



CITY OF IOWA COLONY

CITY COUNCIL MEETING MINUTES

**Monday, October 16, 2023
7:00 PM**

Iowa Colony City Hall, 12003 Iowa Colony Blvd., Iowa Colony, TX 77583

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STATE OF TEXAS
COUNTY OF BRAZORIA
CITY OF IOWA COLONY

BE IT REMEMBERED ON THIS, the 16th day of October 2023, the City Council of the City of Iowa Colony, Texas, held a Council Meeting at 7:00 P.M. at Iowa Colony City Hall, there being present and in attendance the following members to wit:

Mayor Wil Kennedy
Councilmember Arnetta Murray
Councilmember McLean Barnett
Mayor Pro Tem Marquette Greene-Scott
Councilmember Tim Varlack
Councilmember Sydney Hargroder

And none being absent, constituting a quorum at which time the following business was transacted.

CALL TO ORDER

Mayor Kennedy called the meeting to order at 7:08 P.M.

INVOCATION

Pastor Johnathan Gray from Second Baptist in Pearland prayed aloud.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance and Texas Pledge were recited.

SPECIAL PRESENTATIONS & ANNOUNCEMENTS

Reserved for formal presentations and proclamations.

1. Proclamation declaring Fire Prevention Month

Mayor Kennedy read the Proclamation aloud. He then presented Fire Marshal, Albert Cantu with the Proclamation declaring Fire Prevention Month.

2. Proclamation declaring Municipal Court Week

Mayor Kennedy read the Proclamation aloud. He then presented Municipal Court Administrator, Monica Suarez with the Proclamation declaring Municipal Court Week.

3. Proclamation declaring Breast Cancer Awareness Month

Mayor Kennedy read aloud the Proclamation declaring October, Breast Cancer Awareness Month. The Council and Staff took a group photo wearing pink in support of breast cancer awareness.

CITIZEN COMMENTS

Crystal Pratts; 8315 County Road 79- seeking a variance for a dwelling on her property for her mother to stay in. She already purchased the building. She is a breast cancer survivor and appreciates that the council and staff were pink to acknowledge breast cancer awareness month. She was told two weeks ago that she is cancer free.

Carolyn Bowen; 9102 Iowa Colony Blvd-provided her history of involvement with the city. Her neighbors back in the 1970's built a small living quarter on their property for their parents and hired a caretaker to live on the property to take care of their parents. She feels that residents who live on acreage and those residents who are on 50ft to 60 ft lots should have different restrictions. She built a living quarter on her property years ago and had the quarters permitted and inspected to take care of her mother and now all the regulations prohibit that.

Joe Myers; 10131 Blythe St- He is a new resident of the city. He asked what the population of Iowa Colony is? City Manager, Robert Hemminger stated that the 2020 census was a little over 8,100. Today we estimate about 12,500. The city he came from on the East Coast had a community center for the kids to get involved. He asked if there was anything in the plans for a community center in Iowa Colony, specifically for the kids to get involved. Robert responded that later on the agenda there is an item for council consideration regarding adopting a parks master plan that had been in the works for about the last 6 months, which includes those type of facilities.

Carol Wall; 4109 Cedar Rapids Parkway-thanked the city for the road (Cedar Rapids Parkway) being repaired.

Brenda Ledbetter; 4113 Cedar Rapids Parkway-She had a question for City Council. She asked if she would have to pay \$1000 and request a variance if she wanted to give one of her children one of her five acres or would she have to request an SUP and put up a sign and go through that process. City Engineer, Dinh Ho responded and let her know that they can replat as long as they provide 120 ft road frontage on a public roadway and have a total of 1 acre for a property that is going to be served by a private sewer and a private well.

PUBLIC HEARINGS

4. Hold a public hearing:

TO CONSIDER A VARIANCE TO SECTION 37. LOTS. THE FOLLOWING MINIMUM REQUIREMENTS SHALL APPLY UNLESS A CONFLICT EXISTS BETWEEN THIS SECTION AND CITY'S ZONING ORDINANCE, IN WHICH CASE THE MORE RESTRICTIVE REQUIREMENTS OF THE TWO WILL CONTROL. A. ONE ACRE AND LARGER LOTS. 2. LOT DIMENSIONS. LOT DIMENSIONS SHALL BE A MINIMUM OF ONE HUNDRED TWENTY (120) FEET IN WIDTH AT THE BUILDING SETBACK LINE AND OF A DEPTH SO AS TO PROVIDE AN AREA NOT LESS THAN ONE (1) ACRE OR FORTY-THREE THOUSAND FIVE HUNDRED SIXTY (43,560) SQUARE FEET AT 4030 CEDAR RAPIDS PKWY, IOWA COLONY, TEXAS 77583.

Mayor Kennedy opened the public hearing at 7:35 P.M.

Carolyn Bowen stated that it seems like everything regarding this variance is based around utilities such as water and sewer. She suggested that city look into providing utilities and city services to the residents who live in the rural area. She feels that residents with larger acreage lots should be able to have more flexibility.

Elsa Moreno provided comments. Emma provided her and her children a place to live. After a few years they were told they could not stay there anymore due to restrictions.

Mayor Kennedy closed the public hearing at 7:45 P.M.

5. Hold a public hearing:

TO CONSIDER A VARIANCE TO SECTION 8. OFFENSES A. IT SHALL BE UNLAWFUL TO CONSTRUCT TWO (2) SINGLE FAMILY DWELLINGS WHICH SHALL BE OCCUPIED ON A CONTINUAL BASIS ON A SINGLE LOT, PARCEL OR TRACT OF LAND AT 8315 COUNTY ROAD 79, IOWA COLONY, TEXAS 77583.

Mayor Kennedy opened the public hearing 7:46 P.M. Planning Commission members Brenda Dillon and Terry Hayes spoke in favor of granting the variance. Joe Myers had questions about rural property and what restrictions we have for those who have property in the rural area. Mayor Kennedy closed the public hearing at 7:52 P.M.

COUNCIL COMMENTS

Councilmember Barnett-Thankful for the large crowd. He stated that it is going to be a cold winter.

Councilmember Murray-Mentioned that she attended the Brazoria County Fair Parade. She reminded everyone to be mindful of the Middle East and keep them in your thoughts and prayers with everything that is going on.

Mayor Pro Tem Greene-Scott-thanked those in attendance. She mentioned we may need to consider looking at the ordinances and making revisions, if necessary. She mentioned that AISD is hosting a Veteran's Day program at Freedom Field on November 10, 2023 at 10:00 A.M.

Councilmember Varlack-he is grateful for everyone in attendance. The pink shirts represent lives that are changed. He encourages everyone to remember that we are a community and there are more things that we agree about than we disagree with. The previous council and administration approved zoning and we do our best to adhere to those.

Councilmember Hargroder-She was able to attend the TML conference and learned so much new information. Regarding deliberation later tonight, these decisions are not taken lightly.

Mayor Kennedy-He expressed his gratitude and appreciation for those in attendance. He prays that the Islam and Hamas conflict finds resolution soon. Regarding the concerns that were raised in the public hearings, he hears the concerns, and they are taken into account.

STAFF REPORTS

6. Fire Marshal/Building Official Monthly Report
7. Police Department Monthly Report
8. Municipal Court Monthly Report
9. Public Works Monthly Report
10. City Engineer Monthly Report
11. Finance Monthly Reports

CONSENT ORDINANCES – SECOND READING

Consideration and possible action to approve the following ordinances on second and final reading.

12. Consideration and possible action to adopt an ordinance on final reading amending the Major Thoroughfare Plan.

Motion made by Councilmember Hargroder to adopt an ordinance on final reading amending the Major Thoroughfare Plan, Seconded by Mayor Pro Tem Greene-Scott.

Voting Yea: Councilmember Murray, Councilmember Barnett, Mayor Pro Tem Greene-Scott, Councilmember Hargroder, Councilmember Varlack

Voting Abstaining: Mayor Kennedy

13. Consideration and possible action to adopt an ordinance on final reading amending the City's Fee Schedule.

Motion made by Councilmember Hargroder to adopt an ordinance on final reading amending the City's Fee Schedule, Seconded by Mayor Pro Tem Greene-Scott.

Voting Yea: Councilmember Murray, Councilmember Barnett, Mayor Pro Tem Greene-Scott, Mayor Kennedy, Councilmember Hargroder, Councilmember Varlack

CONSENT AGENDA

Consideration and possible action to approve the following consent agenda items:

Motion made by Councilmember Hargroder to approve all consent items presented minus item no. 22, Seconded by Councilmember Murray.

Voting Yea: Councilmember Murray, Councilmember Barnett, Mayor Pro Tem Greene-Scott, Mayor Kennedy, Councilmember Hargroder, Councilmember Varlack

14. Consider approval of the September 18, 2023 Council Meeting minutes.
15. Consider approval of the September 18, 2023 Council Work Session minutes.
16. Consider approval of the September 19, 2023 Council Meeting minutes.
17. Consider approval of Bullard Parkway and Karsten Boulevard Street Dedication Abbreviated Plat.
18. Consider approval of Caldwell Lakes Section 1 Preliminary Plat.
19. Consider approval of Sierra Vista Section 10 Preliminary Plat.
20. Consider approval of the Terms and Conditions of the Sterling Lakes North Section 2 and Sterling Lakes North Section 3 early plat application.
21. Consideration and possible action authorizing the purchase of three (3) Dodge Durango Police package vehicles from Donalson CDJR, LLC using The Interlocal Purchasing System (TIPS) Cooperative Purchasing Program contract number 210907.
22. Approval of an interlocal agreement with Brazoria County for FY24 road project request list.

Motion made by Mayor Pro Tem Greene-Scott to approve an interlocal agreement with Brazoria County for FY24 road project request list, Seconded by Councilmember Varlack.

Voting Yea: Councilmember Murray, Councilmember Barnett, Mayor Pro Tem Greene-Scott, Mayor Kennedy, Councilmember Hargroder, Councilmember Varlack

23. Final Approval of Brazoria County Municipal Utility District No. 53 - Sanitary Sewer Lift Station No. 2 & Force Main Facility into the one-year maintenance period.
24. Final Approval of Brazoria County Municipal Utility District No. 55 - Water Plant No. 1 Expansion Facility into the one-year maintenance period.
25. Acceptance of Meridiana Section 58B Storm and Paving Facilities into the one-year maintenance period.
26. Final Approval of Meridiana Section 58B Water Distribution & Wasterwater Collection Facilities.
27. Acceptance of Meridiana Parkway Traffic Signals into the one-year maintenance period.
28. Approval of Quarterly Investment Report.
29. Approval of Investment of City Funds Renewing a Certificate of Deposit (CD).

ITEMS FOR CONSIDERATION

30. Consideration and possible action to appoint a member to the Parks & Rec Advisory Board.
Motion made by Mayor Pro Tem Greene-Scott to increase the number of board members from seven to nine, Seconded by Councilmember Murray.
Voting Yea: Councilmember Murray, Councilmember Barnett, Mayor Pro Tem Greene-Scott, Mayor Kennedy, Councilmember Hargroder, Councilmember Varlack
Motion made by Mayor Pro Tem Greene-Scott to appoint Joe Myers, Airica Rollins, and Damien Hicks to the Parks and Recreation Advisory Board, Seconded by Councilmember Barnett.
Voting Yea: Councilmember Murray, Councilmember Barnett, Mayor Pro Tem Greene-Scott, Mayor Kennedy, Councilmember Hargroder, Councilmember Varlack
31. Consideration and possible action on a contract with the Municipal Court Prosecutor.
Motion made by Mayor Pro Tem Greene-Scott to authorize a contract with the Municipal Court Prosecutor, Seconded by Councilmember Murray.
Voting Yea: Councilmember Murray, Councilmember Barnett, Mayor Pro Tem Greene-Scott, Mayor Kennedy, Councilmember Hargroder, Councilmember Varlack
32. Consideration and possible action on a resolution authorizing a grant application package to the H-GAC for the FY24/25 Solid Waste Grants Program.
Motion made by Councilmember Murray to approve a resolution authorizing a grant application package to the H-GAC for the FY24/25 Solid Waste Grants Program, Seconded by Councilmember Barnett.
Voting Yea: Councilmember Murray, Councilmember Barnett, Mayor Pro Tem Greene-Scott, Mayor Kennedy, Councilmember Hargroder, Councilmember Varlack
33. Consideration and possible action on a resolution adopting the Parks & Open Space Master Plan.
Motion made by Councilmember Hargroder to approve a resolution adopting the Parks and Open Space Master Plan, Seconded by Councilmember Varlack.
Voting Yea: Councilmember Murray, Councilmember Barnett, Mayor Pro Tem Greene-Scott, Mayor Kennedy, Councilmember Hargroder, Councilmember Varlack

34. Consideration and possible action on a resolution creating a Teen Advisory Board.
Motion made by Mayor Pro Tem Greene-Scott to approve a resolution creating a Teen Advisory Board, Seconded by Councilmember Murray.
Voting Yea: Councilmember Murray, Councilmember Barnett, Mayor Pro Tem Greene-Scott, Mayor Kennedy, Councilmember Hargroder, Councilmember Varlack
35. Consideration and possible action to approve an ordinance on first reading authorizing a franchise agreement with CenterPoint Energy Houston Electric, LLC.
Motion made by Councilmember Hargroder to adopt an ordinance on first reading authorizing a franchise agreement with CenterPoint Energy Houston Electric, LLC., Seconded by Mayor Pro Tem Greene-Scott. The City Secretary read the ordinance caption aloud.
Voting Yea: Councilmember Murray, Councilmember Barnett, Mayor Pro Tem Greene-Scott, Mayor Kennedy, Councilmember Hargroder, Councilmember Varlack
36. Consideration and possible action to approve an ordinance on first reading adopting a new Code of Ordinances for the City of Iowa Colony.
Motion made by Mayor Pro Tem Greene-Scott to approve an ordinance on first reading adopting a new Code of Ordinances for the City of Iowa Colony., Seconded by Councilmember Murray. The City Secretary read the ordinance caption aloud. Motion Failed.
Voting Yea: Councilmember Murray, Councilmember Barnett, Mayor Pro Tem Greene-Scott, Mayor Kennedy, Councilmember Hargroder, Councilmember Varlack
37. Consideration and possible action to approve an ordinance on first reading amending the sign ordinance.
No action was taken.
38. Consideration and possible action to approve an ordinance on first and final reading authorizing a variance to the transparency requirements in the City's Unified Development Code at 2002 Meridiana Parkway.
Motion made by Councilmember Varlack to approve an ordinance on first and final reading authorizing a variance to the transparency requirements in the City's Unified Development Code at 2002 Meridiana Parkway, Seconded by Councilmember Hargroder. The City Secretary read the ordinance caption aloud.
Voting Nay: Councilmember Murray, Councilmember Barnett, Mayor Pro Tem Greene-Scott, Councilmember Hargroder, Councilmember Varlack
Voting Abstaining: Mayor Kennedy
39. Consideration and possible action to approve an ordinance on first and final reading authorizing a variance to the City's Subdivision Ordinance at 4030 Cedar Rapids Parkway.
Motion made by Councilmember Varlack to approve an ordinance on first and final reading authorizing a variance to the City's Subdivision Ordinance at 4030 Cedar Rapids Parkway., Seconded by Mayor Pro Tem Greene-Scott. The City Secretary read the ordinance caption aloud. Councilmember Varlack rescinded his motion.

Motion made by Mayor Kennedy to approve the variance to the city's subdivision ordinance at 4030 Cedar Rapids Parkway if they are granted the variance from the state for less than an acre and they provide a dedication of 120 ft. of land for ROW, Seconded by Councilmember Varlack. Motion Failed.

Voting Yea: Mayor Kennedy

Voting Nay: Councilmember Murray, Councilmember Barnett, Mayor Pro Tem Greene-Scott, Councilmember Hargroder, Councilmember Varlack

40. Consideration and possible action to approve an ordinance on first and final reading authorizing a variance to the City's Subdivision Ordinance at 8315 County Road 79.

Motion made by Councilmember Hargroder to approve an ordinance on first and final reading authorizing a variance to the City's Subdivision Ordinance at 8315 County Road 79, Seconded by Councilmember Murray. The City Secretary read the ordinance caption aloud. Motion Failed.

Voting Yea: Councilmember Murray, Mayor Kennedy

Voting Nay: Mayor Pro Tem Greene-Scott, Councilmember Hargroder, Councilmember Varlack

Voting Abstaining: Councilmember Barnett

EXECUTIVE SESSION-9:42 P.M.

Executive session in accordance with 551.071, 551.072, and 551.074 of the Texas Gov't Code to deliberate and consult with attorney on the following:

- 41. Purchase of real property and financial matters related thereto
- 42. Appointment of District B Councilmember
- 43. Designate a representative and alternate for the 2024 H-GAC General Assembly.

POST EXECUTIVE SESSION-10:25 P.M.

ITEMS FOR CONSIDERATION

44. Consideration and possible action on appointment of District B Councilmember

Motion made by Councilmember Varlack to appoint Kareem Boyce as Councilmember District B, Seconded by Mayor Pro Tem Greene-Scott.

Voting Yea: Councilmember Murray, Councilmember Barnett, Mayor Pro Tem Greene-Scott, Mayor Kennedy, Councilmember Hargroder, Councilmember Varlack

45. Consideration and possible action related to the purchase of real property.

Motion made by Councilmember Varlack authorizing staff to proceed with action to move forward with eminent domain within the next 14 days if offer is not accepted on the property at the Northeast corner of Davenport Parkway and Iowa Colony Blvd., Seconded by Councilmember Murray.

Voting Yea: Councilmember Murray, Councilmember Barnett, Mayor Pro Tem Greene-Scott, Mayor Kennedy, Councilmember Hargroder, Councilmember Varlack

46. Consideration and possible action to designate a representative and alternate for the 2024 H-GAC General Assembly.

Motion made by Mayor Pro Tem Greene-Scott to designate Councilmember Sydney Hargroder as the Designee and Councilmember Arnetta Murray as the alternate for the 2024 HGAC General Assembly, Seconded by Councilmember Varlack.

Voting Yea: Councilmember Murray, Councilmember Barnett, Mayor Pro Tem Greene-Scott,

Mayor Kennedy, Councilmember Hargroder, Councilmember Varlack

ADJOURNMENT

The meeting was adjourned at 10:29 P.M.

APPROVED THIS 20th DAY OF NOVEMBER 2023

Kayleen Rosser, City Secretary

Wil Kennedy, Mayor

