

City of Post Oak Bend
City Council Meeting Minutes
March 10, 2020

1. Mayor Hank Warden called the March 10, 2020 Regular City Council Meeting to order at 7:00 p.m. at City Hall, 1175 CR 278. Present: Council Members Joey Wages, Ronnie Sherrard and Dr. Stephen McMahon. Absent: Council Members Alison Novak, Mike Parker Also present: City Secretary Barbara Bedrick. A quorum was established.

2. All present recited the pledges of allegiance.

3. Consider and Act to approve Minutes of February 11, 2020 and Council Workshop Feb. 25, 2020
Motion to approve: Council Member Dr. McMahon Second: Council Member Wages In Favor: All Opposed: None
Motion to approve Minutes of February 11, 2020, Council Workshop, February 25, 2020 PASSED

4. Consider and Act to approve February 2020 Financials, disbursements
Motion to approve: Council Member Wages Second: Council Member Sherrard
In Favor: All Opposed: None Motion to approve February 2020 Financials, disbursements

5. Consider and Approve City Secretary Update Report
City Secretary provided Council brief update on recent projects, Mayor Warden asked about the item about newcomers building in Post Oak Bend City. Secretary Bedrick said two families from Forney were looking at purchasing land on CR 280 and on CR 281, and wanted to know about zoning requirements, restrictions, property boundaries, and whether the City would approve construction near the pipelines. Question raised about item on engineer's flow charts. Tyler emailed he would attend, but became ill this weekend and wasn't able to attend tonight because of that.
Motion to approve the City Secretary Update Report: Council Member Wages Second: Council Member Dr. McMahon In Favor; All Opposed: None Motion to approve City Secretary Update Report PASSED.

6. Dis-annexation Petitions – Mayor Warden
Mayor Warden made the following statement regarding the three dis-annexation petitions the City of Post Oak Bend has received: None have met the criteria for dis-annexation under Texas Local Government Code § 43. Since they do not, the City and City Council are not authorized by Texas Local Government Code to consider dis-annexation. I asked the City Secretary to check state laws with TML and attorneys on the dis-annexation petitions and respond. After reaching out to TML and attorney, she provided responses to petitioners. The City desires, Warden said, to grow; to keep its residents.

Texas Local Government Code 43 doesn't allow it to dis-annex property if criteria aren't met, per city attorney.

7. Public Comment: Ed Domaracki and Willie Negrete both made comments opposing the state statutes requirements for dis-annexation under Texas Local Government Code, Texas Municipal League and city attorney

8. Consider and Discuss proposed road infrastructure studies and flow charts of study and design expenses – Velvin and Weeks Consulting Engineers, Inc.
Tyler Hendrickson could not attend tonight because of illness. He was unable to send study flowcharts and expenses.
Motion to table because consulting engineer out sick: Council Member Wages Second: Council Member Dr. McMahon
Motion to table both items #8 and #9 until the engineer provides them for review.

9. Consider and Act on professional service agreement with Velvin and Weeks Consulting Engineers, Inc to perform plat review for proposed subdivisions in the City and its ETJ, City Ordinance

Motion to table, engineer hasn't provided Task Order to complete agreement for review: Council Member Wages
Council Member Dr, McMahon In Favor: All Opposed: None Motion to table passed.

10. Discuss and coordinate city road designations council member "adopt a road"
Council Member Novak had talked about a council member "adopt a road" initiative, and Mayor Warden said since she was out sick, he would table this item for now.

11. Consider and act to approve Murrey, Paschall and & Caperton for annual audit per Texas Local Govt. Code , Ch. 103
Mayor Warden asked about the firm. City Secretary said this Forney CPA company primarily performs municipal audits, reviews cities' first year of ad valorem tax rates, and has conducted the Texas Local Government Code required CPA

audit using generally accepted auditing standards. Mayor Warden inquired about the cost. The initial 2019 estimate, city secretary said was \$4,500, but City negotiated to \$4,250. Warden said he'd like to table the item to see more information. He thought it could be done for less. City Secretary said Council last year prepared to contract with a Kaufman CPA at a lower rate, but after further research on municipal audit requirements, he said the required work would make the cost equal to the current CPA firm. Texas Local Government Code requires CPAs conduct municipal audits using the General Accepted Accounting Standards, and related requirements.

Motion to table: Council Member Wages Second: Council Member Dr. McMahon In Favor: All Opposed: None
Item No. 11 Agenda was tabled.

12. Discuss Phone and Statement

Mayor Hank Warden provide the following statement re: cell phone issue: Verbal from City Attorney, City's response for open records request for certain 2019 cell phone numbers was – "The City of Post Oak Bend does not have any public information in its possession or under its control that is responsive to your request." According to city attorney, this open records request is now closed. The City stands by that response. The City's 2019 audit, once completed, will also confirm that. It is not expected to be completed until later in year. Audits for 2018, available online, reflect no payments for cell phone service or use." Warden pointed out the November 2017 Minutes, available online, reflect a one-time payment for phone use for 20 prior months. He noted member Billy McMahan had seconded the motion to do so.

13. Mayor Warden called Council into Executive Session, per Local Govt. Code 561.071-551.074.8 @ 7:29 p.m.
*Doublechecking this time, for Local Government Code 551.076 (Deliberations about Security Devices)

14. Mayor Warden resumed the council meeting at 7:52 p.m.(checking time) to consider action on issues discussed in Executive Session. Motion to approve re-keying the locks at City Hall: Council Member Sherrard Second: Council Member: Wages In Favor: All present Opposed: None
Motion passed to approve re-keying city locks.

15. Consider and vote on items for April agenda. Council Member Sherrard said he'd like to get pothole materials on the next agenda that he and his son will put out, along with anyone else that wants to help, to get the worst potholes and maintain the currently good roads before potholes get out of hand. Council Members also noted they'd try to help with this project. Sherrard asked to get okay from TMLIRP which was provided to him later.

16. Adjournment Motion to adjourn: Council Member Dr. McMahon Second: Council Member Parker

The March 10, 2020 City Council Meeting adjourned at 8:19 p.m.

Attest: _____
Barbara Bedrick
City Secretary

Hank Warden
Mayor

City of Post Oak Bend Agenda
City Council Meeting – March 10, 2020

Notice is hereby given that City of Post Oak Bend will hold Regular City Council Meeting Tuesday, March 10, 2020, at 7 p.m. at City Hall, 1176 CR 278. The City Council reserves the right to adjourn to Executive Session on any item authorized by Local Government Code 561.071-561.074.8.

1. Call to Order – March 10, 2020 Regular City Council Meeting, Roll Call, Announce Quorum

2. Pledges of Allegiance

3. Consider and Act to approve Minutes: February 11, 2020 Regular City Council Meeting
February 18, 2020 Council Workshop

4. Consider and Act to approve February 2020 Financial Report and disbursements
Finance Officer Dr. Stephen McMahon
City Secretary Barbara Bedrick

5. Consider and Approve City Secretary Update Report

6. Dis-Annexation Petitions Mayor Warden

7. Citizen Comments Sign up on City's Citizen Comments Form, and submit to City Secretary before meeting begins. Citizens must furnish their names, addresses & verify city residency before addressing Council or P&Z Commission. Citizens may speak 3 minutes per person each on city matters, other than personnel. There is no transfer of time to others. City of Post Oak Bend action in response to, or as a result of, such statements may not be undertaken until such matters are placed on a City Council agenda published in accordance with Texas Open Meetings Act, and acted upon accordingly at such meeting.

8. Consider and Discuss proposed road infrastructure studies and flowchart of related study and design expenses -
Velvin & Weeks Consulting Engineers, Inc.

9. Consider and Act on professional service agreement with Velvin and Weeks Consulting Engineers, Inc. to perform plat reviews for proposed subdivisions in the City and its ETJ, City Ordinance

10. Discuss and coordinate city roads designations for council members

11. Consider and Act to approve Murrey, Paschall & Caperton for annual audit, Texas Local Government Code, Ch.103

12. Discuss Phone and Statement Mayor Warden

13. Enter into Executive Session, per Local Govt. Code 561.071 - 561.074.8 @ _____ time, Local Government Code 561.076 (Deliberations about Security Device)

14. Consider action on issues discussed in Executive Session


15. Consider and vote on items for April agenda

16. Adjournment

Note: The Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any matters listed on the agenda, as authorized by the Texas Government Code, including, but not limited to Sections 561.071 (Consultation with Attorney), 561.072 (Deliberations about Real Property), 561.073 (Deliberations about Gifts and Donations), 561.074 (Personnel Matters), 561.076 (Deliberations about Security Devices), 561.087 (Economic Development), 418.175-183 (Deliberations about Homeland Security Issues) and as authorized by the Texas Tax Code, including but not limited to, Section 321.3022 (Sales Tax Information), whenever it is considered necessary and legally justified under the Texas Open Meetings Act.

I, hereby certified that I, Barbara Bedrick, posted Post Oak Bend City Agenda for March 10, 2020 Post Oak Bend City Council Meeting by 7:00 p.m., Saturday, March 7, 2020.

Barbara Bedrick
City Secretary


Hank Warden, Mayor
Mayor, City of Post Oak Bend