

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

**LOCATION: VIA TELEPHONIC & VIDEO CONFERENCE VIRTUAL OPEN MEETING**

The February 9, 2021 Open City Council Meeting was conducted virtually in accordance with the February 4, 2020 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 February 9, 2021 City Council Meeting to order at 7:02 p.m. virtually via Zoom Video and Audio conference. Pledges to the American and Texas flags were recited. Council Members present: Alison Novak, Joey Wages, Ronnie Sherrard and Tom Rogers. Council Members not present: Mike Parker Also present: Barbara Bedrick, City Administrator, Tyler Hendrickson, engineer, Velvin & Weeks

2. Consider and Act to approve Minutes: January 12, 2021 City Council Meeting

Motion to approve the January 12, 2021 City Council Minutes: Council Member Wages Second: Council Member Novak Vote: Unanimous Motion to approve the January 12, 2021 City Council Minutes: **PASSED**

3. Consider and Act to approve January 2021 Financial Report and disbursements – Report from City Secretary-Treasurer Barbara Bedrick

Council Member Novak asked about the deposits made on January 29, 2021. City Administrator Bedrick said the \$6,529 deposit was the City's 2020 franchise fee from Rose Hill Special Utility District and the \$171.92 deposit was a \$75 culvert fee and an irrigation permit fee.

Motion to approve the January 2021 Financial Report and disbursements: Council Member Novak Second: Council Member Rogers Vote: Unanimous Motion to approve the January 2021 Financial Report & disbursements: **PASSED**

4. City Administrator/City Secretary Update

City Administrator Bedrick reported 1.) The City received the proposed minor plat and plat application from Karen Cheshire o the Cheshire addition on FM 987 southeasterly from the Emerson wedding venue. The City Engineer has reported its been reviewed for compliance and drainage.

2.) The City contacted the Post Oak Bend Store re: a small business grant related to the COVID-19 impact and sent link to application. These and grants through the CARES Act could help provide business improvements.

3.) COVID-19 Kaufman Co. Vaccination Hub was set up at the Trinity Valley Health Science Center in Terrell with an initial 500 doses. The City Facebook and city website were updated multiple times past month to make residents aware.

4.) The State has distributed over 4 million COVID-19 vaccinations across Texas. County cases continue to surge with more than 11,583 cases, 300 in past two days. At least 165 have died from COVID here. Statewide: 330,025 active cases, fatalities: 38,700. Dr. McMahon at Texas Health Resources, Kaufman said hospital here has seen some COVID-19 cases from Dallas because they had no availability.

5.) Texas Municipal League-Region 13, our region, will hold a virtual meeting with a TML update on Texas legislation tomorrow at 5 p.m.. The link was emailed to you earlier to register if you'd like to join it.

6.) The City has received the 2020 franchise fee payment from Trinity Valley Electric in the amount of \$17,172. It is less than City received for 2019.

5. Citizen Comments – No comments received

6. Mayor Warden suspended Council Meeting for Planning and Zoning Commisison Meeting

7. Planning and Zoning Commission Meeting:

Mayor Warden called the Planning & Zoning Commission meeting to order to review the proposed minor Cheshire plat (as it did with the Gardner minor plat in 2020.)

a) Swearing in of new Planning and Zoning Commission members

Administrator Bedrick noted that currently the City Council serves as the P&Z Commission. Mayor Warden swore in new council members to commission. Warden asked each member to sign their oaths of office and send by email to the city secretary for recording.

b) Consider and Act on proposed plat – Cheshire property FM 987 (Per City of Post Oak Bend Zoning Ordinance #22) Mayor Warden stated the commission was considering an engineer-approved proposed plat for the Cheshire property on FM 987 per City of Post Oak Bend Ordinance 22- Zoning. Administrator Bedrick reported Ms. Cheshire contacted the City for zoning ordinance an building code information re: dividing 8+ acres. I provided her the City's plat application required by City Zoning Ordinance #22, and thoroughly explained plan review requirements including drainage plans. Since this was a minor plat and not a major subdivision, the engineer said

he'd work with her to get a plat in order which is what he recommended with Gardner's minor plat on CR 280. The P&Z Commission reviews the proposed plat the engineer has approved to meet city ordinances, requirements and drainage plans. Barbara stated the two-lot plat is located on northeast side of FM 987 between the Emerson wedding venue and the store. Tyler Hendrickson, engineer, Velvin & Weeks, who approved the proposed plat discussed it with Council. Tyler said Lot 1 is 235.8 feet and Lot 2 is 150 ft. Bedrick stated the City's zoning ordinance and the Texas Local Government code require that any land subdivided into two lots or more require the developer to submit a plat to the City Planning and Zoning Committee for approval before going to Council. This is the same process the City required for Gardner on 280 and Pacheco on Klassik K. Barbara said Tyler could answer drainage questions because she had already requested a drainage plan review. Hendrickson said the runoff from one house is not going to significantly increase the runoff from that property. Council Member Sherrard said if they build a roadbed on the drive side they may block water on one side or the other. Hendrickson said part of their permit would be they'd have to build a ditch next to the driveway. Sherrard said that would probably require more width than what they're showing. Council Member Rogers said that width is 25 feet. Hendrickson: She wants to sell the back part of her property. Bedrick said the 125 foot minimum is the City's Zoning ordinance requirement. Rogers said I would agree on a variance on that sliver if they want to. Hendrickson pulled up Google Earth to give council members more insight. Sherrard said I think our biggest concern is drainage. He added they need to present a drainage plan. You build a road next to fence you cause a buildup of water across the fence. They need to come up with something to prevent that. There won't be a lot of property there for a ditch on each side of that drive. Warden said he didn't think a flood (drainage) study was needed for two acres. Sherrard said they need to show the drainage arrows on whole property and maybe not a study but a plan like the Gardener's had to do. Sherrard noted without shooting elevations we don't really know what the water's doing. Novak requested that in the future the engineer mark the city limits on the plat and that a drainage plan be addressed with the property owner. Council Member Wages said he agreed with Ronnie that a drainage plan is needed. He said we made Gardner do it and it encompassed outside the city limits. We need a drainage plan for the driveway/road as well.

Motion to require a drainage plan for the entire Cheshire plat including the driveway lane: Council Member Rogers  
Second: Council Member Wages Vote: Unanimous

Motion to require a drainage plan for Cheshire plat including driveway lane: PASSED

( c ) Adjourn P&Z Commission Meeting - Mayor Warden adjourned the P&Z Commission Meeting and resumed the Regular City Council Meeting. Velvin and Weeks engineer Hendrickson left the council meeting.

8. The City Council Meeting was resumed by Mayor Warden.

9. Consider and Act on proposed plat approved by Planning and Zoning Commission – Cheshire Addition, FM 987 (city of Post Oak Bend Ordinance 22 – Zoning)

Motion was made Council Member Sherrard to table City Council vote on the proposed Cheshire plat since the City Planning & Zoning Commission has not yet approved it to move before Council. Second: Council Member Wages  
Vote: Unanimous Motion to table the Council Vote on the proposed Cheshire plat pending Planning & Zoning Commission approval: PASSED

10. Consider and Act on municipal investment policy and approve required training (Bedrick request per Texas Texas Public Investment Act, Code 2256.005(a) )

Mayor Warden brought the TML policy back to the table. City Administrator Bedrick said to scale back the extensive TML proposed investment policy, she submitted to council prior to tonight's meeting a scaled back version and highlighted sections in the TML-proposed investment policy that might not be needed for a city our size. The Texas Public Funds Investment Act does require the policy and annual training. Council Member Novak said she read through it and agreed the highlighted sections could be eliminated. She suggested an interim financial officer could be added. Council Member Rogers said it appeared to him the TML policy granted too much power to one person to make investment decisions without prior Council approval. Administrator Bedrick noted any investment to be considered would require Council approval. Novak said she didn't read the TML document that way. Instead, she said, it gives authority to execute. She said she sees it as an execution document and doesn't see anything wrong with it. Rogers said he just wants to make sure its clear what the intent of the council is and to execute upon approval by council. Rogers asked is the City required to have an investment policy whether or not you act on investments. Barbara replied the Texas Public Investment Act states each City is required to have one.(TML confirmation too) In Post Oak Bend City history, the only investments made have been certificates of deposit.

Council decided to review further. Motion to table: Council Member Rogers Second; Council Member Sherrard  
Vote: Unanimous

Motion to table the vote on a municipal investment policy and approve training expenses per the Texas Public Investment Act, Code 2256.005(a) until next month: PASSED

11. Discuss and Update: proposed Country Bible Church (Team)

Mayor Warden asked for an update. City Administrator reported she followed up with the Country Bible Church Pastor today who said the architect is working on designs. Barbara recommended the mayor and several council members join her for a meeting with the pastor about the City's process and to offer recommendations to help buffer the Bend East neighborhood adjacent to the church property. Mayor Warden said he thought that was a good idea and he asked Council Members Novak and Sherrard to meet with Barbara and pastor. Barbara shared a very preliminary plan for council to review. As for re-zoning, she reported the City's Zoning Ordinance (like most cities) allows construction of churches and schools in designated single family residential zoned areas. Council Member Sherrard: The Bend East neighborhood considers a church as good, but I think we must keep the three houses that back up to the church property at top of mind. It's common sense a drainage buffer, landscaping buffer, lighting and parking lots will need to be included.

12. Consider and Act on proposed City Commercial Building Application (Team)

Mayor Warden said Barbara sent us a commercial application to review prior to meeting. Barbara said thank you to Council Members Rogers and Parker for providing input on this. The latest example was one she obtained from the City of Dallas which is a comprehensive application that combines all of the commercial forms from Council Members Rogers and Parker and myself. It combines Garland, Crandall, Heath and Dallas. It's also a fillable form that can be returned via city email. I sent the earlier submitted applications from Tom and Mike on January 29<sup>th</sup> for review. Council Member Sherrard remarked the Dallas application has a lot of information and is very thorough and the more information we get the better. Sherrard said his company actually built the Church of Christ in Ola. He said he was basically the person who talked to the fire marshal and water department. Sprinklers may be needed and may need a fire hydrant at this church site. He asked about fees for churches. Barbara said the City Council already approved fees. Sherrard said it would be interesting to see what other area cities are charging churches. Barbara said she would check around. Ronnie noted that Talty had a church built behind the Catholic church. Rogers said he favors the Dallas version, just change city title.

Motion to adopt a City Commercial Building Permit Application based on the comprehensive Dallas example with adding the City letterhead and references: Council Member Wages Second: Council Member Rogers

Motion to adopt a City Commercial Building Permit Application based on the comprehensive Dallas example adding the City of Post Oak Bend's letterhead and references: PASSED

13. Discuss and Act on City Building Code Ordinance 32 – proposed commercial amendment

Administrator Bedrick stated after further review and discussion with the attorney our city building codes already cover commercial structures. The Council previously approved building codes that include commercial construction, including the 2015 International Building Code. These are already on the permit applications. If the attorney finds anything different then Council could return to this issue and reconsider.

No action taken at this time. Mayor Warden tabled in case the attorney determines otherwise.

14. Discuss and act on citizen request on flooding concerns near 2755 CR 279 (Bedrick request)

Mayor Warden said Barbara had emailed information to him last month regarding this owner's concerns. A property owner building a home at 2755 CR 279 contacted city concerned about flooding and drainage issues due to the heavy rains. She said some culverts also appear to be blocked with debris. Mayor Warden asked Council Member Mike Parker to drive and check out the issues. He determined flash flooding had caused the drainage issues as is often the case with heavy rainfall. He added that even the best drainage would be overflowing with a deluge of rain in a short amount of time. In addition, he said some residents may need to clean out their culverts near that property. Barbara contacted the attorney per Mike's request to review this situation. Barbara added that currently the City's Building Code Ordinance requires new residents place 18-inch diameter culverts under the driveways. Mayor Warden said that we want to do what we can to help correct the situation. The mayor tabled this item since Parker was unable to attend tonight.

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

Mayor Warden said this is the regular state-mandated audit for our city. This year's will be only for 9-months due to change in fiscal year from Oct. 1 to Sept 30<sup>th</sup>. Bedrick: We have only received one audit quote from one firm and the audit will be for 9 month fiscal year. The firm reduced its estimate to \$3750, last year initial estimate was \$4,500. I recommend we table until we get another quote. Mayor Warden tabled this item for more information.

16. Discussion: proposed annexation on FM Road 987 (Warden request)

Mayor Warden said this beautiful property on west side of FM 987 across from South Bend Estates will probably be developed soon. He said it might be a good idea for a couple of council people to pursue annexation with the property owner. The City is allowed so many square feet a year, Warden said, and he didn't think the city has annexed any property in probably a decade. Barbara said the City limits currently extends 1300 feet into the land on the west side. He would like to find out how much the City could annex. Both the mayor and Council Member Novak said they thought it would be in the best interest of the city. There was brief further discussion.

17. Consider and act to exit regular council meeting and enter into Executive Session at 8.32 p.m. per Texas local Government Code 551.071 (Consultation with attorney ,pending legal action, 2408 Kandy Lane)

Executive (Closed) Session

18. Mayor Warden resumed the open council meeting at 8:45 p.m.

19. Consider and take action on items discussed in Executive Session – No action was taken.

20. Adjournment Motion to adjourn: Council Member Rogers Second: Council Member Novak The regular City Council Meeting adjourned at 8:47 p.m.

ATTEST: \_\_\_\_\_

Barbara Bedrick, City Secretary

City of Post Oak Bend

APPROVED: \_\_\_\_\_

Hank Warden, Mayor

City of Post Oak Bend