

**MINUTES OF THE
REGULAR MEETING
OF THE OAK LEAF CITY COUNCIL
HELD ON OCTOBER 10, 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 Joyce Liptak

Councilman Susanne Ellis

Mayor Pro Tem James Pierce

Councilman Jimmie Lamb

Council Member Absent:

Councilman Christy Godwin

City Staff Present:

City Secretary Ronda Quintana

MAYOR RADER CALLED THE MEETING TO ORDER AT 7:00 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:

Mrs. Danny Montgomery (citizen at 801 Lark Lane) and Mr. Brian Cupp (citizen at 924 Indian Trail) registered to speak during Audience Participation. Mr. Mario Morado (owner of property on S. Hampton Road) deferred his comments until discussion of his variance request.

Mayor Rader invited Mrs. Montgomery to speak and she distributed a complaint packet to each council member. Mrs. Montgomery voiced her concerns regarding numerous City Code violations at 907 Lark Lane, and the detrimental effect they were having on the neighborhood. She then demanded immediate action by the city and asserted she would hold City Council accountable for cleaning up the “junk yard/pig pen”. Mayor Rader stated that the owner had been cited in the past for the violations, and she indicated action needed to be taken weekly. Mayor Rader then informed Mrs. Montgomery of the legal process to be followed and asked her if she would be willing to be a witness if the complaint went to court. She responded in the affirmative. City Council commented regarding the number of vehicles seen at 907 Lark Lane, pending changes to the City Code for code compliance, code enforcement, commercial zoning and the current complaint process.

After that, Mayor Rader asked Mr. Cupp to speak. He too distributed a packet to each council member and then voiced his concerns regarding a commercial go-kart business at 1600

Westmoreland Road operated by his neighbor, Mr. Moon. Mr. Cupp commented about the detrimental effect upon property values in his neighborhood and to his family. He also made discussed the business' Facebook page, being confused about Code changes posted on the city's website, the loud noise generated by the go-karts, the stadium lighting, the huge bulldozers used to clear the land, and the parking of large trailers on the property. Mr. Cupp also stated that Mr. Moon was keeping a number of roosters in apparent retaliation for Mr. Cupp's previous complaint, which had not been satisfactorily addressed by City Staff. Mr. Cupp was informed about the location of the recent code changes and the procedures for enforcing the City Code. Mayor Rader then asked Mr. Cupp if he would be willing to be a witness if the go-kart track complaint went to court, and he responded in the affirmative. City Council indicated the matter would be investigated once a written complaint was filed and action would be taken, if necessary.

III. RECESS OF REGULAR MEETING:

Mayor Rader called for a short recess at 8:16 p.m.

IV. RECONVENE INTO REGULAR MEETING:

The Regular Meeting reconvened at 8:18 p.m.

V. REGULAR AGENDA ITEMS:

NOTE: ONE OF THE REGULAR AGENDA ITEMS WAS DISCUSSED OUT OF ORDER.

- B. Discussion and Approval of a Variance to Build Two Accessory Structures on a S. Hampton Road Property Before a Primary Residence Has Been Built or is in the Process of Being Built
City Council discussed the previous and current variance requests for this property, and Councilman Lamb indicated he would not approve a variance for accessory buildings on a property with no residence. Mr. Morado stated that his eighteen-acre property had an agricultural use exemption and he was running cattle on it. He then indicated that he needed the structures to protect his tractor, store his feed and shelter his cattle during the winter.

Councilman Lamb made mention of the residential zoning of property in Oak Leaf. Mayor Rader reminded the Council that many property owners in Oak Leaf still used their property for agricultural purposes and while use in the city limits was changing towards residential, the Council should be cautious about unfairly restricting the use of property. City Council then inquired about the location of Mr. Morado's current residence, the past and current use of his property, how the properties surrounding it were used, how long he had owned the property and when a residence would be built.

Mr. Morado replied that he lives off of Highland in Waxahachie and that all neighbors on S. Hampton Road have livestock and open pastures. He also stated he purchased his property last year, that he could not give a timeframe for building a house on the property and that the barn and shed would be top quality structures. Mayor Pro Tem Pierce mentioned that all of the

neighbors had signed off on the variance request, and Councilman Lamb pointed out that making exceptions to rules causes more problems than they solve.

Councilman Liptak moved to approve the variance request and Councilman Ellis seconded the motion. After that, Councilman Ellis indicated she was granting approval. because the total square footage of the structures was below the amount allowed by Code. Councilman Liptak indicated that her approval was based on the agricultural use exemption. Councilman Lamb inquired about the location of the structures on the lot and was informed they would be on the north side of the property behind the pond. There was no further discussion of the item, so Mayor Rader call for a vote.

Ayes: Mayor Pro Tem Pierce, Councilman Liptak and Councilman Ellis
Nays: Councilman Lamb
The motion passed.

A. Discussion and Approval of the September 12, 2017 Budget Workshop, Budget Public Hearing and Regular Meeting Minutes

Mayor Rader suggested wording changes on Page 3 regarding the remaining code revisions and enforcement of the Code by City Staff and on Page 6 concerning the city park.

Councilman Lamb moved to approve the September 12, 2017 Minutes as amended, and Councilman Liptak 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.

C. Approval of Quotes to Resurface Cedar Drive for the Amount of \$33,950.00 and E. Highland Road for the Amount of \$155,200.00

Mayor Rader asked if the quotes included cement stabilization in the base material and received a negative response. City Secretary Quintana stated that she had spoken with Commissioner Butler about the matter. He indicated that cement stabilization had not been included in the Cedar Drive quote, because the other streets in that subdivision did not have it. As for E. Highland Road, it had not been included in the quote due to length of road to be resurfaced. City Secretary Quintana then stated it would be an additional \$11,000.00 to add cement stabilization to Cedar Drive and an additional \$44,000.00 for E. Highland Road.

Councilman Lamb commented in favor of adding cement stabilization to Cedar Drive's base, because of the road's sloping grade and because it would increase the life span of the road surface. Councilman Liptak inquired about adding it to E. Highland Road, and Councilman Lamb responded that most of that road's surface was level, so the cement stabilization was not necessary. Mr. Morado interjected about the undercarriage his Camaro scraping everywhere on E. Highland Road. Councilman Lamb stated that there were no city records to indicate E. Highland Road had ever been repaved. Mr. Morado also made mention of a dangerous corner

on the southeast corner of the road. After that, the council members discussed the reasons for adding cement stabilization to the base material of Cedar Drive. However, Mayor Pro Tem Pierce recused himself from commenting on it, since he lives on that street. Council also conferred about the possibility of residential growth along E. Highland Road, the poor condition of the road, the low amount of traffic on that road compared to the other city streets and the allocation of resources.

Councilman Ellis moved to approve the quote for Cedar Drive, which would include cement stabilization, in the amount of \$44,950.00 and the quote for E. Highland Road in the amount of \$155,200.00. Councilman Lamb seconded the motion. Council made no additional comments, so Mayor Rader called for a vote.

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

D. Approval to Purchase Four Ninety-Six Inch Picnic Tables for an Approximate Amount of \$2,885.00

Councilman Liptak moved to approve the purchase of four ninety-six inch picnic tables for the amount of \$2,885.00, and Councilman Ellis 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 and Possible Action to Adopt an Ordinance Amending Chapter 5 – Fire Protection
Discussion of the item was postponed until the next Council Meeting.

F. Discussion and Possible Action Regarding Completion of Public Restrooms Located in the City Public Works Building

City Council discussed the completion of the public restrooms and getting quotes for it. City Secretary Quintana suggested making it a turn-key project and City Council was in favor of doing that. Mayor Pro Tem Pierce moved to authorize City Secretary Quintana to get bids for a turn-key contract. Councilman Ellis seconded the motion. Council made no additional remarks, so Mayor Rader called for a vote.

Ayes: All Present
Nays: None
The motion passed.

G. Discussion and Possible Action Regarding Construction of a Fence at the Back of City Hall to Protect Electrical Switch Boxes and Other Equipment

The council members discussed the function of the fence and what needed to be enclosed. Councilman Ellis moved to get bids to protect the equipment behind city hall and septic area. 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.

VI. OLD BUSINESS:

- Discussion and Possible Action to Revise City Code Chapter 3 – Building and Construction, Article 3.400 – Other Rules of Construction, Section 3.400.003 – Fences

Mayor Rader commented about previous Council discussions to revise the fence code, which included considering sample language from some homeowner associations agreements. Councilman Liptak remarked about the quality of other front yard fences. Mr. Cupp inquired about the inside facing poles requirement. Councilman Ellis indicated it may have to do with his deed restrictions, and Councilman Lamb stated that it protects the neighbor from viewing the ugly side of the fence. Mr. Morado remarked about the security benefit of having inside facing fence poles. Mayor Rader spoke about the intent of the fence code (so the neighbors don't have to look at the poles). He then elaborated on a complaint against Mr. Cupp on Indian Trail for outside facing fence posts and upon investigation found it to be in violation of City Code. However, all other fences in the Indian Hills Subdivision also had the posts on the outside, so there was no point in pursuing the complaint.

Council then discussed front yard fencing, the subjectiveness of determining type of fencing allowed in a neighborhood based on preexisting fences, protecting the quality of a neighborhood and property values, fencing criteria, unfair restriction of use of property and comparing agricultural land to residential neighborhood areas.

After that, Mayor Pro Tem Pierce moved to approve the fencing language as amended and to proceed with preparing an ordinance to adopt the changes. The motion was seconded by Councilman Liptak. No other comments were made by the City Council, so Mayor Rader called for a vote.

Ayes: All Present
Nays: None
The motion passed.

VII. REPORTS:

- A. Land and Building:
There was no update.

B. Legal:

- Update on 1929 Willow Bend Drive for Junk Vehicle Violations
City Secretary Quintana indicated that the property owner had complied with City Code by covering her two junk vehicles with custom car covers. Therefore, Municipal Court had been cancelled.

C. Public Works:

- Updates on Road Projects
City Secretary Quintana stated that work on Pecan Lane and Horseshoe Trail had been completed. However, potholes have already started to develop on the Locust Drive and S. Hampton Road and those needed to be repaired .

Mayor Rader mentioned he had spoken with Commissioner Butler about additional signage for the Lariat Circle Westmoreland intersection. Councilman Liptak made reference to the September Sheriff's Report and stated that an accident had occurred at that intersection on September 15th. City Secretary Quintana informed Council that tree limbs had been cut in front of the northbound "stop" and "stop ahead" signage on Westmoreland Road. In addition, a row of reflective white delineators had been attached to the road at each sign. Mr. Cupp inquired about the speed limit on Westmoreland Road and was informed it was 35 mph.

VIII. RECESS OF REGULAR MEETING:

Mayor Rader called for a recess of the Regular Meeting at 9:07 p.m.

IX. RECONVENE INTO REGULAR MEETING AND CONVENE INTO EXECUTIVE SESSION:

The Regular Meeting reconvened at 9:12 p.m. and then Mayor Rader called for an Executive Session at 9:13 p.m.

X. RECONVENE IN REGULAR MEETING:

The Regular Meeting reconvened at 9:36 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 an attorney.

XI. REPORTS (CONTINUED):

D. Deficient Properties in the City:

1. 101 Forest Brook Drive
City Secretary Quintana commented about 101 Forest Brook Drive being sold and repairs had begun on the property.
2. 112 Hackberry Street
City Secretary Quintana indicated that 112 Hackberry Street was in compliance presently.

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

- A. October 12th Public Meeting Regarding the Red Oak Creek Interceptor System, RO-2 Section Project Reminder
City Secretary Quintana indicated there would be a Public Meeting hosted by the Trinity River Authority to discuss the RO-2 Section Project, which involves the replacement of an outdated sewage line.
- B. October 21st Fall Clean-up Reminder
City Secretary Quintana stated that the Fall Clean up Event would be held on Saturday, October 21st from 8:00 a.m. to noon. At the event, there would be secure paper shredding and collection of used oil, batteries, metal, brush, trash and electronics.
- C. November 4th Household Hazardous Waste Event Reminder
City Secretary Quintana mentioned to all present that the Household Hazardous Waste Event would be held on November 4th from 9:00 a.m. to 11:00 a.m., and the cost to participate had increased to \$50.00 per household.

XIII. ADJOURNMENT:

Councilman Lamb moved to adjourn at 9:52 p.m. and Councilman Liptak seconded the motion. Mayor Rader called for a vote.

Ayes: All Present
Nays: None
The motion passed.

APPROVED THIS 14TH DAY OF NOVEMBER, 2017

ATTEST: Ronda Quintana
Ronda Quintana, City Secretary

