

# CITY COUNCIL OF THE CITY OF OVILLA MINUTES

*Monday, 25 July 2011*  
*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:

Michael Dickey	Council Member, Place 2
James Wade	Council Member, Place 3
Doug Hunt	Council Member, Place 4
Richard Dormier	Council Member, Place 5

Absent: Tom Leverentz Mayor Pro-Tem, Place 1

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.

Place 5 Dormier led the Pledge of Allegiance.

## Comments, Presentations and Reports and Appointments

1. Mayor Vansyckle presented a plaque to Mr. David Griffin, departing member of the Board of Adjustment. Mr. Griffin offered his appreciation and encouraged residents to volunteer and become involved in their city. Mr. Griffin stated he would continue his involvement.
2. Chief Mike Moon shared his letter of commendation to Lt. Mollie Dox he had previously submitted for placement in her personnel file.

## **CITIZENS COMMENTS / CITIZENS FORUM:**

1. Mr. David Griffin voiced his support to the Ovilla Fire Department and presented a check for \$250 (to include an additional \$250 anonymous donation) to aid in the purchase of a fire shelter.
2. Ms Betty Freeman appealed to Council to ask the Planning & Zoning Commission to revise and recommend an update to the ordinance pertaining to accessory buildings.  
*Others signed up to speak during specific items on the agenda.*

## **DEPARTMENTAL REPORTS:**

- ◆ Finance Department City Accountant S. Jungman
  - Monthly Financials / 90-day Reserve Fund Balance

City Accountant Ms Jungman briefed Council on the monthly financials and gave a reminder of the upcoming scheduled budget workshop for Wednesday, July 27, 2011 at 6:00pm.

## **CONSENT ITEMS:**

- ◆ Quarterly Investment Report
- ◆ Council Minutes of the June 27, 2011 Meeting

Place 4 Hunt made a motion that Council approves the consent items 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.*

*Present Council raised hands in favor. No oppositions, no abstentions.*

*Mayor Pro-Tem Leverentz was noted absent.*

***VOTE: The motion carried unanimously: 4-0.***

**PUBLIC HEARING, DISCUSSION & CONSIDERATION:**

**ITEM 1. PUBLIC HEARING** - The City Council of the City of Ovilla, Texas will hold a public hearing at 7:00 p.m. on Monday July 25, 2011, for the purpose of receiving comments regarding its consideration of the adoption of impact fees for water and wastewater facilities.

The amount of the proposed maximum allowable impact fee per living unit equivalent for water is \$3,923 and the maximum allowable impact fee for wastewater is \$848.

**Mayor Vansyckle read the item aloud and opened the Public Hearing at 7:18 P.M.**

Mayor Vansyckle asked if there was anyone with questions or anyone needing clarifications. There was no response.

Mayor Vansyckle asked if there was anyone speaking in favor on this item.

There was no one.

Mayor Vansyckle asked if there was anyone speaking in opposition on this item.

There was no one.

**Mayor Vansyckle closed the Public Hearing at 7:20 P.M.**

**Discussion/Action** – Receive written recommendation from the Planning and Zoning Commission to consider adopting the presented proposed impact fees and direct staff to prepare an ordinance for Council consideration and present at the next meeting.

Mr. Andrew Mata with Birkhoff, Hendricks & Carter, L.L.P., (firm that prepared the Five-Year Water & Wastewater Impact Fee Study) was present for Council discussion. It was noted that a math error incurred in the previous study that actually caused Ovilla to undercharge customers. Place 4 Hunt inquired if Birkhoff's firm planned to reimburse Ovilla for the error.

Place 5 Dormier asked Council to hold any action(s) on this item as he had questions for Mr. Mata. Mayor Vansyckle acknowledged the request and stated that there would be no action on this item this evening.

**VOTE: No Action.**

**REGULAR AGENDA:**

**ITEM 1. Discussion/Action** – Review applications and consider a new alternate member appointment to the Board of Adjustment.

During the June 13, 2011 City Council Meeting, Council voted 3-2 not to reappoint Mr. David Griffin to the Board of Adjustment and appointed Ms Patricia Rarick (BOA Alternate Member) to replace Mr. Griffin's full member status. This change left her alternate status on the BOA vacant. Mayor Vansyckle stated that he interviewed two applicants and recommended Council appoints Mr. Louis Grinage to the vacant alternate position on the Board of Adjustment.

Place 4 Hunt made a motion that Council appoints Mr. Louis Grinage as the new alternate member to the Board of Adjustment for a two-year term effective immediately.

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.*

*Place 5 Dormier opposed. There were no abstentions.*

*Mayor Pro-Tem Leverentz was noted absent.*

**VOTE: The motion carried: 3-1.**

*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*

**ITEM 2. Discussion/Action** – Accept Bill Vansyckle’s resignation as a member of the Municipal Development District (MDD) Board.

Place 2 Dickey made a motion that Council accepts the resignation of Bill Vansyckle as Board Director to the Municipal Development District effective immediately.

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.*

*Present Council raised hands in favor. No oppositions, no abstentions.*

*Mayor Pro-Tem Leverentz was noted absent.*

**VOTE: The motion carried unanimously: 4-0.**

**ITEM 3. Discussion/Action** – Review application and consider Ms Sandra Fitzgerald as the replacement MDD Board Member.

Mayor Vansyckle stated he interviewed Ms Fitzgerald and recommended her appointment as a Board Director to the MDD (Municipal Development District) to fill the vacancy created by his resignation through the remaining term.

Place 5 Dormier made a motion that Council appoints Ms Sandra Fitzgerald as a new/replacement member to the Municipal Development District Board for the remainder of the term, effective immediately.

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.*

*Present Council raised hands in favor. No oppositions, no abstentions.*

*Mayor Pro-Tem Leverentz was noted absent.*

**VOTE: The motion carried unanimously: 4-0.**

**ITEM 4. Discussion/Action** – Consider a request from the City’s solid waste contractor, CWD (Community Waste Disposal) for a rate modification, in accordance with Article 12.02 of the Waste Services Contract. (Mr. Robert Medigovich, Municipal Coordinator from CWD attended.)

This was the second year CWD had submitted a rate modification request. The previous year the request was not received within the allowed timeline. This year’s submittal was received within the required timeline, as noted in the contract. Mr. Robert Medigovich, Municipal Coordinator with CWD was present to answer Council’s questions regarding the proposed rate revisions and explained the CPI (Consumer Price Index) component of the annual increase.

Place 5 Dormier made a motion that Council approves the proposed rate modifications submitted by CWD as presented, effective December 01, 2011, and as documented on the contract. 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.*

*Present Council raised hands in favor. No oppositions, no abstentions.*

*Mayor Pro-Tem Leverentz was noted absent.*

**VOTE: The motion carried unanimously: 4-0.**

**ITEM 5. Discussion Only** – Discuss safety issues, parking and utilities on Water and Main Streets.

Mayor Vansyckle opened discussion stating that the item primarily pertained to commercial growth, specifically in the downtown area. Mayor Vansyckle added that he intends to address the laying of sewer lines on Main Street, with the financial support of the Municipal Development District and the Economic Development District. Mayor Vansyckle felt this would not only benefit those local businesses and property owners but also eliminate parking problems by allowing new parking areas where septic systems were currently placed. The Mayor also mentioned the idea of closing part of Water Street for a parking area.

Mayor Vansyckle allowed those signed up to speak:

1. Mr. Steve Fiedler was in support of placing sewer lines in the downtown area.
2. Ms Jimmie Wade was in support of placing sewer lines in the downtown area, especially at the city's expense and asked when it might occur. Mayor Vansyckle responded as soon as possible.

Place 2 Dickey questioned Ms Wade's expectation of having the city cover the entire expense. Ms Wade replied yes, adding that she had offered to pay the expense years ago, but the project never transpired.

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

**ITEM 6. Discussion/Action** – Discuss the current Blackboard Connect terms and consider directing the City Administrator to negotiate a revised contract to include weather alerts and present a proposed revised contract to Council for the 2011-2012 FY Budget.

Mayor Vansyckle stated he initiated this item with a proposed plan to enhance the current CTY system for automatic weather alerts. Ovilla does not have an EOC (Emergency Operations System). CTY will automatically generate notices. Chief Moon concurred with his opinion of this enhancement. A proposed contract amendment was presented for review.

Place 5 Dormier made a motion that Council directs the city administrator to negotiate a revised contract with Blackboard Connect (CTY) to include weather alerts and present the updated contract to Council for consideration in the FY2011-2012 Budget.

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.*

*Present Council raised hands in favor. No oppositions, no abstentions.*

*Mayor Pro-Tem Leverentz was noted absent.*

**VOTE: The motion carried unanimously: 4-0.**

**ITEM 7. Discussion Only** – Discuss a proposed ordinance regarding public safety with parking on certain streets within the City.

Mayor Vansyckle opened discussion by allowing citizens that had signed up to speak:

1. Ms Jimmie Wade – *Against proposed ordinance*- stated she realized this ordinance was directed to affect her business at 711 Main Street and she wanted to inform all present that there had not been any accidents or citations issued at her business.
2. Mr. Morris Gresham – *Against proposed ordinance*- voiced confusion based on the original & planned format to be "discussion/action" on the agenda and questioned the Mayor's involvement in the day-to-day activities of city operation.

3. Pastor Joel Robbins – *Against proposed ordinance*- stated this “political agenda” is not his issue, but his church is his concern. Please leave local churches alone and out of this proposed ordinance.
4. Mr. David Griffin - *Against proposed ordinance*- stated he wanted to “go on record” as opposed to the proposed ordinance. He stated the ordinance was ill conceived.

Mayor Vansyckle advised that this issue was brought to his attention as a safety hazard and that this was a proposed ordinance only, for discussion only. He commented that he took offense to the personal attacks. Mayor Vansyckle agreed with Pastor Robbins and said he would certainly reconsider the mention of the churches in the proposed ordinance. Place 5 Dormer surmised the dislike of the ordinance from residents. There was also the expense of signage; the purchasing as well as the implementation to consider in accordance to this proposed ordinance.

Place 2 Dickey displayed photos of various vehicles that were haphazardly parked at the area of the cleaners at 711 Main Street. He voiced safety concerns.

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

### EXECUTIVE SESSION

**ITEM 1.** The City Council may meet in closed session pursuant to Section 551.074 of the Texas Government Code for consultation and review of department evaluations.

1. Consider the appointment, employment, ***evaluation***, reassignment, or duties of the following: (Section 551.074 Personnel Matters)
  - Randy Whiteman, City Administrator

***The City Council will reconvene into Open Session.***
2. Consider action as a result of discussion.

Prior to moving to executive session, City Administrator Randy Whiteman asked that Council conduct his evaluation in open session. Mayor Vansyckle and the governing body were all given a Performance Evaluation to complete prior to the meeting. The Mayor began to address each performance standard and asked every member of Council to share their performance rating(s). (5-outstanding, 4-exceeds expectations, 3-meet expectations, 2-below expectations, 1-unsatisfactory)

At the rating of the second performance standard, Place 2 Dickey interceded with a motion to table this evaluation until Mayor Pro-Tem Leverentz was present. Place 4 Hunt seconded the motion.

Place 3 Wade and Place 5 Dormier voted “Nay” to table the item and to continue with the evaluation.

Mayor Vansyckle broke the tie with a vote of “Nay” to table the item and to proceed with the evaluation.

Mayor Pro-Tem Leverentz was noted absent.

**VOTE: The motion carried 3 in favor to proceed with the evaluation, 2 voting to table.**

Council continued the evaluation process. At the conclusion, the Mayor noted Randy's overall ratings to be about four (exceeds expectations) and asked for any overall comments. Place 5 Dormier stated he was glad Randy was working for the City of Ovilla. The City Administrator told Council he appreciated their constructive criticism and would work on those areas that were noted with low rating(s).

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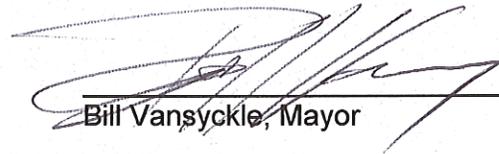
**Council's Request for Consideration of Future Agenda Items**

Place 5, Dormier: None.  
 Place 4, Hunt: None.  
 Place 3, Wade: Proposed Ordinance for open government and transparency.  
 Mayor: Update on Heritage Day.  
 Place 2, Dickey: None.  
 Mayor Pro-Tem Leverentz: Absent.

**Adjournment**

Place 2 Dickey made a motion to adjourn the meeting of July 25, 2011 at 10:19 P.M. Place 4 Hunt seconded the motion.

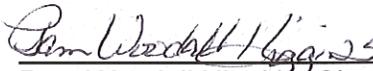
***VOTE: The motion carried unanimously.***




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Bill Vansyckle, Mayor

ATTEST:




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Pam Woodall Higgins, City Secretary

***Approved August 22, 2011***