

**CITY OF OVILLA MINUTES**  
**Monday 13 September 2010**  
**Regular City Council Meeting**  
**105 S. Cockrell Hill Road, Ovilla, TX 75154**

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

Tom Leverentz	Mayor Pro-Tem, Place 1
James Wade	Council Member, Place 3
Doug Hunt	Council Member, Place 4
Richard Dormier	Council Member, Place 5

Absent: Michael Dickey Council Member, Place 2

Noted members were present, thus constituting a quorum.

City Administrator Randy Whiteman and various department-head staff members were also present.

Place 4, Hunt gave the Invocation.

Mayor Pro-Tem Leverentz led the Pledge of Allegiance.

**Comments, Presentations and Reports and Appointments**

Mayor Pro-Tem Leverentz gave an update of the Capital Improvement Projects (CIP) Committee meeting.

• **Citizen Comments**

1. Ms Dani Muckleroy read her letter of opinion regarding certain articles in the Waxahachie Daily Light concerning Place 3, Wade's recent incident.

**DEPARTMENTAL REPORTS:**

- ◆ Police Department Chief Mike Moon
  - Chief Moon read a commendation letter regarding Office Ortegon.
  - Chief Moon announced the upcoming annual car show benefiting Ovilla's Police and Fire Departments.
- ◆ Fire Department Chief Donnie Pickard
  - The Fire Department received a surprise visit and inspection from the Commission. There were no violations and all paperwork was in order thanks to Assistant Chief Brancato.
  - A Command Unit will be on display during Heritage Day.
  - The Burn-Ban for Ellis County was lifted as of this date.
- ◆ Public Works CA Randy Whiteman
  - The Public Works is working hard to prepare for Heritage Day.
- ◆ Finance Department Accountant Sharon Jungman
  - City Accountant reported that the Municipal Court's monthly revenue increased from this time last year but still down on year-to-date collections.
- ◆ Administration CA Randy Whiteman
  - South Westmoreland Road name change will not affect Ovilla.

**CONSENT ITEMS:**

- ◆ Minutes of the 07 July 2010 Council Meeting.
- ◆ Financial Transactions for the month of August.
- ◆ Annual Interlocal Cooperation Contract & Agreement between the City of Midlothian and the City of Ovilla for Communication Services.
- ◆ Annual Interlocal Cooperation Contract & Agreement between the City of Midlothian and the City of Ovilla for Detention Services.

Mayor Pro-Tem Leverentz made a motion to approve the consent item as presented. Place 5, Dormier seconded the motion.

***VOTE: The motion carried unanimously.***

**INDIVIDUAL CONSIDERATION:**

**ITEM 1. Discussion/Action** – Consider approval of a request for an extended leave of absence to allow the Police Chief to attend the National FBI Academy in Quantico, VA., beginning April 2010.

***Mayor Vansyckle called an Executive Session at 7:31 P.M.***

***Mayor Vansyckle and Council reconvened into Regular Session at 8:19 P.M.***

❖ **No action was taken during the Executive Session.**

Mayor Pro-Tem Leverentz made a motion that Council tables this item for further consideration. Place 4, Hunt seconded the motion.

***VOTE: The motion carried unanimously.***

**ITEM 2. Discussion/Action** – Consider an ordinance approving a negotiated resolution between the ATMOS Cities Steering Committee (ACSC and ATMOS Energy Corp., Mid-Tex Division.

Place 4, Hunt made a motion that Council approve an Ordinance approving a negotiated resolutions between the ATMOS Cities Steering Committee and ATMOS Energy Corp., Mid-Tex Division. Mayor Pro-Tem Leverentz seconded the motion.

***VOTE: The motion carried unanimously.***

**ITEM 3. Discussion/Action** – Consider approval of an Interlocal Agreement for FY2011 Contract Services between the City of Ovilla and Trinity River Authority of Texas.

Place 5, Dormier made a motion that Council authorize the Mayor to enter into an Inter-local Contractual Agreement for services with TRA for the Fiscal year 2010-2011. Place 4, Hunt seconded the motion.

***VOTE: The motion carried unanimously.***

**ITEM 4. Discussion/Action** – *Public Hearing* and Consideration of Ordinance 2010-018 Adopting and Approving the Proposed Budget for the Fiscal Year 2010-2011.

***Mayor Vansyckle opened the Public Hearing at 8:22 P.M.***

*Bill Vansyckle, Mayor  
Tom Leverentz, Mayor Pro-Tem  
Michael Dickey, Place Two*

*Doug Hunt, Place Four  
James Wade, Place Three  
Richard Dormier, Place Five*

City Accountant Sharon Jungman gave a staff presentation of the proposed budget summary with graphs. Ms Jungman reported that the proposed budget was based on the proposed tax rate of 0.06746 per \$100 dollars of valuation. Mayor Vansyckle and Council did not propose any revenue increases. A noted revision was the revenue increase to the General Fund from the TX Forest Service Grant (\$173,000). In addition, the contingency reserve fund was decreased. Mayor Pro-Tem Leverentz stated he would like different formatting depicting the receipt of grant money as it presents a misleading budget amount. Place 5, Dormier questioned whether the auditors had provided adjusting entries to Ms Jungman yet. The answer was no.

**Mayor Vansyckle asked those desiring to speak in favor of the FY 2010-2011 Proposed Budget to please come forward.**

1. There was none.

**Mayor Vansyckle asked those desiring to speak in opposition of the FY 2010-2011 Proposed Budget to please come forward.**

1. Ms Dani Muckleroy stated she was not actually opposed but concerned that this budget was very lean and limited. She did not want to lose any public safety services. She wondered how this budget would cover simple things like light bulbs or even emergencies. She also noticed that there were no raises. It seemed the budget was at bare bones. City Administrator Randy Whiteman stated that the Debt Service increased this year as well as the senior and veteran tax freeze, which reflected lower revenues.
2. There was no one else to speak and no further discussions.

**Mayor Vansyckle closed the Public Hearing at 8:41 P.M.**

Place 4, Hunt made a motion that Council adopt Ordinance 2010-018 setting the budget and making appropriations for the support and the city government of the City of Ovilla for the Fiscal Year 2010-2011 as presented. Place 5, Dormier seconded the motion.

**Mayor Vansyckle called for a record vote:**

<b>Mayor Pro-Tem Leverentz</b>	<b>Aye</b>
<b>Place 2, Dickey</b>	<b>Absent</b>
<b>Place 3, Wade</b>	<b>Nay</b>
<b>Place 4, Hunt</b>	<b>Aye</b>
<b>Place 5, Dormier</b>	<b>Aye</b>

**VOTE: The motion carried three in favor; one against.**

**ITEM 5. Discussion/Action – Consider Adoption of Ordinance 2010-019 Approving the Fiscal Year 2010-2011 Tax Rate.**

Mayor Pro-Tem Leverentz made a motion that Council approves the property taxes for the FY2010-2011 by the adoption of a Tax Rate of 0.4429 Cents per \$100 of valuation for Maintenance and Operations and .2317 Cents per \$100 of valuation for Debt Service, for a total Tax Rate of 0.6746 Cents per \$100 of valuation by the approval and adoption of Ordinance 2010-019. Place 4, Hunt seconded the motion.

**Mayor Vansyckle called for a record vote:**

<b>Mayor Pro-Tem Leverentz</b>	<b>Aye</b>
<b>Place 2, Dickey</b>	<b>Absent</b>
<b>Place 3, Wade</b>	<b>Nay</b>
<b>Place 4, Hunt</b>	<b>Aye</b>
<b>Place 5, Dormier</b>	<b>Aye</b>

**VOTE: The motion carried three in favor; one opposed.**

**ITEM 6. Discussion/Action** – Consider and approve FY2010-2011 City Calendar and approve scheduled meetings of the Ovilla City Council.

Place 3, Wade suggested that Council consider moving Heritage Day to another time of year or a different month. Mayor Pro-Tem Leverentz suggested limiting one meeting each month during the Thanksgiving and Christmas season.

Place 5, Dormier made a motion that Council approves the Fiscal Year 2010-2011 City Calendar and scheduled meeting dates and alternate Council meeting dates as proposed. Place 3, Wade seconded the motion.

**VOTE: The motion carried unanimously.**

**ITEM 7. Discussion Only** – Review and discuss upcoming Heritage Day and Council progress reports regarding their assignments to aid in the success of Heritage Day.

Place 4, Hunt reported that all plans and preparations were going well. This year's theme would be honoring all men and women in any branch of service. More door prizes were needed. City Accountant Sharon Jungman inquired about employee work obligations for Heritage Day and booth assignments.

**There was no action on this item. Discussion only.**

**ITEM 8. Discussion/Action** – Consider casting votes and submission of Official Ballots to the Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election.

Mayor Pro-Tem Leverentz made a motion that Council cast its official ballots for the following and submit to TML for the TML Intergovernmental Risk Board of Directors:

Place 6 – Mary Gauer

Place 7 – Kevin Caddell

Place 8 – Larry Melton

Place 9 – Andres Garcia

Place 5, Dormier seconded the motion. Place 3, Wade voted in opposition.

**Mayor Vansyckle called for a record vote:**

**Mayor Pro-Tem Leverentz Aye**

**Place 2, Dickey Absent**

**Place 3, Wade Nay**

**Place 4, Hunt Aye**

**Place 5, Dormier Aye**

**VOTE: The motion carried three in favor; one opposed.**

**ITEM 9. Discussion/Action** – Consider recommendation from Mayor Vansyckle and possible appointment to the Economic Development Corporation to fill the vacancy of Place 6.

Mayor Vansyckle and a committee had previously conducted interviews. The chosen applicant was Mr. Richard J. Pettit.

Place 5, Dormier made a motion that Council approves the appointment of Richard J. Pettit to fill the 2-year term of Place 6 to the Economic Development Corporation. Place 4, Hunt seconded the motion. Place 3, Wade voted in opposition.

***VOTE: The motion carried three in favor; one opposed.***

**ITEM 10. Discussion/Action** – Consider identifying and selecting roads to undergo improvements for the Fiscal Year 2010-2011.

Place 5, Dormier reported the recommendation from the CIP Committee of the selected roads to be included in the street maintenance for this fiscal year's budget (& next) and the recommended roads for repair to be submitted to Ellis County.

1. Roads for Fiscal Year 2010-2011 consideration.
  - a. Red Oak Creek Road - city limits from Oak Leaf / Westmoreland city limits. (Improvements to drainage and guardrail only. This is a two year-staged project)
  - b. Chip and seal Malloy
  - c. Chip and seal E. University
  - d. Chip and seal Cardinal & Meadowlark
2. 2011-2012
  - a. Chip and seal Red Oak Creek Road- second stage
  - b. Chip and seal Willow Creek Lane
  - c. Cockrell Hill overlay and Lariat Trail (maintenance)

Mayor Vansyckle recommended replacing Malloy with Willow Creek – making Willow Creek the priority. City Administrator stated he would get the repair list to Mr. Ron Brown of Ellis County.

Mayor Pro-Tem Leverentz made a motion that Council approve the proposed road maintenance list of roads in the FY2010-2011 Budget with the exception of replacing Malloy Road with Willow Creek Road and submit to Ellis County for inclusion in their FY2010-2011 Road Projects Lists. Place 4, Hunt seconded the motion.

***VOTE: The motion carried unanimously.***

**ITEM 11. Discussion/Action** – Consider Shiloh Bridge status, receive monitoring update and consider any action.

City Administrator Randy Whiteman reported that there had been no significant changes since the last check. Council agreed that the liability and safety issues were continuous concerns. Staff would continue with monitoring and consult with Ellis County and engineers for guidance and recommendations.

***There was no action on this item. Discussion only.***

**ITEM 12. Discussion/Action** – Consider water bill adjustment for 735 Westmoreland.

Mr. and Mrs. Rogers, owners at 735 Westmoreland believed they deserved an adjustment on their water bill due to extenuating circumstances. Ellis County recently completed some ditch work and laid new grass that the homeowner watered. There was some misunderstanding, per the homeowner, that they (homeowner) would not be responsible for the cost of watering that new grass in front of their home. The City Administrator Randy Whiteman denied their request for an adjustment on their water bill. The Rogers made a plea to Mayor Vansyckle. The Mayor

alone does not have the authority to make a water bill adjustment without Council. Mayor Vansyckle stated that there must have been a lack of communication between the homeowner and utility billing, as he believed the city should compensate Mr. and Mrs. Rogers \$250. Mayor Pro-Tem Leverentz was not convinced but offered to split the water consumption cost and adjust the homeowner's account \$125. Place 5, Dormier agreed. Place 4, Hunt disagreed that the Rogers' deserved any compensation, but stated he would go along with splitting the cost.

Mayor Pro-Tem Leverentz made a motion that Council approves an adjustment of \$125 on the utility (water) account of Mr. and Mrs. Rogers at 735 Westmoreland. Place 5, Dormier seconded the motion.

***VOTE: The motion carried unanimously.***

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**Council's Request for Consideration of Future Agenda Items**

**Place 5, Dormier:** Discussion item on impact fees. Discuss Shiloh Bridge.  
**Place 4, Hunt:** Discuss codification and plat books.  
**Place 3, Wade:** Ethics policy for Council and Boards.  
**Mayor:** None.  
**Place 2, Dickey:** Absent.  
**Mayor Pro-Tem Leverentz:** Review accounting of roads for Ellis County.

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**Adjournment**

Mayor Pro-Tem Leverentz made a motion to adjourn the meeting of September 13, 2010, at 9:49 PM. Place 4, Hunt seconded the motion.

***VOTE: The motion carried unanimously.***

ATTEST:

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Bill Vansyckle, Mayor

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Pamela Higgins, City Secretary

***Approved: December 13, 2010***