

**MINUTES OF THE REGULAR MEETING
OF THE OAK LEAF CITY COUNCIL
HELD ON JANUARY 12, 2010 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

Councilman Jim Tuma

City Staff Present:

City Secretary Ronda Quintana

MAYOR KLOOSTER CALLED THE REGULAR CITY COUNCIL MEETING TO ORDER AT 7:04 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:

Two guests registered to speak during the meeting. Mr. Bill Denier (citizen at 1001 Lariat Circle) commended the Ellis County Sheriff's Department for their patrolling of the Lariat Circle and S. Westmoreland Road intersection and then deferred any further comments until discussion of the Agenda items. Mr. Tim Henry (citizen at 1006 Lariat Circle) also deferred his comments until discussion of the Agenda items.

IV. REGULAR AGENDA ITEMS:

A. Approval of December 8, 2009 Regular Meeting Minutes

The Regular Meeting Minutes of December 8, 2009 were reviewed and no comments were made by Council. Mr. Denier, however, indicated a correction needed to be made to denote Councilman Brindles abstention from the approval of the October 16th Meeting Minutes. Brindle made a motion to accept the amended Minutes, and Mayor Pro Tem Mahlstedt made seconded the motion. The mayor called for a vote.

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

Abstains: Councilman Tuma

Nays: None

The motion passed.

B. The Discussion of Additional Improvements to the Uhl/Locust Bridge Embankments in the Approximate Amount of \$30,000.00, Supplementing the Work Recently Completed by the NRCS

Klooster stated the work to the Uhl/Locust Bridge was completed by the NRCS (Natural Resources Conservation Service). The city submitted a final punch list for consideration and it was declined by the NRCS. The city then contacted the Woodhaven Bridge project contractor, Craig Olden Construction, to submit a proposal to do the work, which was generated on December 31, 2009.

The Council viewed the proposal, and the mayor indicated any questions regarding it could be answered by Councilman Wilson or himself. He then stated the topic would be added as a possible action item for the next Council Meeting. Councilman Brindle questioned the amounts listed on the proposal compared to the amount to be approved by Council. Mayor Klooster indicated the Council would be focusing on Sections 1.0 and 2.0, and the items in Section 3.0 were optional.

Mr. Denier inquired whether the additional work could be paid with grant monies delegated to the project, and Klooster responded by stating it was unlikely. Councilman Wilson stated the items in Section 3.0 were overpriced, and he would research other companies for more economic solutions.

V. **MAYOR'S UPDATE:**

A. Meetings and Seminars

- The mayor encouraged Council to review the meetings and seminars folder within the assistant city secretary's office. If upon inspection the council person found an event she or he would like to attend, the city staff would make the arrangements and handle registration.
- Mayor Klooster and Mahlstedt recently attended a NECCC (North Ellis County Cities Coalition) meeting, and Mahlstedt has been selected as the Oak Leaf executive committee representative to help establish the NECCC by-laws and mission statement. Seven cities currently serve on the executive committee (one representative from each city). The next NECCC meeting will be held on February 4, 2010.

B. Delinquent Property Taxes Update

Klooster indicated the amount of delinquent property taxes owed to the city is currently \$12,714.29. A third of this amount belongs to a property owner who has an "Over 65" tax payment deferral. There are also a total of seven legal suits underway filed through the tax assessor's office and one bankruptcy.

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

Mr. Steve Patterson (citizen on Roaring Creek Drive), freelance sports photographer and owner of Moving Pictures, has been recently nominated for his picture entitled "Mud Hole". The picture was entered into the Canon "Why Do You Love Football" photo contest, and the grand prize winner gets a trip for four to the Super Bowl game in Florida. Results are still pending and will be announced at the next Council Meeting.

VI. REPORTS AND ACTION BY COUNCIL:

A. Land/Building

A citizen has contacted City Hall concerning the rental of the meeting area. The mayor asked the council members to contact City Staff if they would like to consider the renting of the City Hall meeting room again. If interest existed, then the item could be added to the next Council Meeting Agenda for consideration.

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.
- b. 514 Winding Creek – A citation has been issued for the removal of junk vehicles on the property, and a summons will be issued for the Municipal Court hearing on February 18th.
- c. Property Liens Filed by the City
 - The 2059 Willow Bend Drive mowing lien totals to \$4030.31.
 - The 115 Hackberry Drive's mowing liens total to \$450.86.
 - The 1805 Indian Ridge mowing lien totals to \$361.86.
 - The 1917 Willow Bend Drive mowing lien totals to \$289.58.
 - The 505 Winding Creek Trail mowing lien totals to \$271.68.

Mr. Denier made inquiries regarding lien time periods and the amount of interest on the current liens. Mayor Klooster replied the time periods are infinite. The liens will cease only when the property is sold and title is transferred or when the property owner voluntarily pays off the lien. As for the interest rate of the liens, Klooster stated he would have the information by the next Council Meeting, but he thought the rate was 8% or 10%.

2. Litigation

- a. Indian Hills Subdivision – The city’s attorney has requested a court trial date, which was granted for early March 2010. Since then, the attorney representing Rone Engineers, Ltd. has asked for a postponement of the trial in order to take witness depositions and schedule a mediation meeting.
 - b. Glenn Heights Annexation – There is no update.
 - c. 907 Block of Lark Lane – The next appeals court hearing regarding trash violations will be held on January 27, 2010. As for the TCEQ matter concerning the underground gas tanks, the TCEQ legal department is currently awaiting confirmation from letters sent to Mr. Bearden.
 - d. 1936 Willow Bend – Mr. Russell's post-dated check given at the December 17th Municipal Court hearing in the amount of \$259.00 has been returned for nonsufficient funds. The nonpayment is in violation of the judge’s order; therefore, a new summons will be issued for Mr. Russell’s appearance at the Municipal Court on January 21st.
3. Status Report on Previously Resolved Nuisance Issues – There is no update.

C. Public Works

1. Uhl Bridge Update

Mayor Klooster indicated the erosion control project at Uhl/Locust Bridge has been completed by the NRCS (Natural Resources Conservation Service) with the exception of some remedial improvements (as previously discussed in the meeting). Klooster inquired about payment of the work completed by the NRCS and was informed they have already submitted their invoices to the USDA (United States Department of Agriculture).

2. Woodhaven Bridge Update

Woodhaven Bridge erosion control project has also been completed, and the mayor stated the project was done extremely well. The contractor will be doing a second planting of rye grass and removal of damaged tree limbs. As for road repairs, the city has accepted responsibility for damage caused by the parking of heavy machinery on the Forest Brook Drive.

3. Road Maintenance and Repairs

Road resurfacing, potholing and bridgework projects will be handled by B.G. Williams Asphalt in the upcoming months. Councilman Brindle mentioned there are large potholes on E. Highland Road.

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

City Staff have prepared sample letters and consent forms for the bar ditch clean up to be reviewed by the mayor and Councilman Wilson. Once the documents have been approved, they will be hand delivered by the mayor and another council member. The mayor reminded those in attendance that it will be a dry weather project.

D. Secretary's Report

1. Posting of Notice to File Applications for May 2010 General Election

City Secretary Quintana informed the Council and audience participants the Notice to file for the May 2010 General Elections had been posted on the front window of City Hall and on the interior billboard. The positions of Mayor (Paul Klooster), Place 4 (Jim Tuma), and Place 5 (Craig Wilson) will be on the election ballot.

2. Fire Hydrant Report

A citizen on S. Hampton Road made an inquiry regarding the installation of a fire hydrant near her property. In response to her inquiry, a physical investigation of existing city fire hydrants was done, and the fire departments servicing Oak Leaf were asked to provide copies of their fire hydrant maps. A new city fire hydrant map was prepared by City Staff and presented to the Council for review. Mayor Klooster indicated there were several areas in Oak Leaf which needed to be addressed especially along S. Hampton Road between Red Oak Creek and E. Highland Road.

The mayor stated, however, the size of the waterlines will have to be determined before any additional fire hydrants could be installed. If the current waterlines are not the correct size, the hydrants will not have adequate water supply to function properly. Once the research is completed then a plan of action can be identified. With three different CCN (Certificate of Convenience and Necessity) holders, i.e. water suppliers, there is room from system upgrades in each CCN holder's geographical area. Timing and funding will need to be discussed with each of the providers at a later time.

VII. ADJORNMENT:

Mayor Klooster asked if Council and the audience participants had any further comments. Mahlstedt inquired about the moving of assembled houses into the city and what Code of Ordinances specifications would have to be met. Klooster responded he was not aware of any specific ordinances; however, there are living area square footage and masonry on exterior walls requirements. Mr. Denier asked if the city's mass messaging system could be used for announcing election events and was informed the system was for emergency situations.

As a final note, Klooster stated the City of Desoto had hired Birkhoff Hendricks Conway, LLP to do a study to determine future water needs of the area, and the City of Oak Leaf has been asked to participate in the study. The mayor contacted Birkhoff to discover the reason for the study and was informed the City of Dallas plans to install a one hundred and two inch waterline along Wintergreen Road. Because Oak Leaf is not a water provider and could provide no statistical information needed for the study, the mayor has declined to participate in the study. With no further comments made, a motion to adjourn was made by Brindle at 7:45 p.m. It was seconded by Councilman Spurlock. 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