



Before introducing the first new business item, Klooster asked Secretary Cortes to have the City building inspector verify the height of the accessory building recently installed at the Denier residence on Lariat Circle. Mr. Denier was in the audience, and asked if he could speak. Denier stated that the building was approximately 21-feet in height. Denier asked Council if the building was over the allowable height, what were his options? Mayor Klooster identified one option was to request another variance. Denier asked if he would he have to pay another \$150 variance fee. It was identified that he would, if another variance was needed. Denier stated that he submitted engineered plans with his building permit, and does not understand why the height is in question. Klooster identified that a citizen had called about the height and the City will have the building inspector verify that it is not over the allowable height restriction.

## **VII. NEW BUSINESS**

### **A. Variance – 500-feet of accessory building over what is allowed per City Code - 1006 Lariat Circle**

Klooster introduced the first item of new business and read what the variance entailed. Klooster identified the adjacent property owners had no opposition although some property owners, who were contacted, did not reply back. Mahlstedt asked if building would be visible to other property owners. The property owner replied that it was at the back of the property. Spurlock asked if the variance covered garage doors facing the street, it was identified this language was not part of the variance application.

Walker asked about the height of the building, the property owner was not sure. Klooster identified to the property owner, that she could withdraw the application for the variance this evening, and come back and apply for the variance when the question of the height of the building could be answered. The applicant assured Council that the buildings height would not be over that which is allowed by Code. Klooster asked if there were engineered drawings of the building. Mr. Denier, the applicant's neighbor, stated he was asked to come to support Mrs. Henry (applicant requesting variance) as her husband was out of town. Denier identified that engineering drawings were expensive and applicant did not have them done in advance of the variance request.

Klooster identified that the variance application should be amended to include front-facing garage doors. Mahlstedt made a motion to approve the variance as amended. Spurlock seconded the motion.

Ayes: All present voted aye.

Nays: None.

The motion was passed.

### **B. ETMC (East Texas Medical Center) Affiliation Agreement and Certification of Non-Receipt of payment; for EMS subsidy reduction program for the next**

fiscal year

Klooster identified this agreement was for discussion and possible approval. Klooster identified this was a second agreement with ETMC; separate from the existing primary agreement in place that is going to be renewed on November 1, 2007 and expiring October 31, 2010.

This second agreement involves a subsidy reduction for the City in the next fiscal year with funds augmented by state and federal funds. Walker made a motion to accept the affiliation agreement and certification of non-receipt of payment. Tuma seconded the motion. Walker asked Cortes if there would be any problem setting up the required TexNet account. Cortes replied that there would be no problem.

Ayes: All present voted aye.

Nays: None.

The motion was passed.

C. Ordinance 0707 – Chapter 2, City Code of Ordinances, Animal Control amendment

Klooster identified that Council has been discussing this for several months and identified that he was looking for a motion from Council so that it may be open for discussion. Walker made a motion to initiate consideration of Ordinance 0707 and Mahlstedt seconded the motion.

Walker asked if we had any kind of restrictions on how many horses or cows a property owner could have, besides the 12,000 square foot restriction and that she does not see any language in the ordinance pertaining to the allowance of fowl. Short discussion followed. Walker withdrew her motion and Mahlstedt withdrew her second. No other motions were made thus; Klooster tabled Ordinance 0707 for another meeting.

D. Ordinance 0708 – Chapter 3, Article 3.2000 Requiring Registration of General Contractors

Klooster identified this Ordinance is similar to what Flower Mound, Grapevine, Keller and Cedar Hill have adopted. Klooster identified that there was a question raised at the last meeting about property owners/self-builder's having to register with the Texas Residential Construction Commission (TRCC). Klooster identified that property owners/self-builder's do not have to register with the TRCC; Cortes added as long as property owner lives in the house at least 1-year. Mahlstedt made a motion to accept Ordinance 0708. Walker seconded the motion.

Ayes: All present voted aye.  
Nays: None.  
The motion was passed.

**E. For consideration and approval – Copier Service Agreement for fiscal year 2007/08**

Klooster identified that the new agreement has the same terms and conditions as last year. Klooster asked Secretary Cortes to determine the usage count for the past and current years prior to acceptance. Klooster tabled to September agenda.

**VIII. OLD BUSINESS**

**A. Ordinance 0705 – Assessment for street improvement in Type A General-municipality per the Texas Transportation Code, Article 311.095**

Klooster identified that Ordinance 0705 was for Council consideration and possible approval. Klooster identified that he was looking for a motion from Council to open up the item for Council discussion. Spurlock made a motion for approval. Mahlstedt seconded the motion. Council discussion ensued.

Walker stated that the ordinance required the municipality to be responsible for making improvements at street intersections. Tuma identified that the ordinance would not be fair to everyone. Property owners with larger road frontage would pay a larger assessment. Tuma stated that we all pay City taxes, and how can this assessment ordinance be set up to fit everyone. Tuma identified that he doesn't like that this ordinance would allow the City to assess individual citizens this way. Walker asked Tuma to, instead, look at the assessment ordinance as a tool for alternative funding.

Spurlock stated this ordinance would allow the City an alternative method of funding street improvements. Tuma identified that Councilman Brindle (not present) had identified to Council how he felt about this ordinance. Mayor Klooster opened up the discussion for audience participation.

Sherry Hester – 916 Indian Trail – identified that she has no control who drives on the roads in her subdivision and if someone else damages the roadway why should she have to pay. Hester identified she doesn't feel comfortable with Council adopting this ordinance, as she does not have faith in them.

Kevin Bernard – 1810 Indian Ridge – identified he feels the assessment ordinance is targeted towards the Indian Hills residents. Bernard identified this ordinance has been on the agenda for 2-months and this shows Council has not explored other options.

Klooster called for a vote.

Ayes: Walker and Spurlock

Nays: Tuma and Mahlstedt

Note: As this was a tie vote, the Mayor exercised his right to vote in the event of a tie. Klooster voted aye.

The motion was passed.

## **IX. MAYOR'S UPDATE –**

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

- **City Budget**  
Klooster identified that he would like to have a budget workshop and possible special meeting on August 28, 2007 at 7:00 P.M. He identified that the copy of the proposed budget, that Council received, has a tax rate that is at the threshold (rollback) rate and for Council to be prepared to discuss the tax rate and personnel salary, which can be discussed in executive session if Council desires.
- **City of Glenn Heights**  
Klooster identified that he will be attending a meeting next week with Michael Weston with the Glenn Heights Mayor and new City Manager to discuss the 1987 lawsuit, water infrastructure, and drainage concerns.
- **Franchise**  
Mayor Klooster asked Secretary Cortes to contact the City Attorney regarding letters sent to Rockett SUD and Sardis Lone Elm regarding franchise fees due to the City.
- **TML 2007 Annual Conference**  
Klooster brought to Council's attention a memorandum from the Texas Municipal League requesting any Resolutions to be submitted before September 24, 2007, for the 2007 TML annual conference. These resolutions were intended to address-one or more municipal or statewide issue(s).
- **NIMS (National Incident Management System)**  
Klooster identified that required training course for Council is IS-700; which all Council and staff have taken. The additional recommended training course, IS-100, will be taken by the Mayor and City Secretary. If Council desires to take ICS-100, the Mayor directed them to contact Secretary Cortes.
- **Glenn Heights Water Infrastructure Project**  
Klooster reminded Council that the waterline work that was done along Locust Drive and Elm was under a 2-year warranty time period; which expires February 9, 2009. Council was asked to monitor this recently completed work and to bring any issues to the attention of our staff so Glenn Heights could be notified accordingly.

- Allied Waste  
Mayor Klooster reminded Council that the current contract would expire on September 30, 2008. We have recently received information on participation levels for the Monday/Thursday pickups as well as the Friday recycling pickup. Mayor Klooster identified Allied Waste would like to initiate early negotiations for a new contract. Although it was the City's intention to go out for competitive bid and try to solicit the best price and service for citizens in 2008, Mayor Klooster asked whether Council is receptive to renegotiation or early negotiation. After discussion amongst Council members, it was decided to wait for any discussions or solicitation for bids until next year.
- Subdivisions
  - Chapman Ranch (Final Plat)  
Approved on 09/13/01; no visible sign of infrastructure work.
  - Summerhill Estates Phase 3 and 4 (Preliminary Plat)  
Preliminary Plats for Phase 3 and Phase 4 were approved on 4/11/06. The City has not received documentation from applicant for the Final Plat approval.
  - Coe Farms Phase II (Preliminary Plat)  
Preliminary Plat was approved, with contingencies, on 3/20/07. The City has not received any documentation from applicant regarding the Coe Farms Phase II Final Plat.  
  
Mr. Thomes, an adjacent property owner, has applied for a building permit. He will be upgrading the existing waterline (4" up to a 6" sized line) and installing a fire hydrant, which are two of the contingencies on the Coe Farms Phase II Preliminary Plat.
  - Indian Hills  
Klooster identified that lab results are soon to arrive. City's consulting engineer and City Attorney will do an analysis of the report and provide appropriate options to us. No update from the City Attorney regarding the \$100,000 Letter of Credit Funds.
- Fire Hydrant – Hackberry and Hampton Road  
Had been out of service for a while; Glenn Heights recently repaired the hydrant. It appears that the unit was leaking again. GH has been notified.
- Street Lights – Lariat Circle  
No Update. Requests have been sent.
- High Speed Internet

SBC is installing a fiber optic box on S. Westmoreland. No update at this time on the possibility of high-speed Internet service to our citizens.

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

### **LAND/BUILDING**

- Klooster identified the City currently has 12 open residential permits under construction. Nine of which involve builders who are registered with the TRCC, and are in good standing. The remaining three homes are being built by the soon-to-be-homeowner for that particular address.
- Walker asked how much was the total engineering cost to the City for Summerhill Estates (Phase II), and what were the fees charged to the Developer versus engineering costs incurred? Klooster identified there was total reimbursement for all engineering fees, including infrastructure inspections, for Summerhill Estates Phase II.
- Klooster identified that he spoke with the property owner (Tommy Powers) of Lot 10, Block 1 of the Indian Hills subdivision. Klooster informed the property owner that there was no moratorium in place (for construction within the Indian Hills subdivision) and there was no excavation ordinance in place. Klooster identified that the property owner indicated that he would re-start the excavation project for his lot. He also indicated that he would be bringing in partial loads of fill and that he would add flex base to the streets in the areas that are damaged during his project.
- Flood prone property  
Klooster identified that the County was initiating the process of applying for a grant to purchase flood-prone property on Little Creek Trail although there might be a problem with getting funded because neither the City of Oak Leaf nor Ellis County has a Hazard Mitigation Plan in place. The North Central Texas Council of Governments (NCTCOG) multi-jurisdictional Hazard Mitigation Plan is in draft status. Once it is approved then each jurisdiction can adopt. Mahlstedt asked how long before the NCTCOG Plan would be ready. Klooster identified approximately 2-years.
- Nuisance Properties
  - 701 Winding Creek Trail  
Property owner has till October 2008 to do required improvements.
  - 708 Little Creek Trail  
Homeowner had three horses. During the summer heavy rains, horse waste and mud was flowing onto the neighboring property. The property owner has initiated steps to rectify this issue. The City Inspector was directed to monitor the situation to ensure compliance. One horse has been sold and is no longer on the property.

701 Locust Drive

New residence under construction, work has started and stopped several times. The home is currently not under any construction work. Permit expires in January 2008.

105 Woodhaven Court

The property is in foreclosure.

801 Rock Creek Drive

Mayor Klooster identified that this property was vacant and in need of mowing.

## **LEGAL & PUBLIC RELATIONS**

- City of Glenn Heights

Mayor Klooster to meet with Glenn Heights regarding the 1987 lawsuit, water supply infrastructure improvements, and drainage.

- Red Oak Area Chamber of Commerce

Klooster identified that the City has received notification from the Chamber of plans for the publication of the Red Oak Community Profile and Membership Directory. He asked Council about the possibility of a City of Oak Leaf advertisement in the publication. Walker stated that she doesn't see any City benefit. Klooster directed Secretary Cortes to ask the Assistant Secretary to investigate the proposed cost and deadline for making a decision.

## **PUBLIC WORKS**

- Klooster identified that potholing in the City would be completed by Monday, August 20th.
- Klooster identified that three citizens have contacted the City about drainage concerns and he will ask the City engineer to inspect and evaluate.

## **SECRETARY'S REPORT**

- City Website

Cortes identified that Council had received an update in their packets and asked if they had any questions. Mahlstedt asked if staff would update the website (or would the Web company) and would we pay monthly fee. Cortes identified yes, we would pay a monthly fee or we could pay a one time up-front fee for the year (and save one month's fee). Walker asked if he could provide in writing what he can do and what we have to do to maintain the website. Staff to conduct additional research.

ORDINANCE REVIEW/UPDATE

- Klooster identified he has provided copies of sample ordinances regarding weight restrictions on roadways, and excavation to the City consulting engineer, but not the City attorney at this time.

**Note:** Councilman Tuma sought clarification from Mayor Klooster on the nay assessment ordinance votes (for Ordinance 0705).

**X. ADJOURNMENT FROM REGULAR CITY COUNCIL MEETING**

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

Ayes: All present vote aye.

Nays: None.

The motion passed.

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

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

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