

# MINUTES

## RICHWOOD CITY COUNCIL MEETING

Monday, November 14, 2022 at 6:00 PM

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BE IT KNOWN THAT a City of Richwood City Council will meet Monday, November 14, 2022, beginning at 6:00 PM at Richwood City Hall, located at 1800 Brazosport Blvd. N., Richwood, Texas 77531 with the following agenda:

I. CALL TO ORDER

The meeting was called to order at 6:00 p.m.

II. INVOCATION

Tricia Ditto, Finance Director, led the invocation.

III. PLEDGES OF ALLEGIANCE

Mayor Boykin led the pledges.

IV. ROLL CALL OF COUNCIL MEMBERS

Steve Boykin, Mayor:	Present
Mike Johnson, Position 1:	Present
Melissa Strawn, Position 2:	Present
Matthew Yarborough, Position 3:	Present
Rory Escalante, Position 4:	Present

Others present: Eric Foerster, City Manager; Kirsten Garcia, City Secretary; Patricia Ditto, Finance Director; Clif Custer; Public Works Director; Stephen Mayer, Chief of Police; Philip Knop, City Attorney

V. PUBLIC COMMENTS

Michael Durham - 31434 Bayou Bend – Mr. Durham stated he would like an update regarding the water treatment plant that was being proposed. Mayor advised that the hearings have been held and it may be another 6 months before further action is taken.

William Yearsin - 244 Briar Creek – Mr. Yearsin addressed council requesting investigation into council woman Melissa Strawn.

VI. CONSENT AGENDA

- A. Approve minutes from regular meeting held October 10, 2022
- B. Approve minutes from special meeting held October 18, 2022
- C. Budget Report, September 2022
- D. Investment Report, Q4 FY 2022
- E. Declare vacancy of City Council Position 5.

**Motion to approve consent.**

**Motion made by Mike Johnson, Seconded by Melissa Strawn.**

**Voting Yea: Mike Johnson, Melissa Strawn, Matthew Yarborough, Rory Escalante**

**Motion carries.**

## VII. PUBLIC HEARING

- A. Public hearing and possible action adopting Ordinance 22-500 amending Appendix B Zoning Ordinance, Section Four - Districts, Subsection Five - R-4 Single Family Rural Residential Zoning District of the Code of Ordinances.

Open public hearing at 6:09 p.m.

Mike Challenger - 32726 Bayou Bend - Spoke regarding the zoning change and how he would like to see it handled. Stated the city shouldn't be destructive and ordering buildings to be torn down. Stated rules changed based on the mission. He added that the mission should be building at this time. Would like to see the City establish a vision to establish a mission.

Chris & Taylor Clinton - 31511 Bayou Bend - Spoke in favor of 7.5 foot setbacks on Bayou facing lots and 15 feet not to exceed 10% for all other lots.

Daniel Coffey - 33502 Blue Crab Ct – spoke in favor of changing the setbacks to match the plats.

Ed Podhiry - 32502 Bayou Bend- agreed with previous statement

Michael Durham- 31434 Bayou Bend – spoke in favor of changing the setbacks and clarifying the variance from 2008.

Cindy Moriarty - 31610 Bayou Bend - expressed thanks for all the effort in this matter. She stated their opinion is to keep setbacks as they are. Wanted to see if Council has taken the time to visit the properties in question and how they appear. Stated the current issue has become hostile and many that are against the proposed change are refusing to enter their opinion. Also questioned what precedent this sets by allowing a violation to cause a movement to change ordinance.

Mayor Boykin addressed the research done by Council and Staff.

Council member Strawn stated she found the original design of the neighborhood and has the language regarding the drainage out in the neighborhood.

Jimmie Silver - 34110 Bayou Bend - asked how this makes a difference when he can build his home in the same location. Spoke in favor of changing the setbacks.

Discussion held on drainage and how setbacks affect the area.

Council member Yarborough spoke regarding his research on the issue.

Discussion was held on drainage and the responsibility of the HOA since they maintain drainage within the neighborhood.

Irma Callaway - 31603 Bayou Bend - spoke against the change. Mrs. Callaway addressed the council regarding the rural residential zoning and preserving the feel of the neighborhood by keeping the setbacks. Stated Council is not hearing from everyone who has opinions in the matter. Would like to see focus put on the future of the neighborhood and not just on the opinion of a few. Added the change will create added risk to fire and flooding.

James Wiegel - 32026 Bayou Bend Drive - Spoke in favor of changing the setbacks to 15 feet.

Daniel Coffey 33502 Blue Crab Ct - spoke again regarding his building of his barn and the changing of the flood maps. Stated he doesn't believe the barns should be considered when we discuss drainage or flooding.

Discussion held again regarding elevation and drainage.

Josh Strawn spoke regarding this not being an issue with setbacks but with property owners not planning their lots out and these should be considered on case-by-case basis.

Genaro Cardenas - 32819 Amberjack - spoke regarding his property and his neighbor building a barn closer to his lot. Doesn't believe the distance really would make a difference, but stated he moved out there for the space.

Jesse Carroll – 31819 Amberjack – spoke in favor of changing the setbacks.

Jim Novak – 3026 Bayou View Ct – spoke in favor of changing the setbacks and regarding drainage and how his lot drains to the road and not his neighbor.

Jason Reumker – 33211 Amberjack – spoke in favor of changing the setbacks even though his home is at a lower elevation than the newer homes. He spoke regarding drainage and elevations.

John Patterson – 2711 Oakwood Trail – spoke in favor of changing the setbacks. Stated it would be uncalled for to make the Clinton's tear down their barn just to rebuild it a few feet over.

Nicole Reumker - 33211 Amberjack – spoke in favor of changing the setbacks. Stated laws change due to circumstance and this is no different.

Jason Finley – 33210 Blue Crab Ct – spoke in favor of changing the setbacks.

Councilman Johnson spoke regarding the public outreach and comments. He stated it's clear that the community wants change. He added his opinion is that property values will increase due to more improvements being made. He stated that variances shouldn't be used when an ordinance change is needed. He believes this change was in the works prior to the initial violation and variance request.

Councilwoman Strawn spoke regarding the research she did on the various residential zoning districts within the City. She spoke regarding comments she received from residents in the neighborhood expressing opposition to changing the setbacks. She stated we have to consider our neighbors and neighborhood as a whole and not just our views. She stated she feels the current setback is sufficient.

Councilman Yarborough stated this isn't the fault of the Clinton's or any movement on his part. He stated making the Clinton's tear their barn down is pointless. He addressed flooding concerns. He stated that most residents are in favor of change, and they have shown up.

Councilman Escalante stated that he is thrilled to see so many people here for the meeting. He spoke regarding vision for the City. He spoke regarding the initial violation and variance request. He stated that we shouldn't make knee jerk reactions due to one issue and should consider the affected parties. He added that there are now additional measures in place due to violations that have occurred.

Mayor Boykin spoke regarding the history of the neighborhood and changes of ordinances over time. Discussion held on variances.

**Motion to adopt Ordinance 22-500 amending Appendix B Zoning Ordinance, Section Four - Districts, Subsection Five - R-4 Single Family Rural Residential Zoning District of the Code of Ordinances setbacks to 7.5 / 15 and removing the minimum lot frontage and depth.**

**Motion made by Matthew Yarborough, Seconded by Mike Johnson.**

**Voting Yea: Steve Boykin, Mike Johnson, Matthew Yarborough**

**Voting Nay: Melissa Strawn, Rory Escalante**

**Motion carries.**

Five minutes recess begins at 7:35 p.m.

VIII. DISCUSSION AND ACTION ITEMS

Open regular session at 7:45

- A. Discuss and consider approving Amendment No. 3 to Strand Associates Task Order in the amount of \$48,000.00 for the North Water Plant Project.

Clif Cluster presented.

Ryan Tinsley from Strand Associates - presented.

Discussion held on current budget and how this affects funding.

Discussion held on possibility of labor costs changing from our contractors.

Discussion held on current state of the driveway.

Discussion held on total costs of amendments.

Motion to approve Amendment No. 3 to Strand Associates Task Order in the amount of \$48,000.00 for the North Water Plant Project.

Motion made by Mike Johnson, Seconded by Matthew Yarborough.

Voting Yea: Mike Johnson, Melissa Strawn, Matthew Yarborough, Rory Escalante

Motion carries.

- B. Discuss and consider accepting bid from Felder Waterworks in the amount of \$23,000.00 to plug Water Well #1.

Clif Custer presented.

Discussion held on budgeted amounts compared to the bid.

**Motion to accept bid from Felder Waterworks in the amount of \$23,000.00 to plug Water Well #1.**

**Motion made by Matthew Yarborough, Seconded by Rory Escalante.**

**Voting Yea: Mike Johnson, Melissa Strawn, Matthew Yarborough, Rory Escalante**

- C. Discussion regarding water usage from the Brazosport Water Authority.

Clif Custer presented.

- D. Discussion and possible action authorizing the City Manager to submit grant application for the 2022 Hazard Mitigation Grant Program (HMGP) Post Fire Grant.

**Motion to authorize the City Manager to submit grant application for the 2022 Hazard Mitigation Grant Program (HMGP) Post Fire Grant.**

**Motion made by Mike Johnson, Seconded by Matthew Yarborough.**

**Voting Yea: Mike Johnson, Melissa Strawn, Matthew Yarborough, Rory Escalante**

**Motion carries.**

- E. Discussion regarding compatibility of City Council Members concurrently serving on Homeowner Association Boards.

Eric presented.

Leslie Klug - 105 Hummingbird Ct - if a council members serve on HOA shouldn't they recuse themselves from any topics that affect the position.

William Yearsin - 244 Briar Creek - would like clarify his previous public comment and stated that just because its legal doesn't make it right.

Councilman Yarborough stated duty falls on the person serving to do the right thing. The fact is that we do not have enough volunteers in our community to have as much separation as we wish. It falls on the specific person to recuse themselves if necessary.

Councilman Escalante read statement from TML and cited the local government code.

Councilman Johnson stated that all new developments are required to have HOA so this may be a issue for future.

- F. Discuss and consider approving Resolution 22-R-71, amending the FY 2022 budget to allow for unbudgeted expenditures during the fiscal year.

Tricia Ditto presented.

**Motion to approve Resolution 22-R-71, amending the FY 2022 budget to allow for unbudgeted expenditures during the fiscal year.**

**Motion made by Matthew Yarborough, Seconded by Melissa Strawn.**

**Voting Yea: Mike Johnson, Melissa Strawn, Matthew Yarborough, Rory Escalante**

**Motion carries.**

IX. EXECUTIVE SESSION

Pursuant to Chapter 551.071, Consultation with Counsel on legal matters:

Close to exec session at 8:35 p.m.

1. Consultation with City attorney regarding settlement litigation.

Close to executive session at 8:35 p.m.

Open regular session at 8:50 p.m.

X. ACTION AS A RESULT OF EXECUTIVE SESSION

Pursuant to Chapter 551.071, Consultation with Counsel on legal matters:

1. Consultation with City attorney regarding settlement litigation.

**Motion to city manager to accept settlement from litigation.**

**Motion made by Matthew Yarborough, Seconded by Rory Escalante.**

**Voting Yea: Mike Johnson, Melissa Strawn, Matthew Yarborough, Rory Escalante**

**Motion carries.**

XI. CAPITAL IMPROVEMENT PROJECTS UPDATE

Clif Custer presented.

Discussion held on water pressure loss.

XII. CITY MANAGER'S REPORT

Eric Foerster gave report.

XIII. COUNCIL MEMBER COMMENTS & REPORTS

Mike Johnson expressed thanks all the people who came out for the meeting, thanked KRB and William Yearsin for honoring the Veterans by placing flags and expressed thanks to all Veterans on Council and in attendance.

Melissa Strawn requested to discuss the DA opinion for future agenda.

Matt Yarborough echoed the appreciation for the turnout, would like to see more volunteers on open committees and the Position 5 opening urging people to please come out and apply.

Rory Escalante echoed thanks to turnout, commented regarding the division in the neighborhood and hopes to see the city and residents move forward in harmony.

XIV. MAYOR'S REPORT

Mayor reported on the Brazoswood water polo parade, expressed appreciation to Chief and PD for offering to drive him in the parade.

He expressed appreciation to everyone who came out and helped the system work the way it is intended. Decisions are made based on hearing from the people, that is what we are hear to do is represent the citizens. Strongly urged the citizens to get together and work to better our city and neighborhoods.

He gave thanks to the Fire Department; they have been busy with fires. He added a lot of people do not realize wildwind fires can be dangerous. stated the guys train hard and work hard.

He expressed thanks to PD and the Veterans on council and in the city.

He expressed thanks to staff for all of the hard work that we've had going on lately.

He stated he was sad to see Councilman Lankford go, but understands and expressed appreciation to his service and thoughtfulness he brought to Council meetings.

XV. FUTURE AGENDA ITEMS

DA opinion

Possible idea of sponsorship of wreaths across america.

XVI. ADJOURNMENT

Being there no further business the meeting was adjourned at 9:09 p.m.

**These minutes were read and approved on this 09th day of January 2023.**

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Mayor

ATTEST:

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City Secretary