

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

Council Member Absent:

Councilman Ray Brindle

City Staff Present:

City Secretary Ronda Quintana

Assistant City Secretary Patty Ellis

MAYOR KLOOSTER CALLED THE REGULAR CITY COUNCIL MEETING TO ORDER AT 7:05 P.M. AND ANNOUNCED A QUORUM PRESENT.

II. INVOCATION & PLEDGE OF ALLEGIANCE:

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

III. AUDIENCE PARTICIPATION:

Five citizens signed the speaker sign-in sheet. After reviewing the sheet, Mayor Klooster asked if the citizens wished to speak during the audience participation portion of the meeting, and two of the citizens stated they would defer their comments until the discussion of a particular agenda item.

Ms. Glenna Bauerle, realtor and court-appointed receiver of 907 Lark Lane, was recognized by Mayor Klooster. Ms. Bauerle inquired about zoning options for that particular property. She stated that she had spoken with city staff and was informed that the non-conforming use of the property would revert to residential zoning once the property sold. Ms. Bauerle asked if a new owner could approach the Council and make a request to operate a business (other than a club) at that location if the property was cleaned up.

Mr. Bill Denier, citizen at 1001 Lariat Circle, inquired about the wording of Section III, Audience Participation, of the April Agenda. The Mayor informed Mr. Denier that after the March Meeting another citizen had suggested a rewording of the section to clarify a misinterpretation. The suggestion was then given to staff, and modifications were made.

Mr. Tim Henry, citizen at 1006 Lariat Circle, also commented that the wording of Section III had changed.

Mr. Terry K. Ray, citizen at 2000 Willow Bend Drive, addressed the Council as a refuse violator complainant. He stated the City's refuse codes do not address the removal of refuse by a citizen personally or the manner of removal, only that the citizens may not contract with another entity other than what the City provides. Mr. Ray also stated the code, as written, is harsh, unreasonable, unfair, and unconstitutional. He then suggested the City should consider amending the codes, so they are easier to understand and to enforce.

IV. REGULAR AGENDA ITEMS:

Approve Minutes of the March 10, 2009 Meeting

The Minutes of the Regular Meeting of March 10, 2009 were reviewed by Council, and Mayor Pro Tem Mahlstedt proposed the insertion of event times for Item D (Interlocal Agreement between Fort Worth ECC and Oak Leaf for Household Hazardous Waste) listed in the Reports and Action by Council section. Mahlstedt then made the motion to accept the amended meeting minutes. Councilman Wilson seconded the motion. With no further discussion from Council, Klooster called for a vote.

Ayes: All present voted aye.

Nays: None

The motion passed.

V. EXECUTIVE SESSION: In accordance with Texas Government Code, Subchapter D, Legal, Section 551.071

Council met in Executive Session at 7:28 p.m.

VI. RECONVENE INTO REGULAR SESSION:

Council reconvened into Regular Session at 8:32 p.m.

A. Discussion and Action Taken as Result of the Executive Session

Action was taken during Executive Session to cancel the April 16th Municipal Court date based on the advice of the City's prosecuting attorney.

B. Acceptance of Certification of Unopposed Candidates

Mayor Klooster stated that a Certification of Unopposed Candidates had been prepared and signed by City Secretary Quintana after the write-in candidate deadline for the May Election had passed. Klooster called for a motion to accept the certification, and Wilson made the motion. Councilman Tuma seconded it. With no further discussion from Council, the Mayor called for a vote.

Ayes: All present voted aye.

Nays: None

The motion passed.

C. Approval of Ordinance 0904 – An Ordinance Canceling the May 9, 2009 City of Oak Leaf General Election and Declaring Each Unopposed Candidate Elected to Office

The Mayor presented Ordinance 0904 to the Council, and a motion was made by Mayor Pro-Tem Mahlstedt to accept the ordinance. Tuma seconded the motion. Without any additional deliberations from the council members, Klooster called for a vote.

Ayes: All present voted aye.

Nays: None

The motion passed.

D. Discussion of Billing and Fee Collections by the City of Oak Leaf on Behalf of Refuse Services Authorized by the City

Mayor Klooster indicated that a cost comparison spreadsheet of a refuse billing and collections program by the city had been prepared. The start-up cost of the program would be just under \$1500.00 for the first year. No comments were made by the council members regarding the spreadsheet; therefore, the Mayor tabled the item for a future council meeting.

E. Consideration of Nominations for NCTCOG's (North Central Texas Council of Governments) 2009-2010 Executive Board and Nominations for the Linda Keithley Award, the William J. Pitstick Award, and the Regional Cooperation Award

The Council reviewed the NCTCOG nomination forms, and with no further discussion from the Council, Klooster tabled the item.

F. Discussion of Office Forms Alterations

Klooster asked if the council members had any changes to the revised forms. He then made inquiries about the utility permit, the peddler permit, and the construction permit. Mahlstedt suggested that the word "solicitor" be added to the peddler permit application title, and she made the motion to adopt the revisions as discussed. Councilman Spurlock seconded the motion. With no other comments from the council members, Klooster called for a vote.

Ayes: All present voted aye.

Nays: None

The motion passed.

VII. MAYOR'S UPDATE:

A. City of Red Oak Annexation Proposal

The Mayor stated that Red Oak is planning to annex an area to the south of Oak Leaf that could eventually result in an extension of Oaks Boulevard and connect to E. Highland Road. Mr. Denier asked if this would affect Oak Leaf in any way. The Mayor replied the area being annexed was not in the City's extraterritorial jurisdiction and does not encroach upon the city limits.

B. City of Glenn Heights Wet/Dry Election

Klooster indicated Glenn Heights is conducting a May 9th Election and its citizens will be voting on off-premises liquor sales. If the matter passes, the Mayor stated there may be an increase in businesses and traffic along Ovilla Road.

VIII. REPORTS AND ACTION BY COUNCIL:

A. LAND/BUILDING:

Mayor Klooster stated he had no updates and then inquired if Council had any. Mahlstedt mentioned a couple of Lark Lane citizens had contacted her regarding the installation of speed bumps to control the traffic flow caused by the businesses at the end of the street. She also remarked that another citizen has asked for the installation of a street light between 602 and 604 Shallow Creek. The Mayor acknowledged Mahlstedt's comments and stated the matters will be investigated.

Councilmember Wilson identified that the Trinity River Authority (TRA) is conducting an inspection of its sanitary sewer lines including a portion that runs along Red Oak Creek. During that process they will have designated personnel in the existing right-of-ways including portions within the city limits of Oak Leaf. Wilson mentioned this as the engineering firm he was employed with (Schrickel, Rollins and Assoc.) had been hired to do this inspection survey.

B. LEGAL:

1. Nuisances

- a. 1200 Block of Lariat Circle - The property owner has been in contact with the City, and he will be removing the debris bulldozed into Willow Brook Creek.
- b. 1300 Block of Lariat Circle - The citizen has been sent a notice with a time limit to remove the earthen dam/bridge and construction debris from Willow Brook Creek. Inspections are being done to check on the progress of the debris removal.

C. PUBLIC WORKS:

1. Uhl Bridge Update
The City has finally received the project agreement forms from the NRCS concerning Uhl Bridge, and the repairs process can now proceed.
2. Woodhaven Bridge Update
The Woodhaven Bridge engineering plans are presently being reviewed by Councilman Wilson, and he will be conveying his notes and suggestions to Engineering Concepts and Design.
3. Road Maintenance and Repairs
The Mayor stated that road repairs/resurfacing within the city have been scheduled to begin the week of April 20th. The City will also be considering proposals for a chip and seal treatment for roads in the Indian Hills Subdivision.
4. Discussion of City-Wide Bar Ditch Clean-Up
Klooster indicated the problem bar ditch areas within Oak Leaf have been identified, and the City plans to notify the citizens before work commences. Mayor Klooster also stated a hydro-mulch emulsion will be applied after the work is done as an erosion control. Councilman Tuma will be project overseer for the city, as well as citizen liaison. Mr. Denier interjected he has good drainage on his property and wanted to know if his property would still be one of those work areas. The Mayor responded to the citizen that the City intends to focus only on areas where water is stagnant or where there is excessive silt build-up.

D. SECRETARY'S REPORT:

1. Spring Newsletter
City Secretary Quintana stated that Staff is preparing the spring Oak Leaf Newsletter and asked the Council to contribute topics for consideration by April 24th. The newsletter will published during the first week of May.
2. Dog Registration Violators
There is currently a dog registration code violator on the 1300 Block of Lariat Circle. Staff has issued a warning letter with a May court date.

IX. ADJORNMENT:

A motion to adjourn was made by Spurlock at 8:59 p.m., and seconded by Wilson.

Ayes: All present vote aye.

Nays: None.

The motion passed.

PASSED THIS _____ DAY OF _____, 2009

Paul Klooster, Mayor

ATTEST: _____
Ronda Quintana, City Secretary