

**MINUTES OF THE REGULAR MEETING
OF THE OAK LEAF CITY COUNCIL
HELD ON MARCH 10, 2009 AT 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 Craig Wilson

Councilman Jim Tuma

Councilman Ron Spurlock

Councilman Ray Brindle

City Staff Present:

City Secretary Ronda Quintana

II. MAYOR KLOOSTER CALLED THE REGULAR CITY COUNCIL MEETING TO ORDER AT 7:00 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:

Three citizens signed the meeting attendance sheet. After reviewing the speaker sign-in sheet, Mayor Klooster asked if either wished to speak and both answered in the affirmative.

Mr. Tim Henry, citizen at 1006 Lariat Circle, addressed the Council by expressing his thanks for the Mayor's prompt response to his previous sales tax questions. He then continued by questioning the Council about the current City Budget's negative balance. The Mayor explained that past budgets have always been set conservatively, and the funds received by the City have always been in excess of expenses paid out, which allowed reserves to be set aside for future needs. Therefore, the City Council budgeted for some of the City's projects this fiscal year to exceed normal expenditures with the knowledge that any additional expenses would be covered in full.

Mr. Steven Hester, citizen at 916 Indian Trail, addressed the Council by stating his concern for the condition of the roads in the Indian Hills Subdivision. He also asked about the status of the lawsuit regarding the roads. Mayor Klooster stated the Council is waiting for weather conditions to improve, and then a temporary repair measure (either an oil spray or chip and seal) would be taken. As to the lawsuit, Klooster stated that it is progressing and would be discussed in more detail later in the meeting.

V. REGULAR AGENDA ITEMS:

A. Approve Minutes of the February 10, 2009 Meeting

The Minutes of the Regular Meeting of February 10, 2009 were reviewed by Council, and two minor corrections were made to Item C. and Item D. under Regular Agenda Items. Mayor Pro Tem Mahlstedt made the motion to accept the amended meeting minutes. Councilman Brindle seconded the motion. With no further discussion from Council, Klooster called for a vote.

Ayes: All present voted aye.

Nays: None

The motion passed.

B. Discussion of Ordinance No. 0902 – An Ordinance Regulating Land Use, Structures, Businesses and Related Activities Regarding Wind Energy Systems

Mayor Klooster stated that a citizen of Oak Leaf had inquired about the City's codes pertaining to wind energy systems. Klooster acknowledged it would be an ideal time to address this viable source of energy and to establish rules and regulations regarding installation and maintenance of these systems. He asked Council if they had any comments regarding Ordinance 0902. Councilman Wilson suggested that changes needed to be done to address zoning and commercial use of the systems within the ordinance. The Mayor and Council agreed to the suggestion, and the item has been tabled until the April Council Meeting.

C. Discussion of Ordinance No. 0903 – An Ordinance Amending Chapter 1 – General Provisions – Article 1.100 – Code of Ordinances, Section 1.106 – General Penalty for Code Violations

The Mayor explained the purpose of the amendment was to avoid a dismissal of an Oak Leaf Municipal Court case based on mental capacity, as suggested by City Prosecuting Attorney Rodney Ramsey and approved by City Attorney Michael Weston. Councilman Brindle made the motion to adopt the amendment to Chapter 1. Councilman Wilson seconded the motion. Klooster asked if Council had any comments, and after a short discussion, he called for a vote.

Ayes: Mahlstedt, Tuma, Brindle, and Wilson

Nays: Spurlock

The motion passed.

D. Approval of Interlocal Cooperation Contract for the Lease of Voting Machines Between Ellis County, Texas and the City of Oak Leaf

In the past, the City of Oak Leaf has leased a voting machine from the Ellis County Election Administration when it was necessary to hold an election. The Mayor indicated the need to do the lease this year, however, would only be necessary in case of a write-in applicant, since only the incumbents had applied for their current council places.

Councilman Spurlock made the motion to approve the Interlocal Cooperation Contract, and Mahlstedt seconded the motion. With no further discussion from Council, Klooster called for a vote.

Ayes: All present voted aye.

Nays: None

The motion passed.

E. Discussion of Office Forms Alterations

The Mayor announced Assistant City Secretary Ellis has been working diligently to revise the office forms and make them more uniform. He then asked if the Council had any comments. Wilson indicated he has quite a few suggestions; therefore, Klooster, with the concurrence of the other council members, has tabled the item until the April Council Meeting.

VI. MAYOR'S UPDATE:

Oak Leaf City Sales Tax Rate

The options to increase the City Sales Tax Rate have been assessed. The city tax of 1% is at the allowable maximum level. Any change to the remaining 1% allowable alternate tax rate would have to be done via a public vote.

VII. REPORTS AND ACTION BY COUNCIL:

A. LAND/BUILDING:

No updates.

B. LEGAL:

1. Nuisances

- a. 1200 Block of Lariat Circle - The property owner has been contacted, and he acknowledged that the company he hired to bulldoze a portion of his property has pushed trees and other debris into Willow Brook Creek. He will be resolving the matter soon.
- b. 1300 Block of Lariat Circle - City Staff has made contact with the citizen in an attempt to remove the earthen dam and construction debris from Willow Brook Creek as it violates city codes and the Texas Water Code. However, the issue may require legal persuasion in order to get compliance.

- c. Trash Payment Code Violators
City Staff will be sending certified trash violation letters to the twenty-three households who are still in non-compliance. A cut-off date has been set for April 3rd to create a DCI Sanitation account; otherwise a court date will soon follow.
 - d. Dog Registration Violators – Currently, there are currently two citizens who have dog registration(s) that are well overdue, and City Staff is attempting to contact them.
2. 606 Winding Creek Trail – The citizen appeared at the court appointed time, and both sides presented their testimonies and evidence. After some deliberation, Judge Bob Carroll found Mr. Caro guilty of violating two city codes. He then proceeded to assess the penalties with fines assessed at \$2,500.00 plus court fees; however, if Mr. Caro complied with the conditions set by the Court, the fines would be reduced to \$750.00 plus court fees. Mr. Caro completed the requirements within the prescribed time limit established by the Judge, and the reduced fees were paid in a timely manner.
 3. Discussion of Indian Hills Lawsuit
Mayor Klooster stated that affidavits and the Motion for Partial Summary Judgment have been filed with the court. Should the Motion be denied, the deposition phase would begin in approximately six months, and it would be at least one year before the trial phase began.

C. PUBLIC WORKS:

1. Uhl Bridge Update
The City has received verbal approval for the Uhl Bridge grant from NRCS, and it is waiting to receive written confirmation.
2. Woodhaven Bridge Update
The Woodhaven Bridge engineering plans are progressing, and Mayor Klooster will be contacting Tim Glendening and Associates for a monthly bridge grant(s) update.
3. Road Maintenance and Repairs
The Mayor stated that road repairs/resurfacing within the city would be scheduled once the hot weather arrived for the spring/summer. He asked Council to consider what has to be done and where.

4. Discussion of City-Wide Bar Ditch Clean-Up

The City has assigned Oak Leaf Councilman Tuma the responsibility of project superintendent and citizen liaison while the bar ditch clean-up is underway. Klooster has also recommended that the Ellis County Commissioner undertake the assignment due to the extensive nature of the project. Council affirmed the project changes within the previously approved budget and spending approval.

Other bar ditch clean-up topics mentioned were budget allocations, a time period, a workable time schedule, and surplus dirt. The Mayor expressed his opinion that monies already allocated for the bar ditch project would be insufficient; therefore, expenditures would need to be reviewed on a monthly basis. Councilman Brindle suggested that a list of the trouble areas should be compiled and focused on first; however, the Mayor stated the cost of the project would increase if equipment was being moved around to different areas of the City to handle those spots instead of concentrating on one area at a time. Mahlstedt inquired about the amount of time to get the task completed. Klooster responded it should take ninety days (weather permitting). Councilman Tuma commented that the Commissioner's schedule may not be dependable if a higher priority occurs elsewhere in the county. Mayor Klooster agreed and stated that the City's time line will need to be flexible to handle those situations. The Mayor also stated that the excavated dirt would be brought to City Hall and sold to off-set expenses.

D. SECRETARY'S REPORT:

1. Interlocal Agreement Between Oak Leaf and Red Oak ISD to Share a Polling Site

City Secretary Quintana mentioned that the conformed, fully executed, copy of the Interlocal Agreement had been received.

2. Interlocal Agreement Between Fort Worth ECC and Oak Leaf for Household Hazardous Waste

Quintana stated that a conformed, fully executed, copy of this Agreement had also been received. Assistant Secretary Ellis has been in contact with the Fort Worth ECC, and a date has been set to collect hazardous household materials in Oak Leaf on June 20th. Citizens will be notified in advance as to the scheduled date as well as the permissible hazardous waste materials to be accepted. The June 20th collection, at City Hall, between 9:00 and 11:00 a.m. will be at no charge. Citizens will also have the option of taking their hazardous materials to the Fort Worth site any time during the year, once they have paid for and picked-up a voucher (available only at City Hall).

3. Road Signage Update

New road signs have been received and installed at the designated locations on Locust Road and Uhl Road. The only exception was the stop sign installation on S. Westmoreland at the Lariat Circle intersection. The City is waiting for the County Commissioner's Court approval, since the stop signs will be on both City and County property.

4. ECAD Pictometry Class Update

The Ellis Central Appraisal District has notified the City that only one staff member may attend a Pictometry class due to seating availability. Mayor Klooster suggested that a request be made to ECAD for notice and permission for our other staff member to attend if there is a last minute opening.

E. OTHER REPORTS:

Regional Rail Initiative Meeting

Mayor Pro Tem Mahlstedt attended the North Central Texas Council of Governments' Luncheon Meeting regarding its Regional Rail Initiative Bill. Mahlstedt stated the proposal was not well received because of the way it was presented. Mayor Klooster also commented the City Prosecuting Attorney also attended the meeting, and his newspaper article in the Ellis County Press was very unsupportive towards the proposal.

VIII. ADJORNMENT:

A motion to adjourn was made by Mahlstedt at 8:07 p.m. and seconded by Spurlock.

Ayes: All present vote aye.

Nays: None.

The motion passed.

PASSED THIS _____ DAY OF _____, 2009

Paul Klooster, Mayor

ATTEST: _____
Ronda Quintana, City Secretary