

**MINUTES OF THE REGULAR CITY COUNCIL MEETING  
HELD ON MARCH 13, 2007 7:00 PM  
AT OAK LEAF CITY HALL**

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

Council members present:

Mayor Paul Klooster

Councilman Jim Tuma

Mayor Pro Tem Pat Mahlstedt

Councilwoman Susan Walker

Councilman Ray Brindle

Councilman Ron Spurlock

**II. MAYOR PAUL KLOOSTER CALLED THE REGULAR CITY COUNCIL MEETING TO ORDER AND ANNOUNCED A QUORUM PRESENT.**

**III. INVOCATION & PLEDGE OF ALLEGIANCE**

Mayor Klooster gave the invocation followed by the Pledge of Allegiance.

**IV. GUEST LIST ATTACHED**

**V. CONSENT ITEMS**

Minutes of the regular meeting of February 13, 2007 were reviewed. A motion was made by Walker to accept the minutes as submitted. Mahlstedt seconded the motion.

Ayes: All present voted aye.

Nays: None.

The motion was passed.

**VI. AUDIENCE PARTICIPATION – None**

**VII. NEW BUSINESS**

**A. Variance – setback: 106 Elm Drive**

Klooster introduced the first new business item as a variance for the barn located at 106 Elm Drive. Klooster identified that the barn was built over the front building line; per the applicant and his deed restriction. However, the Ellis Central Appraisal District had the property listed as one 1.7-acre tract; not two separate lots as presented in the variance request. This would change the setback to 10 feet (side setback) rather than 50 feet (for a “front” setback). The barn sits 7 feet from the property line. Mayor Klooster asked Council if there was further discussion regarding the variance request. Brindle made a motion to approve the variance. Spurlock seconded the motion.

During Council discussion and deliberation Walker queried the barn being hand-drawn on the survey. Klooster identified that normally it would be a scale drawing. Klooster further stated that the barn looked to be in scale in relation to the house. Walker asked if there were utilities in the barn.

**A. Variance – setback: 106 Elm Drive ... continued**

Klooster identified that there is no record of a permit on file for the construction of the barn. Mr. Michael volunteered that there was both water and electricity in the barn. Walker questioned if the utilities were up to code and if the City Inspector could make an inspection to verify if it was up to code. Assistant Secretary Kirton identified that the Inspector would be in the city the following day. Klooster said that the inspection would be limited as the plumbing was covered by the concrete and asked that the inspection be scheduled. Klooster asked for any further discussion and with none called for a vote.

Ayes: All present voted aye.

Nays: None

The motion was passed.

B. Coe Farms, Phase II Preliminary Plat

Klooster invited Mr. Coe to speak to the Council with information regarding the plat. Coe responded that he would like to wait until the Council had their discussion. Klooster identified to Coe that after the Council made its motion, the discussion, if any, would be amongst the Council members. Audience or applicant input was available at this time. Coe acknowledged and then stated that he has asked for exceptions/variances based on what was discussed and recommended at the 1/26/07 meeting between him, his legal counsel, Oak Leaf's legal council and the Mayor Pro Tem. Coe noted that if the Plat was going to be denied, he would rather withdraw and resubmit corrected.

Mr. and Mrs. Lopez, owners of the vacant lot at 403 Locust (Lot 1 of Phase I of Coe Farms) asked if they could look at the plat document.

Klooster identified that the 3/8/07 letter, from the applicant, requested a variance/exception for the following deficiencies:

# 2 (missing tract- Shortes/Thomes)

# 7 (cul-de-sac)

# 8 (utility provider letters), and

# 12 (contour map)

Mr. Coe stated that the "missing" tract had previously been sold to Mr. Shortes and that person subsequently sold to Mr. Thomes. Due to a current legal dispute, he had been instructed to stay off that specific property.

C. Coe Farms, Phase II Preliminary Plat ... continued

Mahlstedt referred to the exception/variance on the cul-de-sac. She noted that in the 1/26/07 meeting, a cul-de-sac was discussed and it was required. Coe agreed it was discussed but felt there was adequate room for vehicles to turn around and as

such he asked for an exception/variance. Klooster stated that with approximately 8 acres there was plenty of land to put in a cul-de-sac however the applicant was allowed to submit the Plat and request an exception/variance, as he deemed appropriate.

Mr. Coe was asked about the existing water line; identified on the Preliminary Plat as a six inch sized line. Coe stated that he put in the six inch sized line with assistance from Shortes, Pickerill, and Glenn Heights. However Gary Pickerill, from 407 Locust, corrected Mr. Coe and identified that the water line was instead a four inch sized line. Tuma asked if a hydrant can be put in on a 4 inch water line and Klooster stated that hydrant was suppose to have a minimum of 6 inch water line. Coe responded that Glenn Heights furnished the water line and at that time, Coe stated, the water system could not handle a 6 inch sized line.

Discussion continued regarding the right-of-way (ROW) and the adjacent drainage utility easements (DUE). Klooster asked Coe if he had considered moving the ROW to the west so as to include two easements instead of the one that was shown. Coe stated that he had not and preferred it to remain as-is.

Walker asked for clarification of the tree preservation plan. Klooster stated that the proposed "no tree shall be cut without City approval" was more stringent than a tree preservation ordinance, as the City ordinance only covers certain species of trees. Walker asked if the tree preservation ordinance in the City would apply to this as it doesn't apply to existing lots. Klooster explained that since this was being platted, the ordinance would apply.

C. Coe Farms, Phase II Preliminary Plat ... continued

Discussion moved to the City's responsibility to future property owners should the Plat be approved as-is. Klooster responded that if the Plat was approved as-is, there was a possibility that the City would have financial responsibility for the construction of Coe Drive, the additional required ROW, the water line upgrade, the fire hydrant, and the cul-de-sac. Tuma asked if the person that purchases the property wanted to develop the property, would they have any responsibility to address the water line and the road items. Klooster answered yes if that person presented plans to subdivide it further. Lopez asked who would be responsible for the maintenance of the street. Klooster stated that the City would be responsible.

Upon conclusion of the applicant statement, and audience participation, Klooster again noted to Council that of the original deficiencies, there were, in his opinion, several that were significant:

- (1) discrepancy of the drainage/utility easement,

- (2) cul-de-sac,
- (3) size of the water line,
- (4) fire hydrant,
- (5) Shortes/Thomes tract, and
- (5) contour map.

Klooster went to say that, he felt, the other deficiencies could be easily cleaned up by the applicant and his engineer. Walker asked if the City's consulting engineer had made comments on the current submission. Klooster replied that we have not received anything because of the short time frame based on the applicant's (2nd) submittal received at noon on Friday the 9th. Brindle stated that he would feel better if any decision made came after the review and input of the City's consulting engineer. Klooster stated that there could be a special meeting called if Council wanted to table the issue to allow that additional input. Council agreed that a special-called meeting, on March 20, 2007, would be acceptable.

Klooster stated that with lack of a motion, the proposed preliminary plat would be tabled until the special meeting on Tuesday, March 20, 2007. At that time, input from the consulting engineer would be available and the applicant would have an opportunity to address the deficiencies.

C. Ordinance 0702

Klooster summarized that the revision to Ordinance 0702 would put a time factor on when a permit could be extended. The proposed change would require the permit holder to renew the permit on or before the expiration date. Pat Mahlstedt made a motion to accept the ordinance. Walker seconded the motion.

Ayes: All present voted aye.

Nays: None

The motion passed.

## VIII. OLD BUSINESS

Klooster identified that the City was still waiting for the metes and bounds map of the City from the surveyor and the surveyor is still researching the status and ownership of Canaan Road.

Klooster questioned if Fox Contractors had finished the tie-ins of the new water line. Assistant Secretary Kirton identified that all the work had been completed. Klooster reminded Council that there would be a two-year warranty on the work.

## IX. MAYOR'S UPDATE –

**Mayor Klooster updated Council on items listed below.**

- Ellis County Day in Austin

Mayor Pro Tem Mahlstedt, along with her husband and another Oak Leaf couple, attended the Ellis County Day in Austin. Mahlstedt gave an update on the trip and the presentations they attended.

- **Cleaning Under Bridges**  
The State and County have been contacted for cleaning up under bridges in the area. Work has been initiated, in the City, by Ellis County Precinct 4 (Commissioner Ron Brown).
- **Cleaning Roadsides**  
Klooster attended the Glenn Heights City Council the previous week. An item they approved was for a non-profit company to clean up trash and debris along their roadways. Our City staff has contacted this company to get a quote for cleaning up roadsides in Oak Leaf should the need arise at a later date. The representative will need to visit the city and drive the areas that are in need of cleanup in order to provide us with a quote. Mahlstedt volunteered to drive the areas with the representative.
- **Street Lights**  
The street lights have been installed by the bridge on Locust Drive. At this time, only one of the lights has been operational, and staff is contacting TXU to check the status of the other light (on the east side of the bridge).

#### **X. MAYOR'S UPDATE – continued**

- **Indian Hills**  
Klooster noted that a letter would be going out to citizens and property owners in the Indian Hills subdivision regarding the status of the streets. The letter will explain that the streets have not been accepted by the city and any correspondence regarding the deterioration should be directed to the developer. Brindle asked if the City and the developer had agreed on an engineer. Klooster replied that they had agreed on an engineer and are in the process of discussing the contract language so the inspection could be initiated.
- **ETJ Agreement**  
Klooster identified that there was no update on the ETJ agreement and that there would have to be a meeting with the City Manager in Ovilla and then with Michael Weston before the Agreement would be completed.
- **Sheriff's Report**  
Council was given a copy of the February report. The crime in Oak Leaf was less than that in adjacent cities. A reminder will be put in the newsletter reminding citizens about safety and crime prevention awareness.  
Ms. Lopez inquired if there were any active neighborhood watches in the City. Klooster replied that at this time, there were not. He identified that both the Ellis County Sheriff Department and Ellis County Constable were provided an office at the Municipal Center.
- **Newsletter**  
The spring newsletter will be going out within 30 days.

- County Dump Days  
The free dump days hosted by Ellis County have been posted on the City's website and the later dates will be included in the newsletter.

## **X. REPORTS AND ACTION BY COUNCIL**

### **LAND/BUILDING**

- Klooster identified that the Red Oak ISD did a presentation at the Glenn Heights City Council meeting the preceding Monday night regarding future development within the district. The ROISD was purchasing land for a new elementary school (to replace Shields). There will be a bond election coming up on May 12, 2007 and one of the polling locations will likely be here at City Hall.

### **LEGAL & PUBLIC RELATIONS**

- Newsletter coming out
- Walker queried Klooster on any update on the Glenn Heights and Oak Leaf litigation. Klooster identified that there was not.

### **PUBLIC WORKS – none**

### **SECRETARY'S REPORT**

- Assistant Secretary Kirton gave information on prices for shredding services to Council. Council consensus was that it would not be financially feasible to have a shredding service at the Spring clean up day. Kirton noted that a proof of the post card, announcing the Spring clean up day, was in their packets and would be mailed out to citizens by the end of the week.

### **ORDINANCE REVIEW/UPDATE – CHAPTER 9, SUBDIVISIONS – none**

### **OTHER**

- At this time, Walker went over some information on snare traps she received from Ray Brindle. She noted that she would like to look at the current City ordinance and animal ordinances of surrounding cities. She stated that she would possibly propose an ordinance at the next meeting that would be city wide instead of relying on deed restrictions. Klooster asked Assistant Secretary Kirton to get Council copies of the requested material in advance of the next meeting.

## **XI. ADJOURNMENT FROM REGULAR CITY COUNCIL MEETING**

A motion to adjourn was made by Brindle, and seconded by Mahlstedt.

Ayes: All present vote aye.

Nays: None.

The motion passed.

Page 7  
Minutes of the Regular Meeting  
City of Oak Leaf  
March 13, 2007

PASSED THIS \_\_\_\_\_ DAY of \_\_\_\_\_ 2007

\_\_\_\_\_  
Paul Klooster, Mayor

**ATTEST:** \_\_\_\_\_  
Patricia Cortes, Secretary