

YOLANDA FORD

Mayor

VASHAUNDRA EDWARDS

Councilmember at Large Position No. 1

CHRIS PRESTON

Mayor Pro Tem

Councilmember at Large Position No. 2



REGINALD PEARSON

Councilmember District A

JEFFREY L. BONEY

Councilmember District B

ANTHONY G. MAROULIS

Councilmember District C

FLOYD EMERY

Councilmember District D

CITY COUNCIL MEETING AGENDA

Notice is hereby given of a meeting of the City Council of Missouri City to be held on **Monday, April 15, 2019, at 7:00 p.m.** at: **City Hall, Council Chamber, 2nd Floor**, 1522 Texas Parkway, Missouri City, Texas, 77489, for the purpose of considering the following agenda items. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. PRESENTATIONS AND RECOGNITIONS

- (a) Presentation of a check by the Edison Arts Foundation to the Missouri City Parks Foundation.
- (b) Recognize Sergeant Daryl Smith on his retirement and over 27 years of service with the City of Missouri City.
- (c) Proclaim the month of April as "Bicycle Appreciation Month" in the City of Missouri City, Texas.

4. PUBLIC COMMENTS

An opportunity for the public to address City Council on agenda items or concerns not on the agenda—those wishing to speak must complete the orange comment card, present the comment card to the City Secretary prior to the beginning of the meeting, and observe a three-minute time limit.

5. STAFF REPORTS

- (a) City Manager announcements.

6. CONSENT AGENDA

All consent agenda items listed are considered routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a councilmember so requests; in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda. Information concerning consent agenda items is available for public review.

- (a) Consider approving the minutes of the special and regular City Council meetings of April 1, 2019.

7. PUBLIC HEARINGS AND RELATED ACTIONS

(a) Zoning Public Hearings and Ordinances

- (1) Consider an ordinance amending Specific Use Permit No. 65, authorizing the use of a 5.80-acre tract of land in the City of Missouri City as Specific Use Permit No. 65-Sewer facility; adding a 8.51-acre tract of land; authorizing a total 14.31-acre tract of land as Specific Use Permit No. 65-Sewer facility; describing said 14.31-acre tract of

land; providing limitations, restrictions, and conditions on such specific use; amending the zoning district map of the City of Missouri City; providing for repeal; providing a penalty; providing for severability; and containing other provisions relating to the subject on the first reading.

- (b) **Public Hearings and related actions** – *There are no Public Hearings and related actions on this agenda.*

8. APPOINTMENTS

- (a) Consider appointing directors to the Board of Directors for the Sienna Plantation Management District.

9. AUTHORIZATIONS

- (a) Considering authorizing a multiple contracts for the provision of chemicals for water and waste water plants.
- (b) Consider awarding and authorizing the negotiation and execution of a municipal court collection services contract.
- (c) Consider and discuss the purchase of the Mustang Bayou Package Plant.

10. ORDINANCES

- (a) Consider an ordinance amending the general budget for the fiscal year beginning October 1, 2018, and ending September 30, 2019; transferring various appropriations among accounts; appropriating supplemental revenue to various fund accounts; authorizing the appropriate city officials to take steps necessary to accomplish such transfers; making certain findings; containing certain provisions relating to the subject; and consider the ordinance on the first and final reading.

11. RESOLUTIONS

- (a) Consider a resolution suspending the May 10, 2019 effective date of CenterPoint Energy Houston Electric, LLC's notice of filing to change rates within its service area to afford the City of Missouri City time to study the request and establish reasonable rates; authorizing cooperation with the Gulf Coast Coalition of Cities in negotiation and litigation efforts that relate to CenterPoint Energy Houston Electric, LLP's filing.

12. CITY COUNCIL ANNOUNCEMENTS

Discussion, review, and possible action regarding a meeting or activity of one or more of the following entities (each entity refers to a City of Missouri City entity unless otherwise indicated):

Charter Review Commission, Community Development Advisory Committee, Construction Board of Adjustments, Electrical Board, Parks Board, Planning and Zoning Commission, Tax Increment Reinvestment Zone Boards, Fort Bend Chamber of Commerce, Houston-Galveston Area Council, Fort Bend Regional Council, Texas Municipal League, Fort Bend County, Harris County, Gulf Coast Building and Construction Trades Council, Mayor's Youth Commission, Finances and Services Committee, Fort Bend Leadership Forum, Fort Bend County Drainage District, Economic Development Committee, Missouri City Parks Foundation, Missouri City Police and Fire Auxiliary, Livable Community Committee, Texas Parkway Alliance, High Performance Organization Committee, Missouri City Juneteenth Celebration Foundation, Fort Bend County Mayor and Council Association, METRO, Planning, Development and Infrastructure Committee, Fort Bend Independent School District, Greater Fort Bend Economic Development Coalition, Transportation Policy Council, Community Development Advisory Committee, Veterans Memorial Committee, Missouri City Recreation and Leisure Local Government Corporation, Missouri City Development Authority, and the Greater Houston Partnership and Emergency Management updates.

13. CLOSED EXECUTIVE SESSION

The City Council may go into Executive Session regarding any item posted on the Agenda as authorized by Title 5, Chapter 551 of the Texas Government Code.

14. RECONVENE

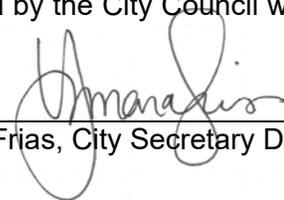
Reconvene into Regular Session and Consider Action, if any, on items discussed in Executive Session.

15. ADJOURN

In compliance with the Americans with Disabilities Act, the City of Missouri City will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact Maria Jackson, City Secretary, at 281.403.8686.

CERTIFICATION

I certify that a copy of the April 15, 2019, agenda of items to be considered by the City Council was posted on the City Hall bulletin board on April 12, 2019, at 4:00 p.m.



Yomara Frias, City Secretary Department

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the ____ day of _____, 2019.

Signed: _____

Title: _____



**Council Agenda Item
April 15, 2019**

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. PRESENTATIONS AND RECOGNITIONS

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FLOYD EMERY
Councilmember District D

CITY COUNCIL SPECIAL MEETING MINUTES

The City Council of the City of Missouri City, Texas, met in special session on **Monday, April 1 2019**, at the City Hall, Council Conference Room, 2nd Floor, behind the Council Chamber, 1522 Texas Parkway, Missouri City, Texas, 77489, at **5:45 p.m.** to consider the following:

1. CALL TO ORDER

Mayor Ford called the meeting to order at 5:00 p.m.

Those also present: Mayor Pro Tem Preston, Councilmembers Pearson, Maroulis and Emery; City Manager Snipes, Assistant City Attorney Santangelo, City Secretary Jackson, Assistant City Manager Atkinson, Director of Development Services Spriggs, Director of Public Works Kumar, Director of Financial Services Portis, Director of Communications Walker, City Attorney Iyamu, and Judge Sinclair. Councilmember Edwards arrived at 5:02 p.m. Councilmember Boney arrived at 5:24 p.m.

Due to the number of residents present for the special City Council meeting, the Mayor requested the meeting moved to the Council Chamber.

Councilmember Emery moved to relocate the special City Council meeting to the Council Chamber. Councilmember Pearson seconded. **MOTION PASSED UNANIMOUSLY.**

2. DISCUSSION/POSSIBLE ACTION

- (a) Overall update on the Shipmans Cove development, including the drainage study and traffic impact analysis.

Director of Development Services Spriggs presented an overview of the Shipmans Cove platting process. Assistant City Attorney Santangelo presented the chronology of two public information requests for the drainage plan, traffic impact analysis, utilities and further notifications for the Shipmans Cove development. He added the City was in receipt of the draft drainage study and draft traffic impact analysis and the two public information requests were submitted to the Texas State Attorney General for a ruling as the requested information were not considered final documents. He stated, to date, the City had not received a ruling on whether the requested documents should be withheld or released to the public. Director of Public Works Kumar discussed the Shipmans Cove infrastructure update and noted Staff would ensure compliance with the Public Infrastructure Design Manual and applicable regulations.

Mayor Pro Tem Preston asked if the engineering firm requested that the documents not be shared with the public. Assistant City Attorney Santangelo stated the request was directed to the City as a public information request. Assistant City Manager Atkinson confirmed Staff was still reviewing the documents and they were not in final form. Councilmember Pearson asked what the City was doing to provide clarity to the public. Director of Public Works Kumar stated that once the documents were approved and finalized, they would be subject to be released under the Texas Public Information Act. Mayor Ford asked if the City did not receive the final drawings or if they were being reviewed. Assistant City Manager Atkinson stated the plans were under review by Staff and not final.

Councilmember Edwards stepped away at 5:39 p.m. and returned at 5:44 p.m. Councilmember Emery discussed residential concerns and notifications.

Councilmember Maroulis moved to address public comments and questions, at this time. Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

Jeff Beicker, 2502 McKeever Road, spoke about notification concerns once the preliminary plats were filed as he was not notified as the adjacent property owner.

Director of Development Services Spriggs clarified that the final plat submission process was when infrastructure could be approved. He also discussed the replatting process, which was the process in which the recorded plat was amended. For replatting residential purposes, this would be the case when residents would be notified. In this case, this situation would not apply as it was not platted or recorded.

Mr. Beicker then addressed Councilmember Emery and stated he did not receive any notifications or updates from him. Councilmember Emery stated he was in contact with the board members from Creekmont and Newpoint Estates as they were the Homeowners Association (HOA) point of contacts, who could then distribute as needed. Mr. Beicker responded by stating he was not a resident of either HOA; however, he believed someone should have contacted him. Councilmember Emery added that if he left his information with the City, he would be included with future notifications from him. Mr. Beicker then addressed drainage concerns on his property.

Rena Marshall, Creekmont HOA President, addressed the installation of traffic lights concerns and requested the status of the engineering report.

Director of Public Works Kumar stated the engineering report, which he believes it to be the Traffic Impact Analysis (TIA) that recommended the signal light, has been submitted to the City. The City has conditionally approved it as the City was also requesting TxDOT support. The signal light would be installed at the Watts Plantation and Highway 6 intersection, in which Highway 6 was a TxDOT controlled roadway. Once the analysis was approved by TxDOT, the City would be able to release it to the public. The City needed the TIA to be approved first, before construction plans on the signals move forward. Mayor Ford then asked if TxDOT had a review period for the TIA. Director of Public Works Kumar stated he would not be able to provide TxDOT's review period but estimates it could take about one month or two.

Ms. Marshall then asked after TxDOT, between the approved plans and the City approves the plat, how much time was that.

Director of Public Works Kumar clarified that the signal was needed for the traffic impact analysis when it reached 160 homes. Therefore, the TIA needed to be approved by TxDOT first, for them to approve the construction plans for the signal. Assistant Director of Public Works Brouhard added the TIA was requiring no minimum number of homes that could be constructed before the signal could go in; however, it just has to be done by 160 homes.

Ms. Marshall asked again, between the approved plans and the City approves the plat, how much time was that.

Director of Public Works Kumar stated the question that was being asked was when does the TIA need to be approved before the final plat; and, he does not have a final response, at this time.

Ms. Marshall then stated she was in receipt of the 2016 preliminary plats and drainage analysis and does not understand why they could not receive the preliminary plans now. Director of Development Services Spriggs stated the preliminary plans have gone before the Planning & Zoning Commission.

Cindy Forney, Newpoint Estates HOA President, 1919 Mossback Circle, stated Councilmember Emery previously stated that at the time of construction, Darby Lane would go through for construction purposes. Councilmember Emery stated no, a new road would be built for construction and equipment in order to get into Shipmans Cove for building purposes so that there would be no access into Newpoint or Creekmont by construction vehicles. Ms. Forney stated they did not want a through street at the end of Darby Lane going into the subdivision from Shipmans Cove, they wanted one way in and one way out. Director of Public Works Kumar then directed City Council and Ms. Forney to the Traffic Impact Analysis map which shows no connectivity between Creekmont and Shipmans Cove. Discussions ensued regarding Section II of the development and the difference between drafted drainage plat and conditionally approved drainage plat.

Vi Phu, 2134 Darby Lane, addressed her questions regarding the drainage study and the analysis that has been conditionally approved. Director of Public Works Kumar directed City Council and Ms. Phu to the existing drainage pattern map to address her concerns.

Mary Ross, 2507 Shadow Oaks Drive, asked if the exhibits shown would be available to the public. The City Secretary stated the document would be available to the public upon receipt of a public information request. She also requested clarification on exhibits mislabeled on the presentation in reference to Creekmont north and south and requested that they be corrected.

Drew Pelter, 202 Glennville Court, addressed the utilities plan shown and asked if City Staff and City Council have taken into consideration future development of the surrounding area.

Assistant City Attorney Santangelo stated that if City Council would like to address anything outside the posted agenda item that it be discussed at a future City Council meeting where it could be properly posted.

Barry Brazil, 5019 Newpoint Drive, stated that from Newpoint's perspective, they did not want any water to enter their property from the new development and they did not want Darby Lane opened as a second access into the subdivision. And, he requested the agreement to be upheld.

Mary Ross addressed City Council again and discussed the time difference with the drainage plan and traffic plan approval process. Director of Public Works Kumar provided an overview of the approval process.

(b) Presentation of the small business policy.

Director of Financial Services Portis provided an overview of the City's small business policy, the US Small Business Administration Size Standards, small businesses registration form, methods of notifying small businesses of opportunities, record keeping and reporting, and other area small business programs.

She added that should the City wish to expand the program, a Disparity Study would be needed to determine whether a government entity, either in the past or currently, engages in exclusionary practices in the solicitation and award of contracts to minority, women-owned, and disadvantaged business enterprises (MWDBEs). Mayor Ford asked if the City could use the Fort Bend County disparity study. Director of Financial Services Portis stated the contract would not be specific to Missouri City.

Director of Financial Services Portis then noted the following items to consider: to require certification to be considered a small business; identify eligible small business certifications; and, compliance efforts with limited resources.

Mayor Ford asked if the City was aware of how many contracts have been awarded for FBISD in 2016 and 2017. City Manager Snipes stated no; however, Staff could work on providing this information to City Council.

Councilmember Boney stated that he believes a policy should not be implemented without measuring its effectiveness and asked if small businesses have benefited from the policy. He also requested that members of City Council review the policy to determine if updates were needed or necessary. Mayor Ford stated she was in receipt of the original recommendation from AO Philips. City Manager Snipes stated it would be provided to City Council. Councilmember Boney then asked for a breakdown of businesses. City Manager Snipes stated it would be provided to City Council, as well.

- (c) Consider and discuss administrative procedures for processing requests of City Council.

City Secretary Jackson stated that Councilmembers Emery and Boney requested that City Council discuss administrative procedures for addressing requests of City Council to the City Manager, City Attorney, and City Secretary.

Councilmember Boney stated that agenda items were posted and he believes other City Councilmembers may have more information from Staff about agenda items, in which the full City Council was not aware of. He believes that if the City Manager, City Attorney, or City Secretary receive information about an agenda item, it should be relayed to the full Council. Councilmember Emery stated that once a request was made and it affects the entire body of City Council, then he believes City Council should be made aware of the request and the results of the inquiry. Councilmember Boney added that Council would be better prepared to discuss and process posted agenda items.

Councilmember Maroulis asked if the City was in receipt of best practices from neighboring cities. City Manager Snipes stated City Council has three direct reports whom all operate differently. He stated, he shares information that he believes to be of concern or interest City Council as a whole.

Councilmember Pearson requested that City Council be notified of the request and results of the inquiry if the request was then posted on an agenda.

Councilmember Boney moved to recess the meeting at 7:00 p.m. for the regular City Council meeting. Councilmember Edwards seconded. **MOTION PASSED UNANIMOUSLY.**

Councilmember Pearson moved to reconvene at 8:31 p.m. Mayor Pro Tem Preston seconded. **MOTION PASSED UNANIMOUSLY.**

- (d) Consider and discuss the City's board, committee, and commission member appointments and reappointments.

City Secretary Jackson presented an overview of members whose term would expire for the Community Development Advisory Committee, Construction Board of Adjustment and Appeals, and the Electrical Board.

Councilmember Boney moved to postpone agenda item 2d during the next special City Council meeting. Mayor Pro Tem Preston seconded. **MOTION PASSED UNANIMOUSLY.**

- (e) Consider and discuss the duties of the presiding judge of the City's municipal court.

City Attorney Iyamu provided an overview of Judge Sinclair's request for City Council to consider providing the presiding judge with specific authority to set certain judicial administrative procedures for all judges in Missouri City. Councilmember Boney asked if there have been any issues with the current process in Municipal Court. Assistant City Manager Atkinson discussed standing orders and dockets in Municipal Court.

Councilmember Maroulis then requested to address Judge Sinclair's concern that a disadvantage of not having a presiding judge would create chaos and dysfunction. City Attorney Iyamu stated the City does have

a presiding judge and that the question brought before City Council would be if specific duties would be assigned to that presiding judge that then follow to the other judges. Mayor Ford stated there should be consistency in the courts. Assistant City Manager Atkinson stated that the current practice was to have the judges come together and work out a process.

Councilmember Maroulis expressed concerns with this request as City Council does not get involved in the operations of Municipal Court. City Attorney Iyamu stated it would be a legislative decision of City Council and not up to the judges; however, she would recommend that if City Council was looking for a more operational perspective it would need to come from the Director of Municipal Court. Councilmember Boney believes it would be beneficial to hear from the other judges. City Attorney Iyamu recommended caution with Councilmember Boney's request to hear from the other judges as City Council was the legislative branch of the City and they were to provide policy decisions. City Manager Snipes suggested an evaluation of the judges and questions could be raised directly with the judges during that time. Councilmember Edwards asked if the Municipal Court Director brought up any concerns. Assistant City Manager Atkinson stated consistency and the use of technology. Councilmember Boney then requested to hear from the Municipal Court Director.

- (f) Consider and discuss moving all special City Council meetings to the Council Chambers.
Councilmember Boney

City Manager Snipes provided an overview of the Mayor's request to move all special City Council meetings to the Council Chamber. Mayor Ford stated she submitted the request in an effort to better accommodate the public and City Staff and provide more transparency of City Council meetings to the public.

Councilmember Maroulis stated the technology in the Council Conference Room was recently updated to accommodate meetings of City Council. Mayor Ford stated the Council Chamber would be updated, as well. Director of Communications Walker added updates to the Council Chamber was noted within their business plan and plans were in the works to have it completed by or before October 31, 2019. Councilmember Emery agreed with the transparency of meetings and noted he did not want to lose the momentum of discussions based on distractions in the Council Chamber. Mayor Ford states she believed it would not be an issue.

Councilmember Boney moved to relocate all special City Council meeting to the Council Chamber. Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

- (g) Update regarding City Council memberships and travel.

Director of Financial Services Portis stated that Councilmembers Maroulis and Boney requested that City Council be provided with a follow-up regarding recent requests for membership and travel to be identified in the current year for the Council's budget, as well as, to request Staff to provide their findings from a recent survey of cities and possibly consider action to expand membership.

Director of Financial Services Portis stated the City Manager conducted a survey of 24 cities with populations of 74,000 to 120,000 and 5 benchmark cities. The survey questions include the number of City Councilmembers, travel Budget for City Council, allocation of travel budget for the Mayor and members of council, membership budget for City Council and membership descriptions. She then discussed the findings as follows:

Travel

	Total Budget	Per Council Member
Average	\$25,259	\$3,828
Median	\$20,425	\$2,989
Missouri City	\$23,000	\$3,286

Sugarland Mayor receives additional allocation of \$2,000 for out of state meetings

Membership

Average	\$17,977
Median	\$14,093
Missouri City	\$22,626

All participants were members of TML.

City Manager Snipes stated the Mayor requested two new memberships within the Council budget (United Stated Conference of Mayors and African American Mayors Association), which were not previously approved or funded in the current year's budget. Councilmember Maroulis stated he requested that this item be placed on the agenda, as he understands where we were in terms of the approved budget and requested to address the Mayor's membership requests. Councilmember Boney stated he understands her requests and unique position in Missouri City as its first African-American Mayor; and, asked what drew her interest to the two new organizations. Mayor Ford stated professional development, as she was new to the position.

Mayor Ford asked where the funds would come from. City Manager Snipes stated that if the direction of City Council was to purchase the memberships, then he would look into which account the memberships would come from.

Councilmember Maroulis moved for the City Manager to find funds for the memberships. Mayor Ford stated she was paying for her current memberships and if this was a proposal for the upcoming budget, then for the City Manager to find the funds then and she would let the City Manager know which one she believed to be the most beneficial.

3. CLOSED EXECUTIVE SESSION

After proper notice was given pursuant to the Texas Open Meetings Act, the City Council went into Executive Session at 9:33 p.m.

Texas Government Code, Section 551.071 – Consultation with attorney to seek or receive legal advice regarding pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the City under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act: release of certain confidential reports.

Texas Government Code, Section 551.074 – Deliberations concerning the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee: the city secretary, the city attorney, and the city manager.

4. RECONVENE

At 11:22 p.m., Council reconvened into open session. No action was taken.

5. ADJOURN

The special City Council meeting adjourned at 11:22 p.m.

Maria Jackson, City Secretary

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CITY COUNCIL MEETING MINUTES

The City Council of the City of Missouri City, Texas, met in regular session on **Monday, April 1, 2019**, at the City Hall, Council Chamber, 2nd Floor, 1522 Texas Parkway, Missouri City, Texas, 77489, at **7:00 p.m.** to consider the following:

1. ROLL CALL

Mayor Ford called the meeting to order at 7:09 p.m.

Those also present: Mayor Pro Tem Preston, Councilmembers Edwards, Pearson, Boney, Maroulis and Emery; City Manager Snipes, Assistant City Attorney Santangelo, and City Secretary Jackson.

2. The **PLEDGE OF ALLEGIANCE** was led by Director of Communications Walker.

3. PRESENTATIONS AND RECOGNITIONS

Mayor Ford and Mayor Pro Tem Preston proclaimed the month of April as "National Fair Housing Month" in the City of Missouri City, Texas and proclaimed the week of April 14-20, 2019, as "National Public Safety Telecommunications Week" in the City of Missouri City, Texas.

4. PUBLIC COMMENTS

Rena Marshall, 4510 South Creekmont, addressed concerns with the Shipmans Cove development.

Cindy Forney, 1919 Mossback Circle, addressed concerns with the Shipmans Cove development.

Mary Ross, 2507 Shadow Oaks, gave her time to Cindy Forney.

Councilmember Maroulis moved to allow Cindy Forney to continue to speak. Councilmember Edwards seconded. **MOTION PASSED UNANIMOUSLY.**

Cindy Forney continued to address concerns with the Shipmans Cove development.

Barry Brazil, 5019 New Point Drive, addressed the documents distributed by Ms. Marshall and Forney and noted that they were not against the development but would like to be involved in the process.

Bob Nelson, 2200 Staffordshire Road, discussed construction and widening concerns on Staffordshire.

JC Haigh, 5407 Raintree Drive, requests all communications from the City of Missouri City to go to state representative's office and Roselyn Gary.

5. STAFF REPORTS

City Manager Snipes provided the following updates: the Supervisor Served breakfast for employees last Wednesday was a success and thanked all those who participated; the Leadership Luncheon honoring National Women's Month on Thursday had a wonderful turnout; the District A Community meeting held on Saturday was successful as it hosted more than 50 residents and stakeholders, and the Skatepark Grand

Opening was also a great event. Snipes asked that residents mark their calendars for the upcoming events: Family Fun Night: Crazy Hare Dash on Friday, April 5; Fires Station No. 5 open house on Saturday, April 6; Senior Field Trip on Thursday, April 11, the District C Community Meeting on April 11, the Mother Son Challenge on Saturday, April 13 and Tot Sports on Monday, April 15th.

6. CONSENT AGENDA

- (a) Consider approving the minutes of the special and regular City Council meetings of March 18, 2019.

Councilmember Emery moved to approve the Consent Agenda pursuant to recommendations by City Staff. Councilmember Pearson seconded. **MOTION PASSED UNANIMOUSLY.**

There were no **Zoning Public Hearings and Ordinances, Public Hearings and related actions, or APPOINTMENTS.**

9. AUTHORIZATIONS

- (a) Consider authorizing the execution of a letter of approval for Apex Ambulance services to operate a non-emergency ambulance service.

Councilmember Maroulis moved to authorize the execution of a letter of approval for Apex Ambulance services to operate a non-emergency ambulance service. Councilmember Boney seconded. **MOTION PASSED UNANIMOUSLY.**

- (b) Consider authorizing a request by Farmers Market Partners to host a farmers market each Saturday at 5855 Sienna Springs Way.

Director of Development Services Spriggs stated the applicants were requesting to operate the Farmers Market through November 30, 2019. Councilmember Boney inquired if there were any complaints. Spriggs stated there were no complaints when security was placed to mandate traffic. Councilmember Maroulis asked if surrounding areas such as Sienna Plantation had any concerns with street signs. Spriggs stated the applicant had notified Sienna Plantation. Jill Argento of the Farmers Market Partner noted Thomasine Johnson was in communications with Sienna Plantation. Argento believes the location change would not be an issue. Director Spriggs noted the Planning and Zoning Commission's recommendation was to approve the request through November.

Councilmember Emery moved to authorize a request by Farmers Market Partners to host a farmers market each Saturday at 5855 Sienna Springs Way through November 30, 2019. Councilmember Pearson seconded. **MOTION PASSED UNANIMOUSLY.**

- (c) Consider authorizing the Fort Bend Parkway Business Park Phase 1 plat.

Director of Development Services Spriggs noted the plat has a reserved owned by the City. Should City Council approve, the Mayor would sign the official plat of Fort Bend Parkway Business Park Phase 1.

Councilmember Pearson moved to authorize the Fort Bend Parkway Business Park Phase 1 plat. Councilmember Maroulis seconded. **MOTION PASSED UNANIMOUSLY.**

- (d) Considering authorizing a contract for replacing the roof on Public Safety Headquarters and Fire Station No. 1.

Councilmember Boney moved to authorize a contract for replacing the roof on Public Safety Headquarters and Fire Station No. 1. Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

10. ORDINANCES

- (a) Consider an ordinance authorizing the execution of the Tenth Amendment to the Sienna Plantation Joint Development Agreement to provide for certain modifications and to modify the Land Use Plan as applicable to Tract D to provide for additional residential structures; and consider the ordinance on the first of two readings.

Director of Development Services Spriggs outlined the proposed amendments. Mayor Ford inquired about the lot sizes. City Manager Snipes provided detail on the various sized lots. Mayor Ford asked for any information for cap. Spriggs stated it was just a regular cap to control the multiple amendment process.

Councilmember Emery moved to adopt the ordinance. Councilmember Maroulis seconded. **MOTION PASSED UNANIMOUSLY.**

11. RESOLUTIONS

- (a) Consider a resolution authorizing the Mayor to execute and the City Secretary to attest to the City's consent to an assignment of an Economic Development Agreement by CityPark II, LLC; and CityPark III, LLC; to CityPark I, LLC.

Councilmember Pearson moved to approve the resolution. Mayor Pro Tem Preston seconded. **MOTION PASSED UNANIMOUSLY.**

- (b) Consider a resolution authorizing the use of City of Missouri City resources for the Fort Bend Regional Council on Substance Abuse, Inc.

Agenda item was pulled at the request of Mayor Pro Tem Preston.

12. CITY COUNCIL ANNOUNCEMENTS

Mayor Pro Tem Preston gave kudos to Mayor Ford for pushing through the meeting and the Missouri City Little League who invited him to throw the first pitch. Councilmember Edwards thanked City Staff and the Communications Department whom hosted the Leadership Luncheon on National Women's Month. Edwards also gave kudos to City Staff regarding the Shipmans Cove development presentation. Councilmember Emery noted he missed his target during the first pitch and stated it was great to see the Missouri City Little League as a great program for youth. Councilmember Pearson thanked City Staff who helped and worked during the District A meeting as well as the citizens and businesses who came out to support. Councilmember Boney thanked TML and the Texas Association of Mayors, Councilmember and Commissioners for the conference on becoming a better Councilmember. Mayor Ford noted agenda item 11b was pulled. Ford thanked the Communications Department for a wonderful job at the First Women's luncheon.

13. CLOSED EXECUTIVE SESSION

After proper notice was given pursuant to the Texas Open Meetings Act, the City Council went into Executive Session at 8:15 p.m.

Texas Government Code, Section 551.087 – Deliberations regarding commercial or financial information that the governmental body received from a business prospect that the governmental body seeks to locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations: letter of intent and economic development for a redevelopment project.

14. RECONVENE

At 8:27 p.m., Council reconvened into open session.

Councilmember Boney moved to authorize the City Manager to execute the letter of intent. Councilmember Emery seconded. **MOTION PASSED UNANIMOUSLY.**

15. ADJOURN

The regular City Council meeting adjourned at 8:31 p.m.

Maria Jackson, City Secretary



**CITY COUNCIL
AGENDA ITEM COVER MEMO**

April 15, 2019

To: Mayor and City Council
Agenda Item: 7(a)(1) - Fort Bend County WC&ID No. 2 Wastewater Treatment Plant No. 2 - SUP, Specific Use Permit Amendment
Submitted by: Jennifer Thomas Gomez, AICP, Planning Manager

SYNOPSIS

This is the first of two readings of an ordinance to amend the Specific Use Permit No. 65 adopted by Ordinance No. O -86-36 for a waste water treatment plant use, to increase the acres of land contained within the SUP, to provide new conditions to the use subject to the SUP, and to the extent such use deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

The subject site is located north of Thurgood Marshall High School/Buffalo Run Park, east of Echo Creek Drive, west of S. Cravens Road, and south of Highway 90A.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Have quality development through buildout

BACKGROUND

To facilitate the provision of utility services within the area, Fort Bend County Water Control & Improvement District No. 2 seeks to expand the boundaries of a site for the development of a waste water treatment plant. The district purchased an approximate 5.80 acre tract of land in the mid-1980s and was subsequently approved for SUP No. 65 to allow for the development of a sewage treatment plant. A lift station was constructed on the site however the overall treatment plant was not.

In 2015, the district purchased additional acreage adjoining the original tract to accommodate the same development using newer technologies.

Staff recommended approval and the Planning and Zoning Commission forwards a positive recommendation with conditions. The Commission discussed, in depth, the placement of buildings and structures and mitigation of odor emanating from the use as well as appropriate setbacks, buffer yards and screening.

BUDGET ANALYSIS

Funding Source	Account Number	Project Code/Name	FY__ Funds Budgeted	FY__ Funds Available	Amount Requested
N/A					

Purchasing Review: N/A
Financial/Budget Review: N/A

Note: Compliance with the conflict of interest questionnaire requirements, if applicable, and the interested party disclosure requirements (HB 1295) has been confirmed/is pending within 30-days of this Council action and prior to execution.

SUPPORTING MATERIALS

1. Ordinance
2. Planning and Zoning Commission meeting minutes (*Draft March 13, 2019 – minutes will be updated based upon update made by the Commission at their April 10, 2019 meeting*)
3. Planning and Zoning Commission final report
4. Application
5. Letter of owner authorization
6. Ortho map
7. Site pictures
8. Notice of public hearing
9. Notice of public hearing to adjoining property owners
10. Mailing labels for adjoining property owners
11. Rezoning application protest letters analysis

STAFF'S RECOMMENDATION

Staff recommends approval of the ordinance on the first reading.

Director Approval: Otis T. Spriggs, AICP, Development Services Director

**Assistant City Manager/
City Manager Approval:** Bill Atkinson, Assistant City Manager

ORDINANCE NO. O-19-__

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING SPECIFIC USE PERMIT NO. 65, AUTHORIZING THE USE OF A 5.80-ACRE TRACT OF LAND IN THE CITY OF MISSOURI CITY AS SPECIFIC USE PERMIT NO. 65-SEWER FACILITY; ADDING AN 8.51-ACRE TRACT OF LAND; AUTHORIZING A TOTAL 14.31-ACRE TRACT OF LAND AS SPECIFIC USE PERMIT NO. 65-SEWER FACILITY; DESCRIBING SAID 14.31-ACRE TRACT OF LAND; PROVIDING LIMITATIONS, RESTRICTIONS, AND CONDITIONS ON SUCH SPECIFIC USE; AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MISSOURI CITY; PROVIDING FOR REPEAL; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

* * * *

WHEREAS, Fort Bend County Water Control and Improvement District No. 2 is the owner of 14.31 acres of land within the corporate limits of the City of Missouri City, Texas; and

WHEREAS, said 14.31-acre tract of land presently has a zoning classification of R-6 Condominium Residential District, pursuant to Ordinance No. O-83-15, adopted on April 4, 1983; and

WHEREAS, a 5.80-acre portion of said 14.31-acre tract of land was granted Specific Use Permit No. 65-Sewage treatment plant use pursuant to Ordinance No. O-86-36, adopted July 21, 1986; and

WHEREAS, the owner's agent, Jones Carter, has made an application to the City of Missouri City to amend and replace Specific Use Permit No. 65 by adding a 8.51-acre tract of land and making additional amendments; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Missouri City have each conducted, in the time and manner and after the notice required by law and the City of Missouri City Zoning Ordinance, a public hearing on such requested amendments to Specific Use Permit No. 65; and

WHEREAS, the Planning and Zoning Commission has issued its final report and the City Council now deems it appropriate to grant such requested amendments to Specific Use Permit No. 65; and

WHEREAS, the City Council finds that this use will complement or be compatible with the surrounding uses and community facilities, contribute to, enhance, or promote the welfare of the area of request and adjacent properties, not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. As required by law, City Council conducted the public hearing on the request to amend Specific Use Permit No. 65 and closed the public hearing prior to the final adoption of this Ordinance.

Section 3. The property is more fully described in Exhibit "A," attached hereto and made a part hereof for all purposes (the "Property"), and is depicted in Exhibit "A-1" for reference purposes only. In the event Exhibit "A-1" conflicts with Exhibit "A," Exhibit "A" shall prevail.

Section 4. The specific use of the Property authorized and permitted by this Ordinance is Specific Use Permit No. 65-Sewer facility use.

Section 5. Presently, the Property has a zoning classification of R-6 Condominium Residential District. The specific use authorized and permitted by this Ordinance shall be developed in accordance with the Missouri City Code, the City of Missouri City Zoning Ordinance, and the attached site plan, Exhibit "B," and shall be developed subject to the following limitations, restrictions, and conditions:

I. Use Permitted. Only the following use shall be permitted:

A. Sewer facility use.

II. Standards and Regulations.

A. Height and area regulations.

1. Structures on the Property must be located no closer than 150 feet from the western property line, adjacent to Echo Creek Drive.

B. Architectural design regulations. Except as provided herein, Section 7A, Architectural Design Standards shall not apply.

1. Excluding windows and doors, all exterior walls of structures and buildings shall consist of 100 percent masonry materials.
2. Materials and colors for building and structure exteriors are limited to the following:
 - a. for architectural masonry units and brick -- beige, brown, burgundy, gray, orange, red rose sage,
 - b. for stone – beige, brown, cream, tan, and
 - c. for accent exteriors – beige black, bronze, buff, cream, forest green, gray, olive, rose, rust, sage, sand, sepia,

tan terracotta, white, a business identity color, in accordance with Section 7A.2.G of the Missouri City Zoning Ordinance.

3. Except for painted cinder block used on the rear of buildings and not visible from public right-of-ways and easements, the following building materials shall not be visible on the exterior of a building or structure:
 - a. Any back-lit or internally-lit panel, canopy, or awning,
 - b. Bright or glossy colors on major building elements and electric, fluorescent, neon, or metallic color schemes on any part of a building,
 - c. Concrete cinder block,
 - d. Corrugated material for walls or roofs,
 - e. Neon lights,
 - f. Multilayered awnings on single story of building, and
 - g. Temporary buildings, or other than construction trailers.
4. Limitations, restrictions or conditions on materials and colors for fencing shall comply with Section 5.II.C. of this Ordinance.

C. Landscaping regulations.

1. A minimum 20-foot wide landscape buffer yard consisting of trees shall be maintained between the western property line fence, adjacent to Echo Creek Drive, and any structure on the Property.
2. A minimum of an eight-foot-high solid wood screening fence, with a minimum of three masonry pilasters, shall be maintained along the western property line of the Property, adjacent to Echo Creek Drive. Fence rails and posts shall only be visible from inside of the property.
3. A barbed wire chain link fence with black or green coating shall be maintained along the southern property line of the Property, adjacent to Cangelosi Ditch. Green or black slats, which match the color of the coating on the fence, shall be used to create a screen.

D. Signs regulations. The sign regulations for nonresidential zoning districts contained in Appendix A, Section 13 of the Missouri City Code of Ordinances shall apply.

E. Development Schedule.

- i. The use and development of the Property shall be consistent with the attached development schedule, Exhibit "C."
- ii. To the extent that the third phase of development differs from

Exhibit "B," a site plan illustrating the development of the third phase must be approved by the City of Missouri City Planning and Zoning Commission and City Council before any building permit, certificate of occupancy or certificate of zoning can be issued for the third phase.

F. Performance Standards. Prior to the issuance of a building permit, an odor reduction plan must be submitted to the building official.

Section 6. The Zoning District Map of the City of Missouri City shall be revised and amended to show the specific use permitted on said 14.31-acre tract of land, as granted by this Ordinance, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of this change.

Section 7. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Missouri City, Texas, save and except the change in the specific use of the 14.31-acre tract of land described in Section 3 hereof authorizing the specific use-sewer facilities, and the imposition of the limitations, restrictions, and conditions contained herein.

Section 8. The building official shall not issue a building permit or a certificate of occupancy for a use authorized by this specific use permit on the Property until there has been full compliance with this ordinance, the Missouri City Code of Ordinances, and all other ordinances, rules and regulations of the City of Missouri City.

Section 9. *Repeal and replace.* Ordinance No. O-86-36, adopted by the City Council of the City of Missouri City on July 21, 1986, is hereby repealed and replaced with this ordinance. Any other ordinance or any part of any other ordinance in conflict herewith shall be and is hereby repealed only to the extent of such conflict.

Section 10. *Penalty.* Any person, firm, partnership, association, corporation, company, or organization of any kind who or which violates any provision of this Zoning Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed Five Hundred Dollars (\$500.00). Each day during which said violation shall exist or occur shall constitute a separate offense. The owner or owners of any property or of premises where any violation of this zoning ordinance shall occur, and any agent, contractor, builder, architect, person, or corporation who shall assist in the commission of such offense shall be guilty of a separate offense unless otherwise prohibited by law and, upon conviction thereof, shall be punished as above provided.

Section 11. *Severability.* In the event any section, paragraph, subdivision, clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to

be invalid or unconstitutional; and the City Council of the City of Missouri City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED and APPROVED on first reading this 15th day of April, 2019.

PASSED, APPROVED and ADOPTED on second and final reading this 6th day of May, 2019.

Yolanda Ford, Mayor

ATTEST:

APPROVED AS TO FORM:

Maria Jackson, City Secretary

Jamilah Way, First Assistant City Attorney
for E. Joyce Iyamu, City Attorney

STATE OF TEXAS §

COUNTY OF FORT BEND §

A **METES & BOUNDS** description of a certain 14.31 acre tract of land situated in the B.B.B. & C. Railroad Company Survey Section 8, Abstract No. 116 in Fort Bend County, Texas, being out of a called 14.5041 acre tract of land conveyed to Fort Bend County Water Control and Improvement District No. 2 recorded in Clerk's File No. 2015069032 of the Fort Bend County Official Public Records of Real Property and being a portion of Wastewater Treatment Plant No. 2, plat of which is recorded in Slide No. 873A of the Fort Bend County Plat Records; said 14.31 acre tract being more particularly described as follows with all bearings being based on the Texas Coordinate System of 1983, South Central Zone;

BEGINNING at the southerly corner of said 14.5041 acre tract, being in the northeasterly line of Echo Creek Drive (60' right-of-way) recorded in Volume 434, Page 177 of the Fort Bend County Deed Records;

THENCE, North 47°29'50" West, along the southwesterly line of said 14.5041 acre tract, common with the northeasterly line of said Echo Creek Drive, 658.00 feet to the westerly corner of said 14.5041 acre tract, being in the southeasterly line of a 300' wide Houston Lighting and Power Company Easement recorded in Volume 345, Page 80 of the Fort Bend County Deed Records;

THENCE, North 60°37'50" East, along the northwesterly line of said 14.5041 acre tract, common with the southeasterly line of said 300' easement, passing a found 1-inch iron pipe for the westerly corner of the aforementioned Wastewater Treatment Plant No. 2 at 737.75 feet, now along the northwesterly line of said Wastewater Treatment Plant No. 2 and said 14.5041 acre tract, in all a total distance of 1692.72 feet to a point at the beginning of a non-tangent curve to the right for the westerly corner of a 0.1876 acre right-of-way dedication as shown on said Wastewater Treatment Plant No. 2, from which a found 1-inch iron pipe bears North 60°37'50" East, 56.31 feet for the northerly corner of said Wastewater Treatment Plant No. 2;

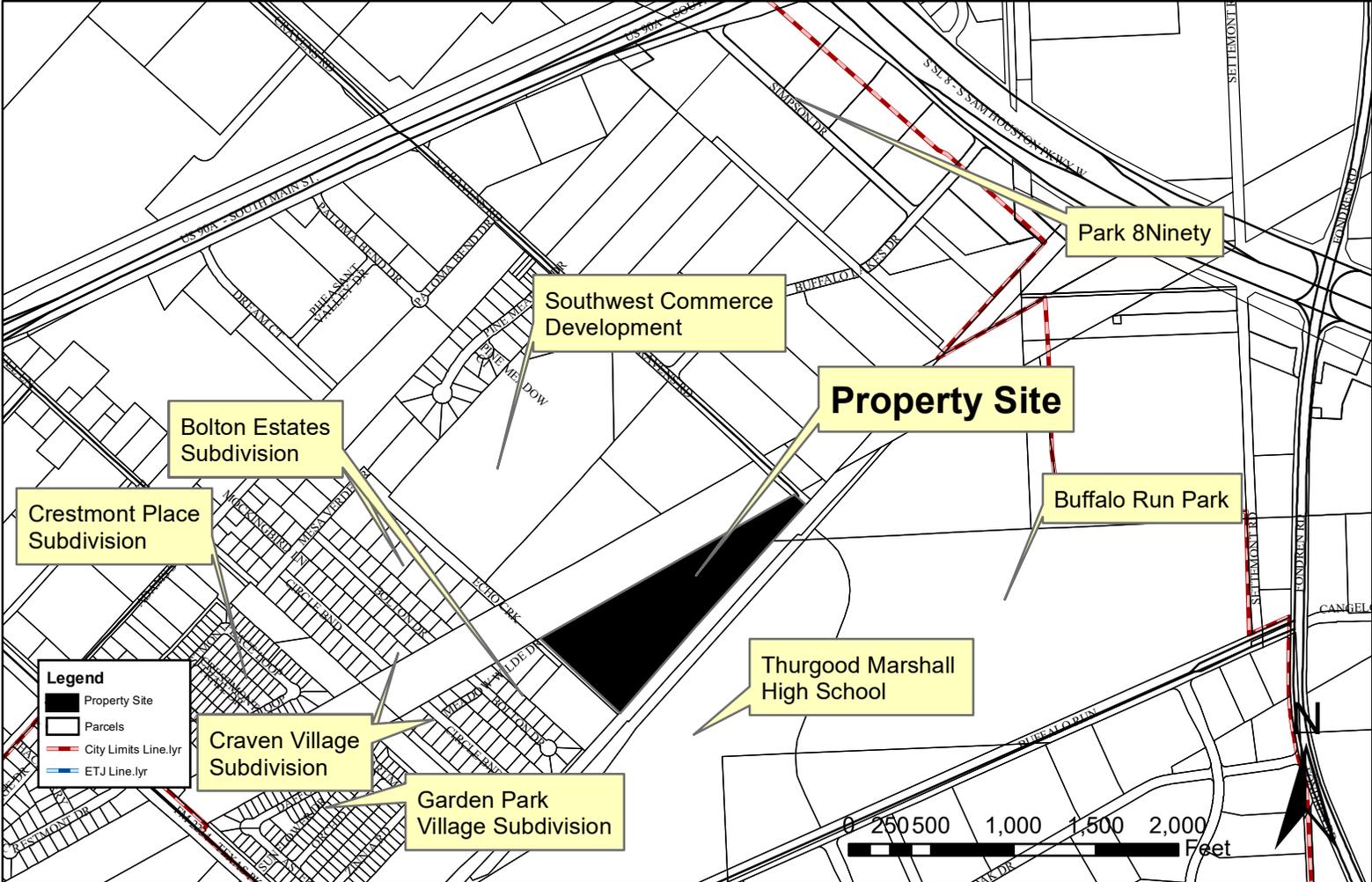
THENCE, along the westerly line of said 0.1876 acre right-of-way dedication and the arc of said non-tangent curve to the right having a radius of 1160.00 feet, a central angle of 06°17'17", an arc length of 127.31 feet, and a long chord bearing South 28°35'51" East, 127.24 feet to a point for corner in the southeasterly line of said Wastewater Treatment Plant No. 2 and said 14.5041 acre tract;

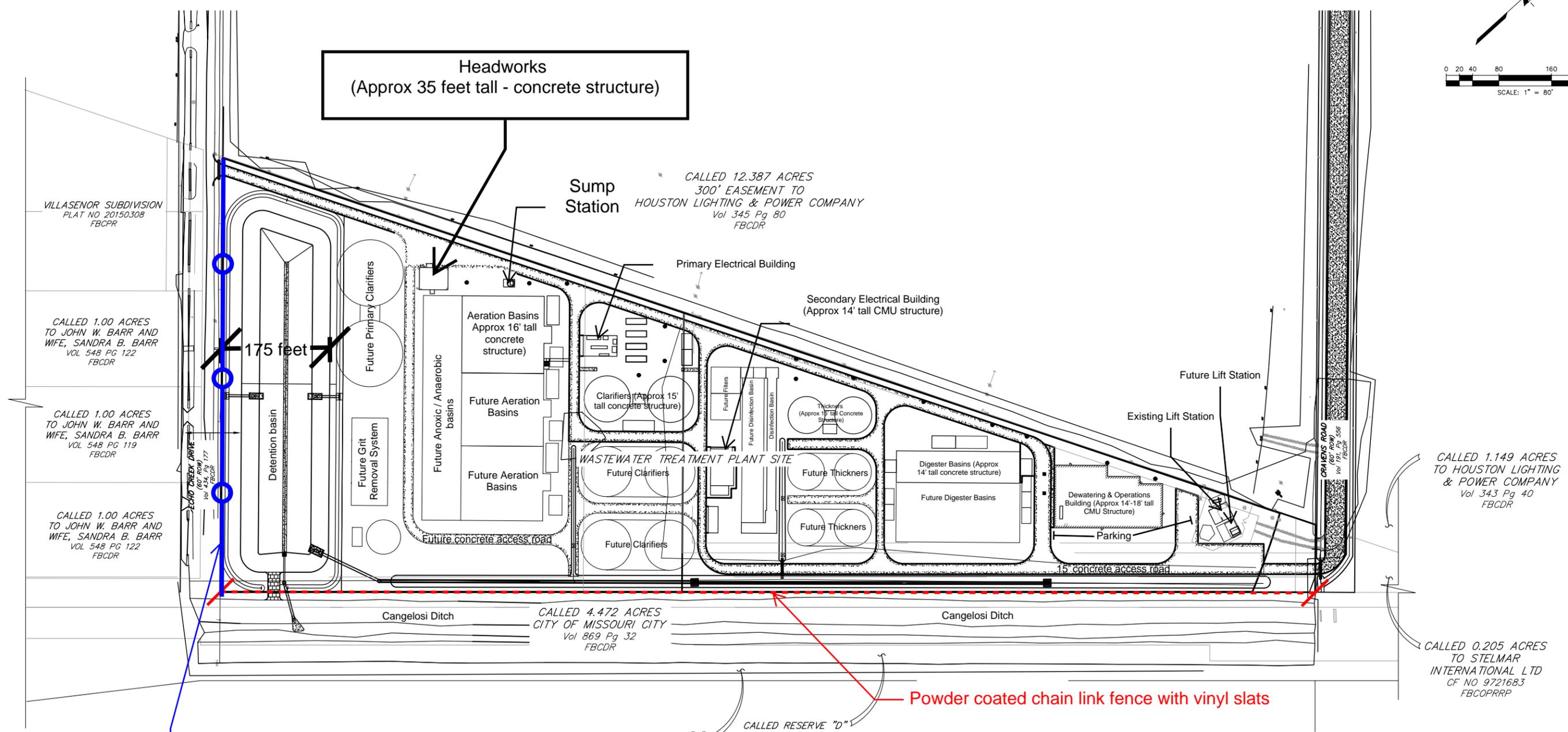
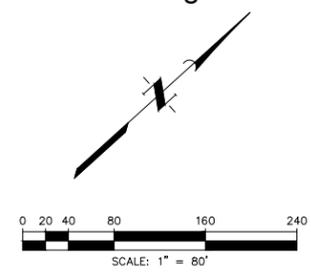
THENCE, South 42°06'10" West, along said southeasterly lines, 1567.52 feet to the **POINT OF BEGINNING, CONTAINING** 14.31 acres of land in Fort Bend County, Texas.

Jones|Carter
6330 West Loop South, Suite 150
Bellaire, Texas 77401
(713) 777-5337
Texas Board of Professional Land Surveying
Registration No. 10046100

 02/22/19
Acting By/Through Jeromy Alvin Chandler
Registered Professional Land Surveyor
No. 5755
JChandler@jonescarter.com







Wood fencing, a minimum of 8 feet in height with the finished side of the fence facing out from the property, meeting all other requirements for community fencing as provided by subsection 14.3 of the city's zoning ordinance and consisting of three masonry pilasters.

EXHIBIT A
WWTP No. 2 - 2.0 MGD
FORT BEND COUNTY, TEXAS
JANUARY 2019

JONES | CARTER
Texas Board of Professional Engineers Registration No. F-439
6330 West Loop South, Suite 150 • Bellaire, TX 77401 • 713.777.5337

Development Schedule

The development phases shall follow the areas of the site depicted in Exhibit B and shall include the following:

Phase I:

July 2019:	Design complete
December 2019:	Construction begins
July 2022:	Construction completed

Phase II:

Phase III:

ORDINANCE NO. 0-86-36

AN ORDINANCE GRANTING A SPECIFIC USE PERMIT AUTHORIZING THE USE OF A 5.80 ACRE TRACT OF LAND AS A SPECIFIC USE-SEWAGE TREATMENT PLANT; PROVIDING LIMITATIONS, RESTRICTIONS, AND CONDITIONS ON SUCH SPECIFIC USE; AMENDING THE ZONING DISTRICT MAP OF THE CITY AS ADOPTED BY ORDINANCE NO. 0-81-1 ADOPTED ON JANUARY 19, 1981; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, Fort Bend County Water Control and Improvement District No. 2 is the owner of a 5.80 acre tract of land situated within the corporate limits of the City of Missouri City, Texas; and

WHEREAS, said 5.80 acre tract of land presently has a zoning classification of R-6 Condominium Residential under Ordinance No. 0-81-1, the City of Missouri City Zoning Ordinance; and

WHEREAS, Fort Bend County Water Control and Improvement District No. 2 has made application to the City of Missouri City for a specific use permit authorizing the use of said tract of land as a Specific Use-Sewage Treatment Plant, as authorized by the City's Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Missouri City have conducted, in the time and manner and after the notice required by law and the Zoning Ordinance of the City, a public hearing on such request for a specific use permit; and

WHEREAS, the Planning and Zoning Commission recommended and the City Council now deems it appropriate to grant such requested specific use permit, subject to certain limitations, restrictions, and conditions; now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The public hearing before City Council on such request for a specific use permit is declared closed at final adoption of this Ordinance.

Section 3. Said 5.80 acre tract of land located in the City of Missouri City, Fort Bend County, Texas, and more particularly described in Exhibit "A" attached hereto and made a part hereof, is hereby granted a specific use permit authorizing the use of said tract of land as a Specific Use-Sewage Treatment Plant, as authorized by the City of Missouri City Zoning Ordinance and subject to the limitations, restrictions and conditions contained in Section 5 herein.

Section 4. The Specific Use of such tract of land authorized and permitted by this Ordinance is Sewage Treatment Plant.

Section 5. The Specific Use authorized and permitted by this Ordinance shall be, and is, subject to the following limitations, restrictions, and conditions:

A. Ingress and Egress. Sufficient access is available from Cravens Road to serve the proposed plant.

B. Off-street Parking. Sufficient off-street parking is planned to serve the proposed plant.

C. Refuse. Not applicable.

D. Utilities. Not applicable.

E. Screening and Buffering. Each phase of the project shall be screened by an opaque structure of fence. Sufficient buffering is provided by Cangelosi Ditch and the H.L.&P. fee strip.

F. Signage. The only signage permitted shall be that signage permitted by Section 13.16 of the City of Missouri City Zoning Ordinance.

G. Landscaping and Required Yards. Not applicable.

Section 6. The Zoning District Map of the City of Missouri City shall be revised and amended to show the specific use permitted on said 5.80 acre tract of land as provided in Sections 3 and 4 hereof, with the appropriate reference thereon to the number and effective date of this Ordinance and brief description of the nature of the change.

Section 7. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Missouri City, save and except the specific use permit granted to said 5.80 acre tract of land described in Section 3 hereof authorizing the Specific Use-Sewage Treatment Plant and the imposition of the findings, limitations, restrictions, and conditions contained herein.

PASSED AND APPROVED on first reading this 7th day of July, 1986.

PASSED, APPROVED, AND ADOPTED on second and final reading this the 21st day of July, 1986.

Mayor



ATTEST:



City Secretary

APPROVED AS TO FORM:



City Attorney



**MINUTES
PLANNING AND ZONING COMMISSION
CITY OF MISSOURI CITY, TEXAS
March 13, 2019**

1. CALL TO ORDER

The Notice of the Meeting and Agenda having been duly posted in accordance with the legal requirements and a quorum being present, the meeting was called to order by Chairman Brown-Marshall, at 7:15 PM.

2. ROLL CALL

Commissioners Present:

Sonya Brown-Marshall
Hugh Brightwell
James G. Norcom III
Gloria Lucas
Ramesh Anand
Douglas Parker

Commissioners Absent: Courtney Johnson Rose, John O'Malley, Tim Haney

Councilmembers Present: None.

Staff Present:

Otis T. Spriggs, Director of Development Services
Jennifer Gomez, Planning Manager
Cliff Brouhard, Assistant Public Works Director
Jamilah Way, First Assistant City Attorney
Thomas White, Planner II
Egima Edwards, Planning Technician
Bill Atkins, Assistant City Manager

Others Present:

Marie Escue / LJA Engineers, Jake Burgus / TBG Partners

7. ZONING MAP AMENDMENTS

A. PUBLIC HEARING FOR FORT BEND COUNTY WC&ID #2 WASTEWATER TREATMENT PLANT NO. 2

- (1) To receive comments for or against a request to amend Specific Use Permit No. 65 ("SUP"), adopted by Ordinance No.O-86-36 for a waste water treatment plant use, to increase the acres of land contained within the SUP, to provide new conditions to the use subject to the SUP, and to amend the Future Land Use and Character map of the Comprehensive Plan.

Jennifer Thomas Gomez presented this item. Ms. Gomez informed that the item is a request by WC&ID No. 2 to expand the existing SUP, Specific Use Permit. The aerial map presented showed the boundaries that were existing, and approved in the mid-1980s for the location of a sewage treatment plant. The balance of that would be to the west of the site. The original site is directly off of South Cravens Road. The expanded area extends the site to Echo Creek Drive. Thurgood Marshall High School and Buffalo Run Park are to the south of the site. Park 8Ninety industrial park is being completed to the east of the property. Another office/warehouse project is currently under construction to the north. Two new homes have been constructed off of Echo Creek Drive and there are existing single family residential lots along Echo Creek Drive. The HL&P Centerpoint utility easement is to the north of the site.

Ms. Gomez presented the site plan and informed that the applicant was present to explain the layout. The overall recommendation was to approve the expansion due to the requirements of newer technology. A part of the expansion is to provide for all of the structures and facilities that are needed based on the newer technology. Staff's recommendation overall is to approve the expansion. There are conditions however for the Commission to consider.

For height and area, the underlining zoning is R-6, condominium residential district would generally support the treatment plant design. The tallest shown is the headwaters building with a height at 35 feet. Ms. Gomez informed that it still would be consistent with the surrounding single family residential, the schools and structures in Buffalo Run Park. Staff was not recommending a modification to the height allowance of the R-6 district.

Setbacks however, should be considered to protect those residents that live on Echo Creek Drive. The reduction and/or elimination of odors is considered by the staff recommendation. Staff recommends the provision of a buffer along Echo Creek Drive. The width of the buffer should be the width of the detention area. However, the applicant has since informed that the detention is considered to be a temporary part of the development and would be removed upon improvements being made to the Cangelosi ditch. Instead the applicant indicated that a 20 foot tree buffer, currently not shown on the site plan would be provided.

Ms. Gomez informed that the Commission could amend their staff recommendation to include the 20 foot strip as a buffer yard or as a setback. If recommended as a buffer yard, that would be greenspace and landscaping only; no construction other than a sidewalk or fence structure could be incorporated. If

recommended as a building line or building setback, that would mean no vertical construction could go within that area but would not be restricted to just landscaping.

On the architectural design standards the application did not include exterior building elevations. However, a general description of materials was provided. Buildings and structures are proposed to consist of concrete masonry unit (CMU) structures and concrete structures. This is consistent with materials described as masonry. The recommendation was to apply those standards. Additional brick or stone was not required. All masonry materials are recommended to be permitted. However, materials such as metal structures or corrugated metal, etc. that are visible to the general public should be prohibited.

Chair Brown-Marshall asked about the trash screening.

Ms. Gomez informed that for trash disposal, the facility would be completely enclosed. A trash container would be onsite. However, with the screening and positioning of the buildings, residential standards would be applied. This would require the trash disposal area to be screened from view. If a wood fence is constructed then the trash enclosure would be screened by such fence and possibly the buildings and structures. If not a wood fence, staff recommends some opaque type of fencing to screen it from public view.

Ms. Gomez informed that for landscaping, the 20 foot tree buffer previously described could be included. The district has agreed to provide a minimum 8 foot tall wood fence along Echo Creek Drive to include three masonry pilasters. The columns would be placed at one in the middle and two on either end of the property.

Chair Brown-Marshall asked if there was any consideration taken for a masonry fence.

Ms. Gomez informed that staff and the applicants had not discussed the option. Staff usually proposes masonry when there is a nonresidential site adjacent to a residential use. In this case, they are separated by a street. However, the Commission had previously approved a masonry wall to be located on the Echo Creek Drive side of the office/warehouse development under construction to the north of the site. The minimum staff recommendation is a wood fence.

Chair Brown-Marshall asked about the entrance to the facility.

Ms. Gomez informed that access is currently was off of South Cravens Road.

Ms. Gomez informed that part of the landscaping recommendation is to place a fence along the Cangelosi ditch side to protect the view from areas to the south for people that are utilizing either the high school fields or the park.

Chair Brown-Marshall asked about the type of opaque fencing that was being suggested.

Ms. Gomez informed that the staff recommendation is for wood fencing that included masonry columns in intervals not to exceed 300 feet and to follow the community fencing standards. The district, however, has not factored in this cost.

For the parking regulations, the applicant has provided a response indicating that the parking will be by employees only and not open to the general public. No more than two to three employees are expected to be onsite at a time. There would be no routine night or holiday work.

Ms. Gomez informed that under the sign regulations, the district had not provided any needs for signage. For the facility, if the nonresidential standards were applied, based on the speed of the roadway, any required signs or desired signs would be appropriate to the character of that area.

Ms. Gomez informed that the report provided to the Commission does discuss odor mitigation; however, there was not a recommendation as the Texas Commission on Environmental Quality (TCEQ) is the agency that regulates wastewater treatment plants in the state. TCEQ has regulations on how to mitigate odor of these sites and it is a part of the application for construction. Ms. Gomez informed that the applicant would describe how they will accomplish odor control requirements for the current site. City staff is not recommending any additional regulations above the TCEQ requirements.

The anticipated schedule includes completion of the design by July, groundbreaking for construction in December 2019, and the completion of Phase I by July 2022.

William Sheastizado, Jones | Carter project manager, informed that the main access to the site would be from Cravens Road, however there would be access off of Echo Creek Drive as well. The width of the "temporary" detention area is approximately 175 feet. Mr. Sheastizado summarized TCEQ's (Chapter 217) requirements that all facilities and tanks cannot be within 150 feet of a residential or public area.

Mr. Sheastizado informed that the future process basin is designed to be 175 feet from the property line, which is over the 150 foot TCEQ requirement. This distance includes the use of right of ways.

Mr. Sheastizado informed that there would be additional process basins, a metal canopy, and a dumpster, which will be hauled offsite. The design of the facility is to move as much of the odor filled areas of the plant towards Cravens Road to avoid the residential lots.

Commissioner Parker informed that the odor and the proximity to the residential areas were his biggest concerns.

Mr. Sheastizado informed that it was 1,600 foot from the closest residential lot.

Mr. Otis Spriggs asked if the area would be enclosed.

Mr. Sheastizado informed that the building itself would be enclosed and the basins are open.

Commissioner Brightwell asked if everything was open.

Mr. Sheastizado informed that everything was open, except for the building.

Commissioner Brightwell asked if the digesters were covered.

Mr. Sheastizado informed that the digesters would be open.

Commissioner Brightwell asked about the gas recovery, odor control and the plan for an odor control system.

Mr. Sheastizado informed that there was not an odor control system.

Commissioner Brightwell asked about masking, charcoal, bio-filters, and if the prevailing winds are southeast straight over into the residential area.

Mr. Sheastizado informed that was correct and they were trying to limit what was placed on that side of the site.

Commissioner Brightwell informed that the smelliest portion was actually closest to residential with the prevailing wind and asked if there was a plan for canisters for the headworks.

Mr. Sheastizado informed that the questions could be taken to the district.

Commissioner Parker informed that the residents would be affected by the smell.

Mr. Sheastizado informed that the distance was 360 feet away.

Commissioner Brightwell asked about the detention pond would temporary or not.

Mr. Sheastizado informed that there had been previous discussions with city staff and that the indication was that if the expansion of Cangelosi ditch occurs after the wastewater treatment plant is completed, the detention pond may not be needed.

Commissioner Brightwell asked if it was a water detention.

Mr. Sheastizado replied, "Yes".

Mr. Sheastizado informed that their intent was to be on-line prior to the Cangelosi ditch being improved. Therefore, it was needed and required.

Commissioner Brightwell asked if the development was setup for three phases.

Mr. Sheastizado informed that currently they were setup for three phases. Phase three was pending an alternate development.

Commissioner Brightwell asked about the year of 2022 being the completion timeframe.

Mr. Sheastizado replied, yes.

Commissioner Brightwell asked if there were any planning of when the ultimate phase would be built-out.

Mr. Sheastizado informed that there was not a timeline for the completion of the build-out. The timeline could be requested from the district.

Commissioner Brightwell asked about the flow.

Mr. Sheastizado informed that there was an existing lift station off of Cravens Road that pumps to Wastewater Treatment Plant No. 1, located in the City of Stafford. There is a force main that runs along a 300 foot corridor.

Commissioner Brightwell informed that odor would be an issue and would need to be discussed further.

Mr. Sheastizado informed that there were plans for an additional lift station.

Commissioner Brightwell asked about the two larger tanks near the detention pond.

Mr. Sheastizado informed that they would be primary clarifiers if regulations ever determined that they would be needed.

Commissioner Brightwell informed that there were not that many primary clarifiers in the area.

Mr. Sheastizado informed that the district had two.

Commissioner Brightwell informed that they smell.

Mr. Sheastizado informed that the clarifiers were not in the current phase and he was not sure if they would be needed.

Commissioner Brightwell informed that there would be a problem with primary clarifier odors. Placing covers on the clarifiers was not cheap, due to being 100 feet. Commissioner Brightwell recommended that the applicant would need to look at additional hood control on the headworks, which could be worked out with staff. TCEQ does address odor control and the methods that they would allow; however, TCEQ does not guide the applicants on what is considered adequate.

Mr. Sheastizado informed that the entire property was going to be enclosed.

Commissioner Brightwell informed that typically such facilities are fenced using chain-link.

Chair Brown-Marshall asked about the side of the property that faces Thurgood Marshall High School and Buffalo Run Park.

Commissioner Brightwell informed that the distance is far away. Buffalo Run Park barely hits the corner of the site range.

Commissioner Norcom III asked if there were any current plans on the fencing.

Mr. Sheastizado informed that the current proposal was a chain-link type of fence with three strands of barbed-wire per TCEQ criteria. It would have to be an 8 foot tall fence with one strand of barbed-wire.

Commissioner Norcom III informed that it would take a lot of trees and shrubs to hide the inner fence.

Commissioner Brightwell informed that eventually it would be alright by the time the final phase is started, which could be within 15 years.

Mr. Spriggs informed that Echo Creek Drive already had an undisturbed buffering.

Commissioner Norcom III asked who maintained the height of the vegetation.

Commissioner Brightwell informed that a SUP, Specific Use Permit is more prescriptive as oppose to guidelines.

Mr. Sheastizado informed that currently the property they were trying to develop has a wooded area of 20 to 30 feet.

Commissioner Brightwell asked if Echo Creek Drive had overhead power lines.

Mr. Sheastizado informed that the minor areas ran about 1 feet on the other side of their property.

Chair Brown-Marshall asked Mr. Sheastizado if there were any staff comments that he did not agree with.

Ms. Gomez informed that in the response received, the buffer yard was one of the areas of contention, along with the fencing along the Cangelosi ditch. The district was fine with the wood fence at a minimum of 8 foot tall on the Echo Creek Drive side, with the masonry columns. The district was comfortable with everything else.

Mr. Spriggs asked Mr. Sheastizado if they had any issues with the construction traffic being held to Cravens Road.

Mr. Sheastizado replied "no". They will have a crushed concrete road where Cravens Road ends.

Chair Brown-Marshall informed that when it is in clear view, no matter where one is standing along the ditch area, when you look straight across, you would still see a treatment facility and barbed-wire.

Commissioner Anand asked if the neighbors would have to be notified.

Chair Brown-Marshall informed that it was a public hearing.

Commissioner Anand asked if letters were sent out.

Mr. Spriggs responded that notices had been sent out to property owners within 250 feet.

Chair Brown-Marshall asked Mr. Sheastizado if he was ok with Commissioner Brightwell's comments about odor control.

Mr. Sheastizado responded that he was. The applicant and the district would look at the headworks. However, as far as the primary clarifiers, they do not know if that would happen.

Commissioner Brightwell informed that since this is a SUP it would need to be addressed.

Ms. Gomez informed that if the Commission recommended a odor control plan to be submitted and adjusted with the phases, it would be submitted to the utilities manager for review and approval.

Mr. Sheastizado asked if it was acceptable for the buffer requirements at 20 feet or is the recommendation at 170 feet.

Chair Brown-Marshall informed that it was going to be discussed.

Motion: To close the public hearing

Made By: Commissioner Anand

Second: Commissioner Norcom

AYES: Commissioner Brown-Marshall, Commissioner Lucas, Commissioner Brightwell, Commissioner Anand, Commissioner Norcom, Commissioner Parker

NAYES: None

ABSTENTIONS: None

The motion passed.

Chair Brown-Marshall informed that staff recommended that the Commission should consider whether a 10 or 20 foot landscape buffer to include the ornamental accent trees and shrubs. The applicant has stated that it would encroach onto the possible future tanks if the additional buffering was added.

Commissioner Brightwell informed that the applicant also stated that they did not know if the tanks would be provided. A side of the clarifiers would be lost if the detention pond had to stay.

Mr. Spriggs informed that if the pond went away, there would need to be an understanding of what would happen to that area.

Commissioner Brightwell informed that currently the detention pond was needed due to the site not being able to handle the drainage. In the SUP, the buffer could be set, pending the final disposition of the detention pond in a future date and with a trigger.

Mr. Spriggs informed that a distance could be set to not go beyond.

Ms. Gomez asked if the Commission was recommending a minimum of 20 feet as purposed with the tree line and not to exceed what.

Commissioner Brightwell asked Mr. Sheastizado what the plan was for disinfection.

Mr. Sheastizado informed that the plan was chlorine gas.

Commissioner Brightwell asked Mr. Sheastizado if they were going to need a mitigation plan.

Chair Brown-Marshall asked Mr. Sheastizado if there were any TCEQ rules about the treatment plant being next to a school. The concern is how far the chlorine gas travels.

Mr. Sheastizado informed of the required risk management plan.

Commissioner Brightwell asked Mr. Sheastizado if they were running 500 or 1 ton cylinders.

Mr. Sheastizado informed that they were running two- 1 ton cylinders.

Commissioner Brightwell asked if they would be placed closer to the school side.

Mr. Sheastizado replied that it would but that CMU with chain-link would be provided.

Chair Brown-Marshall informed that Commissioner Anand's concern was the safety of the children, and asked Mr. Sheastizado how they would explain this to the neighbors in layman terms.

Commissioner Norcom III asked Mr. Sheastizado for an example of the explanation without getting detailed, overall of how the plan would go into effect, and if there were a chlorine leak, what would happen.

Mr. Sheastizado informed that in the chlorine containment building, there would be chlorine sensors and vacuum regulators would shut the cylinder off if a leak is detected. These are standard TCEQ requirements. In addition, there would be one more level of redundancy of an automatic shut-off valve. In case the regulator fails, the valve would be motorized and will close immediately to try to seal off any sort

of leak that may occur. There would be a vacuum style system. The chlorine would be pulled and not pushed.

Chair Brown-Marshall asked Mr. Sheastizado if they have completed the same type of proposed development somewhere else.

Mr. Sheastizado indicated that they had; a treatment plant in Montgomery County that was surrounded by residential. That location has a ditch for discharging and a small pipeline easement.

Commissioner Brightwell informed that for the last 15 years, there had been a requirement for a risk management plan and that it must be published.

Commissioner Anand asked if the school was informed of the expansion.

Ms. Gomez responded that the school should have been included in the noticing. Additionally, any rezoning application is typically sent to the school district for their information. The school possibly would have been captured in the 250 foot radius.

Commissioner Norcom III asked if there was going to be regular fencing.

Commissioner Brightwell informed that it was going to be regular barbed-wire.

Ms. Gomez provided that currently there was landscaping on the Echo Creek Drive side however there has not been any discussion of landscaping on the Cangelosi ditch side.

Ms. Gomez informed that Mr. Sheastizado shared that on the Cangelosi ditch side, there was a 30 foot Fort Bend County Drainage District easement that may limit the provisions of landscaping.

Ms. Gomez informed that the original recommendation was for a minimum 8 foot tall wood fence along both the Echo Creek Drive and Cangelosi ditch, with masonry pilasters. The pilasters would be in intervals of no more than 300 feet. Ms. Gomez informed that it was the Cangelosi ditch side that was the question, if it was going to be wood fencing, a strand of barbed-wire would still have to be added on top, or chain-link with the barbed-wire. Ms. Gomez informed that either way, staff's recommendation was if chain-link, it would need some type of screen or vinyl slats so that the view would be closed off from the park and from the school.

Ms. Gomez informed that there was discussion about coating of the fence. It could be a black or green coated fence with the slats matching the fence color.

Chair Brown-Marshall asked about the type of fencing for the west side of the property.

Ms. Gomez informed that that was a 300 foot Centerpoint easement. The chance of that area being developed for another purpose is low.

Commissioner Brightwell asked if the SUP was approved would there be an option down the road if conditions changed. Could there be an amendment?

The Commission consulted with city staff concerning timeframe options and development triggers.

Mr. Sheastizado informed city staff and the Commission that the district would now commit to including a carbon scrubber and closing the headworks and fiberglass reinforced plastic.

- (2) Consideration of the approval of a final report to City Council on item 7A(1) above.

Motion: The Planning and Zoning Commission forwards a positive recommendation with the following changes; applicant agrees to provide some level of positive odor control to include the district's commitment to include a carbon scrubber and closing the headworks and fiberglass reinforced plastic; fencing on Echo Creek Drive will be a wood fence with three pilasters; the 20 foot tree buffer that is already in place will remain; powder coated chain link fencing with slats and barbed-wire in one color of black or green is required on the Cangelosi Ditch side; the SUP must be reconsidered prior to the beginning of phase 3.; and a 150 foot minimum building setback.

Made By: Commissioner Brightwell
Second: Commissioner Lucas

AYES: Commissioner Brown-Marshall, Commissioner Lucas, Commissioner Brightwell, Commissioner Anand, Commissioner Norcom, Commissioner Parker

NAYES: None
ABSTENTIONS: None

The motion passed



**PLANNING AND ZONING COMMISSION
FINAL REPORT**

AGENDA DATE: April 15, 2019

AGENDA ITEM SUBJECT: Fort Bend County WC&ID No. 2 Wastewater Treatment Plant No. 2

AGENDA ITEM NUMBER: 7.A.1

PROJECT PLANNER: **Jennifer Thomas Gomez, AICP**, Planning Manager

APPROVAL: **Otis T. Spriggs, AICP**, Director, Development Services

Sonya Brown Marshall, Planning and Zoning Commission Chair



Sonya Brown Marshall, Chair

PERMIT NUMBER: SUP1900004

PROPERTY ID: 0116-00-000-6004-907 / 0116-00-000-6001-907

LOCATION: The subject site is located north of Thurgood Marshall High School/Buffalo Run Park, east of Echo Creek Drive, west of S. Cravens, and south of Highway 90.

RECOMMENDED ACTION:

The proposal complies with the provisions of the 2017 Comprehensive Plan and the policies contained in the Future Land Use Map.

The Planning and Zoning Commission adopts this as its Final Report and forwards it to City Council with a **positive recommendation** for consideration and adoption thereof.

SUMMARY:

To facilitate the provision of utility services within the area, Fort Bend County Water Control & Improvement District No. 2 seeks to amend SUP, Specific Use Permit No. 65 (Ordinance O-86-36) to expand the boundaries of a site for the development of a waste water treatment plant.

The district purchased an approximate 5.80 acre tract of land in the mid-1980s, was subsequently approved on July 21, 1986 for SUP No. 65 and platted the subject site, to allow for the development of a sewage treatment plant.

A lift station was constructed on the site however the overall treatment plant was not.

In 2015, the district purchased additional acreage adjoining the original tract to accommodate the same development using newer technologies.

The location and operation of wastewater treatment plants are subject to the requirements of the Texas Commission of Environmental Quality (TCEQ).

GENERAL SITE INFORMATION:

A. Legal Description:

The subject site can be described as being a certain 14.31 acre tract of land situated in the B.B.B. & C. Railroad Company Survey Section 8, Abstract No. 116 in Fort Bend County, Texas, being out of a called 14.5041 acre tract of land conveyed to Fort Bend County Water Control and Improvement District No. 2 recorded in Clerk's File No. 2015069032 of the Fort Bend County Official Public Records of Real Property and being a portion of Wastewater Treatment Plant No. 2, plat of which is recorded in Slide No. 873A of the Fort Bend County Plat Records.

B. Size: 14.31 acres

C. Existing land use and zoning designation: Vacant land, existing lift station / SUP No. 65 (Ordinance O-86-36); R-6, condominium residential district

D. Surrounding land uses and zoning designations:

North: Southwest Commerce Center (industrial park under construction) / PD 104 (Ordinance O-17-33)

South: Thurgood Marshall High School, Buffalo Run Park / SUP No. 144 (Ordinance O-00-11)

East: Park 8Ninety / PD, Planned Development District No. 94 (Ordinance O-14-37)

West: Single family residential / R-1, single family residential

E. Zoning History:

09-21-1959:	Subject site annexed by the City of Missouri City (Ordinance 48)
01-19-1981:	Subject site zoned R-5, townhouse residential district (Ordinance O-81-01)
04-04-1983:	Subject site rezoned R-6, condominium district (Ordinance O-83-15)
07-21-1986:	SUP No. 65 approved to allow for a sewage treatment plant (Ordinance O-86-36)

ANALYSIS OF SUBJECT SITE:

A. Development potential

To facilitate the provision of utility services within the area, Fort Bend County Water Control & Improvement District No. 2 seeks to amend SUP, Specific Use Permit No. 65 (Ordinance O-86-36) to expand the boundaries of a site for the development of a waste water treatment plant.

The district purchased an approximate 5.80 acre tract of land in the mid-1980s, was subsequently approved on July 21, 1986 for SUP No. 65 and platted the subject site, to allow for the development of a sewage treatment plant.

A lift station was constructed on the site however the overall treatment plant was not.

In 2015, the district purchased additional acreage adjoining the original tract to accommodate the same development using newer technologies.

The proposed wastewater treatment plant would include the existing lift station site and provide for an additional lift station, several buildings, structures and tanks. A proposed detention basin would be situated along the Echo Creek Drive portion of the property.

Conformance with the Comprehensive Plan: The proposed amendment is in conformance with the following portions of the 2017 Comprehensive Plan:

- A more cohesive city. Building upon public...intergovernmental and institutional...partnerships.

Conformance with the Land Use Plan: The Future Land Use Map identifies the subject tract Suburban residential. Suburban Character is summarized below.

Suburban Character (*Suburban residential and Suburban commercial*). This designation is for areas where both residential and commercial development forms result in a more green, open feel compared to more intensively developed areas where buildings, parking areas, and other improvements cover more of their sites. In Suburban Residential areas, there is more separation between homes (whether through larger minimum lot sizes or setbacks), and the intervening spaces are devoted more to trees and vegetation than paved surfaces...Suburban commercial development is appropriate for office, retail and service uses abutting residential neighborhoods (subject to scale limitations and “residential in appearance” design standards) and in other areas where the community’s image and aesthetic value is to be promoted, such as at gateways and along high profile corridors.

Staff recommended: Approve the amendment to SUP No. 65 to expand the boundaries for the wastewater treatment plant site contingent upon the recommendations included in this report.

Planning and Zoning Commission recommends: To approve as staff recommended.

B. Height and area requirements. Except as set forth herein, the height and area regulations for R-6, condominium residential district apply to the subject site.

The R-6 condominium residential district provides that “no building or structure shall exceed three stories or 45 feet.” The regulation also provides that the city’s board of adjustment may make special exceptions to allow a height not to exceed five stories or 75 feet, where to do so will not be contrary to public interest or result in substantial injury to surrounding property or the appropriate use.

Additionally, the R-6 district requires a front yard of not less than 15 feet; rear yard of not less than 10 feet; and a side yard of not less than 5 feet.

Properties to the west of the subject site and along Echo Creek Drive are presently zoned R-1, single family residential district and a few homes including one newly constructed are located within this area. The R-1 district allows for a maximum height of two and one half stories or 35 feet.

The proposed wastewater treatment plant would include the existing lift station site and provide for an additional lift station, several buildings, structures and tanks. A proposed detention basin would be situated along the Echo Creek Drive portion of the property.

The district has described that the proposed buildings and structures would be between approximately 14 feet and 18 feet in height. The “headworks” structure would be approximately 35 feet in height.

TCEQ requires buffer zones including one limiting the location of wastewater treatment plant units to be no closer than 150 feet to the nearest property line.

Staff recommended: Establish a yard (setback) along Echo Creek Drive (rear yard) to be no less than the width of the detention basin as shown on the site plan. The location of buildings and structures should be setback, at this minimum, from this property line due to its proximity to residential uses.

Staff recommended no changes to the height requirements for the R-6 district as applicable to the proposed development contingent upon the recommendations included in this report.

Planning and Zoning Commission recommends: To approve as staff recommended and provide for a minimum 150 foot buffer (setback) from any building or structure from the Echo Creek Drive property line.

C. Architectural design standards. All buildings and structures constructed should comply with the building codes of the City of Missouri City. Buildings and structures should meet the following architectural design standards.

For nonresidential uses, Section 7A.C.2 requires that “one hundred percent of exterior walls, excluding windows and doors...” to consist of masonry. Section 7A.F.1. provides for primary and accent materials and colors for buildings, structures and fencing.

Section 7A.3 prohibits construction materials and details including: Exposed exterior metal walls, bright or glossy colors including electric, fluorescent, neon, or metallic color schemes; concrete cinder block, except that painted cinder block may be used on the rear of buildings not backing a street; corrugated materials uses as walls or roofs; and temporary buildings.

The proposed wastewater treatment plant would include the existing lift station site and provide for an additional lift station, several buildings, structures and tanks. A proposed detention basin would be situated along the Echo Creek Drive portion of the property.

The district has described exterior material for the proposed buildings and structures as follows:

<i>Building/Structure</i>	<i>Proposed Height</i>	<i>Proposed Material</i>
Dewatering & operations building	<i>Approximately 14 feet to 18 feet</i>	CMU
Digester Basin	<i>Approximately 14 feet</i>	Concrete
Thickeners	<i>Approximately 18 feet</i>	Concrete
Electrical building	<i>Approximately 14 feet</i>	CMU
Clarifiers	<i>Approximately 15 feet</i>	Concrete
Disinfection Chemical Building	<i>Approximately 15 feet</i>	CMU

Aeration Basins	<i>Approximately 16 feet</i>	Concrete
Anoxic/Anaerobic basins – future	<i>Unknown</i>	Unknown
Headworks	<i>Approximately 35 feet</i>	Concrete
Primary Clarifies - future	<i>Unknown</i>	Unknown
Grit Removal System - future	<i>Unknown</i>	Unknown

Additionally, the district is proposing to construct a wood fence along Echo Creek and a chain link fence along all other sides of the site to screen from public view and to secure the site.

Staff recommended: The city’s architectural design standards as it relates to one hundred percent use of masonry materials and associated colors and prohibited materials and details should apply to buildings, structures and fencing on the subject site due to its proximity to residential uses and the visibility of the site from the Buffalo Run Park as well as Thurgood Marshall high school. The purpose of these standards includes the protection of scenic views and prohibiting eyesores.

Planning and Zoning Commission recommends: To approve as staff recommended except that wood fencing may be provided along the Echo Creek Drive frontage and chain link fencing may be provided along the Cangelosi Ditch frontage. Additional recommendations on such fencing are contained below under Landscaping regulations and Fence regulations.

D. Trash disposal regulations. The trash disposal regulations for R-6, condominium residential district should apply to the subject site.

Ordinance O-86-36 provides that “refuse” was not applicable.

The screening requirements for residential zones now applies to the R-6 district. These requirements include the screening of a trash disposal area if within view of a public or private roadway when viewed from a height of six feet above the ground level. Screening can consist of fencing.

Staff recommended: Apply the regulations for the R-6 district to the subject development. The fencing requirements imposed by this ordinance could be sufficient to adequately screen any needs for trash disposal.

Planning and Zoning Commission recommends: To approve as staff recommended.

E. Landscaping regulations. The landscaping regulations set forth herein should apply.

The purpose of the city's landscaping regulations are in part to "enhance and preserve the value of buildings, reduce adverse effects of...lighting, noise, dust and odor, and to protect building occupants' privacy by requiring spacing and screening between uses of different types or intensities...The greater the difference in intensities the deeper the transitional buffer yard; the less the difference in intensities the shallower the transitional buffer yard..."

Ordinance O-86-36 did not apply requirements for landscaping or buffer yards to the originally proposed development. However, the ordinance does require that "each phase of the project [to be] screened by an opaque structure of fence." The ordinance goes on to indicate that "sufficient buffering is provided by Cangelosi Ditch and the H.L.&P. fee strip on both the north and south sides of the subject site.

The Commission should note that neither Thurgood Marshall High School nor Buffalo Run Park existed in 1986 at the time of the ordinance approval.

The district is proposing to construct a wood fence along Echo Creek Drive and a chain link fence along all other sides of the site to screen from public view and to secure the site. Generally, landscaping has not been presented as part of the site plan. The site plan provides for an existing tree to remain as part of screening on the Echo Creek Drive side of the property.

Staff recommended: A minimum 8 foot tall wood fence with the finished side of the fence facing out from the property and meeting all other requirements for community fencing should be required along the Echo Creek Drive (rear) side as well as along the side adjacent to Cangelosi ditch and visible from both Thurgood Marshall High School and Buffalo Run Park. These requirements would include masonry pilasters or columns not greater than in 300 feet in intervals. At least two masonry pilasters or columns should be placed Echo Creek Drive. CMU or concrete could be permitted for masonry pilasters and columns.

The site plan provides for the location of a detention basin along the Echo Creek Drive side of the property and the staff recommendations above include creating this area as a minimum buffer yard to restrict buildings and structures in proximity to the residential uses.

However, the Commission should consider whether a landscape buffer of between 10 to 20 feet and including ornamental/accent trees and/or shrubs should be incorporated on the Echo Creek Drive side of the property.

Planning and Zoning Commission recommends: To approve as staff recommended except to require a minimum 20 foot tree buffer along the Echo Creek Drive property line as already in place and to only require masonry pilasters or columns to be placed along Echo Creek Drive .

- F. Parking regulations.** The parking regulations of Section 12, Zoning Ordinance should apply.

The submitted site plan indicates approximately 14 parking spaces to be provided on site. The parking as situated would be behind the existing and future lift station sites and enclosed within the fencing for the overall site.

The applicant has provided a response indicating that the district's staffing for the facility is anticipated to be 2-3 employees during normal business hours. The facility will likely not be staffed on nights, weekends or holidays. The parking will be restricted from the public and only for district employees only.

- G. Sign regulations.** The sign regulations for nonresidential zoning district should apply to the subject use.

Ordinance O-86-36 provided that "the only signage permitted shall be that signage permitted by Section 13.16 of the City of Missouri City Zoning Ordinance."

The ordinance section reference appears to be a typo and appears to reference Section 13.14 which provided exceptions and exemptions for certain signs. These included signs types that are now listed under the current Section 13.16, Exemptions and Section 13.10 Regulations for conditionally exempt signs.

Staff recommendation: Apply Section 13 and the nonresidential zoning district standards. The district has not provided specific needs or plans related to signage however the updates that have been made to the city's sign regulations, existing today in Section 13 should allow for the location of appropriate signage, if needed or required.

- H. Odor.** The Texas Commission on Environmental Quality (TCEQ) requires that an applicant for a new or expanded wastewater treatment facility provide a nuisance odor prevention request for approval. Such request is required to be an engineering report that details the existing climate conditions, surrounding land uses (existing and future), potential odor generating units, and proposed solutions to mitigate. This request must be submitted prior to construction.

TCEQ defines nuisance odor prevention as the "reduction, treatment, dispersal of potential odor conditions that interfere with another's use and enjoyment of property that are caused by or generated from a wastewater treatment plant unit, which conditions cannot be prevented by normal operations and maintenance procedures of the wastewater treatment unit.

Staff recommendation: None.

Planning and Zoning Commission recommends: To require some type of positive odor control to include a carbon scrubber and closing the headworks with fiberglass reinforced plastic.

- I. **Ingress and egress.** All driveways and off-street parking areas, including locations, should comply with the Public Infrastructure Design Manual.

Ordinance O-86-36 provides that “sufficient access is available from Cravens Road to serve the proposed [development]”.

The submitted site plan includes primary access off of Cravens Road and limited access off of Echo Creek Drive.

- J. **Platting.** The original site has been platted. The additional acreage will be required to be platted prior to pulling permits for construction.

- K. **Development Schedule.** The applicant has advised the development phase is not planned to be beyond the five-year period required by Section 15 of the city’s zoning ordinance however, the applicant should provide a general development schedule.

Planning and Zoning Commission recommends: Prior to the beginning of construction for phase 3 of the site development, the regulations and restrictions of the SUP should be reconsidered.

-----**END OF REPORT**-----



DEVELOPMENT SERVICES DEPARTMENT
Planning & Development Division
 1522 Texas Parkway
 Missouri City, Texas 77489
 281-403-8600 (Office) ■ 281-208-5551 (Fax)
 www.missouricitytx.gov

APPLICATION FOR:

Check One:

- SPECIFIC USE PERMIT
 SPECIFIC USE PERMIT AMENDMENT
 PLANNED DEVELOPMENT DISTRICT
 PLANNED DEVELOPMENT DISTRICT AMENDMENT

**SEE EXHIBITS "A" (PAGE 7), "B", AND "C" (PAGE 8)
 FOR INFORMATION REQUIRED FOR COMPLETE APPLICATION SUBMITTAL**

1. Project Name: Fort Bend County WC&ID No. 2 Wastewater Treatment Plant No. 2	
2. Address/Location of Property:	
3. Applicant's Name: Jones Carter	
Mailing Address: 2322 W. Grand Parkway N., Suite 150, Katy, Texas 77449	
Phone No.: (832) 913 - 4000	
Email: Dvaldez@jonescarter.com	
4. Status of Applicant: Owner <input type="checkbox"/> <u>Agent</u> <input type="checkbox"/> Attorney <input type="checkbox"/> Trustee <input type="checkbox"/> Corporation <input type="checkbox"/> Relative <input type="checkbox"/> (If other than Owner, submit written authorization from Owner with application.)	
5. Property Owner: Fort Bend County WC&ID No. 2	
Mailing Address: 2331 South Main Street, Stafford, Texas 77477	
Phone No.: (281) 261 - 8082	
Email:	
6. Existing Zoning District: R-6 and SUP 65	
7. Total Acreage: 14.3143	
8. Proposed Development and Reasons for Application: Extend the SUP 65 to allow for the plant to have the space needed to be constructed and to abandon the unnecessary easements and building lines.	
9. Legal Description of the Property (If the legal description is a portion of a lot, then a metes and bound description of the tract must be submitted with application.): A Subdivision of 14.3143 Acres of land also being a replat of Fort Bend County WC&ID No. 2 Wastewater Treatment Plant No. 2 As recorded in instrument No. 8660363 of the B.B.B. & C. Railroad Company Survey Section, Abstract No. A-118	
10. Central Appraisal District tax identification numbers of property (Attach Paid Tax Receipts): R139670 and R133165	
11. Do deed restrictions or restrictive covenants exist for the property? (Circle One): YES <input type="checkbox"/> <u>NO</u> <input checked="" type="checkbox"/> (If yes, submit with application.)	
12. Does this application include an Architectural Design Review: (Circle One): YES <input type="checkbox"/> <u>NO</u> <input checked="" type="checkbox"/> (If yes, see page 8, Exhibit C for materials required to be submitted.)	
FILING FEE: \$1,200.00	

Hand deliver completed application form with the filing fee and required information to:

**Development Services Department
 1522 Texas Parkway (FM 2234)
 Missouri City, TX 77489**

By submitting this application you are permitting City staff to enter the site in order to post and remove public notice signs.

Daniel Valdez

 Print Name of Applicant

 Signature of Applicant

 Print Name of Property Owner

 Signature of Property Owner, Agent or Attorney



Fort Bend County W.C. & I.D. No. 2

2331 South Main

Stafford, Texas 77477

Phone: (281) 499-2041 Fax: (281) 499-6732

www.fbcwcid2.com

February 20, 2019

Ms. Jennifer Thomas Gomez

City of Missouri City

1522 Texas Parkway

Missouri City, Texas 77489

Re: Authorization for Plat and SUP for Fort Bend County WC&ID No. 2
Wastewater Treatment Plant No.2

Dear Ms. Gomez:

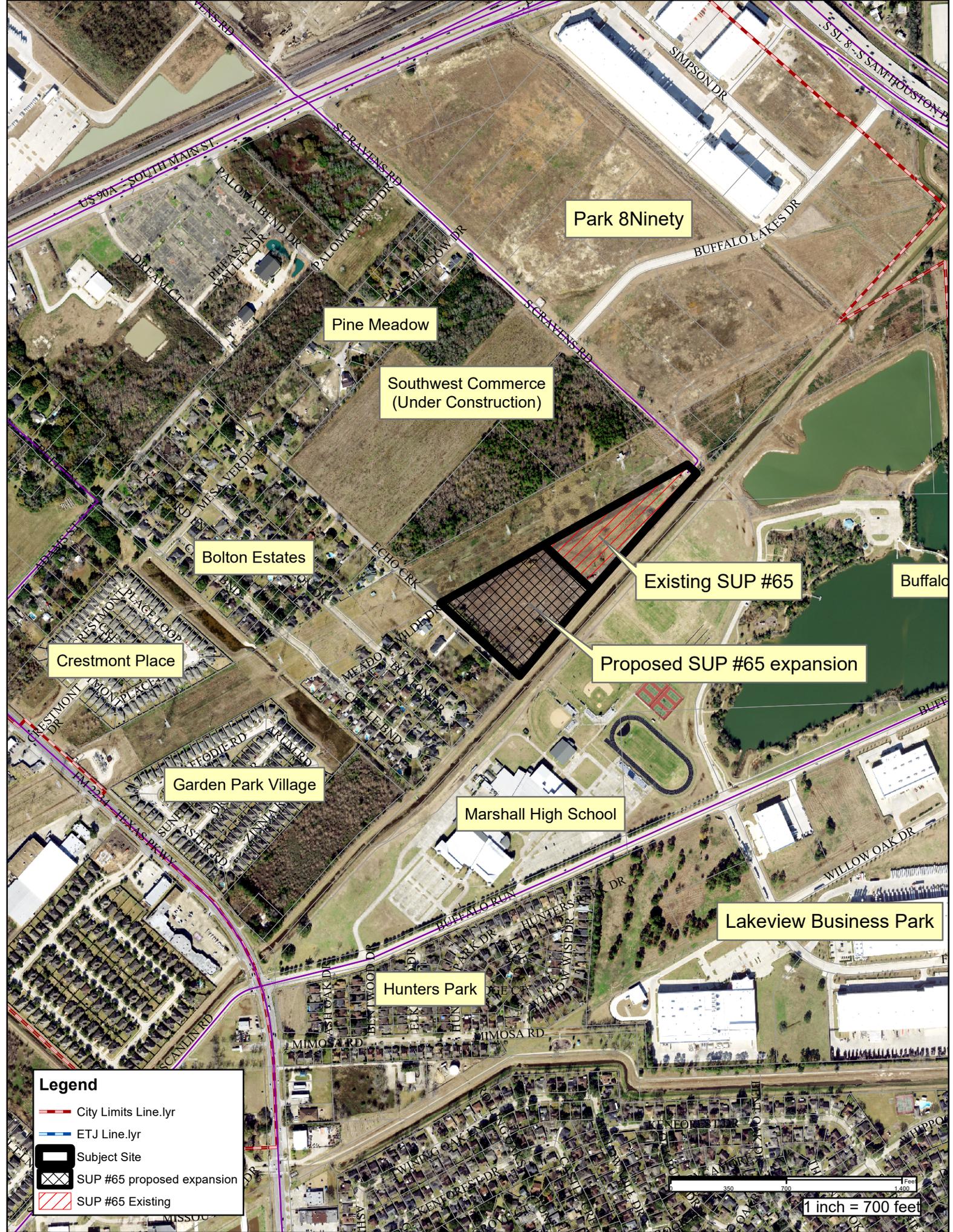
We, Fort Bend County WC&ID No. 2, hereby authorize Jones & Carter, Inc. to submit the necessary documentation for a Specific Use Permit Amendment and Plat application to City of Missouri City regarding Fort Bend County WC&ID No. 2 Wastewater Treatment Plant No. 2.

Should you have any questions or require additional information, please call.

Sincerely,

A handwritten signature in black ink that reads "Owen Matherne". The signature is written in a cursive style.

Owen Matherne
General Manager



Park 8Ninety

Pine Meadow

Southwest Commerce
(Under Construction)

Bolton Estates

Existing SUP #65

Buffalo

Crestmont Place

Proposed SUP #65 expansion

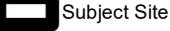
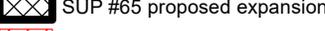
Garden Park Village

Marshall High School

Lakeview Business Park

Hunters Park

Legend

-  City Limits Line.lyr
-  ETJ Line.lyr
-  Subject Site
-  SUP #65 proposed expansion
-  SUP #65 Existing

Scale: 1 inch = 700 feet

Specific Use Permit Amendment Current Conditions – Site Pictures

Fort Bend County Water Control & Improvement District No. 2



Looking south from S. Cravens Road

Centerpoint (HL&P)
300' easement

Looking southwest from S. Cravens Road



Thurgood Marshall
High School

Looking south from S. Cravens Road



Centerpoint (HL&P)
300' easement

NOTICE OF PUBLIC HEARING

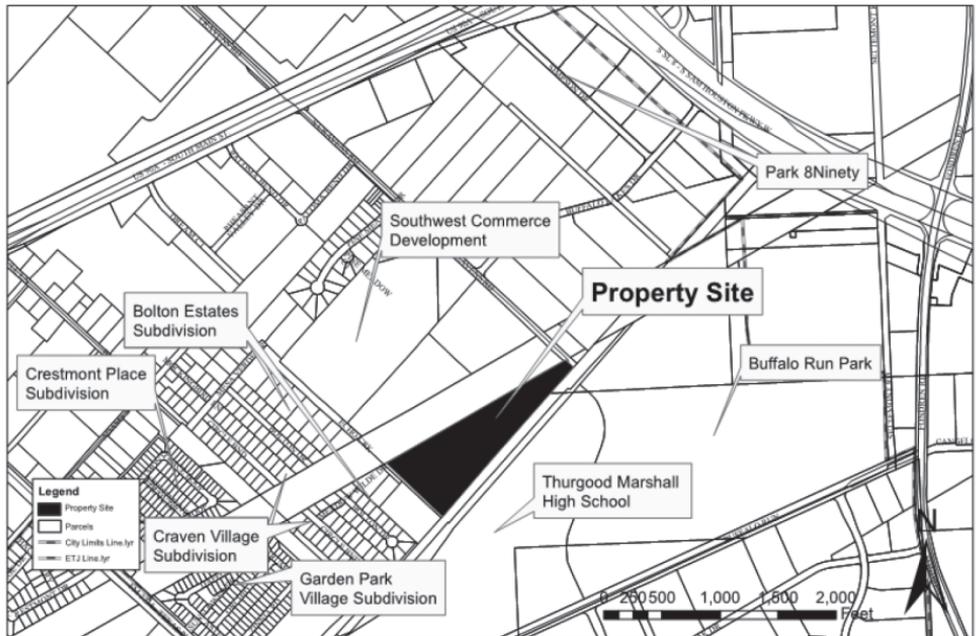
LOCATION/DATE: The City Council of the City of Missouri City will hold a public hearing on Monday, April 15, 2019, at the City Council Chambers – 2nd Floor, City Hall Building, 1522 Texas Parkway (FM-2234), Missouri City, Texas at 7:00 p.m.

PURPOSE: To receive comments for or against a request by Jones | Carter on behalf of Fort Bend County WC&ID No. 2 to amend the Specific Use Permit No. 65 adopted by Ordinance No. O -86-36 for a waste water treatment plant use, to increase the acres of land contained within the SUP, to provide new conditions to the use subject to the SUP, and to the extent such use deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

SITE LOCATION: The subject site is located north of Thurgood Marshall High School/ Buffalo Run Park, east of Echo Creek Drive, west of S. Cravens Road, and south of Highway 90A.

SITE LEGAL DESCRIPTION: The subject site can be described as being a certain 14.31 acre tract of land situated in the B.B.B. & C. Railroad Company Survey Section 8, A-116 in Fort Bend County, Texas, being out of a called 14.5041 acre tract of land conveyed to Fort Bend County Water Control and Improvement District No. 2 recorded in Clerk's File No. 2015069032 of the Fort Bend County Official Public Records of Real Property and being a portion of Wastewater Treatment Plant No. 2, plat of which is recorded in Slide No. 873A of the Fort Bend County Plat Records.

FOR MORE INFORMATION: Additional information and a map of the subject site are available for review at City Hall, Missouri City, Texas on Monday through Friday from 8:00 a.m. to 4:00 p.m. You may call 281-403-8600 or email the Development Services Department-Planning Division at planning@missouricitytx.gov for further information.





DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

**NOTICE OF PUBLIC HEARING
TO ADJOINING PROPERTY OWNERS
WITHIN 200 FEET OF PROPERTY SUBJECT TO REZONING**

DATE OF NOTICE: February 28, 2019

LOCATION/DATE: The Planning and Zoning Commission of the City of Missouri City will hold a public hearing on Wednesday, March 13, 2019, at the City Council Chambers – 2nd Floor, City Hall Building, 1522 Texas Parkway (FM-2234), Missouri City, Texas at 7:00 p.m.

PURPOSE: To receive comments for or against a request by Jones and Carter on behalf of Fort Bend County WC&ID No. 2 to amend the Specific Use Permit No. 65 to expand the boundaries of the SUP, of an approximately 14.3143 acre tract of land, to allow for the conditional development of a waste water treatment plant, and to the extent such use deviates from the Future Land Use and Character map of the Comprehensive Plan, to provide for an amendment therefrom.

SITE LOCATION: The subject site is located north of Thurgood Marshall High School/Buffalo Run Park and east of Echo Creek Dr., west of S. Cravens, and south of Hwy 90.

SITE LEGAL DESCRIPTION: The subject site can be described as being a certain 14.31 acre tract of land situated in the B.B.B. & C. Railroad Company Survey Section 8, Abstract No. 116 in Fort Bend County, Texas, being out of a called 14.5041 acre tract of land conveyed to Fort Bend County Water Control and Improvement District No. 2 recorded in Clerk's File No. 2015069032 of the Fort Bend County Official Public Records of Real Property and being a portion of Wastewater Treatment Plant No. 2, plat of which is recorded in Slide No. 873A of the Fort Bend County Plat Records.

FOR MORE INFORMATION: Additional information and a map of the subject site are available for review at City Hall, Missouri City, Texas on Monday through Friday from 8:00 a.m. to 4:00 p.m. You may call 281-403-8600 or email the Development Services Department-Planning Division at planning@missouricitytx.gov for further information.

Centerpoint Energy Houston Electric,
LLC
Attn: Property Tax Dept. PO Box 1475
Houston, TX 77251-1475

Stelmar International LTD
1111 Hermann DR.
Houston, TX 77004-6932

FT Bend WCID #2
2331 S. Main ST.
Stafford, TX 77477-5519

Barr John
1114 Echo Creek DR
Missouri City, TX 77489-1506

Hinojosa Roberto M. & Veronica
Villasenor
1106 Echo Creek DR.
Missouri City, TX 77489-1506

FBC Water Control & Improvement
Dist.
3200 Southwest FWY, STE. 2600
Houston, TX 77027-7537

FT Bend ISD
c/o Tax Office PO Box 1004
Sugar Land, TX 77487-1004

DeLeon Carlos & Alicia M. Villasenor
1110 Echo Creek DR.
Missouri City, TX 77489-1506

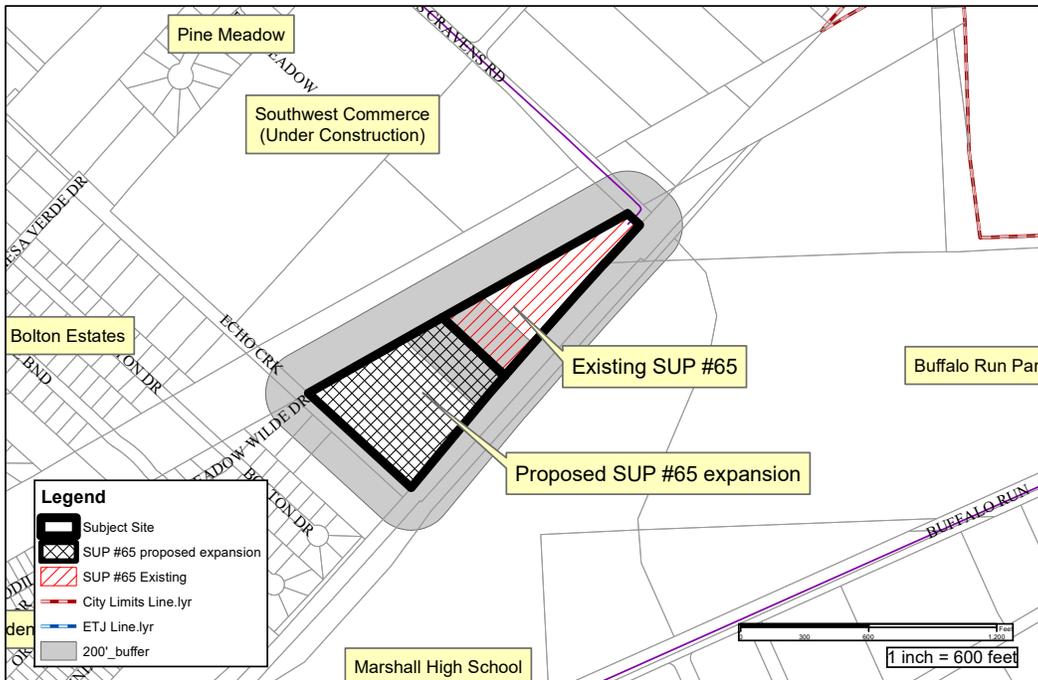
City of Missouri City, Texas
Development Services Department – Planning Division
Rezoning Application Protest Letters Analysis

Application: FBC WC&ID No. 2 Wastewater Treatment Plant No. 2 - SUP Amendment
City Council First Reading: April 15, 2019

Protest Letters Received

Name	Property Address OR Fort Bend County Account Number	Land Area (Square Feet) Within 200 Feet
None		
Total Area Represented by Protest(s):		-
Total Land Area <i>Including</i> Subject Site:		1,724,841.54
Subject Site <i>Only</i> Land Area:		623,343.60
Total Land Area <i>Only Within 200 Feet</i> of Subject Site:		1,101,497.94
Protest(s) Percentage of Land Area Within 200 Feet:		0%

Note: A total of 0 letters of support and 0 letters of protest have been received for the application request as of April 11, 2019.





**Council Agenda Item
April 15, 2019**

7. PUBLIC HEARINGS AND RELATED ACTIONS

- (b) Public Hearings and related actions** – *There are no Public Hearings and related actions on this agenda.*
-



**CITY COUNCIL
AGENDA ITEM COVER MEMO**

April 15, 2019

To: Mayor and City Council
Agenda Item: 8(a) Sienna Plantation Management District Director Appointments
Submitted by: E. Joyce Iyamu, City Attorney

SYNOPSIS

This item provides for Council consideration of the appointment of certain Directors to the Board of Directors of the Sienna Plantation Management District (the "District").

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Have a Quality Development through Buildout

BACKGROUND

Section 3829.052 of the Texas Special District Local Laws Code provides that the City Council of the City of Missouri City must appoint directors to the board of directors of the District (the "Board") that are nominated by the Board. On or about April 4, 2019, the City of Missouri City received a request from the District to reappoint certain directors to the Board. The proposed nominees were previously approved by the City Council on May 18, 2015. The nominees are Deborah Marcell for Position 1, Linda C. Bell for Position 2, and Cody Radley for Position 3. Such terms are four-year terms and will expire in 2023.

BUDGET ANALYSIS

Funds are not being requested at this time.

SUPPORTING MATERIALS

1. Sienna Plantation Management District request for appointment of certain directors
2. Section 3829.052 of the Texas Special District Local Laws Code

STAFF'S RECOMMENDATION

The City Council is required by state law to appoint as directors the slate of people nominated by the Sienna Plantation Management District Board.

ALLEN BOONE HUMPHRIES ROBINSON LLP

ATTORNEYS AT LAW

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

Direct Line: (713) 860-6488
Direct Fax: (713) 860-6688

vseguin@abhr.com

Veronica Seguin
Legal Assistant

April 4, 2019

Via Email and Federal Express

Mr. Anthony J. Snipes
City Manager
Missouri City Hall
1522 Texas Parkway
Missouri City, Texas 77489

Re: Sienna Plantation Management District (the "District")

Dear Mr. Snipes:

Pursuant to Section 3829.052 of the Special District Local Laws Code, the City Council of the City of Missouri City previously confirmed the appointment of five directors to serve staggered four-year terms on the Board of Directors of the District. Terms for Position 1, Debbie Marcell, Position 2 - Linda C. Bell, and Position 3, Cody Radley will expire on June 1, 2019.

Enclosed for your review and consideration is District's Resolution Requesting the City of Missouri City, Texas to Re-Appoint Directors to New Terms for Marcell, Bell and Radley. Also enclosed is a draft Resolution Re-Appointing Directors to New Terms to the Board of Directors for the District.

Please let me know when this item is placed on the Council agenda and advise if a representative of the District should be present. Thank you for your attention to this matter. If you have any questions, please call me at 713-860-6488.

Sincerely,



Veronica Seguin
Legal Assistant

Enclosures

cc: E. Joyce Iyamu, City Attorney
Maria Jackson, City Secretary
District Attorney
District File

RESOLUTION REQUESTING THE CITY OF MISSOURI CITY, TEXAS
TO RE-APPOINT DIRECTORS TO NEW TERMS

WHEREAS, the City Council of the City of Missouri City, Texas has heretofore confirmed the appointment of five directors to serve on the Board of Directors of Sienna Plantation Management District (the "District"), for staggered four-year term expiring on June 1, 2019 and 2021, respectively; and

WHEREAS, the terms for Linda C. Bell, Director - Position 2 and Cody Radley, Director - Position 3, and Debbie Marcell, Director - Position 1, expire on June 1, 2021; and

WHEREAS, Section 3829.052 of the Special District Local Laws Code, as amended, confers jurisdiction on the governing body of the City of Missouri City to appoint directors of the District upon the recommendation of the Board of Directors of the District; and

WHEREAS, Linda C. Bell, Cody Radley, and Debbie Marcell are over twenty-one years of age, resident citizens of Fort Bend County, and otherwise qualified by law to serve as directors of the District, and not disqualified from serving as a director of the District by reason of any law; and

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF SIENNA PLANTATION MANAGEMENT DISTRICT:

The Board of Directors hereby requests that the City of Missouri City, Texas appoint Linda C. Bell, Director - Position 2 and Cody Radley, Director - Position 3, and Debbie Marcell, Director - Position 1 on the Board for lawful four-year terms of office, which expire on June 1, 2023.

PASSED AND APPROVED on April 4, 2019.

[Signature]

v/c President
Board of Directors

ATTEST:

[Signature]

Asst. Secretary
Board of Directors



CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

I, the undersigned officer of the Board of Directors of Sienna Plantation Management District, hereby certify as follows:

1. The Board of Directors of Sienna Plantation Management District convened in regular session on the 4th day of April, 2019, outside the boundaries of the District, and the roll was called of the duly members of the Board:

Linda C. Bell	President
Dana Osborne	Vice President
John Knox, Jr.	Assistant Vice President
Cody Radley	Secretary
Debbie Marcell	Assistant Secretary

and all of said persons were present, except Directors Ben Radley, thus constituting a quorum. Whereupon, among other business, the following was transacted at the meeting: a written

RESOLUTION REQUESTING THE CITY OF MISSOURI CITY, TEXAS
TO RE-APPOINT DIRECTORS TO NEW TERMS

was introduced for the consideration by the Board. It was then duly moved and seconded that the Resolution be adopted; and, after due discussion, the motion, carrying with it the adoption of the Resolution, prevailed and carried unanimously.

2. That a true, full and correct copy of the aforesaid Resolution adopted at the meeting described in the above and foregoing paragraph is attached to and follows this certificate; that the Resolution has been duly recorded in the Board's minutes of the meeting; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of the Board as indicated therein; that each of the officers and members of the Board was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the aforesaid meeting, and that the Resolution would be introduced and considered for adoption at the meeting, and each of the officers and members consented, in advance, to the holding of the meeting for such purpose; that the meeting was open to the public as required by law; and that public notice of the time, place and subject of the meeting was given as required by Chapter 551, Texas Government Code, and Section 49.063, Texas Water Code.

SIGNED AND SEALED on the 4th day of April, 2019.



ASST · Secretary, Board of Directors

RESOLUTION NO. _____

A RESOLUTION RE-APPOINTING DIRECTORS TO NEW TERMS TO THE BOARD OF DIRECTORS FOR SIENNA PLANTATION MANAGEMENT DISTRICT.

WHEREAS, SIENNA PLANTATION MANAGEMENT DISTRICT (the "District") a special district created under Article XVI, Section 59, Texas Constitution and Article III, Section 52, Texas Constitution, pursuant to Senate Bill No. 1885 (78th Regular Session, 2003) codified as Chapter 3829 of the Special District Local Laws Code (the "Act"); and

WHEREAS, pursuant to the Act, the City Council of the City of Missouri City, Texas has heretofore confirmed the appointment of five directors to serve on the Board of Directors of Sienna Plantation Management District (the "District"), for lawful, staggered four-year terms of office expiring on June 1, 2019, and 2021, respectively; and

WHEREAS, terms for Linda C. Bell, Director - Position 2 and Cody Radley, Director - Position 3, and Debbie Marcell, Director - Position 1, expire on June 1, 2019; and

WHEREAS, Section 3829.052 of the Code, confers jurisdiction on the governing body of the City of Missouri City to re-appoint directors to new terms upon recommendation by the Board of Directors of the District; and

WHEREAS, Linda C. Bell, Cody Radley and Debbie Marcell are over twenty-one years of age, resident citizens of Fort Bend County, and otherwise qualified by law to serve as directors of the District, and not disqualified from serving as directors of the District by reason of any law; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:

Section 1. The facts and recitals set forth in the preamble of this Resolution are hereby found to be true and correct.

Section 2. The City of Missouri City, Texas hereby appoints Linda C. Bell, Director - Position 2 on the Board of Directors of Sienna Plantation Management District for the term of office that expires on June 1, 2023.

Section 3. The City of Missouri City, Texas hereby appoints Cody Radley, Director - Position 3 on the Board of Directors of Sienna Plantation Management District for the term of office that expires on June 1, 2023.

Section 4. The City of Missouri City, Texas hereby appoints Debbie Marcell, Director - Position 1 on the Board of Directors of Sienna Plantation Management District for a term of office that expires on June 1, 2023.

Section 5. It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government code, and that this meeting has been open to the public as required by law at all times during which this Resolution and the subject matter thereof has been discussed, considered and formally acted upon. City council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 6. This Resolution shall irrevocably take effect immediately upon its first and final ready and the passage and approval.

PASSED AND ADOPTED the _____ day of _____, 2019.

Mayor

ATTEST:

APPROVED AS TO FORM:

City Secretary

City Attorney

Sec. 3829.007. APPLICABILITY OF OTHER LAW. Except as otherwise provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.03, eff. April 1, 2007.

Sec. 3829.008. LIBERAL CONSTRUCTION OF CHAPTER. This chapter shall be construed liberally in conformity with the findings and purposes stated in this chapter.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.03, eff. April 1, 2007.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3829.051. COMPOSITION; TERMS. (a) Except as provided by Subsection (c), the district is governed by a board of five directors appointed under Section 3829.052.

(b) Directors serve staggered terms of four years, with two or three directors' terms expiring June 1 of each odd-numbered year.

(c) The board by resolution may increase or decrease the number of directors on the board if the board finds it is in the best interest of the district. The board may not consist of fewer than 5 or more than 15 directors.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.03, eff. April 1, 2007.

Sec. 3829.052. APPOINTMENT OF DIRECTORS. The board shall nominate a slate of persons to serve as directors. The members of the governing body of the City of Missouri City shall appoint as directors the slate of persons nominated by the board.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.03, eff. April 1, 2007.

Sec. 3829.053. CONFLICTS OF INTEREST; ONE-TIME AFFIDAVIT.

(a) Except as provided by this section:



**CITY COUNCIL
AGENDA ITEM COVER MEMO**

April 15, 2019

To: Mayor and City Council
Agenda Item: 9(a) Authorize multiple contracts for the purchase of chemicals to be used at the city-owned water and wastewater treatment plants
Submitted by: Dan McGrwaw, Utilities Manager

SYNOPSIS

The Department of Public Works requests authorization for the City Manager to enter into multiple contracts with various vendors, namely; DXI Industries; Brenntag Southwest, Inc., Fort Bend Services, Shannon Chemicals, and Gulbrandsen for the provision of various chemicals to be used in the treatment process at the city-owned water and wastewater plants.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live

BACKGROUND

The chemicals used in the treatment process at the City's water and wastewater plants are very specific and require strict adherence to treatment codes. Each of the proposed vendors identified here manufacture specific chemicals which are used routinely in treatment plants around this region.

The City posted Invitation for Bid # 19-321 on February 15, 2019 with an opening date of March 5, 2019. The City received seven (7) responses to the bid and have selected five (5) of them for the award. Each of the recommended contractors currently serve the City. The resulting contracts will be for one year from the date of execution and have the mutual option to renew annually for two (2) additional years.

BUDGET/FISCAL ANALYSIS

Funding Source	Account Number	Project Code/Name	FY19 Funds Budgeted	FY19 Funds Available	Amount Requested
User Fee Revenue	540-52073-54-540	Chemicals	\$535,909.29	\$287,634.02	\$213,314.01
	505-52073-50-056	Chemicals	\$13,500.00	\$7,985.86	\$5,200.00
	506-52073-50-506	Chemicals	\$14,000.00	\$14,000.00	\$13,780.00
	505-52073-50-057	Chemicals	\$15,000.00	\$11,763.84	\$9,280.00

Purchasing Review: Shannon Pleasant, CTPM - Procurement & Risk Manager
Financial/Budget Review: Bertha P. Alexander, Budget & Financial Reporting Manager

Note: Compliance with the conflict of interest questionnaire requirements, if applicable, and the interested party disclosure requirements (HB 1295) has been confirmed/is pending within 30-days of this Council action and prior to execution.

SUPPORTING MATERIALS

1. Tabulation Sheet from Invitation for Bid (19-321)

STAFF'S RECOMMENDATION

Staff recommends City Council to authorize the City Manager to enter into multiple contracts with various vendors, namely; DXI Industries, Brenntag Southwest, Inc., Fort Bend Services, Shannon Chemicals, and Gulbrandsen for the provision of chemicals to be used in the treatment process at the city-owned water and wastewater plants.

Director Approval: **Shashi K. Kumar, P.E.**

**General Manager/
Assistant City Manager/
City Manager Approval:** **Bill Atkinson**



CITY COUNCIL AGENDA ITEM COVER MEMO

April 15, 2019

To: Mayor and City Council
Agenda Item: 9(b) Update on RFP Collection Contract for Fines & Fees and False Alarms
Submitted by: Brittany Rychlik, Director of Court Services

SYNOPSIS

Staff recommends awarding a contract for municipal court and alarm collection services.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live
- Maintain a financially sound City

BACKGROUND

The current collection contract for fines and fees and false alarms is expiring on June 30, 2019. The Purchasing Office issued the Request for Proposals (RFP) No. 19-012 for Municipal Court and Alarm Collection Services on February 4, 2019. RFP 19-012 was advertised in the Fort Bend Independent newspaper for two consecutive weeks as well as posted the solicitation websites Demandstar and TX Smart Buy. Responses were originally due on March 5, 2019, however the deadline was extended till March 19, 2019. Three responses were received. They were from (in alphabetical order):

- Linebarger, Goggan, Blair & Sampson, LLP
- McCreary, Veselka, Bragg & Allen, PC
- Perdue, Brandon, Fielder, Collins & Mott, LLP

The responses were evaluated and ranked by a staff evaluation committee. The staff evaluation committee consisted of representatives from Court, IT, Finance, and City Manager's Office. Each evaluator independently scored each proposal. The staff recommendation was presented to the Finance and Services Committee on April 10, 2019.

FISCAL ANALYSIS

Pursuant to state law, a 30 percent fee is assessed to the outstanding total amount of fines as a compensation to the firm for the amounts they are responsible for collecting.

STAFF'S RECOMMENDATION

Staff's recommendation is to award the contract to McCreary, Veselka, Bragg & Allen, PC, which is the firm that scored the highest during the evaluation process.

Director Approval: Brittany Rychlik

**Assistant City Manager/
City Manager Approval:** Bill Atkinson



CITY COUNCIL AGENDA ITEM COVER MEMO

April 15, 2019

To: Mayor and City Council
Agenda Item: 9(c) Consider and discuss the purchase of Pearland Package Plant to serve the Mustang Bayou Wastewater Treatment Plant (WWTP) Service Area
Submitted by: Shashi K. Kumar, P.E., Public Works Director and City Engineer
Dan McGraw, Utilities Manager

SYNOPSIS

A number of new developmental projects in the Mustang Bayou WWTP service area (see Mustang Bayou Service Area and Development Projects map) has necessitated the need to rehabilitate and expand plant capacity from the existing 0.95 MGD, to 1.60 MGD. In order to meet the near-term capacity and rehabilitation needs, the Pearland "Package Plant" that is currently advertised for sale presents a viable and cost-effective option.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live
- Maintain a financially sound City
- Have quality development through buildout

BACKGROUND

The Mustang Bayou WWTP currently operates two package plants with 0.4 MGD (Million Gallons a Day) and 0.2 MGD capacity, respectively, along with a 0.35 MGD capacity concrete plant. The total rated capacity of the plant is 0.95 MGD. Currently, the plant records an average flow of close to 0.70 MGD. As identified in the Mustang Bayou WWTP Master Plan, both the package and concrete plants have exceeded their life expectancy, requiring repairs and maintenance. The adopted Mustang Bayou and Palmer Area Wastewater Treatment Plan in 2018 evaluated various options to expand/regionalize WWTP capacity in the City, including the interim need to expand capacity at the existing Mustang Bayou WWTP site. The City Council cover memo pertaining to the adoption of this master plan is attached for reference.

Recently, a number of new developmental projects such as Dry Creek, Fort Bend Business Park, the planned Shipman's Cove and City Park developments in this WWTP service area (see Mustang Bayou Service Area and Development Projects map) has necessitated the need to expand plant capacity from the existing 0.95 MGD, to 1.60 MGD. This is to meet the near-term growth demands for the next 10-plus years and meet the rehabilitation needs of the existing facility. The City owns and operates, through Quail Valley Utility District the Mustang Bayou WWTP, which serves both City and Municipal Utility District (MUD No. 47 and No. 48) customers. The City has an interlocal agreement with both MUD No. 47 and 48 for the joint use of the WWTP.

Subsequent to the adoption of the referenced master plan in 2018, the following key factors has necessitated the need to re-evaluate the Mustang Bayou WWTP Expansion options:

- The City of Pearland has a 1.0 MGD "Package Plant" for sale (see attached Pearland Package Sale Flyer). Upon City staff evaluation, this plant is in good condition and was only used for approximately 4-years to meet the interim capacity needs of the City of Pearland. Pearland has since constructed a permanent and larger WWTP and is in need to dispose of the package plant. City staff has negotiated a purchase price of \$2.3 million for just the package plant, which is well below the market price for a similar new package plant. This presents a "win-win" opportunity for both the cities and the other participants.

- The City's other participants (MUD No. 47 and MUD No. 48) are more amenable to expand the WWTP at the current location versus transferring flow to the Palmer WWTP due to high cost of this alternative. Both MUDs have consented for the City to move forward with this proposed option to expand capacity at the current site using the Pearland package plant alternative.
- The total cost for commissioning the package plant at the current plant site is estimated at approximately \$10 Million. This cost includes rehabilitating the existing 0.4 MGD and 0.20 MGD package plants that have reached their useful life, and the decommissioning of the 0.35 MGD concrete plant.
- By utilizing the package plant alternative, new capacity can be made available by 2020 to accommodate the near-term growth demands. In addition, based on conceptual cost estimates, this plant expansion option will result in approximately \$3 Million in cost savings.
- The City proposes to fund the plant expansion through the issuance of utility certificate of obligations in FY 2019. The City will also re-coup some of the cost associated with capacity expansion through wastewater impact fees, which will be assessed for new development projects at the time of platting.
- The City of Pearland staff, have expressed their willingness to work with Missouri City on a flexible payment schedule and interim storage options for the package plant to meet Missouri City needs. However, they will need an immediate commitment from the City to purchase the package plant.

The Pearland package plant option and the need for near-term capacity expansion at the Mustang Bayou WWTP was discussed with Council at the City Council retreat held this year in February, 2019.

BUDGET/FISCAL ANALYSIS

Funding Source	Account Number	Project Code/Name	FY19 Funds Budgeted	FY19 Funds Available	Amount Requested
Certificate of Obligation	535-58700-50-999-80027	80027 / MBSA WWTP Expansion	\$10,890,000	\$10,890,000	\$2,300,000

Purchasing Review: N/A

Financial/Budget Review: Bertha P. Alexander, Budget & Financial Reporting Manager

Note: Compliance with the conflict of interest questionnaire requirements, if applicable, and the interested party disclosure requirements (HB 1295) has been confirmed/is pending within 30-days of this Council action and prior to execution.

SUPPORTING MATERIALS

1. City Council Cover Memo adopting the Wastewater Master Plan in 2018
2. Mustang Bayou Service Area and Development Projects
3. Pearland Package Plant Sale Flyer

STAFF'S RECOMMENDATION

Staff recommends City Council to authorize the City Manager to negotiate and purchase the Pearland "Package Plant". Upon authorization by City Council, staff will provide a letter of commitment and enter into an agreement with the City of Pearland to purchase the package plant.

Director Approval: Shashi K. Kumar, P.E.

**Assistant City Manager/
City Manager Approval:** Bill Atkinson



CITY COUNCIL AGENDA ITEM COVER MEMO

February 19, 2018

To: Mayor and City Council
Agenda Item: 11(a) Consider a resolution adopting the Mustang Bayou service area wastewater master plan
Submitted by: Shashi K. Kumar, P.E. Director of Public Works/City Engineer

SYNOPSIS

The City Charter requires the City Council to adopt master plans and any subsequent updates to the master plans. Missouri City (City) has potential development growth opportunities in the Mustang Bayou Service Area. To accommodate this growth, staff has explored wastewater treatment capacity options in the 2018 Mustang Bayou/Palmer Plantation wastewater master plan. This master plan provides a roadmap for future development in this service area with; the goal of utilizing existing capacities, and regionalization of wastewater treatment facilities.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live
- Grow business investments in Missouri City
- Maintain a financially sound City

BACKGROUND

The City is still experiencing growth within the Mustang Bayou Service Area (MBSA) with Parks Edge, Dry Creek subdivision, and planned Dry Creek Business Park developments in the near future. The MBSA developed in 1983 to accommodate the Vicksburg subdivision and had one small wastewater treatment plant (WWTP), a "package plant" capable of treating 0.20 MGD to start-with. Over the years, more development has occurred in the service area, which required addition of more wastewater treatment capacity. Currently, the MBSA has three wastewater treatment package plants. It was this growth along with future growth projections that prompted City Council in 2011 to adopt a utility plan that focused intensely on regionalization of utility services and utility facilities.

This recent (2018) wastewater master plan study determined it was best to reduce the number of wastewater treatment plants the city has to operate by regionalizing, starting with the MBSA. First steps needed will be to obtain approval of wastewater master plan from City Council and Palmer Plantation, acquire land needed, and secure funding for plant expansion. This approach includes design and construction of the WWTP in two phases. This will require diverting flow from MBSA to Palmer Plantation in two phases, as construction is completed per phase. The plan would expand the Palmer Plantation WWTP from the current 0.60 MGD to an ultimate design flow capacity of 4.74 MGD. This proposed expansion will take approximately three years to complete. Once completed, the current MBSA WWTP location will serve as a regional Lift Station, and will convey (pump) all flows to the expanded Palmer Plantation Regional WWTP.

Some interim improvements will still be needed at the existing Mustang Bayou WWTP to accommodate the near term growth. However, conveying ultimate flows from this WWTP to the Palmer Plantation WWTP upon

expansion was identified as the preferred option in this recently completed master plan update. Palmer Plantation Municipal Utility District's (MUD's) input was also obtained in developing this 2018 master plan.

BUDGET ANALYSIS

There is no direct fiscal impact for the adoption of the Mustang Bayou service area wastewater master plan. However, this master plan will serve as the basis to pursue potential state funding for wastewater treatment/reclamation type projects, and will also serve as a basis for planned future improvements in the service area.

Purchasing Review: N/A

Financial/Budget Review: N/A

SUPPORTING MATERIALS

1. Resolution
2. Mustang Bayou/Palmer Plantation Wastewater Master Plan

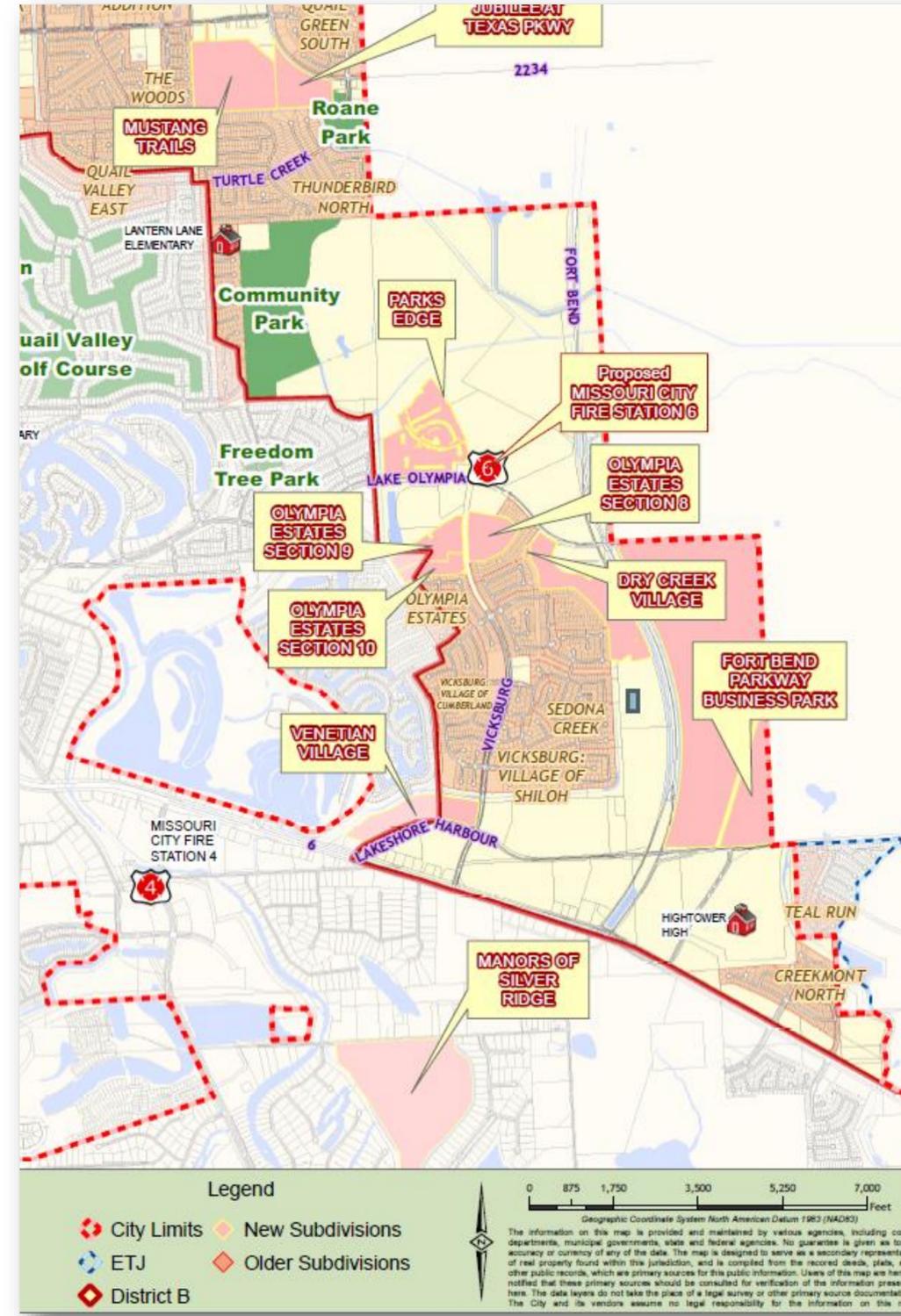
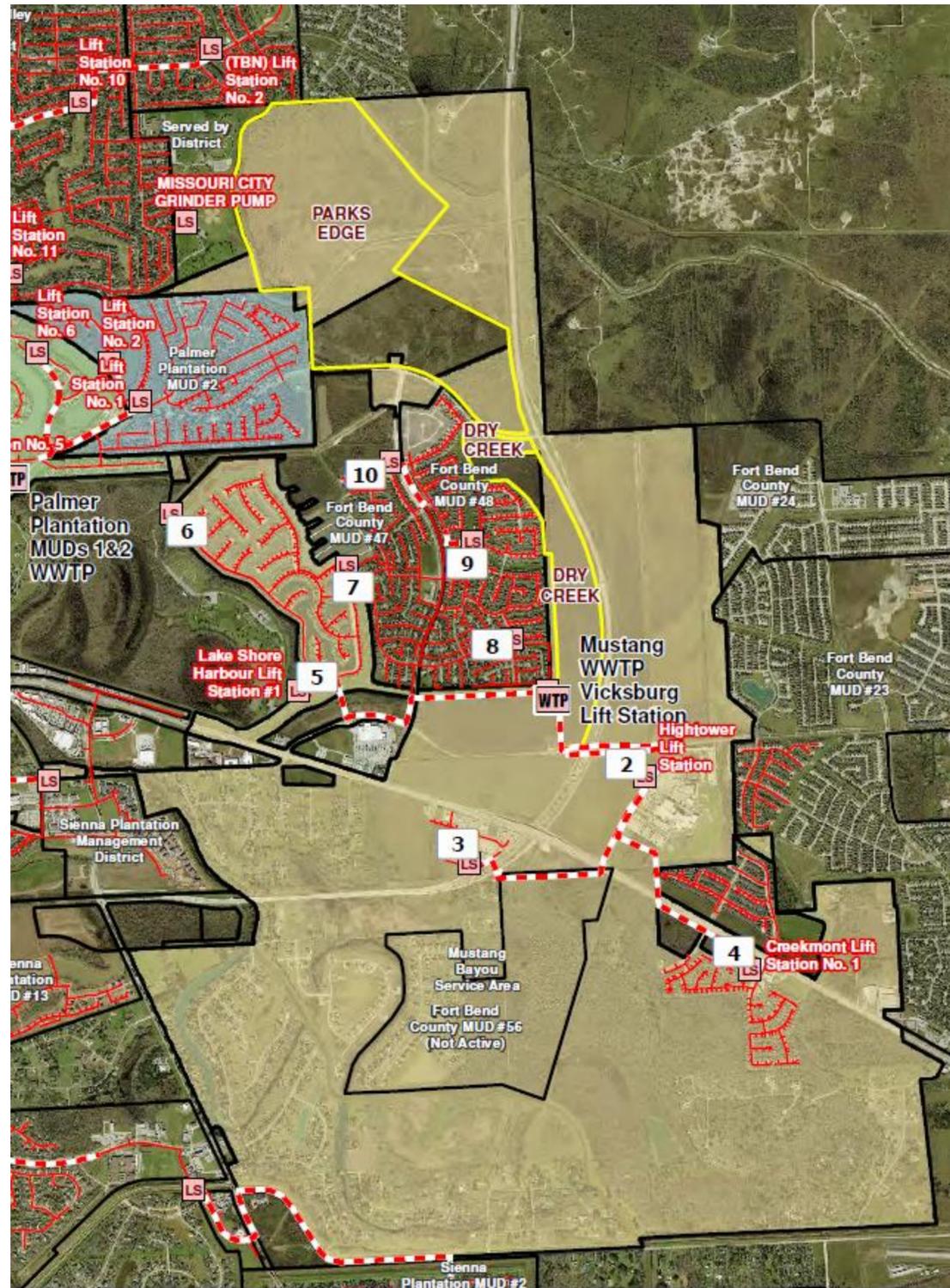
STAFF'S RECOMMENDATION

Staff recommends the adoption of the 2018 Mustang Bayou/Palmer Plantation wastewater master plan. The recommendations from this plan will aid in the consolidation and regionalization of wastewater treatment facilities, while maximizing the use of available capacities. In addition, this will aid in deferring cost and permitting requirements associated with the immediate need to expand existing wastewater treatment plant capacities to meet anticipated growth.

Director Approval: Shashi K. Kumar, P.E.

**Assistant City Manager/
City Manager Approval:** Scott R. Elmer, P.E.

Mustang Bayou WWTP Service Area and Development Projects



FOR SALE

City of Pearland Reflection Bay Water Reclamation Facility

1.0 MGD Package Plant

1.0 MGD PACKAGE WASTEWATER TREATMENT PACKAGE PLANT AS LISTED BELOW:

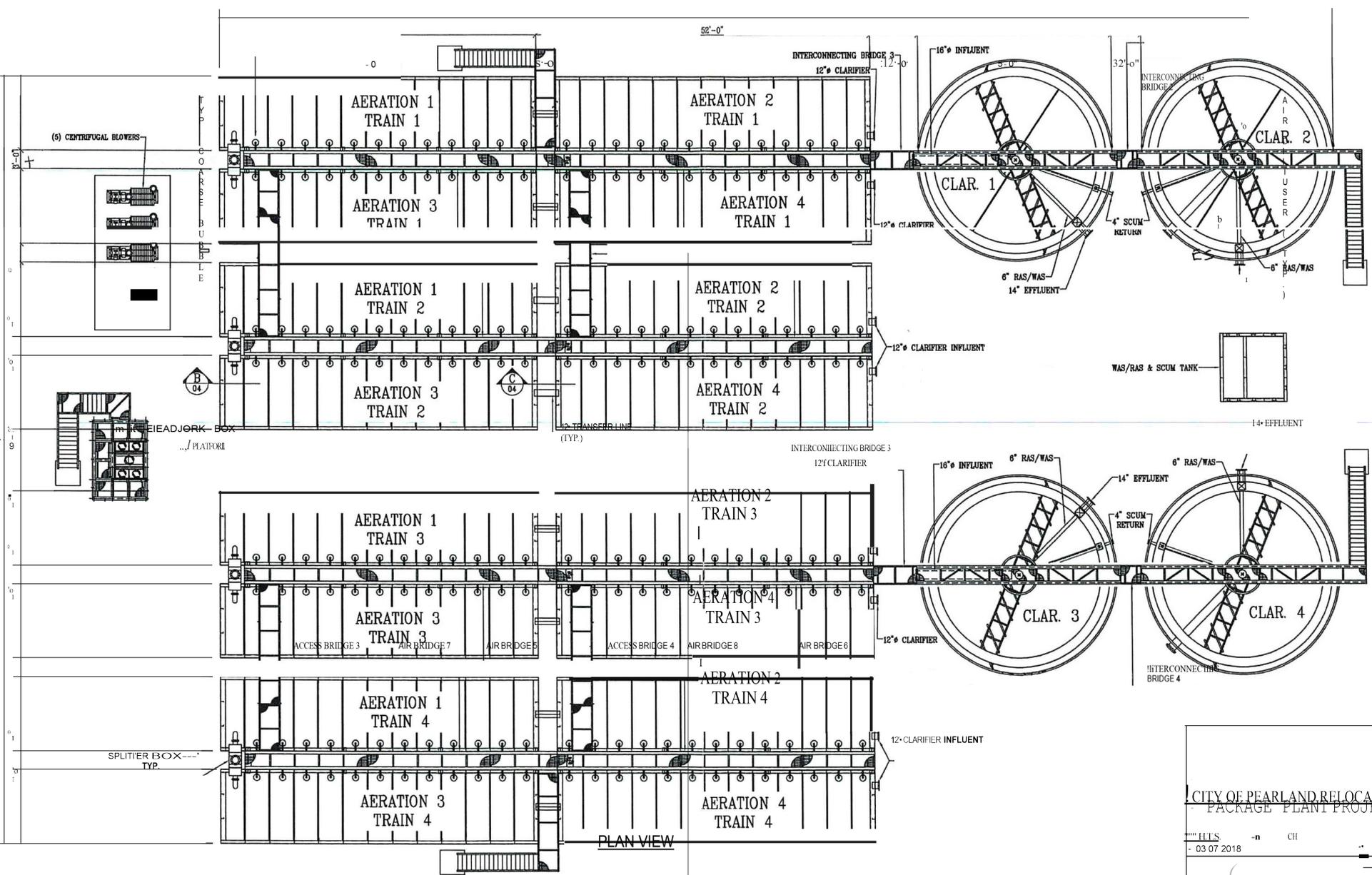
- 01 (4) 32' Clarifiers complete with internal components and drive unit, with clarifier control panels.
- 02 (16) 52' x 12' x 12'2" Aeration basins with quick connect valves.
- 03 Four two way splitter boxes splitting the flow to the two sides in each of the four trains.
- 04 All air bridges provided the full length of all (8) sets of aeration tanks.
- 05 Drop pipes and diffusers complete with individual ball valves.
- 06 Interconnecting access bridges with grating, handrail and kick plates in addition to the air bridges
- 07 (4) set of access stairs to the aeration trains
- 08 (5) Centrifugal blowers with all accessories including local panels
- 09 (2) Five Star Disk Filters, with backwash pumps and control panels.
- 10 WAS/RAS Tank, stair, and walkway
- 11 Headworks platform, influent splitter and stair
- 12 Five Star Disk filters, walkway, stair, pumps, and panel
- 13 Huber Step Screen Vertical SSV & Wash Press WAP Size 2



JULIE BLACKMORE
Contract Administrator
c. 281.652.1790
e. jblackmore@pearlandtx.gov

PACKAGE PLANT
Commission Dates:
Train #1 - January 2015
Train #2 - June 2015

Decommission Date:
September 2018



PLAN VIEW

CITY OF PEARLAND RELOCATION
PACKAGE PLANT PROJECT

HTS - CH - EV
03.07.2018

PLAN VIEW

in-426-02



CITY COUNCIL AGENDA ITEM COVER MEMO

April 15, 2019

To: Mayor and City Council
Agenda Item: 10(a) Consider an ordinance amending the FY 2019 Adopted Budget
Submitted by: Bertha P. Alexander, Budget & Financial Reporting Manager

SYNOPSIS

Consider an ordinance amending the budget for the fiscal year beginning October 1, 2018, and ending September 30, 2019; transferring various appropriations among accounts; appropriating supplemental revenue to various fund accounts; authorizing the appropriate city officials to take steps necessary to accomplish such transfers making certain findings; containing certain provisions relating to the subject; and consider the ordinance on the first and final reading.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Maintain a financially sound City

BACKGROUND

In accordance with Article IX, Section 9.04 of the City of Missouri City Charter, upon request by the City Manager, the Council may by ordinance transfer part or all of any unencumbered balance from one department, office or agency to another.

The purpose of this amendment is to revise appropriations in various line items and funds and provide supplemental revenue to various funds in accordance with the attached Exhibit A for the fiscal year 2019 Adopted Budget. The details and purposes are outlined in the Exhibit A.

The Finance and Services Committee met on April 10, 2019 to review the budget amendment. The committee recommends adoption of the budget amendment as presented.

BUDGET ANALYSIS

See Exhibit A-Budget Amendment Details

Purchasing Review: N/A
Financial/Budget Review: Allena J. Portis, Director of Financial Services

Note: Compliance with the conflict of interest questionnaire requirements, if applicable, and the interested party disclosure requirements (HB 1295) has been confirmed/is pending within 30-days of this Council action and prior to execution.

SUPPORTING MATERIALS

1. Budget Amendment Ordinance
2. Exhibit A – Budget Amendment Details

ORDINANCE NO. O-19-__

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING THE GENERAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018, AND ENDING SEPTEMBER 30, 2019; TRANSFERRING VARIOUS APPROPRIATIONS AMONG ACCOUNTS; APPROPRIATING SUPPLEMENTAL REVENUE TO VARIOUS FUND ACCOUNTS; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO TAKE STEPS NECESSARY TO ACCOMPLISH SUCH TRANSFERS; MAKING CERTAIN FINDINGS; AND CONTAINING CERTAIN PROVISIONS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, by Ordinance No. O-18-26, passed and approved on September 17, 2018, the City Council of the City of Missouri City (the "City Council") approved and adopted the City of Missouri City, Texas, General Budget for the fiscal year beginning October 1, 2018, and ending September 30, 2019 ("Fiscal Year 2019"); and

WHEREAS, Article IX, Section 9.04 of the City Charter authorizes the City Council, upon written request by the City Manager, to transfer by Ordinance all or part of any unencumbered appropriations balance from one department, office, or agency to another; and

WHEREAS, Article IX, Section 9.04 of the Charter authorizes the City Council, upon certification by the City Manager, to appropriate by Ordinance all or part of any unencumbered supplemental appropriations balance to one or more fund accounts, including capital improvement projects fund accounts; and

WHEREAS, the City Manager has certified that certain unencumbered appropriations and supplemental appropriations are available and has requested that such unencumbered appropriations be transferred to various other accounts and that such supplemental revenues be appropriated to various fund accounts; and

WHEREAS, it is the desire of City Council to comply with the requests of the City Manager; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The General Budget of the City of Missouri City, Texas, for Fiscal Year 2019 be, and is hereby, amended as set forth in Exhibit "A," budget transfers, which are attached hereto and incorporated herein by reference.

Section 3. The appropriate officials are hereby authorized and directed to take those steps necessary to accomplish such transfers and to cause the same to be duly reflected in the records of the City.

PASSED, APPROVED and ADOPTED on first and final reading this 15th day of April, 2019.

Yolanda Ford, Mayor

ATTEST:

APPROVED AS TO FORM:

Maria Jackson, City Secretary

James Santangelo, Assistant City Attorney
for E. Joyce Iyamu, City Attorney

Exhibit A-Budget Amendment Details - Second Quarter 2019
April 15, 2019

Line Item	Funding Source	Account Number	Account Number Description	FY 2019 Original/Revised Budget	FY 2019 Proposed Budget Amendment	FY 2019 Amended Budget	Purpose/Description
1	Facility & Public Safety Fund	404-48802-01-001-	Bond Proceeds-Go Bonds	(4,373,000)	4,373,000	-	To decrease the revenue and expense line-items due to the reschedule of a bond sale for Fire Station 6 Projects 40028 & 20018. The bond sale was planned for FY19 but has been rescheduled to FY20.
2	Facility & Public Safety Fund	404-58400-14-999-	Building & Bldg. Improvements	4,089,000	(4,089,000)	-	
3	Facility & Public Safety Fund	404-58400-13-999-	Building & Bldg. Improvements	284,000	(284,000)	-	
4	Transportation Projects Fund	403-48802-01-001-	Bond Proceeds-Go Bonds	(877,000)	877,000	-	To decrease revenue and expense line-items due to the reschedule of a bond sale for Glenn Lakes Bridge Replacement Project 50087. The bond sale was planned for FY19 but has been rescheduled to FY20.
5	Transportation Projects Fund	403-58700-15-999-	Infrastructure Improvements	5,027,000	(877,000)	4,150,000	
6	Transportation Projects Fund	403-58700-15-999-50900	Infrastructure Improvements	-	344,124	344,124	To appropriate Carryforward budget from FY18 for transportation infrastructure improvements - project 50900.
7	Transportation Projects Fund	403-39200-00-000-	Budgetary FB Unreserved	-	(344,124)	(344,124)	
8	General Fund	101-46018-13-001-	Intergov Rev-Houston HIDTA	(16,800)	(2,300)	(19,100)	To increase the revenue line-item by the \$2,300 increase to the Houston HIDTA Grant; and to increase the expense line-item in the same amount to be used to cover overtime for Officer in Police Dept.
9	General Fund	101-51004-13-126-	Overtime	170,249	2,300	172,549	
10	IT Replacement Fund	611-52260-18-170-	Equip/Computer Replacements	-	313,000	313,000	To fund the expense line-items for critical items on the IT Replacement Schedule.
11	IT Replacement Fund	611-53585-18-170-	Computer/Equipment Leasing	238,625	250,000	488,625	
12	IT Replacement Fund	611-39200-00-000-	Budgetary FB Unreserved		(563,000)	(563,000)	
13	General Fund	101-42301-01-001-	Gas Franchise Fee Revenue	(32,800)	(295,200)	(328,000)	To correct FY 2019 revenue line-item.
14	General Fund	101-39200-00-000-	Budgetary FB Unreserved		295,200	295,200	
15	General Fund	101-43029-01-001-	Consultant Plan Review Fees	(19,605)	(55,000)	(74,605)	To increase the revenue and expense line items for the Consultant Plan Review Fees based on new fee structure for expedited and planned review services. Also to increase the revenue budget to align to projected actuals.
16	General Fund	101-53504-17-162-	Contractual Services	40,000	50,000	90,000	
17	General Fund	101-43006-01-001-	Building Permits	(589,818)	(50,000)	(639,818)	
18	General Fund	101-53506-17-162-	Contractual Services - Plan Review	-	105,000	105,000	
19	General Fund	101-39200-00-000-	Budgetary FB Unreserved		(50,000)	(50,000)	

Exhibit A-Budget Amendment Details - Second Quarter 2019
April 15, 2019

Line Item	Funding Source	Account Number	Account Number Description	FY 2019 Original/Revised Budget	FY 2019 Proposed Budget Amendment	FY 2019 Amended Budget	Purpose/Description
20	Park Improvement Fund	405-58200-16-999-30026	Land Improvement	258,325	25,000	283,325	To increase the expense line-item to utilize the Skate park Donation received in FY18 but not utilized. The donation will be utilized in FY19.
21	Park Improvement Fund	405-39200-00-000-	Budgetary FB Unreserved	-	(25,000)	(25,000)	
22	Court Building Security Fund	221-59101-10-106-	Trans to 101-General Fund	20,000	(8,333)	11,667	To decrease scheduled transfer to the General Fund line-item due to a Court security position being vacant for 5 months. Correction done to prevent short fall in special revenue and to comply with statutory requirements for expenses.
23	Court Building Security Fund	221-39200-00-000-	Budgetary FB Unreserved	-	8,333	8,333	
24	General Fund	101-49221-01-001-	Trans from Fund 221-Court SEC	(20,000)	8,333	(11,667)	
25	General Fund	101-39200-00-000-	Budgetary FB Unreserved	-	(8,333)	(8,333)	
26	General Fund	101-41302-01-001-	Sales Tax Rebate	183,200	400,000	583,200	To increase the sales tax rebate line-item for the purpose of fulfilling economic development agreements.
27	General Fund	101-39200-00-000-	Budgetary FB Unreserved		(400,000)	(400,000)	
28	Utility Operating Fund	505-48302-01-001-	Insurance Reimbursement	-	(71,731)	(71,731)	To appropriate revenue and increase the expense line-item for equipment Maintenance/Repair to cover a FY19 major repair on well water at Mustang Bayou Water Plant #2. The City has filed a claim and will receive a reimbursement from the TML Risk Pool (Claim #PR85161).
29	Utility Operating Fund	505-54101-50-056-	Equip Maint/Repair	75,000	71,731	146,731	
30	Hotel Fund	255-56450-10-255-	Special Events Exp.	85,000	35,000	120,000	To increase special events line-item based on unanticipated increase in costs associated with the Annual Snowfest Event funded from the Hotel Tax Fund.
31	Hotel Fund	255-39200-00-000-	Budgetary FB Unreserved	-	(35,000)	(35,000)	
32	General Fund	101-48020-01-001-BCBS	Donations Special Events	-	(37,500)	(37,500)	To appropriate revenue and expense budget for the Wellness Program. Program will be funded with a donation from Blue Cross/Blue Shield.
33	General Fund	101-56439-10-103-BCBS	Wellness Program	-	37,500	37,500	
34	General Fund	101-51415-10-103-	Flex/COBRA Admin Fees	-	7,643	7,643	To appropriate budget to cover the administrative fees charged by the health insurance administrator for Flexible Spending and COBRA.
35	General Fund	101-39200-00-000-	Budgetary FB Unreserved		(7,643)	(7,643)	

**Exhibit A-Budget Amendment Details - Second Quarter 2019
April 15, 2019**

Line Item	Funding Source	Account Number	Account Number Description	FY 2019 Original/Revised Budget	FY 2019 Proposed Budget Amendment	FY 2019 Amended Budget	Purpose/Description
36	Public Improvement District (PID) No. 2	263-57050-10-263-	Bond Interest Expense	224,626	22,293	246,919	To increase the expense line-items to pay the principal and interest for the 2018B series CO June 2019 payment. The issuance of debt occurred after the budget was approved.
37	Public Improvement District (PID) No. 2	263-57675-10-263-	Certificate of Obligation Principal Expense	80,000	45,000	125,000	
38	Public Improvement District (PID) No. 2	263-39200-00-000-	Budgetary FB Unreserved		(67,293)	(67,293)	



CITY COUNCIL AGENDA ITEM COVER MEMO

April 15, 2019

To: Mayor and City Council
Agenda Item: 11(a) Consider a resolution suspending the May 10, 2019, effective date of CenterPoint Energy Houston Electric, LLP's request to increase rates.
Submitted by: James Santangelo, Assistant City Attorney

SYNOPSIS

This Resolution suspends CenterPoint's request to increase electric utility rates for a period of 90 days to allow the City time to study the request and to intervene in any proceeding related to the requested rate changes at the Public Utility Commission.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live
- Grow business investments in Missouri City

BACKGROUND

On April 5, 2019, CenterPoint filed with cities retaining original jurisdiction a Notice of Filing to Change Rates to increase electric utility rates within CenterPoint's service area effective May 10, 2019. CenterPoint seeks to increase system-wide transmission and distribution rates by \$161 million per year. CenterPoint is asking the City to approve an increase of \$154 million in retail distribution rates (an increase of about 7.4%) and \$6.8 million in wholesale transmission rates (an increase of about 1.8%). This would result in an increase of approximately \$2.38 per month for the average residential customer in the City. The rates will become effective on May 10, 2019, unless City Council acts to suspend the rates for up to 90 days.

The City, along with approximately 25 other cities served by CenterPoint, is a member of the Gulf Coast Coalition of Cities (the "GCCC"). The GCCC will conduct an analysis of the requested rates, recommend reasonable rates, negotiate a settlement, and participate in any proceedings on the rates before the Public Utility Commission, and any associated litigation. City Council authorized the City's membership in GCCC on August 6, 2012. Reasonable rate case expenses will be refunded to the cities by CenterPoint upon resolution of the rate case.

Current members of the GCCC include the following 39 cities: Alvin, Brazos Country, Brookshire, Bunker Hill Village, Clear Lake Shores, Deer Park, Dickinson, Friendswood, Fulshear, Galveston, Hedwig Village, Hilshire Village, Hunters Creek, Iowa Colony, Jersey Village, Kemah, Lake Jackson, La Marque, Manvel, Missouri City, Mont Belvieu, Morgan's Point, Nassau Bay, Oyster Creek, Piney Point Village, Pleak, Rosenberg, Santa Fe, Seabrook, Sealy, Simonton, South Houston, Spring Valley Village, Sugar Land, Taylor Lake Village, Texas City, Tiki Island, Webster, and Weston Lakes.

BUDGET ANALYSIS

CenterPoint will reimburse the cities for their reasonable rate case expenses. Any additional expenses will be borne by GCCC.

Purchasing Review: N/A
Financial/Budget Review: N/A

SUPPORTING MATERIALS

1. Resolution
2. Letter from CenterPoint

STAFF'S RECOMMENDATION

Consider adopting the Resolution.

Director Approval: E. Joyce Iyamu

RESOLUTION NO. R-19-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS, SUSPENDING THE MAY 10, 2019, EFFECTIVE DATE OF CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC'S NOTICE OF FILING TO CHANGE RATES WITHIN ITS SERVICE AREA TO AFFORD THE CITY OF MISSOURI CITY TIME TO STUDY THE REQUEST AND ESTABLISH REASONABLE RATES; AUTHORIZING COOPERATION WITH THE GULF COAST COALITION OF CITIES IN NEGOTIATION AND LITIGATION EFFORTS THAT RELATE TO CENTERPOINT ENERGY HOUSTON ELECTRIC, LLP'S FILING; AND CONTAINING CERTAIN PROVISIONS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, on or about April 5, 2019, CenterPoint Energy Houston Electric, LLP ("CenterPoint"), pursuant to Sections 33.001 and 36.001 of the Public Utility Regulatory Act (the "Act"), filed a Notice of Filing to Change Rates with the City of Missouri, Texas (the "City"), to increase rates within CenterPoint's service area effective May 10, 2019; and

WHEREAS, the City is a regulatory authority with exclusive original jurisdiction over CenterPoint's rates, operations, and services, pursuant to Section 33.001 of the Act; and

WHEREAS, pursuant to Resolution No. R-12-24, adopted on August 6, 2012, the City is a member of the Gulf Coast Coalition of Cities ("GCCC"), a coalition of similarly situated cities served by CenterPoint that have joined together to hire and direct legal counsel and consultants to efficiently and cost-effectively review and respond to issues affecting electric utility rates in CenterPoint's service area; and

WHEREAS, Section 36.108 of the Act grants the City the right to suspend the effective date of CenterPoint's proposed electric utility rates for 90 days after the date the rate change would otherwise be effective; and

WHEREAS, Section 33.023 of the Act provides that costs incurred by the City in ratemaking activities are to be reimbursed by the electric utility; now therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:

Section 1. That the facts and recitals set forth in the preamble of this Resolution are hereby found to be true and correct and are in all things incorporated herein and made a part hereof.

Section 2. That the May 10, 2019, effective date of the rate increase notice submitted by CenterPoint on or about April 5, 2019, be suspended to the maximum period allowed by law to permit the City adequate time to review the proposed changes and to establish reasonable rates.

Section 3. That the City is authorized to cooperate with the GCCC to coordinate efforts to protect the interests of the City and of CenterPoint's end-use customers residing and conducting business within the City's corporate limits.

Section 4. That the GCCC is authorized, subject to the City's right to withdraw such authorization at any time, to hire and direct legal counsel and consultants to negotiate with CenterPoint, make recommendations regarding reasonable rates, and intervene and direct any necessary administrative proceedings, litigation, and appeals associated with an appeal of a rate ordinance and the rate case filed with the City or Public Utility Commission.

Section 5. That the City's reasonable rate case expenses shall be reimbursed by CenterPoint on a timely basis.

Section 6. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

Section 7. That a copy of this Resolution shall be sent to Patrick Peters, CenterPoint Energy, Inc., 1005 Congress Avenue, Suite 650, Austin, Texas 78701 (Patrick.peters@centerpointenergy.com), and to Chris Brewster at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

PASSED, APPROVED AND ADOPTED this 15th day of April, 2019.

Yolanda Ford, Mayor

ATTEST:

APPROVED:

Maria Jackson, City Secretary

James Santangelo, Assistant City Attorney
for E. Joyce Iyamu, City Attorney



Patrick H. Peters III
Associate General Counsel and
Director of Regulatory Affairs

1005 Congress Avenue, Suite 650
Austin, Texas 78701
Voice: (512) 397-3032
Fax: (512) 397-3050
patrick.peters@centerpointenergy.com

City Secretary

APR - 5 2019 MJ

Missouri City, TX

April 5, 2019

Honorable Mayor and City Officials
City of Missouri City, Texas

Subject: Notice of CenterPoint Energy Houston Electric, LLC Filing to Change Rates

CenterPoint Energy Houston Electric, LLC ("CenterPoint Houston" or "the Company"), in accordance with the Public Utility Regulatory Act, hereby provides its Statement of Intent and Application for Authority to Change Rates ("Application") with a proposed effective date of May 10, 2019¹. CenterPoint Houston is providing you with an electronic version of the entire Application which includes a Summary of Proposed Rates by Customers and Rate Class, the Company's proposed electric tariffs, and testimony summaries. If you have questions concerning this filing, please contact Ms. Hart at (713) 207-5322.

Sincerely,

Patrick H. Peters III

Enclosure

DELIVERED TO:

MARIA Jackson, City Secretary of
NAME (Printed) OFFICE (Mayor, City Secretary, etc.)

The City of Missouri City on this 5th day of April, 2019

SIGNATURE

¹ The Company filed the same Application being provided herein at the Public Utility Commission of Texas ("PUCT"). Once a Docket No. is assigned by the PUCT, the city will be notified electronically of the assigned docket number.



**Council Agenda Item
April 15, 2019**

12. CITY COUNCIL ANNOUNCEMENTS

Discussion, review, and possible action regarding a meeting or activity of one or more of the following entities (each entity refers to a City of Missouri City entity unless otherwise indicated):

Charter Review Commission, Community Development Advisory Committee, Construction Board of Adjustments, Electrical Board, Parks Board, Planning and Zoning Commission, Tax Increment Reinvestment Zone Boards, Fort Bend Chamber of Commerce, Houston-Galveston Area Council, Fort Bend Regional Council, Texas Municipal League, Fort Bend County, Harris County, Gulf Coast Building and Construction Trades Council, Mayor's Youth Commission, Finances and Services Committee, Fort Bend Leadership Forum, Fort Bend County Drainage District, Economic Development Committee, Missouri City Parks Foundation, Missouri City Police and Fire Auxiliary, Livable Community Committee, Texas Parkway Alliance, High Performance Organization Committee, Missouri City Juneteenth Celebration Foundation, Fort Bend County Mayor and Council Association, METRO, Planning, Development and Infrastructure Committee, Fort Bend Independent School District, Greater Fort Bend Economic Development Coalition, Transportation Policy Council, Community Development Advisory Committee, Veterans Memorial Committee, Missouri City Recreation and Leisure Local Government Corporation, Missouri City Development Authority, and the Greater Houston Partnership and Emergency Management updates.

13. CLOSED EXECUTIVE SESSION

The City Council may go into Executive Session regarding any item posted on the Agenda as authorized by Title 5, Chapter 551 of the Texas Government Code.

14. RECONVENE

Reconvene into Regular Session and Consider Action, if any, on items discussed in Executive Session.

15. ADJOURN
