

**MINUTES OF THE REGULAR MEETING
OF THE OAK LEAF CITY COUNCIL
HELD ON MAY 12, 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

Council Member Absent:

Councilman Ray Brindle

City Staff Present:

City Secretary Ronda Quintana

MAYOR KLOOSTER CALLED THE REGULAR 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:

Three citizens signed the speaker sign-in sheet. After reviewing the sheet, Mayor Klooster asked if the citizens wished to speak during the audience participation portion of the meeting, and Mr. Hester stated he would defer his comments until the discussion of a particular agenda item.

Mr. Bill Denier, citizen at 1001 Lariat Circle, inquired if the audience participation time limit applied also to the discussion of the regular Agenda items. The Mayor informed Mr. Denier the time limit of three minutes only applied to the audience participation section of the meeting. He also stated that audience was welcome to comment on any agenda item within reason, after Council discussion was concluded.

Mr. Tim Henry, citizen at 1006 Lariat Circle, asked if the legal nuisance item at 1300 Block of Lariat Circle also related to a dog registration violation found under Secretary's Report. Klooster replied there were two separate properties in that area with code violations, and they were placed in the appropriate sections of the April Minutes based on their legal status.

IV. REGULAR AGENDA ITEMS:

A. Approve Minutes of the April 14, 2009 Meeting

The Minutes of the Regular Meeting of April 14, 2009 were reviewed by Council, and Mayor Klooster asked if Council had any comments. With none made, Mahlstedt made a motion to accept the Minutes. Just then a citizen in the audience, Mr. Denier, interjected he had a correction to Section VI (A), Discussion and Action Taken as Result of the Executive Session. Mr. Denier stated the section should be amended to disclose the Council's discussion and cancellation of the Municipal Court on April 16th. Klooster agreed to the correction, and the first motion was withdrawn due to an absence of a second motion. Mayor Pro Tem Mahlstedt made another motion to accept the April Meeting Minutes with the amendment to Section VI (A). Councilman Wilson seconded the motion. With no further discussion from Council, Klooster called for a vote.

Ayes: All present voted aye.

Nays: None

The motion passed.

B. Swearing-in of City Council Members

Mayor Pro Tem, Pat Mahlstedt (Place 1) and Councilman Ron Spurlock (Place 2) were sworn-in as Oak Leaf council members by Mayor Klooster. Councilman Ray Brindle (Place 3) will be sworn-in at a time yet to be determined.

C. Discussion and Approval of Ordinance 0905 – An Ordinance Amending Chapter 11 – Utilities and Solid Waste, Article 11.200 - Garbage Collection Regulations, Section 11.203 – Authorization by City to Collect Garbage Required, Section 11.204 – Use of Certain Facilities and Containers Required, and Section 11.211 – Fees for Collection of the City's Code of Ordinances

Klooster stated that changes to the City's Utilities and Solid Waste codes were necessary for improved comprehension and enforcement. He asked Council if they had any comments, and an audience participant, Mr. Denier, requested to speak. After being acknowledged, he voiced his concern for enforcement of the codes in regards to vacant personal or rental property. It would not be fair to owners of those properties to pay fines, because they had requested suspension of trash services, even though they were obligated to keep power and water on. The Mayor stated the occupied vs. unoccupied matter had not been previously considered by Council and would merit further review. Therefore, the item has been tabled until the June Council Meeting.

D. Approval of Ordinance 0906 – Amending Chapter 3 – Building and Construction, Article 3.400 – Construction, Section 3.406

The Mayor introduced Ordinance 0906 as an update to the current building and construction section of the Code of Ordinances. He then asked if the council members had any questions regarding the changes. With none made, Councilman Wilson made the motion to accept the amendment, and Councilman Tuma seconded the motion. Klooster then called for a vote.

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

E. Discussion and Approval of United States Department of Agriculture NRCS (Natural Resources Conservation Service) Project Agreement, the Assurances Relating to Real Property Acquisition Form and the Authorization of Mayor Klooster to Sign on Behalf of the City of Oak Leaf Regarding the Uhl/Locust Bridge Repairs

The NRCS Project Agreement and Assurances Form were reviewed by Council, and Wilson inquired about the Section 2(b) of the Project Agreement relating to land rights and permits. Mayor Klooster stated Oak Leaf's grant coordinator, Tim Glendening and Associates, would be able to answer Wilson's questions. Klooster then stated while the matter was being resolved, the paperwork approval could move forward. The Council agreed, and Mahlstedt made the motion to authorize the Mayor to sign on behalf of the City of Oak Leaf with the clarification of item 2(b). Tuma seconded the motion. No other remarks were made by the council members; therefore, Klooster called for a vote.

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

V. MAYOR'S UPDATE:

A. City of Glenn Heights Wet/Dry Election

The citizens of Glenn Heights have voted and approved off-premises liquor sales within their city limits. The Mayor stated he anticipates an increase in businesses and traffic along Ovilla Road because of this action.

B. Red Oak ISD Breakfast

The Red Oak ISD sent invitations to the Mayor and Council to attend a volunteer and community recognition breakfast on Thursday, May 14th from 6:45 to 8:00 a.m. Klooster inquired if a council member could attend the function to represent the City of Oak Leaf. At that juncture an audience member, Mr. Henry, addressed the Council stating his Red Oak ISD taxes had increased \$200.00 since the tax roll-back election. The Mayor answered that the taxable ratios had changed, but the total taxable ratio remained the same. He then encouraged Mr. Henry to also attend the breakfast and convey his comments to the Red Oak ISD officials.

C. Mayor Klooster indicated the TML (Texas Municipal League) Intergovernmental Risk Pool had sent an equity return check totaling \$434.00 for the City's successful efforts in controlling losses during the 2007-2008 fiscal year.

- D. In recent years, 507 Little Creek has suffered multiple flood losses and the owners took steps to have the property bought by the government as a FEMA (Federal Emergency Management Agency) project. Ellis County now holds the property title, and they have begun environmental testing. Once the testing is complete and if the results are favorable, all structures will be bulldozed and the debris will be removed. Then the deed will be presented to the city with the understanding that no habitable structures can be built on that parcel of land. At that point, the City will entertain possibilities for the property.
- E. The City of Oak Leaf contracts with Ovilla for animal control matters during business hours. However, some time ago the Ovilla Animal Control's live trap was stolen, and both cities have not had any way to capture loose animals. City Secretary Quintana added that Ovilla had recently granted authorization to proceed with the acquisition of a new trap.

VI. REPORTS AND ACTION BY COUNCIL:

A. Land/Building

Klooster stated the sixty day deadline for 1304 Lariat Circle to remove the earthen dam/bridge located in Willow Brook Creek has passed, and the property owner has made no attempt to cooperate with the city. Therefore, a minimum of two competitive bids would be solicited to remove the creek obstruction, and the property owner will be notified of the City's plans and legal process.

The Mayor then inquired if Council had any reports. Councilman Wilson identified that the company for whom he is employed (Schrickel, Rollins and Associates) would begin preliminary work the following week in the Willow Bend Drive area regarding the Trinity River Authority (TRA) sanitary sewer lines. Wilson also remarked that his company would return to the same area in a month's time.

B. Legal

1. Nuisances

- a. 600 Block of Rock Creek - The property owners have refused to set up trash services with the City's contracted refuse removal company, and they have been sent summons to appear in the Oak Leaf Municipal Court.
- b. 900 Block of Lark Lane - Both the property owner and the court appointed receiver have also been sent summons for failure to use the trash removal service provided by the City.

C. Public Works

1. Uhl Bridge Update

Council authorized Mayor Klooster to sign the Uhl Bridge NRCS paperwork on behalf of the city, and the executed forms will be dispatched after responses to land right and permit questions have been received.

2. Woodhaven Bridge Update

The Woodhaven Bridge engineering plans have been submitted to Engineering Concepts and Design, L.L.P. with Councilman Wilson's notes and suggestions. When all issues have been resolved, the bidding process will begin.

3. Road Maintenance and Repairs

The Mayor stated road repairs/resurfacing within the city will be discussed as an agenda action item during the June Council Meeting relating to proposals for a chip and seal treatment for the Indian Hills Subdivision roads and other streets within Oak Leaf.

❖ **ADJOURNMENT OF THE MEETING:**

Mayor Klooster temporarily adjourned the regular meeting at 7:39 p.m. to acquire a copy of the road repair proposal from B.G. Williams concerning the Indian Hills Subdivision.

❖❖ **RECONVENE REGULAR MEETING:**

The regular meeting reconvened at 7:44 p.m. and Council and audience members reviewed and discussed the Indian Hills proposal. Mr. Steve Hester, citizen at 916 Indian Trail, asked if the proposal meant the existing asphalt would remain and a layer of asphalt be laid over it. The Mayor responded that a new flex base would be added to the areas where the road had failed. Then the entire road surface would receive an asphalt chip and seal treatment. Mr. Hester then inquired how long it will take to finish the project. Klooster stated the work could be completed in twenty-one days (weather permitting).

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

Councilman Tuma will be meeting with Commissioner Brown to discuss which areas in Oak Leaf should be focused on first for silting and drainage and to discuss coordination of work schedules. Tuma stated his main concern was to make sure the citizens were notified well in advance before any work was done. Citizen Denier asked if Tuma would be paid for his services and time. Councilman Tuma responded that the City had offered payment, and he has refused.

D. Secretary's Report

1. Trash Letters

The City Staff is currently sending out trash payment reminder letters to citizens who are delinquent in their payments to D.C.I. Sanitation.

2. HILCO Electronic Recycle Days

City Secretary Quintana stated that HILCO Electric Cooperative will be recycling old electronic equipment on June 11th and 12th from 8:00 a.m. to 5:00 p.m. at the Itasca Office located on 115 E. Main Street. Any questions may be directed to Lea Sanders at 800-338-6425, ext. 1126.

VII. ADJORNMENT:

A motion to adjourn was made by Mahlstedt at 7:54 p.m., and seconded by Councilman Spurlock.

Ayes: All present vote aye.

Nays: None.

The motion passed.

PASSED THIS _____ DAY OF _____, 2009

Paul Klooster, Mayor

ATTEST: _____
Ronda Quintana, City Secretary