

**MINUTES OF THE REGULAR MEETING
OF THE OAK LEAF CITY COUNCIL
HELD ON SEPTEMBER 9, 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 Ron Spurlock

Councilman Craig Wilson

City staff present:

City Secretary Ronda Quintana

Assistant Secretary Patty Ellis

Council member absent:

Ray Brindle (out of town on business)

II. MAYOR KLOOSTER CALLED THE REGULAR CITY COUNCIL MEETING TO ORDER AT 7:09 P.M. 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 the meeting to comments from the audience.

- Brenda Lalonde, representative of Allied Waste Services, spoke of her company (which currently services the city) in regard to the contract renewal. Her comments included the cart system for refuse pickup as well as and recycling.
- David Ingram, representative of D.C.I. Sanitation, spoke of his company in regard to the refuse removal contract. His comments included the identification of the company's philosophy and commitment to excellent customer service.
- Robert Medigovich, representative of CWD (Community Waste Disposal), spoke in regard to his company's interest in obtaining the refuse removal contract for the city. His comments included the fact that their company services communities such as Allen, Frisco, Farmers Branch, etc. and that the offer to Oak Leaf is contingent on the acceptance of their offer to and by Ovilla.
- Kevin Bernard, citizen at 1810 Indian Ridge, addressed the Council as to an update of the Indian Hills Addition roads repair/replacement issue.

VI. PUBLIC HEARING: PROPOSED BUDGET FISCAL YEAR 2008/2009

Mayor Klooster identified the purpose for the public hearing was to discuss the City's proposed 2008/2009 City Budget: soliciting citizen input. He stated that the new budget included projected property tax revenue that was estimated at .997972 percent more than last year's revenue; however, the proposed tax rate of \$0.348544 remained the same as last year. Klooster identified that Council has revised and reviewed the budget during the council meetings in June, July, and August. Copies of the proposed budget were provided to guests in attendance. It was also identified that the budget was available online; both the current year's budget as well as the '08-'09 proposed budget.

Klooster made mention that item 51220 (Engineering expense) would be less than projected based on preliminary discussions with our consultant, Freese and Nichols. Until a formal proposal was received, the proposed expense amount needed to remain as is.

Klooster identified item 55020 (Resurface expense) included \$80K projected for the road construction on the Indian Trail extension to E. Highland. Until the construction drawings were completed and the Right of Way (ROW) obtained, this amount is only an estimate.

VII. ADJOURNMENT OF THE PUBLIC HEARING:

Klooster asked the council members and audience if there were any comments and/or questions. With no response, Mayor Klooster called for an adjournment of the public hearing. A motion to close the public hearing was made by Wilson, and seconded by Mahlstedt.

Ayes: All present vote aye.

Nays: None

The motion passed.

VIII. RECONVENE REGULAR MEETING AT 7:04 P.M.:

IX. CONSENT ITEMS:

Minutes of the regular meeting of August 19, 2008 were reviewed. Mahlstedt made a motion to accept the meeting minutes. Tuma seconded the motion.

Ayes: All present voted aye.

Nays: None

The motion passed.

X. OLD BUSINESS:

A. Refuse Collection (Chapter 11, Article 11.200)

Mayor Klooster suggested that the selection of the vendor for refuse removal be postponed until the next scheduled council meeting on September 23, 2008. This two-week postponement was to allow input from Council member Brindle as well as the creation of a spreadsheet allowing an “apples-to-apples” comparison of the four companies bidding for the contract. It has been determined that the delay of this decision to 9/23/08 would not affect the capability of any bidders to commence serviced on 10/01/08.

B. Engineering Update for the Wood Haven Bridge

Mayor Klooster indicated that the two grants applied for (one from the Office of Rural Community Affairs and the other with the Natural Resources Conservation Services) have been approved; however, the funds totaling approximately \$550,000 have not been released yet. While awaiting the release of the funds, the City needed to select an engineering firm to design and detail the required work to allow for the necessary competitive bidding for the actual work. Council member Wilson has made contact with one of two companies expressing an interest in this work, and it was expected additional information would be provided in advance of the 09/23/08 council meeting which would allow the city council to make a selection of an engineering firm at that time.

XI. NEW BUSINESS:

A. Budget for Fiscal Year 2008/2009

Tuma made the motion to accept and adopt the Budget for Fiscal Year 2008/2009. Wilson seconded the motion.

Ayes: All present voted aye.

Nays: None

The motion passed.

B. Tax Rate for Fiscal Year 2008/2009 and Ordinance 0804

Spurlock made the motion to adopt Ordinance 0804: setting the tax rate of \$.0348544 for the 2008/2009 Fiscal Year (unchanged from the 2007/2008 Fiscal Year). Mahlstedt seconded the motion.

Ayes: All present voted aye.

Nays: None

The motion passed.

C. Discussion of the Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election

Mayor Klooster and council members reviewed the election ballot and the consensus was to place their votes for the following candidates (the incumbants):

Place 1 – Robert T. Herrera

Place 2 – Makia Epie

Place 3 – Paul Parker

Place 4 – Rickey C. Childers

D. Resolution No. 0803: Supporting the Discontinuation of the Diversion of Transportation User Revenues to Non-Transportation Uses and the Appropriation of all Revenue Generate from Highway User Fees and Taxes to Fund Transportation Projects

Klooster made the recommendation to accept the proposed resolution. Wilson made the motion, and Spurlock seconded the motion.

Ayes: All present voted aye.

Nays: None

The motion passed.

City staff was directed to forward Resolution 0803 to the appropriate parties.

E. Non-Budgeted Expense – Pruning of Trees in Selected Right-of-Ways and Removal of Downed Trees at or Near Bridges

This proposal would trim infringing and overhanging branches to a minimum of fifteen feet over head and three feet on either side on various streets within the city including, but not limited to: Hampton –between Locust and Red Oak Creek Road, Hampton bridges, E. Highland – between Hampton and Westmoreland and Red Oak Creek – between Meadow Brook and Forest Brook. The motion was made by Mahlstedt to accept the bid by Terry Koch with K O Tree Service in the amount of \$4650.00. Spurlock seconded the motion.

Ayes: All present voted aye.

Nays: None

The Motion passed.

XII. MAYOR'S UPDATE:

A. Red Cross Training

The Red Oak Fire Department is hosting a free Red Cross disaster training session for interested volunteers. The training session consists of four classes which started on September 8th. Mayor Klooster urged any council member or interested citizen to participate in this training.

B. Elections for President, State, County, as well as Local Candidates

Support documentation was provided to staff and council regarding these elections. Extra copies were available for placement in the City Hall foyer, so any visitors could help themselves.

C. City of Red Oak Library

Mayor Klooster distributed a copy of a recent newspaper article pertaining to the City of Red Oak's Library. Extra copies of the article were given to city staff to make available in the City Hall foyer.

D. Animal Control

Mayor Klooster stated that one of the staff members was investigating the City's options to obtain animal control service 24 hours/7 days a week.

E. House Bill 1038

The recently passed House Bill 1038 became effective as of 09/01/08. This law requires home builders or home remodelers to obtain the necessary permits and to pass a minimum number of inspections (i.e. foundation, framing, and final). This law targeted work performed primarily with non-incorporated areas of the State.

F. Zoning, Subdivision and Land Development Law in Texas Seminar

Mayor Klooster will attend this seminar scheduled for November 7, 2008. He also stated that the class registration included a CD of the seminar which would be made available to staff and Council for viewing at their convenience.

G. Fall Clean-Up Day

This semi-annual service may be no longer necessary. Based on the type and level of service for the refuse removal service (effective 10/01/08) this new forthcoming service may include curbside bulk and brush pickup. More discussion will take place on 09/23/08.

H. City Hall Wood Chip/Mulch Pile and Tree Debris Pile at City Hall

Staff has been directed to locate a company/entity to remove the compost pile...hopefully at no charge. Staff was also asked to look into options for disposal of the tree debris.

I. Non-residential Zoning

As discussed during the budget process, options associated with this possible action item are currently being investigated.

J. Hazardous Waste Clean-up

Klooster stated that the staff has been directed to research options associated with the legal and proper disposal of hazardous materials... such as batteries, paint, tires, etc. It is hoped that the city or county would be able to offer a periodically scheduled drop-off date for our citizens.

K. Flood Prevention

Leon Curtis, Program Specialist for the Texas Water Development Board of the National Flood Insurance Program, has been contacted regarding the possible revision to Oak Leaf's flood prevention ordinance (Article 3.1600 of the City's Code of Ordinances). Mr. Curtis stated that he will review the ordinance and reply back to the city in advance of the scheduled 09/23/08 council meeting.

XIII. REPORTS AND ACTION BY COUNCIL:
A. LAND/BUILDING:

Nuisance Properties:

- Chapa Property on Locust Drive- High grass and weeds-The property owner lives out of state and recent efforts (mail or phone) to contact Mr. Chapa have been unsuccessful. Mayor Klooster has directed the staff to draft a template letter that might be sent to chronic code violators, including this property; as detailed in Section 6.702 (b) - Oak Leaf Code of Ordinances.
- 2059 Willow Bend -A lien has been placed against the property for the expenses incurred to relocate a fire hydrant. The fire hydrant, in its previous location, was rendered inoperative due to the homeowner's construction of the driveway. Attempts to have the homeowner resolve the matter voluntarily were unsuccessful.
- 708 Little Creek - The homeowner provided the city staff with purchase and sales receipts regarding the horse on her property. She was found to be in compliance with the grandfather law and no variance will be required at this time regarding the livestock (horse) on her property. The city staff also verified that the homeowner was now in compliance for the previous high grass and weeds violation.
- High Grass and Weeds - Numerous lots are still in need of mowing. Reminder notices will be more resolute to handle these properties.
- Dogs- There has been a stray dog located on Lark Lane subdivision that has been apparently abandoned by someone that has moved away. The dog although not aggressive has been disturbing the neighborhood's trash. Attempts to capture the dog have been unsuccessful. The animal control officer is to place a trap in that area attempting to catch the dog.

The city staff has also been notified that two dogs on Willow Bend have been allowed to roam their neighborhood, and one has acted aggressively towards other dogs and citizens. It has been verified through city records that the dogs are not registered with the city. It was also reported by the animal control officer that one of the two dogs acted aggressively towards him. Although no unprovoked attacks have occurred, the concern is that, based on complaints and observations from citizens and the animal control officer, it was only a matter of time before something unfortunate happened. The mayor has directed the staff to send the homeowners a letter reminding them of animal registration requirements as well as the other animal control (dog) rules and regulations; more detailed in Chapter 2 of the City's Code of Ordinances.

- 907 Lark Lane – Also known previously as 425 Lark Lane. This property has several underground fuel tanks from a fuel retail operation that closed in the year 2000 or 2001. A recent water main failure, in very close proximity to these tanks, resulted in concern as to the integrity of these underground tanks. The TCEQ was contacted, and they initiated an investigation. Their response, dated 08/28/08, has been received and reviewed. The TCEQ has initiated communication with the landowner in regard to the removal of these tanks. This process will be monitored and updates provided to council accordingly.
- 606 Winding Creek – Mayor Klooster stated that the homeowner's fence permit would expire on October 11, 2008. After the city building inspector has inspected the site on Monday, October 13th and the property owner is not in full compliance, the staff will be directed to issue a Citation requiring the homeowner to appear before the Municipal Judge.
- Lampposts – A letter was sent out by the city staff to remind citizens in Southaven Estates to remove, replace, or repair damaged and/or deteriorating lampposts on their property. The communication was taken due to concern for public safety as it was reported by one citizen walking their dog and saw sparks coming from one of the lampposts. A deadline of November 3rd was stipulated for compliance.

B. LEGAL & PUBLIC RELATIONS:

- Indian Hills Lawsuit
Mayor Klooster indicated that the City of Oak Leaf attorney has been instructed to proceed with the pre-trial discovery process. This was after attempts to schedule a settlement meeting were unsuccessful.
- Unpaid Franchise Fees – Mayor Klooster reminded the council that the obligation to pay franchise fees remains ignored from public water utility companies... Sardis and Rockett. Legal action may be necessary.
- City of Ovilla- Heritage Day / City of Red Oak – Founders Day
Ovilla will be holding its 23rd annual Heritage Day celebration on Saturday, September 27th, 2008. Red Oak will hold its 30th annual Founder's Day celebration on Saturday, September 13, 2008.
- Carter Blood Drive
The First United Methodist Church in Red Oak will hold a blood drive on Saturday, September 13th between 9 a.m. and 2 p.m.
- Oak Leaf Newsletter
The target date for the next issue of the Oak Leaf City Newsletter is the first part of October.

C. PUBLIC WORKS :

- Potholes – Mr. B. G. Williams will be contacted by the staff to schedule pot hole repairs for completion no later than the end of October.
- Calcium Deposit – Mayor Klooster directed the city staff to draft a thank you letter to R.S.U.D. (Rockett Special Utility District) for their efforts to address the calcium problem in the Indian Hills subdivision's water lines.
- Culverts – A contractor will be soon be contracted to scoop out bar ditches throughout the city with completion in November or December. After the work is done, winter rye seed content will be hydro-mulched in the ditches where existing vegetation has been removed.
- Constable – The new Precinct 4 constable, Mike Jones, will be installed as of January 1, 2009. It is hoped that Constable Jones will assist the city in addressing some of our ordinance violations that the County Sheriff is unable to do.
- Emergency Management Book – Domstead, with the city staff, is currently updating the City Hall's copy of the Emergency Management Manual. Once the updates are completed, each council member will be asked to bring their manual, so they too can be up-to-date. This work is targeted for completion on or before October 3rd.

D. SECRETARY'S REPORT:

- 9-1-1 Address Correction
Quintana addressed the Council in regard to the address issue pertaining to 907 Lark Lane. Both TCEQ and the ECAD (Ellis County Appraisal District) show that parcel to be 425 Lark Lane (this was the pre 9-1-1 address). The address changed in the late '90s. Quintana was directed to get this, and any other address discrepancies corrected.
- Council Picture
The city staff has requested all council members to come early to the 09/23/08 council meeting to allow for updated photos to be taken prior to the council meeting.
- Energy Efficiency
Two new energy efficient thermostats were installed on September 4th at City Hall to be in compliance with the State of Texas Energy Partnership and H.B. 3693.

E. ORDINANCE REVIEW/UPDATE:

- Flood Ordinance
Discussed by Mayor's Update

XIV. ADJORNMENT:

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: _____
Ronda Quintana, City Secretary