



STATE OF TEXAS
COUNTY OF FORT BEND
STATE OF TEXAS

The City Commission for the City of Richmond, Texas met in Regular Session on May 20, 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
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 Employee Recognition for Service with the City of Richmond:

- Shannon Simnacher, 10 years of service, Wastewater Treatment Department ~ Present

The Mayor read a proclamation for Motorcycle Awareness Month for the Month of May 2019. The Mayor noted 417 riders lost their lives to motorcycle accidents in 2018 and to be aware of their presence as we enter the summer months.

Commissioner Beard read a proclamation honoring the men and women that serve in the Public Works Department for the City of Richmond. May 19 – 25th is National Public Works Week 2019 and the Proclamation paid tribute to the public works professionals focus on infrastructure, facilities and service that are vital to the high quality of life of the City of Richmond. There were numerous members of the department present to take pictures with the Mayor.

Commissioner Drozd read a proclamation to honor Building Safety Month for May 2019. The Commissioner urged the citizens to take time to acknowledge our City Building Official, Permits and Code Enforcement teams who ensure safe, efficient and livable buildings. Building Official Lori Bownds accepted the proclamation and was photographed with the Mayor.

Agenda item A3, Public Comments was opened and there were two individuals signed up to speak:

- Brian Gras, 6103 Carnaby Lane, Rosenberg, Texas 77471
- Karina Thompson, 6011 Carnaby Lane, Rosenberg, Texas 77471

Both individuals spoke regarding agenda item A12, the replat of Kingdom Heights Subdivision. They have enough signatures to meet all the requirements. *(letters qualifying for the requirement that 3/4 vote for approval by the owners of at least 20% of the areas of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area)* There are concerns regarding the density of the houses, traffic with the existing two exits and the smaller square footage effecting property values. The new plat contradicts what was sold to them. The 8' fence will be just a quick fix and who will maintain it? It was requested that the Commission please vote against the replat and variance request.

There being no other public comments, the agenda item was closed.

Agenda item A4, Public Hearing to receive comments for or against a request by Fort Bend Habitat for Humanity to replat approximately 0.15 acre tract of land; being a replat of lots 38 and 39 of the AP George Subdivision of Borden's Addition in order to create one (1) Block and one (1) Lot. Mr. Sherwin Sun, Executive Director for Fort Bend County Habitat for Humanity, 7422 Newbury Trail, Sugar Land, Texas 77479 was present to comment on the replat. Mr. Sun stated he was present to answer any questions, that the replat is basically two non-conforming lots being replatted to make one conforming lot. There were no further comments and the agenda item was closed.

Mayor Moore introduced Agenda item A5, asking if there was any discussion regarding the Consent Agenda. Commissioner Beard pulled item A5 (3), Commissioner Drozd pulled item A5 (3) and Commissioner BeMent pulled A5 (12).

Commissioner Gaul made the motion 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 commended the officers for participating in the **Sound the Alarm Program** with the Richmond Fire Department installing fire alarms in the community. Also, for passing out the information regarding the community meeting, in reference to improving sidewalks and drainage on Collins Street.

Commissioner Drozd inquired about the Uniform Crime Statistics Report which indicated an increase in juvenile arrests and if the department was seeing any trends. Assistant Police Chief Dixie Brzozowski stated that the arrests made had approximately doubled from 2018 to 2019. The City has increased the number of officers and also the City has become more proactive in drug arrests which were the majority of the arrests.

A5 (12). Commissioner BeMent made note that due to his residence being in the subdivision, he would abstain from the vote because of a conflict of interest. Final Plat for Old Blue Lane to Wildwood Park Road Street Dedication.

Commissioner Beard made the motion to approve Consent Agenda items A5 (3) and A5 (12) with Commissioner Drozd seconding the motion. The Votes were as follows:

Commissioner Beard	Favor
Commissioner Drozd	Favor
Commissioner Gaul	Favor
Commissioner BeMent	Favor A5(3) Abstain due to conflict of Interest because of residency A5(12)

Agenda item A6, review and consider taking action on a replat of Lots 38 and 39 George Subdivision of Borden's Addition in order to create one Block and one Lot – 0.15 acres of land. Mason Garcia, Associate Planner provided an overview of the replat stating that staff recommends the approval of the replat. The replat is to combine two lots into one lot and the applicant intends to build a single family residential home on the proposed lot. The public hearing that was required was held earlier in the meeting stated Associate Planner Garcia. Commissioner Beard made the motion to approve the replat of Lots 38 and 39 George Subdivision of Borden's Addition in order to create one Block and one Lot – 0.15 acres of land. Commissioner Drozd seconded the motion and the vote was unanimous to approve. The agenda item was closed.

Agenda item A7, to review and consider taking action on Ordinance No. 2019-19, on the request for a Historic Property Tax Exemption Application for Morton-McCloy House located at 402 N. 2nd Street. City Planner Jose Abraham addressed the Commission regarding this item stating the applicant meets the eligibility criteria for the exemption and the Richmond Historical Commission recommended approval of an exemption from ad valorem taxes imposed by the City in an amount not to exceed 25% of the assessed value of the structure for the year 2019. Commissioner Beard asked for a clarification of the criteria for this distinction. City Planner Abraham stated the applicant must either have the designation of a Texas Historical Marker or a National Historical Landmark Designation, have no delinquent taxes, have no code violations and also be habitable. City Manager Vela stated the City has an inventory of the properties that meet the criteria and it is 7-9. Commissioner Gaul clarified the exemption is for the tax the City imposes and only for one year. Commissioner Drozd made the motion to approve Ordinance No. 2019-19, Historic Property Tax Exemption Application for Morton-McCloy House located at 402 No. 2nd Street. Commissioner BeMent seconded the motion and the vote was passed with four "ayes" and no "nays". The agenda item was closed.

Mayor Moore introduced agenda item A8, to review and consider taking action on Ordinance No. 2019-20, the request for a Historic Property Tax Exemption Application for Peareson-Winston House located at 404 S. 9th Street. City Planner Jose Abraham stated the applicant had met all of the criteria for the exemption and the Richmond Historical Commission recommended approval of this application as well. Commissioner Beard inquired if the applicants were contacted regarding the property tax exemption or as to how they were made aware of the exemption. City Planner Abraham stated that the eligible homeowners were notified per Commission request to be made aware of the exemption. Commissioner Gaul made the motion to approve Ordinance No. 2019-20, Historic Property Tax Exemption Application for Peareson-Winston House located at 404 S. 9th Street. Commissioner Drozd seconded the motion and the vote was passed with four "ayes" and no "nays". The agenda item was closed.

Mayor Moore introduced agenda item A9, to review and consider taking action on Ordinance No. 2019-10 authorizing release of a portion of the City's extraterritorial jurisdiction, approving an Interlocal agreement with the City of Rosenberg regarding

mutual release of extraterritorial jurisdiction, and approving the expansion of the City's extraterritorial jurisdiction. City Planner Jose Abraham provided information regarding this agenda item stating it was a collaborative effort with Rosenberg due to adjust the ETJ boundary lines to follow the property lines. The process was if the majority of the property was in a particular ETJ, it went to that City. City Planner Abraham also stated the fresh water district went to Rosenberg. The City of Richmond would be releasing 75.78 acres of land to the City of Rosenberg with the City of Rosenberg releasing 92.74 acres of land to the City of Richmond. Commissioner Beard posed the question if there would be any additional liability or maintenance for the City to take on more land located in the floodway. City Planner Abraham replied the property remains the responsibility of the owner. Following a brief question and answer period, Commissioner BeMent made the motion to table the agenda item until he becomes more familiar with the situation. Commissioner Beard seconded the motion.

Commissioner Drozd	Favor
Commissioner Beard	Favor
Commissioner BeMent	Favor
Commissioner Gaul	Against tabling the item

Agenda item A10, to review and consider taking action on Ordinance No. 2019-11 annexing to the City a 6.567 acre tract in the J.T. Edwards Survey, Abstract No. 23, Fort Bend County, Texas, pursuant to a request for annexation, said tract being located at 2000 Preston Street, Richmond. City Planner Jose Abraham reviewed the background of the property as well as the request for annexation. Norman Scholes an engineer with Van De Wiele & Vogler, Inc. was present to answer questions as well. The plan presented is the same as the original proposal because they wanted to avoid having to request a variance. The proposed development will have 50' wide lots and 6000 square foot area lots. A service agreement needs approval because it is required by the Texas Local Government Code for the City to provide a broad spectrum of services such as fire protection, police protection, building and health inspections, planning and zoning, library use, water and sanitary sewer services along with many others. Some of these services are not currently available to this area but they will be provided as they do become accessible. There was a brief question and answer period. Commissioner Gaul made the motion to approve Ordinance No. 2019-11 annexing to the City a 6.567 acre tract in the J.T. Edwards Survey, Abstract No. 23, Fort Bend County Texas pursuant to a request for annexation, said tract being located at 2000 Preston Street, Richmond. Commissioner Drozd seconded the motion and the vote was unanimous to approve. The agenda item was closed.

Agenda item A11, to review and consider taking action on Ordinance No. 2019-12 assigning the zoning classification of General Residential (GR) to an approximately 6.567 acre tract located at 2000 Preston Street, Richmond, Texas. City Planner Abraham stated this agenda item is related to the previous agenda item A10 and that Fort Bend Habitat for Humanity has requested to assign General Residential (GR) zoning to the extent the zoning assignment deviates from the Future Land Use Plan of

the Comprehensive Master Plan. There were no questions from the Commission. Commissioner Beard made the motion to approve Ordinance no. 2019-12 assigning the zoning classification of General Residential (GR) to an approximately 6.567 acre tract located at 2000 Preston Street, Richmond, Texas; describing said 6.567 acre tract of land; amending the Zoning District Map of the City of Richmond; providing for an amendment to the Comprehensive Plan; providing for repeal; providing for a penalty; providing for a severability; and containing other provisions relating to the subject. Commissioner Gaul seconded the motion, the vote was unanimous to approve and the agenda item was closed.

Mayor Moore introduced agenda item A12, to review and consider taking action on a replat of a portion of Reserve "B" and all of Lots 15 and 16, Block 1, Kingdom Heights, Section One; and a preliminary plat of Providence at Kingdom Heights – 17.0336 acres of land – 97 Lots, 2 Blocks, and 3 Reserves.

- a. Review and discuss requested replat of a portion of Reserve "B" and all of Lots 15 and 16, Block 1, Kingdom Heights, and Section One.
- b. Review and discuss requested variance to deviate from the minimum required lot width of 50 feet and minimum required lot area of 6000 square feet for Providence at Kingdom Heights.

City Planner Jose Abraham stated there are three components to the **original** plan brought before the Commission on April 15, 2019.

- The first component was to extend Foxgate drive to the new development.
- The second was the preliminary platting for acreage proposed for 97 new residential lots.
- The third component is to request a variance on 50 lots that do not meet the minimum requirement of the UDC.

Marvin Marcell was present to represent the Owner Mark Millis of the Millis Group. Mr. Marcell stated they had appeared at the April 15th meeting and the agenda item was tabled and they have now **revised** their proposal:

- 8' wall between the existing section of Kingdom Heights and the proposed 17 acres referred to as Providence.
- 44 lots adjoining the existing residential lots in Kingdom Heights have been revised to meet the minimum requirements.
- 50 lots will require a variance because they do not meet the requirements.

Staff does not recommend approval of the preliminary plat and the associated variance request. City Planner Abraham stated the City has received quite a number of protest letters from homeowners adjacent to the proposed replat, such that a ¾ vote of the Commission would be required to approve a variation. Commission Drozd made note that he believes a variance is when the property is deemed unusable and it is a hardship. This not being the case, he would not be a yes to the variance.

Commissioner Gaul stated this is not the same as what the City approved for Veranda because the reduced lots were in their original plans. Commissioner Gaul believes this to be a completely different situation.

Commissioner BeMent stated, "Based on everything he has heard, sounds like the developer is stuck with a piece of property. I don't disagree with anything that I have heard from the Commission up to this point. Although I am sympathetic to the problem, it looks like if they removed four lots the project would be in compliance. The overall profitability of the project is what we seem to be arguing about and it should have been factored in on the frontend."

After a lengthy discussion, Commissioner Beard made the motion to table the item pending the outcome of the ETJ trade, with Commissioner BeMent seconding the motion. The agenda item was closed.

Mayor Moore introduced agenda item A13 to review and consider taking action on Resolution No. 277-2019, appointment of a Board Member to the Parks and Recreation Board. Mayor Moore appointed Susan Farris to serve on the Parks and Recreation Board to replace board member Timothy Walker and fulfill the balance of his term. The Commission voted unanimously to approve the Mayor's appointment. Susan Farris will serve on the Parks and Recreation Board until July 20, 2019. The agenda item was closed.

Agenda item A14, to review and consider taking action on Resolution No. 276-2019, approving and implementing the Fort Bend County Emergency Basic Plan. Fire Chief Mike Youngblood was present to provide information and answer questions regarding the emergency plan. City Manager Terri Vela stated the previous plan was adopted in 2014. City Manager Vela also stated the Resolution would need to be amended to state "accepted" vs. "approved". Chief Youngblood stated the emergency plan is consistent with the State, County, Region and local jurisdictions that have a role in emergency management. The plan provides a framework for response to all significant emergencies. Commissioner Gaul asked if the modifications to the plan were significant or disadvantageous which Chief Youngblood stated they were not. Commissioner BeMent inquired if all the other Cities were participating which the response was affirmative. Commissioner Beard made the motion to approve Resolution No. 276-2019, **accepting** the Fort Bend County Emergency Basic Plan and all of the Annexes. Commissioner Drozd seconded the motion and the vote was unanimous to approve. The agenda item was closed.

Mayor Moore introduced agenda item A15, to review and consider taking action on Resolution No. 278-2019, Interlocal Agreement with Fort Bend County on the acceptance of the Community Development Block Grant for the construction of approximately 1,100 linear feet (*proportionate to the CDBG Grant, total project is 2 miles per Christian*) of storm drainage and sidewalk improvements along Collins Road from Preston Street to George Park Road. Assistant Public Works Director Howard Christian provided the Commission with a summary of the background being the City submitted a Grant application for CDBG funding through the County for Utility

infrastructure improvements in the area of North Richmond for \$250,000. The City has participated in the CDBG program as a sub-recipient to the County from the U.S. Department of Housing and Urban Development (HUD) for many years. The City recently hosted a community meeting to provide information and gain feedback from the citizens who reside in this area. It was a very successful event. Commissioner Drozd made the motion to approve Resolution No. 278-2019, Interlocal Agreement with Fort Bend County on the acceptance of the Community Development Block Grant for the construction of approximately 1,100 linear feet of storm drainage and sidewalk improvements along Collins Road from Preston Street to George Park Road. Commissioner Beard seconded the motion and the vote was unanimous to approve. The agenda item was closed.

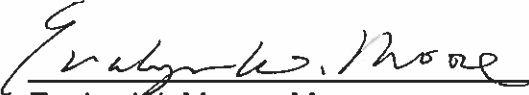
Agenda item A16, Consider appointment of Mayor Pro Tem. Per Section 3.04, Charter "Mayor and Mayor Pro Tem" (4) The Mayor Pro Tem shall be a Commission Member appointed by the Mayor at the first regular meeting after each election of Commission Members. Mayor Moore thanked Commissioner Beard for his serving at the Mayor Pro Tem for the past 3 years and for doing an excellent job. However, the Mayor would like all the Commissioners to learn and be able to serve therefore she appointed Commissioner Carl Drozd as the 2019 Mayor Pro Tem.

Agenda item A17, Excuse from Attendance at Regular City Commission Meeting. There were no excuse for attendance at this time.

Mayor Moore introduced agenda item A18, to consider taking action on requests for future agenda items. There were no suggestions or requests for future agenda items at this time.

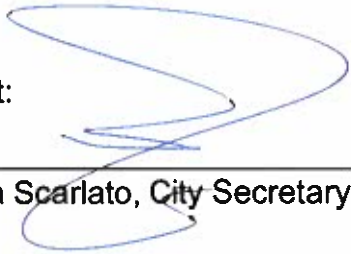
With no further business to discuss, Mayor Moore declared the meeting adjourned at 6:01 p.m.

APPROVED:



Evalyn W. Moore, Mayor

Attest:



Laura Scarlato, City Secretary