

**MINUTES OF THE REGULAR MEETING  
OF THE OAK LEAF CITY COUNCIL  
HELD ON JULY 14, 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 Due to Business:

Councilman Ray Brindle

City Staff Present:

City Secretary Ronda Quintana

**MAYOR KLOOSTER CALLED THE REGULAR CITY COUNCIL MEETING TO ORDER AT 7:03 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 registered to speak during the meeting. After reviewing the sign-in sheet, Mayor Klooster asked if the citizens wished to speak during the audience participation portion of the meeting or when the topic came up during the agenda schedule. Mr. and Mrs. Pacheco (citizens at 911 E. Highland Road) deferred their comments until the discussion of the variance request. Mr. Denier (citizen at 1001 Lariat Circle) stated he had a few comments to make during audience participation and during discussion of the agenda items.

Mr. Denier asked if it was possible for the city to use a recording device during the Council Meeting instead the manual transcription. He also inquired if the city had done a study to determine how many unoccupied residences currently in the city. The mayor replied the city does not have control of utilities within the city; therefore to determine the status of each residence would be time consuming and laborious. Lastly, Mr. Denier queried the Council as to their plans for generating revenue, since sales taxes were down. Furthermore, he asked what would be done about delinquent taxes not received.

**IV. REGULAR AGENDA ITEMS:**

A. Approval of April 14, 2009 Minutes Addendum

Mayor Klooster allowed Council a few minutes to re-review the April 14, 2009 Minutes' Addendum. With no comments made by the council members, he then asked for a motion. Mayor Pro Tem Mahlstedt made a motion to accept the addendum and Councilman Wilson seconded the motion. Klooster called for a vote.

Ayes: All present voted aye.

Nays: None

The motion passed.

B. Approval of the June 9, 2009 Meeting Minutes

The Regular Meeting Minutes of June 9, 2009 were reviewed by Council, and the mayor asked if Council had any comments. Mayor Pro Tem Mahlstedt indicated a correction to Section VII – Adjournment. She stated Dr. Williams is a citizen of Glenn Heights, not Oak Leaf. With no other corrections made by Council, Klooster called for a motion. Mahlstedt made a motion to accept the amended minutes with the correction to Dr. William's residence classification. Councilman Tuma seconded the motion. The mayor then called for a vote.

Ayes: All present voted aye.

Nays: None

The motion passed.

C. Consideration of Variance Request for Accessory Building at 911 E. Highland Road

Klooster stated the owners of the property, Mr. and Mrs. Pacheco, were present in the audience. He then indicated the Twenty Percent (20%) Rule did not apply to this variance request, since there was no opposition from the adjoining property owners. Mayor Klooster informed the audience of the new accessory building construction using an existing slab as a foundation. The variance request arose when the contractor mistakenly placed the accessory building garage doors facing toward the street. The mayor asked if Council had any remarks. Mahlstedt stated all commentary she had received was positive, and Councilman Wilson inquired about the square footage allowed for this accessory building. Mr. Denier, member of the audience, asked if a plot plan had been turned in, and the mayor confirmed it had been; however, the placement of the doors was not indicated at the time of the permit application. Klooster then called for a motion. Councilman Spurlock made the motion to accept the accessory building variance request. Mahlstedt seconded the motion. With no further comments made, the mayor called for a vote.

Ayes: All present voted aye.

Nays: None

The motion passed.

D. Discussion of Ordinance 0910 – An Ordinance of the City of Oak Leaf, Texas Amending Chapter 3 – Building and Construction, of the Code of Ordinances to Add a New Article (Article 3.2100) to be Entitled “Wind Energy Systems” Providing Regulations for the Construction, Use and Operation of Wind Energy Systems; Providing for Permits; Providing a Repealing Clause; Providing a Severability Clause; Providing for a Penalty of Fine not to Exceed the Sum of Two Thousand (\$2,000.00) for Each Offense; and Providing an Effective Date

The mayor stated the ordinance is in the process of having a few issues clarified and he would like Council to give their opinions by the next Council Meeting. The ordinance was then tabled, and it will be placed on the August Agenda as an action item.

E. Discussion and Approval of Amendment No. 1 to the USDA/NRCS Project Agreement Concerning the Uhl/Locust Bridge

The Natural Resource Conservation Service (NRCS) has recently proposed to do the stabilization of the creek banks at Uhl/Locust Bridge for the amount of \$100,000.00. The council members inquired as to the reduction of the original grant amount (\$398,000.00). The response received from the NRCS basically identified that anything in excess of \$100,000.00 would delay the project and would be an additional cost to the city. Plus, if the project takes too long to complete, the total pooled grant money may not be available. Councilmember Wilson communicated with the NRCS contact person and asked if the city would be allowed to hire an independent engineer to do the design concept for the project. The NRCS replied with an affirmative response and as a result Contract Amendment # 1 was prepared for Council approval. It was later learned that if the city approves the amendment, it would be liable for payment of the engineer’s designs, as well as the engineer’s time to supervise the project. Mayor Klooster identified that he had conferred with the city’s grant coordinator, Tim Glendening and Associates and he confirmed that the NRCS has the option to pay up to seventy-five percent (75%) of the project, and the city pay the remaining twenty-five percent (25%) ... however, the NRCS is in the position to pay less if it chooses.

The Council then discussed the materials to be used for the repairs as proposed by the NRCS and decided to continue with the NRCS’ proposed plan. The proposed work would improve that which currently exists. Then in five or ten years, another grant could be applied for when additional work may be needed. Based on the facts presented and options available to the city, it was the council’s decision to continue the path of work proposed by the NRCS, so no action was taken on the Amendment.

F. Discussion and Approval of the Engineer’s Proposed Contract from Engineering Concepts and Design, L.P. Concerning the Uhl/Locust Bridge Project

The mayor stated since NRCS Amendment No. 1 was not approved, the proposed engineer’s contract was no longer necessary. Therefore, he announced no action would be taken on this item by the council members.

**V. OLD BUSINESS:**

A. Discussion and 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

Mayor Klooster opened discussion regarding the latest version of Ordinance 0907. He asked if Council had any comments, and none were made. The mayor then called for a motion. Tuma made the motion to adopt Ordinance 0907 and Spurlock seconded the motion. Klooster called for a vote.

Ayes: All present voted aye.

Nays: None

The motion passed.

B. Update on 507 Little Creek Trail

Klooster indicated city staff had been in contact with the Ellis County Emergency Management personnel, and the demolition of 507 Little Creek Trail would be starting soon and should be completed by the end of July.

**VI. MAYOR’S UPDATE:**

A. Meetings and Seminars

The North Central Texas Council of Governments (NCTCOG), in conjunction with the Texas Water Development Board (TWDB), are in the process of holding meetings to access flood mapping needs in the Upper Trinity River Basin, which includes the northern part of Ellis County. The goal of these meetings and the map project is to improve the effectiveness of future flood projects or watersheds. The mayor encouraged the council members to attend at least one of the five meetings in July, so Oak Leaf would be represented and information could be communicated back to the other members of the Council.

As a note involving another government agency, Klooster stated the governor of Texas recently signed a bill to dissolve the Texas Residential Construction Commission (TRCC) as of September 1, 2009. It will, however, be allowed to conclude its operations by September 2010. This action represents the removal of the state clearing house to check contractor credentials and the end of a means to mediate if construction problems arise between property owners/builders and contractors.

B. 2009-2010 Budget Preparation/Special Called Meeting(s) – Budget Workshop

The mayor stated staff had prepared calendar pages for the months of August and September. The Council reviewed the pages and decided to meet on August 6th for the first budget workshop to discuss the 2009-2010 Budget. If further budget discussions are needed, a second workshop may be called towards the end of August or perhaps before the regularly scheduled 8/11/09 council meeting.

C. Delinquent Property Taxes Update

Klooster indicated there has been progress in the recovery of delinquent property taxes in the last month regarding the most overdue accounts. A couple of the properties have sold. A few properties have paid their delinquent taxes and are presently current or will be current in the near future. There are a couple properties scheduled for court action.

D. Ellis County Appraisal District Proposed Budget and Workshop

The Ellis County Appraisal District (ECAD) Board of Directors held a public hearing to consider ECAD's proposed budget for 2010 on June 30, 2009. The mayor has directed staff to ascertain the results of the hearing.

E. Household Hazardous Waste Clean-Up Day Update

The household hazardous waste clean-up went very well. Forty-five (45) citizens came by City Hall to drop off paint, motor oil, old batteries, and other items in the Fort Worth Environmental Collection Center (ECC) mobile unit. However, two citizens were turned away. One citizen wanted to dispose of his brush, and the other had an excessive quantity of hazardous materials (much more than what would be considered a normal household donation). That citizen was advised to get a voucher at City Hall and take materials to the (ECC) collection site in Fort Worth.

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

The City of Oak Leaf would like to recognize three recently graduated seniors from Oak Leaf: Stephanie Pape, Kelsey Dahl, and Nicholas Lozano. All three individuals are recognized for their excellent academic and extra-curricular achievements. Mayor Klooster instructed staff to draft an appreciation letter to the students on behalf of the city council.

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

A. Land/Building

The mayor asked if Council had any reports, and Wilson commented 505 Winding Creek Trail has had several garage sales in the last few weeks. He stated that the property owners appear to be vacating the premises; however, his concern was for the pool in the back yard. The water in the pool is unsafe and may be breeding insects. Klooster acknowledged Wilson's comments and concerns. Staff was directed to confirm code violations, and if so, to issue a violation letter. Klooster also requested staff to research the possibility of creating an ordinance that would limit the quantity of garage sales within a set period of time ... as had been done in several cities within the Metroplex.

Klooster also mentioned 704 Little Creek Trail has tall grass growing on the south side of the property, but the remaining portion of the yard has been mowed. A notice will also be sent to this property owner.

B. Legal

1. Nuisances

- a. 900 Block of Lark Lane – The property owner failed to appear at the June court hearing and has been re-summoned to appear at the July hearing to account for unpaid commercial trash payments as well as his non-appearance at the June court.
- b. 1900 Block of Willow Bend Drive – The property owner(s) have been summoned to appear at the June Municipal court regarding dogs-at-large violations.
- c. 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 has been filed to abate the mowing expenses.
- d. 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 has been filed to abate the mowing expenses.
- e. 400 Block of Locust Drive - There has been a change in property ownership as of June 2nd, and the new owner will be contacted as to the maintenance of the property (mowing of tall grass).
- f. Property Liens Filed by the City – The mayor explained this is a new category to indicate which properties have recorded liens, their purpose, and the liens' values. There were no liens for this time period.

2. Litigation

- a. Indian Hills Subdivision – The city attorney is currently in pre-trial discussion with Rone Engineers; however, it still appears the lawsuit will be filed by the end of the year.
- 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

As discussed earlier in the Council Meeting, the Uhl/Locust Bridge Project will continue with NRCS for a reduced amount of \$100,000.00. The project should start within the next ninety days if there are no further complications.

2. Woodhaven Bridge Update

Councilman Wilson stated the project is ready to go out for bids. It may also be starting in ninety days. Klooster directed Wilson to speak with Tim Glendening and Associates and get a project time line.

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

Mayor Klooster indicated city maps of the drainage problem areas have been prepared and informational letters have been drafted in preparation for the clean-up project. Property entry permission forms will also be created for access into areas where the drainage problems go beyond the easement allowances. The mayor also stated the starting date would most likely be closer to the first part of October.

D. Secretary's Report

1. HILCO Electric Coop's Old Electronics Clean-up Event

HILCO, in association with Cleaner Living Industries, is sponsoring an old electronics recycling event from September 4 - 6, 2009. The event drop-off location is 1080 C. Enterprise Drive in Midlothian, Texas. A list of the acceptable /non-acceptable items and contact information can be picked up at City Hall or is available on-line through the city's website: [www.oakleaftexas.org](http://www.oakleaftexas.org) or through the HILCO website: [www.hilco.coop](http://www.hilco.coop).

**VIII. ADJORNMENT:**

Mayor Klooster asked Council and the audience if there were any further comments. None were made, and a motion to adjourn was made by Spurlock at 8:07 p.m. and seconded by Wilson.

Ayes: All present vote aye.

Nays: None.

The motion passed.

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

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

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