



STATE OF TEXAS
COUNTY OF FORT BEND
STATE OF TEXAS

The City Commission for the City of Richmond, Texas met in Regular Session on August 19, 2019 at 4:30 p.m.

Mayor Moore proceeded to call the meeting to order at 4:30 p.m. A quorum was present, with the following members in attendance:

Evalyn W. Moore, Mayor
Terry Gaul, Commissioner P1 - **Absent**
Barry Beard, Commissioner P2
Carl Drozd, Commissioner P3
Alex BeMent, Commissioner P4
Terri Vela, City Manager
Gary Smith, City Attorney
Laura Scarlato, City Secretary

The Mayor proceeded to make the following presentations for agenda item A2:

- a. Employee Recognition for Service with the City of Richmond
 - None
- b. Introduction of the new Finance Director, Justin Alderete.
- c. Proclamation for our Hometown Hero – Darby Rosen. Darby attended with her family and took photographs with Mayor Moore.
- d. Life Saving Award presented to Officer Alon Freeman. Chief Adams presented the award to Officer Freeman and photographs were taken with the victim's family.
- e. Presentation of the Outstanding Public Drinking Water System Award for 2019 from the Texas Commission on Environmental Quality. Mayor Moore recognized Clifton Holik, Field Operations Superintendent, Scott Fajkus, Utilities Coordinator and Mike Moody, Water and Wastewater Superintendent.

Agenda item A3, Public Comments was opened and there were no individuals signed up to speak, therefore the agenda item was closed.

Agenda item A4, Public Hearing to receive comments for or against a request by Fort Bend County Women's Center Inc., to replat approximately 30.000 acres of land being all of Reserve A, Block 1 of Oaks of Rio Bend subdivision as recorded in plat no. 20050003 of the Fort Bend County Plat Records in order to create one (1) Block and one (1) Reserve. No one was in attendance to speak regarding the public hearing, therefore, the agenda item was closed.

Agenda item A5, Public Hearing to receive comments for or against a request by Ryan Moeckel to replat a portion of Reserve "B" and all of lots 15 and 16, Block 1 of Kingdom Heights, Section One, a subdivision recorded as Plat No. 20060032; of the Official Public Records of Fort Bend County, Texas in order to create two reserves for landscaping and to extend existing Foxgate Drive into a proposed section of Kingdom Heights Residential subdivision. The replat is part of a proposed final plat for Providence at Kingdom Heights. No one was in attendance to speak regarding the public hearing, therefore, the agenda item was closed.

Mayor Moore introduced Agenda item A6, asking if there was any discussion regarding the Consent Agenda. Commissioner Beard pulled item A6 (2)

Commissioner Beard made the motion to approve the remaining Consent Agenda items with Commissioner Drozd seconding the motion. The vote was unanimous to approve.

A6 (2). Fire Department Report. Commissioner Beard commended the Code Enforcement Department for the Pet Safety Campaign and for being pro-active. Chief Youngblood stated that fire prevention will take the lead for the Fire Department focus in September.

Commissioner Beard made the motion to approve Consent Agenda items A6 (2) with Commissioner Drozd seconding the motion. The votes were unanimous to approve.

Agenda item A7, review and consider taking action on Ordinances adopting the 2015 International Codes.

- a. Ordinance No. 2019-26, adopting the Building Code.
- b. Ordinance No. 2019-27, adopting the Electric Code.
- c. Ordinance No. 2019-28, establishing the Construction Board of Adjustments and Appeals.
- d. Ordinance No. 2019-29, establishing the Electrical Board.
- e. Ordinance No. 2019-30, adopting the Energy Conservation Code.
- f. Ordinance No. 2019-31, adopting the Existing Building Code.
- g. Ordinance No. 2019-32, adopting the Fire Code.
- h. Ordinance No. 2019-33, amending the reward for arson information.
- i. Ordinance No. 2019-34, adopting the Fuel Gas Code.
- j. Ordinance No. 2019-35, adopting the Mechanical Code.
- k. Ordinance No. 2019-36, adopting the Plumbing Code.
- l. Ordinance No. 2019-37, adopting the Residential Code.
- m. Ordinance No. 2019-38, adopting the Swimming Pool and Spa Code.

Building Official Lori Bownds provided a brief background of the Codes, reporting that staff had been working on the update process for approximately two years. Bownds reported the City would be adopting the 2015 Codes and City Manager Vela stated they would become effective January 1, 2020. Commissioner Beard remarked that some cities are working off the 2009 Codes and commended staff for being diligent in keeping the City up to date. Commissioner Drozd made the motion to adopt Ordinances 2019-26 through 2019-38 2015 International Codes. Commission BeMent seconded the motion and the vote was unanimous to approve.

Agenda item A8, Discuss Proposed Tax Rate, Record Vote on FY 2019 Proposed Tax Rate and Schedule Public Hearings. (September 3rd and September 9th). Finance Director Justin Alderete provided a presentation with details regarding Senate Bill 2 and the key elements to the new legislation effective January 2020. The changes from the Bill were reviewed and the impact the changes will have on Richmond. The total Proposed Tax Rate is \$0.6999. The average home values are increasing and the sales tax projections remain flat. Commissioner Beard made the motion to accept and publish the Proposed Tax Rate of \$0.6999 and Public Hearings for September 3rd and September 9th were set. Commissioner Drozd seconded the motion. The recorded vote was as follows:

Mayor Moore – Accept
Commissioner Beard – Accept
Commissioner Drozd – Accept
Commissioner BeMent – Accept
Commissioner Gaul - Absent

Mayor Moore introduced agenda item A9, the Budget Workshop on Proposed Revenues, Fiscal Year 2019-20. Finance Director Alderete continued to discuss the Revenue Summary with Taxes being the largest source at \$8.66 Million budgeted for FY 2019-20. The Water and Sewer Sales is budgeted for \$7.88 million. The sources for the General Fund and Historical Sales Tax trends were reviewed. There were not any questions and the agenda item was closed.

Mayor Moore introduced agenda item A10, review and consider taking action on Resolution No. 291-2019 amending the Rules of Commission. City Attorney Gary Smith reviewed the changes necessary due to House Bill 2840 in the recent legislative session. The Bill provides that the Commission may adopt reasonable rules regarding the public's right to address the Commission, "including rules that limit the total amount of time that a member of the public may address the body **on a given item.**" Also, the proposed revision provides the Commission direction on the inclusion of items on future agendas during a meeting. The ability of a Commissioner to request that the City Manager add an item to an agenda is modified so the City Manager may determine which items will be included on an agenda. There were comments and questions from the Commissioners with regard to consistency, speaking at the beginning of a meeting or on an agenda item, three minutes tied to an agenda item or three minutes on each agenda item. Commissioner Beard made the motion to approve Resolution No. 291-2019 amending the Rules of Commission including the addendum provided. Commissioner BeMent seconded the motion and the vote was unanimous to approve.

Mayor Moore introduced agenda item A11, to review and consider taking action on the request by Fort Bend County Women's Center Inc., to replat approximately 30.000 acres of land being all of Reserve A, Block 1 of Oaks of Rio Bend subdivision as recorded in plat no. 20050003 of the Fort Bend County Plat Records in order to create one (1) Block and one (1) Reserve. Mason Garcia, Associate Planner provided the background of the subject property stating it is a non-profit organization and designated

for commercial use. Commissioner Drozd made the motion to approve the replat of approximately 30 acres of land being all of Reserve A, Block 1 of Oaks of Rio Bend subdivision as recorded in plat no. 20050003 of the Fort Bend County Plat Records in order to create one (1) Block and one (1) Reserve with the conditions that the five comments to be addressed as noted. Commissioner Beard seconded the motion and the vote was unanimous to approve. The vote was unanimous.

Agenda item A12, Review and consider taking action on a request by Ryan Moeckel:

- (a) To replat a portion of Reserve "B" and all of lots 15 and 16, Block 1 of Kingdom Heights, Section One, a subdivision recorded as Plat No. 20060032; of the Official Public Records of Fort Bend County, Texas in order to create two reserves for landscaping and to extend existing Foxgate Drive into a proposed section of Kingdom Heights Residential subdivision.
- (b) To approve a major amendment to the Concept Plan for Kingdom Heights – Master Planned Community.
- (c) To approve a final plat – Providence at Kingdom Heights – 18.6677 acres of land – 90 Lots – 2 Blocks – 3 Reserves.

City Planner Jose Abraham provided the background for this agenda item which the applicant originally submitted a request for a variance which was denied. The applicant eventually revised the plat to meet the requirements of the UDC and it was subsequently approved. Staff recommends approval of this proposed final plat with the conditions that all the comments be addressed. The final plat includes 90 lots with minimum 50 foot lot width and 6,000 square foot lot area. Also, a condition being a concept plan amendment to reflect the development progress since 2016. There was some discussion as to the change of a street name but it was determined it would not affect the subdivision name. Commissioner BeMent made the motion to approve a replat of a portion of Reserve "B" and all of lots 15 and 16, Block 1 of Kingdom Heights, Section One, a subdivision recorded as Plat No. 20060032; of the Official Public Records of Fort Bend County, Texas in order to create two reserves for landscaping and to extend existing Foxgate Drive into a proposed section of Kingdom Heights Residential subdivision and also to approve a major amendment to the Concept Plan for Kingdom Heights – Master Planned Community and to approve a final plat – Providence at Kingdom Heights – 18.6677 acres of land – 90 Lots – 2 Blocks – 3 Reserves. The motion was seconded by Commissioner Beard and the vote was unanimous to approve.

Agenda item A13, Review and consider taking action on Resolution No. 292-2019 consenting to the addition of 22.2838 acres of land to Fort Bend County Municipal Utility District No. 176. (Kingdom Heights). City Attorney Smith stated the Texas Water Code requires the MUD to obtain consent from the City before additional territory may be added to its territory if the area is within the extraterritorial jurisdiction of the City. MUD 176 and the property owner have both petitioned for the 22.2838 acres to be included in MUD 176. Commissioner Beard inquired as to the change in the original acreage of 17.0336 to 22.2838 acres. The engineer for Kingdom Heights stated it was the levee itself that made up the difference. Commissioner Drozd made the motion to approve Resolution No. 292-2019 consenting to the addition of 22.2838 acres of land to Fort Bend County Municipal District No. 176. Commissioner BeMent seconded the motion and the vote was unanimous to approve.

Agenda item A14, Review and consider taking action on Resolution No. 293-2019 consenting to the addition of 22.2838 acres of land to Fort Bend County Levee Improvement District No. 20. (Kingdom Heights). City Attorney Smith stated as a condition of approval of the preliminary plat for Providence at Kingdom Heights, the property owner was required to include the new section of Kingdom Height into LID 20. The LID must obtain consent from the City before the additional territory may be added if the area is within the extraterritorial jurisdiction of the City. Commissioner Beard made the motion to approve Resolution No. 292-2019 consenting to the addition of 22.2838 acres of land to Fort Bend County Levee Improvement District No. 20. Commissioner Drozd seconded the motion and the vote was unanimous.

Agenda item A15, Review and consider taking action on a Concept Plan (General Plan as per the Development Agreement) – Mandola Farms, 88 acres of land, 262 Lots. City Planner Abraham provided the background of the property with the General Plan including 262 lots with minimum lot dimensions of 50 feet x 120 feet. Commissioner Beard expressed concerns regarding the exits and/or connector street to Damon Street. City Planner Abraham stated they will be providing a traffic study with the final plat. Commissioner Beard made the motion to approve the Concept Plan (General Plan as per the Development Agreement) – Mandola Farms, 88 acres of land, 262 Lots with the condition that the six comments from the Planning and Zoning Board be addressed as well as Fort Bend County be notified. (Commissioner Drozd requested the motion be amended to include the Planning and Zoning comments). Commissioner Drozd seconded the motion and the vote was unanimous to approve.

Agenda item A16, Review and consider taking action on Resolution No. 296-2019, appointment of an alternate Board member to the Ethics and Compliance Board. Mayor Moore appointed Larry Clark as the alternate position for the Ethics and Compliance Board for a term of August 19, 2019 to January 31, 2022. The Commission approved with a unanimous vote therefore Resolution No. 296-2019 was approved.

Agenda item A17, Review and consider taking action on Resolution No. 294-2019, appointment of Board Members to the Richmond Historical Commission.

Mayor Moore reappointed Karen Bleil to Position 1 for a 3 year term of September 30, 2019 – September 30, 2022. Vote was unanimous to approve.

Mayor Moore reappointed Cindy Drabek to Position 3 for a 3 year term of September 30, 2019-September 30, 2022. Vote was unanimous to approve.

Mayor Moore appointed Mary Jane Kocurek to Position 5 for a 3 year term of September 30, 2019-September 30, 2022 replacing Rebecca Haas. Vote was unanimous to approve.

Mayor Moore introduced agenda item A18, Review and discuss Ordinance No. 2019-25 allowing and regulating the operation of golf carts and off-highway vehicles on certain public streets. City Attorney Gary Smith provided the Commission with the background for the Ordinance and that it has been discussed with Chief Adams who is willing to enforce the desires of the Commission. All three Commissioners expressed

their concerns with Commissioner Drozd stating the liability the City would take on being the greatest. City Attorney Smith was requested to do additional research on other cities to see how the issue is dealt with. There was no action taken, the agenda item was closed.

Agenda item A19, Review and consider taking action on Resolution No. 289-2019 authorizing the expenditure of funds by the Development Corporation of Richmond for fiscal year 2019-2020 projects, on the second and final reading. City Manager Vela stated this was the 2nd opportunity for discussion regarding the DCR projects. Commissioner Beard clarified there was no connection with the Downtown Improvement Grant program and was assured there was no connection. Therefore, Commissioner Beard made the motion to approve Resolution No. 289-2019 authorizing the expenditure of funds by the Development Corporation of Richmond for fiscal year 2019-2020 projects. Commissioner Drozd seconded the motion and the vote was unanimous to approve.

Agenda item A20, Excuse from Attendance at Regular City Commission Meeting. Commissioner BeMent made the motion with Commissioner Drozd seconding the excuse from attendance for the August 19, 2019 meeting received from Commissioner Gaul. The vote was unanimous to approve.

Mayor Moore introduced agenda item A21, to consider taking action on requests for future agenda items. There were no suggestions or requests for future agenda items at this time.

Mayor Moore announced that the Commission would now meet in Executive Session at 6:13 p.m., as authorized by Texas Government Code, Section 551.072 Real Estate Matters and Section 551.087, Economic Development Negotiations.


The Commission reconvened into Open Session at 6:40 p.m. with no action taken in Executive Session.

Commissioner Beard made the motion to authorize staff to negotiate on site 2 for the purchase of the property at the agreed to price. Commissioner Drozd seconded the motion and the vote was unanimous to approve.

Commissioner Drozd made the motion to accept Resolution No. 295-2019 approving the Development Corporation of Richmond entering into an incentive agreement for a new business locating in the City and establishing an effective date. Commissioner Beard seconded the motion and the vote was unanimous to approve.

With no further business to discuss, Mayor Moore declared the meeting adjourned at 6:42 p.m.

APPROVED:


Evalyn W. Moore, Mayor

Attest:


Laura Scarlato, City Secretary