

**MINUTES OF THE
REGULAR MEETING
OF THE OAK LEAF CITY COUNCIL
HELD ON DECEMBER 12, 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

Mayor Pro Tem James Pierce

Councilman Susanne Ellis

Council Members Absent:

Councilman Christy Godwin

Councilman Jimmie Lamb

City Staff Present:

City Secretary Ronda Quintana

MAYOR RADER CALLED THE MEETING TO ORDER AT 7:02 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. and Mrs. Pat Cooper (citizens at 919 Indian Trail), Mr. and Mrs. Brian Cupp (citizens at 924 Indian Trail), and Mr. and Mrs. Harold Holland (citizens at 920 Indian Trail) registered to speak during Audience Participation.

Mayor Rader recognized Mr. Cooper, and he proceeded to voice his concerns regarding the continuing noise violations at 1600 Westmoreland Road, the go-kart racing by private invitation and the lack of code enforcement. Mayor Rader responded by stating Council is generally not aware of a problem unless they are informed of it. He then stated that the city was notified that the property owners had not stopped racing go-karts, and a letter had recently been sent listing the violations to City Code and ordering the property owners to discontinue operation of the track immediately. After that, Mayor Rader informed the audience of the date for municipal court in January and stated if the January race event happens, it could be used as evidence against the Moons in municipal court. He then encouraged all present to contact City Staff with information regarding the noise issues and be prepared to testify at municipal court. After that, Mayor Rader spoke of the legal ramifications for violating City Code. Councilman Liptak inquired if the county could help with code compliance and was informed that it falls upon the city. She then inquired if anything would change regarding jurisdiction once the property owners were taken to court. Mayor

Rader responded by stating the city could file with the county court for injunctive relief and reminded the citizens that they could do the same.

Mrs. Danny Montgomery, citizen at 801 Lark Lane, interjected that the city should have been done something earlier and that the citizens did not have the resources to file court cases. She also made a declaration about city representation. Mayor Rader replied that the city was following procedure according to City Code. Mrs. Montgomery questioned the long delay for compliance and asked if the matter could be expedited. Mayor Rader indicated it could not, because the matter was not serious enough to demand immediate action.

Mr. Cupp inquired about recent correspondence sent to the property owners of 1600 Westmoreland Road. Mayor Rader confirmed notices had been sent, but the city had no way of knowing if they would comply and it would have been premature to file action at that time. Mayor Rader then explained that the first findings dealt with the discontinuance of the commercial go-kart track and confirmation was made that the Big 'O Speedway webpage had been removed from the internet. However, it did not address the continued racing of the Moon's friends and associates, which was referred to in the subsequent letter.

Mrs. Cupp mentioned she and her husband had provided evidence to the city and was concerned about what would happen when their source of the information (proving that advertisement of racing continues underground) was made public. Councilman Ellis informed the audience that any Council Meeting was a public forum and then stated that any further racing that occurs can be documented and reported to the city. Mr. Cupp commented about Moons friends racing, and Mayor Rader indicated if the matter goes to court, then the proof of the violation has to be an admissible form of proof (not a secret source). Then, Mrs. Cupp inquired about continuance of the racing after the latest violation notice. Mayor Pro Tem Pierce replied that the citizens need to file additional complaints with documentation and advised date stamping any pictures sent or given to the city. Next, Mrs. Cupp distributed documentation regarding the go-kart track at 1600 Westmoreland Road and asked if anyone from the city had gone out to the last race, and they responded in the negative. Councilman Ellis did confirm receiving a video of it. Mrs. Cupp then suggested assigning someone to monitor the racetrack on Saturdays and having the city notify the citizens who attended the November Council Meeting of any updates and ask them to document additional evidence of violations.

Mayor Rader stated that the city's court clerk had tried to contact the citizens (who had complained verbally) but had received no written complaints. He then stated that the city could legally stop the operation of the go-kart track if it is a nuisance (i.e. racing five or six hours every Saturday and Sunday) but would have trouble if only Mr. Moon and his son were just driving their go-karts. Not all activities can be stopped. After that, Mayor Rader encouraged the audience to come forward with their written testimony. Councilman Ellis mentioned she had read communications log after the last race, but there were no complaints called in about it. She then encouraged the audience members to fill out the city's on-line complaint form. Mrs. Montgomery inquired if the form could be e-mailed back and received an affirmative response. Mrs. Cupp stated that she had filed an on-line complaint and asked if there would be a response from the city. Mayor Rader replied that it depended on whether the city needed further information and the schedule for moving forward.

Mrs. Cupp then asked if the city had a procedure for handling complaints once they are received and was informed there was. Mr. Cupp asked about the procedure for taking action and gave an example, and Mayor Rader gave a detailed account regarding the complaints. Mr. Cupp commented about complaint issues that had not yet been addressed, and Mrs. Cupp requested feedback from the city about them.

Mr. Holland was then invited to speak and he voiced his concerns regarding non-permitted construction at 1600 Westmoreland Road, and Mayor Rader made a response regarding them. However, the go-kart racing track needed to be addressed first.

Mrs. Montgomery inquired about the continuance of "donations" to the race track. She then indicated that the race track was not a legal company in Texas, that it was not paying sales and use tax or property tax and that there were no safety codes being enforced concerning the go-kart barrier. After that, Mrs. Montgomery commented about the city focusing on miniscule things rather than violations affecting property values.

Mrs. Cupp remarked again about getting action concerning their latest complaints, and the city's response to past complaints against them, which they rectified. Mr. Cupp complained about not being treated fairly by the city.

Mr. Thomas Sandoval, citizen at 104 Forest Brook Drive, commented about lack of code enforcement, except when it concerned his son's non-permitted fence. Mr. Cupp requested that the city file an injunction and file a temporary restraining order against 1600 Westmoreland Road. Mayor Rader stated that it could be discussed with the city attorney, but advised against it. He then stated that a temporary restraining order can't be obtained unless irreparable harm can be established (not just noise on Saturdays and Sundays) and that the judge would find it is inconvenient and a nuisance but not irreparable harm. Mr. Cupp then spoke about harm to his property value. The Cupps inquired if irreparable harm could apply to a person or property values. Mayor Rader then asked if they had any additional comments, and Mr. Cupp also commented about not being able to sell his property due to the racing or getting a lower value if he did sell it, the stadium lighting and the track fence.

Mrs. Holland asked about city had code enforcement. She then commented about a parked camper in her neighborhood, repeated complaints made in the past concerning the inferior condition of the streets, her subdivision's deed restrictions being expired, about not choosing to move to Oak Leaf if they had known about current neighborhood issues, the inability to go outside on the previous weekend due to the go-kart track noise, the use of her residence for retirement, the lack of notification regarding the meeting regarding the Moon's property, the unfair regulation of fencing, taking action as a community during the next city election to get support for it and about the Moons having no plans to build a residence at 1600 Westmoreland Road.

Mr. Cupp interjected again that immediate action needed to be taken by the city, and Mayor Rader replied that no action could be taken unless it was on the agenda. Mr. Cupp then requested Council call a Special Meeting to address the issue, and Mrs. Cupp commented about her husband's visit to city hall after the Big "O" Speedway webpage had been removed from the internet.

Mrs. Montgomery inquired about the code violations at 907 Lark Lane, and Mayor Rader stated it would be discussed during the Executive Session. She then asked why she had received a letter to attend the Council Meeting to discuss 907 Lark Lane if it was not going to be discussed. Mayor Rader indicated the matter had been removed from the Agenda, because the city had started the legal process to resolve them. She indicated the property was still a nuisance and has a significant impact on the value of her property. Mrs. Montgomery also complained about the lack of communication concerning the removal of the agenda item.

III. REGULAR AGENDA ITEMS:

- A. Discussion and Approval of the November 14, 2017 Regular Meeting /Public Hearing Minutes
The November 14, 2017 Minutes were reviewed and Councilman Liptak identified two wording corrections on Page 8, which were noted. After that, Councilman Ellis moved to approve them as amended. Mayor Pro Tem Pierce 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. RECESS OF REGULAR MEETING AND CONVENE INTO EXECUTIVE SESSION:

The Regular Meeting was recessed and the Executive Session convened at 7:58 p.m., so Council could be advised of the latest consultation with the city attorney regarding pending litigation.

COUNCILMAN LAMB ARRIVED AT 8:12 P.M.

V. ADJOURN EXECUTIVE SESSION AND RECONVENE INTO REGULAR MEETING:

The Executive Session was adjourned and the Regular Meeting reconvened at 8:37 p.m.

- Discussion and Possible Action Taken as Result of Executive Session
No action was taken during Executive Session. Mayor Rader stated that Council had determined that Items B, C and D, relating to revisions of Chapters 6, 7 and 8, could potentially impact anticipated litigation. Therefore, discussion of them would be postponed.

VI. REGULAR AGENDA ITEMS (CONTINUED):

- B. Discussion of Amendments to Chapter 6 - Nuisances
Discussion of the item was postponed.
- C. Discussion of Amendments to Chapter 7 – Health and Safety
Discussion of the item was postponed.

- D. Discussion and Possible Approval of an Ordinance Amending Chapter 8 – Personnel and Administration – Regarding Code Compliance
Discussion of the item was postponed.
- E. Discussion and Possible Action Regarding the Sharing of Personnel Passwords and Access to City Buildings and Offices After Hours
Discussion of the item was postponed.

VII. OLD BUSINESS

- A. Annual Review of Investment Policy
Councilman Liptak indicated changes had been made to the policy regarding active investment accounts, interest rates and the bench mark rate. Mayor Rader asked if any other changes were needed, and she replied that there were not. Councilman Ellis suggested a wording change on Page 4 and the other members of the Council concurred. Mayor Pro Tem Pierce moved to make the proposed amendments to the Investment Policy, and Councilman Lamb seconded the motion. There were no additional comments made by the council members, so Mayor Rader called for a vote.

Ayes: All Present
Nays: None
The motion passed.

- B. Discussion and Approval of an Ordinance Amending Chapter 5 – Fire Protection
Mayor Rader made reference to wording changes to Chapter 5, and Councilman Liptak moved to approve the ordinance as amended. Mayor Pro Tem Pierce 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.

VIII. RECESS OF REGULAR MEETING:

Mayor Rader called for a recess of the Regular Meeting at 8:51 p.m.

IX. RECONVENE INTO REGULAR MEETING:

The Regular Meeting reconvened at 9:02 p.m.

X. REPORTS:

- A. Land and Building:

Mayor Pro Tem Pierce indicated that the previous specifications for the public restrooms work were too broad, so new detailed specifications were prepared and recently given to each contractor. He then spoke about getting bids for the installation of another water meter with two

additional water lines (for the public restrooms and future water projects behind city hall) and another electric line for the public works building and indicated he would like to meet with the contractors again to make sure all of the information on the new bids is correct. After that, Mayor Pro Tem Pierce stated he wanted to discuss options with the contractors before going into the design phase.

B. Legal:

There was no update.

C. Public Works:

• Updates on Road Projects

Mayor Pro Tem Pierce commented about the loose gravel on Red Bud Court and that the surface of it had started to wave again due to Glenn Heights' trash service using it as a turnaround. Councilman Lamb mentioned that a piece of road equipment had broken down while they were resurfacing it in the fall, and he would contact the county commissioner after he had verified Mayor Pro Tem Pierce's observations. Mayor Pro Tem Pierce then commented about doing something right the first time and made reference to the lawsuit involving the Indian Hills Subdivision roads.

Councilman Lamb indicated potholing throughout the city had just been completed and that he had concerns about how well Locust Drive would hold up to the increase of traffic detouring through Oak Leaf as a result of the Ovilla Road (F.M. 664) Project. Mayor Pro Tem Pierce stated he would not support major work to Locust Drive until the Ovilla Road Project and the infrastructure work for the new Locust Drive subdivision was completed. Councilman Lamb commented about spending additional funds for potholing just to keep it passable. Mayor Pro Tem Pierce then commented about the funds already spent on Locust Drive and indicated the resurfaced section was not wide or strong enough. Councilman Lamb reported about the latest traffic survey of Locust Drive and stated the number of vehicles was comparable to a farm-to-market road, and it would need to be reconstructed similarly. Then, Mayor Pro Tem Pierce commented about future drainage, curbing (to protect the road edges) and a sidewalk along Locust Drive, and the council members spoke about the resurfacing of S. Hampton Road in conjunction with Locust Drive. Councilman Lamb then stated he would speak with Commissioner Butler about Locust Drive issues and solutions for them.

D. Deficient Properties in the City:

1. Update on 101 Forest Brook Drive

City Secretary Quintana indicated the pier work at 101 Forest Brook Drive had been completed and an electrical permit had been pulled.

2. Update on 112 Hackberry Drive

City Secretary Quintana stated there were no updates regarding 112 Hackberry Drive.

E. Miscellaneous:

- Quarterly Investment Report

The Investment Report data was reviewed by Council during the discussion of the Investment Policy.

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

No announcements were made.

XII. ADJOURNMENT:

Councilman Liptak moved to adjourn at 8:56 p.m. and Mayor Pro Tem Pierce seconded the motion. Mayor Rader called for a vote.

Ayes: All Present

Nays: None

The motion passed.

APPROVED THIS 13th DAY OF February, 2018

Bob Rader

Bob Rader, Mayor

ATTEST:

Ronda Quintana
Ronda Quintana, City Secretary

