

City of Post Oak Bend
Minutes of August 13, 2019
Regular City Council Meeting

1. Call to Order: Mayor Hank Warden called the August 13, 2019 Regular City Council Meeting to Order at 7:00 p.m. In attendance: Mayor Warden, Council Members Joey Wages, Ronnie Sherrard and Alison Novak. Not Present: Dr. Stephen McMahon Also present: Barbara Bedrick, City Secretary, Tyler Henderson, Velvin and Weeks

2. Pledges of Allegiance were recited to the American and Texas flags.

3. Consider and Act to approve July 9, 2019 Minutes - Regular City Council Meeting
Motion to approve July 9, 2019 Regular City Council Meeting Minutes: Wages 2nd: Sherrard In Favor: All Opposed:None
Motion to approve July 9, 2019 City Council Minutes: Passed

4. Consider and Act to approve July 2019 Financial Report, disbursements - Dr. Stephen McMahon/Barbara Bedrick
Mayor Warden asked if everyone had a chance to review the June Financial Report. City Secretary reported summary deposits and expenses. Barbara said the city's certificate of deposit comes due in August.
Motion to approve the June 2019 Financial Report: Wages Second: Novak In favor: All Opposed: None
Motion to approve the July 2019 Financial Report: Passed

5. Consider and Act to fill vacant City of Post Oak Bend Council seat by appointment

Mayor Warden said he asked resident Mike Parker to serve on the City Council, if Council approves. Parker is a former councilmember and mayor for City of Crandall. Parker has agreed to serve.
Motion to approve Mike Parker to fill vacant city council seat by appointment: Wages Second: Sherrard In Favor: All Opposed: None
Motion to approve Mike Parker to fill vacant city council seat by appointment until term ends: Passed

6. Administer the Oath of Office and Swear in appointed council member to fill former council member Hank Warden's term

City Secretary Bedrick administered the Post Oak Bend City Oath of Office to appointed council member Mike Parker to fill the seat vacated by Council Member Hank Warden when he was elected mayor. Parker was sworn in as a new council member.

7. City Secretary Report

City Secretary Bedrick reported: The city's goal to help get information communicated more quickly to residents is to post the minutes online within one to two days after City Council approves prior month's minutes, at the current month's regular council meeting. Plans are to update the website once a week with new information about the City. She is working with a website expert, EZ Task and Civic Plus on website proposals. Barbara updated Council on city's building permits and plan reviews for July and August. She provided dates for council and citizens to hear more about Terrell's annexation of land near Post Oak Bend City. In addition, she updated council on pending issues.

8. Citizen Comments: One citizen spoke about the City de-annexation of CR 279 from CR 277 toward Brooks Lane, opposed the property tax and complimented plans to post the minutes more quickly online.

9. Consider and Act to approve the Interlocal Agreement with Kaufman County on ETJ Subdivision Regulations

Mayor Warden asked if Council had any questions on the Interlocal Agreement which had been previously reviewed at an earlier 2019 council meeting. One issue in question at that time, was who would manage the flood plain plan reviews. City Secretary Bedrick said she and Mayor Warden met with Tyler Hendrickson, Velvin & Weeks, Athens, Henderson, an engineer, agreed to review the flood plain issues in addition to handling related ETJ subdivision issues, including platting and engineering included in the ETJ subdivision regulation.

Motion to approve Interlocal Agreement with Kaufman County on ETJ Subdivision Regulation: Wages Second: Sherrard

In Favor: All Opposed: None

Motion to approve Interlocal Agreement on ETJ Subdivision Regulation with Kaufman County: Passed

10. Consider and Act to on contract with Velvin & Weeks, Tyler Hendrickson, for engineering services in conjunction with the City of Post Oak Bend's Subdivision Regulation Ordinance and its Interlocal with Kaufman County on ETJ Subdivision Regulation

Mayor Warden welcomed Tyler Hendrickson, engineer, to the council meeting. Tyler stated he grew up in Kaufman, and has long ties to the Kaufman County community. He currently oversees subdivision regulation for Kaufman County, serves as city engineer for City of Crandall, is president of Velvin Weeks, a firm he's worked with for 30 years, and would be glad to manage the City of Post Oak Bend's subdivision regulations in the City's ETJ, including flood plain plan reviews. Council members discussed his services. Henderson added city ETJ subdivision fees could correlate with those in place in his agreement with Kaufman County.

Motion to approve contract with Velvin & Weeks' Tyler Hendrickson to provide engineering services for the City's ETJ Subdivision Regulations including platting and flood plain plan review: Wages Second: Parker In Favor: All Opposed: None

Motion to approve contract with Velvin & Weeks' Tyler Hendrickson to provide engineering services for the City's ETJ Subdivision Regulation, including platting and flood plain review: Passed

11. Consider and Act to amend the City's contract with Bureau Veritas to comply with HB 852 to change method of residential permit fee calculation to square footage vs. construction cost, effective immediately

Mayor Warden asked City Secretary Bedrick to provide background support on this project. Barbara explained House Bill 852 approved by the Texas Legislature in 2019 requires city building permit fees to be assessed on a square footage basis vs. current Bureau Veritas standard methodology of home valuation permit fees. She noted the engineer serving the City when it began its building permits and plan evaluations in 2012 based building permit fees on square footage/size vs. valuation. Thus, this will simply be a return to what the City had initially had in place. Bedrick said with City Council approval and amended contract, the City will be in compliance with current Texas law. City Council reviewed the amendment proposed by Bureau Veritas to comply with HB 852.

Motion to approve amendment to Bureau Veritas contract changing building permit fee assessment from valuation to size/square footage placing City in compliance with new Texas law and HB 352: Wages Second: Parker In Favor: All Opposed: None

Motion to approve amendment to Bureau Veritas contract to change building permit fee assessment from valuation to size/square footage, making City in compliance with new Texas Law requirements: Passed

12. Consider and Act to amend City's Fiscal 2019 Budget for road repair expenses City Secretary

Mayor Warden said city road expenses paid to date exceeded the City's FY 2019 Budget. City Secretary explained how the City had budgeted for \$15,000 in road repairs to comply with a FY 2019 balanced budget based on city revenues and expenditures. She noted that over \$100,000 in reserve funds was utilized to complete incomplete projects in 2018, left from 2017 because of bad weather on County Roads 280, 281 and small section on County Road 278. Earlier this year, the City Council approved use of \$60,000 from an Atmos pipeline settlement, and reserve funds to repair badly damaged County Road 279. CR 279 is the longest of the City's roadways. In April, City Council voted down estimates to address major ditch and drainage issues prior to roadwork. Council voted in May 2019 to improve and repair major issues on County Road 279 and 600 feet on CR 277.

Motion to approve amendment of the Post Oak Bend City Council Budget to report expenditures exceeding the FY 2019 Budget: Wages Second: Novak In Favor: All Opposed: None

Motion to amend the City's 2019 FY Budget to increase road repair expenses incurred for an urgent need by \$137,000.

14. Consider and Act to review road repair bids and approve County Road 279 pothole repairs

Mayor Warden asked Council to review the three estimates that he and City Secretary Bedrick procured for remaining County Road 279 potholes. Warden said the County's estimate for cold mix pothole repair was \$4,500. County said estimate could be more if the road had more damage now. Barbara reported she had received an estimate from a former City of Athens roads director who was a referral from Velvin and Weeks (engineer). His firm recommended hot mix pothole repair saying it's been found to hold better and longer. His estimate was \$8,000 for the recommended hot mix pothole repair. Warden provided a third estimate for \$24,000 pothole repair. Council discussed the estimates and road materials being used. Council Member Wages and Novak asked how long the cold mix potholes would last. It was asked whether the County had a hot mix repair estimate to compare. Mayor Warden said county officials said they don't have the required equipment to do hot mix pothole repairs. Council member Parker said the City need to repair the potholes the best method available at a reasonable expense. Mayor Warden asked City Secretary whether the City had funds available to cover the \$8,000 cold mix repair. She referred to the city's latest profit and loss statement. Council Member Sherrard suggested the City contract with the county for cold mix pothole repair, and if needed later, the cost expended to re-do the potholes would be about the same in total funds. The director of the Athens referral firm stated it could do the repair quickly within 2 weeks. Warden said Bryan said county could begin next week in August. Motion to approve Kaufman County's \$4,500 Project Estimate for cold mix for County Road 279, and to expend city revenues up to \$6,000 if necessary to complete the project: Sherrard Second: Parker In favor: All Opposed: None

Motion to approve Kaufman County project estimate for \$4,500 to \$6,000 City's County Road 279 pothole repairs using cold mix: Passed.

(Council Member Novak said she would like in the future on road repairs to consider the most effective method of repair, especially for potholes, rather than just the least costly.)

15. Consider and Act to approve Kaufman County Appraiser's Certified Tax Rolls as of August 13, 2019 City Secretary

Mayor Warden asked the City Secretary for an update. She said the Kaufman County Tax Assessor Brenda Samples sent an email with the City's certified tax rolls provided to Council. The County stated this is a required step if the Council approved a tax rate, but doesn't mean the City has to pass the tax rate. If the City votes against a tax rate, there would be no issue since no taxes would be assessed.

Motion to approve the Kaufman County's Tax Appraiser's Certified Tax Rolls for City of Post Oak Bend as of August 13, 2019: Novak Second: Parker In Favor: All Opposed: None

Motion to approve Kaufman County's Tax Appraiser's Certified tax rolls for City of Post Oak Bend as of August 13, 2019: Passed

16. Consider and Act to update City's designated Records Management Officer to City Secretary Barbara Bedrick

Mayor Warden asked Barbara for information: The City Secretary contacted the Texas State Library and Archives Commission on record retention requirements for builder plans and related issues. TSLAC recommended the City of Post Oak Bend adopt additional retention schedules not yet approved. TSLAC also requested a new designation for records management officer.

Motion to designate City Secretary Barbara Bedrick as the City of Post Oak Bend's Records Retention Officer: Wages Second: Parker In Favor: All Opposed: None

Motion to designate City Secretary Barbara Bedrick as the City of Post Oak Bend's Records Retention Officer: Passed

17. Consider and Act to adopt TSLAC () retention schedules EL, GR, HR, LC, PS, PW, TX and UT

Motion to adopt TSLAC retention schedules EL, GR, HR, LC, PS, PW, TX, UT: Novak Second: Wages In Favor: All Opposed: None

Motion to adopt TSLAC retention schedules EL, GR, HR, LC, PS, PW, TX, UT: Passed

18. Consider and Act to adjourn to Executive Session at 8:15 p.m. pursuant to Texas Local Gov't Code Section 551.071 (1) (A) for consultation with attorney about "pending or contemplated litigation" (Contreras)

(Executive Session)

19. Act to resume City of Post Oak Bend Regular City Council Meeting at 8:45 p.m.

20. Consider and take action on items discussed in Executive Session

Motion to approve attorney to send letter to Kandy Lane property owner who violated city building codes with final fine and waiver of liability requirement: Sherrard Second: Wages In Favor: All Opposed: None Motion: Passed

21. Consider and Act on two violation of codes of ordinances

City Council approval is needed to have attorney send legal notices to property owner violating city ordinances. Mayor Warden said he thought an owner in violation is taking action after all to address the issues, so he suggested the Council wait on contacting the attorney. Item was tabled.

(There was only one code violation to discuss)

22. Adjournment

Motion to adjourn: Sherrard Second: Wages

The August 13, 2019 City Council Meeting was adjourned at 9:04 p.m.

Attest: _____

City Secretary
City of Post Oak Bend

Approved: _____

Mayor
City of Post Oak Bend

*Correction-No total amount actually mentioned.