

City of Post Oak Bend

Minutes – Regular Council Meeting – April 9, 2019

1. Mayor Raymond Bedrick called the April 9, 2019 Regular Post Oak Bend City Council Meeting to order at 7:01 p.m.
2. Mayor Bedrick established a quorum. Present: Chris Riefler, Alison Novak, Hank Warden, Dr. Stephen McMahon. Not present: Jimmy Lambeth Also present: TJ Gilmore, Waste Management of Texas, Barbara Bedrick, City Secretary
3. All present recited pledge to the American Flag.
4. Consider and Act to Approve Minutes: March 12, 2019 Regular Council Meeting, Special Called Meetings March 16, 2019 and March 25, 2019 Motion to approve the council minutes for March 12, 2019, March 16, 2019, and March 25, 2019: Hank Second: Dr. McMahon In Favor: All Motion: Passed
5. Consider and Act to approve the March 2019 Financial Report and Secretary Update
Motion to approve the March 2019 Financial Report and Secretary Update: Hank Second: Dr. McMahon
In Favor: All Motion: Passed
6. Update: State Law on City Councilmember Candidacy for Mayor
Mayor Bedrick gave Councilman Hank Warden the opportunity to speak about this. Hank said he had phoned TML and spoken with attorney Zindia Thomas, who confirmed statements made by City Secretary Bedrick about Hank's candidacy for mayor while holding the office of councilman. Zindia and Barbara stated if a current councilperson announces candidacy for mayor, and serves only a two-year term, he or she may run without resigning the council seat. Hank said that Zindia also confirmed Barbara's statements that only councilpersons serving four year terms are required to resign council seat before running for mayor. Reference was made to Article 16, Section 65, of the Texas Constitution (often called the "resign-to-run" provision) which applies to cities with council terms of more than two years. In cities with terms of more than two years, a city official who has more than one year and 30 days remaining in the current term of office, and who announces a candidacy for another office automatically resigns from the first office. TEX. CONST. ART. 11, § 11; TEX. CONST. ART. 16, § 65.
7. Citizen Comments: Two residents and two persons living outside the City limits spoke briefly.
8. Consider and approve ditches and drainage CR 277, 278, 279, Klassik K, Meadow Lane
Mayor Bedrick reported he had worked to get a third estimate/bid for ditch and drainage projects that Council had previously supported for CR 278, 277, Klassik K, Meadow Lane and part of Cr 279. Council had wanted another bid since both prior bids were pretty expensive. The final bid, \$85,000 less than the first, came in at approximately \$65,000. This was the lowest of the three bids. Mayor Bedrick discussed how engineers, county commissioners and council had voiced strong support for addressing the ditches before resurfacing roads. In addition to them, other professional road contractors repeatedly have advised the City to address the lack of drainage before resurfacing roads because of bad drainage/floodwaters' impact on road surfaces. After years of negotiating, the City finally received a \$60,000 Atmos check ditch and road damage the company caused nearly 3 years ago. Mayor Bedrick reiterated the funds had been earmarked for road and ditch damage to Klassik K, CRs 278, 277 and 279. . However, concern over potholes in roads caused some to second guess earlier decisions. Mayor Bedrick stated, at the least, the City should get ditches on Cr 278 done since road repairs have already been approved, and paid money into county escrow account. Motion: Dr. McMahon against cleaning all the ditches, but allow ditch work on only on CR 278 since already approved road work. Second: Hank In Favor: All Opposed: None Motion Passed. Mayor Bedrick then entertained a motion for rest of Item 8. tree trimming/ditches. Council had reviewed at least 3 bids before approving Grimes Equipment Services. He, later, determined the City should get someone else. Mayor Bedrick received two more estimates for Crs 278 and 277. CR 278 is the worst since trees prevent cars from driving when meeting oncoming traffic without damage. Motion made by Dr. McMahon to contract for least expensive estimate for only CR 278.* Second: Hank In Favor: All Opposed: None. Motion passed.
9. Consider and Act to approve amending City Ordinance #34 to adopt an "Exclusive Single Trash Collection Service Provider", "Exclusive" Trash Collection Services Contract Agreement, and publishing of Request for Proposals/Bid
Mayor Bedrick called on City Secretary to update this issue, as she had researched this. Barbara presented Council the ordinance text, and also checked rates/pick ups for the City of Kaufman which has exclusive arrangement with Waste Connections. Rates reported were roughly \$16 per month, with \$3.00 extra for each additional trash container, according to Kaufman City Water/Trash Collection officials. Mayor Bedrick said majority of the current trash companies operating in the City may no franchise fees. Attorney recommended the single user. Mayor Bedrick introduced Mr. TJ Gilmore, Waste Management. Gilmore gave Mayor Bedrick and City Council insight into the value of an exclusive contract for track collections. Several questions were raised by Council. Mayor Bedrick thanked TJ for attending and for his assistance.

Motion to approve amending City Ordinance #34 to adopt an "Exclusive Single Trash Collection Service Provider", "Exclusive" Trash Collecton Services Contract Agreement, and publishing of Request for Proposals/Bid from attorney: Dr. McMahon Second; Hank In Favor: All Opposed: None Motion passed.

10. Discussion: Proposed one-half cent sales and use tax increase on May 4th election and alternative

Mayor Raymond Bedrick stated there had been a few questions about proposed increase to the sales tax. If the citizens do not pass it, the County is considering seeking the remaining sales tax. Brief discussion followed. (Discussion only)

11. Consider and Ratify Texas Municipal League renewal and TMLIRP insurance

Mayor Bedrick said council had not ratified TML renewal, and Barbara had update on insurance option to save funds for city. The City Secretary presented the coverage and proposed rates to Council. Motion to approve TML renewal and TMLIRP property insurance: Dr. McMahon Second: Hank In favor: All Opposed: None Motion Passed.

12. Consider and Act on amended interlocal agreement with Kaufman County on ETJ subdivision regulation (Moved to May agenda)

13. Consider and Act on Bureau Veritas recommended plan review and inspection fees

Mayor Bedrick stated City Secretary will have updates at May meeting. Tabled, no action taken.

14. Consider and Approve annual lawn maintenance service

Four bids were received, ranging from \$140 to \$65. Motion made to secure the lowest bid for the one year contract starting June , 2019 through June 30, 2019*: Hank Second: Dr. McMahon In Favor: All Motion Passed.

15. Motion to adjourn

Chris Rieffler made motion to adjourn. Seconded by Dr. McMahon Mayor Bedrick adjourned the April 9, 2019 Regular Council Meeting of the Post Oak Bend City Council at 8:28 p.m.

Attest:

Barbara Bedrick
City Secretary

Raymond Bedrick
Mayor, City of Post Oak Bend

*Disclosure statements filed