

**MINUTES OF THE REGULAR MEETING
OF OAK LEAF CITY COUNCIL HELD ON APRIL 10, 2007,
7:00 PM AT OAK LEAF CITY HALL**

I. CALL TO ORDER & ROLL CALL

Council members present:

Mayor Paul Klooster	Councilman Jim Tuma
Councilwoman Susan Walker	Councilman Ray Brindle
Councilman Ron Spurlock	Councilwoman Pat Mahlstedt – Absent

II. MAYOR PAUL 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. PRESENTATION – RED OAK ISD BOND

Mayor Klooster identified that Mr. Russ Schupmann, Associate Superintendent of Operations for the Red Oak Independent School District was present to give a presentation on the Red Oak ISD \$95,000,000 Bond package that would be voted on at the May 12, 2007 Red Oak ISD election. Mr. Schupmann discussed the components of the bond program and provided the city for distribution, literature related to the bond.

V. GUEST LIST ATTACHED

VI. AUDIENCE PARTICIPATION

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

- Mr. Ernie Martinek facilitator for the Red Oak Growth Management Committee spoke to Council and citizens present about the Red Oak ISD bond package and asked that they vote yes for the bond at the May 12, 2007 Red Oak ISD election.
- At this time a group of citizens of Little Creek Estates asked to speak in opposition to a citizen having too many junked vehicles on his property. Citizens present to speak on this matter were: Mr. & Mrs. Chuck Boatright, Ms. Nancy Burns and Mr. Vaughn Hassell. Mr. Boatright presented to Council a packet regarding his concerns about the property in question.
- Mr. and Mrs. Killian spoke about the infrastructure condition at the Indian Hills subdivision. For notes on their comments refer to new business item F.

VII. CONSENT ITEMS

Minutes of the regular meeting of March 13, 2007 and the special meeting of March 20, 2007 were reviewed. A motion was made by Brindle to accept the minutes as submitted. Tuma seconded the motion.

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

VIII. NEW BUSINESS

A. Variance – fence across front of property: 104 S. Hampton Road

Klooster presented the first new business item as a variance for a fence across the front of the property located at 104 S. Hampton Road. Klooster asked the applicants (Clay and Sheila Allison) if they had plans for a gate(s) for each driveway entrance. The Allison's identified if it was needed to be part of the variance application then yes, they would like to add gates. The Allison's identified that the fencing would be a safety factor from the road for their grandchildren as cars travel along Hampton at a high rate of speed and they have had items stolen from their property several times. Spurlock made a motion to approve the variance request with the amendment of the variance application to include gates. Walker seconded the motion.

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

B. Allied Waste – Rate increase request

Klooster identified that Allied Waste has requested a rate increase in the amount of \$2.30 per quarter (\$0.76 per month); per the CPI clause in the current contract. The rate increase was effective April 1, 2007. Council acknowledged and accepted the rate increase.

C. Ordinance 0703

Klooster presented Ordinance 0703 for consideration and approval canceling the May 12, 2007 election, and declaring each unopposed candidate elected to office. Walker made a motion to accept Ordinance 0703 as submitted. Spurlock seconded the motion.

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

D. Consideration of a proposed Engineering Services Agreement

Klooster identified that the proposed engineering services agreement between the City of Oak Leaf and Birkhoff, Hendricks & Conway, L.L.P. was for the review of potential encroachments on Lot 10, Block 3 within the Indian Hills subdivision. Klooster identified that the property owner has clear-cut the majority of the lot, and has brought in fill to raise the elevation of a portion of the lot in anticipation of

building a residence. Potential encroachment of the 80-foot drainage easement may have occurred and the engineering study is necessary to answer that question.

**Note: At this time a five-minute recess was called at 7:55 pm.
Meeting resumed at 8:00 pm.**

Proposed Engineering Services Agreement...continued

Walker asked if the review, done by the engineer, showed that the fill impacted drainage, what would be the next step. Klooster identified that the property owner would be notified of any issues resulting from what he had done, and the property owner would be required to rectify those issues. Klooster requested that Tuma act as a point person during the review, as his knowledge and experience would be helpful. Approximated cost of the review is \$2,500. Council consensus was for Mayor Klooster to execute the agreement.

F. Review of contract and vote for acceptance for new Geotechnical Company proposed for the Indian Hills subdivision

Klooster gave a recap of the infrastructure issue at the Indian Hills Subdivision. Klooster identified that the April 10, 2007 letter sent from the City Attorney's office to Cacharel's Attorney is to confirm the agreement to jointly retain Professional Service Industries, Inc. to provide geotechnical engineering services. Each client (the City and Developer) will pay one-half of Professional Service Industries, Inc. fees and expenses. The engineer will be directed to provide a report to both clients. Council discussion followed. Council consensus was for Mayor Klooster to execute the agreement and proceed accordingly.

Ayes: All present voted aye.

Nays: None.

The motion was passed.

Note: Mayor Klooster noted that landowners Robert and Melanie Killian were present. Mr. Killian identified that he had bought his lot in the Indian Hills subdivision 2-years-ago, at that time there were six homes completed and the roads were deteriorating then. He stated that the salesman for the subdivision assured him that the roads would be fixed.

E. Ordinance 0704

Klooster presented Ordinance 0704 an ordinance of the City of Oak Leaf prohibiting the use of body-gripping devices (certain animal traps) for consideration and approval. Klooster identified that this ordinance would be in Chapter 6, Health and Sanitation, Article 6.200, Safety and directed the City Secretary to have a cross reference to this ordinance in Chapter 2, Animal Control. Klooster called for a motion. Walker made a motion to approve as submitted. Brindle seconded the motion.

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

Note: Agenda Item F was moved in front of Item E.

IX. OLD BUSINESS

A. Coe Farms Phase II (Preliminary Plat)

No update.

X. MAYOR'S UPDATE –

Mayor Klooster updated Council on items listed below.

• **Rainstorm – March 30, 2007**

Klooster identified that on the night of the rainstorm he drove the city at approximately 1:00 a.m. and the Hampton Bridge at Little Creek was closed (by the City of Glenn Heights) and Ron Brown, Precinct 4, closed the Hampton Bridge at Red Oak Creek. The roadway on E. Highland in the area of 933 E. Highland was flooded and Little Creek at the Uhl Bridge flooded its banks. The City was not notified of these closing, Klooster requested Secretary Cortes to send contact information for emergency situations to the City of Glenn Heights, and to find out from Commissioner Brown if 9-1-1 is notified of bridge closings.

- Klooster identified that a special meeting would need to be held to swear in each candidate after the May 12, 2007 general election. The first day per State Election Law to do this would be on May 18, 2007. Council discussion followed and it was decided to hold a special meeting on May 22, 2007 at 7:00 p.m.

XI. REPORTS AND ACTION BY COUNCIL

LAND/BUILDING - None

LEGAL & PUBLIC RELATIONS

• **Spring Clean Up Day**

Klooster reminded Council that it is this Saturday, April 14, 2007 from 7:00 a.m. to 12:00 noon.

• **Newsletter**

The spring newsletter will be going out this week; Klooster requested that city staff add a paragraph offering citizens the opportunity to purchase 2.5 gallon grass and weed killer product called "Eraser" to keep grass and weeds from growing towards the middle of the street. Walker requested staff to add to the newsletter that the creeks are not public property. There has been a lot of 4-wheeler riding in the creek beds.

• **Crime Prevention Surveys**

Walker identified that in the City of Red Oaks previous newsletter there was an article regarding the Red Oak Police Department doing Crime Prevention Surveys, which could result in saving citizens approximately 5% on their homeowners insurance. Secretary Cortes was requested to contact the Ellis County Sheriff's office to inquire if they would do Crime Prevention Surveys for the City of Oak Leaf.

- Code/Nuisance Violations

High grass

1. Locust Drive along the roadway in the area of the 800 Block.
2. 105 Wood Haven Ct. – Issue with identifying current owner; the city will have to hire lawn service to mow again.
3. 701 Locust Drive.

Vehicles on approved surface/ possible junked cars

1. 701 Winding Creek Trail – permit has been pulled to install an approved surface for the vehicles, and an inspection needs to be set up with the property owner to inspect the cars.

PUBLIC WORKS

- Debris in Creek

Klooster identified that he would contact Commissioner Brown regarding the debris that is piled on one side of the creek in the area of the Hampton Road Bridge at Red Oak Creek.

- Potholes

Klooster requested City staff to send in a request to be put on the County's agenda for potholing in our City with in the next two weeks.

SECRETARY'S REPORT - None

ORDINANCE REVIEW/UPDATE

- Walker queried Council on the possibility of having a workshop to work on Chapter 2, Animal Control regarding the amount of animals allowed. She identified that a spreadsheet was given to them to look at regarding different cities ordinances on animals and asked for their input to either discuss at a workshop or at a regular meeting. Council consensus was to discuss possible changes at the May 8, 2007 regular meeting and to have a proposed ordinance for consideration and approval, on the May 22, 2007 special meeting agenda.

XII. ADJOURNMENT FROM REGULAR CITY COUNCIL MEETING

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

Ayes: All present vote aye.

Nays: None.

The motion passed.

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City of Oak Leaf
April 10, 2007

PASSED THIS _____ DAY of _____ 2007

Paul Klooster, Mayor

ATTEST: _____
Patricia Cortes, Secretary