

**CITY OF OVILLA MINUTES**  
**Monday, 24 October 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:

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.

Mayor Vansyckle gave the Invocation.  
Mayor Pro-Tem Leverentz led the Pledge of Allegiance.

**Comments, Presentations and Reports and Appointments**

Presentation of Life Saving Award to Ernest Nathaniel "Nate" Walker

Mayor Vansyckle announced that the Walker Family had not yet arrived and would move forward with the agenda until their arrival.

**CITIZENS COMMENTS / CITIZENS FORUM:**

1. Dave Wheeler – shared photos of an area behind his residence on Thorntree and voiced concerns of the junked appearance. Mr. Wheeler shared a reminder that during the last mayoral campaign, Mayor Vansyckle promised him that if elected, it would be cleaned up.
2. Dani Muckleroy – offered various comments: 1) Budget looked great, 2) Very pleased that the Council Packets were on the website, 3) Commended PL4 Hunt for a terrific job as coordinator to Heritage Day, 4) Noted a Council attendance error on the minutes of October 03/last page, 4) No runners on Johnson Lane based on the narrow road and it was dangerous.

Mayor Vansyckle announced the arrival of the Walker Family and presented young Nate Walker with a Life Saving Award. Mayor Vansyckle shared the story of how the young man saved his father's life by applying direct pressure to uncontrolled bleeding and making the 911 call, aiding his father until medics arrived. Nate's parents, Ernest and Debbie, praised their son's actions and offered sincere gratitude to all responders that saved Mr. Walker's life.

**◆ Department Activity Reports / Discussion**

- |                               |                       |
|-------------------------------|-----------------------|
| ◆ Police Department           | Chief M. Moon         |
| • Monthly Report              |                       |
| ◆ Fire Department             | Fire Chief D. Pickard |
| • Monthly Report              |                       |
| • Discussed the ISO #2 Rating |                       |

- Chief Pickard shared his planned upcoming treatment of his recent diagnosis with stomach cancer.
- ◆ Public Works Director B. Piland
  - Monthly Report
  - Discussed crack sealing / equipment & material cost
- ◆ Finance Department Accountant S. Jungman
  - Monthly Financials – still receiving September invoices for year-end.
  - Monthly Municipal Court Report – increased over \$2300 revenue Y-T-D
- ◆ Administration City Administrator R. Whiteman
  - Monthly Report – Code Enforcement/Animal Control – Code Enforcement/Animal Control Officer Mike Dooly attended and presented his reports to Council.

#### CONSENT ITEMS:

- ◆ Monthly Financial Transactions
- ◆ Minutes of the August 22, 2011 Regular Council Meeting.
- ◆ Minutes of the September 12, 2011 Regular Council Meeting.
- ◆ Minutes of the September 26, 2011 Regular Council Meeting.
- ◆ Minutes of the October 03, 2011 Special Council Meeting.

PL5 Dormier made a motion to remove the October 03, 2011 Minutes from the consent for a separate discussion.

PL3 Wade 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.***

***Mayor assigned the October 03, 2011 Minutes as Item 7 for discussion/action.***

PL3 Wade made a motion to approve the remaining consent items as presented. (Excluding the October 03, 2011 Minutes)

PL5 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.***

#### PUBLIC HEARING AND CONSIDERATION:

**ITEM 1. Public Hearing & Discussion** – Discuss and consider an amendment to Section 30.5 of the Ovilla Code of Ordinances concerning Residential Accessory Building Materials to include UV Protected Double-Walled, High Density, Polyethylene Plastic with Steel Reinforced Construction and Steel Trusses.

***Mayor Vansyckle opened the Public Hearing at 7:34 P.M.***

Mayor Vansyckle asked if there was anyone to speak in favor of this item.

Mayor Vansyckle asked if there anyone wishing to speak in opposition of this item.

Mayor Vansyckle asked if anyone wanted to make any comments.

There were no comments.

***Mayor Vansyckle closed the Public Hearing at 7:35 P.M.***

*Bill Vansyckle, Mayor*

*Tom Leverentz, Mayor Pro-Tem*

*Michael Dickey, Place Two*

2

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

**ITEM 2. Discussion/Action** – Receive written recommendation from the Planning & Zoning Commission and consider proposed Ordinance 2011-026 amending the Ovilla Code of Ordinances, Section 30.5 Construction Materials for Residential Accessory Buildings.

Code Enforcement Officer Mike Dooly shared his research information for this type building. Mr. Dooly's concern was a weather-beaten look and not maintaining color under the TX weather. Mayor Pro-Tem Leverentz voiced reservations stating that he had not heard how a plastic building could have steel reinforcements. PL5 Dormier stated he had a question about the finish and preferred to view it first. Council questioned the language and restrictions of the current ordinance. Council continued discussion and reviewed the recommendation from the Planning & Zoning Commission to approve the proposed ordinance revision. Mayor Vansyckle announced the individual record vote recommending approval from the Planning & Zoning Commission:

Chair Ken Rarick	NAY
PL2 Vice-Chair Michael Yordy	Absent
PL3 P&Z Member Loreen Silva	AYE
PL4 P&Z Member Tom Rockwell	AYE
PL5 P&Z Member Richard Edmiston	AYE
PL6 P&Z Member Lynn Shortnacy	Absent
PL7 P&Z Member Bill Zimmermann	Absent

PL3 Wade made a motion to table this item for further study and more description.

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. Item 2 was tabled.***

***Mayor announced the interruption of the Individual Consideration to address the Executive Session. Once completed, Council would return to the regular order of the agenda.***

PL5 Dormier interjected before going into the Executive Session, advising that when he had asked for the Oct. 03 minutes to be pulled from the Consent Agenda, his intent was to discuss them prior to going into the Executive Session. This was because he wanted to remind Council and Mayor of his submitted memorandum that specifically asked Mayor Vansyckle to recuse himself from the Executive Session. Mayor Vansyckle refused.

***Mayor and Council convened into Executive Session at 7:55 P.M.***

**ITEM 1.** The City Council will meet in closed session pursuant to Section 551.071 of the Texas Government Code for consultation with the City Attorney pertaining to any matter in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct may conflict with the Open Meetings Act, including discussion on any item posted on the agenda.

- Ramsey threatened litigation
- Procedures for handling and Mayor complaint

**Mayor Vansyckle left the Executive Session before Item 2 and did not return until convening into Regular Session.**

**ITEM 2.** The City Council will meet in closed session pursuant to Section 551.074 of the Texas Government Code to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.

- Procedures for handling and Mayor complaint

**COUNCIL WILL RECONVENE INTO OPEN SESSION, AND TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION, IF NEEDED.**

**Mayor and Council reconvened into Regular Session at 8:54 P.M.**

Mayor announced that no action was taken under Item 1.

Mayor Pro-Tem Leverentz stated that in reference to Item 2, a policy is in place to handle the complaint submitted by City Administrator Randy Whiteman. A subcommittee was formed consisting of members Mayor Pro-Tem Leverentz and PL3 Wade to hear the complaint and that the city secretary will gather all information pertaining to this matter.

**Mayor Vansyckle returned to the regular order of the Agenda.**

**INDIVIDUAL CONSIDERATION:**

**ITEM 3. Discussion/Action** – Consider approval of a proposed Inter-Local Cooperation Billing Agreement with Sardis-Lone Elm Water Supply.

During budget meetings, Council approved staff to bring an agreement with Sardis for billing to the Ovilla Parc Subdivision to collect sewer, solid waste and infrastructure improvement fees assessed by Ovilla. The City Administrator noted a revision he made to Number 7 of the agreement.

PL4 Hunt made a motion that Council approves the Inter-Local Cooperation Billing Agreement with Sardis-Lone Elm Water Supply, with one amendment to Number 7 (of the agreement) to read *4% of the money charged by Ovilla and collected by Sardis.*

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.**

**ITEM 4. Discussion/Action** – Consider the continued membership application and agreement by and between the Electric Reliability Council of TX (ERCOT) and the City of Ovilla and approve the annual membership fee of \$100.

The City Administrator explained that this annual membership gives cities straightforward and cost-effective ways to share in the influence of electric policy in TX.

PL4 Hunt made a motion that Council approves continued membership with ERCOT and approves the annual membership fee of \$100.

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

4

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

PL5 Dormer seconded the motion.

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

*Mayor Pro-Tem Leverentz, PL4 Hunt and PL5 Dormier announced AYE in favor.*

*PL3 Wade announced NAY in opposition. No abstentions.*

*Place 2 Dickey was noted absent.*

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

**ITEM 5. Discussion/Action** – Consider proposed Ordinance 2011-027 to comply with Chapter 1, Section 1.02.002 of the Ovilla Code of Ordinances declaring an official city newspaper and declaring an effective date.

PL5 Dormier offered one comment – that he was unable to purchase this newspaper in the city limits of Ovilla. Waxahachie Daily Light representative Rita Cook was present and assured Council she would speak to her boss about that.

Mayor Pro-Tem Leverentz made a motion that Council approves Ordinance 2011-027, declaring the Waxahachie Daily Light as the City of Ovilla's official newspaper for FY2011-2012, complying with Chapter 1, Section 1.02.002 of the Ovilla Codification.

PL5 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.**

**ITEM 6. Discussion/Action** – Consider the promotion and publication Ovilla's ISO rating. Council may take whatever action deemed necessary.

Mayor Pro-Tem Leverentz asked to share ideas in hopes to plan a way to educate citizens and publicize Ovilla's new ISO Rating of 2. Suggestions included adding a new logo to Ovilla's stationary and place decals on Fire Department trucks. Staff agreed to place a notice on the next newsletter and the city website. This rating will be a financial benefit to Ovilla citizens.

**THERE WAS NO ACTION ON THIS ITEM.**

**Mayor assigned the October 03, 2011 Minutes as Item 7 for discussion/action.**

**ITEM 7. Discussion/Action** – Consider the approval of the October 03, 2011 Minutes.

PL5 Dormier asked to pull these minutes from the Consent Agenda for discussion and correction. PL5 Dormier submitted a memorandum during the October 03 Council meeting and wished for it to be included as part of the official minutes. Additionally, correct the notation of PL3 Wade as being present at the meeting, not absent.

PL5 Dormier made a motion that Council approves the October 03, 2011 Minutes with the noted corrections.

PL3 Wade 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.**

*Bill Vansyckle, Mayor*

*Tom Leverentz, Mayor Pro-Tem*

*Michael Dickey, Place Two*

5

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

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

Place 5, Dormier: None  
 Place 4, Hunt: None  
 Place 3, Wade: Consider a policy revision (Council Governance) regarding city officials having access to city buildings after business hours.  
 Mayor: None  
 Place 2, Dickey: Absent  
 Mayor Pro-Tem Leverentz: Direct City Administrator to draft a letter to the PUC (Public Utility Commission) regarding the excessively long and unacceptable power outages occurring in Ovilla.

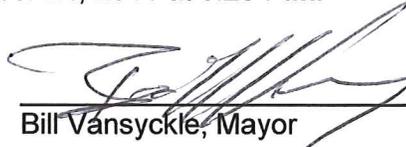
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**Adjournment**

PL3 Wade made a motion to adjourn the meeting of October 24, 2011 at 9:20 P.M.

PL5 Dormier seconded the motion.

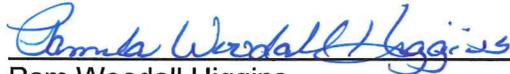
**VOTE: The motion carried unanimously.**




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Bill Vansyckle, Mayor

ATTEST:




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Pam Woodall Higgins

**Attachment: Executive Session Agenda(s) (filed separately)  
P&Z Recommendation**

**Approved November 14, 2011**



**City of OVILLA Planning & Zoning Commission  
Recommendation to Council**

In accordance with Chapter 211 of the Local Government Code, having conducted the required Public Hearing on October 24, 2011 at 6:15 P.M., the Planning & Zoning considered the following:

**Discussion/Action** – Consider proposed Ordinance 2011-026 amending the Ovilla Code of Ordinances, Section 30.5 Construction Materials for Residential Accessory Buildings and prepare written recommendation to forward to Council.

A motion as written was made by RICHARD EDMISTON

“I MAKE A MOTION THAT THE PLANNING AND ZONING COMMISSION:

- RECOMMENDS / DENIES RECOMMENDATION -

TO COUNCIL AN AMENDMENT TO SECTION 30.5 RESIDENTIAL ACCESSORY BUILDINGS TO THE CODIFICATION ORDINANCE AS PRESENTED.”

The motion was seconded by LOREEN SILVA

**PLANNING AND ZONING Members present, and upon a record vote of:**

PL1, Chair Kenneth Rarick	<u>NAY</u>
PL2, Vice-Chair Michael Yordy	<u>ABSENT</u>
PL3, Commissioner Loreen Silva	<u>YES</u>
PL4, Commissioner Tom Rockwell	<u>YES</u>
PL5, Commissioner Richard Edmiston	<u>YES</u>
PL6, Commissioner Lynn Shortnacy	<u>ABSENT</u>
PL7, Commissioner Bill Zimmermann	<u>ABSENT</u>

3 FOR  
1 AGAINST  
0 ABSTAIN  
3 ABSENT

Kenneth Rarick  
Presiding Officer of P&Z

10.24.2011  
Date

Paul W. Higgins  
City Secretary