

**CITY OF OVILLA MINUTES**  
**Monday 27 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 7:05 P.M. The following City Council Members were present:

Tom Leverentz	Mayor Pro-Tem, Place 1
Michael Dickey	Council Member, Place 2
James Wade	Council Member, Place 3
Doug Hunt	Council Member, Place 4
Richard Dormier	Council Member, Place 5

All 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.  
Place 5, Dormier led the Pledge of Allegiance.

**Comments, Presentations and Reports and Appointments**

Ms Donna Hunt, representing the Ovilla Service League conducted a drawing for a 22" flat screen TV.

• **Citizen Comments**

1. Ms Jo Ann Graham spoke in support of the tabled item on the evening's agenda; to allow Chief Moon an extended leave of absence to attend the FBI Academy in April 2011.
2. Midlothian Police Chief Carl Smith also wanted to speak in support of Chief Moon's request but asked to wait to speak when the tabled item was addressed.

**DEPARTMENTAL REPORTS:**

- ◆ Finance Department Accountant Sharon Jungman
  - Financial Statements were reviewed with Council by the City Accountant.

**CONSENT ITEMS:**

- ◆ Approve a corporate authorization resolution to update signature cards for Community National Bank & Trust of TX.

Mayor Pro-Tem Leverentz made a motion to approve the consent item as presented. Place 4, Hunt seconded the motion.

**VOTE: The motion carried unanimously.**

**INDIVIDUAL CONSIDERATION:**

**(MAYOR VANSYCKLE PULLED ITEM 4 TO ADDRESS FIRST)**

**ITEM 4. Discussion/Action** – Consider approval to allow a Veteran's Monument addition to Heritage Park.

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

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

City Administrator stated that an agreement was reached with Glenn Heights regarding the CCN at the time Ovilla Creek Estates was developed. This section of line lies within Glenn Heights' CCN and serves three meters only; two of which are active. Glenn Heights was asked to serve an additional customer in this area and taking over Ovilla's line would expedite the request and clean up the CCN. This is not a new line. Place 5, Dormier inquired about fire plugs in that area – unknown to the City Administrator.

Place 4, Hunt made a motion that Council direct the City Administrator to pursue a cooperative agreement with Glenn Heights to assume responsibility of approximately 1300 ft. of Ovilla's water line laying in Glenn Heights' CCN and return with an agreement to Council for approval. Place 5, Dormier seconded the motion.

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

**ITEM 5. Discussion/Action – Consider Resolution 2010-013, adopting a policy on governance process and rules of procedure for the City of Ovilla.**

This policy offered guidance on how to conduct meetings and interact with staff. Place 2, Dickey worked on the policy and directed staff to forward to the City Attorney for final review. Mayor Vansyckle suggested corrections to Section 7.1, Item 2 & Section 8.1, Item 5, both to read "city secretary" and not city administrator. City Attorney Matthew Wallis noted the few corrections he had made which referred to Ovilla being a Type A General Law Municipality; shown on page 14. Mayor and Council continued discussion with Matthew Wallis on various issues: Robert's Rules of Order and abstentions.

Place 5, Dormier made a motion that Council approve Resolution 2010-013 adopting the Policy on Governance Process and Rules of Procedure as amended during discussion. Place 2, Dickey seconded the motion.

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

***Mayor Pro-Tem Leverentz Aye***  
***Place 2, Dickey Aye***  
***Place 3, Wade Aye***  
***Place 4, Hunt Aye***  
***Place 5, Dormier Aye***

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

**ITEM 6. Discussion/Action – Consider Resolution 2010-014, adopting a revised employee handbook; providing the repeal of all previous employee handbooks; providing for distribution of the revised employee handbook to all city employees.**

The personnel policy had been in review for some time. Mayor Pro-Tem Leverentz and certain city staff members prepared a final draft for the city attorney's opinion and suggestions. City Attorney, Matthew Wallis explained the differences of exempt and non-exempt employees to Place 3, Wade. Council agreed to certain revisions: probationary period for Public Works would be 6 months, and 1-year for Police instead of the 90-days as listed in the draft manual.

Mayor Pro-Tem Leverentz made a motion that Council approves Resolution 2010-014 adopting the revised employee handbook with the amendments by the city attorney and the noted amendment to page 15 regarding probationary periods. Place 4, Hunt seconded the motion.

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

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

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

**ITEM 7. Discussion/Action** – Consider approval of Ordinance 2010-020, of the City of Ovilla amending Chapter 8, Section 2, relating to authorization of expenditures and purchase limits.

State law raised the threshold on bidding and sealed bids to \$50,000. Additionally, certain accounting forms were created by staff for added efficiency between department heads and the accounting office. This too, would aid staff during the annual audit. Place 5, Dormier suggested revisions to Section 2 for better understanding.

Place 5, Dormier made a motion that Council approve and adopt Ordinance 2010-020, a purchase policy, relating to the authorization of expenditures and purchasing with the noted amendments as in this discussion and presentation. Place 4, Hunt seconded the motion.

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

**ITEM 8. Discussion/Action** – Consider approval Ordinance 2010-021, amending Chapter 2, “Animal Control” of the City of Ovilla, TX Code of Ordinances as amended, to amend Section 9.00, “Keeping of Wild Animals.”

City Attorney Matthew Wallis prepared the ordinance to assist Judge Kurth when addressing vicious dogs and other animals to better define the procedures for seizures and potential destruction. Place 2, Dickey commented on the “one free bite” from a civil standpoint. One noted necessary change was listed on page 4, Section 9.02 (B) (1) (b) replacing the word “dangerous” with “vicious”. There were no provisions for a vicious dog or animal moving to the City in this ordinance.

Place 4, Hunt made a motion that Council pass and approve Ordinance 2010-021 regulating dangerous animals as amended during Council discussion. Place 5, Dormier seconded the motion.

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

***At 8:54 P.M., Mayor Vansyckle called for a 15 minute break.***

***At 9:09 P.M., Mayor and Council reconvened the meeting.***

**ITEM 9. Discussion Only** – Review and discuss revisions to Chapter 2, “Animal Control”, of the City of Ovilla, TX Code of Ordinances.

City Attorney Matthew Wallis distributed a model ordinance for Council review. He recommended that the entire Chapter 12 regarding “Animal Control” be revised because the last animal control ordinance that was written, passed and currently in use was in 1991. This ordinance did not address a limit of dogs or cats at one residence and Council suggested that maybe a limit should be set. Mayor Pro-Tem Leverentz suggested a home be marked “dangerous” dog or animal for the purpose of medical emergencies regarding fire or police calls to the residence. Council agreed that the Code Enforcement Officer needed to review this draft and share suggestions.

***DISCUSSION ONLY, NO ACTION.***

**ITEM 10. Discussion/Action** – Consider authorizing the first payment to Ellis County for Westmoreland Rd. and Red Oak Creek Rd. maintenance and resurfacing.

Mayor Pro-Tem Leverentz suggested that Ovilla pay as much as of the balance owed to Ellis County as possible now before the end of the current FY2009-10 (ending September 30). Currently, between two accounts, the City had about \$101,840 for streets and road infrastructure. Ovilla owed Ellis County approximately \$139,742. Place 5, Dormier voiced concerns about spending it all on the roads when Shiloh Bridge is a constant concern. Council decided to address Item 11, Shiloh Bridge and come back to Item 10.

Place 2, Dickey made a motion to table Item 10 temporarily in order to deliberate on Item 11 before final disposition on payment to Ellis County. Place 5, Dormier seconded the motion.

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

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

City Administrator opened discussion in stating that it was not necessarily the bridge, but the erosion at the bridge that was the concern. Ovilla has not had another inspection from TXDOT, since receiving their (TCDOT) “letter of deficiency.” Place 2, Dormier stated that he was apprehensive for Council to authorize all the funds on the roads until they are more knowledgeable of the Shiloh Bridge erosion problems. Ovilla needs to get the TXDOT’s “letter of deficiency” removed. Obviously, Shiloh Bridge needed to be listed on the city’s CIP (Capital Improvements Projects) Council discussed the cost of an engineering study. Mayor Pro-Tem Leverentz suggested that Council leave \$100,000 for Shiloh Bridge and spend the remaining funds to pay Ellis County. City Accountant explained to Council that these funds were in the FY2009-10 and not budgeted in the FY2010-2011.

**DISCUSSION ONLY, NO ACTION.**

**TABLED ITEM**

**ITEM 10. Discussion/Action** – Consider authorizing the first payment to Ellis County for Westmoreland Rd. and Red Oak Creek Rd. maintenance and resurfacing.

Mayor Pro-Tem Leverentz made a motion to remove the item from the table for consideration. Place 2, Dickey seconded the motion.

Mayor Pro-Tem Leverentz made a motion that Council authorize payment of \$39,742 to Ellis County for maintenance and resurfacing of Westmoreland and Red Oak Creek Roads. Place 4, Hunt seconded the motion. Place 5, Dormier voted in opposition.

**VOTE: The motion carried 4 in favor and 1 in opposition.**

**ITEM 12. Discussion Only** – Review and discuss the events and success of Heritage Day.

Place 4, Hunt stated that even though the City endured heavy rains, the outcome of Heritage Day was positive and enjoyed by all that attended. The city’s t-shirts did not sell but they will continue to be available for purchase throughout the year and they could be sold at next year’s Heritage Day. Council wanted to offer many thanks to staff’s efforts and hard work. Mayor Vansyckle offered congratulations to Place 4, Hunt for his planning efforts and to Code Enforcement Officer Mike Dooly for working beyond the call of duty!

**DISCUSSION ONLY, NO ACTION.**

**TABLED ITEM DURING SEPTEMBER 13, 2010 COUNCIL MEETING**

**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.

**Consider motion to remove item from the table.**

Place 5, Dormier made a motion to remove the item from the table for consideration. Place 3, Wade seconded the motion. Mayor Pro-Tem Leverentz and Place 2, Dickey voted in opposition.

**VOTE: The motion carried three in favor and two in opposition.**

**Consider action on item.**

**At 10:16 P.M., the Mayor called a break to converse with the City Attorney.**

**At 10:20 P.M., the Mayor reconvened the meeting.**

Midlothian Police Chief Carl Smith approached the podium and offered support for Chief Moon's leave of absence to attend the FBI Academy. Chief Smith shared the valuable learning experience with Council. Chief Smith also advised that his department would be available for mutual aid to Ovilla. The Mayor inquired the size of the city that employed Chief Smith and implied that larger cities had the means and coverage to allow a Chief to be absent for three months; not the same for a smaller city. Additionally, Ovilla could not afford the pay increases to Ovilla's Lt. and Sergeant for their additional responsibilities during Chief Moon's absence.

**Mayor called an Executive Session at 10:27 P.M.**

Chief Moon requested that the session remain in open forum.

Chief Moon gave a PowerPoint Presentation depicting his syllabus and the benefits to classes for upper management skills. He also advised Council that Lt. Dox advised him that she did not expect a temporary salary increase. Chief Moon advised Council that he would take his own personal laptop and cell phone, check in regularly, and sign an agreement to keep his employment with Ovilla for at least two-years after completion of the academy. (Mayor commented that an agreement such as that was not binding.)

Mayor stated that the entire budget was cut to the bare bones and although this academy might be a personal honor to Chief Moon, it held no benefit to the city. Three months away was too long and not fair to other employees. Additionally, the Mayor doubted that Chief Smith could allow one of his officers to work a shift for Ovilla if the coverage was needed. Based on the cost, the Mayor stated he felt it unfair to the other employees. Place 2, Dickey reiterated that he did not perceive any measureable benefit to the city.

Place 5, Dormier made a motion that Council approve Mike Moon's request to attend the National FBI Academy in Quantico, VA to begin April 2011. Place 3, Wade seconded the motion. Mayor Pro-Tem Leverentz, Place 2, Dickey and Place 4, Hunt voted in opposition.

**VOTE: The motion failed. Two in support, three in opposition.**

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

**Place 5, Dormier:** Public Improvement Districts  
**Place 4, Hunt:** None.  
**Place 3, Wade:** None.  
**Mayor:** Shiloh Bridge.  
**Place 2, Dickey:** None.  
**Mayor Pro-Tem Leverentz:** Animal Ordinance

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**Adjournment**

Place 3, Wade made a motion to adjourn the meeting of September 27, 2010, at 10:54 PM.  
Place 4, Hunt seconded the motion.

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

  
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Bill Vansyckle, Mayor

ATTEST:

  
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Pamela Higgins, City Secretary

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