

**CITY OF OVILLA MINUTES**  
**Monday, 13 February 2012**  
**Regular City Council Meeting**  
**105 S. Cockrell Hill Road, Ovilla, TX 75154**

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Mayor Pro-Tem Leverentz 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
	Bill Vansyckle	Mayor

Mayor Pro-Tem Leverentz noted absent members and present members, thus constituting a quorum.

City Administrator Randy Whiteman and various department-head staff members were also present.

Mayor Pro-Tem Leverentz gave the Invocation.  
PL4 Hunt led the Pledge of Allegiance.

**Comments, Presentations and Reports and Appointments**

Mayor Pro-Tem Leverentz began with a personal apology to PL5 Wade for his emotional reaction and his share of an argument between himself and PL5 Wade that had occurred. Mayor PT stated his emotions were sensitive as he had just left visiting with Fire Chief Pickard and was feeling immense concern for Chief Pickard's health. He wished to "mend fences" and work together in a positive light. Mayor Pro-Tem Leverentz also gave personal regret for the incident to Ms Jeania Wade and promised it would never happen again.

Mayor Pro-Tem Leverentz shared information about the upcoming Service League Dinner, scheduled on February 17, 2012, at 6:00p.m., Ovilla Road Baptist Church.

**CITIZENS COMMENTS / CITIZENS FORUM:**

1. Ms Jeania Wade, Co-owner of Main Street Cleaners read from a prepared document her disappointment and upset with Mayor Pro-Tem Leverentz for the previously mentioned incident that occurred over the past weekend. Ms Wade's typed note is attached.
2. Mr. Phil Lynch distributed copies of his prepared document rebutting Mayor Bill Vansyckle's recent newspaper article boasting of his many accomplishments. Mr. Lynch's document is attached.

**◆ Department Activity Reports / Discussion**

- Police Department Chief M. Moon
  - Gave Monthly Report and answered Council inquiries.
- Fire Department Asst. Fire Chief P. Brancato
  - Gave Monthly Report and answered Council inquiries.
- Public Works Director B. Piland
  - Gave Monthly Report and answered Council inquiries.

- Finance Department Accountant S. Jungman
  - Gave Monthly Municipal Court Report
  - Complimented PW Director Brad Piland and Code Enforcement Mike Dooly for installing chair railing in the Council Chamber room.
- Administration City Administrator R. Whiteman
  - Gave Monthly Reports – Code Enforcement/Animal Control
  - Notice of lawsuit – Advised Council that he (Randy) and Mike Dooly had been served as well as two Ovilla citizens.
  - Shared the status of RFQ's for Annexation map

◆ **CONSENT ITEMS:**

- Minutes of the January 23, 2012 Regular Council Meeting.
- Joint Election Contract with Midlothian for May 12, 2012 Election
- Financial transactions

PL5 Dormer made a motion to pull the Minutes of January 23, 2012 for separate discussion.

PL4 Hunt made a motion to approve the remaining consent items as presented.

PL5 Dormier 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.*

***VOTE: The motion carried unanimously: 4-0. The Joint Election Contract with Midlothian and the Financial Transactions were approved.***

PL5 Dormier requested to add an attachment (Code of Ethics with numbering) to the minutes that corresponded to Items 7 & 8.

Mayor Pro-Tem Leverentz made a motion to approve the minutes of January 23, 2012 and to add a key (Council Rules of Procedure with numbering that corresponds to Council's motions on Items 7 & 8) as an attachment to the minutes.

PL4 Hunt 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.*

***VOTE: The motion carried unanimously: 4-0. January 23, 2012 minutes were approved.***

**REGULAR AGENDA**

**INDIVIDUAL CONSIDERATION:**

**ITEM 1. Discussion/Action** – Accept resignations from Mayor Bill Vansyckle and Place Two Council Member Mike Dickey and declare a vacant seat on the council and the vacated Mayoral seat pursuant to Local Government Code Sec. 22.012.

PL3 Wade made a motion that Council accept both resignation letters – from Bill Vansyckle and Kathy Dickey on behalf of Mike Dickey and declare both positions vacant.

PL4 Hunt 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.*

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

**ITEM 2. Discussion/Action** – Consider a proposed **Ordinance 2012-001** ordering a Special Election to be held on May 12, 2012, a uniform election date, for the election of Mayor and City Council Member Place 2, designate the main and early voting polling place(s), and designates the early voting period dates and hours. (TX Election Code Sections §3.006, §52.093, §85.001, §85.004, §85.007)

*Considepar la **Ordinance 2012-001**, autorizando la eleccion especial que se llevara cabo el dia 12 de mayo del 2012 con el proposito de elegir un dos posiciones para consejale 2 lugar y Firma del Alcalde y designar las fechas para las elecciones primarias.*

Section 22.010 of the Local Government Code states that if for any reason two or more vacancies on the governing body exist at the same time, a Special Election shall be ordered to fill those vacancies. This election (pending pre-clearance from the DOJ) will be conducted in conjunction with the previously called General Election on May 12, 2012.

PL5 Dormier made a motion that Council approved Ordinance 2012-001 authorizing the Order of a Special Election to fill two vacancies on the governing body of Ovilla, set for the May 12, 2012 Uniform Election Day, to be conducted with the General Election and designating the main and early voting polling places and dates to be the same as the General Election.

PL4 Hunt 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.*

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

**ITEM 3. Discussion/Action** – Council's deliberation of disciplinary action regarding the Code of Ethics violations of former Mayor Bill Vansyckle. Council may take any action deemed necessary.

- Requested by Council

Council reviewed and considered the email correspondence between the 2010 Presiding Ovilla General Election Judge Charlie Morton and the City Secretary pertaining to electioneering and/or loitering. PL5 advised that with regard to the Council's Code of Ethics and limited censorship, he followed up on this incident and filed with the Secretary of State. With regard to Council's other disciplinary issues concerning harassment of employees, City Administrator Randy Whiteman advised of his communication with TML legal counsel. TML advised that the City Administrator should speak with the named individual (City Secretary Pam Woodall) concerning known incidents and take whatever action he deemed warranted, as per the Personnel Manual. TML further advised that in lieu of interviewing all employees, the City should, through a letter, remind all employees of Ovilla's policy pertaining to conduct, behavior and harassment, and encourage them to come forward if they felt they had any concerns of their own. The City Administrator informed the Council he determined (& suggested) three separate actions to take against the Mayor to eliminate any future one-on-one contact and therefore opportunities for further harassment. The Council voted to include the actions in their sanctions of the Mayor. The City Administrator's disciplinary actions for the former Mayor were entered into the minutes as an attachment.

PL5 Dormier made a motion that the City Council censor former Mayor Vansyckle for the ethics violations he was found guilty of during the last meeting; to include in the record that Council followed the Presiding Judge's recommendation and filed the loitering charge with the Secretary of State (filed by PL5 Dormier) and incorporate the City Administrator's memo into the minutes and follow through with those recommendations listed in the memo.

VACANT, Mayor  
Tom Leverentz, Mayor Pro-Tem  
VACANT, Place Two

3

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

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.*

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

**ITEM 4. Discussion/Action** – Consider and review applicants for possible board appointments to the vacancies on the Economic Development District Board, the Board of Adjustment and the Municipal Development District Board.

- Presented by Administrative staff

The Economic Development Corporation (EDC), Board of Adjustment (BOA) and Municipal Development District (MDD) have all had vacancies for a while. Notices of openings were posted and applications were presented to Council.

PL4 Hunt made a motion that Council appoints Ronald Kingsley to serve out the term of Ed Arnold on the EDC that expires 2012 and appoints Howard Goldstein to serve out the term of George Owens on the EDC that expires 2013.

PL5 Dormier 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.*

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

PL4 Hunt made a motion that Council appoints Ms Jeanne Ham to serve as an alternate member on the BOA for the completion of the term and place formally held by Louis Grinage-term expires 2013.

PL5 Dormier 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.*

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

PL4 Hunt made a motion that Council reappoints Charlie Daniel to serve another term on the MDD Board, and appoints John Sawyers to replace Lynn Shortnacy to a term that expires 2013.

PL5 Dormier 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.*

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

**ITEM 5. Discussion/Action** – Consider Resolution 2012-002 of the City of Ovilla suspending the March 06, 2012 effective date of ATMOS Energy Corp., Mid-Tex Division requested rate change.

- Presented by Administrative staff

Mr. Gary Thigpen with ATMOS was present to respond to questions from Council. Suspension needed to be adopted before March 06, 2012. This should give the participating cities an opportunity to resolve the rate request with the Company before jurisdiction attaches at the Railroad Commission (RRC) and therefore, support the ACSC suspension efforts.

PL4 Hunt made a motion that Council approves Resolution 2012-002, suspending the March 06, 2012, effective date of ATMOS Energy Corp. Mid-Tex Division requested rate change to permit the city time to study the request.

PL5 Dormier seconded the motion.

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

**VACANT, Mayor**  
**Tom Leverentz, Mayor Pro-Tem**  
**VACANT, Place Two**

**4**

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

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

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

**ITEM 6. Discussion/Action** – Council to consider authorizing the City Administrator to solicit for legal representation.

Council had mentioned general dissatisfaction with the City's current legal representation.

PL4 Hunt made a motion that Council authorizes the City Administrator to begin research for alternative legal representation and report his findings.

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.*

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

**ITEM 7. Discussion Only** – Consider revision(s) to Resolution 2010-013, review and amend the Policy of Governance Process/Rules of Procedure and the Hearing of Complaints, and direct staff to return with an amended resolution for Council consideration.

- Requested by PL5 Dormier

PL5 Dormier suggested a scheduled workshop to share recommended changes to the current policy. Council agreed to submit written suggestions to the City Administrator and allow staff to compile the changes before a planned workshop. Staff would also be allowed to submit written recommendations. Compiled changes should be ready for discussion within the next few scheduled Council meetings.

**THERE WAS NO VOTE ON THIS ITEM. DISCUSSION ONLY.**

**ITEM 8. Discussion/Action** – Update Council with audio/visual technical equipment and Council may take any action deemed necessary.

- Presented by Administrative Staff

Mr. Henry Farrish assisted with the audio recording during the previous Council meeting and will provide a quote for additional audio equipment necessary to complete the Council Chamber room. The new mixer board is not compatible with the current equipment. PL3 Wade suggested staff attempt the return the Best Buy E-pads and any other equipment not necessary. City Administrator advised that all E-pads were opened and loaded for use by the city and it was doubtful Best Buy would honor the return/cost reimbursement of them; however, he would contact Best Buy in attempts to return the mixer board.

Mayor Pro-Tem Leverentz made a motion that Council direct the City Administrator to address Best Buy's return policy and ask Mr. Farrish to provide a quote for audio equipment compatible with the current microphones.

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.*

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

Mayor Pro-Tem Leverentz announced that in the future, Council's goal was to address all items on the agenda within 1.5 hours. Hopefully, this would invite more residents if they knew the

meetings were not lasting into the late night hours. Additionally, finalizing an agenda on Monday would expedite meetings.

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

Future agenda items were not considered during this meeting. Mayor Pro-Tem Leverentz asked Council to submit future agenda items to the City Secretary.

Place 5, Dormier: None  
Place 4, Hunt: None  
Place 3, Wade: None  
Mayor/VACANT: Vacant  
Place 2, VACANT: Vacant  
Mayor Pro-Tem Leverentz: None

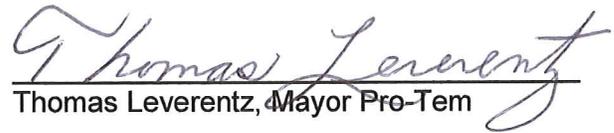
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**Adjournment**

PL3 Wade made a motion to adjourn the meeting of February 13, 2012 at 8:18 P.M.

PL4 Hunt seconded the motion.

**VOTE: The motion carried unanimously.**

  
Thomas Leverentz, Mayor Pro-Tem

ATTEST:

  
Pamela Woodall, City Secretary

**Approved February 27, 2012**

**Attachments:**

- 1. Typed note from Ms Jeania Wade given during Citizen's Comments.
- 2. Typed note prepared by Mr. Lynch given during Citizen's Comments.
- 3. City Administrator's memo regarding sanctions to the former Mayor as addressed under Item 3.

**Good evening everyone...My name is Jeania Wade, I am the owner of Main St. Cleaners located at 711 west main street here in Ovilla.**

**For those of you who may know me, i do not care to be involved in politics. However, this particular situation I can not let pass, especially when it involves my family. My message is for Mr. Leverentz. You sir, are the most un-educated, arrogant bully i have ever had the displeasure of knowing. For those that may not have yet heard, this past saturday the "acting Mayor," using the city Fire Dept vehicle, did chase down my family in our car, did physically threaten my husband and did disrespect him in the middle of Cockrell Hill road was not at all necessary. It is just another example of how you abuse your council and now your acting Mayor position to manipulate and intimidate other people. We may be poor, we may not rise to your perceived standard, but atleast we do not disrespect ther people just because we do not agree with you. You do not own his town, you do not own the fire department, you are just lucky to be in your position right now. MY fear is, and I would like everyone in this room to know that this person, Ovilla's acting Mayor, may continue to be a threat or poise harm to my family or business as he has in the past or in the future. And to you Mr. acting Mayor, i hope that what u did to my family never happens to you or any of your family as you saw fit to impose it upon mine. You sir, are a disgrace to the Fire Dept and the city of Ovilla. You sir, do not in anyway represent me, my family or any other self respecting law abiding citizen in any way, shape or form. You sir, not only owe my family an apology but also the Fire Dept and the city as a whole for your behavior.**

**Thank you all and good night**

## Mayor Vacates Office in Disgrace despite the Vansyckle Newspaper Spin Feb. 13, 2012

Last week, in an article by Rita Cook in the Official Ovilla Newspaper, the *Waxahachie Daily Light*, then Mayor Bill Vansyckle listed some of the work he had falsely taken credit for.

We Americans tend to allow politicians to take credit for almost anything if they were merely in or even close to the room when another made it happen. However, given the last three months, you have a right to know the following about the credit Mr. Vansyckle took in his last official writings as Mayor to the *Waxahachie Daily Light* newspaper.

1. When Bill Vansyckle wrote that he (Vansyckle);  
“• Helped to improve the city’s fire insurance ISO rating along with the Ovilla Fire Department bringing resident’s lower insurance rates.” What Mayor Vansyckle should have said was that, *without any urging or help from any elected person in Ovilla*, the ESD hired and fully paid for an outside Study of Ovilla and of the ESD to identify what could be done to lower the ISO ratings of **both** entities. Ovilla Fire Chief Donnie Pickard, without any guidance from any elected official, did the leg work outlined in the Study to get the ISO rate drastically lowered. Thank you, Chief Donnie Pickard and ESD.
2. When Bill Vansyckle wrote that he (Vansyckle);  
“• Negotiated lower interest rate on city bonds, lowering the city’s debt and payments.” What Mayor Vansyckle should have said was that while he was Mayor, it was the City Administrator Randy Whiteman and City Accountant Sharon Jungman who came up with the strategy and worked tirelessly together with the bond holders to come up with a plan to restructure the city’s debt. The voting members of the City Council then approved their work. Completely contrary to the Mayor’s newspaper account, *the Mayor did not negotiate anything* having to do with the lower interest rate except allow it to be placed on the Council’s agenda for a vote by the council.
3. We do however need to give credit to Mayor Vansyckle when he speaks in half truths.  
“• Initiated renovations at City Hall.” After telling the citizens countless times that an estimated \$5,000.00 renovation would be free to the city, the citizens ended up paying nearly 40% of a \$16,000.00 run away project, all without **ordinance-required City Council approval** of budgetary expenditures for the project.
4. Thank goodness Mr. Vansyckle told the truth when it comes to our cherished Garden Club.  
“• Along with the Ovilla Garden Club, installed the Blue Star Monument in Heritage Park honoring the city’s soldiers.”

Before the council begins the task of finality on the Bill Vansyckle episode in Ovilla politics, let’s review what he has done to our reputation in Ellis County. These are the headlines.....

Remember, not one line in any of these articles was generated by any citizen of Ovilla save and except Bill Vansyckle.

In your dealings on this issue this evening, I encourage the council to send a message to any citizen wanting to behave in this manor. Phil Lynch

## Council

I visited with the TML Risk Pool attorney and he did not think interviewing all employees was the way to handle the situation. He said I should interview Pam and take recommend whatever action I saw fit. As to everyone else, he agreed that a letter explaining our harassment policy would be sufficed.

I did interview Ms. Woodall and I believe her concerns about harassing and unacceptable behavior towards her from Bill Vansyckle were valid and substantiated. I discussed what actions we could take to create a safe workplace. With that I recommend the following:

1. That Bill Vansyckle will be counseled on his use of foul language and inappropriate comments and also on his outburst, loudness, and veiled threats toward employees.
2. That Bill Vansyckle will have no one-on-one contact with Ms. Woodall by requiring a third person be in the room whenever he addresses her.
3. Inform Bill Vansyckle that any retaliation towards Ms. Woodall for bringing a complaint will not be tolerated.