

City of OVILLA City Council Agenda

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

Tom Leverentz, Mayor

Doug Hunt, Place Four
Richard Dormier, Mayor Pro-Tem/Place Five
Jacqueline Lee, Interim City Administrator

105 S. Cockrell Hill Road, Ovilla, TX 75154

Monday, April 08, 2013

7:00 P.M.

Council Chamber Room

Pursuant to the provisions of Chapter 551 VTCA Government Code, NOTICE is hereby given of a Regular Meeting of the City Council of the City of Ovilla, to be held on Monday, April 08, 2013 at 7:00 P.M. in the City Hall Council Chamber Room, 105 S. Cockrell Hill Road, Ovilla, Texas, 75154, for the purpose of considering the following items.

I. CALL TO ORDER

- ◆ Invocation
- ◆ Pledge of Allegiance

II. COMMENTS, PRESENTATIONS, ANNOUNCEMENTS & REPORTS

• Citizen Comments

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

• Department Activity Reports / Discussion

- Police Department Police Chief M. Moon
 - Monthly Report
- Fire Department Assistant Fire Chief P. Brancato
 - Monthly Report
 - Maps and Cad
- Public Works Public Works Director B. Piland
 - Monthly Report
 - Bryson Manor Development
- Finance Department City Accountant S. Jungman
 - Monthly Municipal Court Report
 - Heritage Day Report
- Administration Interim CA J. Lee
 - Research grant opportunities for city operations
 - Bi-weekly update
 - Monthly Reports – Code Enforcement/Animal Control, Mike Dooly
 - Updates:
 - Residential off-street parking
 - Fences/maintenance of fences
 - Hay baling

III. CONSENT AGENDA

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

- Financial Transactions

City of *OVILLA* City Council Agenda

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

Tom Leverentz, Mayor

Doug Hunt, Place Four
Richard Dormier, Mayor Pro-Tem/Place Five
Jacqueline Lee, Interim City Administrator

PUBLIC HEARING

Public Hearing & Discussion – Discuss and consider the proposed zoning changes:

Case No. PZ13-002. A request for a **Specific Use Permit** filed by Ms Karen Pickard (owner) and Bobby Hopkins (applicant) to open and operate a restaurant, “Smokin Hot” located in the Historic District, **705 W. Main Street, Ovilla, Texas.**

Case No. PZ13-003. A request by The City of Ovilla, for **change in zoning** from CG (General Commercial) to I (Industrial) on 19.348 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 196, Dallas County, Texas and more commonly known as **1906 Bear Creek, Ovilla, Texas.**

Case No. PZ13-004. A request by The City of Ovilla, for **change in zoning** from RE (Residential - 1 Acre) to I (Industrial) on 0.881 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 196, Dallas County, Texas and more commonly known as **1902 Bear Creek, Ovilla, Texas.**

Case No. PZ13-005. A request by The City of Ovilla, for **change in zoning** from RE (Residential - 1 Acre) to I (Industrial) on 0.1190 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 196, Dallas County, Texas and more commonly known as **1908 Bear Creek, Ovilla, Texas.**

Case No. PZ13-006. A request by The City of Ovilla, for **change in zoning** from RE (Residential - 1 Acre) to MF (Multifamily Residential) on 3.90 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 195, Dallas County, Texas and more commonly known as **1900 Bear Creek, Ovilla, Texas.**

Case No. PZ13-007. A request by The City of Ovilla, for **change in zoning** from RE (Residential - 1 Acre) to MF (Multifamily Residential) on 5.0236 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 195, Dallas County, Texas and more commonly known as **1800 Bear Creek, Ovilla, Texas.**

Case No. PZ13-008. A request by The City of Ovilla, for **change in zoning** from RE (Residential - 1 Acre) to MF (Multifamily Residential) on 9.62 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 195, Dallas County, Texas and more commonly known as **1910 Bear Creek, Ovilla, Texas.**

Case No. PZ13-009. A request by The City of Ovilla, for **change in zoning** from RE (Residential - 1 Acre) to MF (Multifamily Residential) on 6.19 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 195, Dallas County, Texas and more commonly known as **2000 Bear Creek, Ovilla, Texas.**

IV. REGULAR AGENDA

ITEM 1. DISCUSSION/ACTION – Case No. PZ13-002. Consider recommendation from the Planning & Zoning Commission to approve a **Specific Use Permit** to open and operate a restaurant, “Smokin Hot” located in the Historic District, **705 W. Main Street, Ovilla, Texas**, requested by Ms Karen Pickard (owner) and Mr. Bobby Hopkins, applicant.

ITEM 2. DISCUSSION/ACTION – Case No. PZ13-003. Consider recommendation from the Planning & Zoning Commission for a **change in zoning** from CG (General Commercial) to I (Industrial) on 19.348 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 196, Dallas County, Texas and more commonly known as **1906 Bear Creek, Ovilla, Texas.**

City of *OVILLA* City Council Agenda

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

Tom Leverentz, Mayor

Doug Hunt, Place Four
Richard Dormier, Mayor Pro-Tem/Place Five
Jacqueline Lee, Interim City Administrator

- ITEM 3.** **DISCUSSION/ACTION – Case No. PZI3-004.** Consider recommendation from the Planning & Zoning Commission for a **change in zoning** from RE (Residential - 1 Acre) to I (Industrial) on 0.881 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 196, Dallas County, Texas and more commonly known as **1902 Bear Creek, Ovilla, Texas.**
- ITEM 4.** **DISCUSSION/ACTION – Case No. PZI3-005.** Consider recommendation from the Planning & Zoning Commission for a **change in zoning** from RE (Residential - 1 Acre) to I (Industrial) on 0.1190 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 196, Dallas County, Texas and more commonly known as **1908 Bear Creek, Ovilla, Texas.**
- ITEM 5.** **DISCUSSION/ACTION – Case No. PZI3-006.** Consider recommendation from the Planning & Zoning Commission for a **change in zoning** from RE (Residential - 1 Acre) to MF (Multifamily Residential) on 3.90 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 195, Dallas County, Texas and more commonly known as **1900 Bear Creek, Ovilla, Texas.**
- ITEM 6.** **DISCUSSION/ACTION – Case No. PZI3-007.** Consider recommendation from the Planning & Zoning Commission for a **change in zoning** from RE (Residential - 1 Acre) to MF (Multifamily Residential) on 5.0236 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 195, Dallas County, Texas and more commonly known as **1800 Bear Creek, Ovilla, Texas.**
- ITEM 7.** **DISCUSSION/ACTION – Case No. PZI3-008.** Consider recommendation from the Planning & Zoning Commission for a **change in zoning** from RE (Residential - 1 Acre) to MF (Multifamily Residential) on 9.62 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 195, Dallas County, Texas and more commonly known as **1910 Bear Creek, Ovilla, Texas.**
- ITEM 8.** **DISCUSSION/ACTION – Case No. PZI3-009.** Consider recommendation from the Planning & Zoning Commission for a **change in zoning** from RE (Residential - 1 Acre) to MF (Multifamily Residential) on 6.19 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 195, Dallas County, Texas and more commonly known as **2000 Bear Creek, Ovilla, Texas.**
- ITEM 9.** **DISCUSSION/ACTION –** Consider staff's response and effective revision(s) from suggestions contained in the management letter of Yeldell, Wilson and Co. P.C., received from the 2010-11 Fiscal Year Audit.
- ITEM 10.** **DISCUSSION/ACTION –** Consider staff's response and effective revision(s) from suggestions contained in the management letter of Yeldell, Wilson and Co. P.C., received from the 2011-12 Fiscal Year Audit.
- ITEM 11.** **DISCUSSION –** Review and consider revisions to Section 6.04.001 Weeds and Grass, Ovilla Code of Ordinances.
- ITEM 12.** **DISCUSSION/ACTION –** Discuss and review options for land purchase at 713 W. Main Street.

City of OVILLA City Council Agenda

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

Tom Leverentz, Mayor

Doug Hunt, Place Four
Richard Dormier, Mayor Pro-Tem/Place Five
Jacqueline Lee, Interim City Administrator

- ITEM 13. **DISCUSSION/ACTION** – Update City Council on research of the 125 Flex-Plan.
- ITEM 14. **DISCUSSION/ACTION** – Deliberate the appointment employment, and/or duties of the Interim City Administrator and/or permanent City Administrator.

V. EXECUTIVE SESSION

Closed Meeting called pursuant to Texas Government Code § 551.072 – Real Property

- ITEM 12. **DISCUSSION/ACTION** – Discuss and review options for land purchase at 713 W. Main Street.

Closed Meeting called pursuant to Texas Government Code § 551.074 - Personnel Matters.

- ITEM 13. **DISCUSSION/ACTION** – Update City Council on research of 125 Flex Plan.
- ITEM 14. **DISCUSSION/ACTION** – Deliberate the appointment employment, and/or duties of the Interim City Administrator and/or permanent City Administrator.

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

VI. ADJOURNMENT

THIS IS TO CERTIFY THAT A COPY OF THE NOTICE OF the April 8, 2013, Regular City Council Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, www.cityofovilla.org, on the 5th day of April 2013 prior to 6:00 p.m., in compliance with Chapter 551, Texas Government Code.



Pamela Woodall, City Secretary

DATE OF POSTING: 4.5.13 TIME: 11:30 am/pm
DATE TAKEN DOWN: _____ TIME: _____ am/pm

IF YOU OR YOUR REPRESENTATIVE HAVE A DISABILITY THAT REQUIRES SPECIAL ARRANGEMENTS AND YOU PLAN TO ATTEND THIS PUBLIC MEETING, PLEASE CALL THE CITY SECRETARY AT 972-617-7262 WITHIN 24 HOURS OF THE MEETING. REASONABLE ACCOMMODATIONS WILL BE MADE TO MEET YOUR NEEDS AT THE MEETING. PLEASE SILENCE ALL PAGERS, CELL PHONES & OTHER ELECTRONIC EQUIPMENT WHILE THE CITY COUNCIL MEETING IS IN SESSION.

OVILLA POLICE DEPARTMENT

105 S Cockrell Hill Rd

Ovilla, TX 75154

(972) 617-7262

Mayor Tom Leverentz
and the Ovilla City Council

Subject: Police Department Monthly Activity Report:

| | |
|---------------|------------|
| Mar-13 | YTD |
|---------------|------------|

| <u>Calls For Service</u> | <u>Total</u> | <u>Total</u> |
|--|--------------|--------------|
| ACCIDENT | 4 | 8 |
| ALARMS | 10 | 43 |
| ARREST | 0 | 8 |
| ASSAULT | 0 | 0 |
| ASSISTS: Agency/Unit: 14 EMS/Fire: 4 Motorist: 3 | 21 | 76 |
| BLDG / HOUSE SECURITY CHECK | 1095 | 3924 |
| BURGLARY | 0 | 0 |
| BURGLARY OF MOTOR VEHICLE | 0 | 0 |
| CRIMINAL MISCHIEF | 1 | 3 |
| DISTURBANCE | 0 | 7 |
| NEIGHBORHOOD CHECK | 1471 | 5271 |
| OTHER CALLS FOR SERVICE | 129 | 413 |
| SUSPICIOUS PERSON | 4 | 17 |
| SUSPICIOUS VEHICLE | 15 | 28 |
| THEFT | 0 | 2 |
| TRAFFIC ASSIGNMENT | 5 | 85 |
| TOTAL CALLS FOR SERVICE | 2755 | 9885 |
| RESERVE OFFICER HOURS | 74.5 | 179 |
| AVERAGE RESPONSE TIME (MINUTES) | 4.5 | 3.95 |
| TRAFFIC STOP (WARNINGS) | 24 | 105 |
| CITATIONS | 18 | 96 |
| TOTAL CITATIONS & WARNINGS COMBINED | 42 | 201 |
| PERCENT OF STOPS RECEIVING CITATIONS | 42.9 | 47.8 |

OVILLA PD VEHICLE MILEAGE

| August-12 | | | | | | September-12 | | | |
|--------------------|-----------|--------|---------|--------|-----------|---------------------|---------|--------|-----------|
| Unit # | Beginning | Ending | Accrued | Unit # | Beginning | Ending | Accrued | Unit # | Beginning |
| 100 | 54543 | 55408 | 865 | 100 | 55408 | 56763 | 1355 | 100 | 55408 |
| 101 | 123103 | 124498 | 1395 | 101 | 124498 | 124738 | 240 | 101 | 124498 |
| 102 | 60504 | 61587 | 1083 | 102 | 61587 | 62420 | 833 | 102 | 61587 |
| 103 | 59495 | 62141 | 2646 | 103 | 62141 | 64596 | 2455 | 103 | 62141 |
| 104 | 33906 | 35954 | 2048 | 104 | 35954 | 38012 | 2058 | 104 | 35954 |
| October-12 | | | | | | | | | |
| Unit # | Beginning | Ending | Accrued | Unit # | Beginning | Ending | Accrued | Unit # | Beginning |
| 100 | 56763 | 58204 | 1441 | 100 | 58204 | 59769 | 1565 | 100 | 58204 |
| 101 | 124738 | 125061 | 323 | 101 | 125061 | 125471 | 410 | 101 | 125061 |
| 102 | 62420 | 63918 | 1498 | 102 | 63918 | Emailed Chief | #VALUE! | 102 | 63918 |
| 103 | 64596 | 66540 | 1944 | 103 | 66540 | 67827 | 1287 | 103 | 66540 |
| 104 | 38012 | 39869 | 1857 | 104 | 39869 | 41075 | 1206 | 104 | 39869 |
| 105 | 0 | 1920 | 1920 | 105 | 1920 | 4389 | 2469 | 105 | 1920 |
| December-12 | | | | | | | | | |
| Unit # | Beginning | Ending | Accrued | Unit # | Beginning | Ending | Accrued | Unit # | Beginning |
| 100 | 59769 | 61768 | 1999 | 100 | 61768 | 63548 | 1780 | 100 | 61768 |
| 101 | 125471 | 125716 | 245 | 101 | 125716 | 125750 | 34 | 101 | 125716 |
| 102 | 63918 | 63618 | -300 | 102 | 63618 | 65060 | 1442 | 102 | 63618 |
| 103 | 67827 | 69714 | 1887 | 103 | 69714 | 71225 | 1511 | 103 | 69714 |
| 104 | 41075 | 41710 | 635 | 104 | 41710 | 43001 | 1291 | 104 | 41710 |
| 105 | 4389 | 6853 | 2464 | 105 | 6853 | 8570 | 1717 | 105 | 6853 |
| February-13 | | | | | | | | | |
| Unit # | Beginning | Ending | Accrued | Unit # | Beginning | Ending | Accrued | Unit # | Beginning |
| 100 | 63548 | 64801 | 1253 | 100 | 64801 | 66433 | 1632 | 100 | 64801 |
| 101 | 125750 | 125953 | 203 | 101 | 125953 | 125973 | 20 | 101 | 125953 |
| 102 | 65060 | 66641 | 1581 | 102 | 66641 | 68899 | 2258 | 102 | 66641 |
| 103 | 71225 | 72089 | 864 | 103 | 72089 | 72661 | 572 | 103 | 72089 |
| 104 | 43001 | 44413 | 1412 | 104 | 44413 | 44978 | 565 | 104 | 44413 |
| 105 | 8570 | 10442 | 1872 | 105 | 10442 | 11880 | 1438 | 105 | 10442 |
| April-13 | | | | | | | | | |
| Unit # | Beginning | Ending | Accrued | Unit # | Beginning | Ending | Accrued | Unit # | Beginning |
| 100 | 66433 | | -66433 | 100 | | | 0 | 100 | |
| 101 | 125973 | | -125973 | 101 | | | 0 | 101 | |
| 102 | 68899 | | -68899 | 102 | | | 0 | 102 | |
| 103 | 72661 | | -72661 | 103 | | | 0 | 103 | |
| 104 | 44978 | | -44978 | 104 | | | 0 | 104 | |
| 105 | 11880 | | -11880 | 105 | | | 0 | 105 | |

Ovilla Fire Department

Type of Alarm Report (Summary)

Alarm Date Between {03/01/2013} And {03/31/2013}

| Type of Alarm | Count | Percent |
|-----------------------------------|-------|---------|
| AL Automatic Alarm (Fire/Medical) | 7 | 11.66% |
| BF Brush/Grass Fire | 1 | 1.66% |
| EM Emergency Medical Service | 27 | 45.00% |
| IV Investigation of Smoke/Odor | 3 | 5.00% |
| MV MVC | 3 | 5.00% |
| OT Other Fire/Incident | 2 | 3.33% |
| PS Public Service Assist | 2 | 3.33% |
| RE Air-Light-Rehab | 7 | 11.66% |
| SF Structure Fire | 6 | 10.00% |
| UF Unknown Type Fire | 1 | 1.66% |
| VF Vehicle Fire | 1 | 1.66% |

Total Incident Count: 60

Ovilla Fire Department

OFD Year-to-date Incident Participation

Activity Date Between {01/01/2013} And
{03/31/2013} and Career = "2 "

| Staff Id/Name | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Total | Percent |
|----------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|---------|
| 741 Bailey, Randall S. | 1 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 3.77 |
| 751 Baker, Dalton | 3 | 6 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 14 | 13.20 |
| 749 Chapman, John Daniel | 6 | 10 | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 22 | 20.75 |
| 740 Espinosa, Anthony | 1 | 4 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 9.43 |
| 750 Guffey, Nicholas Ray | 9 | 9 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 23 | 21.69 |
| 713 Holt, William Neal | 4 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 5.66 |
| 716_TL Leverentz, Thomas G | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0.94 |
| 707 Martinez, Erick I | 4 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 6.60 |
| 724 O'Brien, Steve G | 4 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 4.71 |
| 722 Spencer, Everett H | 27 | 16 | 12 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 55 | 51.88 |
| 717 Witherspoon, Jacki D | 8 | 8 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 25 | 23.58 |

| Total Runs by Month | | | | | | | | | | | |
|---------------------|----|-----|----|-----|----|-----|---|-----|---|-----|---|
| Jan | 37 | Feb | 37 | Mar | 32 | Apr | 0 | May | 0 | Jun | 0 |
| Jul | 0 | Aug | 0 | Sep | 0 | Oct | 0 | Nov | 0 | Dec | 0 |

Grand Total Runs: 106

Ovilla Fire Department

Unit Response Time Analysis

Alarm Date Between {03/01/2013} And {03/31/2013}

| Response | | Count | Percentage |
|----------|------|-------|------------|
| Hrs | Mins | | |
| | < 01 | 5 | 8.1% |
| | 01 | 4 | 6.5% |
| | 02 | 4 | 6.5% |
| | 03 | 4 | 6.5% |
| | 04 | 9 | 14.7% |
| | 05 | 9 | 14.7% |
| | 06 | 6 | 9.8% |
| | 07 | 2 | 3.2% |
| | 08 | 2 | 3.2% |
| | 09 | 3 | 4.9% |
| | 11 | 2 | 3.2% |
| | 13 | 1 | 1.6% |
| | 21 | 2 | 3.2% |
| | 24 | 1 | 1.6% |
| | 28 | 1 | 1.6% |
| | 31 | 1 | 1.6% |
| | 37 | 1 | 1.6% |
| | 39 | 1 | 1.6% |
| | 42 | 2 | 3.2% |
| | 47 | 1 | 1.6% |

Overall Average Response Time: 00:09:45

Ovilla Fire Department

Average Response Time by District/Incident Type

Alarm Date Between {03/01/2013} And {03/31/2013}
and District = "OVILA"

OVILA City of Ovilla

| Incident | Alarm Date & Time | Arrival Date & Time | Stn | Shift | Response Time |
|---|---------------------|---------------------|-----|-------|---------------|
| 131 Passenger vehicle fire | | | | | |
| 13-3000125 | 03/08/2013 08:38:00 | 03/08/2013 08:42:36 | 1 | B | 00:04:36 |
| Average Response Time for District/Incident Type | | | | | 00:04:36 |
| 140 Natural vegetation fire, Other | | | | | |
| 13-3000151 | 03/20/2013 13:15:00 | 03/20/2013 13:22:43 | 1 | B | 00:07:43 |
| Average Response Time for District/Incident Type | | | | | 00:07:43 |
| 311 Medical assist, assist EMS crew | | | | | |
| 13-3000124 | 03/07/2013 17:55:54 | 03/07/2013 17:59:51 | 1 | A | 00:03:57 |
| 13-3000139 | 03/15/2013 07:39:04 | 03/15/2013 07:46:24 | 1 | C | 00:07:20 |
| 13-3000167 | 03/31/2013 06:16:32 | 03/31/2013 06:58:44 | 1 | C | 00:42:12 |
| Average Response Time for District/Incident Type | | | | | 00:17:50 |
| 321 EMS call, excluding vehicle accident with injury | | | | | |
| 13-3000113 | 03/02/2013 18:25:22 | 03/02/2013 18:33:05 | 1 | A | 00:07:43 |
| 13-3000129 | 03/09/2013 18:01:36 | 03/09/2013 18:01:36 | 1 | C | 00:00:00 |
| 13-3000138 | 03/13/2013 04:33:00 | 03/13/2013 04:42:05 | 1 | C | 00:09:05 |
| 13-3000155 | 03/22/2013 17:30:26 | 03/22/2013 17:36:57 | 1 | A | 00:06:31 |
| 13-3000156 | 03/24/2013 02:41:50 | 03/24/2013 02:46:46 | 1 | A | 00:04:56 |
| 13-3000164 | 03/29/2013 01:19:39 | 03/29/2013 01:27:59 | 1 | A | 00:08:20 |
| 13-3000166 | 03/30/2013 10:16:42 | 03/30/2013 10:24:02 | 1 | C | 00:07:20 |
| Average Response Time for District/Incident Type | | | | | 00:06:16 |
| 322 Motor vehicle accident with injuries | | | | | |
| 13-3000131 | 03/10/2013 16:18:56 | 03/10/2013 16:22:44 | 1 | A | 00:03:48 |
| Average Response Time for District/Incident Type | | | | | 00:03:48 |
| 445 Arcing, shorted electrical equipment | | | | | |
| 13-3000162 | 03/28/2013 20:06:21 | 03/28/2013 20:08:40 | 1 | A | 00:02:19 |
| Average Response Time for District/Incident Type | | | | | 00:02:19 |
| 510 Person in distress, Other | | | | | |
| 13-3000143 | 03/16/2013 13:09:01 | 03/16/2013 13:12:56 | 1 | A | 00:03:55 |
| Average Response Time for District/Incident Type | | | | | 00:03:55 |
| 600 Good intent call, Other | | | | | |
| 13-3000121 | 03/05/2013 18:33:33 | 03/05/2013 18:42:35 | 1 | B | 00:09:02 |
| Average Response Time for District/Incident Type | | | | | 00:09:02 |
| 622 No Incident found on arrival at dispatch address | | | | | |
| 13-3000114 | 03/02/2013 18:59:58 | 03/02/2013 19:06:52 | 1 | B | 00:06:54 |
| 13-3000117 | 03/03/2013 14:11:55 | 03/03/2013 14:21:10 | 1 | C | 00:09:15 |
| 13-3000152 | 03/21/2013 16:00:12 | 03/21/2013 16:05:19 | 1 | C | 00:05:07 |
| Average Response Time for District/Incident Type | | | | | 00:07:05 |

Ovilla Fire Department

Average Response Time by District/Incident Type

Alarm Date Between {03/01/2013} And {03/31/2013}
and District = "OVILA"

OVILA City of Ovilla

| Incident | Alarm Date & Time | Arrival Date & Time | Stn | Shift | Response Time |
|---|---------------------|---------------------|-----|-------|---------------|
| 631 Authorized controlled burning | | | | | |
| 13-3000122 | 03/06/2013 16:15:20 | 03/06/2013 16:15:20 | 1 | C | 00:00:00 |
| Average Response Time for District/Incident Type | | | | | 00:00:00 |
| 651 Smoke scare, odor of smoke | | | | | |
| 13-3000149 | 03/19/2013 19:36:06 | 03/19/2013 19:40:03 | 1 | A | 00:03:57 |
| Average Response Time for District/Incident Type | | | | | 00:03:57 |
| 733 Smoke detector activation due to malfunction | | | | | |
| 13-3000116 | 03/03/2013 05:14:30 | 03/03/2013 05:21:50 | 1 | B | 00:07:20 |
| Average Response Time for District/Incident Type | | | | | 00:07:20 |
| ----- | | | | | |
| Overall Average Response Time for District 00:07:20 | | | | | |

Total Incident Count: 22

Overall Average Response Time: 00:07:20

Ovilla Fire Department

OFD Fuel Usage Report

Date Between {03/01/2013} And {03/31/2013}

| Date | Fuel Type | Gallons | Cost | Unit |
|--------------------------|--------------------------|---------|---------|------|
| FA Fuel Apparatus | | | | |
| Diesel | | | | |
| 03/01/2013 | Diesel | 10.180 | \$40.73 | 755 |
| | 733 Rudd, Justin E. | | | |
| 03/01/2013 | Diesel | 9.820 | \$39.28 | E702 |
| | 733 Rudd, Justin E. | | | |
| 03/01/2013 | Diesel | 13.850 | \$55.41 | 755 |
| | 733 Rudd, Justin E. | | | |
| 03/03/2013 | Diesel | 8.760 | \$35.90 | E701 |
| | 747 Dennehy, Matt B | | | |
| 03/05/2013 | Diesel | 8.620 | \$34.50 | E702 |
| | 729 Garza, Carlos | | | |
| 03/05/2013 | Diesel | 10.503 | \$42.00 | 755 |
| | 729 Garza, Carlos | | | |
| 03/08/2013 | Diesel | 15.300 | \$62.08 | E701 |
| | 746 Cartwright, James M | | | |
| 03/12/2013 | Diesel | 9.328 | \$37.30 | E702 |
| | 747 Dennehy, Matt B | | | |
| 03/12/2013 | Diesel | 16.560 | \$66.25 | E701 |
| | 722 Spencer, Everett H | | | |
| | 720 Wesson, Geoffrey S | | | |
| | 747 Dennehy, Matt B | | | |
| 03/15/2013 | Diesel | 6.877 | \$27.50 | B701 |
| | 748 Lindsey, Kevin Ray | | | |
| 03/15/2013 | Diesel | 15.003 | \$60.00 | B702 |
| | 746 Cartwright, James M | | | |
| 03/16/2013 | Diesel | 8.716 | \$34.86 | E701 |
| | 742 Turner, Cole A. | | | |
| 03/16/2013 | Diesel | 12.502 | \$50.00 | 755 |
| | 742 Turner, Cole A. | | | |
| 03/18/2013 | Diesel | 13.086 | \$52.33 | 755 |
| | 744 Maples, Patrick D | | | |
| 03/22/2013 | Diesel | 13.220 | \$52.88 | E701 |
| | 733 Rudd, Justin E. | | | |
| 03/24/2013 | Diesel | 17.000 | \$68.00 | 755 |
| | 722 Spencer, Everett H | | | |
| | 717 Witherspoon, Jacki D | | | |
| 03/28/2013 | Diesel | 16.391 | \$65.55 | E701 |

Ovilla Fire Department

OFD Fuel Usage Report

Date Between {03/01/2013} And {03/31/2013}

| Date | Fuel Type | Gallons | Cost | Unit |
|--------------------------|----------------------------|--------------------|-----------------|------|
| FA Fuel Apparatus | | | | |
| | 718 Beets, Randy L | | | |
| | 721 Kennedy, Brandon Kobby | | | |
| | 738 Whitacre, Bryan | | | |
| ----- | | | | |
| | Diesel Totals: | 205.716 Gal | \$824.57 | |
| | | | | |
| Gasoline | | | | |
| 03/11/2013 | Gasoline | 28.538 | \$102.71 | B703 |
| | 760 Williams, Kyle S | | | |
| 03/12/2013 | Gasoline | 22.500 | \$81.01 | C701 |
| | 708 Brancato, Phillip M. | | | |
| 03/21/2013 | Gasoline | 25.000 | \$92.50 | C701 |
| | 708 Brancato, Phillip M. | | | |
| 03/22/2013 | Gasoline | 13.246 | \$49.00 | S701 |
| | 748 Lindsey, Kevin Ray | | | |
| ----- | | | | |
| | Gasoline Totals: | 89.284 Gal | \$325.22 | |

Ovilla Fire Department

Fire and EMS Combined List by Incident Number

Alarm Date Between {03/01/2013} And {03/31/2013}
and District = "OVILA"

| Incident | Type | Date | Location | Description |
|--------------|------|------------|-----------------------------|------------------------------|
| 13-3000113-1 | EMS | 03/02/2013 | 602 WILLIAM DR | leg pain |
| 13-3000113-0 | FIRE | 03/02/2013 | 602 WILLIAM DR | 321 EMS call, excluding |
| 13-3000114-0 | FIRE | 03/02/2013 | 105 COCKRELL HILL RD | 622 No Incident found on |
| 13-3000116-0 | FIRE | 03/03/2013 | 400 THORNTREE DR | 733 Smoke detector |
| 13-3000117-0 | FIRE | 03/03/2013 | OVILLA RD & WESTMORELAND RD | 622 No Incident found on |
| 13-3000121-0 | FIRE | 03/05/2013 | 105 COCKRELL HILL RD | 600 Good intent call, Other |
| 13-3000122-0 | FIRE | 03/06/2013 | 128 LARIAT TRL | 631 Authorized controlled |
| 13-3000124-0 | FIRE | 03/07/2013 | 115 ASHBURNE GLEN LN | 311 Medical assist, assist |
| 13-3000125-0 | FIRE | 03/08/2013 | 3251 OVILLA RD | 131 Passenger vehicle fire |
| 13-3000129-1 | EMS | 03/09/2013 | 105 COCKRELL HILL RD | Back Pain |
| 13-3000129-0 | FIRE | 03/09/2013 | 105 COCKRELL HILL RD | 321 EMS call, excluding |
| 13-3000131-0 | FIRE | 03/10/2013 | 3400 OVILLA RD | 322 Motor vehicle accident |
| 13-3000132-0 | FIRE | 03/10/2013 | 200 OAK WOOD | 611 Dispatched & cancelled |
| 13-3000138-1 | EMS | 03/13/2013 | 556 JOHNSON LN | Dehydrated |
| 13-3000138-0 | FIRE | 03/13/2013 | 556 JOHNSON LN | 321 EMS call, excluding |
| 13-3000139-0 | FIRE | 03/15/2013 | 109 OAK FOREST LN | 311 Medical assist, assist |
| 13-3000143-0 | FIRE | 03/16/2013 | 301 WILLOW WOOD LN | 510 Person in distress, |
| 13-3000149-0 | FIRE | 03/19/2013 | 115 ASHBURNE GLEN LN | 651 Smoke scare, odor of |
| 13-3000151-0 | FIRE | 03/20/2013 | 835 COCKRELL HILL RD | 140 Natural vegetation fire, |
| 13-3000152-0 | FIRE | 03/21/2013 | OVILLA RD & WESTMORELAND RD | 622 No Incident found on |
| 13-3000155-1 | EMS | 03/22/2013 | 206 SPLIT ROCK TERR | Breathing Difficulity |
| 13-3000155-0 | FIRE | 03/22/2013 | 206 SPLIT ROCK TERR | 321 EMS call, excluding |
| 13-3000156-1 | EMS | 03/24/2013 | 113 WATER ST | Unresponsive Person |
| 13-3000156-0 | FIRE | 03/24/2013 | 113 WATER ST | 321 EMS call, excluding |
| 13-3000162-0 | FIRE | 03/28/2013 | OVILLA RD & MAIN ST W | 445 Arcing, shorted |
| 13-3000164-1 | EMS | 03/29/2013 | 707 BUCKBOARD | Breathing Difficulty |
| 13-3000164-0 | FIRE | 03/29/2013 | 707 BUCKBOARD | 321 EMS call, excluding |
| 13-3000166-1 | EMS | 03/30/2013 | 904 OVILLA OAKS DR | Breathing Difficulity |
| 13-3000166-0 | FIRE | 03/30/2013 | 904 OVILLA OAKS DR | 321 EMS call, excluding |
| 13-3000167-0 | FIRE | 03/31/2013 | 725 WESTMORELAND RD | 311 Medical assist, assist |

EMS Incident Cnt: 7

Fire Incident Cnt: 23

Total Incident Count 30

Ovilla Fire Department

Fire and EMS Combined List by Incident Number

Alarm Date Between {03/01/2013} And {03/31/2013}
and District = "ESD2 "

| Incident | Type | Date | Location | Description |
|--------------|------|------------|-------------------------|----------------------------|
| 13-3000109-0 | FIRE | 03/01/2013 | 5441 V V JONES RD | 111 Building fire |
| 13-3000112-0 | FIRE | 03/01/2013 | 5330 BUFFALO ST | 611 Dispatched & cancelled |
| 13-3000115-0 | FIRE | 03/02/2013 | 438 CIMARRON MEADOWS DR | 311 Medical assist, assist |
| 13-3000119-0 | FIRE | 03/05/2013 | 1331 MEGHANN LN | 733 Smoke detector |
| 13-3000123-0 | FIRE | 03/07/2013 | 4014 OVILLA RD | 311 Medical assist, assist |
| 13-3000127-0 | FIRE | 03/09/2013 | 8660 GLENTURRET DR | 311 Medical assist, assist |
| 13-3000128-0 | FIRE | 03/09/2013 | 5799 JOE WILSON RD | 622 No Incident found on |
| 13-3000133-0 | FIRE | 03/11/2013 | 4057 WINDMILL RIDGE CIR | 311 Medical assist, assist |
| 13-3000135-0 | FIRE | 03/11/2013 | 3130 EAGLES NEST CT | 311 Medical assist, assist |
| 13-3000136-0 | FIRE | 03/11/2013 | 3321 MONARCH LN | 311 Medical assist, assist |
| 13-3000137-0 | FIRE | 03/12/2013 | 741 MEGHANN LN | 311 Medical assist, assist |
| 13-3000140-0 | FIRE | 03/15/2013 | 741 Meghann LN | 311 Medical assist, assist |
| 13-3000142-0 | FIRE | 03/15/2013 | SHILOH RD & OVILLA RD | 324 Motor Vehicle Accident |
| 13-3000145-0 | FIRE | 03/18/2013 | 3970 STONEWOOD CIR | 631 Authorized controlled |
| 13-3000147-0 | FIRE | 03/19/2013 | 5810 SHILOH FOREST DR | 553 Public service |
| 13-3000153-0 | FIRE | 03/22/2013 | W FM 875 & FM 157 | 611 Dispatched & cancelled |
| 13-3000154-1 | EMS | 03/22/2013 | 3931 STONEWOOD CIR | CHEST PAIN |
| 13-3000154-0 | FIRE | 03/22/2013 | 3931 STONEWOOD CIR | 321 EMS call, excluding |
| 13-3000159-0 | FIRE | 03/26/2013 | 4049 QUAIL RUN LN | 700 False alarm or false |
| 13-3000165-1 | EMS | 03/29/2013 | 3131 PELICAN WAY | Breathing Difficulty |
| 13-3000165-0 | FIRE | 03/29/2013 | 3131 PELICAN WAY | 321 EMS call, excluding |
| 13-3000168-0 | FIRE | 03/31/2013 | 2731 PLEASANTVILLE RD | 311 Medical assist, assist |

EMS Incident Cnt: 2

Total Incident Count 22

Fire Incident Cnt: 20

Ovilla Fire Department

Fire and EMS Combined List by Incident Number

Alarm Date Between {03/01/2013} And {03/31/2013}
and District = "OAKLF"

| Incident | Type | Date | Location | Description |
|-----------------------------|------|------------|-----------------------|----------------------------|
| 13-3000120-0 | FIRE | 03/05/2013 | 804 LARK LN | 311 Medical assist, assist |
| 13-3000130-0 | EMS | 03/10/2013 | 105 PECAN LN | Fall from ground level |
| 13-3000130-0 | FIRE | 03/10/2013 | 105 PECAN LN | 321 EMS call, excluding |
| 13-3000144-0 | FIRE | 03/16/2013 | CEDAR DR & HAMPTON RD | 150 Outside rubbish fire, |
| 13-3000160-0 | FIRE | 03/26/2013 | 1105 E HIGHLAND RD | 311 Medical assist, assist |
| Total Incident Count | | | | |
| | | | | EMS Incident Cnt: 1 |
| | | | | Fire Incident Cnt: 4 |

Ovilla Fire Department

Aid Responses by Department (Summary)

Alarm Date Between {03/01/2013} And {03/31/2013}

| Type of Aid | Count |
|---|-------|
| CEDARFD Cedar Hill Fire Department | |
| Mutual aid given | 1 |
| | <hr/> |
| | 1 |
| EASTTXEMS East Texas EMS | |
| Mutual aid received | 1 |
| Automatic aid received | 2 |
| | <hr/> |
| | 3 |
| GLENNHFD Glenn Heights Fire Department | |
| Automatic aid given | 1 |
| | <hr/> |
| | 1 |
| LANCASTER Lancaster Fire Department | |
| Mutual aid given | 1 |
| | <hr/> |
| | 1 |
| MIDLOTHIAN Midlothian Fire Department | |
| Mutual aid received | 2 |
| Automatic aid received | 15 |
| Mutual aid given | 1 |
| Automatic aid given | 6 |
| | <hr/> |
| | 24 |
| OAKLEAF City of Oak Leaf | |
| Automatic aid given | 1 |
| | <hr/> |
| | 1 |
| OTHER ALL OTHER MUTUAL AID | |
| Mutual aid given | 3 |
| | <hr/> |
| | 3 |

Ovilla Fire Department

Aid Responses by Department

Alarm Date Between {03/01/2013} And {03/31/2013}

| Incident | Notified | Type of Aid | | Fire | EMS | Resc | Other | |
|---|------------|-------------------------|--|------|-----|------|-------|-----------------|
| CEDARFD Cedar Hill Fire Department | | | | | | | | |
| 13-3000141 | 03/15/2013 | 3 Mutual aid given | #Personnel | 16 | 0 | 0 | 0 | |
| | | Response Time: 00:47:12 | #Appartus | 5 | 0 | 0 | 0 | |
| Subtotal Responses: | | 1 | Average Response Time for Dept: | | | | | 00:47:12 |

| | | | | | | | | |
|---------------------------------|------------|--------------------------|--|---|---|---|---|-----------------|
| EASTTXEMS East Texas EMS | | | | | | | | |
| 13-3000120 | 03/05/2013 | 2 Automatic aid received | #Personnel | 0 | 2 | 0 | 0 | |
| | | Response Time: 00:07:28 | #Appartus | 0 | 1 | 0 | 0 | |
| 13-3000158 | 03/24/2013 | 2 Automatic aid received | #Personnel | 0 | 2 | 0 | 0 | |
| | | Response Time: 00:07:37 | #Appartus | 0 | 1 | 0 | 0 | |
| 13-3000160 | 03/26/2013 | 1 Mutual aid received | #Personnel | 0 | 2 | 0 | 0 | |
| | | Response Time: 00:13:59 | #Appartus | 0 | 1 | 0 | 0 | |
| Subtotal Responses: | | 3 | Average Response Time for Dept: | | | | | 00:09:41 |

| | | | | | | | | |
|---|------------|-------------------------|--|---|---|---|---|-----------------|
| GLENNHFD Glenn Heights Fire Department | | | | | | | | |
| 13-3000111 | 03/01/2013 | 4 Automatic aid given | #Personnel | 4 | 0 | 0 | 0 | |
| | | Response Time: 00:08:53 | #Appartus | 1 | 0 | 0 | 0 | |
| Subtotal Responses: | | 1 | Average Response Time for Dept: | | | | | 00:08:53 |

| | | | | | | | | |
|--|------------|-------------------------|--|---|---|---|---|-----------------|
| LANCASTER Lancaster Fire Department | | | | | | | | |
| 13-3000118 | 03/05/2013 | 3 Mutual aid given | #Personnel | 1 | 0 | 0 | 0 | |
| | | Response Time: 00:34:01 | #Appartus | 1 | 0 | 0 | 0 | |
| Subtotal Responses: | | 1 | Average Response Time for Dept: | | | | | 00:34:01 |

| | | | | | | | |
|--|------------|--------------------------|------------|---|---|---|---|
| MIDLOTHIAN Midlothian Fire Department | | | | | | | |
| 13-3000109 | 03/01/2013 | 4 Automatic aid given | #Personnel | 3 | 0 | 0 | 0 |
| | | Response Time: 00:33:16 | #Appartus | 1 | 0 | 0 | 0 |
| 13-3000113 | 03/02/2013 | 2 Automatic aid received | #Personnel | 0 | 0 | 0 | 0 |
| | | Response Time: 00:07:43 | #Appartus | 0 | 0 | 0 | 0 |
| 13-3000115 | 03/02/2013 | 2 Automatic aid received | #Personnel | 0 | 0 | 0 | 0 |
| | | Response Time: 00:10:11 | #Appartus | 0 | 0 | 0 | 0 |

Response time calculated from time notified to arrival.

Ovilla Fire Department

Aid Responses by Department

Alarm Date Between {03/01/2013} And {03/31/2013}

| Incident | Notified | Type of Aid | | Fire | EMS | Resc | Other |
|--|------------|--------------------------|------------|------|-----|------|-------|
| MIDLOTHIAN Midlothian Fire Department | | | | | | | |
| 13-3000123 | 03/07/2013 | 2 Automatic aid received | #Personnel | 0 | 2 | 0 | 0 |
| | | Response Time: 00:05:55 | #Appartus | 0 | 1 | 0 | 0 |
| 13-3000124 | 03/07/2013 | 2 Automatic aid received | #Personnel | 0 | 2 | 0 | 0 |
| | | Response Time: 00:03:57 | #Appartus | 0 | 1 | 0 | 0 |
| 13-3000127 | 03/09/2013 | 4 Automatic aid given | #Personnel | 0 | 2 | 0 | 0 |
| | | Response Time: 00:09:27 | #Appartus | 0 | 1 | 0 | 0 |
| 13-3000128 | 03/09/2013 | 1 Mutual aid received | #Personnel | 0 | 2 | 0 | 0 |
| | | Response Time: 00:09:01 | #Appartus | 0 | 1 | 0 | 0 |
| 13-3000131 | 03/10/2013 | 2 Automatic aid received | #Personnel | 0 | 2 | 0 | 0 |
| | | Response Time: 00:03:48 | #Appartus | 0 | 1 | 0 | 0 |
| 13-3000133 | 03/11/2013 | 2 Automatic aid received | #Personnel | 0 | 2 | 0 | 0 |
| | | Response Time: 00:05:13 | #Appartus | 0 | 1 | 0 | 0 |
| 13-3000135 | 03/11/2013 | 3 Mutual aid given | #Personnel | 0 | 2 | 0 | 0 |
| | | Response Time: 00:12:15 | #Appartus | 0 | 1 | 0 | 0 |
| 13-3000136 | 03/11/2013 | 4 Automatic aid given | #Personnel | 0 | 2 | 0 | 0 |
| | | Response Time: 00:05:59 | #Appartus | 0 | 1 | 0 | 0 |
| 13-3000137 | 03/12/2013 | 2 Automatic aid received | #Personnel | 0 | 2 | 0 | 0 |
| | | Response Time: 00:09:16 | #Appartus | 0 | 1 | 0 | 0 |
| 13-3000138 | 03/13/2013 | 2 Automatic aid received | #Personnel | 0 | 2 | 0 | 0 |
| | | Response Time: 00:09:05 | #Appartus | 0 | 1 | 0 | 0 |
| 13-3000139 | 03/15/2013 | 2 Automatic aid received | #Personnel | 0 | 2 | 0 | 0 |
| | | Response Time: 00:07:20 | #Appartus | 0 | 1 | 0 | 0 |
| 13-3000140 | 03/15/2013 | 4 Automatic aid given | #Personnel | 0 | 0 | 0 | 0 |
| | | Response Time: 00:08:26 | #Appartus | 0 | 0 | 0 | 0 |
| 13-3000142 | 03/15/2013 | 2 Automatic aid received | #Personnel | 0 | 2 | 0 | 0 |
| | | Response Time: 00:05:03 | #Appartus | 0 | 1 | 0 | 0 |
| 13-3000154 | 03/22/2013 | 2 Automatic aid received | #Personnel | 0 | 2 | 0 | 0 |
| | | Response Time: 00:10:57 | #Appartus | 0 | 1 | 0 | 0 |
| 13-3000155 | 03/22/2013 | 2 Automatic aid received | #Personnel | 0 | 2 | 0 | 0 |
| | | Response Time: 00:06:31 | #Appartus | 0 | 1 | 0 | 0 |
| 13-3000156 | 03/24/2013 | 2 Automatic aid received | #Personnel | 0 | 2 | 0 | 0 |
| | | Response Time: 00:04:56 | #Appartus | 0 | 1 | 0 | 0 |
| 13-3000159 | 03/26/2013 | 4 Automatic aid given | #Personnel | 0 | 0 | 0 | 0 |
| | | Response Time: 00:10:31 | #Appartus | 0 | 0 | 0 | 0 |
| 13-3000165 | 03/29/2013 | 4 Automatic aid given | #Personnel | 0 | 0 | 0 | 0 |
| | | Response Time: 00:08:13 | #Appartus | 0 | 0 | 0 | 0 |

Response time calculated from time notified to arrival.

Ovilla Fire Department

Aid Responses by Department

Alarm Date Between {03/01/2013} And {03/31/2013}

| Incident | Notified | Type of Aid | | Fire | EMS | Resc | Other |
|--|------------|--------------------------|------------|---|-----|------|-------|
| MIDLOTHIAN Midlothian Fire Department | | | | | | | |
| 13-3000166 | 03/30/2013 | 2 Automatic aid received | #Personnel | 0 | 0 | 0 | 0 |
| | | Response Time: 00:07:20 | #Appartus | 0 | 0 | 0 | 0 |
| 13-3000167 | 03/31/2013 | 2 Automatic aid received | #Personnel | 0 | 2 | 0 | 0 |
| | | Response Time: 00:42:12 | #Appartus | 0 | 1 | 0 | 0 |
| 13-3000168 | 03/31/2013 | 1 Mutual aid received | #Personnel | 0 | 0 | 0 | 0 |
| | | Response Time: 00:12:19 | #Appartus | 0 | 0 | 0 | 0 |
| Subtotal Responses: 24 | | | | Average Response Time for Dept: 00:10:22 | | | |

| | | | | | | | |
|---------------------------------|------------|-------------------------|------------|---|---|---|---|
| OAKLEAF City of Oak Leaf | | | | | | | |
| 13-3000130 | 03/10/2013 | 4 Automatic aid given | #Personnel | 0 | 2 | 0 | 0 |
| | | Response Time: 00:08:23 | #Appartus | 0 | 1 | 0 | 0 |
| Subtotal Responses: 1 | | | | Average Response Time for Dept: 00:08:23 | | | |

| | | | | | | | |
|-----------------------------------|------------|-------------------------|------------|---|---|---|---|
| OTHER ALL OTHER MUTUAL AID | | | | | | | |
| 13-3000146 | 03/18/2013 | 3 Mutual aid given | #Personnel | 0 | 0 | 0 | 0 |
| | | Response Time: 00:35:38 | #Appartus | 0 | 0 | 0 | 0 |
| 13-3000148 | 03/19/2013 | 3 Mutual aid given | #Personnel | 0 | 0 | 0 | 0 |
| | | Response Time: 00:33:09 | #Appartus | 0 | 0 | 0 | 0 |
| 13-3000157 | 03/24/2013 | 3 Mutual aid given | #Personnel | 15 | 0 | 0 | 0 |
| | | Response Time: 00:42:58 | #Appartus | 6 | 0 | 0 | 0 |
| Subtotal Responses: 3 | | | | Average Response Time for Dept: 00:37:15 | | | |

Response time calculated from time notified to arrival.



DATE: April 1, 2013

TO: Honorable Mayor and City Council Members

FROM: Brad Piland Public Works Director

TOPIC: Public Works Monthly Report for February

- Patched potholes – Thorntree
- Road base Ovilla Oaks
- Sewer Lift Station Repairs- pulled pump 1 at Heritage lift station; removed pump 1 and 2 from Highland Meadows lift station for repair; Pulled pump from Cumberland
- Heritage Park Lift station – Maintenance
- Read Water meters, Service Disconnects and Reconnects
- Daily inspections of Ovilla Park, Air tested sewer
- Repair driveways on Suburban Dr
- Update marquee as needed
- Daily water maintenance residual and pressure test
- Heritage Park, Silver Spur Park and Baseball fields and park - tree and grass maintenance
- Repaired water leaks on Bruce Ct, 927 Cockrell Hill, Johnson Lane, and 111 Cumberland
- Drainage work Westmoreland Rd
- Installed new Playground Equipment and cushion

- Removed tree from Cockrell Hill
- Trim trees in right of way on East Main
- Prepare baseball fields
- Install new cushion under playground equipment

❖ Jimmy Bryan -

- Serviced PD Units 102 & 100
- Repaired Packer
- Tags for all trailers
- Daily Rounds

**Flushed Hydrants

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

**Water plants at City Hall and park



Jessica Foresman
Court Clerk

DATE: April 8, 2013
TO: Honorable Mayor Leverentz and City Council Members
CC: City Administrator Randy Whiteman
FROM: Jessica Foresman, Court Clerk
SUBJECT: Monthly Staff Report

23 traffic, 4 penal code, 1 state law and 1 city ordinance related cases were filed for the month of March. 36 warrants were issued

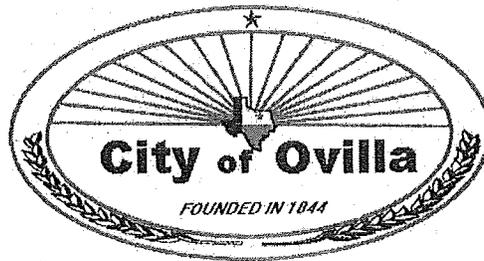
Court Collection for the month of March was \$8,500.30

\$5,402.20 is kept by the City FYTD \$25,635.49
\$3,098.10 is remitted to State FYTD \$16,660.21

CITY OF OVILLA

Recap of Heritage Day 2012

City Accountant
SHARON JUNGMAN



*105 South Cockrell Hill Road
Ovilla, Texas 75154
Ph:(972) 617-7262 Fax: (972) 515-3221*

Heritage Day 2012

| Revenue / Expense | Budget 2012 | (Over)/Under Budget | Revenue Collected For 2012 Heritage Day |
|-------------------|-------------|---------------------|---|
|-------------------|-------------|---------------------|---|

| | | | |
|--|----------|------------|-----------|
| Revenue Acct. #4000810 | 5,500.00 | | |
| Booths | | | 2,310.00 |
| Sponsors | | | 11,050.00 |
| Hay Revenue | | | 127.00 |
| Hats & T-shirts | | | 360.00 |
| Misc. (T-shirt Sales, Hay) Prior Year | | | 300.00 |
| Total Revenue | 5,500.00 | (8,647.00) | 14,147.00 |

| Expenses Acct.# 5602680 | Budget 2012 | (Over)/Under Budget | Expenditures in 2012 |
|-------------------------|-------------|---------------------|----------------------|
|-------------------------|-------------|---------------------|----------------------|

| | | | |
|------------------------------------|----------|------------|----------|
| Budget | 4,000.00 | | |
| Advertising (Vision Printing) | | | 1,979.00 |
| Banner Repair | | | 202.31 |
| UV Cards | | | 110.42 |
| (ASCAP) Copy right fee | | | 50.00 |
| Hats & T-Shirts (Hamilton Press) | | | 981.23 |
| DJ Sound System | | | 450.00 |
| Red Oak Opry | | | 1,000.00 |
| Bounce Houses | | | 200.00 |
| Clown | | | 100.00 |
| KBEC Radio | | | 200.00 |
| One of a Kind Pony | | | 200.00 |
| Hay \$ *30 Bales @ \$4.50 Each | | | 135.00 |
| Stage Décor & Border | | | 105.36 |
| Tent, Table, Chairs | | | 1,273.50 |
| Port A Potties | | | 154.71 |
| Stage Flooring | | | 178.26 |
| Thermos for Thank you gifts | | | 490.17 |
| Supplies Purchased | | | 113.53 |
| Food For Workers Breakfast & Lunch | | | 98.79 |
| Supplies Purchased | | | 27.06 |
| Total Expenses to Date | 4,000.00 | (4,049.34) | 8,049.34 |

| | | | |
|---|----------|------------|----------|
| Current Balance (Revenue less Expenses) | 1,500.00 | (4,597.66) | 6,097.66 |
|---|----------|------------|----------|

Footnote:

- \$2,100 of Revenue Collected for Sponsorships, was collected after Sept. 30, 2012 and is recorded in Heritage Day Revenue for 2012-2013 Fiscal Year.
- \$118 of Revenue Collected for the sale of hay, was collected after Sept. 30, 2012 and is recorded in Heritage Day Revenue for 2012-2013 Fiscal Year.

City Administrator Activity Report

Prepared by Jacqueline Lee, Interim City Administrator (ICA)

March 25, 2013 thru April 5, 2013

- Continued work on the identified City issues reported in March 18, 2013 ICA Activity Report
- First Weekly Meeting with Department Heads and Direct Reports. These will be standard meetings held weekly to review the most recent and upcoming Council meetings to review status of items, further staff action required and staff preparation for next meeting. Meeting also involves a roundtable discussion of staff projects. Meeting will also be used for staff development purposes.
- Continued research on the resolution of 125 Cafeteria Plan issue; status report to be provided to Council at the April 8, 2013 meeting.
- Attended Best Southwest Partnership First Quarterly Luncheon on Thursday, March 28. Keynote Address Speaker was John Terrell, Mayor of Southlake and VP of Commercial Development of DFW International airport. He spoke on the economic benefits of transportation, impact of DFW, and future development of the airport.
- March 28, met with EOC President, Gary Jones, to discuss current projects and possible workshop with Council; ICA will attend the next EDC meeting, April 15, with a status update to Council after the Meeting.
- Tuesday, April 2, met with Mrs. Karen Pickard, regarding Main Street Land Purchase (Results of meeting will be provided at Monday, April 8 Council meeting).
- Continued familiarization and review of City procedures, financials, personnel policies, and other documents and plans.
- Monday, April 1, attended the Planning and Zoning Meeting.

Note: Due to a travel commitment, made prior to my Ovilla interim assignment, I will be out-of-the city beginning Wednesday afternoon and returning Saturday evening. I can be reached by cell phone (214-536-7503), in case of an emergency.

March 2013

Code Enforcement Report

Complaint - 91

Follow up – 112

Door Notice - 28

Mail Notice-- 16

Posted Property – 0

Court – 1 - Postponed Public Nuisance

Citizen contacts - 103

Permits reviewed – 17 Permits - Issued - 9

Inspections – 12

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

Nuisance- Signs –10 (4 Business, 5 Garage Sale , 1 Political)

Nuisance – Illegal Dumping Westmoreland -Trash

Garage Sale Permits – 6 at \$5 = \$30

Planning and Zoning - 1 Specific Use Permit, Rezoning on Bear Creek

March 2013

Animal Control Report

Complaint- 48

Follow up – 56

Door Notice – 18

Impounded Animal – 5

Impound Animal Results - 5 Return to Owner 1

Impound Fee Collected - \$85.00

Court – 0

Citizen contacts - 66

Animal Registration Tags Issued – unavailable

Registration Reminder Mailed- 26

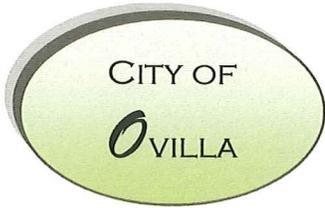
Nuisance Letter Mailed- 0

Animals Released -7 (5 Skunk 2 opossum)

Deceased Removed - 17

Oak Leaf -1 Skunk- Released

Traps Checked Out – 3



Villa City Council

CONSENT REPORT

Meeting Date: April 8, 2013

Department: Administration

Discussion Action

Budgeted Expense: YES NO N/A

Submitted By: Staff

Attachments:

- Financial Transactions

Discussion / Justification:

Recommendation / Staff Comments:

Staff recommends approval.

Sample Motion(s):

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



DATE: 04-08-13

TO: Honorable Mayor and Council Members

FROM: Sharon Jungman

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

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

General Fund

| Date | Check# | Payee | Description | Amount |
|---|--------|-----------------------------|------------------|---------------------|
| 3/27/2013 | 41148 | Blue Cross/Blue Shield | Health Insurance | \$5,758.24 |
| 3/14/2013 | ACH | Quick Books Payroll Service | Payroll | \$34,127.69 |
| 3/27/2013 | ACH | Quick Books Payroll Service | Payroll | \$34,430.95 |
| 3/13/2013 | 41110 | T.M.R.S. | Retirement | \$8,398.02 |
| 3/1/2013 | ACH | US Treasury | Payroll Taxes | \$6,735.80 |
| 3/15/2013 | ACH | US Treasury | Payroll Taxes | \$6,699.82 |
| 3/28/2013 | ACH | US Treasury | Payroll Taxes | \$6,880.76 |
| Total General Fund Transactions Paid in March 2013 \$5,000 and Over | | | | <u>\$103,031.28</u> |

Water & Sewer Fund

| Date | Check# | Payee | Description | Amount |
|---|--------|-----------------------------|---|---------------------|
| 3/16/2013 | 15090 | City of Dallas | Water Purchase | \$17,016.45 |
| 3/27/2013 | 15102 | City of Ovilla General Fund | Garbage Transfer for March 2013 | \$17,427.34 |
| 3/28/2013 | 15108 | City of Ovilla General Fund | Quarterly Admin. Payroll Trans. & Quarterly Tran. To GF | \$36,587.02 |
| 3/28/2013 | 15109 | City of Ovilla I & S | Quarterly Trans. From W&S Fund to Debt Fund | \$40,652.50 |
| Total Water & Sewer Fund Transactions Paid in March 2013 \$5,000 and Over | | | | <u>\$111,683.31</u> |

Memo

To: Council

From: Pam

CC: Jacqueline Lee

Date: April 8, 2013

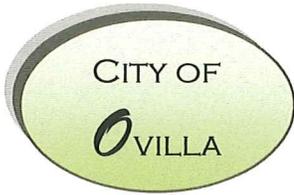
Subject: Packets

Honorable Mayor and Council,

All additional information and documents in reference to the public hearing(s) on Bear Creek (Items 2-8) are listed under Item 2 in your binders.

Call me if you have questions.
Thank you.

From the desk of
Pam Woodall
City Secretary



AGENDA ITEM REPORT

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

Meeting Date: April 8, 2013

Department: Admin

Discussion Action

Zoned: Res. Commercial

Budgeted Expense: YES NO N/A

Submitted By: Administration

Amount: N/A

PROPOSED REQUEST: To operate a restaurant in a Commercial Restricted zone

Attachments:

- 1. Land Use Table
- 2. Legal Notice and Section 27 of the Code - Site Plan information
- 3. Application documents, including site plan
- 4. Recommendation (for approval) from the Planning and Zoning Commission

Agenda Item / Topic:

Case No. PZ13-002. A request for a Specific Use Permit filed by Ms Karen Pickard (owner) and Bobby Hopkins (applicant) to open and operate a restaurant, "Smokin Hot" located in the Historic District, 705 W. Main Street, Ovilla, Texas.

ITEM I. DISCUSSION/ACTION – Case No. PZ13-002. Consider recommendation from the Planning & Zoning Commission to approve a Specific Use Permit to open and operate a restaurant, "Smokin Hot" located in the Historic District, 705 W. Main Street, Ovilla, Texas, requested by Ms Karen Pickard (owner) and Mr. Bobby Hopkins, applicant.

Discussion / Justification:

The City of Ovilla's Land Use Table describes the requirement for an approved Specific Use Permit prior to the opening and operation of a restaurant in commercial restricted zoning; including regulations listed under Chapter 14, Section 12.1:

B: A site plan in accordance with Section 26 Site Plan Requirements will only be required in districts that require a Specific Use Permit.

G: All outdoor lighting including parking lot lighting shall be directed away from any property zoned or developed for residential uses.

Applicant proposes to operate "Smokin Hot", a restaurant, at 705 W. Main Street.

Recommendation / Staff Comments:

The Planning & Zoning Commission recommends approval.

Sample Motion(s):

"I MAKE A MOTION THAT COUNCIL APPROVES/DOES NOT APPROVE THE PROPOSED SPECIFIC USE PERMIT OUTLINED IN CASE PZ13-002 AS PRESENTED."

| Table 11.A City of Ovilla Land Use Table | | | | | | | | | | | |
|---|-----|------|------|-----|----|----|---|----------------|----------|----------|-------------|
| Residential | | | | | | | Land Use Descriptions | Nonresidential | | | Conditions |
| R-C | R-E | R-22 | R-15 | R-D | MF | MH | | CR | CG | I | |
| | | | | | | | Photographic Equipment Sales & Service | P | P | P | g |
| | | | | | | | Photographic Service | P | P | P | g |
| | | | | | | | Radio, Television Studio | | P | P | a, g, n, o |
| | | | | | | | Recycling Collection Center | | S | P | a, c, g |
| | | | | | | | Rental Store | S | P | P | a, g |
| | | | | | | | Rental Yard, Commercial & Heavy Equipment | | | S | b, c, g, m |
| | | | | | | | Restaurant | S | S | S | b, g |
| | | | | | | | Restaurant, Drive-in / Drive-thru | S | S | S | b, g |
| | | | | | | | Restaurant, Refreshment Stand (Temporary or Seasonal) | S | S | S | b, g |
| | | | | | | | Sexually Oriented Business | | S | S | r |
| | | | | | | | Shoe Repair | P | P | P | g |
| | | | | | | | Sign Shop, Painted or Silk-screened | | P | P | g |
| | | | | | | | Studio | P | P | P | g |
| | | | | | | | Stone Monument Sales | | S | P | a, c, g |
| | | | | | | | Tattoo Parlor/Body Piercing Studio | | | | |
| | | | | | | | Taxidermist Studio | | S | P | g |
| | | | | | | | Taxidermist Shop | | S | P | a, g |
| | | | | | | | Tobacco Shop | P | P | P | g |
| | | | | | | | Video / Game Rental | P | P | P | b, g |
| | | | | | | | Watch &/or Jewelry Sales & Repair | P | P | P | g |
| Manufacturing & Industrial Uses | | | | | | | | | | | |
| | | | | | | | Assembly Plant | | | P | a, c, g |
| | | | | | | | Bottling Works | | | P | a, g |
| | | | | | | | Building Materials Manufacturing | | | P | a, c, g |
| | | | | | | | Dairy Processing | | | | |
| | | | | | | | Electronics Manufacturing | | | P | a, g |
| | | | | | | | Laundry, Dry Cleaning & Dyeing Plant | | | P | a, g |
| | | | | | | | Machine Shop | | | P | a, g |
| | | | | | | | Manufacturing Facility (Light) | | | P | a, c, g |
| | | | | | | | Meat Product Processing | | | | |
| | | | | | | | Mini-warehouse | S | P | P | a, g |



REQUEST FOR AN APPEARANCE / PUBLIC HEARING
THE CITY OF OVILLA, TEXAS ** CITY COUNCIL
- REQUEST FOR SPECIFIC USE PERMIT -

SPECIFIC USE PERMIT CHECK LIST COVER SHEET

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

CURRENT SURVEY / SITE PLAN ATTACHED

PROPERTY OWNER'S NAME, MAILING ADDRESS AND CONTACT INFORMATION

| | |
|----------------|----------------------|
| Name: | <u>Karen Pickard</u> |
| Address: | <u>_____ ty</u> |
| Contact Info.: | <u>_____</u> |
| Email: | <u>_____</u> |

RECEIPT SHOWING ALL PROPERTY TAXES PAID – ATTACHED.

EXISTING ZONING CR

TITLE BLOCK LISTING OF / COMPLETE LEGAL DESCRIPTION OF PROPERTY OF PROPOSED SPECIFIC USE PERMIT.

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

SIZE OF PROPERTY .0908 ^{7 .0900} ACRES

PAID RECEIPT ATTACHED - # 003168

DATE RECEIVED AT CITY HALL OFFICE: 2-22-13 RECEIVED BY: _____

Mayor Tom Leverenz
 Mayor Pro-Tem Richard Dormier
 Council Members – Ralph Hall* Larry Stevenson* David Griffin* Doug Hunt
 City Administrator

NOTICE OF REQUEST FOR SPECIFIC USE PERMIT

Notice is hereby given that a Public Hearing will be held by the Planning and Zoning Commission of the City of Ovilla, Texas, on **Monday, April 1, 2013**, at 6:30 P.M., at 105 Cockrell Hill Road for the consideration of a specific use permit, to open and operate a restaurant, "Smokin Hot", located in the Historic District, 705 W. Main Street, Ovilla, TX, 75154.

Should the Planning & Zoning Commission recommend approval of the Specific Use Permit proposed above, the City Council will consider the recommendation during its regular meeting on **April 08, 2013 at 7:00 p.m.** in the **Council Chamber Room, 105 S. Cockrell Hill Road, Ovilla, Texas 75154.**

All interested persons are invited to attend and make comments. Written comments will also be accepted. For more information regarding this Notice, please contact Pam Woodall, 972.617.7262 or phiggins@cityofovilla.org.

27.2 PERMIT REQUIRED

No special use shall be erected, used, altered, occupied nor shall any person convert any land, building or structure to such a use unless a specific use permit has been issued by the City Council. The granting of a specific use permit shall be done in accordance with the provisions for amendment of this zoning ordinance.

27.3 APPLICATION PROCEDURE

An application for a specific use permit shall be filed with the administrative official on a form prepared by the city. The application shall be accompanied by the following:

- A. Execution. A completed application form signed by the property owner;
- B. Fee. An application fee as established by the city's latest adopted schedule of fees;
- C. Tax Certificate. A certificate stating that all city and school taxes have been paid to date;
- D. Property Description. A property description of the area where the specific use permit is proposed to apply;
- E. Site Plan. A site plan complying with the requirements stated in this section which will become a part of the specific use permit, if approved; and
- F. Additional Requirements. Any other material and/or information as may be required by the Planning and Zoning Commission, the City Council or the administrative official to fulfill the purpose of this subsection and to ensure that the application is in compliance with the ordinances of the city.

- A. The proposed use complies with all the requirements of the zoning district in which the property is located;
- B. The proposed use as located and configured will contribute to or promote the general welfare and convenience of the City;
- C. The benefits that the city gains from the proposed use outweigh the loss of or damage to any homes, business, natural resources, agricultural lands, historical or cultural landmarks or sites, wildlife habitats, parks, or natural, scenic, or historical features of significance, and outweigh the personal and economic cost of any disruption to the lives, business and property of individuals affected by the proposed use;
- D. Adequate utilities, road access, drainage and other necessary supporting facilities have been or shall be provided;
- E. The design, location and arrangement of all public and private streets, driveways, parking spaces, entrances and exits shall provide for a safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;
- F. The issuance of the specific use permit does not impede the normal and orderly development and improvement of neighboring vacant property;
- G. The location, nature and height of buildings, structures, walls and fences are not out of scale with the neighborhood;
- H. The proposed use will be compatible with and not injurious to the use and enjoyment of neighboring property, nor significantly diminish or impair property values within the vicinity;
- I. Adequate nuisance prevention measures have been or shall be taken to prevent or control offensive odors, fumes, dust, noise, vibration and visual blight;
- J. Sufficient on-site lighting is provided for adequate safety of patrons, employees and property, and such lighting is adequately shielded or directed so as not to disturb or adversely affect neighboring properties;
- K. There is sufficient landscaping and screening to ensure harmony and compatibility with adjacent properties;
- L. The proposed operation is consistent with the applicant's submitted plans, master plans, projections, or, where inconsistencies exist, the benefits to the community outweigh the costs; and

27.4 SITE PLAN INFORMATION

A site plan shall contain, at a minimum, the information required by [Section 26](#) Site Plan Requirements.

27.5 ADDITIONAL INFORMATION

A. Who May Request. City staff, the Planning and Zoning Commission or the City Council may request any of the following additional information:

1. Copies of studies or analyses upon which have been based projections for need or demand for the proposed facility;
2. Description of the present use, assessed value and actual value of the land affected by the proposed facility and/or use;
3. Description of the proposed use, anticipated assessed value and supporting documentation;
4. A description of any long-term plans or master plan for the future use or development of the property;
5. A description of the applicant's ability to obtain needed easements to serve the proposed use;
6. A description of any special construction requirements that may be necessary for any construction or development on the subject property; and
7. A traffic impact analysis prepared by a qualified professional in the field of traffic evaluation and forecasting may be required by City Staff.

27.6 COUNCIL ACTION

The City Council may grant a specific use permit only upon finding that the information submitted is sufficient to determine that the proposed building, use, structure, development or activity will have an insubstantial impact on the surrounding area and that providing the information required by the submittal requirements is unreasonably burdensome on the applicant.

27.7 CONDITIONS OF PERMIT APPROVAL

The Planning and Zoning Commission shall not recommend approval of a specific use permit unless the Commission finds that all of the following conditions have been found to exist:

M. The proposed use is in accordance with the Comprehensive Land Use Plan.

27.8 ADDITIONAL CONDITIONS

In authorizing a Specific Use Permit, the Planning and Zoning Commission may recommend, and the City Council may impose additional reasonable conditions necessary to protect the public interest and the welfare of the community. The Council may provide that the specific use permit will be valid only for a certain period of time.

27.9 TIME LIMIT

A Specific Use Permit shall become null and void unless construction or use is substantially underway within one year of the granting of the permit, unless an extension of time is approved the City Council.

27.10 REVOCATION OF PERMIT

The City Council may revoke or modify a Specific Use Permit after notice and hearing, if the Council finds that the permit was obtained or extended by fraud or deception, or one or more of the conditions imposed by the permit has not been met or has been violated.

27.11 AMENDMENTS TO SPECIFIC USE PERMIT

The procedure for amending a Specific Use Permit shall be the same as for a new application, provided the Administrative Official may approve minor variations from the original permit which do not increase density, change of a use, traffic patterns, or result in an increase in external impacts on adjacent properties or neighborhoods.

Section 28 - General Height Requirements

28.1 NONRESIDENTIAL STRUCTURES

A non-residential building may exceed the permitted height in a zoning district if the following conditions are met:

- A. A Site Plan is submitted and approved; and
- B. For every one foot exceeding the maximum permitted height, an additional one foot of setback is provided on the front, side, and rear yards. The maximum height of a building shall not exceed fifty (50) feet without a special exception. See [Section 45.10](#) Authorized Special Exceptions.

28.2 EXCEPTIONS

Height regulations do not apply to steeples, domes, cupolas, or other architectural design elements usually required to be placed above the roof level and not intended for human occupancy.

DATE: 2-23-2013

Case No. PZ13-002

REQUIRED FORMS FOR A SPECIFIC USE PERMIT

To the

OVILLA PLANNING & ZONING COMMISSION / OVILLA CITY COUNCIL

CITY OF OVILLA

§

COUNTY OF ELLIS

STATE OF TEXAS

§

TO THE HONORABLE PLANNING & ZONING COMMISSION / CITY COUNCIL

Property description (Attach field notes if necessary):

Lot No. 693 J McNamara Property Address 705 West Main

Block No. .09 Acres Ovilla TX 75154

Property Zoned CR

OWNER OF PROPERTY KAREN PICKARD

APPLICANT Bobby Hopkins

SPECIFIC USE PERMIT RESTAURANT



Mayor Tom Leverentz * Mayor Pro-Tem Richard Dormier
Council Members – Ralph Hall * Larry Stevenson * David Griffin * Doug Hunt

CONDITIONS NECESSARY FOR GRANTING A SPECIFIC USE PERMIT

Please state in detail how the conditions necessary for the granting of a SPECIFIC USE have been met in this case. Attach additional sheets if necessary or place N/A if not applicable to your request.

CONDITION 1: The proposed use complies with all of the requirements of the zoning district in which the property is located.

yes, with a specific use permit.

CONDITION 2: The benefits that the city gains from the proposed use outweigh the loss of or damage to any homes, businesses, natural resources, agricultural lands, historical or cultural landmarks or sites, wildlife habitats, parks or natural, scenic or historical features of significance, and outweigh the personal and economic cost of any disruption to the lives, businesses and property of individuals affected by the proposed use.

yes, use is existing building.

CONDITION 3: Adequate utilities, road access, drainage and other necessary supporting facilities have been or shall be provided.

yes.

CONDITION 4: The design, location and arrangement of all public and private streets, driveways, parking spaces, entrances and exits shall provide for a safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments.

yes, existing parking.

CONDITION 5: The issuance of the *Specific Use Permit* does not impede the normal and orderly development and improvement of neighboring vacant property.

yes.

CONDITION 6: The location, nature and height of buildings, structures, walls and fences are not out of scale with the neighborhood.

existing structure meets all local scale of property.

CONDITION 7: The proposed use will be compatible with and not injurious to the use and enjoyment of neighboring property, not significantly diminish or impair property values within the vicinity.

no neighboring property should be affected.

CONDITION 8: Adequate nuisance prevention measures have been or shall be taken to prevent or control offensive odors, fumes, dust, noise, vibration and visual blight.

yes, on sight sewage facility. i.e. septic tank and small trash receptacle will control odor & debris.

CONDITION 9: Sufficient on-site lighting is provided for adequate safety of patrons, employees and property, and such lighting is adequately shielded or directed so as not to disturb or adversely affect neighboring properties.

yes, existing lighting was repaired.

CONDITION 10: There is sufficient landscaping and screening to ensure harmony and compatibility with adjacent properties.

yes.

Case No. 1213.002

CONDITION 11: The proposed operation is consistent with the applicant's submitted plans, master plans, projections, or, where inconsistencies exist, the benefits to the community outweigh the costs.

yes, Restaravunt Application meets use intended.

CONDITION 12: The proposed use is in accordance with the Comprehensive Land Use Plan.

yes -

ADDITIONAL CONDITIONS:

In authorizing a *Specific Use Permit*, the Planning and Zoning Commission may recommend, and the City Council may impose additional reasonable conditions necessary to protect the public interest and the welfare of the community. The City Council may provide that the *Specific Use Permit* will only be valid for certain duration.

All conditions are required to be met in order for the Planning & Zoning Commission recommend your SPECIFIC USE to the City Council. Failure to state how your SPECIFIC USE request meets these conditions in your application will result in its return without being submitted to the Planning & Zoning Commission.



*Mayor Tom Leverentz * Mayor Pro-Tem Richard Dormier
Council Members – Ralph Hall * Larry Stevenson * David Griffin * Doug Hunt*

FIELD NOTES
1.0712 Acre

Being the north-south line of the tract, or parcel of land situated in the City of Dallas and in the U.S. McNamee Survey, Abstract No. 693, and being a part of a tract called "A-694", and being more particularly described as follows:
 BEGINNING at a railroad spike set in Main Street (a public road) for the southeast corner of this tract and same for the said 1.494 acre tract;

THENCE along the south line of this tract and same for the said 1.494 acre tract as follows: N 89°17'20" E 210.12' to the northeast corner of a tract of land called the "007 Lodge Tract", in at 148.86 feet to a 3/4" steel rod found for the northeast corner of the "007 Lodge Tract" and along the north line of this tract as follows: N 00°10'54" E 32.00' to a 3/4" steel rod found for the northeast corner of the "007 Lodge Tract" and along the north line of the said 0.2509 acre tract at 47.88' to a 3/4" steel rod found for the northeast corner of this tract and being the southeast corner of a 0.482 acre tract (by consolidation) of land as described in Volume 622, Page 617, DIRECT, containing along the west line of the said 0.482 acre tract a 3/4" steel rod set for the southeast corner of this tract and as recorded in Volume 1343, Page 142, Official Public Records, Ellis County, Texas, (DIRECT);

THENCE N 00°23'31" W, 211.01' feet (Ded - NORTH, 210 feet) through the said 1.494 acre tract and along the west line of this tract and being the northeast corner of the said 0.482 acre tract;

THENCE S 89°17'20" E, 210.12' feet (Ded - EAST, 210 feet) along the north line of this tract and same for the said 1.494 acre tract and along Main Street and leaving the pavement at a turn in the said street to a 3/4" steel rod set for the northeast corner of this tract and same for the said 1.494 acre tract;

THENCE S 09°52'31" E, 210.00' feet (Ded - SOUTH, same distance) along the east line of this tract and same for the said 1.494 acre tract and along the east line of the pavement of Main Street to the POINT OF BEGINNING and containing approximately 1.0712 acre of land.

0.2509 Acre

Being a part of the tract, or parcel of land situated in the City of Dallas and in the U.S. McNamee Survey, Abstract No. 693, and being a part of a tract called "A-694", and being more particularly described as follows:
 BEGINNING at a railroad spike set in the intersection of the west line of Main Street (a public road) with a line of Water Street (a public road) at the northeast corner of this tract and same for the said 0.0908 acre tract as follows: N 00°10'54" E 32.00' feet (Ded - SOUTH, same distance) along the east line of this tract and same for the said 0.0908 acre tract and along the west line of Main Street to a railroad spike set for the southeast corner of this tract;

THENCE S 89°39'35" W, 123.67' feet (Ded - WEST, same distance) along the south line of this tract and same for the said 0.0908 acre tract; and along a line of Water Street to a railroad spike set for the southwest corner of this tract and same for the said 0.0908 acre tract;

THENCE N 00°10'54" E, 32.00' feet (Ded - NORTH, same distance) along the west line of this tract and same for the said 0.0908 acre tract and along a line of Water Street to a 3/4" steel rod set for the northeast corner of this tract and same for the said 0.0908 acre tract to the POINT OF BEGINNING and containing approximately 0.0908 acre of land.

SURVEYORS CERTIFICATE

TO THE OWNERS AND/OR THE PURCHASERS OF THE PREMISES SURVEYED AND TO:
 I hereby certify that in February, 2002, this survey was made on the ground as set forth in the field notes above on this survey and is true and correct and accurate as to the boundaries and area of the subject property and the size, location and type of all buildings, structures, improvements, if any, and as to the other matters shown hereon, and correctly shows the location of all visible easements and rights-of-way, and also shows the location of all encroachments upon the subject property by improvements on adjacent property, there are no encroachments shown hereon which are not shown on the subject property, and there are no conflicts or prohibitions.

I further certify to the following conditions:
 1. That no portion of the said tract lies within a Special Flood Hazard Boundary according to the Flood Insurance Rate Map for Ellis County, Texas, as shown on the map of the subject property and the size, location and type of all buildings, structures, improvements, if any, and as to the other matters shown hereon, and correctly shows the location of all visible easements and rights-of-way, and also shows the location of all encroachments upon the subject property by improvements on adjacent property, there are no encroachments shown hereon which are not shown on the subject property, and there are no conflicts or prohibitions.

2. That no utility in the area shown (visible) location of utilities. The surveyor makes no statement as to the utility shown hereon, but has made an attempt to locate as accurately as possible any underground utility shown on the ground during the course of this survey, and the surveyor is not responsible for any damage to any utility shown hereon.

3. That no easement or right-of-way is shown hereon which is not shown on the subject property, and there are no conflicts or prohibitions.

4. That no easement or right-of-way is shown hereon which is not shown on the subject property, and there are no conflicts or prohibitions.

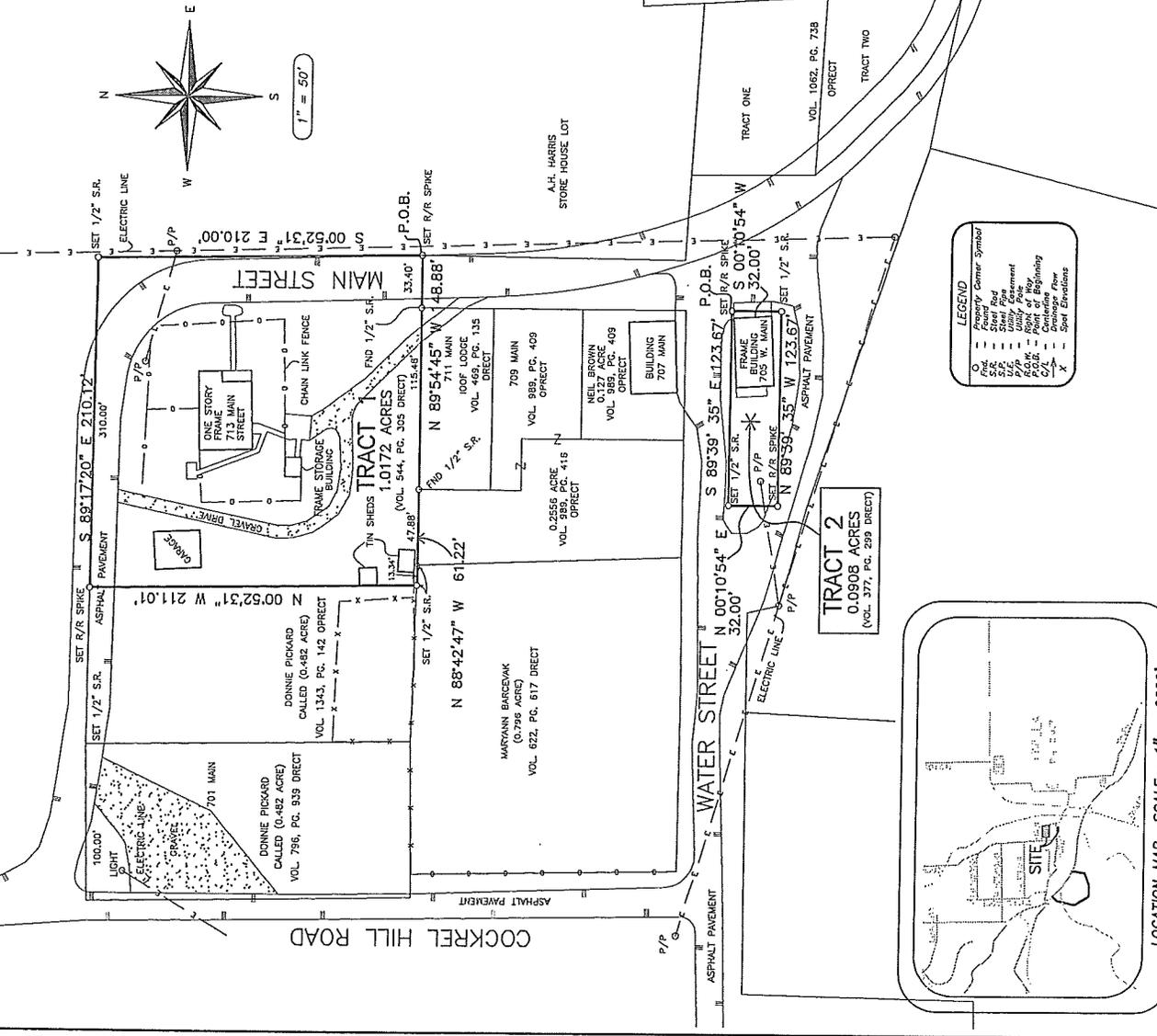
5. Unless otherwise labeled, all property corners indicated as "Set" are 1/2" diameter steel rods with yellow plastic caps marked (RPLS 4465).

This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1B, Condition 4 Survey.

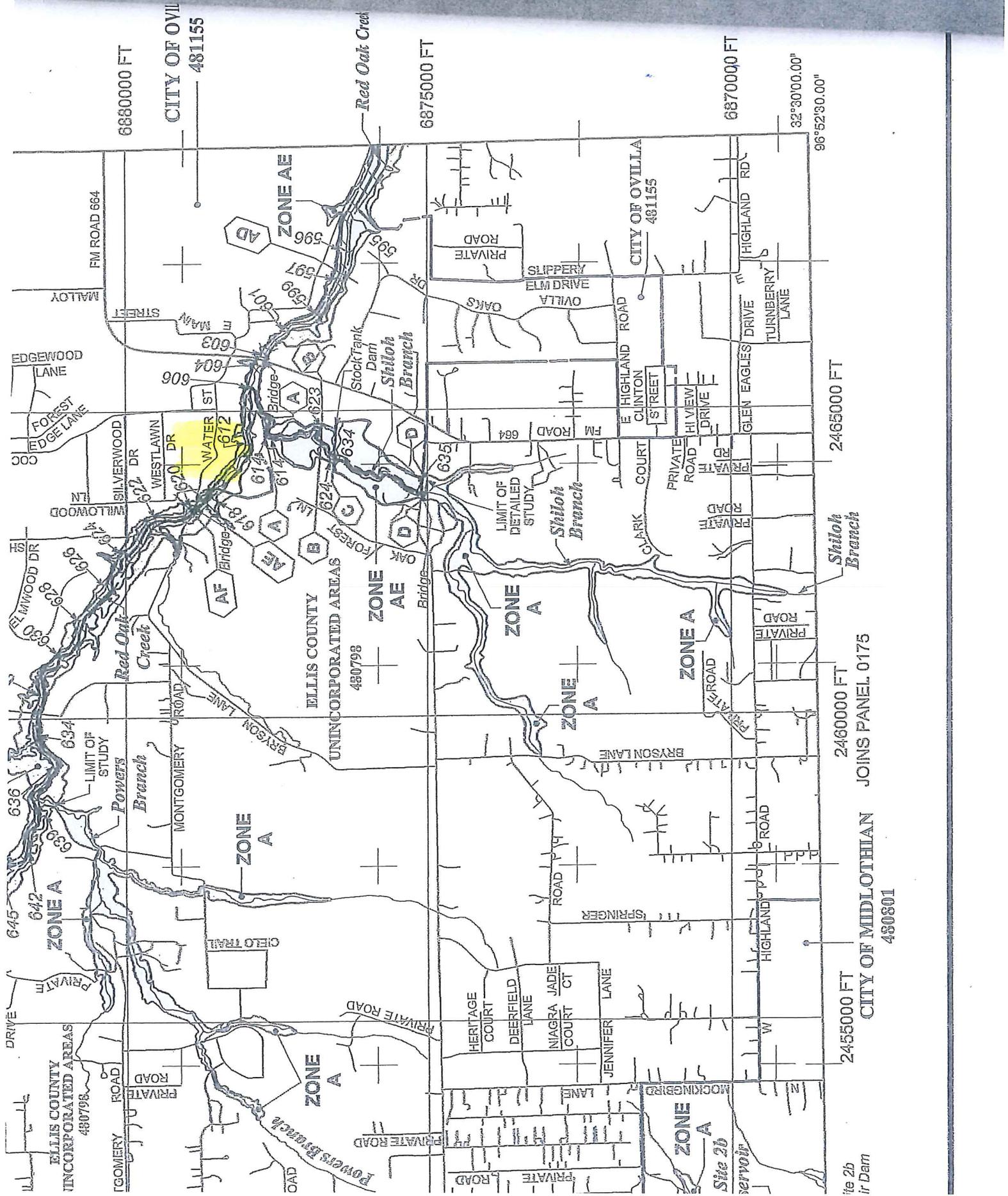
Walter Kevin Davis, R.P.L.S. # 4465
 DAVIS & MCDILL
 SURVEYORS

James McNamara Survey, A-693
 Ellis County, Texas

ENGINEERS
D & M
 SURVEYORS
 P.O. BOX 428, Waxahachie, Texas 75168
 Phone: Metro 972-938-1185 Fax: 972-937-0307
 Drawn: Kevin Huber Date: February 5, 2002 Job: 201-1135



LOCATION MAP SCALE : 1" = 2000'



6830000 FT
CITY OF OVILLA
481155

6875000 FT

6870000 FT

32°30'00.00"
96°52'00.00"

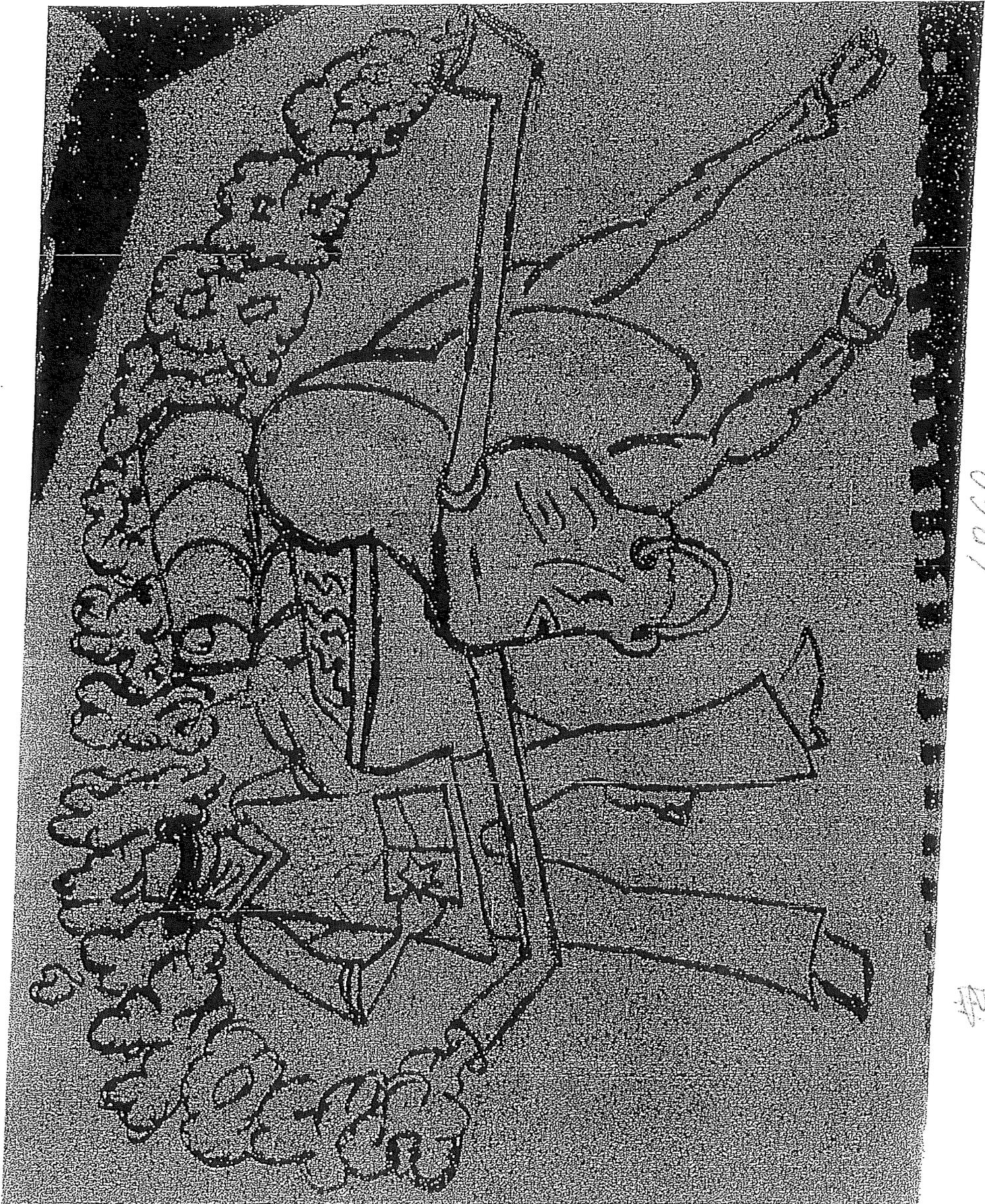
2465000 FT

2460000 FT

2455000 FT

CITY OF MIDLOTHIAN JOINS PANEL 0175
480801

Site 2b
Reservoir Dam



0907

24

Smokin Hot Café

705 W. Main

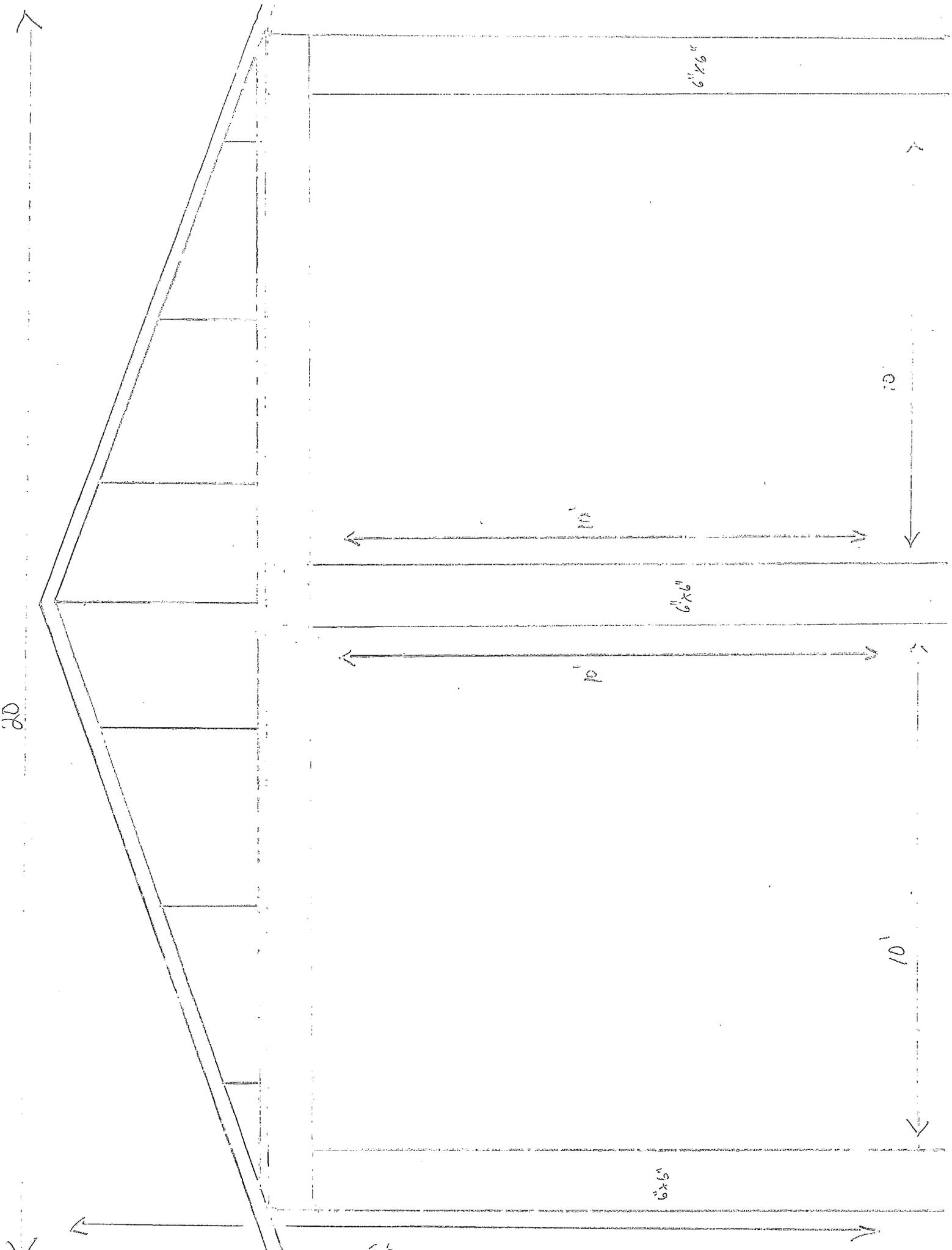


*Existing Sign Structure/Sizes Not To Changed
 *Existing Lighting to Be Used



THIS REGISTERED SIGN DESIGN IS THE PROPERTY OF MOORING SIGNS AND IS NOT TO BE COPIED OR USED IN ANY MANNER BY ANOTHER PARTY

| | | |
|-------------------|-------------------------|------------------|
| TYPE: Can Sign | CUSTOMER: Bobby Hopkins | LOCATION: Ovilla |
| MATERIAL: Ply/Alm | CALLER: Johnny | DATE: 7/10/17 |









6 February 2013

City of Ovilla

To whom it may concern:

I am the owner of the property at 705 W. Main and I am aware of the plans that Ted Wilson and Bobby Hopkins have for the property. I am completely aware of all of the improvements that they have made and am in agreement with them opening a restaurant in the building.

Please let me know if I can be of further assistance.

Sincerely,



Karen Pickard

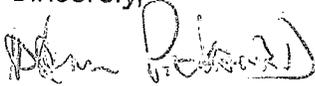
20 February 2013

To all interested parties:

This is to confirm that I have paid the taxes for the property located at 705 W. Main, Ovilla and they are current.

Please do not hesitate to contact me for any questions or concerns.

Sincerely,

A handwritten signature in cursive script, appearing to read "Karen Pickard".

Karen Pickard



**City of OVILLA Planning & Zoning Commission
Recommendation**

Case No. PZ13-002. A request for a **Specific Use Permit** filed by Ms Karen Pickard (owner) and Bobby Hopkins (applicant) to open and operate a restaurant, "Smokin Hot" located in the Historic District, **705 W. Main Street, Ovilla, Texas.**

ITEM I. DISCUSSION/ACTION – Case No. PZ13-002. Consideration of a **Specific Use Permit** to open and operate a restaurant, "Smokin Hot" located in the Historic District, **705 W. Main Street, Ovilla, Texas,** requested by Ms Karen Pickard (owner) and Mr. Bobby Hopkins, applicant.

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

PL 1 Rarick YAE
PL 2 Yordy YAE
PL 3 Silva YAE
PL 4 Oberg YAE

PL 5 Edmiston YAE
PL 6 Lamar YAE
PL 7 Zimmermann ABSENT

6 FOR

0 AGAINST

NONE ABSTAIN

Kenneth Rarick
Presiding Officer of P&Z
[Signature]

04/01/2013
Date



AGENDA ITEM REPORT

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

Meeting Date: April 8, 2013

Department: Admin

Discussion Action

Zoned: Res. Commercial

Budgeted Expense: YES NO N/A

Submitted By: Administration

Amount: N/A

PROPOSED CHANGES: Rezone to Industrial

Attachments:

- 1. Current Ovilla Zoning Map
- 2. Proposed zoning changes map outline of parcels
- 3. General Commercial, Industrial descriptions & Land Use Table Legend from the Ovilla codification.
- 4. Planning and Zoning Commission Recommendation (Not recommended)

Agenda Item / Topic:

Case No. PZ13-003. A request by The City of Ovilla, for change in zoning from CG (General Commercial) to I (Industrial) on 19.348 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 196, Dallas County, Texas and more commonly known as 1906 Bear Creek, Ovilla, Texas.

ITEM 2. DISCUSSION/ACTION – Case No. PZ13-003. Consider recommendation from the Planning & Zoning Commission for a change in zoning from CG (General Commercial) to I (Industrial) on 19.348 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 196, Dallas County, Texas and more commonly known as 1906 Bear Creek, Ovilla, Texas.

Discussion / Justification:

During the adoption of the Comprehensive Land Use Plan, it was discovered that there were no parcels zoned in either the Industrial or Multi-Family zoning districts. Not having property zoned for all districts could leave the City to potential challenges by a developer. All of the property under consideration fronts Bear Creek Road, either entirely or partially.

Bear Creek Road is projected to be freeway, which will become the highest volume road serving Ovilla. The first 3 parcels are proposed to be Industrial and the 4 parcels south are to be Multi-Family, providing a buffer from the residential zoning to the south.

Recommendation / Staff Comments:

Planning and Zoning Commission does NOT recommend approval.

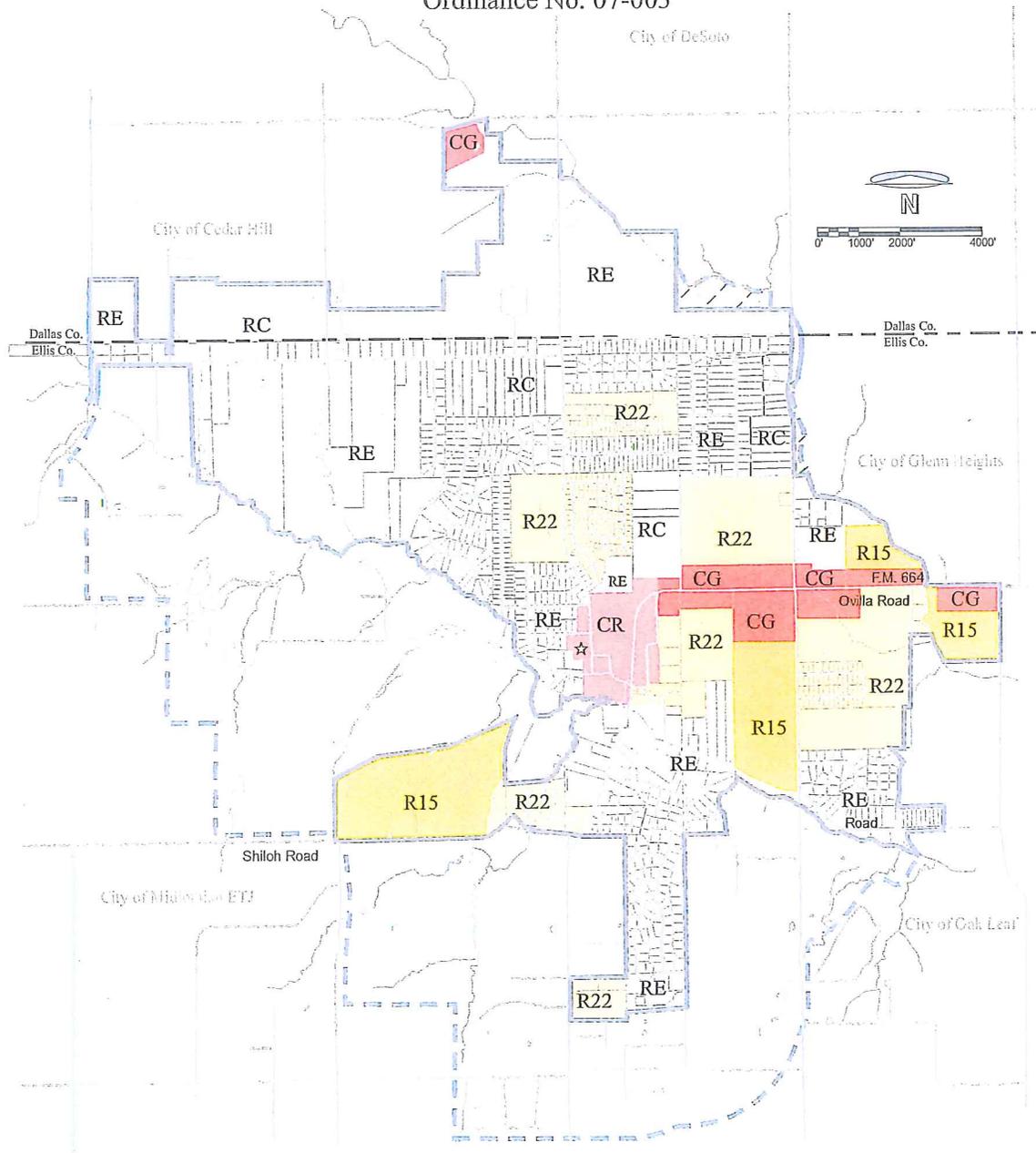
Sample Motion(s):

“I MAKE A MOTION THAT THE CITY COUNCIL APPROVES/DOES NOT APPROVE THE PROPOSED ZONING CHANGES IN CASE PZ13-003 AS PRESENTED.”

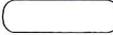
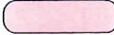
Zoning Map

City of Ovilla, Texas

Ordinance No. 07-003



Zoning Map Legend

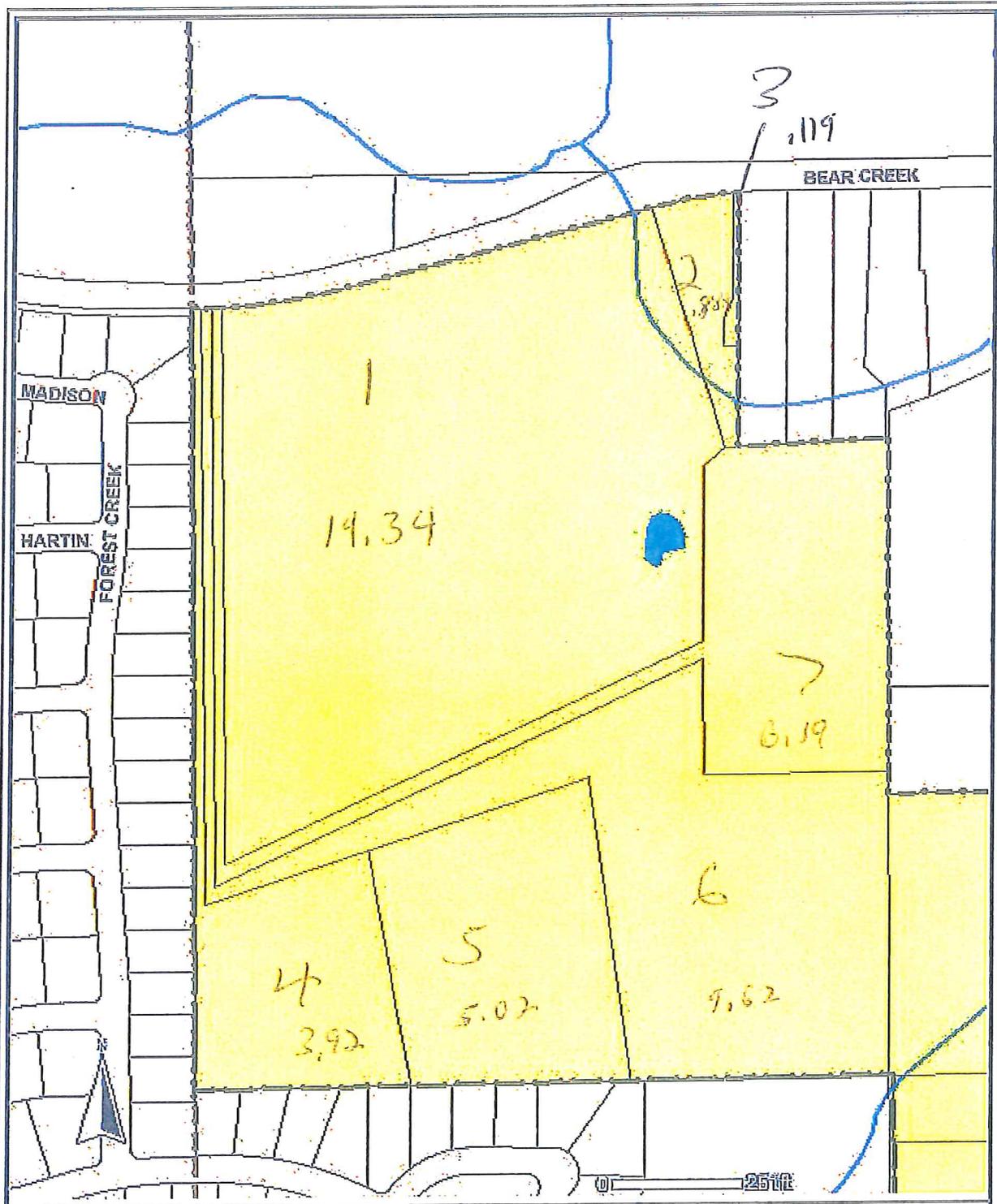
| | |
|---|---|
|  RC Residential (5 Ac.) |  MH HUD-Code Manufactured Home |
|  RE Residential (1 Ac.) |  CR Restricted Commercial |
|  R22 Residential (22,000 sf) |  CG General Commercial |
|  R15 Residential (15,000 sf) |  I Industrial |
|  RD Two Family Residential |  PD Planned Development |
|  MF Multi-Family | |

Map Key

| | |
|---|----------------|
|  | City Hall |
|  | Street / Road |
|  | County Line |
|  | City Limit |
|  | ETJ |
|  | Stream / Creek |

February 26, 2007

MPRG inc. Municipal Planning Resources Group, Inc.



Dallas Central Appraisal District
www.dallascad.org

DISCLAIMER
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Table 11.A
City of Ovilla Land Use Table

| Residential | | Land Use Descriptions | | | | Nonresidential | | | Conditions |
|--------------------------------|-----|-----------------------|------|-----|----|----------------|----|----|------------|
| R-C | R-E | R-22 | R-15 | R-D | MF | MH | CR | CG | I |
| Amusement & Entertainment Uses | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | P | P |
| | | | | | | | | S | a, g, q |
| | | | | | | | | P | a, g |
| | | | | | | | P | P | g |
| | | | | | | | | P | a, g |
| S | S | | | | | | P | P | a, g |
| S | S | S | S | | | | | P | g |
| S | S | S | S | | | | P | P | a, g |
| | | | | | | | | | a, g, q |
| | | | | | | | P | P | g |
| | | | | | | | P | P | a, c, g |
| P | S | | | | | | | | g, h |
| | | | | | | | | S | b, g, h |
| | | | | | | | | P | g, h |
| | | | | | | | | S | b, g, h |
| | | | | | | | | S | b, g, h |
| | | | | | | | P | P | g |
| | | | | | | | | P | a |
| | | | | | | | | P | a, g |
| | | | | | | | | S | a, g |
| Medical Uses | | | | | | | | | |
| | | | | | | | | P | a, g |
| | | | | | | | | P | a, g |
| | | | | | | | S | P | g |
| | | | | | | | P | P | g |
| | | | | | | | P | P | g |

Table 11.A
City of Ovilla Land Use Table

| Residential | | Land Use Descriptions | | | | Nonresidential | | | Conditions |
|-----------------|-----|-----------------------|------|-----|----|----------------|----|----|------------|
| R-C | R-E | R-22 | R-15 | R-D | MF | MH | CR | CG | I |
| | | | | | | | | P | P |
| | | | | | | | | P | a, g |
| | | | | | | | | P | g |
| S | | | | | | | | S | a, g, i, s |
| S | | | | | | | S | P | b, g |
| S | | | | | | | S | P | b, g |
| S | | | | | | | S | P | a, g, h, i |
| Automotive Uses | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | S | P | b, g |
| | | | | | | | | S | b, c, g |
| | | | | | | | | P | g, i |
| | | | | | | | P | P | g |
| | | | | | | | S | P | b, g, m |
| | | | | | | | S | P | b, g, l |
| | | | | | | | P | P | b, g, m |
| | | | | | | | P | P | a, g |
| | | | | | | | | P | a, g |
| | | | | | | | | P | a, g, l, m |
| | | | | | | | S | P | a, g, l |
| | | | | | | | | P | a, g |
| | | | | | | | | S | b, g |
| | | | | | | | | S | b, g |
| | | | | | | | P | P | |
| | | | | | | | | S | b, g |
| | | | | | | | | P | |
| | | | | | | | | S | b, g |
| | | | | | | | | P | a, g |
| | | | | | | | P | P | a, c, g, m |

Section 10 - Platting of Property not Properly Zoned

The Planning and Zoning Commission shall not approve any plat until the area covered by the proposed plat is or shall be zoned to the proper zoning classification by the City Council, upon recommendation from the Planning and Zoning Commission.

Article 2 - Permitted Uses

Section 11 - Permitted Use Table

11.1 LAND USE TABLE LEGEND

The following Table 11.A presents the zoning district classifications and the permitted uses within those classifications. Uses are listed as being “Permitted”, permitted by “Specific Use Permit”, and prohibited uses as signified by blank cells. Conditions are provided in Section 12, Special Conditions for Listed Uses.

P Permitted Use

S Specific Use Permit

Prohibited Use

| ZONING DISTRICTS | |
|------------------|-------------------------------|
| R-C | Residential Conservation |
| R-E | Single Family Residential |
| R-22 | Single Family Residential |
| R-15 | Single Family Residential |
| R-D | Two Family Duplex |
| MF | Multifamily Residential |
| MH | HUD Manufactured Housing Res. |
| CR | Restricted Commercial |
| CG | General Commercial |
| I | Industrial |
| PD | Planned Development |

11.2 USES PERMITTED

Any use not expressly authorized and permitted herein is expressly prohibited.

C. Application for building permit. An application for a building permit shall be accompanied by plans in triplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as the administrative official may reasonably require to evaluate the application, including existing or proposed building or alteration; existing or proposed uses of the building and land; housekeeping units or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this ordinance. One copy of the plans shall be returned to the applicant by the administrative official, that has markings on the copy either as approved or disapproved and attested to same by his signature on such copy. The original and one copy of the plans, similarly marked, shall be retained by the administrative official.

D. Expiration of Building Permit. If the work described in any building permit has not begun within six calendar months from the date of issuance thereof, said permit shall expire, and work shall not proceed until a new building permit has been obtained.

9.2 CERTIFICATE OF OCCUPANCY REQUIRED

A. Offense. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefor by the administrative official stating that the proposed use of the principal building or land conforms to the requirements of this ordinance.

B. Application. No permit for erection, alteration, moving or structural repair of any building shall be issued until an application has been made for a certificate of occupancy, and the certificate shall be issued in conformity with the provisions of this ordinance upon completion of the work.

C. Temporary Certificate. The Administrative Official may issue a temporary certificate of occupancy for a period not exceeding six months during alterations or partial occupancy of a building pending its completion, provided that said temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

D. Records. The administrative official shall maintain a record of all certificates of occupancy.

9.3 CONFORMANCE REQUIRED

Building permits or certificates of occupancy issued on the basis of plans and applications approved by the administrative official authorize only the use, arrangement and construction set forth in the approved plans and applications, and no other use, arrangement or construction. Use, arrangement or construction at variance with that authorized shall be deemed violation of this ordinance, and punishable as provided by Section 49 [50] Violations and Penalties hereof.

11.3 LAND USE TABLE

P = Permitted Use, S = Specific Use Permit, Blank = Prohibited Use

| Table 11.A City of Ovilla Land Use Table | | | | | | | | | | | |
|---|-----|------|------|-----|----|----|---|----------------|----|---|------------|
| Residential | | | | | | | Land Use Descriptions | Nonresidential | | | Conditions |
| R-C | R-E | R-22 | R-15 | R-D | MF | MH | | CR | CG | I | |
| Residential Uses | | | | | | | | | | | |
| P | P | | | | | | Agricultural Use | S | S | S | b, h |
| | | | | | P | | Apartment | | S | | d, g |
| | | | | | P | | Boarding House | P | P | | a |
| P | P | S | S | S | | | Caretaker, Guard or Servant Residence or Garage Apartment | S | S | P | b, p |
| P | P | S | S | S | | | Dwelling, Guesthouse | | | | |
| | P | | | | P | | Convent, Rectory, Monastery | P | P | | |
| | | | | | P | | Dwelling, Assisted Living Facility | | P | | a |
| | | | | | | P | Dwelling, HUD-Code Manufactured Home | | | | |
| P | P | P | P | P | P | P | Dwelling, Industrialized Housing | | | | |
| | | | | | | | Dwelling, Mobile Home | | | | |
| | | | | | P | | Dwelling, Multifamily | | | | a, g |
| | | | | P | P | P | Dwelling, Single Family Attached | | | | |
| P | P | P | P | P | | P | Dwelling, Single Family Detached | P | | | |
| | | | | P | P | | Dwelling, Two Family | | | | |
| | S | S | S | P | P | P | Group Home for the Disabled or Disadvantaged | | | | |
| | | | | | | P | Manufactured Housing Park or Subdivision | | | | |
| Public, Civic & Utility Uses | | | | | | | | | | | |
| | | | | | | | Airport, Public/Private | | | P | t |
| P | P | | | | | | Animal Pound, Shelter | S | S | P | a, g, h, i |
| | | | | | S | | Assembly Hall | S | P | P | b, g |
| S | S | S | S | S | S | S | Athletic Field and Play Field, Public | P | P | P | a, g |
| | | | | | | | Cemetery, Mausoleum, Crematorium | P | P | P | |
| P | P | P | P | P | P | P | Community Center | P | P | P | g |
| | | | | | | | Electrical Generating Station | P | P | P | a |

| Residential | | | | | | | Land Use Descriptions | Nonresidential | | | Conditions |
|-------------------------|-----|------|------|-----|----|----|---|----------------|----|---|------------|
| R-C | R-E | R-22 | R-15 | R-D | MF | MH | | CR | CG | I | |
| P | P | P | P | P | P | P | Electrical Transmission Line | P | P | P | |
| | | | | | | | Garage, Public | P | P | P | g |
| | | | | | | | Gas Regulator Station | P | P | P | a |
| P | P | P | P | P | P | P | Golf course, Public | P | P | P | g |
| P | P | P | P | P | P | P | Governmental Administration Facility | P | P | P | g |
| | | | | | P | | Library | P | P | P | g |
| | | | | | | | Lodge, Fraternal, Sorority & Clubs | P | P | P | g |
| | | | | | | | Museum | P | P | P | g |
| P | P | P | P | P | P | P | Park | P | P | P | g |
| | | | | | P | | Philanthropic and/or Charitable Use | P | P | P | g |
| | | | | | | | Public Maintenance Building, Storage Yard | | P | P | c |
| P | P | P | P | P | P | P | Public Safety Facility, Police & Fire | P | P | P | g |
| P | P | P | P | P | P | P | Public Utility | P | P | P | |
| P | P | P | P | P | P | P | Religious Institution | P | P | P | a, g |
| P | P | P | P | P | P | P | Telephone Exchange, Switching or Relay | P | P | P | |
| Educational Uses | | | | | | | | | | | |
| | | | | | | | School, Business College | | P | P | a, g |
| | | | | | | | School, College or University | | P | P | a, g |
| | | | | | | | School, Commercial Instruction | | P | P | g |
| | | | | | | | School, Commercial Trade | | P | P | g |
| P | P | P | P | P | P | P | School, Home | | | | |
| S | S | S | S | S | S | S | School, Home Day | | | | b |
| | | | | | | | School, Institution, Rehabilitation & Training Center | P | P | P | g |
| | | | | | P | | School, Nursery | P | P | P | g |
| P | P | P | P | P | P | P | School, Primary or Secondary | P | P | P | a, g |
| | | | | | | | School, Vocational | P | P | P | a, g |

| Table 11.A City of Ovilla Land Use Table | | | | | | | | | | | |
|---|-----|------|------|-----|----|----|--|----------------|----|---|------------|
| Residential | | | | | | | Land Use Descriptions | Nonresidential | | | Conditions |
| R-C | R-E | R-22 | R-15 | R-D | MF | MH | | CR | CG | I | |
| Amusement & Entertainment Uses | | | | | | | | | | | |
| | | | | | | | Amusement Center, Indoor | | P | P | g |
| | | | | | | | Amusement Center, Outdoor | | S | P | a, g, q |
| | | | | | | | Athletic Field & Play Field, Commercial | | P | P | a, g |
| | | | | | | | Auditorium | P | P | P | g |
| | | | | | | | Camp Ground & Related Facilities | | | P | a, g |
| S | S | | | | S | | Country Club | P | P | P | a, g |
| S | S | S | S | | | | Golf Course, Driving Range(golf course only for residential) | | P | P | g |
| | | | | | | | Golf Course, Miniature | | P | P | g |
| S | S | S | S | | S | | Golf Course, Private | P | P | P | a, g |
| | | | | | | | Go Cart Track and Other Vehicular Track or Facility | | | | a, g, q |
| | | | | | | | Gymnasium | | P | P | g |
| | | | | | | | Private Club | P | P | P | a, e, g |
| P | S | | | | | | Recreational Ranch or Farm | | | P | g, h |
| | | | | | | | Rodeo Ground/Fair Ground | | S | P | b, g, h |
| | | | | | | | Skating Rink, Indoor | | P | P | g, h |
| S | | | | | | | Stable, Commercial | | | S | b, g, h |
| P | P | S | | | | | Stable, Private | | | S | b, g, h |
| | | | | | | | Swimming Pool, Commercial | P | P | P | g |
| | | | | | | | Shooting Range, Indoor | | P | P | a |
| | | | | | | | Shooting Range, Outdoor | | | | |
| | | | | | | | Theater, Indoor Motion Picture | P | P | P | a, g |
| | | | | | | | Water Park, Commercial | | S | P | a, g |
| Medical Uses | | | | | | | | | | | |
| | | | | | S | | Clinic | P | P | P | a, g |
| | | | | | S | | Hospital | P | P | P | a, g |
| | | | | | | | Laboratory, Medical and/or Dental | S | P | P | g |
| | | | | | | | Medical, Dental & Optical Retail Sales | P | P | P | g |
| | | | | | | | Medical, Dental Office | P | P | P | g |

| Residential | | | | | | | Land Use Descriptions | Nonresidential | | | Conditions |
|------------------------|-----|------|------|-----|----|----|--|----------------|----|---|------------|
| R-C | R-E | R-22 | R-15 | R-D | MF | MH | | CR | CG | I | |
| | | | | | | | Medical Equipment Sales, Rental, & Leasing Service | P | P | P | g |
| | | | | | P | | Nursing Home | P | P | | a, g |
| | | | | | | | Optician Shop | P | P | P | g |
| S | | | | | | | Veterinary Hospital with Outside Pens | | S | P | a, g, i, s |
| S | | | | | | | Veterinary Hospital without Outside Pens | S | P | P | b, g |
| S | | | | | | | Veterinarian Office, Small Animal Practice | S | P | P | b, g |
| S | | | | | | | Veterinarian Office, Large Animal Practice | | S | P | a, g, h, i |
| Automotive Uses | | | | | | | | | | | |
| | | | | | | | Auto Auction | | | | |
| | | | | | | | Auto Car Wash | S | P | P | b, g |
| | | | | | | | Auto Impound Lot/Wrecker Business | | | S | b, c, g |
| | | | | | | | Auto Paint & Body Shop | | P | P | g, l |
| | | | | | | | Auto Parts & Accessory Sales | P | P | P | g |
| | | | | | | | Auto Rental (Car & Truck) | S | P | P | b, g, m |
| | | | | | | | Auto Repair Garage | S | P | P | b, g, l |
| | | | | | | | Auto Sales, New & Used | P | P | P | b, g, m |
| | | | | | | | Auto Service Station | P | P | P | a, g |
| | | | | | | | Bus, Train, & Taxi Station or Terminal | | P | P | a, g |
| | | | | | | | Farm Machinery & Implement Sales & Service | | P | P | a, g, l, m |
| | | | | | | | Garage, Repair | S | P | P | a, g, l |
| | | | | | | | Heliport | | | P | a, g |
| | | | | | | | Helistop | | S | P | b, g |
| | | | | | | | Motor Freight Terminal | | S | P | b, g |
| | | | | | | | Park and Ride Lots | P | P | P | |
| | | | | | | | Parking Lot, Commercial (Auto) | | S | P | b, g |
| | | | | | | | Parking Lot, Commercial (Truck) | | | P | a, g |
| | | | | | | | Recreational vehicle storage (commercial) | P | P | P | a, c, g, m |

| Table 11.A City of Ovilla Land Use Table | | | | | | | | | | | |
|--|-----|------|------|-----|----|----|--|----------------|----|---|------------|
| Residential | | | | | | | Land Use Descriptions | Nonresidential | | | Conditions |
| R-C | R-E | R-22 | R-15 | R-D | MF | MH | | CR | CG | I | |
| Professional Uses | | | | | | | | | | | |
| | | | | | | | Bank, Bank with Drive-Through, Savings and Loan Association, Financial Institution | P | P | P | g |
| | | | | | | | Office, Business | P | P | P | g |
| | | | | | | | Office, Professional | P | P | P | g |
| | | | | | | | Office, Real Estate Development Tract or Field Office | P | P | P | g |
| Commercial, Retail & Service Uses | | | | | | | | | | | |
| | | | | | | | Ambulance Service | P | P | P | g |
| S | S | | | | | | Animal Grooming | S | P | P | b, g |
| | | | | | | | Antique Shop | P | P | P | g |
| | | | | | | | Apparel Alteration and Repair or Tailor Shop | P | P | P | g |
| | | | | | | | Appliance Repair, Household | P | P | P | g |
| | | | | | | | Art Gallery | P | P | P | g |
| | | | | | | | Arts, Crafts, and Hobby Shop | P | P | P | g |
| | | | | | | | Auction House, Indoor | | S | P | b, c, g |
| | | | | | | | Bakery, Retail Confectionery | P | P | P | g |
| | | | | | | | Bakery, Wholesale Candy | | P | P | g |
| | | | | | | | Barber Shop, Beauty Salon, other Personal Shop | P | P | P | g |
| | | | | | | | Building Material Sales | | S | P | b, c, g |
| | | | | | | | Cabinet &/or Upholstery Shop | | S | P | g |
| | | | | | | | Catering Service | S | P | P | b, g |
| | | | | | | | Collectibles Shop | P | P | P | g |
| | | | | | | | Contractor, no Outside Storage Permitted | | S | P | b, g |
| | | | | | | | Contractor, Outside Storage Permitted | | S | P | a, c, g, m |
| | | | | | | | Contractor Storage or Equipment Yard | | S | P | a, c, g, m |
| | | | | | | | Convenience Store, with or without Fuel Sales | P | P | P | a, g |
| | | | | | | | Copy Shop | P | P | P | b, g |
| | | | | | | | Cosmetic Tattoo Establishment | P | P | P | a, g |

| Residential | | | | | | | Land Use Descriptions | Nonresidential | | | Conditions |
|-------------|-----|------|------|-----|----|----|---|----------------|----|---|------------|
| R-C | R-E | R-22 | R-15 | R-D | MF | MH | | CR | CG | I | |
| | | | | | P | | Day Care Center, Adult | P | P | P | g |
| | | | | | P | P | Day Care Center, Child | P | P | P | g |
| P | P | P | P | P | P | P | Day Care, in the Home | | | | j |
| | | | | | | | Department Store | P | P | P | a, g |
| | | | | | | | Exterminating Service | | S | P | b, g |
| | | | | | | | Factory Outlet, Retail or Wholesale Store | | S | P | b, g |
| S | | | | | | | Farmers Market, Outdoor | S | P | P | |
| | | | | | | | Flea Market | | | | |
| | | | | | | | Funeral Home, Mortuary | P | P | P | b, g |
| | | | | | | | Furniture, Fixture & Appliance Store | P | P | P | g |
| | | | | | | | Gift Shop | P | P | P | g |
| S | | | | | | | Greenhouse or Plant Nursery | S | P | P | a, c, g |
| | | | | | | | Grocery Store | P | P | P | a, g |
| | | | | | | | Hardware Store | P | P | P | b, c, g |
| | | | | | | | Health Club, Recreation Facility | S | P | P | a, g |
| | | | | | | | Hobby Studio, Private | P | P | P | g |
| | | | | | | | Hotel, Motel | P | P | P | a, g |
| | | | | | | | Kennel | | S | P | b, g, i |
| | | | | | | | Landscape Service | S | P | P | a, c, g |
| | | | | | | | Laundry, Dry Cleaning Full Service | S | S | P | g |
| | | | | | | | Laundry, Dry Cleaning Pickup & Receiving Station | P | P | P | g |
| | | | | | | | Laundry, Dry Cleaning Self Service | S | P | P | b, g |
| | | | | | | | Lithography or Print Shop | S | P | P | g |
| | | | | | | | Locksmith Shop | P | P | P | g |
| | | | | | | | Machinery Sales or Repair | | | P | a, c, g, m |
| | | | | | | | Manufactured or Industrialized Home Sales or Rental | | | P | a, c, g, m |
| | | | | | | | Meat Market | S | P | P | a, g |
| | | | | | | | Music Store | P | P | P | g |
| | | | | | | | Office Machine Sales & Service | P | P | P | g |
| | | | | | | | Office Supply Store | P | P | P | g |
| | | | | | | | Pawn Shop | | S | P | g |
| | | | | | | | Pet Shop | | P | P | g |
| | | | | | | | Pharmacy | P | P | P | g |

| Table 11.A City of Ovilla Land Use Table | | | | | | | | | | | |
|---|-----|------|------|-----|----|----|---|----------------|----|---|------------|
| Residential | | | | | | | Land Use Descriptions | Nonresidential | | | Conditions |
| R-C | R-E | R-22 | R-15 | R-D | MF | MH | | CR | CG | I | |
| | | | | | | | Photographic Equipment Sales & Service | P | P | P | g |
| | | | | | | | Photographic Service | P | P | P | g |
| | | | | | | | Radio, Television Studio | | P | P | a, g, n, o |
| | | | | | | | Recycling Collection Center | | S | P | a, c, g |
| | | | | | | | Rental Store | S | P | P | a, g |
| | | | | | | | Rental Yard, Commercial & Heavy Equipment | | | S | b, c, g, m |
| | | | | | | | Restaurant | S | S | S | b, g |
| | | | | | | | Restaurant, Drive-in / Drive-thru | S | S | S | b, g |
| | | | | | | | Restaurant, Refreshment Stand (Temporary or Seasonal) | S | S | S | b, g |
| | | | | | | | Sexually Oriented Business | | S | S | r |
| | | | | | | | Shoe Repair | P | P | P | g |
| | | | | | | | Sign Shop, Painted or Silk-screened | | P | P | g |
| | | | | | | | Studio | P | P | P | g |
| | | | | | | | Stone Monument Sales | | S | P | a, c, g |
| | | | | | | | Tattoo Parlor/Body Piercing Studio | | | | |
| | | | | | | | Taxidermist Studio | | S | P | g |
| | | | | | | | Taxidermist Shop | | S | P | a, g |
| | | | | | | | Tobacco Shop | P | P | P | g |
| | | | | | | | Video / Game Rental | P | P | P | b, g |
| | | | | | | | Watch &/or Jewelry Sales & Repair | P | P | P | g |
| Manufacturing & Industrial Uses | | | | | | | | | | | |
| | | | | | | | Assembly Plant | | | P | a, c, g |
| | | | | | | | Bottling Works | | | P | a, g |
| | | | | | | | Building Materials Manufacturing | | | P | a, c, g |
| | | | | | | | Dairy Processing | | | | |
| | | | | | | | Electronics Manufacturing | | | P | a, g |
| | | | | | | | Laundry, Dry Cleaning & Dyeing Plant | | | P | a, g |
| | | | | | | | Machine Shop | | | P | a, g |
| | | | | | | | Manufacturing Facility (Light) | | | P | a, c, g |
| | | | | | | | Meat Product Processing | | | | |
| | | | | | | | Mini-warehouse | S | P | P | a, g |

| Table 11.A City of Ovilla Land Use Table | | | | | | | | | | | |
|---|-----|------|------|-----|----|----|--|----------------|----|---|------------------------------|
| Residential | | | | | | | Land Use Descriptions | Nonresidential | | | Conditions |
| R-C | R-E | R-22 | R-15 | R-D | MF | MH | | CR | CG | I | |
| | | | | | | | Pharmaceutical Plant | | | P | a, g |
| | | | | | | | Plastic Products Manufacturing | | | P | a, c, g |
| | | | | | | | Radio Transmission or Receiving Facility | | | | (As regulated by Section 37) |
| | | | | | | | Salvage Yard | | | | |
| | | | | | | | Stockyard | | | | |
| | | | | | | | Storage and Warehousing Establishment | | | P | a, c, g, k |
| | | | | | | | Storage Yard | | | P | a, c, g, k |
| | | | | | | | Textile Manufacturing | | | P | a, g |
| | | | | | | | Warehousing, Freight Office and/or Storage | | | P | a, c, g, k |
| | | | | | | | Welding or Machine Shop | | | P | a, c, g |
| Accessory Uses | | | | | | | | | | | |
| P | P | P | P | P | P | P | Accessory building | P | P | P | a, p |
| P | P | P | P | P | P | P | Attached Carport, Residential | | | | |
| | | | | | | | Christmas tree sales | P | P | P | f |
| P | P | P | P | P | P | P | Home Occupation | | | | |
| | | | | | P | | Temporary Construction Building | P | P | P | d |
| P | P | P | P | P | P | P | Utility buildings and structures | P | P | P | |

Section 12 - Special Conditions for Listed Uses

12.1 DESCRIPTION OF LAND USE TABLE CONDITIONS AND SPECIAL REGULATIONS

The following describe conditions and special regulations for uses listed in the Permitted Use Table. Additional requirements may be added to these herein by the Planning and Zoning Commission or City Council, as deemed necessary, to protect the health, safety, and general welfare of the citizens of Ovilla. No construction or occupancy shall commence for any permitted use until the conditions herein stated or required by the Planning and Zoning Commission and City Council have been met.

- A. A site plan will be required in accordance with Section 26 Site Plan Requirements.



**City of OVILLA Planning & Zoning Commission
Recommendation**

Case No. PZ13-003. A request by The City of Ovilla, for **change in zoning** from CG (General Commercial) to I (Industrial) on 19.348 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 196, Dallas County, Texas and more commonly known as **1906 Bear Creek, Ovilla, Texas.**

ITEM 2. DISCUSSION/ACTION – Case No. PZ13-003. Consider the **change in zoning** from CG (General Commercial) to I (Industrial) on 19.348 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 196, Dallas County, Texas and more commonly known as **1906 Bear Creek, Ovilla, Texas.**

DO NOT RECOMMEND

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

PL 1 Rarick YAE
PL 2 Yordy YAE
PL 3 Silva YAE
PL 4 Oberg YAE

PL 5 Edmiston YAE
PL 6 Lamar YAE
PL 7 Zimmermann ABSENT

5 FOR

1 AGAINST

NONE ABSTAIN

Samuel R. Rarick
Presiding Officer of P&Z

07/01/2013
Date



AGENDA ITEM REPORT

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

Meeting Date: April 1, 2013

Department: Admin

Discussion Action

Zoned: Res. Commercial

Budgeted Expense: YES NO N/A

Submitted By: Administration

Amount: N/A

PROPOSED CHANGES: REZONING

Attachments:

- 1. Current Ovilla Zoning Map
- 2. Proposed zoning changes map outline of parcels
- 3. RE, Industrial descriptions & Land Use Table Legend from the Ovilla codification.
- 4. Planning and Zoning Commission Recommendation (Not recommended)

Agenda Item / Topic:

Case No. PZ13-004. A request by The City of Ovilla, for change in zoning from RE (Residential - 1 Acre) to I (Industrial) on 0.881 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 196, Dallas County, Texas and more commonly known as 1902 Bear Creek, Ovilla, Texas.

ITEM 3. DISCUSSION/ACTION – Case No. PZ13-004. Consider recommendation from the Planning & Zoning Commission for a change in zoning from RE (Residential - 1 Acre) to I (Industrial) on 0.881 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 196, Dallas County, Texas and more commonly known as 1902 Bear Creek, Ovilla, Texas.

Discussion / Justification:

During the adoption of the Comprehensive Land Use Plan, it was discovered that there were no parcels zoned in either the Industrial or Multi-Family zoning districts. Not having property zoned for all districts could leave the City to potential challenges by a developer. All of the property under consideration fronts Bear Creek Road, either entirely or partially.

Bear Creek Road is projected to be freeway, which will become the highest volume road serving Ovilla. The first 3 parcels are proposed to be Industrial and the 4 parcels south are to be Multi-Family, providing a buffer from the residential zoning to the south.

Recommendation / Staff Comments:

Planning and Zoning Commission does NOT recommend approval.

Sample Motion(s):

“I MAKE A MOTION THAT THE CITY COUNCIL APPROVES/DOES NOT APPROVE THE PROPOSED ZONING CHANGES IN CASE PZ13-004 AS PRESENTED.”



**City of OVILLA Planning & Zoning Commission
Recommendation**

Case No. PZ13-004. A request by The City of Ovilla, for **change in zoning** from RE (Residential - 1 Acre) to I (Industrial) on 0.881 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 196, Dallas County, Texas and more commonly known as **1902 Bear Creek, Ovilla, Texas.**

ITEM 3. DISCUSSION/ACTION – Case No. PZ13-004. Consider the **change in zoning** from RE (Residential - 1 Acre) to I (Industrial) on 0.881 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 196, Dallas County, Texas and more commonly known as **1902 Bear Creek, Ovilla, Texas.**

DO NOT RECOMMEND

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

PL 1 Rarick NAE
PL 2 Yordy YAE
PL 3 Silva YAE
PL 4 Oberg YAE

PL 5 Edmiston NAE
PL 6 Lamar YAE
PL 7 Zimmermann ABSENT

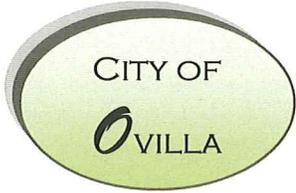
4 FOR

2 AGAINST

NONE ABSTAIN

Arnie Rarick
Presiding Officer of P&Z

04/01/2013
Date



AGENDA ITEM REPORT

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

Meeting Date: April 8, 2013

Department: Admin

Discussion Action

Zoned: Res. Commercial

Budgeted Expense: YES NO N/A

Submitted By: Administration

Amount: N/A

PROPOSED CHANGES: REZONING

Attachments:

- 1. Current Ovilla Zoning Map
- 2. Proposed zoning changes
- 3. RE, Industrial descriptions & Land Use Table Legend from the Ovilla codification.
- 4. Planning and Zoning Commission Recommendation (Recommended)

Agenda Item / Topic:

Case No. PZ13-005. A request by The City of Ovilla, for change in zoning from RE (Residential - 1 Acre) to I (Industrial) on 0.1190 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 196, Dallas County, Texas and more commonly known as 1908 Bear Creek, Ovilla, Texas.

ITEM 4. DISCUSSION/ACTION – Case No. PZ13-005. Consider recommendation from the Planning & Zoning Commission for a change in zoning from RE (Residential - 1 Acre) to I (Industrial) on 0.1190 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 196, Dallas County, Texas and more commonly known as 1908 Bear Creek, Ovilla, Texas.

Discussion / Justification:

During the adoption of the Comprehensive Land Use Plan, it was discovered that there were no parcels zoned in either the Industrial or Multi-Family zoning districts. Not having property zoned for all districts could leave the City to potential challenges by a developer. All of the property under consideration fronts Bear Creek Road, either entirely or partially.

Bear Creek Road is projected to be freeway, which will become the highest volume road serving Ovilla. The first 3 parcels are proposed to be Industrial and the 4 parcels south are to be Multi-Family, providing a buffer from the residential zoning to the south.

Recommendation / Staff Comments:

Planning and Zoning Commission recommends approval.

Sample Motion(s):

“I MAKE A MOTION THAT THE CITY COUNCIL APPROVES/DOES NOT APPROVE THE PROPOSED ZONING CHANGES IN CASE PZ13-005 AS PRESENTED.”



**City of OVILLA Planning & Zoning Commission
Recommendation**

Case No. PZ13-005. A request by The City of Ovilla, for **change in zoning** from RE (Residential - 1 Acre) to I (Industrial) on 0.1190 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 196, Dallas County, Texas and more commonly known as **1908 Bear Creek, Ovilla, Texas.**

ITEM 4. DISCUSSION/ACTION – Case No. PZ13-005. Consider the **change in zoning** from RE (Residential - 1 Acre) to I (Industrial) on 0.1190 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 196, Dallas County, Texas and more commonly known as **1908 Bear Creek, Ovilla, Texas.**

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

PL 1 Rarick YAE
PL 2 Yordy YAE
PL 3 Silva N/AE
PL 4 Oberg YAE

PL 5 Edmiston YAE
PL 6 Lamar YAE
PL 7 Zimmermann ABSENT

5 FOR

1 AGAINST

NONE ABSTAIN


Presiding Officer of P&Z

04/01/2013
Date



AGENDA ITEM REPORT

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

Meeting Date: April 8, 2013

Department: Admin

Discussion Action

Zoned: Res. Commercial

Budgeted Expense: YES NO N/A

Submitted By: Administration

Amount: N/A

PROPOSED CHANGES: REZONING

Attachments:

1. Current Ovilla Zoning Map
2. Proposed zoning changes
3. RE, Multi-Family descriptions & Land Use Table Legend from the Ovilla codification.
4. Planning and Zoning Commission Recommendation (Recommended)

Agenda Item / Topic:

Case No. PZ13-006. A request by The City of Ovilla, for **change in zoning** from RE (Residential - 1 Acre) to MF (Multifamily Residential) on 3.90 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 195, Dallas County, Texas and more commonly known as **1900 Bear Creek, Ovilla, Texas.**

ITEM 5. DISCUSSION/ACTION – Case No. PZ13-006. Consider recommendation from the Planning & Zoning Commission for a **change in zoning** from RE (Residential - 1 Acre) to MF (Multifamily Residential) on 3.90 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 195, Dallas County, Texas and more commonly known as **1900 Bear Creek, Ovilla, Texas.**

Discussion / Justification:

During the adoption of the Comprehensive Land Use Plan, it was discovered that there were no parcels zoned in either the Industrial or Multi-Family zoning districts. Not having property zoned for all districts could leave the City to potential challenges by a developer. All of the property under consideration fronts Bear Creek Road, either entirely or partially.

Bear Creek Road is projected to be freeway, which will become the highest volume road serving Ovilla. The first 3 parcels are proposed to be Industrial and the 4 parcels south are to be Multi-Family, providing a buffer from the residential zoning to the south.

Recommendation / Staff Comments:

Planning and Zoning Commission recommends approval.

Sample Motion(s):

“I MAKE A MOTION THAT THE CITY COUNCIL APPROVES/DOES NOT APPROVE THE PROPOSED ZONING CHANGES IN CASE PZ13-006 AS PRESENTED.”



**City of OVILLA Planning & Zoning Commission
Recommendation**

Case No. PZ13-006. A request by The City of Ovilla, for **change in zoning** from RE (Residential - 1 Acre) to MF (Multifamily Residential) on 3.90 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 195, Dallas County, Texas and more commonly known as **1900 Bear Creek, Ovilla, Texas.**

ITEM 5. DISCUSSION/ACTION – Case No. PZ13-006. Consider the **change in zoning** from RE (Residential - 1 Acre) to MF (Multifamily Residential) on 3.90 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 195, Dallas County, Texas and more commonly known as **1900 Bear Creek, Ovilla, Texas.**

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

PL 1 Rarick YAE
PL 2 Yordy YAE
PL 3 Silva YAE
PL 4 Oberg YAE

PL 5 Edmiston YAE
PL 6 Lamar YAE
PL 7 Zimmermann ABSENT

6 FOR

0 AGAINST

NONE ABSTAIN

Amel A. Barick
Presiding Officer of P&Z

04/01/2013
Date



Ovilla City Council

AGENDA ITEM REPORT

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

Meeting Date: April 8, 2013

Department: Admin

Discussion Action

Zoned: Res. Commercial

Budgeted Expense: YES NO N/A

Submitted By: Administration

Amount: N/A

PROPOSED CHANGES: REZONING

Attachments:

1. Current Ovilla Zoning Map
2. Proposed zoning changes
3. RE, Multi-Family descriptions & Land Use Table Legend from the Ovilla codification.
4. Planning and Zoning Commission Recommendation (*Not recommended*)

Agenda Item / Topic:

Case No. PZ13-007. A request by The City of Ovilla, for **change in zoning** from RE (Residential - 1 Acre) to MF (Multifamily Residential) on 5.0236 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 195, Dallas County, Texas and more commonly known as **1800 Bear Creek, Ovilla, Texas.**

ITEM 6. DISCUSSION/ACTION – Case No. PZ13-007. Consider recommendation from the Planning & Zoning Commission for a **change in zoning** from RE (Residential - 1 Acre) to MF (Multifamily Residential) on 5.0236 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 195, Dallas County, Texas and more commonly known as **1800 Bear Creek, Ovilla, Texas.**

Discussion / Justification:

During the adoption of the Comprehensive Land Use Plan, it was discovered that there were no parcels zoned in either the Industrial or Multi-Family zoning districts. Not having property zoned for all districts could leave the City to potential challenges by a developer. All of the property under consideration fronts Bear Creek Road, either entirely or partially.

Bear Creek Road is projected to be freeway, which will become the highest volume road serving Ovilla. The first 3 parcels are proposed to be Industrial and the 4 parcels south are to be Multi-Family, providing a buffer from the residential zoning to the south.

Recommendation / Staff Comments:

Planning and Zoning Commission does **NOT** recommend approval.

Sample Motion(s):

“I MAKE A MOTION THAT THE CITY COUNCIL APPROVES/DOES NOT APPROVE THE PROPOSED ZONING CHANGES IN CASE PZ13-007 AS PRESENTED.”



**City of OVILLA Planning & Zoning Commission
Recommendation**

Case No. PZ13-007. A request by The City of Ovilla, for **change in zoning** from RE (Residential - 1 Acre) to MF (Multifamily Residential) on 5.0236 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 195, Dallas County, Texas and more commonly known as **1800 Bear Creek, Ovilla, Texas.**

ITEM 6. DISCUSSION/ACTION – Case No. PZ13-007. Consider the **change in zoning** from RE (Residential - 1 Acre) to MF (Multifamily Residential) on 5.0236 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 195, Dallas County, Texas and more commonly known as **1800 Bear Creek, Ovilla, Texas.**

DOES NOT RECOMMEND

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

PL 1 Rarick NAE
PL 2 Yordy YAE
PL 3 Silva YAE
PL 4 Oberg YAE

PL 5 Edmiston YAE
PL 6 Lamar YAE
PL 7 Zimmermann ABSENT

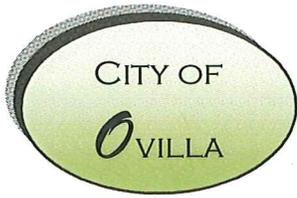
5 FOR

1 AGAINST

NONE ABSTAIN

James R. Rarick
Presiding Officer of P&Z

04/01/2013
Date



AGENDA ITEM REPORT

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

Meeting Date: April 8, 2013

Department: Admin

Discussion Action

Zoned: Res. Commercial

Budgeted Expense: YES NO N/A

Submitted By: Administration

Amount: N/A

PROPOSED CHANGES: REZONING

Attachments:

- 1. Current Ovilla Zoning Map
- 2. Proposed zoning changes
- 3. RE, Multi-Family descriptions & Land Use Table Legend from the Ovilla codification.
- 4. Planning and Zoning Commission Recommendation (Not recommended)

Agenda Item / Topic:

Case No. PZ13-008. A request by The City of Ovilla, for **change in zoning** from RE (Residential - 1 Acre) to MF (Multifamily Residential) on 9.62 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 195, Dallas County, Texas and more commonly known as **1910 Bear Creek, Ovilla, Texas.**

ITEM 7. DISCUSSION/ACTION – Case No. PZ13-008. Consider recommendation from the Planning & Zoning Commission for a **change in zoning** from RE (Residential - 1 Acre) to MF (Multifamily Residential) on 9.62 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 195, Dallas County, Texas and more commonly known as **1910 Bear Creek, Ovilla, Texas.**

Discussion / Justification:

During the adoption of the Comprehensive Land Use Plan, it was discovered that there were no parcels zoned in either the Industrial or Multi-Family zoning districts. Not having property zoned for all districts could leave the City to potential challenges by a developer. All of the property under consideration fronts Bear Creek Road, either entirely or partially.

Bear Creek Road is projected to be freeway, which will become the highest volume road serving Ovilla. The first 3 parcels are proposed to be Industrial and the 4 parcels south are to be Multi-Family, providing a buffer from the residential zoning to the south.

Recommendation / Staff Comments:

Planning and Zoning Commission does **NOT** recommend approval.

Sample Motion(s):

“I MAKE A MOTION THAT THE CITY COUNCIL APPROVES/DOES NOT APPROVE THE PROPOSED ZONING CHANGES IN CASE PZ13-008 AS PRESENTED.”



**City of OVILLA Planning & Zoning Commission
Recommendation**

Case No. PZ13-008. A request by The City of Ovilla, for **change in zoning** from RE (Residential - 1 Acre) to MF (Multifamily Residential) on 9.62 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 195, Dallas County, Texas and more commonly known as **1910 Bear Creek, Ovilla, Texas.**

ITEM 7. DISCUSSION/ACTION – Case No. PZ13-008. Consider the **change in zoning** from RE (Residential - 1 Acre) to MF (Multifamily Residential) on 9.62 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 195, Dallas County, Texas and more commonly known as **1910 Bear Creek, Ovilla, Texas.**

DO NOT RECOMMEND

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

PL 1 Rarick NAE
PL 2 Yordy YAE
PL 3 Silva YAE
PL 4 Oberg YAE

PL 5 Edmiston YAE
PL 6 Lamar YAE
PL 7 Zimmermann ABSENT

5 FOR

1 AGAINST

NONE ABSTAIN

[Signature]
Presiding Officer of P&Z

04/01/2013
Date



Ovilla City Council

AGENDA ITEM REPORT

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

Meeting Date: April 8, 2013

Department: Admin

Discussion Action

Zoned: Res. Commercial

Budgeted Expense: YES NO N/A

Submitted By: Administration

Amount: N/A

PROPOSED CHANGES: REZONING

Attachments:

1. Current Ovilla Zoning Map
2. Proposed zoning changes
3. RE, Multi-Family descriptions & Land Use Table Legend from the Ovilla codification.
4. Planning and Zoning Commission Recommendation (*Not recommended*)

Agenda Item / Topic:

Case No. PZ13-009. A request by The City of Ovilla, for **change in zoning** from RE (Residential - 1 Acre) to MF (Multifamily Residential) on 6.19 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 195, Dallas County, Texas and more commonly known as **2000 Bear Creek, Ovilla, Texas.**

ITEM 8. DISCUSSION/ACTION – Case No. PZ13-009. Consider recommendation from the Planning & Zoning Commission for a **change in zoning** from RE (Residential - 1 Acre) to MF (Multifamily Residential) on 6.19 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 195, Dallas County, Texas and more commonly known as **2000 Bear Creek, Ovilla, Texas.**

Discussion / Justification:

During the adoption of the Comprehensive Land Use Plan, it was discovered that there were no parcels zoned in either the Industrial or Multi-Family zoning districts. Not having property zoned for all districts could leave the City to potential challenges by a developer. All of the property under consideration fronts Bear Creek Road, either entirely or partially.

Bear Creek Road is projected to be freeway, which will become the highest volume road serving Ovilla. The first 3 parcels are proposed to be Industrial and the 4 parcels south are to be Multi-Family, providing a buffer from the residential zoning to the south.

Recommendation / Staff Comments:

Planning and Zoning Commission does **NOT** recommend approval.

Sample Motion(s):

“I MAKE A MOTION THAT THE CITY COUNCIL APPROVES/DOES NOT APPROVE THE PROPOSED ZONING CHANGES IN CASE PZ13-009 AS PRESENTED.”



**City of OVILLA Planning & Zoning Commission
Recommendation**

Case No. PZ13-009. A request by The City of Ovilla, for **change in zoning** from RE (Residential - 1 Acre) to MF (Multifamily Residential) on 6.19 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 195, Dallas County, Texas and more commonly known as **2000 Bear Creek, Ovilla, Texas.**

ITEM 8. DISCUSSION/ACTION – Case No. PZ13-009. Consider the **change in zoning** from RE (Residential - 1 Acre) to MF (Multifamily Residential) on 6.19 acres of land, more or less, out of the H.M. Rawlins Survey, Abstract No. 1202, Page 195, Dallas County, Texas and more commonly known as **2000 Bear Creek, Ovilla, Texas.**

DO NOT RECOMMEND

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

PL 1 Rarick NAE
PL 2 Yordy YAE
PL 3 Silva YAE
PL 4 Oberg YAE

PL 5 Edmiston YAE
PL 6 Lamar YAE
PL 7 Zimmermann ABSENT

5 FOR

1 AGAINST

NONE ABSTAIN

Annabel R. Garcia
Presiding Officer of P&Z

04/01/2013
Date



AGENDA ITEM REPORT

Item(s): 9 (City Secretary use only)

Meeting Date: April 8, 2013

Department: Administration

Discussion Action

Budgeted Expense: YES NO N/A

Submitted By: Council Request

Amount: N/A

Attachments:

- 1. External auditor's management letter fiscal year audit ending September 30, 2011
- 2. Staff response letter

Agenda Item / Topic:

ITEM 9. **DISCUSSION/ACTION** – Consider staff's response and effective revision(s) from suggestions contained in the management letter of Yeldell, Wilson and Co. P.C., received from the 2010-11 Fiscal Year Audit.

Discussion / Justification:

PLI Hall asked that staff prepare a formal response to Council regarding corrective action(s) or revisions taken from the auditor's suggestions and that staff adhere to this reporting process with every annual external audit.

Recommendation / Staff Comments:

N/A

Sample Motion(s):

"I MAKE A MOTION THAT COUNCIL APPROVES / DENIES / DIRECTS _____."

Yeldell, Wilson & Co., P.C.

CERTIFIED PUBLIC ACCOUNTANTS (A PROFESSIONAL CORPORATION)
Members of American Institute of Certified Public Accountants / Members of Private Companies Practice Section

Greer Yeldell, CPA / Glen D. Wilson, CPA

Mary E. Colle, CPA / Brooke Farmer, CPA / Glenda Valek, CPA / Joyce Reeve, CPA / Sandra M. Michalka, CPA

February 10, 2012

To the Honorable Mayor and City Council
City of Ovilla, Texas

In planning and performing our audit of the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Ovilla, Texas as of and for the year ended September 30, 2011, in accordance with auditing standards generally accepted in the United States of America, we considered the City of Ovilla, Texas' internal control over financial reporting (internal control) as a basis for designing our auditing procedures for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City of Ovilla, Texas' internal control. Accordingly, we do not express an opinion on the effectiveness of the City of Ovilla, Texas' internal control.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be significant deficiencies or material weaknesses and therefore there can be no assurance that all such deficiencies have been identified. However, as discussed below, we identified a deficiency in internal control that we consider to be a material weakness.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A material weakness is a deficiency or combination of deficiencies in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. We consider the following deficiency in the City of Ovilla, Texas' internal control to be a material weakness:

1. Preparation of Financial Statements – We were requested to draft the audited financial statements and related footnote disclosures as part of our regular audit services. Recent auditing standards require auditors to communicate this situation to the Council as an internal control deficiency. Ultimately, it is management's responsibility to provide for the preparation of your statements and footnotes, and the responsibility of the auditor to determine the fairness of presentation of those statements. However, based on recent auditing standards, it is our responsibility to inform you that this deficiency could result in a material misstatement to the financial statements that could have been prevented or detected by your management. Essentially, the auditors can not be part of your internal control process.

From a practical standpoint, we prepare the statements and determine the fairness of the presentation at the same time in connection with our audit. This is not unusual for us to do with municipalities of your size.

The effectiveness of the internal control system relies on enforcement by management. The effect of deficiencies in internal controls can result in undetected errors. We have instructed management to review a draft of the auditor prepared financials in detail for accuracy and we have answered any questions that management might have. We are satisfied that the appropriate steps have been taken to provide you with the completed financial statements.

Under the circumstances, the most effective controls lie in management's knowledge of the City's financial operations. It is the responsibility of management and those charged with governance to make the decisions whether to accept the degree of risk associated with this condition because of cost and other consideration. Regarding the specific situations listed above, we would offer the following specific recommendations: 1) Utilize a disclosure checklist to ensure all required disclosures are present and agree to work papers, and 2) Agree your accounting information to the amounts reported in the financial statements.

In addition, we noted the following matters we believe to be of potential benefit to the City that are not a significant deficiency or material weakness:

1. Restricted, Committed, Assigned, and Unassigned Resources – We recommend the City establish a written policy regarding whether to first apply restricted, committed, assigned, or unassigned resources when an expenditure is incurred for which amounts in any of these restricted or unrestricted fund balance classifications could be used.
2. Customer Utility Deposits – We recommend the City reconcile the utility customer deposit listing, printed from the utility billing system, to the general ledger monthly or at a minimum at year end.
3. Utility Payments – During our related party testing on utility accounts, we noted one payment appeared to have been received after the due date and no late fee was assessed on the employee's account. Per review of the deposit batch and inquiry of client, it was determined that the payment was held for several weeks after being received prior to being posted to the employee's account in the utility billing system. We recommend the City post utility payments to customer accounts the date that the payment is received, rather than creating a batch with a future date and adding to it for several days or weeks prior to posting and depositing.

This communication is intended solely for the information and use of management, the City of Ovilla, Texas, and others within the organization, and is not intended to be and should not be used by anyone other than these specified parties.



Yeldell, Wilson & Co., P.C.
Certified Public Accountants

Tom Leverentz, Mayor
Ralph Hall, Councilmember, Place 1
Larry Stevenson, Councilmember, Place 2



David Griffin, Councilmember, Place 3
Doug Hunt, Councilmember, Place 4
Richard Dormier, Mayor Pro Tem, Place 5
Randy Whiteman, City Administrator

Reference: Auditor's Letter to Management 2010-2011 Audit by Yeldell, Wilson & Co.

Prepared By: Randy Whiteman and Sharon Jungman

The City Council has asked for a formal response to the items mentioned from the Auditor's letter to Management in a letter dated February 10, 2012, concerning the 2010-2011 audit conducted for the City of Ovilla by Yeldell, Wilson & Company.

One deficiency was noted, Preparation of the Financial Statements. Yeldell, Wilson & Co. noted in their letter that "From a practical standpoint, we prepare the statements and determine the fairness of the presentation at the same time in connection with our audit. This is not unusual for us to do with municipalities of your size." The Staff will address this issue in our upcoming budget meetings and will present City Council with recommendations.

There were three matters listed as; not a significant deficiency or material weaknesses, as such no formal action was taken. Nor was any formal action requested by the Council at the time the letter was given to the Council. The matters as described by the auditor to myself and Sharon were helpful suggestions and if feasible, changes would be made to address them.

The following three items were mentioned in the Auditor's letter as not significant deficiencies or material weaknesses:

1. Restricted, Committed, Assigned and Unassigned Resources

Response: Fund Balance Policy adopted by Resolution 2013-002.

2. Customer Utility Deposits

Response: Reconciliation will be done on a monthly basis, beginning with the 2012-2013 Fiscal Year.

3. Utility Payments

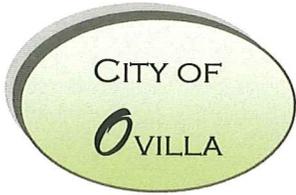
Response: At the time of discovery by the auditor, we asked the utility clerk for an explanation. She said that the payment was made before she went on a week's vacation, but the deposit was not made until after her return. After reviewing our procedures, the following changes were made;

1. Water transactions are recorded daily in the AVR water software.
2. Deposits are taken to the bank at least twice a week.

Reference: Auditor's Letter to Management 2010-2011 Audit by Yeldell, Wilson & Co. (Page 2)

3. A Bank Deposit Form was created to record the date the deposit was made, the person depositing, the Batch # and the amount of the deposit. Then when I receive the bank bag I check the deposit slip amounts and verify that all the deposits were correctly entered by the bank.

4. The Water Utility Clerk pays her personal water bill as soon as she receives it, so that there is no chance of the payment being perceived as being received late.



AGENDA ITEM REPORT

Item(s): 10 (City Secretary use only)

Meeting Date: April 8, 2013

Department: Administration

Discussion Action

Budgeted Expense: YES NO N/A

Submitted By: Council Request

Amount: N/A

Attachments:

- 1. External auditor's management letter fiscal year audit ending September 30, 2012
- 2. Staff response letter
- 3. Copy of Resolution 2013-002
- 4. Sample reconciliation report form

Agenda Item / Topic:

ITEM 10. DISCUSSION/ACTION – Consider staff's response and effective revision(s) from suggestions contained in the management letter of Yeldell, Wilson and Co. P.C., received from the 2011-12 Fiscal Year Audit.

Discussion / Justification:

PLI Hall asked that staff prepare a formal response to Council regarding corrective action(s) or revisions taken from the auditor's suggestions and that staff adhere to this reporting process with every annual external audit.

Recommendation / Staff Comments:

N/A

Sample Motion(s):

"I MAKE A MOTION THAT COUNCIL APPROVES / DENIES / DIRECTS _____."

Yeldell, Wilson & Co., P.C.

CERTIFIED PUBLIC ACCOUNTANTS (A PROFESSIONAL CORPORATION)
Members of American Institute of Certified Public Accountants / Members of Private Companies Practice Section

Greer Yeldell, CPA / Glen D. Wilson, CPA
Mary E. Colle, CPA / Brooke Farmer, CPA / Joyce Reeve, CPA

January 31, 2013

To the Honorable Mayor and City Council
City of Ovilla, Texas

In planning and performing our audit of the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Ovilla, Texas as of and for the year ended September 30, 2012, in accordance with auditing standards generally accepted in the United States of America, we considered the City of Ovilla, Texas' internal control over financial reporting (internal control) as a basis for designing our auditing procedures for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City of Ovilla, Texas' internal control. Accordingly, we do not express an opinion on the effectiveness of the City of Ovilla, Texas' internal control.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses significant or deficiencies and therefore material weaknesses or significant deficiencies may exist that were not identified. However, as discussed below, we identified a deficiency in internal control that we consider to be a material weakness.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A material weakness is a deficiency or combination of deficiencies in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. We consider the following deficiency in the City of Ovilla, Texas' internal control to be a material weakness:

1. Preparation of Financial Statements – We were requested to draft the audited financial statements and related footnote disclosures as part of our regular audit services. Recent auditing standards require auditors to communicate this situation to the Council as an internal control deficiency. Ultimately, it is management's responsibility to provide for the preparation of your statements and footnotes, and the responsibility of the auditor to determine the fairness of presentation of those statements. However, based on recent auditing standards, it is our responsibility to inform you that this deficiency could result in a material misstatement to the financial statements that could have been prevented or detected by your management. Essentially, the auditors can not be part of your internal control process.

From a practical standpoint, we prepare the statements and determine the fairness of the presentation at the same time in connection with our audit. This is not unusual for us to do with municipalities of your size.

The effectiveness of the internal control system relies on enforcement by management. The effect of deficiencies in internal controls can result in undetected errors. We have instructed management to review a draft of the auditor prepared financials in detail for accuracy and we have answered any questions that management might have. We are satisfied that the appropriate steps have been taken to provide you with the completed financial statements.

Under the circumstances, the most effective controls lie in management's knowledge of the City's financial operations. It is the responsibility of management and those charged with governance to make the decisions whether to accept the degree of risk associated with this condition because of cost and other consideration. Regarding the specific situations listed above, we would offer the following specific recommendations: 1) Utilize a disclosure checklist to ensure all required disclosures are present and agree to work papers, and 2) Agree your accounting information to the amounts reported in the financial statements.

In addition, we noted the following matters we believe to be of potential benefit to the City that are not a significant deficiency or material weakness:

1. Restricted, Committed, Assigned, and Unassigned Resources – We recommend the City establish a written policy regarding whether to first apply restricted, committed, assigned, or unassigned resources when an expenditure is incurred for which amounts in any of these restricted or unrestricted fund balance classifications could be used.
2. Customer Utility Deposits – We recommend the City reconcile the utility customer deposit listing, printed from the utility billing system, to the general ledger monthly or at a minimum at year end.

This communication is intended solely for the information and use of management, the City of Ovilla, Texas, and others within the organization, and is not intended to be, and should not be, used by anyone other than these specified parties.

Yeldell, Wilson & Co., P.C.

Yeldell, Wilson & Co., P.C.
Certified Public Accountants

Tom Leverentz, Mayor
Ralph Hall, Councilmember, Place 1
Larry Stevenson, Councilmember, Place 2



David Griffin, Councilmember, Place 3
Doug Hunt, Councilmember, Place 4
Richard Dormier, Mayor Pro Tem, Place 5
Randy Whiteman, City Administrator

3/28/13

Reference: Auditor's Letter to Management dated January 31, 2013, from Yeldell, Wilson & Co.

The City Council has asked for a formal response to the items mentioned from the Auditor's letter to Management in a letter dated January 31, 2013, concerning the 2011-2012 audit conducted for the City of Ovilla by Yeldell, Wilson & Company.

Deficiency: There was one deficiency noted concerning the "Preparation of Financial Statements".

Response: The City of Ovilla is currently unable to prepare a draft of the audited Financial Statements due to the size of our accounting department and our current software. The staff will address this issue in our upcoming budget meetings and will present City Council with recommendations.

Two matters were mentioned that were not considered to be significant deficiencies or weaknesses;

1. Recommendation from Auditors that the City establish a written policy regarding whether to first apply restricted, committed, assigned or unassigned resources when an expenditure is incurred for which amounts in any of these restricted or unrestricted fund balance classifications could be used.

Response: Resolution 2013-002 updating and replacing Resolution 2011-021 in accordance with the recommendation of the external audit firm, Yeldell, Wilson & Company PC. by establishing a Fund Balance Policy. (See Attached)

2. Customer Utility Deposits – We Recommend the City reconcile the utility customer deposit listing printed from the utility billing system, to the general ledger monthly or at a minimum at year end.

Response: The City Accountant has made a reconciliation form to compare the customer deposits listed in the AVR water software to the City's Quick books water deposit account. This will be done on a monthly basis. (See Attached)

RESOLUTION 2013-002

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS, REPLACING RESOLUTION 2011-021 AND ESTABLISHING AND ADOPTING A FUND BALANCE POLICY.

WHEREAS, A General Fund Reserve was established with Resolution 07-001 on the 23 day of October 2006 and re-established with Resolution 2011-021 on the 26 day of September; and,

WHEREAS The General Fund Reserve Policy shall be replaced with the Fund Balance Policy; and,

WHEREAS, the creation of a Fund Balance Policy will ensure the City maintains adequate fund balances in the City's various operating funds with sufficient cash flow in meeting daily financial needs; and,

WHEREAS, the creation of a Fund Balance Policy will ensure the City maintains its investment grade bond rating; and,

WHEREAS, the creation of a Fund Balance Policy will allow the City to offset loss of revenues related to significant economic downturns; and,

WHEREAS, the creation of a Fund Balance Policy will provide the City with funds for unforeseen emergencies; and,

WHEREAS, the Fund Balance Policy shall be reviewed and updated annually if necessary, as part of the annual budget of the City of Ovilla, Texas.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS, that the following policy is hereby established and attached as *Exhibit A*, regarding the creation of the Fund Balance Policy.

RESOLVED AND ADOPTED this the 11 day of March, 2013.

Tom Leverentz, MAYOR

ATTEST:

Pam Woodall, CITY SECRETARY

FUND BALANCE POLICY

Purpose

The purpose of this policy is to establish a key element of the financial stability of the City of Ovilla by setting guidelines for fund balance. Unassigned fund balance is an important measure of economic stability and it is essential that the City maintain prudent levels of unassigned fund balance to protect against reducing service levels or raising taxes and fees because of financial risk that can occur from unforeseen revenue fluctuations, unanticipated expenditures, and other similar circumstances. This policy will ensure the City maintains adequate fund balances in the City's various operating funds with the capacity to:

1. Provide sufficient cash flow for daily financial needs,
2. Secure and maintain investment grade bond ratings,
3. Offset significant economic downturns or revenue shortfalls, and
4. Provide funds for unforeseen expenditures related to emergencies.

Order of expenditure of funds

When multiple categories of fund balances are available for expenditures (for example, a construction project is being funded partly by a grant, funds set aside by the City Council, and unassigned fund balance), the City will first spend the most restricted funds before moving down to the next restrictive category with available funds.

- **Non-spendable Fund balance** includes amounts not in spendable form, such as inventory, or amounts required to be maintained intact legally or contractually (e.g. inventory, pre-paid items, or the principal of an endowment).
- **Restricted Fund Balance** includes amounts constrained for a specific purpose by external parties (e.g. Debt Service, Capital Projects, State and Federal Grant Funds).
- **Committed Fund Balance** includes amounts constrained for a specific purpose by the City Council using its highest level of decision making authority (e.g. Major Maintenance, Capital Replacement Reserve, Land, Hail Reserve). These are amounts that can be used only for a specific purpose determined by formal action of the City Council. Commitments may be changed or lifted only by City Council taking the same formal action that originally imposed the constraint.

THE CITY'S GOAL IS TO MAINTAIN A COMMITTED FUND BALANCE FOR "EMERGENCIES" IN THE GENERAL FUND EQUAL TO 25% OF BUDGETED EXPENDITURES LESS ANY BUDGETED CAPITAL EQUIPMENT ITEMS AND ANY AMOUNT BUDGETED AS COMMITTED FOR CURRENT YEAR CONTINGENCIES.

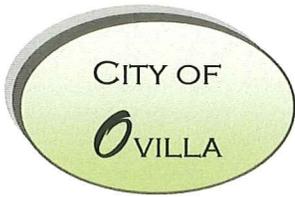
ANY ADDITIONAL CURRENT FUND BALANCE AMOUNTS LISTED AS RESTRICTED, COMMITTED OR ASSIGNED WILL NOT BE CONSIDERED AS A PART OF THE CALCULATION.

- **Assigned Fund Balance** includes governmental fund amounts constrained for a specific purpose by the City Council or by an official that has been delegated authority to assign amounts.
- **Unassigned Fund Balance** is the residual classification for the general fund. Unassigned amounts are technically available for any purpose. The Unassigned General Fund Balance may only be appropriated by resolution of the City Council and shall be utilized only for one-time expenditures, such as capital purchases, and not for ongoing expenditure unless a viable revenue plan designed to sustain the expenditure is simultaneously adopted.

Monitoring and Reporting

The City Administrator shall be responsible for monitoring and reporting the City's various fund balances. The City Administrator is directed to make recommendations to the Council on the use of funds balance both as an element of the annual operating budget submission and from time to time throughout the fiscal year as needs may arise.

Compliance with the provisions of the policy shall be reviewed as a part of the annual operating budget adoption process and subsequent review will be included in the annual audit and financial statement preparation procedures.



AGENDA ITEM REPORT

Item(s): 11 (City Secretary use only)

Meeting Date: April 8, 2013

Department: Administration

Discussion Action

Budgeted Expense: YES NO N/A

Submitted By: Council Request

Amount: N/A

| | |
|---|---|
| Attachments: | |
| I. Section 6.04 of the Ovilla Code of Ordinances, Weeds, Rubbish and other Objectionable Matter | |
| Agenda Item / Topic: | |
| ITEM II. | DISCUSSION – Review and consider revisions to Section 6.04.001 Weeds and Grass, Ovilla Code of Ordinances. |
| Discussion / Justification: | |
| PLI Hall asked to review this section. | |
| Recommendation / Staff Comments: | |
| N/A | |
| Sample Motion(s): | |
| <i>Discussion only.</i> | |

ARTICLE 6.04 WEEDS, RUBBISH AND OTHER OBJECTIONABLE MATTER²

Sec. 6.04.001 Prohibited; maximum height of weeds and grass

It shall be unlawful for any person owning any premises or property and/or his or her agent, within the city, to fail to keep said premises or property free from weeds, rubbish, brush and any other objectionable, unsightly, or unsanitary matter of whatever nature. It shall specifically be unlawful to allow grass or weeds to grow to over twelve inches (12") in height. (1989 Code, ch. 6, sec. 1.01)

Sec. 6.04.002 Notice to remove weeds and grass

(a) If any person owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied, within the corporate limits of the city, fails to comply with the provisions of this article, it shall be the duty of the city secretary to give a minimum of seven days' written notice to such person violating the terms of this article.

(b) The notice shall be in writing and may be served on such person violating the terms of this article by:

(1) Delivering it to him in person;

(2) Letter or written notice addressed to the owner at the owner's address as recorded in the appraisal district records of the appraisal district in which the property is located and delivered by United States Certified Mail, return receipt requested. If the letter or written notice is returned by the United States Postal Service as refused or unclaimed, the validity of the notice is not affected, and the notice is considered as delivered; or

(3) If personal service cannot be obtained, by:

(A) Publication at least once in the city's official newspaper;

(B) Posting the notice on or near the front door of each building on the property to which the violation relates; or

(C) Posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates.

(c) In a notice provided under this article, the city may inform the owner by regular mail and by posting on the property, or by personally delivering the notice, that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city without further notice may correct the violation at the owner's expense and assess the expense against the property. If a violation covered by a notice under this section occurs within the one-year period, and the city has not been informed in writing by the owner of an ownership change, then the city without notice may take any action permitted and assess expenses as provided by this article.

(Ordinance adopting Code)

Sec. 6.04.003 Removal of weeds and grass by city authorized

Upon the failure of any such owner and/or agent to comply with the notice, as set out in [section 6.04.002](#) hereof, or upon the written request and authorization of such owner and/or agent so notified, it shall become the responsibility of the director of public works to have such weeds or grass cut, raked and removed on all said property within the city. The director of public works will notify the proper authority of the city to cut, rake and remove said weeds by the employment of city forces, or by an independent contractor. (1989 Code, ch. 6, sec. 1.03)

Sec. 6.04.004 Charge for removal of weeds and grass by city

A charge as set out in the fee schedule found in [appendix A](#) of this code shall be levied, assessed and collected against such property each time such cutting, raking and removal of said weeds and grass shall be performed. The charges provided for herein shall be levied, assessed and collected by the tax collector of the city, and if any person shall fail to pay such charges so assessed thirty (30) days after proper notice, the collector of taxes of the city will file, with the county clerk of Ellis County, Texas, a statement by the director of public works, setting out the expenses that the city has incurred pursuant to the provisions of this article, and the city shall thereby perfect a privileged lien on the property involved, second only to tax liens and liens for street improvements, to secure the expense to the city, together with ten percent (10%) interest from the date such payment is due. (1989 Code, ch. 6, sec. 1.04)

Sec. 6.04.005 Dangerous weeds

(a) The city manager may go upon property and do or cause to be done the work necessary to obtain compliance with this article without notice when:

- (1) Weeds have grown higher than 48 inches; and
- (2) Are an immediate danger to the health, life, or safety of any person.

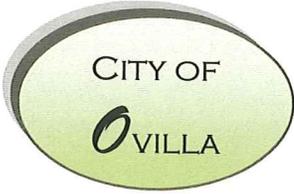
(b) No later than the tenth day after the date the town causes the work to be done under this section, the city shall give notice to the property owner in the manner required by [section 6.03.005](#).

(c) The notice shall contain:

- (1) An identification, which is not required to be a legal description, of the property;
- (2) A description of the violations of this section that occurred on the property;
- (3) A statement that the city abated the weeds;
- (4) An itemized statement of the charges incurred by the city in doing or in having such work done as necessary to bring the real property into compliance with this section; and

- (5) An explanation of the property owner's right to request an administrative hearing about the city's abatement of the weeds.
- (d) The municipal court judge shall conduct an administrative hearing on the abatement of the weeds under this section if, not later than the 30th day after the date of the abatement of the weeds, the property owner files with the city manager a written request for a hearing.
- (e) An administrative hearing conducted under this section shall be conducted not later than the 20th day after the date a request for a hearing is filed. The owner may testify or present any witnesses or written information relating to the city's abatement of the weeds.
- (f) The city may assess expenses and create liens under this section as it assesses expenses and creates liens as provided in [section 6.03.006](#).
- (g) The provisions of this section shall be enforced by the city manager, and it shall be unlawful for any person to interfere with or hinder the building official and his duly appointed representatives in the exercise of their duties under this section.
- (h) Penalties.
- (1) Any person violating or failing to comply with any provision or requirement of this section who continues to violate or fails to comply with such after seven days after notice is given and received as set forth herein, shall also be deemed guilty of a class C misdemeanor and, upon conviction thereof, shall be fined. A separate offense shall be deemed committed upon each day during or on which a violation or failure to comply occurs or continues to occur.
- (2) Notwithstanding the provisions of subsection (1) of this section, any violation of any provision of this section which constitutes an immediate danger or threat to the health, safety and welfare of the public may be enjoined in a suit brought by the town for such purpose.
- (3) In addition to any other remedies or penalties contained in this section, the town may enforce the provisions of this section pursuant to the applicable provisions of chapter 54 of the Texas Local Government Code, as amended, which chapter provides for the enforcement of municipal ordinances.
- (4) Allegation and evidence of a culpable mental state is not required for the proof of an offense defined by this section.

(Ordinance adopting Code)



AGENDA ITEM REPORT

Item(s): 12 (City Secretary use only)

Meeting Date: April 8, 2013

Department: Administration

Discussion Action

Budgeted Expense: YES NO N/A

Submitted By: Jacqueline Lee

Amount: \$25,000 (Corner Lot Only)

Attachments:

- 1. Aerial view from ECAD
- 2. 2012 Tax Statement

Agenda Item / Topic:

ITEM 12. DISCUSSION/ACTION – Discuss and review options for land purchase at 713 W. Main Street.

Discussion / Justification:

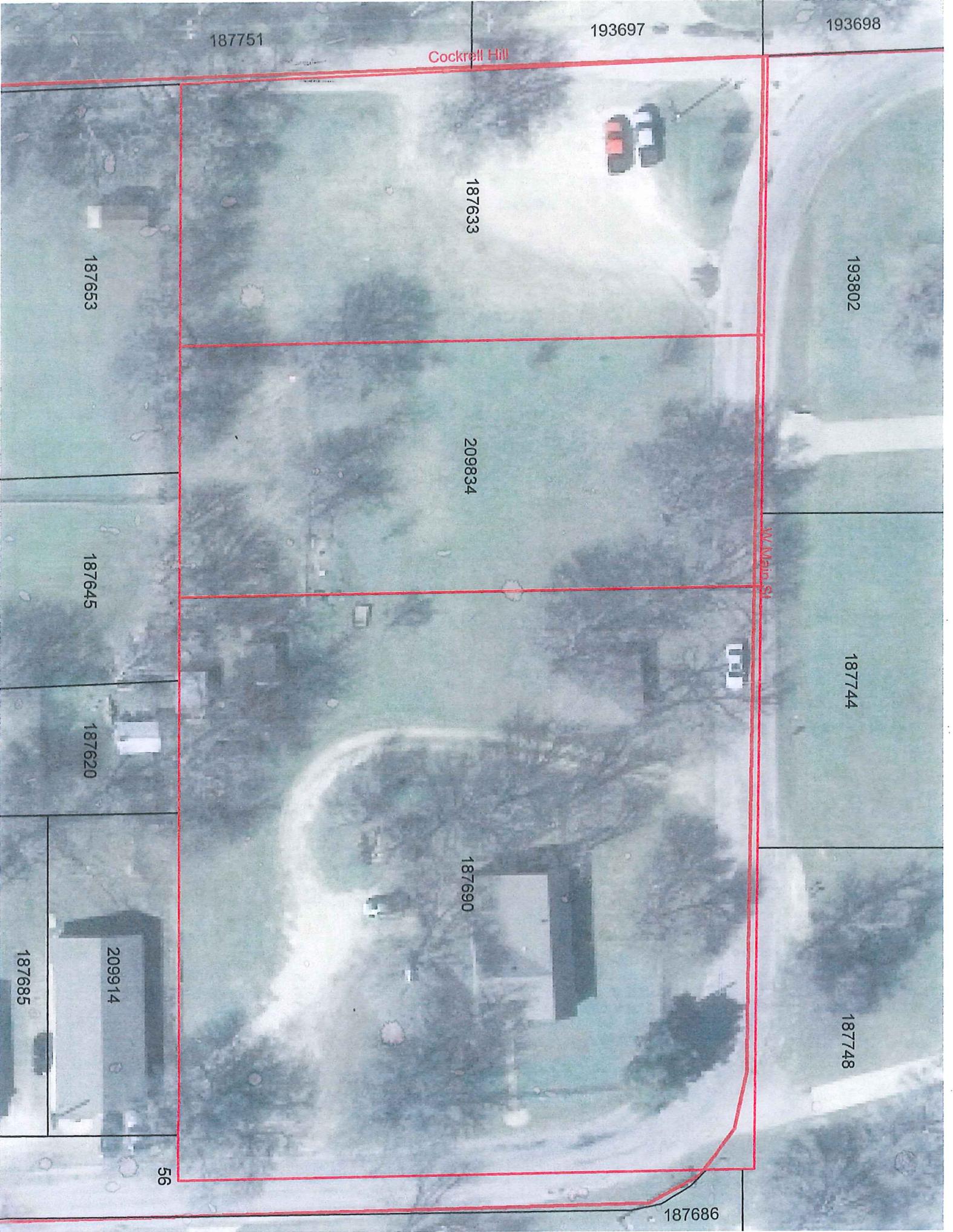
The City has been approached by Karen Pickard regarding the purchase of the corner lot at 713 W. Main Street (Aerial #187633). Mrs. Pickard is the property owner. Although the original discussion entailed the purchase of the corner lot (Cockrell Hill and W. Main), the other two connecting lots (Aerial #209834 and #187690) are also available for purchase. The City is currently and has been allowed in the past, by the owner, to use the corner lot for occasional parking of the fire apparatus and overflow employee vehicles. The purchased land could be used for additional parking for City Hall operations and services, and future expansion needs.

Recommendation / Staff Comments:

N/A

Sample Motion(s):

"I MAKE A MOTION THAT COUNCIL APPROVES / DENIES / DIRECTS the Interim City Administration to initiate City proceedings to purchase the land at 713 W. Main Street. (Motion should include identification of lots; #Aerial #187633, #209834 and/or #187690).



187751

193697

193698

Cockrell Hill

187633

193802

187653

209834

W. Main St

187744

187645

187620

187690

187748

209914

187685

56

187686



AGENDA ITEM REPORT

Item(s): 13 (City Secretary use only)

Meeting Date: April 8, 2013

Department: Administration

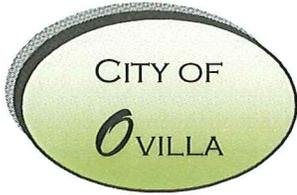
Discussion Action

Budgeted Expense: YES NO N/A

Submitted By: Staff

Amount: Unknown at this time

| |
|--|
| Attachments: |
| I. Copy of 125 Flex-Plan documents (documents held for Executive Session) |
| Agenda Item / Topic: |
| ITEM 13. DISCUSSION/ACTION – Update City Council on research of 125 Flex Plan. |
| Discussion / Justification: |
| Following the audit, staff discovered a possible inaccuracy in pre-tax calculations and alerted Yeldell, Wilson and Co., P.C. for assistance in determining the proper course of action and correction if necessary. It was verified and calculated by the auditor that reimbursements to certain employees were appropriate. Calculations are preliminary at this time. |
| Recommendation / Staff Comments: |
| N/A |
| Sample Motion(s): |
| “I MAKE A MOTION THAT COUNCIL APPROVES / DENIES / DIRECTS _____.” |



AGENDA ITEM REPORT

Item(s): 14

(City Secretary use only)

Meeting Date: April 8, 2013

Department: Administration

Discussion Action

Budgeted Expense: YES NO N/A

Submitted By: Staff

Amount: N/A

| |
|---|
| Attachments: |
| I. Review applications/resumes |
| Agenda Item / Topic: |
| ITEM 14. DISCUSSION/ACTION – Deliberate the appointment employment, and/or duties of the Interim City Administrator and/or permanent City Administrator. |
| Discussion / Justification: |
| |
| Recommendation / Staff Comments: |
| N/A |
| Sample Motion(s): |
| "I MAKE A MOTION THAT COUNCIL DIRECT STAFF TO _____." |