

**MINUTES OF THE  
REGULAR COUNCIL MEETING  
OF THE OAK LEAF CITY COUNCIL  
HELD ON SEPTEMBER 14, 2010 AT 6:30 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 Jim Tuma
Councilman Ray Brindle	Councilman Ron Spurlock

City Staff Present:

City Secretary Ronda Quintana

**MAYOR KLOOSTER CALLED THE CITY COUNCIL MEETING TO ORDER AT 6:34 P.M. AND ANNOUNCED A QUORUM PRESENT.**

**II. INVOCATION & PLEDGE OF ALLEGIANCE:**

Mayor Klooster gave the invocation followed by the Pledge of Allegiance.

**III. PROCLAMATION DECLARING SEPTEMBER 17-23, 2010 AS CONSTITUTION WEEK:**

Klooster read the Constitution Week Proclamation and presented it to Elizabeth Reed, a co-chairperson of the Daughters of the American Revolution (DAR) Old Chisholm Trail Chapter. Mrs. Reed then acknowledged the proclamation and presented a framed Certificate of Achievement to the City of Oak Leaf. She stated Oak Leaf's proclamation will be posted for other DAR members to view during their annual meeting.

The DAR has over three thousand chapters throughout fifty states and twelve countries. They are a service oriented nonpolitical organization with headquarters in Washington D.C. Any woman eighteen years or older who can prove her lineage to someone who provided food, fodder or fought in the Revolutionary War can become a member.

**IV. AUDIENCE PARTICIPATION:**

Mrs. Patricia Thibodeau and Mrs. Elizabeth Reed (co-chairpersons for the Old Chisholm Trail Chapters of the Daughters of the American Revolution) and Mr. Charles Reed were present. In addition, Mr. Tim Henry (citizen at 1006 Lariat Circle), Mr. Billy Camp (citizen at 1211 Lariat Circle), Mr. James Pierce (citizen at 114 Cedar Drive) and Mr. Josh Lenamond (citizen at 124 Woodhaven Court and Atmos Energy representative) were present but did not register to speak during Audience Participation.

Mr. Henry, an audience member, stated there was a road safety issue at the intersection of Lariat Circle and Westmoreland Road. Ellis County had recently installed a culvert pipe running under Lariat Circle Road, and the dirt placed on top of the pipe had not been packed properly. As a result, the pipe had become smashed, and during the week, the difference between road surfaces was almost twelve inches due to settling. Mr. Henry then stated the county had recently come out to add more dirt.

After a brief conversation with Mayor Pro Tem Mahlstedt, Mayor Klooster indicated the county work crew would be coming back to the site during the first part of the following week to complete the road repairs.

Mr. Camp, an audience member, agreed that the road work completed so far was horrible, and if it rained, there would be additional problems.

**V. CONSENT AGENDA ITEMS:**

Approval of September 7, 2010 Public Hearing, Budget Workshop and Special Meeting Minutes

Mayor Klooster inquired if the Council had any changes or corrections to make to the Minutes, and none were made. He asked for a motion to approve the September 7th Minutes, and Mayor Pro Tem Mahlstedt made the motion. Councilman Wilson seconded the motion. Klooster called for a vote.

Ayes: All  
Nays: None  
The motion passed.

**VI. REGULAR AGENDA ITEMS:**

A. Discussion and Approval of Ordinance 1009- An Ordinance Setting Property Tax Rate for 2010-2011 Fiscal Year

The mayor stated the current tax rate is .3554 per \$100 of taxable property value. The City Council has decided to implement a lower tax rate of .350785 per \$100 of taxable property value due to recent budget decisions. The new tax rate will decrease overall tax revenue by approximately \$2,261.00 for the upcoming fiscal year. With no comments or questions made by Council, Klooster asked for a motion to adopt the tax rate at .350785. Councilman Brindle made the motion and Councilman Spurlock seconded the motion. Mayor Klooster called for a vote.

Ayes: All  
Nays: None  
The motion passed.

B. Discussion and Approval of Ordinance 1010 – An Ordinance Adopting the 2010-2011 Fiscal Year Budget

Klooster indicated the budget had been discussed during five different Council Meetings/Budget Workshops over the last two months. After many modifications to the 2010-2011 Fiscal Budget, it is ready for adoption and showing a projected profit of \$1.74. The mayor asked Council if they had any questions or comments, and none were made. He then asked for a motion to adopt the Fiscal Year Budget for 2010-2011. Mahlstedt made the motion and Wilson seconded the motion. Klooster called for a vote.

Ayes: All  
Nays: None  
The motion passed.

C. Discussion and Approval of Interlocal Agreement for Participation in Fort Worth's Environmental Collection Center Household Hazardous Waste Program for 2010-2011

An updated version of the annual Interlocal Agreement between Fort Worth and Oak Leaf for the collection of hazardous household waste has been sent for Council to review and approve.

During last year's Oak Leaf Hazardous Household Waste Event, almost fifty households participated. Mayor Klooster stated lists of acceptable and unacceptable items would be posted on the City Hall bulletin board and on the city's website. He also stated an advantage to having the event in Oak Leaf is citizens don't have to make a trip to Fort Worth to dispose of their hazardous household waste items responsibly.

The mayor asked if the council members had any questions or comments. None were made. He asked for a motion to approve the Interlocal Agreement, and Brindle made a motion. Spurlock seconded the motion. Klooster called for a vote.

Ayes: All  
Nays: None  
The motion passed.

D. Discussion and Approval of Ordinance 1011 – An Ordinance Approving a Negotiated Resolution Between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division

Klooster indicated the City of Oak Leaf was a member of the Atmos Cities Steering Committee, and it had negotiated a resolution with Atmos regarding the company's third rate review mechanism filing. As a result, the ordinance was created for the approval of the Council. Councilman Brindle asked how many Atmos customers were in Oak Leaf and was informed there are three. The mayor asked if anything needed to be clarified, and no comments were made. He then asked for a motion. Brindle made the motion to approve Ordinance 1011 and Mahlstedt seconded the motion. Klooster called for a vote.

Ayes: All  
Nays: None  
The motion passed.

E. Discussion and Approval of Texas Municipal League Intergovernmental Risk Pool Candidates for Board of Trustees Election

The Council reviewed the candidates' information for the two TMLIRP positions, Place 6 and Place 7. However, the action failed due to a lack of a motion and lack of knowledge concerning the candidates.

**VII. OLD BUSINESS ITEMS:**

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

Mayor Klooster identified the numbering on houses and mailboxes is critical in emergency situations, as well as everyday postal and Fed-Ex/UPS deliveries. Ordinance 1008 will make the numbering mandatory and obligate the property owners to be personally responsible for posting the numbers on their houses and mailboxes. Klooster asked if Council had any questions or concerns. None were made. He asked for a motion to approve the ordinance. Mayor Pro Tem Mahlstedt made the motion and Brindle seconded it. The mayor called for a vote.

Ayes: All  
Nays: None  
The motion passed.

B. 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

Klooster updated Council by stating an engineering firm had been contacted and given a map of South Haven Estates to determine the metes and bounds of the bridge and private road areas being considered in the bridge replacement project. After the right-of-ways have been determined, the coordinates could be given to a land cost estimator. Councilman Wilson stated there was no need to get a plat done yet; however, the mayor indicated there was a need to know the metes and bounds so as to allow for the proper and timely acquisition in the future.

**VIII. MAYOR'S UPDATE:**

A. Meetings and Seminars

• NECCC (North Ellis County Coalition of Cities) Meeting on October 7th

The mayor and mayor pro tem will be attending a quarterly meeting of the NECCC. The meeting is sponsored by the City of Pecan Hills, and it will be at 6:30 p.m. on October 7th. Mayor Klooster stated more information regarding the location and agenda will be available soon.

- Hot Topics for Texas Cities Seminar  
The City of Richardson is hosting a free seminar to all area cities on October 7th from 8:30 a.m. to 12:00 p.m., and it is sponsored by Brown & Hofmeister, L.L.P. Klooster commented that any council member wishing to attend should contact Staff regarding registration requirements.

B. Delinquent Property Taxes Update

The delinquent property taxes owed to the city have been reduced by six thousand dollars from last month. The new balance is \$14,862.78.

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

There is no update.

D. Miscellaneous Items

- Ellis County Clean-up Day will be on Saturday, September 18, 2010 from 7:30 a.m. to 11:30 a.m. Staff has checked with the county, and there are vouchers available. Any Ellis County resident wishing to participate will need to pick up their vouchers (limit 2) before the event. The two landfills being used for the event are ECD Landfill between Ennis and Palmer and Republic Landfill in Avalon. For lists of what is accepted and not accepted, citizens may look on Ellis County's website or the City of Oak Leaf's website.
- Ovilla Heritage Day will be held on Saturday, September 25th at Ovilla's City Hall. There will be crafts, food, entertainment, bounce houses, etc. Additional details available from the City of Ovilla website.
- Glenn Heights Family Festival will be held on Saturday, October 30th from 10:00 a.m. to 8:00 p.m. at Heritage Park. Additional details available from the City of Glenn Heights website.

**IX. REPORTS:**

A. Land/Building

There are no updates.

B. Legal

1. Nuisances

- a. 1200 Block of Lariat Circle – Recent inclement weather conditions have hampered the gathering of updated evidence against the property owner.
- b. Previously Recorded Liens – There are no new liens. The total of previously recorded liens is \$5,222.74.

2. Litigation

- a. Indian Hills Subdivision Update – Mayor Klooster stated a legal mediation meeting occurred on September 8th in Arlington, Texas, and no settlement offer was made. Instead, they discussed the steps to be taken for a possible settlement and agreed to schedule another mediation meeting by the end of 2010. Consequently, the court date will be rescheduled for a date in 2011.
  - b. Glenn Heights Annexation Update – There is no update.
  - c. 907 Lark Lane
    - TCEQ Litigation Update – There is no current update.
3. Status Report on Previously Resolved Nuisance Issues – All properties with previous nuisance issues are currently in compliance.

C. Public Works

1. Road Maintenance and Repairs

Pavecon has been contacted to prepare an annual agreement to do regularly scheduled pothole repairs in the city. Klooster will also be seeking proposals from Pavecon and other asphalt companies to resurface the main thoroughfare roads as allowable by funds available in the new budget. Councilman Wilson stated formal requests for proposals will need to be solicited due to the cost and scope of the project.

2. City Wide Drainage Project

The mayor has toured Little Creek Estates and Shafer Acres. He has taken pictures of the areas needing drainage work and made a list of properties that will be affected by the work. Klooster stated the Council will need to assist him with personally contacting the residents in regards to signing drainage project waivers.

In reference to a drainage related matter, Mahlstedt mentioned the county commissioner should be contacted about placing cones at the northeast and southeast corners of Lariat Circle, because there is now a significant drop-off due to the recent drainage work by the county.

D. Secretary's Report

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

City Secretary Quintana indicated the city manager of Red Oak would be speaking with Red Oak's legal department in regards to the enforcement aspect of the agreement. Mayor Klooster instructed Quintana to have an answer by the October Council Meeting. If there is no answer, then Staff may investigate the possibility of contracting with Bureau Veritas or some other agency/company for the inspection of the non-residential property.

2. Fall Newsletter

Quintana commented that preparations had begun for the publishing of the fall Oak Leaf Newsletter. She asked the Council to submit any valuable information they wished to share with the citizens in the next couple of weeks. The fall newsletter is scheduled to be published sometime in the month of October.

The mayor also reminded the council members that the FEMA NIMS classes must be completed by December, and the certificates of completion need to be submitted to Quintana. He then stated Staff would be sending reminders from time to time to remind them about the classes.

**X. ADJOURNMENT FROM REGULAR MEETING:**

Mayor Klooster asked if the audience or Council had any further comments, and Mr. Camp, an audience member, mentioned that an asphalt surfacing company had gone through his neighborhood peddling recycled asphalt for driveways. The company representatives had stated they were working nearby and that they had excess material and labor for a minimal price. Mr. Camp had asked them to do some minor driveway repairs, but instead, the company had paved a large portion of his driveway. When the bill was presented, Mr. Camp informed them he would not pay the full amount, because they had gone beyond the agreed (verbal) terms. There are also other citizens on Lariat Circle who had been solicited in a similar manner. Mr. Camp commented that there was no specific company information on the invoice.

Klooster asked Quintana to send out an e-mail alert and post a warning on the city's website.

With no further comments from Council, Klooster asked for a motion to adjourn. A motion was made by Wilson at 7:28 p.m. It was seconded by Brindle. The mayor called for a vote.

Ayes: All

Nays: None

The motion passed.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010

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Paul Klooster, Mayor

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