ALLEN OWEN
Mayor

JERRY WYATT
Councilmember at Large Position 1

DANNY NGUYEN
Councilmember at Large Position 2

missouri CITY
TEXAS
the show me city

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 SPECIAL MEETING MINUTES

The City Council of the City of Missouri City, Texas, met in special session **Monday, March 7, 2011,** at **5:30 p.m.** at City Hall, Second Floor Council Chamber, 1522 Texas Parkway, Missouri City, Texas, to consider the following:

1. CALL TO ORDER

Mayor Pro Tem Kolaja called the meeting to order at 5:33 p.m.

Those also present: Councilmembers Nguyen, Marshall, Smith and Elackatt; City Manager Simpson; City Attorney Kelley; Deputy City Secretary Gonzalez. Assistant City Manager Atkinson, Director of Development Services Smith, Director of Public Works/City Engineer Elmer, Director of Parks and Recreation Foos, Director of Communications Brescian, Economic Development Coordinator Graf, Assistant City Attorney Iyamu, Acting Fire Marshal DeFoore, Public Relations Manager Walker, Project Coordinator Russell, and Project Manager Marvin. Also present: Burt Levine, Floyd Emery, Iris Young, Joe Young, and Karen Hastings, Houston Chronicle Correspondent. Councilmember Wyatt arrived at 5:35 p.m. Absent: Mayor Owen.

2. DISCUSSION/POSSIBLE ACTION

(a) Consider and discuss conceptual plan review for the Tennis and Recreation Center.

Director of Parks and Recreation Foos presented an overview of the conceptual plan review for the Tennis and Recreation Center. Mayor Pro Tem Kolaja inquired about the LED lights and signage. Director Foos stated it would be a great option to use to market the center. Councilmember Wyatt inquired if the current parking lot would be replaced. Director Foos stated that there will be a new parking lot and the current parking lot would be resurfaced. The project should be under construction during summer 2011.

Councilmember Smith stepped away from the meeting at 6:00 p.m.

(b) Consider and discuss interlocal agreements and working relationships between the Cities of Missouri City and Stafford.

City Manager Simpson presented an overview of the interlocal agreements and working relationship between the Cities of Missouri City and Stafford. The current agreements and working relations between the City of Missouri City and the City of Stafford relate to the animal shelter, radio, Sta-Mo Park, drainage, fire protection, county wide economic development efforts, and the Metro rail project.

At this time, the City of Stafford wishes to obtain control of the WCID No. 2 to the detriment of Missouri City. HB 1798 was filed without notice to Missouri City and the City of Stafford seeks complete oversight and approval of all WCID No. 2 business. WCID No. 2 is the service area for Missouri City's recent economic development success including Lakeview Business Park, B.E. Keith, and the Gessner Road developments. In addition, almost 1,000 homes in Missouri City are served by WCID No. 2.

City Staff recommends having a new animal shelter designed for only Missouri City operations; drafting a proposed agreement for Sta-Mo Park so that all costs are shared on a 50/50 basis; adopting new fees for other cities' use of the radio system; determining alternatives that Missouri City can implement to mitigate the negative impact of the additional Stafford Run Watershed flows from Stafford; and, adopting a resolution and/or legislation that opposes legislation giving Stafford any control over the WCID No. 2.

Councilmember Smith returned to the meeting at 6:18 p.m.

(c) Consider and discuss regulating certain assisted living facilities and boarding home facilities.

City Manager Simpson presented an overview of certain assisted living facilities and boarding home facilities. He further stated that City Staff has researched additional regulatory options that would allow the city to regulate such facilities.

Assistant City Attorney Iyamu then presented a brief summary of an assisted living facility that was located in the City. The operator of that facility, Ms. Pace, is currently suspected of operating an assisted living facility at 2231 Fall Meadow in Missouri City. The City is in the process of filing the appropriate paperwork for a court citation.

Assistant City Attorney Iyamu added that state law allows municipalities to prohibit people from operating unlicensed facilities within their cities if a license is required. At this time, Missouri City does not have an ordinance regulating assisted living facilities or boarding home facilities. Each regulatory option is as follows:

- Adopt an ordinance creating a code violation for unlicensed assisted living facilities provided that a license is required.
- Adopt an ordinance establishing a procedure for the emergency closure of assisted living facilities presenting an immediate threat to the facility's residents.
- Adopt an ordinance establishing a boarding home permit process and requirements.

Acting Fire Marshal DeFoore stated that facilities that are currently licensed by the Department of Aging and Disability Services are inspected by the City once a year. Facilities that provide a certain type of care to residents must be licensed by the state. Councilmember Elackatt inquired how this regulation would assist the City. City Manager Simpson stated that the City could perform health inspections on the food being served at such facilities, and that the City could immediately cite people who are operating assisted living facilities without a state license to court if a license is required. Assistant City Attorney Iyamu stated that any regulation could lead the public to believe that the City has more regulatory authority than it actually does. City Attorney Kelley stated that there are still limitations on regulating certain homes. Acting Fire Marshal DeFoore stated that the problem with adopting the emergency closure ordinance is that the city could become responsible for the care and placement of displaced residents.

Assistant City Attorney Iyamu added that the boarding home permit would allow the City to create and adopt standards and such facilities would have to abide by these standards. The caveat of this permit is that if homes meet such standards, the City could not prevent these establishments from locating in residential areas.

Councilmembers Wyatt and Elackatt inquired about the manner in which assisted living facilities are paid and whether facilities paid by Medicare have to be licensed and meet Texas Department of Health standards.

City Manager Simpson stated that there is a need for homes for the disabled and that the City is not attempting to prohibit such homes. The City just wants to regulate such homes to the fullest extent so that the homes are safe for residents. City Manager Simpson recommended having City Staff draft ordinances to place on a future agenda.

(d) Consider and discuss special event and temporary food establishment permits.

Councilmember Marshall wanted a clarification on exactly what was considered a food establishment and which ones are required to have food permits. Councilmember Marshall stated that currently the way it worded, if someone has a catered event and the individual having the event must get a temporary food permit along with the permit the catering company has. Councilmember Marshall also wanted clarification on special event permits. City Attorney Kelley read the current regulations on temporary food establishments and what constitutes a food establishment.

3. CLOSED EXECUTIVE SESSION

There was no Closed Executive Session on this agenda.

4. ADJOURN

The special City Council meeting adjourned at 7:00 p.m.

ATTEST:

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Allen Owen, Mayor Maria Gonzalez, Deputy City Secretary