

William A. "Bert" Miller, III
Mayor
Bernie Gessner
Councilmember
Josh M. Fultz
Councilmember



Grant E. Holt
Mayor Pro-Tem
Pattie Pederson
Councilmember

**NOTICE OF MEETING OF THE GOVERNING BODY OF THE
CITY OF NAVASOTA, TEXAS
FEBRUARY 27, 2023**

Notice is hereby given that a Regular Meeting of the governing body of the City of Navasota will be held on the 27th of February, 2023 at 6:00 PM at the City Hall in the City Council Chambers, Room No. 161, located at 200 E. McAlpine Street, Navasota, Texas 77868, at which time the following subjects will be considered, to wit:

To watch the City Council meeting live please visit the City of Navasota's Youtube here: <https://www.youtube.com/channel/UCItnx7BQt0TCIYJRiZ14g5w>

1. Call to Order.
2. Invocation
Pledge of Allegiance
3. Remarks of visitors: Any citizen may address the City Council on any matter. Registration forms are available on the podium and/or table in the back of the city council chambers. This form should be completed and delivered to the City Secretary by 5:45 p.m. Please limit remarks to three minutes. The City Council will receive the information, ask staff to look into the matter, or place the issue on a future agenda. Topics of operational concerns shall be directed to the City Manager.
4. Staff Report:
 - (a) Capital Improvement Project Updates (Utility CIP, Street Maintenance, AWOS, Fire Hydrant, Natural Gas Regulator, Looped Natural Gas, Warehouse and Sidewalk Project) [Jennifer Reyna, Director of Public Works]
 - (b) Texas Birthday Bash update [Bobbie Ullrich, Marketing & Communication Director]
 - (c) Board and Commission update [City Council]; and
 - (d) Reports from City Staff or City Officials regarding items of community interests, including expressions of thanks, congratulations or condolence; information regarding holiday schedules; honorary or salutary recognition of public officials, public employees, or other citizens; reminders about upcoming events organized or sponsored by the City; information regarding social, ceremonial, or community events organized or sponsored by a non-City entity that is scheduled to be attended by City officials or employees; and announcements involving imminent threats to the public health and safety of people in the City that has arisen after the posting of the agenda. [Jason Weeks, City Manager]

5. Consideration and possible action on a sign variance application submitted by Joe's Italian Restaurant & Pizza for the property located at 1010 South LaSalle St, Navasota, Grimes County, TX 77868, from Chapter 3 Building Regulations, Signs, related to Free-Standing Signs. [Lupe Diosdado, Development Services Director]
6. Consideration and possible action on a sign variance application submitted by Navasota Welding Supply for the property located at 1002 Spur 515, Navasota, Grimes County, TX 77868, from Chapter 3 Building Regulations, Signs, related to Pylon signs. [Lupe Diosdado, Development Services Director]
7. Consideration and possible action to award contract for Hollister Street Regulator Station Replacement project to LDC, LLC in the amount of \$173,815.00. [Jennifer Reyna, Public Works Director]
8. Consent Agenda: The following items may be acted upon with one motion and vote. No separate discussion or action is necessary unless requested by the Mayor or City Councilmember, in which event the item will be removed from the Consent Agenda for separate discussion and/or action by the City Council as part of the regular agenda. [City Council]

Consent Items are:

A. Approve the second reading of Ordinance No. 1016-23, authorizing participation with other Entergy service area cities in matters concerning Entergy Texas, Inc. at the Public Utility Commission of Texas in 2023, authorizing the hiring of lawyers and rate experts, authorizing the City's participation to the full extent permitted by law at the Public Utility Commission of Texas; and

B. Approve the second reading of Ordinance No. 1017-23, approving an annexation request submitted by James C. Hassell for a 1.310-acre tract of land in the James Whitesides Survey, A-62, Navasota, Grimes County, Texas 77868.

C. Approve of Change Order No. 2 on the W. Washington Avenue – 8th Street to 10th Street Revitalization Program in the amount of \$38,046.54 to Green Dream International, LLC.

9. Executive Session: The City Council shall meet in Executive Session as permitted by Section 551.071, Texas Government Code - Consultation with Attorney regarding City of Navasota water and sewer utility service area(s), and associated matters. [City Council]
10. Reconvene in open session.
11. Consideration and possible action on City of Navasota water and sewer utility service area(s), including but not limited to retaining legal counsel regarding the City of Navasota water and sewer utility service area(s), and associated matters. [City Council]
12. Adjourn.

DATED THIS THE 22ND OF FEBRUARY, 2023

/JW/

BY: JASON WEEKS, CITY MANAGER

I, the undersigned authority, do hereby certify that the above notice of meeting of the governing body of the CITY OF NAVASOTA, is a true and correct copy of said notice and that I posted a true and correct copy of said notice in the glass bulletin board, in the foyer, on the south side of the Municipal Building as well as in the bulletin board on the north side of the Municipal Building of the City of Navasota, Texas, a place convenient and readily accessible to the general public at all times, and said notice was posted on the 22nd of February, 2023 at 09:11 AM and will remain posted continuously for at least 72 hours preceding the scheduled time of said meeting. Agendas may be viewed at www.navasotatx.gov.

The City Council reserves the right to convene in Executive Session at any time deemed necessary for the consideration of confidential matters under the Texas Government Code, Sections 551.071-551.089.

DATED THIS THE 22ND OF FEBRUARY, 2023

/SMH/

BY: SUSIE M. HOMEYER, CITY SECRETARY

THIS FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY SECRETARY'S OFFICE AT (936) 825.6475 OR (936) 825.6408 OR BY FAX AT (936) 825.2403.



REQUEST FOR CITY COUNCIL AGENDA ITEM #4

Agenda Date Requested: <u>February 27, 2023</u>
Requested By: <u>Jason Weeks, City Manager</u>
Department: <u>Administration</u>
<input checked="" type="radio"/> Report <input type="radio"/> Resolution <input type="radio"/> Ordinance

Exhibits: None

Appropriation	
Source of Funds:	<u>N/A</u>
Account Number:	<u>N/A</u>
Amount Budgeted:	<u>N/A</u>
Amount Requested:	<u>N/A</u>
Budgeted Item:	<input type="radio"/> Yes <input checked="" type="radio"/> No

AGENDA ITEM #4

Staff Report:

- (a) Capital Improvement Project Updates (Utility CIP, Street Maintenance, AWOS, Fire Hydrant, Natural Gas Regulator, Looped Natural Gas, Warehouse and Sidewalk Project) [Jennifer Reyna, Director of Public Works]
- (b) Texas Birthday Bash update [Bobbie Ullrich, Marketing & Communication Director]
- (c) Board and Commission update [City Council]
- (d) Reports from City Staff or City Officials regarding items of community interests, including expressions of thanks, congratulations or condolence; information regarding holiday schedules; honorary or salutary recognition of public officials, public employees, or other citizens; reminders about upcoming events organized or sponsored by the City; information regarding social, ceremonial, or community events organized or sponsored by a non-City entity that is scheduled to be attended by City officials or employees; and announcements involving imminent threats to the public health and safety of people in the City that has arisen after the posting of the agenda. [Jason Weeks, City Manager]

SUMMARY & RECOMMENDATION

- (a) Public Works Director, Jennifer Reyna, will give an update on all the Public Works capital improvement projects.
- (b) Marketing & Communication Director, Bobbie Ullrich, will give an update on the

Texas Birthday Bash event.

(c) If applicable, City Council will provide Board and Commission updates.

(d) Staff and City Council will give updates on other events coming up.

ACTION REQUIRED BY CITY COUNCIL

None

Approved for the City Council meeting agenda.



Jason B. Weeks, City Manager

2/20/23

Date

AGENDA PLANNING CALENDAR

FEBRUARY 27, 2023 – DEADLINE FOR SUBMITTING ITEMS AND COVER SHEETS FOR THIS MEETING IS 02/13/2023

1. Called to order
2. Invocation/Pledge of Allegiance
3. Remarks of visitors
4. Staff Report: (a) Update of Utility and Street projects; (b) Texas Birthday Bash update; (c) Board and Commission update; and (d) Reports from staff and City Council
5. Sign variance for Joe's Italian Restaurant
6. Sign variance for Navasota Welding
7. Bid award for Hollister regulator station project
8. Consent agenda: (a) 2nd reading of Ordinance No. 1016-23, annual participation with other cities – Entergy Texas; (b) 2nd reading of Ordinance No. 1017-23, annexation
9. Executive Session: Pending lawsuit
10. Reconvene
11. Action of Executive Session
12. Adjourn

MARCH 13, 2023 – DEADLINE FOR SUBMITTING ITEMS AND COVER SHEETS FOR THIS MEETING IS 02/27/2023

1. Called to order
2. Invocation/Pledge of Allegiance
3. Remarks of visitors
4. Staff Report: (a) Update of Utility and Street projects; (b) Board and Commission update; and (c) Reports from staff and City Council
5. Consent agenda: (a) Minutes for February 2023; (b) Expenditures for February 2023; and (c) Municipal Court report for February 2023
6. Adjourn

March 27, 2023 – Workshop 4:30 p.m. – City Council and Parks Board

March 27, 2023 – Proclamation – Child abuse prevention month

April 10, 2023 – Executive Session – Evaluation of Municipal Judge – 2 year, Proclamation – National Library Week – April 23-29, 2023

April 24, 2023 – Proclamation – National Travel and Tourism Week

May 8, 2022 – Proclamation – Economic Development Week

May 15, 2023 – Canvass election results, elect a Mayor and Mayor Pro-Tem

May 22, 2023

June 12, 2023

June 26, 2023

July 10, 2023 – Proclamation – Parks & Recreation Month

July 24, 2023

August 14, 2023

August 21, 2023

September 11, 2023

September 25, 2023

October 9, 2023 – Proclamation – Support your local Chamber Day

October 23, 2023

November 13, 2023

November 27, 2023

December 11, 2023



REQUEST FOR CITY COUNCIL AGENDA ITEM #5

Agenda Date Requested: <u>February 27, 2023</u>	Appropriation
Requested By: <u>Lupe Diosdado, Director</u>	Source of Funds: <u>N/A</u>
Department: <u>Development Services</u>	Account Number: <u>N/A</u>
<input checked="" type="radio"/> Report <input type="radio"/> Resolution <input type="radio"/> Ordinance	Amount Budgeted: <u>N/A</u>
	Amount Requested: <u>N/A</u>
	Budgeted Item: <input type="radio"/> Yes <input checked="" type="radio"/> No

Exhibits: Variance Request Letter

AGENDA ITEM #5

Consideration and possible action on a sign variance application submitted by Joes Italian Restaurant & Pizza from Chapter 3 Building Regulations, Signs, related to Free Standing Signs.

SUMMARY & RECOMMENDATION

A sign ordinance variance request was submitted to the City of Navasota by Joe's Italian Restaurant & Pizza for the property located at 1010 S LaSalle Street, Navasota, Grimes County, TX 77868.

The variance requests to install a free-standing sign, ten-feet (10') in height, which is four-feet taller than permitted. Additionally, the sign is six feet (6') clearance from the ground to the bottom of the sign, which is five feet (5') more than permitted. The property affected is legally described as Camp IM, Block 41, Lot 8 (N/9'), 9(S/43').

Current free-standing sign regulations that constituted a variance highlighted below:

<https://ecode360.com/39184446>

(6) Freestanding sign.

(A) Generally. A sign not attached to a building, permanently erected upon or standing in the ground and usually supported from the ground by one or more poles, columns, uprights, braces.

(B) Required conditions.

(i) Zoning overlay district: Sign area 32 sq. ft. - maximum height 4 ft.

(ii) Within 400 feet of Highway 6: Sign area 64 sq. ft. - maximum height 10 ft.

(iii) All other areas: Sign area - 32 sq. ft. - max height 6 ft.

(iv) Less than 12" clearance between sign and ground.

(v) Only one sign per business location.



The freestanding sign was constructed without permits; however, once staff contacted the tenant, they were willing to comply with all applicable requirements following the result of the variance request.

Staff recommends approving the variance request as presented, the proposed height allows for improved visibility due to the existing parking layout.

ACTION REQUIRED BY CITY COUNCIL

Approve or deny a sign variance application submitted by Joes Italian Restaurant & Pizza from Chapter 3 Building Regulations, Signs, related to Free Standing Signs.

Approved for the City Council meeting agenda.



Jason B. Weeks, City Manager

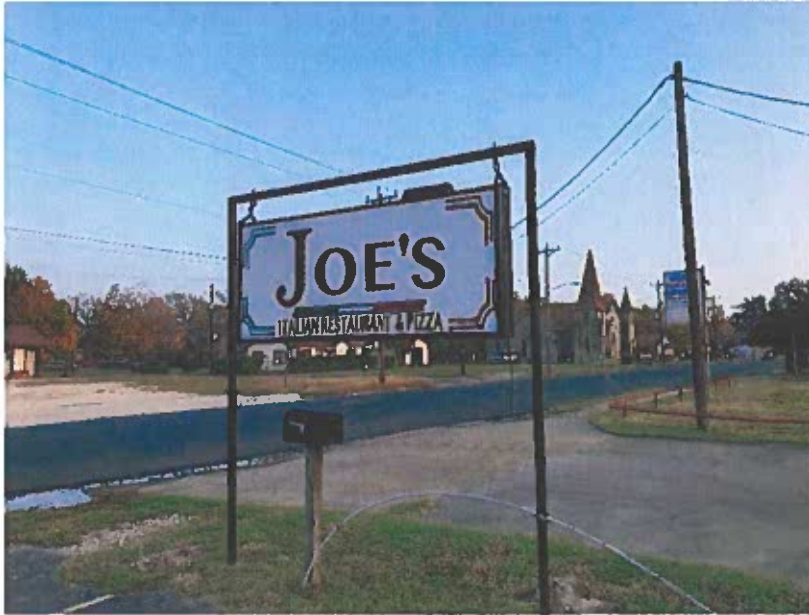
2/20/23

Date

City of Navasota
200 East McAlpine Street
Navasota, TX 77868

Re: Sign Appeal Request – 1010 S LaSalle – Free Standing Sign

To whom it may concern, I would like to request an appeal to Chapter 3 Sign Regulations, specifically Permissible signs and requirements, Section 6 Freestanding Signs, 6 feet maximum height requirement and 12" clearance between sign and ground.



Sign Dimensions: Height 10' Width 9.5' Area 28 square feet.

Respectfully,



Adi Hajrullaj
1010 S LaSalle
Navasota, TX 77868



REQUEST FOR CITY COUNCIL AGENDA ITEM #6

Agenda Date Requested: <u>February 27, 2023</u>	Appropriation
Requested By: <u>Lupe Diosdado, Director</u>	Source of Funds: <u>N/A</u>
Department: <u>Development Services</u>	Account Number: <u>N/A</u>
<input checked="" type="radio"/> Report <input type="radio"/> Resolution <input type="radio"/> Ordinance	Amount Budgeted: <u>N/A</u>
	Amount Requested: <u>N/A</u>
	Budgeted Item: <input type="radio"/> Yes <input checked="" type="radio"/> No

Exhibits: Variance Request Letter

AGENDA ITEM #6

Consideration and possible action on a variance application submitted by Navasota Welding Supply from Chapter 3 Building Regulations, Signs, related to Pylon signs.

SUMMARY & RECOMMENDATION

A sign ordinance variance request was submitted to the City of Navasota by D & K Pecos Holdings, LLC (Navasota Welding Supply) for the property located at 1002 Spur 515, Navasota, Grimes County, TX 77868.

The variance requests to install a pylon sign, eighteen-feet two inches (18'2") in height, which is ten-feet two inches taller than permitted. Additionally, the sign has an area of eighty square feet (80), which is sixteen square feet (16) larger than permitted. The property affected is legally described as Allen-Hammett, Block 1, Lot 1-R, Acres 1.002.

Current pylon sign regulations that constitute a variance highlighted below:

<https://ecode360.com/39184484>

(10) Pylon sign.

(A) Generally. A sign where the message surface contains deliberate visual demarcations used to divide the message area of the sign into separate message departments to show multiple tenants.

(B) Required conditions.

(i) Sign area: Maximum 64 sq. ft.

(ii) Sign height:

a. Highway 6 Frontage: 30 ft.

b. All other areas: 8 ft.

(iii) One per roadway frontage.

(iv) Prohibited in Washington Overlay District.



Staff recommends approving the proposed variance request as presented. Spur 515 is a part of the City's truck route; the proposed height and square footage additions will assist with visibility with the 45 mph speed limit.

ACTION REQUIRED BY CITY COUNCIL

Approve or deny a variance application submitted by Navasota Welding Supply from Chapter 3 Building Regulations, Signs, related to Pylon signs.

Approved for the City Council meeting agenda.



Jason B. Weeks, City Manager

2/20/23

Date



2114 McCaleb Rd, Suite C-100
Montgomery, TX 77316
936-204-8224
www.UniversalSignandGraphics.com

RE: Sign Variance
Navasota Welding
1002 Spur 515
Navasota, TX 77868

To whom it may concern,

We are requesting consideration for a sign variance to Chapter 3 Sign Regulations, specifically pylon signs. The request is for the sign to be 10 feet 2 inches taller than allowed and 16 square feet area larger than allowed.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "Mike Hopkins", with a long horizontal line extending to the right.

Mike Hopkins, owner
Universal Sign and Graphics



REQUEST FOR CITY COUNCIL AGENDA ITEM #7

Agenda Date Requested: <u>February 27, 2023</u>	Appropriation
Requested By: <u>Jennifer Reyna, Director</u>	Source of Funds: <u>300 – Gas Fund</u>
Department: <u>Public Works</u>	Account Number: <u>300-513-910.00</u>
<input checked="" type="radio"/> Report <input type="radio"/> Resolution <input type="radio"/> Ordinance	Amount Budgeted: <u>\$315,000</u>
	Amount Requested: <u>\$173,815.00</u>
	Budgeted Item: <input checked="" type="radio"/> Yes <input type="radio"/> No

Exhibits: Bid Award Letter

AGENDA ITEM #7

Consideration and possible action to award contract for Hollister Street Regulator Station Replacement project to LDC, LLC in the amount of \$173,815.00.


SUMMARY & RECOMMENDATION

During the fiscal year 2022-23 budget process, City Council approved the replacement of the Hollister Street Regulator Station. Additionally, in December 2022, the City issued debt to cover the cost of this CIP project. The City of Navasota, working with Strand Associates advertised for bids and open them on Thursday, February 16, 2023, at 2:00 p.m. for the Hollister Regulator Station project. There was only one bid received from LDC, LLC out of Montgomery, Texas. According to the bid award information from Strand Associates, the bid was less than the Engineer's opinion of probable construction cost. Strand Associates and City staff are recommending City Council award the Hollister Street Regulator Station Replacement project to LDC, LLC in the amount of \$173,815.

ACTION REQUIRED BY CITY COUNCIL

Award bid to LDC, LLC for the Hollister Street Regulator Station Replacement project in the amount of \$173,815.00.

Approved for the City Council meeting agenda.


Jason B. Weeks, City Manager

2/20/23
Date



Strand Associates, Inc.®
1906 Niebuhr Street
Brenham, TX 77833
(P) 979.836.7937
www.strand.com

February 17, 2023

Mayor William A. "Bert" Miller III
City of Navasota
200 East McAlpine Street
Navasota, TX 77868

Re: 2021 Hollister Street Regulator Station Replacement
Contract 1-2022
City of Navasota, Texas

Dear Mayor Bert Miller:

Bids for the above-referenced Project were opened on February 16, 2023. One Bid was received with the resulting Bid tabulation enclosed. The low Bid of \$173,815 was less than ENGINEER's opinion of probable construction cost.

LDC LLC of Montgomery, Texas, was the apparent low Bidder at \$173,815. The Bid included a Bid Bond for 5 percent and the Bid is deemed to be responsive.

Strand Associates, Inc.® has previously worked with LDC LLC on projects for the Cities of Splendora and Hempstead, Texas. For those projects, the owners determined LDC LLC to be responsible.

Sincerely,

STRAND ASSOCIATES, INC.®

Mark A. Rudolph, P.E.

Enclosure

Bids Received: 2 P.M.
February 16, 2023

STRAND ASSOCIATES, INC.®
TBPE No. F-8405
TBPLS No. 10030000
1906 Niebuhr Street
Brenham, TX 77833

CITY OF NAVASOTA
NAVASOTA, TEXAS
HOLLISTER DRIVE GAS REGULATOR STATION REPLACEMENT
CONTRACT 1-2022

BID TABULATION SUMMARY

Bidder and Address	Bid Bond or Guarantee	Addenda Acknowledged	Lump Sum Bid
LDC LLC 19926 Keenan Cut Off Road Montgomery, TX 77316	5%	NA	\$173,815.00

Reviewed by: Blake Falkner



Mark Rudolph
2/17/23



REQUEST FOR CITY COUNCIL AGENDA ITEM #8

Agenda Date Requested: <u>February 27, 2023</u>	Appropriation
Requested By: <u>Susie Homeyer, City Secretary</u>	Source of Funds: <u>N/A</u>
Department: <u>Administration</u>	Account Number: <u>N/A</u>
<input type="radio"/> Report <input type="radio"/> Resolution <input checked="" type="radio"/> Ordinance	Amount Budgeted: <u>N/A</u>
	Amount Requested: <u>N/A</u>
	Budgeted Item: <input checked="" type="radio"/> Yes <input type="radio"/> No

Exhibits: Ordinance No. 1016-23, Ordinance No. 1017-23 and Change Order No. 2

AGENDA ITEM #8

Consent agenda items are:

- A. Approve the second reading of Ordinance No. 1016-23, authorizing participation with other Entergy service area cities in matters concerning Entergy Texas, Inc. at the Public Utility Commission of Texas in 2023, authorizing the hiring of lawyers and rate experts, authorizing the City's participation to the full extent permitted by law at the Public Utility Commission of Texas.**
- B. Approve the second reading of Ordinance No. 1017-23, approving an annexation request submitted by James C. Hassell for a 1.310-acre tract of land in the James Whitesides Survey, A-62, Navasota, Grimes County, Texas 77868**
- C. Approve of Change Order No. 2 on the W. Washington Avenue – 8th Street to 10th Street Revitalization Program in the amount of \$38,046.54 to Green Dream International, LLC.**

SUMMARY & RECOMMENDATION

Consent agenda items may be acted upon with one motion and vote. No separate discussion or action is necessary unless requested by the Mayor or City Councilmember, in which event the item will be removed from the Consent Agenda for separate discussion and/or action by the City Council as part of the regular agenda.

A. Staff has placed the second reading of Ordinance No. 1016-23, authorizing participation with other Entergy service area cities in matters concerning Entergy Texas, Inc. at the Public Utility Commission of Texas in 2023; authorizing the hiring of lawyers and rate experts; and authorizing the City's participation to the full extent

permitted by law at the Public Utility Commission of Texas on the consent agenda for approval.

B. Staff has placed the second reading of Ordinance No. 1017-23, approving an annexation request submitted by James C. Hassell for a 1.310-acre tract of land in the James Whitesides Survey, A-62, Navasota, Grimes County, Texas 77868

C. Staff has placed Change Order No. 2 on the contract with Green Dream International, LLC for the Downtown Revitalization Program – W. Washington Avenue – 8th Street to 10th Street for your approval.

ACTION REQUIRED BY CITY COUNCIL

Approve Consent Agenda: Approve the second reading of Ordinance No. 1016-23, authorizing participation with other Entergy service area cities in matters concerning Entergy Texas, Inc. at the Public Utility Commission of Texas in 2023; authorizing the hiring of lawyers and rate experts; and authorizing the City's participation to the full extent permitted by law at the Public Utility Commission of Texas on the consent agenda for approval, the second reading of Ordinance No. 1017-23, approving an annexation request submitted by James C. Hassell for a 1.310 acre tract of land in the James Whitesides Survey, A-62, Navasota, Grimes County, Texas 77868, and Change Order No. 2 in the amount of \$38,046.54 on the contract with Green Dream International, LLC for the Downtown Revitalization Program – W. Washington Avenue – 8th Street to 10th Street for your approval.

Approved for the City Council meeting agenda.



Jason B. Weeks, City Manager

2/21/23

Date

ORDINANCE NO. 1016-23

AN ORDINANCE OF THE CITY COUNCIL OF NAVASOTA, TEXAS, AUTHORIZING PARTICIPATION WITH OTHER ENTERGY SERVICE AREA CITIES IN MATTERS CONCERNING ENTERGY TEXAS, INC. AT THE PUBLIC UTILITY COMMISSION OF TEXAS IN 2023; AUTHORIZING THE HIRING OF LAWYERS AND RATE EXPERTS; AUTHORIZING THE CITY'S PARTICIPATION TO THE FULL EXTENT PERMITTED BY LAW AT THE PUBLIC UTILITY COMMISSION OF TEXAS; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; AND DECLARING AN EFFECTIVE DATE

WHEREAS, Cities have exclusive original jurisdiction over rates, operations, and services of an electric utility in areas in the municipality pursuant to *Tex. Util. Code* § 33.001; and

WHEREAS, Cities have standing in each case before the Public Utility Commission of Texas that relates to an electric utility providing service in the municipality pursuant to *Tex. Util. Code* § 33.025; and

WHEREAS, Entergy Texas, Inc. ("ETI" or "Company") is expected to litigate rate change requests in various proceedings before the Public Utility Commission of Texas ("Commission") or before municipalities in 2023, which may include (1) a base rate case, (2) rate proceedings or cost adjustments such as a transmission cost recovery rider, a distribution cost recovery rider, a generation cost recovery rider, energy efficiency cost recovery factor, or hurricane restoration cost or offset true-ups, (3) and various fuel cost refunds or surcharges and reconciliations; and

WHEREAS, ETI is scheduled to file fuel factor proceedings at the Commission in February and August 2023, and may file other fuel proceedings to reconcile, refund, or surcharge fuel charges; and

WHEREAS, ETI is expected to file its annual proceeding with the Commission to recover costs incurred in association with its Energy Efficiency Plan as well as reconcile past costs; and

WHEREAS, Cities have the statutory right to set fair and reasonable rates for both the Company and customers within Cities; and

WHEREAS, Cities are entitled to reimbursement by the utility of their reasonable rate case expenses to participate in cases that are deemed rate proceedings pursuant to *Tex. Util. Code* § 33.023.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAVASOTA, TEXAS, that:

SECTION 1. The City of Navasota shall participate with other Cities to intervene in ETI's various rate filings related to the various fuel cost surcharges and reconciliations, any interim or incremental surcharge proceedings or surcharge adjustments, and for any base rate adjustment proceedings or cost of service adjustments on file with the Commission or with municipalities in 2023.

SECTION 2. The City of Navasota employs the Lawton Law Firm P.C. to represent the City regarding the ETI rate matters before local regulatory authorities and the Commission and any court of law and authorizes counsel to employ rate experts as are recommended by the Cities' Steering Committee to intervene in fuel or rate related proceedings at the Commission concerning ETI's rates charged to Texas customers.

SECTION 3. All such actions shall be taken pursuant to the direction of the Cities' Steering Committee. Cities' Steering Committee shall have authority to retain rate consultants and lawyers. Cities' Steering Committee shall direct the actions of Cities' representatives in the above proceedings. The Steering Committee is directed to obtain reimbursement from ETI of all reasonable expenses associated with participation in said proceedings.

SECTION 4. The meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

SECTION 5. This Ordinance shall be effective from and after the date of its passage.

PASSED ON FIRST READING by _____ vote of the City Council of the City of Navasota, Texas, this 13th day of FEBRUARY 2023.

BERT MILLER, MAYOR

ATTEST:

SUSIE M. HOMEYER, CITY SECRETARY

**PASSED ON SECOND READING by _____ vote of the City Council of
the City of Navasota, Texas, this 27th day of FEBRUARY 2023.**

BERT MILLER, MAYOR

ATTEST:

SUSIE M. HOMEYER, CITY SECRETARY

ORDINANCE NO. 1017-23

AN ORDINANCE OF THE CITY OF NAVASOTA, TEXAS FOR THE PURPOSE OF EXTENDING THE BOUNDARY LIMITS OF THE CITY OF NAVASOTA, TEXAS; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 1.310 ACRES OF LAND, HEREINAFTER MORE SPECIFICALLY DESCRIBED, TO THE CITY OF NAVASOTA, TEXAS FOR ALL MUNICIPAL PURPOSES; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREA SHALL BECOME A PART OF THE CITY AND THAT THE INHABITANTS THEREOF, IF ANY, SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREINAFTER ADOPTED; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Navasota, Texas is a Texas home-rule municipality as defined by the Texas Local Government Code; and

WHEREAS, the City Charter and Chapter 43 of the Texas Local Government Code, authorize the City of Navasota to annex territory in accordance with the procedures provided for therein; and

WHEREAS, the City of Navasota received a written request from the property owner requesting the annexation of the hereinafter described area; and

WHEREAS, the City desires to annex the area described hereinafter; and

WHEREAS, the hereinafter described area lies within the extraterritorial jurisdiction of the City of Navasota; and

WHEREAS, the area hereinafter described lies adjacent and contiguous to the present boundary limits of the City of Navasota; and

WHEREAS, notice of the appropriate public hearing was published in a newspaper having general circulation in the City of Navasota, Texas and on the City's website and the public hearing was conducted and held in accordance with applicable law; and

WHEREAS, the City of Navasota, Texas and the property owner negotiated and executed a Service Plan Agreement for the extension of municipal services into the area to be annexed; and

WHEREAS, all notices, publication and hearings have been duly given and held as required by law; and

WHEREAS, institution of annexation proceedings occurred within the period of time as prescribed by law;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAVASOTA, TEXAS:

Section 1. That the hereinafter described area of land is within the extraterritorial jurisdiction of, and is adjacent to and is contiguous to the present corporate limits of the City of Navasota, Texas, and the same is hereby, annexed to the City of Navasota, Texas for all municipal purposes and the corporate lines and limits of the City of Navasota, Texas are hereby extended to embrace the said area of land, which is described as follows:

All that certain 1.310-acre tract of land in the James J. Whitesides Survey, A-62, Grimes County, Texas, being more particularly described in Exhibit "A" attached

hereto and incorporated herein for all purposes.

Section 2. That the inhabitants, if any, of the property hereby annexed to the City of Navasota, Texas shall be entitled to all the rights and privileges of said citizens of the City of Navasota, Texas, and shall be bound by the acts, ordinances, codes, resolutions and regulations of the City of Navasota, Texas.

Section 3. That the Service Plan Agreement which is attached hereto as Exhibit "B" is hereby incorporated herein as part of this Ordinance for all purposes.

Section 4. That the official map and boundaries of the City of Navasota, Texas, heretofore adopted and amended be and is hereby amended so as to include the aforementioned area as part of the City of Navasota, Texas.

Section 5. That the City Secretary is hereby directed and authorized to perform or cause to be performed all acts necessary to amend the official map of the City of Navasota, Texas to add the territory hereby annexed as required by law.

Section 6. That this Ordinance shall become effective after its passage.

Section 7. That the Mayor is hereby directed and authorized to file a certified copy of this Ordinance in the Office of the County Clerk, and to perform all other acts necessary to notify the appropriate entities of the City's annexation of territory by this Ordinance.

Section 8. If any section, subsection, sentence, phrase, word, paragraph or provision of this Ordinance be found to be illegal, invalid or unconstitutional or

if any portion of said property is incapable of being annexed by the City of Navasota, Texas, for any reason whatsoever, the adjudication shall not affect any other section, subsection, sentence, phrase, word, paragraph or provision of this Ordinance or the application of any other section, subsection, sentence, phrase, word, paragraph or provision of any other Ordinance of the City. The City Council declares that it would have adopted the valid portions and applications of this Ordinance and would have annexed the valid property without the invalid part, and as to this end the provisions of this Ordinance are declared to be severable.

Section 9. That the meetings at which this Ordinance was considered and enacted were open to the public as required by the Texas Open Meetings Act, and that notice of the time, place, and subject matter of the meetings was given as required by the Texas Open Meetings Act.

PASSED ON FIRST READING THIS THE 13th DAY OF FEBRUARY, 2023.

BERT MILLER, MAYOR

ATTEST:

SUSIE M. HOMEYER, CITY SECRETARY

**PASSED ON SECOND AND FINAL READING THIS THE 27TH DAY OF
FEBRUARY, 2023.**

BERT MILLER, MAYOR

ATTEST:

SUSIE M. HOMEYER, CITY SECRETARY

METES AND BOUNDS DESCRIPTION
of a
1.310 Acre Tract
James Whitesides Survey, A-62, Grimes County, Texas
December 7, 2020

All certain tract or parcel of land lying and being situated in Grimes County, Texas, out of the James Whitesides Survey, Abstract No. 62, being a part of Tract Two, called 27.49 acres, as described in a Warranty Deed with Vendor' Lien from Torres Salvage, Inc. to James C. Hassell, et ux, dated March 16th, 2018, of record in Volume 1684, Page 451 of the Real Property Records of Grimes County, Texas, being a part of a called 1.2275 acre tract as described in a General Warranty Deed from Robert L. Waltrip to Meaux Hassell LLC, dated January 25, 2018, of record in Volume 1676, Page 324 of the Real Property Records of Grimes County, Texas and more fully described as follows:

COMMENCING at a found 5/8 inch iron rod, in fence line, for a Northwest corner of Pecan Lakes Estates, Phase 3, Section 1, (Plat - Doc. No. 309888), the Northwest corner of Sand Trap Lane (60 ft. ROW), the Northeast corner of a 0.607 acre tract surveyed this date to be conveyed to Grimes County, in the generally fenced and North line of the called 1.2275 acre tract mentioned above and same being in the South line of a called 9.9 acre tract as described in a Deed to Charles Greenwood, Jr. (1061/421), from which a found 1/2 inch iron rod, at the base of a t-post, for the Northwest corner of said 1.2275 acre tract and the Northerly Northeast corner of the called 27.49 acre tract mentioned above brs. S 87°19'06" W, 105.47 ft.;

THENCE S 02°44'20" E, 60.00 ft., along a portion of the West line of Pecan Lakes Estates, Phase 3, Section 1 and Sand Trap Lane to a found 5/8 inch iron rod for the Southwest corner thereof, the Southeast corner of said 0.607 acre tract surveyed this date, the Northeast corner and **TRUE PLACE OF BEGINNING** of the tract of land herein described;

THENCE S 02°44'20" E, 352.39 ft., along a portion of the West line of Pecan Lakes Estates, Phase 3, Section 1 to a found 1/2 inch iron rod, at t-post, for the Southeast corner of the called 1.2275 acre tract mentioned above, a Northeast corner of the called 27.49 acre tract mentioned above and same being the Southeast corner of the tract of land herein described;

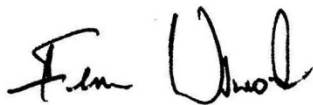
THENCE S 87°15'07" W, along the South line of the called 1.2275 acre tract mentioned above, a North line of the called 27.49 acre tract mentioned above and **PASSING** at 15.00 ft. a set 5/8 inch iron rod for the Easterly Northeast of a 10.00 acre tract surveyed this date, in the West line of a called 15 ft. drainage easement ("to be dedicated in the future") per the Final Plat of Pecan Lakes Estates, Phase 3, Section 1, continuing along said lines and **PASSING** at 105.62 ft. a found 1/2 inch iron rod, at t-post, for the Southwest corner of said 1.2275 acre tract and an interior corner of said 27.49 acre tract and continuing for a **TOTAL DISTANCE** of 162.09 ft. to a set 5/8 inch iron rod for the Southwest corner of the tract of land herein described and same being an interior corner of said 10.00 acre tract surveyed this date;

THENCE N 02°43'02" W, 351.60 ft., along an East line of said 10.00 acre tract surveyed this date to a set 5/8 inch iron rod for the Northerly Northeast corner thereof, the Northwest corner of the tract of land herein described and same being in a South line of said 0.607 acre tract surveyed this date;

THENCE N 86°19'55" E, 56.96 ft., along a South line of said 0.607 acre tract surveyed this date to a set 5/8 inch iron rod for a common angle point in line for corner;

THENCE N 87°19'06" E, 105.01 ft., along a South line of said 0.607 acre tract surveyed this date to the **TRUE PLACE OF BEGINNING** and containing 1.310 acres of land.

Basis of Bearings: Grid North, State Plane Coordinate System of 1983, Central Zone, Leica RTK Network.



Steven M. Wisnoski 12-07-2020
Registered Professional Land Surveyor
State of Texas No. 6006
Job #: 2014-04-03-01





REQUEST FOR CITY COUNCIL AGENDA ITEM #8C

Agenda Date Requested: <u>February 27, 2023</u>	Appropriation
Requested By: <u>Jennifer Reyna, Director</u>	Source of Funds: <u>100 – General Fund</u>
Department: <u>Public Works</u>	Account Number: <u>100-560-910.00</u>
<input checked="" type="radio"/> Report <input type="radio"/> Resolution <input type="radio"/> Ordinance	Amount Budgeted: <u>\$383,210</u>
	Amount Requested: <u>\$38,046.54</u>
	Budgeted Item: <input checked="" type="radio"/> Yes <input type="radio"/> No

Exhibits: Change Order No. 2

AGENDA ITEM #8C

Approval of Change Order No. 2 on the W. Washington Avenue – 8th Street to 10th Street Revitalization Program in the amount of \$38,046.54 to Green Dream International, LLC.

SUMMARY & RECOMMENDATION

The City of Navasota awarded Green Dream International, LLC as the contractor for the Downtown Revitalization Program – W. Washington Avenue from 8th Street to 10th Street. Last August, City Council agreed to the first change order to cover inflationary cost increases due to late start of the project. The project is planned for completion in early March 2023. There are some miscellaneous items for field conditions encountered to date, including (1) removal of the extra concrete underneath portions the sidewalk on the northside of Washington, (2) addition of trench drain for gutter discharge under sidewalk for 211 W. Washington, and (3) removal/replacement of the sidewalk and added step & handrail near 311 W. Washington to achieve accessibility compliance.

ACTION REQUIRED BY CITY COUNCIL

Approval of Change Order No. 2 on the W. Washington Avenue – 8th Street to 10th Street Revitalization Program in the amount of \$38,046.54 to Green Dream International, LLC.

Approved for the City Council meeting agenda.

Jason Weeks

2/21/23

Jason B. Weeks, City Manager

Date

Change Order No. 2

Date of Issuance: 2/20/2023	Effective Date: 2/20/2023
Owner: City of Navasota	Owner's Contract No.: NAV011
Contractor: Green Dream International	Contractor's Project No.:
Engineer: KSA Engineers	Engineer's Project No.: NAV011
Project: Downtown Revitalization Program, W. Washington Ave. 8 th St. to 10 th St.	Contract Name: Downtown Revitalization Program W. Washington Ave. 8 th St. to 10 th St.

The Contract is modified as follows upon execution of this Change Order:

Description: Miscellaneous items for field conditions encountered to date, including (1) removal of double sidewalk unknown to exist prior to construction, (2) field change select gutter underdrains to trench drains to match previous construction on Railroad Street, and (3) removal and replacement of sidewalk to add step and handrail near 311 Washington to achieve accessibility compliance.

Attachments: Green Dream International Quotation GDIMA20220901

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$ <u>383,210.98</u>	Original Contract Times: 150 Calendar Days Substantial Completion: <u>May 16, 2022</u> Ready for Final Payment: <u>June 16, 2022</u> days or dates
[Increase] [Decrease] from previously approved Change Orders No. <u>1</u> to No. <u>1</u> : \$ <u>25,629.00</u>	[Increase] [Decrease] from previously approved Change Orders No. <u>1</u> to No. <u>1</u> : Substantial Completion: <u>January 12, 2023</u> Ready for Final Payment: <u>February 11, 2023</u> days
Contract Price prior to this Change Order: _____ \$ <u>408,839.98</u>	Contract Times prior to this Change Order: _____ Substantial Completion: <u>May 16, 2022</u> Ready for Final Payment: <u>June 16, 2022</u> days or dates
[Increase] [Decrease] of this Change Order: _____ \$ <u>38,046.54</u>	[Increase] [Decrease] of this Change Order: <u>No Change</u> Substantial Completion: <u>March 10, 2023</u> Ready for Final Payment: <u>March 24, 2023</u> days or dates
Contract Price incorporating this Change Order: _____ \$ <u>446,886.52</u>	Contract Times with all approved Change Orders: _____ Substantial Completion: <u>January 12, 2023</u> Ready for Final Payment: <u>February 11, 2023</u> days or dates

RECOMMENDED:
By: TRAYSON
Engineer (if required)

ACCEPTED:
By: _____
Owner (Authorized Signature)

ACCEPTED:
By: Varand Varatian
Contractor (Authorized Signature)

Title: Project Manager
Date: 2/20/2023

Title: _____
Date: _____

Title: President
Date: 2/20/2023

Approved by Funding Agency (if

applicable)

By: _____

Date: _____

Title: _____



Green Dream International LLC

Quotation

Tel: 469-706-9097

GDIMA20220901

Date: 17-Feb-23

Duns Number	831374546	Green Dream International LLC
Cage Code	5PJH6	10777 Westheimer Rd,
Tax ID	46-0522758	Suite 1150,
		Houston, TX 77042

Project No.: NAV011

Project Name: Navasota Downtown Revitalization

Client: KSA Engineers, Inc.

Item	Item Description	Quantity	Unit	Unit Price	Extended Amount
1.02	Removal of double sidewalk northside of Washington	213	SY	\$ 10.22	\$ 2,176.86
1.27	Compact fill	200	SY	\$ 31.00	\$ 6,200.00
1.28	Trench drain	26	LF	\$ 229.00	\$ 5,954.00
1.29	ADA sidewalk at doorway of 311 Washington- Remove Sidewalk	144	SY	\$ 10.22	\$ 1,471.68
1.30	ADA sidewalk at doorway of 311 Washington- Install Pavers	144	SY	\$ 135.00	\$ 19,440.00
1.31	4' of step	4	LF	\$ 185.00	\$ 740.00
1.32	Handrail for 4' of step	8	LF	\$ 258.00	\$ 2,064.00
Grand Total					\$38,046.54

Green Dream is registered and active in SAM

Varand Vartanian /President



REQUEST FOR CITY COUNCIL AGENDA ITEM #9

Agenda Date Requested: <u>February 27, 2023</u>	Appropriation
Requested By: <u>Susie M. Homeyer, Secretary</u>	Source of Funds: <u>N/A</u>
Department: <u>Administration</u>	Account Number: <u>N/A</u>
<input checked="" type="radio"/> Report <input type="radio"/> Resolution <input type="radio"/> Ordinance	Amount Budgeted: <u>N/A</u>
	Amount Requested: <u>N/A</u>
	Budgeted Item: <input type="radio"/> Yes <input checked="" type="radio"/> No

Exhibits:

AGENDA ITEM #9

The City Council shall meet in Executive Session in accordance with Texas Government Code, Section 551.071, Consultation with Attorney – Consultation with legal counsel regarding City of Navasota water and sewer utility service area(s), and associated matters.

SUMMARY & RECOMMENDATION

City staff has determined there is a need for City Council to meet in Executive Session in accordance with Texas Government Code, Section 551.071, Consultation with Attorney – Consultation with legal counsel regarding City of Navasota water and sewer utility service area(s), and associated matters.

The time is _____p.m.

ACTION REQUIRED BY CITY COUNCIL

Conduct an Executive Session in accordance with Texas Government Code, Section 551.071, Consultation with Attorney - Consultation with legal counsel regarding City of Navasota water and sewer utility service area(s), and associated matters.

Approved for the City Council meeting agenda.

Jason Weeks
Jason B. Weeks, City Manager

2/20/23
Date



REQUEST FOR CITY COUNCIL AGENDA ITEM #10

Agenda Date Requested: February 27, 2023
Requested By: Susie M. Homeyer, Secretary
Department: Administration
☒ Report ☐ Resolution ☐ Ordinance

Exhibits: None

Appropriation	
Source of Funds:	<u>N/A</u>
Account Number:	<u>N/A</u>
Amount Budgeted:	<u>N/A</u>
Amount Requested:	<u>N/A</u>
Budgeted Item:	<input type="radio"/> Yes <input checked="" type="radio"/> No

AGENDA ITEM #10

Reconvene into open session from Executive Session.

SUMMARY & RECOMMENDATION

Reconvene in open session. The time is _____p.m.

ACTION REQUIRED BY CITY COUNCIL

Reconvene in open session.

Approved for the City Council meeting agenda

Jason Weeks
Jason B. Weeks, City Manager

2/20/23
Date



REQUEST FOR CITY COUNCIL AGENDA ITEM #11

Agenda Date Requested: February 27, 2023
Requested By: Susie M. Homeyer, Secretary
Department: Administration
☒ Report ☐ Resolution ☐ Ordinance

Exhibits: None

Appropriation	
Source of Funds:	<u>N/A</u>
Account Number:	<u>N/A</u>
Amount Budgeted:	<u>N/A</u>
Amount Requested:	<u>N/A</u>
Budgeted Item:	<input type="radio"/> Yes <input checked="" type="radio"/> No

AGENDA ITEM #11

Consideration and possible action on City of Navasota water and sewer utility service area(s), including but not limited to retaining legal counsel regarding the City of Navasota water and sewer utility service area(s), and associated matters.

SUMMARY & RECOMMENDATION

Based on items discussed during executive session, there is a need to take action as recommended by legal counsel.

ACTION REQUIRED BY CITY COUNCIL

City Council to take action, if necessary, on Executive Session Item.

Approved for the City Council meeting agenda.

Jason Weeks
Jason B. Weeks, City Manager

2/20/23
Date