

**MINUTES OF THE
REGULAR COUNCIL MEETING
OF THE OAK LEAF CITY COUNCIL
HELD ON OCTOBER 12, 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 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 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. and Mrs. Richard Zafarano (citizens at 1102 Lariat Circle), Ms. Nancy Barker and Boy Scout Jared Barker (citizens at 1103 Lariat), and Mr. James Pierce (citizen at 114 Cedar Drive) were present. Only Mr. Zafarano registered to speak during Audience Participation, and he deferred his comments until discussion of the variance request.

IV. CONSENT AGENDA ITEMS:

Approval of September 14, 2010 Regular Meeting Minutes

Mayor Klooster inquired if the Council had any changes or corrections to make to the Minutes, and Councilman Wilson stated he had two corrections (to add the word "asked" to Page 4, Section VII, Item A and to change the word "Special" to "Regular" on page 7, Section X). With no further comments from the council members, Klooster asked for a motion to approve the amended September 14th 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.

V. REGULAR AGENDA ITEMS:

A. Consideration and Approval of a Variance Request for a Fence at 1102 Lariat Circle

The mayor opened discussion of the variance request. Councilman Brindle inquired whether Ordinance 1013 should be discussed first, since it pertained to the type of fencing to be used by the Zafaranos. Brindle stated if the ordinance amendment were approved before the variance request, it would be possible for the Zafaranos to withdraw their request. Mayor Klooster stated he had spoken with Mr. and Mrs. Zafarano prior to the meeting about the possible amendment to code; however, they did not wish to withdraw their request, since they had already obtained written permission from the adjoining property owners, had purchased the materials for the new fence, and they were unsure about the approval of the ordinance amending the types of fence materials. As there was no opposition to variance, Brindle made a motion to approve the variance request, and Mahlstedt seconded the motion. Mayor Klooster called for a vote.

Ayes: All

Nays: None

The motion passed.

B. Discussion and Possible Approval of Ordinance 1012- An Ordinance Amending Chapter 5 – Fire Protection, Sections 5.400, 5.500, and 5.600 in Relation to the Reassigning of Code Section Numbers

The council reviewed the changes to the fire protection code sections, and Brindle asked if the only changes were to the numbering of the sections. City Secretary Quintana answered in the affirmative. The mayor then asked if there were any questions or comments to be made by Council and none were made. Mayor Klooster asked for a motion. Wilson made a motion to approve Ordinance 1012, and Councilman Tuma seconded the motion. Mayor Klooster called for a vote

Ayes: All

Nays: None

The motion passed.

C. Discussion and Possible Approval of Ordinance 1013 – An Ordinance Amending Chapter 3 – Building and Construction, Article 3.1100, Section .31106 Pertaining to Changes in Fencing Materials and Underground Dog Fences

The mayor recommended that Ordinance 1013 be a discussion item only and no action be taken on it during the present meeting. Council agreed to his suggestion. Brindle mentioned that horse wire would be appropriate in the rural areas of Oak Leaf where there was enough acreage to accommodate livestock. Wilson indicated the code could be modified to address fencing in strictly residential and rural areas of the city. Klooster then tabled the item until a request is submitted by a council member to review the fence code at a future Council Meeting, implying that any citizen submitting a fence permit application and using a non-complying material would have to go through the variance request process.

D. Discussion and Approval of Resolution 1006 – A Resolution Designating the Official Newspaper for the City of Oak Leaf

Mayor Klooster stated Resolution 1006 affirmed the City of Oak Leaf’s designation of Ellis County Chronicle as the city’s official newspaper, which must be done annually. He asked if Council had any questions or comments. None were made. He then asked for a motion to approve the resolution, and Mahlstedt made the motion. Wilson seconded the motion. Klooster called for a vote.

Ayes: All
Nays: None
The motion passed.

VI. MAYOR’S UPDATE:

D. Miscellaneous Items

• Eagle Scout Project at City Hall

Boy Scout Jared Barker presented his Eagle Scout Project to the Council. He stated with the assistance of other members of Boy Scout Troup 652 and family members he would like to spruce up City Hall’s flower beds by trimming trees, deadheading plants, moving plants around, planting new plants (such as lantana and viola pansies), using mulch available at City Hall and bringing in additional mulch, as well as maintaining the plants for several weeks afterward. Mayor Pro Tem Mahlstedt asked if another type of flower could be added, since pansies die off when the temperatures become too warm. Ms. Barker, audience member and mother of Jared Barker, commented that pansy violas were perennial plants and could handle the Texas climate changes (unlike pansies, which are cold weather annual plants). She also stated they would check into another type of drought hardy plant for the flower bed area. With no further comments from Council, Mayor Klooster agreed to approve the project.

VII. CONTINUATION OF REGULAR AGENDA ITEMS:

E. Discussion of the Texas Department of Transportation’s Master Agreement Governing Local Transportation Project Advance Funding Agreements

The mayor commented that he was unaccustomed with the type of agreement submitted by TxDOT for consideration. He asked Councilman Wilson to advise the Council and identify the areas of interest. Wilson stated the agreement was a standard boiler plate contract with two sections – the master advance funding agreement (MAFA) and the local project advance funding agreement (LPAFA). He then stated the Council should focus on Sections 3, 6, 12, and 13 of the (MAFA) as to breach of contract, payment of expenses incurred, the responsibility of moving utilities, local government participation costs, payment timeframes, and acquisition of property rights-of way. Wilson explained that the MAFA is a general contract, and the LPAFA provides more details of what the city plans to do.

The council members then proceeded to discuss their options as to the repair or replacement of Woodhaven Bridge, and what would be the best value for the cost. It was decided that more research was needed. Councilman Wilson stated once the agreement was executed, the city would need to work with the citizens and hold a Public Hearing to gain their input.

Mayor Klooster indicated that it was possible to hold a Public Hearing before the next Council Meeting and invite all citizens, especially those affected by the project. He then stated he had spoken with John Birkhoff of Birkhoff, Hendricks and Conway, LLP, and he will be visiting the area soon to survey the properties adjacent to the bridge for possible procurement of additional rights-of way.

Wilson stated he will be talking with TxDOT Engineer Scott Morrow to get dimensions of and requirements for the new bridge and to determine if there will be any leeway in the contract. He also stated if the city does not agree to the contract, TxDOT will continue to push until adequate repairs are made to the existing structure. If the city does decide to go through with the contract and work begins, the citizens of Southaven Estates will have to use the emergency easement road as their ingress and egress for at least three months. Wilson then mentioned that Forestbrook and Meadowbrook Drives will likely be torn up by the heavy construction vehicles driving on those streets. In addition, a staging area will be needed for the construction materials and machinery.

VIII. OLD BUSINESS ITEMS:

A. Discussion and Approval of a Copier Proposal

The members of the Council discussed the leasing options of the copiers. Mayor Klooster inquired if Staff had been to a showroom to try out the copiers. Quintana informed him they had not. Klooster then requested that Staff also get quotes for black and white copiers and visit the showrooms to access the capabilities of each copier. Councilman Wilson stated leasing of a copier provides complete service and up-to-date equipment. The mayor tabled the item until the next Regular Council Meeting allowing additional research to occur.

IX. CONTINUATION OF MAYOR'S UPDATE:

A. Meetings and Seminars

- **Hot Topics for Texas Cities Seminar Update**

Mayor Klooster asked if any of the council members attended the October 7th seminar in Richardson, Texas, and the response given by Council was "No".

- NECCC (North Ellis County Coalition of Cities) Meeting on October 7th
The mayor and mayor pro tem attended the October 7th NECCC Meeting sponsored by the City of Pecan Hill. Mayor Klooster stated the subjects discussed during the meeting were state funding of a road widening project on Ovilla Road and a projected regional animal shelter possibly located within the city limits of Red Oak.
- Texas Emerging Communities Dallas/Fort Worth Regional Workshop
Klooster indicated the workshop would be on November 11th from 8:00 a.m. to 4:00 p.m. and breakfast and lunch were included. He stated council members interested in attending should contact Staff to handle the registration details.
- Petroleum Site Cleanup Workshop
The North Central Texas Council of Governments (NCTCOG) will be hosting a Brownfield Revolving Loan Fund Grant Workshop on October 13th from 10:00 a.m. to 11:30 a.m. at the NCTCOG's Arlington location. The Environmental Protection Agency (EPA), Texas Commission on Environmental Quality (TCEQ), and the Railroad Commission of Texas (RRC) will be present to answer questions about funding availability, project eligibility, and the Brownfield Petroleum Programs. More information can be obtained by going on-line to the NCTCOG's website.

B. Delinquent Property Taxes Update

The delinquent property taxes owed to the city have been reduced by approximately seventeen hundred dollars from last month. The new balance is \$13,109.72.

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

There is no update.

D. Miscellaneous Items (Continued)

- 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.

X. REPORTS:

A. Land/Building

There are no updates.

B. Legal

1. Nuisances

- a. 1200 Block of Lariat Circle – Recent inclement weather conditions have now subsided and gathering of updated evidence against the property owner will commence again.

- b. Previously Recorded Liens – A new mowing lien will be added next month. The total of previously recorded liens is \$5,266.26.

2. Litigation

- a. Indian Hills Subdivision Update – Mayor Klooster mentioned Northeastern Pavers, Mactech and L&W Asphalt are being added as defendants to the lawsuit to help provide financial support for damages incurred by the City of Oak Leaf and road repairs to be made. The court trial will be rescheduled for a date in 2011.
- b. Glenn Heights Annexation Update – There is no update.

As an annexation related matter, Klooster stated in the past Ferris questioned Red Oak concerning a proposed annexation, and now they are suing Wilmer for annexations that occurred in 1982 and 1986 stating the legal descriptions did not match the property that was annexed.

- c. 907 Lark Lane
 - TCEQ Litigation Update – The property owner has been fined over \$10,000.00 for not complying with TCEQ regulations and so far has not paid. The Attorney General's Office has assigned a case worker to this matter.
3. Status Report on Previously Resolved Nuisance Issues – All properties with previous nuisance issues remain in compliance.

A. Public Works

1. Road Maintenance and Repairs

The pothole repairs have been completed and are withstanding the traffic passing over them. Klooster indicated Pavecon is scheduled to check on the roads in January. If weather conditions are suitable for potholing, they will come out to make the road repairs. If not, Pavecon will wait until conditions are more favorable.

2. City Wide Drainage Project

The drainage project has been pushed back to next year. Photos and notes have been made of the drainage areas needing attention in the Little Creek Estates and Shafer Acres Subdivisions. The mayor stated there was a concrete rip rap area on Shallow Creek where the dirt has eroded away and exposed the back side of it. He plans to use some of the crushed concrete purchased in the summer to backfill the washed out area.

B. Secretary's Report

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

City Secretary Quintana indicated she has tried multiple times to contact the city manager of Red Oak regarding the Interlocal Agreement but has not received a response. Mayor Klooster suggested that she try contacting the City of Cedar Hill.

2. Update on Household Hazardous Waste Event Held on September 25th

Six households participated in the second annual Household Hazardous Waste Event and brought in five hundred pounds of waste. Klooster remarked that the NCTCOG has a grant the city can apply for to finance the next event. Quintana stated the grant deadline for 2010 had already passed, and she would make a request for funding in 2011. Klooster recommended she also try to apply for funds with other federal and state entities.

As a clean-up related matter, Mayor Klooster indicated Clean-up Days would begin again in the spring of 2011. The city is also giving consideration to two spring clean-ups, since there was not sufficient time to schedule a fall 2010 clean-up. Citizens can still have bulk items picked up at their curbside; however, they must negotiate with DCI Sanitation for payment of the service to be provided.

3. Fall Newsletter

Quintana commented the fall Oak Leaf Newsletter was almost ready for publishing. She asked the Council and the mayor to submit their articles as soon as possible.

XI. ADJORNMENT FROM REGULAR MEETING:

Mayor Klooster inquired if the audience members or Council had any further comments, and none were made. Klooster asked for a motion to adjourn. A motion was made by Wilson at 8:21 p.m. It was seconded by Mahlstedt. The mayor called for a vote.

Ayes: All

Nays: None

The motion passed.

PASSED THIS _____ DAY OF _____, 2010

Paul Klooster, Mayor

ATTEST: _____
Ronda Quintana, City Secretary