

**CITY OF OVILLA MINUTES**  
***Monday, 23 March 2009***  
***Regular City Council Meeting***

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Mayor Turner called a Regular Council Meeting of the Ovilla City Council to order at 7:04 P.M. with the following City Council Members present:

William A. "Bill" Turner	Mayor
Ralph Hall	Mayor Pro-Tem
Tom Leverentz	Council Member, Place 1
Richard Dormier	Council Member, Place 2
Bill Vansyckle	Council Member, Place 3
James Wade	Council Member, Place 5

City Administrator, City Attorney Matthew Wallis, and various department-head staff members were also present.

Council Member Vansyckle gave the Invocation.  
Mayor Pro-Tem Hall led the Pledge of Allegiance.

**COMMENTS, PRESENTATIONS, REPORTS AND APPOINTMENTS:**

Ms Jo Ann Graham spoke about her concerns of needing increased traffic control behind the LBJ (Pickard's) Store at the intersection of Water Street and Cockrell Hill Road.  
Ms Stephany Trammell voiced her concerns and asked for Council's consideration regarding the possible additional impact fees that could be assessed to the Ovilla Medical Clinic.

**DEPARTMENTAL REPORTS:**

- Department Activity and Discussion:
  - Administration Randy Whiteman
    - Mr. Whiteman updated Council with the preparation of mid-year budget updates and working with the department heads.
    - Mr. Whiteman informed Council that Ovilla's Annual Clean-Up Day would be April 25, 2009. Staff has coordinated with the city's contracted refuse company, CWD. (Community Waste Disposal)

**CONSENT ITEMS:**

- Minutes of the 23 February 2009 Regular Council Meeting.
- Minutes of the 09 March 2009 Regular Council Meeting.

Mayor Pro-Tem Hall made a motion that Council approve the consent items as presented.  
Council Member Vansyckle seconded the motion.

***VOTE: The motion carried unanimously.***

## INDIVIDUAL CONSIDERATION:

- ITEM 1. Discussion Only** – Review and discuss the option and necessity of an ordinance establishing a freeze on the amount of property taxes imposed on residential homesteads owned by person aged 65 and over and persons with disabilities, in accordance with Texas Constitution, Article VIII, Section 1-b(h).

City Administrator advised that this item was brought to Council at the request of Mayor Pro-Tem Hall. This city tax freeze would be in addition to the current \$50,000 city tax exemption for the disabled and those seniors aged 65 and over. Mayor Turner noted that although this was very good for those in the two categories, he did have concern that Ovilla did not have a commercial tax base and what impact it might have on Ovilla. Mayor Pro-Tem Hall surveyed various cities that have both the freezes and exemptions currently in place and stated he would not have addressed it if the impact were too great for Ovilla. Mayor and all Council Members agreed the benefit would be enormous for the seniors and disabled and asked staff to bring an ordinance for action to the next meeting. There was no action on this item.

- ITEM 2. Discussion/Action** – Receive, review and consider applications for the appointments of new CLUP (Comprehensive Land Use Plan Review Committee) members.

Staff received two additional applications for the Comprehensive Land Use Plan Review Committee and presented them to Council. Council Member Dormier recommended appointing both to the committee.

Council Member Vansyckle made a motion that Council appoints Tom Rockwell and Charles B. Morton to the Comprehensive Land Use Review Committee (CLUP).

Council Member Dormier seconded the motion.

**VOTE: The motion carried unanimously.**

- ITEM 3. Discussion/Action** – Consider the Approval of an Agreement Between the City and the Ashburne Glen Homeowners Association, Inc.

Council Member Dormier excused himself from participation due to his membership with the Ashburne Glen Homeowner's Association, Inc. Council Member Leverentz took part in devising an agreement that would be fair and equitable for both the city and the homeowner's association. Council discussed the easements and right-of-way mowing. Council Member Wade voiced concern in using city employees for private enterprise.

Council adjourned to an Executive Session at 7:46 P.M. under authorization by Texas Government Code, Sections 551.071 (consultation with attorney), with City Attorney Matthew Wallis.

Council resumed to the regular meeting at 8:03 P.M. City Attorney advised Council that he did not draft the agreement but did review it.

Council Member Leverentz made a motion that Council approve an agreement for the collection and disbursement of Homeowner's Association dues between the City and Ashburne Glen Homeowner's Association, Inc.

Council Member Vansyckle seconded the motion.

Council Member Wade voted in opposition.

Mayor Pro-Tem Hall abstained.

**VOTE: The motion carried 2-1.**

**ITEM 4. Discussion/Action** – Consider the Approval of an Agreement Between the City and the Homeowners of Meadow Glen.

Mayor Pro-Tem Hall precluded himself from this item due to his membership to the association. This agreement was similar to the Ashburne Glen agreement already discussed and approved in Item 3.

Council Member Leverentz made a motion that Council approve an agreement for the collection of and disbursement of Homeowner's Association dues between the City and the Homeowner's of Meadow Glen. Council Member Vansyckle seconded the motion.

Council Member Dormier voted in support.

Council Member Wade voted in opposition.

Mayor Pro-Tem Hall abstained.

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

**ITEM 5. Discussion/Action** – Consideration to take items from the table.

❖ Council Member Vansyckle made a motion to take the AVR proposal from the table for discussion. Council Member Leverentz seconded the motion.

Council Member Wade voted in opposition.

Council Member Hall abstained.

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

**TABLED ITEM(S) FROM 22 SEPTEMBER 2008 Council Meeting**

**Discussion/Action** – Consider a Proposal with AVR to Upgrade the Utility Billing Software Contingent to the Home Owners' Association(s) Agreement.

**Consider motion to remove item from table-**

**Consider Action on Item.**

**Discussion/Action** – City Administrator Randy Whiteman explained that the AVR proposal to upgrade the utility billing software was necessary for the proper collection and disbursement of Homeowner's Associations' dues.

Council Member Vansyckle made a motion that Council approve the proposal with AVR to upgrade the utility billing software for the collection and disbursement of HOA dues. Council Member Leverentz seconded the motion.

Council Member Wade voted in opposition.

Mayor Pro-Tem Hall abstained.

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

**EXECUTIVE SESSION**

Council went into Executive Session at 8:12 P.M.

**ITEM 6.** The City Council met 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.

1. Payment issues regarding Impact Fees.
2. The Castle Church of Ovilla located at 1908 S. Duncanville Road, Ovilla, TX.
3. Triumph Development vs. the City of Ovilla.

Council reconvened into open session at 9:02 P.M.  
No action was taken.

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

N/A

**Adjournment**

Mayor Pro-Tem Hall made a motion to adjourn the meeting of March 23, 2009 at 9:05 P.M.  
Council Member Vansyckle seconded the motion.

***VOTE: The motion carried unanimously.***

ATTEST:

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William A. "Bill" Turner, MAYOR

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Pamela Higgins, City Secretary