

**MINUTES OF THE WORKSHOP
AND SPECIAL MEETING
OF THE OAK LEAF CITY COUNCIL
HELD ON SEPTEMBER 18, 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	Councilman Ray Brindle (absent)
Councilman Ron Spurlock	Councilwoman Susan Walker (absent)

II. MAYOR KLOOSTER CALLED THE WORKSHOP AND SPECIAL 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. WORKSHOP – INDIAN HILLS STREETS – ENGINEERING REPORT

Mayor Klooster identified the purpose of the workshop was to discuss the Geotechnical engineering report for the Indian Hills infrastructure. Klooster asked John Birkhoff, the City's Consulting Engineer, to walk the council through the Report.

Birkhoff opened with background information; starting with the Developer's request for a variance from concrete streets to asphalt. Birkhoff identified that, historically, the most severe damage done to streets was by construction vehicles and equipment. The engineering analysis for pavement design is to include, but not limited to, factoring in the frequency and number of vehicles utilizing the streets. This should include construction vehicles in new subdivisions. Per the Developer's engineer (Rone), the recommended street composition called for six inches of lime stabilized subgrade (with a lime content of 7%) and three inches of asphalt.

Birkhoff stated the City hired CTL Thompson, a Geotechnical Engineering firm, to conduct an investigation of the streets to determine what caused the pavement failure. CTL did soil borings and tested the soil, and determined the primary failure was due to insufficient subgrade support. The thickness of the asphalt was found to be from 2.2 inches to 3 inches; for an average of 2.7 inches. As optimal lime content was not reached, stabilization did not occur, lime leached out and subgrade reverted back to clay.

It was identified that although the thickness of the hot mix asphalt varied, even if it had been the full three inches throughout it would not have mattered because the subgrade wouldn't have supported the asphalt. It was also pointed out that even if the streets had been constructed of concrete, instead of asphalt, the street would have failed at some point in time because of the subgrade failure.

Birkhoff stated there was approximately 34,000 linear feet of roadway. When asked what a new street would cost, Birkhoff replied approximately \$400,000 to \$450,000 ... which included reworking the drainage ditches, shoulders, and cleaning out the existing culverts. Birkhoff identified that the existing street base and surface material would need to be completely replaced. One option could include milling the existing asphalt material to allow it to be utilized in the new street's base.

Klooster asked if Council or citizens in attendance had any comments or questions.

Kevin Bernard – 1810 Indian Ridge – Asked where do we go from here? Klooster identified it was the City's intention to approach the Developer, through the legal system if necessary, to address the situation. Michael Weston, City Attorney added that our relationship is with the Developer.

Harold Holland – 920 Indian Trail – identified that his concern as to the financial wherewithal of the Developer. Weston replied that we did not know the answer to that question at this time.

Steve Hester – 916 Indian Trail – had questions regarding the lime content of the subgrade. Discussion followed.

Bernard asked if the City originally informed the Developer that the streets had to be built to a 20-year design life, as on some reports the Developer stated the roads were designed for a lot less than that. Birkhoff identified that there was an August, 2005, report from MacTec Engineering ... directed to Rone Engineering ... identifying a design life of 3 – 5 years. Birkhoff went on to identify the standard of care was for a road to have design life of 20 years and it was the responsibility of the Developer and/or its engineer to identify if their design did not meet that standard.

Discussion followed in regard to the Letter of Credit funds (\$100K). Weston identified that since we now have the Report, the process (legal if necessary) can start to move forward to allow the city to move to obtain these funds.

Sherry Hester – 916 Indian Trail – asked how long the process would take to resolve this issue and what would happen to the roads in the meantime? Klooster responded that the City will maintain the roads on an emergency basis and move for full reimbursement from the developer. Hester asked if the next step was to communicate with the Developer? Klooster identified we have been communicating with the Developer for years. Hester asked if the City would now file a lawsuit. Weston identified that a lawsuit is already on file, and that the Developer and his representatives were invited to come to the workshop and special meeting tonight.

Kevin Bernard – 1810 Indian Ridge – asked if the City has extrapolated the costs; possibly set aside monies from the tax base to fix the streets. He also suggested that the city stop non residential traffic utilizing perhaps with a moratorium on new home construction. Klooster identified that the moratorium was exactly what the city had proposed in July and it was unanimously communicated from the Indian Hill’s residents that they opposed such a moratorium. Bernard stated that at that time there was no assurance from the City on why the City wanted to adopt the moratorium ordinance. Klooster identified the City was very clear why we wanted to place a moratorium.

Klooster identified the City is in the process of looking at a possible weight restriction ordinance. This would not stop someone from using the roads, but the load amounts may be controllable.

Klooster asked if there were any other questions from Council or the audience, there were none. Mayor Klooster adjourned the Workshop at 7:36 P.M.

VI. CONVENE INTO SPECIAL SESSION

Council convened into the special session immediately following the adjournment from the workshop.

VII. EXECUTIVE CLOSED SESSION

Council recessed into Closed Session in compliance with Texas Government Code, Section 551.071: pending legal matters.

VIII. RECONVENE INTO OPEN SPECIAL SESSION

Council reconvened from Closed Executive Session at 8:19 P.M., no action was taken.

IX. AUDIENCE PARTICIPATION - None

X. CONSENT ITEMS - None

XI. OLD BUSINESS

A. For Council Consideration and Action – Geo-tech Report, Indian Hills Streets.

The Report has been completed, received and reviewed.

B. Ordinance 0707 Chapter 2, Animal Control Amendment.

This item was tabled.

XII. NEW BUSINESS - None

XIII. MAYOR’S UPDATE

- **Fire Hydrant – Hackberry and Hampton Road**
Klooster asked Secretary Cortes if the hydrant had been re-repaired. Cortes did not have an update. Klooster asked her to contact the City of Glenn Heights Water / Public Works to inquire if the hydrant has been repaired.
- **AT&T Fiber Optic**
Klooster identified we had been led to believe that DSL would be available for our citizens by mid August. City Secretary was directed to contact AT&T to determine whether it was available or not and, if not, when would it be available.
- **City of Glenn Heights**
Klooster identified the meeting between he, Michael Weston and the new City Manager and new City Attorney for Glenn Heights (regarding the 1987 annexation lawsuit, water infrastructure, and drainage concerns) took place on Wednesday, 9/12/07. Glenn Heights' expressed a desire to resolve any issues between the two cities. Klooster stated that Glenn Heights would likely initiate a water rate increase for the next fiscal year.
- **Emergency Services District # 4**
Klooster identified ESD #4 has indicated it would be calling for an election for a tax increase. They have contacted the city and inquired about using our municipal center for a Public Hearing (towards the end of October). The current ESD #4 tax rate is \$.03 per \$100 property evaluation.
- **Annual Audit**
Klooster identified that solicited audit proposals from other auditing firms were higher than that we had received from Murrey & Co., P.C. Due to the financial savings in regard to the cost of the audit and as required by the State of Texas, the audit would be conducted with the contract awarded to Murrey.

XIV. REPORTS AND ACTION BY COUNCIL

LAND/BUILDING

- **Nuisance Property: 701 Winding Creek Trail**
Klooster identified the property owner will be using 6-inches of flex base instead of concrete to park vehicles on. Installation of the 6-inches of flex base will be done Saturday 9/22/07, and the City Building Inspector will look at on Monday, 9/24/07 to make sure the work meets City requirements.

LEGAL & PUBLIC RELATIONS

- **Red Oak Chamber of Commerce – Red Oak Community Profile and Membership Directory.** Klooster identified we have received pricing and we are not going to proceed this year, but possibly next year.

- City Website
Klooster asked Secretary Cortes if we had an update on the City website. Cortes identified update information had been provided to Council. It was identified that www.oakleaftexas.org had been secured as our domain name. The new web site was to include photographs of each staff and council member. Each of us will be provided with options for the photograph dates.

PUBLIC WORKS

- Flooding
Klooster identified that as a result of the flooding on September 5, 2007 City personnel closed the Uhl/Locust and Woodhaven bridges for approximately one hour. The Hampton Bridge, at Red Oak Creek, was also closed; by the County Commissioner.

Klooster identified that he met with Pat Hanger, Assistant Public Assistance Officer of the Governor's Division of Emergency Management, on 9/17/07 to view the storm damage. Possible disaster grant funds, through the Texas Office of Rural Community Affairs (ORCA), may be available to assist Oak Leaf in rectifying the damage from the flooding.

SECRETARY'S REPORT - None

ORDINANCE REVIEW/UPDATE

- Weight Restrictions – City roadways
Klooster identified that he has a second draft of the weight restriction ordinance for Council, but has not printed it off. Council will receive a copy in advance of the next meeting.

XV. ADJOURNMENT FROM SPECIAL COUNCIL MEETING AT 8:32 P.M.

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