

MINUTES JUNE 9, 2020

City of Post Oak Bend Council Meeting

LOCATION: VIA TELEPHONIC & VIDEO CONFERENCE OPEN MEETING

Notice was posted of this open meeting via telephonic and video conference in accordance with Governor Abbott's Executive Order, on or about March 16, 2020, and to advance the public health goal of limiting face-to-face meetings (also called "social distancing ") to slow the spread of the coronavirus Covid-19.

1. Mayor Hank Warden called the city council meeting to order at 7:01 p.m.

Roll Call: Council Members present: Joey Wages, Ronnie Sherrard, Mike Parker and Dr. Stephen McMahon. Not present: Alison Novak Also Present: Barbara Bedrick, City Secretary Pledges to the American and Texas flag were recited. Mayor Warden said there were some last minute adjustments and agenda items 9, 11 and 15 were removed from agenda. Warden stated he talked with Barbara about holding this Zoom meeting. We will monitor the July meeting time.

2. Consider and Act to approve May 12, 2020 Council Minutes

Mayor Warden said council received the minutes (May 12, 2020) for review prior to meeting.

Motion to approve the May 12, 2020 Regular City Council Meeting: Council Member Wages Second: Council Member Sherrard In favor: Council Members Wages, Sherrard and Dr. McMahon. Opposed: None Abstained: Council Member Parker (absent @ 5/12 meeting. Motion to approve May 12, 2020 Council Minutes as stated: PASSED

3. Consider and Act to approve May Financial Report / Disbursements - Dr. McMahon, Finance

Officer , City Secretary-Treasurer Barbara Bedrick

Mayor Warden said profit and loss statement shows local sales tax income was very robust, a little over \$5,000. Financial Officer Dr. McMahon said financials look good. City Secretary Bedrick reported receiving several building permit fees and contractor registrations in May, and a Centurylink quarterly franchise fee of \$237. Mayor Warden asked about new property owners paying culvert permit fees on CR 280 and 281. City Secretary reported one owner paid, but no one else has applied for permits. One of those culverts is apparently outside the city limits (281. Total equity is, per Mayor Warden \$77,309.

Motion to approve the May 2020 Financial Report / Disbursements: Council Member Sherrard

Seconded by: Council Member Wages In Favor: All Opposed: None

Motion to approve the May 2020 Financial Report / Disbursements: PASSED

4. Consider and accept Secretary Update

The City Secretary updated three projects she's spearheading: City Map, building permits and plans, and the COVID-19 Project and Grant. City Secretary Bedrick reported on City Map progress. Referral to Bison Creek Land Services drafted a reasonable proposal. She and Mayor Warden met earlier this year with the appraisal district GIS director about map issues. Barbara provided maps and GIS measurements to Bison who gave City an estimate. When discussing this with the original city surveyor, he estimated around \$5,000 expense. The appraisal district's GIS director reviewed Bison's estimate, and reported it seemed very cost-conscious. Barbara will provide annexations and disannexations ordinances and metes and bounds to Bison. Building Permit Update: Two permits issued. The City issued a building permit this afternoon for 4825 FM 987. This permit took longer than most because all plans (electrical, floor, etc) weren't submitted with the application. Property owners hired a barndominium contractor about six months ago. When he met with owners and the city, some required plans weren't submitted, including electrical. Our third-party plan review team, Bureau Veritas, cannot review and approve without all plans. Months went by before the owners called saying they had a new contractor.

Road repair estimates were obtained, and an open records request will be honored next week if possible. COVID-19 UPDATE: City Secretary Bedrick gave a COVID-19 update, including 294 cases with 42 in Kaufman, 47 active cases. COVID-19 updates have been made to the City's website, and guidelines posted.

Council Member Parker made a motion to accept City Secretary Report. Second: Council Member Wages. In favor: All Opposed: None Motion to accept City Secretary Bedrick May Report: PASSED

5. Citizen /Public Comments: There were no comments.

6. Consider and Act to approve City Map project expense

Mayor Warden reviewed the city map project proposal that City Secretary Bedrick provided from Bison-Creek. He said the expense to address map issues will not exceed \$3,500. Warden said original surveyor had estimated about \$5,000 for the map project. Council Member Wages asked if this project would clear up concerns about City map. Secretary Bedrick responded appraisal district's GIS director advised it would. Technology has changed since 1978 when City was first surveyed. She said Bison's surveyor will do field work on site. Wages asked why this would be legal when what was done before was not. Barbara responded the GIS director had explained a map boundary section was not closed, and that Bison will go out do field work, measure the metes and bounds, use GIS technology, and review the annexations and disannexations to ensure map measurements are accurate. Prior councils weren't aware the surveyor who had updated the city's map over the years did not come to city and do field work. Barbara said she and Mayor Warden met with county appraisal authorities about the best way to address. We were assured the county will accept this. As far as concerns over having to pay city taxes on home when only 20 feet are in the city limits, the appraisal district said they would not pay city taxes on their homes. Mayor Warden said these are licensed surveyors. Once Council adopts map, it will be filed with the county.

Motion to approve Bison-Creek Land Services, Inc. for the City map project: Council Member Wages Seconded by: Council Member Sherrard In favor: All Opposed: None

Motion to approve Bison-Creek Land Services, Inc. proposal for the City map project: PASSED

7. Consider and Act to approve road repairs CR 277 and CR 280 expense

Council Member Sherrard said city sought estimates. City Secretary Bedrick said L&S Paving, Athens, submitted proposal on CR 277 for hot mix, pack and roll for \$6,900, and CR 280: grade and add 100 tons of recycled asphalt, roll and pack for \$6,750. Mayor Warden said the county bids were a huge difference with expense of \$38,819 for CR 277, and \$30,000 for CR 280, while L&S Paving were the low bid.

Motion to approve L&S Paving to repair sections of CR 277 and CR 280: Council Member Parker

Second: Council Member Sherrard In Favor: All Opposed: None

Motion to approve L&S Paving proposal to repair sections of CR 277 and CR 280: PASSED

8. Consider and Act on COVID-19 Funding Project – Request of City Secretary

City Secretary Bedrick presented information on the CARES Act funding for cities related to COVID-19 which would include thermometers, plexiglass protections, hand sanitizers and more. County emergency management coordinator mentioned the capacity for technological support during COVID-19. Council Member Sherrard asked if the Zoom meeting program would be included. Secretary Bedrick said it is directly related. Mayor Warden asked for a motion to authorize City Secretary Barbara Bedrick to submit application, and spearhead this project. Council Member Wages wanted to know if the City would have to pay the money back. Bedrick said this wasn't a loan but a grant program, so money would not be required to be paid back.

Motion to empower City Secretary Bedrick to pursue COVID-19 CARES Act funds project: Council Member Wages Second: Council Member Parker In Favor: All Opposed: None

Motion to authorize City Secretary Bedrick to pursue COVID-19 CARES ACT application and oversee the project: PASSED

10. Consider and Act on request for special road tax district per Transportation Code 256.052

Mayor Warden said Council should have the information from Secretary Bedrick re: response from Dallas counsel. Barbara stated counsel and TML were asked to review the option for a special road taxing district per Transportation Code 256.052, and advise if its applicable to the City of Post Oak Bend to pursue. Initial TML response indicated not available for the City. We followed up with TML and the response was the same. Tax can be used for county, but not in the city. Dallas counsel responded this section of the Transportation Code applies only to Counties and their political subdivisions or defined district, not the City of Post Oak Bend. The City Council now has these two legal responses about the road taxing district, and it appears that is not an option.

Mayor Warden said based on legal advice, this road tax is not a legal option for the City. Council Member Wages asked that we send a letter to the person requesting road tax district so he knows City resolution of this issue. Warden asked was there a motion that the Council has considered the special road tax district per Transportation Code 256.052, and deemed it is not for the City of Post Oak Bend, per legal advice.

Motion that Council considered the special road tax district per Transportation Code 256.052 and based on city legal advice, it was determined this was not an option for the City of Post Oak Bend: Council Member Parker Second: Council Member Sherrard In Favor: All Opposed: No

Motion that Council considered the special road tax district per Transportation Code 256.052 and based on city legal advice, it was determined this was not an option for the City of Post Oak Bend: PASSED

12. Exit regular council open telephonic/videoconference meeting into Executive Session Videoconference at 8:13 p.m. per Texas Local Government Code § 551.071 [Consultation with attorney, pending legal action, 2408 Kandy Lane]

13. Mayor Warden resumed the Open Telephone/Video Conference Council Meeting at 8:26 p.m.

14. Consider and Act on items discussed in Executive Session

Motion to approve city attorney to take further legal action on 2408 Kandy Lane for both remuneration for city legal fess and release of liability: Council Member Wages Second: Council Member Parker In Favor: All Opposed: None

Motion to approve city attorney to take further legal action on 2408 Kandy Lane case for both remuneration for city legal fees and release of liability: PASSED

16. Adjournment

Motion to adjourn: Council Member Sherrard Second: Council Member Parker Motion passed. Council adjourned at 8:35 p.m.

Approved: _____

Hank Warden, Mayor

Attest:

Barbara Bedrick
City Secretary