

**STATE OF TEXAS
COUNTY OF DENTON
TOWN OF DOUBLE OAK**

The Double Oak Town Council met in regular session at 7:00 p.m. Monday, March 4, 2024, at the Double Oak Town Hall, located at 320 Waketon Road with the following members present to-wit:

Patrick Johnson	Mayor
Mike Gwartney	Mayor Pro Tem
Pat Wellen	Deputy Mayor Pro Tern
Jean Hillyer	Council Member
Mark Dieterich	Council Member
Khourschid Favero	Council Member

Also in attendance were Town Secretary Eileen Kennedy, Assistant Police Chief Cassandra Gaines, and Public Services Coordinator Randall Anglin.

- I. Opening:** Call to Order
Roll Call Invocation
Pledge of Allegiance - American Flag
Pledge of Allegiance -Texas Flag

II. Citizen Comments Non-Agenda Subjects

- Ginger Brittain, 35 Kings Road, commented on the 50th Anniversary.
- Dan McCormick, 190 Cedarcrest, commented on disappointed he is over the election campaigning and comments from council members and others.
- Phyllis Meyerson, 133 East View Court, commented on how party affiliation works in Texas, according to the Secretary of State.
- Billie Garrett, 103 W. Carruth, reminded everyone of the Pancake Breakfast and Egg Hunt on March 23.

III. Consent Agenda - All consent agenda items listed are considered to be routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda. Information concerning consent agenda items is available for public review.

1. Consideration and action on minutes of February 20, 2024.*
2. Consideration and action on Extended Warranty for Dell Server.
3. Consideration and action on Smarsh renewal June 23, 2024 to June 23, 2025 in the amount of \$3,874.07.

Motion Gwartney, seconded by Dieterich to approve the consent agenda with one correction to the minutes. (Gwartney was absent and did not vote to approve the consent agenda)

AYE: Hillyer, Wellen, Favero, Gwartney, Dieterich
NAY: None
ABSTAIN: None

Motion carried 5-0-0

IV. Mayor, Council Members, and Staff reports:

3. Mayor and Council-Mayor Pro Tem Gwartney, Deputy Mayor Pro Tem Wellen, and Council member Hillyer read individually prepared statements.*
4. Public Works - Code Enforcement -Animal Control
5. Administration
6. Public Safety
7. Roads Committee
8. Drainage Committee

V. New business agenda (consideration and action):

9. Discussion, consideration and action on expenses for the Double Oak 50th Birthday Celebration which are over \$2,000.

Motion Favero, seconded by Gwartney to approve the rental contract with Texas Sumo in the amount of \$2,460.00 and Lewisville Lettering for t-shirts and caps in the amount of \$3,686.00.

AYE: Favero, Dieterich, Wellen, Gwartney
NAY: Hillyer
ABSTAIN: None

Motion carried 4-1-0

10. Discussion on expenses for the Double Oak 50th Birthday Celebration which are under \$2,000.

No action taken. Will be on the March 18, 2024 Consent Agenda.

11. Discussion, consideration, and action on appointing Laura Meilinger as the Town Treasurer.

Motion Wellen, seconded by Gwartney to appoint Laura Meilinger as the Town Treasurer.

AYE: Hillyer, Dieterich, Gwartney, Favero, Wellen
NAY: None
ABSTAIN: None

Motion carried 5-0-0

12. Discussion, consideration, and action on funding and contracting with Denton County elections for early voting and election day voting for the May 4, 2024, general election.

Motion Hillyer, seconded by Dieterich to approve funding and contracting with Denton County elections for early voting and election day voting for the May 4, 2024, general election.

AYE: Hillyer, Favero, Wellen, Dieterich, Gwartney
NAY: None
ABSTAIN: None

Motion carried 5-0-0

13. Discussion, consideration, and action on an Inter-Local Agreement between Denton County and the Town of Double Oak Police and Volunteer Fire Departments for Shared Governance Communications and Dispatch Services.

Motion Hillyer, seconded by Wellen to approve the Inter-Local Agreement between Denton County and the Town of Double Oak Police and Volunteer Fire Departments for Shared Governance Communications and Dispatch Services in the amount of \$5,551.00.

AYE: Dieterich, Gwartney, Hillyer, Favero, Wellen
NAY: None
ABSTAIN: None

Motion carried 5-0-0

14. Discussion, consideration, and action on the MS4 5 Year SWMP Annual Report Review, Prepare & Submit Halff Engineering.

Motion Wellen, seconded by Favero to prepare the MS4 5 Year SWMP Annual Report Review, Prepare & Submit Halff Engineering in the amount of \$7,500.00.

AYE: Gwartney, Wellen, Favero, Dieterich, Hillyer
NAY: None
ABSTAIN: None

Motion carried 5-0-0

VI. Old business agenda (consideration and action):

15. Discussion, consideration, and action on the purchasing of night vision equipment.

Motion Gwartney, seconded by Favero to purchase night vision equipment from Night Fitters for \$4,395.00.

AYE: Gwartney, Wellen, Favero, Dieterich, Hillyer
NAY: None
ABSTAIN: None

Motion carried 5-0-0

16. Council - staff announcements and comments:

- Eileen Kennedy will celebrate her 18-year anniversary with Double Oak on March 15, 2024.
- Randall Anglin will celebrate his 2-year anniversary with Double Oak on March 28, 2024.
- Saturday, May 4, 2024, is the General Election for Double Oak. Filing started on January 17, 2024, and ended on February 16, 2024, at 5:00pm.

Terms expiring are:

2-Year Term:

- Council Member - Jean Hillyer (Incumbent)

1-Year Term:

- Council Member - Mark Dieterich (Incumbent)
- Council Member - Khourschid Favero Dr. "K" (Incumbent)

17. Adjournment

With no further business to come before the Council the meeting was adjourned at 8:19 p.m.

Approved: 03/18/2024

Patrick Johnson

Patrick Johnson, Mayor

Attest:

Eileen Kennedy

Eileen Kennedy, Town Secretary



March 4, 2024

Mayor Johnson, Town Council, and citizens of Double Oak. At the February 20, 2024 meeting three prepared statements were read condemning me for calling out the mayor for his delay in completing employee annual evaluations during the January 16th meeting. These statements were their first amendment rights.

At the conclusion of the last item of business on the February 20, 2024 agenda, Mayor Johnson read "Statement by Mayor Johnson at 2/2024 Council meeting Regarding Council Decorum". After Mayor Johnson concluded reading his statement he closed the meeting, denying me and other council members our First Amendment right to speak and ignoring Item 16. Council -staff announcements and comments.

Once again, I am stating that I did not call the mayor a thief as has been stated by members of the town council and the community. I stated that the delay in employee evaluations and any resulting merit increases amounted to theft because interest earned on the increases would not be paid to the town employees. I never stated or inferred that Mayor Johnson was benefitting personally from his delayed action. Actual merit increases were paid almost 5 months after the beginning of the town budget year when they have traditionally been given in the month of October.

Regarding the demand for an apology to avoid censure. Since it was noted that I accused now Mayor Pro-Tem Wellen of breaking the quorum rule when committees and liaisons were being revised, there was no way of knowing if the email dialog was one-way or two-way. I asked the question out of concern for using proper procedure as advised by our town attorney during annual orientation. Mayor Johnson consulted with the town attorney and resolved the issue. At this same meeting, August 7, 2023, Deputy Mayor Pro-Tem Gwartney and Council member Wellen made a presentation on the DOVFD Active911 that contained inaccurate information. They insisted that their information was correct in spite of the fact that our Fire Chief

explained the error in setting the filters and noting that once he discovered the error that he fixed the problem. At the next meeting, Mayor Johnson clarified that indeed, the Active 911 filters were reset correctly. If apologies are to be made, then let us begin here with an apology to the DOVFD by Deputy Mayor Gwartney and Deputy Mayor Pro-Tem Wellen.

I apologize to Deputy-Mayor Pro-Tem Wellen for any angst that I caused in being careful to abide by the laws and regulations relating to quorum.

I am all for process improvement and suggest that Ordinance 9.400 Personnel Performance Evaluations be revised to include a requirement for employee evaluations to be completed between September 1st and October 31st of each year. I also recommend that the employee handbook be revised to reflect the evaluation period.

Thank you.

Jan Hillyer

At the last council meeting, a resident spoke about someone misinforming the public that the council was against the Double Oak Volunteer Fire Department. Well now that we have seen Jean's mailers, we know who that is. This mailer continues the onslaught of lies and misinformation to Double Oak residents. The latest misinformation includes a reference to the August 7, 2023 council meeting where I presented emails sent by the former DOVFD Chief Whisenhunt and Battalion Chief Bowen to the Flower Mound fire department. In these emails it becomes clear the former Chief, Scott Whisenhunt, turned off an early alert system to Flower Mound for ambulance calls to Double Oak. Jean asserts in her mailer that Mayor Pro Tem Mike Gwartney and I "gave factually incorrect information stating that the Fire Chief intentionally set filters in Active 911 app that endangered citizens and that this was researched by the Mayor and proved to be false."

The emails to Flower Mound EMS clearly show that Chief Whisenhunt is the one who said that he intentionally set these filters and that Flower Mound was extremely worried about these filters slowing ambulance response time and asked that they be removed -to which the Former Chief Whisenhunt replied – "No, the filter was out there by us for a reason, it will remain. I apologize if this causes inconvenience, but it was intentional."

Although former chief Whisenhunt tried to turn this into an attack against the DOVFD the night of the presentation, it was not. It was about the acts of two men in top positions of authority in the DOVFD who, without notifying Flower Mound, set filters on an early warning system that had been in place without filters for years. By doing so Flower Mound fire chiefs estimate this slowed ambulance response by up to 4 minutes. This action and the emails sent by Scott Whisenhunt and Bob Bowen also broke the trust of the Flower Mound Fire Department, a partner we rely on for contracted services and mutual aid. Mayor Pro Tem Gwartney and I feel that intentionally setting these filters that delayed ambulance service to town residents and not taking them off immediately when notified by Flower Mound was unacceptable.

As to why Mayor Johnson put out the statement that he did to the town – I do not have an answer for you and I was not allowed to see the response before it went out or I would have asked for changes so the statement more accurately reflected the facts that filters were on for over a month and had been intentionally set by Chief Whisenhunt and a call to Active 911 that I set up clarified that Ambulance calls through this early alert system were now being allowed through to Flower Mound. There was no other investigation by the Mayor as the mailer implies.

We now have a new DOVFD chief. I have spoken with Chief Eichinger and he has assured me that he feels the weight of responsibility for the safety of the residents of this town and will maintain a positive working relationship with the surrounding departments. I feel confident in his leadership and commitment to making sure the DOVFD is well-trained and responsive to the citizens of this town. I do support the DOVFD and recognize the value they bring to our community.

Sent from my iPhone

On May 13, 2023, at 6:28 AM, [REDACTED] <[REDACTED]@flower-mound.com> wrote:

Chief,

Can you please check your settings for Active911? Our members are no longer receiving Active911 alerts for Double Oak. I noticed this in April and asked Bob about it, but he has not gotten back with me.

Thank you

[REDACTED] Captain
Flower Mound Fire Department

From: Bob Bowen <bc551@dovfd.org>
Sent: Saturday, May 13, 2023 12:56:09 PM
To: [REDACTED] <[REDACTED]@flower-mound.com>
Cc: Chief551 <chief551@dovfd.org>
Subject: Re: Active911

Hello Captain [REDACTED]

I had someone check active 911 and was assured that the settings are correct. I apologize for not getting back to you. I thought I had already sent you a reply.

Bob Bowen
Battalion Chief
Double Oak Volunteer Fire Department
972-510-9049

From: [REDACTED] <[REDACTED]@flower-mound.com>
Date: 5/16/23 11:53 (GMT-06:00)
To: Bob Bowen <bc551@dovfd.org>
Cc: Chief551 <chief551@dovfd.org>, [REDACTED] <[REDACTED]@flower-mound.com>
Subject: Re: Active911

I contacted Active911. Someone with admin access added a "Structure Fire" filter to all FM devices. They advised that a DOVFD administrator would need to contact them and they can delete the filter.

Active911 is a valuable tool that most members use. I am requesting that this filter is removed from FM devices.

[REDACTED] Captain
Flower Mound Fire Department

From: Chief 551 <chief551@dovfd.org>
Sent: Tuesday, May 16, 2023 2:25 PM
To: [REDACTED]@flower-mound.com>; Bob Bowen
<bc551@dovfd.org>
Cc: [REDACTED]@flower-mound.com>
Subject: Re: Active911

No, the filter was out there by us for a reason, it will remain. I apologize if this causes inconvenience but it was intentional.

Sent from my T-Mobile 5G Device

From: [REDACTED]@flower-mound.com>
Sent: Tuesday, May 16, 2023 2:49 PM
To: [REDACTED]@flower-mound.com>; [REDACTED]@flower-mound.com>; [REDACTED]@flower-mound.com>
Subject: FW: Active911

FYI- Double Oak has created a filter on Active 911 that removes Flower Mound from seeing their calls except for structure fires.



Question to FM Assistant Chief Duffield by Councilwoman Wellen

In your experience, how reliable is Active 911?

**“95% of the time it beats the dispatch
that is relayed to Flower Mound.”**

**ACTIVE 911 GIVES FLOWER MOUND UP TO A 240 SECOND
(4 MINUTES) HEAD START ON AMBULANCE AND FIRE CALLS TO
DOUBLE OAK –FM FIRE CHIEF’S ESTIMATE**

Chief Whisenhunt statement at the 6-5-23 council meeting:

“Active 911 does allow the neighboring departments when we get toned out, the Active 911 is pushed, um if it's going to go to other agencies, it gets pushed then also and it can sometimes, sometimes not all the time, but sometimes beat the dispatch handoff um so they get notified a little bit quicker so that's kind of why we use it .”

To Council March 4th 2024

On September 25, 2024 in the Town Council meeting, Mayor Johnson stated

"September 18th I (the Mayor) received a phone call from the chief of the Flower Mound EMS and the chief of the EMS immediately said to me boy I thought we were working together, that we had a relationship to move this forward we just found out that someone from your town has contacted two other EMS services to inquire about a potential for a proposal or a contract. One of those was ESD1 and the other was Lewisville"

The Mayor further stated:

"The tough part is at 11:45 on the 18th Flower Mound pulled the offer (EMS offer) off the table; now what does that mean? that means that if we didn't make an agreement with Flower Mound this town has no emergency services. I spoke with Chief Whisenhunt about this because I got him involved he basically said 'Well if we don't use EMS through Flower Mound we lose our ISO2 rating and not only that, every citizen in the town is going to be hit with an insurance increase, every business an insurance increase.'"

It was later mentioned that the person who contacted ESD 1 and Lewisville was a woman and a possible Council Person.

Deputy Mayor ProTem Wellen, who at the time was Council women Wellen made a statement that she was "Not the person that contacted ESD 1 and or Lewisville."

Mayor Pro Tem Schoenrade made a statement that she was "Not the person that contacted ESD 1 and or Lewisville."

Councilwoman Jean Hillyer on December 4th, 2023 made a statement "I did not and have not contacted any fire department requesting bid or quotation for EMS Services"

That is a LIE - I have an email in my hands from Jean Hillyer, jean.hillyer@doubleoak.texas.gov to rvaughan@dentoncountyesd1.gov where she states "Double Oak is in the process of considering options for EMS services to compliment the fire services our volunteers provide. Is an EMS-only contract something that ESD1 would be interested and able to bid on?"

I spoke with Fire Chief Ricky Vaughan and he stated that "This email was sent to him and that he and Jean Hillyer had other emails about this subject."

Let me read the whole email.

Councilwoman Jean Hillyer lied to the Mayor, to the town council, and to the citizens of Double Oak.

And Double Oak citizens, I ask you, is Jean Hillyer, a person who continually lies and misstates facts, someone you want to represent Double Oak and be on your town council?

I would like to give all my notes and the email to the town secretary to be included in today's minutes, plus let people know that they can go to KDOG75077.com to see the email.

Mayor, I have two requests.

- 1) Mayor, I would like a copy of every email from May 1, 2022 to March 5, 2024, every email sent to Jean Hillyer, received by Jean Hillyer and all emails deleted by Jean Hillyer.
- 2) Due to the LIES about ESD1, I move that we censor Councilwoman Jean Hillyer.

Double Oak EMS Services

Jean Hillyer <jean.hillyer@doubleoak.texas.gov>

Sun 9/17/2023 3:02 PM

To: rvaughan@dentoncountyesd1.gov <rvaughan@dentoncountyesd1.gov>

Ricky, I met you at the DOVFD event in February of this year. Chief Whisenhunt speaks highly of you.

Double Oak is in the process of considering options for EMS services to compliment the fire services our volunteers provide. Is an EMS only contract something that ESD1 would be interested and able to bid on? This would be a contract held by the Town of Double Oak, not a line item on taxpayer bills as is done with other communities that ESD1 serves. I'd appreciate your thoughts.

FYI, our mayor, Patrick Johnson, is currently negotiating with Flower Mound Fire Department which holds the current contract.

Thank you.

