

**MINUTES OF THE  
REGULAR MEETING AND  
BUDGET WORKSHOP  
OF THE OAK LEAF CITY COUNCIL  
HELD ON JUNE 13, 2017 AT 7:00 P.M.  
AT OAK LEAF CITY HALL  
301 LOCUST DRIVE**

**I. CALL TO ORDER & ROLL CALL:**

Council Members Present:

Mayor Bob Rader	Councilman James Pierce
Councilman Christy Godwin	Councilman Joyce Liptak
Councilman Jimmie Lamb	Councilman Susanne Ellis

City Staff Present:

City Secretary Ronda Quintana

**MAYOR RADER CALLED THE MEETING TO ORDER AT 7:01 P.M. AND ANNOUNCED A QUORUM PRESENT.**

A. Invocation:

Councilman Lamb gave the Invocation.

B. Pledge of Allegiance:

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

***NOTE: ONE AGENDA TOPIC WAS DISCUSSED OUT OF ORDER.***

**II. REGULAR AGENDA ITEMS:**

A. Swearing-in of Councilman James Pierce, Councilman Joyce Liptak and Councilman Christy Godwin

Mayor Rader administered the Oaths of Office to Councilman Pierce, Councilman Liptak and Councilman Godwin and presented a Certificate of Election to each of them.

B. Discussion and Appointment of a Mayor Pro Tempore

The mayor pro tempore position was briefly discussed by the Council and Councilman Liptak nominated James Pierce. Councilman Lamb seconded the nomination. After that, Councilman Ellis moved to close the nominations and appoint James Pierce as mayor pro tempore. Councilman Liptak seconded the motion. There was no further discussion, so Mayor Rader called for a vote.

Ayes: All

Nays: None

The motion passed.

C. Discussion and Approval of May 9, 2017 Regular Meeting Minutes

The May 9, 2017 Regular Meeting Minutes were reviewed by the council members and Councilman Lamb moved to approve them as presented. Councilman Ellis seconded the motion. There was no further discussion of the item, so Mayor Rader called for a vote.

Ayes: Mayor Pro Tem Pierce, Councilman Godwin, Councilman Lamb and Councilman Ellis

Abstains: Councilman Liptak

Nays: None

The motion passed.

**III. AUDIENCE PARTICIPATION:**

Mr. and Mrs. John Moltz II (citizens at 511 Little Creek Trail), Mr. Gabriel Bedö (citizen at 1002 Lariat Circle), Mr. Tim Henry (citizen at 1006 Lariat Circle) and Mr. and Mrs. Richard Sargent (citizens at 105 Elm Drive) registered to speak before City Council. All but Mrs. Moltz deferred their comments until discussion of the variance requests.

Mayor Rader invited Mrs. Moltz to speak, and she expressed interest in subleasing the lot at 507 Little Creek Trail, so it could be fenced in and used as a grazing pasture. She indicated she had spoken recently with the Ellis County Commissioner of Precinct #4 about leasing the property, and she has been informed that they will only lease the lot to a governmental entity. After that, it could be subleased to her (similar to what Dallas does with the Corps of Engineers land). Mrs. Moltz also shared her concerns regarding the infrequent maintenance of the lot and safety issues due to the tall grass and wildlife living in it.

Mayor Rader stated there was a great deal of background information concerning the lot and that anyone familiar with the property would love to have someone assume responsibility for taking care of it. He then informed Mr. and Mrs. Moltz that the county's response was not completely accurate, because the county has the option to lease the lot to a private entity.

Then, Mayor Rader informed the members of the audience that 507 Little Creek Trail had flooded multiple times and FEMA had mitigated the flood risk. After mitigation, the property was deeded over to Ellis County, and they had offered to enter into a warranty deed agreement with the city. However at the time, the City Council declined the offer, due to property maintenance and other issues. After that, Mayor Rader asked Mr. and Mrs. Moltz if they would like Council to discuss the issue at the next Council Meeting, and they requested that the Council do so.

Mr. Richard Sargent (citizen at 105 Elm Drive) then addressed the council members and voiced his concern regarding the steep transition from his driveway to Elm Drive. He stated that the asphalt driveway curb ramp was giving way, and one of his vehicles had developed front-end damage because of it. Council made inquiries about the repaving of the road, how long the Sargents had lived there and drainage in the area. They were informed that the street had been repaved in 2014, that the Sargents had recently moved in and that there was a drainage pipe, but it was not an issue.

Mayor Rader indicated the matter would be investigated, and the city would take action, if necessary.

**IV. REGULAR AGENDA ITEMS (CONTINUED):**

**D. Consideration and Possible Approval of a Variance Request to Construct an Accessory Building at 1002 Lariat Circle Exceeding the Square Footage Allowed by City Code**

Mayor Rader explained that Mr. Bedō was requesting a variance to build a 1,984 square foot accessory building on his property, and per City Code, only 1,200 square feet was allowed for his lot size. Mr. Bedō was invited to speak, and he indicated that he would be building the accessory building on an existing 1,200 square foot slab, and the “extra” square footage would be an overhang carport on one side to park and protect his vehicles. However, there would be no slab under the overhang.

Councilman Liptak asked if there would be an approved surface under the carport and was informed that gravel would be used. Both Councilman Lamb and Mayor Rader verified what was being built, and Mr. Bedō indicated there was an existing thirty (30) foot by forty (40) foot slab behind his house. Councilman Liptak asked about any pre-existing accessory buildings on the property and was informed there were none. Councilman Lamb inquired about the size of Mr. Bedō’s house and was notified that it was 2,800 square feet. Mayor Rader then asked if all citizens had been contacted and their assent had been verified, to which he received an affirmative answer. Councilman Lamb then made an inquiry regarding the location of Mr. Bedō’s property and was informed it was close to Westmoreland Road. Mr. Tim Henry, a neighbor, also confirmed the location.

Councilman Ellis moved to approve the variance request. Councilman Liptak seconded the motion. There was no further discussion of the item, so Mayor Rader called for a vote.

Ayes: All

Nays: None

The motion passed.

**E. Discussion and Possible Approval of a Variance Request to Construct a Carport and Accessory Building at 105 Elm Drive Exceeding the Square Footage Allowed by City Code**

Mayor Rader then invited Mr. and Mrs. Sargent to speak regarding their variance request, and Mrs. Sargent made mention of a preexisting three-car garage on the property. However, they wanted to add a 20’ x 20’ carport for parking additional vehicles (on gravel) at the end of their driveway and a 10’ x 16’ shed behind the garage for storage purposes.

Councilman Liptak inquired about other structures on the property and was informed that there was only the garage. Councilman Lamb asked about the accuracy of the drawing and was informed that the buildings would be closer to the garage than depicted. Councilman Lamb indicated he had done an inspection of the property and there were no visual problems with the placement of the buildings.

After that, Councilman Lamb moved to approve the variance request. Councilman Liptak seconded the motion. No additional comments were made by the Council, so Mayor Rader called for a vote.

Ayes: All  
Nays: None  
The motion passed.

F. Discussion and Approval of Ordinance 1708 – an Ordinance Approving a Negotiated Settlement Between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid Tex Division Regarding the company’s 2017 Rate Review Mechanism

Mayor Rader explained that Atmos Energy Corp. (Atmos) had petitioned for a rate increase and the ACSC (which represents the city) had negotiated with them and had the rates reduced. He then confirmed that there are five households in Oak Leaf being serviced by Atmos. After that, City Council briefly deliberated regarding the \$.02 monthly increase.

Mayor Pro Tem Pierce moved to approve Ordinance 1708, and Councilman Lamb seconded the motion. There was no further discussion of the item by City Council, so Mayor Rader called for a vote.

Ayes: All  
Nays: None  
The motion passed.

G. Discussion and Approval of Ordinance 1709 – an Ordinance Amending the 2016-2017 Fiscal Budget

Mayor Rader indicated that unexpected sales tax repayment and legal expenses had warranted a revision to the 2016-2017 Fiscal Budget, so Ordinance 1709 had been created. The council members inquired about the changes, and City Secretary Quintana explained that Line Item 51050 (Central Tax Authority) would increase from \$4,800.00 to \$36,000.00, Line Item 51060 (City Attorney) would increase from \$7,500.00 to 32,500.00 and Line Item 54010 (Road Improvements - County) would decrease from \$250,000.00 to \$193,800.00. Councilman Lamb asked if the decrease to Line Item 54010 (Road Improvements) of \$56,200.00 would affect the remaining road work scheduled for 2017 and was informed it would not. The Council then discussed the budget modifications.

Councilman Lamb moved to approve Ordinance 1709 and Councilman Liptak seconded the motion. There were no additional comments from the council members, so Mayor Rader called for a vote.

Ayes: All  
Nays: None  
The motion passed.

H. Discussion and Approval of Resolution 1703 – a Resolution Authorizing Continued Participation with the Atmos Cities Steering Committee; and Authorizing the Payment of Two Cents per Capita to the Atmos Cities Steering Committee to Fund Regulatory and Related Activities Related to Atmos Energy Corporation

Council reviewed the resolution and briefly discussed the benefit of being part of the Atmos Cities Steering Committee and the annual membership payment of \$26.00. After that, Councilman Ellis moved to approve Resolution 1703, and Councilman Liptak seconded the motion. There was no further discussion of the item, so Mayor Rader called for a vote.

Ayes: All  
Nays: None  
The motion passed.

V. **OLD BUSINESS**

A. Consider and Approve a Variance Request to Construct an Accessory Building on a S. Hampton Road Property Exceeding the Square Footage Allowed by Code and Prior to Building a Residence

Mayor Rader opened discussion of the variance request, and Councilman Ellis asked if all neighbors had been contacted and was informed all were contacted physically or in written form (by text message). Councilman Lamb verified that one of the three neighbors had responded negatively to the variance request, and he received an affirmative answer. Council then discussed the revised city code requirement that a variance must be approved by a three-fourths (3/4) vote if at least twenty percent (20%) of the neighbors object.

Mayor Rader made an inquiry as to the presence of Mr. and Mrs. Morado and was informed they were not present. He then stated that the two neighbors who agreed to the variance are living in the area. However, the lady who objected leases her property, travels regularly and does not live here. He also pointed out that the variance request had been before Council two other times, and that the Morados were aware of the Council Meeting dates. Then, Councilman Lamb inquired as to how many in-favor votes would be needed to approve the variance and was informed it would be four of the five. After that, he indicated that his opinion had changed towards variances for accessory buildings prior to construction of a residence. Since Oak Leaf is a residential community, Councilman Lamb indicated he was no longer in favor of approving a variance for an accessory building (to run a cattle operation) with no plans for building a residence. Councilman Liptak was in agreement with him.

Councilman Ellis moved to deny the Morado's variance request and Councilman Godwin seconded the motion. No further comments were made by the council members, so Mayor Rader called for a vote.

Ayes: All  
Nays: None  
The motion passed.

**VI. RECESS FROM REGULAR MEETING AND CONVENE INTO EXECUTIVE SESSION:**  
The Regular Meeting was recessed and the Executive Session convened at 7:46 p.m.

**VII. RECONVENE INTO REGULAR MEETING:**

The Council reconvened at 8:44 p.m.

- Discussion and Possible Action Taken as a Result of the Executive Session  
No action was taken during the Executive Session regarding consultation with city attorney.

**VIII. OLD BUSINESS (CONTINUED)**

B. Discussion Regarding Installation of Fiber Optics within the City

Mayor Pro Tem Pierce indicated he had no new information to convey. Councilman Lamb suggested that the mayor speak with the developer of the new subdivision on Locust Drive about improving the quality of his development and the community in that area by installing high speed internet, etc. City Council made several comments regarding the matter, and Councilman Lamb mentioned working with AT&T, the developer and the Oak Leaf Economic Development Corporation on this project.

**IX. REPORTS:**

A. Land and Building:

- Update on City Pavilion  
Mayor Rader mentioned that the pavilion appeared to be complete except for a second set of roof support cables. Councilman Liptak also commented about the supports. Mayor Rader then asked if there was a completion date and was informed that one was never given. Work was done as scheduling and the weather permitted. Councilman Liptak questioned the size of the foundation stating it should have been two feet more on each side. Mayor Rader inquired if the stonework around the posts was the only thing remaining to be done, and City Secretary Quintana responded by stating that there was also electrical work to be completed.

B. Legal:

- Dog Registration Violation at 1010 Lariat Circle  
City Secretary Quintana informed Council that the property owners at 1010 Lariat Circle had finally registered their dog and paid all late and court fees. Therefore, court had been cancelled.

C. Public Works:

- Update on Willow Bend Resurfacing Project

City Secretary Quintana mentioned that the Willow Bend Resurfacing Project was complete with the exception of some minor details. Mayor Rader commented about the \$1,200.00 deposit charged by Glenn Heights Water to install a fire hydrant water meter on Willow Bend Drive, since a close water supply was needed for stabilizing the road base material. In addition, City Secretary informed Council there would be a separate charge for the water used.

Councilman Ellis inquired about the two wrapped fire hydrants on Willow Bend Drive. She was informed that the water meter had been installed on the 1921 Willow Bend fire hydrant. As for the wrapped hydrant at 1937 Willow Bend, the Red Oak Fire Department had done an inspection of the fire hydrants and found a problem with it, and Glenn Heights Public Works had been notified.

**X. COMMUNITY INTEREST ANNOUNCEMENTS BY MAYOR, CITY COUNCIL AND CITY SECRETARY:**

A. Update on Sales and Use Tax Payment

City Secretary Quintana indicated that the State Comptroller's Office had acknowledged the full reimbursement of the sales and use tax previously overpaid to the city.

B. Cost Increase Notice from the Fort Worth Environmental Collection Center

City Secretary Quintana stated a notice had been received from the Fort Worth ECC that the cost to dispose of hazardous household waste was increasing from \$47.00 per household to \$50.00 (due to an increase in material, transportation, disposal and operational costs).

C. Trash Service

City Council asked City Secretary Quintana get updated trash service bids to consider at the July and August Council Meetings, since the current contract with DCI Sanitation would expire in September of 2017.

D. 101 Forest Brook Drive

City Secretary Quintana informed Council that the front and back yards of 101 Forest Brook Drive were being maintained and the damaged garage door had been repaired. However, the other house doors are not always secure and a portion of the hallway ceiling has now fallen down. When asked about the bank's response/plan of action, she indicated nothing had been received. Council commented on the dilapidated condition of the house and the lot and taking legal action against Wells Fargo Bank.

As a similar matter, Councilman Lamb requested having the city monitor 112 Hackberry Drive, because it is going into foreclosure, the lawn is unkempt and there was debris in the back yard, which could harbor mosquitoes.

**XI. ADJOURN FROM REGULAR MEETING AND CONVENE INTO 2017-2018 BUDGET WORKSHOP**

The Regular Meeting adjourned and the 2017-2018 Budget Workshop convened at 9:03 p.m.

Mayor Rader asked Council to review the proposed Budget and start discussion of it at the next Council Meeting. Councilman Liptak asked if the final payment for Woodhaven Bridge would be paid out of the current budget and was informed it could be at least six months before TxDOT provides the amount due.

**XII. ADJOURNMENT:**


Mayor Pro Tem Pierce moved to adjourn at 9:10 p.m. and Councilman Liptak seconded the motion. Mayor Rader called for a vote.

Ayes: All  
Nays: None  
The motion passed.

APPROVED THIS 11<sup>th</sup> DAY OF July, 2017



Bob Rader, Mayor

ATTEST:   
Ronda Quintana, City Secretary

