

City of Post Oak Bend
City Council Minutes
Sept. 8, 2020 7:00 p.m.

LOCATION: VIA TELEPHONIC & VIDEO CONFERENCE OPEN MEETING

NOTICE was given in accordance with the August 8, 2020 Governor Greg Abbott's extension of his declaration of disaster due to COVID 19, per his 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 September 8, 2020 Council Meeting at 7:00 p.m. by open meeting phone and video conference. This is pursuant to Governor Abbott's Executive Order to advance the public health goal of limiting face-to-face meetings to slow the spread of COVID-19. The public could join meeting via Zoom or by cell phone.

1. Mayor Hank Warden called the September 8, 2020 Post Oak Bend City virtual Council Meeting to order at 7:01 p.m.
2. Pledges of Allegiance to the U.S. Flag and the Texas Flag were recited.
3. A council quorum was established. Present: Mayor Hank Warden, Council Members Joey Wages, Ronnie Sherrard and Mike Parker. Not Present: Council Members Alison Novak, Dr. Stephen McMahon (called in to hospital) Also present: Barbara Bedrick, City Secretary
4. Motion to approve the August 11, 2020 City Council Minutes: Council Member Wages Second: Council Member Sherrard Vote: Unanimous
Motion to approve August 11, 2020 City Council Minutes: PASSED
5. Motion to approve the August 2020 Financial Report and disbursements: Council Member Parker Second: Council Member Wages Vote: Unanimous
Motion to approve August 2020 Financial Report and disbursements: PASSED
6. City Secretary Report – City Secretary Bedrick updated Council:
 1. Governor Abbott's latest COVID-19 Disaster Declaration issued September 7, 2020 for all Texas counties extended COVID-19 disaster orders
 2. COVID-19 Update: Texas- 81,426 active cases, 640,370 positive cases to date, Kaufman Co. 2845 cases, with 41 COVID-related deaths
 3. City's Hand-Made Mask Drive-Through had a nice turnout from residents Sat., Aug. 29th . Council Member Novak and I distributed donated hand-sewn masks and hand sanitizers to about 40 residents. The bagged masks were prepared early for distribution. A few residents who could not make it asked about future community mask giveaways. Another is to take place at a future date. Signs promoting the community event were placed at major roads and subdivision entrances. Social media helped spread the word. Residents appeared grateful the City was being proactive to help citizens during COVID-19.
 4. COVID-19 CFR funds have not arrived, but city has been assured it won't be much longer so other COVID-19 related concerns can be addressed.
 5. Traffic Updates: Texas Department of Transportation will hold a virtual public meeting on the feasibility and and alignment study on SH 34 from FM 2578 in Terrell to SH 243 in Kaufman. The Virtual meetings will take place September 25 – October 9. Council was encouraged to participate and submit their concerns about the route through Post Oak Bend City. The public meeting can be joined by going to www.keepitmoving.com/SH34. Notice of the TxDot Virtual Public Meetings will be placed on the City's website. TxDot will update the project, background information, alignment analysis, the preferred recommended alignment alternative and next steps. Public comments can be sent in through October 9th. Secretary Bedrick also sent Council information to participate and make comments.
 6. TxDot has reported a \$6.3 million 14 miles long highway project is expected to start this week from U.S. 80 in Terrell towards Rockwall, and it may cause traffic issues and slowdowns until some date in 2021 to repair and repave SH 205.
7. Citizen Comments – No citizens request received.

8. Consider and take action to approve city road and drainage infrastructure study proposal, contract and start date with Tyler Hendrickson, P.E., Velvin & Weeks Consulting Engineer's, Inc (City Infrastructure Study - \$12,500)

Mayor Warden explained Council discussed the road and drainage study with Tyler Hendrickson, P.E., at August Council Meeting, and the City's professional service agreement. He said Velvin and Weeks' task order was provided early to council for review. Warden said the proposed infrastructure study would include aerial contour map, road drainage overview, costs, among others. Warden said this foundation will help the City examine how much funding is necessary to repair the roads. Council Member Park agreed, saying it will help to know what's needed to fix the roads and if needed, help set an appropriate tax rate.

Council Member Wages raised a few questions about what purpose the study would serve if the funds were not available to do the road and drainage repairs. Mayor Warden said it will give the City a blueprint to see what the City can afford. Council Member Parker asked if study is approved, can we appropriate the funds for this specific contract now. If Council approves, the funds would be appropriated for the study. Council Member Sherrard said he agreed with Parker.

Motion to approve City Road and Drainage Infrastructure Study contract, task order by Tyler Hendrickson, P.E. Velvin & Weeks Consulting Engineer's Inc., and 2021 start date: Council Member Parker Second: Council Member Sherrard Vote in favor: Parker, Sherrard Opposed: Council Member Wages Motion passed: 2 to 1 Council Members

Motion: PASSED to approve appropriation of \$12,500 for the City Road and Drainage Infrastructure Study contract with Velvin & Weeks Consulting Engineer's Inc., and start date of 1st quarter 2021.

Mayor Warden asked Council Member Wages about his concerns. Wages said the reason he didn't vote for the project is because the City doesn't have the funds to do anything with the proposal's findings. My position is still the same. I don't know how or why the City would do it if funds are not available to set aside to take action on the road and drainage recommendations.

9. Consider and take action to approve road geotechnical core sample tests proposal, contract and start date with East Texas Testing Lab (ETTL) Engineers & Consultants, Inc. (Core Samples Study for Velvin & Weeks' road and drainage project)

Mayor Warden and Council discussed the geotechnical core sampling proposal provided from ETTL. It included engineer's recommendation for number of cores necessary to provide good data. Council Member Wages asked how the money would be designated or restricted for the core sample project. The funds will come from city reserves and current income from sales tax revenues exceeding FY 2020-2021 budget estimate. Funds would be appropriated for the study. Discussion ensued on the two proposals: 1) \$14,100 for 18 core samples or 2) \$9,940 for 12 core samples. Secretary Bedrick said the proposal indicates the core samples will be taken from five feet deep. Council Member Sherrard expressed concern over how the drilled holes will be repaired so it won't do damage to the roads. Bedrick reported the engineer said they would fill the holes with asphalt and smooth it out. Council Members Parker and Sherrard said they preferred the engineer recommendation for 18 core samples. Council Member Wages said, if he were voting for it, he would go with the engineer's recommendation. They agreed the engineer would be the expert in this matter.

Motion to approve contract with East Texas Testing Lab (ETTL) Engineers and Consultants, Inc. per ETTL engineers recommendation (18 cores): Council Member Sherrard

Second: Council Member Parker Vote in Favor: Sherrard, Parker Opposed: Council Member Wages Motion Passed: Council Vote: 2 to 1 to approve City contract with ETTL based on engineer 18 core sample recommendation at \$14,100 expense.

10. Consider and take action on Resolution 2020-1 to amend FY2020 budget (Bedrick request)

Secretary Bedrick said with the August 14 2020 Council vote to approve \$31,355 for road repairs exceeds the FY 2020 Budget funds. Council is required by state statute to amend the budget to reflect the increase. Increased sales taxes and reserve funds is expected to cover expenses.

Motion to approve City Resolution 2020-1 to increase the FY 2020 Budget for road repairs by \$31,400 (rounded up) from increased sales tax revenues and city reserves and table the budget increase for engineering road and drainage studies for now: Council Member Wages Second: Council Member Parker Vote: Unanimous

Motion to approve City Resolution 2020-1 to amend the FY 2020 Budget for road repairs by \$31,400 from increased sales taxes and city reserves: PASSED

The amendment of budget for expense of engineering road and drainage study was tabled by Mayor Warden.

11. Consider and set FY 2020-2021 Budget Hearings dates (Bedrick request)

City Secretary Bedrick reported that notice of FY 20-21 Budget Hearings is required to be published in local newspaper prior to public hearings taking place. She suggested two hearing date options. Council briefly discussed dates in September. Meetings, per Mayor Warden, will probably be on Zoom. Council members were in agreement to do workshop on Tuesday, September 15th. Public hearings and budget vote expected to take place Sept. 30. *(Changed to Sept. 29 to accommodate council)*

12. Consider and take action on city road pothole repair requests – Timbercreek, CR 279

City Secretary Bedrick reported pothole maintenance funds remain available and explained many recent phone calls asking about repairs on Timbercreek. The County repaired its section of this road, and residents are asking for city to address the 400 feet within city boundaries with asphalt. Residents told the City they may be able to help put asphalt out on Timbercreek. Sherrard said we need to work with them and try to determine most appropriate action.

(Council returned to Item 12 to make motion to table action on potential new expenses because funds have already been allocated to address pothole repairs, like Timbercreek: Council Member Wages Second: Council Member Parker

Item 12 tabled. Council Member Sherrard said he would agree to pick up the road materials. He will get contact info from the secretary to reach out to the primary caller and discuss further assistance.

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

Council Member Parker reported he and Mayor Warden met with Commissioner Hunt to consider the City funding of a road maintenance agreement with Pct. 1 Kaufman County.

Council Member Parker said Mayor Warden asked him to check with Com. Hunt about a City funded ongoing maintenance agreement for road pothole repairs by Kaufman County crews. After meeting, Hunt and supervisor drove the city's roads with Parker and Warden to help provide an estimate. Parker said the initial estimate was for current repairs at \$4,200. He was asked if Meadows was included, and response was yes, all of the roads in the City. At City's expense, the County would maintain on a monthly basis. The City would be required to place money into escrow account *\$5,000, \$10,000 or amount City chooses) An estimate in writing would be obtained, he said. It could be submitted to attorney for review and then council vote in future public meeting. Council Member Wages said he thought it was a good idea. Council Member Sherrard also agreed. City Secretary Bedrick agreed, and suggested the expense might be lower since the City already has a commitment to fix potholes on CR 280 and CR 277 road sections. That could make a big difference in price, she added. Parker agreed today's estimate is higher than what will be needed, and they would need to revisit the roads prior to a final maintenance estimate. It was noted that if the bid proposals for road repairs were set up as official Requests for Proposals with specific criteria as other cities do, then bids would be equal in work, and easier to compare for a more efficient road work process.

Council members present, along with Mayor Warden, agreed they were in favor of paying the County to do road repair maintenance. Council Member Parker is to get back with the county on riding the roads again once the repairs on CR 277 and CR 280, and get an updated response.

14. Consider and take action on Kaufman County's proposed land use interlocal agreement in city ETJ (Bedrick request)

Mayor Warden briefly addressed and requested City Secretary Bedrick report further. The two proposed interlocals are similar except for one enables City authority to control development and subdivisions in city

and its ETJ, while the other proposed interlocal grants Kaufman County authority to regulate subdivisions in city and its ETJ. Currently, the City's Subdivision Ordinance provides guidelines for regulating city subdivisions, and includes ETJ. Bedrick added that since the City has various boundary distances it would be most beneficial for city to regulate its subdivisions and those in the ETJ. Bedrick said her recommendation was to have City authority over subdivision regulation in the City and its ETJ. However, since the proposed agreement did not include Exhibit A, the map boundaries, no decision can yet be made. The attorney has been tasked to review the local government codes and make certain they're included in the interlocal. This can be placed on the agenda when Exhibit A is provided.

Secretary Bedrick stated she recommended Council table this agenda item because the Kaufman County did not send the Exhibit A. She has contacted the County.

Motion to table until Exhibit A is provided: Council Member Parker Second: Council Member Wages. Vote: Unanimous

Item tabled until more information provided.

15. Mayor Warden suspended the Council Meeting to go into Executive Session as authorized by Texas Government Code, Sections 551.071 (Consultation with attorney) at 8:12 p.m. re: (City of Post Oak Bend v. Jose Contreras and David Kresnik)

(Executive/Closed Session)

16. Mayor Warden moved to resume regular council meeting a 8:31 p.m.

17. Consider and take action on Executive Session

Motion by Council Member Wages to authorize attorney to move forward on response to resolve lawsuit

Second: Council Member Sherrard Vote: Unanimous

Motion to authorize attorney to move forward on response to resolve lawsuit: PASSED

18. Motion to adjourn the Sept 8, 2020 City Council Meeting: Council Member Sherrard Second: Council Member Parker

The Sept. 8, 2020 Post Oak Bend City Council Meeting was adjourned at 8:34 p.m.

ATTEST:

APPROVED:

Barbara Bedrick
City Secretary
City of Post Oak Bend

Hank Warden
Mayor
City of Post Oak Bend