

**MINUTES OF THE REGULAR MEETING
OF THE OAK LEAF CITY COUNCIL
HELD ON DECEMBER 9, 2014 AT 7:00 P.M.
AT OAK LEAF CITY HALL**

I. CALL TO ORDER & ROLL CALL:

Council Members Present:

Mayor Craig Wilson
Councilman Bob Rader
Councilman Matthew Gardner

Mayor Pro Tem James Pierce
Councilman Joyce Liptak
Councilman Mark Bounds

City Staff Present:

City Secretary Ronda Quintana

**MAYOR WILSON CALLED THE REGULAR MEETING TO ORDER AT 7:04 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:

All audience participants deferred their comments until discussion of the Oak Leaf Estates (previously Eldorado Ranch) Subdivision plat.

III. REGULAR AGENDA ITEMS:

A. Discussion and Approval of November 11, 2014 Regular Meeting Minutes

The Minutes were reviewed by City Council, and Councilman Rader requested clarification of wording on Page 3 concerning the discussion of the preliminary plat of the Eldorado Ranch Subdivision. After reviewing his corrections to the Minutes, Mayor Wilson suggested removing the words "a couple months prior". Councilman Rader then motioned to approve the November 11, 2014 Minutes as amended. Councilman Gardner seconded the motion. There was no further discussion of the item following the motions, so Mayor Wilson called for a vote.

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

Nays: None

Abstains: Councilman Bounds

The motion passed.

B. Consideration and Possible Approval of Ordinance 1411 – an Ordinance Amending Appendix A of the Fee Schedule Regarding Meeting Room Rental Fees

Mayor Wilson opened discussion of the ordinance, and Mayor Pro Tem Pierce asked for the square footage of the Meeting Room. He was informed the room area is 1,316 square feet. A spreadsheet (presented at a previous meeting) with surrounding cities' room rental information was reviewed.

Councilman Liptak inquired about setting the fee based on the number of hours the room is rented, to which the council members offered suggestions. She also inquired if the clean-up fee should be included as part of the rental fee and the need for deposit rules. In reply, Mayor Wilson stated if the city charges by the hour, a minimum amount of hours should be established to cover the clean-up fee.

Mayor Pro Tem Pierce indicated that wear and tear should also be calculated into the rental fee. The Council then condensed the fee categories to resident and non-resident. Councilman Rader made an inquiry about get-togethers being charged an hourly rate. Councilman Bounds advised that the room rental should not be turned into a money-making venture. Mayor Pro Tem Pierce also suggested setting a kitchen fee.

Mayor Wilson then postponed discussion of the item until the next Council Meeting.

C. Discussion and Possible Approval of TxDOT Right-of-Way Agreement

Mayor Wilson explained that TxDOT (Texas Department of Transportation) had delivered an agreement to contribute right-of-way funds for the purchasing of property and the relocation and adjustment of certain utilities along FM 664. He referred to "Attachment C" of the agreement, which explains the levels of participation by the state (95.1%) and the city (4.9%) after economic development corporation and economically disadvantaged county adjustments are applied. The City of Oak Leaf would be responsible for a fixed amount of \$14,616.53. Mayor Wilson then stated if the amount to acquire the right-of-way is lower, the city would get money back. If it is higher, then the state would make up the difference.

Mayor Pro Tem Pierce made a motion to approve the Right-of-way Agreement; however there was no second to his motion. Mayor Pro Tem Pierce withdrew his motion and Mayor Wilson opened discussion of the item. Councilman Rader stated he was opposed to approving the agreement, because it was a contract to condemn property and expand FM 664. He then elaborated on two meetings he had with TxDOT. Councilman Rader mentioned he had been given documents which stated the six-lane road would not be necessary until 2035, and that a four-lane road could handle a twenty-five percent (25%) increase in traffic. Then, he mentioned that a larger road would cause property values to decline.

Mayor Pro Tem Pierce indicated a survey had been given out at the National Night Out Event and e-mailed to citizens to poll their response to the FM 664 Widening Project.

The results indicated fifty-four percent (54%) were opposed to a six-lane road. Moreover, Councilman Rader mentioned he had conducted an independent survey after the October TxDOT Public Hearing on the FM 664 Widening Project, and of the one hundred and forty-seven (147) citizens surveyed, ninety percent (90%) were opposed to the six lanes but four lanes were acceptable. Councilman Rader then indicated he was in favor of using the non-approval of the agreement as leverage to get TxDOT to negotiate with the city. Mayor Wilson stated TxDOT must have the consent of the city before proceeding.

Councilman Liptak mentioned her recent road trip up north to visit family and the majority of the highways being four-lane divided roads. Mayor Wilson indicated that an interstate highway is not comparable to an arterial road such as FM 664. A highway has limited access points and a higher speed limit, and an arterial road has more access points and a lower speed limit.

Mayor Wilson then commented on the expected population growth of the area, and the need to be proactive in addressing the future traffic needs. Councilman Bounds, Councilman Liptak and Councilman Gardner expressed their resistance to the six-lane road project. Mayor Pro Tem Pierce mentioned it was not realistic to expect north Ellis County to remain undeveloped.

Mayor Wilson indicated TxDOT's twenty-year traffic projections for FM 664 are typical, and \$250 Million would be spent for the road expansion from Ferris to Ovilla. Mayor Pro Tem Pierce mentioned that larger roads bring in more people and businesses. Then, Mayor Wilson explained that a six-lane road is built from the outside in and that a four-lane road could be expanded to six lanes by expanding into the center median. Councilman Rader challenged the projections by stating TxDOT had "cooked up" population statistics in their favor before and would do so again. He then made mention of Loop 9 as an alternative solution for handling a large amount of the expected increase in traffic.

Councilman Liptak asked about a clause in the agreement relating to the project becoming inactive after thirty-six months. Mayor Wilson responded by stating the project would have to have begun and then stalled due to monetary or other reasons. She then made an inquiry as to when the countdown would begin, to which Mayor Wilson replied it would begin after the agreement became active.

Mayor Wilson stated that a plat for a Walmart Neighborhood Market had just been approved by the City of Glenn Heights for the corner of FM 664 and S. Hampton Road and the Harmony Subdivision was about to start development of Phase IV at Uhl Road and FM 664. Councilman Liptak inquired if Uhl Road had been enlarged when it was repaved and was informed the width had remained the same. Councilman Liptak then inquired about Oaks Boulevard (a projected thoroughfare) being developed. Mayor Wilson commented that it was two or three miles south of Oak Leaf, and Council needed

to address matters concerning FM 664. He then stated the design life of a major thoroughfare was forty (40) to fifty (50) years. In addition, if the FM 664 Project were changed from six lanes to four lanes, it would only decrease the total project amount by three or four million dollars. Mayor Wilson also informed City Council that the bicycle lane and sidewalks were non-negotiable, because they are part of the federally funded street design.

After that, Mayor Wilson mentioned that many city, county and state representatives, including the North Central Texas Council of Governments (NCTCOG) had worked very hard to make the FM 664 Widening Project happen. He then commented on traffic on city streets and road maintenance costs increasing substantially if the FM 664 Project did not proceed. The item was then postponed until the next Council Meeting.

IV. OLD BUSINESS:

A. Discussion and Possible Approval of a Preliminary Plat of the Oak Leaf Estates Subdivision (Previously Eldorado Ranch) on Locust Drive

Mayor Wilson invited Mr. Tom Leverentz (citizen at 707 Locust Drive) to speak before the City Council. Mr. Leverentz voiced his concerns regarding enforcement of a higher square footage requirement for houses in the subdivision. He also inquired about prior projects of the developer and if the city was planning to do an environmental study regarding the subdivision's impact on Locust Drive. Mr. Leverentz then commented about the FM 664 Project and planned developments.

Mr. John Little (citizen at 1907 Morningside Lane) indicated he was also concerned about the square footage of the houses in the new subdivision and maintaining the integrity and value of properties in the surrounding subdivisions. Mr. Little asked that the developer use the deed restrictions of the Summer Hill Estates Phase 2 Subdivision as a template for Oak Leaf Estates' Deed Restrictions. He also suggested that Oak Cliff KM Ventures be held accountable while work is being done in the subdivision. In addition, Mr. Little mentioned his concern for the trees on the east side of the property as to their preservation and replacement.

Councilman Liptak asked about the entity responsible for enforcement of the deed restrictions and was informed that a homeowners' association (HOA) would enforce them. She then asked who is on the governing board of a HOA and was notified citizens make up the board.

Mrs. Stephen Pape (citizen at 1937 Willow Bend Drive) stated she would like City Council to ensure the new subdivision's deed restrictions are comparable to the Willow Bend Drive and Morningside Lane deed restrictions. Mrs. Pape also advised that the city get everything in writing regarding roads, lots, house sizes, drainage, etc., because if it is in writing, it can be enforced.

Mayor Wilson invited Mr. Anthony Smith (representative for Oak Cliff K M Ventures) to speak. Mr. Smith assured the council members and audience that he would provide something in writing to address the citizens concerns, and that Oak Cliff K M Ventures was long-established company. Mr. Smith also mentioned the subdivision would not be a planned development.

Councilman Rader pointed out there were three ways to ensure quality in a subdivision: put requirements in city code, set up a homeowner's association or build a planned development. Either way, the changes needed to be in writing.

Mr. Smith remarked about keeping the integrity of the area, working with the city to resolve all of the citizens concerns, and the population and businesses in the area were experiencing growth.

Mayor Wilson indicated a planned development could not be done at this time, because the city does not have a zoning ordinance in place to accommodate it. In addition, the city attorney would have to be consulted as to the city's obligations.

Mr. Smith also mentioned leaving the trees on the east side of the property intact, so they could act as a natural buffer to Morningside Lane. Mayor Wilson commented about Lots 19 and 20 being unsuitable for development because of the anticipated flow of stormwater into that area of the property.

Mr. Alan Lauhoff, engineer for the developer, was recognized, and he inquired if they could proceed with finalizing the construction plans, which would include the deed restrictions, outfall structure, retention pond, etc. and getting the preliminary plat approved. Most council members agreed to this request except Councilman Rader (because nothing was in writing yet). The item was then postponed until the January Council Meeting.

V. **REPORTS:**

A. Land and Building

There were no updates.

B. Legal

- Litigation

- 907 Lark Lane TCEQ Litigation

- City Secretary Quintana stated City Staff had met with Cheri Holbrook Krieg of Geostrata Environmental Consultants, Inc., and they are installing at least five

sensor wells to monitor the gas contamination levels at the prior CITGO station. Geostrata would also begin analyzing the core samples taken at the initial drilling and would notify the city when their report has been completed.

C. Public Works

- Road Maintenance and Repairs

Mayor Wilson mentioned Quality Excavation had completed half of the crack sealing on Locust Drive and Willow Bend Drive, and the remaining work would be finished soon.

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

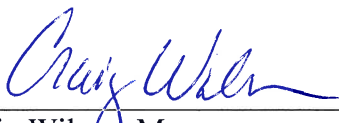
There were no updates.

VII. ADJOURNMENT:

Mayor Pro Tem Pierce motioned to adjourn at 8:21 p.m. Councilman Bounds seconded the motion. Mayor Wilson called for a vote.

Ayes: All
Nays: None
The motion passed.

PASSED THIS 13th DAY OF January, 2015



Craig Wilson, Mayor

ATTEST: 
Ronda Quintana, City Secretary

