

CITY OF OVILLA MINUTES
Monday, 27 June 2011
Regular City Council Meeting
105 S. Cockrell Hill Road, Ovilla, TX 75154

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 |
| 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 5 Dormier gave the Invocation.
Place 2 Dickey led the Pledge of Allegiance.

Comments, Presentations and Reports and Appointments

CITIZENS COMMENTS / CITIZENS FORUM:

- ◆ None

DEPARTMENTAL REPORTS:

- ◆ Finance Department City Accountant S. Jungman
 - Monthly Financials

City Accountant Ms Jungman briefed Council on the monthly financials and advised that the FY2011-2012 Budget preparation was underway.

CONSENT ITEMS:

- ◆ Council Minutes of the June 13, 2011 Meeting

Place 4 Hunt made a motion that Council approves the Council minutes of June 13, 2011 as presented.

Mayor Pro-Tem Leverentz seconded the motion.

Mayor Vansyckle asked for a record vote by the raising of hands in favor.

Mayor Vansyckle asked for a record vote by the raising of hands against.

All Council raised hands in favor. No oppositions, no abstentions.

VOTE: The motion carried unanimously: 5-0.

INDIVIDUAL CONSIDERATION:

*Place 4 Hunt made an announcement with a motion to remove all the Tabled Items from the table for discussion and consideration.

Place 2 Dickey seconded the motion.

Mayor Vansyckle asked for a record vote by the raising of hands in favor.

Mayor Vansyckle asked for a record vote by the raising of hands against.

All Council raised hands in favor. No oppositions, no abstentions.

VOTE: The motion carried unanimously: 5-0.

Mayor Vansyckle stated the removed tabled items would be labeled as Items 7, 8, 9, and 10 in consecutive order as listed and would be addressed as such.

***Mayor Vansyckle pulled Item 3, to address before Items 1 and 2.**

ITEM 3. Discussion/Action – Consider a proposed ordinance pertaining to all matters incident and related to the issuance and sale of "City of Ovilla, Texas, General Obligation Refunding Bonds, Series 2011", including the adoption of an ordinance authorizing the issuance of such bonds and providing for the redemption of the obligations being refunded.

During previous meetings, Council considered and approved the issuance of refunding bonds through First Southwest. Bond counsel prepared ordinances and language for the refunding and issuance. Mr. Boyd London of First Southwest was present and informed Council that this move saved the city a tremendous amount of money amortized over the same period as the old bonds. Additionally, according to Standard and Poors, the city's rating increased to A+.

Mayor Pro-Tem Leverentz made a motion that Council approves the proposed ordinance to the issuance and sale of the City of Ovilla General Obligation Refunding Bonds, Series 2011 as presented.

Place 5 Dormier seconded the motion.

Mayor Vansyckle asked for a record vote by the raising of hands in favor.

Mayor Vansyckle asked for a record vote by the raising of hands against.

All Council raised hands in favor. No oppositions, no abstentions.

VOTE: The motion carried unanimously: 5-0.

***Mayor Vansyckle returned to the regular order of the outlined agenda.**

ITEM 1. Discussion/Action – Consider approval of proposed Resolution 2011-017 amending and updating the City of Ovilla Investment Policy.

The Government Code affirms that the governing body should update their investment policy at least annually. The last update by the Ovilla Council was the approval and adoption of Ordinance 2010-012 on May 24, 2010. Staff prepared an update.

Mayor Pro-Tem Leverentz made a motion that Council approves Resolution 2011-017 including the attachments, amending and updating the City of Ovilla Investment Policy.

Place 4 Hunt seconded the motion.

Mayor Vansyckle asked for a record vote by the raising of hands in favor.

Mayor Vansyckle asked for a record vote by the raising of hands against.

All Council raised hands in favor. No oppositions, no abstentions.

VOTE: The motion carried unanimously: 5-0.

ITEM 2. Discussion/Action – Consider a proposed ordinance amending Chapter 13, "Utilities" to establish a new Section, Entitled "Storm Water Management Program."

Place 5 Dormier made a motion that Council approves the proposed ordinance amending Chapter 13 of the Ovilla Code of Ordinances to establish a new section: *Storm Water Management Program Plan*.

Place 4 Hunt seconded the motion.

Mayor Vansyckle asked for a record vote by the raising of hands in favor.

Mayor Vansyckle asked for a record vote by the raising of hands against.

All Council raised hands in favor. No oppositions, no abstentions.

VOTE: The motion carried unanimously: 5-0.

ITEM 4. Discussion/Action – Discuss and consider the necessity of an ordinance governing the operation of golf carts on public streets.

This item was a continued request from Place 3 Wade. Chief Mike Moon shared excerpts from the TX Transportation Code, Section 551.401 defining golf carts and the permitted operation of them in municipalities. Chief Moon reiterated his concerns regarding safety as well as the legality. Place 2 Dickey questioned the city's ability to meet the criteria outlined in the state's Transportation Code. Signed citizen petitions for and against the use of golf carts were presented.

Place 3 Wade questioned the whereabouts of his previously submitted sample golf cart ordinance and questioned why it was not included in the packet. There was no response. Place 3 Wade asked the city secretary if she was instructed not to include the information from the previous meeting to which the sample ordinance was addressed. City secretary responded no, but that she would retrieve the information from her office if requested.

Mayor Pro-Tem Leverentz made a motion that Council denies the consideration for the necessity of an ordinance governing the operation of golf carts and deny allowing the use of golf carts on public streets.

Place 4 Hunt seconded the motion.

Mayor Vansyckle asked for a record vote by the raising of hands in favor.

Mayor Pro-Tem Leverentz, Place 2 Dickey, Place 4 Hunt and Place 5 Dormier raised hands in favor of the denial.

Mayor Vansyckle asked for a record vote by the raising of hands against.

Place 3 Wade raised his hand in favor of a golf cart ordinance.

There were no abstentions.

VOTE: The motion carried 4 in favor of the denial, and one in opposition: 4-1.

ITEM 5. Discussion Only – Discuss and review road rehabilitation reports, Capital Improvement Projects Committee reviews and/or adjustments, and other misc. projects or potential purchase(s) of equipment.

Mayor Pro-Tem Leverentz updated Council with the 10-year CIP paving list.

VOTE: There was no action on this item: discussion only.

**Mayor Vansyckle announced that Council would take a ten-minute break. Time: 8:01 P.M.*

**Mayor Vansyckle announced the meeting would reconvene. Time: 8:10 P.M.*

Mayor Vansyckle announced that Place 3 Wade had left the meeting.

Mayor Vansyckle recognized the city secretary's request to speak. The city secretary stated that she had misspoken when questioned during Item 4 and wanted to make the correction. The city secretary stated that she was in fact instructed by Mayor Vansyckle to not include any documentation relating to golf carts that had been previously been submitted by Place 3 Wade. The city secretary stated her instructions were to include only additional or new documents from Place 3 Wade for the Council packets. Mayor Vansyckle agreed and noted he remembered the conversation with the city secretary.

ITEM 6. Discussion/Action – Consider action on any or all tabled items.

Place 4 Hunt previously pulled all four tabled items at the beginning of the Council meeting, ready for consideration.

TABLED ITEMS FROM June 13, 2011 Council Meeting:

ITEM 7. Discussion/Action – Consider adoption of proposed procedures for the hearing of complaints against one or more members of City Council in full session.

Council discussed the proposed procedures prepared by Mayor Vansyckle (with some revisions by the city's legal counsel). Place 5 Dormier questioned the necessity and inquired if the Mayor had shared his (PL5 Dormier's) written suggestions with legal counsel. Mayor Vansyckle stated he believed he discussed them with counsel.

Consider Action on Item.

Mayor Pro-tem Leverentz made a motion that Council approves the proposed procedure for hearing City Council / Board Member complaints against one or more members.

Place 2 Dickey seconded the motion.

Mayor Vansyckle asked for a record vote by the raising of hands in favor.

Mayor Pro-Tem Leverentz, Place 2 Dickey, Place 4 Hunt in favor.

Mayor Vansyckle asked for a record vote by the raising of hands against.

Place 5 Dormier raised his hand for denial.

Place 3 Wade was absent.

There were no abstentions.

VOTE: The motion carried 3 in favor, one in opposition: 3-1.

ITEM 8. Discussion/Action – Review a complaint filed by Place 3 Wade against Mayor Vansyckle regarding Brookwood Entrance.

Mayor Pro-Tem Leverentz read aloud the complaint and background.

Place 2 Dickey made a motion that with Place 3 Wade gone from the meeting, all three complaints be dismissed. Place 4 Hunt seconded the motion.

Place 5 Dormier questioned dismissing them all at once and stated he had a few questions.

Place 2 Dickey motioned to withdraw the dismissal of the three items.

Place 4 Hunt seconded the motion.

The item(s) were open for discussion.

Place 5 Dormier inquired about the Mayor's involvement of Brookwood Entrance, including the services of city personnel during the refurbishment and the city's financial support. Mayor

Bill Vansyckle, Mayor

Tom Leverentz, Mayor Pro-Tem

Michael Dickey, Place Two

Doug Hunt, Place Four

James Wade, Place Three

Richard Dormier, Place Five

Vansyckle prepared a letter of rebuttal explaining how the impromptu repair of Brookwood Entrance evolved. (Rebuttal kept in complaint file.) Mayor Vansyckle added that he did ask for some labor assistance from city crews.

Consider Action on Item.

Place 5 Dormier made a motion that Council finds the allegations outlined in the presented complaint against Mayor Vansyckle to be untrue with prejudice.

Place 4 Hunt seconded the motion.

Mayor Pro-Tem Leverentz asked for a record vote by the raising of hands in favor.

Mayor Pro-Tem Leverentz, Place 2 Dickey, Place 4 Hunt and Place 5 Dormier raised hands in favor of the motion.

Mayor Pro-tem Leverentz asked for a record vote by the raising of hands against.

No oppositions, no abstentions.

Place 3 Wade was absent.

VOTE: The motion carried unanimously; 4-0.

ITEM 9. Discussion/Action – Review a complaint filed by Place 3 Wade against Mayor Vansyckle regarding CIP Committee.

Mayor Pro-Tem Leverentz read aloud the complaint and background. Mayor Vansyckle offered his explanation accompanied by his written response. (Response kept in complaint file.)

Consider Action on Item.

Place 2 Dickey made a motion that Council finds the allegations outlined in the presented complaint against Mayor Vansyckle to be untrue with prejudice.

Place 4 Hunt seconded the motion.

Mayor Pro-Tem Leverentz asked for a record vote by the raising of hands in favor.

Mayor Pro-Tem Leverentz, Place 2 Dickey, Place 4 Hunt and Place 5 Dormier raised hands in favor of the motion.

Mayor Pro-tem Leverentz asked for a record vote by the raising of hands against.

No oppositions, no abstentions.

Place 3 Wade was absent.

VOTE: The motion carried unanimously; 4-0.

ITEM 10. Discussion/Action – Review a complaint filed by Place 3 Wade against Mayor Vansyckle regarding his personal business.

Mayor Pro-Tem Leverentz read aloud the complaint and background. Mayor Vansyckle offered his explanation accompanied by his written response. (Response kept in complaint file.) Place 4 Hunt asked Mayor Vansyckle a few questions regarding his use of city equipment. Mayor Vansyckle responded in stating that he received no salary and used his personal cell for his Private Investigations business. It was not uncommon to ring when he was at city hall. Mayor Vansyckle made closing remarks stating that he had recently undergone eye surgeries and was homebound. His "P.I. Business" follows him everywhere as his cell phone *is* his business.

Consider Action on Item.

Place 4 Hunt made a motion that Council finds the allegations outlined in the presented complaint against Mayor Vansyckle to be untrue with prejudice.

Place 2 Dickey seconded the motion.

Mayor Pro-Tem Leverentz asked for a record vote by the raising of hands in favor.

*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*

Mayor Pro-Tem Leverentz, Place 2 Dickey, Place 4 Hunt and Place 5 Dormier raised hands in favor of the motion.

Mayor Pro-tem Leverentz asked for a record vote by the raising of hands against.

No oppositions, no abstentions.

Place 3 Wade was absent.

VOTE: The motion carried unanimously; 4-0.

Council's Request for Consideration of Future Agenda Items

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|---------------------------------|---|
| Place 5, Dormier: | Letter for artillery field piece at the park. |
| Place 4, Hunt: | None. |
| Place 3, Wade: | Absent. |
| Mayor: | Review of HB Fire Code Permitting. |
| Place 2, Dickey: | None. |
| Mayor Pro-Tem Leverentz: | Remember the July 13 Budget meeting. |

Adjournment

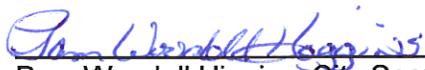
Mayor Pro-Tem Leverentz made a motion to adjourn the meeting of June 27, 2011 at 8:47 P.M. Place 4 Hunt seconded the motion.

VOTE: The motion carried unanimously.



Bill Vansyckle, Mayor

ATTEST:



Pam Woodall Higgins, City Secretary

Approved: July 25, 2011