



# **CITY OF IOWA COLONY**

## **CITY COUNCIL MEETING MINUTES**

**Monday, May 13, 2024  
7:00 PM**

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

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STATE OF TEXAS  
COUNTY OF BRAZORIA  
CITY OF IOWA COLONY

BE IT REMEMBERED ON THIS, the 13th day of May 2024, the City Council of the City of Iowa Colony, Texas, held a meeting at 7:00 P.M. at the Iowa Colony City Council Chambers, there being present and in attendance the following members to wit:

Mayor Wil Kennedy  
Mayor Pro Tem Marquette Greene-Scott  
Councilmember McLean Barnett  
Councilmember Arnetta Murray  
Councilmember Tim Varlack  
Councilmember Kareem Boyce  
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 7:30 P.M.

### **INVOCATION**

The invocation was provided.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance and Texas Pledge were recited.

### **SPECIAL PRESENTATIONS & ANNOUNCEMENTS**

*Reserved for formal presentations and proclamations.*

1. Issue Certificates of Election and Administer the Oaths of Office to Councilmembers.  
Mayor Kennedy issued the certificates of election. Judge Barfield administered the Oath of Office to Councilmember Position 1; McLean Barnett, Councilmember Position 2; Arnetta Murray, and Councilmember Position 3; Marquette Greene-Scott.
2. Proclamation declaring Municipal Clerks Week  
Mayor Kennedy presented the Proclamation declaring Municipal Clerk's week to City Secretary, Kayleen Rosser.
3. Proclamation declaring National Police Week and Peace Officer Memorial Day  
Mayor Kennedy presented the Proclamation declaring National Police Week and Peace Officer Memorial Day to Chief Bell.

## **CITIZEN COMMENTS**

John Celis; County Road 63- He asked if the construction is going to affect him and his neighbors. He stated that County Road 63 is a private road and the people that live on the road maintain it and have never had assistance with maintenance. Mayor Kennedy offered Mr. Celis his business card and told him to follow up with the City Manager.

## **PUBLIC HEARINGS**

4. Hold a public hearing to consider rezoning the following property from Single Family Residential to Business Retail:

Approximately 10 acres of land on County Road 48, South ½ of Lots 190 & 191, Section 66, H.T. & B.R.R. Company Survey, A-560, Brazoria County, Texas.

Mayor Kennedy opened the public hearing at 7:45 P.M. There were no comments from the public. Mayor Kennedy closed the public hearing at 7:46 P.M.

5. Hold a public hearing to consider amending the Ellwood Planned Unit Development to realign Karsten Boulevard and to allow for 45' wide lots, generally located west of State Highway 288 and south of Davenport Parkway (previously known as C.R. 64) in the northern portion of Brazoria County, just south of the metro Houston area.

Mayor Kennedy opened the public hearing at 7:47 P.M.

Judy Myers and Denny Myers; 2511 County Road 62- They are concerned with the development causing flooding. The comments are attached.

Hector Acevero; 2525 County Road 63- The Ellwood Subdivision falls on the north side and east side of his property and he is concerned with the drainage.

Jean Meyerson; 2505 County Road 758- She provided a timeline of the communication she has had with the developer regarding her property and the purchase of her property. At this time, she has not received an updated offer or any other communication with Beazer. She stated that Beazer needs to make her an offer and there has been a lack of communication with Beazer. She does not understand how this plan can be approved without her property issue being resolved.

Mayor Kennedy closed the public hearing at 8:00 P.M.

## **EXECUTIVE SESSION- 8:01 P.M.**

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

6. Discussion on potential or threatened legal action related to religious freedom.

## **POST EXECUTIVE SESSION- 8:33 P.M.**

## **COUNCIL COMMENTS**

Councilmember Greene-Scott thanked those who attended the meeting on Thursday regarding the water and sewer rates. She is grateful to be serving another two years on council.

Councilmember Barnett thanked those in attendance and reminded everyone that hurricane season is just 18 days away.

Councilmember Murray thanked everyone in attendance. She attended an event in Meridiana with Alvin ISD Board Member Danielle Swiney. She recognized the mayor for meeting with a group of men at the barber shop on Tuesdays.

Councilmember Varlack thanked those in attendance as we cannot move the business of the city forward without you. He congratulated all those who graduated. He wished his mom a Happy Birthday. He sent a Happy Mother's Day blessing to all the mothers. He reminded the residents to be mindful of the website and to go there to see the published packet for the upcoming meetings. He reminded everyone that hurricane season is 18 days away.

Councilmember Hargroder thanked those in attendance. It is going to be an active hurricane season this year. She was not able to attend the meeting on Thursday evening as she was graduating with her masters degree in public administration.

Councilmember Boyce took part in the Meridiana Spring Bash. His wife is the principal at Meridiana Elementary. He wanted to take a minute to commend our police department and fire department for engaging with the public and reaching out to the citizens. The event at Chop House Barber Shop on Tuesday nights is a great time where men get together and share things that are near and dear to their hearts with each other. It is an opportunity for the men to get together and share experiences and grow together.

Mayor Kennedy thanked those in attendance. He mentioned that he asked the City Manager at a recent joint meeting with Planning and Zoning and City Council about communications that were shared, and he felt like he left the wrong impression. He apologized to the City Manager as it appeared he had not done something or shared something with the Council. He asked that the record reflect that he was seeking clarification, and he appreciates Robert's work. Alvin ISD is hosting the 1st annual awards to include Alvin, Iowa Colony, Manvel and Shadow Creek student athletes. He congratulated the Iowa Colony High School Boys and Girls Track team on winning state. We will provide a Proclamation at the June Council meeting. He is excited about the idea that businesses and organizations want to do business in Iowa Colony. He congratulated the members of council that were re-elected. Crossing Point Church is hosting a 6k on Saturday at 8:00 AM. The Mayor thanked JP who is the owner of Chop House Barber Shop for making the facility available. He thanked JT Thomas who is a licensed counselor who identified the need for the program for the community.

## **STAFF REPORTS**

Robert Hemminger provided Council with a reminder to send him any UDC updates so they can get the document out for public comment.

Dinh Ho stated that TX Dot is shutting down north and south bound lanes of SH 288 over the weekend so they can pour the bridge at Meridiana Parkway.

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

## **ITEMS FOR CONSIDERATION**

13. Consideration and possible action on a resolution canvassing the returns and declaring the results of a special election held on May 4, 2024.

Motion made by Councilmember Varlack to approve a resolution canvassing the official results of the Special Election held on May 4, 2024, Seconded by Mayor Pro Tem Greene-Scott.

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

14. Consideration and possible action on an ordinance approving Amendment No.1 to the Ellwood PUD.

Brad Sweitzer with EHRA presented the amendment to the Ellwood PUD and answered questions from the City Council.

Motion made by Councilmember Varlack to adopt an ordinance on first reading approving amendment no. 1 to the Ellwood PUD, Seconded by Mayor Kennedy. The City Secretary read the ordinance caption aloud.

Voting Yea: Mayor Kennedy, Councilmember Varlack

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

15. Consideration and possible action on an ordinance authorizing a natural gas franchise agreement with SiEnergy.

Motion made by Mayor Pro Tem Greene-Scott to approve an ordinance authorizing a natural gas franchise agreement with SiEnergy, 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, Councilmember Boyce

16. Consideration and possible action authorizing a contract for services with SiEnvironmental.

Motion made by Mayor Pro Tem Greene-Scott to authorize a contract for services with SiEnvironmental, Seconded by Councilmember Boyce.

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

Voting Nay: Councilmember Barnett

17. Consideration and possible action on an ordinance rezoning approximately 10 acres on Iowa Colony Blvd (CR 48) to Business Retail.

Motion made by Councilmember Hargroder to approve an ordinance on first and final reading rezoning approximately 10 acres on Iowa Colony Blvd (CR 48) to Business Retail, 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, Councilmember Boyce

18. Consideration and possible action on an ordinance establishing the City's Water and Sewer Rate Order.

Motion made by Councilmember Varlack to approve an ordinance on second and final reading establishing the City's Water and Sewer Rate Order, Seconded by Councilmember Hargroder. The City Secretary read the ordinance caption aloud.

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

Voting Nay: Councilmember Barnett

19. Consideration and possible action for variances and approval of the proposed 13.51-acre multifamily development in Sierra Vista.

David Adame with Alliance Realty Partners presented the proposed development for consideration.

Motion made by Councilmember Hargroder to approve the proposed 13.51-acre multifamily development in Sierra Vista, subject to the following requirements in addition to those in the Sierra Vista Plan of Development to include a 1.75 parking ratio and for the City Engineer to negotiate visitor parking, 10% covered parking, and 60% masonry overall with 100% on the first floor, Seconded by Mayor Pro Tem Greene-Scott.

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

20. Consideration and possible action on the Undine Rate Order Case (PUC Docket No. 56354).

Motion made by Councilmember Hargroder to oppose the Undine Rate Order Case PUC Docket No. 56354 and authorize staff to prepare written comments to this effect, Seconded by Councilmember Barnett.

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

Voting Abstaining: Councilmember Barnett

## **CONSENT ORDINANCES – SECOND READING**

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

21. Consideration and possible action on an ordinance amending the truck route, designating a portion of Karsten Blvd. as No Thru Trucks, and re-opening the road for public use.

Motion made by Councilmember Hargroder to approve an ordinance on second and final reading amending the truck route, designating a portion of Karsten Blvd. as No Thru Trucks, and re-opening the road for public use and approving an ordinance assigning annexed areas to council districts, Seconded by Councilmember Murray. The City Secretary read the ordinance captions aloud.

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

22. Consideration and possible action on an ordinance assigning annexed areas to council districts.

The action was taken during the previous item.

## CONSENT AGENDA

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

Motion made by Councilmember Hargroder to approve all consent items as presented removing items no. 23 and 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, Councilmember Boyce

23. Consider approval of the April 8, 2024 City Council worksession minutes.

Motion made by Councilmember Hargroder to approve the worksession minutes, Seconded by Mayor Pro Tem Greene-Scott.

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

24. Consider approval of the April 8, 2024 City Council meeting minutes.

Motion made by Councilmember Hargroder to approve the meeting minutes, Seconded by Mayor Pro Tem Greene-Scott.

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

25. Consider approval of the April 22, 2024 City Council worksession minutes.

26. Consider acceptance of the Sterling Lakes North Section 1 Water and Sanitary Sewer Facilities into the one-year maintenance period.

27. Consider acceptance of the Sterling Lakes North Section 1 Storm and Paving Facilities into the one-year maintenance period.

28. Consider approval of Sterling Lakes North Section 1 Early Plat Disbursement No. 1.

29. Consider approval of Sterling Lakes North Section 2 Early Plat Disbursement No. 5.

30. Consider approval of Sterling Lakes North Section 4 Early Plat Disbursement No. 1.

31. Consider approval of a replat for a portion of Lot 64 of Emigration Land Survey Company.

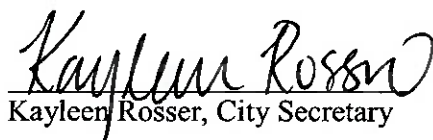
32. Consider approval of Ellwood Detention Reserve A and B Final Plat.

33. Consider approval of Ellwood Detention Reserve C Final Plat.

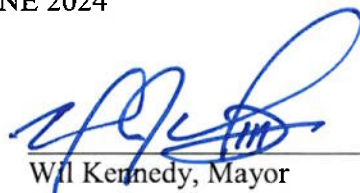
## ADJOURNMENT

The meeting was adjourned at 11:09 P.M.

APPROVED THIS 10<sup>TH</sup> DAY OF JUNE 2024

  
Kayleen Rosser, City Secretary



  
Wil Kennedy, Mayor

May 7, 2024

I am Denny Myers. My wife and I have lived on our property in Iowa Colony for 51 years. And I retired from city council and the Planning Commission in 2015.

I truly do appreciate the Developer of Ellwood for doing a great job in drafting their PUD document. And I appreciate the city making it available to all citizens. However, I am concerned about the smaller lot sizes proposed – the 45' and 50' lots. I think of stringing out a 100' tape and saying – “Frontage for 2 homes with 10' to spare?” But, I do appreciate the minimum area of 5400 sq ft for lot size.

My main concern is FLOODING. Which of course is made worse by more roof tops, concrete and less permeable surfaces. But we all know more building will come. We have lived here since 1973. Let me recall some of the history of flooding that we have seen:

- 1) 1979 – Tropical storm Claudette – 30-40” rain in 3 days. Alvin set a US record with 42”. We figure we got about 36”. But, 288 had not been built in '79. So all of that water on the west side of now 288, flowed as a sheet across the prairie and was soon drained and gone.
- 2) 1983 – Next event – Alicia – major rain and wind - \$2.6 B damage.
- 3) 2001 – Allison – flooded the Medical Center. \$4.8B damage.
- 4) 2005 – Rita – we mainly escaped.
- 5) 2008 – Ike - \$19.3B damages, 84 deaths.
- 6) 2017 – Harvey – our entire area flooded. Nederland, near Pt Arthur got 60.58”. Displaced 1.8M people. \$125B damages.

We all remember Harvey. We had built our new house in 2000. And we did not flood. We figure we got about 30” over 4 days. One major reason we did not flood – and I think I recall this correctly – is because of a decision made by our council and our city officials. As I recall, many years ago, the council and our officials discussed flooding. The county said that building 1' above the 100 year flood plain was adequate. Our city, thanks to a shrewd mayor and our experts said we should require 2' above the 100 year flood plain. That decision saved a ton of homes from flooding.

SO.....who protects those of us now living here and those newcomers in the proposed new developments like Ellwood? Well, we have insurance. But, the insurance companies say – “Wind damage from a possible hurricane is too risky! So the STATE with TWIA will need to cover that.” And the state says- “Any flooding is too risky for us. So the FEDERAL government will need to cover that with Flood insurance.”

Although we took 30” of rain in Harvey and our house was fine, our flood insurance doubled in 1 year. So I dropped it. And that insurance company that you paid premiums to for 30, 40, 50 years?....Now they are saying “You are living in too risky of an area. So we are dropping you from coverage!”

SO.....we look to the decisions you make now to protect us. We do not get a second chance. We must get it right this time.

So, while I do appreciate all the work that the developer has put into this proposal. And I do appreciate the work that all the city officials and our experts have done in their review. I am concerned that 45’ and 50’ lots could end up creating too much impermeable surface – roofs, concrete with closer spaced streets. So I would like to see 60’ lots.

Thank you.



My name is Judy Myers and I have lived in Iowa Colony since 1973. Our property borders CR 63.

Thank you, Ellwood, for the planning document. This is by far the best of several proposals for this challenging site. I have comments on drainage and lot sizes.

All of this site is in the floodplain, as is most of this City. Floodplain maps understate the regularity and duration of flooding on this site. By flooding I mean knee-deep water and livestock not be able to lie down. This site frequently floods over most of its area, with the cattle standing on a little bit of slightly high ground, the owner tractor in round bales or feed for the cows for several days.

I sincerely appreciate the amount of permeable surface and detention in this plan that will soak up some of the water. Will more than a foot of water on almost all of the tract fit into the detention? Will the runoff from Karsten and the interior street go to the detention?

The reason the water stands so long now is that it cannot run off. Despite the best efforts of this developer, the City, the Drainage Commission and other agencies, the natural drainage direction is to the southeast and there is simply inadequate provision for water to go that way.

Before 288 our high water used to sheet away. Now it takes days or over a week for the roadside ditches to drain the properties. Development on the West side of 288 continues to compound the problem. In rainy times, Hayes Creek is often at full capacity and minor flood stage. By the time water from this development winds its way to the larger Hayes Creek, it will often be full.

This is a transition to my next topic, lot sizes. I strongly disagree with a plan to re-zone to permit lots narrower than 60 feet. The zoning commission in its initial work wrestled very hard with the city's lot size decision. I believe any variances for denser housing should be closer to the retail area along CR 57 which seems to be what the City is doing now.

I really like the wide sidewalks and I agree with the developer that front porches and the sidewalks that pass them foster community.

On smaller matters, I see no provision for parking for non-residents to want to visit the parks so I hope the city planners will keep a watch for that as the detailed plans are reviewed.

On page 47 I would prefer that any concrete batch plants be located in the proposed commercial area. These are extremely noxious for residents and leave soil toxins that are better not deposited on homesites or parkland.

I know this session is not for questions, but I see several statements that the areas with houses will not be gated, yet references to "gated" area. What will be gated? Shared greenspace?

Thank you so much for the detailed planning document and for the opportunity to speak to you today.