

**MINUTES OF THE REGULAR MEETING  
OF THE OAK LEAF CITY COUNCIL  
HELD ON APRIL 13, 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 7:00 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:**

Mr. Tim Henry (citizen at 1006 Lariat Circle) and Mr. William Denier (citizen at 1001 Lariat Circle) were in attendance. Both guests registered to speak during the meeting. Mr. Denier commented about the March Agenda not being posted to the city's website until he requested it. He also informed the Council he had received a call from a man representing Oak Leaf regarding the latest "Brush Chipper Day" event. Mayor Klooster stated the city had no involvement in this occurrence, but it may have been a concerned citizen. Mr. Henry mentioned he had received a "P.O.D." letter from the city and inquired why it had been sent to him. Mayor Klooster indicated City Code Compliance Department had toured Oak Leaf and discovered a large rectangular container at the back of his property which prompted the sending of the letter.

**IV. REGULAR AGENDA ITEMS:**

A. Approval of March 9, 2010 Regular Meeting Minutes

The Regular Meeting Minutes of March 9, 2010 were reviewed, and Councilman Spurlock stated a minor correction needed to be made in Reports and Action by Council Section, Item B. - Legal, Section 1. - Nuisances, Subsection a. - 1200 Block of Lariat Circle. The word "in" needed to be changed to "is". With no further comments made, Klooster asked for a motion. Spurlock made a motion to accept the corrected Minutes and Mayor Pro Tem Mahlstedt seconded the motion. The mayor called for a vote.

Ayes: All  
Nays: None  
The motion passed.

**V. EXECUTIVE SESSION: In accordance with Texas Government Code, Subchapter D, Legal, Section 551.071**

Council met in Executive Session at 7:12 p.m.

**VI. RECONVENE INTO REGULAR SESSION:**

Council reconvened into Regular Session at 7:23 p.m.

**B. Discussion and Action Taken as a Result of the Executive Session**

Mayor Klooster stated no action was taken during the Executive Session. The discussion concerned the mayor's conversation with the city attorney regarding the Indian Hills Subdivision lawsuit. Two weeks ago, the city extended a settlement offer to the engineering company's attorney, but no reply has been received. Therefore, the case will proceed towards the scheduled October trial date.

**C. Discussion and Approval of Ordinance 1004 – An Ordinance Canceling the May 8, 2010 City of Oak Leaf General Election and Declaring Each Unopposed Candidate Elected to Office**

Ordinance 1004 was reviewed and Councilman Brindle made a motion to approve it. Mahlstedt seconded the motion. With no further comments from Council, Klooster called for a vote.

Ayes: All  
Nays: None  
The motion passed.

**D. Discussion and Approval of Interlocal Cooperation Contract for the Lease of Voting Machines Between Ellis County, Texas and City of Oak Leaf for Special Election on May 8, 2010**

Klooster opened discussion regarding the Interlocal Cooperation Contract. He indicated the city had considered buying an AutoMark voting machine in the past years; however, it was determined the lease of the equipment was the best option with regards to use of the machine and justification of the expense. The mayor pro tem made a motion to approve the Interlocal Cooperation Contract, and Councilman Tuma seconded it. No further comments were made by Council, so the mayor called for a vote.

Ayes: All  
Nays: None  
The motion passed.

E. Discussion of Changes to 2009-2010 Fiscal Budget

The mayor initiated discussion by stating there had been concern amongst the council members regarding the decline in revenue from property taxes and sales tax. Therefore, a request was made to review the 2009-2010 Fiscal Budget. The total revenues and expenses were evaluated, and Council determined no modifications to the budget were necessary for the time being. Even though revenues were slightly down, the lower than expected expenses more than compensated for the shortage.

Road repairs and resurfacing expenses were also discussed. Klooster indicated the city is considering the hiring of a geotechnical company to determine what should be done (if anything) to the base of the roads before resurfacing/repairs begin. This will ensure better quality and longer lasting roads. In an *Ellis County Chronicle* article published on February 17, 2010, the City of Ovilla city administrator stated Ellis County charges \$25,000.00 for one course of chip seal per mile and \$50,000.00 for two courses of chip seal per mile. Dallas County charges \$250,000.00 for a mile of asphalt road work. This price does not include extensive sub-grade or drainage work.

F. Discussion of Reassigning Funds From the Special Money Market Account into Another Investment

Years ago when the property at 301 Locust Drive was bought to build Oak Leaf City Hall, the financial provider required the city to establish a collateral account to cover the loan payments. Recently the financial provider informed City Staff the special money market account is no longer necessary for the loan. Mayor Klooster has requested City Secretary Quintana to contact financial institutions in the area and obtain rates and sliding scales for consideration at the next Council Meeting.

As an investment related topic, Brindle commented he would have an investment policy prepared for review by the next meeting. The mayor stated it would be added as a discussion item to the next Agenda, and then in June it would be added as a possible action item.

**VII. OLD BUSINESS:**

A. The Discussion of Additional Improvements to the Uhl/Locust Bridge Embankments

Mayor Klooster indicated he has already received a proposal to do work on the guardrails and is awaiting a proposal for additional posts, as well as a proposal from someone to do work in the creek.

B. 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 item was opened for discussion, and the mayor remarked the proposed ordinance would establish guidelines concerning lawn irrigation systems and rain/freeze sensors. Mr. Denier stated he was not in favor of the ordinance, since each irrigation system is already metered. He also stated most people have enough common sense to turn off the system in rainy or freezing weather, and the ordinance was another attempt for “Big Brother” to have control over the people. No comments were made by Council, and Mayor Klooster asked for a motion. Councilman Tuma made the motion to approve Ordinance 1003. However, the ordinance failed to receive a second motion. Klooster indicated the ordinance would not be added to a future Agenda unless a council member asked for it to be reconsidered.

**VIII. MAYOR’S UPDATE:**

A. Meetings and Seminars

- North Ellis County Coalition of Cities Meeting – The April 1, 2010 meeting of the NECCC was well attended by the participating members and the media. Kathy Rodrigue of the Ellis Central Appraisal District was the guest speaker. She addressed the members regarding decreased property values and adjustments to be made to upcoming property tax estimates. Other topics discussed during the meeting were transportation, a regional animal control center and a sports complex offer from an investment group. The sports complex would have fields for soccer and football, an Olympic sized swimming pool and a meeting center. More information will be provided during the next scheduled NECCC meeting.
- Red Oak Independent School District State of the District Meeting – Mayor Pro Tem Mahlstedt recently attended the Red Oak ISD’s State of the District Meeting on March 10th in which the new Red Oak High School was discussed and virtual tour was given. The new high school will have three floors with the total square footage of 340,000 square feet. There will also be eighty class rooms available to accommodate a future enrollment of twenty-four hundred students.

B. Delinquent Property Taxes Update

Mayor Klooster identified the amount of delinquent property taxes owed to the city is currently \$11,561.39.

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

The mayor recognized Mayor Pro Tem Pat Mahlstedt for her participation at the Red Oak ISD events and assistance in the Johnson and Ellis Counties Meals-On-Wheels Program. She recently received a thank you letter from the Meals-On-Wheels executive director for her efforts.

**IX. 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 – Klooster has contacted a carpet supplier and received an estimate of \$3600.00 for carpeting the meeting hall floor with carpet squares. He stated it will be Council's decision as to when it would be installed. Mr. Denier commented by stating he had dealt with a similar acoustics problem in the past and had solved it by installing decorative acoustic panels on the walls. Mayor Klooster indicated he would have Staff research the panels as an alternative solution. The matter would be added to the next Agenda for further discussion and possible action.

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 \$5,586.70.

2. Litigation

- a. Indian Hills Subdivision – This matter was discussed earlier in the meeting.
- b. Glenn Heights Annexation – There is no update.
- c. 907 Block of Lark Lane
  - TCEQ Litigation Update – The matter has been turned over to the TCEQ State Lead Office, and they are attempting to contact Mr. Bearden regarding the leaking gas tanks. Once he has refused their communications, the TCEQ will take action to remove the tanks and contaminated soil.

3. Status Report on Previously Resolved Nuisance Issues – City Hall has received more dog-at-large complaints against Mr. Russell’s dog, Rex, and the city’s code compliance officer has verified the dog’s presence within the city limits. Per the city’s prosecuting attorney, the municipal court clerk will issue a letter to Mr. Russell informing him that he is in violation of the judge’s orders. He will then be issued a summons to appear before the Municipal Court in May.

C. Public Works

1. Road Maintenance and Repairs

The mayor stated the potholes have been marked with yellow and white spray paint and proposals have been requested for the road repairs. Once the proposals have been received, a special meeting may be necessary to discuss any charges higher than what was budgeted for the fiscal year. Councilman Wilson mentioned the Council should also request a list of materials from each company and an account of what repair methods will be used.

2. City-Wide Drainage Project

Work will begin on the drainage project after the rainy season has passed. During the next few months, Mayor Klooster will be assisted by council members in obtaining the permission of property owners to gain access to the problem drainage areas.

On a drainage related matter, Mr. Henry commented about the recently finished drainage work under S. Westmoreland Road not far from the Lariat Circle intersection. There seems to be blockage in the culvert pipes and the water is going over the road after a heavy rain event. The mayor stated the Ellis County is responsible for that section of S. Westmoreland and would be contacted regarding the obstruction(s).

D. Secretary’s Report

1. Trash Violation Summary

Currently, there are no known trash violations with an outstanding balance of ninety or more days.

2. Update on Bulk Brush Clean-up

Assistant Secretary Ellis has created a comprehensive spread sheet showing results for both “Brush Chipper Day” events and the DCI Sanitation bulk brush pick-ups in February and March. Mayor Klooster stated the spring newsletter will communicate the facts and figures disclosed on the bulk brush spread sheet.

3. Ellis County Free Dump Days  
Ellis County plans to designate one week in 2010 (May 1st through May 8th) for free dumping. Citizens of Oak Leaf who want to participate in the event will need to get a voucher from the Precinct 4 County Commissioner's Office in Midlothian. All details can be viewed on-line at: [www.co.ellis.tx.us](http://www.co.ellis.tx.us) and information sheets are available at City Hall.
  
4. North Central Texas Council Of Governments Requests for Nominations  
Secretary Quintana announced the NCTCOG is requesting nominations for the officers and directors for 2010-2011 and for three awards (the Linda Keithley Award, the William J. Pitstick Award, and the NCTCOG Regional Cooperation Award). The council members were asked to submit their nominee names by May 7th for the awards and by May 14th for officers and directors.
  
5. Spring Newsletter Reminder  
Staff will be preparing the spring newsletter for publishing in the next couple of weeks. Council was asked to submit any articles or beneficial information by April 28th. Mr. Denier stated he would like the newsletter to go out earlier in the year, so election information could be included.

**X. ADJORNMENT:**

Mayor Klooster asked if Council or the audience participants had any further comments. None were made, and a motion to adjourn was made by Mahlstedt at 8:24 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

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Paul Klooster, Mayor

ATTEST: \_\_\_\_\_  
Ronda Quintana, City Secretary