

Meeting Minutes

Regular Meeting of the Oak Point City Council

Oak Point City Hall
100 Naylor Road
Oak Point, Texas 75068

Monday, March 18, 2019
6:00 P.M.



1. Call to Order, Roll Call, and Determination of Quorum.

Mayor Pro Tem Lusk called the meeting to order at 6:05 p.m. with the following roll call:

Keith Palmer	Mayor	Absent
John Lusk	Mayor Pro Tem	Present
Lynn Harpold	Deputy Mayor Pro Tem	Present
Don Lindemann	Council Member	Present
Tim Freeman	Council Member	Present
Dena Meek	Council Member	Present

City staff present:

Stephen Ashley	City Manager
Joni Vaughn	City Secretary
Donna Boner	Finance Manager
Brian Howard	Public Safety Sgt.

And with a quorum present the following items were addressed:

2. Invocation

Councilmember Harpold led the Invocation.

3. Pledge of Allegiance and Pledge to the Texas Flag

Mayor Pro Tem Lusk led the Pledge of Allegiance and Pledge to the Texas Flag.

4. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code, to wit:

Mayor Pro Tem Lusk recessed the meeting into closed session at 6:07 pm.

- a. **Section 551.071 (Consultation with Attorney) – to receive legal advice from City Attorney related to pending litigation: *Jeff Houle v. City of Oak Point, and Oak Point Board of Adjustment*, Cause No. CV-2018-03798, County Court at Law No. 2, Denton County, Texas.**
- b. **Section 551.071 (Consultation with Attorney) – to receive legal advice from City Attorney related to pending litigation: *C. Perry Marker d/b/a Texas Dirt Contractors v. City of Oak Point and Mustang Special Utility District*, Cause No. 18-11314-16, 16th Judicial District Court, Denton County, Texas.**

- c. **Section 551.074 (Personnel Matters) - to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee - Planning and Zoning Commission member or members.**

5. **Reconvene into Regular Session and take any action that is necessary as a result of the Closed Session.**

Mayor Pro Tem Lusk reconvened the meeting in regular session at 7:12 pm.

No action was taken from the closed session.

19. **Consider and act upon the resignations of board members Robert Burke from the Planning and Zoning Commission and Jerod Adams from the Board of Adjustment and Parks and Recreation Commission and appoint a commissioner to fill the unexpired term on the Planning and Zoning Commission.**

Motion to accept the resignation of board members Robert Burke and Jerod Adams and to appoint Brent Coleman to the Planning and Zoning Commission was made by Councilmember Harpold and seconded by Councilmember Lindemann.

Motion passed 5-0

6. **Public hearing to consider proposed assessments to be levied against the assessable property within Phase #1C of the Prairie Oaks Public Improvement District No. 1 pursuant to the provisions of Chapter 372 of the Texas Local Government Code, as amended.**

Mary Petty, P3 Works, explained the proposed assessments to be levied within Phase #1C of the Prairie Oaks Public Improvement District No. 1 and answered questions.

Mayor Pro Tem Lusk opened the Public Hearing at 7:33 pm.

No one came forward to speak.

Mayor Pro Tem Lusk closed the Public Hearing at 7:34 pm.

7. **Consider and act upon an ordinance accepting and approving a service and assessment plan and Phase benefit to the Phase #1C property within the Prairie Oaks Public Improvement District No. 1; levying special assessments against the Phase #1C property within the Prairie Oaks Public Improvement District No. 1; providing for method and payment of assessments in accordance with Chapter 372, Texas Local Government Code, as amended; providing for penalties and interest on delinquent assessments; providing for severability; and providing an effective date.**

Motion to approve the ordinance accepting and approving a service and assessment plan and Phase #1C assessment roll for Prairie Oaks Public Improvement District No. 1 was made by Councilmember Harpold and seconded by Councilmember Lindemann.

Motion passed 5-0

8. **Consider and act upon a resolution approving the Prairie Oaks Public Improvement District No. 1 Phase #1C Construction, Funding, and Acquisition Agreement (Phase #1C CFA).**

Motion to approve a resolution approving the Prairie Oaks Public Improvement District No. 1 Phase #1C Construction, Funding, and Acquisition Agreement was made by Councilmember Lindemann and seconded by Councilmember Freeman.

Motion passed 5-0

9. **Consider and act upon a resolution approving the Prairie Oaks Public Improvement District No. 1 Phase #1C Improvements Reimbursement Agreement (Phase #1C RA).**

Motion to approve a resolution approving the Prairie Oaks Public Improvement District No. 1 Phase #1C Improvements Reimbursement Agreement was made by Councilmember Harpold and seconded by Councilmember Freeman. Councilmember Meek wanted to disclose that she had no conversations or contact with the developer, his representatives, or his friends about these PID agenda items.

Motion passed 4-1

10. **Public hearing to consider proposed assessments to be levied against the assessable property within Phase #2 of the Prairie Oaks Public Improvement District No. 1 pursuant to the provisions of Chapter 372 of the Texas Local Government Code, as amended.**

Mary Petty, P3Works, explained the proposed assessments to be levied within Phase #2 of the Prairie Oaks Public Improvement District No. 1 and answered questions.

Mayor Pro Tem Lusk opened the Public Hearing at 7:46 pm.
No one came forward to speak.
Mayor Pro Tem Lusk closed the Public Hearing at 7:46.

11. **Consider and act upon an ordinance accepting and approving a service and assessment plan and Phase #2 Assessment roll for the Prairie Oaks Public Improvement District No. 1; making a finding of special benefit to the Phase #2 property within the Prairie Oaks Public Improvement District No. 1; levying special assessments against the Phase #2 property within the Prairie Oaks Public Improvement District No. 1; providing for method and payment of assessments in accordance with Chapter 372, Texas Local Government Code, as amended; providing for penalties and interest on delinquent assessments; providing for severability; and providing an effective date.**

Motion to approve an ordinance accepting and approving a service and assessment plan and Phase #2 assessment roll for the Prairie Oaks Public Improvement District No. 1 was made by Councilmember Lindemann and seconded by Councilmember Harpold.

Motion passed 5-0

12. **Consider and act upon a resolution approving the Prairie Oaks Public Improvement District No. 1 Phase #2 Construction, Funding, and Acquisition Agreement (Phase #2 CFA).**

Motion to approve the resolution approving the Prairie Oaks Public Improvement District No. 1 Phase #2 Construction, Funding, and Acquisition Agreement with correction to Exhibit A was made by Councilmember Freeman and seconded by Councilmember Lindemann.

Motion passed 5-0

13. Consider and act upon a resolution approving the Prairie Oaks Public Improvement District No. 1 Phase #2 Improvements Reimbursement Agreement (Phase #2 RA).

Motion to approve a resolution approving the Prairie Oaks Public Improvement District No. 1 Phase #2 Improvements Reimbursement Agreement was made by Councilmember Harpold and seconded by Councilmember Lindemann.

Motion passed 4-1

14. Community Interest

None reported

15. Public Input

Scott Dufford, 841 Oakview, addressed Council regarding PARC's decision to hire DCBA. Mr. Dufford believes the work can be done by volunteers rather than spending funds on a contract with DCBA.

David Rush, 1130 Oakview Court, addressed Council regarding the City's park and gave a Power Point presentation detailing his ideas for a plan to renovate the park.

16. Presentation and discussion of the following reports:

- **Financial Report for February 2019**
- **Municipal Court Report for February 2019**
- **Permits Report for February 2019**
- **Department of Public Safety (DPS) Report for the month of February 2019**
- **Zoning and Development Activity Report for February 2019**
- **CIP Road Update**

Donna Boner gave the financial report for the month of February and answered questions.

Councilmember Harpold reported that a new fire truck had been ordered from Pierce Manufacturing because of their excellent service record and it was considerably less than what had been budgeted to spend. The Fire Department will need to purchase more nozzles and other items for the truck.

City Manager Ashley reported that City Staff would be meeting with representatives from 7Eleven on Wednesday. City Manager Ashley also reported about the lights on FM 720; CoServ may have their lights up in a day or two. Oncor is not ready to put the lights up on their side. City Manager Ashley stated that the Capital Improvement Plan Committee met and reviewed the plan document. The CIP Committee will meet again in April.

17. Consider and act upon the minutes for the February 19, 2019 Regular City Council meeting.

Motion to approve the minutes from the February 19, 2019 Regular City Council meeting was made by Councilmember Meek and seconded by Councilmember Freeman.

Motion passed 5-0

18. Consider and act upon an ordinance cancelling the May 4, 2019 General Election.

Motion to approve an ordinance cancelling the May 4, 2019 General Election and declaring the unopposed candidates elected to office was made by Councilmember Lindemann and seconded by Councilmember Harpold.

Motion passed 5-0

20. Public Hearing on a request for a final plat of a 13.219 acre tract of land, consisting of block G, lots 9-21; Block H, Lots 12-23; Block O, Lots 3-19; of Wildridge Phase 4C situated the Elizabeth A. Shahan Survey, Abstract No. 1204, City of Oak Point, Denton County, Texas, being a portion of a called 191.237-acre tract, described as Tract 10A in a Special Warranty Deed to LH Wildridge, LLC, recorded in Document No. 2017-20269, Deed Records, Denton County, Texas.

City Manager Ashley explained the request for a final plat.
Mayor Pro Tem Lusk opened the Public Hearing at 8:17 pm.
No one came forward to speak.
Mayor Pro Tem Lusk closed the Public Hearing at 8:17 pm.

21. Consider and act upon a request for a final plat of a 13.219 acre tract of land, consisting of block G, lots 9-21; Block H, Lots 12-23; Block O, Lots 3-19; of Wildridge Phase 4C situated the Elizabeth A. Shahan Survey, Abstract No. 1204, City of Oak Point, Denton County, Texas, being a portion of a called 191.237-acre tract, described as Tract 10A in a Special Warranty Deed to LH Wildridge, LLC, recorded in Document No. 2017-20269, Deed Records, Denton County, Texas.

Motion to approve a request for a final plat of a 13.219 acre tract of land, consisting of block G, lots 9-21; Block H, Lots 12-23; Block O, Lots 3-19; of Wildridge Phase 4C situated the Elizabeth A. Shahan Survey, Abstract No. 1204, City of Oak Point, Denton County, Texas, being a portion of a called 191.237-acre tract, described as Tract 10A in a Special Warranty Deed to LH Wildridge, LLC, recorded in Document No. 2017-20269, Deed Records, Denton County, Texas was made by Councilmember Freeman and seconded by Councilmember Meek.

Motion passed 5-0

22. Consider and act upon appointing an engineer to design Capital Improvement Projects.

City Manager Ashley explained the process of appointing an engineer to design capital improvement projects, answered questions, and relayed to Council that the committee that reviewed the engineers' qualifications recommended Brown and Gay as their selection for city engineers.

Councilmember Lusk made a motion to appoint Brown and Gay as the engineering firm to design the City's capital improvement projects and to authorize the City Manager to engage Brown and Gay to design the capital improvement projects and seconded by Councilmember Harpold.

Motion passed 5-0

- 23. Consider and act to authorize the City Manager to request a proposal from the engineer to design CIP projects approved by City Council.**

Motion to authorize the City Manager to request a proposal from Brown and Gay to design capital improvement projects was made by Councilmember Lindemann and seconded by Councilmember Meek.

Motion passed 5-0

- 24. Consider and act upon a recommendation from the Parks and Recreation Commission to authorize the City Manager to enter into an agreement with DCBA Landscape Architecture for landscape architectural design and consulting services.**

City Manager Ashley explained the agreement with DCBA Landscape Architecture and relayed the Parks and Recreation Commissions recommendation to the Council for approval of the agreement. City Manager Ashley recommended Council follow PARCS recommendation and hire professionals and give the community a first-class park. He also answered questions from the Council about the agreement.

Leslie Maynard, Chairperson of the Parks and Recreation Commission, spoke on behalf of the Commission to explain the Commission's desire to use the services of DCBA Landscape Architecture to improve the City's park. Duane Olson, Brent Coleman, Dagny Boaz, and Scott Dufford each shared their viewpoint about using professional services to improve the City's park. Councilmember Meek recognized Dave Rush's email regarding using the professional services of DCBA.

Motion to approve the recommendation from the Parks and Recreation Commission to authorize the City Manager to enter into an agreement with DCBA Landscape Architecture for landscape architectural design and consulting services was made by Councilmember Lusk and seconded by Councilmember Lindemann.

Motion passed 3-2

- 25. Consider and act upon topics to be scheduled for a future City Council Meeting.**

Councilmember Meek requested a discussion to prepare for Home Rule Charter and a discussion of the franchise contracts with Republic and Suddenlink.

Councilmember Lindemann requested an Executive Session to obtain legal advice on PIDs.

Councilmember Freeman requested a discussion regarding the City working with HOAs before issuing permits.

26. Adjournment

Mayor Pro Tem Lusk made motion to adjourn the meeting; seconded by Councilmember Harpold.

Motion Passed 5-0

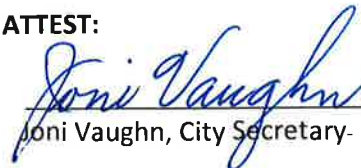
Mayor Pro Tem Lusk adjourned the meeting at 9:00 pm.



John Lusk, Mayor Pro Tem



ATTEST:



Joni Vaughn, City Secretary