



City of Arcola

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cityoffarcolatx.org

Minutes of a Special Meeting of the City Council of the City of Arcola, County of Fort Bend, State of Texas, held on Tuesday, March 2, 2021, beginning at 7:00 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 Burton called the meeting to order at 7:05 p.m.

II. INVOCATION AND THE PLEDGE OF ALLEGIANCE

Mayor Pro Tem Florence Jackson gave the Invocation and Council Member Evelyn Jones led the Pledge of Allegiance.

III. ROLL CALL: Mayor Fred A. Burton, Mayor Pro Tem Florence Jackson, Council Member Evelyn Jones, Council Member Ebony Sanco, Council Member Chloe Sanco, Council Member Rosie Rojas

All members of City Council were present. Also present were City Secretary Sally Cantu, City Attorney Carl Allred, City Administrator Annette Goldberg, and City Financial Advisor Greg Abarr.

IV. 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.

City Council heard comments from former Police Officer Anthony Brigham regarding his employment with the City.

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.

V. PUBLIC HEARINGS: None

VI. CONSENT AGENDA: None

A. Discussion, Consideration and Possible Action—Water and Wastewater Systems and including Operator's Report by John Montgomery, Municipal Operations and Consulting; including delinquent notices and recommendations from PUC.

John Montgomery, Utility Operator for the City of Arcola, reported that the Public Utility Commission sent notifications out to all Operators in cities and municipal utility districts requesting to follow their lead and their recommendations during the freeze situation beginning on February 15th running through February 19th to not terminate services to any customers, no late penalties, no delinquent fees assessed to the accounts until the Governor and the PUC have a chance to reevaluate the situation. He speculates that the recommendation take place until April 15th. He requested approval to follow the recommendations of the Governor and the PUC and revisit in April.

Mr. Montgomery reported that he is working diligently on the contract with Fort Bend MUD 141. They meet at noon on March 15th. He sent a draft to Mr. Turner for review and to Fort Bend MUD 141 Engineer. He will also send the contract to Fort Bend MUD 141 Attorney and to the City Attorney. He would like Fort Bend MUD 141 to approve it next week, and if they approve it, FWSD No. 1 will also have to approve it because it is a joint facility contract. This contract is for an extra 100 temporary connections from Fort Bend MUD 141.

After discussion, Council Member so moved to extend all water and sewer action until sometime in April and Mr. Montgomery come back with a report; seconded by Mayor Pro Tem Florence Jackson. All were in favor.

Aye: Council Members Evelyn Jones, Chloe Sanco, Mayor Pro Tem Florence Jackson, Ebony Sanco and Rosie Rojas
Nay: 0
Motion carried. 5-0

VII. REGULAR AGENDA

A. Discussion, Consideration and Possible Action—CERTIFICATION OF UNOPPOSED CANDIDATES FOR THE CITY OF ARCOLA. (*CERTIFICACION DE CANDIDATOS UNICOS PARA LA CIUDAD DE ARCOLA*)

City Secretary Sally Cantu noted that City Council previously called the City of Arcola General Election for May 1, 2021. There were three Council Member positions open, and three candidates applied for those positions. The positions were unopposed. City Secretary Sally Cantu presented Certification of Unopposed Candidates for the City of Arcola to City Council. The unopposed candidates are Council Member Evelyn Jones, Council Member Ebony Sanco and Council Member Greg Abarr.

Mayor Pro Tem Jackson so moved to accept the CERTIFICATION OF UNOPPOSED CANDIDATES FOR THE CITY OF ARCOLA; **seconded by Council Member Evelyn Jones**. All were in favor.

Aye: Council Members Evelyn Jones, Chloe Sanco, Mayor Pro Tem Florence Jackson, Ebony Sanco and Rosie Rojas
Nay: 0
Motion carried. 5-0

B. Discussion, Consideration and Possible Action—ORDINANCE NO. 2021-03-02; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCOLA, TEXAS CANCELLING THE MAY 1, 2021 GENERAL ELECTION OF THE CITY OF ARCOLA, TEXAS, AS PERMITTED UNDER SECTION 2.053 OF THE TEXAS ELECTION CODE.

Council Member Evelyn Jones so moved to approve ORDINANCE NO. 2021-03-02; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCOLA, TEXAS CANCELLING THE MAY 1, 2021 GENERAL ELECTION OF THE CITY OF ARCOLA, TEXAS, AS PERMITTED UNDER SECTION 2.053 OF THE TEXAS ELECTION CODE; **seconded by Mayor Pro Tem Florence Jackson**. All were in favor.

Aye: Council Members Evelyn Jones, Chloe Sanco, Mayor Pro Tem Florence Jackson, Ebony Sanco and Rosie Rojas
Nay: 0
Motion carried. 5-0

C. Discussion, Consideration and Possible Action—Approval to supply electricity to the trailer occupied by the City of Arcola Maintenance Department Staff and including recommendation of vendor quote, not to exceed \$7,500.00.

Mayor Fred Burton requested approval to supply electricity to the double wide trailer occupied by the City of Arcola Maintenance Staff. The double wide trailer is in the Sewer Treatment Plant area. The low bid is \$7,500.00

Mayor Pro Tem Jackson so moved to supply electricity to the trailer occupies by the City of Arcola Maintenance Department Staff at the low bid of \$7,500.00; **seconded by Council Member Ebony Sanco**. All were in favor.

Aye: Council Members Evelyn Jones, Chloe Sanco, Mayor Pro Tem Florence Jackson, Ebony Sanco and Rosie Rojas
Nay: 0
Motion carried. 5-0

D. Discussion, Consideration and Possible Action—Concerning an agreement with Philip's Capitol for the commercial development of land within the City of Arcola, Texas.

The City Attorney Carl Allred noted they will be drafting a development agreement that will include all the provision Philip's Capitol has provided, minus one relating to Impact Fees. They asked the City to waive impact fees for sewer and water and that is something the City cannot do. They are going to petition for the City to annex their property. The development agreement will outline how they plat the property, how they plan for the structures they are going to put on the property and any of the other provisions they might want to see, and the City agrees and vice-vera.

Financial Advisor Greg Abarr noted that he and Mayor Burton met with representatives for Philip Capitol Investment. They have two pieces of property located on Highway 6, south of Ladonia on the north side of the street. They want to have a convenience store, a fast-food restaurant and retail. They have a 3.3-acre tract and a 1.03-acre tract. They have not decided what they want to put on that piece of property. They are asking the City of Arcola to provide water and sewer for their location. They are outside the Arcola city limits. Charleston MUD could provide them with water and

sewer. If they are outside of the city limits, the city gets no property tax, no sales tax, and no water and sewer connection fees. The City gets no revenue at all. One of the things presented to them is if the City provides water and sewer; they would annex those properties into the City limits. If they do annex the properties into the City limits; the City does get sales tax from the businesses, property taxes; and the property taxes not only be for the land; it would be for the development as well. It could **be well over** \$100,000.00 a year in property taxes, approximately, with the sales taxes as well. They met with them and came up with some agreement points. The agreement points are they will annex both of those pieces of properties into the City. They will pay for all of that. They are going to pay for their attorney fees, they are going to pay for the City attorney fees. The City will not have to pay for them to annex the property into the City limits. Because the water and sewer lines are not right next to the pieces of property, the water and sewer lines to extend from where they currently are is a rough estimate of about \$200,000.00. They will also pay for tap fees to connect to water and sewer to their piece of property. There is a Phase 1 and Phase 2 part of this development. Phase 1 is for the convenient store and restaurant. Phase 2 is for retail development. Because they are spending a lot of money developing this piece of property, City of Arcola in the long run is going to be a very positive cashflow; which is going to help the City in revenue on an annual basis. In the proposed agreement, the City was going to waive impact fees. Impact fees are fees people pay to connect to the water and sewer system. They want 23 water and sewer connections, which calculates to about \$128,800.00. However, the City cannot waive impact fees. The City could support them in connecting their system to the City's water and sewer system. Instead of impact fees, they can pay impact fees and the City can pay \$128,800.00 helping them connect to the City's system. The City Attorney will have to investigate it. The city wants positive cashflow coming from these pieces of properties. They have a choice they can say they do not want to come into the City of Arcola and the City of Arcola gets nothing or work with them and try to come up with an agreement and be able to bring in sales taxes and property taxes into the City. This is the proposal to City Council.

Financial Advisor Greg Abarr's recommendation is to go forward with it because it will benefit the City in the long run. Mayor Fred Burton agreed. City Administrator Annette Goldberg strongly supports the development agreement.

Council Member Ebony Sanco so moved to move forward with the Philips Capitol development agreement; **seconded by Mayor Pro Tem Florence Jackson**. All were in favor.

Aye: Council Members Evelyn Jones, Chloe Sanco, Mayor Pro Tem Florence Jackson, Ebony Sanco and Rosie Rojas

Nay: 0

Motion carried. 5-0

E. Discussion, Consideration, and Possible Action on an agreement with Fort Bend County concerning a guarantee made pursuant to Section 108 of Title I of the Housing and Community Development Act of 1974.

City Administrator Annette Goldberg reminded City Council that the Section 108 fund for the 3.4 million dollars has been approved and that money will be used to build the City's Water Plant. However, the money has not been delivered to Fort Bend County as of today. Commission Vincent Morales and Commissioner Grady Prestage have agreed to upfront the money to the City of Arcola until the Section 108 money gets delivered. Once it is delivered, City of Arcola will not be the holder of the money, but Fort Bend County will. Effective 2020, the City of Arcola can no longer receive CDBG grant funds because it will be used to pay the Section 108 loan. Timing is very critical because Nino Corbett with Post Oak properties is aggressively building homes and he needs water. Staff does not want to interrupt that progress. Staff is asking City Council to approve the agreement.

City Administrator Annette Goldberg noted that the agreement was not written by the City. It was written by Fort Bend County Attorney and he has been working with their Commissioners to develop it. The City Attorney has seen the agreement and with minor changes. Once approved, it will go to Fort Bend County Commissioner's agenda. This is only asking to approve the agreement between the City of Arcola and Fort Bend County to upfront the money until Section 108 Loan gets delivered.

City Attorney Carl Allred reviewed the minor changes to the agreement with City Council.

Mayor Pro Tem Jackson so moved to approve the agreement between City of Arcola and Fort Bend County to upfront the money until Section 108 Loan gets delivered; **seconded by Council Member Evelyn Jones**. All were in favor.

Aye: Council Members Evelyn Jones, Chloe Sanco, Mayor Pro Tem Florence Jackson, Ebony Sanco and Rosie Rojas

Nay: 0

Motion carried. 5-0

VII. ADJOURNMENT.

Council Member Florence Jackson so moved to adjourn at 7:55 p.m.; **seconded by Council Member Evelyn Jones.** All were in favor.

Aye: Council Members Evelyn Jones, Chloe Sanco, Mayor Pro Tem Florence Jackson, Ebony Sanco and Rosie Rojas

Nay: 0

Motion carried. 5-0