

**MINUTES OF THE REGULAR MEETING
OF THE OAK LEAF CITY COUNCIL
HELD ON OCTOBER 14, 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

City Staff Present:

City Secretary Ronda Quintana

Assistant Secretary Patty Ellis

II. MAYOR KLOOSTER CALLED THE REGULAR CITY COUNCIL MEETING TO ORDER AT 7:03 P.M. AND ANNOUNCED A QUORUM PRESENT.

III. INVOCATION & PLEDGE OF ALLEGIANCE:

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

IV. AUDIENCE PARTICIPATION:

At this time Mayor Klooster opened the meeting to comments.

- Thomas Carroll at 1813 Indian Ridge addressed the council to offer his professional experience, as an architect, to the Council. He also stated, as a concerned citizen, he would be an active audience participant in upcoming council meetings.

V. CONSENT ITEMS:

Minutes of the regular meeting of September 23, 2008 were reviewed. Mahlstedt mentioned a minor correction to page four and made a motion to accept the meeting minutes with the error corrected. Brindle seconded the motion. With no further discussion, Mayor Klooster called for a vote.

Ayes: All present voted aye.

Nays: None

VI. OLD BUSINESS:

A. Discussion and Selection of Engineering Firm for Bridge (Grant) Projects

Mayor Klooster opened the discussion and asked for Councilmember Wilson's opinion regarding the two firms. Wilson stated, after reviewing the materials provided by both firms, Engineering Concepts and Designs was his recommended choice for the City of Oak Leaf. After no further discussion, Klooster asked for a vote. Wilson made the motion to accept Engineering Concepts and Designs as the firm for the bridge (grant) projects. Mahlstedt seconded the motion.

Ayes: All present voted aye.

Nays: None

B. Discussion of Changes to Chapter 3, Article 3.1600, Relating to Flood Prevention

Mayor Klooster briefly reviewed the changes to Article 3.1600 with the council members and asked for a vote. Spurlock made the motion to adopt modifications to Article 3.1600. Wilson seconded the motion.

Ayes: All present voted aye.

Nays: None

The mayor then instructed staff member Quintana to forward the modified article to Franklin Legal Publishing.

VII. NEW BUSINESS:

A. The Creation of a Non-Interest Bearing Checking Account for Bridge Contract Grant Funds

Mayor Klooster informed the Council that a non-interest bearing checking account is required to disperse bridge grant monies for payment as contracting companies complete their assignments. He also stated Prosperity Bank has requested the Council to select a title for the account and to name the account signers. The council members deliberated and decided to name the account "2008-2009 Bridge Grant". The signers to the account were named as Paul Klooster, Patricia Mahlstedt, Jim Tuma, and Patty Ellis. Brindle made the motion to set up the account and signers as discussed. Mahlstedt seconded the motion.

Ayes: All present voted aye.

Nays: None

B. Approval of Resolution 0804 – A Resolution Establishing City Policy Regarding a Section 504 Written Citizen Grievance Procedure

Klooster stated this civil rights resolution is required by the Office of Rural Community Affairs (ORCA) for the bridge grant project, and in order to comply with Section 504, the Fair Housing/Equal Opportunity Standards Officer will be the Oak Leaf City Secretary. Brindle made the motion to adopt Resolution 0804, and Spurlock seconded the motion.

Ayes: All present voted aye.

Nays: None

VIII. MAYOR'S UPDATE:

A. Early Voting

Early voting will begin on October 20, 2008 at select locations in Ellis County. Information sheets with the locations and dates for early voting are available at City Hall.

B. Oak Leaf Newsletter

Mayor Klooster informed the Council that the deadline to submit their articles for the fall newsletter is October 27th. He also instructed city staff to send an e-mail reminding them of the deadline.

C. Refuse Collection Service

In response to the Oak Leaf citizens' calls and e-mails regarding the new refuse collections company, DCI Sanitation, Mayor Klooster has instructed city staff to send a post card to each household informing the citizens of DCI Sanitation, LLC and the company's pertinent information. Klooster also instructed city staff to contact DCI and have them send a second introduction letter and invoice to all the households.

D. Municipal Judge

Bob Carroll has accepted the City's offer to be Oak Leaf's Municipal Judge. He will be paid a monthly stipend of \$100.00. Mr. Carroll mentioned to Mayor Klooster that the City of Oak Leaf will also need to hire a prosecuting attorney to represent the City in Municipal Court matters. The mayor is in the process of selecting an attorney for the position, and he/she will be hired on an as-needed basis. Klooster also instructed city staff to prepare the paperwork to swear in the new court officials.

E. Agenda

Attorney General, Greg Abbott, has responded to an inquiry regarding generic agenda items such as "Mayors Update, Council and Other Reports," etc. and declared them to be insufficient to "notify a reader, as a member of the interested public, of the subjects to be addressed at a meeting". Because of the Attorney General's opinion, Mayor Klooster has directed city staff to describe future agenda topics in a more detailed manner.

F. Oak Leaf's Building Code

In 2004, the City of Oak Leaf adopted the 2003 International Building Code into the City's Code of Ordinances. Mayor Klooster stated he was made aware that the 2009 International Building Code will be available at the beginning of the year. He instructed the city staff to contact Bob McDaniel, City of Oak Leaf Inspector, regarding the adoption of an up-to-date version of the codes.

G. City Hall's Mulch Piles

Mayor Klooster announced to the council members and audience that the mulch piles located on the west side of the City Hall had been moved and dispersed onto the back lot behind it. Since the new refuse collection agreement allows for bulk trash pick-up, there would be no need to mulch the citizens' brush, and it would also eliminate the need for fall/spring clean-up day.

H. Building Permit Time Line

Klooster reviewed Article 3.200-Construction Code Fees and Appeals. He requested an amendment to the article regarding the expiration date extension and how the extension should be applied. This amendment will be an action item for the next council meeting.

I. Non-Residential Zoning

The discussion with the City's consultant to do non-residential zoning is still on-going regarding pricing and information to be provided.

J. FDIC Coverage

Mayor Klooster informed the Council that the FDIC has extended its coverage from \$100,000 to \$250,000. He also verified with staff member Quintana that the City's secured pledge amounts are covered through Prosperity Bank.

IX. REPORTS AND ACTION BY COUNCIL:

A. LAND/BUILDING:

Nuisance Properties:

- 606 Winding Creek Trail- While Mr. Caro has complied to put all of his vehicles on an approved surface, no evidence can be found regarding the installation of the wooden fence to block the view of his vehicles. City staff contacted this citizen on multiple occasions by mail and phone during the permit timeframe, and he has stated the fence would conform soon. After the 90-day permit expired on October 11, 2008, Mr. Caro was contacted again, and he stated he did not have the finances to comply with the Oak Leaf's Code of Ordinances. Mayor Klooster instructed city staff to set a court date after the installation of the City's Municipal Judge and prosecuting attorney.
- 1936 Willow Bend Drive- Mr. and Mrs. Russell's dogs have escaped their fenced-in area and have behaved aggressively toward other dogs and individuals on multiple occasions. Ovilla Animal Control was called by city staff in response to complaints, but they were unable to capture the animals due to the owners' hindrance to assist. Finally, Mrs. Russell called City Hall and requested to have one of the dogs in question picked up, and it was. However, the next morning she called again to have it returned, because her action did not have the consent of Mr. Russell. The fees were tallied and paid, and a license was issued for that dog. Since then, the other aggressive dog still has not been registered, and more complaints have been received. Mayor Klooster stated a citation will be issued after the installation of the Municipal Judge and prosecuting attorney.
- 200 Elm – Mrs. Huffman has voiced her concern for the disregard of the traffic control device on Locust Drive at the intersection of Elm Street. Klooster recognized that traffic does tend to speed through that area, and children also use that area for school bus pick-ups and drop-offs. He indicated to city staff that a "children playing" sign should be ordered and installed as soon as possible. Also, the Sheriff will be apprised of the citizen's concerns.

B. LEGAL & PUBLIC RELATIONS:

- Indian Hills Lawsuit

The City of Oak Leaf attorney has advised the Mayor that the City's lawsuit is in the fact finding/discovery phase and that countersuits have been filed against parties in the lawsuit.

Audience member Carroll mentioned that his property in Indian Hills was platted for an underground drainage pipe, which was never installed, and asked if that sort of thing would be part of the lawsuit. Mayor Klooster stated that issue would have to be investigated.

- Records Retention

Brindle stated that his wife would be available to help with records retention at City Hall if the need arose. Klooster also indicated since Joyce Liptak was now self-employed, she would be available to do a records retention audit if needed.

- Franchise Fees

The City of Oak Leaf has yet to receive franchise fees from two of the three water providers of the city. Wilson mentioned that it may be a right-of-way issue. Mayor Klooster stated this matter will be addressed at the next council meeting, and action will be taken to retain an attorney.

- Disaster Management Notebooks

Staff member Domstead is currently compiling the necessary city, county, and state information for the notebooks. They will soon be available for council members to pick up.

C. PUBLIC WORKS:

- Street Signs

Street signs that were ordered have been received. They will be installed as soon as the poles arrive.

X. EXECUTIVE SESSION: In accordance with Texas Government code, Subchapter D, Legal, Section 551,071; Personnel, Section 551.074

Council met in Executive Session at 8:23 p.m.

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

Council reconvened into Regular Session at 8:39 p.m. No action was taken.

D. SECRETARY'S REPORT:

- Information Sheets
Mayor Klooster requested the addition of the Ellis County Emergency Service District (#4)'s information to the Council's information sheets and city staff should redistribute the sheets.

- 9-1-1 Address Corrections
Mayor Klooster verified with city staff that the correct Lark Lane and Hampton Road 9-1-1 addresses were confirmed through ECAD.

- Animal Control
Klooster stated that city staff member Domstead is researching Oak Leaf's options for 24-hour animal control within the city.

- Aerial Pictometry
Staff member Ellis informed the mayor that there will be a Pictometry training session offered through ECAD in January 2009. No date has yet been given.

- Hazardous Waste Recycling
Staff member Domstead is in the process of gathering hazardous waste recycling information to present to the Council.

E. ORDINANCE REVIEW/UPDATE:

No Updates.

XI. ADJORNMENT:

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

Ayes: All present vote aye.

Nays: None.

The motion passed.

PASSED THIS _____ DAY OF _____ 2008

Paul Klooster, Mayor

ATTEST: _____
Ronda Quintana, City Secretary