

STATE OF TEXAS

COUNTY OF FORT BEND

CITY OF RICHMOND



The City Commission for the City of Richmond, Texas met in Regular Session on February 15, 2016 at 4:30 p.m.

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

Evalyn W. Moore, Mayor  
Glen Gilmore, Commissioner  
Jesse Torres, Commissioner  
Terri Vela, City Manager  
Laura Scarlato, City Secretary  
Gary Smith, City Attorney  
Frank Garza, City Attorney

Mayor Moore introduced agenda item number A2, presentation of awards and announcements.

- Mayor Moore was pleased to present Larry Watson his award for 10 years of service to the Park Department and he was present to receive it.

Mayor Moore introduced agenda item A3, Public comments. She asked for any public comments. There were no comments; therefore the agenda item was closed.

Mayor Moore introduced agenda item A4, The Presentation on Proposed Affordable Multifamily Rental Housing Project on FM 359 through Competitive Housing Tax Credit Program. Dan Wilson, Atlantic Pacific Management, Michael Smith with Humphries & Partners and Gregory Patch, LJA Engineering, Inc. were present to showcase the multifamily development they are proposing to the city. Mr. Wilson stated their 4<sup>th</sup> generation family owned business operates 23,000 units across the country. There would be two sections, The Heritage (112 units) for senior citizens ages 55+ and The Arbor (96 units) for individuals and families. Mr. Wilson reviewed the amenities and the benefits to the community. Mr. Wilson also

explained the mechanics of the Housing Tax Credit, the benefits and how they function. There was a question and answer exchange between the commissioners, mayor, Kelly Kaluza, City Engineer and Jessica Duet, City Planner. Mr. Kaluza stated without the Edgar Water Plant, the City does not have the water capacity to serve the development at this time. Ms. Duet stated that the property is located in the City's ETJ but would need to be annexed into the City where Zoning would apply. Ms. Duet feels the development would need to be a mixed use property with offices and commercial use included in the development. Commissioner Gilmore stated due to the location they should look to Pecan Grove. Commissioner Torres expressed the county should be contacted for support as well as Pecan Grove.

Agenda item A5, the consent agenda with the following items to be approved. The Mayor asked if there would be any discussion regarding the consent agenda. Commissioner Gilmore stated there was one correction to the minutes which was addressed with the City Secretary. The consent agenda item A5 (1) was not pulled, however item A5 (2) was pulled for discussion. Mayor Moore announced that the Fire Department had relocated to the new Fire Station and a Grand Opening is planned for April 9, 2016. The mayor also wanted to commend Albert Cantu for his work with the Red Cross distributing blankets and fire alarms. Commissioner Gilmore made the motion to approve consent agenda A5 (2) regarding the Fire Department. Commissioner Torres seconded the motion and the vote was unanimous. Commissioner Gilmore made a motion to approve the remainder of the agenda with Commissioner Torres seconding the motion the vote was two "ayes" and no "nays" to approve the consent agenda as reported. There being no further discussion, this agenda item was closed.

Mayor Moore announced that agenda item A24 would be discussed at this point due to the public interest and the potential length of the meeting. Agenda item A24 was to review and consider taking action on the Development Corporation Board Appointment. City Manager, Terri Vela stated that board member Dave Scott had submitted his resignation letter due to a conflict with his being on the board of the Brazos River Authority. This being a position appointed by the governor, Mr. Scott was requested that he step down from The Development Corporation. The City reviewed six applications that were included in their packets. Commissioner Torres asked how long Mr. Scott has served on each of the boards and expressed surprise that this was just now becoming an issue. Mayor Moore stated that legislature has changed in recent years. Commissioner Torres inquired if the position had been publicized of which City Manager Vela explained that City Hall receives applications at any time for board positions. It is an open policy to submit

an application to serve on a board for the City of Richmond. Commissioner Gilmore made the motion to appoint Mr. Barry Beard to the Development Corporation Board. Commissioner Torres offered his opinion that it was a conflict that Mr. Beard is currently running for Commissioner. *(Please note: Development Corporation Board Member Carlos Garcia is also running for Commissioner)*. Commissioner Torres requested to have the agenda item tabled. Commissioner Torres would not second the motion. The motion was then seconded by Mayor Moore and Mr. Barry Beard was approved to be appointed to the board. The votes were two “ayes” to approve and one “nay” therefore the motion passed. Commissioner Torres state, “Folks I don’t know how you can do this.”

Mayor Moore introduced agenda item A6 to review and consider taking action on the Richmond Police Department’s 2015 Racial Profiling Report, per Texas Code of Criminal Procedure Article 2.132. Chief Gary Adams spoke regarding the report and that the Richmond Police Department is in compliance with the Best Practices Policy. There have been no complaints filed due to race. City Manager Vela asked if the report needed to be published in the local newspaper and answered that it did not need to be published. Commissioner Gilmore made the motion to approve the Richmond Police Departments 2015 Racial Profiling Report with Commissioner Torres seconding the motion. The vote was unanimous to approve.

Agenda item A7 to receive the Charter Review Commission Report was stated and Mayor Moore introduced Chairman Michael Scherer of the Charter Review Commission. Chairman Scherer expressed that it was a privilege to serve on the board and found the process enjoyable. The board held meetings weekly from October 29, 2015 through January 28, 2016 and that there was a quorum at every meeting. He reviewed the propositions or amendments that the Charter Review Commission are recommending to the Commission. *(The propositions will be stated in detail under agenda item A9)*. Mayor Moore thanked Chairman Scherer for the service of the board and also City Attorney Frank Garza for his consultation regarding the City Charter and the board amendments.

Mayor Moore introduced agenda item A8 to review and consider taking action on Ordinance No. 2016-03, Order of the General Election for the May 7, 2016 Election. City Manager, Vela stated the election is to fill the Commissioner position that will be vacated by Commissioner Glen Gilmore as his term is expiring. Commissioner Gilmore made the motion to approve Ordinance No. 2016-03 and Commissioner Torres seconded the motion. The votes were two “ayes” to approve and no “nays”. The Ordinance was approved.

Agenda item A9 to review and consider taking action on the Ordinance No. 2016-05, Order of Special Election for the May 7, 2016 Election. City Attorney, Frank Garza recited and explained the 5 Propositions that will be placed on the ballot by petition submission and the Charter Review Board recommendations. There is also one recommendation from staff that is being placed on the ballot. They are as follows:

- Shall Section 3.01 of the City Charter be amended to increase the number of Commissioners from two (2) to four (4)?
- Shall Section 3.01 of the city charter be amended to require all City Commissioners to be elected from single member districts?
- Shall Section 6.05 of the City Charter be amended to increase the number of signatures required for a petition for Initiative or Referendum from thirty percent (30%) of the number of votes cast at the last general election of the City or one hundred and fifty (150), whichever is greater to thirty percent (30%) of the number of votes cast at the last general election of the City or three hundred (300), whichever is greater?
- Shall Section 6.11 of the City Charter be amended to increase the number of signatures required for a petition for Recall from thirty percent (30%) of the number of votes cast at the last general election of the City or one hundred and fifty (150), whichever is greater to thirty percent (30%) of the number of votes cast at the last general election of the City or three hundred (300), whichever is greater?
- Shall section 7.18 of the City Charter be amended to eliminate the requirements of publishing the summary of the annual audit and instead make the full audit available for public review?

Commissioner Torres asked questions of Attorney Garza regarding nos. 3 and 4. Commissioner Torres questioned why there couldn't be an item added to vote for the Charter to remain the same regarding petitions. The response was to cast a no vote would have the same effect. Commissioner Torres again stated he did not agree with nos. 3 and 4. Attorney Garza again stated that if the voters vote "no" to the propositions, they will remain the same. Commissioner Gilmore made the motion to accept the propositions and approve Ordinance No. 2016-05, Order of the Special Election for May 7, 2016. There was not a second at this time. Commissioner

Torres made the motion to amend Propositions 3 and 4 of which there was not a second, therefore the motion died and it reverts back to the original motion. Mayor Moore seconded the original motion to approve Ordinance No. 2016-05 with all five (5) Propositions as stated. The votes were two “ayes” and one “no”. The motion passed and the Ordinance No. 2016-05 was approved.

Mayor Moore introduced agenda item A10 to review and consider taking action on Resolution No. 127-2016, the Joint Election Agreement and the Contract for Election Services with Fort Bend County. Commissioner Torres stated that now being able to vote at any location regardless of the precinct you live in was a very positive move making it so much easier to vote. Commissioner Torres made the motion to approve Resolution No. 127-2016 the Joint Election Agreement and the Contract for Election Services with Fort Bend County. Commissioner Gilmore seconded the motion and the vote was unanimous.

Agenda item A11 to review and consider taking action of a Fee waiver request for parade fees for the Lamar Little League Opening Day Ceremony. City Manager Vela stated that the City has waived the fee for several years now and that it is a significant event for the LLL. Commissioner Gilmore made the motion to approve the Fee waiver request with Commissioner Torres seconding the motion. The vote was unanimous to approve.

The Mayor presented agenda item A12 to review and consider taking action on the Resolution No. 128-2016, a Temporary Amendment to the System Water Availability Agreements between the Brazos River Authority and the City of Richmond. City Manager Vela stated the City has sold the water to Brazos River Authority for the past eight (8) years but this will be the last year for this arrangement. Commissioner Gilmore stated this has been a benefit to the City allowing it additional revenue. Commissioner Gilmore then made the motion to approve the Resolution NO. 128-2016, a Temporary Amendment to the System Water Availability Agreements between the BRA and the City of Richmond. Commissioner Torres seconded the motion and the vote was unanimous.

Agenda item A13 to review and consider taking action on the Resolution No. 133-2016, the Temporary Assignment of Rights under the Water Supply Contract to the Gulf Coast Water Authority. City Manager Vela stated the contract is for a year effective January 1 – December 31, 2016. Commissioner Gilmore motioned to approve Resolution No. 133-2016, the Temporary Assignment of Rights. Commissioner Torres seconded the motion and the vote was unanimous to approve.

Mayor Moore introduced agenda item A14 to review and consider taking action on the Ordinance No. 2016-04, Establishing the Water, Sewer and Garbage Rates. City Manager Vela stated that Finance Director Susan Lang would give the details of the Water, Sewer and Garbage Rates. Director Lang indicated the increase in ground water fee rate is needed to support the bonds that were recently funded for the Surface Water Treatment Facility. The rate increase is from \$1.75 to \$2.00 per 1,000 gallons of water. It was noted this rate is lower than Rosenberg (\$2.20), North Fort Bend County and Pecan Grove. City Manager Vela asked Ms. Lang what she thought the rate would top out at and the reply was \$2.25-\$2.30. The ordinance also contains a change in the way deposits will be handled for reoccurring disconnects. This change will minimize the uncollectibles and the amount of bad debt the City writes off each year. Commissioner Torres inquired as to if the repeat offenders were within the City limits and the answer was yes. The additional deposit will be applied to the closed account once the meter is pulled. There will be a \$300 cap to the deposit. Commissioner Gilmore made the motion to approve Ordinance No. 2016-04, Establishing the Water, Sewer and Garbage Rates. Commissioner Torres seconded the motion and there were two "ayes" and no "nays" to approve the increase and the change to deposits.

Agenda item A15 to review and consider taking action on the Ordinance No. 2016-09, Amending the Richmond Code, Chapter 34 Utilities, Article III, Rates and Deposits and Article V, Water Stems, Section 34-113 Deposits, refunds to provide regulations, relating to deposits required for utility services. City Manager Vela indicated that the need for the ordinance is due to the codification of ordinances and to amend the Code. Commissioner Torres expressed that the change in deposits should be communicated to our citizens in a more user friendly manner. Commissioner Torres stated the City needs to do a better job with communications. City Manager Vela stated it would be placed on the website, newspaper and in the customer bills. Vela also stated that if a citizen is in good standing the prior 12 months the additional deposit would not be required. City Attorney Gary Smith the change would only affect the citizens when they are disconnected. Commissioner Torres commented there needs to be more communication, more friendly and engaging. Commissioner Gilmore made the motion to approve Ordinance No. 2016-09, Amending the Richmond Code, Chapter 34 Utilities, Article III, Rates and Deposits and Article V, Water Stems, Section 34-113 Deposits, refunds to provide regulations, relating to deposits required for utility services. Commissioner Torres seconded the motion and there were two "ayes" and no "nays" regarding the vote.

Mayor Moore introduced agenda item A16 for an update on the Engineer's Recommendation of award of the Construction Contract for the Surface Water Treatment Plant. City Manager Vela introduced Jordan Hibbs with Enprotec/Hibbs & Todd, Inc. to update the Commission regarding the bid opening that was held on January 27, 2016. The City received 5 bids with LEM Construction submitting the lowest bid. The lowest bid was approximately \$16 million. Mr. Hibbs stated it would be about October 2017 when the City would see water from the plant. There was no action required for this agenda item, therefore the item was closed.

Agenda item A17 was introduced by the Mayor to review and consider taking action of the Engineer's Recommendation of the award of Construction Contract for the 6" Water line along Willow Drive. Mr. Kelly Kaluza from Kelly Kaluza and Associates spoke regarding the bid process. Mr. Kaluza stated the bid opening was held on January 12, 2016 and the City received nine (9) bids. MMG Contractors, LLC were the lowest bidder and excellent references were received. Commissioner Torres asked where the company was located and expressed that the City should hire locally if possible. Mr. Kaluza stated MMG was located in Houston. Commissioner Torres specifically asked about Gonzales Construction of which Mr. Kaluza stated there had been issues experienced with a previous project as the length of time and citizen complaints. Commissioner Gilmore made the motion to approve the Engineer's Recommendation of the award of the Construction Contract for the 6" Water Line along to Willow Drive to MMG Contractors, LLC. Commissioner Torres seconded the motion and the vote was two "ayes" and no "nays" to approve.

Mayor Moore introduced agenda item A18 to review and consider taking action on Resolution No. 126-2016, authorizing the submission of application to the Community Development Block Grant Fund for Phase VIII – North Richmond Sanitary Sewer Improvements. After a brief discuss, Commissioner Gilmore made the motion to approve the Resolution No. 126-2016, authorizing the submission of application to the Community Development Block Grant Fund for Phase VIII – North Richmond Sanitary Sewer Improvements. Commissioner Torres seconded the motion and the vote was unanimous.

Agenda item A19 was introduced by Mayor Moore to review and consider taking action Resolution No. 129-2016, Interlocal Agreement with Fort Bend County for housing of Emergency Medical Services. City Manager Vela briefly spoke regarding the agreement but then referred to Fire Chief Mike Youngblood to address the Commission. Chief Youngblood stated this was an opportunity to work with the County to house the EMS at Station No. 3 and it has taken approximately 2 years.

This location will be and “Intensive Care” unit with additional personnel. After a study it was determined the area around Station No. 3 is a high volume area. It is advantages to house the unit because the FD will be able to monitor the calls subsequently reducing the RFD dispatching units. Commissioner Torres made the motion to approve the Resolution No. 129-2016, Interlocal Agreement with Fort Bend County for housing of Emergency Medical Services. Commissioner Gilmore seconded the motion and the vote was two “ayes” and no “nays” to approve. The agenda item was closed.

The Mayor introduced agenda item A20 the Update on the Resolution No. 130-2016, Interlocal Agreement for the County Managed Mobility Project – FM 762/10<sup>th</sup> Street Project. City Manager Vela reported on the update stating that staff had been working on the agreement with the County. Vela explained this was approved by the voters in 2013 by a Fort Bend County Mobility Bond. Vela, County Commissioner Richard Morrison and County Engineer Richard Stolleis all had input to the Agreement and had agreed to amend Section 4(G) to reflect the payback clause to five (5) years instead of three (3). Also there is discussion regarding the median as to whether it should require a turn lane similar to Highway 36 or a median comparable to Highway 359. If a median was agreed to then there could be landscaping, lighting and additional terms that would need to be agreed upon. City Manager Vela stated that Phase 1 would allow for easier access to the neighborhood but Phase 2 would allow for additional traffic flow and development opportunities. Commissioner Torres commended the City Manager, Staff and the County for their good work on the agreement. Commissioner Gilmore stated he felt the agreement was good. Mayor Moore stated there were several concerns she had regarding the agreement as follows:

- Commissioners need to execute, not just the County Judge.
- At the end of construction of Phase 1, then and only then will they decide on Phase 2. The City needs a commitment for Phase 2.
- Section 3 (A) The County will oversee the project; feels the City should be involved. The word “City interference” needs to be removed and replaced with “partnership”. The Mayor expressed this is necessary due to the situation at Golfview.
- Section 3 (F) If the project (Phase 2) lacks feasibility, the County can cancel with written notice of 3 years vs 5 years.

This being an item where no action was required, the item was closed following discussion.



Agenda item A21 to review and consider taking action on the Ordinance No. 2016-08 which was the annexation of 64.366 acres of land into Richmond's Extra-Territorial Jurisdiction, located on the west side of Crabb River Road and south of Rabb's Bayou from the release from Sugar Land's Extra Territorial Jurisdiction, 3 tracts with petitions. City Manager Vela stated this had been a three (3) year process with the City of Sugar Land in an effort to clean up the ETJ boundaries of both cities. The City of Richmond will not be required to provide services for this annexed acreage. Commissioner Gilmore made the motion to approve Ordinance No. 2016-08 to allow the annexation of 64.366 acres of land into Richmond's Extra-Territorial Jurisdiction, located on the west side of Crabb River Road and south of Rabb's Bayou from the release from Sugar Land's Extra Territorial Jurisdiction. Commissioner Torres seconded the motion and the vote was two "ayes" and no "nays".

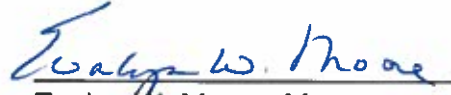
Mayor Moore introduced agenda item A22 to review and consider taking action on Resolution No. 131-2016, Interlocal Agreement for Purchasing of goods and services with the City of Sugar Land. City Manager Vela stated the agreement is similar to other agreements the City has with HGAC, Buy Board, and Harris County Department of Education. Public Works Director Howard Christian suggested the Agreement because of the power it offers in buying numerous items. Finance Director Lang reviewed and agreed the agreement would be a benefit to the City. Commissioner Gilmore made the motion to approve the Resolution No. 131-2016, Interlocal Agreement for Purchasing goods and services with the City of Sugar Land. Commissioner Torres seconded the motion and the vote was unanimous.

Mayor Moore introduced agenda item A23 which was an update on NRG Texas Power Agreements, Resolution No. 125-2016, Drainage Easement. Sanitary Sewer Line Agreement, Transmission Line Agreement, a Canal Crossing and a Canal Use Agreement between the City of Richmond and NRG Texas Power LLC.

Agenda item A24 was addressed at the beginning of the meeting.

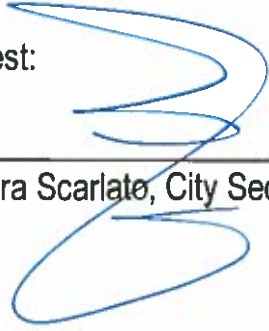
There being no further business to be brought before the Commission, Commissioner Torres motioned for the meeting to be adjourned. Commissioner Gilmore seconded and the Commission adjourned. The meeting was adjourned at 6:34 p.m.

APPROVED:



Evalyn W. Moore, Mayor

Attest:



Laura Scarlate, City Secretary