

**MINUTES OF THE REGULAR MEETING
OF THE OAK LEAF CITY COUNCIL
HELD ON AUGUST 19, 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

Councilman Craig Wilson

II. MAYOR KLOOSTER CALLED THE REGULAR CITY COUNCIL MEETING TO ORDER AT 7:04 P.M. AND ANNOUNCED A QUORUM PRESENT.

III. INVOCATION & PLEDGE OF ALLEGIANCE:

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

IV. PROCLAMATION:

Mayor Klooster read and issued a proclamation honoring Judge Glendon Haney for his years of service to the City of Oak Leaf and Ellis County.

V. AUDIENCE PARTICIPATION:

At this time Mayor Klooster opened the meeting to comments.

- Diana McBee at 725 Locust Drive addressed the council regarding the culvert pipe damage caused by the vehicle accident on July 25, 2008. She wanted to know when it would be repaired due to her concerns for flooding problems at that location. Mayor Klooster stated that the City of Oak Leaf has solicited prices for the work to have section of damaged pipe repaired or replaced, and that the city was waiting for the vehicle owner's insurance to send payment for the repairs. Mayor Klooster also informed Ms. McBee the matter would be resolved within the next thirty days.

VI. CONSENT ITEMS:

Minutes of the regular meeting of July 15, 2008 were reviewed. Mahlstedt made a motion to accept the meeting minutes. Wilson seconded the motion.

Ayes: All present voted aye.

Nays: None

VII. OLD BUSINESS:

A. Discussion of Flood Drainage Study

Mayor Klooster has tabled the discussion of flood drainage until additional proposals can be obtained from engineering companies to conduct the flood drainage study. Councilmember Wilson stated that the city should adhere to the State of Texas engineering guidelines.

B. Budget-Fiscal Year 2008-09 – Including a Possible Tax Rate Change

Mayor Klooster addressed the council members regarding changes to the proposed 2008-2009 Fiscal Budget. An employee bonus line (item #51195) is to be added. The engineering line (item #51220) comment notes are to identify that the expenditures include allowances for drainage study and non-residential zoning. The property taxes line (item #44010) was revised due to discussion of tax rates (listed below). The animal control line (item #59010) was discussed with the council and is subject to change as more information becomes available from other municipalities in the area. The surplus/deficit line was also changed to reflect the items discussed.

Mayor Klooster also addressed the council members regarding the 2008-2009 fiscal year tax rate. Spurlock stated he felt the current rate should be maintained. Wilson and Mahlstedt agreed. Mayor Klooster commented that the consensus of the council appears to have the existing tax rate at (\$.0348544) remain in place for the next fiscal year. He also stated that the appraisal district will need to be notified of this decision, and an adoption of the tax rate would take place at the September 9, 2008 council meeting.

C. Update of Engineering for the Extension of E. Highland Road

A review of the engineer's paperwork was conducted by Tuma and Wilson. Their comments will be passed on to Birkhoff, Wednesday, the 20th, so the appropriate clarification and revisions can be made.

VIII. EXECUTIVE SESSION: In accordance with Texas Government code, Subchapter D, Legal, Section 551.071; Personnel, Section 551.074

Council met in Executive session at 7:42 p.m.

IX. RECONVENE INTO REGULAR SESSION AND CONSIDER ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION :

Council reconvened into Regular Session at 8:02 p.m. No action taken.

X. NEW BUSINESS:

A. Discussion of New Refuse Pickup Contracts

Mayor Klooster addressed the council members regarding the trash contract renewal. He stated that a spread sheet will be produced, so the council may compare the bids on an apples-to-apples basis. The spread sheet should be available for the September 9th meeting, and if so, the item would probably be on the agenda as an action item. The current contract expires on September 30, 2008.

B. Budgeted Expense-Annual Audit-Murrey & Co., P.C.

Mahlstedt made the motion to release the funds (not to exceed \$3000) for the annual audit (to commence October 27, 2008). Brindle seconded the motion.

Ayes: All present voted aye.

Nays: None

C. Discussion of Engineering to the Woodhaven Bridge

Mayor Klooster notified the council that the second bridge repair grant had been approved, but monies had not been received. He also notified the council that an engineering report would be required for repair work, since the County was not doing the work. Proposals from two engineering companies have been received, and a decision on selecting the engineering firm would need to be made in September (2008).

Mr. Carlos Aguilar, representing Engineering Concepts & Designs, Co., was present to discuss with council the background of his firm and to express its interest in working for the city on this or any future projects.

Mayor Klooster stated that a second engineering company would be present at the September 9, 2008 meeting in regard to this same project.

XI. MAYOR'S UPDATE:

A. Aerial Photographs

The city obtains aerial photographs annually for its archives. The vendor supplying these photographs in the previous years has relocated to Phoenix, Arizona. Although they would still supply the photographs, the Mayor felt that obtaining the necessary photographs on a face-to-face basis would reduce the likelihood of any errors. Several options on this matter were available including the Ellis Central Appraisal District's pictometry. City staff will be researching the various options, and related costs, to report back to council at a future meeting.

B. Texas Municipal League

The TML solicits resolutions from its members annually. The deadline for this next year is September 15, 2008. Council members were asked to submit any resolutions to the Mayor in advance of submittal.

C. Master Gardeners

The Master Gardeners Association was at the City Hall to clean up the front area beds. It was brought to Mayor Klooster's attention that there is poison ivy growing in and around the yaupon bush on the south east corner of the building. Mayor Klooster said he would deal with the problem.

D. Grants

The Mayor has spoken with Tim Glendening regarding the possibility of applying for additional grant money for flooding, sanitary sewer systems, etc. Glendening responded that the majority of grants are tied into the per capital income level within the city, and Oak Leaf's level is above the targeted threshold.

E. Check Signing Authorization

Assistant Secretary, Patty Ellis, has prepared the paperwork to change the signature cards at Prosperity Bank. All members of the council listed on the bank's records were asked to re-sign (bank requirement each and every time a name change occurs).

F. Oak Leaf City Hall Website

Mayor Klooster along with the council members reviewed the bar charts prepared by the office staff regarding the website hits and visits.

G. Oak Leaf Newsletter

Mayor Klooster stated that a new newsletter was being targeted for production within the next thirty days. Should any member of the council have an item or an article that they wish to be included, they were asked to submit a draft of the article, or other details, to city staff before the publication deadline.

XII. REPORTS AND ACTION BY COUNCIL:

A. LAND/BUILDING:

Nuisance Properties:

- 606 Winding Creek- The citizen pulled a new fence permit which will expire October 11, 2008. As of this day and time, no work has been done.
- 1200-1300 Lariat Circle -There is a shed/garage in severe condition of deterioration. The city inspector will be visiting that area and provide feedback to city staff of the results of that site visit.
- 907 Lark Lane – There was a water main break recently, and the question as to whether the underground fuel tanks have been compromised was raised. The TCEQ has jurisdiction over this issue, and they are investigating the matter. It may be a TCEQ finding that the landowner will have to remove the underground fuel tanks. We are awaiting further feedback from TCEQ. It was also noted that the landowner has apparently sued the Glenn Heights Water Department because of the water main break and the damage to his underground fuel tanks.
- 507 Little Creek- The Governor's Division of Emergency Management has verbally approved the grant for the buyout of the Jordan's property due to flooding issues. Official written confirmation is still pending.
- 708 Little Creek – The non-conforming horse at this residence has been removed by the homeowner. Staff was asked to correspond with the homeowner with the direction that should they desire to obtain another horse, they first needed to file for a variance and be granted the variance (per Section 2.1200). The city staff was also asked to correspond with the homeowner regarding the waist-high grass and weeds in their back yard.

- Numerous lots were in need of mowing, and with the recent rains, the grass will really start to grow fast. Mowing reminder notices were being drafted and will be sent out within the next seven days.

B. LEGAL & PUBLIC RELATIONS:

- Excessive Calcium Issue in the Indian Hills Subdivision Water System
Lab tests were conducted by Rockett SUD, and they responded that the quantities were within allowable levels and not in any way a danger to its customers. They did say that they would flush the lines. City staff was asked to contact Rockett SUD for a day and time of this work, so we could advise our citizens in that subdivision.
- Indian Hills Lawsuit
The City of Oak Leaf attorney has advised the Mayor that a settlement meeting would be scheduled within the next ten days. Mayor Klooster advised the council that should the settlement meeting fail to resolve the issue, we would be looking to proceed to seek relief through the judicial system.

C. PUBLIC WORKS:

- Street signs have been ordered and should be received and installed within the next thirty days. City staff is researching available sources for signs, reflectors, and sign poles for future needs

D. SECRETARY'S REPORT:

No updates.

E. ORDINANCE REVIEW/UPDATE:

- Flood Damage Prevention
Leon Curtis with the Texas Water Development Board National Flood Insurance Program suggested that Article 3.1600 be reviewed and revised. He submitted a draft of the changes he felt should be considered. That draft was reviewed and responded to by the city engineer (Birkhoff). Mr. Curtis was provided that Birkhoff feedback and is expected to respond no later than September 9th, so that council may consider a revision to that ordinance at one of the September (2008) council meetings.

XIII. ADJORNMENT:

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

Ayes: All present vote aye.

Nays: None.

The motion passed.

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Of the City of Oak Leaf
August 19, 2008

PASSED THIS _____ DAY OF _____ 2008

Paul Klooster, Mayor

ATTEST: _____
Ronda Quintana, City Secretary