

City of Post Oak Bend
Minutes
August 11, 2020 Council Meeting
LOCATION: VIA TELEPHONIC & VIDEO CONFERENCE OPEN MEETING

NOTICE was given that in accordance with the July 10, 2020 renewal of Governor Greg Abbott's March 13, 2020 disaster proclamation, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas, the City Council of Post Oak Bend would conduct its August 11, 2020 Council Meeting at 7:00 p.m. by open meeting telephonic and video conference. This is pursuant to Governor Abbott's Executive Order and to advance the public health goal of limiting face-to-face meetings to slow the spread of COVID-19. Notice and Meeting Agenda were posted online at postoakbend.org. The public could join the open meeting with Zoom online or on cell phone. Public was given opportunity to offer public comments, by email by noon on August 11, 2020 or telephonically as provided by presiding officer.

1. Mayor Hank Warden called the August 11, 2020 City Council Meeting to Order via Zoom Open Meeting at 7:05 p.m

2. Pledges of Allegiance to the U.S. Flag and the Texas Flag were recited.

3. Roll Call – City Council Members present: Joey Wages, Ronnie Sherrard, Alison Novak, Dr. Stephen McMahon Council not present: Mike Parker
Also present: Tyler Hendrickson, Velvin & Weeks, Consulting Engineers, Inc., Marantha Lingerfelt, attorney, and Barbara Bedrick, City Secretary.

4. Consider and Act to approve Minutes: July 14, 2020 City Council Meeting
Minutes were provided in advance for review.

Motion to approve July 14, 2020 City Council Zoom Open Meeting Minutes: Council Member Novak
Seconded by: Council Member Wages Vote: Unanimous

Motion to approve July 14, 2020 City Council Zoom Open Meeting Minutes: PASSED

5. Consider and Act to approve July 2020 Financial Report and disbursements – Finance Officer Dr. Stephen McMahon and City Secretary Barbara Bedrick

Mayor Warden commented on the July Financial Reports provided to Council in advance for review, noting Balance Sheet and Profit and Loss. Council Member Novak asked about the \$6,192 sales tax income vs. balance sheet sales tax recoverables. City Secretary Bedrick stated the sales tax income received by City in July was \$6,192 and she would check into the figures Alison asked about.

Motion to approve the July 2020 Financial Report and disbursements: Council Member Wages
Seconded by Council Member Novak Vote: Unanimous

Motion to approve the July 2020 Financial Report and disbursements: PASSED

6. Consider and Accept City Secretary Report

CARES ACT FUNDING & Face Masks: City Secretary Bedrick thanked Council for their feedback on COVID-19 fund uses and options for the CARES ACT grant. When funds arrive, City can move forward on face mask community outreach among other qualified related opportunities. The City Secretary reported that Council Member Novak and Terrell State Hospital volunteers have donated 374 hand-made adult face masks. Novak said she also had 71 hand-made children's masks available to distribute to residents. Plans are to hold a face mask drive through for citizens on an upcoming Saturday morning. Bedrick and Novak will put the masks in plastic bags to distribute. Novak also received some CareFlight donated hand sanitizers. Each resident will be required to sign a waiver of liability which has been

approved by attorney. COVID-19 UPDATE: Kaufman County's latest numbers: 2,158, up nearly 400 people in the past three weeks. Dallas and Ellis counties lead the numbers of positive cases among those counties surrounding Kaufman County. Bedrick reported Texas Department of Emergency Management reports 25 Kaufman County deaths to date due to COVID-19.

DEVELOPMENT UPDATE: Two more property owners are considering dividing up acreage into two, or four foot lots, and will be platting. The City reviewed with these owners the city plat and other requirements. TAX REFERENDUM: Barbara said Council Member Parker had inquired about placing a tax referendum on the Nov. 3rd ballot. She contacted the Secretary of State's office regarding citizen referendum on ballot and a SOS attorney advised this sort of straw poll referendum cannot be placed on an election ballot. The City Secretary inquired about doing a simple survey of residents by mailouts, and attorney said that was alright.

CODE ENFORCEMENT: The City also reached out to several neighboring cities to try and locate a part-time code enforcement officer. Mayor Warden commented on code enforcement saying he knows a Mesquite code enforcement officer who is retiring soon and may be interested in helping out on a part-time basis. He's planning to retire soon. Warden said he would get with Barbara on the contact information.

7. Citizen Comments: There were none.

* NOTE: Council Member Dr. McMahon has indicated he has internet issues and cannot thus make many comments but is participating in the council meeting.

8. Discussion Item: Discuss proposed road infrastructure studies and flow chart of project scope/expense – Tyler Hendrickson, Velvin & Weeks Consulting Engineer (City Road and Drainage) Mayor Warden said engineer Tyler Hendrickson is joining the Zoom meeting to discuss the proposed comprehensive study of roads and drainage.

Hendrickson, P.E. of Velvin and Weeks, reported he had moved forward to work up a road study flowchart/spreadsheet requested by Barbara. He discussed his flow chart on the road infrastructure study, scheduling and cost estimates. Mayor Warden said the City has about 6.2 miles of paved roads. He asked Hendrickson to explain how the 12 geotechnical borings will be done every half mile. Tyler said the company will come out and core a hole in middle of the roads and pull out the road base and the subgrade about two to three feet deep, and then put in tubes. The 12 soil samples will be taken to a lab to do different tests to tell what each road's makeup is. The mayor asked if Hendrickson will make recommendations to properly pave the roads. The company, East Texas Testing Lab (ETTL) will give recommendations. Drainage study: Hendrickson said we will make a contour map to show where all the waters running and we will do visual inspections of all roads and drainage. When we do the plans and specs, later on, we will do an on the ground survey. Some areas appear to be very flat, so it may be difficult to do something. Council member Novak asked what is the payment structure, do we pay based on phases? Hendrickson said the payment would be made at end of project. The geotechnical company would be paid separately because you would be hiring them directly.

FLOWCHART SCHEDULE: Hendrickson structured the schedule with a January 2021 start date with geotechnical soil sample results by March. Then, Velvin and Weeks would start in March through June to develop an aerial contour map and inspect paving and drainage conditions. Next, Velvin and Weeks would develop summary report and recommendations for improvements with opinions of probable cost. The total estimated cost is \$22,500, and could take nine months to complete. The purpose of the study, Hendrickson said, is to document the condition of the current paving and drainage facilities within the city and make recommendations for improvements. He also clarified that the documents prepared during the study will not be sufficient for engineering plans and specifications for construction. The mayor asked if this could start in October, but Tyler said he was looking at a January start date. Mayor Warden said he thinks the City needs to spend the money to get this project done to work on city's infrastructure blueprint and would like to add a vote for September meeting. Council Member Sherrard asked what quantity of soil samples over 6.2 miles will provide the City an adequate and accurate representation of the road base makeup.

How many bores will be necessary to get the information the City needs? He noted that in his experience as a home builder, the soil makeup can differ at even 100 feet apart. Hendrickson said the

ETTL engineers are the experts on soil cores, and doing this is very important for the project. Hendrickson said Barbara and I talked about the proposals, and the first that ETTL gave Velvin and Weeks was pretty expensive so ETTL proposed another study option, and if the engineers need more they will request that. Sherrard said there are some problem areas that exist in closer proximity and he wants to make sure enough core samples are done. Mayor Warden said Ronnie makes a good point, and the mayor said he thinks this is a priority for city's road infrastructure.

9. Discuss and take action authorizing the expending of funds for CR 277 and CR 280 road repairs recommendation (Requested by Bedrick)

Mayor Warden noted that he wants Council to make the most intelligent decision it can to select the best road repair option for the funds available. Secretary Bedrick said the City was tasked with getting estimates for road repairs on CR 277 and CR 280. She provided in advance the updated and revised estimates from three companies, L&S Paving, Joe's Excavation and Paving and Vrzalik Sand and Gravel. She detailed the distance and load breakdowns. Bedrick said the hot asphalt mix estimates from Joe's and L&S would be superior to the regular cold asphalt mix used in previous road repairs. However, she added that hot mix pothole repairs won't really build up the road bases which are in very bad shape in some cases and almost non-existent in others. The hot mix won't help to form a crown in the road to help drainage flow and prevent further deterioration to city roads. That's one reason the road base buildup estimate from Vrzalik's Sand and Gravel is supported. This estimate includes blading and building up the road bases with 4 inches of crushed concrete and crushed asphalt. Unfortunately, the City didn't receive a revised estimate with additional detail from Joe's Excavation or the county, and the estimates provided previously by the county were mostly too expensive for the available city funds. Also, extra funds would be required to blade the roads. In order to work on base-building for city roads, Bedrick recommended the Vrzalik Sand and Gravel estimate because it will help prepare CR 277 and CR 280 for the next step in road improvements such as stabilization with road glue, rejuvenator, chip seal processing or hot mix overlay when more funds are available. The County may be able to help on the next step in this road-building project. Mayor Warden added that he doesn't think the hot mix road repairs will do a good enough job to repair the large craters in certain areas of the city roads, and he supports building up the road bases. Sherrard said if we're not doing hot mix and cold mix and discussing road base only, I think the road base is necessary and is the best way to go. CR 277 has little less footage in the current recommendation than the county's, but expenses were extrapolated to compare equal repair footage. The timeframe: approximately one month. Council Member Novak said on the Vrzalik estimate there's no chip seal but it looks like the Vrzalik bid is the best bang for the buck. She said she thought that Ronnie is right the road base needs to be built up. Council Member Wages said he agreed with Sherrard that the Vrzalik bid will address potholes and base. Sherrard said the base won't hold up as good as chip seal, but you have to have the base in place first.

Motion to expend funds for Vrzalik Sand and Gravel road repair estimate: Council Member Wages
Second: Council Member Novak. Vote: Unanimous

Motion to expend funds for Vrzalik Sand and Gravel road repair estimate: PASSED

10. Discuss and Act on Resolution No. 081120R, A Resolution of the City of Post Oak Bend, Texas ordering the postponed May 2, 2020 General City Election to be held on November 3, 2020, for the purpose of electing (3) City Council Members, City of Post Oak Bend (Requested by Bedrick)

Secretary Bedrick reported a new resolution is required by the Secretary of State for the City to hold council elections in November.

Motion to approve Resolution No. 081120R, ordering the postponed May 2, 2020 general election to be held on November 3, 2020 : Council Member Novak Second: Council Member Wages Vote: Unanimous

Motion to approve Resolution No. 081120R ordering the postponed May 2, 2020 general election be held on November 3, 2020: PASSED

11. Consider and Act on contract agreement with Kaufman County Elections Division to conduct City of Post Oak Bend City Elections – November 3, 2020 (Requested by Bedrick)

Secretary Bedrick reported just as the City was required to pass a new resolution for November elections, a new contract with Kaufman County to conduct elections is required.

Motion to approve the November 3, 2020 contract agreement with Kaufman County Elections Division: Council Member Wages Second: Council Member Sherrard. Vote: Unanimous

Motion to approve the November 3, 2020 contract agreement with Kaufman County Elections Division: PASSED

12. Executive Session:

13.1 Suspend Council Meeting to go into Executive Session as authorized by Texas Government Code, Sections 551.071

(Consultation with attorney) and 551.074 (Personnel Matters) at 8:03 p.m. (City of Post Oak Bend v. Jose Contreras and David I. Kresnik)

Motion to move out of Executive Session: Council Member Novak Second: Council Member Sherrard Vote: Unanimous

13. Resume regular council meeting at 8:18 p.m.

14. Take action on Executive Session

Motion by Council Member Wages: To give Maranatha the ability to negotiate acquiescence to ensure title company maintains reference to substandard building, that this be passed along to potential buyers and to accept the \$3,750 settlement. Second: Council Member Sherrard Vote: Unanimous Motion Passes

~~15. Consider and Act on professional service agreement for lawn and landscape maintenance~~

16. Adjournment

Motion by Council Member Sherrard to adjourn. Second: Council Member Wages

The August 11, 2020 City Council Meeting was adjourned at 8:37 p.m.

ATTEST:

Barbara Bedrick
City Secretary

City of Post Oak Bend

Hank Warden
Mayor

City of Post Oak Bend

City of Post Oak Bend

Amended August 11, 2020

Agenda Item

LOCATION: VIA TELEPHONIC & VIDEO CONFERENCE OPEN MEETING

August 11, 2020 7:00 P.M.

NOTICE IS HEREBY GIVEN in accordance with the July 10, 2020 renewal of Governor Greg Abbott's March 13, 2020 disaster proclamation, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas, the City Council of Post Oak Bend will conduct its August 11, 2020 Council Meeting at 7:00 p.m. by open meeting telephonic and video conference. This is pursuant to Governor Abbott's Executive Order and to advance the public health goal of limiting face-to-face meetings to slow the spread of COVID-19.

The Notice and Meeting Agenda are posted online at postoakbend.org.

Amended Agenda

9.5. Report on road maintenance conversation with County Commissioner (Mike Parker Request)

I, hereby certify that I, Barbara Bedrick, posted Post Oak Bend City Agenda for August 11, 2020 Post Oak Bend City Council Meeting before 7:00 p.m. on August 8, 2020 at City Hall front door, a place convenient and readily accessible to the public at all times.

Barbara Bedrick
City Secretary

City of Post Oak Bend

Hank Warden
Mayor

City of Post Oak Bend