

# CITY OF POST OAK BEND

## Minutes of City Council Tuesday, May 9, 2017 Meeting . Community Center 1175 CR 278

1. Mayor Raymond Bedrick called the Tuesday, May 9, 2017 regular Post Oak Bend City Council Meeting to order at 7:01 p.m.

Present: Mayor Bedrick Absent: Dr. Stephen McMahon

Judy Ball

Jimmy Lambeth Also Present: City Secretary Barbara Bedrick

Jon Hicks Marcia Rayne Denton & John Denton

Billy McMahan John Negrete

Others Present Cont: Zoe & Fagan Howland Ed & Lona Domaracki

Blake Clickner Alison Novak, daughter

David Drennon

2. Pledges of Allegiance to America and Texas flags

3. Consider and act on approval of Minutes of April 11, 2017 Regular Council meeting, and April 11, 2017 Zoning Commission meeting.

Motion was made by Jon Hicks to approve minutes of April 11, 2017 Regular Council meeting with correction: Billy abstained on Item 12, and to approve April 11, 2017 Zoning Commission Meeting as written. Second: Billy In Favor: All Motion: PASSED

4. Consider and act on Financial and Secretary Reports - April 2017

Secretary provided financial statements based on bank April bank statements and updated Council on several new home permit apps. Motion to approve Financial & Secretary Reports/April '17: Billy 2nd: Judy In Favor: All Motion: Passed

5. Citizen Comments: Comments on 2151 Kandy Ln., property tax in Post Oak Bend City

6. Consider and Act on CPA for planned 2016 city audit

Mayor Bedrick and City Secretary Barbara Bedrick contacted Oak Ridge, Oak Grove and Scurry to see if those cities do audits, which Council had wanted to find out. He found that Oak Ridge, through former mayor contact, hired Trinity Valley Electric's Chief Financial Officer Bryan Woods, CPA, on \$50 monthly retainer. Woods by phone said he contacted TML to see if this setup would suffice for state laws, and TML agreed he said to that, and an annual financial statement. Mayor Bedrick talked to a longtime Kaufman CPA about doing same for our city. He has agreed. Question raised to ask Mr. Robert Dillard whether annual financial statement will be legal. Mayor said he would meet with him Friday and would get his response. Motion to table for Mr. Dillard's response: Billy 2nd: Jon In Favor: All Motion: Passed

7. Consider and take action on purchase of a second truckload of road repair materials

Mayor Bedrick said he and Jimmy Lambeth worked repairing potholes with truckload of road materials, that Billy pitched in some, and another resident. Mayor said still several large holes on CR 279 that need filling, along with CR 277 and Cr 278. He said work on CR 280 and 281 will require sealcoat and county labor and equipment. Billy said there was an issue at a curve on 280. Mayor Bedrick said he had a call from the school district requesting assistance to deal with culvert and drainage problem on 280. Mayor drove tractor there, and moved some dirt to temporarily allow buses to drive there. Mayor Bedrick said he would check with Mike Hunt on 280, 281 on sealcoat and pothole repairs, if they are compatible.

Motion to approve purchase of 2nd truckload of road repair materials: Billy 2nd: Jimmy In Favor: All Motion to purchase 2nd truckload: PASSED

8. Consider and take action on residential permit application - Tilson Homes

City Secretary Barbara Bedrick provided update and status of residential permit application for 2121 Bent Trail. Barbara reported she provided permit apps and requirements to Tilson Homes representative, and then met personally with him for a permit app review at the City. All requirements appeared to be met. Then, she asked Bill Burns, building inspector, to review plans. He had reviewed, and released to Council.

Motion to approve a residential building permit for Tilson Homes: Jon 2nd: Jimmy In Favor: All Motion: PASSED

9. Consider and Act on preparation on revised interlocal agreement with Kaufman County on subdivision regulation in the City ETJ

City Secretary updated Council on status of this issue, as councilman Lambeth had wanted subdivision agreement to state city is in charge, instead of a recent agreement stating County is. Mayor Bedrick and City Secretary met with the Randy

Richards, Director of Kaufman County Public Works. which handles subdivisions. Richards stated the County doesn't deal with anything other than commercial subdivisions. He said he doesn't review small subdivisions. Mayor Bedrick met with Judge Wood about dissolving the agreement giving county authority, and he said that should be possible. Mayor thinks it should be rewritten and then, as Judge Wood required, to take to county for approval.

Jon write a new one, and take it to them.

Motion to keep jurisdiction, change dates, take to commissioners and judge to accept

Motion: To rewrite 2004 interlocal agreement to update date, end date and how to change if necessary: Jon 2nd: Billy In Favor: All Motion: PASSED

10. Consider and Act to request 2017-2018 interlocal road agreement with Kaufman County

Mayor Bedrick stated its time for City to renew interlocal road agreement with Kaufman County as current one expires in late June. Billy said don't we get materials from county now, to which the mayor replied, no, materials are purchased directly. Mayor makes all arrangements directly. Com. Vrzalik had cited state law regulates county/city and does not allow for 50/50 split on projects. Com. Hunt says the Constitution states county has to be compensated.

Motion: Re-draft interlocal road maintenance agreement with Kaufman County, one version with 50/50 split, and prepare to offer each version to the County for approval. Jon (Jon agreed to re-draft, if City has original from last year.) 2nd: Jimmy In favor: All Motion: PASSED

11. Consider and take action on setting public hearing for increase in city's sales tax portion to state allowed amount

Mayor Bedrick said the attorney had recommended the City take action to increase sales tax percentage to enable the City to receive the remaining 1/2 percent available city sales tax. The store is collecting 8.25%, but the City only receives 1.5%. State sales tax is only 6%. Billy said we are losing 1/2 percent every time someone purchases anything in our city. Jon said his only concern was in reference to the sales tax chart the City Secretary provided which says only 1/4% can be used for roads. Jon said he wasn't adverse to it, as online sales also add to the sales tax. His concern is the state may say later, you don't get the additional 1/2 percent because you are using it for the wrong thing. Scurry recently had election increasing theirs to full 2 percent. The sales tax may be included on your utilities, etc.

Motion: Jon to ask the attorney when Mayor meets with him to see if more than 1/4% can be used on roads Second: Billy In favor: All Motion: PASSED

12. Consider and take action on time-sensitive proposed property tax for City of Post Oak Bend to initially pay for road repairs (County must receive request by July 1, 2017 for taxes)

Many residents who drive the city roads who have contacted the City upset about the bad roads, potholes, etc. expressed they would be agreeable to paying a property tax if it contributed to repairing the roads. Former 20-plus year Kaufman County Tax Assessor/Collector Donna Sprague discussed necessary steps with the City. She said she was surprised at how the City functions or repairs roads without a property tax. The County requires notification and arrangements of a city's property tax by July 1. She suggested the City get a copy from tax appraisal district of total property values in our city to help determine how much funds this would generate. Each resident would be required to be in compliance with Kaufman Co. processing tax notices and payments, Mayor Bedrick said he wasn't necessarily in favor of a property tax. Some council said they weren't in favor. One mentioned a road assessment. But, unlike a property tax, which County enforces the City has no means to enforce. Item 12 tabled until more information from tax appraisal district.

13. Consider and take action on establishing agreement with Kaufman County Appraisal District or related department to process city's proposed property tax collection

Item 13 tabled pending consideration of action on Item 12, Property Tax

14. Consider and take action on setting May Workshop with Oak Ridge mayor and police chief to discuss options for law enforcement agreement

Council members did not seem open to discussing law enforcement options with the City of Oak Ridge, even though they had offered to come and visit with Council about their process. Oak Ridge had received police grants and a TVEC grant to support its police department.

15. Adjourn Motion to adjourn: Jon Second: Jimmy Meeting was adjourned at 7:51 p.m.

Attested

Barbara Bedrick, City Secretary

Approved by: Raymond Bedrick, Mayor