



## CITY COUNCIL MEETING AGENDA

**Tuesday, September 21, 2021 at 6:20 PM**

*Richwood City Hall, 1800 Brazosport Blvd. N.*

BE IT KNOWN THAT a City of Richwood City Council will meet Tuesday, September 21, 2021, beginning at 6:20 PM at Richwood City Hall, located at 1800 Brazosport Blvd. N., Richwood, Texas 77531 with the following agenda:

- I. CALL TO ORDER
- II. ROLL CALL OF COUNCIL MEMBERS
- III. PUBLIC COMMENTS
- IV. CONSENT AGENDA
  - [A.](#) Approval of minutes from regular meeting held, September 13, 2021
- V. DISCUSSION AND ACTION ITEMS
  - [A.](#) Discuss and consider a resolution, 21-R-58, extending the Disaster Declaration enacted on September 13, 2021 by Mayor Boykin, expiring October 31, 2021.
  - [B.](#) Discuss and consider authorizing the City Manager to send Notice to Proceed as part of our contract agreement with Ceres Environmental for Storm Debris removal in an amount not to exceed \$250,000.
  - [C.](#) Discuss and consider authorizing the City Manager to send Notice to Proceed as part of our contract agreement with True North Debris Management and Monitoring for an amount not to exceed \$62,500.
  - [D.](#) Discuss and consider approval of Matula and Matula Construction, LLC change order #2 in the amount, not to exceed, \$30,000, to resurface asphalt driveways in the project scope of Richwood's phase 2 of street repair.
  - [E.](#) Discuss and consider approval of change order in the amount of \$29,838.00 to repair roughly 310 linear feet of the western portion of Cypress Street.
  - [F.](#) Discuss and consider approving a service agreement with Ana Celedon to provide City water to lots 4 & 5, Block 1 of the Havenwood Subdivision at 1.5 times the cost of water rate within the City of Richwood.
  - [G.](#) Discussion and possible action regarding street flooding on Quail Run Street.
  - [H.](#) Discussion regarding standing water on Oyster Creek Drive in front of driveways and intersection of S. Yaupon.
- VI. EXECUTIVE SESSION
  - Pursuant to Chapter 551.071, Consultation with Counsel on legal matters:
    1. Bid Contract for North Water Plant
  - Pursuant to Chapter 551.0745, Personnel Matters to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, or to hear a complaint or charge against an officer or employee:
    1. Chief of Police

- VII. ACTION AS A RESULT OF EXECUTIVE SESSION
- VIII. CAPITAL IMPROVEMENT PROJECTS UPDATE
- IX. CITY MANAGER'S REPORT
- X. COUNCIL MEMBER COMMENTS & REPORTS
- XI. MAYOR'S REPORT
- XII. FUTURE AGENDA ITEMS
- XIII. ADJOURNMENT

**The City Council may go into Executive Session on any item listed on the Agenda in accordance with Section 551-071 of the Government Code (attorney-client privilege).**

*This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (979) 265-2082 or FAX (979) 265-7345 for further information.*

I, Kirsten Garcia, do hereby certify that I did, on September 17, 2021 at 05:00 PM post this notice of meeting on the bulletin board at 1800 N. Brazosport Blvd., Richwood, TX, in compliance with the Texas Open Meetings Law.

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Kirsten Garcia, City Secretary  
City of Richwood

# MINUTES

## RICHWOOD CITY COUNCIL MEETING

**Monday, September 13, 2021 at 6:15 PM**

BE IT KNOWN THAT a City of Richwood City Council will meet Monday, September 13, 2021, beginning at 6:15 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 7:16 p.m.

### II. 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
Mark Brown II, Position 5:	Present

Others in attendance: Eric Foerster, City Manager; Kirsten Garcia, City Secretary; Patricia Ditto, Finance Director; Clif Custer, Public Works Director; Stephen Mayer, Chief of Police; Matt Allen, City Attorney

### III. 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 was no public comment.

### IV. PROCLAMATION

- A. Constitution Week - September 17-23, 2021  
Mayor Boykin read the proclamation aloud.

### V. EMPLOYEE SERVICE AWARD

- A. Kirsten Garcia, City Secretary - 5 Years of Service  
Mayor Boykin presented Kirsten Garcia with her service award.  
Appreciation was expressed by council members.

### VI. CONSENT AGENDA

- A. Approval of minutes from regular meeting held, August 9, 2021.  
B. Approval of July 2021 budget report.  
C. Approval of August 2021 budget report.  
D. Approve re-appointing Jeremy Fountain as the City's representative to the Brazosport Water Authority Board.

***Motion to approve consent agenda. Motion made by Mike Johnson, Seconded by Matthew Yarborough.***

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

## **VII. PUBLIC HEARING ON PROPOSED 2021-2022 BUDGET**

Patricia Ditto presented the budget document.

Discussion held on workers compensation and projected changes.

Discussion held on bond funds.

Discussion held on how much fund balance is expected for this year.

Public hearing closed at 6:40p.m.

## **VIII. PUBLIC HEARING ON PROPOSED 2021-2022 TAX RATE**

Patricia Ditto presented tax rate options.

Discussion held on historical tax rates.

Discussion held on infrastructure needs and how the city plans to fund these needs.

## **IX. DISCUSSION AND ACTION ITEMS**

- A. Discuss and take appropriate action concerning any final changes to the proposed 2021- 2022 Municipal Budget.

Eric Foerster presented council with the option to motion last minute changes to the presented budget.

***No action taken.***

- B. Consideration and possible action - reading of Ordinance 2021-480, an ordinance appropriating adopting a budget for the fiscal year beginning October 1, 2021 and ending September 30, 2022.

***Motion to approve Ordinance 2021-480, an ordinance appropriating adopting a budget for the fiscal year beginning October 1, 2021 and ending September 30, 2022.***

***Motion made by Matthew Yarborough, Seconded by Mark Brown II.***

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

- C. Consideration and action - reading of ordinance 2021-481, an ordinance adopting a tax rate of \$0.652278 and levying taxes for the use and support of the Municipal Government of the City of Richwood, Texas and providing for the interest and sinking fund of the taxable year 2021.

Discussion held on voter approval rate vs the current tax rate.

Discussion held on contingency and how rates affect the bottom line for fund balance.

Discussion held on the need to maintain our infrastructure which is primarily funded by property taxed due to lack of commercial bringing in sales tax revenue.

***I move that the property tax rate be increased by the adoption of a tax rate of 0.652278, which is effectively a 6.63 percent increase in the tax rate.***

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

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

***Voting Nay: Mike Johnson, Mark Brown II***

- D. Discuss and consider approval of Matula and Matula Construction, LLC change order #1 in the amount of \$21,302.30

City Council recessed at 7:23 p.m.

City Council reconvened at 7:26 p.m.

Clif Custer presented.

***Motion to approve of Matula and Matula Construction, LLC change order #1 in the amount of \$21,302.30***

***Motion made by Mike Johnson, Seconded by Mark Brown II.***

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

- E. Discuss and consider approval of Matula and Matula Construction, LLC change order #2 in the amount, not to exceed, \$30,000, to resurface asphalt driveways in the project scope of Richwood's phase 2 of street repair.

Clif presented.

Discussion held on where the funds come from.

*During the current agenda item, weather deteriorated due to Hurricane Nicholas.*

***Motion to table remaining items on agenda until next meeting to be held September 21, 2021.***

***Motion made by Mark Brown II, Seconded by Melissa Strawn.***

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

- F. Discuss and consider approval of change order in the amount of \$29,838.00 to repair roughly 310 linear feet of the western portion of Cypress Street. **(TABLED TO 9/21/2021)**
- G. Discuss and consider approving a service agreement with Ana Celedon to provide City water to lots 4 & 5, Block 1 of the Havenwood Subdivision at 1.5 times the cost of water rate within the City of Richwood. **(TABLED TO 9/21/2021)**
- H. Discussion and possible action regarding street flooding on Quail Run Street. **(TABLED TO 9/21/2021)**
- I. Discussion regarding standing water on Oyster Creek Drive in front of driveways and intersection of S. Yaupon. **(TABLED TO 9/21/2021)**

X. EXECUTIVE SESSION

Pursuant to Chapter 551.071, Consultation with Counsel on legal matters

1. Bid Contract for North Water Plant **(TABLED TO 9/21/2021)**

Pursuant to Chapter 551.074, personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee;

1. Chief of Police **(TABLED TO 9/21/2021)**

XI. ACTION AS A RESULT OF EXECUTIVE SESSION

**(TABLED TO 9/21/2021)**

XII. CAPITAL IMPROVEMENT PROJECTS UPDATE

**(TABLED TO 9/21/2021)**

XIII. CITY MANAGER'S REPORT

**(TABLED TO 9/21/2021)**

XIV. COUNCIL MEMBER COMMENTS & REPORTS

**(TABLED TO 9/21/2021)**

XV. MAYOR'S REPORT

**(TABLED TO 9/21/2021)**

XVI. FUTURE AGENDA ITEMS

**(TABLED TO 9/21/2021)**

XVII. ADJOURNMENT

Being there no further business, the meeting was adjourned at 7:45p.m.

**These minutes were read and approved on this 21st day of September 2021.**

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**Mayor**

**ATTEST:**

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**City Secretary**

**RESOLUTION NO. 21-R-58****A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF RICHWOOD, TEXAS, EXTENDING THE MAYORAL DECLARATION OF LOCAL STATE OF DISATER, ENDING OCTOBER 31, 2020.**

**WHEREAS**, the City of Richwood, Texas in the County of Brazoria County on the day of September 13<sup>th</sup>, 2021 has or will suffer widespread or severe damage, injury or loss of life or property, or there is imminent threat of same resulting from severe weather from Hurricane Nicholas, the beginning Monday, September 13, 2021, and

**WHEREAS**, the Governor of Texas Greg Abbott issued a severe weather disaster declaration on September 13, 2021 under Section 418.014 of the Texas Government Code, covering 17 counties, authorizing the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster pursuant to Section 418.017, and

**WHEREAS**, the Mayor issued an initial Mayoral Declaration of Local State of Disaster on September 13, 2021, and subsequent thereto, the Governor of the State of Texas;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RICHWOOD, TEXAS, THAT:**

- Section 1.** That a state disaster is declared for the City of Richwood, Texas, pursuant to Section 418.108(a) of the Texas Government Code.
- Section 2.** Pursuant to Section 418.018 (d) of the Government Code this declaration activates the City Emergency Plan and activates the recovery and rehabilitation aspects of all applicable local and interjurisdictional emergency management plans and authorizes the furnishing of all aid and assistance as deemed necessary or desirable by those administering such plans and activates the preparedness and response aspects of such plans as provided therein.
- Section 3.** That pursuant to Section 418.018(c) of the Government Code this declaration of a local state of disaster shall be filed promptly with the City Secretary and shall be given prompt and general publicity.
- Section 4.** That this proclamation shall take effect immediately from and after its issuance.

**PASSED AND APPROVED this the 21 day of September 2021.**

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Steve Boykin, Mayor

ATTEST:

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Kirsten Garcia, City Secretary



## NOTICE TO PROCEED

September 22, 2021

Ms. Tia Laurie, Director of Administration  
Ceres Environmental Services, Inc.  
6968 Professional Parkway East  
Sarasota, FL 34240

Re: Debris Removal and Disposal Services – Contract Activation / Notice to Proceed

Dear Ms. Laurie:

Pursuant to the terms of the Debris Removal and Disposal Services Contract dated **August 31, 2017**, Ceres Environmental is hereby given notice that the City of Richwood is activating the contract for removal and disposal of debris resulting from Hurricane Nicholas. As per the contract, Ceres Environmental is required to respond to this Notice to Proceed within 24 hours of receipt of this Notice. Please respond by contacting **Ms. Kirsten Garcia** directly at 979-265-2082 upon receipt of this Notice to make necessary arrangements for beginning Work under this Notice. Please sign and date this Notice and return via email to [kgarcia@richwoodtx.gov](mailto:kgarcia@richwoodtx.gov).

Per the contract, Ceres Environmental is required to execute a payment and performance bonds equal to 100% of the estimated cost of the debris removal services upon receipt of this Notice to Proceed. The estimated cost of debris removal for this activation is \$250,000. Please have the executed bonds forwarded to my attention as required under this contract.

The estimated cost of debris removal presented above also serves as the Not-to-Exceed amount for this activation. Should Ceres Environmental's operations begin to approach this amount, the designated Project Manager shall notify the City of Richwood in writing.

Ceres Environmental shall have **180 days** from the date of this Notice to Proceed to complete the debris removal and disposal services required under the contract. Additionally, all requirements established by the scope of services, terms and conditions within the contract and Bid Specifications made a part thereof shall be complied with at all times throughout the project.

City of Richwood's point of contact for this debris removal and disposal project is **Mr. Eric Foerster**, City Manager. Mr. Foerster may be contacted at 979-418-2612, [efoerster@richwoodtx.gov](mailto:efoerster@richwoodtx.gov). Mr. Foerster is duly authorized to administer this contract for and in the name of the City of Richwood. Any questions related to this activation should be directed to **him**.

Sincerely,

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City Manager

Ceres Environmental Services, Inc.

Received by\_\_\_\_\_

Date\_\_\_\_\_

September 22, 2021

Mr. Derrick Tucker, PE  
True North Emergency Management, LLC  
2501 Avenue J, Suite 120  
Arlington, TX 76006

Re: Disaster Debris Monitoring – Notice to Proceed

Dear Mr. Tucker:

The City of Richwood hereby authorizes True North Emergency Management, LLC of Arlington, Texas to proceed with the Work in accordance with the Agreement to Provide Disaster Debris Removal Monitoring and Emergency Management Services, dated May 31, 2018 with extensions.

You have forty-eight (48) hours from the issuance of this Notice to Proceed to provide the required certificates of insurances to the City of Richwood and commence monitoring activities.

The Work in response to Hurricane Nicholas shall not exceed \$62,500.00 without prior written authorization from the City of Richwood.

Sincerely,

City Manager

## MEMORANDUM

To: Richwood City Council

From: Clif Custer

Date: 09/06/2021

Subject: Driveways Within Phase 2 of Richwood's Street Repair Project Scope

In the design phase of Richwood's phase 2 of street repair, Strand Associates questioned me regarding how to proceed with driveway modification on streets scheduled for repair. It is customary in most Cities when streets are being repaired or rebuild to reconstruct resident's driveways up to the easement edge. Due to lack of funds to repair or rebuild additional streets in need in the City, a decision was made to assess each driveway individually and make modifications to existing driveways based on 2 criteria.

1. If driveway was currently gravel, the Contractor was to apply an asphalt surface to be consistent with Richwood's Code of Ordinances.
2. If existing driveway elevations were not conducive to proposed reconstructed street elevation profiles, driveways were to be modified to compliment proposed street elevation profiles whether the driveways were comprised of asphalt or concrete.

During the driveway assessments, driveways that were comprised of asphalt that still maintained a degree of integrity were not resurfaced or replaced. If a driveway was comprised of concrete and no elevation deficiencies existed between the driveway and proposed reconstructed street elevations profiles, the concrete driveway was not modified.

Complaints have been generated for several different reasons from residents who currently have asphalt driveways that are not scheduled for replacement.

An estimate in the amount of \$20,616.00 was provided by Mike Murphy of Matula and Matula to resurface all asphalt driveways to the edge of easement regardless of existing driveway conditions. Material amounts are based off engineering plan measurements and are believed to be mostly accurate. To cover any potential overages of materials and prevent bringing this matter back to Council, I'm requesting a motion from Council to approve Matula and Matula's Change Order est. in the amount not to exceed \$30,000.00 to resurface asphalt driveways in the project scope of Richwood's phase 2 of street repair regardless of existing asphalt driveway conditions.

Remove 2" of existing asphalt/gravel driveway to existin concrete at ROW	4058	SF	\$ 2.00	\$ 8,116.00	
Replace with 2" of Asphalt	50	TN	\$ 250.00	\$ 12,500.00	
Remove Existing driveway	350	SF	\$ 2.00	\$ 700.00	<b>Total C.O.</b>
Replace with 6" Concrete	39	SY	\$ 85.00	\$ 3,315.00	<b>\$ 24,631.00</b>

## MEMORANDUM

To: Richwood City Council

From: Clif Custer

Date: 09/09/2021

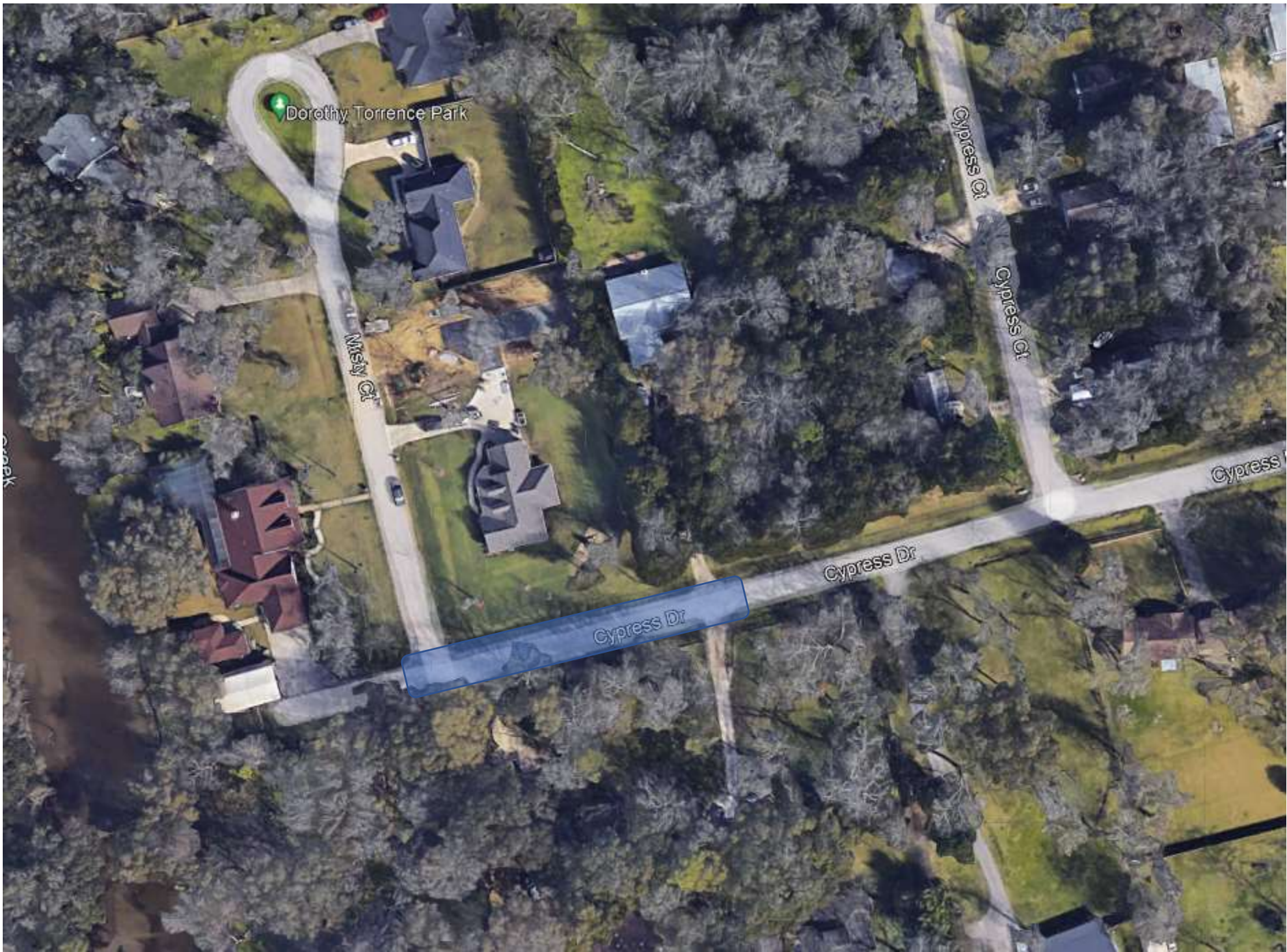
Subject: Possible Matula and Matula Change Order for Cypress Street

In the process of street repair by Matula and Matula an error was made in the identification of Cypress Street and Cypress Ct. When mobilizing to the location of Cypress Ct. Matula Personnel accidentally staged equipment on Cypress Street and tilled a section of roughly eighty-five (85) linear feet of the North lane of Cypress Street. Although the section of Cypress Street that was tilled as well as additional linear feet of Cypress is in failing condition, Cypress Street was not scheduled for repair in phase 2 of Richwood's street repair.

On the morning of September 15, 2021, I was notified of this incident. A situation has presented itself that could be beneficial for Richwood and Matula and Matula. Since the street is failing in the section of Cypress that has been tilled and beyond, I requested a cost to till, Portland cement stabilize, and asphalt roughly 310 feet of the Western most portion of Cypress Street. This action will allow Richwood the opportunity to temporarily repair a section of street in need of repair until a later date when the entire street can be reworked. This action could also provide relief for citizens until a later date after more pressing street repair has been performed in Richwood.

I am requesting of Council a motion to approve Matula and Matula's Change Order in the amount of \$29,838.00 to till, Portland cement stabilize, and asphalt overlay roughly 310 linear feet of the Wester portion of Cypress Street.





**Matula & Matula Construction, Inc****PROJECT** Richwood Cypress Dr.**ENGINEER****BID DATE** 10-Sep-21**COST EST.**

ITEM No.	DESCRIPTION	QTY	UNIT	UNIT PRICE	BID AMOUNT
1	Reclaim, grade, & hauloff excess material (300x23)	767	SY	\$ 8.00	\$ 6,136.00
2	Add 54#s of portland 10" depth (Manipulation & Compaction)	767	SY	\$ 5.20	\$ 3,988.40
3	Portland (54#s/SY)	21	Tons	\$ 244.80	\$ 5,140.80
4	Place 2 1/2" of Type D Surface (300x21)	96	Tns	\$ 151.80	\$ 14,572.80

**\$ 29,838.00**



## MEMORANDUM

To: Richwood City Council

From: Clif Custer

Date: 09/06/2021

Subject: Service Agreement for Water Service Outside Richwood City Limits

I was approached by a property owner within Richwood's ETJ (Extra Territorial Jurisdiction) requesting 1-inch water service to serve future residential construction. It is believed that the 1-inch water service will produce minimum to zero impact on the existing water system. Richwood's policy in the past has been to charge 1.5 times that of the current water or wastewater rate for those outside the city limits receiving water or wastewater services from the City.

I am requesting of Council a motion to engage in a Service Agreement with Ana Celedon for a 1-inch water service to provide City water to Lots 4&5, Block 1 of the Havenwood Subdivision at 1.5 times that the cost of water rates within the City of Richwood.

Proposed 1-inch water service

Existing 4-inch water main

Crawford's Furniture



## MEMORANDUM

To: Richwood City Council

From: Clif Custer

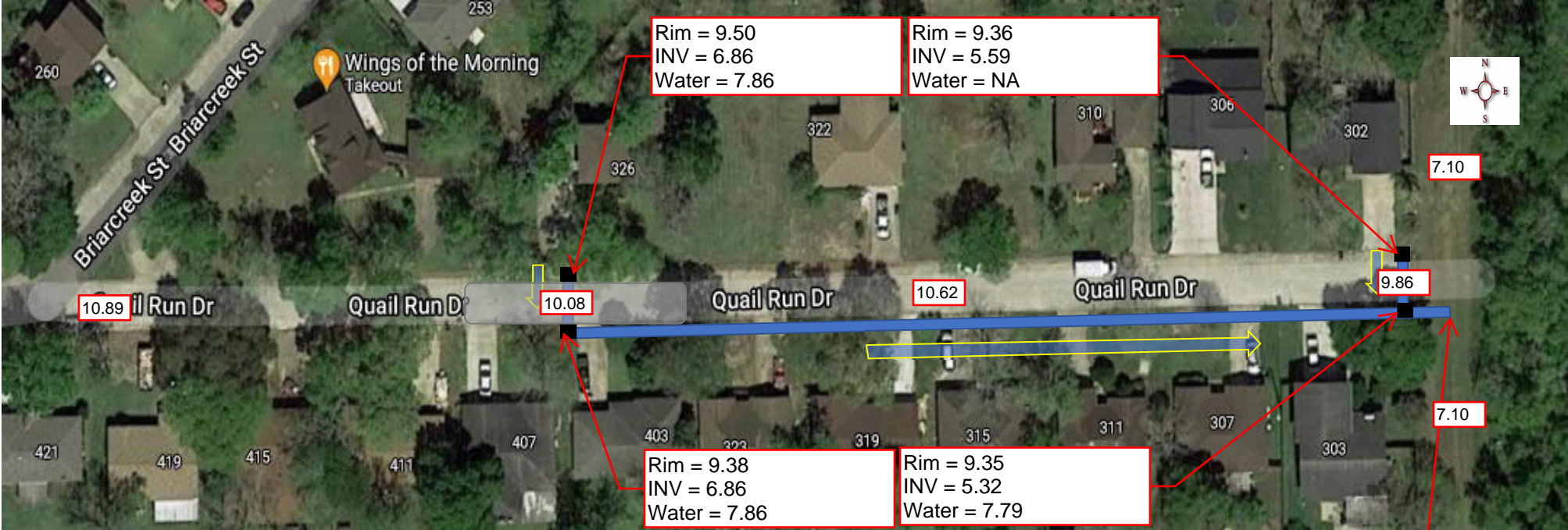
Date: 09/06/2021

Subject: Standing Water on Quail Run

For years standing water on Quail Run has presented a nuisance for residents during moderate to heavy rainfall events. Water can reach depths up to a foot at the curb and 3-5 inches in the center of the street during rain events.

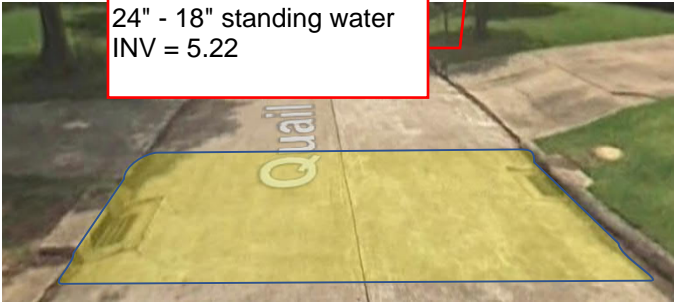
In the development of the Stormwater Master Plan, this area was noted by Strand Associates. It is believed that the improvements scheduled for the main outfall ditches in Richwood will have a positive affect with regards to standing water on Quail Run. During the survey of the outfall ditches for upcoming improvements Stand Associates obtained elevation data for Quail Run to ensure that street and storm sewer elevations were conducive for proper drainage.

Based on the elevation data obtained by Strand Associates it is currently believed that there could be a blockage in the storm sewer between the western and eastern most portions of the storm sewer on Quail Run. Richwood Public Works will have the storm sewer on Quail Run closed circuit televised. In the event no blockages are found, it is possible that additional stormwater capacities at the point of discharge may be necessary if not the overall elevation of portions of Quail Run and the existing storm sewer.



The above illustration shows a layout of the existing storm drainage. Everything flows to the South and to the East as indicated by the arrows. The black boxes represent drain boxes. The gray shaded area represents the area where standing water during rain events in most severe. The yellow shaded area in the illustration to the right represents a section of Quail Run that has been replaced as well as the culverts that connect the drain boxes.

It would seem logical that since the drainage is graded to flow to the East, the street should follow a similar profile. It is not understood why standing water is severe towards the middle of the street unless the overall elevation of the street is lower at the center section than it is at the western most portion of the street.



## MEMORANDUM

To: Richwood City Council

From: Clif Custer

Date: 09/06/2021

Subject: Standing Water on Oyster Creek Drive

In 2013 the City of Richwood engaged in a street repair initiative using a foam leveling system and asphalt overlay on Oyster Creek Drive. The foam leveling system was used to get the street to proper grade to assist in the drainage of stormwater and the asphalt surface was applied to protect the subgrade from stormwater inundation.

Upon applying the asphalt surface to the street, the overall elevation of the street was raised 2-3 inches. This created a situation of retained stormwater at points where driveways meet Oyster Creek Drive as well as stormwater encroaching further onto driveways than it had prior to street modification. Additions of sidewalks have further exacerbated standing water at points where driveways meet Oyster Creek Drive.

I would like to discuss with Council the possibility of Strand Associates performing a study of this region of Oyster Creek Drive in order to present Council with options for repair.

# Oyster Creek Drive

Standing Water



