

ALLEN OWEN
Mayor

JERRY WYATT
Councilmember at Large Position 1

CHRIS PRESTON
Councilmember at Large Position 2



YOLANDA FORD
Mayor Pro Tem
Councilmember District A
JEFFREY L. BONEY
Councilmember District B
ANTHONY G. MAROULIS
Councilmember District C
FLOYD EMERY
Councilmember District D

CITY COUNCIL MEETING MINUTES

The City Council of the City of Missouri City, Texas, met in regular session on **Monday, March 5, 2018**, at the City Hall, Council Chamber, 2nd Floor, 1522 Texas Parkway, Missouri City, Texas, 77489, at **7:00 p.m.** to consider the following:

1. **ROLL CALL**

Mayor Owen called the meeting to order at 7:05 p.m.

Those also present: Mayor Pro Tem Ford, Councilmembers Wyatt, Preston, Boney, Maroulis, and Emery, City Manager Snipes, City Attorney Iyamu and City Secretary Jackson.

2. The **PLEDGE OF ALLEGIANCE** was led by Thurgood Marshall High School Air Force Junior Reserve Officer Training Corps.

Councilmember Wyatt spoke of Len Goff Jr.'s passing and expressed his sympathies to his family.

There were no **PRESENTATIONS AND RECOGNITIONS**.

4. **PUBLIC COMMENTS**

Bruce Zaborowski, 7915 Chancel, requested changes to be made to the elected officials.

5. **STAFF REPORTS**

City Manager Snipes announced that the Community Development Block Grant (CDBG) owner-occupied housing rehabilitation program applications were now being accepted; and, that the Citizen's University class would begin Monday, March 12. Upcoming events include the Crazy Hare Dash to be held on March 24; the 2nd Annual MCTX Fest to be held on April 14; and, the State of the City would be held on April 26. Snipes gave kudos to the following: the Missouri City Green and the Parks and Recreation Department for hosting the 3rd Annual Edible Arbor Trail; the Communications Department for participating in the Read Across America Day at Glover Elementary School; Houston Community College for acknowledging partnership with the City at their State of the College; and, congratulated Mayor Owen for being recognized by the University of Houston's Master of Public Administration Program.

Code Enforcement Supervisor Smith-Rex provided a Code Enforcement Task Force update. Councilmember Boney asked if those in CDBG areas were reaching out to the City for assistance. Smith-Rex stated that staff does mention to those individuals the assistance City offers. Councilmember Emery requested that the Code Enforcement Division contact Quail Valley Proud to coordinate a session on what violations to look out for. Councilmember Wyatt inquired on the number of issues that were related to the Police Department. Smith-Rex stated issues were reported to Code Enforcement and, if the issues does not pertain to Code Enforcement, they would forward to the Police Department. Building Official Allen presented updates on properties currently under review. Mayor Pro Tem Ford inquired if the buildings had been brought up to code. Allen stated they were being brought up to code. Smith-Rex discussed completed properties.

6. CONSENT AGENDA

- (a) Consider approving the minutes of the special City Council meeting of February 19, 2018.
- (b) Consider an ordinance to amend the regulations and restrictions of PD Planned Development District No. 36 pertaining to building regulations and architectural standards; providing for an amendment to the Comprehensive Plan; and consider the ordinance on the second and final reading. PD No. 36 is located on the southwest corner of the intersection of Bees Passage and Sienna Parkway and includes a shopping center containing a Timewise gas station (4225 Sienna Parkway, Suite 100), a Sienna Cleaners (4225 Sienna Parkway, Suite 300); and a child care center, the Learning Experience at 4112 Bees Loop.

Councilmember Boney moved to approve the Consent Agenda pursuant to recommendations by City Staff. Councilmember Wyatt seconded. **MOTION PASSED UNANIMOUSLY.**

7. PUBLIC HEARINGS AND RELATED ACTIONS

(a) Zoning Public Hearings and Ordinances

- (1) Public hearing to receive comments for or against a request by Stan Winter, Jones | Carter, to amend PD, Planned Development District No. 101 pertaining to the development of a single family residential subdivision; consider a related ordinance providing for an amendment to the Comprehensive Plan; providing a penalty; and consider the related ordinance on the first of two readings. The subject site is located north of the Newpoint Estates residential subdivision, south and west of the Creekmont residential subdivision.

Councilmember Emery moved to open the public hearing at 7:51 p.m. Councilmember Wyatt seconded. **MOTION PASSED UNANIMOUSLY.**

Planning Manager Thomas Gomez stated the developer submitted revised site layout plans and proposed recommended amendments to PD 101. Gomez noted the proposed amendments as follows, to reduce the maximum number of lots to 274 and to provide a minimum 60 foot in width lots adjacent to both the Creekmont and Newpoint Estates subdivisions. She added that the Planning and Zoning Commission recommended approval. Planning Manager Thomas Gomez further addressed the proposed amendments as, to provide a minimum of 20 foot wide buffer along the boundary of the proposed subdivision as shown on the revised site layout plans; and, that street connections between the proposed subdivisions of Shipman's Cove and the Creekmont subdivision or the Newpoint Estates subdivision not be constructed. The Planning and Zoning Commission recommended approval of the 20 foot buffer as proposed; and, on the street connections, provided that the requirement of the International Fire Code, as adopted by the City, were met, then the need for a secondary point of access could be eliminated. Councilmember Wyatt spoke of his concerns for the fire service for Newpoint. Wyatt stated Creekmont was zoned by Council before it was populated and the utility services for Creekmont South belong to the City through a PID, which would address the drainage for Creekmont South.

Greg McKenzie, representing the applicant Ashton Woods Homes, 10110 W Sam Houston Parkway N, Suite A-100, Houston, Texas 77064, spoke on the draft ordinance and requested to propose an amendment to Section **4.E.8** as follows: 8. A buffer yard zone for drainage purposes, designed and sloped in accordance with the City Engineer's specifications, and not to be utilized for a roadway, a minimum of twenty (20) feet deep wide, shall be installed and maintained along the boundary of the development as depicted in Exhibit "B."

Mayor Owen asked who would maintain the buffer. McKenzie stated the homeowner's association (HOA) would be responsible. Mayor Owen and Councilmember Wyatt discussed the City's responsibility on drainage. Assistant City Manager Elmer stated staff's recommendation was for the City not to take ownership and/or maintenance of utilities. McKenzie stated they do not object to having the utility district maintaining the drainage and they would approach the utility district to accommodate the request. Councilmember Boney

asked if the ordinance would be updated. City Attorney Iyamu stated it would replace the first sentence of section 4.E.8 of the ordinance in the packet. Councilmember Maroulis inquired who would approve the design of the buffer. Assistant City Manager Elmer stated the design would be reviewed and approved by the City. Councilmember Emery inquired if the buffer was required to be a minimum of 20-feet deep. McKenzie stated it would be 20-feet wide.

Omar Izfar, represented five of the property owners of Newpoint Estates, stated they filed protests which constitute an approximate 17 percent of the surrounding area. The owners were protesting the ordinance proposed in the agenda but were in complete support of Mr. Mackenzie's revisions. If the ordinance was amended and approved, they would withdraw their protests.

Cindy Forney, 1919 Mossback Circle, stated if Council would amend the ordinance then the homeowners would be in full support. Forney added that some residents do and others do not want fire hydrants; she was against fire hydrants.

Mary Ross, 2507 Shadow Oaks Drive, President of Creekmont HOA, spoke in support of Mrs. Forney's statements. Ross stated the posted ordinance did not agree with the terms mutually agreed to. Specifically, she noted the paragraph which states support for the buffer zone. Ross requested to add a traffic signal at Highway 6 and Watts Plantation as stated in the original proposal.

City Attorney Iyamu stated the ordinances passed last year did not make a reference to a light signal.

Councilmember Emery asked if a traffic impact study would be performed. McKenzie stated there would be a light signal study performed; and, if a signal was needed, they would be responsible.

Councilmember Maroulis moved to close the public hearing at 8:22 p.m. Councilmember Boney seconded. **MOTION PASSED UNANIMOUSLY.**

Iyamu stated the applicant agreed to add the phrase, "by the property owner" after the word "designed," and agreed to change the word "deep" to "wide." Therefore, amendments to Section 4.E.8 of the proposed ordinance would be as follows, "A buffer zone for drainage purposes, designed by the property owner and sloped appropriately and not to be traversed by a roadway a minimum of twenty (20) feet wide, shall be installed and maintained along the boundary of the development as depicted in Exhibit B."

Councilmember Emery asked if they would need to add language on maintenance responsibility. Iyamu noted the applicant stated they were fine with maintaining the language that existed in the current ordinance. The proposed language was only meant to amend and replace the first sentence of Section 4.E.8. Therefore, the current ordinance would still be in effect for restrictive covenant. Mayor Owen inquired if the homeowners would be reimbursed their attorney fees by the applicant. McKenzie stated that as part of the settlement agreement with the homeowners, they have agreed to a capped amount of legal fees that they would pay under certain circumstances.

Councilmember Boney moved to approve the amendment. Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

Mayor Owen inquired if the petition would be withdrawn now that the amendment was approved. Omar Izfar stated he could only confirm that they were withdrawing 17 percent on the condition that the main item not be further amended. Owen inquired if the other 13 percent would withdraw their petition, as well. Mary Ross stated that at the appropriate time, if there were no other further amendments, the petition would be withdrawn. Mayor Owen requested the petition to be removed or City Council would not take action on the ordinance as there would be no further amendments. Councilmember Wyatt inquired if Creekmont would have their legal fees reimbursed as part of withdrawing their lawsuit. William Graham, attorney representing Creekmont HOA, stated if Council moves forward as proposed, then they would withdraw subject to the City's counterclaim and pending litigation.

Councilmember Wyatt requested to go into executive session at 8:29 p.m. under section 551.071 of Texas Government Code. City Council convened into open session at 8:33 p.m.

John Hightower, City's outside counsel, stated if the ordinance was approved, then the lawsuit would be rendered moot. Planning Manager Thomas Gomez clarified the attorneys do not speak on behalf of the remainder of the balance of the protestors. Mark Smith clarified they represent the Creekmont HOA and not the individual homeowners in the litigation.

Councilmember Boney moved to adopt the ordinance. Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

Councilmember Wyatt stepped away at 8:38 p.m.

(b) Public Hearings and related actions

- (1) Public hearing to receive comments for or against a proposed ordinance creating Reinvestment Zone No. 19 for tax abatement purposes; encompassing an approximate 6.06-acre tract of land located within the Park 8Ninety commercial subdivision and north of Buffalo Run Park, south of U.S. Highway 90A, east of South Cravens Road, and west of Beltway 8 in Missouri City, Texas; and consider a related ordinance on the first of two readings.

Councilmember Emery moved to opened the public hearing at 8:39 p.m. Councilmember Boney seconded. **MOTION PASSED UNANIMOUSLY.**

With no public comments, Councilmember Emery moved to close the public hearing at 8:40 p.m. Councilmember Boney seconded. **MOTION PASSED UNANIMOUSLY.**

Councilmember Maroulis moved to approve the ordinance. Councilmember Boney seconded. **MOTION PASSED UNANIMOUSLY.**

Councilmember Wyatt returned at 8:41 p.m.

There were no **APPOINTMENTS.**

9. AUTHORIZATIONS

- (a) Consider authorizing the purchase of playground equipment for Community Park.

Councilmember Wyatt moved to authorize the purchase of playground equipment for Community Park. Mayor Pro Tem Ford seconded. **MOTION PASSED UNANIMOUSLY.**

City Manager Snipes thanked Niagara for their partnership and their donation of \$75,000.

- (b) Consider authorizing a contract for the remodel of the Community Center restroom facility.

Councilmember Emery moved to authorize a contract for the remodel of the Community Center restroom facility. Mayor Pro Tem Ford seconded. **MOTION PASSED UNANIMOUSLY.**

10. ORDINANCES

- (a) Consider an ordinance creating Reinvestment Zone No. 17 for tax abatement purposes; encompassing an approximate 29.18-acre tract of land located north of a CenterPoint Energy Houston Electric LLC easement, south of Pine Meadow Drive, east of Echo Creek Drive, and west of South Cravens Road; and consider the ordinance on the second and final reading.

Councilmember Wyatt moved to adopt the ordinance. Councilmember Boney seconded. **MOTION PASSED UNANIMOUSLY.**

11. RESOLUTIONS

- (a) Consider a resolution authorizing the Mayor to execute and the City Secretary to attest the tax abatement agreement pertaining to certain improvements to be located on a 29.18-acre tract of land located north of a CenterPoint Energy Houston Electric LLC easement, south of Pine Meadow Drive, east of Echo Creek Drive, and west of South Cravens Road.

Councilmember Wyatt moved to approve the resolution. Councilmember Boney seconded. **MOTION PASSED UNANIMOUSLY.**

12. CITY COUNCIL ANNOUNCEMENTS

Councilmember Preston sent his thoughts and prayers to the Goff family. Councilmember Boney encouraged everyone to vote and sent his thoughts to the Goff family.

13. ADJOURN

The regular City Council meeting adjourned at 8:45 p.m.

ATTEST:

Allen Owen, Mayor

Maria Jackson, City Secretary