

# City of *OVILLA* 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

Tuesday, October 14, 2014

7:00 P.M.

Council Chamber Room

## AGENDA

NOTICE is hereby given of a **Regular Meeting** of the City Council of the City of Ovilla, to be held on **Tuesday, October 14, 2014 at 7:00 P.M.** in the Ovilla Municipal Building, Council Chamber Room, 105 S. Cockrell Hill Road, Ovilla, Texas, 75154, for the purpose of considering the following items.

### **I. CALL TO ORDER**

- Invocation
- Pledge of Allegiance

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

- Fire Prevention Proclamation
- City Council recognition of former volunteer firefighters.
- Receive presentation from petitioners on plans for Water Street

#### ▪ **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            |
| o Monthly Report                      |                                 |
| • Fire Department                     | Fire Chief P. Brancato          |
| o Monthly Report                      |                                 |
| • Public Works                        | Public Works Director B. Piland |
| o Monthly Report                      |                                 |
| • Administration                      | City Administrator C. Powell    |
| o Activity Report(s)                  |                                 |
| o Monthly Municipal Court Report      | City Secretary P. Woodall       |
| o Monthly Code/Animal Control Reports | Code/AC Officer M. Dooly        |

### **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. Financial Transactions over \$5,000 for September 2014
- C2. Minutes of the Special City Council Meeting of August 25, 2014
- C3. **Consideration** of and action on Resolution R2014-037 approving the 2015 ERCOT (Electric Reliability Council of Texas, Inc. Membership Application and Agreement.
- C4. **Consideration** of and action on Resolution R2014-038 approving an annual Agreement of Services between the City of Waxahachie and the City of Ovilla for animal services and facility use.
- C5. **Consideration** of and action on Resolution R2014-039 approving an annual Interlocal Cooperation Contract between Ellis County Road & Bridge Precinct 4 and the City of Ovilla.

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## IV. REGULAR AGENDA

- ITEM 1. **DISCUSSION/ACTION** – *Consideration* of and action on petition to close Water Street and take action as necessary to direct staff.
- ITEM 2. **DISCUSSION/ACTION** – *Consideration* of and action on submitted applications for appointments to the Parks Board.
- ITEM 3. **DISCUSSION/ACTION** – *Consideration* of and action on submitted application for appointment to the Municipal Services Advisory Committee.
- ITEM 4. **DISCUSSION/ACTION** – *Consideration* of and action on Ordinance 2014-033 amending Chapter 1, Article 1.05, Division 3, Section 1.05.071(a) and (b) of the Ovilla Code of Ordinances, providing revisions to the authorization of expenditures by the city secretary and department heads; providing procedures for purchases in excess of \$3,000 but less than \$25,000; 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.

## 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.

## V. REQUESTS FOR FUTURE AGENDA ITEMS

## VI. ADJOURNMENT

THIS IS TO CERTIFY THAT A COPY OF THE NOTICE OF the October 14, 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](http://www.cityofovilla.org), on the 10<sup>th</sup> day of October 2014 prior to 6:00 p.m., in compliance with Chapter 551, Texas Government Code.



  
Pamela Woodall, City Secretary

DATE OF POSTING: 10-10-14 TIME: 10:30 am/pm  
DATE TAKEN DOWN: \_\_\_\_\_ TIME: \_\_\_\_\_ am/pm

This facility is ADA compliant. If you plan to attend this public meeting and have a disability that requires special arrangements, please call 972-617-7262 at least 48 hours in advance. Reasonable accommodation will be made to assist your needs. PLEASE SILENCE ALL PAGERS, CELL PHONES & OTHER ELECTRONIC EQUIPMENT WHILE THE CITY COUNCIL MEETING IS IN SESSION.



*City of Ovilla*  
**~ PROCLAMATION ~**  
**Fire Prevention Month**

**WHEREAS**, the city of (Ovilla, Texas) is committed to ensuring the safety and security of all those living in and visiting (Ovilla); and

**WHEREAS**, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

**WHEREAS**, home fires killed more than 2,300 people in the United States in 2012, according to the National Fire Protection Association (NFPA), and fire departments in the United States responded to 365,000 home fires; and

**WHEREAS**, working smoke alarms cut the risk of dying in reported home fires in half; and

**WHEREAS**, three out of five home fire deaths result from fires in properties without working smoke alarms; and

**WHEREAS**, in one-fifth of all homes with smoke alarms, none were working; and

**WHEREAS**, when smoke alarms should have operated but did not do so it was usually because batteries were missing, disconnected, or dead; and

**WHEREAS**, (Ovilla's) residents should install smoke alarms in every sleeping room, outside each separate sleeping area, and on every level of the home; and

**WHEREAS**, (Ovilla's) residents should install smoke alarms and alert devices that meet the needs of people who are deaf or hard of hearing; and

**WHEREAS**, (Ovilla's) residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

**WHEREAS**, (Ovilla's) first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

**NOW, THEREFORE**, I, Mayor of the City of Ovilla, call upon all citizens of the City to observe October as **Fire Prevention Month** to join in commemorating firefighters, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in doing so, have established for themselves an enviable and enduring reputation for preserving the safety and security of all citizens.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the official seal of the City of Ovilla to be affixed this 14<sup>th</sup> day of October in the year 2014.

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





You are invited to the  
Ovilla City Council Meeting  
Tuesday, October 14, 2014 at 7:00 pm  
to be recognized by the City Council  
for your years of volunteer service in the  
Ovilla Fire Department

The City would like to acknowledge the following  
individuals for their service to the community as  
volunteer firefighters:

John Binford, Mike Blake, Dennis Futrell,  
William Hamilton, Jim Hanson, Jeff Huntley,  
Randy Kinsman, Tom Leverentz, Tom Manning,  
Sean McCumber, Wes McGuyer, Steve O'Brien,  
Patrick Paluga, Jeff Pevytoe, Karen Pickard,  
Brett Rustin, Neil Saum, Joni Sidler and Jason Zito

Please RSVP to the City Secretary no later than  
October 8th

[pwoodall@cityofovilla.org](mailto:pwoodall@cityofovilla.org)

972-617-7262

(please include any guests)



# *Bill Crouch Real Estate*

INVESTMENTS  
RENTALS

603 Ovilla Oaks Dr.  
Ovilla, TX 75154  
972-617-5506 • 214-534-8183

EQUITIES  
SALES

October 2, 2014

Cyndy Powell  
City of Ovilla  
Ovilla, Tx.

Subject: Closing of Water Street

Cyndy:

Since I am unable to attend this workshop discussion, and not wanting to postpone the meeting until November, I am providing those in attendance my thoughts on this project. As all are aware, this is the third discussion pertaining to the possible closing of Water Street and I believe the adjacent property owners are still requesting its closure.

With the closing of this street, we will have a much safer situation with through traffic and will create more off street parking for vendors and employees. I am agreeing to maintain any portion of Water street that is given back to the property owners. I anticipate adding some greenery along areas that will sustain plants. I can see potential in adding outdoor patio type covers if foot traffic warrants that in the future. As you all know, parking and walking areas are in short supply in downtown Ovilla. I can see and anticipate better things to come in this Historical District of Ovilla by the closing of Water Street.

It is my continued desire and hope that those involved in this decision will agree with our approach in this matter.

Yours truly,



Bill Crouch

cc: Pamela Woodall  
✓cc: Mayor Richard Dormier



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

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

Signed this day April 30, 2014

Name

Address

Name

Address

Name

Address

Mr. M. Sims 707 Main St. Ovilla TX 75154

Bill Couch 705 W. Main, Ovilla, TX 75154

Stephen J. F. Smith 104 Greenwood, Ovilla, TX 75154



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

	Sept 2014	Sept 2014 YTD	Sept 2013	Sept 2013 YTD
Calls For Service				
Accident	3	27	2	22
Alarms	16	165	19	142
Arrest	2	19	2	31
Assault	1	4	1	3
Assists: Agency/Unit:17 EMS/Fire:4 Motorist:3	24	266	22	233
Building / House Security Check	1330	12780	1264	11920
Burgulary	1	7	0	6
Burgulary of Motor Vehicle	0	1	0	1
Criminal Mischief	1	7	2	7
Disturbance	3	60	6	71
Neighborhood Check	1416	12604	1597	15796
Other Calls for Service	154	1110	114	1109
Suspicious Person	8	56	6	52
Suspicious Vehicle	9	76	12	69
Theft	5	21	2	9
Traffic Assignment	10	93	0	161
<b>TOTAL CALLS FOR SERVICE</b>	<b>2983</b>	<b>27296</b>	<b>3049</b>	<b>29632</b>

Reserve Officer Hours	54	556.75	44.75	582.25
Average Response Time (Minutes)	4.2	4.16	4.2	4.061111
Traffic Stop (Warnings)	41	405	32	291
Traffic Stop (Citations)	20	366	17	307
Total Citations & Warnings Combined	61	771	49	598
<b>PERCENT OF STOPS RECEIVING CITATIONS</b>	<b>32.8</b>	<b>47.5</b>	<b>34.7</b>	<b>51.3</b>



OVILLA PD VEHICLE MILEAGE							
March-14				April-14			
Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending	Accrued
100	82172	82405	233	100	82405	83193	788
102	79832	80697	865	102	80697	81761	1064
103	89434	91162.8	1728.8	103	91162.8	92802	1639.2
104	52173	53335.8	1162.8	104	53335.8	56126	2790.2
105	33654	35239	1585	105	35239	36434	1195
May-14				June-14			
Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending	Accrued
100	83193	84792	1599	100	84792	85914	1122
102	81761	82879	1118	102	82879	83546	667
103	92802	94219.5	1417.5	103	94219.5	95219	999.5
104	56126	57757.4	1631.4	104	57757.4	59339.5	1582.1
105	36434	39339	2905	105	39339	41691	2352
July-14				August-14			
Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending	Accrued
100	85914	87395	1481	100	87395	88115	720
102	83546	84962	1416	102	84962	85768	806
103	95219	96338	1119	103	96338	97183.7	845.7
104	59339.5	60555	1215.5	104	60555	62270.5	1715.5
105	41691	43756	2065	105	43756	46079	2323
September-14				October-14			
Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending	Accrued
100	88115	88308	193	100			0
102	85768	86681	913	102			0
103	97183.7	98350.9	1167.2	103			0
104	62270.5	63927.7	1657.2	104			0
105	46079	47903	1824	105			0
November-14				December-14			
Unit #	Beginning	Ending	Accrued	Unit #	Beginning	Ending	Accrued
100			0	100			0
102			0	102			0
103			0	103			0
104			0	104			0
105			0	105			0



[illegible]





Date: October 9, 2014

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

**FROM:** Brad Piland Public Works Director

**TOPIC:** Public Works Monthly Activity Report for September

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- Trimmed trees on Cockrell Hill Rd Work began on Cockrell Hill Rd (Dallas County section)
- Sewer Lift Station Repairs - pulled pump 1 at Highland Meadows Lift Station; removed pump 1 from Cumberland; removed debris from pump 1 Heritage Park; replaced pump in Highland Meadows Lift station.
- Read water meters, serviced disconnects and reconnects
- Repaired water leak at 709 Buckboard, 800 block of Cockrell Hill Rd.
- Repairs and road base to Winding Way (20 tons asphalt)
- Updated marquee as needed
- Daily water maintenance residual and pressure tests
- Tree and grass maintenance: Heritage Park, Silver Spur Park and Baseball fields and park areas
- Heritage Day
- Trimmed trees at Water Street, Willowwood and Shadowwood
  - ❖ Jimmy Bryan -
    - Serviced PD Units: 105,102,and
    - Service Ford Dump Truck

**\*\*Flushed Hydrants**

Collect water samples for TCEQ reporting

- Water Maintenance – routine flushing mains and hydrant
- Meter Box repair and replace lids as needed

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



### **City Administrator Activity Report**

Cyndy Powell

September 27, 2014 – October 03, 2014

**Weekly Leadership Team meetings** – staff completed our study of 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, once finished the County will assist with chip and seal work.

**Cockrell Hill Road Repairs** – Dallas County continues work on Cockrell Hill, estimated completion mid-October. The roadwork on the Ellis County portion will commence next spring.

**Planning and Zoning Commission** – next meeting Monday, November 03, 2014 at 6:00 p.m.

**BOA** – no meeting in September.

**Five Year Staffing Plan** – (Mayor Dormier, Oberg, Stevenson).

**Strategic Guide** – Please seek a Chairman for the MSAC and board appointees.

**Economic Development Corporation** – Next meeting is October 20, 2014 beginning at 6:00 p.m.

**Municipal Development District** – pending appointments.

**ESD#4 Board Meeting** – next meeting is October 27, 2014, at 7:00 p.m.

**ESD#2 Board Meeting** – next meeting is Monday, October 20, 2014, at 7:00 p.m.

**Stonewood Lakes Estates (Cole Tracts 113 acres in the ETJ)** – no activity.

**Bryson Manor (122 acres in City Limits)** – staff is awaiting Mr. Massey Shaw's final plat application. Staff anticipates a zoning change request from residential to commercial for a parcel on the corner of Bryson and Shiloh.

**MISD parcel** – meeting with new project engineers held Thursday, September 25, 2014, provided annexation petition sample and rough proportionality study.

**Mosquito Control** – The city continues collecting mosquito samples and sending to Austin for testing.

**Heritage Day Committee** – (Mayor, Hunt, Oberg) Great success! Art contest winner, Abigail Falksen, from Ovilla Christian School. Eighteen art entries submitted. Horseshoe tournament had no takers this year. Committee/staff wrap up meeting proposed for *Monday, October 06, 2014 at 3:00 or Thursday, October 09, 2014 at 3:00*.

**Hosford Tracts (130 acres in City Limits)** – The developer is redesigning the layout with 15,000 sq.ft. lots and will provide financial impact data.

**Quarterly newsletter** – Councilor's Corner in newsletter will include articles from Mrs. Huber and Mr. Stevenson. This quarterly newsletter will arrive in homes around November 20<sup>th</sup>, before Thanksgiving, therefore deadline for articles is November 7<sup>th</sup>.

**Burn Ban** in effect – 08-11-2014



**Mock disaster training** – the Ovilla Police and Fire Departments will be participating in a joint full-scale multi-jurisdictional/multi-discipline mock disaster exercise on Friday, October 3, 2014, hosted by the City of Red Oak and the Red Oak ISD.

**TxDOT Public Hearing - Thursday, October 16, 2014.** Beginning at 6:00 p.m. to 8:00 p.m. at Red Oak Intermediate School, open house portion, 6-7, will provide one-on-one with TxDOT and the representatives from the Engineering firm to review project exhibits and answer questions, best opportunity for citizens to have their concerns addressed. The Public Hearing will begin at 7:00 and then Public Comment will be heard.

**North Ellis County Coalition of Cities** – September 23, 2014. TxDOT presented FM664 expansion timeline for Phase 1 from US-35 to Westmoreland: 1) Environmental to completed in January 2015; 2) ROW map to be prepared and acquisition of ROW to commence; 3) City to receive Local Funding Agreement after January for consideration by City Council; 4) Contract for construction to let in July 2016; 5) projected to take two years to complete. At all times during the construction, two lanes will remain unobstructed by construction as six lane thoroughfare is constructed. Approaching Westmoreland from US-35, the six lanes will reduce to four lanes, having turn only lanes. Then after Westmoreland the four lanes will reduce to the existing two lanes. The cost of Phase 1 is \$23million and the total ROW acquisition is \$350,000 for participating cities. Ovilla's portion is approximately \$83,000. Phase 2 is the section through Ferris and Phase 3 is the intersection at US-35; these phases are designed and awaiting state funding. The portion of FM664 from Westmoreland through Ovilla is a future phase. The Coalition expressed a strong desire to have citizens attend this Public Hearing and have their concerns addressed. Staff has posted the Notice on the City's website and will Facebook and Tweet the meeting details.

**North Ellis County Coalition of Cities** – Next Quarterly Meeting is Thursday, January 15, 2015, 6:30 – 8:30 p.m. hosted by Ovilla.

**TML/TEDC, September 30<sup>th</sup>-October 03, 2014** – The Mayor and I will be attending Texas Municipal League Conference and I will stay for the Texas Economic Development Council conference and return Friday.



### **City Administrator Activity Report**

Cyndy Powell

September 22, 2014 – September 26, 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, once finished the County will assist with chip and seal work.

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**Five Year Staffing Plan** – (Mayor Dormier, Oberg, Stevenson).

**Strategic Guide** – Parks Board (Goal 2) and Municipal Services Advisory Committee (Goal 3) have been created. Please seek a Chairman for the MSAC and board appointees.

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**Municipal Development District** – pending appointments.

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**Mosquito Control** – The city continues collecting mosquito samples and sending to Austin for testing.

**Heritage Day Committee** – (Mayor, Hunt, Oberg) Yeah Saturday!!

**Hosford Tracts (130 acres in City Limits)** – The developer is redesigning the layout with 15,000 sq.ft. lots and will provide financial impact data.

**Quarterly newsletter** – Councilor's Corner in newsletter will include articles from Mrs. Huber and Mr. Stevenson. This quarterly newsletter will arrive in homes around November 20<sup>th</sup>, before Thanksgiving, therefore deadline for articles is November 7<sup>th</sup>.

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Jessica Foresman  
Court Clerk

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**DATE:** October 14, 2014  
**TO:** Honorable Mayor Dormier and City Council Members  
**FROM:** Jessica Foresman, Court Clerk  
**SUBJECT:** Monthly Staff Report



Court Report September 2014

Item	Number	2013	Total	2013
September 2014				
Traffic Cases Filed	25	28		
State Law Cases Filed	0	0		
Parking Cases Filed	0	0		
Penal Code Cases Filed	1	2		
City Ordinance Cases Filed	1	0		
1 Fail to Maintain Property				
Trials	0	0		
Total Revenue			\$5,634.00	\$4,969.20
Amount kept by City			\$3,467.63	\$2,940.91
Amount remitted to State			\$2,166.37	\$2,028.29
Warrants Issued	14	15		
New warrants	6			
previous- cleared and reissued	8			
Active Warrants	379		\$114,906.21	
Warrants Cleared	1		\$738.20	
Warrants Cleared from Omni/Collect	1		\$738.20	

1 warrant paid in full & closed

2 cases that has scheduled payments

## **September 2014**

### **Code Enforcement Report**

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Complaints – 31 (12 – grass; 6-Permits; 13– parking)

Follow ups – 41 (19- grass; 11-parking; 11-permit,)

Door Notices – 22 (grass – 11; parking – 9, permits – 2)

Mail Notices – 5 (Parking – 3; brush & grass-2)

Posted on property – 4 (3 grass; 1 nuisance)

Court– 1 (1- requested trial on grass and weeds)

Citizen contacts - 33

Permits reviewed – 13      Permits issued - 9

Inspections – 11

Nuisance abated by city -1 (grass)

Nuisance Signs – 12 (8 garage sale; 4 business)

Board of Adjustment –none



## **September 2014 Animal Control Report**

---

Complaints- 22 (registrations -13; at large - 9)

Follow ups –32

Door Notices –16 (registrations-10; at large - 6)

Impounded Animals – 7 (7 dogs)

Animal Welfare Checks – 6

Impound Animal Results - 2 returned to owner; 5 transports

Impound Fees Collected - \$70.00

Court – 0

Citizen contacts - 21

Animal Registration Tags Issued – 11 - totaling \$125.00

Registration Reminders Mailed- 18

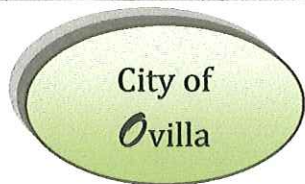
Nuisance Letters Mailed-

Animals released – 2 (2 raccoons)

Deceased/Removed – 21

Oak Leaf services –2 (2 dogs)

Traps checked out – 13



# Ovilla City Council

## CONSENT ITEMS C1 – C5

Meeting Date: October 14, 2014

Department: Finance & Administration

☒ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted by: Staff

Amount: N/A

### Attachments:

- C1. Financial Transactions over \$5,000 for September 2014
- C2. Minutes of the Special City Council Meeting of August 25, 2014
- C3. **Consideration** of and action on Resolution R2014-037 approving the 2015 ERCOT (Electric Reliability Council of Texas, Inc. Membership Application and Agreement.
- C4. **Consideration** of and action on Resolution R2014-038 approving an annual Agreement of Services between the City of Waxahachie and the City of Ovilla for animal services and facility use.
- C5. **Consideration** of and action on Resolution R2014-039 approving an annual Interlocal Cooperation Contract between Ellis County Road & Bridge Precinct 4 and the City of Ovilla.

### Discussion / Justification:

- C3. This is an annual renewal for membership. The fee remains the same from previous years.
- C4. This is an annual renewal. The fees remain the same from last year's agreement.
- C5. This is an annual renewal.

### Recommendation / Staff Comments:

Staff recommends approval.

### Sample Motion(s):

*I move to approve the consent items as presented.*



**City of Ovilla Expenditures Over \$5,000  
for the Month of September 2014**

**General Fund**

Date	Check#	Payee	Description	Amount
9/19/2014	42906	United Health Care	Health Insurance	\$8,136.70
9/19/2014	42898	Progressive Waste Solutions	Garbage Pick-up	\$16,692.00
9/11/2014	ACH	Quick Books Payroll Service	Payroll	\$37,092.18
9/25/2014	ACH	Quick Books Payroll Service	Payroll	\$36,539.18
9/2/2014	42833	T.M.R.S.	Retirement	\$13,293.42
9/30/2014	42941	GEXA Energy	Electricity	\$5,669.28
9/3/2014	eftps	US Treasury	Payroll Taxes	\$7,872.98
9/17/2014	eftps	US Treasury	Payroll Taxes	\$7,210.52
9/19/2014	42891	Bureau Veritas North America	Inspections	\$14,144.51
9/19/2014	42901	Casco Industries	Fire Dept, Personal Protection clothing	\$5,713.00
9/8/2014	42864	Dallas County	Cockrell Hill Rd Agreement	\$64,789.00
9/30/2014	42943	John Wright Assoc., Inc.	Fire Dept. Parts for Pioneer	\$8,840.40
9/8/2014	42867	NCTCOG	4B Aerial Photography	\$7,377.70
9/4/2014	42854	Texas Patcher	Road Patch Truck	\$20,000.00
Total General Fund Transactions \$5,000 and Over				<u>\$253,370.87</u>

**Water & Sewer Fund**

Date	Check#	Payee	Description	Amount
9/12/2014	15601	City of Ovilla General Fund	Payroll	\$9,675.15
9/23/2014	15616	City of Ovilla General Fund	Payroll	\$10,278.07
9/19/2014	15610	City of Dallas	Water Purchase	\$40,734.05
9/15/2014	15604	City of Ovilla General Fund	Garbage Fee Transfer	\$18,691.35
9/4/2014	15595	Trinity River Authority	Waste Water Treatment Maintenance - 8/11/2014 Inv BH1009	\$55,999.00
9/26/2014	15623	Trinity River Authority	Waste Water Treatment Maintenance - 9/10/14 Inv BH1015	\$55,999.00
Total Water & Sewer Fund Transactions \$5,000 and Over				<u>\$191,376.62</u>

# CITY OF OVILLA MINUTES

***Monday, August 25, 2014  
Special Joint Meeting of the City Council  
Planning and Zoning Commission and the  
Economic Development Corporation  
105 S. Cockrell Hill Road, Ovilla, TX 75154***

---

Mayor Dormier called the Special Joint Meeting of the Ovilla City Council, Planning and Zoning Commission and the Economic Development Corporation to order at 6:00 P.M. The following City Council Members and Board Members were present:

Rachel Huber	Council PL1	Carol Lynch	P&Z Chair, PL3
Larry Stevenson	Council PL2	Alan Whittaker	P&Z PL 4
David Griffin	Mayor Pro Tem PL3	Greg Pearcy	P&Z PL5
Doug Hunt	Council PL4	Fred Hart	P&Z PL6
Dean Oberg	Council PL5		
		Gary Jones	EDC President
		David Staalsen	EDC PL3
		John Knight	EDC PL5
		Barbara Turner	EDC PL7

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

## **REGULAR AGENDA**

- ITEM I. **DISCUSSION** – Receive presentation from developer of Hosford Tracts and discuss concept of a Planned Development District as provided for in the City's Code of Ordinances.

Mayor Dormier and staff had previously met with the Clyde Hargrove of Hargrove Real Estate and Todd Wintters, P.E. of Engineering Concepts & Design. L.P. to discuss the proposed Planned Development District for the area known as the Hosford Tracts located along FM664 frontage between Westmoreland and Malloy Roads. At the developer's request, a joint workshop with the City Council, the Planning and Zoning Commission, and the Economic Development Corporation was scheduled to allow the developer his presentation and discuss his plans for a proposed Planned Development District and to receive feedback from Council and the boards.

Both gentlemen addressed Council and boards offering their insight; reviewed a drawing of the many possibilities and proposed ideas including a senior-living gated community as well as additional housing, a variety of strip shopping stores, specialty shops, eating establishments and the possibility for a future city hall building. Infrastructure of water and sewer lines including Mr. Hargrove's suggestion of smaller homes and smaller lot sizes posed questions and differing opinions. Council was unified with their concerns in minimizing the lot sizes outside the senior-living gated community.

## **ADJOURNMENT**

There being no further business, Mayor Dormier adjourned the meeting at 6:55 p.m.

ATTEST:

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

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

*Approved October 14, 2014*

**RESOLUTION NO. R2014-037**

**A RESOLUTION OF THE CITY OF OVILLA, TEXAS AUTHORIZING THE MAYOR TO EXECUTE FOR AND ON BEHALF OF THE CITY OF OVILLA A MEMBERSHIP APPLICATION AND AGREEMENT FOR MEMBERSHIP YEAR 2015 WITH ERCOT (ELECTRIC RELIABILITY COUNCIL OF TEXAS, INC.)**

\*\*\*\*\*

**WHEREAS**, ERCOT is the entity responsible for operating the electric grid in the deregulated portion of Texas; and

**WHEREAS**, 140 cities joined ERCOT in 2014 and hopes to have a similar showing for 2015; and

**WHEREAS**, this membership is a straightforward way for cities to maintain their seat at the table when it comes to policy-setting for the deregulated power system; and

**WHEREAS**, Ovilla is eligible for membership as it represents customers in the ERCOT Region; and

**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 an annual membership application and Agreement for Membership Year 2015 at a cost of \$100.

**Section 2.**

A copy of the said Membership Application Year 2015 is attached hereto as Exhibit "A" and made a part hereof for all purposes.

***PASSED, APPROVED, AND RESOLVED this 14<sup>th</sup> day of October 2014.***

**APPROVED:** \_\_\_\_\_

Richard Dormier, **MAYOR**

**ATTEST:** \_\_\_\_\_

Pamela Woodall, **CITY SECRETARY**





**ELECTRIC RELIABILITY COUNCIL OF TEXAS, INC.  
MEMBERSHIP APPLICATION AND AGREEMENT FOR MEMBERSHIP YEAR 2015**

This Membership Application and Agreement (Agreement) is by and between Electric Reliability Council of Texas Inc. (ERCOT) and the City of Ovilla (Applicant). In consideration of the mutual covenants contained herein, the parties hereby agree that the Applicant shall become an ERCOT Member and receive the ERCOT Member Services and benefits described herein, subject to the terms and conditions of this Agreement. This Agreement shall be effective as of the date signed by the Applicant provided that the Applicant meets all of the qualifications for ERCOT Membership.

Capitalized terms that are not defined in this Agreement shall have the meaning as defined in the ERCOT Bylaws or the ERCOT Protocols.

**A. Membership Application Information**

1. Name of Entity applying for Membership: Ovilla
2. Type of Membership: Check **ONE** type of Membership. *Affiliated Entities as defined in the ERCOT Bylaws may hold only one Corporate Membership.*

Entities applying for additional Memberships, such as an Associate Membership, must use a separate Agreement for each Membership. The applicable fees are listed below and entitle Members to services ERCOT provides such as hosting ERCOT meetings, providing Members with necessary information and such other Member Services as may from time to time be offered. Please note that any Member may request that the Member's Annual Member Service Fees be waived for good cause shown.

☒ **Corporate.** Voting. \$2,000 per Membership Year (except Residential and Commercial Consumer Members fees are \$100 per year). Corporate Membership includes the right to vote on matters submitted to the general membership such as election of Board Directors, election of Technical Advisory Committee (TAC) Representatives and TAC subcommittees thereof and amendments to the Articles of Incorporation and the ERCOT Bylaws. Residential Consumer Members do not elect a Director to represent the Residential Consumer interests as the Public Counsel is mandated to represent these interests.

☐ **Associate.** Non-voting. \$500 per Membership Year (except Residential and Commercial Consumer Members fees are \$50 per year). Associate Membership includes no voting rights. However, an Associate Member may be elected by Corporate Members to serve as a voting member of the Board, TAC or a TAC subcommittee thereof.

☐ **Adjunct.** Non-voting. \$500 per Membership Year. Entities not meeting the Segment requirements for Membership may join as Adjunct Members upon Board approval. Adjunct Membership does not include voting rights or the right to be elected to the Board, TAC or a TAC subcommittee thereof.

3. The Applicable Annual Member Services Fee must accompany this Agreement and be delivered to ERCOT by the Record Date in order for the Member to participate in the elections for the Membership Year. Please make checks payable to ERCOT and mail to ERCOT, Attention: Legal Department, 7620 Metro Center Drive, Austin, Texas 78744. Please send an email to [membership@ercot.com](mailto:membership@ercot.com) for wire instructions.

4. Segment Participation: (Check ONE Segment designation.)

☒ **Consumer.** Any Entity representing the interests of end-users of electricity in the ERCOT Region.

Check **ONE** Subsegment designation:

- ☐ **Residential Consumer**  
☒ **Small Commercial Consumer** (Peak demand of 1000 KW or less)  
☐ **Large Commercial Consumer** (Peak demand greater than 1000 KW)  
☐ **Industrial Consumer** (Average monthly demand greater than 1 megawatt and engaged in an industrial process)

☐ **Cooperative.** An Entity operating in the ERCOT Region that is: (i) a corporation organized under Chapter 161 of the Texas Utilities Code or a predecessor statute to Chapter 161 and operating under that chapter; (ii) a corporation organized as an electric cooperative in a state other than Texas that has obtained a certificate of authority to conduct affairs in the State of Texas; (iii) a cooperative association organized under Tex.Rev.Civ.Stat. 1396-50.01 or a predecessor to that statute and operating under that statute; or (iv) a River Authority as defined in Tex. Water Code §30.003.

☐ **Independent Generator.** Any Entity that is not a Transmission and Distribution Entity (T&D Entity) or an Affiliate of a T&D Entity and (i) owns or controls generation of at least 10 MW in the ERCOT Region; or (ii) is preparing to operate and control generation of at least 10 MW in the ERCOT Region, and has approval of the appropriate governmental authority, has any necessary real property rights, has given the connecting transmission provider written authorization to proceed with construction and has provided security to the connecting transmission provider.

☐ **Independent Power Marketer.** Any Entity that is not a T&D Entity or an Affiliate of a T&D Entity and is registered at the Public Utility Commission of Texas (PUCT) as a Power Marketer to serve in the ERCOT Region.

☐ **Independent REP.** Any Entity that is certified by the PUCT to serve in the ERCOT Region as a Retail Electric Provider (REP) under PURA §39.352 and that is not an Affiliate of a T&D Entity operating in the ERCOT Region.

☐ **Aggregators** may register to participate in this Segment if unable to qualify in any other Segment.

☐ **Investor-Owned Utility.** (i) An investor-held, for-profit “electric utility” as defined in PURA §31.002(6) that (a) operates within the ERCOT Region, (b) owns 345 kV interconnected transmission facilities in the ERCOT Region, (c) owns more than 500 pole miles of transmission facilities in the ERCOT Region, or (d) is an Affiliate of an Entity described in (a), (b) or (c); or (ii) a public utility holding company of any such electric utility.

☐ **Municipal.** An Entity operating in the ERCOT Region that owns or controls transmission or distribution facilities, owns or controls dispatchable generating facilities, or provides retail electric service and is either: (i) a municipally owned utility as defined in PURA §11.003 or (ii) a River Authority as defined in Tex. Water Code §30.003.



5. Identify your designated representative for required notices to ERCOT Members and for participation in meetings of the Corporate Members:

Name: Cyndy Powell  
Title: City Administrator  
Address: 105 S. Cockrell Hill Rd.  
City, State, Zip: Ovilla, TX 75154  
Phone: 972-617-7262  
Fax: 972-515-3221  
Email: cpowell@cityofovilla.org and pwoodall@cityofovilla.org

6. List any other ERCOT Memberships held by the Applicant or any Affiliates (attach extra pages if necessary):

(a) Entity name: \_\_\_\_\_  
Segment: \_\_\_\_\_

(b) Entity name: \_\_\_\_\_  
Segment: \_\_\_\_\_

(c) Entity name: \_\_\_\_\_  
Segment: \_\_\_\_\_

## **B. Membership Agreement**

1. **Membership.** Membership in ERCOT is open to any Entity that meets any of the Segment definitions set forth in the Bylaws. Members must be an organization that either operates in the ERCOT Region or represents consumers within the ERCOT Region. Members may join as a Corporate, Associate or Adjunct Member subject to the criteria set forth in the ERCOT Bylaws. Members must apply for Membership through an authorized officer or agent.

2. **Fees.** Annual Member Services Fees are described in the ERCOT Bylaws and may be changed through the procedure set forth therein. Any change in fees shall automatically become effective as to all ERCOT Members without the necessity of amending this Agreement. All Memberships are year to year and must be renewed annually. Annual Member Services Fee renewals shall be due by the record date for the annual membership meeting. Membership fees may not be prorated. This Agreement shall renew in yearly increments upon ERCOT's receipt of the following (1) Member's Renewal Application and (2) Member's applicable Annual Member Services Fee. Any Member may request that the Member's Annual Member Service Fees be waived for good cause shown.

3. **Application for Membership.** Members will submit the following items in order to apply for Membership: (i) payment of the Annual Member Services Fee and (ii) a signed copy of this Agreement. Upon approval, ERCOT will promptly notify Member Applicant of the same.

4. **Change of Designated Representative.** An ERCOT Member may change its representative at any time by written request (signed by a duly authorized representative of the ERCOT Member) submitted to the ERCOT Legal Department at [membership@ercot.com](mailto:membership@ercot.com).



5. **Suspension and Expulsion.** All ERCOT Members shall abide by the ERCOT Bylaws, as they may be amended from time to time, and any other rule or regulation duly adopted by the Board of Directors. Any ERCOT Member, who willfully violates any provision of this Agreement, the ERCOT Bylaws, or any other rule or regulation duly adopted by the Board of Directors, may be reprimanded, suspended, and/or expelled in accordance with procedures adopted by the Board of Directors or set forth in the ERCOT Bylaws. Such action will affect all persons deriving Membership privileges through such ERCOT Member.

6. **Amendment.** This Agreement may be amended, modified, superseded, canceled, renewed, or extended and the terms and conditions hereof may be waived only by a written instrument executed by both parties hereto or, in the case of a waiver, by the party waiving compliance.

7. **Governing Law.** This Agreement shall be governed by and construed and interpreted in accordance with the laws of the State of Texas that apply to contracts executed in and performed entirely within the State of Texas, without reference to any rules of conflict of laws. Parties consent to the exclusive jurisdiction of Texas.

IN WITNESS WHEREOF, the Member certifies that (i) the Member meets the requirements for ERCOT Membership in the Segment designated herein; (ii) all information provided herein is true and correct to the best of the Member's knowledge; and (iii) through its authorized representative the Member agrees to be bound by the terms of this Agreement, the ERCOT Bylaws and any other requirements duly adopted by the Board of Directors.

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

Printed Name: Richard Dormier

Title: Mayor

Date: 10/14/2014

ERCOT Membership List for 2014 (taken from website)

Small Commercial	Large Commercial
Aransas County Municipal Utility District No. 1	Aquilla Water Supply District
City of Belton	City of Abilene
City of Benbrook	City of Alamo
City of Breckenridge	City of Allen
City of Carrizo Springs	City of Arlington
City of Celina	City of Big Spring
City of Cisco	City of Brownwood
City of Clyde	City of Canton
City of Comanche	City of Carrollton
City of Commerce	City of Cleburne
City of Coppel	City of Corpus Christi
City of Copperas Cove	City of Dallas
City of Corinth	City of Decatur
City of Crockett	City of Denison
City of Crowley	City of Euless
City of Deer Park	City of Farmers Branch
City of DeSoto	City of Forest Hill
City of Dilley	City of Fort Worth
City of Dublin	City of Galveston
City of Early	City of Grand Prairie
City of Eastland	City of Grapevine
City of Frisco	City of Haltom City
City of George West	City of Harlingen
City of Glenn Heights	City of Houston
City of Hamilton	City of Killeen
City of Harker Heights	City of Kingsville
City of Honey Grove	City of La Feria
City of Howe	City of Lewisville
City of Hutto	City of Mansfield
City of Ingleside	City of Mercedes
City of Ingleside on the Bay	City of Mesquite
City of Josephine	City of Mission
City of Justin	City of Missouri City
City of Keller	City of Morgan's Point
City of Kerens	City of North Richland Hills
City of Lake Worth	City of Odessa
City of Little River-Academy	City of Pearland
City of Lorena	City of Port Lavaca
City of Los Fresnos	City of Portland
City of Malakoff	City of Rio Grande City
City of McAllen	City of Robinson
City of Murchison	City of Rockport
City of Murphy	City of Sachse
City of Nassau Bay	City of San Angelo
City of Oak Point	City of Seadrift
City of Ovilla	City of Sherman
City of Paris	City of South Padre Island
City of Piney Point Village	City of Stephenville
City of Point Comfort	City of Sweetwater
City of Pottsboro	City of Taylor Lake Village
City of Ranger	City of Temple
City of River Oaks	City of The Colony
City of Rosenberg	City of Tyler
City of Rotan	City of Vernon
City of San Juan	City of Victoria

<b>Small Commercial</b>	<b>Large Commercial</b>
City of Seagoville City of Snyder City of Spring Valley Village City of Springtown City of Sulphur Springs City of Texas City City of University Park City of Venus City of Webster City of Weston Lakes City of Wharton City of White Settlement City of Whitney City of Woodway City of Wylie Town of Argyle Town of Highland Park Town of Laguna Vista Town of Prosper Town of Sunnyvale Town of Woodsboro	City of Waco City of Watauga City of Waxahachie City of Wichita Falls Johnson County Special Utility District South Texas Water Authority Town of Addison Town of Flower Mound Upper Leon River Municipal Water District



**RESOLUTION NO. 2014-038**

**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 AGREEMENT OF SERVICES, BY AND BETWEEN THE CITY OF OVILLA, TEXAS, AND THE CITY OF WAXAHACHIE, TEXAS, TO PROVIDE ANIMAL CONTROL SERVICES RENDERED ON A MONTHLY BASIS; PROVIDING AN EFFECTIVE DATE.**

**\* \* \* \* \***

**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 an Agreement of Service by and between the City of Ovilla, Texas, and the City of Waxahachie, Texas, to provide animal control services, to commence and end upon agreement of both parties with written notice.

**Section 2.**

The cost of services is outlined in the Agreement.

**Section 3.**

A copy of said Agreement is attached hereto and made a part hereof for all purposes.

***PASSED, APPROVED, AND RESOLVED this 14 day of October 2014.***

\_\_\_\_\_  
Richard Dormier, **MAYOR**

**ATTEST:**

\_\_\_\_\_  
Pamela Woodall, **CITY SECRETARY**



## CITY OF WAXAHACHIE ANIMAL SHELTER



### Agreement of Service

{City of Waxahachie, Texas}

Date: 10/01/2014

{City of Ovilla, Texas}

Below is a price list for animal services the City of Waxahachie Animal Shelter is offering to the City of Ovilla. This list only reflects the cost of services requested by City of Ovilla Officials. If signed, City of Ovilla will receive an invoice for the services rendered on a monthly basis. The invoices are due when received, payable to the City of Waxahachie.

Euthanization of animal	\$ 40.00
Boarding of animal for 72 hours	\$ 41.00
Rabies testing	\$100.00
Rabies Quarantine (10 days)	\$150.00
Animal Disposal	\$ 10.00
City of Waxahachie ACO after hours call out	\$200.00

Additional services have additional costs. It is understood, that any decision to euthanize an animal without a holding time is the choice of the City of Ovilla.

  
Assistant Chief Mitch Bartley  
Waxahachie Police Department

9-29-2014  
Date

\_\_\_\_\_  
Official  
City of Ovilla

\_\_\_\_\_  
Date

**RESOLUTION NO. R2014-039**

**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 ANNUAL INTERLOCAL COOPERATION CONTRACT BETWEEN THE COUNTY OF ELLIS ROAD AND BRIDGE PRECINCT #4 AND THE CITY OF OVILLA, TEXAS, FOR MAINTENANCE, REPAIR AND/OR CONSTRUCTION OF STREETS, ROADS, ALLEYS, BRIDGES AND PARKING AREAS AS WELL AS THE MAINTENANCE AND CONSTRUCTION OF WATERWAYS AND DITCHES EFFECTIVE OCTOBER 1, 2014 THROUGH SEPTEMBER 30, 2015.**

**\* \* \* \* \***

**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 an Interlocal Agreement by and between Ellis County Road and Bridge Precinct #4 and the City of Ovilla, Texas to provide maintenance, repair and/or construction of streets, roads, alleys, bridges and parking areas, as well as the maintenance and construction of waterways and ditches effective October 1, 2014 through September 30, 2015.

**Section 2**

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

**PASSED, APPROVED, AND RESOLVED** this \_\_\_\_ day of \_\_\_\_\_ 2014.

**APPROVED:** \_\_\_\_\_  
Richard Dormier, **MAYOR**

**ATTEST:** \_\_\_\_\_  
Pamela Woodall, **CITY SECRETARY**



**INTERLOCAL COOPERATION CONTRACT**  
**BETWEEN**  
**COUNTY OF ELLIS AND CITY OF OVILLA**

**WHEREAS,** the hereinafter below described government entities desire to increase their efficiency and effectiveness by entering into this contract one with the other; and

**WHEREAS,** such contracts are authorized under Chapter 791 of the Government Code of the State of Texas, said law cited as the Interlocal Cooperation Act of the State of Texas; and

**WHEREAS,** the function or service contracted for and to be provided by this agreement is with the definition of "Governmental function and services" as defined by Section 791.003 of the Government Code; and

**WHEREAS,** the function or service contracted to be provided is a function or service that each party to the contract is authorized to perform individually;

**NOW, THEREFORE,** the parties agree and covenant one with the other as follows:

- A) The County of Ellis (hereinafter COUNTY) shall be the party providing the function or service which shall include the maintenance, repair and / or construction of streets, roads, alleys, bridges, and parking areas, as well as the maintenance and construction of waterways and ditches. The COUNTY shall be further authorized to sell to the CITY goods and services.
- B) The City of Ovilla (hereinafter CITY) shall be the party receiving the function, goods, or service and providing payment for such function, goods and / or services.
- C) CITY, as paying party, acknowledges and certifies, as required by the Interlocal Cooperation Act, that all payments shall be made from current revenues available to CITY.
- D) The term of this agreement shall be from October 1, 2014 to September 30, 2015.

E) Both parties acknowledge and understand, in reference to any project undertaken under this contract involving the construction, improvement, or the repair of a road, building or other facility, the following:

- 1) That prior to beginning said project, a work order in the form similar to Exhibit A attached hereto shall be adopted describing the project to be undertaken and identifying the project's location, and
- 2) That the payment and penalty provisions set out in Section 791.014 (c) and (d) of the Government Code Interlocal Cooperation Act shall apply to this contract.

F) CITY agrees to pay to COUNTY within thirty (30) days of billing by COUNTY for the goods, governmental function, and / or services provided in an amount that fairly compensates COUNTY for service or functions performed by COUNTY under this Contract.

EXECUTED in duplicate this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
COUNTY JUDGE  
ELLIS COUNTY, TEXAS

Attest:

\_\_\_\_\_  
Ellis County Clerk

\_\_\_\_\_  
MAYOR  
City of Ovilla

Attest:

\_\_\_\_\_  
City Secretary



# Ovilla City Council

## AGENDA ITEM REPORT

Item(s): 1

Meeting Date: October 14, 2014

Department: Administration

☒ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: Cyndy Powell, CA

Amount: N/A

Reviewed By: ☒ City Administrator ☒ City Secretary ☒ City Attorney

☐ Accountant ☐ Other: Staff

### Attachments:

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

### Agenda Item / Topic:

ITEM 1. **DISCUSSION/ACTION** – *Consideration* of and action on petition to close Water Street and take action as necessary to direct staff.

### Discussion / Justification:

At the September 22, 2014 Regular Meeting, City Council requested the petitioning property owners present their ideas and plans for the future use of Water Street if the Council were to close and transfer the rights to the abutting landowners.

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

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

Section 47.5 of the City's Code of Ordinances states the Planning and Zoning Commission (P&Z) would hold a public hearing on a proposal to close a public street. The City's attorney recommends the Public Hearing be held at a joint meeting with City Council, and then an Ordinance closing the street be considered by the Council at a future meeting.

The City's construction standards require new parking surfaces be concrete for the Historic District but the City may lay an asphalt parking surface if they choose. If the City owns and maintains the parking lot, consideration would be given to the maintenance costs including striping, resurfacing, and the installation of parking blocks.

Option 1 – close Water Street and engineer parking, obtaining necessary agreements, and maintain utility easement, City constructs parking spaces.

Option 2 – close Water Street and transfer the City's rights to the abutting landowners; the City would retain the utility easement, and the owners could determine use.



Staff seeks direction from Council as to the desire to close Water Street. If so directed, staff will present Council with an Ordinance at a future meeting to close Water Street. Staff would install curb stops and road closed signage upon passage of the Ordinance.

**Recommendation / Staff Comments:**

Staff recommends of Water Street be closed, abandoned and rights transferred to property owners, but the City would continue to retain the utility easement.

**Sample Motion(s):**

*I move that Council . . .*

# *Bill Crouch Real Estate*

INVESTMENTS  
RENTALS

603 Ovilla Oaks Dr.  
Ovilla, TX 75154  
972-617-5506 • 214-534-8183

EQUITIES  
SALES

October 2, 2014

Cyndy Powell  
City of Ovilla  
Ovilla, Tx.

Subject: Closing of Water Street

Cyndy:

Since I am unable to attend this workshop discussion, and not wanting to postpone the meeting until November, I am providing those in attendance my thoughts on this project. As all are aware, this is the third discussion pertaining to the possible closing of Water Street and I believe the adjacent property owners are still requesting its closure.

With the closing of this street, we will have a much safer situation with through traffic and will create more off street parking for vendors and employees. I am agreeing to maintain any portion of Water street that is given back to the property owners. I anticipate adding some greenery along areas that will sustain plants. I can see potential in adding outdoor patio type covers if foot traffic warrants that in the future. As you all know, parking and walking areas are in short supply in downtown Ovilla. I can see and anticipate better things to come in this Historical District of Ovilla by the closing of Water Street.

It is my continued desire and hope that those involved in this decision will agree with our approach in this matter.

Yours truly,



Bill Crouch

cc: Pamela Woodall  
✓ cc: Mayor Richard Dormier

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

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

Signed this day April 30, 2014

John M. Sims 707 Main St. Ovilla TX 75154  
Name Address

Bill Couch 705 W. Main, Ovilla, TX 75154  
Name Address

Hyman G. F. Smith 104 Greenwood, Ovilla, TX 75154  
Name Address





# Ovilla City Council

## AGENDA ITEM REPORT

Item(s): 2

Meeting Date: October 14, 2014

Department: Administration

☒ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: Cyndy Powell, CA

Amount: N/A

Reviewed By: ☒ City Administrator ☒ City Secretary ☐ City Attorney

☐ Accountant ☐ Other: Staff

### Attachments:

1. Applications

### Agenda Item / Topic:

ITEM 2. *DISCUSSION/ACTION* – Consideration of and action on submitted applications for appointments to the Parks Board.

### Discussion / Justification:

Council reinstated the Parks Board Advisory Committee at their July 14, 2014 Council Meeting. Staff At that time staff was directed to begin seeking volunteers to serve in an advisory and voluntary capacity to assist staff with the development of a master parks plan, as called for in Goal Statement 2 of the Strategic Guide.

Council approved a five-member advisory board. One member (Teresa Lindsey) was appointed in July. Three applications are presented this evening for Council's consideration to appoint new members.

### Recommendation / Staff Comments:

### Sample Motion(s):

*I move to approve/deny* the appointment(s) to the Parks Board:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

DATE RECEIVED



This Information is a Public Record  
Public Service opportunities are offered by the City Of Ovilla without regard  
To race, color, national origin, religion, sex or disability.

**CITY OF OVILLA**  
**BOARDS AND COMMISSIONS**  
**INFORMATION STATEMENT AND APPLICATION**

*The City of Ovilla desires qualified, interested citizens to serve on city boards and/or commissions. We appreciate your interest in Ovilla's current needs and future. If you believe you meet the requirements and have the allowed time to serve on a board or commission, please complete the following.*

**Board and commission members must meet the required qualifications listed below:**

- ❖ Be a resident of the city for at least 6 months prior to date of appointment;
- ❖ Be a qualified voter at the time of the appointment;
- ❖ Have no criminal record that is considered by the City Council to be so serious that it serves as a disqualification (i.e. felony conviction);
- ❖ Not be an adversary party to pending litigation or claim against the city (except for eminent domain proceedings);
- ❖ Not to be an employee or a business associate of either an adversary party or a representative of an adversary party;
- ❖ Not in arrears on city taxes, water service charges or other obligations owed to the city; and
- ❖ Have a creditable record of attendance and performance in any previous board service.

If you are interested in applying for more than one position, please indicate your top three choices in order of your preference by placing a number in the space to the left of the board/commission/committee for which you are applying (#1 being your 1<sup>st</sup> choice, #3 being your last choice)

**BOARDS AND COMMISSIONS**

- 1 ☒ Planning and Zoning Commission
- 2 ☐ Board of Adjustment
- 3 ☐ Economic Development Corporation
- 4 ☐ Municipal Development District
- 5 ☐ Capital Improvement Projects
- 6 ☐ Park Development & Improvement

**MEETING INFORMATION**

- 1<sup>ST</sup> Monday of each month – 7:00 PM
- 3<sup>rd</sup> Monday of each month – 7:00 PM
- Every 3<sup>rd</sup> Monday or as necessary – 6:00 PM
- As necessary
- As necessary
- As necessary

NAME Ozzie Molina

HOME ADDRESS 224 Lariat Tr  
Ovilla TX 75754

HOW LONG HAVE YOU LIVED IN OVILLA? 17yr EMAIL \_\_\_\_\_

HOME TELEPHONE \_\_\_\_\_ BUSINESS TELEPHONE Retired

PROFESSION retired sales

INTERESTS Volunteerism, Community involvement



1.) DO YOU HAVE EXPERIENCE THAT WOULD QUALIFY YOU FOR SERVING ON A PARTICULAR COMMITTEE?

can read blueprints (worked for TI)  
owner of a business (restaurant) in past

2.) HAVE YOU SERVED AS A MEMBER OF ANY MUNICIPAL BOARD OR COMMISSION IN OVILLA?

no

3.) HAVE YOU SERVED AS A MEMBER OF ANY MUNICIPAL BOARD OR COMMISSION FOR ANOTHER MUNICIPALITY?

If yes to one or both, please list the municipality, committee and dates served:

no

4.) PLEASE LIST ANY CIVIC OR COMMUNITY ACTIVITIES IN WHICH YOU MAY HAVE PARTICIPATED.

- ❖ volunteer for Friends of Tri City Animal Shelter
- ❖ volunteer for Ellis County A+M Club
- ❖ \_\_\_\_\_

5.) DO YOU HAVE ANY RELATIVES THAT ARE CITY EMPLOYEES, MEMBER OF THE CITY COUNCIL OR SERVE ON ANY BOARD? (YES OR NO) If yes, please list:

6.) WHAT IS YOUR CURRENT PLACE OF EMPLOYMENT OR BUSINESS AFFILIATION? (Please indicate if you are self-employed, home-maker, retired) retired

**STATEMENT OF INTENT:** If appointed, I agree to serve on the Board/Commission for which I have applied.

Ozzie Molina  
SIGNATURE

7/28/14  
DATE

Ozzie Molina  
PRINTED NAME OF APPLICANT

\*\*\*\*\*



CITY OF OVILLA OFFICIAL USE ONLY

DATE APPOINTED \_\_\_\_\_ COMMITTEE APPOINTED TO \_\_\_\_\_

RETURN TO CITY HALL,  
105 SOUTH COCKRELL HILL ROAD,  
OVILLA, TX 75154  
972-617-7262

ATTENTION: Pamela Woodall





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**CITY OF OVILLA  
BOARDS AND COMMISSIONS  
INFORMATION STATEMENT AND APPLICATION**

*The City of Ovilla desires qualified, interested citizens to serve on city boards and/or commissions. We appreciate your interest in Ovilla's current needs and future. If you believe you meet the requirements and have the allowed time to serve on a board or commission, please complete the following.*

**Board and commission members must meet the required qualifications listed below:**

- ✓ Be a resident of the city for at least 6 months prior to date of appointment;
- ✓ Be a qualified voter at the time of the appointment;
- ✓ Have no criminal record that is considered by the City Council to be so serious that it serves as a disqualification (i.e. felony conviction);
- ✓ Not be an adversary party to pending litigation or claim against the city (except for eminent domain proceedings);
- ✓ Not to be an employee or a business associate of either an adversary party or a representative of an adversary party;
- ✓ Not in arrears on city taxes, water service charges or other obligations owed to the city; and
- ✓ Have a creditable record of attendance and performance in any previous board service.

If you are interested in applying for more than one position, please indicate your top three choices in order of your preference by placing a number in the space to the left of the board/commission/committee for which you are applying (#1 being your 1<sup>st</sup> choice, #3 being your last choice)

**BOARDS, COMMISSIONS, COMMITTEES**

**MEETING INFORMATION**

<input type="checkbox"/> Planning and Zoning Commission	1 <sup>st</sup> Monday of each month or as necessary – 7:00 PM
<input type="checkbox"/> Board of Adjustment	3 <sup>rd</sup> Monday of each month or as necessary – 7:00 PM
<input type="checkbox"/> Economic Development Corporation	3 <sup>rd</sup> Monday of each month or as necessary – 6:00 PM
<input type="checkbox"/> Municipal Development District	As necessary
<input type="checkbox"/> Municipal Services Advisory Committee	As necessary
<input type="checkbox"/> Park Development & Improvement	As necessary

NAME

BRIAN TREADAWAY

HOME ADDRESS

303 WILLOWWOOD

HOW LONG HAVE YOU LIVED IN OVILLA? 15 years EMAIL \_\_\_\_\_

HOME TELEPHONE \_\_\_\_\_

BUSINESS TELEPHONE \_\_\_\_\_

PROFESSION

PASTOR

INTERESTS

Graphic design, time with family, grilling & BBQ,  
teaching, counseling, event planning

1.) DO YOU HAVE EXPERIENCE THAT WOULD QUALIFY YOU FOR SERVING ON A PARTICULAR COMMITTEE?

PUBLIC SPEAKING, ART DEGREE, EVENT PLANNING

2.) HAVE YOU SERVED AS A MEMBER OF ANY MUNICIPAL BOARD OR COMMISSION IN OVILLA?

NO.

3.) HAVE YOU SERVED AS A MEMBER OF ANY MUNICIPAL BOARD OR COMMISSION FOR ANOTHER MUNICIPALITY? NO.

If yes to one or both, please list the municipality, committee and dates served:

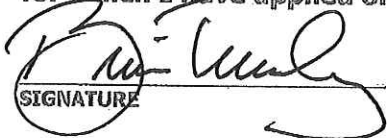

4.) PLEASE LIST ANY CIVIC OR COMMUNITY ACTIVITIES IN WHICH YOU MAY HAVE PARTICIPATED.

- ❖ National Day of Prayer
- ❖ Ovilla Heritage Day
- ❖

5.) DO YOU HAVE ANY RELATIVES THAT ARE CITY EMPLOYEES, MEMBER OF THE CITY COUNCIL OR SERVE ON ANY BOARD? (YES OR NO) If yes, please list:  
NO.

6.) WHAT IS YOUR CURRENT PLACE OF EMPLOYMENT OR BUSINESS AFFILIATION? (Please indicate if you are self-employed, home-maker, retired) PASTOR AT ENCOUNTER CHURCH

STATEMENT OF INTENT: If appointed, I agree to serve on the Board/Commission for which I have applied or to the Board/Commission to which I am needed.

  
SIGNATURE

10-8-14  
DATE

BRIAN TREADAWAY  
PRINTED NAME OF APPLICANT



CITY OF OVILLA OFFICIAL USE ONLY

DATE APPOINTED \_\_\_\_\_ COMMITTEE APPOINTED TO \_\_\_\_\_

RETURN TO CITY HALL,  
105 SOUTH COCKRELL HILL ROAD,  
OVILLA, TX 75154  
972-617-7262

ATTENTION: Pamela Woodall



DATE RECEIVED: 9/22/14



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**CITY OF OVILLA**  
**BOARDS AND COMMISSIONS**  
**INFORMATION STATEMENT AND APPLICATION**

*The City of Ovilla desires qualified, interested citizens to serve on city boards and/or commissions. We appreciate your interest in Ovilla's current needs and future. If you believe you meet the requirements and have the allowed time to serve on a board or commission, please complete the following.*

**Board and commission members must meet the required qualifications listed below:**

- ❖ Be a resident of the city for at least 6 months prior to date of appointment;
- ❖ Be a qualified voter at the time of the appointment;
- ❖ Have no criminal record that is considered by the City Council to be so serious that it serves as a disqualification (i.e. felony conviction);
- ❖ Not be an adversary party to pending litigation or claim against the city (except for eminent domain proceedings);
- ❖ Not to be an employee or a business associate of either an adversary party or a representative of an adversary party;
- ❖ Not in arrears on city taxes, water service charges or other obligations owed to the city; and
- ❖ Have a creditable record of attendance and performance in any previous board service.

If you are interested in applying for more than one position, please indicate your top three choices in order of your preference by placing a number in the space to the left of the board/commission/committee for which you are applying (#1 being your 1<sup>st</sup> choice, #3 being your last choice)

**BOARDS AND COMMISSIONS**

- ☐ Planning and Zoning Commission
- ☐ Board of Adjustment
- ☐ Economic Development Corporation
- ☒ Municipal Development District
- ☐ Capital Improvement Projects
- ☒ Park Development & Improvement

**MEETING INFORMATION**

- 1<sup>ST</sup> Monday of each month – 7:00 PM
- 3<sup>rd</sup> Monday of each month – 7:00 PM
- Every 3<sup>rd</sup> Monday or as necessary – 6:00 PM
- As necessary
- As necessary
- As necessary

NAME

MONNA VORDY

HOME ADDRESS

103 Copperfield Court

HOW LONG HAVE YOU LIVED IN OVILLA? 24 yrs

EMAIL

HOME TELEPHONE

cell BUSINESS TELEPHONE

PROFESSION

INT'L HR & Relocation

INTERESTS



1.) DO YOU HAVE EXPERIENCE THAT WOULD QUALIFY YOU FOR SERVING ON A PARTICULAR COMMITTEE?

No

2.) HAVE YOU SERVED AS A MEMBER OF ANY MUNICIPAL BOARD OR COMMISSION IN OVILLA?

No

3.) HAVE YOU SERVED AS A MEMBER OF ANY MUNICIPAL BOARD OR COMMISSION FOR ANOTHER MUNICIPALITY?

If yes to one or both, please list the municipality, committee and dates served:

No

4.) PLEASE LIST ANY CIVIC OR COMMUNITY ACTIVITIES IN WHICH YOU MAY HAVE PARTICIPATED.

- ❖ ovilla Historical - years ago!
- ❖ PTA
- ❖ \_\_\_\_\_

5.) DO YOU HAVE ANY RELATIVES THAT ARE CITY EMPLOYEES, MEMBER OF THE CITY COUNCIL OR SERVE ON ANY BOARD? (YES OR NO) If yes, please list:

MIKE YORDY - P.E. 2

6.) WHAT IS YOUR CURRENT PLACE OF EMPLOYMENT OR BUSINESS AFFILIATION? (Please indicate if you are self-employed, home-maker, retired)

Xerox Relocation & Assignment Services

STATEMENT OF INTENT: If appointed, I agree to serve on the Board/Commission for which I have applied.

Monna Yordy  
SIGNATURE

22 Sept 2014  
DATE

Monna Yordy  
PRINTED NAME OF APPLICANT



CITY OF OVILLA OFFICIAL USE ONLY

DATE APPOINTED \_\_\_\_\_ COMMITTEE APPOINTED TO \_\_\_\_\_

RETURN TO CITY HALL,  
105 SOUTH COCKRELL HILL ROAD,  
OVILLA, TX 75154  
972-617-7262

ATTENTION: Pamela Woodall



# Villa City Council

## AGENDA ITEM REPORT

Item(s): 3

Meeting Date: October 14, 2014

Department: Administration

☒ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: Cyndy Powell, CA

Amount: N/A

Reviewed By: ☒ City Administrator ☒ City Secretary ☐ City Attorney

☐ Accountant ☐ Other: Staff

### Attachments:

1. Application from Scott Surplus

### Agenda Item / Topic:

ITEM 3. **DISCUSSION/ACTION** – *Consideration* of and action on submitted application for appointment to the Municipal Services Advisory Committee.

### Discussion / Justification:

At the July 28, 2014 Regular Meeting, City Council established the Municipal Services Advisory Committee (MSAC) to address Goal 3 of the Strategic Guide 2013-2018 adopted in March 2014 to address the action steps including assessing the 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.

MSAC will be comprised of a board of three (3) regular members, who are residents and appointed by the City Council, and two (2) ex-officio members consisting to the City Administrator and the Director of Public Works; the term for regular members of the Committee shall be two (2) years; the Committee shall serve strictly in an advisory capacity to the City Council and shall recommend a Capital Improvements Plan for the Strategic Guide to the City Council as described in Resolution R2014-027 establishing the Committee.

### Recommendation / Staff Comments:

Staff recommends appointment of Mr. Surplus to the Municipal Services Advisory Committee.

### Sample Motion(s):

*I move to approve/deny* the appointment to the Municipal Services Advisory Committee (MSAC) :

1. \_\_\_\_\_



DATE RECEIVED



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To race, color, national origin, religion, sex or disability.

JUN 30 2014

**CITY OF OVILLA**  
**BOARDS AND COMMISSIONS**  
**INFORMATION STATEMENT AND APPLICATION**

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**Board and commission members must meet the required qualifications listed below:**

- ✓ Be a resident of the city for at least 6 months prior to date of appointment;
- ✓ Be a qualified voter at the time of the appointment;
- ✓ Have no criminal record that is considered by the City Council to be so serious that it serves as a disqualification (i.e. felony conviction);
- ✓ Not be an adversary party to pending litigation or claim against the city (except for eminent domain proceedings);
- ✓ Not to be an employee or a business associate of either an adversary party or a representative of an adversary party;
- ✓ Not in arrears on city taxes, water service charges or other obligations owed to the city; and
- ✓ Have a creditable record of attendance and performance in any previous board service.

If you are interested in applying for more than one position, please indicate your top three choices in order of your preference by placing a number in the space to the left of the board/commission/committee for which you are applying (#1 being your 1<sup>st</sup> choice, #3 being your last choice)

## BOARDS, COMMISSIONS, COMMITTEES

## MEETING INFORMATION

- |   |  |
|---|--|
| <u>1</u> Planning and Zoning Commission   | 1 <sup>ST</sup> Monday of each month or as necessary – 7:00 PM |
| Board of Adjustment                       | 3 <sup>rd</sup> Monday of each month or as necessary – 7:00 PM |
| <u>2</u> Economic Development Corporation | 3 <sup>rd</sup> Monday of each month or as necessary – 6:00 PM |
| Municipal Development District            | As necessary   |
| <u>3</u> Capital Improvement Projects     | As necessary   |
| Park Development & Improvement            | As necessary   |

NAME SCOTT SURPLUS

HOME ADDRESS 102 RIMROCK CT  
OVILLA, TX 75154

HOW LONG HAVE YOU LIVED IN OVILLA? 22 years EMAIL \_\_\_\_\_

HOME TELEPHONE 972-617-7159 BUSINESS TELEPHONE

PROFESSION RETIRED - WAS FINANCIAL VICE PRESIDENT OF

INTERESTS TRAVEL, GOLF, INVESTING, CHURCH



1.) DO YOU HAVE EXPERIENCE THAT WOULD QUALIFY YOU FOR SERVING ON A PARTICULAR COMMITTEE?

SERVED OR PARTICIPATED IN MANY COMMITTEES / BOARD MEETINGS IN CORPORATE WORLD AND CHURCH

2.) HAVE YOU SERVED AS A MEMBER OF ANY MUNICIPAL BOARD OR COMMISSION IN OVILLA?

NO

3.) HAVE YOU SERVED AS A MEMBER OF ANY MUNICIPAL BOARD OR COMMISSION FOR ANOTHER MUNICIPALITY?

If yes to one or both, please list the municipality, committee and dates served:

NO

4.) PLEASE LIST ANY CIVIC OR COMMUNITY ACTIVITIES IN WHICH YOU MAY HAVE PARTICIPATED.

- ❖ CHURCH ACTIVITIES
- ❖ BIG BROTHER PROGRAM
- ❖ \_\_\_\_\_

5.) DO YOU HAVE ANY RELATIVES THAT ARE CITY EMPLOYEES, MEMBER OF THE CITY COUNCIL OR SERVE ON ANY BOARD? (YES OR NO) If yes, please list:

6.) WHAT IS YOUR CURRENT PLACE OF EMPLOYMENT OR BUSINESS AFFILIATION? (Please indicate if you are self-employed, home-maker, retired) RETIRED

STATEMENT OF INTENT: If appointed, I agree to serve on the Board/Commission for which I have applied or to the Board/Commission to which I am needed.

Scott C Surplus

SIGNATURE

DATE

6/30/14

SCOTT C SURPLUS

PRINTED NAME OF APPLICANT



CITY OF OVILLA OFFICIAL USE ONLY

DATE APPOINTED \_\_\_\_\_ COMMITTEE APPOINTED TO \_\_\_\_\_

RETURN TO CITY HALL,  
105 SOUTH COCKRELL HILL ROAD,  
OVILLA, TX 75154  
972-617-7262

ATTENTION: Pamela Woodall



# Ovilla City Council

## AGENDA ITEM REPORT

Item(s): 4

Meeting Date: October 14, 2014

Department: Administration

☒ Discussion ☒ Action

Budgeted Expense: ☐ YES ☐ NO ☒ N/A

Submitted By: Cyndy Powell, CA

Amount: N/A

Reviewed By: ☒ City Administrator ☒ City Secretary ☒ City Attorney

☐ Accountant ☐ Other: Staff

### Attachments:

1. Ordinance 2014-033

### Agenda Item / Topic:

**ITEM 4.** *DISCUSSION/ACTION – Consideration of and action on Ordinance 2014-033 amending Chapter 1, Article 1.05, Division 3, Section 1.05.071(a) and (b) of the Ovilla Code of Ordinances, providing revisions to the authorization of expenditures by the city secretary and department heads; providing procedures for purchases in excess of \$3,000 but less than \$25,000; providing a savings clause; providing a severance clause; providing for incorporation into the Ovilla Code of Ordinances; providing for immediate effect; and providing for publication.*

### Discussion / Justification:

At the direction of Council at the August 11, 2014 meeting, staff has researched the past years purchases of \$3,000.00 and less and recommends the purchasing authority be increased from \$500.00 to \$3,000.00 for cumulative purchases. An Ordinance revising the City's purchasing policies to increase the purchasing authority from \$500.00 to \$3,000.00 is provided for consideration. Although written quotes are not required, it is suggested that the department contact at least two (2) vendors if available and purchase the item from the vendor that provides the best value for the city for the price quoted.

Purchases greater than \$3,000.00 and up to \$25,000.00 will require three (3) written quotes, with at least two quotes from Historically Underutilized Businesses (HUB's), if available. If three quotes are not obtained, a reason must be listed on the purchase order explaining why.

Council maintains the discretion to invite competitive bids under the competitive bidding procedures set forth in Chapter 252 of the Texas Local Government Code for the purchase of all goods and services with costs of \$25,000.00 to \$50,000.00, save and except for the purchase of goods or services available from Buy Board, or through Texas Department of Information Resources (DIR) contracts, or purchases exempt from LGC.

### Recommendation / Staff Comments:

Staff recommends approval of Ordinance 2014-033 amending the purchasing policy.

### Sample Motion(s):

*I move to approve/deny Ordinance 2014-033 amending Chapter 1, Article 1.05, Division 3, Section 1.05.071(a) and (b) of the Ovilla Code of Ordinances, providing revisions to the authorization of expenditures by the city secretary and department heads; providing procedures for purchases in excess of \$3,000 but less than \$25,000; 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.*



**ORDINANCE NO. 2014-033**

**AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, AMENDING CHAPTER 1, ARTICLE 1.05, DIVISION 3, SECTION 1.05.071(a) and (b) OF THE OVILLA CODE OF ORDINANCES, PROVIDING REVISIONS TO THE AUTHORIZATION OF EXPENDITURES BY THE CITY SECRETARY AND DEPARTMENT HEADS; PROVIDING PROCEDURES FOR PURCHASES IN EXCESS OF \$3,000 BUT LESS THAN \$25,000; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERANCE CLAUSE; PROVIDING FOR INCORPORATION INTO THE OVILLA CODE OF ORDINANCES; PROVIDING FOR IMMEDIATE EFFECT; AND PROVIDING FOR PUBLICATION.**

**WHEREAS**, Chapter 1, Article 1.05, Division 3, Section 1.05.071(a) of the Code of Ordinances of the City of Ovilla, Texas, currently provides that the city secretary and all department heads have authority and responsibility to make purchases of supplies, apparatus, equipment, materials, services and other things requisite for public purposes and for the benefit of the City up to the amount of \$500.00; and

**WHEREAS**, At the direction of City Council, city staff has researched past years' purchases of \$3,000.00 and less and has recommended to the City Council that the purchasing authority of the city secretary and all department heads be raised from \$500 to \$3,000; and

**WHEREAS**, city staff has further recommend to council that goods and services up to \$3,000.00 be purchased based on written quotes from at least two (2) vendors, if available, and that purchases be made based on the quote representing the best overall value and benefit for the city; and

**WHEREAS**, the City Council finds and determines that the recommendations of city staff are in the best interest of the health, safety and general welfare of the citizens of the City of Ovilla; and

**WHEREAS**, the City Council further finds and determines that it is in the best interest of the citizens of the City of Ovilla that all purchases in excess of \$3,000.00 but less than \$25,000.00, shall require three (3) written quotes, with at least two quotes from historically underutilized businesses ("HUBs") if available, that purchases should be made on the quote representing the best overall value and benefit for the City, and that if three written quotes cannot be obtained, the reason should be explained and listed on the purchase order.

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

**SECTION 1. AMENDMENT OF CHAPTER 1, ARTICLE 1.05, DIVISION 3, SECTION 1.05.071(a) OF THE OVILLA CODE OF ORDINANCES**

Chapter 1, Article 1.05, Division 3, Section 1.05.071(a) of the Code of Ordinances of the City of Ovilla, Texas is hereby amended to read as follows:

- (a) The city secretary and all department heads shall have authority and responsibility to make purchases of all supplies, apparatus, equipment, materials and other things requisite for public purposes for the City and to make all necessary contracts for work or labor to be done, material or other necessary things to be furnished for the benefit of the city where the amount of the expenditure for any purpose or contract does not exceed the sum of three thousand dollars (\$3,000.00) as adopted in the policy and procedure guide to purchasing.



## **ORDINANCE NO. 2014-033**

All goods and services purchased under this subsection shall be based upon written quotes from at least two (2) vendors, if available, and shall be made based on the quote representing the best overall value and benefit for the city.

### **SECTION 2. AMENDMENT OF CHAPTER 1, ARTICLE 1.05, DIVISION 3, SECTION 1.05.071(b) OF THE OVILLA CODE OF ORDINANCES**

Chapter 1, Article 1.05, Division 3, Section 1.05.071(b) of the Code of Ordinances of the City of Ovilla, Texas, is hereby amended to read as follows:

(b) The city administrator shall have authority and responsibility to make purchases of all supplies, apparatus, equipment, materials, and other things requisite for public purposes for the city and to make all necessary contracts for work or labor to be done, material or other necessary things to be furnished for the benefit of the city where the amount of the expenditure for any purpose or contract does not exceed the sum of twenty-five thousand dollars (\$25,000.00) as adopted in the policy and procedure guide to purchasing. All goods and services purchased under this subsection shall require three (3) written quotes, with at least two quotes from historically underutilized businesses ("HUBs") if available, and the purchases shall be made on the quote representing the best overall value and benefit for the City. If three written quotes cannot be obtained, the reason shall be explained and listed on the purchase order

### **SECTION 3. SAVINGS CLAUSE**

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

### **SECTION 4. SEVERANCE CLAUSE**

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

### **SECTION 5. INCORPORATION INTO THE CODE OF ORDINANCES**

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

### **SECTION 6. EFFECTIVE DATE**

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

### **SECTION 7. PUBLICATION**

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

**ORDINANCE NO. 2014-033**

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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