

**MINUTES OF THE REGULAR MEETING
OF THE OAK LEAF CITY COUNCIL
HELD ON MAY 11, 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 7:02 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), Mr. William Denier (citizen at 1001 Lariat Circle) and Mr. James Pierce (citizen at 114 Cedar Dr.) were in attendance. Mr. Denier was the only guest who registered to speak during the meeting, and he commented about the city's website with regards to updating the calendar events section. He also stated the January and February 2010 Minutes could not be viewed on-line. Councilman Brindle commented about the multiple step process to view the Minutes and asked if the process could be shortened.

MAYOR KLOOSTER REQUESTED A SHORT RECESS OF THE MEETING AT 7:08 P.M. TO PERSONALLY VIEW THE CITY'S WEBSITE. THE MEETING RECONVENED AT 7:10 P.M.

Klooster stated there is an error message on the Minutes page which will need to be addressed, and the calendar page does need to be updated.

IV. REGULAR AGENDA ITEMS:

A. Approval of April 13, 2010 Regular Meeting Minutes

There was a short discussion regarding the wording of Regular Agenda Items E. (Discussion of Changes to 2009-2010 Fiscal Budget) and B. (Discussion and Action Taken as a Result of the Executive Session). However, after brief explanations from Councilman Wilson and City Secretary Quintana, no changes were needed. With no further comments from Council, Klooster asked for a motion.

Mayor Pro Tem Mahlstedt made a motion to accept the Minutes as presented and Wilson seconded the motion. The mayor called for a vote.

Ayes: All
Nays: None
The motion passed.

B. Swearing in of Unopposed City Council Members – Paul Klooster (Mayor), Jim Tuma (Place 4) and Craig Wilson (Place 5) by Mayor Pro Tem Mahlstedt

Paul Klooster was sworn in as mayor of Oak Leaf, and Councilman James (Jim) Tuma (Place 4) and Councilman Craig Wilson (Place 5) were sworn in as Oak Leaf council members by Mayor Pro Tempore Mahlstedt.

C. Discussion and Approval of Resolution 1002– A Resolution of the City of Oak Leaf, Texas, Endorsing Certain Legislative Changes Relating to the Sunset Review of the Texas Public Utility Commission and the Special Purpose Review of the Electric Reliability Council of Texas

Klooster stated Resolution 1002 was created in response to a request from the Steering Committee of Cities served by Oncor. Its purpose is to state the City of Oak Leaf's position (as a member of the Steering Committee) on critical reforms necessary to make the Texas electric market more competitive. No further comments were made by Council, so Councilman Wilson made a motion to approve the resolution. Councilman Spurlock seconded the motion. The mayor called for a vote.

Ayes: All
Nays: None
The motion passed.

D. Discussion and Approval of Resolution 1003 – A Resolution of the City of Oak Leaf, Texas, Approving and Adopting the City of Oak Leaf Investment Policy and Providing an Effective Date

Klooster opened discussion by stating Resolution 1003 was created to establish an investment policy for the City of Oak Leaf. Councilman Brindle indicated the resolution should be reviewed thoroughly before it was approved. Mayor Klooster agreed and stated that the item should be tabled until the next scheduled meeting and at that time it would be on the agenda as a discussion-and-possible-action item.

Mr. Denier inquired as to why the city did not have an investment policy, and the mayor responded by stating the city currently has a financial policy but would like to establish additional guidelines for future investment activities.

E. Discussion and Approval of Ordinance 1005- An Ordinance Amending Chapter 10 – Traffic Control, Article 10.100 – Definitions and Article 10.100- Parking of Commercial and Oversized Vehicles and Adding Sections, 10.1001 – Parking Prohibited, 10.1002 - Violations

The mayor withdrew the action section of the item and requested any upcoming ordinances to be listed as discussion only items during the first viewing. Ordinance 1005 was then reviewed by Council. Audience member Mr. Henry asked how the weight limitations for commercial vehicles would impact the parking of his enclosed car trailer on his private property. Mayor Klooster indicated the city is merely trying to make a distinction between normal vehicle weights and commercial vehicle weights. Mr. Henry stated the city should consider using weight limits set by the Texas Department of Transportation. Audience member Mr. Denier commented that the one ton limit is too light, since some pickups weigh over one ton. Klooster responded by stating the one ton limit refers to the load capacity of a vehicle, not the weight of it. Mr. Denier then asked about the violation clause of the ordinance. The mayor replied most ordinances have a violation clause.

F. Discussion and Approval of Ordinance 1006 – An Ordinance Amending Chapter 7 – Offenses and Nuisances, Article 7.400 – Abandoned and Junked Motor Vehicles, Sections 7.401 – Definitions and 7.407 – Junk Vehicles as a Public Nuisance

The mayor also withdrew the action section of Item F. He then opened discussion of Ordinance 1006. Councilman Spurlock stated he would like the descriptions of antique and collection vehicles to be more specific. Wilson inquired about the necessity to remove a dismantled vehicle on private property if it is being restored. Mayor Klooster indicated he would also like Staff to research current regulations for classifying antique vehicles. Audience member Mr. Denier commented there was no violations clause in this ordinance, and audience member Mr. Henry questioned the meaning of the “In Ordinary Public View” definition.

V. OLD BUSINESS:

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

Mayor Klooster indicated the proposal to do work on the bridge headwalls is forthcoming, and he tabled the item for the next scheduled Council Meeting.

B. The Discussion of Reassigning Funds from the Special Money Market Account into Another Investment

The item has been tabled until the Investment Policy has been adopted. At that time, the funds may be rolled over.

C. Discussion and Possible Action to Approve Payment of an Outstanding Balance to B.G. Williams Asphalt for Road Work Completed in January

B. G. Williams Asphalt, LTD repaired potholes during late 2009 and early 2010. Mayor Klooster stated that the work failed due to weather conditions and the patching method chosen by the contractor. Additional pothole repairs were necessary, including many of the holes previously repaired by Mr. Williams. Mayor Klooster identified the current pothole repair work was scheduled for May 12th and 13th and would be performed by Pavecon. Mahlstedt inquired whether the new company could guarantee their work, and the mayor responded there can be no guarantee when dealing with pothole repairs.

The discussion then proceeded in regards to the payment of the remaining amount of monies due to B.G. Williams invoice for the work performed in December and January. Councilman Wilson indicated the city never had a contract with B.G. Williams Asphalt, just agreements for one lump price. Wilson also stated the city has never provided specifications, a list of materials, or guidance for the potholing in the past, and Councilman Tuma was in agreement that no instructions had been given. Wilson then asked what legal recourse B.G. Williams Asphalt would have against the city. Klooster responded by stating they would likely take the matter to small claims court. Audience member Mr. Pierce voiced his opinion by stating if there is no contract; the city should pay the amount due. Audience member Mr. Denier inquired whether it was worth the effort of going to small claims court. He stated the city would then have to pay the legal fees plus the remaining balance. The mayor asked for a motion to pay or not to pay the remaining balance. Councilman Spurlock made a motion to pay the \$6,000.00 owed to B.G. Williams Asphalt, and Wilson seconded the motion.

Ayes: All
Nays: None
The motion passed.

VI. MAYOR'S UPDATE:

A. Meetings and Seminars

- Federal Emergency Management Association (FEMA) Final Community Coordination Meeting on April 27, 2010 to Discuss the New Preliminary Flood Insurance Study and Digital Flood Insurance Rate Map for Ellis County

The meeting was attended by Mayor Pro Tem Mahlstedt and City Secretary Quintana, and Mahlstedt stated it was very interesting. There were twenty-four persons in attendance from cities within Ellis County, which was a very good turnout.

B. Delinquent Property Taxes Update

Mayor Klooster identified the amount of delinquent property taxes owed to the city is currently \$11,317.93.

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 Acoustics Problem in the Council Chamber – Klooster indicated City Staff had prepared acoustic panel information sheets for Council to review. He recommended the city should purchase one to two panels for testing of their sound absorption qualities. He also indicated Staff will do research to find a local supplier. The mayor then tabled the item for the next scheduled 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 \$5,633.25.

2. Litigation

- a. Indian Hills Subdivision – The Oak Leaf city attorney and attorney for Birkhoff Engineering have entered into a joint agreement to share defense materials and avoid duplication of documentation. In addition, there are plans to retain a geotechnical company to look at the drawings from Landis. A proposal for services will be rendered, and the city plans to share the cost. As for the settlement offer, there continues to be no response from the subdivision developer or engineering firm. Trial is scheduled for October, 2010.
- b. Glenn Heights Annexation – Since the City of Glenn Heights has several new council members and a new mayor in office, the Mayor Klooster has asked the city attorney to contact Glenn Heights and offer a mutual dissolution of the lawsuit between Oak Leaf and Glenn Heights.

c. 907 Block of Lark Lane

- TCEQ Litigation Update – TCEQ has submitted a work order to allocate money for the removal of the four leaking gas tanks, and a crew has recently visited 907 Lark Lane to investigate the property where the tanks are located. They have spoken with the employees of both businesses and to neighbors down the street. TCEQ has also discovered an address for Mr. Bearden in Heath, Texas and are attempting to contact him at that address.

3. Status Report on Previously Resolved Nuisance Issues – City Hall has received another dog-at-large complaint against Mr. Russell's dog, Rex. The city municipal court clerk will be issuing a summons to appear before the Municipal Court.

C. Public Works

1. Road Maintenance and Repairs

As previously stated, the road repairs will begin next week, and the mayor asked Staff and Council to check on the road crew while they are in Oak Leaf and observe their potholing techniques.

Councilman Wilson has solicited a proposal from a geotechnical company to do core samples of the Oak Leaf roads. If the city chooses to upgrade its roads, the condition of the base must be known in order to prevent future road failure. Wilson indicated ten to twenty core samples will need to be taken. The estimated cost of the procedure is somewhere between five to seven thousand dollars and could be justified as an engineering expense. If the base material proves to be inadequate, steel drum machines can be brought in to pulverize the road base. Then materials such as lime and Portland cement can be added for stabilization. Mahlstedt asked how much would the process cost. Wilson indicated he had sent an estimate to Mayor Klooster and it was substantial. He also indicated Locust Drive and the front section of Willow Bend Drive should be the first streets to be rebuilt.

Mayor Klooster also mentioned he had requested Staff to contact the Red Oak assistant city manager regarding the widening of Uhl Road at the Ovilla Road intersection. He received a reply that Red Oak has plans to do the project but does not have the funding. They are waiting for the Texas Department of Transportation to widen Ovilla Road and hope to have that intersection included as part of TXDOT's project.

2. City-Wide Drainage Project

Waiver letters will be personally delivered by Mayor Klooster and other council members, along with and aerial Pictometry pictures showing where the drainage work will be done and a verbal explanation of how it will be done. Pre-drainage work photographs will also be taken of the sites for city record. If a property owner chooses not allow the city to access the property to do the work, then the owner will be informed he/she is personally liable to do the work.

D. Secretary's Report

1. North Central Texas Council of Governments Public Meeting Notice

The NCTCOG sent a notice during the last part of April inviting members of the public to attend Regional Transportation Meetings on May 3rd, 4th and 5th. These meetings provided information about transportation, air quality and the NCTCOG's plans for the future. The public may view what was discussed by going on-line to www.nctcog.org/trans/outreach/meetings or by going to the City of Oak Leaf's website at www.oakleaftexas.org. In addition, the public is invited to submit their suggestions and comments for improving transportation and air quality by June 2nd.

2. Update on Ellis County Clean-up Event for First Week of May

The Ellis County Clean-up was a success. Though, by Tuesday, May 4th, all of the eleven hundred vouchers had been issued. The mayor asked Secretary Quintana to find out how many vouchers were redeemed and if the county plans to do any further clean-ups for the year. Mr. Henry stated he redeemed his voucher, and there were not many people in line at the dumpsite. He also remarked that there were five dumpsters available and five men to help unload.

3. NCTCOG Requests for Nominations

Quintana reminded Council the nominations for NCTCOG Officers and Directors for 2010-2011 were due on May 14, 2010. However, no nominations were forthcoming from the Council during the meeting.

4. Spring Newsletter Reminder

The Newsletter will be released for circulation once the mayor has submitted his article. Klooster stated he hoped to have it out by the end of the week.

5. Meeting with City of Red Oak Officials Regarding Interlocal Agreement for Inspections of Non-Residential Properties Within Oak Leaf

Quintana met with City of Red Oak officials to discuss the possibility of an Interlocal Agreement for the inspection of Oak Leaf non-residential properties concerning fire safety and commercial building code issues. Mr. Tim Kelty, assistant city manager for Red Oak, advised Quintana that the City of Red Oak would need to do more research regarding the issuance of the citations and the enforcement of them, since Oak Leaf is outside their jurisdiction.

VIII. ADJORNMENT:

Mayor Klooster commented that the Oak Leaf municipal court judge (Bob Carroll) was recently elected as the 40th judicial district court judge for Ellis County and would be vacating his municipal position as of December 31, 2010. Klooster asked Council to start thinking of a replacement municipal judge. He also asked Council to send their responses regarding the House of Representatives Committee for Transportation by May 14th. Klooster also had inquired whether the North Ellis County Coalition of Cities was going to respond to the questionnaire but was informed no answer had been received.

With no further comments from the council members and the audience participants, the mayor asked for a motion to adjourn. Wilson made the motion at 8:25 p.m., and it was seconded by 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