

City of OVILLA City Council

*Ralph G. Hall, Place One
Larry Stevenson, Place Two
David Griffin, Place Three*

Richard Dormier, Mayor

*Doug Hunt, Place Four
Dean Oberg, Place Five
Cyndy Powell, City Administrator*

Monday, May 12, 2014 105 S. Cockrell Hill Road, Ovilla, TX 75154 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, May 12, 2014 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

▪ 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 | |
| ○ National Police Week | |
| • Fire Department | Fire Chief P. Brancato |
| ○ Monthly Report | |
| • Public Works | Public Works Director B. Piland |
| ○ Monthly Report | |
| • Administration | City Administrator C. Powell |
| ○ Weekly activity report(s) | |
| ○ Monthly Municipal Court Report | City Secretary P. Woodall |
| • Code Enforcement/Animal Control | Code/A/C Officer M. Dooly |
| ○ Monthly Reports | |

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.

- A. Minutes of the April 14, 2014 Regular Council Meeting
- B. Financial Transactions over \$5,000 for April 2014
- C. Resolution R2014-014, adopting an updated Storm Water Management Plan 2014-2019 prepared by Birkhoff, Hendricks and Carter, LLP, Consulting Engineers and authorizing the Mayor to execute the Notice of Intent Application to Texas Commission on Environmental Quality for a General Permit.

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- D. Resolution R2014-015 for a Master Interlocal Agreement between Dallas County and the City of Ovilla, TX, pertaining to transportation-related maintenance on or about certain designated roadways situated within the territorial limits of the City of Ovilla.
- E. Resolution R2014-016 to authorize the City's continued membership with the Steering Committee of Cities served by ONCOR and approve the annual assessment for Steering Committee membership.
- F. Resolution R2014-017 denying the rate increase requested by ATMOS Energy Corp., Mid-Tex Division under the company's 2014 annual rate review mechanism filing in all cities exercising jurisdiction; requiring the Company to reimburse cities, reasonable ratemaking expenses pertaining to review of the RRM; authorizing the City's participation with ATMOS Cities Steering Commission of TX in any appeal filed at the Railroad Commission of TX by the Company.
- G. One Member appointment and one alternate representative to the Red Oak Creek Regional Wastewater System Advisory Committee.

IV. PUBLIC HEARING

- ITEM 1. **Public Hearing & Discussion** – Discuss and consider a replat application request submitted by Ms Mary Byers, Mr. David Byers and Ms Donna Byers on their properties located at 320-322 Willow Creek Estates, respectively.

V. REGULAR AGENDA

- ITEM 1. **DISCUSSION/ACTION – Consideration** of and action on a replat application request submitted by Ms Mary Byers, Mr. David Byers and Ms Donna Byers on their properties located at 320-322 Willow Creek Estates, respectively.
- ITEM 2. **DISCUSSION/ACTION – Consideration** of and action on Case PZ13-010 – Consideration of and action on recommendation from the Planning and Zoning Commission to grant a one-year extension to the Preliminary Plat for the Bryson Manor Subdivision.
- ITEM 3. **DISCUSSION/ACTION – Consideration** of and action on petition to close Water Street and take action as necessary to direct staff.
- ITEM 4. **DISCUSSION/ACTION – Review** and discuss the City's role in mowing designated right-of-ways and take action as necessary to direct staff.
- ITEM 5. **DISCUSSION/ACTION – Review** and discuss status of roadwork on Thorntree Drive and take action as necessary to direct staff.
- ITEM 6. **DISCUSSION/ACTION – Consideration** of and action on Resolution R2014-018 authorizing the Mayor to execute a Planning Consulting Services Agreement by and between the City of Ovilla and Sherry Sefko, The Town Planner, LLC., for planning consulting services.
- ITEM 7. **DISCUSSION/ACTION – Consideration** of and action on projected increase to sewer rates in response to the Trinity River Authority wastewater flow data for City sewer customers.
- ITEM 8. **DISCUSSION/ACTION – Consideration** of and action on Ordinance 2014-007 of the City of Ovilla, Texas, Amending Appendix A, Article A7.000, Section A7.003(B)(1)&(2) of the Code of Ordinances of the City of Ovilla; repealing certain sections and establishing a monthly flat fee and monthly rates for wastewater service to residential and non-residential customers;

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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.

- ITEM 9. **DISCUSSION/ACTION – Consideration** of and action on Ordinance 2014-009 amending the Thoroughfare Standards of the City of Ovilla; providing a change to the pavement width requirements for residential streets from 28 feet to 30 feet; providing a savings clause; providing a severance clause; providing for immediate effect; and providing for publication.

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).

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

VI. REQUESTS FOR FUTURE AGENDA ITEMS

VII. ADJOURNMENT

THIS IS TO CERTIFY THAT A COPY OF THE NOTICE OF the May 12, 2014 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, on the 09th day of May 2014 prior to 6:00 p.m., in compliance with Chapter 551, Texas Government Code.



Pamela Woodall, City Secretary

DATE OF POSTING: 5-9-2014 TIME: 9:30 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.

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

To: Mayor Richard Dormier
Ovilla City Council
Cyndy Powell

Subject: Police Department Monthly Activity Report

	APRIL 2014	APRIL 2014 YTD	APRIL 2013	APRIL 2013 YTD
Calls For Service				
Accident	7	10	3	11
Alarms	19	66	11	54
Arrest	2	11	5	13
Assault	0	0	1	1
Assists: Agency/Unit:19 EMS/Fire:2 Motorist:5	26	81	25	101
Building / House Security Check	1691	5443	1278	5202
Burgulary	1	2	0	0
Burgulary of Motor Vehicle	0	0	1	1
Criminal Mischief	0	2	0	3
Disturbance	7	21	7	14
Neighborhood Check	1209	4675	1934	7205
Other Calls for Service	107	379	116	529
Suspicious Person	7	21	5	22
Suspicious Vehicle	5	25	6	34
Theft	2	6	1	3
Traffic Assignment	8	42	29	114
TOTAL CALLS FOR SERVICE	3091	10784	3422	13307

Reserve Officer Hours	52	252.75	71.75	250.75
Average Response Time (Minutes)	4	4.16	4	3.9625
Traffic Stop (Warnings)	34	146	27	132
Traffic Stop (Citations)	56	150	47	143
Total Citations & Warnings Combined	90	296	74	275
PERCENT OF STOPS RECEIVING CITATIONS	62.2	50.7	63.5	52.0

OVILLA PD VEHICLE MILEAGE									
March-14		Beginning		Ending		Accrued		April-14	
Unit #		Beginning		Ending		Accrued		Unit #	
100		82172		82405		233		100	
102		79832		80697		865		102	
103		89434		91162.8		1728.8		103	
104		52173		53335.8		1162.8		104	
105		33654		35239		1585		105	
May-14		Beginning		Ending		Accrued		June-14	
Unit #		Beginning		Ending		Accrued		Unit #	
100						0		100	
102						0		102	
103						0		103	
104						0		104	
105						0		105	
July-14		Beginning		Ending		Accrued		August-14	
Unit #		Beginning		Ending		Accrued		Unit #	
100						0		100	
102						0		102	
103						0		103	
104						0		104	
105						0		105	
September-14		Beginning		Ending		Accrued		October-14	
Unit #		Beginning		Ending		Accrued		Unit #	
100						0		100	
102						0		102	
103						0		103	
104						0		104	
105						0		105	
November-14		Beginning		Ending		Accrued		December-14	
Unit #		Beginning		Ending		Accrued		Unit #	
100						0		100	
102						0		102	
103						0		103	
104						0		104	
105						0		105	
March-14		Beginning		Ending		Accrued		April-14	
Unit #		Beginning		Ending		Accrued		Unit #	
100		82172		82405		233		100	
102		79832		80697		865		102	
103		89434		91162.8		1728.8		103	
104		52173		53335.8		1162.8		104	
105		33654		35239		1585		105	
May-14		Beginning		Ending		Accrued		June-14	
Unit #		Beginning		Ending		Accrued		Unit #	
100						0		100	
102						0		102	
103						0		103	
104						0		104	
105						0		105	
July-14		Beginning		Ending		Accrued		August-14	
Unit #		Beginning		Ending		Accrued		Unit #	
100						0		100	
102						0		102	
103						0		103	
104						0		104	
105						0		105	
September-14		Beginning		Ending		Accrued		October-14	
Unit #		Beginning		Ending		Accrued		Unit #	
100						0		100	
102						0		102	
103						0		103	
104						0		104	
105						0		105	
November-14		Beginning		Ending		Accrued		December-14	
Unit #		Beginning		Ending		Accrued		Unit #	
100						0		100	
102						0		102	
103						0		103	
104						0		104	
105						0		105	



Calls For Service

April 2013

April 2014

YTD

Totals

Totals

City of Ovilla total calls for service				26			26	87
	Fire	9			Fire	12		
	EMS	17			EMS	14		
ESD # 2 total calls of service				19			16	60
	Fire	4			Fire	2		
	EMS	15			EMS	14		
ESD # 4 Total calls of service				10			6	15
	Fire	1			Fire	1		
	EMS	9			EMS	4		
Mutual Aid Provided				2			5	
Calls of Service Totals								
				Total 2013			YTD 2014	
				676			195	
Fire Department news								
New Volunteer Shawn Baily								



Date May 5, 2014

TO: Honorable Mayor and City Council Members

FROM: Brad Piland Public Works Director

TOPIC: Public Works Monthly Report for April

- Repaired lights at the baseball fields
- Sewer Lift Station Repairs- pulled pump 1 at Highland Meadows Lift Station; removed pump 1 from Cumberland
- Read water meters, Serviced disconnects and reconnects
- Repaired sprinkler system at Fire Department
- Repaired water leak - 111 Holly Lane
- Updated marquee as needed
- Daily water maintenance residual and pressure tests
- Tree and grass maintenance: Heritage Park, Silver Spur Park and Baseball fields and park
- Installed sewer main (Main St)
- Assisted Ellis County with repairs to Westmoreland
- Repaired water leak at 103 Hummingbird
- Clean up Day
- Swept roads and driveways in Ovilla Oaks Subdivision
- ❖ Jimmy Bryan -
 - Serviced PD Units
 - Serviced PD 102
 - Serviced public works truck



****Flushed Hydrants**

- Collected water samples for TCEQ reporting
- Water Maintenance – routine flushing mains and hydrant
- Meter Box repairs and replaced lids as needed

****Water plants at City Hall and park**



City Administrator Activity Report

Cyndy Powell

April 28, 2014 – May 02, 2014

Weekly Leadership Team meetings –reading John Maxwell’s book Developing the Leader within You.

Employee Policies Handbook – The Employee Policies Handbook was reviewed with remaining staff on Tuesday, April 29th.

Neighborhood road work – Westmoreland South – reclaiming of the road began the week of March 24, 2014 and is in progress. Thorntree – reclaiming began Wednesday, April 23, 2014. The County will resurface both roads at the same time. Staff is evaluating the width of Thorntree and developing a recommendation to bring to Council.

Cockrell Hill Road Repairs– The city is waiting for the Master Agreement with Dallas County for Council consideration and execution. Then a project agreement will be presented to Council for approval before Dallas County begins work on the northern portion of Cockrell Hill. A Project Status Report is posted on the City’s web site to keep citizens up to date on the progress of road work.

Ovilla Oaks – staff has been sweeping the loose gravel. The gravel around the edges of the road work did not “take” due to the lack of curing time. The plan worked out between City/County is after the reclaiming and surfacing is completed on Thorntree and Westmoreland, when the County comes out to chip and seal those streets they will chip seal Ovilla Oaks and top off with a sealer after the rough places have been graded. The work in Ovilla Oaks may not occur until late summer. Staff will deliver door hangers in the next two weeks to notify the residents in Ovilla Oaks of the road work.

Progressive Solid Waste and Recycling – During Cleanup Day on April 26, 2014, Progressive collected over 180 tons of debris, one and one-half trucks of oil and paint, and the tires collected will help reduce the chance for mosquitoes to breed in stagnant water.

Planning and Zoning Commission – Meeting May 05, 2014 to consider an extension of the Bryson Manor preliminary plat.

BOA – no meeting for May.

Five Year Staffing Plan – The Committee (Oberg, Hall, Mayor Dormier) was provided job descriptions. I have retrieved preliminary salary data from the Waters Survey Navigator for the positions. My next step will be to retrieve benefit information for a complete comparison and then request a meeting.

Strategic Guide – Staff has selected goal assignments.

Economic Development Corporation – Next meeting is May 17, 2014.

Municipal Development District – pending appointments.

Main Street Sewer Project – staff will update Council at the May 12, 2014 Council Meeting.

ESD#4 Board Meeting – the ESD met on Monday, April 28, 2014, new meeting day (last Monday). The meeting was brief and they will be forming an election committee at a future meeting.

Cole Tracts 113 acres in the ETJ – staff continues to work with the developer.

Shiloh & Bryson 122 acres in the City Limits – staff continues to work with the developer.

MISD parcel - staff continues to work with the developer.

Dallas Water Utilities – staff is investigating the discrepancies identified in the scada data of water pumped vs the gallons billed from DWU. At this time the meter is being re-calibrated and system is being monitored.

FM664 from I-35 to Westmoreland – (3.1 miles, six lanes from I35 with a grass median transitioning to two lanes just after Westmoreland intersection, all curb and gutter.) The preliminary schematic has been approved (but can be revised) and may be viewed at www.KeepItMovingDallas.com under the FM Roads tab. The environmental work is occurring and a Public Hearing will be held June or July. The right of way (r-o-w) map is being prepared now, once appraisals are completed the r-o-w acquisition may begin in early 2015. It is anticipated construction would bid late 2016 and work begin in early 2017 taking approximately 36 months. The City's role in right of way utility relocation is usually about 10% of the cost. Since Ellis County is classified as "economically disadvantaged" a reduction of about 5% may be requested to reduce the city's r-o-w acquisition costs. Oak Leaf has utilized this cost saving measure for the bridge being constructed in their city. The remaining questions are 1) how much r-o-w of this project is in our city limits? and 2) what are the preliminary cost estimates for the city's acquisition of r-o-w? It is anticipated the city will learn more in the coming months so we can escrow funds and enter into an agreement with TXDOT after the r-o-w is established.

Mosquito Control – information has been provided to residents in the newsletter and on the web site to educate citizens in their role in controlling the mosquito population. Staff will be setting traps to obtain mosquito samples for testing.

Update from Kenneth Gowan of Oncor – *"Because of our valued relationship, I want to let you know that today (April 29, 2014) Energy Future Holdings Corp. (EFH), the indirect majority investor in Oncor, filed for bankruptcy protection under Chapter 11 of the United States Bankruptcy Code. I want to assure you that this development is not expected to impact Oncor's operations. As a separate business, Oncor is not a part of this filing, and we continue to operate normally – keeping the lights on, building new electric lines, and available to restore power when needed. Oncor's financial position is solid, and we continue to be protected by a corporate ring-fence, which provides for separation of Oncor from EFH and its non-ring-fenced subsidiaries. Under the ring-fence, Oncor's assets are not available to satisfy debt or other obligations of EFH or its other affiliates in the bankruptcy. Our strong financial position will permit our investment program to continue – empowering customers to save money, electricity, and the environment – even as we work to improve reliability. As part of this program, we have invested more than \$5 billion in the grid over the past 5 years to improve service to customers. And we currently have plans to invest an additional \$5 billion by 2018."*

After Hours contact number (972-775-9010) - has been on the City's web site and can be found by clicking on Contact Us.

Mowing of grass in city right-of-way – staff will provide a discussion item at a future meeting regarding property owner's responsibility to mow grass or weeds located in city rights-of-way as described in Sec. 6.04.001.

Heritage Day Committee (Mayor, Hunt, Oberg) to meet on Monday, May 12, 2014, 6:00 p.m. to consider theme for Heritage Day 2014.

Finance Committee (Mayor, Hall, Hunt) pending for Thursday, May 29, 2014, 6:00 p.m. to evaluate qualifications for Professional Auditors.

Memorial Day – Monday, May 26, 2014 – Regular Council Meeting will be held Tuesday, May 27, 2014 at 7:00 p.m.



City Administrator Activity Report

Cyndy Powell

April 14, 2014 – April 25, 2014

Weekly Leadership Team meetings –reading John Maxwell’s book Developing the Leader within You.

Employee Policies Handbook – The Employee Policies Handbook was reviewed with half of the employees on Tuesday, April 22nd, the remaining staff will meet on Tuesday, April 29th.

Neighborhood road work – Westmoreland South – reclaiming of the road began the week of March 24, 2014 and is in progress. Thorntree – reclaiming began Wednesday, April 23, 2014. The County will resurface both roads at the same time.

Cockrell Hill Road Repairs– The city is waiting for the Master Agreement with Dallas County for Council consideration and execution. Then a project agreement will be presented to Council for approval before Dallas County begins work on the northern portion of Cockrell Hill. A Project Status Report is posted on the City’s web site to keep citizens up to date on the progress of road work.

Ovilla Oaks – staff has been sweeping the loose gravel. The gravel around the edges of the road work did not “take” due to the lack of curing time. The plan worked out between City/County is after the reclaiming and surfacing is completed on Thorntree and Westmoreland, when the County comes out to chip and seal those streets they will chip seal Ovilla Oaks and top off with a sealer after the rough places have been graded. The work in Ovilla Oaks may not occur until late summer. Staff will deliver door hangers in the next two weeks to notify the residents in Ovilla Oaks of the road work.

Progressive Solid Waste and Recycling –Spring Cleanup day for Saturday, April 26th and May 3rd as the rain date.

Planning and Zoning Commission – There is no business before P&Z in April.

BOA – met April 21st, consideration of construction materials and size for an accessory building was denied.

Five Year Staffing Plan – The Committee (Oberger, Hall, Mayor Dormier) was provided job descriptions. I have retrieved preliminary salary data from the Waters Survey Navigator for the positions. My next step will be to retrieve benefit information for a complete comparison and then request a meeting.

Strategic Guide – Joe Gonzales with The Management Connection held a workshop on implementation of the Strategic Guide with the Leadership Team, Monday, April 07, 2014. We discussed our role in the leadership and management of the projects that will support the goals of the strategic guide.

Economic Development Corporation –There was no meeting in April due to a lack of a quorum. Next meeting is May 17, 2014.

Municipal Development District – pending appointments.

Main Street Sewer Project – update from Brad: “The main street sewer line has been installed. We have tested and inspected the line and it is ready for the property owners to connect when they are ready to do so. The

question was asked if compaction tests were performed on the backfill of the ditch line and they were not. The settling of the ditch line was addressed this morning (Tuesday, April 22, 2014). After the rains over the weekend (04/19/14) there were some areas of the excavation that had settled and washed out. I will continue to monitor the project and address any issues that may arise. We plan to asphalt the sides of the road and the parking area next week." Staff is wrapping up the project and once all invoices are in staff will update Council.

ESD#4 Board Meeting – the ESD will meet on Monday, April 28, 2014.

Cole Tracts 113 acres in the ETJ –the developer presented a conceptual plan to Council on April 14th and at Council's direction, staff continues to work with the developer.

Shiloh & Bryson 122 acres in the City Limits – Brad and I have responded to inquiries regarding this property.

MISD parcel - Staff provided the process for voluntary annexation and has developed the required service plan. This parcel is on Sardis water and will be on city sewer tying into the TRA Red Oak Creek System.

Finance Committee – (Mayor Dormier, Hall, Hunt) – the committee will meet with staff on April 25, 2014 to review sewer revenues and expenditures and potential rate increases to satisfy the obligation to TRA. Staff received an updated rate from TRA of \$5.899/1,000 gallons for FY2015 reducing the estimated cost of TRA expenses to \$215,418 based on the City's proportionate share. (Rate was \$5.998/1,000 gallons)

Fire Department Mini-Pumper (2007) – was declared as surplus and is being marketed for sale. Staff is evaluating cost for a replacement engine for capital equipment budget.

Dallas Water Utilities – staff is investigating the discrepancies identified in the scada data of water pumped vs the gallons billed from DWU. At this time the meter is being re-calibrated and system is being monitored.

FM664 from I-35 to Westmoreland – (3.1 miles, six lanes from I35 with a grass median transitioning to two lanes just after Westmoreland intersection, all curb and gutter.) The preliminary schematic has been approved (but can be revised) and may be viewed at www.KeepItMovingDallas.com under the FM Roads tab. The environmental work is occurring and a Public Hearing will be held June or July. The right of way map is being prepared now, once appraisals are completed the r-o-w acquisition may begin in early 2015. It is anticipated construction would bid late 2016 and work begin in early 2017 taking approximately 36 months. The City's role in right of way utility relocation is usually about 10% of the cost. Since Ellis County is classified as "economically disadvantaged" a reduction of about 5% may be requested to reduce the city's row acquisition costs. Oak Leaf has utilized this cost saving measure for the bridge being constructed in their city. The remaining questions are 1) how much r-o-w of this project is in our city limit? and 2) what are the preliminary cost estimates for the city's acquisition of r-o-w? It is anticipated the city will learn more in the coming months so we can escrow funds and enter into an agreement with TXDOT after the r-o-w is established.

Mosquito Control – information has been provided to residents in the newsletter and on the web site to educate citizens in their role in controlling the mosquito population. Staff will be setting traps to obtain mosquito samples for testing.



Jessica Foresman
Court Clerk

DATE: May 12, 2014
TO: Honorable Mayor Dormier and City Council Members
FROM: Jessica Foresman, Court Clerk
SUBJECT: Monthly Staff Report

Court Report April 2014

Item	Number	Amount
April 2014		
Traffic Cases Filed	59	
State Law Cases Filed	0	
Parking Cases Filed	0	
Penal Code Cases Filed	3	
City Ordinance Cases Filed	4	
Trials	0	
Total Revenue		\$10,160.45
Amount kept by City		\$6,459.72
Amount remitted to State		\$3,700.73
Warrants Issued	22	
New Warrants	6	
Previous Warrants Cleared & Relssued	16	
Active Warrants	370	\$102,058.72
Warrants Cleared	9	\$2,153.63
Warrants Cleared from Omni/Collection	7	\$1,601.63

April 2014

Code Enforcement Report

Complaints - 140

Follow ups – 156

Door Notices - 59

Mail Notices – 35

Posted Properties – 15

Court: 1 Public Nuisance / Plea Guilty / Fined \$125

Citizen contacts - 132

Permits reviewed: 12 / Permits issued: 9

Inspections – 20

Nuisance Abated By City - 0

Nuisance- Signs – 40

Illegal Dumping – Westmoreland Trash

Board of Adjustment: 2 Variance Requests, regarding construction materials and square footage. Both requests denied

April 2014

Animal Control Report

Complaints- 46

Follow ups – 59

Door Notices –21

Impounded Animal s– 4 (dogs)

Animal Welfare Checks – 11

Impound Animal Results - 2 Transported, 1 Returned to owner

Impound Fees Collected - \$35.00

Court: 2 Pleas of Guilty

- 1 *At Large*, fined \$127
- 1 *Not Registered*, fined \$116

Citizen contacts - 56

Animal Registration Tags Issued –11 for a total of \$132.00

Registration Reminders Mailed- 10

Nuisance Letters Mailed-2

Animals Released –11

- 5 Skunks
- 6 Squirrels

Deceased / Removed – 35

Oak Leaf –1 Emu

Traps Checked Out –7



CONSENT ITEMS A-G

Meeting Date: May 12, 2014

Department: Administration

☒ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted by: Staff

Amount: N/A

Attachments:

- A. Minutes of the April 14, 2014 Regular Council Meeting
- B. Financial Transactions over \$5,000 for April 2014
- C. Resolution R2014-014, adopting an updated Storm Water Management Plan 2014-2019 prepared by Birkhoff, Hendricks and Carter, LLP, Consulting Engineers and authorizing the Mayor to execute the Notice of Intent Application to Texas Commission on Environmental Quality for a General Permit.
- D. Resolution R2014-015 for a Master Interlocal Agreement between Dallas County and the City of Ovilla, TX, pertaining to transportation-related maintenance on or about certain designated roadways situated within the territorial limits of the City of Ovilla.
- E. Resolution R2014-016 to authorize the City's continued membership with the Steering Committee of Cities served by ONCOR and approve the annual assessment for Steering Committee membership.
- F. Resolution R2014-017 denying the rate increase requested by ATMOS Energy Corp., Mid-Tex Division under the company's 2014 annual rate review mechanism filing in all cities exercising jurisdiction; requiring the Company to reimburse cities, reasonable ratemaking expenses pertaining to review of the RRM; authorizing the City's participation with ATMOS Cities Steering Commission of TX in any appeal filed at the Railroad Commission of TX by the Company.
- G. One Member appointment and one alternate representative to the Red Oak Creek Regional Wastewater System Advisory Committee.

Agenda Item / Topic:

Discussion / Justification:

Recommendation / Staff Comments:

Staff recommends approval.

Sample Motion(s):

I move to approve the consent items as presented.

CITY OF OVILLA MINUTES

Monday, April 14, 2014

Regular City Council Meeting

105 S. Cockrell Hill Road, Ovilla, TX 75154

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

Ralph Hall	Mayor Pro Tem, Place 1
Larry Stevenson	Council Member Place 2
David Griffin	Council Member Place 3
Doug Hunt	Council Member Place 4
Dean Oberg	Council Member Place 5

Mayor Dormier announced all Councilmen present, thus constituting a quorum. Legal Counsel Ron MacFarlane, various department-heads and staff were also present.

PL4 Hunt gave the Invocation and PL1 Hall led the recitation of the Pledge of Allegiance.

COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS

Mayor Dormier read aloud a Proclamation for Motorcycle Awareness and presented said Proclamation to an attending group of individuals representing "Forsaken Horsemen MC & Freedom Connection Motorcycle Ministry." Photos were taken.

▪ **Citizens Comments / Citizens Forum:**

- I. No one signed up to speak for the Citizens Forum.

Mayor Dormier moved the order of the Agenda to the Regular Agenda and addressed Item I –

REGULAR AGENDA

ITEM I. DISCUSSION– Receive presentation from Mr. Pat Atkins representing the property owners of the site known as Stonewood Lakes Estates.

City Administrator Ms Powell opened the item discussion introducing Mr. Pat Atkins and advised Council of his proposed concept plan for the 113-acre development located in the City's ETJ (extra territorial jurisdiction), asking for feedback from Council. On behalf of the property owners, Mr. Atkins shared a vision for the development of Stonewood Lake Estates asking Council to consider a few revisions: 1) Allow the variations of lot sizes, 2) Allow Impact fees to be implemented at the time of the permit, 3) Allow the bar-ditch design instead of curbs and gutters. The zoning and Ovilla's code requirements would be consistent with thoroughfare plans. Legal Counsel Ron MacFarlane recommended Council begin with a Developer's Agreement.

Discussion Only.

Mayor Dormier returned to the regular order of the Agenda.

• **Department Activity Reports / Discussion**

- | | |
|--|------------------------|
| • Police Department | Police Chief M. Moon |
| • Monthly Report was reviewed | |
| • Advised Council that April was Emergency Telecommunications Appreciation Week. | |
| • Fire Department | Fire Chief P. Brancato |
| • Monthly Report reviewed | |

- There was a spike in calls from the recent storms
- Public Works Public Works Director B. Piland
 - Monthly Report was reviewed
 - 15 meter replacements were installed in Brookwood Addition
 - Work time is being tracked for the Main Street Sewer Project
- Administration City Administrator C. Powell
 - Bi-weekly update activity report was reviewed
 - Monthly Mun. Court Report was reviewed City Secretary P. Woodall
 - Court revenue was down about \$1400 from this time compared to last year.
- Code Enforcement/Animal Control Code/A/C Officer M. Dooly
 - Monthly Reports of Code and A/C were reviewed -
 - Reported auction results

CONSENT ITEMS

- A. Financial Transactions
- B. Minutes of the March 24, 2014 Town Hall Meeting
- C. Minutes of the March 24, 2014 Regular Council Meeting
- D. Interlocal Lease Agreement for AutoMark ADA Voting Device with Ellis County Elections Office

PL4 Hunt moved that Council approve the consent items as presented, seconded by PL5 Oberg.

No oppositions, no abstentions.

VOTE: The motion carried unanimously: 5-0.

REGULAR AGENDA

ITEM 1. Addressed previously.

ITEM 2. **DISCUSSION/ACTION – Consideration** of and action on Resolution R2014-010 adopting the City's revised Investment Policy 2014.

Mayor Pro Tem Hall inquired about the written procedures as outlined in the Investment Policy and stated his belief that this policy may have been overwritten for a city the size of Ovilla. City Administrator shared staff's desire to seek the required criteria for submittal to apply for the GFOA Award. Council consensus was agreeable.

Mayor Pro Tem Hall moved that Council approve Resolution R2014-010, adopting the City's revised Investment Policy 2014, seconded by PL2 Stevenson. *No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 5-0.

ITEM 3. **DISCUSSION/ACTION – Consideration** of and action on Ordinance 2014-006 of the City of Ovilla, Amending Chapter 1, Division 4, Section 1.05.111 of the Ovilla Code of Ordinances and Repealing Sections 1.05.112-1.05.125 of said Division, providing a savings clause; providing a severance clause; providing for Incorporation into the Ovilla Code of Ordinances; Providing Immediate Effect; and Providing for Publication, pertaining to the City's Investment Policy 2014.

The presented Ordinance was provided to repeal certain sections codified in the Investment Policy that were adopted in 2010.

PL3 Griffin moved that Council approve Ordinance 2014-006 of the City of Ovilla, Amending Chapter 1, Division 4, Section 1.05.111 of the Ovilla Code of Ordinances and Repealing Section 1.05.112-105.125 of said Division, providing a savings clause; providing a severance clause; providing for incorporation into the Ovilla Code of Ordinances; providing Immediate Effect; and providing for publication, pertaining to the City's Investment Policy 2014, seconded by PL2 Stevenson. *No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 5-0.

ITEM 4. DISCUSSION/ACTION – Consideration of and action declaring the Fire Department's Ford F650 (2007) Rescue 703 as surplus property and authorize its sale.

Rescue 703 was originally purchased to function as a medical vehicle. The vehicle contained a pump, water and could be considered a mini-pumper. Rescue 703 is no longer in-service, nor used in the response matrix.

PL2 Stevenson moved that Council approve the declaration of the Fire Department's Ford F650 (2007) Rescue 703 as surplus property and authorized its sale, seconded by Mayor Pro Tem Hall. PL4 Hunt voted in opposition. *No abstentions.*

VOTE: The motion carried 4 in favor, 1 opposed.

ITEM 5. DISCUSSION/ACTION – Consideration of and action authorizing the Mayor to execute a Listing and Marketing Commission Agreement with Brindlee Mountain Fire Apparatus for the Fire Department's Ford F650 (2007) Rescue 703 declared as surplus property under Item 4.

Brindlee Mountain Fire Apparatus estimated the sale value of the Ford F650 Rescue 703 between \$90,000 and \$100,000. A commission of 7% would be paid to Brindlee if the Rescue vehicle were sold for an amount between \$90,000 and \$100,000. Staff recommended the Ford F650 Rescue 703 be listed with Brindlee for \$100,000, and accept not less than \$90,000. The net proceeds would be between \$93,000 and \$83,700. Staff recommended a portion of the net proceeds be accrued for future capital equipment for the Fire Department.

PL2 Stevenson moved that Council authorize the Mayor to execute a Listing and Marketing Commission Agreement with Brindlee Mountain Fire Apparatus for the Fire Department's Ford F650 (2007) Rescue 703 declared as surplus property under Item 4, seconded by Mayor Pro Tem Hall. *No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 5-0.

ITEM 6. DISCUSSION/ACTION – Consideration of and action to authorize the City Administrator to advertise for Request for Qualifications for Professional Auditing Services.

The City's current agreement with Yeldell, Wilson & Co., P.C. was noted to be in its final year of a five-year term that began in 2009. The Government Finance Officers Association (GFOA) recommended the best practice of a five-year contract with the fourth and fifth year as optional one-year extensions. The 2009 RFQ was revised with a timetable and presented for Council's consideration. Mayor Pro Tem Hall recommended the removal of any comments (bottom of page 78 & Section 16) regarding financial negotiations, including the removal of a "cost sealed bid." Additionally, Mayor Pro Tem Hall directed staff to add to the RFQ: "Financial Statements will be prepared by the Audit Firm."

PL3 Griffin moved that Council approve to authorize the City Administrator to advertise for Request for Qualifications for Professional Auditing Services with the noted revisions made by Mayor Pro Tem Hall, seconded by PL5 Oberg. *No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 5-0.

- ITEM 7. DISCUSSION/ACTION – Consideration** of and action on authorizing payment of invoice BH967 to Trinity River Authority in the amount of \$176,535.47 as presented.

The Trinity River Authority (TRA), contracted by the City for wastewater services, formally notified the City on January 31, 2014 of irregularities in the wastewater flow meter data versus the amount of wastewater TRA was billing the City. The invoice presented for the FY2013 settle-up amount was \$176,535.47. Of that amount, \$143,812.10 would be paid from retained earnings for the fiscal year ending 2013; the remaining balance of \$32,723.37 would be paid from the Water and Sewer Fund.

PL4 Hunt moved that Council approve payment of Invoice BH967 to Trinity River Authority in the amount of \$176,535.47 as presented, seconded by PL2 Stevenson. *No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 5-0.

- ITEM 8. DISCUSSION/ACTION – Consideration** of and action on projected increase to sewer rates in response to the Trinity River Authority wastewater flow data for City sewer customers.

Mayor Pro Tem Hall suggested that Council take No Action until the Council made Finance Committee appointments, met, and reviewed all options. The remaining Council concurred.

No Action.

- ITEM 9. DISCUSSION/ACTION – Consideration** of and action on Ordinance 2014-007 of the City of Ovilla, Texas, Amending Appendix A, Article A7.000, Section A7.003(B)(1)&(2) of the Code of Ordinances of the City of Ovilla; repealing certain sections and establishing a monthly flat fee and monthly rates for wastewater service to residential and non-residential customers; 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.

Based on the comments and decision of Item 8, this item received no action.

No Action.

- ITEM 10. DISCUSSION/ACTION – Consideration** of and action on Ordinance 2014-008 of the City of Ovilla, Texas, amending the Fiscal Year 2013-2014 Water and Sewer Fund Budget and Annual Program of Services for an adjustment of \$165,700, appropriating funds for increased expenditures to Trinity River Authority; appropriating said funds from the Undesignated Reserve Fund Account; providing that expenditures for the FY2013-2014 be made in accordance with said amended budget; providing a severability clause; providing an effective date.

The adjustment was required to meet the additional expense to TRA for the FY2013-2014 Year.

Mayor Pro Tem Hall moved that Council approve Ordinance 2014-008, amending the FY2013-2014 Water and Sewer Fund Budget and Annual Program of Services for an adjustment of \$165,700, appropriating said funds from the Undesignated Reserve Fund Account, seconded by PL3 Griffin. *No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 5-0.

- ITEM 11. DISCUSSION – Review** and consider revisions to the City's Policy and Procedure Guide to Purchasing and direct staff as necessary.

Mayor Pro Tem Hall asked to review the Guide and recommended that based on the size of Ovilla, some sections in the Guide be more restrictive: 1) Competitive bidding and, 2) lower the threshold amount of the

City Administrator. Mayor Pro Tem Hall asked staff to make revisions and return with a new policy for Council's consideration.

No Action.

REQUESTS FOR FUTURE AGENDA ITEMS

- | | |
|-----------------------|--------------------------------|
| 1. Mayor Pro Tem Hall | None |
| 2. PL2 Stevenson | None |
| 3. PL3 Griffin | Consider closing Water Street. |
| 4. PL4 Hunt | None |
| 5. PL5 Oberg | None |
| 6. Mayor | None |

ADJOURNMENT

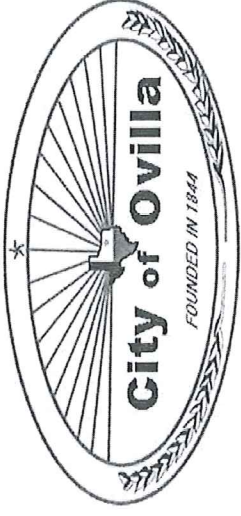
There being no further business, Mayor Dormier adjourned the meeting at 9:43 p.m.

ATTEST:

Richard Dormier, Mayor

Pamela Woodall, City Secretary

Approved May 12, 2014



DATE: 05-12-14

TO: Honorable Mayor and Council Members

FROM: Sharon Jungman

SUBJECT: Expenditures in April 2014 over \$5,000

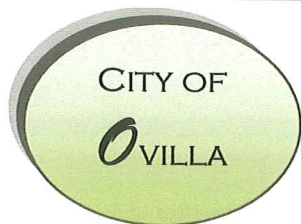
City of Ovilla Expenditures in April 2014 Over \$5,000

General Fund

Date	Check#	Payee	Description	Amount
4/29/2014	42438	Blue Cross/Blue Shield	Health Insurance	\$8,496.15
4/11/2014	42366	Bureau Veritas	Inspection Service	\$10,953.99
4/11/2014	42367	City of Midlothian	Jail, Dispatch & EMS Emergency services Pmts.	\$30,024.74
4/24/2014	42431	Physio-Control, Inc.	2 Year Maint. Agreement on Cardiac Monitors	\$6,621.90
4/11/2004	42377	Progressive Waste Solutions	Garbage Pick-up for March	\$16,692.00
4/10/2014	ACH	Quick Books Payroll Service	Payroll	\$37,072.72
4/24/2014	ACH	Quick Books Payroll Service	Payroll	\$37,400.29
4/11/2014	42383	State Comptroller	Quarterly State Criminal Costs & Fees	\$6,910.87
4/15/2014	42390	T.M.R.S.	Retirement	\$9,213.20
4/3/2014	42348	TML	Quarterly TML Insurance Pmt.	\$9,213.20
4/11/2014	42385	The Management Connection	Final Payment for Strategic Guide	\$6,544.18
4/11/2014	ACH	US Treasury	Payroll Taxes	\$7,140.94
4/25/2014	ACH	US Treasury	Payroll Taxes	\$7,163.50
Total General Fund Transactions Paid in April 2014 \$5,000 and Over				\$193,447.68

Water & Sewer Fund

Date	Check#	Payee	Description	Amount
4/24/2014	15455	Circle H Contractors, LP	Labor & Materials for Main St. Sewer	\$11,700.00
4/11/2014	15439	City of Dallas	Water Purchase	\$18,368.39
4/30/2014	15475	City of Ovilla General Fund	Garbage Transfer for April	\$20,281.49
4/24/2014	15460	HD Supply Waterworks, LTD	Parts for Main St. Sewer	\$6,449.21
4/17/2014	15449	Trinity River Authority	Assessment for Additional Wastewater Flow	\$176,535.47
Total Water & Sewer Fund Transactions Paid in April 2014 \$5,000 and Over				\$233,334.56



Ovilla City Council

Consent Item C

Meeting Date: May 12, 2014

Department: Public Works Department

☒ **Discussion** ☒ **Action**

Budgeted Expense: ☒ **YES** ☐ **NO** ☐ **N/A**

Submitted By: Staff

Amount: \$ 100.00 Permit Fee

Attachments:

1. Resolution R2014-014 Stormwater Management Plan 2014-2019
2. Attachment A - SWMP

Agenda Item / Topic:

Consent C. Resolution R2014-014, adopting an updated Storm Water Management Plan 2014-2019 prepared by Birkhoff, Hendricks and Carter, LLP, Consulting Engineers and authorizing the Mayor to execute the Notice of Intent Application to Texas Commission on Environmental Quality for a General Permit.

Discussion / Justification:

The Texas Commission on Environmental Quality (TCEQ) issued the Texas Pollutants Discharge Elimination System (TPDES) General Permit No. TXR040000 for discharges from small municipal separate storm sewer systems (MS4s) on August 16, 2013 requiring amendment and reissuance of a General Stormwater Permit for Phase II MS4s.

The Permit took effect December 13, 2013 and requires previously permitted MS4s, such as the City of Ovilla, to revise their Stormwater Management Plan (SWMP). The SWMP is a five-year plan of best management practices (BMP) to address stormwater management.

At the February 10, 2014 Council meeting the engineering firm Birkhoff, Hendricks and Carter, LLP, was authorized to prepare the City's Stormwater Management Plan 2014-2019. The Plan has been reviewed with staff and staff will address questions regarding updates to the five year plan. The plan requires the Notice of Intent to be completed by June 11, 2014.

Recommendation / Staff Comments:

Staff recommends approval of Resolution R2014-014 adopting an updated Stormwater Management Plan 2014-2019 prepared by Birkhoff, Hendricks and Carter, LLP, Consulting Engineers and authorizing the Mayor to execute the Notice of Intent Application to Texas Commission on Environmental Quality for a General Permit.

Sample Motion(s):

I move that Council APPROVE/DENY Resolution R2014-014, adopting an updated Stormwater Management Plan 2014-2019 prepared by Birkhoff, Hendricks and Carter, LLP, Consulting Engineers and authorizing the Mayor to execute the Notice of Intent Application to Texas Commission on Environmental Quality for a General Permit.

RESOLUTION NO. R2014-014

**A RESOLUTION OF THE CITY OF OVILLA, TEXAS, ADOPTING THE
STORM WATER MANAGEMENT PLAN 2014 – 2019.**

WHEREAS, the City Council of the City of Ovilla, Texas, adopted a Stormwater Management Plan ("SWMP") in 2008; and

WHEREAS, the 2008 SWMP was approved by the Texas Commission on Environmental Quality ("TCEQ") in 2008; and

WHEREAS, the TCEQ has issued a new Small MS4 General Permit, TDPES Permit No. TXR040000, which requires the City of Ovilla to update the SWMP; and

WHEREAS, the City of Ovilla retained the engineering services of Birkoff, Hendricks & Carter, L.L.P. to prepared an updated SWMP; and

WHEREAS, Birkoff, Hendricks & Carter, L.L.P. has prepared and presented to the City of Ovilla the *Stormwater Management Plan 2014 – 2019* (the "2014 – 2019 SWMP"), a copy of which is attached hereto as Exhibit "A" and incorporated herein for all purposes; and

WHEREAS, the City Council of the City of Ovilla, Texas, finds and determines that it is in the best interest of good governance and the citizens of the City of Ovilla to approve and adopt the 2014 – 2019 SWMP.

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

SECTION 1. ADOPTION OF THE 2014 – 2019 SWMP

The City Council of the City of Ovilla, Texas, hereby approves and adopts the 2014 – 2019 SWMP as set forth in Exhibit "A" hereto.

SECTION 2. REPEAL OF INCONSISTENT RESOLUTIONS

All other Resolutions of the City Council of the City of Ovilla, Texas, that are inconsistent with the provisions of this Resolution are hereby repealed.

PASSED, APPROVED and ADOPTED by the City Council of the City of Ovilla, Texas, this ____ day of _____, 2014.

Richard Dormier, Mayor

ATTEST:

Pam Woodall, City Secretary

STORMWATER MANAGEMENT PLAN

2014 – 2019

TPDES General Permit No. TXR040000



"PRIDE IN OUR PAST . . . ENTHUSIASM FOR THE FUTURE"

Prepared By

BIRKHOFF, HENDRICKS & CARTER, L.L.P.
PROFESSIONAL ENGINEERS
DALLAS, TEXAS
Texas Firm F526

May 2014

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

11910 Greenville Ave., Suite 600

Dallas, Texas 75243

Fax (214) 461-8390

Phone (214) 361-7900

JOHN W. BIRKHOFF, P.E.
GARY C. HENDRICKS, P.E.
JOE R. CARTER, P.E.
MATT HICKEY, P.E.
ANDREW MATA, JR., P.E.
JOSEPH T. GRAJEWSKI, III, P.E.
DEREK B. CHANEY, P.E.
CRAIG M. KERKHOFF, P.E.

May 1, 2014

Mr. Brad Piland
City of Ovilla
105 S. Cockrell Hill Rd.
Ovilla, Texas 75154

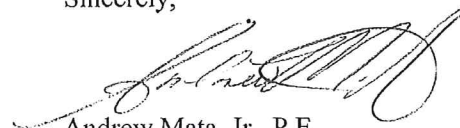
Re: Stormwater Management Plan
2014-2019

Dear Mr. Piland:

We are enclosing two (2) copies of the proposed City of Ovilla Stormwater Management Plan 2014-2019 (SWMP). Please review this report and notify us of any comments you may have and we will incorporate them into the final report. If the SWMP meets your approval, please have the Mayor sign Section 5 – Certification of the Notice of Intent (NOI) Form 20368, page No.7, with the General Permit Payment Submittal Form (TCEQ 20134) and payment. The Stormwater Management Plan is due June 11, 2014.

We are available at your convenience to discuss any questions you may have with the SWMP, its contents and the directions to submit it to the TCEQ.

Sincerely,



Andrew Mata, Jr., P.E.

Enclosure

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STORMWATER MANAGEMENT PLAN

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CITY OF OVILLA, TEXAS
STORMWATER MANAGEMENT PLAN

I. EXECUTIVE SUMMARY

The City of Ovilla, Texas currently has a Stormwater Management Plan (SWMP) that was adopted by the City and approved by the Texas Commission on Environmental Quality (TCEQ) back in 2008. The TCEQ has issued a new Small MS4 General Permit, TDPES Permit No. TXR040000, which requires the City of Ovilla to update the SWMP. The purpose of the SWMP is a five-year plan for the City to continue to reduce pollutants that enter into the rivers and stream from stormwater runoff and pollution discharges. The City's population is approximately 3,500 people, which classifies them as a Small MS4 Level 1 category with a population less than 10,000. The SMWP consists of five (5) of six (6) Minimal Control Measures (MCM). The sixth MCM is Industrial Stormwater Sources, which the City does not have Industrial Sources and therefore does not apply to the City. For each MCM, the SWMP illustrates Best Management Practices (BMP) the City will continue to implement throughout the timeframe of the five-year plan. These BMP's are detailed in the report and identified in the 5-year schedule for the City to prioritize problems, identify solutions, implement correction strategies, track schedule progress through annual reporting, and continue to reduce pollutants entering local creeks, streams, and rivers. The Public Works Department will serve as the department responsible for continuing to implement the MBP's and be in compliance with the SWMP. The department will also continue to provide annual reports to the TCEQ, adhering to the permit using measurable goals while trying to find new creative ways to reducing stormwater runoff.

II. GENERAL

The City of Ovilla has developed this Stormwater Management Plan in accordance with the General Permit No. TXR040000, General Permit To Discharge Under The Texas Pollutant Discharge Elimination System, from the Texas Commission of Environmental Quality. The Stormwater Management Plan (SWMP) is based on six minimum control measures:

MCM 1. Public Education, Outreach, and Public Involvement

MCM 2. Illicit Discharge Detection and Elimination

MCM 3. Construction Site Stormwater Runoff Control

MCM 4. Post-Construction Stormwater Management in New Development and Redevelopment

MCM 5. Pollution Prevention and Good Housekeeping for Municipal Operations

MCM 6. Industrial Stormwater Sources

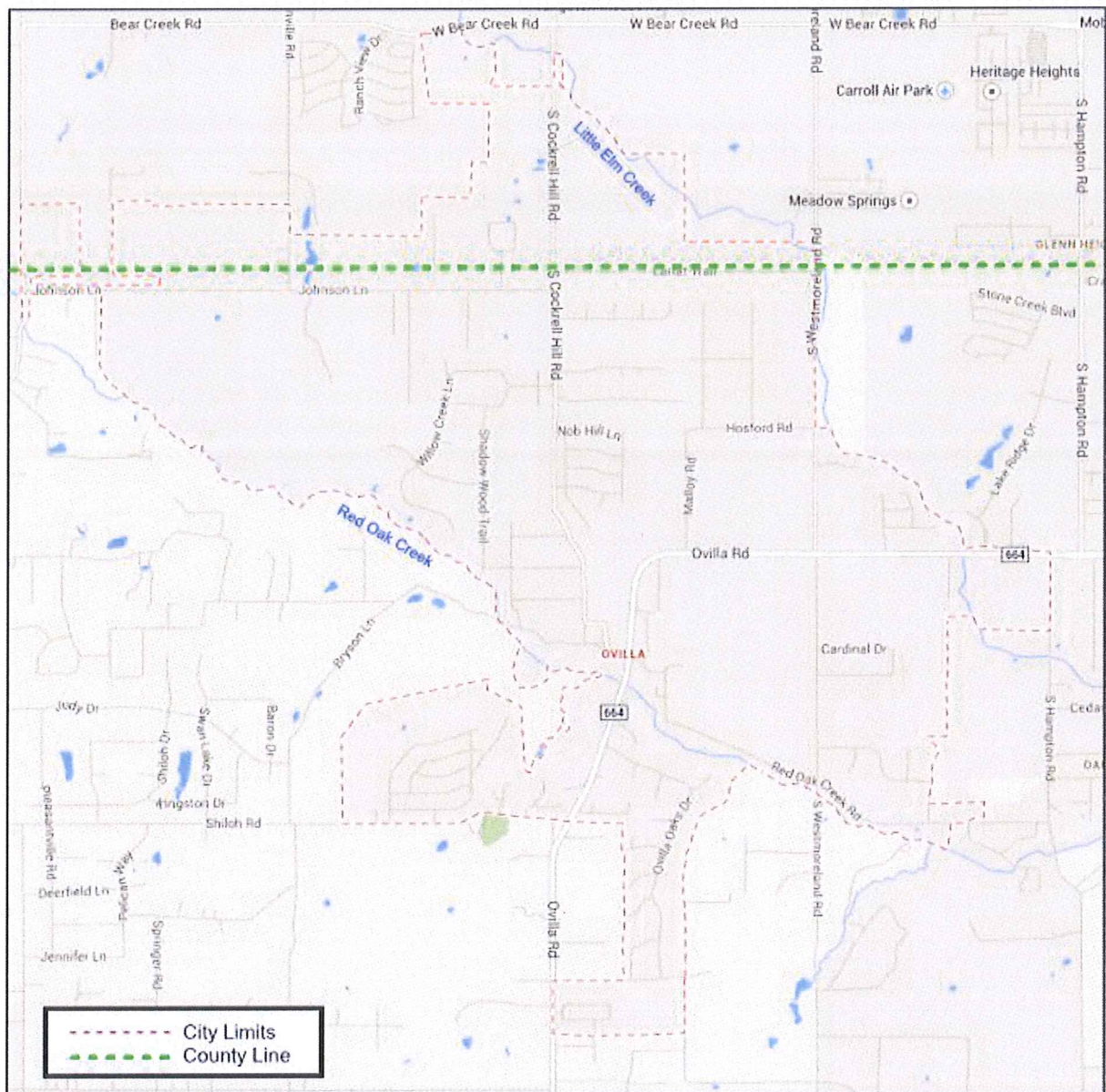
These minimum control measures are items required in Part III of the General Permit To Discharge Under The Texas Pollutant Discharge Elimination System. Each minimum control measure has goals and a schedule to complete each goal.

This program is created with goals that are to be completed with City staff and City funds. The Public Works Department is responsible for implementing of the SWMP.

Annual reports will be submitted stating the evaluation of each measurable goal performed that year. Results of any information collected that year will be submitted with the annual report and revision to the measurable goals, if necessary. The annual report will also summarize the measurable goals planned for the following year.

The City of Ovilla is located in the "Dallas/Fort Worth Metroplex urbanized area. Figure No. 1 below illustrates the current city limits of Ovilla, the Dallas-Ellis County Line, and the water bodies receiving the stormwater from the MS4 Operator, being the City

Figure No. 1 - Location Map



MCM 1. PUBLIC EDUCATION, OUTREACH AND PUBLIC INVOLVEMENT

The General Permit To Discharge Under The Texas Pollutant Discharge Elimination System requires the following:

A. A public education program to distribute educational materials to the community or conduct equivalent outreach activities that will be used to inform the following groups within the Municipal Separate Storm Sewer System (MS4) area:

- 1) Residents;
- 2) Visitors;
- 3) Public Service Employees;
- 4) Businesses;
- 5) Commercial and Industrial Facilities; and
- 6) Construction Site Personnel.

The outreach must inform the public about the impacts polluted stormwater run-off can have on water quality, hazards associated with illegal discharges and improper disposal of waste, and ways they can minimize their impact on stormwater quality.

B. Via documentation, the MS4 operator must ensure that a reasonable attempt was made to reach all constituents within the MS4 area to meet this measure.

The tables on the next page state the best management practices (BMP) goals necessary to implement this minimum control measure, the City department responsible for implementation, and outlines the implementation schedule.

MCM 1. - PUBLIC EDUCATION AND OUTREACH

Best Management Practices	BMP Description	Personnel Responsible	Measurable Goals	Implementation Schedule
RESIDENTS				
BMP 1.1 Pamphlets	Develop educational material to residents. The pamphlets will include stormwater education in general per the TCEQ general permit guidelines. Pamphlets will also include information specifically relating to fertilizer, herbicide and pesticide usage, proper disposal of household hazardous waste and oils and other educational and participatory opportunities.	Director of Public Works	<ul style="list-style-type: none"> Review and determine if information in existing needs to be revised. Distribute pamphlets to developers to place in new homes. Place pamphlets on bulletin boards at City Hall. Continue to send pamphlet to Citizens once a year. Distribute pamphlets to developers to place in new homes. Place pamphlets on bulletin boards at City Hall. 	Year 1 Year 1 - 5 Year 1 - 5 Year 1 - 5 Year 1 - 5 Year 1 - 5
BMP 1.2 Web Site	Update a stormwater web page for the City. The web page will include stormwater education in general per the TCEQ general permit guidelines. The web site will include a stormwater hot line and links to other local, state and national stormwater web sites.	Director of Public Works	<ul style="list-style-type: none"> Update Web Page in Home Page. Feedback regarding stormwater program solicited via the web page. 	Year 1 - 5 Year 1 - 5
BMP 1.3 Stormwater Display	Create a stormwater display w/pamphlets created in BMP 1.1. The stormwater display will include stormwater education in general per the TCEQ general permit guidelines. The stormwater display will be displayed at City Hall.	Director of Public Works	<ul style="list-style-type: none"> Update Display Stormwater. Display at City Hall. Displays of Pamphlets and Handouts Displayed in Office. 	Year 1 - 5 Year 1 - 5 Year 1 - 5

Best Management Practices	BMP Description	Personnel Responsible	Measurable Goals	Implementation Schedule
BMP 1.4 Educational Curriculum	Discuss stormwater education to the Cities of Glenn Heights, Midlothian and Red Oak. Stormwater education will be based on the TCEQ General Permit Guidelines.	Director of Public Works	<ul style="list-style-type: none"> Continue to discuss City's Phase II stormwater educational goals with Cities of Glenn Heights, Midlothian and Red Oak. Continue the partnership with Cities of Glenn Heights, Midlothian and Red Oak to provide information on available stormwater educational material. 	Year 1 - 5
BMP 1.5 Public Service Announcement	Develop public service announcements to be printed on local media sources. The public service announcements will include stormwater education in general per the TCEQ general permit guidelines. The service announcements will have information specifically relating to Fertilizer, herbicide & pesticide usage, proper disposal of household hazardous waste and oils and other educational & participatory opportunities.	Director of Public Works	<ul style="list-style-type: none"> Work with NCTCOG to receive information and receive public interactions. "Keep Area Beautiful". Revise the Public Service Announcements if needed. Print Public Service Announcement once a year in the Ovilla Town Topics Mailing. 	Year 1 - 5
BMP 1.6 Storm Drain Markers	Place storm drain markers on local storm drains in an effort to increase awareness and to prevent dumping into the storm drain system.	Director of Public Works	<ul style="list-style-type: none"> Existing inlets have been marked. Mark new inlets as new improvements occurs. Continue implementation of the City's plan for installing storm drain markers, achieving the 100% marked goal by the end of the 5th year. 	Year 1 - 5
BMP 1.7 Bumper Stickers	Place at least one bumper sticker on all City vehicles. Bumper stickers will display messages stating not to dump into the storm drain system. The bumper stickers will increase awareness.	Director of Public Works	<ul style="list-style-type: none"> Update bumper sticker to be placed on City vehicles, and replace as needed. 	Year 1 - 5

Best Management Practices	BMP Description	Personnel Responsible	Measurable Goals	Implementation Schedule
BMP 1.8 Texas Smartscape	Purchase the Smartscape CD developed by NCTCOG	Director of Public Works	<ul style="list-style-type: none"> Continue to be an active member of Smartscape through website link. Update material on the website. 	Year 1 - 5 Year 1 - 5
PUBLIC SERVICE EMPLOYEES				
BMP 1.9 Education	Develop a program to have at least one employee or civic leader attend an educational conference once per year. Have that employee or civic leader teach other city employees and leaders what he or she learned. The purpose is to gather valuable training and teach others to further educate the City staff.	Director of Public Works	<ul style="list-style-type: none"> Continue education program. Have at least one person representing the City attend an educational conference annually. Have representative develop a workshop to teach other City employees & leaders. 	Year 1 - 5 Year 1 - 5 Year 1 - 5
COMMERCIAL AND INDUSTRIAL FACILITIES				
See BMP 1.1 Pamphlets				
BMP 1.10 Business Partnership	Develop a relationship with local businesses in MS4 area.	Director of Public Works	<ul style="list-style-type: none"> Continue to Contact Businesses. Discuss Overall Plan. Meet with Business annually to distribute information. 	Year 1 - 5 Year 1 - 5 Year 1 - 5
CONSTRUCTION SITE PERSONNEL				
See BMP 1.1 Pamphlets				
BMP 1.11 Stormwater Pollution Prevention Plan (SW3P) Details Page	Develop a standard details page that all construction personnel will adhere to. This will help eliminate confusions that may occur with erosion control.	Director of Public Works	<ul style="list-style-type: none"> Developed SW3P detail sheet to be inserted in all construction plans. Continue to have contractors include the SW3P detail sheet in their construction plans. 	Year 1 - 5 Year 1 - 5

- C. Identify and implement a public involvement and participation program. This must include provisions to allow opportunities for all constituents within the MS4 area to participate in the stormwater management program development and implementation.
- D. The MS4 operator must, at a minimum, comply with State and local public notice requirements when implementing a public involvement/participation program.
- E. The MS4 operator must, via documented efforts, ensure that sufficient opportunities were allotted to involve all constituents interested in participating in the program process to meet this measure. Correctional facilities will not be required to implement this MCM.

The tables on the next page state the best management practices (BMP) goals necessary to implement this minimum control measure, the City department responsible for implementation, and outlines the implementation schedule.

MCM 1. - PUBLIC INVOLVEMENT

Best Management Practices	BMP Description	Personnel Responsible	Measurable Goals	Implementation Schedule
BMP 1.1 Citizen Panel	Establish a citizen panel to help implement the stormwater management plan.	Director of Public Works	• Establish Citizen Panel.	Year 1 - 2
			• Review progress and input on program. Report progress to Council.	Year 1 - 2
			• Have Citizen Panel meet at least once a year to review the annual report. Make comments on the plan.	Year 3 - 5
BMP 1.2 Panel Groups	Develop a program for the Citizen Panel to meet with specific groups periodically to discuss the stormwater management plan and gather any comments the group may have.	Director of Public Works	• Develop a schedule to have Citizen Panel meet with specific groups in Ovilla.	Year 2 - 3
			• Have Citizen Panel meet a specific group in Ovilla (Community leaders, Business Leaders, Homeowners Association, etc.) at least once a year to discuss issues about the Stormwater Management Plan.	Year 4 - 5
BMP 1.3 Public Service Announcements	Develop a schedule to issue Public Service Announcements by Newsletter about meetings on the Stormwater Management Plan.	Director of Public Works	• Continue to issue public service announcements at least two weeks before the meeting.	Year 1 - 5
BMP 1.4 Storm Inlets Stencil	Develop program to have community groups place storm stencil or stick-ons at inlets.	Director of Public Works	• Continue to attempt to meet with Boy Scouts, Girl Scouts, schools, etc. Try to have 25% of inlets stenciled each year.	Year 1 - 5

Best Management Practices	BMP Description	Personnel Responsible	Measurable Goals	Implementation Schedule
BMP 1.5 Keep Ovilla Beautiful	Become an affiliate of "Keep Texas Beautiful" and develop program that meets goals.	Director of Public Works	<ul style="list-style-type: none"> Continue to be an affiliate of "Keep Texas Beautiful" and informed through email updates. Continue to discuss goals of "Keep Ovilla Beautiful" Update "Keep Ovilla Beautiful" program that reaches the goals. Email updates with head of "Keep Ovilla Beautiful". Discuss program and revise the program as necessary. 	Year 1 - 5 Year 1 - 5 Year 1 - 5 Year 1 - 5 Year 1 - 5
BMP 1.6 Stormwater Hotline	Establish a Stormwater Hotline that allows the community to report violations to the Stormwater Management Plan.	Director of Public Works	<ul style="list-style-type: none"> Continue to provide access for stormwater hotline through website link and contacting City Hall. 	Year 1 - 5

MCM 2. ILLICIT DISCHARGE DETECTION AND ELIMINATION

The General Permit To Discharge Under The Texas Pollutant Discharge Elimination System requires the following:

A. Illicit Discharges

This section of the SWMP establishes a program to detect and eliminate illicit discharges to the MS4 and includes the manner, ordinance or other regulatory mechanism, used to effectively prohibit illicit discharges.

1) Detection

The SWMP must list the techniques used for detecting illicit discharges.

2) Elimination

The SWMP must include appropriate enforcement procedures and actions for removing the source of an illicit discharge.

B. Non-Stormwater Discharges

This section of the SWMP establishes a program to detect and address non-stormwater discharges and illegal dumping to the MS4. All non-stormwater flows, including those listed in Part II. B and Part VII. B of the General Permit To Discharge Under The Texas Pollutant Discharge Elimination System will be evaluated by the permittee to determine if they are a significant contributor of pollutants to the MS4. All non-stormwater discharge that is determined to be a significant pollutant will be prohibited. The prohibition will be done through an ordinance or other regulatory mechanism. The ordinance or regulations must include appropriate enforcement procedures and actions.

Firefighting activities are excluded from being prohibited and only need to be addressed if they are determined to be a significant contributor of pollutants to the MS4.

C. Incidental Non-Stormwater Discharges

A list of occasional incidental non-stormwater discharges that will not be addressed as illicit discharges may also be developed. If developed, the listed discharges must not be reasonably expected to be significant sources of pollutants, because of either the nature of the discharge or the conditions that have been established for allowing these discharges to the MS4. Any local controls or conditions placed on these discharges must be documented in the SWMP. The SWMP must also include a provision prohibiting any individual non-stormwater discharge that is determined to be contributing significant amounts of pollutants to the MS4.

D. Storm Sewer Map

- 1) A map of the Storm Sewer System must be developed and must include the following:
 - a) The location of storm sewer pipes, ditches, and other conveyances owned by the permittee, or at a minimum, the drainage area for each outfall;
 - b) The location of all major outfalls; and
 - c) The names and locations of all waters of the U.S. that receive discharges from the outfalls.
- 2) The SWMP must include the source of information used to develop the storm sewer map, including how the outfalls were verified and how the map will be regularly updated.

The tables on the next page state the best management practices (BMP) goals necessary to implement this minimum control measure, the City department responsible for implementation, and outlines the implementation schedule.

MCM 2. - ILLICIT DISCHARGE DETECTION AND ELIMINATION

Best Management Practices	BMP Description	Personnel Responsible	Measurable Goals	Implementation Schedule
ILLICIT DISCHARGE DETECTION AND ELIMINATION				
BMP 2.1 Dry Weather Screening	Develop a program to screen City's Stormwater outfalls	Director of Public Works	<ul style="list-style-type: none"> Develop dry weather screening program and train appropriate personnel with purchase screening kits. Conduct visual dry weather screening of 25% of the City's Stormwater outfalls per year for all outfalls in target areas. Purchase screening test update. 	Year 1 - 5 Year 4 - 5
BMP 2.2 Illicit Discharges Detection	Conduct inspections of sites suspected of illicit discharge.	Director of Public Works	<ul style="list-style-type: none"> Train appropriate personnel on inspection of sites suspected of illegal discharge. Conduct inspections in accordance with inspection procedures for identified or suspected sources of illicit discharges or illegal dumping as identified from dry weather screening, smoke testing, and from tips received from the City's stormwater hotline. 	Year 1 - 5 Year 1 - 5
BMP 2.3 Sanitary Sewer Smoke Testing	Conduct smoke tests of public sanitary sewer lines to determine cross-connections with the City's storm sewer system.	Director of Public Works	<ul style="list-style-type: none"> Develop program on sanitary sewer smoke testing. Conduct sanitary sewer smoke testing of the City's sanitary sewer system per year. 25% of the system per year. 	Year 2 - 3 Year 4 - 5
BMP 2.4 Elimination of Illicit Connections	Develop a program to eliminate illicit connections found in the City's stormwater system	Director of Public Works	<ul style="list-style-type: none"> Update standard verification procedures, as necessary. Train appropriate personnel on program. Continue to require & verify the elimination of all identified illicit connections. 	Year 1 - 5 Year 1 - 5 Year 1 - 5

Best Management Practices	BMP Description	Personnel Responsible	Measurable Goals	Implementation Schedule
NON-STORM WATER DISCHARGES				
BMP 2.5 Non-Stormwater Discharge Program	Develop a program and ordinance that addresses non-stormwater discharge and methods to remedy the situation.	Director of Public Works	<ul style="list-style-type: none">Continue to inspect all suspected sites and require property owners to eliminate the cause.	Year 1 - 5
			<ul style="list-style-type: none">Continue to train appropriate personnel on the program.	Year 1 - 5
STORM SEWER MAP				
BMP 2.6 Storm Sewer Map	Develop a map of the City's storm sewer system as required by the TCEQ's general permit	Director of Public Works	<ul style="list-style-type: none">Update City's Storm Sewer System Map as development occurs. Develop 25 % of the map per year.	Year 1 - 5

MCM 3. CONSTRUCTION SITE STORMWATER RUNOFF CONTROL

The General Permit To Discharge Under The Texas Pollutant Discharge Elimination System requires the following:

The MS4 operator must develop, implement, and enforce a program to reduce pollutants in any stormwater runoff to the MS4 from construction activities that result in a land disturbance greater than or equal to one acre or if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. The MS4 operator is not required to develop, implement, and/or enforce a program to reduce pollutant discharges from sites that the TCEQ has waived the permitting requirements for stormwater discharges associated with small construction activities.

- A. The program must include the development and implementation of, at a minimum, an ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State and local law.
- B. Requirements for construction site contractors to, at a minimum:
 - 1) Implement appropriate erosion and sediment control best management practices; and
 - 2) Control waste such as discarded building materials, concrete truck washout water, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
- C. The MS4 operator must develop procedures for:
 - 1) Site plan review which incorporate consideration of potential water quality impacts;
 - 2) Receipt and consideration of information submitted by the public; and
 - 3) Site inspection and enforcement of control measures

The tables on the next page state the best management practices (BMP) goals necessary to implement this minimum control measure, the City department responsible for implementation, and outlines the implementation schedule.

MCM 3. - CONSTRUCTION SITE STORMWATER RUNOFF CONTROL

Best Management Practices	BMP Description	Personnel Responsible	Measurable Goals	Implementation Schedule
BMP 3.1 Construction Site Stormwater Runoff Control	Develop and implement a program on controlling erosion at construction sites.	Director of Public Works	<ul style="list-style-type: none"> Continue to enforce erosion control at construction sites. Erosion control plans be submitted to City for review during construction phases of a project that are one acre or larger. Phases will include pre, during and post construction activities. Update methods as necessary for City to enforce erosion control plans during construction. 	Year 1 - 5
BMP 3.2 Details	Standard construction details.	Director of Public Works	<ul style="list-style-type: none"> Update as necessary the standard SW3P details page to be inserted in all construction plans by end of Year 2. 	Year 1 - 5
BMP 3.3 Inspections	Construction site inspections.	Director of Public Works	<ul style="list-style-type: none"> Implement site inspection procedures that will verify erosion control plans are being implemented and maintained as development occurs. In addition to erosion review site water that can impact water quality. Begin at end of Year 4. 	Year 1 - 5
BMP 3.4 Water Quality	Develop method to assess and recommend correction to potential water quality issues during site plan review.	Director of Public Works	<ul style="list-style-type: none"> Continue to implement site plan review recommendation to minimize impact on water quality concerns as development occurs. 	Year 1 - 5

Best Management Practices	BMP Description	Personnel Responsible	Measurable Goals	Implementation Schedule
BMP 3.5 New Construction & Land Disturbances	Develop a program to maintain new construction and land disturbances in the City in order to reduce the amounts of pollutants entering in the water.	Director of Public Works	<ul style="list-style-type: none"> Update the standard SW3P details page to be inserted in all construction plans by the end of 3rd year. 	Year 1 - 5
			<ul style="list-style-type: none"> Train inspectors in erosion control when City hires inspections. 	Year 1 - 5
			<ul style="list-style-type: none"> Continue to implement erosion control for all City Projects where the land disturbance is more than one-acre. 	Year 1 - 5
BMP 3.6 Response to Hotline Call-ins (BMP 2.6)	Determine how to pass hotline call-ins to Public Works Department.	Director of Public Works	<ul style="list-style-type: none"> Update procedure (email or call in to City Hall, as necessary) to get call-in information to Public Works. 	Year 1 - 5
			<ul style="list-style-type: none"> Update procedure, as necessary, to investigate information received from public. 	Year 1 - 5
BMP 3.7 Control of Site Waste	Determine what site waste would be, and determine effective way to minimize adverse effects on stormwater run-off.	Director of Public Works	<ul style="list-style-type: none"> Educate staff on what site waste would be and effects on stormwater at construction site. 	Year 1 - 5
			<ul style="list-style-type: none"> Checklist for staff to check on construction sites. 	Year 1 - 5

MCM 4. POST-CONSTRUCTION STORMWATER MANAGEMENT IN NEW DEVELOPMENT AND REDEVELOPMENT

The General Permit To Discharge Under The Texas Pollutant Discharge Elimination System requires the following:

The MS4 operator must develop, implement, and enforce a program to address stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development of sale that will result in disturbance of one or more acres, that discharge into the small MS4. The program must ensure that controls are in place that would prevent or minimize water quality impacts;

- A. Develop and implement strategies which include a combination of structural and/or non-structural BMPs appropriate for your community;
- B. Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State and local law; and
- C. Ensure adequate long-term operation and maintenance of BMPs.

The tables on the next page state the best management practices (BMP) goals necessary to implement this minimum control measure, the City department responsible for implementation, and outlines the implementation schedule.

**MCM 4. - POST-CONSTRUCTION STORMWATER MANAGEMENT
IN NEW DEVELOPMENT AND REDEVELOPMENT**

Best Management Practices	BMP Description	Personnel Responsible	Measurable Goals	Implementation Schedule
BMP 4.1 Post Construction Stormwater Management Ordinance	Update method of notification, method to fine and method to correct post construction runoff.	Director of Public Works	<ul style="list-style-type: none"> Ordinance adopted. 	In-Place
BMP 4.2 Implementation of Ordinance	Update program to inspect construction sites greater than one acre (new and re-development).	Director of Public Works	<ul style="list-style-type: none"> Update program as necessary to inspect completed projects at regular intervals to insure compliance with post construction requirements. 	Year 1 - 5
BMP 4.3 Review of Effectiveness of Post Construction BMP	Update program to assess post construction BMP on regular basis.	Director of Public Works	<ul style="list-style-type: none"> After each year of initial program have staff evaluate effectiveness of post construction BMPs, list of revisions, additions and deletions. Determine changes in standard details. 	Year 1 - 5

MCM 5. POLLUTION PREVENTION / GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS

The General Permit To Discharge Under The Texas Pollutant Discharge Elimination System requires the following:

A section within the SWMP must be developed to establish an operation and maintenance program. The operation and maintenance program must have the ultimate goal of identifying methods and practices for conducting municipal operations in a manner to prevent or reduce pollution in stormwater runoff.

A. Good Housekeeping and Best Management Practices

Controls must be used to reduce or eliminate the discharge of pollutants when runoff from municipal operations is determined to be a significant contributor of pollution to the MS4. Examples of municipal operations and municipally owned areas include, but are not limited to:

- 1) Park and open space maintenance;
- 2) Street, road, or highway maintenance;
- 3) Fleet and building maintenance;
- 4) Stormwater system maintenance;
- 5) New construction and land disturbances;
- 6) Municipal parking lots;
- 7) Vehicle and equipment maintenance and storage yards;
- 8) Sand storage locations.

B. Training

A training program must be developed for all employees responsible for municipal operations subject to the pollution prevention/good housekeeping program. The training program must include training materials directed at preventing and reducing stormwater pollution from municipal. Examples or descriptions of training materials being used must be included in the SWMP.

C. Structural Control Maintenance

If best management practices include structural controls, maintenance of the controls must be performed at a frequency determined by the MS4 operator and consistent with maintaining the effectiveness of the BMP. The SWMP must list all of the following:

- 1) Maintenance activities;
- 2) Maintenance schedules; and
- 3) Long-term inspection procedures for controls used to reduce floatable and other pollutants.

D. Disposal of Waste

Waste removed from the MS4, from structural controls, or collected as a result of municipal operations and maintenance activities must be properly disposed. A section within the SWMP must be developed to include procedures for the proper disposal of waste, including:

- 1) Dredge spoil;
- 2) Accumulated sediments; and
- 3) Floatable.

E. Municipal Operations and Industrial Activities

The SWMP must include a list of all:

- 1) Municipal operations that are subject to the operation, maintenance, or training program developed under the conditions of this section; and
- 2) Municipally owned or operated industrial activities that are subject to TPDES stormwater regulations.

The SWMP must include an individual permit number, general permit authorization number, or a copy of a signed NOI or NEC (no exposure certification form for TPDES General Permit TXR05000) for each industrial activity conducted by the MS4 and subject to TPDES stormwater regulations. If an NOI or NEC has been submitted, but an acknowledgment has not yet been received from the TCEQ, a copy of the submitted NOI or NEC Form may be made readily available.

Training

There is no current training program for the City of Ovilla. Development of the training program is scheduled to occur during the first year of the general permit (see BMP 4.10 on Page 21). The Stormwater Management Plan will be revised to include examples and descriptions of training materials after they are developed.

Structural Control Maintenance

There are no current structural controls identified under the current Stormwater Management Plan. Any structural controls implemented during this Stormwater Management Plan will be listed in the annual report. Maintenance activities, schedules and inspection procedures will be addressed at that time.

Disposal Of Waste

All dredge spoil, accumulated sediments and floatable collected from BMP 4.1 through BMP 4.13 will properly disposed of at a nearby landfill.

Municipal Operations and Industrial Activities

The municipal operations that are subject to the operation, maintenance or training program developed under the conditions of this section are listed in BMP 4.1 to BMP 4.9.

The tables on the next page state the best management practices (BMP) goals necessary to implement this minimum control measure, the City department responsible for implementation, and outlines the implementation schedule.

MCM 5. - POLLUTION PREVENTION / GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS

Best Management Practices	BMP Description	Personnel Responsible	Measurable Goals	Implementation Schedule
GOOD HOUSEKEEPING AND BEST MANAGEMENT PRACTICES				
BMP 5.1 Park and Open Space Maintenance	Develop a program to maintain the parks and open space in the City in order to reduce the amounts of pollutants entering in the water.	Director of Public Works	<ul style="list-style-type: none"> • Refer to Texas Smartscapes website to Parks Department. • Implement program to prohibit direct discharge of chlorinated water from residential swimming pools. • Implement a standard SW3P details page to be inserted in all construction plans. • Train employees on erosion control practice. • Evaluate park irrigation system. Consider installing drip or trickle irrigation systems for future irrigation systems. • Install rain sensors at all park irrigation systems and inspect installed sensors annually. • Implement a herbicide and pesticide management program. 	<p>Year 1 - 5</p> <p>Year 1 - 5</p> <p>Year 1 - 5</p> <p>Year 1 - 5</p> <p>Year 1 - 5</p> <p>Year 1 - 5</p>
BMP 5.2 Street, Road and Highway Maintenance	Develop a program to maintain the streets, roads and highways in the City in order to reduce the amounts of pollutants entering in the water.	Director of Public Works	<ul style="list-style-type: none"> • Implement an annual street sweeping program. Sweep, curb, gutter and streets. 	Year 1 - 5

Best Management Practices	BMP Description	Personnel Responsible	Measurable Goals	Implementation Schedule
BMP 5.3 Fleet and Building Maintenance	Develop a program to maintain the fleet center in the City in order to reduce the amounts of pollutants entering in the water.	Director of Public Works	<ul style="list-style-type: none"> Continue assessment of existing fleet center operations and infrastructure. Make improvements based on the recommendations of the assessment, if necessary. 	Year 1 - 5
			<ul style="list-style-type: none"> Continue to implement stormwater management plan for the fleet center. 	Year 1 - 5
			<ul style="list-style-type: none"> Continue to implement spill response plan for the fleet center. 	Year 1 - 5
BMP 5.4 Stormwater System Maintenance	Develop a program to maintain the City's storm sewer system in order to reduce the amounts of pollutants entering in the water.	Director of Public Works	<ul style="list-style-type: none"> Implement the schedule and program for conducting visual inspections of the City's storm sewer inlets. Continue conducting visual inspections of the City's storm sewer. 	Year 1 - 5
			<ul style="list-style-type: none"> Continue to monitor and track storm sewer cleaning activities. 	Year 1 - 5
			<ul style="list-style-type: none"> Continue to schedule and track outfall cleaning. 	Year 1 - 5
BMP 5.5 New Construction & Land Disturbances	Develop a program to maintain new construction and land disturbances in the City in order to reduce the amounts of pollutants entering in the water.	Director of Public Works	<ul style="list-style-type: none"> Continue to implement program to track the amount of trash, sediment and other pollutants removed during cleaning. 	Year 1 - 5
			<ul style="list-style-type: none"> Update as necessary, the standard SW3P details page to be inserted in all construction plans. 	Year 1 - 5
			<ul style="list-style-type: none"> Continue to train inspectors in erosion control. 	Year 1 - 5
BMP 5.6 Municipal Parking Lots	Develop a program to maintain municipal parking lots in the City in order to reduce the amounts of pollutants entering in the water.	Director of Public Works	<ul style="list-style-type: none"> Continue to implement erosion control for all City Projects where the land disturbance is more than one-acre. 	Year 1 - 5
			<ul style="list-style-type: none"> Continue to clean and sweep City parking lots periodically. 	Year 1 - 5
			<ul style="list-style-type: none"> Continue to implement stormwater management plan for City parking lots. 	Year 1 - 5

Best Management Practices	BMP Description	Personnel Responsible	Measurable Goals	Implementation Schedule
BMP 5.7 Vehicle and Equipment Maintenance and Storage Yards	Develop a program to maintain vehicles, equipment and storage yards in the City in order to reduce the amounts of pollutants entering in the water.	Director of Public Works	• Continue to assessment of washdown and maintenance facilities & make improvements based on the recommendations.	Year 1 - 5
			• Continue to implement stormwater management plan for the washdown and maintenance facilities.	Year 1 - 5
			• Continue to implement a spill response plan for the washdown and maintenance facilities.	Year 1 - 5
			• Continue to implement inspection schedule for all equipment.	Year 1 - 5
BMP 5.8 Salt/Sand Storage Location	Develop a program to maintain the salt/sand storage locations in the City in order to reduce the amounts of pollutants entering in the water.	Director of Public Works	• Continue assessment of the sand storage locations and make improvements based on the recommendations (at pump station). • Update stormwater management plan for the sand storage locations.	Year 1 - 5 Year 1 - 5
TRAINING				
BMP 5.9 Good Housekeeping and Pollution Prevention Training	Develop a training program to train all City employees in good housekeeping and pollution prevention	Director of Public Works	• Continue training program, such as viewing SWAP DVD's	Year 1 - 5
			• Continue to implement the training program to all City employees.	Year 1 - 5
			• Continue to implement the training program to all new employees six months after they are hired.	Year 1 - 5

MCM 6. INDUSTRIAL STORMWATER SOURCES

MCM 6 - Industrial Stormwater Sources, applies to MS₄ operators categorized as Level 4, based on population served. The City of Ovilla is a Level 1 MS₄ operator and therefore, MCM 6 is not applicable to the City.

APPENDIX “A”

Stormwater Master Plan Implementation Schedule

BMP 1.1 Pamphlets

year 1	year 2	year 3	year 4	year 5
Review & determine if information in existing needs to be revised.				
Distribute pamphlets to developers to place in new homes.				
Place pamphlets on bulletin boards at City Hall.				
Continue to send pamphlet to Citizens once a year.				
Distribute pamphlets to developers to place in new homes.				
Place pamphlets on bulletin boards at City Hall.				

BMP 1.2 Website Link

year 1	year 2	year 3	year 4	year 5
Update Web Page in Home Page				
Feedback regarding stormwater program solicited via the web page.				

BMP 1.3 Storm Water Display

year 1	year 2	year 3	year 4	year 5
Update Display Stormwater.				
Display at City Hall.				
Displays of Pamphlets and Handouts Displayed in Office.				

BMP 1.4 Educational Curriculum

year 1	year 2	year 3	year 4	year 5
Continue to discuss City's Phase II stormwater educational goals with Cities of Glenn Heights, Midlothian and Red Oak.				
Continue the partnership with Cities of Glenn Heights, Midlothian and Red Oak to provide information on available stormwater educational material.				

BMP 1.5 Public Service Announcement

year 1	year 2	year 3	year 4	year 5
Work with NCTCOG to receive information and receive public interactions. "Keep Area Beautiful".				
Revise the Public Service Announcements if needed.				
Print Public Service Announcement once a year in the Ovilla Town Topics Mailing.				

BMP 1.6 Storm Drain Markers

year 1	year 2	year 3	year 4	year 5
Existing inlets have been marked.				
Mark new inlets as new improvements occurs.				
Continue implementation of the City's plan for installing storm drain markers, achieving the 100% marked goal by the end of the 5th year.				

BMP 1.7 Bumper Stickers

year 1	year 2	year 3	year 4	year 5
Update bumper sticker to be placed on City vehicles, and replace as needed.				

BMP 1.8 Texas Smartscape

year 1	year 2	year 3	year 4	year 5
Continue to be an active member of Smartscape through website link.				
Update material on the website.				

BMP 1.9 Education

year 1	year 2	year 3	year 4	year 5
Continue education program.				
Have at least one person representing the City attend an educational conference annually.				
Have representative develop a workshop to teach other City employees & leaders.				

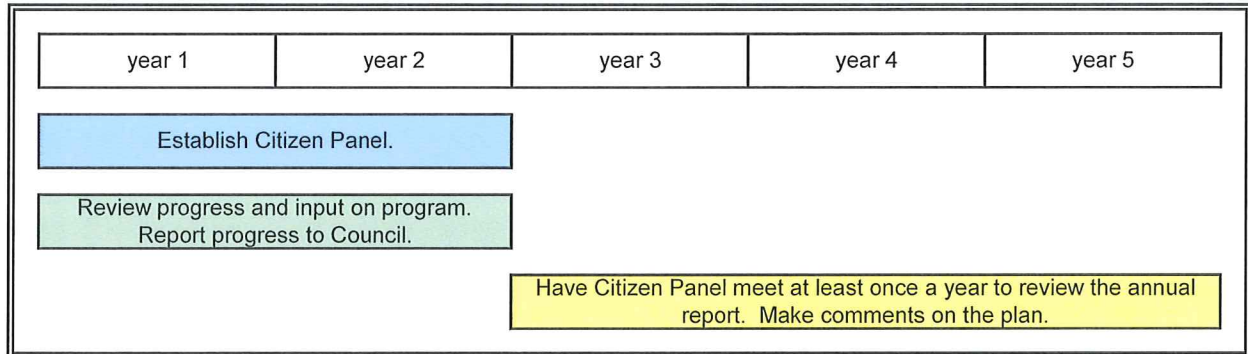
BMP 1.10 Business Partnership

year 1	year 2	year 3	year 4	year 5
Continue to Contact Businesses.				
Discuss Overall Plan.				
Meet with Business annually to distribute information.				

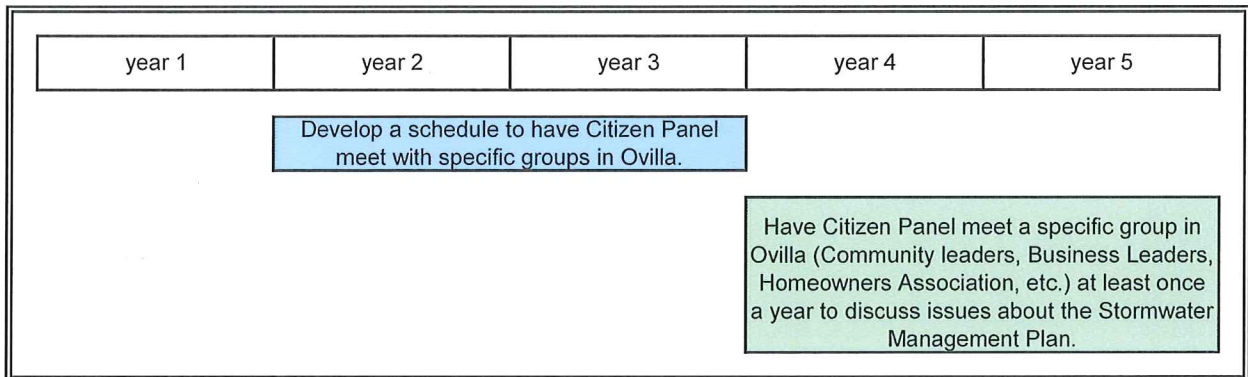
BMP 1.11 SWPPP Details Page

year 1	year 2	year 3	year 4	year 5
Developed SW3P detail sheet to be inserted in all construction plans.				
Continue to have contractors include the SW3P detail sheet in their construction plans.				

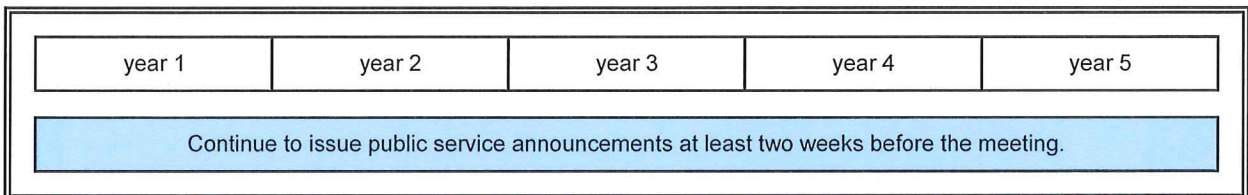
BMP 1.1 Citizen Panel



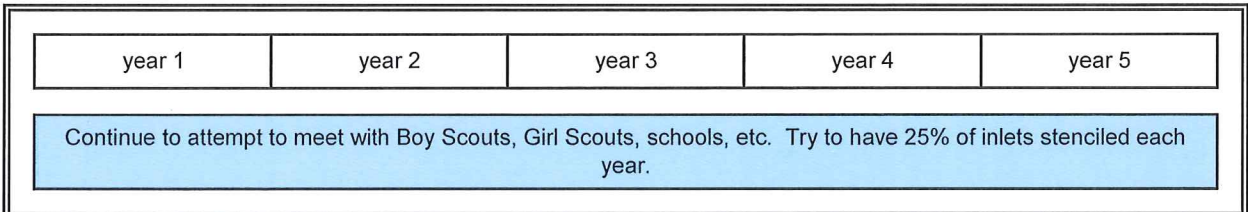
BMP 1.2 Panel Groups



BMP 1.3 Public Service Announcements



BMP 1.4 Storm Inlets Stencil



BMP 1.5 Keep Ovilla Beautiful

year 1	year 2	year 3	year 4	year 5
Continue to be an affiliate of "Keep Texas Beautiful" and informed through email updates.				
Continue to discuss goals of "Keep Ovilla Beautiful"				
Update "Keep Ovilla Beautiful" program that reaches the goals.				
Email updates with head of "Keep Ovilla Beautiful".				
Discuss program and revise the program as necessary.				

BMP 1.6 Storm Water Hotline

year 1	year 2	year 3	year 4	year 5
Continue to provide access for stormwater hotline through website link and contacting City Hall.				

BMP 2.1 Dry Weather Screening

year 1	year 2	year 3	year 4	year 5
Develop dry weather screening program and train appropriate personnel with purchase screening kits.				
Conduct visual dry weather screening of 25% of the City's Stormwater outfalls per year for all outfalls in target areas. Purchase screening test update.				

BMP 2.2 Illicit Discharges Detection

year 1	year 2	year 3	year 4	year 5
Train appropriate personnel on inspection of sites suspected of illegal discharge.				
Conduct inspections in accordance with inspection procedures for identified or suspected sources of illicit discharges or illegal dumping as identified from dry weather screening, smoke testing, and from tips received from the City's stormwater hotline.				

BMP 2.3 Sanitary Sewer Smoke Testing

year 1	year 2	year 3	year 4	year 5
Develop program on sanitary sewer smoke testing.				
Conduct sanitary sewer smoke testing of the City's sanitary sewer system per year. 25% of the system per year.				

BMP 2.4 Elimination of Illicit Connections

year 1	year 2	year 3	year 4	year 5
Update standard verification procedures, as necessary.				
Train appropriate personnel on program.				
Continue to require & verify the elimination of all identified illicit connections.				

BMP 2.5 Non-Storm Water Discharge Program

year 1	year 2	year 3	year 4	year 5
Continue to inspect all suspected sites and require property owners to eliminate the cause.				
Continue to train appropriate personnel on the program.				

BMP 2.6 Storm Sewer Map

year 1	year 2	year 3	year 4	year 5
Update City's Storm Sewer System Map as development occurs. Develop 25 % of the map per year.				

BMP 3.1 Construction Site Storm Water Runoff Control

year 1	year 2	year 3	year 4	year 5
Continue to enforce erosion control at construction sites. Erosion control plans be submitted to City for review during construction phases of a project that are one acre or larger. Phases will include pre, during and post construction activities. Update methods as necessary for City to enforce erosion control plans during construction.				

BMP 3.2 Details

year 1	year 2	year 3	year 4	year 5
Update as necessary the standard SW3P details page to be inserted in all construction plans by end of Year 2				

BMP 3.3 Inspections

year 1	year 2	year 3	year 4	year 5
Implement site inspection procedures that will verify erosion control plans are being implemented and maintained as development occurs. In addition to erosion review site water that can impact water quality. Begin at end of Year 4.				

BMP 3.4 Water Quality

year 1	year 2	year 3	year 4	year 5
Continue to implement site plan review recommendation to minimize impact on water quality concerns as development occurs.				

BMP 3.5 New Construction & Land Disturbances

year 1	year 2	year 3	year 4	year 5
Update the standard SW3P details page to be inserted in all construction plans by the end of 3 rd year.				
Train inspectors in erosion control when City hires inspections.				
Continue to implement erosion control for all City Projects where the land disturbance is more than one-acre.				

BMP 3.6 Response to Hotline Call-ins (BMP 2.6)

year 1	year 2	year 3	year 4	year 5
Update procedure (email or call in to City Hall, as necessary) to get call-in information to Public Works.				
Update procedure, as necessary, to investigate information received from public.				

BMP 3.7 Control of Site Waste

year 1	year 2	year 3	year 4	year 5
Educate staff on what site waste would be and effects on stormwater at construction site.				
Checklist for staff to check on construction sites.				

BMP 4.1 Post Construction Storm Water Management Ordinance

year 1	year 2	year 3	year 4	year 5
Ordinance adopted. (In-Place)				

BMP 4.2 Implementation of Ordinance

year 1	year 2	year 3	year 4	year 5
Update program as necessary to inspect completed projects at regular intervals to insure compliance with post construction requirements.				

BMP 4.3 Review of Effectiveness of Post Construction BMP

year 1	year 2	year 3	year 4	year 5
After each year of initial program have staff evaluate effectiveness of post construction BMPs, list of revisions, additions and deletions. Determine changes in standard details.				

BMP 5.1 Park and Open Space Maintenance

year 1	year 2	year 3	year 4	year 5
Refer to Texas Smartscape website to Parks Department.				
Implement program to prohibit direct discharge of chlorinated water from residential swimming pools.				
Implement a standard SW3P details page to be inserted in all construction plans.				
Train employees on erosion control practice.				
Evaluate park irrigation system. Consider installing drip or trickle irrigation systems for future irrigation systems.				
Install rain sensors at all park irrigation systems and inspect installed sensors annually.				
Implement a herbicide and pesticide management program.				

BMP 5.2 Street, Road and Highway Maintenance

year 1	year 2	year 3	year 4	year 5
Implement an annual street sweeping program. Sweep, curb, gutter and streets.				

BMP 5.3 Fleet and Building Maintenance

year 1	year 2	year 3	year 4	year 5
Continue assessment of existing fleet center operations and infrastructure. Make improvements based on the recommendations of the assessment, if necessary.				
Continue to implement stormwater management plan for the fleet center.				
Continue to implement spill response plan for the fleet center.				

BMP 5.4 Storm Water System Maintenance

year 1	year 2	year 3	year 4	year 5
Implement the schedule and program for conducting visual inspections of the City's storm sewer inlets. Continue conducting visual inspections of the City's storm sewer.				
Continue to monitor and track storm sewer cleaning activities.				
Continue to schedule and track outfall cleaning.				
Continue to implement program to track the amount of trash, sediment and other pollutants removed during cleaning.				

BMP 5.5 New Construction & Land Disturbances

year 1	year 2	year 3	year 4	year 5
Update as necessary, the standard SW3P details page to be inserted in all construction plans.				
Continue to train inspectors in erosion control.				
Continue to implement erosion control for all City Projects where the land disturbance is more than one-acre.				

BMP 5.6 Municipal Parking Lots

year 1	year 2	year 3	year 4	year 5
Continue to clean and sweep City parking lots periodically.				
Continue to implement stormwater management plan for City parking lots.				

BMP 5.7 Vehicle & Equipment Maintenance and Storage Yards

year 1	year 2	year 3	year 4	year 5
Continue to assessment of washdown and maintenance facilities & make improvements based on the recommendations.				
Continue to implement stormwater management plan for the washdown and maintenance facilities.				
Continue to implement a spill response plan for the washdown and maintenance facilities.				
Continue to implement inspection schedule for all equipment.				

BMP 5.8 Salt/Sand Storage Locations

year 1	year 2	year 3	year 4	year 5
Continue assessment of the sand storage locations and make improvements based on the recommendations (at pump station).				
Update stormwater management plan for the sand storage locations.				

BMP 5.9 Good Housekeeping and Pollution Prevention Training

year 1	year 2	year 3	year 4	year 5
Continue training program, such as viewing SWAP DVD's				
Continue to implement the training program to all City employees.				
Continue to implement the training program to all new employees six months after they are hired.				

APPENDIX “B”

TCEQ Notice of Intent (NOI)
Form #20368



TCEQ Notice of Intent (NOI) for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) under the TPDES Phase II MS4 General Permit (TXRo40000)

IMPORTANT:

- Use the [INSTRUCTIONS](#) to fill out each question in this form.
- Use the [CHECKLIST](#) to make certain you filled out all required information. Incomplete applications WILL delay approval or result in automatic denial.
- Once processed your authorization can be viewed at:
http://www2.tceq.texas.gov/wq_dpa/index.cfm

APPLICATION FEE:

- You must pay the **\$100** Application Fee to TCEQ for the paper application to be complete.
- Payment and NOI must be mailed to separate addresses.
- Did you know you can pay on line?
 - Go to <https://www3.tceq.texas.gov/epay/index.cfm>
 - Select Fee Type: GENERAL PERMIT MS4 PHASE II STORM WATER DISCHARGE NOI APPLICATION
- **Provide your payment information below, for verification of payment:**
 - Mailed ☐ Check/Money Order No.: _____
Name Printed on Check: _____
 - EPAY ☐ Voucher No.: _____
Is the Payment Voucher copy attached? ☐ Yes

One (1) copy of the NOI and Stormwater Management Program (SWMP) with the completed SWMP Cover Sheet MUST be submitted with the original NOI and SWMP.

Is the copy attached? ☒ Yes

RENEWAL: Is this NOI a Renewal of an existing Phase II MS4 General Permit Authorization?

(Note: An authorization cannot be renewed after June 11, 2014.)

☒ Yes The existing authorization number is: TXRo4 0020
(If an authorization number is not provided, a new number will be assigned.)

☐ No

1) OPERATOR (Applicant)

- a. If the applicant is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity? You may search for your CN at:
<http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch>
CN 600632129
- b. What is the Legal Name of the entity (applicant) applying for this permit?
City of Ovilla
(The exact legal name must be provided.)
- c. What is the name and title of the person signing the application? The person must be an executive official meeting signatory requirements in 30 TAC 305.44(a).
Prefix (Mr. Ms. Miss): Mr.
First/Last Name: Richard Dormier Suffix: _____
Title: Mayor Credential: _____
- d. What is the contact information for the Operator Contact (Responsible Authority)? The mailing address must be recognized by the US Postal Service. You may verify the address at:
<https://tools.usps.com/go/ZipLookupAction!input.action>
Phone Number: (972) 617-7262 Ext: _____ Fax Number: (972) 515-3221
E-mail: bpiland@cityofovilla.org
Mailing Address: 105 S. Cockrell Hill Road
Internal Routing (Mail Code, Etc.): _____
City: Ovilla State: TX ZIP Code: 75154
If outside USA: Territory: _____ Country Code: _____ Postal Code: _____
- e. Indicate the type of Customer (The instructions will help determine your customer type):
☐ Federal Government ☐ State Government ☐ County Government
☒ City Government ☐ Other Government
- f. Number of Employees:
☐ 0-20; ☒ 21-100; ☐ 101-250; ☐ 251-500; or ☐ 501 or higher

2) BILLING ADDRESS

The Operator is responsible for paying the annual fee. The annual fee will be assessed to authorizations active on September 1 of each year. TCEQ will send a bill to the address provided in this section. The Operator is responsible for terminating the permit when it is no longer needed.

Is the billing address the same as the Operator Address?

☒ Yes, go to Section 3).

☐ No, complete section below

Phone Number: _____ Ext: _____ Fax Number: _____
E-mail: _____
Mailing Address: _____
Internal Routing (Mail Code, Etc.): _____
City: _____ State: _____ ZIP Code: _____
Mailing Information if outside USA:
Territory: _____ Country Code: _____ Postal Code: _____

3) REGULATED ENTITY (RE) INFORMATION

If the site of your business is part of a larger business site or if other businesses were located at this site before yours, a Regulated Entity Number (RN) may already be assigned for the larger site. Use the RN assigned for the larger site. Search TCEQ's Central Registry to see if the larger site may already be registered as a regulated site at:

<http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=regent.RNSearch>.

If the site is found, provide the assigned Regulated Entity Reference Number and provide the information for the site to be authorized through this application below. The site information for this authorization may vary from the larger site information.

- a. TCEQ issued RE Reference Number (RN): RN 105478309
- b. Name that is used to identify the small MS4 (Example: City of XXX MS4)
City of Ovilla MS4
- c. Provide a brief description of the regulated MS4 boundaries: (Example: Area within the City of XXXX limits that is located within the xxx (e.g. Dallas) urbanized area):

Area within the City of Ovilla limits located within the Dallas urbanized area in Ellis and Dallas counties.
- d. City where the largest residential population exists within the regulated MS4 boundaries:
Ovilla
- e. ZIP code where the largest residential population exists within the regulated MS4 boundaries:
75154
- f. County where the largest residential population exists within the regulated MS4 boundaries:
Ellis
- Is the MS4 located within additional counties?
☒ Yes – If Yes, what county (or counties)?
Dallas County
- ☐ No
- g. Latitude: 32.52866 N Longitude: 96.88886 W

4) GENERAL CHARACTERISTICS

- a. Is the project/site located on Indian Country Lands?
☐ Yes – If Yes, you must obtain authorization through EPA, Region 6.
☒ No
- b. What is applicant's Standard Industrial Classification (SIC) code?
SIC Code: 9111
- c. What is the category or level of the MS4 based on the population served?
☒ **Level 1:** Operators of traditional small MS4s that serve a population of less than 10,000 within an urbanized area (UA).

- ☐ **Level 2:** Operators of traditional small MS4s that serve a population of at least 10,000 but less than 40,000 within an UA.

This category also includes all non-traditional small MS4s such as counties, drainage districts, transpiration entities, military bases, universities, colleges, correctional institutions, municipal utility districts and other special districts regardless of population served within the UA, unless the non-traditional MS4 can demonstrate that it meets the criteria for a waiver from permit coverage based on the population served.

- ☐ **Level 3:** Operators of traditional small MS4s that serve a population of at least 40,000 but less than 100,000 within an UA.

- ☐ **Level 4:** Operators of traditional small MS4s that serve a population of 100,000 or more within an UA.

- d. Has TCEQ "designated" the small MS4 as needing coverage under this general permit?
- ☐ Yes
- ☒ No - If No and no portion of the small MS4 is located within an UA as determined by the 2000 or 2010 Decennial Census by the U.S Bureau of Census requiring a NOI be submitted, the operator is not eligible for coverage under this general permit through the NOI.

- e. What is your annual reporting year?

☐ Calendar year

☒ MS4 general permit year

☐ Fiscal year – If Fiscal year, what is the last day of the fiscal year? _____

- f. Stormwater Management Program (SWMP)

1. I certify that the SWMP submitted with this Notice of Intent has been developed according to the provisions of this general permit TXR040000.

☒ Yes

☐ No – If No, the application is considered incomplete and may be returned.

2. I certify that the SWMP Cover Sheet is completed and attached to the front of the SWMP.

☒ Yes

☐ No – If No, the application is considered incomplete and may be returned.

3. Who is the person responsible for implementing or coordinating implementation of the SWMP? (Note: All contact information requested below is required.)

First/Last Name: Brad Piland

Title: Director of Public Works

Company: City of Ovilla

Phone Number: (972) 617-7262 Ext.: _____ Fax Number: (972) 515-3221

E-mail: bpiland@cityofovilla.org

Mailing Address: 105 S. Cockrell Hill Road

Internal Routing (Mail Code, Etc.): _____

City: Ovilla

State: TX

ZIP Code: 75154

g. 7th Minimum Control Measure (MCM) for Municipal Construction Activities

1. Is the MCM for authorization to discharge stormwater from municipal construction activities included with the attached SWMP?

☐ Yes – If Yes, what are the boundaries within which those activities will occur?
(Note: If the boundaries are located outside of the urbanized area, then the entire SWMP must also incorporate the additional areas.)

☒ No

2. Is the discharge or potential discharge from regulated construction activities within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer?

☐ Yes – If Yes, please note that a copy of the agency approved Water Pollution Abatement Plan (WPAP) required by the Edward Aquifer Rule (30 TAC Chapter 213) must be either included or referenced in the construction stormwater pollution prevention plan(s).

☒ No

h. Discharge Information

1. What is the name of the water body (ies) receiving stormwater from the MS4?

Little Creek and Red Oak Creek

2. What is the classified segment number(s) that receives discharges, directly or indirectly, from the small MS4?

3. Are any of the surface water body (ies) receiving discharges from the small MS4 on the latest EPA-approved Clean Water Act (CWA) §303(d) list of impaired waters?

☐ Yes – If Yes:

What is the name of the impaired water body (ies) receiving the discharge from the small MS4?

What are the pollutants of concern?

☒ No

4. Is the discharge into any other MS4 prior to discharge into surface water in the state?

☐ Yes – If Yes, what is the name of the MS4 Operator?

☒ No

i. Edwards Aquifer

Is the discharge or potential discharge from the MS4 within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer?

☐ Yes - If Yes, complete certification below by checking "Yes".

☒ No

I certify that a copy of the TCEQ approved WPAP required by the Edwards Aquifer Rule (30 TAC Chapter 213) is either included or referenced in the SWMP.

☐ Yes

j. Public Participation Process

The Office of Chief Clerk will send the operator or person responsible for publishing, the notice of the executive director's preliminary determination of the NOI and SWMP, in a newspaper of general circulation in the county where the small MS4 is located. If multiple counties, notice must be published at least once in the newspaper of general circulation in the county containing the largest resident population.

The applicant must file with the Chief Clerk a copy of an affidavit of the publication within 60 days of receiving the written instructions from the Office of Chief Clerk.

1. I will comply with the Public Participation requirements described in Part II.E.12 of the general permit.

☒ Yes

☐ No – If No, coverage under this general permit is not obtainable.

2. Who is the person responsible for publishing notice of the executive director's preliminary determination on the NOI and SWMP? (Note: All contact information requested below is required.)

First/Last Name: Brad Piland

Title: Director of Public Works

Company: City of Ovilla

Phone Number: (972) 617-7262 Ext: _____ Fax Number: (972) 515-3221

E-mail: bpiland@cityofovilla.org

Mailing Address: 105 S. Cockrell Hill Road

Internal Routing (Mail Code, Etc.): _____

City: Ovilla State: TX ZIP Code: 75154

3. What is the name and location of the public location where copies of the NOI and SWMP, as well as the executive director's general permit and fact sheet, may be reviewed?

Name of Public Place:

City of Ovilla

Address of Public Place:

105 S. Cockrell Hill Road

Ovilla, TX 75154

County of Public Place:

Ellis County

5) CERTIFICATION

Check Yes to the certifications below. Failure to indicate Yes to **ALL** items may result in denial of coverage under the general permit.

- a. I certify that I have obtained a copy and understand the terms and conditions of the Phase II (Small) MS4 General Permit TXRo40000. ☒ Yes
- b. I certify that the small MS4 qualifies for coverage under the general permit TXRo40000. ☒ Yes
- c. I understand that a Notice of Termination (NOT) must be submitted when this authorization is no longer needed. ☒ Yes
- d. I understand that authorization active on September 1st of each year will be accessed an Annual Water Quality Fee. ☒ Yes

Operator Certification:

I, Richard Dormier Mayor
Typed or printed name *Title*

certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I further certify that I am authorized under **30 Texas Administrative Code §305.44** to sign and submit this document, and can provide documentation in proof of such authorization upon request.

Signature: _____ Date: _____
(Use blue ink)

NOTICE OF INTENT CHECKLIST (TXRo40000)

- Did you complete everything? Use this checklist to be sure!
- Are you ready to mail your form to TCEQ? Go to the General Information Section of the Instructions for mailing addresses.

This checklist is for use by the operator to ensure a complete application. Missing information may result in denial of coverage under the general permit. (See NOI process description in the Instructions)

Application Fee:

If paying by Check:

- ☒ Check was mailed **separately** to the TCEQs Cashier's Office. (See Instructions for Cashier's address and Application address.)
- ☒ Check number and name on check is provided in this application.

If using ePay:

- ☐ The voucher number is provided in this application or a copy of the voucher is attached.

AUTHORIZATION NUMBER:

- ☒ Authorization number provided – if this application is for renewal of an existing authorization.

OPERATOR INFORMATION - Confirm each item is complete:

- ☒ Customer Number (CN) issued by TCEQ Central Registry
- ☒ Legal name as filed to do business in Texas (Call TX SOS 512/463-5555)
- ☒ Name and title of responsible authority signing the application
- ☒ Mailing address is complete & verifiable with USPS. www.usps.com
- ☒ Phone numbers/e-mail address
- ☒ Type of operator (entity type)
- ☒ Number of employees
- ☒ Billing address is complete & verifiable with USPS. <http://www.usps.com>

REGULATED ENTITY (RE) INFORMATION ON PROJECT OR SITE - Confirm each item is complete:

- ☒ MS4/Regulated Entity Name
- ☒ Site description
- ☒ Latitude and longitude <http://www.tceq.texas.gov/gis/sqmaview.html>
- ☒ County
- ☒ Site/project physical address. Do not use a rural route or post office box.
- ☒ Business description

GENERAL CHARACTERISTICS - Confirm each item is complete:

- ☒ Indian Country Lands –the facility is not on Indian Country Lands
- ☒ Standard Industrial Classification (SIC) Code www.osha.gov/oshstats/sicser.html
- ☒ Level of MS4
- ☒ Qualifying TCEQ "Designated" small MS4
- ☒ Annual Reporting Year
- ☒ 7th Minimum Control Measurement (MCM) for Municipal Construction Activities
- ☒ Discharge information
- ☒ Edwards Aquifer rule
- ☒ Public participation information

CERTIFICATION

- ☒ Certification statements have been checked indicating "Yes"
- ☒ Signature meets 30 Texas Administrative Code (TAC) 305.44 and is original.
- ☒ Stormwater Management Program (SWMP), and completed SWMP Cover Sheet are attached to the NOI.

Notice of Intent (NOI) for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) under the TPDES Phase II MS4 General Permit (TXRo40000)

General Information and Instructions

GENERAL INFORMATION

Where to Send the Notice of Intent (NOI):

BY REGULAR U.S. MAIL:

Texas Commission on Environmental Quality
Applications Review and Processing Team
(MC-148)
P.O. Box 13087
Austin, Texas 78711-3087

BY OVERNIGHT/EXPRESS MAIL:

Texas Commission on Environmental Quality
Applications Review and Processing Team
(MC-148)
12100 Park 35 Circle
Austin, TX 78753

TCEQ Contact List:

Small Business and Local Government Assistance	800/447-2827
Application – status and form questions:	512/239-4671
Technical questions:	512/239-4671
Environmental Law Division:	512/239-0600
Records Management - obtain copies of forms:	512/239-0900
Reports from databases (as available):	512/239-DATA (3282)
Cashier's office:	512/239-0357 or 512/239-0187

Notice of Intent Process:

When your NOI and SWMP is received by the program, the form will be processed as follows:

- 1) **Administrative Review:** Each item on the form will be reviewed for a complete response. In addition, the operator's legal name must be verified with Texas Secretary of State as valid and active (if applicable). The address(s) on the form must be verified with the US Postal service as receiving regular mail delivery. Never give an overnight/express mailing address.

An application will not be declared administratively complete or approved if delinquent fees and/or penalties of \$25 or more are owed to the TCEQ. All such fees must be paid prior to approval of the NOI.

- 2) **Notice of Deficiency:** If an item is incomplete or not verifiable as indicated above, a notice of deficiency (NOD) will be mailed to the operator. The operator will have 30 days to respond to the NOD. The response will be reviewed for completeness.
- 3) **Technical Review of SWMP:** More information may be requested by phone or technical NOD letter mailed to the SWMP contact. The executive director's preliminary determination on the NOI and SWMP will be prepared and filed with the TCEQ Chief Clerk.
- 4) **Public Participation Process:** The TCEQ Chief Clerk will mail written instructions for publishing the executive director's preliminary determination on the NOI and SWMP at least once in the newspaper of general circulation in the county where the small MS4 is located. If applicable, a public meeting may be held.

- 5) **Acknowledgment of Coverage:** An Acknowledgment Certificate will be mailed to the operator. This certificate acknowledges coverage under the general permit.

-or-

Denial of Coverage: Coverage may be denied if the operator fails to respond to the NOD, the response is inadequate, or find the NOI and SWMP do not meet the requirements of this general permit. If coverage is denied, the operator will be notified.

General Permit

Coverage under the general permit begins upon approval of the NOI and the SWMP by TCEQ and after the public notice process has been completed. You should have a copy of the general permit when submitting your application. You may view and print the permit for which you are seeking coverage, on the TCEQ web site <http://www.tceq.texas.gov>. Search using key word TXRo40000.

General Permit Forms

The Notice of Intent (NOI), Notice of Termination (NOT), and Notice of Change (NOC) (including instructions) are available in Adobe Acrobat PDF format on the TCEQ web site <http://www.tceq.texas.gov>.

Change in Operator

An authorization under the general permit is not transferable. If the operator of the regulated entity changes, the present permittee must submit a Notice of Termination and the new operator must submit a Notice of Intent. The NOT and NOI must be submitted concurrently not more than ten (10) calendar days after the change occurs.

TCEQ Central Registry Core Data Form

The Core Data Form has been incorporated into this form. Do not send a Core Data Form to TCEQ. After final acknowledgment of coverage under the general permit, the program will assign a Customer Number and Regulated Entity Number.

You can find the information on the Central Registry web site at <http://www12.tceq.texas.gov/crpub/index.cfm>. You can search by the Regulated Entity (RN), Customer Number (CN) or Name (Permittee), or by your authorization number under the search field labeled *Additional ID*. Capitalize all letters in the authorization number.

The Customer (Permittee) is responsible for providing consistent information to the TCEQ, and for updating all CN and RN data for all authorizations as changes occur. For General Permits, a Notice of Change form must be submitted to the program area.

Fees associated with a General Permit

Payment of the fee may be made by check or money order, payable to TCEQ, or through EPAY (electronic payment through the web).

Application Fee: This fee is required to be paid at the time the NOI is submitted. Failure to submit payment at the time the application is filed will cause delays in acknowledgment or denial of coverage under the general permit.

Mailed Payments:

Payment must be mailed under separate cover at one of the addresses below using the attached Application Fee submittal form. (DO NOT SEND A COPY OF THE NOI WITH THE APPLICATION FEE SUBMITTAL FORM)

BY REGULAR U.S. MAIL
Texas Commission on Environmental Quality
Financial Administration Division
Cashier's Office, MC-214
P.O. Box 13088
Austin, TX 78711-3088

BY OVERNIGHT/EXPRESS MAIL
Texas Commission on Environmental Quality
Financial Administration Division
Cashier's Office, MC-214
12100 Park 35 Circles
Austin, TX 78753

ePAY Electronic Payment: <http://www.tceq.texas.gov/epay>

When making the payment you must select Water Quality, and then select the fee category "General Permit MS4 Phase II Stormwater Discharge NOI Application". You must include a copy of the payment voucher with your NOI. Your NOI will not be considered complete without the payment voucher.

Annual Water Quality Fee: This fee is assessed to permittees with an active authorization under the general permit on September 1 of each year. The designated billing contact will receive an invoice for payment of the annual fee in December of each year. The payment will be due 30 days from the invoice date. A 5% penalty will be assessed if the payment is received by TCEQ after the due date. Annual fee assessments cannot be waived as long as the authorization under the general permit is active on September 1.

It's important for the permittees to submit a Notice of Termination (NOT) when coverage under the general permit is no longer required. A NOT is effective on the postmarked date of mailing the form to TCEQ. It is recommended that the NOT be mailed using a method that documents the date mailed and received by TCEQ.

Mailed Payments:

You must return your payment with the billing coupon provided with the billing statement.

ePAY Electronic Payment: <http://www.tceq.texas.gov/epay>

You must enter your account number provided at the top portion of your billing statement.

Payment methods include American Express, MasterCard, Visa, and electronic check payment (ACH).

INSTRUCTIONS FOR FILLING OUT THE NOI FORM

Renewal of General Permit: Dischargers holding active authorizations under the expired General Permit are required to submit a NOI to continue coverage. The existing authorization number is required. If the authorization number is not provided or has been terminated, expired, or denied a new permit number will be issued.

1. Operator (Applicant)

a) Enter assigned Customer Number (CN)

TCEQ's Central Registry will assign each customer a number that begins with CN, followed by nine digits. **This is not an authorization number, registration number, or license number.**

If this customer has not been assigned a CN, leave the space for the CN blank. If this customer has already been assigned this number, enter the permittee's CN.

b) Legal Name

Provide the current legal name of the permittee.

c) Operator Mailing Address

Provide a complete mailing address for receiving mail from the TCEQ. The address must be verifiable with the US Postal Service at <http://www.usps.com> for regular mail delivery (not overnight express mail). If you find that the address is not verifiable using the USPS web search, please indicate the address is used by the USPS for regular mail delivery.

The area code and phone number should provide contact to the operator. Leave Extension blank if not applicable.

The fax number and e-mail address are optional and should correspond to the operator.

d) Type of Customer (Entity Type)

Check only one box that identifies the type of entity. Use the descriptions below to identify the appropriate entity type. Note that the selected entity type also indicates the name that must be provided as an applicant for a permit, registration or authorization.

Government

Federal, state, county, or city government (as appropriate)

The customer is either an agency of one of these levels of government or the governmental body itself. The government agency's 'legal name' must be provided as the applicant. A department name or other description of the organization should not be included as a part of the 'legal name' as applicant.

Other Government

A utility district, water district, tribal government, college district, council of governments, or river authority. Write in the specific type of government.

e) Number of Employees

Check one box to show the number of employees for this customer's entire company, at all locations. This is not necessarily the number of employees at the site named in the application.

2. BILLING ADDRESS

An annual fee is assessed to each operator holding an active authorization under the general permit on September 1 of each year. Provide the complete mailing address where the annual fee invoice should be mailed. Verify the address with the USPS. It must be an address for delivery of regular mail, not overnight express mail. Also, provide a phone number of the operator's representative responsible for payment of the invoice.

Country Mailing Information: If this address is outside the United States, enter the territory name, country code, and any non-ZIP mailing codes or other non-U.S. Postal Service features here. If this address is inside the United States, leave these spaces blank.

3. REGULATED ENTITY (RE) INFORMATION ON PROJECT OR SITE

a. Regulated Entity Reference Number (RN)

A number issued by TCEQ's Central Registry to sites (a location where a regulated activity occurs) regulated by TCEQ. This is not an authorization number, registration number, or license number. If this regulated entity has not been assigned an RN, leave this space blank.

If the site of your business is part of a larger business site, a Regulated Entity Number (RN) may already be assigned for the larger site. Use the RN assigned for the larger site. Search TCEQ's Central Registry to see if the larger site may already be registered as a regulated site at:
<http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=regent.RNSearch>

If the site is found, provide the assigned Regulated Entity Reference Number (RN) and provide the information for the site to be authorized through this application. The site information for this authorization may vary from the larger site information.

An example is a chemical plant where a unit is owned or operated by a separate corporation that is accessible by the same physical address of your unit or facility. Other examples include industrial parks identified by one common address but different corporations have control of defined areas within the site. In both cases, an RN would be assigned for the physical address location and the permitted sites would be identified separately under the same RN.

b. Site/Project Name/Regulated Entity

Provide the name of the site as known by the public in the area where the site is located. The name you provide on this application will be used in the TCEQ Central Registry as the Regulated Entity name.

c. Describe the boundaries of the regulated portion of the small MS4.

In your own words, briefly describe the boundaries of the regulated portion of the small MS4. Do not repeat the SIC Code description.

d. Provide the city where the largest residential population exists within the regulated MS4 boundaries. If there is no city within the boundaries of the MS4, provide the name of the nearest city.

e. Provide the ZIP code where the largest residential population exists within the regulated MS4 boundaries.

f. County

Identify the county or counties in which the regulated entity is located.

g. Latitude and Longitude

Enter the latitude and longitude of the site in degrees, minutes, and seconds or decimal form. For help obtaining the latitude and longitude, go to:

<http://www.tceq.texas.gov/gis/sqmapview.html> or <http://nationalmap.gov/ustopo>

4. GENERAL CHARACTERISTICS

a. Indian Country Lands

If your site is located on Indian Country Lands, the TCEQ does not have authority to process your application. You must obtain authorization through EPA, Region 6, Dallas. Do not submit this form to TCEQ.

Indian Country means (1) all land within the limits of any American Indian reservation under the jurisdiction of the U.S. government, notwithstanding the issuance of any patent, and including rights-of-way running throughout the reservation; (2) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or outside the limits of a State;

and (3) all Indian allotments, the Indian titles which have not been extinguished, including rights-of-way running through the same.

Indian Tribe means any Indian Tribe, band, nation, or community recognized by the Secretary of the Interior and exercising substantial governmental duties and powers.

b. Standard Industrial Classification (SIC) code

Provide the SIC code that best describes the operator's primary business. Common SIC Codes are provided below. For help with SIC codes, go to:

www.osha.gov/oshstats/sicser.html

9111 - Executive offices (such as for a city, county, ect.)
8221 - Colleges, Universities, and Professional Schools
8222 - Junior Colleges and Technical Institutes
9621 - Regulation and Administration of Transportation Programs
4111 - Local and Suburban Transit
4952 - Sewerage Systems
4971 - Irrigation Systems
9223 - Correctional Institutions
9511 - Air and Water Resource and Solid Waste Management (including flood control, drainage development, etc.)

c. Category or level of the MS4

The general permit defines MS4s by four different categories or levels, based on the population served within the 2010 UA. "Population served" means the residential population within the regulated portion of the small MS4 based on the 2010 Census, except for non-traditional small MS4s.

A reference map identifying the 2010 Census UAs can be found at

www.epa.gov/npdes/stormwater/urbanmaps

d. TCEQ "Designated" small MS4

A small MS4 that is outside of urbanized area that is "designated" by TCEQ is eligible for coverage under this general permit. The small MS4 Operator must obtain authorization under this general permit or apply for coverage under an individual TPDES stormwater permit within 180 days of notification of their designation.

Information about urbanized areas (UAs) and a link to the UA maps are found on the EPAs website at: <http://cfpub1.epa.gov/npdes/stormwater/urbanmaps.cfm>

e. Annual Reporting Year

The annual report must address the previous reporting year. The selected reporting year cannot be changed during the permit year.

1. The first reporting year begins on the permit effective date (December 13, 2013) and lasts for a period of one (1) year.
2. If the MS4 selects the fiscal year, the first reporting year will last until the end of the fiscal year following the end of the first permit year.

3. If the MS4 selects the calendar year then the first reporting year will last until December 31, 2014.

f. SWMP

1. The NOI must include the SWMP when submitted to TCEQ for processing, and the Operator is required to certify the SWMP has been developed according to the general permit. Also, the SWMP Cover Sheet must be completed and placed to the front of the SWMP. When completing the SWMP Cover Sheet, be sure to enter the page number and/or page range for each item under an MCM.
2. The general permit requires the name, address, phone number and fax number of the designated person responsible for implementing and coordinating implementation of the SWMP. All information is required with an exception of email, however, this information is desired.

Changes to the SWMP may require TCEQ approval. Changes must be submitted by Notice of Change to the same address as the NOI. Notice of Change will either be automatically approved or additional information may be request before approval.

g. 7th Minimum Control Measure (MCM)

1. Indicate if the municipality is seeking coverage under this general permit for municipal construction activities where the municipality meets the definition of "construction site operator".
2. If authorization for municipal construction activities is proposed in this NOI the developed MCM must be included with the SWMP and the NOI must include a description of the boundaries covered in the MCM. The area included for this MCM must include only the regulated MS4 area; or it may include additional areas of the MS4 if all other MCMs are implemented over the additional area as well.

This coverage may be obtained after the original NOI is approved. This may be accomplished by submitting a Notice of Change that includes the developed MCM and a description of the proposed municipal construction activity boundaries addressed in the MCM. If the MS4 operator proposes to include additional areas outside of the regulated MS4, then the Notice of Change must also indicate that the MS4 operator will implement the entire SWMP over the additional areas.

3. If the discharge or potential discharge from regulated construction activities is within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer, then additional requirements may exist under the Edwards Aquifer Protection Program (30 TAC Chapter 213). For construction activities that will be regulated under TXR040000, the approved Contributing Zone Plan or Water Pollution Abatement Plan must be included or referenced as part of the construction site stormwater pollution prevention plan. For other activities regulated under 30 TAC Chapter 213, information must be included in the SWMP. Compliance with any Edwards Aquifer requirements is required in addition to the requirements of this general permit.

h. Discharge Information

1. The stormwater may be discharged directly to a receiving stream or through another MS4* from your MS4. It eventually reaches a receiving water body such as a local

stream or lake, possibly via a drainage ditch. You must provide the name of the surface water body that receives the discharge from the site (a local stream or lake). Please note that this general permit does not grant permission to use another MS4 as a conveyance of stormwater and certain non-storm water discharges along the discharge route.

2. Identify the classified segment number(s) receiving a discharge directly or indirectly. Go to the link below to find the segment number of the classified water body where wastewater would flow: www.tceq.texas.gov/publications/gi/gi-316
3. Identify any surface water bodies receiving discharges from the small MS4 that are on the latest EPA-approved CWA § 303(d) list of impaired waters.

EPA approved CWA 303d list of impaired waters can be found at:
http://www.tceq.texas.gov/waterquality/assessment/305_303.html

4. Identify the **MS4*** Operator name if the stormwater discharge is into an MS4.

***MS4 is an acronym for Municipal separate storm sewer system. MS4 is defined as** a separate storm sewer system owned or operated by a state, city, town, county, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, that discharges to water in the state.

For assistance, you may call the technical staff of the Water Quality Assessment & Standards Section at 512/239-4671.

i. Edwards Aquifer Rule

See maps on the TCEQ website to determine if the site is located within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer at <http://www.tceq.texas.gov/field/eapp/viewer.html>

If the discharge or potential discharge is within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer, then additional requirements may exist under the Edwards Aquifer Protection Program (30 TAC Chapter 213). For activities regulated under 30 TAC Chapter 213, any required plans must be included in the SWMP. Compliance with any Edwards Aquifer requirements is required in addition to the requirements of this general permit.

j. Public Participation

The applicant must indicate on the NOI that it will comply with the public participation requirements described in Part II.D.12 of the general permit. The person responsible for receiving the information from the TCEQ Chief Clerk for publishing in the newspaper must be identified and all contact information must be provided.

After review of the NOI and SWMP is completed, the Office of Chief Clerk will mail the Executive Director's preliminary determination to the contact provided in the NOI for publishing in the newspaper of largest circulation in the county of the small MS4.

The comment period begins on the first date the notice is published and ends 30 days later, unless a public meeting is held. If a public meeting is held it will end at the closing of the public meeting.

The applicant must file with the Chief Clerk a copy and an affidavit of the publication of notice(s) within 60 days of receiving the written instructions from the Office of Chief Clerk.

If significant public interest exists, the executive director will direct the applicant to publish notice of the meeting and to hold the public meeting. The applicant must publish the notice of public meeting at least 30 days prior to the public meeting and hold the meeting in the county where the MS4 is located.

5. CERTIFICATIONS

Failure to indicate **Yes** to ALL of the certification items may result in denial of coverage under the general permit.

Operator Certification:

The certification must bear an original signature of a person meeting the signatory requirements specified under 30 Texas Administrative Code (TAC) §305.44.

IF YOU ARE A CORPORATION:

The regulation that controls who may sign an NOI or similar form is 30 Texas Administrative Code §305.44(a)(1) (see below). According to this code provision, any corporate representative may sign an NOI or similar form so long as the authority to sign such a document has been delegated to that person in accordance with corporate procedures. By signing the NOI or similar form, you are certifying that such authority has been delegated to you. The TCEQ may request documentation evidencing such authority.

IF YOU ARE A MUNICIPALITY OR OTHER GOVERNMENT ENTITY:

The regulation that controls who may sign an NOI or similar form is 30 Texas Administrative Code §305.44(a)(3) (see below). According to this code provision, only a ranking elected official or principal executive officer may sign an NOI or similar form. Persons such as the City Mayor or County Commissioner will be considered ranking elected officials. In order to identify the principal executive officer of your government entity, it may be beneficial to consult your city charter, county or city ordinances, or the Texas statute(s) under which your government entity was formed. An NOI or similar document that is signed by a government official who is not a ranking elected official or principal executive officer does not conform to §305.44(a)(3). The signatory requirement may not be delegated to a government representative other than those identified in the regulation. By signing the NOI or similar form, you are certifying that you are either a ranking elected official or principal executive officer as required by the administrative code. Documentation demonstrating your position as a ranking elected official or principal executive officer may be requested by the TCEQ.

If you have any questions or need additional information concerning the signatory requirements discussed above, please contact the Texas Commission on Environmental Quality's Environmental Law Division at (512)239-0600.

30 Texas Administrative Code

§305.44. Signatories to Applications

(a) All applications shall be signed as follows.

(1) For a corporation, the application shall be signed by a responsible corporate officer. For purposes of this paragraph, a responsible corporate officer means a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. Corporate procedures governing authority to sign permit or post-closure order applications may provide for assignment or delegation to applicable corporate positions rather than to specific individuals.

(2) For a partnership or sole proprietorship, the application shall be signed by a general partner or the proprietor, respectively.

(3) For a municipality, state, federal, or other public agency, the application shall be signed by either a principal executive officer or a ranking elected official. For purposes of this paragraph, a principal executive officer of a federal agency includes the chief executive officer of the agency, or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., regional administrator of the EPA).

APPENDIX “C”

***TCEQ Stormwater Management Program
(SWMP) Cover Sheet
Form #20368***

STORMWATER MANAGEMENT PROGRAM (SWMP) COVER SHEET
Confirm Each Minimum Control Measure (MCM) Below is Included in the SWMP

This cover sheet **MUST** be completed by indicating the page number where the requested item will be found in the SWMP. Provide the page number to the left of each item.

This cover sheet **MUST** be attached to the front of the SWMP.

Operator: _____
 Operator name on NOI: City of Ovilla

Assessment of program elements:

- ☒ Program elements that were described in the previous permit have been assessed and modified as necessary. New elements have been developed and implemented as necessary.
- ☐ N/A, If newly regulated MS4.

MCM 1: Public Education, Outreach, and Involvement

Page # (s) – Provide the page number (s) to the left of each item.

The SWMP includes the following required elements:

Requirements for all MS4s:

- | | |
|-----|--|
| 2-6 | 1. SWMP includes a stormwater education and outreach program to educate public employees, business, and the general public about hazards associated with the illegal discharges and improper disposal of waste and about the impacts stormwater can have on water quality, and steps they can take to reduce pollutants in stormwater. |
| 2-6 | 2. Defines the goals and objectives of the program based on high-priority community-wide issues. |
| 2-6 | 3. Identifies the target audiences. |
| 2-6 | 4. Appropriate educational material is developed or used. |
| 2-6 | 5. Education material is distributed. |

- | | |
|-----|--|
| 2-6 | <p>SWMP Lists Best Management Practices (BMPs) used to fulfill this MCM. Examples of possible BMPs include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Classroom Education • Use of media • Education/Outreach for Commercial Activities • Lawn and garden activities • Promotional giveaways • Water conservation practices for homeowners • Outreach programs tailored to specific communities and children • Stormwater educational materials • Educational displays, pamphlets, booklets, and utility stuffers • Webpage • Storm drain stenciling • Speakers to community groups • Encouragement of proper lawn and garden care • Encouragement of low impact development • Support of pollution prevention for businesses |
|-----|--|

2-6	<ul style="list-style-type: none"> • Encouragement of water conservation practices • Encouragement of pet waste management • Stormwater hotlines
2-6	6. SWMP includes a program that complies with state and local public notice requirements.
7-9	7. May include using public input in the implementation of the program.
7-9	8. May include opportunities for citizen to participate in implementation of control measures.
7-9	9. Ensure the public easily can find information about the SWMP.
8-9	<p>SWMP Lists Best Management Practices (BMPs) used to fulfill this MCM. Examples of possible BMPs include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Stakeholder meetings • Community hotline • Coordination with school groups/scouting • Listserver • Stream cleanup and monitoring • Adopt-A-Stream programs • Incentives for businesses to participate, such as web links • Volunteer monitoring • Watershed Organization • Storm drain stenciling programs • Advisory/partner committees • Mailing list development and use • Reforestation programs • Wetland plantings • Coordinate volunteer programs.
7-9	SWMP includes measureable goals, and the method of measurement, for addressing stormwater quality
Appdx	SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from permit issuance date.

MCM 2: Illicit Discharge Detection and Elimination

Page # (s) – Provide the page number (s) to the left of each item.

The SWMP includes the following required elements:

Requirements for all MS4s:

10-13	1. Description of program that will be used to detect, investigate and eliminate illicit discharges
10-13	2. MS4 map: <ul style="list-style-type: none"> a. Location of all small MS4 outfalls operated by the MS4 and that discharge into waters of the U.S. b. Location and name of all surface waters receiving discharge from the MS4s outfalls. c. Priority areas, if applicable.
10-13	3. Methods for informing and training MS4 field staff.
10-13	4. Procedures for tracing the source of an illicit discharge.

10-13	5. Procedures for removing the source of the illicit discharge.
10-13	6. Facilitate public reporting of illicit discharges of water quality impacts associated with discharges into or from the small MS4.
10-13	7. Procedures for responding to illicit discharges and spills.
10-13	8. Inspections in response to complaints.

N/A	Additional Requirements for Level 2, 3, and 4 small MS4s: For Level 2, 3, and 4 small MS4, procedures to prevent and correct leaking on-site sewage disposal systems.
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N/A	Additional Requirements for Level 3 and 4 small MS4s: Follow-up investigation after the illicit discharge has been eliminated.
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N/A	Additional Requirements for Level 4 small MS4s: 1. Procedures for identifying and creating a list of priority areas within the small MS4s likely to have illicit discharges. 2. Implement a dry weather field screening program to assist in detecting and eliminating illicit discharges to the small MS4.
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12-13	SWMP Lists Best Management Practices (BMPs) used to fulfill this MCM. Examples of possible BMPs may include the following: <ul style="list-style-type: none"> • List of non-stormwater discharges that will not be considered illicit • Procedures to address illegal dumping • Hazardous materials disposal opportunities • Industrial/Business connections • Addressing wastewater connections to MS4 • Addressing recreational sewage (boats/camping/etc.) • System inspections • Dye testing • Recycling programs • Informing public/employees/businesses of hazards associated with illicit discharges • Identification of illicit discharges • Used oil collection centers • Public outreach and education programs regarding illicit discharges • Publicize and facilitate public reporting
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10-13	SWMP includes measureable goals, and the method of measurement, for addressing stormwater quality.
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Appdx	SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from permit issuance date.
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MCM 3: Construction Site Stormwater Runoff Control

Page # (s) – Provide the page number (s) to the left of each item.

The SWMP includes the following required elements:

14-16	Requirements for all MS4s:
14-16	1. Description of program that will be developed, implemented and enforced, to address stormwater runoff from construction once acre and greater (including larger common plan).
14-16	2. Ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under state and local law.
	3. Program requires construction site operators to implement erosion and sediment control – BMPs to minimize the discharge of pollutants.
	a. Program requires soil stabilization measures, and implementation of BMPs to control pollutants from equipment and vehicle washing and other wash waters.
	b. Program requires operators to minimize exposure to stormwater of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials.
14-16	c. Minimize the discharge of pollutants from spills and leaks. As an alternative, ensure that the construction site has developed a stormwater pollution prevention plan in accordance with the TPDES Construction General Permit TXR150000.
14-16	4. Program prohibits illicit discharges such as wash out wastewater, fuels, oils, soaps, solvents, and dewatering activities.
14-16	5. Procedures for construction site plan review to consider water quality impacts.
14-16	6. Procedures for construction site inspections and enforcement of control measures, to the extent allowable under state and local law.
14-16	7. Procedures for receipt and consideration of information submitted by the public.
14-16	8. Procedures for MS4 staff training.
N/A	Additional Requirements for Level 3, and 4 small MS4s:
	Includes an inventory of all permitted active construction sites greater than one acre or less than one acre if part of a larger common plan of development.
15-16	SWMP lists BMPs used to fulfill this MCM. Examples may include:
	<ul style="list-style-type: none"> • Requirement to comply with TPDES CGP • Notification to discharger of responsibilities under TPDES CGP • Hire staff to review construction site plans • Provide a web page for public input on construction activities • Require overall construction site waste management • Perform site inspections and enforcement • Provide education and training for construction site operators • Notify dischargers of requirement to obtain TPDES permit coverage • Mechanism to prohibit discharges into MS4 where necessary
14-16	SWMP includes measurable goals, and the method of measurement, for addressing stormwater quality.
Appdx	SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from permit issuance date.

MCM 4: Post-Construction Stormwater Management in New Development and Redevelopment

Page # (s) – Provide the page number (s) to the left of each item.

The SWMP includes the following required elements:

Requirements for all MS4s:

- | | |
|-------|---|
| 17-18 | 1. Description of program that will be developed, implemented and enforced, to address stormwater runoff from new development and redeveloped sites that discharge into the small MS4 that disturb one acre or more, including projects that disturb less than one acre that are part of a larger common plan of development or sale. |
| 17-18 | 2. Ordinance or other regulatory mechanism is in place or planned which will regulate discharges from new development and redevelopment projects. |
| 17-18 | 3. Establish, implement, and enforce a requirement that owners or operators of new development and redeveloped sites design, install, implement, and maintain a combination of structural and non-structural BMPs appropriate for the community and that protects water quality. |
| 17-18 | 4. Document and maintain records of enforcement actions. |
| 17-18 | 5. Long-term operation and maintenance of post construction stormwater control measures is addressed. |
| 17-18 | 6. Operation and maintenance is documented. |

Additional Requirements for Level 4 small MS4s:

- | | |
|-----|---|
| N/A | 1. Develop and implement an inspection program to ensure that all post construction stormwater control measures are operating correctly and are being maintained. |
| | 2. Inspections are documented. |

- | | |
|----|--|
| 18 | SWMP lists BMPs used to fulfill this MCM. Examples may include: <ul style="list-style-type: none">• Local ordinance in place or planned• Guidance document for developers to utilize• Specific BMPs established for particular watersheds• List of appropriate BMPs provided to operators• Elimination of curbs and gutters is encouraged• Zoning takes into account stormwater issues• Incentives for use of permeable choices, such as porous pavement• Requirements for wet ponds or other BMPs for certain size sites• Xeriscaping |
|----|--|

- | | |
|-------|---|
| 17-18 | SWMP includes measurable goals, and the method of measurement, for addressing stormwater quality. |
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- | | |
|-------|---|
| Appdx | SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from permit issuance date. |
|-------|---|

MCM 5: Pollution Prevention and Good Housekeeping for Municipal Operations

Page # (s) – Provide the page number (s) to the left of each item.

The SWMP includes the following required elements:

Requirements for all MS4s:

19-24	1. An operation and maintenance (O&M) program, including an employee training component, in place or scheduled, to reduce/prevent pollution from municipal activities and municipally owned areas included but not limited to park and open space maintenance; street, road, or highway maintenance; fleet and building maintenance; stormwater system maintenance; new construction and land disturbances; municipal parking lots; vehicle and equipment maintenance and storage yards; waste transfer stations; and salt/sand storage locations.
19-24	2. Develop and maintain an inventory of the MS4's facilities and stormwater controls.
19-24	3. Inform or train staff involved in good housekeeping practices.
19-24	4. Waste from the MS4 is removed and properly disposed.
19-24	5. Contractors hired by the MS4 must be required to comply with operating procedures. <ul style="list-style-type: none"> a. MS4 develop contractor oversight procedures.
19-24	6. MS4 evaluates O&M activities for their potential to discharge pollutants in stormwater for road and parking lot maintenance, bridge maintenance, cold weather operations, and right-of-way maintenance etc. <ul style="list-style-type: none"> a. MS4 identifies pollutants of concern that could be discharged from the O&M activities. b. MS4s develop and implement pollution prevention measures that will reduce discharge of pollutants from O&M activities. c. MS4s inspect pollution prevention measures at MS4 facilities.
19-24	7. MS4 maintains structural controls.

Additional requirements for Level 3 and 4 small MS4s:

N/A	1. Storm sewer system O&M. <ul style="list-style-type: none"> a. MS4 develops and implements an O&M program to reduce the collection of pollutants in catch basins and other surface structures. b. MS4 develops a list of potential problem areas for increased inspection (for example, areas with recurrent illegal dumping).
N/A	2. Implement an O&M program to reduce discharge of pollutants from roads that might include a street sweeping and cleaning program, or inlet protection. The program includes an implementation schedule and a waste disposal procedure.
N/A	3. MS4 map identify MS4 facilities and stormwater controls.
N/A	4. MS4 assess its facilities for their potential to discharge pollutants into stormwater. <ul style="list-style-type: none"> a. The MS4 identifies high priority facilities that have a high potential to generate stormwater pollutants. At a minimum, facilities include the MS4s maintenance yards, hazardous waste facilities, fuel storage locations, and any other facilities at which chemicals or other materials have a high potential to be discharge in stormwater. b. The MS4 documents the result of the assessments.
N/A	5. The MS4 develops stormwater management Standard Operation Procedures for high priority facilities.
N/A	6. The MS4 implements stormwater controls at high priority facilities that address: <ul style="list-style-type: none"> a. Good housekeeping

N/A	<ul style="list-style-type: none"> b. De-icing and anti-icing storage c. Fueling operations and vehicle maintenance d. Equipment and vehicle washing
N/A	7. The MS4 develops and implements an inspection program that includes high priority facilities.
N/A	<p>Additional requirements for Level 4 small MS4s:</p> <p>MS4 has an application and management program for pesticides, herbicides, and fertilizers that address:</p> <ul style="list-style-type: none"> a. Evaluating materials and activities used at public open spaces. b. Implementing the following practices to minimize generating pollutants related to landscaping. <ul style="list-style-type: none"> i. Education for applicators and distributors ii. Encouragement of non-chemical solutions for pest management c. Development of schedules that minimizes discharge of pollutants. d. Ensuring collection and proper disposal of unused pesticides, herbicides, and fertilizers.
22-24	<p>SWMP lists BMPs used to fulfill this MCM. Examples may include:</p> <ul style="list-style-type: none"> • BMPs which address fleet vehicle maintenance/washing • BMPs which address parking lot and street cleaning • Catch basin and storm drain system cleaning • Landscaping and lawn care (e.g. xeriscaping) • Waste materials management • Road salt application and storage practices • Used oil recycling • Pest management practices • Fire training facilities • BMPs which address roadway and bridge maintenance • Golf course maintenance/waste disposal • Disposal of cigarette butts • Park maintenance (e.g., providing trash bags)
19-24	SWMP includes measurable goals, and the method of measurement, for addressing stormwater quality.
Appdx	SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from permit issuance date.

MCM 6: Industrial Stormwater Sources

Page # (s) – Provide the page number (s) to the left of each item.

The SWMP includes the following required elements:

Requirements for Level 4 MS4 only:

25	<p>Program to identify and control industrial stormwater sources that at least includes:</p> <ul style="list-style-type: none"> a. MS4 landfills, other treatment, storage, or disposal facilities for municipal waste, hazardous waste treatment, storage, disposal and recovery facilities and facilities that are subject to Emergency Planning and Community Right-to-Know Act (EPCRA). b. Priorities and procedures for inspections and for implementing control measures for such discharges.
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Optional 7th MCM: Municipal Construction Activities (only available within the regulated area where the MS4 operator meets the definition of construction site operator)

Page # (s) – Provide the page number (s) to the left of each item.

If this MCM is applicable, the SWMP includes the following information:

N/A	1. Description of how construction activities will generally be conducted so as to take into consideration local conditions of weather, soils, and other site specific considerations.
N/A	2. Description of the area that this MCM will address and where the MS4 operator's construction activities are covered (e.g. within the boundary of the urbanized area, the corporate boundary, a special district boundary, an extra territorial jurisdiction, or other similar jurisdictional boundary).
N/A	3. If the area included in this MCM includes areas outside of the UA, then all MCMs will be implemented over those additional areas as well.
N/A	4. Description provided for one of the following: <ul style="list-style-type: none"> a. How contractor activities will be supervised or overseen to ensure that the Stormwater Pollution Prevention Plan (SWP3) requirements are properly implemented at the construction site(s); or b. How the MS4 operator will make certain that contractors have a separate authorization for stormwater discharges if needed.
N/A	5. General description of how a construction SWP3 will be developed for each construction site.
N/A	6. Records of municipal construction activities authorized under this optional MCM.

APPENDIX “D”

***TCEQ General Permit Payment Submittal
Form #20134***

Texas Commission on Environmental Quality General Permit Payment Submittal Form

Use this form to submit your Application Fee only if you are mailing your payment.

- Complete items 1 through 5 below:
- Staple your check in the space provided at the bottom of this document.
- Do not mail this form with your NOI form.
- Do not mail this form to the same address as your NOI.

Mail this form and your check to:

BY REGULAR U.S. MAIL

Texas Commission on Environmental
Quality
Financial Administration Division
Cashier's Office, MC-214
P.O. Box 13088
Austin, TX 78711-3088

BY OVERNIGHT/EXPRESS MAIL

Texas Commission on Environmental
Quality
Financial Administration Division
Cashier's Office, MC-214
12100 Park 35 Circle
Austin, TX 78753

Fee Code: GPA

General Permit:

TXR040000

1. Check / Money Order No: _____
2. Amount of Check/Money Order: _____
3. Date of Check or Money Order: _____
4. Name on Check or Money Order: _____
5. NOI INFORMATION

If the check is for more than one NOI, list each Project/Site (RE) Name and Physical Address exactly as provided on the NOI. DO NOT SUBMIT A COPY OF THE NOI WITH THIS FORM AS IT COULD CAUSE DUPLICATE PERMIT ENTRIES.

See Attached List of Sites (If more space is needed, you may attach a list.)

Project/Site (RE) Name: City of Ovilla

Project/Site (RE) Physical Address:

105 S. Cockrell Hill Road
Ovilla, TX 75154

Staple Check in This Space



"PRIDE IN OUR PAST... ENTHUSIASM FOR THE FUTURE"

STORMWATER MANAGEMENT PLAN
2014 – 2019
TPDES General Permit No. TXR040000

BIRKHOFF, HENDRICKS & CARTER, L.L.P.
PROFESSIONAL ENGINEERS
DALLAS, TEXAS
Texas Firm F526

MAY 2014



Ovilla City Council

Consent Item D

Meeting Date: May 12, 2014

Department: Administration

☒ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: Staff

Amount: \$N/A

Attachments:

1. Resolution R2014-015
2. Master Interlocal Agreement between Dallas County and City of Ovilla

Agenda Item / Topic:

Consent D. **Consideration** of and action on Resolution R2014-015 authorizing the Mayor to execute a Master Interlocal Agreement between Dallas County and the City of Ovilla, Texas, pertaining to transportation-related maintenance on or about certain designated roadways situated within the territorial limits of the city of Ovilla.

Discussion / Justification:

The City of Ovilla and Dallas County maintain an Interlocal Agreement through its Road and Bridge forces for improvements and maintenance projects to certain Ovilla roadways. This agreement will be effective upon execution of both parties through December 31, 2017.

Recommendation / Staff Comments:

Staff recommends approval.

Sample Motion(s):

I move that Council APPROVE/DENY Resolution 2014-015, authorizing the Mayor to execute a Master Interlocal Agreement between Dallas County and the City of Ovilla, pertaining to transportation- related maintenance on or about certain designated roadways situated within the territorial limits of the City of Ovilla.

RESOLUTION NO. R2014-015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE, FOR AND ON BEHALF OF THE CITY OF OVILLA, TEXAS, A MASTER INTERLOCAL AGREEMENT BETWEEN DALLAS COUNTY AND THE CITY OF OVILLA, TEXAS, PERTAINING TO TRANSPORTATION RELATED MAINTENANCE ON OR ABOUT CERTAIN DESIGNATED ROADWAYS SITUATED WITHIN THE TERRITORIAL LIMITS OF THE CITY OF OVILLA FOR A TERM TO BEGIN THE DATE OF EXECUTION UNTIL DECEMBER 31, 2017.

*** * * * ***

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OVILLA:

Section 1. The City Council of the City of Ovilla hereby authorizes the Mayor to execute a Master Interlocal Agreement by and between Dallas County and the City of Ovilla, Texas pertaining to transportation related maintenance on certain designated roadways within the territorial limits of the City of Ovilla, for a term to commence upon signatory execution through December 31, 2017.

Section 2. A copy of said Contract/Agreement is attached hereto as Exhibit "A" and made a part hereof for all purposes.

PASSED, APPROVED, AND RESOLVED this ____ day of _____ 2013.

ATTEST: _____
Pamela Woodall, **CITY SECRETARY**

APPROVED: _____
Richard Dormier, **MAYOR**

STATE OF TEXAS §

COUNTY OF DALLAS §

**MASTER INTERLOCAL AGREEMENT BETWEEN DALLAS COUNTY
AND THE CITY OF OVILLA, TEXAS, PERTAINING TO TRANSPORTATION-
RELATED MAINTENANCE ON OR ABOUT CERTAIN DESIGNATED ROADWAYS
SITUATED WITHIN THE TERRITORIAL LIMITS OF THE CITY OF OVILLA**

WHEREAS, This Master Interlocal Agreement (“Agreement”) is entered into by the authority of Chapter 791 of the Texas Government Code and Chapter 251 of the Texas Transportation Code to provide authorization for local governments to contract amongst themselves for the performance of governmental functions and services; and

WHEREAS, On occasion, the County of Dallas, Texas, hereinafter called "County", and the City of Ovilla, Texas, hereinafter called "City", desire to enter into an Interlocal Agreement for the purpose of City retaining and authorizing County, through its Road & Bridge forces, to maintain various “Type E” Roadways, situated wholly within the territorial limits of City; and

WHEREAS, “Type E” Roadway Projects shall be defined as improvements and maintenance of streets, alleys, roads, bridges and drainage facilities for a local governmental entity as defined under V.T.C.A., Government Code, Chap. 791. Dallas County Code, Sec. 102-3(5); and

WHEREAS, On occasion, the County and City desire to enter into an Interlocal Agreement for the purpose of jointly coordinating, facilitating and/or funding maintenance activity on certain duly qualified “Type B” Roadways, also situated wholly within the territorial limits of City; and

WHEREAS, “Type B” Roadway Projects shall be defined as improvements and maintenance of thoroughfares and bridges of major cross-county importance which are either existing or proposed. The Regional Thoroughfare Plan for North Central Texas Council of Governments shall be used as a guide to determine which thoroughfares are of major cross-county importance. Dallas County Code, Sec. 102-3(2); and

WHEREAS, On occasion, the County and City desire to enter into an Interlocal Agreement for purpose of City authorizing and retaining County, through its Road & Bridge forces, to perform minor transportation-related maintenance services, including but not limited to pothole repair, cleaning and clearing of drainage culverts, roadway debris removal, and the like, which services do not fall squarely within the purview of “Type E” or “Type B” Roadway Projects, such projects to be performed on or about public roadways and alleyways situated wholly within the territorial limits of City; and

WHEREAS, This collaboration between County and City is consistent with Strategy 4.2 of the Dallas County’s Strategic Plan in that it fosters partnership between County and local cities therein on local transportation projects;

NOW THEREFORE, THIS AGREEMENT is hereby made and entered into between County and City for the mutual consideration stated herein:

I. PURPOSE

City has requested in the past, and will likely request in the foreseeable future (1) that County participate in the funding only of, certain roadway maintenance projects (“projects”) on City’s street system, which projects shall be duly qualified “Type B” Roadway Projects, (2) that County provide certain roadway maintenance services on City’s street system, which projects shall be duly qualified “Type B” or “Type E” Roadway Projects, or (3) that County, through its Road & Bridge forces, perform certain minor transportation-related maintenance services on or about City’s streets and alleyways which do not fall squarely within the collaborations contemplated by either of the aforementioned. The terms and conditions set forth herein provide the cooperative framework for County and City to jointly undertake one or more of these transportation-related maintenance projects on or about public roadways situated wholly within the incorporated and territorial jurisdiction of the City, said roadway being of significance to Dallas County.

Each roadway maintenance project commenced hereunder shall be fully and specifically set forth and described in a separate Project Specific Agreement (“PSA”), and shall be approved by specific order of the Dallas County Commissioners Court, as well as the governing body of City. Projects considered hereunder that are neither Type B, C or E roadway maintenance or improvements, as those type project are defined by Dallas County Code, Sec 102-3, and that do not exceed the amount of \$25,000 may be approved by the Directors of Public Works for each respective entity and shall be binding on the entities just as if approved by the governing bodies.

Projects undertaken pursuant to this Agreement are for the benefit of the City and County, and not the purposeful benefit of any third parties. It is the express intention of City and County that any person or entity, other than City or County, receiving services or benefits hereunder shall be deemed incidental beneficiaries only.

Nothing herein shall be construed so as to prevent County and City from collaborating and working jointly, without prior and formal approval of their respective governing bodies, in cases of national, state or local emergencies or natural disasters.

II. CITY’S CONTRIBUTION

For duly qualified “Type B” Roadway Projects contemplated hereunder, City shall be responsible for the total funding and payment for the roadway maintenance services, less any amounts contributed by County, which contributions, if any, may not exceed fifty percent (50%) of the total project costs, and may be made through commitment of County’s financial resources or in-kind services, i.e. use of County’s labor, equipment and/or materials.

For all other projects contemplated hereunder, City shall be responsible for one hundred percent (100%) of the funding for services provided in whole or in part through use of County Road & Bridge personnel, equipment and/or materials.

All expenditures herein undertaken by City or County for the performance of these government functions shall be made from current revenues available to them.

III. CITY'S OBLIGATIONS

Prior to the commencement of any project hereunder, City shall clearly detail the location, scope and nature of the services it desires performed, whether by County or a third party. Should City desire that County, through deployment of its Road & Bridge workforces, perform such services, County shall prepare a written and detailed proposal for City's consideration and approval, indicating all work to be performed by County, and at what costs and expense to City. Should City desire that roadway maintenance be performed by a third party, City shall prepared a written and detailed proposal for County's consideration and approval, again indicating all work to be performed by the third party, and at what expense to City and County.

Before any such work commences, City and County must have a clear and mutual understanding of the scope of services to be provided and the costs associated with each such project. Said mutual understanding shall be evidenced by supplemental documentation, i.e. project specific proposals, which shall only be binding once approved by County and the governing body of City. Said proposals, if approved, shall be confirmed in writing, which shall be considered supplemental hereto.

For all projects wherein the County is obligated to provide maintenance and/or services, immediately upon County's commencement of work duly authorized by them, City shall set aside, segregate and escrow for County's benefit, the full agreed amounts for costs and expenses for each project undertaken. County may elect to bill against segregated funds on a monthly basis for services performed during the course of the month, or it may bill against the segregated funds in full once a project is completed. In either event, County shall be paid promptly, and in full once the project is completed.

Where required by nature of the projects undertaken, City, at its own expense, shall be responsible for the following: (1) informing the public of the proposed maintenance or construction activity, (2) acquiring any right-of-way necessary to complete the project under consideration, (3) locating all manholes, water valves, and other utilities within the project, (4) making all utility relocations or adjustments necessary for the project, (5) remediation of any hazardous or regulated materials, or other environmental hazard on or near the project site, and (6) where necessary, providing appropriate traffic control support, including but not limited to flagging, cones, barricades, shadow vehicles, arrow boards, signage, police presence, etc., to enable the project to be completed in a timely and safe manner. City agrees to accomplish these functions, if required by projects under consideration, in a timely and efficient manner to insure that such activity will not delay the County's timely performance of its maintenance activities.

City agrees to permit County, at County's expense, to conduct routine special studies of traffic conditions within City, which studies might include traffic counts, measurements of speeds, delays, congestion, and the like.

IV. COUNTY'S CONTRIBUTION

For all projects contemplated hereunder, County shall contribute as follows:

1. For all duly qualified "Type B" Roadway Projects, County shall contribute an amount not to exceed fifty percent (50%), which contribution may be made through pledge and commitment of County Road and Bridge funds, use of County Road and Bridge personnel and/or equipment, or a combination of the two, and
2. For all other duly qualified projects, County's contribution hereunder shall be limited solely to supplying labor, materials and/or equipment necessary to provide roadway maintenance services, all of which shall be provided at City's, or another funding source's expense.

V. COUNTY'S OBLIGATIONS

County shall not undertake performance of any project hereunder, until such time as same has been specifically approved per the protocol set forth in Section I, above. Once so approved, if called upon to do so, County shall perform all services contemplated hereunder in a timely, good and workmanlike manner, consistent with professional industry standards. Further, County shall not assign its rights, or delegate its duties and obligations hereunder to any third party without prior written approval of City. Nothing herein shall be construed to prohibit County from using subcontractors, where reasonably necessary, to aid in the completion of projects.

Should County, in executing any project contemplated hereunder, encounter adverse conditions unforeseen by City or County, County shall immediately bring same to attention of City, and await direction and guidance from City on resolution of same. Where reasonably required by nature of the unknown condition, County may cease performance hereunder until such time as adverse conditions are rectified or remedied by City, and such delay shall not constitute a material breach of this Agreement.

VI. TERM

The initial term of this Agreement shall be from the date of last execution by any required signatory party hereto until December 31, 2017. However, either party hereto, shall have the absolute right to terminate this Agreement, without cause, at any time, upon providing sixty (60) days written notice to the other party. If necessary, notice of termination shall be tendered consistent with the notice provisions and protocol stated below.

VII. LIABILITY

Nothing stated herein shall be construed as a waiver of all the protections afforded County as a sovereign governmental unit. To the extent afforded by Texas Tort Claims Act, County shall be responsible only for claims, demands, judgments and the like attributable to the sole acts and omissions of its agents, officers and/or employees. County assumes no

liability or responsibility for the acts and omissions of City, their employees, agents, officers or others working through them in any capacity.

Nothing stated herein shall be construed as a waiver of all the protections afforded City as a sovereign governmental unit. To the extent afforded by the Texas Tort Claims Act, City shall be responsible only for claims, demands, judgments and the like attributable to the sole acts and omissions of its agents, officers and/or employees. City assumes no liability or responsibility for the acts and omissions of County, their employees, agents, officers or others working through them in any capacity.

VIII. MISCELLANEOUS PROVISIONS

A. **Entire Agreement.** This Agreement and any attachments hereto sets forth the entire agreement between the parties respecting the subject matter contained herein, and supersedes all prior and contemporaneous understandings and agreements, whether oral or in writing, between the parties respecting the same.

B. **Severability.** If any term, covenant, condition or provision of this Agreement shall be declared invalid by a tribunal of competent jurisdiction, the remaining terms, covenants, conditions, and provisions shall remain in full force and effect, and shall in no way be affected, impaired or invalidated thereby.

C. **Not an Agent.** County and City mutually agree that neither entity acting hereunder shall be considered an agent of the other, and that each entity is responsible, if at all, for its own acts, forbearance, and deeds.

D. **Venue.** This Agreement and all matters pertinent thereto shall be construed and enforced in accordance with the laws of the State of Texas and venue shall lie exclusively in Dallas County, Texas.

E. **Amendment.** This Agreement may be supplemented and/or amended at any time through the mutual consent of both County and City, so long as all amendments, changes, revisions, and discharges of this Agreement, in whole or in part, are reduced to writing and executed by the parties thereto.

F. **Notice.** All notices, requests, demands, and other communication under this Agreement shall be tendered in writing and shall be deemed to have been duly given when either delivered in person, via e-mail, or via certified mail, postage prepaid, return receipt requested to the respective parties as follows:

COUNTY:

Director of Public Works
Dallas County
411 Elm Street, Fourth Floor
Dallas, Texas 75202

and

Commissioner John Wiley Price
Dallas County Commissioner, District #3
411 Elm Street, Second Floor
Dallas, Texas 75202

CITY:

Cyndy Powell, City Administrator
City of Ovilla
105 S. Cockrell Hill Road
Ovilla, Texas 75154

G. **Counterparts.** This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

H. **Headings.** The headings and titles used herein are for sake of convenience only, and not intended to affect the interpretation or construction of such provisions.

I. **Contingent.** This Agreement is expressly contingent upon formal approval by the Dallas County Commissioners Court and the governing body of the City of Ovilla, Texas.

The City of Ovilla, State of Texas, has executed the Agreement pursuant to duly authorized City Council Action on the _____ day of _____, 2014.

The County of Dallas, State of Texas, has executed this agreement pursuant to Commissioners Court Order Number _____ and passed on the ____ day of _____, 2014.

Executed this the _____ day of _____, 2014.

Executed this the _____ day of _____, 2014.

CITY OF OVILLA:

COUNTY OF DALLAS:

RICHARD DORMIER
MAYOR

CLAY LEWIS JENKINS
COUNTY JUDGE

ATTEST:

PAMELA WOODALL
CITY SECRETARY

APPROVED AS TO FORM:
CRAIG WATKINS
DISTRICT ATTORNEY

TERESA GUERRA SNELSON
CHIEF, CIVIL DIVISION

APPROVED AS TO FORM:

RON G. MACFARLANE, JR.
CITY ATTORNEY

Paul E. Hamilton
Assistant District Attorney

*By law, the District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval by their own respective attorney(s).



villa City Council

Consent Item E

Meeting Date: May 12, 2014

Department: Administration

☒ Discussion ☒ Action

Budgeted Expense: ☒ YES ☐ NO ☐ N/A

Submitted By: Staff

Amount: \$439.78

Attachments:

1. Resolution R2014-016
2. Staff Report
3. Invoice 14-107
4. Memorandum and Steering Committee's 2013 Year in Review

Agenda Item / Topic:

Consent E. *Consideration* of and action on R2014-016 to authorize the City's continued membership with the Steering Committee of Cities served by ONCOR and approve the annual assessment for Steering Committee membership.

Discussion / Justification:

This is an annual membership with the Steering Committee of cities served by Oncor and includes the authorization of an assessment fee set at \$0.11 per capita.

Recommendation / Staff Comments:

Staff recommends approval.

Sample Motion(s):

I move that Council APPROVE/DENY Resolution 2014-016, authorizing continued membership with the Steering Committee of Cities serviced by ONCOR and approve the annual assessment, Invoice 14-107 in the amount of \$439.78 for Steering Committee membership.

RESOLUTION NO. R2014-016

A RESOLUTION AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AND AUTHORIZING THE PAYMENT OF 11 CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND LEGAL PROCEEDINGS AND ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY COMPANY, LLC.

- WHEREAS, the City of **Ovilla** is a regulatory authority under the Public Utility Regulatory Act (PURA) and has exclusive original jurisdiction over the rates and services of Oncor Electric Delivery Company, LLC (Oncor) within the municipal boundaries of the city; and
- WHEREAS, the Steering Committee has historically intervened in Oncor (formerly known as TXU) rate proceedings and electric utility related rulemakings to protect the interests of municipalities and electric customers residing within municipal boundaries; and
- WHEREAS, the Steering Committee is participating in Public Utility Commission dockets and projects, as well as court proceedings, and legislative activity, affecting transmission and distribution utility rates; and
- WHEREAS, the City is a member of the Steering Committee of Cities Served by Oncor; and
- WHEREAS, the Steering Committee functions under the direction of an Executive Committee (whose current members are identified in Attachment 1) which sets an annual budget and directs interventions before state and federal agencies, courts and legislatures, subject to the right of any member to request and cause its party status to be withdrawn from such activities; and
- WHEREAS, the Executive Committee in its December 2013 meeting set a budget for 2014 that compels an assessment of eleven cents (\$0.11) per capita; and
- WHEREAS, in order for the Steering Committee to continue its participation in these activities which affects the provision of electric utility service and the rates to be charged, it must assess its members for such costs.

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

I.

That the City is authorized to continue its membership with the Steering Committee of Cities Served by Oncor to protect the interests of the City of **Ovilla** and protect the interests of the customers of Oncor Electric Delivery Company, LLC residing and conducting business within the City limits.

II.

The City is further authorized to pay its assessment to the Steering Committee of eleven cents (\$0.11) per capita based on the population figures for the City shown in the latest TML Directory of City Officials.

III.

A copy of this Resolution and the assessment payment check made payable to "Steering Committee of Cities Served by Oncor" shall be sent to Jay Doegey, Chair, Steering Committee of Cities Served by Oncor, c/o City Attorney's Office, Mail Stop 63-0300, P.O. Box 90231, Arlington, Texas 76004-3231.

PRESENTED AND PASSED on this the 12 day of May, 2014, by a vote of _____ ayes and _____ nays at a regular meeting of the City Council of the City of Ovilla, Texas.

Signature
Mayor

ATTEST:

Signature
City Secretary

APPROVED AS TO FORM:

Signature
City Attorney

STAFF REPORT ON ASSESSMENT RESOLUTION FOR STEERING COMMITTEE OF CITIES SERVED BY ONCOR

Purpose of the Resolution

The City of Ovilla is a member of a 150-member city coalition known as the Steering Committee of Cities Served by Oncor. The resolution approves the assessment of an eleven cent (\$0.11) per capita fee to fund the activities of the Steering Committee.

Why this Resolution is Necessary

The Steering Committee undertakes activities on behalf of municipalities for which it needs funding support from its members. Municipalities have original jurisdiction over the electric transmission and distribution rates and services within the city. The Steering Committee has been in existence since the late 1980s. It took on a formal structure in the early 1990s when cities served by TXU (since renamed as Oncor Electric Delivery Company, LLC) gave up their statutory right to rate case expense reimbursement in exchange for higher franchise fee payments. Empowered by city resolutions and funded by per capita assessments, the Steering Committee has been the primary public interest advocate before the Public Utility Commission, ERCOT, the courts, and the Legislature on electric utility regulation matters for nearly two decades.

The Steering Committee is actively involved in rate cases, appeals, rulemakings, and legislative efforts impacting the rates charged by Oncor Electric Delivery Company, LLC within the City. Steering Committee representation is also strong at ERCOT. It is possible that additional efforts will be necessary on new issues that arise during the year, and it is important that the Steering Committee be able to fund its participation on behalf of its member cities. A per capita assessment has historically been used, and is a fair method for the members to bear the burdens associated with the benefits received from that membership.

Explanation of "Be It Resolved" Paragraphs

I. The City is currently a member of the Steering Committee; this paragraph authorizes the continuation of the City's membership.

II. This paragraph authorizes payment of the City's assessment to the Steering Committee in the amount of eleven cents (\$0.11) per capita, based on the population figure for the City as shown in the latest TML Directory of City Officials.

III. This paragraph requires notification to the Chair of the Steering Committee, Jay Doegey, that the City has adopted the Resolution.

Payment of Assessment

A copy of the resolution should be mailed with payment of the fee to Jay Doegey, Chair, Steering Committee of Cities Served by Oncor, c/o City Attorney's Office, Mail Stop 63-0300, P.O. Box 90231, Arlington, Texas 76004-3231. Checks should be made payable to: *Steering Committee of Cities Served by Oncor*.

RESOLUTION NO. R2014-016

Attachment 1
OCSC 2014 Executive Committee Members

Allen	Eric Ellwanger, Assistant to City Manager
Arlington	Jay Doegey, City Attorney
Burkburnett	Trish Holley, Director of Administration
Carrollton	Elizabeth Horn, Assistant City Attorney
Cleburne	Kim Galvin, Director of Finance
Colleyville	Cathy Cunningham, Attorney
Comanche	Bill Flannery, City Manager
Dallas	Nick Fehrenbach, Manager of Regulatory Affairs & Utility Franchising
Denison	Courtney Goodman-Morris, City Attorney
Flower Mound	Melanie Harden, Director of General Services
Fort Worth	Bridgette Garrett, Director of Budget & Management Services
Frisco	Ben Brezina, Assistant to City Manager
Grand Prairie	Don Postell, City Attorney
Haltom City	Joel Welch, Chief Financial Officer and Assistant City Manager
Irving	Carrie Morris, Assistant City Attorney
Lewisville	Phil Boyd, Consultant
Mansfield	Joe Smolinski, Director of Utility Operations
Mesquite	Cynthia Steiner, Assistant City Attorney
Odessa	James Zentner, Assistant City Manager
Plano	Mark Israelson, Director of Policy and Government Relations
Sherman	Brandon Shelby, City Attorney
The Colony	Gwen Mansfield, Assistant Finance Director
Tyler	Mark McDaniel, City Manager
Waco	Jennifer Richie, City Attorney
Watauga	Greg Vick, City Manager
Waxahachie	Doug Barnes, Director of Economic Development

Oncor Cities Steering Committee

c/o Jay Doegey, City Attorney
Post Office Box 90231
MS # 63-0300
Arlington, TX 76004-3231

Invoice

Date	Invoice #
4/4/2014	14-107

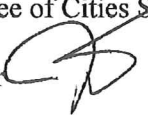
Bill To
City of Ovilla

Item	Population	Per capita	Amount
2014 Membership Assessment	3,998	0.11	439.78
Total			\$439.78

Please make check payable to: Oncor Cities Steering Committee and mail to Oncor Cities Steering Committee, c/o Jay Doegey, Chair, Arlington City Attorney's Office, PO Box 90231, Mail Stop 63-0300, Arlington, Texas 76004-3231

MEMORANDUM

TO: Steering Committee of Cities Served by Oncor

FROM: Jay Doegey, Chair 

DATE: April 16, 2014

RE: **Action Needed – 2014 Oncor (Electric) Cities Steering Committee Membership Assessment Invoice**

Enclosed please find the 2014 Steering Committee of Cities Served by Oncor (“Steering Committee”) membership assessment invoice and draft resolution. These items are discussed below. We ask that your city please take action on the membership assessment as soon as possible.

Although the Steering Committee does not require that your city take action by resolution to approve the assessment, some members have requested a resolution authorizing payment of the 2014 membership assessment. Payment of the membership assessment fee shall be deemed to be in agreement with the terms of the Steering Committee participation agreement.

Please forward the membership assessment fee and, if applicable, the signed resolution to Jay Doegey, Chair, Steering Committee of Cities Served by Oncor, c/o City Attorney’s Office, Mail Stop 63-0300, P.O. Box 90231, Arlington, Texas 76004-3231. Checks should be made payable to: *Steering Committee of Cities Served by Oncor*. If you have any questions, please feel free to contact me at (817/459-6878) or Geoffrey Gay (ggay@lglawfirm.com, 512/322-5875) or Thomas Brocato (tbrocato@lglawfirm.com, 512/322-5857).

Membership Assessment Invoice and Resolution

The Steering Committee is the most active consumer group advocating the interests of cities and residential and small commercial customers within the cities to keep electric transmission and distribution (*i.e.*, wires) rates reasonable. Steering Committee activities protect the authority of municipalities over the regulated wires service and rates charged by Oncor Electric Delivery Company, LLC.

The work undertaken by the Steering Committee has saved cities and ratepayers millions of dollars in unreasonable charges. In order to continue to be an effective voice before the Public Utility Commission of Texas (“Commission” or “PUC”), ERCOT, the Legislature, and in the courts, the Steering Committee must have your support. The membership assessment is deposited in an account which funds Steering Committee activities.

In 2013, the Steering Committee remained involved in various rulemakings and projects at the PUC. Chief among those rulemakings was the Steering Committee’s participation in discussions regarding whether Texas has sufficient generation resources to meet peak summer demand. The Steering Committee vigorously defended against proposals to turn the ERCOT market into a capacity market, which would guarantee higher rates for Texans by paying generation resources even when resources are not providing energy. The Steering Committee was also active in the Commission’s re-

writing of the energy efficiency rules and the Commission adopted many of the Steering Committee's recommendations. This is important to cities because it keeps the energy efficiency charge on electric bills lower than would be without the participation of the Steering Committee. The Steering Committee also participated in Oncor's Energy Efficiency Cost Recovery Factor ("EECRF") proceeding, which is the annual proceeding to determine the surcharge to fund the Commission's energy efficiency program.

This year, it is likely that Oncor's parent company, Energy Future Holdings, will go through bankruptcy. It will be important for the Steering Committee to monitor and perhaps participate in those proceedings to protect city residents and ratepayers.

On December 12, 2013, the Steering Committee approved the 2014 assessment for Steering Committee membership. Based upon the population-based assessment protocol previously adopted by the Steering Committee, the assessment for 2014 is a per capita fee of \$0.11 based upon the population figures for each city shown in the latest TML Directory of City Officials. The enclosed invoice represents your city's assessment amount.

To assist you in the assessment process, we have attached several documents to this memorandum for your use:

- OCSC 2013 Year in Review
- Model resolution approving the 2014 assessment (optional, provided for those cities that have requested a resolution to authorize payment)
- Model staff report supporting the resolution
- List of Steering Committee members
- 2014 Assessment invoice
- 2013 Assessment invoice and statement (only if not yet paid)
- Blank member contact form to update for distribution lists

Steering Committee of Cities Served by Oncor

2013 Year in Review

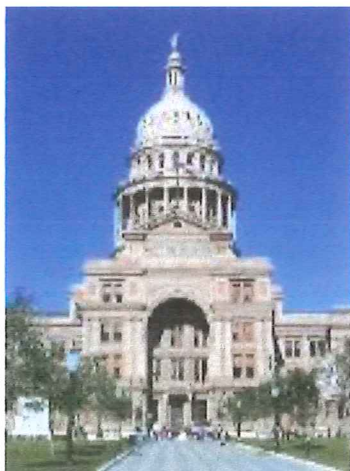


Steering Committee of Cities Served by Oncor has Another Active Year in 2013

This 2013 Year in Review of the Steering Committee of Cities Served by Oncor ("OCSC" or "Cities") highlights a few of the notable proceedings that OCSC participated in during this past year. Cities, including OCSC, took an active role during the 83rd Legislative Session. Additionally, OCSC participated in three major rate cases brought by transmission-only utilities to recover costs associated with the competitive renewable energy zone ("CREZ") build-out as well as other rate matters brought by Oncor Electric Delivery Company, LLC ("Oncor"). OCSC also participated in numerous rulemaking proceedings before the Public Utility Commission ("PUC" or "Commission"), ensuring that the interests of cities and their citizens were represented. It will likely be another busy year in 2014 for OCSC with more rate cases and rulemakings being filed and preparing for the 2015 legislative session.

Sincerely,

Jay Doegey, Chairman of the Steering Committee of Cities Served by Oncor



Cities Play Active Role at the Texas Legislature in 2013

The 83rd Regular Session of the Texas Legislature concluded on May 27, 2013. Over 100 bills relating to electric and gas service were filed during the session, including several bills that would have been harmful for municipalities and their residents and others that were beneficial to municipalities. With strong opposition from cities, utilities were unsuccessful in their attempts to make it more difficult for cities to participate in rate cases and remove cities' original jurisdiction through failed House Bills 1148 and 1149.

- The PUC was reauthorized through the sunset bill, House Bill 1600, which provided the PUC with additional oversight authority to protect the electric grid. During discussions of the bill, lawmakers directed the PUC to conduct a cost-benefit analysis before any transition to a capacity market. Cities will continue to advocate for that cost-benefit review.
- The Texas Coalition for Affordable Power ("TCAP") was successful with its support of House Bill 500 that specifically exempts TCAP and other similar political subdivision corporations from making franchise tax filings with the State Comptroller, reducing needless paperwork for those entities.
- Over the objection of municipal coalitions, the Legislature adopted Senate Bill 1364, which limits the Commission's discretion over electric utilities' collection of federal corporate income taxes. Cities opposed the bill because it allows utilities to collect hundreds of millions of dollars to pay the federal taxes of parent companies, even though the funds are not actually used for that purpose.

In the fall of 2013, OCSC representatives continued promoting the interests of OCSC at the Legislature, visiting numerous legislators and staffers at their local offices. These interim efforts will continue in 2014 as OCSC continues to act as a resource for legislators and prepares OCSC's 2015 legislative agenda.

Transmission-Only Companies Rate Cases to Recover Costs Associated with CREZ Lines Approved

Docket No. 40020 - Application of Lone Star Transmission, LLC for Authority

to Establish Interim and Final Rates and Tariffs. On November 7, 2012, the PUC issued a Final Order setting rates for Lone Star Transmission, LLC ("Lone Star"). Lone Star is a "new entrant," transmission-only company that was granted construction and operation of certain CREZ transmission projects. As Lone Star's projects are currently under construction, Lone Star had requested a two-phase proposal for rates. The Commission's Final Order granted Lone Star a roughly \$10 million Phase I revenue requirement, reduced from the Company's requested \$18 million. The Final Order also granted the Company \$14 million in Phase II revenue requirement, reduced from the Company's request of \$28 million. On November 27, multiple parties, including Cities, the Office of Public Utility Counsel, South Texas Electric Cooperative, Inc., Cross Texas Transmission, LLC, and Lone Star filed Motions for Rehearing. At the January 10, 2013 Open Meeting, the Commissioners granted rehearing, reversing their position on Lone Star's excess substation acreage and including the amounts in rate base. The Commission also modified its position on capital structure, moving to a 55/45 debt/equity capital structure rather than the 60/40 capital structure in the Final Order. Chairman Nelson argued that transmission-only utilities have commensurate risk as transmission and distribution utilities ("TDUs") and Commissioner Pablos explained his view that Lone Star had a higher risk as a new entrant. Lone Star is expected to have its next full rate case in 2014.



Docket No. 40604 - Application of Cross Texas Transmission, LLC to Establish Initial Rates and Tariffs. Cross Texas Transmission, LLC, ("Cross Texas"), like Lone Star, is a new-entrant, transmission-only utility company that was selected to construct and operate CREZ facilities. In late August 2012, Cross Texas filed an application to establish initial rates and tariffs. Hearing on that application had been scheduled to begin on November 28. On November 26, the parties announced that a settlement had been reached and a Stipulation detailing the terms of that settlement was filed on November 28, 2012. The settlement set a revenue requirement for Cross Texas at \$39.5 million annually—a decrease of 20% from the Company's requested rates. The Commission unanimously approved the settlement without discussion at the January 10, 2013 Open Meeting. Cross Texas is expected to have its next full rate case in 2014.



Docket No. 40606 - Application of Wind Energy Transmission Texas, LLC for Authority to Establish Initial Rates and Tariffs.

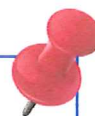
The third and final new entrant, transmission-only utility, Wind Energy Transmission Texas, LLC ("WETT") also filed an application for initial rates and tariffs in late August 2012. On November 26, the parties announced that a settlement had been reached and requested the case be abated while final settlement documents were prepared. Parties filed the Stipulation on December 10, 2012. Among other things, the parties agreed that WETT's total annual revenue requirements would be \$41,800,000 for Phase I and \$43,500,000 for Phase II. Parties also agreed to a return on equity ("ROE") of 9.6% and a 60/40 debt/equity capital structure.

The Commission unanimously approved the settlement without discussion at the January 10, 2013 Open Meeting. WETT is expected to have its next full rate case in 2015.

Upcoming OCSC Meetings

Mark your calendars for the upcoming 2014 OCSC Quarterly Meetings:

March 20, June 26, Sept. 18, and Dec. 11.



Oncor 2014 Energy Efficiency Cost Recovery Factor (“EECRF”) Approved by Commission



Docket No. 41544 — On May 31, 2013, Oncor filed its 2014 EECRF application. Utilities are required to file no later than June 1 of every year to adjust their EECRF to reflect changes in program costs, bonuses, and to true-up any over- or under- collection of costs resulting from the EECRF. Last year, the Commission authorized Oncor to recover \$72.6 million through its EECRF. In its latest filing, Oncor sought to collect \$72.9 million during 2014. Of this amount, Oncor proposed to spend \$59.5 million on energy efficiency program costs and \$2.3 million on evaluation, measurement, and verification costs. Additionally, Oncor requested \$11.6 million for its 2012 performance bonus. After parties reviewed the application, Oncor agreed to reduce its energy efficiency administrative expenses by \$50,000 at the urging of Cities and PUC Staff who believed some of the expenses to be inappropriate. Oncor projects 2014 savings to be 121.9 MW and 225,028 MW.

The PUC Continues to Consider Resource Adequacy Issues

Project No. 40000 - *Commission Proceeding to Ensure Resource Adequacy in Texas* — Based on prior years’ projections of the reserve margin, the Commission has undertaken a multi-year review of the wholesale electric market to determine whether it produces high enough prices to encourage investors to build power plants in Texas. This “resource adequacy” issue has been the focus of much of the PUC and ERCOT’s activity in 2013. During 2013, the Commission spent much time considering a mechanism that would establish high prices whenever supplies were tight. The Commission approved a mechanism called the Operating Reserve Demand Curve (“ORDC”), which is scheduled to be implemented in the summer of 2014. Cities supported the ORDC as a less onerous alternative to a capacity market. Later in 2013, ERCOT acknowledged that its load forecasting has been incorrect, resulting in ERCOT forecasting a more dire situation than actually exists. Currently, ERCOT is working on fixing these forecasts and observers believe a new report to be issued in February 2014.



Commission Rulemaking on Rate Case Expenses

On August 7, 2013, the PUC Staff provided notice of a workshop and request for comments in a rulemaking, Project No. 41622, to propose new P.U.C. SUBST. R. 25.245, relating to rate case expenses. The Steering Committee as well as various other interested parties such as Oncor, AEP Texas, Lone Star Texas-New Mexico Power Company, Southwestern Public Service Company (“SPS”), El Paso Electric Company, LCRA Transmission Services Corporation, and the Office of Public Utility Counsel filed comments in September 2013. At the December 19, 2013 Open Meeting, Commissioner Anderson asked that consideration of this rule be delayed until January 9, 2014 to allow for the consideration of two additional issues: (1)

adding an explicit provision to prevent the recovery of costs associated with a party advocating an issue that has been well settled in precedent and (2) adding a new subsection that would lay out the alternatives the Commission could consider for reducing rate case expenses based on pursuing issues that have been well settled.

Questions?

If you have questions about any Steering Committee matter or communication, please feel free to contact:

Geoffrey Gay at
(512) 322-5875 or ggay@lglawfirm.com or

Thomas Brocato at
(512) 322-5857 or tbrocato@lglawfirm.com.

They will be happy to answer your question or assist you.



Lloyd Gosselink Rochelle and Townsend, P.C.
816 Congress Avenue Suite 1900
Austin, Texas 78701

REQUEST FOR CONTACT INFORMATION
APRIL 2014

CONTACTS

Please provide contact information for the following coalitions:

- ☐ OCSC (Oncor Cities Steering Committee)
- ☐ ACSC (Atmos Cities Steering Committee)
- ☐ TCCFUI (Texas Coalition of Cities for Utility Issues)

Please type or print clearly

MAIN CONTACT

Name:	
Title:	
City of:	
Address:	
Phone:	
Fax:	
Email:	

ADDITIONAL CONTACT

Name:	
Title:	
City of:	
Address:	
Phone:	
Fax:	
Email:	

CONTACT TO SEND INVOICES OR CHECKS

Name:	
Title:	
City of:	
Address:	
Phone:	
Fax:	
Email:	

Please duplicate if more room needed.

(Please complete and return to: Gretchen Cobb @ Gretchen.Cobb@arlingtontx.gov or 817-459-6897 fax).



villa City Council

Consent Item F

Meeting Date: May 12, 2014

Department: Administration

☒ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: Staff

Amount: \$N/A

Attachments:

1. Resolution R2014-017
2. Staff Report

Agenda Item / Topic:

Consent F. *Consideration* of and action on Resolution R2014-017 denying the rate increase requested by ATMOS Energy Corp., Mid-Tex Division under the company's 2014 annual rate review mechanism filing in all cities exercising jurisdiction; requiring the Company to reimburse cities, reasonable ratemaking expenses pertaining to review of the RRM; authorizing the City's participation with ATMOS Cities Steering Commission of TX in any appeal filed at the Railroad Commission of TX by the Company.

Discussion / Justification:

Atmos Mid-Tex RRM (Rate Review Mechanism) filed an application to increase natural gas rates based on the Rate Review Mechanism (RRM) tariff. Rates cannot change without the adoption of rate ordinances by cities. The presented resolution is to deny a rate increase under the second annual RRM Rate increase under the renewed RRM Tariff.

Recommendation / Staff Comments:

Staff recommends approval of the Resolution to deny the rate increase.

Sample Motion(s):

I move that Council APPROVE/DENY Resolution 2014-017, denying the rate increase requested by Atmos Energy Corp., Mid-Tex Division under the company's 2014 annual rate renew mechanism filing in all cities exercising jurisdiction; requiring the Company to reimburse cities, reasonable ratemaking expenses pertaining to review of the RRM as presented.

RESOLUTION NO. R2014-017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS, DENYING THE RATE INCREASE REQUESTED BY ATMOS ENERGY CORP., MID-TEX DIVISION UNDER THE COMPANY'S 2014 ANNUAL RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES PERTAINING TO REVIEW OF THE RRM; AUTHORIZING THE CITY'S PARTICIPATION WITH ATMOS CITIES STEERING COMMITTEE IN ANY APPEAL FILED AT THE RAILROAD COMMISSION OF TEXAS BY THE COMPANY; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES IN ANY SUCH APPEAL TO THE RAILROAD COMMISSION; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE STEERING COMMITTEE'S LEGAL COUNSEL.

WHEREAS, the City of Ovilla, Texas ("City") is a gas utility customer of Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company"), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee ("ACSC"), a coalition of approximately 164 similarly situated cities served by Atmos Mid-Tex that have joined together to facilitate the review of and response to natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and

WHEREAS, pursuant to the terms of the agreement settling the Company's 2007 Statement of Intent to increase rates, ACSC Cities and the Company worked collaboratively to develop a Rate Review Mechanism ("RRM") tariff that allows for an expedited rate review process controlled in a three-year experiment by ACSC Cities as a substitute to the current Gas Reliability Infrastructure Program ("GRIP") process instituted by the Legislature; and

WHEREAS, the City took action in 2008 to approve a Settlement Agreement with Atmos Mid-Tex resolving the Company's 2007 rate case and authorizing the RRM tariff; and

WHEREAS, in 2013, ACSC and the Company negotiated a renewal of the RRM tariff process for an additional five years; and

RESOLUTION NO. R2014-017

WHEREAS, the City passed an ordinance renewing the RRM tariff process for the City for an additional five years; and

WHEREAS, the RRM renewal tariff contemplates reimbursement of ACSC Cities' reasonable expenses associated with RRM applications; and

WHEREAS, on or about February 28, 2014, the Company filed with the City its second annual RRM filing under the renewed RRM tariff, requesting to increase natural gas base rates by \$45.7 million; and

WHEREAS, ACSC coordinated its review of Atmos Mid-Tex's RRM filing through its Executive Committee, assisted by ACSC attorneys and consultants, to investigate issues identified by ACSC in the Company's RRM filing; and

WHEREAS, ACSC attorneys and consultants have concluded that the Company is unable to justify a rate increase of the magnitude requested in the RRM filing; and

WHEREAS, ACSC's consultants determined the Company is only entitled to a \$19 million increase, approximately 42% of the Company's request under the 2014 RRM filing; and

WHEREAS, the Company would only be entitled to approximately \$31 million if it had a GRIP case; and

WHEREAS, the Company's levels of operating and maintenance expense have dramatically risen without sufficient justification; and

WHEREAS, the Company has awarded its executives and upper management increasing and unreasonable levels of incentives and bonuses, expenses which should be borne by shareholders who received a 23% total return on investment in 2013; and

WHEREAS, the Company requested a drastically high level of medical expense that is unreasonable and speculatively based upon estimates; and

WHEREAS, ACSC and the Company were unable to reach a compromise on the amount of additional revenues that the Company should recover under the 2014 RRM filing; and

RESOLUTION NO. R2014-017

WHEREAS, the ACSC Executive Committee, as well as ACSC's counsel and consultants, recommend that ACSC Cities deny the requested rate increase; and

WHEREAS, the Company's current rates are determined to be just, reasonable, and in the public interest.

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

Section 1. That the findings set forth in this Resolution are hereby in all things approved.

Section 2. That the City Council finds that Atmos Mid-Tex was unable to justify the appropriateness or the need for the increased revenues requested in the 2014 RRM filing, and that existing rates for natural gas service provided by Atmos Mid-Tex are just and reasonable.

Section 3. That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC Cities in processing the Company's RRM application.

Section 4. That in the event the Company files an appeal of this denial of rate increase to the Railroad Commission of Texas, the City is hereby authorized to intervene in such appeal, and shall participate in such appeal in conjunction with the ACSC membership. Further, in such event Atmos Mid-Tex shall reimburse the reasonable expenses of the ACSC Cities in participating in the appeal of this and other ACSC City rate actions resulting from the 2014 RRM filing.

Section 5. That the meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 6. That if any one or more sections or clauses of this Resolution is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution and the remaining provisions of the Resolution shall be interpreted as if the offending section or clause never existed.

RESOLUTION NO. R2014-017

Section 7. That a copy of this Resolution shall be sent to Atmos Mid-Tex, care of Chris Felan, Manager of Rates and Regulatory Affairs, at Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

RESOLVED this 12 day of May, 2014.

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney

MODEL STAFF REPORT

The City, along with approximately 164 other cities served by Atmos Energy Mid-Tex Division (“Atmos Mid-Tex” or “Company”), is a member of the Atmos Cities Steering Committee (“ACSC”). On or about February 28, 2014, Atmos Mid-Tex filed with the City an application to increase natural gas rates pursuant to the Rate Review Mechanism (“RRM”) tariff renewed by the City in 2013 as a continuation and refinement of the previous RRM rate review process. This is the second annual RRM filing under the renewed RRM tariff.

The Atmos Mid-Tex RRM filing sought a \$45.7 million rate increase system-wide based on an alleged test-year cost of service revenue deficiency of \$49 million. Of the total amount requested, almost \$37 million is attributable to the affected cities. The City worked with ACSC to analyze the schedules and evidence offered by Atmos Mid-Tex to support its request to increase rates. Although a good faith attempt was made by ACSC to reach a compromise with Atmos Mid-Tex, an agreement was not reached. In the absence of an agreement, the ACSC Executive Committee and ACSC’s legal counsel have recommended that ACSC members adopt the attached Resolution denying the rate increase request.

The RRM tariff was adopted by the City as an alternative to the Gas Reliability Infrastructure Program (“GRIP”), the statutory provision that allows Atmos to bypass the City’s rate regulatory authority to increase its rates annually to recover capital investments. In past years, cities have been able to reach a compromise with Atmos to reduce the rate impact from the requested RRM increases, and these compromises have also been lower than the rates that Atmos would have been entitled to under the GRIP filing. In this case, the Company would have been entitled to an increase from GRIP of no more than \$31.5 million. The magnitude of the requested increase under the 2014 RRM filing, and the wide differences between it and the ACSC consultants’ recommendations made a compromise much more difficult and ultimately impossible. The Company demanded more than it would be entitled to if it had filed a GRIP case. For this reason, the ACSC Executive Committee and ACSC legal counsel recommend that all ACSC Cities adopt the Resolution denying the requested rate change.

RRM Background:

The RRM tariff was originally approved by ACSC Cities as part of the settlement agreement to resolve the Atmos Mid-Tex 2007 system-wide rate filing at the Railroad Commission. In early 2013, the City adopted a renewed RRM tariff for an additional five years. This is the second RRM filing under the renewed tariff. This filing was made by agreement less than one year after the first filing in order for the RRM rate-setting process to hereafter use a calendar year as the test period.

The RRM tariff and the process implementing that tariff were created collaboratively by ACSC and Atmos Mid-Tex as an alternative to the legislatively-authorized GRIP surcharge process. ACSC has opposed GRIP because it constitutes piecemeal ratemaking, does not allow any review of the reasonableness of Atmos’ expenditures, and does not allow participation by cities or recovery of cities’ rate case expenses. In contrast, the RRM process has allowed for a more comprehensive rate review and annual adjustment as a substitute for GRIP filings.

ACSC's consultants have calculated that had Atmos filed under the GRIP provisions, it would have received additional revenues from ratepayers of approximately \$31.5 million.

Purpose of the Resolution:

Rates cannot change without the adoption of rate ordinances by cities. No related matter is pending at the Railroad Commission. The purpose of the Resolution is to deny the rate increase requested by Atmos. Under the RRM tariff, Atmos may appeal the rate decision of the cities to the Railroad Commission; such appeal must be filed within thirty (30) days of the City action.

The RRM tariff also allows Atmos to implement its requested rates effective June 1 while any appeal at the Commission is pending, subject to refunds based upon the outcome of the appeal. This would represent a monthly increase of approximately \$2.02 for the average residential customer, subject to any refund if the Commission reduces the rates implemented by Atmos. The actual impact will be slightly less than \$2.02 for most residential customers because the Company has indicated it will not appeal and thus concedes several of the issues raised by Cities. The Resolution also authorizes the City to participate as a party to the appeal in conjunction with the ACSC, and requires the Company to reimburse the City for its rate case expenses associated with the City's review of the RRM filing, and with the appeal of the City's denial of the rate increase.

Rate Impact of Appeal by Atmos Effective June 1:

The RRM tariff constrains the annual increase in the residential customer charge to no more than \$0.50. The current \$17.70 customer charge will be increased to \$18.22 per month with the addition of an energy conservation program surcharge of \$0.02. The current \$17.70 customer charge for unincorporated area customers will become \$20.32 per month because all of the increase associated with a GRIP filing, which is applicable to all customers not covered by a RRM tariff, is placed on the customer charge. However, the commodity charge for unincorporated residential service will be less than one-half of the commodity charge for residents of incorporated areas—\$0.04172 per Ccf vs. \$0.08998 per Ccf.

A comparison of rates and rate impact of what Atmos initially proposed in its RRM filing is reflected in the following chart:

Customer Class	Current Bill	New Bill	Difference	New Customer Charge	New Commodity Charge	Base Rate Increase
Residential	48.09	50.11	2.02	\$ 18.22	\$0.08998 Ccf	9.41%
Commercial	254.85	260.91	6.06	\$ 38.85	\$0.07678 Ccf	9.59%
Industrial	4,680.30	4,837.10	156.80	\$675.00	declining block	9.70%
Transportation	2,836.84	2,993.64	156.80	\$675.00	declining block	9.70%

However, Atmos has indicated that it will not appeal all issues raised by Cities and thus the impact should be slightly less than what is reflected in the above chart. A precise impact statement cannot be presented until after the Company's appeal is filed.

Reasons Justifying Approval of the Resolution:

Consultants working on behalf of ACSC Cities have investigated the Company's requested rate increase. While the evidence does not support the \$45.7 million increase requested by the Company, ACSC's consultants agree that the Company can justify an increase in revenues of a much lesser amount—namely, an increase of only \$19 million. The Executive Committee authorized a settlement value considerably above the consultants' recommendation but it was insufficient to meet the Company's expectation. The Company and ACSC Cities were too far apart in their positions to reach a compromise, and rather than granting a partial increase that the Company will not accept, the option remaining is to deny the rate increase request in its entirety, and participate in the Company's appeal of this decision at the Railroad Commission.

Explanation of "Be It Resolved" Paragraphs:

1. This paragraph approves all findings in the Resolution.
2. This section denies the requested rate increase, finds the proposed rates to be unreasonable and not in the public interest, and finds the existing rates to be just and reasonable.
3. This section requires the Company to reimburse ACSC Cities for reasonable ratemaking costs associated with reviewing and processing the RRM application.
4. This section authorizes participation by the City in conjunction with ACSC in any appeal filed by the Company at the Railroad Commission, and authorizes ACSC and its counsel to act on behalf of the City. This section also requires the Company to reimburse ACSC Cities for reasonable ratemaking costs associated with any appeal filed by the Company to the City's resolution.
5. This section finds that the meeting was conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.
6. This section is a savings clause, which provides that if any section(s) is later found to be unconstitutional or invalid, that finding shall not affect, impair, or invalidate the remaining provisions of this Resolution. This section further directs that the remaining provisions of the Resolution are to be interpreted as if the offending section or clause never existed.
7. This paragraph directs that a copy of the signed Resolution be sent to a representative of the Company and legal counsel for ACSC.



Ovilla City Council

Consent Item G

Meeting Date: May 12, 2014

Department: Administration

☒ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: Staff

Amount: \$N/A

Attachments:

1. Correspondence - Trinity River Authority April 30, 2014

Agenda Item / Topic:

Consent G. *Consideration* of and action on the appointment of the Authorized Contracting Party Representative and Authorized Alternate Representative for the Red Oak Creek Regional Wastewater System Advisory Committee and authorizing the Mayor to execute.

Discussion / Justification:

The Red Oak Creek Regional Wastewater System Bylaws, require the governing body of the contracting party (City of Ovilla) appointment of a member of the governing body or one of its employees as the voting member of the Advisory Committee. The current voting member is Cyndy Powell, City Administrator and the alternate is Brad Piland, Public Works Director.

Recommendation / Staff Comments:

Staff recommends re-appointment of current voting member Cyndy Powell, City Administrator and the current alternate is Brad Piland, Public Works Director.

Sample Motion(s):

I move to appoint the City Administrator as the Authorized Contracting Party Representative and Public Works Director as the Authorized Alternate Representative for the Red Oak Creek Regional Wastewater System Advisory Committee and authorize the Mayor to execute.

Trinity River Authority of Texas

Northern Region Office



DATE: April 30, 2014

FILE: 3826.102

TO: MEMBERS, Advisory Committee
Red Oak Creek Regional Wastewater System

RE: Authorized Contracting Party Representative and
Authorized Alternate Representative

To be in compliance with the contracting parties' contracts and Red Oak Creek Regional Wastewater System Bylaws, each Contracting Party shall annually appoint one of the members of its governing body or one of its employees as a voting member of the Advisory Committee. The term shall be at the pleasure of each governing body and each member shall serve until replaced by such governing body. The bylaws specify that an alternate representative be appointed to serve as the voting member of the contracting party.

Please complete the attached authorized representative and alternate representative form and have it executed by your authorized official.

It is requested that this form be returned to us by May 30, 2014. You may send an electronic copy to Cheryl Abbott at abbottc@trinityra.org.

If you have any questions, please contact me at 817-493-5100 or allenf@trinityra.org.

A handwritten signature in cursive script that reads "Fiona M. Allen".

FIONA M. ALLEN, P.E.
Regional Manager
Northern Region

/cea

Enclosure



RED OAK CREEK REGIONAL WASTEWATER SYSTEM
ADVISORY COMMITTEE

CONTRACTING PARTY: _____

In accordance with Section 10 ADVISORY COMMITTEE of the Contracting Party Contracts and the Bylaws of the Red Oak Creek Regional Wastewater System, the following individual has been appointed as the Contracting Party Representative and Voting Member. In addition, an Alternate Contracting Party Representative is also named.

CONTRACTING PARTY REPRESENTATIVE

ALTERNATE REPRESENTATIVE

Name

Name

Title

Title

Address

Address

Email

Email

Phone

Phone

Cell Phone

Cell Phone

MAYOR/CITY MANAGER

DATE

FORM MUST BE RECEIVED BY MAY 30, 2014. Please complete form and return to:

Cheryl Abbott
Trinity River Authority of Texas
Northern Region
P. O. Box 240
Arlington, TX 76004-0240

FORM MAY ALSO BE RETURNED ELECTRONICALLY TO abbottc@trinityra.org
If you have questions, please contact Cheryl Abbott at 817-493-5100



Ovilla City Council

AGENDA ITEM REPORT

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

Meeting Date: May 12, 2014

Department: Administration

☒ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: Staff

Amount: \$N/A

Attachments:

1. Application forms
2. Paid Tax Receipts
3. Current survey and replat

Agenda Item / Topic:

Public Hearing & Discussion – Discuss and consider a replat application request submitted by Ms Mary Byers, Mr. David Byers and Ms Donna Byers on their properties located at 320-322 Willow Creek Estates, respectively.

ITEM 1. **DISCUSSION/ACTION** – *Consideration* of and action on a replat application request submitted by Ms Mary Byers, Mr. David Byers and Ms Donna Byers on their properties located at 320-322 Willow Creek Estates, respectively.

Discussion / Justification:

SUBDIVISION NAME: WILLOW CREEK ESTATES ADDITION, SECOND SECTION
OWNERS: Mary Byers, David Byers & Donna Byers
LAND SURVEYOR: W.K. Davis
ENGINEERING FIRM: Davis & McDill, Inc.
DATE FILED WITH CITY: April 4, 2014
LOCATION: Lots 11R (2.408 Acres) & 12R (1.227 Acres), Block B
UTILITIES: City of Ovilla water - septic
ZONING: RE
PROPOSED LAND USE: Residential
MAJOR THOROUGHFARE: Cockrell Hill Road
TRANSPORTATION IMPACT: No significant improvements
COMPREHENSIVE PLAN: The Comprehensive Plan's Future Land Use Map designates this site as residential.
APPLICANT'S PROPOSAL:
Applicant proposes move the lot-line between Lots 11 R and 12R. The re-platting does not require any appreciable alteration or improvement of utility installations, streets, alleys or building setback lines and meets all the requirements for the subdivision.

Recommendation / Staff Comments:

Staff completed the required legal/certified notifications to all property owners within 200 ft. of the proposed re-plat, including newspaper notification. Staff has not received responses from anyone in opposition or support. Staff has no objections.

Sample Motion(s):

I move that Council approve/deny the replat application request submitted by Ms Mary Byers, Mr. David Byers and Ms Donna Byers on their properties located at 320-322 Willow Creek Estates, respectively.



APPLICATION FORM FOR SHORT FORM PLAT/REPLAT APPROVAL
THE CITY OF OVILLA, TEXAS

REPLAT CHECK LIST

Please provide the following information/items as part of your submittal packet:

☒ **CURRENT & PROPOSED SURVEYS ATTACHED**

☒ **RECEIPT SHOWING ALL PROPERTY TAXES PAID - ATTACHED.**

☒ **EXISTING ZONING** RE

☒ **TITLE BLOCK LISTING OF REPLAT, SUBDIVISION NAME, COMPLETE LEGAL DESCRIPTION OF PROPOSED PLAT/REPLAT.**

☒ **PROPOSED USE OF PROPERTY (if other than current use).**

☒ **SIZE OF PROPERTY** 3.635 **ACRES**

☒ **REPLAT FEES PAID RECEIPT ATTACHED - #** Rec4313

DATE SUBMITTED: 4-4-14 **HEARING DATE:** MAY 12, 2014

RECEIVED BY: Plutal



CITY OF OVILLA

APPLICATION FOR SHORT FORM PLAT APPROVAL

Short Form Application Fee \$200

Engineering Fee: \$20 per lot or acre (if required)

Applicant Mary Byers, David Byers, Donna Byers Phone 214-325-6183

Mailing Address 322 Willow Creek Ln Ovilla, TX

Applicant's Interest in Property Owner's
(owner, agent, lessor, option to buy, etc.)

Engineer or Land Planner Davis Emsdill Phone 972-938-1185

Mailing Address PO Box 428 Waxahachie, TX 75168

Location of Property 320 Willow Creek Ln & 322 Willow Creek Ln

☒ City Limits ☐ Extraterritorial Jurisdiction (ETJ)

Subdivision Name Willow Creek Estates Addition, Second Section

Area in Subdivision: 3.635 Total Acres 2 Number of Lots Average Lot size

Fee Due City for Application \$

NOTE: Eight (8) copies of the plat to be considered, along with the appropriate filing fee, shall be submitted to the City Secretary for staff review, not less than thirty (30) days prior to the City Council meeting at which consideration is desired.

A plat shall be considered officially filed after it is examined by the City Administrator and found to be in compliance with the general provisions of these regulations and the date of such findings shall be considered the official filing date. At that time, the sub-divider shall submit eight (8) copies of the revised plat with any changes made based on the City Engineer's review (If required).

Received on 4.4.14 Official Filing Date 4.14.14

[Signature]

City of Ovilla
105 S. Cockrell Hill Road Ovilla, TX 75154
972.617.7262 FAX: 972.515.3221

TAX RECEIPT



JOHN BRIDGES, RTA, CTA, CSTA
ELLIS COUNTY TAX OFFICE TAX ASSESSOR - COLLECTOR
P.O. DRAWER 188 109 S. JACKSON RM T125
WAXAHACHIE, TX 75168

Certified Owner:

BYERS DAVID W & DONNA
320 WILLOW CREEK LN
OVILLA, TX 75154

Legal Description:

12 B WILLOW CREEK ESTS II 1.72 ACRES

Parcel Address: 322 WILLOW CREEK LN
Legal Acres: 1.7200

Deposit No: 012114BB
Validation No: 900000030107307
Account No: **257465**
Operator Code: BECKYB

Remit Seq No: 25114496
Receipt Date: 01/21/2014
Deposit Date: 01/21/2014
Print Date: 01/21/2014 01:31 PM
Printed By: BECKYB

Year	Tax Unit Name	Tax Value	Tax Rate	Levy Paid	P&I	Coll Fee Paid	Total
2013	Ellis County	45,000	0.380091	171.04	0.00	0.00	171.04
2013	Ltrd	45,000	0.033508	15.08	0.00	0.00	15.08
2013	Red Oak Isd	45,000	1.540000	693.00	0.00	0.00	693.00
2013	City Of Ovilla	45,000	0.671900	302.36	0.00	0.00	302.36
				\$1,181.48	\$0.00	\$0.00	\$1,181.48

Check Number(s):
2541

PAYMENT TYPE:

Checks: \$1,181.48

Exemptions on this property:

Total Applied: \$1,181.48
Total Tendered: \$1,181.48
(for accounts paid on 01/21/2014)
Change Paid: \$0.00

PAYER:

BYERS DAVID W & DONNA
320 WILLOW CREEK LN
OVILLA, TX 75154

ACCOUNT PAID IN FULL

TAX RECEIPT



JOHN BRIDGES, RTA, CTA, CSTA
ELLIS COUNTY TAX OFFICE TAX ASSESSOR - COLLECTOR
P.O. DRAWER 188 109 S. JACKSON RM T125
WAXAHACHIE, TX 75168

Certified Owner:

MEB SURVIVORS TRUST
MARY E BYERS TRUSTEE
320 WILLOW CREEK
OVILLA, TX 75154-1440

Legal Description:

11 B WILLOW CREEK ESTS II 1.89 ACRES

Parcel Address: 320 WILLOW CREEK LN
Legal Acres: 1.8900

Deposit No: 20131209MG
Validation No: 900000029667798
Account No: **168083**
Operator Code: MARILYNG

Remit Seq No: 24313753
Receipt Date: 12/09/2013
Deposit Date: 12/09/2013
Print Date: 12/09/2013 12:21 PM
Printed By: MARILYNG

Year	Tax Unit Name	Tax Value	Tax Rate	Levy Paid	P&I	Coll Fee Paid	Total
2013	Ellis County	163,240	0.380091	453.87	0.00	0.00	453.87
2013	Ltrd	160,240	0.033508	51.78	0.00	0.00	51.78
2013	Red Oak Isd	143,240	1.540000	997.96	0.00	0.00	997.96
2013	City Of Ovilla	118,240	0.671900	779.50	0.00	0.00	779.50
				\$2,283.11	\$0.00	\$0.00	\$2,283.11

Check Number(s):
2038

PAYMENT TYPE:

Checks: \$2,283.11

Exemptions on this property:

OVER 65
HOMESTEAD

Total Applied: \$2,283.11
Total Tendered: \$2,283.11
(for accounts paid on 12/09/2013)
Change Paid: \$0.00

PAYER:
BYERS MARY
320 WILLOW CREEK LN
OVILLA, TX 75154

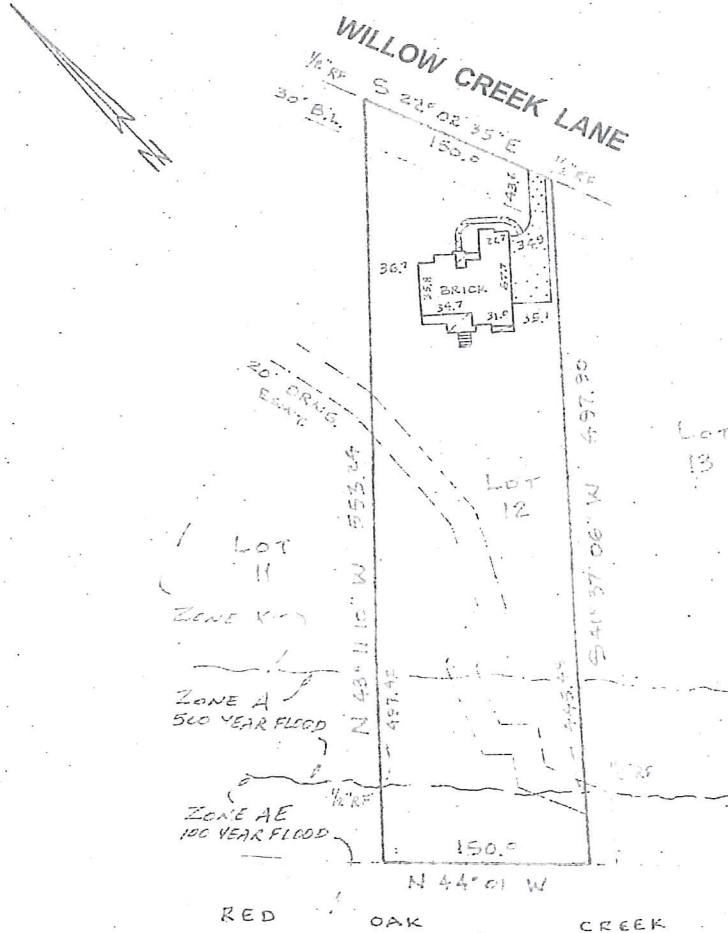
ACCOUNT PAID IN FULL

SURVEY PLAT

This is to certify that I have, this date, made a careful and accurate survey on the ground of the property located at 322 Willow Creek Lane, Lot 12 in Block B of Willow Creek Estates Addition, Second Section, an Addition to the City of Ovilla, Ellis County, Texas, according to the Map thereof recorded in Cabinet A, Slide 638, Plat Records, Ellis County, Texas.

The property shown hereon is located in Zone "X" and "AE" according to Community Panel Number 48139C0080 D, of the U. S. Department of Housing and Urban Development Flood Hazard Boundary Map Dated January 20, 1999.

NOTE: Easement as recorded in Vol.428 Pg.272, Deed Records, Ellis County, Texas, does not to the best of my knowledge and belief affect the above described property.



This survey was performed exclusively for the parties in connection with the G. F. Number shown hereon and is licensed for a single use. This survey remains the property of the surveyor. Unauthorized reuse is not permitted without the expressed written permission of the surveyor. This survey is an original work protected by United States Copyright law and international treaties. All rights reserved. Do not make illegal copies.

This plat is a true, correct, and accurate representation of the property, as determined by an on the ground survey, the lines and dimensions of said property being indicated on the plat, the size and location of existing improvements are as shown. THERE ARE NO ENCROACHMENTS, CONFLICTS, OR PROTRUSIONS EXCEPT AS SHOWN.

This survey was performed in connection with the transaction described in G. F. NO: 8239 of Town Square Title.



SCALE: 1"=100'

DATE: 08-12-2013

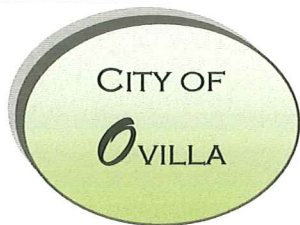
JOB NO: 23742

DRAWN BY: MC

MICHAEL L. COX, INC.
PROFESSIONAL LAND SURVEYORS
222 TEXAS STREET
CEDAR HILL, TEXAS 75104

PH: (972) 291-7848 FX: (972) 291-7840

Michael L. Cox
MICHAEL L. COX, RPLS 4003



AGENDA ITEM REPORT

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

Meeting Date: May 12, 2014

Department: Administration

☒ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: Staff

Amount: \$N/A

Attachments:

1. April 28th letter of request
2. Copy of Ellis County filed *Agent of Record*
3. Copy of paid tax receipt for property
4. P&Z Recommendation

Agenda Item / Topic:

ITEM 2. **DISCUSSION/ACTION** – *Consideration* of and action on Case PZ13-010 – Consideration of and action on recommendation from the Planning and Zoning Commission to grant a one-year extension to the Preliminary Plat for the Bryson Manor Subdivision.

Discussion / Justification:

On behalf of Anew Properties, Inc., Tony Martin submitted a written request on April 28, 2014 to extend the preliminary plat for Bryson Manor Subdivision for twelve (12) months. The City's Code of Ordinances, Division 3. Plat Requirements, Section 10.02.063 (j) provides for a one-time written request for an extension of the preliminary plat application be considered by the Planning and Zoning Commission (P&Z) for up to one year from the date of approval. City Council approved the preliminary plat application Case PZ13-010 for the Bryson Manor Subdivision on May 13, 2013.

P&Z considered the April 28, 2014 request at their May 05, 2014 P&Z meeting and voted to recommend Council's approval for the extension of the preliminary plat for the Bryson Manor Subdivision for twelve months following this date. The former applicant/developer had paid preliminary plat fees of \$9,292.50 with the initial application process before abandoning the project. The subdivision is 124.85 acres in the city limits and has 175 residential lots.

Recommendation / Staff Comments:

Sample Motion(s):

I move that Council approve/deny a one-year extension to the Preliminary Plat for the Bryson Manor Subdivision.

*Brokerage**Asset Management**Consulting*

April 28, 2014

Chairman Planning and Zoning

City of Ovilla

105 South Cockrell Hill Road

Ovilla, TX, 75154

Mr. Chairman

Please consider my request to extend the preliminary plat for Bryson Manor for 12 Months.

The original developer was unable to complete his closing. As Landowner we are in negotiation with two more developers who are interested in moving quickly and would like to continue the existing preliminary plat to expedite the final plat.

Thank you for considering our plat,

Tony Martin


Representative for Anew Properties Inc.

214-697-5257

(4)
13.00/3

CERTIFIED COPY OF RESOLUTION

* FILED FOR RECORD *
Ellis County, Texas
#0220826 V 1867 P 1816
07/24/2002 03:08pmTHE STATE OF New York }COUNTY OF Westchester }

We, ANDAR C. LIN, President, and SHIAO-MAN S. LIN Secretary of ANew PROPERTIES, INC., a corporation, do hereby certify that said corporation is duly organized and existing under the laws of the State of Texas; that all franchise and other taxes required to maintain its corporate existence have been paid when due and that no such taxes are delinquent; that no proceedings are pending for the forfeiture of its Certificate of Incorporation or for its dissolution, voluntarily or involuntarily; that it is duly qualified to do business in the State of Texas and is in good standing in such State; that there is no provision of the Articles of Incorporation or by-laws of said corporation limiting the power of the Board of Directors to pass the resolution set out below and that the same is in conformity with the provisions of said Articles of Incorporation and by-laws; that the Secretary is the keeper of the records and minutes of the proceedings of the Board of Directors of said Corporation and that on the 16th day of APRIL, 2002, there was held a meeting of the Board of Directors of said Corporation, which was duly called and held in accordance with the law and the by-laws of the corporation, at which meeting all of the Directors were present; and that at said meeting the following resolution was duly and legally passed and adopted and that the same has not been altered, amended, rescinded or repealed and is now in fully force and effect:

"BE IT RESOLVED: That ANDAR C. LIN, President, he and he is hereby empowered, to borrow money from time to time in the name of and for and on behalf of the Corporation, in such amounts and upon such terms and conditions as to him may seem proper, and on its credit, and for such purposes to make, execute and deliver the Corporation's promissory note or notes, signed in its behalf by the said Officer, on such terms and conditions, and in such amounts and for such length of time as may be deemed proper by them; and

"BE IT FURTHER RESOLVED, that in order to secure the lender or lenders of any such sum or sums of money as may be borrowed in its behalf by the said Officer of said Corporation he is hereby empowered, authorized and directed to make, execute and deliver any mortgage, pledge or hypothecation of any of the property of the Corporation, real or personal, now or hereafter owned by the Corporation, for and on its behalf and in its name, as to the said Officer, may seem proper, and

"BE IT FURTHER RESOLVED, that the said Officer of said Corporation, he and he is hereby empowered, authorized and directed to contract to sell, and to sell and convey any property real or personal, now or hereafter owned by the Corporation, upon such terms and conditions and for such price and terms, as may be deemed proper by the said Officer, and to make, execute and deliver in the name of and for and behalf of said Corporation, any and all deeds, conveyances or other instruments necessary to complete and consummate any such sale or sales, and to receive and receipt for any consideration due said Corporation by reason thereof; and

"BE IT FURTHER RESOLVED, that the said Officer of said Corporation, he and he is hereby empowered, authorized and directed to build and construct, or contract for the building and construction of houses, buildings and improvements upon said property so owned by it, and to execute and deliver contracts,

A CERTIFIED COPY
Attest: [Signature] 2002
Cindy Polley, County Clerk
Ellis County, Texas
By [Signature] Deputy

mechanic's line contracts notes and Deeds of Trust, upon and against said land, or any part thereof, and all other instruments whatsoever in connection with the conduct of said corporate business; and

"BE IT FURTHER RESOLVED, that the Officer of said Corporation be and he is hereby authorized and directed to purchase and acquire real property for said Corporation, either for cash or on credit, on such terms as he may deem proper, and to make, execute and deliver such not or notes, deeds of trust, mortgages, and other instruments in connection with such purchase or purchases as may be deemed proper by the said Officer. He is further authorized and directed to execute and deliver assignments of liens, as well as releases of liens, in the operation of said corporate business, and to receive and receipt for the consideration to be received therefor; and

"BE IT FURTHER RESOLVED: That any and all acts of ANEW PROPERTIES, INC., by its Officer, heretofore done, are hereby ratified and confirmed, and

"BE IT FURTHER RESOLVED: That the said Officer of the said Corporation be and is hereby authorized and directed to do and perform any and all acts and things on behalf of said Corporation in the premises that he may deem proper or necessary to be done or performed to carry out the intent and purpose of the foregoing resolution; and

"BE IT FURTHER RESOLVED: that the said Officer of said Corporation by and he is hereby empowered to execute and deliver on behalf of this Corporation all warranties, guaranties and other instruments and agreements of all kinds required to be executed with the Veterans Administration and Federal Housing Authority; and

"BE IT FURTHER RESOLVED: That all such instruments may be executed by the Officer, and shall not have the corporate seal affixed thereon; and

"BE IT FURTHER RESOLVED: That with regard to corporate owned real estate in the State of Texas, it is necessary that a local agent for the corporation be appointed as agent for the specific purposes of acting on behalf of the corporation in the sale of said real property in the State of Texas, to be present at closings and to sign all documentation required on behalf of a Seller corporation for the closings in the normal course of business. In this regard, said agent hereby authorized and appointed is TONY MARTIN. Said agent is authorized to record a copy of this resolution in the Official Public Records of Ellis County, Texas, and any person, firm, or corporation dealing with the above referenced subdivision shall rely upon this resolution as the authority for said TONY MARTIN to stand in the corporation's stead in closings and further, he is hereby authorized to accept funds on behalf of the corporation to be deposited in the corporation's account as designated by the corporation to said TONY MARTIN.

This SPECIFIC authorization shall be in full force and effect until such time and a revocation in writing is filed in the Official Public Records of Ellis County, Texas.

"BE IT FURTHER RESOLVED: That a copy of this Resolution, duly certified by the Secretary of this Corporation, be recorded in the Deed Records of Ellis County, Texas, and the authority hereby conferred and acts of the said Officer acting hereunder, shall continue and at all times be binding and conclusive upon the Corporation, its successors and assigns, until a revocation of said Resolution has been duly filed for record in the Deed Records of Ellis County, Texas.

A CERTIFIED COPY

Attest: [Signature]
Cindy Polley, County Clerk
Ellis County, Texas

By [Signature] Deputy

We further certify that the following persons are officers of ANEW PROPERTIES, INC., and are the persons authorized to act and sign the foregoing resolution:

ANDAR C. LIN,

PRESIDENT

SHIAO-MAN S. LIN,

SECRETARY

IN WITNESS WHEREOF, we have hereunto set our hands as President and Secretary, respectively, of said Corporation and have attached hereto the official seal of said Corporation, this 16th day of APRIL, 2002.

Andar C. Lin
ANDAR C. LIN, PRESIDENT

Shiao-Man S. Lin
SHIAO S. LIN, SECRETARY

CORPORATE ACKNOWLEDGMENT

THE STATE OF NEW YORK

COUNTY OF Westchester

BEFORE ME, the undersigned authority, on this day personally appeared ANDAR C. LIN, PRESIDENT AND SHIAO S. LIN, Secretary of ANEW PROPERTIES, INC., a Corporation, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this 16th day of APRIL, 2002.

Sharon Spina

Notary Public in and for
the State of New York

SHARON SPINA
Notary Public, State of New York
No. 01SP4912189
Qualified in Westchester County
Commission Expires Nov. 30, 2005

A CERTIFIED COPY

Attest: Cindy Polley, 2002
Cindy Polley, County Clerk
Ellis County, Texas

By: Wanda Fowles Deputy

TAX CERTIFICATE



JOHN BRIDGES, RTA, CTA, CSTA
ELLIS COUNTY TAX OFFICE TAX ASSESSOR - COLLECTOR
P.O. DRAWER 188 109 S. JACKSON RM T125
WAXAHACHIE, TX 75168

Issued To:

ANEW PROPERTIES INC
88 DEERFIELD LN N
PLEASANTVILLE, NY 10570-1406

Legal Description:

80 J R BILLINGSLEY 122.00 ACRES

Parcel Address: SHILOH RD

Legal Acres: 122.0000

> - -

Account Number: 180197
Certificate No: 220847511
Certificate Fee: \$10.00

< - -

Print Date: 04/28/2014
Paid Date: 04/28/2014
Issue Date: 04/28/2014
Operator ID: ANGIES

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2013. ALL TAXES ARE PAID IN FULL

Exemptions:

OPEN SPACE 1-D-1

Certified Owner:

ANEW PROPERTIES INC
88 DEERFIELD LN N
PLEASANTVILLE, NY 10570-1406

2013 Value:	938,800
2013 Levy:	\$459.46
2013 Levy Balance:	\$0.00
Prior Year Levy Balance:	\$0.00
Total Levy Due:	\$0.00
P&I + Attorney Fee:	\$0.00
Total Amount Due:	\$0.00

Certified Tax Unit(s):

70 ELLIS COUNTY
170 LTRD
208 MIDLOTHIAN ISD
362 CITY OF OVILLA

DUE TO ITS ASSIGNED USAGE, THE ABOVE LEGAL PROPERTY MAY HAVE RECEIVED SPECIAL VALUATION, AND ADDITIONAL ROLLBACK TAXES MAY BECOME DUE BASED ON THE PROVISIONS OF THE SPECIAL VALUATION

Reference (GF) No: N/A

Issued By: *Angie Salinas*
JOHN BRIDGES, RTA, CTA, CSTA
ELLIS COUNTY TAX OFFICE TAX ASSESSOR - COLLECTOR



City of OVILLA Planning & Zoning Commission Recommendation

The Bryson Manor Preliminary Plat application was presented the Planning and Zoning Commission on May 06, 2013, and recommended to Council for approval. The City Council approved the preliminary plat at their May 13, 2013 Council meeting.

APPLICANT'S PROPOSAL: To request an extension for the development of 175 lots to residential home sites. The total area in the subdivision is 124.85 acres in the city limits of Ovilla.

ITEM I. DISCUSSION/ACTION – Case PZ13-010 – Consideration of and action to approve and forward recommendation to the Ovilla City Council for an extension of the Preliminary Plat Application for Bryson Manor Subdivision.

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

PL 1 Jungman X
PL2 Yordy ABSENT
PL3 Lynch X
PL4 Favaron X

PL5 Percy X
PL6 Lamar ABSENT
PL7 Zimmermann X

4 FOR

0 AGAINST

2 ABSENT


CHAIR- Planning & Zoning

5.6.14
Date


Board Secretary

5.6.14
Date



Villa City Council

AGENDA ITEM REPORT

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

Meeting Date: May 12, 2014

Department: Administration

☒ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: Staff

Amount: \$N/A

Attachments:

1. Petition to Close Water Street Received by Abutting Property Owners: Crouch, Sims, Fiedler

Agenda Item / Topic:

ITEM 3. *DISCUSSION/ACTION* – Consideration of and action on petition to close Water Street and take action as necessary to direct staff.

Discussion / Justification:

City Council has the authority to close a street within the city limits, subject to certain procedural requirements. Section 311.008 of the Texas Transportation Code specifically authorizes the governing body of a general law city to abandon or close a city street or alley by ordinance when it receives a petition signed by all the owners of real property abutting the street or alley.

In a general law city, after the city receives a petition from the landowners on both sides of the street, the council has the option to close the street and transfer all city rights to the land to the homeowner.

In some cases, a "street" may come into existence as a prescriptive easement, in which the public has acquired the right to use a roadway as a consequence of continued use over a period of time in a manner adverse to the property owner(s). In this case, Center Street was the prescriptive easement and has become the main roadway for access through downtown and between FM664 and the city limits. In this case, the abutting property owners of the city street, Water Street, are requesting Water Street be closed to provide additional parking, a safer environment for pedestrians, a safer vehicular traffic pattern, and support economic development through revitalization by the downtown landowners.

Section 47.5 of the Code of Ordinances requires the Planning and Zoning Commission to hold a public hearing on a proposal to close a public street.

Recommendation / Staff Comments:

If Council chooses to close the street, P&Z will schedule a public hearing. Staff seeks direction from Council as to the determination of the use of the closed street. At Council's direction, staff will determine the feasibility of parking, safety and welfare for pedestrians and vehicular traffic, and report back to Council at a future meeting.

Sample Motion(s):

I move that Council . . .

PETITION TO THE MAYOR AND CITY COUNCIL OF THE CITY OF OVILLA, TX

We the undersigned citizens and or interested land owners of Ovilla, TX do hereby petition the Mayor and City Council of the City of Ovilla, TX to bring forth on the City Council Meeting agenda for the May 12th meeting, an agenda item to discuss the closing of Water Street in the downtown area of Ovilla. We believe the closing of Water Street can result in additional parking places for the downtown area, a safer environment for pedestrians, a safer traffic pattern for drivers, along with aiding economic revitalization development plans by the downtown landowners.

Signed this day April 30, 2014

Name

Address

Name

Address

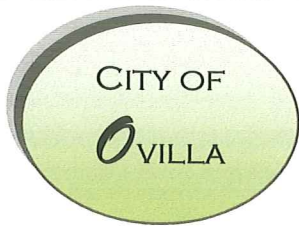
Name

Address

John M. Sims 707 Main St. Ovilla TX 75154

Bill Crouch 705 W. Main, Ovilla, Tex 75154

Stephen J. F. Smith 104 GREENWOOD, OVILLA, TX 75154



villa City Council

AGENDA ITEM REPORT

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

Meeting Date: May 12, 2014

Department: Administration

☒ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: Staff

Amount: \$N/A

Attachments:

1. Excerpt from Chapter 6 of the Code of Ordinances
2. City street maps

Agenda Item / Topic:

ITEM 4. *DISCUSSION/ACTION* – Review and discuss the City’s role in mowing designated right-of-ways and take action as necessary to direct staff.

Discussion / Justification:

Council requested staff review concerns brought forward regarding the right-of-way mowing and provide an item for discussion and action to direct staff.

Recommendation / Staff Comments:

Recommended roads for city right-of-way maintenance:

- Westmoreland North and South (vacant properties)
- Hosford
- Malloy
- Red Oak Creek
- Johnson Lane
- Cockrell Hill Road (designated right of ways)

The roadways highlighted on the attached city street maps are roadways that have been designated right-of-ways for future expansion of the road that the properties front. These right-of-ways were designated when most of the subdivisions were approved.

Sample Motion(s):

I move that Council . . .

***Excerpt from the Code, Chapter 6, Health and Sanitation
Article 6.***

Sec. 6.04.001 Prohibited; maximum height of weeds and grass; other objectionable material

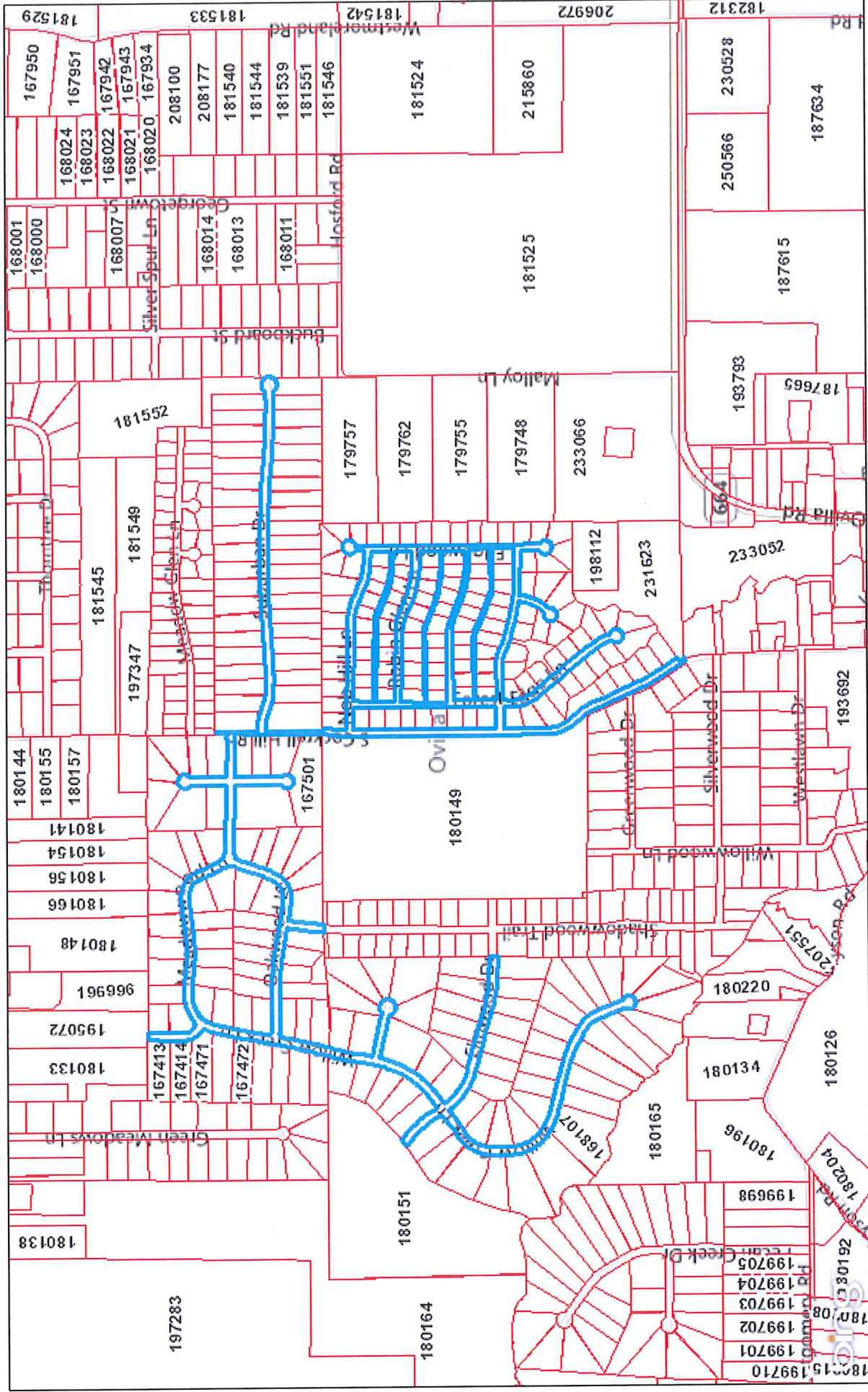
(a) It shall be unlawful for any person owning any premises or property and/or his or her agent, within the city, to fail to keep said premises or property free from weeds, rubbish, brush, fallen trees and any other objectionable, unsightly, or unsanitary matter of whatever nature. It shall be specifically unlawful to allow grass or weeds to exceed nine inches (9") in height, including grass or weeds located in city rights-of-way, easements and alleys, including grass or weeds beside or under fences from the front to the rear of the property or beside a structure of any type including barns, sheds, vehicles, trailers and items located on grass.

(b) Subject to the provisions of subsection (c) of this section, the provisions of subsection (a) above do not apply to regularly cultivated crops, including hay, which are not grown in public street rights-of-way or public easements or which do not block the necessary view to and from adjacent right-of-way.

(c) A property owner of two acres or more who cultivates, or intends to cultivate, crops, including hay, must notify the city in writing, identifying the crop to be grown and dates and times of expected harvest. Exception: Any noncommercial privately owned property used for growing cultivated crops such as flowers, vegetables, or pasture designated for livestock is exempt from this subsection.

(d) With respect to lots, tracts and parcels of land of two (2) or more acres, this section does not apply to any area on such lot, tract or parcel that is beyond 100 feet from any open public street, residence, or thoroughfare as measured from the right-of-way line of said street or thoroughfare, or any area beyond 100 feet from any adjacent property under different ownership and on which any building is located or which any other improvement exists, as measured from the property line.

Map Title



May 7, 2014

1:14,454

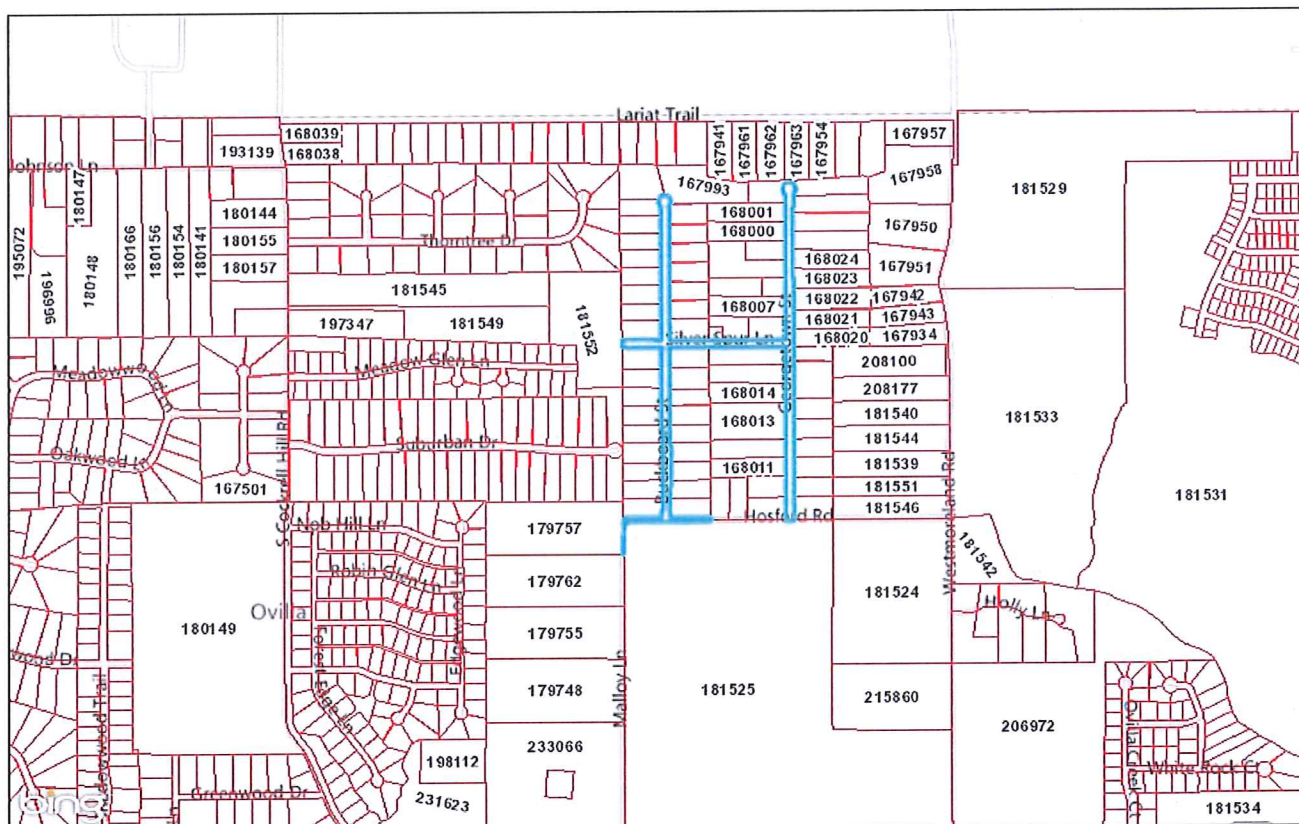
Parcels

Ownership_Information

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Ellis County Appraisal District | BIS Consulting - www.bisconsultants.com

Map Title

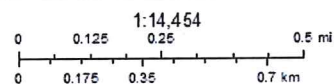


May 7, 2014



Parcels

Ownership_Information

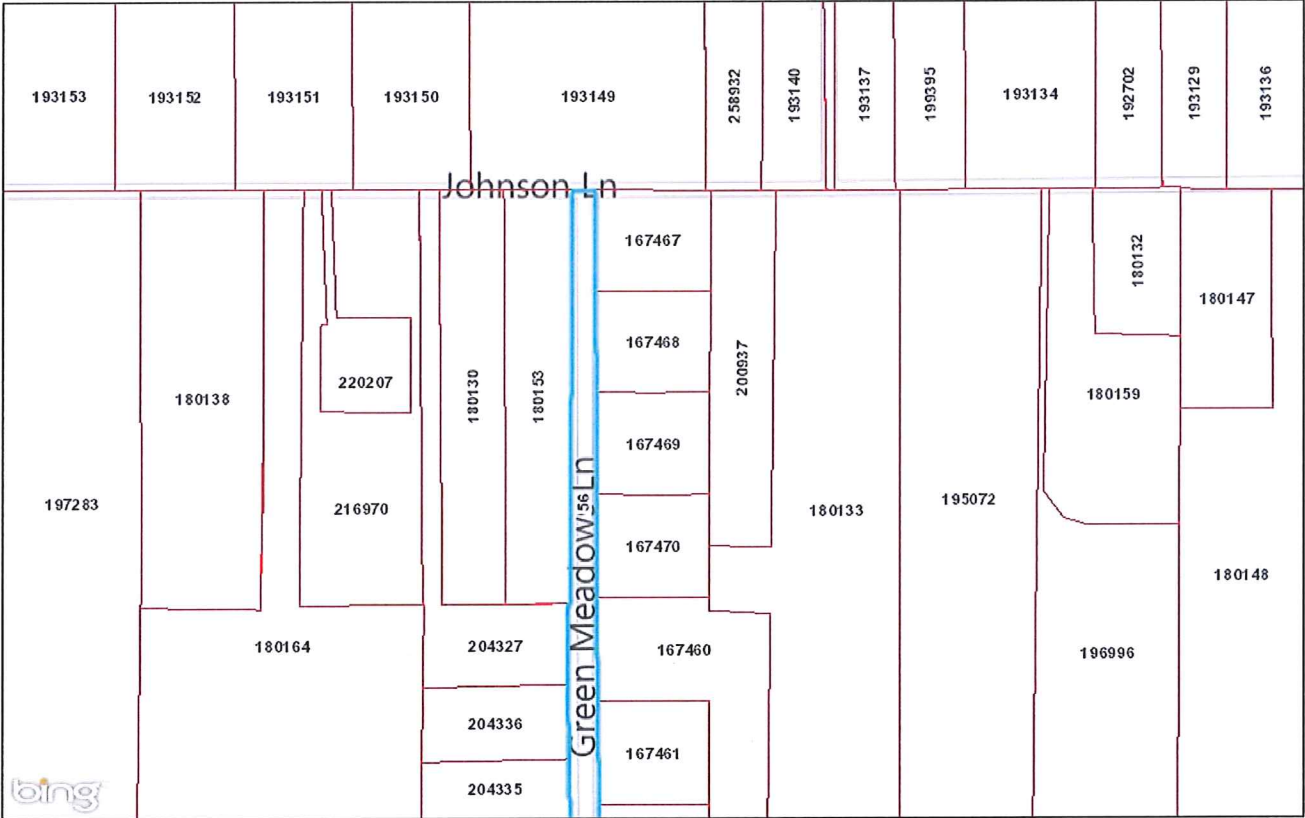


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Elis County Appraisal District IBS Consulting - www.ibsconsultants.com

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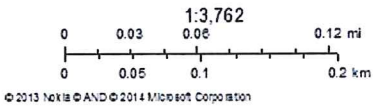
Map Title



May 7, 2014

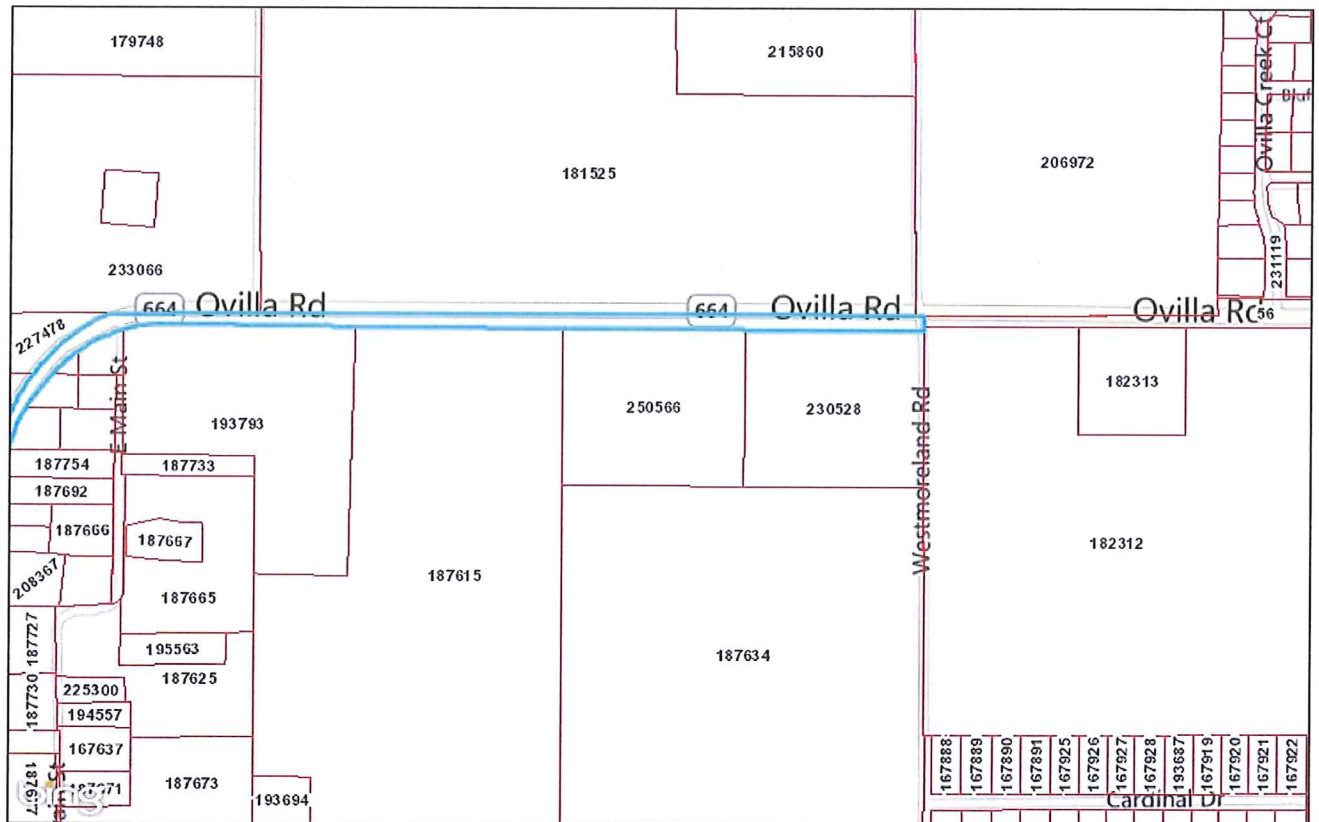
Parcels

Ownership_Information



Elis County Appraisal District IBS Consulting - www.ibsconsultants.com
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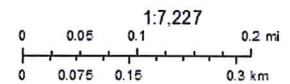
Map Title



May 7, 2014

☐ Parcels

Ownership_Information

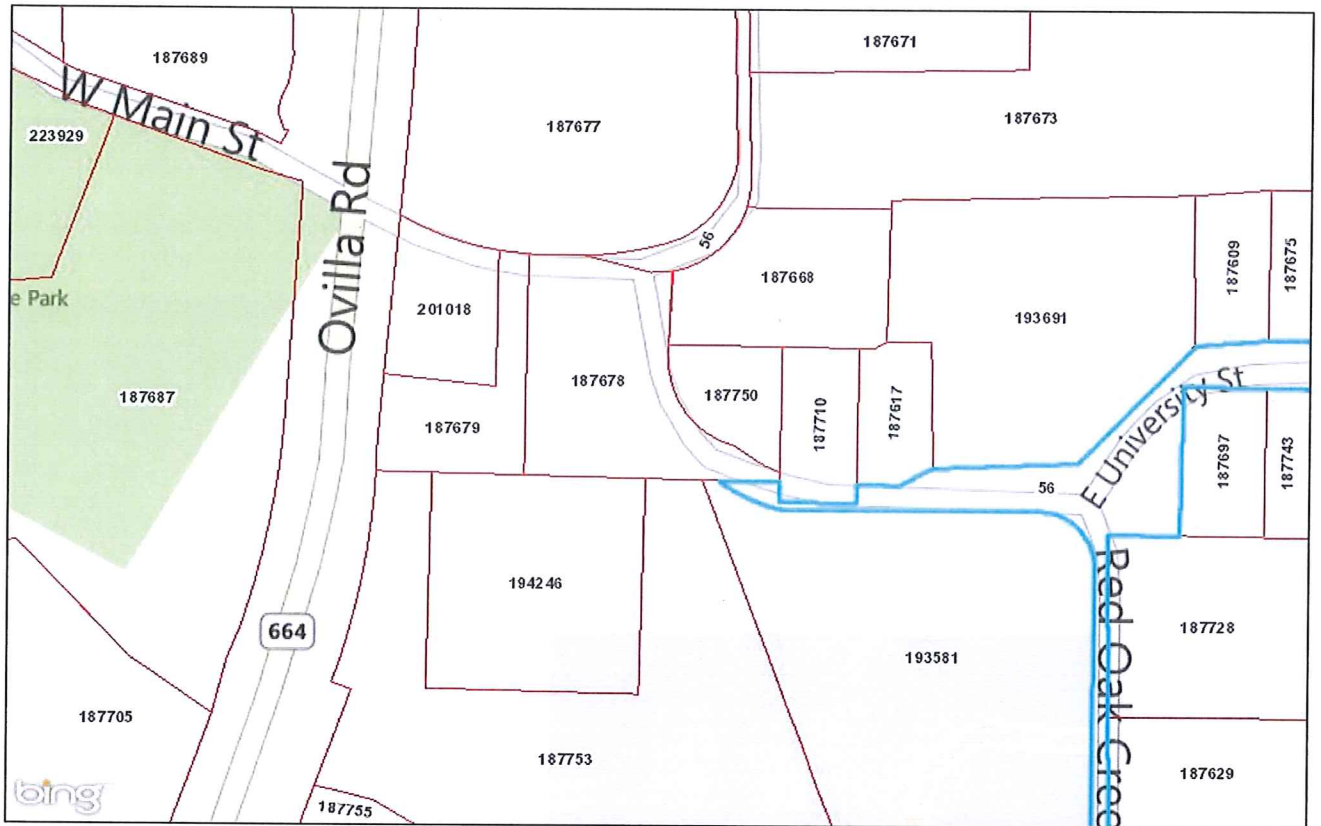


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Elk County Appraisal District GIS Consulting - www.elkcountygis.com

Map Title



May 7, 2014

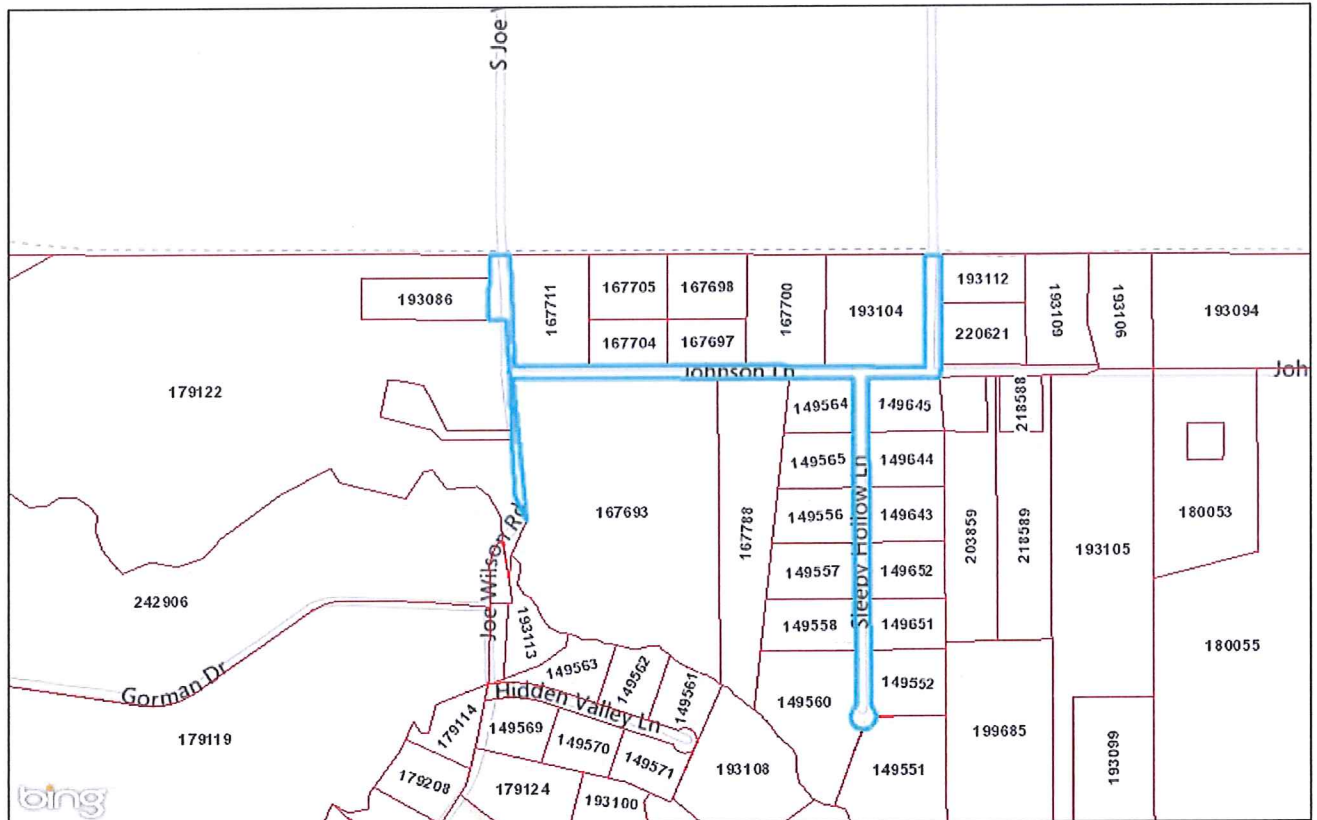
Parcels

Ownership_Information

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0 0.0225 0.045 0.09 km
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Elis County Appraisal District I&S Consulting - www.elisconsultants.com
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Map Title

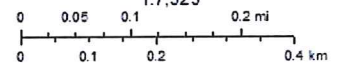


May 7, 2014

Parcels

Ownership_Information

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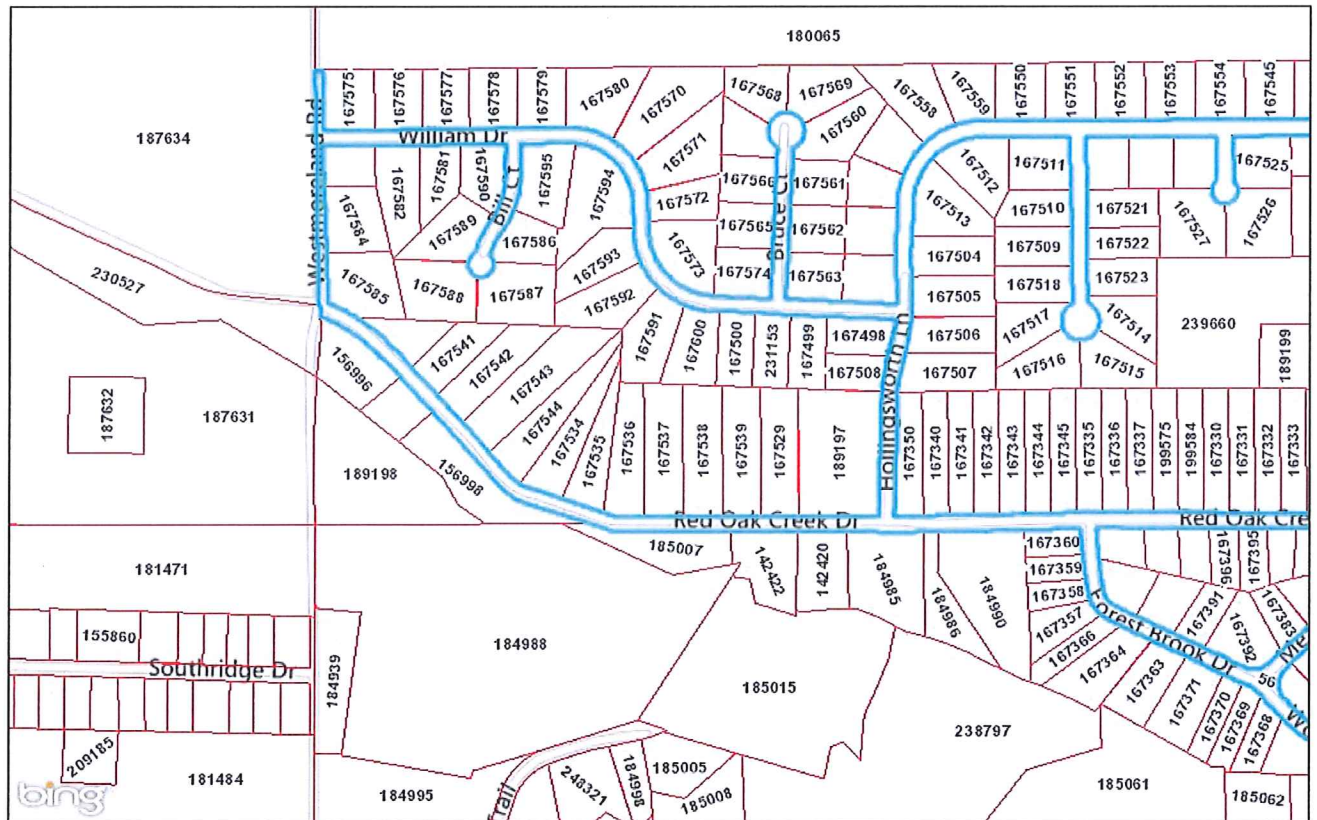


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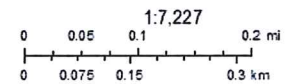
Map Title



May 7, 2014

Parcels

Ownership_Information



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AGENDA ITEM REPORT

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

Meeting Date: May 12, 2014

Department: Administration

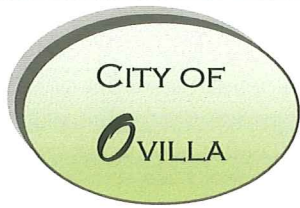
☒ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: Staff

Amount: \$N/A

Attachments:	
1. No Attachments	
Agenda Item / Topic:	
ITEM 5.	<i>DISCUSSION/ACTION</i> – Review and discuss status of roadwork on Thorntree Drive and take action as necessary to direct staff.
Discussion / Justification:	
Council requested staff review concerns brought forward regarding the roadwork on Thorntree Drive and provide an item for discussion and action to direct staff.	
Recommendation / Staff Comments:	
Sample Motion(s):	



Ovilla City Council

AGENDA ITEM REPORT

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

Meeting Date: May 12, 2014

Department: Administration

☒ Discussion ☒ Action

Budgeted Expense: ☐ YES ☒ NO ☐ N/A

Submitted By: Staff

Amount: \$ _____

Attachments:

1. Resolution R2014-018 Planning Consulting Services Agreement

Agenda Item / Topic:

ITEM 6. *DISCUSSION/ACTION* – *Consideration* of and action on Resolution R2014-018 authorizing the Mayor to execute a Planning Consulting Services Agreement by and between the City of Ovilla and Sherry Sefko, The Town Planner, LLC. for planning consulting services.

Discussion / Justification:

In August 2012 the City contracted with Terry Morgan & Associates for legal services to review and provide an interpretation of the City's subdivisions regulations, comprehensive land use plan, density, and zoning regulations. Mr. Morgan provided Council with a report on development regulations and recommended the City contact Sherry Sefko, The Town Planner, LLC., to provide consultation services to implement the Morgan's recommendations. Ms. Sefko has over 25 years of professional planning experience and her expertise is in completing re-writes of development regulations and outdated ordinances for small and medium-sized cities such as Sunnyvale, Forney, Terrell, Seagoville, Kaufman, Crandall, Lancaster, Waxahachie, Lampasas, Murphy, Wylie, Burkburnett and Bee Cave. Ms. Sefko also specializes in zoning and development plan reviews for compliance with existing development regulations, and in providing the City's decision-makers with planning guidance related to zoning and development applications.

Recommendation / Staff Comments:

Staff recommends approval of Resolution R2014-018 authorizing the Mayor to execute a Planning Consulting Services Agreement by and between the City of Ovilla and Sherry Sefko, The Town Planner, LLC. for planning consulting services.

Sample Motion(s):

I move that Council approve/deny Resolution R2014-018 authorizing the Mayor to execute a Planning Consulting Services Agreement by and between the City of Ovilla and Sherry Sefko, The Town Planner, L.L.C., for planning consulting services.

RESOLUTION NO. R2014-018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS APPROVING THE TERMS AND CONDITIONS OF THE PLANNING CONSULTING SERVICES AGREEMENT BY, BETWEEN, AND AMONG SHERRY SEFKO, PRINCIPAL OF THE TOWN PLANNER, L.L.C., AND THE CITY OF OVILLA, WHICH AGREEMENT IS ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT "A"; AUTHORIZING THE MAYOR TO SIGN SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has been presented a Planning Consulting Services Agreement by, between, and among Sherry Sefko, Principal of The Town Planner, LLC. (Consultant), and the City of Ovilla to provide professional urban planning services, a copy of which is attached hereto and incorporated herein by reference; and

WHEREAS, upon full review and consideration of the Agreement, and all matters related thereto, the City Council is of the opinion and finds that the terms and conditions thereof should be approved, and that the Mayor should be authorized to execute the Agreement on behalf of the City of Ovilla, Texas.

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

SECTION 1.

That the Planning Consulting Services Agreement by, between, and among Sherry Sefko, Principal of The Town Planner, LLC. and the City of Ovilla to provide professional urban planning services, which Agreement is attached hereto as Exhibit "A," having been reviewed by the City Council of the City of Ovilla, Texas, is hereby, in all things approved; and, the Mayor is hereby authorized to execute the Agreement on behalf of the City of Ovilla, Ellis County, Texas.

SECTION 2.

That this Resolution shall take effect immediately from and after its adoption and it is so resolved.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS, this 12th day of May, 2014.

APPROVED:

Richard Dormier, Mayor

ATTEST:

Pamela Woodall, City Secretary

PLANNING CONSULTING SERVICES AGREEMENT

CITY OF OVILLA On-Call Planning Services

Sherry Sefko, as principal of The Town Planner, LLC (Consultant), agrees to provide professional urban planning services to the City of Ovilla, Texas (City) on an on-call basis to support the City's administrative staff, and will serve on behalf of the City at meetings, public hearings or other events if so requested by the City.

All services will be conducted for the City on an as-needed and as-requested basis, and may include possible attendance at meetings with City staff, in front of the City's decision-making bodies, and with other entities as the City may direct. All services provided to the City will be billed on an hourly basis (or as may be set forth in a separate task-oriented scope of services, if applicable) plus any incurred expenses as set forth below.

ON-CALL PLANNING SERVICES: As the City directs, the Consultant shall provide the following professional services on an as-needed basis:

A. **Development Review Services:** As requested and assigned by the City, the Consultant will perform a professional planning review, in conjunction with the City's established development review processes, of plans for specific development projects (such as site plans, landscape plans, façade plans, plats, zoning requests, variances, etc.) that are prepared by others, and that are submitted by others for the City's approval (3-5 working days' lead time required, depending upon complexity of project; expedited processing, if requested by the City, may also be accommodated for certain projects if necessary). The Consultant will provide professional comments, suggestions and/or recommendations to City staff pursuant to these reviews, as the City requests for each development project, based upon the City's development codes, ordinances and master plans that are supplied to the Consultant for such review, but Consultant cannot represent or certify them to be in absolute compliance with those or other City ordinances that may be in place at the time these projects are reviewed. The sole purpose of the Consultant's reviews will be to assist City staff in evaluating their compliance with supplied City codes and ordinances, and to provide staff with professional opinions and suggestions regarding each development project on an advisory basis. Such opinions and suggestions supplied by the Consultant shall not in any way be deemed engineering or legal advice, and the City shall be responsible for utilizing its own engineering and legal resources for any related questions or issues that may arise. In conjunction with development review functions, the Consultant will:

1. Conduct an in-depth review of the City's development-related codes, ordinances, application and review procedures, and consideration/approval processes. The Consultant will also conduct initial reconnaissance to become familiar with the City's internal departmental team members as well as its external development partners (such as the Ovilla Economic Development Corporation, Chamber of Commerce, educational agencies, utility providers, NCTCOG, etc.). The purpose of these initial review tasks is for the Consultant to become thoroughly familiar with the City's development-related regulations, procedures and team members from the outset, which greatly facilitates the Consultant's ability to seamlessly "plug in" to the City's normal development review operating procedures during the processing of subsequently assigned projects.
2. Offer to the City suggestions on potential impacts governed by other City departments and by other regulatory agencies (such as the County, School District, TxDOT, etc.), as may be noticed during review of plans. Offer recommendations on input from these agencies, if applicable.

3. Deliver comments in plan redline and/or written format (as may be applicable or most efficient for each development project) to the City for the subject plans, based upon the review – such comments shall be delivered in hard copy or electronic format, as may be applicable or most efficient for each project.
 4. Correspond with the developer's representative, engineer or surveyor (as applicable) for implementation of the comments, if so directed by the City.
 5. Provide review of resubmitted application materials to verify that all comments have been addressed, and to verify that revisions do not cause internal conflicts or new issues.
 6. Prepare reports to the City's Planning & Zoning Commission, City Council and Board of Adjustment, if such assistance is desired by the City.
 7. Write and provide public hearing notices if such assistance is requested by the City (it is assumed that all notifications to development project applicants, publishing and mailing of all public hearing notices, and similar processing tasks would be the responsibility of, and performed by, City staff).
 8. Other related development review consultation or research tasks, as may be requested by the City.
- B. Temporary Professional Planning Services: As requested by the City, the Consultant will provide professional planning services on an interim basis, within the City's established interdepartmental development review team structure, during periods when the City's planning-related administrative staff is temporarily short-handed, or when development volumes increase such that planning review work loads are more intense than can be handled on a daily basis by existing City administrative staff. Such interim services may include periodic travel to the City and/or teleconferencing with development review team members, as appropriate and as deemed necessary by the City and as mutually agreed-to by the City and the Consultant.
- C. Special Projects: As requested and assigned by the City, the Consultant will assist City staff with development-related ordinance amendments and other special projects (such as Zoning or Subdivision Ordinance amendments, Sign Ordinance amendments, special planning-related research projects, etc.) as requested by the City. Coordination, timing and anticipated budget estimates for such special projects, if applicable and if known in advance, shall be mutually agreed-to between the City and the Consultant either on an hourly basis or under a separate task-oriented scope of services for each project, as preferred by the City.

GENERAL TERMS:

- A. Travel: The Consultant will travel to the City's offices, when City staff indicates this need, for meetings with staff, City decision-making bodies, developers, stakeholders or other individuals or entities as directed by the City. Specific scheduling for all trips to the City will be determined and mutually agreed-to by the City and the Consultant. All time spent at the City performing professional services, as well as travel time to the City (one-way), shall be billed under the scope of this agreement.
- B. Liability: The Consultant's liability for professional services rendered under this agreement, and for City decisions resulting from the Consultant's professional opinions and suggestions provided under this agreement, shall be limited to two (2) times the amount paid to the Consultant for professional planning services for the particular project or development application that is involved, as of the date that such dispute is first made known to the Consultant, or as of the date that such decision is rendered by the City, as applicable.
- C. Litigation and Expert Witness Testimony: In the event that litigation arises in association with any project, or from any decision by the City on any development-related application, that the Consultant

assists the City with under this agreement, the City shall be responsible for all legal counsel, and for any other professional services (such as engineering, surveying, fiscal analysis, etc.), necessitated by such litigation. At the City's request, the Consultant will continue assisting the City with litigation proceedings on the same hourly basis, except that time devoted to expert witness testimony by the Consultant shall be billed at 125% of the normal hourly rate (see Remuneration section below).

REMUNERATION:

- A. All services provided under this agreement shall be billed at the rate of \$90.00 per hour, except that time devoted to expert witness testimony by the Consultant shall be billed at \$112.50 per hour.
- B. Any reimbursable/direct expenses (e.g., out-sourced document and color printing/copying/scanning, map plotting, delivery/courier services, travel/lodging/car rental expenses, etc.) incurred in providing services to the City are not included in the hourly rates shown above, and will be invoiced to the City at our actual incurred cost (i.e., no mark-up). Customary business expenses such as long distance and wireless phone usage, computer usage, auto mileage and office supplies are included and will not be billed to the City.
- C. If so desired by the City, the Consultant will not exceed an amount of \$_____ under this agreement without approval for continuation/extension of this agreement by the City.
- D. A review of this agreement and hourly rates may be requested by the Consultant after January 1, 2015, and on a semiannual basis thereafter. The City shall have final determination regarding any changes to this agreement upon such review request(s).

TERM OF AGREEMENT: The City and the Consultant both have the ability to terminate this agreement at any time, for whatever reason such party deems appropriate, by sending to the other party written notice to that effect. Upon such notice, the Consultant will submit a final invoice to the City for professional services and/or expenses that have not been billed up to that point in time. Upon remittance by the City, the City's and the Consultant's obligations under this agreement will cease.

Sherry Sefko, Principal
The Town Planner, LLC

April 29, 2014
[Date]

ACCEPTED BY AND FOR THE CITY OF OVILLA:

Richard A. Dormier, Mayor

[Date]



Ovilla City Council

AGENDA ITEM REPORT

Item(s): 7 (City Secretary use only)

Meeting Date: May 12, 2014

Department: Water and Sewer

☒ Discussion ☒ Action

Budgeted Expense: ☐ YES ☒ NO ☐ N/A

Submitted By: Staff

Amount: \$N/A

Attachments:

1. Residential Sewer Rate Comparisons
2. Sewer Revenue & Expense - Option for Rate Change

Agenda Item / Topic:

ITEM 7. **DISCUSSION/ACTION** – *Consideration* of and action on projected increase to sewer rates in response to the Trinity River Authority wastewater flow data for City sewer customers.

Discussion / Justification:

The consideration of a rate increase for city sewer customers is in response to the revised wastewater flow data presented by Trinity River Authority of Texas (TRA) at the February 24, 2014 Council Meeting. The City's proportionate share of the Red Oak Creek Wastewater System (ROCWS), in 2014, was 3.52% of the \$6.134M required to maintain and operate the system. During the March 10, 2014 Council Meeting staff presented comparisons of neighboring cities' residential sewer rates as well as rates of cities comparable in population to Ovilla. At Council's direction, staff met with the City Council Finance Committee on Friday, April 25, 2014 to review the revised sewer rates proposed to meet the revised expense obligations for FY2014 and projected expense obligation for FY2015.

The City Council Finance Committee directed staff to present to Council the rate option below to be implemented with the June 01, 2014 customer's billing cycle. Sewer winter averaging determines the maximum charge.

A monthly flat fee of \$30.00 per month and a base monthly rate per 1,000 gallons of \$8.22.

- a. use of \$279,150.14 of retained earnings would be required to meet the revised expenses of \$369,167.11 in fiscal year ending 2014;
- b. In FY2015, total revenue generated would be \$391,569.14 to meet estimated expenses of \$379,735.48, the \$11,833.66 would be an increase to retained earnings.

Recommendation / Staff Comments:

The following Agenda item is provided for Council to consider an Ordinance revising the Fee Schedule and adopting new city sewer rates effective with the June 01, 2014 customer's billing cycle.

Sample Motion(s):

I move that Council...

Sewer Rate Comparisons of Other Cities			
City	Base Rates - Residential	Monthly Flat Fee	Monthly Cost for 3,000 gallons
Ovilla* - current rate	\$8.22 first 1,000 gallons @ \$5 thereafter	\$0.00	\$18.22
Ovilla* - new rate	\$8.22 per 1,000 gallons	\$30.00	\$54.66
Red Oak*	\$7.04 per 1,000 gallons	\$28.01	\$49.13
Glenn Heights*	\$4.95 Per 1,000 gallons	\$66.79	\$81.64
Cedar Hill*	\$8.60 for first 1,000 gallons, \$7.44 thereafter	\$0.00	\$23.48
DeSoto	\$6.51 for first 1,000 gallons, 5.63 thereafter	\$0.00	\$17.77
Lancaster	\$7.25 per 1,000 gallons	\$14.10	\$35.85
Parker	No charge per gallon just base rate	\$46.53	\$46.53
Fate	\$4.29 per 1,000 gallons	\$74.25	\$87.12
Midlothian	\$5.76 per 1,000 gallons	\$22.10	\$39.38
Melissa	\$4.62 per 1,000 gallons	\$44.86	\$58.72
Celina	\$5.73 per 1,000 gallons	\$38.63	\$55.82
Heath	N/A	\$73.88	\$73.88

Sewer Revenue & Expenses

Option 1 - \$30 Base Rate and \$8.22 per Thousand Gallons

Fiscal Year	Sewer Revenue	Sewer Portion of Admin. Exp.	Sewer Expenses less TRA	Sewer TRA Expenses	Total Sewer Expenses	Net Resources for Full Year	Sewer Revenue Based on Four Months @ New Proposed Rate	Sewer Revenue Based on 8 Months @ Original Rate	Total Sewer Revenue	Sewer Revenue Less Sewer Expenses = Net Resources	Sewer Revenue Year Deduction from Retained Earnings	Total From Retained Earnings
Option 1 - \$30 Base Rate and \$8.22 per Thousand Gallons												
2013-2014	391,487.14	42,639.74	113,853.00	212,674.37	369,167.11	22,320.03	130,495.71	103,333.36	233,829.07	(135,338.04)	(143,812.10)	(279,150.14)
2014-2015	391,569.14	44,771.73	119,545.65	215,418.10	379,735.48	11,833.66			391,569.14	11,833.66		11,833.66

Assumptions Used for the Information Above:

1. Revenue numbers for both years based on 2014 customer averages
2. 2014-2015 expenses based on 2013-2014 Budget with a 5% increase
3. TRA expenses based on proposed rates received from TRA
4. TRA Expense based on 1 million gallons usage @ new rate of 5.899, for 10 months & 2 months @ 2013-2014 Rates
5. TRA Expense based on a cost of 6.71 for 2015-2016 would increase our cost to \$242,000



AGENDA ITEM REPORT

Item(s): 8 (City Secretary use only)

Meeting Date: May 12, 2014

Department: Water and Sewer

☒ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted by: Staff

Amount \$N/A

Attachments:

1. Ordinance 2014-007
2. Excerpt from Ord.2011-025 of wastewater rates currently in effect

Agenda Item / Topic:

ITEM 8. *DISCUSSION/ACTION – Consideration of and action on Ordinance 2014-007 of the City of Ovilla, Texas, Amending Appendix A, Article A7.000, Section A7.003(B)(1)&(2) of the Code of Ordinances of the City of Ovilla; repealing certain sections and establishing a monthly flat fee and monthly rates for wastewater service to residential and non-residential customers; 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.*

Discussion / Justification:

Recommendation / Staff Comments:

Staff recommends Council approval.

Sample Motion(s):

I move that Council approve/deny Ordinance 2014-007 amending appendix A, Article A7.00, Section A7.003(B)(1)&(2) of the Ovilla Code of Ordinances, repealing certain sections and establishing a monthly flat fee and monthly rates for wastewater service to residential and non-residential customers as presented.

ORDINANCE NO. 2014-007

AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, AMENDING APPENDIX A, ARTICLE A7.000, SECTION A7.003(B)(1)&(2) OF THE CODE OF ORDINANCES OF THE CITY OF OVILLA; ESTABLISHING A MONTHLY FLAT FEE AND MONTHLY RATES FOR WASTEWATER SERVICE TO RESIDENTIAL AND NONRESIDENTIAL CUSTOMERS; 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, pursuant to Ordinance No. 2013-023, the City Council of the City of Ovilla, Texas approved the Fiscal Year 2013-14 Operating Budget and Annual Program of Services (the Budget); and

WHEREAS, in conjunction with the Budget, the City Council of the City of Ovilla sets fees for services provided for by the City of Ovilla., and

WHEREAS, based on increased wastewater treatment rates from the City's wastewater treatment provider, the Council finds and determines that the increased financial obligation must be off-set by establishing a monthly flat fee and monthly rates for wastewater service to residential and nonresidential customers and that such fee and rates are in the best interest of the citizens of the City of Ovilla.

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

SECTION 1. AMENDMENT OF APPENDIX A, ARTICLE A7.000, SECTION A7.003(B)(1)&(2) OF THE CODE OF ORDINANCES OF THE CITY OF OVILLA, TEXAS

Appendix A, Article A7.000, Section A7.003(B)(1)&(2) is hereby amended to read as follows:

(b) Monthly wastewater rates. Monthly rates for wastewater service furnished by the city:

(1) Residential:

- A. Monthly Flat Fee: \$30.00
- B. Base Monthly Rate (per 1,000 gallons): \$8.22
- C. Sewer winter averaging determines the maximum charge.

(2) Nonresidential

- A. Monthly Flat Fee: \$30.00
- B. Base Monthly Rate (per 1,000 gallons): \$8.22
- C. Bill rate based on 100% of actual usage.

SECTION 3. 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.

ORDINANCE NO. 2014-007

SECTION 4. 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 5. INCORPORATION INTO THE CODE OF ORDINANCES

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

SECTION 6. EFFECTIVE DATE

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

SECTION 7. 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 12th day of May 2014.

Richard Dormier, Mayor

ATTEST:

Pamela Woodall, City Secretary

APPROVED AS TO FORM:

Ron G. MacFarlane, Jr., City Attorney

ORDINANCE NO. 2011-025

Sec. A7.003 Water and Wastewater Service Rates and Charges

(a) Monthly water rates. Monthly rates for water furnished by the city for residential and nonresidential:

Inside corporate limits:

\$9.85/minimum	0 to 1,000 gallons
\$10.15/1,000 gallons	1,001 to 2,000 gallons
\$3.65/1,000 gallons	2,001 to 20,000 gallons
\$4.75/1,000 gallons	20,001 to 40,000 gallons
\$5.85/1,000 gallons	40,001 to 60,000 gallons
\$6.95/1,000 gallons	60,001 to 80,000 gallons
\$8.05/1,000 gallons	80,001 to 100,000 gallons
\$9.15/1,000 gallons	100,001 and up

(b) Monthly wastewater rates. Monthly rates for wastewater service furnished by the city:

(1) Residential:

- (A) Base fee (includes first 1,000 gallons): \$8.22.
- (B) Each additional 1,000 gallons: \$5.00.
- (C) Sewer winter averaging determines the maximum charge.

(2) Nonresidential:

- (A) Base fee (includes first 1,000 gallons): \$8.22.
- (B) Each additional 1,000 gallons: \$5.00.
- (C) Bill rate based on 100% of actual usage.



Ovilla City Council

AGENDA ITEM REPORT

Item(s): **9** (City Secretary use only)

Meeting Date: May 12, 2014

Department: Administration

☒ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: Staff

Amount: \$N/A

Attachments:

1. Ordinance 2014-009 amending Thoroughfare Standards
2. Revised Thoroughfare Standards 2014

Agenda Item / Topic:

ITEM 9. *DISCUSSION/ACTION – Consideration of and action on Ordinance 2014-009 amending the Thoroughfare Standards of the City of Ovilla; providing a change to the pavement width requirements for residential streets from 28 feet to 30 feet; providing a savings clause; providing a severance clause; providing for immediate effect; and providing for publication.*

Discussion / Justification:

The Thoroughfare Standards adopted in 1998 provides for residential street design standards of 28' (face to face). Staff recommends Council amend the Thoroughfare Standards to provide for an increase in the residential street pavement width requirements from twenty-eight feet (28') to thirty feet (30') (face to face) in the interest of the health, safety and welfare of the citizens of Ovilla.

Recommendation / Staff Comments:

Staff recommends approval of amendment to the Thoroughfare Standards and adoption of Ordinance 2014-009 changing the pavement width requirements for residential streets from 28 feet to 30 feet.

Sample Motion(s):

I move to approve/deny Ordinance 2014-009 amending the Thoroughfare Standards of the City of Ovilla; providing a change to the pavement width requirements for residential streets from 28 feet to 30 feet; providing a savings clause; providing a severance clause; providing for immediate effect; and providing for publication as presented.

ORDINANCE NO. 2014-009

AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, AMENDING THE THOROUGHFARE STANDARDS OF THE CITY OF OVILLA; PROVIDING A CHANGE TO THE PAVEMENT WIDTH REQUIREMENTS FOR RESIDENTIAL STREETS FROM 28 FEET TO 30 FEET; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERANCE CLAUSE; PROVIDING FOR IMMEDIATE EFFECT; AND PROVIDING FOR PUBLICATION.

WHEREAS, Section 10.02.123 of the Code of Ordinances of the City of Ovilla, Texas, provides that all dedicated streets within subdivisions in the City of Ovilla shall conform to the minimum pavement widths and design standards specified in the Thoroughfare Standards of the City of Ovilla, Texas; and

WHEREAS, the Thoroughfare Standards of the City of Ovilla, Texas, provides street design standards for residential streets;

WHEREAS, the said residential street design standards currently require a pavement width (face to face) of twenty-eight feet (28'); and

WHEREAS, the City Council of the City of Ovilla, Texas, finds and determines that it is in the best interest of the health, safety and welfare of the citizens of the City of Ovilla, Texas, to amend the Thoroughfare Standards to provide for an increase in the residential street pavement width requirements from twenty-eight feet (28') to thirty feet (30') face to face.

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

SECTION 1. AMENDMENT OF THE THOROUGHFARE STANDARDS OF THE CITY OF OVILLA, TEXAS

All references to pavement width requirements for residential streets in the Thoroughfare Standards of the City of Ovilla, Texas, including but not limited to those set forth in Section 1.A, thereof, are hereby changed from twenty-eight feet (28') to thirty feet (30') face to face.

SECTION 2. SAVINGS CLAUSE

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

SECTION 3. SEVERANCE CLAUSE

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

SECTION 4. EFFECTIVE DATE

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

ORDINANCE NO. 2014-009

SECTION 5. PUBLICATION

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

PASSED, ADOPTED AND APPROVED by the City Council of the City of Ovilla, Texas, on this the 12 day of May 2014.

Richard Dormier, Mayor

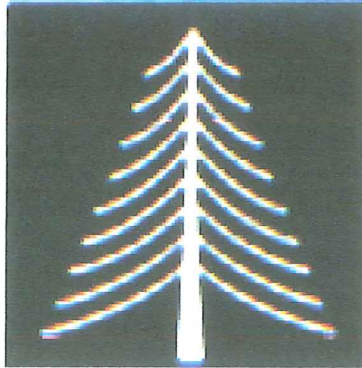
ATTEST:

Pamela Woodall, City Secretary

APPROVED AS TO FORM:

Ron G. MacFarlane, Jr., City Attorney

CITY OF OVILLA, TEXAS



THOROUGHFARE STANDARDS

**Revised May 12, 2014
Ordinance 2014-009**

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Note: Street Design Standards Revised May 12, 2014

Manual Prepared By

**BIRKHOFF, HENDRICKS & CONWAY, L.L.P.
CONSULTING ENGINEERS
DALLAS, TEXAS**

SECTION I

STREET DESIGN STANDARDS

A. DEFINITIONS

TABLE I				
Type	R-O-W	Pavement (Face to Face)	Median (Face to Face)	Parkway Width
Major Thoroughfare	110'	6/11' (66')	14'	9'
Secondary Thoroughfare	92'	4/12' (48')	24'	9'
Collector	70'	40'	None	11.5'
Residential Street	50'	30'	None	11.5'

Above defined by the City of Ovilla, Texas, Comprehensive Plan and most recent Major Thoroughfare Plan.

B. MINIMUM HORIZONTAL DESIGN RADIUS

Minimum Centerline Radius is defined by the design speed of the respective street. The design speed of each street In the City of Ovilla, as defined by the Thoroughfare Plan, can be determined from Table 2.

TABLE 2
DESIGN SPEED OF EACH TYPE OF STREET

<u>Street Type</u>	<u>Design Speed</u>
Collection and Residential	30
Secondary Thoroughfare	35
Major Thoroughfare	40

The minimum acceptable horizontal centerline radius, for each respective street's design speed, is shown in Table 3.

Roadway Design Minimum Horizontal Centerline Radius

Based on AASHTO formula for minimum radius and side friction factor

Normal ¼" per foot cross slope both sides of roadway

Equation:

$$R = \frac{V^2}{15 * (e + f)}$$

Where: R - minimum centerline radius

V - design speed

e - rate of super elevation in ft/ft (use -0.0208)

f - side friction factor from AASHTO Figure III-7 for rural highways and high speed urban streets

Posted Speed	Design Speed	"e" Superelevation Rate	"f" Side Friction Factor	Calculated Radius	Use
*30	30	-0.0208	0.155	447.09	450
30	35	-0.0208	0.150	632.09	640
35	40	-0.0208	0.145	858.83	860
40	45	-0.0208	0.142	1113.86	1120
45	50	-0.0208	0.140	1398.21	1400
50	55	-0.0208	0.130	1846.76	1850
55	60	-0.0208	0.120	2419.35	2420
60	65	-0.0208	0.110	3157.70	3160
65	70	-0.0208	0.100	4124.58	4125
70	75	-0.0208	0.090	5419.08	5420

*Residential Streets Only

Friction Factor for 75 MPH is extrapolated from the AASHTO curve.

TABLE 3
MINIMUM HORIZONTAL CENTERLINE RADIUS

<u>Y</u> (mph)	<u>f</u>	<u>E</u> (ft/ft)	<u>(e + f)</u>	<u>R</u> (Calculated) (ft)	<u>R</u> (Rounded for Design) (ft)
30	0.16	-0.02	0.14	428.57	450
35	0.16	-0.02	0.14	583.33	600
40	0.15	-0.02	0.13	820.51	850
45	0.15	-0.02	0.12	1,038.46	1,050
50	0.14	-0.02	0.12	1,388.89	1,400
55	0.14	-0.02	0.12	1,680.56	1,700
60	0.12	-0.02	0.10	2,400.00	2,400

(AASHTO P 177)

Minimum centerline design radius for residential streets shall be 250-feet for curves with a length over 125 feet long.

C. MINIMUM VERTICAL ALIGNMENT

Vertical Alignment is a function of Stopping Sight Distance (SSD) which is given by:

$$SSD = 1.47PV + \frac{V^2}{30 (f + g)}$$

(Transportation and Traffic Engineering Handbook, Second Edition, Page 590)

Stopping Sight Distances are calculated for $g = 0$, rates of vertical curvature are derived from AASHTO Page 307, 312 and 316 and used (K) to determine crest curve lengths per Table 4.

TABLE 4
**MINIMUM ACCEPTABLE CREST CURVE GIVEN SPEED AND
DIFFERENCE IN GRADE OF ROAD**

S K			L-KA									
MPH Ft.			A-1	A-2	A-3	A-4	A-5	A-6	A-7	A-8	A-9	A-10
30	200	30	100	100	100	120	150	180	210	240	270	300
35	250	50	100	100	150	200	250	300	350	400	450	500
40	325	80	100	160	240	320	400	480	560	640	720	800
45	400	120	120	240	360	480	600	720	840	960	1080	1200
50	475	160	160	320	480	640	800	960	1120	1280	1440	1600
55	550	220	220	440	660	880	1100	1320	1540	1760	1980	2200
60	650	310	310	620	930	1240	1550	1860	2170	2480	2790	3100

TABLE 5
**MINIMUM ACCEPTABLE SAG CREST CURVE GIVEN SPEED AND
DIFFERENCE IN GRADE OF ROAD**

S K			L-KA									
MPH Ft.			A-1	A-2	A-3	A-4	A-5	A-6	A-7	A-8	A-9	A-10
30	200	40	100	100	120	160	200	240	280	320	360	400
35	250	50	100	100	150	200	250	300	350	400	450	500
40	325	70	100	140	210	280	350	420	490	560	630	700
45	400	90	100	180	270	360	450	540	630	720	810	900
50	475	110	110	220	330	440	550	660	770	880	990	1100
55	550	130	130	260	390	520	650	780	910	1040	1170	1300
60	650	160	160	320	480	640	800	960	1120	1280	1440	1600

D. INTERSECTION CURB RADII

- (1) The radius shall be thirty (30) feet at the intersection of a secondary and major, or major and major streets. See Detail, page 9.
- (2) At all other Intersecting streets, the radius shall be twenty (20) feet. See Detail, page 9.

Note: At Intersections, the curb radius encroaches on the right-of-way so as to not provide sufficient room for sidewalks, utilities, etc. within the parkway. Therefore, right-of-way will be dedicated at the intersection of all streets such that a minimum of nine and one-half (9.5) feet of parkway shall be maintained from the back of the curb along the curb's radius.

E. RESIDENTIAL FRONTAGE

Residential houses shall not front a thoroughfare unless parallel access roads are provided. Minimum distances between adjacent curbs or the thoroughfare and the access road shall be twenty (20) feet.

F. STATE DESIGNATED ROADS

All such roads within the City of Ovilla will conform to State Design Standards unless otherwise directed by the City Engineer.

SECTION II

MEDIAN AND LEFT TURN LANE DESIGN STANDARDS

A. WIDTH OF MEDIAN

Median widths vary from a minimum of 4' to a maximum of 24' (see Table 1).

B. REQUIRED MEDIAN OPENING AND LEFT-TURN LANE

Median openings on divided thoroughfares shall be provided at all dedicated street Intersections and at private drives where they conform to the City's spacing requirements. The median opening shall be accompanied by a left turn lane for the proposed drive or street.

C. COST OF MEDIAN OPENINGS AND LEFT-TURN LANES

Median openings and left-turn lanes constructed to serve private drives and new roads shall be paved to City standards, inspected by City Inspectors, and paid for by owners served by the median openings and left-turn lanes. The City shall be responsible for, and pay the costs of, the pavings of median openings and left-turn lanes, constructed to serve existing dedicated streets, and those that exist for drives, when a part of the Capital Improvement widening program is undertaken by the City on an existing public street.

D. MINIMUM LEFT-TURN STORAGE, TRANSITION LENGTH, AND MEDIAN OPENING WIDTH, LOCATION, AND SPACING REQUIREMENTS

(1) Left Turn Storage

All left-turn storage areas shall be ten (10) feet wide with minimum storage requirements for left-turn lanes as in Table 6.

TABLE 6
MINIMUM LEFT TURN STORAGE REQUIREMENTS

<u>Intersecting Thoroughfares</u>	<u>Minimum Storage</u>
Major with Major	150 feet
Major with Secondary	100 feet
Major with Residential	60 feet
Major with Private Drive	60 feet
Secondary with Major	100 feet
Secondary with Residential	60 feet
Secondary with Private Drive	60 feet

Note: Storage requirements listed herein are absolute minimums. Storage requirements may increase based upon actual and projected traffic demands.

(2) Transition Length

The transition curves used in left-turn lanes shall be two 250-foot radius reverse curves, which will require a total transition length of 100-feet.

(3) Median Openings

- a) Median openings at Intersections shall be from right-of-way to right-of-way or the intersecting street.
- b) The minimum width of mid-block median openings shall not be less than sixty (60) feet. See Detail, page 8.

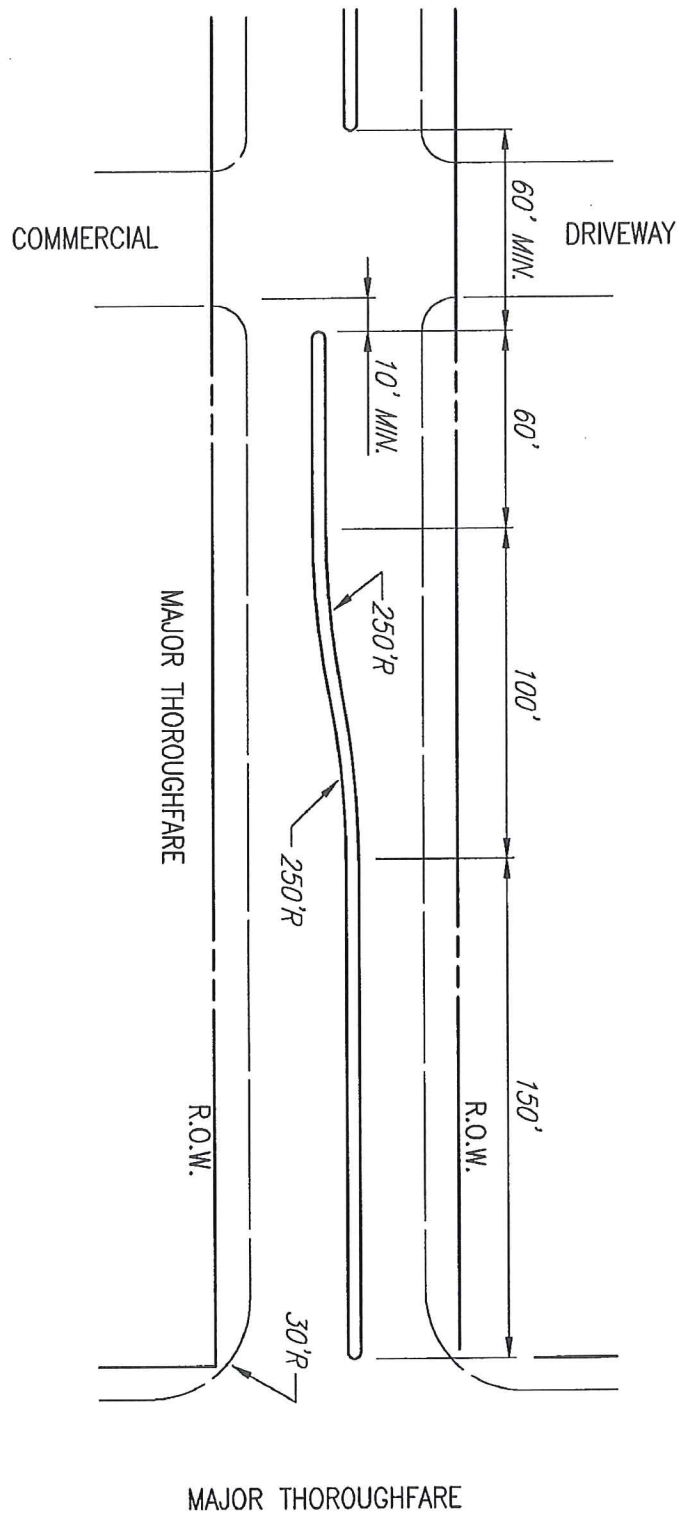
(4) Medians Where No Left-Turn Pocket is Needed

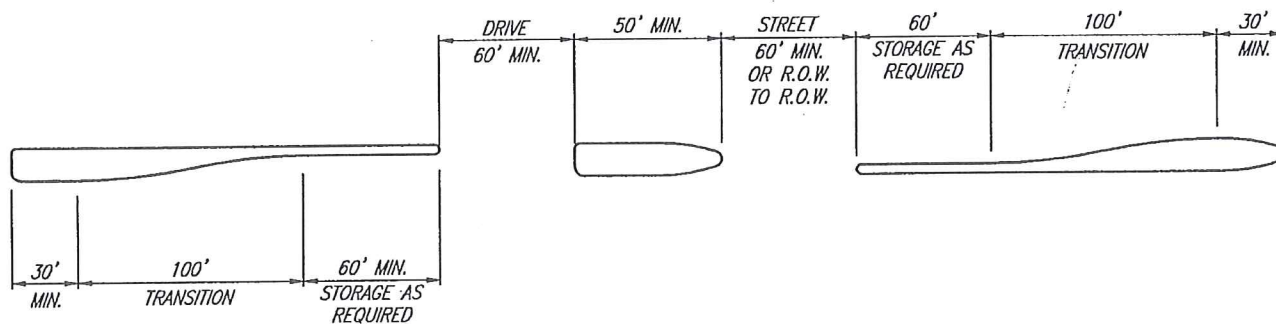
- a) If left-turn storage is provided in only one direction, (i.e., a drive cannot be installed for the other direction), the minimum length of median must be the required left-turn storage and transition length, plus 30-feet of median length beyond the end of the transition.
- b) If the left turn storage is not required in either direction, but the median is simply a spacer between two median openings, the minimum length of the spacer must be 50-feet. See Detail, page 9.

(5) Medians into Developments on Public Streets

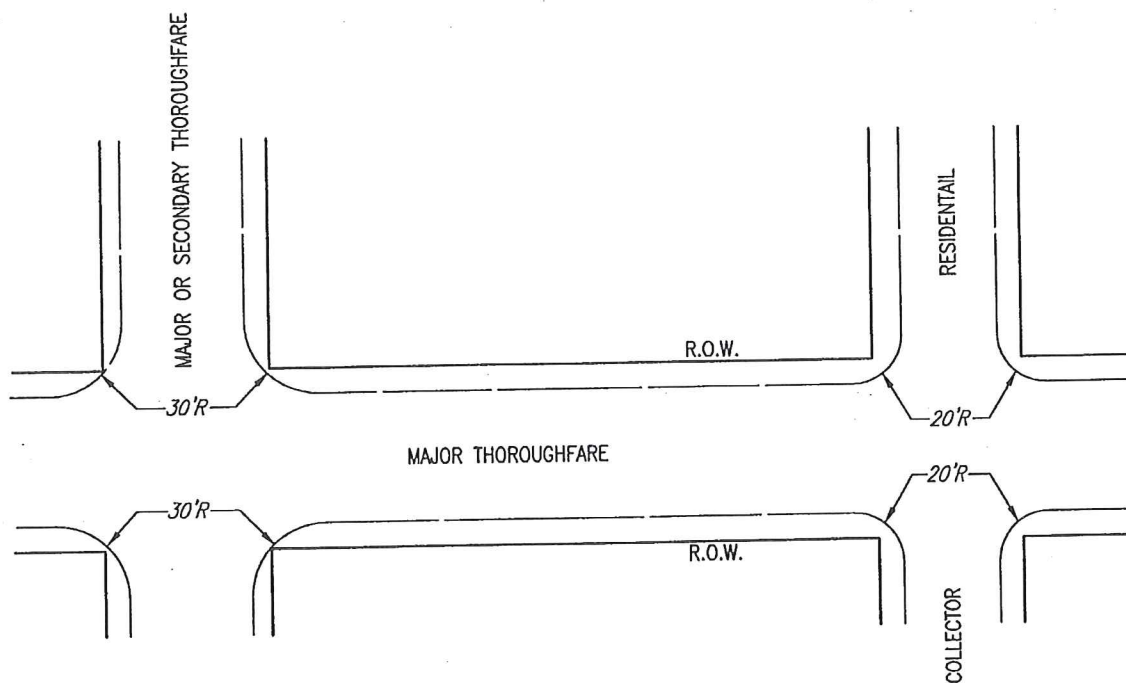
Medians installed on undivided streets at entrances to subdivisions for aesthetic or any other purpose will be a minimum of 4-feet wide and 100-feet long.

TYPICAL MEDIAN OPENING SPACING MAJOR THOROUGHFARE





TYPICAL MEDIAN DIMENSIONS WITHOUT
BACK TO BACK LEFT TURN POCKETS



CURB RADII AT INTERSECTION

SECTION III

ALLEY DESIGN STANDARDS

A. ALLEY INTERSECTIONS

Alleys shall not intersect major or secondary thoroughfares with medians. Alleys which run parallel to and share a common right-of-way line with a major thoroughfare shall turn away from the major street not less than one subdivision lot width or a minimum of 50-feet (whichever is greater) from the cross street intersection.

B. ALLEY RADIUS

Alley radii at street intersections shall not be less than 10-feet.

SECTION IV

DRIVEWAY DESIGN STANDARDS

A. DEFINITION OF DRIVEWAY TYPES

For purposes of interpreting the provisions of these Rules and Regulations, the following definitions shall apply:

- (1) A "residential" driveway provides access to a single-family residence, to a duplex, or to a multi-family building containing five or fewer dwelling units. These drives shall intersect residential and commercial roadways only. All access to residential property abutting all other thoroughfares shall be off the alley or a service road.
- (2) A "commercial" driveway provides access to an office, retail or institutional building, or to a multiple-family building having more than five dwelling units. It is anticipated that such buildings will have incidental truck service. Commercial drives shall access to Major or Secondary Thoroughfares only.
- (3) An "industrial" driveway serves substantial numbers of truck movements to and from loading docks of an Industrial facility, warehouse, or truck terminal. A central retail development, such as a community or regional shopping center, may have one or more driveways specially designed, signed, and located to provide access for trucks and such driveways shall be considered industrial driveways. Industrial plant driveways whose principle function is to serve administrative or employee parking lots shall be considered commercial driveways. Industrial drives shall access to Major or Secondary Thoroughfares only.

Note: Two-way driveways shall always be designed to intersect the street at a 90° angle. One-way driveways may be designed to intersect a street at a 45° angle.

B. DRIVEWAY WIDTH

As the term is used here, the width of a driveway refers to the width of pavement at the property line.

- (1) Residential driveways onto streets shall have a minimum width of 12-feet and a maximum width of 24-feet. Joint access residential drives shall have no less than nine (9) feet on any property. See Detail (a), page 13.

- (2) Commercial/Industrial. Two-way operation: See Detail (b), page 13.
- a) Commercial driveways shall have a minimum width of twenty-four (24) feet and a maximum width of 30-feet.
 - b) Industrial driveways shall have a minimum width of 30-feet and a maximum width of 40-feet. Joint access commercial/industrial drives shall have no less than Ten (10) feet on any property, with the full drive width and access pavement to the property built for the development at the same time.
- (3) Commercial/Industrial - One way operation:
- a) 90 degree drives shall have a width of 18-feet for ingress and 22-feet for egress, with the separation median width being a minimum of 4-feet and a maximum of 10-feet. See Detail (c), page 14.
 - b) 45-degree drives shall have a width of 18-feet for ingress and 16-feet for egress, with the separation median width being a minimum of 4-feet and a maximum of 10-feet. Joint access commercial/industrial drives shall have no less than 10-feet on any property, with the full drive width and access pavement to the property built for the development at the same time. See Detail (d), page 14.

C. DRIVEWAY RADIUS

All driveways intersecting dedicated streets shall be built with a circular curb radius connecting the 6-inch raised curb of the roadway to the design width pavement of the driveway. All driveways shall provide for barrier free access. Driveway radii shall fall entirely within the subject property so as to begin at the street curb, at the extension of the property line.

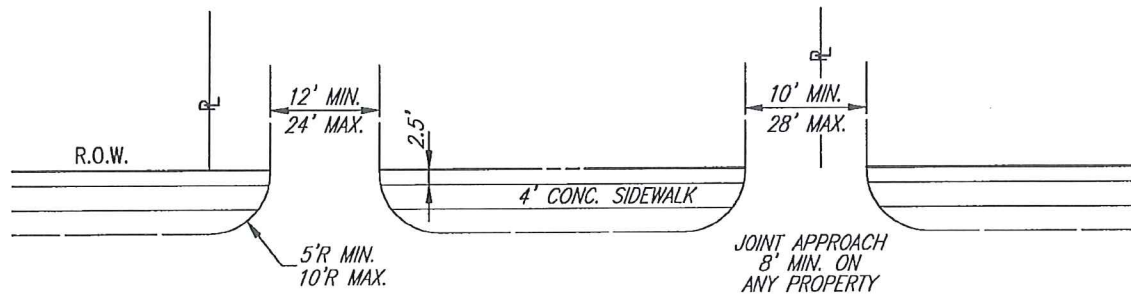
(1) 90 Degree Intersection (See Detail, page 13)

- a) The curb radii for a residential drive shall be a minimum of 5-feet and a maximum of 10-feet.
- b) The curb radii for a commercial drive shall be 20-feet.
- c) The curb radii of an industrial driveway shall be 25-feet.

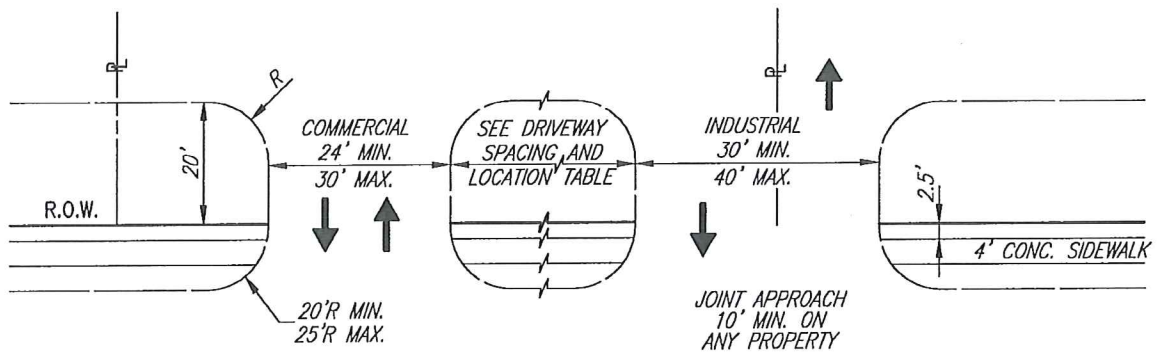
(2) 45 Degree Intersection

The curb radii shall be 5-feet for the outside of the drive and 2½-feet for the median. See Detail, page 14.

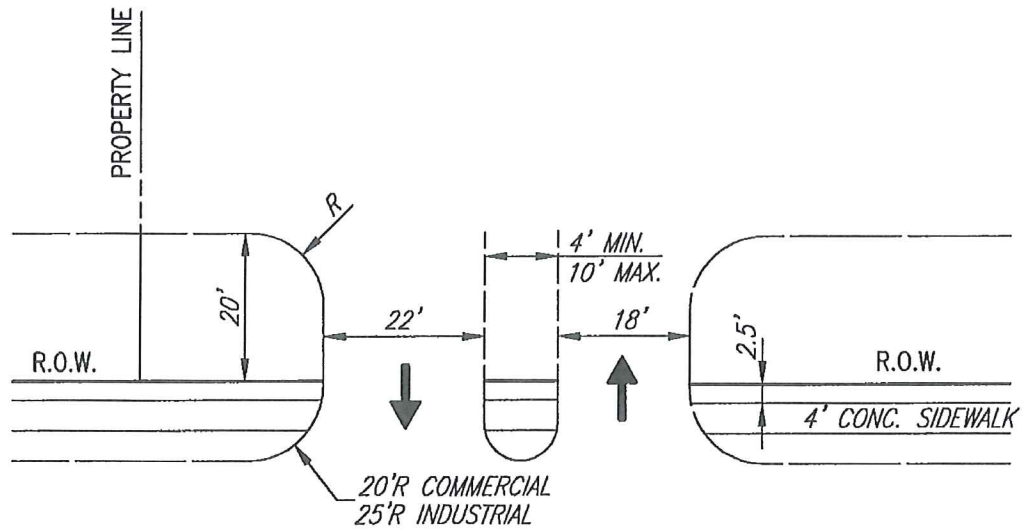
In order that the definition of the location of the edge of pavement for the thoroughfare may be maintained, driveway radii shall always be designed to become tangent to the street curb line. All commercial and industrial drives will have an unbroken curb length of not less than 20-feet from the right-of-way, or 30-feet from the roadway curb extending into the site on each side of the drive.



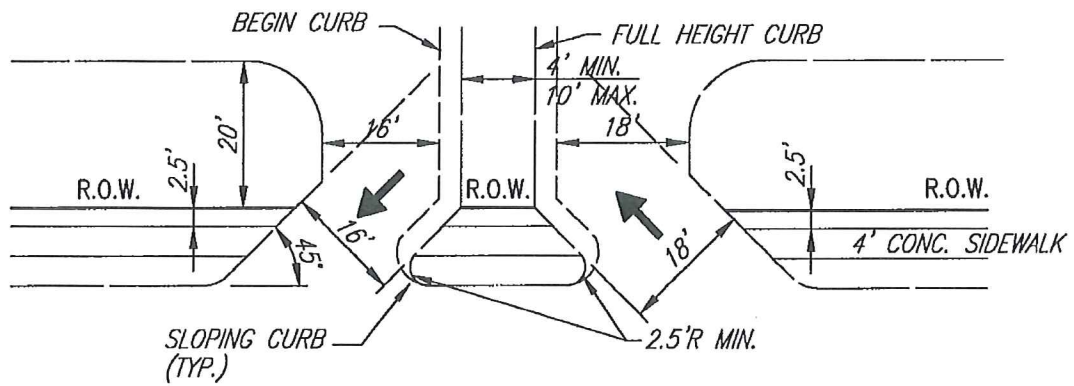
(a) DRIVEWAYS WIDTH, RADIUS, SPACING



(b) DRIVEWAYS WIDTH, RADIUS, SPACING



(c) DRIVEWAYS WIDTH, RADIUS, SPACING



(d) DRIVEWAYS WIDTH, RADIUS, SPACING

D. DRIVEWAY SPACING AND LOCATION IN RELATION TO OTHER DRIVES

(1) Residential

Driveway approaches on a tract of land devoted to one use shall not occupy more than 70% of the frontage abutting the roadway. No more than two driveway approaches shall be permitted on any parcel of property on each street.

(2) Commercial and Industrial

The spacing and location of driveways shall be related to both existing adjacent driveways and those shown on approved development plans. The spacing between driveways shall depend upon the speed limit of the Thoroughfare as per Table 7. Driveways shall not be permitted in the transition area of a deceleration lane or a right turn lane.

TABLE 7

DRIVEWAY SPACING IN RELATION TO OTHER DRIVES GIVEN THE DESIGN SPEED OF THE STREET

<u>Design Speed (MPH)</u>	<u>Driveway Spacing (Ft.)</u>
25	65
30	90
35	100
40	120
45	150
50	200

Minimum spacing shall not be more than 10-feet less than the spacings shown above. Spacings between driveways will be measured along the property line from the edge of one driveway to the closest edge of the next driveway and not from centerline to centerline.

E. DRIVEWAY SPACING IN RELATION TO A CROSS STREET

(1) 90 Degree Intersection - Drive to Road

- a) Driveways that intersect at 90 degrees to a residential or "secondary street" shall be located a minimum of the drive radius from a residential street's end of curb radius.
- b) A driveway that Intersects at 90 degrees to a residential or secondary street shall be located a minimum of thirty (30) feet from a secondary or major street's end of curb radius. (see Detail (a), page 17)

- c) A driveway that intersects at 90 degrees to a major street shall be located a minimum of 100-feet from any intersecting street's right-of-way. If the property length, along the street, is such that both the drive and the drive's curb radius cannot be totally within the proposed development, the drive will be situated so as to be a joint access drive. (see Detail (b), page 17)

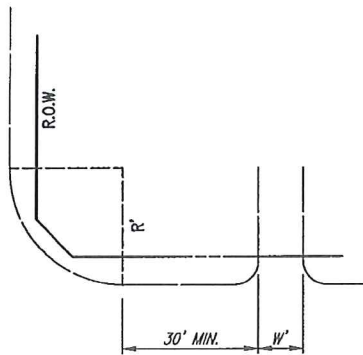
(2) 45 degree Intersection - Drive to Road

- a) If one-way angle drives are used, the radius for the driveway on a residential or secondary may not begin less than 35-feet from an intersecting street's end of curb radius.
- b) On a major street the drive shall be located a minimum of 100-feet from any intersecting street's right-of-way. If a property length, along the street, is such that both the drive and drive's curb radius cannot be totally within the proposed development, the drive will be situated so as to be a joint access drive. (see Detail (c), page 17)

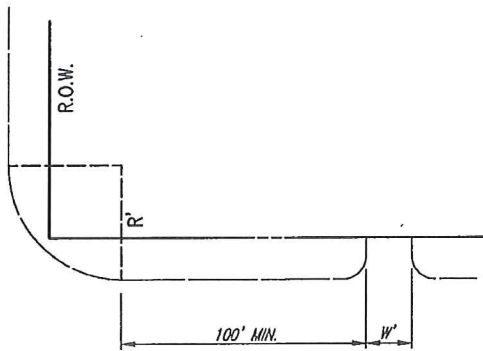
A summary of driveway widths, radii, and angle requirements are given in Table 8.

TABLE 8
SUMMARY OF DRIVE REQUIREMENTS

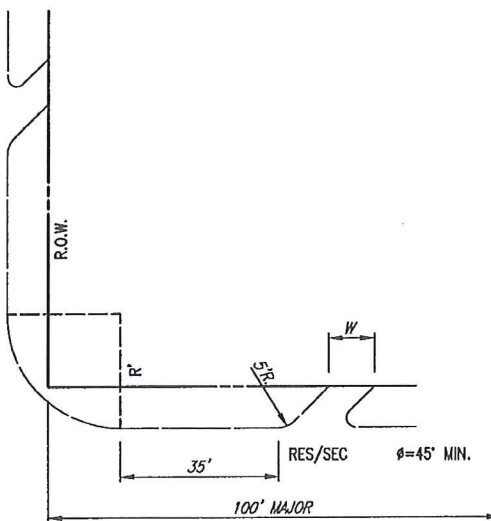
	Residential	Commercial	One-Way		Industrial
			In	Out	
Width (ft)					
Minimum	12	20			30
One-way (only)					
90°			18	22	
45°			18	16	
Maximum	24	30			40
Curb Radius (ft)					
45° (one-way)	5	5	5	5	5
90°	5 – 10	20	Same	Same	25
Intersection					
Angles (deg.)	90°	90°	90°	90°	90°
	45°	45°	45°	45°	45°



(a) DRIVE INTERSECTING A RESIDENTIAL OR SECONDARY



(b) 90° DRIVE INTERSECTING A MAJOR



(c) ANGLE DRIVE

SECTION V

SIDEWALK AND LOCATION DESIGN STANDARDS

A. DEFINITION OF SIDEWALK

A sidewalk is defined as that paved area in a roadway right-of-way between the curb lines or the edge of pavement or the roadway and the adjacent property lines for the use of pedestrians. The maximum crossfall of the sidewalk shall be ¼-inch per foot. These sidewalks shall conform to the following standards:

- 1) Zoning Classification Requiring Sidewalks: Concrete sidewalks designed and located according to City standards shall be constructed along all streets in all zoning classifications except agriculture zoning. Sidewalks shall be built at the time of site development. Should it be impractical to install the sidewalk at that time, funds for the sidewalk construction shall be placed in escrow with the City for use at the time when sidewalks are needed. Payment or escrow shall be made at the time of site plan or final plat approval.
- 2) Residential Areas (Single Family, Two Family and Multi-Family): Sidewalks shall be 4-feet in width and located directly behind the back of curb. Along thoroughfare the sidewalk width shall be 5-feet in width.
- 3) Non-Residential Areas: In all non-residential areas a 4-foot concrete sidewalk shall be provided and located directly behind the back of curb. Along thoroughfares the sidewalk width shall be 5-feet.
- 4) Exceptions: In areas where mailboxes interfere with a clear width of 4 or 5 feet for the sidewalk, the specified width shall be wrapped around the mailbox.
- 5) Waiver: The sidewalk required in non-residential areas may be waived by the City Council either temporarily or permanently at the time of site plan or final plat approval. Waiver may be granted based on site conditions and/or location of the tract.
- 6) Areas Without Screening Walls: In areas on major and secondary roadways where either screening is not required or a type of screening other than a wall is used, (e.g., a berm,

foliage, etc.) a 4-foot sidewalk will be constructed not more than 2½-feet from the right-of-way line as required by the Thoroughfare Plan.

- 7) Areas with Screening Walls: In areas where a screening wall is provided, a concrete sidewalk shall be constructed contiguous with the screening wall. The street side of the sidewalk shall run parallel to the street curb. The sidewalk shall be a minimum of 5-feet wide and the measurement shall be made from the street side of the sidewalk.
- 8) Sidewalk on Bridges: Bridges on thoroughfares shall have a sidewalk constructed on each side of the bridge. The sidewalk shall be a minimum of 6-feet wide with a parapet wall provided adjacent to the curb of the thoroughfare and with a standard pedestrian bridge rail protecting the sidewalk on the outside edge of the bridge.
- 9) Sidewalks Under Bridges: When new bridges are built as a part of the construction of a roadway or the reconstruction of a roadway and a pedestrian crossing is needed, an 8-foot sidewalk will be built as a part of the embankment design underneath the bridge structure.

B. BARRIER-FREE RAMPS (Compliance shall be with the American Disability Act)

Curbs and walks constructed at intersections or all streets and thoroughfares must comply with the provisions of the American Disability Act and be constructed in a manner to be easily and safely negotiated by physically challenged persons.

SECTION VI

PUBLIC RIGHT-OF-WAY VISIBILITY

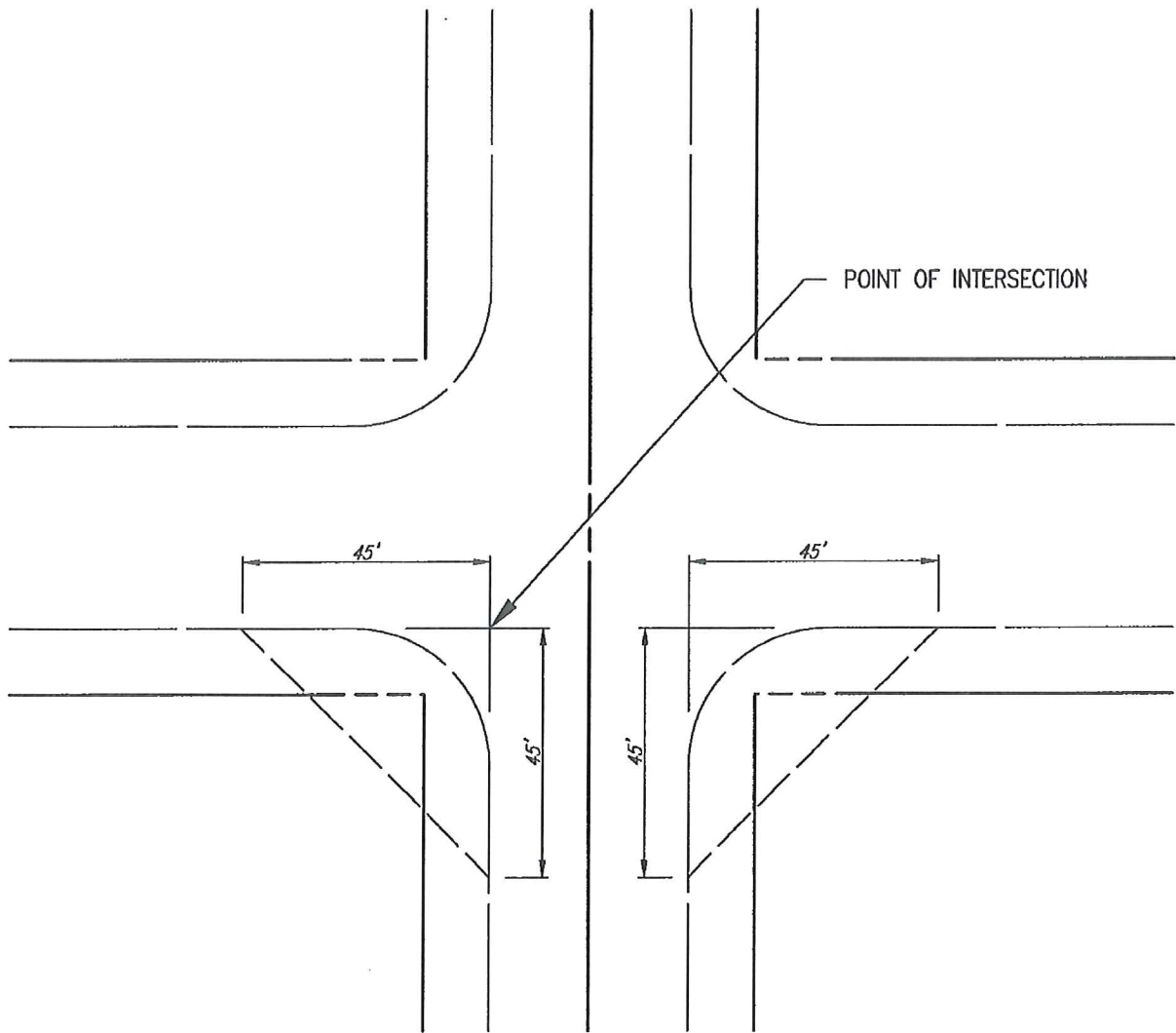
A. STREET/DRIVE INTERSECTION VISIBILITY OBSTRUCTION TRIANGLES-FRONTAGE PLAN/PROFILE

A landscape plan showing the plan/profile of the street on both sides of each proposed drive/street to the proposed development with the grades, curb elevations, proposed street/drive locations, and all Items (both natural and man-made) within the visibility triangles as prescribed below shall be provided with all site plans, if they are not on engineering plans that are submitted at the same time. This profile shall show no horizontal or vertical restrictions (either existing or future) within the areas defined below.

(1) Obstruction/Interference Triangles-Defined

No fence, wall, screen, billboard, sign, structure, foliage, hedge, tree, bush, shrub, berm, or any other item, either manmade or natural shall be erected, planted, or maintained in a position, which will obstruct or interfere with the following minimum standards.

- a) Vision at all intersections where streets intersect at or near right angles shall be clear at elevation between 2½-feet and 9-feet above the average gutter elevation, except single trunked trees, within a triangular area formed by extending the two curb lines from their point of intersection, 45-feet, and connecting these points with an imaginary line, thereby making a triangle. If there are no curbs existing, the triangular area shall be formed by extending the property lines from their point of intersection 30-feet and connecting these points with an imaginary line, thereby making a triangle. (see Detail, page 21)
- b) Definitions for desirable minimum sight distance requirements for non-residential streets, commercial driveways, and industrial driveways that intersect at or near right angles are presented below (see Detail, page 23). The values presented are minimum sight distances which would permit the following:
 - T-Upon turning left or right, an exiting vehicle could accelerate to the operating speed of the street.



HORIZONTAL CLEAR TRIANGLE

The desirable minimum sight distances are based on the premise that the approaching driver can observe the intersecting vehicle 2.5 seconds before he must apply the brakes and travel the minimum stopping distance for his approach speed. They are, therefore, particularly applicable to arterial streets. Actual sight distances provided at Intersections should be much greater than these minimum values if practical. The minimum sight distance triangle shall also apply to visibility obstructions at intersections.

Conditions for Intersection Sight Triangle-Plan/Profile:

- In the plan view, the horizontal clear area at the Intersection of a proposed street/drive shall be defined as being within a triangular area formed by:
 - (I) A line that is on the centerline of the proposed street/drive, beginning at the Intersecting street's tangent curb and continuing for a distance of 15-feet back into the proposed street/drive to the end point.
 - (II) A line that is parallel to and 5-feet out from the intersecting street's curb, beginning at the centerline of the proposed street/drive and continuing for a distance "T" as prescribed in Table 9, to the end point.
 - (III) A straight line that connects the end point of an:
 - That is on the centerline and 15-feet back into the proposed street/drive, and the end point of a
 - That is a distance "T" along and 5-feet out from the existing street's curb from the centerline or the proposed street/drive.

In the profile view, the clear window shall be defined as being within the horizontal clear area and clear between 2.5 feet and 9 feet above the average pavement elevation.

Note: Single trunked trees within the triangles and in the median shall be allowed and spaced so as to not cause a "picket fence" effect. Because of the large variation of ways in which trees can be planted, the spacings will be decided upon by the City Engineer and the developer at the time of review of the landscape plans. Any other Item that obstructs these lines so as to interfere with the above requirements will not be allowed.

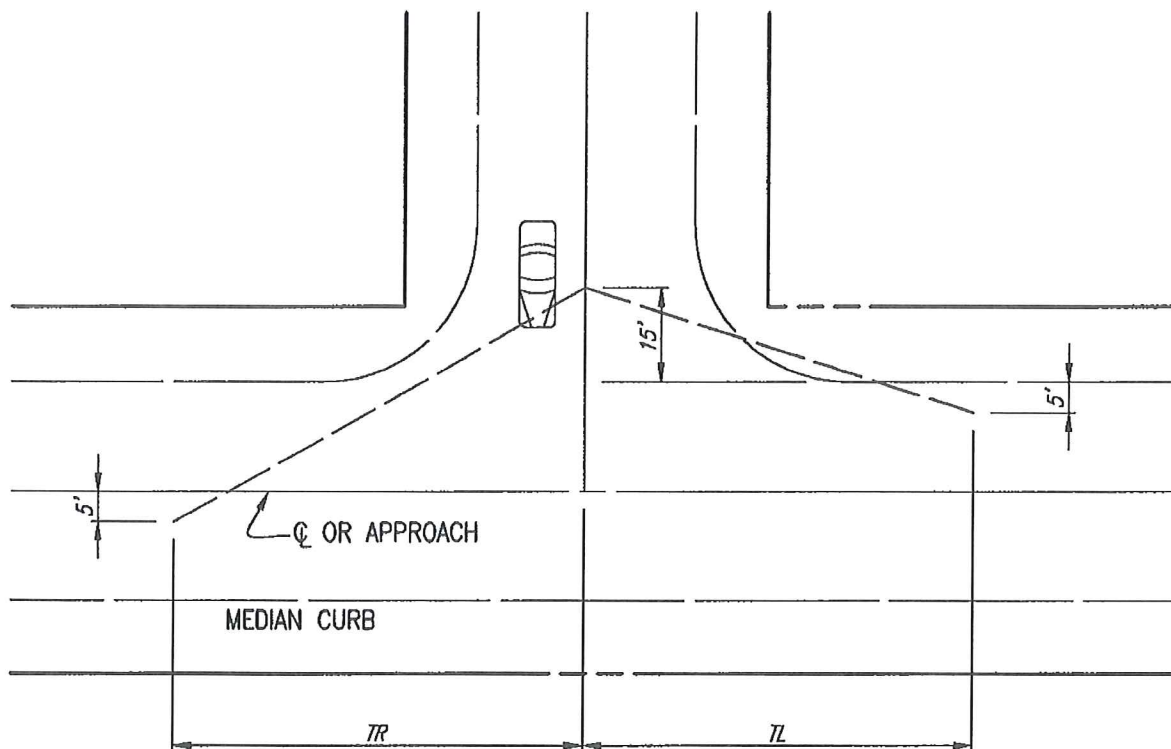


TABLE 9
MINIMUM SIGHT DISTANCE FOR
A CAR AT AN INTERSECTION

<u>MPH</u>	<u>I</u>
30	$110 + 200 = 310$
35	$130 + 250 = 380$
40	$130 + 325 = 475$
45	$165 + 400 = 565$
50	$190 + 475 = 665$

(AASHTO P138, BRAKE REACTION DISTANCE
+ STOPPING SITE DISTANCE)

TABLE 9
MINIMUM SIGHT DISTANCE FOR A CAR AT AN INTERSECTION
(For Level-Two Lane Streets)

MPH		T				
30	.....	110	+	200	=	310
35	.....	130	+	250	=	380
40	.....	130	+	325	=	475
45	.....	165	+	400	=	565
50	.....	190	+	475	=	665

AASHTO P138, Break Reaction Distance + Stopping Site Distance

The aforementioned restrictions also apply to streets which do not intersect at right angles, except that the triangle dimensions shall not necessarily be minimum requirements. In such cases the City Engineer shall have the authority to vary such requirements as he deems necessary to provide safety for both vehicular and pedestrian traffic.

B. R.O.W. OBSTRUCTIONS OUTSIDE THE VISIBILITY TRIANGLES

- 1) Foliage of hedges, trees and shrubs in public right-of-ways which are not governed by Zoning Ordinance of the City, or the above triangles shall be maintained such that the minimum overhang above a sidewalk shall be 7-feet, the minimum overhang above a street shall be 14-feet.
- 2) All other areas within the street right-of-ways shall be clear at elevations between 2½-feet and 9-feet above the average street grade,
- 3) Plants in the public right-of-way that will grow over 30-inches (when mature) above the adjacent street's curb will conform to all of the above requirements, where applicable. All landscape plans shall show the locations and type of such plants, and show each of the prescribed triangles.
- 4) Ground elevations, within both triangles, will be shown by contour lines.

Note: No plantings over 30-inches above the adjacent gutter elevation are allowed in the median for the length of the left turn stacking space unless specifically agreed upon by the City Engineer.

C. ALLEY VISIBILITY OBSTRUCTIONS

No fence, wall, screen, billboard, sign, structure, or foliage of hedges, trees, bushes, or shrubs shall be erected, planted or maintained in any alley right-of-way. Foliage or hedges, trees, bushes, and shrubs planted adjacent to the alleys right-of-way which are not governed by the above triangles or by Zoning Ordinance of the City, shall be maintained such that the minimum overhang or encroachment shall be 14-feet above the alley surface at the edge of the pavement.

D. EXCEPTIONS

The provisions of this manual shall not apply to, or otherwise interfere with, the following:

- 1) Placement and maintenance of traffic control devices under governmental authority and control.
- 2) Existing and future screening requirements Imposed by the City Council.
- 3) Existing and future City, State and Federal Regulations.

SECTION VII

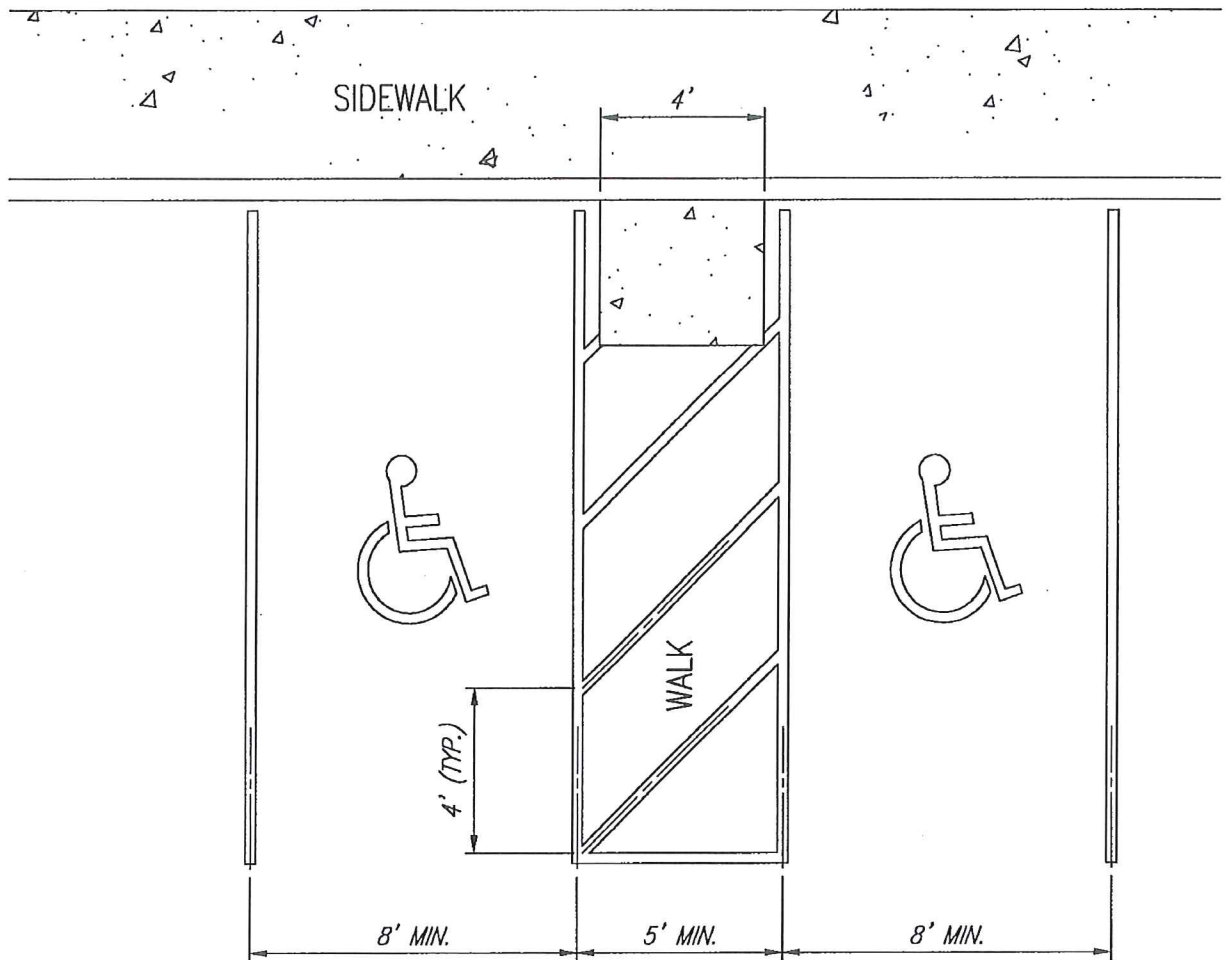
OFF STREET REQUIREMENTS

A. STACKING SPACE FOR DRIVE-UP WINDOWS

The minimum stacking space for the first vehicle stop for commercial drive-throughs shall be 100-feet, and 40-feet thereafter, for any other stops.

B. PARKING - LOT LAYOUT

- 1) Each standard off-street parking space shall contain not less than 180 square feet and measure not less than 9 feet by 20 feet, exclusive of access drives and aisles, and shall be of usable shape and condition.
- 2) The width for two-way aisles shall be 24-feet.
- 3) Handicapped parking spaces shall be a minimum 8-feet in width with a 5-foot minimum walkway. The walkway can be shared by two spaces. For parallel parking the space shall be a minimum of 24-feet by a minimum 13-feet with a 3-foot minimum walkway one end beyond the minimum 24-feet dimension. (see Detail, page 27)
- 4) Parking Overhang: No parking stall shall be situated so as to allow vehicle overhang into public right-of-way. Curb or parking stops shall be installed so that the distance between the face of the curb or car stop is a minimum of 2-feet from the public right-of-way.
- 5) Movements in Public Right-of-Way: No parking stall shall be so designed as to allow any movement into or out of the stall, upon public right-of-way.



HEAD-IN OR ANGLE PARKING DIMENSIONS

SECTION I

STREET DESIGN STANDARDS

A. DEFINITIONS

TABLE I				
Type	R-O-W	Pavement (Face to Face)	Median (Face to Face)	Parkway Width
Major Thoroughfare	110'	6/11' (66')	14'	9'
Secondary Thoroughfare	92'	4/12' (48')	24'	9'
Collector	70'	40'	None	11.5'
Residential Street	50'	30'	None	11.5'

Above defined by the City of Ovilla, Texas, Comprehensive Plan and most recent Major Thoroughfare Plan.

B. MINIMUM HORIZONTAL DESIGN RADIUS

Minimum Centerline Radius is defined by the design speed of the respective street. The design speed of each street In the City of Ovilla, as defined by the Thoroughfare Plan, can be determined from Table 2.

TABLE 2
DESIGN SPEED OF EACH TYPE OF STREET

<u>Street Type</u>	<u>Design Speed</u>
Collection and Residential	30
Secondary Thoroughfare	35
Major Thoroughfare	40

The minimum acceptable horizontal centerline radius, for each respective street's design speed, is shown in Table 3.