

**MINUTES OF THE REGULAR MEETING
OF THE OAK LEAF CITY COUNCIL
HELD ON DECEMBER 8, 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 Ray Brindle

Councilman Ron Spurlock

Council Member Absent Due to Illness:

Councilman Jim Tuma

City Staff Present:

City Secretary Ronda Quintana

MAYOR KLOOSTER CALLED THE REGULAR CITY COUNCIL MEETING TO ORDER AT 7:01 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:

One guest registered to speak during the meeting. Mr. Bill Denier (citizen at 1001 Lariat Circle) commented on the wording of the Audience Participation section of the Agenda, asked that the City of Oak Leaf's website be updated and requested the Council Meetings be recorded using recording equipment. He then deferred any further comments until discussion of the Agenda items.

IV. REGULAR AGENDA ITEMS:

A. Approval of October 13, 2009 Regular Meeting Minutes

The Regular Meeting Minutes of October 13, 2009 were reviewed and no comments were made by Council. Mayor Pro Tem Mahlstedt made a motion to approve the minutes. Councilman Wilson seconded the motion. The mayor called for a vote.

Ayes: Mayor Pro Tem Mahlstedt, Councilman Spurlock, Councilman Wilson

Abstains: Councilman Ray Brindle

Nays: None

The motion passed.

B. Consideration and Approval of a Variance Request for an Additional Structure at 103 Red Bud Court

Klooster stated Mr. and Mrs. Ashford had submitted a variance request to add an additional structure with square footage in excess of what is allowed per city code. The property owners within one hundred and fifty feet of the property were petitioned by Mr. and Mrs. Ashford and no opposition was given. City Staff confirmed the petition responses. Brindle made a motion to approve the variance request. Mahlstedt seconded the motion. Mayor Klooster called for a vote.

Ayes: All present voted aye.

Nays: None

The motion passed.

C. Consideration and Approval of Contract between Terracon and the City of Oak Leaf to perform the Construction Materials Testing and Observations Services for the Woodhaven Bridge Erosion Control Project

The mayor indicated Terracon had been contacted to do the materials testing and observations for the Woodhaven Project, because the general contractor's contract excluded on-site testing. Terracon will report to the city and the general contractor during and after the construction phase. A motion was made by Councilman Wilson to approve the contract between Terracon and the City of Oak Leaf, and it was seconded by Mahlstedt. Wilson inquired as to the payment of services through the ORCA grant and received confirmation that it would be allowed as a construction expense. Klooster then called for a vote.

Ayes: All present voted aye.

Nays: None

The motion passed.

V. OLD BUSINESS:

A. Consideration and Approval of Resolution 0905 – A Resolution of Votes Cast to Elect Directors for the Ellis Appraisal District for Years 2010-2011

Klooster stated the proposed Resolution 0905 was a requirement for the Ellis Central Appraisal District Board of Directors Election. No remarks were made by Council, so Mahlstedt made a motion to approve Resolution 0905 and cast the City of Oak Leaf's eight votes for Phillip Lynch (as previously discussed at the October 13th Council Meeting). Brindle seconded the motion. The mayor called for a vote on the item.

Ayes: All present voted aye.

Nays: None

The motion passed.

VI. MAYOR'S UPDATE:

A. Meetings and Seminars

- The mayor attended the Texas Municipal League (TML) Conference in Fort Worth, Texas on Thursday, October 22nd. He stated approximately three thousand participants attended the three-day conference and tradeshow. More information about the conference is available on-line at the TML website or by viewing the Texas Town & City Magazine found at City Hall.

B. Delinquent Property Taxes Update

Klooster indicated there has been progress in the recovery of delinquent property taxes in the last two months. The total amount owed to the city is currently \$14,074.26. There are also a total of five legal suits underway.

C. C.O.O.L. (Citizen of Oak Leaf) Recognition

No updates available

VII. REPORTS AND ACTION BY COUNCIL:

A. Land/Building

• Update on 507 Little Creek Trail

The demolition work has been completed at 507 Little Creek Trail, and Ellis County has been given title to the property. However, the district attorney's office has informed the city they may lease the property from the county, only if it is used for a public purpose. This is contradictory to what emergency management personnel had stated in the beginning of the buy-out process.

B. Legal

1. Nuisances

- a. 1200 Block of Lariat Circle – The property owner remains in violation of the city's flood plain ordinance; however, due to the wet weather conditions, the owner's ability to rectify the illegal action has been significantly hampered.

Mr. Denier inquired as to other violations within Oak Leaf, particularly the use of temporary storage units (PODS) as permanent accessory structures. Mayor Klooster stated the matter will be investigated and a possible Agenda item may result from the findings.

- b. Property Liens Filed by the City
 - The 115 Hackberry Drive mowing liens have accrued to the amount of \$430.00 plus interest.
 - The 1805 Indian Ridge mowing lien has accrued to the amount of \$350.00 plus interest.
 - The 1917 Willow Bend Drive mowing lien has accrued to the amount of \$60.00 plus interest.
 - The 505 Winding Creek Trail mowing lien has accrued to the amount of \$265.00 plus interest.
2. Litigation
 - a. Indian Hills Subdivision – The latest attorney to represent Rone Engineers, Ltd. has indefinitely postponed the meeting to mediate, consequently the city’s attorney has submitted a notice for trial setting to the Court.
 - b. Glenn Heights Annexation – There is no update.
 - c. 907 Block of Lark Lane – The city is currently awaiting results from the rescheduled appeals court preliminary hearing on December 17, 2009.
 - d. 1936 Willow Bend – Mr. Russell was served a summons notice on November 24th to appear before the Municipal Court on December 17th for new dog violations and a probation revocation. He has allowed his dog to roam off of the property on multiple occasions since the first hearing in July. On November 25th, Mr. Russell paid in full the previous court fines balance.
3. Status Report on Previously Resolved Nuisance Issues – The two properties on Winding Creek Trail with numerous vehicles are currently in compliance and will continue to be monitored.

C. Public Works

1. Uhl Bridge Update

Mayor Klooster stated the erosion control project at Uhl/Locust Bridge has been completed with the exception of a few details. The city is currently in negotiation with the Natural Resource Conservation Service (NRCS) to get the issues resolved and financed using grant monies. If the negotiation fails, the city may consider using city budget funding for the completion of the project.
2. Woodhaven Bridge Update

Work on the Woodhaven Bridge embankments on both sides of Red Oak Creek has begun. The project started on November 17th and is scheduled to be completed on December 19th (weather permitting).

3. Road Maintenance and Repairs

Road repairs have been completed for the year, and Council will consider what areas should be addressed for 2010 in upcoming meetings.

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

The mayor indicated the City Staff will be preparing a list of properties in which the city will need to gain access onto the property. Then letters and consent forms will be mailed out. A meeting between the mayor, county commissioner and the Precinct #4 foreman will be arranged to get their recommendations. Work on the ditches will either be done between the winter and spring rainy seasons or during the spring/summer months.

D. Secretary's Report

1. Fall/Winter Newsletter Publication

City Secretary Quintana stated the Fall/Winter Newsletters were mailed out on December 3rd and included a Blackboard Connect mass messaging insert. It announced a Connect CTY test call for all Oak Leaf citizens on December 14th. The city's website will also have a link for citizens wishing to incorporate additional contact phone numbers into the system or to opt-out of the service.

2. Primary Election for Precinct 138 on March 2, 2010

Jane Anderson of the Ellis County Elections Office contacted City Staff and stated City Hall would be the Primary Election polling place for Precinct 138 on March 2nd.

Mr. Denier asked what council positions would be up for re-election in 2010. He was informed the positions of Mayor, Place 4, and Place 5 would be on in the May 8, 2010 General Election ballot.

3. ECAD Pictometry Class Summary

Quintana attended a beginner's class for Pictometry on December 3rd. The class was very informative and instructional in relation to the functions of the Pictometry software currently in use at City Hall.

4. Annual Audit

The City of Oak Leaf will be audited on December 14, 2009 by a representative of Murray and Company.

VIII. ADJORNMENT:

Mayor Klooster asked Council and the audience for any further comments. None were made, and a motion to adjourn was made by Brindle at 7:38 p.m. It was seconded by Mahlstedt. Klooster called for a vote.

Ayes: All present vote aye.

Nays: None.

The motion passed.

PASSED THIS _____ DAY OF _____, 2010

Paul Klooster, Mayor

ATTEST: _____
Ronda Quintana, City Secretary