

**MINUTES OF THE BUDGET WORKSHOP
AND REGULAR MEETING
OF THE OAK LEAF CITY COUNCIL
HELD ON AUGUST 10, 2010 AT 6:30 P.M.
AT OAK LEAF CITY HALL**

I. CALL TO ORDER & ROLL CALL:

Council Members Present:

Mayor Paul Klooster

Councilman Ron Spurlack

Councilman Jim Tuma

Mayor Pro Tem Pat Mahlstedt

Councilman Craig Wilson

Councilman Ray Brindle

City Staff Present:

City Secretary Ronda Quintana

MAYOR KLOOSTER CALLED THE REGULAR CITY COUNCIL MEETING TO ORDER AT 6:50 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:

There were no guests present during audience participation. At 7:04 p.m., Mr. James Pierce (citizen at 114 Cedar Dr.) arrived and signed the guest register.

IV. REGULAR AGENDA ITEMS:

A. Approval of July 13, 2010 Regular Meeting Minutes

Mayor Klooster opened the discussion of the July 13th Minutes, and several changes were made by the mayor and Council throughout the Minutes.

V. RECESS OF REGULAR MEETING:

An item on page 9 required clarification; therefore, Klooster called for a short recess of the meeting at 7:14 p.m.

VI. RECONVENE INTO REGULAR MEETING:

At 7:20 p.m. the meeting reconvened and continued with Item A. The mayor made a correction regarding the starting year of the Indian Hills Subdivision legal process. A couple of additional corrections were made, and then Klooster asked for a motion. Mayor Pro Tem Mahlstedt made a motion to approve the amended Minutes. Wilson seconded the motion. Mayor Klooster called for a vote.

Ayes: All present vote aye.
Nays: None
The motion passed.

B. Discussion of Ordinance 1008 – An Ordinance Amending Chapter 5 – Uniform Fire Code, Section 5.101 and Adding Sections 5.400, 5.500, 5.600 – Pertaining to House Numbering and Numbering on Mail Boxes

Klooster stated Ordinance 1008 was created to bring existing code current and to establish guidelines for house and mailbox numbering. In a previous Oak Leaf Newsletter, a house numbering article was included to remind citizens about having visible house numbers in case of a police or fire emergency. He then asked the council members if they had any comments regarding the ordinance. A couple of changes were made by Councilmen Brindle and Wilson. Klooster then tabled the item to the next regular Council Meeting and asked that it be added as an action item.

C. Discussion and Possible Approval of Contract with Nathan D. Maier Consulting Engineers, Inc.

Discussion opened concerning the contract with Nathan D. Maier Consulting Engineers, Inc. Mayor Klooster stated it was necessary for the city to hire a private consulting firm before the October court date to determine past and current road work costs for the Indian Hills Subdivision roads, as well as projected costs to rebuild the road as it should have been done in the first place. In doing so, the city's attorney would have expert information to present to the court during the upcoming trial.

Mahlstedt inquired whether the city could go out for other bids. Councilman Wilson replied the city cannot seek competitive bids for this type of engineering work. Wilson identified that the not-to-exceed projected cost was acceptable, although the hourly rate seemed exceedingly high.

Klooster indicated the city must have expert information to continue moving forward with the court case. The information will also be useful if there is a settlement offer. He then asked for a motion to approve the contract. Mahlstedt made the motion and Councilman Spurlock seconded the motion. The mayor called for a vote.

Ayes: Mayor Pro Tem Mahlstedt, Councilman Tuma, Councilman Brindle and
Councilman Spurlock
Nays: Councilman Wilson
The motion passed.

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D. Discussion and Selection of Investment Policy Officers and Setting a Term of Office

Mayor Klooster recommended that he and one other council member be appointed as the investment officers for the City of Oak Leaf and advised an annual term of office. He then asked for nominations. Wilson made a motion to appoint Councilman Brindle and the mayor as the investment officers and to approve a one-year term for the positions. Mahlstedt seconded the motion. Klooster called for a vote.

Ayes: All present voted aye.

Nays: None

The motion passed.

E. Discussion and Approval of \$1,136.00 to Make Additional Pothole Repairs

The item was opened for discussion, and Klooster stated the Council has the option to do the additional pothole repair work now or wait until the next fiscal budget was in effect.

In a previous proposal from PaveCon, two quotes were given of \$6,060.00 and \$8,332.00. The the six thousand dollar figure quote covered immediate pothole repairs and that work was completed in July. The mayor then stated least a dozen potholes were overlooked. Therefore, another proposal had been submitted in the amount of \$1,136.00 to do the additional work. Mayor Klooster asked the council members for a motion. Brindle made a motion to approve the additional \$1,136.00 for pothole repairs. Mahlstedt seconded the motion. Klooster called for a vote.

Ayes: All present voted aye.

Nays: None

The motion passed.

Councilman Wilson made a comment that for the next fiscal budget the Council should consider a yearly contract with PaveCon for a unit price bid (similar to what Ellis County does). Klooster agreed and stated there would also be a mobilization fee.

F. Discussion and Approval of a HVAC Proposal for Oncor's *Take a Load Off Texas* Grant

The proposals were reviewed by Council and several questions were asked regarding the different HVAC brands and warranties. The mayor then asked for a motion. Brindle made a motion to approve the proposal from Pape Services for the amount of \$6,640.00, which included an annual maintenance policy for the two units (one new, one existing). Councilman Tuma seconded the motion. Klooster reminded the Council that half this cost would be reimbursed by the Oncor program. After that, he called for a vote.

Ayes: All present voted aye.

Nays: None

The motion passed.

VII. OLD BUSINESS:

- A. Discussion and Approval of Ordinance 1005 – An Ordinance Amending Chapter 10 – Traffic Control, Article 10.100 and Article 10.100 and Adding Sections, 10.1001 and 10.1002 – Pertaining to Adding of Definitions to Definitions Section, Parking of Oversized Vehicles and Prohibiting Parking of Tractor Trailers

The mayor indicated the ordinance had been discussed in previous meetings. He then asked for a motion. Brindle made the motion to approve Ordinance 1005. Councilman Tuma seconded the motion, and Mayor Klooster called for a vote.

Ayes: All present voted aye.

Nays: None

The motion passed.

- B. Discussion and Approval of Ordinance 1006 – An Ordinance Amending Chapter 7 – Article 7.400, Sections 7.401 and 7.407 – Clarifying Vehicle Definitions and Junk Vehicles as a Public Nuisance

Mayor Klooster stated Councilman Spurlock had provided definitions regarding antique vehicles, custom vehicles, special interest vehicles, and street rods. Spurlock indicated the information was obtained and modified from SEMA (Specialty Equipment Market Association) definitions. Klooster asked for a motion. Spurlock made the motion to approve Ordinance 1006, and Mahlstedt seconded the motion.

Ayes: All present voted aye.

Nays: None

The motion passed.

- C. Discussion and Approval of Ordinance 1007 – An Ordinance Amending Chapter 6 – Health and Safety, Article 6.400, Section 6.401 and 6.402 – Clarifying Code Enforcement Against a Nuisance and What are the Nuisances

After Council viewed the changes made by the city's attorney, Wilson made a motion to approve Ordinance 1007. Spurlock seconded the motion. Klooster called for a vote.

Ayes: All present voted aye.

Nays: None

The motion passed.

- D. Discussion of Options in Lieu of Replacing the Woodhaven Bridge

Mayor Klooster indicated Council needed to ascertain and identify all possible options related to eminent domain for the easements/right-of-ways of properties next to Woodhaven Bridge and the existing private egress. He then asked City Secretary Quintana to add an item to the next regular Council Meeting to approve a consultant to value the right-of-way or easements being discussed.

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Klooster asked the audience member, Mr. Pierce, if he knew of Woodhaven Bridge, and Mr. Pierce said he did not. The mayor proceeded to inform him the quaint steel and wood bridge needs repairs due to its age. TxDOT has offered to replace the structure with a two-lane cement bridge using grant funding. The city will be responsible for ten percent (10%) of the costs plus, any right-of-way costs, etc. Any aesthetic improvements to the new bridge would have to be requested and paid for by the city; and perhaps specifically the citizens of the neighborhood. The other option the city is considering is to widen and straighten a private egress that is currently used for emergency vehicles, trash vehicles and school buses and convert the existing bridge into a pedestrian-only crossing.

Mr. Pierce inquired if the citizens would be given the option to vote on the matter. The mayor responded by stating the residents in the South haven Estates Subdivision would be canvassed, but it would happen at a later time. More research needed to be done. Mr. Pierce then stated the citizens would be losing out not to take advantage of the grant.

Mayor Klooster indicated that an action item would be added to the next regular Council Meeting to execute an agreement with a company to ascertain the right-of-ways near the bridge and private egress.

Councilman Spurlock mentioned he had travelled to Italy, Texas and crossed a newly built two-lane bridge that would likely be a duplicate of that which the state would build in Oak Leaf. Mayor Klooster asked if he would go and take pictures of the bridge to be used as a visual aid. Spurlock stated he would.

Councilman Wilson indicated he had left a message for Scott Morrow with TxDOT regarding the bridge but has not received a response from him.

VIII. MAYOR'S UPDATE:

A. Meetings and Seminars

- **Dallas Regional Mobility Coalition Notice**

There will be a DRMC Meeting at 11 a.m. on September 3rd at the NTTA's headquarters at 5900 West Plano Parkway in Plano, Texas.

- **Red Oak High School Dedication**

The Red Oak Independent School District has sent invitations to all council members and Staff regarding the dedication of the new high school. The event will take place on August 22nd at 2:00 p.m. in the Performing Arts Center.

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- American Planning Association Texas Conference
Mayor Klooster stated the council members of Oak Leaf are eligible to apply for a scholarship to attend the American Planning Association Conference in San Antonio, Texas on October 7-9, 2010 for small cities dealing with high velocity growth. The scholarship will pay for registration, lodging, and travel fees. The mayor indicated any council member wishing to attend needed to contact Staff.
- NECCC (North Ellis County Coalition of Cities) Meeting
Eighteen persons were in attendance at the NECCC Meeting. The discussion related to meeting with the Texas Department of Transportation in Austin, Texas regarding possible improvements/upgrades to the streets within the northwest portion of Ellis County, including FM 664/Ovilla Road. Commissioner Ron Brown would also be attending the meeting with TxDOT.
- Loop 9 Meeting
The Loop 9 Meeting on July 29th has been rescheduled for August 17th at 2:00 p.m. to 4:00 p.m. at the Cedar Hill Recreation Center, 310 E. Parkerville Road, Cedar Hill, Texas 75104.

B. Delinquent Property Taxes Update

Mayor Klooster identified the amount of delinquent property taxes owed to the city is currently \$20,076.27. The new amount is significantly higher than last month's report due to an updated list from the Ellis County Tax Collector's Office.

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

There is no update.

D. MISCELLANEOUS ITEMS

- TML Equity Returns Notice
Klooster indicated the Texas Municipal League will be paying the City of Oak Leaf \$314.00 in equity returns by December 2010. This amount is based upon a 2009-2010 estimated financial results, claims history, and equity position of Oak Leaf's three primary operating funds for worker's compensation, liability and property.
- Wind and Solar Power Webinar
On August 12th a wind and solar power webinar will be available to view on-line from 10 a.m. to 12:00 p.m. The webinar will discuss the challenges of getting this type of power source installed and approved within municipal areas.

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- Recycling Computer Program
The Texas Town and City Magazine had an article regarding free recycling of antiquated computer equipment. The program requires equipment to be mailed back to the original manufacturer. There is no cost to recycle, but the person returning the equipment must pay for shipping and handling. A manufacturer address list and additional information is available at: www.texasrecyclescomputers.org
- Proclamation for September
The Old Chisholm Trail Chapter of the Daughters of the American Revolution has contacted the mayor and asked for the city to proclaim the week of September 17th as Constitution Week. Therefore, Klooster asked that a proclamation be prepared for the next regular Council Meeting in September.
- Research on Permits Issued
Mayor Klooster has asked Staff to contact the city's attorney and ascertain if the city can require a permit applicant to be current on his/her taxes before a permit can be issued.
- 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 and will be sending two notices by mail to provide details to our citizens. The mayor mentioned each citizen also has the option of going anytime during the year to the Fort Worth Collection site to drop off hazardous household waste. A voucher must be picked up and paid for at City Hall (\$47.00), in advance, to participate in this program.

IX. REPORTS AND ACTION BY COUNCIL:

A. Land/Building

No Update

B. Legal

1. Nuisances

- a. 1200 Block of Lariat Circle – Staff and a councilmember will re-visit the property to obtain a first-hand update as to what has been done and what is yet to be done. An update will be available for the next regular scheduled council meeting.
- 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 \$5,003.12.

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2. Litigation

- a. Indian Hills Subdivision – A mediation meeting has been scheduled for early September, and the court date remains in October.
- b. Glenn Heights Annexation – There is no update.
- c. 900 Block of Lark Lane
 - TCEQ Litigation Update – The case has been turned over to the Attorney General's Office in Austin.

The mayor mentioned that Mr. Bearden had closed the CITGO gas station over ten years ago and made no effort to remove the four gas tanks located in front of the station. Since then, they have started to deteriorate and leak into the surrounding soil, which prompted the Texas Commission of Environmental Quality's involvement. This gave the city hope for resolution.

Mr. Pierce, audience member, asked what time frame is given for abandoned buildings in Oak Leaf. Klooster replied that the city has no non-residential ordinances in place, but it does plan to do non-residential planning and zoning to handle all aspects concerning commercial property. Though, it will take time and budgeted funds to set up.

3. Status Report on Previously Resolved Nuisance Issues – All cases have been resolved.

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 time to walk the city, get addresses and have Staff set up meetings with the property owners to be affected by the drainage work. He also plans to determine what conditions exist, where they exist, and what it will take to resolve the issues. Originally, it was thought that only the drainage ditches would have to be corrected, but as time went by, it was determined that additional drainage paths would need to be addressed, as well.

D. Secretary's Report

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

Quintana stated there is no update.

X. ADJORNMENT OF REGULAR MEETING:

The mayor asked if Council or the audience member had any further comments, and Councilman Wilson stated something needed to be done about the low water pressure in Little Creek Estates due to water line breaks in the Ovilla Rd/Lark Lane area. He indicated he was willing to go before the Glenn Heights Council. Klooster indicated the best approach to the problem was to send a letter asking what Glenn Heights' plans are to address this recurring predicament. The letter will be sent to the city manager, and Staff will check in three or four weeks for a response. Wilson inquired whether the matter should be approached by the city or by the Glenn Heights water customers. Mayor Klooster responded it should be the city on behalf of its citizen customers.

Mayor Pro Tem Mahlstedt also commented that an aggravated citizen had contacted her about the city not renting City Hall for private use. The mayor replied it is possible to rent the room again, but it would have to be a Council decision, just as it was to discontinue renting the facility.

Mr. Pierce inquired about the status of the house at 1900 Willow Bend Drive and was informed that there are usually reasons (health or financial) why a homeowner stops building on a house. In this case, it was due to health reasons. He also asked about the house at 701 Locust Drive and was informed there were ownership and financial issues.

Mr. Pierce also asked about the city sales tax. Mayor Klooster gave him the individual percentage rates (state rate of 6.25%, city rate of 1.00%, road tax rate of .50% and parks tax rate of .25%) and the total of the rates (8.00%).

With no further comments from the council members and the audience member, the mayor asked for a motion to adjourn from the Regular Meeting. Councilman Spurlock made the motion at 9:00 p.m., and it was seconded by Tuma. Klooster called for a vote.

Ayes: All present vote aye.

Nays: None.

The motion passed.

XI. CONVENEMENT INTO BUDGET WORKSHOP:

The Budget Workshop convened at 9:01 p.m., and Mayor Klooster stated the time for the August 12th Workshop had been changed to 6:30 p.m. There was also an addendum to add the discussion and approval of a replacement lighting proposal for Oncor's *Take a Load Off* city matching grant program.

The Council made comments regarding the budget to add the HVAC Contract Maintenance Agreement amount, resurfacing, and election supplies to the budget. Then a motion was made to adjourn at 9:10 by Mahlstedt and seconded by Brindle.

Ayes: All present vote aye.
Nays: None.
The motion passed.

PASSED THIS _____ DAY OF _____, 2010

Paul Klooster, Mayor

ATTEST: _____
Ronda Quintana, City Secretary