



CITY OF IOWA COLONY

CITY COUNCIL MEETING MINUTES

Monday, March 11, 2024
7:00 PM

Iowa Colony City Council Chambers, 3144 Meridiana Parkway, Iowa Colony, Texas 77583

Phone: 281-369-2471

Fax: 281-369-0005

www.iowacolonytx.gov

THIS NOTICE IS POSTED PURSUANT TO THE TEXAS OPEN MEETING ACT (CHAPTER 551 OF THE TEXAS GOVERNMENT CODE). THE CITY COUNCIL OF IOWA COLONY WILL HOLD A COUNCIL MEETING AT 7:00 PM ON MONDAY, MARCH 11, 2024 IN THE IOWA COLONY CITY COUNCIL CHAMBERS, 3144 MERDIANA PARKWAY, IOWA COLONY, TEXAS 77583 FOR THE PURPOSE OF DISCUSSING AND IF APPROPRIATE, TAKE ACTION WITH RESPECT TO THE FOLLOWING ITEMS.

Requests for accommodations or interpreter services must be made 48 hours prior to this meeting. Please contact the City Secretary at 281-369-2471.

CALL TO ORDER

Mayor Kennedy called the meeting to order at 7:09 P.M.

INVOCATION

Councilmember Varlack 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 Fair Housing Month

Mayor Kennedy read the Proclamation aloud declaring April as "Fair Housing Month."

CITIZEN COMMENTS

Ronald Elerick provided information on the time he served as a police officer for the city. He resigned from his position as a police officer on February 10, 2024. He received an honorable discharge from the city. When he received his last paycheck, he realized that his vacation and holiday time were not included on the check. When he called and asked about it, he was informed that the policy had been changed as of January 1, 2024. The new policy states "upon termination, retirement, resignation, when 10 days of notice is given or death to an employee in good standing shall be paid for the portion of their unused vacation leave. The portion of their vacation time balance to be paid will equal the total vacation leave balance minus the number of hours of sick time used in a 6-month period prior to separation. This will be paid at the rate that the employee was receiving at the time of separation. For the purpose of this policy an employee is not in good standing if he/she is under threat of disciplinary action due or alleged violation of city policy." He did not have either of those. There is nothing saying anything about the holiday time that he had earned while working for the city. He had plenty of sick time that he had not used prior to his separation. He feels as though this is not right. He feels this is sneaky politics to try and not to pay the employees for the time they have earned for holiday and vacation time.

City Manager, Robert Hemminger addressed the concern raised by Mr. Elerick. He stated the city policy did change as of January 1, 2024. During the transition we discovered that in our previous allocation of

leave we were actually awarding employees more than the personnel handbook afforded employees. We met with all employees in December and let them know that no one was being asked to return any hours of leave that they were given. We were going to make sure that everyone was made whole during the transition. We transitioned to a bi-weekly accrual to allow for better accountability and tracking with in our software system. Without getting into individual details, he assured everyone that there were actually more leave hours utilized during Mr. Elerick's tenor with Iowa Colony than the handbook said he should have been awarded. There was not a balance for him to be paid on the last paycheck.

Carolyn Bowen thanked Chief Bell, City Council, and Staff for being helpful. She requests that the city review their training, boundaries, and job descriptions. She feels every staff member should know the boundaries of the city as well as she does. She volunteered to help train the staff if needed.

PUBLIC HEARINGS

2. Hold a Public Hearing to consider rezoning the following property from Single Family Residential to Business and Retail:

Being a 5.34-acre tract of land out of Tract 465, of the Emigration Land Company's Subdivision, Section 3 of the Lavaca Navigation Co's Survey, Abstract 328, recorded in Volume 2, Page 113 of the Deed Records of Brazoria County, Texas, being the same called 5.34-acre tract conveyed to Dennis and Suzie Westerman recorded in County Clerk's File No. 1998-035115 of the Official Records of Brazoria County, Texas.

Mayor Kennedy opened the public hearing at 7:22 P.M.

Judy Myers and Denny Myers reside at 2511 CR 62. They spoke against the rezoning application as zoning was set many years ago. County Road 62 was zoned Single Family Residential, and the intent was to keep it Single Family Residential. They have enjoyed that for over 50 years. He remembers back when he was on the Planning and Zoning Commission and City Council, and they were considering how the city would look and areas would be designated. It was decided back then that CR 62 would be a residential road with single family homes. He pointed out that the new construction of the overpasses across SH 288 are located at Meridiana Parkway, CR 64, CR 63, and CR 60. There is not an overpass being constructed at CR 62, so the plan has always been for that area to remain single family residential with low traffic.

Mayor Kennedy closed the public hearing at 7:27 P.M.

COUNCIL COMMENTS

Mayor Pro Tem Greene-Scott thanked everyone in attendance at the meeting. She thanked the citizens of Iowa Colony. She is a proud Mother. She welcomed her daughter into her sorority and welcomed her into the chapter that she was initiated in.

Councilmember Murray thanked those in attendance. She thanked Councilmember Barnett and Councilmember Hargroder because they pushed for her many years ago. She stated she is who she is because of Christ and the people in Iowa Colony.

Councilmember Barnett appreciates people showing up to the council meeting. He thanked Mr. and Mrs. Elerick for coming to the meeting and speaking up. He appreciates Ms. Bowen and Mr. and Mrs. Myers speaking at the meeting.

Councilmember Boyce was absent.

Councilmember Hargroder thanked those in attendance and for speaking especially during public hearings. She congratulated her fellow Councilmembers and stated it will be wonderful to serve another year with them and she looks forward to it.

Councilmember Varlack thanked all those in attendance. He stated it was good to see Mr. and Mrs. Myers again. They attended the Planning and Zoning Commission meeting as well. He congratulated his fellow Councilmembers on their re-elections. He stated they are all brilliant and he could not think of a more deserving group. He thanked Kayleen and the rest of the staff on the update of the website and how much it has changed. He appreciates all the effort put into getting that done. He reminded citizens to sign up for blackboard notifications.

Mayor Kennedy notified residents that they can register their address on the city website and the Police Department will do routine checks on the home while you are out of town. He thanked those in attendance at the meeting. He is excited about the new Jr. High that will be opening up. Iowa Colony High School had Pioneer Day last week. All future Pioneers from the local elementary schools were running and competing with each other building community. Congratulations to Councilmembers 1, 2, and 3 and Councilmember District B for running unopposed.

STAFF REPORTS

Bobby Hurman was introduced as the new IT Systems Manager. He has about 19 years' experience in IT. He has worked for other cities including Kemah and Seabrook. Mayor Kennedy asked that Mr. Hurman make it a priority to get our push notifications back up and running.

Chief Bell announced a Pinning Ceremony tentatively scheduled for Friday April 12th in the afternoon for two new Patrol Sergeants. The officers are Donald Mitchell and Courtney Moerbe and both are currently on staff. Also, Jorge Sosa will be promoted to Lieutenant of Operations. He will be over operations over Investigations and Patrol.

Chief Walters with the ICVFD announced they have had 41 calls for service, 2 to 3 just today, 16 fire alarms, 9 motor vehicle accident responses. They currently have a total of 32 volunteers on the staff. They sent 7 of the volunteers went to fire certification school through the Texas Commission of Fire Protection and all 7 received their state fire certification. They are the first fire department in the County to use the State's commissioning which is the same certification that a paid firefighter has. They currently have 8 members in EMT school, including the Fire Chief himself. They are working to become a first responder agency, which means they would be able to respond alongside the ambulance and provide first aid and medical support along with ESD and EMS personnel. They received a \$10,000 grant funding for some training props for vehicle extrication training.

3. Fire Marshal/Building Official Monthly Report
4. Police Department Monthly Report
5. Municipal Court Monthly Report
6. Public Works Monthly Report
7. City Engineer Monthly Report
8. Finance Monthly Reports

CONSENT AGENDA

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

Motion made by Councilmember Hargroder to accept all consent agenda items as presented minus item no. 24, Seconded by Mayor Pro Tem Greene-Scott.

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

9. Consider approval of the February 12, 2024 City Council work session minutes.
10. Consider approval of the February 12, 2024 City Council meeting minutes.
11. Consider approval of the February 13, 2024 City Council meeting minutes.
12. Consider approval of aerial spraying services by the Brazoria County Mosquito Control District for the 2024 season.
13. Consider approval of Ames Boulevard Phase 3 Street Dedication Final Plat.
14. Consider approval of Sierra Vista Section 8A Amending Plat.
15. Consider approval of Boyd's Rental Final Plat.
16. Consider acceptance of Bullard Pkwy Phase II Storm and Paving Facilities into the One Year Maintenance Period.
17. Consider acceptance of Bullard Parkway Phase II - Water and Sanitary Facilities into the One Year Maintenance Period
18. Consider acceptance of Karsten Boulevard & Bullard Parkway Phase I - Storm and Paving Facilities into the One Year Maintenance Period.
19. Consider acceptance of Karsten Boulevard & Bullard Parkway Phase I - Water Facilities into the One Year Maintenance Period.
20. Consider acceptance of Sterling Lakes North Section 2 - Storm and Paving Facilities into One Year Maintenance Period.
21. Consider acceptance of Sterling Lakes North Section 2 Water and Sanitary Facilities into the One Year Maintenance Period.
22. Consider acceptance of Sterling Lakes North Section 3 Storm and Paving Facilities into the One Year Maintenance Period.
23. Consider acceptance of Sterling Lakes North Section 3 - Water and Sanitary Facilities into the One Year Maintenance Period.
24. Consider approval of Sterling Lakes North Section 4 Early Plat Application.

Motion made by Councilmember Varlack to approve the Sterling Lakes North Section 4 early plat application, Seconded by Councilmember Barnett.

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

Voting Nay: Councilmember Murray

25. Consider acceptance of Sterling Lakes North Section 4 Storm and Paving Facilities into the One Year Maintenance Period.
26. Consider acceptance of Sterling Lakes North Section 4 Water and Sanitary Facilities into the One Year Maintenance Period.

27. Consider acceptance of Sterling Lakes North Section 5 - Storm and Paving Facilities into the One Year Maintenance Period.
28. Consider acceptance of Sterling Lakes North Section 5 - Water and Sanitary Facilities into the One Year Maintenance Period.

ITEMS FOR CONSIDERATION

29. Consider acceptance of Certifications of Unopposed Candidates.
Motion made by Councilmember Murray to accept the certifications of unopposed candidates for the May 4, 2024 General Election of Officers and the May 4, 2024 Special Election for City Council District B, Seconded by Councilmember Barnett.
Voting Yea: Councilmember Murray, Councilmember Barnett, Mayor Pro Tem Greene-Scott, Mayor Kennedy, Councilmember Hargroder, Councilmember Varlack
30. Consideration and possible action on a resolution canceling the May 4, 2024 General Election of Officers.
Motion made by Mayor Pro Tem Greene-Scott to approve a resolution canceling the May 4, 2024 General Election of Officers, Seconded by Councilmember Murray.
Voting Yea: Councilmember Murray, Councilmember Barnett, Mayor Pro Tem Greene-Scott, Mayor Kennedy, Councilmember Hargroder, Councilmember Varlack
31. Consideration and possible action on a resolution canceling the May 4, 2024 Special Election for City Council District B.
Motion made by Councilmember Hargroder to approve a resolution canceling the May 4, 2024 Special Election for City Council 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
32. Consideration and possible action on a resolution amending the Schedule of Fees.
Motion made by Councilmember Varlack to adopt a resolution amending the Schedule of Fees, Seconded by Councilmember Hargroder.
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 establishing certain financial policies.
Motion made by Councilmember Hargroder to adopt a resolution establishing certain financial policies, Seconded by Mayor Pro Tem Greene-Scott.
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 adopting an Identity Theft Prevention Program.
Motion made by Mayor Pro Tem Greene-Scott to adopt a resolution establishing an Identity Theft Prevention Program, Seconded by Councilmember Hargroder.
Voting Yea: Councilmember Murray, Councilmember Barnett, Mayor Pro Tem Greene-Scott, Mayor Kennedy, Councilmember Hargroder, Councilmember Varlack

35. Consideration and possible action on an ordinance annexing portions of the TxDOT ROW for SH 288 and SH 6, and adopting a Municipal Service Plan.

Motion made by Councilmember Varlack to adopt an ordinance annexing portions of the TxDOT ROW for SH 288 and SH 6, and adopting a Municipal Service Plan, Seconded by Councilmember Hargroder. 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 on an ordinance rezoning a 5.34-acre tract on CR 62 from Single Family Residential to Business Retail.

Motion made by Councilmember Varlack to adopt an ordinance rezoning a 5.34-acre tract on CR 62 from Single Family Residential to Business Retail, Seconded by Mayor Pro Tem Greene-Scott. The City Secretary read the ordinance caption aloud.

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

37. Consideration and possible action on a variance to the community plant list requirements in the City's Unified Development Code for the Caldwell Crossing Community,

Motion made by Councilmember Hargroder to approve a variance to the community plant list requirements in the City's Unified Development Code for the Caldwell Crossing Community, Seconded by Mayor Pro Tem Greene-Scott.

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

38. Consideration and possible action on a variance to the community plant list requirements in the City's Unified Development Code for the Caldwell Lakes Community.

Motion made by Councilmember Hargroder to approve a variance to the community plant list requirements in the City's Unified Development Code for the Caldwell Lakes Community, Seconded by Councilmember Varlack.

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

39. Consideration and possible action on a conveyance agreement with Brazoria County MUD 31 for water and wastewater systems.

Motion made by Councilmember Hargroder to approve the conveyance agreement and related documents with Brazoria County MUD 31 for water and wastewater systems, Seconded by Councilmember Barnett.

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

40. Consideration and possible action on the 2024 consumer price index (CPI) adjustment to municipal telecommunications right-of-way access line rates.

Motion made by Councilmember Hargroder to deny the 2024 CPI-based rate increase for telecommunications line access, Seconded by Mayor Pro Tem Greene-Scott.

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

EXECUTIVE SESSION- 8:26 P.M.

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

- 41. Discussion on Iowa Colony Development Authority/Tax Increment Reinvestment Zone No. 2 applications and appointments
- 42. Discussion on Annual Performance Appraisals for the City Manager and City Attorney.

POST EXECUTIVE SESSION- 8:51 P.M.

ITEMS FOR CONSIDERATION

- 43. Consideration and possible action to appoint members to the Iowa Colony Development Authority/Tax Increment Reinvestment Zone No. 2 Boards.

Motion made by Councilmember Hargroder to appoint Tim Underwood and Douglas Chumley to serve on the Iowa Colony Development Authority/Tax Increment Reinvestment Zone No. 2 Board for 2-year terms ending in April 2026, Seconded by Mayor Pro Tem Greene-Scott. Voting Yea: Councilmember Murray, Councilmember Barnett, Mayor Pro Tem Greene-Scott, Mayor Kennedy, Councilmember Hargroder, Councilmember Varlack

ADJOURNMENT

The meeting was adjourned at 8:51 P.M.

APPROVED THIS 8TH DAY OF APRIL 2024

Kayleen Rosser, City Secretary

Wil Kennedy, Mayor

