

City of OILLA City Council

Rachel Huber, Place One

Larry Stevenson, Place Two

David Griffin, Place Three, Mayor Pro Tem

Richard Dormier, Mayor

Doug Hunt, Place Four

Dean Oberg, Place Five

Cyndy Powell, City Administrator

105 S. Cockrell Hill Road, Ovilla, TX 75154

Monday, August 11, 2014

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, August 11, 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

- Proclamation: Constitution Week, Old Chisholm Trail, NSDAR
- Citizen Comments

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

- Department Activity Reports / Discussion

• Police Department	Police Chief M. Moon
○ Monthly Report	
• Fire Department	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.

- C1. Resolution R2014-027 authorizing the Mayor to execute an Interlocal Agreement by and Between the City of Ovilla, Texas and the City of Midlothian, Texas for emergency medical transport services.
- C2. Minutes of the June 23, 2014 Regular Council Meeting
- C3. Minutes of the July 09, 2014 Special Council Meeting
- C4. Minutes of the July 14, 2014 Regular Council Meeting

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IV. PUBLIC HEARINGS

Public Hearing & Discussion – Discuss and consider recommended zoning changes:

Case No. PZ14-02. A request by the City of Ovilla, for a change in zoning from RC (Single Family Residential District 5 Acre Minimum) to RE (Single Family Residential District 1 Acre Minimum) on 5.61 acres of land, more or less, out of the Westmoreland Estates 1, Lots 25A & 26A, Ellis County, Texas and more commonly known as 754 Westmoreland Road, Ovilla, Texas. (Pulled, scrivener error)

Case No. PZ14-03. A request by the City of Ovilla, for a change in zoning from RC (Single Family Residential District 5 Acre Minimum) to RE (Single Family Residential District 1 Acre Minimum) on 4.6 acres of land, more or less, out of the Westmoreland Estates 1, Lot 27A, Ellis County, Texas and more commonly known as 743 Westmoreland Road, Ovilla, Texas.

Case No. PZ14-04. A request by the City of Ovilla, for a change in zoning from RC (Single Family Residential District 5 Acre Minimum) to RE (Single Family Residential District 1 Acre Minimum) on 3.65 acres of land, more or less, out of the Westmoreland Estates 1, Lot 28A, Ellis County, Texas and more commonly known as 739 Westmoreland Road, Ovilla, Texas.

Case No. PZ14-05. A request by the City of Ovilla, for a change in zoning from RC (Single Family Residential District 5 Acre Minimum) to RE (Single Family Residential District 1 Acre Minimum) on 1.88 acres of land, more or less, out of the Westmoreland Estates 1, Lot 29A, Ellis County, Texas and more commonly known as Lot 29A Westmoreland Road, Ovilla, Texas.

Case No. PZ14-06. A request by the City of Ovilla, for a change in zoning from RC (Single Family Residential District 5 Acre Minimum) to RE (Single Family Residential District 1 Acre Minimum) on 2.02 acres of land, more or less, out of the Westmoreland Estates 2 Lot 30A, Ellis County, Texas and more commonly known as 735 Westmoreland Road, Ovilla, Texas.

Case No. PZ14-07. A request by the City of Ovilla, for a change in zoning from RC (Single Family Residential District 5 Acre Minimum) to RE (Single Family Residential District 1 Acre Minimum) on 2.05 acres of land, more or less, out of the Westmoreland Estates 2, Lot 31A, Ellis County, Texas and more commonly known as 733 Westmoreland Road, Ovilla, Texas.

Case No. PZ14-08. A request by the City of Ovilla, for a change in zoning from RC (Single Family Residential District 5 Acre Minimum) to RE (Single Family Residential District 1 Acre Minimum) on 4.83 acres of land, more or less, out of the 210 J. Chapman Survey, Ellis County, Texas and more commonly known as 725 Westmoreland Road, Ovilla, Texas.

Case No. PZ14-09. A request by the City of Ovilla, for a change in zoning from RC (Single Family Residential District 5 Acre Minimum) to RE (Single Family Residential District 1 Acre Minimum) on 3.865 acres of land, more or less, out of the Broadnax Addition, Lot 1, Ellis County, Texas and more commonly known as 721 Westmoreland Road, Ovilla, Texas.

Case No. PZ14-10. A request by the City of Ovilla, for a change in zoning from RC (Single Family Residential District 5 Acre Minimum) to RE (Single Family Residential District 1 Acre Minimum) on 4 acres of land, more or less, out of the 210 J. Chapman Survey, Ellis County, Texas and more commonly known as 719 Westmoreland Road, Ovilla, Texas.

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Case No. PZ14-11 A request by the City of Ovilla, for change in zoning from RC(Single Family Residential District 5 Acre Minimum) to RE (Single Family Residential District 1 acre Minimum) on 4 acres of land, more or less, out of the 210 J. Chapman Survey, Ellis County, Texas and more commonly known as 717 Westmoreland Road, Ovilla, Texas.

Case No. PZ14-12 A request by the City of Ovilla, for change in zoning from RC(Single Family Residential District 5 Acre Minimum) to RE (Single Family Residential District 1 acre Minimum) on 4 acres of land, more or less, out of the 210 J. Chapman Survey, Ellis County, Texas and more commonly known as 713 Westmoreland Road, Ovilla, Texas.

Case No. PZ14-13 A request by the City of Ovilla, for change in zoning from RC(Single Family Residential District 5 Acre Minimum) to RE (Single Family Residential District 1 acre Minimum) on 3.11 acres of land, more or less, out of the 210 J. Chapman Survey, Ellis County, Texas and more commonly known as 707 Westmoreland Road, Ovilla, Texas.

Case No. PZ14-14 A request by the City of Ovilla, for change in zoning from RC(Single Family Residential District 5 Acre Minimum) to RE (Single Family Residential District 1 acre Minimum) on 3.11 acres of land, more or less, out of the 210 J. Chapman Survey, Ellis County, Texas and more commonly known as 801 Hosford Road, Ovilla, Texas.

V. REGULAR AGENDA

ITEM 1. ***DISCUSSION/ACTION*** – *Consideration of and action on the Proposed Interlocal Cooperation Agreement for Fire Protection and First Responder Services and take action as necessary to direct staff.*

ITEM 2. ***DISCUSSION/ACTION*** – Case No. PZ14-03. *Receive recommendation from the Planning and Zoning Commission for consideration of and action on Ordinance 2014-013, Providing for the Amendment to the Zoning Ordinance of the City of Ovilla, TX, that being Ordinance 2010-013, as heretofore amended; Providing a Zoning Classification change from “RC, Single Family Residential District, 5-acre Minimum” to “RE, Single Family Residential District, 1-acre Minimum” on land specifically described herein located with Ellis County Appraisal District and identifies as 27A Westmoreland Road, Estates 1, of the deed records of Ellis County; and providing for immediate effect and otherwise known and referred to as 743 Westmoreland road in the City of Ovilla, TX.*

ITEM 3. ***DISCUSSION/ACTION*** – Case No. PZ14-04 *Receive recommendation from the Planning and Zoning Commission for consideration of and action on Ordinance 2014-014, Providing for the Amendment to the Zoning Ordinance of the City of Ovilla, TX, that being Ordinance 2010-013, as heretofore amended; Providing a Zoning Classification change from “RC, Single Family Residential District, 5-acre Minimum” to “RE, Single Family Residential District, 1-acre Minimum” on land specifically described herein located with Ellis County Appraisal District and identifies as 28A Westmoreland Road, Estates 1, of the Deed Records of Ellis County; and providing for immediate effect and otherwise known and referred as 739 Westmoreland Road, Ovilla, Texas.*

ITEM 4. ***DISCUSSION/ACTION*** – Case No. PZ14-05. *Receive recommendation from the Planning and Zoning Commission for consideration of and action on Ordinance 2014-015, Providing for the Amendment to the Zoning Ordinance of the City of Ovilla, TX, that being Ordinance 2010-013, as heretofore amended; Providing a Zoning Classification change from “RC, Single*

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Family Residential District, 5-acre Minimum" to "RE, Single Family Residential District, 1-acre Minimum" on land specifically described herein located with Ellis County Appraisal District and identifies as 29A Westmoreland Road, Estates 1, of the Deed Records of Ellis County; and providing for immediate effect and otherwise known and referred as 29A Westmoreland Road Estates 1, Ovilla, Texas.

ITEM 5. ***DISCUSSION/ACTION*** – Case No. PZ14-06. *Receive recommendation from the Planning and Zoning Commission for consideration of and action on Ordinance 2014-016, Providing for the Amendment to the Zoning Ordinance of the City of Ovilla, TX, that being Ordinance 2010-013, as heretofore amended; Providing a Zoning Classification change from "RC, Single Family Residential District, 5-acre Minimum" to "RE, Single Family Residential District, 1-acre Minimum" on land specifically described herein located with Ellis County Appraisal District and identifies as 30A Westmoreland Road, Estates 2, of the Deed Records of Ellis County; and providing for immediate effect and otherwise known and referred as 735 Westmoreland Road, Ovilla, Texas.*

ITEM 6. ***DISCUSSION/ACTION*** – Case No. PZ14-07. *Receive recommendation from the Planning and Zoning Commission for consideration of and action on Ordinance 2014-017, Providing for the Amendment to the Zoning Ordinance of the City of Ovilla, TX, that being Ordinance 2010-013, as heretofore amended; Providing a Zoning Classification change from "RC, Single Family Residential District, 5-acre Minimum" to "RE, Single Family Residential District, 1-acre Minimum" on land specifically described herein located with Ellis County Appraisal District and identifies as 31A Westmoreland Road, Estates 2, of the Deed Records of Ellis County; and providing for immediate effect and otherwise known and referred as 733 Westmoreland Road, Ovilla, Texas.*

ITEM 7. ***DISCUSSION/ACTION*** – Case No. PZ14-08. *Receive recommendation from the Planning and Zoning Commission for consideration of and action on Ordinance 2014-018, Providing for the Amendment to the Zoning Ordinance of the City of Ovilla, TX, that being Ordinance 2010-013, as heretofore amended; Providing a Zoning Classification change from "RC, Single Family Residential District, 5-acre Minimum" to "RE, Single Family Residential District, 1-acre Minimum" on land specifically described herein located with Ellis County Appraisal District and identifies as 210 J. Chapman Survey of the Deed Records of Ellis County; and providing for immediate effect and otherwise known and referred as 725 Westmoreland Road, Ovilla, Texas.*

ITEM 8. ***DISCUSSION/ACTION*** – Case No. PZ14-09. *Receive recommendation from the Planning and Zoning Commission for consideration of and action on Ordinance 2014-019, Providing for the Amendment to the Zoning Ordinance of the City of Ovilla, TX, that being Ordinance 2010-013, as heretofore amended; Providing a Zoning Classification change from "RC, Single Family Residential District, 5-acre Minimum" to "RE, Single Family Residential District, 1-acre Minimum" on land specifically described herein located with Ellis County Appraisal District and identifies as Lot 1, Broadnax Addition, of the Deed Records of Ellis County; and providing for immediate effect and otherwise known and referred as 721 Westmoreland Road, Ovilla, Texas.*

ITEM 9. ***DISCUSSION/ACTION*** – Case No. PZ14-10. *Receive recommendation from the Planning and Zoning Commission for consideration of and action on Ordinance 2014-020, Providing for the Amendment to the Zoning Ordinance of the City of Ovilla, TX, that being Ordinance 2010-013, as heretofore amended; Providing a Zoning Classification change from "RC, Single*

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Family Residential District, 5-acre Minimum" to "RE, Single Family Residential District, 1-acre Minimum" on land specifically described herein located with Ellis County Appraisal District and identifies as 210 J. Chapman Survey, of the Deed Records of Ellis County; and providing for immediate effect and otherwise known and referred as 719 Westmoreland Road, Ovilla, Texas.

ITEM 10. ***DISCUSSION/ACTION*** – Case No. PZ14-11. ***Receive*** recommendation from the Planning and Zoning Commission for consideration of and action on Ordinance 2014-021, Providing for the Amendment to the Zoning Ordinance of the City of Ovilla, TX, that being Ordinance 2010-013, as heretofore amended; Providing a Zoning Classification change from "RC, Single Family Residential District, 5-acre Minimum" to "RE, Single Family Residential District, 1-acre Minimum" on land specifically described herein located with Ellis County Appraisal District and identifies as 210 J. Chapman Survey, of the Deed Records of Ellis County; and providing for immediate effect and otherwise known and referred as 717 Westmoreland Road, Ovilla, Texas.

ITEM 11. ***DISCUSSION/ACTION*** - Case No. PZ14-12. ***Receive*** recommendation from the Planning and Zoning Commission for consideration of and action on Ordinance 2014-022, Providing for the Amendment to the Zoning Ordinance of the City of Ovilla, TX, that being Ordinance 2010-013, as heretofore amended; Providing a Zoning Classification change from "RC, Single Family Residential District, 5-acre Minimum" to "RE, Single Family Residential District, 1-acre Minimum" on land specifically described herein located with Ellis County Appraisal District and identifies as 210 J. Chapman Survey, of the Deed Records of Ellis County; and providing for immediate effect and otherwise known and referred as 713 Westmoreland Road, Ovilla, Texas.

ITEM 12. ***DISCUSSION/ACTION*** - Case No. PZ14-13. ***Receive*** recommendation from the Planning and Zoning Commission for consideration of and action on Ordinance 2014-023, Providing for the Amendment to the Zoning Ordinance of the City of Ovilla, TX, that being Ordinance 2010-013, as heretofore amended; Providing a Zoning Classification change from "RC, Single Family Residential District, 5-acre Minimum" to "RE, Single Family Residential District, 1-acre Minimum" on land specifically described herein located with Ellis County Appraisal District and identifies as 210 J. Chapman Survey, of the Deed Records of Ellis County; and providing for immediate effect and otherwise known and referred as 707 Westmoreland Road, Ovilla, Texas.

ITEM 13. ***DISCUSSION/ACTION*** - Case No. PZ14-14. ***Receive*** recommendation from the Planning and Zoning Commission for consideration of and action on Ordinance 2014-024, Providing for the Amendment to the Zoning Ordinance of the City of Ovilla, TX, that being Ordinance 2010-013, as heretofore amended; Providing a Zoning Classification change from "RC, Single Family Residential District, 5-acre Minimum" to "RE, Single Family Residential District, 1-acre Minimum" on land specifically described herein located with Ellis County Appraisal District and identifies as 210 J. Chapman Survey, of the Deed Records of Ellis County; and providing for immediate effect and otherwise known and referred as 801 Hosford Road, Ovilla, Texas.

ITEM 14. ***DISCUSSION/ACTION*** – ***Receive recommendation from the Planning and Zoning Commission for consideration and action on*** Ordinance 2014-025 amending Chapter 4 "Business Regulations" of the Code of Ordinances of the City of Ovilla, Providing Article 4.11, entitled "Regulation of Boarding Home Facilities" requiring permits and payment of fees; adopting standards regarding construction and remodeling of Board Homes; Adopting Standards for

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Sanitary and Related Conditions; Requiring the Reporting and Investigation of Injuries, Incidents, and Unusual Accidents and the Establishment of Policies and Procedures to Ensure Resident Health and Safety; Setting Forth Procedures for Assistance with Self-Administration of Medication; Requiring In-Service Education of Boarding Home Facility Staff; Requiring Criminal History Record Checks; Requiring Assessment and Periodic Monitoring to Ensure that a Resident does not Require Personal Care, nursing or other services and is capable of self-administering medication; providing for penalties, revocation of permit, and an appeals process, providing a savings clause, providing a severability clause, providing and effective date, providing for incorporation into the Code of Ordinances; and providing for publication.

ITEM 15. *DISCUSSION/ACTION – Consideration* of and action on Ordinance 2014-026 of the City of Ovilla, TX, amending the Fiscal Year 2013-14 Water and Sewer Fund Budget and Annual Program of Services for the City of Ovilla to allow for an adjustment of \$2,000, appropriating funds for increased expenditures for the emergency replacement of a sewer pump and; appropriating said funds from the Unassigned Fund Balance, providing that expenditures for FY2013-14 be made in accordance with said amended budget; providing a severability clause; providing and effective date.

ITEM 16. *DISCUSSION/ACTION – Discussion* regarding the City's policy requiring a permit for fill dirt and review of the 2007 Building Code requirements and take action as necessary to direct staff.

ITEM 17. *DISCUSSION/ACTION – Discussion* regarding the City's Policy and Procedure Guide to Purchasing revised July 14, 2014 and adopted by Ordinance 2014-011 and take action as necessary to direct staff.

ITEM 18. *DISCUSSION/ACTION - Consideration* of and action on the appointment of an ad hoc member to the Planning and Zoning Commission for the purpose of reviewing the impact fees and making a recommendation to City Council for consideration.

ITEM 19. *DISCUSSION/ACTION - Review* and discuss the Main Street Sewer Project and take action as necessary to direct staff.

EXECUTIVE SESSION

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

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

VI. REQUESTS FOR FUTURE AGENDA ITEMS

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VII. ADJOURNMENT

THIS IS TO CERTIFY THAT A COPY OF THE NOTICE OF the August 11, 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 8th day of August 2014 prior to 6:00 p.m., in compliance with Chapter 551, Texas Government Code.



Pamela Woodall

Pamela Woodall, City Secretary

DATE OF POSTING: 8-8-2014 TIME: 10:30 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.

PROCLAMATION

City of Ovilla

WHEREAS: September 17, 2014, marks the two hundred twenty-seventh anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE, I Richard Dormier by virtue of the authority vested in me as Mayor of the City of Ovilla, Texas, do hereby proclaim the week of September 17 through 23 as

CONSTITUTION WEEK

AND ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Ovilla, Texas, to be affixed this 11th day of August of the year of our Lord, two thousand fourteen.

Signed _____
Richard Dormier, Mayor of Ovilla

Attest _____
Pamela Woodall, City Secretary



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

Calls For Service	July 2014	July 2014 YTD	July 2013	July 2013 YTD
Accident	1	19	3	18
Alarms	23	140	18	104
Arrest	1	14	4	24
Assault	1	2	0	2
Assists: Agency/Unit:29 EMS/Fire:3 Motorist:7	39	214	29	182
Building / House Security Check	1609	10226	1481	9369
Burglary	0	6	2	5
Burglary of Motor Vehicle	1	1	0	1
Criminal Mischief	0	5	0	4
Disturbance	14	54	13	49
Neighborhood Check	1625	9802	1704	12296
Other Calls for Service	168	788	124	884
Suspicious Person	5	45	11	37
Suspicious Vehicle	7	49	8	50
Theft	5	14	0	5
Traffic Assignment	5	60	12	159
TOTAL CALLS FOR SERVICE	3504	21439	3409	23189

Reserve Officer Hours	62.75	437.5	27.75	445.25
Average Response Time (Minutes)	4	4.1771429	4.5	3.9785
Traffic Stop (Warnings)	45	279	31	220
Traffic Stop (Citations)	51	306	23	239
Total Citations & Warnings Combined	96	585	54	459
PERCENT OF STOPS RECEIVING CITATIONS	53.1	52.3	42.6	52.1

OVILLA PD VEHICLE MILEAGE						
March-14	Beginning	Ending	Accrued	April-14	Beginning	Ending
Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Accrued
100	82172	82405	233	100	82405	83193
102	79832	80697	865	102	80697	81761
103	89434	91162.8	1728.8	103	91162.8	92802
104	52173	53335.8	1162.8	104	53335.8	56126
105	33654	35239	1585	105	35239	36434
May-14	Beginning	Ending	Accrued	Unit #	Beginning	Ending
100	83193	84792	1599	100	84792	85914
102	81761	82879	1118	102	82879	83546
103	92802	94219.5	1417.5	103	94219.5	95219
104	56126	57757.4	1631.4	104	57757.4	59339.5
105	36434	39339	2905	105	39339	41691
June-14	Beginning	Ending	Accrued	Unit #	Beginning	Ending
100	85914	87395	1481	100	87395	0
102	83546	84962	1416	102	84962	0
103	95219	96338	1119	103	96338	0
104	59339.5	60555	1215.5	104	60555	0
105	41691	43756	2065	105	43756	0
July-14	Beginning	Ending	Accrued	Unit #	Beginning	Ending
100	85914	87395	1481	100	87395	0
102	83546	84962	1416	102	84962	0
103	95219	96338	1119	103	96338	0
104	59339.5	60555	1215.5	104	60555	0
105	41691	43756	2065	105	43756	0
September-14	Beginning	Ending	Accrued	Unit #	Beginning	Ending
100	0	0	0	100	0	0
102	0	0	0	102	0	0
103	0	0	0	103	0	0
104	0	0	0	104	0	0
105	0	0	0	105	0	0
November-14	Beginning	Ending	Accrued	Unit #	Beginning	Ending
100	0	100	100	100	0	0
102	0	102	102	102	0	0
103	0	103	103	103	0	0
104	0	104	104	104	0	0
105	0	105	105	105	0	0



Calls For Service

July 2013

July 2014

YTD

Totals

Totals

City of Ovilla total calls for service			32			23	160
	Fire	6		Fire	3		
	EMS	26		EMS	20		
Average Response Time				Fire	6:25		
				EMS	5:46		
Overlapping incidents						2	
ESD # 2 total calls of service			22			15	109
	Fire	15		Fire	3		
	EMS	7		EMS	12		
ESD # 4 Total calls of service						5	29
	Fire	4	8	Fire	2		
	EMS	4		EMS	3		
Mutual Aid Provided			7			4	
Calls of Service Totals			388			356	
			YTD 2013			YTD 2014	
Fire Department news							
New Volunteer Tim Sherwood.							



Date August 6, 2014

TO: Honorable Mayor and City Council Members

FROM: Brad Piland, Public Works Director

TOPIC: Public Works Monthly Report for July

- Repaired water leak at 111 Holly Ln
- 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 water leak: Red Oak Creek
- Repaired and laid road base to Thorntree
- Updated marquee as needed
- Conducted daily water maintenance residuals and pressure tests
- Tree & grass maintenance: Heritage Park, Silver Spur Park and Baseball fields and park area. Assisted Code Enforcement Department with mowing
- Removed fallen tree from Water street and repaired fence
- Assisted Ellis County with repairs to Thorntree
- Removed and replaced street signs
- Trimmed trees on Cockrell hill
- Remove trees from roadway
- Ditch work on Westmoreland Road
- Replaced fan motor at pump station
- Road repairs in Ovilla Oaks



❖ Jimmy Bryan -

- Serviced PD Units
- Serviced Ford Dump Truck
- Repaired Skid steer and sweeper

**Flushed Hydrants

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

**Watered plants at City Hall and park



City Administrator Activity Report

Cyndy Powell
July 28, 2014 – August 01, 2014

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

Neighborhood road work – City crews continue minor work in Ovilla Oaks on Winding Way and Ridgeway Gap.

Cockrell Hill Road Repairs – The City has trimmed trees along Cockrell Hill. Dallas County has not initiated utility line locations and we are awaiting a start date. Dallas County road crews have been working on Shiloh Road and have completed the first course.

Planning and Zoning Commission – P&Z met July 07 and made minor revisions to the Boarding House ordinance and asked to review it again at the next meeting August 04.

BOA – next meeting August 18th at 7:00 p.m.

Five Year Staffing Plan – The Committee (Mayor Dormier, Oberg, Stevenson) was provided job descriptions. I have retrieved preliminary salary data from the Waters Survey Navigator for the positions. A salary survey was issued to six cities. A job description was created for the position of Animal Control Officer.

Strategic Guide – Council was updated at the June 23, 2014 Council Meeting and staff received feedback on the guide.

Economic Development Corporation – Next meeting is August 18 beginning at 5:00 p.m. The Texas Downtown Association has been invited to assess Historic Downtown Ovilla and provide guidance as the Board considers a plan to improve downtown as described in Goal 4 of the Strategic Guide.

Municipal Development District – pending appointments.

ESD#4 Board Meeting – next meeting postponed to August 04, 2014 at 7:30 p.m. The Board President Dub Nowell has been invited to address City Council at the August 11, 2014 Regular Meeting.

ESD#2 Board Meeting – next meeting is Monday, August 18, 2014, at 7:00 p.m.

Stonewood Lakes Estates (Cole Tracts 113 acres in the ETJ) – staff continues to work with the developer, they have requested process for annexation and zoning. We are awaiting confirmation of builders and the product lines proposed for the development.

Bryson Manor (122 acres in City Limits) – staff is awaiting Mr. Massey Shaw's final plat application. Construction plans for the first phase of Bryson Manor have been received.

MISD parcel - staff continues to work with the developer.

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. The city continues collecting mosquito samples since March and sending to Austin for testing. There have been no positive results.

Heritage Day Committee – (Mayor, Hunt, Oberg) an update meeting has been scheduled for Thursday, August 07, 2014 at 3:30 p.m. Theme is Honoring Ovilla's Heritage – sponsorships available.

Employee Wellness/Benefits Advisory Committee – Proposals will be in on August 15, 2014. The committee will be meeting to review and discuss options for FY2014-15.

Dallas Water Utilities – the City received notice of the proposed wholesale water rate increase from \$1.6732 to \$1.7339 per 1000 gallons effective October 1, 2014 to be considered by City of Dallas on September 17, 2014. Staff will prepare a revised fee schedule to present to City Council at a future meeting.

Best Southwest Legislative Breakfast –August 8th, August 15th, August 22nd.

Westmoreland Re-zoning – the Mayor, Mike Dooly, and I met with seven homeowners in the area designated for re-zoning and addressed their concerns. The Public Hearings for re-zoning will be August 4th and August 11th beginning at 7:00 p.m. The tracts being re-zoned are less than 5 acres therefore staff has initiated the zoning classification change from R-C single family residential *5 acre minimum* to R-E single family residential *1 acre minimum*.

Hosford Tracts (130 acres in City Limits) – the Mayor and staff met with the developer and engineer for the Hosford Tracts located at FM664 between Westmoreland and Malloy. A joint workshop with City Council, P&Z, and EDC be held on Monday, August 25, 2014 beginning at 6:00 p.m. for one hour. The developer is proposing a Planned Development and the concept plan will be presented at the meeting. The City's Code of Ordinance provides for a Planned Development (PD) in section 25.

Quarterly newsletter – deadline for articles is August 15, 2014 to Pam. Mayor Dormier and Mayor Pro tem Griffin will have space for articles this quarter. The highlight of the newsletter will be Heritage Day. Arrival anticipated in homes around September 9th-11th.

Ellis County Mitigation Plan has been completed.

Municipal Services Advisory Committee – three (3) volunteers needed to apply for the newly created MSAC. Municipal Services Advisory Committee will develop a capital improvement plan based on current and future development issues, current and future city services, current and future water needs, and major capital improvements to street, water and sewer infrastructure as described in Goal 3 of the Strategic Guide. Although we placed notice of openings on the web site and sent out a Tweet, please recruit volunteers for this Committee.

Parks Board – four (4) more volunteers needed to apply for the newly created Parks Board to develop a master parks plan for Strategic Guide Goal 2. Teresa Lindsey was appointed at the July 14, 2014 meeting.



City Administrator Activity Report

Cyndy Powell

July 21, 2014 – July 25, 2014

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

Neighborhood road work – Minor work occurring in Ovilla Oaks.

Cockrell Hill Road Repairs – anticipating Dallas County to begin work on the northern portion of Cockrell Hill in August per conversation with Roger in Dallas.

Planning and Zoning Commission – P&Z met July 07 and made minor revisions to the Boarding House ordinance and asked to review again. Appointments were made, Ms. Lynch as President, Mr. Yordy as Vice President. Next meeting is August 01.

BOA – next meeting August 18th at 7:00 p.m.

Five Year Staffing Plan – The Committee (Mayor Dormier, Oberg, Stevenson) was provided job descriptions. I have retrieved preliminary salary data from the Waters Survey Navigator for the positions. A salary survey was issued to six cities. A job description was created for the position of Animal Control Officer.

Strategic Guide – Council was updated at the June 23, 2014 Council Meeting and staff received feedback on the guide.

Economic Development Corporation – Next meeting is August 18 beginning at 5:00 p.m. The Texas Downtown Association has been invited to assess Historic Downtown Ovilla and provide guidance as the Board considers a plan to improve downtown as described in Goal 4 of the Strategic Guide.

Municipal Development District – pending appointments.

ESD#4 Board Meeting – next meeting is July 28, 2014 at 7:30 p.m.

ESD#2 Board Meeting – next meeting is Monday, August 18, 2014, at 7:00 p.m.

Stonewood Lakes Estates (Cole Tracts 113 acres in the ETJ) – staff continues to work with the developer, they have requested process for annexation and zoning. We are awaiting confirmation of developers and the product lines proposed for the development.

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

MISD parcel – staff continues to work with the developer.

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. The city continues collecting mosquito samples since March and sending to Austin for testing. There have been no positive results.

Heritage Day Committee – (Mayor, Hunt, Oberg) The web page for Special Events-Heritage Day 2014 is live. Invitations to parade participants and vendors were emailed/mailed. The participants are utilizing the on-line payment option.

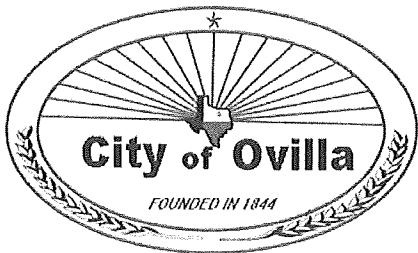
Employee Wellness/Benefits Advisory Committee – Notice has been posted for Request for Proposals for health insurance.

Tree trimming on Cockrell Hill in anticipation of road work beginning in August.

Dallas Water Utilities – the City received notice of the proposed wholesale water rate increase from \$1.6732 to \$1.7339 per 1000 gallons effective October 1, 2014 to be considered by City of Dallas on September 17, 2014.

Best Southwest Legislative Breakfast – August 1st, August 8th, August 15th, August 22nd.

Westmoreland Re-zoning – the Mayor, Mike Dooly, and I met with seven homeowners in the area designated for re-zoning and addressed their concerns. The Public Hearings for re-zoning will be August 4th and August 11th beginning at 7:00 p.m. The tracts being re-zoned are less than 5 acres therefore staff has initiated the zoning classification change from R-C single family residential *5 acre minimum* to R-E single family residential *1 acre minimum*.



Jessica Foresman
Court Clerk

DATE: August 11, 2014
TO: Honorable Mayor Dormier and City Council Members
FROM: Jessica Foresman, Court Clerk
SUBJECT: Monthly Staff Report

Court Report July 2014

Item	Number	2013	Total	2013
July 2014				
Traffic Cases Filed	62	29		
State Law Cases Filed	0	1		
Parking Cases Filed	0	0		
Penal Code Cases Filed	2	1		
City Ordinance Cases Filed	7	6		
7 Fireworks violations				
Trials	0	0		
Total Revenue			\$9,668.46	\$6,019.85
Amount kept by City			\$5,501.93	\$3,852.95
Amount remitted to State			\$4,166.53	\$2,166.90
Warrants Issued	26	12		
New warrants	12			
previous- cleared and reissued	14			
Warrants Cleared	2		\$815.83	
Warrants Cleared from Omni/Collect	2		\$815.83	

1 warrant paid in full & closed. 1 warrant posted bond, bond applied and payments scheduled
 One case that has continuous payments

July 2014

Code Enforcement Report

Complaints – 88 (31 – Grass, 15-Permit, 11– Parking, 31-Nuisance)

Follow ups – 99 (32- Grass, 23-Parking, 6-Permit, 38- Nuisance)

Door Notices – 47 (Grass – 23, Parking – 15, Permit – 3, Nuisance – 6)

Mail Notices – 22 (Parking – 7, Trailer- 9, Brush & Grass-6)

Posted Property – 11 (7 Grass, 4 Nuisance)

Court – 3 (3– Grass and Weeds -Plead Guilty –fined \$ 709, 2 postponed)

Citizen contacts - 155

Permits reviewed – 19 Permits issued - 13

Inspections – 24

Nuisance Abated By City 2 (2 - Grass)

Nuisance- Signs – 29 (22 Garage sales, 7 Business)

Board of Adjustment – 2 Variances Granted (1 fence post and rails, 1 metal building size)

Payment Received for Nuisance Abatement- \$240 (grass and weeds)

July 2014

Animal Control Report

Complaints- 31 (Barking – 1, Registration-15, At large- 5, Welfare - 10)

Follow ups – 48

Door Notices –21 (3 Barking, Registration-16, At large - 4)

Impounded Animals – 6 (6 dogs)

Animal Welfare Checks – 16

Impound Animal Results - 2 Returned to owner, 4 transport

Impound Fees Collected - \$90.00

Court – 0

Citizen contacts -26

Animal Registration Tags Issued – 13 /Total \$136.00

Registration Reminders Mailed- 21

Nuisance Letters Mailed-12

Animals Released – 1 (skunk)

Deceased Removed – 37

Oak Leaf –3 (dog calls)

Traps Checked Out – 11



Ovilla City Council

CONSENT ITEMS C1, C2, C3, C4,

Meeting Date: August 11, 2014

Department: Administration

Discussion Action

Budgeted Expense: YES NO N/A

Submitted by: Staff

Amount: N/A

Attachments:

- C1. Resolution R2014-027 authorizing the Mayor to execute an Interlocal Agreement by and Between the City of Ovilla, Texas and the City of Midlothian, Texas for emergency medical transport services.
- C2. Minutes of the June 23, 2014 Regular Council Meeting
- C3. Minutes of the July 09, 2014 Special Council Meeting
- C4. Minutes of the July 14, 2014 Regular Council Meeting

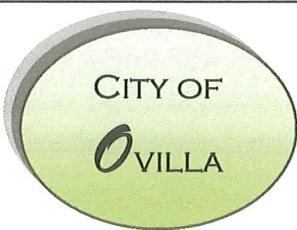
Discussion / Justification:

Recommendation / Staff Comments:

Staff recommends approval.

Sample Motion(s):

I move to approve the consent items as presented.



Ovilla City Council

Consent C1

Meeting Date: August 11, 2014

Department: Administration

Discussion Action

Budgeted Expense: YES NO N/A

Submitted By: Philip Brancato, Fire Chief

Amount: \$66,257.00 Account: 530 2385

Reviewed By: City Administrator City Secretary City Attorney
 Accountant Other

Attachments:

1. Resolution R2014-027

Agenda Item / Topic:

Consent C1. **DISCUSSION/ACTION** – Consideration of and action on Resolution R2014-027 authorizing the Mayor to execute an Interlocal Agreement by and Between the City of Ovilla, Texas and the City of Midlothian, Texas for emergency medical transport services.

Discussion / Justification:

The City of Midlothian has provided a ten (10) year Interlocal Agreement for the Midlothian Fire Department to provide emergency medical transport service for the City of Ovilla. The Agreement provides for the ambulance services at an annual cost of \$66,257.00 which is a slight increase over last year's cost of \$63,550.00. The fee includes the same Base Rate of \$20,000 with an option to negotiate a higher Base Rate in 2019. The Base Rate would be renegotiated if ambulance runs for the City of Ovilla increase at a higher rate than ambulance runs within Midlothian. The total cost is also calculated on the Per Capita Rate of \$13.03 for FY2014-2015 and increases 5% each year. The Per Capita Rate is based on the City's estimated population of 3,550 in January 2014 on the North Central Texas Council of Government's website.

Recommendation / Staff Comments:

Staff recommends approval of Resolution R2014-027 authorizing the Mayor to execute an Interlocal Agreement by and Between the City of Ovilla, Texas and the City of Midlothian Texas for emergency medical transport services effective October 01, 2014.

Sample Motion(s):

I move that Council approve/deny Resolution R2014-027 authorizing the Mayor to execute an Interlocal Agreement by and Between the City of Ovilla, Texas and the City of Midlothian, Texas for emergency medical transport services.

RESOLUTION NO. R2014-027

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, AN INTERLOCAL AGREEMENT, BY AND BETWEEN THE CITY OF OVILLA, TEXAS AND THE CITY OF MIDLOTHIAN, TEXAS FOR THE EMERGENCY TRANSPORT SERVICES IN THE AMOUNT OF \$66,257.00 FOR A TERM OF TEN (10) YEARS.

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 Interlocal Agreement, by and between the City of Ovilla, Texas and the City of Midlothian, Texas for Emergency Transport Services in the amount of \$66,257.00 for a ten (10) year term, to commence on October 01, 2014 and terminate on September 30, 2024.

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

PASSED, APPROVED, AND RESOLVED this _____ day of _____ 2014.

ATTEST: _____

APPROVED: _____

Pamela Woodall, **CITY SECRETARY**

Richard Dormier, **MAYOR**

INTERLOCAL AGREEMENT BY AND BETWEEN THE CITY OF OVILLA,
TEXAS, AND THE CITY OF MIDLOTHIAN, TEXAS

THE STATE OF TEXAS

COUNTY OF ELLIS

This Agreement is made this _____ day of September 2014, by and between the CITY OF OVILLA, TEXAS, (OVILLA) and the CITY OF MIDLOTHIAN, TEXAS, (MIDLOTHIAN) acting by and through their duly authorized officials:

WITNESSETH:

WHEREAS, OVILLA desires to provide its citizens with the best staffed, trained, and equipped emergency medical services available that result in the lowest response times coupled with adequate and consistent response; and

WHEREAS, OVILLA has relied upon MIDLOTHIAN to provide emergency medical transport service for more than two decades and is pleased with the service that MIDLOTHIAN has provided; and

WHEREAS, MIDLOTHIAN is willing to continue to provide emergency medical transport service to the citizens of OVILLA in cooperation with the Ovilla Fire Department;

NOW, THEREFORE, in consideration of the premises and the benefits to be received and enjoyed by both parties hereto and the residents of OVILLA, and other good and valuable consideration, the parties do hereby covenant, contract and agree as follows:

1. MIDLOTHIAN hereby agrees that its Fire Department will provide emergency medical transport services to the best of its ability within the

City Limits of OVILLA, and further agrees that such Fire Department will provide the equipment, personnel, and supplies at its sole expense and liability in fulfilling its duty hereunder. MIDLOTHIAN agrees to provide Advance Life Support emergency medical transport if same is available at the time of the request and is not currently deployed. If said Advanced Life Support emergency medical transport is currently deployed, MIDLOTHIAN will provide Basic Life Support emergency medical transport. If all emergency medical transport resources are occupied on calls at the time of a request from OVILLA, MIDLOTHIAN will summon emergency medical transport service for OVILLA from the closest agency.

2. It is understood and agreed that the services of MIDLOTHIAN are furnished by MIDLOTHIAN as an independent contractor. MIDLOTHIAN agrees to hold OVILLA harmless and indemnify it against any other claims that may be asserted by any third party occurring in connection with the services to be performed by MIDLOTHIAN under this agreement.
3. OVILLA will disburse funds to be used by MIDLOTHIAN through its Fire Department for emergency medical transport services. The total annual sum to be given to MIDLOTHIAN shall consist of two parts, a Base portion and a Per Capita portion. The Base portion shall be \$20,000.00 per year. The Per Capita portion shall be computed by multiplying a Per Capita

amount by the total number of OVILLA residents. The Per Capita amount shall be initially set at \$13.03 per OVILLA resident. The number of residents in OVILLA shall be initially set at the estimated number reported by the North Central Texas Council of Governments (NCTCOG) on their web site in July 2014. OVILLA shall make quarterly payments in the amount of one-fourth of the combined total of the Base portion and the Per Capita portion, in the months of October, January, April, and July of each year. At their option, OVILLA may make monthly payments in the amount of one-twelfth of the combined total of the Base portion and the Per Capita portion.

4. This agreement shall become effective on October 1, 2014, and shall terminate on September 30, 2024, unless sooner terminated ninety days after a written notification is officially received by either party.
5. In the month of July of each year, the Per Capita portion of the annual fee shall be recomputed by increasing the Per Capita amount by five (5) percent from the previous year's Per Capita amount and multiplying this new Per Capita amount by the then current estimated population of OVILLA as reported on the NCTCOG web site. This newly computed Per Capita portion shall then be added to the Base portion to set the total annual fee. The newly computed fee shall become effective in October of each year.

6. MIDLOTHIAN reserves the right to negotiate an increase in the Base amount in July 2019, after considering the relative number of runs made to OVILLA compared to the total number of runs made by the MIDLOTHIAN Fire Department. This provision is intended only to compensate MIDLOTHIAN should there be a significant increase in demand for service from OVILLA.

WITNESS OUR HANDS the date first above written.

CITY OF OVILLA

By _____
Richard Dormier, Mayor

Attest:

CITY OF MIDLOTHIAN

City Secretary

By _____
Mayor

CITY OF OVILLA MINUTES
Monday, June 23, 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 7:01 P.M. The following City Council Members were present:

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

Mayor Dormier announced present Council members thus constituting a quorum. Various department-heads and staff were also present.

PL5 Oberg gave the Invocation and PL1 Huber led the recitation of the Pledge of Allegiance.

COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS

▪ ***Citizens Comments / Citizens Forum:***

- I. None

▪ ***Department Activity Reports / Discussion***

Staff and Council shared discussion on the monthly reports.

- Administration City Administrator C. Powell
- Weekly activity report(s) – Shared roadwork status on Thorntree Drive
- Monthly Financial Reports – Council requested to move forward with the 5-year staffing plan

CONSENT ITEMS

- A. Resolution R2014-023 approving the 2014 assessment and continued membership with ATMOS Cities Steering Committee
- B. Minutes of the May 12 Council Meeting

PL4 Hunt moved that Council approve the consent items as presented, seconded by PL5 Oberg.
No oppositions, no abstentions.

VOTE: The motion carried unanimously: 3-0.

REGULAR AGENDA

ITEM 1. *DISCUSSION/ACTION – Consideration* of and action on Resolution R2014-024 a Resolution of the City Council of the City of Ovilla, Texas approving the terms, conditions and Engagement Letter by, between, and among Yeldell, Wilson & Co., P.C., Certified Public Accountants and the City of Ovilla, which Engagement Letter is attached hereto and incorporated herein as Exhibit "A"; authorizing the Mayor to sign said Engagement Letter; and providing an effective date.

During the June 09, 2014 Regular City Council Meeting, staff was directed to negotiate an agreement with the selected auditing firm, Yeldell, Wilson & Co., P.C., for professional auditing services. The Engagement Letter

presented by Yeldell, Wilson & Co., P.C., listed two years, for a fee of \$16,900.00 for year one and \$17,500 for year two. The Engagement Letter provided for three one-year options to extend the agreement through September 2019 at Council's discretion.

PL4 Hunt moved that Council approve Resolution R2014-024, approving the terms, conditions and Engagement Letter by, between, and among Yeldell, Wilson & Co., P.C., Certified Public Accountants and the City of Ovilla, which Engagement Letter is attached hereto and incorporated herein as Exhibit "A"; authorizing the Mayor to sign said Engagement Letter; and providing an effective date, seconded by PL5 Oberg. No oppositions, no abstentions.

VOTE: The motion carried unanimously: 3-0.

ITEM 2. DISCUSSION/ACTION – Consideration of and action declaring the Fire Department's 1998 Chevrolet Suburban (Chief 702) as surplus property and authorize its sale.

The vehicle was originally purchased to function as the fire chief's vehicle and was replaced in 2007. The current status has it used as a reserve manpower vehicle. With the increasing maintenance cost due to the age and mileage (136,395), the vehicle had been placed out of service. The estimated value is \$2,000.00

PL5 Oberg moved that Council approve the declaration of the Fire Department's 1998 Chevrolet Suburban (Chief 702) vehicle as surplus property and authorize its sale, seconded by PL4 Hunt. No oppositions, no abstentions.

VOTE: The motion carried unanimously: 3-0.

ITEM 3. DISCUSSION/ACTION – Consideration of and action authorizing the Fire Chief to list the Fire Department's 1998 Chevrolet Suburban (Chief 702), declared as surplus property under Item 2, with René Bates Auctioneers.

Staff recommended the vehicle be listed with René Bates Auctioneers, Inc., as they specialize in online auctions for governmental entities, financial institutions, utility companies, regulatory agencies and others.

PL1 Huber moved that Council authorize the Fire Chief to list the Fire Department's 1998 Chevrolet Suburban (Chief 702) declared as surplus property under Item 2, with René Bates Auctioneers, seconded by PL5 Oberg. No oppositions, no abstentions.

VOTE: The motion carried unanimously: 3-0.

ITEM 4. DISCUSSION – Receive update on Strategic Guide 2013-2018 and take action as necessary to direct staff.

The City Administrator updated the Council on the development and action plans for each of the Goals in the Strategic Guide and that Ovilla citizens would be part of the process.

No Action.

REQUESTS FOR FUTURE AGENDA ITEMS

1. PL1 Huber	None
2. PL2 Stevenson	Absent
3. PL3 Griffin	Absent
4. PL4 Hunt	None
5. PL5 Oberg	None
6. Mayor	None

ADJOURNMENT

There being no further business, Mayor Dormier adjourned the meeting at 7:24 p.m.

ATTEST:

Richard Dormier, Mayor

Pamela Woodall, City Secretary

Approved August 11, 2014

CITY OF OVILLA MINUTES
Monday, July 09, 2014
Special City Council Meeting
105 S. Cockrell Hill Road, Ovilla, TX 75154

Mayor Dormier called the Special Council Meeting of the Ovilla City Council to order at 5:10 P.M. The following City Council Members were present:

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

Mayor Dormier announced all Council members present, thus constituting a quorum. Various department-heads and staff were also present.

Mayor Pro Tem Griffin gave the Invocation and Mayor Dormier led the recitation of the Pledge of Allegiance.

REGULAR AGENDA

ITEM 1. DISCUSSION/ACTION – Workshop and review of the proposed Fiscal Year 2014-2015 Budget, discuss the preliminary determination of the tax rate, and direct staff as necessary.

Staff provided reviews of taxable values received thus far from Dallas and Ellis Counties. Certified values were expected from both counties by July 25th. In the preliminary budget, the General Fund property tax revenues were estimated at a 5% increase. Sales tax projections were estimated at a 5% increase. Adjustments were made to corresponding line items related to development based on a projection of 30 houses in 2014-2015. New development was not included in presented preliminary budget.

Adjustments were not yet made to the following: Liability/property insurance or electricity use for public facilities by department; health insurance re-rate increase of 29%; charges for services to ESD #2 or ESD #4; water tower lease revenue; or debt service transfers.

Items included in the proposed preliminary budget included the required impact fee study from the Water and Sewer Impact Fund; the required revision to the Comprehensive Land Plan (GF Admin); Water Street Waterline for (W&S Impact Fund); the road repair for Water Street after waterline construction (a split between GF Streets and W&S Impact Fund); and the City's estimated portion for ROW acquisition and utility relocation total for FM664 over three years (GF Admin-Reserve).

Department supplemental capital and/or personnel items not included in the proposed preliminary budget included:

Capital Expenditures:

- Public works truck ~ \$35,000 (the old truck would replace the animal control truck and be retrofitted for \$2,000)
- Fire engine and financing options (multi-year) ~ \$560,000. Boyd London with First Southwest Securities will be available to address option of using tax notes to finance the Engine.
- Police patrol vehicle ~ \$44,500

Personnel:

- Police officer position and benefits ~ \$40,000
- Compensation study adjustment ~ to be determined
- Health Insurance premiums increase of 29% ~ \$41,748

Staff and Council reviewed all presented documentation, discussing projected revenues first. Subsequently, Council heard from staff regarding each line item expenditure explanation, allowing each department head their justifications and presentations for the listed supplements.

Future considerations FY2015-2016 will include:

Infrastructure:

- Ground storage tank capacity and cost \$650,000

Technology:

- Accounting software (two phases) ~ \$28,000 + \$4,000 annually for M&O, (includes GL, AP, PR, Banking, budgeting, fixed assets), phase two ~ \$37,000 + \$3,000 annually for M&O.
- Code enforcement tracking software ~ to be determined
- Agenda/Council packet software ~ to be determined

No Action.

REQUESTS FOR FUTURE AGENDA ITEMS

1. PL1 Huber	None
2. PL2 Stevenson	None
3. PL3 Griffin	None
4. PL4 Hunt	None
5. PL5 Oberg	None
6. Mayor	None

ADJOURNMENT

There being no further business, Mayor Dormier adjourned the meeting at 9.02 p.m.

ATTEST:

Richard Dormier, Mayor

Pamela Woodall, City Secretary

Approved August 11, 2014

CITY OF OVILLA MINUTES

Monday, July 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 7:03 P.M. The following City Council Members were present:

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

Mayor Dormier announced all Councilmen present, thus constituting a quorum. Various department-heads and staff were also present.

Mayor Dormier gave the Invocation and led the recitation of the Pledge of Allegiance.

COMMENTS, PRESENTATIONS, REPORTS AND/OR APPOINTMENTS

▪ ***Citizens Comments / Citizens Forum:***

- I. None

▪ ***Department Activity Reports / Discussion***

Staff and Council shared discussion on the monthly reports.

• Police Department	Police Chief M. Moon
• Monthly Report	
• Fire Department	Captain B. Kennedy
• Monthly Report - Response times are still good.	
• Public Works	Public Works Director B. Piland
• Monthly Report – 2013 Annual Quality Report was mailed to Ovilla residents.	
• Administration	City Administrator C. Powell
• Weekly activity report(s) – TRA meter monitoring is inconclusive, still researching	
• Advised that the monthly financials would be presented at the next meeting.	
• Monthly Municipal Court Report	City Secretary P. Woodall
• Code Enforcement/Animal Control	Code/A/C Officer M. Dooly
• Monthly Reports	

CONSENT ITEMS

- A. Minutes of the May 27, 2014 Regular Council Meeting
- B. Minutes of the June 09, 2014 Regular Council Meeting

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. **DISCUSSION/ACTION – Consideration of and action on** Ordinance 2014-011 amending Chapter 1, Article 1.05, Division 3, Section 1.05.072 of the Ovilla Code of Ordinances, providing revisions to the requirement to use competitive bidding procedures; 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.

During the April 14th meeting, Council directed staff to prepare an Ordinance revising certain language related to competitive bidding. This would allow City Council the discretion to invite competitive bids under the competitive bidding procedures set forth in Chapter 252.022 of the Texas Local Government Code (LGC) for the purchase of all goods and services with costs of \$25,000 to \$50,000; excluding those purchases for goods or services available from BuyBoard and or Texas Department of Information Resources' ("DIR") contracts, and purchases already exempt from the requirements of LGC. Council directed staff to revise the Ordinance wording of "Chapter 252" to "Chapter 252.022" where applicable in the presented Ordinance.

Mayor Pro Tem Griffin made the motion that Council approve Ordinance 2014-011, amending Chapter 1, Article 1.05, Division 3, Section 1.05.072 of the Ovilla Code of Ordinances, providing revisions to the requirement to use competitive bidding procedures; 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 and to include the noted revisions adding Chapter 252.022; seconded by PL5 Oberg.

No oppositions, no abstentions.

VOTE: The motion carried unanimously: 5-0.

ITEM 2. **DISCUSSION/ACTION – Consideration of and action on** Ordinance 2014-012 of the City of Ovilla, TX, providing for the adoption of Chapter 15 to the Code of Ordinances of the City of Ovilla, TX, providing definitions; providing for the establishment of a Park Board; providing Park Regulations and Procedures; providing for Park and Recreation facility use and fees; providing procedures for the naming of Parks; providing for penalties; providing a savings clause; providing a severance clause, providing for incorporation into the Code of Ordinances; providing an effective date and providing for publication.

Staff researched archives and minutes and determined that the Ovilla Parks Board was created sometime in the early 1990's and ceased their meetings in the late 1990's. Records indicated the board during that time consisted of a six-member advisory committee.

Goal Statement 2 of the Strategic Guide 2013-2018 calls for the City to Create a Master Parks Plan that Connects the Community by December 2018. Staff was asking for Council's consideration to reinstate the Ovilla Parks Board with a five member advisory board serving two-year staggered terms to renew in July each year. If approved, staff asked to seek volunteers to serve and work with staff to develop a master parks plan. Council directed staff to remove the definition *Facility Use Agreement* and discussed several other revisions including the hours of use at the parks to be from sun-up to sundown and the discussion of fees and policy. However, Council decided to direct staff to revise the ordinance by keeping sections 15.00 through 15.02.008 and begin again at 15.06, removing Sections 15.03-15.05, allowing the Park Board to review those sections pertaining to fees and policy and make recommendations.

Mayor Pro Tem Griffin moved that Council approve Ordinance 2014-012, providing for the adoption of Chapter 15 to the Ovilla Code of Ordinances, providing definitions, providing for the establishment of a Park Board; providing Park Regulations and Procedures; providing for Park and Recreation facility use and fees; providing procedures for the naming of Parks; providing for penalties; providing a savings clause; providing a severance

clause; providing for incorporation into the Code of Ordinances; providing an effective date and providing for publication as modified, seconded by PL4 Hunt. *No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 5-0.

ITEM 3. DISCUSSION/ACTION – Consideration of and action on nominations and appointments to the Parks Board.

PL4 Hunt moved that Council appoint Teresa Lindsey to the Park Board, seconded by PL1 Huber. *No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 5-0.

ITEM 4. DISCUSSION/ACTION – Consideration of and action on Resolution R2014-025 amending the frequency of Council Meetings from two per month to once monthly.

During the June 09, 2014 Council Meeting, Mayor Pro Tem Griffin proposed changing the frequency of Council Meetings to once monthly. Staff prepared a Resolution for consideration. The meeting day of the month was left open/blank pending Council's direction. Council varied in opinion on this amendment, some stating that a special meeting could be called if necessary.

Mayor Pro Tem Griffin moved that Council approve Resolution R2014-025 of the City Council of the City of Ovilla, amending the frequency of Council meetings from two per month to once monthly being the second Monday of the each month, effective October 1, 2014 and will review this resolution annually at the beginning of each fiscal year, seconded by PL1 Huber. *PL4 Hunt and PL2 Stevenson were opposed, no abstentions.*

VOTE: The motion carried: 3 in favor – 2 opposed.

EXECUTIVE SESSION

Mayor Dormier announced that Council would convene into Executive Session at 8:44 p.m., pursuant to the Texas Government Code § 551.074 - Personnel Matters.

ITEM 5. DISCUSSION/ACTION – Deliberate the appointment, employment, evaluation, reassignment and/or duties of the City Administrator.

Mayor Dormier and Council reconvened into Regular Session 10:50 p.m. Mayor Dormier announced that no actions were made in Executive Session.

Mayor Pro Tem Griffin made the motion that Council bring this item for review again at the January 2015 Council Meeting, seconded by PL2 Stevenson. *No oppositions, no abstentions.*

VOTE: The motion carried unanimously: 5-0.

REQUESTS FOR FUTURE AGENDA ITEMS

1. PL1 Huber	None
2. PL2 Stevenson	None
3. PL3 Griffin	None
4. PL4 Hunt	Do we have an ordinance or a required permit for fill dirt?
5. PL5 Oberg	None
6. Mayor	None

ADJOURNMENT

There being no further business, Mayor Dormier adjourned the meeting at 10:53 p.m.

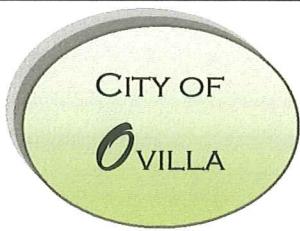
ATTEST:

Richard Dormier, Mayor

Pamela Woodall, City Secretary

Executive Session Agenda sealed and filed separately.

Approved August 11, 2014



Ovilla City Council

AGENDA ITEM REPORT

Item(s): 1

Meeting Date: August 11, 2014

Department: Administration

Discussion Action

Budgeted Expense: YES NO N/A

Submitted By: Philip Brancato, Fire Chief

Amount: \$N/A Account: _____

Reviewed By: City Administrator City Secretary City Attorney

Accountant Other _____

Attachments:

1. Proposed Interlocal Cooperation Agreement 2014-2015
2. Executed Interlocal Cooperation Agreement 2013-2014
3. Resolution R2013-013

Agenda Item / Topic:

ITEM 1. **DISCUSSION/ACTION** – Consideration of and action on the Proposed Interlocal Cooperation Agreement for Fire Protection and First Responder Services and take action as necessary to direct staff.

Discussion / Justification:

Mr. Dub Nowell, Board President of Emergency Services District #4 will address City Council regarding the status of the ESD#4's tax rate election and the proposed Interlocal Cooperation Agreement for Fire Protection and First Responder Services for the upcoming fiscal year 2014-2015. This item is provided for dialogue with ESD#4 regarding the Board's plans for a tax rate election in ESD#4's district and their proposal for cost of services for fiscal year 2014-2015.

Recommendation / Staff Comments:

Staff recommends Council consider ESD#4's proposal for cost of services and future service to the area designated in ESD#4. At Council's direction, staff will bring back the Agreement at a future meeting with a Resolution to authorize the Mayor to execute such Agreement.

Sample Motion(s):

**INTERLOCAL COOPERATION AGREEMENT
FIRE PROTECTION AND FIRST RESPONDER SERVICES**

THIS AGREEMENT is made and entered into this ____ day of _____, 2014, by and between Ellis County Emergency Services District #4, a political subdivision of the State of Texas, hereinafter referred to as "District" and the City of Ovilla, a municipal corporation located in Ellis County, Texas, hereinafter referred to as "City";

WHEREAS, District is a duly organized political subdivision of the State of Texas engaged in the administration of the Ellis County Emergency Services district #4 and the provision of emergency services for the benefits of the residents of the District; and

WHEREAS, City is a municipal corporation, duly organized and operating under the laws of the State of Texas and is engaged in the provision of fire protection services and emergency medical first responder services for the benefit of the City of Ovilla; and

WHEREAS, city is the owner and operator of certain fire protection vehicles and other equipment designed for the extinguishing of fire and prevention of damage to property and injury to persons from fire and has in its employment and/or service trained personnel whose duties are related to the use of such vehicles and equipment as well as the provision of emergency medical services in the capacity of a first responder; and

WHEREAS, District and City mutually desire to be subject to and contract pursuant to provisions of the Government Code, Chapter 791, the Interlocal Cooperation Act, and Chapter 352 of the Local Government Code,

NOW, THEREFORE, District and City, for the mutual promises, covenants, agreements and consideration stated herein, agree as follows:

**SECTION 1
TERM**

The term of this Agreement shall be for the period of October 1, 2014 to and through September 30th, 2015.

**SECTION 2
SERVICES PROVIDED**

The services to be rendered in accordance with this Agreement by City are the fire protection and emergency medical first responder services normally rendered by City to citizens of Oak Leaf and to the areas determined by agreement with the Ovilla Fire Chief as stated in Exhibit A of this agreement.

SECTION 3
RESPONSE AREA AND DISPATCH PROCEDURES

The Fire Chief for the City of Ovilla will establish response criteria, response area, and dispatch procedures for all calls within the boundaries of the District as stated in Exhibit A of this agreement. Boundaries of ESD #4 may be identified by the ROISD boundaries. The cities of Oak Leaf and Pecan Hill are included in the boundaries of ESD #4. The city of Red Oak, Ovilla and Glenn Heights do not fall within the boundaries of the ESD #4.

SECTION 4
9-1-1 COORDINATOR

The Ellis County 9-1-1 Coordinator will be the 9-1-1 Coordinator for ESD #4.

SECTION 5
COMPENSATION

The fiscal year shall be the first day of October to the last day of September. The Fire Chief shall submit an annual budget request to the ESD Board for approval prior to the start of the fiscal year. Typically the Fire Chief will complete this process during the preparation of the city budget process.

The District agrees to pay the City from the budgeted available funds based on annual run averages divided into the budgeted available funds. This would result in an average run cost of ----- and would currently provide the City with ----- of the projected revenue. Payments will be made in three (3) equal payments throughout the fiscal year. These payments will be made in January, May and September of the contract year. Payment is to be delivered to the Fire Chief, 105 S. Cockrell Hill Rd. The District will be solely liable for these payments from its revenues and the title to capital equipment purchase shall be vested in the City.

SECTION 6
DISTRICT'S OFFICE

The District will designate 547 N. Methodist, Central Fire Station, as the District's office as required by Section 775.036 (f) of the Texas Health and Safety Code. The District will also have use of a computer workstation in the Fire Station, computer server hard drive space for District's accounting software and documents, and area for a District filing cabinet. The Fire Chief will determine access to the Fire Station and use of a computer workstation by District Emergency Commissioners. The District may use the Fire Station training room for District meetings, or other events as agreed upon in advance by the Fire Chief.

SECTION 7 MONTHLY REPORTS

The City will provide the District monthly fire department fire and EMS response reports to responses in the District. The reports should include response times, incident types, and department activity in the District. The District will use these reports for District Fire/EMS service plan upgrades to meet State and National standards.

SECTION 8 TERMINATION

This Agreement may be terminated at any time, by either party giving sixty (60) days advance written notice to the other party. In the event of such termination by either party, City shall be compensated pro rata for all services performed to termination date, together with reimbursable expenses then due and as authorized by this Agreement.

SECTION 9 ENTIRE AGREEMENT

This Agreement represents the entire and integrated Agreement between District and City and supersedes all prior negotiations, representations, and/or Agreements, either written or oral. Except as otherwise specifically provided, any change in the terms of this contract shall be made by an amendment in writing and signed by both District and City.

SECTION 10 GOVERNMENTAL IMMUNITY

The fact that District and City accept certain responsibilities relating to the rendition of fire protection services and emergency medical services (first responder) under this Agreement as a part of their responsibility for providing protection for the public health, makes it imperative that the performance of these vital services be recognized as a governmental function and that the doctrine of governmental immunity shall be and it is hereby invoked to the extent possible under the law. Neither District nor City waives nor shall be deemed hereby to waive, any immunity or defense that would otherwise be available to it against claims arising from the exercise of government powers and functions.

SECTION 11
INDEPENDENT CONTRACTOR

It is understood and agreed that the services of the City are furnished by Ovilla as an independent contractor and City shall exercise independent discretion and judgment to determine the method, manner and means of performance of its contractual obligations. City agrees to hold the District harmless and indemnify it against any other claims that may be asserted by any third party occurring in connection with the services to be performed by the City under this agreement.

SECTION 12
LEGAL AUTHORITY

The City represents that it possesses the practical ability and legal authority to enter into this contract, receive and manage the funds authorized by this contract, and to perform the services the City is obligated to perform hereunder.

The person signing this contract on behalf of the City warrants that he has been duly authorized by the City to execute this agreement on behalf of the City and to bind the City to all terms herein set forth.

The person signing this contract on behalf of the District warrants that he has been duly authorized by the District to execute this agreement on behalf of the District and to bind the District to all terms herein set forth.

SECTION 13
SEVERABILITY

In the event that any portion of this Agreement shall be found to be contrary to law, it is the intent of the parties hereto that the remaining portions shall remain valid and in full force and effect to the extent possible.

SECTION 14
EXHIBITS

The exhibits identified below are a part of this agreement:

1. Exhibit A (Response Procedures).
2. Exhibit B (District Map).

**SECTION 15
ASSIGNMENT**

This Agreement may not be assigned by any party hereto without the prior written consent of the other party. No assignment, delegation of duties or subcontract under this Agreement shall be effective without the prior written consent of the other party hereto

**SECTION 16
GOVERNING LAW**

This Agreement shall be governed by and construed in accordance with the laws of the State of Texas. Venue shall be in Ellis County, Texas.

**SECTION 17
MISCELLANEOUS**

The District will pursue to hold an election in May 2014 for the purpose of a tax rate increase to provide additional revenues for the District.

**SECTION 18
NOTICE TO PARTIES**

Any notice to be given hereunder by either party to the other shall be in writing and may be affected by personal delivery in writing or by certified mail, return receipt requested.

Notice to District:

Attn: Dub Nowell- ESD #4 Pres.
P.O. Box 2763
Red Oak, Texas 75154

Notice to City:

Attn: Fire Chief Phillip Brancato
Ovilla Fire Department

105 S. Cockrel Hill Rd,
Ovilla, Texas 75154

Signed this _____ day of _____, 2014.

ELLIS COUNTY EMERGENCY SERVICES DISTRICT #4

By: _____

Its: _____

CITY OF OVILLA

By: _____
Mayor

Attest:

City Secretary

EXHIBIT A

Agreement of response area, response criteria, and dispatch procedures between Red Oak Fire Rescue (ROFR) and Ovilla Fire Department (OFD):

- A. All of the ESD has been divided into response areas known as Box Numbers. These Box Numbers stipulate which Station has the shortest run time to this area within the Box. Red Oak Box Numbers are 8000 and 9000 series. Ovilla Fire Department Box Numbers are 7000 series.
- B. ROFR response to ESD
 - 1. ROFR will provide a first responder company from the closest station to all EMS calls throughout the ESD.
 - 2. If no ROFR first responder is available, ROFR will notify ETEMS and make notification. ETEMS shall indicate if mutual aid is requested.
 - 3. If ROFR is unable to respond first responder service, ROFR will request first responder service from OFD.
 - 4. ROFR will respond to all Structure Fire calls throughout the ESD.
 - 5. ROFR will respond to all other calls in the ESD with the exception of those occurring in the 7000 series of Box Numbers.
 - 6. ROFR will respond to any other call in the 7000 series of Box Numbers if OFD is unavailable, or anytime requested by OFD.
- C. OFD Response to ESD
 - 1. OFD will provide first EMS to calls occurring in the 7000 series of Box Numbers.
 - 2. OFD will respond to all calls occurring within the 7000 series of Box Numbers.
 - 3. OFD will respond to any other fire or EMS call in the ESD if ROFR is unavailable, or anytime requested by ROFR.
- D. Simultaneous Response and Special Circumstances
 - 1. On all calls where both departments are dispatched simultaneously, the first arriving department shall advise the other department whether to continue to the scene, stage at the intermediate location, or return to their station.
 - 2. Special circumstances such as drought, severe weather, or equipment out-of-service may necessitate a response identical to Structure Fires on other types of incidents. The Chiefs of the ROFD and the OFD will mutually determine the types of calls and the time period of this variance.
- E. Dispatch Procedures
 - 1. The Northern Ellis Emergency Dispatch (NEED) Center (Dispatch) has been provided with a map that outlines the response areas (Box Numbers) as defined in this agreement.
 - 2. If Dispatch fails to tone-out either ROFD or OFD as specified above, the department not dispatched will immediately request the Dispatcher to transmit the proper tone-out and will initiate the correct response to the call.

EXHIBIT B
DISTRICT MAP

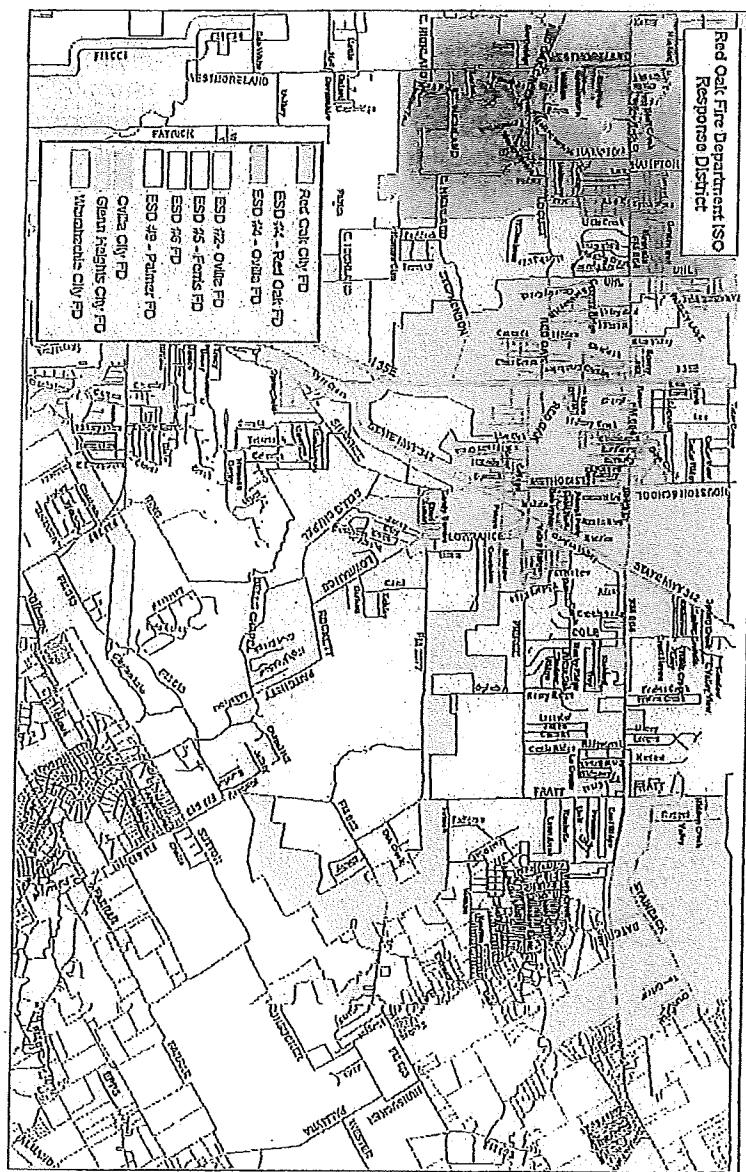


Exhibit B

TM 56672

RESOLUTION NO. R2014-006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS APPROVING THE TERMS AND CONDITIONS OF THE INTERLOCAL COOPERATION AGREEMENT BY, BETWEEN, AND AMONG ELLIS COUNTY EMERGENCY SERVICES DISTRICT #4 AND THE CITY OF OVILLA FOR FIRE PROTECTION AND EMERGENCY MEDICAL FIRST RESPONDER SERVICES TO THE DISTRICT, 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 an Interlocal Cooperation Agreement by, between, and among Ellis County Emergency Service District #4 and the City of Ovilla to provide fire protection and emergency medical first responder services to the District, 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 Interlocal Cooperation Agreement by, between, and among Ellis County Emergency Service District #4 and the City of Ovilla to provide fire protection and emergency medical first responder services to the District, 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 10th day of February, 2014.

APPROVED:



Richard Dormier, Mayor

ATTEST:


Pamela Woodall, City Secretary



INTERLOCAL COOPERATION AGREEMENT
FIRE PROTECTION AND FIRST RESPONDER SERVICES

THIS AGREEMENT is made and entered into this 28th day of October, 2013, by and between Ellis County Emergency Services District #4, a political subdivision of the State of Texas, hereinafter referred to as "District" and the City of Ovilla, a municipal corporation located in Ellis County, Texas, hereinafter referred to as "City.";

WHEREAS, District is a duly organized political subdivision of the State of Texas engaged in the administration of the Ellis County Emergency Services district #4 and the provision of emergency services for the benefits of the residents of the District; and

WHEREAS, City is a municipal corporation, duly organized and operating under the laws of the State of Texas and is engaged in the provision of fire protection services and emergency medical first responder services for the benefit of the City of Ovilla; and

WHEREAS, city is the owner and operator of certain fire protection vehicles and other equipment designed for the extinguishing of fire and prevention of damage to property and injury to persons from fire and has in its employment and/or service trained personnel whose duties are related to the use of such vehicles and equipment as well as the provision of emergency medical services in the capacity of a first responder; and

WHEREAS, District and City mutually desire to be subject to and contract pursuant to provisions of the Government Code, Chapter 791, the Interlocal Cooperation Act, and Chapter 352 of the Local Government Code,

NOW, THEREFORE, District and City, for the mutual promises, covenants, agreements and consideration stated herein, agree as follows:

SECTION 1

TERM

The term of this Agreement shall be for the period of Oct. 1, 2013 to and through Sept. 30, 2014.

SECTION 2

SERVICES PROVIDED

The services to be rendered in accordance with this Agreement by City are the fire protection and emergency medical first responder services normally rendered by City to citizens of Oak Leaf and to the areas determined by agreement with the Ovilla Fire Chief as stated in Exhibit A of this agreement.

COPY

**SECTION 3
RESPONSE AREA AND DISPATCH PROCEDURES**

The Fire Chief for the City of Ovilla will establish response criteria, response area, and dispatch procedures for all calls within the boundaries of the District as stated in Exhibit A of this agreement. Boundaries of ESD #4 may be identified by the ROISD boundaries. The cities of Oak Leaf and Pecan Hill are included in the boundaries of ESD #4. The city of Red Oak, Ovilla and Glenn Heights do not fall within the boundaries of the ESD #4.

**SECTION 4
9-1-1 COORDINATOR**

The Ellis County 9-1-1 Coordinator will be the 9-1-1 Coordinator for ESD #4.

**SECTION 5
COMPENSATION**

The fiscal year shall be the first day of October to the last day of September. The Fire Chief shall submit an annual budget request to the ESD Board for approval prior to the start of the fiscal year. Typically the Fire Chief will complete this process during the preparation of the city budget process.

The District agrees to pay the City ~~from the budgeted available funds based on annual run averages divided into the budgeted available funds. This would result in an average run cost of \$213.00 and would currently provide the City with \$18,531.00 of the projected revenue.~~

*(2/10
10/31/13
DO 2/9/14)*

Payments will be made in three (3) equal payments throughout the fiscal year. These payments will be made in January, May and September of the contract year. Payment is to be delivered to the ~~Fire Chief~~, 105 S. Cockrell Hill Rd. The District will be solely liable for these payments from its revenues and the title to capital equipment purchase shall be vested in the City.

*City
DN 2/20
(03/11/13)*

**SECTION 6
DISTRICT'S OFFICE**

The District will designate 547 N. Methodist, Central Fire Station, as the District's office as required by Section 775.036 (f) of the Texas Health and Safety Code. The District will also have use of a computer workstation in the Fire Station, computer server hard drive space for District's accounting software and documents, and area for a District filing cabinet. The Fire Chief will determine access to the Fire Station and use of a computer workstation by District Emergency Commissioners. The District may use the Fire Station training room for District meetings, or other events as agreed upon in advance by the Fire Chief.

COPY

**SECTION 7
MONTHLY REPORTS**

The City will provide the District monthly fire department fire and EMS response reports to responses in the District. The reports should include response times, incident types, and department activity in the District. The District will use these reports for District Fire/EMS service plan upgrades to meet State and National standards.

**SECTION 8
TERMINATION**

This Agreement may be terminated at any time, by either party giving sixty (60) days advance written notice to the other party. In the event of such termination by either party, City shall be compensated pro rata for all services performed to termination date, together with reimbursable expenses then due and as authorized by this Agreement.

**SECTION 9
ENTIRE AGREEMENT**

This Agreement represents the entire and Integrated Agreement between District and City and supersedes all prior negotiations, representations, and/or Agreements, either written or oral. Except as otherwise specifically provided, any change in the terms of this contract shall be made by an amendment in writing and signed by both District and City.

**SECTION 10
GOVERNMENTAL IMMUNITY**

The fact that District and City accept certain responsibilities relating to the rendition of fire protection services and emergency medical services (first responder) under this Agreement as a part of their responsibility for providing protection for the public health, makes it imperative that the performance of these vital services be recognized as a governmental function and that the doctrine of governmental immunity shall be and it is hereby invoked to the extent possible under the law. Neither District nor City waives nor shall be deemed hereby to waive, any immunity or defense that would otherwise be available to it against claims arising from the exercise of government powers and functions.

**SECTION 11
INDEPENDENT CONTRACTOR**

It is understood and agreed that the services of the City are furnished by Ovilla as an independent contractor and City shall exercise independent discretion and judgment to determine the method, manner and means of performance of its contractual obligations. City agrees to hold the District harmless and indemnify it against any other claims that may be asserted by any third party occurring in connection with the services to be performed by the City under this agreement.

**SECTION 12
LEGAL AUTHORITY**

The City represents that it possesses the practical ability and legal authority to enter into this contract, receive and manage the funds authorized by this contract, and to perform the services the City is obligated to perform hereunder.

The person signing this contract on behalf of the City warrants that he has been duly authorized by the City to execute this agreement on behalf of the City and to bind the City to all terms herein set forth.

The person signing this contract on behalf of the District warrants that he has been duly authorized by the District to execute this agreement on behalf of the District and to bind the District to all terms herein set forth.

**SECTION 13
SEVERABILITY**

In the event that any portion of this Agreement shall be found to be contrary to law, it is the intent of the parties hereto that the remaining portions shall remain valid and in full force and effect to the extent possible.

**SECTION 14
EXHIBITS**

The exhibits identified below are a part of this agreement:

1. Exhibit A (Response Procedures).
2. Exhibit B (District Map).

SECTION 15
ASSIGNMENT

This Agreement may not be assigned by any party hereto without the prior written consent of the other party. No assignment, delegation of duties or subcontract under this Agreement shall be effective without the prior written consent of the other party hereto

SECTION 16
GOVERNING LAW

This Agreement shall be governed by and construed in accordance with the laws of the State of Texas. Venue shall be in Ellis County, Texas.

SECTION 17

IN GOOD FAITH MISCELLANEOUS

The District will pursue to hold an election *in May 2014* for the purpose of a tax rate increase to provide additional revenues for the District.

DN 2/5/14
RAD 2/10/14

SECTION 18
NOTICE TO PARTIES

Any notice to be given hereunder by either party to the other shall be in writing and may be affected by personal delivery in writing or by certified mail, return receipt requested.

Notice to District:

Attn: Ernest Martinek- ESD #4 Pres.
P.O. Box 2763
Red Oak, Texas 75154

Notice to City:

Attn: Fire Chief Phillip Brancato
Ovilla Fire Department
105 S. Cockrel Hill Rd,
Ovilla, Texas 75154

Page 5 of 7

COPY

Signed this _____ day of _____, 2013.

ELLIS COUNTY EMERGENCY SERVICES DISTRICT #4

By: Dick Norwell 2/5/14

Its: PRESIDENT

CITY OF OVILLA

By: Patricia D.
Mayor

Attest:

Denita Werbik
City Secretary

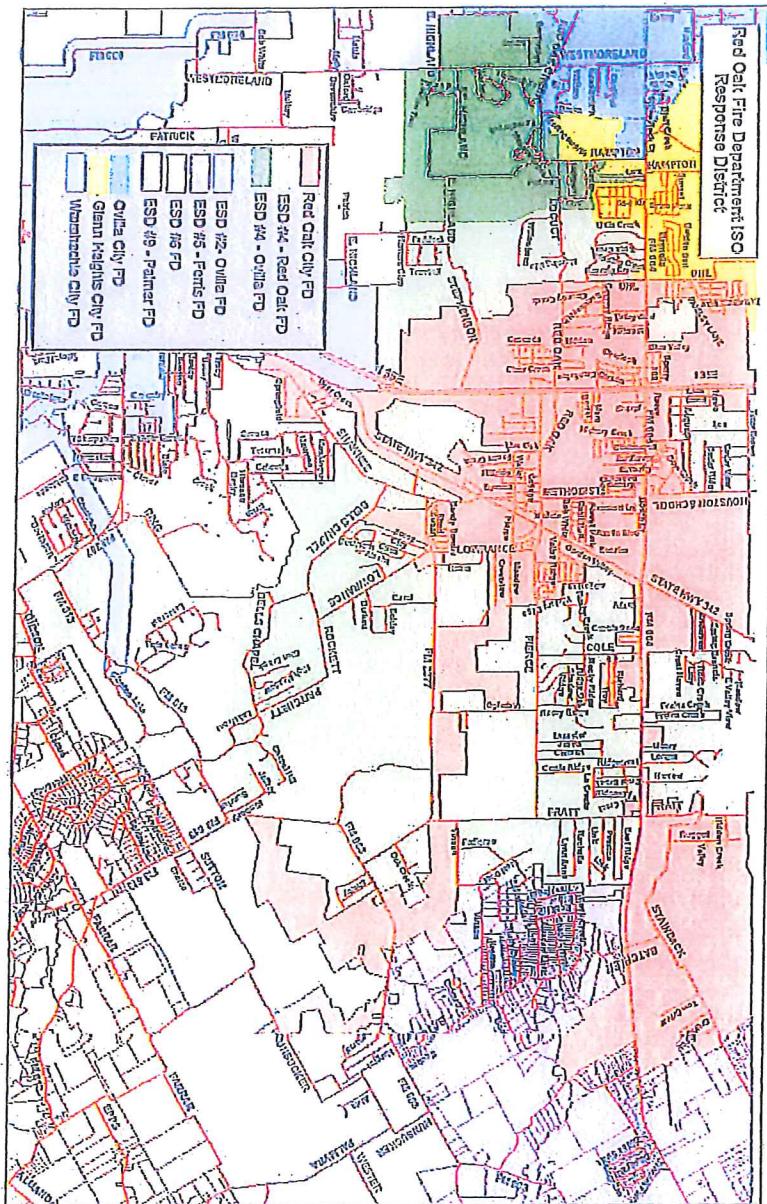
COPY

EXHIBIT A

Agreement of response area, response criteria, and dispatch procedures between Red Oak Fire Rescue (ROFR) and Ovilla Fire Department (OFD):

- A. All of the ESD has been divided into response areas known as Box Numbers. These Box Numbers stipulate which Station has the shortest run time to this area within the Box. Red Oak Box Numbers are 8000 and 9000 series. Ovilla Fire Department Box Numbers are 7000 series.
- B. ROFR response to ESD
 1. ROFR will provide a first responder company from the closest station to all EMS calls throughout the ESD.
 2. If no ROFR first responder is available, ROFR will notify ETEMS and make notification. ETEMS shall indicate if mutual aid is requested.
 3. If ROFR is unable to respond first responder service, ROFR will request first responder service from OFD.
 4. ROFR will respond to all Structure Fire calls throughout the ESD.
 5. ROFR will respond to all other calls in the ESD with the exception of those occurring in the 7000 series of Box Numbers.
 6. ROFR will respond to any other call in the 7000 series of Box Numbers if OFD is unavailable, or anytime requested by OFD.
- C. OFD Response to ESD
 1. OFD will provide first EMS to calls occurring in the 7000 series of Box Numbers.
 2. OFD will respond to all calls occurring within the 7000 series of Box Numbers.
 3. OFD will respond to any other fire or EMS call in the ESD if ROFR is unavailable, or anytime requested by ROFR.
- D. Simultaneous Response and Special Circumstances
 1. On all calls where both departments are dispatched simultaneously, the first arriving department shall advise the other department whether to continue to the scene, stage at the intermediate location, or return to their station.
 2. Special circumstances such as drought, severe weather, or equipment out-of-service may necessitate a response identical to Structure Fires on other types of incidents. The Chiefs of the ROFD and the OFD will mutually determine the types of calls and the time period of this variance.
- E. Dispatch Procedures
 1. The Northern Ellis Emergency Dispatch (NEED) Center (Dispatch) has been provided with a map that outlines the response areas (Box Numbers) as defined in this agreement.
 2. If Dispatch fails to tone-out either ROFD or OFD as specified above, the department not dispatched will immediately request the Dispatcher to transmit the proper tone-out and will initiate the correct response to the call.

EXHIBIT B
DISTRICT MAP



TM 56672

Exhibit B

COPY

RESOLUTION 2013-013

COPY

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS, ESTABLISHING A DEADLINE OF SEPTEMBER 30, 2014 FOR THE PROVISION OF FIRE SERVICES AND FIRST RESPONDER SERVICES BY THE OVILLA FIRE DEPARTMENT TO EMERGENCY SERVICES DISTRICT #4.

WHEREAS, the City of Ovilla (City) provides Fire Services and First Responder Services to the Emergency Services District #4 (ESD) in certain unincorporated areas in Ellis County, the City of Oak Leaf and the City of Pecan Hill; and,

WHEREAS, the City receives funding from ESD#4 for said services, but the funding level does not cover the actual costs for said services; and

WHEREAS, the Ovilla City taxpayers subsidize the deficit with their City property taxes and other revenues; and,

WHEREAS, the residents of ESD#4 benefit from the Ovilla Fire Department's Public Protection Rating (PPR) as determined by the Insurance Services Office's (ISO) evaluation of its overall effectiveness; and,

WHEREAS, the provision of said services does increase the demands on the resources of the Ovilla Fire Department which does reduce the availability of resources to respond to calls within the Ovilla Corporate Limits; and,

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

Section 1. City Council has determined that the Ovilla Fire Department shall not continue Fire Services and First Responder Services to ESD #4 unless ESD #4 provides for the equitable share of the actual costs by executed Agreement or other binding legal commitment.

Section 2. The Ovilla Fire Department shall terminate the current services to the areas of ESD #4 on September 30, 2014.

Section 3. The City Administrator will notify the ESD #4 Board of Directors of the termination of Fire Services and First Responder Services by the Ovilla Fire Department.

PASSED, APPROVED, AND RESOLVED this 28th day of October 2013.

ATTEST:



Pam Woodall, City Secretary



APPROVED:



Richard A. Dormier, Mayor

Ovilla City Council

PUBLIC HEARINGS

Item(s): 2-13

Meeting Date: August 11, 2014

Department: Administration

Discussion Action

Zoned: Res. Commercial

Receive comments regarding proposed residential zoning changes

Attachments:
Map of properties for rezoning
Agenda Item / Topic:
Public Hearings & Discussion- Receive citizen comments on the proposed changes in residential zoning to properties referenced Cases PZ14-02 through PZ14-13.
Discussion / Justification:
The Planning and Zoning Commission held a Public Hearing to receive comments from citizens regarding the rezoning of the listed properties for rezoning. The Commission was met with opposing and approving comments from residents owners of these properties.

18752	1103	158017	167953	167950	167951	27A WESTMORELAND RD. EST. 1 \approx 713 WESTMORELAND RD.
15675	158016	167955	167952	167954	28A WESTMORELAND RD. EST. 1 \approx 739 WESTMORELAND RD.	29A WESTMORELAND RD. EST. 2
15675	167951	167956	167953	167955	29A WESTMORELAND RD. EST. 2	30A WESTMORELAND RD. EST. 2 \approx 735 WESTMORELAND RD.
15675	167952	167954	167956	167958	31A WESTMORELAND ROAD EST 2 \approx 733 WESTMORELAND RD.	31A WESTMORELAND ROAD EST 2 \approx 733 WESTMORELAND RD.
15675	167953	167955	167957	167959	210 J CHAPMAN \approx 725 WESTMORELAND RD.	210 J CHAPMAN ADDITION \approx 721 WESTMORELAND RD.
15675	167954	167956	167958	167960	208100	210 J CHAPMAN \approx 719 WESTMORELAND RD.
15675	167955	167957	167959	167961	208177	210 J CHAPMAN \approx 717 WESTMORELAND RD.
15675	167956	167958	167960	167962	181540	181533
15675	167957	167959	167961	167963	181544	210 J CHAPMAN \approx 713 WESTMORELAND RD.
15675	167958	167960	167962	167964	181539	210 J CHAPMAN \approx 707 WESTMORELAND RD.
15675	167959	167961	167963	167965	181551	210 J CHAPMAN \approx 707 WESTMORELAND RD.
15675	167960	167962	167964	167966	181546	210 J. CHAPMAN \approx 801 HOSFORD RD.
15675	167961	167963	167965	167967	181547	



Ovilla City Council

AGENDA ITEM REPORT

Item(s): 2 - 13

Meeting Date: August 11, 2014

Department: Administration

Discussion Action

Budgeted Expense: YES NO N/A

Submitted By: Cyndy Powell, City Administrator Amount: \$N/A Account: N/A

Reviewed By: City Administrator City Secretary City Attorney

Accountant Other _____

Attachments:

1. Ordinances 2014-013 through Ordinance 2014-024
2. Planning and Zoning Recommendations

Agenda Item / Topic:

Items 2-13

ITEM 2. **DISCUSSION/ACTION** – Case No. PZ14-03. **Receive** recommendation from the Planning and Zoning Commission for consideration of and action on Ordinance 2014-013, Providing for the Amendment to the Zoning Ordinance of the City of Ovilla, TX, that being Ordinance 2010-013, as heretofore amended; Providing a Zoning Classification change from “RC, Single Family Residential District, 5-acre Minimum” to “RE, Single Family Residential District, 1-acre Minimum” on land specifically described herein located with Ellis County Appraisal District and identifies as 27A Westmoreland Road, Estates 1, of the deed records of Ellis County; and providing for immediate effect and otherwise known and referred to as 743 Westmoreland road in the City of Ovilla, TX.

ITEM 3. **DISCUSSION/ACTION** – Case No. PZ14-04 **Receive** recommendation from the Planning and Zoning Commission for consideration of and action on Ordinance 2014-014, Providing for the Amendment to the Zoning Ordinance of the City of Ovilla, TX, that being Ordinance 2010-013, as heretofore amended; Providing a Zoning Classification change from “RC, Single Family Residential District, 5-acre Minimum” to “RE, Single Family Residential District, 1-acre Minimum” on land specifically described herein located with Ellis County Appraisal District and identifies as 28A Westmoreland Road, Estates 1, of the Deed Records of Ellis County; and providing for immediate effect and otherwise known and referred as 739 Westmoreland Road, Ovilla, Texas.

ITEM 4. **DISCUSSION/ACTION** – Case No. PZ14-05. **Receive** recommendation from the Planning and Zoning Commission for consideration of and action on Ordinance 2014-015, Providing for the Amendment to the Zoning Ordinance of the City of Ovilla, TX, that being Ordinance 2010-013, as heretofore amended; Providing a Zoning Classification change from “RC, Single Family Residential District, 5-acre Minimum” to “RE, Single Family Residential District, 1-acre Minimum” on land specifically described herein located with Ellis County Appraisal District and identifies

Ovilla City Council

as 29A Westmoreland Road, Estates 1, of the Deed Records of Ellis County; and providing for immediate effect and otherwise known and referred as 29A Westmoreland Road Estates 1, Ovilla, Texas.

ITEM 5. **DISCUSSION/ACTION** – Case No. PZ14-06. *Receive* recommendation from the Planning and Zoning Commission for consideration of and action on Ordinance 2014-016, Providing for the Amendment to the Zoning Ordinance of the City of Ovilla, TX, that being Ordinance 2010-013, as heretofore amended; Providing a Zoning Classification change from “RC, Single Family Residential District, 5-acre Minimum” to “RE, Single Family Residential District, 1-acre Minimum” on land specifically described herein located with Ellis County Appraisal District and identifies as 30A Westmoreland Road, Estates 2, of the Deed Records of Ellis County; and providing for immediate effect and otherwise known and referred as 735 Westmoreland Road, Ovilla, Texas.

ITEM 6. **DISCUSSION/ACTION** – Case No. PZ14-07. *Receive* recommendation from the Planning and Zoning Commission for consideration of and action on Ordinance 2014-017, Providing for the Amendment to the Zoning Ordinance of the City of Ovilla, TX, that being Ordinance 2010-013, as heretofore amended; Providing a Zoning Classification change from “RC, Single Family Residential District, 5-acre Minimum” to “RE, Single Family Residential District, 1-acre Minimum” on land specifically described herein located with Ellis County Appraisal District and identifies as 31A Westmoreland Road, Estates 2, of the Deed Records of Ellis County; and providing for immediate effect and otherwise known and referred as 733 Westmoreland Road, Ovilla, Texas.

ITEM 7. **DISCUSSION/ACTION** – Case No. PZ14-08. *Receive* recommendation from the Planning and Zoning Commission for consideration of and action on Ordinance 2014-018, Providing for the Amendment to the Zoning Ordinance of the City of Ovilla, TX, that being Ordinance 2010-013, as heretofore amended; Providing a Zoning Classification change from “RC, Single Family Residential District, 5-acre Minimum” to “RE, Single Family Residential District, 1-acre Minimum” on land specifically described herein located with Ellis County Appraisal District and identifies as 210 J. Chapman Survey of the Deed Records of Ellis County; and providing for immediate effect and otherwise known and referred as 725 Westmoreland Road, Ovilla, Texas.

ITEM 8. **DISCUSSION/ACTION** – Case No. PZ14-09. *Receive* recommendation from the Planning and Zoning Commission for consideration of and action on Ordinance 2014-019, Providing for the Amendment to the Zoning Ordinance of the City of Ovilla, TX, that being Ordinance 2010-013, as heretofore amended; Providing a Zoning Classification change from “RC, Single Family Residential District, 5-acre Minimum” to “RE, Single Family Residential District, 1-acre Minimum” on land specifically described herein located with Ellis County Appraisal District and identifies as Lot 1, Broadnax Addition, of the Deed Records of Ellis County; and providing for immediate effect and otherwise known and referred as 721 Westmoreland Road, Ovilla, Texas.

ITEM 9. **DISCUSSION/ACTION** – Case No. PZ14-10. *Receive* recommendation from the Planning and Zoning Commission for consideration of and action on Ordinance

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2014-020, Providing for the Amendment to the Zoning Ordinance of the City of Ovilla, TX, that being Ordinance 2010-013, as heretofore amended; Providing a Zoning Classification change from "RC, Single Family Residential District, 5-acre Minimum" to "RE, Single Family Residential District, 1-acre Minimum" on land specifically described herein located with Ellis County Appraisal District and identifies as 210 J. Chapman Survey, of the Deed Records of Ellis County; and providing for immediate effect and otherwise known and referred as 719 Westmoreland Road, Ovilla, Texas.

ITEM 10. **DISCUSSION/ACTION** – Case No. PZ14-11. *Receive* recommendation from the Planning and Zoning Commission for consideration of and action on Ordinance 2014-021, Providing for the Amendment to the Zoning Ordinance of the City of Ovilla, TX, that being Ordinance 2010-013, as heretofore amended; Providing a Zoning Classification change from "RC, Single Family Residential District, 5-acre Minimum" to "RE, Single Family Residential District, 1-acre Minimum" on land specifically described herein located with Ellis County Appraisal District and identifies as 210 J. Chapman Survey, of the Deed Records of Ellis County; and providing for immediate effect and otherwise known and referred as 717 Westmoreland Road, Ovilla, Texas.

ITEM 11. **DISCUSSION/ACTION** - Case No. PZ14-12. *Receive* recommendation from the Planning and Zoning Commission for consideration of and action on Ordinance 2014-022, Providing for the Amendment to the Zoning Ordinance of the City of Ovilla, TX, that being Ordinance 2010-013, as heretofore amended; Providing a Zoning Classification change from "RC, Single Family Residential District, 5-acre Minimum" to "RE, Single Family Residential District, 1-acre Minimum" on land specifically described herein located with Ellis County Appraisal District and identifies as 210 J. Chapman Survey, of the Deed Records of Ellis County; and providing for immediate effect and otherwise known and referred as 713 Westmoreland Road, Ovilla, Texas.

ITEM 12. **DISCUSSION/ACTION** - Case No. PZ14-13. *Receive* recommendation from the Planning and Zoning Commission for consideration of and action on Ordinance 2014-023, Providing for the Amendment to the Zoning Ordinance of the City of Ovilla, TX, that being Ordinance 2010-013, as heretofore amended; Providing a Zoning Classification change from "RC, Single Family Residential District, 5-acre Minimum" to "RE, Single Family Residential District, 1-acre Minimum" on land specifically described herein located with Ellis County Appraisal District and identifies as 210 J. Chapman Survey, of the Deed Records of Ellis County; and providing for immediate effect and otherwise known and referred as 707 Westmoreland Road, Ovilla, Texas.

ITEM 13. **DISCUSSION/ACTION** - Case No. PZ14-14. *Receive* recommendation from the Planning and Zoning Commission for consideration of and action on Ordinance 2014-024, Providing for the Amendment to the Zoning Ordinance of the City of Ovilla, TX, that being Ordinance 2010-013, as heretofore amended; Providing a Zoning Classification change from "RC, Single Family Residential District, 5-acre Minimum" to "RE, Single Family Residential District, 1-acre Minimum" on land specifically described herein located with Ellis County Appraisal District and identifies as 210 J. Chapman Survey, of the Deed Records of Ellis County; and providing for

Ovilla City Council

immediate effect and otherwise known and referred as 801 Hosford Road, Ovilla, Texas.

Discussion / Justification:

The purpose of this item is to bring the re-zoning of the specific properties in line with the size requirements of the zoning classifications. All but one address on this proposed rezoning is less than 5-acres. The Planning and Zoning Commission conducted a Public Hearing on all properties.

Recommendations from the P&Z for approval of the rezoning:

743 Westmoreland Road
739 Westmoreland Road
29A Westmoreland Road
735 Westmoreland Road
733 Westmoreland Road

Recommendations from the P&Z for denial of the rezoning:

725 Westmoreland Road
721 Westmoreland Road
719 Westmoreland Road
717 Westmoreland Road
713 Westmoreland Road
707 Westmoreland Road
801 Westmoreland Road

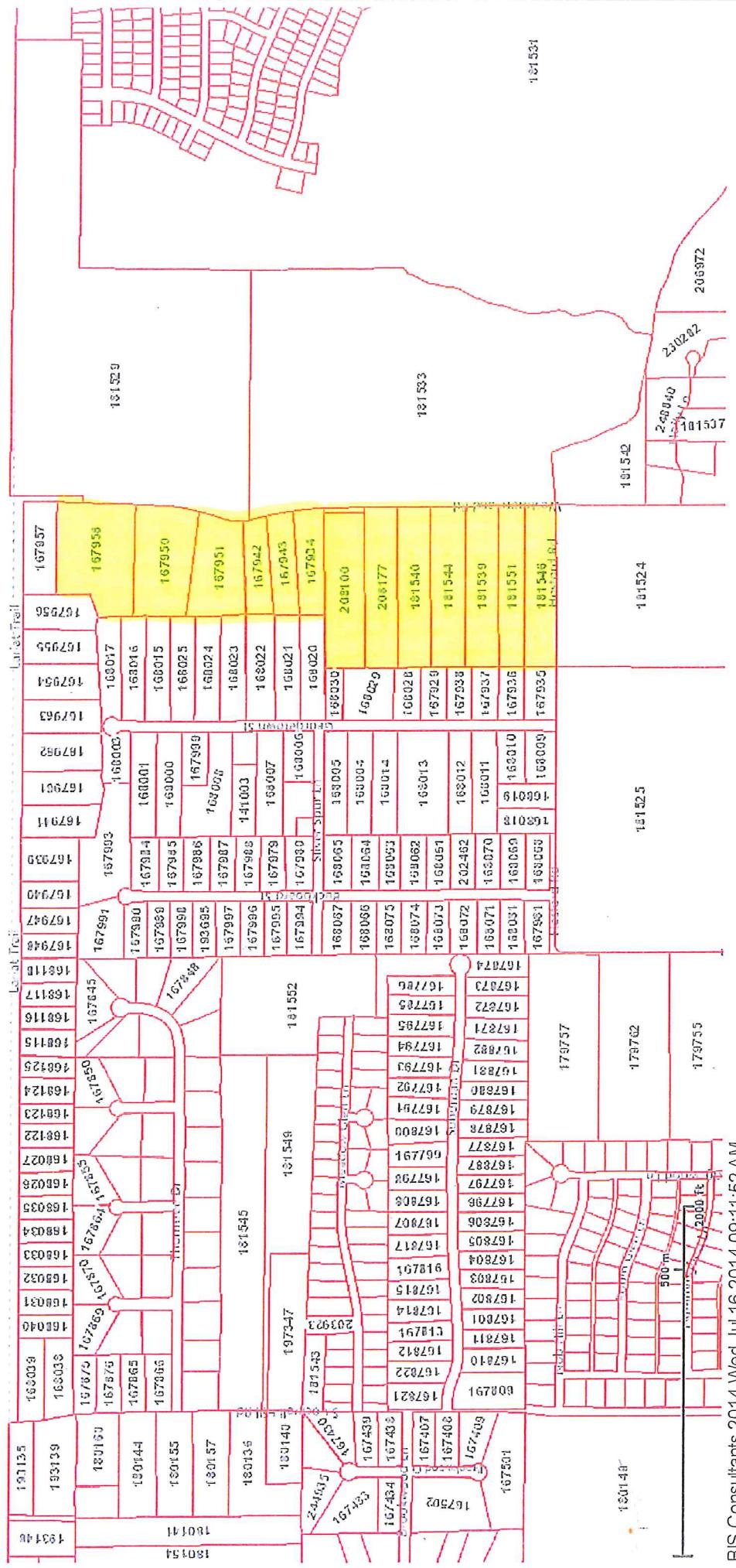
Recommendation / Staff Comments:

Sample Motion(s):

- 1. I move that the City Council approve/deny Ordinance 2014-013 for a change in zoning from RC (Single Family Residential District 5-acre Minimum) to RE (Single Family Residential District 1-acre Minimum) CASE PZ14-02, more commonly known as 743 Westmoreland Road.*
- 2. I move that the City Council approve/deny Ordinance 2014-014 for a change in zoning from RC (Single Family Residential District 5-acre Minimum) to RE (Single Family Residential District 1-acre Minimum) CASE PZ14-03, more commonly known as 739 Westmoreland Road.*
- 3. I move that the City Council approve/deny Ordinance 2014-015 for a change in zoning from RC (Single Family Residential District 5-acre Minimum) to RE (Single Family Residential District 1-acre Minimum) CASE PZ14-04, more commonly known as 29A Westmoreland Road.*
- 4. I move that the City Council approve/deny Ordinance 2014-016 for a change in zoning from RC (Single Family Residential District 5-acre Minimum) to RE (Single Family Residential District 1-acre Minimum) CASE PZ14-05, more commonly known as 735 Westmoreland Road.*

Ovilla City Council

5. *I move that the City Council approve/deny Ordinance 2014-017 for a change in zoning from RC (Single Family Residential District 5-acre Minimum) to RE (Single Family Residential District 1-acre Minimum) CASE PZ14-06, more commonly known as 733 Westmoreland Road.*
6. *I move that the City Council approve/deny Ordinance 2014-018 for a change in zoning from RC (Single Family Residential District 5-acre Minimum) to RE (Single Family Residential District 1-acre Minimum) CASE PZ14-07, more commonly known as 725 Westmoreland Road.*
7. *I move that the City Council approve/deny Ordinance 2014-019 for a change in zoning from RC (Single Family Residential District 5-acre Minimum) to RE (Single Family Residential District 1-acre Minimum) CASE PZ14-08, more commonly known as 721 Westmoreland Road.*
8. *I move that the City Council approve/deny Ordinance 2014-020 for a change in zoning from RC (Single Family Residential District 5-acre Minimum) to RE (Single Family Residential District 1-acre Minimum) CASE PZ14-09, more commonly known as 719 Westmoreland Road.*
9. *I move that the City Council approve/deny Ordinance 2014-021 for a change in zoning from RC (Single Family Residential District 5-acre Minimum) to RE (Single Family Residential District 1-acre Minimum) CASE PZ14-10, more commonly known as 717 Westmoreland Road.*
10. *I move that the City Council approve/deny Ordinance 2014-022 for a change in zoning from RC (Single Family Residential District 5-acre Minimum) to RE (Single Family Residential District 1-acre Minimum) CASE PZ14-11, more commonly known as 713 Westmoreland Road.*
11. *I move that the City Council approve/deny Ordinance 2014-023 for a change in zoning from RC (Single Family Residential District 5-acre Minimum) to RE (Single Family Residential District 1-acre Minimum) CASE PZ14-12, more commonly known as 707 Westmoreland Road.*
12. *I move that the City Council approve/deny Ordinance 2014-024 for a change in zoning from RC (Single Family Residential District 5-acre Minimum) to RE (Single Family Residential District 1-acre Minimum) CASE PZ14-13, more commonly known as 801 Hosford Road.*



ORDINANCE NO. 2014-XXX

AN ORDINANCE PROVIDING FOR THE AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF OVILLA, TEXAS, THAT BEING ORDINANCE 2010.013, AS HERETOFORE AMENDED; PROVIDING A ZONING CLASSIFICATION CHANGE FROM "R-C, SINGLE FAMILY RESIDENTIAL DISTRICT 5 ACRE MINIMUM" TO "R-E, SINGLE FAMILY RESIDENTIAL DISTRICT 1 ACRE MINIMUM" ON LAND SPECIFICALLY DESCRIBED HEREIN LOCATED WITHIN PROPERTY ID 1675958, 25 & 25 A WESTMORELAND ROAD, ESTATE 1, OF THE DEED RECORDS OF ELLIS COUNTY; AND PROVIDING FOR IMMEDIATE EFFECT.

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

WHEREAS, the City of Ovilla, Texas, previously adopted its comprehensive zoning ordinance, Ordinance No. 2010.013; and

WHEREAS, the City Council deems it necessary to amend the zoning ordinance to provide for a change in zoning to a particular tract of land designated herein from "R-C 5 acres" to "R-E 1 acre;" and

WHEREAS, a public hearing was held by the Planning and Zoning Commission of the City on the 4th day of August , 2014, 7:00 P.M. and a public hearing was held by the City Council on the 11th day of August, 2014, 7:00 P.M. with respect to the proposed change in zoning.

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

SECTION 1. The legal description of the property zoned herein is described as 5.61 acres of land, more or less, out of the Westmoreland Estates 1, Property ID 167958, 25 & 26 A Westmoreland Road, of the Deed Records of Ellis County, Texas, and more commonly known as **754 Westmoreland Road, Ovilla, Texas**.

SECTION 2. The zoning classification of the above-described property is hereby changed from "R-C 5 acres" to "R-E 1 acre," and the Zoning Map is amended to reflect such change as shown in Exhibit "A" attached hereto and incorporated herein.

SECTION 3. The zoning classification will take immediate effect after the approval and adoption of this Ordinance by the City Council of the City of Ovilla, Texas.

PASSED, ADOPTED AND APPROVED by the City Council of Ovilla, Texas on this the 11 day of August 2014.

Richard Dormier, Mayor

ATTEST:

Pamela Woodall, City Secretary

APPROVED AS TO FORM:

Ron G. MacFarlane, Jr., City Attorney

City of OVILLA Planning & Zoning Commission Recommendation

The purpose of this item is to bring the re-zoning of the specific properties in line with the size requirements of the zoning classifications. All but one address on this proposed rezoning is less than 5 acres.

ITEM I. **Case No. PZ14-02.** A request by the City of Ovilla, for a change in zoning from RC (Single Family Residential District 5 Acre Minimum) to RE (Single Family Residential District 1 Acre Minimum) on 5.61 acres of land, more or less, out of the Westmoreland Estates I, Lot 27A, Ellis County, Texas and more commonly known as 754 Westmoreland Road, Ovilla, Texas.

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

PL 1 Jungman _____
PL2 Yordy _____
PL3 Lynch _____
PL4 Whittaker _____

PL5 Pearcy _____
PL6 Hart _____
PL7 Zimmermann _____

FOR

AGAINST

ABSTAIN

VICE CHAIR - Planning & Zoning

Date

Board Secretary

Date

(Scrivener Error)

AN ORDINANCE PROVIDING FOR THE AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF OVILLA, TEXAS, THAT BEING ORDINANCE 2010-013, AS HERETOFORE AMENDED; PROVIDING A ZONING CLASSIFICATION CHANGE FROM "R-C, SINGLE FAMILY RESIDENTIAL DISTRICT 5 ACRE MINIMUM" TO "R-E, SINGLE FAMILY RESIDENTIAL DISTRICT 1 ACRE MINIMUM" ON LAND SPECIFICALLY DESCRIBED HEREIN LOCATED WITHIN ELLIS COUNTY APPRAISAL DISTRICT AND IDENTIFIES AS PROPERTY ID 167950, 27A WESTMORELAND ROAD ESTATES 1, OF THE DEED RECORDS OF ELLIS COUNTY; AND PROVIDING FOR IMMEDIATE EFFECT AND OTHERWISE KNOWN AND REFERRED TO AS 743 WESTMORELAND ROAD IN THE CITY OF OVILLA, TEXAS.

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

WHEREAS, the City of Ovilla, Texas, previously adopted its comprehensive zoning ordinance, Ordinance No. 2010-013; and

WHEREAS, the City Council deems it necessary to amend the zoning ordinance to provide for a change in zoning to a particular tract of land designated herein from "R-C 5 acres" to "R-E 1 acre;" and

WHEREAS, a public hearing was held by the Planning and Zoning Commission of the City on the 4th day of August , 2014, 7:00 P.M. and a public hearing was held by the City Council on the 11th day of August, 2014, 7:00 P.M. with respect to the proposed change in zoning.

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

SECTION 1. The legal description of the property zoned herein is described as 4.6 acres of land, more or less, out of the Westmoreland Estates 1, 27A Westmoreland Road, of the Deed Records of Ellis County, Texas, and more commonly known and referred to as **743 Westmoreland Road, Ovilla, Texas.**

SECTION 2. The zoning classification of the above-described property is hereby changed from "R-C 5 acres" to "R-E 1 acre;" and the Zoning Map is amended to reflect such change as shown in Exhibit "A" attached hereto and incorporated herein.

SECTION 3. The zoning classification will take immediate effect after the approval and adoption of this Ordinance by the City Council of the City of Ovilla, Texas.

PASSED, ADOPTED AND APPROVED by the City Council of Ovilla, Texas on this the **11th day of August 2014.**

Richard Dormier, Mayor

ATTEST:

Pamela Woodall, City Secretary

APPROVED AS TO FORM:

Ron G. MacFarlane, Jr., City Attorney

City of OVILLA Planning & Zoning Commission Recommendation

The purpose of this item is to bring the re-zoning of the specific properties in line with the size requirements of the zoning classifications. All but one address on this proposed rezoning is less than 5 acres.

ITEM 2. **Case No. PZ14-03.** A request by the City of Ovilla, for a change in zoning from RC (Single Family Residential District 5 Acre Minimum) to RE (Single Family Residential District 1 Acre Minimum) on 4.6 acres of land, more or less, out of the Westmoreland Estates I, Lot 27A, Ellis County, Texas and more commonly known as **743 Westmoreland Road, Ovilla, Texas.**

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

PL 1 Jungman ABSENT
PL2 Yordy AYE
PL3 Lynch ABSENT
PL4 Whittaker AYE

PL5 Pearcy AYE
PL6 Hart AYE
PL7 Zimmermann AYE

5 FOR

0 AGAINST

0 ABSTAIN

Michael K. Yordy
VICE CHAIR - Planning & Zoning
Quinn
Board Secretary

August 6, 2014
Date

8-7-14
Date

AN ORDINANCE PROVIDING FOR THE AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF OVILLA, TEXAS, THAT BEING ORDINANCE 2010-013, AS HERETOFORE AMENDED; PROVIDING A ZONING CLASSIFICATION CHANGE FROM "R-C, SINGLE FAMILY RESIDENTIAL DISTRICT 5 ACRE MINIMUM" TO "R-E, SINGLE FAMILY RESIDENTIAL DISTRICT 1 ACRE MINIMUM" ON LAND SPECIFICALLY DESCRIBED HEREIN LOCATED WITHIN ELLIS COUNTY APPRAISAL DISTRICT AND IDENTIFIES AS PROPERTY ID 167951 28A WESTMORELAND ROAD ESTATES 1, OF THE DEED RECORDS OF ELLIS COUNTY; AND PROVIDING FOR IMMEDIATE EFFECT AND OTHERWISE KNOWN AND REFERRED TO AS 739 WESTMORELAND ROAD IN THE CITY OF OVILLA, TEXAS.

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

WHEREAS, the City of Ovilla, Texas, previously adopted its comprehensive zoning ordinance, Ordinance No. 2010-013; and

WHEREAS, the City Council deems it necessary to amend the zoning ordinance to provide for a change in zoning to a particular tract of land designated herein from "R-C 5 acres" to "R-E 1 acre;" and

WHEREAS, a public hearing was held by the Planning and Zoning Commission of the City on the 4th day of August , 2014, 7:00 P.M. and a public hearing was held by the City Council on the 11th day of August, 2014, 7:00 P.M. with respect to the proposed change in zoning.

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

SECTION 1. The legal description of the property zoned herein is described as 3.65 acres of land, more or less, out of the Westmoreland Estates 1, 28A Westmoreland Road, of the Deed Records of Ellis County, Texas, and more commonly known and referred to as **739 Westmoreland Road, Ovilla, Texas.**

SECTION 2. The zoning classification of the above-described property is hereby changed from "R-C 5 acres" to "R-E 1 acre;" and the Zoning Map is amended to reflect such change as shown in Exhibit "A" attached hereto and incorporated herein.

SECTION 3. The zoning classification will take immediate effect after the approval and adoption of this Ordinance by the City Council of the City of Ovilla, Texas.

PASSED, ADOPTED AND APPROVED by the City Council of Ovilla, Texas on this the **11th day of August 2014.**

Richard Dormier, Mayor

ATTEST:

Pamela Woodall, City Secretary

APPROVED AS TO FORM:

Ron G. MacFarlane, Jr., City Attorney

City of OVILLA Planning & Zoning Commission Recommendation

The purpose of this item is to bring the re-zoning of the specific properties in line with the size requirements of the zoning classifications. All but one address on this proposed rezoning is less than 5 acres.

ITEM 3. Case No. PZ14-04. A request by the City of Ovilla, for a change in zoning from RC (Single Family Residential District 5 Acre Minimum) to RE (Single Family Residential District 1 Acre Minimum) on 3.65 acres of land, more or less, out of the Westmoreland Estates I, Lot 28A, Ellis County, Texas and more commonly known as 739 Westmoreland Road, Ovilla, Texas.

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

PL 1 Jungman ABSENT
PL2 Yordy AYE
PL3 Lynch ABSENT
PL4 Whittaker AYE

PL5 Pearcy AYE
PL6 Hart AYE
PL7 Zimmermann AYE

5 FOR

0 AGAINST

0 ABSTAIN

Michael K. Yordy
VICE CHAIR - Planning & Zoning
Guiller
Board Secretary

August 6, 2014
Date
8.7.14
Date

AN ORDINANCE PROVIDING FOR THE AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF OVILLA, TEXAS, THAT BEING ORDINANCE 2010-013, AS HERETOFORE AMENDED; PROVIDING A ZONING CLASSIFICATION CHANGE FROM "R-C, SINGLE FAMILY RESIDENTIAL DISTRICT 5 ACRE MINIMUM" TO "R-E, SINGLE FAMILY RESIDENTIAL DISTRICT 1 ACRE MINIMUM" ON LAND SPECIFICALLY DESCRIBED HEREIN LOCATED WITHIN ELLIS COUNTY APPRAISAL DISTRICT AND IDENTIFIES AS PROPERTY ID 167942, 29A WESTMORELAND ROAD ESTATES 1, OF THE DEED RECORDS OF ELLIS COUNTY; AND PROVIDING FOR IMMEDIATE EFFECT AND OTHERWISE KNOWN AND REFERRED TO AS 29A WESTMORELAND ROAD IN THE CITY OF OVILLA, TEXAS.

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

WHEREAS, the City of Ovilla, Texas, previously adopted its comprehensive zoning ordinance, Ordinance No. 2010-013; and

WHEREAS, the City Council deems it necessary to amend the zoning ordinance to provide for a change in zoning to a particular tract of land designated herein from "R-C 5 acres" to "R-E 1 acre;" and

WHEREAS, a public hearing was held by the Planning and Zoning Commission of the City on the 4th day of August , 2014, 7:00 P.M. and a public hearing was held by the City Council on the 11th day of August, 2014, 7:00 P.M. with respect to the proposed change in zoning.

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

SECTION 1. The legal description of the property zoned herein is described as 1.88 acres of land, more or less, out of the Westmoreland Estates 1, 29A Westmoreland Road, of the Deed Records of Ellis County, Texas, and more commonly known and referred to as **29A Westmoreland Road, Ovilla, Texas**.

SECTION 2. The zoning classification of the above-described property is hereby changed from "R-C 5 acres" to "R-E 1 acre;" and the Zoning Map is amended to reflect such change as shown in Exhibit "A" attached hereto and incorporated herein.

SECTION 3. The zoning classification will take immediate effect after the approval and adoption of this Ordinance by the City Council of the City of Ovilla, Texas.

PASSED, ADOPTED AND APPROVED by the City Council of Ovilla, Texas on this the **11th day of August 2014**.

Richard Dormier, Mayor

ATTEST:

Pamela Woodall, City Secretary

APPROVED AS TO FORM:

Ron G. MacFarlane, Jr., City Attorney

City of OVILLA Planning & Zoning Commission Recommendation

The purpose of this item is to bring the re-zoning of the specific properties in line with the size requirements of the zoning classifications. All but one address on this proposed rezoning is less than 5 acres.

ITEM 4. Case No. PZ14-05. A request by the City of Ovilla, for a change in zoning from RC (Single Family Residential District 5 Acre Minimum) to RE (Single Family Residential District 1 Acre Minimum) on 1.88 acres of land, more or less, out of the Westmoreland Estates I, Lot 29A, Ellis County, Texas and more commonly known as **Lot 29A Westmoreland Road, Ovilla, Texas.**

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

PL 1 Jungman ABSENT
PL 2 Yordy AYE
PL 3 Lynch ABSENT
PL 4 Whittaker AYE

PL 5 Pearcy AYE
PL 6 Hart AYE
PL 7 Zimmermann AYE

5 FOR

0 AGAINST

0 ABSTAIN

Michael K. Yordy
VICE CHAIR - Planning & Zoning

Quiller
Board Secretary

August 6, 2014
Date

8-7-14
Date

AN ORDINANCE PROVIDING FOR THE AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF OVILLA, TEXAS, THAT BEING ORDINANCE 2010-013, AS HERETOFORE AMENDED; PROVIDING A ZONING CLASSIFICATION CHANGE FROM "R-C, SINGLE FAMILY RESIDENTIAL DISTRICT 5 ACRE MINIMUM" TO "R-E, SINGLE FAMILY RESIDENTIAL DISTRICT 1 ACRE MINIMUM" ON LAND SPECIFICALLY DESCRIBED HEREIN LOCATED WITHIN ELLIS COUNTY APPRAISAL DISTRICT AND IDENTIFIES AS PROPERTY ID 167943, 30A WESTMORELAND ROAD ESTATES 2, OF THE DEED RECORDS OF ELLIS COUNTY; AND PROVIDING FOR IMMEDIATE EFFECT AND OTHERWISE KNOWN AND REFERRED TO AS 735 WESTMORELAND ROAD IN THE CITY OF OVILLA, TEXAS.

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

WHEREAS, the City of Ovilla, Texas, previously adopted its comprehensive zoning ordinance, Ordinance No. 2010-013; and

WHEREAS, the City Council deems it necessary to amend the zoning ordinance to provide for a change in zoning to a particular tract of land designated herein from "R-C 5 acres" to "R-E 1 acre;" and

WHEREAS, a public hearing was held by the Planning and Zoning Commission of the City on the 4th day of August , 2014, 7:00 P.M. and a public hearing was held by the City Council on the 11th day of August, 2014, 7:00 P.M. with respect to the proposed change in zoning.

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

SECTION 1. The legal description of the property zoned herein is described as 2.02 acres of land, more or less, out of the Westmoreland Estates 2, 30A Westmoreland Road, of the Deed Records of Ellis County, Texas, and more commonly known and referred to as **735 Westmoreland Road, Ovilla, Texas.**

SECTION 2. The zoning classification of the above-described property is hereby changed from "R-C 5 acres" to "R-E 1 acre," and the Zoning Map is amended to reflect such change as shown in Exhibit "A" attached hereto and incorporated herein.

SECTION 3. The zoning classification will take immediate effect after the approval and adoption of this Ordinance by the City Council of the City of Ovilla, Texas.

PASSED, ADOPTED AND APPROVED by the City Council of Ovilla, Texas on this the **11th day of August 2014.**

Richard Dormier, Mayor

ATTEST:

Pamela Woodall, City Secretary

APPROVED AS TO FORM:

Ron G. MacFarlane, Jr., City Attorney

City of OVILLA Planning & Zoning Commission Recommendation

The purpose of this item is to bring the re-zoning of the specific properties in line with the size requirements of the zoning classifications. All but one address on this proposed rezoning is less than 5 acres.

ITEM 5. Case No. PZ14-06. A request by the City of Ovilla, for a **change in zoning** from RC (Single Family Residential District 5 Acre Minimum) to RE (Single Family Residential District 1 Acre Minimum) on 2.02 acres of land, more or less, out of the Westmoreland Estates 2, Lot 30A, Ellis County, Texas and more commonly known as 735 Westmoreland Road, Ovilla, Texas.

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

PL 1 Jungman ABSENT
PL2 Yordy AYE
PL3 Lynch ABSENT
PL4 Whittaker AYE

PL5 Pearcy AYE
PL6 Hart AYE
PL7 Zimmermann AYE

5 FOR

0 AGAINST

0 ABSTAIN

Michael K. Yordy
VICE CHAIR - Planning & Zoning
Queller
Board Secretary

August 6, 2014
Date

8.7.14
Date

AN ORDINANCE PROVIDING FOR THE AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF OVILLA, TEXAS, THAT BEING ORDINANCE 2010-013, AS HERETOFORE AMENDED; PROVIDING A ZONING CLASSIFICATION CHANGE FROM "R-C, SINGLE FAMILY RESIDENTIAL DISTRICT 5 ACRE MINIMUM" TO "R-E, SINGLE FAMILY RESIDENTIAL DISTRICT 1 ACRE MINIMUM" ON LAND SPECIFICALLY DESCRIBED HEREIN LOCATED WITHIN ELLIS COUNTY APPRAISAL DISTRICT AND IDENTIFIES AS PROPERTY ID 167934, 31A WESTMORELAND ROAD ESTATES 2, OF THE DEED RECORDS OF ELLIS COUNTY; AND PROVIDING FOR IMMEDIATE EFFECT AND OTHERWISE KNOWN AND REFERRED TO AS 733 WESTMORELAND ROAD IN THE CITY OF OVILLA, TEXAS.

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

WHEREAS, the City of Ovilla, Texas, previously adopted its comprehensive zoning ordinance, Ordinance No. 2010-013; and

WHEREAS, the City Council deems it necessary to amend the zoning ordinance to provide for a change in zoning to a particular tract of land designated herein from "R-C 5 acres" to "R-E 1 acre;" and

WHEREAS, a public hearing was held by the Planning and Zoning Commission of the City on the 4th day of August , 2014, 7:00 P.M. and a public hearing was held by the City Council on the 11th day of August, 2014, 7:00 P.M. with respect to the proposed change in zoning.

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

SECTION 1. The legal description of the property zoned herein is described as 2.05 acres of land, more or less, out of the Westmoreland Estates 2, 31A Westmoreland Road, of the Deed Records of Ellis County, Texas, and more commonly known and referred to as **733 Westmoreland Road, Ovilla, Texas.**

SECTION 2. The zoning classification of the above-described property is hereby changed from "R-C 5 acres" to "R-E 1 acre;" and the Zoning Map is amended to reflect such change as shown in Exhibit "A" attached hereto and incorporated herein.

SECTION 3. The zoning classification will take immediate effect after the approval and adoption of this Ordinance by the City Council of the City of Ovilla, Texas.

PASSED, ADOPTED AND APPROVED by the City Council of Ovilla, Texas on this the **11th day of August 2014.**

Richard Dormier, Mayor

ATTEST:

Pamela Woodall, City Secretary

APPROVED AS TO FORM:

Ron G. MacFarlane, Jr., City Attorney

City of OVILLA Planning & Zoning Commission Recommendation

The purpose of this item is to bring the re-zoning of the specific properties in line with the size requirements of the zoning classifications. All but one address on this proposed rezoning is less than 5 acres.

ITEM 6. **Case No. PZ14-07.** A request by the City of Ovilla, for a **change in zoning** from RC (Single Family Residential District 5 Acre Minimum) to RE (Single Family Residential District 1 Acre Minimum) on 2.05 acres of land, more or less, out of the Westmoreland Estates 2, Lot 31A, Ellis County, Texas and more commonly known as **733 Westmoreland Road, Ovilla, Texas.**

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

PL 1 Jungman ABSENT
PL2 Yordy AYE
PL3 Lynch ABSENT
PL4 Whittaker AYE

PL5 Pearcy AYE
PL6 Hart AYE
PL7 Zimmermann AYE

5 FOR

0 AGAINST

0 ABSTAIN

Michael K. Yordy
VICE CHAIR - Planning & Zoning
Quinton
Board Secretary

August 6, 2014
Date

8.7.14
Date

AN ORDINANCE PROVIDING FOR THE AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF OVILLA, TEXAS, THAT BEING ORDINANCE 2010-013, AS HERETOFORE AMENDED; PROVIDING A ZONING CLASSIFICATION CHANGE FROM "R-C, SINGLE FAMILY RESIDENTIAL DISTRICT 5 ACRE MINIMUM" TO "R-E, SINGLE FAMILY RESIDENTIAL DISTRICT 1 ACRE MINIMUM" ON LAND SPECIFICALLY DESCRIBED HEREIN LOCATED WITHIN ELLIS COUNTY APPRAISAL DISTRICT AND IDENTIFIES AS PROPERTY ID 208100, 210 J. CHAPMAN SURVEY, OF THE DEED RECORDS OF ELLIS COUNTY; AND PROVIDING FOR IMMEDIATE EFFECT AND OTHERWISE KNOWN AND REFERRED TO AS 725 WESTMORELAND ROAD IN THE CITY OF OVILLA, TEXAS.

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

WHEREAS, the City of Ovilla, Texas, previously adopted its comprehensive zoning ordinance, Ordinance No. 2010-013; and

WHEREAS, the City Council deems it necessary to amend the zoning ordinance to provide for a change in zoning to a particular tract of land designated herein from "R-C 5 acres" to "R-E 1 acre;" and

WHEREAS, a public hearing was held by the Planning and Zoning Commission of the City on the 4th day of August , 2014, 7:00 P.M. and a public hearing was held by the City Council on the 11th day of August, 2014, 7:00 P.M. with respect to the proposed change in zoning.

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

SECTION 1. The legal description of the property zoned herein is described as 4.83 acres of land, more or less, out of the 210 J. Chapman Survey, of the Deed Records of Ellis County, Texas, and more commonly known and referred to as **725 Westmoreland Road, Ovilla, Texas.**

SECTION 2. The zoning classification of the above-described property is hereby changed from "R-C 5 acres" to "R-E 1 acre;" and the Zoning Map is amended to reflect such change as shown in Exhibit "A" attached hereto and incorporated herein.

SECTION 3. The zoning classification will take immediate effect after the approval and adoption of this Ordinance by the City Council of the City of Ovilla, Texas.

PASSED, ADOPTED AND APPROVED by the City Council of Ovilla, Texas on this the **11th day of August 2014.**

Richard Dormier, Mayor

ATTEST:

Pamela Woodall, City Secretary

APPROVED AS TO FORM:

Ron G. MacFarlane, Jr., City Attorney

City of OVILLA Planning & Zoning Commission Recommendation

The purpose of this item is to bring the re-zoning of the specific properties in line with the size requirements of the zoning classifications. All but one address on this proposed rezoning is less than 5 acres.

ITEM 7. Case No. PZ14-08. A request by the City of Ovilla, for a **change in zoning** from RC (Single Family Residential District 5 Acre Minimum) to RE (Single Family Residential District 1 Acre Minimum) on 4.83 acres of land, more or less, out of the 210 J. Chapman Survey, Ellis County, Texas and more commonly known as 725 Westmoreland Road, Ovilla, Texas.

DO NOT RECOMMEND RC TO RE ZONING
PLANNING AND ZONING Members present, and upon a record vote of: **CHANGE**

PL 1 Jungman ABSENT
PL 2 Yordy AYE
PL 3 Lynch ABSENT
PL 4 Whittaker AYE

PL 5 Pearcy AYE
PL 6 Hart AYE
PL 7 Zimmermann AYE

5 FOR

0 AGAINST

0 ABSTAIN

Michael K. Yordy
VICE CHAIR - Planning & Zoning

Quinn
Board Secretary

August 6, 2014
Date

8-7-14
Date

AN ORDINANCE PROVIDING FOR THE AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF OVILLA, TEXAS, THAT BEING ORDINANCE 2010-013, AS HERETOFORE AMENDED; PROVIDING A ZONING CLASSIFICATION CHANGE FROM "R-C, SINGLE FAMILY RESIDENTIAL DISTRICT 5 ACRE MINIMUM" TO "R-E, SINGLE FAMILY RESIDENTIAL DISTRICT 1 ACRE MINIMUM" ON LAND SPECIFICALLY DESCRIBED HEREIN LOCATED WITHIN ELLIS COUNTY APPRAISAL DISTRICT AND IDENTIFIES AS PROPERTY ID 208177, LOT 1, BROADNAX ADDITION OF THE DEED RECORDS OF ELLIS COUNTY; AND PROVIDING FOR IMMEDIATE EFFECT AND OTHERWISE KNOWN AND REFERRED TO AS 721 WESTMORELAND ROAD IN THE CITY OF OVILLA, TEXAS.

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

WHEREAS, the City of Ovilla, Texas, previously adopted its comprehensive zoning ordinance, Ordinance No. 2010-013; and

WHEREAS, the City Council deems it necessary to amend the zoning ordinance to provide for a change in zoning to a particular tract of land designated herein from "R-C 5 acres" to "R-E 1 acre;" and

WHEREAS, a public hearing was held by the Planning and Zoning Commission of the City on the 4th day of August , 2014, 7:00 P.M. and a public hearing was held by the City Council on the 11th day of August, 2014, 7:00 P.M. with respect to the proposed change in zoning.

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

SECTION 1. The legal description of the property zoned herein is described as 3.865 acres of land, more or less, Lot 1, out of the Broadnax Addition, of the Deed Records of Ellis County, Texas, and more commonly known and referred to as **721 Westmoreland Road, Ovilla, Texas.**

SECTION 2. The zoning classification of the above-described property is hereby changed from "R-C 5 acres" to "R-E 1 acre;" and the Zoning Map is amended to reflect such change as shown in Exhibit "A" attached hereto and incorporated herein.

SECTION 3. The zoning classification will take immediate effect after the approval and adoption of this Ordinance by the City Council of the City of Ovilla, Texas.

PASSED, ADOPTED AND APPROVED by the City Council of Ovilla, Texas on this the **11th day of August 2014.**

Richard Dormier, Mayor

ATTEST:

Pamela Woodall, City Secretary

APPROVED AS TO FORM:

Ron G. MacFarlane, Jr., City Attorney

City of OVILLA Planning & Zoning Commission Recommendation

The purpose of this item is to bring the re-zoning of the specific properties in line with the size requirements of the zoning classifications. All but one address on this proposed rezoning is less than 5 acres.

ITEM 8. Case No. PZ14-09. A request by the City of Ovilla, for a **change in zoning** from RC (Single Family Residential District 5 Acre Minimum) to RE (Single Family Residential District 1 Acre Minimum) on 3.865 acres of land, more or less, out of the Broadnax Addition, Lot 1, Ellis County, Texas and more commonly known as 721 Westmoreland Road, Ovilla, Texas.

DO NOT RECOMMEND RC TO RE ZONING CHANGE

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

PL 1 Jungman ABSENT
PL2 Yordy AYE
PL3 Lynch ABSENT
PL4 Whittaker AYE

PL5 Pearcy AYE
PL6 Hart AYE
PL7 Zimmermann AYE

5 FOR

0 AGAINST

0 ABSTAIN

Michael K. Yordy
VICE CHAIR - Planning & Zoning

Quinn
Board Secretary

August 6, 2014
Date

8-7-14
Date

AN ORDINANCE PROVIDING FOR THE AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF OVILLA, TEXAS, THAT BEING ORDINANCE 2010-013, AS HERETOFORE AMENDED; PROVIDING A ZONING CLASSIFICATION CHANGE FROM "R-C, SINGLE FAMILY RESIDENTIAL DISTRICT 5 ACRE MINIMUM" TO "R-E, SINGLE FAMILY RESIDENTIAL DISTRICT 1 ACRE MINIMUM" ON LAND SPECIFICALLY DESCRIBED HEREIN LOCATED WITHIN ELLIS COUNTY APPRAISAL DISTRICT AND IDENTIFIES AS PROPERTY ID 181540, 210 J. CHAPMAN SURVEY, OF THE DEED RECORDS OF ELLIS COUNTY; AND PROVIDING FOR IMMEDIATE EFFECT AND OTHERWISE KNOWN AND REFERRED TO AS 719 WESTMORELAND ROAD IN THE CITY OF OVILLA, TEXAS.

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

WHEREAS, the City of Ovilla, Texas, previously adopted its comprehensive zoning ordinance, Ordinance No. 2010-013; and

WHEREAS, the City Council deems it necessary to amend the zoning ordinance to provide for a change in zoning to a particular tract of land designated herein from "R-C 5 acres" to "R-E 1 acre;" and

WHEREAS, a public hearing was held by the Planning and Zoning Commission of the City on the 4th day of August , 2014, 7:00 P.M. and a public hearing was held by the City Council on the 11th day of August, 2014, 7:00 P.M. with respect to the proposed change in zoning.

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

SECTION 1. The legal description of the property zoned herein is described as 4 acres of land, more or less out of the 210 J.Chapman Survey, of the Deed Records of Ellis County, Texas, and more commonly known and referred to as **719 Westmoreland Road, Ovilla, Texas**.

SECTION 2. The zoning classification of the above-described property is hereby changed from "R-C 5 acres" to "R-E 1 acre;" and the Zoning Map is amended to reflect such change as shown in Exhibit "A" attached hereto and incorporated herein.

SECTION 3. The zoning classification will take immediate effect after the approval and adoption of this Ordinance by the City Council of the City of Ovilla, Texas.

PASSED, ADOPTED AND APPROVED by the City Council of Ovilla, Texas on this the **11th day of August 2014.**

Richard Dormier, Mayor

ATTEST:

Pamela Woodall, City Secretary

APPROVED AS TO FORM:

Ron G. MacFarlane, Jr., City Attorney

City of OVILLA Planning & Zoning Commission Recommendation

The purpose of this item is to bring the re-zoning of the specific properties in line with the size requirements of the zoning classifications. All but one address on this proposed rezoning is less than 5 acres.

ITEM 9. Case No. PZ14-10. A request by the City of Ovilla, for a change in zoning from RC (Single Family Residential District 5 Acre Minimum) to RE (Single Family Residential District 1 Acre Minimum) on 4 acres of land, more or less, out of the 210 J. Chapman Survey, Ellis County, Texas and more commonly known as 719 Westmoreland Road, Ovilla, Texas.

DO NOT RECOMMEND RC TO RE ZONING CHANGE

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

PL 1 Jungman ABSENT
PL 2 Yordy AYE
PL 3 Lynch ABSENT
PL 4 Whittaker AYE

PL 5 Pearcy AYE
PL 6 Hart AYE
PL 7 Zimmermann AYE

5 FOR

0 AGAINST

0 ABSTAIN

Michael K. Yordy
VICE CHAIR - Planning & Zoning

Queller
Board Secretary

August 6, 2014
Date

8.7.14
Date

AN ORDINANCE PROVIDING FOR THE AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF OVILLA, TEXAS, THAT BEING ORDINANCE 2010-013, AS HERETOFORE AMENDED; PROVIDING A ZONING CLASSIFICATION CHANGE FROM "R-C, SINGLE FAMILY RESIDENTIAL DISTRICT 5 ACRE MINIMUM" TO "R-E, SINGLE FAMILY RESIDENTIAL DISTRICT 1 ACRE MINIMUM" ON LAND SPECIFICALLY DESCRIBED HEREIN LOCATED WITHIN ELLIS COUNTY APPRAISAL DISTRICT AND IDENTIFIES AS PROPERTY ID 181544, 210 J. CHAPMAN SURVEY, OF THE DEED RECORDS OF ELLIS COUNTY; AND PROVIDING FOR IMMEDIATE EFFECT AND OTHERWISE KNOWN AND REFERRED TO AS 717 WESTMORELAND ROAD IN THE CITY OF OVILLA, TEXAS.

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

WHEREAS, the City of Ovilla, Texas, previously adopted its comprehensive zoning ordinance, Ordinance No. 2010-013; and

WHEREAS, the City Council deems it necessary to amend the zoning ordinance to provide for a change in zoning to a particular tract of land designated herein from "R-C 5 acres" to "R-E 1 acre;" and

WHEREAS, a public hearing was held by the Planning and Zoning Commission of the City on the 4th day of August , 2014, 7:00 P.M. and a public hearing was held by the City Council on the 11th day of August, 2014, 7:00 P.M. with respect to the proposed change in zoning.

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

SECTION 1. The legal description of the property zoned herein is described as 4 acres of land, more or less out of the 210 J.Chapman Survey, of the Deed Records of Ellis County, Texas, and more commonly known and referred to as **717 Westmoreland Road, Ovilla, Texas**.

SECTION 2. The zoning classification of the above-described property is hereby changed from "R-C 5 acres" to "R-E 1 acre;" and the Zoning Map is amended to reflect such change as shown in Exhibit "A" attached hereto and incorporated herein.

SECTION 3. The zoning classification will take immediate effect after the approval and adoption of this Ordinance by the City Council of the City of Ovilla, Texas.

PASSED, ADOPTED AND APPROVED by the City Council of Ovilla, Texas on this the **11th day of August 2014.**

Richard Dormier, Mayor

ATTEST:

Pamela Woodall, City Secretary

APPROVED AS TO FORM:

Ron G. MacFarlane, Jr., City Attorney

City of OVILLA Planning & Zoning Commission Recommendation

The purpose of this item is to bring the re-zoning of the specific properties in line with the size requirements of the zoning classifications. All but one address on this proposed rezoning is less than 5 acres.

ITEM 10. **Case No. PZ14-11.** A request by the City of Ovilla, for a **change in zoning** from RC (Single Family Residential District 5 Acre Minimum) to RE (Single Family Residential District 1 Acre Minimum) on 4 acres of land, more or less, out of the 210 J. Chapman Survey, Ellis County, Texas and more commonly known as 717 Westmoreland Road, Ovilla, Texas.

DO NOT RECOMMEND RC TO RE ZONING CHANGE

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

PL 1 Jungman ABSENT
PL2 Yordy AYE
PL3 Lynch ABSENT
PL4 Whittaker AYE

PL5 Pearcy AYE
PL6 Hart AYE
PL7 Zimmermann AYE

5 FOR

0 AGAINST

0 ABSTAIN

Michael K. Yordy
VICE CHAIR - Planning & Zoning

August 6, 2014
Date

Guiller
Board Secretary

8.7.14
Date

AN ORDINANCE PROVIDING FOR THE AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF OVILLA, TEXAS, THAT BEING ORDINANCE 2010-013, AS HERETOFORE AMENDED; PROVIDING A ZONING CLASSIFICATION CHANGE FROM "R-C, SINGLE FAMILY RESIDENTIAL DISTRICT 5 ACRE MINIMUM" TO "R-E, SINGLE FAMILY RESIDENTIAL DISTRICT 1 ACRE MINIMUM" ON LAND SPECIFICALLY DESCRIBED HEREIN LOCATED WITHIN ELLIS COUNTY APPRAISAL DISTRICT AND IDENTIFIES AS PROPERTY ID 181539, 210 J. CHAPMAN SURVEY, OF THE DEED RECORDS OF ELLIS COUNTY; AND PROVIDING FOR IMMEDIATE EFFECT AND OTHERWISE KNOWN AND REFERRED TO AS 713 WESTMORELAND ROAD IN THE CITY OF OVILLA, TEXAS.

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

WHEREAS, the City of Ovilla, Texas, previously adopted its comprehensive zoning ordinance, Ordinance No. 2010-013; and

WHEREAS, the City Council deems it necessary to amend the zoning ordinance to provide for a change in zoning to a particular tract of land designated herein from "R-C 5 acres" to "R-E 1 acre;" and

WHEREAS, a public hearing was held by the Planning and Zoning Commission of the City on the 4th day of August , 2014, 7:00 P.M. and a public hearing was held by the City Council on the 11th day of August, 2014, 7:00 P.M. with respect to the proposed change in zoning.

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

SECTION 1. The legal description of the property zoned herein is described as 4 acres of land, more or less out of the 210 J. Chapman Survey, of the Deed Records of Ellis County, Texas, and more commonly known and referred to as **713 Westmoreland Road, Ovilla, Texas**.

SECTION 2. The zoning classification of the above-described property is hereby changed from "R-C 5 acres" to "R-E 1 acre;" and the Zoning Map is amended to reflect such change as shown in Exhibit "A" attached hereto and incorporated herein.

SECTION 3. The zoning classification will take immediate effect after the approval and adoption of this Ordinance by the City Council of the City of Ovilla, Texas.

PASSED, ADOPTED AND APPROVED by the City Council of Ovilla, Texas on this the **11th day of August 2014.**

Richard Dormier, Mayor

ATTEST:

Pamela Woodall, City Secretary

APPROVED AS TO FORM:

Ron G. MacFarlane, Jr., City Attorney

City of OVILLA Planning & Zoning Commission Recommendation

The purpose of this item is to bring the re-zoning of the specific properties in line with the size requirements of the zoning classifications. All but one address on this proposed rezoning is less than 5 acres.

ITEM 11. **Case No. PZ14-12.** A request by the City of Ovilla, for a **change in zoning** from RC (Single Family Residential District 5 Acre Minimum) to RE (Single Family Residential District 1 Acre Minimum) on 4 acres of land, more or less, out of the 210 J. Chapman Survey, Ellis County, Texas and more commonly known as 713 Westmoreland Road, Ovilla, Texas.

DO NOT RECOMMEND RC TO RE ZONING CHANGE
PLANNING AND ZONING Members present, and upon a record vote of:

PL 1 Jungman ABSENT
PL2 Yordy AYE
PL3 Lynch ABSENT
PL4 Whittaker AYE

PL5 Pearcy AYE
PL6 Hart AYE
PL7 Zimmermann AYE

5 FOR

0 AGAINST

0 ABSTAIN

Michael K. Yordy
VICE CHAIR - Planning & Zoning
Quiller
Board Secretary

August 6, 2014
Date
8-7-14
Date

AN ORDINANCE PROVIDING FOR THE AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF OVILLA, TEXAS, THAT BEING ORDINANCE 2010-013, AS HERETOFORE AMENDED; PROVIDING A ZONING CLASSIFICATION CHANGE FROM "R-C, SINGLE FAMILY RESIDENTIAL DISTRICT 5 ACRE MINIMUM" TO "R-E, SINGLE FAMILY RESIDENTIAL DISTRICT 1 ACRE MINIMUM" ON LAND SPECIFICALLY DESCRIBED HEREIN LOCATED WITHIN ELLIS COUNTY APPRAISAL DISTRICT AND IDENTIFIES AS PROPERTY ID 181551, 210 J. CHAPMAN SURVEY, OF THE DEED RECORDS OF ELLIS COUNTY; AND PROVIDING FOR IMMEDIATE EFFECT AND OTHERWISE KNOWN AND REFERRED TO AS 707 WESTMORELAND ROAD IN THE CITY OF OVILLA, TEXAS.

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

WHEREAS, the City of Ovilla, Texas, previously adopted its comprehensive zoning ordinance, Ordinance No. 2010-013; and

WHEREAS, the City Council deems it necessary to amend the zoning ordinance to provide for a change in zoning to a particular tract of land designated herein from "R-C 5 acres" to "R-E 1 acre;" and

WHEREAS, a public hearing was held by the Planning and Zoning Commission of the City on the 4th day of August, 2014, 7:00 P.M. and a public hearing was held by the City Council on the 11th day of August, 2014, 7:00 P.M. with respect to the proposed change in zoning.

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

SECTION 1. The legal description of the property zoned herein is described as 3.11 acres of land, more or less out of the 210 J. Chapman Survey, of the Deed Records of Ellis County, Texas, and more commonly known and referred to as **707 Westmoreland Road, Ovilla, Texas.**

SECTION 2. The zoning classification of the above-described property is hereby changed from "R-C 5 acres" to "R-E 1 acre;" and the Zoning Map is amended to reflect such change as shown in Exhibit "A" attached hereto and incorporated herein.

SECTION 3. The zoning classification will take immediate effect after the approval and adoption of this Ordinance by the City Council of the City of Ovilla, Texas.

PASSED, ADOPTED AND APPROVED by the City Council of Ovilla, Texas on this the **11th day of August 2014.**

Richard Dormier, Mayor

ATTEST:

Pamela Woodall, City Secretary

APPROVED AS TO FORM:

Ron G. MacFarlane, Jr., City Attorney

City of OVILLA Planning & Zoning Commission Recommendation

The purpose of this item is to bring the re-zoning of the specific properties in line with the size requirements of the zoning classifications. All but one address on this proposed rezoning is less than 5 acres.

ITEM 12. Case No. PZ14-13. A request by the City of Ovilla, for a change in zoning from RC (Single Family Residential District 5 Acre Minimum) to RE (Single Family Residential District 1 Acre Minimum) on 3.11 acres of land, more or less, out of the 210 J. Chapman Survey, Ellis County, Texas and more commonly known as 707 Westmoreland Road, Ovilla, Texas.

DO NOT RECOMMEND RC TO RE ZONING CHANGE

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

PL 1 Jungman ABSENT
PL2 Yordy AYE
PL3 Lynch ABSENT
PL4 Whittaker AYE

PL5 Pearcy AYE
PL6 Hart AYE
PL7 Zimmermann AYE

5 FOR

0 AGAINST

0 ABSTAIN

Michael K. Yordy
VICE CHAIR - Planning & Zoning

Quillen
Board Secretary

August 6, 2014
Date

8-6-14
Date

AN ORDINANCE PROVIDING FOR THE AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF OVILLA, TEXAS, THAT BEING ORDINANCE 2010-013, AS HERETOFORE AMENDED; PROVIDING A ZONING CLASSIFICATION CHANGE FROM "R-C, SINGLE FAMILY RESIDENTIAL DISTRICT 5 ACRE MINIMUM" TO "R-E, SINGLE FAMILY RESIDENTIAL DISTRICT 1 ACRE MINIMUM" ON LAND SPECIFICALLY DESCRIBED HEREIN LOCATED WITHIN ELLIS COUNTY APPRAISAL DISTRICT AND IDENTIFIES AS PROPERTY ID 181546, 210 J. CHAPMAN SURVEY, OF THE DEED RECORDS OF ELLIS COUNTY; AND PROVIDING FOR IMMEDIATE EFFECT AND OTHERWISE KNOWN AND REFERRED TO AS 801 HOSFORD ROAD IN THE CITY OF OVILLA, TEXAS.

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

WHEREAS, the City of Ovilla, Texas, previously adopted its comprehensive zoning ordinance, Ordinance No. 2010-013; and

WHEREAS, the City Council deems it necessary to amend the zoning ordinance to provide for a change in zoning to a particular tract of land designated herein from "R-C 5 acres" to "R-E 1 acre;" and

WHEREAS, a public hearing was held by the Planning and Zoning Commission of the City on the 4th day of August, 2014, 7:00 P.M. and a public hearing was held by the City Council on the 11th day of August, 2014, 7:00 P.M. with respect to the proposed change in zoning.

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

SECTION 1. The legal description of the property zoned herein is described as 3.11 acres of land, more or less out of the 210 J. Chapman Survey, of the Deed Records of Ellis County, Texas, and more commonly known and referred to as **801 Hosford Road, Ovilla, Texas**.

SECTION 2. The zoning classification of the above-described property is hereby changed from "R-C 5 acres" to "R-E 1 acre;" and the Zoning Map is amended to reflect such change as shown in Exhibit "A" attached hereto and incorporated herein.

SECTION 3. The zoning classification will take immediate effect after the approval and adoption of this Ordinance by the City Council of the City of Ovilla, Texas.

PASSED, ADOPTED AND APPROVED by the City Council of Ovilla, Texas on this the **11th day of August 2014**.

Richard Dormier, Mayor

ATTEST:

Pamela Woodall, City Secretary

APPROVED AS TO FORM:

Ron G. MacFarlane, Jr., City Attorney

City of OVILLA Planning & Zoning Commission Recommendation

The purpose of this item is to bring the re-zoning of the specific properties in line with the size requirements of the zoning classifications. All but one address on this proposed rezoning is less than 5 acres.

ITEM 13. Case No. PZ14-14. A request by the City of Ovilla, for a **change in zoning** from RC (Single Family Residential District 5 Acre Minimum) to RE (Single Family Residential District 1 Acre Minimum) on 3.11 acres of land, more or less, out of the 210 J. Chapman Survey, Ellis County, Texas and more commonly known as 801 Hosford Road, Ovilla, Texas.

DO NOT RECOMMEND ZONING CHANGE FROM RC TO RE
PLANNING AND ZONING Members present, and upon a record vote of: **RE**

PL 1 Jungman ABSENT
PL2 Yordy AYE
PL3 Lynch ABSENT
PL4 Whittaker AYE

PL5 Pearcy AYE
PL6 Hart AYE
PL7 Zimmermann AYE

5 FOR

0 AGAINST

0 ABSTAIN

Michael K. Yordy
VICE CHAIR - Planning & Zoning
Quinton
Board Secretary

August 6, 2014
Date
8.6.14
Date

AGENDA ITEM REPORT

Item(s): 14

Meeting Date: August 11, 2014

Department: Administration

Discussion Action

Budgeted Expense: YES NO N/A

Submitted By: Cyndy Powell, CA

Amount: \$N/A Account: _____

Reviewed By: City Administrator City Secretary City Attorney

Accountant Other _____

Attachments:

1. Planning and Zoning Recommendation sheet
2. Red-Lined/highlighted Ordinance 2014-025

Agenda Item / Topic:

ITEM 14. **DISCUSSION/ACTION** – Receive recommendation from the Planning and Zoning Commission for consideration and action on Ordinance 2014-025 amending Chapter 4 “Business Regulations” of the Code of Ordinances of the City of Ovilla, Providing Article 4.11, entitled “Regulation of Boarding Home Facilities” requiring permits and payment of fees; adopting standards regarding construction and remodeling of Board Homes; Adopting Standards for Sanitary and Related Conditions; Requiring the Reporting and Investigation of Injuries, Incidents, and Unusual Accidents and the Establishment of Policies and Procedures to Ensure Resident Health and Safety; Setting Forth Procedures for Assistance with Self-Administration of Medication; Requiring In-Service Education of Boarding Home Facility Staff; Requiring Criminal History Record Checks; Requiring Assessment and Periodic Monitoring to Ensure that a Resident does not Require Personal Care, nursing or other services and is capable of self-administering medication; providing for penalties, revocation of permit, and an appeals process, providing a savings clause, providing a severability clause, providing and effective date, providing for incorporation into the Code of Ordinances; and providing for publication.

Discussion / Justification:

This item was brought to Council's attention during their June 09 meeting. Council asked that staff and the Planning and Zoning Commission research boarding houses and return with recommendation as to whether there is a necessity for an ordinance to govern such in Ovilla or to have an ordinance in place for possible future requests.

The Planning and Zoning carefully reviewed each section of the proposed ordinance during their July 7th meeting and again during their August 4th meeting, making revisions. Staff has highlighted and red-lined the Planning & Zoning Commission's recommended changes for Council's consideration.

Recommendation / Staff Comments:

Sample Motion(s):

I move that Council approve/deny Ordinance 2014-025 amending Chapter 4 “Business Regulations” of the Code of Ordinance of the City of Ovilla, TX, providing Article 4.11, entitled “Regulation of Boarding Home Facilities” as revised and providing for incorporation into the Code of Ordinances.

City of OVILLA Planning & Zoning Commission Recommendation

The Planning & Zoning carefully reviewed each section of the proposed ordinance 2014-XXX during their July 7th, 2014 meeting, making revisions and asked staff to return with those revisions for another review. The revisions have been red-lined for a second review and made ready for recommendation to Council.

ITEM 14. Review and consider recommendation to the Ovilla City Council Ordinance 2014-XXX amending Chapter 4 "Business Regulations" of the Code of Ordinances of the City of Ovilla, Providing Article 4.II, entitled "Regulation of Boarding Home Facilities".

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

PL 1 Jungman ABSENT
PL 2 Yordy AYE
PL 3 Lynch ABSENT
PL 4 Whittaker AYE

PL 5 Pearcy AYE
PL 6 Hart AYE
PL 7 Zimmermann AYE

5 FOR

0 AGAINST

0 ABSTAIN

Michael K. Yordy
VICE CHAIR - Planning & Zoning

Guiller
Board Secretary

August 6, 2014
Date

8.7.14
Date

AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, AMENDING CHAPTER 4 "BUSINESS REGULATIONS" OF THE CODE OF ORDINANCES OF THE CITY OF OVILLA, TEXAS, PROVIDING ARTICLE 4.11, ENTITLED "REGULATION OF BOARDING HOME FACILITIES;" REQUIRING PERMITS AND PAYMENT OF FEES; ADOPTING STANDARDS REGARDING CONSTRUCTION AND REMODELING OF BOARDING HOMES; ADOPTING STANDARDS FOR SANITARY AND RELATED CONDITIONS; REQUIRING THE REPORTING AND INVESTIGATION OF INJURIES, INCIDENTS, AND UNUSUAL ACCIDENTS AND THE ESTABLISHMENT OF POLICIES AND PROCEDURES TO ENSURE RESIDENT HEALTH AND SAFETY; SETTING FORTH PROCEDURES FOR ASSISTANCE WITH SELF-ADMINISTRATION OF MEDICATION; REQUIRING IN-SERVICE EDUCATION OF BOARDING HOME FACILITY STAFF; REQUIRING CRIMINAL HISTORY RECORD CHECKS; REQUIRING ASSESSMENT AND PERIODIC MONITORING TO ENSURE THAT A RESIDENT DOES NOT REQUIRE PERSONAL CARE, NURSING OR OTHER SERVICES AND IS CAPABLE OF SELF-ADMINISTERING MEDICATION; PROVIDING FOR PENALTIES, REVOCATION OF PERMIT, AND AN APPEALS PROCESS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; AND PROVIDING FOR PUBLICATION.

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WHEREAS, Chapter 260 of the Texas Health and Safety Code provides for local regulation of boarding home facilities by municipalities; and

WHEREAS, a boarding home facility is defined in Chapter 260 of the Texas Health and Safety Code as an establishment that furnishes lodging to three or more persons with disabilities or elderly persons who are unrelated to the owner of the establishment by blood or marriage and that provides community meals, light housework, meal preparation, transportation, grocery shopping, money management, laundry services, or assistance with self-administration of medication but does not provide personal care services, as defined herein; and

WHEREAS, ~~it has been the experience of the City of Ovilla that~~ unregulated and unlicensed boarding home facilities for the disabled or elderly persons may not provide adequate standards and precautions for the health and safety of the residents of such facilities; and

WHEREAS, residents residing in a boarding home facility are often vulnerable to abuse and exploitation; and

WHEREAS, the City of Ovilla recognizes the need to regulate businesses and persons providing boarding home facility services; and

WHEREAS, Chapter 260 of the Texas Health and Safety Code prohibits the City from restricting boarding home facilities from residentially zoned areas if the boarding home facility complies with the zoning and other regulatory requirements established by the City; and

WHEREAS, the City Council of the City of Ovilla finds and determines that the regulation of boarding home facilities within the City is in the best interest of the public health, safety and welfare of the citizens of Ovilla.

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

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SECTION 1. AMENDMENT OF CHAPTER 4 OF THE CODE OF ORDINANCES OF THE CITY OF OVILLA, TEXAS

Chapter 4 of the Code of Ordinances of the City of Ovilla, Texas, is hereby amended by the addition of Article 4.11 to read as follows:

ARTICLE 4.11. REGULATION OF BOARDING HOME FACILITIES

Sec. 4.11.001. Purpose.

The purpose of this Article is to implement the provisions of Chapter 260, Texas Health and Safety Code, as amended, which allows the City of Ovilla to establish regulations for the protection of the health and safety of persons residing in boarding home facilities within the City. In the event of a conflict, this Article must be construed so as to comply with Chapter 260, Texas Health and Safety Code. It is the intent and purpose of the City to administer and enforce this Article to ensure quality care and the protection of the health and safety of boarding home facility residents by establishing standards, requiring permits and requiring boarding home facilities operating within the City limits to comply with these regulations.

Sec. 4.11.002. Exemptions.

(a) This Article applies to all boarding home facilities within the City of Ovilla except:

1. Home and community support services licensed under Chapter 142 of the Texas Health and Safety Code;
2. Convalescent and nursing homes and related institutions licensed under Chapter 242 of the Texas Health and Safety Code;
3. Continuing care facilities licensed under Chapter 246 of the Texas Health and Safety Code;
4. Assisted living facilities licensed under Chapter 247 of the Texas Health and Safety Code;
5. Intermediate care facilities for the mentally retarded licensed under Chapter 252 of the Texas Health and Safety Code;
6. A person that provides home health, hospice, or personal assistance services only to persons enrolled in a program funded wholly or partly by the Texas Department of State Health Services (DSHS) or the Texas Department of Aging and Disability Services (DADS) or their designated local authorities in accordance with state standards;
7. An establishment conducted by or for the adherents of a well-recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend exclusively on prayer or spiritual means for healing, without the use of any drug or material remedy, if the establishment complies with safety, sanitary, and quarantine laws and rules;
8. A retirement community;
9. A monastery or convent;
10. A child-care facility as defined by Section 42.002 of the Texas Human Resources

Code;

11. Family violence shelter center as defined by Section 51.002 of the Texas Human Resources Code;
12. A sorority or fraternity house or other dormitory associated with an institution of higher education; or
13. A hotel as defined by Section 156.001, Texas Tax Code.

Sec. 4.11.003. Definitions.

(a) For the purposes of this article, the following words and phrases shall have the meanings ascribed to them as follows:

Boarding home facility. An establishment that:

1. Furnishes, in one or more buildings, lodging to three or more persons with disabilities or elderly persons who are unrelated to the owner of the establishment by blood or marriage; and
2. Provides community meals, light housework, meal preparation, transportation, grocery shopping, money management, laundry services, or assistance with self-administration of medication but does not provide personal care services to those persons.

Personal care services.

1. Assistance with meals, dressing, movement, bathing, or other personal needs or maintenance;
2. The administration of medication by a person licensed to administer medication or the assistance with or supervision of medication; or
3. General supervision or oversight of the physical and mental well-being of a person who needs assistance to maintain a private and independent residence in an assisted living facility or who needs assistance to manage the person's personal life, regardless of whether a guardian has been appointed for the person.

Assistance with self-administration of medication. Assisting a resident by reminding the resident to take medication, opening and removing medications from a container, placing medication in a resident's hand or in/on a clean surface such as a pill cup or a medication reminder box and reminding the resident when a prescription medication needs to be refilled.

Resident. A person who is residing in a boarding home facility.

Elderly person. A person who is 65 years of age or older.

Person with a disability. A person with a mental, physical, or developmental disability that substantially impairs the person's ability to provide adequately for the person's care or protection and

1. Who is 18 years of age or older; or
2. Under 18 years of age and who has had the disabilities of minority removed.

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An injury, incident or unusual accident. An event that results in a change in the resident's physical or mental status that occurred in the boarding home facility or on the grounds of the boarding home facility that requires intervention by a private or public entity responsible for physical or mental health services, or an event that requires the facility taking resident safety and protection measures including:

1. An allegation of abuse, neglect, or exploitation;
2. Death;
3. A resident's absence from the facility when circumstances place the resident's health, safety or welfare at risk;
4. Fire;
5. Criminal acts; and
6. Altercations between residents.

Abuse, neglect and exploitation. These terms shall have the meanings defined in the Texas Human Resource Code Section 48.002 as follows:

1. "Abuse" means:
 - (a) The negligent or willful infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical or emotional harm or pain to an elderly or disabled person by the person's caretaker, family member, or other individual who has an ongoing relationship with the person; or
 - (b) Sexual abuse of an elderly or disabled person, including any involuntary or nonconsensual sexual conduct that would constitute an offense under Section 21.08, Penal Code (indecent exposure) or Chapter 22, Penal Code (assaultive offenses), committed by the person's caretaker, family member, or other individual who has an ongoing relationship with the person.
2. "Exploitation" means the illegal or improper act or process of a caretaker, family member, or other individual who has an ongoing relationship with the elderly or disabled person using the resources of an elderly or disabled person for monetary or personal benefit, profit, or gain without the informed consent of the elderly or disabled person.
3. "Neglect" means the failure to provide for one's self the goods or services, including medical services, which are necessary to avoid physical or emotional harm or pain or the failure of a caretaker to provide such goods or services.

Sec. 4.11.004. Permitting Process and Required Fee.

(a) The fee for the original issuance of a permit to operate a boarding home facility within the City of Ovilla shall be **\$500.00****\$1,000**. **The fee for the required annual renewal of a permit shall be \$1,000**

(b) Within one hundred and twenty (120) days after the effective date of this Article, no person shall operate a boarding home facility, as defined in this Article, without first obtaining a permit from the City and paying the established fee for such permit. The Office of the **City Secretary, Building Inspector** is the responsible department for issuance of a permit. A permit

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issued under this Article shall authorize the permitted person/entity to engage in the operation of a boarding home facility, provided that ~~the~~ such operation is in compliance with all of the provisions of this Article.

- (c) Permit fees collected shall be used for the administration of the City's permitting program, to include permitting, renewal of the permit and inspections, or for purposes directly related to providing boarding facility services or other assisted living facility services to elderly persons or persons with disabilities.
- (d) As part of the boarding home facility operational permitting process, boarding home facility owners/operators will be required to provide documentation of any applicable building construction or remodeling permits issued after the effective date of this Article.
- (e) All permits received from the City must be prominently displayed in the boarding home facility in accordance with Section 4.10.010 of this Article.

Sec. 4.11.005. Restrictions on number of residents, location, and number of vehicles.

- (a) A boarding home facility shall at all times maintain a minimum supervisor/resident ratio of at least one (1) supervisor per three (3) residents
- (b) After the effective date of this Article, a boarding home facility may not be established within one-half mile of an existing boarding home facility.
- (c) Except as otherwise provided by municipal ordinance, the residents of a boarding home facility may not keep for the use of the residents of the facility, either on the premises of the facility or on a public right-of-way adjacent to the facility, motor vehicles in numbers that exceed the number of bedrooms in the boarding home facility.

Sec. 4.11.006. Inspections.

- (a) A boarding home facility must pass all required inspections and the owner/operator must keep a current file of reports and other documentation needed to demonstrate compliance with applicable laws and regulations. The inspections must be signed, dated, and free of any outstanding corrective actions. Proof that all required inspections have been completed must be provided to the Office of ~~[the City Secretary, the Building Inspector-???~~] prior to the issuance ~~[and annual renewal]~~ of a permit. The following inspections are required:

1. Annual fire inspection by the local Fire Marshal, or his designee.
2. Annual boarding home inspection by the local Health Inspector.
3. Annual inspection by the Building Inspector.
4. Where a full fire detection and alarm system is installed, the fire alarm system shall be inspected annually by a service provider who is licensed by the State Fire Marshal to perform installation and maintenance of fire alarm systems;
5. Gas pipe pressure test once every three (3) years by a licensed plumber;
6. Annual inspection and maintenance of fire extinguishers by a service provider who is licensed by the State Fire Marshal to perform these duties.]

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(b) The City may conduct any inspection, survey, or investigation that it considers necessary and may enter the premises of a boarding home facility at reasonable times to make any necessary inspection, survey, or investigation. The City is entitled **to immediate** access to books, records, and other documents maintained by or on behalf of a boarding home facility to the extent necessary to enforce the standards and provisions of this Article.

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Sec. 4.11.007. Construction/remodeling.

(a) Each owner/operator of a boarding home facility must ensure the residents' health, safety, comfort and protection through the following standards that address the construction or remodeling of a boarding home facility, including plumbing, heating, lighting, ventilation and other housing conditions.

(b) Each facility must meet the following applicable codes and regulations: local zoning and building codes; state and local fire codes; state and local health and safety codes; and federal and state accessibility regulations:

1. Mobile homes and manufactured homes shall not be permitted for use as boarding home facilities or as additions to existing boarding home facilities.
2. Interior doors to living spaces, bedrooms, bathrooms and toilet rooms must fit the openings in which they are hung, be properly equipped with hardware, and be maintained in good working condition. Doors with locking devices must be provided where necessary to provide privacy and protection of the resident.
 - A. Every closet door latch will be such that it can be readily opened from the inside in case of an emergency.
 - B. Every bathroom door or door lock must permit the opening of the locked door in case of an emergency.

(c) Locks that can be easily opened manually from the inside must be provided on all exterior doors.

(d) Public pathways and stairways in buildings must maintain a minimum unobstructed width concurrent with applicable fire codes and must be provided with convenient light switches controlling an adequate lighting system.

(e) Boarding home facilities must be supplied with electric service and fixtures that are properly installed and maintained in safe working condition and connected to a source of electrical power.

(f) Every boarding home facility must have heating and cooling equipment that are properly installed, vented, and maintained in a safe, good working condition. The temperature of rooms intended for human occupancy will remain at a temperature between sixty-eight degrees Fahrenheit (68° F) and eighty-two degrees Fahrenheit (82° F).

(g) Every boarding home facility must have water heating facilities that are properly installed, vented, in good working condition, and are properly connected with hot and cold water lines. The temperature of water drawn at every required sink, lavatory basin, bathtub or shower will remain at a temperature between one hundred and ten degrees Fahrenheit (110° F) and

one hundred and twenty degrees Fahrenheit (120° F).

(h) Every habitable room must have at least one window that can be easily opened, or such other device as will ventilate the room. All windows must be capable of being opened without tools. The window opening must meet local codes for emergency egress. The bottom of the window opening must not be more than forty-four (44) inches above the floor.

(i) Sleeping rooms must have:

1. At least seventy (70) square feet of floor space in single-occupancy rooms;
2. At least sixty (60) square feet of floor space for each occupant in multi- occupancy rooms;
3. Beds spaced at least three feet (3') apart when placed side by side or end-to-end;
4. At least a seven feet, six inches (7'6") ceiling height;
5. Required accessibility for non-ambulatory residents and residents with conditions that substantially limit ambulation and/or mobility;
6. Beds at least six feet (6') long and three feet (3') wide equipped with supportive springs in good condition and a clean supportive mattress in good condition, and a mattress cover that prevents bodily fluids from soiling the mattress;
7. At least one pillow with a clean pillowcase, two (2) clean sheets, and a cover such as a blanket or quilt, in good condition, per bed, cleaned weekly or more often if soiled;
8. Extra bed linens, including sheets, pillowcase and blankets must be available to each resident;
9. At least one (1) chest of drawers or equivalent, in good condition having a sufficient number of drawers or other areas to contain all necessary items of clothing and personal belongings of each resident that can be locked/secured;
10. At least one (1) chair in good condition in each sleeping room;
11. At least one (1) end table in good condition located adjacent to each bed in each sleeping room;
12. Sufficient closet space to allow clothes not stored in drawers to be hung. Clothing cannot be stored on the floor;
13. Bath towels, washcloths, soap, individual comb and toothbrush must be available at all times and in quantity sufficient to meet the needs of the residents; and
14. Access to emergency exit without passing through another sleeping room.

(j) All equipment, fixtures, furniture, and furnishings, including windows, draperies, curtains, and carpets, must be kept clean and free of dust, dirt, vermin, and other contaminants, and must be maintained in good order and repair.

(k) Water closets, lavatories, and bathtubs or showers must be:

1. Available on each floor when not provided in each individual room;
2. Provided in the ratio of one (1) toilet and one (1) lavatory, and one (1) bathtub or shower for every six (6) residents, or fraction thereof; and
3. Accessible to the residents without going outside of the building or without going through a sleeping room of another resident.

(l) A telephone must be available, twenty-four (24) hours per day, must be easily accessible, and must afford privacy for use by residents.

1. A listing of emergency telephone numbers, including the numbers of the local police, fire department, ambulance, the office of the local governmental entity that issued the boarding house permit, the Texas Department of Family and Protective Services (DFPS), the Local Mental Health Authority, and the Texas Information and Referral Network must be placed in plain view on or next to the telephone and accessible to persons who are visually or hearing impaired, as needed.

(m) Each boarding home facility must provide:

1. A washer and dryer for every ten (10) residents, or fraction thereof that is properly vented to the outside. Washers and dryers must be in a utility room/area that is not in the kitchen area.
2. A sitting/communal/recreational room for the common use of all residents. Furniture must include comfortable chairs and tables, and lamps in good repair and appearance.
3. A dining room located on the same floor as the communal kitchen and must:
 - (A) Be as nearly adjacent to the communal kitchen as practicable;
 - (B) Be accessible to the residents, without going through a sleeping room or sleeping dormitory of another resident;
 - (C) Contain not less than seventy (70) square feet of floor area; and
 - (D) Be supplied with one (1) dining chair and two (2) linear feet of dining table space for each resident of a boarding home facility.
4. A kitchen that:
 - (A) Is accessible to the residents sharing the use without going through a sleeping room of another resident;
 - (B) Has a food preparation area with a total of not less than six (6) square feet;
 - (C) Contains a minimum floor space of sixty (60) square feet for dining area or, each kitchen with dining attached must be at least one hundred (100) square feet;
 - (D) Has a minimum two (2) compartment sink for manual dishwashing;
 - (E) Has a cooking stove fueled by gas or electricity;
 - (F) Contains at least one (1) cabinet of adequate size, suitable for storage of food and utensils; and
 - (G) Is properly equipped to allow for the preparation of meals.

(n) Fire precautions must include:

1. Providing suitable fire escapes/exits that must be kept in good repair and accessible at all times;
2. Having a written fire and evacuation plan that sets forth responsibilities and steps to be taken by staff and residents in the event of fire or other emergency;
3. Posting an emergency evacuation plan throughout the facility; and
4. Not storing gasoline operated maintenance equipment, lawn care equipment, and

flammable supplies inside the boarding home facility.

5. At least one (1) all-purpose dry chemical fire extinguisher rated no less than 2A:10B:C must be properly installed in each dwelling unit, checked at least monthly by the owner/operator of the boarding home facility, and must be inspected annually by a service provider who is properly licensed by the State Fire Marshal to perform fire extinguisher installation and maintenance.
6. All fire protection measures must be in accordance with requirements of the local fire authority.
7. In new boarding home facilities or in existing dwellings newly converted to boarding home facility use, functional hard-wired smoke detectors shall be present in each bedroom, in corridors or hallways on each floor, and in laundry and basement areas. Such smoke detectors shall be powered by the building's electrical system and interconnected so that any active detector will activate all of the detectors simultaneously, providing an audible alarm from each detector. Excepted from this rule are existing boarding home facilities using single-station, battery-powered smoke detectors, providing the detectors are installed in each location listed above and each detector is fully functional. **All systems will require fire alarm battery-backups and off-site monitoring.**
8. If a boarding home facility has a resident who is hearing impaired, a boarding home facility owner/operator must install a visual smoke detector that is capable of alerting a person with a hearing impairment of the presence of fire or smoke.
9. At least one functional carbon monoxide detector shall be installed in each dwelling unit, and located near sleeping areas, with one exception: all-electric dwellings with no natural gas or LP gas service to the building are exempt from this requirement.

(o) All residents must be shown how to use all emergency exits from the facility within twenty-four (24) hours of arrival to the facility.

Sec. 4.11.008. Sanitary and related conditions.

- (a) Each owner/operator of a boarding home facility must be responsible for maintaining the dwelling and premises in a clean and sanitary condition.
- (b) Every boarding home facility must be kept in good repair, and so maintained as to promote the health, comfort, safety and well-being of residents.
- (c) Interior walls, ceilings and floors must be capable of affording privacy and must be maintained free of holes, cracks, loose or deteriorated material, or any other condition that constitutes a hazard to the residents or is a harborage for insects, pests or vermin.
- (d) Every window, exterior door and basement hatchway must be weather tight, watertight, insect and rodent-proof and must be kept in good working condition.
- (e) The water supply must be of safe, sanitary quality, suitable for use, and adequate in quantity and pressure. The water must be obtained from a water supply system approved by the Texas Commission on Environmental Quality (TCEQ).
- (f) Every plumbing fixture, water pipe and waste pipe must be properly installed and maintained in

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good sanitary working condition, free from defects, leaks and obstructions and properly connected to an approved sewage disposal system.

- (g) Every boarding home facility utilizing well water must provide water samples at least annually to the permit issuing entity. If the sample results show coliform present, a resample must be taken within seven (7) days of receipt of the results.
- (h) All garbage and refuse must be kept in watertight, covered containers. The garbage and refuse area must be kept in a clean and sanitary condition. A sufficient number of garbage receptacles must be provided by the boarding home facility. All garbage, trash and refuse must be removed from the premises frequently to prevent nuisance and unsightly conditions.
- (i) Each owner/operator must be responsible for the extermination of any insects, rodents or other pests in the rooms occupied by residents, storage areas, attics or on the premises and yard.
- (j) Water closets, lavatories, and bathtubs or showers must be:
 - 1. Kept clean and in good repair and must be well-lighted and ventilated;
 - 2. Adequately supplied with toilet paper, soap, and hand towels for each bathroom; and
 - 3. Supplied with non-slip surfaces in bathtub or shower, and curtains or other safe enclosures for privacy.
- (k) Each kitchen in a boarding home must:
 - 1. Be kept in a clean and sanitary condition;
 - 2. Have a food preparation area with a surface area that is smooth, impermeable, free of cracks and easily cleanable, that shall not be used for eating; and
 - 3. Have a refrigerator that is equipped with a thermometer and is maintained in an operational, clean and sanitary condition that is adequate to maintain foods at the required temperature.
- (l) Each facility shall meet all applicable state and local sanitary codes. ~~K.~~ All linens and laundry shall be:
 - 1. Bagged or placed in a hamper before being transported to the laundry area;
 - 2. Properly identified to prevent loss; and
 - 3. If soiled, not transported through, sorted, processed, or stored in kitchens, food preparation areas, or food storage areas.
- (m) Poisonous, toxic, and flammable materials shall:
 - 1. Be stored and maintained away from bed linens, towels, or kitchen equipment;
 - 2. Be prominently and distinctly labeled for easy identification of contents; and
 - 3. Not be used in a way that contaminates food equipment or utensils, or in a way that constitutes a hazard to employees or residents.
- (n) After each usage, all eating and drinking utensils shall be thoroughly washed and sanitized in hot water containing a suitable soap or synthetic detergent and rinsed in clean hot water. In the event a mechanical dishwasher is used, dish detergent is required.

(o) All food and drink shall be:

1. Clean, free from spoilage, pathogenic organisms, toxic chemicals, and other harmful substances;
2. Prepared, stored, handled, and served so as to be safe for human consumption;
3. Maintained at a temperature of forty-one degrees Fahrenheit (41° F) or below for foods subject to spoilage;
4. Maintained at one hundred thirty-five degrees Fahrenheit (135° F) or above at all times for hot foods ready to serve;
5. Maintained in the freezer at a temperature of zero degrees Fahrenheit (0° F) or below for foods stored as frozen; and
6. Stored in food containers that are appropriately labeled, dated, and protected from flies, insects, rodents, dust, and moisture.

(p) Meals provided by the facility shall be nutritionally balanced and shall provide the United States Department of Agriculture's (USDA's) recommended daily allowances of vitamins, minerals and calories.

(q) With the exception of service animals for persons with disabilities, birds, cats, dogs or other animals are not permitted in areas in which food is prepared, stored or where utensils are washed or stored.

(r) Meals shall be served:

1. At least three (3) times per day;
2. In sufficient quantity and quality to meet the nutritional needs of the residents;
3. Daily at regular hours, with at least one (1) hot meal per day;
4. With no more than fourteen (14) hours between the beginning of the evening meal and the beginning of the morning meal; and
5. With alternative selections for residents on medically prescribed diets.

(s) A time schedule of meals shall be posted daily.

(t) Employees or residents engaged in food handling shall:

1. Observe sanitary methods, including hand washing as appropriate; and
2. Not be assigned to preparing foods for others at the facility if carrying a disease that can be transmitted to others.

(u) Regardless of the number of residents, each boarding home facility shall hold a valid food establishment permit issued by the applicable local or state regulatory authority in the name of the owner/operator and for the specific boarding home facility.

(v) If preparing meals for residents, staff must have a food-handler's permit.

(w) Each boarding home facility shall maintain a minimum food and water supply sufficient for all residents as recommended by the American Red Cross.

(x) Each boarding home facility shall be equipped with a first aid kit as recommended by the American Red Cross.

Sec. 4.11.009. Reporting and investigation of injuries, incidents, and unusual accidents and the establishment of other policies and procedures to ensure resident health and safety.

(a) Each owner/operator of a boarding home facility must develop and implement policies and procedures for investigating and documenting injuries, incidents and unusual accidents that involve residents. Owners/operators must also establish policies and procedures necessary to ensure resident health and safety.

(b) Minimum requirements for the documentation of injuries, incidents or unusual accidents should include, but are not limited to:

1. Date and time the injury, incident or unusual accident occurred;
2. Description of the injury, incident or unusual accident;
3. Description of any medical or mental health treatment the resident received;
4. When the residents' legal guardian or legally authorized representative was notified about the injury, incident or unusual accident; and
5. Steps taken by the owner/operator to prevent future injuries, incidents or unusual accidents if a problem at the boarding home facility resulted in the injury, incident or unusual accident.

(c) Residents, the resident's guardian, or legally authorized representatives should be given access to all inspection records within forty-eight (48) hours of requesting the records from the owner/operator.

(d) In addition to investigating and documenting injuries, incidents or unusual accidents, an owner/operator must report any allegations of abuse, neglect or exploitation of an adult age sixty-five (65) years or older or an adult with a disability to the ~~Texas Department of Family and Protective Services~~ Ovilla Police Department. Failure to report suspected abuse, neglect or exploitation of an elderly adult or adult with a disability is a Class A misdemeanor. Each owner/operator shall:

1. Ensure that each resident has access to a telephone twenty-four (24) hours per day that is easily accessible and affords privacy for use by residents.
2. Ensure that no resident is harassed, retaliated against, threatened or intimidated at any time for making a report of abuse, neglect or exploitation.
3. Provide each resident with a copy of the definitions of abuse, neglect or exploitation as outlined in Chapter 48 of the Human Resources Code.
4. Allow law enforcement personnel, emergency medical and fire personnel access to the boarding home facility when these professionals are responding to a call at the owner/operator's facility.

(e) A boarding home facility must have sufficient staff – either owner/operator of the boarding home facility or employee – on-site at all times to promptly assist residents.

(f) No owner/operator or other employee of a boarding home facility shall provide services or

Form
Form

愁Ensure that no resident is harassed, retaliated against, threatened or intimidated at any time for making a report of abuse, neglect or exploitation.

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engage in behavior that constitutes a financial conflict of interest including but not limited to:

1. Borrowing from or loaning money to residents;
2. Witnessing wills in which the owner/operator or employee is a beneficiary;
3. Co-mingling the resident's funds with the owner's/operator's or other residents' funds; or
4. Becoming the guardian, conservator or power of attorney for a resident.

(g) If an owner/operator becomes the representative payee for a resident or assists a resident with general money management, the owner/operator shall:

1. Maintain separate financial records for each resident for which the owner/operator is the representative payee for the entire period of time the owner/operator is the resident's representative payee and continue to maintain the resident's records for at least one **7 years** ~~(1)-year~~ after the last calendar day the owner/operator is the resident's representative payee;
2. Include in the records an itemized list of expenditures that the owner/operator has made on behalf of the resident, including the charges that are assessed by the owner/operator;
3. Maintain receipts for all expenditures in addition to the itemized documentation;
4. Develop a budget with the resident outlining routine expenditures and ensure that expenditures that are not routine are discussed with the resident before the resident's funds are expended; and
5. The owner/operator will allow the resident, the resident's guardian, or legally authorized representative access to the resident's financial records that are maintained by the owner/operator within 48 hours of receiving a request.

(h) An owner/operator of a boarding home facility shall develop a written service agreement with each resident and maintain a copy of the agreement signed by the resident.

Sec. 4.11.010. Assistance with self-administration of medication.

(a) Assistance with self-administration of medication may be provided to adult residents who can identify their medication and know when their medication should be taken but require assistance with self-administration. Assistance with self-administration of medication may not be provided to minors.

(b) Assistance with self-administration of medication is limited to:

1. Reminding the resident to take medication;
2. Opening a container, removing medication from a container, and placing medication in a resident's hand or in/on a clean surface, such as a pill cup or medication reminder box, for the resident's self-administration; and
3. Reminding the resident when a prescription needs to be refilled.

(c) All residents' medication must be stored in a locked area. The boarding home facility must provide a central locked storage or individual locked storage areas for each resident's medication.

- (d) If the boarding home facility uses a central medication storage area, a boarding home facility employee must be available to provide access at all times and each resident's medication must be stored separately from other residents' medications within the storage area.
- (e) If a resident's medication requires refrigeration, the boarding home facility must provide a refrigerator with a designated and locked storage area or a refrigerator inside a locked medication room.
- (f) Medications labeled for "external use only" must be stored separately within the locked area. Poisonous substances must be labeled, stored safely, and stored separately from medications within a locked area.
- (g) If a boarding home facility stores controlled drugs, the facility must adopt and enforce a written policy for preventing the diversion of the controlled drugs.
- (h) A boarding home facility must have staff – either owner/operator of the boarding home facility or employee – on-site at all times to promptly assist residents with self-administration of medication.
- (i) Medication that remains in the boarding home facility after a resident is no longer lodging in the facility must be properly disposed of by the owner/operator in accordance with applicable legal requirements.

Sec. 4.11.011. Posting requirements.

- (a) The boarding home facility must prominently and conspicuously post the following for display in a public area that is readily available to residents, the operator, employees, and visitors:
 1. The boarding home permit issued by the City;
 2. A sign prescribed by the City specifying how ordinance violation complaints may be registered with the City;
 3. A notice in a form prescribed by the City stating that inspection and related reports are available at the facility for public inspection and providing a telephone number that may be used to obtain information concerning the boarding home facility;
 4. A concise summary of the most recent inspection report relating to the boarding home facility; and
 5. A notice in a form prescribed by the City that lists the name, location, and contact information for:
 - (a) The closest local public health services agency in the proximity of the boarding home facility; and
 - (b) A local organization or entity that represents, advocates, or serves elderly persons or persons with disabilities, including any related toll-free contact information for reporting emergencies to the organization or entity.

Sec. 4.11.012. Requirements for in-service education of facility's staff.

(a) Each owner/operator and employee is subject to the following initial training requirements prior to contact with residents:

1. Employer rules and policies;
2. Recognizing and reporting abuse, neglect and exploitation;
3. Resident's rights, including all applicable rights from the following:
 - (A) Texas Human Resource Code, Chapter 102, Rights of the Elderly;
 - (B) Texas Human Resource Code, Chapter 112, Developmental Disabilities;
 - (C) Texas Property Code, Chapter 301, Fair Housing Practices; and
 - (D) Texas Property Code, Chapter 92, Residential Tenancies.
4. Policies and procedures for contacting emergency personnel when the assistance of the owner/operator, or on-site staff is insufficient to eliminate the risk presented to a resident's health or safety;
5. Complaint process specific to the City and the boarding home facility;
6. Assistance with self-administration of medication;
7. Prevention of injuries, incidents and unusual accidents;
8. Emergency, evacuation and disaster plan; and
9. Service specific orientation that includes, but is not limited to:
 - (A) Nutrition, including meal preparation and dietary needs;
 - (B) Sanitation;
 - (C) Laundry; and
 - (D) Housework.

(b) Each owner/operator and employee is also subject to the following on-going training requirements:

1. Updates and changes in any policies and procedures within ten (10) days of the owner, operator or employee becoming aware of the change;
2. Orientation specific to the needs of each new resident within one (1) day of the resident moving into the facility; and
3. Orientation specific to the needs of a resident whose needs have changed due to injury, illness, hospitalization or other circumstances which affect the resident's needs within one (1) day of the owner, operator, or employee becoming aware of the change.

Sec. 4.11.013. Criminal background history checks.

(a) A boarding home facility owner/operators permit to operate a boarding home may be denied, revoked, suspended, or denied for renewal if the owner/operator has been convicted of a criminal offense listed in this section, or if the owner/operator has in its employ any person convicted of a criminal offense listed in this section.

(b) The owner/operator must complete any state or federal request and release forms that are required to obtain a criminal history report for the owner/operator. The owner/operator will

ORDINANCE 2014-025

provide funding to the appropriate agency in a manner specified by the appropriate agency to cover any fees imposed by state or federal agencies for the report.

(c) The following histories will disqualify an owner/operator from obtaining a permit to operate a boarding home facility and will disqualify a person from being employed by a boarding home facility:

1. An offense under Chapter 19, Penal Code (criminal homicide);
2. An offense under Chapter 20, Penal Code (kidnapping and unlawful restraint);
3. An offense under Section 21.02, Penal Code (continuous sexual abuse of young child or children), or Section 21.11, Penal Code (indecency with a child);
4. An offense under Section 22.011, Penal Code (sexual assault);
5. An offense under Section 22.02, Penal Code (aggravated assault);
6. An offense under Section 22.04, Penal Code (injury to a child, elderly individual, or disabled individual);
7. An offense under Section 22.041, Penal Code (abandoning or endangering child);
8. An offense under Section 22.08, Penal Code (aiding suicide);
9. An offense under Section 25.031, Penal Code (agreement to abduct from custody);
10. An offense under Section 25.08, Penal Code (sale or purchase of a child);
11. An offense under Section 28.02, Penal Code (arson);
12. An offense under Section 29.02, Penal Code (robbery);
13. An offense under Section 29.03, Penal Code (aggravated robbery);
14. An offense under Section 21.08, Penal Code (indecent exposure);
15. An offense under Section 21.12, Penal Code (improper relationship between educator and student);
16. An offense under Section 21.15, Penal Code (improper photography or visual recording);
17. An offense under Section 22.05, Penal Code (deadly conduct);
18. An offense under Section 22.021, Penal Code (aggravated sexual assault);
19. An offense under Section 22.07, Penal Code (terroristic threat);
20. An offense under Section 33.021, Penal Code (online solicitation of a minor);
21. An offense under Section 34.02, Penal Code (money laundering);
22. An offense under Section 35A.02, Penal Code (Medicaid fraud);
23. An offense under Section 42.09, Penal Code (cruelty to animals);
24. An offense under Section 30.02, Penal Code (burglary);
25. An offense under Chapter 31, Penal Code (theft), that is punishable as a felony; or
26. A conviction under the laws of another state, federal law, or the Uniform Code of Military Justice for an offense containing elements that are substantially similar to the elements of an offense listed in this subsection.

(d) A person may not own or operate a boarding home facility or be employed in a position that involves direct contact with a resident in a boarding home facility before the fifth (5th5th) anniversary of the date the person is convicted of any felony offense not listed in this section or any of the following non-felony offenses:

1. An offense under Section 22.01, Penal Code (assault), that is punishable as a Class A misdemeanor;
2. An offense under Section 32.45, Penal Code (misapplication of fiduciary property or property of a financial institution), that is punishable as a Class A misdemeanor;
3. An offense under Section 32.46, Penal Code (securing execution of a document by deception), that is punishable as a Class A misdemeanor;
4. An offense under Section 37.12, Penal Code (false identification as peace officer);
5. An offense under Section 42.01(a)(7), (8), or (9), Penal Code (disorderly conduct); or
6. A conviction under the laws of another state, federal law, or the Uniform Code of Military Justice for an offense containing elements that are substantially similar to the elements of an offense listed in this subsection.

(e) The owner/operator must ensure that all employees (or volunteers who are not residents) who are hired or begin volunteering for the facility after the effective date of this Article, have had a background check of conviction records, pending charges and disciplinary board decisions completed no more than thirty (30) days prior to their date of employment or date they began volunteering at the facility and is repeated annually thereafter, and that the individual is not disqualified under the provisions of this section.

(f) The owner/operator must ensure that all existing employees or volunteers who are working for or volunteering at the facility on the effective date of this Article shall have a background check or conviction records, pending charges and disciplinary board decisions completed within sixty (60) days after the effective date of this Article, and is repeated annually thereafter, and that the individual is not disqualified under the provisions of this section.

(g) The owner/operator or each boarding home facility shall submit an affidavit to the City with its original application and annual renewal certifying that the owner has performed criminal history background check on each owner/operator, employee and volunteer, and that no owner/operator, employee or volunteer has been convicted of a disqualifying criminal offense set forth in this section. The owner/operator will immediately discharge any employee or volunteer whose criminal history check reveals conviction of a criminal offense that bars employment or volunteer service with the boarding home facility. Further, if an owner/operator, employee, or volunteer is convicted of a disqualifying criminal offense during the period that a permit is in effect; the owner/operator must report such conviction to the City within ten (10) calendar days of such conviction.

Sec. 4.11.014. Assessment and periodic monitoring of residents.

(a) Owners/operators of a boarding home facility or their designee will complete and document an annual assessment and conduct periodic monitoring to ensure that a resident is capable of self-administering medication and completing basic elements of personal care as listed in this section. The assessment will be used as a tool to determine if the needs of the resident can be addressed in a boarding home facility or if the resident needs personal care services and/or medication administration that cannot be provided by the boarding home facility.

(b) Elements of the self-administration of medication to be assessed by the boarding home facility owner/operator or designee include the ability to perform each of the following tasks with little assistance:

1. Identifying the name of the medication;
2. Providing a reason for the medication (the owner/operator cannot force the resident to disclose a health condition that is the basis for the medication if the resident refuses);
3. Distinguishing color or shape;
4. Preparing correct number of pills (dosage);
5. Confirming the time to take medication(s); and
6. Reading labels.

(c) Elements of personal care to be assessed by the boarding home facility owner/operator include the residents' ability to:

1. Eat independently;
2. Bathe without assistance;
3. Dress without assistance; and
4. Move and transfer independently.

(d) As a result of an assessment, if an owner/operator finds that a resident is in a state of possible self-neglect due to no longer being able to perform basic elements of personal care as listed in this section and believes that a higher level of care is needed, the owner/operator is responsible for the following:

1. Contacting the Department of Family and Protective Services (DFPS) by phoning the Statewide Intake Division at 1-800-252- 5400;
2. Notifying the resident's guardian or legally authorized representative; and
3. Contacting the appropriate health or human services authority to advise that the resident requires services beyond what can be provided by the boarding home facility

(e) A state of self-neglect does not exist if the resident receives outside professional services that meet the resident's need for personal care or self-administration of medication. In these cases, the resident can remain in the boarding home facility provided that all needs for personal care and self-administration of medication are met.

Sec. 4.11.015. Required reports to the Health and Human Services Commission.

With the exception of the year this Article is adopted, each year thereafter, prior to September 30, the [City Secretary, Building Inspector] shall submit a report to the Health and Human Services Commission. The report shall contain the following information:

1. The total number of boarding home facilities permitted during the preceding state fiscal year (September 1 – August 31);
2. The total number of boarding home facility applications denied permitting, including a summary of cause for denial;

3. The total number of boarding home facility permits active on August 31 of the preceding state fiscal year;
4. The total number of residents reported housed in each boarding home facility reported;
5. The total number of inspections conducted at each boarding home facility by the City;
6. The total number of permits revoked or suspended as a result of an inspection; and
7. A summary of the outcome for the residents displaced by revocation or suspension of a permit.

Sec. 4.11.016. Expiration and renewal of permits.

At least sixty (60) days prior to the expiration date of a boarding home facility permit, the owner/operator shall submit to the Office of the [City Secretary, Building Inspector] a permit renewal application and associated fee. An owner/operator that fails to timely renew its permit shall forfeit the right to operate the boarding home facility within the City until such time as the renewal is approved.

Sec. 4.11.017. Complaints.

All complaints related to a boarding home facility shall be submitted in writing to the [City Secretary, Building Inspector] on a form prescribed by the City. The [City Secretary, Secretary, Building Inspector] shall investigate each complaint to the extent he or she deems necessary. The [City Secretary, Building Inspector] shall report any violations to the City Administrator and the Health and Human Services for further action in accordance with this Article.

Sec. 4.11.018. Suspension, denial or revocation of permit.

The [City Secretary, Building Inspector] shall issue a written notice of intent to suspend, suspend, deny or revoke a boarding home facility permit if it is determined that an owner/operator has:

1. Violated or is not in compliance with any provision of this Article; or
2. Refused or failed to allow an inspection of the boarding home facility as authorized by this Article.

Sec. 4.11.019. Denial, suspension and revocation procedures.

- (a) If the [City Secretary, Building Inspector ???] determines that facts exist for denial, suspension or revocation of a permit under this Article, he/she shall notify the owner/operator (respondent) in writing of the intent to deny, suspend or revoke the permit, including the grounds therefor, by personal delivery, or by certified mail.
- (b) The notification shall be directed to the owner/operator at the most current business address of the boarding home facility on file with the City. Within five (5) business days of receipt of such notice, the respondent may provide to the [City Secretary, Building Inspector], in writing, a response that shall include a statement with evidence and supporting documentation of reasons why the permit should not be denied, suspended or revoked. Within ten (10) business days of the receipt of respondent's written response, the [City Secretary, Building Inspector] shall notify respondent in writing of the hearing date

date on respondent's denial, suspension or revocation proceeding.

- (c) Within fifteen (15) business days of the [City Secretary's, Building Inspector's ???] receipt of respondent's written response, the City Administrator shall appoint a committee to conduct a hearing at which respondent shall have the opportunity to be represented by counsel and present evidence and witnesses on his or her behalf. If a response is not received by the [City Secretary, Building Inspector-??] in the time stated above or, if after the hearing, the City Administrator finds that grounds as specified in this Article exist for denial, suspension or revocation, then such denial, suspension, or revocation shall become final five (5) business days after the hearing unless within that time the City Administrator sends, by certified mail, written notice that the permit has been denied, suspended, or revoked or if the permit will be issued or allowed to remain in effect. If the permit is denied, suspended or revoked such notice shall include a statement advising the applicant or permitted person/entity of the right to appeal such decision to a court of competent jurisdiction.
- (d) If after a hearing, the City Administrator finds that insufficient grounds exist for the denial, suspension or revocation of a permit, then within five (5) business days after the hearing, the City Administrator shall withdraw the intent to deny, suspend or revoke the permit, and shall so notify the respondent in writing of such action by certified mail and shall contemporaneously issue the permit or allow the permit to remain in effect, as applicable.
- (e) When a decision to deny, suspend, or revoke a permit becomes final, the applicant or permitted person/entity (aggrieved party) whose application for a permit has been denied, or whose permit has been suspended or revoked, shall have the immediate right to appeal such action to a court of competent jurisdiction. Until the court of competent jurisdiction issues its final judgment, the decision to deny, suspends or revoke a permit shall remain in effect and be enforced.
- (f) A boarding home facility which is directly or indirectly a part of civil litigation, an administrative hearing, or procedures regarding the denial, suspension or revocation of the permit, such permit shall not be transferred, sold or given to another person during the pendency of the judicial or administrative processes.

Sec. 4.11.120. Transfer of permit.

A person commits a violation if the person transfers a permit or permits to another person the operation of a boarding home facility under the authority of a permit at any place other than the address designated on the permit. A transfer of a permit is deemed to have occurred if there is a transfer of ownership or control of the boarding home facility.

Sec. 4.11.121. Offenses and criminal penalties.

Any person who shall violate any provision of this Article shall be deemed guilty of a misdemeanor and punished by a fine not less than two hundred dollars (\$200.00) and not to exceed two thousand dollars (\$2,000.00); and if such violation shall continue from day to day, each day's violation shall constitute a separate offense.

Sec. 4.11.122. Notice of violation.

The City shall provide to the boarding home written notice of each alleged violation of this Article. The notice may be sent by certified mail, return receipt requested, to the

ORDINANCE 2014-025

application, to the attention of the permitted person/entity, as it appears on the permit application, or may be personally delivered to the permitted person/entity. Failure of the City to provide such notice is not a violation of this Article, and shall not affect or invalidate any subsequent prosecution of a violation of this Article.

SECTION 2. SAVINGS CLAUSE

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

SECTION 3. SEVERABILITY CLAUSE

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of 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. EFFECTIVE DATE

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

SECTION 6. PUBLICATION

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

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

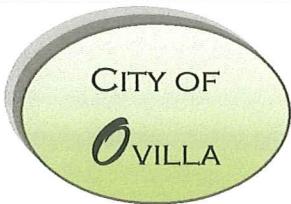
Richard Dormier, Mayor

ATTEST:

Pam Woodall, City Secretary

APPROVED AS TO FORM:

Ron G. MacFarlane, Jr., City Attorney



Ovilla City Council

AGENDA ITEM REPORT

Item(s): 15

Meeting Date: August 11, 2014

Department: Administration

Discussion Action

Budgeted Expense: YES NO N/A

Submitted By: Brad Piland, PW Director

Amount: \$2,000 Account: _____

Reviewed By: City Administrator City Secretary City Attorney

Accountant Other _____

Attachments:

1. Ordinance 2014-026 with attachments

Agenda Item / Topic:

ITEM 15. *DISCUSSION/ACTION* – Consideration of and action on Ordinance 2014-026, amending the Fiscal Year 2013-2014 Water and Sewer Fund Budget and Annual Program of Services for the City of Ovilla to allow for an Adjustment of \$2,000, Appropriating Funds for Increased Expenditures for the Emergency Replacement of a Sewer Pump and Appropriating Funds from the Unassigned Fund Balance.

Discussion / Justification:

The sewer pump located at the Highland Meadows Lift Station was repaired earlier this year and went down recently and was determined to be unrepairable. The installation of the new sewer pump is scheduled for August 11, 2014. The total cost of the Myers Grinder Pump is \$5,972.85. The W&S budget contained \$4,000.00 for capital assets for machinery and equipment. The deficit will be made up from a transfer of \$2,000.00 from the Water & Sewer unassigned fund balance.

Recommendation / Staff Comments:

Staff recommends approval of Ordinance 2014-026 amending the Water and Sewer Fund Annual Program of Services for the FY2013-14.

Sample Motion(s):

I move that Council approve/deny Ordinance 2014-026, amending the Fiscal Year 2013-14 Water and Sewer Fund and Annual Program of Services for the City of Ovilla to allow for an Adjustment of \$2,000, appropriating Funds for Increased Expenditures for the Emergency Replacement of a Sewer Pump and Appropriating Funds from the Unassigned Fund Balance.

AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, AMENDING THE FISCAL YEAR 2013-14 WATER AND SEWER FUND BUDGET AND ANNUAL PROGRAM OF SERVICES FOR THE CITY OF OVILLA TO ALLOW FOR AN ADJUSTMENT OF \$2,000, APPROPRIATING FUNDS FOR INCREASED EXPENDITURES FOR THE EMERGENCY REPLACEMENT OF A SEWER PUMP AND; APPROPRIATING SAID FUNDS FROM THE UNASSIGNED FUND BALANCE ACCOUNT; PROVIDING THAT EXPENDITURES FOR FY2013-2014 BE MADE IN ACCORDANCE WITH SAID AMENDED BUDGET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Ovilla, Texas is a Type A general law city; and

WHEREAS, pursuant to Ordinance No. 2013-023, the City Council of the City of Ovilla, Texas approved the Fiscal Year 2013-2014 Water and Sewer Fund Budget and Annual Program of Services (the Budget);

WHEREAS, the City Council of the City of Ovilla desires to amend Ordinance Number 2013-023, thereby amending the FY2013-2014 Water and Sewer Fund Budget of the City, in order to meet the financial obligation incurred for the emergency purchase replacement and installation of a sewer pump from capital assets and authorize said increased expenditures from Unassigned Fund Balance;

WHEREAS, the City Council approved the FY2013-2014 Water/Sewer Fund Operating Budget of \$4,000 for capital assets for machinery and equipment. Unassigned Fund Balance will be used to offset the \$2,000 for increased expenditures;

WHEREAS, the City Council finds that this budget amendment also serves an important municipal purpose, consistent with §102.010 of the Texas Local Government Code;

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

SECTION ONE

That the FY2013-2014 Water and Sewer Fund Budget and Annual Program of Services is hereby amended by the City Council of the City of Ovilla by the amounts listed and on the attached *Budget Revision Request*, hereby referred to as Exhibit A, and are hereby appropriated out of their respective and designated funds.

SECTION TWO

That except as amended hereby, or as heretofore amended, the provisions of Ordinance No. 2013-023 shall remain in full force and effect.

SECTION THREE

That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this

ORDINANCE NO. 2014-026

ordinance as a whole, or any part or provision thereof other than the part decided to be invalid, illegal or unconstitutional.

SECTION FOUR

That this ordinance shall take effect immediately from and after its passage as the law in such cases provides, and the City Secretary is directed to furnish a copy of this amendment to the budget to the County Clerk of Ellis County as required by Chapter 102 of the TEXAS LOCAL GOVERNMENT CODE.

PASSED, APPROVED and ADOPTED at the Regular Meeting of the Ovilla City Council on the 11th day of August 2014.

Richard A. Dormier, Mayor

ATTEST:

Pamela Woodall, City Secretary

City of Ovilla Budget Revision Request

Date: 07/31/2014

Requestor: Brad Piland

Department: PW - Sewer

FROM:

TO:

Acct. Description: W&S Unassigned Fund Balance

Acct. Description. Cap.Assets-Machinery & Equip

Account #:

Account #: 5807440

Current Budget: 1,407,803.00

Current Budget: 4000.00

Amount deducted: 2000.00

Amount increased: 2000.00

New Budget Total: 1,405,803.00

New Budget Total: **6000.00**

Explanation for Revision:

the sewer pump that was repaired earlier this year is down and has been disassembled and inspected and determined it is unrepairable as described in the attached quote from Odessa Pumps. This is an emergency purchase.

Department Head Signature: David Hall

Accountant Review: (initials): _____

City Administrator Only

Comments:

Total replacement cost is \$5,972.85.

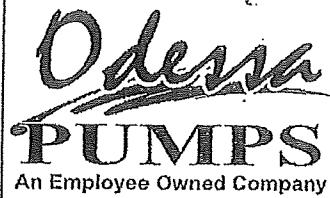
Approved ✓

Not Approved

City Administrator:

City Administrator
Form revised 07/11/14

Date: 7/31/14



QUOTE
ODESSA PUMPS & EQUIPMENT

(972) 522-1296
IRVING TX 75061-8807

Number	116086
Date	07/31/14
Page	1

Ship To: SAME	CITY OF OVILLA 105 COCKRELL HILL RD OVILLA TX 75154-1492	Bill To: 2366	CITY OF OVILLA 105 COCKRELL HILL RD OVILLA TX 75154-1492
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Reference #	Expires	Ship	Terms	Wh	Freight	Ship Via
SHP MYERS	08/31/14	903	NET 30 DAY	09	PRE/ADD	DELIVER

Quoted By:	SD	Quoted To:	BRAD PILAND
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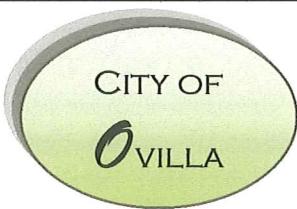
Item	Description	Ordered	UM	Price	UM	Extension
226353000	REPAIR/REPLACE MYERS GRINDER MOD- WG50H-21-35 SHP,3450 RPM,230V,1PH WG50H-21-35 NEW PUMP AFTER DISASSEMBLY AND INSPECTION IT WAS DETERMINED THAT YOUR EXISTING PUMP IS UNREPAIRABLE. THE STATOR LAMINATIONS ARE BEYOND REPAIR. ALONG WITH THE STATOR, THE IMPELLER & CUTTERS WERE ALL IN NEED OF REPLACEMENT. IF YOU CHOOSE TO BUY A NEW PUMP WE WILL INSTALL YOUR VALVE & PIPING ON IT WHEN THE NEW PUMP ARRIVES.	1	EA	5702.85	EA	5702.85
CHASE C SS	4/9 SHOP SERVICE STD INBOUND FRT ALLOWED	3.0	HR	90.00	HR	270.00

By: Stan DeVore

Merchandise	Tax	Total
5972.85	.00	5972.85

WE WOULD APPRECIATE YOUR BUSINESS!!

Customer Copy



Ovilla City Council

AGENDA ITEM REPORT

Item(s): 16

Meeting Date: August 11, 2014

Department: Administration

Discussion Action

Budgeted Expense: YES NO N/A

Submitted By: Cyndy Powell

Amount: \$N/A Account: _____

Reviewed By: City Administrator City Secretary City Attorney

Accountant Other

Attachments:

1. None

Agenda Item / Topic:

ITEM 16. **DISCUSSION/ACTION** – *Discussion* regarding the City's policy requiring a permit for fill dirt and review of the 2007 Building Code requirements and take action as necessary to direct staff.

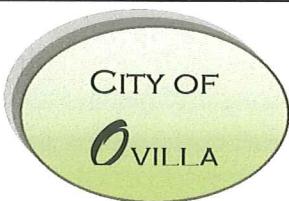
Discussion / Justification:

At the request of Councilman Doug Hunt, this item is provided for discussion regarding Building Code requirements for the permitting for fill dirt.

Recommendation / Staff Comments:

Sample Motion(s):

I move that...



Ovilla City Council

AGENDA ITEM REPORT

Item(s): 17

Meeting Date: August 11, 2014

Department: Administration

Discussion Action

Budgeted Expense: YES NO N/A

Submitted By: Cyndy Powell, CA

Amount: \$N/A Account: _____

Reviewed By: City Administrator City Secretary City Attorney

Accountant Other

Attachments:

1. None

Agenda Item / Topic:

ITEM 17. *DISCUSSION/ACTION – Discussion* regarding the City's Policy and Procedure Guide to Purchasing revised July 14, 2014 and adopted by Ordinance 2014-011 and take action as necessary to direct staff.

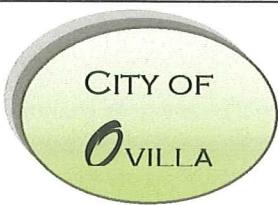
Discussion / Justification:

At the request of Councilman Doug Hunt, this item is provided for discussion regarding the City's purchasing policy and level of purchasing authority authorized by the Policy.

Recommendation / Staff Comments:

Sample Motion(s):

I move that...



Ovilla City Council

AGENDA ITEM REPORT

Item(s): 18

Meeting Date: August 11, 2014

Department: Administration

Discussion Action

Budgeted Expense: YES NO N/A

Submitted By: Cyndy Powell, CA

Amount: \$N/A Account: _____

Reviewed By: City Administrator City Secretary City Attorney

Accountant Other _____

Attachments:

1. None

Agenda Item / Topic:

ITEM 18. **DISCUSSION/ACTION - Consideration** of and action on the appointment of an ad hoc member to the Planning and Zoning Commission for the purpose of reviewing the impact fees and making a recommendation to City Council for consideration.

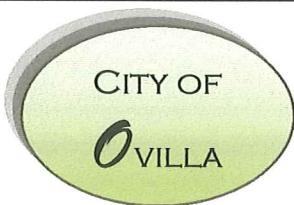
Discussion / Justification:

Texas Local Government Code Chapter 395.054 provides for the process to review and amend the Impact Fees adopted by City Council in Ordinance 2011-022 September 2011. Currently the water impact fee is \$1,105.00 and the maximum allowable is \$3,923.00. Currently the Sewer Impact Fee is \$51.00 and the maximum allowable is \$1,441.00. The Planning and Zoning Commission may act as the Advisory Committee and review the Impact Fees and provide comments to the public during a Public Hearing. The first step will be for City Council to appoint an ad hoc member to the Planning and Zoning Commission from the real estate or development community. This resident member may live in the City Limits or in the City's Extra Territorial Jurisdiction (ETJ). Secondly, the City Council by motion, may request the Planning and Zoning Commission act as the Advisory Committee to review and advise the governmental body of the need to update or revise the Impact Fees. Lastly, Council will adopt rules for the Advisory Committee to follow in carrying out its duties for this purpose.

Recommendation / Staff Comments:

Sample Motion(s):

I move that Council appoint _____ to serve as an ad hoc member to the Planning and Zoning Commission for the purpose of reviewing the impact fees and making recommendation to City Council for consideration.



Ovilla City Council

AGENDA ITEM REPORT

Item(s): 19

Meeting Date: August 11, 2014

Department: Public Works

Discussion Action

Budgeted Expense: YES NO N/A

Submitted By: Brad Piland, PW Director

Amount: \$N/A Account: _____

Reviewed By: City Administrator City Secretary City Attorney

Accountant Other _____

Attachments:

1. Revised Breakdown of costs associated with the Main Street Sewer including tractor use.

Agenda Item / Topic:

ITEM 19. *DISCUSSION* – Review and discuss the Main Street Sewer Project and take action as necessary to direct staff.

Discussion / Justification:

The Main Street Sewer Project was completed in June and staff has provided the breakdown of costs associated with the project for Council's review. Included are the costs incurred by the Developers as stated in the Developer's Agreement and the costs incurred by the City including staff time dedicated to the project and now including the cost associated with the use of the tractor for this project.

Recommendation / Staff Comments:

The total construction costs, parts, and tractor hours came to \$21,207.99, which is \$3,322.01 less than the Developer's contribution of \$24,530.00. The City's labor cost totaled \$6,585.34, which is \$3,314.66 less than the \$9,900.00 budgeted for the City's portion. The Mayor suggests refunding the savings of the developers' share of the \$3,322.01 back to the four developers; each developer would receive a refund of \$830.25 of the balance.

Sample Motion(s):

I move that Council approve/deny the reimbursement of the remaining construction funds to the four Developers of \$830.25 each.

Main Street Sewer Project - Summary of Costs

Date	Vendor	Description	Amount
3/27/2014	HDSupply Water Works	Supplies/Parts	\$2,006.40
3/31/2014	Shell	Gas for Equipment	\$96.62
4/3/2014	Keith Ace Hardware	Quikrete	\$13.16
4/4/2014	HDSupply Water Works	Supplies/Parts	\$125.16
4/4/2014	Keith Ace Hardware	Quikrete	\$19.74
4/7/2014	Morrison Supply	Supplies/Parts	\$50.14
4/8/2014	Keith Ace Hardware	Supplies/Parts	\$69.46
4/10/2014	HDSupply Water Works	Supplies/Parts	\$3,518.00
4/14/2014	Birkhoff, Hendricks & Carter	Main St. Line B Staking	\$1,012.22
4/15/2014	Britton Meter Supply	Supplies/Parts	\$51.75
4/15/2014	Keith Ace Hardware	Quikrete & Parts	\$55.70
4/16/2014	Shell	Gas for Equipment	\$100.13
4/16/2014	Shell	Gas for Equipment	\$104.01
4/16/2014	HDSupply Water Works	Supplies/Parts	\$82.50
4/17/2014	Britton Meter Supply	Supplies/Parts	\$29.66
4/22/2014	Circle H Contractors	Sewer Extension Labor & Supplies	\$11,700.00
4/22/2014	Ellis County Precinct #4	Base Grade 1 & Base Grade 4 Limestone	\$850.00
5/16/2014	APAC Texas	Type D Hot Mix	\$523.60
5/16/2014	Ellis County Precinct #4	Base Grade 1 & Base	\$100.00
6/4/2014	Shell	Gas for Equipment	\$109.07
6/4/2014	APAC Texas	Type D Hot Mix	\$505.12
		Sub-Total	<u>\$21,122.44</u>
7/14/2014	Cost associated with Tractor use for this project		\$85.55
	Total for project		\$21,207.99
	Revenue from Developer Agreement		\$24,530.00
	Difference		<u>\$3,322.01</u>

revised 06-14-14