

City of Post Oak Bend
City Council Minutes
July 13, 2021 Meeting.

1. Mayor Alison Novak called the meeting to order at 7:02 p.m. Pledges to the U.S. and Texas Flags were recited.

Council Members Present: Joey Wages, Mike Parker and Ronnie Sherrard Council Member Rogers entered meeting at 7:30 p.m. Also present: City Administrator/City Secretary Barbara Bedrick, Dan Franklin, E TTL Engineering, Tyler Hendrickson, Velvin & Weeks, Steve Howie, Kaufman County Emergency Management Director

2. Consent agenda items were addressed individually. Mayor Novak led council through each item to vote:

a. Approve Minutes of June 8, 2021 City Council Meeting: Motion to approve June 8, 2021 City Council Minutes: Council Member Wages Second: Council Member Parker Vote: Unanimous Motion to approve the June 8, 2021 Post Oak Bend City Council meeting minutes: PASSED

b. Approve City Secretary-Treasurer Financial Report and disbursements: City Secretary-Treasurer Bedrick reported City June expenditures included the \$13,939 road boring study with E TTL Engineering, \$5,000 to Bison Creek for city official map, a memorial to the family of one of the city founders and resident, Homer Norville, per former Mayor Warden. Sales tax income was \$4,610. The balance sheet recorded total revenues of \$87,201.

Motion to approve the secretary-treasurer report: Council Member Parker Second: Council Member Wages Vote: Unanimous
Motion to approve the June secretary-treasurer report: PASSED

c. Approve \$3,200 payment into Kaufman County Escrow Account for Council approved 2021 Kaufman County mowing contract for \$3,200 *Since 2017, standard practice to comply w/county requirements to pay funds into escrow account after County approves agreement) Motion to approve payment of \$3,200 into Kaufman County Escrow Account on council approved 2021 Kaufman County mowing contract, \$3,200: Council Member Wages Second: Council Member Sherrard Vote: Unanimous

Motion to approve payment of \$3,200 into Kaufman County Escrow Account for council approved 2021 Kaufman County mowing contract for \$3,200: PASSED

d. Approve renewal for City Administrator/Secretary expending up to \$250 for necessary city expenses, including court filings, copies, supplies

Motion to approve renewal of City Administrator/City Secretary expending funds of \$250 for necessary city causes: Council Member Parker Second: Council Member Wages Vote: Unanimous Motion to approve renewal of City Administrator/Secretary expending of up to \$250 on necessary city expenditure causes: PASSED

3. City Administrator Update

City Administrator Barbara Bedrick provided the following: Building permits : New residential permit ready to be issued for Kandy Lane site and builder, pending fee submittal.

- New building permit submitted for an accessory building at 5309 Kings Creek. Mayor Novak approved the letter, which was sent June 23, 2021 notifying the owners they were in violation of City Ordinances requiring building permits for shop/accessory building and violation. The owner contacted the City a week after letter mailed. Barbara met for almost two hours with the owner discussing city code requirements, and violations of City Ordinance 32 and City Ordinance 22. An incomplete building permit application was received with no plans or permit fees. Soon after, the owner emailed a hand-drawn plan that was submitted to Bureau Veritas plan review team. Bureau Veritas has responded it cannot approve the permit application plan without an engineered foundation letter. The City will discuss further with Bureau Veritas.
 - Hank Warden contacted the City concerned about road damage on CR 280 where concrete trucks drove to pour foundations at three new home sites. The builder submitted its road impact fees of around \$1500 to the city. The City reached out to the builder requesting a possible repair of the impacted road.
 - A resident contacted the city yesterday to find out whether he could build a garage with a bathroom and bedroom in Scattered Oaks subdivision. It was explained an addition with a covered walkway connected the two structures would be required.
4. Public Comments – Property owner David Blaylock spoke to Council about 5309 Kings Creek and accessory building he had a contractor build, mistakenly w/o permit.
5. Presentation: Road Boring Study on City Roads: Dan Franklin with E TTL Engineering Consulting presented the road borings study his firm conducted for the City, thanking Council Members Sherrard and Rogers for their help in reviewing the roads and conducting the study. He reported the roads were in better shape than he expected. However, he said the heavy truck and trash collection vehicles, along with horse trailers traveling up CR 2789 and down CR 277 to the old Whippo Ranch and Arena on CR 277 were causing a lot of road damage in the City. He discussed the road bore process conducted and discussed several options available to repair and improve the roads including one in which he recommended a lesser expensive repair like cement treating roads, another option to add six inches of cement over four inches of asphalt, to totally rebuild the roads. Franklin responded to various questions from Council members including Council Member Rogers question and comment on cement treating the current roads. Council Member Parker asked about the impact of the drainage and the roads. Franklin responded that the drainage situation on most of the City's roads were a major issue and must definitely be addressed before the roads are repaired. He said culverts, lack of and clogged up culverts were issues. One of the most important issues he said was that going forward the City should have the roads sealed. Council Member Wages asked were the current pothole repairs with cold asphalt sealed. Franklin said no they are not and would not hold up well. Hot asphalt, he said, would be a much more effective choice to repair potholes because it provides a seal and holds up longer.

6. Update and Discussion on Velvin and Weeks Road and Drainage Study- Tyler Hendrickson, Velvin & Weeks

Tyler Hendrickson, engineer with Velvin & Weeks of Athens, gave an update on the road and drainage study. He noted that from the ETTL Engineering Study of City roads, and his further work, the City could be able to submit for bids to have road work done. Council asked what the life of the roads would be using the better but more costly repairs, and he said about 20 years. He reiterated the concern about sealing the roads, especially those who have been completed in recent years, this would be by hot asphalt on potholes, and it would be a special sealing on top of the road repairs done by adding more base on CR 280 east and on CR 277. He then updated Council on his study portion of the process. At this point, he said his company has completed the aerial maps of city roads to review roads, waterways, etc. He emphasized the importance of a drainage study and said that would be the next step in the process to improve the roads. Mayor Novak thanked both engineers, Dan Franklin and Tyler Hendrickson, for joining Council tonight to help provide invaluable insight in this road improvement process.

7. Discuss and consider action on Hazard Mitigation Grant funding request for storm sirens - Steve Howie, KC Emergency Management Director

Steve Howie discussed the county reverse 911 emergency system that provides alerts to residents who sign up at no cost to the city or residents. He explained why this set up would work better for the city because notification is quicker, it is only for this specific polygon, is free and requires no maintenance. Howie explained to the council that an outdoor weather alert system only reached ½ to one mile distance. He said the City probably would need any as six sirens to cover the city at an expense of \$180,000. He added a liability issue exists if even one resident cannot hear the siren and his home is destroyed. There was an agreement to opt for the county emergency notification program.

8. Discuss and consider action to approve \$4,000.00 additional payment into escrow to fund FY20-21 Kaufman County/Post Oak Bend pothole maintenance interlocal for monthly projects through September 2021

Council Member Parker reported that the Kaufman County Pct. 1 road supervisor said more funding was necessary to complete the City's pothole maintenance program through September. City staff received verification from the county that \$4,000.00 should finish this fiscal year.

Motion to approve \$4,000.00 additional City payment into county escrow to complete FY20-21 funding for City's pothole maintenance program through September: Council Member Wages Second: County Member Rogers Vote: Unanimous

Motion to approve \$4,000.00 additional City payment into county escrow to complete FY20-21 funding for City's pothole maintenance program through September: PASSED

9. Consider action to approve two loads of crushed concrete for repairs on Klassik K Road

Council reviewed the estimates via Barbara's laptop as passed around to each council member for road materials. Motion to approve Vrzalik Sand and Gravel to deliver two loads of crushed concrete to Klassik K road: Council Member Rogers

Second: Council Member Sherrard Vote: Unanimous

Motion to approve Vrzalik Sand and Gravel delivery of two loads of crushed concrete to repair Klassik K road: PASSED

10. Consider action to approve building maintenance repairs

Council reviewed the estimates via Barbara's laptop as passed around to each council member for power wash removal of algae and mold from building exterior. Two estimates: \$500 and \$350. Motion to approve the \$350.00 estimate to power wash and remove algae on exterior: Council Member Rogers Second: Council Member Parker Vote: Unanimous

Motion to approve the \$350 expenditure to power wash building exterior's algae: PASSED

11. Amend the Order for Special Election and Special Election Resolution to state two different terms for open council seats (per Secretary of State Revised guidance 6-14-2021)

Mayor Novak called on City Administrator Bedrick to explain the amendment required by Secretary of State. Barbara reported that the Secretary of State's office had determined the special election order and resolution needed to reference two council terms, one until May 2022, and the other until May 2023 with an amendment.

Motion to approve amendment of Order for Special Election and the Special Election Resolution to state two different terms for open council seats: Council Member Parker Second: Council Member Rogers Vote: Unanimous

Motion to approve amendment of Order for Special Election and Special Election Resolution to state two different terms for open council seats: PASSED

12. Take action to amend the FY 2020 Budget – It was determined that no further FY 2020 budget amendments were needed, and the item was removed from the agenda.

13. Take action to amend the FY 2020-2021 Budget

Mayor Novak referenced the proposed budget amendments for FY20-21, and Administrator Bedrick stated the budget increases included an Elections category increase from the county estimate of \$3,400.00 to total \$4,826.91 (an increase of \$1,496.91), a Maps category increase from the estimated expense of \$3,500.00 to \$5,000.00, (an increase of \$1,500.00), and a Roads and Repairs category increase from \$40,206.00 to \$78,061.00 (an increase of \$37,855.00.)

Motion to approve the proposed budget increase amendments for FY 20-21 totaling \$40,851.91: Council Member Rogers Second: Council Member Parker

Motion to approve the proposed budget increase amendments for FY 20-21 totaling \$40,851.91: PASSED

14. Consider and act on violation of City Ordinance 32 by owner of 5903 King's Creek constructing accessory building/shop without permit, plan review, approval or inspections and for violation of City Ordinance 22 (Zoning Ordinance) by building accessory building prior to having constructed a single family residence to which it would be an accessory building.

Mayor Novak said the two city ordinances (Ordinance 22 and 32) do require that accessory buildings be constructed after the completion of a single family residence. Barbara said that in this case, the SFR has not been constructed, nor was a building permit applied for prior to construction of accessory building/shop. However, in the owner's defense, he said in a nearly two-hour meeting with Barbara that his building contractor had told him he was registered with the City and that nothing else was required. Barbara said she and the mayor sent a letter from the City, but by the time it was read, owner's contractor had finished the metal accessory building. Council Member Sherrard noted the City violation notice was issued and that led to work by the City on a resolution. Fines can range from a \$25 up to \$2,000. Discussion ensued over whether this would set a precedent of allowing construction of structures in violation of City adopted building codes and city ordinances. Council Member Parker asked how many violations, and staff reported two. Motion to issue violation fines of \$25.00 for each law violation for a total of \$50.00: Council Member Parker Seconded by Council Member Wages Vote: In favor: Council Members Parker, Wages, Sherrard Abstaining: Council Member Rogers
Motion to issue violation fines of \$25.00 for each of two violations of City Ordinance 32 and City Ordinance 22 for total of \$50.00: PASSED

15. Discussion of American Rescue Act Funding

Mayor Novak said she had learned the City of Post Oak Bend is eligible for over \$180,000 in grant funds through the American Rescue Act. She stated that she and Mike Parker would attend a training session this week to learn how to apply for the grant funds.

16. Discussion: Hiring part-time certified code enforcement officer for City of Post Oak Bend

Council Member Mike Parker said he had talked with a code enforcement officer who works for another city who may be interested in helping Post Oak Bend.

Council members discussed a possible two hour a week position for a certified code enforcement officer. (Previous council discussions on this issue had considered \$25.00 an hour too much for the City to pay.) Administrator Bedrick asked that Council consider a three-trade certified inspector who is trained to address the major issues including electrical, plumbing and HVAC. Council agreed this would be a big help to have a specific code inspector designated to drive the city for potential violations and, if necessary, issue citations. City Administrator Bedrick said it would be critical for the code enforcement officer to review city ordinances and adopted building codes.

17. Discussion: Hiring third-party CPA or accountant to review and approve monthly city secretary-treasurer reports for council
City Secretary-Administrator Bedrick said that some cities the size of Post Oak Bend hire a third-party independent accountant or CPA firm to review monthly city secretary-treasurer reports for the City to add an extra layer of oversight. This would, she said, provide a professional third party review as a second set eyes on the city's financial records. Some cities have accountants actually record the monthly expenses and revenues and then run reports. Council Members Sherrard, Wages, Parker and Rogers appeared to favor the idea of a professional set of eyes looking at monthly reports. Council Member Wages asked how much it would cost. Barbara said Talty, which has at least seven employees, including police, a payroll, Texas unemployment taxes and Medicare/Social Security tax reporting and calculations, pays about \$600.00 a month. However, for a city like Post Oak Bend with only one part-time person, the cost would likely be significantly less because of a smaller workload. Council said they would like to see rates to consider this at one of its next council meetings. Barbara said she would research rates, and update possibly by the September meeting.

18. Consider and Act to add Mayor Novak as a bank signatory for city accounts, remove Hank Warden as city signatory

Motion to add Mayor Novak as a bank signatory for City of Post Oak Bend bank accounts and remove former mayor Hank Warden as city signatory: Council Member Rogers Second: Council Member Wages Vote: Unanimous

Motion to add Mayor Novak as a bank signatory for City of Post Oak Bend bank accounts and remove former mayor Hank Warden as city signatory: PASSED

19. Consider and set date for Workshop on Remodel Building Permits

Mayor Novak and council members agreed on a Saturday, Sept. 18, 2021 date to begin reviewing remodeling building permits and building ordinances

20. Mayor Novak suspended the Council meeting to go into Executive Session per Government Code 551 at 9:01 p.m.

21. Reconvene open council meeting: Mayor Novak reconvened meeting at 9:51 p.m.

22. Consider items to add to agenda: Council Member Wages said he'd like to add the culvert situation on FM 987 in the City. No other items were mentioned.

23. Motion to adjourn the July 8, 2021 council meeting: Council Member Rogers Second: Council Member Parker

The July 8, 2021 council meeting was adjourned at 9:53 p.m.

Attest _____

Approve _____

Barbara Bedrick
City Secretary/City Administrator

Alison Novak
Mayor