

**MINUTES OF THE SPECIAL MEETING
OF THE OAK LEAF CITY COUNCIL
HELD ON SEPTEMBER 24, 2014 AT 7:00 P.M.
AT OAK LEAF CITY HALL**

I. CALL TO ORDER & ROLL CALL:

Council Members Present:

Mayor Craig Wilson
Councilman Rader
Councilman Gardner

Mayor Pro Tem James Pierce
Councilman Joyce Liptak
Councilman Mark Bounds

City Staff Present:

City Secretary Ronda Quintana

MAYOR WILSON CALLED THE REGULAR CITY COUNCIL MEETING TO ORDER AT 7:02 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 member.

II. SPECIAL AGENDA ITEMS:

A. Discussion and Action to Adopt Ordinance 1408 – An Ordinance to Adopt the 2014-2015 Proposed Budget

Mayor Wilson opened discussion regarding Ordinance 1408, and Councilman Liptak asked to have a description added to Item 55010 (Capital Outlay). Councilman Rader indicated he would like to speak about Item 54120 (Right-of-Way). Then, Councilman Liptak asked if an ordinance should be adopted to address budget item overages. Mayor Wilson informed her it was not necessary at this time. Mayor Wilson then stated a change had been made to Item 41030 (Solid Waste) due to an overpayment of franchise fees by DCI Sanitation. The error was caught by the city secretary, and a refund of \$814.55 will be issued. Additionally, City Secretary Quintana mentioned some minor adjustments had been made to the following items:

41020 (Electric/Gas)
43040 (Sales Taxes)
45010 (Transfers to Money Market)
51050 (Central Tax Authority)
51110 (Elections Administration)
51130 (Inspection/Plan Review Service)

51140 (Insurance)
51230 (Public Messaging)
53150 (Postage)
53160 (Building Repair & General Maintenance)
55020 (Electric-Street Lights)

Mayor Pro Tem Pierce requested an adjustment to Item 53100 (Minor Equipment) to increase the amount from \$600.00 to \$3,600.00 in order to add additional cameras for monitoring the new public works building and to begin the process of updating the city hall security system. The Council agreed to the increase and also agreed to decrease Item 54010 (Road Improvements) by \$3,000.00 to offset the difference in the expenses.

Mayor Wilson mentioned he had spoken with a representative of the Texas Department of Transportation (TxDOT) concerning the Woodhaven Bridge Project and was informed that the city's portion of the expenses calculated at \$31,370.00. The price, however, did not include the aesthetic features, right-of-way acquisition and utility relocation. The project is scheduled for letting in June of 2015, but he did not expect the work to begin until August of 2015. Mayor Wilson also mentioned the expenses for the right-of-way and utility relocation would be due at the beginning of the project, and the cost for aesthetics could possibly be due in Fiscal Year 2015-2016.

Mayor Wilson then began the following discussion which was pertinent to Item 54120 Right-of-Way:

Mayor Wilson then commented on the September 23rd North Ellis County Coalition of Cities (NECCC) Meeting. He indicated an update concerning the FM 664 Project Phase I (from I-35E to the Westmoreland Road intersection) was presented to the group. The proposed right-of-way would be one hundred and fifty feet compared to the existing one hundred foot right-of-way. The environmental issues clearance would be approved in January. The acquisition of the rights-of-way would then take place, and the letting would occur in July of 2016.

After that, Mayor Wilson announced there would be a TxDOT Public Hearing for the FM 664 Widening Project on October 16 at the Red Oak Intermediate School. Starting at 6:00 p.m., there would be an open house for one hour where public hearing participants may view the project drawings and speak with a project engineer and a TxDOT representative. Then, a formal presentation would be given at 7:00 p.m. followed by a public comments session.

Mayor Wilson then stated that after environmental clearance has been granted for the FM 664 Project, a Local Project Advance Funding Agreements (LPAFA) would be sent out to the municipalities affected by the project along with details for it. The typical LPAFA obligation for a city is ten percent (10%) to pay for the rights-of-way acquisition and utilities relocation. However, Oak Leaf's contribution for purchasing the rights-of-way at Lark Lane has been reduced to 4.9%, which is estimated at approximately \$15,000.00. The reduction in percentage is due to Ellis County being an economically disadvantaged county, the size of the city's population and the fact that Oak Leaf has an established economic development corporation. Mayor Wilson indicated he was not sure when the contribution would be due. In fact, there may be additional delays to starting the project if there were formal complaints filed by property owners regarding the acquisition of the right-of-way on their property. Councilman Liptak inquired about the contribution reductions, and Mayor Wilson explained each reduction.

Councilman Gardner mentioned no contract had been signed. Councilman Rader questioned the ability of TxDOT to force the city to pay its portion of the right-of-way expenses, to which Mayor Wilson made a response concerning the city's responsibility.

Mayor Pro Tem Pierce asked if any of the other cities were against the FM 664 Widening Project, and Mayor Wilson replied that there were no objections from the other cities. Councilman Bounds expressed his displeasure about the project plan's limited number of ingress/egress for Oak Leaf. Mayor Wilson indicated the time to discuss any changes to the plans would be at the upcoming TxDOT Public Hearing.

Mayor Wilson then mentioned there were two reasons TxDOT was building a six-lane road instead of a four-lane road. It would be more cost effective, and it could handle more traffic. He stated that TxDOT's traffic projections for FM 664 in the year 2035 are estimated at thirty-two thousand (32,000) vehicle trips a day. Currently, FM 664 handles sixteen thousand (16,000) vehicle trips a day between Uhl Road and I-35E. A four-lane road can handle only twenty thousand (20,000) trips a day. Mayor Wilson also informed City Council that TxDOT has a rating system for road congestion of A to F. At this time, Ovilla Road is ranked between C and D in the mornings and afternoons.

Councilman Liptak asked if TxDOT had coordinated their efforts with the Red Oak ISD, and Mayor Wilson answered in the affirmative. Mayor Pro Tem Pierce pointed out that if Ovilla Road isn't widened, more vehicles will be using the city's roads, which will result in higher road maintenance costs for Oak Leaf. Mayor Wilson agreed.

Councilman Bounds asked if there was a possibility of Locust Drive being enlarged but was informed it would not be necessary. Councilman Liptak inquired about the need to include bike paths and sidewalks in the plans. Mayor Wilson indicated that since federal funds are included in the funding for the project, federal regulations require them. Mayor Pro Tem Pierce commented in favor of the sidewalks.

Councilman Rader gave a detailed account of his conversations with Senator Brian Birdwell's Office and his two previous meetings with TxDOT concerning the FM 664 Project, which was discussed at the September 9th Council Meeting. He also made reference to the close proximity of Loop 9 and the lack coordination with that project and the FM 664 Project. In addition, he stated it would be unlikely that there would be a need for Ovilla Road to be a six-lane road in 2035. A four-lane road would also have less negative impact on the northern portion of Oak Leaf. Mayor Pro Tem Pierce indicated the right-of-way would still be the same whether a four-lane or a six-lane road was built. Mayor Wilson confirmed this information and made reference to Pleasant Run Road (north of Oak Leaf).

Mayor Pro Tem Pierce inquired about the right-of-way on the south side of FM 664, since TxDOT would be claiming farm land north of the Little Creek Estates for the right-of-way. Mayor Wilson indicated only property at the end of Lark Lane would be impacted. Councilman Rader asked why a four-lane road could not be constructed now.

Mayor Pro Tem Pierce responded that TxDOT would have to go through all the paperwork, effort and expense again to add the additional lanes later. Councilman Rader then made reference to Beltline Road (north of Oak Leaf) and Oaks Boulevard (south of Oak Leaf) comparing the size of the roads to the FM 664 Project. He stated that TxDOT should take into account the Loop 9 Project. Councilman Rader also mentioned he had found the news releases of past meetings concerning the expansion of FM 664, and that a majority of the public comments were against the project.

Councilman Liptak remarked about Loop 9 also being constructed in segments, and Mayor Wilson mentioned the upcoming October 28th Loop 9 Meeting regarding the segment between IH-35E to IH-45. Councilman Rader stated he had attended the public meeting concerning the Loop 9 segment between Duncanville Road and I-35E and pointed out the advantage Glenn Heights citizens will have by taking Loop 9 to work and school instead of using Ovilla Road. Councilman Rader then stated he would not vote on a budget which included the city's portion of the right-of-way expenses until TxDOT agreed to construct a four-lane road.

Mayor Pro Tem Pierce asked Councilman Rader if he would cover the legal expenses to fight this matter. Councilman Rader indicated TxDOT has no legal grounds. Mayor Pro Tem Pierce indicated he supported the FM 664 Project and then shared his experience with battling the state and federal agencies in the past. Then, Mayor Pro Tem Pierce stated that the city will not prevail if there is a legal battle, and it will cost more than \$15,000.00 to fight TxDOT.

Councilman Rader also mentioned that he believes the road widening project will lower property values by twenty percent (20%), and when he had spoken with a citizen at 910 Little Creek about the road being right in the citizen's yard, the citizen was very upset.

Councilman Gardner disapproved of being forced to pay the right-of-way expense and the fact that TxDOT did not discuss with City Council the number of access points. Mayor Wilson confirmed that the City of Oak Leaf would have two access points. Mayor Pro Tem Pierce asked if additional access points would increase the possibility for crime. Councilman Bounds agreed that it would for that part of the city, but it was not a reasonable solution for the citizens.

Councilman Rader stated he would be notifying as many citizens as possible regarding the upcoming TxDOT Public Hearing on the FM 664 Project. He also stated if a large group of people show up to the hearing and object to the road widening plans, TxDOT will back away.

Mayor Wilson pointed out FM 664 will not be a highway, only an urban arterial road, and it would be similar to other roads in the area. He stated that arterial roads are on a grid. As for the right-of-way, a typical arterial road has a right-of-way of one hundred and twenty (120) to one hundred and fifty (150) feet. A highway has a right-of-way of at least two hundred (200) feet, so an arterial road is not as large. Councilman Bounds asked if

other streets in the city would be made wider, and Mayor Wilson replied that it may eventually happen to S. Hampton Road and Uhl Road.

City Council then discussed approving the budget with or without Item 54120 (Right-of-Way). After that Mayor Pro Tem Pierce motioned to approve the 2014-2015 Fiscal Budget with changes to Items 53100 (Minor Equipment) and 54010 (Road Improvements). Councilman Gardner seconded the motion. Mayor Wilson called for a vote.

Ayes: Mayor Pro Tem Pierce, Councilman Gardner and Councilman Bounds

Nays: Councilman Rader

Abstains: Councilman Liptak

The motion passed.

B. Discussion and Action to Adopt Ordinance 1409 – an Ordinance Setting the Property Tax Rate for the 2014-2015 Fiscal Year

The ordinance to keep the tax rate at 0.386480 per \$100.00 valuation and increasing the tax revenues for Fiscal Year 2014-2015 by \$16,444.92 was reviewed, and Councilman Gardner made a motion to approve Ordinance 1409. Councilman Liptak 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 Liptak,
Councilman Gardner, and Councilman Bounds

Nays: None

The motion passed.

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

City Secretary Quintana mentioned that the audit of the city's 2013 financial records has been scheduled for the week of November 17th.

Councilman Liptak commented on city code requirements for adjusting budget items that are expended beyond their limits. She also mentioned that the investment with Texas Telcom Credit Union had matured, and the amount had been reinvested in a twelve-month Texas Telcom CD with a rate of .90 percent.

Councilman Bounds indicated the September Self Defense Class went well, and there would be another class on October 18th.

Mayor Pro Tem Pierce informed the council members that they could now log in to their Roundcube e-mails through the city's website. The change was made for internet security reasons.

Mayor Wilson mentioned the Fall Clean-up Event would be held on October 4th, and the city would also be cleaning up the area behind city hall on that day. He asked Council to come and help with the clean-up. Mayor Wilson also commented on the October 7th National Night Out Event, in which there would be a large tent to provide shade for the citizens. In addition, donations had been obtained to help with purchasing food for the event.

IV. ADJOURNMENT

With no further comments from the City Council, Mayor Pro Tem Pierce made a motion to adjourn at 8:12 p.m. Councilman Gardner seconded the motion. Mayor Wilson called for a vote.

Ayes: All
Nays: None
The motion passed.

PASSED THIS 11th DAY OF November, 2014



Craig Wilson, Mayor

ATTEST: 
Ronda Quintana, City Secretary

