

City of Post Oak Bend
Minutes March 9, 2021 City Council

LOCATION: OPEN MEETING VIA TELEPHONIC & VIDEO CONFERENCE

In accordance with the March 6, 2021 extension of Governor Greg Abbott's March 13, 2020 suspension of Texas Open Meetings Act requirements allowing open public meetings by video or telephone conference in an effort to limit face-to-face meetings to slow the spread of COVID-19.

1. Mayor Hank Warden called the March 9, 2021 Zoom Open City Council Meeting to Order at 7:04 p.m. Pledges to the American and the Texas Flag were recited.

Present: City Council Members Joey Wages, Ronnie Sherrard, Alison Novak, Mike Parker and Tom Rogers. Also present: Barbara Bedrick, City Administrator/City Secretary

2. Consider and Act to approve Minutes: February 9, 2021 Regular City Council Meeting
Minutes: January 19, 2021 Workshop

Motion was made by Council Member Rogers to approve the January 19, 2021 Workshop Meeting Minutes. Second Council Member Novak Vote: Unanimous

Motion to approve City of Post Oak Bend's January 19, 2021 Workshop Minutes: PASSED

Motion to approve February 9, 2021 Regular City Council Minutes: Council Member Novak
Second: Council Member Rogers Vote: Unanimous

Motion to approve City of Post Oak Bend's February 9, 2021 Regular City Council Meeting: PASSED

3. Consider and Act to approve February 2021 Financial Report and disbursements – Financial Officer Mike Parker, City Secretary-Administrator Barbara Bedrick

Motion to approve the February 2021 Financial Report and disbursements: Council Member Novak

Second: Council Member Parker Vote: Unanimous

Motion to approve the February 2021 Financial Report and disbursements: PASSED

4. City Administrator Update

Flooding calls/emails-concerns: The City fielded several calls and emails re: flooding at 2755 CR 279 and reached out to attorney on waiver request. The City, Mayor Warden and Council Member Parker have been trying to work on this issue. The City received a call from State Rep. Keith Bell who contacted us on behalf of the owners. City responded to his questions of whether City has equipment, crews to help repair overflowing ditches, and a question on culverts. Rep. Bell recommended city reach out to county for the repairs. Mr. Parker will have more on that later in the meeting. City reached out to TML and the attorney. So far, one consideration was a letter to homeowners on 279 that could help alleviate the flood waters to a certain extent. City staff also drove to view issue and photos.

Update: FM 987 Plat-Karen Cheshire- contacted Cheshires Feb. 10th day after council voted to require drainage plan, advising them to contact City Engineer re: plan. March 1st – applicant responded: still in plan process. No drainage plan received by City by March 9th. **Guzman request to place pre-fab home** on CR 280 submitted late Friday afternoon for already constructed/prefab/cabin on his parents' two acre lot. (He had initially considered buying five or more acres from the Dietreck platted land. **CFR update:** CRF federal grant administrators requests. **Elections:** Verifying applications, reviews, Secretary of State: unopposed candidates/certification. **Winter Storm (Feb) website updates,** declaration – Facebook, Social Media. **Winter Storm outreach:** TVEC, County, Churches, locating KC Warming Centers for overnight homeowners without electricity Public Information Updates: Responded to several open records requests and working on two others. **Country Bible Church Meeting Update:** Meeting went well, good information shared from Council Member Sherrard on the drainage issues in and around Bend East next to the church site, and Mayor Pro Tem Novak shared safety and other concerns. Barbara asked Sherrard and Novak to share their comments on meeting with council.

5. Citizen Comments: Merci Kresnik commented on her unpermitted house addition. Mayor Warden and Council Member Novak both noted this is a pending lawsuit issue and was not on tonight's agenda.

6. Consider and act on municipal investment policy and approve required training (Bedrick Update per Texas Public Investment Act, Code 2256.005(a) & TML)

Administrator Bedrick gave an update stating this is the Texas Municipal League small city version city investment plan per the Texas Public Investment Act, Code 2256.005(a) which may be more adapted to our city. Bedrick asked the TML attorney whether it was really necessary to approve a plan if the City's currently not making any investments. TML said cities are required to have some type of plan. Council Member Parker said he thought the plan was a basic boilerplate plan designed to cover the smaller city type investments. Parker stated he would not be eligible to serve as the investment officer because he's as investment advisor, and that would be a conflict and issue for his company. He said he thought the options Barbara noted would be fine, and the Council should adopt it. He recommended that Parker said an investment advisor could be named at a later date. Council Member Rogers asked why the plan is needed if there are no

investments to be made. He also asked whether City is considering loans. Further discussion ensued on the plan. Council Member Park recommended Council approve plan to have in one in place for when it's needed, it will be ready. Mayor Warden said if this is a basic boilerplate, then the Council should go ahead and vote.

Motion to adopt the proposed Post Oak Bend City Investment Plan with the recommendations in parentheses and wait on naming an investment officer until needed: Council Member Parker Second: Council Member Novak In Favor: Parker, Novak, Sherrard, Wages and Rogers.

Motion to adopt the proposed Post Oak Bend City Investment Plan with the recommendations in parentheses and wait on naming an investment officer until needed: PASSED

7. Discuss and act on citizen request for ditch and drainage repairs re: flooding issues near 2755 CR 279 (Bedrick request)

Administrator Bedrick reported property owner on CR 279 had contacted the City regarding ditch and drainage problems caused by recent heavy rains. Barbara shared the video with council members to review. Council Member Mike Parker also drove the area to check out issues and made suggestions. Recently, the City fielded a call from State Rep. Keith Bell offering his concerns and advice. Bedrick responded to his questions about a public works department and city equipment to do repairs. Rep. Bell encouraged City to work with the County to help rectify the situation. Bedrick handed off the update to Council Member Parker to provide county response. Parker said he contacted the Pct. 1 County Road supervisor who said the County could not get to it until October or November because crews are on a road project. Mayor Warden stated we're not going to be able to approve anything tonight. He added the City has no taxes and the road boring project is one of the legs of our infrastructure project. Warden said we don't have the money to get it fixed so we can't. Property owner Chasity Minshew asked if they could use their equipment and fix it and get a release of liability from city. She asked that something be done saying her property is flooding. Parker said he'd make a list of people who have problem culverts or none. We want the Minshew family to know we hear you and let us take a look at some things. Mayor Warden said we'll try to have some definitive action on our April meeting. He noted a few city roads do not have culverts either and the city may want to consider replacing/adding several. *(The City purchased and replaced the large culvert at Kings Creek almost two years ago as well as digging out ditch area for better drainage.)* Barbara spoke with city attorney who recommended the City reach out with letters to residents whose culverts aren't clear and open but wants to provide legal reference for letters. Minshew repeated her request to Council to consider a way to help relieve the drainage problem, and repeated her request for permission to have someone clear the ditch and re-route the water elsewhere. Bedrick and Warden spoke about this and they agreed the City could not give such permission. A waiver of liability would be difficult to provide because of the complexity of the ditch / drainage situation, legal ramifications and the potential for digging where the City did not authorize. Mayor Warden expressed his concern for Ms. Minshew's situation but said unfortunately the City is not going to vote on this tonight with several unresolved questions.

8. Discussion: Road Boring Project – (Bedrick Request/Update)

Administrator Bedrick reported the Arlington engineer is preparing to mark the boring locations on city roads and provided council members the boring location map in advance for review. Mayor Warden said we may not need 12 bores. City Council did approve an 18 road bore project. Council Member Sherrard said we've got six miles of road, why do we not need 18 bores? Mayor Warden said he was looking at the map and asked did we need them to be that close. Warden recommended Ronnie and Mike and Tom take a look at the roads and re-evaluate the map. Sherrard discussed boring only the sections of road that are damaged or bad. Council Member Rogers, saying he wanted to play the devil's advocate on the road borings, said we go to an engineering firm and they're going to recommend something way astronomically beyond our means, tax or not. They're going to propose select fill, flex base and lime Rogers said. We don't have the money for that, even with a tax. Mayor Warden said that's a decision for down the road, and agreed they will probably overengineer it but Council can tap it back, but you can't build roads without knowing the foundation. Rogers said he agreed to join Sherrard and look at the road bores, but he said honestly I think the City is wasting money. Warden said the council already approved the money for it. Rogers said he understood that, but we also have people on the phone here who need their drainage fixed as well. He added that he feels like we could be better at spending our money here, but I understand it's already been voted and approved. I will definitely help be involved in the process. Barbara will work with Arlington engineer to set up a time for council members to join them.

9. Consider and Act on Klassik K Road repairs (crushed concrete, 2 loads)

Administrator Bedrick provided the two bids the City received, which are the same as the last vote on this issue by Council. Vrzalik Sand and Gravel's rate is \$315 rate. Kaufman Sand and Gravel has a \$300 rate. Vrzalik usually charges \$365 a load but they said they work with the City to give us a better deal. Barbara said in the past, Vrzalik's has been more dependable to get it done. Mayor Warden said he knows that Vrzalik could get out here and do it quicker. Council Member Sherrard said if it's the same amount and same quality, he suggested that the City go with the cheaper bid. Motion to approve the cheaper bid (Kaufman Sand and Gravel) for \$600 for two loads of crushed concrete to Klassik K for road repair: Council Member Sherrard Second Council Member Novak. Vote: Unanimous Motion to approve cheaper bid by Kaufman Sand and Gravel to deliver two loads of crushed concrete for \$600 for Klassik K Road: PASSED

10. Consider and act to cancel the May 1, 2021 City Election

City Administrator Barbara said it's a standard state required order to cancel May 1, 2021 election and is required by Texas Election Code. She read the order for council: "The City of Post Oak Bend hereby cancels the election scheduled to be held on May 1, 2021 in accordance with Section 2.053(a) of the Texas Election Code. The following candidates have been certified as unopposed and are hereby elected as follows. The candidate for office sought for mayor is Alison Novak and the council member position is candidate Ronnie Sherrard. A copy of this order will be posted on Election Day at the election polling places to be used for election. The other required document is the Certificate of Unopposed Candidates required by state election code. Certificate for Post Oak Bend reads, "As the authority responsible for having the official ballot prepared, (which would be the City Secretary) I hereby certify the following candidates are unopposed for offices for election to be held on May 1, 2021, and candidate names are listed. The Secretary of State asks that this order be passed as soon as possible after knowledge of unopposed seats. Council Member Novak asks Barbara if there weren't two individuals running for two open seats. Mayor Warden responded that he would like to address this, saying Alison ran for mayor, Council Member Sherrard ran for his seat, and there's not going to be anyone else seated on the council. Barbara can email the order of cancellation to any council that wants it. It's just a standard formality.

Motion to approve the order to cancel the May 1, 2021 City Council Election and the Certification of Unopposed Candidates: Council Member Parker Second: Council Member Rogers In favor: Unanimous

Motion to approve the order cancelling the May 1, 2021 City Election and approve the certification of Unopposed Candidates: PASSED

11. Consider and Act on FY 2020 9-month audit, per Texas Local Government Code, Ch. 103 (Bedrick request)

Administrator Bedrick said last month we had a \$3,750.00 reduced estimate for 9-month FY2020 audit from the CPA firm that regularly does the City audit. The firm backed off about \$700 from what they normally charge for an annual audit. but the City wanted to get another to compare. The CPA emailed its estimate. Another CPA who does municipalities, Mike Ward of Greenville, provided alternate verbal estimate of \$3500.00 saying City doesn't have property taxes or a lot to audit. That being said, Barbara noted that CPA Ward actually said the CPA we had currently would be best for the project since he's already doing it and more familiar with the city. The City will get both estimates in writing in the future,

Motion to approve Murrey, Paschall & Caperton, P.C.: Council Member Wages Second: Council Member Rogers Vote: For: Council Members Sherrard, Wages, Rogers Oppose: Council Members Novak, Parker Motion to approve Murrey, Paschall & Caperton, P.C. for the FY2020 9-month audit: PASSED

12. Discussion: Request to place prefab metal house on CR 280 lot

Council Member Parker said about a year ago we had a similar situation and the council voted no at that time, and he recommended we do the same. Mayor Warden agreed. Bedrick said the same property owner now requests to place a mobile home, and she had explained where the city's mobile home zoned area is located .

Council Member Sherrard asks that Barbara set up a time for the road engineer to meet with Sherrard and Rogers when he comes to mark the roads. Sherrard said since Barbara's already talking to the Arlington engineer, we're fine with her setting up the time.

13. Adjournment: Motion to adjourn the March 9, 2021 City Council Meeting: Council Member Rogers Second: Council Member Parker

The March 9, 2021 City Council Meeting was adjourned at 8:40 p.m.

Attest:

Barbara Bedrick, City Secretary-Administrator
City of Post Oak Bend

Approved:

Hank Warden, Mayor
City of Post Oak Bend