

**MINUTES OF THE REGULAR MEETING
OF THE OAK LEAF CITY COUNCIL
HELD ON JUNE 10, 2014 AT 7:00 P.M.
AT OAK LEAF CITY HALL**

I. CALL TO ORDER & ROLL CALL:

Council Members Present:

Mayor Craig Wilson

Councilman Joyce Liptak

Councilman Matthew Gardner

Mayor Pro Tem James Pierce

Councilman Bob Rader

Council Member Absent:

Councilman Mark Bounds (due to illness)

City Staff Present:

City Secretary Ronda Quintana

MAYOR WILSON CALLED THE REGULAR MEETING TO ORDER AT 7:03 P.M. AND ANNOUNCED A QUORUM PRESENT.

A. Invocation:

Mayor Wilson gave the Invocation.

B. Pledge of Allegiance:

It was followed by the declaration of the Pledge of Allegiance by the City Council and audience members.

II. AUDIENCE PARTICIPATION:

None of audience members registered to speak before Council.

III. REGULAR AGENDA ITEMS:

A. Swearing-in of Unopposed City Council Members – Craig Wilson (Mayor), Mark Bounds (Council Place 4) and Matthew Gardner (Council Place 5)

Mayor Wilson administered the Oath of Office to Councilman Gardner, and City Secretary Quintana administered the Oath of Office to Mayor Wilson. Councilman Bounds would be sworn in at the next Council Meeting.

B. Discussion and Appointment of a Mayor Pro Tempore

Mayor Wilson made favorable remarks concerning Councilman Pierce's performance as mayor pro tempore. Councilman Gardner motioned to reappoint Councilman Pierce for the position, and Councilman Liptak seconded the motion. There were no additional comments from the City Council, so Mayor Wilson called for a vote.

Ayes: Councilman Rader, Councilman Liptak, Councilman Gardner and Councilman Pierce

Nays: None

The motion passed.

C. Approval of May 13, 2014 Regular Meeting Minutes

Because Councilman Bounds was absent from the June Regular Meeting, and Councilman Liptak and Councilman Rader were absent from the May 13th Regular Meeting (resulting in abstention), action on the item was postponed until the next Council Meeting.

D. Approval of May 20, 2014 Special Meeting Minutes

Because Councilman Bounds was absent from the June Regular Meeting, and Councilman Rader and Councilman Gardner were absent from the May 20th Special Meeting (resulting in abstention), action on the item was postponed until the next Council Meeting.

E. Discussion of Plat Request for Property on Westmoreland Road Owned by the Estate of Jeannie S. Chowning, a 22.777 Acre Tract, being Platted into a 2.448 Acre Parcel and a 20.239 Acre Parcel

Mayor Wilson stated Mr. Bill Crouch and Mrs. Kathy Fenton were in attendance and available to answer any questions regarding the Plat Request. Councilman Liptak inquired about a discrepancy in the owner's certificate section of the plat, in which the amount of acreage being subdivided indicated sixty-one (61) acres. Mr. Crouch responded by stating the original tract owned by Ms. Chowning was approximately one hundred (100) acres, and seventy-seven (77) acres had been subdivided for the Indian Hills Subdivision. Councilman Liptak asked why the 22.777 acre parcel was not drawn on the location map of the plat, only the 2.448 acre parcel. Mayor Wilson stated it was not necessary, but it would be helpful in locating the property to be considered. Councilman Liptak then inquired about the forty-foot building setback line illustrated on the plat and stated City Code required an eighty-foot setback based on the lot size.

There were also a couple of deed restriction issues concerning signs and animals. Mr. Crouch informed City Council that the engineer had used the Indian Hills Subdivision plat and deed restrictions as a guideline. Mayor Wilson informed Mr. Couch that a list of items requiring further explanation/clarification would be compiled and sent to him before the next Council Meeting. Mayor Wilson asked if it would place an undue burden on the seller by waiting to discuss the plat at the July Meeting. Mr. Crouch indicated there would be no difficulties with waiting until then. Discussion of the plat was then postponed until the July Council Meeting.

F. Consideration and Approval of Resolution 1404 – a Resolution Authorizing Continued Participation with the Atmos Cities Steering Committee; and Authorizing the Payment of Five Cents per Capita to the Atmos Steering Committee to Fund Regulatory and Related Activities to Atmos Energy Corporation

Mayor Wilson introduced the resolution and explained its purpose to Council. He then stated only a few citizens would be affected by activities involving Atmos Energy rates and services, but it was important to protect those citizens and provide legal representation for the city through

the Atmos Cities Steering Committee. Councilman Liptak asked if the city paid based on the total population of Oak Leaf, to which Mayor Wilson answered in the affirmative. He then recommended approving the resolution, and Councilman Liptak made a motion to approve Resolution 1404. Mayor Pro Tem Pierce seconded the motion. Councilman Rader asked for clarification regarding the language of Resolution 1402 and Resolution 1404. He was informed Resolution 1402 dealt with the continued support of the Steering Committee of Cities served by Oncor. With no further comments from the council members, Mayor Wilson called for a vote.

Ayes: Mayor Pro Tem Pierce, Councilman Liptak, Councilman Gardner and Councilman Rader
Nays: None
The motion passed.

IV. OLD BUSINESS ITEMS:

- A. Reconsideration and Approval of Resolution 1402 – a Resolution Authorizing Continued Participation with the Steering Committee of Cities Served by Oncor; and Authorizing the Payment of Eleven Cents per Capita to the Steering Committee to Fund Regulatory and Legal Proceedings and Activities to Oncor Electric Delivery Company, LLC.

Mayor Wilson mentioned the resolution had been considered at the last meeting but failed to receive a second motion for approval. He stated it was being reconsidered, because of its importance to the citizens of Oak Leaf. Councilman Liptak made an inquiry to ascertain how many citizens were being served by Oncor. Mayor Wilson responded that half of the residents had Oncor, and it was essential for Oak Leaf to be part of the Steering Committee of Cities rather than individually opposing a large corporation from a legal and cost-effective viewpoint. Councilman Liptak motioned to approve Resolution 1402 and Mayor Pro Tem Pierce seconded the motion. There was no further discussion of the item, so Mayor Wilson called for a vote.

Ayes: Mayor Pro Tem Pierce, Councilman Rader, Councilman Gardner and Councilman Liptak
Nays: None
The motion passed.

- B. Discussion of Ordinance 1404 – an Ordinance Amending Chapter 1, All Articles and All Sections – General Provisions

Mayor Wilson opened discussion of the ordinance and asked for comments from the council members. Mayor Pro Tem Pierce commented that changes had been made to Article 1.500 (Emergency Management) regarding Section 1.505 (Override). Councilman Rader indicated the Code of Ordinances provides orders, rules and regulations that were passed by previous City Councils, which may be overridden by Section 1.505 during an emergency situation. Based on his legal experience with federal laws, Councilman Rader recommended not giving authority to any one person. He also stated Texas law does not require it and neither does Ellis County Emergency Plan.

Mayor Pro Tem Pierce mentioned that City Attorney Weston recommended keeping the section intact. At that point of discussion, Councilman Rader distributed copies of Texas State Code Chapter 418 in relation to emergency management provisions, Section 418.103 (Municipal Programs) and Section 418.108 (Declaration of Local Disaster). Councilman Rader then stated per the Ellis County Emergency Plan if the city has an emergency plan, the county plan does not supersede. But if the city does not, then the county plan would supersede.

Councilman Liptak made an inquiry as to what kind of emergency would warrant a disaster declaration. Mayor Wilson responded that substantial damage from a tornado would qualify. Councilman Liptak asked if an override would be necessary for debris clean-up off of streets or limiting access to damaged areas of the city. Mayor Wilson indicated there were already provisions in the Oak Leaf Emergency Plan to assist with those matters. But if temporary housing units or portable storage containers (PODS) were needed on a long-term basis, an override would be necessary, since code prohibits such activities. Councilman Rader also commented that there was no ordinance to prevent road blocks. Mayor Pro Tem Pierce mentioned that if the county does not supersede the city, the city should have the ability to bend the rules legally for a period of time. Councilman Gardner had concerns regarding looting during such an event. Mayor Wilson also pointed out that Section 1.507 (Commitment of Funds) of City Code already addresses expenditure of funds and to authorization of work. Councilman Liptak remarked that the override would be useful during a flooding event and made reference to the 2004 Ovilla Road Bridge Collapse.

Councilman Rader mentioned that a quorum of council members should be able to meet and make decisions in an emergency situation. Mayor Wilson responded by asking what would happen if a quorum was not available due to fatalities, etc. Councilman Rader reiterated he was not comfortable with having one person in control in an emergency. Council Liptak suggested adding a disclaimer to code if a quorum cannot be established within a set time frame. Mayor Pro Tem Pierce stated the last thing City Council would worry about is forming a quorum if their property was destroyed. Councilman Rader indicated the City Council has the authority to cancel an emergency declaration if necessary, therefore limiting any abuse of authority.

The discussion topic then changed to having an emergency meeting in a short period of time and posting of its Agenda. After that Councilman Rader stated he needed more time to review laws on the matter. The discussion on the item was then postponed until the next Regular Council Meeting.

C. Discussion of Ordinance 1405 – an Ordinance Amending Chapter 2, All Articles and All Sections – Animal Control

Last month's changes to public nuisance animals, registration and dangerous dogs codes were reviewed. Councilman Rader recommended removing the word "intimidates" from Section (c) of the public nuisance animal definition concerning pedestrians or passersby, since it is subject to interpretation. He then indicated his approval of the wording in Section 2.300 (Registration) to address one (1) or three (3) year-rabies shots and asked to have the words "permanent resident"

reinstated to describe a dog owner who is required to register, since renters are considered permanent residents.

Councilman Liptak made a request to delete unprovoked attacks on animals from the definition of public nuisance animals and add them to Section 2.601 (Dangerous Dogs) (a), because a dog that will attack another animal unprovoked could easily attack a small child unprovoked.

Mayor Wilson commented on the dog registration code in relation to dog-sitting. Mayor Pro Tem Pierce also recommended removing “intimidated” from public nuisance animal. The discussion on the item was then postponed until the next Regular Council Meeting.

V. REPORTS:

A. LAND/BUILDING:

There was no update.

B. LEGAL:

- Litigation

- a. 907 Lark Lane TCEQ Litigation

- There was no update.

C. PUBLIC WORKS:

- Road Maintenance and Repairs

- Councilman Liptak commented favorably on the improved condition of S. Hampton Road between the Little Creek Bridge and Ovilla Road. Mayor Wilson indicated that this section of road belongs to the City of Glenn Heights. He then stated the first course of chip seal had been applied to all of the roads in this year’s rehabilitation project and the second course would be applied shortly. Mayor Wilson also mentioned a citizen at the end of Locust Court had complained about excess gravel from the road work washing down into her driveway during rain storms. The road work foreman had been contacted and his crew will be doing additional sweeping of the cul-de-sac. Councilman Liptak stated the road crew had been filling potholes down Little Creek Trail.

VI. COMMENTS BY MAYOR, CITY COUNCIL AND CITY SECRETARY:

City Secretary Quintana informed Council and the remaining audience member (Mr. Leverentz) that a verbal and written message had been broadcast through the city’s mass messaging service in regards to a raccoon problem in the Red Oak Creek area of Oak Leaf. Four raccoons had been found looking and acting strangely (skinny bodies, mangled hair, wandering aimlessly, disoriented and

sometimes shaking uncontrollably). One raccoon had been tested for rabies, and the test results came back negative. The animal control department believes it may be distemper. She then stated that citizens had been advised to call city hall or the sheriff's office (if calling afterhours) if any raccoons were seen acting abnormally and to make sure their pets had current rabies and distemper vaccinations.

Mayor Wilson stated he would be creating a list of specifications for the new storage building, and quotes would be obtained for City Council to consider at the July Council Meeting. The building would be located behind city hall and could be potentially used with the city park.

Mayor Wilson mentioned that the National Night Out event in October would include a car show displaying vehicles owned by citizens of Oak Leaf.

Mayor Wilson indicated the 2014-2015 Budget Schedule had been included in each council member's binder and discussions regarding the upcoming Budget would begin in July.

City Secretary Quintana then commented on the Ham Radio Field Day information sheet given to the City Council. She stated there would be a gathering of Ham Radio operators on June 28th to June 29th, 12 Noon to 12 Noon. The public was invited to attend and observe how they communicate with other radio operators around the world. The location of the event would be at 7255 West Camp Wisdom Road in Dallas, Texas. Anyone interested in attending could visit www.swdcarc.org for more information, and flyers would also be available at city hall's front desk area.

VII. ADJOURNMENT:

With no further comments from the City Council, Councilman Rader motioned to adjourn at 8:24 p.m. Councilman Liptak seconded the motion.

Ayes: Mayor Pro Tem Pierce, Councilman Gardner, Councilman Rader and Councilman Liptak

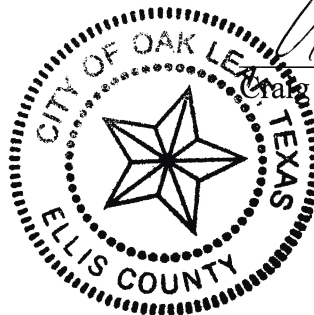
Nays: None

The motion passed.

PASSED THIS 8th DAY OF July, 2014

ATTEST:

Ronda Quintana
Ronda Quintana, City Secretary



Craig Wilson
Craig Wilson, Mayor