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 on **Monday, March 21, 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 Deputy City Secretary Gonzalez.

2. PLEDGE OF ALLEGIANCE

The *Pledge of Allegiance* was led by the Hightower High School JROTC.

3. PRESENTATIONS AND RECOGNITIONS

Director of Development Services Smith recognized **Deputy Building Official Robert Adolphus** up on his retirement after 27 years of service to the City.

4. PUBLIC COMMENTS

Mayor Owen noted the following comments to any and all citizens who wish to address Council during public comments. "Citizens who wish to address the City Council about items on the agenda which are scheduled for Council action will have **three minutes** to express their positions. State Law prohibits the Mayor and the members of the Council from commenting on any statement or engaging in dialogue without an appropriate agenda item being posted in accordance with the Texas Open Meetings Law. Comments should be directed to the entire Council, not individual members. Engaging in verbal attacks or comments intended to insult, abuse, malign, or slander any individual shall be cause for termination of speaking privileges and expulsion from Council Chambers."

Jose Rivera, 2219 Long Barrel Lane, stated he received a citation for not screening his trash. He informed Council that he did not know about this regulation and he is now concerned that he does not have enough funds to pay for this citation. Mr. Rivera would have liked to receive a warning before receiving a citation.

Tammy Irving, 7702 Poitiers, stated that she received a citation for two bags of leaves for being left on her yard with no warning, as well. Ms. Irving believes it was unfair to not have been notified about the City deciding to cite citizens without a warning first.

5. STAFF REPORTS

City Manager Simpson presented an update on the efficient and effective use of City of Missouri City resources. In his presentation, City Manager Simpson stated that since 2007, more than 2 million square feet of commercial space has been constructed and more than 800 jobs added with more than 500 being nonretail. He added that the City has been able to accomplish this by having competent and

dedicated employees who make good decisions and understand good business practices noting. The IT department is currently improving infrastructure and beginning the process of virtualization.

6. CONSENT AGENDA

(a) Consider approving the **minutes** of the **special** and **regular** City Council meetings of **March 7, 2011.**

Councilmember Marshall moved to approve the Consent Agenda pursuant to recommendations by City Staff. Mayor Pro Tem Kolaja 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 Mahesh Wadhwa of Wadhwa & Associates, agent of **Mara-Natha Full Gospel Church of Dallas**, on behalf of **First Bank, Celia So, Henry So, and Rosa So**, for a **Specific Use Permit** to allow a place of assembly on **a 1.2957 acre tract of land** currently zoned LC-2, Local Retail District; providing for penalty; providing for severability; and to **consider the ordinance on the first of two readings.** The subject site is located north of the Asian American Baptist Church of Houston, south of the Quail Valley Town Center, east of the Cornerstone Baptist Church of Missouri City and west of the Missouri City Tennis and Recreation Center at 2714A and 2716 Cypress Point Drive.

The public hearing opened at 7:40 p.m. Planner II Thomas presented an overview on the request submitted by Mahesh Wadhwa in regards to Mara-Natha Full Gospel Church of Dallas. Planner II Thomas stated they expect to have a couple of hundred congregates and 262 seats. There is an existing SUP on the property designated for a private school, which was an ordinance approved by Council in 2000. If this ordinance is approved it would repeal that ordinance as well.

Mayor Owen recalled there being a similar request before, to place a church on or near the same area and inquired about the traffic issues regarding this property. City Manager Simpson explained that the church before was expected to have thousands of congregates and had presented a traffic impact report which demonstrated that there would be traffic congestion.

Mayor Owen inquired if they would have enough parking. Planner II Thomas stated that for what they are proposing, they would have enough. Mayor Owen stated that his main concern is if they are going to confine it to one building or are they planning to expand into the adjacent buildings. Pastor Clement stated that historically their church does not tend to grow as many others, and does not see the church expanding in the future.

Councilmember Smith stated he would prefer the City treat all churches that request to be in strip centers equally. Director of Public Works/City Engineer Elmer stated that if the facility has been vacant for more than 6 months, an inspection would have to be done to make sure it complies with the City's Fire Code and added that it would also have to be in compliance to all other City codes. Pastor Clement stated they hired an architect that is designing the facility to comply with City codes. With no further comments, the public hearing closed at 8:00 p.m.

Councilmember Wyatt moved to approve the request by Mahesh Wadhwa of Wadhwa & Associates, agent of Mara-Natha Full Gospel Church of Dallas, for a Specific Use Permit to allow a place of assembly on a 1.2957 acre tract of land currently zoned LC-2, Local Retail District; providing for penalty; providing for severability; and to consider the ordinance on the first of two readings. Mayor Pro Tem Kolaja seconded. **MOTION PASSED UNANIMOUSLY.**

(2) Public hearing to receive comments for or against a request by **David Petrakovitz** of the **T-Mobile West Corporation** on behalf of **Global Geophysical Services, Inc.** to **amend Planned Development District #58** (Ordinance O-06-43) to allow for the location of a **140-foot high telecommunications tower;** providing for penalty; providing for severability; and to **consider the ordinance on the first of two readings**. The subject site is located southeast of the intersection of South Gessner and Pike Road and north of Industrial Drive.

The public hearing opened at 8:00 p.m. and with no further comments, the public hearing closed at 8:01 p.m.

Councilmember Marshall moved to approve the request by David Petrakovitz of the T-Mobile West Corporation on behalf of Global Geophysical Services, Inc. to amend Planned Development District #58 (Ordinance O-06-43) to allow for the location of a 140-foot high telecommunications tower; providing for penalty; providing for severability; and to consider the ordinance on the first of two readings. Councilmember Wyatt seconded. **MOTION PASSED UNANIMOUSLY.**

(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 staff to negotiate and the City Manager to execute a contract for **residential and municipal solid waste and recyclable materials services** between the City of Missouri City and **BFI Waste Services of Texas, LP, D/B/A Republic Services of Houston.**

Mayor Pro Tem Kolaja authorized the City Staff to negotiate and the City Manager to execute a contract for residential and municipal solid waste and recyclable materials services between the City of Missouri City and BFI Waste Service of Texas, LP, D/B/A Republic Services of Houston. Councilmember Marshall seconded. **MOTION PASSED UNANIMOUSLY.**

(b) Consider awarding a **contract** for the **construction of water transmission lines** for the **surface water treatment plant.**

Director of Public Works/City Engineer Elmer stated the bid was awarded to the lowest bidder, which is under the projected budget.

Councilmember Marshall awarded a contract for the construction of water transmission lines for the surface water treatment plant. Councilmember Smith seconded. **MOTION PASSED UNANIMOUSLY.**

(c) Consider awarding a contract for the **construction** of **certain intersection improvements** on **State Highway 6.**

Mayor Pro Tem Kolaja awarded a contract for the construction of certain intersection improvements on State Highway 6. Councilmember Elackatt seconded. **MOTION PASSED UNANIMOUSLY.**

(d) Consider authorizing the acceptance of an **easement** from **Sienna Plantation Levee Improvement District** for the **installation and maintenance of water transmission pipelines.**

Councilmember Wyatt authorized the acceptance of an easement from Sienna Plantation Levee Improvement District for the installation and maintenance of water transmission pipelines. Councilmember Nguyen seconded. **MOTION PASSED UNANIMOUSLY.**

(e) Consider a **property status report** and the order on the property located at **2219 Long Barrel Lane** in the City of Missouri City, Texas; consider authorizing City Staff to take appropriate actions.

Assistant City Engineer Chen presented a recap on the address of 2219 Long Barrel Lane. As of the last City Council meeting, no building plans were submitted nor permits obtained. In January 2011, a permit was issued and the owner was asked to comply with the City Council deadline of March 15, 2011. On March 17, 2011, City Staff performed a site visit along with the owner and engineer. Ms. Washington, the owner's engineer, stated significant improvements had been done to the frame, but unfortunately, all the improvements that have been completed are still insufficient. On March 16, 2011, and March 18, 2011, the electrician applied for a permit, and was informed by City Staff that all contractors performing work in the City must be registered.

Assistant City Engineer Chen added that since March 16th and 18th were past City Council's deadline, the electrician was informed that a permit could not be issued until City Council meets and determines the next step.

Currently the structure is still determined as uninhabitable and City Council now has the option to extend the deadline for the owner to complete the repairs or enforce the existing order to demolish the structure. Assistant City Engineer Chen stated that should City Council decide to extend the deadline, City Staff would keep monitoring all improvements.

Councilmember Wyatt inquired if the property reached a point where it could be occupied before taking action to demolish. Assistant City Engineer Chen stated significant structure repairs have been completed and for the most part the structure can withstand the elements. Director of Development Services Smith noted that since windows were broken that allow weathering to affect the structure, the boards would need to be moved to the outside of the structure, making it more weather tight.

Ms. Sandles, owner of 2219 Long Barrel Lane, stated that she was present when the structure was assessed on March 17th and added that the interior is borderline because of the weather tightness. She considers that quite of bit of effort has been done with the insurance company. Councilmember Smith inquired about the efforts that were made. Ms. Washington stated most of the building is now structurally sound, although there are still many issues that need to be addressed. Councilmember Smith stated that the building would withstand the usual wear and tear, if secured from any unauthorized entry. Mayor Owen inquired when the house would be weather tight. City Manager Simpson stated that the City issues citations when repairs are not completed by the deadline. Mayor Owen asked Ms. Washington if all the repairs would be completed by August 2011, with Ms. Washington stating that the house will be ready to be inhabited by August.

Councilmember Wyatt moved to **vacate the order** and have the City proceed under normal proceedings under the housing code on property located at **2219 Long Barrel Lane.** Councilmember Marshall seconded. **MOTION PASSED UNANIMOUSLY.**

10. ORDINANCE

(a) Consider an ordinance of the City of Missouri City, Texas, **amending Chapter 78, Solid Waste,** of the Missouri City Code; amending the rules and regulations related to **residential solid waste service levels,** providing for a **change in election of service level;** providing for repeal; providing for severability; and to **consider the ordinance on the first of two readings.**

Councilmember Marshall moved to approve an ordinance of the City of Missouri City, Texas, amending Chapter 78, Solid Waste, of the Missouri City Code; amending the rules and regulations related to residential solid waste service levels, providing for a change in election of service level; providing for repeal; providing for severability; and to consider the ordinance on the first of two readings. Councilmember Elackatt seconded. **MOTION PASSED UNANIMOUSLY.**

(b) Consider an ordinance **enlarging the boundaries of Reinvestment Zone Two,** City of Missouri City by the inclusion of portions of the rights-of-way of **Lake Shore Harbour Boulevard and Vicksburg Boulevard;** and to **consider the ordinance on the first of two readings.**

Director of Development Services Smith presented an overview on the enlargement of the boundaries of Reinvestment Zone Two. In his presentation, he stated that not all their property is in their zone causing the attorney for Wal-mart a significant concern as it will be hard to determine what part is in the zone, what part goes to the increment and what part goes to the general fund.

Councilmember Marshall inquired if the City should proceed with the street portion or wait on the County. Director of Development Services Smith recommended amending the ordinance or directing City Staff on second reading with inclusion of their entire tract in zone and work with the County to make sure it is in place.

Mayor Pro Tem Kolaja moved to an ordinance enlarging the boundaries of Reinvestment Zone Two, City of Missouri City by the inclusion of portions of the rights-of-way of Lake Shore Harbour Boulevard and Vicksburg Boulevard; and to consider the ordinance on the first of two readings. Councilmember Elackatt seconded. **MOTION PASSED UNANIMOUSLY.**

11. RESOLUTIONS

(a) Consider a resolution of the City Council of the City of Missouri City, Texas, **opposing House Bill Number 1798** of the 82nd Legislature, Regular Session, relating to the **approval of certain water control and improvement district actions by municipalities.**

Councilmember Marshall moved to a resolution of the City Council of the City of Missouri City, Texas, opposing House Bill Number 1798 of the 82nd Legislature, Regular Session, relating to the approval of certain water control and improvement district actions by municipalities. Councilmember Nguyen seconded. **MOTION PASSED UNANIMOUSLY.**

12. CITY COUNCIL ANNOUNCEMENT

There were no City Council Announcements on this agenda.

13. CLOSED EXECUTIVE SESSION

At 8:30 p.m., Council convened in closed executive session pursuant to chapter 551 of the Texas Government Code, for one or more of the following reasons:

Texas Government Code, Section 551.071 – Consultation with attorney to seek or receive legal advice regarding pending or contemplated litigation, a settlement offer, or on a matter which the duty of the attorney to the City under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act: The City of Missouri City v. Carter & Burgess, Inc., Roy Hearnsberger, Wendell L. "Buddy" Barnes, and Susan Siegal in their Individual Capacities, Cause No. 09-DCV-174299, in the District Court of Fort Bend County, Texas, 434th Judicial District.

Texas Government Code, Section 551.071 – Consultation with attorney to seek or receive legal advice regarding pending or contemplated litigation, a settlement offer, or on a matter which the duty of the attorney to the City under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act: U. S. Department of Housing and Urban Development, Independent Audit for Year Ended June 30, 2010—Finding 10-01.

Texas Government Code, Section 551.074 – Personnel matters regarding the evaluation, employment, reassignment, duties, discipline, or dismissal of a public officer or employee: city secretary.

Texas Government Code, Section 551.087 – Deliberation regarding commercial or financial information that the governmental body received from a business prospect that the governmental body seeks to locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations for industrial warehousing, assembly, and distribution.

14. RECONVENE

At 9:08 p.m., Council reconvened into open session.

15. ADJOURN

The meeting adjourned at 9:08 p.m.

ATTEST:

Allen Owen, Mayor

Maria Gonzalez, Deputy City Secretary