

**MINUTES OF THE REGULAR
MEETING OF THE OAK LEAF CITY COUNCIL
HELD ON OCTOBER 09, 2007, 7:00 PM
AT OAK LEAF CITY HALL**

I. CALL TO ORDER & ROLL CALL

Council members present:

Mayor Paul Klooster

Councilman Jim Tuma

Mayor Pro Tem Pat Mahlstedt

Councilman Ray Brindle

Councilman Ron Spurlock

Councilwoman Susan Walker

II. MAYOR KLOOSTER CALLED THE REGULAR CITY COUNCIL MEETING TO ORDER AND ANNOUNCED A QUORUM PRESENT.

III. INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Klooster gave the invocation followed by the Pledge of Allegiance.

IV. GUEST LIST ATTACHED

V. EMERGENCY SERVICES DISTRICT #4 - PRESENTATION

Mayor Klooster identified that the Emergency Services District #4 (ESD #4) was giving consideration for an increase in their tax rate; from \$0.03 to a maximum of \$0.10, and they were asking for Oak Leaf's public support. Klooster identified that the majority of the eight (8) ESD's in Ellis County had a tax rate of \$0.03, but many of them have raised their tax rates recently with Avalon being the highest at \$0.10. Klooster identified that the ESD #4 was important to Oak Leaf, as we do not have our own fire department.

Donnie Pickard, Ovilla Fire Chief - spoke in support of the tax rate increase. He identified that Ovilla Fire Department was small, and had some antiquated equipment in need of replacement. Pickard identified that the cost to outfit a firefighter is approximately \$4,000. Chief Pickard stated that in 1986 Ovilla Fire had a 100% volunteer firefighters, today they have 13 part-time paid firefighters, and the goal is to staff 24-hour personnel. Pickard identified that ESD #4 is not asking to go to the maximum rate of \$0.10 at this time only \$0.05.

Stuart Schafer, President of the Board for ESD #4 – Identified that Federal and State rules have changed regarding how many firefighters are required on duty during the day, the type of fire trucks to be used, and specific equipment each fire fighter must have, the quantity of firefighters that have to be present during some types of structure fires, etc. Schafer stated that most if not all of these requirements equated into increased cost to the fire department. Klooster asked Schafer how big of an area does ESD #4 cover. Schafer stated approximately 110 square miles.

Tom Manning, Election Consultant and Volunteer Fire Fighter for ESD #4 – identified that each volunteer has to be outfitted with equipment at the cost of \$4,000 per volunteer, and fire fighting apparatus is very expensive. Manning identified that ESD #4 would

sincerely appreciate Oak Leaf's support and they were asking for \$0.05 at this time not the maximum \$0.10. Mahlstedt asked if the volunteer firefighters kept the equipment when they stopped volunteering. Manning identified no they do not, but different sizes factor into outfitting, and each fire fighter has to have his own gear.

Mayor Klooster asked if ESD #4 has any property that they own. Mr. Schafer replied they did not. ESD #4 tax dollars are distributed to each fire department and becomes part of that City's fire department assets. Klooster asked Council if they had further questions, there were none.

VI. AUDIENCE PARTICIPATION

At this time Mayor Klooster opened up the meeting for audience comments.

Mr. Harold Holland – 920 Indian Trail, identified there were a couple of new residences being built in the subdivision, and the crushed rock used in the temporary repairs was holding up, but the areas that were not covered by crushed rock during the temporary repairs was failing badly. Klooster identified the City would monitor the streets.

VII. CONSENT ITEMS

Minutes of the Public Hearing and Regular meeting of September 11, 2007, and minutes of the Workshop and Special meeting of September 18, 2007 were reviewed. Mahlstedt made a motion to accept the minutes of September 11th and September 18th as submitted. Tuma seconded the motion.

Ayes: All present voted aye.

Nays: None.

The motion was passed.

VIII. OLD BUSINESS

A. Ordinance 0707 Chapter 2, Animal Control Amendment

Klooster identified that Ordinance 0707 was for Council consideration and approval and he was looking for a motion. Brindle made a motion to initiate consideration and approval of Ordinance 0707, and Mahlstedt seconded the motion. Council discussion ensued

Walker queried Council on the maximum quantity of dogs allowed. Klooster identified that at the last meeting, Council discussed changes to definition and livestock to include fowl, and the maximum quantity of dogs allowed. It was decided to move forward with the amendments that had been proposed, including the addition of fowl, and to look at amending the maximum quantity of dogs allowed at a later date. Klooster called for a vote.

Ayes: All present voted aye.

Nays: None.

The motion was passed.

IX. NEW BUSINESS

A. Resolution 0701 – Candidate Nominations for the Ellis Central Appraisal District Board of Directors for the years 2008-2009

Mayor Klooster presented Resolution 0701 to Council for candidate nominations for the Ellis Central Appraisal District Board of Directors for the Years 2008-2009. Klooster identified that the City has a total of seven (7) votes. Council discussion followed. Mahlstedt made a motion for the City's seven (7) votes to be used to nominate Mr. Phillip Lynch. Brindle seconded the motion.

Ayes: All present voted aye.

Nays: None.

The motion was passed.

B. Resolution 0702 – Support for Emergency Services District #4, November 6, 2007 Election – Proposed Tax Rate Increase

Mayor Klooster presented Resolution 0702, a Resolution of the Oak Leaf City Council supporting the Emergency Services District #4 tax rate election set for November 6, 2007. Spurlock made a motion to approve Resolution 0702.

Walker seconded the motion.

Ayes: All present voted aye.

Nays: None.

The motion was passed.

X. MAYOR'S UPDATE

Mayor Klooster updated Council on items listed below.

- Financial Policy

Klooster identified a question was raised a couple of months ago regarding the City's financial policy. The City does have a financial policy in place that we will ask the City attorney to review to make sure that we are in compliance with the Public Funds Investment Act (PFIA).

- Glenn Heights

Mayor Klooster asked Secretary Cortes if we have received copies of Ordinances 053-07 and 054-07 on substandard buildings and junked vehicles from the City of Glenn Heights. Cortes did not know at that time. Klooster asked her to check on.

- Fire Hydrant – Hackberry and Hampton Road

Klooster asked Secretary Cortes what the status was on the hydrant, Cortes identified she had been told that it was repaired. Klooster asked Councilman Spurlock to check the worksite to verify that it has been cleaned up and restored.

- AT&T Fiber Optic

Klooster identified we have been told that DSL is available in Oak Leaf. There was some discussion on how the City could find out if available citywide. It was

identified that citizens could go online or call AT&T to find out if DSL is available at their home.

- Annual Audit
Klooster asked Secretary Cortes if the audit had started. Cortes identified the audit had started yesterday (October 8, 2007).
- Texas Commission on Environmental Quality (TCEQ)
Klooster identified the TCEQ is requesting nominations for seven individuals to serve on the Municipal Solid Waste Management and Resource Recovery Advisory Council, and that they are asking us to provide nominations by October 19th. Klooster asked Council to submit within the next 24-hours information on any individual(s) they would like to nominate.
- Texas Department of Transportation (TxDot)
Klooster identified that TxDot will be doing a traffic switch, and ramp work on I-35E starting on Friday, October 12th at 9:00 p.m., and will require approximately 48-hours to complete
- Allied Waste
No update
- Subdivisions
 - a) Summerhill Estates Phase 3 and 4 (Preliminary Plat)...no update.
 - b) Coe Farms Phase 2 (Preliminary Plat)...no update.
 - c) Thome's Tract...no update.
 - d) Chapman Ranch (Final Plat)...no update.
 - e) Lamoria Acres/Canaan Road
Surveyor is reviewing documents for confirmation that Canaan is a private road.

XI. REPORTS AND ACTION BY COUNCIL

LAND/BUILDING

- Emergency Services District #4 (ESD #4)
Klooster identified the ESD #4 would be using City Hall for a Public Hearing on October 23, 2007.
- Nuisance Property:
701 Winding Creek Trail
Klooster identified the property owner has installed an approved surface and has moved the cars onto the approved surface.

701 Locust Drive

Klooster identified the builder has purchased the property and their engineer is doing an inspection on the construction. Walker asked if the permit was expired. It was identified the permit expires in January 2008.

105 Wood Haven Ct.

The property is currently code compliant, and a lender has contacted the City regarding the liens placed on the property by the City.

LEGAL & PUBLIC RELATIONS

- Fall Clean Up Day

Klooster identified the City's Fall Clean Up Day would be on Saturday, November 3, 2007 from 8 a.m. – Noon. He asked for Council volunteers to assist City staff this day. Walker asked if we have notified charitable organizations in the area of clean up day? Cortes stated that we have not at this time, but will as soon as possible. Klooster identified if one or more charitable organizations commit to being here, to do a second notice to citizens letting them know.

Secretary Cortes identified that a property owner on Willow Bend identified that they had approximately 20 truckloads of storm debris and asked if they could bring it to city hall in advance of the clean-up day. Mayor Klooster responded that the city would accept the debris but not prior to 8 a.m. on the scheduled clean-up day. Cortes was asked to contact Ellis County Precinct 4, to see if they would accept storm debris should this, or any other citizen, not be able to utilize the scheduled clean-up day.

- Indian Hills Streets

Klooster gave Council an update. The City has counter-sued, and has put Rone Engineering and L & W Paving on notice as possible litigants. Tuma identified that the areas that were not temporarily repaired, were in bad shape from recent construction trucks. Klooster asked Secretary Cortes to contact B.G. William's Asphalt, Inc., to have them look at the streets in Indian Hills, and to submit a proposal on the cost of the temporary repair work that needs to be done.

- Red Oak Independent School District (ROISD)

Klooster notified Council that ROISD is having a strategic planning session on October 29, 2007 and is asking for Mayors, Mayor Pro Tems or other Council members available to attend. Klooster identified that it was important for someone from Oak Leaf to attend, and for Council to contact City staff if they are able to attend.

- Franchise Fees

Klooster identified the City attorney was still researching this matter.

- **Mixed Beverage Taxes**
Klooster identified Council has been given a spreadsheet showing a reconciliation as of July 20, 2007 on mixed beverage taxes collected, and how much the City still owes on the repayment of taxes erroneously paid to the City of Oak Leaf.

PUBLIC WORKS

- **Flooding**
Klooster identified that the City has been contacted by the State regarding flooding in the City on September 5, 2007. We have been informed that damage occurring from this storm would not support a request for a major disaster declaration. Ellis County has put the City in contact with Mr. Tim Glendening who has submitted a proposal of services regarding the preparation of an application for disaster grant funds for the City of Oak Leaf. We have asked Mr. Glendening to proceed on behalf of the City. Tim Glendening has provided us with a resume of his company, and copies are available should Council want to peruse.
- **Streetlights – Lariat Circle**
Klooster asked Cortes for an update on the installation of two streetlights on Lariat Circle. Cortes replied that TXU has installed the streetlights.
- **Bridges**
State inspection and analysis report on bridges in Oak Leaf
Klooster identified that an inspection of public bridges was recently completed in Ellis County. We have received the report with recommendations for the bridges in our City. We may have to go out for bid for the recommended repair work on the Locust/Uhl Bridge and the Wood Haven Bridge, which has been budgeted. Walker asked about a sign for the Locust/Uhl Bridge identifying that it was one lane.

Debris removal from bridges on the state highway system
Klooster identified we have received communication from TxDot identifying they will be removing debris, and disposing of it from the I35 bridge and various other locations.
- **Street Repair**
Walker asked when street repair would be done on the portion of Elm that wasn't done last year. Klooster identified possibly next April.

SECRETARY'S REPORT

- **Website**
Klooster identified that photo's of Council and staff for the City website may be taken on November 13th before the Council meeting starts.

- Secretary Cortes identified that she has completed National Incident Management Systems (NIMS) training on IS-00100 - Introduction to the Incident Command System, (ICS 100).
- Cortes identified she would be attending Records Management Training on Thursday, October 18, 2007.

ORDINANCE REVIEW/UPDATE

- Weight Restrictions – City roadways
Klooster identified that Council had been given the sample roadway weight restriction ordinance, and he would consult with the City Attorney on establishing a fee amount under Section 10.1108 (b) of the sample ordinance.
- Excavation Ordinance
Klooster identified the proposed excavation ordinance is currently being reviewed by John Birkhoff, and may be available for Council review at the November meeting.

XII. ADJOURNMENT FROM REGULAR COUNCIL MEETING.

A motion to adjourn was made by Mahlstedt, and seconded by Brindle.

Ayes: All present vote aye.

Nays: None.

The motion passed.

PASSED THIS _____ DAY of _____ 2007

Paul Klooster, Mayor

ATTEST: _____
Patricia Cortes, Secretary