



CITY OF SUGAR LAND

CITY COUNCIL AGENDA

Sugar Land City Hall
2700 Town Center Boulevard North
Sugar Land, Texas 77479

TUESDAY, APRIL 2, 2024

CITY COUNCIL MEETING

CITY COUNCIL CHAMBER

5:30 P.M.

I. ATTENTION

- A.** *Members of the City Council, Board and/or Commission may participate in deliberations of posted agenda items through videoconferencing means. A quorum of the City Council, Board and/or Commission will be physically present at the above-stated location, and said location is open to the public. Audio/Video of open deliberations will be available for the public to hear/view, and are recorded as per the Texas Open Meetings Act.*

The meeting will live stream at <https://www.sugarlandtx.gov/1238/SLTV-16-Live-Video> or <https://www.youtube.com/user/SugarLandTXgov/live>. Sugar Land Comcast Cable Subscribers can also tune-in on Channel 16.

INVOCATION

Mayor Pro Tem Naushad Kermally

PLEDGES OF ALLEGIANCE

Mayor Pro Tem Naushad Kermally

II. PUBLIC COMMENT

Citizens who desire to address the City Council, Board and/or Commission in person with regard to matters on the agenda must complete a "Request to Speak" form and give it to the City Secretary, or designee, prior to the beginning of the meeting.

Each speaker is limited to three (3) minutes, speakers requiring a translator will have six (6) minutes, regardless of the number of agenda items to be addressed. Comments or discussion by the City Council, Board, and/or Commission Members, will only be made at the time the subject is scheduled for consideration.

Disclaimer: The City of Sugar Land reserves the right to remove any individual for comments deemed inappropriate, impertinent, profane, slanderous and/or for not adhering to the public comment rules outlined in this notice.

For questions or assistance, please contact the Office of the City Secretary (281) 275-2730.

III. CONSENT AGENDA

All Consent Agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

- A. SECOND CONSIDERATION:** Consideration of and action on **CITY OF SUGAR LAND ORDINANCE NO. 2333: AN ORDINANCE OF THE CITY COUNCIL OF**

THE CITY OF SUGAR LAND, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICTS ADOPTED BY ORDINANCE NUMBERS 1430, 1676, 1683, 1812, 1826, 1850, 1904, 1905, 1926, 1936, 2041, 2081, 2118, 2259, 2291, 2297, AND 2307 BY REMOVING SIC 5993 AND TOBACCO, HOOKAH, AND VAPOR RETAIL STORES AS A PERMITTED LAND USE.

Laura Waller, Senior Planner

- B. **SECOND CONSIDERATION:** Consideration of and action on **CITY OF SUGAR LAND ORDINANCE NO. 2334:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, AMENDING THE SUGAR LAND DEVELOPMENT CODE BY REVISING THE RESIDENTIAL AND NON-RESIDENTIAL LAND USES MATRICES FOUND IN TABLES 2-71.1 AND 2-91.1 BY CONSOLIDATING AND CLARIFYING CERTAIN LAND USES, STANDARDIZING CONDITIONAL USE PERMIT CONDITIONS, REMOVING TOBACCO, HOOKAH, AND VAPOR RETAIL STORES AS A LAND USE, AND PROHIBITING THE EXPANSION OF EXISTING TOBACCO, HOOKAH, AND VAPOR RETAIL STORES.

Laura Waller, Senior Planner

- C. **SECOND CONSIDERATION:** Consideration of and action on **CITY OF SUGAR LAND ORDINANCE NO. 2336:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, PROHIBITING THE USE OF DESIGNATED GROUNDWATER FROM BENEATH CERTAIN PROPERTY LOCATED AT 810 INDUSTRIAL BOULEVARD, SUGAR LAND, TEXAS, AND SUPPORTING CERTIFICATION OF A MUNICIPAL SETTING DESIGNATION BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY; PROVIDING A PENALTY CLAUSE; AND PROVIDING A SEVERABILITY CLAUSE.

Katie Clayton, Director of Utilities

- D. **SECOND CONSIDERATION:** Consideration of and action on **CITY OF SUGAR LAND ORDINANCE NO. 2338:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES BY ADDING A NEW SCHOOL ZONE.

Brian Butscher, Executive Director of Public Works

- E. Consideration of and action on **CITY OF SUGAR LAND RESOLUTION NO. 24-21:** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, APPOINTING A HEALTH AUTHORITY FOR THE CITY OF SUGAR LAND, TEXAS, TO SERVE FOR A TERM OF TWO YEARS.

Jarred Thomas, Emergency Management Coordinator

- F. Consideration of and action on **CITY OF SUGAR LAND RESOLUTION NO. 24-22:** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, ADOPTING A RETAIL AND WHOLESALE WATER CONSERVATION PLAN.

Raizee Sotomayor, Conservation Manager

- G. Consideration of and action on authorization of a Contract with Blackmon Mooring of Texas LLC, in the amount of \$216,969.58 through the Choice Partners Cooperative Purchasing Contract No. 24/002TC-01, for the remodel of Public Works Building C.

David Brown, Facilities Manager

- H. Consideration of and action on authorization of a Contract with ARKK Engineers LLC, in the amount of \$239,810.00, for design and bid phase services for the Wastewater Collection System Rehabilitation Project, CIP CWW2304.

Idahosa Igbinoba, Engineer III

- I. Consideration of and action on authorization of a Temporary License Agreement with SER Construction Partners LLC, for fill materials and services at 1 Circle Drive, utilizing SER Construction Partners LLC, funds.

Greg Willey, Construction Services Manager

- J. Consideration of and action on authorization of a Budget Amendment, in the amount of \$250,000.00, to the General Fund for Special Events.

Kimberly Terrell, Interim Director of Parks & Recreation

- K. Consideration of and action on the minutes of the March 19, 2024 and March 26, 2024 meetings.

Ashley Newsome, Deputy City Secretary

IV. ORDINANCES AND RESOLUTIONS

- A. Consideration of and action on **CITY OF SUGAR LAND RESOLUTION NO. 24-19: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, GIVING ITS CONSENT FOR FORT BEND MUNICIPAL UTILITY DISTRICT NO. 128 TO ANNEX APPROXIMATELY 0.17 ACRES OF LAND INTO THE DISTRICT.**

Ruth Lohmer, Assistant Director, Community Planning & Redevelopment

V. CITY COUNCIL CITY MANAGER REPORTS

- A. City Council Member Reports
- Community Events Attended or Scheduled
- B. City Manager Report
- Community Events Attended or Scheduled
 - Other Governmental Meetings Attended or Scheduled
 - Council Meeting Schedule

THE MAYOR AND CITY COUNCIL RESERVE THE RIGHT, UPON MOTION, TO SUSPEND THE RULES TO CONSIDER BUSINESS OUT OF THE POSTED ORDER. IN ADDITION TO ANY EXECUTIVE SESSION LISTED ABOVE, THE CITY COUNCIL RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME DURING THIS MEETING FOR THE PURPOSE OF CONSULTATION WITH THE ATTORNEY AS AUTHORIZED BY TEXAS GOVERNMENT CODE SECTIONS 551.071 TO DISCUSS ANY OF THE MATTERS LISTED ABOVE.

IF YOU PLAN TO ATTEND THIS PUBLIC MEETING AND YOU HAVE A DISABILITY THAT REQUIRES SPECIAL ARRANGEMENTS AT THE MEETING, PLEASE CONTACT THE CITY SECRETARY, (281) 275-2730. REQUESTS FOR SPECIAL SERVICES MUST BE RECEIVED FORTY-EIGHT (48) HOURS PRIOR TO THE MEETING TIME. REASONABLE ACCOMMODATIONS WILL BE MADE TO ASSIST YOUR NEEDS.

THE AGENDA AND SUPPORTING DOCUMENTATION IS LOCATED ON THE CITY WEBSITE (WWW.SUGARLANDTX.GOV) UNDER MEETING AGENDAS.

Posted on this 28th day of March, 2024 at 5:14 P.M.



City Council Agenda Request

APRIL 2, 2024

AGENDA REQUEST NO: III.A.

AGENDA OF: City Council Meeting

INITIATED BY: *Laura Waller, Senior Planner*

PRESENTED BY: *Laura Waller, Senior Planner*

RESPONSIBLE DEPARTMENT: Planning & Development Services

AGENDA CAPTION:

SECOND CONSIDERATION: Consideration of and action on **CITY OF SUGAR LAND ORDINANCE NO. 2333:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICTS ADOPTED BY ORDINANCE NUMBERS 1430, 1676, 1683, 1812, 1826, 1850, 1904, 1905, 1926, 1936, 2041, 2081, 2118, 2259, 2291, 2297, AND 2307 BY REMOVING SIC 5993 AND TOBACCO, HOOKAH, AND VAPOR RETAIL STORES AS A PERMITTED LAND USE.

RECOMMENDED ACTION:

Staff and Planning & Zoning Commission recommend approval of the Second Reading for Ordinance 2333.

EXECUTIVE SUMMARY:

A Public Hearing and First Reading of Ordinance No. 2333 were held during the March 19, 2024 City Council Meeting.

Consideration and Second Reading of Ordinance 2333 removing SIC 5993 Tobacco Stores and Stands from the following PD Ordinances: 1430, 1676, 1683, 1812, 1826, 1850, 1904, 1905, 1926, 1936, 2041, 2081, 2118, 2259, 2291, 2297 and removing Tobacco and Hookah Retail Stores from PD Ordinance 2307.

BUDGET

EXPENDITURE REQUIRED: n/a

CURRENT BUDGET: n/a

ADDITIONAL FUNDING: n/a

FUNDING SOURCE:n/a

ATTACHMENTS:

Description	Type
▣ Ordinance No. 2333	Ordinances

ORDINANCE NO. 2333

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICTS ADOPTED BY ORDINANCE NUMBERS 1430, 1676, 1683, 1812, 1826, 1850, 1904, 1905, 1926, 1936, 2041, 2081, 2118, 2259, 2291, 2297, AND 2307 BY REMOVING SIC 5993 AND TOBACCO, HOOKAH, AND VAPOR RETAIL STORES AS A PERMITTED LAND USE.

WHEREAS, at the October 24, 2023 workshop, City Council directed city staff to amend the Code of Ordinances and the Development Code to address tobacco retail sales and use; and

WHEREAS, at the December 5, 2023 meeting, City Council approved ordinance 2322 amending the Code of Ordinances to limit the public locations in which tobacco could be smoked; and

WHEREAS, for separate consideration, Ordinance 2334 amends the Development Code by removing tobacco, hookah, and vapor retail stores as a permitted use within the City; and

WHEREAS, to implement City Council's direction at the October 24, 2023 workshop and to ensure consistency within the City, the above listed Planned Development Districts need to be amended to remove tobacco, hookah, and vapor retail store as a permitted use; and

WHEREAS, the Planning and Zoning Commission held a public hearing on the proposed amendments on February 22, 2024, for which notice was given as required by law; and

WHEREAS, after the public hearing, the Planning and Zoning Commission reviewed and unanimously recommended approval to City Council the proposed amendments to the above listed Planned Development Districts; and

WHEREAS, after receiving the final report of the Planning and Zoning Commission, the City Council held a public hearing on the amendments on March 19, 2024, for which notice was given as required by law; NOW, THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS:

Section 1. That the Planned Development Districts adopted by Ordinance Numbers 1430, 1676, 1683, 1812, 1826, 1850, 1904, 1905, 1926, 1936, 2041, 2081, 2118, 2259, 2291, and 2297 are amended by prohibiting SIC 5993.

Section 2. That the Planned Development District adopted by Ordinance Number 2307 is amended by prohibiting Tobacco and Hookah Retail Stores.

Section 3. That this ordinance is effective upon second reading.

Section 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 5. That the provisions of this ordinance are severable and the invalidity of any part of this ordinance does not affect the validity of the remainder of the ordinance.

APPROVED on _____, 2024.

ADOPTED on _____, 2024.

Joe R. Zimmerman, Mayor

ATTEST:

APPROVED AS TO FORM:

Ashley Newsome,
Interim Deputy City Secretary

Meredith Riede,
City Attorney



City Council Agenda Request

APRIL 2, 2024

AGENDA REQUEST NO: III.B.

AGENDA OF: City Council Meeting

INITIATED BY: *Laura Waller, Senior Planner*

PRESENTED BY: *Laura Waller, Senior Planner*

RESPONSIBLE DEPARTMENT: Planning & Development Services

AGENDA CAPTION:

SECOND CONSIDERATION: Consideration of and action on **CITY OF SUGAR LAND ORDINANCE NO. 2334:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, AMENDING THE SUGAR LAND DEVELOPMENT CODE BY REVISING THE RESIDENTIAL AND NON-RESIDENTIAL LAND USES MATRICES FOUND IN TABLES 2-71.1 AND 2-91.1 BY CONSOLIDATING AND CLARIFYING CERTAIN LAND USES, STANDARDIZING CONDITIONAL USE PERMIT CONDITIONS, REMOVING TOBACCO, HOOKAH, AND VAPOR RETAIL STORES AS A LAND USE, AND PROHIBITING THE EXPANSION OF EXISTING TOBACCO, HOOKAH, AND VAPOR RETAIL STORES.

RECOMMENDED ACTION:

Staff and Planning & Zoning Commission recommend approval of the Second Reading for Ordinance 2334.

EXECUTIVE SUMMARY:

A Public Hearing and First Reading of Ordinance No. 2334 were held during the March 19, 2024 City Council Meeting.

Consideration and Second Reading of Ordinance 2334 Amending the City of Sugar Land

Development Code.

BUDGET

EXPENDITURE REQUIRED: n/a

CURRENT BUDGET: n/a

ADDITIONAL FUNDING: n/a

FUNDING SOURCE:n/a

ATTACHMENTS:

Description	Type
□ Ordinance 2334	Ordinances

ORDINANCE NO. 2334

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, AMENDING THE SUGAR LAND DEVELOPMENT CODE BY REVISING THE RESIDENTIAL AND NON-RESIDENTIAL LAND USES MATRICES FOUND IN TABLES 2-71.1 AND 2-91.1 BY CONSOLIDATING AND CLARIFYING CERTAIN LAND USES, STANDARDIZING CONDITIONAL USE PERMIT CONDITIONS, REMOVING TOBACCO, HOOKAH, AND VAPOR RETAIL STORES AS A LAND USE, AND PROHIBITING THE EXPANSION OF EXISTING TOBACCO, HOOKAH, AND VAPOR RETAIL STORES.

WHEREAS, at the October 24, 2023 workshop, City Council directed city staff to amend the Code of Ordinances and the Development Code to address tobacco retail sales and use; and

WHEREAS, at the December 5, 2023 meeting, City Council approved ordinance 2322 amending the Code of Ordinances to limit the public locations in which tobacco could be smoked; and

WHEREAS, the attached Development Code amendments remove tobacco, hookah, and vapor retail stores as a permitted use within the City; and

WHEREAS, the attached Development Code amendments consolidate and clarify certain land uses; and

WHEREAS, the attached Development Code amendments standardize conditional use permit conditions; and

WHEREAS, the Planning and Zoning Commission held a public hearing on the proposed Development Code amendments on February 22, 2024, for which notice was given as required by law; and

WHEREAS, after the public hearing, the Planning and Zoning Commission reviewed and unanimously recommended approval to City Council the adoption of the Development Code amendments; and

WHEREAS, after receiving the final report of the Planning and Zoning Commission, the City Council held a public hearing on the Development Code amendments on March 19, 2024, for which notice was given as required by law; NOW, THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS:

Section 1. That it adopts the amendments to Sugar Land Development Code Tables 2-71.1 and 2-91.1, attached to and incorporated into this Ordinance.

Section 2. That all legally operating Tobacco, Hookah, and Vapor Retail Stores are deemed nonconforming as of the effective date of this Ordinance and are allowed to continue to

operate subject to the provisions in the Sugar Land Development Code relating to nonconforming uses.

Section 3. That this ordinance is effective upon second reading.

Section 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 5. That the provisions of this ordinance are severable and the invalidity of any part of this ordinance does not affect the validity of the remainder of the ordinance.

APPROVED on _____, 2024.

ADOPTED on _____, 2024.

Joe R. Zimmerman, Mayor

ATTEST:

APPROVED AS TO FORM:

Ashley Newsome,
Interim Deputy City Secretary

Meredith Riede,
City Attorney

ATTACHMENTS:

- A: Sugar Land Development Code Table 2-71.1
- B: Sugar Land Development Code Table 2-91.1

Sec. 2-71. - Residential Districts Permitted Uses and Parking Schedule.

The Residential Districts Permitted Uses and Parking Schedule is shown on the following pages:

Table 2-71.1: Permitted Uses and Parking Schedule for Residential Zoning Districts										
See Section 2-55. for the Key to Permitted Uses and Parking Schedule Tables. P = Permitted Use C = Conditional Use An = Ancillary Use Blank Box = Prohibited Use P(N) or C(N) = Permitted Use or Conditional Use with Supplemental Regulations - See Notes * = Residential Proximity Conditional Use, See Section 2-55 G										
Land Use	R-1E	R-1	R-1R	R-1Z	R-2	R-3	R-4	Definition	Parking	Notes
Residential										
Agricultural, Ranching	P(N)	C(N)						An area that is used for the raising thereon of the poultry and farm animals such as horses, cattle, and sheep and including the necessary accessory uses for raising, and housing animals raised on the premises, but not including the commercial feeding or slaughter of animals. See Code of Ordinances for additional regulation of livestock.	No Additional Parking Required; 2: Dwelling Unit if Single-Family Home on Premises	1
Child Care Home (≤6 Children)	P	P	P	P	P	P	P	A dwelling where state licensed care, protection, and supervision are provided, for a fee, at least twice a week to no more than six (6) children at one time, including children of the adult provider, for less than twenty-four (24) hours per day, and in accordance	2: Dwelling Unit	

							with the requirements of Texas Administrative Code, Title 40, Part 19.			
Child Care Home (≥7 Children)	C	C	C	C	C	C	C	A dwelling where state licensed care, protection, and supervision are provided, for a fee, at least twice a week to no more than twelve (12) children at one time, including children of the adult provider, for less than twenty-four (24) hours per day, and in accordance with the requirements of Texas Administrative Code, Title 40, Part 19.	2: Dwelling Unit	
Clergy House, Monastery, or Convent	C	C	C	C	C	C	C	A dwelling where four (4) or more unrelated employees of a Place of Worship, such as religious leaders or those studying worship, live; which is located on a separate platted lot than the associated Place of Worship; and that is tax exempt as defined by State law.	1: Resident (Minimum of 4 Spaces Required)	
Community Home	P	P	P	P	P	P	P	A dwelling for not more than six (6) persons with disabilities and two (2) supervisors and is licensed under and complies with Chapter 123 of the Texas Human Resources Code.	2: Dwelling Unit	
Dwelling, Accessory	P (N)	P (N)	P (N)					A dwelling unit, that is attached or detached from the primary on-site structure, is used as a residence, is incidental to the main structure, and is not involved in the conduct of a business.	No Additional Parking Required	2

Dwelling, Multi-Family							P (N)	A building on one (1) platted lot that contains three (3) or more Dwelling Units, and commonly referred to as a triplex, four-plex, or apartment building.	1: 5 Dwelling Units PLUS 1.5: One Bedroom Unit and 2: Two or More Bedroom Units	3
Dwelling, Single-Family Attached (Townhome)							P (N) P (N)	A building that contains Dwelling Units located on separately platted lots that are joined to other Dwelling Units on one (1) or both sides by a common wall that is located along the side lot line and separates the individual Dwelling Units, commonly referred to as a townhouse.	1: 5 Dwelling Units PLUS 1.5: One Bedroom Unit and 2: Two or More Bedroom Units	3
Dwelling, Single-Family Detached	P (N)	P (N)	P (N)	P (N)	P (N)	P (N)		A building that contains only one (1) Dwelling Unit and has open space on all sides of the building.	2: Dwelling Unit	3
Dwelling, Two-Family (Duplex)					P (N)			A building on one (1) platted lot that contains only two (2) Dwelling Units and has open space on all sides of the building, commonly referred to as a duplex.	2: Dwelling Unit	3
HUD - Code Manufactured Home					C (N)			A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development; built on a permanent chassis; designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; transportable in 1 or more sections; in the traveling mode, at least 8 body feet in width or at	2: Dwelling Unit	3

								least 40 body feet in length or, when erected on site, at least 320 square feet; includes the plumbing, heating, air conditioning, and electrical systems of the home; and is not a recreational vehicle as defined by 24 C.F.R. Section 3282.8(g).		
Residential Sales /Construction Office (Temporary)	P (N)	P (N)	P (N)	P (N)	P (N)	P (N)	P (N)	A temporary office used by a homebuilder to facilitate the sales of new homes within a subdivision where there are available for purchase new homes already built or to be built on lots located therein.	Minimum of 4 Spaces	4
Institutional										
Library	C	C	C	C	C	C	C	A building for the viewing and check out of books, videos and other literature.	1: 300 sq.ft.	
Parks and Recreational Facilities	P (N)	P (N)	P (N)	P (N)	P (N)	P (N)	P (N)	An area developed for active play and recreation that may include, but is not limited to, open space, sports courts, play equipment, trails, restrooms, and maintenance structures. The area may be owned by a public entity and used to provide recreational activities to the general public; or the area may be owned by a private, nonprofit, or homeowner's association and used to provide recreational activities to the members of the association.	1: 100 sq.ft. of Indoor Facilities Plus 1: 4 Persons Design Capacity of Outdoor Facilities (Including Both Participants and Spectators as Applicable)	5

School, Private, Elementary, Middle, and High Schools	C	C	C	C	C	C	C	A school under the sponsorship of a private or religious organization, which provides elementary, middle, and/or secondary school curricula.	Elementary and Middle Schools: 1:20 Students High Schools: 1:4 Students	
School, Public, Elementary, Middle, and High Schools	P	P	P	P	P	P	P	A school organized by a governmental entity or granted a charter under Chapter 12 of the Texas Education Code, which provides elementary, middle, and/or secondary school curricula.	Elementary and Middle Schools: 1:20 Students High Schools: 1:4 Students	
Services										
Child Care Facility, Daycare	C	C	C	C	C	C	C	An establishment, other than a public or private school, providing care training, education, custody, treatment or supervision for seven (7) or more children for less than twenty-four (24) hours a day at a location other than the permit holder's home. A state license is required.	1:300 sq.ft.	
Golf Course or Country Club	C	C	C	C	C	C	C	A land area and buildings used for golf, including fairways, greens, tee boxes, driving range, putting green, and associated maintenance and retail facilities. This definition also includes associated clubhouses, dining rooms, swimming pools, tennis courts, and similar recreational or associated service uses.	1:150 sq.ft. of Indoor Facilities PLUS 4: Hole	

Helipad (Accessory)	C							An accessory use where helicopters can land and take off but excluding refueling, maintenance, repairs, and storage of helicopters. Only permitted as an accessory use to a Single-Family Detached Dwelling on a minimum 5-acre lot.	No Additional Parking Required	
HOA Clubhouse/Meeting Facility/Pool	P	P	P	P	P	P	P	A building and/or pool owned and operated by a homeowners association that is available for usage by homeowners, typically requiring rental fee and reservation, for meetings, parties, or other private events.	1:300 sq.ft. (Minimum 5 spaces required)	
Independent Senior Living (55+)							P (N)	An establishment providing dwelling units specifically designed for the needs of people 55 and over. In addition to housing, this type of facility provides convenience services, such as meals, housekeeping and transportation, and community facilities, such as central dining rooms and activity rooms.	2: Dwelling Unit	6
Place of Worship	C	C	C	C	C	C	C	A building or group of buildings used for regular assembly for religious public worship and study that is used primarily for and designed for such purpose such as a church, synagogue, mosque or similar, along with accessory activities that are customarily associated therewith, such as classrooms, gathering spaces, or a place of residence for clergy on the same platted lot, and that is tax exempt as defined by State law.	With Fixed Seating: 1:3 Seats in the Main Assembly Area OR Without Fixed Seating: 1:75 sq.ft. in the Main Assembly Area	7

Short Term Rentals					C	C	C	A dwelling that is leased or rented out in whole or in part (a room, for example) for less than 30 days.	2: Dwelling Unit	
Industrial										
Utilities	C	C	C	C	C	C	C	Buildings, maintenance yards, equipment yards, service facilities, shops, utility buildings and lines, etc. used for the transmission, storage or maintenance of utilities such as electric utilities, gas utilities, cable facilities, or other public utilities.	1:300 sq.ft. of Building or as Determined by the Director of Planning	
Residential District Supplemental Regulations 1. Agriculture, Ranching Minimum 5 acre property is required for the establishment of this use. 2. Dwelling, Accessory <i>Moved from Section 2-192.F.6. - Accessory Structures</i> a. See Section 2-192 for additional regulations regarding Accessory Structures b. A Single-Family Detached Dwelling located in a R-1, R-1R, or R-1E district may provide for an additional Dwelling Unit as accessory quarters located in the Principal Building or as part of a Detached garage, if: i. The accessory quarters does not contain more than 600 square feet of Living Space, and ii. The occupant or occupants do not pay compensation for the use of the accessory quarters.										

3. Home Occupations

Moved from Section 2-194. - Home Occupations

A Home Occupation is only permitted as an Accessory Use in a residential Dwelling Unit if it meets the following conditions:

- a. It does not depend on the employment of a person who does not reside in the residence;
- b. A separate entrance to the Primary Structure is not provided for the conduct of the occupation;
- c. An alteration is not made in the Dwelling Unit that changes its character as a Dwelling Unit;
- d. It does not use outdoor storage;
- e. It does not involve more than 300 square feet of the area of the Dwelling Unit or Accessory Structure;
- f. A Sign Advertising the Home Occupation is not located on the Premises;
- g. It does not require the delivery or shipment of merchandise, goods, or equipment by other than passenger motor vehicles, ¾ ton step-up van or similar sized trucks;
- h. It does not create or cause any perceptible noise, odor, smoke, electrical interference or vibrations to emanate from the Premises; and
- i. It is conducted so that it does not create parking or traffic congestion or otherwise place an undue burden on the abutting or adjoining neighbors or the immediate neighborhood.

4. Residential Sales/Construction Office (Temporary)

Moved from Section 2-55. - Accessory and Temporary Uses.

Temporary Construction Office. Temporary offices for construction or sales may be used on the site of a construction project as a temporary use but must be removed upon completion of the project. A temporary construction office must cease upon the issuance of a Certificate of Occupancy for the last Dwelling Unit for the subdivision or project or, in the case of a subdivision or project for which approval has been given for phased development, for the last Dwelling Unit for that phase.

5. Parks and Recreational Facilities

A reduced parking requirement may be approved by the Director of Planning, or designee, when recreational facilities are included as part of a Home Owners Association facility, and a parking analysis is submitted demonstrating a lesser parking requirement is appropriate.

6. Independent Senior Living

Independent Senior Living uses must comply with the following requirements:

- a. Provide a common dining area that is at least 3,000 sq.ft.;
- b. Provide housekeeping and transportation services to residents;
- c. Provide physical fitness and/or wellness facilities on-site;

- d. Units must be accessible through temperature controlled interior corridors;
- e. At least one person aged 55 or over shall reside in each unit.
- f. Have a maximum density of 25 bedrooms per acre; and

Facilities within 200 feet of a residential lot as measured from property line to property line are also required to:

- i. Provide an 8-foot opaque fence along side and rear property lines;
- ii. Provide 100% parking lot screening with a double row of hedges measuring 3 feet in height at time of planting; and
- ii. Orient any outdoor facilities away from residential lots.

7. Place of Worship

All uses and buildings associated with and on the same campus as the Place of Worship, including assembly/gathering facilities, shall be included in the Conditional Use Permit.

Sec. 2-91 - Nonresidential Districts Permitted Uses and Parking Schedule.

The Nonresidential Districts Permitted Uses and Parking Schedule is shown on the following pages:

Table 2-91.1: Permitted Uses and Parking Schedule for Nonresidential Zoning Districts									
<p>See Section 2-55. for the Key to Permitted Uses and Parking Schedule Tables.</p> <p>P = Permitted Use C = Conditional Use An = Ancillary Use Blank Box = Prohibited Use</p> <p>P(N) or C(N) = Permitted Use or Conditional Use with Supplemental Regulations - See Notes</p> <p>* = Residential Proximity Conditional Use, See Section 2-55 G</p>									
Land Use	B-O*	B-1*	B-2*	M-1*	M-2	BR	Definition	Parking	Notes
Institutional									
Botanical and Zoological Gardens	P	C	P				An establishment where plants or animals are collected and designed in a way to be viewed, cared for, and/or studied, with or without an admission charge, and that may include the sale of goods and novelties as an accessory use.	1:300 sq.ft.	
Library	P	P	P				A public facility that allows the view and check out of books, videos and other literature.	1:300 sq.ft.	
Museums and Art Galleries	P	P/C (N)	P	P			A building serving as a repository for a collection of natural, scientific, artistic, or literary objects of interest, and designed to be used for viewing, with or without an admission	1:300 sq.ft.	1

							charge, and that may include the sale of goods and novelties as an accessory use.		
Parks and Recreational Facilities	P (N)	P (N)	P (N)	P (N)	P (N)	P (N)	<p>An area developed for active play and recreation that may include, but is not limited to, open space, sports courts, play equipment, trails, restrooms, and maintenance structures.</p> <p>The area may be owned by a public entity and used to provide recreational activities to the general public; or the area may be owned by a private, nonprofit, or homeowner's association and used to provide recreational activities to the members of the association.</p>	<p>1:100 sq.ft. of Indoor Facilities Plus 1:4 Persons Design Capacity of Outdoor Facilities (Including Both Participants and Spectators as Applicable)</p>	2
School, College and University	P	P/C (N)	P				<p>An institution established for educational purposes offering courses for study beyond the secondary education level. Dormitories for students and employees only are permitted in conjunction with these uses.</p>	<p>The applicant shall provide parking analysis for the proposed development and parking estimate shall be approved by the Director of Planning.</p>	1
School, Private, Elementary, Middle, and High	C	C	C				<p>A school under the sponsorship of a private or religious organization, which provides elementary, middle, and/or secondary school curricula.</p>	<p>Elementary and Middle Schools: 1:20 Students High Schools: 1:4 Students</p>	

School, Public, Elementary, Middle, and High	P	P	P				A school organized by a governmental entity or granted a charter under Chapter 12 of the Texas Education Code, which provides elementary, middle, and/or secondary school curricula.	Elementary and Middle Schools: 1:20 Students High Schools: 1:4 Students	
School, Vocational	P/C (N)	P/C (N)	P	P			Trade schools and commercial schools offering training or instruction in a trade, art, or occupation.	1:100 sq.ft. of Classroom Space Plus 1:300 sq.ft. for Workshop or Instructional Space	3
Office									
Call/Message Center	P	C	P	P	P		A place where inbound and outbound telephone calls or other messages are received, rerouted, and processed. Typically, a facility has the ability to handle a large volume of calls at one time.	1:150 sq.ft.	
Professional Office, Neighborhood	P	P	P	P			An establishment for the provision of executive, management, or administrative services in an office setting in a building less than or equal to 20,000 sq.ft. Examples may include offices of accountants, engineers, bookkeepers, attorneys, insurance, consultants, city planners.	1:250 sq.ft.	

Professional Office, Regional	P		P	P	P		An establishment for the provision of executive, management, or administrative services in an office setting in a building greater than 20,000 sq.ft. Examples may include offices of accountants, engineers, bookkeepers, attorneys, insurance, consultants, city planners.	1:250 sq.ft.	
Retail									
Bar		Bars are permitted in Alcoholic Beverage On-Premise Overlay Districts and may be permitted in Planned Development Districts. See appropriate ordinances.					A facility that derives more than fifty percent (50) percent of its revenue from the sale of alcohol beverages for consumption on the premises where the same are sold.	1:50 sq.ft. of Public Seating and Waiting Area (Including Outdoor Areas for Seating and Waiting), Plus 1:200 sq.ft. for Remainder of Building,	
Retail Sales, Small	P (N)	P (N)	P (N)	P (N)			A retail establishment no larger than 6,000 sq. ft. that sells food and other convenience and household goods including furniture, décor, pharmacy, appliances, and other home improvement supplies. See Gas Pumps (Accessory) and Car Wash (Accessory) for these uses in conjunction with Retail Sales.	1:200 sq.ft.	5

Retail Sales, Medium		P(N)	P (N)				A retail establishment between 6,000 sq. ft. and 25,000 s. ft. that sells food and other convenience and household goods including furniture, décor, pharmacy, appliances, and other home improvement supplies. See Gas Pumps (Accessory) and Car Wash (Accessory) for these uses in conjunction with Retail Sales.	1:200 sq.ft.	4, 5
Retail Sales, Large			P (N)				A retail establishment over 25,000 s. ft. that sells food and other convenience and household goods including furniture, décor, pharmacy, appliances, and other home improvement supplies. See Gas Pumps (Accessory) and Car Wash (Accessory) for these uses in conjunction with Retail Sales.	1:200 sq.ft.	5
Liquor Store		P (N)	P				A retail establishment primarily engaged in selling beer, wine, and other alcoholic beverages. Establishments may specialize in a particular type of alcoholic beverage.	1:200 sq.ft.	6
Lumber and Other Building Materials			P	P			A retail establishment for the sale of building materials such as lumber, hardwood, stone, brick, or similar materials. This does not include home improvement stores.	1:300 sq.ft.	
Nurseries and Gardening, Retail		P	P	P			A facility for the growing, display, or sale of plant stock, seeds or other horticulture items. This use may include raising plants outdoors or	1:300 sq.ft.	

							in greenhouses for sale either as food or for use in landscaping. This does not include home improvement stores.		
Pawnshop				P			A location at which or premises in which a pawnbroker regularly conducts business as defined by the State Finance Code Chapter 371.	1:200 sq.ft.	
Restaurant, With Drive-In and/or Drive-Thru Service	P (N)	P (N)	P (N)	P (N)	P (N)		An establishment that prepares and sells food and beverages for immediate consumption, including cafes, coffee shops, sandwich shops, ice cream parlors, fast food, take-out, and similar uses, that has one or more drive-through lanes or drive-in spaces for ordering and dispensing food and beverages to patrons remaining in their vehicles.	1:100 sq.ft. (Including Outdoor Areas for Seating)	5, 7
Restaurant, With No Drive-In or Drive-Thru Service	P (N)	P (N)	P (N)	P (N)	P (N)		An establishment that prepares and sells food and beverages for immediate consumption, including cafes, coffee shops, sandwich shops, ice cream parlors, take-out, and similar uses.	1:50 sq.ft. of Public Seating and Waiting Area (Including Outdoor Areas for Seating and Waiting) PLUS 1:200 sq.ft. of the remainder of the building.	7

Shopping Center		See applicable Land Use category.					A complex where multiple businesses are located, characterized by shared common elements such as parking, sidewalks, and street access. See applicable use category for permitted uses. Only use this category for parking ratios.	Buildings Less Than 400,000 sq.ft.: 1:200 sq.ft.; Buildings 400,001 sq.ft. to 600,000 sq.ft.: 1:250 sq.ft.; Buildings Greater than 600,001 sq.ft.: 1:300 sq.ft.	8
Thrift Store or Donation Center		P (N)	P				An establishment primarily engaged in selling or receiving used merchandise that has been obtained through bulk-purchases or donated merchandise. Receipt of donations must occur within an enclosed building.	1:200 sq.ft.	6
Tobacco, Hookah, and Vapor Retail Store							A shop or tobacco bar that specializes in the sale or consumption of tobacco, cigars, cigarettes, electronic cigarettes, electronic vapor devices, hookahs, or other tobacco products. See Code of Ordinances for additional Smoking Regulations	1:200 sq.ft.	
Services									
Adult Day-Care	P	P	P				A group program that is licensed by the State of Texas and designed to meet the needs of four or more functionally and/or cognitively impaired adults through an individual plan of	1:200 sq.ft.	

						care. These structured, comprehensive programs provide a variety of health, social, and other related support services in a protective setting during any part of a day, but less than 24-hour care. Adult day care services are dedicated to keeping adults needing assistance healthy, independent, and non-institutionalized. Adult day centers generally operate programs during normal business hours five days a week. Some programs offer services in the evenings and on weekends.		
Adult Oriented Businesses				P (N)		An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, nude model studio or sexual encounter center.	1:200 sq.ft.	9
Animal Services, Boarding/Day Care		P	P	P		A facility for the overnight boarding or day care of small animals such as dogs, cats, birds, small reptiles, and other similar household animals. See Animal Services, Outdoor Runs (Accessory) for use in conjunction with Animal Services, Boarding/Day Care.	1:300 sq.ft.	
Animal Services, Large Animals				C		A facility for the medical or surgical treatment, grooming, boarding, shelter services, or other veterinary services for large animals such as horses, cattle, and other similar outdoor animals.	1:300 sq.ft.	

Animal Services, Outdoor Runs (Accessory)		P (N)	P (N)	P (N)			Fenced outdoor facilities for small animals. This use is an accessory only in association with an approved Animal Services, Small Animals or Animal Services, Boarding/Day Care use.	No Additional Parking Required	7, 10
Animal Services, Small Animals		P	P	P			A facility for the medical or surgical treatment, grooming, or other veterinary services for small animals such as dogs, cats, birds, small reptiles, and other similar household animals. Overnight stays are primarily for those required after a surgical procedure for a household pet. See Animal Services, Outdoor Runs (Accessory) for use in conjunction with Animal Services, Small Animals.	1:300 sq.ft.	
Assembly Facility, Banquet/Event Center	P	P (N)	P	P			A building, facility, room, or portion thereof, which is rented, leased or otherwise made available to any person or group for a private event function, that is not open to the general public, whether or not a fee is charged. This use also includes meeting halls for civic organizations or social groups. This definition does not include assembly facilities associated with and on the same campus as a Place of Worship.	1:100 sq.ft.	1
Assisted Living	C (N)	P (N)	P (N)				A facility providing residence, supervision and daily assistance for individuals with common	1: 2 Resident Occupants (at	11, 12

							dining and recreational areas designed for the needs of older adults or people with disabilities. Services in these establishments include personal services such as assistance with dressing, grooming, bathing, and social and recreational services, such as meal services, transportation, housekeeping, linen and organized social activities and administration of medication by a person licensed or otherwise authorized in this state to administer the medication. These facilities must be licensed as Type A or Type B facilities under the State of Texas.	maximum capacity of facility)	
Building and Property Maintenance Services and Security			P (N)	P	P		A variety of businesses, not elsewhere classified, that provide off-site services to buildings/ properties that involve fleet vehicles and/or on -site storage of products utilized in servicing. This includes but is not limited to plumbers, electricians, HVAC services, pest control, facility cleaning, and security (armored car or security systems) services.	1:300 sq.ft.	13
Campground and RV Park						C	An area or commercial campground for users of recreational vehicles, travel trailers, and similar vehicles to reside, park, rent, or lease on a temporary basis.	2:Camp Site	

Child Care Facility, Daycare	P	P (N)	P	P			An establishment, other than a public or private school, providing care training, education, custody, treatment or supervision for seven (7) or more children for less than twenty-four (24) hours a day at a location other than the permit holder's home. A state license is required.	1:300 sq.ft.	4
Cleaning, Dry Cleaners Pick-Up & Drop-Off	P (N)	P(N)	P(N)				An establishment that accepts clothing to be laundered, dry cleaned, dyed, or pressed. Laundering and pressing is i20ncluded on site. Dry cleaning, dyeing, and other processes involving the use of solvents are prohibited on-site.	1:200 sq.ft.	5, 14, 15
Cleaning, Dry Cleaning Plant				P (N)	P (N)		A facility for the cleaning of clothing, linen, and other textiles through a special process involving the use of solvents.	1:300 sq.ft.	5, 14
Cleaning, Laundromat				P			A facility where patrons wash and dry clothing and other fabrics in machines operated by the patron.	1:200 sq.ft.	
Clinic, Drug and Alcohol Treatment			P				An Institution, public or private, for the treatment of drug and alcohol addiction on an out-patient basis.	1:200 sq.ft.	

Commercial Amusement, Indoor	P	P (N)	P				<p>An amusement enterprise offering entertainment or games of skill to the general public for a fee or charge, wherein all portions of the activity takes place indoors, including, but not limited to: bowling alley, billiard/pool facility, miniature golf course, gun range/archery range, roller/ice skating rink, racquetball/handball club, indoor tennis courts/club, indoor swimming pool or scuba diving facility, video arcade, indoor trampoline park/bouncy park, fortune telling, card reading, illusionists, magicians and puzzle-solving games.</p>	<p>Bowling Alley: 4: each bowling lane; Billiard/Pool Facility: 2:pool table; Indoor Miniature Golf Course: 1:200 sq.ft. for indoor, plus 1½:hole; Gun Range/Archery Range: 1:200 sq.ft. of indoor facilities, plus 1:lane; Roller/Ice Skating Rink: 1:150 sq.ft. of rink area; Indoor Game Courts: 3:court; Video Arcade: 1:200 sq.ft., plus 1:3 persons that the facility is designed to accommodate at maximum capacity; Indoor Trampoline/Bouncy Park: 1:200 sq. ft. Other Uses: 1:200 sq.ft.</p>	4
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Commercial Amusement, Outdoor		P(N)	P (N)				A commercially operated enterprise offering entertainment or games of skill to the general public for a fee or charge, wherein any portion of the activity takes place outdoors, including, but not limited to, miniature golf course, amusement park, golf driving range, archery range, batting cages, go-cart track, sports field, and swimming pool/waterpark. Gun ranges are classified as Commercial Amusement, Indoor.	Parking: Miniature Golf Course: 1:200 sq.ft. of indoor facilities, plus 1½:hole; Golf Driving Range/Archery Range: 1:200 sq.ft. of indoor facilities, plus 1:lane or skeet field; Amusement Park: 1:3 persons that the facilities are designed to accommodate at maximum capacity; Go-Cart Tracks/Sports Fields/Swimming Pool: 1:100 sq.ft. of indoor facilities, plus 1:4 persons design capacity of outdoor facilities, including both participants and spectators as applicable; Other Uses: 1:200 sq.ft.	7
Concert or Performance Hall	P		P				A building devoted to the showing of musical or live performances including rehearsal space.	With Fixed Seating: 1:4 Seats in the Main Assembly Area	

								OR Without Fixed Seating: 1:100 sq.ft. in the Main Assembly Area	
Emergency Rooms/Urgent Care Facilities	C	P (N)	P (N)				A stand-alone facility, outside of a hospital setting, that provides immediate or emergent medical treatment on a strictly outpatient basis. Patients are generally treated on a walk- in basis and services are not intended for long- term or overnight care.	1:250 sq.ft.	7
Financial Institution with Drive-Thru	P (N)	P (N)	P (N)	P (N)			A banking establishment with drive-thru facilities, open to the public, for the deposit, custody, loan, exchange or issue of money, the extension of credit, and facilitating the transmission of funds excluding pawnshops, check cashing businesses, payday advance/loan businesses, car title loan businesses and bail bonds.	1:250 sq.ft.	5
Financial Institution without Drive-Thru	P	P	P	P			A banking establishment without drive-thru facilities, open to the public, for the deposit, custody, loan, exchange or issue of money, the extension of credit, and facilitating the transmission of funds. Excludes pawnshops, check cashing businesses, payday	1:250 sq.ft.	

							advance/loan businesses, car title loan businesses and bail bonds.		
Fitness Center, Indoor Fitness Instruction	P	P	P	P			An establishment engaged in providing indoor fitness instruction such as yoga, dance, Pilates, martial arts, Zumba, kickboxing, boot camp, swimming instruction, etc. that is a maximum of 10,000 sq.ft. See Fitness Center, Outdoor Facilities & Activities (Accessory) for any outdoor facilities or activities.	1:200 sq.ft.	
Fitness Center, Large	C		P				A public or private facility 10,000 sq.ft. or greater operated to promote physical health and fitness. Activities may include exercise, physical therapy, training, and education pertaining to health and fitness. Uses or combinations of uses or facilities would typically include, but are not limited to, game courts, weight lifting and exercise equipment, aerobics, indoor swimming pools and spas, and running or jogging tracks. See Fitness Center, Outdoor Facilities & Activities (Accessory) for any outdoor facilities or activities.	1:200 sq.ft.	
Fitness Center, Outdoor Facilities & Activities (Accessory)	P (N)	P (N)	P (N)	P (N)			An accessory use only permitted in conjunction with and on the premises of a Fitness Center use. Permitted accessory uses include outdoor fitness facilities, outdoor ball	No Additional Parking Required unless determined necessary by the Director of Planning	7,10

							courts, outdoor swimming pools, or outdoor fitness classes.		
Fitness Center, Small	P	P	P	P			A public or private facility less than 10,000 sq.ft. operated to promote physical health and fitness. Activities may include exercise, physical therapy, training, and education pertaining to health and fitness. Uses or combinations of uses or facilities would typically include, but are not limited to, game courts, weight lifting and exercise equipment, aerobics, indoor swimming pools and spas, and running or jogging tracks. See Fitness Center, Outdoor Facilities & Activities (Accessory) for any outdoor facilities or activities.	1:200 sq.ft.	
Funeral Home	C		P				A place for the storage of human bodies prior to their burial or cremation, which may also be used for the preparation of the deceased for burial and the display of the deceased and ceremonies and services connected with these activities. Includes accessory uses such as crematory. All services shall be in accordance with applicable state law.	With Fixed Seating: 1:4 Seats in the Main Assembly Area OR Without Fixed Seating: 1:100 sq.ft. in the Main Assembly Area PLUS 1:200 sq.ft. for the Remainder for the Building.	

Golf Course or Country Club	C	P	P			C	A land area and buildings used for golf, including fairways, greens, tee boxes, driving range, putting green, and associated maintenance and retail facilities. This definition also includes clubhouses, dining rooms, swimming pools, tennis courts, and similar recreational or associated service uses.	1:150 sq.ft. of Indoors Facilities PLUS 4:Hole	
Heavy Commercial Equipment Rental, Leasing and Sales			C	P	P		An establishment engaged in the rental and leasing of heavy construction equipment and other large items for rent stored outdoors.	1:500 sq.ft. of Indoor Office PLUS 1:1,000 sq.ft. of Outdoor Equipment Storage Space	
Heliport	C		C	C	C		A place where helicopters can land and take off, equipped with hangars, helipads, facilities for refueling and repair, and various accommodations for passengers.	1:300 sq.ft. of Main Office Area PLUS 1:Hangar	
Hospital	C		P				An institution used or designed for the housing or treatment of sick or injured patients where they are given medical or surgical treatment intended to restore them to health, and that is licensed by the State of Texas. This includes any helipads required for emergency services.	Inpatient Area - 2: Bed Outpatient Area - 1:400 sq.ft.	

Hotel, Full Service	P (N)		P (N)				<p>A hotel with guest rooms offered at nightly rates only, and that contains and offers the following amenities:</p> <ol style="list-style-type: none"> 1. A minimum of 10,000 square feet of dedicated meeting and event facilities; 2. Full-menu room service; 3. Fitness center; 4. Swimming pool; 5. Restaurant accessible through the interior of the hotel that offers a full-menu, table service, and seating for at least 50 patrons during standard dining hours; and 6. Lounge area containing a counter, tables, or seating area where alcoholic beverages are sold for consumption in that area. 	<p>1: Guest Room PLUS 1:200 sq.ft. for Meeting Room/ Restaurant</p>	16
Hotel, Limited Service			C (N)				<p>A hotel with guest rooms offered at nightly rates only, and that contains the following amenities:</p> <ol style="list-style-type: none"> 1. A minimum of 500 square feet of dedicated meeting and event facilities; 2. Swimming pool; and 3. Fitness center. 	<p>1: Guest Room PLUS 1:200 sq.ft. for Meeting Room/ Restaurant</p>	16
Hotel, Select Service	C (N)		C (N)				<p>A hotel with guest rooms offered at nightly rates only, and that contains and offers the following amenities:</p> <ol style="list-style-type: none"> 1. A minimum of 4,000 square feet of dedicated meeting and event facilities; 	<p>1: Guest Room PLUS 1:200 sq.ft. for Meeting Room/ Restaurant</p>	16

						2. A restaurant accessible through the interior of the hotel that offers made-to-order food and seating for at least 30 patrons during standard dining hours; 3. Swimming pool; and 4. Fitness center.		
Independent Senior Living (55+)	C (N)	P (N)	P (N)			An establishment providing dwelling units specifically designed for the needs of people 55 and over. In addition to housing, this type of facility provides convenience services, such as meals, housekeeping and transportation, and community facilities, such as central dining rooms and activity rooms.	2:Dwelling Unit	11, 17
Individual and Family Social Services	P		P			Establishments engaged in providing one or more of a variety of individual and family social, counseling, welfare, or referral services, including refugee, disaster, and temporary relief services.	1:250 sq.ft.	
Landscape Services				P	P	An establishment engaged in providing a variety of services to maintain the health and appearance of landscaping, including the use of fleet vehicles.	1:300 sq.ft.	
Long-Term Acute Care Facility/Rehabilitation Hospital	C		P			A facility that is licensed by the State of Texas and devoted to patients with various neurological, musculo-skeletal, orthopedic and	2:1 permanent beds	11

							other medical conditions following stabilization of their acute medical conditions. The acute care may include physical therapy, occupational therapy, speech therapy, and such and is designed to improve the patient's independence so they may return to their home.		
Medical and Dental Laboratory	P		P	P	P		A facility in which medical tests are conducted on specimen, body fluids, tissues, such as blood analysis, molecular diagnostics, forensic toxicology testing; or dentures, artificial teeth, and orthodontic appliances are made to order for the dental profession.	1:300 sq.ft.	
Medical, Dental, or Therapist Clinic/Office	P	P	P				Institution, public or private, in which the primary use is the provision of health care services to patients or clients. Such services may include medical, dental, psychiatric, psychological, chiropractic, acupuncture, massage therapy, mental health, physical and/or occupational therapy, and related medical services. This use includes out-patient health services not otherwise specified including dialysis centers, blood donations, IV infusion, and other non-surgical outpatient services.	1:200 sq.ft.	

Mini-Warehouse and Self-Storage			C	C	P		A facility with enclosed storage space, divided into separate compartments, that is provided for use by individuals or businesses in exchange for the payment of rent, typically on a monthly basis.	1:50 Storage Units (spread throughout the development) PLUS 5 Spaces on the Outside of the Security Fence for Customers	
Movie Theater			P				A building or portion of a building devoted primarily to the showing of movies or motion pictures and including the sale of concessions to theater patrons.	1:4 Seats	
Nursing and Personal Care Facility	C	P (N)	P (N)				A facility providing primarily in-patient health care, personal care, or rehabilitative services over a long period of time to persons who are chronically ill, aged or disabled and who need ongoing health supervision but not hospitalization. (Also referred to as Nursing Home or Skilled Nursing Facility.)	1:2 Resident Occupants (at maximum capacity of facility)	11
Other Educational Services	P	P	P	P			Educational establishments, other than elementary and secondary schools, providing instruction in a classroom setting with a specific set of curricula including tutoring, music schools, language school, and similar establishments as well as educational testing centers.	1:300 sq.ft.	

Payday Loans, Check Cashing, and Bail Bonds				C			Bail Bonds: An establishment engaged in the sale of bail bonds. Payday Loans and Check Cashing: defined in Chapter 393 of the Texas Finance Code.	1:200 sq.ft.	
Permanent Makeup	P	P	P	P			An establishment whose practices placing of marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin to produce designs that resemble makeup or skin re-pigmentation such as eyebrows, eyeliner, lips, scar concealing, and other permanent enhancing colors.	1:200 sq.ft.	
Personal Services	P (N)	P (N)	P	P			An establishment engaged in the provision of informational, instructional, personal improvement, personal care, small household repairs, and similar services such as portrait and photography studios, art and music schools, print shops, art or hobby instruction, salons, barber shops, household good repair, tailor/alteration shops, and small single cylinder engine repairs.	1:250 sq.ft.	1, 15
Place of Worship	P	P	P				A building for regular assembly for religious public worship that is used primarily for and designed for such purpose such as a church,	With Fixed Seating: 1:3 Seats in the Main Assembly Area	

							synagogue, mosque or similar, along with accessory activities that are customarily associated therewith, such as a place of residence for clergy on the premises, and that is tax exempt as defined by State law.	OR Without Fixed Seating: 1:75 sq.ft. in the Main Assembly Area	
Radio Television and Internet Broadcasting	P		P	P			A building or portion of a building used as a place for radio or television broadcasting and including typical broadcasting equipment but excluding large dishes, antennae, and telecommunication towers. See Chapter 2, Article VII of the Development Code for regulations regarding Telecommunication Towers and Antennas.	1:250 sq.ft.	
Research, Life Sciences and Healthcare	P		P	P	P		An establishment engaged in research concerning biology, microbiology, biochemistry, other life sciences, and general healthcare such as agricultural research, food research, pharmaceutical research, oceanographers, biotechnical research, and other related life science and healthcare research.	1:300 sq.ft.	
Research, Research and Testing Laboratory				P	P		An establishment which provides research and testing services, including industrial testing, such as calibration services, soil testing, carbon monoxide testing, water testing, product testing, and other related testing services.	1:300 sq.ft.	

Research, Technology Development	P		P	P	P		An establishment which conducts research, development, testing or controlled production of high-technology electronic, industrial, or scientific such as computer software, electronic components, electronic research, instrument analysis, robotics, optical equipment, and other related services.	1:300 sq.ft.	
Studio, Glass or Ceramics			P	P	P		An establishment primarily used for an artisan workshop to make or manipulate glass or ceramic products.	1:500 sq.ft.	18
Studio, Metalwork, Woodwork, & Furniture (Including Repair)			P	P	P		An establishment primarily used for an artisan workshop dedicated to metal work, woodworking, or furniture making. Activities include but are not limited to forging individual pieces of metal, welding services, blacksmithing, creating works of art using metal, carving wood, assembling pieces together, furniture upholstery and repair, or finishing wooden pieces. Activities may also include repair that utilizes welding.	1:500 sq.ft.	18
Studio, Tattoo and/or Body Piercing				C			An establishment or facility in which tattooing and/or body piercing is performed as defined by Chapter 146 of the Texas Health and Safety Code. This does not include the tattooing of permanent makeup.	1:200 sq.ft.	

Supply Rental			P	P	P		An establishment engaged in the rental and leasing of event furniture, linens, cutlery, machines, vending and entertainment machines, office machines, electronic equipment and other items for rent that are stored completely enclosed within the structure.	1:300 sq.ft.	
Vehicle-Related									
Auto Parts, Retail			P				An establishment that sells auto parts and accessories and may offer minor installation services, such as window tinting and stereo installation.	1:200 sq.ft.	
Auto Repair and Services, Major			C	P	P		General repair or reconditioning of engines, air conditioning systems and transmissions for motor vehicles; collision repair services including body, frame or fender straightening or repair; customizing; painting; vehicle steam cleaning; undercoating and rust proofing; also includes those uses listed under Automobile Repair, Minor.	1:200 sq.ft. (Each Bay May Count as a Parking Space)	

Auto Repair and Services, Minor			P (N)	P (N)	P (N)		Minor repair or replacement of parts, tires, tubes and batteries; diagnostic services; minor maintenance services such as grease, oil, spark plug and filter changing; tune-ups; muffler repair, emergency road service; replacement of starters, alternators, hoses and brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air-conditioning systems; window tinting; inspection services, diagnostics; and other similar minor services for motor vehicles except heavy load vehicles, but not including any operation named under Automobile Repair, Major; wrecker/towing services; or any other similar use. May include the retail sale of auto parts	1:200 sq.ft. (Each Bay May Count as a Parking Space)	19
Boat and RV Sales			C	C			A dealership specializing in the sale of boats, or RVs, including accessory uses such as repair and service.	1:500 sq.ft. of Climate Controlled Area	
Car Sales, New and Used			C	C			Sales of new and used automobiles, including accessory uses such as Car Sales, Used and Automobile Repair, Minor.	1:500 sq.ft. of Climate Controlled Area	
Car Sales, Used			C	C			Sales of used automobiles, including the accessory use Automobile Repair, Minor.	1:500 sq.ft. of Climate Controlled Area	

Car Wash (Accessory)			C	P(N)			Washing, waxing or cleaning of automobiles or light duty trucks where the owner of the vehicle causes the vehicle to become washed. Typically, an unattended car wash facility utilizing automated self-service (drive-through/rollover) wash bays and apparatus in which the vehicle owner inserts money or tokens into a machine, drives the vehicle into the wash bay, and waits in the vehicle while it is being washed. Only permitted in conjunction with a Retail Sales (Small, Medium, Large) use.	No Additional Parking Required (Each Bay or Wash Tunnel May Count as 1 Parking Space)	19
Car Wash, Drive-Thru or Hand Wash			C	P(N)			Washing, waxing or cleaning of automobiles or light duty trucks where the owner of the vehicle does not actually wash the vehicle. The owner either leaves the vehicle or comes back to retrieve it later, or the owner waits in a designated area while employees of the car wash facility vacuum, wash, dry, wax and/or detail the vehicle for a fee.	1:200 sq.ft. (Minimum of 5 spaces. Each Bay or Wash Tunnel May Count as 1 Parking Space)	20
Car Wash, Self Service			C	C			Washing, waxing or cleaning of automobiles or light duty trucks where the owner of the vehicle causes the vehicle to become washed. One type of unattended car wash facility utilizes automated self-service (drive-through/rollover) wash bays and apparatus in which the vehicle owner inserts money or tokens into a machine, drives the vehicle into	1:1 Bay (Minimum of 5)	

							the wash bay, and waits in the vehicle while it is being washed. The other type of unattended facility is comprised of wand-type self-service (open) wash bays in which the vehicle owner drives the vehicle into the wash bay, gets out of the vehicle, and hand washes the vehicle with a wand-type apparatus by depositing coins or tokens into a machine.		
EV Charging Stations			P (N)	P (N)			Any facility, equipment, or fixture, including a canopy and ground-mounted equipment, providing electric charging stations for charging electric or hybrid passenger vehicles.	No additional parking required.	20
Gas Pumps (Accessory)		C (N)	C (N)	P (N)			Any facility, equipment, or fixture, including a canopy, used for retail dispensing of motor vehicle fuels primarily to passenger vehicles. Only permitted in conjunction with a Retail Sales (Small, Medium, or Large) use.	No Additional Parking Required (Each Pumping Station Counts as a Parking Space)	20
Other Automotive Sales			C	C			Sales of other new and used automotive vehicles not specifically defined, such as motorcycles, scooters, golf carts, utility trailers, and other similar products completely enclosed within the primary structure.	1:500 sq.ft. of Climate Controlled Area	

Parking of Passenger Vehicles	P		P	P			A commercial parking lot that provides parking spaces for vehicles less than one (1) ton capacity for a fee or free.	No Additional Parking Required	
Passenger Car Rental			C	C			A business establishment that provides for the renting of automobiles on a short-term basis (differentiated from leasing, which is on a long-term basis). This may also involve the incidental storage of the automobiles being rented.	1:500 sq.ft. of Climate Controlled Area	
Truck, Trailer, and RV Rental			C	C			A business establishment that provides for the renting of trucks, trailers, or RVs on a short-term basis (differentiated from leasing, which is on a long-term basis). This may also involve the incidental storage of the vehicles being rented.	1:500 sq.ft. of Climate Controlled Area	
Industrial									
Agriculture, Commercial Crops	P	P	P	P	P	P	An area used for the growing of farm products, vegetables, fruits, flowers, trees and/or grain and including the necessary accessory structures or uses for raising, treating and storing products raised on the premises. A minimum of 5 acres is required to establish this use.	1:Each Employee in Maximum Work Shift	

Agriculture, Commercial Livestock				C	C	P	An area used for the raising of the poultry and livestock animals such as horses, cattle, and sheep and including the necessary accessory structures or uses for raising, and housing animals raised on the premises. Does not include feed lots or auction facilities. See Code of Ordinances for additional regulation of livestock	1:Each Employee in Maximum Work Shift	
Alcohol Production, Macro				C	C		A facility, typically over 15,000 sq.ft., where beer, wine, or other alcoholic beverages are brewed, fermented, or distilled for distribution and which possess the appropriate licenses from the state of Texas.	Less Than 25,000 sq.ft.: 1:500 sq.ft. OR 25,000 or greater: 1:500 sq.ft. (Office) PLUS 1:1,000 sq.ft. (Warehouse)	
Alcohol Production, Micro with Food Sales			P (N)	P (N)	C		A facility, typically 15,000 sq.ft. or less, where beer, wine, or other alcoholic beverages are brewed, fermented, or distilled for distribution and consumption, and which possesses the Brewpub (BP) license from the State of Texas. This facility also prepares and sells food and alcoholic beverages for immediate consumption on-site; on-site consumption of alcoholic beverages must be less than fifty (50) percent of its revenue. Such facilities are typically independently owned.	1:500 sq.ft. of Production Area and Office PLUS 1:100 sq.ft. of Taproom, Lounge, and Dining Area, of Both Indoor and Outdoor Seating	21

Alcohol Production, Micro without Food Sales				P	C		A facility, typically 15,000 sq.ft. or less, where beer, wine, or other alcoholic beverages are brewed, fermented, or distilled for distribution, and which possesses the Brewer's (BW) license from the state of Texas and is typically independently owned. On-site consumption is limited to tasting.	1:500 sq.ft.	
Commercial Extraction and Storage of Soil, Sand, and Gravel or Similar Material					C	C	The excavation and storage of sand, gravel, minerals, or other raw resources from the earth.	1:Each Employee in Maximum Work Shift	
Document Shredding	P (N)		P (N)	P	P		The destruction and recycling of paper documents for other businesses. Businesses may provide pick up services to transport materials to the destruction and recycling facility. All shredding must take place within an enclosed building.	Less Than 25,000 sq.ft.: 1:500 sq.ft. OR 25,000 or greater: 1:500 sq.ft. (Office) PLUS 1:1,000 sq.ft. (Warehouse)	22
Food and Drink Bottling, Canning, and Packaging				P	P		A facility where various food or beverages are canned, bottled, boxed, or containerized and then sold to suppliers. This does not include the production of various food or beverages.	Less Than 25,000 sq.ft.: 1:500 sq.ft. OR 25,000 or greater: 1:500 sq.ft. (Office) PLUS	

								1:1,000 sq.ft. (Warehouse)	
Industrial Printing, Media Development and Distribution				P	P		Manufacturing and distribution of newspapers, books, and/or similar media. Also includes movie production.	Less Than 25,000 sq.ft.: 1:500 sq.ft. OR 25,000 or greater: 1:500 sq.ft. (Office) PLUS 1:1,000 sq.ft. (Warehouse)	
Industrial/Agricultural Machinery and Equipment Servicing and Repair Shop				P	P		An establishment for the repair and service of large machinery and equipment most common in industrial and agricultural applications.	1:300 sq.ft.	
Manufacturing, Bio- Tech, Hi-Tech				P	P		A facility that develops and manufactures parts or completed products using advanced processes in the fields of engineering, technology, and biology. Biotechnology processes involve using raw materials, living cells or a component of cells, to generate other biologic materials to be harvested and used to produce products such as plant-based biodegradable plastics, bio fuels, special microorganisms, and other similar products. Hi-tech processes may involve the forming, casting, molding, machining, or assembly of	Less Than 25,000 sq.ft.: 1:500 sq.ft. OR 25,000 or greater: 1:500 sq.ft. (Office) PLUS 1:1,000 sq.ft. (Warehouse)	

						completed products or pieces that may be used to create other goods such as fiber optic cables, circuit boards, computers, medical equipment, capacitors, tools, measuring, controlling and analyzing instruments, and other similar products.		
Manufacturing, Chemical					C	A facility engaged in the manufacturing and development of a wide variety of chemical products by conducting a chemical process on organic or inorganic raw material. Chemical products may include basic, specialty, and consumer chemicals including, but not limited to, soaps and detergents, paints, resins, and dyes. A chemical process may involve specialized machinery for preparing raw materials, causing chemical reactions to produce the desired chemical, separating resulting chemicals, and purification of chemicals. Petroleum refineries are not included in this definition.	Less Than 25,000 sq.ft.: 1:500 sq.ft. OR 25,000 or greater: 1:500 sq.ft. (Office) PLUS 1:1,000 sq.ft. (Warehouse)	
Manufacturing, Food and Related Products					C	A facility engaged in the manufacturing, packing, processing, or refining of food and related products such as meat, fish, dairy, grains, sugars, and fats and oils.	Less Than 25,000 sq.ft.: 1:500 sq.ft. OR 25,000 or greater: 1:500 sq.ft. (Office) PLUS	

								1:1,000 sq.ft. (Warehouse)	
Manufacturing, Heavy				P			A manufacturing facility, not elsewhere classified, engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials. Examples include manufacturing or assembly of machinery, metals, large equipment, vehicles, and appliances. Petroleum refineries, metal foundries, production of non-commercially available ammunition and arms, concrete production and similar processes are not included in this definition.	Less Than 25,000 sq.ft.: 1:500 sq.ft. OR 25,000 or greater: 1:500 sq.ft. (Office) PLUS 1:1,000 sq.ft. (Warehouse)	
Manufacturing, Light				P	P		A manufacturing facility, not elsewhere classified, engaged in the processing, manufacturing, compounding, assembling, packaging, treatment, or fabrication of materials and products, from previously manufactured materials. Such use is capable of operating entirely within a building. Examples include manufacturing of clothing, furniture, aluminum ware, glass, ceramics, and production of plastic bags. May also include wholesale distribution of these products.	Less Than 25,000 sq.ft.: 1:500 sq.ft. OR 25,000 or greater: 1:500 sq.ft. (Office) PLUS 1:1,000 sq.ft. (Warehouse)	

Municipal Airport				P	P		Facilities associated with the Sugar Land Regional Airport for the takeoff and landing of aircraft, including runways, aircraft storage buildings, helicopter pads, air traffic control facilities, informational facilities and devices, terminal buildings, and airport auxiliary facilities, including fences, lighting and antennae systems, on-premises signs, driveways, and access roads. This term also includes aircraft maintenance facilities and aviation instruction facilities associated with the Sugar Land Regional Airport.	Director of Planning will determine the required parking based on applicant's parking analysis for the proposed development and parking estimate.	
Pharmaceuticals Packing and/or Blending				P	P		A facility that combines finished chemicals by mixing or blending using specialized machinery to produce a homogenous pharmaceutical or vitamin product. This facility may also package the resulting pharmaceutical product for transport or sale. This facility does not involve chemical processing as described in Manufacturing Chemical.	Less Than 25,000 sq.ft.: 1:500 sq.ft. OR 25,000 or greater: 1:500 sq.ft. (Office) PLUS 1:1,000 sq.ft. (Warehouse)	
Railroad Freight Yard				C	P		A facility that is used for the loading and unloading of freight, goods, or products for transport by train.	1:500 sq. ft. (Minimum of 5 spaces required)	
Recycling Collection Center				C	C		A facility for collection and transfer of materials for recycling. Some compacting may take place on-site and all processes must take	Less Than 25,000 sq.ft.: 1:500 sq.ft. OR	

							place completely within an enclosed building. This category does not include collection and recycling of vehicles or vehicle parts.	25,000 or greater: 1:500 sq.ft. (Office) PLUS 1:1,000 sq.ft. (Warehouse)	
Telecommunications Towers			C	C	C		A facility that transmits and/or receives electromagnetic signals. See Ch. 2 Art. VII for regulations regarding Telecommunication Towers and Antennas	1:300 sq.ft. of Associated Buildings (Minimum of 1 space required)	
Utilities				C	P	C	Buildings, maintenance yards, equipment yards, service facilities, shops, utility buildings and lines, etc. used for the transmission, storage or maintenance of utilities such as electric utilities, gas utilities, cable facilities, or other utilities.	1:300 sq.ft. of Building or as Determined by the Director of Planning	
Warehouse and Distribution Facility				P	P		An enclosed structure for the storage of goods for distribution or transfer to another location.	1:2,000 sq.ft. of Warehouse PLUS 1:300 sq.ft. of Office	
Wholesale, Agricultural Products and Livestock					C		A facility that engages in the wholesale of agricultural products such as grains or beans, or the wholesale of livestock (such as a livestock auction market). This category does not include concentrated animal feeding operations.	1:300 sq.ft. of Building or as Determined by the Director of Planning	

Wholesale, Durable and Nondurable Goods				P (N)	P (N)		A facility that engages in the wholesale of one or more types of innocuous/non-hazardous goods that are not intensive goods, which are categorized in Wholesale, Heavy, Intensive, or Large-Scale Goods. Products may include nondurable goods such as paper products, plastic products, pharmaceuticals, textiles, apparel and other products; and durable retail goods such as furniture, household appliances and goods, electronics and computers, office equipment, automotive parts and supplies; hardware (including industrial hardware) such as fittings and valves; plumbing, heating, and electrical equipment and supplies; lumber and construction materials; semi-finished metal products (including bars, rods, pipes, wires, etc.) and other similar products. Limited small-scale hand assembly and packaging is permitted as part of this use.	1:2,000 sq.ft. of Warehouse PLUS 1:300 sq.ft. of Office	23
Wholesale, Automobiles and Other Vehicles				C	P		A facility that engages in the wholesale of automobiles, motorcycles, boats, RVs, and other vehicles.	1:2,000 sq.ft. of Warehouse PLUS 1:300 sq.ft. of Office	
Wholesale, Bakery				P	P		A facility that is used for the production and distribution of baked goods and confectioneries to retail outlets. Limited small-scale hand assembly and packaging is permitted as part of this use.	1:2,000 sq.ft. of Warehouse PLUS 1:300 sq.ft. of Office	

Wholesale, Beer, Wine, and Distilled Beverages				P	P		A facility that engages in the wholesale of beer, wine, and distilled beverages. Limited small-scale hand assembly and packaging is permitted as part of this use.	1:2,000 sq.ft. of Warehouse PLUS 1:300 sq.ft. of Office	
Wholesale, Heavy, Intensive or Large-Scale Goods					P		A facility that engages in the wholesale of heavy or large-scale goods such as: intensive and/or hazardous chemicals (including acids, chlorine, compressed and liquefied gasses, or similar); heavy industrial, farm, and construction machinery and equipment; metals and metallic ores; petroleum and related fuels; and other similar goods. This category does not include scrap/ waste, auto wreckers, or pre-fabricated buildings. Limited small-scale hand assembly and packaging is permitted as part of this use.	1:2,000 sq.ft. of Warehouse PLUS 1:300 sq.ft. of Office	
Wholesale, Nurseries and Gardening				P	P		A facility that engages in the wholesale of flowers, shrubs, trees, and other plant and gardening supplies. Limited small-scale hand assembly and packaging is permitted as part of this use.	1:500 sq.ft. of Indoor Office PLUS 1:1,000 sq.ft. of Outdoor Storage Space	
Woodworking and Planing Mill					P		A facility that engages in manufacturing fabricated wood millwork, cabinetry, hardwood and softwood.	Less Than 25,000 sq.ft.: 1:500 sq.ft. OR 25,000 or greater: 1:500 sq.ft. (Office)	

								PLUS 1:1,000 sq.ft. (Warehouse)	
<p>Non-Residential Districts Supplemental Regulations</p> <p>1. Size limitation in B-1 District (10,000 sq. ft.) In the B-1 district, establishments greater than 10,000 square feet are not permitted.</p> <p>2. Parks and Recreational Facilities A reduced parking requirement may be approved by the Director of Planning, or designee, when recreational facilities are included as part of a Home Owners Association facility, and a parking analysis is submitted demonstrating a lesser parking requirement is appropriate.</p> <p>3. Vocational Schools Size limitation In the B-O and B-1 districts: a. Classrooms 10,000 sq. ft. or less permitted by right; b. A Conditional Use Permit is required if: i. The proposed classroom space is greater than 10,000 sq.ft.; or ii. If other training facilities are proposed to be included.</p> <p>4. Size limitation in B-1 District (15,000 sq. ft.) In the B-1 district, establishments greater than 15,000 square feet are not permitted.</p> <p>5. Drive-Thru Facilities a. Drive-thru facilities are not permitted within 200 feet of a residential lot, as measured from any menu or speaker box to the property line of adjacent residential property. b. All drive-thru facilities shall comply with the following requirements: i. Speakers must be oriented away from the nearest residential lot(s); ii. A 10-foot wide bypass lane is required adjacent to the stacking lane to allow vehicles to circumvent the drive-thru lane; iii. 100% double row of landscape screening 3 feet in height at the time of planting is required adjacent to the drive-thru lane to screen the stacked vehicles from neighboring properties; and iv. Drive thru lanes may not be located between the Primary Structure and the Front Lot Line. c. Each drive-thru lane may count as one space toward total parking count.</p> <p>6. Size limitation in B-1 (5,000 sq. ft.)</p>									

In the B-1 district, establishments greater than 5,000 square feet are not permitted.

7. Limitations near Residential Uses

In all districts, the following are not permitted within 200 feet of a residential lot (excluding Multi Family) measured from the edge of the following uses to the nearest residential lot line:

- a. Outdoor Patio with Speakers
- b. Emergency Rooms
- c. Fitness Center, Outdoor Facilities & Activities (Accessory)
- d. Animal Services, Outdoor Runs (Accessory)
- e. Commercial Amusement, Outdoor

8. Shopping Centers

Moved from Section 2-213F

For Shopping Centers:

- a. Where Restaurants and/or Places of Worship occupy less than 50% of the gross square footage (not the primary use), parking is calculated at the Shopping Center ratio.
- b. Where Restaurants and/or Places of Worship occupy 50% or more of the gross square footage, parking is calculated at the Restaurants and/or Places of Worship ratio for the portion of the building occupied by the Restaurant(s) and/or Place(s) of Worship. For the remainder of the building, the Parking Spaces required must equal the sum of the requirements of the remaining uses computed separately.

9. Adult Oriented Businesses

See Chapter 2, Article IX of the Development Code for regulations regarding Adult Oriented Businesses.

10. Outdoor Activities (Animal Services, Outdoor Runs (Accessory), Fitness Center, Outdoor Facilities & Activities (Accessory))

- a. In the B-1 district, outdoor facilities greater than 5,000 square feet are not permitted;
- b. Outdoor facilities shall not be located between the Primary Façade and Front Lot Line; and
- c. Outdoor facilities shall be screened from public view with an 8-foot opaque fence and double row of hedges a minimum of 3 feet in height at time of planting.

11. Conditions for Assisted Living, Independent Senior Living, Nursing and Personal Care Facilities, and Long-Term Acute Care Facility/Rehabilitation Hospital

Each development shall have a maximum density of 25 beds per acre AND; facilities within 200 feet of a residential lot as measured from property line to property line are required to meet the following:

- a. Provide an 8-foot opaque fence along side and rear property lines;
- b. Parking lot screening shall be a 100% double row of hedges measuring 3 feet in height at time of planting; and
- c. Outdoor facilities shall be orientated away from residential lots

12. Assisted Living

Assisted Living uses must comply with the following requirements:

- a. Provide a common dining area;
- b. Provide housekeeping and transportation services to residents; and
- c. Be licensed by the state under Texas Administrative Code Ch. 92 as a Type A or Type B facility.

13. Building and Property Maintenance Services and Security

No Fleet Vehicle storage allowed.

14. Dry-Cleaning Facilities

Screening is required to minimize view of any rear door, utility door, or loading and unloading bay from any adjacent property line or right-of-way.

15. Size limitation in B-O (5,000 sq. ft.)

In the B-O district, establishments greater than 5,000 square feet are not permitted.

16. Hotels (Full, Limited, Select Service)

Moved from Article XIV - Hotels

a. Intent

The City Council has determined that establishing minimum standards for hotels protects and advances the general welfare of the community by providing for structural integrity, safety, durability, and improved maintenance of sites, and by promoting economic development by providing quality hospitality developments that support the City's businesses.

b. Definition

For hotels, Cooking Facility includes a conventional oven, convection oven, stove top burner, grill, hibachi or hotplate that does not serve an integral part of an appliance designed solely to produce coffee, sink with a 1 inch or larger in diameter drain, garbage disposal, dishwasher, counter space for cooking, preparing, or serving food, but does not include a microwave, miniature refrigerator or freezer, or coffee maker.

c. Minimum Requirements

A hotel must meet the following requirements:

- i. Guest rooms must be accessible only through interior corridors;
- ii. Entrance through exterior doors must be secured and accessible only to guests and employees;
- iii. Hotel management must be on-site 24 hours each day;
- iv. Prohibit overnight parking of trucks with more than 2 axles and recreational vehicles in the hotel's parking lot and Parking Garage, erect signs in compliance with Chapter 2308 of the Texas Occupations Code stating those vehicles will be towed from the hotel property;
- v. Except for not more than 5% of the total number of guest rooms in a Full Service Hotel, guest rooms in a hotel may not contain any Cooking Facility; and
- vi. Delivery service areas must be screened from the view of any Right-of-Way or residential area by masonry walls.

17. Independent Senior Living

Independent Senior Living uses must comply with the following requirements:

- a. Provide a common dining area that is at least 3,000 sq.ft.;
- b. Provide housekeeping and transportation services to residents;
- c. Provide physical fitness and/or wellness facilities on-site;
- d. Units must be accessible through temperature controlled interior corridors; and
- e. At least one person aged 55 or over shall reside in each unit.

18. Outdoor Studios in B-2 (Studio, Glass or Ceramics, Studio, Metalwork, Woodwork, & Furniture (Including Repair))

In the B-2 district, all studio activity must be conducted 100% indoors.

19. Vehicle-Related Uses (Auto Repair Services, Minor, Car Wash)

In all districts, Auto Repair Services, Minor must comply with the following:

- a. Facilities must be at least 200 feet from the nearest residential lot measured from the wall of the facility to the residential property line;
- b. Bays must be oriented parallel to the Front Lot Line;
- c. Outdoor speakers prohibited;
- d. Garage doors to be closed when not in operation;
- e. 100% parking lot screening measuring 3 feet in height at time of planting;
- f. Shade trees at least 4 inches in caliper must be placed every 30' along all property lines;
- g. No outside storage of vehicles, equipment, or merchandise;
- h. All service work must be conducted inside the building; and

- i. There is a 2-axle maximum size limit on facilities located in the B-2 district

20. Gas Pumps (Accessory) and EV Charging Stations

In all districts Gas Pumps (Accessory) or EV Charging Stations must comply with the following requirements:

- a. Canopy columns must be wrapped in a masonry finish;
- b. Canopy lighting must be recessed into the ceiling;
- c. There shall be no outside speakers at the stations, except those required by state or federal law;
- d. Canopies must consist of a pitched or mansard roof - flat roof canopies are not permitted;
- e. Outside sales or rental of products, such as those sold from a vending machine, ice machine, movie kiosk etc., are prohibited; and
- f. Gas Pumps (Accessory) or EV Charging Stations are not allowed within 200 feet of a residential use as measured from the fuel station to the nearest residential lot line.

21. Alcohol Production, Micro with Food Sales

Each establishment must include one or more of the following totaling at least 15% of the square footage of the enclosed space: a restaurant, tasting room, bar, or lounge.

22. Document Shredding

Document Shredding establishments in B-O and B-2 shall:

- a. Be located in an office building that is at least 50,000 square feet; and
- b. Not be greater than 5,000 square feet.

23. Wholesale, Durable and Nondurable Goods

Tire storage is not permitted outside of an enclosed building.



City Council Agenda Request

APRIL 2, 2024

AGENDA REQUEST NO: III.C.

AGENDA OF: City Council Meeting

INITIATED BY: *Katie Clayton, Director of Utilities*

PRESENTED BY: *Katie Clayton, Director of Utilities*

RESPONSIBLE DEPARTMENT: Public Works

AGENDA CAPTION:

SECOND CONSIDERATION: Consideration of and action on **CITY OF SUGAR LAND ORDINANCE NO. 2336:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, PROHIBITING THE USE OF DESIGNATED GROUNDWATER FROM BENEATH CERTAIN PROPERTY LOCATED AT 810 INDUSTRIAL BOULEVARD, SUGAR LAND, TEXAS, AND SUPPORTING CERTIFICATION OF A MUNICIPAL SETTING DESIGNATION BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY; PROVIDING A PENALTY CLAUSE; AND PROVIDING A SEVERABILITY CLAUSE.

RECOMMENDED ACTION:

Consider Second Reading and Approval of Ordinance No. 2336 in support of the TCEQ Municipal Setting Designation Application filed by the Applicant for the site located at 810 Industrial Boulevard, Sugar Land, Fort Bend County, Texas.

EXECUTIVE SUMMARY:

The City was contacted by SKA Consulting, L.P. (SKA) in reference to a Municipal Setting Designation (MSD) for the Texas Precision Metalcraft, Inc. (TPM) property located at 810 Industrial Boulevard, Sugar Land, Fort Bend County, Texas.

MSD Background:

An MSD is an official state designation given to a property within a city that certifies that designated groundwater at the property is not used as drinking water due to contamination and is prohibited from future use as a groundwater supply. The purpose of the designation is to allow municipalities, through ordinance, to restrict the use of a property's groundwater to protect the public against exposure to contaminated groundwater.

As part of the Texas Commission on Environmental Quality (TCEQ) review process of the application, water suppliers that own or operate a groundwater supply well within 5 miles of the proposed boundary are asked to adopt a resolution in support of the MSD application. Accordingly, the Applicant is requesting Sugar Land adopt a resolution in support of the application.

In 2008, 2010, 2012, 2014, and 2015, the City passed resolutions of support in five similar cases in support of the City of Houston, Stafford, and Missouri City prohibiting the use of designated groundwater from beneath different tracts of land. In 2020, the City passed an ordinance for an MSD application for a site at 500 Industrial Boulevard. This is the second MSD request for a property within the Sugar Land city limits. The process remains the same; the ordinance will not only express support of the MSD but also that the City will be the water provider to the property, prohibiting the property from any future groundwater wells.

Application Information:

SKA Consulting, L.P. (SKA) is providing technical assistance to the Applicant concerning the site. SKA is a professional environmental engineering and consulting firm that specializes in environmental and regulatory issues, specifically in the Houston region. The designated property is currently enrolled in the TCEQ Voluntary Cleanup Program (VCP, No. 3270) and is being assessed to obtain a VCP Certificate of Completion for commercial/industrial land use. Sampling of the soil, soil vapor, and groundwater testing activities have been performed, an Affected Property Assessment Report (APAR) was submitted to the TCEQ. SKA has submitted a request for an MSD Ordinance.

WSP USA, Inc. (WSP) was contracted by the City to help review SKA's application and assess the impact of the site's contaminated groundwater on the City's drinking water supply.

In 1981, the site at 810 Industrial Boulevard was developed as an industrial facility occupied by TPM, an investment casting foundry. Waste streams included spent halogenated solvents used in degreasing, and as such, TPM was a registered generator of industrial and hazardous waste (IHW) with the TCEQ from 1981 to 2020. The facility was listed as a Resource Conservation and Recovery Act (RCRA) Non-Generator/No Longer Registered (NonGen/NLR) facility under U.S. Environmental Protection Agency (EPA) in 2020. No chlorinated or petroleum-based solvents are currently used on-site.

Between September 2022 and April 2023, SKA conducted soil and shallow groundwater assessment work through monitoring wells on-site. Chemicals of concern (COCs) detected

by environmental sampling in the uppermost groundwater-bearing unit (GWBU, or shallow groundwater) were below their critical regulatory standards without an MSD with the exception of some chlorinated solvents.

Based on the information reviewed by WSP and outlined in their report, WSP does not believe that the proposed MSD or the shallow groundwater contamination at the Applicant's site poses a potential risk to the groundwater supply from the City of Sugar Land's existing public supply wells for several reasons.

The City's closest well is 0.65 miles to the southwest from the site and pulls water from a depth below 630 feet. The groundwater gradient in the area flows to the southeast, away from the City wells. There are a number of clay layers with low permeability, which act as aquitards to prevent downward migration of the contaminants below approximately 80 feet. City wells are further protected through their construction process, whereby they are sealed using cement and steel casings down to a depth of at least 430 feet. Because of these multiple layers of protection on the City's wells, and the geology of the aquifers in our region, WSP does not believe the shallow groundwater contamination at the Applicant's site poses a potential risk to the City's supplies.

Conclusion:

Monitoring data provided by SKA Consulting, L.P. has been reviewed by city staff and a city-contracted third-party reviewer who does not believe there is any evidence that the contaminants within the site pose a threat to our public drinking water system. Staff supports the proposed MSD.

The Public Works Department recommends that the City Council consider the second reading of Ordinance No. 2336 in support of the TCEQ Municipal Setting Designation Application filed by the Applicant for the site located at 810 Industrial Boulevard, Sugar Land, Fort Bend County, Texas.

BUDGET

EXPENDITURE REQUIRED: 0

CURRENT BUDGET: N/A

ADDITIONAL FUNDING: N/A

FUNDING SOURCE:N/A

ATTACHMENTS:

Description	Type
▣ Ordinance 2336	Contracts

ORDINANCE NO. 2336

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS PROHIBITING THE USE OF DESIGNATED GROUNDWATER FROM BENEATH CERTAIN PROPERTY LOCATED AT 810 INDUSTRIAL BOULEVARD, SUGAR LAND, TEXAS AND SUPPORTING CERTIFICATION OF A MUNICIPAL SETTING DESIGNATION BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY; PROVIDING A PENALTY CLAUSE; AND PROVIDING A SEVERABILITY CLAUSE.

WHEREAS, Subchapter W, “Municipal Setting Designations,” of Chapter 361, “Solid Waste Disposal Act,” of the Texas Health and Safety Code authorizes the Texas Commission on Environmental Quality (“TCEQ”) to certify municipal setting designations; and

WHEREAS, pursuant to Section 551.005(a) of the Texas Local Government Code, for the purpose of establishing and enforcing a municipal setting designation, the governing body of a municipality may regulate the pumping, extraction, or use of groundwater by persons other than retail public utilities, as defined by Section 13.002, Water Code, to prevent the use of or contact with groundwater that presents an actual or potential threat to human health; and

WHEREAS, pursuant to Section 551.005(b) of the Texas Local Government Code, for the purpose of establishing and enforcing a municipal setting designation, the governing body of a municipality by ordinance may extend to the extraterritorial jurisdiction of the municipality the application of municipal ordinances; and

WHEREAS, for the purpose of this Municipal Setting Designation Ordinance (“MSD Ordinance”), the “designated property” means the property located at 810 Industrial Boulevard, within the corporate limits of the City of Sugar Land, that is more particularly described in Exhibit A attached hereto; and

WHEREAS, for purposes of this MSD Ordinance, “designated groundwater” means water under the surface of the designated property to a depth of 200 feet below ground surface; and

WHEREAS, for purposes of this MSD Ordinance, “contaminants of concern” means contaminants of concern that are present in the groundwater underlying the proposed Municipal Setting Designation at the location that have exceeded Protective Concentration Levels established under the Texas Risk Reduction Program rules; and

WHEREAS, the City Council finds that:

(1) The eligibility criteria of Section 361.803 of the Texas Health and Safety Code have been met;

(2) This MSD Ordinance will not have an adverse effect on the current or future water resource needs or obligations of the City of Sugar Land;

(3) There is a public drinking water supply system that satisfies the requirements of Chapter 341 of the Texas Health and Safety Code and that supplies or is capable of supplying drinking water to the designated property and property within one-half mile of the designated property; and

(4) This MSD Ordinance is necessary because the concentration of contaminants of concern exceed the concentrations considered safe for human ingestion; and

WHEREAS, passing this MSD Ordinance will encourage the redevelopment of the designated property consistent with the goals of the City; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF SUGAR LAND, TEXAS:**

Section 1. That the facts and recitations set forth in the preamble of this ordinance are hereby declared true and correct.

Section 2. That for purposes of this Municipal Setting Designation Ordinance (“MSD Ordinance”), the “designated property” means the property located at 810 Industrial Boulevard, within the corporate limits of the City of Sugar Land, that is more particularly described in Exhibit A attached hereto.

Section 3. That for purposes of this MSD Ordinance, “designated groundwater” means water under the designated property to a depth of 200 feet below ground surface.

Section 4. That use of the designated groundwater from beneath the designated property as potable water, as defined in Section 361.801(2) of the Texas Health and Safety Code, and the following uses of or contacts with the designated groundwater are prohibited:

- (1) Human consumption or drinking.
- (2) Showering or bathing.
- (3) Cooking.
- (4) Irrigation of crops for human consumption.

Section 5. That the City Council supports the application to the Texas Commission on Environmental Quality (“TCEQ”) for certification of a Municipal Setting Designation for the designated property.

Section 6. That any person owning, operating, or controlling the designated property remains responsible for complying with all applicable federal, state, and local statutes, ordinances, rules, and regulations relating to environmental protection, and that this MSD Ordinance in itself

does not change any environmental assessment or cleanup requirements applicable to the designated property.

Section 7. That approval of this MSD Ordinance shall not be construed to (a) remove any liability from the property owner, (b) subject the City of Sugar Land to any responsibility or liability for any injury to persons or damages to property caused by any chemical of concern, nor (c) waive, modify or amend any legal rights or defenses available at law or in equity to the City, its officers, employees or agents.

Section 8. That within sixty (60) days after the adoption of this MSD Ordinance, the person owning, operating, or controlling the designated property shall cause to be filed a certified copy of this MSD Ordinance in the deed records of Fort Bend County, or the county where the designated property is located. That within sixty (60) days after the adoption of this Municipal Setting Ordinance, the person owning, operating, or controlling the designated property will send a certified copy of this MSD Ordinance to TCEQ.

Section 9. That the City of Sugar Land shall notify the TCEQ sixty (60) days prior to any amendment or repeal of this MSD Ordinance.

Section 10. That a person violating Section 4 of this MSD Ordinance, upon conviction, is punishable by a fine not to exceed \$2,000 per day for each day a violation exists, and that the TCEQ shall be notified of any violations. Notice of the enactment of this ordinance will be given by publishing the ordinance or its descriptive caption and penalty in the City's official newspaper one time within thirty (30) days of passage.

Section 11. That if any provision, section, sentence, clause or phrase of this MSD Ordinance, or the application of same to any persons or set of circumstances, is for any reason held to be unconstitutional, void or invalid (or for any reason unenforceable), the validity of the remaining portions of this Ordinance or their applications to other persons or sets of circumstances shall not be affected thereby. It is the intention of the City Council of the City of Sugar Land in adopting this Ordinance, that no portion thereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provisions or regulation, and to this end, all provisions of this Ordinance are declared to be severable.

APPROVED on first consideration on _____, 2024.

ADOPTED on second consideration on _____, 2024.

Joe R. Zimmerman, Mayor

ATTEST:

Ashley Newsome, Interim City Secretary

APPROVED AS TO FORM:

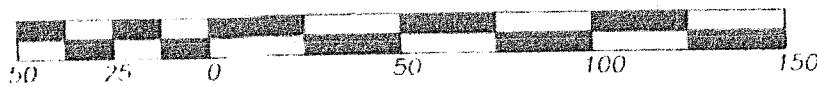


EXHIBIT A
Legal Description of Designated Property

I, RANDY S. MCLENDON, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING, AND CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND CORRECT, WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY AND UNDER MY SUPERVISION ON THE GROUND AND THAT ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE AND OTHER POINTS OF REFERENCE HAVE BEEN MARKED WITH IRON (OR OTHER SUITABLE PERMANENT TERRIBLE METAL) PINS OR RODS, HAVING A OUTSIDE DIAMETER OF NOT LESS THAN FIVE EIGHTHS (5/8) INCH AND A LENGTH OF NOT LESS THAN THREE (3) FEET.



RANDY S. MCLENDON
REGISTERED PROFESSIONAL ENGINEER
TEXAS REGISTRATION NO. 4079



SCALE: 1" = 50'

THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF SUGAR LAND, TEXAS, HAS APPROVED THIS PLAT AND SUBDIVISION OF THE PLAT OF TPM TRACT, IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS, AND THE ORDINANCES OF THE CITY OF SUGAR LAND AS SHOWN HEREON, AND AUTHORIZES THE RECORDING OF THIS PLAT THIS DAY OF _____ 19__

ROBERT J. KERN, CHAIRMAN

GLENDIA GUNDERMANN, CITY SECRETARY

KW INDUSTRIES, INC.
(V. 1025, PG. 665, FBCDR)

JAMES M. EASTERLING, JR.
VOL. 880, PG. 36, F.B.C.D.R.

L=499.99'
Δ=65°57'54"
R=434.28'
ChdB=N59°40'17"W
472.83'

TRACT "A"
1.830 ACRES

I, DIANNE WILSON, COUNTY CLERK IN AND FOR FORT BEND COUNTY, HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORDATION IN MY OFFICE ON _____ 19__ AT _____ O'CLOCK _____ M., IN SLIDE NO. _____ OF THE PLAT RECORDS OF SAID COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE, AT RICHMOND, TEXAS, THIS DAY AND DATE LAST ABOVE WRITTEN.

DEPUTY _____ DIANNE WILSON, COUNTY CLERK
FORT BEND COUNTY, TEXAS

GENERAL NOTES:

1. B.L. INDICATES BUILDING LINE; U.E. INDICATES UTILITY EASEMENT; S.M. S.E. INDICATES STORM SEWER EASEMENT; W.M. INDICATES WATER MAIN EASEMENT; S.S.E. INDICATES SANITARY SEWER EASEMENT; H.L. & P.E. INDICATES HOUSTON LIGHTING AND POWER EASEMENT; D.E. INDICATES DRAINAGE EASEMENT; P.L. INDICATES PROPERTY LINE; ESMT INDICATES EASEMENT.
2. BENCHMARK: BRASS DISK STAMPED "X" 1212 1973, LOCATED ON A CONCRETE HEADWALL 32 FEET WEST OF THE CENTER OF ELDRIDGE ROAD, 0.5' NORTH OF HIGHWAY 90A. ELEV=84.350, MGS 1929 MSL DATUM (1973 ADJUSTMENT).
3. ELEVATIONS USED FOR DELINEATING CONTOUR LINES ARE BASED UPON U.S.C. & G.S. 1929 MEAN SEA LEVEL DATUM, 1973 ADJUSTMENT.
4. ALL BEARINGS ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE.
5. THIS PLAT WAS PREPARED TO MEET CITY OF SUGAR LAND AND FORT BEND COUNTY REQUIREMENTS.
6. THIS PLAT WAS PREPARED WITH THE BENEFIT OF STEWART TITLE POLICY NUMBER 1077548A, DATED APRIL 6, 1979, AND A NOTHING FURTHER CERTIFICATE PREPARED BY CHARTER TITLE COMPANY, CONTROL NO. 19865, EFFECTIVELY DATED APRIL 27, 1998.
7. THIS PLAT LIES WHOLLY WITHIN FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 21, THE FORT BEND COUNTY DRAINAGE DISTRICT, THE FORT BEND COUNTY SUBSIDISE DISTRICT, AND THE CITY OF SUGAR LAND.
8. THIS PROPERTY LIES IN ZONE "X" AS PER THE FLOOD INSURANCE RATE MAPS COMMUNITY PANEL No. 480234 0140 J, DATED JANUARY 3, 1997.
9. APPROVAL OF THIS PLAT WILL EXPIRE ONE YEAR FROM PLANNING AND ZONING COMMISSION APPROVAL IF NOT RECORDED IN THE REAL PROPERTY RECORDS OF THE COUNTY OF FORT BEND.
10. THERE ARE NO PIPELINES NOR PIPELINE EASEMENTS WITHIN THE LIMITS OF THIS SUBDIVISION.
11. THE DRAINAGE SYSTEM FOR THIS SUBDIVISION SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE FORT BEND COUNTY DRAINAGE DISTRICT DRAINAGE CRITERIA MANUAL, WHICH ALLOWS STREET PONDING WITH INTENSE RAINFALL EVENTS.
12. PRIOR TO ANY CONSTRUCTION ON COMMERCIAL TRACTS, THE CITY OF SUGAR LAND SHALL REVIEW AND APPROVE DRAINAGE CALCULATIONS PERFORMED BY A REGISTERED PROFESSIONAL ENGINEER ILLUSTRATING AVAILABLE OUTFALL AND/OR DETENTION CAPACITY.
13. THE TOP OF ALL FLOOR SLABS CONSTRUCTED HEREFTER SHALL BE A MINIMUM OF 84.50 FEET ABOVE MEAN SEA LEVEL. IN ADDITION, NO FLOOR SLAB SHALL BE LESS THAN 1.5 FEET ABOVE NATURAL GROUND.
14. SIDEWALKS SHALL BE CONSTRUCTED IN THE RIGHT-OF-WAY ADJACENT TO THIS SITE, IN ACCORDANCE WITH THE CITY OF SUGAR LAND DESIGN STANDARDS.
15. SITE PLANS SHALL BE SUBMITTED TO THE CITY OF SUGAR LAND FOR STAFF REVIEW AND APPROVAL PRIOR TO CONSTRUCTION. DRIVEWAY REQUIREMENTS FOR THE LOCATIONS, WIDTHS AND OFFSET FROM AN INTERSECTION AND ANY EXISTING OR PROPOSED DRIVEWAYS, SHALL CONFORM TO THE DESIGN STANDARDS OF THE CITY OF SUGAR LAND.
16. WOOD SHINGLES ARE HEREBY PROHIBITED WITHIN THIS SUBDIVISION.
17. THIS PROPERTY IS SUBJECT TO ZONING BY CITY ORDINANCE AND ALL REGULATIONS SET FORTH THEREIN.
18. ALL LANDSCAPING AND STRUCTURES, INCLUDING FENCES, AT INTERSECTIONS SHALL CONFORM TO THE CITY OF SUGAR LAND AND ASHTO SITE DISTANCE REQUIREMENTS FOR MOTORISTS.
19. NO OWNER OF THE LAND SUBJECT TO AN EASEMENT MAY PLACE, BUILD OR CONSTRUCT ANY PERMANENT BUILDING, STRUCTURE OR OBSTRUCTION OF ANY KIND OVER, UNDER OR UPON ANY EASEMENT, PROVIDED THAT SUCH OWNER MAY CROSS OR COVER THE EASEMENT WITH A PAVED DRIVEWAY/PARKING LOT UNDER THE FOLLOWING CONDITIONS: THE DRIVEWAY SHALL BE JOINED AT THE BOUNDARY LINE OF THE EASEMENT TO LIMIT THE AMOUNT OF PAVING THAT MUST BE REMOVED TO PROVIDE ACCESS, AND THERE SHALL BE NO OBLIGATION OF THE CITY TO REPLACE/REPAIR ANY PAVING REMOVED IN THE EXERCISE OF THIS EASEMENT.
20. THIS PROPERTY IS SUBJECT TO SETBACK LINES AND OTHER DEED RESTRICTIONS AS SET FORTH IN VOL. 831, PG. 202, F.B.C.D.R.

TRACT	SQ. FEET	ACREAGE	USE
TRACT A	79,712	1.830	COMMERCIAL

VICINITY MAP

SCALE 1" = 1/2 MILE

LEGAL DESCRIPTION

Sugarland Properties Incorporated
1.830 Acre Tract
in the
Brown & Belknap League, A-15
Fort Bend County, Texas

Being a tract or parcel of land containing 1.830 acres located in the Brown & Belknap League, A-15, Fort Bend County, Texas, more particularly being a portion of that certain 1303.637 acres of land conveyed to Sugarland Properties Incorporated by instrument of record in Volume 607, Page 80, Deed Records, Fort Bend County, Texas, and said 1.830 acre tract being more particularly described by metes and bounds as follows (all bearings referenced to the Texas Coordinate System, South Central Zone):

BEGINNING at the northeast corner of that certain 5.730 acre tract conveyed to South X Southwest by instrument of record in Volume 801, Page 653, Deed Records, Fort Bend County, Texas;

Thence, with the north line of said 5.730 acre tract, South 87° 20' 46" West, 410.94 feet to a point for corner, said point being the northwest corner of said 5.730 acre tract;

Thence, along the arc of a non-tangent curve to the right whose radius bears North 80° 24' 32" East, said curve being subtended by a Central Angle of 06° 56' 14", having a Radius of 1920.00 feet, and an Arc Length of 212.47 feet to a point of tangency;

Thence, North 02° 39' 14" West, 25.50 feet to a point for corner;

Thence, North 87° 20' 46" East, 28.38 feet to the beginning of a curve;

Thence, along the arc of a tangent curve to the right, said curve being subtended by a Central Angle of 65° 57' 54", having a Radius of 434.28, and an Arc Length of 499.99 feet to the POINT OF BEGINNING and containing 1.830 acres of land.

Johnny R. Barker, P.E.
Professional Engineer
Texas Registration No. 39883

Exhibit A

TPM TRACT
1.830 ACRES
OF COMMERCIAL DEVELOPMENT
IN THE BROWN & BELKNAP LEAGUE
ABSTRACT NO. 15
SUGAR LAND, TEXAS

1 BLOCK 1 TRACT
OCTOBER 20, 1998 20-9801P

OWNER:

TEXAS PRECISION METALCRAFT, INC.

JERRY CONNER, PRESIDENT
810 INDUSTRIAL ROAD
SUGAR LAND, TEXAS 77478
(281) 240-9191

SURVEYOR:

MCLENDON & RENO
8410 HIGHWAY 90A, SUITE 200
SUGAR LAND, TEXAS 77478
(281) 240-9099

FILED FOR RECORD
TIME 1:00 PM
NOV 6 1998

Dianne Wilson
County Clerk Fort Bend Co. Texas



City Council Agenda Request

APRIL 2, 2024

AGENDA REQUEST NO: III.D.

AGENDA OF: City Council Meeting

INITIATED BY:

Brian Butscher

Executive Director of Public Works

PRESENTED BY:

Brian Butscher, Executive Director of Public Works

RESPONSIBLE DEPARTMENT: Public Works

AGENDA CAPTION:

SECOND CONSIDERATION: Consideration of and action on **CITY OF SUGAR LAND ORDINANCE NO. 2338:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES BY ADDING A NEW SCHOOL ZONE.

RECOMMENDED ACTION:

Staff recommends approval of the Second Reading of Ordinance No. 2338, amending Chapter 5-127 of the Code of Ordinances by adding a New School Zone for the Harmony Charter School located on FM1876.

EXECUTIVE SUMMARY:

The City of Sugar Land was recently notified that the Texas Department of Transportation (TxDOT) is planning to install a school zone for the Harmony Charter School along FM 1876 (Eldridge Parkway). Earlier this year a concerned citizen contacted TxDOT about the need for a school zone. TxDOT reviewed the request and determined the need for a school zone is warranted.

The Public Works Department met TxDOT on a number of occasions regarding this new zone and is in support of the proposed zone.

All school zone-related signs and beacons will be installed and maintained by TxDOT. All signs will be compliant with Ordinance No. 2338 if approved.

Staff recommends Approval of the Second Reading of Ordinance No. 2338, amending Chapter 5-127 of the Code of Ordinances by adding a New School Zone for the Harmony Charter School located on FM1876.

BUDGET

EXPENDITURE REQUIRED: 0

CURRENT BUDGET: 0

ADDITIONAL FUNDING: 0

FUNDING SOURCE:0

ATTACHMENTS:

Description	Type
☐ Ordinance	Contracts

ORDINANCE NO. 2338

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS,
AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES BY ADDING A NEW SCHOOL
ZONE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF SUGAR LAND, TEXAS:**

Section 1. That Section 5-127 of the Code of Ordinances is amended by adding a new subsection (11) to section (d) to read as follows:

Sec. 5-127. Maximum limit in school zones.

(d) *Other school zones.*

(11) *Harmony Charter School* - It is unlawful for a person to drive or operate a vehicle at a speed in excess of 30 miles per hour on the following streets, or portions thereof, hereby designated as school zones, when signs are in place giving notice of the speed limit, on Monday through Friday, when school is in session, during the hours of 7:15 a.m. to 7:45 a.m. and 3:25 p.m. to 4:00 p.m. at the following location:

FM 1876, from 270 feet north of Woodchester Road to 401 feet north of Bournewood Road.

Section 2. That the provisions of this ordinance are severable and the invalidity of any part of this ordinance will not affect the validity of the remainder of the ordinance.

Section 3. That any person found guilty of violating this ordinance will be fined not more than \$500.00 for each offense. Notice of the enactment of this ordinance will be given by publishing the ordinance or its descriptive caption and penalty in the City's official newspaper one time within thirty days of passage.

READ IN FULL on first consideration on _____, 2024.

APPROVED upon second consideration on _____, 2024.

Joe R. Zimmerman, Mayor

ATTEST:

APPROVED AS TO FORM:

Ashley Newsome, Deputy City Secretary



City Council Agenda Request

APRIL 2, 2024

AGENDA REQUEST NO: III.E.

AGENDA OF: City Council Meeting

INITIATED BY: *Jennifer Umali, Administrative Coordinator - PD*

PRESENTED BY: *Jarred Thomas, Emergency Management Coordinator*

RESPONSIBLE DEPARTMENT: Police

AGENDA CAPTION:

Consideration of and action on **CITY OF SUGAR LAND RESOLUTION NO. 24-21**: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, APPOINTING A HEALTH AUTHORITY FOR THE CITY OF SUGAR LAND, TEXAS, TO SERVE FOR A TERM OF TWO YEARS.

RECOMMENDED ACTION:

Approve Resolution No. 24-21 appointing a health authority for the City of Sugar Land to serve for a term of two years.

EXECUTIVE SUMMARY:

The City of Sugar Land (CoSL) recommends appointing Joseph A. Anzaldua, M.D., as the Local Health Authority for CoSL for a term of two years and may be appointed to successive terms, to administer state law and City ordinances relating to public health within the City.

The Local Health Authority will perform the duties as prescribed under section 121.024 of the Texas Health and Safety Code and as amended. The Sugar Land Police Department recommends that Mayor and City Council approve Resolution No. 24-21, appointing Joseph A. Anzaldua, M.D., as the Local Health Authority for the CoSL.

BUDGET

EXPENDITURE REQUIRED: \$18,000.00

CURRENT BUDGET: \$18,000.00

ADDITIONAL FUNDING: N/A

FUNDING SOURCE:General Fund FY24 PD Operating Budget

ATTACHMENTS:

Description	Type
□ Resolution 24-21	Resolutions

RESOLUTION NO. 24-21

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS,
APPOINTING A HEALTH AUTHORITY FOR THE CITY OF SUGAR LAND, TEXAS TO
SERVE FOR A TERM OF TWO YEARS.**

WHEREAS, the City Council of the City of Sugar Land (“City”) has not established a local health department; and

WHEREAS, Chapter 121 of the Texas Health and Safety Code authorizes the City Council to appoint a physician as health authority to administer state and local laws relating to public health in the City; NOW, THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL
OF THE CITY OF SUGAR LAND, TEXAS:**

Section 1. That the facts and recitations set forth in the preamble of this Resolution are declared true and correct.

Section 2. That Joseph A. Anzaldua, M.D. is appointed as the Local Health Authority for the City of Sugar Land, Texas for a term of two years, and may be appointed to successive terms, to administer state law and City ordinances relating to public health within the City.

Section 3. That the Local Health Authority will perform the duties as prescribed under section 121.024 of the Texas Health and Safety Code, as amended, and contract between the City and the Local Health Authority.

APPROVED on _____, 2024.

Joe R. Zimmerman, Mayor

ATTEST:

Ashley Newsome, Deputy City Secretary

APPROVED AS TO FORM:



Attachment: Local Health Authority Contract



City Council Agenda Request

APRIL 2, 2024

AGENDA REQUEST NO: III.F.

AGENDA OF: City Council Meeting

INITIATED BY: *Raizee Sotomayor, Conservation Manager*

PRESENTED BY: *Raizee Sotomayor, Conservation Manager*

RESPONSIBLE DEPARTMENT: Public Works

AGENDA CAPTION:

Consideration of and action on **CITY OF SUGAR LAND RESOLUTION NO. 24-22: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, ADOPTING A RETAIL AND WHOLESALE WATER CONSERVATION PLAN.**

RECOMMENDED ACTION:

Staff recommends approval of Resolution 24-22 Adopting the City's Retail and Wholesale Water Conservation Plan.

EXECUTIVE SUMMARY:

The Texas Administrative Code is a compilation of all state agency rules in Texas. Chapter 288 of the Texas Administrative Code grants the Texas Commission on Environmental Quality (TCEQ) the authority to require public water suppliers and wholesale water suppliers to adopt Conservation Plans. The TCEQ rules require these adopted Conservation Plans to lay out five and ten-year targets for water savings. The City's current Conservation Plan was revised and adopted in 2019. The next update is due May 2024.

This update is largely administrative. The updated Conservation Plan does not include any changes to the conservation targets and does not commit the City to any additional conservation investments. The 2019 Integrated Water Resources Plan (IWRP) recommended

programs are captured in this update.

The Conservation Plan update reflects some changes to the Conservation program as recommended by the IWRP. Those changes include:

- Updates to water conservation programming strategies to reflect the TCEQ mandated annual water loss audit and Integrated Water Resource Plan including rain barrel program, smart irrigation controller program, and educational program sponsorships.
- Use of the most recent water consumption actuals to update the five- and ten-year targets and goals from conservation efforts.
- Use of the most recent water consumption actuals to update the five- and ten-year targets and goals from water loss efforts.

The TCEQ requires that the Conservation Plan for Retail and Wholesale Water Supply be approved by resolution.

The Public Works Department recommends the City Council approve Resolution 24-22 adopting the Conservation Plan for the Retail and Wholesale public water supply.

BUDGET

EXPENDITURE REQUIRED: N/A

CURRENT BUDGET: N/A

ADDITIONAL FUNDING: N/A

FUNDING SOURCE:N/A

ATTACHMENTS:

Description		Type
□	Resolution 24-22	Contracts
□	Water Conservation Plan	Contracts

RESOLUTION NO. 24-22

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS,
ADOPTING A RETAIL AND WHOLESALE WATER CONSERVATION PLAN.**

WHEREAS, by May 1, 2024, the City is required to file a Retail and Wholesale Water Conservation Plan with the Texas Commission on Environmental Quality and the Texas Water Development Board; and

WHEREAS, the City council is required to adopt the Retail and Wholesale Water Conservation Plan by resolution; NOW, THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL
OF THE CITY OF SUGAR LAND, TEXAS:**

Section 1. That it adopts the findings and recitals set forth in the preamble of this Resolution.

Section 2. That it adopts the Retail and Wholesale Water Conservation Plan attached to and made a part of this Resolution as Exhibit A.

Section 3. That Resolution No. 19-11 is repealed.

APPROVED on _____, 2024.

Joe R. Zimmerman, Mayor

ATTEST:

Ashley Newsome, Deputy City Secretary

APPROVED AS TO FORM:



Attachments: Exhibit A – Retail and Wholesale Water Conservation Plan



WATER CONSERVATION PLAN for Retail and Wholesale Water Supply

**City of Sugar Land
P.O. Box 110
Sugar Land, Texas 77487**

CCN # 10724

PWS # 0790005

PWS # 0790354

PWS # 0790253

PWS # 0790296

Wholesale to PWS # 0790498

Wholesale to PWS # 0790553

Adopted April 2024

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CITY OF SUGAR LAND

WATER CONSERVATION PLAN

I. INTRODUCTION

This Water Conservation Plan is presented by the City of Sugar Land pursuant to the requirements of the Texas Water Development Board (TWDB) and the Texas Commission on Environmental Quality (TCEQ), pertaining to the water and wastewater services provided in the area served by the four City of Sugar Land Public Water Systems:

1. Sugar Land – Main System PWS # 0790 005
2. Sugar Land – RiverPark PWS # 0790 354
3. Sugar Land – New Territory PWS # 0790 253
4. Sugar Land – Greatwood PWS # 0790 296

The City of Sugar Land also provides wholesale water and wastewater services to two municipal utility districts located in the city's extra territorial jurisdiction. Wholesale water supply and wastewater collection and treatment are provided to Fort Bend County MUD 128 (PWS # 0790 498) and Fort Bend County MUD 192 (PWS # 0790 553). The Water Supply and Wastewater Services Agreement between the city and each MUD stipulates the terms of service and requires the MUD to adopt a water conservation plan equal to or more stringent than the city's Water Conservation Plan.

This Plan represents the current status of the city's water and wastewater utilities and includes a profile of water use patterns, a description of current and future water conservation efforts, and an evaluation of potential water efficiency opportunities.

The city, guided by the Water Conservation Policy (Policy) adopted by its Council, recognizes the importance of water conservation as a tool for wise and efficient management of our water resources. Under the guidance of the Policy, the city adopts this plan to guide and coordinate various water conservation programs drawn from established Best Management Practices (BMPs). Conservation programs are routinely evaluated and amended when necessary to meet the city's water management goals.

This document was prepared by the Water Conservation Manager of the City of Sugar Land's Public Works Department. The Water Conservation Manager manages and implements the programs detailed herein, including submission of annual reports. Programming is under the direction of the Director of Public Works, and is conducted in coordination with other city departments and staff.

Contact Information

The City of Sugar Land Public Works Department can be reached at:

Phone: 281-275-2900 / 281-275-2465 (fax)
Email: waterutilityoperations@sugarlandtx.gov
Address: City of Sugar Land
P.O. Box 110
Sugar Land, TX 77487-0110

II. SYSTEM DESCRIPTION

City of Sugar Land

The City of Sugar Land is a home-rule municipality located in Fort Bend County, on the southwest edge of the greater Houston metropolitan area. The city and county have experienced dramatic growth in the last three decades. The city's developmental path has been oriented toward single family residential with growing emphasis on commercial and light industrial development. The customer base for the city's water and wastewater utilities reflects that pattern. The eastern part of the city is primarily built out with some remaining infill development expected. The bulk of new growth is occurring in the city's western side which will be the primary drivers of increased potable water demand in the near future.

In 2017, the city annexed two mature master-planned residential communities (Greatwood and New Territory) reducing the size of the city's extra-territorial jurisdiction (ETJ). The city's ETJ areas encompass one large partially developed master-planned residential community, two smaller residential communities, as well as undeveloped tracts of land.

The Brazos River skirts the city's southwest edge, and Upper Oyster Creek meanders through the top two thirds of the city proper. The city falls within the jurisdiction of the Fort Bend Subsidence District (FBSD), Groundwater Management Area 14, and Region H of the state's Regional Water Planning groups.

Surface Water Conversion

The city, in conjunction with the communities in its ETJ, local Homeowner's Associations (HOAs) and private well owners, has an approved Groundwater Reduction Plan detailing how we are meeting this regulatory mandate. To adhere to Fort Bend Subsidence District's (FBSD) Regulatory Plan requirements, the city converted greater than 30% of its total water demand to non-groundwater sources and will convert an additional 30% before the FBSD's 2027 conversion requirement.

Water Resources Planning - Integrated Water Resources Plan

The city's aggressive comprehensive planning process includes updating the Water Master Plan every 5 years. The Water Master Plan builds upon the city's Comprehensive Plan that defines the city's overarching visions and goals. Delving deeper into management of water resources, the City completed an Integrated Water Resources Plan (IWRP) in 2019. The focus of the IWRP was to provide strategic direction in meeting future water demands while continuing to comply with Fort Bend Subsidence District (FBSD) regulations. Increased FBSD groundwater restrictions are scheduled for 2027, which prompted the need for a thorough examination of the City's available

alternative water supplies including expansion of the SWTP, expansion of the City's reclaimed water system, and implementing demand management measures.

Public Water Systems

The area served by the four City of Sugar Land potable water systems roughly corresponds to the city limits, with only a small piece of the northeastern area of the city served by a neighboring entity. (See Service Area Map, **Appendix A**).

The city is a wholesale provider of potable water and wastewater services to Fort Bend County MUD 128 and Fort Bend County MUD 192. The city's Main System (PWS 0790005) serves Fort Bend County MUD 128, the Riverstone development, located in the city's ETJ directly south of the city's southern boundary and north of the Brazos River. The Greatwood System (PWS 0790296) serves Fort Bend County MUD 192, Greatwood Lake development, that is southwest of the city. The other communities in the city's ETJ own and operate their respective public water systems. The city tracks water use by wholesale customers through monthly reporting of water and wastewater volumes; including non-revenue water.

The city's potable water production, treatment and distribution are handled by the Water Utilities Division of the Public Works Department. The city's water use patterns follow a seasonal use pattern characteristic of the area, with significant irrigation demand in the warmer months. Residential use, including residential irrigation, accounts for approximately 65% of the average annual potable demand. The projections of demand and subsequent supply and infrastructure planning for the city are incorporated into the routinely updated Water Master Plan.

The city's potable water (described in greater detail in the Utility Profile, attached as **Appendix B**) is supplied by 23 groundwater wells and surface water from the Brazos River through the Oyster Creek canal system. The twelve city-owned ground water plants produce water from the Chicot and Evangeline aquifer components of the Gulf Coast aquifer system. Well production meters are calibrated annually to assure accurate measurements.

Surface water treated at the city's surface water plant is supplied under water supply agreements with Gulf Coast Water Authority and the Brazos River Authority and the city's Oyster Creek water right (Certificate of Adjudication number 5170). The volume of surface water diverted from each of these supplies is accurately measured (within 5%), recorded, and reported as required by agreement and regulations. The treated surface water is pumped to existing groundwater plants in the Main System, blended with groundwater to assure proper control before distribution through the city's Main System.

Raw Water Systems

The city has several non-potable surface water supply pump stations. The city substitutes raw surface water for uses that do not require potable quality water (amenity lake maintenance and irrigation). On average, approximately 1 to 2 MGD of untreated surface water is used in the city's water planning area. The supply infrastructure for these projects is a mix of city and privately owned stand-alone surface water pumps, unconnected to the city's potable water system. The volume of surface water diverted from each pump stations is accurately measured (within 5%), recorded, and reported as required by agreement and regulations.

Reclaimed Water Systems

Two independent reclaimed water systems supply non-potable water in the city's service area. The city owned reclaimed water treatment facility utilizes wastewater effluent from the city's South wastewater treatment plant (WWTP) to supply amenity lakes and irrigation in the Riverstone development (MUD 128). Irrigation of public areas and amenity lake fill in the New Territory Development is now served with reclaimed water from the city's West WWTP. The reclaimed plant and transmission lines in New Territory are owned and operated by Fort Bend Levee Improvement District 7. Conversion to reclaimed water supply removes the irrigation demands from the city's potable supply and better utilizes the city's available water resources. The volume of water delivered from each facility is accurately measured (within 5%), recorded, and reported as required by agreement and regulations.

Wastewater Systems

The sanitary sewer and wastewater treatment systems (as described in greater detail in the Utility Profiles, attached as **Appendix B**) for the City of Sugar Land is comprised of four Wastewater Treatment Plants. The North Plant is located roughly in the middle of the city and receives flows from pretreatment program facilities in the city's northern industrial zone, as well as residential flows. The South Plant is located in the southern portion of the city and receives residential and light commercial flows from the southern portion of the city and the Riverstone development (MUD 128) in the city's ETJ. Flows within the RiverPark development and New Territory development are treated at the city's West Plant located on the far west side of the city. Wastewater from the Greatwood development and the Greatwood Lake development (MUD 192) is treated at the Greatwood Plant.

All plants are owned by the city and operated by the city's contractor, the Brazos River Authority. The majority of new flows are projected to come from undeveloped areas in the western third of the city and the city's ETJ. The city anticipates diverting future flows from the North Plant to the South and West Plant.

Water Conservation Utility Profile

A Water Conservation Utility Profile for the city's public water systems and both wholesale systems are attached as **Appendix B**. The information the profile is based on the best available data as of January 30, 2024. The demand projections, system descriptions and other data are drawn primarily from the city's Water and Wastewater Master Plans and Integrated Water Resource Plan to ensure continuity between city planning documents and efforts.

III. WATER CONSERVATION PROGRAMMING

Water Conservation Policy

By Council policy (please refer to **Appendix C: Water Conservation Policy**), the City of Sugar Land confirms the value of water conservation as a tool for managing our water resources, and as an important component in our future water supply. Towards that end, the city has committed itself to finding fiscally responsible ways to reduce water use, prevent water loss, and promote water conservation among our residents and community organizations. The city's Water Conservation Policy identifies eight core areas of opportunity in which the city will seek to maintain or expand its water conservation efforts:

- 1) Continued refinement and implementation of a comprehensive, citywide Water Conservation Program;
- 2) Continued and enhanced supply-side management of the City's public water utility infrastructure;
- 3) Promotion of community involvement through public-private partnership opportunities and programs
- 4) Continued development and expansion of City's educational outreach on water issues
- 5) Requiring efficient irrigation systems for City facilities, as is feasible
- 6) Re-evaluation of our irrigation incentives programs
- 7) Consideration of water conservation goals in City landscape installation and maintenance
- 8) Promotion of water conservation practices with new development

Current Water Conservation Programs

The city currently employs an array of individual water-conservation oriented programs and efforts. The traditional focus of these program elements has been on curtailing supply-side water loss with a significant emphasis on community education addressing the city's conversion to surface water. The following is a brief description of the city's current efforts, as well as elements being considered as future additions:

Metering Devices

A metering device is located at each supply source (production wells, surface water diversion points, and reclaimed distribution points) to effectively track water production and diversion. Meters are calibrated annually and if necessary repaired or replaced to assure accuracy within 5%.

Universal Metering, Meter Testing, Repair and Replacement

Metering of all retail and wholesale potable water customers provides the means for accurate accounting of water uses throughout the system. The city meters all water users, including municipal buildings, parks, and public use facilities. All meters are installed and maintained in accordance with all applicable local, state and federal regulations and standards. Surface water supplied by the city through non-potable water supply contracts is also metered.

The city maintains an aggressive and proactive meter testing, repair and replacement program for its customer, production, and diversion meters. Customer meters sized 5/8" to 1" are replaced every 10 years. Meters 2" and larger are tested annually. Any meters found to be outside the AWWA accuracy guidelines is repaired or replaced.

The city is implemented advanced metering infrastructure which will provide for remote meter reads resulting in more accurate reads, and water loss management for the city. This will also empower customers to understand their water usage and change water use habits to conserve water.

Unaccounted Water Use, Leak Detection, and Water Loss Prevention

Unaccounted for water can typically be attributed to firefighting, unauthorized water use, inaccurate metering of customer use and distribution system leaks. The city maintains a

proactive stance in maintaining its utility system assets to minimize leaks and water loss due to old or failing infrastructure. The city operators currently conduct routine inspections for leaks and illegal water use and monthly water audits. Customers are notified if water use is abnormally high and encouraged to check their home for possible leaks. Sudden decreases in usage or cessation of reported use also triggers an investigation of the meter in question.

The city utilizes a comprehensive work order system utilizing geographic information system (GIS) component detailing the city's utility infrastructure. Data is captured and analyzed to support in rehabilitation and loss prevention efforts. Infrastructure rehabilitation needs are reviewed annually for inclusion in the city's robust 5-year Capital Improvements Projects planning and budgeting process.

In 2021, the city implemented a strategic leak detection program, to proactively identify leaks in high priority areas. The program utilizes satellite leak detection and acoustic technologies to identify underground leaks and make repairs where necessary.

As detailed above, aggressive inspection and repair programs by the city staff minimize the losses due to meter inaccuracies, system leaks, and illegal connections. Transient meters are required for all temporary uses from the city's hydrants or other access points to curtail unauthorized water use. The transient meters are colored distinctively to aid in identifying potential unauthorized users. Flushing volumes are recorded and tracked to account for water used to maintain the system and water quality. The city completes water loss audits annually using both the TWDB and American Water Works Association formats. Results are benchmarked in the city's performance measures.

Plumbing Codes and New Development

The city has adopted the UPC, which matches the AWWA standards. These standards guard against inefficient water technologies. The city's Policy directs the city to continue to consider water conservation goals in the adoption or modification of codes and ordinances. Additionally, the city works to encourage water conservation goals in new development. While house-specific technologies like graywater reuse systems are not the most feasible option, the city targets irrigation system efficiency to reduce outdoor water use.

Conservation-Oriented Rate Structure

A conservation-oriented water rate structure usually takes the form of an increasing block rate. In this structure the price per unit of water increases in steps or blocks as customer use levels are reached. Price increases at the higher use levels are intended to discourage the use of large quantities of water. The city has a straight block water rate structure with an increasing rate base charge dependent upon on meter size. Additionally, the rate structure includes separate rates for irrigation water, and increases those rates in the summer months to deter excessive irrigation during times of peak water usage. This rate structure is reviewed and evaluated on a routine basis. Detailed information on the city's current water rate structure can be found in **Appendix D**.

Water Use Analysis

Water data is collected from production and individual customer meters and used in monthly desk top water loss audits and annual water use reporting. The city is exploring tools and

methods to perform deeper analysis of water use data by customer class (residential, commercial, industrial, and institutional) and water end-use (consumption and irrigation) to help in targeting water conservation programming and communicate water use to customers.

Water Cost-Share Program

The city works with several of its Homeowner's Associations (HOAs) to encourage responsible irrigation of HOA-maintained city rights-of-ways (ROW) to meet specification of our Streetscape Policy. The city rebates a portion of the cost of water used. To encourage conservation, the rebate is limited to a set volume per square foot.

Education

The city places an emphasis on education as an important tool in promoting water conservation. The following is a list of the city's current educational activities.

- Through the Fort Bend Subsidence District's *H2O LAB!* program, the city sponsors water conservation education in local schools, including the distribution of water efficient technology and multimedia education kits to children in grades 3 through 6. The kits are complemented by online resources for teachers to easily integrate the program into their classroom.
- The city maintains a water conservation education program, in which water conservation literature, hand-outs, on-line web information, and other water conservation materials available to its residents and new customers. The Water Conservation Division makes presentations and visits at a variety of community and school functions to promote water conservation and water stewardship. Past visits have included classroom quarterly HOA representative meetings, monthly and annual resident meetings, and community groups like the Lions Club, Boy Scouts, Girl Scouts and environmental clubs. The city also teams with local organizations (Keep Sugar Land Beautiful and AgriLIFE Extension) to bring information and hands on workshops to the community.
- The city provides residential irrigation system evaluations as an education tool for residents to adopt better landscape irrigation practices and make improvements to aging, inefficient systems.
- The Water Conservation Division participates in events at which water conservation information and activities can be highlighted. Past events have included the annual Earth Day Celebration coordinated by Keep Sugar Land Beautiful, the City Hall open house and information night, HOA resident forums, and school science nights.

Raw Surface Water Supply to Non-Potable Water Projects

The city supplies up to 2 MGD raw, untreated surface water to four HOAs for irrigation and amenity lake maintenance. This supply replaces groundwater or potable water supply used for non-potable applications and supports the city's groundwater reduction efforts.

Reclaimed Water Use

The city utilizes WWTP effluent for non-potable demands in two residential areas. Effluent from the city's south WWTP is treated at a city-owned reclaimed plant and used for irrigation and lake fill in the Riverstone development. The city's west WWTP supplies

effluent to a LID 7-own reclaimed system that supplies non-potable water for all public space irrigation and amenity lake fill within New Territory HOA's jurisdiction. Utilizing wastewater effluent to meet non-potable demands is an example of the city's commitment to efficient water management and reducing groundwater withdrawals.

City Facility Design and Maintenance

An opportunity identified by the city is the potential to consider water conservation goals in the design and maintenance of new city facilities, parks, and irrigation. City managed roadway landscape design integrates water conserving drip irrigation for plant beds and trees; turf grass is not irrigated.

Residential Irrigation Efficiency Programs

The city has several programs focused on efficiencies for residential outdoor water use including a irrigation evaluation program, a rain barrel program and SMART irrigation program. These programs were recommendations from the Integrated Water Resource Plan to reduce outdoor water use.

Potential Future Additional Conservation Programs

There are several opportunities, as identified in the city's Policy, for the city to expand its current water conservation efforts. Some currently identified and potential projects have been given as examples in the preceding subsections. The city will be continuing to evaluate the feasibility of adding these and other elements to the selection of tools it may employ to achieve its water conservation goals. The majority of these projects are drawn from the Best Management Practices recommended by the TWDB. Some of the BMPs have been evaluated for possible implementation:

- Increase water use communication with customers
- Plumbing retrofit programs for residential
- Water survey for single-family and multi-family customers
- Landscape irrigation incentives
- Water wise landscape design and conservation programs
- Golf course conversion to non-potable supply
- Park and athletic field conversion to non-potable supply

In general, the city plans to maintain or expand its current supply-side programs while continuing to explore and evaluate demand-side opportunities to broaden the scope of our water conservation efforts. The intent is to incorporate voluntary projects and mutually beneficial partnership programs to the greatest extent practicable, while continuing enhanced community education. In subsequent annual reports, the city will detail new program elements evaluated and/or added to its current suite of water conservation efforts.

The City does not own or utilize a reservoir and therefore does not require a reservoir systems operations plan.

IV. FIVE- AND TEN-YEAR TARGETS AND GOALS

The City of Sugar Land continues to pursue a multi-faceted approach to encouraging water conservation and combating water loss. With continuing and improved educational efforts, continued efforts to induce water savings via rate structures, and continued vigilance in preventative maintenance and active efforts to reduce losses, we expect to increase per capita savings in water use. The following sections contain specific targets and goals for water conservation savings and water loss reduction. The specific percentage and actual gallon reductions are based on best currently available data and may not reflect outcomes that are impacted by unforeseen funding and schedule changes, shifting water use patterns, efficacy of untested programs or changing developmental trends. The goals are broken out between those relating to water conservation savings and those regarding water loss reduction.

Conservation Savings and Goals

While these goals are provisional due to levels of precipitation, general weather conditions, and a host of other factors that along with conservation efforts, help determine per capita use, the City of Sugar Land is committed to pursuing these courses of action. For those factors within our control, we feel the aforementioned range of conservation strategies will continue to trend toward the targets described.

Five Year Target Goal:

In the next five years, the city expects continued population growth and development. The city targets a 1% reduction in current per capita usage. Based on a five-year total potable consumption average of 169 gpcd, this translates to an approximate per capita reduction of 1.69 gpcd and 167 gpcd at the five-year target mark. Based on a five-year potable residential consumption average of 98 gpcd, this translates to an approximate per capita reduction of 0.98 gpcd and 97 gpcd at the five-year target mark.

Ten-Year Target Goal:

Building on the efforts and factors discussed in the five-year target goal, the city targets a continued decrease in per-capita water use. The target goal is a 2% reduction in per capita consumption after 10-years. Based on a five-year total potable consumption average of 169 gpcd, this translates to an approximate per capita reduction of 3.37 gpcd and 165 gpcd at the ten-year target mark. Based on a five-year potable residential consumption average of 98 gpcd, this translates to an approximate per capita reduction of 2.0 gpcd and 96 gpcd at the ten-year target mark.

Water Loss Reduction Goals

While these goals are provisional due to the effects of aging infrastructure, development, and a host of other factors, the City of Sugar Land is committed to reducing water loss. For those factors within our control, we feel the aforementioned range of strategies will continue trends toward the target goals.

Five Year Target Goal:

In conjunction with the water conservation efforts outlined above, the city is also focusing strongly on reducing water loss in its system. Water loss prevention efforts, such as our meter replacement program, are a priority for our utility.

The city's water utility has maintained an average water loss of 12% over the past 5 years. Continuing current efforts to curb water loss, the city targets to maintain a water loss of less than 13% during the next five years.

Ten-Year Target Goal

Building on the efforts and factors discussed in the five-year target goal, the city targets to maintain a water loss of less than 13% through the next 10-year period.

V. IMPLEMENTATION AND EVALUATION

Implementation

The goals and projected strategies detailed in this Water Conservation Plan are administered by the Water Conservation Manager, under the direction of the Director of Public Works. The implementation schedules for the city's water conservation efforts are reviewed every year, but may change from year to year based on available funding, economic conditions, and workload. The city's current intent is to continue current supply-side and educational water conservation efforts and evaluate additional programs for implementation.

Evaluation

The city will evaluate this Water Conservation Plan on a yearly basis when compiling data for the TWDB Annual Report. Annual reviews may prompt the city to shift the suite of programs and strategies to achieve the water conservation goals in this plan.

VI. PUBLIC PARTICIPATION

Public Meetings

The City of Sugar Land conducts regularly scheduled public meetings twice a month. The City Council meetings are open to the public, and citizens are free to offer public comment. The city's Resolution adopting the Water Conservation Plan was brought before the City Council for approval, at which time citizens had an opportunity to voice their opinion on the items.

In addition to these meetings, the city is open to comment from its citizens at all times and maintains an active education and outreach program, including public appearances and information dissemination at local events.

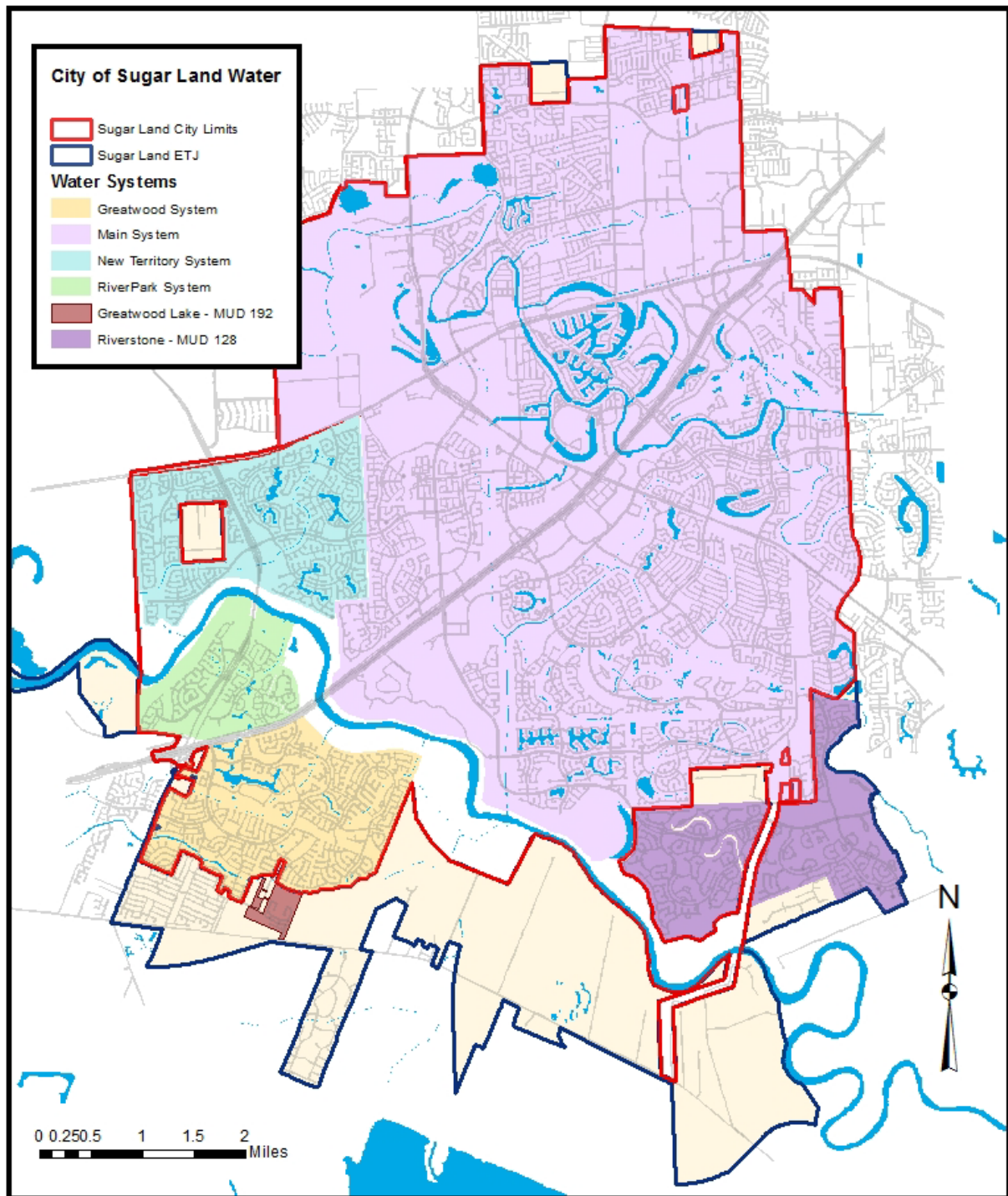
VII. ADOPTION OF PLAN

On April 2, 2024, the Water Conservation Plan for the City of Sugar Land was presented at the City Council meeting as a proposed resolution of the City of Sugar Land to adopt the aforementioned Plan. The City Council agenda which included the Plan was advertised as part of the normal dissemination of the City Council Agenda. The public has the opportunity to provide comments on any City Council agenda item and no comments were presented for the Plan. At that time, the City Council took action, as the duly elected governing body of the City of Sugar Land, and formally adopted the Plan by resolution. The resolution adopting the Water Conservation Plan was passed, and a copy of said resolution can be found in **Appendix E** of this Document.

VIII. REGIONAL WATER PLANNING GROUP NOTIFICATION

In accordance with the TWDB and TCEQ requirements for Water Conservation Plans, the city has notified Region H that we have filed a Plan, and forwarded a copy to their representative. A copy of the letter of notification is attached as **Appendix F**.

APPENDIX A: Utilities Service Area Map



City of Sugar Land
Public Water Systems

APPENDIX B Utility Profiles

APPENDIX C: Water Conservation Policy

RESOLUTION NO. 09-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, ADOPTING A CITY COUNCIL POLICY ON THE PROMOTION OF WATER CONSERVATION IN THE CITY OF SUGAR LAND.

WHEREAS, the City is currently under an unfunded mandate to convert to surface water; and

WHEREAS, the City is required by the Texas Water Development Board and Texas Commission on Environmental Quality to maintain an active water conservation program; and

WHEREAS, the City wishes to implement and promote conservation of its water resources; and

WHEREAS, water conservation can help reduce the costs of the surface water conversion process while promoting wise use of our natural resources; and

WHEREAS, the City wishes to coordinate the various city functions related to water conservation efforts as a comprehensive, united approach; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL
OF THE CITY OF SUGAR LAND, TEXAS:

Section I. That the City Council adopts the following policy:

CITY COUNCIL POLICY
Promotion of Water Conservation in the City of Sugar Land

PURPOSE

The City's mandated conversion to surface water will result in increased costs to produce potable water. At the same time, water resources are becoming scarcer and more valuable. In an effort to reduce the costs to the City's customers by reducing the volume of surface water needing to be treated, and to implement and promote wise water use patterns in line with the City's focus on environmental stewardship, the City sets forth this policy as direction toward the promotion and coordination of comprehensive water conservation efforts in and by the City of Sugar Land.

SCOPE

This Policy applies to all City Departments and external partners engaged in activities related to water conservation.

City means the City of Sugar Land.

Efficient Irrigation Systems means irrigation technology, practices, or controls that provide more efficient irrigation than traditional irrigation systems (e.g. “smart” controllers, rain sensors, drip irrigation, et al.).

Water Conservation Program means the comprehensive program, maintained by the Utilities Department that guides, coordinates, implements, and evaluates water conservation activities in the City of Sugar Land.

POLICY

The City will seek to promote water conservation through the following:

I) Water Conservation Program

The Utilities Department, in consultation with other Departments, will create and maintain a comprehensive water conservation program, help coordinate water conservation activities within the City and with external partners, and report to regulatory agencies on the City’s water conservation efforts as required.

II) Utility System Conservation

The Utilities Department will manage its system to promote water conservation by making all feasible efforts to prevent water loss and maintain its infrastructure.

III) Community Involvement

The City shall promote water conservation with its community by seeking partnership opportunities with residents, homeowners associations, local and regional government and non-profit groups, and local businesses and industries.

IV) Education

The City shall require the promotion of water conservation education through various community outreach programs, partnerships and sponsorship opportunities.

V) Efficient Irrigation

The City shall require efficient irrigation in new City facilities and parks and consider retrofitting existing systems, as is feasible.

VI) Cost Share Program

The Cost Share Program seeks to incentivize responsible irrigation of privately owned and maintained landscaping in rights of way. The City shall investigate ways to increase or further promote efficient irrigation through this program.

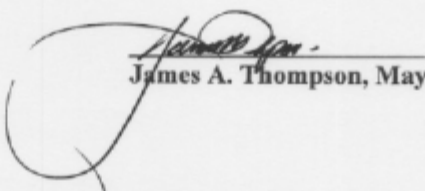
VII) Landscape Installation

The City shall require water conservation goals to be an integral part of all its urban beautification efforts, as is fiscally responsible.

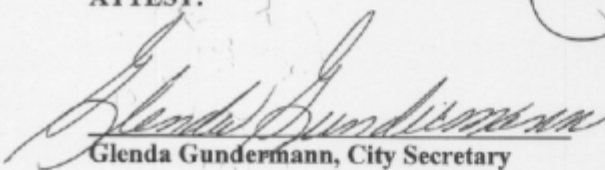
VIII) Development and Code Enforcement

The City shall consider water conservation goals when working with new development and adopting new or revised codes, ordinances and standards, as is feasible.

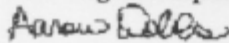
APPROVED ON February 03, 2009.


James A. Thompson, Mayor

ATTEST:


Glenda Gundermann, City Secretary

Reviewed for Legal Compliance:



APPENDIX D: Water and Wastewater Rate Structure

City of Sugar Land
2024 Water & Wastewater Rates

Water					
Meter Size	Base Charge	Volume Charge			
		Up to 3,000 Gallons	3,001 to 10,000	10,001 to 20,000	over 20,000
5/8" & 3/4"	\$ 15.90	\$1.15	\$1.33	\$1.81	\$2.08
1"	\$ 24.82				
1.5"	\$ 65.97				
2"	\$ 102.69				
3"	\$ 221.65				
4"	\$ 613.16				
6"	\$ 1200.34				
8"	\$ 1499.48				

Wastewater		Volume Charge
Meter Size	Base Charge	Up to Winter Average Consumption
5/8" & 3/4"	\$ 16.39	\$3.40
1"	\$ 26.59	
1.5"	\$ 73.69	
2"	\$ 114.96	
3"	\$ 249.21	
4"	\$ 694.50	
6"	\$ 1366.42	
8"	\$ 1707.47	

Surface Water	Volume Charge
Surface Water Fee	\$3.57

APPENDIX E: Resolution Adopting a Water Conservation Plan

RESOLUTION NO. 24-22

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS,
ADOPTING A RETAIL AND WHOLESALE WATER CONSERVATION PLAN.**

WHEREAS, by May 1, 2024, the City is required to file a Retail and Wholesale Water Conservation Plan with the Texas Commission on Environmental Quality and the Texas Water Development Board; and

WHEREAS, the City council is required to adopt the Retail and Wholesale Water Conservation Plan by resolution; NOW, THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL
OF THE CITY OF SUGAR LAND, TEXAS:**

Section 1. That it adopts the findings and recitals set forth in the preamble of this Resolution.

Section 2. That it adopts the Retail and Wholesale Water Conservation Plan attached to and made a part of this Resolution as Exhibit A.

Section 3. That Resolution No. 19-11 is repealed.

APPROVED on _____, 2024.

Joe R. Zimmerman, Mayor

ATTEST:

Ashley Newsome, Deputy City Secretary

APPROVED AS TO FORM:



Attachments: Exhibit A – Retail and Wholesale Water Conservation Plan

APPENDIX F: Region H Notification Letter



City Council Agenda Request

APRIL 2, 2024

AGENDA REQUEST NO: III.G.

AGENDA OF: City Council Meeting

INITIATED BY: *David Brown, Facilities Manager*

PRESENTED BY: *David Brown, Facilities Manager*

RESPONSIBLE DEPARTMENT: Environmental and Neighborhood Services

AGENDA CAPTION:

Consideration of and action on authorization of a Contract with Blackmon Mooring of Texas LLC, in the amount of \$216,969.58 through the Choice Partners Cooperative Purchasing Contract No. 24/002TC-01, for the remodel of Public Works Building C.

RECOMMENDED ACTION:

Public Works recommends the award of the Building C Re-Build Contract to Blackmon Mooring of Texas, LLC in the amount of \$216.969.58 using Choice Partners Contract No. CSP 24/002TC-01.

EXECUTIVE SUMMARY:

In 2023, Mold was discovered in Building C, which is part of the Public Works Campus. Abatement was completed in late 2023 based on a Protocol developed by a Mold Abatement Company. The major contributing factor to the mold was water intrusion into the walls due to poor exterior drainage, which will be addressed prior to the commencement of construction.

The Mold Protocol required that a large portion of the interior walls be removed as they were found to have mold contamination. These walls were removed, the mold conditions remediated and the building was cleared for re-build.

This contract encompasses the replacement of those walls, minor modifications to promote shared spaces, re-finishing of the floors, a refresh of the bathrooms, a rebuild of a breakroom and the replacement of the exterior sheet metal cladding. This building previously housed many of the utilities staff including shared space for the field staff.

The rebuild will be conducted by Blackmon Mooring of Texas, LLC through a Cooperative Agreement with Choice Partners Contract No. 24/002TC-01. Cooperative Agreements are with governmental purchasing organizations, of which the City is a member. These agreements leverage the purchasing potential of governmental entities. All contracts are competitively bid, and contracts are awarded in compliance with state procurement laws and regulations.

It is anticipated that the project will take approximately 60 days to complete, after issuance of the notice to proceed, at which time, it will be re-occupied.

The Public Works Department recommends the City Council authorize the execution of a construction contract with Blackmon Mooring of Texas, LLC, utilizing Choice Partners Contract No. CSP 24/002TC-01 in the amount of \$216,969.58 for the re-build of Building C.

BUDGET

EXPENDITURE REQUIRED: 216.969.58

CURRENT BUDGET: 216,969.58

ADDITIONAL FUNDING:

FUNDING SOURCE:ARPA/Utilities Fund Surface Water

ATTACHMENTS:

Description	Type
❏ Contract First Page	Contracts

CITY OF SUGAR LAND
STANDARD CONTRACT FOR SMALL CONSTRUCTION PROJECTS
(Rev. 8-19-22)

I. Signatures. By signing below, the parties agree to the terms of this Contract:

CITY OF SUGAR LAND

CONTRACTOR:

By:

By:



Date:

Date: March 12, 2024

Title:

Title: Regional Vice President

Company: Blackmon Mooring of Texas, LLC

APPROVED AS TO FORM:



II. General Information and Terms.

Project: Building C Remodel

Contractor: Blackmon Mooring of Texas, LLC, 10511 Kipp Way #400, Houston, TX 77009

Maximum Contract Amount: \$216,969.58

Effective Date of Contract: On the latest date of the dates executed by both parties

Date to Begin Work: Date specified in Notice to Proceed

Substantial Completion: Contractor must achieve Substantial Completion within **60** Calendar Days from date specified in Notice to Proceed, as the time may be adjusted by Change Order

Final Completion: Contractor must complete the Punch List within **14** Calendar Days from Substantial Completion

Liquidated Damage Amount for Failure to Meet Time for Substantial Completion: **\$250** per Calendar Day

Liquidated Damage Amount for Failure to Complete Punch List Items by Time for Final Completion: **\$100** per Calendar Day



City Council Agenda Request

APRIL 2, 2024

AGENDA REQUEST NO: III.H.

AGENDA OF: City Council Meeting

INITIATED BY:

Idahosa Igbino, RS, PMP, CFM
Engineer III

PRESENTED BY:

Idahosa Igbino, Engineer III

RESPONSIBLE DEPARTMENT: Engineering

AGENDA CAPTION:

Consideration of and action on authorization of a Contract with ARKK Engineers LLC, in the amount of \$239,810.00, for design and bid phase services for the Wastewater Collection System Rehabilitation Project, CIP CWW2304.

RECOMMENDED ACTION:

Consideration of and action on authorizing execution of an Engineering Design Contract in the amount of \$239,810.00 with ARKK Engineers, LLC for design and bid phase services for the Wastewater Collection System Rehabilitation Project, CIP CWW2304

EXECUTIVE SUMMARY:

The City of Sugar Land's wastewater collection system includes approximately 2.6 million linear feet of sanitary sewer pipe, about 133 lift stations, approximately 16,450 sanitary sewer manholes, and four (4) wastewater treatment plants, North Wastewater Treatment Plant (North WWTP), South Wastewater Treatment Plant (South WWTP), West Wastewater Treatment Plant (West WWTP), and Greatwood Wastewater Treatment Plant (Greatwood WWTP). Gravity sewer mains, force mains, lift stations, and gravity interceptor mains convey the flows to the wastewater treatment plants.

In continuation of the City's bi-annual wastewater collection system evaluation program, a sanitary sewer collection system study and evaluation was performed in Fiscal Year 2023, to identify critical wastewater lines needing further repair and rehabilitation. The critical wastewater lines were selected by a risk rating system that was developed based on the pipes' size, material type, age, and depth.

Approximately 67,860 linear feet of 6-inch to 18-inch sanitary sewer collection system lines was investigated for possible infiltration/inflow issues in the Fiscal Year 2023 Study. About 40,500 linear feet of the sanitary sewer collection system lines evaluated, were identified to be in deteriorating stage and in need of repairs/rehabilitation.

This contract consists of providing engineering design and bid phase services for the rehabilitation of about 40,500 linear feet of sanitary sewer collection system mains and manholes located throughout the City that were identified from the data review and evaluation of television inspection video data, utilizing the National Association of Sewer Service Companies (NASCCOS) Pipeline Assessment Certification Program (PACP) ratings that was done as part of the FY 2023 Study report.

Scope of work includes:

- Coordinate with COSL and other entities TxDOT, TCEQ
- Perform site visits to identify surface features that could impact work.
- Review TV inspection line video data to determine rehabilitation method.
- Review manhole inspection data to recommend rehabilitation method.
- Prepare project drawings, technical specifications, and bidding documents.
- Prepare construction cost estimates.
- Post bid documents on Civcast
- Attend pre-bid meeting with contractor.
- Prepare Bid Tabulation and Letter of Recommendation
- Prepare construction contract documents for execution

ARKK Engineers was selected for the design phase of the project per City Policy PU-109. ARKK Engineers, LLC also completed the FY 2023 study for the Wastewater Collection System Rehabilitation Project.

The Engineering and Public Works Departments request City Council authorize the execution of an engineering design contract with ARKK Engineers, LLC for the design and bid phase service of the Collection System Rehabilitation Project, CIP CWW2304, in the amount of \$239,810.00.

BUDGET

EXPENDITURE REQUIRED: 239,810.00

CURRENT BUDGET: 239,810.00

ADDITIONAL FUNDING: N/A

FUNDING SOURCE:System Revenue / Revenue Bonds

ATTACHMENTS:

Description	Type
☐ Signed contract	Contracts

**CITY OF SUGAR LAND STANDARD CONTRACT
FOR PROFESSIONAL ENGINEERING DESIGN
SERVICES FOR CITY FACILITIES**

\$100,000 to \$999,999
(Rev. 8-19-22)

I. Signatures. By signing below, the parties agree to the terms of this Contract.

CITY OF SUGAR LAND

ENGINEER:

By:

By: *Mashu Wilamini*

Date:

Date: February 24, 2024

Title:

Title: Principal

Company: ARKK Engineers, LLC

APPROVED AS TO FORM:

Jishu Day

II. General Information and Terms.

Engineer's Name and Address: ARKK Engineers, LLC
7322 Southwest Fwy Suite 1040
Houston, Texas 77074

Project Description: Wastewater Collection System Rehabilitation Project,
CIP CWW2304

Maximum Contract Amount: \$239,810.00

Effective Date: On the latest date of the dates executed by both parties.

Termination Date: See III.F.

Contract Parts: This Contract consists of the following parts:

- I. Signatures
- II. General Information and Terms
- III. Standard Contractual Provisions
- IV. Additional Terms or Conditions
- V. Additional Contract Documents



City Council Agenda Request

APRIL 2, 2024

AGENDA REQUEST NO: III.I.

AGENDA OF: City Council Meeting

INITIATED BY: *Robert Wilson, Assistant City Engineer*

PRESENTED BY: *Greg Willey, Construction Services Manager*

RESPONSIBLE DEPARTMENT: Engineering

AGENDA CAPTION:

Consideration of and action on authorization of a Temporary License Agreement with SER Construction Partners LLC, for fill materials and services at 1 Circle Drive, utilizing SER Construction Partners LLC, funds.

RECOMMENDED ACTION:

Approve a temporary license agreement with SER Construction Partners, LLC to place a pug mill on the Central Prison Unit site in exchange for importing and placing fill at SER Construction Partners, LLC's expense.

EXECUTIVE SUMMARY:

The City owns the Central Prison Unit Property located at 1 Circle Dr, Sugar Land, Texas. The property is currently used by the City as a temporary staging area and contains the City's Public Safety Training Facility. The City has been elevating pieces of the property that are outside of the floodplain over the past year in preparation for a future project to remove the property from the floodplain.

SER Construction Partners, LLC (SER) is currently working for the Texas Department of Transportation (TxDOT) on the installation of a new bridge structure at US 90A at SH 99. City staff inquired with SER at the start of the project to acquire fill from the project to elevate land at the prison site, and SER agreed to provide and install the fill at their cost in

exchange for placing a pug mill, a mixing unit used to create stabilized sand, on the property in order to better serve residents using the intersection by decreasing lead times to get material for the project. The placement of the pug mill will allow SER to make cement-stabilized sand for the project close to the site, speeding up the construction on the site and decreasing the time the construction impacts residents.

The Temporary License Agreement between the City of Sugar Land and SER grants SER a non-exclusive, temporary license to use an approximately one-acre area of a property owned by the City for construction equipment storage and operation of a portable pugmill, related to a Texas Department of Transportation project. In exchange, SER will import and place approximately 50,000 cubic yards of fill material on the property at its own cost.

The Engineering Department recommends the approval of the Temporary License Agreement with SER Construction Partners, LLC to place a pug mill on the Central Prison site in exchange for importing and placing fill on the site at the cost of SER.

BUDGET

EXPENDITURE REQUIRED: N/A

CURRENT BUDGET: N/A

ADDITIONAL FUNDING: N/A

FUNDING SOURCE:N/A

ATTACHMENTS:

Description	Type
❑ Temporary License Agreement	Agreement
❑ Exhibit A	Other Supporting Documents
❑ Exhibit B	Other Supporting Documents

TEMPORARY LICENSE AGREEMENT

This Temporary License Agreement ("*Agreement*") is between the City of Sugar Land, a municipal corporation ("*Licensor*"), and the SER Construction Partners, LLC ("*Licensee*"), a Texas limited liability company (collectively, the "*Parties*").

WHEREAS, Licensor owns the property located at 1 Circle Drive, Sugar Land, Texas, Fort Bend County, Texas ("*Property*"); and

WHEREAS, Licensee desires to use an area within the Property for storage of construction equipment and placement and operation of a portable pugmill relating to the Texas Department of Transportation ("TXDOT") construction project (TXDOT Control No. 0027-08-180; Project No. F 2023(557); UA 90; Fort Bend County) ("*Project*");

NOW THEREFORE, for other good and valuable consideration, Licensor hereby grants Licensee a non-exclusive temporary license pursuant to the terms and conditions herein. Such license and right of access may be revoked at any time for any reason, or for no reason, without any liability or claim of damages against Licensor.

I. Property and Permitted Uses.

(a) **License Area.** Licensor grants Licensee a non-exclusive license to use an approximately one (1) acre ("*License Area*") portion of an unimproved property located at 1 Circle Drive, Sugar Land, Texas 77498, in Exhibit A (the "*Property*").

(b) **Permitted Uses.** Licensee may use the License Area for (i) the staging, handling, and storage of machinery, equipment, vehicles, and construction materials related to the Texas Department of Transportation Project and (ii) the placement and operation of a portable pugmill for the production of materials to be used on the Project. Licensee shall comply with all Federal, State, and local laws, regulations, or ordinances including permit(s) from the applicable governmental authority for the placement and operation of the portable pugmill in the License Area. Licensor shall have the right to inspect the Property at any time.

(c) **Placement of Fill Material.** Licensee, at its sole cost, will place, manipulate and spread an approximately 50,000 cubic yards of imported fill material ("*Fill Material*"), including dirt, clay, and other related materials, in the location as shown in Exhibit B for Licensor. Licensor will designate the route that Licensee must take to reach the Fill Material placement area. Licensee shall not remove the Fill Material upon the termination or expiration of this Agreement.

(d) **No warranty.** Licensee's right to use the License Area or Property is strictly on an "AS IS" basis with all faults. Licensor makes no representation or warranty of any kind as to the present or future condition of or suitability of the License Area or Property for Licensee's use and disclaims any and all warranties express or implied with respect to the physical, structural, or environmental condition of the License Area or Property, including, but not limited to, possible inclusion of the Property within a designated FEMA flood zone, the condition of the soil (or water), geology, and the merchantability or fitness for a particular purpose. Licensee is solely responsible

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for investigation and determination of the condition, fitness and suitability of the License Area and Property for Licensee's intended use.

(e) **Utility Services.** No utility services are being provided to Licensee by Licensors under this Agreement.

(f) **Hazardous Materials.** Licensee agrees that it will not use, generate, store, or dispose of any Hazardous Material on, under, about or within the License Area or Property in violation of any law or regulation. As used in this paragraph, "Hazardous Material" shall mean hazardous or radioactive material, polychlorinated biphenyls, friable asbestos or other hazardous or medical waste substances as defined by the Comprehensive Environmental Response, Compensation and Liability Act, as amended, or by any other federal, state or local law, statute, rule, regulation or order (including any Governmental Requirements) concerning environmental matters, or any matter which would trigger any employee or community "right-to-know" requirements adopted by any such body, or for which any such body has adopted any requirements for the preparation or distribution of a material safety data sheet. In the event Hazardous Material used by Licensee, its agents, contractors, and other invitees in violation of applicable laws are discovered, Licensee must disclose to Licensors the specific information regarding Licensee's discovery of any Hazardous Material in violation of applicable laws placed on, under, about or within the License Area or Property by Licensee and provide written documentation of its safe and legal disposal. Licensee shall be responsible for and bear the entire cost of removal and disposal of all Hazardous Material to the extent introduced to the License Area or Property by Licensee during Licensee's use and possession of License Area or Property. This paragraph shall survive the expiration or termination of this License.

(g) **Taxes.** Licensee must pay, before they become delinquent, all taxes, assessments, and fees assessed or levied upon Licensee's property.

II. Term, Renewal, and Termination.

(a) **Term.** Subject to earlier termination as provided herein, this Agreement will be effective on the last date of approval by the Parties ("Effective Date") and will terminate upon the completion of the Project or for a period of one year from the Effective Date, whichever comes first. Notwithstanding the foregoing, in the event that Licensee vacates the License Area for a period of ninety (90) days after the initial use, this Agreement will automatically terminate.

(b) **Renewal.** Provided Licensee is not in default, Licensee may renew this License for one (1) additional one-year term or until completion of the Project, whichever comes first, by providing notice to Licensors of not less than ninety (90) days prior to the end of the then-current term.

(c) **Termination.** Any Party may terminate this Agreement at any time by providing the other Party thirty (30) days written notice prior to termination.

(d) **Removal of Property.** Upon termination or expiration of the Agreement, Licensee must remove all Licensee's property from the License Area, except for the Fill Material, and

restore the License Area or Property to a condition prior to the Effective Date of this Agreement. Should Licensee fail to do so, Licensor may elect to (i) retain possession of Licensee's property, (ii) sell the property and keep the proceeds, or (iii) have the property moved, stored, and disposed of at the Licensee's sole expense.

(e) Reimbursement. Licensee must reimburse Licensor, within ten (10) days of receiving notice, for the cost of (i) removing, storing and disposing of Licensee's property, (ii) removing debris left by Licensee in, on, or about the License Area or Property, (iii) restoring the License Area to the condition prior to the Effective Date of this License, and/or (iv) repairing damages caused by Licensee to the License Area or Property. In addition, Licensee must pay Licensor twenty percent (20%) in administrative fee if Licensee fails to remove, restore and repair the License Area as required under this Agreement. Licensor reserves the right to seek any other remedy to which Licensor is entitled under the applicable law.

III. Improvement, Alterations, and Repairs.

(a) Repairs, Property Condition. Licensee accepts the License Area and Property "As-Is". Licensor makes no representation to repair any existing deficiencies. Licensee will, at its sole cost and expense, keep the License Area and Property in good condition and repair. Any injury or damage to the License Area and Property or the appurtenances or fixtures thereof, caused by or resulting from the act, omission or neglect of Licensee or Licensee's employees, servants, agents, or invitees shall be repaired or replaced immediately by Licensee at its sole expense. If Licensee fails to repair any damages, Licensee will reimburse Licensor for the costs of repairs such damage plus twenty percent (20%) in administrative fee within ten (10) days of receiving notice from Licensor.

(b) Alterations or Improvements. Licensee must not alter, install or construct any improvement or structure on the License Area or Property. Licensee may not do or permit anything to be done in, on, or about the License Area or Property that will obstruct or materially interfere with the rights of Licensor. Licensee shall not permit any nuisance in, on or about the License Area or Property or allow the storage or use of hazardous materials in, on or under the License Area or Property. Licensee shall keep the License Area and Property in a clean and sanitary condition.

IV. LIABILITY AND INDEMNITY.

(a) LICENSEE ASSUMES FULL RESPONSIBILITY FOR ANY CLAIMS, LOSSES AND ACTIONS (INCLUDING ATTORNEYS' FEES) FOR ANY INJURY TO PERSON OR DAMAGE TO OR LOSS OF PROPERTY ON OR ABOUT THE LICENSE AREA AND PROPERTY CAUSED BY LICENSEE, ITS AGENTS, EMPLOYEES, INVITEES OR BY ANY OTHER PERSON ENTERING THE LICENSE AREA AND PROPERTY OR ARISING OUT OF LICENSEE'S USE OF THE LICENSE AREA OR PROPERTY. LICENSOR SHALL NOT BE LIABLE FOR ANY INJURY, DAMAGE, OR LOSS WHATSOEVER TO PERSON OR PROPERTY ARISING UNDER THIS AGREEMENT.

(b) LICENSEE WILL PROTECT, DEFEND, INDEMNIFY, RELEASE AND

HOLD HARMLESS LICENSOR, ITS RESPECTIVE ELECTED OFFICIALS, OFFICERS, EMPLOYEES, AGENTS, ATTORNEYS, AND REPRESENTATIVES, IN BOTH THEIR INDIVIDUAL AND OFFICIAL CAPACITIES, AND THE AFFILIATES OF AND PERSONS AND ENTITIES RELATED TO ALL OF THE FOREGOING (COLLECTIVELY REFERRED TO AS "LICENSOR-RELATED PARTIES") FROM ALL ALLEGATIONS, CLAIMS, DEMANDS, LEGAL ACTIONS, EQUITABLE ACTIONS, COSTS, EXPENSES, LIABILITIES, ASSESSMENTS, TAXES, FEES, LIENS, FINES, OBLIGATIONS, LOSSES, DAMAGES, JUDGMENTS, OR PENALTIES OF WHATEVER NATURE OR DESCRIPTION, WHETHER KNOWN OR UNKNOWN, THAT DIRECTLY OR INDIRECTLY, IN WHOLE OR IN PART, ARISE FROM OR ARE ALLEGED TO HAVE ARISEN FROM LICENSEE'S USE OF THE LICENSE AREA OR PROPERTY OR LICENSEE'S EXERCISE OF ITS RIGHTS UNDER THIS AGREEMENT.

For the purposes of this indemnity and release, the term "arise(n) from" means occur in connection with or as a result of or is caused by.

This section survives the termination or expiration of this Agreement.

V. Insurance. Licensee must obtain and maintain during the term of this Agreement, at Licensee's own expense, insurance as set forth in Exhibit C.

VI. Events of Default and Remedies.

(a) The following events shall be deemed to be events of default under this Agreement:

(i) Licensee fails to provide the Fill Material as stated in section I;

(ii) Licensee fails to comply with any term, provision or covenant of this Agreement, and not cure such failure within ten (10) days after written notice thereof to Licensee; or

(iii) Licensee files a petition under any section or chapter of the National Bankruptcy Code, as amended, or under any similar law or statute of the United States or any state thereof, or Licensee be adjudged bankrupt or insolvent in any proceeding filed against Licensee thereunder and such adjudication not vacated or set aside within thirty (30) days.

(b) Upon the occurrence of any event of default specified herein, Licensor shall have the option to pursue any one or more of the following remedies without any notice or demand whatsoever:

(i) terminate this Agreement;

(ii) enter upon and take possession of the License Area and Property and remove Licensee, by force if necessary; or

(iii) enter upon the License Area and Property by force if necessary, and do whatever

Licensee is obligated to do under the terms of this Agreement, and Licensee agrees to reimburse Licensors on demand for any expenses which Licensors may incur in effecting compliance with Licensee's obligations under this Agreement.

(c) The provisions of this Section will override and control any conflicting provisions of the Texas Property Code or Uniform Commercial Code. Licensors reserves the right to seek any other remedy to which Licensors is entitled under the applicable law.

VII. Miscellaneous Provisions.

(a) **Law Governing and Venue.** Texas law governs this Agreement and any lawsuit on this Agreement must be filed in a court that has jurisdiction in Fort Bend County, Texas.

(b) **Entire Agreement.** This License constitutes the entire understanding between the Parties and supersedes all prior or independent agreements covering the subject matter hereof. Any change or modification hereof shall be in writing and signed by all Parties.

(c) **Subletting or Assignment.** Licensee shall not rent or sub-license the License Area or Property or assign this Agreement without written consent from Licensors. If Licensors conveys the Property to a third party during the term of this Agreement, this Agreement shall automatically be assigned to the new owner, as the Licensors, as of the date the purchase transaction is closed.

(d) **Severability.** If any provision of this Agreement is declared void or illegal by any court or administrative agency having jurisdiction, the remaining provisions shall continue in effect as nearly as possible in accordance with the original intent of the Parties.

(e) **Dispute Resolution Procedures.** If a party disputes any matter relating to this Agreement, the Parties agree to try in good faith, before bringing any legal action, to settle the dispute by submitting the matter to mediation before a third party who will be selected by agreement of the Parties. The Parties will each pay one-half of the mediator's fees.

(f) **Notice.** Any notice given by one party to another in connection with this Agreement will be in writing and will be sent by (i) registered or certified mail, return receipt requested, with postage and registration fees prepaid or (ii) by messenger or hand delivery, as follows:

If to Licensors, addressed to: City of Sugar Land
Attn: City Manager
P. O. Box 110
Sugar Land, Texas 77487-0110

With a copy to: City of Sugar Land
Attn: City Engineer
P.O. Box 110
Sugar Land, Texas 77487-0110

If to Licensee, addressed to: SER Construction Partners, LLC

3636 Pasadena Blvd.


Pasadena, TX 77503

Notices shall be deemed to have been received on the date shown on the receipt, if sent by certified mail, or on the date received, if delivered by hand.

City of Sugar Land

By: _____
Name: _____
Title: _____
Date: _____

SER Construction Partners, LLC

By:  _____
Name: Scott M. Ashmore
Title: Sr Project Manager
Date: February 9, 2024

Approved as to Form:



EXHIBIT A

DEPICTION OF LICENSE AREA

The Exhibit is not necessarily drawn to scale and is included herein solely to aid in the identification of the Property. The Parties to the Temporary License Agreement will mutually agree on the boundaries of the License Area on the Property prior to the commencement of the Agreement.



EXHIBIT B

PLACEMENT OF FILL MATERIAL AREA

The Exhibit is not necessarily drawn to scale and is included herein solely to aid in the identification of the Property. The Parties to the Temporary License Agreement will mutually agree on the boundaries of the Fill Material Area on the Property prior to the commencement of the Agreement.



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City Council Agenda Request

APRIL 2, 2024

AGENDA REQUEST NO: III.J.

AGENDA OF: City Council Meeting

INITIATED BY: *Kimberly Terrell, Interim Director of Parks & Recreation*

PRESENTED BY: *Kimberly Terrell, Interim Director of Parks & Recreation*

RESPONSIBLE DEPARTMENT: Parks and Recreation

AGENDA CAPTION:

Consideration of and action on authorization of a Budget Amendment, in the amount of \$250,000.00, to the General Fund for Special Events.

RECOMMENDED ACTION:

Staff recommends approval of a Budget Amendment in the amount of \$250,000.00 to the General Fund for Special Events.

EXECUTIVE SUMMARY:

The annual festivals and community engagement activities conducted by the Parks and Recreation Department have played a pivotal role in strengthening our community bonds, fostering local pride, and drawing visitors to our city. This year, additional funding is requested to ensure the continued success of these events.

The annual recurring budget allocation in the general fund comprises the following:

- Christmas Tree Lighting (\$50,000)
- Memorial Day Celebration (\$20,000)
- Fall Fest (\$20,000)
- International Art and Kite Festival (\$7,859)

During the previous budget request period, a total of \$290,000 was requested for various

events, consistent with previous funding requests. \$40,000 was funded in the FY24 budget for Red White Boom, which created a funding gap of \$250,000 needed for two of the City's large signature events, International Art and Kite Festival and Red White and Boom, as well as several smaller events that occur throughout the year such as Chess Fest and our Food Truck Fridays.

The \$250,000 events budget allocation is as follows:

- International Art and Kite Festival (\$70,000)
- Red White & Boom (\$160,000)
- Food Truck Events 4-5 (\$10,000)
- Chess Fest (\$10,000)

Staff recommends approval of a Budget Amendment in the amount of \$250,000.00 to the General Fund for Special Events.

BUDGET

EXPENDITURE REQUIRED: 250,000

CURRENT BUDGET: 137,859

ADDITIONAL FUNDING: 250,000

FUNDING SOURCE:General Fund



City Council Agenda Request

APRIL 2, 2024

AGENDA REQUEST NO: III.K.

AGENDA OF: City Council Meeting

INITIATED BY: *Ashley Newsome, Deputy City Secretary*

PRESENTED BY: *Ashley Newsome, Deputy City Secretary*

RESPONSIBLE DEPARTMENT: City Secretary

AGENDA CAPTION:

Consideration of and action on the minutes of the March 19, 2024 and March 26, 2024 meetings.

RECOMMENDED ACTION:

Consider the minutes of the March 19, 2024 and March 26, 2024 meetings.

EXECUTIVE SUMMARY:

Consider the minutes of the March 19, 2024 and March 26, 2024 meetings.

BUDGET

EXPENDITURE REQUIRED: N/A

CURRENT BUDGET: N/A

ADDITIONAL FUNDING: N/A

FUNDING SOURCE:N/A

ATTACHMENTS:

Description	Type
▣ 031924cc_minutes	Other Supporting Documents
▣ 032624cc_minutes	Other Supporting Documents



CITY OF SUGAR LAND

CITY COUNCIL MINUTES

Sugar Land City Hall
2700 Town Center Boulevard North
Sugar Land, Texas 77479

CITY OF SUGAR LAND

TUESDAY, MARCH 19, 2024

CITY COUNCIL MEETING MINUTES

5:30 PM

Council Chamber

I. ATTENTION

- A.** *Members of the City Council, Board and/or Commission may participate in deliberations of posted agenda items through videoconferencing means. A quorum of the City Council, Board and/or Commission will be physically present at the above-stated location, and said location is open to the public. Audio/Video of open deliberations will be available for the public to hear/view, and are recorded as per the Texas Open Meetings Act.*

The meeting will live stream at <https://www.sugarlandtx.gov/1238/SLTV-16-Live-Video> or <https://www.youtube.com/user/SugarLandTXgov/live>. Sugar Land Comcast Cable Subscribers can also tune-in on Channel 16.

QUORUM PRESENT

All members of the City Council were present.

INVOCATION

Councilmember William Ferguson

PLEDGES OF ALLEGIANCE

Councilmember William Ferguson

RECOGNITION

COMMONWEALTH ELEMENTARY

CHILDREN AT RISK

NUMBER ONE ELEMENTARY SCHOOL IN TEXAS

2022-2033

II. PUBLIC COMMENT

Citizens who desire to address the City Council, Board and/or Commission in person with regard to matters on the agenda must complete a "Request to Speak" form and give it to the City Secretary, or designee, prior to the beginning of the meeting.

Each speaker is limited to three (3) minutes, speakers requiring a translator will have six (6) minutes, regardless of the number of agenda items to be addressed. Comments or discussion by the City Council, Board, and/or Commission Members, will only be made at the time the subject is scheduled for consideration.

Disclaimer: The City of Sugar Land reserves the right to remove any individual for comments deemed inappropriate, impertinent, profane, slanderous and/or for not adhering to the public comment rules outlined in this notice.

For questions or assistance, please contact the Office of the City Secretary (281) 275-2730.

The following members of the public addressed the City Council.

1. Amima S., no address provided, spoke in opposition.
2. Tony Alcock, 7010 Eden Cove Ct., spoke in opposition.
3. Iveta Gashparova, no address provided, spoke in opposition.
4. Joanna Lesmeister, no address provided, spoke in opposition.
5. Amina Ishaq, 54 Sugar Creek Center, spoke in opposition.
6. Fatima Rasheed, 715 Elmhurst, spoke in opposition.
7. Andrew Ross, 18 Stretford Court, spoke in opposition.
8. Gerge Font, 4007 St. Michaels Ct., spoke in opposition.
9. Michelle Mikeska, no address provided, spoke in opposition.
10. Romana Ahmed, 11919 Davis Mountains Dr., spoke in opposition.
11. Diane Wright-Lathem, 251 Cedar Elm Lane, spoke in opposition.
12. Charlene Avery, 4523 Topaz Trail, spoke in opposition.
13. Sana Sattar, 715 Elmhurst, spoke in opposition.
14. Christine Galvani, 2926 Fairway Drive, spoke in opposition.
15. Pancy Chung, 2731 Country Club, spoke in opposition.
16. Samceha Rizvi, 17530 Galloug Font Dr., spoke in opposition.
17. Sumita Ghosh, 4607 Keneshaw Ct., spoke in opposition.

III. CONSENT AGENDA

- A.** Consideration of and action on **CITY OF SUGAR LAND RESOLUTION NO. 24-14: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, DESIGNATING INVESTMENT OFFICERS AND AN INVESTMENT PROGRAM MANAGER.**

Jennifer Brown, Director of Special Projects and Jing Xiao, Director of Finance

- B.** Consideration of and action on **CITY OF SUGAR LAND RESOLUTION NO. 24-15: A RESOLUTION OF THE CITY COUNCIL OF THE CITY**

OF SUGAR LAND, TEXAS, ADOPTING THE CITY OF SUGAR LAND INVESTMENT POLICY IN ACCORDANCE WITH THE PUBLIC FUNDS INVESTMENT ACT.

Jennifer Brown, Director of Special Projects and Jing Xiao, Director of Finance

- C. Consideration of and action on **CITY OF SUGAR LAND RESOLUTION NO. 24-16**: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, ADOPTING THE CITY OF SUGAR LAND INVESTMENT STRATEGY IN ACCORDANCE WITH THE PUBLIC FUNDS INVESTMENT ACT.

Jennifer Brown, Director of Special Projects and Jing Xiao, Director of Finance

- D. Consideration of and action on **CITY OF SUGAR LAND RESOLUTION NO. 24-17**: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, AUTHORIZING THE CONTINUANCE OF SECURITIES ACCOUNTS WITH GREAT PACIFIC SECURITIES, RAYMOND JAMES & ASSOCIATES, RICE FINANCIAL PRODUCTS, MULTI-BANK SECURITIES, INC., HILLTOP SECURITIES INC., AND MISCHLER FINANCIAL GROUP; AND THE CONTINUANCE OF AN ACCOUNT WITH WELLS FARGO BROKERAGE SERVICES FOR BROKERED CERTIFICATES OF DEPOSIT.

Jennifer Brown, Director of Special Projects and Jing Xiao, Director of Finance

- E. Consideration of and action on **CITY OF SUGAR LAND RESOLUTION NO. 24-18**: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, APPROVING A CHANGE OF THE INDIVIDUALS AUTHORIZED TO ACT ON BEHALF OF THE CITY IN CERTAIN TRANSACTIONS IN THE TEXAS LOCAL GOVERNMENT INVESTMENT POOL.

Jennifer Brown, Director of Special Projects and Jing Xiao, Director of Finance

- F. Consideration of and action on authorization of a Contract with New Territory Residential Community Association, Inc., in the amount of \$75,000.00, for a play structure at 6000 Walkers Park, utilizing the Sugar Land 4B Corporation Fostering Unique Neighborhoods Grant Program.

Emily Moore, Community Development Coordinator

- G. Consideration of and action on authorization of a Contract with Tanches Global Management, Inc., in the amount of \$175,590.00 through Texas Department of Information Resources Contract No. DIR-TSO-4288, for VMware license renewal and support; and authorization of a Budget Amendment in the amount of \$140,000.00 to revenues and expenditures.

Robert Bowman, IT Operations Manager

H. Consideration of and action on the minutes of the March 5, 2024 meeting.

Ashley Newsome, Deputy City Secretary

A motion to **Approve**, Item III-H, Approval of consent agenda items A through H., was made by Carol McCutcheon and seconded by Naushad Kermally, the motion **Passed**.

Ayes: Ferguson, Jacobson, Kermally, Lane, McCutcheon, Whatley, Zimmerman

IV. PUBLIC HEARINGS

A. **PUBLIC HEARING 5:30 P.M.:** Receive and hear all persons desiring to be heard on a:

1. **Proposed Amendment to the Sugar Land Development Code** Tables 2-71.1 and 2-91.1 amending the Land Use Matrices for Residential and Non-Residential Land Uses.
2. **Proposed Amendment to Ordinances** 1430, 1676, 1683, 1812, 1826, 1850, 1904, 1905, 1926, 1936, 2041, 2081, 2118, 2259, 2291, 2297 removing SIC 5993 Tobacco Stores and Stands and Ordinance 2307 removing Tobacco and Hookah Retail Store as allowed uses. This is to align with recent modifications to the Code of Ordinance Ch. 3 Art. VIII which further limited smoking in public places and took affect Dec. 31, 2023.

Laura Waller, Senior Planner

Laura Waller, Senior Planner gave a presentation, made comments and answered questions from the Council.

Mayor Zimmerman opened the Public Hearing at 6:42 p.m.

No member of the public appeared in favor or opposition.

Mayor Zimmerman closed the Public Hearing at 6:42p.m.

V. ORDINANCES AND RESOLUTIONS

A. **FIRST CONSIDERATION:** Consideration of and action on **CITY OF SUGAR LAND ORDINANCE NO. 2333:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICTS ADOPTED BY ORDINANCE NUMBERS 1430, 1676, 1683, 1812, 1826, 1850, 1904, 1905, 1926, 1936, 2041, 2081, 2118, 2259, 2291, 2297, AND 2307 BY REMOVING SIC 5993 AND TOBACCO, HOOKAH, AND VAPOR RETAIL STORES AS A PERMITTED LAND USE.

Laura Waller, Senior Planner

Laura Waller, Senior Planner, gave a presentation, made comments and answered questions from the Council.

A motion to **Approve**, Item V-A, Approval of Ordinance 2333., was made by Naushad Kermally and seconded by Jennifer Lane, the motion **Passed**.

Ayes: Ferguson, Jacobson, Kermally, Lane, McCutcheon, Whatley, Zimmerman

- B. FIRST CONSIDERATION:** Consideration of and action on **CITY OF SUGAR LAND ORDINANCE NO. 2334**: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, AMENDING THE SUGAR LAND DEVELOPMENT CODE BY REVISING THE RESIDENTIAL AND NON-RESIDENTIAL LAND USES MATRICES FOUND IN TABLES 2-71.1 AND 2-91.1 BY CONSOLIDATING AND CLARIFYING CERTAIN LAND USES, STANDARDIZING CONDITIONAL USE PERMIT CONDITIONS, REMOVING TOBACCO, HOOKAH, AND VAPOR RETAIL STORES AS A LAND USE, AND PROHIBITING THE EXPANSION OF EXISTING TOBACCO, HOOKAH, AND VAPOR RETAIL STORES.

Laura Waller, Senior Planner

Laura Waller, Senior Planner, gave a presentation, made comments and answered questions from the Council.

A motion to **Approve**, Item V-B, Approval of Ordinance 2334, was made by Jennifer Lane and seconded by Naushad Kermally, the motion **Passed**.

Ayes: Ferguson, Jacobson, Kermally, Lane, McCutcheon, Whatley, Zimmerman

- C. FIRST CONSIDERATION:** Consideration of and action on **CITY OF SUGAR LAND ORDINANCE NO. 2336**: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, PROHIBITING THE USE OF DESIGNATED GROUNDWATER FROM BENEATH CERTAIN PROPERTY LOCATED AT 810 INDUSTRIAL BOULEVARD, SUGAR LAND, TEXAS, AND SUPPORTING CERTIFICATION OF A MUNICIPAL SETTING DESIGNATION BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY; PROVIDING A PENALTY CLAUSE; AND PROVIDING A SEVERABILITY CLAUSE.

Katie Clayton, Director of Utilities

Katie Clayton, Director of Utilities gave a presentation, made comments, answered questions from the Council.

A motion to **Approve**, Item V-C, The approval of First Reading of Ordinance No. 2336, was made by Suzanne Whatley and seconded by Stewart Jacobson, the motion **Passed**.

Ayes: Ferguson, Jacobson, Kermally, Lane, McCutcheon, Whatley, Zimmerman

- D. FIRST CONSIDERATION:** Consideration of and action on **CITY OF SUGAR LAND ORDINANCE NO. 2330:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, AMENDING CHAPTER 2, ARTICLE 5, DIVISION 4 OF THE CODE OF ORDINANCES TO ADD A DANGEROUS DOG RENEWAL FEE, AN AGGRESSIVE DOG FEE AND A STERILIZATION FEE, AMENDING CHAPTER 3, ARTICLE 2 OF THE CODE OF ORDINANCES BY REVISING THE DANGEROUS DOG PROVISIONS, BY ESTABLISHING A COMMUNITY CAT PROGRAM, AND OTHER AMENDMENTS RELATED THEREOF.

Cindy King, Animal Services Manager

Cindy King, Animal Services Manager, gave a presentation, made comments and answered questions from the Council.

Mayor Zimmerman and Council members voted to table the approval of the First Reading of Ordinance No. 2330 to the next meeting on April 2, 2024.

A motion to **Approve**, Item V-D, Approval to table the First Reading of Ordinance No. 2330 to the next meeting on April 2, 2024., was made by Joe Zimmerman and seconded by Naushad Kermally, the motion **Passed**.

Ayes: Ferguson, Jacobson, Kermally, Lane, McCutcheon, Whatley, Zimmerman

- E.** Consideration of and action on **CITY OF SUGAR LAND RESOLUTION NO. 24-10:** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, ESTABLISHING A LEGISLATIVE CITIZEN TASK FORCE AND THE ROLES AND RESPONSIBILITIES OF THE TASK FORCE.

Rick Ramirez, Intergovernmental Relations Manager

Rick Ramirez, Intergovernmental Relations Manager gave a presentation, made comments and answered questions from the Council.

A motion to **Approve**, Item V-E, Approval of Resolution No. 24-10., was made by Suzanne Whatley and seconded by Carol McCutcheon, the motion **Passed**.

Ayes: Ferguson, Jacobson, Kermally, Lane, McCutcheon, Whatley, Zimmerman

VI. WORKSHOP

- A.** Review of and discussion on the 2023 Smart Financial Centre at Sugar Land Annual Report.

Elyse Scally, General Manager - Smart Financial Centre and Jessica Huble, Assistant Director of Community Planning and Redevelopment

Jessica Huble, Assistant Director of Community Planning and Redevelopment, introduced Elyse Scally, General Manager - Smart Financial Centre to the Council.

Elyse Scally, General Manager - Smart Financial Centre, gave a presentation, made comments and answered question from the Council.

This item was moved up on the agenda and was presented before the public comment.

VII. CITY COUNCIL CITY MANAGER REPORTS

A. City Council Member Reports

- Community Events Attended or Scheduled

B. City Manager Report

- Community Events Attended or Scheduled
- Other Governmental Meetings Attended or Scheduled
- Council Meeting Schedule

Michael Goodrum, City Manager did not have a report to present.

VIII. ADJOURNMENT

A motion to **Approve** was made by Carol McCutcheon and seconded by Joe Zimmerman, the motion **Passed**.

Ayes: Ferguson, Jacobson, Kermally, Lane, McCutcheon, Whatley, Zimmerman

Ashley Newsome, Deputy City Secretary





CITY OF SUGAR LAND

CITY COUNCIL MINUTES

Sugar Land City Hall
2700 Town Center Boulevard North
Sugar Land, Texas 77479

CITY OF SUGAR LAND

TUESDAY, MARCH 26, 2024

CITY COUNCIL MEETING MINUTES

5:30 PM

Council Chamber

I. ATTENTION

- A.** *Members of the City Council, Board and/or Commission may participate in deliberations of posted agenda items through videoconferencing means. A quorum of the City Council, Board and/or Commission will be physically present at the above-stated location, and said location is open to the public. Audio/Video of open deliberations will be available for the public to hear/view, and are recorded as per the Texas Open Meetings Act.*

The meeting will live stream at <https://www.sugarlandtx.gov/1238/SLTV-16-Live-Video> or <https://www.youtube.com/user/SugarLandTXgov/live>. Sugar Land Comcast Cable Subscribers can also tune-in on Channel 16.

QUORUM PRESENT

All the member of City Council were present.

INVOCATION

Councilmember Jennifer Lane

PLEDGES OF ALLEGIANCE

Councilmember Jennifer Lane

II. PUBLIC COMMENT

Citizens who desire to address the City Council, Board and/or Commission in person with regard to matters on the agenda must complete a "Request to Speak" form and give it to the City Secretary, or designee, prior to the beginning of the meeting.

Each speaker is limited to three (3) minutes, speakers requiring a translator will have six (6) minutes,

regardless of the number of agenda items to be addressed. Comments or discussion by the City Council, Board, and/or Commission Members, will only be made at the time the subject is scheduled for consideration.

Disclaimer: The City of Sugar Land reserves the right to remove any individual for comments deemed inappropriate, impertinent, profane, slanderous and/or for not adhering to the public comment rules outlined in this notice.

For questions or assistance, please contact the Office of the City Secretary (281) 275-2730.

The following public speakers addressed the Council.

- Sarahy Garcia, no address provided, did not speak in favor or in opposition of the agenda item.
- Manal, no address provided, did not speak in favor or in opposition of the agenda item.
- Michelle Mikeska, no address provided, did not speak in favor or in opposition of the agenda item.
- Romana Ahmed, 11919 Davis Mountain Dr., did not speak in favor or in opposition of the agenda item.
- Iveta Gashparova, no address provided, did not speak in favor or in opposition of the agenda item.
- Amina Ishaq, 54 Sugar Creek Center, did not speak in favor or in opposition of the agenda item.

III. ORDINANCES AND RESOLUTIONS

- A. FIRST CONSIDERATION:** Consideration of and action on **CITY OF SUGAR LAND ORDINANCE NO. 2338: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES BY ADDING A NEW SCHOOL ZONE.**

Brian Butscher, Executive Director of Public Works

Brian Butscher, Executive Director of Public Works, gave a presentation, made comments and answered questions from the Council.

A motion to **Approve**, Item III-A, The approval of the First Reading of Ordinance No. 2338, amending Chapter 5-127 of the Code of Ordinances by adding a New School Zone for the Harmony Charter School located on FM1876., was made by Suzanne Whatley and seconded by Carol McCutcheon, the motion **Passed**.

Ayes: Ferguson, Jacobson, Kermally, Lane, McCutcheon, Whatley, Zimmerman

- B. Consideration of and action on CITY OF SUGAR LAND RESOLUTION NO. 24-20: A RESOLUTION OF THE CITY COUNCIL OF CITY OF SUGAR LAND, TEXAS, SUSPENDING THE APRIL 10, 2024 EFFECTIVE DATE OF CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC'S REQUESTED RATE CHANGE TO PERMIT THE**

CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING CONTINUED COOPERATION WITH THE GULF COAST COALITION OF CITIES; HIRING LLOYD GOSSELINK ATTORNEYS AND CONSULTING SERVICES TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; REQUIRING REIMBURSEMENT OF CITIES' RATE CASE EXPENSES; AND REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL FOR THE GULF COAST COALITION OF CITIES.

Meredith Riede, City Attorney

Meredith Riede, City Attorney, gave a presentation, made comments and answered questions from the Council.

Mayor Zimmerman recused himself from this item at 5:53 p.m.

A motion to **Approve**, Item III-B, The approval of Resolution 24-20 suspending CenterPoint's requested rate increase., was made by Stewart Jacobson and seconded by William Ferguson, the motion **Passed**.

Ayes: Ferguson, Jacobson, Kermally, Lane, McCutcheon, Whatley

Abstain: Zimmerman

IV. WORKSHOP

A. Review of and discussion on the Police Department 2023 Annual Report.

Mark Poland, Chief of Police

Mark Poland, Chief of Police, gave a presentation, made comments and answered questions from the Council.

V. CITY COUNCIL CITY MANAGER REPORTS

A. City Council Member Reports

- Community Events Attended or Scheduled

Mayor Zimmerman and Council Members gave comments and reported on events and activities attended.

B. City Manager Report

- Community Events Attended or Scheduled
- Other Governmental Meetings Attended or Scheduled
- Council Meeting Schedule

Michael Goodrum, City Manager, gave comments and reported on events and activities attended.

VI. ADJOURNMENT

Ashley Newsome, Deputy City Secretary





City Council Agenda Request

APRIL 2, 2024

AGENDA REQUEST NO: IV.A.

AGENDA OF: City Council Meeting

INITIATED BY:

Ruth Lohmer, AICP

Assistant Director, Community Planning & Redevelopment

PRESENTED BY:

Ruth Lohmer, Assistant Director, Community Planning & Redevelopment

RESPONSIBLE DEPARTMENT: Community Planning & Redevelopment

AGENDA CAPTION:

Consideration of and action on **CITY OF SUGAR LAND RESOLUTION NO. 24-19**: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, GIVING ITS CONSENT FOR FORT BEND MUNICIPAL UTILITY DISTRICT NO. 128 TO ANNEX APPROXIMATELY 0.17 ACRES OF LAND INTO THE DISTRICT.

RECOMMENDED ACTION:

Approval of Resolution 24-19 consenting to the annexation of 0.17 acres into Fort Bend County MUD 128.

EXECUTIVE SUMMARY:

The purpose of this agenda item is to review and consider Resolution 24-19, giving consent to Fort Bend Municipal Utility District No. 128 (FBMUD 128) to annex approximately 0.17 acres of land into the district. FBMUD 128 encompasses and serves the Riverstone development in Sugar Land's ETJ.

On June 20, 2023, the City Council approved Amendment No. 4 to the Development

Agreement for the Riverstone development. The amendment authorized development of approximately six acres at the northeast corner of University Blvd and Cabrera Dr (Cabrera Tract) as Urban Homes on private streets. The amendment required that all of the Cabrera Tract be annexed into FBMUD 128 prior to platting of the property.

A small portion of the Cabrera tract was not included in the original FBMUD 128 boundaries; it was part of an Exxon drill site out tract. Though the developer acquired the property and eventually sold most of it for development (most of the out tract is in the existing Kroger parking lot), it was never annexed into the MUD. In order to provide future logical boundaries upon City annexation of the MUD, the agreement required the portion of the out tract that is within the Cabrera tract be annexed into FBMUD 128 prior to platting.

The developer has prepared a plat for the six acre tract. FBMUD 128 is therefore requesting annexation of the 0.17 acre out tract in order to meet the Development Agreement obligation of annexing all of the Cabrera tract prior to platting.

Staff recommends approval of Resolution 24-19, giving consent to Fort Bend Municipal Utility District No. 128 (FBMUD 128) to annex approximately 0.17 acres of land into the district.

BUDGET

EXPENDITURE REQUIRED: N/A

CURRENT BUDGET: N/A

ADDITIONAL FUNDING: N/A

FUNDING SOURCE:N/A

ATTACHMENTS:

Description	Type
▣ Resolution 29-14	Resolutions
▣ Fourth Amendment to Riverstone Development Agreement	Other Supporting Documents
▣ Update 4.1.24 - Exhibit A	Other Supporting Documents

RESOLUTION 24-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, GIVING ITS CONSENT FOR FORT BEND MUNICIPAL UTILITY DISTRICT NO. 128 TO ANNEX APPROXIMATELY 0.17 ACRES OF LAND INTO THE DISTRICT.

WHEREAS, Fort Bend Municipal Utility District No. 128 (the “District”) was duly created on January 17, 2006, under the authority of Article XVI, Section 59, of the Texas Constitution, and is governed by the provisions of Chapters 49 and 54 of the Texas Water Code; and

WHEREAS, the City of Sugar Land, Texas (the “City”) has received a petition dated February 6, 2024, attached hereto as Exhibit A and made a part of for all purposes, requesting that the City give its consent to allow the District to annex approximately 0.17 acres of land into the District; and

WHEREAS, the general nature of the work (the “Work”) to be done in the area sought to be annexed into the District is the construction, acquisition, maintenance and operation of a waterworks and sanitary sewer system, road facilities, and parks and recreational facilities; **NOW THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS:

Section 1. That it gives its written consent for Fort Bend Municipal Utility District No. 128 to annex approximately 0.17 acres of land described in the attached Exhibit A (the “Property”).

Section 2. That all plans and specifications for construction of the Work and all appurtenant facilities within the Property be submitted to the City for review and approval and are subject to the City’s subdivision regulations.

PASSED AND APPROVED ON _____, 2024

Joe R. Zimmerman, Mayor

ATTEST:

APPROVED AS TO FORM:



Ashley Newsome, Deputy City Secretary



CERTIFICATE OF AMENDMENT NO. 4

I, the undersigned, do hereby certify:

1. I am the duly elected and acting Vice President of Hillsboro Estates, L.L.C., a Texas limited liability company.

2. Attached hereto as Exhibit "A" is a true and correct copy of "Amendment No. 4 to Development Agreement by and between The City of Sugar Land, Texas, and Hillsboro Estates, L.L.C., Sugar Land Ranch Development, L.L.C., Sugar Land Ranch Development II Corp., Taylor Morrison of Texas, Inc., and Fort Bend County Levee Improvement District No. 15".

IN WITNESS WHEREOF, I have hereunto subscribed my name on this 22 day of January, 2024

HILLSBORO ESTATES, L.L.C.,
a Texas limited liability company

By: *FW Reichert, III*

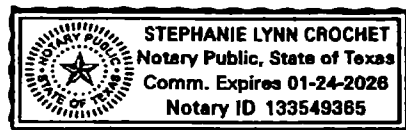
FW Reichert, III,
Vice President

THE STATE OF TEXAS §
§
COUNTY OF FORT BEND §

This instrument was acknowledged on this 22nd day of January, 2024 by FW Reichert, III, Vice President to Hillsboro Estates, L.L.C., a Texas limited liability company.

[Seal]

Stephanie Crochet
Notary Public—State of Texas



003684.000000\4858-5281-0911.v1

EXHIBIT "A"

[See Following Pages]

003684.000000\4858-5281-0911.v1

**AMENDMENT NO. 4
TO DEVELOPMENT AGREEMENT BY AND
BETWEEN THE CITY OF SUGAR LAND,
TEXAS,
AND HILLSBORO ESTATES, L.L.C.
SUGAR LAND RANCH DEVELOPMENT, L.L.C.,
SUGAR LAND RANCH DEVELOPMENT II CORP.,
TAYLOR MORRISON OF TEXAS, INC., AND
FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 15**

This Amendment No. 4 to the Development Agreement By and Between the City of Sugar Land, Texas and Hillsboro Estates, L.L.C. and Sugar Land Ranch Development, L.L.C. (Amendment No. 4) is made and entered into by and among:

- (1) City of Sugar Land, Texas (the "City"), a municipal corporation in Fort Bend County, Texas;
- (2) Hillsboro Estates, L.L.C., a Texas limited liability company;
- (3) Sugar Land Ranch Development, L.L.C., a Texas Limited liability company;
- (4) Sugar Land Ranch Development II Corp., a Texas corporation;
- (5) Taylor Morrison of Texas, Inc., a Texas corporation; and
- (6) Fort Bend County Levee Improvement District No. 15 (the "District").

(Collectively, Hillsboro Estates, L.L.C., Sugar Land Ranch Development, L.L.C., Sugar Land Ranch Development II Corp., and Taylor Morrison of Texas, Inc. are the "Developers").

RECITALS:

WHEREAS, the City and Sugar Land Ranch Development, L.L.C., and Hillsboro Estates, L.L.C. (the "Original Developers"), entered into that certain Development Agreement By and Between the City of Sugar Land, Texas, and Hillsboro Estates, L.L.C. and Sugar Land Ranch Development L.L.C., effective February 18, 2003 (Development Agreement); and

WHEREAS, on July 28, 2006 Sugar Land Ranch Development, L.L.C. conveyed 10.4214 acres of the Property to Sugar Land Ranch Development II Corp. as shown in the special warranty deed recorded at Clerk's File No. 2006092798 in the official public records of Fort Bend County, Texas (SLR Deed); and

WHEREAS, on July 28, 2006 Hillsboro Estates, L.L.C. conveyed 597.7707 acres of the Property to Sugar Land Ranch Development II Corp. as shown in the special warranty deed recorded at Clerk's File No. 2006092799 in the official public records of Fort Bend County, Texas (Hillsboro Deed); and

WHEREAS, on January 22, 2009, dated to be effective July 28, 2006, Sugar Land Ranch Development, L.L.C. and Hillsboro Estates, L.L.C. assigned their rights and obligations under the Development Agreement to Sugar Land Ranch Development II Corp. as to the real property covered by the SLR Deed and the Hillsboro Deed, a copy of which is recorded at Clerk's File No. 2009005616 in the official public records of Fort Bend County, Texas; and

WHEREAS, the City, the Original Developers, Sugar Land Ranch Development II Corp., and the District entered into Amendment No. 1 to Development Agreement By and Between the City of Sugar Land, Texas, and Hillsboro Estates, L.L.C. and Sugar Land Ranch Development, L.L.C. (University Boulevard), effective July 29, 2009 (Amendment No. 1); and

WHEREAS, the City, the Original Developers, Sugar Land Ranch Development II Corp., and the District entered into Amendment No. 2 to Development Agreement by and Between the City of Sugar Land, Texas, and Hillsboro Estates, L.L.C. and Sugar Land Ranch Development, L.L.C., effective September 20, 2011 (Amendment No. 2); and

WHEREAS, by Special Warranty Deed recorded at Clerk's File No. 2011063859 of the Fort Bend County Official Public Records (Taylor Morrison Deed #1), Sugar Land Ranch Development, L.L.C. conveyed to Taylor Morrison of Texas, Inc. 110.51 acres of land; and

WHEREAS, by Partial Assignment of Development Agreement recorded at Clerk's File No. 2011063861, Sugar Land Ranch Development, L.L.C., as Assignor, assigned to Taylor Morrison of Texas, Inc. all Assignor's rights and obligations under the Development Agreement as to the real property covered by Taylor Morrison Deed #1; and

WHEREAS, by Special Warranty Deed recorded at Clerk's File No. 2012146390 of the Fort Bend County Official Public Records (Taylor Morrison Deed #2), Sugar Land Ranch Development L.L.C. and Hillsboro Estates, L.L.C. conveyed to Taylor Morrison of Texas, Inc. 575.02 acres of land; and

WHEREAS, by Partial Assignment of Development Agreement recorded at Clerk's File No. 2012147316, Sugar Land Ranch Development, L.L.C. and Hillsboro Estates, L.L.C., collectively, as Assignor, assigned to Taylor Morrison of Texas, Inc. all Assignor's rights and obligations under the Development Agreement as to the real property covered

by Taylor Morrison Deed #2; and

WHEREAS, by Special Warranty Deed recorded at Clerk's File No. 2012148335 of the Fort Bend County Official Public Records (Taylor Morrison Deed #3), Sugar Land Ranch Development L.L.C. conveyed to Taylor Morrison of Texas, Inc. 73.68 acres of land; and

WHEREAS, by Special Warranty Deed recorded at Clerk's File No. 2012148335 of the Fort Bend County Official Public Records (Taylor Morrison Deed #3), Sugar Land Ranch Development L.L.C. conveyed to Taylor Morrison of Texas, Inc. 73.68 acres of land; and

WHEREAS, by Partial Assignment of Development Agreement recorded at Clerk's File No. 2012148337, Sugar Land Ranch Development, L.L.C., as Assignor, assigned to Taylor Morrison of Texas, Inc. all Assignor's rights and obligations under the Development Agreement as to the real property covered by Taylor Morrison Deed #3; and

WHEREAS, City, the Developers, and the District entered into Amendment No. 3 to Development Agreement By and Between the City, Hillsboro Estates, L.L.C., Sugar Land Ranch Development II Corp., Taylor Morrison of Texas, Inc., and Fort Bend Levee Improvement District No. 15; and

WHEREAS, the Development Agreement required the Developers design an intersection connecting LJ Parkway to Commonwealth and submit the design and construction plans to City Council for approval of the connections; and

WHEREAS, section 3.10, as amended by Amendment No. 2, required the connection of LJ Parkway to Commonwealth occur at the intersection of Commonwealth and Palm Royale, and that this intersection was to be signalized upon the triggering of a number of events; and

WHEREAS, as a result of a 2012 Riverstone Connection Study, it was determined that the proposed connection should occur approximately 600 feet north of Palm Royale and should be constructed as a roundabout rather than a signalized intersection; and

WHEREAS, section 3.10, as amended by Amendment No. 2, required a traffic signal to be installed and in use at the intersection of Commonwealth and Austin Parkway, the earlier of (i) the level of service at the intersection dropping below "D" per the Highway Capacity Manual; or (ii) December 31, 2015; and

WHEREAS, the Commonwealth / Austin Parkway traffic signal was not constructed as required by Amendment No. 2, and the parties acknowledge that the level of service at the

Commonwealth / Austin Parkway intersection requires the construction of a traffic signal or roundabout; and

WHEREAS, Hillsboro and Sugar Land Ranch Development II Corp. (collectively, “Hillsboro”) wish to amend the development standards for a certain 6-acre site designated as the “Cabrera” site; and

WHEREAS, City, the Developers, and the District wish to enter this Amendment No. 4 to modify the Development Agreement to as described below;

NOW, THEREFORE, in consideration of the additional benefits to accrue to each party, the City, the Developers, and the District agree as follows:

AGREEMENT:

Section 1. That section 3.10, as amended by Amendment No. 2, is renamed to

Section 3.10 Construction of Roadway Improvements

Section 2. That the Intersection/Streets numbered 1, 2, and 5 as detailed in section 3.10 as stated in Amendment No. 2 are amended as follows:

Riverstone TIA Requirements			
Intersection / Street		Mitigation to be Constructed	Responsible Party
1	Commonwealth @ Austin Parkway	Roundabout or Signalized Intersection	The City will conduct a traffic study to determine if a signalized intersection is sufficient to handle the traffic volume or if a roundabout is needed. The City will provide Hillsboro with a copy of the traffic study and an engineer’s estimate of design and construction costs. Within 60 days of receiving the traffic study and the engineer’s estimate, Hillsboro will deposit 50% of the engineer’s construction cost estimate, 50% of the estimated design costs, plus a 10% contingency in an escrow

			account to be drawn down by City during construction. Hillsboro and City agree that each is responsible for 50% of the cost of design and construction and that a true up will occur upon acceptance of the improvement. Hillsboro will be entitled to any balance remaining in the escrow account if construction comes under the estimate and will be required to reimburse the City for 50% of any costs that exceed the engineer's estimate that are not covered in the 10% contingency.
2	Commonwealth @ Palm Royale	Requirement deleted	
5	LJ Parkway	Roundabout connection of LJ Parkway to Commonwealth	Requirement completed by Developers

Section 3. The development standards contained in the Development Agreement are amended for lots located on the Cabrera Site as follows:

Lot types (urban patio home and urban lots) can be interchanged as long as the overall street system and lot layout are consistent with Exhibits A and B to this Amendment.

A. Urban Patio Home Lots

1. Minimum Lot Width: 30 feet
2. Minimum Lot Depth: 95 feet
3. Front Building Line: 20 feet
4. Side Building Line: 0/5 feet
5. Minimum Lot Size: 2,800 sq. feet
6. Maximum Lot Coverage: 75%
7. Maximum Building Height: 45 feet

Section 4. Private streets are permitted within the Cabrera Site. Construction of any

private street shall be in accordance with the City standards contained in the Development Code and the Design Standards. Monitoring and reporting of street conditions shall be in accordance with the Development Code requirements for private streets as shown in Exhibit B, attached.

Section 5. Prior to platting, the Cabrera property must be annexed into Fort Bend County MUD 128.

Section 6. This Amendment No. 4 is for the sole and exclusive benefit of the Developers, the District, and the City and does not confer any benefit or right upon any other person.

Section 7. This Amendment No. 4 and any of the rights obtained hereunder may not be assigned by the Developers without the written consent of the City.

Section 8. Each party represents that execution and delivery of this Amendment No. 4 by it has been duly authorized by its governing body or other persons from whom such party is legally bound to obtain authorization.

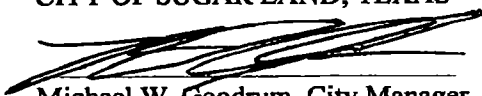
Section 9. Except as expressly amended hereby, the Development Agreement, Amendment No. 1, Amendment No. 2, and Amendment No. 3 remain in full force and effect.

Exhibit A: Overall Exhibits

Exhibit B: Private Street Cross Section Exhibits


IN WITNESS WHEREOF, the City, the Developers, and the District have executed this Amendment No. 4 in multiple counterparts, each of which shall be deemed to be an original, as of the latest of the dates executed by all parties.

CITY OF SUGAR LAND, TEXAS

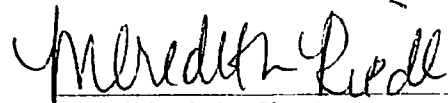

Michael W. Goodrum, City Manager

Date: 6-22-23


ATTEST:


Natalic Serrano, Interim City Secretary


APPROVED AS TO FORM:


Meredith Riede, City Attorney

HILLSBORO ESTATES, L.L.C.,
A Texas limited liability company

By: 
Name: FW Reichert III
Title: Vice President
Date signed: 6/7/2023

SUGAR LAND RANCH DEVELOPMENT,
L.L.C., a Texas limited liability company

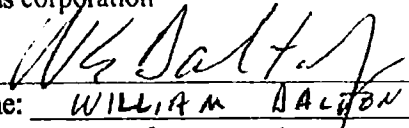
By: 

Name: FW Reichert III

Title: Vice President

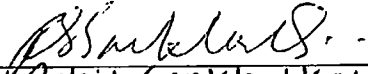
Date signed: 6/7/2023

TAYLOR MORRISON OF TEXAS, INC. a
Texas corporation

By: 
Name: WILLIAM M DALTON
Title: VICE PRESIDENT
Date signed: 6-9-23

Page 9

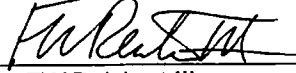
FORT BEND COUNTY LEVEE
IMPROVEMENT DISTRICT NO. 15

By: 
Name: Rohit Sankholkar
Title: President
Date signed: 7/17/2023

ATTEST:

Secretary, Board of Directors

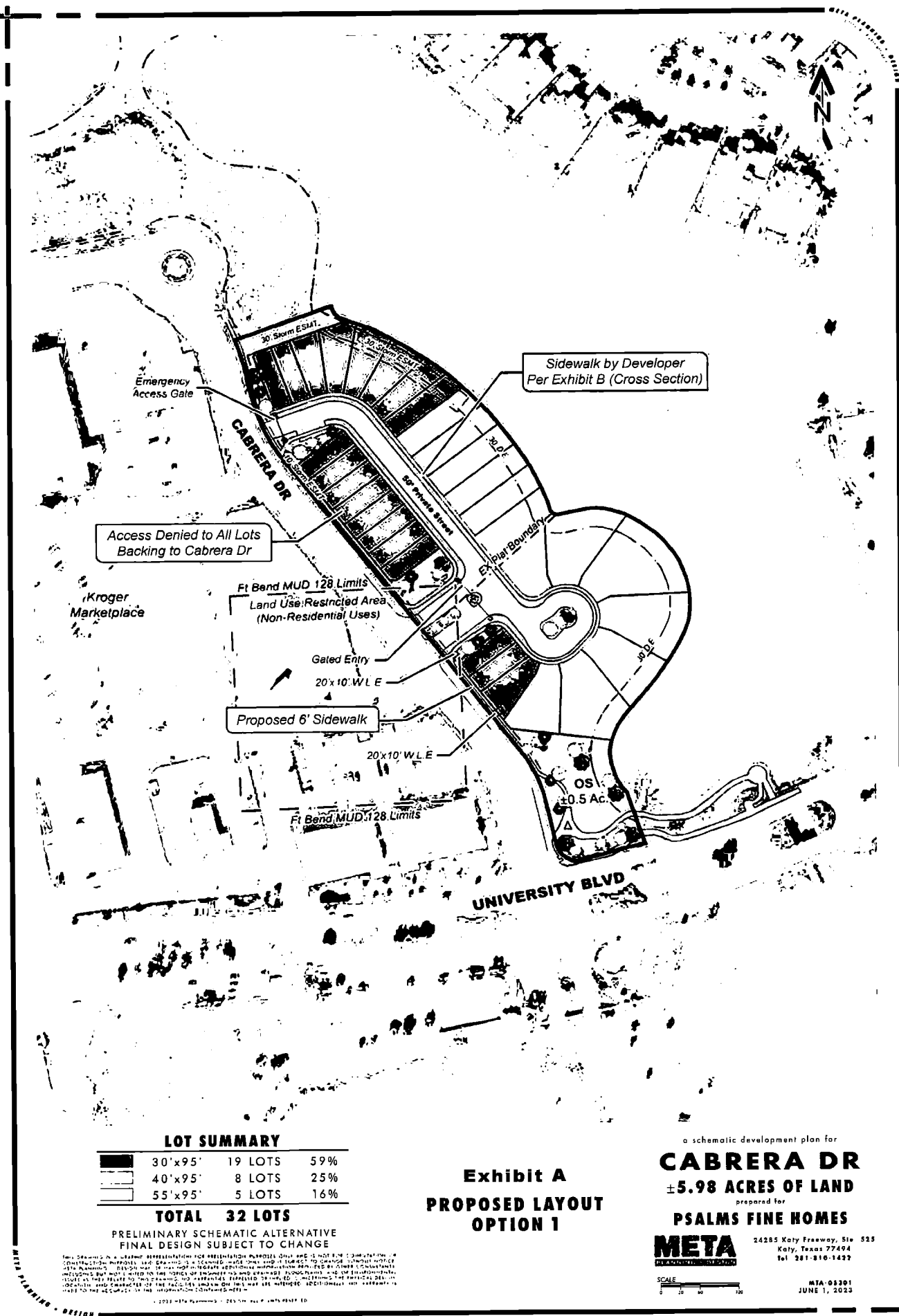
SUGAR LAND RANCH
DEVELOPMENT II CORP.,
a Texas limited liability company

By: 

Name: FW Reichert III

Title: Vice President

Date signed: 6/7/2023



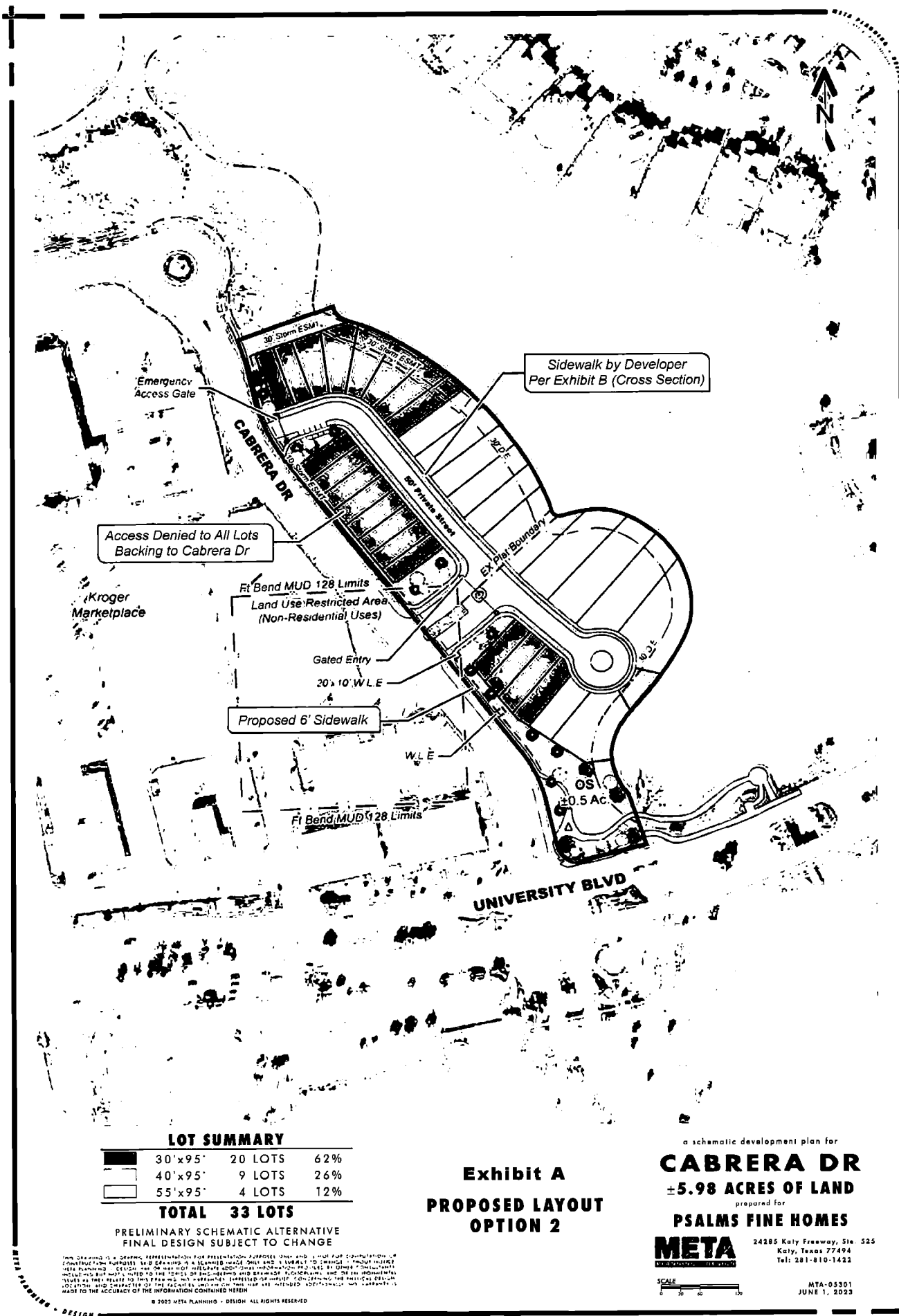


Exhibit B: Private Street Cross Section Exhibit

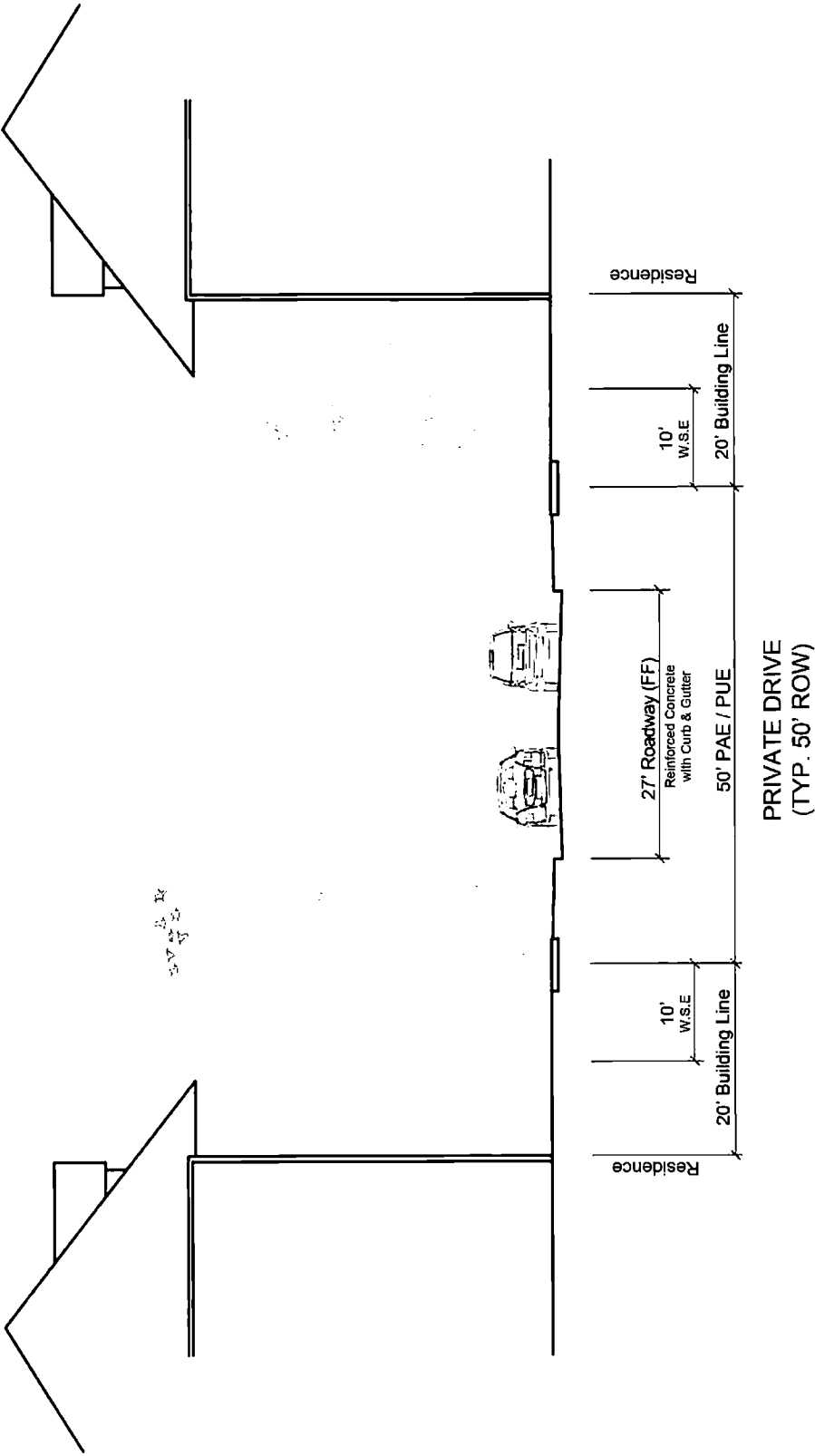


EXHIBIT A

Page 1 of 2 Pages

County: Fort Bend
Project: Riverstone- FBCMUD NO. 128 Annexation tract
C.I. No.: 1127-23
Job Number: 2022063-20

METES AND BOUNDS FOR 0.17 ACRES

Being a 0.17-acre tract of land located in the William Little Survey, A-54 in Fort Bend County, Texas; said 0.17-acre tract being a portion of a called 2.75-acre tract of land recorded in Clerk's File Number 2015122430 of the Official Records of Fort Bend County (O.R.F.B.C.) and a portion of Reserve "D-1" of The Village at Riverstone Reserve "D" Minor Replat, a subdivision recorded in Plat Number 20180212 of the Fort Bend County Plat Records (F.B.C.P.R.); said 0.17-acre tract being more particularly described by metes and bounds as follows (all bearings are based on the Texas Coordinate System, South Central Zone and referenced to the northwest line of said Reserve "D-1"):

Commencing at a 5/8-inch iron rod with cap stamped "COSTELLO INC" found at the most southerly corner of said Reserve "D-1" and most westerly corner of Reserve "D-2" of said Replat, same being on the northeast Right-of-Way (R.O.W.) line of Cabrera Drive as recorded in Plat Number 20160265 of the F.B.C.P.R.;

Thence, with said R.O.W. line, North 37 degrees 32 minutes 04 seconds West, a distance of 32.24 feet to the **Point of Beginning** of the herein described tract;

1. Thence, continuing with said R.O.W. line, North 37 degrees 32 minutes 04 seconds West, a distance of 178.72 feet;
2. Thence, with the northerly line of aforesaid 2.75-acre tract, North 87 degrees 22 minutes 35 seconds East, a distance of 102.28 feet;
3. Thence, with the easterly line of said 2.75-acre tract and through aforesaid Reserve "D-1", South 02 degrees 37 minutes 25 seconds East, a distance of 146.56 feet to the **Point of Beginning** and containing 0.17 acres of land.



S:\NEW\Riverstone\2022063 CABRERA LOOP 6 ACRE SURVEY\020-exhibit\112723.dgn
6/12/2023 1:28:58 PM

