

**MINUTES OF THE REGULAR MEETING
OF THE OAK LEAF CITY COUNCIL
HELD ON FEBRUARY 10, 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

II. MAYOR KLOOSTER CALLED THE REGULAR CITY COUNCIL MEETING TO ORDER AT 7:03 P.M. AND ANNOUNCED A QUORUM PRESENT.

III. INVOCATION & PLEDGE OF ALLEGIANCE:

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

IV. AUDIENCE PARTICIPATION:

Three citizens signed the meeting attendance list, but no one signed up to speak. After reviewing the list, Mayor Klooster asked Mr. Patton if he would like to speak at the beginning of the meeting, but he deferred his comments until the discussion of the variance request.

V. REGULAR AGENDA ITEMS:

A. Consider and Approve Ordinance 0901- An Ordinance of the City of Oak Leaf Ratifying and Validating Council Actions from February 2007 through November 2008

Mayor Klooster explained that the adoption of Ordinance 0901 was necessary to correct a clerical error regarding the omission of the starting time on the Agendas dated between February 2007 and November 2008. Mayor Pro Tem Mahlstedt made the motion to adopt Ordinance 0901, and Councilman Brindle seconded the motion. With no comment from Council, Klooster called for a vote.

Ayes: All present voted aye.

Nays: None

The motion passed.

B. Approve Minutes of the January 13, 2009 Meeting

The Minutes of the regular meeting of January 13, 2009 were reviewed by Council, and Mahlstedt made mention of two corrections (adding the Interlocal Cooperation Contract dates to Item B under Regular Agenda Items and a wording correction to the Mayor's Update). Councilman Brindle made the motion to accept the amended meeting minutes. Mayor Pro Tem Mahlstedt seconded the motion. With no further discussion from Council, Klooster called for a vote.

Ayes: All present voted aye.

Nays: None

The motion passed.

C. Discussion of Increasing Oak Leaf City Sales Tax Rate from .001 to .00125

Mayor Klooster indicated that an increase in the city sales tax from one percent to one and a quarter would generate additional revenue of approximately \$1500.00 per fiscal year. Brindle inquired if the state would allow the City of Oak Leaf to consider the sales tax rate increase in advance of the 2009-2010 Budget. Klooster assured Brindle any tax rate increase related to the budget pertained only to property tax rates. Klooster then stated that the matter would be on the March Agenda as a possible action item.

D. Discussion of Murray and Co. Audit Report for Fiscal Year 2007-2008

The Council was asked if they had any comments regarding the audit statement prepared by Murray and Co. As there were no remarks, Mayor Klooster referred to page eight of the audit indicating property taxes made up eighty-two percent of the general fund revenues. He also pointed out there was a misstatement on page twenty regarding the approval of the NRCS grant. Klooster indicated he had contacted, Tim Glendening and Associates, the firm handling the bridge grants for the city, and he confirmed that as of December 14, 2007 the City of Oak Leaf had been awarded a Disaster Relief Fund grant. He also mentioned that the auditing company would be increasing their charges for the next audit because of an increased accountability to state and federal entities.

E. Consider and Approve Resolution No. 0901 – A Resolution of the Oak Leaf City Council of Ellis County, Texas, Ordering the General Election to be Held Jointly with the Red Oak Independent School District on May 9, 2009

Klooster identified there would be three council positions up for re-election in May, and it was customary for the City and Red Oak ISD to share an election polling place for the May Election. He also indicated that it benefitted both the citizens of Oak Leaf and the school district voters to have a central location in which to hold the Election. Councilman Wilson made the motion to adopt Resolution 0901, and Brindle seconded the motion. With no further discussion from the Council, Klooster called for a vote.

Ayes: All present voted aye.

Nays: None

The motion passed.

F. Consider and Approve Interlocal Agreement Between Oak Leaf and Red Oak ISD to Share a Polling Site

The mayor asked if Council needed anything on the Interlocal Agreement clarified, and no comments were made. Spurlock made the motion to allow Red Oak ISD to share the Oak Leaf's municipal building as a polling place on Saturday, May 9th. Mahlstedt seconded the motion. Klooster then called for a vote.

Ayes: All present voted aye.

Nays: None

The motion passed.

G. Consideration of Variance Request for Accessory Building at 704 Rock Creek Drive

Mayor Klooster opened discussion in regards to the variance request and asked if the applicant had any comments. None were made, so Klooster stated he had reviewed the information submitted by the applicant and city staff, and it boded well for Mr. Patton to have the approval of all the neighbors surrounding his property. Mahlstedt then asked Mr. Patton if welding would be done in the structure. Mr. Patton confirmed he did artistic welding and presented to Council photos of his welding sculptures as examples of his work. Mr. Patton also indicated that some auto repair welding might occur, but not on a regular basis. Mahlstedt made the motion to accept the variance request, and Spurlock 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

Currently, enforcement of animal control in Oak Leaf is done through two different agencies. Regular business hours 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 are: (1) injured or dead animal (2) vicious or dangerous animal or (3) animal bite to another animal or person).

Another option available is to enter into an Interlocal Agreement with the City of Glenn Heights. It would allow all animal control issues to be handled by one entity, and the services would basically remain the same. Brindle indicated that something should be done to speed up the response time for future emergency situations during afterhours and on the weekends. Klooster acknowledged Brindle's concern and stated Sheriff Brown is currently reviewing all law enforcement procedures and policies for his department. With the consensus of the Council, it was agreed to table the item until the mayor receives a response from the sheriff.

VI. MAYOR'S UPDATE:

A. Letter for Modification of Sales Tax Collection Process

Mayor Klooster stated he had received a letter from the mayor of Sweeny, Texas regarding the modification of the sales tax collection process. Klooster asked Council to consider the matter and give their opinions at the next council meeting.

B. Severe Weather

The mayor received notification from the Division of Emergency Management/Office of the Governor recognizing February 22-28, 2009 as Severe Weather Awareness Week. Klooster stated information is available for severe weather preparedness at <http://www.spc.noaa.gov/faq/tornado/safety.html>. This website information will also be posted on the City's website.

C. Delinquent Property Taxes

According to information received from the Ellis County Tax Office, there are twenty-three properties within Oak Leaf owing delinquent taxes. The average delinquent tax amount for the properties is around \$404.00. Klooster reminded Council that the City contracts with the Ellis County Tax Office to collect property taxes on the city's behalf.

D. Regional Rail Initiative Meeting

The North Central Texas Council of Governments is hosting a luncheon meeting to discuss its Regional Rail Initiative bill. The meeting has been scheduled for February 16, 2009 from noon to 2:00 p.m. It will be informative in nature and address the expansion of the regional rail system. Anyone interested in attending the luncheon must sign up by February 12th. A copy of the flyer will also be available at City Hall.

E. Groundwater Conservation District

Mayor Klooster received a letter from Kip Averitt, Texas State Senator of District 22, regarding the creation of a groundwater conservation district by the Texas Commission on Environmental Quality (TCEQ). It would include Ellis, Johnson, Hill, Somervell counties and other counties in the region. If TCEQ is allowed to do so, it will establish mandatory boundaries for the conservation district, and they could be controlled and taxed by larger counties in the region. Senator Averitt, however, believes it is in the best interest of the counties and their citizens to create a locally controlled groundwater conservation district beforehand by going through state legislation. He has already met with county judges and county commissioners for the affected areas, and they have worked out an agreed-to draft to present before the 81st Texas Legislature.

VII. REPORTS AND ACTION BY COUNCIL:

A. LAND/BUILDING:

No updates.

B. LEGAL:

1. Nuisances

a. Nuisance Properties

Nuisance issues currently exist at specific properties on Locust Drive and Lariat Circle. Staff has been in contact with the property owners in an attempt to resolve the deficiencies.

b. 606 Winding Creek

City Staff has notified the citizen concerning numerous complaints about his junked vehicles and other personal property. Mr. Caro responded by getting a permit to construct a wooden fence. However, the permit expired after three months, and he has made no effort since the expiration to screen his property from ordinary public view by means of a fence, trees, shrubbery, or other appropriate means as required by code. Therefore, a court date has been set for February 19, 2009 at 7:00 p.m., and Mr. Caro has been served with a summons to appear.

c. Trash Payment Code Violators

Currently, twenty-three households are in city code non-compliance and refuse to pay for trash pick-up services contracted by the city. Mayor Klooster is researching the City's legal options, and City Staff have reached all but eight of the twenty-three households in attempt to resolve this matter.

2. Discussion of Indian Hills Lawsuit

Mayor Klooster announced that a Motion for Partial Summary Judgment and accompanying affidavits have been prepared regarding the lawsuit. These legal documents will be submitted to the court within the next couple of weeks.

C. PUBLIC WORKS:

1. Uhl Bridge Update

The mayor will be contacting Tim Glendening and Associates and Dennis Reger with the NRCS to check on the progress of the Uhl Bridge plans.

2. Woodhaven Bridge Update

The Woodhaven Bridge design plans were modified according to the suggestions from Councilman Tuma and Councilman Wilson. The Mayor, Tuma, and Wilson have agreed that the proposed work with the corrections is acceptable. They are now waiting for an update from Concept Engineering and Designs.

3. Road Maintenance and Repairs

Mayor Klooster reminded Council that B.G. Williams had submitted a bid to blade, water, compact, and oil the Indian Hills Subdivision roads. This work will be done to reduce the dust in that area and will likely be done in the next sixty days, with Council approval.

4. New Signage

Klooster stated that the signs ordered by the city were ready, and he would be picking them up in the next few days. Installation would begin within ten days time.

5. Discussion of City-Wide Bar Ditch Clean-Up

The mapping of the bar ditches within Oak Leaf is nearing completion. While doing his investigation of the problem areas, the mayor discovered certain culverts will also need to be cleaned out. This will involve contacting the adjacent property owners to get permission before the work is done and an increase in the proposed cost of the project. The council members also mentioned that all citizens to be affected by the work should be notified well in advance. Councilman Wilson suggested that the City might consider first concentrating on those areas where the 2009 street re-surfacing was planned.

VIII. SECRETARY'S REPORT:

1. Crime Watch Meeting

On Thursday, January 29th, a crime watch meeting was held at City Hall sponsored by citizen, Diana McBee and presented by the Ellis County Sheriff's Crime Prevention Division. Seventy citizens attended the meeting to discuss crime prevention on personal property and in the neighborhoods. Ms. McBee is organizing crime watch committees in various areas and seeking a volunteer leader for each area. The new sheriff, Johnny Brown, is considering the creation of a volunteer crime patrol groups within Ellis County; including Oak Leaf. Information regarding the organization of the volunteer groups will be provided as it becomes available.

2. Pictometry Classes

Ellis Central Appraisal District is hosting Pictometry classes for governmental entities on March 26th and 27th. City Staff has confirmed with ECAD they will attend the classes.

IX. ADJORNMENT:

A motion to adjourn was made by Brindle at 8:35 p.m. and seconded by Spurlock.

Ayes: All present vote aye.

Nays: None.

The motion passed.

PASSED THIS _____ DAY OF _____, 2009

Paul Klooster, Mayor

ATTEST: _____
Ronda Quintana, City Secretary