	Council Member Place 4
Richard Dormier	Council Member Place 5/Mayor Pro-Tem

Mayor Leverenz noted present members, thus constituting a quorum. Various department-heads and staff were also present.

Mayor Pro-Tem Dormier gave the Invocation  
PL3 Griffin led the recitation of the Pledge of Allegiance

**COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS**

◆ ***Citizens Comments / Citizens Forum:***

1. Mr. Jeff Byers-currently lives in Coppell but also a property owner on Water Street in Ovilla where his parents and grandparents resided. Grandfather Weldon Odell was instrumental in building the baseball field behind the City Hall building and asked Council's consideration in naming the ball field park after his grandfather.
2. Mr. Richard Pettit- signed up to speak but passed.
3. Mr. James Wade-signed up to speak when Item 1 was addressed.
4. Mr. Steve Fiedler-signed up to speak when Item 1 was addressed.
5. Ms Lisa Stewart-signed up to speak when Item 6 was addressed.

#### ◆ *Department Activity Reports / Discussion*

- Police Department Chief M. Moon
  - Briefed Council on the Police Department monthly report and the annual UCR Stats.
- Fire Department Assistant Fire Chief P. Brancato
  - Briefed Council on the Fire Department monthly report.
  - Advised of the resignation of Kevin Lucia as Ovilla's Fire Marshal
- Public Works Director B. Piland
  - Briefed Council on the Public Works Department monthly report.
  - Advised Council that the valve box at the pump station was under renovation/repair.
- Finance Department City Accountant S. Jungman
  - Briefed Council on two months (October & November 2012) of monthly financials.
  - Briefed Council on the monthly Municipal Court report.
- Administration Mayor ProTem R. Dormier
  - Updated Council on the recent pre-construction meeting with Ovilla Parc representatives (second phase to begin soon)
  - Reviewed reports- Code Enforcement/Animal Control, Mike Dooly

**CONSENT ITEMS**

- Financial transactions
- Minutes of the December 10, 2012 Regular Council Meeting
- Minutes of the December 20, 2012 Special Council Meeting
- Ordinance 2013-001, Amending Chapter 9, Section 9. City Administrator Duties

PL4 Hunt made the motion that Council approves the consent items as presented, seconded by PL2 Stevenson. Mayor Leverentz asked for a record vote by announcement of AYE or NAY. Present Council announced AYE in favor. No oppositions, no abstentions.

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

**REGULAR AGENDA**

**ITEM 1. *DISCUSSION/ACTION*** – Consider letter of request from property owners regarding Main Street Sanitary Sewer.

Mayor Leverentz allowed those that signed up to speak on this item address Council:

1. Mr. Steve Fiedler-spoke favorably and encouraged Council to move forward with the placement of sewer in the downtown area. Property owners in the downtown agreed to share in the cost for materials in conjunction with the city laying the lines.
2. Mr. James Wade concurred with Mr. Fiedler.

Mayor ProTem Dormier visited with the property owners of the downtown area. The property owner of 707 W. Main Street provided a letter offering to share in the cost of materials for the sewer installation. The letter was endorsed by three additional signatures; owners of 709 and 711 W. Main. If the City chose to participate, the funds to pay for the project would have to come from the sewer budget or the reserve fund. If Council were interested in pursuing this project, they had a few options: 1) install the sanitary sewer along Main Street using Public Works crews, or 2) bid the project and have the property owners pay the City for the cost of the materials.

Place 4 Hunt questioned the possibility of the Economic Development Corporation's (EDC) input and financial support of the line. He also questioned how sewer would help without other improvements to the properties, including parking issues.

Council solicited input from Mr. Richard Pettit, the EDC Vice-President. Mr. Pettit stated that a request would first need to be submitted to the EDC for consideration. Other factors that would need to be addressed were: 1) would this create jobs/revenue for Ovilla? 2) What would the economic benefit to the city be for expending such funds? PL3 Griffin stated that Council/staff should begin with "Step 1" and continue the research to help move this project forward. PL2 Stevenson concurred that he wanted to see sewer installed, but included his desire to see sewer all the way to the City Hall building too. Ovilla could not promote businesses/restaurants without restrooms.

PL1 Hall asked the Mayor Pro-Tem to find out the cost of materials.

Mayor Leverentz voiced concern that the taxpayers' money should be spent wisely.

***NO ACTION ON THIS ITEM.***

**ITEM 2. *DISCUSSION/ACTION*** – Consider the declaration of surplus property and authorize its sale.

Assistant Fire Chief Brancato checked inventory and identified retired and obsolete equipment. The surplus materials were placed in assorted lots and submitted to Council for review. A-Chief Brancato asked Council to allow him to offer/sell to smaller departments and dispose of what was worthless. Some of the equipment no longer met Texas standards.

PL1 Hall made the motion that Council declares the presented list of items as surplus and authorizes the sale of those items; seconded by PL2 Stevenson. *Mayor Leverentz asked for a record vote by announcement of AYE or NAY. Present Council announced AYE in favor. No oppositions, no abstentions.*

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

**ITEM 3.** ***DISCUSSION/ACTION*** – Consider and authorize an alternate method of sale and/or disposal of surplus property declared under Item 2.

PL1 Hall agreed from discussion on Item 2 that A-Chief Brancato donate or throw away the scrap items.

PL3 Griffin made the motion that Council authorize the donation and/or disposal of the scrap materials declared under Item 2, that A-Chief Brancato is authorized to contact area departments to donate these items and to document/itemize each piece; seconded by PL2 Stevenson. *Mayor Leverentz asked for a record vote by announcement of AYE or NAY. Present Council announced AYE in favor. No oppositions, no abstentions.*

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

**ITEM 4.** ***DISCUSSION/ACTION*** – Consider proposed Ordinance 2013-002, in accordance with Chapter 1, Section 1.02.002 of the Ovilla Code of Ordinances, declaring an official city newspaper.

Staff reported that the Waxahachie Daily Light had maintained a consistent, reliable and professional working relationship with Ovilla, as well as having representation present as most Council meetings.

PL1 Hall made the motion that Council approves and adopts Ordinance 2013-002, declaring the Waxahachie Daily Light as the City's official newspaper; seconded by PL3 Griffin. *Mayor Leverentz asked for a record vote by announcement of AYE or NAY. Present Council announced AYE in favor. No oppositions, no abstentions.*

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

**ITEM 5.** ***DISCUSSION/ACTION*** – Consider approval of a Five-Year Contractual Agreement with ACS, Inc. for Firehouse software.

A-Chief Brancato advised Council that the Ovilla Fire Department has used Firehouse Software since 1999. It works with CAD interface and has inter-operability with the Ellis County Fire Marshal and county departments. Firehouse is a complete package and the annual cost over the 5-year agreement would remain the same.

PL1 Hall made the motion that Council approves the five-year contractual agreement with ACS, Inc. as presented; seconded by PL4 Hunt. Mayor Leverentz asked for a record vote by announcement of AYE or NAY. Present Council announced AYE in favor. No oppositions, no abstentions.

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

**ITEM 6.** **DISCUSSION/ACTION** – Consider and review a draft nonexclusive menu of options providing for the regulation of mobile food vendors.

Mayor Leverentz allowed those that signed up to speak on this item address Council:

1. Ms Lisa Stewart-stated that she believed that this agenda item was retaliation from her voicing concerns regarding her hotdog stand and that this originated from staff's rude and unprofessional behavior toward her. Code interpretations and personal agendas are rampant. Ms Stewart added that this item would jeopardize her income and livelihood and that is was in her opinion against state law to discuss this item in Executive Session, that it should be discussed in Open Forum.

**NO DISCUSSION.NO ACTION.**

**ITEM 7.** **DISCUSSION/ACTION** – Deliberate the appointment employment and/or duties of the interim City Administrator and/or permanent City Administrator.

**NO DISCUSSION.NO ACTION.**

### **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).*

Mayor Leverentz announced that Council would convene into Executive Session at 8:00 p.m., to deliberate the following items: (Vocal objection/challenge by Ms Lisa Stewart and male individual from the audience)

**ITEM 6.** **DISCUSSION/ACTION** – Consider and review a draft nonexclusive menu of options providing for the regulation of mobile food vendors.

- ◆ Closed session pursuant to Texas Local Government Code section 551.071

**ITEM 7.** **DISCUSSION/ACTION** – Deliberate the appointment employment and/or duties of the interim City Administrator and/or permanent City Administrator.

- ◆ Closed session pursuant to Texas Local Government Code section 551.074

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

- ◆ Consider action as a result of discussion on each item.

Mayor Leverentz convened to Open Session at 8:45 p.m.  
No action was taken on Items 6 or 7.

**Adjournment**

PL2 Stevenson made the motion to adjourn, seconded by PL4 Hunt.  
There being no further business, Mayor Leverentz adjourned the meeting at 8:45 p.m.

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Tom Leverentz, Mayor

ATTEST:

Pamela Woodall, City Secretary

*Approved February 11, 2013*

*\*\* Certified Executive Agenda sealed and filed separately.*

**CITY OF OVILLA MINUTES**  
***Wednesday, January 23, 2013***  
***Special City Council Meeting***  
***105 S. Cockrell Hill Road, Ovilla, TX 75154***

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Mayor Pro-Tem Dormier called a Special Council Meeting of the Ovilla City Council to order at 7:01 P.M. The following City Council Members were present:

Ralph Hall	Council Member Place 1
Larry Stevenson	Council Member Place 2
David Griffin	Council Member Place 3
Doug Hunt	Council Member Place 4
Richard Dormier	Council Member Place 5/Mayor Pro-Tem

Absent: Mayor Tom Leverentz

Mayor ProTem Dormier served as chair to the meeting in Mayor Leverentz' absence. He noted Council Members present, thus constituting a quorum.

PL2 Stevenson gave the Invocation.

Mayor ProTem Dormier led in the recitation of the Pledge of Allegiance

**SPECIAL AGENDA**

**ITEM 1. *DISCUSSION/ACTION*** – Deliberate the appointment, employment, and/or duties of the interim City Administrator and/or permanent City Administrator.

**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).*

Mayor ProTem Dormier announced that Council would convene into Executive Session pursuant to authorization of Section 551.074 (personal matters) of the Texas Local Government Code. Time was 7:03 p.m.

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

Mayor ProTem Dormier adjourned the Executive Session and announced the governing body's return to Open Session at 7:37 p.m., stating that no action was taken during the Executive Session.

***No action or discussion taken in Open Session.***

**Adjournment**

There being no further business, Mayor ProTem Dormier adjourned the meeting at 7:38 p.m.

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Richard A. Dormier, Mayor ProTem

ATTEST:

*Approved February 11, 2013*

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Pamela Woodall, City Secretary

\*\* Certified Executive Agenda sealed and filed separately.

**CITY OF OVILLA MINUTES**  
***Monday, January 28, 2013***  
***Regular City Council Meeting***  
***105 S. Cockrell Hill Road, Ovilla, TX 75154***

Mayor Leverenz called the Regular Council Meeting of the Ovilla City Council to order at 7:010 P.M. The following City Council Members were present:

Larry Stevenson	Council Member Place 2
David Griffin	Council Member Place 3
Doug Hunt	Council Member Place 4
Richard Dormier	Council Member Place 5/Mayor Pro-Tem
Absent	Ralph Hall Council Member Place 1

Mayor Leverenz noted present and absent members, thus constituting a quorum. Various department-heads and staff were also present.

PL2 Stevenson gave the Invocation  
PL4 Hunt led the recitation of the Pledge of Allegiance

**COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS**

◆ ***Citizens Comments / Citizens Forum:***

1. Ms Lisa Stewart signed up to speak when Item 1 was addressed.

#### ◆ *Department Activity Reports / Discussion*

- Finance Department City Accountant S. Jungman
  - Briefed Council on December 2012 monthly financials.
  - Reviewed the Reserve Fund Balance Calculation for quarter ending 12-31-2012.
- Administration Mayor ProTem R. Dormier
  - Update: Recent EDC meeting regarding TIF, TIRZ & PID options: shared that the EDC has had discussion on how these options offset development costs to the city and/or developer.
  - Update: City Manager search: Shared discussion of the possibility of posting notice on Monster.com or with other firms. Mayor ProTem Dormier and staff researched and identified other states that have similar employment advertisement such as TML. Mayor ProTem Dormier would check with a known firm that specifically places a temporary administrator/manager until one is hired.

## **CONSENT ITEMS**

- **Quarterly Investment Report**

PL4 Hunt made the motion that Council approves the consent item as presented, seconded by PL2 Stevenson. Mayor Leverentz asked for a record vote by announcement of AYE or NAY. Present Council announced AYE in favor. PL1 Hall noted absent. No oppositions, no abstentions.

**VOTE: The motion carried unanimously: 4-0.**

## **REGULAR AGENDA**

**ITEM 1.** ***DISCUSSION/ACTION*** – Consider proposed Ordinance 2013-003, repealing Chapter 4, Article 4.02, Section 4.02.001(C), amending Chapter 4, Article 4.02, Sections

4.02.001(A) and (B) of the Ovilla Code of Ordinances by the addition of Article 4.10 Providing Mobile Food Vending Regulations.

Mayor Leverentz allowed those that signed up to speak on this item address Council:

1. Ms Lisa Stewart, 601 Creekview Circle, owner of Mad Dogs/Mickey Dogs, asked that Council table the item pending further study. She felt the ordinance was originated and pinpointed to affect her business negatively. Comparisons were made that Council allowed the Bar-B-Que place on Main Street and the Baseball Concession Stand to operate without any issues. Why single out her business?

PL4 Hunt stated that upon reviewing the proposed ordinance, that he would like to see the fee scheduled revised, requiring the vendor(s) pay on a monthly basis instead of every 6 months. Council asked Code Enforcement Officer Mike Dooly for his thoughts regarding the proposed ordinance. Code Enforcement Officer Mike Dooly stated that this ordinance was probably created for larger cities but would work well for Ovilla and invite business to the park. He voiced concern that the cleanup and maintenance of the park was not addressed and felt it should be noted in the ordinance. Regarding comments made about the Bar-B-Que and Baseball Concession stand, Mayor Pro-Tem Dormier stated that neither was comparable. His opinion of the ordinance was that it was intended to be helpful, not single out anyone. Mayor Pro-Tem Dormier made a suggestion to be clear in the ordinance about vacating the premises daily. The recommended revisions were noted:

- a. Vendors pay \$50 on a month-to-month basis (change "b", page 4)
- b. Cleanup and maintenance to the park at the end of each day on premises (update page 2 under 4.10.002)
- c. Vacating premises daily (update page 2 under 4.10.002)

Mayor Leverentz stated that the ordinance would be consideration once amended.

**NO ACTION ON THIS ITEM.**

**ITEM 2.** **DISCUSSION ONLY** – Review and consider an optional contract extension with Community Waste Disposal (CWD) and discuss the option to include a household hazardous waste disposal day as a modification to the contract.

Mayor Pro-Tem Dormier met with CWD representative Robert Medigovich. CWD presented a proposal offering the City an option to modify the current contract from the 2, 1-year extensions to 1, 5-year extension, maintaining current pricing for 2-years. This amendment would include hazardous waste collection, either once or twice annually at a cost of \$.57 or \$.99, respectively. Mayor Pro-Tem Dormier stated that CWD fuel and CPI rates were very reasonable and that their service has been good. Current contract requires 180-day notice prior to expiration (Dec. 2013). If Council chose one annual household hazardous waste day, it would cost the homeowners about \$6.84 annually.

CWD would have a representative at the February 11 Council meeting to present an annual review and would offer more information on the modified contract proposal.

**NO ACTION ON THIS ITEM.**

**ITEM 3.** **DISCUSSION/ACTION** – Consider and set the date and times for the annual Ovilla Cleanup Day.

If Council decided to approve the modified contract proposal with CWD, Ovilla's cleanup day would need to be set on a Saturday, rather than the traditional 3<sup>rd</sup> Saturday in April.

PL3 Griffin made the motion that Council approves and sets April 27, 2013, from 8:00 a.m. to noon for the annual Ovilla Cleanup Day; seconded by PL4 Hunt. Mayor Leverentz asked for a record vote by announcement of AYE or NAY. Present Council announced AYE in favor. PL1 Hall noted absent. No oppositions, no abstentions. If April 27 is rained out, May 04 will be the cleanup day.

***VOTE: The motion carried unanimously: 4-0.***

**ITEM 4.** ***DISCUSSION/ACTION*** – Consider proposed Ordinance 2013-004 of the City Council of the City of Ovilla, TX, authorizing a General Election to be held on May 11, 2013 for the purpose of electing a Mayor and Two Council Members, (Places 2 & 4) by the qualified voters of Ovilla; Providing for the method of voting; Providing for the appointment of the Early Voting Clerk, Presiding Election Judge, Early Voting Ballot Board; Providing for the lease of election equipment and Providing for publication in accordance with the TX Election Code.

PL4 Hunt made the motion that Council approves Ordinance 2013-004, authorizing the Order of General Election for May 11, 2013 as presented; seconded by PL3 Griffin. Mayor Leverentz asked for a record vote by announcement of AYE or NAY. Present Council announced AYE in favor. PL1 Hall noted absent. No oppositions, no abstentions.

***VOTE: The motion carried unanimously: 4-0.***

**ITEM 5.** ***DISCUSSION/ACTION*** – Consider proposed Joint Election Agreement between the Midlothian Independent School District and the City of Ovilla to hold joint elections served by a common polling place.

PL4 Hunt made the motion that Council approves the Joint Election Agreement between the Midlothian Independent School District and the City of Ovilla as presented; seconded by PL2 Stevenson. Mayor Leverentz asked for a record vote by announcement of AYE or NAY. Present Council announced AYE in favor. PL1 Hall noted absent. No oppositions, no abstentions.

***VOTE: The motion carried unanimously: 4-0.***

### **Adjournment**

PL2 Stevenson made the motion to adjourn, seconded by PL4 Hunt.

There being no further business, Mayor Leverentz adjourned the meeting at 7:48 p.m.

ATTEST:

Pamela Woodall, City Secretary

Tom Leverentz, Mayor

*Approved February 11, 2013*

AGENDA ITEM REPORT

REGULAR AGENDA

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

Meeting Date: February 11, 2013

Department: Administration

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted by: Staff

Amount: N/A

Attachments:

1. Proposed Ordinance
2. Current definition
3. Recommendation from the Planning & Zoning Commission
4. Legal Notice

Agenda Item / Topic:

**Public Hearing & Discussion** – Discuss and consider the proposed changes to the Comprehensive Zoning Ordinance:

**Case No. PZ13-001:** A request by The City of Ovilla, to amend Chapter 14, Section 53.1, of the Ovilla Comprehensive Zoning Ordinance No. 2010-013, by providing a revised definition of "Auto Sales, New and Used", with the approval and recommendation of Ordinance 2013-XXX to the Ovilla City Council.

**ITEM 1. DISCUSSION/ACTION – Case No. PZ13-001:** Consider a recommendation from the Planning and Zoning Commission to amend Chapter 14, Section 53.1, of the Ovilla Comprehensive Zoning Ordinance No. 2010-013, by providing a revised definition of "Auto Sales, New and Used", with the approval and recommendation of Ordinance 2013-005 to the Ovilla City Council.

Discussion / Justification:

Ovilla's legal counsel prepared the ordinance. When the junked car ordinance was revised, it did not recognize Commercial – only residential. This will address the commercial segment of junked vehicles. The Planning and Zoning Commission met on February 04, 2013 in open session, meeting necessary requirements by conducting a Public Hearing. The vote to recommend this ordinance to Council was unanimous.

Recommendation / Staff Comments:

Staff recommends approval.

Sample Motion(s):

**"I MAKE A MOTION THAT THE COUNCIL APPROVE / DENY THE PROPOSED ORDINANCE 2013-005 AMENDING CHAPTER 14, SECTION 53.1, "AUTO SALES, NEW & USED" DEFINITION IN CASE PZ13-001 AS PRESENTED."**

AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, AMENDING CHAPTER 14, SECTION 53.1, "GENERAL DEFINITIONS," OF THE OVILLA CODE OF ORDINANCES TO PROVIDE A REVISED DEFINITION OF "AUTO SALES, NEW AND USED;" PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERANCE CLAUSE; PROVIDING FOR INCORPORATION INTO THE OVILLA CODE OF ORDINANCES; PROVIDING FOR IMMEDIATE EFFECT; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council of the City of Ovilla, Texas, finds and determines that it is in the best interest of the citizens of the City of Ovilla, Texas, to amend the definition of "Auto Sales, New and Used" in the City's zoning regulations as codified in Chapter 14, Section 53.1 of the Ovilla Code of Ordinances.

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

**SECTION 1. AMENDMENT OF CHAPTER 14, SECTION 53.1 OF THE OVLLA CODE OF ORDINANCES**

Chapter 14, Section 53.1 of the Ovilla Code of Ordinances is hereby amended by changing the definition of "Auto Sales, New and Used" to read as follows:

*Auto Sales / New and Used.* An open area or lot used for the display or sale of automobiles or trucks, and vans. Sale of automobiles by auto garage owner(s) is permitted to sell vehicles obtained by a mechanics lien or received in lieu of payment for services rendered. Such vehicles are allowed for sale on premises 90 days after title has been received by the garage owner.

**SECTION 2. SAVINGS CLAUSE**

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

**SECTION 3. SEVERANCE CLAUSE**

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

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

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

**SECTION 5. EFFECTIVE DATE**

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

**SECTION 6. PUBLICATION**

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

**PASSED, ADOPTED AND APPROVED** by the City Council of Ovilla, Texas on this the

\_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Tom Leverentz, Mayor

**ATTEST:**

\_\_\_\_\_  
Pamela Woodall, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Ron G. MacFarlane, Jr., City Attorney

*Auto Parts and Accessory Sales.* An automotive shop with a primary purpose of selling new parts and accessories for automobiles, trucks, and vans.

*Auto Rental (Car and Truck).* An establishment primarily engaged in the short-term rental or extended term leasing of automobiles and trucks, not including truck tractors or semi-trailers.

*Auto Repair Garage.* An enclosed facility designed for the repair and maintenance of automobiles, trucks, and vans with outside storage allowed but no outside repair or maintenance conducted.

*Auto Sales, New and Used.* An open area or lot used for the display or sale of automobiles, trucks, and vans, where no repair work is done except minor reconditioning of the cars to be displayed and sold on the premises, and no dismantling of cars for sale or keeping of used car parts or junk occurs on the premises.

*Auto Service Station.* An establishment for the retail sales of petroleum products, automobile accessories, auto tune-up, muffler installation incidental to the primary use, tire installation or repair, oil change or other lubricate services in which all services provided and all storage, supplies, parts, equipment, and accessories are indoors, with the exception of fuel-dispensing operations.

*Auto Service Station, Light Maintenance.* A premises where gasoline and other petroleum products are sold and / or light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall include automobile inspection services, but shall not include areas where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted.

*Awning.* An architectural projection which provides weather protection, identity, or decoration, and is supported by the building to which it is attached. It is composed of a lightweight rigid or retractable skeleton structure over which another cover is attached, which may be of fabric or other material. Such sign may be raised or retracted to a position against the building, and may be illuminated.

*Bakery, Retail Confectionery.* A shop offering for sale on premises those baked goods or candies made on premises or off premises. No production for off-premises sale is allowed.

*Bakery, Wholesale Candy.* A manufacturing facility for either baked goods or candy with the purpose of selling the products at off-site retail locations.

*Bank, Savings and Loan Association, Financial Institution.* A building or premises offering banking, savings and loan, and other financial services, not including pawn shops as herein defined.

*Basement.* A building story which is partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story in computing building height.

*Barber Shop, Beauty Salon, other Personal Shop.* An establishment which provides personal services including hair cuts, perms, color treatments, manicures, pedicures, and other personal beauty services.



## City of OVILLA Planning & Zoning Commission Recommendation

**Case No. PZ13-001: Public Hearing & Discussion** – Discuss and consider the proposed changes to the Comprehensive Zoning Ordinance:

**Case No. PZ13-001:** A request by The City of Ovilla, to amend Chapter 14, Section 53.1, of the Ovilla Comprehensive Zoning Ordinance No. 2010-013, by providing a revised definition of "Auto Sales, New and Used", with the approval and recommendation of Ordinance 2013-XXX to the Ovilla City Council.

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

PL 1 Rarick AYE  
PL2 Yordy AYE  
PL3 Silva AYE  
PL4 Oberg AYE

PL5 Edmiston AYE  
PL6 Lamar ABSENT  
PL7 Zimmermann AYE

6 FOR

0 AGAINST

  ABSTAIN

\*\*\*\*\*

*James Rarick*  
\_\_\_\_\_  
Presiding Officer of P&Z

*3/04/2013*  
\_\_\_\_\_  
Date

## LEGAL NOTICE

### CITY OF OVILLA NOTICE OF PUBLIC HEARING(S)

NOTICE is hereby given to all interested persons that the Planning & Zoning Commission of the City of Ovilla, Texas, will conduct a public hearing on Monday, **February 04, 2013** at **7:00 o'clock p.m.** at 105 S. Cockrell Hill Road, Ovilla, Texas for the purpose of obtaining public comment regarding the following:

**Case No. PZ13-001.** A request by The City of Ovilla, for an ordinance to change Chapter 14, **ZONING**, amending Section 53.1 "GENERAL DEFINITIONS," to provide a revised definition of "Auto Sales, New and Used" in the Ovilla Code of Ordinances to read:

*Auto Sales / New and Used.* An open area or lot used for the display or sale of automobiles or trucks, and vans. Sale of automobiles by auto garage owner(s) is permitted to sell vehicles obtained by a mechanics lien or received in lieu of payment for services rendered. Such vehicles are allowed for sale on premises 90 days after title has been received by the garage owner.

Should the Planning & Zoning Commission recommend approval of the changes to Chapter 14 above, the City Council will consider the recommendation during its regular meeting on **February 11, 2013 at 7:00 p.m.** in the **Council Chamber Room, 105 S. Cockrell Hill Road, Ovilla, Texas 75154.**

All interested persons are invited to attend and make comments. Written comments will also be accepted. For more information regarding this Notice, or to view the proposed ordinance amendment in its entirety, please contact Pam Woodall, 972.617.7262 or [phiggins@cityofovilla.org](mailto:phiggins@cityofovilla.org).



POSTED on City Hall Bulletin Board and city website [www.cityofovilla.org](http://www.cityofovilla.org) 1/19/2013

REMOVED \_\_\_\_\_

Pamela Woodall

Pamela Woodall, City Secretary



# Ovilla City Council

## AGENDA ITEM REPORT

### REGULAR AGENDA

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

Meeting Date: February 11, 2013

Department: Administration

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted by: Staff

Amount: N/A

#### Attachments:

1. Proposed Ordinance (redlined and clean copy)

#### Agenda Item / Topic:

**ITEM 2.** ***DISCUSSION/ACTION*** – Consider proposed Ordinance 2013-003, repealing Chapter 4, Article 4.02, Section 4.02.001(C), amending Chapter 4, Article 4.02, Sections 4.02.001(A) and (B) of the Ovilla Code of Ordinances by the addition of Article 4.10 Providing Mobile Food Vending Regulations.

#### Discussion / Justification:

In review of Chapter 4, Section 4, Peddler and/or Solicitor, it was discovered that mobile food vendors were not defined or properly accounted. Council asked legal counsel to draft an ordinance designed to ensure that the Mobile Food Vendors are sufficiently regulated and operate in a safe and nonintrusive manner within the City of Ovilla.

Council discussed this ordinance during the January 28, 2013 Regular Meeting. Revisions were made and staff was directed to bring the ordinance back for consideration.

#### Changes:

1. \$50 monthly – page 4
2. Vacating premises daily – page 2
3. Maintenance of area – page 2

#### Recommendation / Staff Comments:

#### Sample Motion(s):

**"I MAKE A MOTION THAT COUNCIL APPROVES/DOES NOT APPROVE AND ADOPTS/DENIES ORDINANCE 2013-003 AMENDING CHAPTER 4 OF THE OVILLA CODE OF ORDINANCES BY THE ADDITION OF ARTICLE 4.10 PROVIDING MOBILE FOOD VENDING REGULATIONS AS PRESENTED."**

**ORDINANCE NO. 2013-003**

**ORDINANCE NO. 2013-003**

AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, REPEALING CHAPTER 4, ARTICLE 4.02, SECTION 4.02.001(C), AMENDING CHAPTER 4, ARTICLE 4.02, SECTIONS 4.02.001(A) AND (B), AND AMENDING CHAPTER 4 OF THE OVILLA CODE OF ORDINANCES BY THE ADDITION OF ARTICLE 4.10 PROVIDING MOBILE FOOD VENDING REGULATIONS; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERANCE CLAUSE; PROVIDING FOR INCORPORATION INTO THE OVILLA CODE OF ORDINANCES; PROVIDING FOR IMMEDIATE EFFECT; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council of the City of Ovilla, Texas, does find and determine that it is in the best interest of the safety, health and welfare of the citizens of the City of Ovilla, Texas, to adopt regulations pertaining to the operation of mobile food vending operations within the city limits.

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

**SECTION 1. REPEAL OF CHAPTER 4, ARTICLE 4.02, SECTION 4.02.001, SUBSECTION (C), OF THE OVILLA CODE OF ORDINANCES**

Chapter 4, Article 4.02, Section 4.02.001(c) of the Ovilla Code of Ordinances is hereby repealed.

**SECTION 2. AMENDMENT OF CHAPTER 4, ARTICLE 4.02, SECTION 4.02.001, SUBSECTIONS (A) and (B), OF THE OVILLA CODE OF ORDINANCES**

Chapter 4, Article 4.02, Section 4.02.001(a) and (b), of the Ovilla Code of Ordinances is hereby amended to read as follows:

(a) As used in this article, "canvasser" or "solicitor" shall mean any individual, whether a resident of the city or not, traveling either by foot, wagon, automobile, motor truck, or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares, merchandise, or personal property of any nature whatsoever, for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries, or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not; provided that such definition shall include any person who, for himself/herself or any other person, hires, leases, uses, or occupies any building or any other place within the city for the sole purpose of exhibiting samples or taking orders for future delivery. The definition of "canvasser" and "solicitor" do not include mobile food vendors. Mobile food vendors are defined in and subject to Article 4.10 of this Code.

(b) As used in this article, "peddler" shall include any person, whether a resident of the city or not, traveling by foot, wagon, automobile, garden truck, or any other type of conveyance, from house to house, or from street to street, carrying, conveying, or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, farm products, provisions, milk or milk products, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, other vehicle, or conveyance; and further provided that such definition shall

## **ORDINANCE NO. 2013-003**

include any person who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this article. The word "peddler" shall include the words "hawker" and "huckster." The definition of "peddler" does not include mobile food vendors. Mobile food vendors are defined in and subject to Article 4.10 of this Code.

### **SECTION 3. AMENDMENT OF CHAPTER 4, OF THE OVILLA CODE OF ORDINANCES**

Chapter 4 of the Ovilla Code of Ordinances is hereby amended by the addition of Article 4.10 to read as follows:

#### **ARTICLE 4.10 MOBILE FOOD VENDORS**

##### **Sec. 4.10.001 Definitions**

A "mobile food vendor" means any person, persons or entity that operates or sells prepared food from an automobile, cart, truck, trailer or similar vehicle, capable of being moved, for a period of 15 days or more per year. This definition shall not include canvassers, solicitors or peddlers as defined in Section 4.02.001 of this Code.

##### **Sec. 4.10.002 Operations and Regulations**

- (a) A valid health permit is required for all mobile food vendors.
- (b) All mobile food vendors shall maintain proof of current automobile insurance.
- (c) Hours of operation shall be 7:00 a.m. until sunset.
- (d) The operation of a mobile food vendor is prohibited in the following locations:
  - (1) Within one block of a school, one (1) hour before or after school hours.
  - (2) Within one hundred (100) feet of an intersection.
  - (3) Being stationary at one location for more than fifteen (15) minutes or locating at any one location more than four (4) times per day (with less than 30 minutes between setups). A "location" for purposes of this ordinance means on or in front of the entire premises of each tract of land or property address within the city limits.
- (4) Any Commercial Restricted ("CR") zoning district that does not have a Specific Special Use Permit for food sales.
- (5) Any City park other than Heritage Park.

(e) Mobile food vendors may remain stationary at Heritage Park with written permission of the City and payment of a monthly fee. Permission from the City to conduct business at the city parks will be granted on a monthly basis for periods up to six (6) months (January 1 to June 30 or July 1 to December 31) and will be limited to four (4) mobile food vendors at Heritage Park. Permission will be granted on a first come, first served basis. Hours of operation allowed will be 7:00 a.m. to 8:00 p.m. any day of the week. A location will be assigned in the parking lot next to Main Street. No signage other than allowed as part of a mobile food vendor unit will be allowed. Vendor will be responsible for cleanup and maintenance to the park at the end of each day on premises. All mobile food vendors, equipment and vehicles will vacate the premises (Heritage Park) at the close of each day.

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**ORDINANCE NO. 2013-003**

- (f) All automobiles, carts, trucks, trailers or other vehicles used in the operation of the mobile food vendor's business shall have the following:
  - (1) Sign on front and back of truck that states in three-inch lettering "Watch for Children".
  - (2) The mobile food vendor's business name and phone number.
  - (3) Serving window shall be located on ~~curb-side~~curbside only.
  - (4) Sound equipment must comply with the following:
    - (i) Sound equipment shall be limited to music or human speech.
    - (ii) Sound shall not be audible more than one hundred (100) yards from the truck.  
Sound shall be no louder than 80 dBA.
    - (iii) Sound shall be turned off while the vehicle is stopped for vending.
- (g) Mobile food vendors who conduct business on any private property shall provide the City with written and signed permission of the property owner and may operate at such location only during the business hours of the property owner and subject to the provisions of Section 4.10.002(d) above.
- (h) Temporary connections to potable water are prohibited. Water shall be from an internal tank or other suitable reservoir, and all required electricity shall be supplied by the vehicle, portable generator or an electrical outlet with use of a portable power cord that is in conformance with the Electrical Code adopted by the City.

**Sec. 4.10.003 Application**

- (a) Applicants for a permit under this article must file with the city secretary a sworn application in writing setting forth the following information:
  - (1) Name and description of the applicant;
  - (2) Address, legal and local;
  - (3) A description of the foods to be sold;
  - (4) A copy of the mobile food vendor's current retail food operation permit issued by the Texas Department of State Health Services;
  - (5) A copy of the mobile food vendor's most recent retail food establishment inspection report issued by the Texas Department of State Health Services;
  - (6) If employed, the name and address of the employer, together with credentials establishing the exact relationship;
  - (7) Proof of automobile insurance if food sales are to be made through use of a motor vehicle;
  - (8) The license plate number of the automobile, cart, truck, trailer or other vehicle from which food will be sold, if a license plate is required by the State of Texas.
  - (9) A photograph of the applicant, taken within sixty (60) days immediately prior to the date of filing of the application, which picture shall be two inches (2") by two inches (2") showing the head and shoulders of the applicant in a clear and distinguishing manner;

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## ORDINANCE NO. 2013-003

(10) A statement as to whether or not the applicant has been convicted of a felony or misdemeanor, the nature thereof, and the penalty assessed.

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(b) At the time of the filing of the application, a non-refundable fee in the amount of \$100.00 shall be paid to the city secretary to cover the cost of investigation of the facts stated therein. If parking at Heritage Park is desired, an additional fee of \$50 per month will be assessed at the time of application. If the mobile ~~food-vending~~ permit is not granted, the ~~\$300.00~~<sup>50.00</sup>~~additional~~ fee for parking at Heritage ~~park~~Park will be refunded. If locations are available, the parking at Heritage Park may be added to a valid mobile ~~food-vending~~food-vending permit at any time, but will expire on either June 30 or December 31 of the year.

### **Sec. 4.10.004 Investigation and Denial or Issuance**

(a) Upon receipt of a correct and complete application, it shall be referred to the Mayor or his designee, who shall cause an investigation to be conducted of the applicant's business and moral character for the protection of the public good.

(b) If as a result of the such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the mayor or his designee may deny the permit and shall endorse on the application his or her disapproval the reasons for the denial. The application shall then be returned to the city secretary, who shall notify the applicant that his/her application is denied and that no permit will be issued.

(c) If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the mayor or his or her designee shall endorse on the application his or her approval, execute a permit addressed to the applicant for a mobile food vendor operation, and return the permit along with the application to the city secretary, who shall deliver to the applicant his or her permit. The city secretary shall keep a permanent record of all permits licenses issued.

### **Sec. 4.10.005 Appeal of Denial**

Any person or entity denied a permit under this article shall have the right to appeal to the city council. Such appeal shall be taken by filing with the council, within fourteen (14) days after the date of the denial, a written statement setting forth fully the grounds for the appeal. The council shall set a time and place for a hearing on such appeal, and notice of such hearing shall be given in the manner as provided in section 4.02.008 for a notice of hearing on revocation. The decision and order of the council on such appeal shall be final and conclusive.

### **SSec. 4.10.006 Transfer**

No permit issued under the provisions of this article shall be used by any person or entity other than the one to whom it was issued.

### **Sec. 4.10.007 Exhibition**

All permits issued under this article shall be displayed within clear view of the public at all times during the operation of the mobile food vendor.

**ORDINANCE NO. 2013-003**

**Sec. 4.02.008 Revocation**

(a) Permits issued under the provisions of this article may be revoked by the city council, after notice and hearing, for any of the following causes:

- (1) Fraud, misrepresentation, or false statement contained in the application for license;
- (2) Fraud, misrepresentation, or false statement made in the course of carrying on the business of peddler, canvasser, or solicitor;
- (3) Any violation of this article;
- (4) Conviction for any felony or a misdemeanor involving violence or crime of moral turpitude;
- (5) Conducting the business of mobile food vending in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

(b) Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his or her known address at least ten (10) days prior to the date set for the hearing.

**Sec. 4.02.009 Expiration**

All annual permits issued under the provisions of this article shall expire on the thirty-first (31st) of December in the year for which issued. Permits other than annual permits shall expire on the date specified on the permit. The full amount of fees will be collected regardless of expiration date.

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**SECTION 4. PENALTY CLAUSE**

Any person, firm, partnership, association or corporation who shall violate any of the provisions of this ordinance shall be guilty of a ~~misdemeanor which~~misdemeanor, which shall be punishable by a fine in an amount not to exceed Five Hundred Dollars (\$500). Each and every instance of the violation of this Ordinance constitutes a separate offense and shall be punishable by separate fine for each offense.

**SECTION 5. SAVINGS CLAUSE**

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

**SECTION 6. SEVERANCE CLAUSE**

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

**ORDINANCE NO. 2013-003**

**SECTION 7. INCORPORATION INTO THE CODE OF ORDINANCES**

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

**SECTION 8. EFFECTIVE DATE**

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

**SECTION 9. PUBLICATION**

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

**PASSED, ADOPTED AND APPROVED** by the City Council of Ovilla, Texas on this the

\_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Tom Leverenz, Mayor

**ATTEST:**

\_\_\_\_\_  
Pamela Woodall, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Ron G. MacFarlane, Jr., City Attorney

AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, REPEALING CHAPTER 4, ARTICLE 4.02, SECTION 4.02.001(C), AMENDING CHAPTER 4, ARTICLE 4.02, SECTIONS 4.02.001(A) AND (B), AND AMENDING CHAPTER 4 OF THE OVILLA CODE OF ORDINANCES BY THE ADDITION OF ARTICLE 4.10 PROVIDING MOBILE FOOD VENDING REGULATIONS; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERANCE CLAUSE; PROVIDING FOR INCORPORATION INTO THE OVILLA CODE OF ORDINANCES; PROVIDING FOR IMMEDIATE EFFECT; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council of the City of Ovilla, Texas, does find and determine that it is in the best interest of the safety, health and welfare of the citizens of the City of Ovilla, Texas, to adopt regulations pertaining to the operation of mobile food vending operations within the city limits.

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

**SECTION 1. REPEAL OF CHAPTER 4, ARTICLE 4.02, SECTION 4.02.001, SUBSECTION (C), OF THE OVILLA CODE OF ORDINANCES**

Chapter 4, Article 4.02, Section 4.02.001(c) of the Ovilla Code of Ordinances is hereby repealed.

**SECTION 2. AMENDMENT OF CHAPTER 4, ARTICLE 4.02, SECTION 4.02.001, SUBSECTIONS (A) and (B), OF THE OVILLA CODE OF ORDINANCES**

Chapter 4, Article 4.02, Section 4.02.001(a) and (b), of the Ovilla Code of Ordinances is hereby amended to read as follows:

(a) As used in this article, "canvasser" or "solicitor" shall mean any individual, whether a resident of the city or not, traveling either by foot, wagon, automobile, motor truck, or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares, merchandise, or personal property of any nature whatsoever, for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries, or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not; provided that such definition shall include any person who, for himself/herself or any other person, hires, leases, uses, or occupies any building or any other place within the city for the sole purpose of exhibiting samples or taking orders for future delivery. The definition of "canvasser" and "solicitor" do not include mobile food vendors. Mobile food vendors are defined in and subject to Article 4.10 of this Code.

(b) As used in this article, "peddler" shall include any person, whether a resident of the city or not, traveling by foot, wagon, automobile, garden truck, or any other type of conveyance, from house to house, or from street to street, carrying, conveying, or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, farm products, provisions, milk or milk products, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, other vehicle, or conveyance; and further provided that such definition shall include any person who solicits orders and as a separate transaction makes deliveries to

purchasers as a part of a scheme or design to evade the provisions of this article. The word "peddler" shall include the words "hawker" and "huckster." The definition of "peddler" does not include mobile food vendors. Mobile food vendors are defined in and subject to Article 4.10 of this Code.

**SECTION 3. AMENDMENT OF CHAPTER 4, OF THE OVILLA CODE OF ORDINANCES**

Chapter 4 of the Ovilla Code of Ordinances is hereby amended by the addition of Article 4.10 to read as follows:

**ARTICLE 4.10 MOBILE FOOD VENDORS**

**Sec. 4.10.001 Definitions**

A "mobile food vendor" means any person, persons or entity that operates or sells prepared food from an automobile, cart, truck, trailer or similar vehicle, capable of being moved, for a period of 15 days or more per year. This definition shall not include canvassers, solicitors or peddlers as defined in Section 4.02.001 of this Code.

**Sec. 4.10.002 Operations and Regulations**

- (a) A valid health permit is required for all mobile food vendors.
- (b) All mobile food vendors shall maintain proof of current automobile insurance.
- (c) Hours of operation shall be 7:00 a.m. until sunset.
- (d) The operation of a mobile food vendor is prohibited in the following locations:
  - (1) Within one block of a school, one (1) hour before or after school hours.
  - (2) Within one hundred (100) feet of an intersection.
  - (3) Being stationary at one location for more than fifteen (15) minutes or locating at any one location more than four (4) times per day (with less than 30 minutes between setups). A "location" for purposes of this ordinance means on or in front of the entire premises of each tract of land or property address within the city limits.
  - (4) Any Commercial Restricted ("CR") zoning district that does not have a Specific Use Permit for food sales.
  - (5) Any City park other than Heritage Park.
- (e) Mobile food vendors may remain stationary at Heritage Park with written permission of the City and payment of a monthly fee. Permission from the City to conduct business at the city park will be granted on a monthly basis and will be limited to four (4) mobile food vendors at Heritage Park. Permission will be granted on a first come, first served basis. Hours of operation allowed will be 7:00 a.m. to 8:00 p.m. any day of the week. A location will be assigned in the parking lot next to Main Street. No signage other than allowed as part of a mobile food vendor unit will be allowed. Vendor will be responsible for cleanup and maintenance to the park at the end of each day on premises. All mobile food vendors, equipment and vehicles will vacate the premises (Heritage Park) at the close of each day.
- (f) All automobiles, carts, trucks, trailers or other vehicles used in the operation of the mobile food vendor's business shall have the following:
  - (1) Sign on front and back of truck that states in three-inch lettering "Watch for Children".

- (2) The mobile food vendor's business name and phone number.
- (3) Serving window shall be located on curbside only.
- (4) Sound equipment must comply with the following:
  - (i) Sound equipment shall be limited to music or human speech.
  - (ii) Sound shall not be audible more than one hundred (100) yards from the truck. Sound shall be no louder than 80 dBA.
  - (iii) Sound shall be turned off while the vehicle is stopped for vending.
- (g) Mobile food vendors who conduct business on any private property shall provide the City with written and signed permission of the property owner and may operate at such location only during the business hours of the property owner and subject to the provisions of Section 4.10.002(d) above.
- (h) Temporary connections to potable water are prohibited. Water shall be from an internal tank or other suitable reservoir, and all required electricity shall be supplied by the vehicle, portable generator or an electrical outlet with use of a portable power cord that is in conformance with the Electrical Code adopted by the City.

**Sec. 4.10.003 Application**

- (a) Applicants for a permit under this article must file with the city secretary a sworn application in writing setting forth the following information:
  - (1) Name and description of the applicant;
  - (2) Address, legal and local;
  - (3) A description of the foods to be sold;
  - (4) A copy of the mobile food vendor's current retail food operation permit issued by the Texas Department of State Health Services;
  - (5) A copy of the mobile food vendor's most recent retail food establishment inspection report issued by the Texas Department of State Health Services;
  - (6) If employed, the name and address of the employer, together with credentials establishing the exact relationship;
  - (7) Proof of automobile insurance if food sales are to be made through use of a motor vehicle;
  - (8) The license plate number of the automobile, cart, truck, trailer or other vehicle from which food will be sold, if a license plate is required by the State of Texas.
  - (9) A photograph of the applicant, taken within sixty (60) days immediately prior to the date of filing of the application, which picture shall be two inches (2") by two inches (2") showing the head and shoulders of the applicant in a clear and distinguishing manner;
  - (10) A statement as to whether or not the applicant has been convicted of a felony or misdemeanor, the nature thereof, and the penalty assessed.

(b) At the time of the filing of the application, a non-refundable fee in the amount of \$100.00 shall be paid to the city secretary to cover the cost of investigation of the facts stated therein. If parking at Heritage Park is desired, an additional fee of \$50 per month will be assessed at the time of application. If the mobile food-vending permit is not granted, the additional fee for parking at Heritage Park will be refunded. If locations are available, the parking at Heritage Park may be added to a valid mobile food-vending permit at any time.

**Sec. 4.10.004 Investigation and Denial or Issuance**

(a) Upon receipt of a correct and complete application, it shall be referred to the Mayor or his designee, who shall cause an investigation to be conducted of the applicant's business and moral character for the protection of the public good.

(b) If as a result of the such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the mayor or his designee may deny the permit and shall endorse on the application his or her disapproval the reasons for the denial. The application shall then be returned to the city secretary, who shall notify the applicant that his/her application is denied and that no permit will be issued.

(c) If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the mayor or his or her designee shall endorse on the application his or her approval, execute a permit addressed to the applicant for a mobile food vendor operation, and return the permit along with the application to the city secretary, who shall deliver to the applicant his or her permit. The city secretary shall keep a permanent record of all permits licenses issued.

**Sec. 4.10.005 Appeal of Denial**

Any person or entity denied a permit under this article shall have the right to appeal to the city council. Such appeal shall be taken by filing with the council, within fourteen (14) days after the date of the denial, a written statement setting forth fully the grounds for the appeal. The council shall set a time and place for a hearing on such appeal, and notice of such hearing shall be given in the manner as provided in section 4.02.008 for a notice of hearing on revocation. The decision and order of the council on such appeal shall be final and conclusive.

**Sec. 4.10.006 Transfer**

No permit issued under the provisions of this article shall be used by any person or entity other than the one to whom it was issued.

**Sec. 4.10.007 Exhibition**

All permits issued under this article shall be displayed within clear view of the public at all times during the operation of the mobile food vendor.

**Sec. 4.02.008 Revocation**

(a) Permits issued under the provisions of this article may be revoked by the city council, after notice and hearing, for any of the following causes:

(1) Fraud, misrepresentation, or false statement contained in the application for license;

- (2) Fraud, misrepresentation, or false statement made in the course of carrying on the business of peddler, canvasser, or solicitor;
- (3) Any violation of this article;
- (4) Conviction for any felony or a misdemeanor involving violence or crime of moral turpitude;
- (5) Conducting the business of mobile food vending in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

(b) Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his or her known address at least ten (10) days prior to the date set for the hearing.

**Sec. 4.02.009      Expiration**

All annual permits issued under the provisions of this article shall expire on the thirty-first (31st) of December in the year for which issued. Permits other than annual permits shall expire on the date specified on the permit. The full amount of fees will be collected regardless of expiration date.

**SECTION 4. PENALTY CLAUSE**

Any person, firm, partnership, association or corporation who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor, which shall be punishable by a fine in an amount not to exceed Five Hundred Dollars (\$500). Each and every instance of the violation of this Ordinance constitutes a separate offense and shall be punishable by separate fine for each offense.

**SECTION 5. SAVINGS CLAUSE**

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

**SECTION 6. SEVERANCE CLAUSE**

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

**SECTION 7. INCORPORATION INTO THE CODE OF ORDINANCES**

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

**SECTION 8. EFFECTIVE DATE**

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

**SECTION 9. PUBLICATION**

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

**PASSED, ADOPTED AND APPROVED** by the City Council of Ovilla, Texas on this the

\_\_\_\_\_ day of \_\_\_\_\_, 2013.

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Tom Leverenz, Mayor

**ATTEST:**

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Pamela Woodall, City Secretary

**APPROVED AS TO FORM:**

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Ron G. MacFarlane, Jr., City Attorney

AGENDA ITEM REPORT

REGULAR AGENDA

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

Meeting Date: February 11, 2013

Department: Administration

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted by: Staff

Amount: N/A

Attachments:

1. CWD proposal and Exhibit A

Agenda Item / Topic:

**ITEM 3.** ***DISCUSSION/ACTION*** – Consider a proposed contract extension with Community Waste Disposal (CWD) with the option to include a household hazardous waste disposal day as a modification to the contract.

Discussion / Justification:

Ovilla's 5-year solid waste contract with Community Waste Disposal expires in December 2013. The expiring contract has provisions for two one-year extensions. CWD representative Robert Medigovich met with staff and Mayor Pro-Tem Dormier on Friday, January 25. Mr. Medigovich presented a proposal offering the city an option to modify the contract to include a household hazardous waste day and to extend the contract for an additional 3 or 5-years.

Council addressed this item for discussion only during the January 28, 2013 Regular Meeting. CWD representative Robert Medigovich will be present to answer inquiries from Council.

Recommendation / Staff Comments:

Sample Motion(s):

**"I MAKE A MOTION THAT COUNCIL APPROVES AND ADOPTS/DENIES THE PROPOSED CONTRACT EXTENSION (3-YEARS / 5-YEARS) WITH CWD TO INCLUDE/NOT INCLUDE ONE/TWO HOUSEHOLD HAZARDOUS WASTE DISPOSAL DAY(S) AS PRESENTED."**



CommunityWasteDisposal.com  
Since 1984

January 28, 2013

Ms. Pamela Woodall, City Secretary  
City of Ovilla  
105 S. Cockrell Hill Road  
Ovilla, TX 75154

RE: Contract Renewal Offer

Dear Ms. Woodall:

Thank you for meeting with Robert Medigovich on Friday, January 25, 2013 concerning CWD's contract renewal offer and X-treme Green Event program.

CWD proposes 2 options:

Offer Outline:

1. No rate adjustment on December 1, 2013. Rates will be guaranteed at current charges up to December 1, 2014. This applies to both residential and commercial charges.
2. CWD will implement X-treme Green Events for the following per home, per month charge:

	<u>1x per year</u>
5 Year Contract Renewal	\$ .57
3 Year Contract Renewal	\$ .70

(See attached Exhibit "A" for more details)

3. All other contract terms and conditions remain the same.

All X-treme Green Event fees will begin at the earlier of the following: The first month including an X-treme Green Event or December 1, 2013, whichever occurs first.

At CWD, we are proud of our public/private partnership with the City of Ovilla and hope you feel the same.

Should you have any questions, please contact me at (972) 392-9300, ext. 208.

Sincerely,



Greg A. Roemer

President

[groemer@ cwd.to](mailto:groemer@ cwd.to)

cc:

Richard Dormier, Mayor Pro Tem

## Exhibit A

# Community Waste Disposal.com

Since 1984

## City of Ovilla



One or Two times per year, in the city limits of Ovilla licensed and trained CWD professionals set up, collect, manage and disassemble a “one stop” disposal site.

- Household Hazardous Waste
- Used Electronic Waste, Including CRTs
- Metal Appliances
- Tires
- On Site Document Shredding

CWD personnel will handle all TECQ permits, transportation and disposal. Site will be open to town residents from 8:00am to 1:00pm.

Charge Per Home Per Month	Events Per Year
Option A: 5 Year Contract Extension	\$ .57
Option B: 3 Year Contract Extension	\$ .70

*Easy access encourages resident participation at a recent city sponsored event*



*CWD X-treme Green Event trailer, collecting and processing an assortment of HHW materials*

# Community Waste Disposal.com

Since 1984



## Household Hazardous Waste



Aerosols  
Corrosive (acids, bases)  
Toxic (pesticides, herbicides, etc.)  
Flammables  
Oil Base Paint  
Latex Paint  
Gasoline  
Antifreeze  
Non-hazardous solid (caulk, joint compound, etc.)

RCRA Empty  
Lead Acid Batteries  
Oxidizers  
Organic Peroxides  
Organic Compounds  
Lighting Ballast (assume PCB content)  
MNiMH & NiCAD Batteries  
Lithium & Li-ion Batteries

## E-Waste



Analog Computer  
Mainframe Computer  
Cable TV transmitting or receiving equipment  
Media Storage Devices  
CD Rom Drive  
Microcomputer  
Computer Disk Drives  
Minicomputer  
Computer Terminal  
Desktop Computer

Computer Router  
Personal Computer (handheld, laptop)  
Flatbed Scanner  
Satellite TV transmitting equipment  
Telephone (cellular, cordless, wireless)  
Computer Mouse  
Printer  
TV (CRT, LCD, Plasma, Flat Screens)  
Computer Keyboard

## Household Metal Appliances



Refrigerator  
Washer  
Microwave

Freezer  
Dryer  
Stove/Oven



# Community Waste Disposal.com

Since 1984



## Automotive Tires



Standard Passenger and SUV Tires  
Standard Light Duty Truck Tires

ATV Tires  
Lawnmower Tires

## On Site Document Shredding



Bank Statements  
Confidential Information

Old Bills

Individuals that appear to be delivering these items from a business, whether run out of a residence or not, will be rejected or charged a separate special handling fee.

City and/or Contractor may reject unusual volumes of Hazardous Waste, Electronics, Household Metal Appliances, Automotive Tires or Documents for shredding. Unusual Volumes will be determined by:

1. Any one material whereas the accumulated weight exceeds 500 pounds.
2. Any one material whereas the accumulated volumes exceed 1 cubic yard.
3. Any multiple items that accumulated volume exceeds 4 cubic yards.

AGENDA ITEM REPORT

REGULAR AGENDA

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

Meeting Date: February 11, 2013

Department: Administration

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted by: Staff

Amount: N/A

Attachments:

1. Proposed Ordinance

Agenda Item / Topic:

**ITEM 4.** **DISCUSSION/ACTION** – Consider proposed Ordinance 2013-006 granting ONCOR Electric to use the present and future streets, alleys, highways, public utility easements for public ways and public property of the City of Ovilla and providing compensation thereof.

Discussion / Justification:

Legal counsel reviewed the franchise ordinance and approved to form.

Recommendation / Staff Comments:

Sample Motion(s):

**“I MAKE A MOTION THAT COUNCIL APPROVES/DOES NOT APPROVE AND ADOPTS/DENIES THE PROPOSED ORDINANCE 2013-006 GRANTING AUTHORITY TO ONCOR ELECTRIC DELIVERY COMPANY, LLC, AN ELECTRIC POWER FRANCHISE AS PRESENTED.”**



Ron McCune  
Franchise Manager  
Regulatory Affairs

Oncor Electric Delivery  
1616 Woodall Rodgers Fwy  
Suite 6A-011  
Dallas, Texas 75202-1234

Tel: 214-486-5678  
Fax: 214-486-2180

Ronald.mccune@oncor.com

January 24, 2013

Hon. Tom Leverentz  
Mayor  
City of Ovilla  
105 Cockrell Hill, Rd. #2  
Ovilla, TX 75154

Dear Mayor Leverentz:

As you are aware, the City of Ovilla electric franchise with Oncor Electric Delivery will expire on July 1, 2013. Enclosed is a proposed electric franchise renewal ordinance for the City of Ovilla. The proposed franchise has been prepared utilizing our standard franchise language and incorporates existing payment provisions as contained in the current franchise and franchise amendments. In addition, the franchise proposes a term of 20 years, and expires on June 30, 2034.

I will be contacting you within the next few weeks to determine how you would like to proceed to finalize the franchise. If you have any questions or comments concerning the proposed franchise, please feel free to call me at 214-486-5678 or you may also reach me via e-mail at [ronald.mccune@oncor.com](mailto:ronald.mccune@oncor.com)

Sincerely,

*Ron McCune*

Enclosure

cc: Kenneth Govan

ORDINANCE NO. 2013-006

AN ORDINANCE GRANTING TO ONCOR ELECTRIC DELIVERY COMPANY LLC, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC POWER FRANCHISE TO USE THE PRESENT AND FUTURE STREETS, ALLEYS, HIGHWAYS, PUBLIC UTILITY EASEMENTS, PUBLIC WAYS AND PUBLIC PROPERTY OF THE CITY OF OVILLA, TEXAS, PROVIDING FOR COMPENSATION THEREFOR, PROVIDING FOR AN EFFECTIVE DATE AND A TERM OF SAID FRANCHISE, PROVIDING FOR WRITTEN ACCEPTANCE OF THIS FRANCHISE, PROVIDING FOR THE REPEAL OF ALL EXISTING FRANCHISE ORDINANCES TO ONCOR ELECTRIC DELIVERY COMPANY LLC, ITS PREDECESSORS AND ASSIGNS, AND FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC.

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

SECTION 1. GRANT OF AUTHORITY: That there is hereby granted to Oncor Electric Delivery Company LLC, its successors and assigns (herein called "Company"), the right, privilege and franchise to construct, extend, maintain and operate in, along, under and across the present and future streets, alleys, highways, public utility easements, public ways and other public property (Public Rights-of-Way) of the City of Ovilla, Texas (herein called "City") electric power lines, with all necessary or desirable appurtenances (including underground conduits, poles, towers, wires, transmission lines, telephone and communication lines, and other structures for its own use), (herein called "Facilities") for the purpose of delivering electricity to the City, the inhabitants thereof, and persons, firms and corporations beyond the corporate limits thereof, for the term set out in Section 7.

SECTION 2. Poles, towers and other structures shall be so erected as not to unreasonably interfere with traffic over streets, alleys and highways.

SECTION 3. The City reserves the right to lay, and permit to be laid, storm, sewer, gas, water, wastewater and other pipe lines, cables, and conduits, or other improvements and to do and permit to be done any underground or overhead work that may be necessary or proper in, across, along, over, or under Public Rights-of-Way occupied by Company. The City also reserves the right to change in any manner any curb, sidewalk, highway, alley, public way, street, utility lines, storm sewers, drainage basins, drainage ditches, and the like. Upon request by City, Company shall relocate its facilities at the expense of the City except as otherwise required by Section 37.101(c) of the Texas Public Utility Regulatory Act (PURA), which statutory

provision currently states, the governing body of a municipality may require an electric utility to relocate the utility's facility at the utility's expense to permit the widening or straightening of a street. City and Company further agree that widening and straightening of a street includes the addition of any acceleration, deceleration, center or side turn lanes, and sidewalks (meaning sidewalks done in conjunction with widening or straightening of a street), provided that the City shall provide Company with at least thirty (30) days notice and shall specify a new location for such facilities along the Public Rights-of-Way of the street. Company shall, except in cases of emergency conditions or work incidental in nature, obtain a permit, if required by city ordinance, prior to performing work in the Public Rights-of-Way, except in no instance shall Company be required to pay fees or bonds related to its use of the Public Rights-of-Way, despite the City's enactment of any ordinance providing the contrary. Company shall construct its facilities in conformance with the applicable provisions of the National Electric Safety Code.

If the City requires the Company to adapt or conform its Facilities, or in any manner to alter, relocate, or change its Facilities to enable any other corporation or person to use, or use with greater convenience, said street, alley, highway, or public way, the Company shall not be bound to make such changes until such other corporation or person shall have undertaken, with good and sufficient bond, to reimburse the Company for any costs, loss, or expense which will be caused by, or arises out of such change, alteration, or relocation of Company's Facilities.

If City abandons any Public Rights-of-Way in which Company has facilities, such abandonment shall be conditioned on Company's right to maintain its use of the former Public Rights-of-Way and on the obligation of the party to whom the Public Rights-of-Way is abandoned to reimburse Company for all removal or relocation expenses if Company agrees to the removal or relocation of its facilities following abandonment of the Public Rights-of-Way. If the party to whom the Public Rights-of-Way is abandoned requests the Company to remove or relocate its facilities and Company agrees to such removal or relocation, such removal or relocation shall be done within a reasonable time at the expense of the party requesting the removal or relocation. If relocation cannot practically be made to another Public Rights-of-Way, the expense of any right-of-way acquisition shall be considered a relocation expense to be reimbursed by the party requesting the relocation.

#### **SECTION 4.**

A. In consideration of the granting of this Franchise, Company shall, at its sole cost and expense, indemnify and hold the City, and its past and present officers, agents and employees (the "Indemnitees") harmless against any and all liability arising from suits, actions or claims of injury to any person or persons, or damages to any property brought or made for or on account of any death, injuries to, or damages received or sustained by any person or persons or for damage to or loss of property arising out of, or occasioned by Company or any of its officers, agents, or employees, intentional and/or negligent acts or omissions in connection with Company's construction, maintenance and operation of Company's System in the Public Rights-of-Way, including any court costs, expenses and defenses thereof.

B. This indemnity shall only apply to the extent that the loss, damage or injury is attributable to the negligence or wrongful act or omission of the Company, its officers, agents or employees, and does not apply to the extent such loss, damage or injury is attributable to the negligence or wrongful act or omission of the City, or the City's officers, agents, or employees or any other person or entity. This provision is not intended to create a cause of action or liability for the benefit of third parties but is solely for the benefit of the Company and the City.

C. In the event of joint and concurrent negligence or fault of both the Company and the City, responsibility and indemnity, if any, shall be apportioned comparatively between the City and Company in accordance with the laws of the State of Texas without, however, waiving any governmental immunity available to the City under Texas law and without waiving any of the defenses of the parties under Texas law. Further, in the event of joint and concurrent negligence or fault of both the Company and the City, responsibility for all costs of defense shall be apportioned between the City and Company based upon the comparative fault of each.

D. In fulfilling its obligation to defend and indemnify City, Company shall have the right to select defense counsel, subject to City's approval, which will not be unreasonably withheld. Company shall retain defense counsel within seven (7) business days of City's written notice that City is invoking its right to indemnification under this Franchise. If Company fails to retain Counsel within such time period, City shall have the right to retain defense counsel on its own behalf, and Company shall be liable for all reasonable defense costs incurred by City, except as otherwise provided in Section 4(B) and 4(C).

SECTION 5. This franchise is not exclusive, and nothing herein contained shall be construed so as to prevent the City from granting other like or similar rights, privileges and

franchises to any other person, firm, or corporation. Any Franchise granted by the City to any other person, firm, or corporation shall not unreasonably interfere with this Franchise.

SECTION 6. In consideration of the grant of said right, privilege and franchise by the City and as full payment for the right, privilege and franchise of using and occupying the said Public Rights-of-Way, and in lieu of any and all occupation taxes, assessments, municipal charges, fees, easement taxes, franchise taxes, license, permit and inspection fees or charges, street taxes, bonds, street or alley rentals, and all other taxes, charges, levies, fees and rentals of whatsoever kind and character which the City may impose or hereafter be authorized or empowered to levy and collect, excepting only the usual general or special ad valorem taxes which the City is authorized to levy and impose upon real and personal property, sales and use taxes, and special assessments for public improvements, Company shall pay to the City the following:

- (a) On an annual basis, a charge, as authorized by Section 33.008(b) of PURA, equal to a franchise fee factor of 0.003038 (the "Base Factor"), multiplied by each kilowatt hour of electricity delivered by Company to each retail customer whose consuming facility's point of delivery is located within the City's municipal boundaries. Company has agreed to increase the franchise fee factor to 0.003190 (the "Increased Factor"); however, should the PUC at any time in the future disallow Company's recovery through rates of the higher franchise payments made under the Increased Factor as compared to the Base Factor, then the franchise fee factor shall immediately revert to the Base Factor of 0.003038 and all future payments, irrespective of the time period that is covered by the payment, will be made using the Base Factor.
  1. The annual payment will be due and payable on or before July 1 of each year throughout the life of this franchise. The payment will be based on each kilowatt hour of electricity delivered by Company to each retail customer whose consuming facility's point of delivery is located within the City's municipal boundaries during the preceding twelve month period ended April 30 (May 1 through April 30). The payment will be for the rights and privileges granted hereunder for the twelve calendar month period (July 1 through June 30) following the payment date.
  2. The first payment hereunder shall be due and payable on or before July 1, 2014

and will cover the basis period of May 1, 2013 through April 30, 2014 for the privilege period of July 1, 2014 through June 30, 2014. The final payment under this franchise is due on or before July 1, 2033 and covers the basis period of May 1, 2032 through April 30, 2033 for the privilege period of July 1, 2033 through June 30, 2034; and

- (b) a sum equal to four percent (4%) of gross revenues received by Company from services identified as DD1 through DD24 in Section 6.1.2 "Discretionary Service Charges," in its Tariff for Retail Delivery Service (Tariff), effective 1/1/2002, that are for the account and benefit of an end-use retail electric consumer. Company will, upon request by City, provide a cross reference to Discretionary Service Charge numbering changes that are contained in Company's current approved Tariff.
  - 1. The franchise fee amounts based on "Discretionary Service Charges" shall be calculated on an annual calendar year basis, i.e. from January through December 31 of each calendar year.
  - 2. The franchise fee amounts that are due based on "Discretionary Service Charges" shall be paid at least once annually on or before April 30 each year based on the total "Discretionary Service Charges", as set out in Section 6(b), received during the preceding calendar year. The initial Discretionary Service Charge franchise fee amount will be paid on or before April 30, 2014 and will be based on the calendar year January 1 through December 31, 2013. The final Discretionary Service Charge franchise fee amount will be paid on or before April 30, 2035 and will be based on the calendar months of January 1 through June 30, 2034.
  - 3. Company may file a tariff or tariff amendment(s) to provide for the recovery of the franchise fee on Discretionary Service Charges.
  - 4. City agrees (i) to the extent the City acts as regulatory authority, to adopt and approve that portion of any tariff which provides for 100% recovery of the franchise fee on Discretionary Service Charges; (ii) in the event the City intervenes in any regulatory proceeding before a federal or state agency in which the recovery of the franchise fees on such Discretionary Service Charges is an issue, the City will take an affirmative position supporting the 100% recovery of such franchise fees by Company and; (iii) in the event of an appeal of any such regulatory proceeding in which the City has intervened, the City will take an affirmative position in any such

appeals in support of the 100% recovery of such franchise fees by Company.

5. City agrees that it will take no action, nor cause any other person or entity to take any action, to prohibit the recovery of such franchise fees by Company.
6. In the event of a regulatory disallowance of the recovery of the franchise fees on the Discretionary Service Charges, Company will not be required to continue payment of such franchise fees.

SECTION 7. This Ordinance shall become effective upon Company's written acceptance hereof, said written acceptance to be filed by Company with the City within sixty (60) days after final passage and approval hereof. The right, privilege and franchise granted hereby shall expire on June 30, 2034; provided that, unless written notice is given by either party hereto to the other not less than sixty (60) days before the expiration of this franchise agreement, it shall be automatically renewed for an additional period of six (6) months from such expiration date and shall be automatically renewed thereafter for like periods until canceled by written notice given not less than sixty (60) days before the expiration of any such renewal period.

SECTION 8. This Ordinance shall supersede any and all other franchises granted by the City to Company, its predecessors and assigns.

SECTION 9. In order to accept this franchise, Company must file with the City Secretary its written acceptance of this franchise ordinance within sixty (60) days after its final passage and approval by City.

SECTION 10. It is hereby officially found that the meeting at which this Ordinance is passed is open to the public and that due notice of this meeting was posted, all as required by law.

**PASSED AND APPROVED** at a regular meeting of the City Council of Ovilla, Texas, on this the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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Mayor  
The City of Ovilla

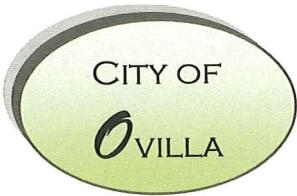
ATTEST:

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City Secretary

STATE OF TEXAS  
COUNTY OF DALLAS & ELLIS  
CITY OF OVILLA

§  
§  
§



# Ovilla City Council

## AGENDA ITEM REPORT

### REGULAR AGENDA

Item(s): 5 (City Secretary use only)

Meeting Date: February 11, 2013

Department: Streets/Infrastructure

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted by: PW Director Piland

Amount: \$141,500

#### Attachments:

1. CIP list
2. Estimate of 2013 road repairs

#### Agenda Item / Topic:

**ITEM 5.**

**DISCUSSION/ACTION** – Review and consider approval of the Capital Improvement Projects Committee (CIP) list of recommended roads to be repaired in the FY2012-2013 program of work.

#### Discussion / Justification:

The Council appointed CIP Committee met in December to review all capital projects and provide a plan, prioritizing each. The Committee updated the list of roads for repairs. At this time these roads can be repaired and made to last several more years before a total rebuild is necessary.

#### Recommendation / Staff Comments:

#### Sample Motion(s):

**"I MAKE A MOTION THAT COUNCIL APPROVES/DENIES THE CIP LIST OF RECOMMENDED ROAD REPAIRS FOR THE FY2012-2013."**

**"I MAKE A MOTION THAT COUNCIL APPROVES THE CIP LIST WITH THE FOLLOWING REVISIONS \_\_\_\_\_ FOR THE FY2012-2013."**

**10 YEAR PAVING CIP  
CITY OF OVILLA**

YEAR	STREET	WIDTH, FT	LENGTH, FT	PAVEMENT TYPE	2 COARSE PEN, LF	2-INCH HMAC OVERLAY, SY
2007	Lariat Trail	22	5,280	HMAC		12,907
	TOTALS					12,907
2008	Cockrell Hill Ph 1	22	3,500	HMAC		8,556
	Johnson Lane	22	10,600	2 COARSE PEN	10,600	
	Duncanville Road	22	2,500	2 COARSE PEN	2,500	
	TOTALS				13,100	8,556
2009	Cockrell Hill Ph 2	22	7,500	HMAC		18,333
	TOTALS					18,333
2010	Westmoreland North	21	3,770	2 COARSE PEN	3,770	
	Hosford		partial	2 COARSE PEN	1,000	
	Red Oak Creek Road (West)	18	4,835	2 COARSE PEN	4,835	
	TOTALS				9,605	
2011	East University	18	435	2 COARSE PEN	435	
	Cardinal	21	1,760	2 COARSE PEN	1,760	
	Meadowlark	21	1,760	2 COARSE PEN	1,760	
	Willow Creek Lane (300 Blk)	20	2,200	2 COARSE PEN	2,200	
	Brookwood Court		350		350	overlaid entrance
	TOTALS				6,505	
2012	Malloy Lane (2011)	20	2,400	2 COARSE PEN	2,400	
	Brookwood Court		350		350	overlaid entrance
	Red Oak Creek Road (East)	16	2,740	2 COARSE PEN	2,740	
Evaluate	Thorntree					
Evaluate	Cockrell Hill Ph 1	22	3,500	HMAC OVERLAY		8,556
Evaluate	Cockrell Hill Ph 2	22	7,500	HMAC OVERLAY		
	TOTALS				7,370	12,907
2013	Buckboard			HMAC OVERLAY		
	Georgetown			HMAC OVERLAY		
	Ovilla Oaks Drive-E Highland to 664			2 COARSE PEN		Recommended
	Culdesacs-Ovilla Oaks					Recommended
	Silver Spur			HMAC OVERLAY		
	Westmoreland South	21	4,630	2 COARSE PEN	4,630	

**10 YEAR PAVING CIP  
CITY OF OVILLA**

YEAR	STREET	WIDTH, FT	LENGTH, FT	PAVEMENT TYPE	2 COARSE PEN, LF	2-INCH HMAC OVERLAY, SY
Evaluate	Shadowwood-300 blk to Elmwood			2 COARSE PEN		Recommended
Evaluate	Johnson Lane	22	10,600		10,600	
Evaluate	Duncanville Road					
	Silverwood			2 COARSE PEN		Recommended
Evaluate	Lariat Trail	22	5,280	HMAC OVERLAY		12,907
Evaluate	Winding Way	23	1,200	2 COARSE PEN	1,200	Recommended
	TOTALS					
2014						
	East Main	18	2,500	2 COARSE PEN	2,500	Recommended
*	East Highland					
Evaluate	Green Meadows			Seal coated 2012		
2015						
	Greenwood			2 COARSE PEN		Recommended
	WestLawn			2 COARSE PEN		Recommended
	<del>Silverwood Drive</del> -moved to 2013	20	2,000	2 COARSE PEN	2,000	Recommended
	Westmoreland East					Evaluate
2016						
	Cardinal					Evaluate
	Meadowlark					Evaluate
	University					Evaluate
	Red Oak Creek West					Evaluate

**Water/Wastewater CIP**

2012						
	Water Street(14' wtr line-cost share with Impact Fees)		2 COARSE PEN			Recommended

## 2013 Road Repairs

### Ovilla crews and Ellis Co Crews

East Main Street -- .4 miles total rebuild = 38,000.00

Georgetown - .5 miles chip seal = 12,500.00

Buckboard and Silver spur - .3 miles partial reclaim = 28,500.00

Buckboard and silver spur - .3 miles chip seal= 7,500.00

Ovilla Oaks Subdivision – 2.2 miles chip seal= 55,000.00 + potholing and level up at 175/hr.

Water Street - .4 miles total rebuild =38,000.00

The impact fee fund will pay for half of the rebuild of Water Street after the water line is installed.

95,000.00/mile total rebuild

25,000.00/mile chip seal

Total for the roads not including Water Street is 141,500.00

I have estimated the infrastructure repairs that the city crews will complete for 2013 to cost 20,000.00. The remaining balance for this account will be 17,000.00 which can be used for the Water Street repairs. There is also a balance of 3000.00 in the Drainage repair budget that could be used.



# Ovilla City Council

## AGENDA ITEM REPORT

### REGULAR AGENDA

Item(s): 6 (City Secretary use only)

Meeting Date: February 11, 2013

Department: Administration

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted by: Staff

Amount: \$12,993

#### Attachments:

1. Diagram of room plan
2. Quote sheet
3. References
4. Building Improvements account balance sheet

#### Agenda Item / Topic:

**ITEM 6.** **DISCUSSION/ACTION** – Council will consider proposals, authorize the expenditure of funds, and select a contractor to renovate the front lobby of city hall.

#### Discussion / Justification:

Council approved the renovation of the front lobby offices during the last months of the FY2011-2012. Time and the ability to find affordable professional remodeling firms proved difficult, therefore staff was unable to complete the much-needed task during the previous fiscal year.

Staff acquired four proposals from qualified companies. All references gave positive comments.

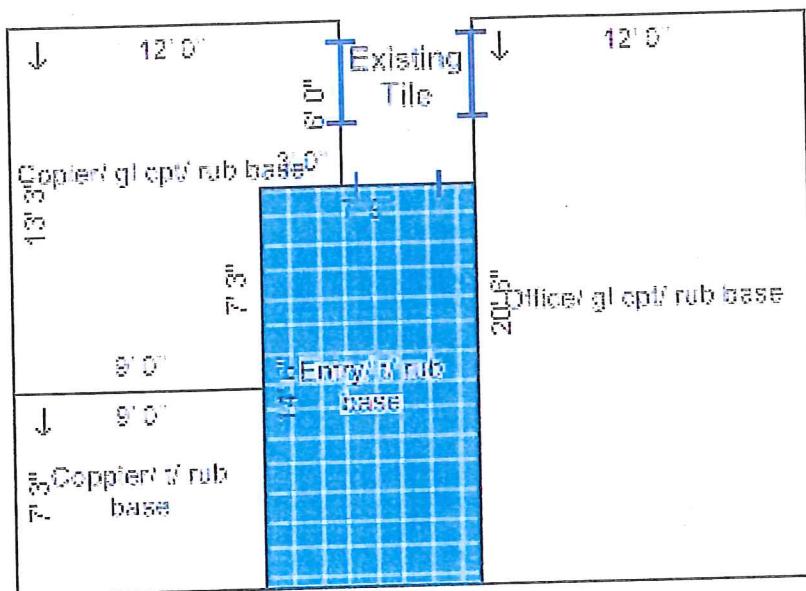
The current balance in the building repairs and improvement account is \$5,972. Staff is asking to use funds from other accounts within the administration and reserves until mid-year budget adjustments may be considered.

#### Recommendation / Staff Comments:

Staff recommends approval

#### Sample Motion(s):

**"I MAKE A MOTION THAT COUNCIL APPROVES/DENIES THE RENOVATION OF THE FRONT LOBBY OFFICES, AUTHORIZING THE EXPENDITURE OF FUNDS AND SELECTS AS THE CONTRACTOR."**



BPI Copper Ridge  
Russel Peak 13x13  
Summer Wheat Grout

Shaw Change in Attitude  
color Play it Cool

12 Carpet Glue Down: Peach  Ceramic 12"x12" A: Cyan1

9/11/2012

Room Plan

1

- \* Demolition, Haul Off and Dump Fee
- \* Framing - 8' Metal Studs
- \* Sheetrock Installation - 8' Sheet
- \* Tape & Bed Sheetrock - 8' Sheet
- \* Orange Peel Texture
  - Texture to match meeting room
- \* Paint Walls
  - Primer and Paint (eggshell finish)
- \* Commercial Door Installation- Based on reusing existing doors
- \* Ceiling Grid Repair 1
- \* Install Floor Tile
  - Based on Copper Ridge - Russet Peak tile to blend with existing
  - Labor, Thinset, and Tile
  - Existing to be maintained as much as possible
- \* Carpet (labor & material by the sq yard)
- \* Labor and Material To Install Rubber Cove Base (per linear foot)
- \* Relocate A/C lines as needed
  - Includes labor, ducting, and vents as needed
- \* Electrical
  - Relocate Lighting and Re-Wire Rooms as needed
  - Terminate any electrical no longer needed
- \* Remove/Reinstall Reception Glass
- \* Reception Counter - Premium Laminate
  - includes 1' counter the width of the glass (that glass sets on)
  - includes 2' counter the width of the glass for work space
- \* Bracing for Counter Work Space

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

Quotations Taken By:	Staff
Department:	Administration
Date:	02-06-2013

**Description of Product or Service: Renovation of front lobby and customer service offices.**

❖ Indicates preferred/chosen vendor

<b>QUOTE #1</b>	
*Vendor Name:	Handy Jack – Alan Jackson
Address:	1313 N. Hulgan Circle
Contact Person:	Alan Jackson
Phone No:	972-274-4263
Contact Date/Time:	
HUB Status:	Unknown
Price:	<b>\$12,993</b>

<b>QUOTE #2</b>	
Vendor Name:	Tech Remodeling
Address:	PO Box 543
Contact Person:	Steven Durham (owner)
Phone No:	214-477-8456
Contact Date/Time:	
HUB Status:	No
Price:	<b>\$14,405</b>

<b>QUOTE #3</b>	
Vendor Name:	Bill Marconi
Address:	6512 Torrey Pine Lane, Cleburne, TX 76033
Contact Person:	Bill Marconi
Phone No:	214-957-3186
Contact Date/Time:	
HUB Status:	Unknown
Price:	<b>\$17,941</b>

<b>QUOTE #4</b>	
Vendor Name:	Jim Johnson Group
Address:	Cedar Hill, TX
Contact Person:	Jim Johnson
Phone No:	972-780-9800
Contact Date/Time:	
HUB Status:	No
Price:	<b>\$19,174</b>

**JUSTIFICATION FOR NOT CHOOSING THE LOWEST BID: N/A**

## **REFERENCES: Mr. Alan Jackson**

1. Debbie Moliter  
Reliance Property Management
  - a) Electrical, plumbing, repair walls, roof work
  - b) Easy to work with
  - c) Stays within budget
  - d) Works timely
  - e) Quality work
  - f) Will continue to hire/use again
2. Pam Quinn  
Reynolds Advanced Materials
  - a) New buildings and/or total renovations
  - b) Responsive and check up on his workers
  - c) Very mindful of budget
  - d) Works on time
  - e) Quality work
  - f) Have used him for 7 years and will continue
3. Sheri Mills, Individual homeowner with rent houses
  - a) Keeps keys to her rent homes, works on her home too
  - b) Remodels, roof repairs, granite countertops
  - c) Very trustworthy – not money minded – has good subcontractors
  - d) Always on budget
  - e) Always on time
  - f) Work is always good
  - g) Been using him for 7 years and will continue

## **REFERENCES: Tech Remodeling, Steve Durham**

1. Andrew Foster  
Bluebonnet Contractors
  - a) Moved company into bank, added offices, moved walls, installed carpet, lighting, fire protection
  - b) Great to work with
  - c) Stays within budget -yes, prompt on pricing if anything new came up
  - d) Stays on schedule
  - e) Very pleased with work
  - f) Has hired company again for more work
2. H. Wayne McMullen  
Re/Max
  - a) Moved walls, replaced countertops, remodeled bathrooms & kitchens, flooring, electrical work
  - b) Work crews polite, very professional, accommodated the needs of ladies in office
  - c) Yes, remains within budget
  - d) Work completed on time
  - e) Quality work
  - f) Absolutely would hire again – has plans to use again

**City of Ovilla General Fund  
Account QuickReport**  
**October 1, 2012 through February 5, 2013**

5:02 PM  
02/05/13  
Accrual E