Minutes of City Council Regular Meeting

The City Council
City of Richwood

A City Council Regular Meeting of the City Council of City of Richwood was held Monday, May 14, 2018, beginning at 6:00 PM in the Richwood City Hall, 1800 N. Brazosport Blvd. Richwood, Texas.

COUNCIL CEREMONIES AT 5:45 PM

Recognition of Outgoing Council Members

Chris Hardison, Position 5 | 2014-2018

Lauren LaCount, Position 4 | 2016-2018

Mayor Guthrie presented service awards to Lauren LaCount. Chris Hardison was not present.

Swear in Council Members

Mike Johnson - Position 1

Mark Brown II - Position 4

Katie Johnson - Position 5

Giani Cantu, City Secretary administered statements and oaths to Mike Johnson and Katie Johnson.

CALL TO ORDER AT 6:00 PM
Mayor Guthrie called the meeting to order at 6:02 pm

INVOCATION
Michael Coon led the invocation.

PLEDGES OF ALLEGIANCE
Pledge of Allegiance & Texas Pledge
Mark Guthrie led the pledges.

ROLL CALL OF COUNCIL MEMBERS
Mayor - Mark Guthrie
Council member Position 1 – Mike Johnson
Council member Position 2 – Frank Blanks
Council member Position 3 – Sarah Reed - ABSENT

Council member Position 4 – Mark Brown II - ABSENT
Council member Position 5 – Katie Johnson

Others present: Michael Coon, City Manager; Giani Cantu, City Secretary/Finance Director; Kenny Williams, Building Official; Clif Custer, Public Works Director

RECOGNITIONS
There were no recognitions.

PROCLAMATIONS

Proclamation declaring May 18, 2018 as Pat Wade Day
Mayor Guthrie presented the proclamation to Ms. Gale Wade.

Proclamation declaring May 13-19, 2018 as National Police Week

Proclamation declaring May 21- 27, 2018 as National Public Works Week

PRESENTATIONS

Review of Fiscal Year 17-18 Budget and end of year projections
Michael Coon presented the end of year budget projections.

GENERAL FUND REVENUES	FY 2018 Budget	FY 2018 Year-End Projections	Variance Favorable (Unfavorable)
Ad Valorem Taxes	$ 1,692,127	$ 1,657,605	$ (34,522)
380 Rebates	(248,536)	(248,536)	0
Delinquent Taxes	12,000	21,000	9,000
Penalty & Interest	12,500	12,500	0
Animal Fines/Licenses	200	290	90
Building Permits	60,000	60,000	0
Franchise Taxes	177,189	179,000	1,811
Interest Earnings	3,000	5,000	2,000
Licenses & Permits	10,000	11,185	1,185
Miscellaneous Income	30,000	42,394	12,394
Municipal Building Rentals	7,314	7,791	477
Municipal Court	150,000	130,415	(19,586)
Parks & Recreation	5,066	4,100	(966)
Sales Tax	438,430	432,887	(5,543)
Sales Tax - Streets	109,607	108,222	(1,385)
Special Revenues	18,400	14,132	(4,268)
Transfers In	652,576	652,576	0
TOTAL	$ 3,129,873	$ 3,090,561	$ (39,313)

APPROPRIATIONS

Administration	$ 556,935	$ 544,447	$ 12,487
City Maintenance	243,929	223,789	20,140
Code Enforcement	53,009	50,968	2,042
Fire	191,434	191,410	24
Judicial	130,745	131,711	(965)
Parks & Rec	40,994	48,512	(7,518)
Permitting & Inspections	109,588	107,719	1,869
Police	919,169	950,018	(30,849)
Special Revenues	18,400	18,400	0
Streets & Drainage	125,000	125,000	0
Storm/Disaster	86,231	69,864	16,367
Transfer Out	654,439	624,439	30,000
TOTAL	$ 3,129,873	$ 3,086,277	$ 43,597

ENDING BALANCE	**$**	**0 $**	**4,284**
$ 4,284			

OTHER OPERATING FUNDS

Utility Fund

	FY 2018 Budget	FY 2018 Year-End Projections	Variance Favorable (Unfavorable)
Revenues	$ 2,437,821	$ 2,425,569	$ (12,253)
Expenses	2,437,821	2,420,996	16,825
ENDING BALANCE	$ 0	$ 4,572	$ 4,572

Transportation Fund

Revenues	$ 105,000	$ 120,986	$ 15,986
Expenses	105,000	57,000	48,000
ENDING BALANCE	$ 0	$ 63,986	$ 63,986

Crime Control & Prevention Fund

Revenues	$ 117,165	$ 108,487	$ (8,678)
Expenses	117,165	69,038	48,127
ENDING BALANCE	$ 0	$ 39,449	$ 39,449

Beautification

Revenues	$	16,000	$	15,300	$	(700)
Expenses		16,000		14,315		1,685
ENDING BALANCE	$	0	$	985	$	985

Present and discuss options for Oakwood Shores low water pressure and low chlorine residual
Clif Custer presented the study.

Option 1: Add elevated storage and an additional well to distribution, at a cost of about 2.1 million.

Option 2: Straight line injections as needed. Construction cost would include installation of a single chlorine room with booster pump and would be about $118,000.00. The advantage of option two is the low capital costs. KSA recommends a preliminary engineering report (PER) to identify the optimal location for the chlorine booster pump. This option solves the chlorine residual problem and eliminate the excessive flushing of the water distribution system in this area. The disadvantage is that this option solves the chlorine residual problem and not the pressure problem. As Oakwood Shores develops, the water demand will increase thereby increasing the flow and pressure loss throughout the area. Another disadvantage is the additional maintenance cost. The city will have to maintain and take readings at another location in addition to what they already service.

Option 3: A hydro-pneumatic tank (ground storage – pressurized tank option) with a booster pump system at a cost of about 1.2 million. A complication would be that it puts Public Works into operating 2 different pressure points. Also, it does not contribute to elevated storage capacity.

Clif Custer reported KSA recommends either option No. 1 or No. 3. The difference between the two depends on the future development and how fast it will occur. Option 1 provides the flexibility for the system to continue growth and can be easier to maintain. Option No.3 still provides pressure maintenance but at a less expensive cost with more maintenance on the high service pumps and depends on the ability of the existing system to fill the ground storage tank at an acceptable rate.

Clif Custer reported there was recently a health concern from a resident of Oakwood Shores where TCEQ went out. The PSI at that location was at 41 psi and half way to Bayou Bend it was at 38 psi. It is mandated that we keep the pressure at 35 psi. 38 is dangerously close.

Mayor Guthrie asked if that was to maintain residential pressure only and does not include fire.

Clif Custer stated that was correct. If there is ever a major fire, there is a concern if they will be able to pull the sufficient supply of water to service that area. This has been a problem for years, now needs to be addressed.

Mr. Coon reported that Option 1 would require financing at a cost of 180k per year for 20 years and Option 3 would require financing at a cost of 105k per year for 20 years.

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Mayor Guthrie asked if it requires a different choke supply.

Clif Custer stated he believes an engineer can tell you that. But in his opinion if we do a 12 all the way around it would work

Mayor Guthrie asked if there would be no pressure coming out of ground storage during a storm.

Clif Custer stated that is correct. Of all the options were presented, engineering leans towards the elevated storage. It provides for future growth, provides chlorinate residual and maintains the current storage.

Mike Johnson asked, does the hydro-pneumatic tank solve both problems.

Clif Custer replied yes.

Mayor Guthrie asked, do both tanks come with wells.

Clif Custer advised not the hydro. It is getting to the point to where turning the water on in two locations is necessary, which is not always possible with the resources we have.

Mayor Guthrie asked what is the personnel cost and benefits for 2 days.

Clif Custer reported we will be looking at it.

Mr. Blanks asked if the water tower would be the way to go.

Clif Custer stated he believes so.

Mr. Coon reported that the impact fee study could consider the future development and have the impact fee address reimbursement for new developments.

Mayor Guthrie asked if the property doesn't get developed is there any negative effects.

Clif Custer stated even if it stays as is. It is still negative because we are still facing the same issues.

Mr. Coon reported that the City is also already close to needing to buy more water.

Clif Custer reported they are trying to run wells as much as possible. However, two are not on the SCADA system.

CONSENT AGENDA

Approval of Minutes of Previous Meetings

Joint Planning Minutes April 9, 2018

April 9, 2018

Payment of Bills

Discuss and consider a resolution designating Michael Coon, City Manager authorized official on the Rifle Resistant Body Armor Grant Program, Office of the Governor, Criminal Justice Department, Grant #3441901

Discuss and consider a resolution designating Michael Coon, City Manager authorized official on the JAG - Suspect Identification Technology Update Grant Program, Office of the Governor, Criminal Justice Department, Grant #3340201

On motion by Frank Blanks second by Katie Johnson with all present members voting "aye" consent agenda was approved.

DISCUSSION AND ACTION ITEMS

Public hearing to consider amendments to Section 3 Definitions and Section 4 Districts - B.6.L. B-1, Business zone, conditional uses; B.7.a – C-1, Commercial zone, permitted uses of Appendix B Zoning Ordinance of the Code of Ordinances, to include but not limited to, add the definition of gas station; allowing gas stations as conditional uses in B-1 zones and allowing gas stations as permitted uses in C-1 zones
Mayor Guthrie called public hearing at 6:45 pm.

Mr. Coon advised this is the second of two public hearings. There is nowhere in our current zoning ordinance that would technically allow for gas stations. This is to address that and get it in the zoning ordinance.

Mike Johnson asked what zone the three current gas stations are currently in.

Mr. Coon advised on is C-1 and 2 are in B-1.

No public comments.

Mayor Guthrie closed the public hearing at 6:47 p.m.

Discuss and consider allowing gas stations as conditional uses in B-1 zones and allowing gas stations as permitted uses in C-1 zones
Mr. Coon asked that Council discuss and consider how to address this change and provide direction to staff for drafting an ordinance.

Mayor Guthrie stated he would prefer to have all gas stations as conditional uses in both B-1 zones and C-1 zones.

Mr. Coon asked how should a gas station be defined.

Mayor Guthrie replied anything that is dispensing gas.

Mr. Blanks stated he feels the same way.

Katie Johnson asked if it is a conditional use, does this allow Council to distinguish what is a gas station versus what is a truck stop.

Mr. Coon stated yes. As a conditional use, the developer would bring plans on case by case basis for review by Council.

Mayor Guthrie asked if we have B-1 zones.

Mr. Coon reported all the lots on FM 2004 are B-1 and those lots are typically more shallow than the C-1 lots. B-1 is almost right abut the residential area. In summary, staff will bring back a standard definition and bring ordinance draft with conditional uses in both zones.

Mayor Guthrie asked if there are any requirements to possible environmental impacts.

Mr. Coon reported that all environmental impacts have to comply with state law. Any business will have to have storm water protection plan and have to be approved by the State.

Mike Johnson asked why would we require screening on the gas station.

Mr. Coon stated screening is required for any business not solely gas station as far as when the property is abutting a residential area. Current ordinances state an 18 feet rear setback is required. Is that enough? Does council think we should require masonry wall and larger setback?

Mike Johnson stated he is good with conditional use.

Mayor Guthrie stated he likes the idea of looking at it on case by case.

Public Hearing to consider rezoning 20 acres of Oakwood Shores (A0030-A0333) (Richwood) Lot Reserve A from R-3, Multifamily Residence to C-1 Commercial. Said property being located at the northeast corner of 288B and Highway 2004
Mayor Guthrie called the public hearing at 6:57pm.

John Gerdes, Texas Land Engineers, stated the developer will push back the setbacks and will do drainage study with what is going on now and what is anticipated. An option would be to have the subdivision runoff drain into the proposed development detention. The idea is to generate one large pond for all 20 acres of development. Detention would be about the size of football field and allow full green space for use of the home owners in the subdivision. The pond would be bordered by trees and foliage. There is currently about 560 feet between the proposed development and the residential area. The proposed development is for fuel stations. They would like to service 18 wheelers. However, they will not include showers or anything to not encourage them to stay. It will be fueling stations that service 18 wheelers.

Mayor Guthrie asked is it still the intent to have all remaining land zoned as commercial.

Mr. Gerder stated that right now the developer will leave it up to council to decide how they would like to see development go forward in the area. The only thing the developer is currently hoping for is for the front five acres to be zoned commercial for the fuel station.

Mr. Blanks asked but the developer does want it to be truck stop.

Mr. Gerdes stated he does want a truck stop. He feels as if the distance of 560 feet from residential allows a significant buffer.

Mayor Guthrie asked if it would have a restaurant.

Mr. Gerdes reported that it is proposed to have restaurant and retail next to it. The developer also included a list of other gas stations that he is currently running. They would like to move into the community and are willing to make changes. They are leaving it at your mercy.

Mayor Guthrie asked if the developer understands the timeline for processes.

Discussion was held on timeline for rezoning.

Mayor Guthrie closed the public hearing at 7:12 pm.

Discuss and consider rezoning 20 acres of Oakwood Shores (A0030-A0333) (Richwood) Lot Reserve A from R-3, Multifamily Residence to C-1 Commercial. Said property being located at the northeast corner of 288B and Highway 2004

Mr. Coon stated that Council will need to consider if they want proceed with rezone on full 20 acres, or do we give guidance to the developer on re-platting, or do you want to just deny.

Mr. Blanks stated he doesn't want to rezone all 20 acres as C-1 Commercial. However, he is ok with the front five acres being zoned commercial.

On motion by Frank Blanks second by Mike Johnson with all member voting “aye” the commission approved discussion to consider the request to rezone all 20 acres.

Mayor Guthrie advised he would like to see a replat of the front 5 acres and shares concern with rezoning the full 20 acres.

Discussion was held on the process of replat and new public hearings on replat and rezoning on June 2 and/or June 11.

Mr. Gerdes stated that in summary, he is hearing that the consensus is, Council is ok with 5 acres being rezoned to C-1.

Award RFQ 18-001Q On-Call Engineering services as follows:

Engineering services for any private development plan & plat review to PRD Land Development Services, LLC

Engineering services for any municipal development and infrastructure, including repair and replacements to Strand Associates, Inc.

Craig Kankel, Stand Associates, formally known as Omally & Clay, worked in Brazoria County for many years. Current clients include West Columbia and Brazoria and they are based out of Brenham.

On motion by Frank Blanks second by Katie Johnson with all present members voting “aye” engineering services for any private development plan & plat review were awarded to PRD Land Development Services, LLC and engineering services for any municipal development and infrastructure, including repair and replacements were awarded to Strand Associates, Inc.

Discuss Park and Facility Rental fees and deposits
Discussion was held on park and facility rental fees and deposits.

Council advised staff to draft an ordinance keeping the proposed fees, but adding non-residents fee of $25.00 more for all rentals and removing any discounts for non-profits.

Discuss and consider amendments to Keep Richwood Beautiful Commission bylaws as approved by the commission board
The Executive Director has been asking what can be done to get more volunteers involved.

KRB reviewed their bylaws and are recommending the following changes:
1. Notice of Meetings: change from 4 days required to 3 days required in accordance with the Texas Open Meetings Act
2. Attendance: changing from reassigning members to recommending and giving authority to Council to reassign

3. Term of Office: setting the number of members for the board to be 5-7 members. Officers (chairman, vice chair and secretary) reappointed every year
4. Executive Director: adding that the Executive Director will be appointed by the City Manager and paid as contract labor a $200 monthly stipend.
5. Committee Members: allowing property owners, people with children in Richwood schools; business owners and/or current residents eligibility to serve on the committee

Mayor Guthrie asked what does the $200 stipend to the Executive Director cover.

Mr. Coon reported that the Executive Director oversees all the Governor's Grant Awards with Keep Texas Beautiful and organizing all of the KRB events: fall cleanup, etc.

Mayor Guthrie stated there are a lot of volunteers in the city that are not getting reimbursed.

Mr. Coon stated that the stipend has been paid for a long time. Every KRB has an executive director, however, most cities have a staff member appointed to it.

Mayor Guthrie asked if the recommendations allow for suspending of board members until next Council meeting. He stated he is for allowing all volunteers if they are interested in serving.

On motion by Frank Blanks second by Katie Johnson with all present members voting "aye" the recommended changes to the Keep Richwood Beautiful By-Laws are passed and adopted.

Discuss and consider recommendation for two part-time officer positions to be funded out of Crime Control and Prevention District (CCPD) Funds as approved by the CCPD Board

On motion by Katie Johnson second by Frank Blanks with all present members voting "aye" discussion was approved and held.

Katie Johnson asked why the temporary part-time position was through the end of fiscal year only.

Mr. Coon advised that any longer or full-time would require committing long term funding. CCPD would like to see full time. However, that would take up more funding.

Katie Johnson does a part-time position have regulation to the number of hours. How are they planning on regulating time? Police can't always regulate depending on calls.

Mr. Coon advised the position is planned to work 3 days every two weeks.

Katie Johnson is there any concern with trying to find 2 police officers to fill part time temporary.

Mr. Coon stated yes. There is always concerns on types of candidates. The Sergeant's concerns are people who have been out and come back or someone new that will stay only for training and then find full time work.

Katie Johnson asked what was the reason to recommend 2 part-time.

Mr. Coon stated they want to provide help now.

Katie Johnson asked had they considered one temporary full time.

Mr. Coon advised yes but ultimately the recommendation was for 2 part-time.

Katie Johnson asked how many reserves we currently have.

Mr. Coon stated there is 1 active reserve.

Mayor Guthrie asked what would they be doing.

Mr. Coon advised patrol.

Mayor Guthrie asked if it would help with the projection of $30,000 overtime overage at the end of year.

Mr. Coon reported yes. It could help some of the overtime.

Mayor Guthrie asked for the estimated percentage of available of sick and vacation time.

Mr. Coon stated he believes they have about 77 days of leave available in the department. A lot has been planned but there is always some that the officers save for the end of year during the holidays.

Mayor Guthrie asked if there is a temp agency for Police officers.

Mr. Coon stated he is not sure. However, in order for an officer to maintain their licensing they have to be under an active PD.

Further discussion was held on the possibility of hiring admin staff versus officers.

On motion by Frank Blanks second by Mike Johnson with 2 ayes and Katie Johnson voting "nay' approval was granted to fund two temporary part-time officers through CCPD.

Discuss and Consider extension of contract with MuniServices
Mike Johnson asked what we pay them.

Mr. Coon stated they keep 30% of findings for 2 years. If no findings, they receive no payment.

On motion by Frank Blanks second by Katie Johnson with all present members voting "aye" the extension to the contract with MuniServices for one year was approved.

Award RFP 18-002P Debris Management and Removal service as follows:

Primary Contract - Ceres Environmental

Secondary Contract - DRC Emergency Services

On motion by Frank Blanks second by Katie Johnson with all present members voting "aye" the contracts for Debris Management and Removal RFP 18-002P were awarded as follows:
Primary Contract - Ceres Environmental
Secondary Contract - DRC Emergency Services

Award RFP 18-005P Debris Monitoring Services to True North Emergency Management

On motion by Frank Blanks second by Katie Johnosn with all present members voting "aye" the contracts for RFP 18-005P Debris Monitoring Services were awarded to True North Emergency Management.

Award RFP 18-003P Emergency Medical Services to Clute EMS

Frank Blanks moved to approve the award of emergency medical services to Clute EMS. Katie Johnson seconded.

Mayor Guthrie asked what the recourse is if they do not comply with the 8 min response time.

Mr. Coon stated at that point the city has ground to terminate and can rebid.

Discussion was held on write-off so residents don't get balance billed.

Mayor Guthrie asked what quality of staff is required.

Mr. Coon advised that the proposal requires advanced life support but not guaranteed a paramedic.

With all present members voting "aye" the contract for RFP18-003P Emergency Medical Services was awarded to Clute EMS.

Update on review of Indoor Gun Range & Noise Control Ordinances
Mr. Coon provided an update.

Update on Flood Mitigation Efforts
Mr. Coon provided an update.

Approve items removed from Consent Agenda
No items were removed from Consent Agenda.

REPORTS
Reports that require no action.

CITY MANAGER'S REPORT
Mr. Coon gave his report.

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.*

Tom Entwistle, 33726 Blue Marlin, stated he is directly behind the proposed development of gas station. He shared his concerns of noise and traffic. If water pressure is already a concern, how will this affect it? In regards to the Police Officer positions and being a Harris County Constable, it will always be an issue getting quality officers if the package is not enticing. He bought the lot because he wants to retire here and asks council to be considerate of the noise that the proposed development will bring. His interest would be that it stay residential.

FUTURE AGENDA ITEMS
No items were recommended for future agenda.

COUNCIL MEMBER COMMENTS & REPORTS
There were no council member comments or reports.

MAYOR'S REPORT
There was no mayor report.

ADJOURNMENT
There being no further business the meeting adjourned at 8:42 p.m.

These minutes were read and approved on this 11th day of June, 2018.

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Mark Guthrie, Mayor

Attest:

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Giani Cantu, City Secretary