

**MINUTES OF THE
REGULAR MEETING AND
BUDGET WORKSHOP
OF THE OAK LEAF CITY COUNCIL
HELD ON AUGUST 8, 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 Christy Godwin

Councilman Jimmie Lamb

Mayor Pro Tem James Pierce

Councilman Joyce Liptak

Council Member Absent:

Councilman Susanne Ellis

City Staff Present:

City Secretary Ronda Quintana

MAYOR RADER CALLED THE MEETING TO ORDER AT 7:04 P.M. AND ANNOUNCED A QUORUM PRESENT.

A. Invocation:

Mayor Rader 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.

II. AUDIENCE PARTICIPATION:

Mr. Jack Bingham (representative of DCI Sanitation "DCI"), Mr. Jason Roemer and Mr. Greg Roemer (representatives of Community Waste Disposal "CWD"), Mr. Rio Pierce (citizen at 706 Rock Creek Drive), Ms. Katie Cook, Mr. and Mrs. Brad Lowery (citizens at 1212 E. Highland Road), Ms. Sonia Diggs (citizen at 1301 Lariat Circle), Mr. Johnny Harris (citizen at 108 Hackberry Drive), Mr. Billy Camp (citizen at 1211 Lariat Circle), Mr. Ron Spurlock (citizen at 103 S. Hampton Road), Mr. William Greenberg (citizen at 116 Locust Drive), Mr. Dick Demien (representative of Waste Connections "WC"), Mr. Marvin Canas (owner of Catracho's Auto Repair Shop at 907 Lark Lane), Craig Wilson (citizen at 510 Winding Creek Trail) and Tommy Johnson (property owner of 1175 Lariat Circle) were present in the audience.

Most of the audience members deferred their comments until discussion of an Agenda Item, and Mr. Camp's and Mr. and Mrs. Lowery's comments were heard later in the meeting.

III. REGULAR AGENDA ITEMS:

A. Discussion and Approval of July 11, 2017 Regular Meeting / Budget Workshop Minutes

The July 11, 2017 Regular Meeting / Budget Workshop Minutes were reviewed by the council members and Councilman Lamb moved to approve them as presented. Councilman Liptak seconded the motion. There was no further discussion of the item, so Mayor Rader called for a vote.

Ayes: Mayor Pro Tem Pierce, Councilman Liptak and Councilman Lamb
Nays: None
Abstains: Councilman Godwin
The motion passed.

B. Discussion and Possible Approval of a Variance Request to Build an Accessory Building at 1175 Lariat Circle Prior to Construction of a Residence

Mayor Rader opened discussion of the item and stated the property owner had requested the installation of a one hundred and sixty (160) square foot accessory building to store his property maintenance equipment. The City Council reviewed the Variance Request paperwork, and Councilman Liptak inquired about the missing response from the property owner at 1105 Lariat Circle. She was informed that all methods of communication had been attempted to reach the property owner and had failed. Councilman Lamb commented favorably regarding the equipment shed.

Councilman Liptak moved to approve the Variance Request, and Councilman Godwin seconded the motion. The council members made no additional comments, so Mayor Rader called for a vote.

Ayes: All Present
Nays: None
The motion passed.

C. Discussion and Possible Approval to Renew Miscellaneous Expired Building Permits Pursuant to Ordinance 1702

Mayor Rader spoke about past procedures for the renewal of a permit and recent changes to City Code, which now required Council to approve the renewal of an expired building permit. The council members reviewed the expired permits spreadsheet, and Mayor Rader asked the audience members with expired permits to identify themselves.

Mr. Greenberg was acknowledged, and he indicated he was not aware of an expiration date on his fence permit. In addition, Mr. Greenberg mentioned that he was installing the fence himself and had not had time to complete the project due to his busy work schedule. After that, he stated that purpose of the fence was to prevent thieves from breaking into his work truck and stealing his equipment, which had occurred three times already.

Mr. and Mrs. Lowery interjected that they too had experienced two thefts recently regarding a fishing boat and equipment.

Mayor Rader then invited Mr. Martinez to speak, and he stated that he needed another week to finish the fence at Catracho's Auto Shop.

Councilman Lamb explained why City Code had been changed to prevent numerous building permit extensions and non-completion of projects. He then stated it was his understanding that a building permit could be extended one time before City Council had to approve further extensions.

Mr. Greenberg inquired about a set time limit for permits and was informed City Code establishes the time limit for each permit and the renewal provisions.

After that, Ms. Diggs spoke about her permit and stated she had three sides of her fence finished. However, more time was needed, because she also is doing the work herself.

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

Ayes: All Present
Nays: None
The motion passed.

D. Discussion and Possible Approval of an Ordinance to Amend Chapter 4 – Business and Commerce

Mayor Rader indicated Ordinance 1710 had been created to incorporate the changes to Chapter 4 as agreed upon by Council at the previous Council Meeting. The council members briefly reviewed them. Then, Councilman Liptak moved to approve Ordinance 1710, and Councilman Lamb seconded the motion. There was no further discussion of the item, so Mayor Rader called for a vote.

Ayes: All Present
Nays: None
The motion passed.

E. Discussion of Need to Formally Revise Fencing Ordinance, Chapter 3 – Building and Construction, Section 3.400.003 – Fences, Subsection (e) and Possible Language

Mayor Rader commented on recent changes to the fencing ordinance and issues that had arisen because of pipe fencing framed with livestock wire. Council reviewed the proposed language and then discussed what type of fencing would be appropriate in certain areas, determining type of fencing on a case by case basis, fencing in front of a house and setting certain criteria and what type of materials would be appropriate based on location. The item was then postponed until the next Council Meeting.

F. Discussion and Approval of Resolution 1704 – a Resolution of the City of Oak Leaf, Texas Finding that Oncor Electric Delivery Company LLC’s (“Oncor” or “Company”) Application to Change Rates within the City Should be Denied...

Mayor Rader explained that the city belonged to a Steering Committee of Cities Served by Oncor and they acted on behalf of the member cities (which includes Oak Leaf) to negotiate with Oncor regarding changes to rates, etc. He then said that the Steering Committee had recommended denial of Oncor’s latest application to change rates.

After a brief review of the documentation provided, Councilman Lamb moved to approve Resolution 1704, and Councilman Liptak seconded the motion. City Council made no further deliberations on the matter, so Mayor Rader called for a vote.

Ayes: All Present
Nays: None
The motion passed.

G. Discussion and Possible Action Regarding Franklin Legal Publishing Professional Services Agreement

Mayor Rader postponed discussion of the item until the next Council Meeting.

H. Discussion and Approval of a Proposal to Resurface Red Bud Court

Mayor Rader commented about getting Forest Brook Drive, Meadowbrook Drive and Woodhaven Court resurfaced this calendar year and then stated a quote to resurface Red Bud Court had been prepared. Council reviewed the quote and Mayor Pro Tem Pierce moved to approve the quote amount of \$13,050.00 (which included cement stabilization). Councilman Lamb seconded the motion. No additional comments were made by the council members, so Mayor Rader called for a vote.

Ayes: All Present
Nays: None
The motion passed.

IV. OLD BUSINESS:

• Discussion and Possible Action Regarding Trash Collections Service Proposals

Mayor Rader opened discussion of the item, and Mrs. Lowery voiced her concern regarding missed trash pick-ups due to their location. She also stated that messages were left for DCI and an apology was made. However, they never came back to get their trash.

Mayor Rader asked Mr. Bingham to address the problem, and Mr. Bingham stated that a policy had been implemented in January to address such calls, and the trash should have been picked up on the same day. He then indicated he would personally investigate the matter.

Mayor Rader mentioned that the current trash contract with DCI Sanitation would expire at the end of September, and three trash service proposals had been presented for City Council's approval. Mayor Pro Tem Pierce commented about the different sized trash receptacles (provided by CWD for visual reference).

Mr. Greg Roemer was invited to speak regarding his services, and he provided Council with a handout, which contained information about his company's vehicles and the trash receptacles offered. He then made a comparison between the weights of a 20-yard and a 25-yard trash truck. After that, Mr. Greg Roemer mentioned weekly and bi-weekly services offered by his company.

Mayor Pro Tem Pierce inquired about the trash loading mechanism on CWD's trucks and was informed it is semi-automatic or rear end loading, because the trash is in bags or personal trash cans. Mayor Pro Tem Pierce then asked Mr. Greg Roemer if his trash receptacles would be provided free and was informed only the recycle receptacles were provided at no charge. Councilman Lamb asked Mr. Greg Roemer and Mr. Demien about mitigation of cul-de-sac damage if the 25-yard trash trucks were used. Mr. Greg Roemer referenced his quote presented at the July meeting for 20-yard trucks and mentioned that the use of 25-yard trucks was also discussed. Councilman Liptak voiced her concern for the trash truck weight on the city's bridges. Mr. Greg Roemer stated that his company could provide either size, and if the city was not satisfied, they could be replaced at any time. Again, Councilman Lamb asked Mr. Greg Roemer regarding mitigation of cul-de-sac damage and was informed that the city should go with the 20-yard trucks (because they are smaller and lighter).

Mr. Demien was asked to speak regarding the same matter, and he made mention of a three-point turnaround procedure WC uses with their 25-yard trash trucks (instead of just swinging the truck around). He indicated there would be some scuffing in the tight-turning areas, but there would be less weight on each tire than the 20-yard truck (so less wear and tear on the straight sections of the roads). Councilman Lamb made mention of witnessing DCI's trucks backing straight down his street in the past, and Mr. Demien indicated it was something that his drivers could also do.

Mr. Greg Roemer then concluded by highlighting all the services provided on his latest quote, and Council made inquiries regarding all of the services and products on the CWD's proposal. Councilman Godwin inquired about a discount for citizens that provided their own recycling cart(s) and was informed there was not.

Mr. Rio Pierce interjected that he needed weekly recycling, because if a bi-weekly pick-up is missed, the next pick-up would be in one month. Mr. Greg Roemer stated that they could provide once-a-week recycling and gave the price for it.

Mr. Demien commented on the pricing for WC's services and indicated that if they did a green event, it would cost less than CWD's. He then made mention of a green clean-up event held in the City of Ovilla and gave the price for it. Mr. Demien then indicated the price would be much less if Oak Leaf handled the household hazardous waste portion of the event.

Councilman Godwin inquired about the frequency of WC's recycling and was informed it was weekly. After that, Mr. Demien commented about the 18-gallon recycle bins they would provide for weekly recycling, and a couple of the council members made inquiries about recycling with his company.

Mr. Bingham was invited to speak, and he commented about a pricing correction for DCI's services.

Councilman Lamb moved to approve WC's proposal (because they offered the best rate and they already serviced most of the cities surrounding Oak Leaf) and start the process of canceling the contract with DCI. City Council inquired about WC's Clean-up and Green Events, and Mr. Demien indicated he had quoted based on the city's bid specifications, which did not include Green Events. Councilman Lamb's motion failed, because no second was given.

Council discussed the term of the new contract, electronics recycling, the good service they had received from DCI, the inclination to support small businesses, paying for road repairs, damage to roads, the size of the trash trucks currently used and past and current complaints received regarding DCI Sanitation.

Mr. Bingham mentioned an incident which occurred the prior week concerning one of his employees getting a chemical on his face, and it caused some of their Oak Leaf customers to get missed. He then stated he was committed to fixing problems as they occurred.

Council discussed the current and proposed trash contract terms and the 60-day notice of cancellation. Then, Councilman Liptak moved to continue with DCI Sanitation. Mayor Rader reminded the council members that if no action were taken, then the current contract would automatically renew, so Councilman Liptak withdrew her motion.

After that, Mayor Pro Tem Pierce commented that if DCI missed trash collections in the future, the contract could still be cancelled for cause.

V. RECESS OF REGULAR MEETING:

A recess of the Regular Meeting was called at 8:31 p.m.

VI. RECONVENE OF REGULAR MEETING:

The Regular Meeting reconvened at 8:39 p.m.

VII. AUDIENCE PARTICIPATION (CONTINUED)

Mr. Camp was recognized and he expressed his concern for traffic not stopping at the intersection of Lariat Circle and Westmoreland Road. He then shared a couple of personal experiences regarding drivers who did not stop. Council indicated that the Sheriff's Office would be contacted about increased patrols for that area, and they encouraged Mr. Camp to call the sheriff, as well.

Mr. and Mrs. Lowery mentioned that the residents at 1204 E. Highland Road were repeatedly leaving piles of masonry material and parking vehicles and equipment in their back yard. Although the city has been able to get the mess cleaned up in the past, everything has returned. They were informed of the current complaint process and advised to contact City Staff again regarding the nuisances.

VIII. REPORTS:

A. Land and Building:

- Update on City Pavilion

City Secretary stated that she had received two quotes so far for the pavilion stonework and materials, and she expected more very soon.

B. Legal:

There were none.

C. Public Works:

1. Pothole Repairs

City Secretary Quintana mentioned that pothole repairs had been completed.

D. Deficient Properties in the City:

1. 101 Forest Brook Drive

City Secretary Quintana commented that the property had been removed from the auction listing and a sale was pending.

2. 112 Hackberry Street

City Secretary Quintana indicated that the lot was in need of mowing again.

E. Finance:

- Quarterly Investment Report

The report was presented by Councilman Liptak and reviewed briefly by Council.

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

There were none.

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

The Regular Meeting adjourned and the 2017-2018 Budget Workshop convened at 9:04 p.m. The following budget item was discussed:

54120 – Bridge Work

The City Council then discussed code compliance, a future road work plan, future improvements to city property, the installation of a message board and the installation of concrete cul-de-sacs.

After that, Council discussed the current tax rate of \$0.363867 / \$100.00, the effective tax rate of \$0.340645 / \$100.00 and the rollback tax rate of \$0.367896/\$100.00. These rates are based on the 2017 certified taxable value provided by the Ellis Appraisal District of \$119,958,235.00. The council members also discussed using more funds from the reserve account, since the interest earned from the investment accounts is lower than the rate of increase in prices of street repaving. The council members also deliberated over potential tax revenues to be generated from a future subdivision on Locust Drive and the funding of code compliance and city property improvements.

Mayor Pro Tem Pierce moved to place the approval of a proposed tax rate of \$0.340645 / \$100.00 of property tax valuation on the September 12, 2017 Regular Meeting Agenda. Councilman Liptak seconded the motion. No additional comments were made by the Council, so Mayor Rader called for a vote.

Mayor Pro Tem Pierce – Aye
Councilman Godwin – Aye
Councilman Liptak – Aye
Councilman Lamb – Aye
Nays: None
The motion passed.

XI. ADJOURNMENT:

Councilman Liptak moved to adjourn at 10:22 p.m. and Councilman Lamb seconded the motion. Mayor Rader called for a vote.

Ayes: All Present
Nays: None
The motion passed.

APPROVED THIS 12TH DAY OF SEPTEMBER, 2017

ATTEST: Ronda Quintana
Ronda Quintana, City Secretary

