

August 25 - 27

HOWARD
KATZ

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Howard L. Katz

From: Howard L. Katz [katz@coveler.com]
Sent: Wednesday, September 03, 2014 2:17 PM
To: 'tvela@ci.richmond.tx.us'
Cc: 'Joe'
Subject: FW: Response coverage map

Attachments: Current Pecan Grove Fire District 8.pdf; ATT05725.htm

Ms. Vela - attached is a revised boundary map for the proposed Pecan Grove VFD area ESD. I believe you were suggesting we request being on the 9/8 Commission meeting to introduce the ESD plan for the Pecan Grove VFD service area. The meeting I am referring to is below. Please advise if I have the meeting dates correct as we had discussed. Thank you.

Special Commission Meeting

- Date: 09/08/2014 4:30 PM 09/08/2014 4:30 PM 09/08/2014
- Location: Richmond City Hall Annex
600 Morton Street
Richmond, Texas 77469

Howard L. Katz
Coveler & Katz, P.C.
Two Memorial City Plaza
820 Gessner, Suite 1710
Houston, TX 77024
713-984-8222
713-984-0670 fax

From: Joe [mailto:joewoolley1@att.net]
Sent: Thursday, August 28, 2014 9:34 AM
To: Howard L. Katz; Chuck Bertrand; Golden Kathy
Subject: Fwd: Response coverage map

See new map

Sent from my iPhone

Howard L. Katz

From: Howard L. Katz [katz@coveler.com]
Sent: Friday, September 26, 2014 1:58 PM
To: 'emoore@richmondtx.gov'
Cc: 'tvela@ci.richmond.tx.us'
Subject: Proposed Pecan Grove/Waterside emergency services district

Attachments: PGVFD ESD Petition.pdf

Mayor Moore - I am an attorney working with the Pecan Grove VFD and the petitioners who are seeking to create an emergency services district for the area currently covered by Pecan Grove VFD. A copy of the petition is attached.

As you may recall, I and others presented the matter to the city manager, Ms. Vela, and Fire Chief Youngblood. You may also recall that the Commission members were kind enough to allow the Pecan Grove VFD Fire Chief and myself to appear before the Commission on September 8 to address this matter.

The attached petition is being circulated and I expect that it will be presented to the City in October or early November. You will recall that pursuant to Chapter 775, Health & Safety Code, in order to form an emergency services district, consent is required from the City which has ETJ area in the proposed emergency services district.

I would like to offer both to answer any questions that you may have regarding our petition or the workings of the proposed emergency services district, and to meet with you at your convenience or any city staff regarding same.

Thank you for your attention and consideration.

Howard L. Katz
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Howard L. Katz

From: Howard L. Katz [katz@coveler.com]

Sent: Friday, September 26, 2014 2:12 PM

To: 'jtorres@richmondtx.gov'

Cc: 'tvela@ci.richmond.tx.us'

Attachments: PGVFD ESD Petition.pdf

Commissioner Torres - I am an attorney working with the Pecan Grove VFD and the petitioners who are seeking to create an emergency services district for the area currently covered by Pecan Grove VFD. A copy of the petition is attached.

As you may recall, I and others presented the matter to the city manager, Ms. Vela, and Fire Chief Youngblood. You may also recall that the Commission members were kind enough to allow the Pecan Grove VFD Fire Chief and myself to appear before the Commission on September 8 to address this matter.

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Howard L. Katz

From: Howard L. Katz [katz@coveler.com]

Sent: Friday, September 26, 2014 2:00 PM

To: 'ggilmore@richmondtx.gov'

Cc: 'tvela@ci.richmond.tx.us'

Attachments: PGVFD ESD Petition.pdf

Commissioner Gilmore - I am an attorney working with the Pecan Grove VFD and the petitioners who are seeking to create an emergency services district for the area currently covered by Pecan Grove VFD. A copy of the petition is attached.

As you may recall, I and others presented the matter to the city manager, Ms. Vela, and Fire Chief Youngblood. You may also recall that the Commission members were kind enough to allow the Pecan Grove VFD Fire Chief and myself to appear before the Commission on September 8 to address this matter.

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1/13/2015



City of Richmond

Where History Meets Opportunity

Special City Commission Meeting
600 Morton Street
Monday, September 8, 2014 at 4:30 P.M.

Mayor Evalyn Moore

Commissioner Glen Gilmore Commissioner Jesse Torres

AGENDA

- A1. Call to Order, Quorum Determined, Meeting Declared Open.
- A2. Presentations:
 - a. None.
- A3. Public comments. (Public comment is limited to a maximum of 3 minutes per speaker and/or 21 minutes total time for all speakers. Not for items listed on Agenda. No Deliberations with the Commission).
- A4. Public Hearing on Replat for Surface Water Treatment Plant.
- A5. Review and approve the minutes for the August 18, 2014 Commission meeting (copies are enclosed).
- A6. Review and consider approving Replat No. 1 for River Pointe Center Reserve "C2", 6.685 acres of land, located on Point West Circle and U.S. Highway 59, City of Richmond, Texas.
- A7. Review and discuss FY 2014-2015 Budget – Expenditures.
- A8. Review and discuss Proposed Emergency Service District – Pecan Grove.

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.

- A9. Adjourn to Executive Session, as authorized by Texas Government Code, Sections 551.071, 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";

- E1. Executive Session- Attorney/Client Consultation in accordance with 551.071.
1. Proposed Emergency Service District expansion and legal issues.

OPEN MEETING

- C1. Reconvene into Open Meeting and consider action, if any, on items discussed in Executive Session.
- 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 551.071-551.084 of the Texas Government Code, including, but not limited to, Section 551.071 – for purpose of a private consultation with the Board's attorney on any or all subjects or matters authorized by law.

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.

COVELER & KATZ, P.C.

Attorneys At Law
TWO MEMORIAL CITY PLAZA
820 GESSNER, SUITE 1710
HOUSTON, TEXAS 77024-8261
Telephone (713) 984-8222
Facsimile (713) 984-0670

January 7, 2015

The Honorable Evalyn W. Moore
Mayor, City of Richmond
402 Morton Street
Richmond, Texas 77469

Re: Request for reconsideration of denial of consent to creation of Fort Bend County Emergency Services District No. 7 (Pecan Grove VFD Service Area)

Dear Mayor Moore:

You may re-call that this office is counsel to the petitioners who are seeking to create an Emergency Services District ("ESD") in the Pecan Grove and Waterside Estates areas of Fort Bend County. The proposed District boundaries include portions of the ETJ of the City of Richmond.

I would like to follow-up the December 15, 2014 City Council meeting when the Council voted to deny the Petitioners' request for consent to include a part of the Richmond ETJ in the proposed ESD. This action was later memorialized in a January 5, 2015 letter.

We of course respect the Council's right and prerogative to make that decision. However, I would like to address again one point that perhaps was not made as clearly as possible at the December 15 meeting. This concerns the City's annexation rights and ability to retain control of its ETJ area.

The following is the applicable language from Section 775.022, Health & Safety Code, concerning municipal annexation.

(a) If a municipality completes all other procedures necessary to annex territory in a district and if the municipality intends to provide emergency services to the territory by the use of municipal personnel or by some method other than by use of the district, the municipality shall send written notice of that fact to the board. The municipality must send the notice to the secretary of the board by certified mail, return receipt requested. The territory remains part of the district and does not become part of the municipality until the secretary of the board receives the notice. On receipt of the notice, the board shall immediately change its records to

The Honorable Evalyn W. Moore
Mayor, City of Richmond
January 7, 2015
Page 2

show that the territory has been disannexed from the district and shall cease to provide further services to the residents of that territory.

The existence of an ESD does not in any way preclude municipal annexation. In fact the annexation of only part of an ESD is contemplated under the section.

The section also provides:

(c) If a municipality annexes territory in a district, the municipality shall compensate the district immediately after disannexation of the territory under Subsection (a) in an amount equal to the annexed territory's pro rata share of the district's bonded and other indebtedness as computed according to the formula in Subsection (e). The district shall apply compensation received from a municipality under this subsection exclusively to the payment of the annexed territory's pro rata share of the district's bonded and other indebtedness.

As you can see, in the event of any debt, a municipal payment is only for a pro rata portion. This contrasts significantly from an annexation of a MUD, where partial annexations are not permitted and all the MUD debt must be accounted for.

Going even further, the annexation by a city of a portion of an ESD does not even impose the requirement of the city taking on the debt payment or any obligation to provide emergency services. It is the city's option. As cited in Section 775.022(a), the municipal obligations are only triggered upon the city's election. The section provides municipal undertaking only "... if the municipality intends to provide emergency services to the territory by the use of municipal personnel or by some method other than by use of the district ..."

We truly feel that your granting of the consent would allow the residents in the proposed ESD to benefit without in any way either stifling the City's growth options or placing any real burdens on the City by creation of the proposed ESD.

On behalf of the Petitioners, I would respectfully request for a City Council agenda item for the City's January regular meeting to reconsider the December 15, 2014 decision to deny the request for municipal consent for the ESD.

The petition representatives and I will be happy to confer in furtherance of our request.

The Honorable Evalyn W. Moore
Mayor, City of Richmond
January 7, 2015
Page 3

Thank you for your consideration.

Very truly yours,

COVELER & KATZ, P.C.

By:

Howard L. Katz

HLK/ad
cc:

The Honorable Glen Gilmore, Commissioner
The Honorable Jesse Torres, Commissioner
Ms. Terri Vela, City Manager