

**MINUTES OF THE 1ST PUBLIC HEARING, 2ND
PUBLIC HEARING, AND OF THE REGULAR MEETING OF THE OAK LEAF CITY
COUNCIL HELD ON NOVEMBER 13, 2007, 7:00 P.M.
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. PUBLIC HEARING: POSSIBLE SUBMISSION OF A DISASTER RELIEF FUND APPLICATION TO THE TEXAS OFFICE OF RURAL COMMUNITY AFFAIRS – Tim Glendening, Tim Glendening & Associates

Mayor Klooster opened the Public Hearing and identified there were no citizens present. Mayor Klooster introduced Mr. Tim Glendening, who is assisting Oak Leaf with the submission of a disaster relief fund application to the Texas Office of Rural Community Affairs (ORCA). Klooster also introduced Mr. Dennis Reger, RC&D Coordinator with the National Resources Conservation Services (NRCS) whom is also assisting Oak Leaf in compiling a formal Damage Survey Report to submit for Emergency Watershed Protection program assistance. These possible grants were applicable to the flooding which occurred on Wednesday, September 5, 2007.

Glendening gave background information on his company, and covered what the application process entailed. Glendening identified that we would be applying to the State Disaster Relief Fund, and that the maximum amount Oak Leaf could apply for was \$350,000. He identified the infrastructure reconstruction cost would need to be estimated, to be included in the application. This Public Hearing is for any comments or questions that Oak Leaf citizens may have, and at a subsequent meeting the City would need to adopt a Resolution approving and to authorize the submission of a Disaster Relief Fund application to ORCA.

Glendening identified the application needs to be submitted to the State Review Committee by the end of November, and if the application is approved it would be for the exact amount approved. Mahlstedt asked Glendening if his company's fee for services would come from the grant funds; Glendening replied yes. Walker asked what the extent of the damage was. Glendening identified that was still under consideration, and that it likely would apply to headwall damage on one or both of the city's bridges.

Dennis Reger of the NRCS discussed a grant program offered by the Emergency Watershed Protection federal assistant program. Reger identified that he has met with City representatives and the National Resources Conservation Services engineer to get an estimate on the damages that occurred. Reger identified what the application process entailed for submission of the Damage Survey Report ... the report first going to the NRCS office in Temple, Texas and then to Washington, D. C. Klooster asked if there was a timeline for funding. Reger identified that could not be answered at this time.

Reger identified the NRCS engineer did talk about one project, which was the headwalls of the Locust/Uhl Bridge. The initial estimate for the headwall project is \$398,000. If there were funds available through the Emergency Watershed Protection (EWP) program, they would pay up to 75% of the project and Oak Leaf would have to pay the other 25% in cash or in-kind work. Reger identified given the size of the City the project would be a federal contract administered out of Temple, Texas with government inspectors. There is no commitment on the City's part for signing the Damage Survey Report. Once a project agreement is signed, and the project started, the goal would be to have the project completed within 220 days. Klooster asked Reger if this would include the bid process for the project. Reger stated no ... the time line commences from the start of work.

Discussion took place between Council, Glendening and Reger. Klooster asked about the other one lane bridge at Forest Brook and Wood Haven Court, Reger identified that the wooden bridge was built differently and the engineer did not feel it had the same amount of concern as the Locust/Uhl Bridge. The NRCS engineer identified a possible issue with the four (4) culverts at the Forest Brook/Wood Haven Bridge is drainage from the culverts is causing erosion below the culverts. The engineer suggested large rock rip rap to be put in place. Reger stated that he wasn't sure if ORCA funds could be used for this type of project, but NRCS funds could not be used. Another thing the NRCS engineer mentioned was the wooded area along the riparian corridor of the creeks. His suggestion was for the City to encourage property owner preservation of the vegetation along the creek banks which would help to stabilize the creek banks and decrease the likelihood of premature erosion.

Walker asked Reger if there was a document and or flyer that we could get from the National Resources Conservation Service (NRCS) to handout to our citizens. Reger identified that he could get information for educational purposes. Reger asked Council if they wanted to proceed with submitting the Damage Survey Report, and reiterated that it is not a formalized process as was the application to the Office of Rural Community Affairs (ORCA). Discussion ensued. Reger identified there is no commitment to the City until money actually becomes available and a project agreement is signed. Walker identified that there did not seem to be a risk factor at this point, Brindle concurred. Further discussion ensued between Council and Glendening on the submission of the application to ORCA. Klooster asked if the submission to the NRCS was a onetime

submission; Reger identified this submission was targeted to storm events on September 5, 2007. Klooster identified the City was going forward with the submission to the Emergency Watershed Protection program for assistance. Discussion followed on the one lane bridge at Forest Brook/Wood Haven Court. Klooster asked Secretary Cortes to contact Commissioner Brown of Precinct 4 for an estimate for large rock rip rap for the headwalls of the Woodhaven Bridge. Discussion turned to the application to the Office of Rural Community Affairs. Council was asked if they could attend a special meeting on November 20, 2007 to give consideration to adopt an ordinance approving the submission of the application. Council consensus was yes to a special meeting on November 20, 2007. Mayor Klooster closed the Public Hearing at 7:50 P.M.

VI. PUBLIC HEARING: TAXATION OF GOODS IN TRANSIT, AS REQUIRED BY SECTION 1-n (d), ARTICLE VIII, TEXAS CONSTITUTION

Mayor Klooster opened the Public Hearing, and identified that there were no citizens present. Klooster identified that taxation of goods in transit doesn't have potential impact in Oak Leaf at this time, but in order for Oak Leaf to tax goods in transit items in the future, an ordinance must be adopted by January 1, 2008. Klooster asked Council if they had any comments. No comments were made. Mayor Klooster closed the Public Hearing. Mayor Klooster closed the public hearing at 8:00 p.m. and opened the regular Council meeting.

VII. AUDIENCE PARTICIPATION - None

VIII. CONSENT ITEMS

Minutes of the Regular meeting of October 9, 2007 were reviewed. Mahlstedt made a motion to accept the minutes as submitted. Spurlock seconded the motion.

Ayes: All present voted aye.

Nays: None.

The motion was passed.

IX. OLD BUSINESS - None

X. NEW BUSINESS

A. Ordinance 0708 – Consideration and approval to tax tangible personal Property in transit which would otherwise be exempt pursuant to the Texas Tax Code , section 11.253.

Klooster read the caption of Ordinance 0708, and asked Council for a motion. Walker made a motion to adopt Ordinance 0708. Brindle seconded the motion. With no discussion, Klooster called for a vote.

Ayes: All present voted aye.

Nays: None.
The motion was passed.

B. Resolution 0703 – Of votes cast to elect Directors for the Ellis Central Appraisal District for the years 2008-2009.

Klooster identified that he was looking for a vote or votes for candidate(s) for the election of the Board of Directors for the Ellis Central Appraisal District for the 2008-2009 term. Brindle made a motion to cast three (3) votes for Phillip Lynch, one (1) vote for Linda Alvarez, one (1) vote for Johnny Johnson, one (1) vote for Ken Marks and one (1) vote for Joe Pitts. Spurlock seconded the motion. With no further discussion, Klooster called for a vote.

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

B. Consideration and approval for the expenditure to temporary repair the Indian Hills Subdivision streets – Indian Trail and Indian Ridge.

Klooster identified that he was looking for a motion from Council to approve a \$10,000 expenditure for temporary street repairs in the Indian Hills subdivision. Brindle made a motion to release the funds to do the temporary repairs. Mahlstedt seconded the motion. Tuma discussed the best way to do the emergency repairs on a temporary basis. Council discussion followed. Klooster called for a vote.

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

XI. MAYOR'S UPDATE

Mayor Klooster updated Council on items listed below.

- Financial Policy
Klooster asked Secretary Cortes if she had contacted the City attorney on reviewing the City's financial policy to make sure that we are in compliance with the Public Funds Investment Act (PFIA). Cortes identified that she had not yet, but would as soon as possible.
- Glenn Heights
Mayor Klooster identified that the Glenn Heights junked vehicle ordinance was not different than Oak Leaf's current ordinance. One thing that will need to eventually change is the definition of an Antique Auto to match that of the State of Texas. Klooster also identified that he did not see any portion of Glenn Heights substandard building ordinance that Oak Leaf could utilize.
- Annual Audit
Klooster identified that the annual audit had commenced and was in progress.

- Texas Department of Transportation (TxDot)
Klooster identified that the traffic light at the intersection of FM 664 (Ovilla Road) and Uhl Road has been installed by TxDOT but had not yet activated.
- Subdivisions
 - Summerhill Estates Phase 3 and 4 (Preliminary Plat)...no update.
 - Coe Farms Phase 2 (Preliminary Plat)...no update.
 - Thome's Tract...no update.
 - Chapman Ranch (Final Plat)...no update.
 - Lamoria Acres/Canaan Road...no update
- Red Oak ISD
Klooster identified that Red Oak ISD has purchased 121 acres for a new high school. Klooster identified that he had attended the ROISD strategic planning session on November 6, 2007. The meeting was an informal meeting to discuss common goals and interests between Red Oak ISD and surrounding cities.

XII. REPORTS AND ACTION BY COUNCIL

LAND/BUILDING

- Pictometry Class
Klooster identified that Laura Kirton, Assistant City Secretary, had attended a program on the Introduction on the Pictometry program being offered by the Ellis Central Appraisal District in October, and will be attending a day-long class on the Pictometry mapping program on November 14, 2007.
- Property:
Klooster identified the 23.91 acre tract of land on Lariat Circle, that was owned by the Benner's, has been sold. The new owner wants to build a 17,000 sq. ft. home, a 14,000 sq. ft. private gym and work-out facility, garages, and a 2,650 sq. ft. guest house with a pool and cabana. The builder will be requesting, on behalf of the owner, several variances from Council, possibly at the December meeting. Variances that may be necessary include:
 1. Variance for duration of building permit, current code allows 9 months with a 3-month extension; variance would be for a 2-year building permit.
 2. Variance on lot width; minimum frontage requirement decreased from 100-ft. to 97.6.
 3. Variance for square footage and quantity of accessory buildings allowed per City code.

- Nuisance Property:
701 Locust Drive...no update
The permit expires in January 2008.

105 Wood Haven Court...no update

110 Red Oak Creek...no update

911 E. Highland Road: Brindle identified that the large trash dumpsters are still in the front yard and the home looks empty. Secretary Cortes identified that she would look into the situation.

102 Hackberry Drive: Spurlock identified that the repair work on the fire hydrant seemed to be finished, and the repair site restored.

LEGAL & PUBLIC RELATIONS

- Fall Clean Up Day
Klooster identified that the level of citizen participation almost doubled compared to the Spring Clean Up Day. Klooster identified that homeowners who accumulated a large amount of storm debris on Willow Bend have brought two large piles up to City Hall. The City will request a burn permit to burn the debris, from the Texas Commission of Environmental Quality.
- Indian Hills Subdivision Streets
Klooster identified that on November 20, 2007 there is a hearing scheduled in the Ellis County 40th district court on the lawsuit between Oak Leaf and Cacharel Companies, Inc.
- Glenn Heights Annexation Lawsuit...no update

PUBLIC WORKS

- Potholes
Klooster identified that B.G. Williams Asphalt Inc. recently did potholing throughout the City.
- Flooding
Klooster identified the City had received correspondence from a homeowner on Willow Bend Drive, regarding flooding that is occurring on Willow Bend Drive in the vicinity of 2024 Willow Bend and several other homes. Klooster identified both Little Creek and Red Oak Creek overflowed their banks in the September storm. Klooster identified that he has given a copy of the original engineers' report of the subdivision to the homeowner. Klooster also identified that he will

ask the City's consulting engineer to look at Willow Bend Drive where the flooding is occurring.

- Ellis County Transportation Crossroads Meeting
Klooster identified the meeting would be an educational and informational session on transportation issues in Ellis County and would be held at the Waxahachie Civic Center on Thursday, November 29, 2007.
- Street Repair
Klooster asked Council to be thinking about resurfacing projects that would need to be scheduled in the spring of 2008. Walker mentioned the northern end of Elm Drive still needed to be resurfaced.

SECRETARY'S REPORT

- Website
Klooster identified that he would like for the next newsletter to give advance notification to citizens of the new City website. Klooster asked Council to give topic input or articles for the newsletter.
- Cortes identified she had attended Records Management Training on Control Schedule basics and Improving Filing Systems on 10/18/07.

ORDINANCE REVIEW/UPDATE

- Weight Restrictions – City roadways...no update
- Excavation Ordinance...no update

XIII. ADJOURNMENT FROM REGULAR COUNCIL MEETING.

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

Ayes: All present vote aye.

Nays: None.

The motion passed.

PASSED THIS _____ DAY of _____ 2007

Paul Klooster, Mayor

ATTEST: _____
Patricia Cortes, Secretary