

City of Post Oak Bend
City Council Minutes – May 11, 2021

1. Mayor Hank Warden called the May 11, 2021 regular city council meeting to order at 7:01 p.m.

Mayor Warden said a quorum was established. Present: Council Members Alison Novak, Joey Wages, Mike Parker, Ronnie Sherrard and Tom Rogers Also in attendance: Barbara Bedrick, City Administrator
All present recited the pledges to the American flag and the Texas flag.

2. Consider and Act to approve Minutes: April 13, 2021 Regular City Council Meeting

Motion to approve the April 13, 2021 City Council Meeting Minutes: Council Member Parker Second: Council Member Wages Vote in favor: Council Members Wages, Parker, Rogers Abstaining:(not present at April 13, 2021 council meeting): Council Members: Novak, Sherrard

Motion to approve the April 13, 2021 City Council Meeting Minutes: PASSED

3. Consider and Act to approve April 2021 Financial Report and disbursements – Financial Officer Mike Parker, City Secretary-Administrator Barbara Bedrick

Council Member Mike Parker asked Administrator Bedrick to report on financials. Mayor Warden first commented the current balance at the end of April was near \$97,000. Administrator-City Secretary Bedrick reported that the City received building permit payments totaling \$5,683 for three new single family residential building projects to be constructed on CR 280. By state law, residential single family residence permit fees are based on square footage. Part of the building permit fees are based on costs by a third-party plan review and inspection team. Barbara also reported the City received the Atmos franchise fee payment of \$1,579 for 2020 and the March sales tax income received was \$4,455. Note: Approximately \$14,000 is earmarked for the road boring study currently underway with expectations it will be completed shortly.

Motion to approve the April 2021 Financial Report and disbursements: Council Member Novak

Second: Council Member Wages In Favor: Unanimous

Motion to approve the April 2021 Financial Report and disbursements: PASSED

4. City Administrator Update:

1. Building Permits: The City issued three new building permits for single family residences to Riverside East Homebuilders of Ft.Worth: 1540 CR 280, 1572 CR 280 and 1604 CR 280 following approval of plans by Bureau Veritas and the City. Another permit was issued for small bath remodel project in Bend East. A property owner on CR 280, Mr. Kasper, recontacted the City about his plans for a single family residence. Barbara reviewed plan requirements, etc. with Kasper for a building permit. He stated he still has to pull together some additional data before submitting his permit app.

2. The COVID-19 Federal Grant is wrapping up, with one project requiring additional documents.

3. 2021 Federal Rescue Act Grant just opened. More information to come.

4. Special Election and Tx. Constitution Council Holdover: The possible Special Election for two council vacancies will be held on the next uniform election date which is in November. Texas Municipal League and the Secretary of State both pointed out a law regarding holdovers council officers. Per the **Texas Constitution, Article 16, Section 17: Service of Public Officer Pending Qualifications of Successor:** All officers of the state shall continue to perform the duties of their offices until their successors shall be duly qualified. According to TML legal and Secretary of State's legal department Tad Cleaves and Melanie Best this would mean current council member Joey Wages may serve as a holdover officer until a qualified successor is elected or named which was designed to assist cities with the quorum requirement to take actions.

5. Open Records Requests: The City has completed several open records requests, including G. McMahan's. Council has been apprised of those requests. Among the other requests are one for monthly records of code enforcement tickets for high weeds and water utility and construction violations. Several companies request on a monthly basis for certain types of violations. Council Member Parker asked about the numbers of open records requests, saying it appears to be taking up too much time.

6. Official City Map: Administrator Bedrick spearheaded the map project working with the Kaufman County Appraisal District and Bison Creek Surveyors to help produce an official City of Post Oak Bend map. She was responsible for providing related annexation and dis-annexation ordinances, surveys, dates, etc since City's incorporation to surveyor to compile official city map. A survey crew was on site for further survey work.

Barbara said she and the mayor worked closely with the appraisal district on the project. A representative of Bison Creek, in attendance tonight, will share the official City map with council members, and discuss the project.

5. Citizen Comments: Rodney Gardner spoke to council members about violation letter received re: remodel project at 1680 CR 280.

6. Mayor Warden suspended the Regular City Council Meeting at 7:23 p.m. to enter into the Planning and Zoning Commission Meeting.

7. Mayor Warden resumed the Regular City Council Meeting at 7:34 p.m.

8. Consider and take action on Planning and Zoning Commission ruling on Cheshire Addition, FM 987
Motion to approve the Planning and Zoning Commission ruling to approve the Cheshire Addition, FM 987 plat and drainage plan: Council Member Wages Second: Council Member Parker In Favor: Unanimous

Motion to approve the Planning and Zoning Commission's decision to approve the Cheshire Addition, FM 987 plat and drainage plan: PASSED

9. Consider and Act on City Storm Water Drainage Ordinance (Bedrick/atty request)

Mayor Warden re-introduced the City Storm Water Drainage Ordinance noting he wanted Council Member Sherrard's feedback since he was unable to attend the last council meeting. Mayor asked City Administrator Bedrick to provide background. She explained the flooding on CR 279 near the single family residential project had made City more aware that drainage was not as good as it could be, partially because some homeowners and property owners failed to maintain their culverts, keep them free of debris, and open to help floodwaters drain better. Discussion with the attorney led to his opinion the city adopt a storm water drainage ordinance to help protect the safety and health of the public and residents. The attorney said the ordinance would also provide ordinance support for city letters. Council Member Sherrard agreed it would be a good idea to adopt a storm water drainage ordinance.

Motion to approve the City of Post Oak Bend Storm Water Drainage Ordinance: Council Member Parker Second: Council Member Sherrard In Favor: Unanimous

Motion to approve the City of Post Oak Bend Storm Water Drainage Ordinance: PASSED

10. Review and take action to adopt official City of Post Oak Bend map

Mayor Warden said he was glad the city efforts from the past two to three years culminated in an official City map. Administrator Bedrick agreed, and said she asked a Bison Creek Land Services representative she worked with to present the map to Council. Daniel Delk discussed the official map, including the addition of specific ordinances from Bedrick which impacted the city limits. Delk illustrated the numerical coordination of the specific ordinances and dates to specific sections of the city limits. Working with city administrator Bedrick, and the Kaufman Appraisal District, Daniel compiled map coordinates and tied up any remaining issues. His survey crew came out and did additional measurements. Daniel also presented council with official metes and bounds. He discussed the map and questions with all council members. Daniel and the City administrator will work with the county appraisal district on procuring an updated map of properties which fall within the City Limits. That will be available at a later date.

Motion to approve official City of Post Oak Bend map, including metes and bounds: Council Member Parker
Second: Council Member Wages In Favor: Unanimous

Motion to approve official City of Post Oak Bend map, including metes and bounds: PASSED

11. Discussion item: Angelina Road – Parker / Bedrick

Council Member Parker said any concern over Angelina Road and authority to repair it was cleared up by conversation with the county and re-enforced by the City's Official Map. Bedrick noted the City map indicates a distance of only 400 feet from CR 279 as the City's authority and responsibility.

12. Mayor Warden suspended the open council meeting to go into Executive/Closed Session per. Section 551.071 – Consultation with attorney: CR 280 permit violations at 8:14 p.m.

13 Mayor Warden re-opened the Council Meeting for action on items discussed in executive session at 9:17 p.m.

Motion to waive the fees and penalties for violating Ordinance 32 for Rodney Gardner: Council Member Novak
Second: Council Member Wages In favor: Unanimous

Motion to waive the fees and penalties for violating Ordinance 32 for Rodney Gardner: PASSED

A city workshop it to be held on remodel building projects and permits. An upcoming deadline will be set for all remodel building projects to begin compliance with City's Building Ordinance and adopted codes.

Motion to reduce the violation fines and penalties for violating Ordinance 32 for Randall Gardner to \$500, keep the permit fee (\$1480) and payment of the attorney letter of acquiescence (\$140.00): Council Member Sherrard

Second: Council Member Wages In Favor: Sherrard, Wages, Parker, Novak, Rogers

Motion to reduce the violation fines and penalties for violating Ordinance 32 for Randall Gardner to \$500, keep the permit fee (\$1480) and payment of the attorney letter of acquiescence (\$140.00):PASSED

14. Adjournment

Motion to adjourn the May Council Meeting: Council Member Wages Second: Council Member Rogers

The May 11, 2021 Regular City Council Meeting was adjourned at 9:27 p.m.

Attest:

Approve:

Barbara Bedrick, City Secretary-Administrator
City of Post Oak Bend

Hank Warden, Mayor
City of Post Oak Bend