

**MINUTES OF THE REGULAR MEETING  
OF THE OAK LEAF CITY COUNCIL  
HELD ON MAY 13, 2008, 7:00 P.M.  
AT OAK LEAF CITY HALL**

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

Council members present:

Mayor Paul Klooster

Mayor Pro Tem Pat Mahlstedt

Councilman Ron Spurlock

Councilman Jim Tuma

Councilman Ray Brindle

Councilwoman Susan Walker

**II. MAYOR KLOOSTER CALLED THE REGULAR CITY COUNCIL MEETING TO ORDER AT 7:00P.M. AND ANNOUNCED A QUORUM PRESENT.**

**III. PROCLAMATION – NONE**

**IV. INVOCATION & PLEDGE OF ALLEGIANCE**

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

**V. GUEST LIST ATTACHED**

**VI. CONSENT ITEMS**

Minutes of the Regular meeting of April 8, 2008 were reviewed. Walker made a motion to accept the minutes as submitted. Mahlstedt seconded the motion. With no discussion presented, council was asked to vote on the motion.

Ayes: All present voted aye.

Nays: None.

The motion was passed.

**VII. AUDIENCE PARTICIPATION**

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

- Frances Estes – 123 Locust Court- identified that she is having drainage problems at her property that has been ongoing for the past several years. Ms. Estes identified that since a couple of years ago, when the road was resurfaced, she has had an excessive amount of gravel from the road and water draining onto her property. She identified that her house is at the end of the cul-de-sac and all the water from the street seems to be channeled onto her property. She identified that she has paid several times to have the gravel cleaned out of culverts on both sides of her driveway, and her neighbor has put in Haydite blocks. She asked if Council could look at the problem.
  
- Marci Haley – 1929 Willow Bend – identified that she is having drainage problems at her property. She has been living here for 5-years, and her home was the first house built in the subdivision, on her side of the street. She identified that she had no problems with flooding on her property until 3-years ago. She is flooding in her backyard between the pool and house, and she has put down sandbags. She identified that she has a lot of erosion. She identified that the water is draining down from the top of the street and the bar ditches cannot seem to hold the water. She has come here tonight to see what can be done.

Klooster asked Ms. Haley if when her pool was put in, did the contractor take the excess dirt away. Haley stated no, he spread it out. Walker asked her if she knew where the water started flowing from. Haley identified 3 or 4 houses up from her.

- Sherry Phillips – 508 Little Creek Trail – identified she was here to speak about the variance request for Sandy Kelm. She identified that she would be one of the neighbors most impacted as she lives next door. She identified that Sandy Kelm takes good care of her horses and she does not have a problem with the variance.

## VIII. OLD BUSINESS

### A. Consideration and Approval – City of Oak Leaf Personnel Handbook

Mayor Klooster tabled until the June meeting.

### B. For Council Discussion – Financial Policy, Article 1.700 Oak Leaf Code of Ordinances

Klooster identified that Brindle recently met with an officer of the City's financial institution (Prosperity). Brindle identified that the banking services and fees were fair and equitable. No changes were recommended to the City's current financial policy.

## IX. NEW BUSINESS

### A. For Consideration and Approval – Variance request from Oak Leaf's Code of Ordinances, Chapter 2, Animal Control – Article 2.1200 Proximity to Residences; Minimum area, 514 Little Creek Trail, Oak Leaf, TX – Sandy Kelm

Mayor Klooster identified that Council had the documents for the variance request in their packets showing what the citizen is requesting to be approved. Klooster identified that any citizens present to speak regarding the variance could do so now.

Keith and Sandy Kelm – 514 Little Creek Trail – identified they were applying for a variance from Oak Leaf's Animal Control Ordinance – specifically the section that prohibits horses from being within 150-feet of a residence. She identified this would impact three (3) of her neighbors, with the closest contact being within 87-feet of the Stong's garage at 604 Little Creek Trail. Ms. Kelm identified that she and her husband moved to the area 29-years ago and built the home to one side of the property in order to fence the other side of the property as a horse pasture someday. Kelm identified that she was using top-of-the-line material, and could bring statements from her veterinarian to attest to her care of her horses. She identified she would be using white vinyl ranch fencing that is maintenance free and would be set 3-foot into the ground with 4-feet of the fence above ground. She identified she would be installing a small metal barn and would be using a type of grass called Tifton 85 that had been recommended by her veterinarian. Ms. Kelm asked Council to please grant the variance, and stated that she understood the issues that can occur when someone doesn't take care of their property. Mr. Kelm identified that he was on the Architectural Control Committee when the Campbell's developed Little Creek Estates in 1979 and has watched the City grow. He asked that Council not judge their request based on problems somewhere else. Walker asked Kelm if she would have enough square footage for two (2) horses. Kelm replied yes.

Joyce Moore - An Ellis County resident - spoke in favor of the Kelm's variance, and identified that she had known them for many years.

Chuck Stong – 604 Little Creek Trail – identified that he was looking forward to the neighbors having horses as they would beautify the area. He asked that Council approve this variance request.

Michael Pittard – 605 Rock Creek – identified that they had no problems with the Kelm's variance request and would welcome horses.

John McLean – 702 Little Creek Trail – identified that he thought the Kelm's horses would enhance the neighborhood, and the show of support that the Kelm's have tonight should show how the neighbors feel.

Theresa Cole – an Ovilla Resident – identified that she boards the Kelm's horses and has been friends with the Kelm's for 30-years. She identified they were wonderful people who would take care of their animals, and would maintain their property above and beyond what was required, and asked that Council please grant their variance request.

Kimberly Dufour – 603 Little Creek Trail – identified she is new to Oak Leaf, and they are excited about the Kelm's horses. She identified that the Kelm's home is beautiful and she would appreciate Council's consideration in granting the variance to the Kelm's.

Frances Rejcek – 108 Walnut Drive – identified they have known the Kelm's for 32-years and asked Council to please consider this variance for them. She identified the property will be beautiful.

Alan Jordan – 507 Little Creek Trail – identified he owns the property which has flooded several times, and his neighbor Kathleen Unzicker used to have horses before she flooded. Jordan identified that the Kelm's were good people who took care of their property, and asked that Council grant the variance.

Kathleen Unzicker – 511 Little Creek Trail – identified that she is really looking forward to the Kelm's having horses, as she had to remove hers due to flooding.

Klooster identified he was looking for a motion from Council. Walker made a motion to approve the variance for 514 Little Creek Trail. Brindle seconded the motion. Mahlstedt made a motion to amend the approval of the variance to only approve for the current owners of the property, Keith and Sandy Kelm. Variance will not apply to any heirs or other owners of the property; only to Keith and Sandy Kelm. With the motion made, seconded, Klooster asked Council if there were any questions. With no further questions or discussion, Klooster called for a vote.

Ayes: All present voted aye.

Nays: None.

The motion was passed.

Klooster called for a 5-minute break at 7:49 P.M.

**X. RECONVENE INTO REGULAR SESSION**

Mayor Klooster called the meeting back to order at 8 P.M.

**XI. NEW BUSINESS Continued:**

**B. For Consideration and Approval – Ordinance No. 0803 – Amending the Existing Gas Franchise Between the City and Atmos Energy Corporation to Provide for a Different Consideration; Providing an Effective Date; Providing for Acceptance by Atmos Energy Corporation**

Klooster identified that we have approximately three (3) homes on gas in the City, and this amendment was to increase franchise fee payments. Klooster identified he was looking for a motion. Mahlstedt made motion to approve Ordinance No. 0803. Brindle seconded the motion. With the motion made, and seconded, Klooster asked Council if there were any questions. With no further questions or discussion, Klooster called for a vote.

Ayes: All present voted aye.

Nays: None.

The motion was passed.

**C. For Consideration and Approval – Resolution No. 0801 for ONCOR Cities Steering Committee Membership Assessment for 2008**

Klooster identified the City is a member of the ONCOR Cities Steering Committee and the resolution is for an assessment of ten cent (\$0.10) per capita fee to fund the committee. Klooster identified that Council had in their packets a copy of a check in the amount of \$992.12. This is Oak Leaf's portion of the annual settlement payment from ONCOR. Mahlstedt made a motion to approve Resolution No. 0801. Brindle seconded the motion. With the motion made, and seconded, Klooster asked Council if there were any questions. With no further questions or discussion, Klooster called for a vote.

Ayes: All present voted aye.

Nays: None.

The motion was passed.

**D. Resolution No. 0802 of Appreciation for Ms. Susan L. Walker, City Council Place 5**

Mayor Klooster read Resolution No. 0802 expressing members of the Oak Leaf City Council's sincere appreciation and gratitude to Susan L. Walker for her 3-years of community service to the City of Oak Leaf. Tuma made a motion to approve Resolution No. 0802. Spurlock seconded the motion. With the motion made, and seconded, Klooster called for a vote.

Ayes: All present voted aye.

Nays: None.

The motion was passed.

**XII. MAYOR'S UPDATE**

Mayor Klooster updated Council on the items listed below.

• **Variance – 1210 Lariat Circle**

Klooster identified that variances for this property were approved in December, 2007, which included a flat fee for all new construction as well as an extended timeline for completion of the work. It has now been communicated to the City by the Builder that

the lot Owner is not going to do all the work at one time and instead would be building out the property in phases. Because of this change by the lot Owner the two accommodations, referenced above, are no longer applicable. The time line for completion of the work and the new construction fee for each structure within the property will revert back to that deemed "normal" by city code. Klooster asked Secretary Cortes to put this item on next month's agenda as it requires Council action to undo the previously approved applicable variances. Tuma identified that he was concerned because 50% of the trees on the property have been bulldozed and site preparation work was deteriorating Lariat Circle. Klooster identified the City's Tree Preservation Plan does not affect lots already platted at the time the ordinance was approved and damage to city streets would be addressed on a case by case basis.

- Proposal's from City's Consulting Engineer

Klooster identified that the City had received today two (2) proposals from the City's Consulting Engineer, John Birkhoff, for work related to:

1. Plans to extend Indian Trail to Highland Road

Klooster identified the City would need to go to the landowner for the necessary right-of-way. Walker asked if the City had an estimate to extend the roadway. Klooster identified not at this time.

2. Flood and Drainage Study

Klooster identified it needs to be determined where, what and how to repair the problems that the City is having with flooding and drainage.

Klooster identified that Council action would be needed on approving one or both of these proposals. He asked that each be placed on the next Council agenda as a possible action item.

- Grass and Weed killer

Klooster asked City staff how many orders of Eraser had been received from citizens. It was identified we had received four (4) orders. There was discussion on the Eraser product and other generic names for the concentrated grass and weed killer as well as the cost difference between this volume purchase discounted price verses that off-the-shelf at major home and lumber businesses. Klooster asked City staff to post on the website that we will place an order for the grass and weed killer the first week of June. If citizens would like to purchase please place order with the City before June 2nd.

- City Budget Fiscal Year 2008/2009

Klooster identified that workshops needed to be set up for June, July and August for the City's 2008 – 2009 budget preparation. Klooster identified these workshops could be set before regularly scheduled meetings, or possibly on a Saturday and he would be looking for input from Council.

- Bid Specifications for trash companies

Walker asked for an update on the bid specifications for trash companies. Spurlock, the Councilmember responsible for this specific bid process, identified that he has not received any input from Council regarding any changes to that which had been created for the last bid process. Klooster identified that we would go with the current

specifications and add as an option recycling dumpsters located at City Hall. Klooster also asked the bid specification for roll-off dumpsters for our clean-up days be changed from one to two. Klooster identified these specifications would be posted in the City's legal newspaper in back-to-back editions and for City staff to send a letter with the bid specifications to each trash provider of each of our adjacent neighboring municipalities.

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

#### **LAND/BUILDING**

- Subdivisions  
No update.
- Pictometry Program  
No update.
- Nuisance Property

#### 701 Locust Drive

After a number of previously issued permits and extensions, a new building permit was taken out on this property. Builder is still waiting for a foundation report, before presenting changes to the building inspector. Builder is aware any changes have to be approved by the City.

#### 603 Little Creek Trail

Permit has been pulled for the above-ground swimming pool that was installed. Citizen was advised that double permit fee applied because of the work being done without a permit. Citizen was also advised of the requirement for a fence around the pool.

#### 1002 Lariat Circle

Fence permit expired. The materials that had been brought in for the proposed new fence are now being removed. On May 5, 2008 the property owner identified 90% of brick is gone and the rest of the brick would be gone by the weekend.

#### 1108 Lariat Circle

It was identified that two (2) cars were sold and some were on "approved" surface. The building inspector will be scheduled to go out to inspect the property for code compliance.

#### **LEGAL AND PUBLIC RELATIONS**

- Spring Cleanup Day  
Klooster identified that cleanup day went well and that there were extra charges of \$169 for roll off containers in excess of what was provided by the contract. Klooster identified that we would request two (2) roll off containers to be provided in the new contract.

- City of Glenn Heights ETJ/Annexation suit  
No update.
- Long Term Planning for the City  
No update
- City of Ovilla  
Klooster identified that the City of Ovilla has implemented a “disclaimer” pertaining to predevelopment meetings with prospective developers. The intention is to clearly identify that the Plat process timeline, nor the existing code requirements, would be applicable until such time as the developer officially and completely submits his Plat application. Klooster identified that we would immediately implement such a disclaimer for Oak Leaf.
- Library Services for Oak Leaf residents  
Klooster identified that he is still looking into adjacent municipalities library systems in regards to initiating an Interlocal Agreement for Oak Leaf citizens’ use of an adjacent municipality’s library. Council discussion followed. Klooster discussed adding this expense to next year’s proposed City budget.
- City of Glenn Heights Water Rate Increase  
No update.
- Indian Hills Subdivision Streets  
No Update. Klooster will contact the City Attorney to see if hearings are scheduled within the next 30-days.

#### **PUBLIC WORKS**

- Bid specifications for trash companies  
Discussed under Mayor’s Update.
- Drainage issues  
Discussed under Mayor’s Update.
- Debris in creek at four area bridges  
Discussion ensued among Council. Klooster identified consideration and approval from Council on an amount for the City to spend on cleaning the debris out, would be on the agenda next month.
- Fire Hydrant – Willow Bend  
Klooster identified that Fox Contractors out of Midlothian sent the City an estimate to relocate the fire hydrant that had been rendered inoperative due to driveway placement of the adjacent property owner. A letter will be sent to the homeowner to address this problem.
- Guardrails  
Walker made note of the guardrails along Hampton between Locust and Red Bud Court. Klooster identified there were other areas in the City where

guardrails were needed, and that Council could discuss this further during the budget process. Brindle identified an area on E. Highland that was dangerous and identified there were no ditches on the south side of E. Highland. Klooster identified that the drainage ditches and guardrails were equally important and a more thorough discussion would take place after a drainage study had been conducted. Walker sought confirmation of a city ordinance to address the maintenance of drainage ditches and Klooster identified yes, there was such an ordinance in place, but few if any homeowners had access to the proper equipment required for such maintenance.

- FEMA  
Klooster identified we have received a request to raise our floodplain ordinance to higher standards as detailed by FEMA. The recommended higher standards proposed documentation has been sent to the City's Consulting Engineer for his review.

**SECRETARY'S REPORT - None**

**ORDINANCE REVIEW/UPDATE**

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

**XIV. 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 \_\_\_\_\_ 2008

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

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