



**SPECIAL JOINT MEETING OF THE STAFFORD CITY COUNCIL
AND
THE STAFFORD ZONING AND PLANNING COMMISSION
AND
A SPECIAL MEETING OF THE STAFFORD ECONOMIC DEVELOPMENT
CORPORATION or A MEETING OF THE ISLAND (IS) AND PRIMARY CORRIDOR
(PC) ZONING REGULATIONS COMMITTEE OF THE STAFFORD ECONOMIC
DEVELOPMENT CORPORATION**

Wednesday, September 24, 2008

The Stafford City Council and the Stafford Zoning and Planning Commission met in a special joint meeting and the Stafford Economic Development Corporation Island met in a special meeting on Wednesday, September 24, 2008, in the Stafford Civic Center with the following in attendance:

City Council:

Leonard Scarcella, Mayor
Wen Guerra, Councilman
Ken Mathew, Councilman
John Rose, Councilman
Jeff Smith, Councilman
Robert Sorbet, Councilman
(arrived at 7:15 p.m.)
Cecil Willis, Councilman

**Stafford Economic Development
Corporation:**

Leonard Scarcella, President
Chris Court (arrived at 7:20 p.m.)
Ken Mathew
Joe Rome

Absent:

Gwen Goodwin
Cheryl Olivier
Mike Sachs

Planning and Zoning Commission

Alma Birdwell, Chairman
Joseph Olickan
Lali Castillo
Joe Rome
Felix Vega
Fred Woolridge

Absent:

Virginia Rosas

City Staff:

Art Pertile, City Attorney
Gene Bane, Zoning Administrator
Lawrence Vaccaro, Dir. of Public Works
Pam Madrigal, City Engineer
Bonnie Baiamonte, City Secretary

Consultants:

Bret Keast, Kendig Keast Collaborative
Barkley Peschel, Greater Fort Bend
Economic Development Council

1. Call meetings to order and Pledge of Allegiance.

Mayor Scarcella and Ms. Birdwell called the meeting to order at 7:00 p.m. The Pledge of Allegiance followed.

- 2.(a) Discussion of an ordinance amending Chapter 102 "Zoning" of the City of Stafford Code of Ordinances; providing for a new Primary Corridor Zoning District (District PC); providing for a new Island District (District IS); providing for new zoning regulations including district boundaries, permitted uses, landscaping standards, parking, fencing and building standards for the new Primary Corridor Zoning District and the new Island Zoning District; amending Section 102-124 "Off Street Parking"; amending Chapter 98 "Vegetation" and Chapter 70 "Signs" of the Code of Ordinances of the City of Stafford, Texas; providing a penalty in an amount not to exceed \$2,000 for each day of violation of any provision hereof; repealing all ordinances or parts of ordinances in conflict herewith; providing for severability; providing an effective date and finding and determining that the meeting at which this ordinance was passed was open as required by law.

Opening remarks were made by Mayor Scarcella. This ordinance will affect the future of Stafford. It involves two new zoning districts – Primary Corridor (PC) and Island (IS). In the late 1960's and early 1970's the Island was the primary location of Stafford and primary source of revenues. In the mid-1970's the assessed valuation for the City of Stafford was \$114 million and today it is \$2,250,000,000. There has been very little change in the boundaries of Stafford and it is virtually the same seven square miles since 1963. Today less than 2% of the sales tax comes from south of the railroad tracks. The City collected \$14.4 million in sales tax during this past fiscal year with less than \$300,000 coming from the area south of the railroad tracks. It is critically important to note that Stafford is in competition with its neighbors including Missouri City and Sugar Land. The City has come a long way and done things that nobody expected us to do including creating the only municipal school district in the State of Texas and eliminating property taxes in 1995. This proposed ordinance is to give property owners the maximum flexibility for a very desirable, appealing and aesthetically attractive City that is open to grow. In the 60's the City had a population of 3,000 and now have over 20,000. During that time the City had approximately 00 businesses, now we have 3,000 businesses in Stafford. In 1997 the City adopted zoning and if had not been adopted the City would have had some very undesirable situations.

Mayor Scarcella noted what we are trying to achieve with this ordinance. Improve the opportunity for enhancement of new development or compliance with new standards. Refine the list of uses. Enhance current building standards. Augment the current landscaping requirements. Have standards that will increase the IS and PC Districts. These are regulations that we feel will add to the property owners ability to utilize their property in the most effective way and be visibly appealing and inviting, and will not be a detriment to neighboring properties. He briefly discussed the Specific Use Permit which would allow a property owner who feels the regulations are too onerous and cannot comply to come before the Planning and Zoning Commission and City Council and ask for consideration for the reasons they set forth. The completion of US 90A will change the dynamics of this City and it is critical that this City develop in a way to take advantage of the \$110 million that is being spent on US 90A. The City is in a race for time to make sure what we do allow for outstanding development that will elevate and enhance the City and its citizens. Hopefully this ordinance will do that.

Mr. Bane said some 18 months ago the SEDC appointed a committee consisting of Mike Sachs, Gwen Goodwin and himself to look into what the City could do to assure quality development and redevelopment in the Island area after the US 90A completion. Eventually this study would include the FM 1092 corridor. Due to the enormous scope of work in this area, the SEDC provided the funds to enter to a partnership with Barkley Peschel of the Greater Fort Bend Economic Development Council. Mr. Bret Keast of Kendig Keast, a expertise in this area, was also hired to lay out a blue print of how we should go about redeveloping these areas. After numerous meetings and workshops the committee was expanded to include Mr. Vaccaro, Ms. Madrigal and Mr. Pertile. Additionally an ad hoc committee was formed and includes Mike Sachs, Mayor Scarcella, Ms. Birdwell and Mr. Rome. As the zoning administrator, Mr. Bane says he deals with individuals who want to bring less into the City especially in these corridors. After many meetings and workshops with these committees and City Council, P&Z and SEDC and input from the citizens, a proposed zoning ordinance is being presented to the public tonight which we feel will bring quality development to the Island area and FM 1092 corridor.

Mr. Keast gave an overview and a powerpoint presentation on the process and basic contents of the ordinance. The purpose of this study was to understand the physical elements that contribute to the corridor appearance of these corridors and the assess the effectiveness and limitations of the current development standards including evaluating the possibilities for the design and appearance of the corridors, outlining design options and alternative approaches and establishing a new vision and the means for implementation. A map indicating the two corridors was placed on the screen with an explanation of the area and the current zoning districts. Mr. Keast listed the items we are trying to accomplish with this ordinance. As a community we are trying to decide what character of development is preferred and how to achieve while enhancing the visual quality of these highly visible corridors, providing guidance as to the community's expectations and casting a positive first and lasting impression of Stafford. With the amount of traffic passing through the US 90A corridor, it is important the City put its best foot forward for those visiting or considering investing in the community. This project is important to improve the quality of life, increase the property values of homeowners and business owners, spur economic development, increase sales tax revenues, improve corridor aesthetics and impact the direction of future development envisioned by City leadership and the community. Mr. Keast said there were six meetings where City Council, the P&Z and the SECD met to discuss and debate this ordinance. There were 15 revisions made to the original draft ordinance. Through the process, we looked at the zoning district that allow a wide range of uses. There are no ordinances on the books today that distinguishes the scale, intensity or design resulting in widely varying building sizes and setbacks, limited control over the impacts or adjacent uses and a lack of visual harmony. Mr. Keast next showed photos of uses along these corridors explaining what aspects of appearance were considered and addressed. These included individual uses, building materials, grey spaces, green spaces, outdoor storage, outdoor display, parking, parking surfaces, and building signage. This proposed ordinance includes the addition of two new zoning districts. Permitted uses in the PC District include commercial, mixed use, offices, recreation and entertainment, institutional and industrial as well as townhomes being permitted at the southwest corner of US 90A and FM 1092. New standards include landscape surface ratio and

maximum floor use. The IS District is extremely unique due to its location and the configuration and size of lots. The standards are flexible due to constraints. Incentives are provided for vertical mixed use, centralized or structured parking and property assembly. Permitted uses include upper floor residential, commercial, recreation and entertainment and institutional. Residential over retail is encouraged in the IS with bonuses for mixed use, assembly of smaller parcels, increased building height and structured parking. Mr. Keast placed a picture of the Quailridge Plaza on the screen showing its existing state and how it would look with the standards included in the proposed ordinance.

Mr. Keast next went over the standards for accessory uses and structures and the incorporation of building standards. Use of architectural detailing was displayed on the screen. Mr. Keast addressed the new standards for parking with include that it be surfaced with asphalt or concrete and set back a minimum of 10 feet. A reduction in the number of spaces may be allowed if warrant is demonstrated. Shared parking may be allowed for mixed use structures and shopping centers. On street public parking is allowed in the Island. The location of parking was also discussed during the joint meetings.

Mr. Keast said the City does have landscaping requirements today and this ordinance would enhance standards for site landscaping. It would be applicable to new construction, building enlargement of 10% or 1000 square feet, new parking, expansion of parking by 10% or more, change in use exceeding 25% and if a zoning permit is needed. The parking lot landscaping is one per 15 spaces, which is more than it is today, and on-lot landscaping (small and large trees and shrubs) on a "per acre" basis. Outdoor sales and display are both allowed subject to standards. Outdoor display standards including no pedestrian impairment and maximum display height of 6 feet. Outdoor sales standards include display by occupying business, same site as principal use, maximum size of 10% site area of 1000 square feet, minimum 15 feet from right-of-way, no pedestrian impairment, does not occupy required parking area and requires 30% enclosure. Temporary outdoor sales are subject to the current code.

Mr. Keast said probably the most discussed item in this ordinance is the options for nonconforming site improvements, which would be applicable to the provisions of the draft ordinance, including, among others accessory uses; outdoor display, sales and storage; parking and loading; banners, flags, temporary, portable, spectacular and window signs; balloons, smoke, noise or odor emitters, streamer lights, temporary lettering/graphics; and landscaping and screening. Conformance with these provisions would be required before additions, repairs or alterations and specific use permits would be considered to allow variations. The idea was that within certain periods of time, these sites should come into conformance. After much discussion and the desire to be reasonable and fair to the property owners, the time periods were changed as follows:

Three Years -

Banners, flags, temporary signs, portable signs and window signs.

Private parking.

Outdoor display.

Mechanical equipment screening.

Six Years-
Fencing.
Outdoor sales.
Outdoor storage.

Nine Years-
Landscaping.
Accessory uses.

This section was removed from the draft ordinance and is included in a separate document for separate consideration.

Mr. Pertile commented that Mr. Keast has given a very thorough overview of the proposed ordinance. He explained the process required by law. He said that tonight is the Joint Public Hearing of the P&Z Commission and City Council. The P&Z Commission would have to make a recommendation on this ordinance before any action could be taken tonight. Or in the future there would have to be a recommendation made by the P&Z before Council could take any action on this ordinance. If the P&Z, by motion, makes a recommendation tonight, Council can take action on the ordinance tonight, or at a later date. If the P&Z is not ready to make a recommendation at the close of the Public Hearing, it can do so at a future P&Z meeting. Mr. Pertile said that ultimately Council can accept the recommendation of P&Z, accept part of its recommendation, reject its recommendation or change any provision. Council is the body that is charged with enacting the zoning ordinance.

Councilman Guerra explained his vision for the Island specifically addressing parking. He gave a presentation in which he showed pictures of properties on the Island as it exists today. And then pictures of what the Island could look like. Councilman Guerra stressed that this ordinance would be a living document. With the money the City has saved the businesses with no property tax, he feels a portion of that money could be put back into the businesses in the Island to improve the property. Councilman Guerra said he has tried to give an impact of pictures. He wants to grasp what was just displayed and perpetuate it through the City and the only way we can do that is with good development and good zoning and good aesthetics which will improve the property values in the Island as well as throughout the City.

Ms. Castillo said that the lack of citizen participation in forms like this and they are pretty much trusting of everything the City does. She has spoken to a number of citizens who want to see this ordinance go forward and the pride of having something more like the Fountains on the other side of the City. The City has had to fight to take claim of the Fountains because everybody assumes something that nice must be in the City of Sugar Land. This is not the best day to have this public hearing, she said, because many people are just getting their utilities back today. She has had to work late this week and has not been able to reach out about this hearing. The completion of US 90A will definitely improve the way the City looks and it will be interesting to see how far the City goes. It was hard to see the snow cone shop go and the Viking Den because of the expansion of US 90A but it was the right decision of the City as a whole. Ms.

Castillo said she did a look at all of the Island ownership and compared tax records. She found that the majority of the lots, and there are a lot of small lots, are owned by people who do not live in Stafford. She has heard the statement that the lots are too small and can't be developed but some of the adjoining small lots are owned by the same person who consider selling for development. So we shouldn't think we are held back by the size of those lots. We can give back to the citizens, especially by going forward with the 3, 6, 9 plan, is pride in a place they can live, dine out, etc. Area cities are developing and are taking away the tax dollars that could be spent in our City. The specific use permit will the P&Z and City Council to work with the property owners and he she feels we should be given the chance to do that. Our City puts its sales tax to good use and the City budgets well and are not asking it property owners to pay property taxes. Ms. Castillo also addressed monies that the City contributes to the Stafford Municipal School District. She would like to say for those who have to vote to consider the families that aren't here because they are leaving it up to the City that they trust. The proposed changes will help the whole City of Stafford and not just a few businesses. Let's see it as what we can do for Stafford.

2.(b) Joint Public Hearing on ordinance as described in Item 2(a).

Mayor Scarcella and Ms. Birdwell formally opened the Joint Public Hearing at 7:59 p.m.

Mr. Frank Cash, 2839 North Main in the Island area. He is one of the perplexed business owners who don't want to pay more taxes as most don't. His family has deep roots here and has owned property in the City for 91 years and he still has a fourth generation son who owns property in this City. Mr. Cash said his father was one of the first Aldermen. He himself served on the Planning Commission for 13 years and on the SEDC for 9 years. His wife was on the first SMSD Board of Trustees and was instrumental in the City's clean up "Let's Shine in 79". Mr. Cash said he believes in higher building standards and a better looking City not only in the two corridors but the whole City but he also believes in property rights. He doesn't the guy selling hubcaps in the Island is not trying to make the City look bad but is just trying to make a living. As far as the 3, 6, 9, he has reason the P&Z will vote to put that section back in the ordinance. His only concern is if it does and the City adopts it, what is the plan? He feels businesses will start leaving the Island because they don't have the money to conform. These pieces of property will come up for sale and he hasn't heard any plan. We may not be here in nine years and if we don't have a plan what will happen. He thinks Julius Metals is leaving and that property will probably come up for sale and we will see what comes about.

Mayor Scarcella responded it has been suggested that maybe the City needs to buy property. All of the people with property rights associations are probably familiar with the New London, Connecticut case that went to the Supreme Court by a 5 to 4 decision the Supreme Court said that the City could condemn property for economic development which created a firestorm across the nation with laws being passé dot limit that in some way. He doesn't personally believe the City should spend its money buying up property and he doesn't believe the City should be in the investment business. There have been numerous properties which have changed hands in the last year and those properties have sold at very significant profits. That is what is going to

happen. Somebody is will come in and buy the property. As to what is the plan, elevate the properties to their maximum values and usability and make it something that is compatible with its neighboring properties. The City does not dictate in this ordinance but give the property owner the option to have the flexibility to do several things, which he feels maintains the viability of property rights while giving the City the opportunity to get the best development. As far as the 3, 6, 9 goes, there is another component of the 3, 6, 9 and that is in regard to the specific use permit which gives the property owner the opportunity to go before the P&Z and the City Council and say why what is in the ordinance would not work best for them but to ask for consideration for something that work better to elevate the City and his property and is in the spirit of the ordinance. To say that the City is going to dictate what every piece of property will be used for is not correct. The Mayor discussed the competition Stafford has with neighboring cities which he feels cannot be ignored. This gives the City to move forward from the 1997 zoning ordinance and he feels it gives the City the vision and plan to move forward while leaving the ultimate decision to the property owner.

Mr. Cash responded to the Mayor that he is more optimistic about the development that will be coming into the City and he hopes the Mayor is right and they are around to see it. Mayor Scarcella briefly commented on stricter zoning regulations that other cities have.

Councilman Guerra said as far as economic development of the Island – that is the plan. He made reference to economic development in Houston, Missouri City and Sugar Land and made further comments on the Stafford Centre which was not funded by the taxpayers of Stafford. The City is trying to funnel its energy to get the right kind of development and will have a document that is alive and can be critiqued for a good economic plan in the Island.

Councilman Sorbet made additional comments about the 3, 6, 9 and its financial impact on the businesses. He said if the City truly does want economic development, this zoning ordinance will not be the end of it and the City will have to have a plan and go forward.

Mr. Louis Katz, owner of property in the Island, referred to an article in the Fort Bend Business Journal entitled Fort Bend EDC Makes Presentation to Fort Bend Society of Commercial Realtors about keeping the bad guys out of Stafford. He has the same question Mr. Cash did – what happens and were are we if this ordinance passes. He feels it important to say thanks to everybody here for a whole lot of bologna that has been going on – a lot of listening and talking. He feels we might have wasted a lot of money on the survey but that is over with. There is only 24 acres in the Island and there has been a lot of money, time and effort on those 24 acres. I think only Mr. Rome on the P&A and Mayor Scarcella have a financial interest in the Island. The City itself needs to look at what it has. We are going to be asked to do some improvements. In reading some of these things plants have to be alive and they cannot be artificial. There are some things around the City complex that affects everybody and they are involved in the same thing. He feels the Mayor should bend a little bit because the City is going to have to hire some new employees to administer this monster we are talking about. He asked that the P&Z and City Council think about being fair to everybody in the

Island. We have all suffered for three years during the US 90A improvement. He wants to thank everybody for the new highways. We are going to have to spend some personal money to come up and meet the new boundary lines to make it look good. Not only have the commercial owners been affected but also the businesses. Now you want to impose the nonconforming 3, 6, 9. He feels it would be wonderful if you just grandfathered it to all of us and then when the operation changes, make it follow the new rules.

Ms. Anita Morales, 4123 South Main, said she believes in the progress of the City and she believes the City needs the landscaping, revitalization and everything being discussed. If you give the people what they want, they will come to Stafford and shop here and enjoy themselves. There have been that go up and down the road and don't know where Stafford is. Stafford is very unique and she thinks should go ahead with this ordinance. She knows that it will affect her property but she is willing to accept it because she loves this City. She is will to take the chance for this City and asked "why not?"

Ms. Rita Agnello Ruffeno said she is concerned with property located at 12719 Murphy Road. She does not live in Stafford but grew up here and owns property here, pay taxes here. Her husband was mayor prior to Mayor Scarcella. The City of Stafford did not start with the Scarcella régime as some believe. Many people gave time and energy. They had names like Wright, Court, Cash, Jacobs, Linares. Lapeyrouse, Jebbia, Cangelosi and Agnello. These people wanted a City that we could all be proud of, where all were treated alike, where government and business and homes coexisted harmoniously. No one had in mind a City government that would regulate so stringently that it would create a hardship on anyone. The important question Ms. Ruffeno said she has pertains to their mobile home park at 12719 Murphy and will it be affected. All of the businesses in Stafford, whether strikingly beautiful or nor, or someone's livelihood. In regard to the 3, 6, 9 portion of the regulation, she is against it. She believes good common sense tells us all that it would be good to have stricter, stronger building regulations from this day forward. But this retroactive portion of 3, 6, 9 she believes is an attempt for the City to play hardball and it is not necessary. Time and stronger building regulations are all we need to achieve the same goals as the 3, 6, 9 would. She is told that the mobile home park would have to implement additional landscaping as a result of the 3, 6, 9 regulation. She asked if the City is going to pay for that. The Mayor said in the Fort Bend/Southwest Star that the SEDC will be spending millions on improvements such as landscaping. She asked if that included them in the primary corridor district. She would imagine that the homeowners in Stafford would be little outraged if the City asked each of one of them to plant a certain size pecan tree and that the homeowner pay for the tree. The Mayor said in the newspaper article that in certain instances an individual could come before Council to ask for a variance. She has done that in the past and got nowhere. Her and Mr. Bane had a discussion about 30 minutes and what she wanted went nowhere. In the end the Mayor's will prevailed as it has for a long time. And while Mayor Scarcella has accomplished some great things, other people's will need to prevail from time to time. In the same newspaper article, the Mayor chastised some perplexed business owners for their views. She believes those business owners are expressing fair prudent ideas and should be listened to and not chastised. City government has become too strong. Her family has

a piece of property off of FM 1092 that they can do nothing with – zero. The only thing they can do is pay taxes. Zoning regulations have precluded them from doing anything which doesn't seem fair to her. We don't need anymore zoning regulations. She urged that members of the P&Z and City Council hear their concerns. She knows that the P&Z Board was appointed by the Mayor. He did that because he thought you had a good mind and a mind of your own. She asked that you please use that to vote your independent mind. Too many restrictions inhibit one's ability to enjoy a decent livelihood. Stafford has plenty of regulations. She is not against any regulations for new construction but thinks anything retroactive is unfair and shouldn't happen.

Mr. Pertile said this ordinance would not affect the actual use of the mobile home park as a mobile home park.

Mr. Charles Court, owner of Court Hardware, which is the oldest business in the City, asked about the requirements of landscaping on page 5 and then on the next page (6) it says something different. Mr. Pertile said the first requirement is in the IS and the next is in the PC. There is a separate standard for trees in the IS and PC because of the different type of uses in the two districts. Mr. Court responded to Ms. Castillo's comments about the Fountains vs. the Island. When you have one property owner, it is easy to get when you want. When you have 58 property owners in the Island that own 24 acres it is difficult. It appears to him that all members of Council are not in agreement with this ordinance. There is not vision from Council what we are trying to do and are just floundering around. He doesn't visualize people walking around in the Island shopping because he doesn't feel there is enough property to do that. In regard to 3, 6, 9, Mr. Court said that looks like an evacuation route for those who are in the Island because it will put some hurt on a lot of people and they will have to sell their property. The City keeps referring to the money it has and is investing in the Island but that is the tax payers money which they have entrusted to the City to spend in the proper manner to help the City. They have spent a lot of time giving to the City. He wants to see the improvements to the City and is not afraid of the taxes. The businesses are not coming here to complain but to offer suggestions because they are the ones this ordinance is going to affect. There is only one person sitting on front who owns a business in the Island. Mr. Court questioned where there are not more people on these commissions that are business owners in the City and have a stake in the community. You have to run for Council but not for the appointments to the commission. The Mayor noted other members on Council and the P&Z who have interests in the Island and Primary Corridor. Mr. Court said he hopes when a decision is made by Council it is in agreement with this ordinance is going to do bring forth and not that everybody is on a different page and voting on it because they spent the money to get this ordinance developed. He can live with the new construction but when the current property owners are going to have to comply with the 3, 6, 9, it will get expensive.

Ms. Lucy Agnello Handley, daughter of Joe and Regina Agnello, of the family group who owns property and a business on FM 1092. She was born in Stafford and now lives in Cat Springs, Texas. She is here to state her support for those who are opposing the passing of these new zoning standards. Her family has given to this community both in service and monetarily. Her father, who passed away in 2004, served on the City

Council, when Stafford was a sleepy little town. Her mother served on City Council as well. But they didn't stop there. Their donation of 7 acres of land along with their neighbors contributions to the State of Texas for the construction of US 59 was instrumental in securing its present location. It is doubtful Stafford would be as prosperous today if it were not for that major freeway skirting the City. Her father was proud of his contribution to the community but later in his life was disappointed how he was treated in return by the City he loved. They have been forced to abide by increased changes and restrictions while continuing to pay more than their share of taxes for the City created school district. All they have asked for is to be allowed to earn a living on the property which their family has owned for over 80 years. Their experience has been never ending ordinances, new rules, codes, changing procedures which have been costly and continue to create lost rental revenue. Their specific use pleadings have fallen on deaf ears in the Mayor's and by Council time and time again. When they asked to use all of their property they are taxed on and not just a portion it has been denied. New setback lines have caused them to lose tenants due to their inability to be seen by passing traffic while the new motel next door is sitting almost curbside blocks their visibility. All of their requests have been denied. She is in agreement with those opposing the new zoning regulations. If this ordinance passes, what next do the taxpayers have to fear. Ms. Handley commented while they do not own property in the Island, they have been affected time and time again over the years by the growth and changes. Beautification is great but at whose cost. Who's money is going to pay for building these grand businesses. These people who have a shop selling are just trying to make a living and she doesn't see how forcing people through these zoning ordinances is going to help in the immediate time. Perhaps down the road when the property is sold, but she can't see it now. Concerning the entertainment complex and competing with other cities, is that what this is about.

Mr. Chris Court, resident of 13230 Stafford Colony Lane and business owner in the Island, said he appreciates the effort and work going into putting this ordinance together and appreciates the fact that the City wants to make our community a better looking place. He is a proud citizen of Stafford and Stafford has a lot of accomplishments to be proud of over the years. Also as a business owner in the Island, he is willing to do his part to make their business look better. For the most part he likes the ordinance but understands everybody is not going to be happy with everything. His objection is with the 3, 6, 9 but not with the principal that is asking the property owners to do things with their properties. He has talked to every member of Council and asked their vision of the Island and has not gotten the same response from anybody. It is his impression that the Council has not come to an agreement on what they envision for the Island and the FM 1092 corridor. So he has misgivings as to spend money on his property and there has not been an agreement by Council on what it is looking for. Mr. Court commented that the pictures that Councilman Guerra showed us what Stafford could look like were very nice but any of these will require a large scale plan and developer and putting property together which means the City will have to buy property. If the City is not going to buy property, we are not going to have any large scale development on the Island that has a master plan and cohesive look to it. He supports the ordinance and believes the tougher standards for new development is very important but object to the 3, 6, 9 until somebody says this is our plan and vision before you ask the property owners to spend money on their property. He is disheartened about hearing the trouble

getting specific use permits because as the ordinance currently stands, his business could not comply with the nine year requirements without actually tearing down part of the building to do so which would be cost prohibited.

Mr. Ettienne Zak, 126 Kingsway Drive, has lived in the City for 20 years. He is in favor of this ordinance. He sees some areas that need improvement and he certainly understands there are some investment dollars by the property owners to make this work. With regard to investing in the properties as far as improvement, there is a tremendous amount of opportunity that comes before these businesses in his opinion. There are many people coming through Stafford day in and day out without stopping and spending their dollars in Stafford. He feels if these facilities are improved aesthetically, which is an investment, there will be a tremendous amount of opportunity especially with the construction of the US 90A project and what it brings to the table. There is very short window of opportunity for this City to take advantage of the revenue that can be generated from people just passing through. We need to capitalize on those dollars. Change is difficult and we always second guess it. There are some details that need to be worked out from what he has heard tonight with regard to the 3, 6, 9 but he definitely thinks some improvement is warranted. We talk about Sugar Land and Missouri City and we are competing for that revenue. Even from the standpoint of identity there is still not the identity that the City needs for people to identify what is Stafford. The improvement along the Island is necessary and also on Murphy Road. There is a tremendous amount of opportunity for us to take advantage of. If he was a business owner he would have to look at the opportunity to generate revenue. As a resident from his prospective, he feels this is a tremendous opportunity and the City should move forward with this ordinance.

Mr. P. T. Failla, property owner of 12439 Murphy Road, asked under this 3, 6, 9 portion he wondered how long it would be before the City asks him to blacktop or concrete his RV storage and how long before he has to landscape it. He has a residential house in the front of the RV storage which has tried to rent out and did have it rented out as a child care center but the City turned him down on that because they said his driveway wouldn't accommodate a fire truck. But he has driven bulldozers over that driveway many times. He has tried to do a lot of things with the property. He has tried to do a lot of things with the property but has been turned down. Mr. Failla said he has the property up for sale along with his brother's adjacent property. It is a large tract and his realtor said people who is interested in this property can not put what they want on the property because the City's ordinances do not allow it. Mr. Pertile asked for further information about the use of Mr. Failla's unimproved portion of the property. Mr. Failla said he rents RV storage sites on the property which has crushed concrete underneath. Mr. Pertile said if 3, 6, 9 is adopted he would have to come in compliance with making that an all weather surface within three years. Ms. Madrigal commented that crushed concrete would not be an acceptable all weather surface. Mr. Failla said that would probably put him out of business and he is opposed to the 3, 6, 9 section of the ordinance. He is all for beautifying the City but if he has to spend that kind of money to stay in business he will have to sell the property.

There being nobody else desiring to address P&Z and Council, Mayor Scarcella and Ms. Birdwell formally closed the Joint Public Hearing at 9:05 p.m.

2.(c) Discussion of comments from the public.

Councilman Guerra said that he, as a Councilman and a citizen of Stafford, would like to recognize the Agnello's and express appreciation for what Mr. Agnello did in donating that land to the City for US 59 did to perpetuate our City and all the sacrifices that family did for Stafford. He is trying to the best thing for the City and the Agnello family. Ms. Regino Agnello commented that her husband was the only Stafford man to give seven acres for the freeway and this is the thanks her family gets for it.

Councilman Smith commented that there seems to be a theme he has heard tonight running through many of the speakers, both at this table and from the audience, which started with the snow cone business that it was okay that it and the restaurant had to go away because it was good for Stafford. Then it moved to Court Hardware, auto part stores, storage facilities, historic buildings that it is okay if they go, it's for the good of Stafford. He doesn't believe it is okay if they go. He believes the City can have an ordinance that protects us for the future but grandfathers the existing businesses and allows them to stay here, where they have served for many, many years.

Councilman Willis said it is his understanding that any current business will be allowed to exist but if the 3, 6, 9 goes into affect, the business would have to comply with every provision of 3, 6, 9 in order to keep their businesses. Mr. Pertile said that is correct. He agrees totally with Councilman Smith's comments. Between the seven Councilmembers, there are probably 12 different plans, as he has several. When the developer lays the plans on the table, he will know whether he likes it or not. The point he has made over and over, the plan has to be flexible, it has to make sense, and it has to have enough incentives for people to combine properties. He agrees that the City should not get in the real estate purchase and development. The developers know what to do and how to do it and this ordinance needs to allow the developers to bring something to us that we would like.

Mayor Scarcella commented on the derogatory comment that the City, in the Island area, has allocated \$3.9 million for that landscaping and what is going to occur that. What got back to me is that there complaints if the City improved there property, they were objecting to that because of the fact it would increase their property values and they would to pay more taxes. He said he did not think that was a valid or meritorious argument and something that he took issue with. He next discussed the 1997 zoning ordinance. There was no plan attached to that ordinance. If we didn't have it, the City would have several granite or aggregate yards like the one owned by Texas Industries which has prevented further development in that area. So the zoning ordinance has done its job. We are talking about moving forward with the proposed ordinance, which process has been going on and we have been talking about it since April 2007. The Mayor made further comments on the SMSD property taxes saying they are less than Fort Bend ISD. Another point that has been made is that this is the taxpayers money that the City is entrusted with. Nobody knows where their tax dollars go. Approximately 95% that is paid into the City of Stafford on sales tax comes from people that live outside of Stafford. Of that \$14.4 million, about \$700,000 come from the citizens of Stafford. There were also people who argued when the Stafford Centre was being

considered that it should be something that would benefit Stafford. He believes it has been one of the best assets the City has ever had. It is paid for by sales tax and basically operated by the Hotel Occupancy Tax from the hotels and motels in Stafford. The Stafford Centre supports itself very well and we are not asking that the Island be developed to support the Centre. The Stafford citizens get the benefit of all those dollars that are generated by a strong economy. The Mayor next addressed US 90A when completed will carry over 100,000 motorists a day. If the City cannot capitalize on attracting those people to stop, we are missing the boat and that is something this ordinance will do. There are 42 acres in the Island with roads and the City complex. The Twin Towers in New York City sat on 16 acres. If you get the right developer, they can figure out how to assemble land. If you have a \$1 million piece of property in Stafford, you don't have to pay City property tax. It was eliminated in 1995. But we have increased our revenue and liquid holdings or dollars in the bank by 900%. The City has virtually eliminated its debt. You can be proud that this City is now in as strong of a financial position as any other in this country.

Councilman Guerra commented that the ice cone place and the Viking Den left because they didn't have enough parking and the City didn't have anything to do with their leaving. As far as our tax money, some of that is going back to the businesses in the Stafford area because he sees the invoices. If the citizens would spend 10% of the money they save by not having to pay City taxes and put it back into their businesses, it would improve their appearance.

Ms. Castillo commented on the fact that I was saying I wanted the Fountains on the Island and she didn't mean that it would have to be a whole complex. But we can have an improved small scale. She agrees if we give the people what they want, they will come. One person in the Island owns 14 different properties, with many adjoined. But if something is small and nice, people will stop and shop there.

Councilman Sorbet thanked those who spoke and voiced their concerns. The consensus of what he has heard is with regard to the 3, 6, 9 provision and how it is retroactively going to affect the current businesses and property owners including the costs which may drive some people to lose their property or business. The other is that owners do not want to invest in their property until they see a more cohesive plan from the City on how this will go forward. Another issue he heard is with the denial of a specific use permit. For the record, Councilman Sorbet he doesn't see anything in the main part of the ordinance that is being objected to without the 3, 6, 9. The main idea is to stop the bad development from going forward. If we approve what has been submitted without the 3, 6, 9, he feels the majority would support it. The pros and cons of the 3, 6, 9 need to be furthered discussed.

Councilman Mathew said this is not going to be an easy task. We have to decide what is best for the City and its citizens while achieving the goal of elevating the City. Many people go by the Island and this is the best retail space. If the City can come up with an incentive for the existing businesses to enhance their businesses would be a good idea in attracting new businesses. The City and businesses will reap the benefit.

Mr. Olickan said the City has spent a considerable amount of money, hired a consultant, and had many meetings to discuss this proposed ordinance. The business community has to come together. There are 58 properties in the Island. Five or six of them are hear saying 3, 6, 9 is a bad idea. The City cannot have 58 properties sitting there and doing nothing to improve their property. It is his opinion that there should be some time of timeline or the ordinance will not serve any purpose. The City is spending \$3.5 million for landscaping and over \$300,000 annually to maintain the landscaping in the Island. He referred to his home and when the City put in curb and gutter of which he had to pay for.

Mr. Vega said he gets the impression from comments that the P&Z members are hand picked. Yes they are but he assumes it is because of their qualifications. They do diligent work on everything that comes before the Commission. Members do a lot of research on items. They do not rubberstamp everything that is put before them. In some instances such as the specific use permit process, Council has overridden them. The P&Z Commission does take everything seriously and does take this ordinance seriously. After hearing from the public, Mr. Vega said he felt the Commission could make a good decision on the proposed ordinance.

Mr. Rome said he aggress and disagrees with what has been said tonight. These people like Mr. Failla will have to spend \$250,000 to \$300,000 for a game plan that was put in place a long time ago and then changed. If Council said that everyone had to have a steel roof, he doesn't think we would like it. He agrees we need some changes but has heard all through the discussions that we need a plan. There should be some incentive for those businesses that make the improvements but don't throw these people out of business that have been here and can't spend the money. Mr. Rome said he felt we can come up with a plan where the City doesn't have to buy property that will attract the businesses that we want in the corridors. He is not in favor of the 3, 6, 9 without having some other options.

Mr. Woolridge thanked the public for their comments. The one area he is concerned with is the specific use permit process. He feels we need to go back and revisit that so there is a better process.

Councilman Rose said he has not been a proponent of the 3, 6, 9 but he is a proponent of the zoning changes. There are some people who have a great investment, life spending, their income, and livelihood involved around their business. And to change right now in the middle of the ballgame will hurt them and put some of them out of business. He feels when new businesses come in the City should set the standards. His philosophy is give the prospective businesses the criteria and if it fits their business plan, they will develop here. The people on City Council always look out for the betterment of the people and the businesses.

Mayor Scarcella he feels the makeup of the P&Z Commission represent the makeup of Stafford, and they do an outstanding job. He made additional comments about the racial diversity of Stafford.

Councilman Rose said we are trying to bring businesses into the City and make Stafford a good location for businesses to want to come to.

- 2.(d) Report from Planning and Zoning Commission on ordinance as described in Item 2(a).

Mr. Pertile stated the options that the P&Z have at this point. It can make a motion to pass either all, or part or none of the proposed ordinance, which would be the report that would be forwarded to City Council. Or it could decide to not take any action tonight and reserve its action to some other date.

Ms. Castillo made a motion to not take any action tonight and consider the ordinance at the next Planning and Zoning Commission Meeting. Mr. Woodridge seconded the motion, and it carried 6 – 0. Mr. Pertile this proposed ordinance will be an item on the next Planning and Zoning Commission Meeting. Council can discuss but cannot take any action on this ordinance until it receives a report from the P&Z Commission.

- 2.(e) Consideration of appropriate action on Items 2(a), 2(b), 2(c), and 2(d).

No further action was taken.

3. Adjournment.

Councilman Willis made a motion to adjourn. Councilman Smith seconded the motion, and it carried 7 – 0. The meeting adjourned at 10:03 p.m.

Alma Birdwell, Chairman

Bonnie Baiamonte, City Secretary