

**MINUTES OF THE  
REGULAR COUNCIL MEETING  
OF THE OAK LEAF CITY COUNCIL  
HELD ON JANUARY 11, 2011 AT 7:00 P.M.  
AT OAK LEAF CITY HALL**

**I. CALL TO ORDER & ROLL CALL:**

Council Members Present:

Mayor Paul Klooster

Councilman Craig Wilson

Councilman Jim Tuma

Mayor Pro Tem Pat Mahlstedt

Councilman Ray Brindle

Councilman Ron Spurlock

City Staff Present:

City Secretary Ronda Quintana

**MAYOR KLOOSTER CALLED THE CITY COUNCIL MEETING TO ORDER AT 7:00 P.M. AND ANNOUNCED A QUORUM PRESENT.**

**II. INVOCATION & PLEDGE OF ALLEGIANCE:**

Klooster gave the invocation followed by the Pledge of Allegiance.

**III. AUDIENCE PARTICIPATION:**

Attorney Rodney Ramsey, Attorney John Perkins III, Mrs. John Perkins and Susan Walker (citizen at 104 Walnut Court) were present in the audience. However, only Mrs. Walker had signed up to speak during Audience Participation.

Mayor Klooster acknowledged Mrs. Walker and asked if she wished to speak. Mrs. Walker voiced her concern regarding fire response time in Oak Leaf. She recently had a house fire, and she stated it took over forty minutes for the responding fire departments (Red Oak, Glenn Heights, Ovilla and Waxahachie) to start dousing the fire with water from the fire hydrant at the end of her street. Even though the water pressure was good, precious time was lost while the fire hoses were connected and stretched out to reach her house. Mrs. Walker remarked that if this could happen to her, it could happen to anyone. She suggested that the city put together a fire protection plan and supplement the ESD (Emergency Services District) #4's budget to get a better response.

Mayor Klooster responded by stating he would schedule a meeting with Stuart Shafer, president of ESD #4, to discuss solutions to this problem. Oak Leaf already provides a financial supplement for ambulance service within the city, and it can certainly look into doing the same for improved fire service. Mrs. Walker stated she would be willing to help with the fire protection plan if asked.

**IV. CONSENT AGENDA ITEMS:**

Approval of December 14, 2010 Regular Meeting Minutes

The Minutes were reviewed by Council and no revisions were made. Mayor Klooster, therefore, asked for a motion, and Mayor Pro Tem Mahlstedt made a motion to accept the December 14th Minutes as presented. Councilman Brindle seconded the motion. Klooster called for a vote.

Ayes: All

Nays: None

The motion passed.

**V. REGULAR AGENDA ITEMS:**

A. Swearing-in of Rodney Ramsey as the City of Oak Leaf Municipal Court Judge

Klooster swore in Rodney Ramsey as the city's new municipal court judge, and it was noted that municipal court would remain scheduled for the third Thursday of each month on an as-needed basis.

B. Discussion Regarding the Selection of a New Prosecuting Attorney

Mayor Klooster asked Judge Ramsey to speak in regards to the selection of a new prosecuting attorney. Ramsey stated the City of Oak Leaf is a non-court of record and must have a prosecuting attorney to represent the state in legal matters. He then recommended Attorney John Perkins III as an excellent candidate for the position. Perkins currently practices family, criminal and probate law in Palmer and has no affiliation with Ramsey (other than sharing an office with Ramsey in Waxahachie, Texas). Attorney Perkins also is willing to charge hourly rates for his legal services and does not require a monthly stipend.

The mayor and Council were pleased with Judge Ramsey's recommendation and requested that consideration of the matter be added to the February Regular Council Meeting Agenda.

C. Discussion and Possible Action to Accept a Proposal from Henley-Johnston & Associates Regarding the Testing of Paint on Woodhaven Bridge for Lead Content and Adhesion

As mentioned in previous Council Meetings, TxDOT will provide funding to replace Woodhaven Bridge (a one-lane bridge) with a two-lane bridge providing the city contributes at least 10% (\$71,349.08) of the total expenses (\$713,490.77). However, a more economical and less invasive alternative to replacing the bridge is to repair it. Therefore, Klooster contacted the engineering firm of Birkhoff, Hendricks and Carter regarding the city's need for testing of the paint on Woodhaven Bridge before making any repairs. Subsequently, they contacted Henley, Johnston & Associates, an engineering geoscience consultants company, and a proposal for the amount of \$1,202.50 was submitted for review by the City Council.

As none of the council members opposed the proposal, Klooster asked for a motion. Councilman Wilson made a motion to accept the proposal from Henley, Johnston & Associates, and Councilman Brindle seconded the motion. Mayor Klooster called for a vote.

Ayes: All  
Nays: None  
The motion passed.

D. Discussion of Resolution 1101 – A Resolution Suspending Oncor’s February 14, 2011 Rate Increase

The legal firm representing the Steering Committee of Cities Served by Oncor has contacted its member cities (including Oak Leaf) regarding a Statement of Intent from Oncor to increase electric transmission and distribution rates in all municipalities as of February 14, 2011. In response to this statement, the Steering Committee submitted a draft resolution for approval by all its member cities to suspend the rate increase for ninety (90) days. During the suspension, the Steering Committee will have time to do legal research, prepare a response and negotiate with Oncor prior to setting of the rates. Mayor Klooster inquired if Council had any comments regarding the resolution and none were made. He then asked for a vote. Mayor Pro Tem Mahlstedt made the motion to approve Resolution 1101. Councilman Spurlock seconded the motion. Klooster called for a vote.

Ayes: All  
Nays: None  
The motion passed.

Mayor Klooster stated a copy of the Oncor rate increase explanation was available at the front desk of City Hall for council members and citizens of Oak Leaf to view.

**VI. OLD BUSINESS ITEMS:**

A. Discussion and Action to Dispose of Outdated Copier Equipment After City Auction

There were no bidders for the outdated copier equipment during the auction; therefore, the City Council may dispose of the items as it considers appropriate. After a short discussion, Council decided to discard the equipment during the Spring Clean-up Event.

As a matter related to clean-up events in the spring, Klooster mentioned possible clean-up dates would be discussed during the next Regular Council Meeting. Spurlock asked how many clean-ups were planned for the spring, and the mayor responded stating there would be two. Klooster also stated there may be additional clean-ups scheduled if the city experienced damage from severe weather.

B. Discussion of Resolution 1007 – A Resolution Authorizing the Mayor to Execute and Approve the Master Advance Funding Agreement and TxDOT Regarding Woodhaven Bridge

The matter has been tabled until the paint testing report is received from Henley, Johnston & Associates. Brindle inquired whether there were any deadlines to approve the resolution. Mayor Klooster indicated he was not aware of any.

**VII. MAYOR’S UPDATE:**

A. Meetings and Seminars

• Meals-on-Wheels’ “Mayors for Meals” Program

The mayor stated he has been invited to participate in the “Mayors for Meals” event on March 23rd, 2011 to show his support for the Meals-on-Wheels program by delivering meals to homebound seniors. Mayor Klooster stated he would not be able to attend due to work-related activities and asked if a council member would go as a representative of Oak Leaf. Mayor Pro Tem Mahlstedt stated she would be available on the 23rd to assist with the event’s activities.

• Ellis County Emergency Management Cities’ Readiness Initiative Program

A full-page advertisement was published in the Ellis County Press inviting all citizens of Ellis County to join the Cities’ Readiness Initiative Program in preparation for a large-scale public health emergency. Anyone who is interested in the program can apply on-line at [www.co.ellis.tx.us](http://www.co.ellis.tx.us) and click on “Emergency Management” or call the Ellis County Emergency Management Office at (972) 825-5291.

**VIII. REPORTS:**

C. Public Works

1. Road Maintenance and Repairs

As a road related issue, Klooster indicated the federal government has established guidelines to attain a standardization of street signs for all levels of government, as well as new sign retroreflectivity requirements on or before January 2018. The Federal Highway Administration has more information on their website.

City Staff has already done an inventory of the road signs and sign poles within Oak Leaf and will be calculating the cost to replace them. The total will then be divided and a portion of the amount will be added as an extra road sign/equipment expense to subsequent fiscal budgets.

## IX. MAYOR'S UPDATE (CONTINUED)

- NECCC Meeting on January 13<sup>th</sup>  
The upcoming meeting for the North Ellis County Coalition of Cities will be hosted by the City of Palmer at the Red Oak Municipal Building. There will be a continued discussion concerning the expansion of Ovilla Road, and representatives from the Trinity River Authority will be speaking about Ellis County area projects.
  
- Regional Transportation Council of North Central Texas Council of Governments 2035 Mobility Meetings on January 6th, 11th and 12th  
The NCTCOG's Regional Transportation Council will be holding public meetings in January to discuss the Cotton Belt Passenger Rail Corridor from southwest Fort Worth to Dallas, the Frisco Passenger Rail Corridor from Irving to Frisco, the McKinney Passenger Rail Corridor from Dallas to McKinney, and the Waxahachie Passenger Rail Corridor from Dallas to Waxahachie.

## X. REPORTS (CONTINUED):

### A. Land/Building

There are no updates.

### B. Legal

#### 1. Nuisances

- a. 1200 Block of Lariat Circle – Mayor Klooster suggested a staff member and the city's maintenance person coordinate to get updated pictures of the violations.
- b. Recently Recorded Liens – A lien was filed against 2032 Willow Bend Drive for mowing of the property. The lien amount is \$225.00.
- c. Previously Recorded Liens – The total of previously recorded liens is \$5,706.46.

#### 2. Litigation

##### c. 907 Lark Lane

As a matter related to 907 Lark Lane, the mayor stated the property is scheduled to be auctioned off on February 1st for nonpayment of delinquent taxes. Once the property changes ownership, it will revert back to its originally zoned use. In addition, the environmental issues regarding the leaking gas tanks will still have to be dealt with. Councilman Wilson recommended contacting the city's attorney to get a zoning ordinance drafted to address residential areas that may be zoned commercial.

- a. Indian Hills Subdivision Update – Another defendant (Northwest Pavers, Inc.) has been added to the lawsuit, and the city’s attorney is currently waiting for a response from the company.

In reference to the growing number of defendants and their combined ability to compensate the City of Oak Leaf, the mayor has requested totals for legal expenses (approximately \$60,000.00) and for road repairs (approximately \$77,000.00). Klooster stated, however, the costs for future subdivision road improvements and pain and suffering have yet to be determined.

As another topic in relation to the Indian Hills subdivision, Mayor Klooster mentioned a request from Tommy Powers (owner of 936 Indian Trail) to have the city remove pieces of asphalt from the easement area of his lot and clean out the silted culverts. Klooster stated the silt would be removed in the summer as part of the bar ditch cleaning project.

- b. Glenn Heights Annexation Update – There is no update.
- c. 907 Lark Lane (Continued)
  - TCEQ Litigation Update – There is no update.

### C. Public Works

#### 1. Road Maintenance and Repairs (Continued)

Because of sporadic cold and wet weather conditions, many potholes have developed in the city’s streets. Klooster indicated a road crew would soon be filling them with cold mix asphalt. Then, later in the spring, Pavecon would be contacted to do more permanent road repairs.

The mayor continued by stating the main thoroughfare roads such as Locust Drive are deteriorating rapidly due to the amount of vehicles travelling over them. He therefore requested a copy of the LandTec geotechnical core sample report be sent to Birkhoff, Hendricks and Carter, LLC to generate an engineer’s opinion.

As mentioned in previous Council Meetings, the city plans to mill the base of the main thoroughfare roads down nine to ten inches and strengthen them where needed. Councilman Wilson commented that the roads will also need to be built up to allow for proper drainage, and the ditches will need to be dug out to accommodate runoff water. Klooster then remarked that once the engineer’s recommendation was received, the city would be able to solicit bids. Councilman Wilson concurred stating the early part of the year was ideal for getting the engineering work done.

After discussion of the pending roadwork, the mayor indicated an engineer's report had been received from John Birkhoff regarding drainage issues at Shallow Creek Drive. He recommended Council review the drainage drawings if they had the opportunity. Mayor Klooster then suggested the city should use the same contractor to do the work at Shallow Creek and for the drainage project, which affects the rest of the city.

D. Secretary's Report

1. Texas Disaster Recovery Course Update

Assistant City Secretary Ellis recently attended a Texas Disaster Recovery Course hosted by the Texas Division of Emergency Management. It provided information about what to do before and after a disaster. Ellis was able to determine the city has a need to form a disaster team and also recommended the council members attend a FEMA disaster class. For the Council's convenience, the one-day class could be arranged to take place at City Hall whenever they wished. Mayor Klooster stated it was a good idea to be proactive instead of reactive when dealing with any disaster situation.

2. Posting of the Notice of Deadline to File Applications for Place on the Ballot

The notice has been posted on the bulletin boards inside and outside of City Hill. The first day to file an application is February 12th. However, since the twelfth falls on a Saturday, applications will not be accepted until Monday, February 14th. City Secretary Quintana stated the terms for Council Place 1 (Pat Mahlstedt), 2 (Ron Spurlock) and 3 (Ray Brindle) were up for re-election in the May 9th General Election. Election forms are available at City Hall for citizens who are interested in running as a candidate, or they can be found on-line at the Secretary of State's website [www.sos.state.tx.us](http://www.sos.state.tx.us) and the Texas Ethics Commission website at [www.ethics.state.tx.us](http://www.ethics.state.tx.us).

3. Wildfire Alert and Safety Booklet

Governor Perry issued a proclamation on December 21, 2010 declaring 212 counties in Texas (including Ellis County) were threatened by extreme fire hazard. This proclamation prompted the creation of a wildfire alert and safety booklet based on information from the Texas Forest Service website [www.texasfirestorm.org](http://www.texasfirestorm.org). Citizens may pick up a copy of the booklet at City Hall or download a copy of it from the city's website at [www.oakleaftexas.org](http://www.oakleaftexas.org).

**XI. ADJORNMENT FROM REGULAR MEETING:**

Mayor Klooster inquired if Council had any further comments, and none were made. Klooster asked for a motion to adjourn. A motion was made by Wilson at 8:36 p.m. It was seconded by Mahlstedt. The mayor called for a vote.

Ayes: All

Nays: None

The motion passed.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011

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

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