

**MINUTES OF THE REGULAR MEETING
OF THE OAK LEAF CITY COUNCIL
HELD ON JUNE 8, 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 Ron Spurlock

Councilman Craig Wilson

Councilman Jim Tuma

Council Member Absent Due to Work:

Councilman Ray Brindle

City Staff Present:

City Secretary Ronda Quintana

MAYOR KLOOSTER CALLED THE REGULAR CITY COUNCIL MEETING TO ORDER AT 7:01 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. and Mrs. Leslie Warfield (citizens at 606 Roaring Creek Circle), Ms. Clo Wiegner (citizen at 117 Hackberry Street) and Ms. Jessica Montgomery (citizen at 801 Lark Lane) were in attendance. Ms. Weigner and Ms. Montgomery both registered to speak during audience participation. Mr. and Mrs. Warfield deferred their comments until the discussion of the variance request.

Ms. Weigner addressed the Council stating the condition of the yard at 115 Hackberry has been unacceptable since last year, and the company hired to do the mowing only cuts the front yard of the property. Consequently, the sides and back yard grass has grown tall and critters have moved in. Ms. Weigner did state someone had finally mowed the entire yard earlier in the day. She then requested that the city take a more active role in enforcing its codes. Mayor Klooster replied the city has taken steps to mow the property in the past and placed mowing liens on it. However, each time the property changes ownership, the city has to find out who is the new owner and begin the violation notification procedures over again.

Ms. Montgomery stated there are a number of code violations being committed on Lark Lane, especially at 907 Lark Lane. The fence next to the private club is in disrepair and needs to be replaced or removed. There is also a huge pile of tires behind the auto repair shop which is visible when entering Lark Lane. In addition, Ms. Montgomery indicated she would like the city to step in and make the property owner accountable for cleaning up the property. The mayor commented that City Staff will be sending a code violation notice to the property owner.

IV. REGULAR AGENDA ITEMS:

A. Approval of May 11, 2010 Regular Meeting Minutes

Mayor Klooster opened the discussion of the May 11th Minutes, but there were no comments from Council. He, therefore, asked for a motion. Mayor Pro Tem Mahlstedt made a motion to approve the Minutes, and Councilman Spurlock seconded the motion. The mayor called for a vote.

Ayes: All present vote aye.

Nays: None

The motion passed.

B. Consideration and Approval of a Variance Request for an Additional Structure at 606 Roaring Creek Circle

Klooster stated the property owners adjacent to 606 Roaring Creek Circle have signed the variance request notification and information sheet which would allow for a third accessory structure on the property. The mayor asked about the dimensions of the gazebo, the distance of it from the property lines and whether it would be screened in. Mr. Warfield verified the dimensions of the gazebo will be nineteen feet by nineteen feet, it will be fifteen feet from the back property line and it will not be screened in. With no further comments or questions from the council members, the mayor asked for a motion. Mahlstedt made a motion to approve the variance request. Spurlock seconded the motion. Mayor Klooster called for a vote.

Ayes: All present vote aye.

Nays: None

The motion passed.

C. Discussion and Approval of Resolution 1004 – A Resolution Canvassing and Declaring the Returns of the Special Election Held on May 8th, 2010

Klooster indicated Resolution 1004 was created to canvass and declare the returns of the Special Election regarding the reauthorization of the City of Oak Leaf local sales and use tax at the rate of one-fourth of one percent (.25%) to continue providing revenue for maintenance and repairs of municipal streets. After the Special Election returns were canvassed, it was determined the citizens of Oak Leaf have approved the reauthorization of the local sales and use tax with a total vote of fifty-three “For” and five “Against”. No further comments were made by Council, so Councilman Wilson made a motion to approve the resolution. Mayor Pro Tem Mahlstedt seconded the motion. The mayor called for a vote.

Ayes: All present vote aye.

Nays: None

The motion passed.

D. Discussion and Appointment of a Mayor Pro Tempore

The mayor pro tempore position is an annual appointment by the council members, and Mayor Klooster asked for a motion to either appoint a new mayor pro tem or to reappoint Councilwoman Mahlstedt. Spurlock made a motion to reappoint Mahlstedt, and Councilman Tuma seconded the motion. Klooster called for a vote.

Ayes: All present vote aye.

Nays: None

The motion passed.

E. Discussion and Approval of Resolution 1005 – A Resolution of the City of Oak Leaf, Texas, Authorizing Continued Participation with the Steering Committee of Cities Served by Oncor; and Authorizing the Payment of Ten Cents Per Capita to the Steering Committee to Fund Regulatory and Related Activities Related to Oncor Electric Delivery Company, LLC

Mayor Klooster stated the City of Oak Leaf had joined the Steering Committee of Cities Served by Oncor a few years ago. This committee monitors utility services and rates proposed by Oncor with the Public Utilities Commission. Klooster indicated and it is time renew the city's commitment at a cost of ten cents per the TML calculated capita (population of Oak Leaf) of 1601. Mahlstedt indicated since the city had previously authorized the payment to the committee, she would make a motion to continue participation and financial support of the Steering Committee. Councilman Wilson seconded the motion. With no comments or questions from the council members, the mayor called for a vote.

Ayes: All present vote aye.

Nays: None

The motion passed.

F. Discussion and Approval of an Interlocal Agreement for On-site Septic Facilities Between the City of Oak Leaf and Ellis County

The Ellis County Department of Development has prepared an Interlocal Agreement for On-site Septic Facilities and sent it for the City of Oak Leaf's approval. This agreement will allow Ellis County to continue inspect and approve septic systems within the city. There was some discussion from council members regarding the term of the Interlocal Agreement, and the mayor asked City Secretary Quintana to contact the Ellis County Department of Development regarding this matter. Councilman Spurlock indicated he would agree to a month to month term as stated on the agreement and Wilson concurred. Mayor Klooster asked for further comments or questions from Council, but there were none. He then asked for a motion, and Wilson made the motion to approve the Interlocal Agreement. Spurlock seconded the motion. Klooster called for a vote.

Ayes: All present vote aye.

Nays: None

The motion passed.

G. Discussion of the Texas Department of Transportation's Offer to Replace the Woodhaven Bridge with a Majority of the Funding Provided by the Federal Highway Administration

The Woodhaven Bridge is on a five-year replacement plan due to its age and condition, consequently the bridge will have to be replaced no later than 2014 or 2015. The Texas Department of Transportation (TxDOT) has sent notification that the bridge is eligible for replacement under the Off-State System Federal-Aid Bridge Replacement and Rehabilitation Program. If the city chooses to participate, the Federal Highway Administration will provide eighty percent (80%) of the funding, TxDOT will provide ten percent (10%) and the city would be responsible for the remaining ten percent (10%). The total cost to build a two-lane concrete bridge has been estimated at seven hundred thirteen thousand four hundred ninety dollars and seventy-seven cents (\$713,490.77). Mayor Klooster indicated he felt the Woodhaven neighborhood would be concerned about replacing the "quaint" wood and steel bridge. If the Council agrees to participate, the city will have to obtain right-of-ways of properties next to the project area and do a deed survey, all of which will be paid by the city and not part of the program funding. The road will also have to be widened on both sides to a width of twenty-four to twenty-eight feet to accommodate the two-lane bridge.

Councilman Wilson stated TxDOT's estimated cost seems very high, and he has contacted bridge supplier to obtain another quote. He has also contacted Scott Morrow, a TxDOT engineer, and the city's cost of \$71,349.08 is fixed. So, if construction costs went higher, Oak Leaf would only pay the fixed amount. If the costs are lower than expected, the city would be cut a check for the difference at the end of the project. In addition, Wilson indicated TxDOT is willing to work with the city to create a more aesthetically pleasing bridge design, but there may be additional costs. Wilson stated, too, that he has spoken with Ellis County about doing a different structure.

Councilman Tuma suggested obtaining the right-of-way and to build a road off of S. Hampton Road to access the neighborhood and converting the Woodhaven Bridge into a walking bridge. Mayor Klooster stated measurements would have to be made to determine if the area could accommodate a two lane road. If there is enough room, land would have to be acquired from at least four property owners. Tuma then asked what the cost would be to build another single lane bridge. The mayor responded the estimated cost would be four hundred thousand (\$400,000) dollars to five hundred thousand (\$500,000) dollars; however, federal and state funding would not likely be available. In either case, a one or two lane bridge would have the capacity to handle heavier traffic (i.e. refuse and emergency vehicles), unlike the current bridge.

Mayor Klooster inquired if there was a deadline to make a decision on the TxDOT offer, and Wilson commented by stating they will need an answer to start the paperwork, but the project will not begin for some time. There are four other bridges in Ellis County that are eligible for replacement. Klooster stated the Council will need to take a look at cost versus property owners. He then tabled the discussion of the bridge offer until the July Council Meeting at which it would be a possible action item.

H. Discussion and Approval to Execute an Agreement With Landtec for Geotechnical services Related to Researching Existing Base Conditions of Various Streets Within the City of Oak Leaf

Mayor Klooster stated the city is considering changing from chip seal to asphalt roads and must identify the condition of base of various streets in Oak Leaf before resurfacing can begin. Mayor Pro Tem Mahlstedt inquired as to the cost of doing roads in asphalt. The mayor replied the estimated cost is two hundred and fifty thousand dollars (\$250,000.00) per mile, providing the base is in good condition. Spurlock asked how many miles of road are in Oak Leaf. The mayor responded the city has twelve (12) miles of road. Mahlstedt queried the mayor about the cost of the asphalt roads if the base is not in good condition. Klooster stated the cost would be around three hundred and fifty thousand dollars (\$350,000.00), because lime, slurry or flex base would have to be added to stabilize the base.

Tuma commented that he knows the history of the roads, and the city would basically be starting over. Both Mayor Klooster and Councilman Wilson agreed the high traffic roads should be asphalted initially. Klooster indicated Locust and the first phase of Willow Bend Drive were at the top of his list. Councilman Tuma asked why Willow Bend Drive should receive priority over other high traffic roads such as S. Hampton Road, E. Highland Road or Red Oak Creek Road. Wilson responded the first phase of Willow Bend Drive is older.

Mahlstedt made a motion to approve the execution of the agreement with Landtec Engineers. Councilman Wilson seconded the motion. The discussion then progressed to the cost of having the road base cores done. Klooster indicated it would cost about five thousand dollars (\$5,000.00) to do ten (10) cores and about seven thousand dollars (\$7,000.00) to do twenty (20) cores. With no further comments from the Council, the mayor called for a vote.

Ayes: All present vote aye.

Nays: None

The motion passed.

V. **OLD BUSINESS:**

A. 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

Mayor Klooster tabled the item for discussion and possible action at the July Meeting and then stated Council could contact City Staff if they have any questions that need clarification. The mayor reminded the council members the Investment Policy would also be part of the budget process, since some of the city's funds will be designated as short term (thirty- to sixty-day) investments.

B. 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 indicated Ordinance 1005 would be an action item for the July Council Meeting. A definitions section is being considered, as well as a section dealing with the parking of tractor trailers on property within Oak Leaf.

C. 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

Mayor Klooster stated Ordinance 1006 would also be an action item for the July Council Meeting. Councilman Spurlock commented he had provided definitions regarding antique vehicles, custom vehicles, special interest vehicles, and street rods.

Ms. Montgomery, audience participant, asked if the ordinance would address the amount of vehicles parked in front of residences and was informed there was already a code in effect that limits each residence to four (4) vehicles being visible.

VI. MAYOR'S UPDATE:

A. Meetings and Seminars

- Emergency Preparedness Rural Stakeholder Forum at the Waxahachie Civic Center on May 20, 2010 (Attended by Pat Mahlstedt)

Mayor Pro Tem Mahlstedt stated there were thirty-five (35) persons in attendance and twelve (12) were from other cities. She was able to obtain some useful phone numbers for emergency situations.

- 44th Annual NCTCOG General Assembly Workshop, Luncheon and Meeting on June 18, 2010

The North Central Texas Council of Governments is holding its annual combination meeting on June 18th at the Hotel Hilton in Arlington, Texas. Mayor Klooster encouraged all council members to notify Staff if they are planning to attend, so registration forms could be completed.

- Tentative Budget and Tax Rate Schedule

Mayor Klooster stated there are four budget workshops scheduled during the months of July and August, but only three may be necessary. There is also the possibility of the hearings being scheduled on days other than Tuesdays.

B. Delinquent Property Taxes Update

Mayor Klooster identified the amount of delinquent property taxes owed to the city is currently \$11,353.75.

C. Non-Residential Zoning

As a matter related to properties, Klooster mentioned he had been contacted by a property owner who is interested in transitioning his Ovilla Road property from residential to non-residential. The vacant lot is across from Red Oak Intermediate and is zoned for two residences. A couple of other Oak Leaf property owners have also shown interest having their properties reclassified as non-residential. He stated this may be something to consider as part of next year's fiscal budget. Wilson remarked that a zoning map would have to be done. In addition, Mayor Klooster stated the cost to complete this process would be a minimum of fifteen thousand dollars (\$15,000.00).

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

There is no update.

E. MISCELLANEOUS ITEMS

- Ellis Appraisal District 2011 Proposed Budget and 2011-2012 Proposed Reappraisal Plan Information Available on June 28, 2010

The Ellis Appraisal District has prepared a proposed 2010-2011 Reappraisal Plan and Budget, and the Appraisal District Board of Directors will hold a public hearing on Monday, June 28, 2010 at 4:00 p.m. It is open to all citizens of Ellis County.

- HILCO – Recycling of Electronics on June 29th and 30th

HILCO will hold an electronics recycling event at 115 E. Main Street in Itasca from 8:00 a.m. to 5:00 p.m. on June 29th and 30th. A list of what is accepted and not accepted is posted at City Hall.

- FEMA County-wide Flood Insurance Study

The mayor indicated FEMA has revised and updated their Flood Insurance Studies and Flood Insurance Rate Map for Ellis County. The proposed base flood elevations (BFE's) will be published twice in a local newspaper soon and upon the second publishing, a ninety (90) day appeal/protest/comment period will be initiated for public input. After all the appeals, protests and comments have been resolved, the base flood elevations will be determined as final. Then there will be a six (6) month period before the flood maps become effective.

- Environmental Clean-up Day on September 25, 2010 at City's Municipal Building Parking Lot

The City of Oak Leaf will hold its second annual Household Hazardous Waste Clean-up Event on September 25th from 9:00 a.m. to 11:00 a.m. The Fort Worth Environmental Collection Center (ECC) will provide a collection trailer on the day of the event and will accept waste from at least fifty (50) households prior to filling up. However, it may accept waste from as many as a hundred (100) households depending on the waste amounts dropped off. The cost for a household to participate will be \$47.00.

Mayor Pro Tem Mahlstedt commented about bulk brush piles on Lark Lane. She asked about collection of franchise fees from the cable company and the possibility of setting up a drop-off mail box at City Hall. Mayor Klooster stated the city already collects a franchise fee from Charter Cable, and he would have Staff contact the United States Postal Service about the the mail box.

VII. REPORTS AND ACTION BY COUNCIL:

A. Land/Building

No Update

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 \$5,680.19.

2. Litigation

- a. Indian Hills Subdivision – The trial is scheduled for October, 2010.
- b. Glenn Heights Annexation – No update.
- c. 907 Block of Lark Lane
 - TCEQ Litigation Update – There is no update. However, the city has been contacted by a local property owner who would like to set up a test fruit/vegetable market in front of the existing convenience store at 907 Lark Lane. City Staff has advised the property owner to speak with Mr. Bearden.

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 has issued a summons to appear before the Municipal Court.

C. Public Works

1. Road Maintenance and Repairs

This matter was discussed earlier in the meeting.

2. City-Wide Drainage Project

The mayor stated he plans to take some vacation time to finalize an address list of properties needing drainage work and to take pictures of the properties. Then waiver letters will be personally delivered by Mayor Klooster and other council members. The work is scheduled to begin in August.

D. Secretary's Report

1. Update on Ellis County Clean-up Event

The Ellis County Fire Marshall's office was contacted by City Secretary Quintana, and they are still tallying the results of the clean-up event. If they do plan another event, they will send out notification. The mayor mentioned that during the city's budget workshops, the Council will be considering spring/fall cleanups vs. weekly brush and monthly bulk brush pick-ups.

2. The Discussion of Solutions for Acoustics Problem in the Council Chamber

Two local suppliers have been located and are providing acoustic panel quotes. Swatches have also been ordered and are available for viewing by the Council.

3. Spring Newsletter

The newsletters were mailed out on May 26, 2010 and only a few of them have been returned because of addressing problems. Assistant City Secretary Ellis is handling the readdressing issues.

4. Update on Interlocal Agreement for Inspections of Non-Residential Properties Within Oak Leaf

Quintana contacted the City of Red Oak officials and the discussion of the Interlocal Agreement has been pushed back to July.

5. Oncor's Take a Load Off, Texas City Matching Grant Program

Oak Leaf has been offered an opportunity to participate in an Oncor matching energy efficiency grant program. The program will pay up to fifty percent (50%) or fifty thousand dollars (\$50,000) towards lighting upgrades, replacing HVAC units or existing roofs. Mayor Klooster indicated Quintana may proceed on behalf of the city.

VIII. ADJORNMENT:

With no further comments from the council members and the audience participants, the mayor asked for a motion to adjourn. Councilman Wilson made the motion at 8:47 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