



12003 Iowa Colony Blvd.
Iowa Colony Tx. 77583
Phone: 281-369-2471
Fax: 281-369-0005
www.iowacolonytx.gov

STATE OF TEXAS
COUNTY OF BRAZORIA
CITY OF IOWA COLONY

BE IT REMEMBERED ON THIS, the 10th day of January, 2022, the City Council of the City of Iowa Colony, Texas, held a Worksession at 6:00 P.M. and a Public Meeting at 7:00 P.M. at Iowa Colony City Hall, there being present and in attendance the following members to wit:

Councilwoman Sydney Hargroder
Councilwoman Arnetta Murray
Councilwoman Marquette Greene-Young
Councilman Wil Kennedy
Councilman/Mayor Pro-Tem Chad Wilsey

And Mayor Michael Byrum-Bratsen being absent, constituting a quorum at which time the following business was transacted.

WORKSESSION- 6:00 P.M.

1. Mayor Pro-Tem Chad Wilsey called the work session to order at 6:06 P.M.
2. Discussion on MLK Day Celebration Program. Councilwoman Murray notified everyone that they have put a hold on the MLK Day Program due to the rise in COVID cases.
3. Discussion on Sierra Vista West Resort Amenity and Plan of Development changes. Staff discussed with Council the amendments to plan of developments for Sierra Vista and Sterling Lakes, and Sierra Vista West.
4. Discussion of Certificates of Obligation. Joel Cleveland, Bond Counsel discussed the schedule of events regarding the certificates of obligation.
5. The work session was adjourned at 7:00 P.M.

REGULAR MEETING – 7:00 P.M.

1. Mayor Pro-Tem Wilsey called the meeting to order at 7:08 P.M.
2. Pledge of Allegiance and Texas Pledge were recited.
3. **PUBLIC HEARINGS**

- **Hold the second public hearing to consider entering into a Strategic Partnership Agreement with Brazoria County Municipal Utility District No. 53.**

Mayor Pro-Tem Wilsey opened the public hearing at 7:09 P.M. There were no comments from the public. Mayor Pro-Tem Wilsey closed the public hearing at 7:40 P.M.

- **Hold a public hearing to consider the adoption of an impact fee.**

Mayor Pro-Tem Wilsey opened the public hearing at 7:09 P.M. Mike Christopher with Elevation Land Solutions presented a letter on behalf of MUD 31 regarding impact fees. A copy of the letter is attached the minutes. Fred Coogan expressed his concerns about the impact fees and the impact they will have on his mother's property at the corner of County Road 48 and Meridiana Parkway. Mayor Pro-Tem Wilsey closed the public hearing at 8:00 P.M.

- **Hold a public hearing to consider annexing the following property:**

The Brazoria County Emergency Services District No. 3 public safety site, which is a 1.565-acre tract generally located on the south side of Meridiana Parkway and approximately 327.63 feet west of Karsten Boulevard, and which is the property in Brazoria County Appraisal District Property ID No. 692670 and Geographic ID No. 5550-1000-006.

Mayor Pro-Tem Wilsey opened the public hearing at 7:17 P.M. There were no comments from the public. Mayor Pro-Tem Wilsey closed the public hearing at 7:42 P.M.

4. Citizens Comments and Presentations. There were no comments from the public.

"An opportunity for the public to address City Council on agenda items or concerns not on the agenda. To comply with the Texas Open Meetings Act, this period is not for question and answer. Those wishing to speak must identify themselves and observe a three-minute time limit."

5. Mayor's comments or reports. Mayor Byrum-Bratsen was not present.

6. Council comments or reports.

- Mayor Pro-Tem/Councilman Wilsey gave no report.
- Councilman Kennedy wished everyone a Happy New Year. He stated that things are only going to get better by us working together. He encouraged everyone to get vaccinated and received their boosters. COVID is real and running rapid. He acknowledged that Sunday was Police Appreciation Day. He thanked the Chief and his Staff for their service and for protecting the community.
- Councilwoman Greene-Young wished everyone a Happy New Year. She stated that we all need to do our part so we can get back to regular life. Congratulations to the Chief.
- Councilwoman Murray stated that those that are not vaccinated need to be careful. We need to look out for each other. She thanked Albert Cantu. She appreciates law enforcement and all that they do.
- Councilwoman Hargroder wished everyone a Happy New Year.

7. Staff Reports.

- A. City Manager- wished everyone a Happy New Year. The development continues and is exciting. He commended staff on their dedication. Senior Accountant, Sandra Castro gave birth to a baby boy. He needs the councilmembers to let him know who plans on attending the TML elected officials conference coming up in Sugarland.
- B. City Engineer- Davenport has opened up at Iowa Colony Boulevard. They have been in contact with Center Point regarding the traffic signals.
- C. Police Department
- D. Building Official/Fire Marshal- Thanked all those who attended his son's funeral. He thanked Councilwoman Murray for going to the cemetery. Rachel discussed the permits. Albert also mentioned the amount of funds being saved with the inspection company.

- E. City Secretary- The first day to file an application for a place on the ballot is January 19th and the last day to file is February 18th by 5 P.M. The candidate packet is available on the city website.
- F. Senior Accountant
- G. Public Works- Striping has been done and came in under budget.

8. Consideration and possible action on a Resolution and Order of Election of officers for May 7, 2022. Councilwoman Murray made a motion to approve the Resolution and Order of Election of officers for May 7, 2022. Seconded by Councilwoman Greene-Young. Approved unanimously.

9. Consideration and possible action on an ordinance approving a Strategic Partnership Agreement with Brazoria County Municipal Utility District No. 53. Councilwoman Hargroder made a motion to adopt an ordinance approving a Strategic Partnership Agreement with Brazoria County Municipal Utility District No. 53. Seconded by Councilwoman Murray. Approved unanimously.

10. Consideration and possible action to approve a Municipal Service Agreement with Brazoria County Emergency Services District No. 3 for the Public Safety Site. Councilman Kennedy made a motion to approve a Municipal Service Agreement with Brazoria County Emergency Services District No. 3 for the Public Safety Site. Seconded by Councilwoman Greene-Young. Approved unanimously.

11. Consideration and possible action on an ordinance annexing the Brazoria County Emergency Services District No. 3 Public Safety Site. Councilman Kennedy made a motion to approve an ordinance on first and final reading annexing the Brazoria County Emergency Services District No. 3 Public Safety Site. Seconded by Councilwoman Greene-Young. Approved unanimously.

12. Consideration and possible action on a resolution approving Amendment No. 1 to the Development Agreement and Plan of Development for Sierra Vista West. Councilwoman Hargroder made a motion to approve Amendment No. 1 to the Development Agreement and Plan of Development for Sierra Vista West as recommended by the Planning and Zoning Commission. Seconded by Councilwoman Greene-Young. Approved with four ayes and one no. Councilwoman Murray voted against.

13. Consideration and possible action on a resolution approving Amendment No. 2 to the Development Agreement and Plan of Development for Sterling Lakes/Sierra Vista. Councilwoman Hargroder made an amended motion to approve Amendment No. 2 to the Development Agreement and Plan of Development for Sterling Lakes/Sierra Vista with the town center and townhomes which was the original amendment provided by Land Tejas to the Staff and Planning and Zoning Commission. Seconded by Councilman Wilsey. Approved unanimously.

Consent Agenda- Consideration and possible action to approve the following consent agenda items. Councilwoman Hargroder made a motion to approve the consent agenda items as presented. Seconded by Councilman Kennedy. Approved unanimously.

- A. Approval of minutes of the following meetings.
 - o December 20, 2021- Regular Meeting
- B. Approval of the following plats as recommended by the Planning and Zoning Commission.
 - o Fakir Estates Final Plat
 - o Vega Estates Final Plat
- C. Approve the following Infrastructure Approvals/Acceptances.
 - o Approval of Sierra Vista West Section 5 Water, Sanitary, Drainage and Paving Facilities into the One -Year Maintenance Period.
- D. Approve the following early plat releases and return of escrow funds.
 - o Sierra Vista West Section 5 - Disbursement No. 5 and Final
- E. Approval of the quarterly investment report.

EXECUTIVE SESSION- 8:01 P.M.

Executive Session in accordance with 551.071 and 551.072 Texas Gov't Code to deliberate on the following:

- o Purchase of real property and financial matters related thereto

POST EXECUTIVE SESSION-8:31 P.M.

14. Consideration and possible action related to the purchase of real property. No action taken.

15. The meeting was adjourned by a unanimous vote at 8:31 P.M.

APPROVED THIS 28th DAY OF FEBRUARY, 2022.

ATTEST:

Kayleen Rosser

Kayleen Rosser, City Secretary

Michael Byrum-Bratsen

Michael Byrum-Bratsen, Mayor



ALLEN BOONE HUMPHRIES ROBINSON LLP

ATTORNEYS AT LAW

PHOENIX TOWER
3200 SOUTHWEST FREEWAY
SUITE 2600
HOUSTON, TEXAS 77027
TEL (713) 860-6400
FAX (713) 860-6401
abhr.com

Direct Line: (713) 860-6412

Direct Fax: (713) 860-6612

taustin@abhr.com

Timothy Austin
Partner

January 5, 2022

Via First Class mail and email

Honorable Mayor and City Council

City of Iowa Colony

12003 County Road 65

Iowa Colony, Texas 77583

Attention: Robert Hemminger, City Manager

Re: Brazoria County Municipal Utility District No. 31; comments to proposed impact fees

Dear Mayor and Council:

The Board of Directors of Brazoria County Municipal Utility District No. 31 asked me to provide comments to you in connection with the proposed adoption of impact fees by the City of Iowa Colony. The Board understands that the City needs to provide for the funding of future improvements to the City's infrastructure as development within the City accelerates, and the following comments are provided solely to address issues that relate to MUD 31, as an operating MUD within the City's boundaries, facing financial and development issues unique to MUD 31. Reference is made to the draft Water and Wastewater Impact Fee Study prepared by ADICO Consulting Engineers that is the subject of the City's hearing we understand is set for January 10, 2022 (the "Study").

1. Exempt areas such as MUD 31 that are responsible for their own infrastructure. The proposed Study does not take into account existing areas of the City that are responsible for providing their own water and wastewater infrastructure. Particularly, MUD 31 has financed and constructed all of its water, wastewater and drainage infrastructure for development to date, and pursuant to an

agreement with the City is authorized and obligated to continue to do so for the remaining undeveloped land within its boundaries. Requiring future development in MUD 31 to pay impact fees, and to also provide for the improvements the impact fees are intended to finance would be duplicative and patently unfair.

2. MUD 31 taxpayers should not be required to fund impact fees as well as MUD 31 bonds paying for the same improvements. To carry the point made in Comment 1 further, it is important to consider the effect of MUD 31's bond financing requirements. MUD 31 has issued several series of bonds to pay for its water and wastewater capacity and other improvements to serve undeveloped areas that will be covered by the impact fees. Also, because the MUD 31 bonds are paid with property taxes levied evenly throughout the district, the residents of future sections in MUD 31 will be paying property taxes for existing improvements financed by MUD 31, and will also be subject to the impact fees, creating a double burden.

3. The MUD 31 utility agreement with the City requires the district to create permanent wastewater capacity in the future, which is not accounted for in the proposed Study. Upon reaching a certain threshold, MUD 31 is required by contract to replace existing wastewater capacity with a permanent concrete facility. Obviously, this will be a significant expense, and will take into account capacity required by new development within the district, along with capacity required for areas developed prior to the impact fee. Impact fees collected in MUD 31 for wastewater improvements should be contributed to the cost of such replacement capacity. Better yet, exempting MUD 31 from the impact fee program entirely (as recommended in Comment 1) will avoid this problem.
4. Certain capital improvements in the Study are redundant and are not necessary. Projecting an interconnect for water under Highway 288 adds costs that are not warranted by the usefulness of such facilities. The City system on both sides of 288 has multiple sources, such that the interconnect will not benefit users on either side of 288.
5. Provide for flexibility for unforeseen requirements of future development. The City has been very creative in negotiating utility agreements with MUDs and developers to ensure that the rest of the City will not be required to take on financial burdens or risk for infrastructure required for master planned development. Although the Study refers briefly to utility agreements, it should specifically allow for City Council to waive application of the impact fees to areas that have negotiated agreements that provide separately for water and

Mayor and City Council
January 5, 2022
Page 3 of 4

wastewater improvements. MUD 31 is a good example of this concept, and we are aware of other agreements that achieve the same purpose.

If you have any questions or comments, please let me know. Thanks very much.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Austin", with a stylized flourish at the end.

Timothy Austin
Attorney for the District