

City of Woodbranch Village



Vera Craig, Mayor
Scott Essmeier, Council Position 1
Larry Beaird, Council Position 2

Mark Kroll, Council Position 3
Brent Purser, Council Position 4
Clay Dean, Council Position 5

REGULAR MEETING MINUTES APRIL 25, 2019

The City of Woodbranch Village council met in a regular meeting beginning at 7:00 p.m., Thursday, April 25, 2019, in the City Hall Building at 58A Woodbranch Drive, New Caney, Texas, 77357. The meeting was called to order at 7:00 p.m. Roll Call showed as being present Councilman Scott Essmeier, Councilman Mark Kroll, Mayor Vera Craig, City Attorney Leonard Schneider and Councilman Clay Dean. Councilman Larry Beaird and Councilman Brent Purser were not in attendance. City Secretary Charlotte Smith was present to take the minutes of the meeting. Mayor Vera Craig led the meeting with a prayer, followed by the pledge of allegiance to the flag.

REGULAR MEETING (7:00 P.M.)

#5. Sign in Sheet and Resident Comments

No names were on the sign in sheet.

#6. OPEN PUBLIC HEARING

The 1st public hearing was opened at 7:03 p.m.

#7. Hearing on possible Adoption of a Curfew Ordinance establishing a curfew for persons under the age of 17 within the City of Woodbranch Village, Texas

Mayor Vera Craig read the caption of the ordinance out loud.

#8. Close Public Hearing

The 1st public hearing was closed at 7:05 p.m.

City Attorney, Leonard Schneider instructed Mayor and Council to skip ahead to the consent items on the agenda in order to comply with the start time noted in the public hearing notice for the 2nd public hearing.

#12. CONSENT AGENDA

#13. Approve Minutes from the March 28, 2019 – Regular Meeting

Copies of the minutes are on file in the City Secretary's office.

#14. Approve Minutes from the April 18, 2019 – Special Meeting

Copies of the minutes are on file in the City Secretary's office.

#15. Approve Financial Statement General Fund – March 2019

Copies of this statement are on file in the City Secretary's office.

#16. Approve Financial Statement Water & Sewer Fund – March 2019

Copies of this statement are on file in the City Secretary's office.

#17. Approve Financial Statement Debt Service – March 2019

Copies of this statement are on file in the City Secretary's office.

#18. Approve Bills for the General Fund – April 2019

Copies of the bills are on file in the City Secretary's office.

#19. Approve Bills for the Water & Sewer Fund – April 2019

Copies of the bills are on file in the City Secretary's office.

#20. Approve Bills for the Debt Service Fund – April 2019

Copies of the bills are on file in the City Secretary's office.

#21. Approve the Ground Storage Progress Report – March 2019

Copies of this report are on file in the City Secretary's office.

#22. Approve the Court Activity Report – March 2019

Copies of this report are on file in the City Secretary's office.

#23. Approve the Police Activity Report – March 2019

Copies of this report are on file in the City Secretary's office.

#24. Road & Ditch, Bureau Veritas & Storm Water Management Report – March 2019

Copies of these reports are on file in the City Secretary's office.

The motion to approve items 13 through 22, excluding item 23, was made by Councilman Clay Dean. The motion was seconded by Councilman Scott Essmeier, motion carried.

#9. OPEN PUBLIC HEARING

The 2nd public hearing was opened at 7:11 p.m.

#10. Hearing on possible Adoption of a Curfew Ordinance establishing a curfew for persons under the age of 17 within the City of Woodbranch Village, Texas

Resident, Mike Tyson asked if the ordinance included language that would allow for a person, under the age of 17, to be out after curfew due to traveling to and from work. City Attorney, Leonard Schneider stated there was indeed language to cover such an instance.

No other comments were made.

#11. Close Public Hearing

The 2nd public hearing was closed at 7:12 p.m.

The motion to approve item 24, was made by Councilman Scott Essmeier. The motion was seconded by Councilman Mark Kroll, motion carried.

#25. Approve Operator's Report – March 2019

Copies of this report are on file in the City Secretary's office. The motion to approve the report, as submitted, was made by Councilman Clay Dean. The motion was seconded by Councilman Scott Essmeier, motion carried.

#26. Consider, discuss and/or take possible action on the bids presented for the replacement of the automatic transfer switch at the sewer treatment plant

The motion to approve the bid, submitted by Kentech/Blue Star, for \$7,900.00 was made by Councilman Clay Dean. The motion was seconded by Councilman Mark Kroll, motion carried.

#27. Consider, discuss and/or take possible action on the leak adjustment request from property owner Diane Walters at 101 Elm Street for excessive water usage due to a water leak

The motion to approve a payment plan, averaging the total amount due over a 12-month period, was made by Councilman Mark Kroll. The motion was seconded by Councilman Clay Dean, who also requested finding out if the property was homesteaded, motion carried.

#28. Consider, discuss and/or take possible action on the adoption of Ordinance 277-2019 – an ordinance of the City of Woodbranch Village, Texas (“City”), amending Ordinance 242 by amending Section 10 of said ordinance, savings clause, and effective date

This item was tabled and no action was taken.

#29. Consider, discuss and/or take possible action on the maintenance of a drainage easement on the property of resident Jean O’Malley

The motion to approve the engineering of a simple drainage easement, identifying metes and bounds, was made by Councilman Scott Essmeier. The motion was seconded by Councilman Mark Kroll, motion carried.

#30. Consider, discuss and/or take possible action on rescinding the prior action by City Council to appoint a committee consisting of Councilman Clay Dean, Councilman Larry Beaird and Councilman Mark Kroll to assist with the project of the construction of a new storage building at City Hall – (Councilman Clay Dean)

The motion to rescind the prior action by City Council was made by Councilman Clay Dean. The motion was seconded by Councilman Mark Kroll, motion carried.

#31. Consider, discuss and/or take possible action on the appointment of a committee to assist with the project of the construction of a new storage building at City Hall – (Councilman Clay Dean)

The motion to appoint a committee, consisting of Councilman Clay Dean, Councilman Mark Kroll and City Secretary, Charlotte Smith was made by Councilman Clay Dean. The motion was seconded by Councilman Scott Essmeier, motion carried.

#32. Consider, discuss and/or take possible action on Ordinance 279-2019 – an ordinance of the city council of the City of Woodbranch Village, Texas continuing Ordinance 254 on May 23, 2016, establishing a curfew for persons under the age of 17 within the City of Woodbranch Village, Texas, between the hours of 12 midnight and 6 a.m. as well as at all times during the day during which school is in session; also containing definitions and providing for a penalty for persons in violation of the curfew as a class C misdemeanor; providing that it is unlawful for any parent or guardian of a person subject to curfew to knowingly permit, or by sufficient control allow such person to violate this ordinance; providing that any owner or employer of an establishment violates this ordinance by allowing a minor to remain at such establishment during curfew hours; and establishing a fine in an amount not to exceed \$500 per occurrence and providing for the publication of this ordinance

The motion to adopt the ordinance was made by Councilman Scott Essmeier. The motion was seconded by Councilman Clay Dean, motion carried. Councilman Mark Kroll was opposed.

#33. Consider, discuss and/or take possible action on a payment plan for 31 Woodbranch Drive for excessive water usage, and discuss violations of ordinances 166, 226 and 246 and Montgomery County Animal Control citations issued for loose dog violations - (Councilman Clay Dean)

City Attorney Leonard Schneider stated he has presented the City Secretary with two proposed violation letters that would allow for proper due process, would give the City permission to abate the violations and the ability to file liens for the costs.

No action was taken on this item.

#34. Consider, discuss and/or take possible action on nuisance and abatement enforcement (Councilman Clay Dean)

Councilman Clay Dean asked the City Attorney if the proposed letters would also assist with people that have not responded to the original letters sent in January and February of this year. City Attorney, Leonard Schneider stated they would but additionally the new ordinance, proposed to be adopted at the next meeting, would also help with

the situation. No action was taken on this item.

#35. Consider, discuss and/or take possible action on the appointment of a committee to review potential Requests for Proposals for Professional Services and Requests for Qualifications for Engineering Services proposals received for Hurricane Harvey CDBG-DR4332 grant services

The motion to appoint City Secretary, Charlotte Smith and Councilman Clay Dean was made by Councilman Clay Dean. The motion was seconded by Councilman Mark Kroll, motion carried.

#36. Consider, discuss and/or take possible action on the TXDOT plans submitted for changes to the flow of traffic at the intersection of Railroad Avenue and Roman Forest Blvd.

Councilman Clay Dean is opposed to TXDOT closing the left turn lane at Railroad Avenue and Roman Forest Blvd, going Eastbound.

Councilman Mark Kroll would like to see a second right turn lane coming from the feeder going Eastbound to minimize the back up of traffic that occurs with just a single turn lane. Also, he recommended the two turn lanes be separated with cat tracks.

Councilman Scott Essmeier is opposed to TXDOT closing the left turn lane at Railroad Avenue and Roman Forest Blvd, going Eastbound.

Council instructed the City Secretary to submit their comments to TXDOT.

#37. Consider, discuss and/or take possible action on the gun fire within the city limits enforcement - (Councilman Larry Beard)

City Attorney Leonard Schneider reviewed a proposed sample ordinance to address gunfire within the city limits encouraging Mayor and Council to give any comments to the City Secretary. Councilman Mark Kroll would like to see that bb guns and pellet guns be allowable within the city limits. No action was taken on this item.

#38. Consider, discuss and/or take possible action on the police department general orders amendment regarding extra employment – (G.A. Palmer, Chief of Police)

The motion to approve the amendment, per the Chief of Police's approval, was made by Councilman Scott Essmeier. The motion was seconded by Councilman Clay Dean, motion carried. Councilman Clay Dean asked that the Chief of Police get the approval of the Mayor before traveling to check on an officer at his extra job.

#39. Consider, discuss and/or take possible action on a fourth person signature on checking account for the City – (Vera Craig, Mayor)

The motion to approve Councilman Clay Dean to act as fourth signature was by Councilman Clay Dean. The motion was seconded by Councilman Mark Kroll, motion carried.

#40. Item of Community Interest – (Hear announcements concerning items of community interest from the Mayor, Councilmembers, and City staff for which no action will be discussed or taken.)

Mayor Vera Craig announced the 20-year employment anniversary of City Secretary, Charlotte Smith.

Councilman Clay Dean would like it noted that tonight's meeting was handled in record time largely due to Councilman Brent Purser not being in attendance. Everyone laughed.

No other announcements were made.

The motion to go in to Closed Executive Session was made by Councilman Clay Dean. The motion was seconded by Councilman Mark Kroll, motion carried.

Council went in to Closed Executive Session in Accordance with the Open Meetings Act TEX. GOV'T CODE 551.074 – To discuss personnel matters – generally discuss the police department duties
Council went in to closed session at 8:39 p.m.

(A) – to generally discuss the police department duties

Reconvene and take possible action

Council reconvened in to open session at 9:04 p.m. No action was taken on the closed session.

Council took action on item #23. The motion to approve item #23 was made by Councilman Clay Dean. The motion was seconded by Councilman Scott Essmeier, motion carried.

41. Adjourn

The motion to adjourn the meeting at 9:05 p.m. was made by Councilman Scott Essmeier. The motion was seconded by Councilman Clay Dean, motion carried.