

**MINUTES OF THE REGULAR MEETING  
OF THE OAK LEAF CITY COUNCIL  
HELD ON JUNE 9, 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 Ray Brindle

Councilman Jim Tuma

Councilman Ron Spurlock

Councilman Craig Wilson

City Staff Present:

City Secretary Ronda Quintana

**MAYOR KLOOSTER CALLED THE REGULAR CITY COUNCIL MEETING TO ORDER AT 7:05 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:**

Four citizens registered to speak during the meeting. After reviewing the sign-in sheet, Mayor Klooster explained the audience participation section to the meeting participants and asked if anyone wished to speak at that time. All of the signers deferred their comments until the discussion of a particular agenda item.

**IV. REGULAR AGENDA ITEMS:**

A. Swearing-in of City Council Members

Councilman Ray Brindle (Place 3) was sworn-in as an Oak Leaf council member by Mayor Klooster.

B. Approve Minutes of the May 12, 2009 Meeting

The Regular Meeting Minutes of May 12, 2009 were reviewed by Council, and Mayor Klooster asked if Council had any comments. Mr. Denier, citizen at 1001 Lariat Circle, addressed the Council stating a correction should be made to the April meeting minutes relating to the exclusion of the Council's court date cancellation decision after it reconvened from Executive Session. Klooster admitted the omission, and stated an addendum would be done in July to correct the oversight. However, all individuals who had been summoned to appear in May were notified of the cancellation the day after the Council Meeting. Mayor Pro Tem Mahlstedt then made a motion to accept the May Meeting Minutes with the indication that an amendment to the April Minutes would be done to clarify the Executive Session. Councilman Wilson seconded the motion. With no further discussion from Council, Klooster called for a vote.

Ayes: Four present voted aye.  
Councilman Brindle abstained.  
The motion passed.

C. Discussion and Approval of Ordinance 0908 – 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, Section 11.211 – Fees for Collection and Section 11.214 – Commercial Collection Without Contact Prohibited, of the City’s Code of Ordinances

Klooster introduced Ordinance 0908 and asked if there were any comments to be made by the audience. With none made at the time, the mayor answered inquiries from the Council. Then Mr. Denier reiterated his concern regarding occupied/unoccupied residences in relation to code enforcement. The mayor assured Mr. Denier that it was immaterial to the amendment of Chapter 11 whether the house had power and water turned on, since the contracted refuse removal provider has the authority to suspend billing and collection, if notified and no trash was generated. Brindle made the motion to adopt Ordinance 0908 and Mahlstedt seconded the motion. Mayor Klooster asked if there were any additional comments or questions from the Council. With none made, he called for a vote.

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

D. Discussion and Approval of Budgeted Road Repairs/Resurfacing Within the City

As discussed in previous meetings, the mayor mentioned again that the city had budgeted \$47,000.00 for road repairs/resurfacing during the 2008-2009 Fiscal Year. Klooster acknowledged the presence of Mr. B.G. Williams, representative of B. G. Williams Asphalt, Ltd., and invited him to speak. Mr. Williams answered questions relating to the repair work needed in the Indian Hills Subdivision, and then the mayor asked Council if they were prepared to make a decision regarding the subdivision’s roads. Councilman Wilson inquired about the recouping of road repair expenses once the Indian Hills lawsuit was settled. Mayor Klooster stated the city would make every effort to recover them. Councilman Spurlock made a motion approving the funds towards repairs/resurfacing of the Indian Hills Subdivision’s roads. Mahlstedt seconded the motion and Klooster called for a vote.

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

- E. Approval of Ordinance 0907 – An Ordinance Amending Chapter 2 – Animal Control, Article 2.100 – Definitions, Article 2.200 – General Regulations, Section 2.204 – Impoundment of Animals and Section 2.205 – Disposition of Impounded Dogs, Cats, and Other Animals, Article 2.300 – Registration, Section 2.301 – Required, Article 2.800 – Violations, and Appendix A – Fee Schedule, Article 1.000 – Animal Control Related Fees, Section 1.200 – General Fees, of the City’s Code of Ordinances

The mayor presented Ordinance 0907 as a broadening of the current animal control code’s definitions and of the fees structure. He asked if the council members had any comments, and Council made various suggestions to further amend sections of the ordinance. Since there were several modifications to be made, Klooster stated the Ordinance 0907 would be tabled until the July meeting.

- F. Discussion and Approval of 507 Little Creek Trail Property Land Lease Between the City of Oak Leaf and Blas and Juanita Sauseda and Authorization of the Mayor to Sign on Behalf of the City

Mayor Klooster stated 507 Little Creek Trail had been purchased by the government due to repetitive flooding issues, and the property is currently scheduled to be bulldozed and cleared within the next thirty to forty-five days. After the work is completed, the property deed will be given to the city. When title transfer occurs, the Council will lease the land to an adjacent property owner with a stipulation that the property be maintained. In exchange, the lessees will be able to use the land for any number of purposes except for habitation. The lease agreement will renew yearly and has a ninety day cancellation clause.

Citizen Denier asked if the city would be responsible for the liability of the property, and Klooster informed him that the lease agreement stipulates the lessees will be responsible for insuring against personal or property damages. Denier also inquired about property taxes for 507 Little Creek. Klooster informed the citizen there would be no taxes generated once the property title was transferred, because city property is tax exempt. Mahlstedt made the motion to authorize the mayor to sign the lease agreement on behalf of the city, and Councilman Wilson seconded the motion. Klooster asked Council if they had any other comments and with none made, he called for a vote.

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

G. Discussion and Possible Action Regarding Use of City Hall for an America's Tea Party of Ellis County Meeting

The mayor opened discussion of the item by stating an Ellis County branch of America's Tea Party had made a request to use City Hall for an upcoming meeting. He stated in past years the hall had been rented out, but as of last year, the Council had decided to end the rentals. Yet within the last few months, the hall had been utilized by various agencies for purposes of law enforcement training and crime prevention on a non-rental basis. The mayor enquired as to the council members' opinions of renting the City Hall again. There was a range of concerns regarding the use of City Hall. Mayor Klooster then permitted Mr. Bounds to speak on behalf of America's Tea Party. Mr. Bounds stated the group's gatherings have always been quiet and orderly. He also stated the purpose of the group was to get more people involved in the election process and to uphold the constitution. After Mr. Bounds concluded, Klooster asked if Council was prepared to make a motion. However, no motion was made and no action was taken.

V. **OLD BUSINESS:**

A. Discussion of Construction Plat Revisions

A few months ago the city acquired a copy of a Red Oak ordinance pertaining to development and construction plats. Council was asked to review it to see if some of their current ordinance might be adapted into an Oak Leaf ordinance. Mayor Klooster urged the Council to review the ordinance section in preparation of a future action item.

B. Mass Messaging

Mayor Klooster indicated the city has received information concerning mass messaging systems in use by other cities in the area, and the Council will be considering it as a 2009-2010 Fiscal Year Budget expenditure in the upcoming months.

C. Discussion and Possible Approval of Ordinance 0909 Amending Chapter 3 – Building and Construction, Article 3.1100 – Fence Construction, Section 3.1103 – Information Required, Section 3.1106 – Types of Fence and Construction, and Section 3.1110 – Inspections, of the City's Code of Ordinances

The fence construction revisions were previously discussed in January but never acted upon. Mayor Klooster initiated the discussion stating the revisions were necessary to define allowable fencing materials within residential areas and to expand on the current fence placement requirements. Councilman Wilson asked for clarification in regards to the fencing materials, and then he made a motion to approve Ordinance 0909. Spurlock seconded the motion. With no further comments by the Council, Klooster called for a vote.

Ayes: All present voted aye.

Nays: None

The motion passed.

D. Discussion of Wind Energy Systems

The mayor affirmed the City of Oak Leaf's commitment towards energy efficiency. Therefore, a small wind energy system ordinance would be included in the Agenda items for July. Mr. Denier interposed with a suggestion that the city should consider an energy ordinance to include both wind and solar energy. Klooster stated that the two energy saving concepts would be considered as separate items.

**VI. MAYOR'S UPDATE:**

A. Meetings and Seminars

No update

B. Red Oak Annexation Update

The Red Oak annexation south and east of the Oak Leaf ETJ (extra territorial jurisdiction) did take place. However, some property owners in that annexation area have signed non-annexation agreements stating they would not develop their land for a period of fifteen years. When the fifteen-year period expires or if they decide to develop their land before the time limit runs out, their property automatically becomes annexed and taxed as city property.

C. Update on Oak Leaf Properties with Delinquent Taxes

Mayor Klooster stated there are currently fifty-five property owners with delinquent taxes. The amount owed to the city totals approximately thirty thousand dollars. Twenty-seven of the property owners owe less than three hundred dollars. There are four land owners who owe thirty-two percent of the total amount. It is understood some of the landowners plan on rolling the overdue taxes into the sale of their property.

D. Update on Code Enforcement/Police Officer for Oak Leaf

The city is investigating the hiring a part-time police officer to handle holidays and special events where extra code enforcement is required. Mayor Klooster stated that the officer would not be working many hours. In regards to law enforcement, if a citation is issued by the officer while on duty with the city, then those citations will be processed through the city's court system. If a county sheriff/constable issues a citation during times when the city officer is not on duty, then those citations will be processed through the county.

While discussing a part-time police officer, a concern was raised by a citizen outside the city limits regarding a number of vehicles speeding on S. Hampton Road. The mayor stated that the staff would contact the sheriff's office and bring this issue to their attention.

E. Oak Leaf Household Hazardous Waste Clean-Up Day

The City of Oak Leaf will be hosting its first annual Household Hazardous Waste Clean-up Day on June 20, 2009 between the hours of 9:00 and 11:00 a.m. All citizens are encouraged to bring their household hazardous waste to the Fort Worth ECC collection container which will be parked at City Hall. Additional information will be available at City Hall and on the Oak Leaf website. Staff will also be sending postcards and e-mails about the event.

F. 2009-2010 Budget Preparation

The Council will be gearing up for the next fiscal year budget in which workshops will be scheduled to discuss year-to-dates expenses and projected expenses.

G. Texas Governor's Office Proclamation Declaring the Month of June as Great Outdoors Month

Governor Rick Perry has declared the month of June as "Great Outdoors Month". Mayor Klooster agreed and stated June is an excellent time of the year for outdoor activities.

**VII. REPORTS AND ACTION BY COUNCIL:**

A. Land/Building  
No Update

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. 800 Block of Roaring Creek Drive - The property owners have finally set up a trash account with D.C.I. Sanitation and will not have to appear during the June court proceedings.
- d. 100 Block of Hackberry Street - The property owner is unwilling to maintain the property and tall grass was a general neighborhood complaint. The city has hired an individual to maintain the property, and a lien will be filed to abate the mowing expenses.
- e. 1900 Block of Willow Bend Drive - The property owner has refused to upkeep the property and tall grass was a general neighborhood complaint. Therefore, the City of Oak Leaf hired an individual to maintain the property, and a lien will be filed to abate the mowing expenses.

- f. 400 Block of Locust Drive - The property owner is habitually noncompliant in regards to keeping his lot cut down; therefore, the city has assumed responsibility for maintaining the property. A lien will also be filed to abate the expenses.
2. Litigation
  - a. Indian Hills Subdivision – A lawsuit will be filed by the end of the year against the subdivision’s developer, Cacharel Companies, and the geotechnical engineering company, Rone Engineers.
  - b. Glenn Heights Annexation – There is no update.
  - c. Status Report on Previously Resolved Nuisance Issues – The two properties on Winding Creek Trail with numerous vehicles are currently in compliance and will continue to be monitored.

C. Public Works

1. Uhl Bridge Update

A couple of council members will be meeting with a NRCS (Natural Resource Conservation Service) representative on Friday, June 12th at 2:30 p.m. During the meeting, they will discuss the Uhl Bridge repair plans.
2. Woodhaven Bridge Update

Councilman Wilson met with the Woodhaven Bridge project engineer and the plans look good. Wilson also stated that the specifications appear to meet with the NCTCOG (North Central Texas Council of Government) requirements/guidelines. The next concern will be to get permission of property owners on the north side of the creek to stage a temporary materials storage area.
3. Discussion of City-Wide Bar Ditch Clean-Up

The plans for the bar ditch clean-up continue to develop, and the mayor has conferred with Councilman Tuma and City Staff regarding the communication of information to the citizens before and during the project. Mayor Klooster indicated there are decades of drainage issues involving culverts and silt build-up, and it is essential to restore the flow of storm water throughout the city. In relation to the city’s budget, Council has set aside ten thousand dollars (\$10,000.00) for the project, and more may be allocated, if needed. Klooster also mentioned that the starting time will begin within the next thirty to forty-five days.
4. Stop Signs at S. Westmoreland at the Lariat Circle Intersection

The city received a written complaint from Mr. Castor, citizen at 1403 Lariat Circle, opposing the installation of the stop signs at the S. Westmoreland and Lariat Circle intersection. The mayor asked if Mr. Castor was in attendance and he was not.

5. Purchase of Gly-Star Eraser Weed Killer Available for Resale to Oak Leaf Citizens  
The city has made a bulk purchase Gly-Star (generic form of Round-Up) weed killer. The 2.5 gallon containers are available for resale at City Hall. Each container costs \$81.18 (\$75.00 + \$6.18 tax), and there is a limit of one per household.
6. Report on Street Lights Within Oak Leaf  
City Staff has located all the street lights within Oak Leaf and has determined which lights are owned by the city and those privately owned. It was recently discovered that HILCO had overcharged the city for another nonexistent streetlight. HILCO is refunding an amount of nine hundred ninety-eight dollars and ninety-three cents (\$998.93).

D. Secretary's Report

1. Open House of Ellis Central Appraisal District's Facilities Expansion  
The ECAD (Ellis Central Appraisal District) has been renovating their facilities since last year and construction is almost complete. They will have a grand opening in August and more details about the event will be given as they are available.
2. Texas Department of Public Safety Changes to the Registered Sex Offender Website  
City Secretary Quintana stated the Texas Department of Public Safety has done a complete redesign of the state's sex offender registry. Users will now be able to subscribe to e-mail notifications about database changes in a specific zip code or to a specific offender's records. They will also be able to obtain additional information such as data relating to a specific offender's workplace. The website address is: [https://records.txdps.state.tx.us/DPS\\_WEB/SorNew/index.aspx](https://records.txdps.state.tx.us/DPS_WEB/SorNew/index.aspx) .

**VIII. ADJORNMENT:**

Mayor Klooster asked Council and the audience if there were any further comments, and Dr. Williams, a Glenn Heights citizen, spoke up. Dr. Williams stated he was concerned about ambulance service response time within Oak Leaf. The mayor explained the City of Oak Leaf is serviced by Ellis County Emergency Service District (ECESD) #4. The ECESD is a taxing entity and they use the tax revenue to fund ambulance services and fire departments in their district. The fire departments which service the city are Red Oak (the eastern side of Oak Leaf) and Ovilla (the western side of Oak Leaf). In addition the city has also contracted with the East Texas Medical Center Emergency Medical Service to supplement any interruptions in ambulance service. The mayor indicated to Dr. Williams that he could also contact Stuart Shafer with the Red Oak division of the ECESD#4 would be able to answer any additional questions or concerns Dr. Williams may have.

With no further comments made, a motion to adjourn was made by Councilman Brindle at 8:52 p.m. and was seconded by Councilman Tuma.

Ayes: All present vote aye.

Nays: None.

The motion passed.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009

\_\_\_\_\_  
Paul Klooster, Mayor

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