

**MINUTES OF THE
REGULAR COUNCIL MEETING
OF THE OAK LEAF CITY COUNCIL
HELD ON FEBRUARY 8, 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 Ron Spurlock

Mayor Pro Tem Pat Mahlstedt

Councilman Jim Tuma

Council Member Absent Due to Work Related Activities:

Councilman Ray Brindle

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. PROCLAMATION HONORING JUDGE BOB CARROLL

Mayor Klooster read the proclamation honoring District Judge Bob Carroll for his service to the City of Oak Leaf as the city's municipal judge for the last two years and then presented a copy of the proclamation to District Judge Carroll.

IV. PROCLAMATION RECOGNIZING LINDSEY HOOPER AS A C.O.O.L. (CITIZEN OF OAK LEAF)

Klooster stated Lindsey Hooper and her family were not able to attend the reading of her proclamation due to a rescheduled regional swim meet. The mayor then commended Ms. Hooper for her outstanding academic and athletic accomplishments. She has also been recognized as Dale Hansen's Scholar Athlete of the Week and featured on the January 16, 2011 broadcast of the Hansen's Sports Special on WFAA Channel 8. In addition, McDonald's has given Red Oak High School a scholarship award of \$250.00 in recognition of Ms. Hooper's achievements.

V. AUDIENCE PARTICIPATION:

Attorney John Perkins III and District Judge Bob Carroll were present in the audience, but neither person had signed up to speak during Audience Participation.

VI. CONSENT AGENDA ITEMS:

Approval of January 11, 2011 Regular Meeting Minutes

The Minutes were reviewed by Council, and Mayor Klooster made a correction to Section X. Reports, Subsection B.-Legal regarding 907 Lark Lane. He stated the property will revert back to it originally zoned use (not become a residentially zoned property) once it changes ownership. With no further corrections made by Council, Klooster asked for a motion, and Mayor Pro Tem Mahlstedt made a motion to accept the amended January 11th Minutes. Councilman Wilson seconded the motion. Klooster called for a vote.

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

VII. REGULAR AGENDA ITEMS:

A. Discussion and Possible Action Regarding the Selection of a New Prosecuting Attorney

The Council recognized the need for an attorney to prosecute on behalf of the city's municipal court; therefore, mayor asked for a motion to appoint John Perkins III to the position. Mahlstedt made the motion and Councilman Tuma seconded the motion. Mayor Klooster then called for a vote.

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

B. Discussion and Approval of Resolution 1102 – A Resolution Requesting Improvements to Interstate 35 to be Fully Funded and Implemented for the Full Project Length from I-635 to Highway 380

The Dallas Regional Mobility Coalition (DRMC) contacted the City of Oak Leaf regarding the adoption of a resolution giving support to transportation issues critical to the region. The resolution would support completion of the IH-35E corridor between Dallas and Denton. The DRMC cites the improvements to IH-35E are necessary due to explosive population growth, roadway congestion, potentially catastrophic accidents and infrastructure deterioration.

No remarks were made by Council regarding the resolution, so Mayor Klooster asked for a motion. Wilson made a motion to approve Resolution 1102 and Mahlstedt seconded the motion. Klooster called for a vote.

Ayes: Mayor Pro Tem Mahlstedt, Councilman Wilson, Councilman Tuma
Nays: Councilman Spurlock
The motion passed.

C. Discussion and Approval of Ordinance 1101 – An Ordinance Ordering the May 14, 2011 General Election

The mayor stated Place 1 (Pat Mahlstedt), Place 2 (Ron Spurlock) and Place 3 (Ray Brindle) were up for re-election this year. There were no comments from Council regarding the ordering of the General Election, therefore Klooster asked for a motion. Councilman Spurlock made a motion to approve Ordinance 1101. Mahlstedt seconded the motion. Mayor Klooster called for a vote.

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

D. The Discussion and Approval of a Joint Election Agreement Between Red Oak Independent School District and the City of Oak Leaf, Texas

A representative of the Red Oak ISD sent a Joint Election Agreement for the City Council's approval, which would permit the sharing of a common election site (the Oak Leaf Municipal Building) on May 14, 2011. The school district has three Board of Trustees positions up for re-election (Place 3, Place 4 and Place 5). A motion was made by Spurlock to authorize the agreement. Councilman Wilson seconded the motion. Mayor Klooster indicated if the Oak Leaf alderman positions are not opposed and the General Election is cancelled, Red Oak ISD would still be able to use the site for their election. He then called for a vote.

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

E. Discussion and Approval of a Professional Engineering Services Agreement from Birkhoff, Hendricks & Carter, LLP for the 2011 Street Rehabilitation Project

A proposed Engineering Services Agreement was prepared by Birkhoff, Hendricks & Carter after reviewing the geo-tech road core report from LandTec Engineers, LLC. The agreement addresses the rehabilitation of the city's main thoroughfare roads (Red Oak Creek Road, S. Hampton Road and Locust Drive). Mayor Klooster stated before bids are sought to do the road work, an engineer's opinion had to be obtained to determine the amount of materials needed, work to be done and estimate costs for the project.

Councilman Wilson commented on the materials and quantities listed in the proposal from Birkhoff, Hendricks and Carter to clarify the design parameters used for the roadway section. He also stated the prices quoted were excessive. Wilson indicated he had researched pricing through the Texas Department of Transportation and found them to be lower for the same materials. Mayor Pro Tem Mahlstedt asked how many miles of road would be resurfaced. Councilman Wilson responded 2.125 miles of road based on linear footage from the engineer's report. Wilson also noted the agreement does not include drainage work costs, field surveying costs or an hourly rate schedule for possible additional services.

Klooster then suggested that Council amend the proposed agreement; however, Wilson indicated the amendments must be made by Birkhoff, Hendricks and Carter, LLP. Once the changes have been made, the amended proposal can be resubmitted for Council's approval. The mayor agreed and stated the amended agreement would be added as an action item to the next Regular Council Meeting Agenda.

F. Discussion and Selection of Community Clean-up Days

The council members briefly discussed possible clean-up dates in the spring and decided on March 19th as the city's clean-up day. In addition, a second spring clean-up day may be scheduled if severe weather occurs. The Council deferred their decision for a fall clean-up date until later in the year.

VIII. OLD BUSINESS ITEMS:

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

Mayor Klooster mentioned he will be contacting leading representatives of TxDOT and the State of Texas in an attempt to find someone who will agree that a replacement two-lane bridge is not necessary, because of the situation. He will also be asking Birkhoff to submit a proposal to improve and maintain the bridge.

Councilman Tuma commented about the purchasing of private land and converting a private drive from Woodhaven Court to S. Hampton Road into a public egress. The mayor responded stating there are going to be many obstacles to overcome if the city decides in favor of this option. Nevertheless, the private drive will continue to be used by city-authorized and emergency vehicles.

Councilman Wilson stated the Council can proceed with approving Resolution 1007, which authorizes the mayor to execute and approve of a Master Advance Funding Agreement (MAFA) with TxDOT. Wilson explained the MAFA gets everything started, and the city can back out of it whenever it chooses. However, once the Local Project Advance Funding Agreement (LAPFA) is signed, the city is locked into the project. Klooster indicated Resolution 1007 will be considered for possible action at the next Regular Council Meeting.

IX. MAYOR'S UPDATE:

A. Meetings and Seminars

1. North Texas Animal Authority

The mayor stated he had received correspondence from the North Texas Animal Authority (a private sector company) and asked if Council had any knowledge of the company. The council members responded they did not. City Secretary Quintana replied City Assistant Secretary Ellis had researched the company and discovered they were based out of Flower Mound, Texas. Klooster remarked that the company was obviously seeking support in the area to help their business grow. He then asked Quintana to contact Red Oak City Manager Tim Kelty to see if the NECCC would have any interest in the company in relation to the proposed North Ellis County Animal Control Center.

2. Update on January 13th NECCC Meeting

Mahlstedt and Wilson attended the North Ellis County Coalition of Cities Meeting on January 13, 2011. Councilman Wilson stated Warren Brewer, a representative of the Trinity River Authority, informed the NECCC members about TRA wastewater transportation and how the regional treatment center systems work. Mr. Brewer then spoke about the Red Oak Regional Wastewater System, which services western and northern Ellis County with two pipelines. One of the pipelines runs along Red Oak Creek and through a portion of Oak Leaf (the Willow Bend Drive area). Mr. Brewer also commented on current and future system upgrades and the need for communities to reduce their water use.

The meeting then progressed to the discussion of the expansion of Ovilla Road (FM 664). Bill Pierce, area engineer for TxDOT, explained the process of widening Ovilla Road from Ovilla to I-45 at Ferris and what needs to happen to make it a reality. TxDOT has planned to have a four-lane road with two lanes of traffic in both directions and an extra large center turning lane that can be converted into three lanes in both directions, if needed. Starting in February and continuing into August, TxDOT will be gathering information with the assistance of the NECCC to determine traffic volumes and flow patterns. Studies will also be done for the placement of the new road and right-of-way assignments. In September, TxDOT's preliminary findings will be reviewed in preparation for the final project plan, which will be followed by the finalization of alignments, rights-of way and environmental effects in October. After that, the coalition will meet in 2012 to review the final results and begin the process to request funding.

3. The Regional Transportation Council of NCTCOG Invitation to the Public to Attend Transportation Meetings on February 8th, 15th and 16th
The Regional Transportation Council of North Central Texas Council of Governments will be doing a final review of the draft for the Mobility 2035 plan, which includes recommendations for roadway, rail, bicycle/pedestrian, land use and other projects for transportation in the North Texas area. They will also be giving a general aviation planning update. Handouts are available at City Hall for citizens wishing to attend one of the meetings.
4. Severe Weather Awareness Week
The Texas Division of Emergency, in conjunction with the Texas Department of Public Safety and the National Weather Service, has issued a Severe Weather Awareness Week notice reminding the public to be aware and get prepared for severe weather events. City Staff will be posting helpful information on the city's website about what to do in severe weather situations. Additional information can also be found on the Texas Department of Emergency Management's website: www.txdps.state.tx.us/dem. Severe Weather Awareness Week runs from February 20th through February 26th.

X. REPORTS:

A. Land/Building

Mayor Klooster mentioned the men's room commode at City Hall was experiencing technical difficulties, and asked Quintana to contact the city's maintenance person. Until the necessary repairs are made, appropriate signage will be posted.

B. Legal

1. Nuisances

- a. 1200 Block of Lariat Circle – City Staff will continue to coordinate with the city's maintenance person to get updated pictures of the violations.
- b. Previously Recorded Liens – The total of previously recorded liens is \$5,745.67.

2. Litigation

- a. Indian Hills Subdivision Update –The city's attorney is currently rescheduling the court date. In addition, a second consultant has been hired to determine the costs to repair the Indian Hills Subdivision roads.
- b. Glenn Heights Annexation Update – There is no update.

c. 907 Lark Lane

The property at 907 Lark Lane was scheduled to be sold at the February 1st Ellis County Tax Sale; however, the City Staff noticed the third and final posting of the Writ of Execution was not published in the Waxahachie Daily Light. Staff discovered the writ had been pulled after Mr. Bearden and his attorney negotiated with Ellis County Tax Office and the TCEQ to make monthly payments towards the delinquent taxes and outstanding TCEQ fines. The payment schedule also includes consequences if a payment is missed.

In regards to the underground contamination (gas tanks) issues, the TCEQ has initiated legal action against Mr. Bearden.

C. Public Works

1. Road Maintenance and Repairs

Klooster indicated a road crew had filled most of the potholes with cold mix asphalt and more permanent repairs would be done in the spring.

The mayor asked if the council members had any further comments before moving on to the Secretary's Report. Mayor Pro Tem Mahlstedt mentioned she had noticed properties with an "Over 65" deferral were accumulating interest with an eight (8%) percent interest rate. She inquired what portion of the interest would belong to the city. Mayor Klooster stated he would have City Staff obtain an answer from the Ellis County Tax Office pertaining to the portion the city would collect at the time of payment.

Mahlstedt also commented that the City of Ovilla was now offering a two-year dog registration for a \$12.00 fee. The mayor stated the city could look into a two or three-year registration, as well and will have Staff make a recommendation. Councilman Tuma indicated he was not in favor of changing the one-year dog registration.

D. Secretary's Report

1. Spring Newsletter

Quintana indicated City Staff was preparing for the publication of the spring Oak Leaf Newsletter, and Mayor Klooster asked that a list of topics be prepared in which Council could review and make suggestions.

2. Ellis County Cleanup Week, March 26th – April 2nd

Starting March 1, 2010, a limited amount of vouchers will be available to the residents of Ellis County for a week-long clean-up event. During the event, the county will accept furniture, mattresses, yard debris, a limited amount of passenger tires and e-waste items. For more information, residents can go on-line to the county's website (www.co.ellis.tx.us) or call the Ellis County Fire Marshall's Office at 972-825-5555.

3. Election Training Seminar Report

City Secretary Quintana recently attended the TMCCP Election Law Seminar in Irving, Texas. She stated it was very informative and covered a variety of subjects related to the election process. She attended an election workshop for small cities, as well as sessions related to early voting, redistricting legislation information/contracting and training election workers and ethics in the election process.

4. Election Applications

Citizens wishing to participate as a candidate in the May 14th General Election may pick up an application packet at City Hall or go on-line to the city's website and download the forms. Applications must be submitted to the City Secretary's Office no later than 5:00 p.m. on March 14th.

5. Financial Audit Update

The city secretary mentioned the audit for Fiscal Year 2009-2010 should be ready by the next Regular Council Meeting.

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 Councilman Wilson at 8:29 p.m. It was seconded by Mayor Pro Tem Mahlstedt. The mayor called for a vote.

Ayes: All present voted aye.

Nays: None

The motion passed.

PASSED THIS _____ DAY OF _____, 2011

Paul Klooster, Mayor

ATTEST: _____
Ronda Quintana, City Secretary