

Minutes of City Council

Public Hearings and Regular Meeting of Monday, August 12, 2019

BE IT KNOWN THAT, a Public Hearing and Regular Meeting of the City Council of City of Richwood was held Monday, August 12, 2019, beginning at 6:00 PM in the Richwood City Hall, 1800 N. Brazosport Blvd. Richwood, Texas.

CALL TO ORDER

The meeting was called to order at 6:04 p.m.

INVOCATION

Lindsay Koskiniemi led the invocation.

PLEDGES OF ALLEGIANCE

Pledge of Allegiance & Texas Pledge

Mayor Pro-Tem Mike Johnson led the pledges.

ROLL CALL OF COUNCIL MEMBERS

Steve Boykin, Mayor - ABSENT

Mike Johnson, Mayor Pro-Tem

Melissa Strawn, Position 2

Matt Yarborough, Position 3

Mark Brown II, Position 4

Katie Johnson, Position 5

Others present: Lindsay Koskiniemi, Interim City Manager; Clif Custer, Public Works Director; Stephen Mayer, Police Chief; Giani Cantu, City Secretary; John Washburn, Interim Finance Director

PRESENTATIONS

Presentation of Stormwater Drainage Update - Strand Engineering

The presentation consisted of an overview of the Hazard Mitigation Grant Program applications and awards. Discussion was held on the proposals, cost benefit analysis and master drainage plan project.

PUBLIC COMMENTS

All public comments will be subject to the following rules: All speakers will be permitted to speak no longer than 3 minutes; all speakers will only be permitted to speak once; speakers cannot defer their 3 minutes to another speaker. Discussion is not allowed on items not posted on the agenda.

Martin Rodriguez stated he wants to buy the empty lot at 215 Halbert. Ms. Cantu advised Council it was previously bid out twice and not awarded and advised Mr. Rodriguez that because it is not on the agenda Council cannot reply to him directly. However, they can instruct the City Manager and staff to either proceed with posting or not.

Marilyn Schuman, 437 Oyster Creek, thanked Council for lowering the utility rates for seniors.

Mark Guthrie, 100 June Ct, if Richwood is not meeting the count, may recommend talking to representation because Richwood will get cut out every time because we can't compete with Houston.

CONSENT AGENDA

**Approval of Minutes of Previous Meetings - July 29, 2019
and August 5, 2019**

Payment of Bills

**Appoint Tara Riley to Keep Richwood Beautiful
Commission**

**Resolution adopting Fiscal Year 2019-2020 Strategic Plan
Updates**

On motion by Matt Yarborough second by Katie Johnson with all present members voting "aye" all consent agenda items were approved.

DISCUSSION AND ACTION ITEMS

**Public hearing and action on application for conditional use of home occupation stylist at
100 Misty Ct as request by Chris Hardison**

The public hearing was called at 6:55 p.m.

Randy Day, 101 Misty Ct., stated he looked at other cities when moving here. He purchased the two lots on Misty Ct in 2000. It was very quiet and zoned residential. He believes it is disturbing to the other residents that Council could consider a change to allow business in a residential area.

Mark Brown II asked what impact did it have on you as a neighbor while it was operating prior.

Mr. Day reported that the traffic increased and the zoning is residential.

Chris Hardison, 100 Misty Ct, stated the zoning is not changing. It will still be R-1. Home occupations are currently allowed in R-1. Most residents are in support of their home occupation. In regards to the traffic concern, they keep the traffic low and in accordance with city code which allows only one other care than that of the resident. He stated he spoke with a realtor that stated the building would not affect home values. He would urge Council to take into consideration all comments that have been given.

Lindsay Koskiniemi clarified she also reached out to two real estate agents. One stated yes and one stated no to affecting home values.

Public hearing closed at 7:03 p.m.

On motion by Mark Brown II second by Katie Johnson, with Katie Johnson and Mark Brown II voting “aye”, Melissa Strawn and Matt Yarborough voting “nay” and the mayor pro-tem Mike Johnson breaking the tie vote by voting “aye” the conditional use of home occupation stylist at 100 Misty Ct as requested by Chris Hardison was approved.

Public Hearing and action on FY 2019-2020 Proposed Budget of the Crime Control and Prevention District (CCPD)

CCPD revenues are generated from a percentage of the 8.25% sales and use tax and can only be used for crime prevention and Police Department related expenses.

The public hearing was called at 7:05 p.m.

Giani Cantu reported that Section 363.203-363.205 of the Local Government Code governs the budget adoption process of CCPD funds. CCPD revenues are generated from a percentage of the 8.25% sales and use tax and can only be used for crime prevention and Police Department related expenses. Approved expenditures in CCPD Funds do not affect property tax. CCPD is required to hold a public hearing on their proposed budget no later than 100 day before the date of each fiscal year begins. (This would be June 23 or before based on our Fiscal year calendar). - This was held on June 6, 2019. The proposed budget must then be presented to the City Council within 10 days of its recommendation. - This was done on June 10, 2019. City Council is required to hold a separate public hearing on the proposed CCPD budget no later than the 45th day before the fiscal year begins. (This would be August 15 or before based on our Fiscal Year calendar.) - The public hearing is being held today 8/12/19. City Council must then approve or reject the budget no later than the 30th day before the fiscal year begins. (September 1) The Council must either approve or reject the budget as a whole. If rejected, the two boards (CCPD and City Council) must meet in a joint session to discuss and amend the proposed budget before the beginning of the fiscal year. (October 1). There is time and future meetings if the Council wishes to take more time before taking action.

The public hearing closed at 7:09 p.m.

On motion by Katie Johnson second by Melissa Strawn with Melissa Strawn, Katie Johnson and Matt Yarborough voting “aye” and Mark Brown II abstaining, the FY 2019-2020 Proposed Budget of the Crime Control and Prevention District (CCPD) was approved.

Public Hearing on adopting water and wastewater impact fees

The public hearing was called at 7:10 p.m.

Kendall Ryan, Freese and Nichols in Pearland, presented the water and wastewater impact fee study.



WATER AND WASTEWATER IMPACT FEES

PUBLIC HEARING NO. 2

August 12, 2019



Water and Wastewater Impact Fee Background



- Governed by Chapter 395 of the Texas Local Government Code
- Why have Impact Fees?
 - ✓ Allows cities to recoup costs associated with infrastructure needed to serve future development
 - ✓ Alleviates burden of new facilities on existing customers
 - ✓ Makes “growth pay for a share of the growth”
- Study determines the maximum fee *allowed* by state law
- City Council sets the *actual* fee to be collected from new development



Impact Fee Process



City of Richmond
TEXAS



CIAC =
Capital
Improvements
Advisory
Committee

LUA =
Land Use
Assumptions

CIP =
Capital
Improvements
Plan

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Water and Wastewater Impact Fee Calculations



City of Richmond
TEXAS

- Determine Portion of Water and Wastewater 10-Year CIP Eligible for Impact Fees
- Utilize Land Use Assumptions to Calculate Growth in New Service Units
- Impact Fees Calculated by 50% Credit Method*

$$\text{Impact Fee Per Service Unit} = \frac{50\% \text{ of Eligible CIP Cost}^*}{\text{Growth in Service Units}}$$

*Texas Local Government Code §395.014 allows for a credit equal to 50% of the total projected cost of implementing the capital improvements plan

Water and Wastewater Impact Fee Calculations



City of Richwood
TEXAS

Maximum Allowable Impact Fee Calculation

	Water	Wastewater	Total
Total Impact Fee Eligible CIP Costs	\$8,247,389	\$8,177,919	
50% of Eligible CIP Cost ⁽¹⁾	\$4,123,695	\$4,088,960	
Growth in Service Units	1,708	1,392	
Maximum Allowable Impact Fee ⁽²⁾	\$2,414	\$2,937	\$5,351

(1) Texas Local Government Code §395.014 allows for a credit equal to 50% of the total projected cost of implementing the Capital Improvements Plan (CIP)

(2) Maximum Allowable Impact Fee = (Total Eligible CIP Costs after Credit) / Growth in Service Units

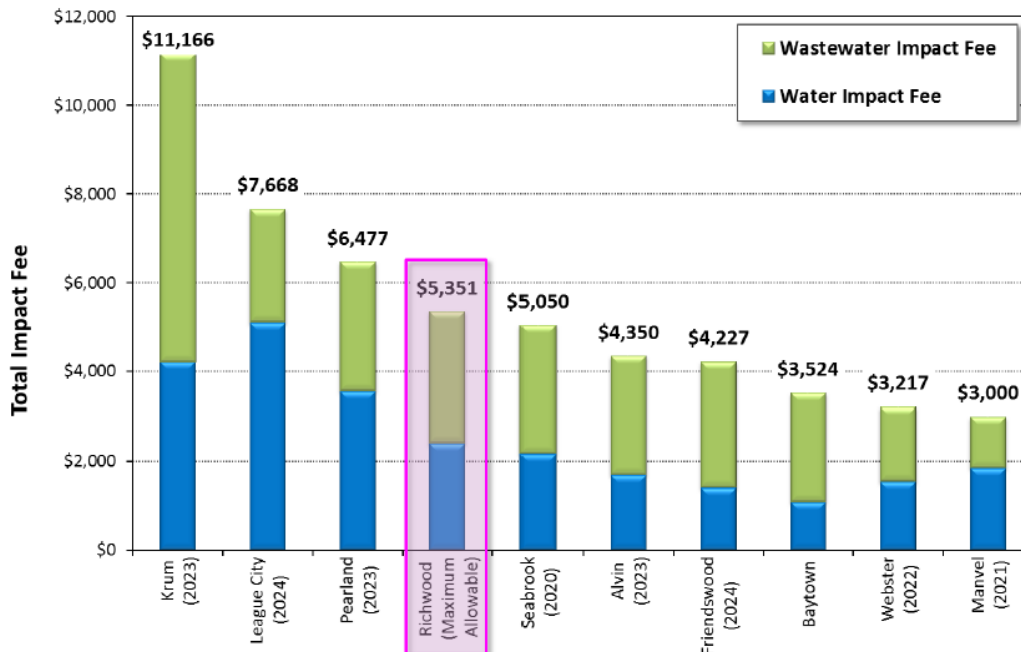
CIP = Capital Improvements Plan

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Impact Fee Comparison



City of Richwood
TEXAS

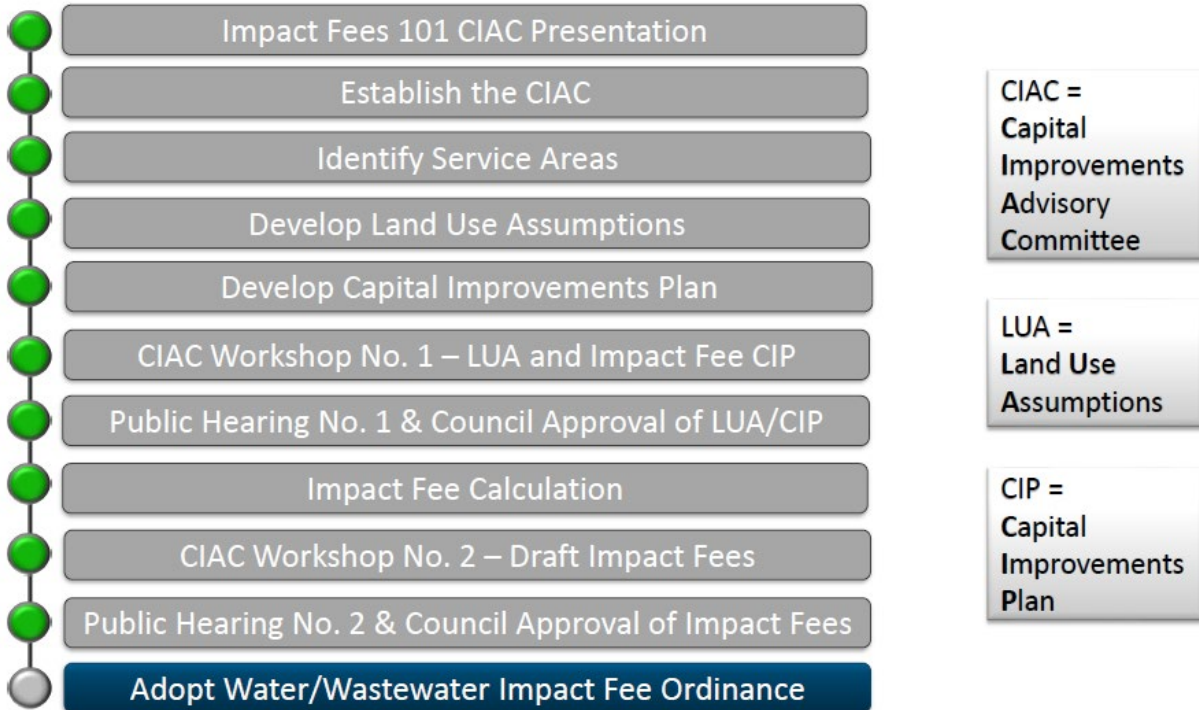


*Projected year of next Impact Fee update in parenthesis

Impact Fee Process



City of Richwood
TEXAS



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Mark Brown II asked if any of the cities neighbors have impact fees.

Kendall Ryan stated not to their knowledge. If adopted there is a one year waiting period before it can be collected.

Mike Johnson asked if it applied to new units only.

Kendall Ryan stated yes. Only new development.

Mark Brown II reported that he had spoke with a couple of builders and they stated that the permitting requirements have become cumbersome in Richwood and he's not sure if this will stifle development.

Katie Johnson asked if the city has heard from developers as far as fees are concerned.

Lindsay Koskiniemi replied that the feedback she has received is that they are pleasantly surprised that we don't have impact fees. She doesn't believe it would impact development.

The public hearing closed at 7:20 p.m.

Discuss and consider an ordinance adopting water and wastewater impact fees

On motion by Matt Yarborough second by Katie Johnson with Matt Yarborough, Melissa Strawn and Katie Johnson voting “aye” and Mark Brown abstaining the ordinance adopting water and wastewater impact fees was approved and adopted.

Discuss and consider authorizing City Manager to enter into a contract with i3-Bearcat, LLC dba NET Data Corporation, i3-Bearcat, LLC dba Graves Humphries Stahl, LTD (GHS) and i3-Bearcat, LLC dba Pace Payment Systems in the amount not to exceed \$10,200 for initial conversion costs of Case Management Software

Giani Cantu reported since our expansion and upgrade of City servers, the Court software continues to see loss of function due to incompatibility. The software has not been updated since the late 90’s –early 00’s. The existing software provider notified the Court that the only means to correct issue would be to upgrade to a newer version of software. The cost to remain with existing provider was substantial. Approximately \$29,000 of which, \$12,500 would be recurring annual expense. The Court researched and compared 4 different operating systems. Based on the courts need, the Court would like to select NetData who offers an initial conversion cost of \$10,200 plus annual maintenance costs would increase to \$7,000. The first year would allow proration depending on launch date. Staff would like to utilize existing Court Technology Funds to cover initial conversion costs in amount of \$10,200 and will be submitting a budget amendment in FY 18-19 for consideration. The remaining \$7,000 annual maintenance costs is being requested as an increase to the FY 19-20 budget. The current annual maintenance cost is \$2,500. The system is all inclusive and includes the case management software, integrated online payments and collections.

Casey Osborn, NETdata, reported the company is located in east Texas and has been in business since 1983. They focus on software applications for all governments and offer all in one solutions for payments, credit card, collections and court. They have seen collection rates increase due to their collection efforts. He discussed the delinquency process and explained all steps NETdata will take to assist the court in its daily processes. The company has added approximately about 36 cities since 2006. Due to their collections piece, they are able to waive product costs which allows them to keep their initial costs down.

Further discussion was held on the collection rates.

On motion by Matt Yarborough second by Mark Brown II with all present members voting “aye” the City Manager was authorized to enter into a contract with i3-Bearcat, LLC dba NET Data Corporation, i3-Bearcat, LLC dba Graves Humphries Stahl, LTD (GHS) and i3-Bearcat, LLC dba Pace Payment Systems in the amount not to exceed \$10,200 for initial conversion costs of Case Management Software.

Discuss and consider an ordinance amending Appendix C Fee Schedule to amend permit fees

On motion by Mark Brown second by Matt Yarborough with all present members voting “aye” the ordinance amending Appendix C Fee Schedule to amend permitting and inspection fees was approved and adopted.

Discuss and consider approving a resolution setting the date and time for public hearing for Fiscal Year 2019-2020 Annual Budget for September 6, 2019 at 6:00 P.M.

Giani Cantu reported the date is not correct on the agenda. Staff will bring back the correct information on August 19, 2019.

No action was taken.

Consider and record vote for proposed tax rate for the 2019-2020 Fiscal Year of \$0.670204, which is a tax increase of 6.23% above the Effective Tax Rate for the City of Richwood, to be adopted at a future meeting

John Washburn presented the attached tax rate estimates and general fund budget summaries with the three options of the effective tax rate, current tax rate and a rate in between. There are small impacts remaining. The workers compensation rate came in last week and still need to be distributed amongst the staff.

Mark Brown asked if the budget amounts still included the master plan and salaries.

John Washburn stated that is correct.

Mark Brown asked what capital projects are proposed to be funded.

Lindsay Koskiniemi reported she would recommend at least including the master plan.

Mark Brown asked what is the current balance in the Capital Projects Fund.

John Washburn reported there is a transfer of \$15,282.

Mark Brown asked what is the current balance in the Equipment Replacement fund.

John Washburn reported there is a transfer of \$11,707. He is still trying to figure out where the funds are owed. Both funds are important. He believes the intent was to start the process and during this fiscal year actually develop the plan with actual equipment numbers. The question for Council would be if they want to keep funding with no actual plan in place or not.

Matt Yarborough if the first page of the budget summary was with the 6.23% increase.

John Washburn reported he provided budget summaries for three tax rate options. Council will need to consider if they are comfortable with the cuts being made. His recommendation would be to choose the current tax rate and he can continue to work on other cuts as he gets more comfortable with city finances.

Melissa Strawn asked John Washburn to explain why it is considered a tax increase if there is no change in the actual tax rate.

John Washburn reported that the tax assessor uses software to calculate the tax rate. The state basically sees choosing a rate that brings in more revenue as a tax increase.

Melissa Strawn stated if the home doesn't increase in value then the taxes will be the same.

John Washburn replied all things being equal that is correct. The adjustable tax value is constantly changing and he offered Council a copy of the appraisal worksheet.

Council asked to have a copy of the worksheets emailed to them.

Katie Johnson stated last year property appraisals lowered and the city cut taxes. Does it make sense for the city to collect more revenue with a tax increase?

Melissa Strawn stated that the presentations put out prior to the bond election states the proposal would push taxes to .78 cents. She believes if we come lower than that rate, the residents would be happy.

Matt Yarborough stated that the highest rate previously presented wasn't even that amount. It was around .73 cents. He believes things are being cut that could benefit the City.

Melissa Strawn stated that if people are seeing it stay similar they will be happy to not see it go up to what was previously presented.

John Washburn reported that there is an average of 32 homes per year being added. If that continues, he can look at average values and see if it has any significant bearing on the revenue projections. However, he is old school and would count chickens before they hatch. There are a lot of discussion on the 900+ acres, but there may be many reasons why it hasn't developed as of now. The City can be sitting her 20 years from now and it remain vacant.

Mark Brown agreed. The City can focus on what we have now and try to improve the commercial development with what we have now. The only way to ease burden on citizens is to have commercial or else growing is on the backs of citizens.

On motion by Melissa Strawn second by Mark Brown with Katie Johnson, Mark Brown and Melissa Strawn voting "aye" and Matt Yarborough voting "nay" the record vote of a proposed tax rate of \$.670204 which is a tax increase of 6.23% above the effective tax rate for the City of Richwood was ratified and approved.

Discuss and consider approving a resolution setting the date and times for public hearings for the proposed tax rate for August 26, 2019 at 6:00 p.m. and September 9, 2019 at 6:00 P.M. to be held at the City of Richwood, 1800 Brazosport Blvd, Richwood, TX 77531

On motion by Katie Johnson second by Mark Brown with all present members voting "aye" a resolution setting the date and times for public hearings for the proposed tax rate for August 26, 2019 at 6:00 p.m. and September 9, 2019 at 6:00 P.M. to be held at the City of Richwood, 1800 Brazosport Blvd, Richwood, TX 77531 was approved and adopted.

Discuss and consider a resolution amending the Fiscal Year 2018-2019 Budget to create Court Security and Court Technology Funds and transferring restricted fund balance totals to the respective funds

Giani Cantu reported that Court Technology and Court Security Funds are restricted for certain uses for the municipal court by legislation. Historically, the balance of the funds has been recorded combined with the General Fund and revenues and expenditures tracked by spreadsheet. The Court would like to see the funds appropriated in their individual funds so that the accounting system can properly reflect balances.

John Washburn stated the preference would be to split the funds out separately.

Lindsay Koskiniemi reported it would be more transparent and she believes it would provide more clarity to what monies come in and tracking expenditures.

On motion by Mark Brown II second by Katie Johnson with all present members voting “aye” a resolution amending the Fiscal Year 2018-2019 Budget to create Court Security and Court Technology Funds and transferring restricted fund balance totals to the respective funds was approved and adopted.

Discuss and consider a resolution amending Section 503 of the Personnel Policy regarding employee pay days

During review of the Personnel Policy at the beginning of the year, one of the changes being proposed was a change in pay day schedule. Currently employees are paid semi-monthly (15th and last business day of month) for the work period including the pay day. (Example: 8/1-8/15 work hours is deposited and received by employee 8/15) This schedule requires that payroll is not only processed prior to the employee having worked certain hours but it does not align with the work period. This almost always results in errors in pay for the employees and corrections having to be made after payroll is done. The proposed change would allow for the employee to be paid after the work period is complete and ensure that the payroll department has accurate information prior to completing payroll. The change proposes that the employee work period will go from Wednesday through Tuesday and be paid on alternating Fridays. Staff has reviewed the current pay schedule and calendar for the best time to make the change that would have the least amount of impact on the employee. This would be to make the change effective October 1. This transition time results in essentially no loss in typical pay for the employee. It will pay them a small check 1 week after their final September check and then pay them a full normal check on bi-weekly Fridays after that. The first full bi-weekly deposit will be done on October 18th. Under the current pay schedule the employee would typically see this deposit on October 15th. Staff would ask Council to consider approving this change now so that sufficient notice may be provided to the employees prior to the change

Lindsay Koskiniemi reported while staff has not fully discussed all personnel policy changes, staff did want to get this one to Council so that we can launch effective October 1.

Mike Johnson asked for clarification that the change has no effect to the overall salary of an employee.

John Washburn stated there is no effect. The hourly rate stays the same.

Melissa Strawn stated however the employee may actually see a lower paycheck.

John Washburn replied yes. That is why staff would like as much time as possible to notify the employees.

On motion by Matt Yarborough second by Melissa Strawn with all present members voting “aye” a resolution amending Section 503 of the Personnel Policy regarding employee pay days from 24 to 26 annually was approved and adopted.

Approve items removed from Consent Agenda

No items were removed from Consent Agenda.

The meeting recessed at 8:21 p.m.

The meeting was recalled at 8:34 p.m.

FISCAL YEAR 2019-2020 BUDGET WORKSHOP

Fiscal Year 2019-2020 Proposed Budget

Water/Sewer Fund

John Washburn presented Council the attached Proposed budget for the Water & Sewer Fund.

Clif Custer reported major items include the sewer camera not to exceed 13,500 that will come in handy to assess the lines; the second big is the 20,000 addition to water line maintenance and repair for a yearly well preventative maintenance program. The current year set the city back approximately 30,000 for an unplanned well repair. With all the wells now and the new one proposed the program would entail pulling wells every five years on a rotating schedule to maintain. He is asking for funds to provide preventative maintenance that hasn't been done before.

John Washburn continued with presenting the revenue projections.

Clif Custer presented the expenditure details.

John Washburn presented the proposed rate review and analysis.

Mark Brown II reported he is not pleased about the lesser rate at keeping the deficit. Isn't the goal to be lowering the deficit and getting the water sewer fund out of debt.

John Washburn stated that is correct.

Matt Yarborough asked how do we step it up and could we see how we charge the higher users more.

John Washburn stated he could put together a look at that option.

Mark Brown II stated the city just had a rate increase and the idea was to get out of the hold and this looks like we're just digging our hole deeper. We need to figure out what rate is needed to get out of this hole. The City cannot keep operating the water sewer fund in the negative. It is not good business.

Discussion was held on possible grant possibilities that help with water and sewer infrastructure improvements.

Melissa Strawn stated she thinks that voters may be ok with lower end of what was previously said. It would not be good to charge to low and then have to come back later and ask for more.

Discussion was held on the proposed utility rate and the city's I&I rate and wastewater usage.

CITY MANAGER'S REPORT

Update on proposed amendments to the Personnel Policy

Update on home occupations workshop

Lindsay Koskiniemi reported that the auditor would be in for preliminary work September 6 and official audit the November 25, 2019. The DPS Emergency Management coordinator stated he would be willing to work with City on a second workshop for those that were not able to attend. She and Clif Custer would be attending the grants workshop on any new grants. The personnel policy review is being postponed to after the budget. The home occupations language is being reviewed by City Attorney. The advice is to remove language from the zoning ordinance and have one section that applies to specifically home occupations.

Matt Yarborough asked if there is an urgency to have the home occupations review done in September.

Lindsay Koskiniemi replied it can wait until after the budget but there are things that will still need to be addressed.

FUTURE AGENDA ITEMS

No future agenda items were presented.

REPORTS

Reports that require no action.

Financial Reports

No financial reports were presented.

COUNCIL MEMBER COMMENTS & REPORTS

Mark Brown reported that he, Matt Yarborough and Lindsay Koskiniemi attended the emergency management workshop. He would like to see protocol in place to get resources from the Texas Department of Emergency Management.

Lindsay Koskiniemi reported that she will work with Chief Mayer to see if there are resources that can be incorporated into the ready action plan.

MAYOR'S REPORT

There was no mayor's report.

ADJOURNMENT

There being no further business the meeting adjourned at 9:54 p.m.

These minutes were read and approved on this 26th day of August, 2019.

ATTEST:

Mayor

City Secretary