



City of Arcola

13222 Highway 6—Arcola, Texas 77583—Phone: 281-431-0606

www.arcolatexas.org

Minutes of a **Regular Meeting** of the City Council of the City of Arcola, County of Fort Bend, State of Texas, held on **Tuesday, October 10, 2023**, beginning at **6:00 p.m.** at: **Arcola City Hall, Room 124; 13222 Highway 6; Arcola, Texas 77583** for the purpose of considering the following items. The City Council of the City of Arcola, Texas, reserves the right to meet in closed session on any of the below items should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

- I. CALL TO ORDER:** Mayor Fred A. Burton called the meeting to order at 6:00 p.m.
- II. INVOCATION:** Council Member Florence Jackson gave the Invocation.
- III. PLEDGE OF ALLEGIANCE TO THE FLAG:** Council Member Rosemary Bigby led the Pledge of Allegiance to the Flag.
- IV. ROLL CALL:** Mayor Fred A. Burton, Mayor Pro-Tem Florence Jackson, Council Member Evelyn Jones, Council Member Ebony Sanco, Council Member Greg Abarr, and Council Member Rosemary Bigby. Also present were City Attorney Debra Mergel, City Secretary Sally Cantu, City Administrator Dr. Annette Goldberg, and Finance Director on call.

V. PUBLIC COMMENTS:

GENERAL COMMENTS FROM THE AUDIENCE. Citizens who desire to address the City Council with comments of a general nature will be received at this time. The total amount of time that a member of the public may address the City Council is limited to three (3) minutes, provided that any member of the public who addresses the City Council through a translator is limited to six (6) minutes. In accordance with the Texas Open Meetings Act, the City Council is restricted from discussing or taking any action on items not listed on the agenda. It is our policy to have all speakers identify themselves by providing their name and residential address when making comments. The City Council heard comments from Anna Rivera.

COMMENTS FROM THE AUDIENCE FOR CONSENT AND REGULAR AGENDA ITEM Citizens who desire to address the City Council, with regard to matters on the Consent Agenda or Regular Agenda will be received either at this time or, if they state at this time that they elect to do so, during the City Council's consideration of the item. The total amount of time that a member of the public may address the City Council on a given item is limited to three (3) minutes, provided that any member of the public who addresses the City Council on a given item through a translator is limited to six (6) minutes. Comments or discussion by the City Council Members will only be made at the time the agenda item is scheduled for consideration. It is our policy to have all speakers identify themselves by providing their name and residential address when making comments. The City Council heard comments from Rodrigo Carreon and Joyce Landry.

- VI. CITY COUNCIL COMMENTS:** Mayor Pro-Tem Florence Jackson, Council Member Evelyn Jones, Council Member Greg Abarr, Council Member Ebony Sanco, and Council Member Rosemary Bigby were present.
Mayor Pro-Tem Florence Jackson had no comments, Council Member Evelyn Jones commented on the Food Court being a liability to the City, Council Member Greg Abarr had no comments, Council Member Ebony Sanco commented on the positive changes being done in the city, and Council Member Rosemary Bigby said she likes the Arcola sign on the Water Plant.

VII. PUBLIC HEARINGS:

- 1. Public Hearing concerning the condition of private property under Chapter 342, Texas Health & Safety Code, Chapter 14 of the City's Code of Ordinances upon 302 Compton, regarding accumulation of nuisance trash and junk vehicles.**

Mayor Fred A. Burton opened a public hearing on the condition of private property under Chapter 342, Texas Health & Safety Code, Chapter 14 of the City's Code of Ordinances upon 302 Compton, regarding accumulation of nuisance trash and junk vehicles.

The City Council heard from Chief A. Carr regarding the accumulation of trash and junk vehicles at 302 Compton. Notices have been sent to the Citizen. The trash has been corrected; but they; have not corrected all junk vehicles. He is also in violation of building a fence without a permit.

No one from 302 Compton was present to be heard.

Mayor Fred Burton closed the public hearing concerning 302 Compton.

- 2. Public Hearing concerning the condition of private property under Chapter 342, Texas Health & Safety Code, Chapter 14 of the City's Code of Ordinances upon 530 Compton, regarding Junked/Abandoned vehicles and RV.**

Mayor Fred A. Burton opened a public hearing concerning the condition of private property under Chapter 342, Texas Health & Safety Code, Chapter 14 of the City's Code of Ordinances upon 530 Compton, regarding Junked/Abandoned vehicles and RV.

The City Council heard from Chief A. Carr regarding accumulation of trash and abandoned vehicle/RV upon 530 Compton. The citizen has torn down the RV and left the trash on the property. He moved the junked vehicle under the carport and placed a cover over it. As of today, he has not removed the trash.

No one from 530 Compton was present to be heard.

Mayor Fred Burton closed the public hearing concerning 530 Compton.

3. Public Hearing concerning the condition of private property under Chapter 342, Texas Health & Safety Code, Chapter 12 of the City's Code of Ordinances upon 303 Disney St., regarding High Grass and Junked/Abandoned vehicles.

Mayor Fred A. Burton opened a public hearing concerning the condition of private property under Chapter 342, Texas Health & Safety Code, Chapter 12 of the City's Code of Ordinances upon 303 Disney St., regarding High Grass and Junked/Abandoned vehicles.

The City Council heard Chief A. Carr regarding high grass and junked vehicles upon 303 Disney Street. They have complied with the high grass; but not complied with the junk vehicles.

No one from 303 Disney Street was present to be heard.

Mayor Fred Burton closed the public hearing concerning 303 Disney Street.

4. Public Hearing concerning the condition of private property under Chapter 342, Texas Health & Safety Code, Chapter 14 of the City's Code of Ordinances upon 124 Disney St., regarding Junked/Abandoned vehicles and RV, and Nuisance Trash.

Mayor Fred A. Burton opened a public hearing concerning the condition of private property under Chapter 342, Texas Health & Safety Code, Chapter 14 of the City's Code of Ordinances upon 124 Disney St., regarding Junked/Abandoned vehicles and RV, and Nuisance Trash.

The City Council heard from Chief A. Carr regarding the junk/abandoned vehicles and RV and nuisance trash upon 124 Disney Street. Chief Carr said that they have not had any response from the homeowner. The trash goes all the way to the back of the property. There are three owners of this property and Chief Carr has not heard from anyone.

No one from 124 Disney Street was present to be heard.

Mayor Burton closed the public hearing concerning 124 Disney Street.

5. Public Hearing concerning the condition of private property under Chapter 342, Texas Health & Safety Code, Chapter 14 of the City's Code of Ordinances upon 5711 Ladonia St., Junked Vehicles and RV.

Mayor Fred A. Burton opened a public hearing concerning the condition of private property under Chapter 342, Texas Health & Safety Code, Chapter 14 of the City's Code of Ordinances upon 5711 Ladonia St., Junked Vehicles and RV.

The City Council heard from Chief A. Carr regarding the junk/abandoned vehicles and high grass upon 5711 Ladonia Street. A truck and an SUV have been removed. A corvette and another vehicle are still there.

The City Council heard from the homeowner. He said he is still trying to comply despite his illness and disabilities. Mayor Burton said that he sees the effort and thanked him for coming in. It will be taken into consideration.

Mayor Fred Burton closed the public hearing concerning 5711 Ladonia Street.

6. Public Hearing concerning the condition of private property under Chapter 342, Texas Health & Safety Code, Chapter 14 of the City's Code of Ordinances upon 925 Davis Road, regarding High Grass and Nuisance (Building)

Mayor Fred A. Burton opened a public hearing concerning the condition of private property under Chapter 342, Texas Health & Safety Code, Chapter 14 of the City's Code of Ordinances upon 925 Davis Road, regarding High Grass and Nuisance (Building)

The City Council heard from Chief A. Carr regarding the high grass and a building that needs to be torn down upon 925 Davis Road. They have no contact with the homeowner and have not heard from them. Chief Carr's concern about this property is that there are several disabled children that live on this street and if something was to happen and they go into the abandoned house, it is not very safe.

No one from 925 Davis Road was present to be heard.

Mayor Fred Burton closed the public hearing concerning 925 Davis Road.

7. Public Hearing concerning the condition of private property under Chapter 342, Texas Health & Safety Code, Chapter 14 of the City's Code of Ordinances upon 404-1 Post Road, regarding High Grass and Nuisance (Trash).

Mayor Fred A. Burton opened a public hearing concerning the condition of private property under Chapter 342, Texas Health & Safety Code, Chapter 14 of the City's Code of Ordinances upon 404-1 Post Road, regarding High Grass and Nuisance (Trash).

The City Council heard from Chief A. Carr regarding high grass and nuisance trash upon 404-1 Post Road. Chief Carr reported that there was a mobile home on the property, and they tore the mobile home down and left all the trash. The homeowners have not made an effort to contact the police department nor cleared the property.

No one from 404-1 Post Road was present to be heard.

Mayor Fred Burton closed the public hearing concerning 404-1 Post Road.

8. Public Hearing concerning the condition of private property under Chapter 342, Texas Health & Safety Code, Chapter 14 of the City's Code of Ordinances upon 344 South Pine, regarding Junked Vehicles/Trash.

Mayor Fred A. Burton opened a public hearing concerning the condition of private property under Chapter 342, Texas Health & Safety Code, Chapter 14 of the City's Code of Ordinances upon 344 South Pine, regarding Junked Vehicles/Trash.

The City Council heard from Chief A. Carr regarding junk vehicles and trash upon 344 South Pine. Chief Carr reported that they have cleared the junk vehicle and some of the trash. There is an abandoned building on this property, and it is falling in. They have brought in an RV, and someone is living in it. They have not contacted the police department nor made any changes to this property.

No one from 344 South Pine was present to be heard.

Mayor Fred Burton closed the public hearing concerning 344 South Pine.

VIII. CONSENT AGENDA: None

IX. REGULAR AGENDA:

A. Discussion, Consideration and Possible Action—Previous meeting minutes of September 12, 2023 and related matters.

Council Member Greg Abarr moved to table IX. A; **seconded by Mayor Pro-Tem Florence Jackson.** All were in favor.

Aye: Mayor Pro-Tem Florence Jackson and Council Members Evelyn Jones, Greg Abarr, Ebony Sanco and Rosemary Bigby

Nay: 0

Motion carried. 5-0

B. Discussion, Consideration and Possible Action—Frost Bank, including BNYM Third Party Custodian Agreement, Frost Public Funds Depository Agreement, Frost Public Funds Security Agreement, renewal, and related matters.

Mayor Pro-Tem Florence Jackson moved to table IX. B; **seconded by Council Member Greg Abarr**. All were in favor.

Aye: Mayor Pro-Tem Florence Jackson and Council Members Evelyn Jones, Greg Abarr, Ebony Sanco and Rosemary Bigby

Nay: 0

Motion carried. 5-0

C. Discussion, Consideration and Possible Action—Updates from Mayor Fred A. Burton, including: 1. City of Arcola 5th Annual BBQ Cook-Off and related matters.

Mayor Fred Burton announced the Arcola 5th Annual BBQ Cook-Off will be held at Arcola City Hall on the second weekend in October. So far, there are 9 teams. There will be fun activities for the kids.

D. Discussion, Consideration and Possible Action—Fenn Road Development and related matters. Council Member Greg Abarr moved to table IX. C; **seconded by Mayor Pro-Tem Florence Jackson**. All were in favor.

Aye: Mayor Pro-Tem Florence Jackson and Council Members Evelyn Jones, Greg Abarr, Ebony Sanco and Rosemary Bigby

Nay: 0

Motion carried. 5-0

E. Discussion, Consideration and Possible Action—Update from L. Garrette, Permit Administrator, including:

1. Month of September 2023 Permit Report and related matters.

Permit Administrator L. Garrette presented the month of September 2023 Permit Report to the City Council.

Mayor Pro-Tem Florence Jackson moved to accept the month of September 2023 Permit Report as presented by L. Garrette; **seconded by Council Member Ebony Sanco**. All were in favor.

Aye: Mayor Pro-Tem Florence Jackson and Council Members Evelyn Jones, Greg Abarr, Ebony Sanco and Rosemary Bigby

Nay: 0

Motion carried. 5-0

F. Discussion, Consideration and Possible Action—Update from Chief A. Carr, Arcola Police Department; including:

1. Month of September 2023 Police Report and related matters.

Chief A. Carr of the Arcola Police Department reviewed the month of September 2023 Police Report. She included the August 2023 police report in her September 2023 Police Report.

Mayor Pro-Tem Florence Jackson moved to accept the month of September 2023 Police Report as presented by Chief A. Carr; **seconded by Council Member Evelyn Jones**. All were in favor.

Aye: Mayor Pro-Tem Florence Jackson and Council Members Evelyn Jones, Greg Abarr, Ebony Sanco and Rosemary Bigby

Nay: 0

Motion carried. 5-0

G. Discussion, Consideration and Possible Action—Update from John Montgomery, Municipal Operations and Consulting, including:

1. Month of September 2023 Operator's Report and related matters.

Mr. John Montgomery, of Municipal Operations presented the month of September 2023 Operator's Report for the City of Arcola.

Mayor Pro-Tem Florence Jackson moved to accept the City of Arcola month of September 2023 Operator's Report as presented by Mr. John Montgomery; **seconded by Council Member Evelyn Jones**. All were in favor.

Aye: Mayor Pro-Tem Florence Jackson and Council Members Evelyn Jones, Greg Abarr, Ebony Sanco and Rosemary Bigby

Nay: 0

Motion carried. 5-0

H. Discussion, Consideration and Possible Action—Community Express, Inc. Summer Program, including updates, reports, presentation, and related matters.

Ms. Priscilla Graham of Community Express, Incorporated Summer Program reported that the Summer Program was fantastic. She gave an overview of the program. She thanked Mayor Burton and presented him with a letter from the kids and a book. She also thanked Nino Corbett and presented him with a letter from the kids and a book.

This year they put together a documentary of what the students did.

Mayor Pro-Tem Florence Jackson moved to accept the report from Ms. Priscilla Graham of Community Express, Incorporated Summer Program; **seconded by Council Member Ebony Sanco**. All were in favor.

Aye: Mayor Pro-Tem Florence Jackson and Council Members Evelyn Jones, Greg Abarr, Ebony Sanco and Rosemary Bigby

Nay: 0

Motion carried. 5-0

I. Discussion, Consideration and Possible Action—City of Arcola Purchasing Policy, updates, and related matters.

Mayor Pro-Tem Florence Jackson moved to table IX. I; **seconded by Council Member Evelyn Jones**. All were in favor. Aye: Mayor Pro-Tem Florence Jackson and Council Members Evelyn Jones, Greg Abarr, Ebony Sanco and Rosemary Bigby
Nay: 0

Motion carried. 5-0

J. Discussion, Consideration and Possible Action—Update from Kaluza, Inc. including:

1. City Hall Sanitary Sewer Lift Station and related matters.

Mr. Llarance Turner of Kaluza, Inc. reported that within the next 30 days we should be able to get access through the main entrance of City Hall. The City Hall Sanitary Lift Station will probably be completed by the first quarter of the year.

2. Sanitary Sewer System Evaluation & Rehabilitation (I&I Testing)

The Sanitary Sewer System Evaluation and Rehabilitation is complete as it relates to the smoke testing portion. Mr. John Montgomery is 35% complete. The City Secretary is still addressing notices and receiving phone calls.

Council Member Greg Abarr inquired about televising the lines. Mr. Turner responded that the majority of the project is for smoke testing and it's the first step. If they run into major issues they will start televising the lines.

3. Wastewater Treatment Plant Expansion #1 (0.675 mgd to 0.950 mgd) and related matters.

Mr. Turner reported construction is moving forward. He also gave an update on the force main in relation to the expansion of FM 521.

4. Fort Bend County MUD #141—Petition for Arcola Consent to Annex 98 Acres into MUD #141 and related matters.

This item is a request from FBC MUD #141 to include 98 acres of additional land in its district. The area being added to its boundary would be served water and sanitary sewer from the district. All plans and plats would still be reviewed by the City of Arcola before being constructed. The area being annexed is part of the overall conceptual master plan approved by City of Arcola during the formation of this MUD.

5. Fresh Water Supply District #1 Wastewater Treatment Plant Expansion #2 (850,000 mgd) and related matters.

a. Freshwater: 500,000 mgd – Approved by City Council on July 12, 2023

b. City of Arcola: 100,000 mgd -Approved by City Council on July 12, 2023

c. 250,000 mgd: TBD

This project is a result of FWSD #1 request to expand the WWTP 500,000 mgd as per the letter sent to City of Arcola. Contractually the City is required to within 30 days respond if they want to participate in the expansion. If the City wishes not to participate FWSD #1 will want the City to move forward with the project and all expenses related to the project will be funded by FWSD #1. FWSD #1 will have to be included in all correspondence and plan review related to the project. This is Arcola plant but contractually this expansion must occur. Because of the components required for the FWSD #1 expansion the next logical and economical expansion is 850,000 mgd.

Council Member Greg Abarr moved to accept the report; **seconded by Council Member Evelyn Jones**. All were in favor.

Aye: Mayor Pro-Tem Florence Jackson and Council Members Evelyn Jones, Greg Abarr, Ebony Sanco and Rosemary Bigby

Nay: 0

Motion carried. 5-0

K. Discussion, Consideration and Possible Action—Final Plat-POST OAK POINTE SECTION 4, A Subdivision of 19,894 Acres of Land Situated in the Thomas Barnett Survey, Abstract 7, City of Arcola, Fort Bend County, Texas. 54 Lots, 5 Restricted Reserves (7.564 Acres), 1 Block

Mr. Llarance Turner presented **Final Plat-POST OAK POINTE SECTION 4, A Subdivision of 19,894 Acres of Land Situated in the Thomas Barnett Survey, Abstract 7, City of Arcola, Fort Bend County, Texas. 54 Lots, 5 Restricted Reserves (7.564 Acres), 1 Block.** There are comments they need to address and must address prior to signature and releasing of plat. There is also a Note on public improvement that needs to be added.

Council Member Greg Abarr noted and asked Mr. Turner to confirm that currently the City of Arcola does not have enough wastewater capacity to handle that section of homes without the current expansion that is going on right now. Mr. Turner confirmed it. Without the expansion this doesn't happen. That is why they are having to place a note on the plat regarding public improvements.

Council Member Greg Abarr moved to approve Final Plat-POST OAK POINTE SECTION 4, A Subdivision of 19,894 Acres of Land Situated in the Thomas Barnett Survey, Abstract 7, City of Arcola, Fort Bend County, Texas. 54 Lots, 5 Restricted Reserves (7.564 Acres), 1 Block contingent upon completion of the current expansion of the Wastewater Treatment Plant and all public improvements; **seconded by Council Member Evelyn Jones.** All were in favor.

Aye: Mayor Pro-Tem Florence Jackson and Council Members Evelyn Jones, Greg Abarr, Ebony Sanco and Rosemary Bigby

Nay: 0

Motion carried. 5-0

L. Discussion, Consideration and Possible Action—ORDINANCE NO. 2023-10-10; AN ORDINANCE RELATING TO THE OFFICIAL NEWSPAPER; AND CONTAINING FINDINGS AND PROVISIONS RELATING TO THE SUBJECT.

City Administrator Dr. Annette Goldberg presented an ordinance relating to the city's official newspaper. Her recommendation is to continue with Fort Bend Herald as the official newspaper.

Mayor Pro-Tem Florence Jackson moved to approve ORDINANCE NO. 2023-10-10; AN ORDINANCE RELATING TO THE OFFICIAL NEWSPAPER; AND CONTAINING FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; **seconded by Council Member Rosemary Bigby.** All were in favor.

Aye: Mayor Pro-Tem Florence Jackson and Council Members Evelyn Jones, Greg Abarr, Ebony Sanco and Rosemary Bigby

Nay: 0

Motion carried. 5-0

M. Discussion, Consideration and Possible Action—Updates from the Fire Marshal, including:

- 1. 2021 International Fire Code, including adoption and related matters.**
- 2. 2018 IEBC (International Existing Building Code), including adoption and related matters.**

City of Arcola Fire Marshal Efrem Burns presented the background and purpose for the 2021 International Fire Code (IFC) and 2018 International Existing Building Code (IEBC)

2021 INTERNATIONAL FIRE CODE

The Fire Code, 2021 (IFC 2021) is a code produced by the International Code Council (ICC). This document provides the foundation for many state and city codes. The IFC 2021 Combined with local amendments form state codes. The IFC 2021 will be utilized to lay the foundation governing the City of Arcola's standards and guidelines by which existing and future business entrepreneurs shall adhere in the spirit of fostering safe and prudent dwellings throughout the city. More importantly, assuring sound and logical life safety parameters for our citizens and children are fostered pertaining to building construction, renovation, hazardous materials storage and production, bulk materials storage and multi-family dwellings (apartment homes).

NOTABLE TEXAS CITIES WHO HAVE ADOPTED 2021 IFC

Austin, Dallas, San Antonio

Adoption of this code would most surely establish the City of Arcola as a proactive leader in life safety advancement and set a new standard for surrounding cities who average only 2015 or 2018 adopted versions of the IFC as current.

2018 INTERNATIONAL EXISTING BUILDING CODE (IEBC)

The International Existing Building Code is a model code in the International family of codes intended to provide requirements for repair and alternative approaches for alterations and additions to existing buildings. Many existing buildings and structures do not comply with current building code requirements for new construction. Although many of these buildings are potentially salvageable, rehabilitation is often cost-prohibitive because compliance with all the requirements for new construction could require extensive changes that go well beyond the value of the building or the original scope of the alteration.

At the same time, it is necessary to regulate construction in existing buildings that undergo additions, alterations, extensive repairs, or a change of occupancy. Such activity represents an opportunity to ensure that new construction complies with the current building codes and that existing conditions are maintained, at a minimum, to their current level of compliance or improved as required to meet basic safety levels.

To accomplish this objective, and to make the alteration process easier, this code allows for options for controlled departure from full compliance with the international codes dealing with new construction, while maintaining basic levels for fire protection, structural and life safety features of the rehabilitated building.

City of Arcola Fire Marshal Burns' suggestion to City Council is to adopt the 2021 International Fire Code and 2018 International Existing Building Code (IEBC).

1. After discussion, **Council Member Greg Abarr moved** to approve the 2021 International Fire Code; **seconded by Mayor Pro-Tem Florence Jackson**. All were in favor.

Aye: Mayor Pro-Tem Florence Jackson and Council Members Evelyn Jones, Greg Abarr, Ebony Sanco and Rosemary Bigby
Nay: 0

Motion carried. 5-0

2. After discussion, **Council Member Greg Abarr moved** to approve 2018 International Existing Building Code (IEBC); **seconded by Mayor Pro-Tem Florence Jackson**. All were in favor.

Aye: Mayor Pro-Tem Florence Jackson and Council Members Evelyn Jones, Greg Abarr, Ebony Sanco and Rosemary Bigby
Nay: 0

Motion carried.

N. Discussion, Consideration and Possible Action—Final Plat—PATEL DEVELOPMENT LADONIA STREET, A Subdivision of 34.3959 Acres Being a Replat of a Combination of 7.855 Acres, DOC. NO. 2015122558 and 26,5379 Acres, DOC. NO. 2014040387 Official Public Records of Fort Bend County, Texas, Situated in the Manuel Escalera Survey, A—170, Fort Bend County, Texas. 3 Reserves, 1 Block

Council Member Greg Abarr moved to table IX. N; **seconded by Mayor Pro-Tem Florence Jackson**. All were in favor.

Aye: Mayor Pro-Tem Florence Jackson and Council Members Evelyn Jones, Greg Abarr, Ebony Sanco and Rosemary Bigby
Nay: 0

Motion carried. 5-0

The City Council adjourned into Executive Session on October 10, 2023 at 7:52 p.m.

O. Executive Session—Section 551.071, Texas Government Code

1. Consultation with attorney regarding pending or contemplated litigation, pursuant to Texas Government Code.

--Closed or executive session as authorized by Section 551.071, Texas Government Code

The City Council reconvened to Regular Session on October 10, 2023 at 8:04 p.m.

P. ADJOURNMENT.

Council Member Evelyn Jones moved to adjourn the meeting at 8:05 p.m.; **seconded by Mayor Pro-Tem Florence Jackson**. All were in favor.

Aye: Mayor Pro-Tem Florence Jackson and Council Members Evelyn Jones, Greg Abarr, Ebony Sanco and Rosemary Bigby
Nay: 0

Motion carried. 5-0