

Minutes of City Council

Public Hearing and Regular Meeting of Monday, July 8, 2019

BE IT KNOWN THAT, a Public Hearing and Regular Meeting of the City Council of City of Richwood was held Monday, July 8, 2019, beginning at 5:30 PM in the Richwood City Hall, 1800 N. Brazosport Blvd. Richwood, Texas.

CALL TO ORDER

The meeting was called to order at 5:38 p.m.

INVOCATION

The invocation was held during prior Planning and Zoning meeting.

PLEDGES OF ALLEGIANCE

Pledge of Allegiance & Texas Pledge

The pledges were held during prior Planning and Zoning meeting.

ROLL CALL OF COUNCIL MEMBERS

Steve Boykin, Mayor

Mike Johnson, Position 1

Melissa Strawn, Position 2

Matt Yarborough, Position 3

Mark Brown II, Position 4

Katie Johnson, Position 5

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

Mayor Boykin recessed into executive session at 5:40 p.m.

EXECUTIVE SESSION in accordance with Subchapter D of the Open Meetings Act, Texas Government code Section 551.001, et. Seq., to review and consider the following:

Under authority of Section 551.074 to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or a charge against an officer or employee: City Manager

Mayor Boykin reconvened from executive session at 7:27 p.m.

RECONVENE FROM EXECUTIVE SESSION and take action on the following:

To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or a charge against an officer or employee: City Manager

On motion by Matt Yarborough second by Katie Johnson with all present members voting “aye” Ron Cox will perform gap analysis on interim City Manager for consideration to City Manager appointment.

RECOGNITIONS

Employee Anniversaries

Dan Mathes - 20 years - 6/23

Steve Cook - 5 years - 6/2

Kevin Story - 1 year - 6/16

Stephen Mayor - 1 year - 6/25

Work Performance

Juan Rivera

PRESENTATIONS

Presentation of FY 19-20 Strategic Plan - Ron Cox Consulting

Ron Cox presented the strategic plan presentation.

Presentation of FY 19-20 Proposed Budget

Lindsay Koskiniemi presented the FY 19-20 Proposed Budget for General Fund. She stated that the numbers were redone to encompass more expenditures in the budget. The numbers are preliminary as the city is not expected to receive tax rolls until July 26. Some changes include the FEMA reimbursement for Harvey that is expected to be received by August 31.

Mark Brown asked if the ad valorem value is based on the taxed value or are exemptions taken into account when projecting revenue.

Lindsay Koskiniemi advised the collection rate is based on collection history.

John Washburn reported the collection history is at 99.4%. However, the total net value provided by the appraisal district includes any homestead or other deductions that are typically allowed.

Lindsay Koskiniemi continued presentation with decrease in revenue projections.

Mike Johnson why the proposed reduction to cut funding to street maintenance.

Lindsay Koskiniemi advised that the reduction is cutting the original anticipation to increase the funding to streets if the bond didn't pass.

Mark Brown asked so what service is being cut with the reduction in proposed increase in budget.

Clif Custer stated he believes the bond funds will be sufficient to support needed repairs and additional funding is not needed at this time.

Mike Johnson asked what items would be cut if effective tax rate is proposed.

Lindsay Koskiniemi advised she would suggest cutting the master plan.

Mark Brown asked if it is possible to reduce contingency.

Lindsay Koskiniemi advised staff will crunch the numbers and bring back. Another option is to cut the proposed \$20,000 to fund improvements to the community building. The suggestion was made to turn community building into a storage for public works as they are in need of storage expansion that is estimated to cost \$50,000.

Mike Johnson stated he would like to see a balanced budget option at the effective tax rate.

Steve Boykin stated he believes the master plan can wait. However, he doesn't believe it would bode to well with citizens to do away with community building.

Mark Brown stated he would ask to see revenues and expenditures of the community building.

Matt Yarborough stated not having a master plan could costs the city in the long run.

Katie Johnson stated she would also like to see the data on the building.

Clif Custer stated the preliminary numbers of revenue are about \$5,400 and approximately 60% of the renters are outside of Richwood. There is a need for expansion in storage for Public Works that would estimate \$50,000. The use of the building would assist in reducing those costs.

Mark Brown stated staff could do a survey and send it out to ask residents their thoughts on keeping the community building.

Steve Boykin asked if we have an estimate on the cost to maintain the fire chief vehicle that sits in a driveway. A vehicle that functionally serves no purpose within the city.

Matt Yarborough stated there could be room for discussion and improvement on the use of the Fire Chief vehicle.

Katie Johnson asked do we have any idea on projected increased revenue if \$20,000 is invested.

Lindsay Koskiniemi stated we do not and do not have specs on what repairs the \$20,000 entails.

Clif Custer advised the \$20,000 would cover new chair rail, new doors, new sheetrock, counter tops and cabinets, and a new utility closet.

Mark Brown asked if it would increase revenue.

Clif Custer advised it could possibly increase. However, it is an amenity and like most the others it usually doesn't bring in more revenue than it costs to operate.

Mark Brown posed a question for moving forward. As it pertained to the park cash out option, would it be allowed to use for a new community building in the future?

Clif Custer stated he believes it could be. However, he believes the general idea of the KRB was to have community parks for new development.

Steve Boykin stated he believes the building was just parts and the volunteers did the labor. He asked if staff has looked at this option.

Clif Custer stated he has not. However, he also doesn't want to bank on donations.

Steve Boykin stated when we were small town, there were a lot of people that were willing to help like that.

Clif Custer stated he is happy to petition but doesn't want to bank on it.

Melissa Strawn stated the Oakwood Shores HOA rents the community building every month but the building is in much need of repair. Even if we fix it, it is not large enough to hold large groups.

Mark Brown stated Public Works just got thru saying that he needs storage that would cost \$50,000 and we have this building that is run down and could function as a storage at no cost. In the future with new development we could leverage and build something nicer and bigger.

Discussion was held on the proposed storage building that would cost \$50,000.

No further discussion was held.

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.

There were no public comments.

CONSENT AGENDA

Approval of Minutes of Previous Meetings

Payment of Bills

Racial Profiling Report

On motion by Mark Brown second by Katie Johnson with all present members voting “aye” all items on consent agenda were approved.

DISCUSSION AND ACTION ITEMS

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

Public Hearing was called at 8:27 p.m.

Ms. Cantu reported that a response was received from Mark Guthrie that asked Council to consider precedence as well as results of survey. on responses received since packet went out.

Chris Hardison stated there are individuals that don’t necessarily want to speak but are in support of the request for conditional use.

The following individuals provided their names and addresses:

Deena Accord, 165 and 171 Cypress Drive,

Tira and Edgar Avalos, 106 Misty Ct.

Stefan Raifart, 146 Cypress Dr.

Chris Hardison stated he did receive input from the residents. One issue was that the structure was different from the house. They have painted the house to match the structure. He wishes the process would be have been done properly the first time around and apologized to City Council. Mr. Hardison also read a letter that was written by Ms. Hardison.

Katie Johnson asked Lindsay if she was able to get an opinion from the realtor.

Lindsey Koskiniemi reported she doesn’t have that. The opinion received verbally was that it would depend on appearance but declined to put it in writing. The other realtor has not submitted any written opinion. Staff is working on the detail packet for comparison of surrounding cities and she hopes to be able to provide an opinion along with it.

Mark Brown stated the certificate of occupancy was revoked due to zoning issue. Are they now in compliance now?

Lindsay Koskiniemi the certificate of occupancy is compliant for residential accessory use only.

Mark Brown asked if a beauty salon would be allowed in home occupations.

Lindsay Koskiniemi stated she doesn’t believe so. Her interpretation of the zoning is that it would be allowed in B-1 zone.

Ms. Cantu stated that the different sections of the zoning ordinance are in conflict each other. The section regarding home occupations allows businesses in accessory structure. However, the residential zoning district states no business enterprise is allowed in an accessory structure.

Mike Johnson asked if there is language that limits the percentage of time it is used for business enterprise.

Ms. Cantu stated she believes the language just states secondary to the primary use of the structure.

Mark Brown stated that the home occupations ordinance prohibits advertising.

Mike Johnson stated but it was advertised on social media.

Brittany Hardison stated she is the business not her home.

Edgar Avalos, 106 Misty Ct., stated the addition of the building at 100 Misty Ct. increased the property value of his home.

Mark Brown stated, as a real estate professional of 12 years, any structure that is improved property will improve values in the neighborhood. If it is a shack, there may be concern.

Chris Hardison stated that his understanding at this point is regardless if the operated in an accessory structure or home, the home occupation is still considered conditional use.

Mike Johnson stated he has no hiccup on the look of this particular development. However, it would be other potential future developments.

Matt Yarborough asked if Council would possibly be deterring business on commercial property due to allowing a popular home stylist.

Chris Hardison stated they anticipate the ordinance only allows 1 non-residential person for business purposes and 1 additional car due to home occupations.

Brittany Hardison stated that she has many friends with other salons and they are not threatened by her propose home occupation.

Ms. Accord asked if the most recent ordinance superseded the previous section and who decides which supersedes.

Lindsay Koskiniemi stated there are some discrepancies and staff job is to be impartial and fair and ensure review of ordinances so there are no conflicting ordinances.

Steve Boykin stated decisions made on conditional use based on case by case. As mayor, he doesn't have a vote and always tries to listen to the residents.

Brittany Hardison asked Ms. Koskiniemi what approach she is taking when reaching out to local realtors.

Lindsay Koskiniemi stated she doesn't put anything out there that is biased. She simply stated there was a home occupation in an accessory building. The address was shared with one realtor and they did share verbal findings in favor of this particular development.

Mayor Boykin closed public hearing at 9:22 p.m.

No further discussion was held.

Discuss and consider a contract with BBG Consulting Inc for Building Official, City Planner, Inspections, and Plan Review services

Lindsay Koskiniemi reported presently, the City of Richwood has an existing agreement with BBG Consulting, Inc. to provide building official services not to exceed \$16,000 in fiscal year 2018 – 2019, which include the following scope of services:

“The Consultant shall provide the City of Richwood with a qualified Building Official to perform duties of assisting the Building Department and implementing procedures to make the building department more effective.. and shall make diligent effort to recommend and implement agreed upon improvements. The City from time to time may request building code interpretation or explanation from the Consultant based on their expertise in this field.”

The present agreement does not include building inspection services. Richwood is experiencing an immediate need for building inspection services on a regular, consistent schedule to provide the level of service residents and businesses in the City deserve. The proposed contract (enclosure 1), expands the existing scope of services to include inspection services, based on a fee schedule.

The inspection fee will be added to the cost of the building permit, therefore, the cost for inspections will be absorbed by the permit applicant. Expanding the scope of services to include building inspections will benefit the City by reducing liability to City, saving costs on personnel, and providing a regular, consistent schedule to include two days per week for inspections services (emergency trips provided at a higher charge).

City staff recommends Council approve the proposed contract to include inspection services and request Council allow the Interim City Manager to enter an agreement with BBG Consulting, Inc. to replace the earlier agreement for only building official consulting services.

Mark Brown asked if there is a reason we stuck with only 2 days a week inspections. Concrete pours and other developments may be time sensitive.

Kevin Taylor, BBG Consulting, advised that there is an inspection fee proposed at \$130 dollar for times outside the schedule for things such as concrete pours, gas reconnects or electrical reconnects. The intent of designating inspection days was to keep costs low for city.

Scheduling also allows for city to pay less for more inspections. The firm is based out of Houston and they are excited about the opportunity to work with Richwood.

John Washburn asked how they plan to ensure windstorm compliance prior to occupancy issuance.

Mr. Taylor advised it is a review requirement and will be required to collect windstorm certificates and inspections.

Matt Yarborough asked in what instance can a roof be replaced and they can't do the windstorm again.

Mr. Taylor stated it wouldn't happen. Their primary objective is to get the windstorm letter. There are some growing pains and there are people that are getting accustomed to new requests.

On motion by Mark Brown second by Mike Johnson, with all other present members voting "aye" a contract with BBC Consulting Inc for Building Official, City Planner, Inspections and Plan Review Services was approved.

Mayor Boykin called for recess at 9:35 p.m.

Mayor Boykin recalled the meeting at 9:45 p.m.

Discuss and consider an ordinance amending Appendix C Fee Schedule of the Code of Ordinances to amend residential building permit fees

Lindsay Koskiniemi reported that on May 21, 2019, in the Eighty-Six Legislature Regular Session, Governor Greg Abbott, signed H.B. No. 852 into law. This Act prohibits the calculation of Permit and Inspection Fees based on 1) the value of the dwelling; or 2) the cost of constructing or improving the dwelling. The current permitting and inspection fee schedule used by the City of Richwood is value-based.

Council was made aware of the new requirement at the regular Council session on June 10, 2019 and took action provide a waiver which would allow the City to charge according to value-based permitting fees and to invoice or refund the difference from the effective date of H.B 852 to when Council could adopt a new fee schedule.

City staff recommends Council adopt a permitting fee of forty-eight (48) cents per square foot for residential building permits for new construction and renovations requiring a permit. The recommended fee schedule will not affect plan review calculations, which will remain 50% of the permitting fee.

This rate is recommended to be used, as the costs will remain relatively consistent with the totals of the value-based fees in the 2019 calendar year. The intention of the fee schedule change is to gain compliance with H.B 852 and is not intended to disproportionately increase revenue from permitting fees or to lose revenue from permitting fees.

On motion by Mark Brown II second by Matt Yarborough with all present members voting “aye” an ordinance amending Appendix C Fee Schedule of the Code of Ordinances to amend residential building permit fees was passed and adopted.

Report of Keep Richwood Beautiful attendance at KTB Conference

Kim Mayer, KRB Member, presented a report on Keep Texas Beautiful conference attendance by Keep Richwood Beautiful (KRB) members. Some of the training classes attended by members included: From the Ground Up: Starting A Successful Community Garden; Introduction to the Master Composter Program and An Overview of Recycling in Texas; Recycling Education and Outreach: Best Practices for Engaging Recyclers; Community Gardens Can Help with Food Insecurity; Programs and Environmental Regulations From the Council of Governments; TCEQ Programs and Resources for Communities; Rewarding and Recognizing Residents: The Good Neighbor Awards; Litter-Free Fort Worth and Trash Free Texas; Adopt-a-Highway: Bringing The Program to Your Community; Connecting the Drops: How Your Organization Can Do More For Texas Water; Evaluating Your City’s Sense of Place; The Placemaking Toolbox; Servant Leadership: What Is It, and How Can You Apply It?; Away From the Curb: Special Event and Apartment Recycling Options; School Carton Recycling Success Stories: Help From the Field; Meeting the Needs of Your Changing Community; Small and Rural Affiliates Roundtable; Governor’s Community Achievement Awards Roundtable; Marketing in a One-Size Fits One World: Using Research to Engage Audiences; and Marketing Show and Tell: A Marketing Primer. Major takeaways include partnering and networking are crucial; community support and engagement is vital; educating the community on recycling is important, and there are many sources available to small communities. A few goals the group hopes to accomplish for FY 2019-2020 include Community Garden; Grant Research and Application for Beautification and Park Improvements; Education to the public with free publications; and Application of various awards available.

Discuss and consider an ordinance amending Appendix B Zoning Ordinance of the Richwood Code of Ordinances

Discussion was held on accessory dwelling units (ADU’s) and allowing a kitchen.

This item will be brought back with home occupations.

Discuss and consider a resolution adopting the FY 18-19 Investment Policy and Strategy

John Washburn presented the investment policy and strategy.

On motion by Katie Johnson second by Mark Brown II, with all present members voting “aye” the resolution adopting the FY 18-19 Investment Policy and Strategy was approved and adopted.

Discuss and consider a resolution authorizing participation in the TexPool Investment Pools And designating authorized representatives for the investment of municipal funds; and setting forth other related matters

On motion by Mark Brown II second by Matt Yarborough with all present members voting “aye” a resolution authorizing participation in the TexPool Investment Pools And designating authorized representatives for the investment of municipal funds; and setting forth other related matters was approved and adopted.

Discuss and consider a contract with Construction Masters of Houston for repairs to Richwood Volunteer Fire Station

Lindsay Koskiniemi reported that on May 15, 2019, a waterline, previously believed to have been abandoned several years earlier, ruptured after the valve was opened at the water main to test the installation of a new hydrant. The building flooded with mud and standing water. The City filed a claim for damages with our property insurer, Texas Municipal League and received a check for the damages to the building in the amount of \$84,446.41 (less the \$1,000 deductible).

In the last regular Council meeting, Council approved entering an agreement with the Harris County Department of Education for a purchasing cooperative source called Choice Partners. City management contacted Construction Masters of Houston, a qualified vendor under the cooperative agreement (HCDE/CP contract number 15/041JN-04) and obtained a quote in the amount of \$81,180.33 for restoring the fire station. The scope of work includes replacement of cabinets, wood door casings, baseboards, insulation and drywall, repairs to restrooms, LVT flooring, and repairs to the apparatus bays, etc.

City staff recommends Council allow the interim city manager to enter an agreement with Construction Masters of Houston for the repair of the fire station. Benefits of entering this contract include: competitive pricing, which presents a savings of \$10,800.04 and expediency of turn-key contracting services. Expediting the process through turn-key pricing enables the contractor to begin work and restore the building to full-service capacity faster than the traditional competitive sealed bid process.

On motion by Mike Johnson second by Mark Brown II with all present members voting “aye” a contract with Construction Masters of Houston for repairs to Richwood Volunteer Fire Station was approved.

Approve items removed from Consent Agenda

No items were removed from consent agenda.

CITY MANAGER’S REPORT

Lindsay Koskiniemi reported she will be at training Wednesday and Thursday.

Update on proposed amendments to the Personnel Policy

The personnel policy review is expected to be presented in September.

Update on home occupations workshop

Surveys have been released. Staff is seeing great response and looks forward to compiling information to include in workshop packet.

Clif Custer reported that Strand was working on the hazard mitigation grant through FEMA and did notify City that the City was not selected as a primary candidate. We were selected as secondary and are unsure of the ranking out of 58 candidates. Disaster Recovery funds were to be used as a match for the flood gate project, retention and master drainage study.

REPORTS

Reports that require no action.

Financial Reports

COUNCIL MEMBER COMMENTS & REPORTS

Mark Brown II recognized Michael Koziol for his volunteer efforts in painting fire hydrants.

Detective Skelton reported that PD will be hosting All American Night Saturday July 13th from 5p to 10 p.

MAYOR'S REPORT

Mayor Boykin advised that he will be participating in the 10:30a weather call and has asked staff to be prepared.

FUTURE AGENDA ITEMS

Ron Cox contract and scope of services

ADJOURNMENT

There being no further business the meeting adjourned 11:02 pm.

These minutes were read and approved on this 29th day of July, 2019.

ATTEST:

Mayor

City Secretary