

City of Woodbranch Village



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

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

REGULAR MEETING MINUTES MARCH 28, 2019

The City of Woodbranch Village council met in a regular meeting beginning at 7:00 p.m., Thursday, March 28, 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 Larry Beard, Councilman Mark Kroll, Mayor Vera Craig, City Attorney Leonard Schneider, Councilman Brent Purser and Councilman Clay Dean. Councilman Scott Essmeier was 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. CONSENT AGENDA

#7. Approve Minutes from the February 28, 2019 – Regular Meeting

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

#8. Approve Minutes from the March 14, 2019 – Special Meeting

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

#9. Approve Financial Statement General Fund – February 2019

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

#10. Approve Financial Statement Water & Sewer Fund – February 2019

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

#11. Approve Financial Statement Debt Service – February 2019

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

#12. Approve Bills for the General Fund – March 2019

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

#13. Approve Bills for the Water & Sewer Fund – March 2019

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

#14. Approve Bills for the Debt Service Fund – March 2019

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

#15. Approve the Ground Storage Progress Report – February 2019

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

#16. Approve the Police Activity Report – February 2019

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

#17. Road & Ditch, Bureau Veritas & Storm Water Management Report – February 2019

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

The motion to approve items 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 was made by Councilman Mark Kroll. The motion was seconded by Councilman Larry Beard, motion carried.

#18. Approve Operator's Report – February 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 Brent Purser. The motion was seconded by Councilman Larry Beard, motion carried.

Hector Ortiz stated Inframark discovered the water wells were not grounded properly, the cost was minimal to have them grounded so they proceeded with the repair. He further reported Inframark has only received 2 quotes to repair the automatic transfer switch at the sewer treatment plant generator. They are still waiting for a third bid. He also reported the blower repair should be done by the end of the week.

Mayor Craig asked Jonathan Dawson to announce Mr. Ortiz's departure from Inframark. Jonathan Dawson announced that Mr. Ortiz has accepted a new job with the City of Denton and would be leaving Inframark. Mr. Ortiz stated the City of Woodbranch Village was one of his favorite customers. Mayor Craig stated the city wished him well.

Councilman Clay Dean asked for an update to 23 Sweet Gum. Mr. Dawson reported the account was paid in full. Councilman Dean stated he appreciated Inframark's professionalism in dealing with the matter.

#19. 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

City Attorney Leonard Schneider reviewed briefly ordinance 242-2015 aloud and reviewed the proposed amendment to section 10 of the same ordinance.

Mayor Vera Craig asked a question regarding Section G.3, of the proposed amendment, which refers to the city engineer or operator performing inspections to assure it is completed in compliance with the applicable rules and regulations of the city and TCEQ. Mr. Schneider explained that the ordinance stated either the engineer OR the operator could be used and explained why the language was beneficial.

Councilman Clay Dean requested clarification on B.2 of the proposed amendment referring to termination at the owner's request and read that portion aloud.

Mr. Schneider stated that portion was intended for water that needs to be temporarily disconnected. And in order to reconnect the customer, the customer would have to pay a reconnect fee of \$35.00.

Hector Ortiz stated it would apply to a homeowner that wanted to do repairs within the home.

Councilman Dean says it sounds like an owner could simply shut a water service off if it was rental property.

Jonathan Dawson stated an owner can't use disconnection of service as a means of eviction or penalty against a resident.

Councilman Dean stated he was aware of that, but didn't feel the amendment was written like that and it bothered him. He referred to the language which states, a lien could be filed on property but not on a homestead property. He stated he thought the language used placed the responsibility, not on the tenant but property owner making them responsible for the outstanding bill. He referred to an email, from the City Attorney, dated January 29th which states a municipality's lien shall not apply to bills for service connected in a tenant's name after notice by the property owner, to the municipality, that the property is rental property.

City Attorney Leonard Schneider stated that was correct, this does not secure payment of any municipal utility bills that were incurred by the tenant prior to the effective date of this proposed ordinance. Mr. Schneider further stated property owners are required to notify the City of the rental property. Mr. Schneider stated it was his recommendation to leave the language in the ordinance but it could certainly be taken out.

Councilman Dean stated he thought the intention for the amendment was so the ordinance had more bite and he didn't see where the city has more bite. He asked what the typical cut off for water and sewer was if someone didn't pay.

Jonathan Dawson stated the disconnect fee was \$35.00 and the cut off was 10 days.

Councilman Dean asked if Mr. Schneider would like to see the email from January 29th. Mr. Schneider stated he did not understand the question. Councilman Dean referred to the email and stated it did not say the same thing as the ordinance and asked to be educated.

Mr. Schneider read aloud, "This lien does not secure payment of any municipal utility bills that we incurred by a tenant of a property prior to the effective date of this ordinance." And attempted to explain the necessity for requiring a property owner to notify a city if the water is connected in a tenant's name, how it would protect the owner from being responsible and how a city could act on it if the property owner has not notified a city.

Councilman Dean asked how the city would notify the owners of the ordinance adoption. Mr. Schneider stated the ordinance would be published for 10 days in the newspaper. Mr. Schneider also suggested a mailer could be put in the water bill.

Councilman Dean stated he could not support the adoption of the amendment and that it would be up to council to decide.

Mr. Schneider requested Councilman Dean advise what changes he would like to see.

Councilman Dean stated he would like to see the determination of owner's request. He also stated he would like the enforcement section made clearer by stating who is the enforcement and what the process is for the enforcement. He also stated he felt the lien section was a waste because 90% of the houses are homesteaded.

Mr. Schneider stated he would have preferred that Councilman Dean contact him before the meeting to discuss any objections he had.

Mayor Craig asked each councilmember if they had any questions or concerns. Councilman Brent Purser recommended the item be tabled and placed on a future agenda for discussion.

Mayor Craig asked Councilman Dean if he would like to table the item and email his concerns to Mr. Schneider.

Councilman Dean stated he would not like to and he did not like the proposed ordinance amendment.

Mr. Schneider asked if council would like to go in to closed executive session in accordance with Texas Local Government Code 551.071 – Consultation with Attorney so he could further explain about the ordinances.

Mayor Craig asked for a motion to go in to closed executive session in accordance with Texas Local Government Code 551.071 – Consultation with Attorney. The motion to go in to closed executive session at 7:26 p.m., was made by Councilman Larry Beard. The motion was seconded by Councilman Brent Purser, motion carried. Councilman Clay Dean was opposed and exited the meeting.

#20. Consider, discuss and/or take possible action on the hurricane Harvey Recovery Grant Project – (Vera Craig, Mayor)

Jonathan Dawson gave a brief presentation and gave his priority recommendations to the prepared estimate of probable cost for construction and engineering for the Harvey recovery grant projects, submitted by Bob Schmidt. He recommended the city list the projects in the following priority;

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|---|-------------------------|
| 1. Elevated emergency generator at the water plant | \$202,400 – priority #1 |
| 2. Elevated emergency generator at the Magnolia St. lift station | \$120,750 – priority #5 |
| 3. Raise Well No. 1 casing and elevate access driveway | \$69,000 – priority #2 |
| 4. Install new, elevated chlorine building and equipment | \$56,350 – priority #3 |
| 5. Relocate water plant electrical from building to elevated platform | \$92,000 – priority #4 |

His recommendations are based on the potential for #5 to be included in the design for the improvements to the water plant.

Councilman Clay Dean asked what the grant award amount was. Mayor Vera Craig reported the grant award was \$224,958.00. Councilman Dean asked if the budget would support the remaining balance of the project. Mayor Craig stated she believed that it would by the time all paperwork was processed.

The motion to proceed with the grant process, accepting Jonathan Dawson’s recommendations, was made by Councilman Clay Dean. The motion was seconded by Councilman Brent Purser, motion carried.

#21. Consider, discuss and/or take possible action on the adoption of Ordinance 278-2019 – an ordinance of the City of Woodbranch Village, repealing Ordinance 37; Containing provisions regulation peddling, soliciting, hawking, roadside food vendors, permitting, revocation, appeal, fees, penalties, savings clause and other provisions

After City Attorney, Leonard Schneider reviewed the ordinance aloud, the motion to adopt the ordinance was made by Councilman Clay Dean, with the change to the 2-year bond period to a 1-year bond period. The motion was seconded by Councilman Larry Beard, motion carried.

#22. 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 reviewed all 3 ordinances aloud. City Secretary, Charlotte Smith gave Mr. Schneider the information Councilman Dean wanted to discuss last meeting and reminded him we were there to discuss the violations and proposed payment plan. Councilman Clay Dean stated he had issues with granting a payment plan with so many outstanding ordinance violations and animal control issues. Councilman Dean stated he did not feel the residents showed any history of doing the right thing.

Jonathan Dawson stated they were attempting to get the city at least some of the money collected.

City Attorney, Leonard Schneider stated the city could clean the property and then place a lien on the property for the clean-up. He also suggested he would get with the City Secretary and draft a letter to the resident/owner.

The motion to direct staff to continue with the enforcement of violations, have the city attorney draft the appropriate letter and amend ordinance 166, to include the Transportation Code and to schedule a workshop was made by Councilman Clay Dean. The motion was seconded by Councilman Brent Purser, motion carried.

#23. Consider, discuss and/or take possible action on nuisance and abatement enforcement (Councilman Clay Dean)
Councilman Clay Dean briefly reported the progress since last meeting. Councilman Dean again asked City Attorney, Leonard Schneider what could be done with residents who have not responded to the letters.

City Attorney, Leonard Schneider asked which violations they were.

City Secretary, Charlotte Smith reminded him the violations were for ordinances 166, 226 and 246. She also reminded him that he had stated, at a previous meeting, the enforcement depended on the ordinance and that each was different.

City Attorney, Leonard Schneider stated the city could abate junk vehicles, tow them, sell them and keep the money. He stated illegal recreational vehicles could be cited, fined and the municipal court would enforce. Additionally, he stated weeds could be abated and liens filed and the city could go on property, after proper notice was given. Mr. Schneider stated he would visit with the City Secretary and give further instructions.

Councilman Dean requested the item be placed back on the next agenda.

No action was taken on this item.

#24. 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 Larry Beaird to act as fourth signature was by Councilman Clay Dean. The motion was seconded by Councilman Mark Kroll, motion carried.

#25. Consider, discuss and/or take possible action on the exchange of obsolete radar equipment with PB Electronics in Kentucky

The motion to approve the exchange was made by Councilman Larry Beaird. The motion was seconded by Councilman Mark Kroll, motion carried.

Item#28 was moved up so that members of the audience would not have to stay through the closed executive session.

#28. 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.)

City Secretary, Charlotte Smith announced the Commissioner's office had submitted plans, from TXDOT, for the entrance to the city, from Railroad Avenue and Roman Forest Blvd, and they are requesting comments from council.

She also announced the Commissioner's office stated Railroad Avenue was rededicated to the city and the city would be responsible for maintaining it from now on. She is making arrangements for the assistance with trash pick-up, mowing and overgrowth control.

She announced the request for council consideration and approval for containers to be placed at city hall to encourage Spring clean-up, would appear on a future agenda.

Councilman Larry Beaird requested an item, to discuss gun fire within city limits, be placed on a future agenda.

No other announcements were made.

#26. Closed Executive Session in Accordance with the Open Meetings Act TEX. GOV'T CODE 551.074 – To discuss personnel matters – interview potential candidate for the full time Patrol Officer position – Taylor Lisk and consider potential candidate for the Reserve Officer position – Andre Singleton

Council went in to closed session at 8:39 p.m.

(A) – to deliberate the appointment, employment, evaluation, reassignment, duties, discipline and or dismissal of a public officer or employee

#27. Reconvene and take possible action

Council reconvened in to open session at 8:56 p.m.

The motion to hire Officer Taylor Lisk, for the full time Patrol Officer position at the budgeted salary and a 6-month probation, was made by Councilman Clay Dean. The motion was seconded by Councilman Mark Kroll, motion carried.

The motion to hire Officer Andre Singleton, for the Reserve Officer position, was made by Councilman Clay Dean. The motion was seconded by Councilman Mark Kroll, motion carried.

#29. Adjourn

The motion to adjourn the meeting at 8:58 p.m. was made by Councilman Clay Dean. The motion was seconded by Councilman Larry Beaird, motion carried.