

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, August 13, 2018, beginning at 6:05 PM in the Richwood City Hall, 1800 N. Brazosport Blvd. Richwood, Texas.

CALL TO ORDER AT 6:00 PM

This meeting was called to order at 6:08 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

Council member Position 4 – Mark Brown II

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; Stephen Mayer, Police Chief

RECOGNITIONS

Award Blue Santa Scholarship in the amount of \$500.00

Daniel Rester

Donald Cameron

Officer Munley presented Blue Santa Scholarships to Daniel Rester and Donald Cameron in the amount of \$500.00 each.

PRESENTATIONS

Presentation of FY 16-17 Financial Audit

Lijie Lui, Kennemer Master & Lunford, presented the financial audit for FY 2016-2017.

Mark Brown II thanked the auditing firm.

Mike Johnson asked if there were any recommendations made to assist with correcting some of the issues.

Ms. Cantu replied yes. Staff has already put in place some administrative procedural changes that address the general ledger issues in the audit.

CONSENT AGENDA

Approval of Minutes of Previous Meetings

July 9, 2018

July 16, 2018 Budget Workshop

Payment of Bills

Resolution designating Stephen Mayor, Chief of Police as authorized official on Grant 3441901 Rifle Resistant Body Armor

Resolution designating Stephen Mayor, Chief of Police as authorized official on Grant 3340201 - JAG Suspect Identification Technology Updates

On motion by Sarah Reed second by Frank Blanks with all present members voting “aye” all items on consent agenda were approved.

DISCUSSION AND ACTION ITEMS

Public Hearing to consider rezoning 5 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

Public hearing was called at 6:38 p.m.

Josh Strawn, 33219 Blue Marlin Dr, stated that is a busy intersection. He believes putting a gas station might complicate issues even more. He would like to see it stay multi-family for now. Council could maybe consider rezoning when the development could be other business than gas station.

Lauren LaCount, 2000 Brazosport, believes the best use of the lot would be commercial over residential. Not necessarily a gas station but business.

The public hearing closed at 6:43 p.m.

Discuss and consider an ordinance rezoning 5 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

Mark Guthrie stated he is currently against the possibility of development for additional multi-family residential. The City has too many multi-family developments and does not want the proposed property to remain as R-3.

Frank Blanks stated he believes it originally was commercial and then was rezoned to multi-family and now the request is to go back to commercial.

Mike Johnson asked why?

Mr. Coon stated there were legal issues with the sale, that have since been resolved and wetland issues with the site itself.

Mark Brown II stated he believes a truck stop would not go in line with Council strategic vision. However, he does believe that commercial is the better fit for the lot.

Mark Guthrie asked, if ready, could development break ground tomorrow for multi-family?

Mr. Coon advised yes.

On motion by Sarah Reed second by Frank Blanks, with all present members voting “aye” the ordinance rezoning 5 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 was passed and adopted.

Public Hearing to consider a conditional use of property located at 2007 FM 2004, being an approximately 3.14 acre site west of Brazos National Bank currently zoned C-1 Commercial to allow a Montessori School

The public hearing was called at 6:48 p.m.

Pat Taylor, representing 2007 FM 2004, stated they are proceeding forward with the Montessori School.

Lauren LaCount, 2000 Brazosport, asked if the development will contain parking within the site to keep traffic off the highway.

Pat Taylor stated there is plenty of existing driveway to keep traffic off, however, it is also being addressed in the development plans.

Mark Brown asked if the school zones would possibly be extended.

Mr. Coon advised the City will have to reach out to TXDOT.

Lauren LaCount asked if the Police Department would be able to handle it.

Mr. Coon advised yes.

Mark Brown II asked what the operating hours would be.

Grishma Patel, owner, stated the proposed operating hours will be from 6:00a – 6:00p.

The public hearing closed at 6:53 pm.

Discuss and consider a conditional use of property located at 2007 FM 2004, being an approximately 3.14 acre site west of Brazos National Bank currently zoned C-1 Commercial to allow a Montessori School

On motion by Frank Blanks second by Sarah Reed with all present members voting “aye” conditional use of property located at 2007 FM 2004, being an approximately 3.14 acre site west of Brazos National Bank currently zoned C-1 Commercial to allow a Montessori School was granted.

Mark Brown II stated the drainage will need to be approved prior to construction.

Discuss and consider sponsorship for the S.T.O.P. (Stop Talk and Overcome the Pain) Rally for the prevention of teenage suicide to be held on August 25, 2018

Brenda George stated they are collaborating with the City of Lake Jackson, City of Clute and hopefully, the City of Richwood. STOP collaborates with all the health wellness agencies within the County, sharing funds that are available so teenagers can be provided services if they are not able to afford them.

Mark Brown II asked what is entailed for the City to support.

Mr. Coon stated the City will show up and advertise.

Mayor Guthrie asked if there were any other things the City could do.

Ms. George stated just support and possibly some raffle bikes.

Mayor Guthrie stated the Volunteer Fire Department could possibly help as well.

Mayor Guthrie stated the event has the full support of the City and let us know if there is anything else we can do.

Presentation of Bond Task Force recommendation

Derek Rester, 32519 Bayou Bend, presented the bond task force recommendation.

Magnolia Retention Pond (\$1.5 Million)

The City of Richwood currently owns 4.6 acres of property along the section of the Magnolia St. right-of-way that is located just west of Audubon Woods I and Polk Elementary. It is proposed that this land be used to create a retention pond that would provide an additional 10.5 acre feet of storage to the local drainage system, which would provide enough storage to keep the streets in the Audubon Woods I and the northern part of the Glenwood Bayou Subdivision from flooding during heavy rain events.

This project would not provide enough storage capacity to make a noticeable difference during significant flooding events like the ones experienced in 2016 and 2017. Because the project would not have a significant impact during a flood, it is not eligible for state or federal hazard mitigation grants.

Benefits:

This project would provide drainage relief for an estimated 218 homes, or about 18 percent of the homes in Richwood. Additional benefits would exist for those individuals that typically drive through the area for school drop off and pick up at Polk Elementary.

Costs:

This project is estimated to cost \$1.5 million. The estimated monthly impact of financing this project through a bond is \$3.52 per \$100,000 in assessed property value.

Deferred Maintenance on Roads (\$3.0 Million)

Over the years as the streets have aged the City's operating budget has not been able to keep pace with the needed street repairs due to deterioration. This project would help fund the needed repairs to over 25,000 linear feet of roadways. The types of projects and streets needing the most work are listed below.

Resurfacing & Stabilization

- Cypress
- Cypress Ct.
- West Mahan
- Schley
- Cedar Ct.
- June Ct.
- Blue Crab Ct.
- Blue Marlin
- Redfish Trl.
- Bayou Bend

Spot Repairs

- Brazos Ct.
- Brazos Dr.
- Briarcreek
- Quail Run
- Wisteria

Benefits:

The proposed project would provide improved streets to 202 homes, or about 16 percent of the homes in Richwood.

Costs:

This project is estimated to cost \$3.0 million. The estimated monthly impact of financing this project through a bond is \$6.19 per \$100,000 in assessed property value.

Sidewalks (\$0.5 Million)

A large number of areas in Richwood are not serviced by sidewalks and there is not a safe path for children to walk to Polk Elementary. This project would complete the sidewalk on Moore St that was started near N. Mahan and connect N. Mahan to Oyster Creek Dr. Additional sidewalk would also be installed along Oyster Creek Dr. between Moore St. and Bobby Ford Park. Installing sidewalk in these areas would also require enclosing the respective drainage ditches.

Benefits:

In addition to providing safer routes to Polk Elementary and Bobby Ford Park, this would provide sidewalks in front of 29 homes, or about 2 percent of the homes in Richwood.

Costs:

This project is estimated to cost \$0.5 million. The estimated monthly impact of financing this project through a bond is \$1.05 per \$100,000 in assessed property value.

Estimated Monthly Impact of \$5 Million Bond Program

Home Value	Tax Year 2019	Tax Year 2020	Tax Year 2021	Tax Year 2022	Tax Year 2023
\$100,000	\$ 6.05	\$ 5.70	\$ 10.76	\$ 9.93	\$ 9.36
\$200,000	\$ 12.10	\$ 11.41	\$ 21.51	\$ 19.85	\$ 18.73
\$300,000	\$ 18.15	\$ 17.11	\$ 32.27	\$ 29.78	\$ 28.09
\$400,000	\$ 24.20	\$ 22.82	\$ 43.03	\$ 39.70	\$ 37.45
\$500,000	\$ 30.25	\$ 28.52	\$ 53.78	\$ 49.63	\$ 46.81

*The peak is anticipated to be in Tax Year 2021 due to the projected timing of the bond issues. It is projected that the \$5 Million would be split into two different debt issues that are scheduled two years apart.

City Council thanked the committee for their efforts.

Rick Menchaca, BOK Financial Advisor, presented the tax rate impact analysis for a \$5 million bond.

Mayor Guthrie asked if he believed that November is the best time to hold a bond election.

Mr. Menchaca stated, as a former city manager, that would be more of a policy question.

Mr. Brown would ask council to consider the fact that the proposed budget is including a tax increase for the effective tax rate and then this bond issue is going to increase taxes more.

Mr. Coon stated he was surprised to see the survey result for a November election.

Mr. Johnson stated the committee also looked at that and was surprised to see the result on the survey.

Neil Thomas, Fulbright, stated he was present for the ordinance calling the bond election. There are 2 days a year that can hold a bond election: one is the second Tuesday in November and the other is the second Saturday in May. Brazoria County handles the election and sets polling places and dates for early voting. The election is proposed to be divided into three different propositions. The City cannot combine drainage and streets and ask residents to vote on a combined proposition. The City is required to call the election within a 90-78 days prior

to the proposed election. The City would be required to call the election tonight for a November election.

Mr. Brown asked in a worst case scenario are we proposing enough to cover the roads.

Mr. Coon stated the \$3 million proposed will not cover all of the roads listed. However, realistically, the bond amount needed is too large for a city our size.

Mr. Brown are we going to come back in the future and see another increase.

Mr. Coon stated financial policies need to be put in place.

Neil Thomas stated, if the bonds are approved in November and the issues are done in December, the tax increase will be seen in 2019 taxes. The caption of the proposed ordinance is "AN ORDINANCE CALLING A BOND ELECTION TO BE HELD IN THE CITY OF RICHWOOD, TEXAS; MAKING PROVISION FOR THE CONDUCT OF THE ELECTION; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; AND PROVIDING AN EFFECTIVE DATE."

Lauren LaCount, 2000 Brazosport, stated we have a \$5.00 transportation fee on the utility bills that has been for streets, sidewalks, drainage. Is that something that will be used for maintenance or improvements in the future?

Mr. Coon stated any projects that the County does do are funded by that transportation fee and one-third of the transportation fee revenues are budgeted for street maintenance.

Ms. LaCount asked historically has it been used for maintenance or new roads.

Mr. Coon advised prior to this year about 91 percent went to road repairs.

Ms. LaCount asked if the sales tax portion for streets is still in place.

Mr. Coon stated yes.

Ms. Cantu reported that the comptroller notified the city that it is time to have voters reapprove that portion of the sales tax that funds streets. The voters will see this on the May 2019 ballot.

Ms. LaCount stated with all those funds funding streets, is that money going to fund improvements to drainage and other streets.

Mr. Coon stated it would help repair other streets as well, but still is not enough to completely redo all the needed streets.

Ms. LaCount stated and this bond issue will triple our debt outstanding.

Mr. Coon stated yes.

Ms. LaCount stated that November is the best option to ask.

Mr. Rester stated the committee considered the list to be things that need to be fixed and no doesn't include ongoing maintenance.

Josh Strawn asked if the City is looking at a potential water tower build that would result in future bond issue in 2019 or further back.

Mr. Coon advised that a water tower would not be funded through taxes. The City is currently working on having an impact fee study done to address the need.

Mr. Strawn asked to view the projected annual tax increase slide again and stated he felt like maybe November was not the best month.

Mr. Rester stated it is not lost on any one in the group to have to raise taxes. It was difficult to consider. As we look at progression into the development, there is room for growth in new development. At the end of the day, do you want to have roads, and sidewalks or not?

Discuss and consider an ordinance calling a Special Bond Election for November 6, 2018
On motion by Frank Blanks second by Mark Brown with all present members voting "aye" the ordinance calling a Special Bond Election for November 6, 2018 was passed and adopted.

Proposed Budget Fiscal Year 2018-2019
Mayor Guthrie called recess at 7:55 pm.

Mayor Guthrie recalled meeting at 8:03 p.m.

Michael Coon presented the Fire Department budget and an overview of the proposed FY 2018-2019 budget.

Lauren LaCount, 2000 Brazosport, stated she looks at it as individual tax bills. The City has control of adopting a tax rate of "x" amount of cents. She thinks the tax rate should be kept at the current tax rate and city should cut spending.

Debbie Hurta, 706 Oyster Creek Dr, stated she flooded out in Harvey. Her problems started when the city resurfaced the road. She has no drainage.

Mayor Guthrie stated unfortunately the comment topic is not on the agenda and so Council cannot address her concerns. However, she may stay and get with the City Manager and/or Public Works Director after the meeting.

Jo Lasiewicki, asked if the budget proposed cutting a court position even with the development of the new school.

Mr. Coon advised yes. The compensation study analysis shows other courts in comparable cities have higher workloads and only one employee.

Discuss and consider approving a resolution setting the date and time for public hearing for Fiscal Year 2017-2018 Annual Budget for August 27, 2018 at 6:00 P.M.

Sarah Reed stated she may not be available on the 27th but she will try.

Frank Blanks stated he will be out of town.

Ms. Cantu stated we can always call the public hearing and if there is no quorum we can republish and reset the hearing for a later date.

On motion by Mark Brown II second by Sarah Reed with all present members voting “aye” the public hearing was called for August 27, 2018 at 6:00 p.m.

Consider and record vote for proposed tax rate of \$0.691118, which is the effective rate for the City of Richwood for the 2018-2019 Fiscal Year

On motion by Frank Blanks second by Mark Brown with all present members voting “aye” the council ratified a record vote for proposed tax rate of \$0.691118 for the 2018-2019 fiscal year.

Discuss and consider a resolution amending the Fiscal Year 2017-2018 Budget to increase General Fund revenues and expenditures; reduce Equipment Replacement Fund revenues and expenditures and increase Capital Project Fund revenues and expenditures

On motion by Sarah Reed, second by Frank Blanks, with all present members voting “aye”, the resolution amending the Fiscal Year 2017-2018 Budget to increase General Fund revenues and expenditures; reduce Equipment Replacement Fund revenues and expenditures and increase Capital Project Fund revenues and expenditures was approved and adopted.

Mark Brown stated he stated the current fiscal year in his motion call the public hearing instead of the upcoming fiscal year and asked to reopen item I.

Mayor Guthrie reopened item I.

Mark Brown amended his motion to state that the public hearing was set for the FY 2018-2019 Budget for August 27, 2018 at 6:00. Sarah Reed seconded. With all present members voting “aye” the motion amending the call of public hearing for FY 2018-2019 budget passed.

Discuss and consider an ordinance amending regulations of Indoor Gun Ranges to remove the decibel limits and set parameters that refer to noise ordinance

Michael Coon presented the ordinance.

On motion by Mark Brown second by Sarah Reed with all present members voting “aye” the ordinance amending regulations of Indoor Gun Ranges to remove the decibel limits and set parameters that refer to noise ordinance was passed and adopted.

Mark Brown asked if there were any new complaints.

Mr. Coon stated there were none. However, the residents are aware of the noise variance. He stated he had lunch with a resident and was told it doesn’t bother them as much.

Discuss an ordinance amending Chapter 10 Miscellaneous Provisions and Offenses of the code of ordinances to amend Section 10-4 Noise Control to restructure and set all new regulations to noise control

Michael Coon stated the attorney has not reviewed the ordinance so he is not asking for formal adoption or vote, only direction.

Mark Brown asked where the distance will be measured from.

Mr. Coon stated the draft ordinance recommends establishing a base limit of 55 decibels in residential areas from 7 AM to 10PM, which is the decibel measurement at which the EPA recognizes that a noise may become an annoyance. Otherwise the base for the residential areas will be 50 decibels. The base for commercial areas would be set at 65 decibels. Under the proposed ordinance, noise disturbances would be measured for 30 minutes and the average reading must be lower than the base amount and it could not be more than 10 decibels higher during any one-minute period nor could it at any time have a measurement 20 decibels higher than the base. This would provide some allowances for noises that may on occasion be higher than the base level.

It is also important to note that due to the nature of the sound produced that fall under the following categories, they will be measured at a standard 5 decibels lower than the applicable base:

- Stationary sources of sound which emit a pure tone
- Cyclically varying sounds
- Repetitive impulsive sounds from property line of complainant.

Mr. Brown asked what was decibel reading at the gun range property line

Mr. Coon stated it was approximately 56-57 decibels. There is a caveat that states repetitive impulsive sounds are found to be more of a nuisance and therefore will be measured at a standard 5 decibels lower than the applicable base.

Discuss and consider extending the variance to Section 10-4 Noise Control for Big Country Shooting

Michael Coon stated he would recommend Council extend the variance to the end of September to allow time for Council to reconsider the ordinance and adopt new regulations.

On motion by Mark Brown second by Sarah Reed with all present members voting “aye” the extension of the variance was granted through September 30, 3018.

Review and consider changes to Section 6-4 of the City of Richwood Code of Ordinance regarding Burning within the City limits

Mark Guthrie stated he asked for this item to be brought to Council. The current ordinance was really only written for Oakwood Shores. Recently the Volunteer Fire Department was call to a fire of someone that didn't follow rules to burning and the city had numerous volunteers and equipment worth millions of dollars for a couple of hours fighting something that could have been prevented. He thinks there needs to be something that states the mayor or city manager can cancel burning without notice, time needs to be specified, and it needs to take into account weather conditions.

Mark Brown asked what the consequences are for someone without a permit.

Mayor Guthrie stated that is something the ordinance needs to address as well and currently doesn't make it clear.

Discussion was held on current processes to pull a permit.

Joshua Strawn stated he serves on board of homeowners association. He believes stricter enforcement of the burn policy and fine amount is a good idea. However, would not like to see it dependent on perfect weather.

Derek Rester stated language exists in statutes and the Oakwood Shores HOA's covenants that state you are not supposed to burn. TCEQ regulations set amounts that are acceptable.

Lauren LaCount stated she doesn't want to see an overall burn ban. However, does think there should be more enforcement.

Kenny Williams stated the city will also need to decide who is writing the permits.

Mayor Guthrie stated currently the fire chief reviews and approves. However, they could consider a possible change to City Manager or Code Enforcement.

Mr. Brown stated he believes the fire chief still needs to be notified.

Sarah Reed agreed. However, stated he doesn't necessarily have to have final decision making.

Update on Flood Mitigation Efforts

Mr. Coon stated staff is working with Strand Engineers to look at benefits cost analysis on the diversion channel.

Approve items removed from Consent Agenda

No items were removed from consent agenda.

REPORTS

Reports that require no action.

Review of budget expenditures

Review of Quarterly Investment Reports

CITY MANAGER'S REPORT

The new police officer started today.

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.*

Josh Strawn stated he lives on Blue Marlin and they are having a dog issue. Both his son and daughter have been bit. He asked how neglectful owners are allowed to keep the dog on the property. Mr. Coon advised the city is working on the issue.

FUTURE AGENDA ITEMS

There were no future agenda items proposed.

COUNCIL MEMBER COMMENTS & REPORTS

Mr. Brown thanked the Bond Task Force committee for their work.

Mr. Blanks stated that the City of Lake Jackson requires quarantine of dangerous animals and believes the City of Richwood does as well. Mr. Coon replied that staff is reviewing the animal ordinance and working on the issue.

MAYOR'S REPORT

The mayor did not report.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:27pm.

These minutes were read and approved on this 10th day of September, 2018.

Attest:

Mark Guthrie, Mayor

Giani Cantu, City Secretary

