



STATE OF TEXAS
COUNTY OF FORT BEND
STATE OF TEXAS

The City Commission for the City of Richmond, Texas met in Regular Session on March 25, 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
Barry Beard, Commissioner P2
Carl Drozd, Commissioner P3
Josh Lockhart, Commissioner P4 ~ via teleconferencing
Terri Vela, City Manager
Gary Smith, City Attorney
Laura Scarlato, City Secretary

The Mayor Introduced agenda item A2 Presentation on the City's Delinquent Tax Collection Report – Linebarger, Goggan, Blair and Sampson, LLP. Mr. Charles Sutton was present to provide an overview of the Delinquent Tax Collection Report. Mr. Sutton provided the board with an in depth report regarding statistics, the percentage of collections, mailings, ligations, tax deferrals and bankruptcy cases. The percentages are higher for this tax year with regard to collections than the previous tax year of 2017-2018. Following a brief question and answer period, Mr. Sutton stated, "it is an honor to collect for you all". The agenda item was closed.

City Manager Terri Vela introduced the new member of the leadership team, Shelly Freeman, Human Resources Director. Director Freeman stated, "it is a pleasure to be here" and Commissioner Beard responded, "and we are glad to have you."

City Manager Terri Vela introduced agenda item A2 (c) Review and consider taking action on the Comprehensive Annual Financial Report (CAFR) for Year Ending September 20, 2018. Mr. John Manning with Pattillo, Brown & Hill, L.L.P. was present to provide the results of the annual audit. The firm met with Commissioner Gaul who is a member of the Standing Advisory Committee "Finance/Bond/Budget", the Finance Department, and the City Manager to review the results of the annual audit. This was PB&H first year to perform the audit for the City of Richmond and typically there are a few growing pains, but none occurred. The firm performed 15 fraud interviews with zero findings. No material deficiencies were found. The cash handling departments were reviewed as well with no discrepancies. Mr. Manning stated the independent auditor

concluded, based upon the audit, that there was a reasonable basis for rendering an **unmodified opinion** that the City's financial statements for the year ended September 30, 2018, are fairly presented in conformity with GAAP. **There are four types of opinions that the firm can offer with the unmodified opinion being the highest level of assurance.** Commissioner Beard expressed concern over receiving the document on the Friday before the meeting which rendered a short review time. However, he congratulated staff on an excellent job. Mr. Manning ended his presentation with "the City staff goes above and beyond what is required by law for the CAFR and does an excellent job of putting it all together".

Mayor Moore introduced agenda item A3, Public Comments. There were seven individuals signed up to speak.

- Zach Lambert ~ 1401 Georgina St ~ Richmond, Texas

Wanted to publicly thank the Mayor and Commission for allowing Mercy Goods at 501 Morton St. to open and be a part of Richmond. They are currently working on furniture for a store and a barn door for a church. He showed a picture of four students to reflect that lives **are** being changed because of the City's cooperation. They end every day with three statements which he wanted to leave the Commission with, "***I love you, I'm Proud of You, and Make Good Choices***". ***Lives are being impacted.***

- Baber Mohammed ~ 22410 Newcastle Waters Court ~ Richmond, Texas
- Travis Wingerson ~ 1702 Clifton Hills Lane ~ Richmond, Texas
- Sherrie Hogan ~ 5319 Riverstone Crossing Drive
- Shazia Mohammed ~22410 Newcastle Waters Court ~ Richmond, Texas (conveyed her allotted 3 minutes to Michael Hershberger)
- Michael Hershberger ~ 22414 Newcastle Waters Court ~ Richmond, Texas

The above speakers spoke regarding the gate that has become a tremendous controversy between the Veranda and Williams Ranch Subdivisions. The speakers provided testimonies and arguments as to why the gate should be removed for safety concerns for their children and families. One individual quoted both the City of Richmond UDC and codes for the Fort Bend County Subdivisions and the requirements that are contained within each document. There were many questions as to what is the purpose of the gate, why doesn't the developer remove it thus being a good neighbor and/or put in speed bumps. The citizens pleaded with the Commission to "***do the right thing and remove the gate***".

The agenda item was closed.

Agenda item A4 Public Hearing was opened by Mayor Moore to receive comments for or against a request by Michael C. Ciavarra to rezone an approximate 7,035 square foot tract of land from General Residential (GR) to Olde Town (OT) and to the extent the rezoning deviates from the Future Land Use Plan of the Comprehensive Plan, to provide for an amendment thereto. The tract may be described as 1302 Austin Street, Richmond, Fort Bend County, Texas, at the northeast corner of South Union Street and Austin Street.

- Oscar Lozano ~ 11003 Brighton Gardens Dr. ~ Richmond, Texas
Mr. Lozano was representing Calvary Episcopal Church located at 806 Thompson Road,

Richmond, Texas. Mr. Lozano expressed the concerns of the church as to the change to the zoning which the church is opposed to. The restrictions for OT are less stringent which is a concern and they would not have any control of what entity would be located on the property. The church is concerned about parking as well.

Agenda item A5 Public Hearing was opened by Mayor Moore to receive comments for or against the proposed annexation of an approximate 6.567 acres of land situated in the J.T. Edwards Survey, Abstract No. 23, Fort Bend County, Texas, being part of and out of a tract of land conveyed to George Foundation, as recorded under Volume 107, pg. 526 of the Fort Bend County Deed Records (F.B.C.D.R.). The tract may be described as 2000 Preston Street, Richmond, Fort Bend County, Texas, located north of the WKM Foundry site and west of Richmond Trailer Village. There was no one present to comment on the agenda item, therefore it was closed.

Mayor Moore asked if there was any discussion regarding agenda item A6, the Consent Agenda. Commissioner Beard pulled Consent Agenda items A6 (3).

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

A5 (3). Police Department Report. Commissioner Beard stated that last month, the Racial Profile Report received an exemplary review by the agency with regards to community engagement. Commissioner Beard requested Chief Adams expand on what the Police Department is doing in the neighborhoods. Chief Adams reported that the *Coffee with the Cop* has been very successful as they have held them in different locations within the community. The *National Night Out* Programs does really well with so many residents in the community taking part to support the Police Department. The officers are constantly striving to improve public relations with *Santa Behind the Badge* at Christmas and the *Read Aloud* Program. This program is where the officers attend the classrooms and read to the students. Chief Adams indicated that these are the men and women officers, not the administrative staff that participate in the programs.

Commissioner Beard moved to approve the Consent Agenda items A6 (3) with Commissioner Drozd seconding the motion and the vote was unanimous to approve.

At this time, Mayor Moore moved the Agenda item A13, to review and discuss taking action on the gate located in the Williams Ranch/Veranda Subdivisions.

Commissioner Lockhart spoke first regarding the agenda item since he requested to have the item on the agenda. Commissioner Lockhart made the motion to permanently remove the gate located in the Williams Ranch/Veranda Subdivisions. Commissioner Beard seconded the motion. City Manager Terri Vela asked for discussion on the item before a vote was taken.

- Commissioner Beard stated the Commission would never in the future approve a plat that does not have a 2nd access road at the time of approval. If Veranda had not happened, there would be a barricade located there and finds the comment about the Commission lacking in courage to be incorrect.

- Commissioner Gaul stated for him to make a decision, he would need two pieces of information. How do the residents on the Veranda "north" side of the gate feel about removing the gate? Mr. Hershberger has done an excellent job or knocking on doors etc. and trying to clarify this. Why does Veranda and Johnson Development still feel the need to keep the gate closed in spite of the residents on the street most affected not appearing to be in disagreement?
- Commissioner Drozd stated his question is why has it come to this? The City did not build the gate and it is not the City's responsibility. There is nothing out there that says the City put the gate and/or paid for the gate. Williams Ranch began development in 2015 and Veranda in 2016. I personally was not on the Commission in 2015. The homeowners in Williams Ranch bought their properties with the expectations that there would be a second exit from the property. They have every right to expect that. The City must never let this happen again. Both developers are still active in the subdivisions and block the gate which is ok during construction. Commissioner Drozd is still looking for "what is the proper action"?
- Commissioner Lockhart stated that it doesn't appear that Johnson Development cares and the County has stated that it is the City's jurisdiction. There are sidewalks on both sides that are for shared access of both communities. The gate has been an issue for three months without an answer except for the concerns of the citizens of Williams Ranch.
- Commissioner Drozd asked for an amendment to the motion
- City Manager Terri Vela read the Plat Note and suggested that it be revised.

Commissioner Lockhart restated his motion for the City of Richmond to permanently remove the gate located in Williams Ranch as written in agenda item A13 which was seconded by Commissioner Beard.

- Commissioner Gaul stated he has concerns related to reversing an approval that we gave previously and he is not yet comfortable with doing that.
- City Manager Vela stated that she would ask Veranda their concerns about opening the gate.
- Commissioner Gaul requested that a representative from Johnson Development be at the next meeting, or meet with them prior to the next Commission Meeting.

The vote was as follows:

Commissioner Lockhart	Favor
Commissioner Drozd	Against
Commissioner Beard	Favor
Commissioner Gaul	Against

Mayor Moore	Against -Tie Breaker
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Agenda item A7, to review and consider taking action on Ordinance No. 2019-05, rezoning an approximate 7,035 square foot tract of land from General Residential (GR)

to Olde Town (OT) and to the extent the rezoning deviates from the Future Land Use Plan of the Comprehensive Plan, to provide for an amendment thereto. The tract may be described as 1302 Austin Street, Richmond, Fort Bend County, Texas, at the northeast corner of South Union Street and Austin Street. City Planning Director Jose Abraham introduced the new member to the Planning Department, Mason Garcia who will be an Associate Planner. The Commission welcomed Mr. Garcia to the City of Richmond. Director Abraham provided the background and recommendations of the Planning and Zoning Commission. One letter in support of the rezoning and one opposing the rezoning have been received. Following a brief question and answer period, Commissioner Beard made the motion to approve Ordinance No. 2019-05, to change to the zoning classification of an approximately 7,035 square foot tract of land, located at the northeast corner of south Union Street and Austin Street from General Residential (GR) to Olde Town (OT) to the extent the rezoning deviates from the Future Land Use Plan of the Comprehensive Plan: providing for an amendment thereto. Commissioner Drozd seconded the motion and the vote was unanimous to approve.

Agenda item A8, to review and consider taking action on Resolution No. 264-2019, mural guidelines in the Historic District. City Planning Director Jose Abraham addressed the Commission stating they had received a draft of the guidelines at the February Commission Meeting. Based on the input received, the guidelines have been updated to include those suggestions. Commissioner Gaul stated his only suggestion would be to remove the public hearing by the City Commission. There would be only a public hearing for the Historical Commission and then the Historical Commission would bring those results to the Commission. Commissioner Beard expressed concern that the City would not have full ownership of the mural to require removal if the mural is contrary to public values. Commissioner Gaul made the motion to approve the Historic District Guidelines as presented with one change and that is to modify the process to avoid the second public hearing and replace it with a report of the results of the first public hearing to the Commission. Commissioner Drozd seconded the motion.

The vote was as follows:

Commissioner Lockhart	Against
Commissioner Drozd	Favor
Commissioner Beard	Against
Commissioner Gaul	Favor
Mayor Moore	Favor – Tie Breaker

Mayor Moore introduced agenda item A9, to review and consider taking action on staff's recommendation on Ordinance No. 2019-06, request for Tax Exemption for the Historical Darst Home, 300 South 9th Street. City Planning Director Jose Abraham stated the applicant is requesting a tax exemption for the Darst-Yoder House which meets the eligibility criteria for the Historic Property Tax Exemption Program. The Historical Commission is recommending approval of an exemption from ad valorem taxes imposed by the City in an amount not to exceed twenty-five percent (25%) of the

assessed value of the structure for the year 2019. Commissioner Lockhart recommended that there are 4-5 other properties that are eligible for the exemption and that they be contacted and allowed the exemption as well. City Manager Terri Vela stated that staff would follow-up with the residents that are eligible. Commissioner Beard made the motion to approve the exemption from ad valorem taxes imposed by the City in an amount not to exceed twenty-five percent (25%) of the assessed value of the structure for the year 2019. Commissioner Drozd seconded the motion and the vote was unanimous to approve. The agenda item was closed.

Mayor Moore introduced agenda item A10 to review and consider taking action on rejection of bids for the rehabilitation of the Regional Wastewater Treatment Plan (WWTP) Lift Station. According to Assistant City Manager of Development Services (ACM) Howard Christian, bids for the subject project were opened on March 6 2019 with the lowest bid being 25% above estimated construction cost. It was determined that the escalated bids were due to the requirement of federally funded projects calling for only the use of domestic materials. ACM Christian recommends making changes to the requirement and re-bidding the project to bring it closer to the estimated construction cost. This will result in an estimated \$60-100,000 in potential savings if the project is re-bid. ACM Christian responded to Commissioner Drozd inquiry as to the impact on the timeline with there being a long lead time built in. The project should be back on the agenda in May, 2019. Also, the quality of the equipment can be managed worldwide was ACM Christian's response to Commissioner Gaul. Commissioner Drozd made the motion to reject the bids for the rehabilitation of the Regional Wastewater Treatment Plan (WWTP) Lift Station with Commissioner Gaul seconding the motion. The vote was unanimous to approve.

Mayor Moore introduced agenda item A11, to review and consider taking action on the Integrated Utility Water and Wastewater Master Plan. ACM Howard Christian addressed the Commission and introduced Sunil Kommineni and Justin Bartlett with KIT who is in association with Jones|Carter RFC, Inc. There have been significant strides toward incorporating the Commission's comments from the December 2018 presentation. The plan is a ten year master plan with three key elements. Mr. Kommineni reviewed the existing services areas as compared to the potential service areas in 2027. They have updated the Groundwater Reduction Plan (GRP) and Rate Analysis. Population growth is being monitored with respect to the water expansion projects. The master plan proposes splitting the system into two, one east and one west of the Brazos. The Master Plan is a "Living" document that is constantly changing. Mr. Bartlett reviewed the rates with comparisons to other cities within Fort Bend County and the surrounding areas including Houston. The City has the ability to accelerate or slow down as needed based on the flow rates. Commissioner Beard stated it is a pleasure to work with the whole team and that this plan is a much better product. Commissioner Drozd echoed this was a great planning tool. Commissioner Beard made the motion to "accept" which was then amended to "adopt" the Integrated Utility

Water and Wastewater Master Plan with Commissioner Drozd seconding the motion. The vote was unanimous to approve.

Agenda item A12 to review and discuss Integrated Financial Plan and Rate Analysis, Proposed Ordinance with Utility Rates. City Manager Vela stated this item is not an action item, only for discussion to provide feedback. Finance Director Susan Lang was available for questions and provided a supplement to the Commission packet which summarized what the water bill will look like with the net effect of all the increases in water, sewer, surface water, and garbage combined. City Manager Vela stated the garbage is a pass through from the provider and finds it necessary to increase the combined fee for garbage and recycling in order to cover the costs of the service. There was a discussion with regards to the term "absorb" and as to who is absorbing the costs, the citizens or the City. There was no action on this item, the agenda item was closed.

Agenda item A13, to review and consider taking action on the gate located in the Williams Ranch/Veranda Subdivisions. **Was moved to earlier in the agenda.**

Agenda item A14, to review and discuss strategy to obtain professional services from a qualified firm for providing group benefits and consultation services through a Request for Proposal/Qualifications process. Human Resources Director Shelly Freeman addressed the Commission regarding the agenda item to obtain guidance in favor or in opposition for the City to obtain professional services from a qualified firm. The City is committed to providing the best coverage and cost for employee benefits. The City currently has approximately 174 employee's eligible to participate. With dependent care, there are 243 lives on the plans for vision, dental and major medical. The timeline is April for the RFP process for the next benefit year. There was no action on this item, therefore the agenda item was closed.

Mayor Moore introduced agenda item A15 to review and consider the creation and appointment of a standing advisory committee for committee for Insurance Consultant/Broker. City Manager Terri Vela stated that according to the Rules of the Commission Section A. (2) Appointments to Boards, Commissions and Committees by the Mayor, the Mayor shall nominate individuals for appointments unless the City Charter expressly provides otherwise. The Commissioners had a discussion as to whether they felt it was necessary to have a subcommittee or standing advisory committee for the insurance Consultant/Broker. Commissioner Drozd stated "the Commission hires the City Manager to operate the City, we do not need to micro-manage every decision that is made". Commissioner Gaul stated perhaps flag this particular contract to be approved by the Commission due to its past sensitivity. Commissioner Beard stated there needs to be an advisory committee involved from the beginning because the Commission will ultimately make the decision therefore they need to be involved during the whole process. Commissioner Gaul suggested there be a few key milestones during the process to report back to the Commission. There was no action necessary for this item, therefore the agenda item was closed.

Mayor Moore introduced agenda item A16 to review and consider taking action on Resolution No. 265-2019, nominating a Board Member to the Ethics and Compliance Board. City Manager Vela provided the explanation as to why the additional appointment was necessary. A previous board member served on a MUD board therefore he had to step down from position 4 leaving it vacant. Mayor Moore nominated the alternate Nina Schaefer to move up to position 4 and tabled the appointment of the alternate. Commissioner Beard stated he was proud of the service of the Board of Ethics and they have acted in an ethical and deliberative way at the meeting on March 21, 2019. Resolution No. 265-2019, nominating Nina Schaefer to the Board of Ethics and Compliance was voted on as follows:

Commissioner Lockhart	Against
Commissioner Drozd	Favor
Commissioner Beard	Favor
Commissioner Gaul	Favor

Agenda item A17, to review and consider taking action on Ordinance No. 2019-08, abandoning a portion of Barrett Street and authorizing the conveyance of the abandoned right of way. City Attorney Gary Smith addressed the Commission regarding this agenda item. Attorney Smith provided the history of the property being the City leased 136 feet of Barrett St. in 1989 to Glenda Yarborough. The property dead-ends at the Brazos River (platted as Travis Street). Mrs. Yarborough's heir, Jackie Dill has requested that the City abandon that portion of Barrett Street and convey the abandoned right of way to her. Ms. Dill has agreed to pay \$5,580, the determined value of the property to the City. Commissioner Drozd made the motion to approve Ordinance No. 2019-08 to abandon a portion of Barrett Street and authorize the conveyance of the abandoned right of way. Commissioner Gaul seconded the motion and the vote was unanimous to approve. The agenda item was closed.

Agenda item A18, to review and consider taking action on Ordinance No. 2019-07, modifying the City Commission Meeting start time. Commissioner Lockhart requested this agenda item therefore he spoke with respect to the item. Commissioner Lockhart stated there are numerous citizens including himself that are employed and have a difficult time attending the meeting at 4:30 p.m. There are other City meetings held at 6:00, therefore Commissioner Lockhart does not see the difference. It was also stated that the public comments are held at the beginning of the meeting making it appear the Commission is preventing the citizens from making comments. City Manager Vela stated in response to Commissioner Gaul the impact to City Staff would be potential overtime costs and the length of the day being extended. Commissioner Drozd suggested streaming the meetings on the internet although it would not allow for interaction. Commissioner Lockhart made the motion to move the Commission meeting to 6:00 p.m. on the third Monday of the month. There was not a second to the motion, therefore the motion died. The agenda item was closed.

Mayor Moore introduced agenda item A19 to review and consider taking action on Resolution No. 266-2019, purchase Mobile Software through State Narcotics Fund. Police Chief Gary Adams introduced Lt. Donald Kovar to discuss the need to purchase the software for the police cars. Lt. Kovar stated the grant has been obtained to purchase the software which would allow the officers to run license plates from their vehicles as well as see what the dispatchers are typing without it going over the air. It would bring the Police Department up to the industry standard and provide better efficiency. Commissioner Beard made the motion to approve Resolution No. 266-2019 to authorize the execution of a license and services agreement with Tyler Technologies, Inc. for Law Enforcement Software for the Police Department. Commissioner Gaul seconded the motion and the vote was unanimous to approve. The agenda item was closed.

Mayor Moore introduced agenda item A20 to review and consider taking action on Ordinance No. 2019-09, Development and Services Agreement for Meritage Development located off of 90A. City Attorney Gary Smith provided the background for the Commission and the agreement is similar to the agreement with Johnson Development at the golf course. The Developer, Meritage Homes of Texas, LLC was represented by Shannon Wiesepape, Land Acquisition Manager stated the property is an 88 acre tract with plans for a single family residential and three access points. There would be commercial in the front and 265 home sites with 65 foot lots, a park and 20 foot drainage reserve. There was no action taken on this agenda item, therefore the item was closed.

Agenda item A21, excuse from Attendance at Regular City Commission Meeting. There were no excuses to review therefore the agenda item was closed.

Agenda item A22 to consider taking action on requests for future agenda items. Commissioner Beard requested to receive an update on the 10th Street Overpass Project. Per City Manager Vela, it was provided at the February 21, 2019 Special Commission Meeting.

Before the Commission adjourned to Executive Session, City Manager Vela stated that she was requested by Commissioner Josh Lockhart to read a prepared letter to the Mayor, Commission and the Citizens of Richmond. City Manager Vela proceeded to read the letter at which Commissioner resigned effective March 25, 2019 prior to Executive Session. The letter is as follows:

March 25, 2019

Dear City of Richmond,

It has truly been an honor to be elected and serve as a City Commissioner in Richmond. Over the past year, it has become apparent to me that this City is laced with corruption at the highest decision making level. The collusion, favoritism, extortion, illegal wielding of power, and willingness to look the other way has cost our city millions of dollars and exposed us to unknown liability. With the current commission and voting structure, nothing will change. There is no sincere concern for the citizens or tax dollars, only personal agendas.

During the most recent Ethics Board meeting, it was clear to me that there are no “checks and balances” as one board member stated, for mora, ethical or criminal wrongdoings by our mayor, commissioners, or high level staff. What is even more disturbing is that we are willing to acknowledge that our leader has admitted to doing multiple wrongs, but because of technicalities or ordinances specifically written in a way to protect the mayor and commission, there is truly no accountability. Since this is known by staff, nobody will stand up for fear of losing their jobs or being told to retire. The Charter Violation and Censure of the Mayor was a perfect example of this. The Commission knows of multiple violations committed by the mayor and could have removed her, but they chose to simply put a note in her file.

I have stated privately to the commission and staff as well as publicly on the record that I will not be associated with or put my name on the unethical, immoral, and illegal actions that the other elected officials of the City of Richmond conspire to continuously condone. I voted against our current budget because of items hidden in it that were financially beneficial for private entities in this city that the mayor would not let us discuss or change.

Please accept this letter as my official resignation from the City of Richmond Commissioner Position 4 effective immediately prior to Agenda Item A23 Adjourning to Executive Session. I intentionally do not want to be a part of anything that goes on with this Mayor and Commission behind those closed doors.

Sincerely,

Josh Lockhart

Mayor Moore introduced agenda item A23, Adjourn to Executive Session, as authorized by Texas Government Code, Section 551.071, Attorney Consultation.

The Commission adjourned to Executive Session at 7:14 p.m.

No action on item 1: Sarobar, LLC’s request to Exhibit Amusement Redemption Machines.


Item 2: Municipal Utility District No. 140 and 145 Utility Rates and Credit Request.

Commissioner Drozd made the motion to authorize City staff to implement the calculated charges for water in accordance with the water supply and wastewater contracts as amended for the Fort Bend MUD 140 and 145 and further that we authorize City staff to negotiate in the City using the credit to Fort Bend MUD 140 not to exceed \$343,000 and to negotiate payment for the remainder of Phase II, elevated storage tank.

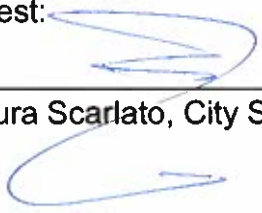
Commissioner Gaul seconded the motion and the vote was unanimous to approve.

With no further business to discuss, Mayor Moore declared the meeting adjourned at 8:07 p.m.

APPROVED:



Evalyn W. Moore, Mayor

Attest: 

Laura Scarlato, City Secretary