



City of Richmond

Where History Meets Opportunity

Special Scheduled City Commission Meeting (in person)

600 Morton Street

Richmond, Texas 77469

Monday, January 29, 2024 at 4:30 P.M.

And

Join Zoom Meeting

<https://us06web.zoom.us/j/2240869784?omn=86927585992>

Meeting ID: 224 086 9784

One tap mobile

+13462487799,,2240869784# US (Houston)

Dial by your location

• +1 346 248 7799 US (Houston)

Meeting ID: 224 086 9784

Find your local number: <https://us06web.zoom.us/j/kirfRzFCR>

Mayor Rebecca K. Haas

Commissioner Terry Gaul

Commissioner Barry Beard

Commissioner Carl Drozd

Commissioner Alex BeMent

AGENDA

- A1. Call to Order, Quorum Determined and Meeting Declared Open.
- A2. Recite the Pledge of Allegiance to the U. S. Flag and the Texas Flag.
- A3. 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.)

Any item on this posted agenda may be discussed in Executive Session provided it is within one of the permitted categories under Chapter 551 of the Texas Government Code.

City Commission Meeting Agenda

January 29, 2024

Page 1 of 3

- A4. Presentation on Traffic Signal Box Art Wraps.
- A5. Review and discuss Overlay Districts, such as Tax Increment Reinvestment Zone and Public Improvement Districts.
- A6. Review and consider taking action on Resolution No. 468-2024, request to consent of creation of Fort Bend County Water Control and Improvement District No. 11.
- A7. Review and consider taking action on Resolution No. 469-2024, request to consent to create Fort Bend County Municipal Utility District No. 263.
- A8. Review and discuss adding training for boards and commissions within the Rules of Commission.
- A9. Review and discuss presentation of downtown sidewalks from Kimley Horn.
- A10. Review and consider approving Resolution No.471-2024, approving Interlocal Agreement for overlaying and resurfacing streets and roadways.
- A11. Adjourn to Executive Session, as authorized by Texas Government Code, Sections 551.071 and 551.072, Deliberation of Real Estate Discussions and Attorney Consultation.

EXECUTIVE SESSION

In accordance with Chapter 551, Government Code, Vernon's Texas Code Annotated (V.T.C.A) (Open Meetings Law), "The City Commission may meet in a Closed Executive Meeting pursuant to provisions of the Open Meetings Law, Chapter 551, Government Code, V.T.C.A. in accordance with the authority contained in the following sections;" 551.072, Deliberation Regarding Real Estate and 551.071 Attorney Consultation.

- E1. Executive Session for Deliberation Regarding Real Estate and Attorney Consultation.

OPEN MEETING

- C1. Reconvene into Open Meeting, and take action on items, if necessary.
 - A. Real Estate.
- C2. Adjournment.

Any item on this posted agenda may be discussed in Executive Session provided it is within one of the permitted categories under Chapter 551 of the Texas Government Code.

If, during the course of the meeting covered by this Agenda, the Commission shall determine that an executive session of the Commission, should be held or is required in relation to any item included in this Agenda, then such executive session, as authorized by the Texas Open Meetings Act, will be held by the Board at the date, hour, and place given in this Agenda concerning any and all subjects and for any and all purposes permitted by Sections 551.071-551.090 of the Texas Government Code, including, but not limited to, Section 551.071 – for purpose of consultation with attorney, on any or all subjects or matters authorized by law.

NOTICE OF ASSISTANCE AT THE PUBLIC MEETING

The City of Richmond City Commission meetings are available to all persons regardless of disability. This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations, should you require special assistance, must be made 48 hours prior to this meeting. Braille is not available. Please contact the City Secretary's office at (281) 342-5456 ex. 505 for needed accommodations.

If you have any questions, please let me know.
Terri Vela

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- A1. Call to Order, Quorum Determined, Meeting Declared Open



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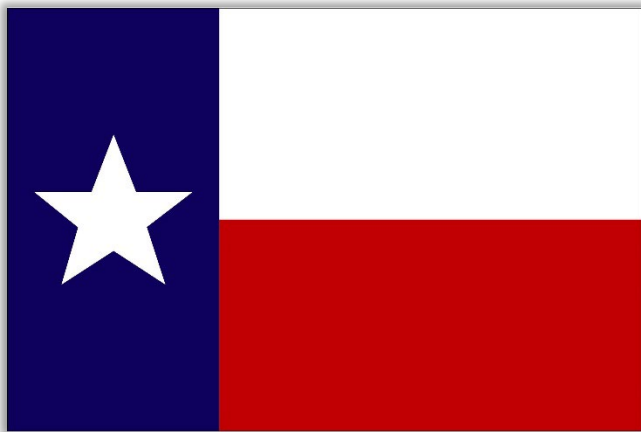
A2. Call to Order, Quorum Determined, Meeting Declared Open

The US Pledge of Allegiance



I pledge allegiance to the flag of the United States of America, And to the Republic for which it stands, one Nation Under God, indivisible, with liberty and justice for all.

Pledge to the Texas Flag



Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.



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- A3. 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.)



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- A4. Presentation on Traffic Signal Box Art Wraps.

City of Richmond, Texas
Utility Boxes- Art Wraps Proposal

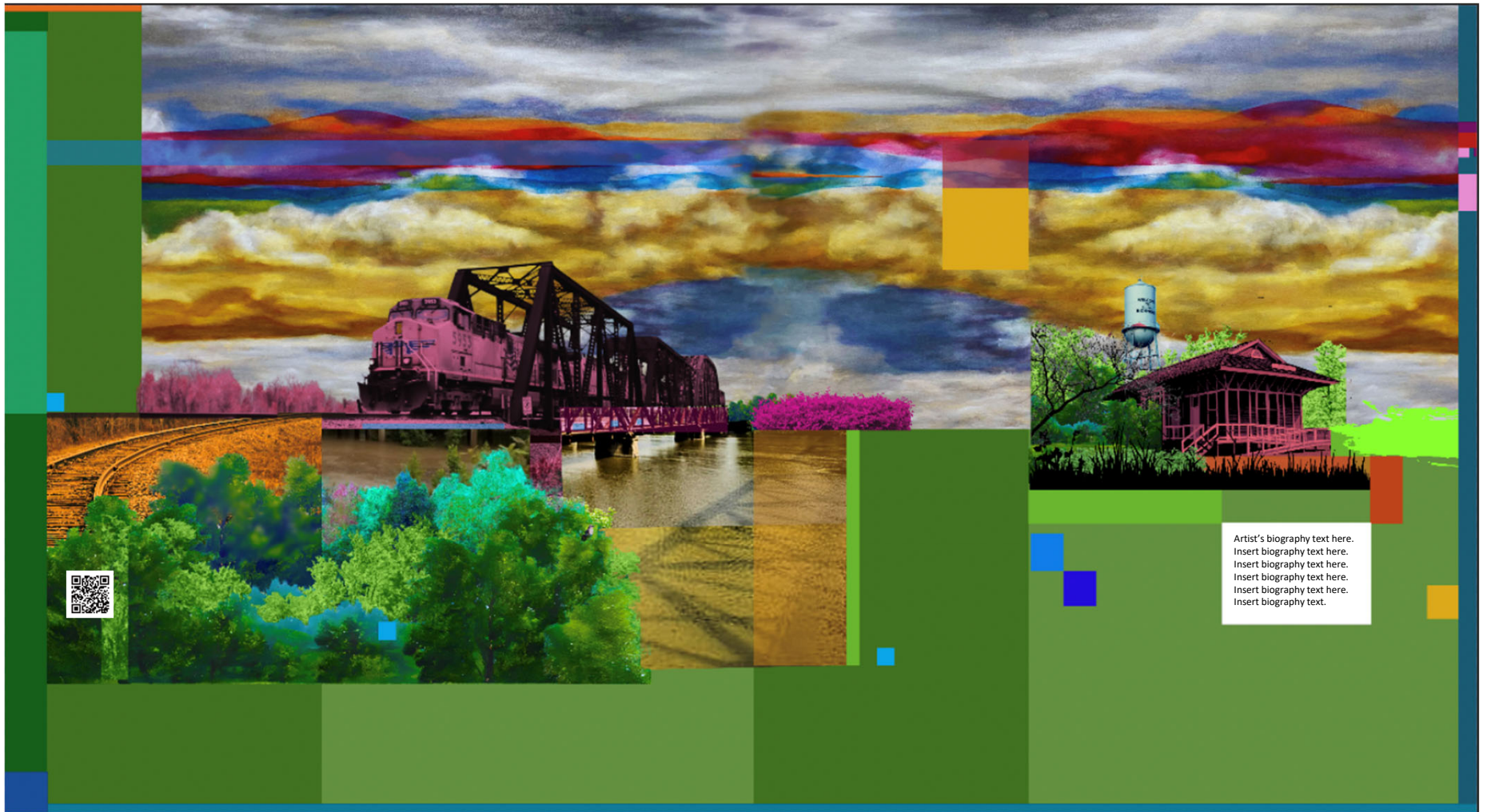
Historic District
1/16/2024

Left

Front

Right

Back



Artist's biography text here.
Insert biography text here.
Insert biography text here.
Insert biography text here.
Insert biography text.

Latest submission 1/16/24



© Michelle Florence 2024

WEST SIDE

SOUTH STREET SIDE

EAST SIDE

NORTH SIDEWALK SIDE

Latest submission 1/16/24 Artist: Michelle Florence



ABOUT THE ARTIST

Brought to the Bend in 2016 from New York, Elizabeth Marie's art has been celebrated and awarded in juried events and exhibitions, featured on magazine covers, renowned in television commercials, illustrated in books, and purchased by art collectors throughout the United States. Her diverse work is an ever-evolving enterprise expressed on canvas with symbolism, story-telling and beautiful aesthetics. Signing each work of art with E.Marie is her unique mark on the art. She was chosen 2023 Art In The Bend festival Featured Artist. Richmond Texas continues to influence her work, inspire her to support the community and refreshes her soul to make each day a distinguished work of art!

Scan the QR code to visit Richmond's map of other artwork throughout the city.

NORTH 44"

WEST 28"

44" 90A face

EAST 28"

Latest submission 1/16/24

Artist: Elizabeth Marie

Left side



Center and back design



Right side



Latest submission 1/16/24

Artist: Sarah Beth Baca

Proposed Visual Artists

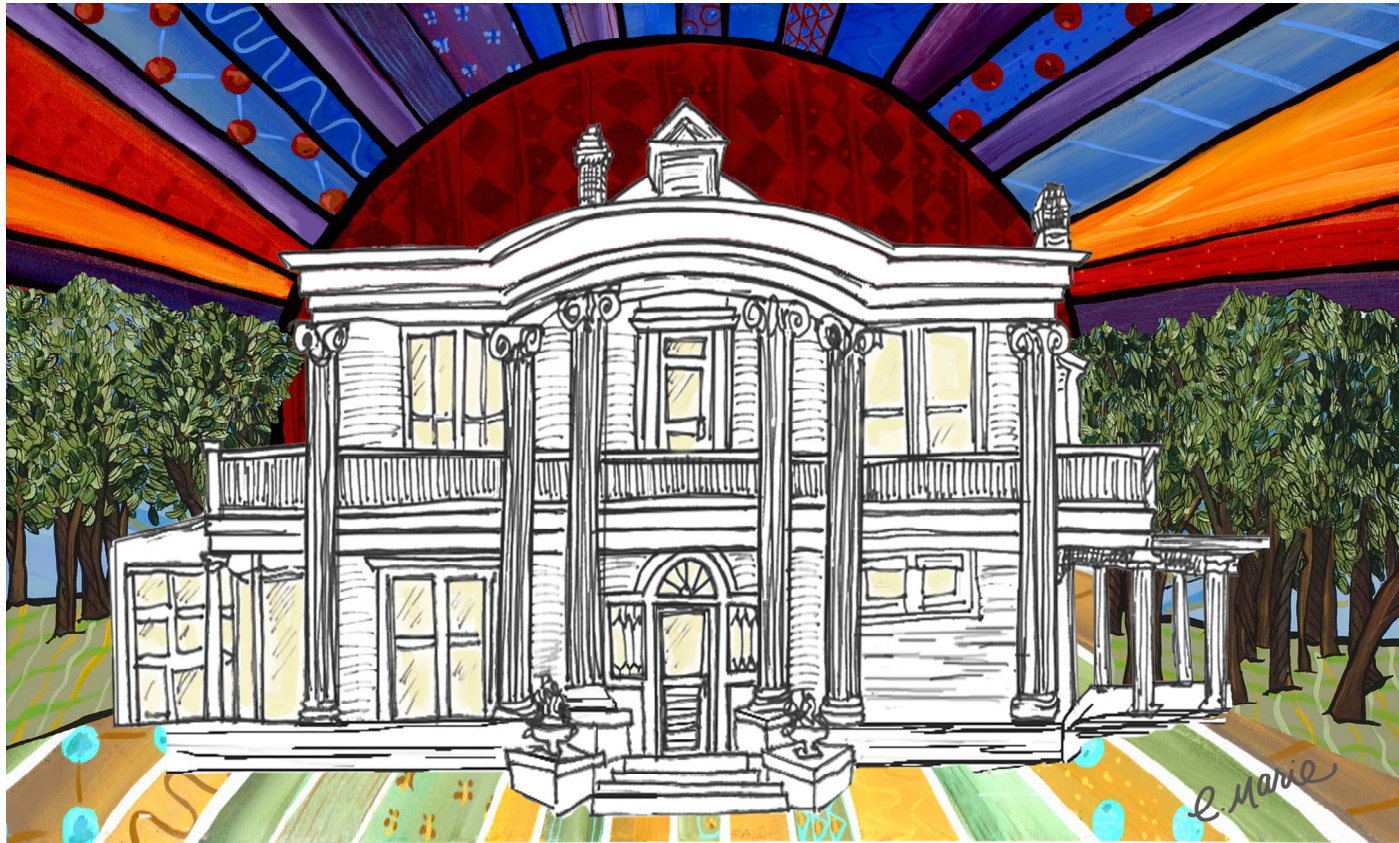
- Elizabeth Marie.
- Michelle Moore.
- Sarah Beth Bacca
- Carmen Flores

Train tracks, bridge, Brazos Bend- Draft



Sketch 12/19/23 Artist: Carmen Flores

Moore House-Draft.



Sketch 12/19/23

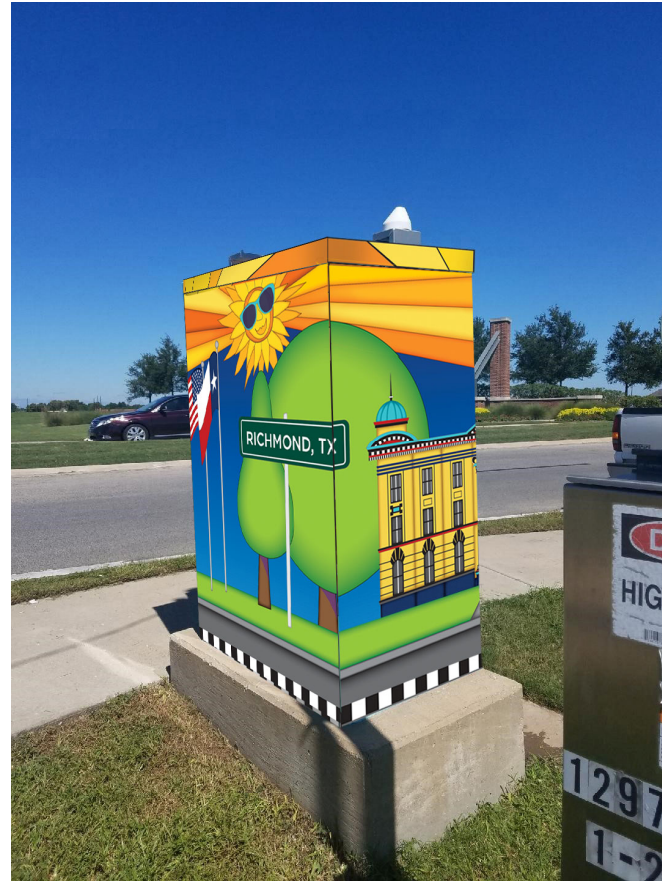
Artist: Elizabeth Marie

Court House- Draft



Sketch 12/19/23 Artist: Michelle Florence

Court House Draft, Mock Ups of draft 12/19/23



Examples in the Houston area



League City Parkway @ Brittany Lakes



Austin @ FM 270



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- A5. Review and discuss Overlay Districts, such as Tax Increment Reinvestment Zone and Public Improvement Districts.

Tax Increment Reinvestment Zones (TIRZ)



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What is a TIRZ?

- ▶ **TIRZ stands for “Tax Increment Reinvestment Zone.”**
- ▶ **TIRZs are governed by Chapter 311 of the Texas Tax Code.**
- ▶ **There are more than 180 TIRZs throughout Texas.**
- ▶ **TIRZs are used as forms of tax increment financing, which is an economic development tool to incentivize both development and redevelopment.**
- ▶ **A TIRZ is not an additional tax. Instead, it establishes a “base tax value” for a designated geographic area when the TIRZ is created. Once that base tax value is established, a TIRZ reallocates some or all of the additional ad valorem property taxes in the zone.**



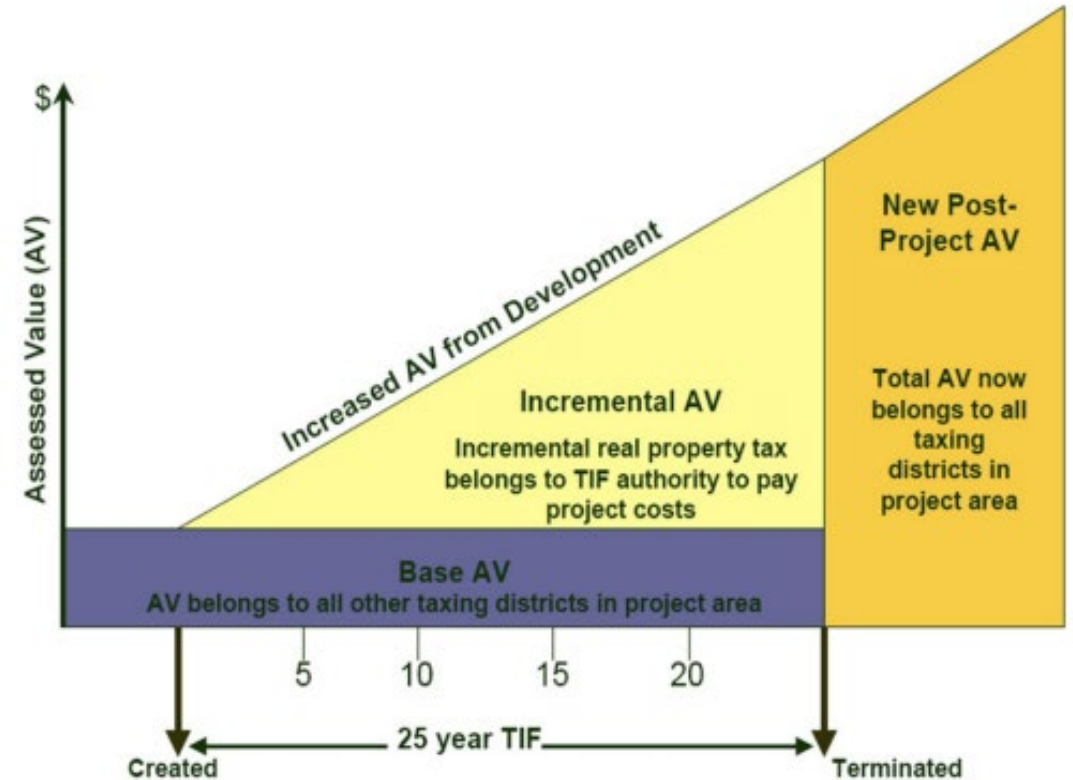
How does a TIRZ work?

- ▶ When a TIRZ is formed, the amount of existing tax collections originating from inside the zone's boundary is set as the baseline.
- ▶ As tax revenues increase in future years, the amount that exceeds the baseline is redirected out of the city's general fund (which funds things like parks, public safety, and sidewalks across the city) into the TIF fund for the zone.



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Tax Increment Financing – How It Works



What does a TIRZ actually do?

A TIRZ is used to expedite development in an area of the City that may not otherwise develop in a timely manner, by using property taxes to help pay for the costs. Such as:

- 1) The surrounding properties are keeping it from developing
- 2) The cost to extend infrastructure to that development is so high that a single developer may not be able to take on those costs by themselves
- 3) Location within the municipality that has other circumstances, such as proximity to distressed neighborhoods, presence of unsafe conditions, deterioration of the site, or defective or inadequate street layout

There are other taxes that get generated from new development, such as business personal property, sales tax revenue, and any percentage of uncommitted real property tax revenue— and those taxes don't go into the TIRZ, but they still benefit the City almost immediately.



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What specifically can the TIRZ fund?

Permitted “Project Costs” can be paid for by TIRZ funds. “Project Costs” are those items that are listed in the Project Plan as costs of public works, public improvements, programs, or other projects benefitting the zone. Once defined and approved, these are the only items that are eligible to be funded by TIRZ dollars.

Project Costs may include:

- Purchase of land for public infrastructure
- Relocation of public utilities
- Water, wastewater, and drainage systems
- Parks and landscape
- Public roads and buildings
- Façade improvements
- Environmental remediation
- Demolition of existing structures
- Debt service reserve, capitalized interest, cost of issuance
- Administration fees and marketing
- Operational costs



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Benefits

- ▶ Does not affect revenue currently going to the general fund of the City
- ▶ Does not involve additional or increased taxes on existing or new developments
- ▶ Does not involve forgiveness of taxes
- ▶ Creates an opportunity to include other taxing jurisdictions in providing the tax incentives used for new public infrastructure and revitalization efforts
- ▶ Captures only taxes on real property (land and buildings) - not business personal property, inventory, sales taxes, and the undedicated portion of real property - leaving those revenues available to support any increase in general budget costs
- ▶ It is a commitment for a period of years providing a dependable source of economic development funds which can be allocated to stimulate new development and redevelopment over years
- ▶ Building needed public infrastructure in areas lacking sufficient improvement to draw businesses
- ▶ Boosting development, which grows property values and long-term property tax collections
- ▶ Lessening the cost of private development by providing reimbursement for qualified public improvements

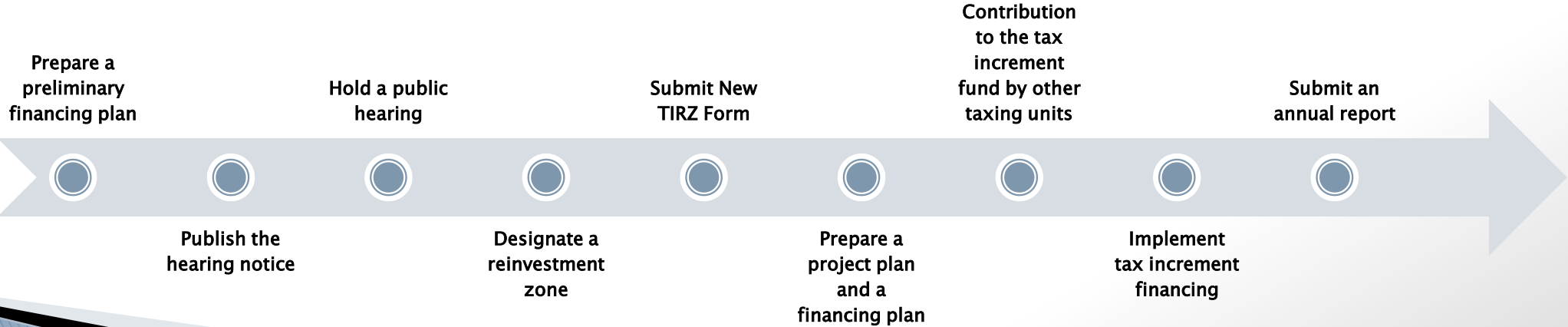
Disadvantages

- ▶ Real property taxes, above and beyond your “base tax value” number, go into the TIRZ
- ▶ The City must pay for support services, such as the police and fire departments, out of its general fund



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Nine Steps For Creating and Implementing a TIRZ



Step 1: Prepare a preliminary financing plan

- ▶ The governing body must prepare a preliminary reinvestment zone financing plan according to Tax Code Section, 311.003(b).
- ▶ Show details how the improvements will be paid for



Step 2: Publish the hearing notice

- ▶ After developing the preliminary reinvestment zone financing plan and before the required public hearing on the creation of the zone, the governing body must publish notice of the hearing in a newspaper with general circulation within the city. This must be done seven days before the hearing date as required by Tax Code, Section 311.003(c).



Step 3: Hold a public hearing

- ▶ A public hearing is required prior to creating a TIRZ. A city's proposed reinvestment zone must provide a realistic chance for the property owner to protest the property's inclusion in a proposed reinvestment zone.
- ▶ Tax Code, Sections 311.003(c) provides the following should be included in a public hearing:
 - a discussion on the concept of a tax increment fund (TIF);
 - an opportunity for all interested persons to speak for or against the designation of a reinvestment zone;
 - an address of the boundaries of the zone; and
 - a discussion on the benefits to the municipality and to property in the proposed zone.



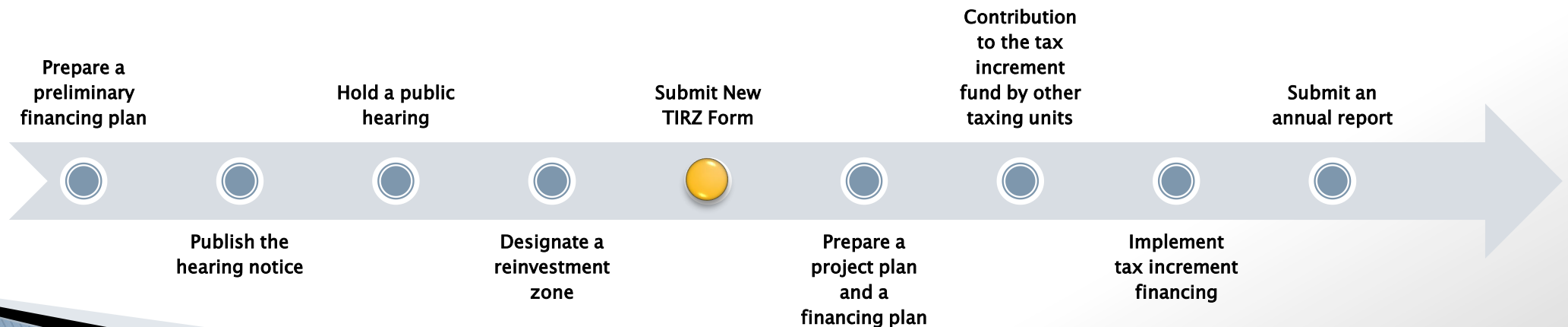
Step 4: Designate a reinvestment zone

- ▶ If creating a reinvestment zone by city ordinance or county order, the governing body may create an adjacent area as a reinvestment zone for TIF purposes and create the board of directors for the reinvestment zone.
- ▶ A majority vote at an open meeting of the governing body is required to approve the ordinance or order. Home rule cities may have greater majority voting requirements based on their charters. The adopted ordinance or order should include a finding that growth in the area would not ensue in the near future solely through private investment. Based on Tax Code, Section 311.004, the ordinance or order must contain other provisions including:
 - a designation of the zone's board of directors and an indication of the number of board directors;
 - a provision that the zone will take effect immediately on passage of the ordinance;
 - a description of the zone boundaries with enough detail to identify the territory within the zone;
 - findings that the improvements within the zone will significantly enhance the value of the taxable property within the zone and will be of general benefit to the city or county;
 - a name for the zone as provided under Tax Code, Section 311.004(a)(5);
 - a provision establishing a tax increment fund for the zone;
 - an indication of the zone termination date; and
 - a finding that the area meets the criteria for designation of a reinvestment zone under Tax Code, Section 311.005.
- ▶ If creating a reinvestment zone in reply to a petition of the property owners, the city or county must specify in its ordinance or order that the reinvestment zone is created under Tax Code, Section 311.005(a)(4).



Step 5: Submit New TIRZ Form

- ▶ Soon after the local taxing unit approves the creation of the TIRZ, the entity is required to send Comptroller Form 50-807. The entity must also send an annual report (Comptroller Form 50-806) every year until the zone expires or is terminated.



Step 6: Prepare a project plan and a financing plan

- ▶ After the city or county has approved the ordinance or order creating the zone, the zone's board of directors must prepare both a project plan and a financing plan. The plans must be consistent with the preliminary plans the city developed for the zone before the board was created. The board of directors must get the approval of the governing body for the project and financing plans, as well as any plan amendments according to Tax Code, Section 311.011(a), (d), and (e).



Step 6: Prepare a project plan and a financing plan

Project Plan

- ▶ As set forth in Tax Code, Section 311.011(b), the project plan must include:
 - any proposed changes to zoning ordinances, the master plan of the city, building codes or other municipal ordinances;
 - a description and map showing existing uses and conditions of real property within the zone and any proposed uses of that property;
 - a statement of the method for relocating persons who will be displaced as a result of implementing the plan; and
 - a list of estimated non-project costs.
- ▶ In a zone designated pursuant to Tax Code, Section 311.005(a)(4) that is located in a county with a population of 3.3 million or more, the project plan must provide at least one-third of the tax increment of the zone to be used for affordable housing purposes during the term of the zone.



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Step 6: Prepare a project plan and a financing plan

Financing Plan

- ▶ According to Tax Code, Section 311.011(c), the financing plan must include:
 - a statement listing the proposed kind, number and location of all public works or public improvements to be financed by the zone;
 - a detailed list describing the estimated project costs of the zone, including administrative expenses;
 - the estimated amount of bonded indebtedness to be incurred;
 - a finding that the plan is economically feasible and an economic feasibility study;
 - a description of the methods of financing all estimated project costs and the expected sources of revenue to finance or pay project costs, including the percentage of tax increment to be derived from each taxing unit;
 - the estimated time when related costs or monetary obligations are to be incurred;
 - the estimated captured appraised value of the zone during each year of its existence;
 - the current total appraised value of taxable real property in the zone; and
 - the duration of the zone.
- ▶ The financing plan may provide that the city will issue tax increment bonds or notes, using the proceeds to pay project costs for the reinvestment zone. Tax increment bonds are issued by city ordinance; no additional approval is required other than that of the Public Finance Section of the Office of the Attorney General. The criteria and treatment of these obligations are detailed in Tax Code, Section 311.015.



Step 6: Prepare a project plan and a financing plan

After Plan Approval

- ▶ After the zone's board of directors approves both the project plan and the financing plan, the plans must also be approved by ordinance or order of the governing body that created the zone. The ordinance or order must be adopted at an open meeting by a simple majority vote of the governing body, unless the city is a home rule city whose charter requires a greater majority threshold for adoption. The ordinance or order must find that the plans are feasible and conform to the city's master plan (if any).



Step 6: Prepare a project plan and a financing plan

Plan Amendments

At any time after the zone is adopted, the board of directors may adopt an amendment to the project plan and/or financing plan. The amendment takes effect when a change is approved by ordinance or order of the city that created the zone. In certain cases, it may require an additional public hearing.

If a municipal governing body passes an amendment to a project and/or financing plan, a school district that participates in the reinvestment zone is not required to increase its tax increment or issue additional tax increment bonds or notes.

Once a city or county designates a TIRZ and approves or amends a project plan or financing plan, the city or county must deliver a report to the Comptroller's office containing:

- ▶ a general description of each reinvestment zone;
- ▶ a copy of each project plan or financing plan adopted; and
- ▶ any other information the Comptroller's office requires to administer the central registry.

The report must be sent by April 1 of the year following the year the zone is created or the plan is approved.



Step 7: Contribution to the tax increment fund by other taxing units

- ▶ In Tax Code, Section 311.013, after the board of directors and the local governing body has approved the project plan and the reinvestment zone, the other taxing units with property within the zone set the percentage of their increased tax that will be dedicated to the tax increment fund.
- ▶ Taxing units contribute a portion of their increased tax revenues collected each year under the plan to the tax increment fund. The taxing units can determine the amount of their yearly tax increment either by:
 - the amount of property taxes the unit levied and assessed for that year on the captured appraised value of real property that is taxable and located in the reinvestment zone; or
 - the amount of property taxes the unit levied and collected for that year on the captured appraised value of real property taxable and located in the reinvestment zone.
- ▶ In practice, taxing units generally commit, in early negotiations with the city, to the portion of the tax increment they will contribute to the tax increment fund for the zone.
- ▶ Any agreement to contribute must indicate the portion of the tax increment to be paid into the fund and the years for which the tax increment will be paid. The agreement may also include other conditions for payment of the tax increment. Only property taxes attributable to real property within the zone are eligible for contribution to the tax increment fund (Tax Code, Section 311.012). Property taxes on personal property are not eligible for contribution into the tax increment plan. Cities are allowed to deposit the amount of sales tax attributable to the reinvestment zone into the tax increment fund. This amount will be an increment of the sales taxes collected above the base amount of sales tax attributable to the zone in the year the zone was created.



Step 7: Contribution to the tax increment fund by other taxing units

- ▶ The taxing unit must pay its increment to the fund “by the 90th day after the later of: (1) the delinquency date for the unit's property taxes; or (2) the date the municipality or county that created the zone submits to the taxing unit an invoice specifying the tax increment produced by the taxing unit and the amount the taxing unit is required to pay into the tax increment fund for the zone (Tax Code, Section 311.013(c)).” A delinquent payment incurs a penalty of 5 percent of the amount of delinquent funds and accrues interest at an annual rate of 10 percent. Note, however, that a taxing unit is not required to pay into the tax increment fund the portion of a tax increment that is attributable to delinquent taxes until those taxes are collected.
- ▶ In lieu of permitting a portion of its tax increment to be paid into the tax increment fund, a taxing unit including a city may elect to offer the owners of taxable real property in the zone an exemption from ad valorem taxation for any property value increase as provided under the Property Redevelopment and Tax Abatement Act (Tax Code Chapter 312). Alternatively, a taxing unit, other than a school district, may offer a tax abatement to the property owners in the zone and enter into an agreement to contribute a tax increment into the fund. In either case, any agreement to abate taxes on real property within a TIRZ must be approved both by the board of directors of the zone and by the governing body of each taxing unit that agrees to deposit any of its tax increment into the tax increment fund.
- ▶ In any contract a tax increment zone’s board of directors enters into regarding bonds or other obligations, the board may promise not to approve any such tax abatement agreement. If a taxing unit enters into a tax abatement agreement within a TIRZ, the taxes that are abated will not be considered in calculating the tax increment of the abating taxing unit or that taxing unit’s deposit into the tax increment fund.



Step 8: Implement tax increment financing

- ▶ When a reinvestment zone is created, the zone’s board of directors must make recommendations to the city’s or county’s governing body on executing the TIF as stated in Tax Code, Section 311.010(a). Once the city or county, by ordinance or order has created the reinvestment zone, the board of directors may exercise any power granted to them by the Tax Increment Financing Act. By ordinance, resolution or order, the city or county may allow the board of directors to exercise any of the local taxing unit’s powers with respect to the administration, management or operation of the zone or the implementation of the project plan for the zone. However, the city or county may not authorize the board of directors to issue bonds, impose taxes or fees, exercise the power of eminent domain, or give final approval to the project plan. The board of directors may exercise any of the powers granted to the city under Tax Code, Section 311.008, except that the city council must approve any acquisition of real property. Also, the city, by ordinance or resolution or order may choose to restrict any power granted to the board of directors by Tax Code, Chapter 311.
- ▶ The board of directors and the city or county can contract with a local government corporation created under the Texas Transportation Corporation Act (Transportation Code Ch. 431, Subchapter D) or with a political subdivision to manage the reinvestment zone and/or implement the project or financing plans. The board, the local government corporation or the political subdivision administering the zone can contract with the local taxing unit to pay for city/county services in the zone out of the portion of the tax increment fund the city/county produces, regardless of whether the services or their costs are identified in the project or financing plan.
- ▶ Either the board of directors or the local taxing unit may enter into agreements that are necessary or convenient to implement the project plan and the financing plan. Such agreements can pledge or provide for the use of revenue from the tax increment fund and/or provide for the regulation or restriction of land use. These agreements are not subject to the competitive bidding requirements in Local Government Code Chapter 252. If the zone was created by petition, the board, with the approval of the city, may impose certain zoning restrictions within the zone.



Step 8: Implement tax increment financing

- ▶ With the approval of the city or county that created the reinvestment zone, the board of directors may establish and provide for the administration of programs for a public purpose of developing and diversifying the economy, eliminating unemployment and underemployment, and developing or expanding transportation, business, and commercial activity in the zone. This authority includes programs to make grants and loans from the tax increment fund. Once the board has city approval, the board has all the powers of a city under Local Government Code Chapter 380. If the board is pursuing a project to construct public rights-of-way or infrastructure within the zone, the board may enter into an agreement to pledge tax increment fund revenue to pay for land and easements located outside the zone if:
 - the land or the rights or easements on the land are acquired for the purpose of preserving the land in its natural or undeveloped condition;
 - the land is in the county in which the zone is located; and
 - the zone is or will be served by a rail transportation or bus rapid transit project.
- ▶ In a zone created by petition, the board of directors is required to implement a program to enhance the participation of disadvantaged businesses in the procurement process. The program shall make information concerning the procurement process and the opportunities within the zone available to disadvantaged businesses. The board is required to compile an annual report listing the numbers and dollar amounts of contracts awarded to disadvantaged businesses during the previous year, as well as the total number and dollar amount of all contracts awarded (see Tax Code, Section 311.0101(c)).



Step 9: Submit an annual report

- ▶ **Within 150 days of the end of the fiscal year, the governing body of a city or county must submit an annual report to the chief executive officer of each taxing unit that levies taxes on property within the zone (Tax Code, Section 311.016(a) and (b)). A copy of this report must be provided to the Comptroller's office and include the following items:**
 - **The amount of principal and interest due on outstanding bonded indebtedness.**
 - **The amount and source of revenue in the tax increment fund established for the zone.**
 - **The amount and purpose of expenditures from the fund.**
 - **The captured appraised value shared by the city or county and other taxing units.**
 - **The total amount of tax increments received.**
 - **The tax increment base and current captured appraised value retained by the zone.**
 - **Any additional information needed to show compliance with the city or county adopted TIF plan.**



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Questions or Comments?



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City of Richmond, Texas



Public Improvement Districts

Mechanisms for Funding Development

Public Improvement Districts

- **Public Improvement Districts (PID) are special districts created pursuant to Chapter 372 Local Government Code**
- **Allows for the creation of a PID by a Municipality**
 - **Municipality can either initiate; or**
 - **Receive petition requesting creation**
- **Can be created inside the City or the ETJ**

Public Improvement Districts

- **Petition must state (Summary):**
 - **General nature of the proposed improvement**
 - **Estimated cost of the improvement**
 - **Boundaries of the proposed assessment district**
 - **Method of assessment**
 - **Apportionment of cost between the PID & the municipality**
 - **Management type can be:**
 - **Municipally Managed**
 - **Privately Managed**
 - **Public Private Partnership**
 - **Generally - consent must consist more than 50% of property owners**

Public Improvement Districts

- **Assessments**
 - **Cost of an improvement may be assessed:**
 - **Equally per front foot or square foot;**
 - **According to the value of the property as determined by the governing body**
 - **In any manner that results in imposing equal shares of the cost on property similarly benefitted**
 - **City can contract with County, similar to property taxes for collection purposes**

Public Improvement Districts

- **Authorized Improvements**
 - **Governing body may undertake improvement that promotes its interest**
 - **Such as (not an all inclusive list):**
 - **Parks, landscaping, fountains, lighting, art & signs**
 - **Acquiring or constructing streets sidewalks or ROW**
 - **Acquiring or constructing water, wastewater or drainage facilities or improvements**
 - **Supplemental services such as public safety, security, advertising and cultural enhancement**

Public Improvement Districts

- **How are improvements financed?**
 - **Issuance of Bonds**
 - **Reimbursement agreements with developers**
- **To protect the City, most developments are structured on a reimbursement basis**
 - **The developer pays the cost for constructing infrastructure**
 - **Once a pre-determine value is achieved the City would issue bonds or CO's to acquire the infrastructure at cost plus accrued interest**

Public Improvement Districts

- **Pros**
 - **Easily and quickly created & dissolved by the City**
 - **Controlled exclusively by the City Commission**
 - **Assessments can be structured to decline over time**
 - **Minimal impact on City operations**
 - **No additional boards**
 - **City adopts a Service and Assessment plan annually**
- **Cons**
 - **May be difficult to structure extremely large developments**



Questions or
Comments



City of Richmond

Where History Meets Opportunity

Special Scheduled City Commission Meeting

600 Morton Street

Richmond, Texas 77469

Monday, January 29, 2029 at 4:30 P.M.

- A6. Review and consider taking action on Resolution No. 468-2024, request to consent of creation of Fort Bend County Water Control and Improvement District No. 11.



**CITY COMMISSION
AGENDA ITEM COVER MEMO**

DATE: 1/29/2024

Staff Review:

City Manager _____
City Attorney _____
Finance _____
Fire Department _____
Police Department _____
Public Works _____

AGENDA ITEM: A6. Review and consider taking action on Resolution No. 468-2024, request to consent to the creation of Fort Bend County Water Control and Improvement District No. 11.

SUBMITTED BY: Gary W. Smith, City Attorney

SYNOPSIS

During the most recent Legislative Session, the City consented to the legislation providing for the creation and powers of WCID No. 11, conditioned that the City must consent to the creation of the WCID.

Pursuant to that consent, House Bill 5395 was adopted and is now codified as Chapter 9064, Texas Special District Local Laws Code.

The owners of the approximately 1,616.989-acre tract located north of US 90A and west of State Hwy 99 have petitioned the City for consent to create WCID No. 11.

COMPREHENSIVE PLAN GOALS ADDRESSED

BACKGROUND

Sec. 9064.0104 requires that the City consent to the creation of the WCID for its creation to proceed.

Sec. 9064.0301 provides a general grant of powers to the WCID and 9064.0303 grants road powers, however, Sec. 9064.0302 prevents the WCID from constructing, financing, owning, or operating the water or sanitary sewer facilities.

The petition seeks consent to include storm water and drainage facilities, road powers, and recreation facilities, and other facilities related to the above purposes.

Mr. Cohen, attorney for the property owners and developer, has explained that the recreation and road powers are to be used in conjunction with the storm water and drainage facilities to amenities the drainage facilities.

As authorized by Sec. 9064.01305, the proposed resolution contains the conditions to the creation that the City has recently used in granting consent to the expansion of such districts within the ETJ.

BUDGET ANALYSIS

FUNDING SOURCE	ACCOUNT NUMBER	PROJECT CODE/NAME	FY2024 FUNDS BUDGETED	FY2024 FUNDS AVAILABLE	AMOUNT REQUESTED

BUDGET AMENDMENT REQUIRED? YES _____ NO _____

Requested Amendment:
Budgeted funds estimated for FY2024:

Purchasing Review:
Financial/Budget Review:

FORM CIQ: _____

FORM 1295 _____

SUPPORTING MATERIALS

Resolution 468-2024.
Letter from Schwartz, Page & Harding forwarding Petition for Consent and associated documents.

STAFF'S RECOMMENDATION

City Manager Approval: _____

December 14, 2023

VIA E-MAIL & FEDERAL EXPRESS

Terri Vela, City Manager
City of Richmond, City Hall
402 Morton Street
Richmond, Texas 77469
tvela@richmondtx.gov

Re: Application for Consent to Creation of Fort Bend County Water Control and Improvement District No. 11 (the "District")

Dear Ms. Vela:

Application is hereby made for the Consent of the City of Richmond (the "City") to the creation of the captioned water control and improvement district under the provisions of Chapters 49 and 51 of the Texas Water Code, as amended. We are transmitting herewith the following:

1. Copy of House Bill No. 5395, 88th Legislature, Regular Session, relating to the creation of the District;
2. Copy of Letter of No Objection relative to legislation for the creation of the District;
3. One (1) Petition for Consent to Creation of a Water Control and Improvement District, and field notes denoting the area to be included in the District;
4. One (1) vicinity map depicting the location of the boundaries of the District; and
5. One (1) proposed Ordinance of City of Richmond, Texas, Giving Consent to the Creation of a Water Control and Improvement District.


The enclosed petition has been duly executed by the owners of the land comprising the boundaries of the District. Please advise of any other requirements or documents needed to have an item placed on an agenda for City Council to consent to the District's creation by resolution or ordinance.

Ms. Terri Vela
December 14, 2023
Page -2-

Should you have any questions or need any additional information or materials in connection with these matters, please contact me.

Sincerely,

SCHWARTZ, PAGE & HARDING, LLP

By: 
Matthew R. Reed
Attorneys for the District

Enclosures

cc: Ms. Amy Meckel (via e-mail)
R.E. Smith Interests, Inc.

Mr. Sam Yager III (via e-mail)
Sam Yager Incorporated

RESOLUTION NO. 468-2024

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF RICHMOND, TEXAS, GRANTING CONSENT TO THE CREATION OF A WATER CONTROL AND IMPROVEMENT DISTRICT

Through passage of House Bill 5395, 88th Texas Legislature, Regular Session, codified as Chapter 9064 of the Texas Special District Local Laws Code (the “Act”), the Legislature created Fort Bend County Water Control and Improvement District No. 11 (the “District”) over approximately 1,616.989 acres of land, which land is described by metes and bounds in Exhibit A attached to this Resolution (the “Property”).

Section 9064.0104 of the Act requires that each municipality in whose corporate limits or extraterritorial jurisdiction the District is located consent to the creation of the District prior to holding an election to confirm the creation of and elect directors for the District.

The District is located within the extraterritorial jurisdiction of the City of Richmond, Texas (the “City”).

The owner of title to all and, therefore, a majority in value of the Property has submitted a Petition for Consent to Creation of a Water Control and Improvement District seeking the consent of the City to the creation of the District.

The general nature of the work to be done in the District is the purchase, construction, extension, improvement, maintenance, and operation of a storm sewer and drainage system, recreational facilities, and road facilities.

Section 9064.0302 provides that the District may not construct, finance, own, or operate facilities necessary to provide water or sanitary sewer services.

The City Commission of the City finds that creation of the District is in the public interest and desires to consent to the creation of the District as set forth herein; Now Therefore,

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF RICHMOND, TEXAS:

Section 1. The matters and facts set out in the preamble hereof are true and correct.

Section 2. The City Commission of the City hereby specifically gives its written consent, as provided by Section 9064.0104 of the Act, to the creation of the District within the extraterritorial jurisdiction of the City of Richmond for the purposes of the purchase, construction, extension, improvement, maintenance and operation of a storm sewer and drainage system, recreational facilities, and road facilities, but shall not construct, finance, own, or operate facilities necessary to provide water or sanitary sewer services, and the boundaries of such land being described by metes and bounds in Exhibit A attached hereto and made a part hereof for all purposes.

Section 3. The City Commission of the City specifically imposes the conditions set forth in Exhibit B attached hereto and made a part hereof for all purposes.

PASSED AND APPROVED this the 29th day of January, 2024.

Rebecca K. Hass, Mayor

ATTEST:

Lasha Gillespie, City Secretary

Exhibit A

Page 1 Of 8 Pages

County: Fort Bend
Project: FBCMUD No. 263
C.I. No.: 1005-23
Job Number: 2022-333-021

METES AND BOUNDS FOR 1616.989 ACRES

Being a 721.9 acre tract of land (Tract A) located in the W. Morton Survey, A-62, an 812.1 acre tract of land (Tract B), a 79.97 acre tract of land (Tract C) and a 3.019 acre tract of land (Tract D) located in the J. Wilkins Survey, A-96 and the J.H. Cartwright Survey, A-16 in Fort Bend County, Texas; said 721.9 acre tract being all of the remainder of "TRACT 3" (called 575.744 acres) and all of "TRACT 4" (called 49.1434 acres) recorded in Clerk's File Number 9632563 of the Official Records of Fort Bend County (O.R.F.B.C.), all of a called 103.039 acre tract of land recorded as "TRACT THREE" in Clerk's File Number 2018058651 of the O.R.F.B.C., and all of the remainder of a called 19.4224 acre tract of land recorded in Clerk's File Number 2002071030 of the O.R.F.B.C.; said 812.1 acre tract being all of a called 317.812 acre tract of land and all of a called 186.183 acre tract of land recorded in Clerk's File Number 2018058651 of the O.R.F.B.C., and all of "TRACT 9" (called 307.968 acres) recorded in Clerks File Number 9632563 of the O.R.F.B.C., said 79.97 acre tract being all of a called 79.967 acre tract of land recorded in Clerk's File Number 2018058651 of the O.R.F.B.C., and said 3.019 acre tract being all of a called 3.019 acre tract of land recorded in Clerk's File Number 2018058651 of the O.R.F.B.C.; said tracts being more particularly described by metes and bounds as follows (all bearings are based on the Texas Coordinate System, South Central Zone):

TRACT "A": 721.9 ACRES

Beginning at a 5/8-inch iron rod found for the northwest corner of said 575.744 acre tract and the southwest corner of Plantation Crossing, a subdivision recorded in Slide Number 2047A of the Fort Bend County Plat Records (F.B.C.P.R.), same being on the east line of the Replat of Pecan Grove Plantation Section 5, a subdivision recorded in Slide Number 685A of the F.B.C.P.R.;

1. Thence, with the common line of said 575.744 acre tract and said Plantation Crossing and the south line of Reserve "B-2" of Plantation Crossing Subdivision Partial Replat No. 1 of Unrestricted Reserve "B", a subdivision recorded in Plat Number 20100032 of the F.B.C.P.R., North 87 degrees 38 minutes 06 seconds East, a distance of 1,888.98 feet to a 5/8-inch iron rod (bent) found at the northeast corner of said 575.744 acre tract and the southeast corner of said Plantation Crossing, same being on the west Right-of-Way (R.O.W.) line of Harlem Road (width varies-minimum 140-feet wide) as recorded in Volume 63, Page 203 of the Fort Bend County Deed Records (F.B.C.D.R.) and in Clerk's File Numbers 2010100611, 2011015402 and 2011015403 of the O.R.F.B.C.;

Thence, with said west R.O.W. line, the following four (4) courses:

2. South 03 degrees 26 minutes 34 seconds East, a distance of 1,780.95 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set;
3. South 02 degrees 54 minutes 24 seconds East, a distance of 599.47 feet to a 5/8-inch iron rod with cap stamped "LANDTECH" found;
4. South 02 degrees 21 minutes 25 seconds East, a distance of 329.14 feet to a 5/8-inch iron rod with cap stamped "LANDTECH" found;
5. South 02 degrees 07 minutes 07 seconds East, a distance of 2,791.77 feet to a 3/4-inch iron rod with cap stamped "WEISSER ENG" found at the northeast corner of a called 2.817 acre tract of land recorded in Clerk's File Number 2021161425 of the O.R.F.B.C.;
6. Thence, with the north line of said 2.817 acre tract, South 87 degrees 51 minutes 34 seconds West, a distance of 875.94 feet to a 3/4-inch iron rod with cap stamped "WEISSER ENG" found at the northwest corner of said 2.817 acre tract, same being on the east line of aforesaid 103.039 acre tract;
7. Thence, with the common line of said 2.817 acre tract and said 103.039 acre tract, South 01 degrees 46 minutes 00 seconds East, a distance of 139.87 feet to a 1/2-inch iron rod found at the southwest corner of said 2.817 acre tract and the northwest corner of a called 10.00 acre tract of land recorded in Volume 2491, Page 256 of the F.B.C.D.R.;
8. Thence, with the common line of said 103.039 acre tract and said 10.00 acre tract, South 01 degrees 53 minutes 54 seconds East, a distance of 496.44 feet to a 1-inch iron pipe found at the southwest corner of said 10.00 acre tract and the northwest corner of aforesaid 49.1434 acre tract;
9. Thence, with the common line of said 10.00 acre tract and said 49.1434 acre tract, North 87 degrees 52 minutes 26 seconds East, a distance of 878.71 feet to a 5/8-inch iron rod found at the southeast corner of said 10.00 acre tract and the northeast corner of said 49.1434 acre tract, same being on the west R.O.W. line of aforesaid Harlem Road;
10. Thence, with said west R.O.W. line, South 02 degrees 07 minutes 07 seconds East, a distance of 2,470.38 feet to a 5/8-inch iron rod with cap stamped "WINDROSE" found at the southeast corner of said 49.1434 acre tract and the northeast corner of a called 6.170 acre tract of land recorded in Clerk's File Number 2013073107 of the O.R.F.B.C.;

11. Thence, with the common line of said 49.1434 acre tract and said 6.170 acre tract and with the north line of the remainder of a called 6.555 acre tract of land recorded in Clerk's File Number 2008022579 of the O.R.F.B.C., South 87 degrees 54 minutes 25 seconds West, a distance of 887.56 feet to a 3-inch iron pipe found at the southwest corner of said 49.1434 acre tract and the northwest corner of said 6.555 acre tract, same being on the east line of aforesaid 103.039 acre tract;
12. Thence, with the common line of said 103.039 acre tract and said 6.555 acre tract and with the west line of said 6.170 acre tract, South 01 degrees 54 minutes 40 seconds East, a distance of 372.49 feet to a 3/4-inch iron rod found at the southeast corner of said 103.039 acre tract and the southwest corner of said 6.170 acre tract, same being on the north line of the Union Pacific Railroad tract (100-feet wide) as recorded in Volume 15, Page 218, Volume 59, Page 315, Volume 64, Page 182 and Volume 95, Page 24 of the F.B.C.D.R.;
13. Thence, with the common line of said Railroad tract and said 103.039 acre tract and with the south line of aforesaid 575.744 acre tract, South 81 degrees 27 minutes 29 seconds West, a distance of 5,473.20 feet to a 1-inch iron pipe found on the east R.O.W. line of Pitts Road (width varies) as recorded in Clerk's File Number 9509356 of the O.R.F.B.C.;
14. Thence, with said east R.O.W. line, North 02 degrees 09 minutes 49 seconds West, a distance of 3,187.67 feet to a 1-inch iron pipe (bent) found on the common line of aforesaid 575.744 acre tract and a called 39.8846 acre tract of land recorded in Volume 2166, Page 1939 of the O.R.F.B.C.;
15. Thence, with said common line, North 89 degrees 03 minutes 34 seconds East, a distance of 1,465.14 feet to a 1-inch iron pipe found at the southeast corner of said 39.8846 acre tract and the southwest corner of a called 4.6051 acre tract of land recorded in Clerk's File Number 2005101569 of the O.R.F.B.C.;
16. Thence with the common line of said 575.744 acre tract and said 4.6051 acre tract and with the south line of a called 3.7506 acre tract of land and a called 3.7803 acre tract of land also recorded in Clerk's File Number 2005101569 of the O.R.F.B.C., North 88 degrees 53 minutes 30 seconds East, a distance of 759.44 feet to a 1-inch iron pipe found at the southeast corner of said 3.7803 acre tract and the southwest corner of The Grove Section 5, a subdivision recorded in Slide Number 554A of the F.B.C.P.R.;
17. Thence, with the common line of said subdivision and said 575.744 acre tract and with the south line of a called 22.0959 acre tract of land recorded in Clerk's File Number 2015102372 of the O.R.F.B.C., North 88 degrees 51 minutes 35 seconds East, a distance of 1,637.79 feet to a 5/8-inch iron rod with cap stamped "COTTON SURVEYING" found at the southeast corner of said 22.0959 acre tract;

Thence, with the east line of said 22.0959 acre tract, the following three (3) courses:

18. North 02 degrees 37 minutes 41 seconds West, a distance of 4,075.39 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set;
19. North 87 degrees 13 minutes 51 seconds East, a distance of 599.62 feet to a 5/8-inch iron rod with cap found;
20. North 03 degrees 14 minutes 20 seconds West, a distance of 513.53 feet to a 1/2-inch iron pipe found at the northeast corner of said 22.0959 acre tract and the southeast corner of Pecan Grove Plantation Section 4, a subdivision recorded in Volume 27, Page 6 of the F.B.C.P.R., same being on the west line of aforesaid 575.744 acre tract;
21. Thence, with the common line of said 575.744 acre tract and said subdivision and with the east line of aforesaid Pecan Grove Plantation Section 5, North 02 degrees 52 minutes 04 seconds West, a distance of 1,872.48 feet to the **Point of Beginning** and containing 721.9 acres of land.

TRACT B: 812.1 ACRES

Beginning at a 5/8-inch iron rod found for the northwest corner of aforesaid 317.812 acre tract and the southwest corner of a called 145.368 acre tract of land recorded in Clerk's File Number 2017087205 of the O.R.F.B.C., same being on the east R.O.W. line of aforesaid Harlem Road;

1. Thence, with the north line of said 317.812 acre tract, the north line of aforesaid 307.968 acre tract, the north line of aforesaid 186.183 acre tract, the south line of said 145.368 acre tract and the south line of a called 143.287 acre tract recorded in said Clerk's File Number 2017087205 of the O.R.F.B.C., North 86 degrees 48 minutes 57 seconds East, a distance of 6,884.55 feet to a 5/8-inch iron rod found at the northeast corner of said 186.183 acre tract and the southeast corner of said 143.287 acre tract, same being on the west R.O.W. line of the Grand Parkway (Highway 99) (width varies) as recorded in Clerk's File Number 9830483 of the O.R.F.B.C.;

Thence, with said west R.O.W. line, the following six (6) courses:

2. South 42 degrees 12 minutes 55 seconds East, a distance of 228.10 feet to a TXDOT Disc found;
3. 1,560.21 feet along the arc of a curve to the right, said curve having a central angle of 16 degrees 01 minutes 18 seconds, a radius of 5,579.59 feet and a chord that bears South 34 degrees 12 minutes 17 seconds East, a distance of 1,555.13 feet to a TXDOT Disc found;
4. South 26 degrees 11 minutes 38 seconds East, a distance of 788.16 feet to a 1/2-iron rod found;

5. South 88 degrees 31 minutes 13 seconds West, a distance of 66.04 feet to a TXDOT Disc found;
6. South 26 degrees 12 minutes 25 seconds East, a distance of 1,235.45 feet to a TXDOT Disc found;
7. South 17 degrees 52 minutes 00 seconds East, at a distance of 560.55 feet passing a 5/8-inch iron rod with cap found and continuing for a total distance of 621.35 feet to the southeast corner of aforesaid 186.183 acre tract, same being on the north line of aforesaid Union Pacific Railroad (75-foot wide) as recorded in Volume 15, Page 218, Volume 59, Page 315, Volume 59, Page 183 and Volume 95, Page 24 of the F.B.C.D.R;
8. Thence, with the common line of said 186.183 acre tract and said Railroad tract and with the south line of aforesaid 307.968 acre tract and aforesaid 317.812 acre tract, South 81 degrees 27 minutes 54 seconds West, a distance of 8,839.89 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set for the southwest corner of said 317.812 acre tract, being on the east R.O.W. line of aforesaid Harlem Road;
9. Thence, with said east R.O.W. line, North 02 degrees 07 minutes 07 seconds West, a distance of 4,796.72 feet to the **Point of Beginning** and containing 812.1 acres of land.

TRACT C: 79.97 ACRES

Beginning at the northwest corner of aforesaid 79.967 acre tract and the southwest corner of Windsor Estates Sec 3, a subdivision recorded in Plat Number 20140040 of the F.B.C.P.R., same being on the northeasterly R.O.W. line of aforesaid Grand Parkway, from which a 5/8-inch iron rod found bears S58°28'30"E ~ 0.60';

1. Thence, with the north line of said 79.967 acre tract, the south line of said Sec 3 and the south line of Windsor Estates Sec 1, a subdivision recorded in Plat Number 20130085 of the F.B.C.P.R., North 86 degrees 48 minutes 57 seconds East, a distance of 2,061.83 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set at the northeast corner of said 79.967 acre tract, same being on the west R.O.W. line of F.M. 1464 (width varies) as recorded in Clerk's File Numbers 2010065925, 2010067366 and 2010054458 of the O.R.F.B.C.;

Thence, with said west R.O.W. line, the following eight (8) courses:

2. South 02 degrees 29 minutes 10 seconds East, a distance of 1,931.46 feet to a 5/8-inch iron rod found;
3. South 87 degrees 34 minutes 52 seconds West, a distance of 238.37 feet to a 5/8-inch iron rod found (bent);

4. South 02 degrees 28 minutes 00 seconds East, a distance of 373.47 feet to a TXDOT Disc found;
5. South 58 degrees 47 minutes 14 seconds East, a distance of 204.28 feet to a 5/8-inch iron rod with cap (bent) found;
6. South 02 degrees 27 minutes 37 seconds East, a distance of 318.23 feet to a 5/8-inch iron rod found;
7. South 25 degrees 12 minutes 50 seconds East, a distance of 137.03 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set;
8. South 02 degrees 27 minutes 37 seconds East, a distance of 64.38 feet to a 5/8-inch iron rod found that bears S61°52'50"E ~ 1.0';
9. 483.56 feet along the arc of a curve to the right, said curve having a central angle of 65 degrees 11 minutes 24 seconds, a radius of 425.00 feet and a chord that bears South 48 degrees 38 minutes 51 seconds West, a distance of 457.89 feet to the east R.O.W. line of aforesaid Grand Parkway, from which a TXDOT Disc found bears N77°48'02"E ~ 0.7';

Thence, with the east R.O.W. line of said Grand Parkway, the following four (4) courses:

10. North 26 degrees 12 minutes 25 seconds West, a distance of 1,046.40 feet to a TXDOT Disc found;
11. South 88 degrees 31 minutes 13 seconds West, a distance of 44.09 feet to a TXDOT Disc found;
12. North 26 degrees 11 minutes 38 seconds West, a distance of 926.23 feet to a TXDOT Disc found;
13. 1,629.01 feet along the arc of a curve to the left, said curve having a central angle of 15 degrees 52 minutes 28 seconds, a radius of 5,879.59 feet and a chord that bears North 34 degrees 07 minutes 52 seconds West, a distance of 1,623.81 feet to the **Point of Beginning** and containing 79.97 acres of land.

TRACT D: 3.019 ACRES

Beginning at a TXDOT Disc found for at north end of a cutback at the intersection of the southeast R.O.W. line of aforesaid F.M. 1464 with the east R.O.W. line of aforesaid Grand Parkway and being a northwest corner of aforesaid 3.019 acre tract;

Thence, with the southeast R.O.W. line of said F.M. 1464, the following seven (7) courses:

1. 294.49 feet along the arc of a curve to the left, said curve having a central angle of 30 degrees 46 minutes 40 seconds, a radius of 548.22 feet and a chord that bears North 66 degrees 01 minutes 51 seconds East, a distance of 290.96 feet to a TXDOT Disc found;
2. South 89 degrees 19 minutes 20 seconds East, a distance of 44.86 feet to a TXDOT Disc found;
3. South 47 degrees 43 minutes 32 seconds East, a distance of 33.66 feet to a 5/8-inch iron rod found that bears N75°36'31"W ~ 1.5';
4. South 02 degrees 21 minutes 21 seconds East, a distance of 204.21 feet to a 5/8-inch iron rod found;
5. South 04 degrees 43 minutes 36 seconds East, a distance of 239.96 feet to a TXDOT Disc found;
6. South 38 degrees 30 minutes 36 seconds West, a distance of 87.66 feet to a TXDOT Disc found;
7. South 81 degrees 19 minutes 35 seconds West, a distance of 89.98 feet to a 5/8-inch iron rod found in concrete at the east R.O.W. line of aforesaid Grand Parkway;
8. Thence, with said east R.O.W. line, North 32 degrees 31 minutes 32 seconds West, a distance of 451.59 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set at the south end of aforesaid cutback line;
9. Thence, with said cutback line, North 24 degrees 27 minutes 31 seconds East, a distance of 54.43 feet to the **Point of Beginning** and containing 3.019 acres of land.

This document was prepared under Title 22 of the Texas administrative Code, Chapter 663, Rule §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Mark D. Armstrong
01/11/2023



Exhibit B

A. The District may issue bonds only for the purpose of acquiring, purchasing or constructing storm water systems, drainage facilities, roads, and recreational facilities, or parts of such systems or facilities, and to make any and all necessary purchases, construction, improvements, extensions, additions and repairs thereto, and to purchase or acquire all necessary land, right-of-way easements, sites, equipment, buildings, plants, structures and facilities therefor, and to operate and maintain the same, unless otherwise agreed to by the City. Such bonds shall expressly provide that the District shall reserve the right to redeem said bonds on any interest payment date subsequent to the tenth (10th) anniversary of the date of issuance without premium and shall only be sold after the taking of public bids therefor, other than refunding bonds, which may be sold on a negotiated basis, and none of such bonds, other than refunding bonds, shall be sold for less than ninety-five (95) percent of par; provided that the net effective interest rate on bonds so sold, taking into account any discount or premium as well as the interest rate borne by such bonds, shall not exceed two (2) percent above the highest average interest rate reported by the Daily Bond Buyer in its weekly "20 Bond Index" during the one-month period next preceding the first date notice of the sale of such bonds is published, and bids for the bonds shall be received not more than forty-five (45) days after notice of sale of the bonds if so published. The resolution or order authorizing the issuance of the District's bonds will contain, if applicable, a provision that the pledge of the revenues from the operation of the District's drainage systems to the payment of the District's bonds will terminate if and when the City annexes the District or takes over the assets of the District and assumes all of the obligations of the District. No land will be added or annexed to the District until the City has given its written consent by action of the City Commission on such addition or annexation. No bonds of the District may be issued without specific City consent if the City has given notice to the District that it intends to annex and/or dissolve the District within 365 or fewer days after such notice. The District will promptly provide the City with the Official Statement regarding the issuance of the bonds, once it is complete. The District must obtain City approval to issue refunding bonds. Refunding bonds must comply with all City ordinances pertaining to the sale of refunding bonds by a District within the City's boundaries or its extra-territorial jurisdiction, as such ordinances may be amended from time to time.

B. Before the commencement of any construction within the District, the District, its directors, officers, or developers and/or landowners shall submit to the City all plans and specifications for the construction of drainage, and recreational facilities and related improvements to serve the District and obtain the City's written approval of such plans and specifications. All valves, pipes and appurtenances thereto, installed or used within the District, shall conform exactly to the then applicable specifications of the City. Any recreational facilities to be accepted by the City, shall comply with the City's standards, the approved plans and specifications and the then applicable ordinances, resolutions, or regulations of the City, unless otherwise agreed to in writing by the City and the District. Prior to the construction of such facilities within or by the District, the District or its engineer shall give written notice by registered or certified mail to the City

Manager, or her designee, stating the date on which such construction will be commenced. The construction of the District's drainage, recreational and road facilities shall be in accordance with the approved plans and specifications and with applicable standards and specifications of the City and as approved by the City Engineer and the Director of Public Works of the City. During the progress of the construction and installation of such facilities, a designated representative of the City may make periodic on-the-ground inspections in order to determine that the installation and construction conform with the approved plans and specifications and the applicable standards and specifications of the City. In the event that it is determined by the representative of the City that construction and/or installations are not being performed in conformance with the approved plans and specifications and with the applicable standards and specifications of the City, upon being so informed by a duly designated City representative, the District agrees to discontinue further construction and installation of all facilities until the cause of the noncompliance is resolved.

C. The District shall not provide drainage facilities to any tract of land until the owner or developer of said tract has, prior to the sale of any subdivided lots or parcels of land, duly recorded a plat in the map and plat records of the county in which the District lies and which plat has been previously approved by the City.

D. The District shall maintain a tax rate sufficient to cover the maintenance and operations expenses and the interest and sinking funds for the fiscal year.

CERTIFICATE OF RESOLUTION NO. 468-2024

CITY OF RICHMOND, TEXAS

I, the undersigned City Secretary of the City of Richmond, Texas hereby certify that the attached and foregoing is a true and correct copy of Resolution No. 468-2024 of City of Richmond, Texas, Giving Consent to Creation of a Water Control and Improvement District to be known as Fort Bend County Water Control and Improvement District No. 11. I further certify that said Ordinance was passed and approved by the City Commission of the City of Richmond on January 29, 2024.

WITNESS MY HAND AND SEAL OF THE CITY OF RICHMOND, TEXAS, this
_____ day of January, 2024.

Lasha Gillespie
City Secretary, City of Richmond



City of Richmond

Where History Meets Opportunity

Special Scheduled City Commission Meeting

600 Morton Street

Richmond, Texas 77469

Monday, January 29, 2024 at 4:30 P.M.

- A7. Review and consider taking action on Resolution No. 469-2024, request to consent to create Fort Bend County Municipal Utility District No. 263.



**CITY COMMISSION
AGENDA ITEM COVER MEMO**

DATE: 1/29/2024

Staff Review:

City Manager _____
City Attorney _____
Finance _____
Fire Department _____
Police Department _____
Public Works _____

AGENDA ITEM: A7. Review and consider taking action on Resolution No. 469-2024, request to consent to create Fort Bend County Municipal Utility District No. 263.

SUBMITTED BY: Gary W. Smith, City Attorney

SYNOPSIS

Pursuant to Chapters 49 and 54, Texas Water Code, the owners of the approximately 1,616.989-acre tract located north of US 90A and west of State Hwy 99 have petitioned the City for consent to create MUC 263.

COMPREHENSIVE PLAN GOALS ADDRESSED

BACKGROUND

Sec. 54.016, Texas Water Code provides that land within a City's ETJ may not be included within a MUD without the written consent of the City.

The petition seeks authority for the MUD to construct, own, and operate waterworks, sanitary sewer system, storm sewer and drainage system, recreation facilities, road facilities, and, subject to statute and regulations, firefighting facilities.

If the City does not consent to the creation of the MUD within 90 days of the request for consent, the landowners may request that the City provide the services. If the City and landowners are not able to enter into a mutually agreeable contract for the provision of such services within 120 days, the landowners may apply to the Texas Commission on Environmental Quality for creation of the MUD.

As authorized by Sec. 54.016, the proposed resolution contains the conditions to the creation that the City has recently used in granting consent to the expansion of such districts within the ETJ, including the negotiation of a development agreement by October 1, 2024.

The attached Term Sheet contains issues that are significant in developing an agreement with the developer. The Commission may revise the terms. The significant terms include:

- Timely development
- Timely reimbursement
- Revenue to offset expenses necessary to serve the development

- Additional water and wastewater customers for the City
- Ad valorem tax and sales tax revenue
- Quality development providing housing, employment, sales and ad valorem tax revenue
- The opportunity for regional drainage
- The opportunity for regional road and transportation improvements
- Use of sales tax revenue to reduce debt related to development
- Participate in the Groundwater Reduction Plan

BUDGET ANALYSIS

FUNDING SOURCE	ACCOUNT NUMBER	PROJECT CODE/NAME	FY2024 FUNDS BUDGETED	FY2024 FUNDS AVAILABLE	AMOUNT REQUESTED

BUDGET AMENDMENT REQUIRED? YES _____ NO _____

Requested Amendment:

Budgeted funds estimated for FY2024:

Purchasing Review:

Financial/Budget Review:

FORM CIQ: _____

FORM 1295 _____

SUPPORTING MATERIALS

Resolution 469-2024.

Letter from Schwartz, Page & Harding forwarding Petition for Consent and associated documents.

STAFF'S RECOMMENDATION

City Manager Approval: _____

December 14, 2023

VIA E-MAIL & FEDERAL EXPRESS

Terri Vela, City Manager
City of Richmond, City Hall
402 Morton Street
Richmond, Texas 77469
tvela@richmondtx.gov

Re: Application for Consent to Creation of Fort Bend County Municipal Utility District No. 263 (the "District")

Dear Ms. Vela:

Application is hereby made for the Consent of the City of Richmond (the "City") to the creation of the captioned municipal utility district under the provisions of Chapters 49 and 54 of the Texas Water Code, as amended. We are transmitting herewith the following:

1. One (1) Petition for Consent to Creation of a Municipal Utility District, and field notes denoting the area to be included in the District;
2. One (1) vicinity map depicting the location of the boundaries of the District; and
3. One (1) proposed Ordinance of City of Richmond, Texas, Giving Consent to the Creation of a Municipal Utility District.


The enclosed petition has been duly executed by the owners of the land comprising the boundaries of the District. Please advise of any other requirements or documents needed to have an item placed on an agenda for City Council to consent to the District's creation by resolution or ordinance.

Ms. Terri Vela
December 14, 2023
Page -2-

Should you have any questions or need any additional information or materials in connection with these matters, please contact me.

Sincerely,

SCHWARTZ, PAGE & HARDING, LLP

By:  _____
Matthew R. Reed
Attorneys for the District

Enclosures

cc: Ms. Amy Meckel (via e-mail)
R.E. Smith Interests, Inc.

Mr. Sam Yager III (via e-mail)
Sam Yager Incorporated

Term Sheet for MUD 263

- Timely development
- Timely reimbursement
- Revenue to offset expenses necessary to serve the development
- Additional water and wastewater customers for the City
- Ad valorem tax and sales tax revenue
- Quality development providing housing, employment, sales and ad valorem tax revenue
- The opportunity for regional drainage
- The opportunity for regional road and transportation improvements
- Use of sales tax revenue to reduce debt related to development
- Participate in the Groundwater Reduction Plan

RESOLUTION NO. 469-2024

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF RICHMOND, TEXAS, GRANTING CONSENT TO THE CREATION OF A MUNICIPAL UTILITY DISTRICT

Pursuant to Chapters 49 and 54 of the Texas Water Code, the owner (“Landowner”) of approximately 1,616.989 acres of land located within the extraterritorial jurisdiction of the City of Richmond, Texas (the “City”) wishes to create Fort Bend County Municipal Utility District No. 263 (the “District”) on such land.

Section 54.016 of the Texas Water Code provides that land within the extraterritorial jurisdiction of a city may not be included within a municipal utility district without the written consent of such city, town, or village.

The Landowner has submitted to the Mayor and City Commission of the City a petition for consent to creation of a municipal utility district.

The general nature of the work to be done in the District is the purchase, construction, extension, improvement, maintenance and operation of a waterworks and sanitary sewer system and a storm sewer and drainage system, recreational facilities, road facilities and, subject to the laws of the State of Texas and rules of the Texas Commission on Environmental Quality, firefighting facilities.

The City Commission of the City finds that creation of the District is in the public interest and desires to consent to the creation of the District as set forth herein; Now Therefore,

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF RICHMOND, TEXAS:

Section 1. The matters and facts set out in the preamble hereof are true and correct.

Section 2. The City Commission of the City hereby specifically gives it written consent, as provided by Section 54.016 of the Texas Water Code, to the creation of the District within the extraterritorial jurisdiction of the City of Richmond for the purposes of the purchase, construction, extension, improvement, maintenance and operation of a waterworks and sanitary sewer system and, subject to the laws of the State of Texas and rules of the Texas Commission on Environmental Quality, firefighting facilities, and the boundaries of such land being described by metes and bounds in Exhibit A attached hereto and made a part hereof for all purposes.

Section 3. The City Commission of the City specifically imposes the conditions set forth in Exhibit B attached hereto and made a part hereof for all purposes.

Section 4. The consent provided by this Resolution is conditioned on the City’s approval of a Development Agreement and Strategic Partnership Agreement related to the property proposed to be included in the District. This consent shall automatically be withdrawn and be of no further validity if a Development Agreement and Strategic Partnership Agreement is not approved by the

City Commission of the City on or before October 1, 2024, and the District shall be obligated to cancel and scheduled confirmation and/or bond election that may have been called for the District prior to the withdrawal of the City's consent provided herein.

PASSED AND APPROVED this the 29th day of January, 2024.

Rebecca K. Hass, Mayor

ATTEST:

Lasha Gillespie, City Secretary

Exhibit A

Page 1 Of 8 Pages

County: Fort Bend
Project: FBCMUD No. 263
C.I. No.: 1005-23
Job Number: 2022-333-021

METES AND BOUNDS FOR 1616.989 ACRES

Being a 721.9 acre tract of land (Tract A) located in the W. Morton Survey, A-62, an 812.1 acre tract of land (Tract B), a 79.97 acre tract of land (Tract C) and a 3.019 acre tract of land (Tract D) located in the J. Wilkins Survey, A-96 and the J.H. Cartwright Survey, A-16 in Fort Bend County, Texas; said 721.9 acre tract being all of the remainder of "TRACT 3" (called 575.744 acres) and all of "TRACT 4" (called 49.1434 acres) recorded in Clerk's File Number 9632563 of the Official Records of Fort Bend County (O.R.F.B.C.), all of a called 103.039 acre tract of land recorded as "TRACT THREE" in Clerk's File Number 2018058651 of the O.R.F.B.C., and all of the remainder of a called 19.4224 acre tract of land recorded in Clerk's File Number 2002071030 of the O.R.F.B.C.; said 812.1 acre tract being all of a called 317.812 acre tract of land and all of a called 186.183 acre tract of land recorded in Clerk's File Number 2018058651 of the O.R.F.B.C., and all of "TRACT 9" (called 307.968 acres) recorded in Clerks File Number 9632563 of the O.R.F.B.C., said 79.97 acre tract being all of a called 79.967 acre tract of land recorded in Clerk's File Number 2018058651 of the O.R.F.B.C., and said 3.019 acre tract being all of a called 3.019 acre tract of land recorded in Clerk's File Number 2018058651 of the O.R.F.B.C.; said tracts being more particularly described by metes and bounds as follows (all bearings are based on the Texas Coordinate System, South Central Zone):

TRACT "A": 721.9 ACRES

Beginning at a 5/8-inch iron rod found for the northwest corner of said 575.744 acre tract and the southwest corner of Plantation Crossing, a subdivision recorded in Slide Number 2047A of the Fort Bend County Plat Records (F.B.C.P.R.), same being on the east line of the Replat of Pecan Grove Plantation Section 5, a subdivision recorded in Slide Number 685A of the F.B.C.P.R.;

1. Thence, with the common line of said 575.744 acre tract and said Plantation Crossing and the south line of Reserve "B-2" of Plantation Crossing Subdivision Partial Replat No. 1 of Unrestricted Reserve "B", a subdivision recorded in Plat Number 20100032 of the F.B.C.P.R., North 87 degrees 38 minutes 06 seconds East, a distance of 1,888.98 feet to a 5/8-inch iron rod (bent) found at the northeast corner of said 575.744 acre tract and the southeast corner of said Plantation Crossing, same being on the west Right-of-Way (R.O.W.) line of Harlem Road (width varies-minimum 140-feet wide) as recorded in Volume 63, Page 203 of the Fort Bend County Deed Records (F.B.C.D.R.) and in Clerk's File Numbers 2010100611, 2011015402 and 2011015403 of the O.R.F.B.C.;

Thence, with said west R.O.W. line, the following four (4) courses:

2. South 03 degrees 26 minutes 34 seconds East, a distance of 1,780.95 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set;
3. South 02 degrees 54 minutes 24 seconds East, a distance of 599.47 feet to a 5/8-inch iron rod with cap stamped "LANDTECH" found;
4. South 02 degrees 21 minutes 25 seconds East, a distance of 329.14 feet to a 5/8-inch iron rod with cap stamped "LANDTECH" found;
5. South 02 degrees 07 minutes 07 seconds East, a distance of 2,791.77 feet to a 3/4-inch iron rod with cap stamped "WEISSER ENG" found at the northeast corner of a called 2.817 acre tract of land recorded in Clerk's File Number 2021161425 of the O.R.F.B.C.;
6. Thence, with the north line of said 2.817 acre tract, South 87 degrees 51 minutes 34 seconds West, a distance of 875.94 feet to a 3/4-inch iron rod with cap stamped "WEISSER ENG" found at the northwest corner of said 2.817 acre tract, same being on the east line of aforesaid 103.039 acre tract;
7. Thence, with the common line of said 2.817 acre tract and said 103.039 acre tract, South 01 degrees 46 minutes 00 seconds East, a distance of 139.87 feet to a 1/2-inch iron rod found at the southwest corner of said 2.817 acre tract and the northwest corner of a called 10.00 acre tract of land recorded in Volume 2491, Page 256 of the F.B.C.D.R.;
8. Thence, with the common line of said 103.039 acre tract and said 10.00 acre tract, South 01 degrees 53 minutes 54 seconds East, a distance of 496.44 feet to a 1-inch iron pipe found at the southwest corner of said 10.00 acre tract and the northwest corner of aforesaid 49.1434 acre tract;
9. Thence, with the common line of said 10.00 acre tract and said 49.1434 acre tract, North 87 degrees 52 minutes 26 seconds East, a distance of 878.71 feet to a 5/8-inch iron rod found at the southeast corner of said 10.00 acre tract and the northeast corner of said 49.1434 acre tract, same being on the west R.O.W. line of aforesaid Harlem Road;
10. Thence, with said west R.O.W. line, South 02 degrees 07 minutes 07 seconds East, a distance of 2,470.38 feet to a 5/8-inch iron rod with cap stamped "WINDROSE" found at the southeast corner of said 49.1434 acre tract and the northeast corner of a called 6.170 acre tract of land recorded in Clerk's File Number 2013073107 of the O.R.F.B.C.;

11. Thence, with the common line of said 49.1434 acre tract and said 6.170 acre tract and with the north line of the remainder of a called 6.555 acre tract of land recorded in Clerk's File Number 2008022579 of the O.R.F.B.C., South 87 degrees 54 minutes 25 seconds West, a distance of 887.56 feet to a 3-inch iron pipe found at the southwest corner of said 49.1434 acre tract and the northwest corner of said 6.555 acre tract, same being on the east line of aforesaid 103.039 acre tract;
12. Thence, with the common line of said 103.039 acre tract and said 6.555 acre tract and with the west line of said 6.170 acre tract, South 01 degrees 54 minutes 40 seconds East, a distance of 372.49 feet to a 3/4-inch iron rod found at the southeast corner of said 103.039 acre tract and the southwest corner of said 6.170 acre tract, same being on the north line of the Union Pacific Railroad tract (100-foot wide) as recorded in Volume 15, Page 218, Volume 59, Page 315, Volume 64, Page 182 and Volume 95, Page 24 of the F.B.C.D.R.;
13. Thence, with the common line of said Railroad tract and said 103.039 acre tract and with the south line of aforesaid 575.744 acre tract, South 81 degrees 27 minutes 29 seconds West, a distance of 5,473.20 feet to a 1-inch iron pipe found on the east R.O.W. line of Pitts Road (width varies) as recorded in Clerk's File Number 9509356 of the O.R.F.B.C.;
14. Thence, with said east R.O.W. line, North 02 degrees 09 minutes 49 seconds West, a distance of 3,187.67 feet to a 1-inch iron pipe (bent) found on the common line of aforesaid 575.744 acre tract and a called 39.8846 acre tract of land recorded in Volume 2166, Page 1939 of the O.R.F.B.C.;
15. Thence, with said common line, North 89 degrees 03 minutes 34 seconds East, a distance of 1,465.14 feet to a 1-inch iron pipe found at the southeast corner of said 39.8846 acre tract and the southwest corner of a called 4.6051 acre tract of land recorded in Clerk's File Number 2005101569 of the O.R.F.B.C.;
16. Thence with the common line of said 575.744 acre tract and said 4.6051 acre tract and with the south line of a called 3.7506 acre tract of land and a called 3.7803 acre tract of land also recorded in Clerk's File Number 2005101569 of the O.R.F.B.C., North 88 degrees 53 minutes 30 seconds East, a distance of 759.44 feet to a 1-inch iron pipe found at the southeast corner of said 3.7803 acre tract and the southwest corner of The Grove Section 5, a subdivision recorded in Slide Number 554A of the F.B.C.P.R.;
17. Thence, with the common line of said subdivision and said 575.744 acre tract and with the south line of a called 22.0959 acre tract of land recorded in Clerk's File Number 2015102372 of the O.R.F.B.C., North 88 degrees 51 minutes 35 seconds East, a distance of 1,637.79 feet to a 5/8-inch iron rod with cap stamped "COTTON SURVEYING" found at the southeast corner of said 22.0959 acre tract;

Thence, with the east line of said 22.0959 acre tract, the following three (3) courses:

18. North 02 degrees 37 minutes 41 seconds West, a distance of 4,075.39 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set;
19. North 87 degrees 13 minutes 51 seconds East, a distance of 599.62 feet to a 5/8-inch iron rod with cap found;
20. North 03 degrees 14 minutes 20 seconds West, a distance of 513.53 feet to a 1/2-inch iron pipe found at the northeast corner of said 22.0959 acre tract and the southeast corner of Pecan Grove Plantation Section 4, a subdivision recorded in Volume 27, Page 6 of the F.B.C.P.R., same being on the west line of aforesaid 575.744 acre tract;
21. Thence, with the common line of said 575.744 acre tract and said subdivision and with the east line of aforesaid Pecan Grove Plantation Section 5, North 02 degrees 52 minutes 04 seconds West, a distance of 1,872.48 feet to the **Point of Beginning** and containing 721.9 acres of land.

TRACT B: 812.1 ACRES

Beginning at a 5/8-inch iron rod found for the northwest corner of aforesaid 317.812 acre tract and the southwest corner of a called 145.368 acre tract of land recorded in Clerk's File Number 2017087205 of the O.R.F.B.C., same being on the east R.O.W. line of aforesaid Harlem Road;

1. Thence, with the north line of said 317.812 acre tract, the north line of aforesaid 307.968 acre tract, the north line of aforesaid 186.183 acre tract, the south line of said 145.368 acre tract and the south line of a called 143.287 acre tract recorded in said Clerk's File Number 2017087205 of the O.R.F.B.C., North 86 degrees 48 minutes 57 seconds East, a distance of 6,884.55 feet to a 5/8-inch iron rod found at the northeast corner of said 186.183 acre tract and the southeast corner of said 143.287 acre tract, same being on the west R.O.W. line of the Grand Parkway (Highway 99) (width varies) as recorded in Clerk's File Number 9830483 of the O.R.F.B.C.;

Thence, with said west R.O.W. line, the following six (6) courses:

2. South 42 degrees 12 minutes 55 seconds East, a distance of 228.10 feet to a TXDOT Disc found;
3. 1,560.21 feet along the arc of a curve to the right, said curve having a central angle of 16 degrees 01 minutes 18 seconds, a radius of 5,579.59 feet and a chord that bears South 34 degrees 12 minutes 17 seconds East, a distance of 1,555.13 feet to a TXDOT Disc found;
4. South 26 degrees 11 minutes 38 seconds East, a distance of 788.16 feet to a 1/2-iron rod found;

5. South 88 degrees 31 minutes 13 seconds West, a distance of 66.04 feet to a TXDOT Disc found;
6. South 26 degrees 12 minutes 25 seconds East, a distance of 1,235.45 feet to a TXDOT Disc found;
7. South 17 degrees 52 minutes 00 seconds East, at a distance of 560.55 feet passing a 5/8-inch iron rod with cap found and continuing for a total distance of 621.35 feet to the southeast corner of aforesaid 186.183 acre tract, same being on the north line of aforesaid Union Pacific Railroad (75-foot wide) as recorded in Volume 15, Page 218, Volume 59, Page 315, Volume 59, Page 183 and Volume 95, Page 24 of the F.B.C.D.R;
8. Thence, with the common line of said 186.183 acre tract and said Railroad tract and with the south line of aforesaid 307.968 acre tract and aforesaid 317.812 acre tract, South 81 degrees 27 minutes 54 seconds West, a distance of 8,839.89 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set for the southwest corner of said 317.812 acre tract, being on the east R.O.W. line of aforesaid Harlem Road;
9. Thence, with said east R.O.W. line, North 02 degrees 07 minutes 07 seconds West, a distance of 4,796.72 feet to the **Point of Beginning** and containing 812.1 acres of land.

TRACT C: 79.97 ACRES

Beginning at the northwest corner of aforesaid 79.967 acre tract and the southwest corner of Windsor Estates Sec 3, a subdivision recorded in Plat Number 20140040 of the F.B.C.P.R., same being on the northeasterly R.O.W. line of aforesaid Grand Parkway, from which a 5/8-inch iron rod found bears S58°28'30"E ~ 0.60';

1. Thence, with the north line of said 79.967 acre tract, the south line of said Sec 3 and the south line of Windsor Estates Sec 1, a subdivision recorded in Plat Number 20130085 of the F.B.C.P.R., North 86 degrees 48 minutes 57 seconds East, a distance of 2,061.83 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set at the northeast corner of said 79.967 acre tract, same being on the west R.O.W. line of F.M. 1464 (width varies) as recorded in Clerk's File Numbers 2010065925, 2010067366 and 2010054458 of the O.R.F.B.C.;

Thence, with said west R.O.W. line, the following eight (8) courses:

2. South 02 degrees 29 minutes 10 seconds East, a distance of 1,931.46 feet to a 5/8-inch iron rod found;
3. South 87 degrees 34 minutes 52 seconds West, a distance of 238.37 feet to a 5/8-inch iron rod found (bent);

4. South 02 degrees 28 minutes 00 seconds East, a distance of 373.47 feet to a TXDOT Disc found;
5. South 58 degrees 47 minutes 14 seconds East, a distance of 204.28 feet to a 5/8-inch iron rod with cap (bent) found;
6. South 02 degrees 27 minutes 37 seconds East, a distance of 318.23 feet to a 5/8-inch iron rod found;
7. South 25 degrees 12 minutes 50 seconds East, a distance of 137.03 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set;
8. South 02 degrees 27 minutes 37 seconds East, a distance of 64.38 feet to a 5/8-inch iron rod found that bears S61°52'50"E ~ 1.0';
9. 483.56 feet along the arc of a curve to the right, said curve having a central angle of 65 degrees 11 minutes 24 seconds, a radius of 425.00 feet and a chord that bears South 48 degrees 38 minutes 51 seconds West, a distance of 457.89 feet to the east R.O.W. line of aforesaid Grand Parkway, from which a TXDOT Disc found bears N77°48'02"E ~ 0.7';

Thence, with the east R.O.W. line of said Grand Parkway, the following four (4) courses:

10. North 26 degrees 12 minutes 25 seconds West, a distance of 1,046.40 feet to a TXDOT Disc found;
11. South 88 degrees 31 minutes 13 seconds West, a distance of 44.09 feet to a TXDOT Disc found;
12. North 26 degrees 11 minutes 38 seconds West, a distance of 926.23 feet to a TXDOT Disc found;
13. 1,629.01 feet along the arc of a curve to the left, said curve having a central angle of 15 degrees 52 minutes 28 seconds, a radius of 5,879.59 feet and a chord that bears North 34 degrees 07 minutes 52 seconds West, a distance of 1,623.81 feet to the **Point of Beginning** and containing 79.97 acres of land.

TRACT D: 3.019 ACRES

Beginning at a TXDOT Disc found for at north end of a cutback at the intersection of the southeast R.O.W. line of aforesaid F.M. 1464 with the east R.O.W. line of aforesaid Grand Parkway and being a northwest corner of aforesaid 3.019 acre tract;

Thence, with the southeast R.O.W. line of said F.M. 1464, the following seven (7) courses:

1. 294.49 feet along the arc of a curve to the left, said curve having a central angle of 30 degrees 46 minutes 40 seconds, a radius of 548.22 feet and a chord that bears North 66 degrees 01 minutes 51 seconds East, a distance of 290.96 feet to a TXDOT Disc found;
2. South 89 degrees 19 minutes 20 seconds East, a distance of 44.86 feet to a TXDOT Disc found;
3. South 47 degrees 43 minutes 32 seconds East, a distance of 33.66 feet to a 5/8-inch iron rod found that bears N75°36'31"W ~ 1.5';
4. South 02 degrees 21 minutes 21 seconds East, a distance of 204.21 feet to a 5/8-inch iron rod found;
5. South 04 degrees 43 minutes 36 seconds East, a distance of 239.96 feet to a TXDOT Disc found;
6. South 38 degrees 30 minutes 36 seconds West, a distance of 87.66 feet to a TXDOT Disc found;
7. South 81 degrees 19 minutes 35 seconds West, a distance of 89.98 feet to a 5/8-inch iron rod found in concrete at the east R.O.W. line of aforesaid Grand Parkway;
8. Thence, with said east R.O.W. line, North 32 degrees 31 minutes 32 seconds West, a distance of 451.59 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set at the south end of aforesaid cutback line;
9. Thence, with said cutback line, North 24 degrees 27 minutes 31 seconds East, a distance of 54.43 feet to the **Point of Beginning** and containing 3.019 acres of land.

This document was prepared under Title 22 of the Texas administrative Code, Chapter 663, Rule §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Mark D. Armstrong
01/11/2023



Exhibit B

A. The District may issue bonds only for the purpose of acquiring, purchasing or constructing waterworks systems, wastewater systems, storm water systems, drainage facilities, roads, and recreational facilities, or parts of such systems or facilities, and to make any and all necessary purchases, construction, improvements, extensions, additions and repairs thereto, and to purchase or acquire all necessary land, right-of-way easements, sites, equipment, buildings, plants, structures and facilities therefor, and to operate and maintain the same, and to sell water, wastewater and other services within or without the boundaries of the District, unless otherwise agreed to by the City. Such bonds shall expressly provide that the District shall reserve the right to redeem said bonds on any interest payment date subsequent to the tenth (10th) anniversary of the date of issuance without premium and shall only be sold after the taking of public bids therefor, other than refunding bonds, which may be sold on a negotiated basis, and none of such bonds, other than refunding bonds, shall be sold for less than ninety-five (95) percent of par; provided that the net effective interest rate on bonds so sold, taking into account any discount or premium as well as the interest rate borne by such bonds, shall not exceed two (2) percent above the highest average interest rate reported by the Daily Bond Buyer in its weekly "20 Bond Index" during the one-month period next preceding the first date notice of the sale of such bonds is published, and bids for the bonds shall be received not more than forty-five (45) days after notice of sale of the bonds if so published. The resolution or order authorizing the issuance of the District's bonds will contain, if applicable, a provision that the pledge of the revenues from the operation of the District's water and wastewater and/or drainage systems to the payment of the District's bonds will terminate if and when the City annexes the District or takes over the assets of the District and assumes all of the obligations of the District. No land will be added or annexed to the District until the City has given its written consent by action of the City Commission on such addition or annexation. No bonds of the District may be issued without specific City consent if the City has given notice to the District that it intends to annex and/or dissolve the District within 365 or fewer days after such notice. The District will promptly provide the City with the Official Statement regarding the issuance of the bonds, once it is complete. The District must obtain City approval to issue refunding bonds. Refunding bonds must comply with all City ordinances pertaining the sale of refunding bonds by a District within the City's boundaries or its extra-territorial jurisdiction, as such ordinances may be amended from time to time.

B. Before the commencement of any construction within the District, the District, its directors, officers, or developers and/or landowners shall submit to the City all plans and specifications for the construction of water, wastewater, drainage, and recreational facilities and related improvements to serve the District and obtain the City's written approval of such plans and specifications. All water wells, water meters, flushing valves, valves, pipes and appurtenances thereto, installed or used within the District, shall conform exactly to the then applicable specifications of the City. All water service lines, wastewater service lines, lift stations, wastewater treatment facilities and appurtenances thereto installed or used within the District, as

well as any recreational facilities to be accepted by the City, shall comply with the City's standards, the approved plans and specifications and the then applicable ordinances, resolutions, or regulations of the City, unless otherwise agreed to in writing by the City and the District. Prior to the construction

of such facilities within or by the District, the District or its engineer shall give written notice by registered or certified mail to the City Manager, or her designee, stating the date on which such construction will be commenced. The construction of the District's water, wastewater, drainage, recreational and road facilities shall be in accordance with the approved plans and specifications and with applicable standards and specifications of the City and as approved by the City Engineer and the Director of Public Works of the City. During the progress of the construction and installation of such facilities, a designated representative of the City may make periodic on-the-ground inspections in order to determine that the installation and construction conform with the approved plans and specifications and the applicable standards and specifications of the City. In the event that it is determined by the representative of the City that construction and/or installations are not being performed in conformance with the approved plans and specifications and with the applicable standards and specifications of the City, upon being so informed by a duly designated City representative, the District agrees to discontinue further construction and installation of all facilities until the cause of the noncompliance is resolved.

C. In the event that the District operates a wastewater treatment plant, the District agrees it will employ a wastewater plant operator holding an applicable, valid certificate of competency issued under the direction of the Texas Commission on Environmental Quality ("TCEQ"). If the District operates the plant, the District shall make periodic analyses of its discharge pursuant to the rules of the TCEQ and shall send copies of all such effluent data to the Department of Public Works of the City, as well as to the TCEQ. Representatives of the City may supervise the continued operations of the wastewater treatment facility by making periodic inspections thereof.

D. The District shall not provide water, wastewater or drainage facilities to any tract of land until the owner or developer of said tract has, prior to the sale of any subdivided lots or parcels of land, duly recorded a plat in the map and plat records of the county in which the District lies and which plat has been previously approved by the City. If the District contracts with the City for water supply or wastewater treatment services, the District may not provide service to any land outside its boundaries without the prior written consent of the City.

E. The District shall maintain a tax rate sufficient to cover the maintenance and operations expenses and the interest and sinking funds for the fiscal year.

CERTIFICATE OF RESOLUTION NO. 469-2024

CITY OF RICHMOND, TEXAS

I, the undersigned City Secretary of the City of Richmond, Texas hereby certify that the attached and foregoing is a true and correct copy of Resolution No. 469-2024 of City of Richmond, Texas, Giving Consent to Creation of a Municipal Utility District to be known as Fort Bend County Municipal Utility District No. 263. I further certify that said Ordinance was passed and approved by the City Commission of the City of Richmond on January 29, 2024.

WITNESS MY HAND AND SEAL OF THE CITY OF RICHMOND, TEXAS, this
_____ day of January, 2024.

Lasha Gillespie
City Secretary, City of Richmond



City of Richmond

Where History Meets Opportunity

Special Scheduled City Commission Meeting

600 Morton Street

Richmond, Texas 77469

Monday, January 29, 2024 at 4:30 P.M.

- A8. Review and discuss adding training for boards and commissions within the Rules of Commission.



**CITY COMMISSION
AGENDA ITEM COVER MEMO**

DATE: 1/29/2024

Staff Review:

City Manager _____
 City Attorney _____
 Finance _____
 Fire Department _____
 Police Department _____
 Public Works _____

AGENDA ITEM: A8. Review and discuss adding training for boards and commissions within the Rules of Commission

SUBMITTED BY: Gary W. Smith, City Attorney

SYNOPSIS

During the January 22, 2024 Commission meeting, an agenda item to discuss adding a requirement for training for boards and commissions to the Rules of Commission.

COMPREHENSIVE PLAN GOALS ADDRESSED

BACKGROUND

The Rules of Commission apply to the boards and commissions.

City Charter, Sec. 3.12. - Rules of Procedure.

(1) The City Commission and all Commissions and Boards shall conduct business in accordance with rules adopted by the Commission. . . .

BUDGET ANALYSIS

FUNDING SOURCE	ACCOUNT NUMBER	PROJECT CODE/NAME	FY2024 FUNDS BUDGETED	FY2024 FUNDS AVAILABLE	AMOUNT REQUESTED

BUDGET AMENDMENT REQUIRED? YES _____ NO _____

Requested Amendment:

Budgeted funds estimated for FY2024:

Purchasing Review:

Financial/Budget Review:

FORM CIQ: _____

FORM 1295 _____

SUPPORTING MATERIALS

Attached Rules of Commission.

STAFF'S RECOMMENDATION

City Manager Approval: _____

PART I - CHARTER

ARTICLE III. – CITY COMMISSION

Sec. 3.12. - Rules of Procedure.

(1) The City Commission and all Commissions and Boards shall conduct business in accordance with rules adopted by the Commission.

CITY OF RICHMOND
RULES OF THE COMMISSION

The following rules and regulations are the rules of procedure of the Richmond City Commission. They shall remain in effect unless otherwise changed by formal approval by City Commission. Such action is authorized and is in keeping with Richmond City Charter, Article III, Section 3.12, which states, in part, that the City Commission may determine its rules of procedure.

The Mayor and City Commission will generally conduct each regular and special meeting of the City Commission in compliance with these Rules of the Commission and the provisions of Robert's Rules of Order stated herein; provided that the failure of the Mayor and/or the City Commission to follow these Rules or the applicable provisions of Robert's Rules of Order shall not create any right or violate any right of any member of the Commission or any third party, person or citizen, or create or give rise to any due process claim for or on behalf of any such member of the City Commission or any third party, person or citizen. These rules may be enforced exclusively by the Chair and/or majority vote of the City Commission.

A. **MEETING** - Three types of meetings are recognized:

1. Regular Meetings will be held on the date, time and place as set forth in Section 2-1, Richmond Code (usually City Hall Annex). The Commission may schedule a regular meeting, through the Consent Agenda, on a date other than the third Monday of each month. The City Manager may cancel or reschedule a regular meeting in response to an emergency, holiday schedules, anticipated lack of a quorum, or for other good cause.
2. Special Meetings are subject to call by the Mayor or City Manager. Except in unusual circumstances, these meetings will be held at the City Hall Annex at a stated time. The purpose of such meeting is to act upon matters that should not be delayed until a Regular Meeting. Minutes of such meeting will be maintained as a Special Meeting.
3. Workshop Meetings are subject to call by the Mayor, City Manager, or Commission member, subject to a majority will. The time, place and purpose will be stated at each instance. The purpose of such meeting shall be to discuss in depth or to explore matters of interest to the City, such as a meeting with one of the City's appointed committees, or the Commission may wish to explore a matter in greater detail.

B. **AGENDA** - The following stipulations relate to the Agenda for Meetings of the Commission:

1. Pursuant to Sec. 3.12(2), City Charter, the Mayor or Commission Members by motion at a Commission meeting may place items on the agenda of a future meeting. Upon approval of inclusion of an item on the agenda of a future meeting, the item shall be included on the specified agenda.

2. The Mayor or a Commission Member may submit agenda items to the City Manager for inclusion on the next City Commission meeting agenda. Unless deemed time sensitive or of an urgent nature, agenda items must reach the City Manager's Office at 5:00 p.m. seven (7) days prior to the Regular Meeting. The Mayor or a Commission Member may submit no more than three (3) agenda items per meeting. The City Manager will exercise the City Manager's best judgment in determining which business items are to be placed on the agenda and are the most needed, required, or important for placement on the agenda for consideration by the Commission.

When the Mayor or an individual Commission Member requests that an item be included on the meeting agenda, the City Manager and/or staff shall not be compelled to conduct any research or preparation for such agenda item. Any direction to the staff or request for information relative to said agenda item, other than public records, shall be provided by a majority of the Commission, subsequent to discussion of such item at the meeting. All such agenda items should be limited to issues that are within the authority and jurisdiction of the City.

3. Any Department Head wishing to have an item placed on the agenda shall submit that item to the City Manager's office for approval. Unless deemed time-sensitive or of an urgent nature, agenda items must reach the City Manager's Office at 5:00 P.M. seven (7) days prior to the Meeting. City Manager shall make the determination if an item is time-sensitive or of an urgent nature to be exempt from the seven-day requirement.

4. The City Manager will endeavor to provide a draft agenda to the Commission members on the 4th business day before each Regular and Special Meeting. For Special Meetings called with fewer than 4 business days' notice, the City Manager will endeavor to provide a draft agenda to the Commission members as soon as practicable. Such draft agenda may be changed as determined appropriate by the City Manager.

5. Commission Agenda Packets for all Regular Meetings will be developed and delivered to Commission members no less than three (3) days preceding meetings, except in the event of an emergency.

6. Commission Agenda Packets shall be exclusively developed for and distributed to the Mayor, City Commission, and City Manager; and the appropriate staff as determined by the City Manager. Commission Agenda Packets will be made available to the public via the City's website (to the extent practicable, excluding confidential or protected information).

7. The City Secretary's Office will assume responsibility for posting a copy of each agenda advising the public of any public meeting as required by law and/or these rules. The agendas shall be posted at least seventy-two (72) hours prior to the time scheduled for the meetings. The agenda will be posted at the designated public site on the bulletin board at city hall and on the City's website. The agenda for an emergency meeting shall be posted not less than two hours prior to the scheduled meeting time, and whenever reasonably possible at least twenty-four (24) hours preceding the time of the meeting. The City Manager and City Secretary will work jointly to assume responsibility for compliance with the Texas Open Meeting Law.

8. The purpose of Workshop Meetings is to explore or discuss city business without taking specific action. The general public can, of course, attend such meeting, if they wish, but the public may not participate in the proceedings unless invited to do so. Occasionally, public hearings may be held at Workshop Meetings for the convenience of the public.

9. Consent Agenda. A section in a City Commission meeting agenda containing routine items (i.e. approval of minutes, acceptance of staff reports) that can be grouped together as one item and passed as one. Any item listed on the Consent Agenda may be pulled by any member to be discussed separately.

C. **COMMISSION PROCEEDINGS** - These procedures shall apply to all meetings of the City Commission.

1. Chair - The Mayor shall be the presiding officer at all meetings of the City Commission and have a voice in all of its proceedings. In event of the absence of the Mayor, the Mayor Pro-Tem shall be the presiding officer. In the event of the absence of the Mayor and Mayor Pro-Tem, the assembled quorum of Commissioners may elect a presiding officer for that meeting. Such elected presiding officer shall preside over that meeting until the arrival of the Mayor or Mayor Pro-Tem or the adjournment of that meeting. The role and authority of the Mayor relating to the conduct of meetings shall be assigned to the person serving in the role of Mayor during a meeting.

2. Roll Call - The presiding officer shall take the Chair at the time appointed for Commission to meet and shall immediately call the City Commission to order. The roll shall then be taken by the City Secretary, who shall enter in the minutes of each meeting the names of members present. In the absence of a quorum at the time appointed for a meeting, the members present may, by a majority vote, take a recess or recesses and cause the City Secretary to inquire as to the attendance of the absent member(s).

3. Addressing the Chair—Commission members shall speak in Commission Meetings only upon being recognized by the Mayor, whose recognition shall not be withheld.

4. Voting - All members of the Commission present shall vote upon every issue, subject, or matter properly before the Commission and requiring a Commission vote; provided that, if any member of the Commission has a conflict of interest that fact shall be stated in the minutes, the appropriate affidavit shall be filed, and such member shall abstain from discussion and voting on the issue. If no conflict exists, upon stating the reason for the abstention, the Commissioner is allowed to abstain in accordance with *Richmond City Charter Article III, Section 3.11*, such Commissioner is considered as present and voting for the purposes of the tally. Except as otherwise provided by the Richmond City Charter and statutes, no ordinance, resolution, order, action, matter or issue, shall be passed, approved, adopted, taken or consented to except by a majority vote of the members of Commission present and voting, and not less than two (2) affirmative votes shall be required to pass, approve, adopt, take action on, or consent to any ordinance, resolution, action, matter, issue, or motion (*Richmond City Charter, Article III, Section 3.09*).

5. Recordation of Vote - At the discretion of the Mayor or Chair, any vote on a qualifying motion may be recorded by either a simultaneous voice vote of Commission members or by individual roll call. A roll call vote shall be taken and duly recorded upon request by any member of the Commission or City Manager.

6. Excusal from Attendance - No member shall be excused from attendance at a Regular Commission meeting except by a vote of a majority of the members present in order to comply with *Richmond City Charter, Article III, Section 3.05 (2)*. Excusing the absence may be considered at the meeting of the absence or the immediately following Regular Commission meeting.

D. PARLIAMENTARY PROCEDURE - In conducting all meetings of City Commission, it shall be Commission's intent to follow Robert's Rules of Order to the extent reasonably applicable to a legislative body. The following commonly used procedures will be followed:

PARLIAMENTARY QUESTIONS, MOTIONS AND THEIR PRECEDENCE:

	Debatable	Amendable	A Majority Vote (of those present)
1. To take a recess	No	Yes	Yes
2. For the previous question (call the question)	No	No	Yes
3. To continue to a time certain	Yes	Yes	Yes
4. To amend	Yes	Yes	Yes
5. To offer a substitute amendment	Yes	Yes	Yes
6. To postpone indefinitely	Yes	No	Yes
7. To table	Yes	No	Yes

1. Opening an Item for Discussion - The City Commission shall discuss agenda items prior to their formal consideration by motion. To initiate such discussion, the Mayor or City Manager shall introduce the agenda item by reading the agenda item, announcing the subject matter and agenda item number or the heading of the proposed legislation. After the Mayor or Chair has introduced the agenda item, he or she shall declare it open for discussion. Commission members shall then adhere to the procedures defined herein for general discussion or debate of the pending item. The Commission may hear staff presentations and recommendations and presentations by a third party affected by the proposed action.

2. Handling a Motion – The three steps by which a motion is normally brought before Commission are as follows: (1) A Commission member makes the motion, (2) another Commission member seconds the motion, and (3) the Mayor or Chair states the question on the motion. Neither the making nor the seconding of a motion places it before the Commission; only the Mayor can do that, by the third step. When the Mayor has stated the question, the motion is pending. It is then open to further debate (parliamentary name given to any form of discussion of merits of a motion), if necessary. Any Commission member who has made a motion that has been duly placed before Commission will have the right to speak first in debate, if so desired, after the Mayor has stated the question.

3. Amending a Motion - Amending a motion that is before Commission allows for additional clarification of action pending before Commission. After any motion is made and properly seconded, placing it before the Commission, the Mayor or Chair shall ask if there are any questions or further discussion. If, as a result of the ensuing discussion, the Commission member who made the motion wishes to amend, add to, and/or clarify the motion, he/she shall be permitted to do so before the vote is taken, upon its proper seconding by a Commission member, the amended motion shall be immediately put to a vote. If, as a result of the ensuing discussion, the Commission member who made the motion does not wish to amend the motion, another Commission member may move to amend the motion, upon its proper seconding by a Commission member, the amended motion shall be immediately put to a vote.

4. Close Debate to Vote - Any Commission member may call for the question on any matter being debated; the issue shall immediately be put to vote. This shall be done by the member calling for the previous question. Passage of the motion to address the previous question shall terminate debate on the motion, amendment, or amended motion, and the matter shall move on immediately. Debate shall normally be closed after every Commission member wishing to speak has been given every opportunity to speak and no Commission member has any additional comments to make. When the debate appears to have closed, the Mayor shall ask if any Commission member has a motion to make. Additionally, any Commission member may terminate debate by calling for the previous question. The effect of this motion is to immediately terminate debate on this motion, amendment, or amended motion and at once take a vote on the immediately pending question. If this is voted down, discussion continues.

5. Reconsider - Reconsidering previous Commission action enables a majority of Commission, within a limited time, to bring back for further consideration a motion that has already been voted on. The purpose of reconsidering a vote is to permit correction of hasty or erroneous action, or to take into account added information or a changed situation that has developed since the taking of the vote. The motion to reconsider has the following unique characteristics:

a.) It can be made only by a member who voted with the prevailing side. In other words, a motion to reconsider can only be made by one who voted aye if the motion involved was adopted, or no if the motion was lost.

b.) A motion to reconsider may be made at the Commission meeting during which the action was taken or at the next regular or special meeting of the Commission. The motion to reconsider may not be made or considered unless it is on the agenda and the request to reconsider is made by a Commission member that previously voted on the prevailing side of the original motion and vote.

6. Steps for taking action. The process for taking action on an agenda item is described in the preceding sections. In summary, a motion, properly seconded, and approved by a majority of the quorum of the Commission present (unless a different majority is required) is the appropriate action on an item and shall apply whether specifically stated in these Rules.

7. Executive Session. The Mayor or Chair may announce that the Commission will retire to executive session. A Commissioner may request and the City Manager may suggest that the Commission retire to executive session. If the Mayor or Chair declines to announce the executive session, a Commissioner may appeal the ruling of the Mayor or Chair, upon seconding, a vote shall be taken.

8. Adjournment – Adjournment of the meeting is at the discretion of the Mayor or Chair.

E. **DEBATE**

1. Limit Debate - The Mayor and/or a majority of Commission may agree to limit debate on any business before it. That agreement must be formalized by Commission on a roll call vote.

2. Assignment of the Floor for Debate - When a measure is presented for consideration by the Commission, the Mayor or Chair shall recognize the appropriate individual to present the case. If the Commission member who made the motion that is immediately pending claims the floor and has not already spoken on the question, he/she is entitled to be recognized in preference to other members. When two or more Commission members wish to speak, the Mayor shall select the individual who is to speak first. A motion can be made only by that Commission member who has been recognized by the Mayor as having the floor.

3. The Mayor shall not be obligated to recognize any Commission member for a second comment on the subject or amendment until every Commission member wishing to speak has been allowed a first comment.

4. No Commission member who has already had the floor in debate on the immediately pending question is entitled to have the floor again on the same question, so long as any member who has not spoken on that question claims the floor.

5. No member of the Commission shall interrupt another while speaking except for the reasons set forth below. When a Commission member has been assigned

the floor and has begun to speak, he or she cannot be interrupted by another member or the Mayor except for one of the following purposes, and only then when the urgency of the situation justifies it:

- a.) a Call for the Orders of the Day (requiring Commission to conform to its agenda),
- b.) raising a question of privilege,
- c.) a Point of Order (calling of failure to observe these rules), or
- d.) an inquiry that requires an immediate response.

F. DECORUM

1. Dilatory & improper Motions -A motion is dilatory if it seeks to obstruct or thwart the will of the assembly as clearly indicated by the existing parliamentary situation. Parliamentary forms are designed to assist in the transaction of business. Even without adopting a rule on the subject, every deliberative assembly has the right to protect itself from the use of these forms for the opposite purpose. It is the duty of the Mayor or Chair to prevent Commission members from misusing the legitimate motions, merely to obstruct business. Whenever the Mayor becomes convinced that one or more members are using parliamentary forms for obstructive purposes, he or she should rule that such motions are out of order,

2. No Commission member and no member of staff shall be permitted to indulge in personalities, use language personally offensive, arraign motives of members, staff, or a member of the public, charge deliberate misrepresentation, or use language tending to hold a member of the City Commission, or a member of city staff, or a member of the public up to contempt.

G. COMMITTEES OF THE CITY COMMISSION - The following provisions relate to the formation and operation of committees that are authorized by the City Commission:

1. Standing Advisory Committees - The Mayor may propose and the City Commission may authorize the creation of standing advisory committees. Each standing advisory committee shall be authorized to study and make recommendation related to issues deemed appropriate. A standing advisory committee may not be created for the purpose of exercising the City Commission's police powers and investigatory authority expressly authorized in the City Charter, nor shall a standing advisory committee be created for any purpose assigned to the Ethics Committee in the City's Ethics Ordinance. A standing advisory committee is advisory in nature only.

The Mayor may name not more than two (2) City Commissioners to each standing advisory committee. The Mayor may nominate and the City Commission may approve up to three (3) members of the public to each standing advisory committee. Public members of each standing advisory committee, if any, serve at the will of the Mayor and City Commission; must be registered to vote in the City of Richmond, with no more than one a resident of the extraterritorial jurisdiction. To maximize citizen participation on standing advisory committees, a public member may not concurrently be appointed to more than one standing advisory committee. A standing advisory committee may be dissolved by a majority vote of the City Commission.

A member of Commission serves a term on the standing advisory committee that is concurrent with the Commissioner's term of office. A Commission member serving on a standing advisory committee may voluntarily relinquish their appointment.

2. Ad hoc Advisory Committees - The Mayor may establish an Ad hoc Committee of no more than one Commission member and the City Manager or the City Manager's designee to study and make recommendations regarding a short-term or specific concern properly brought before the City Commission. The Mayor may appoint no more than two additional members of the public to an Ad hoc committee if the Mayor determines that an individual's expertise in the matter to be considered will substantially assist the committee in making a recommendation to the City Commission. An ad hoc committee is advisory in nature only and is dissolved immediately upon the committee reporting back to the full City Commission with a recommendation, unless further consideration is requested by the City Commission.
3. Interview Committees – The Mayor may appoint two Commission members to each Interview Committee to review applications for appointment to specified Boards, Commissions, or Committees. The term of each Interview Committee shall be from July 1 through June 30.

**H. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES
CREATED BY STATUTE, CHARTER, OR ORDINANCE**

- The following provisions govern the procedures for making appointments to boards, commissions and committees created by statute, charter, or ordinance:

1. Submission of Application - The City Commission may adopt an application form that a member of the public is to complete for an appointment to any board, commission, or committee. Applications for appointment to any board, commission, or committee shall be advertised, solicited, collected, assembled, reviewed, and retained as provided in the Board, Commission, Committee Appointment Policy as adopted and amended by the City Commission.

2. Appointments to Boards, Commissions and Committees - The Interview Committee for each board, commission, or committee may nominate individuals for appointments to all boards, commissions, and committees. Appointments shall be by a simple majority vote of the City Commission. Such nominations, appointments, and reappointments shall be as provided in the Board, Commission, Committee Appointment Policy as adopted and amended by the City Commission.

- I. **CITIZEN PARTICIPATION AT MEETINGS** - It is the policy of the Richmond City Commission to provide opportunities for comments and participation in such

meetings by its citizens. The following procedures shall be utilized to provide for citizen participation:

1. All citizens wishing to speak during any Commission meeting shall be present at the meeting location, complete a "Request to Address Commission" form and state the subject they wish to discuss as provided prior to the meeting. Upon completion, said forms shall be submitted to either the City Secretary or the Mayor. Their names will be added to the minutes of said meeting by the City Secretary as a matter of record.
2. Richmond citizens are encouraged to request discussion of any pertinent issue by City Commission through the inclusion of said issues on meeting agendas in the manner discussed herein. It is the expressed desire of the City of Richmond to specifically address issues that are important to the general good and best interests of the community. However, said issues must be brought forward in a proper and constructive manner to assure their appropriate consideration.
3. A "Citizens Comments" section will be listed on each meeting agenda to allow for general comments on city issues from residents or citizens of the City of Richmond. When properly recognized by the Mayor under this agenda item, a citizen will be limited to three (3) minutes for comments on a given item. A citizen who requests to speak may not give her/his time to another citizen. A citizen who addresses the Commission through a translator shall be given at least six (6) minutes for comments on a given item.
4. As a general rule, Commission and/or the staff shall not respond to questions or comments submitted under the "Citizens Comments" section of any meeting. Responses to said discussion will be considered for proper reply at an appropriate time. Citizens should understand that State law very materially restricts the responses that may be made to such citizen communications.
5. Citizen comments may be about an item on the agenda or about a matter over which the City has jurisdiction and must be made prior to the close of the "Citizen Comments" period and prior to the City Commission beginning deliberation on the agenda item. Citizens who wish to address a matter not on the agenda at a meeting may do so, but only under "Citizens Comments" as described above.
6. A person involved in an agenda item, i.e., property owner for a plat or rezoning, contractor for a contract, etc., may, at the discretion of the Mayor or Chair of the meeting, participate in the discussion of the item of business in which the person has an interest.
7. The Mayor or Chair of said meeting may ask the citizens present if they wish to speak for or against any item as listed on the meeting agenda. If so, they may be

given an opportunity to do so at the proper time, when duly recognized by the Mayor or Chair of the meeting.

8. As a general rule, citizens may not participate in the discussion of the Commission and staff at Workshop Meetings.

9. In the best interests of the City, the Mayor or Chair of the meeting may choose to alter some or all of these rules governing Citizen Participation, if deemed necessary to exact the appropriate information for consideration by Commission.

10. A person may submit written comments to the City Commission, however, such comments will not be read or entered into the minutes of the meeting. Written comments will be provided to the City Commission.

11. No member of the public addressing the City Commission shall be permitted to indulge in personalities, use language personally offensive; question motives of members, staff, or the public; charge deliberate misrepresentation; or use language tending to hold a member of Commission, staff, or the public up to contempt; or to utter loud, threatening, personal, or abusive language; or to engage in any other disorderly conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of a Commission meeting. A complaint about a person shall not be made during Citizen Comments. This paragraph shall not be interpreted or applied to prohibit public criticism of the Commission, including criticism of any act, omission, policy, procedure, program, or service.

12. The Mayor, chair, or presiding officer shall request that a person who is breaching the rules of decorum or procedures for addressing the Commission, or who is in attendance at the meeting and is violating the rules set forth in I.11., be orderly and comply with the rules. If after receiving a warning from the Mayor, chair, or presiding officer, the person persists in violating the I.11. rules, the presiding officer may order him or her to leave the Commission meeting. If a person who is requested to leave the meeting does not leave the meeting, the Mayor, chair, or presiding officer may request any law enforcement officer who is on duty at the meeting or otherwise in attendance to remove that person from the Commission chamber. Any participant that threatens physical harm to another participant by words or actions may be removed from the meeting without first being warned. Any person who is removed from two meetings due to the person's violation of this section, and such removal is documented by reports of the Richmond Police Department, such person shall be prohibited from attending any public meeting of the City of Richmond for a period of six months.

J. MISCELLANEOUS

1. Amending these Rules -A majority vote of City Commission is required to alter, amend, rescind, or supplement these rules. Any proposed alterations, amendments, or supplements shall be submitted in writing at a public meeting and placed on the agenda for a later public meeting. By majority recorded vote of all members elected to the Commission, such proposed alterations, amendments, or supplements may be adopted at the meeting after which the same were originally submitted.



City of Richmond

Where History Meets Opportunity

Special Scheduled City Commission Meeting

600 Morton Street

Richmond, Texas 77469

Monday, January 29, 2024 at 4:30 P.M.

- A9. Review and discuss presentation of downtown sidewalks from Kimley Horn.

SAFE STREETS & ROADS FOR ALL

Kimley»Horn

Expect More. Experience Better.

Kimley-Horn provides comprehensive traffic safety services, including local road safety plans, systemic safety evaluations, road safety audits, safe routes to school—and helping our clients navigate the Safe Streets and Roads for All (SS4A) grants.

Kimley-Horn is committed to supporting local agencies to improve the safety of their transportation systems.

Kimley-Horn employs **35 of the nation's certified Road Safety Professionals (RSP)**

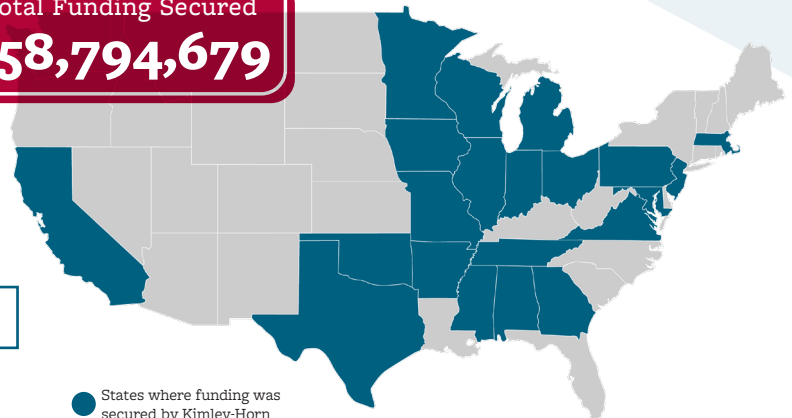
RSPs demonstrate the requisite knowledge of road safety and to serve as a catalyst for greater attention to continuing education.

75% success rate with SS4A Planning and Implementation grants

Kimley-Horn maintains **80 Professional Traffic Operations Engineers (PTOE)** in the firm

PTOEs demonstrate our skill and ability in the specialized application of traffic operations engineering.

Total Funding Secured
\$58,794,679



Implementation: \$54,492,279 | **Action Plans:** \$4,302,400

OUR SERVICES

- Access Management
- ADA Transition Plans
- Before/After Studies
- Bicycle and Pedestrian Safety Action Plans
- Complete Street Design and Planning
- Corridor Safety Studies
- Crash Data Analysis
- Crossing Evaluations
- Equity Reviews
- Funding Strategies
- Innovative Safety and Transportation Technology
- Intersection Control Evaluations
- Low-Cost Roadway Safety Treatments
- Pedestrian Safety Analysis
- Project Prioritization
- Public Engagement and Collaboration
- Risk Review
- Road Safety Plans
- Roundabout Peer Reviews
- Roundabout Planning, Design, Education, and Public Outreach
- Safe Routes to School Plans
- Safety Analysis
- Safety Engineering Design
- Safety Management Plans
- Safety Policy Development
- Safety Rest Area Programs
- SHSP Development and Implementation
- Speed Studies
- Trail Gap Analysis
- Training and Education
- Transit Safety Studies



Our team's planners and engineers have the experience, tools, and relationships to expedite the completion of your funding applications. Interested in submitting a grant in the next round?

Learn more on the following page.

SAFE STREETS & ROADS FOR ALL








Kimley»Horn
Expect More. Experience Better.



This federal grant supports planning, infrastructure, behavioral, and operational initiatives to prevent death and serious injury for all roadway users, with a particular emphasis on equity.

TYPES OF AWARDS

Note: Applicants can't apply for both grant types.

PLANNING AND DEMONSTRATION	IMPLEMENTATION PLAN
<p>A Planning and Demonstration grant funds activities necessary to develop, complete, or supplement a comprehensive safety action plan. It additionally funds quick-build and demonstration activities that inform an Action Plan.</p>	<p>An Implementation Plan grant funds infrastructure and behavioral strategies based on an eligible Action Plan and may also fund supplemental planning and demonstration activities.</p>
<p>ELIGIBILITY</p> <ul style="list-style-type: none"> - Awardee will develop a new safety action plan, update and existing plan, or carry out demonstration activities to inform or update an action plan - Plan will support a significant reduction or elimination of fatalities or serious injuries - Activities ensure an equitable investment in safety needs of underserved communities 	<p>ELIGIBILITY</p> <ul style="list-style-type: none"> - Existing action plan was finalized/updated between 2018 and 2023 - Plan will include analysis of existing conditions and trends, locations and severity of crashes, systemic safety needs, and a map of higher risk locations - Plan identifies a comprehensive set of projects and strategies to address the problems - And your plan meets four of the following: <ul style="list-style-type: none"> • Has a public Vision Zero goal • Developed with a committee, task force, or committee • Includes engagement with stakeholders and coordination with other agencies • Inclusive and equitable processes, including identifying underserved communities • Assesses current policies/standards to identify opportunities to improve safety • Has a public measurement of desired outcomes
<p> 20% match required</p>	<p> 20% match required</p>
<p> Completed in 1-5 years, depending on scope</p>	<p> Completed in up to 5 years</p>
<p> Expected awards: \$100,000-10 million</p>	<p> Expected awards: \$2.5-25 million</p>
<p> Combined total of \$577 million must be awarded for Planning and Demonstration Grants</p>	
<p>ELIGIBLE GRANT APPLICANTS</p> <ul style="list-style-type: none"> - MPOs - Cities, towns, counties, special districts, and some transit agencies - Federally recognized Tribal governments - Multijurisdictional groups 	

GRANT APPLICATION DUE July 10, 2023

\$1 billion per year to be awarded for the next 5 years
+ an extra \$177 million available for Planning and Demonstration Grants in FY 2023

WANT TO KNOW MORE?

Kimley-Horn's transportation planners and engineers can guide you to SS4A grant success.



FIRST LAST, P.E.

✉ first.last@kimley-horn.com

☎ 000.000.0000

📍 Location, State



RICHMOND

EST. **TEXAS** 1837

A Charming Past. A Soaring Future.

Kimley»»Horn

City of Richmond

Downtown Sidewalks Evaluation Memorandum

December 8, 2023

INTRODUCTION

At the request of the City of Richmond, Kimley-Horn has evaluated the conditions of existing sidewalks in the downtown area along Morton Street and between 2nd Street and 5th Street.

There are three options for improvement evaluated in this report that can enhance the aesthetic and walkability of the downtown area, including some improvements to better adhere to the Americans with Disabilities Act (ADA).

Option 1: Strategic Spot Improvement addresses the need for ADA improvements in areas that need it the most. It also includes targeted hardscape and beautification improvements that aim to elevate the downtown area at a low cost.

Option 2: Strategic Spot Improvement and Beautification provides all the improvements from Option 1 in addition to a beautification package.

Option 3: Bulb-Outs provides a middle-ground solution in the area studied by installing bulb-outs at intersection corners. This will increase the aesthetics of the area, act as a traffic calming measure, provide areas for pedestrian refuge and beautification, and create opportunity to improve ADA compliance without a full reconstruct.

Option 4: Bulb-Outs and Beautification provides all the improvements from Option 3 in addition to a beautification package.

Option 5: Full Reconstruct provides a complete demolition, redesign, and reinstall of the pedestrian facilities in the area studied. It would allow for a more complete compliance with ADA and aesthetic pavement improvements, in addition to bulb-outs and other beautification improvements as described in Option 1 and Option 3.

Option 6: Full Reconstruct and Beautification provides all the improvements from Option 5 in addition to a beautification package.

Option 7: Overlay was considered as an alternate to the Full Reconstruct option, but ultimately not recommended.

Lastly, several Options Not Evaluated have been listed. This is provided to allow the City to explore different options and help customize the City's preference for downtown design. More information can be provided upon request about any of the assumptions or alternatives listed. A summary of the options and their cost are provided in the table below. For more information on cost, please refer to the attached OPCCs.

SUMMARY OF OPTIONS	OPINION OF PROBABLE COST (2025)
Option 1: Strategic Spot Improvement	\$398,000
Option 2: Strategic Spot Improvement and Beautification	\$543,000
Option 3: Bulb-Outs	\$780,000
Option 4: Bulb-Outs and Beautification	\$893,000
Option 5: Full Reconstruct	\$939,000
Option 6: Full Reconstruct and Beautification	\$1,088,000
Option 7: Overlay	(not evaluated)

OPTION 1: STRATEGIC SPOT IMPROVEMENT

The Strategic Spot Improvement option addresses the need for ADA improvements in areas that need it the most. It includes targeted hardscape and beautification improvements that aim to elevate the downtown area at a low cost.

The site walk-through performed on November 7th revealed many areas of downtown that are in need of ADA improvements to bring the highest trafficked areas into compliance. The areas that are furthest from compliance offer the highest opportunity to both bring the pedestrian facilities into compliance and improve aesthetics for the downtown area. The Strategic Spot Repair option would evaluate design options at the areas that need improvement the most, as well as providing beautification options throughout the area.

The paving and hardscape areas recommended to be redesigned and reconstructed in the Strategic Spot Improvement option are listed below and can also be seen in Figure 1:

- Install two new accessible ramps on the west side of the intersection of Morton Street and 2nd Street.
- Install a new crosswalk with brick pavers on the north crossing at Morton Street and 2nd Street.
- Install a new accessible ramp and parking stall on the north side of Morton Street, between 2nd Street and 3rd Street.
- Install a new accessible ramp on the west side of 3rd Street, south of the driveway between Pink Owl Studios and Lone Star Saloon.
- Install four new accessible ramps at the intersection of Morton Street and 3rd Street.
- Install new accessible ramps and sidewalk flume at the driveway on the south side of Morton Street between 3rd Street and 4th Street.
- Install four new accessible ramps at the intersection of Morton Street and 4th Street.

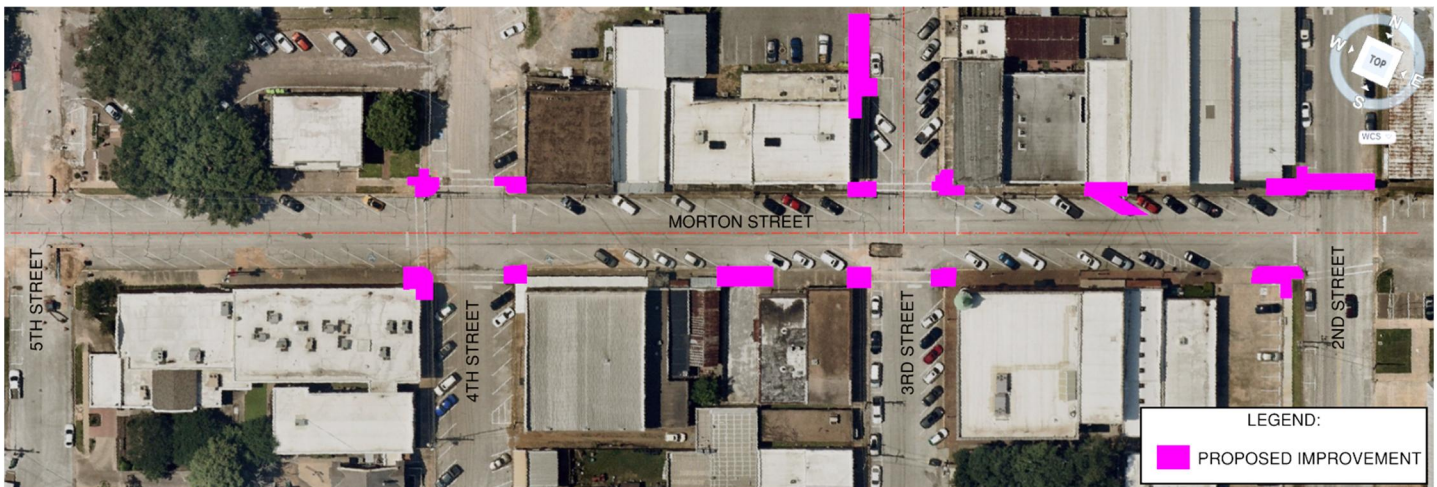


Figure 1 - Proposed Paving and Hardscape Elements for Strategic Spot Improvements

The Opinion of Probable Construction Cost (OPCC) developed for this option assumes full-depth repairs to the paving locations described, as well as an allotment for the installation of brick pavers at some of these locations.

These key paving improvements will allow the City to address important ADA concerns and elevate Richmond downtown area for a lower cost but to great effect.

OPTION 2: STRATEGIC SPOT IMPROVEMENT AND BEAUTIFICATION

Option 2 includes all of the improvements of Option 1: Strategic Spot Improvement, in addition to a beautification package.

Beautification improvements for the downtown area may be customized according to the City's preference. Suggested beautification measures include:

- Benches
- Planter pots
- Bike racks
- Trash receptacles
- Public art and murals

More examples of beautification measures can be found on Page 5 with the streetscape beautification ideas. These photos show examples of beautifications on similar projects or projects that Kimley-Horn has worked on in the past that may help provide inspiration for beautification improvements in downtown Richmond.

The Opinion of Probable Construction Cost (OPCC) developed for this option assumes the installation of 2 benches per block, 1 trash receptacle per block, 2 planter pots at each intersection corner, 1 bike rack, and an allotment for public art.

Beautification may be added to any paving improvements the City prefers, as an additional package. It may be considered as a relatively low-cost way to elevate the aesthetics of the downtown area.

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Streetscape Beautification Ideas



Distributed Streetscape Example



Street Furniture



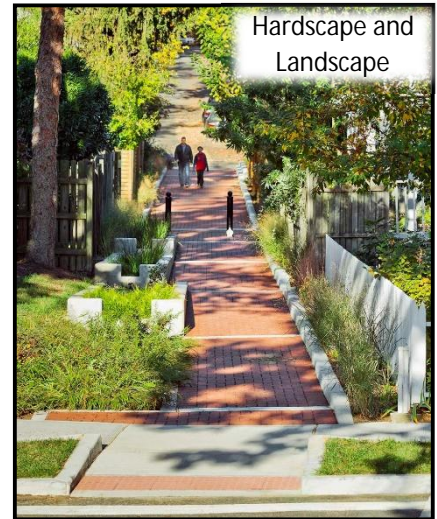
Shade Structures



Parklet



Wayfinding



Hardscape and Landscape



Streetscape



Pedestrian Spaces



Parklets - swap one parking space with a pedestrian refuge.



Public Art and Pedestrian Zones

OPTION 3: BULB-OUTS

A middle-ground option for improvement in Richmond’s downtown area is the addition of bulb-outs at the four corners of each intersection in the area. Bulb-outs are an addition of pedestrian space in an area that has on-street parking. A bulb-out reclaims the empty space created by angled parking that is outside of the travel lane for pedestrian use.

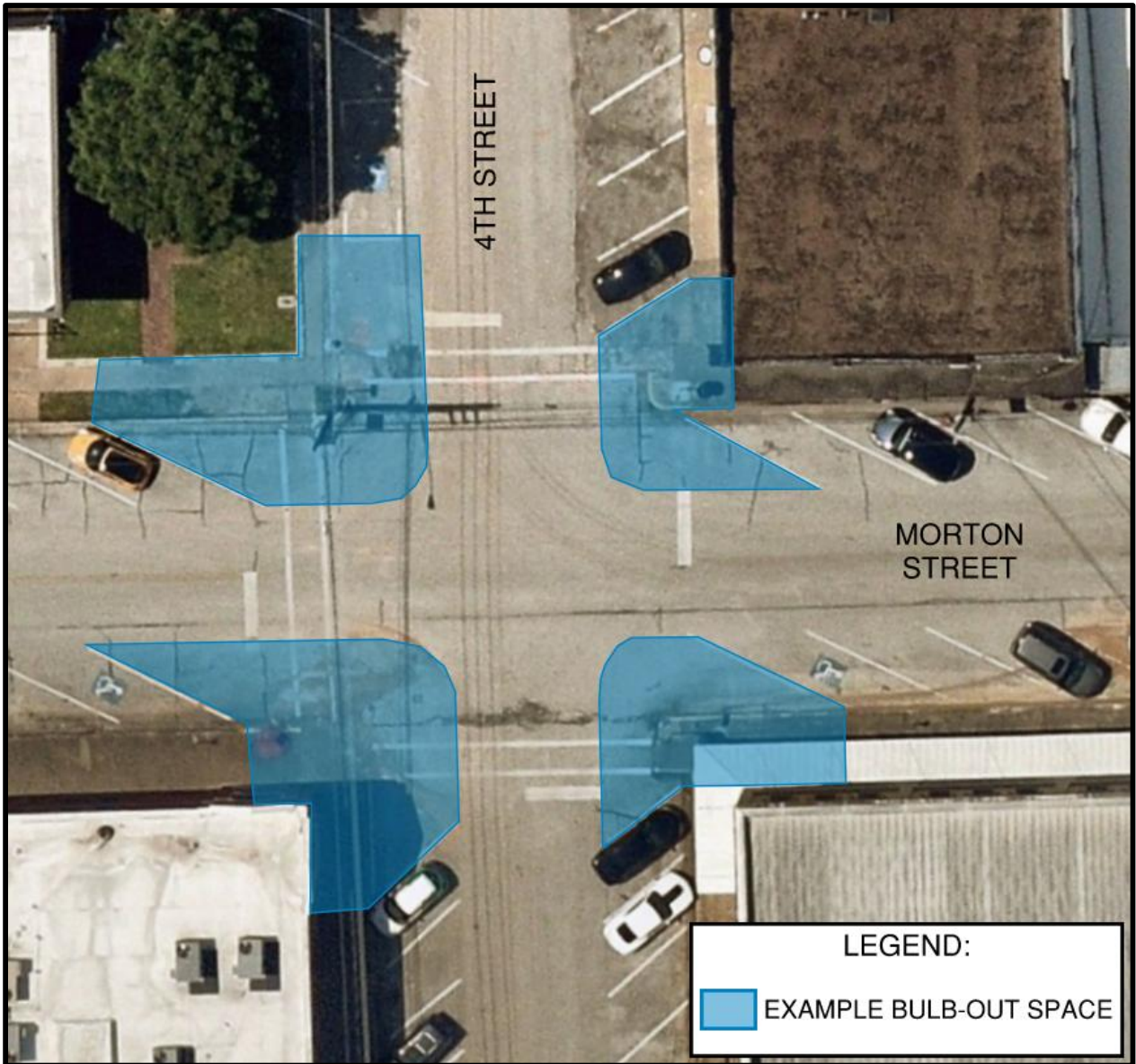


Figure 2 - An Example of Bulb-Out Space at Morton Street and 4th Street

Bulb-outs can be used to reclaim road space that is outside of the travel lanes but also unable to be used for street parking. This has many benefits, the first of which is increased pedestrian space. This increased pedestrian space can be used to install ADA ramps and other pedestrian amenities. This is especially useful in areas where tall curbs or steps make traditional ADA ramps extra long or difficult to fit. The extra pedestrian space may also be used for beautification elements as listed in the Strategic Spot Improvements option.

Bulb-outs provide safety benefits to vehicles and pedestrians alike. Bulb-outs tend to have a useful traffic-calming effect by narrowing the road. Although the travel lanes are not being reduced, the closer curb gives a more neighborhood feel to streets and encourages drivers to use slower speeds. Bulb-outs also promote safety by reducing the distance that pedestrians in crosswalks must walk within the travel way.

With this option, it is recommended to install bulb-outs with brick pavers at all four corners of each intersection in the study area (5th Street, 4th Street, 3rd Street, and 2nd Street). This would provide visual continuity throughout the downtown area and provide opportunity for better ADA compliance at intersections. The bulb-out option also includes the mid-block repairs described in B, C, D, and F of the Strategic Spot Repair option. Sidewalk flumes are recommended to be used at the bulb-outs to maintain existing drainage patterns.

It should be noted that bulb-outs would be installed at the angle of the street parking. The existing angled street parking is striped at 30° angles from face of curb. This angle maximizes driving space on the road but minimizes the number of parking spaces provided. It is recommended that the street parking striping be re-evaluated as part of the bulb-out installations to see if other parking arrangements, such as parallel parking, 60° angled parking, or perpendicular street parking would be feasible or more effective for space. This could be done in association with a street reconstruction project or street mill-and-overlay project. Since the bulb-outs are constructed based on the street parking limits, adding bulb-outs would make any future changes to street parking angles difficult. Therefore, it is important that the bulb-outs be designed with the intended ultimate parking angle in mind.



Figure 3 - A Visualization of Bulb-Outs



Figure 4 - A Visualization of Bulb-Outs

The OPCC for the bulb-out option assumes full depth removal, re-design, and reinstallation of the affected pavement with brick pavers and a mortar setting bed on reinforced concrete slab. It includes ADA ramps at each corner, and it includes beautification elements under the same assumptions as the Strategic Spot Improvements option.



Figure 5 - Proposed Paving and Hardscape Elements for Bulb-Outs Option

Bulb-outs provide a middle ground cost option that increases pedestrian space, provides an aesthetic motif, promotes vehicle and pedestrian safety, and creates room for ADA compliance without the cost of a full reconstruction.

OPTION 4: BULB-OUTS AND BEAUTIFICATION

Option 4 includes all of the improvements of Option 3: Bulb-Outs, in addition to a beautification package as described on pages 4 and 5.

OPTION 5: FULL RECONSTRUCT

Full Reconstruct provides a complete demolition, redesign, and reinstall of the pedestrian facilities in the area studied. It would allow for the most comprehensive ADA compliance and aesthetic pavement improvements of the three options, in addition to bulb-outs and other beautification improvements as described in Option 1 and Option 2.

The main benefits of the Full Reconstruct option over other options are consistency and a more complete compliance with ADA. The consistency of design provided by including new pavement or brick pavers throughout downtown would establish consistency in Downtown Richmond, unifying the area and



Figure 6 - Patterns Of Existing Brick Pavers May Be Continued In Newly Bricked Areas To Establish Continuity.

establishing a clear destination for citizens and visitors. Additionally, by doing a full reconstruct of all sidewalk pavement, any areas in noncompliance with ADA could be adjusted to comply.

One challenge of the full reconstruct option is maintaining access to buildings during construction. Businesses located downtown need to be able to stay open during construction and therefore need access to be maintained to their doorways at all times. Pavement in front of doorways will need to be phased to maintain access.



Figure 7 - Proposed Paving and Hardscape Elements for Full Reconstruct Option

The OPCC for the bulb-out option assumes full depth removal, re-design, and reinstallation of all sidewalk pavement on Morton Street between 5th Street and 2nd Street. It is assumed that pavement will be replaced where possible with brick pavers and a mortar setting bed on reinforced concrete slab. Ramps are assumed at all intersection corners and at mid-block locations described by C and D of the Strategic Spot Improvement option. All improvements described in Option 1 and Option 2 are included.

The Full Reconstruct option is the most comprehensive way to elevate pedestrian facilities in downtown Richmond. It provides a consistent and unified pavement throughout downtown, and complete compliance with ADA.

OPTION 6: FULL RECONSTRUCT AND BEAUTIFICATION

Option 6 includes all of the improvements of Option 5: Full Reconstruct, in addition to a beautification package as described on pages 4 and 5.

OPTION 7: OVERLAY

In this study, a mill and overlay of existing sidewalk was not considered. While a mill and overlay would provide an initial aesthetic improvement, structural cracks tend to propagate through new pavement or cause uneven settling in new brick. This makes a mill and overlay an expensive but short-term solution. A mill and overlay would require all the same access coordination with property owners as a full reconstruct, but without the benefit of new structural pavement. Additionally, any improvement of a section of sidewalk places the burden of

ADA compliance on the City. This means that even with only a mill and overlay of sidewalk pavement, many of the improvements for compliance that are described in this report would need to be undertaken anyway. For these reasons, a mill and overlay was not considered for detailed evaluation in this report and no OPCC was performed.

OPTIONS NOT EVALUATED

Below are listed several assumptions made in the study. This is provided to allow the City to explore different options and help customize the City's preference for downtown design. More information can be provided upon request about any of the assumptions or alternatives listed.

In this study, it was assumed that brick pavers are the City's preference for aesthetic paving. However, integral stamped and stained colored concrete, shown in Figure 6, is a decorative pavement type that is rising in popularity in many downtown areas. Integral stamped and stained colored concrete provides the color and texture of brick but does not experience uneven settling over time. While brick pavers may be still be selected for aesthetic preference, integral stamped and stained colored concrete has the benefit of never causing a tripping hazard due to uneven settling. Integral stamped and stained colored concrete is usually bid at a comparable price per square yard as brick pavers.

In this study, it was assumed that the planter pots installed for beautification would require regular maintenance to keep plants and flowers looking fresh. However, depending upon the location and availability of access to nearby water and irrigation lines, it may be an option to install planter pots with internal irrigation systems. While regular maintenance would still be required, these planter pot options are able to stay fresher with less attention needed from the City and can serve to greatly impact the aesthetic of the area with local plants that stay fresh for longer.

In this study, it was assumed that the city only wishes to pursue pedestrian sidewalk improvements in the area. However, pedestrian improvements such as those described in this report could be coupled with roadway improvements, utility improvements such as water and sewer, and/or drainage improvements.

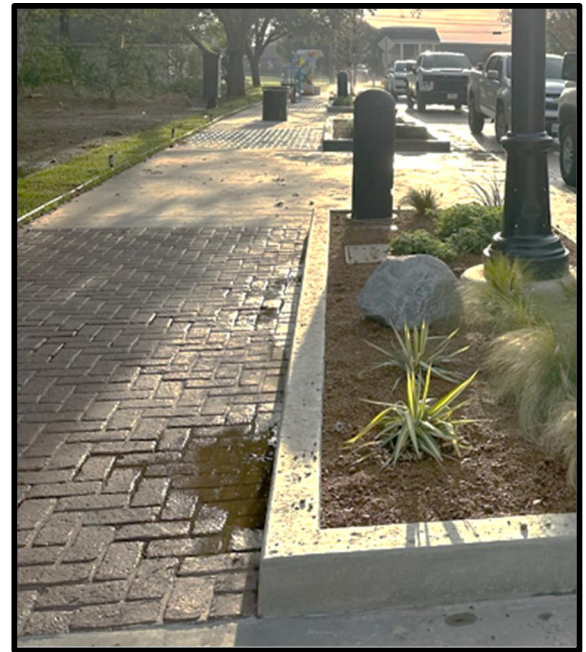


Figure 8 - Stamped and Stained Concrete May Be Used Instead of Brick Pavers If Preferred.

NEXT STEPS

The current memorandum provides an initial idea of the range of possible public streetscape components to fit various cost scenarios. However, once the City has a general idea about the level of improvements envisioned, subsequent work is necessary to thoroughly evaluate the urban center, understand the issues, and prepare detailed design drawings. The following might be considered as the city moves forward:

- **Downtown Conceptual Design:** establishes an overall vision for downtown infrastructure and urban design enhancements including parking, sidewalks, lighting, pedestrian spaces, planting, and amenities. This plan also evaluates the relationship of downtown to major roads, surrounding neighborhoods and other influential factors. A preliminary estimate of construction costs and a phasing plan enable this document to guide phased implementation. Frequently the preparation of this Plan involves City staff and key downtown building owners, community leaders and elected officials. A public engagement component could be a key aspect to gather important feedback from a larger audience.
- **Construction Drawings for Implementation:** based on City priorities and funding capabilities, the design team, including landscape architects and engineers, prepare detailed design and construction drawings for the initial implementation phase. The design team would work with City staff to identify key priorities in downtown infrastructure to ensure that utility projects will align with the beautification of the streets and pedestrian facilities. The design team would then assist the City during construction to ensure successful implementation.

Kimley-Horn Houston has extensive experience with small-town downtown revitalization. The team has worked on projects throughout east Texas, from Lake Jackson to Center, Texas. Beginning in 2000 and ongoing now, the team has created visionary but pragmatic downtown master plans that are tailored to the opportunities and reality of the community.

Based on the overall vision established by the downtown master plan, we prepare detailed landscape architecture and engineering design and construction documents for phased implementation of the plan. The team frequently involves planners and economic development experts to ensure the design objectives are reflected in local ordinances and fit the economic reality of the community.



City of Richmond

Where History Meets Opportunity

Special Scheduled City Commission Meeting

600 Morton Street

Richmond, Texas 77469

Monday, January 29, 2023 at 4:30 P.M.

- A10. Review and consider approving Resolution No.471-2024, approving Interlocal Agreement for overlaying and resurfacing streets and roadways.

INTERLOCAL PROJECT AGREEMENT

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

This Interlocal Agreement (“Agreement”) is made and entered into by and between FORT BEND COUNTY, TEXAS (the “County”), a political subdivision of the state of Texas, and the City of Richmond (the “Local Government”), a local government or local government corporation established under the laws of the state of Texas. County and Local Government may be collectively referred to as the “Parties” and each individually a “Party.”

WHEREAS, this Agreement is entered into pursuant to Chapter 791 of the Texas Government Code, the Interlocal Cooperation Act (the “Act”), which authorizes local governments to contract with one another to provide governmental functions, mutual aid, and services under the terms of the Act; and

WHEREAS, on or about October 6, 2009, County and Local Government entered into that certain Primary Interlocal Agreement wherein the Parties each agreed to assist the other with certain governmental functions and services on a “project by project” basis; and

WHEREAS, the purpose of this Agreement is to establish the rights and responsibilities of the Parties hereto for certain projects coordinated between County, acting by and through the Fort Bend County Road and Bridge Department, and the Local Government; and

WHEREAS, the project described in this Agreement is a governmental function and service of County and Local Government under the Act; and

WHEREAS, the Parties have determined that said project would be in the best interest of County and Local Government, and to the inhabitants thereof, and would serve a public purpose and benefit; and

NOW, THEREFORE, in consideration of the mutual promises, covenants, obligations, and mutual benefits, the Parties hereto agree as follows:

1. **Purpose and Project Description.** The purpose of this Agreement is to improve the roadway surfaces of certain Local Government streets and roadways by overlaying and/or resurfacing said streets and roadways (the “Project”).

2. **Project Location.** The location(s) of the Project is Chateau Place, Avenue C, Newell, Jefferson, Lettie Street, South 3rd, South 4th, Main Street, Long Drive Ct., Long Drive, Collins Road, Dowling Drive, and South 5th all within the city limits of Richmond (the “Project Site”).

3. Term.

- (A) Unless sooner terminated as provided herein, the Term of this Agreement shall begin on the date of execution by the last Party hereto and shall expire the sooner of 11:59 p.m. of September 30, 2024 or upon completion of the Project.
- (B) This Agreement may be terminated by either Party, with or without cause, upon ten (10) calendar days written notice to the other Party.

4. Rights and Responsibilities of County.

- (A) County, at its sole cost and expense, shall provide the following:
 - (1) Up to 560 equipment hours at a rate of \$35.00 per hour
 - (2) Up to 1520 man hours of labor at a rate of \$15.00 per hour
 - (3) Up to \$0.00 in materials
 - (4) Up to \$0.00 in compensation, whether for reimbursement or advanced funding, to Local Government
- (B) Except as otherwise determined and agreed to in writing by the Parties under Section 5(B) of this Agreement, County, at its sole cost and expense, shall further provide the following:
 - (1) All labor, equipment, and materials necessary to complete the Project except as provided by Section 5(A) of this Agreement.
 - (2) Appropriate supervisory personnel to coordinate the efforts of County and/or Local Government personnel as necessary.
 - (3) All labor and personnel necessary to load and haul away any debris or excavated materials from the Project Site.
 - (4) All surveys and construction and design plans necessary for the Project.
 - (5) All necessary flagmen, barricades, traffic devices, and traffic control for the Project.

- (C) County's total expenditure for the Project under this Agreement shall not exceed the amount of: Forty-two thousand four hundred and 00/100 Dollars (\$42,400.00).
- (D) County, upon reasonable notice to the Local Government, shall have the right to do all things that, in County's opinion, are reasonably necessary to accomplish and complete the Project, including the parking of trucks, equipment, and/or machinery on Local Government streets or roadways.
- (E) County shall not be liable for any delay of the Project.
- (F) County shall clear away from the Project site any debris generated from the Project and/or any tools, machinery, and equipment used for the Project.
- (G) County shall complete all work for the Project in a good and workman like manner as measured by County's usual and customary practices.

5. Rights and Responsibilities of Local Government.

- (A) Local Government, at its sole cost and expense, shall provide the following:
 - (1) All asphalt and related materials issued through a Local Government Purchasing Order and as required by County for the Project.
- (B) The Parties may determine that Local Government should provide one or more of the items or tasks provided in Section 5(B)(1) – 5(B)(8) as necessary for the Project. If such a determination is made, then Local Government shall provide such item(s) or task(s) at its sole cost and expense as follows:
 - (1) Any labor, equipment, and materials necessary to perform its responsibilities under the Agreement.
 - (2) All appropriate supervisory personnel to coordinate the efforts of County and Local Government personnel.
 - (3) All materials necessary for the Project. Such materials shall be in an amount sufficient to allow County personnel to work in a continuous and uninterrupted manner.
 - (4) All labor and equipment, including any trucks, necessary to load and haul away any debris or excavated materials. Such labor, equipment, and trucks shall be in an amount sufficient to allow County personnel to work in a continuous and uninterrupted manner.

- (5) All design and construction plans for the Project prior to the commencement of the Project. Such plans shall be provided to County prior to the commencement of the Project and shall include the establishment of any grades, the size of any channels, and any associated structures the County is responsible for constructing. Such plans shall also include an initial on-ground survey alignment, ditch cross sections, and one (1) or more elevation benchmarks on the Project Site. Such work shall be provided prior to the commencement of the Project.
 - (6) Any permits and/or permissions required for the Project, including NPDES or TPDES permits.
 - (7) All personnel necessary to implement the provisions of such permits as required by Section 5(B)6 above.
 - (8) All necessary flagmen, barricades, traffic devices, and traffic control for the Project.
- (C) Local Government, at any time during the term of this Agreement, shall have the right to enter the Project Site and inspect the work performed by County for the Project.
- (D) Within ten (10) calendar days of completion of the Project, Local Government shall notify County in writing of any complaints regarding the quality of workmanship by County for the Project.
- (E) Upon the expiration or termination of this Agreement as provided in Section 3 above, Local Government, at its sole cost and expense, shall be responsible for the maintenance and upkeep of the Project.
6. **Availability of Funds.** The Parties to this Agreement represent that funds are available from their respective budgets for the current fiscal year for payment of their respective obligations under this Agreement.
7. **Notice.** Any and all notices required or permitted under this Agreement shall be in writing and shall be properly addressed and sent via personal delivery, US first class postage prepaid, registered or certified mail, return receipt requested, Federal Express, Express Mail, or other overnight delivery service as follows:

If to County: Fort Bend County Road and Bridge Department
Attn: Road Commissioner
201 Payne Lane
Richmond, Texas 77469

And

Fort Bend County, Texas
Attn: County Judge
401 Jackson St, 1st Floor
Richmond, Texas 77469

If to Local Government: City of Richmond
Attn: City Manager
402 Morton Street
Richmond, Texas 77469

Within five (5) business days of the Effective Date of this Agreement, each Party to this Agreement shall designate in writing to the other Party one person and one alternate person to be that Party's designated spokesperson for communications between the Parties.

8. **Interpretation Dispute.** The Parties agree to cooperate in good faith to fulfill their obligations under this Agreement. The Parties further agree that they will attempt, in good faith, to resolve any disputes concerning the interpretation of this Agreement and unforeseen questions and/or difficulties which may arise. If such dispute is not resolved within ten (10) business days, or within such time as agreed to by the Parties, the dispute shall be referred to the Fort Bend County Road Commissioner for final determination and resolution of the dispute.
9. **Entire Agreement and Modification.** This Agreement constitutes the entire Agreement between the Parties and supersedes any and all previous agreements, written or oral, pertaining to the subject matter of this Agreement. This Agreement may only be amended or modified by written agreement executed by both Parties.
10. **Understanding of the Agreement.** This Agreement constitutes a legal document and has been prepared and approved as to legal form by the Fort Bend County Attorney's Office on behalf of its client, Fort Bend County, Texas. Local Government should not rely on this approval by the County Attorney's Office and should consult with their own legal counsel should they have any questions pertaining to this Agreement. Further, by execution of this Agreement, the Parties acknowledge that they have read and understood each provision, term, and obligation contained herein.
11. **No Waiver of Immunity.** Neither the execution of this Agreement nor any other conduct of either Party to this Agreement shall be considered a waiver or surrender of its governmental powers or immunity under the Texas Constitution or the laws of the State of Texas. **TO THE EXTENT ALLOWED BY LAW, LOCAL GOVERNMENT AGREES TO INDEMNIFY AND HOLD COUNTY HARMLESS FOR ALL CLAIMS, DAMAGES, AND LIABILITIES WHICH MAY BE IMPOSED BY LAW UPON LOCAL GOVERNMENT FOR ACTS OF OMISSION OR COMMISSION BY LOCAL GOVERNMENT DURING THE TERM OF THIS AGREEMENT.**

12. **Benefit.** This Agreement shall be for the sole and exclusive benefit of County and Local Government and shall not be construed to confer any benefit or right upon any other party.
13. **Applicable Law and Venue.** This Agreement shall be construed according to the laws of the state of Texas. Venue for any claim arising out of or relating to the subject matter of this Agreement shall lie in a court of competent jurisdiction of Fort Bend County, Texas.
14. **Assignment.** Neither Party may assign its rights, duties, or obligations hereunder, without the prior written consent of the other, which consent shall not be unreasonably withheld.
15. **Severability.** In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
16. **Effective Date.** The Effective Date of this Agreement shall be the date this Agreement is signed by the last Party hereto.
17. **Captions.** The section captions used in this Agreement are for convenience of reference only and do not affect the interpretation or construction of the Agreement.
18. **Electronic and Digital Signatures.** The Parties to this Agreement agree that any electronic and/or digital signatures of the Parties included in this Agreement are intended to authenticate this writing and shall have the same force and effect as the use of manual signatures.
19. **Multiple Counterparts.** This Agreement may be executed in multiple counterparts, each having equal force and effect of an original.
20. **Authorization.** This Agreement shall become binding and effective only after it has been authorized and approved by the governing bodies of each Party, as evidenced by the signature of the appropriate authority. Each Party further represents that, by execution of this Agreement, it has been duly authorized by its governing body or other appropriate authority from whom such Party is legally bound to obtain authorization.
21. **Human Trafficking.** BY ACCEPTANCE OF THIS AGREEMENT, LOCAL GOVERNMENT ACKNOWLEDGES THAT FORT BEND COUNTY, TEXAS IS OPPOSED TO HUMAN TRAFFICKING AND THAT NO COUNTY FUNDS WILL BE USED IN SUPPORT OF SERVICES OR ACTIVITIES THAT VIOLATE HUMAN TRAFFICKING LAWS.

SIGNED AND ENTERED this _____ day of _____, 2024.

FORT BEND COUNTY, TEXAS

KP GEORGE,
COUNTY JUDGE

ATTEST:

LAURA RICHARD,
COUNTY CLERK

APPROVED AS TO FORM:



SCOTT WIEGHAT,
FORT BEND COUNTY ROAD COMMISSIONER

APPROVED AS TO LEGAL FORM:



ANDREW WIPKE
ASSISTANT COUNTY ATTORNEY

AUDITOR'S CERTIFICATE

I hereby certify that funds are available in the amount of \$42,400.00 to accomplish and pay the obligation of Fort Bend County, Texas under this Agreement.

Robert E. Sturdivant,
County Auditor

SIGNED AND ENTERED this _____ day of _____, 2024 by Local Government.

CITY OF RICHMOND:

By: _____

Name: _____

Title: _____

ATTEST:

By: _____

Name: _____

Title: _____



RESOLUTION NO. 471-2024

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF RICHMOND, TEXAS, APPROVING AND AUTHORIZING AN INTERLOCAL AGREEMENT WITH FORT BEND COUNTY, TEXAS FOR OVERLAYING AND RESURFACING STREETS AND ROADWAYS

Chapter 791 of the Texas Government Code authorizes local governmental entities to enter into Interlocal Agreements for greater efficiency and effectiveness in the performance of their functions.

The City of Richmond and Fort Bend County desire to enter into an Interlocal Agreement for overlaying and resurfacing of streets and roadways within the City.

The City Commission of the City of Richmond deems it in the public interest to enter into the Interlocal Agreement with Fort Bend County for overlaying and resurfacing of streets and roadways within the City; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF RICHMOND, TEXAS:

Section 1. The facts and recitations set forth in the preamble of this Resolution are hereby found to be true and correct.

Section 2. The City Commission of the City of Richmond approves the Interlocal Agreement with Fort Bend County for overlaying and resurfacing of streets and roadways within the City and authorizes the execution of the same, a copy of which is attached hereto as Exhibit A.

Section 3. Effective Date. This Resolution shall be effective from and after its adoption.

PASSED AND APPROVED on this the 29th day of January, 2024.

Rebecca K. Haas, Mayor

ATTEST:

APPROVED AS TO FORM:

Lasha Gillespie, City Secretary

Gary W. Smith, City Attorney

Exhibit A



City of Richmond

Where History Meets Opportunity

Special Scheduled City Commission Meeting

600 Morton Street

Richmond, Texas 77469

Monday, January 29, 2024 at 4:30 P.M.

- A11. Adjourn to Executive Session, as authorized by Texas Government Code, Sections 551.071 and 551.072, Deliberation of Real Estate Discussions and Attorney Consultation.

Any item on this posted agenda may be discussed in Executive Session provided it is within one of the permitted categories under Chapter 551 of the Texas Government Code.



City of Richmond

Where History Meets Opportunity

Special Scheduled City Commission Meeting

600 Morton Street

Richmond, Texas 77469

Monday, January 29, 2024 at 4:30 P.M.

EXECUTIVE SESSION

In accordance with Chapter 551, Government Code, Vernon's Texas Code Annotated (V.T.C.A) (Open Meetings Law), "The City Commission may meet in a Closed Executive Meeting pursuant to provisions of the Open Meetings Law, Chapter 551, Government Code, V.T.C.A. in accordance with the authority contained in the following sections;" 551.072, Deliberation Regarding Real Estate and 551.071 Attorney Consultation.

- E1. Executive Session for Deliberation Regarding Real Estate and Attorney Consultation.

Any item on this posted agenda may be discussed in Executive Session provided it is within one of the permitted categories under Chapter 551 of the Texas Government Code.



City of Richmond

Where History Meets Opportunity

Special Scheduled City Commission Meeting

600 Morton Street

Richmond, Texas 77469

Monday, January 29, 2024 at 4:30 P.M.

OPEN MEETING

- C1. Reconvene into Open Meeting, and take action on items, if necessary.
 - A. Real Estate.

- C2. Adjournment.

If, during the course of the meeting covered by this Agenda, the Commission shall determine that an executive session of the Commission, should be held or is required in relation to any item included in this Agenda, then such executive session, as authorized by the Texas Open Meetings Act, will be held by the Board at the date, hour, and place given in this Agenda concerning any and all subjects and for any and all purposes permitted by Sections 551.071-551.090 of the Texas Government Code, including, but not limited to, Section 551.071 – for purpose of consultation with attorney, on any or all subjects or matters authorized by law.

NOTICE OF ASSISTANCE AT THE PUBLIC MEETING

The City of Richmond City Commission meetings are available to all persons regardless of disability. This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations, should you require special assistance, must be made 48 hours prior to this meeting. Braille is not available. Please contact the City Secretary's office at (281) 342-5456 ex. 505 for needed accommodations.

If you have any questions, please let me know.

Terri Vela

Any item on this posted agenda may be discussed in Executive Session provided it is within one of the permitted categories under Chapter 551 of the Texas Government Code.