

**CITY OF OVILLA MINUTES**  
**Monday, 03 October 2011**  
**Special City Council Meeting**  
**105 S. Cockrell Hill Road, Ovilla, TX 75154**

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Mayor Vansyckle called the Special 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.  
Place 3 Wade led the Pledge of Allegiance.

**Comments, Presentations and Reports and Appointments**

Mayor reminded all present of National Night Out, Tuesday, October 04, beginning at 6:30 P.M. behind the City Hall

**CITIZENS COMMENTS / CITIZENS FORUM:**

1. Mr. Phil Lynch commended Place 4 Hunt on his efforts and great work for an outstanding Heritage Day. Additionally, Mr. Lynch asked Council and the City Administrator to pay close attention to the fact that the Mayor and the former city prosecutor, Rodney Ramsey both failed to file conflict of interest statements, pursuant to Section 176 of the Government Code. Mr. & Mrs. Lynch charged Council to direct Mr. Whiteman to investigate the hiring of Mr. Ramsey under the noted statute. Mr. & Mrs. Lynch also stated that they joined Mr. Whiteman in his 3-week old, formal request to the Council into the investigation of the contractor/relationship between Mayor Vansyckle and Rodney Ramsey and the Mayor's interference in the termination of Rodney Ramsey.

**DEPARTMENTAL REPORTS:**

- ◆ None

**CONSENT ITEMS:**

- ◆ None.

**INDIVIDUAL CONSIDERATION:**

- ITEM 1.** Discussion/Action – Consider approval of an Inter-Local Cooperation Agreement for Fire Protection and First Responder Services with the Ellis County Emergency Services District #2.

**Mayor Vansyckle allowed two individuals to speak that had signed up to address this item:**

1. Mr. Ray Reed, ESD #2 President urged Council to approve the contract. Mr. Reed stated he and Mayor Vansyckle had discussions on this date and hoped that the ties with Ovilla would remain.
2. Mr. Danny Long – encouraged Council to move forward with the Inter-Local Cooperation Agreement with the ESD #2. Mr. Long voiced disappointment in the actions and comments made by certain members of Council regarding the differences of opinion on this contract.

**Mayor Vansyckle announced he was calling an Executive Session. Mayor and Council convened into Executive Session at 7:30 P.M.**

**Mayor Vansyckle and the City Council reconvened into Open Session at 8:29 P.M.**

- Consider Action as a Result of Discussion.

Place 5 Dormier made a motion that in regards to the ESD #2 submitted proposed cooperation agreement, Council recommended acceptance with the following revisions:

1. Sections 1 through 4 were acceptable as written.
2. Section 5 – Removed the next to the last sentence: *The City will offer the volunteer firefighter station duty each night at a rate of \$5 per hour.*
3. Section 6 – Removal of certain parts of sentences: *provided that the station staffing provisions of Section 5 have been met 90% of the days from November 01, 2011 to March 31, 2012 & provided that the station staffing provisions of Section 5 have been met 90% of the days from April 01, 2012 to June 30, 2012. In each of these two periods, payment to the City will be reduced \$300 for each day that the staffing provisions of Section 7 are not met 90% of the time.*
4. Section 7 – Removed the word “payroll” from the section. All remaining sections were acceptable as printed.

Mayor Pro-Tem Leverentz seconded the motion.

Mayor Vansyckle asked for a record vote by announcement of AYE or NAY.

Present Council announced AYE in favor. No oppositions, no abstentions.

Place 2 Dickey was noted absent.

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

Following the motion, Mr. Ray Reed, President of the ESD #2 stated he would present the proposed amended contract to the ESD Board at their next meeting (October 17) and hoped they would accept. Mr. Reed stated he would advise Council of the outcome.

**ITEM 2.** Discussion/Action – Council will receive City Administrator’s Annual Reviews of Department Heads’ and Consider Approval of Recommendations.

Place 4 Hunt inquired how Randy recommended the same raise percentage on all when some individual department heads received higher reviews. Randy commented that each department head was graded individually, not in comparison with one another, and although some received higher reviews, all department heads graded high enough levels to warrant their salary increases. Randy added that he actually performed the City Secretary’s review as a courtesy to Council because he spent more time working with her. (The City Secretary is a Council appointed position.)

Mayor Pro-Tem Leverentz a motion that Council approves the performance reviews and pay authorities submitted by the City Administrator as presented.

*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*

Place 5 Dormier seconded the motion.  
Mayor Vansyckle asked for a record vote by announcement of AYE or NAY.  
Present Council announced AYE in favor. No oppositions, no abstentions.  
Place 2 Dickey was noted absent.

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

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

- Place 5, Dormier:** Submitted a written request (and read aloud) for a future agenda item-referencing paragraph 3 of Mr. Whiteman's request (letter) to Council to open an investigation into the relationship between the Mayor and Mr. Ramsey and the handling of the complaint against Randy. Place 5 requested that the Mayor recuse himself from the discussion and investigation of these matters and that Mayor Pro-Tem Leverentz contact the city attorney and handle all aspects of these issues. That the city attorney be present at the council meeting for this proposed agenda item and that it be placed first on the agenda for the evening to avoid costly attorney time. The written request is attached and part of the permanent written minutes.
- Place 4, Hunt:** Shared a good time at a local bowling tournament (bowling for badges to aid the Red Oak Service League) attended by Place 4, Place 5, Mayor Pro-Tem and Chief Moon.
- Place 3, Wade:** None
- Mayor:** Will accept Place 5 Dormier's request for the agenda item noted and will "hand it over" to Mayor Pro-Tem Leverentz.
- Place 2, Dickey:** Absent
- Mayor Pro-Tem Leverentz:** Praised Mr. Hunt for his dedication and time spent for a successful Heritage Day event.

City Administrator, Randy Whiteman reminded Council that the Planning & Zoning Commission were researching with staff and considering an amendment to the codification ordinance, Section 30.5 Accessory Building materials and would have a recommendation to the Council soon.

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**Adjournment**

Place 3 Wade made a motion to adjourn the meeting of October 03, 2011 at 8:45 P.M.  
Mayor Pro-Tem Leverentz seconded the motion.

**VOTE: The motion carried unanimously.**

  
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Bill Vansyckle, Mayor

ATTEST:

  
\_\_\_\_\_  
Pam Woodall Higgins

*Approved October 24, 2011*

**Attachment: Written future agenda item request from PL5 Dormier.**

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

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

PLACE 5 REQUEST FOR FUTURE AGENDA ITEM  
CITY OF OVILLA  
OCTOBER 3, 2011

On September 8, 2011, I requested a copy of the City Administrator's response to former City Prosecutor Ramsey's letter of complaint regarding his dismissal by Randy Whiteman. I was refused a copy of the letter by the City Secretary at the direction of the Mayor. I then called the City Attorney, and upon requesting the letter from the City Attorney, he emailed the entire city council a copy of the Administrator's letter. The Administrator's response addressed Mr. Ramsey's complaint against him and also requested that "the City investigate the Mayor's handling of this complaint and his relationship with the complainant."

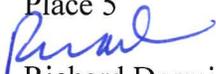
On September 26, 2011 the entire City Council received a second letter from Mr. Ramsey. On September 27, 2011 I emailed the Mayor and requested the status of the second letter from the former prosecutor and received a reply from the Mayor that he had sent the new letter to the City Attorney "requesting our procedure to respond." As of the time I am writing this request, the City Council has not received any further update on the status of the above issues.

I am requesting a future agenda item for our next regular meeting to discuss and take appropriate action, if any, deemed necessary by the City Council to address (1) the City Administrator's request that the City investigate the Mayor's handling of the original Prosecutor complaint and his relationship with the former prosecutor, if any, and (2) to discuss the status and action needed to deal with all of the former prosecutor's letters to the City.

I request that the Mayor recuse himself from the discussion and investigation of these matters from this point forward and that Mayor ProTem Leverentz contact the City Attorney immediately and handle all aspects of these issues that would normally be performed for the City Council by the Mayor or City Administrator. I also request the City Attorney be present at our city council meeting for this proposed agenda item to provide guidance on how an "investigation" should be performed, if it is determined to be warranted by the City Council. I would also request that this be the first agenda item of the night to reduce the cost of attorney time at the meeting.

I understand it will require three city councilmen to request this item to make it an agenda item, unless the Mayor decides to place it on the agenda himself.

Place 5

  
Richard Dormier