

**MINUTES OF THE REGULAR MEETING
OF THE OAK LEAF CITY COUNCIL
HELD ON FEBRUARY 9, 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 7:03 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, Mr. James Pierce (citizen at 114 Cedar Dr.), was in attendance but did not register to speak during the meeting.

IV. REGULAR AGENDA ITEMS:

A. Approval of January 12, 2010 Regular Meeting Minutes

The Regular Meeting Minutes of January 12, 2010 were reviewed and no comments were made by the council members. Councilman Brindle made a motion to accept the Minutes, and Mayor Pro Tem Mahlstedt seconded the motion. The mayor called for a vote.

Ayes: All

Nays: None

The motion passed.

B. Discussion and Approval of Ordinance 1001 – An Ordinance of the City Council of the City of Oak Leaf, Texas Ordering the May 8, 2010 General Election; Ordering a Special Election for the Reauthorization of the Municipal Sales and Use Tax for Street Maintenance; Providing for Early Voting; Providing for the Polling Place; Providing for an Election Judge and Early Voting Clerks; Providing for Notice of the Election; Providing for the Method of Voting; Providing for Severability; and Providing an Effective Date. (Nota: Una Versión Española Será Proporcionada Sobre la Petición)

Mayor Klooster introduced Ordinance 1001 and indicated City Hall would be used as a polling place for local, county, state, and school district election matters. With no further comments, Mahlstedt made a motion to approve the ordinance and Spurlock seconded it. Klooster called for a vote.

Ayes: All
Nays: None
The motion passed.

C. The Discussion and Approval of a Joint Election Agreement Between the Red Oak Independent School District and the City of Oak Leaf, Texas

Mayor Klooster stated in the past few years it has been customary for the City of Oak Leaf to share City Hall with the Red Oak ISD as a polling place on General Election Day. A Joint Election Agreement was prepared and sent for review by Council. The mayor mentioned if the current Council positions were unopposed, the general election would be cancelled; however, the Special Election would proceed. Mahlstedt made a motion to approve the Joint Election Agreement. Brindle seconded the motion. Councilman Wilson commented about the use of separate voting equipment for both entities. Then the mayor called for a vote.

Ayes: All
Nays: None
The motion passed.

D. The Discussion and Approval of Ordinance 1002 – An Ordinance of the City of Oak Leaf, Texas, Amending the Code of Ordinances, Article 3.600 – Unattached Buildings, Sections 3.601, 3.602, 3.603, 3.604, 3.605 and 3.607; Repealing all Ordinances or Parts Thereof in Conflict; Providing a Savings Clause; Providing a Penalty; and Providing an Effective Date.

During previous Council Meetings, the matter of using temporary portable storage containers as permanent accessory structures was brought before the Council. Staff researched other municipalities' codes and prepared Ordinance 1002 to address the concern. Klooster remarked about the time element, permit fee and the number of containers allowed. Wilson questioned the size of the container permitted under the ordinance, and Mayor Klooster stated that issue would be researched before Council made a decision. The item has been tabled until the next Council Meeting.

- E. The Discussion and Approval of Ordinance 1003 – An Ordinance Amending the City of Oak Leaf Code of Ordinances to Add a New Chapter (Chapter 13) to be Entitled “Environment” Providing for Water Conservation Within the City Limits of the City of Oak Leaf; Promoting Responsible Use of Water; Providing for Findings of Fact; Providing a Severability Clause; Providing a Penalty Clause for Violations; Providing for codification; Providing for Publication in the Official Newspaper; and Providing an Effective Date.

The mayor opened discussion on Ordinance 1003 and stated the intention of the ordinance was to place conservation constraints on new irrigation systems. Councilmen Brindle and Tuma indicated they thought some of the specifications were too restrictive and asked to have the ordinance amended. Klooster agreed that additional research and discussion was appropriate. The item was tabled.

- F. The Discussion of Approval of Proposed Interlocal Agreement Between Ellis County and the City of Oak Leaf Regarding the Use of 507 Little Creek Trail as a Bird Sanctuary

Mayor Klooster informed the audience guest of the history regarding 507 Little Creek Trail. He then stated the city has been given the option to lease the property from Ellis County for one dollar a year through a proposed Interlocal Agreement. The agreement would allow the city to use the property for open space, recreational or wetlands management purposes. However, no habitable structures could be built on it, and the city would have to insure and maintain the property. If the city does not approve the agreement, the county would be responsible for the property. The mayor then called for a motion in regard to the Interlocal Agreement. With no motion made, the item failed.

- G. Discussion and Approval of Resolution 1001 – A Resolution of the City Council of the City of Oak Leaf Approving and Ratifying the Bylaws Adopted by the North Ellis County Coalition of Cities (NECCC), and Reaffirming its Support of that Organization

The NECCC was created to establish regular interaction between the member cities and to strengthen their influence by speaking collectively on matters of mutual interest. The bylaws that have been adopted establish the name, objective, membership rules, dues, officers, meetings, finances, parliamentary procedure, and amendments of the coalition. Wilson inquired about quorum requirements for the NECCC, and Mahlstedt responded by stating four (of seven) members are necessary for a quorum. Additional requirements are in place to add other municipalities or to establish dues at a later time. Brindle made a motion to approve Resolution 1001 and Tuma seconded the motion. The mayor called for a vote.

Ayes: All
Nays: None
The motion passed.

H. Discussion of Budget Item 59040 for Supplemental Ambulance Service and Renewal of the ETMC Contract

In 2002 The City of Oak Leaf was contacted by the East Texas Medical Center (ETMC) ambulance service, and a request was made for an annual contribution, which would assist the ETMC in staying financially solvent and allow uninterrupted service to the city. The city accepted the request (as did other cities in the area) and signed a five-year agreement with two three-year extensions. The first three-year extension will be up for renewal on October 31, 2010. However, if the Council would like to terminate the agreement at this time (before the second three-year extension commences), it must give one hundred and eighty days (180) notice. Mayor Klooster has directed Staff to determine who is responsible for ambulance service in the city, as well as other related information necessary for a Council decision. The item has been tabled for the next Council Meeting.

V. **OLD BUSINESS:**

A. 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 and the Discussion of Possible Grant Availability

ORCA grant representatives were contacted to determine if funds from the ORCA grant could be used towards improvements to complete work at Uhl/Locust Bridge. However, ORCA has declined to finance any work outside the scope of the Woodhaven Bridge Project. Mayor Klooster opened discussion regarding the quote submitted by Craig Olden Construction. Councilman Tuma inquired about leaving the work in its present condition. Klooster stated grouting and a headwall extension were needed to lessen erosion of the creek banks caused by water impact. Councilman Wilson indicated the grouting and shotcrete items on the quotation were asked for but not necessary, and the work completed by the NRCS is sufficient. It should last ten to twelve years. Mayor Pro Tem Mahlstedt asked if there were any funds remaining in the USDA grant but was informed all funds had been spent. Klooster then stated additional funds would be available if a new natural catastrophe occurred, and the city applied for a new grant. The Council then discussed the installation of guardrails at the Uhl/Locust Bridge site, and the mayor tabled the item until the next Council Meeting.

B. The Discussion and Approval of Pothole Work Recently Completed in January by B.G. Williams Asphalt

During the last week of January, B. G. Williams Asphalt did pothole repairs throughout Oak Leaf. However due to weather conditions, ground temperature, and temperature of the asphalt mix used, most the work done did not perform as expected. Brindle made the motion to withhold the remaining payment of \$6000.00 until the road repairs are corrected. Wilson seconded the motion. Mayor Klooster called for a vote.

Ayes: All
Nays: None
The motion passed.

The Council also requested any future contract work performed be placed on a thirty-day payment cycle, and the contractor will be given a scope of work by the city.

VI. MAYOR'S UPDATE:

A. Meetings and Seminars

- North Ellis County Coalition of Cities Meeting - Klooster stated the coalition meeting on February 4, 2010 focused primarily on setting up subcommittees to discuss issues such as transportation, water and sewer, parks and recreation, fire and ambulance, a joint jail and animal control. A meeting rotation schedule was also discussed, and Oak Leaf has offered to host the April 1st NECCC Meeting (location yet to be determined).
- State Disaster Recovery Seminar – The State of Texas will be conducting a Disaster Recovery Seminar in Ellis County and attendance will be limited. Mayor Klooster asked the the council members to consider representing the city during the event and share the information attained with those who are not able to attend.
- Severe Weather Awareness Week – The State of Texas has declared the week of February 21st through 27th as Severe Weather Awareness Week. All citizens are encouraged to update their emergency plans, check emergency supplies, etc. in preparation of upcoming weather events.

B. Delinquent Property Taxes Update

Klooster indicated the amount of delinquent property taxes owed to the city is currently \$11,487.87. This amount is down \$1,300.00 from last month.

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

- The Canon “Why Do You Love Football” Contest decision has been published, and Mr. Steve Patterson’s (citizen on Roaring Creek Drive) picture entitled “Mud Hole” came in second place for the adult amateur photography division. The first prize picture was submitted by Casey Berner of Illinois entitled “Impact”.
- The State Farm Office of Andrea Walton has signed up to be the sponsor for highway clean-up along FM 664 (Ovilla Road) from Interstate 35 to her office location at 302 E. Ovilla Road. Since the clean-up will also include Oak Leaf frontage property on Ovilla Road, Mayor Klooster commended Ms. Walton’s effort to be environmentally responsible and community service minded.

VII. REPORTS AND ACTION BY COUNCIL:

A. Land/Building

- The Discussion of Council Chamber Acoustics Problem and the use of Carpet Squares as a Sound Barrier - Staff will be researching the purchase of carpet squares to carpet the meeting hall floor. This item may be a possible expenditure and will be discussed at the next Council Meeting.

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. New Property Liens Filed by the City – There are no new liens.
- c. Previously Recorded Liens Total – The total amount of the liens is \$5,494.73.

2. Litigation

- a. Indian Hills Subdivision – The attorney representing Rone Engineers, Ltd. has asked for a continuance hearing, and it has been set for February 17, 2010.
- b. Glenn Heights Annexation – There is no update.
- c. 907 Block of Lark Lane
 - Appeals Court Update – The appeals court has extended a plea bargain to Mr. Bearden for consideration. A new court date has been scheduled for February 24, 2010 to hear Mr. Bearden’s response. If he refuses the plea bargain, the case will be set for jury trial.
 - TCEQ Litigation Update – Mr. Bearden has ignored all of the TCEQ’s attempts to contact him. The leaking fuel tanks matter will now be turned over to the TCEQ Enforcement Division.
- d. 1936 Willow Bend – The citizen has agreed to pay \$259.00 plus a return check fee (\$30.00) and additional court fines (\$325.00) as dictated by the municipal judge for the dog at large charges. The payment of the additional fines is to be made in three installments.
- e. 602 Roaring Creek Circle – The citizen appeared before the Municipal Court on January 21, 2010 to answer for nonpayment of trash service billings and failure to register dog charges. He was very cooperative and has paid both accounts in full.

3. Status Report on Previously Resolved Nuisance Issues – There is no update.

C. Public Works

1. Uhl Bridge Update
This matter was discussed earlier in the meeting.
2. Woodhaven Bridge Update
Completion paperwork has been submitted and final payments have been requested.
3. Road Maintenance and Repairs
This matter was discussed earlier in the meeting.
4. Discussion of City-Wide Bar Ditch Clean-Up
Discussion for this item will continue when weather conditions are favorable.

D. Secretary's Report

1. Posting of Notice to File Applications for May 2010 General Election
City Secretary Quintana indicated the Notice of General and Special Election has been prepared and will be posted.
2. Annual Audit Report
City Secretary Quintana stated the annual audit should be ready in another couple of weeks.
3. Trash Violation Summary
Currently, there are no ninety-plus-day delinquent accounts.
4. Ellis County Free Dump Days
Ellis County plans to designate one week in 2010 (May 1st through May 8th) for free dumping. There will be two to three locations available, and the county will be publishing all of the details soon.

VIII. ADJORNMENT:

Mayor Klooster asked if Council or the audience participant had any further comments. None were made, and a motion to adjourn was made by Wilson at 8:54 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