



STATE OF TEXAS
COUNTY OF FORT BEND
CITY OF RICHMOND

The City Commission for the City of Richmond, Texas met in a Regular Scheduled City Commission Meeting on January 23, 2023, at 4:30 p.m.

The meeting was broadcast via video conference call. All members of the public may participate in the in-person meeting.

A quorum was present, with the following members in attendance:

Becky Haas, Mayor
Terry Gaul, Commissioner P1
Barry Beard, Commissioner P2
Carl Drozd, Commissioner P3
Alex BeMent, Commissioner P4
Terri Vela, City Manager
Howard Christian, Assistant City Manager "ACM"
Gary Smith, City Attorney
Lasha Gillespie, City Secretary

Agenda item A1. Call to order, Quorum Determined and Meeting Declared Open.

- A Quorum was determined, and Mayor Becky Haas proceeded to call the meeting to order at 4:30 p.m.

Agenda item A2. Recite the Pledge of Allegiance to the U. S. Flag and the Texas Flag.

Agenda item A3. Employee Recognition for Service with the City of Richmond:

None

Proclamations:

Claire Rodgers, Fort Bend History Association. (Postponed)

Certificate of Appreciation for Jesse Matta, Fort Bend Postal Center for his efforts on Miracle on Morton Street.

- Mr. Jesse Mata was present to receive his certificate of appreciation for his contributions to the community.

Agenda item A4. Mayor, City Commissioners and City Staff Announcements per Sec. 551.0415 of the Texas Government Code.

- Commissioner BeMent thanked Chris Clayton from the Fire Marshal 's office for aiding the owner of Lonestar Saloon by offering to show her how to drain the pipes in her building in the event of a hard freeze, specifically the commercial sprinkler system. Mr. Clayton went as far as showing Ms. Beth where the drain is located and demonstrated how to work the equipment. Mr. Clayton followed up with Ms. Beth after the most recent hard freeze to make sure she didn't have any issues. Ms. Beth asked that Commissioner BeMent pass along her heartfelt thanks and highlight the wonderful work of the Richmond Fire Marshal 's office.
- Commissioner Beard commended the Richmond Police Department on a great job during the Behind the Badge community event.

Agenda item A5. Public comments (Public comment is limited to a maximum of 3 minutes per item. No Deliberations with the Commission. Time may not be given to another speaker.)

- Ammi Miller, the applicant, spoke and mentioned that she had been a licensed massage therapist since 2005. She continued by saying that a 15% rise in her building's rent rendered her unable to continue working at Pecan Grove. She further stated that she could provide professional and local client references. She emphasized that she possesses a license from the Texas Department of Licensing and Regulation (TDLR), which has rules for each profession. In addition, she added, "No small business can afford to pay for a space and go through this process for two months." Having made it through Covid, she explained that this new ordinance has forced her to close her business and move out of City limits.

Agenda item A6. Public hearing to receive comments for or against a request by Ammi Miller for a Conditional Use Permit to allow for a massage establishment. The subject site is located at 515 Austin Street, south of Austin Street and east of South 6th Street.

- No individuals were signed up to speak.

Agenda item A7. Update on East Wastewater Treatment Plant.

- Jeremy Gaskin with Garver Engineering provided an update as far as the preliminary engineering report for the East WWTP as requested from the morning meeting.
- Commissioner Beard commented that neither the projected cost on the initiative nor the timing was provided. Commissioner Beard then inquired about the permitting process update. Mr. Gaskin said that you cannot apply for a permit unless you have specified how the space will be used, according to the Army Corps of Engineers. Mr. Gaskin continued by saying that in the next month, the company will meet with Army Corp to finalize dates.
- Commissioner Drozd expressed concerns about the timeline, making reference to whether the city would be able to continue offering services using the current system if

the project was delayed for a longer period of time than planned. CM Vela continued by saying that more details will be released based on current developments.

- Commissioner Gaul asked about the cost estimate for a 2 mgd WWTP. Mr. Gaskin answered by saying that cost has gone up so to get an estimate you would multiply \$20 per gallon and that would equate to \$40m.
- Commissioner BeMent then inquired as to whether a permit has a shelf life after it has been approved. Yes, around five years, Mr. Gaskin responded. Commissioner BeMent continued by saying he was curious to learn more about the existing WWTP's ability to handle an increase in flow from the east side of the river.

Agenda item A8. Consent Agenda

- Commissioner BeMent moved to approve all of the consent agenda items with the addition of the modified language in the minutes as circulated earlier today. Commissioner Beard seconded. Motion passed unanimously.

REGULAR AGENDA

Agenda item A9. Review and consider taking action on Ordinance No. 2023-02, granting a Conditional Use Permit to allow for a massage establishment. The subject site is located at 515 Austin Street, south of Austin Street and east of South 6th Street.

- Helen Landaverde-Ripple, Planner II, addressed the City Commission giving some background on the applicant and the permit of request. Planning Director Garcia stated the applicant will not be moving forward this time with the Conditional Use Permit.
- Mayor Haas made a statement regarding comments made on Facebook.
- Commissioner BeMent gave a point of order stating that is not an appropriate discussion to have at this time.
- Commissioner Gaul asked whether a CUP was necessary knowing what we now know. As per the city ordinance, CM Vela said that it was necessary.
- Commissioner Beard asked as to how quickly this process was carried out. The process was accelerated within the required guidelines so that it could be presented at this month's City Commission meeting, according to planning director Garcia, who also offered a timeline of the process beginning on November 20, 2022.
- Commissioner Drozd questioned whether certain criteria must be met by the structure before the CUP is granted. In response, PD Garcia stated that Commissioner Drozd's question would be the second step. The CUP would be submitted and authorized first.
- Ms. Miller (applicant) requested to meet with the City Commission either as a group or individually to go over with the state requires of massage therapists. She went on to say that she believes the verbiage in the ordinance needs to be addressed and maybe incorporate licensed massage therapists, physical trainers, chiropractors, doctors, and orthopedics.
- Commissioner BeMent added he spoke with Ms. Miller a couple of weeks ago, and it was clear that it's a more complicated issue than was initially presented to the City Commission because a licensed massage therapist is regulated by the Texas Department

of Licensing and Regulation, and she is fingerprinted every two years. He continued by saying that the state's level of regulation offers him a little more assurance that the company in question is legitimate and not one of the illicit businesses that the ordinance was intended to filter out. He went on to add that if we could perhaps modify the language in our ordinance, we might be able to prevent this from happening in the future.

Agenda item A10. Update on the Memorandum of Understanding between the Police Department and the United States Marshals – six-month performance update.

- Chief Craig gave a presentation to the City Commission on the performance review report and the Memorandum of Understanding with the U.S. Marshals Service Gulf Coast Violent Offenders Task Force. The chief continued by discussing the attached statistic sheet that summarizes the past six months and the accomplishments of the unit. He noted that three of the six Richmond-related arrests that occurred in the previous six months are of particularly notable. Two out of the three would have become Richmond's Most Wanted. The arrest of the two people was made possible by the task force; the second person had moved to Richmond from another state where they were wanted. He was captured with the help of a Richmond detective and the Marshal service. The City Commission gave Chief Craig excellent feedback on the initiative.

Agenda item A11. Review and consider taking action on the Monthly Financial Report and Quarterly Investment Report.

- Finance Director Alderete addressed the City Commission stating revenue and expenditures are trending within expectations. He briefly spoke to the property tax in timing of how it's reflected in the financial report. He said sales tax is also trending within expectation. He added the HOT fund shows just over \$800k in cash collections for that fund.

**Mayor Haas relinquished the Chair to Mayor Pro Tem Alex BeMent to introduce Agenda items A12 and A13 due to the approaching Mayoral election.*

Agenda item A12. Review and consider taking action on Ordinance No. 2023-01, calling a general election to elect the Mayor on May 6, 2023.

- Commissioner Beard moved to approve Ordinance No. 2023-01, calling a general election to elect the Mayor on May 6, 2023. Commissioner Drozd seconded. Motion passed unanimously. Item closed.

Agenda item A13. Review and consider taking action on Resolution No. 442-2023, Joint Election

Agreement and Contract for Election Services with Fort Bend County.

- CM Vela add impressing in Section 2 of the resolution provides for the City Manager to execute an interlocal agreement with Fort Bend County. Once the contract is received and executed, the Commission will be provided with a copy.
- Commissioner Beard moved to approve Resolution No. 442-2023, Joint Election Agreement and Contract for Election Services with Fort Bend County. Commissioner Gaul seconded. Motion passed unanimously. Item closed.

**Mayor Pro Tem BeMent relinquished the Chair to Mayor Haas.*

Agenda item A14. Update on Timeline for annexation with Williams Way Partnership, LTD.

- City Manager Vela addressed the City Commission regarding the timeline chart associated with several annexations. She went on to say this is just to give an update on the timeline. She continued by saying several things have to take place as well as passage of time in order for the City to be able to accommodate annexation requests.

Agenda item A15. Review and consider taking action on authorizing City Manager to negotiate a contract for Audit Services with Whitley Penn.

- Finance Director Alderete stated staff recommends the City Commission authorize the City Manager to negotiate a contract for Audit Services with Whitley Penn.
- Commissioner Beard made a motion to authorize the City Manager to negotiate a contract for Audit Services with Whitley Penn. Commissioner BeMent seconded. Motion passed unanimously.

Agenda item A16. Review and consider taking action on authorizing City Manager to execute a contract for a Software update to City's supervisory control and data acquisition (SCADA) with Prime Controls Inc.

- Commissioner BeMent reiterated the discussion took place during the morning. He went on to say the update was necessary and we looked into it and is satisfied with the security level software. Commissioner Drozd made a motion to authorize the City Manager to execute a contract for a Software update to City's supervisory control and data acquisition (SCADA) with Prime Controls Inc. Commissioner BeMent seconded. Motion passed unanimously.

Agenda item A17. Review and consider taking action on authorizing City Manager to execute a contract for a Utility Master Plan and Rate Analysis with KIT Professionals.

- ACM Christian addressed the City Commission stating that it is essential that there be adequate planning in terms of infrastructure to support the projected growth and maintain existing assets. Two firms submitted for the RFQ and KIT Engineering was

selected as the best consultant.

- Commissioner Beard moved to authorize the City Manager to execute a contract for a Utility Master Plan and Rate Analysis with KIT Professionals. Commissioner Gaul seconded. Motion passed unanimously.

Agenda item A18. Excuse from Attendance at Regular City Commission Meeting.

- No excuses to consider

Agenda item A19. Consider taking action on requests for future agenda items.

- Commissioner Beard moved to have an update and timeline on the Myrtle St. Project and review the contract with PGAL as a future agenda item. Commissioner BeMent seconded. Motion passes unanimously.
- Commissioner Beard moved to have an update on outstanding agreements, i.e. Del-Webb Water Reuse and an update on the Fire Protection agreement with FBC as a future agenda item. Commissioner BeMent seconded. Motion passed unanimously.
- Commissioner Beard moved to receive information on City owned property, lots and spaces, in Old Towne (map only) to be a future agenda item. Commissioner BeMent seconded. Motion passed unanimously.
- Commissioner Beard moved to receive an update on regulations as it pertains to the different pharmacies to be added as a future agenda item. Commissioner BeMent seconded. Motion passed unanimously.
- Commissioner BeMent requested the Hotel Occupancy Tax be put on the agenda for discussion. Commissioner Beard seconded. Motion passed unanimously.
- Mayor Haas requested a six-month report on railroad blockings be added as a future agenda item. Commissioner Beard seconded. Motion passed unanimously.
- CM Vela added that we will be having several workshops regarding infrastructure updates, Robert's Rules, and the City Manager Strategic Plan.

Agenda item A20. Adjourn to Executive Session.

- City Commission adjourned to Executive Session at 6:00 p.m.

Agenda item C1. Reconvene into Open Meeting.

- Reconvened into Open Meeting at 7:03 p.m.
- Commissioner Beard moved to approve the City Manager to negotiate an appraisal for city parking in Downtown. Commissioner BeMent seconded. Motion passed unanimously.
- Commissioner Beard moved to authorize the City Manager to initiate an RFQ for building city parking Downtown. Commissioner Drozd seconded. Motion passed unanimously.

C2. Adjournment

- Mayor Haas adjourned the meeting at 7:04 p.m.

APPROVED:



Alex BeMent, Mayor Pro Tem

ATTEST:



Lasha Gillespie, City Secretary