

**MINUTES OF THE REGULAR MEETING
OF THE OAK LEAF CITY COUNCIL
HELD ON MARCH 9, 2010 AT 7:00 P.M.
AT OAK LEAF CITY HALL**

I. CALL TO ORDER & ROLL CALL:

Council Members Present:

Mayor Pro Tem Pat Mahlstedt
Councilman Craig Wilson
Councilman Ray Brindle

Councilman Ron Spurlock
Councilman Jim Tuma

Council Member Late Due to Work Related Matters:

Mayor Paul Klooster

City Staff Present:

City Secretary Ronda Quintana

MAYOR PRO TEMPORE MAHLSTEDT CALLED THE REGULAR CITY COUNCIL MEETING TO ORDER AT 7:00 P.M. AND ANNOUNCED A QUORUM PRESENT.

II. INVOCATION & PLEDGE OF ALLEGIANCE:

Councilman Wilson 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 February 9, 2010 Regular Meeting Minutes

The Regular Meeting Minutes of February 9, 2010 were reviewed, and Councilman Brindle made a motion to accept the Minutes. However, Councilman Wilson indicated a change in wording was needed with regard to Old Business Item B and future contract work. Brindle rescinded his motion. Mahlstedt asked if there were any further comments by Council and none were made. Wilson made a motion to accept the corrected Minutes. Spurlock then seconded the motion. The mayor pro tem called for a vote.

Ayes: All
Nays: None
The motion passed.

B. The Discussion of Murrey and Co. Audit Report for Fiscal Year 2008-2009

The item was tabled until the arrival of Mayor Klooster.

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.

This item was tabled until later in the meeting to attain the mayor's input.

- B. 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.

The item was introduced by Mahlstedt and discussion ensued. Wilson asked for clarification regarding the square footage allowance for temporary portable storage units under Section 3.08 (Exceptions). Councilman Brindle stated from a legal standpoint it would be implied as permissible, since the number of units could be above the limit allowed in normal circumstances. With no further discussion, Brindle made a motion to approve Ordinance 1002 and Councilman Tuma seconded the motion. Mahlstedt called for a vote.

Ayes: All

Nays: None

The motion passed.

MAYOR KLOOSTER ARRIVED AT 7:20 P.M. AND REQUESTED A SHORT RECESS OF THE MEETING. IT RECONVENED AT 7:27 P.M. AND RETURNED TO REGULAR AGENDA ITEM (B).

IV. REGULAR AGENDA ITEMS:

- B. Discussion of Murrey and Co. Audit Report for Fiscal Year 2008-2009

The Audit Report was reviewed by Council and they made no comments pertaining to it. Mayor Klooster stated Murrey and Co. report found the city's financial activities for the year to be in compliance with general accounting practices.

On a financial related matter, Councilman Brindle stated the city should consider a re-evaluation its current budget with respect to property tax income, interest income and the full payment of the bank note for the municipal building. Mayor Klooster stated the discussion of these matters would be added to the next Council Meeting Agenda. Klooster also mentioned there would be a discussion concerning the re-assignment of special money market funds into another investment; since the funds were no longer required as collateral for the building loan. There will also be discussion to adopt an investment policy.

AT THIS TIME THE MAYOR RETURNED TO OLD BUSINESS ITEM V. (A).

V. OLD BUSINESS (cont.):

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

The mayor indicated another bid will be sought to address the extension of the culverts and the reinforcement of the retaining walls at Uhl/Locust Bridge. He then tabled the discussion of the possible improvements to the next Council Meeting.

C. 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 Councilman Wilson stated he was opposed to Ordinance 1003 as it was written. Wilson indicated it was still too restrictive. Mr. Pierce, audience member, agreed stating he found the ordinance to be an insult to the citizens of Oak Leaf. Mayor Klooster stated the intention of the ordinance was to set rain/freeze sensor guidelines on new and existing sprinkler systems, so the item has been tabled to the next Council Meeting to allow the proposed wording to be revised.

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

Mayor Klooster indicated inquiries to state agencies had been made regarding the Emergency Services District’s responsibilities for fire and ambulance service within its district. The response was fire coverage had to be provided, but ambulance service was optional. Therefore, the mayor advised Council to take no action and allow the contract with ETMC Ambulance Service to continue for another three years. The council members took no action.

VI. MAYOR’S UPDATE:

A. Meetings and Seminars

- North Ellis County Coalition of Cities Meeting - Klooster stated the City of Oak Leaf will host the next quarterly coalition meeting on April 1, 2010, which will include a meal for the coalition members. The mayor will be discussing the venue with Mayor Pro Tem Mahlstedt and City Staff.

B. Delinquent Property Taxes Update

Mayor Klooster identified the amount of delinquent property taxes owed to the city is currently \$11,583.96.

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

There is no update.

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 prepared a carpet squares comparison spreadsheet for the Council's review. Councilman Tuma commented that the Council should consider spraying the ceiling with acoustical popcorn. With that said, the mayor stated more research is needed to determine the best solution, so the discussion has been tabled for 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 and additional time is required to comply.
- b. New Property Liens Filed by the City – There are no new liens.
- c. Previously Recorded Liens Total – The total amount of the liens on file at the Ellis County Records Office is \$5,540.54.

2. Litigation

- a. Indian Hills Subdivision – The continuance has been granted which will allow the attorneys for both sides an opportunity to complete the discovery phase of the case. The trial has also been reset to October of 2010.
- b. Glenn Heights Annexation – There is no update.
- c. 907 Block of Lark Lane
 - Appeals Court Update – Mr. Bearden has pled “no contest” to the allegations against him and has been found guilty by the Ellis County Court at Law Two. He has paid the appeals court fees and fines and the the back payments due to DCI Sanitation.

- TCEQ Litigation Update – The city is awaiting an update from the TCEQ Enforcement Division regarding the leaking gas tanks matter.
3. Status Report on Previously Resolved Nuisance Issues – Mr. Russell at 1936 Willow Bend continues to make payments towards his dog-at-large fines and penalties.

C. Public Works

1. Uhl Bridge Update
The closing paperwork has been received for the project and the final payment has been made.
2. Woodhaven Bridge Update
The completion paperwork has been submitted and final payment requests have been made.
3. Road Maintenance and Repairs
Ten thousand dollars were spent on pothole repairs in November 2009 and twelve thousand dollars were spent in February 2010. Both repair jobs failed shortly after the work was completed. Therefore, the city has decided to pay the contractor for half of the work done in February and withhold the remaining portion until the contractor is able to do the repairs correctly.

To prevent this problem in the future, Mayor Klooster has requested information from Councilman Wilson concerning another city where the pothole repairs have held up. He also plans to spray paint each pothole and mark them on a site plan. Then the city will provide a scope of work to the contractor bidding to do the work.

Councilman Tuma also commented on the build-up of the road sides due to the past road repairs. He stated the build-up is preventing proper water run-off and will need to be addressed.

4. Discussion of City-Wide Bar Ditch Clean-Up
The city will be contracting with Ellis County for the citywide drainage project. Mayor Klooster made mention of an area on Elm Street where two culvert sections have washed away. The work is on hold until the rainy season ends.

D. Secretary's Report

1. Trash Violation Summary
Currently, there are no ninety-plus-day delinquent accounts.

2. 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 a voucher system in place for the event and two locations will be available. All details can be found on-line at: www.co.ellis.tx.us and at City Hall.

3. 9-1-1 Addressing Meeting

Secretary Quintana stated Ellis County addressing representatives are working in conjunction with Ovilla, Oak Leaf, Glenn Heights and the U. S. Postal Office to resolve several addressing issues; especially along S. Westmoreland Road. During the last meeting, a discussion took place regarding the redrawing of addressing grid lines to match what had already been established by the City of Waxahachie, since S. Westmoreland Road starts in their city's extraterritorial jurisdiction and extends northbound. It was agreed upon that a City of Waxahachie representative would be invited to the next 9-1-1 Addressing Meeting to get his/her input.

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 Brindle at 8:10 p.m. It was seconded by Councilman Wilson. 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