

**MINUTES OF THE REGULAR MEETING
OF THE OAK LEAF CITY COUNCIL
HELD ON JANUARY 13, 2009 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 Ron Spurlock

Councilman Ray Brindle

City Staff Present:

City Secretary Ronda Quintana

Assistant Secretary Patty Ellis

II. MAYOR KLOOSTER CALLED THE REGULAR CITY COUNCIL MEETING TO ORDER AT 7:00 P.M. AND ANNOUNCED A QUORUM PRESENT.

Citizen William Denier spoke up and announced that there was not a quorum present as previous council meetings agendas did not identify the time of the meeting. Furthermore, Mr. Denier stated those meetings were not legal and any actions taken were voided (including swearing into office those individuals elected in the May 2008 election). Mayor Klooster directed staff to note the statement by Mr. Denier then proceeded with the Council meeting.

III. INVOCATION & PLEDGE OF ALLEGIANCE:

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

IV. MAYOR'S UPDATE:

District Attorney Joe Grubbs sent a letter to the City of Oak Leaf regarding a complaint filed by Mr. William Denier. Mr. Denier's complaint was based on the fact that the time of the December 2008 council meeting was not included in the posted agenda, and as such, any action should be voided. Upon research of the complaint, it was confirmed that the time of the meeting had inadvertently been excluded from the posted agenda. A reply has been sent to District Attorney Grubbs (cc: William Denier) confirming the accuracy of the citizen's complaint and noting that all action items that had occurred at the December 9, 2008 meeting were voided.

V. AUDIENCE PARTICIPATION:

Two citizens had signed up to speak and deferred their comments to later in the meeting when the subject matter was being discussed.

VI. CONSENT AGENDA ITEMS:

Minutes of the regular meeting of November 11, 2008 were reviewed by Council, and Mahlstedt made a motion to accept the meeting minutes. Tuma seconded the motion. With no council questions or discussion, Klooster then called for a vote.

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

VII. REGULAR AGENDA ITEMS:

A. The Swearing-in of Municipal Prosecuting Attorney, Rodney Ramsey

Attorney Rodney Ramsey was sworn in as the Municipal Prosecuting Attorney for Oak Leaf. City staff was directed to meet with Attorney Ramsey regarding possible upcoming municipal court legal matters.

B. Discussion of Interlocal Agreement Between Ellis County and the City of Oak Leaf

Mayor Klooster indicated that this annual Interlocal Agreement, between Ellis County and Oak Leaf, for the dates February 01, 2009 to February 01, 2010 allows for County participation regarding labor and/or materials on projects within the City. This includes, but is not limited to, work associated with roads, bridges, etc. Councilman Brindle made a motion to approve the Interlocal Agreement, and Mayor Pro Tem Mahlstedt seconded the motion. With no further discussions or questions, Mayor Klooster called for a vote.

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

C. Adoption of Ordinance 0808 – An Ordinance Amending Chapter 3 – Building and Construction:

Article 3.300 – Building Code, and

Article 3.1100 – Fence Construction:

Section 3.1103 – Information Required,

Section 3.1106 – Types of Fence and Construction, and

Section 3.1110 - Inspections

Council reviewed and briefly discussed the proposed changes. Councilman Tuma made the motion to adopt Ordinance 0808 as presented, and the motion was seconded by Mahlstedt.

Councilman Wilson voiced his concern with regards the proposed changes to the fence standards in the ordinance. Further discussion occurred amongst the council members, and Mayor Klooster suggested that Council could adopt only changes to Article 3.300 and reserve the right to discuss and possibly change the fence standards (Article 3.1100) at a later meeting. Mahlstedt withdrew her second for Tuma's motion, and then Tuma withdrew his motion to adopt Ordinance 0808 as presented. Tuma then made a motion to adopt Ordinance 0808 with changes pertaining to Article 3.300 only. The motion was seconded by Mahlstedt. After no further discussion or questions, Mayor Klooster called for a vote to adopt Ordinance 0808 (as amended).

Ayes: All present voted aye.

Nays: None

The motion passed.

D. Adoption of Ordinance 0809 - An Ordinance Repealing the Local Sales and Use Tax Exemption on Telecommunications Services; Providing Notice to the Comptroller of Public Accounts for the State of Texas; Providing for an Effective Date; Making Findings and Other Provisions Related to the Subject; and Providing Saving and Severability Clauses

Mayor Klooster stated the October 2008 edition of the Texas Town and City magazine included an article identifying additional income was available for cities that repealed their local sales and use tax exemption for telecommunications services. The mayor stated he felt it would be beneficial to the city to repeal this exemption. Staff identified that the tax status would likely go into effect in April 2009. With no further discussion from the Council, Klooster called for a vote. Wilson made the motion to adopt Ordinance 0809, and Brindle seconded the motion.

Ayes: All present voted aye.

Nays: None

The motion passed.

E. The Swearing-in of Municipal Judge, Bob Carroll

Judge Bob Carroll was sworn in as the Municipal Judge for Oak Leaf. It was noted that municipal court would be scheduled on the third Thursday of each month on an as-needed basis.

F. Discussion of Repairs to Locust Drive and Willow Bend Drive

Klooster indicated B.G. Williams Asphalt had provided Council with a bid to resurface Locust Drive and Willow Bend Drive. Councilmember Brindle stated that he felt the

large expenditure and timing of the project were not favorable. Brindle suggested road repairs, including repairs to these two streets in particular, are discussed in a subsequent meeting. The consensus amongst the council members was to table this item until a meeting later in the year.

G. Discussion of Interlocal Agreement for Participation in Fort Worth's Environmental Collection Center Household Hazardous Waste Program

The Council reviewed the Interlocal Agreement and after a short discussion, Mahlstedt made the motion to execute the Interlocal Agreement to participate in Fort Worth's Household Hazardous Waste Program. Wilson seconded the motion. With no further discussion or questions, the mayor called for a vote.

Ayes: All present voted aye.

Nays: None

The motion passed.

H. Discussion of 24-Hour Animal Control Options for Oak Leaf

Chapter 2 of the Oak Leaf Code of Ordinances addresses animal control definitions, requirements, procedures, and other pertinent criteria. Enforcement of animal control violations is done through two different agencies. Regular normal business days are covered by the City of Ovilla (Interlocal Agreement dated January 31, 2006). Nights, weekends, and Holidays are covered, on an emergency basis only, by the County Sheriff. (Emergency animal situations: (1) injured or dead animal (2) vicious or dangerous animal or (3) animal bite to another animal or person). Previous discussions have taken place amongst staff, the Mayor, and the Council as to whether it would be beneficial for the city to instead hire one agency to do the coverage 24/7/365. Glenn Heights submitted a proposed Interlocal Agreement that would do just that; provide 24/7/365 coverage (nights, weekends, and holidays on an emergency basis only). Councilman Brindle suggested that the decision to take any action on this matter be tabled. With no councilmember objections and no motion to accept and execute the proposed Interlocal Agreement the item was tabled by Mayor Klooster.

I. Discussion and Adoption of Personnel Handbook Revisions

The proposed personnel handbook was reviewed by Council. The creation and adoption of a handbook has been a nearly one-year process. Brindle made a motion to accept and adopt the City of Oak Leaf Personnel Handbook ... effective January 13, 2009. Tuma seconded the motion. With no further discussion or questions, Klooster called for a vote.

Ayes: All present voted aye.

Nays: None

The motion passed.

J. Discussion of Extending Indian Trail to E. Highland Road

Mayor Klooster stated that the Engineering Drawings have been completed, and the next step is to meet with the landowner to review the various levels of participation and timing for the project.

K. Discussion of the City-Wide Bar Ditch Clean-Up Project

Klooster indicated that the bar ditch survey of Oak Leaf will take three days to complete. The locations will then be given to city staff, and they will submit the information to the Texas One Call System (TESS) to check for any possible utility wire/pipes that might interfere with the digging. The proposed start date for the project is mid-February.

VIII. REPORTS AND ACTION BY COUNCIL:

A. LAND/BUILDING:

No updates.

B. LEGAL

1. Nuisances

Nuisance issues currently exist at specific properties on Locust Drive, Lariat Circle, Meadow Brook Drive, and Woodhaven Court. Staff has been in contact with the property owners in an attempt to resolve the deficiencies. With a municipal judge and prosecuting attorney sworn into place, the city's options could include involving the judicial process if necessary.

2. Discussion of Indian Hills Lawsuit

Mayor Klooster noted that pre-trial preparations (interrogatories, discovery, depositions, etc.) are currently in progress concerning the Indian Hills legal issues.

3. TCEQ and Legal Updates Concerning 907 Lark Lane

Contact with the environmental attorney is forthcoming regarding the breach of one or more of the four underground fuel tanks at 907 Lark Lane. More updates will follow as the information is available.

IX. PUBLIC RELATIONS:

• Mass Messaging System

Mayor Klooster commented that city staff has contacted surrounding municipalities to inquire what (if any) mass messaging system they had in use. The response was Blackboard (CTY), Code Red, or none. Assistant Secretary Ellis also obtained the rates from those two service providers (CTY and Code Red). After Council reviewed the support documents, Councilman Brindle stated that he would like to see a presentation from these two companies, allowing for an opportunity to better understand their capabilities, options, and cost. He also suggested that staff check to see if they had a

DVD covering their proposed services. Mayor Klooster directed staff to contact the two companies and seek feedback from them regarding a DVD or presentation. Klooster also noted that the proposed expenditure would not be a current-year expenditure and instead would be included in the proposed 2009 – 2010 budget.

X. PUBLIC WORKS:

- Uhl Bridge Update
There was no update.

- Woodhaven Bridge Update
The proposed work from Engineering Concepts has been received and reviewed. Mayor Klooster, Councilman Tuma, and Councilman Wilson have agreed that the proposed work is acceptable. The contractor and construction manager have been notified that they may proceed with the work.

- Road Maintenance and Repairs
Any road maintenance and repairs have been suspended until outside temperatures are conducive to such work.

- Claud Mitchell, citizen at 1306 Lariat Circle, requested that stop signs be installed (north and south bound) on Westmoreland at the Lariat Circle intersection. His concerns were based on the high speed of vehicles traveling on Westmoreland, especially north bound, as well as sight lines reducing comfortable and safe ingress and egress onto Lariat Circle. He had contacted the County Commissioner and gotten his support for the stop signs. Council members Tuma, Brindle and Mahlstedt agreed as to the safety concerns at this intersection. Klooster identified that the placement of this requested signage and increased speed enforcement would be pursued.

- Charles Hoffman, citizen at 200 Elm Drive, addressed the Council stating he would like speed bumps and “stop-ahead” signs installed on Locust Drive for vehicles entering the Locust/Elm intersection (east and west bound). As a relatively new resident, he and his wife have witnessed so many moving violations, i.e. not stopping at the stop signs and speeding, that they have restricted their children from playing in the front yard. Councilman Wilson commented that instead of speed bumps, the City might consider using speed jiggle bars. Wilson also stated the City should contact the Sheriff’s Department for extra enforcement. The mayor then instructed city staff to order pre-intersection/stop warning signs. He also indicated he would contact the Sheriff regarding increased enforcement.

XI. SECRETARY’S REPORT:

- Region C Water Planning Group Meeting Report

City Secretary Quintana attended the Region C Water Planning Group Meeting on November 25th and prepared a brief report regarding their findings for the City of Oak Leaf for the years 2010 through 2030. Councilman Wilson also attended that meeting. Klooster advised Council to ask Secretary Quintana if they had any questions after reading her report.

- Retirement of City Hall's Weathered Flags and Installment of New Flags
Assistant City Secretary Ellis contacted a local Boy Scout Troup leader regarding the proper disposal of City Hall's retired U.S.A. and State of Texas flags. She indicated she is awaiting a response. Council members voiced their opinion that this was a good idea, and when the time arrives, City Staff should invite Oak Leaf's citizens to attend the ceremony and perhaps bring their own personal flags, so they too could be properly "retired".

XII. ADJORNMENT:

A motion to adjourn was made by Brindle at 8:07 p.m., and seconded by Mahlstedt.

Ayes: All present vote aye.

Nays: None.

The motion passed.

PASSED THIS _____ DAY OF _____ 2009

Paul Klooster, Mayor

ATTEST: _____
Ronda Quintana, City Secretary