

YOLANDA FORD
Mayor

VASHAUNDRA EDWARDS
Councilmember at Large Position No. 1

CHRIS PRESTON
Mayor Pro Tem
Councilmember at Large Position No. 2



CHERYL STERLING
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, May 4, 2020**, at the City Hall, Council Chamber, 2nd Floor, 1522 Texas Parkway, Missouri City, Texas, 77489, at **7:00 p.m.** to consider the following:

Due to the COVID 19 Disaster and the Center for Disease Control's recommendation regarding social distancing measures, the Mayor, City Council, City Staff members, and members of the public were not physically present during this meeting. The meeting was made possible through the cloud-based video conferencing platform Zoom.

1. **ROLL CALL**

Mayor Ford called the meeting to order at 8:13 p.m.

Those also present: Mayor Pro Tem Preston, Councilmembers Edwards, Sterling, Boney, Maroulis, and Emery; Interim City Manager Atkinson, City Attorney Iyamu, and City Secretary Jackson.

2. The **PLEDGE OF ALLEGIANCE** was led by Assistant City Manager Martel.

3. **PRESENTATIONS AND RECOGNITIONS**

Mayor Ford recognized May 1, 2020, as "Law Day" in the City of Missouri City, Texas; proclaimed the week of May 3-9, 2020, as "Hurricane Preparedness Week" in the City of Missouri City, Texas; proclaimed the week of May 10-16, 2020, as "National Police Week" in the City of Missouri City, Texas; and, recognized the Islamic holy month of Ramadan (April 24, 2020 to May 23, 2020) to Muslims in Missouri City, Texas. Shaizad Chatriwala accepted the proclamation and spoke about the importance of Ramadan.

There were no **PUBLIC COMMENTS**.

5. **STAFF REPORTS**

Interim City Manager Atkinson provided an update of the City's response to the Coronavirus Disease 2019 (COVID-19) pandemic.

6. **CONSENT AGENDA**

- (a) Consider approving the minutes of the special and regular City Council meetings of April 20, 2020, and the special City Council meeting of April 27, 2020.

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

Ayes: Mayor Ford, Mayor Pro Tem Preston, Councilmember Edwards, Councilmember Sterling, Councilmember Boney, Councilmember Maroulis and Councilmember Emery

Nays: None

7. PUBLIC HEARINGS AND RELATED ACTIONS

(a) Zoning Public Hearings and Ordinances

- (1) Public hearing to receive comments for or against a request to amend PD Planned Development District No. 81 (Ordinance O-19-01) to allow for the location of an independent living facility and assisted living facility; providing for an amendment to the Comprehensive Plan; providing a penalty; and consider the related ordinance on the first of two readings. PD No. 81 is located north of the intersection of Fifth Street and FM 1092, southeast of the intersection of Lexington Boulevard/Independence Boulevard and FM 1092, and west of the Fort Bend Independent School District Armstrong Elementary School. PD No. 81 includes undeveloped acreage, a Starbucks at 1321 FM 1092, and a Take 5 Oil Change at 1405 FM 1092.

Planning Manager Thomas Gomez presented an overview on the request to amend PD Planned Development District No. 81 (Ordinance O-19-01) to allow for the location of an independent living facility and assisted living facility. Gomez stated the Planning and Zoning Commission forward a positive recommendation. Mayor Ford asked about the reason for the change beyond zoning for the assisted living. Gomez stated it was due to market conditions within the area.

Councilmember Maroulis moved to open the public hearing at 8:43 p.m. Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Ford, Mayor Pro Tem Preston, Councilmember Edwards, Councilmember Sterling, Councilmember Boney, Councilmember Maroulis and Councilmember Emery

Nays: None

Councilmember Maroulis asked if the developer had taken into account some of the new buildouts coming into the City. Cynthia Ramirez, STOA Architects, stated the developer had and was willing to move forward.

Maroulis asked if the applicant was not reducing the number of multifamily and was only making an amendment to the use. Gomez stated the applicant was not reducing the amount of land and noted there was no cap on the units.

Councilmember Emery asked if the layout would follow similar development standards that were seen in other assisted living facilities which include garages. Gomez stated the assisted living would not, but the independent living portion would.

Mayor Pro Tem Preston asked if there had been consideration for the safety and security of schools nearby. Gomez stated they had not spoken about those types of mechanisms. She added this would be a gated community and they would have procedures in place that would limit access to certain areas. Ramirez stated it would be a gated community during Phase 1 and would be an overall secured area. She added they would have several nurse stations throughout the first level to support the facility.

Councilmember Maroulis moved to close the public hearing at 8:48 p.m. Councilmember Sterling seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Ford, Mayor Pro Tem Preston, Councilmember Edwards, Councilmember Sterling, Councilmember Boney, Councilmember Maroulis and Councilmember Emery

Nays: None

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

Ayes: Mayor Ford, Mayor Pro Tem Preston, Councilmember Edwards, Councilmember Sterling, Councilmember Boney, Councilmember Maroulis and Councilmember Emery

Nays: None

- (2) Public hearing to receive comments for or against an ordinance amending Subsection 9.6.B.3.e., of Appendix A of the Missouri City Code, entitled, "The City of Missouri City Zoning Ordinance" to correct a reference error regarding standards for off-street parking; providing a penalty; and consider the ordinance on the first of two readings.

Director of Development Services Spriggs noted the proposed request was amending Subsection 9.6.B.3.e., of Appendix A of the Missouri City Code. The correction was to an error of the standards for off-street parking.

Councilmember Maroulis moved to open the public hearing at 8:51 p.m. Councilmember Boney seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Ford, Mayor Pro Tem Preston, Councilmember Edwards, Councilmember Sterling, Councilmember Boney, Councilmember Maroulis and Councilmember Emery

Nays: None

With no public comments, Councilmember Boney moved to close the public hearing at 8:52 p.m. Councilmember Maroulis seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Ford, Mayor Pro Tem Preston, Councilmember Edwards, Councilmember Sterling, Councilmember Boney, Councilmember Maroulis and Councilmember Emery

Nays: None

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

Ayes: Mayor Ford, Mayor Pro Tem Preston, Councilmember Edwards, Councilmember Sterling, Councilmember Boney, Councilmember Maroulis and Councilmember Emery

Nays: None

(b) Public Hearings and related

- (1) Public hearing to receive comments concerning an ordinance continuing Article VII of Chapter 74 of the Missouri City Code; continuing the rules and regulations pertaining to the standards of care for certain elementary-age recreation programs operated by the City of Missouri City; and consider the ordinance on the first of two readings.

Recreation Superintendent Browne noted the proposed ordinance would continue the standards of care for elementary-age recreation programs operated by the City.

Councilmember Emery moved to open the public hearing at 8:55 p.m. Councilmember Edwards seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Ford, Mayor Pro Tem Preston, Councilmember Edwards, Councilmember Sterling, Councilmember Boney, Councilmember Maroulis and Councilmember Emery

Nays: None

Mayor Ford asked if this was specifically for the summer program. Browne stated it included summer camp and any youth recreation programs throughout the year. Ford asked if they would move forward with virtual facilitation. Browne stated they were prepared to do virtual programs or to do it with a contingency plan to move forward.

Councilmember Emery moved to close the public hearing at 8:57 p.m. Councilmember Sterling seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Ford, Mayor Pro Tem Preston, Councilmember Edwards, Councilmember Sterling, Councilmember Boney, Councilmember Maroulis and Councilmember Emery
Nays: None

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

Ayes: Mayor Ford, Mayor Pro Tem Preston, Councilmember Edwards, Councilmember Sterling, Councilmember Boney, Councilmember Maroulis and Councilmember Emery
Nays: None

There were no **Appointments** on this agenda.

9. AUTHORIZATIONS

- (a) Consider authorizing a reimbursement to Fort Bend County pursuant to an agreement between the City of Missouri City, the Missouri City Development Authority, Fort Bend County, and Reinvestment Zone Number Two, City of Missouri City, Texas, for certain transportation improvements.

Director of Financial Services Portis presented an overview on the reimbursement. Councilmember Maroulis asked if the City had a say on which projects the money would be spent on. City Attorney Iyamu stated that with bond projects, the County allows the City to suggest or give input.

Councilmember Boney moved to authorize a reimbursement to Fort Bend County pursuant to an agreement between the City of Missouri City, the Missouri City Development Authority, Fort Bend County, and Reinvestment Zone Number Two, City of Missouri City, Texas, transportation improvements. Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Ford, Mayor Pro Tem Preston, Councilmember Edwards, Councilmember Sterling, Councilmember Boney, Councilmember Maroulis and Councilmember Emery
Nays: None

- (b) Consider authorizing a reimbursement to Houston Community College System pursuant to an agreement between the City of Missouri City, the Houston Community College System, and Reinvestment Zone Number Three, City of Missouri City, Texas, for educational facility improvements.

Director of Financial Services Portis presented an overview on the reimbursement.

Councilmember Maroulis moved to authorize a reimbursement to Houston Community College System pursuant to an agreement between the City of Missouri City, the Houston Community College System, and

Reinvestment Zone Number Three, City of Missouri City, Texas, for educational facility improvements. Councilmember Sterling seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Ford, Mayor Pro Tem Preston, Councilmember Edwards, Councilmember Sterling, Councilmember Boney, Councilmember Maroulis and Councilmember Emery
Nays: None

- (c) Consider authorizing the execution of an agreement terminating the interlocal agreement between Reinvestment Zone Number Three, City of Missouri City, the City of Missouri City, Texas, and the Houston Community College System for the Houston Community College System's participation in Reinvestment Zone Number Three, City of Missouri City.

City Attorney Iyamu presented an overview of the termination agreement.

Councilmember Emery moved to authorize the execution of an agreement terminating the interlocal agreement between Reinvestment Zone Number Three, City of Missouri City, the City of Missouri City, Texas, and the Houston Community College System for the Houston Community College System's participation in Reinvestment Zone Number Three, City of Missouri City. Councilmember Maroulis seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Ford, Mayor Pro Tem Preston, Councilmember Edwards, Councilmember Sterling, Councilmember Boney, Councilmember Maroulis and Councilmember Emery
Nays: None

- (d) Consider authorizing Boyer Inc. to self-perform Early Work Package (EWP) for the Mustang Bayou Wastewater Plant Rehabilitation and Expansion project.

Director of Public Works Kumar stated that on March 2, 2020, the City Council authorized a construction management at risk (C-MAR) contract with Boyer, Inc. via a change order (#1) to include Early Work Package (EWP) for a guaranteed maximum price (GMP) of \$1,816,974.75, and a total contract price in the amount of \$2,026,974.75. This specific authorization was for the City Council to make a determination that it was the best value to the City to authorize Boyer Inc. to self-perform Early Work Package (EWP) for the Mustang Bayou Wastewater Plant Rehabilitation and Expansion project.

Councilmember Emery moved to authorize Boyer Inc. to self-perform Early Work Package (EWP) for the Mustang Bayou Wastewater Plant Rehabilitation and Expansion project. Councilmember Boney seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Ford, Mayor Pro Tem Preston, Councilmember Edwards, Councilmember Boney, Councilmember Maroulis and Councilmember Emery
Nays: None
Absent: Councilmember Sterling

- (e) Consider authorizing an amendment to a contract for the Willow Waterhole drainage analysis.

Director of Public Works Kumar stated that on September 27, 2019, City Staff authorized a professional contract with Kimley-Horn and Associates, Inc. to update a drainage analysis for the Willow Waterhole Watershed, which serves both the City of Stafford and the City of Missouri City. In addition, Kimley-Horn had previously performed the update for the subject watershed. Kumar noted the main goal of this update was to maximize regional detention (both within Stafford and Missouri City limits) to facilitate development

within respective jurisdictions based on prior interlocal agreements. During the course of the study, Kimley Horn determined that the existing land dedicated for regional detention might not be adequate to mitigate all developmental impacts. As such, the City of Stafford's team suggested a new tract of land within City of Stafford. He stated the current project scope of the consultant would need to be amended to include this additional task. He noted the effort was estimated to cost an additional \$7,500. The contract would now exceed the \$50,000 staff approval threshold and would therefore require Council authorization.

Councilmember Emery moved authorize an amendment to a contract for the Willow Waterhole drainage analysis. Councilmember Boney seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Ford, Mayor Pro Tem Preston, Councilmember Edwards, Councilmember Boney, Councilmember Maroulis and Councilmember Emery

Nays: None

Absent: Councilmember Sterling

There were no **ORDINANCES.**

11. RESOLUTIONS

- (a) Consider a resolution approving and adopting the development and planning schedule of fees.

Director of Development Services Spriggs stated that due to closures and limited access to some City facilities and operational suspensions/restrictions to City programs and services, administrative staff has successfully continued the development review and approval process both remotely and virtually. He noted the Mayoral declaration addresses the decision stating that such declaration "measures may include closing certain venues, the cancellation of certain events and, pursuant to Chapter 122 of the Texas Health and Safety Code, the quarantine of individuals and the compelling of individuals to undergo certain health measures that prevent or control the spread of the disease." In the effort to allow for more advance notice and time for public awareness of the new development fees, staff was requesting a 30-day extension of the effective date of Resolution 20-10 until June 1, 2020. Staff would take additional measures to assure that the public was notified of the new effective date.

Councilmember Maroulis moved to approve the resolution. Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Ford, Mayor Pro Tem Preston, Councilmember Edwards, Councilmember Boney, Councilmember Maroulis and Councilmember Emery

Nays: None

Absent: Councilmember Sterling

- (b) Consider a resolution adopting a schedule of fees pertaining to the regulation, registration, impoundment and handling of animals by the City of Missouri City, Texas.

Animal Shelter Manger Goffney stated that due to closure, operational suspensions/restrictions to City programs and services, and in efforts to allow for more advance notice and time for public awareness of the new development fees, staff was requesting a 30-day extension of the effective date of Resolution 20-10 until June 1, 2020. Staff would take additional measures to assure that the public was notified of the new effective date.

Councilmember Maroulis moved to approve the resolution. Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

Ayes: Mayor Ford, Mayor Pro Tem Preston, Councilmember Edwards, Councilmember Sterling, Councilmember Boney, Councilmember Maroulis and Councilmember Emery

Nays: None

12. CITY COUNCIL ANNOUNCEMENTS

Mayor Pro Tem Preston thanked City staff, first responders and residents who have served the communities on the front line. Councilmember Edwards echoed what Mayor Pro Tem Preston stated; and, thanked the Communications Department and Mayor Ford for the event they hosted to pass out personal protective equipment (PPE) supplies. Councilmember Sterling echoed what the previous Councilmembers stated; gave kudos to Chief Berezin for responding to the Polk County rescue operations; thanked Councilmember Emery for his HGAC service; and, stated HGAC was working to have a local office in the City to serve as a workforce center. Councilmember Boney encouraged residents to take the virus seriously and wear a mask when going out. Councilmember Maroulis noted that during the special City Council meeting, they discussed the citizen survey and thanked staff for making a difference in customer service; and, he thanked the Fire and Rescue Services Department and the Police Department for everything they do for the community. Councilmember Emery thanked Councilmember Sterling for the recognition; he noted that getting a workforce center in the City was work done by Director of Economic Development Esch along with HGAC; and, he thanked Chief Berezin for his leadership and recognition of the Police Week. Mayor Ford encouraged everyone to stay safe and practice procedures to prevent the spreading of the virus; she thanked Chief Berezin and Chief Campbell for their support in the event to give away PPE to the community; and, she thanked Congressman Green for teaming up with her to provide PPE to first responders.

13. ADJOURN

The regular City Council meeting adjourned at 9:28 p.m.

Minutes PASSED AND APPROVED this the 18th day of May 2020.

Maria Jackson, City Secretary