ALLEN OWEN
Mayor

JERRY WYATT
Councilmember at Large Position 1

DANNY NGUYEN
Councilmember at Large Position 2

BOBBY MARSHALL
Councilmember District A

DON SMITH
Councilmember District B

ROBIN ELACKATT
Councilmember District C

BRETT KOLAJA
Mayor Pro Tem
Councilmember District D

CITY COUNCIL MEETING MINUTES

The City Council of the City of Missouri City, Texas, met in regular session **Tuesday, January 18, 2011,** at the City Hall Council Chambers, Second Floor, 1522 Texas Parkway, Missouri City, Texas, at **7:00 p.m**. to consider the following:

1. ROLL CALL

Mayor Owen called the meeting to order at 7:10 p.m.

Those also present: Mayor Pro Tem Kolaja, Councilmembers Wyatt, Nguyen, Marshall, Smith and Elackatt; City Manager Simpson, City Attorney Kelley, and City Secretary Fogarty.

2. PLEDGE OF ALLEGIANCE

The *Pledge of Allegiance* was led by the Missouri City Police Department Honor Guard.

3. PRESENTATIONS AND RECOGNITIONS

Mayor Owen recognized the **Police Department's Administrative Assistant, Janet Hornischer,** on her retirement and for her 37 years of service to the City of Missouri City; recognized **Assistant Police Chief Pat Worrell** on his retirement and for his 35 years of service to the City of Missouri City; recognized **Assistant Police Chief Larry Capps** on his retirement and for his 30 years of service to the City of Missouri City; and, recognized **Division Chief/Emergency Management Coordinator John Sheffield** on his retirement and for his 25 years of service to the City of Missouri City.

City Council recognized Plantation Creek for winning the Neighborhood of the Year Award from First Colony Community Association.

4. PUBLIC COMMENTS

There were no Public Comments on this agenda.

5. STAFF REPORTS

Police Chief Fitzgerald presented an update on the **2010 City Crime Report** and **recent initiatives of the Missouri City Police Department.**

City Manager Simpson presented an update on city authority to enforce code regulations on certain **multi-resident single-family homes**, including, but not limited to, group homes and assisted living facilities.

6. CONSENT AGENDA

(a) Consider approving the **minutes** of the **special** and **regular** City Council meetings of **January 3, 2011.**

(b) Consider authorizing purchase of **tree spade.**

Councilmember Marshall moved to approve the Consent Agenda pursuant to recommendations by City Staff. Mayor Pro Tem Kolaja seconded. **MOTION PASSED.**

Ayes:	Mayor Owen, Mayor Pro Tem Kolaja, Councilmembers Wyatt, Marshall, Nguyen, Smith, and Elackatt
Noes:	None

Agenda item **6(b)** authorizes the purchase of a **tree spade** from **Vermeer Equipment of Texas, Inc.** in the amount of **$37,748.70.**

7. PUBLIC HEARINGS AND RELATED ACTIONS

(a) Zoning Public Hearings and Ordinances

(1) Public hearing to receive comments for or against a request by **Bill Odle** of **TBG Partners** on behalf of the **Brazos River Park, L.L.C.** to **amend Specific Use Permit #143 (Ordinance O-00-02)** to extend the expiration date; to increase the acreage contained within the Specific Use Permit; and to specify the future truck access route; providing for penalty; providing for severability; and to **consider the ordinance on the first of two readings**. The subject site is located to the north and east of the Brazos River, west of the Water Brook West Residential Subdivision.

The public hearing opened at 8:12 p.m. Planner Travis Huff stated the applicants are requesting three amendments to the ordinance. The first is to allow for the specific use permit to expire five years later than what is stated in the ordinance: the current ordinance states the specific use permit is to expire in 2015, which would allow the current ordinance to extend until 2020. The Planning & Zoning Commission forwarded a positive recommendation. The second amendment is to increase the acreage included within the boundaries of the ordinance from 851.46 to 857.7, which is all of the acreage associated with the site that is presently within the City's limits. The Planning & Zoning Commission forwarded a positive recommendation. The third requested amendment to the ordinance is in regards to the future truck access route to allow for the use of Sienna Springs Blvd. and Sienna Ranch Road. The Planning & Zoning Commission forwarded a positive recommendation.

Mayor Owen questioned how the residents of Sienna feel about the future truck access route. Planner Huff stated the Planning Department has not received any protest letters or concerns from Sienna residents. Director of Public Works/City Engineer Elmer stated the Sienna Plantation Developer attended the initial application meetings.

Mayor Owen further questioned how the issues with the trucks would be resolved. Mr. Bill Odle, TDBG Partners representative, stated that in the first Special Use Permit, there were a maximum number of trips; however, they do not intend to exceed that number. In regards to hours of operation, they work from sun up to sunset. If their hours vary from what is stated within the ordinance, he will look into that.

Councilmember Wyatt stated that within the last couple of months, there has been an increased amount of trucks within that area. Director of Public Works/City Engineer Elmer stated that the proposed truck plan would actually add additional routes for the trucks. Whereas now they are confined to the Thompson Ferry, Oil Field Road route, when the bridge is constructed across the diversion channel, this would extend and allow Sienna Spring, Sienna Ranch Road, and towards the Toll Road area, and this would help on the Thompson Ferry issue. In addition, Thompson Ferry would not cease to exist, but would not be a direct access to this site; it would go through LJ Parkway in the future. With no further comments, the public hearing closed at 8:23 p.m.

Councilmember Wyatt moved to approve the request by **Bill Odle** of **TBG Partners** on behalf of the **Brazos River Park, L.L.C.** to **amend Specific Use Permit #143 (Ordinance O-00-02)** to extend the expiration date; to increase the acreage contained within the Specific Use Permit; and to specify the future truck access route; providing for penalty; providing for severability; **on the first of two readings.** Councilmember Elackatt seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Kolaja, Councilmembers Wyatt, Marshall, Nguyen, Smith, and Elackatt
Noes: None

(b) Public Hearings and related actions
There were no Public Hearings and related actions on this agenda.

8. APPOINTMENTS
There were no Appointments on this agenda.

9. AUTHORIZATIONS

(a) Consider authorizing the purchase of **dispatch radio equipment.**

Councilmember Smith moved to authorize the purchase of **dispatch radio equipment** from **Motorola,** Inc. in the amount of **$450,000.00.** Councilmember Elackatt seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Kolaja, Councilmembers Wyatt, Marshall, Nguyen, Smith, and Elackatt
Noes: None

(b) Consider authorizing the Mayor to execute and the City Secretary to attest an **Interlocal Project Agreement** between **Houston-Galveston Area Council** and the City of Missouri City, Texas, to conduct an **access management study on FM1092.**

Councilmember Marshall moved to authorize the Mayor to execute and the City Secretary to attest an **Interlocal Project Agreement** between **Houston-Galveston Area Council** and the City of Missouri City, Texas, to conduct an **access management study on FM1092 in the amount of $50,000.00.** Councilmember Elackatt seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Kolaja, Councilmembers Wyatt, Marshall, Nguyen, Smith, and Elackatt
Noes: None

(c) Consider awarding a contract for **construction** of the **surface water treatment plant's pre-stressed concrete clearwell.**

Mayor Pro Tem Kolaja moved to award a contract for **construction** of the **surface water treatment plant's pre-stressed concrete clearwell** to **Preload Incorporated** for an amount of **$768,400.00.** Councilmember Marshall seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Kolaja, Councilmembers Wyatt, Marshall, Nguyen, Smith, and Elackatt
Noes: None

(d) Consider authorizing **contract** for **replacement** of **Parks Maintenance Building roof.**

Councilmember Elackatt moved to execute a **contract** for **replacement** of **Parks Maintenance Building roof** to **Jamail & Smith Construction** in the amount of **$60,513.98.** Councilmember Smith seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Kolaja, Councilmembers Wyatt, Marshall, Nguyen, Smith, and Elackatt

Noes: None

(e) Consider property status reports on the properties located at 1530 Autumn Dawn Court, 2219 Long Barrel Lane, and 603 Whippoorwill Drive in the City of Missouri City, Texas; consider authorizing City Staff to take appropriate actions to accomplish Missouri City Code compliance.

Assistant City Engineer Chen provided City Council with an update regarding the properties located at 1530 Autumn Dawn Court, 2219 Long Barrel Lane, and 603 Whippoorwill Drive in the City of Missouri City, Texas.

She stated the property located at 2219 Long Barrel Lane was previously presented to City Council on December 6, 2010. Since that time, no plans have been submitted, no permits issued and no identifiable work has been done on the property. City Council did approve the following deadline associated with the repair of this property: December 25, 2010, the owner was to submit plans for review; January 14, 2011, the owner was to successfully obtain a building permit; and, March 15, 2011, is the deadline for all repairs to be completed.

City Staff recommends that City Council give the owner until March 15, 2011, as previously instructed, to complete the entire project. City Staff also recommends that City Council re-affirm the City Council order allowing the demolition of the house if, by March 15, 2011, the Building Official finds that the house structure continues to be substandard and should be demolished. City Staff will continue to monitor the progress within the time frame directed by City Council.

Mr. Sandles stated (engineer) Ms. Washington finished the plans; however, she was experiencing problems with the write up report needed to assure her calculations are correct. At this time, Deputy Building Official Adophus contacted Mr. Sandles, and Sandles requested two additional weeks before the plans are submitted to the City.

Mayor Owen asked Mr. Sandles if he would have the plans submitted to the City, obtain a permit, and complete all repairs to the substandard property by March 15, 2011. Mr. Sandles responded, yes. Mayor Owen further stated March 15, 2011, is his final deadline because Mr. Sandles will not be authorized to receive additional time from the City.

Assistant City Engineer Chen then supplied information regarding the property located at 603 Whippoorwill. She stated on September 8, 2009, City Council adopted an order finding and declaring the property as substandard. The order allows the City to repair the house and other structures on the property to the extent allowed by law, if the property owner failed to repair or demolish the house structure and other structures on the property by February 1, 2010. With limited information, City Council directed City Staff to initiate substandard structure proceedings to demolish the structure on September 7, 2010. Upon inspection of the interior of the structure, former Building Official, Lalo Flores, found the structure to be secure on September 11, 2010.

City Council was presented with a status report of the property on November 15, 2010; and, since, that time, no permits have been issued and no identifiable work has been done on the property. Furthermore, City Council gave the owner's trustee 60 days to replace the windows of the structure and make the structure habitable by January 14, 2011. The owner's trustee has not replaced the windows of the structure. City Staff has been unable to verify interior repair works. The City will continue to monitor the property for potential code violations.

City Staff recommends that City Council approve a 60-day extension to the current deadline of January 14, 2011. That allows the owner to complete work by March 14, 2011. City Staff will continue to monitor the progress within the time frame directed by City Council.

Mayor Owen questioned why the house should be approved to receive a 60-day extension from the January 14, 2011, deadline. Director of Public Works/City Engineer Elmer stated many of the original pictures are not items that are to be addressed in the substandard structure because they are more of the finishing type of concerns. The substandard structure ordinance does have specific requirements, such as exposure to the elements, electrical, A/C and plumbing; however, the ordinance does not address such items as missing cabinetry. City Staff's recommendation is for a 60-day extension, in order to give them another chance to review and compare the substandard structure ordinance and makes sure everything is appropriate.

Assistant City Engineer Chen then proceeded with the property located at 1530 Autumn Dawn Court damaged by fire in 2008. She stated the house has not been the subject of substandard structure proceedings. On November 15, 2010, City Council was informed that the building permit for the property would be extended.

Upon inspection of the property, City Staff determined major improvements had been made. All windows and doors are in place. The plumbing, mechanical, and gas installations are complete. One inspection remains before full approval of the sheetrock. A construction dumpster and portable toilet remain on the property until the completion of the construction. No code violations were observed on the date of the inspection. The City is continuing to monitor the property for potential code violations. City Staff recommends that City Council give the owner until June 7, 2011, as current permit allows, to complete the entire project.

10. ORDINANCE

(a) Consider an ordinance of the City of Missouri City, Texas, **adopting a Traffic Management Plan,** including a Thoroughfare Plan contained therein; providing for repeal; providing for severability; and to **consider the ordinance on the first of two readings.**

Director of Public Works/City Engineer Elmer stated that in 2005, City Council adopted a Traffic Management Plan (TMP) that predicted traffic growth through the year 2025 and the roadway improvements necessary to accommodate the projected growth.

The TMP study methodology included: determining the contributing study area; developing traffic analysis zones, consistent with H-GAC standards but more detailed; collecting data, including zoning, land use, existing infrastructure, development traffic studies and vehicle counts; conducting travel demand modeling utilizing appropriate software and verifying for accuracy; and, analyzing existing conditions, interim years (2015) and future years (2025), to identify deficiencies and propose corrections

The TMP model is a "living" model, capable of being updated as growth occurs to accommodate revised land uses. As such, an update was performed to reflect the growth the City has experienced. An update was necessary to include the traffic impacts of several new land developments that have been completed or are currently under construction and the completion of US90A and the Fort Bend Toll Road; a recalibration was also necessary to refine the model and its output.

An updated TMP will support the City's efforts to obtain state and federal project funding, provide justification for project submission to H-GAC, and serve as a blueprint for city projects.

Mayor Pro Tem Kolaja moved to approve an ordinance to **adopt a Traffic Management Plan,** including a Thoroughfare Plan contained therein; providing for repeal; providing for severability; **on the first of two readings.** Councilmember Marshall seconded. **MOTION PASSED.**

Ayes:	Mayor Owen, Mayor Pro Tem Kolaja, Councilmembers Wyatt, Marshall, Nguyen, Smith, and Elackatt
Noes:	None

11. RESOLUTIONS

(a) Consider a resolution of the City Council of the City of Missouri City, Texas, authorizing the First Restated as Amended Tax Abatement Agreement by and between the City of Missouri City, Texas **and Ben E. Keith Company** pertaining to certain improvements to an **approximately 82-acre tract of land located in Reinvestment Zone No. 4** in the City of Missouri City, Texas.

Economic Development Coordinator Graf stated that in the original tax abatement agreement, there were certain dates required for the start of construction, completion of construction, the start of operations, the number of employees and the abatement years for Phases I & II of improvements to the property. Due to the delays in attempting to acquire rail access from Union Pacific railroad, the original and amended dates in those agreements have expired and new dates have been established for both Phase I and Phase II.

- Phase I construction will be substantially completed by Dec. 31, 2012.
- The Phase I abatement period will be from Jan. 1, 2013 and through Dec. 31, 2022.
- Phase II construction will be substantially completed by Dec. 13, 2019
- The Phase II abatement period will be from Jan 1, 2020 and through Dec. 31, 2029

Councilmember Marshall moved to approve a resolution of the City Council of the City of Missouri City, Texas, authorizing the First Restated as Amended Tax Abatement Agreement by and between the City of Missouri City, Texas **and Ben E. Keith Company** pertaining to certain improvements to an **approximately 82-acre tract of land located in Reinvestment Zone No. 4** in the **City of Missouri City, Texas.** Councilmember Wyatt seconded. **MOTION PASSED.**

Ayes:	Mayor Owen, Mayor Pro Tem Kolaja, Councilmembers Wyatt, Marshall, Nguyen, Smith, and Elackatt
Noes:	None

(b) Consider a resolution of the City Council of the City of Missouri City, Texas, authorizing the **First Restated as Amended Economic Development Agreement** between the City of Missouri City, Texas and **Ben E. Keith Company** pertaining to certain **improvements to an approximately 82-acre tract of land located in the City of Missouri City, Texas.**

Councilmember Marshall moved to approve a resolution of the City Council of the City of Missouri City, Texas, authorizing the **First Restated as Amended Economic Development Agreement** between the City of Missouri City, Texas and **Ben E. Keith Company** pertaining to certain **improvements to an approximately 82-acre tract of land located in the City of Missouri City, Texas.** Councilmember Smith seconded. **MOTION PASSED.**

Ayes:	Mayor Owen, Mayor Pro Tem Kolaja, Councilmembers Wyatt, Marshall, Nguyen, Smith, and Elackatt
Noes:	None

12. CITY COUNCIL ANNOUNCEMENTS

Mayor Owen announced the Fort Bend Mayor & Council Association would be held on Thursday, January 27, 2011, at the Quail Valley Golf Course Grill, starting at 6:30 p.m.

13. CLOSED EXECUTIVE SESSION

There was no Closed Executive Session on this agenda.

14. ADJOURN

The meeting adjourned at 9:07 p.m.

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Patrice Fogarty, City Secretary