

**MINUTES OF THE BUDGET WORKSHOP,
PUBLIC HEARING AND REGULAR MEETING
OF THE OAK LEAF CITY COUNCIL
HELD ON SEPTEMBER 8, 2009 AT 6:30 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 (Absent due to out-of-town business)

Staff Present:

City Secretary Ronda Quintana

MAYOR KLOOSTER CALLED THE BUDGET WORKSHOP TO ORDER AT 6:33 P.M. AND ANNOUNCED A QUORUM PRESENT.

II. INVOCATION AND PLEDGE OF ALLEGIANCE:

The mayor then proceeded to give the Invocation which was followed by the declaration of the Pledge of Allegiance.

III. WORKSHOP ON 2009 – 2010 BUDGET:

Mayor Klooster stated there were no citizens in attendance. He then initiated the workshop discussion by referring to the property tax rates sheet which illustrated changes in the current tax rate (.348544/\$100.00) to an “effective tax rate” of .3554/\$100.00 and a “roll back rate” of .3789/\$100.00. The mayor indicated the decision to choose the effective tax rate as the new tax rate would increase tax revenue by approximately \$4,767.00 for the upcoming fiscal year. It would also indicate a flat tax revenue course-of-action by the Council.

He then continued the 2009-2010 Budget discussion by reviewing the following items:

- Item 55020 (Resurface) –the resurfacing of roads within Oak Leaf, and
- Item 53010 (Miscellaneous Equipment/Furniture) – including installation of solar window screens at the City Municipal Center.

IV. ADJOURNMENT FROM WORKSHOP:

With no further comments from the council members, Mayor Klooster asked for a motion to adjourn from the budget workshop. Mayor Pro Tem Mahlstedt made the motion, and Councilman Wilson seconded the motion. Klooster then called for a vote.

Ayes: All present voted aye.
Nays: None
The motion passed.

V. CONVENE INTO BUDGET HEARING:

Immediately following the workshop, Mayor Klooster called the budget hearing to order.

VI. ADJORNMENT FROM BUDGET HEARING:

Since there were no citizens in attendance and no comments were made regarding the tax rate increase or the proposed budget, Councilman Spurlock made a motion to adjourn from the budget hearing and to vote on the proposed budget during the Regular Meeting portion of the Agenda. Mahlstedt seconded the motion. No further comments were made by the Council, so the mayor called for a vote.

Ayes: All present voted aye.
Nays: None
The motion passed.

VII. CONVENE INTO REGULAR MEETING:

The regular meeting commenced with the mayor recognizing the one guest in attendance, Mr. David Ingram of DCI Sanitation.

VIII. AUDIENCE PARTICIPATION:

As there were no registered guests wishing to speak before Council, Mayor Klooster continued with the discussion of the regular agenda items.

IX. REGULAR AGENDA ITEMS:

A. Approval of August 27, 2009 Meeting Minutes

The August 27, 2009 Council Meeting Minutes were reviewed, and Mahlstedt made a motion to accept the minutes. Councilman Tuma seconded the motion. No additional comments were made by the Council. The mayor called for a vote.

Ayes: All
Nays: None
The motion passed.

B. Consideration and Approval of Ordinance 0912 – An Ordinance to Establish Tax Rate and to Notify the Assessor/Collector of the City of Oak Leaf of the Tax Rate to Employ in Levying Property Taxes for All Taxable Property Within its Jurisdiction for the 2009 Tax Year

Mayor Klooster introduced Ordinance 0912 stating the tax rate for the upcoming tax year would be \$.3544 with an interest and sinking tax rate of \$.0342 and a maintenance and operations tax rate of \$.03212. No comments were made by Council, and Klooster asked for a motion. Mahlstedt made the motion to accept Ordinance 0912 and Spurlock seconded the motion. The mayor called for a vote.

Ayes: All present voted aye.

Nays: None

The motion passed.

C. Consideration and Approval of Ordinance 0913 – An Ordinance of the City Council of the City of Oak Leaf, Texas, Adopting the 2009-2010 Proposed Budget for the Ensuing Fiscal Year Beginning October 1, 2009 and Ending September 30, 2010; Appropriating Money to a Sinking Fund to pay Interest and Principal Due to the City's Indebtedness; Repealing Conflicting Ordinances and Resolutions; Including a Severability Clause and Establishing an Effective Date

The mayor stated Ordinance 0913 would permit the city to continue its day-to-day business transactions during the 2009-2010 Fiscal Year, disburse funds for payment of the city's debts, repeal any conflicting ordinances and resolutions, allow for validity of the ordinance, and establish an effective date. No comments were made by Council, so Klooster asked for a motion. Mahlstedt made the motion to accept Ordinance 0913 and Wilson seconded the motion. Mayor Klooster then called for a vote.

Ayes: All present voted aye.

Nays: None

The motion passed.

D. Consideration and Approval of Resolution 0903 – A Resolution of the City Council of Oak Leaf, Texas, Indicating Support for and Willingness to Participate in the Effort to Form a Coalition of North Ellis County Cities for the Purpose of Developing Stronger Partnership Opportunities, and Appointing Steering Committee Representatives to Consider Initiative

Mayor Klooster indicated Resolution 0903 would allow Oak Leaf to be a part of a collaboration of north Ellis County cities to develop improved communication and coordination between and representation of the cities in relation to funding of projects, political matters, and other issues. Klooster stated both Mayor Pro Tem Mahlstedt and he would be the steering committee representatives. Councilman Wilson made the motion to approve Resolution 0903. Spurlock seconded the motion. With no further comments from Council, Klooster called for a vote.

Ayes: All present voted aye.
Nays: None
The motion passed.

E. Consideration and Approval of D.C.I. Sanitation, L.L.C. Contract Extension

Mayor Klooster stated there were sections 2009-2010 D.C.I. Contract which needed clarification; therefore, the consideration and approval of the contract would be tabled and added as an action item to the next Council Meeting's Agenda. He then continued by discussing the definitions of the words "container" and "residential unit" with Mr. Ingram, D.C.I. Sanitation representative in attendance. The discussion progressed to the "Collection Operation" section and the wording of items (d) and (e) regarding brush and bulky pick-ups under the "Services Provided" section. Mahlstedt requested additional language be added to the "Rate Schedule" section relating to annual payments and the pre-payment plan discount. There were also deliberations on the "Transferability of Contract" section and the "Negotiations" section.

X. MAYOR'S UPDATE:

A. Meetings and Seminars

Mr. Randy Whiteman, Ovilla's City Administrator, has requested a meeting to discuss extraterritorial jurisdiction matters with Mayor Klooster. The meeting will be at Oak Leaf's City Hall on September 14th at 9:00 a.m.

B. Delinquent Property Taxes Update

Klooster indicated the delinquent property taxes (due to the city currently) total a little over seventeen thousand dollars (\$17,000.00), which is almost half of the original amount that was past-due in July. A few property owners are making installment payments. Several property owners are set to go to court and several properties are receiving a series of legal payment requests.

C. Glenn Heights Family Festival on September 10th – 12th

The City of Glenn Heights will be having a Family Festival to celebrate the city's fortieth anniversary, its history, and plans for the future. The activities will be at Heritage Community Park. There will be music, food, crafts, games, a carnival and fireworks.

D. Red Oak High School's Homecoming Day on September 18th

On Friday, September 18, 2009, Red Oak High School begins its Homecoming Ceremonies at 7:00 p.m. at Goodloe Stadium. The Homecoming Football Game will immediately follow at 7:30 p.m.

E. Red Oak Founder's Day on September 19th (Starting at 9:00 a.m.)

Red Oak Founder's Day activities begin with a five kilometer run at 8:30 a.m. on September 19th. The Founder's Day/Homecoming Parade will start at 9:00 a.m. and proceed to the City Park where food, arts and crafts, and entertainment will be available.

- F. Ovilla's Heritage Day on September 26th (9:30 a.m. to 4:00 p.m.)
The City of Ovilla is celebrating its Heritage Day on September 26th with "old fashioned fun" activities scheduled to begin at 9:30 a.m. behind City Hall. Ovilla was founded in 1844 and incorporated by election in 1963.
- G. C.O.O.L. (Citizen of Oak Leaf) Recognition
No Update
- H. Phone System
City Hall suffered a direct lightening hit from an electrical storm which caused the phone system to malfunction. Consequently, it was replaced and a claim was filed with the Texas Municipal League Risk Pool. The claim was verified and the city received a \$1,337.13 reimbursement check.
- I. Last Free Ellis County Dump Day for 2009
Ellis County will be holding its last free dump day on September 19th between 8:00 a.m. and 12:00 p.m.(noon) at the Precinct Four Barn located at 1011 Eastgate Dr., Midlothian, Texas. More information can be obtained by visiting the Ellis County website: www.co.ellis.tx.us.
- J. City of Glenn Heights Water Conservation Plan
The City of Glenn Heights has updated its conservation and drought contingency plan by adopting Ordinance O-11-09 on August 17, 2009. Since the majority of households within Oak Leaf are serviced by Glenn Heights Water, Mayor Klooster acknowledged the significance of this ordinance to the citizens of the city. A copy of it will be available for viewing at City Hall.

XI. REPORTS AND ACTION BY COUNCIL:

- A. Land/Building
- Update on 507 Little Creek Trail – The Ellis County Emergency Management Department is waiting for reimbursement of demolition expenses to remove the house and surrounding structures from 507 Little Creek Trail. After the expenses have been paid, the deed transfer paperwork will be submitted to the County Commissioner's Court for approval. Then the property deed will be given to the City of Oak Leaf, and in turn, the land will be leased to the property owner at 505 Little Creek for non-habitation use only.

B. Legal

1. Nuisances

- a. 1200 Block of Lariat Circle – The property owner has failed to meet the deadline to remove the earthen debris he had bulldozed onto the creek bank. Legal action may be initiated by the city.
- b. Property Liens Filed by the City
 - The 1925 Willow Bend mowing lien including interest (\$384.11) has been paid in full as of August 12, 2009.
 - The 115 Hackberry Drive mowing lien has accrued to the amount of \$320.00 plus interest.

2. Litigation

- a. Indian Hills Subdivision – The city attorney is currently working to schedule a mediation date with Rone Engineering’s attorney. More information will be provided as details are known.
- b. Glenn Heights Annexation – There is no update.
- c. 907 Lark Lane – The property owner, Mr. Bearden, was found guilty of violating the city’s refuse codes, and he has filed an appeal bond. The city is waiting for information from the county regarding a new court date. As for the T.C.E.Q. litigation matter regarding underground gasoline storage tanks violations, Mr. Bearden was a “no show” at the hearing in Austin, Texas on September 4, 2009. Therefore, fines and fees will be assessed accordingly. The T.C.E.Q. will also attempt to qualify the property with a federal tank leakage program, so the tanks and contaminated material around the tanks can finally be excavated and removed.

3. Status Report on Previously Resolved Nuisance Issues – No changes or updates.

1. Uhl Bridge Update

The NRCS has received three bids on the Uhl Bridge Project and has selected Allen Feller Enterprises for the project. The tentative starting date will be September 21, 2009 and the project should be completed within twenty-five days (weather permitting).

2. Woodhaven Bridge Update

Two bids have been received for the Woodhaven Bridge Project, and the grant administrator, Tim F. Glendening and Associates, Inc. is awaiting tabulation in order to submit the necessary paperwork to the state. Once the paperwork is approved by the state, a contract will be ordered and submitted to the City of Oak Leaf and the designated contractor for completion. After the contract has been issued, the work should be completed within thirty days (weather permitting).

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

Mayor Klooster indicated the bar ditch clean-up would take place sometime after the first part of October.

C. Secretary's Report

1. Texas State Fair

The Texas State Fair will begin on September 25th and run through October 18th. More information about events and daily schedules can be obtained on-line at www.BigTex.com.

2. Fall Newsletter

City staff is preparing information for the publishing of the Fall Newsletter in October. City Secretary Quintana stated Council should submit any information they consider newsworthy by the next Regular Council Meeting.

XII. ADJORNMENT:

Mayor Klooster asked Council they had any further comments or concerns. None were made, and a motion to adjourn was made by Mahlstedt at 8:18 p.m. It was seconded by Councilman Wilson.

Ayes: All present vote aye.

Nays: None.

The motion passed.

PASSED THIS _____ DAY OF _____, 2009

Paul Klooster, Mayor

ATTEST: _____
Ronda Quintana, City Secretary