

**CITY OF OVILLA MINUTES**  
**Monday, 09 January 2012**  
**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
	Richard Dormier	Council Member, Place 5
Absent:	Michael Dickey	Council Member, Place 2
	Doug Hunt	Council Member, Place 4

Mayor Vansyckle noted absent members and present members, thus constituting a quorum. City Administrator Randy Whiteman and various department-head staff members were also present.

PL 5 Dormier gave the Invocation.  
Mayor Pro-Tem Leverentz led the Pledge of Allegiance.

**Comments, Presentations and Reports and Appointments**

**CITIZENS COMMENTS / CITIZENS FORUM:**

1. Mr. Phil Lynch – Signed up to speak on listed Agenda Items 3 & 4.

**◆ Department Activity Reports / Discussion**

- Police Department Chief M. Moon
  - Gave Monthly Report
- Fire Department Fire Chief D. Pickard
  - Gave Monthly Report
- Public Works Director B. Piland
  - Gave Monthly Report
  - Advised that due to the rain, pothole repairs would be delayed. PL5 Dormier inquired about the needed road maintenance/preservation on Cockrell Hill Road. PW Director Piland responded that crews had been working on Thorntree and would address Cockrell Hill Road soon.
  - Discussed park playground equipment.
- Finance Department Accountant S. Jungman
  - Gave Monthly Municipal Court Report – slight increase from this time last year.
  - Gave Monthly Financial Statements – Ad valorem taxes are coming in.
- Administration City Administrator R. Whiteman
  - Gave Monthly Reports – Code Enforcement and Animal Control
  - Reviewed new Council Log (Council's city hall visitor log) and asked for clarification on signature log sheet.

**◆ CONSENT ITEMS:**

- Monthly Financial Transactions
- Minutes of the December 12, 2011 Regular Council Meeting.

PL5 Dormer made a motion to approve the Monthly Financial Transactions and asked to remove the minutes of the December 12, 2011, Regular Council Meeting from the Consent Item(s) for discussion and review.

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.*

*PL2 Dickey was noted absent.*

*PL4 Hunt was noted absent*

***VOTE: The motion carried unanimously: 3-0. Financial Transactions were approved.***

Mayor opened discussion on the minutes. PL5 Dormier noted one change (a word replacement from "I" to "we" on the motion to Item 4) on page 4, corrected prior to the convening of the Council meeting.

Mayor Pro-Tem Leverentz made a motion to approve the minutes of December 12, 2011, with the amendment on page 4 as noted.

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.*

*PL2 Dickey was noted absent.*

*PL4 Hunt was noted absent*

***VOTE: The motion carried unanimously: 3-0. December 12, 2011 Minutes were approved.***

## REGULAR AGENDA

### INDIVIDUAL CONSIDERATION:

- ITEM 1. Discussion/Action** – Consider authorizing a RFQ (Request for Qualifications) for professional services to provide a map of the City's municipal boundaries and extraterritorial jurisdiction.
- Requested by Staff

City Administrator Randy Whiteman advised that in compliance with Section 41 of the Local Government Code, a municipality is required to have an official map of its confirmed boundaries with official updates. Staff has possession of certain Ovilla maps, but is unable to locate an adopted municipal boundary and extraterritorial map of the City. A proposed RFQ was presented to Council. PL5 Dormier reminded staff to include a request for digital files in the RFQ.

Mayor Pro-Tem Leverentz made a motion that Council authorizes the proposed RFQ for professional services to prepare a municipal boundaries and extraterritorial jurisdiction map for the City of Ovilla – and to include a request for electronic files.

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.*

*PL2 Dickey was noted absent.*

*PL4 Hunt was noted absent*

***VOTE: The motion carried unanimously: 3-0.***

- ITEM 2. Discussion/Action** – Consider changes to the Employee Personnel Handbook, drug testing policy procedures, to clarify when testing is warranted.
- Requested by Council

Mayor Pro-Tem Leverentz opened discussion by asking Council to consider a revision to the particular section of the Employee Handbook that currently requires drug testing after any accident. Mayor Pro-Tem Leverentz solicited the opinions of three department heads (Police Chief Moon, Fire Chief Pickard & Public Works Director Piland) regarding an estimated damage dollar amount on accidents to warrant drug testing. It was clarified that, regardless, all accidents would go to the ARB. (Accident Review Board) The determination for drug testing would rely on the discretion of the department head if the proposed changes were approved. During the December 12 Council meeting, staff was directed to ask the ARB to consider an estimated damaged dollar amount before a drug test was required. The ARB hesitantly submitted a \$500 estimated damage to warrant a drug test. Discussion included an increased dollar amount of estimated damage to be \$1,000. Policy stated that bodily damage or third-party damage mandated a drug test. Council debated how a department head could actually estimate the value of the damage and if a dollar amount should even be considered for drug testing.

Mayor Vansyckle suggested that Council take no action and establish a committee to schedule meetings with the department heads for continued discussion.

*PL2 Dickey was noted absent.*

*PL4 Hunt was noted absent.*

**VOTE: NO ACTION.**

**Mayor Vansyckle turned the order of the meeting over to Mayor Pro-Tem Leverentz to address Items 3 and 4.**

- ITEM 3. Discussion/Action** – City Council will review an ethics complaint filed on December 12, 2011 by Mr. Phil Lynch against Mayor Vansyckle in open session pursuant to the Council Procedures on Hearing Complaints. Council may take any action deemed necessary.

- Requested by Council

Mayor Pro-Tem Leverentz read aloud Item 3, and advised Mr. Lynch that according to the Council Rules of Governance and Hearing of Complaints, he was allowed 5 working days to present any supplemental documentation to accompany his December 12, 2011 filed complaint. Mr. Lynch advised Council he had no additional documentation and was prepared to continue with his complaint as originally submitted. Mayor Pro-Tem Leverentz stated that the complaint would be given to Mayor Vansyckle the following day. The Mayor would be allowed 5 working days to prepare and submit his response to the accusation(s). Once all information was formally filed, Council would hold an oral hearing and then deliberate.

PL5 Dormier made a motion that according to the Council Rules of Governance and Hearing of Complaints, Council accept the complaint and move forward with the process.

PL3 Wade seconded the motion.

*Mayor Pro-Tem Leverentz asked for a record vote by announcement of AYE or NAY.*

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

*PL2 Dickey was noted absent.*

*PL4 Hunt was noted absent*

**VOTE: The motion carried unanimously: 3-0.**

*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 4. Discussion/Action** – City Council will review an ethics complaint filed on December 21, 2011 by Mr. Phil Lynch against Mayor Vansyckle in open session pursuant to the Council Procedures on Hearing Complaints. Council may take any action deemed necessary.
- Requested by Council

Mayor Pro-Tem Leverentz read aloud Item 4 and informed Mr. Lynch of his 5 additional days to supplement his complaint if needed. Mr. Lynch advised that in accordance with the Council Rules of Governance and the Hearing of Complaints received through the city secretary's office, he hereby waived any desire for extra time and immediately presented Council with additional documentation to accompany his original complaint filed on December 21, 2011. Mr. Lynch stated he was still waiting to receive a response from a request for information he filed through the Public Information Act, with the city secretary's office. Mr. Lynch suggested that Council update their Code of Ethics (Council Rules of Governance) by replacing the bulleted sections with numbers for uncomplicated and simpler reference. Additionally, Mr. Lynch asked that Council hold Mr. Vansyckle accountable for his actions. Mayor Pro-Tem Leverentz stated that Mayor Vansyckle was allowed 5 working days to prepare his response to the ethics complaint (filed by Mr. Lynch) and to submit it to the city secretary's office within that same timeframe.

PL5 Dormier made a motion that Council accept the December 21, 2011 filed ethics complaint with the presented supplement by Mr. Lynch and to move forward with the process on the Hearing of Complaints.

PL3 Wade seconded the motion.

*Mayor Pro-Tem Leverentz asked for a record vote by announcement of AYE or NAY.*

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

*PL2 Dickey was noted absent.*

*PL4 Hunt was noted absent*

**VOTE: The motion carried unanimously: 3-0.**

**Mayor Pro-Tem Leverentz turned the order of the Council Meeting back over to Mayor Vansyckle.**

- ITEM 5. Discussion/Action** – Consider submitting zoning changes to the P&Z for review and recommendation.
- Requested by Staff

City Administrator Randy Whiteman shared the city's approved CLUP (Comprehensive Land Use Plan) Map that included Industrial and Multi-Family zonings for a certain area in north Ovilla. CA Randy Whiteman also showed Council a map referencing the 7-parcels of land for the proposed zoning changes as indicated on the CLUP Map. Consequently, without the zoning changes, this leaves the City vulnerable to this type of zoning requests. PL5 Dormier commented that he thought these zoning changes were completed long ago.

Mayor Pro-Tem Leverentz made a motion that Council forwards the proposed zoning changes to the P&Z for recommendation.

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.*

*PL2 Dickey was noted absent.*

*PL4 Hunt was noted absent*

**VOTE: The motion carried unanimously: 3-0.**

*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*

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

- Place 5, Dormier:** Update the Council Code of Ethics, reformat (replace bulleted sections with numbers) and to clarify Council's intent of the visitor's log.
- Place 4, Hunt:** Absent
- Place 3, Wade:** Discuss the cost replacement insurance on fire trucks
- Mayor:** None
- Place 2, Dickey:** Absent
- Mayor Pro-Tem Leverentz:** Consider searching for new legal services  
Create new logo for city's ISO rating of 2

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**Adjournment**

PL3 Wade made a motion to adjourn the meeting of January 09, 2012 at 8:05 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

*Approved January 23, 2012*

**Attachments:**

1. December 12, 2012 complaint filed by Mr. Phil Lynch
2. December 21, 2012 complaint filed by Mr. Phil Lynch