

**MINUTES OF THE BUDGET WORKSHOP
AND REGULAR MEETING
OF THE OAK LEAF CITY COUNCIL
HELD ON AUGUST 11, 2009 AT 6:30 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 Arriving After Roll Call:

Councilman Ray Brindle

City Staff Present:

City Secretary Ronda Quintana

MAYOR KLOOSTER CALLED THE BUDGET WORKSHOP TO ORDER AT 6:38 P.M. AND ANNOUNCED A QUORUM PRESENT.

II. 2009 – 2010 BUDGET WORKSHOP

Klooster announced the workshop would be delayed briefly while the Council awaited the arrival of Councilman Brindle.

III. ADJOURNMENT FROM THE BUDGET WORKSHOP INTO EXECUTIVE SESSION

At approximately 6:44 p.m., the mayor stated Council would adjourn into Executive Session to discuss personnel matters in accordance with the Open Meetings Act, Chapter 551, Section 551.074. Councilman Brindle arrived at 6:45 p.m.

IV. RECONVENE INTO BUDGET WORKSHOP

Council reconvened into the budget workshop at 6:55 p.m.

A. Discussion and Action Taken as Result of the Executive Session – The result of the executive session: changes were made to the proposed 2009-2010 Budget wage expense (Item 51190) and the employee bonus expense (Item 51195). The changes were disclosed during Council discussion of general and administrative expenses.

Mayor Klooster then continued with the review of the 2009-2010 proposed Budget starting with the revenue section. No comments were made by the Council, so he proceeded to the expenses section of the proposed budget. Changes were made to the following items:

- Item 51190 (Wage Expense)
- Item 51195 (Employee Bonus Expense)
- Item 51200 (Wage Tax Expense)
- Item 51210 (Jury Expense)
- Item 51500 (Trash Removal)

Once the expenses were reviewed and discussed, Klooster indicated the last page of the budget concerned the staff holidays for the upcoming fiscal year. He asked the council members to review that document in regard to any possible changes. He then stated another workshop would be held on August 27th at 7:00 p.m., and another, if necessary, during the next Regular Meeting on September 8, 2009. He also identified that the tax rate needed to be discussed and approved in advance of budget approval. With no further discussion or questions, Mayor Pro Tem Mahlstedt made a motion to adjourn the budget workshop. Councilman Spurlock seconded the motion. The mayor called for a vote.

Ayes: All present voted aye.

Nays: None

The motion passed.

Immediately following the workshop, Mayor Klooster called the Regular August 11, 2009 Council Meeting to order at 7:25 p.m. After receiving the guest sign-in sheets from the city secretary, Klooster asked each registered person if they wished to participate during the audience participation portion of the meeting or during the time when their topic was being addressed during the meeting. At 7:31 p.m. the mayor requested a brief intermission to obtain additional support documentation from City Secretary Quintana.

V. INVOCATION & PLEDGE OF ALLEGIANCE:

At 7:34 p.m. Mayor Klooster gave the Invocation. Then those in attendance joined the mayor in saying the Pledge of Allegiance.

VI. AUDIENCE PARTICIPATION:

Mrs. Joyce Liptak, citizen at 902 Little Creek Trail, spoke on behalf of the Ellis County America's Tea Party and asked if the Council would re-consider renting the City Hall on an occasional basis.

Mayor Klooster then acknowledged Mr. Bill Denier, citizen at 1001 Lariat Trail. Mr. Denier inquired about audience participation and action taken as a result of the budget workshop executive session.

Mr. Steve Hester, citizen at 916 Indian Trail, had signed up to speak during the legal portion of the meeting concerning litigation with Indian Hills Developer; however, he had left during the budget workshop time period.

VII. REGULAR AGENDA ITEMS

A. Approval of July 14, 2009 Meeting Minutes

The July 14, 2009 Council Meeting Minutes were reviewed and Councilman Tuma made a motion to accept the minutes. Mr. Denier, an audience participant, interrupted the motion by asking a question concerning fees collected for an existing concrete slab on a neighboring property. Mayor Klooster replied to the inquiry, and then Mahlstedt seconded Tuma's motion. The mayor called for a vote.

Ayes: Mahlstedt, Tuma, Spurlock and Wilson
Councilman Brindle abstained.
The motion passed.

B. Discussion of City Participation in the Organization of North Ellis County Cities for the Purpose of Developing Stronger Partnership Opportunities and Appointing a Steering Committee Representative to Consider Initiative

After the item was introduced, Mayor Klooster asked the City of Red Oak representatives in the audience if they would like to speak on behalf of the coalition. Mayor Alan Hugley proceeded to explain the purpose of the organization of north Ellis County cities. Mayor Hugley stated there is a need for better communication, representation of and coordination between the cities in relation to funding of projects, political matters, and other issues that may provide a challenge to a small entity. The City of Red Oak is currently speaking to and working with several cities, including Ferris, Ovilla, and Glenn Heights to establish this partnership. Red Oak City Manager, Tim Kelty, also spoke about the opportunity of the cities to come together to work efficiently. Mayor Pro Tem Mahlstedt asked if there would be dues to be paid. Mayor Hugley indicated there may be at a later time, but everything right now is in the early stages of development. Klooster thanked the Red Oak representatives for attending the Council Meeting and stated the partnership between cities would be beneficial in matters of politics, law enforcement, animal control, etc. Mayor Klooster indicated a resolution in relation to the partnership would be prepared for discussion and possible adoption at the next Council Meeting.

C. Discussion and Approval of Ordinance 0911 – An Ordinance of the City of Oak Leaf, Texas, to Adopt Atmos Energy Mid-Tex Division Rate Tariffs and Proof of Revenues that Reflect the Negotiated Rate Change Pursuant to the Rate Review Mechanism Process; to Provide a Repealing Clause; to Provide an Open Meetings Act Clause; to Provide a “Most Favored Nations” Clause; to Provide a Recovery of Costs Clause; to Provide an Effective Date Clause and a Document Forwarding Clause

The mayor indicated Ordinance 0911 is a document relating to updated Atmos rate tariffs and revenues. He asked if the council members had any comments and with none made, he asked for a motion. Mahlstedt made the motion to accept Ordinance 0911 and Brindle seconded the motion. Mayor Klooster called for a vote.

Ayes: All
Nays: None
The motion passed.

D. Discussion and Approval of Resolution 0902 – A Resolution Authorizing Continued Participation with the Atmos Cities Steering Committee; and Authorizing the Payment of Two Cents Per Capita to the Atmos Cities Steering Committee to Fund Regulatory and Related Activities Related to Atmos Energy Corporation

Mayor Klooster stated the Atmos Cities Steering Committee (ACSC) represents many cities in the area that have formed a coalition to work with the Atmos Energy Corporation. The city has been a member of the ACSC for the last two years, and it has proved a somewhat profitable alliance. Klooster recommended to the Council continued participation with the ACSC. Brindle asked how many households use Atmos Gas and the reply was three (3). Mayor Pro Tem Mahlstedt made the motion to accept Resolution 0902, and Council Brindle seconded the motion. Klooster called for a vote.

Ayes: All
Nays: None
The motion passed.

E. Discussion and Approval of Change to Pool Permit Application

The Council reviewed the change to the pool permit application which was amended to include a section relating to dirt removal from the site. The mayor explained if the council members chose to accept the change, then the property owner would be required to provide documentation as to where the dug-out dirt would be relocated. Councilman Spurlock made a motion to accept the updated pool permit application. Councilman Tuma seconded the motion. Mayor Klooster asked if there were any comments, and Councilman Wilson asked about the city codes relating to the flood plain. Klooster stated the city's Code of Ordinances clearly indicates no fill dirt or other material may be placed in a flood plain which would alter the direction or flow of flood waters without an engineers report detailing how the water flow would be affected. With no further comments made by Council, the mayor called for a vote.

Ayes: All
Nays: None
The motion passed.

F. Consideration and Approval of expenditure for the replacement of an inoperative outdoor condensing unit at the City Municipal Center

Mayor Klooster stated the city municipal building currently has two (2) five-ton condenser units, and the unit for the administrative side of the building has broken down. A proposal to replace the inoperable unit has been obtained from Pape Air Conditioning; however, Councilmen Brindle and Wilson were not in favor of just one proposal to choose from. Klooster agreed and stated a couple more proposals would be solicited. In the meantime, he suggested the Council approve the replacement amount, so the work could be expedited.

The Council consented to the suggestion, and Spurlock made a motion to allow the mayor to spend up to \$4,000.00 for the replacement of the unit. Tuma seconded the motion. The mayor called for a vote.

Ayes: All
Nays: None
The motion passed.

VIII. OLD BUSINESS:

A. 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 proposed ordinance has a few issues needing clarification. The ordinance was tabled and will be placed on the August 27th Agenda as an action item.

B. Update on 507 Little Creek Trail

City staff had been in contact with the Ellis County Emergency Management personnel, and the demolition at 507 Little Creek Trail is complete except for the removal of the mailbox. The purchase order has been submitted to the county for payment, and then it will be at least thirty (30) days to complete the processing of property transfer documents.

IX. MAYOR'S UPDATE:

A. Meetings and Seminars

The mayor announced the city had received formal invitations to attend the Donald T. Shields Elementary dedication on Sunday, August 23, 2009 at 2:00 p.m. All council members were encouraged to attend if their schedules allowed. The city had also received an invitation to attend the Texas Municipal League's (TML) Annual Meeting in October. Klooster asked the Council to review the information and communicate with city staff if they wish to attend one or more of the scheduled events.

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

As of today, the city has had two (2) budget workshops. There will be a third workshop held on August 27th at 7:00 p.m.

C. Delinquent Property Taxes Update

Klooster indicated there continues to be progress in the recovery of delinquent property taxes. City staff is in the process of updating the delinquent property tax list status report.

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

No updates

X. REPORTS AND ACTION BY COUNCIL:

A. Land/Building

No update

B. Legal

1. Nuisances

a. 600 Block of Little Creek Trail – The property owner(s) have failed to register their dog(s) in a timely manner. An animal citation has been issued.

b. Property Liens Filed by the City

- 1925 Willow Bend – The city has filed a mowing lien for the amount of \$200.00 plus interest.
- 115 Hackberry Drive – The city has filed a mowing lien for the amount of \$200.00 plus interest.

2. Litigation

a. Indian Hills Subdivision – The city attorney is currently in the pre-trial discovery phase of the case.

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

The National Resource Conservation Service (NRCS) will be presiding over a meeting on August 12th at 9:00 a.m. in which contractors will be briefed on the project specifications and other mandated requirements. After the meeting, the participants will do an on-site visit of the worksite.

2. Woodhaven Bridge Update

Engineering Concepts and Design is in the process of advertising for contractor proposals for the bridge project.

3. Road Maintenance and Repairs

The mayor asked City Secretary Quintana when B.G. Williams Asphalt would return to finish up on Indian Trail. She replied Mr. Williams and his crew should be back to complete the roadwork in a couple of weeks.

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

Mayor Klooster and Tuma are in the process of reviewing the letters to citizens where work will be done in public easements to relieve the drainage issues throughout the city. The mayor stated the work could begin in the next thirty (30) to forty-five (45) days.

D. Secretary's Report

1. Vehicle Inspection Sticker Changes by the Texas Department of Public Safety

The Texas D.P.S. has initiated a series of new vehicle registration stickers with a cowboy "Texas" motif. The new stickers will be available after August 1st and the sticker design will depend on the type of vehicle.

XI. 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 Brindle at 9:14 p.m. and seconded by Councilman Wilson.

Ayes: All present vote aye.

Nays: None.

The motion passed.

PASSED THIS _____ DAY OF _____, 2009

Paul Klooster, Mayor

ATTEST: _____
Ronda Quintana, City Secretary