

**MINUTES OF THE REGULAR MEETING
OF THE OAK LEAF CITY COUNCIL
HELD ON FEBRUARY 12, 2008, 7:00 P.M.
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
Councilman Ron Spurlock	Councilwoman Susan Walker

II. MAYOR 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. AUDIENCE PARTICIPATION

At this time Mayor Klooster opened up the meeting for audience comments.

Mr. Stuart Schafer – 104 Wood Haven Court – identified that he was concerned with firearms being shot from a close-by property. Mr. Schafer identified he has previously called the Ellis County Sheriff's Department and the Deputy that responded to the call identified that the shooting was not illegal. Mr. Schafer asked what the City ordinance allowed or disallowed. It was identified that it is unlawful to discharge any firearm on or across any public property, or across any thoroughfare or property line within the City of Oak Leaf; except that such firearms may be discharged by any party upon his own property providing the projectile lands on said property. Mayor Klooster identified that he would contact the Ellis County Sheriff for clarification and the City would contact that close-by property owner to issue a cease and desist letter.

VI. CONSENT ITEMS

Minutes of the Regular meeting of December 11, 2007 were reviewed. Brindle made a motion to accept the minutes as submitted. Mahlstedt seconded the motion.

Ayes: All present voted aye.

Nays: None.

The motion was passed.

VII. OLD BUSINESS - None

VIII. NEW BUSINESS

A. Consider and approve an Interlocal Cooperative Contract between Ellis County and the City of Oak Leaf

Klooster presented, for yearly renewal, an Interlocal Agreement between Ellis County and the City of Oak Leaf for maintenance, repair and/or construction of streets, roads, alleys, bridges and parking areas, as well as the maintenance and construction of waterways, and ditches and purchase of certain goods. Walker made a motion to approve the annual Interlocal Agreement between Ellis County and the City of Oak Leaf. Spurlock seconded the motion. With the motion made, and seconded, Klooster asked Council if there was any discussion. Walker asked for clarification regarding exclusivity. Klooster identified there was none. With no further questions or discussion, Klooster called for a vote:

Ayes: All present voted aye.

Nays: None

The motion was passed.

B. Order of Election – Mayor Klooster

Mayor Klooster called for the Oak Leaf General Election to be held on Saturday, May 10, 2008 at the Oak Leaf Municipal Building from 7 A.M. until 7 P.M. for the election of Mayor (currently held by Paul Klooster), Alderman Place 4 (currently held by Jim Tuma), and Alderman Place 5 (currently held by Susan Walker). He stated that the filing for a place on the ballot had begun on February 11, 2008 and would run through March 10, 2008. Filing for write-in candidate is from February 11, 2008 through March 17, 2008.

Early voting will be April 28, 2008 thru May 6, 2008 during normal office hours except for two (2) 12-hour weekdays, which is a requirement of the Texas Election Code. These two (2) 12-hour early voting days will be Monday, April 28, 2008 and Monday, May 5, 2008 between the hours of 7 A.M. thru 7 P.M. Applications for ballots by Mail must be received no later than the close of business on May 2, 2008.

C. Consider and approve a Joint Election Agreement between the City of Oak Leaf and the Red Oak Independent School District

Mayor Klooster presented, for Council consideration and approval, a Joint Election Agreement between the City of Oak Leaf and the Red Oak Independent School District to share a common polling place for the May 10, 2008 General Election. Spurlock made a motion to approve the Joint Election Agreement. Mahlstedt seconded the motion. With the motion made, and seconded, Klooster asked Council if there was any discussion. Walker asked if there were any projected cost that Oak Leaf would bear as a result of this Agreement. Klooster identified there were not. Klooster called for a vote.

Ayes: All present voted aye.

Nays: None.

The motion was passed.

D. Consider and approve an Interlocal Cooperation Contract for the lease of one (1) AutoMark Model A-100-00 voting machine between Ellis County and the City of Oak Leaf.

Mayor Klooster identified that Council has a copy of an email from Jane Anderson, Ellis County Election Administrator, regarding the lease of one (1) AutoMark voting machine for the cost of \$324.17. Also provided to Council was a copy of the 2006 contract for reference. (We will receive a 2008 contract as soon as it goes through the Commissioners Court). Mahlstedt made a motion to approve and execute a lease agreement for the rental of one voting machine. Walker seconded the motion. Klooster asked Council if there was any discussion. With no discussion, Klooster called for a vote.

Ayes: All present voted aye.

Nays: None.

The motion was passed.

E. Consider and approve contract proposal for administration of the disaster grant project by Tim F. Glendening & Associates, Inc.

Klooster identified that this contract proposal is for the administration of the disaster grant funds to be received from the Office of Rural Community Affairs (ORCA); which is one of two grants the City has applied for. Klooster identified that Section 5 of the contract proposal identifies that if the City does not receive its grant award from ORCA and matching funds from the US Department of Agriculture (NRCS program) the contract is voided and no fees are due to Tim F. Glendening & Associates, Inc. Brindle made a motion to approve the contract and for the Mayor to execute. Tuma seconded the motion. Klooster asked Council if there was any further discussion. With no discussion, Klooster called for a vote.

Ayes: All present voted aye.

Nays: None.

The motion was passed.

F. For review and signature, Contract No. 727377 between the City of Oak Leaf and the Office of Rural Community Affairs (ORCA) for the recent Disaster Grant awarded to the City of Oak Leaf.

Klooster asked Secretary Cortes if Contract No. 727377 was reviewed by the City Attorney. Cortes stated yes. Klooster identified the use of these funds are contingent on the City receiving funds from the other grant the City has applied for from the Natural Resources Conservation Service (NRCS). Klooster identified that he was looking for a motion. Mahlstedt made a motion to authorize the Mayor to execute Contract No. 727377. Brindle seconded the motion. Klooster asked Council if there was any further discussion. Walker queried Glendening on the start and end date of the two contracts. Glendening identified that Contract No. 727377 was a two-year contract and reiterated that the City would not be obligated to pay any funds to Glendening & Associates, Inc. if grant funds are not received from the NRCS grant program. Klooster called for a vote.

Ayes: All present voted aye.

Nays: None.

The motion was passed.

G. For Council discussion – Oak Leaf Business Development Corporation - board appointments

Klooster identified that the Oak Leaf Business Development Corporation was created several years ago. The economic tax that exists, which currently has a balance of approximately \$35,000, is received from sales tax collected from home-based businesses within the City. Klooster identified that although the City does not currently have any non-residential zoning in place at some time in the future that would change. Klooster discussed the City's Thoroughfare Plan and its relationship with non-residential zoning. Klooster identified the Oak Leaf Business Development Corporation is its own entity, and consists of seven board members (Directors). On the current board, three of the seven Directors declined to serve another one-year term. Klooster asked Council for their recommendation for the three replacement board members. He identified that Councilwoman Mahlstedt has volunteered to serve, if needed, and Oak Leaf citizen Craig Wilson has volunteered to serve if asked. Klooster identified that this item would be on the March, 2008, agenda.

H. For Council discussion – Financial Policy, Article 1.700 Oak Leaf Code of Ordinances

Per City and State requirements, the discussion and identification of the City's Financial Policy is to be identified and discussed by the Council. Klooster identified that the City currently has four bank accounts, all with Prosperity Bank; three ProsPerfect Money Market accounts and one Business Checking account. Klooster gave Council the account balances and current interest rates. Klooster asked Council for comments, recommendations, and/or suggestions as to City's financial policy.

IX. MAYOR'S UPDATE

Mayor Klooster updated Council on the items listed below.

- Summary of Call Log. Klooster identified Council received a summary of the City's call log for the months of December and January in their packets. If Council would like to see this in more detail, please contact City staff.
- Personnel. Klooster identified that Assistant Secretary / Court Clerk Laura Kirton's resignation had been tendered (last day will be 2/15/08) and that he and City Secretary Cortes had initiated a search for a replacement. It was anticipated that candidates would be interviewed and the position offered to a candidate on Tuesday, March 19th.
- TML Meeting and Dinner Thursday, February 28, 2008. Klooster identified that the City has received this invite, for this meeting, to be hosted by the City of Cedar Hill. Although unable to attend, if a Councilmember wished to the City would pay the admittance fee ... City staff would submit the RSVP confirmation. (The cost is \$35 per person).

- Annual Audit. Klooster identified that the Audit Report, for the year ended September 30, 2007, had been received and reviewed. The report identifies the City's overall financial position improved during fiscal year 2007. If Council has any questions regarding the audit report, please contact Secretary Cortes. Klooster identified that Council had received in their financial packets a revised balance sheet for the period ending September 30, 2007, which reflects the adjustments directed by the Auditors.
- DFW Mayors Best Practices Conference – April 10, 2008. Klooster identified this was a recently organized group of politicians in the Dallas Metroplex area that will meet periodically for an information sharing session. If any Council members would like to attend, contact Secretary Cortes so that the RSVP paperwork can be submitted.
- Meals-on-Wheels. To promote the Ellis County meals-on-wheels program, March 19th has been designated as Mayors-for-Meals Day. Any available Mayor, and/or Councilmember, are being asked to volunteer in the delivery of meals to homebound senior citizens. For additional details and to sign up, contact the City Secretary.
- Severe Weather Awareness Week. The Governor's Division of Emergency Management has asked all public officials to assist in a public awareness campaign so as to prepare people to be prepared to deal with severe weather events. The 2008 week has been designated as February 24, 2008 thru March 1, 2008.

X. EXECUTIVE CLOSED SESSION

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

XI. RECONVENE INTO OPEN SPECIAL SESSION

Council reconvened from Closed Executive Session at 8:16 p.m. no action was taken.

XII. REPORTS AND ACTION BY COUNCIL

LAND/BUILDING

- Subdivisions – no update
- Nuisance Properties:
 - 701 Locust Drive
 - Walker asked if the permit for this residence has expired?
 - Cortes identified the builder pulled a permit extension 1/08.
 - Klooster asked if there were any other open violations at this time. Cortes replied no.
- City Hall. Klooster identified when the City hires a contractor to install the guardrails, we will ask if they can do some minor repair work at City Hall.

LEGAL AND PUBLIC RELATIONS

- Indian Hills Subdivision Streets
Klooster identified that there was a hearing scheduled for February 20, 2008 at 9:00 a.m. in the 40th District Court in Waxahachie.
- City of Glenn Heights ETJ/annexation suit.
Walker asked if there was any update regarding the 1987 annexation lawsuit. Klooster identified discussions had been initiated by the GH City attorney and City Manager however no settlement possibilities or Offers had been brought up. The item was on the GH agenda every meeting so that is an indication they are very interested in getting the matter resolved.
- Ellis Central Appraisal District (ECAD)
Klooster identified we have received certification of the ECAD 08/09 Board of Directors Election votes cast.
- Grants
Klooster identified that the Ellis County Emergency Management office has submitted a State/Federal grant application for the buy-out of 507 Little Creek Trail due to repetitive flooding.

PUBLIC WORKS

- Guardrails: Project commencement waiting on wood posts.
- Grants:
Klooster identified that a response on the grant application, for bridge flood damage relief, to the National Resources Conservation Services Emergency Watershed Protection Program was still pending.
- Drainage issues (Willow Bend Dr.)
Klooster identified that John Birkhoff, the City's consulting engineer, had been asked to research the drainage issues that had occurred on Willow Bend Drive. We anticipate having an update on this matter at the March meeting.
- Intersection traffic signal (Uhl and Ovilla Rd.)
Klooster identified that the traffic light at the intersection of FM 664 (Ovilla Road) and Uhl Road has been activated. Klooster explained that the cameras were there to assist in controlling the signal change timing based on current traffic activity.
- Loop 9 – included in the Regional Roundtable discussion on February 22, 2008.
Klooster gave Council an update from that meeting.
- Potholes
Secretary Cortes was asked to contact B.G. Williams Asphalt, Inc. to initiate pothole repairs throughout the City.

- Temporary Road Repairs – Indian Hills Subdivision
Secretary Cortes was asked to contact BG Williams to re-roll and condense the fill material placed during the last temporary repair.
- Insurance Services Office, Inc. (ISO)
Klooster identified that ISO has completed their evaluation of the fire insurance classification for our City and we have received the Report. Klooster identified we have also requested a copy of Red Oak's fire insurance classification report.
- Road Maintenance and re-surfacing (2008)
Walker asked when the 2008 road maintenance project was going to be identified and initiated. Klooster identified that he would like for Council to be prepared to discuss what portion of the City streets would be selected for this year at the March meeting. Walker reminded Council that there was still a portion of Elm that needed to be resurfaced.
- Lariat Circle ... street damage
Tuma identified that the builder for the 23.91 acre property was bringing in double loads of dirt and that he was concerned about the condition of the City street(s). Klooster responded reminding Council that the Developer/Builder had committed to repair any damage to the streets that were caused by their construction and development project.

SECRETARY'S REPORT

- City's official Website
Klooster identified that March 1, 2008 was the new target date to launch the new and improved City website.
- City Newsletter
Klooster identified that he is working on the Mayor's Update for the newsletter ... targeting a March 1st distribution date.
- Spring clean-up date. Mahlstedt asked when we were going to set the date for the Spring clean-up day. Klooster identified the date would be announced in March, and included in the next newsletter.
- Red Oak Independent School District (ROISD) land acquisition
Klooster identified that the school district was continuing to search for possible future school sites on the west side of Interstate 35.

ORDINANCE REVIEW/UPDATE

- Weight Restrictions – City roadways...no update
- Excavation Ordinance...no update

XIII. ADJOURNMENT FROM REGULAR 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